

Contemporary Intellectual Property Law And Policy Oxford Core Texts

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Contemporary Intellectual Property - Abbe Brown 2019-08-20

Contemporary Intellectual Property: Law and Policy offers a unique perspective on intellectual property law. It goes beyond an up-to-date account of the law and examines the complex policies that inform and guide modern intellectual property law at the domestic (including Scottish), European and international levels, giving the reader a true insight into the discipline and the shape of things to come. The focus is on contemporary challenges to intellectual property law and policy and the reader is encouraged to engage critically both with the text and the subject matter. Carefully developed to ensure that the complexities of the subject are addressed in a clear and approachable manner, the extensive use of practical examples, exercises and visual aids throughout the text enliven the subject and stimulate the reader. Online resources This book is supported by the following online resources: -Guidance on answering the discussion points from the book -Online chapters on the following topics: --History of unregistered design protection in the UK --History of registered design law in the UK to 1988 --Intellectual property and international private law -Web links and further reading

Big Data, Databases and "Ownership" Rights in the Cloud - Marcelo Corrales Compagnucci 2019-11-02

Two of the most important developments of this new century are the emergence of cloud computing and big data. However, the uncertainties surrounding the failure of cloud service providers to clearly assert ownership rights over data and databases during cloud computing transactions and big data services have been perceived as imposing legal risks and transaction costs. This lack of clear ownership rights is also seen as slowing down the capacity of the Internet market to thrive. Click-through agreements drafted on a take-it-or-leave-it basis govern the current state of the art, and they do not allow much room for negotiation. The novel contribution of this book proffers a new contractual model advocating the extension of the negotiation capabilities of cloud customers, thus enabling an automated and machine-readable framework, orchestrated by a cloud broker. Cloud computing and big data are constantly evolving and transforming into new paradigms where cloud brokers are predicted to play a vital role as innovation intermediaries adding extra value to the entire life cycle. This evolution will alleviate the legal uncertainties in society by means of embedding legal requirements in the user interface and related computer systems or its code. This book situates the theories of law and economics and behavioral law and economics in the context of cloud computing and takes database rights and ownership rights of data as prime examples to represent the problem of collecting, outsourcing, and sharing data and databases on a global scale. It does this by highlighting the legal constraints concerning ownership rights of data and databases and proposes finding a solution outside the boundaries and limitations of the law. By allowing cloud brokers to establish themselves in the market as entities coordinating and actively engaging in the negotiation of service-level agreements (SLAs), individual customers as well as small and medium-sized enterprises could efficiently and effortlessly choose a cloud provider that best suits their needs. This approach, which the author calls "plan-like architectures," endeavors to create a more trustworthy cloud computing environment and to yield radical new results for the development of the cloud computing and big data markets.

Handbook of Intellectual Property Research - Irene Calboli 2021-05-20

The relevance of intellectual property law has increased dramatically over the last several years. Globalization, digitization, and the rise of post-industrial information-based industries have all contributed

to a new prominence of IP law as one of the most important factors in driving innovation and economic development. At the same time, the significant expansion of IP rules has impacted many areas of public policy such as public health, the environment, biodiversity, agriculture, and information in an unprecedented manner. The growing importance of IP law has led to an exponential growth of academic research in this area. This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law. In particular, this volume aims to provide a useful resource that can be used by IP researchers who are interested in expanding their expertise in a specific research method or seek to acquire an understanding of alternative lenses that could be applied to their research. This edited collection is one of the largest compilations, to date, of existing methods and approaches from different lenses, perspectives, and experiences from a diverse group of scholars who derive from a wide range of countries, backgrounds, and legal traditions. This diversity, both regarding the topics and the authors of the contributions, is a fundamental feature of this collection, which seeks to assist IP researchers across many countries in the developing and developed world. This is an open access title available under the terms of a CC BY-NC-ND 4.0 International licence. It is offered as a free PDF download from OUP and selected open access locations. [Handbook on European Competition Law](#) - Ioannis Lianos 2013-10-31

This Handbook will be an indispensable reference work for practitioners and scholars, as well as for those in an enforcement environment.

