...
area of trademarks, whether as an academic or as a practitioner. Indeed, for the practitioner it will be of particular value, in that it contains, and opens up, many areas of inquiry that may not always be apparent when working in the field of trademarks. For both kinds of readers, the authors have brought to this project a complementary perspective. As a historian and poet, a top legal scholar, and a practicing lawyer, for example, the authors bring to the table their shared passion for the history and practice of intellectual property rights, their interest in the relationship between intellectual property rights and political economy, and a critical understanding of the substantive law of intellectual property. Since its accession to the World Trade Organisation (WTO) in December 2001, China has been committed to full compliance with the Trade-Related Intellectual Property Rights (TRIPS) Agreement. This text considers the development of intellectual property law in China, and offers an interdisciplinary analysis of China's compliance with the TRIPS Agreement using theoretical tools to explore the intersection between intellectual property law and international law. It examines the content of the TRIPS Agreement and discusses the implications of China's accession to the WTO for the development of intellectual property law in China. The book provides a comprehensive and up-to-date analysis of China's legislative framework for intellectual property rights, with a focus on the protection of both domestic and foreign intellectual property. It covers the main areas of substantive intellectual property law, including patents, trademarks, copyrights, trade secrets, and geographical indications. The book also discusses the enforcement of intellectual property rights in China, with an emphasis on the role of the courts and行政机关. The authors examine the legal framework for the protection of intellectual property rights in China, and provide a critical assessment of the effectiveness of the legal system in enforcing these rights. The book is aimed at both academics and practitioners, and is an essential resource for anyone interested in understanding the legal framework for intellectual property rights in China, as well as the challenges and opportunities for the development of intellectual property law in this rapidly evolving area.
Using this new and innovative textbook, students are given a problem scenario to unfold; as they do this they will learn to understand the key questions and issues surrounding each area of intellectual property law. As each chapter is developed, the content flows into a coherent and integrated whole, providing a clear explanation of the central legal principles and policies. The clear and logical approach makes it easy for students to understand the key principles and how the law interacts with everyday life and business and giving them a deep and practical understanding. Online Resources A range of additional online resources are provided online, including guidance on how to approach the questions contained in the book, regular updates on legal developments, links to useful websites, and examples of relevant documents. The editor of Patent Law and Theory must be congratulated for assembling a collection of shear patent law text, models, and scholarship. The title is a noteworthy compilation of 26 well-written, rigorously accurate essays that goes to great lengths in charting the contours of contemporary thought over the the world's oldest, most established legal right. It manages to accomplish an ambitious endeavor of providing a comprehensive view of prevailing issues in the field of patent law and other related fields. The interested patent law reader will have much to gain from the fecund material found in the large majority of the title's essays. The world's corps of patent law scholars who will read this title, John A. Assensom, European Intellectual Property Review: This major Handbook provides a comprehensive research source for patent protection in non English-speaking jurisdictions: the United States, Europe and Japan. Leading patent scholars and practitioners join together to give an innovative comparative analysis both of fundamental issues such as patentability, examination procedure and the scope of patent protection, and current issues such as patent protection for industry standards, computer software and business methods. Keeping in mind the important goal of world harmonization, the contributing authors challenge current systems and propose necessary changes for promoting innovation. Providing useful tips for practitioners to protect their intellectual assets in technologies effectively in the global market, this Handbook will be of great interest to legal scholars and students, as well as lawyers and patent attorneys. This sweeping sociological analysis traces the emergence of intellectual property as a new type of legal property. What is 'intellectual property'? This book examines the way in which this important area of law is constructed by the legal system. It argues that intellectual property is a body of rules, created by the legal system, that regulate the use of objects, which are also defined by the law system. Intellectual property thus constructs its own objects of regulation, and it does so through the application of a collection of core concepts. By analyzing the metaphorical structure of intellectual property law and the concepts the legal system uses to construct 'intellectual property,' the book sheds new light on the nature of this fascinating area of law. It explains anomalies between social and intellectual property uses of concepts such as authorship - here dubbed 'creatorship' - and originality, and it helps to explain the role of intellectual property from a structural (rather than the traditional normative) perspective. This important new book offers a unique perspective on intellectual property law unraveled amongst intellectual property textbooks available today. Beyond providing a thorough and up-to-date account of intellectual property law, the text examines the complex policies that inform and guddemmond IP law at the domestic (including Scottish), European and international levels, giving the reader a true insight into the discipline and the shape of things to come. The focus is on contemporary challenges to intellectual property law and policy and the reader is encouraged