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The Archive of ideas

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The biography of the mechanical engineer Antonio Meucci, from Florence, is so dramatic that it appears to uphold the fate of misappropriation as a self-fulfilled prophecy. As a result of an official resolution passed by the US Congress on 5 June 2002, the news confirmed what several generations of Italians already knew from their school textbooks as an historical travesty: namely that the true inventor of the telephone was Antonio Meucci. When he delivered the documents on his invention to the Western Union Telegraph Company, he only held a provisional entry known as a *caveat* in the US patent office. This had to be renewed annually and completed with a definite request for a patent that cost 250 dollars. Meucci did not have the resources either to complete the registration or to try out his invention, whereby Alexander Graham Bell had no difficulty in appropriating, through Western Union Telegraph, what Meucci called his "teletrophone" and registering a definitive patent on 7 March 1876. In a shameful manner, the company informed Meucci that his documents had been lost before the newspapers published details of the invention supposedly by Graham Bell. The recent resolution passed by Congress sets out "to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone" and remembers that Meucci's invention was publicly displayed in New York in 1860, 16 years prior to Graham Bell's patent. By this, the text refers to the experiment that Meucci staged in New York with the participation of a singer. Her voice could be heard a considerable distance away over a cable and the event was reported in several local newspapers.

As if involving some kind of divine punishment, Alexander Graham Bell was condemned to defend his illegitimate patent in the courts up to 600 times, with a

favourable ruling each time. In different parts of the United States and the world, hitherto unknown inventors publicly claimed to have invented the telephone. The first of these was Elisha Gray, who failed by a matter of hours to register the patent before Graham Bell.

Meanwhile, the unfortunate Meucci played a recurring role in the story, one that makes certain creators become forever associated with bad luck. This misfortune befalling genius, however, is not so much a series of mishaps that plague the life of revolutionary inventors, artists or scientists but rather failure in their attempts to inscribe their name in history; in other words, the ghost of oblivion.

Years before the dispute arose between Meucci and the Western Union Telegraph, his wife had pawned the first prototype of the telephone in order to pay for the treatment her husband required after he survived the explosion of a steam-ship in New York. In all probability, Meucci would have sought a different financial solution to alleviate his physical suffering, but the pragmatic approach taken by Ester, his wife, gave priority to health over the product of his inventiveness. He never managed to recover the prototype and so rebuilt it from scratch, to be faced once again with misfortune a short time later. There is no doubt that the true drama did not involve those difficulties, but rather the deception that Graham Bell consummated by registering the invention in his name at the patent office. It was at that moment when true infamy reared its ugly head under the guise of an ancient prophecy.

The possession of ideas cannot be satisfied by the pride of their embodiment alone, but rather it demands recognition and registration; in other words, it requires a deed of ownership. The fear that a freshly conceived idea might be stolen is implicit in the author's self-perception and is based on the presumption of originality that is a subjective feeling stemming from the indeterminate and ambiguous act of creating. The author emerges as an individual who stands apart from the rest insofar as the sole instigator of the mental content we call an idea. The idea may refer to various spheres, but it retains an identical claim for protection and endorsement whether it be artistic, literary, scientific or technical. To a greater or lesser extent, the experience of having an idea does not conclude with its formulation and perfection, but rather it implicitly demands protection and recording as guarantees against the abstract threat of robbery. This reaction is in reality constituent of the individual creator, insofar as author, that is, owner of

ideas, and is fully removed from the degree of originality or the value that the idea finally attains once it has been objectified. It is a presupposition of authorship that renders authorship itself as a presupposition.

The author is the basic axiom of a series of consequences based on the dialectics between the subjective conception of ideas and their objectivation. The true scale of the matter is revealed when it becomes a financial issue on the right of exploitation. It is then that the request for the filing and registration of ideas rises to the degree of legal institution. The institutions that protect the authors refer to a statutory sphere that provides blanket coverage for whatsoever is endorsed by the principle of authorship, but thereby excludes the problem of the processes of creation in its appraisals of originality and purpose. The author thus proceeds as an unquestionable premise of the creation itself and relays the problem of its value to the objectified space of economic exchange under universal laws referring to conflicts of interest. This affects sensitive spheres in which authorship cannot be disassociated from the idea of creation, as could be the case in art or literature, but it has its legal development in parallel to the concept of industrial property.

