

Hazel V.J. Moir



PATENT POLICY *and* **INNOVATION**

Do Legal Rules Deliver
Effective Economic Outcomes?

Patent Policy And Innovation Do Legal Rules Deliver Effective Economic Outcomes

Sabine Kruspig, Claudia Schwarz



Patent Policy And Innovation Do Legal Rules Deliver Effective Economic Outcomes:

Patent Policy and Innovation Hazel V. J. Moir, 2013-01-01 Just how inventive are inventions More to the point just how inventive are the inventions covered by patents Not very according to Hazel Moir and there is no reason to doubt her conclusions She has spent years in painstakingly analysis of dozens of business method patents in Australia and elsewhere She finds they are no more than strategic devices intended to annoy and disrupt commercial competition and confuse the market Hazel Moir is a patent expert beholden to no patent theory and no patent interests In consequence her research is fresh and inspired Her conclusion that patents describe and protect obvious combinations of old ideas and trivial variations may not be confined to business methods It is a conclusion that demands the consideration of policymakers Stuart Macdonald Aalto University Helsinki Finland This book presents a compelling attack on the patent system Thoughtfully analyzing the existing empirical literature and providing her own painstaking study of business method patents Hazel Moir explains how it is that patents have spread geographically and technologically with increasingly broad rights becoming ever easier to obtain Bravely and persuasively she recommends policymakers tackle one of the most vexing issues in patent law the quantum of new knowledge that ought to be required to make an invention worthy of protection Rochelle Dreyfuss New York University School of Law US Hazel Moir's book deserves to become a classic Between its covers one will find writing of great clarity and data that reveal the real world costs of the patent system After reading Moir's analysis one wonders what the actual social benefits of the patent system might be This is evidence based analysis at its best Peter Drahos Australian National University and Queen Mary University of London UK This book presents a compelling attack on the patent system Thoughtfully analyzing the existing empirical literature and providing her own painstaking study of business method patents Hazel Moir explains how it is that despite the intuitions of economists social scientists lawyers judges and even some inventors patents have spread geographically and technologically with increasingly broad rights becoming ever easier to obtain Bravely and persuasively she recommends policymakers tackle one of the most vexing issues in patent law the quantum of new knowledge that ought to be required to make an invention worthy of protection Rochelle Dreyfuss New York University School of Law US This empirical study uses a scientifically selected sample of patents to assess patent quality The careful evaluation of the assumptions in alternative economic theories about the generation and diffusion of new knowledge demonstrates that the height of the inventive step is critical to effective and efficient patent policy The book provides a practical introduction to the policy rules affecting the grant of patents particularly the rules making the inventive step so low It also offers insights into interactions between examiners and applicants during the patent application process Finally the book compares how the rules about inventiveness operate in the USPTO the EPO and the Australian Patent Office gives new insights into business method patenting and offers suggestions for raising the height of the inventive step Patent Policy and Innovation will appeal to academics researching in the patent field economists innovation and industry policy advisors patent

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Patents and Global Administrative Law David

Tilt, 2025-07-18 The book applies values and concepts from Global Administrative Law GAL to international patent law demonstrating how limiting technocratic and overly economic language can be Highlighting the administrative foundations of patent law the book argues that in its international form it can be analysed using the same principles of participation transparency and accountability found in national administrative law At the heart of the book is a simple question What does international patent law look like when we approach it through the lens of these values What is being left out when patent law is described predominantly in terms of its technical legal provisions or economic impact The book presents three interrelated contexts EU patent law bilateral trade agreements and the multilateral space Modern patent law is increasingly discussed in terms of national competitiveness or economic potential which reveals only a narrow understanding of how patent law evolves and functions The vocabulary of administrative law provides a fresh way of recasting reframing and re describing the dynamics of international patent law in a way that is more accessible to those outside of a traditional patent scholarship audience A fundamental objective of the book is to challenge the tendency towards technocratic isolation in patent law The book uses accessible vocabulary and represents a new way of conceptualising and understanding how patent law develops on a global scale The book will be of interest to researchers in the field of patent law international law and administrative law

