Editorial

London is positively basking in sunshine and springtime growth, resonating intriguingly with an issue focused on innovation, growth and the new.

Intellectual property law arguably records, effectively or otherwise, certain types of innovation and newness – a society's intellectual growth, as it were. But how might those rules be complicit, if at all, in driving such innovation? Each of the articles in this issue provides important insight into considering the larger question, does intellectual property drive innovation, or simply allow us to channel that innovation and trade upon it?

Aurora Plomer reviews the judgment of the Grand Chamber of the European Court of Justice in *Oliver Brüstle v Greenpeace e.V.* (C-34/10), and, in particular, the interaction between patent law, biotechnological innovation and competitiveness, and human rights. While intellectual property laws may introduce socio-political differences in approaches to biotechnology-related inventions, the roles of human rights and cultural differences are becoming increasingly significant and complex in this area. Plomer investigates the landscape for resolution.

Timo Minssen and David Nilsson continue their epic examination of the significant Federal Circuit decision in *AMP v USPTO*, this time extending that discussion to place it within a broader consideration of innovation policy. The authors use the decision to 'test' proposals for the way in which patent law might support more explicitly the distinct and direct purpose of greater innovation, particularly with respect to emerging and new technologies. These include a consideration of patentability criteria and the environment for the patent post-grant, all in the context of new and emerging research environments which may demand some flexibility and innovation in the legal framework itself.

Andrea Stazi asks us to consider innovation as a mutually constitutive relationship with consumers or users in the digital environment. Importantly, as considered widely in current debates, intellectual property products obtain much if not all of their value in their exchange with users. Stazi calls for greater balance and indeed acknowledgement of users in the articulation and application of copyright protection as not only more relevant socially and commercially, but also critically important to generating innovation and growth in digital content.

As the sun outside is shining brightly and optimistically, after one of the shortest winters for quite some time, the current climate for debate and reform in intellectual property and innovation policy seems particularly favourable. And our authors in this issue are providing some rich soil in which that discussion can continue to flourish.

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