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## **Introduction: Lenses, Methods, and Approaches in Intellectual Property Research**

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OXFORD



**Handbook of  
Intellectual  
Property  
Research**

**Lenses,  
Methods, and  
Perspectives**

edited by

Irene Calboli

Maria Lillà Montagnani

# Introduction

## Lenses, Methods, and Approaches in Intellectual Property Research

*Irene Calboli and Maria Lillà Montagnani*

### I. The Growth of Academic Research in Intellectual Property Law and the Need for a Comprehensive Guide

The relevance of Intellectual Property (IP) Law in our society has increased dramatically over the last several years. Globalization, digitization, and the rise of post-industrial information-based industries have all contributed to a new prominence of IP Law as one of the most important factors in driving innovation and economic development. At the same time, the significant expansion of IP rules has impacted many areas of public policy such as public health, the environment, biodiversity, agriculture, and information, in an unprecedented manner. No longer relegated to a cohort of few specialized experts, IP Law is now at the front and centre of public policy, and IP-related news are regularly featured in mainstream media. IP-related issues have long entered the popular discourse and are omnipresent in every sector of the economy and our lives.<sup>1</sup> Not surprisingly, the growing importance of IP Law has led to an exponential growth of academic research in this area. Today, scholarly contributions extend well beyond the customary IP rights, and encompass topics that reflect the diversity and the economic, sociological, and technological complexity of our society.<sup>2</sup> For example, academic analysis frequently focuses on issues related to globalization, public interest, and new (and in several instances disruptive) technologies, such as Artificial Intelligence, as these developments further challenge and change the traditional regulatory frameworks that govern this area of law, and in turn, our world.<sup>3</sup>

<sup>1</sup> See WILLIAM R. CORNISH, *INTELLECTUAL PROPERTY: OMNIPRESENT, DISTRACTING, IRRELEVANT?* (2004); David Vaver, *Need Intellectual Property Be Everywhere: Against Ubiquity and Uniformity*, 25 *DALHOUSIE L.J.* 1 (2002).

<sup>2</sup> The list of scholarly works that are relevant in this context is very extensive, and due to the limited scope (and word count) of this Introduction, we cannot list these works here. However, several of these references are cited in the various chapters of this volume.

<sup>3</sup> See, amongst several relevant contributions, Gregory N. Mandel, *Legal Evolution in Response to Technological Change*, in *THE OXFORD HANDBOOK OF LAW, REGULATION AND TECHNOLOGY* 225 (Roger Brownsword, Eloise Scotford & Karen Yeung eds., 2016); TANYA APLIN, *COPYRIGHT LAW IN THE DIGITAL SOCIETY: THE CHALLENGES OF MULTIMEDIA* (2005). For a summary of the various

As a result of the growing interest in this field, the number of scholars conducting research in IP Law has also boomed. Less than a quarter of a century ago, academic meetings to discuss IP research could be hosted in a small seminar room or in a living room. Today, academic IP conferences feature hundreds of presenters and multiple tracks of sessions encompassing a large variety of topics.<sup>4</sup> A search on Google scholar retrieves, on average, more than 2 million results for academic articles related to ‘Intellectual Property Law’. Large numbers of academic books have been published on an even larger array of IP topics and there is an equally large, and growing, number of academic journals dedicated to publishing IP-related research.<sup>5</sup> This increase in the numbers of IP scholars and related research topics has been accompanied by a growing diversity of research methodologies, from well-known and established ones such as the doctrinal research method and law and economics, to other emerging and interdisciplinary approaches. In addition, IP Law is no longer a subject addressed only by legal scholars. Researchers from a variety of disciplines—economics, sociology, political science, engineering, anthropology, cultural studies, and so forth—have also begun to explore IP Law from their own uniquely different perspectives.

This combination between the rise of academic interest in IP Law and the diversity of researchers involved has led to the growth of interdisciplinary methodologies and, in general, a plurality of approaches by those who are currently engaged in academic research in this field.<sup>6</sup> The result is that IP scholars use more commonly traditional research approaches—such as the doctrinal method—side by side with more complex methodologies and technical tools borrowed from other fields of study, such as social science, computer science and data analysis, statistics, and

theories developed and used by scholars, see William Fisher, *Theories of Intellectual Property*, in *NEW ESSAYS IN THE LEGAL AND POLITICAL THEORY OF PROPERTY* (Stephen P. Munzer ed., 2001).

