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**Kluwer Law International** has launched a new Patent Blog, **[www.KluwerPatentBlog.com](http://www.KluwerPatentBlog.com)**, which is destined to become the leading discussion forum for patent attorneys and lawyers operating in Europe.

*"The aim of this blog is to provide readers with an up to date picture on important developments in the field of patents throughout Europe and to provide a platform for high level discussion on the most significant topics, covering both national patent developments as well as developments at the EPO."*

**Peter Burgers, Partner, Brinkhof and Brian Cordery, Partner, Bristows.**

*"The blog intends to instigate refreshing discerning analysis of all of crucial developments in the field of patents."*

**Oriana Marcolongo, Kluwer Law International Product Manager.**

# Kluwer IP Cases

*Copyright Cases* edited by Professor Bernt Hugenholtz & Dr. Lucie Guibault  
*Patent Cases* edited by Brinkhof, The Netherlands

The nature of IP law in Europe is changing rapidly. Increased harmonization of EU law means you can no longer rely solely on national case law to guarantee success in court. But how do you ensure you have up-to-date and dependable access to the most important cases in a language you may not be familiar with? The answer is ***Kluwer IP Cases***.

***Kluwer IP Cases*** is an online service reporting on significant copyright and patent cases across Europe.

Consisting of an email newsletter and a fully searchable database, ***Kluwer IP Cases***:

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- Helps you identify cases from other jurisdictions and the European Patent Office that can support your arguments before your own national court
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Experts from 28 European states report on national cases of cross-border interest. Summaries and case notes are delivered by email, ensuring you are kept fully apprised of the latest case law. The case law database is updated weekly. Fully searchable, by jurisdiction, court, key word and much more, ***Kluwer IP Cases*** will quickly become an essential part of your case research.

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### Regarding Copyright:

- France: *Tiscali*, Court of Cassation (Cour de cassation), 14 January 2010
- Germany: *List of Poem Titles III*, Federal Court of Justice (Bundesgerichtshof), 13 August 2009
- UK: *Lucasfilm v. Ainsworth*, Court of Appeal Civil Division, 16 December 2009
- Spain: *Elitedivx*, Appeals Court (Provincial Court Murcia), 16 September 2009
- Italy: *The Pirate Bay*, Supreme Court (Corte Suprema di Cassazione) 29 September 2009

### Regarding Patent:

- Germany: *Escitalopram*, Federal Court of Justice (Bundesgerichtshof), 10 September 2009
- United Kingdom: *Eli Lilly v. HGS*, Court of Appeal Civil Division, 9 February 2010
- The Netherlands: *Boston Scientific v. Medinol*, Supreme Court (Hoge Raad), 6 March 2009
- EPC: *Treatment by surgery*, European Patent Office (EPO Enlarged Board of Appeal), 15 February 2010
- Spain: *Calcium Atorvastatin II*, Court of Appeal Barcelona (Audiencia Provincial Barcelona), 30 October 2009

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### Expert editorial you can trust

**Kluwer EU Copyright Cases** is edited by Professor Bernt Hugenholtz and Dr. Lucie Guibault from the Institute for Information Law, assisted by Marcel Dellebeke. In addition, an authoritative board of experts from across Europe provide the latest news in copyright law and comprehensive analysis of relevant cases.

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### Edited by Experts in Intellectual Property Law

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# Global Patent Litigation

## Strategy and Practice

by  
Prof. Willem Hoyng  
& Frank Eijvogels

*Global Patent Litigation* is a loose-leaf which aims to fulfill the increasing need for quality information on the strategy and practical aspects of patent litigation in the major trading countries of the world.

*Global Patent Litigation* starts with a description of how strategy is formulated in international patent litigation, including the main provisions of the European Patent Convention and the European Patent Office.

Next follow chapters by experienced patent litigators on the laws of their respective jurisdictions. Each chapter describes how a patentee can enforce the patent, highlighting possible pitfalls and remedies and thus enabling you to make an informed decision on where to litigate.

Tables provide a quick overview of proceedings in a particular jurisdiction, together with an estimate of duration and likely costs.

