NATIONAL SCIENCE FOUNDATION
WASHINGTON, D.C. 20550

OFFICE OF THE
GENERAL COUNSEL

July 20, 1976

Dr. Betsy Ancker-Johnson, Chairman
Federal Council for Science and Technology
Committee on Government Patent Policy
Department of Commerce
Washington, D.C. 20230

Dear Betsy:

In response to your memorandum of July 9, 1976, I offer the following comments on the proposed Omnibus Administration Bill:

1) Sec. 311(a), p. 8, line 26. Add the following sentence after the sentence ending with "by the public" -- "Election may be made at a later time with the permission of the sponsoring Federal Agency."

We believe that this addition is necessary because many contractors are not in a position to decide whether or not to elect because of the primitive state of the invention. Moreover, it often takes time to evaluate the worth and marketability of inventions. This is especially true of universities which are very selective in the filing of patent applications.

2) Sec. 202, in authorizing the Director to establish or designate a board for Intellectual Property, creates an alternative which seems to me to be undesirable. The phrase "or designate" should be deleted.

3) In Sec. 311, B(2) on p. 9, question arises as to what constitutes an agreement. This term should be clarified and expanded.

4) It is not clear to me how the Government can itself grant licenses when title to an invention is vested in a contractor. It could, of course, grant sub-licenses if so authorized.

5) On p. 11, line 2, a word is missing. Perhaps it should be "needs."