

Editorial

London has been observing a hosepipe ban in the middle of one of the wettest Mays on record – an extremely important measure for our long-term health and well-being, while at the same time seemingly counter-intuitive or even implausible given the relentless soaking we have been receiving. Nevertheless, we comply because we understand that it is essential for the future. Once again, nature imitates art imitates law, as our esteemed contributors in this issue examine both historical and contemporary developments in intellectual property law, perhaps inconceivable at the time but arguably essential parts of an effective and efficient system in the long run.

For the 50th Anniversary of the Rome Convention, Gillian Davies reflects on the history, development and importance of this notable intellectual property instrument. While the US has never adopted the Rome Convention, and there were doubts of its chances of success at the time of its drafting, it has emerged as a truly critical part of the international framework in conjunction with the Berne Convention and its influence is in evidence in national and EU law, as well as international law.

Joëlle Farchy and Jessica Petrou look at the critical and frequently controversial issue of orphan works. The authors note that effective frameworks for orphan works will be instrumental in facilitating practical and efficient use of digital technologies. Examining appropriate solutions through the lens of law and economics, Farchy and Petrou consider the kinds of legislative changes necessary for optimal solutions to be achieved. To avoid a possible drought in a digital environment, despite the apparent downpour of content, economic efficiency may rely upon the introduction of, for some, uncomfortable measures to reduce the transaction costs associated in dealing with orphan works.

Finally, Timo Minssen and David Nilsson take us forth in the third instalment of their epic four-part treatment of *AMP v USPTO*. Minssen and Nilsson critique excessively broad upstream patents, suggesting that, for the patent system to flourish, higher thresholds for patentability as well as post-grant mechanisms might be necessary ‘measures’. At the same time, the patent system must adapt and accommodate important emerging technologies; that is, it must respond to changes in the climate and ecology of its innovation environment.

While we must impose certain measures to uphold the system, how might technological advancements and other mechanisms for production and innovation affect the business models we seek to maintain? In other words, what if the rain comes?

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