<sup>4</sup> E.g., the number of panels and topics presented at some of the major works-in-progress conferences across several continents is, almost regularly at this time, between 100 and 250 papers. See, e.g., the programs of the IP Scholars Conference in the United States (posted in the IPSC annual website, hosted on a rotation basis, by Stanford Law School, DePaul College of Law, UC Berkeley School of Law, and Cardozo School of Law); the Annual Conference of the European Policy for Intellectual Property Association (<https://www.epip.eu/epip-conferences>); the Annual IP Researchers Europe Conference (<https://www.unige.ch/droit/pi/research/ipre/2020/>); the Annual Conference of the IP & Innovation Researchers of Asia Network (<http://ipresearchersasia.org/>); the Annual Conference of the South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers (<http://www.aiplitl.org.za/>); and the Annual Congress of the Association for Teaching and Researching in Intellectual Property (<http://atrip.org/>).

<sup>5</sup> A non-exhaustive list of publications in English include: *Berkeley Technology Law Journal*; *Harvard Journal of Law & Technology*; *Stanford Technology Law Review*; *Columbia Journal of Law & the Arts*; *Vanderbilt Journal of Entertainment and Technology Law*; *International Journal of Law and Information Technology*; *International Review of Intellectual Property and Competition Law*; *Journal of Intellectual Property Law & Practice*; *Journal of World Intellectual Property*; *Queen Mary Journal of Intellectual Property*; and *Trademark Reporter*.

<sup>6</sup> See, e.g., Teresa Scassa et al., *Interdisciplinary Approaches to Intellectual Property Law*, in *INTELLECTUAL PROPERTY FOR THE 21ST CENTURY: INTERDISCIPLINARY APPROACHES 1* (B. Courtney Doogoo et al. eds., 2014).

also humanities. Simply put, academic research in IP Law has become a laboratory where methodological experimentations are taking place on a regular basis and new techniques are routinely introduced. Against this background, however, no academic collection has been created to date to comprehensively document and recount this growing diversity of methods and approaches that is currently being developed by IP researchers. Instead, publications on the topic of scholarly methodology in IP research remain a rare occurrence and are limited in scope.<sup>7</sup> More comprehensive guides on legal analysis and research do exist and offer a more comprehensive overview of research methodologies. Yet, these resources do not focus specifically on IP research.<sup>8</sup> Considering the importance of IP Law in our society, and the role of academic research in this context, a comprehensive collection in this respect was not only important, but necessary.

This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to IP Law. In particular, this book aims to provide a useful resource that can be used by IP researchers who are interested in deepening their knowledge on a specific research method or seek to acquire an understanding of alternative lenses that could be applied to their research. Of course, not all research methodologies are, or could possibly be, surveyed. Yet, this book offers what we believe is, to date, the largest compilation of existing methods and approaches from different lenses, perspectives, and experiences from a diverse group of scholars who derive from several countries, backgrounds, and legal traditions. This diversity, with respect to both the topics and the authors of the book, is a fundamental feature of this collection. In addition, this book is available in open access in order to make it widely available. This solution offers a more equitable system of distribution of academic materials and, we hope, can contribute to increased awareness about different research methodologies amongst a larger number of IP researchers, which in turn could lead to a more diverse set of research questions and scholarly contributions in the future.

<sup>7</sup> See Jeremy N. Sheff, *Symposium: Values, Questions, and Methods in Intellectual Property*, 90 ST. JOHN'S L. REV. 549 (2016); INTELLECTUAL PROPERTY FOR THE 21ST CENTURY: INTERDISCIPLINARY APPROACHES 1 (B. Courtney Doagoo et al. eds., 2014); METHODS AND PERSPECTIVES IN INTELLECTUAL PROPERTY (Graeme B. Dinwoodie ed., 2013). These resources represent an important contribution to the field, yet they are partially limited with respect to the number and type of methodologies analysed.

