

DEFERRAL OF PLANNED CHANGE IN INVENTION RIGHTS FOR FOREIGN
GRANTEES/CONTRACTORS EXTENDED

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National Institutes of Health (NIH)

Approximately 12 months ago NIH announced the deferral of a planned change in invention rights for foreign grantee/contractors. (see <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-02-065.html>). The announcement issued a deferral of twelve months in order to explore more fully the ramifications of the policy change. The NIH continues to be committed to protecting the U.S. public's interest and improving public health worldwide through effective handling of intellectual property rights for foreign grantee/contractors. Based on the various comments contributed by the foreign grantee/contractor community, NIH is working on the development of a specific approach to affect this control without impacting the unquestionable benefits of the Bayh-Dole Act. To address this complex issue, several alternative approaches are currently being vetted at the NIH and through the Department of Commerce in consideration of the need to protect global research collaboration, commercialization, and trade. Further notice will be forthcoming once details of the final policy have been resolved.

This notification is a further update to the March 15, 2002 NIH GUIDE notice entitled, "Planned Modification of Rights to Subject Inventions Made Through Funding Agreements to Foreign Entities (NOT-OD-02-039)," <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-02-039.html>.

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