

PROPRIÉTÉ INTELLECTUELLE

Introduction

Il s'agit d'un cours de droit de la propriété. Le droit de la propriété intellectuelle n'est pas une sous propriété par rapport à la propriété de droit commun de **544 CC**. On observera que l'approche des rédacteurs du Code civil concernant les biens est très foncière, rurale, corporelle et quasiment jamais incorporelle. Quand elle est incorporelle elle n'est jamais intellectuelle. Le Code civil énumère principalement des biens corporels. Les quelques rares allusions à des biens qui pourraient être aujourd'hui couverts par la propriété intellectuelle sont les livres (**533**), les instruments des sciences. Mais ils sont envisagés comme des biens matériels. Un livre n'est pas l'œuvre littéraire, il en va de même pour les biens immeubles. On est avec un Code civil qui ignore la matière grise, les biens intellectuels issus d'un effort humain. Il se contente des biens tangibles qui peuvent être utiles mais jamais à la connaissance en tant que telle. Tout cela n'est pas grave car il existe aujourd'hui un Code de la propriété intellectuelle, 1992, qui consiste en une compilation des textes adoptés par le législateur en réponse aux lacunes du Code civil.

I - Aperçu historique du droit de la propriété intellectuelle

Les deux branches ont évolué de manière autonome.

A - HISTOIRE DE LA PROPRIÉTÉ LITTÉRAIRE ET ARTISTIQUE

1. L'Antiquité

L111-3 CPI. On a une règle fondamentale : « La propriété incorporelle [...] est indépendante de la propriété de l'objet matériel ».

Cette règle a quand même son origine assez loin, même si elle n'était pas formalisée à l'époque. On peut remonter au 4^e / 5^e siècle avant JC, avec l'épisode de la guerre du Péloponnèse, conflit entre deux cités. Elles s'affrontaient à propos de la propriété d'une statue sculptée par un Epidorien dans un bois d'un mobilier qui appartenait à Athènes. Qui doit être propriétaire quand un travail a été effectué sur un matériau appartenant à autrui ? Les athéniens soutenaient que la statue était à eux car le bois était à eux et les Epidoriens disaient que la statue était à eux du fait du travail réalisé dessus. La règle de L111-3 CPI permet de répondre à ce conflit. Il y a **deux propriétés possibles sur un même bien**. Les athéniens sont propriétaires selon **544** et l'Epidorien est propriétaire selon le droit de la propriété intellectuelle. Il faut associer les règles du Code civil et du CPI. Quand on a les deux codes on peut aboutir à cette solution.

Ensuite, le Code civil peut prévoir des dérogations à la division posée. On pourrait concevoir que dans certains cas le travail humain ait une valeur considérablement plus importante que la matière première et il serait possible que des règles confèrent la propriété de l'objet uniquement à l'auteur car dans ces hypothèses le travail serait le principal.

Exemple :

- **546**. La propriété d'une chose donne droit sur tout ce qu'elle produit et sur tout ce qui s'unit accessoirement.
- **565**. On sort de l'indivision selon le principe de l'équité naturelle.
- **567**.

L'inverse est possible, on pourrait concevoir un travail de moindre valeur que la matière première et donc l'application des règles de l'accessoire pourrait permettre de considérer que le propriétaire du matériau doit être propriétaire du tout.

C'est le seul apport de l'Antiquité à la construction de la PI et on comprend que sur un même objet on peut avoir deux propriétés différentes.

2. Le Moyen Âge

Sous l'Ancien Régime la PI n'est pas consacrée en tant que telle mais cette période est intéressante car elle permet de voir l'évolution du droit vers une reconnaissance du droit d'auteur. Au début du Moyen Âge la question ne se pose pas, mais à la fin le concept de droit d'auteur est apparu.

