International And EU Intellectual Property Law

Intellectual Property Rights and International Trade

A comprehensive overview of intellectual property law, this handbook will be a vital read for all invested in the field of IP law. Topics include the foundations of IP law; its emergence and development in various jurisdictions; its rules and principles; and current issues arising from the existence and operation of IP law in a political economy.

International Intellectual Property

As technological developments multiply around the globe--even as the patenting of human genes comes under serious discussion--nations, companies, and researchers find themselves in conflict over intellectual property rights (IPRs). Now, an international group of experts presents the first multidisciplinary look at IPRs in an age of explosive growth in science and technology. This thought-provoking volume offers an update on current international IPR negotiations and includes case studies on software, computer chips, optoelectronics, and biotechnology--areas characterized by high development cost and easy reproducibility. The volume covers these and other issues: Modern economic theory as a basis for approaching international IPRs. U.S. intellectual property practices versus those in Japan, India, the European Community, and the developing and newly industrializing countries. Trends in science and technology and how they affect IPRs. Pros and cons of a
uniform international IPRs regime versus a system reflecting national differences.

European Intellectual Property Law

This is a general reference work on all aspects of intellectual property, including international treaties and conventions, analyses of all fields of intellectual property, its administration, enforcement and teaching, technological and legal developments, and WIPO's work in its Member States. It covers issues including electronic commerce, biotechnology, traditional knowledge and management of copyright and related rights and WIPO's vision and approaches to meet new challenges with a widening circle of partners. Can be used as a key reference work by creators, innovators, intellectual property lawyers, government officials, university teachers and students.

European Intellectual Property Law

The second edition of this popular textbook has been thoroughly revised, expanded and updated in order to reflect the recent extensive changes in European IP legislation. Providing an in-depth examination of the core areas of IP law, from copyright, patents and trademarks through to the protection of plant varieties and industrial design, it is perfectly pitched to guide the reader through the complexities of the European IP system. New to this edition:* Coverage of recent legislative changes since the first edition, including detail on the proposed new copyright package* New expanded chapters on Plant Variety Rights, Industrial Designs and Geographical Indications * New chapter on IPRs and Unfair Competition, including Trade Secrets* Expanded chapter on patents by a patent expert who joined the author teamKey features:* Offers a clear and concise style, giving students and non-specialist practitioners a clear understanding of the fundamentals of European intellectual property law* Highlights extracts from key cases and source material* Poses questions designed to provoke wider thinking around legal problems* Covers related areas adjacent to IP law, in order to help students understand the context in which IP legislation operates* Gives an overview of community and European IP rights and areas that have been harmonized legislatively* Considers international IP protection and the interrelation between European and IP law more broadly in order to promote comparative studyWith its detailed and comprehensive overview on the structure and content of European IP law, this textbook has proved an essential companion to both basic and advanced courses on European intellectual property across the globe.

EU Intellectual Property Law and Policy


Research Handbook on Human Rights and Intellectual Property

The second edition of this popular textbook has been thoroughly revised, expanded and updated in order to reflect the recent extensive changes in European IP legislation. Providing an in-depth examination of the core areas of IP law, from copyright, patents and trademarks through to the protection of plant varieties and industrial design, it is perfectly pitched to guide the reader through the complexities of the European IP system.
The International Political Economy of Intellectual Property Rights

Intellectual property (IP) law has been widely discussed in recent scholarship, though many recent works explore the topic from a largely descriptive perspective. This book provides an analytical and comparative study of Chinese and European IP law, as well as an analysis of system reforms in China. The book highlights, in three parts, intellectual property for innovation and creativity in China, comparing concepts and norms in Chinese and European IP law, and governance of practices and IP enforcement. Demonstrating that the governance of IP rights requires the adoption of a set of norms, the contributors also argue that success is dependent on a transformation of the perspectives and implementation. Students and scholars of IP law, and Chinese IP law in particular, will find this book to be a valuable resource to their work. It will also be of interest to IP practitioners looking for an insight into system reforms in China.

EU Bilateral Trade Agreements and Intellectual Property: For Better or Worse?