Legal Protection for Computer-Implemented Inventions Sabine Kruspig, Claudia

Schwarz, 2016-04-24 As a result of the incorporation of computer software into countless commercial and industrial products the patentability of software has become a vital issue in intellectual property law This indispensable book provides an overview on the current status of computer implemented inventions in patent law across Europe and major jurisdictions worldwide A hugely practical field research tool with guidance based on case law it examines the major hurdles in each particular country and describes the best practice to be adopted Clearly showing how enforceable software patent applications can be competitively drafted and how a patent portfolio for computer implemented inventions can be established in several countries without spending money unnecessarily on problematic examination proceedings this book covers such issues and topics as the following claim categories for patent applications sufficient level of abstraction breadth of the claimed invention fundamental terms of computing and terminological traps probability for patents dependent on software application areas and patents in core areas of computing With separate chapters for the key countries Germany the United Kingdom France the United States China Korea Japan India and the European Patent Office the legal situation for computer implemented inventions in each country or region this book includes guidance on prosecution under national law analyses of relevant court decisions practice checklists and an outlook on future developments The authors describe claim formulation based on actual cases and on principles of computer science in order to show what might be or might not be patentable in each jurisdiction With this incomparable resource patent attorneys and patent professionals in companies will get a basis for

making decisions about the most appropriate jurisdictions in which to file patent applications This book will also be of great value to computer professionals who are affected by the protection of software or who are actively involved in the protection of software by patent law *Motives and Functions of Patenting in Public Basic Science* Michael Neumann,2021-07-05 Taking German public basic research as an example this book explores how the ongoing implementation of knowledge and technology transfer as the Third Mission of academic science creates not only new incentives for academic patenting but also triggers new patenting motives and strategies of researchers and organizations Analyzing these motives and strategies the book highlights how the complex regulatory interplay of the patent system research policy and self governed academic communities creates a situation in which new patent functions emerge beyond their intended function as a protection for upstream inventions patents become a signaling device for scientists to communicate their commitment and competence in the Third Mission As an exploratory study this book combines qualitative empirical research with concepts and insights from multiple fields such as economics law political sciences and regulation In consequence the book addresses anyone interested in patenting incentives and motives and their impact on the functional change and regulatory effectiveness of patents in polycentric regulatory environments **The Impact of Science and Technology on the Rights of the Individual** Nicola Lucchi,2016-06-14 The volume is devoted to the relevant problems in the legal sphere created and generated by recent advances in science and technology In particular it investigates a series of cutting edge contemporary and controversial case studies where scientific and technological issues intersect with individual legal rights The book addresses challenging topics at the intersection of communication technologies and biotech innovations such as freedom of expression right to health knowledge production Internet content regulation accessibility and freedom of scientific research *Pharma Marketing and Pharmacoeconomics* Rishabha Malviya,Pramod Kumar Srivastava,Swati Verma,Shashikant Srivastava,2024-12-06 Of immense use as the authors highlight the overall ethnography of big pharma in the healthcare sector with the opportunities and challenges in the outside world Readers will have a picture of the marketing strategies to be adopted to boost the pharmaceutical business From the Foreword by Dhruv Galgotia CEO Galgotias University Greater Noida India With particular emphasis on modeling methodologies data sources and application to real world dilemmas this new book provides an overview of the pharmaceutical marketplace discussing pharmacoeconomics in pharmaceutical manufacturing pharma policy and management pharmaceutical marketing strategies the economics of clinical trials for drugs the role of patents in economic development and much more *Patentism Replacing Capitalism* Samuel Meng,2019-05-03 Based on economic knowledge and logical reasoning this book proposes a solution to economic recessions and offers a route for societal change to end capitalism The author starts with a brief review of the history of economics and then questions and rejects the trend of recent decades that has seen econometrics replace economic theory By reviewing the different schools of economic thought and by examining the limitations of existing theories to business cycles and economic growth the author forms a new theory

to explain cyclic economic growth According to this theory economic recessions result from innovation scarcity which in turn results from the flawed design of the patent system The author suggests a new design for the patent system and envisions that the new design would bring about large economic and societal changes Under this new patent system the synergy of the patent and capital markets would ensure that economic recessions could be avoided and that the economy would grow at the highest speed

