

# Note on the origins of the Bayh-Dole Act, the definitions of practical application in competing bills from 1977 to 1980

KEI Briefing Note 2024:6

H.R. 8596, 95th Thornton, Brown, etc	July 28, 1977	(g) The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are available to the public either on reasonable terms or through reasonable licensing arrangements.	invention is being <u>worked</u> and that its benefits are available to the public either on reasonable terms <u>or through reasonable licensing arrangements.</u>
S. 3496, 95th Dole, Bayh, etc	95th Cong., 2d Sess. (Sept. 13 (legislative day, August 16), 1978)	"(e) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or government regulations available to the public on reasonable terms from the subject inventor or licensee or assignee of the subject inventor.	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or government regulations available to the public on reasonable terms <u>from the subject inventor or licensee or assignee of the subject inventor.</u> "
S. 1215 96th Schmitt , Canon, etc	May 22, 1979	(12) "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are available to the public either on reasonable terms or through reasonable licensing arrangements;	invention is being <u>worked</u> and that its benefits are available to the public either on reasonable terms <u>or through reasonable licensing arrangements;</u>
S.414, 96th Bayh, Dole, etc	February 9 (legislative day, January 15), 1979	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or Government regulations available to the public on

		or Government regulations available to the public on reasonable terms.	reasonable terms.
H.R. 2414 Rodino, Edwards, AuCoin	February 26, 1979	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.
H.R. 5343 McDade	September 19, 1979	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.
H.R. 5427 Ertel	September 27, 1979	(12) "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are available to the public either on reasonable terms or through reasonable licensing arrangements; and	invention is being <u>worked</u> and that its benefits are available to the public <u>either on reasonable terms or through reasonable licensing arrangements</u> ;
S. 1860 Nelson, Weicker, Bayh, Dole, etc	October 4 (legislative day, June 21), 1979	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.
H.R. 5607 Smith and	October 16, 1979	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or	invention is being <u>utilized</u> and that its benefits are, to the

McDade		method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.	extent permitted by law or Government regulations, available to the public on reasonable terms.
H.R. 5715	October 26, 1979	(g) The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are available to the public either on reasonable terms or through reasonable licensing arrangements.	invention is being <u>worked</u> and that its benefits are available to the public either on reasonable terms or <u>through reasonable licensing arrangements</u> .
H.R. 6533, 96th Railsback	February 19, 1980	"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.	invention is being <u>utilized</u> and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.
H.R. 6933, 96th Kastenmeier, Rodino, Railsback	March 26, 1980	"(10) 'Practical application' means manufacture of a machine, composition, or product, or practice of a process or system, under conditions which establish that the invention is being worked and its benefits are available to the public on reasonable terms.	invention is being <u>worked</u> and its benefits are available to the public on reasonable terms.

For discussion, see: James Love, The Bayh-Dole Act definition of "practical application, *Medium*, May 3, 2022 <https://jamie-love.medium.com/the-bayh-dole-act-definition-of-practical-application-92a7cc18f28c>