DEPARTMENT OF ENERGY DISTRIBUTION POLICY ON COMPUTER SOFTWARE

SHOULD BE REVISED TO REFLECT

NATIONAL POLICY ON TECHNOLOGY TRANSFER

- Our national policy encourages technology transfer from the national and federal laboratories, with the ultimate goal of improving this Nation's economic competitiveness.

- Congress specifically made technology transfer of computer software a national laboratory goal in the the 1986 amendments to the Stevenson Wydler Act of 1980 (PL 99-502).

- Current DOE policy on the distribution of computer software developed under contract to DOE, and the negative effect of that policy on future copyright protection, runs counter to the intent of our national policy.

- A draft order currently under consideration in the Department, requiring that DOE's National Energy Software Center (NESC) be the sole release point for computer software developed at DOE facilities, will result in that policy becoming permanent. (Draft Order 1360.4A - dated August 13, 1986).

- NESC is primarily a cataloging warehouse. It does not prepare the software products for the commercial market and cannot provide the extensive support services needed for complex research computer software. Such added value can only be provided by private industry interested in marketing computer software.

- Without copyright protection, U.S. firms are unwilling to commercialize software in the public domain because of the high costs of readying the product for market -- documenting, preparing training materials, debugging, and establishing user support systems. DOE's draft order will obstruct such copyright protection.

- Foreign companies, competing in the domestic computer software market, receive significant benefits from the NESC.

  In early 1986, an informal sample of distribution by the NESC, of several of the most popular and valuable engineering software packages developed by one of the national laboratories, revealed that approximately 90% went to foreign entities.

- DOE should revise its policies on distribution of computer software developed at the national laboratories, and bring them into conformity with the national goal of facilitating the preferential transfer of technology to U.S. industry, thereby enhancing this nation's potential world market competitiveness in the area of research computer software.