

Intellectual Property Law Paperback Lionel Bently

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.

This book explores the shape that intellectual property law took over the course of the nineteenth century.

Holyoak and Torremans Intellectual Property Law provides readers with a clear introduction to UK intellectual property law, whilst carefully placing the law in its global context and acknowledging the influence of EU and other international jurisdictions over its development. The book examines the methods and reasoning behind key statutory and case decisions, and provides readers with real life examples of intellectual property law in action, helping to bring the subject to life. Recent developments within the law relating to biotechnology patenting, IT and internet, and trademark, imaging and character rights are explored, providing readers with a cutting edge analysis of the subject. Chapter introductions and concluding overviews help to set the scene and provide a succinct summary of the topic areas, whilst lists of annotated further reading offer the perfect starting point for those who wish to explore a topic further.

The Making of Modern Intellectual Property Law Cambridge University Press

Rules regulating access to knowledge are no longer the exclusive province of lawyers and policymakers and instead command the attention of anthropologists, economists, literary theorists, political scientists, artists, historians, and cultural critics. This burgeoning interdisciplinary interest in “intellectual property” has also expanded beyond the conventional categories of patent, copyright, and trademark to encompass a diverse array of topics ranging from traditional knowledge to international trade. Though recognition of the central role played by “knowledge economies” has increased, there is a special urgency associated with present-day inquiries into where rights to information come from, how they are justified, and the ways in which they are deployed. Making and Unmaking Intellectual Property, edited by Mario Biagioli, Peter Jaszi, and Martha Woodmansee, presents a range of diverse—and even conflicting—contemporary perspectives on intellectual property rights and the contested sources of authority associated with them. Examining fundamental concepts and challenging conventional narratives—including those centered around authorship, invention, and the public domain—this book provides a rich introduction to an important intersection of law, culture, and material production.

Provides an in-depth assessment of the exhaustion doctrine and explores how its various implementations have shaped international trade issues.

This volume is for students and scholars of intellectual property law, practitioners seeking creative arguments from across the field, and policymakers searching for solutions to changing social and technological issues. The book explores the tensions between two fundamentally

competing demands made of IP law.

This book provides a comprehensive and up-to-date guide to the design of security-hardened, hardware intellectual property (IP). Readers will learn how IP can be threatened, as well as protected, by using means such as hardware obfuscation/camouflaging, watermarking, fingerprinting (PUF), functional locking, remote activation, hidden transmission of data, hardware Trojan detection, protection against hardware Trojan, use of secure element, ultra-lightweight cryptography, and digital rights management. This book serves as a single-source reference to design space exploration of hardware security and IP protection.

A uniquely practical approach to intellectual property law: unfold the problem, reveal the law, apply to life. Using this new and innovative textbook, students are given a problem scenario to unfold; as they do this they will learn to understand the key questions and issues surrounding each area of intellectual property law. As each problem is explored, clear explanations reveal the central legal concepts underpinning the relevant topic. Further illustrations and references to the problem apply the law, enabling students to see for themselves how the law interacts with everyday life and business and giving them a deep and practical understanding. Online Resources A range of additional online resources are provided online, including guidance on how to approach the questions contained in the book, regular updates on legal developments, links to useful websites, and examples of relevant documents.

What do the Mona Lisa, the light bulb, and a Lego brick have in common? The answer - intellectual property (IP) - may be surprising, because IP laws are all about us, but go mostly unrecognized. They are complicated and arcane, and few people understand why they should care about copyright, patents, and trademarks. In this lustrous collection, Claudy Op den Kamp and Dan Hunter have brought together a group of contributors - drawn from around the globe in fields including law, history, sociology, science and technology, media, and even horticulture - to tell a history of IP in 50 objects. These objects not only demonstrate the significance of the IP system, but also show how IP has developed and how it has influenced history. Each object is at the core of a story that will be appreciated by anyone interested in how great innovations offer a unique window into our past, present, and future.

