

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. R. No. 562

Representative Mathews

A RESOLUTION

To urge collaboration with relevant federal agencies 1
and legislators to ensure that federal policies 2
and regulations are implemented in a manner that 3
protects innovation and helps facilitate access 4
to products. 5

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO:

WHEREAS, Innovation plays a crucial role in driving 6
economic growth, technological advancements, and societal 7
progress; and 8

WHEREAS, The protection of intellectual property rights is 9
essential to incentivize innovation and encourage the 10
development of innovative solutions to address societal needs; 11
and 12

WHEREAS, Intellectual property rights are foundational to 13
our property rights and specifically protected in the United 14
States Constitution in Article I, Section 8, Clause 8; and 15

WHEREAS, The "Bayh-Dole Act of 1980," 35 U.S.C. 200, et 16
seq., has played a pivotal role in helping to fuel manufacturing 17
growth in Ohio by facilitating the licensing of government- 18
funded research to the private sector for further development 19
and commercialization; and 20

WHEREAS, Collaborations between federally funded 21
researchers and the private sector are a successful model for 22
leveraging the complementary roles and expertise that reside 23
within these organizations to help facilitate the research, 24
development, and commercialization of new technologies; and 25

WHEREAS, The Bayh-Dole Act is technology-agnostic as it 26
applies to research funded with federal grants, which helps fund 27
a significant portion of basic research in the United States 28
that has helped spawn over 495,000 inventions since 1996, 29
including agricultural innovations, search engine algorithms, 30
and medications; and 31

WHEREAS, The Bayh-Dole Act includes a "march-in rights" 32
provision that enables the federal government, under very narrow 33
and limited circumstances, to limit or eliminate a company's 34
ownership interest in certain licensed inventions in favor of a 35
third party; and 36

WHEREAS, The broad and ambiguous use of "march-in rights" 37
would result in uncertainty and increase the risk assessments 38
for private investors' willingness to contribute to taxpayer- 39
funded research, thereby potentially reducing the chances of 40
commercialization; and 41

WHEREAS, Any measures taken to address concerns related to 42
access to products should not undermine the integrity of 43
intellectual property rights and incentives for innovation; and 44

WHEREAS, According to the bipartisan group of Senators who 45
wrote the "march-in rights" provision, this provision was not 46
intended to allow the government to set prices on resulting 47
products; and 48

WHEREAS, The Bayh-Dole Act makes no reference to a 49
reasonable price that should be dictated by the government; and 50

WHEREAS, State legislators should promote policies that 51

encourage investments into the research, development, and 52
commercialization of technological solutions that improve our 53
everyday lives; now therefore be it 54

RESOLVED, That we, the members of the House of 55
Representatives of the 135th General Assembly of the State of 56
Ohio, acknowledge the critical role of innovation in driving 57
economic growth, technological advancements, and societal 58
progress; and be it further 59

RESOLVED, That we, the members of the House of 60
Representatives of the 135th General Assembly of the State of 61
Ohio, assert that any measures taken to address concerns related 62
to accessing products should be consistent with the Bayh-Dole 63
Act and not undermine the incentives for innovation; and be it 64
further 65

RESOLVED, That we, the members of the House of 66
Representatives of the 135th General Assembly of the State of 67
Ohio, reaffirm our commitment to the protection of intellectual 68
property rights as a means of ensuring the continued development 69
of innovative solutions; and be it further 70

RESOLVED, That we, the members of the House of 71
Representatives of the 135th General Assembly of the State of 72
Ohio, recognize that the implementation and exercise of march-in 73
rights is intended to be used only in very narrow and limited 74
circumstances; and be it further 75

RESOLVED, That we, the members of the House of 76
Representatives of the 135th General Assembly of the State of 77
Ohio, affirm our commitment to promote policies that foster a 78
conducive environment for innovation; and be it further 79

RESOLVED, That we, the members of the House of 80
Representatives of the 135th General Assembly of the State of 81
Ohio, encourage collaboration with relevant federal agencies and 82

legislators to ensure that federal policies and regulations are	83
implemented in a manner that protects innovation and helps	84
facilitate access to products; and be it further	85
RESOLVED, That the Clerk of the House of Representatives	86
transmit duly authenticated copies of this resolution to the	87
Governor, relevant state agencies, and federal authorities	88
involved in intellectual property rights and innovation.	89