The Object and Purpose of Intellectual Property

ATRIP Intellectual Property series

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Much of the debate around the parameters of intellectual property (IP) protection relates to differing views about what IP law is supposed to achieve. This book analyses the object and purpose of international intellectual property law, examining how international agreements have been interpreted in different jurisdictions and how this has led to diversity in IP regimes at a national level.

‘The book boasts numerous strengths . . . the authors of the book, under the masterful baton of Susy Frankel, succeed in providing not only valuable contributions to the IP scholarship, but also an up-to-date, highly informative, methodologically sound and thought-provoking perspective on the goals of modern globalised IP laws.’

– Giulia Priora, European Intellectual Property Review

‘This book serves as an important contributor to debates concerned with how to calibrate national and international IP regimes to suit pertinent objectives. Scholars, lawmakers, and policy-makers in the IP space will find the book accessible and relevant.’

– Chijioke Okorie, The South African Law Journal

‘Understanding the objects and purposes of intellectual property laws is important for any number of different reasons. The objects and purposes serve to justify the intrusion that intellectual property law makes into the untrammeled operation of the market. As such, they help frame policy debates about the enactment and calibration of IP rights as well as inform the critique of existing law. But the objects and purposes are also used by national or regional courts such as the Court of Justice of the European Union deploying teleological or purposive approaches to interpretation. And at the international level, objects and purpose are a core feature of the Vienna Convention on the Law of Treaties, as the editor has explored extensively in her own work. This book offers an illuminating glimpse into a variety of these important roles, using examples drawn from across the entire range of intellectual property and from across the globe. As a whole, the book thus presents important critical analysis of why and how we protect intellectual property’