

Manuale Di Diritto Industriale

When a mark acquires a reputation, it becomes a means of attracting consumers by communicating to them various messages going beyond the indication of commercial origin of goods or services. Thus, trade marks familiar to the general public enjoy a special legal protection regime above and beyond that afforded trade marks in general, allowing them to benefit from enhanced protection against reproduction or imitation detrimental to, or taking unfair advantage of, the distinctive character of the mark or its repute. This richly researched book, the first comprehensive guide to current European Union (EU) law and practice concerned with reputed trade marks, conducts an in-depth analysis of this extended protection provided by Regulation 2017/1001 on EU trade marks and Directive 2015/2436 under which it is mandatory across all Member States. Using a practical approach, focused on identifying and analysing the criteria for infringement of trade marks with a reputation in proceedings before civil courts and in administrative proceedings before the European Union Intellectual Property Office (EUIPO) or national trade mark offices, the author addresses such elements of the special protection regime as the following: prerequisites for infringement of the right to a reputed mark common to all recognised forms of infringement; how to demonstrate each type of infringement of the right to the trade mark with a reputation (blurring, tarnishment and unfair advantage); proof of reputation; distinguishing the concept of well-known trade mark; legitimate versus questionable justifications of the 'due cause' exception within the meaning of EU law provisions; use of a disputed sign falling under freedom of expression; identifying the role of likelihood of confusion under the special regime; and how to prove the existence of a link between the signs in dispute. The author pays detailed attention to the case law of the Court of Justice and General Court of the EU, as well as cases before the EUIPO and national courts. He takes into account research from a number of Member States (plus Switzerland), thus widening prior work in the field from its predominant English-language context. With this book practitioners will confidently approach cases before courts, the EUIPO and national EU trade mark offices involving enhanced protection of trade marks with a reputation. In addition, the book will help judges and trade mark offices examiners to interpret the EU provisions and assess claims regarding such reinforced protection. For scholars and students of intellectual property law, this book will prove a cornerstone volume in the field.

The book provides a comparative and comprehensive analysis of the current technical, commercial and economical development in digital media describing the impact of new business and distribution models, the current legal and regulatory framework, social practices and consumer expectations associated with the use, distribution, and control of digital media products. In particular the author analyze the anti-circumvention provisions for technological protection measures and digital rights management systems enacted in the United States and in Europe.

This book addresses the issue of trademark use that may be required for the protection and/or maintenance of trademark rights. Since the first edition of this book in 2018, there have been significant modifications in some countries, particularly, following the implementation of EU Directive 2015/2436 in the EU countries. Laws around the world do not attach the same consequence to the

lack of use of a trademark, and courts do not always assess in the same way whether a trademark is genuinely used. This is a fundamental issue for trademark owners since, depending on the jurisdiction, lack of genuine use can lead to the refusal of trademark registration, the revocation of trademark rights, or prevent the owner of a non-used trademark from initiating an action based on its trademark. This detailed analysis provides clarity, insight, and guidance on the legal issues and practical implications of genuine use of trademarks in twenty-six jurisdictions worldwide. This book was developed within the framework of the International Association for the Protection of Intellectual Property (AIPPI), a non-affiliated, non-profit organization dedicated to improving and promoting the protection of intellectual property at both national and international levels. This topic was the subject of an AIPPI study, and its subsequent Resolution – The Requirements of Genuine Use of Trademarks for Maintaining Protection (2011, Hyderabad) – which aims to harmonize this issue of genuine use of trademarks. The authors of the chapters for each jurisdiction were carefully selected based on their extensive experience and in-depth knowledge of trademark protection in their respective jurisdictions. Each chapter considers issues and topics such as the following: types of use that qualify as genuine use of a trademark, including requirements as to whether uses are consistent with the function of the trademark or made in the course of trade; requirements as to the volume, duration, and frequency of use; impact of the trademark's designation of goods and services; issues relating to the sign used, particularly, if it is used in a different form from the registered trademark (this includes consideration of alteration of the distinctive character, or the potential impact of a plurality of registered trademarks for different signs, or the question of use in black and white or in colour); proof to be provided to evidence genuine use as a trademark, including issues of timing and territory; situations in which the issue of genuine use can be of importance; valid reasons for non-use; consequences of lack of use depending on the context, including possible revocation of trademark rights; and case law examples. As a comparative law study and a collection of contributions from around the world on a key issue of trademark law, this book is of tremendous practical interest. Trademark owners, parties involved in or contemplating enforcement proceedings, and interested legal practitioners will benefit greatly from its thorough comparative analysis and guidance. It is also exceptionally valuable as a comprehensive resource for academics and researchers interested in the international harmonization of trademark law.

