

Forsyth, Miranda and Farran, Sue (2015). *Weaving intellectual property policy in small island developing states*. Cambridge: Intersentia. Pbk. xiv+280pp. ISBN: 978-1-7806-8225-9. €62.00.

This book tackles the area of intellectual property and intellectual property policy as it relates to the smaller independent Pacific Island countries. It starts with a basic definition of intellectual property and intellectual property rights, and goes on to illustrate how these relate to the customs, culture, education, business and the general development of these islands. In particular, it looks at how the global intellectual property regimes that are often imposed on these countries not only effect their economic and political development framework, but also have strong implications on the norms, realities, and intrinsic knowledge and beliefs of the populations of these islands. Arguments and criticisms made in the text are supported by empirical case studies specifically relating the patent regime to issues of health and medicine, and the copyright regime to education and access to educational material.

The authors go on to propose an alternative intellectual property regulatory approach to that pushed upon these countries as a result of their accession to the World Trade Organisation. They claim that their approach is more intimately linked to the social, cultural, economic and political dynamics of the island states and the particular realities and values of the populations. They argue that intellectual property rights need to be guided by local development strategies, and that it should be possible and beneficial to apply a hybrid approach combining international intellectual property models within an indigenous framework that takes into account local and traditional knowledge and customs.

The final three chapters of the book employ specific case studies to explore some of the issues involved in adopting such a hybrid approach. The area of technological innovation is assessed through the paradox of sea transport, whereby maritime transport services are ever more unaffordable and unsustainable in this region that is historically renowned for its boatbuilding and maritime navigational skills, and where sea transportation is so crucial to its existence and development. The practices of branding, authentication and certification are used to demonstrate how alternative mechanisms can be employed to protect and add value to indigenous products and local industries. Finally, the authors use case studies relating to traditional medicinal knowledge and medicinal plants to highlight how different regulatory approaches may assist in the fair and equitable commercialisation of such resources.

The conclusion re-examines the issues and arguments presented in the text to reaffirm the need for a more flexible approach to intellectual property policy and regulation in the region. The authors reiterate the need for alternative policies that balance international norms with local realities and customs. They advocate a bottom-up approach that starts from an understanding of the local norms and needs, and looks towards international practices and conventions to formulate a hybrid and flexible system. Such an approach would account for the established lifestyle and existing circumstances yet is able to accommodate innovative ideas and concepts.

Miranda Forsyth and Sue Farran are highly qualified, knowledgeable and well published in the subject matter they tackle in the book. They have an empirically grounded understanding of the complex intellectual property regimes and practices within the Pacific island states they write about as well as in other developing regions that face similar challenges and issues. They also understand well the various international organisations, conventions,

agreements and treaties relating to intellectual property, and how these impact on the ecosystems of these islands.

The book is extensively researched. It is strongly grounded in prior work, including numerous references to the academic literature, regulations, treaties, and other relevant material. The case studies are meticulously investigated, with interviews and fieldwork supported by comprehensive desk research. In all of this, the reader is not required to have a detailed understanding of intellectual property and other complex subjects tackled by the book, or of the cultures and realities of small Pacific island countries. The authors explain matters from first principles and provide the necessary background to enable a good understanding of the narrative and the issues covered. The book is outstanding in its use of examples and case studies to demonstrate in practical terms the repercussions from the adoption of measures not necessarily aligned to the best interests of the region, as well as positive outcomes from the adoption of policies and regulations that are. The case studies develop an understanding in real terms of the consequences of choices and decisions made in the often detached world of bureaucrats, politicians and diplomats.

The scope of the book is broad: it covers conventional intellectual property rights such as patents, copyright and trademarks, but also rights relating to the softer forms of intellectual property such as know-how, trade secrets, as well as the inherent knowledge, practices and values embedded “within the biological, cultural and spiritual context from which they emerge” (p. 233).

Although the book focuses primarily on Pacific Island states and their peoples, the problems and experiences presented are common to many developing regions and communities. The proposals and solutions suggested by the authors should be applicable in a variety of contexts and locations, particularly where indigenous intellectual property needs to be protected, and where external pressures for conformity are not necessarily beneficial to its long-term sustainability.

The book makes recommended reading for anyone involved in intellectual property policy and legislation, both at local and international level. It is also highly relevant to international law students and practitioners, NGOs supporting developing countries and working with indigenous communities, and anyone interested in new approaches to promote global equity and to conserve the customs, values and indigenous knowledge of the plurality of communities around the world.

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