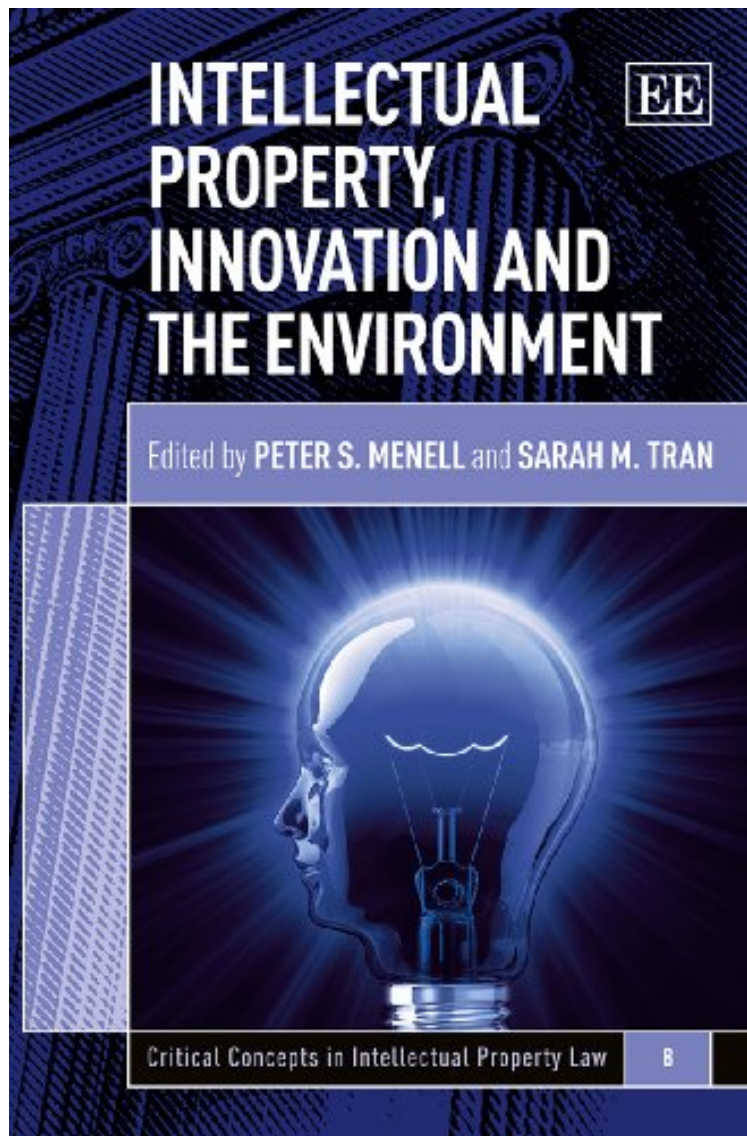


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## Intellectual Property, Innovation and the Environment (Critical Concepts in Intellectual Property Law)

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From Edward Elgar Pub : Intellectual Property, Innovation and the Environment (Critical Concepts in Intellectual Property Law) before purchasing it in order to gage whether or not it would be worth my time, and all praised Intellectual Property, Innovation and the Environment (Critical Concepts in Intellectual Property Law):