<sup>8</sup> See generally THE OXFORD HANDBOOK OF LEGAL STUDIES (Peter Cane & Mark Tushnet eds., 2003); THE OXFORD HANDBOOK OF EMPIRICAL LEGAL RESEARCH (Peter Cane & Herbert Kritzer eds., 2012); LEE EPSTEIN & ANDREW D. MARTIN, AN INTRODUCTION TO EMPIRICAL LEGAL RESEARCH (2014); LEGAL RESEARCH METHODS: PRINCIPLES AND PRACTICALITIES (Laura Cahillane & Jennifer Schweppe eds., 2016); REGULATORY THEORY: FOUNDATIONS AND APPLICATIONS (Peter F. Drahos ed., 2017); RETHINKING LEGAL SCHOLARSHIP: A TRANSATLANTIC DIALOGUE (Rob van Gestel, Hans-W. Micklitz & Edward L. Rubin eds., 2017); LINA KERSTEMONT, HANDBOOK ON LEGAL METHODOLOGY: FROM OBJECTIVE TO METHOD (2018). However, none of these books focuses specifically on IP Law. Moreover, their interdisciplinary relevance also tends to be more confined to the intersection between legal studies and social science.

## II. The Signs of Time: From Doctrinal Method to Interdisciplinarity in Intellectual Property Research

Historically, legal researchers regarded law as a closed system and adopted an ‘internal approach’ in order to analyse legal rules and principles.<sup>9</sup> This approach, which dominated legal research in the Nineteenth and Twentieth centuries, has been traditionally referred to as the doctrinal method.<sup>10</sup> Deriving from the Latin word *doctrina*, which means ‘instruction, knowledge, or learning’, this method is concerned with the research of ‘legal concepts and principles of all types—cases, statutes, and rules.’<sup>11</sup> The doctrinal method involves, as a first step, a thorough investigation into legal notions, their values and principles, as well as existing legal measures such as statutes, court judgments, and other secondary rules regarding the specific topic of inquiry.<sup>12</sup> From this investigation, a conceptual and critical analysis of the relevant materials follows in order to reveal a statement of the law that is pertinent to the matter under investigation. Through the doctrinal method, legal researchers provide an exposition of the principles, rules, and concepts governing a specific legal topic, and analyse the relationship between these principles, rules, and concepts with a view of solving unclariities and gaps in the existing law.<sup>13</sup> Both at Common Law and Civil Law, legal researchers have used this method with respect to IP research to describe and analyse existing provisions and judicial decisions, highlight problems therein, and predict future developments.<sup>14</sup>

The first departure from this method occurred with the rise of law and economics. Broadly speaking, law and economic analysis is the application of economic methodology in order to explain and evaluate the formation, structure, process, and impact of law and legal institutions.<sup>15</sup> This method was initially

<sup>9</sup> See, e.g., Kylie Burns & Terry Hutchinson, *The Impact of “Empirical Facts” on Legal Scholarship and Legal Research Training*, 43 THE L. TCHR. 153 (2009); Pauline Westerman, *Open or Autonomous? The Debate on Legal Methodology as a Reflection of the Debate on Law*, in *METHODOLOGIES OF LEGAL RESEARCH* 90 (Mark van Hoecke ed., 2011); Brian H. Bix, *Law as an Autonomous Discipline*, in *THE OXFORD HANDBOOK OF LEGAL STUDIES* 975 (Peter Cane & Mark Tushnet eds., 2003).

<sup>10</sup> See Terry Hutchinson & Nigel Duncan, *Defining and Describing What We Do: Doctrinal Legal Research*, 17 DEAKIN L. REV. 83 (2012).

<sup>11</sup> *Id.* at 85; but see the criticism in Richard Posner, *Conventionalism: The Key to Law as an Autonomous Discipline*, 38 U. TORONTO L.J. 333, 345 (1988).

<sup>12</sup> See Joshua Getzler, *Legal History as Doctrinal History*, in *THE OXFORD HANDBOOK OF LEGAL HISTORY* 171, 174 (Markus D. Dubber & Christopher Tomlins eds., 2018).

