PATENTS BILL GETS HARD KNOCKS FROM RICKOVER, LONG

A prominent foe of giving contractors title to inventions resulting from federally financed research yesterday met a soulmate in Sen. Russell Long, D-La.

Navy Adm. H.G. Rickover said Long was "talking plain ordinary common sense" in pointing out possible problems of letting colleges, universities and businesses hold title to inventions paid for by the government. Rickover said giving title or exclusive license to contractors is like hiring prospectors to look for gold on a person's property and then giving the gold to them if they find it.

But in hearings yesterday and last summer, university and business representatives, lawyers and inventors supported the bill, S. 1215, which would give patent rights in most cases to contractors who develop inventions with public funds. Universities would need an approved technology transfer program for licensing inventions for commercialization to retain title (HED, July 25, 30).

Effects Nonetheless, Rickover said, the bill would "impede, not enhance the development and dissemination of technology; it would hurt small business; it would inhibit competition; it would promote greater concentration of economic power in the hands of large corporations; and would be costly to the taxpayer."

Long and Rickover agreed the policy would help an inventor's company, not the inventor. "Let's assume a scientist has an idea," Long said. "That fellow wouldn't get the profits of his invention under the bill. The people who actually did the work would not get the monopoly advantage."

And the public would have to "pay the price twice" for an invention--once for the research and again for the 17-year life of the patent to the invention, he said.

Public Welfare Rickover said the U.S. patent system is based on the English system that allowed "one man, on his own time, with his own money" to hold title to an invention. The patent system is "for public welfare, not for private corporations," he told the Senate Science, Technology and Space Subcommittee.

Sen. Harrison Schmitt, R-N.M., who introduced the bill last May, told Rickover, "My rebuttal is in the testimony of all before you."

Jacob Rabinow, inventor and consultant to the National Bureau of Standards, earlier told the panel about patents that "died on the vine" because no one would spend millions of dollars in the early stages of development without protection from competitors. He criticized Rickover's "dog in the manger" attitude based on a philosophy of "why should the government give someone the right to make money?"

"The present system is not working," Schmitt told Rickover. "I respect your long involvement in this," which Rickover said went back 20 years to when he first testified on patents before one of Long's subcommittees. "But those of us coming behind you have evidence it doesn't work." No date has been set for markup of the bill. --AKF

APPEALS COURT UPHOLDS AFFIRMATIVE ACTION IN PUBLIC JOBS

A public employer may voluntarily take affirmative action to correct past racial job discrimination, the 6th U.S. Circuit Court of Appeals said this month.

The 6th Circuit upheld the Detroit police department's affirmative action plan,

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