The main features include:

- A description of how to determine strategy in international patent litigation
- A discussion of the main provisions of the European Patent Convention and relevant case law of the European Patent Office
- National contributions from experienced patent litigators describing the main features of patent law and patent litigation in their jurisdiction
- Chapter tables providing a quick overview of the main features of the available proceedings
- Broad international coverage, with easy comparison of national jurisdictions

*Global Patent Litigation* will be invaluable when: protecting against infringements; preparing proper litigation strategy; estimating costs of litigation; preparing to engage local counsel.

**May 2006, 1 Volume, Loose-leaf, 672 pp., updated regularly**

**ISBN: 9789041124609**

**Price: EUR 329.00 / USD 434.00 / GBP 263.00**

# International Encyclopaedia of Laws: Intellectual Property

edited by  
Hendrik Vanhees

LOOSE-LEAFS

Written by national experts in their field, *Intellectual Property* provides an overview of all the pertinent information on intellectual property needed to gain a clear comprehension of the legislation and policy on the subject in different countries. This is the only publication in its field which analyses and describes theory and practice in a large number of countries. Information is also provided on all major and important international conventions and on international bodies like the EU and WIPO/OMPI. It follows the same comprehensive formula as the other volumes and subsets in the *International Encyclopaedia of Laws* and as such allows easy comparison between various countries.

The monographs are regularly updated and provide effective insights into national and international systems. Legal practitioners, academics, students, government officials and business people will find here all the information and insight they need to confidently resolve issues related to law and policy in any branch of intellectual property.

Each monograph follows the outline below:

The Authors. Table of Contents. List of Abbreviations. Acknowledgements. Preface. General Introduction. **Part I: The European Community.** 1. The European Community and intellectual property. 2. Intellectual property and free movement. 3. Intellectual property and the competition rules. **Part II: International Conventions.** 1. The Paris Convention for the protection of industrial property. 2. Copyright and neighbouring rights. 3. Patents. 4. Trademarks. 5. Industrial designs. 6. Plant variety protection. 7. Chip protection. 8. TRIPS-agreement. **Part III: National Monographs.** 1. Copyright and Neighbouring Rights. 2. Patents. 3. Utility Model. 4. Trademarks. 5. Tradenames. 6. Industrial Designs. 7. Plant Variety Protection. 8. Chip Protection. 9. Trade Secrets / Confidential Information. 10. Geographical indications and appellations of origin. Index.

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# International Licensing and Technology Transfer: Practice and the Law

edited by  
Adam Liberman,  
Peter Chrocziel &  
Russell E. Levine

This unique resource provides an authoritative, single-source commentary on licensing in an international context. The publication is written by practitioners for practitioners, and provides many useful insights into both the law and practice involved in international licensing.

*International Licensing and Technology Transfer: Practice and the Law* will help you:

- Save time in drafting cross-border licensing agreements by providing sample clauses and commentary from leading practitioners throughout the world
- Provide peace of mind and security by ensuring you're in compliance with country-specific requirements

Only *International Licensing and Technology Transfer: Practice and the Law* delivers:

- A Master Agreement to be used as a patent license template by parties entering into a licensor/licensee relationship
- Clause-by-clause commentary, both generic and on a country-by-country basis
- Insights into how clauses will likely be interpreted under the systems of the world's key jurisdictions
- An overview of the legislation, rules and policies regarding and affecting licensing on a country-by-country basis
- Step-by-step explanations of the stages involved in preparing to enter into and negotiating a license agreement, including an in-depth discussion of both licensor and licensee due diligence
- Methods for determining or reliably estimating the value of the intellectual property being licensed
- Coverage of the tax considerations associated with the structuring of an international license
- Insights into antitrust issues that licensing professionals need to take into account when drafting and negotiating an international license agreement

## Table of Contents:

Introduction. Licensing Intellectual Property Rights – Legislation, Regulation, Directives and Policies. Licensing Intellectual Property Rights in Australia. Licensing Intellectual Property Rights in Europe. Licensing Intellectual Property Rights in Germany. Licensing Intellectual Property Rights in the United States. Preparing to Enter into and Negotiating a License. Determination of Royalty Rates. Tax Considerations in Structuring an International Licensing and Technology Transfer Arrangement. Tax Considerations in Australia. Tax Considerations in Germany. Tax Considerations in the United States. Antitrust Law Issues. Antitrust Issues in Australia. Antitrust Issues in the European Community. Antitrust Issues in the United States. Patent License. Non-Jurisdiction Specific and Jurisdictions Specific Commentary on Typical Clauses. Agreements. Non-jurisdiction Specific Patent License. Australian Patent License. German Patent License. US Patent License.