Intellectual Property and Emerging Technologies - Matthew Rimmer 2012-01-01

This unique and comprehensive collection investigates the challenges posed to intellectual property by recent paradigm shifts in biology. It explores the legal ramifications of emerging technologies, such as genomics, synthetic biology, stem cell research, nanotechnology, and biodiscovery. Extensive contributions examine recent controversial court decisions in patent law such as *Bilski v. Kappos*, and the litigation over Myriad's patents in respect of BRCA1 and BRCA2 while other papers explore sui generis fields, such as access to genetic resources, plant breeders' rights, and traditional knowledge. The collection considers the potential and the risks of the new biology for global challenges such as access to health-care, the protection of the environment and biodiversity, climate change, and food security. It also considers Big Science projects such as biobanks, the 1000 Genomes Project, and the Doomsday Vault. The inter-disciplinary research brings together the work of scholars from Australia, Canada, Europe, the UK and the US and involves not only legal analysis of case law and policy developments, but also historical, comparative, sociological, and ethical methodologies. Intellectual Property and Emerging Technologies will appeal to policy-makers, legal practitioners, business managers, inventors, scientists and researchers.

Copyright - Neil Netanel 2018

Copyright law was once an esoteric backwater, the special province of professional authors, publishers, and entertainment companies, but it now impacts everyone who uses the Internet or consumes cultural expression on a computer, mobile phone, or personal tablet. Copyright has come to be immensely controversial as well. For instance, the proposed Stop Online Piracy Act (SOPA), copyright-industry backed legislation met its defeat at the hands of a popular outcry spearheaded by Google, Wikipedia, and other online aggregators of content and information. SOPA and other such initiatives would target the massive online piracy that threatens the economic viability of newspapers, movie studios, record labels, and book

publishers. But the copyright industries' arguably heavy-handed response threatens to chill the free-wheeling wellspring of online creativity, expression, and ready access to information upon which we have all come to rely. To navigate the shoals of these opposing, equally dim prospects is a complex undertaking. No less daunting, even for the educated layperson, is to understand the legal framework, policy arguments, industry economics, legislative proposals, and judicial decisions that fuel the copyright debate. In *Copyright: What Everyone Needs to Know*, law professor Neil Weinstock Netanel guides readers through the murky dynamics of modern copyright law, answering questions about topics such as the new challenges posed by the digital environment, copyright and piracy in the global marketplace, and proposals for future reform. From the basis and purpose of copyright law to a glimpse at what the law could - or should - become in the digital age, Netanel offers the necessary tools for following the debates that have raged everywhere from internet forums to the halls of Congress.

The Protection of Intellectual Property in International Law - Henning Grosse Ruse-Kahn 2016-09-28
This book examines intellectual property (IP) protection in the broader context of international law. Against the background of the debate about norm relations within and between different rule systems in international law, it construes a holistic view of international IP law as an integral part of the international legal system. The first part sets out the theoretical foundation for such a holistic view by offering several methodological frameworks for the analysis of norm relations in international law. As a toolbox, these frameworks allow for different ways to conceptualize the linkages amongst international IP rules and those to other areas of international law. Part two then considers norm relations within the international IP system. It analyses the relationship of the two main IP conventions to the World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), as well as the relationship between TRIPS and Free Trade Agreements (FTAs). The third part discusses alternative rule systems for the protection of IP in international law. The intellectual creations element of IP is captured by the concept of creator's rights in international human rights law; while the property aspect of IP is protected by international investment agreements and European human rights treaties. Part Four focuses on three core intersections between the international IP system and other areas of international law related to environmental, social and economic concerns. The areas examined concern international law on trade, biological diversity and climate change. As in part three, the perspective taken is that of the 'other' area and how it perceives its relations with international IP norms. In part five finally, the focus shifts back to the international IP system and the mechanisms it provides for taking into account the interests protected in other areas of international law.