. . . a gratifying collection of informed and engaging contributions. John A. Tessensohn, European Intellectual Property Review The importance of intellectual property rights is now well established as a vital component in the success of firms and nations. The diverse contributors to this volume, drawn from the fields of law, business and economics, clarify and analyze the problems and promise of IP policy from a global perspective. They discuss both developed and emerging nations and advance the understanding of this increasingly important topic. The articles address issues from an interdisciplinary focus with an emphasis on current topical issues. Topics addressed include intellectual rights protection in emerging nations such as China, an exploration of a specific cross-national intellectual property perspective, strategies for protecting intellectual property rights, and a guide to understanding emerging and non-western legal systems. A mix of theoretical and practical observations helps the reader navigate the increasingly international topic of intellectual property as well as offers strategies for optimal utilization of intellectual property assets. The volume serves well both as a solution-oriented book and as a tool for facilitating further discussion and analysis in the classroom. Scholars and students in law, business and economics, as well as business practitioners interested in a global perspective on IP policy, will enjoy this book.

Holyoak and Torremans Intellectual Property Law

Inevitably, every marketed product or service can always be located at the intersection of intellectual property law and competition law, a nexus rife with potential problems throughout the ‘life’ of an intellectual property (IP) right. This important book is the first to focus in depth on this intersection in the European context, masterfully elucidating the consequences for IP rights owners from the right’s inception to its transfer, sale, or demise. The authors describes and analyses the following topics and more in detail: • characteristics, purpose and theoretical justifications of IP rights; • obtaining, maintaining, and exploiting an IP right; • effects of provisions of European competition law regarding cartels, block exemptions, abuse of dominant position, free movement of goods, and merger control; • competition between originator companies and generic companies; • licensing, especially the problem of refusal to grant a license; and • enforcement of an IP right. The book analyses all major cases affecting aspects of the intersection, supported by an examination of the historical background and political influence concerning the two areas of European law. There are also special chapters on the prominent and influential national legal systems of Germany, the United States, China, The Netherlands, and the United Kingdom. An annex provides texts of the major antitrust regulations dealing with European IP rights. As a ‘biography’ of IP
rights focusing on areas of entanglement with European competition law, this book is without peer. Its clear-sighted view of the status quo and emerging trends in the two fields will be of immeasurable value to practitioners, policymakers, and academics dealing with issues at the intersection of intellectual property law and competition law in Europe and elsewhere.

The Global Regime for the Enforcement of Intellectual Property Rights

A complete picture and thorough analysis of the international norms and bodies dealing with the enforcement of intellectual property rights.

Research Handbook on the European Union and International Organizations

Analyses the methods of protection of biodiversity and related traditional knowledge in the international and comparative national intellectual property systems.

European Intellectual Property Law

In step with its rapid progress to the centre of modern social, political, and economic life, the internet has proven a convenient vehicle for the commission of unprecedented levels of copyright infringement. Given the virtually insurmountable obstacles to successful pursuit of actual perpetrators, it has become common for intermediaries - providers of internet-related infrastructure and services - to face liability as accessories. Despite advances in policy at the European level, the law in this area remains far from consistently applicable. This is the first book to locate and clarify the substantive rules of European intermediary accessory liability in copyright and to formulate harmonised European norms to govern this complicated topic. With a detailed comparative analysis of relevant regimes in three major Member State jurisdictions - England, France, and Germany - the author elucidates the relationship between these rules and the demands of EU law on fundamental rights and the principles of European tort law. She clearly presents the interrelations between such areas as the following: - accessory liability in tort; - joint tortfeasance; - European fault-based liability: fault, causation, defences; - negligence; - negligence balancing: rights-based or utility-based?; - Germany's "disturbance liability" (Störerhaftung); - fair balance in human rights; - end-users' fundamental rights; - The European Commission's 2015 Communication on a Digital Single Market Strategy for Europe; - The E-Commerce Directive and other relevant provisions; - Safe harbours: mere conduit, caching, hosting; - intermediary actions: monitoring, filtering, blocking, removal of infringing content; and - application of remedies: damages and injunctions. The strong points of each national system are highlighted, as are the commonalities between them, and the author uses these to build a proposed harmonised European framework for intermediary liability for copyright infringement. She concludes with suggestions for the future possible integration of the proposed framework into EU law. The issue of the liability of internet intermediaries for third party copyright infringement has entered into the political agenda across the globe, giving rise to one of the most complex, contentious, and fascinating debates in modern copyright law. This book offers an opportunity for a re-conceptualisation and rationalisation of the applicable law, in a way which additionally better accounts for the cross-border nature of the internet. It will be of inestimable value to many interested parties - lawyers, internet intermediaries, NGOs, policymakers, universities, libraries, researchers, lobbyists - in matters regarding the information society.
Intellectual Property and the Judiciary