While copyright law is ordinarily thought to consist primarily of exclusive rights, the regime's various exemptions and immunities from liability for copyright infringement form an integral part of its functioning, and serve to balance copyright's grant of a private benefit to authors/creators with the broader public interest. With contributors from all over the world, this handbook offers a systematic, thorough study of copyright limitations and exceptions adopted in major jurisdictions, including the United States, the European Union, and China. In addition to providing justifications for these limitations, the chapters compare differences and similarities that exist in major jurisdictions and offer suggestions about how to improve the enforcement of copyright limitations domestically and globally. This work should appeal to scholars, policymakers, attorneys, teachers, judges, and students with an interest in the theories, policies, and doctrines of

copyright law.

"Intellectual Property" provides comprehensive coverage of the whole spectrum of intellectual property law as it applies in the UK. Changes to the law effected by the Copyright, Designs and Patent Act 1988 are covered, as are many other decisions and provisions. Developments in EEC law such as progress towards implementation of community trademarks and patents arrangements are noted. Bently and Sherman's Intellectual Property Law is the definitive textbook on the subject. The authors' all-embracing approach not only clearly sets out the law in relation to copyright, patents, trade marks, passing off, and confidentiality, but also takes account of a wide range of academic opinion enabling readers to explore and make informed judgements about key principles. The particularly clear and lively writing style ensures that even the most complex areas are lucid and comprehensible.

This collection of essays was written in honour of David Vaver, who recently retired as Professor of Intellectual Property and Information Technology Law and Director of the Oxford Intellectual Property Research Centre at the University of Oxford. The essays, written by some of the world's leading academics, practitioners and judges in the field of intellectual property law, take as their starting point the common assumption that the patent, copyright and trade mark laws within members of the 'common law family' (Australia, Canada, Israel, Singapore, South Africa, the United Kingdom, the United States, and so on) share some sort of common tradition. The contributors examine, in relation to particular topics, the extent to which such a shared view of the field exists in the face of other forces that are producing divergence. The essays discuss, inter alia, issues concerning court practices, the medical treatment exception, non-obviousness and sufficiency in patent law, originality and exceptions in copyright law, unfair competition law, and cross-border goodwill and dilution in trade mark law.

The core principles of land law are articulated clearly in this new textbook, providing a framework through which students can gain a sophisticated understanding of the modern land law system. Emma Lees' expertise in research and teaching ensures all topics are thoroughly explained in a friendly and accessible style. The textbook uses a unique structure: "Chapter Goals" outline the key learning objectives while the core "Principles" are summarised to conclude each chapter with a comprehensive overview of the topic at hand. Key cases are explained while examples illustrate problems and possible solutions. Students understand how to accurately apply the core principles to land law scenarios, while also conducting their own critical analysis of the subject area. The author's enthusiasm is imbued in the writing style; students actively engage with the key debates and at the same time develop an appreciation of the subject as a whole. A comprehensive interpretation of this subject, *The Principles of Land Law* is the ideal companion to a course in land law. Online resources Bimonthly updates on recent law changes.

'Written by leading experts from across the globe, this comprehensive (historical) analysis breaks new ground on modern copyright issues. . . the cast of contributors is almost a reflection of the history of modern scholarship itself. . . This volume makes for a most enjoyable and thought-provoking read.' - IPKat

Francis Gurry's renowned work, *Breach of Confidence*, published in 1984, was groundbreaking and invaluable in the field of intellectual property as the first text to synthesise the then burgeoning case law on breach of confidence into a systematic form. A highly regarded book, it was the first point of resort for practitioners and a key source for judges. Aplin, Bently, Johnson and Malynicz bring us a new edition of this important work, which remains faithful to the original in its approach, but is fully updated in light of the developments since the first edition. The authors expand upon the original work, in particular adding new material on the history and current relevance of the action for breach of confidence, . The authors stress both the advantages and disadvantages of the action for breach of confidence and, like Gurry, they constantly distinguish the action from associated legislative regimes which regulate the access to, acquisition, use and disclosure of information. The book extensively references the many analyses of the data protection regime and considers also issues of jurisdiction and choice of applicable law. Bringing together their particular skills and interests, the three authors produce a fresh re-writing of a highly significant text which retains the academic quality and precision of the original and stakes its claim once more as the leading authority in the field.