European Intermediary Liability in Copyright: A Tort-Based Analysis - Christina Angelopoulos 2016-09-15

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.

The International Legal Governance of the Human Genome - Chamundeeswari Kuppaswamy 2009-06-09

The human genome is a well known symbol of scientific and technological progress in the twenty-first century. However, concerns about the exacerbation of inequalities between the rich and the poor, the developing and the developed states, the healthy and the unhealthy are causing problems for the progress of scientific research. The international community is moving towards a human rights approach in addressing these concerns. Such an approach will be piecemeal and ineffective so long as fundamental issues about economic, social and cultural rights, the so-called second generation of human rights, are not addressed. This book argues that, in order to be able to meaningfully apply a human rights framework to the governance of the human genome, the international human rights framework should be based on a unified theory of human rights where the distinction between positive and negative rights is set aside. The book constructs a common heritage concept with the right to development at its core and explores the content of the right to development through rational human rights theory. It is argued that the notion of property rights in the human genome should be placed within the context of protecting human rights, including the right to development. The concept of common heritage of humanity, contrary to the widely held belief that it is in opposition to patenting of gene sequences, supports human rights-based conceptions of property rights. This book fills a gap in the literature on international legal governance of the human genome will provide an essential reference point for research into the right to development, development issues in bioethics, the role of international institutions in law making and research governance.

Developing EU-Japan Relations in a Changing Regional Context - Dimitri Vanoverbeke 2017-10-02

Relations between the EU and East Asia have consistently expanded in recent years, particularly between the EU and Japan. Against the background of negotiations on an economic and strategic partnership agreement, the EU-Japan relationship is set to become the single most comprehensive 'region-to-state' relationship the world has known today, accounting for more than a third of world GDP and a combined population of more than 600 million people. This book addresses the potential role of the EU, in cooperation with Japan, to craft a stable and prosperous mode of governance in the Asian region. In today's globalized world seemingly defined by waxing Chinese power and waning American power, the book reflects the lack of appreciation for an EU-Japan concert in maintaining and developing multilateral principles. It aims towards fortifying this relationship by acknowledging that in order to enhance the credibility and capabilities of such an alliance, it is necessary to take stock of where the partnership stands today, what kind of obstacles still need to be overcome and which options have been left untouched. By introducing state-of-the-art empirical research in multiple fields, this book will be of key interest to students and scholars of international relations, comparative regionalism, the European Union and Japanese politics.

Esports Business Management - David Hedlund 2020-11-13

Esports have rapidly expanded from a pastime undertaken by casual players to one of the largest segments of the entertainment industry, in which hundreds of millions of people play and compete daily. *Esports Business Management With HKPropel Access* is one of the first textbooks to present an all-encompassing look into the world of esports business, will teach both aspiring students and sports professionals about the business of this rapidly expanding industry. Written by esports executives, business experts, and esports educators—and endorsed by the International Esports Federation, Esports Research Network, and the United States Esports Federation—the textbook offers a comprehensive approach to the operational side of esports, supplemented by a striking full-color design and dynamic imagery that will bring concepts to life.

The text begins with a basic overview of the industry, including various levels of esports, culture, and social issues. Next, readers will explore the interests and concerns of various tiers of stakeholders—from title publishers and event organizers to leagues, sponsors, fans, and more—and learn about governance at multiple levels, from the international level to college conferences. A full look at the marketing engine of esports examines sponsorship opportunities, esports events and venues, and communications at all levels, including broadcasting, analytics, and social media. The book addresses managerial and business issues associated with running an esports-related entity, including financial and legal concepts as well as team and player management. The text concludes by examining careers found in the various segments of the industry and looking at the future of esports. Throughout the text, Zoning sidebars provide real-world spotlights that bring the concepts to life. Student learning will be enhanced by the related online learning aids delivered through HKPropel, with student exercises and case studies that apply content to life, industry profiles, and a list of Internet resources for further learning. While similarities exist between the sports and esports environments, there are also significant differences in how the esports industry must operate to thrive. Esports Business Management is the foundational text for understanding and working in this exciting, fast-paced industry. Note: A code for accessing HKPropel is not included with this ebook but may be purchased separately.