Inventions Cr Ations Salari S Propri T Intellectuelle

Federica Rassu, Giuseppe Grisi



Inventions Créations Salariés Propriété Intellectuelle:

Inventions et créations des salariés Francis Ahner, Jean-Jacques Touati, 2015 La 4e de couverture indique Partant du constat que l'invention du salarié est régie par le Code du travail et le Code de la propriété intellectuelle cet ouvrage met en évidence les débats juridiques complexes liés aux inventions et autres créations des salariés donnant lieu à un contentieux nourri. Les différents aspects du droit des inventions sont ici envisagés qu'il s'agisse du classement des inventions de mission ou hors mission de la définition et des contours de la relation contractuelle employeur salarié de la reconnaissance de la valeur créée par et pour l'entreprise ou encore de l'obligation d'une rémunération supplémentaire ou d'une indemnisation au juste prix selon les cas. Sont également abordés les inventions en matière informatique logiciels le droit d'auteur sur la création des œuvres multimédias la fiscalité des inventions de salariés sans oublier les inventions des agents publics. Toute la richesse de l'ouvrage repose sur une analyse des principes et des règles qui sous-tendent le droit des inventeurs salariés en les accompagnant d'une jurisprudence exhaustive.

Les droits de propriété intellectuelle des personnes publiques en droit français Catherine Blaizot-Hazard, 1991 La richesse d'une Nation se mesure aujourd'hui au génie de ses créateurs. Cette phrase placée par Catherine Blaizot-Hazard en préface de sa thèse peut-elle seule énoncer la philosophie des droits de propriété intellectuelle qui protègent ces créations prennent une place sans cesse croissante dans l'économie d'un État. Dès lors une double interrogation de départ est posée : les personnes publiques collectivités territoriales établissements publics et groupements d'intérêt public qui jouent un rôle prépondérant dans ce domaine sont-elles assimilables aux salariés de droit privé ? La question fondamentale à laquelle cet ouvrage est venu répondre est ainsi la suivante : un droit conçu pour des opérateurs privés peut-il s'appliquer des opérateurs publics ? Cette fin de l'ouvrage détermine les procédés d'obtention des droits et par voie de conséquence leur tendue aussi bien pour les droits d'auteur créations littéraires et artistiques traditionnelles mais aussi logiciels banques de données que pour les droits de propriété industrielle brevets d'invention certificats d'obtention végétale dessins et modèles topographies de produits semi-conducteurs les puces et le régime juridique applicable ces droits redevances versées au profit des personnes publiques avec éventuellement une obligation de reversement aux agents exercice du droit moral si décliné pour des personnes de droit privé d'termination des juridictions compétentes et des actions contentieuses protectrices de ces droits. Un ouvrage qui part de conclusions techniques ponctuelles donne une réponse doctrinale à l'un des problèmes les plus cruciaux du droit actuel et qui ainsi s'avère indispensable aussi bien aux théoriciens qu'aux praticiens.

Business Innovation and the Law Marilyn J. Pittard, Ann Louise Monotti, John Duns, 2013-01-01 Business Innovation and the Law analyses the topical issue of protecting and promoting business research and development. It does so by examining business innovation through the lens of different legal disciplines: intellectual property, labour and employment laws, competition and corporate laws. Evaluating the impact of each of these areas using discipline-specific and industry perspectives, the book also explores questions about whether a more harmonized approach is necessary to provide appropriate protection. Approaches of the

common law and civil jurisdictions particularly the European Union inform and provide guidance to the analysis of emerging issues in this field This book provides insights into various approaches taken by both common law and civil law jurisdictions regarding the increasingly blurred line of ownership rights in innovative industries It traverses various disciplines of law as well as jurisdictions Using interdisciplinary perspectives to business innovation and inter jurisdictional comparisons and analysis this book will appeal to university administrators responsible for intellectual property policy managers of technology transfer offices in universities intellectual property lawyers labour and employment lawyers and competition lawyers

