

## From Many Inventors, One Nation

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An opening editorial for a collection of essays on patent and innovation policy must address the reason for these policies in the first place: How to build a country based on individual creativity?

I bring some personal authority to this question. In 1926 my father emigrated from Vienna on the promise of a contract with the General Phonograph Company in Elyria, Ohio. Back in the old country he and his then-girlfriend's brother had developed the design of a sound-recording device they called radio-film. Their idea was original enough to win a patent and a brief mention in *The New York Times*, where my father was referred to as “an Austrian inventor.” Alas, dad's relationships with his collaborator and the young woman turned sour, and in any case others accomplished their goal with more technical efficiency.

Matters worked out better for my father anyway, as he settled in Manhattan rather than Elyria, where it would have been much harder to build his psychiatric practice. It turned out that his new country gave him the opportunity to be both patentee and innovator, as his pioneering work on sociometrics and group dynamics was recognized by President Franklin D. Roosevelt in a private meeting at Hyde Park—just 15 years after he arrived in New York with nothing but ambition.

My father's American story is not unusual. His mode of entrance to the United States and rapid climb to success gave him a profound sense of the uniqueness of a country that valued personal initiative. America's use of the patent system has a special quality beyond rewarding the individual, one that the founders perceived more clearly than previous champions of intellectual property—as a way to construct the common good through socially shared innovation.

The idea of IP itself is not new, originating probably in ancient Greece when it occurred to certain poets that their prominence stemmed from the value of their recitations. By contrast, Socrates seemed to object to the notion that the poets deserved any credit for their creations, attributing them instead to divine inspiration. Philosophical reservations notwithstanding, the Romans later developed the trademark and Hebrew scholars decreed against the theft of another's words. In the Middle Ages, nations and guilds alike enforced artisans' trademarks, and in 1474 Venetian legislators required inventors

to register their creations so that the prospering city could both attract talent and benefit from the value of their work.

Britain's Statute of Monopolies enacted in the 17<sup>th</sup> century set out the first modern intellectual property rules, limited in time to the "true and first inventor." While the Venetian goal was public benefit, motivation for the British statute was closely tied up with the developing ideas that could be commercialized with new capital to boost national economic development. Over the next two hundred years, bilateral agreements arose to protect inventors from the appropriation of their ideas by other states, concluding with a series of late 19<sup>th</sup> century conventions from which finally emerged the World Intellectual Property Organization and the World Trade Organization.

While the WTO is famously wrestling with problems of fairness and need with regard to biomedical IP in the developing world, our nation's patent system needs a 21<sup>st</sup>-century redesign to cope with both the scale of idea production and the novel character of the items being produced, from nanobots to strands of DNA. Americans concerned with intellectual property have addressed challenges at least as great. Thomas Jefferson took primary responsibility for the approval of the first

patent applications, a job for which he confessed his lack of preparedness. The "subjects," he complained, "are such as would require a great deal of time to understand and do justice to them, and not having that time to bestow on them," he was "oppressed beyond measure by the circumstance under which he has been obliged to give undue and uninformed opinions on rights, often valuable, and always deemed so by the authors."

*Science Progress* has therefore made the more efficient identification and application of intellectual property one of its signature topics. And with our national economy under stress, the problem of distributing opportunities for innovation throughout the country becomes more pressing. If Jefferson was perplexed, we'd better start bending our collective efforts to these tasks as best and as soon as we can.

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