

Intellectual Property and the Judiciary

European Intellectual Property Institutes Network series

Edited by Christophe Geiger, Professor of Law and Director of the Research Department, Centre for International Intellectual Property Studies (CEIPI), University of Strasbourg, France, Craig Allen Nard, Galen J. Roush Professor of Law and Director, Spangenberg Center for Law, Technology and the Arts, Case Western Reserve University School of Law, Ohio, US and Xavier Seuba, Associate Professor of Law, Centre for International Intellectual Property Studies (CEIPI), University of Strasbourg, France

Intellectual Property and the Judiciary explores the role of the judiciary in the elaboration and interpretation of intellectual property law, exploring how IP doctrine and policy are developed and the manner in which judges construct and apply norms in different court systems. The authors engage in a comparative exploration of various national, European and international judiciaries and appraise the competing and complementary roles of governing bodies. The book offers an examination of both common law and civil law traditions in the context of judicial treatment of intellectual property.

'Readers may recall that this title won Best IPKat Book of the Year Award 2018, and now we know why – its in-depth, thorough and substantive comparative analysis of the IP courts from leading experts, offers unique insights into the challenges that IP Judges face in global IP adjudication such as the rapidly evolving markets, social implications and ethical dilemmas. This book would appeal to any IP practitioner, lawyer, academic, or student interested in IP enforcement in general and in particular in the area of Patent enforcement.'

– Hayleigh Boshier, IPKat

'This is an excellent book that contains many interesting contributions.'

– Richard Arnold, Journal of Intellectual Property Law & Practice

'This book fills a gap in IP law. There are many publications on substantive and procedural law in IP litigation. But it was impossible to find a book that addresses the role of the judiciary in IP like this one does. It provides unique insights into the matter from a variety of angles. It brings together editors and authors from the bench, the bar and academia coming from all over Europe, the US and Japan. This book is a must-have for everyone who has an interest in international IP litigation.'

– Klaus Grabinski, Justice, Federal Court of Justice (Bundesgerichtshof), Germany

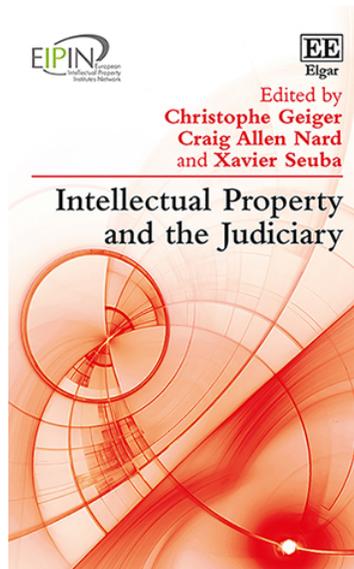
'This volume makes an important contribution to our understanding of the contours of intellectual property protection through a critical examination of the global trend to adjudicate IP disputes in specialized courts. The editors have assembled an extraordinary group of scholars, practitioners and judges to compare their experiences with various adjudicatory structures.'

– Rochelle Dreyfuss, New York University, School of Law, US

'This well-chosen collection of scholarly, but readable, papers resonates with the work of the WIPO Advisory Committee on Enforcement, where Member States are exchanging experiences on resolving IP disputes in a balanced, holistic and effective manner. It will surely advance the global debate on judicial specialization and institutional arrangements.'

– Louise van Greunen, World Intellectual Property Organization (WIPO), Switzerland

'Whether criticized as "activist" judges or applauded for their rulings, adjudicating IP is never an easy task. Judges must face complex IP laws, rapidly evolving markets, as well as fundamental



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social implications and ethical dilemmas. In this book, leading scholars from around the world provide a comprehensive picture of these challenges, offering valuable insights regarding global IP adjudication.'

– Raquel Xalabarder, The Open University of Catalonia, Spain

'Intellectual Property and the Judiciary is a milestone. The in-depth analysis of judiciary practice ranges from typical intellectual property settings to human rights and dispute settlement contexts. It compares national, regional and international experiences. The book is an absolute must for all practitioners and academics seeking to understand the dynamics of judicial decision-making in the field.'

– Martin Senftleben, Vrije Universiteit Amsterdam, the Netherlands

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