



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
October 26, 1981

*Arcia*

**SPECIAL**

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer  
See Distribution

SUBJECT: Proposed Administration amendments to S. 1657/  
Uniform Patent Legislation

N.B.: You are invited to an interagency meeting to discuss  
amendments to S. 1657 to be held on Thursday,  
October 29, 1981, at 2:00 p.m. in room 5104 of  
NEOB. //

These amendments were developed to preserve as much of  
S. 1657 as possible, maintain consistency with P.L. 96-517,  
and to address problems that arose during the process of  
writing regulations to implement P.L. 96-517.

Questions should be referred to William A. Maxwell (395-3890),  
the legislative analyst in this office.

*Robert E. Carlstrom*

Robert E. Carlstrom for  
Assistant Director for  
Legislative Reference

Enclosures

cc: Sal Ambrósio  
Jeff Struthers  
Jim Kelly ✓  
Fred Dietrich  
Jim Tozzi  
Ed Springer  
Jeff Hill

Council of Economic Advisers  
Office of Science & Technology Policy  
Department of Commerce  
Department of Justice  
Department of the Treasury  
Small Business Administration  
Department of Defense  
National Science Foundation  
National Aeronautic & Space Administration  
Department of Health & Human Services  
General Services Administration  
Department of Energy  
Department of Transportation  
United States Department of Agriculture  
Environmental Protection Agency  
Department of the Interior  
Department of Labor  
Department of State

COMPARISON OF BILLS

The attached is a draft Administration mark-up of a Senate Staff Working Draft of a Bill entitled the "Uniform Science and Technology Research and Development Utilization Act." The table below indicates those sections of the Administration mark-up which contain provisions that are the same or similiar in subject matter and basic substance to provisions in the Staff Working Draft.

Staff Working Draft Section	Topic	Mark-up Section
201(b)(2)	Implementing Regulations	201(a), 301(b)(2), 303(a), 303(c), 306, and 402.
201(b)(4)	Resolution of Disputes	301(b), 303(b), 304, and 306
301(a)	Exceptions	301(a)
301(b)	Procedures for Invoking Exceptions	301(b)
301(c)(1)	Periodic Reporting by Contractors	301(c)(10)
301(c)(2)	Government's License	301(c)(8), But License to State and Local Govt's Dropped
302(a)	Title in Contractor	301(a)
302(b)	Contractor's License	301(c)(13)
303	Waivers	301(d) and (e)
304	March-ins	303
305(a)(1)-(4)	Various Conditions on Contractor	301(c)
305(a)(5)	Waivers	301(d)
305(b)	Certain March-in Procedures	303
306	Background Rights	305(b)
307	Government Licensing	Title IV
401	Repealers	501
402	Effective Date	503

In addition, the Administration mark-up adds the following provisions which are derived from the provisions of Public Law 96-517, 35 USC 200 et. seq. and which have no counterpart in the Senate Staff Working Draft:

1. Sec. 302, although 302(c) has a partial counterpart in section 305(a)(3) of the Staff Working Draft. Sec. 302 covers waivers to inventors, coinvention situations, and confidentiality.
2. Section 305(a), background rights of small businesses and domestic nonprofit organizations.
3. Title IV. Much more detailed licensing provisions are included.
4. Sec. 502 , antitrust defenses.

Finally, a new section 306 has been added dealing with disputes as to whether an invention is a subject invention. And section 503, effective date has been expanded. These changes are based on experience derived during OFPP efforts to implement Pub.L. 96-517.

It should also be noted that in Section 301 of the Administration Draft Mark-up an attempt has been made to follow the basic format of 35 U.S.C. 202 with some changes and additions based on experience in the preparation of implementing regulations.