Intangible Cultural Heritage, Sustainable Development and Intellectual Property - Benedetta Ubertazzi
This book critically analyses the relationships between intangible cultural heritage (ICH), sustainable development and intellectual property rights (IPRs). The author argues that although the use of IPRs to safeguard ICH presents challenges and has impeded sustainable development in some cases, the adoption of these rights on ICH also presents opportunities and, fundamentally, is not contrary to the spirit of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO 2003 Convention). The adoption of IPRs on ICH can form an important part of the development of sustainable safeguarding plans capable of benefitting the communities, groups and individuals (CGIs) that create, maintain and transmit such heritage. The book provides a nuanced analysis of the relationship between intellectual property (IP) law and ICH as well as examining the role of IPRs in safeguarding ICH through the lens of sustainable development. It analyses the relationship between IP law and ICH from environmental, social and economic perspectives. These perspectives allow a thorough evaluation of both the positive effects and potential pitfalls of adopting IPRs to safeguard ICH. The book addresses deeper structural matters that refer back to the safeguarding of social and environmental processes underlying ICH.

Artificial Intelligence and Intellectual Property - Jyh-An Lee 2021-02-25
Artificial Intelligence (AI) has become omnipresent in today's business environment: from chatbots to healthcare services to various ways of creating useful information. While AI has been increasingly used to optimize various creative and innovative processes, the integration of AI into products, services, and other operational procedures raises significant concerns across virtually all areas of intellectual property (IP) law. While AI has drawn extensive attention from IP experts globally, this is the first book providing a broad and comprehensive picture from the perspectives of the very nature of AI technology, its commercial implications, its interaction with different kinds of IP, IP administration, software and data, its social and economic impact on the innovation policy, and ultimately AI's eligibility as a legal entity.

Contemporary Intellectual Property: Law and Policy - Charlotte Waelde 2013-10
This textbook provides an account of intellectual property law. The underlying policies influencing the direction of the law are explained and explored and contemporary issues facing the discipline are tackled head-on. The international and European dimensions are covered together with the domestic position.
Intellectual Property: A Very Short Introduction - Siva Vaidhyanathan 2017-02-09

We all create intellectual property. We all use intellectual property. Intellectual property is the most pervasive yet least understood way we regulate expression. Despite its importance to so many aspects of the global economy and daily life, intellectual property policy remains a confusing and arcane subject. This engaging book clarifies both the basic terms and the major conflicts surrounding these fascinating areas of law, offering a layman's introduction to copyright, patents, trademarks, and other forms of knowledge falling under the purview of intellectual property rights. Using vivid examples, noted media expert Siva Vaidhyanathan illustrates the powers and limits of intellectual property, distilling with grace and wit the

complex tangle of laws, policies, and values governing the dissemination of ideas, expressions, inventions, creativity, and data collection in the modern world. Vaidhyanathan explains that intellectual property exists as it does because powerful interests want it to exist. The strongest economies in the world have a keen interest in embedding rigid methods of control and enforcement over emerging economies to preserve the huge economic interests linked to their copyright industries—film, music, software, and publishing. For this reason, the fight over the global standardization of intellectual property has become one of the most important sites of tension in North-South global relations. Through compelling case studies, including those of Starbucks, Coca-Cola, Sony, Amazon, and Google Books, Vaidhyanathan shows that the modern intellectual property systems reflect three centuries of changes in politics, economics, technologies, and social values. Although it emerged from a desire to foster creativity while simultaneously protecting it, intellectual property today has fundamentally shifted to a political dimension.

