

# A RESOLUTION

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

*Be it resolved by the House of Representatives of the State of Ohio:*

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, State legislators should promote policies that encourage investments into the research, development, and commercialization of technological solutions that improve our everyday lives; now therefore be it

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

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

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

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

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

RESOLVED, That we, the members of the House of Representatives of the 135th General Assembly of the State of Ohio, encourage collaboration with relevant federal agencies and legislators to ensure that federal policies and regulations are implemented in a manner that protects innovation and helps facilitate access to products; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Governor, relevant state agencies, and federal authorities involved in intellectual property rights and innovation.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

Adopted \_\_\_\_\_, 20\_\_\_\_