The Democratization of Invention

This book examines the evolution and impact of the intellectual property rights system in the United States during the “long nineteenth century.” The American experience is compared to Britain and France, countries whose institutions reflected their oligarchic origins. Instead, U.S. patent and copyright institutions were carefully calibrated to “promote the general welfare.” The United States created the first modern patent system, and its policies were the most liberal in the world toward inventors. When markets expanded, these inventors contributed to the proliferation of new technologies and improvements, many of which proved to be valuable in both economic and technical terms. Individuals who did not have the resources to directly exploit their inventions benefited disproportionately from the operation of efficient markets. The accumulation of such incremental efforts helped to propel the United States to the forefront of all other industrial nations. In contrast to its leadership in the area of patents, the U.S. copyright regime was among the weakest in the world, and it profited from international copyright piracy for a century. American patent and copyright institutions both promoted a process of democratization that not only furthered economic and technological progress but also provided a conduit for the creativity and achievements of relatively disadvantaged groups.

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The Democratization of Invention

Patents and Copyrights in American Economic Development, 1790–1920

B. ZORINA KHAN
For my parents, Charles and Dhanpat Khan, and my sisters, Esther and Sherry
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Illustration 1. This 1792 painting by Samuel Jennings, *Liberty Displaying the Arts and Sciences* (detail), captures the view of the Framers of the U.S. Constitution that a democratic society would “promote the progress of science and useful arts.” (Courtesy of The Library Company of Philadelphia.)