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Revised June 17, 1964

Patent Subcommittee  
Committee on Governmental Relations

MEMORANDUM ON THE PRESIDENT'S PATENT POLICY  
STATEMENT OF OCTOBER, 1963

The Government has found it in the public interest, through contracts or through grants for research to increase the resources available to the nation's educational institutions for the solution of problems bearing on the public health or welfare, national security, or otherwise for the public benefit.

Educational institutions in accepting funds for these purposes have, as a matter of policy, the primary objective of enhancing and strengthening their capacity to serve the public interest.

In the light of this common objective it is believed the public interest can best be served if both Government and educational institutions endeavour in their several ways to encourage the availability for public use of the discoveries and inventions made by the faculties and staffs of the educational institutions.

In determining the role that educational institutions should play in making available to the public discoveries and inventions made in the course of contracts and grants with and to educational institutions, the following should be considered:

1. That no public agency is specifically charged by the Congress with the general responsibility for the development and introduction into public use of discoveries or inventions, whether made by government employees in government facilities or by others as a result of support by government funds.
2. That many universities over long periods of time have evolved policies and procedures which have successfully fostered and introduced into public use discoveries or inventions made by members of their faculties and staffs. (A summary of university and college patent policies and procedures may be found in the National Academy's publication "University Research and Patent Policies, Practices and Procedures" by Archie M. Palmer (date)).
3. That the variety of patent policies, procedures and practices used by American universities and their broad relationship with industry, both large and small, local, regional and national, is important in providing the flexibility of approach and the variety of interest necessary for the development and introduction into use of the broad spectrum of discoveries and inventions resulting from university research federally sponsored or otherwise.

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4. That an inter-university patent referral system is under consideration.

5. That the initial decisions as to whether an invention or discovery should be patented and attempts made to introduce it into public use are best decentralized and made by those concerned with the discovery or invention in an immediate and practical sense within a framework of policy which is dedicated to the public interest.

6. That the patent system of the United States reflects the basic premise that financial incentives are necessary and desirable to secure the development and commercial production of discoveries and inventions, so that where the educational institution believes this necessary, reasonable incentives should be allowed to the inventors, the institution and the producer to encourage the initiation of patent actions, defray expenses and stimulate the successful development and introduction into public use of discoveries and inventions made with the assistance of federal funds.