Editorial

Intellectual property law is interactive both in its articulation of the various categories of rights and in its necessary communication and ‘transactions’ in a wider legal and socio-cultural context for innovation and justice. This issue of QMJIP brings together not only the interactions within legal systems and between areas of law, but also the very interdisciplinarity of justice itself.

Queen Mary, University of London had the distinct pleasure of welcoming the Rt Hon Lord Justice Floyd to deliver the prestigious Herchel Smith Annual Lecture, in November 2013, ‘What Has Intellectual Property Done For The Law?’ the transcript of which opens this issue. In his lecture, Floyd LJ addressed the topic of judicial specialism, examining the discursive and communicative way in which law develops and, in particular, the way in which intellectual property judgments offer genuinely wider implications and developments in the general law.

This ‘interdisciplinarity’ of the law plays out not only in the relationship between different legal systems but of course in the relationship between law and its social, economic and cultural context. Dan L Burk and Brett A McDonnell examine the application and scope of patent rights in relation to ancillary subject matter and the wider implications of intellectual property for the size and structure of the firm, as well as additional concerns regarding employee mobility and embodied knowledge and skills.

Edson Beas Rodrigues Jr examines the role of intellectual property beyond the conventional paradigm of units or goods, towards deciphering the relevance and possible implications of the World Trade Organization (WTO) Agreement on Trade-Related Intellectual Property Rights (TRIPs) in achieving just dealings in intangible biocultural heritage. The author argues that, rather than simply an obstacle to relevant frameworks for dealing with biological resources, traditional knowledge and traditional cultural expressions, TRIPs offers an as yet neglected tool for negotiating the relationship between intellectual property, intangible biocultural heritage and unfair competition.

In his analysis of the new Customs Border Regulation, Ashley Roughton shows us that despite appearances, the relationship between substantive intellectual property law and the Regulation is not only noteworthy but also significant and important.

Intellectual property has indeed done a lot for the law and continues to do so. And interdisciplinary debate in intellectual property continues to do an enormous amount for IP scholarship. We hope you enjoy this rich exchange of perspectives in the current issue.

Professor Johanna Gibson and Lord Hoffmann
January 2014