Intellectual Property Law in France Nicolas Bouche, 2020-01-14 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph provides a survey and analysis of the rules concerning intellectual property rights in France It covers every type of intellectual property right in depth copyright and neighbouring rights patents utility models trademarks trade names industrial designs plant variety protection chip protection trade secrets and confidential information Particular attention is paid throughout to recent developments and trends The analysis approaches each right in terms of its sources in law and in legislation and proceeds to such legal issues as subject matter of protection conditions of protection ownership transfer of rights licences scope of exclusive rights limitations exemptions duration of protection infringement available remedies and overlapping with other intellectual property rights The book provides a clear overview of intellectual property legislation and policy and at the same time offers practical guidance on which sound preliminary decisions may be based Lawyers representing parties with interests in France will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative intellectual property law

Employees' Intellectual Property Rights Sanna Wolk, Kacper Szkalej, 2016-04-24 In today's knowledge based global economy most inventions are made by employed persons through their employers research and development activities However methods of establishing rights over an employee's intellectual property assets are relatively uncertain in the absence of international solutions Given that increasingly more businesses establish entities in different countries and more employees co operate across borders it becomes essential for companies to be able to establish the conditions under which ownership subsists in intellectual property created in employment relationships in various countries This comparative law publication describes and analyses employers acquisition of employees intellectual property rights first in general and then in depth This second edition of the book considers thirty four different jurisdictions worldwide The book was developed within the framework of the International Association for the Protection of Intellectual Property AIPPI a non affiliated non profit organization dedicated to improving and promoting the protection of intellectual property at both national and international levels Among the issues and topics covered by the forty nine distinguished contributors are the following different approaches in different law systems choice of law for contracts harmonizing international jurisdiction rules conditions for recognition and enforcement of foreign judgments employees rights in copyright semiconductor chips inventions designs plant varieties and utility models on

a country by country basis employee remuneration right parties duty to inform and instances for disputes With its wealth of information on an increasingly important subject for practitioners in every jurisdiction this book is sure to be put to constant use by corporate lawyers and in house counsel everywhere It is also exceptionally valuable as a thorough resource for academics and researchers interested in the international harmonization of intellectual property law **Reforming Intellectual Property** Ghidini, Gustavo, Falce, Valeria, 2022-09-06 Reforming Intellectual Property brings together 19 of the world's leading scholars in the field to offer their unique insight into the future of intellectual property Providing a diverse array of perspectives on the most pressing reforms needed in the current IP regime whether in terms of legislation at national and international levels or interpretation of existing law this exceptional book highlights the key issues in this area and sets out an agenda for future research and policy *La titrisation des actifs intellectuels* Alexandre Quiquerez, 2013-05-23 Quel lien existe-t-il entre la titrisation et David Bowie A priori aucun La crise des subprimes contribue renforcer l'image de la titrisation d'après laquelle il s'agirait d'un montage complexe de transformation de créances de prêts en titres financiers En revanche on connaît moins les titrisations de droits de propriété intellectuelle dont David Bowie a été l'un des pionniers dans les années 90 L'objectif de cet ouvrage est de vérifier si la titrisation est applicable aux droits de propriété intellectuelle droits d'auteur brevets marques ainsi que de rechercher les avantages et les risques d'une telle opération la fois souple et accueillant la garde de la propriété intellectuelle le droit luxembourgeois de la titrisation sert de point de départ de ces recherches tout en étant mis en regard avec d'autres systèmes juridiques en particulier le droit français et le droit américain Le mariage de la titrisation et de la propriété intellectuelle invite non seulement concevoir la titrisation comme un mécanisme de financement transposable tout actif mais aussi envisager les droits de propriété intellectuelle comme de véritables actifs Ouvrage publié avec le concours du Fonds national de la recherche Luxembourg et avec le soutien de l'Association française de droit des affaires et gestion des entreprises Prix de thèse Université du Luxembourg UBS 2012 **Expropriation by Law** Christian Bessy, 2024-02-12 Placing himself at the crossroads of economics law and sociology Christian Bessy investigates the contemporary transformation of intellectual property rights IPR with the emergence of new conventions for their valuation He demonstrates how entities previously considered inappropriate have now become the object of property rights by means of a creeping legal codification and generate inequalities **Le droit du design** Isabelle Marcus Mandel, Tamara Bootherstone, Pierre Massot, 2012-08-29 Souvent réduit sa seule composante esthétique le design est avant tout un élément de différenciation marketing et une source de valeur ajoutée économique pour les entreprises L'intérêt de protéger le design est donc crucial aussi bien pour l'entreprise exposée la contrefaçon que pour le designer lui-même qui vit de ses créations Cet ouvrage critiqué par des juristes spécialisés donne aux différents acteurs du design toutes les clés pour protéger et défendre leurs créations en s'attachant particulièrement aux contrats et aux recours judiciaires Il est illustré de nombreux cas concrets issus des différents domaines du design produit service marque architecture **La propriété intellectuelle au Luxembourg** Thierry

