

February 11, 2025

Sethuraman Panchanathan  
Director, U.S. National Science Foundation  
2415 Eisenhower Ave  
Alexandria, VA 22314

Dear Director Panchanathan:

On behalf of the Bayh-Dole Coalition, an organization representing universities, small companies, venture capital, large research organizations, associations and others with hands-on experience in the commercialization process, we write to comment on NSF's proposal posted in the Federal Register on December 16, 2024.

Before offering our comment, some background might be helpful. I served on the Senate Judiciary Committee as a professional staff member to Senator Birch Bayh and was involved in the creation and passage of the Bayh-Dole Act. Later, I served as the Director of the Office of Technology Commercialization at the U.S. Department of Commerce, where we oversaw the implementation of the law.

The main purpose of Bayh-Dole is establishing a uniform patent ownership policy across all agencies. The essence of the law was decentralizing patent ownership and management from the Washington bureaucracy into the hands of academic research institutions and small companies making patentable discoveries with federal support. It's safe to say that the law has been one of the lynchpins of the revival of American innovation and economic development. Indeed, the Economist Technology Quarterly called Bayh-Dole: "Possibly the most inspired piece of legislation to be enacted in America over the past half century... More than anything, this simple policy measure helped to reverse America's precipitous slide into industrial irrelevance."

As NSF accurately states in its notice: **"Pursuant to applicable laws, regulations and policies the entire right, title and interest of Intellectual Property (IP) that directly related from activities funded by NSF is retained by the entity that created it."** That is an accurate summary of Bayh-Dole.

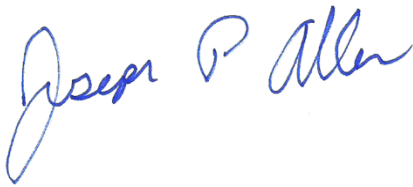
But unfortunately, that didn't keep NSF from instructing those entities how the inventions they own are to be licensed, which is not within NSF's purview under the law.

This appears to be an example of agencies attempting to reclaim micromanagement of patent licensing, which Bayh-Dole expressly forbids. It is one of several such attempts made by the previous Administration to re-centralize power in the bureaucracy shortly before leaving office after having lost the election.

Therefore, we ask that these guidelines be immediately withdrawn. We are sharing our views with the White House and appropriate Members of Congress, citing this as an example of the need to restore effective oversight of the Bayh-Dole Act so the law continues to be implemented as written and as Congress intended.

The National Science Foundation plays a critical role in funding important research that has both advanced science and improved public well being and prosperity. That is where the focus of NSF should remain.

Sincerely,



**Joseph P. Allen**  
Executive Director  
Bayh-Dole Coalition