nonworking in that country; publication of applications with invitation to oppose them, nullity or revocation proceedings from the government or rivals after grant, coterminating patents of addition, admission of some old ideas to patent, petty-patents in Germany, of brief term and low requirements, and taxation of patents after the first few years, at rates increasing periodically, with the aim of clearing out the obstruction of unused, trivial, and invalid patents, while preserving their informative value, with the result that 97% of German and English patents and 97–95% of Dutch are cut short.[16] We shall take up later (chs. 5, 7, and 11) the theory and merits of these modifications of the original patent system. But none of them greatly modifies in practice the ancient Venetian essence of the patent system, that an inventor may own his idea for about 15 years.

[35] It is curious that an institution 490 years old, and preserving in America its oldest surviving form, should be thought of as our only actual or possible means for stimulating and directing invention. For invention is most typical of the modern age, one of the ever newest things on earth, its very essence being novelty and incessant change. In these respects invention's only rivals are science, and other forms of innovation. We are similarly concerned to promote all of these; so how would it be if we search through the statute books of the 1400's, to find some bit of legislation for Science, and adopt that in essence, but with modern detail, to be our main formal instrument for the maintenance and directing of science today? It might still work, you know, but we should rather expect it to fit modern science poorly, and increasingly badly as the centuries pass. This argument does not condemn, it only looks askance. Patents' twin brother Copyright still works very well—because the production of copyrighted matter is still done in the same way, economically considered, as it was in Renascence Venice, viz., with the expenses largely prime costs, and the protection easy (¶ 27). But Copyright may get in trouble shortly, now that copying devices of various sorts, for photographing or recording sights, texts, and sounds, are becoming easy, cheap, and ubiquitous.

[36] For patents to have survived the centuries as well as they have, we may find several reasons. In the first place the institution was born two centuries prematurely. Depending for invention on long views, risk-taking and inventiveness by nearly illiterate craftsmen-enterprisers, usually of small capital and rank, it evoked few inventions, was of little help, for its first 2 or 3 centuries,[17] until the Industrial Revolution and the rise of wealthy and intellectual capitalists and educated artisans gave the patent system a *milieu* adapted to it. Nowadays, when invention finds itself in a third sort of environment, one of science, great corporations, great laboratories of cooperating specialists, great governments and war preparations, the system no longer fits so well, of trying to date inventions and ascribe them to particular individuals, to whom are given all the full negative right of ownership, the right of blocking others from using the invention.

[37] Indeed, a second reason why the patent system has survived five centuries as well as it has, while many other Renascence laws are to be found today only in libraries, is certainly inherent flexibilities about it. It gives the patentee all the freedoms of ownership to use, disuse, sell or lease in parcels his rights on any terms found suitable. And while his rewards can range from millions down to (very often) zero, there is an automatic tendency for the reward to have