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Association of American Universities

Office of Federal Relations

MEMORANDUM

Porter *va* *Thurman* *Quicker*

TO: Presidents Sproull, Hereford, Magrath, and Hansen;
Milton Goldberg, Howard Bremmer, Sheldon E. Steinbach

FROM: Newton O. Cattell

DATE: March 2, 1978 *Newton*

RE: Patent Policy

The White House has completed a draft of an option paper on patent policy for President Carter. It has been distributed to various federal agencies for review and comment.

Despite the various options open to the Administration, it is unlikely that the President will support the Thornton bill: too many of his advisors are totally opposed. It is also unlikely that any government-wide policy will be forthcoming. OSTP officials are beginning to consider different patent policies for different purposes. Fundamental research, with its long-term potential, may require one policy, while weapons research, with its immediate pay-off, might require another.

It seems, therefore, that we will get neither good news nor bad news from the White House on the Thornton bill. Therefore, the purpose of this letter is to obtain your reaction to an interim proposal that may meet the needs of the universities, without requiring a favorable report by the Administration on the Thornton bill.

over, please...

MEMORANDUM

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The GSA published final regulations (attached) authorizing all federal agencies that do not have statutes to the contrary to use Institutional Patent Agreements in their relationships with institutions that have a technology transfer capability. According to the regulations, the use of IPA's is optional, not mandatory.

The White House may be willing to consider an approach that, without otherwise changing existing policy, would make the GSA regulations mandatory. Only agencies prohibited by law would not use the IPA. I am attaching a letter from Reagan Scurlock that outlines COGR's position. I propose that we devote our attention to making the GSA regulations mandatory and that we reduce our efforts to pass the Thornton bill. Unless I hear to the contrary within a week or so, I will assume you agree with me.

NOC/ak

attachments

cc: President John Oswald
President Louis A. Toepfer
Mr. Donald K. Hess
Mr. Alexander Gilliam
Mr. George M. Robb
Dr. Frederick N. Andrews
Mr. David Schuckers