

Book Review

Modern Intellectual Property Law, by C Colston & K Middleton, 2nd ed
(London: Cavendish Publishing Limited, 2005) ISBN –10: 1-85941-816-3
(Pbk) ISBN – 13:978-1-859-41816-1 (£35.95)

The second edition of the text provides a much needed updating of the important legal and technological developments in intellectual and industrial property since the publication of the first edition in 1999. The layout of the chapters in the book are not dissimilar to existing textbooks on this subject and the topics covered will fit readily into any structured module on Intellectual and Industrial Property.

There are 19 Chapters in the book. Chapters 1 and 2 aim to introduce reader to the institutional and regulatory infrastructures governing the commercial exploitation of intellectual and industrial property. Patents, Copyright and Related Rights comprise the bulk of the subject matter covered in the book. 4 chapters are devoted to the coverage of patents (Chapters 3-6) and 6 chapters for copyright (Chapters 8-12) and design rights (Chapter 13). The protection of business marks comprises of both the common law tort of passing off (Chapter 14) and statutory trade mark law which includes a small section on domain names (Chapters 15-17) . Chapter 7 covers the law of confidentiality and Chapters 18 and 19 deal with the proprietary claims to image and enforcement regimes respectively.

There is much to commend this book to undergraduates and postgraduates. The treatment of the topics and the overall coverage have been the product of extensive research. The authors seem to have given great deal of thought to the way a range of topics and issues are to be described and explained. The subject matter appears to be pitched at a level that should appeal to readers coming to the subject for the first time or seeking to obtain an overview of particular topics in intellectual and industrial property. I also thought that the authors were correct to incorporate issues relating to TRIPs, competition law and the Internet. My only hesitancy about their inclusion is whether the right balance has been achieved. It is also good to see that attention has been paid to provide a sound indexing system, which will no doubt facilitate ease of reference.

That said, as someone in the business of delivering modules involving intellectual property, there are some aspects that can be improved. First, whilst it is an excellent idea to include further reading, I was unsure which materials were essential to the topics or issues covered. Furthermore, given that in some instances the list is extensive, some guidance in terms of page references particularly for monographs would have been helpful. In passing, I must note my surprise in finding *Blackstone's Guide to the Copyright, Designs and Patents Act 1988* as part of the additional reading recommended for the chapter on 'Breach of Confidence'. Authors tend to adopt their own styles when conveying accounts of a particular topic or their interpretation of judgement or subject. Whilst allowances can and should rightly be made for academic freedom in this regard, I did wonder at times whether some of the accounts would have benefited from editing, sharper analysis or elaboration. For example, it is unclear what the preamble to the chapter on Patents (Chapter 3) adds to the treatment of the topic. Mindful that this a highly technical area overlaid by

extensive judicial contributions and that issues regarding patentability and scope for protection and exploitation are covered in some detail later, I tended to find the information conveyed superfluous (p 57). To those not entirely familiar with the controversy surrounding business method patents, the ethical issues relating to biotechnology and rights management, the provision of a context or footnote directing to secondary literature would have integrated the subsequent treatment of the subject to the initial statements at Chapter 4 paragraph 4.3.6 and 4.8.1 (business methods and biotechnology) and Chapter 10 paragraph 10.6 (rights management) respectively. It is sometimes said that law students are by instinct averse to any reference to philosophy or theory in their courses. Chapter 2 aims to provide a useful foundation for students with little or no familiarity with the broader debates. The authors pick up some of the points at various stages in the book. The authors are to be commended again for adopting the approach they have. I did pause however to consider what the authors were seeking to put across in pp 31-32 or whether too much was being assumed by launching into the use of economic arguments (paragraph 2.11) or the ongoing arguments between OECD and Third World countries and political economy (paragraphs 2.1.2). This is however a question of emphasis or preference. That said, it may be that the conclusions the authors were seeking to draw would have been better served by dealing with paragraph 2.3 before broadening the issue of legitimacy of our institutional infrastructures to cover the obviously important debates taking place in the WTO and other International institutions and public forums.

None of the foregoing should be seen as detracting from the obvious quality and contribution this book makes to grappling with the complex array of topics and issues that revolve around the DNA of intellectual and industrial law in the new economy.

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