

The Making of Modern Intellectual Property Law

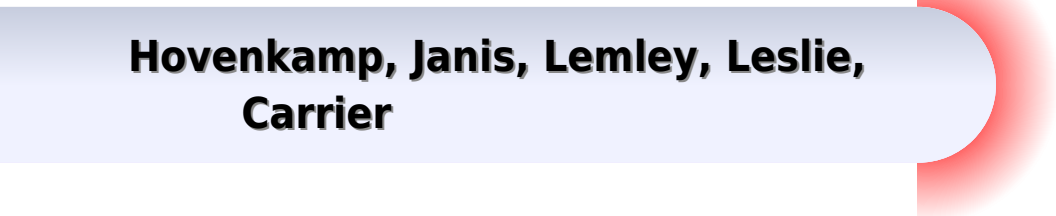
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CAMBRIDGE STUDIES IN
INTELLECTUAL PROPERTY RIGHTS

Making Of Modern Intellectual Property Law

**Hovenkamp, Janis, Lemley, Leslie,
Carrier**



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 Jonathan Galloway, 2010 **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

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

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

Intellectual property IP law operates with the ontological assumption that immaterial goods such as works inventions and designs exist and that these abstract types can be owned like a piece of land Alexander Peukert provides a comprehensive critique of this paradigm showing that the abstract IP object is a speech based construct which first crystalised in the eighteenth century He highlights the theoretical flaws of metaphysical object ontology and introduces John Searle s social

ontology as a more plausible approach to the subject matter of IP. On this basis he proposes an IP theory under which IP rights provide their holders with an exclusive privilege to use reproducible Master Artefacts. Such a legal realist IP theory Peukert argues is both descriptively and prescriptively superior to the prevailing paradigm of the abstract IP object. This work was originally published in German and was translated by Gill Mertens. **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.

Intellectual Property and Climate Change Matthew Rimmer, 2011-11-01. An historically grounded study on a cutting edge topic, *Intellectual Property and Climate Change* has it all. Not only is it well written, concise and hugely informative, it is also a timely intervention addressing truly global challenges. Quite simply, a must read. Eva Hemmungs Wirtén, Uppsala University, Sweden. Rimmer provides a much needed, well written, authoritative book on the intellectual property aspects of climate change, natural disasters, clean vehicles and renewable energy. The book is essential reading for those wishing to better understand the complex patent issues involved with transitioning away from our current fossil dominated economy to a more environmentally sustainable and equitable energy future. Benjamin K Sovacool, National University of Singapore. In the wake of the international summits in Copenhagen and Cancun, there is an urgent need to consider the role of intellectual property law in encouraging research, development and diffusion of clean technologies to mitigate and adapt to the effects of climate change. This book charts the patent landscapes and legal conflicts emerging in a range of fields of innovation, including renewable forms of energy such as solar power, wind power and geothermal energy, as well as biofuels, green chemistry, green vehicles, energy efficiency and smart grids. As well as reviewing key international treaties, this book provides a detailed

analysis of current trends in patent policy and administration in key nation states and offers clear recommendations for law reform It considers such options as technology transfer compulsory licensing public sector licensing and patent pools and analyses the development of Climate Innovation Centres the Eco Patent Commons and environmental prizes such as the L Prize the H Prize and the X Prizes This book will have particular appeal to policy makers given its focus upon recent legislative developments and reform proposals as well as legal practitioners by developing a better understanding of recent legal scientific and business developments and how they affect their practice Innovators scientists and researchers will also benefit from reading this book

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