

November 18, 1977

The Honorable Doug Barnard, Jr.
Member of Congress
House of Representatives
418 Cannon House Office Building
Washington, D. C. 20515

Dear Doug:

It was a great pleasure to see you again last week, and I especially appreciate the opportunity of talking with you about our interest in H. R. 8596, the "Uniform Federal Research and Development Utilization Act of 1977" (previously introduced as H. R. 6249).

We at the University of Georgia, along with research administrators at universities across the country, are keenly interested in seeing this bill become law. We greatly appreciate your willingness to support it and hope you will join in its sponsorship if at all possible.

As I mentioned to you, the bill will simplify the handling of inventions which grow out of work related to Federal sponsorship at the University. At the present time there are about 20 separate statutes covering the patent policies of various Federal agencies. The rest of the agencies operate with rules developed under a Memorandum published by President Kennedy in 1963. Some of these statutes and regulations negate the patent system entirely. Many of them do not recognize the universities' input whatsoever. Also, you can imagine the volumes of paperwork and the vast amount of time required by the universities in dealing with this maze.

Procedurally, H. R. 8596 will correct the situation. Even more important from the Nation's standpoint is the fact that a properly structured Government patent policy can promote private investment in the development of new products and processes from inventions made under Government grants and contracts. This in turn stimulates economic growth and competition. Unfortunately, under the present arrangement many Federal agencies insist on obtaining title to inventions made under their awards, thereby in our opinion, greatly reducing the chances of these inventions being further developed and brought into public use. The present Government position of "dedicating inventions to the public" or licensing them on a non-exclusive basis to one and all protects the development capital of no one, leaving these inventions unused altogether. Indeed, such policies may even

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have the absurd result of allowing state-supported or subsidized foreign corporations to capitalize on American ideas that American firms are unwilling to develop because of lack of protection for developmental capital.

H. R. 8596 would change this by allowing grantees and contractors the option of retaining rights in their inventions subject to various safeguards.

The enclosed summary of the situation regarding H. R. 8596 is a later updated version of the summary I gave to Mrs. Swank recently. I hope it will be helpful to you as it discusses the issues thoroughly, including the objections which may arise. We understand now that public hearings on the bill are scheduled for April of next year. There is no competing legislation on the subject.

Again, many thanks for your help in this matter. We look forward to working with you as the bill progresses.

Best personal regards.

Sincerely,

Bill

William O. Burke
Chairman, University
Patent Committee

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Encl.