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Innovation without Patents

Harnessing the Creative Spirit in a Diverse World

Edited by Uma Suthersanen Graham Dutfield Kit Boey Chow

Innovation Without Patents Harnessing The Creative Spirit In A Diverse World

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Innovation Without Patents Harnessing The Creative Spirit In A Diverse World:

Innovation Without Patents U. Suthersanen, Uma Suthersanen, Graham Dutfield, Kit Boey Chow, 2007-01-01 For anyone with an interest in patent law intellectual property law generally and or the interplay of policy and practice at the forefront of an essentially economic but ideology laden area of law this is an excellent work providing much food for thought This work is an excellent addition to the literature in the area and will fuel ongoing debate over reform At the very least it will provide an interesting read for those with an interest in intellectual property law or who practice in the area The practice of law can all too easily exhibit the worst attributes of scholasticism work such as this is an enjoyable remedy and I recommend this book for all those who care to reflect upon the deeper themes of this area of law and who have an interest in the process of debate as opposed to advocacy for a particular position A decent glass of something along with this book makes for an enjoyable few hours at the very least Gus Hazel New Zealand Law Journal The current patent system is both facilitator and stumbling block as the editors recognise and the problems raised by borderline inventions at the margins of patentability as well as the detection and deterrence of free riders reflect this ambiguity The editors are to be congratulated on putting together such a good and enjoyable read complete with a set of conclusions and recommendations ipkat com Clearly written in an accessible style this book brings together economic thinking on innovation and legal thinking on unpatentable invention and sets them in the context of the legal systems in countries in various parts of the world Its great merit is the emphasis on empirical and institutional analysis of theory and practice It should inform IP policy making everywhere Ruth Towse Erasmus University Rotterdam The Netherlands This book asks whether or not protecting unpatentable innovation is a good idea especially for developing countries Edited by well known specialists from the Queen Mary IP Institute and the Singapore IP Academy who have included their own substantial contributions the work contains a number of valuable empirical studies by national experts mainly from the Far East and Latin America on the operation of national utility models and other similar schemes designed to protect innovation outside the patent system The book is essential reading for lawyers economists policy makers and NGOs concerned with how best to encourage national and regional innovation and economic prosperity David Vaver University of Oxford UK Focusing on innovation and development this book easy to read and full of interesting detail provides both valuable insight into the theoretical framework of innovation as supported by intellectual property protection and contains valuable case studies of national systems of innovation in the Pacific Rim States Thomas Dreier University of Karlsruhe Germany This book is concerned with the extent to which innovations should or should not be protected as intellectual property and the implications this has upon the ability of local manufacturers to learn to innovate A question the book considers is how far legal protection should extend to inventions that may only just or indeed not quite meet the conventional criteria for patentability in terms of the level of inventiveness Innovation without Patents offers a thoughtful and empirically rich analysis of the current system in a number of developed and developing countries in the Asia Pacific It asks

whether such innovations should remain free from patenting or whether alternative intellectual property regimes should be offered in such cases and indeed whether the requirements change depending on a country's level of development. This discussion is capped by a number of proposed policy options. The theoretical and practical approaches to intellectual property rights innovation and development policy formulation make Innovation without Patents acceptable.

Patents and Innovation in China and Hong Kong Yahong Li, 2017-10-12 The first book on how patents and innovation interact within the two co-existing patent systems in mainland China and Hong Kong.

The Innovation Society and Intellectual Property Josef Drexler, Anselm Kamperman Sanders, 2019 Intellectual property IP rights impact innovation in diverse ways. This book critically analyses whether additional rights beyond patents trademarks and copyrights are needed to promote innovation. Featuring contributions from thought leaders in the field of IP this book examines the check and balances that already exist in the IP system to safeguard innovation and questions to what extent existing IP regimes are capable of catering to new paradigms of innovation and creativity.