0 of 0 people found the following review helpful. Intellectual Property, Innovation, and the Environment (2014) edited by Peter Menell and Sarah Tran By Matthew Rimmer Intellectual Property, Innovation, and the Environment (2014) edited by Peter Menell and Sarah Tran A Review by Matthew Rimmer Peter S. Menell and Sarah M. Tran (ed.), Intellectual Property, Innovation and the Environment, Cheltenham (UK) and Northampton (MA): Edward Elgar, 2014, 756 pp Hardback 978 1 78195 160 6, [http://www.e-elgar.com/bookentry\\_main.lasso?id=15063](http://www.e-elgar.com/bookentry_main.lasso?id=15063) There has been a longstanding deadlock over intellectual property and clean technologies in international climate talks. The United States and other developed countries such as Japan, Denmark Germany, the United Kingdom, Australia, and New Zealand have pushed for stronger and longer protection of intellectual property rights related to clean technologies. BASIC countries such as Brazil, South Africa, India, and China have pushed for greater flexibilities in respect of intellectual property for the purpose of addressing climate change and global warming. Small island states, least developed countries, and nations vulnerable to climate change have called for climate-adaptation and climate-mitigation technologies to be available in the public domain. In the lead-up to the United Nations Climate Summit in New York on the 23rd September 2014, it is timely to consider the debate over intellectual property, innovation, the environment, and climate change. In a new collection, Intellectual Property, Innovation, and the Environment, the editors Peter Menell and Sarah Tran provide a comprehensive guide to the history and the evolution of the debate over intellectual property law and the environment. In the introduction to the collection, the editors consider the interplay between intellectual property, innovation, and the environment: Technological innovation has long been widely viewed as a critical means of reducing environmental pollution, conserving energy, and raising standards of living. Yet the role of intellectual property the primary general regime for promoting innovation in advancing pollution control technology and conserving energy was not widely perceived until relatively recently. Furthermore, concerns have been raised that intellectual property protection could well slow the diffusion of technologies that address environmental problems (ix). In particular, Menell and Tran's collection traces the emergence of intellectual property as an environmental protection policy lever, examines the interaction of market failures at the intersection of technological progress and environmental protection, discusses concerns that have been raised about the use of proprietary rights in the service of environmental protection, and considers alternatives to intellectual property such as subsidies and prizes as encouragement for advances in environmental protection policies (ix). Menell and Tran stressed that there is a need to properly consider the role of intellectual property law in environmental regulation: Although only obliquely recognized during the first two decades of the modern environmental era, intellectual property has always been a vital part of the environmental protection system (ix). The two editors have extensive expertise and experience in the field of intellectual property, innovation, and the environment. Professor Peter Menell is the Koret Professor of Law at the Berkeley School of Law at the University of California and the Co-Director of the Berkeley Center for Law Technology. He has written extensively on intellectual property law, property law, environmental law, and information technology law. Peter Menell is a polymath and an intellectual whose work cuts across multiple technological fields. His previous edited works include Intellectual Property in the New Technological Age (Aspen Law Business, 6th ed. 2012), Software and Internet Law (Aspen Law Business, 3rd ed. 2006), Environmental Law (Ashgate Publishing 2002), Property Law and Policy: A Comparative Institutional Perspective (Foundation Press, 1998), and Environmental Law and Policy (Aspen Law Business 1994). In addition, Peter Menell has been involved in an amicus curiae brief to the Supreme Court of the United States in the landmark Grokster case. Sarah Tran was an Assistant Professor of Law at the Southern Methodist University, Dedman School of Law in Dallas, Texas. Tragically, she passed away at the age of 34 in February 2014. Sarah Tran was widely respected as innovative teacher and researcher in respect of intellectual property and the environment. Her work was particularly interested in improving the operation of the patent regime to stimulate clean technologies and renewable energy. Sarah Tran was noted for her dedication, engaged in online teaching, while suffering from acute leukemia. Her University has remembered Tran as a shining example of brilliance, tenacity, an adventurous can do spirit, dedication to family, students, fun, love and life. Menell has paid tribute to his co-editor in an elegiac piece. The collection gathers together a canon of intellectual property scholarship on the environment and climate change. This is an important service because the field is important and significant, it has often been neglected and forgotten. The environmental dimensions of intellectual property law have too often been elided and erased in contemporary scholarship. This collection should be essential reading for lawyers, economists, and policy-makers, working in the fields of renewable energy, and climate change. Michael Madison has recently argued that there is a need for academics, students, and policy-makers to reacquire themselves with the lost classics of intellectual property. Citing Santayana, he laments: Those who cannot remember the past are condemned to repeat it. Madison maintains that there is a need for legal scholarship to acknowledge its intellectual debts: [I]ntellectual property law scholarship would be strengthened by better and more consistent acknowledgement of earlier work. Matthew Rimmer, Intellectual Property, Innovation, and the Environment (2014) edited by Peter Menell and Sarah Tran A Review, Medium, 26 August 2014, <https://medium.com/@DrRimmer/intellectual-property-innovation-and-the-environment-2014-edited-by-peter-menell-and-sarah-tran-2fb9dd6069a3>

This topical volume brings together seminal papers which explore the interplay of intellectual property, innovation and

environmental protection. It traces the emergence of intellectual property as an environmental protection policy lever and examines the interaction of market failures at the intersection of technological progress and environmental protection. Further, it discusses concerns that have been raised about the use of proprietary rights in the service of environmental protection. Finally it considers alternatives to intellectual property, such as subsidies and prizes, which seek to encourage advances in environmental protection technologies. With an original introduction by the editors, this important collection will be of interest to students, scholars and practitioners working in the field of intellectual property, innovation and the environment.

'Although environmental law and intellectual property rights are often considered quite distinct, they are rapidly becoming united because of the urgent need for technological innovation in order to address major environmental problems such as climate change. The materials collected in this book provide the foundations for this growing area of research.' -- Daniel Farber, University of California, Berkeley, USA  
About the Author  
Edited by Peter S. Menell, Koret Professor of Law and Director, Berkeley Center for Law and Technology, University of California, Berkeley School of Law, US and Sarah M. Tran, Assistant Professor of Law, Southern Methodist University Dedman School of Law, US