The volume offers an outstanding collection of studies on the interaction of IP and competition policy and is highly recommended for academics, graduate students, and practitioners with an interest in more theoretical studies. Ioannis Lianos, World Competition Each chapter in the Research Handbook on Intellectual Property and Competition Law is written so lucidly that it will be of great interest to law professors and post graduate students of intellectual property and competition law, as well as those interested in innovation and competition theory, and legal practices in intellectual property and competition law. Madhu Sahni, Journal of Intellectual Property Rights This is a book that delivers on its promise. With a strong cast of contributors from a variety of countries, economies and disciplines, it makes the reader wonder how any commercially attractive IP ever gets exploited at all. IPKAT Here it comes: the book that I have been waiting for! This will surely be an inspiring source of knowledge in my Masters

Programme in European Intellectual Property Law at Stockholm University. While promoting intellectual property protection as an important means for innovations and cultural developments, a critical analysis and a flexible approach to the needs for free creative space and effective competition is crucial. As this book so well illustrates, this delicate balance is no either or. Marianne Levin, Stockholm University, Sweden This comprehensive Handbook brings together contributions from American, Canadian, European, and Japanese writers to better explore the interface between competition and intellectual property law. Issues range from the fundamental to the specific, each considered from the angle of cartels, dominant positions, and mergers. Topics covered include, among others, technology licensing, the doctrine of exhaustion, network industries, innovation, patents, and copyright. Appropriate space is devoted to the latest developments in European and American antitrust law, such as the more economic approach and the question of anti-competitive abuses of intellectual property rights. Each original chapter reflects extensive comments by all other contributors, an approach which ensures a diversity of perspectives within a systematic framework. These cutting edge articles will be of great interest to law professors and postgraduate students of intellectual property and competition law, as well as those interested in innovation and competition theory, and legal practices in intellectual property and competition law.

More than 60 authors – supreme and high court judges, law professors, legal specialists in corporate and private practice – from Europe, East Asia, and the United States contribute original essays to this excellent compilation of the current issues regarding the laws and practices in intellectual property in Europe and Japan. The articles cover a broad spectrum of subjects, including the procedural implications of litigation, international jurisdiction, doctrines of exhaustion, utility model systems and practice, and employed inventor's compensation, as well as the special aspects of pharmaceutical patenting such as obtaining supplementary protection certificates. Many of the articles also include a comparative analysis of the laws and practices in both geographical regions or deal with the same legal issues but in different jurisdictions, for instance: the reform of the Japanese judicial system to establish an IP-based nation; the role of patent firms in the economic development of Japan; disclosure requirements in Japan: a judge's view; I.P. High Court decisions on inventive step; international jurisdiction in Japan, Europe and the United States; patent infringement by multiple parties in Japan; patent exhaustion in Japan; corporate remuneration systems for employees' inventions in Japan and Germany; the present and future of Japan's utility model system; notable differences between Korean and German patent infringement and invalidation practices; fifteen years of the Eurasian Patent System; the future European and EU Patents Court; opposition proceedings at the EPO: tips for success; the interaction between infringement and invalidity decisions in German patent disputes; protection of confidential information in patent litigation in the UK and Germany; interpretation and determination of the scope of patents by the French Courts; provocative thoughts on the patenting of new pharmaceuticals; Obama Care: implications for research pharmaceutical companies; and many others.

Manuale di diritto industrialeGiuffrè EditoreManuale di diritto industrialeManuale breve di diritto industriale. Concorrenza e proprietà intellettualeManuale pratico dei marchi e dei brevetti. Con CD-ROMMaggioli EditoreCompendio di diritto industrialeManuale di diritto commerciale con profili di diritto industriale e del lavoro e note di politica economica e di giurisprudenzaLezioni di diritto industriale. Marchi, disegni e modelli, contraffazione e Made in ItalyManuale breve di diritto industrialeGenuine Use of TrademarksKluwer Law International B.V.

The book provides an analysis of the grocery retail market in a very large number of countries with an international report written by an economist. The second part of the book offers the analysis of liability issues in relation to non-compliance with CSRs with an international report by a British barrister. Both topics are very timely.

