
Xavier Seuba, *The Global Regime for the Enforcement of Intellectual Property Rights*, Cambridge University Press, 2017

Studying intellectual property enforcement is akin to navigating the architecture of global governance, where law, trade, and human rights intersect in a delicate balance. It is a journey through the corridors of international institutions, national legislatures, and judicial systems, all converging on the question: how do we enforce intangible rights in a tangible world? Understanding IP enforcement equips individuals, be they creators, consumers, or regulators, with the tools to interpret the evolving landscape of rights and remedies in a globalized economy. In today's digital and innovation-driven era, the relevance of IP enforcement shines like a spotlight on the tension between proprietary control and public access. Within this context, Xavier Seuba, a distinguished scholar and lecturer at the Centre for International Intellectual Property Studies, University of Strasbourg, has made a timely and remarkable contribution through his book.

This book finds its place among seminal works such as Peter Drahos' *Information Feudalism* in 2017, Rochelle Dreyfuss' *Balancing Wealth and Health* in 2014, and Daniel Gervais' *The TRIPS Agreement: Drafting History and Analysis* in 2021. However, Seuba's work stands apart in its comprehensive treatment of enforcement mechanisms, its interdisciplinary lens, and its critical engagement with normative and empirical dimensions. Divided into five parts and fourteen chapters, the book traverses a wide array of themes, including the conceptual foundations of enforcement, international legal architecture, civil and criminal remedies, border measures, and the intersection of IP enforcement with human rights and economic development. The first question posed in the book is, 'What does enforcement mean in the context of intellectual property?' This is answered with remarkable clarity in Chapter One. He defines 'to enforce' as 'to compel or ensure compliance with something, to give effect or force to a law or command.' Importantly, he stresses that enforcement is not merely about punishing infringement but about designing legal mechanisms that give effect to rights while maintaining a fair balance with broader societal interests. Chapter Two takes this inquiry further by examining the relationship between IP enforcement and human rights, highlighting how excessive or poorly designed enforcement can risk undermining access to knowledge and freedom of expression. Using examples such as access to medicines and freedom of expression, Seuba argues for a proportionality-based approach that respects fundamental rights while ensuring legal compliance. Chapter Three shifts the focus to the economics of enforcement. Here, Seuba critiques the lack of robust empirical data on the costs and benefits of enforcement regimes. He questions whether current enforcement models truly incentivize innovation or merely serve entrenched commercial interests. This chapter is particularly relevant in light of ongoing debates around patent evergreening and copyright term extensions.

The second part of the book, comprising Chapters Four to Six, addresses the international architecture of IP enforcement. Chapter Four maps the normative framework established by treaties such as TRIPS, WIPO conventions, and regional agreements. Seuba highlights the asymmetry in obligations and the challenges faced by developing countries in implementing these standards. Chapter Five examines the role of international bodies like the WTO Dispute



Settlement System and the International Court of Justice, and also discusses treaty-monitoring bodies. Chapter Six discusses legal transplantation, cautioning against the wholesale adoption of foreign enforcement models without contextual adaptation.

The third part of the book, spanning Chapters Seven to Nine, delves into civil enforcement mechanisms. Chapter Seven discusses measures for preserving evidence, such as Anton Piller orders, and their implications for due process. Chapter Eight focuses on interim injunctions, comparing standards across jurisdictions and emphasizing the need for judicial discretion. Chapter Nine examines the award of damages, including actual, punitive, and statutory damages. Seuba critiques the lack of consistency and transparency in damage calculations, calling for clearer guidelines and equitable remedies. To illustrate these concepts, Seuba uses landmark cases such as *eBay Inc. v. MercExchange* and *L'Oréal v. eBay International*, drawing attention to the evolving jurisprudence around online infringement and platform liability. These chapters are doctrinally rich and practically useful, especially for practitioners and judges.

The fourth part, comprising Chapters Ten to Twelve, addresses border measures. Chapter Ten outlines the global regime governing customs enforcement, including the seizure of counterfeit goods. Seuba critiques the expansion of border measures and their impact on legitimate trade. Chapter Eleven explores the intersection of border enforcement and free trade, arguing that aggressive IP enforcement can conflict with WTO principles and stifle economic development. Chapter Twelve returns to the human rights dimension, analyzing how border enforcement affects access to essential goods, particularly medicines. A memorable example in this section is the seizure of generic drugs in transit through the EU, which sparked international controversy and raised questions about the extraterritorial application of IP laws. Seuba uses this case to argue for safeguards and accountability in border enforcement practices.

The fifth and final part of the book, comprising Chapters Thirteen and Fourteen, deals with criminal enforcement. Chapter Thirteen surveys the global trend toward criminalizing IP infringement, including imprisonment and fines. Seuba critiques this trend, questioning its effectiveness and proportionality. Chapter Fourteen examines the interaction between criminal enforcement and human rights, emphasizing the need for fair trial standards and judicial oversight and the role of TRIPS Article 61 and its implementation across jurisdictions. He warns against the use of criminal sanctions as a tool for private enforcement, noting the risks of overreach and abuse.

The book is meticulously written and thoughtfully structured to explain the concepts and features of IP enforcement in a global context. However, the structure varies in depth and scope across chapters. For instance, Chapters Three and Eleven are more concise compared to the expansive treatment in Chapters Four and Ten. The book places greater emphasis on normative critique and theoretical analysis than on exhaustive case law. Unlike traditional textbooks, it reads more like a scholarly monograph, with each chapter building on the previous one to construct a cohesive argument. In addition, the book does not cover all emerging developments, such as the enforcement challenges posed by artificial intelligence and blockchain technologies. Nevertheless, it offers a thorough and accessible account of key enforcement issues, supported by case laws from various jurisdictions and contextualized within international legal frameworks. Each chapter concludes with a summary and critical reflections, which aid in comprehension and revision.



One of the most commendable features of the book is its interdisciplinary approach. Seuba seamlessly integrates legal doctrine, economic analysis, and human rights perspectives, making the book relevant not only to lawyers but also to policymakers, economists, and civil society actors. The use of visual aids, flowcharts, and comparative tables enhances readability and pedagogical value. It is easy to understand for those who are not formally trained in international law, as well as for students and professionals seeking a deeper understanding of global IP enforcement. The book serves as both a reference guide and a critical commentary, encouraging readers to question prevailing assumptions and explore alternative models. It challenges readers to think beyond the black-letter law and consider the broader implications of enforcement practices. While it may not address every emerging issue, it lays a strong foundation for future research and policy reform. For anyone interested in the global governance of intellectual property, this book is an indispensable resource.

*Reviewed by Kritika Sethia**

* LLB, II Year Student, Law Centre-II, Faculty of Law, University of Delhi, India.