**Loose-leaf, 1 volume, March 2008,**

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# Manual for the Handling of Applications for Patents, Designs and Trademarks throughout the World

edited by  
Arnold & Siedsma

Without question, the *Manual for the Handling of Applications for Patents, Designs and Trademarks throughout the World* is the most comprehensive, authoritative reference for the international industrial property practice. Its exhaustive contents include:

- guides to application systems for patents, trademarks and designs in the different regions and countries (over 200) over the world
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## **Designs:**

What can be protected. Duration and renewal. Who may apply. Novelty requirements. Procedure. Requirements for filing application. Annuities (if any).

## **Utility Models:**

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**First published in 1927 and updated 6 times a year**

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# Software Patents Worldwide

by  
Gregory Stobbs

*Software Patents Worldwide* is the only resource providing expert insights and how-to guidance on drafting patent claims in the world's key markets, which means you can practice with confidence and avoid errors – even in unfamiliar territory. *Software Patents Worldwide* covers both mature and developing systems, enabling you to ask the right questions in each circumstance. This one-of-a-kind resource will help you answer key questions such as:

- What is the proper procedure for obtaining a software patent?
- How do we enforce our patents?
- Is it even worth obtaining a patent in this jurisdiction?
- How do the requirements of one jurisdiction compare to those of another?
- How is the country's Patent Act interpreted by local courts?
- And more

Each chapter of *Software Patents Worldwide* follows the same outline, making it easy to find information quickly – and compare jurisdictions!

HIGHLIGHTS OF CONTENTS: Introduction, How to Draft Software Patent Claims, China, France, Germany, European Patent Organization, India, Japan, South Korea, UK, US.

**Loose-leaf, December 2007, 1 volume**

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**NEW**

# Concise European IT Law

2nd revised edition

edited by  
Alfred Bullesbach,  
Serge Gijrath,  
Yves Poulet,  
Corien Prins

The relationship between law and information technology continues to be a highly dynamic one.

In the past decade, the European Union has developed an extensive legal framework for new technological developments, with legislation being adopted in the areas of personal data protection, public sector information, conditional access and regulatory transparency.

Legislative measures have in addition been dedicated to electronic commerce, distance selling, electronic signatures and electronic financial services.

Furthermore, European private international and competition regulations also have an effect on the IT sector.

*Concise European IT Law, 2nd edition* aims to offer the reader a rapid understanding of all the provisions of IT law and regulations related to IT law in force in Europe enacted by European and other international institutions. Key features include:

- New article-by-article commentary on Rome I and II, Art. 101, 102 and 106 of the Treaty on the Functioning of the European Union and the Data Retention Directive
- Updated article-by-article commentary on the regulations on Data Protection, e-Commerce, Public Sector Information and other Directives relevant to IT-developments
- Short and straightforward explanation of the principles of law to be drawn from each article, rule or other provision
- Expert commentary by prominent academics and/or practitioners

*Concise European IT Law* is one of a series of volumes of commentary on European Intellectual property legislation edited by Thomas Dreier, Charles Gielen and Richard Hacon, based on the respected German and Dutch series "Kurzkommentar" and "Tekst en Commentaar".

**September 2010, hardbound**

**ISBN: 9789041128805**

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**Concise IP Series 1**

**NEW**

# Concise European Trademark and Design Law

edited by  
Charles Gielen &  
Verena von  
Bomhard

In an increasingly globalised and diversified marketplace, the importance of brands is ever growing. At the end of the last century and the beginning of this century, intellectual property started to become truly European, first of all by harmonisation of national trademark and design laws and introduction of the first-ever trans-national trademark and design right, the Community trademark and the Community design.

In the less than thirteen years of ECJ jurisprudence on issues of European trademark law, many traditional concepts have seen confirmation or - more frequently - modifications. Legal issues have arisen and continue to arise that, when the OHIM started operating in 1996, were not anticipated.

