Draft - 6/21/61

Re: NIH-University Agreement

I believe that President Elvehjem (or his representative) should set up a date with Dr. Porterfield to discuss the agreement which is being sought in this instance. He should take along drafts of the policy statement which the University administration is prepared to adopt and the statement which has been prepared relating to the patent and licensing policies of the Foundation.

One approach to Dr. Porterfield would be for President Elvehjem to tell him that he (Elvehjem) understands that several universities have an agreement with the Public Health Service which allows the university or its agent to administer inventions derived from Public Health Service grants provided the university or its agent agree to certain limitations in its licensing program on the subject inventions and provided further that the policies of the university and its agent are acceptable to the Public Health Service.

President Elvehjem could then show Dr. Porterfield the draft of policy statement which has been prepared by the university and advise that the university administration is prepared to adopt a policy along these lines and believes that this should satisfy the requirements of the Public Health Service but would welcome suggestions for revision of it. Also, President Elvehjem could hand Dr. Porterfield the policy statement of the Foundation and state that, in view of the nature of the Foundation and its record, he assumes that the Foundation's policies are acceptable to the Public Health Service; however, is confident that the Foundation would agree to certain limitations which might be imposed by the Public Health Service on the Foundation's patenting and licensing of inventions derived from Public Health Service funds.

I believe that President Elvehjem should attempt to settle on an acceptable university policy statement in this meeting with Dr. Porterfield and promptly adopt the policy and advise Dr. Porterfield of its adoption. Then he should ask Dr. Porterfield to submit an agreement to the university wherein it is agreed that Wisconsin inventors can assign inventions derived from Public Health Service grants either to the Public Health Service or to the Wisconsin Alumni Research Foundation with the understanding that when the inventions are assigned to the Wisconsin Alumni Research Foundation, the Foundation will be bound by certain specified limitations in its patenting and licensing program.

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