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March 1, 1978

263-2831

Mr. Stuart E. Eizenstat
Assistant to the President
for Domestic Affairs & Policy
The White House
Washington, D. C. 20500

PATENT BRANCH, OGC
DHEW

MAR 8 1978

Dear Mr. Eizenstat:

Having actively participated in the meeting of January 17, 1978 between, on the one hand, the President of the Universities of Minnesota, Purdue, Rochester and Virginia representing the Association of American Universities, representatives for the American Council for Education, and the Committee on Governmental Relations, National Association of College and University Business Officers and, on the other hand, Mr. Malson of the Domestic Policy Staff and Mr. Hartke of OSTP, I was cognizant of the concerns of the Administration in espousing a particular Federal patent policy.

As the newly elected President of the Society of University Patent Administrators (SUPA) I conveyed those concerns to the members of our Society and, on behalf of the Society, desire at this time to endorse the position of the University sector which was set forth in the recent communication to you from the American Council for Education and sister organizations.

Since that position paper did not analyze in detail some of the fundamental reasons for reaching the conclusions expressed, and since SUPA believes that such an analysis is an important element for use and for the record in the current deliberations on Federal patent policy and may, as well, be enlightening to those who are less familiar with intellectual property and the transfer of technology, you will find in the enclosed paper a discussion of the analytical basis for the position of the University sector and its support of the Thornton Bill, H. R. 8596.

Mr. Stuart E. Eizenstat

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Although all of the conclusions that have been reached in the attached paper are not documented by statistical evidence, or with all the data that might be desirable, we are also fully aware that the proponents of the title-in-the-government position are also not bolstered by any such data. Where, in the analysis, reference has been made to certain studies which have been conducted we firmly believe that those studies uniformly support the H. R. 8596 approach. In addition, the analysis reflects the experience of persons who have been extensively involved in the technology transfer process and comports with my personal views which have been generated over a period in excess of 17 years as Patent Counsel for the Wisconsin Alumni Research Foundation, the patent administration and technology transfer agent for the University of Wisconsin. Above all, my personal experience has indicated that the title-in-the-government approach is a tremendous disincentive to the successful transfer of technology to the public for its benefit and, in fact, functions to stifle the development of new technology.

In addition to the attached paper we call your attention to a recent article in the February 20, 1978 edition of Business Week by Rimmer de Vries which points out that the fundamental problem with the depreciated dollar is the need for a national export policy and specifically states "We have to develop new technology and go out and sell the stuff." A recent article in the American Bar Association Journal by Sheila McLean is also of interest since it focuses upon the various arrangements which, through the patent system, can serve the public interest. Copies of each of these are also attached.

We strongly urge you to give your close and careful attention to the enclosed analysis, which we believe is objectively presented, and particular regard to our reasoned concern that there is a strong probability that maintenance of the "status quo" is likely to ultimately result in Government patent policy moving further in the direction of title-in-the-government. It is the studied conclusion and strong belief of SUPA and its individual members that if such policy becomes prevalent the industrial sector's effectiveness in sensing the needs of our society and introducing new technology to meet such needs would be severely and adversely impacted and start our country on the road to mediocrity.

Very truly yours,

Howard W. Bremer
President, Society of University
Patent Administrators

HWB:rw