The expansion of the European Union from 15 Member States in 1996 to currently 27 has triggered further discussion of pan-European trademark protection, its requirements and limitations.

*Concise European Trademark and Design Law* aims to offer the reader a rapid understanding of the provisions of trademark and design law in force in Europe and features:

- Article-by-article commentary on the relevant European directives and regulations in the field of trademark and design rights
- Short and straightforward explanations of the principles of law to be drawn from each provision
- Editors and authors who are prominent specialists (academics and practitioners) in the field of European and international trademark and design law

*Concise European Trademark and Design Law* is one of a series of volumes of commentary on European Intellectual property legislation edited by Thomas Dreier, Charles Gielen and Richard Hacon, based on the respected German and Dutch series "Kurzkommentar" and "Tekst en Commentaar".

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**NEW**

# European Trademark Law.

## Community Trademark Law and Harmonized National Trademark Law

by Tobias Cohen  
Jehoram,  
Constant Van  
Nispen,  
Tony Huydecoper

*European Trademark Law* describes all relevant developments in both legislation and case law, in particular of the Court of Justice, offering not only a succinct introduction to the theory, structure and nature of trademark law, but also insightful suggestions for resolving and answering a host of practical problems. As the authors note, their book provides an 'overview of trademark law rather than an overview of trademark legislation.' The authors view the law from different perspectives; they take both the European perspective and the perspective from harmonised national trademark law, in particular as it is in the Benelux countries.

Paying particular attention to the implications of the considerable stream of case law that has followed from partially new doctrines set in place by the harmonization process, the book greatly clarifies the workings and interrelations of such factors as the following:

- situations that did not constitute infringement under former trademark law but do constitute infringement today and vice versa;
- different types of marks and their particularities;
- registration and opposition procedures;
- relevant international treaties;
- requirements for the mark;
- grounds for refusal and invalidity;
- scope of and limitations to trademark protection;
- use of trademarks in comparative advertising;
- referential use of trademarks;
- use of trademarks on the internet;
- exhaustion of rights, parallel trade;
- concepts of well known trademarks and trademarks with a reputation;
- procedural aspects of enforcing trademark rights;
- how trademark rights are lost.

The analysis also covers specific aspects of the trademark right that are related to other legal areas, such as property law, trade name law, the law regarding geographical indications of origin, copyright law, competition law, and product liability. An especially valuable part of the book's presentation follows the 'life' of a trademark from filing the application up to and including its cancellation, revocation or invalidity.

Intellectual property lawyers, judges, academics and in-house counsel will greatly appreciate this very useful guide to the current state of trademark law practice in Europe.

**July 2010, 700 pp., hardbound**

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**NEW**

# Guide to EU Pharmaceutical Regulatory Law

edited by  
Sally Shorthose,  
Bird & Bird, UK

*KLI's Guide to EU Pharmaceutical Regulatory Law* is a one-of-a-kind reference that follows the complete life cycle of a medicinal product or medical device and provides clear guidance throughout the complicated process. Knowing that EU legislation can at times be at odds with local standards, the authors have included national variation charts at the end of certain chapters, highlighting significant deviations or differences of interpretation for a number of major jurisdictions:

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- guidance on when the abridged Marketing Authorisation procedure can be used, generic products and essential similarity
- understanding supplemental obligations, such as the need for additional clinical trials of the product for paediatric use
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- details on increased regulation and scrutiny of the sale and use of homeopathic and herbal medicines
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May 2010, 656 pp., Softcover, Annual manual

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**NEW**

# Harmonizing European Copyright Law

## The Challenges of Better Lawmaking

*by Mireille van  
Eechoud, P. Bernt  
Hugenholtz, Lucie  
Guibault, Stefan  
Van Gompel &  
Natali Helberger*

This book will provide analysis of the current state of play of and suggest direction for future development of European copyright law and related rights. The *acquis communautaire* is reviewed in depth, starting with an analysis of the exact competence of the EC in relation to its declared policy ambitions from the past to the present.