The thirty-second edition of the Comparative Law Yearbook of International Business comprises two volumes, each dealing broadly with issues relating to cross-border mergers and acquisitions. Volume A provides 16 chapters and examines mergers and acquisitions in Europe. Volume B provides 16 chapters and treats mergers and acquisitions in North America, Latin America, and Asia and the Pacific. Each consists of national reports and treatments of selected issues within the respective regions. Volume A, Mergers and Acquisitions in Europe, Selected Issues and Jurisdictions, examines asset deals in Austria, practical advice for cross-border transactions, intellectual property issues in cross-border mergers and acquisitions, taxation, and the formal requirement for share and asset transactions involving German companies, as well as national reports on Belgium, Cyprus, the Czech Republic, Greece, Germany, Hungary, Italy, Portugal, Turkey, and Ukraine, and an overview of the European Union.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the structure, competence, and management of Italy provides substantial and readily accessible information for lawyers, academics, and policymakers likely to have dealings with its activities and data. No other book gives such a clear, uncomplicated description of the organization's role, its rules and how they are applied, its place in the framework of international law, or its relations with other organizations. The monograph proceeds logically from the organization's genesis and historical development to the structure of its membership, its various organs and their mandates, its role in intergovernmental cooperation, and its interaction with decisions taken at the national level. Its competence, its financial management, and the nature and applicability of its data and publications are fully described. Systematic in presentation, this valuable time-saving resource offers the quickest, easiest way to acquire a sound understanding of the workings of Italy for all interested parties. Students and teachers of international law will find it especially valuable as an essential component of the rapidly growing and changing global legal milieu.

Il volume analizza in modo completo e approfondito la disciplina della concorrenza e quella relativa alla tutela del consumatore. L'originalità del volume è data dal fatto che sono ricondotti ad una visione unitaria temi che per lungo tempo sono stati affrontati con diversa incisività dal legislatore: la tutela della concorrenza e la tutela dei consumatori, riuniti finalmente all'interno

dell'universo 'mercato' in cui operano le imprese e i cittadini consumatori. La prima parte del volume è dedicata alla concorrenza: dopo un'introduzione di carattere generale, ci si sofferma sui temi di maggior interesse, in particolare su diritto industriale e imprese (i comportamenti anticompetitivi; le concentrazioni; i servizi di interesse economico generale), sulla concorrenza sleale nell'ambito nazionale e comunitario e, infine, vengono analizzate le fattispecie riguardanti lo stato e le procedure applicative: controllo dei giudici, analisi economica, rapporti con le altre Authorities, programmi di Compliance. La seconda parte sui consumatori propone un'esposizione sistematica e sintetica del diritto dei consumatori, che, oltre a una dettagliata illustrazione delle fonti e delle materie tipiche, comprende una trattazione specifica della responsabilità del produttore, della trasparenza bancaria e della tutela dei risparmiatori nei contratti con gli intermediari finanziari. Non ultime le tematiche delle garanzie e del commercio elettronico ed una analisi dettagliata dei profili penalistici. L'inquadramento sistematico della materia, l'impostazione dei temi, l'elaborazione critica, l'apparato di note offrono un quadro di spunti, riflessioni e riferimenti indispensabili per la pratica quotidiana.

Although competition law and intellectual property are often interwoven, until this book there has been little guidance on how they work together in practice. As the intersection between the two fields continues to grow worldwide, both in case law and in regulation, the book's markets-based approach, focusing on sectors such as pharmaceuticals, IT, telecoms, energy and agriculture in eleven of the world's most active jurisdictions, provides a much-needed in-depth understanding of how this interplay reveals itself among the different legal systems. Written by a range of authors including judges, regulators, academics, economists and practitioners in both fields, the book provides an international comparative perspective as well as detailed analysis of specific cases, policies and proposals for change. Among the issues and topics covered are the following: – free movement of goods and the protection of intellectual property rights; – standard essential patents & injunction in patent cases; – intellectual property rights between technological development and consumer protection; – geo-blocking; – online platforms and antitrust; – excessive prices. In this context, special attention is paid throughout to the increasing dialogue among Competition Authorities and between Judges and Competition Authorities around the world. As matchless remedy for the lack of uniformity heretofore, the book's investigation of the nexus between competition law and intellectual property in different sectors and in various countries takes a giant step towards a more-balanced approach and more-levelled regulation and practices. It will be warmly appreciated by policy makers, decision makers, regulators, practitioners and academics in both competition law and intellectual property fields

Un vero e proprio trattato in grado di offrire una ricostruzione degli istituti del Diritto della Proprietà intellettuale, a partire da una riflessione sull'oggetto e sugli ambiti della materia. Il testo affronta, in maniera sistematica ed approfondita, tutti gli aspetti inerenti la proprietà intellettuale: segni distintivi mappatura di marchi e brevetti disegni e modelli analisi di prodotti a semiconduttori (microchip) nuove varietà vegetali segreti industriali e commerciali Un particolare spazio è dedicato, poi, al diritto d'autore e alla tutela dei diritti che questa materia coinvolge. I contributi seguono una medesima struttura per facilitare la ricerca dei contenuti: inquadramento del problema cenni storici definizione degli istituti e loro modificazione a seguito degli interventi normativi

multilivello individuazione dei principali problemi e delle soluzioni date dalle Corti e dalla dottrina.