The Luxury Economy and Intellectual Property - Haochen Sun 2015
This title explores the rise of the luxury goods economy and the growing role of intellectual property in creating, sustaining, and regulating this economy. Leading scholars across various disciplines critically consider the industry, its foundational intellectual property laws, and the public interest and social concerns arising from the intersection of economics and law.

The Oxford Introductions to U.S. Law - Dan Hunter 2012-02-02
In *The Oxford Introductions to U.S. Law: Intellectual Property*, prominent intellectual property scholar Dan Hunter provides a precise, engaging overview and careful analysis of current laws of intellectual property and their history. Hunter first focuses on the central areas of intellectual property law, including copyright, patent, trademark, and trade secrets. He then explores the politics, economics, psychology and rhetoric of possession and control that influence and interact with this area of law. Hunter explains how intellectual property has contributed greatly to the innovations that we, as a society, need in our modern lives. He also describes ways in which the expansion of intellectual property can reduce innovation by stopping others from implementing great ideas or producing new work. Hunter helps readers think about modern intellectual property in a way that allows them to see how innovation and progress are linked to intellectual property law, and how small changes in the laws have had significant consequences for our society. Ultimately, Hunter helps readers form their own views about the various areas within the arena of intellectual property.

European Intellectual Property Law - Justine Pila 2019-08-08
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.

Concepts of Property in Intellectual Property Law - Helena Howe 2013-09-26
Intellectual property law faces the challenge of balancing the interests of right holders and users in the face of technological change and inequalities in information access. *Concepts of Property in Intellectual Property Law* offers a collection of essays which reflect on the interaction between intellectual property and broader, more traditional, notions of property. It explores the way in which differing interpretations of the concept of property can affect the scope of protection in the law of copyright, patent, trade marks and confidential information. With contributions from leading and emerging scholars from a variety of jurisdictions, the book demonstrates how concepts of property can assist in shaping a conceptually

coherent and balanced response to the challenges faced by intellectual property law.

The Oxford Handbook of Intellectual Property Law - Rochelle Cooper Dreyfuss 2018

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.

Unified Patent Protection in Europe - Winfried Tilmann 2018-07-04

The creation of the Unified Patent Court (UPC) is the most prominent change in the European legal landscape for the last four decades. This book explains how the new system works in practice and how to make the best use of its provisions. It offers readers an in-depth and comprehensive commentary on the legal mechanisms of the upcoming ratified European Patent Law, and advice on potential problems that users of the forthcoming regulations may face. The book first describes the creation of the Unified European Patent Law and how its four new legislative texts interact. The new legislative texts are then explained and commented on in detail, rule by rule, with diverse approaches and perspectives from a practitioner team comprising patent litigators, European patent attorneys, law professors and patent judges. The Commentary takes into account the practical needs of users of the new system on both the prosecution and enforcement sides, addressing substantive and procedural problems. This book is the most authoritative text on the Unitary Patent and Unified Patents Court, and an invaluable tool for practitioners in this rapidly developing area of law.

Working Within the Boundaries of Intellectual Property - Rochelle C. Dreyfuss 2010-03-04

This is the long-awaited companion volume to the highly acclaimed *Expanding the Boundaries of Intellectual Property*, (OUP), 2001. Since then, intellectual property protection has grown ever stronger, and this new book focuses on finding ways to cope with the fragmentation of rights and the complex framework this expansion of rights has created.

Expanding Intellectual Property - Hannes Siegrist 2017-06-15

The book 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 point at processes of enculturation, trans-nationalization 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.

Compulsory Licensing - Reto M. Hilty 2014-11-19

Under the auspices of the Max Planck Institute for Intellectual Property and Competition Law (now the Max Planck Institute for Innovation and Competition). And Institutum Iurisprudentiae, Academia Sinica, a group of twenty scholars from around the world gathered to study the experiences made with regards to compulsory licensing. The results are demonstrated in this book. Different articles analyze how the international conventions on intellectual property may be interpreted and explore the related doctrinal groundwork surrounding compulsory patent licensing and beyond. It is shown how the compulsory licensing regime could be transformed into a truly workable mechanism facilitating the speedy use and dissemination of innovation and other subject matters of protection.

