

BOOK REVIEW

The Intellectual Property Debate: Perspectives from Law, Economics Political Economy

Edited by Meir Perez Pugatch, Edward Elgar, 2006, 392pp £89.95.

One can find many legal rights and concepts under the umbrella term “intellectual property”. With *The Intellectual Property Debate* as a title, you immediately have to wonder about the contents selected for a work only 392 pages long in what is a broad field with seemingly more than its fair share of controversy. Indeed, with so many IP rights, and debates over almost every aspect of them, Pugatch faced an unenviable task in editing this volume into a coherent structure.

The big three of IP, patent, copyright, and trade mark, often take up centre stage at any IP event. Their poor cousins – GI's, design rights, personality rights, trade secrets, traditional knowledge and so on – get less coverage any time that someone speaks in terms of “intellectual property” rather than singling out a specific right. Interestingly, out of all of these fields, this book only really covers patent, copyright, and geographical indications. Though many debates could arise from any one of these areas, the contents are organised in five parts:

1. Trade, Investment and Enforcement Policies of IPRs
2. IPRs, Business and Public-Private Partnerships
3. IPRs, Pharmaceuticals and Biotechnology
4. IPRs, Competition, Access and Antitrust in the Age of the Information Society
5. IPRs and Geographical Indications

Each section is less of a “debate” over the respective area, and more of a selection of articles discussing some aspect of the relevant IP right along the theme, and some sections don't explore both sides. The section on pharma and patents, for instance, includes two very one-sided articles by authors who work in the pharmaceutical industry, with no counter-balance critiquing their views. Goren's call for a new “global agreement on pharmaceutical intellectual property protection and exploitation”¹ in this section is perhaps not surprising given that he works for Pfizer. Pugatch justifies his “pro-pharma” selections by stating that their perspectives aren't often included in academic volumes.² Though this may be true, what is surprising is that the casual reader interested in learning more about IP and pharmaceuticals must look elsewhere to find the other half of the debate.

Most of the articles individually are of high quality and add significantly to the existing literature in the area – the works by Curley, Suthersanen, and Westkamp in the section on knowledge-based economies as well as the Vivas and Spennemann work on GI's and free trade agreements immediately spring to mind. Others are less accessible or a bit thin in their analysis, which makes for a mixed set of quality of materials. A review isn't the place to overly critique the practice of producing and selling books that are essentially a hardbound volume of a bespoke legal journal, but

¹D Goren, “Pharmaceutical innovation and intellectual property rights: a global public good?” 167.

²M Pugatch, “Introduction: debating IPRs” 13.

at some point we must take a step back and critically think about this practice and its utility to academia and the public.

Reviews should however critique the need to purchase the product. Publishers are by trade overly optimistic of those who would be interested in their books, and this publisher has stated:

The Intellectual Property Debate will appeal to scholars, practitioners, and government officials interested in the fields of international trade and intellectual property policy, intellectual property law, technology transfer and valuation, and international business.

At nearly 90 pounds sterling, this reviewer is hard-pressed to see the utility of the book for practicing lawyers, who surely can find similar or more relevant information from other sources for less money. In addition, the focus of the work is decidedly international, and UK solicitors would seem to have little use for articles such as the two on public-private partnerships in the US biomedical and technology transfer sectors. For academics and government officials, the same critique generally holds, though individual contributions in the volume certainly justify the purchase if one does significant work in the area. This book is a complement to other work in the area rather than a stand-alone contribution in its own right and should be treated accordingly when making the decision to add it to one's collection.

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DOI: 10.2966/scrip.040207.240

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