



Kazuhide Odaki

THE RIGHT TO EMPLOYEE INVENTIONS IN PATENT LAW

Debunking the Myth of Incentive Theory

THE RIGHT TO EMPLOYEE INVENTIONS IN PATENT LAW

Although employers are required to pay compensation for employee inventions under the laws in many countries, existing legal literature has never critically examined whether such compensation actually gives employee inventors an incentive to invent as the legislature intends.

This book addresses the issue through reference to recent, large-scale surveys on the motivation of employee inventors (in Europe, the United States and Japan) and studies in social psychology and econometrics, arguing that the compensation is unlikely to boost the motivation, productivity and creativity of employee inventors, and thereby encourage the creation of inventions. It also discusses the ownership of inventions made by university researchers, giving due consideration to the need to ensure open science and their academic freedom. Challenging popular assumptions, this book provides a solution to a critical issue by arguing that compensation for employee inventions should not be made mandatory regardless of jurisdiction because there is no legitimate reason to require employers to pay it. This means that patent law does not need to give employee inventors an 'incentive to invent' separately from the 'incentive to innovate' which is already given to employers.

The Right to Employee Inventions in Patent Law

Debunking the Myth of Incentive Theory

Kazuhide Odaki

• H A R T •

OXFORD • LONDON • NEW YORK • NEW DELHI • SYDNEY

HART PUBLISHING
Bloomsbury Publishing Plc
Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK

HART PUBLISHING, the Hart/Stag logo, BLOOMSBURY and the Diana logo are trademarks of Bloomsbury Publishing Plc

First published in Great Britain 2018

Copyright © Kazuhide Odaki, 2018

Kazuhide Odaki has asserted his right under the Copyright, Designs and Patents Act 1988 to be identified as Author of this work.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers.

While every care has been taken to ensure the accuracy of this work, no responsibility for loss or damage occasioned to any person acting or refraining from action as a result of any statement in it can be accepted by the authors, editors or publishers.

All UK Government legislation and other public sector information used in the work is Crown Copyright ©. All House of Lords and House of Commons information used in the work is Parliamentary Copyright ©. This information is reused under the terms of the Open Government Licence v3.0 (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>) except where otherwise stated.

All Eur-lex material used in the work is © European Union, <http://eur-lex.europa.eu/>, 1998–2018.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication data

Names: Odaki, Kazuhide.

Title: The right to employee inventions in patent law / Kazuhide Odaki.

Description: Oxford, UK ; Portland, Oregon : Hart Publishing, 2018. | Includes bibliographical references.

Identifiers: LCCN 2018020968 (print) | LCCN 2018021740 (ebook) | ISBN 9781509920334 (Epub) | ISBN 9781509920310 (hardback : alk. paper)

Subjects: LCSH: Inventions, Employees'.

Classification: LCC K1521 (ebook) | LCC K1521 .O33 2018 (print) | DDC 346.04/86—dc23

LC record available at <https://lcn.loc.gov/2018020968>

ISBN: HB: 978-1-50992-031-0
ePDF: 978-1-50992-032-7
ePub: 978-1-50992-033-4

Typeset by Compuscript Ltd, Shannon

To find out more about our authors and books visit www.hartpublishing.co.uk. Here you will find extracts, author information, details of forthcoming events and the option to sign up for our newsletters.

ACKNOWLEDGEMENTS

This book was written based on my doctoral thesis submitted to The University of Manchester. I wish to thank David Booton, my doctoral supervisor, for his valuable comments on the draft and constant encouragement.

TABLE OF CONTENTS

<i>Acknowledgements</i>	v
<i>List of Figures</i>	xi
<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xvii
1. Introduction.....	1
I. Background and Purpose of this Book	1
A. Compensation for Employee Inventions: Various Legal Schemes	1
B. Rationale for Inventor Remuneration: The ‘Incentive Theory’?.....	3
C. Does Inventor Remuneration Really Encourage Employees to Invent?	5
D. Problem of Harmonisation and the Purpose of this Book.....	6
II. Scope and Contents of the Book.....	7
A. Employee Invention	7
B. Employee Inventor	8
C. Contents of the Book	8