<sup>13</sup> See Jan M. Smits, *What is Legal Doctrine? On the Aims and Methods of Legal-Dogmatic Research*, in *RETHINKING LEGAL SCHOLARSHIP: A TRANSATLANTIC DIALOGUE* 207, 212 (Rob van Gestel, Hans-W. Micklitz & Edward L. Rubin eds., 2017).

<sup>14</sup> For a comparison between legal doctrine in common and civil law, and the debate it raises, see Rob van Gestel & Hans-Wolfgang Micklitz, *Revitalizing Doctrinal Legal Research in Europe: What About Methodology?*, in *EUROPEAN LEGAL METHODS: PARADOXES AND REVITALIZATION* 25 (Ulla Neergaard, Ruth Nielsen & Lynn Roseberry eds., 2011).

<sup>15</sup> The law and economics approach to jurisprudence was famously developed by the University of Chicago Law School. See, e.g., WILLIAM M. LANDES & RICHARD A. POSNER, *THE ECONOMIC STRUCTURE OF INTELLECTUAL PROPERTY LAW* (2003); ROBERT D. COOTER & THOMAS ULEN, *LAW AND ECONOMICS* (6th ed. 2011); see also Robert P. Merges, *Economics of Intellectual Property Law*, in

established in North America, yet it rapidly spread to Europe and beyond, and became one of the most significant developments in legal research and reasoning in the past century.<sup>16</sup> Law and economics is an offspring of American legal realism,<sup>17</sup> which flourished in the mid-twentieth century as a response to the positivist-formalist paradigm to law. Through this paradigmatic shift, the economic analysis of law became the tool to both explaining legal rules, judicial decisions, and their consequences (positive analysis), and for evaluating these legal rules, judicial decisions, and the prescription of the desirable ones (normative analysis). The rise of law and economics as a dominant methodology in IP scholarship, and the proliferation of economic studies related to IP Law also had a crucial impact on policy-making, in particular innovation policies.<sup>18</sup> In the last several decades, economic scholarship on IP, innovation, and technological advancement, both from a theoretical and empirical standpoint,<sup>19</sup> has continued to be one of the most prominent perspectives in the analysis of IP Law. The relevance of this method has been further emphasized by the technological revolution.<sup>20</sup>

Hence, while law and economics remains a pillar in IP Law, a variety of different perspectives, methods, and approaches have emerged and become relevant in academic research in recent years. These include approaches such as those borrowed from the humanities and social sciences.<sup>21</sup> IP Law has been intrinsically linked with several concepts from other fields for many decades. For example, the concepts of creativity and culture, from both a literature<sup>22</sup> and historical perspective,<sup>23</sup> have strongly influenced the legal discussion over the relationship between authorship

2 OXFORD HANDBOOK OF LAW & ECONOMICS: PRIVATE AND COMMERCIAL LAW 200 (Francesco Parisi ed., 2017).

<sup>16</sup> Bruce A. Ackerman, *The Storrs Lectures: Discovering the Constitution*, 93 YALE L.J. 1013 (1984).

<sup>17</sup> American legal realism can be traced back to Oliver Wendell Holmes Jr., *The Path of the Law*, 10 HARV. L. REV. 457 (1897); see generally AMERICAN LEGAL REALISM (William W. Fisher III, Morton J. Horwitz & Thomas A. Reed eds., 1993).

<sup>18</sup> See ECONOMIC IMPACTS OF INTELLECTUAL PROPERTY-CONDITIONED GOVERNMENT INCENTIVES (Dan Prud'homme & Song Hefa Song eds., 2016).

<sup>19</sup> For leading contributions in this respect, see 1 RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: THEORY (Peter Menell & Ben Deporter eds., 2019); 2 RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW: ANALYTICAL METHODS (Peter Menell & David Schwartz eds., 2019); see also Peter S. Menell & Suzanne Scotchmer, *A Survey in Intellectual Property Law*, in 2 HANDBOOK OF LAW AND ECONOMICS 1473 (A. Mitchell Polinsky & Steven Shavell eds., 2007).

<sup>20</sup> See NIVA ELKIN KOREN & ELI SALZBERGER, *THE LAW AND ECONOMICS OF INTELLECTUAL PROPERTY IN THE DIGITAL AGE: THE LIMITS OF ANALYSIS* (2013).

