

The Bayh-Dole Act

David M. Kettner, JD

David M. Kettner, JD, is the associate general counsel for the Wisconsin Alumni Research Foundation in Madison, Wisconsin.

Introduction

The passage of the Bayh-Dole Act in 1980 created a new era in the public utilization of technologies developed at research colleges and universities throughout the United States. As a result of the Bayh-Dole Act, colleges and universities conducting research using funds from the federal government could now elect to retain title to inventions arising from the use of those funds. In return, research institutions became obligated to file patent applications on those inventions and to seek their commercialization and development for the public good. This chapter briefly summarizes the benefits, obligations, and procedural steps required by the Bayh-Dole Act, as well as the potential ramifications associated with noncompliance. Also included are various examples and recommendations to consider when establishing procedures for complying with Bayh-Dole.