Intellectual property rights, conventionally seen as quite distinct, are increasingly overlapping with one another. There are several reasons for this: the expansion of IPRs beyond their traditional borders, the creation of new IPRs especially at EU level, the exploitation of gaps in the law by shrewd lawyers, and the use of unfair competition as an alternative when IPRs are either not available at all or expired. The convergence of several IPRs on the same subject-matter poses problems. As they are normally envisaged as water-tight categories, there are very few rules which cater for the sort of regime clash that any overlap of IPRs necessarily entails. This book's aim is to find appropriate rules to regulate overlaps and thereby avoid regime conflicts and undue unstructured expansion of IPRs. The book studies the practical consequences of each overlap at the international, European and national levels (where the laws of France, the UK and Germany are reviewed). It then analyses the reasons for the prohibition or authorisation of overlaps. This analysis enables the determination of criteria and principles that can be used to (re)map the overlaps to achieve appropriateness and legitimacy.

Governance of Intellectual Property Rights in China and Europe

Intellectual Property and the Judiciary explores the role of the judiciary in the elaboration and interpretation of intellectual property law, exploring how IP doctrine and policy are developed and the manner in which judges construct and apply norms in different court systems. The authors engage in a comparative exploration of various national, European and international judiciaries and appraise the competing and complementary roles of governing bodies. The book offers an examination of both common law and civil law traditions in the context of judicial treatment of intellectual property.

The Global Challenge of Intellectual Property Rights

European Intellectual Property Law offers a full account of the main areas of substantive European IP law and a discussion of their wider context and effect. The amount and reach of European law, and decision-making in the field of intellectual property has grown exponentially since the 1960s, making it increasingly difficult to treat European law as an adjunct to domestic intellectual property regimes. European Intellectual Property Law responds to this reality by presenting a clear and detailed account of each of the main areas of substantive EU intellectual property law, situated in the context of both the EU legal system and international IP law, including EU constitutional law, the law of the European Patent Convention 1973/2000, and private international law. It draws selectively on examples from domestic IP regimes to illustrate substantive differences between those regimes and to demonstrate the impact of European law, and decision-making on EU Member States. This unique, thoroughly modern approach goes beyond a discussion of the provisions of European legal instruments to consider their wider context and effect. European Intellectual Property Law is the ideal guide for any student wishing to gain a full and critical understanding of the substantive European law of intellectual property.

The Protection of Biodiversity and Traditional Knowledge in International Law of Intellectual Property

For decades, the debate about the tension between IP and antitrust law has revolved around the question to what extent antitrust should accept that IP laws may bar competition in order to stimulate innovation. The rise of IP rights in recent years has highlighted the problem that IP may also impede innovation, if research for new technologies or the marketing of
new products requires access to protected prior innovation. How this ‘cumulative innovation’ is actually accounted for under
IP and antitrust laws in the EU and the US, and how it could alternatively be dealt with, are the central questions addressed
in this unique study by lawyer and economist Thorsten Käseberg. Taking an integrated view of both IP and antitrust rules – in
particular on refusals to deal based on IP – the book assesses policy levers under European and US patent, copyright and
trade secrecy laws, such as the bar for and scope of protection as well as research exemptions, compulsory licensing regimes
and misuse doctrines. It analyses what the allocation of tasks is and should be between these IP levers and antitrust rules,
in particular the law on abuse of dominance (Article 102 TFEU) and monopolisation (Section 2 Sherman Act), while particular
attention is paid to the essential facilities doctrine, including pricing methodologies for access to IP. Many recent
decisions and judgments are put into a coherent analytical framework, such as IMS Health, AstraZeneca, GlaxoSmithKline (in
the EU), A pple (France), Orange Book Standard (Germany), Trinko, Rambus, NY MEX, eBay (US), M icrosoft and IBM/T3 (both EU and
US). Further topics covered include: IP protection for software, interoperability information and databases; industry-
specific tailoring of IP; antitrust innovation market analysis; and the WTO law on the IP/antitrust interface.

