

# The Origins of Intellectual Property Law

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The framers of our Constitution recognized the importance and benefits of encouraging innovation. That is why they authorized Congress to pass laws protecting innovation. Article I, section 8, the U.S. Constitution, which provides that:

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.

This clause is the foundation upon which our patent and copyright laws rest. The origins of today's intellectual property law, however, can be traced back even farther.

In the middle ages, skilled tradesmen were members of closed societies called guilds. Members of a guild guarded the specialized techniques and skills of their trade from public disclosure. The only way to learn that knowledge was to join the guild. These secrets were the precursors of today's trade secrets.

The guilds of medieval Europe used symbols and pictures to identify products made by guild members. These symbols and pictures were the precursors of today's trademarks.

While the development of trade guilds helped to jumpstart medieval Europe's rise out of the dark ages, there was an upper limit to how much European economies could advance relying on the secretive nature of guilds, which prevented meaningful competition and technological advancement. Recognizing this limit, European sovereigns and governments began to make laws to encourage, rather than discourage, the dissemination of trade information. A significant one of these laws was the Statute of Monopolies of 1624, by which the British Parliament endowed inventors with the sole right to their inventions for fourteen years. Another significant law was the English Statute of 1710, which secured to authors of books the sole right of publishing them for designated periods. These laws, of course, were the precursors of our patent and copyright laws.