For some legal historians, the date of birth of the modern principle of industrial property is 7 January 1791 when, following the Revolution, France recognised the right of ownership of authors over their inventions within the context of a basic regulation of private property that abolished the system of privileges of the *Ancien Régime*. The first patent law in Spain dates back to the Royal Decree of 16 September 1811(1). The jump from the *Reales Cédulas de Invención* (Royal Certificates of Invention), awarded for the monopolistic exploitation of assets linked to inventions, to legislation on the protection of intellectual property, coincides in temporal and conceptual terms with the transition towards middle-class societies and industrial development as the basis for a new model of economic exchange. Although it is clear that it will be the Paris Convention for the Protection of Industrial Property, subscribed on 20 March 1883, which definitively constitutes an agreement of an international nature with the ability to truly protect that right. The rules laid down therein will undergo a difficult evolution throughout the various historical legislations in industrialised countries, and it is precisely with regard to the degrees of scientific and technical development that an interpretation is to be made of these laws that are subject to progressive amendments. The idea or the invention that is registered in the patents' file will become a sensitive issue for the world's economy as of the 19th century and the interpretation of intellectual

property as a form of wealth will be one of the clearest indications of development, as this is understood in liberal Western democracies.

The process for registering the intellectual ownership of inventions and creations that can be exploited highlights a conflict of interests in these means, insofar as symbolic or conceptual machines from which a productive possibility stems. It is the industrialised societies that will try to establish a web of regulations that ensure their own enrichment through private initiative, and it is on that same field of play that the internationalisation of patents becomes a long sought-after project that interweaves those aspects structurally linked to economic interest, ownership and filing as endorsement and outlet of ideas.

In fact, the Paris Convention, like the entire institutional framework deployed later through the evolution of international law, is based on the consolidation of this distrust associated with the invention phenomenon, as paranoid as it is necessary for the structure of capitalism and for the balance between private initiative and the State apparatus. Precedence in the recording of a patent will determine original authorship and the allocation of exploitation rights. The patent office acts as a repository of ideas that is accurately classified and verified. In contrast to what it may seem, this world of ideas is not wholly Platonic, as the patents are to be put into action within a specific timeframe. In other words, their holders have to turn them into products.

Some of today's largest fortunes stem from inventions that are apparently simple and undeniably profitable. The phenomenon of the exponential and constant enrichment of the owners of patented ideas is to a certain extent a response to the capitalist myth of amassing a financial fortune with a minimum of effort and investment. A summary glance through the Forbes list confirms that a large number of the world's major fortunes have been made through a policy of exploiting industrial patents that, in their deployment as a series of services, end up constituting a commercial brand. The act of patenting is the act of registering individual or corporate persons within the universe of legally acknowledged "authors". In their association with other aspects such as brands, models of use, industrial drawings, trademarks and the signs over premises, the registration of patents within the legal sphere is part of the protection that the laws exerts on the principle of initiative, expansion and exclusivity of the individual on the free market. This protection takes shape in an increasingly complex identity apparatus that

constitutes part of the registration and reservation of an emblematic image. In this, the image of trademarks involves an incalculable symbolic value wherein economic success lies in their collective recognition.

Nevertheless, in the massive production of resources, prototypes and industrial formulas, the act of patenting, insofar as a right, becomes one huge filing problem. Each new draft patent has to be carefully compared to existing patents to safeguard the principles of uniqueness and precedence. Modern IT systems appear to have somewhat lessened some of the more pressing management problems, but the difficulty remains in interpreting the languages in which orders are registered in the proper manner. Or to be more precise, the creation of a linguistic system for the virtually limitless number of patents.

