

Techno-Optimism in Innovation Law and Policy

Abstract

This lecture will explore an underappreciated bias that has long pervaded legal culture: an exceedingly enthusiastic view of technology and technological progress. Focusing on U.S. law and policy, it adopts the term “techno-optimism” to describe an asymmetrically positive view of innovation that extols its benefits, minimizes its harms, and elides much of its complexity. As a case study of techno-optimism, this talk will examine the U.S. patent system, particularly its constitutionally defined objective of promoting technological progress. Legislative histories of major patent acts, executive pronouncements, and judicial opinions reveal that patent policymakers exhibit roundly positive views of innovation. On the rare occasion when they identify harms from technological progress, they defer, minimize, or otherwise compartmentalize their concerns.

This talk then challenges such techno-optimism by exploring several underappreciated harms of technological progress. While focused on the patent system, this critique has broader salience for numerous legal and policy initiatives aimed at promoting technological advancement. First, it will explore how innovations (including patented inventions) from opioids to social media to pesticides can harm individuals, society, and the environment. Second, it will examine how the zealous pursuit of technological progress contributes to inequality in access to innovations and their economic benefits. Third, it will explore how rampant innovation often leads to substantial waste, overinvestment, and misallocation of scarce social resources. The talk will conclude with several prescriptions to mitigate the harms of innovation, enhance the distributive effects of rapid technological progress, and integrate innovation policy within a broader social policy framework.

Biography

Peter Lee teaches and writes in the field of innovation law and policy. His research focuses on patent law and other fields of intellectual property, technology transfer, artificial intelligence (AI), and science policy. Professor Lee’s scholarship has appeared in The Yale Law Journal, Stanford Law Review, California Law Review, Duke Law Journal, Michigan Law Review, and other leading journals. Professor Lee is an elected member of the American Law Institute, and he has received numerous awards for his scholarly work, including the UC Davis Chancellor’s Fellowship, the Samsung-Stanford Patent Prize, and inclusion in West/Thomson’s annual Intellectual Property Law Review. Professor Lee has held visiting or invited positions at the University of Oxford, Seoul National University, and Melbourne Law School, and he speaks widely on intellectual property matters in the United States and abroad. He is also the founding director of UC Davis School of Law’s Center for Innovation, Law, and Society. Professor Lee received his undergraduate degree from Harvard University, where he studied the history and philosophy of science. He received his J.D. from Yale Law School.



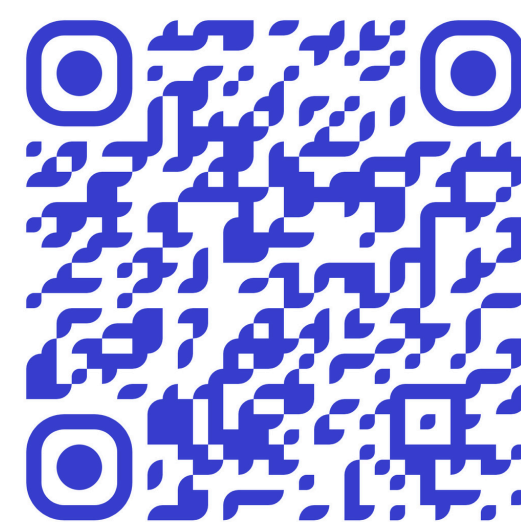
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May 22, 2025 (Thursday)
18:30 - 20:00 PM



LI-6301 (Seminar Room)



[Registration](#)

Moderator



Prof. Tianxiang HE, City University of Hong Kong

Discussant



Prof. Tao HUANG, City University of Hong Kong

1 CPD point is pending for approval

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