Next, the body of European copyright law is described. This is done not in the traditional way, i.e. on a directive by directive basis, but following a scheme of the principal elements that national copyright and related rights law share (e.g. what is protected subject matter, who are beneficiaries, what is the nature and extent of the exclusive rights and limitations, term of protection). Of all principal issues, the degree and scope of harmonization is analysed, put into the perspective of Member States' obligations under the relevant international treaties (e.g. Berne Convention, Rome Convention, TRIPS agreement, WIPO internet treaties).

In addition, a number of items on the European Commission's current legislative agenda are subjected to a critical review, in light of our findings on the successes and shortcomings of the harmonization process so far.

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# ICC Model International Transfer of Technology Contract

As technology and intellectual property rights become increasingly important in today's international business community, more and more companies across the globe are concluding transactions to transfer technology among business entities. Recognizing the need to provide the marketplace with assistance on this highly technical subject, the International Chamber of Commerce has produced the *ICC Model International Transfer of Technology Contract*.

While the term "transfer of technology" may cover a variety of situations, ranging from patent and/or know-how licenses to more complex dealings involving the supply of technical assistance or equipment, this model covers the situation where a manufacturer licenses a package of information and industrial property rights to a licensee company so that the licensee can also manufacture the products, using the licensor's technology.

*ICC Model International Transfer of Technology Contract* is designed for use by non-specialists in the area who are seeking reliable guidance and an adaptable, balanced contractual framework. Produced by a group of subject-matter experts of the ICC Commission on Commercial Law and Practice, the model distills the relevant principles across industries and geographies into an accessible tool for business people and their advisors

An ICC Services publication, distributed by Kluwer Law International

**April 2009, 116 pp., softcover**

**ISBN: 9789041131874**

**Price: EUR 75.00 / USD 99.00 / GBP 60.00**

# Intellectual Property and Competitive Strategies in the 21st Century

2nd edition

by  
*Shahid Alikhan &  
R. A. Mashelkar*

The book provides a panoramic but detailed view of the world's intellectual property system that embraces socioeconomic, cultural and technological development in its scope, clarifying the pitfalls and challenges that the system presents even as it promises to improve the quality of life on our planet. The authors both internationally respected and honoured for their work in elucidating the economic necessity of an intellectual property system that can inspire universal confidence, emphasize the imperative of international competitiveness in knowledge-based technology. In their orderly presentation of the key issues that promote the real benefits (not yet achieved) of a truly effective regime of intellectual property rights they discuss such factors as the following:

- the use of intellectual property as an integral part of business strategy;
- optimal utilization of intellectual property assets;
- the incentives and rewards of 'fair play' in the marketplace;
- facilitation of widespread diffusion and adoption of the fruits of creativity and innovation;
- the crucial role of small and medium enterprises;
- the need at every level for deliberate incentive policies that encourage creativity and invention;
- strict enforcement of intellectual property rights;
- creating linkages between intellectual property stakeholders; and
- use of patent information for forecasting technology trends.

These issues and recommendations and more are all discussed in a framework that highlights each of the major areas of knowledge in which intellectual property rights are most insistently invoked today, such as the digital economy, e-commerce, Internet domain names, database protection, protection of plant varieties, design of integrated circuits, biotechnology, and nanotechnology. Ultimately, however, this outstanding work's most important contribution lies in its vision of the organic corporation of governments, institutions, supranational organizations, multinational corporations, small and medium enterprises, and civil society as they collectively fashion a 21st century in which creativity and innovation are enabled to convert knowledge into wealth and social good. For this reason, as well as for its richly detailed treatment of trends and current reality in the field, this new, updated edition of *Intellectual Property and Competitive Strategies in the 21st Century* will continue to be read and put to good use by business people, international lawyers, government officials, and interested academics in all parts of the world.

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*by*  
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# Intellectual Property Law in Denmark

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The second edition of this convenient volume updates its coverage of Danish intellectual property law, with continued emphasis on developments and trends connected with electronic and broadband media and the process of internationalisation in this burgeoning area of business and economic law. It provides a clear overview of the field, and, at the same time, offers practical guidance on which sound preliminary decisions may be based. The author expertly discusses all legally salient facets of the protection of copyrights, patents, trademarks, trade names, trade secrets and confidential information, utility models, industrial designs, chips, and plant varieties. Due attention is paid to the weight given in Denmark to the ownership and transfer of intellectual property rights, registration procedures, limitations and exemptions, and remedies for infringement. For a broad, reliable understanding of Danish intellectual property law, this new edition of Intellectual Property Law in Denmark is the ideal quick reference book for both practitioners and students.

