

★

# WISCONSIN ALUMNI RESEARCH FOUNDATION

Tel: 608-263-2831  
November 10, 1987

Kate Phillips  
Council on Governmental Relations  
One Dupont Circle  
Suite 670  
Washington, D.C. 20036

Dear Kate:

I am returning the COGR Survey which you sent to me and which I had not previously received. Under overall comments, and although I have not entered them on the form, I am firmly convinced that activities in areas checked should be within COGR's province. The passage of undesirable legislation can certainly have a profound effect on the relations which the university has with the various government agencies. I am as much concerned now as I have ever been about the continuing activities of the D.O.E. as evidenced by their approach to the rights in data situation, including software, and by their recent surfacing in the human genome situation.

We must also keep in mind that there is a great deal of legislation which has been and is still pending which can have an effect on intellectual property rights. This proposed legislation is addressed, obviously, by many lobbying groups and if the university view is not heard, the legislators must make their decision based upon what they learned from those who spoke out. One of the present examples of this kind of legislation lies in some of the new trade bills that have been introduced that address process patent protection in the U.S. Such protection can be extremely valuable to the university sector but I am not aware that the universities have taken any position on such legislation. Another area of concern is the proposed tort reform legislation. In that situation, the universities have a unique position to present, as was undertaken by John Preston of MIT (George Dummer, I am sure, is aware of this). In that case, it appears that the parties in conflict are the trial attorneys on the one hand and the insurance companies on the other hand. The university cannot be categorized in such an action as having an ax to grind except that they should be afforded some protection for the application of the "deep pocket" approach in product liability lawsuits. This, can be, and is, a major consideration in the technology transfer process and particularly when small business is involved.

Philips  
November 10, 1987  
Page 2

I believe that what we have tended to forget is that the university views on legislation can be very loud voice when there is a combined effort by both individual universities and by the various university-oriented organizations among which COGR is numbered. This is most evident in the passage of PL 96-517 and subsequently, in the passage of PL 98-620. We should take advantage of this combined effort to speak out on legislation that can affect university technology transfer operations. That action cannot be considered to be lobbying per se, but merely an effort to make all factors that affect the legislation known, it being accepted, and not classified as a lobbying activity, that one has a right to speak out on any legislation that may have an effect upon him.

I did not intend to ramble on at any great length but I think the above examples illustrate why COGR should be involved in the various areas included on your survey sheet. As indicated, I would be willing to help in these areas. Others of our former committee have also indicated to me their willingness to be involved.  
Best regards.

Sincerely,

Howard W. Bremer  
Patent Counsel

HWB:mh:HB3:Philips