

## *Wedgwood, Innovation and Patent*

**Deming Liu**

Lecturer in Law, Newcastle Law School

Newcastle upon Tyne, England

Liu

The Industrial Revolution of England in the eighteenth century leaves us with many legacies, one of which is undoubtedly that over the role of patent. One particularly interesting character during the period was Josiah Wedgwood. He began his pottery business in 1759 and gradually transformed earthenwares in English history; he not only conquered the dominance and surpassed superiority of French and Dutch wares in England, but also made his reputation worldwide with the sale of his potteries. Patent would apparently be important in the development of his business and in his rivalry with competitors. However, he seemingly chose not to pursue the route of patent for his inventions and he in fact publicly denounced patent for its restraining and deleterious effect on the local artisans and the community. He once made it clear to the court, "I am not surprised at your lordship's aversion to patents. They are bad, and deficient for the purpose intended in many respects, and as many foreigners may learn the discoveries for which the patents have been granted at the expense of a few shillings and practice them immediately in other countries whilst the hands of all British artists and manufacturers are bound during the term of the patent. Considered in this light, patents are highly pernicious to the community amongst whom the invention originated and a remedy is much wanted in the patent office for this evil." Then the question arises, is it true that Wedgwood's public denouncement of patent actually prompted him to cede control of his own inventions through patent? Indeed, does it necessarily follow that he was similarly motivated by other factors such as altruism with respect to his own inventions? In truth, as a tradesman, his priority was to make profits and keep his business going, though we cannot categorically deny some element of altruism on his part when he reached a certain level of achievement in his business. Nonetheless, where he made the point of acting for the public interest, we need to look beyond what he said by analyzing what he did in an effort to find out the real motive behind. Given the influence of Wedgwood and his pottery business in the history of England, it is interesting to explore precisely what sort of action he took in relation to patent and indeed what role patent has played in protecting or developing his pottery business. Those questions are important as they relate to the role of patent in the crucial period of the Industrial Revolution in human history and they also relate to the interaction between patent and a prominent figure of the period. If we premise that history directs the future course of action, historical knowledge is the starting point. If one accepts that "progress in historical knowledge will come about not through the accumulation of knowledge of more events", one may well accept that such progress would be made if historical events are put in new reflective and critical light. With those considerations in mind, the essay strives to examine Wedgwood from a different perspective than his autobiography and other literature do and to reflect critically his interrelationship between patent and innovation. Our aim is to show incongruence of words and deeds of a tradesman with respect to patent and to show that it is not that he willingly abandoned patent in his business; it is far less the case that altruism made his invention accessible to others. More importantly, we aim to demonstrate that the claim of patent as an incentivising measure did not bear out as far as Wedgwood is concerned. Rather, lack of patent constitutes part of the reason for innovation in his pottery business. In deploying our debate, the essay first examines and evaluates the instance of Wedgwood opposing extension of Champion's patent and then it delves into the instance of his defending his own patent.

**Email:** deming.liu@ncl.ac.uk