<sup>21</sup> See THE OXFORD HANDBOOK OF LAW AND HUMANITIES (Simon Stern, Maksymilian Del Mar & Bernadette Meyler eds., 2019).

<sup>22</sup> See THE CONSTRUCTION OF AUTHORSHIP: TEXTUAL APPROPRIATION IN LAW AND LITERATURE (Martha Woodmansee & Peter Jaszi eds., 1994). For a more general discussion on the law and literature movement, see Austin Sarat, Matthew Anderson & Cathrine O. Frank, *Introduction: On the Origins and Prospects of the Humanistic Study of Law*, in LAW & THE HUMANITIES: AN INTRODUCTION 1 (Austin Sarat, Matthew Anderson & Cathrine O. Frank eds., 2010).

<sup>23</sup> See Martha Woodmansee, *The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the 'Author'*, 17 EIGHTEENTH-CENTURY STUD. 425 (1984).

and creativity. In recent times, because of the increasingly complex reality that underlines IP Law and its developments, these links have surfaced more forcefully in the context of IP research. In turn, a larger number of academics have started to notice and appreciate these links, and begun to use a variety of different research methods to explore them as part of their scholarship. In particular, IP scholars have been more frequently using research techniques from other disciplines, including methods and approaches derived from the humanities and social science, as part of their fact-finding and reasoning process for their research. Multidisciplinarity and interdisciplinarity have become a common occurrence in IP research,<sup>24</sup> which has increasingly witnessed and welcomed ‘legal experimentation.’<sup>25</sup>

The rise of interdisciplinary research among IP scholars has created a larger methodological discourse, which was previously a more silent element of legal research. As part of this process, more study and explanation became necessary regarding the methods that scholars would now employ to carry out research. Certainly, this shift towards more interdisciplinary approaches has been criticized by some.<sup>26</sup> However, IP academics have mostly welcomed this shift, as these new and different methods offer the possibility to illustrate original and important insights, and offer different perspectives, which might not otherwise be possible to explore, find, and illustrate satisfactorily with the traditional doctrinal method of inquiry. Still, far from being put on a shelf to collect dust, the doctrinal approach is the necessary basis to build upon with these additional research methods and approaches, and from an interdisciplinary perspective. Essentially, scholars need to compile the necessary set of rules, cases, and legal materials—review the *doctrina*—as the starting point for legal research, even though their actual research questions are explored through an interdisciplinary approach—for example, from the social science, statistics, computer science, and the humanities perspective—which provides additional insights and generates answers that can be better applied in complex contexts.<sup>27</sup> In this book, readers will explore various methods, which combine the traditional doctrinal approach to legal analysis with different and interdisciplinary-based research techniques.

<sup>24</sup> Although both multidisciplinarity and interdisciplinarity draw on the knowledge and methods of different disciplines, the former is a process for providing a juxtaposition of disciplines while the latter is a synthesis of two or more disciplines. In a way, ‘interdisciplinary’ and ‘multidisciplinary’ simply represent points on a spectrum of interdisciplinarity, and reflect what happens when researchers go beyond establishing a common meeting place to developing new methods and theory crafted to transcend their own disciplines in order to address specific issues. See Scassa et al., *supra* note 8, at 5.

<sup>25</sup> For a definition, see JULIE THOMPSON KLEIN, *INTERDISCIPLINARITY: HISTORY, THEORY, AND PRACTICE* (1991); Jerry A. Jacobs & Scott Frickel, *Interdisciplinarity: A Critical Assessment*, 35 ANN. REV. SOC. 43 (2009).

<sup>26</sup> See, e.g., JERRY A. JACOBS, *IN DEFENSE OF DISCIPLINES: INTERDISCIPLINARITY AND SPECIALIZATION IN THE RESEARCH UNIVERSITY* (2014). Part of this criticism is motivated by the observation that the premises and methodologies of established disciplines may condition how problems are both identified and approached by researchers, resulting in gaps in either knowledge or understanding.

<sup>27</sup> See Michal Shur-Ofry, *IP and the Lens of Complexity*, 55 IDEA 54 (2013).

