

[313] Still commoner is the good invention rejected because incompatible with a past standardization and investment in equipment for making or using the old. Such rejections are usually not capitalist inertia and exploitation, but sound economics, so long as the enterpriser is defending his capital goods, production know-how and his workmen's skills, jobs, and homes.³²³ For such capital is part of the Nation's. These principles could hold even if he is refusing to license others to use the patent he is not working himself, provided he is sufficiently supplying the market in some other way. But if he is defending a mere custom that needs changing (§ 215), or guarding his established goodwill and advertising against an upsetting invention, he is wrong by economics, because those interests are of value only to him, not to the Nation.

[314] However, it is very easy for inertia, or say a prejudice for the old way, to lead to wrong evaluations of the new and the old and the costs of change. Especially is this true with workingmen, who with deficient savings and education envisage with horror the loss of their job, skill and trade through some labor-saving invention, and often fight against it. And indeed they have some sound motives too. It is both unfair and uneconomic that so much of the cost of technic change should be thrust upon men of so little capital and mental flexibility, especially old, skilled workmen, who can recoup only a tiny part of their losses from the invention's benefits, large in total but tiny per capita, which redound to the whole population, and to the innovating enterpriser. We should have more ways, such as severance benefits, retraining and relocation, so that all of us who receive the benefit of an invention should relieve the suffering of those whom the new way smites, just as when we drive a superhighway through fields and homes, we recompense the dispossessed. Enforced high *severance pay*, as in some countries attacking capitalism, is not the answer, for it penalizes both capital and the introduction of labor-displacing inventions.

[315] Refusal to license a patent was avowed by only 12 out of 528 holders of current patents not currently worked, among respondents to Sanders' questionnaire.³²⁴ Three of these had licensed in the past, and as to patents in current use, only 13% would not license; in all, 6%. Recent court orders for wholesale licensing or practical annulment doubtless kept down the number avowing refusal to license.

[316] After all our attack on the "myth" of improperly suppressed inventions, we must now turn and say that we think such an evil does exist, and abundantly, in milder, temporary, or in very rare forms. It is not in the nature of capitalism, nor of government administration, to be infallibly right, nor always absolutely consistent with the public, not personal interest. Even the communist Russian system, with rigid central control and no effective patents, found advisable special commissions to see that approved inventions actually got adopted, despite inertia and private interests.³²⁵ In a monopolistic corner of our own economy it was charged by the Canadian Government, as Vernon says,³²⁶ and by the U.S.,³²⁷ and many people, that the introduction of fluorescent lighting in this country was slowed up by GE and Westinghouse, through control of patents, lest its efficiency cut too drastically the demand for current.

³²³ He cites a 1953 source, but adds that the GE patents were being defied, and also more abundantly worked of late by the owners. Vernon: N 203, its pp. 21 and 22.