PART I

FINANCIAL INCENTIVES AND THE MOTIVATION, PRODUCTIVITY AND CREATIVITY OF EMPLOYEE INVENTORS

2. Motivation of Employee Inventors and the Effect of Incentives on their Productivity	15
I. Practice of Compensation to Employee Inventors	15
II. The Motivation-Hygiene Theory: Criticism and its Usefulness	19
III. Job Satisfaction and Motivation of Scientists and Engineers	25
IV. Motivation to Invent: Evidence from PatVal-I/II and RIETI Surveys	30
V. Financial Incentives and the Productivity of Employee Inventors.....	38
A. Correlation between the Motives of Employee Inventors and their Productivity	44
B. Inventor Remuneration Offered to Recruit Productive Inventors	45
3. Inventor Remuneration in the Organisational Context.....	48
I. Serendipity and Corporate Hierarchy	48

II.	Teamwork in Inventing.....	51
A.	Social Change in the Process of Inventing: From Independent to Collective Project.....	51
B.	Determination of Co-inventors.....	53
C.	Practice of ‘Co-inventorship of Superiors’ in Germany.....	56
D.	Inventors’ Secrecy and the Adverse Effect on Communication among Employees.....	58
E.	Employees’ Sense of Unfairness and the Notion of Distributive Justice.....	61
III.	Individualism, Collectivism and the Effect of Inventor Remuneration.....	63
A.	The Individualism–Collectivism Dichotomy.....	63
i.	Hofstede’s Survey and Reworked Theory by Triandis.....	63
ii.	Results of Subsequent Studies.....	67
B.	Influence of Cultural Norms on Inventing.....	72
C.	Effect of Inventor Remuneration.....	74
i.	Adverse Effect of ‘Unfair’ Inventor Remuneration on the Performance of Employee Inventors.....	74
ii.	Inventor Remuneration in Vertical-individualist Societies.....	75
iii.	Inventor Remuneration in Collectivist and Horizontal-individualist Societies.....	78
iv.	Effectiveness of Team-based Incentives.....	80
4.	Monetary Rewards and the Creativity of Employee Inventors.....	86
I.	Controversy over the Effect of Monetary Rewards.....	86
A.	Deci’s Theory on Intrinsic Motivation and Amabile’s Theory on Creativity.....	86
B.	Opposing View by Eisenberger.....	89
II.	General Discussion.....	91
III.	Analysis of Legal Schemes for Inventor Remuneration.....	94
IV.	Factors that Facilitate Workplace Creativity and Innovation.....	100
V.	Case Study: 3M.....	104
A.	Corporate Culture and Structure.....	105
B.	Organisational Practices.....	106
VI.	Summary of Part I.....	108

PART II

OWNERSHIP OF EMPLOYEE INVENTIONS AND THE VALIDITY OF THE INVENTOR PRINCIPLE

5.	Legitimacy of Employer Ownership.....	113
I.	Rationale.....	113
II.	Treatment of Academic and Incidental Inventions.....	116

6. The United States	119
I. Significance of the Patent and Copyright Clause: Adding the Fuel of Interest to the Fire of Genius	121
II. The 'Hired to Invent' Rule	125
III. The Shop Right Rule.....	127
IV. Pre-invention Assignment Agreements.....	129
A. Enforceability.....	132
B. Adequacy of Consideration	133
C. Attempts to Regulate Assignment Agreements by Federal and State Legislation	134
7. Other Common Law Countries.....	137
I. England and Wales	137
II. Australia, Canada and Other Common Law Jurisdictions.....	140
8. Inventions Made by University Researchers	144
I. The <i>Victoria University of Technology</i> and <i>University of Western Australia</i> Cases.....	144
II. Open Science and the Issue of Patenting Academic Inventions.....	147
A. Open/Proprietary Science and its Relation to Basic/ Applied Research.....	147
B. Proprietary Science at Universities and the Effect of the Bayh-Dole Act	149
C. Approach to Patenting Academic Inventions.....	153
III. Ownership of Academic Inventions.....	156
A. Can Academic Inventors Encourage Technology Transfer?	156
B. Conflict of Interest in Scholarly Activities.....	159
C. Legislation or IP Policies to Establish Universities' Ownership of Academic Inventions	160
D. Academic Freedom to Publish and the Need for Academic Grace Period	162
E. Compensation and Royalties to Be Paid to Academic Inventors.....	163
9. Civil Law Countries.....	165
I. Germany	167
II. Japan.....	171
III. Summary of Part II.....	177
10. General Conclusion.....	179
I. Summary of the Argument	179
II. Policy Implications	180
III. Theoretical Implications	182
<i>Bibliography</i>	184
<i>Index</i>	197

