

As Introduced

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

S. R. No. 436

Senator Lang

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 SENATE 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 Senate of the 135th 55
General Assembly of the State of Ohio, acknowledge the critical 56
role of innovation in driving economic growth, technological 57
advancements, and societal progress; and be it further 58

RESOLVED, That we, the members of the Senate of the 135th 59
General Assembly of the State of Ohio, assert that any measures 60
taken to address concerns related to accessing products should 61
be consistent with the Bayh-Dole Act and not undermine the 62
incentives for innovation; and be it further 63

RESOLVED, That we, the members of the Senate of the 135th 64
General Assembly of the State of Ohio, reaffirm our commitment 65
to the protection of intellectual property rights as a means of 66
ensuring the continued development of innovative solutions; and 67
be it further 68

RESOLVED, That we, the members of the Senate of the 135th 69
General Assembly of the State of Ohio, recognize that the 70
implementation and exercise of march-in rights is intended to be 71
used only in very narrow and limited circumstances; and be it 72
further 73

RESOLVED, That we, the members of the Senate of the 135th 74
General Assembly of the State of Ohio, affirm our commitment to 75
promote policies that foster a conducive environment for 76
innovation; and be it further 77

RESOLVED, That we, the members of the Senate of the 135th 78
General Assembly of the State of Ohio, encourage collaboration 79
with relevant federal agencies and legislators to ensure that 80
federal policies and regulations are implemented in a manner 81
that protects innovation and helps facilitate access to 82
products; and be it further 83

RESOLVED, That the Clerk of the Senate transmit duly	84
authenticated copies of this resolution to the Governor,	85
relevant state agencies, and federal authorities involved in	86
intellectual property rights and innovation.	87