Intellectual Property Law: Text, Cases, and Materials

After exploring multifaceted issues of IPR enforcement, this book argues that the problems with it are not an actual outcome
of Confucian philosophy and “to steal a book” is not an “elegant offence.” This book demonstrates that counterfeiting and
piracy are inevitable consequences of inadequate economic development. It goes on to state that they are a by-product of a
unique set of socioeconomic crises that have their origin in a dysfunctional institutional regime.

The Oxford Handbook of Intellectual Property Law

A guide to many tax regimes affecting pension schemes, whether approved or unapproved, and whether established within or
outside the UK. Comparisons are made between pensions and other investment media, and a section traces the development of
pension provision and taxation through the Finance Acts

Intellectual Property, Antitrust and Cumulative Innovation in the EU and the US

‘This clearly-written and comprehensive text, by two leading scholars of European intellectual property law, is extremely
adaptable. It is a perfect platform for classroom teaching, and is also a fine resource for those researching in what is
becoming an increasingly complex field.’ - Graeme B. Dinwoodie, University of Oxford, UK

‘This hybrid volume, part commentary, part primary sources, with questions to stimulate further thinking, serves both as a teaching tool and as a
manual for lawyers who seek a comprehensive overview of EU intellectual property law. The book aims at a generalist legal
audience, with very a helpful précis of international law, including the major multilateral treaties, as well as a summary of
the EU legal framework that non-Europeans will find highly useful. The authors explore the full range of traditional and
emerging IP rights. They also provide in-depth analysis of remedies and of the international private law issues that
increasingly arise in contemporary complex IP litigation.’ - Jane Ginsburg, Columbia Law School, US

The first of its kind, this textbook has been carefully designed to give students and non-specialist practitioners a clear understanding of the
fundamentals of European intellectual property law. Providing a comprehensive overview of both community IP rights, and areas
of IP law that have been harmonised, and supported by judicious use of extracts from the most significant source material,
the book assists the reader in navigating through the increasingly complex European IP system. European Intellectual Property Law deals with European patent, trade mark and copyright law, as well as with adjacent areas such as protection of plant varieties, geographical indications, industrial design, competition law, enforcement, and private international law, with a focus on the most relevant case law to be found in those areas. Key Features: • Written by two of the leading authorities in European IP law • Concise and readable style • Extracts from key source material • Questions designed to stimulate thinking around legal problems • Coverage of related areas adjacent to IP • Offers an overview on international IP protection and the interrelation between European law and IP law in general. This detailed book is designed for all courses on European intellectual property, whether basic or advanced, as well as for practitioners looking for a comprehensive and concise overview on the structure and content of European IP law.

WIPO Technology Trends 2019 - Artificial Intelligence

This book provides a full and clear exposition of the fundamentals of intellectual property law in the UK. It combines excerpts from cases and a broad range of secondary works with insightful commentary from the authors which will situate the law within a wider international context.

EU Intellectual Property Law

This fully updated book offers a compact and accessible account of EU intellectual property (IP) law and policy. The digital age brings many opportunities, but also presents continuing challenges to IP law as the EU’s programme of harmonisation unfolds. As well as addressing the main IP rights (copyright, patents, designs, trade marks and related rights), the book also considers IP’s relationship with the EU’s rules on free movement of goods and competition, as well as examining the enforcement of IP rights. Taking account of numerous changes, this timely second edition covers the substantive provisions and procedures which apply throughout the EU, making extensive reference to the case law. The author considers how the exploitation of IP is increasingly global; harmonisation, in contrast, is only partial, even at the EU level. In response, the book sets EU IP law in its wider international context. It also seeks to highlight policy issues and arguments of relevance to the EU, in its relations both within the Union and with the rest of the world. Designed as a compact and approachable account of these difficult and technical areas, and with advice on further reading and research, this unique book is useful both as a work of reference and for more general study. It is essential reading for postgraduate students, academic researchers and legal practitioners alike.