### III. Introducing the Book: A Systematization of Intellectual Property Research

From an often neglected subject of study, IP Law has become today a dynamic laboratory for experimentation regarding research techniques. This book seeks to answer questions regarding these techniques, and to offer additional references for further inquiries. It also aims at stimulating curiosity amongst the readers of a variety of different methodological tools to possibly explore in order to consider new ways to formulate research questions.

As always, finding the perfect organization for a collective volume is a challenging, if not impossible, task. The book is divided into four Parts, which order separate methods and approaches according to their similarities. In particular, the book addresses the intersections between: (1) IP Law and other areas of law; in this Part, contributors highlight a variety of legal areas and lenses through which scholars can address IP-related issues; (2) IP Law and the Humanities; in this Part, contributors address a plurality of approaches and methodologies to IP research, including geography, history, and philosophy, and highlight how these intersections contribute and impact the formulation of specific research questions; (3) IP and science, with an emphasis on social science; in this Part, contributors explain methodologies as they relate to disciplines such as economics, sociology, and psychology, and also offer a detailed recount of empirical analyses, including quantitative and qualitative methods; and (4) IP and pluralism; in this Part, contributors describe approaches related to the intersection between IP and a variety of diverse interests and identities, including IP and development, social justice, and critical studies.

Within these Parts, some chapters describe narrower research methods while others describe broader research approaches—a combination that alternates a series of broader and narrower research tools in the sequence of the chapters in the various Parts. This combination is useful, as it operates as a lens through which the readers will be able to better appreciate the nuances of the book. In particular, this lens will allow readers to ‘zoom in’ when they read a narrower and more technical method described in a specific chapter, and ‘zoom out’ when they read a chapter analysing a broader research approach. Thus, through this lens, readers will be exposed to elements that could otherwise be neglected, which could shed new lights on their research questions. As mentioned, modern IP Law is more complex, and this complexity is currently reflected in the designing of research questions by scholars. Thus, this lens is necessary to appreciate the nuances of the various methods and approaches to IP research.

In addition, each chapter offers a framework to guide researchers by explaining why a specific method or approach is relevant, and how scholars can use the method or approach while conducting IP research and formulating research questions. Each chapter additionally offers specific examples of research questions

that have been formulated, or could be formulated, when looking at IP through a specific lens, as well as examples of how these questions have been, or could be, answered by adopting that specific methodology. This structure—illustrating the ‘why’, ‘how to’, and actual research examples—is essential to explain both the technical and the less technical aspects of each method or approach to the readers, in particular regarding methodological frameworks with which the readers may be less familiar.

Two caveats are necessary, however, regarding the systematization of the book. First, given the number of chapters and the large breath of the project, a few overlaps are inevitable amongst some chapters. Still, the analysis of each chapter is based on the specific approach or methodology described in that chapter and offers a unique perspective. In particular, some chapters are ‘subfields’ of others, whereas some chapters offer a complementary or alternative approach to chapters addressing a similar method or approach from a different angle. Ultimately, these minor overlaps are never redundant, and illustrate, instead, how research methods and approaches should be analysed, through distinct lenses, as a continuum framework and not in isolation. Second, as mentioned in the Introduction, this book should not be considered to be an exhaustive survey of all different methods and approaches that could be used in IP research. Such an exhaustive list remains a moving target. Nevertheless, the book does cover the state of the art as to the methodologies currently employed, even though its objective remains to offer an overview and general references, rather than a deep introductory course, of each method or approach.

#### **IV. The Structure of the Book: Intellectual Property Law Meets Other Laws, Humanities, (Social) Science, and Pluralism**

As mentioned, Part I of the book focuses on the impact that elements of other Legal Studies can have in the analysis of IP Law. Even before IP Law became ‘omnipresent’ as it is today, its interplay with the other branches of law was well-established. This Part builds on these well-established interfaces and adds emerging and less explored perspectives. The analysis of how IP Law interacts with International Law and Private International Law opens this Part, which then moves to the role of Comparative Legal Analysis as a research methodology for IP scholars. The analysis proceeds with the intersections between IP, Contract Law, and Tort Law as examples of research challenges dealing with legal regimes that are scarcely harmonized. The chapter on IP and Property Law, while surveying the well-marked terrain of the coherence of the two areas, also suggests some areas that require additional future exploration. The following two chapters, on IP and Administrative Law, and IP and Antitrust Law, address longstanding disciplinary relationships,

