

## *Patent Examination in the Venetian Republic (1414-1788)*

**Ted Sichelman**

Associate Professor, University of San Diego School of Law

tsichelman@sandiego.edu | [Bio](#)

**Sean O'Connor**

Professor of Law and Faculty Director, Law, Business & Entrepreneurship Program

University of Washington School of Law

soconnor@uw.edu

The Venetian Republic is widely recognized as adopting the first formal patent system in its Patent Act of 1474. Legal scholars have generally assumed that after the passage of the Act, the patent examination process adhered to the requirements and process set forth in the Act. In this article, using original documents from the Venetian State Archives, we show that the examination process often deviated substantially from the provisions in the Patent Act. Rather, the Patent Act merely confirmed via example previous “customary law” regarding the examination and grant of patents, and did not intend to override the flexibility present in the customary law. We posit that this misunderstanding of how the Patent Act functioned in practice stems from the apparent fact that no legal scholar has yet to examine the original archival documents, instead relying upon the writings of historians and political scientists, who have typically failed to understand the legal nuances of the Venetian patent system. Here, we present a detailed account of how Venetian and foreign inventors applied for patents, how the examination process worked, and the specific requirements needed to be met *in practice* to secure a Venetian patent. An accurate description of this process is important to fully understanding the drivers and effects of the first patent system in the world, and its ramifications for patent law today.