Bovier, Bernard David, Pierre Kihn, Olivier Laidebeur, 2018-11-27 Toutes les entreprises créent de la propriété intellectuelle parfois sans s'en rendre compte Aujourd'hui dans l'économie du savoir la propriété intellectuelle est un atout stratégique et indispensable pour assurer le développement et la pérennité d'une entreprise Mais il faut impérativement penser protéger cet atout en créant des droits reconnus de propriété intellectuelle La propriété intellectuelle au Luxembourg propose la fois des bases de réflexion et des points d'action pratiques sur les modalités de mise en œuvre de la propriété intellectuelle dans une entreprise et explique les avantages fiscaux et autres qui peuvent en résulter *Ajoutez de la valeur à vos innovations, protégez-les!* Stéphanie Koch, 2011

Droit de la propriété industrielle. 8e éd. Jacques Azéma, Jean-Christophe Galloux, 2017-09-06 Depuis la 7e édition datée de 2012 la matière s'est enrichie de nombreux éléments Tout d'abord la fin de l'année 2012 a vu l'adoption du paquet brevet comportant deux règlements et une convention mettant en place la Juridiction Unifiée du Brevet au plan européen Tout récemment à la fin décembre 2015 le paquet marque composé d'une nouvelle directive d'harmonisation que les États membres devront transposer et d'une importante modification du règlement sur la marque communautaire appelée désormais marque européenne Enfin les moyens de lutte contre la contrefaçon ont été améliorés au plan communautaire par la promulgation en 2013 d'un nouveau règlement sur le concours des autorités douanières et en droit interne par la loi du 11 Mars 2014 modifiant et complétant sur ce point les dispositions du Code de la Propriété intellectuelle Complètement refondu et dont les développements sont largement augmentés le présent ouvrage étudie successivement les droits sur les créations industrielles brevet d'invention savoir-faire dessins et modèles industriels et les droits sur les signes distinctifs marque de nomination sociale enseigne et nom commercial tant en ce qui concerne l'obtention de ces droits que leur exploitation Cet ouvrage garde outre l'analyse des contrats ayant pour objet les techniques brevetées ou non les auteurs examinent l'incidence sur eux du droit français et communautaire de la concurrence La transposition de la directive contrefaçon a conduit regrouper dans une troisième partie les règles concernant aujourd'hui de façon largement harmonisée la protection des droits de propriété industrielle

Les propriétés intellectuelles Dupuis Michel, 2017-01-10 Cet ouvrage consacré aux propriétés intellectuelles a pour objet de donner aux étudiants toutes les connaissances nécessaires et approfondies pour maîtriser cette matière aussi riche qu'intéressante L'ouvrage se compose de deux parties principales l'une consacrée à la propriété littéraire et artistique l'autre à la propriété industrielle les deux branches de la propriété intellectuelle Dans sa première partie l'ouvrage traite des objets de la propriété littéraire et artistique des mécanismes d'attribution du droit d'auteur et des droits voisins leurs titulaires des prérogatives de la propriété littéraire et artistique et de leurs exceptions et enfin de la gestion et de la protection de ces droits La seconde partie de l'ouvrage est consacrée aux créations industrielles et aux signes distinctifs de l'entreprise

