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FREE TRADE AGREEMENTS

Trade Marks And Free Trade A Global Analysis

Shubha Ghosh



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Lazaros Grigoriadis, 2014-05-11 This book is the first study to examine the issue of the legality of parallel imports of trademarked goods under the most important legal systems on an international level namely under GATT WTO law EU law and the laws of the ten major trading partners of the European Union Part I consists of a general approach to the phenomenon of parallel importation and of a presentation of the theories that have been suggested to resolve the above mentioned issue The rule of exhaustion of rights of which there are three types rule of national regional and international exhaustion of rights is proposed as the most effective instrument to deal with the issue in question Part II examines the question of exhaustion of trademark rights in light of the provisions of GATT WTO Law Part III analyzes the elements of the EU provisions on exhaustion of trademark rights Articles 7 of Directive 2008 95 EC and 13 of Regulation EC 207 2009 and some specific issues relating to the application of these provisions Part IV presents the regimes of exhaustion of trademark rights recognized in the European Union s current ten most significant trading partners The book is the first legal study to welcome in light of economic analysis the approach adopted by GATT WTO law and EU law to the question of the geographical scope of the exhaustion of the trademark rights rule It includes all the case law developed on an international level on the issue of the legality of parallel imports of trademarked goods and a comprehensive overview of the scientific

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The Oxford Handbook of Intellectual Property Law Rochelle Cooper Dreyfuss, Justine Pila, 2018 A comprehensive overview of intellectual property law this handbook will be a vital read for all invested in the field of IP law Topics include the foundations of IP law its emergence and development in various jurisdictions its rules and principles and current issues arising from the existence and operation of IP law in a political economy

The Cambridge Handbook of International and Comparative Trademark Law Irene Calboli, Jane C. Ginsburg, 2020-09-24 Trade in goods and services has historically resisted territorial confinement but trademark protection remains territorial albeit within an increasingly important framework of multilateral treaties Trademark law therefore demands that practitioners policy makers and academics understand principles of international and comparative law This handbook assists in that endeavour with chapters describing and critically analyzing international and regional frameworks and providing comparative perspectives on the substantive issues in trademark law and related fields such as geographic indications advertising law and domain names Chapters contrast common law and civil law approaches while focusing on the US and EU trademark systems in light of the role these systems have played in the development of trademark laws Additionally this handbook covers other jurisdictions both common law and civil law on the Asia Pacific African and South American continents This work should be read by anyone seeking a better understanding of trademark law around the world

The Brand and Its History Patricio Sáiz, Rafael Castro, 2022-03-16 This book delves into the origins and evolution of trademark and branding practices in a wide range of geographical areas and periods providing key knowledge for academics professionals and general audiences on the complex world of brands The volume compiles the work of twenty five prominent worldwide scholars studying the origins and evolution of trademarks and branding practices from medieval times to present days and from distinct European countries to the USA New Zealand Canada Latin America and the Soviet Union The first part of the book provides new insights on pre modern craft marks on the emergence of trademark legal regimes during the nineteenth century and on the evolution of trademark and business strategies in distinct regions sectors and contexts As industrialisation and globalisation spread during the twentieth century trademarking led to modern branding and international marketing a process driven by new economic but also cultural factors The second part of the book explores the cultural side of the brand and offers challenging studies on how luxury fashion culture associations and the consolidation of national identities played a key role in nowadays branding This edited volume will not only be of great value to scholars students and policymakers interested in trademark branding research but to marketing and legal practitioners as well aiming to delve into the origins of modern brand strategies The chapters in this book were originally published as two special issues of the journal Business History

Exhausting Intellectual Property Rights Shubha Ghosh, Irene Calboli, 2018-11-08

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

Access to Medicines and Vaccines Carlos M. Correa, Reto M. Hilty, 2021-10-27 This open access book is the outcome of a Global Forum on Innovation Intellectual Property and Access to Medicines held in December 2019 at the Max Planck Institute in Munich organised by the South Centre and the Max Planck Institute The academics and experts from international organisations participating have contributed chapters to this book The book is for policy makers in Ministries of Health Ministries of Trade Ministries of Foreign Affairs patent offices but also relevant for academics law trade public health on the flexibilities available in the Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS of the World Trade Organization to promote access to medicines

Research Handbook on Intellectual Property Exhaustion and Parallel Imports Irene Calboli, Edward Lee, 2016-06-24 From the Americas to the European Union Asia Pacific and Africa countries around the world are facing increased pressure to clarify the application of intellectual property exhaustion This wide ranging Research Handbook explores the questions that pose themselves as a result Should exhaustion apply at the national regional or international level Should parallel imports be considered lawful imports Should copyright patent and trademark laws follow the same regime Should countries attempt to harmonize their approaches To what extent should living matters and self replicating technologies be subject to the principle of exhaustion To what extent have the rise of digital goods and the Internet of things redefined the concept of exhaustion in cyberspace The Handbook offers insights to the challenges surrounding these questions and highlights how one answer does not fit all

Exhaustion of Intellectual Property Rights Shubha Ghosh, 2025-09-10 This book examines the exhaustion doctrine of intellectual property IP rights under which the rights of an IP owner are terminated after a predetermined exercise of those rights It situates the law of IP exhaustion against a backdrop of legislative debate policy and technological developments across jurisdictions

Patent Exhaustion and International Trade Regulation Santanu Mukherjee, 2023-03-13 This book dives into the legal and economic rationale of patent exhaustion studying its evolution from the beginning in Germany UK and USA to Japan and 10 developing countries The author also analyses exhaustion under TRIPS GATT GATS and major regional agreements including the EU before assessing the interface of patent exhaustion with competition policy The book also addresses public policy concerns of Least developed and developing countries linked to their IPR challenges as IP users It concludes that an appropriate exhaustion mode under relevant legal measures would protect patents while also restraining patents to become non tariff barriers The open access publication of this book has been published with the support of the Swiss National Science Foundation

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