LIST OF FIGURES

Figure 1	Description of Compensation Schemes in US Companies.....	16
Figure 2	Rewards for Inventing in the US.....	17
Figure 3	Factors Appearing in Events that Led to Positive and Negative Job Attitudes.....	20
Figure 4	Frequency of <i>Motivators</i> and <i>Salary</i> Mentioned in the Positive Job Events of Engineers and Accountants	22
Figure 5	Overall Means for <i>Achievement</i> , <i>Work Itself</i> and <i>Salary</i> in Six Occupational Groups.....	26
Figure 6	Job Elements to which Scientists and Engineers Attach Utmost Importance in Determining Overall Satisfaction with their Research Positions	27
Figure 7	Important Incentives for German Employee Inventors.....	29
Figure 8	Average Level of the Importance of Rewards for Inventing in EU6 Countries (PatVal-I)	32
Figure 9	Important Reasons for Inventing in the US and Japan (RIETI Survey)	33
Figure 10	Important Motivations for Inventing in Europe (PatVal-II).....	35
Figure 11	Average Level of Importance of Motivations for Inventing: International Comparison (PatVal-II)	36
Figure 12	Rewards for Inventing: International Comparison (PatVal-II)	38
Figure 13	Inventors' Reasons for Switching Jobs (PatVal-II).....	46
Figure 14	Scenarios of Creative Process Leading to Inventions (PatVal-I and RIETI Survey).....	49
Figure 15	Hofstede's Individualism Indices in 55 Countries or Regions	65
Figure 16	Degree of Individualism/Collectivism: Comparison between America and Eight Regions	68
Figure 17	Mean Scores on Societal-Level Institutional Collectivism Practices in 10 Cultural Clusters.....	71
Figure 18	Average Effect of Workplace Dimensions on Creative Achievement.....	101
Figure 19	Mean Coefficients of Correlation between Team Input/Process Variables and Innovation.....	102

TABLE OF CASES

Australia

<i>Spencer Industries Pty Ltd v Collins</i> (2003) 58 IPR 425	141–42
<i>University of Western Australia v Gray</i> (2009) 179 FCR 346.....	145–47, 149, 153, 155, 159–62
<i>University of Western Australia v Gray (No 20)</i> (2008) 246 ALR 603	141, 145–47, 155, 159–60, 162
<i>Victoria University of Technology v Wilson</i> (2004) 60 IPR 392	141–42, 144

Canada

<i>Comstock Canada v Electec Ltd</i> (1991) 38 CPR (3d) 29	142–43
<i>Techform Products Ltd v Wolda</i> (2001) 2001 CanLII 8604 (ON CA)	143

England and Wales

<i>Adamson v Kenworthy</i> (1932) 49 RPC 57.....	139
<i>Bloxam v Elsee</i> (1825) 1 C & P 558.....	137, 142
<i>British Reinforced Concrete Engineering Co Ltd v Lind</i> (1917) 34 RPC 101	139, 142
<i>Edisonia Ltd v Forse</i> (1908) 25 RPC 546.....	137–38
<i>Electrolux v Hudson</i> [1977] FSR 312	138
<i>Faccenda Chicken Ltd v Fowler</i> [1986] 1 All ER 617	161
<i>Greater Glasgow Health Board's Application</i> [1996] RPC 207.....	153
<i>Harris' Patent</i> [1985] RPC 19	140
<i>Henry Brothers (Magherafelt) Ltd v The Ministry of Defence and the Northern Ireland Office</i> [1997] RPC 693	54
<i>Kelly and Chiu v GE Healthcare Ltd</i> [2009] EWHC 181 (Pat), [2009] RPC 12.....	2–3, 5, 182
<i>LIFFE Administration and Management v Pinkava</i> [2007] EWCA Civ 217, [2007] RPC 30	116, 140
<i>Markem Corp v Zipher Ltd</i> [2005] EWCA Civ 267, [2005] RPC 31	54
<i>Shanks v Unilever Plc (No 2)</i> [2017] EWCA Civ 2, [2017] RPC 15	182
<i>Stephenson Jordan & Harrison Ltd v MacDonald & Evans</i> (1952) 69 RPC 10	154
<i>Sterling Engineering and Co v Patchett</i> [1955] AC 534	138, 140–41