Fiches de droit de la propriété intellectuelle Bernault Carine, Clavier Jean-Pierre, 2016-07-26 le contenu 39 fiches de cours pour couvrir tout le cours de Droit de la propriété intellectuelle les définitions connaître les erreurs éviter les points essentiels retenir des exercices corrigés pour vérifier ses connaissances 95 QCM 15 questions de cours 4 cas pratiques

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Entrepreneuriat Michel Coster, 2009-08-28 Toutes les dimensions de l entrepreneuriat marketing strat gique financi re et humaine Les enseignants de l EM Lyon nous livrent ici la synth se de leurs exp riences p dagogiques et professionnelles

Lois et trait s de propri t intellectuelle, 1998-07 **Les droits de propri t intellectuelle sur les inventions et crations des chercheurs salari s** Acad mie des sciences (France), 2001

Droit commercial - Licence, Master Thierry Leobon, Christophe Sinnassamy, 2023-12-22 Cet ouvrage est une vision d ensemble du droit commercial en tenant compte de toutes les volutions r centes de la mati re Y sont successivement pr sent s l activit commerciale et les biens de l entreprise les actes de commerce le statut de commer ant et ses obligations ainsi que les diff rents l ments qui composent le fonds de commerce client le droit de propri t industrielle bail commercial Les op rations dont il peut faire l objet vente location g rance nantissement sont galement analys es Ce livre est avant tout destin aux tudians de licence en droit ou d coles de commerce mais il peut galement tre utile tous ceux qui recherchent une r ponse claire et rapide aux questions qu ils se posent propos de l entreprise commerciale

Annales de la propri t industrielle, artistique et litt raire, 1872 **Perspectives nouvelles du droit** Federica Rassa, Giuseppe Grisi, 2020-06-23 Il 26 settembre 2019 si svolta nell Universit di Poitiers la seconda edizione del seminario dottorale italo francese promosso dal Dottorato di ricerca in Discipline giuridiche dell Universit degli Studi Roma Tre e all cole doctorale Droit et Science Politique Pierre Couvrat delle Universit di Poitiers e Limoges Attorno alle nuove prospettive del diritto temi metodi e storiografia in Italia e in Francia si sviluppato un dialogo ricco vivace e assai interessante tra diverse culture giuridiche aperto a tutte le discipline del diritto i giovani studiosi che lo hanno animato hanno cos avuto l occasione di incontrarsi conoscersi e presentare i risultati delle loro ricerche Questo volume che raccoglie gli atti del seminario la concreta testimonianza dell importanza del confronto culturale interdisciplinare momento fondamentale di formazione e di

crescita oltre che di affinamento dell'attività di ricerca DOI 10.13134/979.12.80060.31.0

The Top Books of the Year
Inventions Cr Ations Salari S Propri T Intellectuelle
The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels enthralling the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the engaging narratives that have enthralled audiences this year.

Inventions Cr Ations Salari S Propri T Intellectuelle : Colleen Hoovers "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph.

Inventions Cr Ations Salari S Propri T Intellectuelle : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery.

Inventions Cr Ations Salari S Propri T Intellectuelle : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting.

These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered.

The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts.

The Secret History is a exceptional and gripping novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

http://www.armchairempire.com/About/uploaded-files/Documents/Manual_Sanyo_Super_Showerwave.pdf

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Inventions Cr Ations Salari S Propri T Intellectuelle Introduction

In this digital age, the convenience of accessing information at our fingertips has become a necessity. Whether its research papers, eBooks, or user manuals, PDF files have become the preferred format for sharing and reading documents. However, the cost associated with purchasing PDF files can sometimes be a barrier for many individuals and organizations. Thankfully, there are numerous websites and platforms that allow users to download free PDF files legally. In this article, we will explore some of the best platforms to download free PDFs. One of the most popular platforms to download free PDF files is Project Gutenberg. This online library offers over 60,000 free eBooks that are in the public domain. From classic literature to

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