



Lund University Centre for Business Law (**ACLU**) hereby invites to the seminar:

## Intellectual Property in the Age of the Environmental Crisis

In the face of the escalating environmental crisis driven by overconsumption, there is a growing recognition of the urgent need for environmental consciousness and a sustainable, circular economy. Practices such as repair, refurbishment, and fashion upcycling have emerged as tangible efforts to mitigate the negative effects of this crisis. However, trademark and copyright laws unexpectedly clash with these endeavours, posing obstacles to sustainability goals. Across jurisdictions, intellectual property (IP) holders wield near-absolute control over their productions and are well-equipped to allege trademark or copyright infringement regarding goods that incorporate their intellectual creations. In certain cases, they have already initiated legal actions against repair, refurbishment, and upcycling businesses. The internal mechanisms within IP laws, theoretically capable of safeguarding sustainable practices through concepts like IP exhaustion and exceptions, are often interpreted by courts to favour stringent protection of IP holders, creating, at most, conflicting outcomes. This, in turn, generates legal uncertainty that further inhibits environmentally friendly practices and sustainable business models.

Building on a draft paper recently published on SSRN, this presentation will first detail the legal challenges posed by IP to environmental sustainability, focusing on repair, refurbishment, and upcycling. It will then explore the rapidly evolving human right to a healthy environment to determine if this right can provide a sufficient counterbalance to environmentally unfriendly imbalances in the IP regime. Finally, the presentation will discuss strategies for reconciling IP protection with this human right, both internally within trademark and copyright laws and externally through the human rights litigation avenues available to repairers, refurbishers, and upcyclers.

### Speaker:

Dr. Elena Izyumenko, Institute for Information Law (IViR), Amsterdam Law School, University of Amsterdam, The Netherlands

**Date:** April 2, 2024, 16.00 - 17.00 and mingle

**Location:** Tetra Pak, Juridicum & Online (Zoom)

**Registration:** [www.aclu.lu.se](http://www.aclu.lu.se)

*Ett STORT TACK riktas till Stiftelsen för stöd till verksamhet vid ACLU och dess bidragsgivare, samt Sparbanken Skåne och dess ägarstiftelse Sparbanksstiftelsen Finn, vilka genom generöst stöd möjliggjort detta evenemang.*

