

Research Tools Policies and Practices: Perspective of a Public Institution

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Introduction

The impact of the 1980 Bayh-Dole Act (35 U.S.C. §200-§212) on commercialization of medical inventions is indisputable. The act gave grant and contract recipients the ability to take title to inventions made under federally funded research. Associated with this ownership was the right to license the inventions to the private sector for commercial development. The Bayh-Dole Act resulted in a dramatic increase in the formation of commercialization partnerships between academia and industry and in the emergence of a great number of startup enterprises, many of them university spinoffs initiated by the academic inventors themselves.

Over the same time period similar legislation for federal laboratories such as the Stevenson-Wydler Act of 1980 and the Federal Technology Transfer Act (FTTA) of 1986 has also likewise resulted in increased commercialization activity based upon research conducted at the federal laboratories themselves.

The potential of profiting from traditional research activities, however, created the perception that academic institutions and their scientists may become reluctant to disclose their research results and freely share research resources developed under government grants, including those from the National Institutes of Health (NIH).

Furthermore, many were concerned that the proliferation in the number of such partnerships, sponsored research, and license agreements could lead to the private sector imposing restrictions adversely affecting academic freedom and the dissemination of research resources. A major area of concern was related to biological materials and research tools that are instrumental to scientific discovery and the life blood of biomedical research.