

OSTP

EXECUTIVE OFFICE OF THE PRESIDENT  
FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY  
WASHINGTON, D.C. 20500

September 1, 1976

MEMORANDUM TO: Members and Observers, Federal Council for  
Science and Technology

FROM: William C. Bartley, Executive Secretary 

SUBJECT: Federal Intellectual Property Policy Act of 1976

Enclosed for your review is a copy of a package regarding the draft bill entitled "Federal Intellectual Property Policy Act of 1976" drafted by the Executive Subcommittee of the FCST Committee on Government Patent Policy. This package, which includes a proposed draft "speaker's letter," has been submitted for review and approval simultaneously to Dr. Stever, as Director of the new Office of Science and Technology Policy and to the Office of Management and Budget. You are being asked to respond in your capacity as a member or observer of the old FCST because the member-designees of the new Federal Coordinating Council for Science, Engineering, and Technology have not all been identified as yet.

You will recall that an earlier draft of this proposed Omnibus Administration Bill was mailed directly to you on July 9, 1976 by Dr. Betsy Ancker-Johnson, Chairman of the Council's Government Patent Policy Committee. Because a number of fundamental issues appear to still remain in connection with this draft bill, I am also enclosing for your information the comments that were received in response to the Chairman's July 9 memorandum.

Dr. Stever would particularly appreciate your views on the merits of the proposed utilization of a Board to deal with licensing as specified in Section 311 (b) (2) (C), (D), (E), (F) versus having these applications handled by the head of the appropriate agency. If handled at the agency level, a Board for Intellectual Property might be established on an ad hoc, as needed, basis to consider appeals from Federal agency determinations. The provisions in S 301 in the draft seem reasonably consistent with the coordinating and advisory role of the Federal Coordinating Council for Science, Engineering and Technology as spelled out in Title IV of PL 94-282; at the same time, with reference to S 202 of the draft, the appropriateness of asking the Director of OSTP to establish or designate the proposed Board or Boards for Intellectual Property may be challenged in view of the fact that the OSTP will be advisory to the President and not an "operational" office. It is Dr. Stever's opinion that the OSTP should not get into an operational mode.

Dr. Stever would like your response to this package by September 10.

Attachments