Pharmaceutical, Biotechnology, and Chemical Inventions: World Protection and Exploitation, This book highlights the special issues arising in obtaining, commercializing, enforcing or attacking intellectual property rights (including protection of regulatory data) in the pharmaceutical, biotechnology and chemical industries across the world's key jurisdictions. It is unique in presenting topic matter horizontally by subject to facilitate comparison between country practices. The first two chapters give a general introduction to the differences between the jurisdictions and an overview of some of the key concepts in patent law. The remainder of the book is dedicated to a detailed analysis of the major legal issues arising in these areas of technology. Each component chapter has a comparative introduction, looking at the variances in the laws of different domains, followed by side-by-side analysis of the relevant regimes, including tables and flow-charts which summarize and explain the key legal concepts. The jurisdictions covered are the United States, Europe (UK, Germany, Netherlands, France and Italy), Japan, Canada, Australia, India and China.

L'opera riporta le questioni di maggior rilievo e ricaduta pratica in materia fallimentare, proponendo il confronto tra vecchia, intermedia e nuova disciplina, agevolando la ricerca delle soluzioni, su temi specifici, attraverso le disposizioni normative di riferimento nonché quelle correlate. La difficoltà dovuta ai continui interventi integrativi della legge di riforma delle procedure concorsuali, e l'esigenza di offrire uno strumento di approfondimento, hanno suggerito una esposizione essenziale e semplice per permettere l'esercizio di una consapevole riflessione sulle varie tematiche. Attraverso un confronto tra dottrina e giurisprudenza, si vuole fornire le differenti soluzioni allo scopo di comprendere le continue evoluzioni della normativa vigente. I tre tomi danno, pertanto, un quadro approfondito e completo del nuovo diritto delle procedure concorsuali, nell'intento di rendere maggiormente 'maneggiabili' i diversi istituti. Strumento di aggiornamento professionale per tutti gli operatori del settore: Avvocati, Dottori Commercialisti e Magistrati. PIANO DELL'OPERA TOMO PRIMO: Presupposti e procedimento TOMO SECONDO: Fallimento delle società TOMO TERZO: Fattispecie di responsabilità

Uno dei fattori di competitività del nostro Paese è certamente la capacità di promuovere le innovazioni e di intensificare la ricerca industriale; le piccole imprese appaiono deboli sul piano della capacità innovativa e i contributi dello Stato per la ricerca diminuiscono notevolmente. Pertanto si diffonde sempre di più la voglia di approfittare a pieno delle opportunità create a livello internazionale. L'esperienza nord americana ha evidenziato che l'impostazione e la gestione di azioni complesse che portano ad un vantaggio competitivo del sistema Paese richiedono sia culture manageriali e professionali specifiche, sia metodologie e strumenti appropriatamente sperimentati. Il volume è rivolto a tutti gli studiosi, ricercatori e imprenditori interessati ai diversi filoni della politica della ricerca riconducibili all'ambito dell'innovazione e del trasferimento tecnologico in ambito internazionale.

Nell'attuale contesto economico internazionale, acquistano crescente rilevanza i beni immateriali oggetto delle transazioni intercompany e delle operazioni di finanza straordinaria realizzate dai gruppi multinazionali. Un'approfondita conoscenza della disciplina fiscale degli intangibles risulta indispensabile ai fini della corretta gestione, anche in sede di verifica, delle principali problematiche connesse: alla determinazione dei prezzi di trasferimento, all'individuazione dei criteri di valutazione e di classificazione in bilancio, alle operazioni di business restructuring. STRUTTURA 1) La valutazione degli intangibles 2) Il transfer pricing dei beni immateriali 3) I lavori OCSE in tema di transfer pricing dei beni immateriali 4) I beni immateriali nelle operazioni di business restructuring 5) La giurisprudenza nazionale ed internazionale in tema di beni immateriali 6) Beni immateriali e principi contabili 7) Operazioni di finanza straordinaria e rilevanza fiscale del

valore: casi pratici sull'abuso

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