

Transitions in European Patent Law

Influences of the Unitary Patent
Package

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Transitions In European Patent Law Influences Of The Unitary Patent Package

Duncan Matthews, Paul Torremans



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European Patent Law Duncan Matthews, Paul Torremans, 2023-10-04 This book provides a comprehensive overview of European Patent Law It presents a critical analysis of the European patent law system and the proposed changes to it The book explores the strengths and weaknesses of the European Patent Convention and the interaction between the national and the European level as well as across borders

Fragmentation and the European Patent System Karen Walsh, 2022-08-11 This book provides an in depth study on current perceptions of and responses to fragmentation in the European patent system EPS For decades attempts have been made to address this fragmentation by introducing a unitary patent system The most recent attempt the EU unitary patent system will be the first of its kind It is expected to significantly change the EPS However rather than reducing existing fragmentation it will likely add to it Based on an analysis of the current and forthcoming system the book argues that the inherent nature of fragmentation within the EPS needs to be recognised and suggests that a multifaceted approach is required to respond to it Uniquely it draws on work regarding fragmentation outside of the patent and intellectual property regimes gaining insights from both European law making and the international legal system These insights are used to investigate current responses to fragmentation in the EPS Interpretations of substantive patent law are examined including claim construction *Actavis v Eli Lilly* exceptions to patentability related to uses of human embryos for industrial or commercial purposes *WARF* *Br stle* *ISCC* and products resulting from essentially biological processes *Broccoli* and *Tomatoes II* G3 19 Attempts towards convergence in these areas have had mixed results and in some instances fragmentation may be necessary However similar techniques to those applied in the international legal system to respond to fragmentation are being used in the EPS and where this is seen it has been to good effect It is argued that these methods should be recognised structured and promoted to make our response to fragmentation more effective

Fragmentation and the European Patent System will be of interest to academics students and practitioners looking for a new perspective on the EPS

Seville's EU Intellectual Property Law and Policy Justine Pila, 2022-11-15 Carefully authored by Justine Pila this significantly revised and expanded third edition of Catherine Seville's classic text presents a thorough and detailed treatise on EU intellectual property IP law taking into account the many developments in legislation and case law since the second edition

EU Intellectual Property Law and Policy The late Catherine Seville, 2016-09-28 This fully updated book offers a compact and accessible account of EU intellectual property IP law and policy The digital age brings many opportunities but also presents continuing challenges to IP law as the EU's programme of harmonisation unfolds As well as addressing the main IP rights copyright patents designs trade marks and

related rights the book also considers IP's relationship with the EU's rules on free movement of goods and competition as well as examining the enforcement of IP rights. Taking account of numerous changes this timely second edition covers the substantive provisions and procedures which apply throughout the EU making extensive reference to the case law. The author considers how the exploitation of IP is increasingly global harmonisation in contrast is only partial even at the EU level. In response the book sets EU IP law in its wider international context. It also seeks to highlight policy issues and arguments of relevance to the EU in its relations both within the Union and with the rest of the world. Designed as a compact and approachable account of these difficult and technical areas and with advice on further reading and research this unique book is useful both as a work of reference and for more general study. It is essential reading for postgraduate students, academic researchers and legal practitioners alike.

Improving Intellectual Property Susy Frankel, Margaret Chon, Graeme B. Dinwoodie, Barbara Lauriat, Jens Schovsbo, 2023-03-02 Undertaking the global project of improving intellectual property demands a critical and dynamic evaluation of its parameters and impacts. This innovative book considers what it means to improve intellectual property globally exploring various aspects and perspectives of the international intellectual property debate and contemplating the possibilities for reform.

The Average Consumer in Confusion-based Disputes in European Trademark Law and Similar Fictions Rasmus Dalgaard Laustsen, 2019-11-06 This book contends that with regard to the likelihood of confusion standard European trademark law applies the average consumer incoherently and inconsistently. To test this proposal it presents an analysis of the horizontal and vertical level of harmonization of the average consumer. The horizontal part focuses on similar fictions in areas of law adjacent to European trademark law and in economics and the average consumer in unfair competition law. The vertical part focuses on European trademark law represented mainly by EU trademark law and the trademark laws of the UK, Sweden, Denmark and Norway. The book provides readers with a better understanding of key aspects of European trademark law, the average consumer applied as part of the likelihood of confusion standard and combines relevant law and practices with theoretical content and other related areas of law and economics. Accordingly it is an asset for policymakers and practitioners as well as general readers with an interest in intellectual property law and theory.

Governance of Intellectual Property Rights in China and Europe Nari Lee, Niklas Bruun, Mingde Li, 2016-01-29 Intellectual property (IP) law has been widely discussed in recent scholarship though many recent works explore the topic from a largely descriptive perspective. This book provides an analytical and comparative study of Chinese and European IP law as well as an analysis of system reforms in China. The book highlights in three parts intellectual property for innovation and creativity in China, comparing concepts and norms in Chinese and European IP law and governance of practices and IP enforcement. Demonstrating that the governance of IP rights requires the adoption of a set of norms, the contributors also argue that success is dependent on a transformation of the perspectives and implementation. Students and scholars of IP law and Chinese IP law in particular will find this book to be a valuable resource to their work. It will also be of

interest to IP practitioners looking for an insight into system reforms in China The Oxford Handbook of Intellectual Property Law Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative foundations and its place and operation in the political economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy *Intellectual Property Perspectives on the Regulation of New Technologies* Tana Pistorius, 2018-10-26 This book explores the challenges that emerging technologies and technology driven practices pose for traditional notions of intellectual property IP law and policy Chapters offer perspectives from across the IP law spectrum and address questions such as is the law evolving in the right direction and is the regulation of emerging technology supported by sound policy objectives Covering a diverse range of topics this book exposes the intimate relationship between IP and technology

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