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Emerging patterns of IP and Sustainability

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In the aftermath of the 2024 ATRIP Annual Congress, recently held in Rome and entirely dedicated to doctrinal developments on "Intellectual Property, Ethical Innovation and Sustainability", we share our preliminary takeaways on this ongoing debate.

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The interplay between IP and Sustainability is well-known and hardly contested at global scale. In Europe, the role of IP in promoting and transitioning towards more sustainable markets, models, and practices is gaining momentum. This is showcased by a concentration of academic events (among others, here and here), global and EU policy initiatives (here and here), and a significant number of book contributions as well as dedicated journal issues (such as recent numbers of JIPLP and IIC) fully focused on the topic of IP and Sustainability.

By and large, pioneering academic studies tend to have a broad scope, encompassing all types of IP rights, and a global, international, and often comparative outreach. Patterns emerge also with regards to substantial thematic focuses.

Evidently led by growing COVID-related lines of research, we witness significant attention being dedicated to the study of IP from the perspective of prevention and response to health emergencies (eg *Intellectual Property Rights in the Post Pandemic World*), as well as from the broader angle of environmental protection and climate change (eg *Intellectual Property, Climate Change and Technology*; *Intellectual Property Rights and Climate Change*).

The legal doctrine is also comprehensively exploring the intersection between IP and social cohesion and inclusivity (eg *Cambridge Handbook of Intellectual Property and Social Justice*; *Research Handbook on Intellectual Property and Inclusivity*), including and not limited to studies on gender equality, accessibility, and cultural inclusion (eg *A Research Agenda for Intellectual Property Law and Gender*; *Intangible Cultural Heritage, Sustainable Development and*

Intellectual Property; *International Perspectives on Disability Exceptions in Copyright Law and Visual Arts*).

By and large, all mentioned studies combine, to different extends, positive and normative approaches by assessing the performance of IP laws in tackling global challenges (see this, markedly, in *Cambridge Handbook of Public-Private Partnerships, Intellectual Property Governance, and Sustainable Development*; *Sustainability Objectives in Competition and Intellectual Property Law*) and considering possible reforms (eg several chapters of *Improving Intellectual Property* touch upon key angles of the sustainability debate, such as food security, public health, equality and access to knowledge).

The doctrine has also already construed solid IP legal interpretations on real-life questions pertaining to circular economy scenarios, with specific emerging focuses on reuse, repair, recycle, upcycle cultures (see *Senftleben; Mezei and Härkönen; Rosborough, Wiseman and Pihlajarinne; Hoekstra and Cornet*) and it has consistently identified education and research as useful vehicle legal concepts towards sustainability goals (among others, *Geiger and Jütte; Majekolagbe*).

All taken into account, we can start drawing three main considerations. First, the legal scholarship on IP and Sustainability is not only on the rise, but already significant and soundly conceptually ordered. Sketching a first wide-ranging literature mapping of all relevant sources, one can easily trace topical and logical consistencies and multiple doctrinal interpretations within each of them. For this reason, the second takeaway lies in the observation that it would not be an overstatement to describe the current state of literature as a springboard for IP and Sustainability to possibly become a full-fledged discipline, similar to what has already happened across the world with the research and then pedagogical focus on IP and Human Rights (eg here and here). Lastly, despite growing importance, the IP and Sustainability scholarship still presents generous room for studying, analyzing, and building within the legal sciences and beyond.

In this light, we allow ourselves also to list among the IP and Sustainability experiences emerging in Europe the one of our NOVA IPSI Centre, which aims to stir and lead the academic discussion and build an open debate on the matter. The Centre serves as a place and way to gather academics and practitioners sharing knowledge on the interplay between Copyrights, Patents, Designs, Trademarks, Geographical Indications, and Trade Secrets with Sustainable Innovations, welcoming inputs and feedback to any of its activities.

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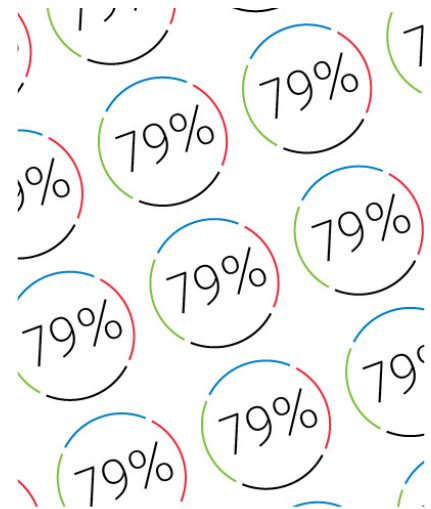
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