which still require considering specific concepts and categories typical of the other discipline while addressing IP research questions. The subsequent three chapters address newer intersections—those between IP and Privacy Law, IP and IT Law, and IP and Environmental Law. These chapters illustrate the overlaps and synergies that these areas of law share with IP Law and address how IP scholarship can be undertaken in these multidimensional spaces. This Part continues with the interfaces between IP and Human Rights and IP and Criminal Law, and articulates the different methodological choices and the increasing number of topics that await further research in these areas. Part I of the book concludes with a chapter on the interface between IP Law and the adjudication of disputes, both under the perspective of civil procedure and alternative dispute resolution.

Part II of the book turns to the intersection between IP Law and the Humanities. It starts at the intersection between IP and Geography, a research prism through which scholars can study the confluence of geographical, legal, and a variety of other social phenomena. The following chapter illustrates the importance of legal history for IP scholars to better understand IP processes or the reasons for otherwise obscure IP rules. A pivotal function in this respect is played by archival research, which is the focus of the subsequent contribution. Important perspectives on the scope and purpose of IP today can also be derived by analysing historical-philosophical sources, as the following chapter elaborates. Similarly, the chapter on IP and Philosophy addresses an interdisciplinary approach that applies insights and methods from philosophy to the legal, normative, theoretical, political, and empirical questions that can be presented by IP researchers. In the two following contributions, the overlap between IP and Cultural Heritage is addressed from the standpoint of Archeology and Cultural Heritage Law itself, respectively. The two subsequent chapters focus on the language and text of IP Law. There are many aspects of IP Law that are concerned with the forms, meaning, and effects of language. Likewise, addressing IP Law texts as literary texts can assist in interpreting legal questions and can deepen, or even alter, our understanding of the law and legal culture surrounding it. Part II concludes by considering the intersections between IP Law and Cultural Studies, which are becoming a growing part of contemporary legal scholarship. In particular, semiotics can illuminate some of the questions encountered in IP Law. IP scholarship can be further enriched if it moves beyond the (dry) legal analysis and engages with popular culture, which can be done by looking at IP Law through the lens of Film Studies.

Part III of the book considers the intersections between IP and (Social) Science. In this Part, the lens zooming in and out between narrower methods and broader approaches is particularly evident. This Part starts with a chapter on the economic methods applied to IP Law and discusses how economics can be infused into a normative framework for legal advocacy and policy-making. The following chapter focuses on IP and innovation economics, a fast-growing subfield of economics. The next four chapters are technology-related. The first describes and classifies the

different types of research objectives and related methodologies that IP scholars can pursue when researching science and technology. The second focuses on information science and quantitative legal analysis. It clarifies how this methodology can promote a clearer understanding of the IP landscape and develop laws and policies that foster the knowledge economy. The third demonstrates the implementation of the content-analysis method in the legal discipline and advocates that IP scholars seek support for their hypotheses by examining data, documents, and other instruments to understand their particular meaning and impact. The fourth introduces the specific tool of text and data mining, which serves to extract new, often hidden, knowledge from existing information. This is a technique that has gained popularity due to the advancements in computational power, internet speed, and data availability, and is valuable for its ability to identify correlations and patterns that are often concealed to the human eye.

The following two chapters in Part III illustrate the insights that IP Law can gain through the network analysis and the survival analysis. The former refers to a comprehensive set of quantitative analytical tools used to examine networks structural characteristics, which can generate data that can be meaningfully thought of as a set of nodes and links among those nodes. Similarly, the survival analysis is a quantitative method to conduct research in various contexts when the duration between events is of interest. Abandoning a strictly methodological discourse, the subsequent group of chapters in this Part analyses IP Law through various lenses: the socio-legal perspective, i.e. how it actually operates in society and is experienced in social and cultural context; the physiological perspective, i.e. how IP Law systems influence real-world behaviour; the Behavioural Studies perspective, i.e. how IP Law impacts on stakeholders—citizens and consumers of IP specifically—at a socio-cultural level in terms of attitudes towards counterfeits and pirated digital goods; the ethnographic perspective, i.e. how IP Law concretely defines human motivations, incentives, and other mechanisms that IP doctrine asserts being present in creative and innovative fields. All of these approaches have in common the recourse to qualitative methods of analysis that require a direct interaction, such as interviews or experiments. Lastly, Part III addresses the increasingly important topic of IP valuation and describes the established methods to evaluate IP assets.

