



# Patent Exhaustion Intellectual Property Law Series

**Jay P. Kesan**



## **Patent Exhaustion Intellectual Property Law Series:**

*Intellectual Property & Free Trade Agreements* Christopher Heath, Anselm Kamperman Sanders, 2007-12-11 Intellectual Property and Free Trade Agreements presents the papers of the sixth IP conference organised by the Macau Institute of European Studies IEEM on intellectual property law and the economic challenges for Asia The objective of the conferences is to provide up to date information on developments in global intellectual property law and policy and their impact on regional economic and cultural development The current volume deals with the implications of free trade agreements for the international framework of intellectual property law a topic of enormous economic and legal importance given the increasing number of free trade agreements in force or under negotiation

*Intellectual Property and Access to Medicines in Africa* Olasupo Owoeye, 2019-05-17 A major target of Goal 3 of the Sustainable Development Goals adopted by the United Nations in 2015 is the elimination of the epidemics of AIDS tuberculosis malaria and neglected tropical diseases and combating hepatitis water borne diseases and other communicable diseases Intellectual property IP has been identified as one of the factors impeding access to affordable medicines in developing countries especially in relation to the HIV pandemic This book examines the scope of the existing flexibilities in international IP law for promoting access to medicines It analyses the factors accounting for the underutilisation of the flexibilities in Africa and the measures that African countries may adopt to address the IP barriers to access to medicines It explores the regional strategies that Africa can adopt to resolve the tension between IP regimes and access to medicines It also highlights how trade liberalisation and regional integration can play crucial roles in enhancing the use of TRIPS flexibilities local pharmaceutical manufacturing and access to medicines in Africa By adopting qualitative research methods to investigate how African countries may effectively use IP to serve public health purposes through the stratagem of regional integration this book will be a valuable contribution to the existing literature on IP

Research Handbook on Intellectual Property and the Life Sciences Duncan Matthews, Herbert Zech, 2017-06-30 Intellectual property IP is a key component of the life sciences one of the most dynamic and innovative fields of technology today At the same time the relationship between IP and the life sciences raises new public policy dilemmas The Research Handbook on Intellectual Property and the Life Sciences comprises contributions by leading experts from academia and industry to provide in depth analyses of key topics including pharmaceuticals diagnostics and genes plant innovations stem cells the role of competition law and access to medicines The Research Handbook focuses on the relationship between IP and the life sciences in Europe and the United States complemented by country specific case studies on Australia Brazil China India Japan Kenya South Africa and Thailand to provide a truly international perspective

**Blocking Patents in European Competition Law** Angelika S. Murer, 2021-12-03 In practice and jurisprudence in European competition law it is especially difficult to define the boundaries of patent abuse as an offence In this thoroughly researched book the author answers the question of when and how an application for a blocking patent can amount to an abuse of a dominant position

under Article 102 TFEU Drawing on legal literature and European Union EU case law the presentation analyses a constellation of blocking patenting strategies and proposes potential remedies where abuse is involved With detailed descriptions of the characteristics of potentially abusive and non abusive behaviour regarding applications for blocking patents the book provides the following and more a comprehensive analysis of the case law of the EU courts on the abuse of a dominant position in cases which involve intellectual property rights insights on how patenting strategies affect competition with a particular focus on the application of blocking patents an overview of the developments in doctrine and practice which led to the current understanding of the seemingly conflictual goals of competition and intellectual property law and insights on the difficulties of defining relevant markets and establishing whether an undertaking holds a dominant position The book illustrates the mechanisms of blocking patenting strategies with examples from the pharmaceutical industry because blocking strategies have particular relevance in applying for patents in that context A test scheme for analysing the application of a blocking patent under Article 102 TFEU is included Additionally the book provides an outlook on the topic of patents and shortages of supply in light of the COVID pandemic Practitioners and policymakers requiring an understanding of the conceptual framework of the abuse concept within EU competition law and how it relates to patent strategies will welcome this invaluable book They will not only be able to set the conduct of applying for blocking patents into the Article 102 TFEU context but also have decisive tools to approach questions on the intersection of patent law and competition law in the EU

**The Battle Over Patents** Stephen H. Haber, Naomi R. Lamoreaux, 2021 An examination of how the patent system works imperfections and all to incentivize innovation Do patents facilitate or frustrate innovation Lawyers economists and politicians who have staked out strong positions in this debate often attempt to validate their claims by invoking the historical record but they frequently get the history wrong The Battle over Patents gets it right Bringing together thoroughly researched essays from prominent historians and social scientists this volume traces the long and contentious history of patents and examines how they have worked in practice Editors Stephen H Haber and Naomi R Lamoreaux show that patent systems are the result of contending interests at different points in production chains battling over economic surplus The larger the potential surplus the more extreme are the efforts of contending parties now and in the past to search out generate and exploit any and all sources of friction Patent systems as human creations are therefore necessarily ridden with imperfections This volume explores these shortcomings and explains why despite all the debate historically US style patent systems still dominate all other methods of encouraging inventive activity **Annotated**

