

with unpatented inventions too, and is mostly due to human inertia, ignorance, selfishness, lack of capital to make a shift, and lack of social organization to facilitate change. In the case of skilled workingmen particularly, they may have sound economic as well as human motives for resisting an invention that would rob them of their job, rank and home, and reduce them to laborers without a trade, nor the youth to learn one.

[320] 16. *Rewarding the promoter rather than the inventor* has been often called a fault of the patent system. For all its rewards go directly to the patentee, which is usually a corporation that hired the inventor or bought his patent, and which usually owes him nothing further once the bargain has been struck. Most often he contracts in advance with his firm or government body to assign to it all patents he may get from inventions made in consequence of his employment, simply trusting his employer to reward him sufficiently, by salary raises, etc., if his work be good. By the principles of economics this should work out correctly in this highly competitive employment field, the employee being a very capable and informed person, with some money in the bank and a knowledge of possible openings for him elsewhere. Of course he may hit on an idea worth millions, but that is essentially a product of luck and of cooperative, joint assembly of ideas recently made ready, and as shown in our parable of the garage carpenter (§ 151), he is sufficiently rewarded by a salary suitable according to the market, for his type of proved or apparent ability. The inventors are usually satisfied with the system, often supplemented by a nominal bonus for each patent, they have no union demanding higher pay, let alone to own their patents, and as one of them said, "Here you can make a hundred mistakes, and the company will pay for them all. But if you make one big success, you're in." Cf. our discussion in § 153-5.¹⁹²

[321] The *freelance inventor* and the occasional employed one who yet retains his patent rights, is usually in a similar situation to the one who sold his birthright for the juicy and ever replenished mess of pottage—he has not the capital, nor the organization of diverse competencies, manufacturing facilities, and sales outlets, nor the talent nor taste for life as an enterpriser. He will in almost all cases sell his patent, or lease it for royalties, and be glad to be more or less rid of it. His importance we shall discuss later (§ 396-411 and 458). But if for some exceptional or odd reason, he wishes to play capitalist, he can try it. We conclude that our 16th point, patents' alleged fault of rewarding the promoter rather than the inventor, is much more a virtue than a fault. It is an indispensable means for reconciling the Renaissance patent system to modern capitalism, and obtaining the cooperation of 3 very diverse types of men—the technologist inventor, the manager, and the capitalist or the government official.

[322] 17. *The antiquity of the patent system.* Ancientness is a merit where sentiment is concerned, as in religion and nationalism; elsewhere it is ambivalent, of uncertain balance between good and bad. It is a recommendation insofar as it suggests that an institution which has satisfied men's need for so long, should be a good one, *provided those needs have not altered*, as human nature, e.g., is usually little changed through the years. But if the needs, or the surrounding situation, *have* been changing, antiquity is suspect, as prob-