Intellectual Property Rights and Competition in Standard Setting - Valerio Torti 2015-10-05

Competition and intellectual property rights (IPRs) are both necessary for a market to work efficiently and to promote consumer welfare. Properly applied, intellectual property rules define a legal framework which allows undertakings to profit from their inventions. This in turn encourages competition among firms and enhances dynamic efficiency, to the benefit of consumer welfare. Standard setting represents one of the fields where the interaction between competition law and IPRs clearly comes to light. The collaborative

goal of standard setting organizations (SSOs) is to adopt and promote standards that either do not conflict with anyone's right or, if they do, are developed under condition that patents are licensed under defined terms. This book examines the tension between IPRs and competition in the standard setting field which can arise when innovators over-exploit the rights they have been granted and hold up an entire industry. The book compares EU and U.S. jurisdictions with a particular focus on the IT and telecommunication sectors. It scrutinizes those practices which could harm standard setting and its goals, looking at misleading conducts by SSOs' members which may lead to breach the EU and U.S. antitrust provisions on abuse of market power. Recent developments in EU and U.S. standard setting are analysed highlighting the differences in enforcement approaches. The book considers how the optimal balance between IPRs and industry standards can be struck, suggesting a policy model which takes into account both innovators' interests and SSOs' goals.

Contemporary Intellectual Property - Hector MacQueen 2010-09-30

This textbook provides an account of intellectual property law. The underlying policies influencing the direction of the law are explained and explored and contemporary issues facing the discipline are tackled head-on. The international and European dimensions are covered together with the domestic position.

Intellectual Property Law and Practice in Israel - Eran Liss 2012-05-31

Intellectual Property Law and Practice in Israel provides a comprehensive overview of Israeli intellectual property laws and an in-depth analysis of the pertinent case law.

Intellectual Property Law: Text, Cases, and Materials - Tanya Aplin 2013-08-29

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.

Intellectual Property, Public Policy and International Trade - Inge Govaere 2007

The rising importance and continuous expansion of intellectual property protection quite naturally goes together with increasing concern about the legal and political foundations of such enhanced protection. Nowhere does the basic equation which underlies intellectual property, namely that the pursuit of short term private interest by the holders of such property will satisfy the public interest in the long term, become both more visible, but also questionable than at the crossroads between the grant and enforcement of exclusive rights with international trade. Catchphrases, such as patent protection and access to essential medicines, or access to genetic resources, benefit sharing and economic development, stand for fundamental tensions and conflicts between private property and the public interest. This book presents the contributions that have been made on these and related topics by a group of internationally renowned experts at a workshop held at the College of Europe, Bruges.

Intellectual Property - Michael Spence 2007-08-16

To offer a core concept of intellectual property, to consider various justifications for the recognition of intellectual property rights and to expound their operation in particular areas of activity is the purpose of this book. It is essential to examine both the concept of intellectual property and the reasons why a legal system might incorporate such a concept. We are increasingly told that the wealth of nations, consists in 'intangible assets'. These are the intangible products of human creativity, ingenuity and effort. It is frequently argued that these assets represent the future of the developed economies and that their adequate protection by the intellectual property regimes is essential to national, regional, and even global, prosperity. We are also told that the creators of such assets have a strong moral claim to them, and that developed legal systems should recognise this claim. This text examines the ethical issues and debates surrounding intellectual property law and focuses on three aspects of the major intellectual property regimes: subject matter; the allocation of the first ownership of rights; and the scope of protection. These three aspects of the major regimes provide readers with a strong sense of the shape and purpose of the most important intellectual property systems.

