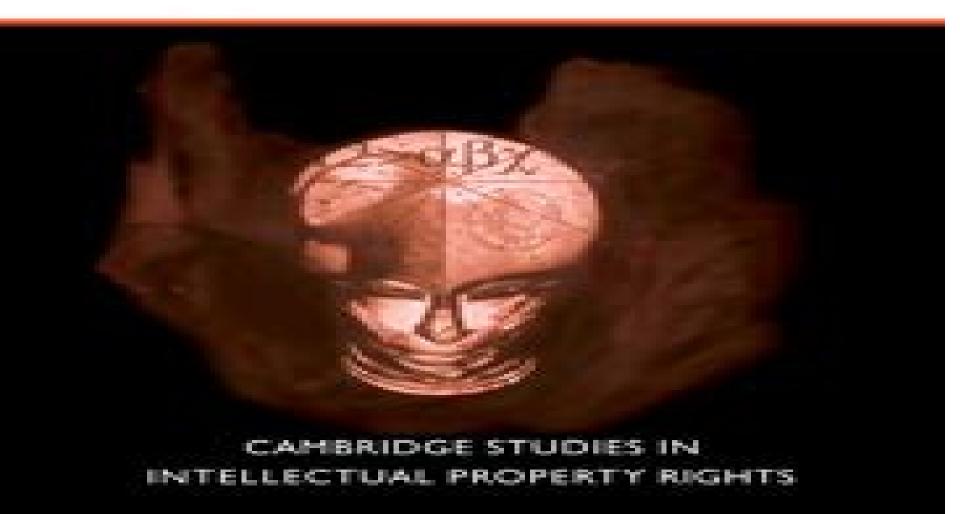
# The Making of Modern Intellectual Property Law

Brad Sherman and Lionel Bently



# **Making Of Modern Intellectual Property Law**

**Alexander Peukert** 

#### **Making Of Modern Intellectual Property Law:**

The Making of Modern Intellectual Property Law Brad Sherman, Lionel Bently, 1999-07-08 One of the common themes in recent public debate has been the law s inability to accommodate the new ways of creating distributing and replicating intellectual products In this book the authors argue that in order to understand many of the problems currently confronting the law it is necessary to understand its past This is its first detailed historical account In this book the authors explore two related themes First they explain why intellectual property law came to take its now familiar shape with sub categories of patents copyright designs and trade marks Secondly the authors set out to explain how it is that the law grants property status to intangibles In doing so they explore the rise and fall of creativity as an organising concept in intellectual property law the mimetic nature of intellectual property law and the important role that the registration process plays in shaping intangible property The Making of Modern Intellectual Property Law Brad Sherman, Lionel Bently, 1999 This book is the first detailed historical account of why intellectual property law with its sub categories of patents copyright designs and trade marks took the shape that it did over the course of the nineteenth century The authors also discuss ways in which the law grants property status to intangibles Modern Intellectual Property Law Jonathan Galloway, Daithí Mac Síthigh, Andrew Griffiths, Aisling McMahon, 2010-07-12 Modern Intellectual Property Law combines coverage of each intellectual property right granted for creations of the mind into a thoughtful unified textbook Deconstructing the fundamental topics into short clear sections separated by subheadings throughout Colston and Galloway s text is the ideal student companion to this intriguing area of the law This new edition has been completely revised to bring it up to date with the latest debate and changes to the law All significant recent developments are covered including the continuing controversy over patents for computer implemented inventions and biotechnological inventions the House of Lords developments of patent law the ECJ jurisprudence relating to trade mark dilution and comparative advertising as well as the database right and international efforts to reconcile copyright with peer to peer file sharing This text also discusses the ongoing effort to achieve an appropriate balance between intellectual property and competition law in order to protect market competition while retaining key incentives to drive the process of innovation Written for students this accessible and comprehensive textbook provides the perfect starting point for anyone studying intellectual property law in the UK

Modern Intellectual Property Law 3/e, The Making of Intellectual Property Law in Vietnam Tran Kien,2025-09-03 This book is about the making of intellectual property law in Vietnam across colonial and socialist space and time from 1864 to 1994 It provides a completely new provoking narrative disproving previously published scholarship which claimed that there was no intellectual property law in Vietnam during the colonial and socialist periods In doing so the book engages with an emerging field of historiographical inquiry into the intellectual property law history in Vietnam and worldwide which investigates how and why the scholarship about the history of intellectual property law has been construed

