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CABLE  
LAWBYRINTH

September 11, 1978

Senator Birch Bayh  
Russell Senate Office Building  
Washington, D. C. 20510

Dear Senator Bayh:

Thank you for your most welcome letter of September 6, 1978. I had already written to Senator Dole twice commending his stand and I offer the same compliments to you. I include copies of the letters sent to Senator Dole in the hope that some of the information contained therein can be of benefit to you. I am delighted that you have recognized that the Government's policies on handling of patents has not been productive in the past and that a more sensible approach is in order.

Most of the furor that has arisen in the past is due to a basic lack of understanding of the place that patents play in the scheme of things. I have never looked on patents as an end in themselves, but rather a means to an end. The whole patent system is based upon incentives which in turn are based on the granting of exclusive rights. Some members of Congress and many of the Government agencies have balked at the idea of granting anyone an exclusive right. Personally, I see nothing wrong in this because the Constitution says that these rights shall be exclusive. As I pointed out to Senator Dole, the fact that they are exclusive can be a strong force for stimulating competition.

The idea of a monopoly granted by a patent has been blown out of proportion anyway. If you look at some of the more successful inventions of the past such as the Polaroid camera, the Xerox process, and the ballpoint pen -- all had commercially available alternatives. Given a free choice, the public preferred these inventions to the alternatives -- and what's wrong with that?

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The granting of exclusive rights in order to encourage investment in further development is as much an ethical problem for the Universities as it is for the Federal Government. No doubt there have been and will be instances in which the universities will be called to task for granting an exclusive license to one company rather than another. However, I am equally sure that there is no one within the Federal Government who can do this job any better.

I offer you my whole hearted support for your bill and am at your service in any way I can offer assistance.

Very truly yours,

Ray E. Snyder

RES:cs  
enc.

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