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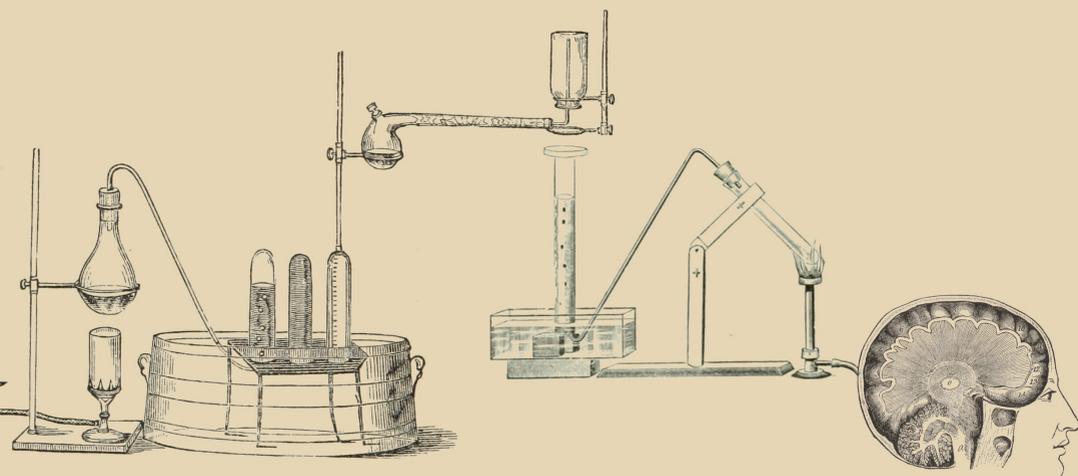
FACULTY OF LAW

INSTITUTE FOR INTERDISCIPLINARY  
LEGAL STUDIES – LUCERNAIURIS

LABORATORIUM LUCERNAIURIS

# INTELLECTUAL PROPERTY AND NATURAL CONTRACTS

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**Lucernaiuris**  
Institut für Juristische Grundlagen

TUESDAY 11 OCTOBER 2022

17.45-19.00H

UNIVERSITY OF LUCERNE, ROOM 3.B58

# Intellectual Property and Natural Contracts

Climate change and environmental degradation are serious concerns with which the world is currently grappling. Green technologies exist, and are continually being developed, to allow for better use and management of natural resources, which could help to either reduce or reverse the human footprint. According to law and economics theory, intellectual property can be obtained over these technologies to increase their creation and commercialisation. The implementation of measures to fast-track the examination of patent applications for green technologies could also incentivise the development and diffusion of these technologies. Yet, this rhetoric has not turned into reality. This is perhaps unsurprising given that creators and intellectual property owners have commercial interests that are not necessarily best served by the diffusion of their technologies. In this paper, I explore whether the deeper problem is that intellectual property is premised on a social contract, which allows for commercial interests to trump sustainability, and whether intellectual property should also be theorised with a natural contract.

**Dr. Jessica Lai** is an Associate Professor of Commercial Law at Victoria University of Wellington, New Zealand. She specialises in intellectual property, especially patent law, the protection of Mātauranga Māori, and patents and gender. Jessica is the author of *Indigenous Cultural Heritage and Intellectual Property Rights* (Springer, 2014) and *Patent Law and Women* (Routledge, 2022), as well as *Patent Law and Policy* (LexisNexis, 2016, with Susy Frankel). She is also an author of the *Annotated High Court Rules* (4<sup>th</sup> edn, LexisNexis, 2018), as well as numerous articles and chapters, and the editor of multiple books.

Jessica was named a Rutherford Discovery Fellow by the Royal Society of New Zealand in 2021. In 2018, Jessica and Susy Frankel were awarded a Marsden Fund Standard Grant for 2019–2022 for a project on “‘Mission Creep’ in the Pharmaceutical Industry and its Impact on Innovation and Health”. The research focuses on the relationship between patents and regulatory-data exclusivity with respect to pharmaceuticals, and its impact on innovation and health.

Jessica is an alumna of UNILU, completing her doctorate (summa cum laude) in 2012. She stayed on at the University of Lucerne as a postdoctoral researcher until July 2016. Between February 2015 and July 2016, she was concurrently a Swiss National Science Foundation Postdoctoral Fellow at the Max-Planck Institute for Innovation and Competition in Munich.

Before moving to Switzerland, she studied law and chemistry at Victoria University of Wellington, where she obtained an LLB Hons (First Class), MSc (First Class) and BSc.

*The talk is free and open to all. No registration is required.  
All enquiries to [lucernauris@unilu.ch](mailto:lucernauris@unilu.ch).*