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THE UNIVERSITY OF AKRON

AKRON, OHIO 44325

Coordinator of Research

March 3, 1978

PATENT BRANCH, OGC
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The Honorable Jimmy Carter
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

Senator Russell Long has written you concerning his views on the disposition of rights to inventions developed with aid of government grants and contracts. I am writing to express strong opposition to his views.

The Constitution protects the rights of inventors. Inventions are property. The fact that the government may provide some wherewithal to encourage new inventions in no way diminishes these rights. Current policy gives the federal government royalty-free licenses to make or use items developed under federal grants and contracts. This is certainly a fair arrangement.


To follow Senator Long's advice would be disastrous for the following reason. Many companies, unless they have an exclusive license, will not find any economic incentive in the further development, manufacturing, and marketing of inventions if they know others are free to copy their products and avoid all the development costs. If Senator Long's advice were accepted, these inventions would become public domain which in practice means would never be developed, manufactured, or sold for the public good.

We at the University of Akron recognize the need to balance the interests of the citizenry, the government, the inventors, and the university in these matters. We find the present patent clauses fair and equitable from this vantage point. We believe the federal government and the citizenry are protected by providing a royalty-free license to the federal government. We recognize the constitutional rights of the inventors through an internal patent policy which shares with the inventors royalties from marketed inventions. We recognize the rights of the university and the State of Ohio by retaining a portion of such royalties for support of research at the university. Most importantly, however, we protect the rights of the citizens of the United States by recognizing what it takes to bring an invention into the public use. That is, a license agreement protecting a manufacturing firm from unfair competition after they have invested significant sums in development, manufacturing, and marketing. Without this, all else is meaningless because the technology will never be utilized for the good of society.

The Honorable Jimmy Carter
Page 2
March 3, 1978

Therefore, I urge you, Mr. President, to reject the unrealistic and narrow views of Senator Long, which if adopted would be counterproductive to building a better society through utilization of new knowledge.

Respectfully yours,



Robert G. Corbett

RGC/ma
cc Norman J. Latker
cc Ray Woodrow