FV Reading

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Proposed Omnibus Administration Bill concerning the allocation of rights to inventions arising from federally-sponsored research and development, and the protection and licensing of federally-owned inventions.

FK

We favor enactment of the subject proposed bill.

The proposal, if enacted by the Congress, would largely take Government patents out from under the current threats of litigation. The possibility of a repetition of the two Public Citizen, Inc. v. Arthur F. Sampson cases would be eliminated, and the constitutionality of the GSA patent regulations in the FPR and FPMR would no longer be open to question. Further, the rights of Government-employee inventors would be clarified.

While we do not object to the terms of the proposal, we do believe that the bill could be improved in several respects. First, the references to a board are in very general terms, and it is left to the council to provide specificity. It would be preferable to provide such specificity in the bill. Second, there is no specific assignment of responsibility for the issuance of regulations regarding employee inventions. Such an assignment would be desirable, e.g., the Patent Office. Finally, the rights of Government-employee inventors has been narrowed by comparision with the Executive order which currently governs the matter. The retention or broadening of the current rules would reflect our preference.

In any event, enactment of a bill along the lines of the proposal would significantly facilitate the administration of Government patent matters.

(Signed) Philip G. Read

PHILIP G. READ
Director of Federal Procurement Regulations

cc:
Official File--FV (9C1h) Legislation
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CHANGE FROM MR. SADOWSKI, DOI - 7/20/76

Page 34, line 18 - insert the words -- , as amended by Subsection (d) of Section 6 of the Saline Water Conversion Act of 1971, P.L. 92-60, -- before the words "is repealed".

Page 35, line 16 - Delete [Reserved], and insert -- Section 3 of the Saline Water Conversion Program Authorization Act for Fiscal Year 1977, P.L. 94-316, is repealed. --