solution may be less clear than asserted. The access of non-disputing parties (to use the term of ICSID Arbitration Rule 37(2)) in investment arbitration is indeed unlike commercial arbitration (pp. 150–53). But does it really go with the grain of public international law more generally (pp. 164–66), where such access either does not exist at all (the International Court of Justice) or is applied without overwhelming enthusiasm (Iran-US Claims Tribunal, World Trade Organisation, and UNCLOS Annex VII)?

In yet other cases, the practice of tribunals might have treated with an excessively light touch some of the subtler distinctions in technical international law. De Brabandere is right to emphasise the extent to which the law of remedies in investment arbitration has been shaped by – and through quantitative application has shaped in turn – the rules of state responsibility traditionally expressed in the inter-state setting (ch. 6), and his analysis of interlinkages between cases is particularly impressive (pp. 177–201). Indeed, in descriptive terms, the statement that "[t]he rules and principles relating to the forms of reparation are … similar when it is a non-state entity that is entitled to invoke the responsibility of a state" (p. 178, fn. 12) may be accurate as far as the uncontroversial elements of dispute settlement practice go. But it may be less helpful when invocation of restitution, moral damages, and satisfaction by non-state actors raise harder questions about the "without prejudice" proviso in Article 33(2) of the 2001 ILC Articles on state responsibility. A slightly different way of putting it is to say that the procedural perspective will not always be the most illuminating one. State responsibility may, for certain purposes, provide a sharper analytical tool: say, concerns about whether tribunals have *ratione personae* and *materiae* jurisdiction to award moral damages (pp. 197–98) seem to properly relate to the anterior question of whether a breach of a primary rule on treatment of objects, rather than entities, can give rise to such damage in the first place. But these are minor quibbles with what is overall a very fine and thought-provoking argument.

It is not uncommon for books under review to be described as timely (or even more than that), but this one really is. Some of the more significant bumps that investment law has recently hit may have been due to the lack of such a volume to provide the backdrop for developments over the last two decades. Not everybody will agree with everything that de Brabandere has to say, but any future argument about the nature of international investment law will have to engage with this book in a serious manner. The possibility of queries relating to some aspects of his argument do not undermine it; if anything, it shows how well this reasonable disagreement may be expressed through the common language of international dispute settlement.

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Privacy and Legal Issues in Cloud Computing. Edited by Anne S.Y. Cheung and Rolf H. Weber [Cheltenham and Northampton, Massachusetts: Elgar Law, Technology and Society, 2015. xiv, 290 and (Index) 14 pp. Hardback £85. ISBN 978 1 78347 706 7.]

This anthology reads as a desktop companion for practising lawyers on the legal technical issues concerning cloud computing and related privacy concerns. It is an authoritative guide for anyone seeking an in-depth compendium on the myriad

legal pitfalls associated with security, licensing agreements, cross-jurisdictional data flows, and personal information in cloud computing. What it does not do, however, is explore the ideological and normative backdrop to the challenges arising in a rapidly evolving field. Although thorough and comprehensive, the book risks losing some of its relevancy with anticipated changes in the technological and related legal environment.

In her opening remarks, editor Anne S.Y. Cheung describes a new age of cloud computing, citing an impressive array of facts and figures. The prevalence of this new technology is staggering when considering that it was hardly known only a few years ago. Thus, the collection's analysis of both the technical issues and their legal implications is a timely contribution to the literature. Privacy and legal issues in cloud computing belong to an increasingly complex field that easily merits the book's 290 pages authored by experts.

Yet this may not be the easiest collection to digest for readers who come to Internet and data-protection law for the first time. Most of the chapters focus on highly technical investigations of the relationship between cloud computing and specific legal rules. They include cross-jurisdictional data transfers, encryption, sector regulation, and licensing schemes. Following the intricacies of these juridical webs may be a daunting task for someone without a firm grasp of the legal landscape.

That noted, there are attempts to broaden the access to the materials. We are introduced to especially helpful analogies taken from real estate that explain the multiple layers of responsibilities, ownership, and access, which are defining features in the cloud computing environment. The chapters have been carefully edited to build our understanding from one to the next, lessening the need to repeat technical information. Steadily mapping the technical landscape acquaints an unfamiliar reader with its varied hills and valleys. Having laid the groundwork for a technical and contextual understanding of cloud computing, the remaining chapters examine, in depth, specific aspects – such as intellectual property, ownership, data mining, and health care. This sectoral approach is useful when using the book as a guide in a specific case or context.

