

Section VI - 1a

Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480)

The Stevenson-Wydler Technology Innovation Act of 1980 was the first law to define and promote technology transfer from federal laboratories to nonfederal parties.

Details of the Stevenson-Wydler Act and its amendments are found in 15 U.S. Code 3701-3716.

Highlights of the original include the following:

- Focused on dissemination of information
- Required federal laboratories to take an active role in technical cooperation
- Established Offices of Research and Technology Applications (ORTAs) at major federal laboratories
- Established the Center for the Utilization of Federal Technology in the National Technology Information Service

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Bayh-Dole Act of 1980 (P.L. 96-517)

The Bayh-Dole Act and the Patent and Trademark Clarification Act of 1984 placed new limitations on patents and licenses for federally funded research and development.

- Permitted universities, not-for-profit organizations, and small businesses to obtain title to inventions developed with Government support
- Provided early on intellectual property rights protection of invention descriptions from public dissemination and Freedom of Information Act (FOIA)
- Allowed Government owned and Government operated (GOGO) laboratories to grant exclusive licenses to patents

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Federal Technology Transfer Act of 1986 (P.L. 99-502)

This was the second major technology transfer legislation. Highlights of the law are as follows:

- Made technology transfer a responsibility of all federal laboratory scientists and engineers
- Mandated that technology transfer responsibility be considered in employee performance evaluations
- Established principle of royalty sharing for federal inventors (15% minimum) and set up a reward system for other innovators
- Legislated a charter for the Federal Laboratory Consortium for Technology Transfer and provided a funding mechanism for that organization to carry out its work
- Provided for the exchange of personnel, services, and equipment among the laboratories and nonfederal partners

- Permitted current and former Government employees to participate in commercial development, to the extent there is no conflict of interest
- Allowed laboratories to make advance agreements with large and small companies on title and license to inventions resulting from CRADAs with Government laboratories

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Executive Orders 12591 and 12618 (1987) Facilitating Access to Science and Technology

Purpose

To ensure that Federal agencies and laboratories assist universities and the private sector in broadening the U.S. technology base by moving new knowledge from the research laboratory into the development of new products and processes.

Content and Outline

Section 1. Transfer of Federally Funded Technology

- Delegated CRADA authority to GOGO laboratories
- GOGO laboratories authorized to license, assign, or waive rights to intellectual property developed by the laboratory under a CRADA
- Promoted the commercialization of science and technology

Section 2. Establishment of the Technology Share Program

- Restricted to the Departments of Agriculture, Commerce, Energy, Health and Human Services, and NASA

Section 3. Technology Exchange – Scientists and Engineers

- Authorized a personnel exchange program between federal laboratories and the private sector

Section 4. International Science and Technology

- Permits agencies to enter into CRADAs with FOICI in consultations with the U.S. Trade Representative with appropriate consideration to
 - Reciprocity
 - Policies by foreign governments to protect U.S. intellectual property
 - Processes by foreign governments that prevent the transfer of strategic technologies to destinations prohibited under U.S.

Section 5. Technology Transfer from the Department of Defense

- Required the Secretary of Defense to identify a list of funded technologies with potential use to U.S. industry and academia

Section 6. Basic Science and Technology Centers

- Allowed Agency to examine the potential for establishing university centers, funded by the Federal Government, the private sector, and the States, on technology areas that contribute to the Nation's long-term economic competitiveness

Section 7. Reporting Requirements

- Required the Director of the Office of Science and Technology policy to convene an interagency task force to identify and disseminate creative approaches to technology transfer from federal laboratories

Section VI - 1e

National Technology Transfer and Advancement Act of 1995 (P.L. 104-113)

This is the third major technology transfer legislation. It amended the Stevenson-Wydler Act and made technology transfer more attractive to both federal laboratories and scientists and to private industry.

- Assures to U.S. companies that they will be granted sufficient intellectual property rights to justify prompt commercialization of inventions arising from a CRADA with a federal laboratory
- Gives collaborating party in a CRADA the right to choose an exclusive or nonexclusive license for a pre-negotiated field of use for an invention resulting from a joint research under a CRADA
- CRADA partner may also retain title to an invention made solely by its employees in exchange for granting the Government a worldwide license to use the invention
- Revised financial rewards for federal scientists who develop marketable technology under a CRADA to \$150,000 per person
- Provided for permanent funding of the Federal Laboratory Consortium from the agencies

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Technology Transfer Commercialization Act of 2000 (P.L. 106-404)

This is the most recent amendment to the Stevenson - Wydler Technology Transfer Act and is often referred to as the Morella Bill. The Morella Bill also made changes to U.S. Code 35 Section 209 (Licensing Federally Owned Inventions) and the Bayh - Dole Act.

- Permits Government laboratories under a CRADA to grant licenses of federally owned inventions for which a patent application was filed before the signing of the agreement, and directly within the scope of work under such agreement
- Requires a license applicant to make a commitment to achieve practical application of the invention within a reasonable time
- Prohibits an agency from granting an exclusive license on a federally owned invention unless it has provided a 15-day public notice and considered all comments received (exempts from such requirements the licensing of any inventions made under a CRADA)

- Provides that an agency may grant a license on a federally owned invention only if the licensee has supplied a basic business plan for development or marketing the invention; such business plans are not subject to FOIA
- Provides that a federal agency, employing a co-inventor with a non-profit organization or small business may consolidate rights in the invention to ease commercialization of the invention
- Requires each federal agency with a federally funded laboratory that has one or more CRADAs to report to the Committee on National Security of the National Science and Technology Council and Congress, with respect to major proposed CRADAs that involve critical national security technology or that may have a significant impact on domestic or international competitiveness
- Authorized federal laboratories to enter into contracts with partnership intermediaries to perform services that increase the likelihood of successes in the conduct of cooperative or joint activities with institutions of higher education
- Requires that each Federal agency which operates or directs one or more federal laboratories or which conducts activities under Sections 207 and 209 of Title 35 U.S. Code, shall report annually to the Office of Management and Budget, as part of the agency's annual budget submission, on the activities performed by that agency and its federal laboratories