



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 5 AND ISSUE 14 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 14 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-14-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserved with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

“EVOLUTION OF THE INTERNATIONAL PATENT SYSTEM”

AUTHOR – FAHAD ALAM, AMITY LAW SCHOOL, AMITY UNIVERSITY, PATNA

BEST CITATION – FAHAD ALAM, “EVOLUTION OF THE INTERNATIONAL PATENT SYSTEM”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (14) OF 2025, PG. 75-78, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

The evolution of the international patent system has been a complex and multifaceted process, shaped by technological advances, economic imperatives, and political conflicts since the late nineteenth century. Initially emerging during the industrial revolution in Europe, the patent system was born out of a surge in inventive activity but was not directly aligned with economic development or innovation. In fact, during the mid-nineteenth century, opposition to patents grew in response to concerns about monopolies stifling national economies and international trade. For instance, the Netherlands abolished its patent system in 1869, only to reintroduce it decades later, while other European nations adopted protectionist laws disadvantageous to foreign competition.

Early patent grants, such as those in Renaissance Italy and the Venetian Patent Act of 1474, primarily honoured inventors rather than conferring exclusive economic rights. The Statute of Monopolies (1623) in England marked a shift, laying the foundation for modern patent law by recognizing inventors' rights primarily for the benefit of society rather than the individual. By the eighteenth and nineteenth centuries, the system spread to continental Europe, the United States, and Latin America, each adapting patent laws to promote local industries and industrialization.

A significant turning point came with the increased internationalization of trade and innovation in the late nineteenth century. Despite widespread adoption, the "patent controversy" of this era revealed tensions between expanding inventors' rights and fears of monopolistic abuses. This controversy influenced international efforts, culminating in the Paris Convention of 1883, which established essential principles- national treatment, right of priority, and working requirements—each designed to harmonize and facilitate global patent protection.

Throughout the twentieth century, a series of revision conferences refined the system, gradually shifting focus from local working and revocation towards compulsory licensing, and ultimately reducing the regulatory autonomy of less developed countries. These changes increasingly favored the interests of industrialized nations, particularly with the advent of global agreements like TRIPS. Overall, the development of the international patent system has reflected a recurring struggle between rewarding individual innovation, advancing societal interests, and balancing disparities between developed and developing nations.

Keywords- Patent, Monopoly, Innovation, Compulsory Licensing, Industrial Revolution.

Introduction

The international patent system emerged as a response to growing innovation and industrialization during the nineteenth century, especially following the transformative effects

of the Industrial Revolution in Europe. During this time, a surge of new ideas and inventions accelerated economic development across the continent, but the development of patent laws did not always align directly with technological progress. Instead, patent systems were often

met with scepticism and strong opposition, especially in the mid-1800s, as concerns grew about the monopolistic nature of patent rights and their role in restricting both competition and international trade. For example, the Netherlands abolished its patent system in 1869 due to these concerns before reinstating it later.[2][4]

Early patent laws were primarily designed to protect national interests and support local industry, functioning much like trade tariffs that barred foreign inventors and safeguarded domestic businesses. At the same time, landmark legislation such as the Venetian Patent Act of 1474 and England's Statute of Monopolies (1623) laid the groundwork for modern patent protection by formalizing inventor rights while emphasizing societal benefit. Throughout the eighteenth and nineteenth centuries, the system was gradually adopted in the United States, France, Germany, and Latin America, where local working and protectionist measures were central features.

It was only towards the end of the nineteenth century, amid expanded international trade and global technological exchange, that countries began to see the value in harmonizing patent laws. This led to foundational agreements like the Paris Convention of 1883, which established principles such as national treatment and the right of priority, allowing inventors a basic level of protection internationally. The introduction and revision of such treaties marked the beginning of global cooperation in intellectual property rights and set the stage for ongoing evolution in response to industrial and economic shifts.[4][5][2]

Early Patent Grants

The first recognized patent grant was issued in Florence and Venice in 1421, with the Venetian Patent Act of 1474 aiming to increase the "honour of inventors" rather than granting monopoly rights akin to modern patent systems. These early patents were focused largely on local industry and crafts rather than

technological progress or economic development.

