


Fawcett & Torremans on Intellectual Property and Private International Law (2nd edn)

James Fawcett (Nottingham) and Paul Torremans (Nottingham) have  published the second edition of their monograph on **Intellectual Property and Private International Law** (2011, OUP). The blurb:

- *Offers a comparative approach of private international law and intellectual property law and assesses how these disciplines impact on and co-operate with the other*
- *A new edition of a major work by top figures in the field which was the first full account in the legal literature and remains the only significant systematic treatment*
- *Addresses the large number of intellectual property cases that now involve foreign law, particularly in commercial courts and which are now of increasing significance to practitioners*

New to this edition

- *Updated to take into account the replacement of the Brussels Convention by the Brussels I Regulation*
- *Updated to take into account the introduction of the Rome II Regulation dealing with the applicable law in relation to non-contractual obligations*
- *Includes coverage of the extensive case law from national courts and the ECJ*
- *Brings case law on the issue of the Community Trade Mark and Directive up to date*
- *Includes all the major new Directives, eg implementing the WIPO treaties 1996*
- *Considers the development of the case law on the interaction between trade marks and domain names*
- *New chapters added; jurisdiction and validity of rights; jurisdiction, the internet and intellectual property rights; current proposals for*

jurisdictional reform; choice of law and the internet; reform in relation to the applicable law

- *Fully updated and substantially rewritten to take account of the many major changes in the law over the past ten years*

Intellectual property has traditionally been regulated on a territorial basis. However, the protection and commercial exploitation of intellectual property rights such as patents, trade marks, designs and copyright occurring across borders are now seldom confined to one jurisdiction. This book considers how the introduction of a foreign element inevitably raises potential problems of private international law, ranging from establishing which court has jurisdiction and which is the applicable law to securing the recognition and enforcement of foreign judgments.

The Internet has brought a significant increase in the scale of this phenomenon and valuable new chapters have been added to this edition to reflect this. Nationally protected trade marks are now used globally on websites and copyright material is distributed, communicated and copied in a world without borders. Patents have already been licensed on a transnational basis for several decades. All this raises questions of jurisdiction and applicable law. The well-respected and expert author team address such questions as; which court will have jurisdiction to deal with the issues arising from intellectual property rights and their exploitation in an international context? And which national law will the court with jurisdiction apply? Private international law questions increasingly arise and the two disciplines that previously operated in different spheres are increasingly obliged to co-operate.

Although such issues are becoming increasingly important, a dearth of literature exists on the subject. Fawcett and Torremans remedy that neglect and provide a systematic and comprehensive analysis of the topic that will be welcomed by practitioners and scholars alike.

Chapter 4 is available as a sample PDF. You can purchase it from Amazon UK for £185.25, or from OUP for £195.