

UNITED STATES GOVERNMENT

# Memorandum

TO : Chairman, Subcommittee on Intellectual Property

DATE: 31 OCT 1977

FROM : Jesse E. Lasken, NSF Member

SUBJECT: Minority Views on SIP Review of H.R. 6249

I am in basic agreement with the general tenor of the SIP Memorandum to Dr. Baruch insofar as it expresses the general support of SIP for H.R. 6249. However, it needs to be understood that the technical changes to the bill recommended by SIP were the result of an incomplete discussion of the total bill. Over the dissenting votes of several members, SIP choose to limit its discussion to only those portions of H.R. 6249 that differed from the draft bill developed in 1976 by Committee on Government Patent Policy. It failed to consider the wisdom of unchanged provisions. This omission has seriously flawed the utility of the specific changes recommended by SIP.

As of this time, NSF has not established an official position on H.R. 6249. Accordingly, at least for the present, the recommendations for revisions to H.R. 6249 that I am attaching hereto should be understood to be my personal views and not necessarily those of NSF. Some of the changes parallel those in the SIP report. Other SIP changes are not included. And some cover provisions not addressed in the SIP report.

The purpose of these changes, of which I consider numbers 1-7 and 11 to be most critical from a substantive standpoint, are to ensure that the safeguards included in the bill do not have the result of defeating the basic objective of improved development and commercialization of new technology. Without these changes, while the bill would prove of benefit to large companies, its potential for enhancing the commercialization of inventions coming out of the university sector or small firms will, as a practical matter, be more illusory than real. Indeed, NSF could better formulate effective policies under the current law than we could under H.R. 6249 as it now reads or as SIP has recommended it be revised.

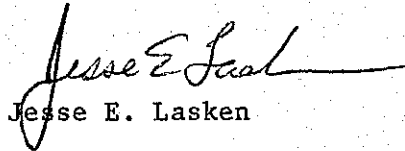


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However, I maintain a degree of optimism that the bill that will be reported out of the House Science and Technology Committee will be an acceptable improvement over H.R. 6249. Therefore, it is important that SIP support H.R. 6249, and that SIP members work together to achieve necessary technical changes. Last year's draft bill was a major step forward, but we should not hesitate to support changes to that draft that are needed to accomplish the objective of a truly effective Government-wide patent policy.

I request that his memorandum and attachment be made an attachment to the SIP memorandum.

  
Jesse E. Lasken

Attachment