

decrees. It is clear that royalties could not have been of major importance as reward structures to those who accepted royalty-free provisions," in the monopolistic industries thus attacked.

[137] In any case the real profit from inventions, patented or not, must inure mostly to the consuming public, rather than to the inventor or patentee. Insofar as there is competition between rival similar lines, each made attractive or cheap to produce by various inventions, the market price would fall till it covered only the costs of the marginal producer, including interest on his capital, and return of his expenses for invention.

PATENTS' IMPORTANCE, BY KINDS OF INVENTING

[138] For another approach to our problem, suppose we divide inventions, and such scientific research as immediately serves them, into two classes, an Upper class comprising the scientific and the difficult, and a Lower class composed of those depending on mere ingenuity, common or trade knowledge, and the combined luck of great numbers of inquiries, rather than depending on high learning or laboratory organization, even if very often such inventions are made in laboratories. The lower class of inventions will be far more numerous, as reflected in our previously given statistics from Suggestion Systems (§ 94). It would follow from those and the Census of Occupations that if all workers outside of farm, service, trade, and financial occupations were one-quarter as originative as those represented by the suggestion systems data, then all the reckoned workers would have produced in 1959 834,000 acceptable suggestions, scarce any to be patented, but many of them inventions. It is a number 17 times as great as all the patents to Americans, and certainly vastly greater than the number of significant, important inventions made by all kinds of people. Now let us forget this reasoning, except for the memory of some large number, and think of our whole lower class of inventions, made not only by those employees, but by all kinds of Americans, in and out of laboratories. We have in our mind a vast number of inventions, mostly very petty. How shall we compare the total weight or value of our two classes of inventions, the lower and upper? Shall we say at a guess that the two classes are about equal in value? Probably as good a guess as any. So we set them down in the following table 6 as each 50% of American inventing, and add a guess that 1% of the Lower class are motivated by patents, although much less than that proportion actually win a patent. Most of them would not be allowed patent by law, because they were a mere change of material, better dimensions, a changed order of procedure, a reinvention, a known copy, a logical inference, etc. And almost all that is legally patentable is today judged not economically worth the expense and trouble, including the lawsuits if one ever tried seriously to enforce his patent (§ 212). So we make a guess that 1% of these lower inventions are inspired by patents, making a ½% of American inventing here.