Statute of Monopolies and Its Influence

The English Statute of Monopolies of 1623 is often cited as a turning point, establishing that only "the first and true" inventor could be granted protection, thus shifting emphasis from royal privileges to societal benefits arising from inventions. This notion evolved into an institution consistent with liberal economic thought, propelling the idea that patents were a means to stimulate industrialization.

Expansion in the 18th and 19th Centuries

The patent system spread from England to continental Europe and the United States. National variations reflected each country's priorities, often emphasizing local working of inventions and importation for economic growth. For example, the French system emphasized exploitation within France, while American law sought to import foreign inventiveness. Latin America's earliest patent edicts—such as Brazil's in 1899—reflected similar aims.

Patent Controversy of the 19th Century

As industrialization advanced, a "patent controversy" arose. Some nations, like the Netherlands, abolished their patent systems temporarily due to opposition to monopolies and their effect on both national economies and international trade. Others, like Germany and Switzerland, only adopted patent laws after initial resistance. There was increasing tension between the economic benefits of protection for inventors and the restrictive, anti-competitive aspects of monopolies.

Rise of International Patent Agreements

By the late 19th century, nations such as Britain, France, Belgium, and the USA sought to harmonize patent protection to attract foreign inventors and foster economic development in their own territories. The Paris Convention of 1883 marked a major step by introducing—

- The principle of national treatment (equal protection for foreign and local inventors).
- The right of priority (allowing inventors a period to file in multiple member states).
- Working requirements (obligation to exploit the patent in each country).

Revision Conferences and Evolution of Principles

The Paris Convention has been revised multiple times to address exploitation requirements, compulsory licensing, and sanctions for non-working patents-

Brussels (1897-1900)- Set a minimum three-year period before revocation for non-working could occur, with justification left to national laws.

Washington (1911)- Shifted toward compulsory licensing in place of simple revocation, with a continued focus on local working.

The Hague (1925)- Clearly introduced compulsory licensing as a principle, but left operational details and standards ambiguous, especially around what constituted "abuse" and the balance between societal and inventor interests.

London (1934)- Further affirmed compulsory licensing but imposed a three-year monopoly period for patentees, creating practical challenges in enforcing local working where licensees could not be found easily.

Impact and Modern Trends

The emphasis of international patent law has shifted over time—from strict local working requirements and the risk of forfeiture for non-use, to systems incentivizing licensing and commercial utilization. However, recent agreements, such as TRIPS under the WTO, have gradually diluted provisions for compulsory licenses, reflecting the interests of more industrialized countries and reducing developing countries' regulatory flexibility.

Conclusion

The evolution of the international patent system has been shaped by technological, economic,

and political considerations unique to each era. While initiated to protect inventors and encourage technological dissemination, its frameworks have often favored the economic interests of more developed, industrialized nations over those of developing regions. The history of the patent system is marked by a tension between the societal need for access, technological progress, and the rights and rewards conferred upon inventors.

Reference

The references for the assignment on the evolution of the international patent system are primarily drawn from the following key sources mentioned within the chapter-

1. E. Penrose, *The Economics of the International Patent System*, Baltimore, John Hopkins Press, 1951.
2. Ulf Anderfelt, *International Patent Legislation and Developing Countries*, The Hague, Martinus Nijhoff, 1971.
3. Christine Macleod, *Inventing the Industrial Revolution- The English Patent System 1660-1880*, Cambridge, 1988.
4. H.I. Dutton, *The Patent System and Inventive Activity During Industrial Revolution, 1750-1852*, Manchester, 1984.
5. Eric Schiff, *Industrialization Without National Patents- The Netherlands 1869-1912*, Princeton, 1971.
6. W.R. Cornish, *Intellectual Property- Patents, Copyright, Trade Marks and Allied Rights*, London, Sweet and Maxwell, 1989.
7. S.P. Ladas, *Patents, Trademarks and Related Rights*, 1975.
8. J.S. Clark, *History of Manufacturers in the United States*, New York, 1929.
9. Rajeev Dhavan and Others, "Conquest by Patent- The Paris Convention Revisited," *Journal of the Indian Law Institute*, vol.32, 1990.
10. H.N. Ghosh, "Law for the Protection of Inventions in India (1856-1956)," *Souvenir-Indian Patents Centenary 1856-1956*.



11. Fritz Machlup and Edith Penrose, "The Patent Controversy in the Nineteenth Century," The Journal of Economic History, vol.10, 1950.

