

**DEVELOPING A LEGAL PARADIGM FOR PATENTS:
the attitude of judges to patents
during the early phase of the Industrial Revolution
in England (1750s - 1830s)**

In recent times, the courts have been confronted with issues of patentability arising from the innovations of the digital age. However, the struggle to develop a legal paradigm for patents has a long history. Judicial disagreements as to the subject matter of patent protection and the requirements of the patent specification came to the fore in the age of mechanisation.

This study traces the development of a legal structure for patents for invention during the earlier phase of the Industrial Revolution in England (1750s - 1830s). During this period, there was no comprehensive statutory overhauling of patent law, which left the development of patent law very much in the hands of the judges of the common law courts. The focus of this study is on the attitude of judges to patents. The study examines what factors judges may have taken into account in reaching their decisions and how these factors may have affected the moulding of the legal concepts of patent law.

Front cover picture: engraving by Robert Dighton, 1785, showing Lord Mansfield and two puisne justices (probably Edward Willes on the left and Francis Buller on the right) at the Court of King's Bench.

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