

MEMORANDUM

STANFORD UNIVERSITY

June 27, 1963

To: Dr. Hubert Heffner  
Dr. Albert H. Bowker  
Other members of NIH Committee

cc: Dr. Carl Djerassi

From: Joshua Lederberg

Subject: Dr. Djerassi's memorandum dated June 19, 1963 on  
Patent Clause in NIH Research Grants

I concur fully with Dr. Djerassi's gloomy appraisal of the problems raised by NIH policy, and with his recommendations. I would, however, add that there is probably no workable legal system of ensuring the proper reservation of public interest in every case of possible conflict. The grantees should accept a moral commitment, in lieu of obligatory advance repeating of all potential inventions, to consult the NIH in ~~a~~ case of patentability where a substantial interest might be involved (in the investigator's judgment) and to be particularly diligent about doing so wherever any question of preemption of the public interest by private interest of the investigator might arise. Especially pernicious is the suggestion from NIH that investigators ought to manage their research so as to generate patentable inventions. If anything, the opposite encouragement is called for.