

Re: Where would we be without these important patents?

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- *From:* nospam <nospam@xxxxxxxxxxxx>
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Richard Tanzer wrote:

Consider the position of an individual or relatively small company with a commercially valuable patented technology. In many situations a large company can afford to implement and market the technology, but the little guy can not. That's a great licensing opportunity – potentially a money maker for both parties. But if the patent holder loses the ability to get an injunction, big business can keep practicing the technology, gain market share and destroy the little guy's ability to license the technology to another party.

This was the original intent. Then the patent lawyers got invented and the system distroy itself.

I proposed into a number of forums a workaround to the current patent madness:

1. Patents must stay with the inventor (the person) AND NOT with the company. If the invention was generated during workhours and with company logistics, the the company gets automatically the right to use the invention, BUT NOT THE OWNERSHIP. That is a nonexclusive license, and the inventor is allowed to sell a license as he please to competition. This proposal will eliminate the buildup of crappy patent as a IP arsenal.

or a variation

2. Separation of the patent in core idea, methodology and implementation. The methodology is the specifications, calculations, functional diagrams about how the idea can be made usefull into a particular product. The implementation is a particular instance of the methodology for a particular manufacturing process or a particular product.

Then:

- The core idea become public domain by default.
- The methodology stay with inventor which is free to sell it as he please.
- The implementation is copyrighted and stay with the company that employed the inventor to develop it.

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