RELEASE OF 'FROZEN' PATENTS

Bill Seeks Quash On Scientific Censorship

An Arizona State University professor has been instrumental in drafting a federal bill to prevent the government from exercising a form of "scientific censorship."

The bill would require the government to release patent rights to university and research institute discoveries developed with federal grants.

Dr. Barry Leshowitz, ASU associate professor of psychology, said the need for the bill is especially apparent at the Department of Health, Education and Welfare, which has "quietly adopted a policy of freezing the patents of scientists and inventors whose initial research was in any part financed with government money.

"Anything the government funds, the government owns," Leshowitz said, "even if the federal grant covered only a small percentage of the research cost."

Unless the government is willing to release ownership of the resultant discoveries, (and thereby provide patent protection,) private firms will not invest in further testing or eventual marketing of the new devices or drugs, Leshowitz said.

From 1968 until August of 1977, HEW had an almost automatic policy of releasing patent rights at the requests of the inventors or developers. The patent release policy had the approval of the grant sponsoring agency, the National Institute of Health, Leshowitz said.

The ASU professor was one of 16 scientists from across the country selected as legislative fellows to the US Congress last year. Leshowitz worked with Sen. Robert Dole, R-Kan.

Leshowitz brought the federal policy concerning patent rights to Dole's attention, and at the senator's request, worked with the staff of Sen. Birch Bayh, D-Ind., to draft the Dole-Bayh bill, introduced to the Senate last month.

If passed, the bill will give universities, non-profit organizations and small businesses patent rights to inventions developed with government grants or contracts.

When Dole introduced the bill, he noted that "For more than a year now, potentially lifesaving (new) medical technology from the world's most renowned medical research laboratories . . . has been shut down.

"We are not witnessing in HEW 'an avoidable bureaucratic delay,' but a calculated policy of 'search and destroy' aimed at innovations from this country's scientific research programs," Dole said.

Among the medical devices and drugs languishing on the shelves of the HEW bureaucracy is a cancer treatment process developed by Dr. Sidney Salmon, of the Health Sciences Center at the University of Arizona.

"The argument advanced by HEW is that technological advances have caused the spiraling costs of health care," Leshowitz said, "so HEW has taken it upon itself to restrain or regulate the availability of medical technology.

"This policy of dismantling the delivery systems by which medical technology is made available to the public is equivalent to the scientific censorship we see in totalitarian countries. It's absolutely absurd," Leshowitz said.

The Dole-Bayh bill has 16 co-sponsors, among them Sen. Dennis DeConcini, D-Ariz.

Arguments will continue when Congress reconvenes early next year.