

Publication: Intellectual Property in the Conflict of Laws



There is a new book on intellectual property and conflict of laws, written by *Sierd J. Schaafsma*:

Here is the summary:

The interface between intellectual property and conflict of laws is a notorious difficult subject.

A recent study puts the subject in a new light. In his recently published book, Sierd J. Schaafsma deals with the fundamental and controversial question whether the two most important intellectual property treaties (the Berne Convention 1886 and the Paris Convention 1883) contain a conflict-of-law rule.

The study reveals that the principle of national treatment in these treaties does indeed contain a conflict-of-law rule: an exclusive lex loci protectionis-rule, covering all aspects of the protection of IP-rights. The explanation given for this seems to be new. It provides a comprehensive and consistent interpretation of the respective provisions in the treaties, and it explains why we no longer understand this conflict-of-law rule today. The study provides, in addition, several new insights into the conflict of laws, aliens law, and the relationship between these two fields of law.

S.J. Schaafsma, Intellectual Property in the Conflict of Laws; the hidden conflict-of-law rule in the principle of national treatment. Kluwer Publishers 2009, 564 pages, Hardcover 59 EUR, ISBN 9789013065916. See Kluwer and Leiden University. The book is written in Dutch, with summaries in English and French. The possibilities for a translation of the book are currently being examined.