Without Copyrights - Robert Spoo 2016-02-15

"Tells the story of how the clashes between authors, publishers, and literary "pirates" influenced both American copyright law and literature itself."--Dust jacket flap

Copyright and Piracy - Lionel Bently 2010-10-28

An understanding of the changing nature of the law and practice of copyright infringement is a task too big for lawyers alone; it requires additional inputs from economists, historians, technologists, sociologists, cultural theorists and criminologists. Where is the boundary to be drawn between illegal imitation and legal inspiration? Would the answer be different for creators, artists and experts from different disciplines or fields? How have concepts of copyright infringement altered over time and how do such changes relate, if at all, to the cultural norms operating amongst creators in different fields? With such an approach, one might perhaps begin to address the vital and overarching question of whether strong copyright laws, rigorously enforced, impede rather than promote creativity. And what can be done to avoid any such adverse consequences, while maintaining the effectiveness of copyright as an incentive-mechanism for those who need it?

Contemporary Intellectual Property - Hector L. MacQueen 2007

The book is accompanied by a web site where students and lecturers alike can access updates on major developments in the law as well as pointers to the exercises contained in the text.

Patent Law in Global Perspective - Ruth L. Okediji 2014

"This text addresses critical and timely questions in patent law from a truly global perspective, with contributions from leading patent law scholars from various countries and various disciplines. The rich scholarship featured reflects on a wide range of perspectives, offering insights and new approaches to evaluating key institutional, economic, doctrinal, and practical issues that are at the forefront of efforts to reform the global patent system, and to reconfigure geo-political interests in on-going multilateral, trilateral, and bilateral initiatives".--

Business Innovation and the Law - Marilyn J. Pittard 2013-01-01

Business Innovation and the Law analyses the topical issue of protecting and promoting business research and development. It does so by examining business innovation through the lens of different legal disciplines: intellectual property, labour and employment laws, competition and corporate laws. Evaluating the impact of each of these areas using discipline-specific and industry perspectives, the book also explores questions about whether a more harmonized approach is necessary to provide appropriate protection. Approaches of the common law and civil jurisdictions, particularly the European Union, inform and provide guidance to the analysis of emerging issues in this field. This book provides insights into various approaches taken by both common law and civil law jurisdictions regarding the increasingly blurred line of ownership rights in innovative industries. It traverses various disciplines of law as well as jurisdictions. Using interdisciplinary perspectives to business innovation and inter-jurisdictional comparisons and analysis, this book will appeal to university administrators responsible for intellectual property policy, managers of technology transfer offices in universities, intellectual property lawyers, labour and employment lawyers and competition lawyers.

Creative Autonomy, Copyright and Popular Music in Nigeria - Mary W. Gani 2020-07-27

This book provides an in-depth analysis of the unique structure of the Nigerian popular music industry. It explores the dissonance between copyright's thematic support for creative autonomy and the practical ways in which the law allows singer-songwriters' (performing authors') creative autonomy to be subverted in their contractual relationships with record labels. The book establishes the concept of creative autonomy for performing authors as a key criterion for sustainable economic development, and makes innovative legal and policy recommendations to help stakeholders preserve it.

Copyright Law and the Public Interest in the Nineteenth Century - Isabella Alexander 2010-03-03

Copyright law is commonly described as carrying out a balancing act between the interests of authors or owners and those of the public. While much academic work, both historical and contemporary, has been done on the authorship side of the equation, this book examines the notion of public interest, and the way that concepts of public interest and the rhetoric surrounding it have been involved in shaping the law of copyright. While many histories of copyright focus on the eighteenth century, this book's main concern is with the period after 1774. The nineteenth century was the period during which the boundaries of copyright, as we know it today, were drawn and ideas of "public interest" were integral to this process, but in different, and complex, ways. The book engages with this complexity by moving beyond debates about the appropriate duration of copyright, and considers the development of other important features of

copyright law, such as the requirement of legal deposit, the principle that some works will not be subject to copyright protection on the grounds of public interest, and the law of infringement. While the focus of the book is on literary copyright, it also traces the expansion of copyright to cover new subject matters, such as music, dramatic works and lectures. The book concludes by examining the making of the 1911 Imperial Copyright Act - the statute upon which the law of copyright in Britain, and in all former British colonies, is based. The history traced in this book has considerable relevance to debates over the scope of copyright law in the present day; it emphasises the contingency and complexity of copyright law's development and current shape, as well as encouraging a critical approach to the justifications for copyright law.