Dutfield and Suthersanen on Global Intellectual Property Law Graham Dutfield, Uma Suthersanen, 2020-01-31 A much anticipated new edition of this acclaimed work on intellectual property IP in its global context. With intelligent and insightful coverage of IP law from international and comparative perspectives this second edition has been thoroughly revised and expanded. This unique textbook presents the main IP rights identifying their basic features and tracing their evolution up to the present day by reference to statutes cases and international treaties.

Trade, Investment, Innovation and their Impact on Access to Medicines Locknie Hsu, 2016-02-12 The last two decades have seen great economic change in Asia and this has impacted upon the vexed question of access to affordable healthcare and medicines in many Asian states. In this book Locknie Hsu examines the issue of access to medicines in Asia from a fresh perspective which embraces trade and investment law innovation intellectual property law competition policy and public health issues. Hsu explores the key evolving legal issues in these areas including ASEAN integration free trade agreement negotiations such as those for the TPP bilateral investment agreements and significant court decisions. The book goes on to present proposals for steps to be taken in addressing access to medicines in Asia and will be useful to academic researchers regulators law makers and global organizations involved in the issues surrounding access to affordable healthcare and medicines.

TRIPS and Access to Medicines Renata Curzel, 2020-12-10 Although ideally a patent system for pharmaceuticals should serve to incentivize research into the development of new medicines the COVID 19 pandemic has exposed the equal importance of drug access and affordability. This book by focusing on the Brazilian rule which makes the grant of pharmaceutical patents dependent on the prior consent of the National Health Surveillance Agency ANVISA shows how the Brazilian model affords an example for other countries to follow in dealing with tensions between patent protection and the right to healthcare. Based on an empirical study in which the author examined 147 reports issued by ANVISA as a basis for its decisions the book deals with such central questions concerning the interface of regulation and innovation in the

patent system as the following compatibility between ANVISA's prior consent mechanism and the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement how evergreening and trivial patents undermine public health and access to medicines ways of correcting abuses of patent rights and controlling quality of patents and the discourse on health as a human right Along with her examination of ANVISA reports the author analyzes how Article 229 C LPI which introduced the need of ANVISA's prior consent to the patent grant of pharmaceuticals in Brazil has been interpreted in Brazilian case law Interviews with Brazilian experts are also included In its commitment to harmonizing patent rights and the right to access of affordable medicines Brazil's patent system for pharmaceuticals stands out as a workable response to the basic problem of access to medicines in the developing world By describing the successes and failures in the Brazilian policy of promoting drug access this book helps policymakers in developing and emerging countries to better explore TRIPS flexibilities when dealing with similar problems and provides practitioners in the law of the World Trade Organization patent law competition law and health law with a guide to how a more equitable pharmaceutical patenting system could work in practice

Innovation in Africa Fernando dos Santos, 2024-01-03 Technology is key to the development of nations yet is not freely or easily accessible This book aims to contribute to the debate about empowering Africa to play a more meaningful role in the global innovation system It emphasizes the important role of technology transfer in assisting Least Developed Countries (LDCs) in Africa to expand their technological capabilities The book surveys IP and innovation policies in Africa's past and present providing theoretical policy and legal frameworks as well as specific measures that will help African LDCs It proposes solutions to overcome challenges currently posed by inefficiencies in the flow of technologies to LDCs and by the fragmentation of the international legal framework that regulates technology transfer Notably the book proposes maximal implementation of the TRIPS Agreement provisions related to technology transfer and recommends the adoption of a uniform international legal instrument under the framework of the WTO to be designated as the Agreement on Trade Related Issues of Technology Transfer and Innovation (TRITTI) The book advocates for proactivity from African LDCs and urges them to cultivate environments that attract and enable technology transfer into their respective states This will facilitate technological learning accelerate absorption and adaptation fit to an African context and will catapult African LDCs down the road of innovation