Reframing Intellectual Property Law in Sri Lanka Althaf Marsoof, Kanchana Kariyawasam, Chamila Talagala, 2022-11-29 This book is a reflection on domestic intellectual property lawmaking from a developing country's perspective It focuses on Sri Lanka a South Asian jurisdiction with a socio economic cultural and political landscape similar to other developing nations in the region but the intellectual property regime of which has been less explored The aim of this book is to address the discrepancies gaps and flaws in the national intellectual property legal framework of Sri Lanka In doing so the book considers Sri Lanka's obligations under TRIPS and other related intellectual property treaties to which the country is a party The book also examines approaches adopted by developing countries in the region and beyond as well as other more developed nations in calibrating Sri Lanka's domestic intellectual property regime to better address the country's domestic needs and national interests The approach adopted in this book is of relevance more generally to policymakers legislators legal academics scholars jurists legal practitioners and judges who are keen on exploring the extent to which domestic intellectual property legislation complies with international intellectual property norms and standards and more importantly the extent to which domestic law makes use of the flexibilities under international law in addressing domestic needs and national interests

Emerging Markets and the World Patent Order Frederick M. Abbott, Carlos M. Correa, Peter Drahos, 2013-12-27 The patent has emerged as a dominant force in 21st century economic policy This book examines the impact of the BRICS and other emerging economies on the global patent framework and charts the phenomenal rise in the number of patents in some of these countries

Evolving properties of intellectual capitalism Ove Granstrand, 2018 Intellectual capitalism is evolving driving and driven by technological innovations and various forms of entrepreneurship The purpose of this eagerly anticipated book is to analyze the linkages between R D patents innovations entrepreneurship and growth Based on a large array of national empirical and policy studies it elaborates on a comprehensive range of innovation and IP issues that are pertinent not only to Europe but to the world as a whole These issues include the role of patents and licensing in the governance of technology and innovation and the various uses and abuses of patents It further elaborates on new IP phenomena in an increasingly patent intensive world with patent rich multinationals and patent savvy new entrants from Asia In a world facing challenges that call for innovative responses the book contains a set of valuable policy recommendations for strengthening innovativeness for economic growth and ultimately for social value creation

Dilemmas of Intellectual Property Discourse in Sri Lanka Asanka Perera, 2024-08-21 This book examines global and national lawmaking in Sri Lanka through three case studies patent examination plant variety laws and technology innovation It evaluates how various

lawmakers influence intellectual property law to support innovation and development in Sri Lanka The book explores Sri Lanka s intellectual property laws and the mismatch between its international obligations such as Trade Related Aspects of Intellectual Property Agreement TRIPS and the Patent Cooperation Treaty PCT and their implementation It examines the repercussions of this mismatch and provides insights for the future of Sri Lanka and other small developing countries Based on socio legal research the book reveals the nature of local and global discourses and the lawmaking processes regarding intellectual property in Sri Lanka While international law advocates strong standards for inventiveness in patent examination plant breeders rights and technology transfer to support high tech development Sri Lanka has been reluctant to implement such laws This book is a crucial resource for researchers policymakers and legal professionals interested in intellectual property law innovation ecosystems and the socio legal aspects of lawmaking in developing countries

Contemporary Intellectual Property Abbe Brown, Smita Kheria, Jane Cornwell, Marta Iljadica, 2019 A unique perspective on intellectual property law It examines the complex policies that inform and guide modern intellectual property 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

What Uncle Sam Wants Clinton Fernandes, 2019-05-11 This pivot sheds light on U S foreign policy objectives by examining diplomatic cables produced by the U S Embassy and Consulates in Australia some which have been officially declassified over the past 30 years and others which were made public by the anti secrecy group WikiLeaks Providing an original analysis of the cables this book provides the context and explanations necessary for readers to understand how the U S Embassy s objectives in Australia and the wider world have evolved since the 1980 s It shows that Australian policymakers work closely with their American counterparts aligning Australian foreign policy to suit American preferences It examines a range of U S government priorities from strategic goals commercial objectives public diplomacy financial sanctions against terrorism and diplomatic actions related to climate change looking back at key events in the relationship such as sanctions against Iraq the 2008 Global Financial crisis intellectual property protection and the rise of China

