

1. Record Nr.	UNINA9910433258303321
Autore	Kono Toshiyuki
Titolo	Intellectual property in the global arena [[electronic resource]] : jurisdiction, applicable law, and the recognition of judgments in Europe, Japan and the US // edited by Jurgen Basedow, Toshiyuki Kono, and Axel Metzger
Pubbl/distr/stampa	Tubingen, : Mohr Siebeck, c2010 Tübingen, : Mohr Siebeck, 2010
ISBN	1-280-03515-3 9786613515506 3-16-151296-0
Edizione	[1. Aufl.]
Descrizione fisica	1 online resource (415 p.)
Collana	Materialien zum ausländischen und internationalen Privatrecht - Band 49 ; ; v.49 Materialien zum ausländischen und internationalen Privatrecht, , 0543-0194 ; ; 49
Altri autori (Persone)	BasedowJurgen <1949-> KonoToshiyuki MetzgerAxel <1971->
Soggetti	Intellectual property (International law) Intellectual property - Europe Intellectual property - Japan Intellectual property - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Cover; Preface; Table of Contents; Contributors; Part 1: Foundations; JURGEN BASEDOW: Jurgen Basedow Foundations of Private International Law in Intellectual Property; I. Introduction; II. Intellectual Property: An Oscillating Concept; III. Territoriality; IV. Globalization and Intellectual Property; V. Intellectual Property and Neighboring Categories of Law; VI. A Survey of Choice-of-Law Principles; 1. Lex loci protectionis; 2. Lex originis; 3. Lex contractus; 4. Lex fori; VII. Initial Ownership; 1. Positive Law; 2. Inconvenience of the lex loci protectionis 3. The Solution: The lex contractus or Party AutonomyVIII. Multi-State Infringements; 1. Basic Principle: lex loci protectionis; 2. Unitary IP

Rights; 3. Ubiquitous Infringements; IX. Conclusion; FRANCOIS DESSEMONTET: Francois Dessemontet The ALI Principles: Intellectual Property in Transborder Litigation; I. Introduction; II. History and ambitions; III. Jurisdiction; 1. Personal jurisdiction; 2. Subject matter jurisdiction; 3. Consolidation and coordination; IV. Applicable Law; 1. Territoriality; 2. Title to IP rights; 3. Transfers and licenses V. Recognition and enforcement of foreign judgments 1. Mandatory grounds to refuse recognition and enforcement; 2. Optional grounds to refuse recognition and enforcement; VI. Conclusion; PAULIUS JURCYS and SIMON VANDLE WALLE: Summary of Discussion on Foundations; Part 2: Jurisdiction; CHRISTIAN HEINZE: A Framework for International Enforcement of Territorial Rights: The CLIP Principles on Jurisdiction; I. Introduction; II. The past: Strict territoriality of intellectual property litigation; III. The present: Rise and fall of cross-border enforcement under the Brussels regime IV. A (possible) future: The CLIP Principles 1. General jurisdiction; 2. Exclusive jurisdiction; 3. Special jurisdiction; a) Infringement; b) Contractual claims; c) Multiple defendants; 4. Prorogation of jurisdiction; 5. Provisional measures; V. Conclusion; SHIGEKI CHAEN/TOSHIYUKI KONO/DAI YOKOMIZO: Jurisdiction in Intellectual Property Cases: The Transparency Proposal; I. Introduction; II. International Jurisdiction Concerning Existence, Registration, Validity, and Ownership of Intellectual Property Rights; 1. General Remarks; 2. The Current State of Japanese Law a) Actions Concerning Validity of IP Rights b) Actions Concerning Registration of IP Rights; 3. International Situation; 4. International Jurisdiction over Actions Concerning the Validity or Existence of IP Rights; a) Actions Concerning the Validity of IP Rights; b) Actions Concerning the Existence of IP Rights; 5. International Jurisdiction over Actions Concerning the Registration or Ownership of IP Rights; a) Actions Concerning the Registration of IP Rights; b) Actions Concerning the Ownership of IP Rights III. International Jurisdiction over Actions Concerning Intellectual Property Contracts

Sommario/riassunto

Hauptbeschreibung The private international law of intellectual property is currently much debated both in Europe and abroad. Art. 8 of the Rome II Regulation of 2007, which codifies a territorial approach for the infringement of intellectual property, has provoked an intensive discussion in Europe as to whether the lex loci protectionis is still appropriate for intellectual property litigation in the age of worldwide networks. A condensed outcome of this debate is summarized in the ""Principles for Conflict of Laws in Intellectual Property"" (CLIP Principles) drafted by the European