Germany

Bundesgerichtshof (BGH) [Federal Court of Justice of Germany], judgment on 17 October 2000, X ZR 223/98, GRUR 2001, 226 – <i>Rollenantriebseinheit</i>	56
BGH, judgment on 16 September 2003, X ZR 142/01, GRUR 2004, 50 – <i>Verkranzungsverfahren</i>	56–57
BGH, judgment on 17 May 2011, X ZR 53/08, GRUR 2011, 903 – <i>Atemgasdrucksteuerung</i>	56
BGH, Judgment on 18 June 2013, X ZR 103/11	57

Japan

Osaka District Court, judgment on 23 May 2002, 1825 <i>Hanrei jihō</i> 177	54
Tokyo District Court, judgment on 27 August 2002, 1810 <i>Hanrei jihō</i> 102	54
Supreme Court, judgment on 22 April 2003, 57 <i>Minshū</i> 477	172
Tokyo District Court, judgment on 30 January 2004, 1852 <i>Hanrei jihō</i> 36	2, 172
Tokyo High Court, settlement on 11 January 2005, 1879 <i>Hanrei jihō</i> 141	2
Intellectual Property High Court, judgment on 15 March 2007	55

New Zealand

<i>Empress Abalone Ltd v Langdon</i> [2000] 2 ERNZ 53.....	141–42
--	--------

The United States

<i>Alpert v Slatin</i> , 305 F2d 891 (CCPA 1962)	55
<i>American Circular Loom Co v Wilson</i> , 84 NE 133 (Mass 1908)	126
<i>Amgen, Inc v Chugai Pharmaceutical Co</i> , 927 F2d 1200 (Fed Cir 1991)	55
<i>Aspinwall Mfg Co v Gill</i> , 32 F 697 (CCDNJ 1887).....	132
<i>Banks v Unisys Corp</i> , 228 F3d 1357 (Fed Cir 2000)	125, 129
<i>Bard Peripheral Vascular, Inc v WL Gore & Associates, Inc</i> , 670 F3d 1171 (Fed Cir 2012)	53
<i>Beech Aircraft Corp v EDO Corp</i> , 990 F2d 1237 (Fed Cir 1993)	121
<i>Board of Trustees of the Leland Stanford Junior University v Roche Molecular System Inc</i> 563 US _ (2011)	123
<i>Burr v De La Vergne</i> , 7 NE 366 (NY 1886).....	132
<i>Burroughs Wellcome Co v Barr Labs, Inc</i> , 40 F3d 1223 (Fed Cir 1994)	55
<i>Cubic Corp v Marty</i> , 229 Cal Rptr 828 (Ct App 1986).....	133
<i>Dowse v Federal Rubber Co</i> , 254 F 308 (ND Ill 1918).....	120

<i>E F Drew & Co Inc v Reinhard</i> , 170 F2d 679 (2nd Cir 1948).....	126, 129
<i>Ethicon, Inc v US Surgical Corp</i> , 135 F3d 1456 (Fed Cir 1998).....	53
<i>Falana v Kent State University</i> , 669 F3d 1349 (Fed Cir 2012).....	55
<i>Fina Oil and Chemical Co v Ewen</i> , 123 F3d 1466 (Fed Cir 1997)	53
<i>Gill v United States</i> , 160 US 426 (1896)	127–28
<i>Guth v Minnesota Mining & Mfg Co</i> , 72 F2d 385 (7th Cir 1934)	131, 133
<i>Hapgood v Hewitt</i> , 119 US 226 (1886)	119
<i>Hobbs v United States</i> , 376 F2d 488 (5th Cir 1967)	128
<i>Hulse v Bonsack Machine Co</i> , 65 F 864 (4th Cir 1895)	132
<i>Hybritech, Inc v Monoclonal Antibodies, Inc</i> , 802 F2d 1367 (Fed Cir 1986).....	53
<i>International Paper Co v Suwyn</i> , 951 F Supp 445 (SDNY 1997)	134
<i>Jamesbury Corp v Worcester Valve Co</i> , 443 F2d 205 (1st Cir 1971)	130–31
<i>Kadis v Britt</i> , 29 SE 2d 543 (NCSC 1944).....	143
<i>Kurtzon v Sterling Industries, Inc</i> , 228 F Supp 696 (ED Pa 1964).....	127
<i>Lamson v Martin</i> , 35 NE 78 (Mass 1893)	131
<i>Madey v Duke University</i> , 307 F3d 1351 (Fed Cir 2002)	156
<i>McClurg v Kingsland</i> , 42 US (1 How) 202 (1843).....	119–120, 127–29
<i>McElmurry v Arkansas Power & Light Co</i> , 995 F2d 1576 (Fed Cir 1993).....	127–28, 130
<i>Oka v Youssefyeh</i> , 849 F2d 581 (Fed Cir 1988).....	55
<i>Palcy v Du Pont Rayon Co</i> , 71 F2d 856 (7th Cir 1934)	133
<i>Patent & Licensing Corp v Olsen</i> , 188 F2d 522 (2d Cir 1951).....	133
<i>Payne v Western & Atlantic Railroad Co</i> , 81 Tenn 507 (1884).....	134
<i>Preston v Marathon Oil Co</i> , 277 P3d 81 (Wyo 2012)	134
<i>Preston v Marathon Oil Co</i> , 684 F3d 1276 (Fed Cir 2012)	134
<i>Roche Prods, Inc v Bolar Pharm Co</i> , 733 F2d 858 (Fed Cir 1984)	156
<i>Solomons v United States</i> , 137 US 342 (1890)	119–120, 125, 127–29
<i>Teets v Chromalloy Gas Turbine Corp</i> , 83 F3d 403 (Fed Cir 1996)	119, 125, 129
<i>Trovan, Ltd v Sokymat SA, Irori</i> , 299 F3d 1292 (Fed Cir 2002).....	53
<i>United States v Dubilier Condenser Corp</i> , 289 US 178 (1933).....	119–120, 123, 125–26, 128–29
<i>Ushakoff v United States</i> , 327 F2d 669 (Ct Cl 1964)	127
<i>Wommack v Durham Pecan Co</i> , 219 USPQ (BNA) 1153 (5th Cir 1983)	126

