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263-2831

Mr. Harry Peterson
Assistant to Chancellor
G. E. A., University Administration
University of Wisconsin
97 Bascom Hall
Madison, Wisconsin 53706

Dear Harry:

Pursuant to our telephone conversation yesterday you will find attached a proposed letter for Irv Shain to send to Congressman Kastenmeier.

You will note the thrust of the commentary beginning in the third full paragraph of the letter as being very negative about a bill which encompasses within its scope large businesses as well as university, non-profit organizations and small businesses. This was inserted because since talking to you I had heard from friends in Washington that Kastenmeier was going to introduce the very bill in the House that received such rough treatment at hearings last Friday before the Senate Judiciary, Commerce and Government Affairs Committees. I presume it was the same bill that I had a chance to preview and which was entitled "The Government Patent Policy Act of 1980."

The purpose of the criticism coming from the Congressman's university constituency was to positively indicate at an early date, and before he might introduce such a bill, the disenchantment of the university community with an attempt at such legislation.

If you have any commentary on the letter or would like to get together to discuss it after you and Irv have had a chance to look at it please let me know.

Very truly yours,

Howard W. Bremer
Patent Counsel

HWB:rw

Enc.

Draft - 1/31/80

We are pleased to know that you have scheduled hearings on March 10 directed to the consideration of H. R. 2414, The University and Small Business Patent Procedures Act. The thrust of that Bill is clearly endorsed by the President in his statement on industrial innovation initiatives. As you may be aware this Bill is the counterpart of S. 414 the practical and political acceptability of the provisions of which have been evidenced by its co-sponsorship by 34 Senators of widely varied political persuasion and by its being reported out favorably by the Committee on the Judiciary of the Senate without a dissenting vote.

We view H. R. 2414 as providing the universities with the certainty of ownership of inventions made with Government funds which is so necessary to the expeditious transfer of the results of university research to the public for its use and benefit. That such certainty of ownership enhances technology transfer is patently evident from the evidence developed during the hearings Senator Nelson held relative to Institutional Patent Agreements as between certain Government Agencies and universities.

We are also fully aware that the Administration, through the offices of Mr. Baruch, has presented a patent bill of broader scope than H. R. 2414 - one which embraces all government contractors and not only, non-profit organizations, including universities, and small businesses as does H. R. 2414. We had anticipated, and were not therefore surprised by, the adverse reaction which that proposed piece of legislation generated during hearings before combined Senate committees on January 25. Based