New Developments in EU and International Copyright Law

In recent decades, foreign direct investment (FDI) has played an increasingly significant role in world economic activity and development. In economic terms, the accumulated stock of FDI and its generation of commercial activity by foreign affiliates have made FDI comparatively more important than international trade in goods and services. While FDI has experienced long-term steady growth until the recent financial crisis, another powerful trend has been transforming an important part of modern economies: these economies are becoming predominantly 'conceptual', reflecting the vital role of ideas in common and highly valued products and services, and shifting the emphasis in asset valuation from physical to intellectual property (IP). As this trend continues, a similar change can be observed in FDI: foreign investments are reflecting an increasing
concentration of intellectual capital invested in knowledge goods protected by intellectual property rights. Thus, IP rights have never been more economically and politically important or controversial than they are today. There have long been international treaties that protect IP, but in recent years other international treaties have come into being that protect IP rights along with other property rights. These treaties include various international investment agreements (IIAs), which regard IP rights as a protected investment. This book will analyse the standards of treatment and protection enshrined in IIAs for IP rights, with reference to topics such as the fragmentation of international law; investor-host-state dispute resolution; investors and investments; relative standards of treatment (such as most favoured nation); absolute standards of treatment (such as fair and equitable treatment); and expropriation. Since many questions regarding the relevance of IIA for IP rights have not been decided yet by investment tribunals, this lack of practice will be addressed by the analysis of hypothetical cases based on actual cases decided by other adjudicating bodies in different legal contexts, such the European Court of Human Rights or the European Court of Justice. Pending proceedings such as Philip Morris and Eli Lilly will also be discussed.

Expanding Intellectual Property

The edited volume deals with the expansion and institutionalization of intellectual property norms in the twentieth century, with a European focus. Its thirteen chapters revolve around the transfer, adaptation and the ambivalence of legal transplants in the interface between national and international projects, trends and contexts. The first part discusses the institutionalization of copyright and patent law in the framework of the bigger political and economic projects of the twentieth century. The second and third parts of the collection review relevant processes in the communist regimes and the post-communist societies, respectively. The essays reflect on the concept and the mechanisms of expansion of intellectual property rights by pointing at processes of enculturation, transnationalization and universalization of norms, as well as practices of incorporation and resistance. The contributors lay a particular emphasis on the role and activity of social actors in the establishment and validation of intellectual property norms and regimes, from the function of experts and creation of expert cultures to the compelling power of popular street protests.

European Intermediary Liability in Copyright: A Tort-Based Analysis

Research Handbook on Human Rights and Intellectual Property is a comprehensive reference work on the intersection of human rights and intellectual property law. Resulting from a field-specific expertise of over 40 scholars and professionals of world re

Concise European Copyright Law

The first report in a new flagship series, WIPO Technology Trends, aims to shed light on the trends in innovation in artificial intelligence since the field first developed in the 1950s.

WIPO Intellectual Property Handbook

For decades, the debate about the tension between IP and antitrust law has revolved around the question to what extent
antitrust should accept that IP laws may bar competition in order to stimulate innovation. The rise of IP rights in recent years has highlighted the problem that IP may also impede innovation, if research for new technologies or the marketing of new products requires access to protected prior innovation. How this ‘cumulative innovation’ is actually accounted for under IP and antitrust laws in the EU and the US, and how it could alternatively be dealt with, are the central questions addressed in this unique study by lawyer and economist Thorsten Käseberg. Taking an integrated view of both IP and antitrust rules – in particular on refusals to deal based on IP – the book assesses policy levers under European and US patent, copyright and trade secrecy laws, such as the bar for and scope of protection as well as research exemptions, compulsory licensing regimes and misuse doctrines. It analyses what the allocation of tasks is and should be between these IP levers and antitrust rules, in particular the law on abuse of dominance (Article 102 TFEU) and monopolisation (Section 2 Sherman Act), while particular attention is paid to the essential facilities doctrine, including pricing methodologies for access to IP. Many recent decisions and judgments are put into a coherent analytical framework, such as IMS Health, AstraZeneca, GlaxoSmithKline (in the EU), A pple (France), Orange Book Standard (Germany), Trinko, Rambus, NYMEX, eBay (US), Microsoft and IBM/T3 (both EU and US). Further topics covered include: IP protection for software, interoperability information and databases; industry-specific tailoring of IP; antitrust innovation market analysis; and the WTO law on the IP/antitrust interface.

