

The Making of Modern Intellectual Property Law

Brad Sherman and Lionel Bently



CAMBRIDGE STUDIES IN
INTELLECTUAL PROPERTY RIGHTS

Making Of Modern Intellectual Property Law

**Isabella Alexander, H. Tomás Gómez-
Arostegui**



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.

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

Modern Intellectual Property Law 3/e , The Oxford Handbook of Intellectual Property Law Rochelle Cooper Dreyfuss, Justine Pila, 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

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

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 *IP and Antitrust: An Analysis of Antitrust Principles Applied to Intellectual Property Law, 3rd Edition* Hovenkamp, Janis, Lemley, Leslie, Carrier, 2016-01-01

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

Research Handbook on the History of Copyright Law Isabella Alexander, H. Tomás Gómez-Arostegui, 2016-03-25 There has been an explosion of interest in recent years regarding the origin and of intellectual property law The study of copyright history in particular has grown remarkably in the last twenty years with a flurry of activity in the last ten Crucial to this activity has been a burgeoning focus on unpublished primary sources enabling new and stimulating insights This Handbook takes stock of the field of copyright history as it stands today as well as examining potential developments in the future

Handbook of Intellectual Property Research Irene Calboli, Maria Lilla Montagnani, 2021 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 bringing together contributions from a diverse group of scholars who derive from a wide range of countries backgrounds and legal traditions

Narratives of Hunger in International Law Anne Saab, 2019-04-04 This book explores the role that the 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

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 Iqbal 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 brands such as Champagne

Authors and Apparatus Monika

Dommann,2019-03-15 Copyright is under siege From file 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

Art and Sovereignty in Global Politics Douglas Howland,Elizabeth Lillehoj,Maximilian Mayer,2016-12-01 This volume aims to question challenge supplement and revise current understandings of the relationship between aesthetic and political operations The authors transcend disciplinary boundaries and nurture a wide ranging sensibility about art and sovereignty two highly complex and interwoven dimensions of human experience that have rarely been explored by scholars in one conceptual space Several chapters consider the intertwining of modern philosophical currents and modernist artistic forms in particular those revealing formal abstraction stylistic experimentation self conscious expression and resistance to traditional definitions of Art Other chapters deal with currents that emerged as facets of art became increasingly commercialized merging with industrial design and popular entertainment industries Some contributors address Post Modernist art and theory highlighting power relations and providing sceptical critical commentary on repercussions of colonialism and notions of universal truths rooted in Western ideals By interfering with established dichotomies and unsettling stable debates related to art and sovereignty all contributors frame new perspectives on the co constitution of artworks and practices of sovereignty

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