During the sixties, a crisis arose regarding the problem of the filing and management of patent applications that, on the one hand, led to the publicising of the actual application as a measure of protection and notification to competitors and, on the other, to the attempt to internationalise the procedures. Over the course of those years, patent offices received applications in unmanageable proportions. The increase had overextended the appraisal systems and the resulting delays for the applicants meant the loss of economic interest in the patent underway. Furthermore, potential competitors for those applications did not have access to the information, which made it possible for conflicting patents to be immersed in the processing system at the same time.

The Patent Coordination Treaty (PCT) arises through the need to establish systems for simplifying the registration and appraisal procedures on an international basis without duplicating the proceedings in each one of the states in which a patent is to be recorded. The development of different international agreements upon which the concept of intellectual property is based is the result of a protracted diplomatic effort that has its own heroes.

Following the recent passing of Arpad Bogsch (2), Director General of WIPO for 24 years, the current director, Kamil Idris, described him as one of the fathers of the modern intellectual property system. This was undoubtedly true, and as Bogsch recounted, the interest of the United States, Europe, Japan and the Union Soviet played a decisive role in bringing this international agreement to fruition (3).

The Cooperation Treaty in matters of Patents was signed in 1970 and alleviated the situation that had been suffered during the previous decade by those who wished to register a patent, although it was far from being a definitive solution. In order to reach this agreement, it became necessary to create, in Geneva, the Bureaux Internationaux Reunís pour la Protection de la Propriété Intellectuelle (BIRPI), a network of offices that were the precursors of the World Intellectual Property Organisation (WIPO), and which performed the pertinent round of consultations over the four years that preceded the subscription of the treaty. The Executive Committee of the Paris Union for the Protection of Industrial Property, one of the bodies of the BIRPI, issued the first official statement on 29 September 1966. Following the negotiations, a Diplomatic Conference was held to adopt the Cooperation Treaty in matters of Patents.

The possibility of processing the information was largely based on a premise that the respective national patent offices were to have embraced beforehand and which constituted the beginning of the solution for addressing the exponential increase in applications and the problems of filing and appraisal. This premise consisted of the incorporation of a preliminary report that included a consensus coding of the application. It was the origin of the current methods for examining applications. This method, provided that it was endorsed as per international regulations, meant not only the speeding up of internal procedures and the immediate publication of the patent request prior to its resolution, but also its appraisal between similar patents that were similar or liable to cause conflict between countries adopting the same system.

The first official declaration of the Executive Committee of the Paris Union in 1966 specified that "all those countries that award patents, and particularly those that have a system of preliminary examination of the novelty, have to process highly substantial and ever-growing numbers of applications that are increasingly complex", consequently "a considerable number of applications duplicate the requests involving the same inventions in other countries, thus even further increasing the same volume of applications that have to be processed". The declaration included a recommendation to the director of the BIRPI to urgently embrace the necessary provisions for proposing an international treaty that would conclude in the aforementioned inter-governmental meeting in 1967, attended by six countries, and which was referred to as "Meeting of the BIRPI of consultants on international cooperation in matters of affording protection for inventions". This

would mark the beginning of a complex process that would nonetheless unfold with unprecedented celerity in the history of international law. The 23 preparatory meetings would culminate on 19 June 1970 in the Diplomatic Conference held in Washington, with a total of 78 governmental delegations, 55 of whom had the right to vote and another 22 international or intergovernmental organisations. It would take another eight years until, on 1 June 1978, the treaty came into force with the first application for an international patent.

As Arpad Bogsch recalled, the first name given to this meeting intentionally omitted the word "patent" in order to accommodate the representatives of the Soviet Union, who used a different terminology: "certificate of inventors". However, the notion of "invention" seems to be the term of consensus in any case, something that clearly refers to the phenomenon of intellect and ownership that underpins the political and economic problem. The presence of the Soviet Union in the initial agreements in matters of patents highlights, regardless of terminological discrepancies, that the problem constituted an unavoidable question of State for the most important country outside the capitalist sphere.

