

WISCONSIN ALUMNI RESEARCH FOUNDATION

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March 13, 1979

The Honorable Gaylord Nelson
United States Senate
221 Senate Office Building
Washington, D. C. 20510

Dear Senator Nelson:

You are no doubt aware of the introduction of the "University and Small Business Patent Procedures Act" (S. 414) on February 9, 1979 by Senator Birch Bayh for himself and thirteen other Senators. You are also no doubt aware that the primary thrust of this Bill is to provide to universities, nonprofit organizations and small businesses the first option on ownership of inventions made in performance of Government research and development grants and contracts.

We firmly believe that the terms and provisions of S. 414 speak to a recognition of the equities of the parties in and to such inventions and to the current national needs to stimulate innovation. The ability of this legislation to accomplish these ends is amply supported by the experience which various universities have had under Institutional Patent Agreements with the Department of Health, Education, and Welfare and the National Science Foundation where the first option to ownership of inventions resides with the contractor/grantee. The impetus which such arrangements have provided for the transfer of technology to the public benefit were, we believe, fully presented and documented during the course of the hearings which you conducted on the GSA regulations pertinent to Institutional Patent Agreements.

In our view S. 414 is a well balanced piece of legislation - even more balanced than S. 3496 which was introduced in the 95th Congress and about which we wrote you on September 6, 1978. Its provisions present a reasonable compromise between the need to provide incentives to commercialization in normal Government-supported research and development situations and the abilities of Agencies to fashion special provisions in unusual circumstances, while leaving with the Government sufficient power to remedy any abuse should it develop. Moreover, its passage will eliminate the need to administer approximately 22 different Agency patent policies.

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It appears evident that our view is shared by many of your colleagues since it is our understanding that this Bill now has at least twenty co-sponsors. In addition a companion Bill (H. R. 2414) has now been introduced in the House by Congressman Peter Rodino for himself and Congressmen Edwards of California and AuCoin of Oregon.

We respectfully request and urge your strong support of this important piece of legislation. If we can be of service to you or your staff in your consideration of S. 414 please call upon us.

Very truly yours,

WISCONSIN ALUMNI RESEARCH FOUNDATION

By John R. Pike, Managing Director

By Howard W. Bremer, Patent Counsel

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