The Making of Intellectual Property Law in Vietnam Tran Kien, 2025-09-03 This book is about the making of intellectual property law in Vietnam across colonial and socialist space and time from 1864 to 1994 It provides a completely new provoking narrative disproving previously published scholarship which claimed that there was no intellectual property law in Vietnam during the colonial and socialist periods In doing so the book engages with an emerging field of historiographical inquiry into the intellectual property law history in Vietnam and worldwide which investigates how and why the scholarship about the history of intellectual property law has been construed and framed as such within a specific period and space This book is comprised of three knowledge components The first involves the reconstruction of the lost intellectual

property law from 1864 to 1994 in Vietnam doctrinally Relying on newly discovered archives in Vietnam and worldwide it unravels a corpus of statutory and regulatory provisions and interesting at times contradictory juridical decisions that governed and interpreted copyright patent and trademark The second is the historiographical inquiry of the making of the intellectual property law history scholarship in Vietnam This will answer the questions of how and why the particular histories had been construed and framed as such at a particular time This involves the debate about sociopolitical ideologies underlying the meaning and application of the laws most notably colonialism and socialism Finally the third engages with the theory of legal transplantation It addresses a hypothetical question of colonial laboratory as a form of legal transplantation a new concept that this book offers to the global scholarship It demonstrates that the colonial empire had tried to use Vietnam as a laboratory for its legal reform and then transplanted the successful and feasible results back to the empire This book explains the distinctively ideological principles underlying the understanding and application of the law

Patent Law and Theory Toshiko Takenaka, 2009-01-01 The editor of Patent Law and Theory must be congratulated for assembling a concentration of sheer patent law erudition and scholarship The title is a noteworthy compilation of 26 well written remarkably accessible and thought provoking essays that goes to great lengths in charting the contours of contemporary thought over the the world s oldest regularly established property right it manages to accomplish an ambitious endeavour 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 corpus of patent law research is richer with the publication of this title John A Tessensohn European Intellectual Property Review This major Handbook provides a comprehensive research source for patent protection in three major 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

Intellectual Property and Human Development Tzen Wong, Graham Dutfield, 2010-10-21 This book examines the social impact of intellectual property laws It addresses issues and trends relating to health food security education new technologies preservation of bio cultural heritage and contemporary challenges in promoting the arts It explores how intellectual property frameworks could be better calibrated to meet socio economic needs in countries at different stages of development with local contexts and culture in mind A resource for policy makers stakeholders non profits and students this volume furthermore highlights alternative modes of innovation that are emerging to address such diverse

challenges as neglected or resurgent diseases in developing countries and the harnessing of creative possibilities on the Internet. The collected essays emphasize not only fair access by individuals and communities to intellectual property protected material whether a cure, a crop variety, clean technology, a textbook or a tune but also the enhancement of their own capabilities in cultural participation and innovation.

The Oxford Handbook of International Climate Change Law Cinnamon P. Carlarne, Kevin R. Gray, Richard Tarasofsky, 2016-05-12

Climate change presents one of the greatest challenges of our time and has become one of the defining issues of the twenty first century. The radical changes which both developed and developing countries will need to make in economic and in legal terms to respond to climate change are unprecedented. International law including treaty regimes, institutions and customary international law needs to address the myriad challenges and consequences of climate change including variations in the weather patterns, sea level rise and the resulting migration of peoples. The Oxford Handbook of International Climate Change Law provides an unprecedented and authoritative overview of all aspects of international climate change law as it currently stands with guidance for how it should develop in the future. Over forty leading scholars and practitioners set out a comprehensive understanding of the legal issues that surround this vitally important but still emerging area of international law. This book addresses the major legal dimensions of the problems caused by climate change not only in the content and nature of the international legal frameworks which need implementation at the national level but also the development of carbon trading systems as a means of reducing the costs of meeting emission reduction targets. After an introduction to the field, the Handbook assesses the relevant institutions, the key applicable principles of international law, the international mitigation regime and its consequences and climate change litigation before providing perspectives focused upon specific countries or regions. The Handbook will be an invaluable resource for scholars, students and practitioners of international climate change law. It provides readers with diverse perspectives bringing together interpretations from different disciplines, countries and cultures.

