and after the Paris Convention. The same misconception under the Berne Convention arises with the Paris Convention. This misconception is caused by people viewing the statutist solution of the principle of national treatment is viewed with contemporary, Savignian eyes. This misconception distorts the application of the principle of national treatment.

Part II discusses the principle of national treatment and how it is interpreted today, along with problems that arise with modern-day misconceptions of the principle of national treatment. Chapter Five takes up a substantial portion of the book, discussing the obfuscation concerning the conflict-of-law rule in the principle of national treatment. This chapter explores why the Berne Convention and the Paris Convention conflict-of-law rule in the principle of national treatment are no longer understood as the drafters intended. The treaties have stayed the same, but our interpretations of particular sections have changed. The author examines how the obfuscating of the principles concerning conflict-of-law and intellectual property occurred over time and why. The author examines the different interpretations of the treaties and the problems arising from said misinterpretations. This treatise explores the evolution of the interpretation of the Paris and Berne Convention. In order to understand the evolution of the interpretation of the principle of national treatment in the Berne and Paris Conventions, the author explains the history of both conventions and how political and economic interests influenced the evolution of the interpretation. The author discusses how today's misconception of the principle of national treatment is caused by conflict-of-laws going through several substantive changes between the nineteenth century and today. Chapter Six discusses the aliens-law rule in the principle of national treatment and its problems. Chapter Seven explores protecting the rights of authors of literary and artistic works.

The end of the book explores the reformulation of and reformation of intellectual property treaties to solve the obfuscation and misinterpretations of treaties in effect. The author argues that the exclusive lex loci protectionis conflict-of-law rule is the best conflict-of-law rule for international intellectual property. The author explains that the Berne Convention and the Paris Convention are adequate treaties for a conflict-of-laws problem because both treaties contain the lex loci protectionis conflict-of-law rule. Because of lex loci protectionis conflict-of-law rule, Article 5 can be amended to make a more desirable conflict-of-law rule. The author proposes some changes to the Paris and Berne Convention that would downsize the conventions, making them purer, cleaner, and easier to apply.

The one complaint I have about the book is that some blocks of text were not translated into English. If there is a reason these sections were not translated, a notation of why the author decided not to translate should have been in the footnotes. For people whose working language is English, this can be frustrating.

I recommend this treatise for any firm that practices international intellectual property or for upper-level law courses on international intellectual property. I would not recommend this book to a novice law student or attorney. A background in conflict-of-law and intellectual property is needed to comprehend the text.

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doi:10.1017/jli.2023.6

***Intellectual Property as a Complex Adaptive System: The Role of IP in the Innovation Society*.** Edited by Anselm Kamperman Sanders and Anke Moerland. Northampton, MA: Edward Elgar, 2021. Pp. V-211. ISBN: 978-1-80037 837-7. US$137.00.

In this volume, editors Anselm Kamperman Sanders and Anke Moerland present a collection of essays exploring IP as a fluid, responsive dynamic between regulations, economies, entrepreneurs, and innovation, each influencing the other.

The book's primary focus is on patent law and is divided into three parts. The first and largest section (Part I) provides six essays on Patents and Innovation. Part II, composed of two essays, examines Markets, Collective Management, and Creativity with a focus on EU Geographic Indications and European online music licensing. Part III, Institutions and Justice, contains a single essay analyzing the impact of investor-state dispute settlement on IP lawmaking.

In theory, the chapters all share the angle that IP is best understood not simply as a set of fixed parameters but can instead be conceptualized as a responsive and interdependent relationship: a Complex Adaptive System (CAS). What defines a Complex Adaptive System? The authors use Melanie Mitchell's *Complexity: A Guided Tour* (2009) definition: a CAS is a system "in which large networks of components with no central control and simple rules of operation give rise to complex collective behavior, sophisticated information processing, and adaptation via learning or evolution." (2)

Sanders and Moerland cite varied examples of complex adaptive systems, including biological species, economies, the brain, and law. Scholars have argued both international investment law and international environmental law would also meet the criteria. Each CAS is composed of "heterogeneous agents who interact with and learn from each other." This leads the agents to adapt over time as they seek to improve performance, and in turn, this dynamic leads to "self-organized collective behavior which is not controlled through any external party." (2)

How does IP fit this rubric? IP professors and editors Anselm Kamperman Sanders and Anke Moerland argue that IP's basic dynamics are more complex and less independent than they may appear – and that in an expanding innovation economy, these fluid adaptations and roles are generally not fully understood or explored. In their view, IP should not be only understood as a fixed system of regulatory exchanges and property interests but should instead be viewed more expansively. Seen through this lens, IP plays a number of unsung functions: as a relationship creator (public-private partnerships, business, partnerships, assignment/licensing); as a business tool (for value creation, knowledge sharing, and enforcement), and as a vehicle for investment.

The authors also explore whether public-private partnerships and other policy interventions could serve as a possible softening force against the Valley of Death – that is, the gap between the successful scientific development of a product and the bringing of a product or service to the marketplace. In examining the deleterious effects of the Valley of Death, the authors explore how new policy approaches and a deeper understanding of IP within the marketplace might help to bridge that divide.

