Constructing European Intellectual Property

Achievements and New Perspectives

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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.

'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