Research Handbook on Intellectual Property and Climate Change Joshua D. Sarnoff, 2016-04-29

Written by a global group of leading scholars, this wide ranging Research Handbook provides insightful analysis, useful historical perspective and a point of reference on the controversial nexus of climate change law and policy, intellectual property law and policy, innovation, policy, technology transfer and trade. The contributors provide a unique review of the scientific background, international treaties and political and institutional contexts of climate change and intellectual property law. They further identify critical conflicts and differences of approach between developed and developing countries. Finally, they put forward and analyse the relevant intellectual property law doctrines and policy options for funding, developing, disseminating and regulating the required technologies and their associated activities and business practices. The book will serve as a resource and reference tool for scholars, policymakers and practitioners looking to understand the issues at the interface of intellectual property and climate change.

Health Technologies and International Intellectual Property Law Phoebe

Li, 2013-12-17 The global transmission of infectious diseases has fuelled the need for a more developed legal framework in international public health to provide prompt and specific guidance during a large scale emergency This book develops a means for States to take advantage of the flexibilities of compulsory licensing in the Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS which promotes access to medicines in a public health emergency It presents the precautionary approach PA and the structure of risk analysis as a means to build a workable reading of TRIPS and to help States embody the flexibilities of intellectual property IP The work investigates the complementary roles of the World Health Organization WHO and the World Trade Organization WTO in order to promote the harmonisation of the precautionary approach in relation to the patenting of crucial pharmaceutical products By bringing together international trade law and intellectual property law Phoebe Li demonstrates how through the use of risk analysis and the precautionary approach States can still comply with their legal obligations in international law while exercising their sovereignty right in issuing a compulsory licence of a drug patent in an uncertain public health emergency This book will be of great interest to students and academics of medical and healthcare law intellectual property law international trade law and human rights law The Cambridge Handbook of Investment-Driven Intellectual Property Enrico Bonadio, Patrick Gool, 2023-03-23 This handbook challenges the conventional wisdom that intellectual property is the law of creativity Traditionally IP has been instrumental for protecting creations of the mind with only inventors of original works enjoying exclusive rights Related sui generis and quasi IP rights which protect monetary investments and efforts rather than originality and inventiveness were considered exceptions to the general principles of IP But increasingly IP rights are being granted to safeguard corporate investments This handbook brings together an international roster of contributors to explore this emerging trend Why are investments the primary driver of legal protection and often the main requirement to obtain it Who benefits from such new forms of protection What should the scope of these new rights be And are they desirable in the first place In doing so the volume is the first to highlight and systematically critique the move from intellectual to investment property *Exploiting Intellectual Property To Promote Innovation And Create Value* Joe Tidd, 2017-10-05 There are two traditional views of the role of intellectual property IP within the field of innovation management in innovation management research as an indicator or proxy for innovation inputs or outputs e g patents or licensing income or in innovation management practice as a means of protecting knowledge *Exploiting Intellectual Property to Promote Innovation and Create Value* argues that whilst both of these perspectives are useful neither capture the full potential contribution of intellectual property in innovation management research and practice The management of IP has become a central challenge in current strategies of Open Innovation and Business Model Innovation but there is relatively little empirical work available Theoretical arguments and empirical research suggest that from both an innovation policy and management perspective the challenge is to use IP to encourage risk taking and innovation and that a broader repertoire of strategies is necessary to create and capture the

economic and social benefits of innovation This book identifies how intellectual property can be harnessed to create and capture value through exploiting new opportunities for innovation It is organized around three related themes public policies for IP firm strategies for IP and creating value from IP and offers insights from the latest research on IP strategies and practices to create and capture the economic and social benefits of innovation *Intellectual Property and Sustainable Development* Ricardo Meléndez-Ortiz, Pedro Roffe, 2009 This is a thought provoking book with relevance to a broad readership especially IP practitioners with a strong international focus Australian Intellectual Property Law Bulletin Intellectual property IP has gained an unprecedented importance in the new world of globalization and the knowledge economy However experience as well as cyclical attitudes toward IP show that there is no universal model of IP protection This comprehensive book considers new and emerging IP issues from a development perspective examining recent trends and developments in this area Presenting an overview of the IP landscape in general the contributing authors subsequently narrow their focus providing wide ranging case studies from countries across Africa Asia and Latin America on topical issues in the current IP discourse These include the impact of IP on the pharmaceutical sector the protection of life forms and traditional knowledge geographical indications access to knowledge and public research institutes and the role of competition policy The challenges developing countries face in the TRIPS Plus world are also explored in detail The diverse range of contributions to this thought provoking book offer a wide variety of alternative perspectives on and solutions for the controversial issues surrounding the role of IP within sustainable development As such it will prove a stimulating read for government policy makers trade negotiators academics lawyers and IP practitioners in general UN and other intergovernmental agencies development campaigners and aid agencies environmentalist groups and university students