There is no doubt that cloud computing is a complex and fast-moving area in law. Therefore, it is not surprising that the volume, with all its studiousness, has not quite managed to capture all the facets of this emerging field. The collection aims to address the fact that legal issues in cloud computing by definition arise in an international context, and its authors contribute a multiple of jurisdictional viewpoints. On the whole, however, the focus of the book is slanted towards a common law perspective, with more than two-thirds of the contributors based in Hong Kong. Yet, this slant, albeit giving the book perhaps some of its originality, is somewhat puzzling when considering that there is not a single chapter solely dedicated to the legal architecture surrounding cloud computing in the US. After all, cloud computing was born and continues to develop predominantly in Silicon Valley.

Privacy issues crop up in multiple chapters, yet it is difficult to see why privacy is specifically mentioned in the title when it appears to be just one of several issues discussed in the book's 12 chapters. Cheung's chapter on the issues of anonymisation and personal data certainly demonstrates persuasive expertise, but her call for a reconceptualisation of the definition of personal information is hardly novel. As such, it seems that most of the privacy issues raised are simply an amplification of the concerns that are already prevalent in current data-protection discourse. Similarly, Dominic N. Staiger's essay on the cross-border flow of data illustrates the dangers of a collection that offers a purely doctrinal analysis of a rapidly changing field. Staiger takes great pains to explain the various legal regimes that allow

for the trans-border flow of data. Yet, with the Court of Justice of the European Union's ruling on 6 October 2015 in Case C-362/14, *Maximillian Schrems v Data Protection Commissioner*, invalidating the Safe Harbour Agreement between the European Union and the US, substantial sections of his chapter no longer represent good law.

Further, the somewhat narrow approach begs the question of why so few of the chapters explore the wider implications of cloud computing beyond narrow legal technicalities. For example, the sectoral approach does not address the fundamental tension between the US server companies (Google, Amazon, et al.) and an often incompatible European data-protection regime beyond a pure doctrinal analysis. Indeed, the US legal notion of privacy greatly diverges from the European conception of data protection. Regrettably, the authors leave a number of salient questions unanswered. The limited length of the volume may naturally restrict the collection from being too ambitious in scope, and some of the broader normative implications have yet to emerge. Nevertheless, a wider conceptual approach might have given the volume greater longevity.

Several of the chapters are reminiscent of early writing on the Internet in the 1990s that overflowed with complex, technical expositions that few people except computer science students truly understood. Today, thankfully, we seldom encounter detailed explications of Internet code in academic legal analysis. I suspect that, a decade from now, this book will be an early illustration of how we attempted to grapple with the innovative cloud computing architecture. The real value of this book is therefore not its lasting legacy, but its practical use within the next few years.

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Intellectual Privacy: Rethinking Civil Liberties in the Digital Age. By Neil Richards [Oxford: Oxford University Press, 2015. iii, 215, and (Index) 5 pp. Hardback £20.49. ISBN 978-0-19-994614-3.]

This book brings fresh perspective and some clear ideas to privacy law and its interaction with freedom of speech. The study is American and particular attention is given to, and use is made of, the writings of Louis Brandeis, author of "The Right to Privacy" (4 (1890) *Harvard Law Review* 193) and later a Justice of the Supreme Court of the US.

The book has three parts. The first part is an abridged history of US privacy law, with an emphasis on the influence of Mabel Warren, wife of Samuel Warren, who co-authored "The Right to Privacy" with Brandeis. Richards argues, based on Brandeis's personal letters, and as much by what Brandeis did not say in the 40 years following publication of his article, that he was not especially enamoured with privacy, and more acutely felt that "wrongdoing often hides behind privacy, and that publicity can have the power to correct wrongdoing and fraud" (p. 31). In Brandeis's words (quoted on p. 32, and again on p. 106): "Sunlight is said to be the best of disinfectants." Brandeis advanced new First Amendment jurisprudence in a spate of anti-war speech cases brought in 1919, based in particular on the assertion that free speech protected democracy. Richards identifies four strands in Brandeis's free-speech dissents, and demonstrates that each became a pillar of subsequent First Amendment law, such that "We live under Brandeis's First