A Condensed Timeline of the Bayh-Dole Act

The story of the Bayh-Dole Act began long before its passage in 1980 and its legacy will endure well into the future.


- **1947**
  - Attorney General Tom C. Clark provides President Harry S. Truman with patent policy recommendations that laid the basis for Bayh-Dole’s march-in provision

- **December 1, 1968**
  - The NIH and WARP sign the first Institutional Patent Agreement, allowing UW-Madison to retain patent rights on federally-backed inventions

- **May 26, 1977**
  - NIH Patent Counsel Norman Latker advocates for exclusive patent licenses for federally-backed inventions before the U.S. House of Representatives

1977-1980: Bayh-Dole’s Drafting

- **January 18, 1978**
  - Stanford Tech Transfer Director Niels Reimers recommends exclusive licensing agreements for federally-backed inventions to Attorney General Griffin Bell

- **May 16th, 1979**
  - Senators Birch Bayh (D-IN) and Bob Dole (R-KS) introduce the Bayh-Dole Act to the Senate Judiciary Committee

- **December 12, 1980**
  - President Jimmy Carter signs the Bayh-Dole Act into law, allowing small businesses and nonprofits to retain patent rights for federally-funded inventions


- **April 11, 1995**
  - Citing dwindling private-sector partnerships, NIH Director Harold Varmus removes the agency’s “reasonable pricing” clause in CRADAs to develop novel medicines

- **December 14, 2002**
  - The Economist calls the Bayh-Dole Act “Possibly the most inspired piece of legislation to be enacted over the past half-century”

- **July 2, 2004**
  - The NIH denies a march-in petition on the basis of price for the HIV/AIDS drug Norvir

- **May 25, 2004**
  - Fmr. Sen. Bayh testifies before the NIH clarifying that Bayh-Dole’s march-in rights were never intended as a price control

2004-Present: Attempts to Misuse the Bayh-Dole Act

- **September 4, 2004**
  - The NIH denies a march-in petition on the basis of price for the glaucoma treatment Xalatan

- **December 1, 2010**
  - The NIH denies a march-in petition on the basis of health and safety for the Fabry disease drug Fabrazyme

- **June 20, 2016**
  - The NIH and DOD both deny march-in petitions filed on the basis of price for the prostate cancer drug Xtandi

- **March 21, 2023**
  - The NIH denies another march-in petition filed on the basis of price for the prostate cancer drug Xtandi