

**SELECTED INTELLECTUAL
PROPERTY AND UNFAIR
COMPETITION**
STATUTES, REGULATIONS AND TREATIES
2013 EDITION

Roger E. Schechter

Selected Intellectual Property And Unfair Competitionpb2002

Frauke Henning-Bodewig



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Rethinking Intellectual Property Gustavo Ghidini, 2018 Intellectual property law is built on constitutional foundations and is underpinned by the twin freedoms of freedom of expression and freedom of economic enterprise In this thoughtful evaluation Gustavo Ghidini offers up a reconstruction of the core features of each intellectual property paradigm including patents copyright and trademarks suggesting measures for reform to allow intellectual property to become socially beneficial for all *Innovation, Competition and Consumer Welfare in Intellectual Property Law* Gustavo Ghidini, 2010-01-01 Professor Ghidini has long since made himself a worldwide reputation as a leading scholar He is a profound critic of intellectual property protection that follows rigid property logic and favours the functionalist competition innovation logic *Innovation Competition and Consumer Welfare in Intellectual Property Law* is truly enriching reading Hanns Ullrich College of Europe Bruges Belgium We in the United States have much to learn not only from Gustavo Ghidini's careful analysis of modern trends in the European IP regime but also from his thoughtful development of the thesis that free competition should be understood as the overarching principle guiding both IP protection and what we call antitrust law Rudolph J R Peritz New York Law School US and author of *Competition Policy in America* This authoritative book provides a comprehensive critical overview of the basic IP paradigms such as patents trademarks and copyrights Their intersection with competition law and their impacts on the exercise of social welfare are analysed from an evolutionary perspective The analyses and proposals presented encompass the features and rationales of a legal field in constant evolution and relate them to increasingly rapid technological economic social and geo political developments Gustavo Ghidini highlights the emerging trends that challenge the traditional all exclusionary vision of IP law and its application The author expertly combines holistic evolutionary and constitutionally oriented approaches with the search for a rebalancing of the IP rights holders positions with citizens and users rights This book will appeal to academics scholars and lawyers specializing in the realm of intellectual property competition and comparative law *Selected Intellectual Property and Unfair Competition Statutes, Regulations, and Treaties* , 2008 **Intellectual Property Law in Canada** Mistrale Goudreau, 2017-06-20 Derived from the renowned multi volume *International Encyclopaedia of Laws* this monograph provides a survey and analysis of the rules concerning intellectual property rights in Canada It covers every type of intellectual property right in depth copyright and neighbouring rights patents utility models trademarks trade names industrial designs plant variety protection chip protection trade secrets and confidential information Particular attention is paid throughout to recent developments and trends The analysis approaches each right in terms of its sources in law and in legislation and proceeds to such legal issues as subject matter of protection conditions of protection ownership transfer of rights licences scope of exclusive rights limitations exemptions duration of protection infringement available remedies and overlapping with other intellectual property rights The book provides a clear overview of intellectual property legislation and policy and at the same time offers practical guidance on

which sound preliminary decisions may be based Lawyers representing parties with interests in Canada will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative intellectual property law *Intellectual Property Law in South Korea* Youngsun Cho,2019-10-23 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph provides a survey and analysis of the rules concerning intellectual property rights in the South Korea It covers every type of intellectual property right in depth copyright and neighbouring rights patents utility models trademarks trade names industrial designs plant variety protection chip protection trade secrets and confidential information Particular attention is paid throughout to recent developments and trends The analysis approaches each right in terms of its sources in law and in legislation and proceeds to such legal issues as subject matter of protection conditions of protection ownership transfer of rights licences scope of exclusive rights limitations exemptions duration of protection infringement available remedies and overlapping with other intellectual property rights The book provides a clear overview of intellectual property legislation and policy and at the same time offers practical guidance on which sound preliminary decisions may be based Lawyers representing parties with interests in the South Korea will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative intellectual property law World Trade Organization Basic Instruments and Selected Documents World Trade Organization,2003 **The AALS Directory of Law Teachers** ,2004 **The Global Challenge of Intellectual Property Rights** R. Bird,Robert Bird,Subhash C. Jain,2009-01-01 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 International Intellectual Property Law and Human Security Robin Ramcharan,2012-11-27 This book examines how intellectual property rights IPR affect the daily lives of individuals worldwide and how that may in turn impact the health and wealth of nations While the protection of the intellectual endeavours of authors and inventors is

vital for a fair and just society it is important that the IPR regime remains flexible enough to encourage creativity innovation and the free flow of information and technology that are critical to the well being of billions of people especially in the developing world This work examines the implications of the IPR regime for basic human security It examines the relationship between IPR regime and fundamental human rights such as the right to education health and food and the broader right to development This book will be of interest to IP scholars international relations specialists and international security analysts in particular those interested in non traditional security issues It may also serve as resource book for the international business community on developmental and human rights aspects of IP **Intellectual Property, Unfair**

