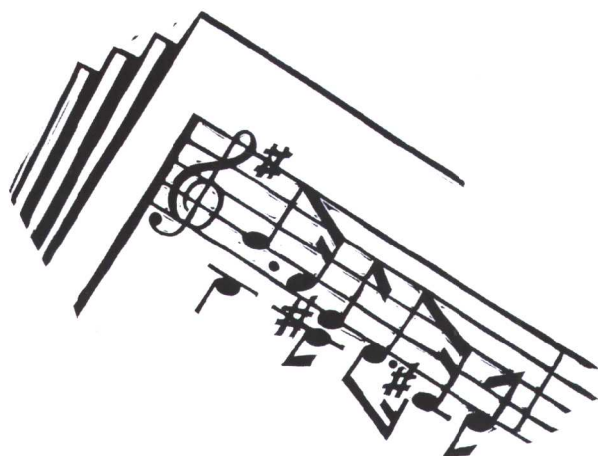


Palgrave MacMillan Law Masters

麦克米伦法学精要丛书·影印本



【英】蒂娜·哈特

【英】琳达·法赞尼

Tina Hart
& Linda Fazzani

知识产权法

INTELLECTUAL
PROPERTY LAW

第二版

2nd edition



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Tina Hart, Linda Fazzani

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出版说明

1843年,来自苏格兰的麦克米伦兄弟在英国创立了麦克米伦出版社,筚路蓝缕,以启山林。一百多年来,这家出版社早已发展成为国际知名的跨国出版集团,以出版学术著作和高等教育教材而享有盛誉,其包括法学在内的人文社会科学出版物更是广有嘉声。

麦克米伦法学精要丛书是麦克米伦近年来重点推出的一套法学教材。风格明晰简约,内容深浅适中。丛书以方便学生学习为目标,阐发原理,评介法律;析解制度,品读案例;引导思考,提供练习。既适用于专业课程的学习,也有助于职业技能的改进,受到学生与教师的广泛欢迎。对我们非英语国家的学生和研究者来说,这样一套教材恰好是学习、了解英语国家法学和提高法律英语水平的极好读物。

法律出版社作为中国最大的法律图书出版机构,一直致力于法律图书的全品种出版。2002年,成立专门的法律教育出版中心,将服务于中国法律教育事业的发展引为重责。在从事法律教育出版的过程中,我们一直认为,中国学子不仅应该阅读中文法学教材,通过母语了解本土或域外法学知识,同时也应该眼界高远,进一步阅读外文法学教材与文献,在原汁原味中学取域外知识,提升专业水平,适应日益全球化的现实需要。1999年,本社曾经出版英文影印本的美国法精要系列丛书,受到佳评。如今,我们再次引进这套麦克米伦法学精要丛书,影印出版,期冀于在中文教材之外,为广大学子和研究人员进一步提供优秀英文教材读物,谨献绵薄之力,给进步中的中国法治事业和进步中的中国年轻一代。

本书为《知识产权法》。和同类英国的教材或者专著比较,本书显得简明得多,短小得多,易懂得多,也精确得多。

就其大体内容而言,本书涉及专利法、商标法、版权法和竞争法。在专利法部分,也讨论商业秘密保护;在商标法部分,也讨论集体商标和证明商标;在版权法部分,也讨论数据库、表演者权和注册外观设计

和未注册的设计。本书既讲述了英国相关法律的内容,也讲述了相应的国际法,比如保护工业产权巴黎公约、专利合作条约、商标国际注册马德里协定等等。由于现今时代是一个网络时代,本书也专门设置一篇讨论知识产权和因特网的问题。

就其课文而言,每章由正文、小结和习题三部分组成。以其中第2章为例,第2章有2.1—2.6六节,这是正文;章后附加的,是各节相应的小结,点明相应章节的论题;此外有四个习题,该类习题,在正文中都能找到完整的回答——当然不是逐字逐句的。这样安排,可以让读者做到自我检测。

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Preface

Since the first edition of this book, there has been one new major piece of intellectual property legislation, the Databases Regulations 1998, which has created a new *sui generis* right protecting databases. This in itself would have merited a new edition, so rare is it that a new type of right is created by the legislature. In addition, there has been the expected case load, adding to our understanding of existing legal rights and concepts, with some particularly interesting developments arising from the exploitation of intellectual property over the Internet. Two new chapters are included in this second edition to deal with databases and with intellectual property on the Internet. Since completion of the final manuscript for this edition, there have been two developments which we would like to draw to the reader's attention. First, the Copyright Directive referred to in Chapter 25 has now reached the point where a formal common position is close to being adopted and, subject to a second reading by the European Parliament, the Directive should be passed and will need to be implemented in all national legislation within two years of its adoption. Second, Directive 98/84/EC on the legal protection of services based on or consisting of conditional access (referred to in Chapter 26) has now been implemented into English law by the Conditional Access (Unauthorised Decoders) Regulations 2000 – these Regulations came into force on 28 May 2000.

We would like to thank those people who have assisted in the production of the second edition. Linda would like to thank Barbara Newstead (for typing the additional material), Samantha Wall and Adam Price (for checking case references and the progress of draft legislation), John Sipling (for input on the changes to competition law), Lucy Manson and Brett Lyons (for input on the new material and cases on trade marks and comparative advertising), her husband, Ian, for his encouraging comments about how useful he, as a lawyer, has found the first edition as a first port of call on intellectual property questions and her son, Callum, for not drawing all over the proofs! Tina would like to thank her colleagues in the Law Division of the University of Derby for their general advice and continuing support, her mother Josephine Hart (for continuing to be her unpaid nanny and housekeeper), husband Martyn for moral support and her children Martyn Junior and Josephine for being good when it really mattered.

We have endeavoured to state the law in England and Wales on the basis of the materials available to us at the end of January 2000.

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Every effort has been made to trace all copyright holders but if any have been inadvertently overlooked the publishers will be pleased to make the necessary arrangement at the first opportunity.

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