



Rethinking Intellectual Property

Balancing Conflicts of Interest in the Constitutional Paradigm

Rethinking Law series

Gustavo Ghidini, Professor, University of Milan and University LUISS Guido Carli, Rome, Italy

Intellectual property law is built on constitutional foundations and is underpinned by the twin freedoms of freedom of expression and freedom of economic enterprise. In this thoughtful evaluation, Gustavo Ghidini offers up a reconstruction of the core features of each intellectual property paradigm, including patents, copyright, and trademarks, suggesting measures for reform to allow intellectual property to become socially beneficial for all.

'Professor Gustavo Ghidini has produced an original detailed study of the whole system of intellectual property law as it is changing in the light of new technologies and new commercial strategies. His new approach provides a critical study of how each constituent element of the IP "system" (patent, trademark and copyright) contains "pro-competitive antibodies" which limit as well as bestow the exclusivity of the individual IP right. He also analyses in depth the related intersections between IP and competition law and unfair competition law. The depth and the comprehensiveness of the research underpinning Ghidini's analytic framework make this book a gem for legal practitioners and academics.'

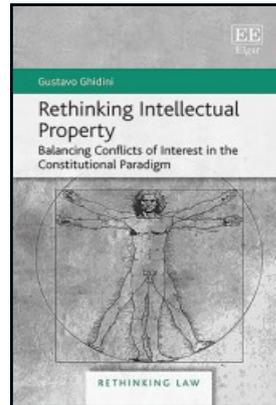
– Steven Anderman, University of Essex, UK

'With his new book Gustavo Ghidini presents the systematic sum of his work on the functional interdependence between intellectual property (patents, copyrights, trademarks) and the constitutional freedoms of access to knowledge, competition, and consumer choice and protection. Far more than an invitation merely to rethink the foundations and reach of intellectual property, he offers both a fresh and convincing methodology and a circumspect guide to understanding and applying intellectual property in the context of accelerated technological change, highly dynamic competition, and increasingly complex conflicts of interests. The book is a challenge and a promise of reward.'

– Hanns Ullrich, Max Planck Institute for Innovation and Competition, Germany

'This book will be immensely useful for academics, advanced researchers and high-level policy makers who also know the contours of the landscape and are able to see the trees as well as the forests of his complex ecosystem. In particular, the way that Professor Ghidini takes an issue and re-orientates it is particularly enlightening.'

– Queen Mary Journal of Intellectual Property



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