Copy to Norm Latker
Blvd
3515 Woodbine St
Chevy Chase Md 20015

SEP 27 [illegible]

September 25, 1979

DIARY NOTE

SUBJECT: Conversation with Mr. Chuck Herz on Patent Policy

In discussing with Chuck Herz the possibility of NSF taking a position on the Dole/Bayh patent bill, on which we have been asked to comment, he indicated the following:

I. General Concern About Federal Patent Policy

-- There are some 22 different statutes relating to patent policy and a statement by the President on patent policy as well.

-- Much of this legislation is conflicting and contradictory.

-- The Dole/Bayh bill is poorly and "turgidly" drafted, and does not resolve present contradictions.

II. Concerns Specifically Relating to NSF

-- The bill does nothing for NSF; NSF grantees are not having problems with NSF's patent policy.

-- The Dole/Bayh bill would tie NSF to giving patent rights to universities as well as small business on every occasion.

- There may be occasion when it would be inappropriate to do this and when requirement could skew the grant decision.

- There is no evidence that the universities do any better at developing inventions than any one else.

-- The institutions may be having difficulties with the Department of Energy patent policy as a result of congressionally passed legislation fixing that policy in ways that are undesirable.

III. Herz still hopes for comprehensive patent legislation that would untangle and remove as much as possible the present conflicting requirements and restrictions. In his judgment the best course would be to leave patent policy up to the individual federal agency, freeing it from restrictions.

The Dole/Bayh bill, on the other hand, complicates the regulatory picture and adds another layer of conflicting restrictions on those already in existance.

IV. I think it is important that Mr. Herz' concerns be communicated to those groups that have an interest in the Dole/Bayh bill, namely, educational associations and the congressional staff working on the bill. Following this, I think it would be most desirable if NSF could formulate an official position on the bill unless it is concluded that we have had sufficient input to preclude the necessity for this.

Patricia E. Nicely

cc: Mr. Chuck Herz
Mr. Lefcowitz
Dr. Ray Bye
Mr. Darryl Gorman