TABLE OF LEGISLATION

International Conventions

Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973.....	7
Paris Convention for the Protection of Intellectual Property of 20 March 1883 (as amended on 28 September 1979).....	77

Argentina

Law on Patents and Utility Models (Law No 24,481 of 30 March 1995, as amended by Law No 24,572 of 28 September 1995).....	117, 166
--	----------

Australia

Patents Act 1990	140–41, 163
------------------------	-------------

Austria

Federal Law of 2 July 1925 on the Amendment and Supplement of the Provisions of the Patent Act (Patent Act Amendment 1925, Federal Law Gazette 219/1925)	168
Patent Act (Federal Law Gazette 259/1970).....	117, 165–66

Brazil

Law No 9279 of 14 May 1996 (Industrial Property Law).....	117, 166
---	----------

Canada

Patent Act	163
------------------	-----

China, including (draft) regulations

Law on Promoting the Transformation of Scientific and Technological Achievements (as amended in 2015)	182
Patent Law	163, 166, 182
Implementing Regulations of the Patent Law of the People's Republic of China	182
Regulations on Service Inventions (Draft for Review, published by the State Council Legislative Affairs Office on 2 April 2015)	182

The Czech Republic

Law No 527/1990 of 27 November 1990 on Inventions and Rationalisation Proposals	165
---	-----

Denmark

Consolidated Act on Employees' Inventions (Consolidated Act No 131 of 18 March 1986)	117, 165–66
--	-------------

Finland

Act on the Right in Employee Inventions 29.12.1967/656.....	117, 165
---	----------

France

Intellectual Property Code	2, 4, 8, 117, 166
----------------------------------	-------------------

Germany, including guidelines and an ordinance

Gesetz über Arbeitnehmererfindungen vom 25 Juli 1957 (BGBl I S 756) [Act on Employees' Inventions]	1, 80, 95
Patentgesetz vom 5 Mai 1936 (RGBl II S 117) [Patent Act].....	167–68
Patentgesetz vom 16 Dezember 1980 (BGBl 1981 I S 1) [Patent Act].....	10
Richtlinien für die Vergütung von Arbeitnehmererfindungen im privaten Dienst vom 20 Juli 1959 (Beilage zum Bundesanzeiger Nr 156 vom 18 August 1959) [Guidelines for the Remuneration of Employees' Inventions in Private Employment].....	2, 96, 170

Verordnung über die Behandlung von Erfindungen von
Gefolgschaftsmitgliedern vom 12 Juli 1942 (RGBl I S 466)
[Ordinance on the Treatment of Inventions of Workers].....169

Greece

Law No 1733/1987 on Technology Transfer, Inventions, Technological
Innovation and the Establishment of the Atomic Energy Committee.....117

