gesture, you make the product available, in fact, on a compulsory and fair licensing basis to whoever wishes to get into the market.

Senator NELSON. It might be well to shorten the patent period, but in any event, let us assume for the moment that the patent period covers 17 years and that is not shortened?

Mr. SQUIBB. It is long.

Senator NELSON. I mean is not shortened by Congress. I suppose it is likely in the near future that this period will not be cut. So you have 17 years. You still have two other things you could deal with. One, compulsory licensing; the other, disclosure by the FDA of all the material in the New Drug Application.

As I recall from the testimony, and you may have to correct me on this, Dr. Goddard stated that there is no law now on the statute book that forbids the FDA from disclosing the information, from making public the information in the New Drug Application at the expiration of the patent period. But that since it has been the practice, the administrative decision of the agency over a period of years not to do so, he, personally, would be reluctant to change the policy without some guidance from the Congress; that is, that the Congress pass a statute making it the law. Is that correct?

Mr. SQUIBB. That is exactly correct. I think he feels that that should be the procedure to be followed, because it is obviously a major matter of giving several million dollars of information to competition. I think he feels that this is such a major decision, and that it would have such a major impact upon the industry, that he should get, and I think quite properly, a specific direction from Congress before doing it.

Senator NELSON. If the patent laws continue to give protection for 17 years and no legislation is passed to require compulsory licensing, do you think that at the expiration of 17 years companies holding patents have had adequate time to get the benefit that they should get, and that the law should require that the New Drug Application be made public?

Mr. SQUIBB. Yes, but you have to remember it is not always 17 years because a product does not necessarily get on the market the day the patent is issued, and you have to qualify this with some knowledge and some interpretation. Sometimes you only have 2 or 3 years actually of sale of a product before the patent expires. So that that is not always the case. But generally speaking I think that the two things have got to be looked at together, and without the arbitrary preconception of a certain number of years. The market and the lifesaving nature of particular products varies too, and I think you have probably got to give some judgment and discretion, when I say "you" I mean the Congress, back to the Food and Drug Administration or the HEW, to make decisions as to how certain products should be handled. Some of them are much more significant than others in terms of their benefits. Some are routine.

Senator NELSON. Do you believe that compulsory licensing ought to be required by law?

Mr. SQUIBB. I think compulsory licensing is the fairest and best approach to this problem.

Senator NELSON. And under compulsory licensing, then, the owner of the patent would receive a royalty?