PATENTS, COPYRIGHTS AND RIGHTS IN DATA

1. Copyrights at Colleges and Universities

The Committee on Governmental Relations last published its booklet entitled Copyrights at Colleges and Universities in 1972. With the Copyright Revision Act of 1976, P.L. 94-553, effective January 1, 1978, the Committee took on the task of revising its earlier publication. Most of the work has been completed and the booklet is undergoing a final review which we hope to complete in October. It is expected that printing will occur soon thereafter.

2. Patent Policy

University and Small Business Patent Procudures Act - S. 414

The Dole-Bayh "Patent Bill" S. 414 was introduced in the Senate on February 9, 1979. The bill provides universities and small businesses, first option to rights in their inventions resulting from federally supported research, with certain exceptions. It also provides for recoupment of government investment in some instances. The bill has almost thirty co-sponsors in the Senate and appears to have little or no Senate opposition.

House Companion to the Dole-Bayh Patent Bill - HR. 2414

The House companion bill introduced by Representative Peter Rodino is expected to be the subject of hearings sometime in November.

Science and Technology Research and Development Utilization Policy Act - S. 1215

Senate Bill S. 1215 introduced by Senator Harrison Schmitt addresses the need for the establishment and implementation of a flexible government-wide policy for the management and utilization of the results of federally funded research. The bill defines the limited instances in which agencies are to acquire title to inventions, permit waivers and give contractors the option to retain commercial rights in certain situations. On July 23, 1979, Howard Bremer of the University of Wisconsin gave testimony in support of S. 1215 on behalf of his institution, the American Council on Education, COGR and the Society of University Patent Administrators.

The fundamental issue in S. 1215 is who should get the commerical rights in an invention made in the course of performing research with government funds. The principal differences between Mr. Schmitt's bill amd Mr. Bayh's bill are:

1. The Dole-Bayh bill addresses only universities, nonprofits and small businesses as opposed to S. 1215 which addresses all contractors; and

2. The Dole-Bayh bill vests title to inventions with the contractor as opposed to S. 1215 which vests title to the government where certain conditions are met with exemptions for institutions having a qualified technology transfer program.