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CCH India

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In order to facilitate the convenient attainment of relevant rulings, the digest has been arranged by topics, statutes and appropriate sections, which have been further subdivided for those areas with several rulings.

Judgments are noted on the basis of cases that have been overruled, distinguished, followed, approved and affirmed.

This digest is an extremely convenient and time-saving tool for those users who wish to access pertinent case law analyses in one place.

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**Co-publication with CCH India**

**NEW**

# International Trade Policy for Technology Transfers

by  
*Yi Shin Tang*

Legal and Economic Dilemmas on  
Multilateralism versus Bilateralism

The importance of international technology transfer for economic development can hardly be overstated. But the wide range of interests among developed and developing countries has long been the cause of enormous political obstacles to the conclusion of efficient international agreements dealing with technology transfers.

This book provides a robust guideline to both policymakers and researchers wishing to identify and categorize the factors that influence the process of technology flows across national boundaries, as well as the economic theories and legal arguments that may support a given position in international forums. In particular, the work discusses how certain negotiation strategies may optimally deal with such barriers and lead to more effective institutional arrangements in the current global geography of technological development.

The book features a strong balance between legal and economic theories, ranging from the analysis of judicial cases before the WTO Dispute Settlement System, to the manipulation of complex econometric methods and statistical tools. It covers and attempts to describe almost every relevant legal statute on the subject, thus providing an essential technical tool for decision makers and lawyers working in the field of international technology transfers, as well as to students. Furthermore, given the increasing worldwide attention to the negotiations taking place in the WTO, the book may serve as a valuable source of argumentation for both developed and developing countries in the yet unexplored relationship between foreign investments, technology licensing and international trade.

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**Global Trade Law Series 20**

# **NEW** The Software Interface between Copyright and Competition Law

A Legal Analysis on Interoperability in Computer  
Programs

by  
*Ashwin van  
Rooijen*

This important book offers the first in-depth analysis of the current respective copyright and competition law approaches to interoperability. With respect to copyright law, the book offers an in-depth analysis of how copyright law has been applied to computer programs, how this form of protection affects interoperability, and how the European Software Directive – including its interpretation by courts in Member States – aims to facilitate interoperability. With respect to competition law, the author critically analyzes the application of Article 102 of the TFEU to refusals to supply interface information, including a discussion on the tension between copyright and competition law. The author also examines the substantial body of U.S. case law and accompanying literature on the interplay between copyright law, software and interoperability. Based further on a comparison with relevant ex-ante interconnection rules in European design protection law and telecommunications law, the author advances several recommendations aimed at facilitating interoperability in software copyright law.

Three interrelated approaches combine to convey an integrated and immediately accessible understanding of the subject:

- how interoperability affects the balance between innovation and free competition in software;
- which of two regimes – copyright law or competition law – should primarily be concerned with striking this balance as affected by interoperability; and
- which particular instruments are suitable to approach this problem within these respective regimes.

Because of the in-depth analysis of the software interoperability problem with related legal disciplines in both Europe and the United States, and due to the clarity of the presentation, this will be welcomed as a valuable resource by practitioners, jurists, and academics concerned with copyright protection of computer software, interoperability and the interaction between copyright and competition law.

## **Contents:**

**1.** Introduction. **2.** Interfaces and Interoperability in Context. **3.** Copyright Law. **4.** Competition Law. **5.** Ex-ante Interconnection Rules. **6.** Conclusion: Rethinking the Interface. Appendix. Bibliography.

**May 2010, 288 pp., hardbound**

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**Information Law Series 20**

**NEW**

# Spares, Repairs and Intellectual Property Rights

*edited by  
Christopher Heath  
& Anselm  
Kamperman  
Sanders*

This is the first in-depth analysis of the law in this relatively new and rapidly developing area of practice. It sheds clear light on the conflicting interests of manufacturers, consumers, spare parts makers and the general public; explores the extent to which this kind of business strategy can be more or less successful with respect to the different rights involved, and in different jurisdictions; and highlights the competition issues that inevitably arise. The essays included are revised and updated versions of papers presented at the seventh (2006) of the innovative IP conference organized annually by the Macau Institute of European Studies (IEM) on intellectual property law and the economic challenges for Asia.