The international intellectual property (IP) law system allows states to develop policies that reflect their national interests. Therefore, although there is an international minimum standards framework in place, states have widely varying IP laws and differing interpretations of these laws. This book examines whether pluralism in IP law is functional when applied to copyright, patents and trademarks on an international basis.

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? 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. In a path-breaking work, Tanya Aplin and Lionel Bently make the case that the quotation exception in Article 10 of the Berne Convention constitutes a global, mandatory, fair use provision. It is global, they argue, because of the reach of Berne qua Berne and qua TRIPS, and its mandatory nature is apparent from the clear language of Article 10 and its travaux. It relates to 'use' that is not limited by type of work, type of act, or purpose and it is 'fair' use because the work must be made available to the public, with attribution, and the use must be proportionate and consistent with fair practice. By explaining the contours of global, mandatory fair use - and thus displacing the 'three-step test' as the dominant, international copyright norm governing copyright exceptions - this book creates new insights into how national exceptions should be framed and interpreted.

Across the world, developing countries are attempting to balance the international standards of intellectual property concerning pharmaceutical patents against the urgent need for accessible and affordable medicines. In this timely and necessary book, Monirul Azam examines the attempts of several developing countries to walk this fine line. He evaluates the experiences of Brazil, China, India, and South Africa for lessons to guide Bangladesh and developing nations everywhere. Azam's legal expertise, concern for public welfare, and compelling grasp of principal case studies make *Intellectual Property and Public Health in the Developing World* a definitive work. The developing world is striving to meet the requirements of the World Trade Organization's TRIPS Agreement on intellectual property. This book sets out with lucidity and insight the background of the TRIPS Agreement and its implications for pharmaceutical patents, the consequences for developing countries, and the efforts of certain representative nations to comply with international stipulations while still maintaining local industry and public health. Azam then brings the weight of this research to bear on the particular case of Bangladesh, offering a number of specific policy recommendations for the Bangladeshi government—and for governments the world over. *Intellectual Property and Public Health in the Developing World* is a must-read for public policy-makers, academics and students, non-governmental organizations, and readers everywhere who are interested in making sure that developing nations meet the health care needs of their people.

Intellectual Property at the Edge addresses both newly formed intellectual property rights and those which have lurked on the fringes, unadmitted to the established IP canon. It provides a basis for studying and discussing the history of these emerging rights as well as their relationship to new technological opportunities and to the changing importance of innovation and creative production in the global economy. In addition to addressing the scope of new rights, it also focuses on new limitations to patent, copyright and trademark rights that spring from similar changes. All of these developments are examined comparatively: for each new development, scholars in two jurisdictions analyse the evolving legal norm. In several instances, the first of the paired authors writes

from the perspective of the legal system in which the doctrine emerged, and the second addresses its reception in her jurisdiction.