**Leading Trademark Cases in Major Asian Jurisdictions** Kung-Chung Liu, 2019-10-08 There has been little or no study on trademark laws in Asia on a cross jurisdictional level This book aims at filling the existing gap and provides a comprehensive overview of trademark laws of eight major Asian jurisdictions and their most updated trademark case law The book analyses six of the principal issues that best reflect Asian features in trademark law and trademark development The cases in the book

are principally the most authoritative decisions usually the first to deal with certain new emerging issues or the first to apply particular statutory provisions in the respective jurisdiction Also included are a small number of direction changing outlying or even controversial decisions Each case report is divided into six sections summary legal context facts reasoning of the court legal analysis and commercial or industrial significance Readers will find this book useful in both its overview of the legal context and how those cases are to be interpreted legally and commercially

*Research Handbook on the Economics of Intellectual Property Law* Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it

*IP and Antitrust: An Analysis of Antitrust Principles Applied to Intellectual Property Law, 3rd Edition* Hovenkamp, Janis, Lemley, Leslie, Carrier, 2016-01-01

*Intellectual Property Law and Policy Volume 12* Hugh Hansen, 2013-05-22 This is the 17th Annual volume in the series collecting the presentations and discussion from the Annual Fordham IP Conference The contributions by leading world experts analyse the most pressing issues in copyright trademark and patent law as seen from the perspectives of the USA the EU Asia and WIPO This volume in common with its predecessors makes a valuable and lasting contribution to the discourse in IP law as well as trade and competition law The contents while always informative are also critical and questioning of new developments and policy concerns Praise for the series This must be one of the most enjoyable and thought provoking conferences in the IP field The high quality of the speakers is matched by the intense audience led debates and challenges which follow The Honourable Mr Justice Laddie Royal Courts of Justice London Faculty for this conference are always well known names well respected leaders in their fields speaking with a combination of candor and timeliness that is unrivaled by any other forum of its kind Honorable Marybeth Peters Register of Copyrights United States Copyright Office

**Developments and Directions in Intellectual Property Law** Hayleigh Boshier, Eleonora Rosati, 2023 Developments and Directions in Intellectual Property Law celebrates the 20th anniversary of the award winning intellectual property blog The IPKat Bringing together eminent practitioners academics and former contributors this book reflects on the most important developments in intellectual property law policy and practice

*Intellectual Property and Antitrust* Mariateresa Maggiolino, 2011-01-01 This book brings to bear Professor Maggiolino's considerable skills as a comparative competition law scholar on what is perhaps the single most important competition policy issue facing us today namely how to use IP policy and competition policy in tandem to further both economic competition and competition in innovation Professor Maggiolino's book covers a large range of IP practices by dominant firms where competition law can be invoked including sham litigation and product design improper infringement actions predation and refusals to license This book is well researched well written and completely up to date Every serious competition law antitrust and intellectual

property scholar and practitioner should regard it as must reading  
United States. Congress. Senate. Committee on the Judiciary, 2010

Bellantuono, Fabiano Teodoro Lara, 2015-07-24 This book deals with one strand of the intense debate concerning the links between law and development namely the coordination of innovation processes and legal change It analyzes how innovation and ultimately development can be fostered or hindered by existing or new legal infrastructures The book includes eleven original contributions from senior and junior scholars and is divided into two parts the first focusing on theoretical frameworks and the second presenting several case studies on various institutional aspects A particular strength of this part is its broad geographical coverage which encompasses the legal frameworks in Europe the Americas Africa and Asia The contributions collected in this book will be of value to a broad readership Academic scholars will find useful information on lessons learned from reforms implemented in different areas and come to better understand the methodological hurdles involved in reform assessment Policymakers in national and international organizations can draw on these studies when designing new programs Lastly practitioners in developed and developing countries can use these contributions to promote the success of current or new initiatives

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Trademark Office, 2008

**Intellectual Property Rights and Climate Change** Wei Zhuang, 2017-06 6 4 3  
**Performance and Accountability Report** United States. Patent and  
**Agricultural Biotechnology and Intellectual Property** Jay P. Kesan, 2007-01-01 Scientists are becoming progressively more involved in developing methods for increasing agricultural productivity and designing plants with certain qualities As such genetic engineering has given plant breeders a means to exercise property rights over different varieties of plants This has created many implications and given way to much controversy with most objections being raised against the idea of owning life With the use of comparative studies this book discusses the legal agribusiness and public policy issues that connect intellectual property protection with advancements in agricultural biotechnology  
**Trade Marks and Free Trade** Lazaros G. Grigoriadis, 2014-05-06 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

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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 literature concerning the phenomenon of parallel imports in general and the legality of parallel imports of trademarked goods All the views expressed in the book are based on the European Court of Justice s most recent case law and that of the courts of the most important trading partners of the European Union

**The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights** Justin Malbon, Charles Lawson, Mark Davison, 2014-01-31 This Commentary on the WTO Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS provides a detailed textual analysis of TRIPS \_ a pivotal international agreement on intellectual property rights TRIPS sets minimum standards

Maintenance, Replacement and Recycling Mineko Mohri, 2010

**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 cou

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