Editorial

Welcome to Volume 7 Issue 2 of the Queen Mary Journal of Intellectual Property. Writing in an era of substantial historical and political change, the authors in this issue bring a range of perspectives to the growing tendency towards nationalism and protectionism in social, legal and political developments.

Yun Zhao takes us to the ‘nationalism’ of outer space in ‘Intellectual Property Protection in Outer Space: Reconciling Territoriality of Intellectual Property with Non-Territoriality in Outer Space’. The author examines the efforts to reconcile territoriality in the context of intellectual property protection in space activities.

Phillip Johnson assembles significant historical records concerning the impact of protectionism on patent law development and the growth of the pharmaceutical industry in the UK, and to this end has made accessible, for the first time, The Report of the Parker Committee (written in 1916) together with key memoranda. The Report provides a significant insight into the relationship between a protectionist agenda and subsequent reforms, specifically with respect to pharmaceuticals, in response to the perceived exploitation and abuse of the patent system by the German industry.

In ‘Should Alibaba Be Liable for the Counterfeiting Activities of Online Stores? On the Secondary Liability of Internet Service Providers in Chinese Trademark, Copyright and Tort Law’, Shujie Feng considers policy-makers’ concerns with national boundaries, and efforts to construct territory in the context of online sales, both legally and socially. The author examines in detail the interaction between intellectual property law and tortious liability, and indeed the links between commercial legal frameworks and the ‘social’ dimensions of civil liability.

Especially timely, considering the importance of lessons from history for the challenges of today, is Mohammad Amin Naser’s contribution, ‘Revisiting the Historical Origins of the Jordanian Trademark System: The UK Legacy’. The author examines the history of the protection of trade marks and the role of the courts in anatomizing the scope of this protection in the development of Jordan as a British protectorate. Drawing links between national identity and historical legal legacies, the author explains the way in which the history of legal texts is itself an invaluable tool and insight into not only the application of the law today, but also, arguably, the necessary evolution of the law as a cultural, social and developmental tool.

Korhan Arun and Durmuş Çağrı Yıldırım consider the relationship between competition, nationalism and protectionism in ‘Effects of Foreign Direct Investment on Intellectual Property, Patents and R&D’. The authors note the competitive advantage of innovative firms and the links between investment and demonstrated innovation, raising the role of foreign direct investment (FDI) as a significant question for exploration, and showing the importance of clusters in facilitating ongoing innovation.

Indeed, in the current uncertainty of political, economic and social environments, commercial cooperation appears to achieve greater innovation and development than that anticipated by protectionism. At a time when it seems only the commercial world is able to imagine greater cooperation and the defiance of nationalistic limits, in contrast to the ever-narrowing, protectionist view shared by politicians, one

wonders if people more widely could start to grasp some of that business ingenuity. It seems almost anachronistic to turn to commercial life for some much-needed imagination to face the current challenges, but when it comes to a creative future, perhaps it is time to take care of business. But use your imagination.

Professor Johanna Gibson
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