Global Intellectual Property Protection and New Constitutionalism - Jonathan Griffiths 2022-02-14

The constitutionalization of intellectual property law is often framed as a benign and progressive integration of intellectual property with fundamental rights. Yet this is not a full or even an adequate picture of the ongoing constitutionalization processes affecting IP. This collection of essays, written by international experts and covering a range of different areas of intellectual property law, takes a broader approach to the process. Drawing on constitutional theory, and particularly on ideas of "new constitutionalism", the chapters engage with the complex array of contemporary legal constraints on intellectual property law-making. Such constraints arising in international intellectual property law, human rights law (including human rights protection for right-holders), investment treaties, and forms of private ordering. This collection aims to illuminate the complex role of this constitutional framework, by analysing the overlaps, complementarities, and conflicts between such forms of protection and seeking to establish the effects that this assemblage of global and regional norms has on legal reform projects and interpretations of IP law. Some chapters take a broad theoretical perspective on these processes. Others focus on specific situations in which the relationship between intellectual property law and broader constitutional norms is significant. These contexts range from Art 17 of the EU's Digital Single Market Directive, to the implementation of harmonized trade secrets protection, from the role of Canada's Charter of Rights to the impact of the social model of property in Brazil.

A Copyright Gambit - Sunimal Mendis 2019-07-05

European memory institutions are repositories of a wealth of rare documents that record public domain content. These documents are often stored in 'dark-archives' to which members of the public are granted limited access, resulting in the public domain content recorded therein being relegated to a form of 'forgotten-knowledge'. Digitisation offers a means by which such public domain content can be made speedily and easily accessible to users around the world. For this reason, it has been hailed as the harbinger of a new 'digital renaissance'. This book examines the topical issue of the need to preserve exclusivity over digitised versions of rare documents recording public domain content. Based on data gathered through an empirical survey of digitisation projects undertaken by fourteen memory institutions in five European Union Member States, it argues for the introduction of exclusive rights in digitised versions of rare documents recording public domain textual content as a means of incentivising private-sector investment in the digitisation process. It concludes by presenting a detailed proposal for a European Union Regulation that would grant memory institutions a limited-term related right in digitised versions of rare documents held in their collections subject to stringent exceptions and limitations that are designed to safeguard user interests.

Intellectual Property Rights - Mario Cimoli 2014-05-08

In recent years, Intellectual Property Rights - both in the form of patents and copyrights - have expanded in their coverage, the breadth and depth of protection, and the tightness of their enforcement. Moreover, for the first time in history, the IPR regime has become increasingly uniform at international level by means of the TRIPS agreement, irrespectively of the degrees of development of the various countries. This volume, first, addresses from different angles the effects of IPR on the processes of innovation and innovation diffusion in general, and with respect to developing countries in particular. Contrary to a widespread view, there is very little evidence that the rates of innovation increase with the tightness of IPR even in developed countries. Conversely, in many circumstances, tight IPR represents an obstacle to imitation and innovation diffusion in developing countries. What can policies do then? This is the second major theme of the book which offers several detailed discussions of possible policy measures even within the current TRIPS regime

- including the exploitation of the waivers to IPR enforcement that it contains, various forms of development of 'technological commons', and non-patent rewards to innovators, such as prizes. Some drawbacks of the regimes, however, are unavoidable: hence the advocacy in many contributions to the book of deep reforms of the system in both developed and developing countries, including the non-patentability of scientific discoveries, the reduction of the depth and breadth of IPR patents, and the variability of the degrees of IPR protection according to the levels of a country's development.