

## Contents

<i>List of Figures</i>	<i>page</i> vii
<i>List of Tables</i>	viii
<i>List of Contributors</i>	ix
<i>Preface</i>	xv
Benedict Kingsbury	
<i>Acknowledgements</i>	xix
<b>Introduction</b>	1
Jorge L. Contreras	
<b>PART I STANDARDIZATION AND THE STATE</b>	5
1 <b>International Trade Law and Technical Standardization</b>	7
Panagiotis Delimatsis	
2 <b>Government Use of Standards in the United States and Abroad</b>	28
Emily S. Bremer	
<b>PART II STANDARDIZATION, HEALTH, SAFETY AND LIABILITY</b>	43
3 <b>Technical Standards in Health and Safety Regulation: Risk Regimes,     the New Administrative Law, and Food Safety Governance</b>	45
Timothy D. Lytton	
4 <b>Tort Liability for Standards Development in the United States     and European Union</b>	60
Paul Verbruggen	
<b>PART III COPYRIGHT AND STANDARDS</b>	89
5 <b>Questioning Copyright in Standards</b>	91
Pamela Samuelson and Kathryn Hashimoto	

vi	<i>Contents</i>	
6	<b>Integrating Technical Standards into Federal Regulations: Incorporation by Reference</b> Daniel J. Sheffner	108
7	<b>Public Law, European Constitutionalism and Copyright in Standards</b> Björn Lundqvist	124
8	<b>Termination of Copyright Transfers and Technical Standards</b> Jorge L. Contreras and Andrew T. Hernacki	143
	<b>PART IV STANDARDS AND SOFTWARE</b>	157
9	<b>Open Standards</b> Jay P. Kesau	159
10	<b>Standardization, Open Source and Innovation: Sketching the Effect of IPR Policies</b> Martin Husovec	177
11	<b>OSS and SDO: Symbiotic Functions in the Innovation Equation</b> David J. Kappos	198
	<b>PART V TRADEMARKS, CERTIFICATION AND STANDARDS</b>	203
12	<b>Trademarks, Certification Marks and Technical Standards</b> Jorge L. Contreras	205
13	<b>The Unregulated Certification Mark(et)</b> Jeanne C. Fromer	231
14	<b>The Certification Paradox</b> Jonathan M. Barnett	252
	<i>References</i>	269
	<i>Index</i>	299