The Protection of Intellectual Property Rights Under International Investment Law

More than a source of income and a means of protection for creators, rightholders, and the creative and entertainment industries, copyright is also a vehicle for technological advances and economic development. In the European Union, industries with intensive emphasis on intellectual property rights (mainly copyright) generate more than a quarter of employment and more than a third of economic activity. Yet copyright continues to be plagued by problematic attempts to balance the interests of rightholders, the public, consumers, intermediaries, collecting societies, different national legal traditions, and other forces, European and global. This book draws a comprehensive picture of current, pending, and proposed copyright developments – legislation, ‘communications,’ white papers, and court decisions – at the levels of the European Union and the World Intellectual Property Organization. Twenty-two well-known and prestigious experts on intellectual property law from seventeen jurisdictions worldwide contribute essays on particular trends in copyright, including discussions of the following and more: - making content available in an EU digital single market; - collective management and multi-territorial licensing; - exceptions for libraries and archives, education and research; - traditional knowledge and cultural expressions; - unjustified geoblocking; - illegal content on the Internet; - text and data mining; - copyright enforcement online; and - role of the European Court of Justice. Policy recommendations are also set forth, as well as a detailed conceptual framework for a potential EU Copyright Code. As a detailed and thoughtful overview of current trends in copyright internationally, this book has no peers. It is sure to be welcomed by practitioners, policymakers, academics, researchers, and business leaders for whom intellectual property rights, and especially copyright, are of the first importance.

European Intellectual Property Law

Although supplying spare and replacement parts and providing repair services form the basis of many legitimate businesses, many manufacturing enterprises seek to augment the competitive advantage realized at the market stage of selling their main products by attempting to monopolize the market for spares, repairs and refills. Increasingly, companies are using
intellectual property laws to devise up-front business strategies to gain exclusive rights in the components of their products. This is the first in-depth analysis of the law in this relatively new and rapidly developing area of practice. It sheds clear light on the conflicting interests of manufacturers, consumers, spare parts makers and the general public; explores the extent to which this kind of business strategy can be more or less successful with respect to the different rights involved, and in different jurisdictions; and highlights the competition issues that inevitably arise. The essays included are revised and updated versions of papers presented at the seventh (2006) of the innovative IP conference organized annually by the Macau Institute of European Studies (IEEM) on intellectual property law and the economic challenges for Asia. Among the topics and issues covered are the following: notions of repair and recycle and their legal effects; the limits of IP rights in relation to repair and recycle; legal limits of end user licence agreements (EULAs) and technological protection measures (TPMs); patent exhaustion on repair and recycling; alteration of product and ‘identity’; the concept of ‘indirect’ or ‘contributory’ infringement; design law strategies; and secondary market definitions. The authors give detailed attention to cases in various jurisdictions that have guided and continue to guide business strategies in the field. Jurisdictions treated include the EU, the US, the UK, Germany, the Netherlands, China, Hong Kong, Japan, and Korea. In its clarification of the limits and possibilities of business strategies in this area of competition that is just beginning to attract attention, this book will be of great value not only to intellectual property law practitioners but to business people in nearly any field of production, especially where cross-border marketing is involved.

Spares, Repairs, and Intellectual Property Rights

This book provides expert analysis of European Union Law and its effect on intellectual property laws across member states. It deals both with those aspects of Community law that are common to most intellectual property rights across the EC, and also the impact of Community law and of harmonisation on specific intellectual property rights.

Intellectual Property Overlaps

This book focuses on a new generation of bilateral and regional agreements negotiated by the EU with developing countries and which include intellectual property (IP) provisions setting standards exceeding those of the TRIPS Agreement. The contributions critically analyse the IP standards found in these agreements; their potential for reforming the international IP system; the implications for the multilateral IP system and other areas of international law such as human rights; and the often neglected topic of implementing the IP obligations in these agreements.