Competition and Publicity Nari Lee, Guido Westkamp, Annette Kur, Ansgar Ohly, 2014-04-25 Dealing with rights and developments at the margin of classic intellectual property this fascinating book explores emerging types of regulations and how existing IP regimes inform and influence the judicial and legislative creation of _substitute IP *Basic Instruments and Selected Documents* World Trade Organization, 2003 The BISD is the official one stop source for documents pertaining to the operation and scope of the World Trade Organization WTO It contains the Protocols for Accession for new WTO member nations along with other legal instruments The WTO BISD is co published by the World Trade Organization and Bernan Press

Unfair Competition Law Frauke Henning-Bodewig, 2006-01-01 The book delineates with extraordinary clarity and precision the working of unfair competition law throughout the European Union Its four comprehensive chapters encompass basic considerations of definition subject matter enforcement and applicable law international provisions under the Paris convention TRIPS and WIPO model law analysis of relevant EC directives and regulations and ECJ jurisprudence and extensive discussions of the national unfair competition laws of all 25 Member States For each Member State specific topics covered include such considerations as the following sources of law competition law in a nutshell regulation of advertising direct marketing sales promotion risk of confusion disparagement defamation misappropriation imitation impediment of competitors and breach of the law The author also provides a selected bibliography of sources for each country It would be difficult to find a more useful analysis of European Unfair Competition Law than this systematic study It is practical thorough clarifying and readable all at the same time The author untangles the most complex of apparent contradictions with impressive skill Copies of this book will quickly take their places on the working shelves of interested practitioners academics and officials throughout Europe Insurance Coverage of Intellectual Property Assets David A. Gauntlett, 2013-01-01

Insurance Coverage of Intellectual Property Assets Second Edition is the best resource to comprehensively analyze the insurance protection issues that must be considered when an intellectual property dispute arises From determining the scope of coverage under a policy to tendering of a claim to seeking remedies when coverage has been denied this essential guidebook details the interactions among policyholders insurers and the courts You ll find comprehensive and timely analysis of federal and state case law and major commercial insurance policy provisions that address The extent of insurance

coverage under the “advertising injury” and “personal injury” provisions Language in policies that limits or excludes coverage for intellectual property claims Public policy exclusions to coverage for claims of an infringement undertaken with intent to harm Interpreting ambiguous language in insurance policies Defending a claim under a “reservation of rights” and potential conflicts of interest triggered thereby Forum selection and choice of law And more In addition there s detailed discussion and comparison of the actual language used in most commercial insurance policies and the most recent Insurance Services ISO policies

Antitrust Enforcement & Intellectual Property Rights: Promoting Innovation & Competition United States. Department of Justice,2007 The Legal Protection of Databases Estelle Derclaye,2008-01-01 Dr Derclaye s book is well structured the methodology is theoretical and comparative Derclaye s work on database law is timely and readable presenting a sound thesis to the perceived problems Patricia Akester Journal of Intellectual Property This book has a wide ranging detailed appeal for all lawyers students and those in the public and private sectors Richard Chambers this book is a detailed comprehensive and well researched examination of legal protection of databases which offers a valuable template for reform that will be of great interest to academics and policymakers alike Tanya Aplin European Intellectual Property Review The protection of the investment made in collecting verifying or presenting database contents is still not harmonised internationally Some laws over protect database contents whilst others under protect them This book examines and compares several methods available for the protection of investment in database creation namely intellectual property unfair competition contract and technological protection measures in order to find an adequate type and level of protection To this effect the author uses criteria based on a combination of the economics of information goods the human rights to intellectual property and to information and the public interest proposing a model that can be adopted at international and national levels The Legal Protection of Databases will be of interest to intellectual property lawyers competition lawyers as well as general commercial lawyers because of the breadth of laws reviewed It will also appeal to practitioners policymakers economists and students

