

Review for *Technology and Culture* of Stathis Arapostathis and Graeme Gooday, *Patently Contestable: Electrical Technologies and Inventor Identities on Trial in Britain* (Cambridge, Mass.: MIT Press, 2013. Pp. 294. \$40.00

Disputes over patent rights and the more tenuous notions of “intellectual property” are perennial, as suggested by recent battles in the smartphone industry. The history of these contests is important for assessing the role and value of patents, as well as identifying the enduring features of innovation itself.

This excellent book consequently explores case studies of patent wrangling in Britain. Each is well known to wider publics as tales of heroic inventors, although Stathis Arapostathis and Graeme Gooday dismantle the neat accounts to reveal the disorderly internal workings of the patent process.

The authors examine the inventions of telephony, incandescent lighting, electric power supply and wireless communication between 1875 and 1920. They argue that the status of their inventors – recognized today as Alexander Graham Bell, Thomas Edison and Guglielmo Marconi – is due in no small part to the process of litigation. This link between a public identity for inventors and their courtroom defenses of technological design is as important for modern corporate practice as it was over a century ago.

The book teases out the role of legal procedures by inter-comparing the practice of British and American patent law through this half-century. Courtroom contests were common, if not universal, in those countries; by contrast, continental Europe more often assigned credit for inventions by panels of experts operating outside the public eye. One reason for national differences was that professional propriety and public unanimity was deemed more important in Europe than in America. Another was that, before 1905, the UK patent office merely registered patents – it did not inspect, identify or assess putative patent infringements.

At the center of Anglo-American patent law was the concept of the “true and first” inventor who alone should profit from exclusive exploitation of the patent idea. Determining this truth was a matter for arcane patent law and aggressive adversarial contests. As Edison well knew, his public proclamation was wrong: fame, fortune and even “genius” depended on public disputation as well as inspiration and perspiration.

But this is not merely an account of the legalities of patent recognition, or the economics impelling the parties that employed these tools. The authors examine cultural dimensions, too: the varieties of recognition and even moral worth that could become associated with an inventor, and how cultural constraints determined how the courtroom game was played. Successful patentees could, for example, be lauded by established professional institutions such as the Royal Society; their public prestige could help buttress young upstart organizations like the Society of Telegraph Engineers. These social maneuvers helped individuals, nascent professions and companies to co-evolve.

Such perks were not transferable in a financial sense; technical creativity at the turn of the last century could not be sold as intellectual property rights can be. Similarly, the threat to professional credibility of an unsuccessful courtroom battle could not be converted directly into a loss of personal income. In Britain, even

more than America, social status was supported by a network of non-monetary underpinnings.

Nor does the book rely solely on courtroom rhetoric to assess the players. Newspapers and journals provided discordant voices challenging the authority of not only the litigants, but also judges. These literary channels could sometimes act as tribunals, much as the internet has more recently become the platform for claims and counterclaims by international protagonists.

An equally valuable perspective explored by the authors is consideration of the transnational dimension of these conflicts. Inventions exported to other countries encountered new networks of inventors to contest and refine designs. In some cases this was settled by negotiation, such as the union of Thomas Edison and Joseph Swan to jointly sell lighting products in Britain.

As this suggests, outmoded accounts of invention – focusing on biographies of heroic inventors and their putatively misguided or opportunistic opponents – are replaced here by a fine-grained and symmetrical account that involves a rich cast of other actors. The account provides insights that are pertinent to both the history and future of technologies in culture.

SEAN F. JOHNSTON

Sean Johnston is professor of science, technology and society at the University of Glasgow. His work, including his most recent book, *The Neutron's Children: Nuclear Engineers and the Shaping of Identity* (2012), focuses on the emergence of new technical fields and their specialists.