to engage critically with the subject matter. This book is written with the undergraduate firmly in mind and the authors make extensive use of practical examples, exercises and visual aids throughout the text to enable the student and stimulate the reader. The book is accompanied by a web site where students and lecturers alike can access updates on major developments in the law, guidance on answering the discussion points provided in the book, web links and further reading. This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law, bringing together contributions from a diverse group of scholars who derive from a wide range of countries, backgrounds, and legal traditions. Intellectual Property Rights (IPR) infringement is so rampant in China that counterfeit goods - from general household merchandise, garments and media consumables to specialist products including pharmaceutical products and super computer chips - can be found in roadside stalls, markets, department stores and even laboratory of leading universities. If allowed to continue these infringements may further engender a socially accepted culture of 'fakeness' that may seriously hamper innovation and economic progress. Gordon C. K. Cheung uses the case of intellectual property rights (IPR) to examine how and to what extent market forces and knowledge development affect the relationships of China and the world, especially the United States. Including detailed original statistics and data collected from Chinese provinces and cities and in-depth interviews with legal experts and policy makers, this book gives a unique insight into the opportunities and challenges that China faces as it increasingly becomes part of the global society. Intellectual Property Rights in China is a stimulating read for anyone studying Chinese Business and International Political Economy. This book explains China's intellectual property perspective in the context of European theories, through a critical examination of intellectual property theory and practice focused on China’s compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The author’s critical review of contemporary intellectual property philosophy suggests that justifying intellectual property protection through Locke or Hegel’s property theories internalizes a theoretical paradox. “Professor Wenwei Guan’s treatment of intellectual property law and practice in the PRC offers new perspectives that enrich an already active field of study... This book will be a useful contribution to academic and policy discourses examining conceptual and operational dimensions of China’s intellectual property protection system and the broader process of China’s international engagement.” – Dr. Pitman B. Potter, Professor of Law, University of British Columbia, Canada “Dr. Guan reminds us of the daunting challenge of the public-private divide in forming and reforming TRIPS regime; how this regime has failed to address development needs and public concerns in developing countries like China; and how TRIPS’s ‘birth defect’ can be overcome and its evolution can be put back on the right track.” – Dr. Yahong Li, Associate Professor at Faculty of Law, Hong Kong University. Holyoak and Torremans Intellectual Property Law meets the need for a book that introduces contemporary intellectual property as it is practiced in today’s global context. Focusing on three major IP regimes - the United States, Europe and China - the unique transnational approach of this textbook will help law students and lawyers across the world understand not only how IP operates in different national contexts, but also how to coordinate IP protection across numerous national jurisdictions. International IP treaties are also covered, but in the context of an overall emphasis on transnational coordination of legal rights and strategies. Providing detailed thematic coverage of the major IP regimes, in-depth case studies, Copyright, Trademarks, Trade Secrets and Design Protection, the book delves into the national laws and operational realities of the three jurisdictions, highlighting the issues and questions that are most frequently encountered in practice. Of special note are the many English translations of Chinese legal materials - providing the richest and most in-depth coverage of authoritative IP-related statutes, cases and commentaries currently available to students. The textbook draws heavily on cases and other primary sources to tease out the differences, commonalities, and ultimately, strategies for taking a global approach to these problems and solutions. Thought-provoking questions and scenarios throughout the book will stimulate class discussion and cement understanding. Key features: * Introductory problems allow students to identify and understand the major IP rights, including Patents, Copyright, Trademarks, Trade Secrets and Design Protection, the book delves into the national laws and operational realities of these three jurisdictions, highlighting the issues and questions that are most frequently encountered in practice. Of special note are the many English translations of Chinese legal materials - providing the richest and most in-depth coverage of authoritative IP-related statutes, cases and commentaries currently available to students. The textbook draws heavily on cases and other primary sources to tease out the differences, commonalities, and ultimately, strategies for taking a global approach to these problems and solutions. Thought-provoking questions and scenarios throughout the book will stimulate class discussion and cement understanding. * The international and European dimensions are covered together with the domestic position. This sweeping study examines the law of intellectual property in Chinese civilization from imperial days to the present. It uses materials drawn from law, the arts and other fields as well as extensive interviews with Chinese and foreign officials, business people, lawyers, and perpetrators and victims of piracy. As companies and organisations increasingly operate across national boundaries, so the incentive to understand how to acquire, deploy and protect IP rights in multiple national jurisdictions has rapidly increased. Transnational Intellectual Property Law meets the need for a book that introduces contemporary intellectual property as It is practiced in today’s global context. 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