

Problem to Policy

How the Bayh-Dole Act Revolutionized Biotechnology

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Identify a Problem.

In 1980, fewer than four percent of the approximately 28 thousand patents held by the federal government were licensed to industry to develop commercial products.

Petition Elected Officials.

The technology transfer manager at a large research university informed Senator Birch Bayh that the university found several important discoveries that couldn't be patented due to inconsistent government rules and red tape.

Congress Investigates.

As chairman of the Senate Subcommittee on the Constitution, Senator Bayh held hearings regarding patent laws.

Congresspeople Draft a Bill.

Senator Bayh and Senator Bob Dole drafted the University and Small Business Patent Procedure Act to make publicly funded discoveries patentable and commercialized. This later became known as the Bayh-Dole Act.

Congress Votes.

The 96th Congress debated the Bayh-Dole Act, along with two competing bills. After multiple votes in both House and Senate, Congress passed this legislation in 1980.

Effects.

The Bayh-Dole Act sparked commercialization of discoveries made in publicly funded laboratories. By 2002, there were 15 times more university patents than before the Bayh-Dole Act. The law is credited with the explosive growth of the biotechnology industry, leading to new drugs and treatments of diseases.