Editorial

In many ways, the commercial system of intellectual property is implicated in the natural environment. This interaction occurs through more obvious ways, such as the commodification of resources, the protection of environmental technologies, and so on. It may also occur in indirect ways, such as using intellectual property to facilitate effective digital dissemination and knowledge transfer. However, the very commercial system of intellectual property also interacts with the environmental system and occurs through an interaction of the systems themselves. More specifically, the interpretation and development of intellectual property can benefit from an appreciation of the ecological character of knowledge processes and interactions and address reform with a regard for the functioning whole.

This issue of the Queen Mary Journal of Intellectual Property covers a number of perspectives on the nature and natures of intellectual property and its functioning, looking at the vital community of creative and innovative entities.

Gustavo Ghidini and Giovanni Cavani examine the circulation of communication, particularly in the context of freedom of commercial communication, and the interaction with reputation in their article, ‘On the Scope of Protection of Renowned Trade Marks’. In the extension of protection to ‘not similar’ goods, for trade marks with a reputation, the interdependence of communication and identity with the wider access to the means for expression is unsettled and compromised, and the authors argue for a management of this environment with greater coherence between the consumer, the mark, and the message in addressing the scope of protection for famous marks.

Xiao Ma’s article, ‘Regulating Peer-to-Peer Technology in China: Inspiration from the United Kingdom’, similarly approaches interaction and balance in intellectual property, in this case in the digital environment, and examines the complex issue of intermediary liability. Comparing the approaches of the UK and China, as well as drawing insights from Australia and the US, the author argues for a multi-factor, environmental approach to regulation, reflecting the ‘polygenic inheritance’, as it were, through the complex interaction between copyright material and the digital environment.

The interaction between competition, intellectual property and standards is explored by Yo Sop Choi and Andreas Heinemann in ‘Standard Essential Patents – a Comparison of Approaches between East and West’. The author considers in particular the potential competition issues raised by standard essential patents (SEPs), the conservation of system energy through static and dynamic efficiency, and the seemingly common imperative towards open markets in the information and communication technology sectors.

Luis Felipe Beltrán-Morales, David J Jefferson, Ileana Serrano Fraire and Monica Alandete-Saez explore an especially interesting environment in the form of the Patenting Centers launched by the Mexican national government, and the impact on other entities in that system. The authors note an increase in national filings as well as an improvement in the quality of applications. In addition to these immediate procedural benefits, the authors argue that the Patenting Centers contribute to a more productive and innovative environment more generally, particularly with respect to local innovation and researchers, and public and private interconnection, highlighting the importance of managing the intellectual property ecosystem over and above issues of recognition and enforcement. Indeed, the ‘culture’ contributes to protection in ways beyond mere procedural and technical enforcement.

Zhigang Wang and Mark Wing address a fascinating aspect of the online literature industry in China in their article, 'Asymmetry and Helplessness: The Copyright Ecology of Online Literature Writers in China'. Online publication in China continues to suffer from cultural bias, being seen as less creative and original. However, a further complication is the exposure to plagiarism and appropriation, where the authors remain completely vulnerable to what they describe as 'the dysfunctional copyright ecology'. In a compelling example of environmental management and the interactions between all elements in the ecosystem, the authors take a comprehensive approach to copyright protection for online literature.

We hope you enjoy this issue of the Queen Mary Journal of Intellectual Property and the commanding outlook on the intellectual property landscape. Come on up, the views are great.

Johanna Gibson
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