
By: **Chairman, Commerce and Government Matters Committee**
(Departmental - University System of Maryland)

Introduced and read first time: February 1, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Promoting Commercial Potential of Inventions of Public**
3 **Higher Education Institutions**

4 FOR the purpose of establishing the circumstances under which public higher
5 education institutions in the State may deny inspection of certain records
6 relating to certain inventions owned by the institutions in order to allow the
7 institutions a certain time period to promote and protect the institutions'
8 inventions; establishing the circumstances under which public disclosure is
9 provided; and generally relating to the inspection of public records.

10 BY repealing and reenacting, without amendments,
11 Article - State Government
12 Section 10-618(a)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1998 Supplement)

15 BY adding to
16 Article - State Government
17 Section 10-618(h)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1998 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - State Government**

23 10-618.

24 (a) Unless otherwise provided by law, if a custodian believes that inspection of
25 a part of a public record by the applicant would be contrary to the public interest, the
26 custodian may deny inspection by the applicant of that part, as provided in this
27 section.

1 (H) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CUSTODIAN
2 MAY DENY INSPECTION OF THAT PART OF A PUBLIC RECORD THAT CONTAINS
3 INFORMATION DISCLOSING OR RELATING TO AN INVENTION OWNED IN WHOLE OR
4 IN PART BY A STATE PUBLIC INSTITUTION OF HIGHER EDUCATION FOR 4 YEARS TO
5 PERMIT THE INSTITUTION TO EVALUATE WHETHER TO PATENT OR MARKET THE
6 INVENTION AND PURSUE ECONOMIC DEVELOPMENT AND LICENSING
7 OPPORTUNITIES RELATED TO THE INVENTION.

8 (2) A CUSTODIAN MAY NOT DENY INSPECTION OF A PART OF A PUBLIC
9 RECORD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF:

10 (I) THE INFORMATION DISCLOSING OR RELATING TO AN
11 INVENTION HAS BEEN PUBLISHED OR DISSEMINATED BY THE INVENTORS IN THE
12 COURSE OF THEIR ACADEMIC ACTIVITIES OR DISCLOSED IN A PUBLISHED PATENT;

13 (II) THE INVENTION REFERRED TO IN THAT PART OF THE RECORD
14 HAS BEEN LICENSED BY THE INSTITUTION FOR AT LEAST 1 YEAR; OR

15 (III) 4 YEARS HAVE ELAPSED FROM THE DATE OF THE WRITTEN
16 DISCLOSURE OF THE INVENTION TO THE INSTITUTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1999.