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CASES AND MATERIALS

THIRD EDITION

PAUL GOLDSTEIN
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Goldstein International Intellectual Property

Weinian Hu



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International Patent Rights Harmonisation Weinian Hu, 2017-05-08 With reference to China this book examines the course of international patent rights harmonisation its characteristics as well as impediments It evaluates the case of China s patent law development over the course of the last three decades by drawing on the most up to date Chinese language sources In the process the volume focuses on China s patent legislation its achievements and weaknesses as well as the intrinsic limitations especially as far as enforcement is concerned The author pays close attention to the unique societal background in China a country that did not provide constitutional recognition to private property rights until 2004 and where a property law entered into force as late as 2013 30 years after the first promulgation of the patent law Global trade policy makers IP professionals and businesses will benefit from the insights presented by the chapters as they will help them to appreciate the achievements and the controversies pursuant to China s efforts in patent protection While serving as a useful case study for countries seeking to leverage patent protection as a driver for economic development the book will equally facilitate Chinese legislature to reflect on its patent legislation development specifically on legislative policy choices An additional analytical strength of the volume is that it compares the Chinese patent legislation with the American Invents Act and the European Patent Convention It discovers the differences between the three patent legislations by using the minimum patent protection standards set down by the TRIPS Agreement as the benchmark The results of the comparisons suggest that China has successfully harmonised its patent legislation with the global patent protection system and often opts for higher patent protection standards The book also considers whether China could learn lessons from Japan and India in their respective patent legislation and policy choices With China undertaking a fourth patent law amendment the provisions contained in the second draft of the Patent Law 2015 which was published in December 2015 are included in the analysis

Principles of International Economic Law Matthias Herdegen, 2024-05-07 Herdegen s Principles of International Economic Law has established itself as a leading textbook in the field This fully updated third edition covers areas of growing relevance in international economic law including corporate social responsibility challenges for WTO law the impact of human rights and environmental law and cryptocurrencies

International Copyright Law and Access to Education in Developing Countries Susan Štrba, 2012-08-22 In International Copyright Law and Access to Education in Developing Countries Exploring Multilateral Legal and Quasi Legal Solutions Susan Isiko trba demonstrates the challenge of access to printed copyrighted educational and research materials in developing countries and proposes institutional and normative solutions at national and international levels

European Intellectual Property Law Annette Kur, Thomas Dreier, Stefan Luginbuehl, 2019-12-27 The second edition of this popular textbook has been thoroughly revised expanded and updated in order to reflect the recent extensive changes in European IP legislation Providing an in depth examination of the core areas of IP law from copyright patents and trademarks through to the protection of plant varieties and industrial design it is

perfectly pitched to guide the reader through the complexities of the European IP system **The World Trade**

Organization Mitsuo Matsushita, Thomas J. Schoenbaum, Petros C. Mavroidis, Michael Hahn, 2015 This is a comprehensive overview of the law and practice of the World Trade Organization It begins with the institutional law of the WTO moving eventually to the consequences of globalization New chapters on Trade in Agriculture and on Government Procurement and Trade

The Copyright-Competition Interaction within the EU Dino Gliha, 2025-07-09 This book provides a comprehensive analysis of the copyright competition interaction issue in the EU and provides a sustainable method of approach The research identifies several approaches to the copyright competition issue some of which were extensively applied in practice while others were considered more theoretical However none of the discussed approaches has proved to be an adequate fundament to understanding the copyright competition interaction issue and there is still a considerable disagreement on how to deal with this matter It is vital to start with the relationship between copyright law and competition law to overcome the flaws of the identified approaches The issue can be elegantly settled through the existent principles of both laws From the perspective of copyright law the application of competition law is a limitation of the author's right in a broader sense originating outside of copyright law From the perspective of competition law the presence of copyright should be comprehended as a specific situation in which the focus should mainly be on the effects of copyright instead of allocation and productiveness at the same time the concept of authorship should be taken into consideration in the light of consumer welfare Only after the fundamental approach to the copyright competition interaction issue is settled is it possible to analyse specific situations further In practice several types of exercises have been recognised as the matter of the copyright competition interaction The research focuses on the interference between the exercise of copyright and competition rules on prohibited agreements i.e. licensing practices and abuse of dominant position i.e. refusal to license copyright Each situation is analysed separately based on the common understanding of the copyright competition interaction issue and following the fundamental principles of copyright law and competition law In doing so a detailed critical analysis of the relevant case law and literature is provided After the analysis of the relevant case law and doctrine for both situations are conducted the research produces a specific approach and method of analysis specific for the copyright competition interaction cases dealing under Article 101 and Article 102 TFEU It should be noted that the approaches are primarily construed from the perspective of copyright civil law tradition and EU competition law although such approach might as well be considered in other legal systems and traditions In the end a special view is given to the digital industry sector and the assessment of further potential developments in that field that might potentially fall under the scope of the copyright competition interaction issue *The Future of Intellectual Property* Daniel J. Gervais, 2021-05-28 This forward looking book examines the issue of intellectual property IP law reform considering both the reform of primary IP rights and the impact of secondary rights on such reforms It reflects on the distinction between primary and secondary rights offering new international perspectives on IP reform and

exploring both the intended and unintended consequences of changing primary rights or adding secondary rights

Intellectual Property and Development Rami M. Olwan, 2013-03-15 The book examines the correlation between Intellectual Property Law notably copyright on the one hand and social and economic development on the other The main focus of the initial overview is on historical legal economic and cultural aspects Building on that the work subsequently investigates how intellectual property systems have to be designed in order to foster social and economic growth in developing countries and puts forward theoretical and practical solutions that should be considered and implemented by policy makers legal experts and the World Intellectual Property Organization WIPO *Beyond Territoriality* Gunther Handl, Joachim Zekoll, Peer Zumbansen, 2012 This book traces the evolution of transnational legal authority in the course of globalization Representative case studies buttress its conclusion that today transnational authority is multifaceted a phenomenon that renders unreliable the concepts of territoriality extraterritoriality as global governance markers

Intellectual Property and Private International Law Josef Drexler, Annette Kur, 2005-02-23 The relationship between intellectual property and private international law is a fascinating and multi faceted one Both fields are inherently international but it is the exponential increase in conflicts involving trans border elements in a world characterised by global trade and borderless communication structures that has in modern times drawn the two disciplines close The essays contained in this book first presented at a Symposium in Munich set out possible visions for a future system of international and regional jurisdiction and applicable law that is better adapted to the increasingly supranational character of IP rights A second feature of the book is its treatment of harmonisation of choice of law issues Framed by these two elements international jurisdiction on the one hand and perspectives for harmonised choice of law rules in an international context on the other specific European themes are also addressed jurisdiction the establishment of a European judiciary in the patent field the relationship between regional European systems and an international jurisdiction convention and the recent proposal for a Regulation on applicable law in non contractual relationships Rome II

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