and framed as such within a specific period and space This book is comprised of three knowledge components The first involves the reconstruction of the lost intellectual property law from 1864 to 1994 in Vietnam doctrinally Relying on newly discovered archives in Vietnam and worldwide it unravels a corpus of statutory and regulatory provisions and interesting at times contradictory juridical decisions that governed and interpreted copyright patent and trademark The second is the historiographical inquiry of the making of the intellectual property law history scholarship in Vietnam This will answer the questions of how and why the particular histories had been construed and framed as such at a particular time This involves the debate about sociopolitical ideologies underlying the meaning and application of the laws most notably colonialism and socialism Finally the third engages with the theory of legal transplantation It addresses a hypothetical question of colonial laboratory as a form of legal transplantation a new concept that this book offers to the global scholarship It demonstrates that the colonial empire had tried to use Vietnam as a laboratory for its legal reform and then transplanted the successful and feasible results back to the empire This book explains the distinctively ideological principles underlying the understanding and application of the law IP and Antitrust: An Analysis of Antitrust Principles Applied to Intellectual Property Law, 3rd Edition Hovenkamp, Janis, Lemley, Leslie, Carrier, 2016-01-01 A Critique of the Ontology of Intellectual Property Law Alexander Peukert, 2021-05-20 This book provides a comprehensive critique of the idea that intellectual property exists as an object that can be owned Law, Knowledge, Culture Jane E. Anderson, 2009-01-01 Combining unique practical experience with a sophisticated historical and theoretical framework this impressive work offers a new basis to explore indigenous intellectual property In this wide ranging and imaginative study Anderson has laid the groundwork for future scholarship in the field Hopefully this work will set a new trajectory for how this important topic is approached and advanced with indigenous people Brad Sherman University of Queensland Australia This informative book investigates how indigenous and traditional knowledge has been produced and positioned within intellectual property law and the effects of this position in both national and international jurisdictions Drawing upon critical cultural and legal theory Jane Anderson illustrates how the problems facing the inclusion of indigenous knowledge resonate with tensions that characterise intellectual property as a whole She explores the extent that the emergence of indigenous interests in intellectual property law is a product of shifting politics within law changing political environments governmental intervention through strategic reports and innovative instances of individual agency The author draws on long term practical experience of working with indigenous people and communities whilst engaging with ongoing debates in the realm of legal theory Detailing a comprehensive view on how indigenous knowledge has emerged as a discrete category within intellectual property law this book will benefit researchers academics and students dealing with law in the fields of IP human rights property and environmental law It will also appeal to anthropologists sociologists philosophers and cultural theorists Art and Modern Copyright Elena Cooper, 2018-08-16 This book is the first in depth and longitudinal study of the history of copyright protecting the visual arts Exploring legal

developments during an important period in the making of the modern law the mid nineteenth to early twentieth centuries in relation to four themes the protection of copyright authors painters photographers and engravers art collectors sitters and the public interest it uncovers a number of long forgotten narratives of copyright history including views of copyright that differ from how we think today As well as considering the distinct nature of the contribution of copyright to the history of the cultural domain accounted for by scholars of art history and the sociology of art this book examines the value to lawyers and policy makers today of copyright history as a destabilising influence in taking us to ways of thinking that differ from our own history can sharpen the critical lens through which we view copyright debates today **Intangible Intangibles** Brad Sherman, 2024-05-09 Discusses the dematerialisation of the invention provides a history of patentable subject matter and examines how law science and technology interact Legal Responses to Unjustified Threats of Patent Infringement Minyu Zheng, 2024-10-03 In this incisive book Minyu Zheng examines the various legal responses to unjustified threats of patent infringement Employing a comparative jurisdiction based analysis Zheng investigates whether the unjustified nature of such threats originates from the inaccuracy of the infringing accusation or the inappropriateness of issuing threats In particular Zheng reveals how to resolve threats which are issued in an undue way but contain a correct allegation of patent Narratives of Hunger in International Law Anne Saab, 2019-04-04 This book explores the role that the infringement language of international law plays in constructing understandings or narratives of hunger in the context of climate change The story is told through a specific case study of genetically engineered seeds purportedly made to be climate ready Two narratives of hunger run through the storyline the prevailing neoliberal narrative that focuses on increasing food production and relying on technological innovations and private sector engagement and the oppositional and aspirational food sovereignty narrative that focuses on improving access to and distribution of food and rejects technological innovations and private sector engagement as the best solutions This book argues that the way in which voices in the neoliberal narrative use international law reinforces fundamental assumptions about hunger and climate change and the way in which voices in the food sovereignty narrative use international law fails to question and challenge these assumptions The Oxford Handbook of Intellectual Property Law Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative foundations and its place and operation in the political

economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy **International and Comparative Secured Transactions Law Spyridon V** Bazinas, Orkun Akseli, 2017-10-19 The law of secured transactions has seen dramatic changes in the last decade International organisations particularly the United Nations Commission on International Trade Law UNCITRAL have been working towards the creation of international legal standards aimed at the modernisation and harmonisation of secured financing laws eg the United Nations Convention on the Assignment of Receivables in International Trade the UNCITRAL Legislative Guide on Secured Transactions and its Intellectual Property Supplement the UNCITRAL Guide on the Implementation of a Security Rights Registry and the UNCITRAL Model Law on Secured Transactions The overall theme of this book is international or cross border secured transactions law It assembles contributions from some of the most authoritative academic voices on secured financing law This publication will be of interest to those involved in secured transactions around the world including policy makers practitioners judges arbitrators and academics The Future of Copyright in the Age of Artificial Intelligence Gaon, Aviv H., 2021-09-07 The Future of Copyright in the Age of Artificial Intelligence offers an extensive analysis of intellectual property and authorship theories and explores the possible impact artificial intelligence AI might have on those theories The author makes compelling arguments via the exploration of authorship ownership and artificial intelligence Global Biopiracy Ikechi Mgbeoji, 2011-11-01 Legal control and ownership of plants and traditional knowledge of the uses of plants TKUP is a vexing issue The phenomenon of appropriation of plants and TKUP otherwise known as biopiracy thrives in a cultural milieu where non Western forms of knowledge are systemically marginalized and devalued as folk knowledge or characterized as inferior Global Biopiracy rethinks the role of international law and legal concepts the Western based Eurocentric patent systems of the world and international agricultural research institutions as they affect legal ownership and control of plants and TKUP The analysis is cast in various contexts and examined at multiple levels The first deals with the Eurocentric character of the patent system international law and institutions The second involves the cultural and economic dichotomy between the industrialized Western world and the westernizing developing world The third level of analysis considers the phenomenal loss of human cultures and plant diversity Exhaustively researched and eloquently argued Global Biopiracy sheds new light on a contentious topic The impact of intellectual property law on indigenous peoples and informal or traditional innovations is a field of study that currently includes only a handful of scholars Biopiracy will be an invaluable resource for students teachers and legal practitioners *Phytotherapies* Igbal Ramzan, 2015-05-04 Covering fundamentals and new developments in phytotherapy this book combines pharmaceutical

sciences and chemistry with clinical issues Helps readers better understand phytotherapy and learn the fundamentals of and how to analyze phytotherapeutic agents Discusses phytotherapy in modern medicine chemoprevention of disease and alternatives to western medicines for specific diseases Chapters summarizes the uses and applications of phytomedicines by type like Chinese Greco Arab Indian European and Ayurvedic Includes international regulatory perspectives and discusses emerging regulations for various established and emerging markets **Relocating the Law of Geographical Indications** Dev Gangjee, 2012-02-23 Dev Gangjee considers the international legal rules which determine the protection of geographical Authors and Apparatus Monika Dommann, 2019-03-15 Copyright is under siege From file brands such as Champagne sharing to vast library scanning projects new technologies actors and attitudes toward intellectual property threaten the value of creative work However while digital media and the Internet have made making and sharing perfect copies of original works almost effortless debates about protecting authors rights are nothing new In this sweeping account of the evolution of copyright law since the mid nineteenth century Monika Dommann explores how radical media changes from sheet music and phonographs to photocopiers and networked information systems have challenged and transformed legal and cultural concept of authors rights Dommann provides a critical transatlantic perspective on developments in copyright law and mechanical reproduction of words and music charting how artists media companies and lawmakers in the United States and western Europe approached the complex tangle of technological innovation intellectual property and consumer interests From the seemingly innocuous music box invented around 1800 to BASF s magnetic tapes and Xerox machines she demonstrates how copyright has been continuously destabilized by emerging technologies requiring new legal norms to regulate commercial and private copying practices Without minimizing digital media s radical disruption to notions of intellectual property Dommann uncovers the deep historical roots of the conflict between copyright and media a story that can inform present day debates over the legal protection of authorship

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# **Table of Contents Making Of Modern Intellectual Property Law**

- 1. Understanding the eBook Making Of Modern Intellectual Property Law
  - The Rise of Digital Reading Making Of Modern Intellectual Property Law
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Making Of Modern Intellectual Property Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Making Of Modern Intellectual Property Law
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Making Of Modern Intellectual Property Law
  - Personalized Recommendations
  - Making Of Modern Intellectual Property Law User Reviews and Ratings
  - Making Of Modern Intellectual Property Law and Bestseller Lists
- 5. Accessing Making Of Modern Intellectual Property Law Free and Paid eBooks
  - Making Of Modern Intellectual Property Law Public Domain eBooks
  - Making Of Modern Intellectual Property Law eBook Subscription Services
  - Making Of Modern Intellectual Property Law Budget-Friendly Options
- 6. Navigating Making Of Modern Intellectual Property Law eBook Formats

- o ePub, PDF, MOBI, and More
- Making Of Modern Intellectual Property Law Compatibility with Devices
- Making Of Modern Intellectual Property Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Making Of Modern Intellectual Property Law
  - Highlighting and Note-Taking Making Of Modern Intellectual Property Law
  - Interactive Elements Making Of Modern Intellectual Property Law
- 8. Staying Engaged with Making Of Modern Intellectual Property Law
  - o Joining Online Reading Communities
  - o Participating in Virtual Book Clubs
  - Following Authors and Publishers Making Of Modern Intellectual Property Law
- 9. Balancing eBooks and Physical Books Making Of Modern Intellectual Property Law
  - Benefits of a Digital Library
  - o Creating a Diverse Reading Collection Making Of Modern Intellectual Property Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Making Of Modern Intellectual Property Law
  - Setting Reading Goals Making Of Modern Intellectual Property Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Making Of Modern Intellectual Property Law
  - Fact-Checking eBook Content of Making Of Modern Intellectual Property Law
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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