Finally, Part IV of the book addresses existing and emerging ‘pluralistic approaches’ related to IP Law. This Part starts with a chapter considering the intersection between IP Law and sustainable development. The subsequent chapters enlarge this perspective and address the interface between IP Law and ‘human development’, and IP Law and ‘well-being promotion’. These chapters pave the way for the next chapter, which addresses principles of morality and social justice, and develops insights to reveal paths for advancing inclusion within IP Law. Similarly, the subsequent chapter addresses the protection for GRTKF—genetic resources, traditional knowledge, and folklore, conventionally referred to as ‘folklore’—unveiling the ideology that underpins this research and calling for awareness on this topic.

The next two chapters deal with the notion of openness. The first chapter considers the methodologies used and arguments advanced by scholarship that employ an ‘openness’ paradigm. The second digs into the theme of open innovation, offering an integrated conceptual synthesis that addresses its relationship with IP. The following three contributions belong to the realm of legal critical studies. The first chapter provides a general framework while the subsequent two chapters focus on the application of critical race theory and feminist legal theory to IP Law.

The final theme of this Part focuses on different ways to look at IP Law through the lens of morality, religion, and spirituality. IP scholarship on morality can be organized according to the position it takes on the appropriateness of the juxtaposition between IP Law and morality. Likewise, religious views are deemed to underlie several of the fundamental conceptions of IP Law for the deep interweaving of faith with the secular pillars that animate IP theory. Complementarily to religion, the understanding of spiritual traditions can aid IP scholars in unveiling many societal biases and thought processes. The last chapter of the book focuses on the analysis of religious thoughts as a legal complement to secular legal principles in countries following a system of mixed jurisdictions.

## **V. From Singapore to Milan via Pretoria, New York, and Geneva: Creating Connections through IP Research**

The journey that resulted in the publication of this book started in Singapore, in 2017, with a seminar held with a few scholars, who would later become contributors to this book with several other colleagues. As many teachers and researchers in this field, we had noticed the absence of a comprehensive resource addressing methodological developments in IP research. Students, research fellows, and colleagues routinely asked for a general resource in this respect, yet we could not point them to a specific book that would provide a comprehensive overview. The seminar in Singapore took place at a special time, immediately after the organization of the First Regional WIPO–WTO Colloquium for IP Teachers and Researchers in Asia, in which the demand for a comprehensive resource on IP research was discussed. We thus decided that the time was ripe for the creation of this book.

From Singapore, the journey took one of us to Pretoria, where the Second Regional WIPO–WTO Colloquium for IP Teachers and Researchers in Africa was held in 2018. Here, more discussions on research methodology in IP Law ensued. Our journey across the world continued in the following two years while completing the final manuscript. We spent time writing and coordinating the editing process while visiting research institutions in New York and Geneva. We also presented preliminary drafts and parts of the book to many colleagues. The last formal joint presentation of this project was in Milan. In each presentation, we received useful comments and suggestions, which have been incorporated into the book,

along with the feedback received in many informal discussions that we entertained along the way. This meant adding relevant parts, changing the order of some of the chapters, and additional revisions. Without exaggerations, the book that readers can see in print today is the result, or better a testament, to the international collaboration of many minds. To us, and our contributors, this book represents a tribute to something that we all share and hold very dear: our mission towards intellectual inquiry and academic research, our passion for learning and engaging with different perspectives and points of view, and our desire to share knowledge with others.

Now that this book is finally in print, we hope that it will become an important resource for many IP scholars and students worldwide. We hope that it can be used as part of the reading lists that are distributed for IP courses, workshops, and seminars and assist junior and senior scholars to start a doctoral dissertation, write an article, book chapter, or research paper. Above all, we hope it can inspire and connect IP scholars worldwide and accompany them along their journeys through this fascinating and never dull field of study.