Enforcement of Intellectual Property in European and International Law

It is no longer possible to practice, teach, or study purely domestic intellectual property law within Europe. European intellectual property norms now structure protection throughout the continent (and even beyond). Paradoxically, what might seem as a simplification of legal rules has created a maze of new complexities substantive, institutional and methodological. This collection by some of the leading scholars in European IP manages to capture that complexity without sacrificing clarity. Canvassing the entire field with a rich array of contributions, the book both highlights the roots of European IP law and asks important fundamental questions about where it is going. One can only hope that it is read by anyone with a hand
in the future development of European IP law.' Graeme B. Dinwoodie, University of Oxford, UK 'Christophe Geiger has put together a very fine collection of essays by many of the very best scholars in European intellectual property law. The essays explore the basis, extent, as well as the successes and failings of regional harmonization of trade marks, geographical indications, copyright, designs, patents and remedies. The celebrated cast of authors naturally discuss, in addition to the various directives and regulations on each topic, the Treaty provisions on exhaustion of rights and competition (and their interpretation), relevant provisions on legislative competence, Article 17(2) of the Charter, other fundamental rights, and the growing case law of the Court of Justice. There is essential material here for anyone interested in European intellectual property law, as well as ideas for the improvement and further development of European IP law.' Lionel Bently, University of Cambridge, UK Constructing European Intellectual Property offers a comprehensive assessment of the current state of intellectual property legislation in Europe and gives direction on how an improved system might be achieved. This detailed study presents various perspectives on what further actions are necessary to provide the circumstances and tools for the construction of a truly balanced European intellectual property system. The book takes as its starting point that the ultimate aim of such a system should be to ensure sustainable and innovation-based economic growth while enhancing free circulation of ideas and cultural expressions. Being the first in the European Intellectual Property Institutes Network (EIPIN) series, this book lays down some concrete foundations for a deeper understanding of European intellectual property law and its complex interplay with other fields of jurisprudence as well as its impact on a broad array of spheres of social interaction. In so doing, it provides a well needed platform for further research. Academics, policymakers, lawyers and many others concerned with establishment of a regulatory framework for intangibles in the EU will benefit from the extensive and thoughtful discussion presented in this work.

**Intellectual Property and Private International Law**

*International Intellectual Property: A Handbook of Contemporary Research* provides researchers and practitioners of international intellectual property law with the necessary tools to understand the latest debates in this incredibly dynamic and complex

**Intellectual Property and Competition Law**

This authoritative new work analyses European plant intellectual property rights. Whilst the focus of the work is on Europe, and in particular the European Patent Convention, the Council Regulation on Community Plant Variety Rights and the EU Directive on the Legal Protection of Biotechnological Inventions, these provisions are discussed within the context of international legislation, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and the Convention on Biological Diversity. It is the first book to look at the impact of plant intellectual property rights on the European plant breeding industry and assess whether recent developments, such as the Novartis decision, will assist plant breeders, from all sectors of plant breeding activities, in the production of new plant products. In addition to a thorough discussion of the legislation, the book includes unique empirical research results obtained by the authors as part of a two-year research project funded by the European Union, which surveyed attitudes towards, and use of, plant intellectual property rights within the European plant breeding community.

**Global Dimensions of Intellectual Property Rights in Science and Technology**
This book is a substantial contribution to the discussion on trade-related intellectual property rights. It provides a clear, step-by-step, in-depth analysis of the TRIPS agreement, particularly as it relates to the European pharmaceutical industry. Politics, law and economics are judiciously blended. Meir Pugatch's work should be read not just by academic experts and students in the field, but also by trade policy and IPR practitioners interested in an accessible, policy-relevant treatment of the issues at hand. - Razeen Sally, London School of Economics and Political Science, UK

This book investigates the realm of intellectual property rights (IPRs) within the context of international political economy. In particular, it examines the extent to which powerful interest groups, such as pharmaceutical multinational companies, influence the political dynamism underlying the field of IPRs. Meir Perez Pugatch argues that a pure economic approach does not provide a sufficient or satisfactory explanation for the creation of intellectual property rights, most notably patents. The author instead suggests that a dynamic approach, based on the international political economy of interest groups and systemic outcomes, provides a better starting point for explaining how the international intellectual property agenda is determined.

The Oxford Handbook of European Union Law

'The Oxford Handbook of European Union Law' was one of the subjects discussed at the 18th International Congress of Comparative Law held in Washington (July 2010). This volume contains the General Report and 20 National Reports covering Canada, US, Japan, Korea, India and a number of European countries (Austria, France, Germany, UK, Spain etc). The General Report was prepared on the basis of National Reports. The national reporters not only describe the existing legal framework, but also provide answers for up to 12 hypothetical cases concerning international jurisdiction, choice-of-law and recognition and enforcement of foreign judgments in multi-state IP disputes. Based on their answers the main differences between legal systems as well as the shortcomings of the cross-border enforcement of IP rights are outlined in the General Report. The Reports in this volume analyse relevant court decisions as well as recent legislative proposals (such as the ALI, CLIP, Transparency, Waseda and Korean Principles). This book is therefore a significant contribution to the existing debate in the field and will be a valuable source of reference in shaping future developments in the cross-border enforcement of IP rights in a global context.