Other chapters continue to expand these concepts in greater detail, including perspectives from other academic disciplines and practitioners. In one notable chapter, David Harper, an economics professor at NYU, builds upon the analysis set forth by Sanders and Moerland. In his analysis, Harper argues that the structure of IP law is a "productive capability" of our shared economic system and that IP rights are capital goods used by entrepreneurs. As such, he posits that entrepreneurs are actors in the IP ecosystem who determine when IP rights enter into productive use in the economy. Harper expands on Sanders and Moerland's complex adaptive system theory, noting that IP laws are not simply independent entities, but rather a "web-like network of rules that exhibits increasing structural complexity as it evolves." (37)

In Chapter 4, the book delves into the topic of Standard Essential Patent (SEP) licensing in the Internet of Things (IoT) era. The author, Beatriz Conde Gallego of the Max Planck Institute for Innovation and Competition, argues that as SEPs become more complex, the significance of interoperability standards may rise considerably. Gallego also raises the question of whether the value of openness, frequently championed by Standard Developing Organizations (SDOs), can hold out as SEP holders confront increasing demands to license their technology.

In another distinctive essay in the volume, Marco D'Ostuni, a partner at Cleary Gottlieb Steen & Hamilton, delivers an analysis of European patent cases and argues that existing antitrust concepts may be insufficient to address new forms of patent infringement such as Patent Assertion Entities (PAEs). This chapter provides a valuable practitioner perspective, written in a crisp and engaging style.

In one patents chapter, "The Machine Having Ordinary Skill in the Art," law professor Ryan Abbott raises concerns about the future of the "obviousness" standard in patent law given the increasing prevalence of inventive machines and individuals using inventive machines. His concerns have become all the more pressing in light of developments in generative AI following the publication of this volume.

Intellectual Property as a Complex Adaptive System is part of a book series set forth by the European Intellectual Property Institutes Network (EIPIN), an EU-funded initiative. The initiative promoted innovative research in Intellectual Property law by facilitating exchange and dialogue among IP researchers and faculty from across Europe. And as part of this endeavor, the EIPIN book series served as a platform for exploring European, national, and comparative legal/interdisciplinary IP issues. Although primarily focused in a European context, the network provided policy insights that could also apply to other jurisdictions. The series, which began issuing titles in 2013, has six titles to date, and *Intellectual Property as a Complex Adaptive System* is the most recent arrival.

https://doi.org/10.1017/jli.2023.9 Published online by Cambridge University Press

In short, *Intellectual Property as a Complex Adaptive System* is well-suited for academic libraries seeking to broaden their European IP catalog, or for those interested in a deep examination of IP rule systems and innovation generally.

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Emmanuel Kolawole Oke's The Interface between Intellectual Property and Investment Law: An Intertextual Analysis

The latest in the series "Elgar Intellectual Property and Global Development," this title primarily focuses on issues related to international investment and intellectual property law viewed through an intertextual lens. Oke cites recent claims by corporations against states involving intellectual property before investment tribunals as the impetus for the book. For example, Philip Morris Asia brought a claim against Australia under the Australia/Hong Kong Agreement for the Promotion and Protection of Investments, a bilateral investment treaty (BIT), after the Australian government released the Tobacco Plain Packaging Bill 2011 regulating the appearance, size and shape of tobacco products, and packaging, including limiting the use of intellectual property on or in relation to tobacco products. Ultimately, the tribunal did not reach the intellectual property issue because it declined to exercise jurisdiction over the case due to Philip Morris altering its corporate structure to claim protection under the Agreement when a dispute with Australia over tobacco plain packaging was reasonably foreseeable. Regardless of the outcome, the case demonstrates that corporate lawyers are actively trying to use BITs to protect not only traditional investments but also intellectual property rights.

Oke frames the central question of the book as, "How should the terms and standards protection contained in investment treaties be interpreted and applied in investment disputes involving intellectual property rights?" Oke proposes that intertextuality is the key to answering this question. Chapter 2 introduces the concept of intertextuality, both its origins in literary criticism and its treatment by legal scholars. For readers with limited familiarity with intertextuality, this background is crucial to understanding the rest of the book. Oke acknowledges Judge Richard Posner's rejection of intertextuality in legal interpretation and briefly counters Posner's view by positing that the Posner rejects the poststructuralist approach to intertextuality rather than the structuralist approach advocated by Oke. A more in-depth response to Posner's critique would bolster Oke's case for using intertextuality in legal interpretation, the premise upon which the rest of the book focuses.

After introducing intertextuality, Oke turns to its application in intellectual property and investment law in Chapter 3. An examination of investment tribunals' jurisdiction under BITs and the Convention of the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) focuses on how intellectual property rights can become part of disputes before these tribunals. Another case involving Philip Morris is used to illustrate this intersection of investment and intellectual property. Philip Morris sued Uruguay under the BIT between Switzerland and Uruguay alleging that Uruguay's anti-smoking legislation devalued its cigarette trademarks and investments in the country. While the complaint was brought under a BIT, the tribunal looked to rules of international intellectual property under the Paris Convention and the TRIPS Agreement in coming to its decision that supported Uruguay's rights to regulate public health regardless of foreign investor rights. Oke then considers the Vienna Convention on the Law of Treaties (VCLT), particularly Article 31(3)(c) permitting use of any relevant rules of international law applicable in the relations between the parties as part of the general rules of interpretation. Oke asserts that "an intertextual analysis based on Article 31(3)(c) can be used to ensure that terms and standards of protection contained in investment treaties are interpreted in a manner that is consistent with international intellectual property law."

This assertion is applied in Chapter 4, which focuses on determining whether an intellectual property right can be defined as an investment and advocating for the synchronization of international investment law and international intellectual property law using an intertextual approach. This synchronization is illustrated using extensive