Hong Kong

Patents Ordinance (Cap 514).....141

Hungary

Act XXXIII of 1995 on the Protection of Inventions by Patents.....165

Indonesia

Law on Patents No 13 of 2016.....166

Italy

Industrial Property Code (Legislative Decree No 30 of 10 February 2005)117,
157, 166
Law No 383 of 18 October 2001157

Japan, including a public notice

Patent Act (Act No 23 of 1909).....171
Patent Act (Act No 96 of 1921).....171
Patent Act (Act No 121 of 1959, as amended up to Act No 79 of 2004,
Act No 36 of 2014 and Act No 55 of 2015) 8, 163,
165, 171–72, 174–75
Public Notice of the Ministry of Economy, Trade and Industry
No 131 of 2016.....175

Malaysia

Patents Act 1983166

Mexico

Federal Labor Law166
Law of Industrial Property166

The Netherlands

Patent Act 1995 (Act of 15 December 1994).....166

Norway

Law on Employees' Inventions (Act No 21 of 17 April 1970)..... 117, 165–66

Poland

Act of 30 June 2000 Industrial Property Law (as amended up to
Act of 24 July 2015)..... 117, 166

Portugal

Industrial Property Code (as amended up to Law No 46/2011
of 24 June 2011)..... 117, 166

The Republic of Korea

Invention Promotion Act (Act No 4757 of 24 March 1994, as amended
up to Act No 11661 of 22 March 2013 and Act No 11960
of 30 July 2013)..... 165, 172
Patent Act 163, 165

Romania

Patent Law No 64/1991 (as amended up to Law No 28/2007)167
Law No 83/2014 on Employees' Inventions167

Russia, including an order of the government

Civil Code..... 166, 182
Order of the Government of the Russian Federation
of 4 June 2014 No 512.....182

Singapore

Patents Act (Cap 221)141

Slovakia

Act No 435/2001 Coll on Patents, Supplementary Protection Certificates
and on Amendment of Some Acts.....165

Slovenia

Job-Related Inventions Act of 25 July 1995..... 117, 165

Spain

Law No 24/2015 of 24 July on Patents 117, 166

Sweden, including a collective agreement

Act on the Right to Inventions by Employees (1949:345).....117, 165–66
Agreement concerning the Rights to between Employee Inventions
Swedish Enterprise and PTK..... 4, 166

Switzerland

Code of Obligations of 30 March 1911..... 98, 167

Taiwan

Patent Act166

Turkey

Law on Industrial Property No 6769165

The United Kingdom

Patents Act 1949140
 Patents Act 19773, 8, 54, 115, 138–41, 181–82

The United States, including Bills and State Laws

15 USC (2012).....3, 61
 35 USC (2012)..... 53, 77, 119,
 121, 123, 132, 151, 163–64
 Bayh-Dole Act (Patent and Trademark Act Amendments of 1980),
 Public Law 96–517 123, 151
 The Constitution of the United States.....10–11, 77, 116, 118–21, 177
 Leahy-Smith America Invents Act, Public Law 112-29 77, 121
 Morrill Act.....150
 Patent Act of 1790121
 Stevenson-Wydler Technology Innovation Act of 1980,
 Public Law 96–4803, 61
 Brown Bill, HR 4932, 88th Cong (1963), reintroduced as HR 5918,
 89th Cong (1965)135
 Hart-Owens Bill, S 1321, 93rd Cong (1973), HR 7111, 93rd Cong (1973)135
 Kastenmeier Bill (I), HR 4732, 97th Cong (1981).....135
 Kastenmeier Bill (II), HR 6635, 97th Cong (1982), reintroduced
 as HR 3285, 98th Cong (1983)135
 Moss Bill, HR 15512, 91st Cong (1970), reintroduced as HR 1483,
 92nd Cong (1971), HR 2370, 93rd Cong (1973), HR 5605,
 94th Cong (1975), HR 2101, 95th Cong (1977)135
 765 Illinois Compiled Statutes (2012).....135
 California Labor Code (2012)135
 Delaware Code Annotated, Title 19 (2013)135
 Kansas Statutes Annotated (2012).....135
 Minnesota Statutes Annotated (2012)135
 Nevada Revised Statutes (2013).....136
 North Carolina General Statutes (2012).....135
 Utah Code Annotated (2012)135
 Washington Revised Code Annotated (2012)135
 Wrongful Discharge From Employment Act, Montana Code
 Annotated (2011)134