Foreword

It gives me a great deal of pleasure to write the foreword for this book, *Intellectual Property, Human Rights and Competition: Access to Essential Innovation and Technology*, by Dr Abbe Brown. Abbe started her thesis at Edinburgh in 2003 and graduated in 2009. Not only did she produce an excellent piece of work during that time, but she also gave birth to her second son and was appointed a lecturer. The energy that drove Abbe to achieve so much during her time at Edinburgh has enabled her to develop the themes in this monograph. Abbe's central concern has been to examine the extent to which competition and human rights law can be used to curb the sometimes excessive power that intellectual property can confer over access to and use of essential technologies. In making her argument, Abbe has made a significant contribution on several levels. She has developed what she calls the Human Rights Emphasis, an intriguing mechanism for ascribing values to human rights in order to balance them when faced with competing priorities in the quest for access to essential technologies. Developing the thesis that competition too can be used as curb on the excesses of the exercise of IP, Abbe combines an analysis of how competition and human rights together can combine to produce just results. This she illustrates by working through a series of examples, and in so doing Abbe is able to show how her contribution would enable courts to combine existing principles to deliver a balanced approach to troublesome scenarios involving access to and use of new technologies.

From the start, Abbe was determined that her work should have a practical emphasis: that the ideas that she developed should actually be capable of being used by the courts when faced with pressing and real problems. This drive stems from Abbe's own career experiences. She has qualified as a solicitor in three jurisdictions: Australia, England and Wales, and Scotland. During her time in practice she was able to see how, in reality, IP could be used to excess. She has combined this practical experience with her social conscience – that there were times when this power that IP could give to the right owner could result in real injustices. The third strand, her strong academic prowess has enabled her, uniquely, to develop a critically

analytical academic approach to real life problems which could, given a receptive court, make a real difference.

The ideas in this book deserve serious consideration.

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