

# Patent Policies in Educational Institutions and Nonprofit Research Organizations

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THE REVIVAL AND ACCELERATION OF research activities in universities and other research centers, following the return of scientific men to the campus and laboratory on release from wartime responsibilities and occupations, promise a rich period of productive research, especially in areas neglected or subordinated during the war, even though heavy teaching loads resulting from swollen postwar enrollments in the universities may slow down production temporarily and in certain areas.

Of increasing importance to administrators and scientists engaged in these research activities is the policy or procedure to be followed in handling any patentable ideas or devices that may be discovered during the course of the investigations. At present there is a wide diversity of practice among educational institutions and research organizations in their methods of dealing with inventions growing out of scientific research. However, there is a growing tendency to adopt definitive patent policies and to establish machinery to meet situations which have arisen or are anticipated.

The National Research Council is currently making a comprehensive factual survey of existing policies, procedures, and practices followed in the administration of patentable results of scientific research in educational institutions and nonprofit organizations, with a view to early publication of the findings.

The survey is being conducted under the sponsorship of the Council's Committee on Patent Policy, of which Frederic W. Willard is chairman. The other members of the Committee are: Bruce K. Brown, Conway Coe, Gano Dunn, Edward S. Mason, Archie M. Palmer, Lewis H. Weed, William Charles White, and, ex officio, Detlev W. Bronk, chairman of the Council. The survey is being made under the direction of the writer, assisted by Hugh Samson.

Through correspondence, conversations, and personal visits, the director of the survey is endeavoring to assemble all available information concerning existing practices and present thinking about patent management matters in administrative and scientific circles. Despite the importance of the problems involved, comparatively little material of current value is available in the scientific and technological literature.

The desired data are being sought through direct requests to the institutions concerned, and most of the

usable material has been coming in as a result of those requests. Some of the information is contained in bulletins, reports, and other publications issued by colleges, universities, professional and technological schools, agricultural and engineering stations, government agencies, and nonprofit research organizations.

Information available in this form has usually related to the more definitive policies. At many institutions practices or procedures currently being followed are not yet clearly formulated in definitive policy statements. In a number of the institutions where definitive patent policies have been adopted, those policies are now under review to meet changing postwar conditions.

In order to obtain firsthand information and to observe the programs in action, the director is making a series of trips to the more important research centers where significant policy programs are in operation. The information gained, views exchanged, and situations clarified, as well as the personal observations made, have led to better understanding and more accurate interpretation of the practices of the institutions visited.

The success of the survey, its value to administrators of research activities and to research workers, and the significance of the findings will depend to a great extent upon the cooperation and assistance of persons in educational institutions and research organizations who have had experience with patent problems and are willing to share those experiences.

A report, to be published in May or June 1947, will present a factual account of the situation as it exists today. All specific references to institutional policies or procedures will be submitted to the institutions for approval prior to publication in the final report. Similarly, statements of experiences with patent problems and expressions of attitudes toward the operation of patent management policies will be submitted for approval to the individuals responsible for them.

In addition to definitive statements of significant patent policies and practices currently in operation in educational institutions and nonprofit research organizations, analyses will be made of the various types of policies and of the considerations underlying their formulation. In so far as the information is made available by those concerned, reasons for the establishment of patent policies and the specific instances which led to the adoption of particular policies will be included in the report. Account will also be taken of the changes in patent

philosophy and management procedure brought about by the intensive and far-reaching wartime research programs conducted at many institutions.

Administrative procedures for screening patentable results of scientific research, for prosecuting the patent application, for protecting patents against infringement, and for promoting, licensing, and assigning patents will also be analyzed. This will include study of the objectives and operation of committees and other agencies set up to deal with these aspects of the problem.

Questions relating to the equity of the inventor, of the institution, and of the sponsor or supporter of the research, where there is such a third party or outside agency involved, will also be considered. There is apparent a lack of uniformity in the approach to these questions, and the wide diversity of practice indicates a need for intensive study of the factors underlying the decisions made in specific cases. The increase in cooperative and sponsored research in educational institutions accentuates the need for such a study.

One of the most important and controversial aspects of the patent problems—what to do about patents affecting public health—will be reviewed to ascertain whether and where separate or special policies are in existence with reference to medical and pharmaceutical inventions and discoveries. How such matters are administered and how the public interest is protected will be given special consideration.

Other items of concern to research workers and faculty members generally, which will be included in the survey, relate to restrictions on publication and other disclosures of research findings, contractual arrangements made with research workers and with the sponsors of the research, and the distribution of the proceeds from royalties and disposal of the patents. These and other aspects of the whole patent problem will be studied with respect to their relation to the different types of research—fundamental, experimental, and developmental.

The development of special research foundations and similar agencies, both independent and with institutional affiliations, for the administration of patents as well as the conduct and direction of sponsored research programs will be given full treatment in the survey. Analyses will be made of their organization, objectives, financing, research and administrative programs, and relations to educational institutions.

Of greatest value in the interpretation and presentation of the factual information will be the experiences of the institutions in their handling of patent problems and the attitudes and reactions of the research workers. The director of the survey will welcome full and frank discussions of these matters, through correspondence and in conversations during his visits to the various research centers.

## NEWS and Notes

More than 100 representatives of national scientific and educational societies have been appointed to membership in the Inter-Society Committee on Science Foundation Legislation, pursuant to action taken by the Council of the AAAS on December 29, 1946 (*Science*, January 3, p. 7, and January 31, p. 117).

There are yet many organizations whose presidents should have received President Conant's letter of January 4, 1947, but which have not yet responded to the request to designate representatives to the new Committee.

As announced last week in *Science*,

the first meeting of the Inter-Society representatives, at which the Committee will be organized, is scheduled for 10:00 A.M., Sunday, February 23, at the Hotel 2400, 2400 16th Street, N.W., Washington, D. C. The meeting will adjourn at noon for luncheon, at which the members of the Committee will be the guests of Science Service, and will then be resumed for an afternoon and, if necessary, an evening session.

It is imperative that each designated representative on this Committee make every effort to be present at this initial meeting. It is expected that officers will then be selected, together with a small executive committee, and that much attention will be given to the procedures and strategy to be followed in the next few months.

Notices of the meeting are being sent to all whose names have been

submitted to the Executive Offices of the AAAS, but Prof. Mather, who is chairman of the AAAS Council Committee arranging the organization of the new Inter-Society Committee, calls attention to the fact that changes in administrative personnel among many scientific and educational societies have presumably delayed the selection and reporting of their official representatives. He suggests that this announcement in *Science* be taken as a sufficient invitation to interested persons to attend the meeting. In fact, anyone actively concerned with the plans for a National Science Foundation, and who has not been designated as the official representative of one of the societies affiliated with the AAAS or of the small number of other national organizations named by the Council of the AAAS, will be welcome to be present "with voice but without vote." Prof. Mather would like to