

CHAPTER 2

A THOUGHTFUL HISTORY OF THE PATENT SYSTEM

[24] The origin of the patent system is often set down, especially in the older literature, as starting from the English Statute of Monopolies, in 1623, which struck down monopolies granted by James I for his private purposes, but allowed such as we have under the patent system. However, the real origin of our system is much older. There were sporadic examples of patents in ancient and medieval times,³ and the system was regularized, essentially in its modern form, by a statute of the republic of Venice in 1474, which reads:

1474, March 19

[25] WE HAVE among us men of great genius, apt to invent and discover ingenious devices; and in view of the grandeur and virtue of our City, more such men come to us every day from divers parts. Now, if provision were made for the works and devices discovered by such persons, so that others who may see them could not build them and take the inventor's honor away, more men would then apply their genius, would discover, and would build devices of great utility and benefit to our commonwealth. Therefore:

[26] BE IT ENACTED that, by the authority of this Council, every person who shall build any new and ingenious device in this City, not previously made in our Commonwealth, shall give notice of it to the office of our General Welfare Board when it has been reduced to perfection so that it can be used and operated. It being forbidden to every other person in our territories and towns to make any further device conforming with and similar to said one, without the consent and license of the author, for the term of 10 years. And if anybody builds it in violation hereof, the aforesaid author and inventor shall be entitled to have him summoned before any magistrate of this City, by which magistrate the said infringer shall be constrained to pay him a hundred ducats; and the device shall be destroyed at once. It being, however, within the power and discretion of the Government, in its activities, to take and use any such device and instrument, with this condition however that no one but the author shall operate it.⁴

[27] From Venice the patent system followed the trade route to Germany, and reached England in 1561. The first fully recorded and preserved patent went to John of Speyer who introduced typography to Venice in 1469. It is noteworthy that the patent system arose simultaneously with the printing art (whose great early center was Venice), and with the institution of copyrights, and that patents and