

Intellectual Property in Common Law and Civil Law. Edited by Toshiko Takenaka. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing, 2013. Pp. x, 454. ISBN 978-0-85793-436-9. UK £100; US \$160.00.

The title of this book succinctly captures the volume's ambitious scope: to discuss multiple types of intellectual property in both common law and civil law jurisdictions. The book's broad coverage and comparative treatment of intellectual property laws make it a worthwhile acquisition for advanced academic collections of materials on patents, trademarks, and copyright.

The chapters on patents discuss patent eligibility, equitable doctrines, and the relatively recent enactment of the America Invents Act, which moved the United States from its anomalous first-to-invent system to its present first-inventor-to-file system. The chapters emphasize shared elements of patent law

in common law systems (generally represented by the United States) and civil law systems (usually the European Union or some of its members). From these chapters I gathered that progress has been made toward international harmonization of patent laws, but obstacles remain that will prevent full harmony for the foreseeable future.

The four chapters on copyright focused largely on the contrast between common law systems' view of copyright as an economic incentive for creative works and civil law systems' emphasis on protecting authorship rights. This divergence expresses itself in a number of ways. The US protects virtually no moral rights for authors, while France has strong protections. The fair use doctrine in the US provides flexibility for use of copyright-protected works without permission, while civil law countries generally have an exhaustive and specific list of exceptions to copyright protection. Japan's and South Korea's copyright laws receive particular attention in this part.

Several chapters on trademarks compare and contrast US and EU laws on unfair competition, trade dress, and geographical indications of origin. The chapters in the last quarter of the book cover enforcement mechanisms, covenants not to compete, who owns inventions created by employees, and IP exhaustion in the EU.

Almost half of the nineteen contributors to this volume are American, but Germany, the UK, Italy, South Korea, France, Japan, and Australia are represented. For this US-trained reviewer, the summaries of IP laws in these civil law nations were particularly interesting. The book has a thorough index and all the chapters were well-documented, though each contributor appeared to select her own citation style. The content and tone of the chapters is comparative to what one would find in US academic law journals.

While the index covers the entire volume, there is no unified bibliography. I have noticed this in many other edited volumes, so this complaint cannot be directed solely at this book. However, I wish publishers would add bibliographies or tables of authorities that cover the entire collection and note where each source is cited. This would enable readers to quickly note the most important sources that have been cited in multiple chapters.

This collection is worth adding to advanced academic collections in IP or comparative law. For basic or intermediate collections, interlibrary loan or purchase of individual chapters upon request will probably suffice.

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