Trademark and Unfair Competition Conflicts Tim W. Dornis,2017-02-23 With the rise of internet marketing and e commerce around the world international and cross border conflicts in trademark and unfair competition law have become increasingly important In this groundbreaking work Tim Dornis who in addition to his scholarly pursuits has worked as an attorney a public prosecutor and a judge giving him experience in both civil and common law jurisdictions presents the historical comparative doctrinal and economic aspects of trademark and unfair competition conflicts law The book should be read by any scholar or practitioner interested in the international aspects of intellectual property generally and trademark and unfair competition law specifically This title is available as Open Access

Exhausting Intellectual Property Rights Shubha Ghosh,Irene Calboli,2018-11-08 Even as globalization seems to be in retreat in political circles the march of commercialization and markets continues Government policies whether tariffs exits or walls cannot impede the competitive drive to meet consumer

demand for products and services whether within national boundaries or across them In the sphere of intellectual property rights the doctrine of exhaustion serves to limit the rights of intellectual property owners after a specific exercise of some or all of the rights This volume provides an assessment of the successes and failures of the exhaustion doctrine as it has been applied through recent judicial decisions in the United States and the European Union Irene Calboli and Shubha Ghosh explore how evolving interpretations of the exhaustion doctrine affects the large trade in gray market products and other international trade issues A comparative approach to exhaustion Exhausting Intellectual Property Rights offers a unique discussion of the often overlooked issue of overlapping rights

Global Governance of Intellectual Property in the 21st Century Mark Perry, 2016-05-24 This book analyses the governance foundations of innovation brands inventions secrets and expression which are the keys to a century based on knowledge They are reflected in legal rights that have been fermenting over centuries of national policy deliberations on intellectual property rights constantly in flux in the face of new advances in science but overall a trend towards greater protectionism As countries are challenged by the strictures of international agreements often extorted through imbalanced power relationships they seek their own national means for beneficial differentiation from the new global norms whilst complying with international obligations This book deals with the outcomes of regional governance of intellectual property which often creates ripples in the search for harmony in the laws that form the basis for the future of intellectual property The work has contributions that come from developing and developed nations showing a common theme of the struggle to find the balance in an area of law that often does not provide clearcut solutions to real world environments There are many intellectual property struggles illustrated in this work patent at the boundaries of nature and invention the need for drug development which is driven by profit based on the patent monopoly copyright the expression of original thought seeking to maximise exposure facilitated by the internet but a system that facilitates rampant copying trade marks supporting company branding seeks to exploit global branding through naming domains names and other areas concomitant to the globalisation of intellectual property governance such as foreign direct investment This book holds up a mirror to the issues of world governance of intellectual property rights in this century asking whether the direction we are currently following is in the best interest of global citizens and showing the divergence that constraints are stimulating on a national level

Law Against Unfair Competition Reto Hilty, Frauke Henning-Bodewig, 2007-07-28 Unfair competition law is concerned with fair play in commerce It is generally regarded as necessary together with antitrust law in order to steer competition along an orderly course and thereby to contribute to promoting an efficient market system that serves the interests of all participants Nevertheless the significance of unfair competition law varies from one country to another Whereas in some countries such as Germany it is seen as one of the most effective commercial laws in other countries such as the United Kingdom it leads rather a shadowy existence From the outset this discrepancy laid in the differences in national legal systems Whilst those continental European countries that possessed a written civil law when

instances of unfair competition emerged more or less successfully attempted to incorporate them in the existing tort law system protection in the common law countries was restricted to some narrowly defined torts in particular passing off At this stage one of the few shared convictions was that the protection of honest entrepreneurs was at issue on this basis in 1900 the only regulation at the international level until now was enacted Art 10 of the Paris Convention

Indigenous Cultural Heritage and Intellectual Property Rights Jessica Christine Lai, 2014-01-08 Now more than ever indigenous peoples interests in their cultural heritage are in the spotlight Yet there is very little literature that comprehensively discusses how existing laws can and cannot be used to address indigenous peoples interests This book assesses how intangible aspects of indigenous cultural heritage and the tangible objects that hold them can be protected within the realm of a broad range of existing legal orders including intellectual property and related rights consumer protection law common law and equitable doctrines and human rights It does so by focusing on the New Zealand M ori The book also looks to the future analysing the long awaited Wai 262 report released in New Zealand by the Waitangi Tribunal in response to allegations that the government had failed in its duty to ensure that the M ori retain chieftainship over their tangible and intangible treasures as required by the Treaty of Waitangi signed between the M ori and the British Crown in 1840

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