Intellectual Property and Private International Law

Holyoak and Torremans Intellectual Property Law provides readers with a clear introduction to UK intellectual property law, whilst carefully placing the law in its global context and acknowledging the influence of EU and other international jurisdictions over its development. The book examines the methods and reasoning behind key statutory and case decisions, and provides readers with real life examples of intellectual property law in action, helping to bring the subject to life. Recent developments within the law relating to biotechnology patenting, IT and internet, and trademark, imaging and character rights are explored, providing readers with a cutting edge analysis of the subject. Chapter introductions and concluding overviews help to set the scene and provide a succinct summary of the topic areas, whilst lists of annotated further reading offer the perfect starting point for those who wish to explore a topic further. Online Resource Centre This book is accompanied by an Online Resource Centre which provides annotated web links and self-test questions.
Intellectual Property in the Global Trading System

Over the years, the European Union has developed relationships with other international institutions, mainly as a result of its increasingly active role as a global actor and the transfer of competences from the Member States to the EU. This book presents a comprehensive and critical assessment of the EU’s engagement with other international institutions, examining both the EU’s representation and cooperation as well as the influence of these bodies on the development of EU law and policy.

European Plant Intellectual Property

Concise European Copyright Law aims to offer the reader a rapid understanding of all the provisions of copyright law in force in Europe that have been enacted at the European and international levels. This volume takes the form of an article-by-article commentary on the relevant European directives and international treaties in the field of copyright and neighbouring rights. It is intended to provide the reader with a short and straightforward explanation of the principles of law to be drawn from each provision. Editors and authors are prominent specialists (academics and practitioners) in the field of international and European copyright law. Concise European Copyright Law is part of ‘Concise IP’, a series of five volumes of commentary on European intellectual property legislation. The five volumes cover: Patents and related matters, Trademarks and designs, Copyrights and neighbouring rights, IT and a general volume including jurisdictional issues.

Constructing European Intellectual Property

The relationship between intellectual property and private international law is a fascinating and multi-faceted one. Both fields are inherently international, but it is the exponential increase in conflicts involving trans-border elements, in a world characterised by global trade and borderless communication structures, that has, in modern times, drawn the two disciplines close. The essays contained in this book, first presented at a Symposium in Munich, set out possible visions for a future system of international and regional jurisdiction and applicable law that is better adapted to the increasingly supranational character of IP rights. A second feature of the book is its treatment of ‘harmonisation’ of choice-of-law issues. Framed by these two elements - international jurisdiction on the one hand and perspectives for harmonised choice of law rules in an international context on the other - specific European themes are also addressed; jurisdiction, the establishment of a European judiciary in the patent field, the relationship between regional (European) systems and an international jurisdiction convention, and the recent proposal for a Regulation on applicable law in non-contractual relationships (Rome II).

Intellectual Property, Antitrust and Cumulative Innovation in the EU and the US

Since its formation the European Union has expanded beyond all expectations, and this expansion seems set to continue as more countries seek accession and the scope of EU law expands, touching more and more aspects of its citizens' lives. The EU has never been stronger and yet it now appears to be reaching a crisis point, beset on all sides by conflict and challenges to its legitimacy. Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact. EU law, always controversial, continues to perplex, not least because it remains difficult to analyse. What is the EU? A international organization, or a federation? Should its legal concepts be measured against national standards, or another
norm? The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU. Comprising eight sections, it examines how we are to conceptualize EU law; the architecture of EU law; making and administering EU law; the economic constitution and the citizen; regulation of the market place; economic, monetary, and fiscal union; the Area of Freedom, Security, and Justice; and what lies beyond the regulatory state. Each chapter summarizes, analyses, and reflects on the state of play in a given area, and suggests how it is likely to develop in the foreseeable future. Written by an international team of leading commentators, this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union.