CHAPTER 1-901
DEPARTMENT PATENT ACTIVITIES

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This chapter describes the organization for patent activities within the Department.

1-901-10 RESPONSIBILITIES

A. Office of the Secretary

1. Assistant Secretary (Health and Scientific Affairs)

a. Evaluates current patent policy and develops policy to meet changing needs.

b. Makes determinations of rights in inventions and patents involving important policy considerations.

c. Maintains liaison with Congress on matters involving patent policy and programs and the Federal Council on Science and Technology.

2. Office of General Counsel

The General Counsel will designate a Department Patent Counsel who will be responsible for:

a. Patent Administration

1. Issuing patent administration procedures and recommending regulations for issuance by the Secretary.

2. Receiving reports of inventions by employees and holders of Department grants, fellowships and contracts.

3. Issuing licenses to applicants under patent applications and patents owned by the Government as represented by the Department and accepting licenses issued to the Government as represented by the Department.

4. Maintaining records and documents incident to patent administration.

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b. Legal Services

1. Rendering legal interpretations with respect to all patent matters within the Department.

2. Making patent determinations within the framework of existing law, regulations and policy.

3. Providing legal advice on patent matters to the Assistant Secretary (Health and Scientific Affairs).

4. Furnishing legal counsel to the Department Patent Board.

5. Providing other legal services, such as conducting patent searches, filing and prosecuting patent applications, and drafting legal documents such as assignments and licenses incident to patent administration for which the Department has responsibility.

6. Maintaining liaison with other Federal departments and the public on legal matters in the administration of the Department's patent responsibilities.

3. Department Patent Board

The Department Patent Board shall be composed of the Deputy Under Secretary, as Chairman, and representatives from the following staff offices and operating agencies:

Assistant Secretary (Health and Scientific Affairs)
Assistant Secretary for Administration
Department Patent Counsel
Office of Education
Health Services and Mental Health Administration
Consumer Protection and Environmental Health Service
National Institutes of Health
Social and Rehabilitation Service

The Department Patent Board shall upon the request of the Assistant Secretary (Health and Scientific Affairs):

a. Advise the Assistant Secretary (Health and Scientific Affairs) on patent policy matters.

b. Provide the Assistant Secretary (Health and Scientific Affairs) a medium through which to evaluate the effectiveness of Department patent policy and the administration of such policy.

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c. Assist in the development of patent policy.

d. Provide a forum for discussion of all matters pertaining to inventions and patents.

e. Review proposed changes in regulations affecting policy.

B. Operating Agencies

The head of each operating agency is responsible, in accordance with Department policy, for:

1. Including patent clauses approved by the Department Patent Counsel in grants, contracts and fellowships as appropriate to implement the Department patent regulations and policies.

2. Educating employees, contractors, and grantees as to the need for reporting inventions.

3. Evaluating the impact of patent policy on agency programs and providing such advice as the Assistant Secretary (Health and Scientific Affairs) may require on the most effective means of relating patent policy and procedure to program objectives.

4. Assisting, as requested by the Department Patent Counsel, to obtain scientific evaluations of inventions and providing such other information and assistance as may be required.

5. Providing such other information or reports as the Assistant Secretary or Department Patent Counsel may request.