These partial agreements reflect in an embryonic manner, both in the texts as in the diplomatic vicissitudes, the tension between the universal calling of the patent phenomenon and the problems associated with its administration within the international sphere. Ideally, all these movements were designed to create a single administration to appraise the applications, but the subscription of the PCT has to accept the coexistence of as many administrations as there are states for comparing the data available on a patent. The aim achieved, albeit seemingly modest, was essential for upholding a structure for endorsing ingenuity or invention; that partial aim is without doubt the creation of a system for rendering data commensurable.

One of the more paradoxical aspects of the creation of these official bodies lies in the conflict between the universal nature of any patent attempt and the local scope of the procedure. Although international law has made considerable progress, the truth is that states retain sovereignty over the exploitation and approval of their own patents. At present, by virtue of the International Patent Cooperation Treaty (PCT), instigated by the UN and seconded by 80 countries, it is possible to obtain patents with major guarantees of international consensus. When multinationals aim to ensure their sole rights over the exploitation of a patent, they proceed by

delegating the same registration process in each national administration endorsed by those countries in which implementation is intended.

The systems of appraisal have currently been improved through the application of technology, even when the interpretation of the proposals continues to be an unavoidable task and which cannot be catered for by software. The people who perform this task are the “examiners” who determine, by means of what are referred to as State-of-the-Art Reports, an initial appraisal of the proposal. The examiners are always highly skilled, with qualifications in chemical sciences or in electrical or mechanical engineering. The State-of-the-Art Reports are those drafted by these experts that are drawn up on the basis of codes according to categories of potential degrees of conflict with pre-existing patents. It is not a reasoned report, it is not a written text, but rather a series of prior citations rated in accordance with three categories that refer to previous possible cases of the whole or part of the patent involved in the request. The aim is to assess the novelty of the patent in terms of preceding cases.

Many applications simply do not comply with the formal conditions of industrial applicability and novelty that are required in this strict process. Potential patent holders are to specify a series of “claims”, basic assertions defining their proposal. The definition of the patent application is to comply with a form that is equally strict and is to be accompanied by whatsoever documentation is considered necessary for the correct understanding of the proposal. In the case of mechanical devices and apparatuses, the presence is required of diagrams and drawings that depict their structure and operation. In Spain, the incorporation of this graphic support for furthering an understanding of the invention dates back to the Royal Decree of 13 June 1810, whereby Joseph Bonaparte established in Madrid a “Conservatory of Arts and Trades, as a repository for machines, models, instruments, drawings, etc, of all kinds of arts and trades, which is to hold the original versions of the machines that are invented or perfected in Spain.” This meant the creation of a body for interpreting the devices arranged on the basis of their schematic depiction and on the reconstruction of the prototypes. This instance of control and endorsement consisted of a team of experts from a very wide range of fields: “A mathematician and two artists who have distinguished themselves in mechanics are to be the directors of the establishment and shall care for its enlargement and conservation”. In its article V it states: “There shall be a technical detail artist, two machine draughtsmen and a humanist librarian who shall be archivist and secretary, who

shall be responsible for drawing up the Annals.” (4) As of this moment, the criteria for formulating applications tend to define the method of submission in order to facilitate their filing and processing. Thus, the title of Royal Order of 20 April 1923 already features this internal arrangement for the filing and assessment structure of the patent office: “Royal Order whereby the drawings that are to accompany the descriptive reports in the dossiers on requests for the registration of patents may be drafts, lithographic engravings, but at least one of them shall be performed on cloth paper in ink”. (5)

Following the subscription of the PCT, by the end of the nineties the management of the administration’s vast archives and the enormous quantity of information generated within them constituted an issue that began to require the efficient employment of technology. Within this context, several schemes begin to emerge at the heart of the European Union that seek to reap benefits from the huge wealth of information held by the institutions in order to make it available as an asset of public interest that could be to the advantage of private companies and civil society. One of the more ambitious projects in this sense is the e-content programme sponsored by the European Union in which the Spanish Patents and Trademarks Office took part.