The Elgar Companion to Intellectual Property and the Sustainable Development Goals Matthew Rimmer, Caroline B. Ncube, Bita Amani, 2024-02-12 Complex geopolitical debate surrounds the role of intellectual property IP in advancing and achieving the UN's Sustainable Development Goals SDGs Summarising and advancing this discourse this prescient Companion is a thorough examination of how IP law interacts influences and impacts each of the seventeen SDGs **EU Trade Mark Law and Product Protection** Lavinia Brancusi, 2023-07-13 This book employs scholarly analysis to ground practical tools for applying the EU Trade Mark law EUTM functionality refusal grounds to address business needs when registering trade marks consisting of product characteristics The study comprehensively examines the absolute grounds for a refusal of registration of functional signs under EUTM It interprets the functionality refusal grounds through objective tests focusing on the pro competition rationale of denying trade mark exclusivity on product features that are technically or aesthetically important for competitors ability to trade in alternative products The work takes a comparative approach looking at the US trade dress functionality doctrine and a law and economics perspective on the role of trade marks and brands in the marketplace It explores how competition rules related to market definition and the substitutability of products

as well as marketing and design findings related to branding and aesthetics could be integrated into the legal assessment of EUTM functionality The volume will be of interest to academics and researchers working in the areas of Intellectual Property Law Trade Mark and Design Law EU Law Comparative Law and Branding Constructing European Intellectual Property Christophe Geiger, 2013 It is no longer possible to practice teach or study purely domestic intellectual property law within Europe European intellectual property norms now structure protection throughout the continent and even beyond Paradoxically what might seem as a simplification of legal rules has created a maze of new complexities substantive institutional and methodological This collection by some of the leading scholars in European IP manages to capture that complexity without sacrificing clarity Canvassing the entire field with a rich array of contributions the book both highlights the roots of European IP law and asks important fundamental questions about where it is going One can only hope that it is read by anyone with a hand in the future development of European IP law Graeme B Dinwoodie University of Oxford UK Christophe Geiger has put together a very fine collection of essays by many of the very best scholars in European intellectual property law The essays explore the basis extent as well as the successes and failings of regional harmonization of trade marks geographical indications copyright designs patents and remedies The celebrated cast of authors naturally discuss in addition to the various directives and regulations on each topic the Treaty provisions on exhaustion of rights and competition and their interpretation relevant provisions on legislative competence Article 17 2 of the Charter other fundamental rights and the growing case law of the Court of Justice There is essential material here for anyone interested in European intellectual property law as well as ideas for the improvement and further development of European IP law Lionel Bently University of Cambridge UK Constructing European Intellectual Property offers a comprehensive assessment of the current state of intellectual property legislation in Europe and gives direction on how an improved system might be achieved This detailed study presents various perspectives on what further actions are necessary to provide the circumstances and tools for the construction of a truly balanced European intellectual property system The book takes as its starting point that the ultimate aim of such a system should be to ensure sustainable and innovation based economic growth while enhancing free circulation of ideas and cultural expressions Being the first in the European Intellectual Property Institutes Network EIPIN series this book lays down some concrete foundations for a deeper understanding of European intellectual property law and its complex interplay with other fields of jurisprudence as well as its impact on a broad array of spheres of social interaction In so doing it provides a well needed platform for further research Academics policymakers lawyers and many others concerned with establishment of a regulatory framework for intangibles in the EU will benefit from the extensive and thoughtful discussion presented in this work **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

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