

States patents, and to all licenses under section 184 of this title, regardless of the date such patents or licenses are granted, and to all applications for such patents pending on or filed after Aug. 23, 1988, see section 9101(d) of Pub. L. 100-418, set out as a note under section 184 of this title.

### § 187. Nonapplicability to certain persons

The prohibitions and penalties of this chapter shall not apply to any officer or agent of the United States acting within the scope of his authority, nor to any person acting upon his written instructions or permission.

(July 19, 1952, ch. 950, 66 Stat. 808.)

#### HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §157 (Feb. 1, 1952, ch. 4, §7, 66 Stat. 6).

Language is changed.

### § 188. Rules and regulations, delegation of power

The Atomic Energy Commission, the Secretary of a defense department, the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States, and the Secretary of Commerce, may separately issue rules and regulations to enable the respective department or agency to carry out the provisions of this chapter, and may delegate any power conferred by this chapter.

(July 19, 1952, ch. 950, 66 Stat. 808.)

#### HISTORICAL AND REVISION NOTES

Based on Title 35, U.S.C., 1946 ed., §158 (Feb. 1, 1952, ch. 4, §8, 66 Stat. 6).

Language is changed.

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

##### Executive Documents

##### DEFENSE AGENCIES

Department of Justice designated as a defense agency of United States for purposes of this chapter by Executive Order No. 10457, May 27, 1953, 18 F.R. 3083.

## CHAPTER 18—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE

|      |                                                                |
|------|----------------------------------------------------------------|
| Sec. |                                                                |
| 200. | Policy and objective.                                          |
| 201. | Definitions.                                                   |
| 202. | Disposition of rights.                                         |
| 203. | March-in rights.                                               |
| 204. | Preference for United States industry.                         |
| 205. | Confidentiality.                                               |
| 206. | Uniform clauses and regulations.                               |
| 207. | Domestic and foreign protection of federally owned inventions. |
| 208. | Regulations governing Federal licensing.                       |
| 209. | Licensing federally owned inventions.                          |
| 210. | Precedence of chapter.                                         |
| 211. | Relationship to antitrust laws.                                |
| 212. | Disposition of rights in educational awards.                   |

#### Editorial Notes

##### AMENDMENTS

2000—Pub. L. 106-404, §4(b), Nov. 1, 2000, 114 Stat. 1744, substituted “Licensing federally owned inventions” for

“Restrictions on licensing of federally owned inventions” in item 209.

1984—Pub. L. 98-620, title V, §501(15), Nov. 8, 1984, 98 Stat. 3368, added item 212.

1982—Pub. L. 97-256, title I, §101(5), Sept. 8, 1982, 96 Stat. 816, redesignated chapter 38, as added by Pub. L. 96-517, §6(a), Dec. 12, 1980, 94 Stat. 3018, comprising sections 200 to 211, as chapter 18, and transferred chapter 18, as so redesignated, to end of this part from end of part IV.

### § 200. Policy and objective

It is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that inventions made by nonprofit organizations and small business firms are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery; to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; to ensure that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions; and to minimize the costs of administering policies in this area.

(Added Pub. L. 96-517, §6(a), Dec. 12, 1980, 94 Stat. 3018; amended Pub. L. 106-404, §5, Nov. 1, 2000, 114 Stat. 1745.)

#### Editorial Notes

##### AMENDMENTS

2000—Pub. L. 106-404 substituted “enterprise without unduly encumbering future research and discovery;” for “enterprise;”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective July 1, 1981, but implementing regulations authorized to be issued earlier, see section 8(f) of Pub. L. 96-517, set out as an Effective Date of 1980 Amendment note under section 41 of this title.

##### SHORT TITLE

This chapter is popularly known as the Bayh-Dole Act. Section 6(a) of Pub. L. 96-517, Dec. 12, 1980, 94 Stat. 3018, which enacted this chapter, is also popularly known as the Bayh-Dole Act and also as the University and Small Business Patent Procedures Act of 1980. For complete classification of section 6(a) of Pub. L. 96-517 to the Code, see Tables.

### § 201. Definitions

As used in this chapter—

(a) The term “Federal agency” means any executive agency as defined in section 105 of title 5, and the military departments as defined by section 102 of title 5.

(b) The term “funding agreement” means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of ex-