At a meeting held by the now defunct Ministry of Science & Technology at the *Palacio de Comunicaciones* on 15 April 2004, Rosina Vázquez de Parga, head of the department of documentation and searches of the Spanish Patents and Trademarks Office, gave a speech in which she described her own and her team’s experience in seeking a solution to some of the management problems within the context of the aforementioned European programme. The project that was expounded there was presented as a joint task of a technological nature that had had access to these funds from the European Union. This project, referred to as *ePatent*, is still underway and seeks to establish a system of international nexus between the different patent offices in order to compare new applications by providing the administrations with efficient tools for their appraisal. Amongst those entities involved in the project, special mention should be made of Lingway, a software company that provided the possibility for translating the relevant information stemming from patents described in technical jargon into normal language. France’s National Institute of Industrial Property successfully adopted this system prior to the incorporation of other countries, which meant that the first searches

were made in French. Today, the languages in which this exchange of text information can be made are French, English, Spanish and German.

As is stated in its presentation posted on the internet: "The ePatent project funded by the eContent programme of the European Commission aims at providing a European wide cross lingual repository of patent information based on the IPC (International Patent Classification). This project will develop a multilingual natural language interface to search patent information in 4 languages, intelligent ranking facilities and reading support. ePatent will also develop an Internet based service to distribute and exploit patent information at European level." (6)

Lingway describes itself as an editor of document management software based on language engineering. Its technology consists mainly of a natural language search engine, categorization and coding tools, software for generating an XML structure from textual documents, as well as information extraction and document visualization functions. Together with other companies in the sector, increasingly involved in processes involving the transmission of knowledge in the so-called "information society", Lingway stands at the forefront in the development of language software for the management and processing of and access to textual information. The idiolects in which scientific and technical texts are written begin to require harmonisation solutions that permit an understanding not only between potential customers but also between different branches of development that are mutually dependent.

As regards making technology an everyday feature, language software applications feature in such phenomena as predictive writing on mobile phones, internet search engines or the automated customer relations with users over the phone or internet. Basically, the operation of these mediators is determined by the management of databases combined with the incorporation of statistical analyses of user behaviour.

No doubt one of the major problems in the management of this information has traditionally been the language connection. Yet within the sphere of translation, the problems stemming from the management of patents are split into two linguistic levels, one being idiomatic and the other semantic. In other words, a horizontal or transterritorial level that is the outcome of an attempt to internationalise the system for the registration and appraisal of patents; whereas the other is vertical or interdisciplinary, in that it sets out to use natural language to express the codes

and idiolects in which patent proposals are written. The first of these challenges was partially overcome by means of a system of international coding and a complex process of diplomatic engineering that led to an agreement under the auspices of the United Nations. The second of these is being explored in these new systems of correlativity between natural and technical language. In both cases we are dealing with a problem of translation.

Nevertheless, translation is only a condition of possibility for the massive processing of data regarding the originality of the ideas that are subject to examination; it is the premise for the intelligibility of the idea under the terms of the examination, or otherwise, if so preferred, the linguistic structure of the examination. As of that moment, the ideas need not only to be translated but also interpreted as instances of originality. In this leap from translation to interpretation, the author continues to be subject to the processes of the singular filing of ideas.

The linguistic problems that emerge today in Patent Offices all over the world are paradigmatic examples of a filing process whose enlarged structure requires new approaches to intermediation. The natural language interface, the codes that enable applications to be classified or diagrammatic resources are all tools for the complex task of interpreting the content and codes in which the proposals are formulated. This task, even when performed by means of a mechanised system subject to strict rules of classification, ends up depending on the human interpretations made by the examiners when they issue their State-of-the-Art Reports. These reports are being increasingly supported by more complex filtering systems, but just as in the time of Antonio Meucci, attempts are still being made today to somehow capture that elusive principle of originality.

