

The Public Domain

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It has been pretended by some (and in England especially) that inventors have a natural and exclusive right to their inventions; & not merely for their own lives, but inheritable to their heirs. but while it is a moot question whether the origin of any kind of property is derived from nature at all, it would be singular to admit a natural, and even an hereditary right to inventions. it is agreed by those who have seriously considered the subject, that no individual has, of natural right, a separate property in an acre of land, for instance, by an universal law indeed, whatever, whether fixed or moveable, belongs to all men equally and in common, is the property, for the moment of him who occupies it; but when he relinquishes the occupation, the property goes with it. stable ownership is the gift of social law, and is given in the progress of society. it would be curious than if an idea, the fugitive fermentation of an individual brain, could, of natural right, be claimed in exclusive and stable property. if nature has made any one thing less susceptible, than all others, of exclusive property, it is the action of thinking power called an idea; which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. its peculiar character too is that no one possesses the life, because every other possesses the whole of it. he who receives an idea from me, receives instruction himself, without lessening mine; as he who lights his taper at mine, receives light without darkening me. that ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density, in any point; and like the air in which we breathe, move, and have our physical being, incapable of confinement, or exclusive appropriation. inventions then cannot in

Thomas Jefferson to Isaac McPherson, August 13, 1813, p. 6.

James Boyle

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Enclosing the Commons of the Mind

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