Economic Report of the President: Transmitted to the Congress Executive Office of the President, 2014-03-19 Contains the Economic Report of the President as transmitted to the Congress in March 2014 together with The Annual Report of the Council of Economic Advisers and the Statistical Appendix and includes many charts and graphs in full color

Issues in International Commercial Law Iwan Davies, 2019-06-04 Originally published in 2005 It is now possible to identify within the discipline of law a distinct body of international commercial law This engaging book consists of a wide ranging series of essays which demonstrates the breadth and scope of the subject matter of international commercial law Many of the themes identified bridge both national and international commercial law The volume consists of three parts Credit and Security Contractual Issues International Commercial Regulation It is evident that international commercial law is concerned with private and public law within which there are particular disciplines ranging from banking law e commerce

intellectual property insolvency and increasingly international regulation through criminal law extending beyond frontiers

Economic Report of the President Transmitted to the Congress United States. President, 2014 *The Law and Economics of Intellectual Property in the Digital Age* Niva Elkin-Koren, Eli Salzberger, 2012-11-27 This book explores the economic analysis of intellectual property law with a special emphasis on the Law and Economics of informational goods in light of the past decade's technological revolution In recent years there has been massive growth in the Law and Economics literature focusing on intellectual property on both normative and positive levels of analysis The economic approach to intellectual property is often described as a monolithic coherent approach that may differ only as it is applied to a particular case Yet the growing literature of Law and Economics in intellectual property does not speak in one voice The economic discourse used in legal scholarship and in policy making encompasses several strands each reflecting a fundamentally different approach to the economics of informational works and each grounded in a different ideology or methodological paradigm This book delineates the various economic approaches taken and analyzes their tenets It maps the fundamental concepts and the theoretical foundation of current economic analysis of intellectual property law in order to fully understand the ramifications of using economic analysis of law in policy making In so doing one begins to appreciate the limitations of the current frameworks in confronting the challenges of the information revolution The book addresses the fundamental adjustments in the methodology and underlying assumptions that must be employed in order for the economic approach to remain a useful analytical framework for addressing IPR in the information age

The Protection of Biodiversity and Traditional Knowledge in International Law of Intellectual Property Jonathan Curci, 2010 Analyses the methods of protection of biodiversity and related traditional knowledge in the international and comparative national intellectual property systems Economics, Law and Intellectual Property Ove Granstrand, 2013-04-18 Intellectual property has rapidly become one of the most important as well as most controversial subjects in recent years amongst productive thinkers of many kinds all over the world Scientific work and technological progress now depend largely on questions of who owns what as do the success and profits of countless authors artists inventors researchers and industrialists Economic legal and ethical issues play a central role in the increasingly complex balance between unilateral gains and universal benefits from the knowledge society Economics Law and Intellectual Property explores the field in both depth and breadth through the latest views of leading experts in Europe and the United States It provides a fundamental understanding of the problems and potential solutions not only in doing practical business with ideas and innovations but also on the level of institutions that influence such business Addressing a range of readers from individual scholars to company managers and policy makers it gives a unique perspective on current developments Innovation Management and the Law Alexander Styhre, 2024-08-13

In economic theory and in management studies innovation is widely regarded as the motor of economic activities and as being the primary source of renewal in the economic system This view emphasizes how innovation work is organized in

specialized teams inside the firm or alternatively located to start ups and similar small ventures that are strongly incentivized to innovate to survive Rather than assuming that innovation work is a mere product of incentives provided by the market system propelled by the individual and collective skills of the innovation team participants and the resources that they mobilize in their work this volume examines how a market for innovation ideas is being constructed on the basis of policy making and legislative activities Innovation Management and the Law examines how the idea of value creation is understood to be a matter of innovation activities and how such innovation activities are premised on legal rights that create not only incentives corporations and markets but also more widely signal to market actors what kind of activities are consistent with policy makers economic and social welfare objectives The volume thus adds to the innovation management literature by introducing a comprehensive analysis of the patent system illustrating that the patent system is itself an institution and that it should be examined in such terms when studying how innovations are generated on the basis of team production activities and legal rights that are enforceable It will be of interest to researchers academics professionals and advanced students in the fields of management economic theory and law

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