

Hochschullehrerprivileg: A Modern Incarnation of the Professor's Privilege to Promote University to Industry Technology Transfer

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Renewed efforts to bring science and technology to the center of economic revival in developing nations recognize the centrality of the university in the creation and promotion of science and innovation. Many developed nations, following the paradigmatic US technology transfer system, transfer their academic innovations to industry-- through licensing intellectual property --for eventual commercialization. While conventional wisdom places the Carter-era Bayh-Dole legislation at the center of that successful American system, this paper argues that the US biotechnology and high tech booms are more likely attributable to the confluence of unique and propitious conditions, and that Bayh Dole played a marginal role in the commercialization of American academic ingenuity and the resulting socioeconomic prosperity. Instead, the paper suggests that Bayh-Dole's legacy is chiefly the ubiquitous university technology transfer office, at best a drain on limited university resources, but potentially a major impediment in the innovation and commercialization process. Most are underfunded and understaffed, will never turn a profit, and promote poor relationships with industry. Yet inexplicably, new offices continue to be established. This paper suggests that the continued hype over rare but lucrative blockbuster patents fuels much of this unnecessary expansion.

This paper suggests that although these offices may be necessary for some major research institutions, the bulk of academic research universities ought to share regional transfer offices that can benefit from economies of scale, experienced technology transfer officers and a less clouded focus on technology transfer. Instead, this paper proposes, in addition to a general overhaul in the methodology for transferring university knowledge, that a Hochschullehrerprivileg or Professor's Privilege be established: Academic inventors, not their bureaucratically bogged-down universities, should retain the patent rights that can then be licensed through the regional technology transfer offices without the often ineffectual university intervention. In addition to streamlining the current technology transfer process, such a system will also create strong incentives for research scientist to transfer knowledge and become more entrepreneurial. Although an overhaul of the American structure, while necessary, seems unlikely, such a system can nevertheless be implemented in both developed and developing countries that are futilely seeking to reproduce American success through a wholesale borrowing of an outdated American system.