One Case for a "National Patent"

Imagine you had discovered the location of a sunken wreck loaded with treasure, but you were unable to finance the cost of a salvage operation. What do you think would happen if you published the location of the wreck? Would it be wise to disclose the coordinates of the treasure in return for a signature on a "*Non Disclosure Agreement?*" Have you ever read "*Treasure Island*" By Robert Louis Stevenson?

The generally accepted model for the introduction of new products requires the innovator to patent the idea and perhaps establish a business for marketing the technology. Financiers expect to be handed all the technical details of an idea in return for nothing more than a signature. Few individuals could enforce the terms of a non disclosure agreement, even if they could prove that those terms had been breached. The standard business model is equivalent to demanding that an explorer publish the location of their sunken treasure.

Patents do not offer any meaningful protection to the individual. They do, however, present a blank cheque to Patent and Litigation Attorneys. There are few innovators or small businesses who are in a position to pursue the standard model with any reasonable prospect of success. As it exists, the Patent system represents a fundamental obstruction to technical progress.

Not every product is suitable for introduction under the standard model in any case. One such example is a technology which I developed recently. The technology presents an alternative method of control for certain electrical equipment which is used domestically, commercially, and industrially. The technology is cheap to implement and can be retrofitted readily. Payback period for the user could be as little as a few months.

Based on the modest assumption that there are 20 Million homes in the UK domestic market, and that each could save £10 per annum by the use of the product, the energy saving to the country would be worth £200M. The EU has approximately ten times the population of the UK, so the energy benefit to the EU could readily be of the order of £2B per annum. These estimates take no account of the massive potential to industrial and commercial users. The beneficial impact on Carbon Tax liability means that implementing the technology would represent income for the Exchequer. There is also potential for benefit from a share of foreign currency income through licensing of the Intellectual Property to countries in the EU and elsewhere.

From the point of view of an individual, the risk associated with the standard innovation model is intolerably high. Profit from sale of the product is small, and the costs associated with Intellectual Property protection are unquantifiable. Despite the significant potential benefit to the Nation, there is no economic justification for an individual or small business to contemplate commercialisation on a product of this type.

The main beneficiaries from this technology would be users and the Exchequer through ongoing energy savings. It seems appropriate that the Government should be prepared to adopt technologies of this type and protect the Intellectual Property. Government funded protection for ideas is not a new proposal. Following WWII, Britain found itself paying royalties for the use of ideas stemming from such things as Penicillin and the jet engine, both of which had originated in the UK. In response, the National Research and Development Council (NRDC) was given responsibility for ensuring the protection of Intellectual Property resulting from Government funded research such as that carried out by Universities.

The arrangement was effective and generated income for the UK. However, NRDC was dismantled by the Conservative Government under Margaret Thatcher's plan for a Post Industrial Society. Her dreams became reality. Now other countries Post Industrial products to UK Society. Although I regard Mrs Thatcher's contribution as very significant, her efforts appear to have been integral to an ongoing Non-Party Political programme of British Industrial Destruction. This can be traced at least as far back as the Wilson Administration, and continues to the present time.

With the abolition of NRDC, the UK Taxpayer was robbed of the benefit of Intellectual Property which was rightfully their's. The apparent beneficiaries were the universities. It became the responsibility of universities to ensure that innovations were protected. Universities have significant financial resources, yet they have not always succeeded in protecting new ideas. (See Peter Tanner, "*Feedback*" Physics World Sept 2012.) I can cite two examples of former colleagues whose universities failed to protect their British discoveries. In each case, their inventions were adopted worldwide. Neither of the inventors received significant recompense. Even in the event that they were able to protect novel ideas effectively, universities represent a very narrow and unrepresentative sample of the creative capability of the Nation. Furthermore, the nature of much of their work tends to be isolated from the demands of markets. Many original and commercially valuable ideas are generated within small manufacturing enterprises. There are many lone innovators. These organisations and individuals have little prospect of success under the existing system of Intellectual Property protection. Many ideas enter the Public Domain prematurely as Patent or litigation costs become unsustainable. At that point the ideas are adopted by industries around the world. There is no compensation either to the inventor or to the Nation. It is so uncommon for individuals to succeed through the existing system that when they do, they are likely to be portrayed as National Celebrities.

The essence of an invention can often be revealed by a single word. In the 1960s, Professor Rogers of Princetown University opposed the secrecy surrounding Atomic Energy. He observed that the most important secret was that an Atomic Bomb could be constructed. That secret had been disclosed at Hiroshima and Nagasaki.

Innovation is the essence of engineering. Creation of a route by which individuals and smaller businesses can be relieved of the risks of Intellectual Property protection in return for a proportion of the benefit passing to the Nation would protect the National Interest, generate revenue, stimulate technological creativity, and promote business development. Implementation details of such a route should not be too difficult to determine. In broad terms, the existing Patent system would continue for those who wish to use it. Under the proposed alternative scheme, annual patent fees would be replaced by a single fee due at the time of filing. This fee would be calculated to discourage spurious applications. Inventions filed under the proposed scheme would be available for licensing immediately, and breach of patent would become a criminal offence.

Locating sunken treasure is one thing, salvaging *any* of its value is quite another!