

CHANNELING THE FIRE OF INVENTION: THE CASE FOR INTELLECTUAL PROPERTY RIGHTS

The Problem: 7.7 billion people (and counting), fixed natural resources

The Solution: intellectual property rights

“The Congress shall have Power... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

Constitution of the United States, Article I, §8

“The utility of this power will scarcely be questioned. The copyright of authors has been solemnly adjudged, in Great Britain, to be a right of common law. The right to useful inventions seems with equal reason to belong to the inventors. The public good fully coincides in both cases with the claims of individuals.”

James Madison, *The Federalist* No. 43

“All creation is a mine, and every man, a miner. ... In the beginning, the mine was unopened, and the miner stood naked, and knowledgeless, upon it. ... Man is not the only animal who labors; but he is the only one who improves his workmanship. This improvement, he effects by Discoveries, and Inventions. ...

“Next came the Patent laws. ... Before [these], any man might instantly use what another had invented; so that the inventor had no special advantage from his own invention. The patent system changed this; secured to the inventor, for a limited time, the exclusive use of his invention; and thereby added the fuel of interest to the fire of genius, in the discovery and production of new and useful things.”

Abraham Lincoln, *Lecture on Discoveries and Inventions* (1858)

“Ever the realist, Lincoln knew what it is in the human being: to be a genius is one thing, to be motivated is quite another, and then to be supported in this motivation by a wise regime is an unprecedented blessing. By contrast, a regime that does not secure natural rights depresses human energy. Natural rights are not mere legal puffs of air; they formalize capacities for action that in some societies lie dormant and in others are fueled into ignition. The United States, Lincoln believed, lit a fire to the practical genius of its people, among the high born and the low born alike, wherever God in his wisdom had implanted it.”

Michael Novak, *The Fire of Invention* (1997)