Among the topics and issues covered are the following:

- notions of 'repair' and 'recycle' and their legal effects;
- the limits of IP rights in relation to repair and recycle;
- legal limits of end user licence agreements (EULAs) and technological protection measures (TPMs);
- patent exhaustion on repair and recycling;
- alteration of product 'identity';
- the concept of 'indirect' or 'contributory' infringement;
- design law strategies; and
- secondary market definitions.

The authors give detailed attention to cases in various jurisdictions that have guided and continue to guide business strategies in the field. Jurisdictions treated include the EU, the US, the UK, Germany, the Netherlands, China, Hong Kong, Japan, and Korea.

In its clarification of the limits and possibilities of business strategies in this area of competition that is just beginning to attract attention, this book will be of great value not only to intellectual property law practitioners but to business people in nearly any field of production, especially where cross-border marketing is involved.

**September 2009, 246 pp., hardbound**

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**Co-publication with IEM**

# Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia-Pacific Region

*edited by  
Christoph Antons*

The contributions in this volume contrast efforts to find solutions and workable models at the international and regional level with experiences on the ground. Legal policies related to 'indigenous knowledge' in settler societies such as Australia and New Zealand are compared with those in densely populated neighbouring countries in Asia, where traditional knowledge is often regarded as national heritage. While many of the chapters are written by lawyers using an interdisciplinary approach, other chapters introduce the reader to perspectives from disciplines such as legal sociology and anthropology on controversial issues such as the understandings of 'art,' 'culture,' 'tradition,' 'customary law' and the opportunities for traditional cultural knowledge and traditional cultural expressions in an Internet environment.

Experienced observers of the international debate and regional experts discuss international model laws as well as legislation at regional and national level and the role of customary law. Topics covered include the following and much more:

- the concept of 'farmers' rights';
- biodiscovery and bioprospecting;
- traditional knowledge as a commodity;
- encounters between different legalities;
- geographical indications;
- registration requirements;
- sanctions, remedies, and dispute resolution mechanisms;
- the ongoing fragmentation and loss of traditional knowledge; and
- systems of data collection.

The authors provide practical proposals for solutions and models as well as empirical studies of their implementation in various countries.

Given the scope for conflict about the merits of various definitions of the subject matter and the circle of beneficiaries, this book will be of great interest to intellectual property lawyers, representatives of indigenous/local communities and NGOs, policy makers at all levels, and students of comparative and international intellectual property law and of law and development.

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**NEW**

# The TRIPS Regime of Patent Rights

3rd edition

by  
Nuno Pires de  
Carvalho

*The TRIPS Regime of Patent Rights* articulates with unmatched clarity the specific steps that a government must take, in a wide variety of possible contexts, to ensure that its patent-related obligations under TRIPS are met. The presentation is arranged in an article-by-article format, following the TRIPS Agreement itself as it relates to patents. In this way, the author's incisive analysis covers every issue arising in patent administrative and legal practice, including the following:

- disclosure of the origin of genetic resources in patent applications;
- detailed new commentary on trade secrets and test data under Article 39;
- linkage between patent protection and the marketing approval of pharmaceutical products;
- relationship with the Convention on Biological Diversity;
- interaction with the Paris Convention;
- public health considerations;
- alternate ways to transpose TRIPS obligations into national law;
- alternativeness of inventions as a condition of patentability; and
- standards of intellectual property protection as a bargaining chip in international trade.

The TRIPS Agreement has a direct impact on the daily lives of corporations, governments, and consumers. This book contains a very practical explanation of the meaning of the patent-related TRIPS provisions, how they should be reflected in national law, and how courts are expected to enforce them. For these reasons and more, the Third Edition of *The TRIPS Regime of Patent Rights* is a crucially important resource for lawyers seeking compliance and government officials charged with the implementation of TRIPS obligations.

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