What can and can't be copied is a matter of law, but also of aesthetics, culture, and economics. The act of copying, and the creation and transaction of rights relating to it, evokes fundamental notions of communication and censorship, of authorship and ownership - of privilege and property. This volume conceives a new history of copyright law that has its roots in a wide range of norms and practices. The essays reach back to the very material world of craftsmanship and mechanical inventions of Renaissance Italy where, in 1469, the German master printer Johannes of Speyer obtained a five-year exclusive privilege to print in Venice and its dominions. Along the intellectual journey that follows, we encounter John Milton who, in his 1644 Areopagitica speech 'For the Liberty of Unlicensed Printing', accuses the English parliament of having been deceived by the 'fraud of some old patentees and monopolizers in the trade of bookselling' (i.e. the London Stationers' Company). Later revisionary essays investigate the regulation of the printing press in the North American colonies as a provincial and somewhat crude version of European precedents, and how, in the revolutionary France of 1789, the subtle balance that the royal decrees had established between the interests of the author, the bookseller, and the public, was shattered by the abolition of the privilege system. Contributions also address the specific evolution of rights associated with the visual and performing arts. These essays provide essential reading for anybody interested in copyright, intellectual history and current public policy choices in intellectual property. The volume is a companion to the digital archive Primary Sources on Copyright (1450-1900), funded by the UK Arts and Humanities Research Council (AHRC): www.copyrighthistory.org.

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.

Protecting designs is complex and diverse; it involves deciding whether to protect them by design law, copyright law, or by both laws. A single protection may be under- or overprotective but two or more can be overprotective if there are no rules regulating the overlap. Legal systems in Europe and abroad have struggled to find the most adequate solution to this problem. This book traces the history of the design/copyright interface of fifteen countries, selected for their diversity in

the way they dealt with the interface. It examines how these countries have coped with the problems engendered by the interface, the rules they applied to it over time and the reasons for legislative changes. This analysis reveals the most appropriate rules to regulate the interface at EU and global level and will appeal to academics, practising lawyers, judges, students and policymakers all over the world.

The Law Express series is designed to help you revise effectively. This book is your guide to understanding essential concepts, remembering and applying key legislation and making your answers stand out!

One of the most important treatises on the subject in Canada for scholars, practitioners, policy analysts and students alike. The book has been cited as a leading authority by all levels of courts, including the Supreme Court of Canada. Addresses the cross-border legal issues essential to the entertainment industries. Intellectual property law is a subject of increasing economic importance and the focus of a great deal of legislative activity at an international and regional level. This collection brings together contributions from some of the most distinguished scholars in this exciting and controversial field, covering the full extent of intellectual property laws, that is, patents, copyright, trade marks and related rights. The contributions examine some of the most pressing practical and theoretical concerns which intellectual property lawyers face.

Developments in trade marks law have called into question a variety of basic features, as well as bolder extensions, of legal protection. Other disciplines can help us think about fundamental issues such as: what is a trade mark? What does it do? What should be the scope of its protection? This volume assembles essays examining trade marks and brands from a multiplicity of fields: from business history, marketing, linguistics, legal history, philosophy, sociology and geography. Each chapter pairs lawyers' and non-lawyers' perspectives, so that each commentator addresses and critiques his or her counterpart's analysis. The perspectives of non-legal fields are intended to enrich legal academics' and practitioners' reflections about trade marks, and to expose lawyers, judges and policy-makers to ideas, concepts and methods that could prove to be of particular importance in the development of positive law.

A much-anticipated new edition of this acclaimed work on intellectual property (IP) in its global context. With intelligent and insightful coverage of IP law from international and comparative perspectives this second edition has been thoroughly revised and expanded. This unique textbook presents the main IP rights, identifying their basic features and tracing their evolution up to the present day by reference to statutes, cases and international treaties.

'It is no longer possible to practice, teach, or study purely domestic intellectual property law within Europe. European intellectual property norms now structure protection throughout the continent (and even beyond). Paradoxically, what might seem as a simplification of legal rules has created a maze of new complexities substantive, institutional and methodological. This collection by some of the

leading scholars in European IP manages to capture that complexity without sacrificing clarity. Canvassing the entire field with a rich array of contributions, the book both highlights the roots of European IP law and asks important fundamental questions about where it is going. One can only hope that it is read by anyone with a hand in the future development of European IP law.' Graeme B. Dinwoodie, University of Oxford, UK 'Christophe Geiger has put together a very fine collection of essays by many of the very best scholars in European intellectual property law. The essays explore the basis, extent, as well as the successes and failings of regional harmonization of trade marks, geographical indications, copyright, designs, patents and remedies. The celebrated cast of authors naturally discuss, in addition to the various directives and regulations on each topic, the Treaty provisions on exhaustion of rights and competition (and their interpretation), relevant provisions on legislative competence, Article 17(2) of the Charter, other fundamental rights, and the growing case law of the Court of Justice. There is essential material here for anyone interested in European intellectual property law, as well as ideas for the improvement and further development of European IP law.' Lionel Bently, University of Cambridge, UK

