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WISCONSIN ALUMNI RESEARCH FOUNDATION

INTER-OFFICE LETTER

TO Mr. Ross

FROM Mr. Hendrickson DATE June 13, 1961

Pursuant to your request, I have given further thought to what should be done in attempting to obtain an agreement between the University and the NIH which would allow Wisconsin inventors to assign to the Foundation inventions partially or totally derived from Public Health Service grants.

In order to achieve this objective, the University will have to adopt a policy on patents which will be acceptable to the Public Health Service and the Foundation will have to, either directly or through the University, advise the Public Health Service of its licensing policies and possibly agree to certain limitations in licensing policies relating to the inventions in issue.

There is attached a copy of letter dated August 13, 1959, from Miss Katherine Parent of the Public Health Service wherein she advises of the information that the Public Health Service must have "in considering a grantee institution's over-all patent policies and procedures". You will note that in her letter, Miss Parent states "The above information is sought following the submission from a grantee institution of its formally adopted patent policy. Once all the data required is at hand, the institution policies are considered in conjunction with the criteria outlined in the attached "Invention and Patent Policies Acceptable to the Public Health Service."

The "Invention and Patent Policies" document to which she refers is attached to this memorandum.

We have prepared, and there is attached, a proposed Policy Statement on Patents which, if adopted by the Administration of the University, would, I believe, satisfy the requirements of the Public Health Service insofar as University policy is concerned. A statement in substantially this form has already been discussed informally with President Elvehjem who has said that he subscribes to the statement and that the Administration would adopt it.

We have also prepared the attached "Memorandum Statement of Policy Regarding Patenting, Licensing, & Disposition of Funds, Wisconsin Alumni Research Foundation". This, I believe, will be an adequate statement of policy insofar as the Foundation is concerned except that the Public Health Service may insist upon receiving specific information from past or existing license agreements.

As you know, this entire matter has been discussed informally on various occasions with Miss Parent who has led me to believe that this agreement

can be obtained by the above procedures; however, for various reasons, we have not made much progress to date except to lay ground work which I feel will expedite further actions. You have suggested, and I fully concur, that this job should now be placed in the hands of the University Administration so I suggest that when you have had an opportunity to review and revise the attached documents to your satisfaction, then we should set up a date with President Elvehjem and whomever else he chooses.

In my opinion, this matter is of such great importance to the future of the University that President Elvehjem should be willing to go personally to Washington to meet with Dr. Porterfield and his assistants to help insure obtaining the desired agreement at the earliest possible date. I feel this is important not only because of Public Health Service grants; it could very well set a precedent for dealing with other grantor organizations.

Incidentally, when I discussed this subject with Miss Parent she told me that when the University considers its patent policy it should look at the patent policy of the University of Washington. Its policy has been adopted relatively recently and apparently is one of the preferred policies from Miss Parent's standpoint. A copy of the policy of the University of Washington is attached.

WGH:rw
Enc.

cc--Mr. Woerpel
Mr. Bremer
Mr. Abrams