Nowadays, most of the engineers and scientists who work on projects that are liable to produce patents are part of research groups within major corporations or institutions. The romantic figure of the solitary inventor like Meucci or even Graham Bell has been replaced by teams that work in networks and require a technological infrastructure that few individuals can muster. It is a complex matter in this exchange to draw the line between individual property and good ideas. Indeed, even when it would be worth understanding the act of "creation" as a phenomenon of joint production that, in the majority of cases, owes its progress to prior ideas, the truth is that ideas have always been in search of an author. Even when they are intentionally presented as anonymous or collective. Furthermore, no idea is simple

or monolithic; its classification means breaking it down into its components as they are parts of a complex chain of thought that tends to objectify itself and diversify its original sources.

If this is the case, would there not be a subtle contradiction in the creation of the reports on the state-of-the-art and the concept of originality they pursue? In other words, are the actual mechanisms for comparison and appraisal currently proof of the large amount of previous substrata underscoring the research and of the ensuing difficulties for determining originality? What's more, given the pressing obsolescence of the discoveries, in that they are reapplied in order to continue producing new technological advances, what guarantee is provided by a patent with a life of twenty years other than to spawn new patents based on its own contribution?

Such questions may be inadequate because within the administrative sphere of the Patent Office no question should be posed regarding the concept that underpins the filing. That is clearly not its role. The filing is immune to its *raison d'être*, it is satisfied through the establishment of its own laws; its entire structure is designed, in fact, to avoid the issue. The filing of ideas manages to be blind, like the justice that is supposed to govern it, and belongs to that family of institutions that does include self-questioning in its structure. It is rather a machine designed to deactivate the conflict implicit in the genesis of ideas. Its role should not therefore be understood from the perspective of a melancholy longing for the meaning of things.

The greatness of the case of the Patent Office, in terms of archives, lies in the fact that this machine for classifying ideas cannot elude the speculative dimension and the ontological indecisiveness of the item filed. The model of originality upheld within the industrial sphere is emptied of its content in order to become a rule that is removed from the genesis of the product and solely based on the principle regarding the precedence of the writing of the patent. Its mission is to lay down a system of rules and it works like a game in which the hierarchy of anticipation is the assumption of the ideas' novelty, its only tangible proof. The premise of originality hides behind a tautology that refers to the actual institution of the archive itself: the new is filed first.

This formal and tautological criterion determines a transitory replacement of the problem of authorship or originality by another more in keeping with archives. The replacement lies in the administrative language itself, which prefers to use the concept of "technological novelty". The exponential growth in patent applications and their ensuing difficulties for appraisal becomes a management issue that satisfies the premise that gives meaning to the archive. The administration is self-supporting by generating a purely formal and supposedly objective expectation of registration.

This situation may be analysed as somewhat paradigmatic of the transformation of the nineteenth-century model of archive into the so-called "information society": from the distrust shown by inventors in the Treaty of the Paris Union to the linguistic problems facing filing in the 21st century. The figure of the author is altered by the filing process and stands against a background of crisis that is all too familiar regarding intellectual property threatened not so much by technological development but by a social use of media whereby the financial toll that authorship could levy is significantly outflanked by the availability of information.

To a great extent, this transformation of the economic landscape arising from authorship suggests an internal problem in the adaptation of major institutions charged with safeguarding the preservation of intellectual property. Institutions whose vicissitudes are largely based on the attempt to protect authors against the theft of their ideas, as if the item stolen were a material asset. Nonetheless, the true risk authors face from any coercive action lies in losing control over exploitation monopolies. It is not so much a loss of attribution that is at risk, but rather it is the author's financial status, and more precisely the capital gains that the instances of management of that right generate in terms of its market value: popularity in the case of cultural products, the public need for medical patents, the demand for prestige with which a trademark is presented, and so forth. As John Perry Barlow already foresaw in 1994 in his now historic article "Selling wine without bottles..." (7), the problem with ideas is that they are operational objects that generate social practice and acquire their value through the demand they generate to be used or enjoyed. In them, their essential reproducibility is identified with that demand (8).