Constructing European Intellectual Property offers a comprehensive assessment of the current state of intellectual property legislation in Europe and gives direction on how an improved system might be achieved. This detailed study presents various perspectives on what further actions are necessary to provide the circumstances and tools for the construction of a truly balanced European intellectual property system. The book takes as its starting point that the ultimate aim of such a system should be to ensure sustainable and innovation-based economic growth while enhancing free circulation of ideas and cultural expressions. Being the first in the European Intellectual Property Institutes Network (EIPIN) series, this book lays down some concrete foundations for a deeper understanding of European intellectual property law and its complex interplay with other fields of jurisprudence as well as its impact on a broad array of spheres of social interaction. In so doing, it provides a well needed platform for further research. Academics, policymakers, lawyers and many others concerned with establishment of a regulatory framework for intangibles in the EU will benefit from the extensive and thoughtful discussion presented in this work.

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.

Comparative Property Law provides a comprehensive treatment of property law from a comparative and global perspective. The contributors, who are leading experts in their fields, cover both classical and new subjects, including the transfer of property, the public-private divide in property law, water and forest laws, and the property rights of aboriginal peoples. This Handbook maps the structure and the dynamics of property law in the contemporary world and will be

an invaluable reference for researchers working in all domains of property law. This title was first published in 2001. In the Western legal tradition, the history of restitution for unjust enrichment reaches back to pre-classical Roman law. In common law, the roots of unjust enrichment may be said to lie in the fourteenth century; but its history as a subject of academic study is much shorter. The law of restitution has become increasingly important in the courts of the common law world during the last decade. This has generated a great deal of scholarly attention and there has been an explosion of literature as legal academics have addressed the theoretical foundations of the subject, its structure and its underlying principles.

Owning Ideas is a comprehensive account of the emergence of the concept of intellectual property in the United States during the long nineteenth century. In the modern information era, intellectual property has become a central economic and cultural phenomenon and an important lever for allocating wealth and power. This book uncovers the intellectual origins of this modern concept of private property in ideas through a close study of its emergence within the two most important areas of this field: patent and copyright. By placing the development of legal concepts within their social context, this study reconstructs the radical transformation of the idea. Our modern notion of owning ideas, it argues, came into being when the ideals of eighteenth-century possessive individualism at the heart of early patent and copyright were subjected to the forces and ideology of late-nineteenth-century corporate liberalism.

This volume explores the nature of intellectual property law by looking at particular disputes. All the cases gathered here aim to show the versatile and unstable character of a discipline still searching for landmarks. Each contribution offers an opportunity to raise questions about the narratives that have shaped the discipline throughout its short but profound history. The volume begins by revisiting patent litigation to consider the impact of the Statute of Monopolies (1624). It continues looking at different controversies to describe how the existence of an author's right in literary property was a plausible basis for legal argument, even though no statute expressly mentioned authors' rights before the Statute of Anne (1710). The collection also explores different moments of historical significance for intellectual property law: the first trade mark injunctions; the difficulties the law faced when protecting maps; and the origins of originality in copyright law. Similarly, it considers the different ways of interpreting patent claims in the late nineteenth and twentieth century; the impact of seminal cases on passing off and the law of confidentiality; and more generally, the construction of intellectual property law and its branches in their interaction with new technologies and marketing developments. It is essential reading for anyone interested in the development of intellectual property law.

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.

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