Today, in Staten Island, New York, one may visit a small house-museum dedicated to the memory of Meucci. It is a somewhat unusual case, as his memory co-exists with that of Garibaldi in the Garibaldi-Meucci Museum, the house in which the

revolutionary received that engineer who was dogged by misfortune. It is now a centre of cultural activity for local Italian-Americans and is not devoid of its underlying significance that hints at claims of identity. The quest for the telephone to be recognised as Meucci's invention, and by extension of Italian origin, further fans suspicions regarding the theft of ideas within the context of the construction of a cultural identity. This house-museum stands in contrast to the vast machine of the US patents office. It is a tiny romantic archive that testifies to the persistence of a pride that now can only be viewed on the walls of this home that has been rebuilt for curious visitors.

The conclusion of this story must necessarily be open-ended because it points to a scenario that belongs more to the future than to the present. Open to areas that are almost instinctively perceived by a perusal of the future of events regarding such institutions as authorship or the legal administration of that concept within the spheres of authority that manage intellectual property, around those new mass practices undertaken with disregard for legality and whose progress cannot be checked, in terms of the new conduct amongst creators of all kinds... Yet forecasts and science fiction are riddled with errors, and the images conjured up to depict that abstract future themselves age and self-destruct as the temporal vector is reversed and the future becomes the past. This is not because we are incapable of foretelling the major changes that come about, but we rarely retain accurately what will inevitably persist.

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Notes:

I should like to express my most sincere gratitude to Rosina Vázquez de Parga, Head of the Department of Documentation and Searches of the Patents and Trademark Office and to Isabel Bertrán de Lis, Head of the Technical Library of the Department of Technological Information in the same office, for their invaluable assistance during this research.

- (1) It should be noted, nonetheless, that the nature of "invention", in the terms closest to the understanding we have of it today, has a protracted history and underwent major development in Spain during its Golden Age. Legislation closely followed the need to protect inventors by means of legal instruments such as the *Cédulas de Privilegio* – Certificates of Privilege.

“Very soon, in imitation of certain Italian Republics – such as Florence in 1421 and Venice in 1474 – implementation was made in Spain of what would become the *Cédulas de Privilegio* for inventions, veritable patents for defending authors against the copies that might be made of the artefacts and devices they had invented”. In García Tapia, Nicolás, *Patentes de invención españolas en el siglo de oro* (Madrid: Ministerio de Industria y Energía, Centro de Publicaciones, 1990): 39

- (2) Bogsch, of Hungarian origin, passed away in Geneva at the age of 85 on 19 September 2004.
- (3) Bogsch, Arpad, *Reseña histórica del Tratado de Cooperación en Materia de Patentes (1966-1995)* - "Summary History of the Patent Cooperation Treaty 1966-1995", WIPO, Madrid, 1996.
- (4) Sáiz González, Patricio, *Legislación histórica sobre propiedad industrial. España (1759-1929)*, (Madrid: Oficina de Patentes y Marcas, 1996) 50.
- (5) *Ibid.*: 296.
- (6) <http://www.eu-projects.com/epatent/> (verified on 24/11/04)
- (7) <http://www.eff.org/~barlow/EconomyOfIdeas.html> (verified on 24/11/2004)
- (8) If we apply Perry Barlow’s predictions to the current situation, we realise that his perception of the problem, although still based on distinctions between material and informational goods, was quite correct on many points, and that the assessment of the losses supposedly suffered by the culture industry is based on a blind spot in the definition of demand because it equates the purchaser of pirated materials with a purchaser lost to the legal industry. That is not in fact the truth, nor is the product the same however good the copy might be, nor will the purchaser reproduce their purchase on a legally recognised market, nor can the financial exchange continue to be offered under the same premises.