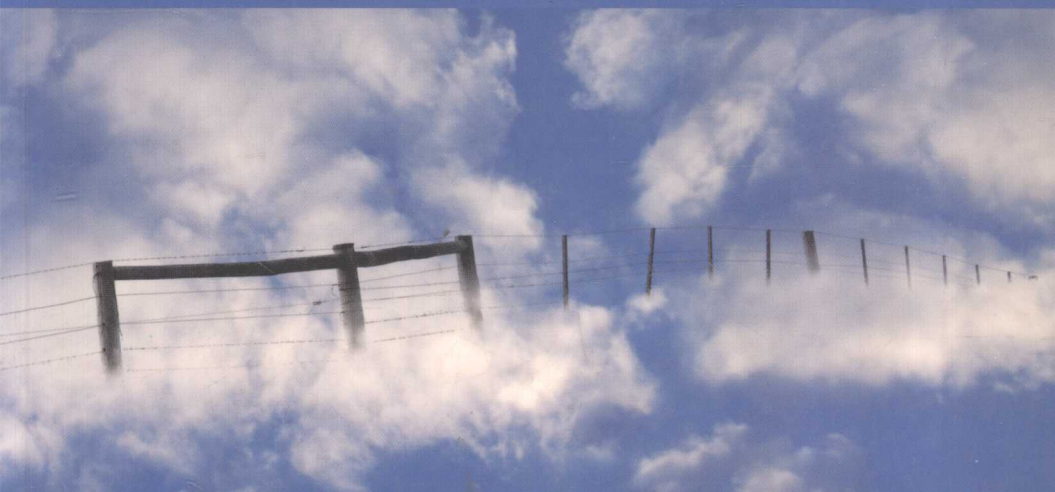


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AUSTRALIAN INTELLECTUAL PROPERTY LAW



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Australian Intellectual Property Law

Intellectual property law in Australia has changed dramatically in the last decade and continues to change. Developments in technology, the rise of the internet, the globalisation of trade and the increasing importance of 'superbrands' or trade marks with global appeal have all affected the laws surrounding intellectual property. Furthermore, globalisation has resulted in greater pressure to expand the rights of intellectual property owners as they endeavour to capture the potential benefits of ownership in an increasingly affluent and integrated world economy.

This book provides a detailed and scholarly insight into Australian intellectual property law. It aims to offer students and legal professionals a detailed discussion of the black-letter aspects of the law, with the primary emphasis on the legal principles and complexities within.

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For Rachel
For Alan, Louise and Tim
For Brad and Lucy

Preface

Intellectual property law in Australia has changed dramatically in the last decade and continues to change. These changes are the product of a number of different influences. One of these has been developments in technology such as the rise in the importance of the internet and the use of computer technology generally, developments in biotechnology and changes in plant breeding. Each of these technological influences has had its effects on almost every facet of intellectual property law.

Other influences have included the globalisation of trade, which has resulted in a push for harmonisation of intellectual property laws, and the increasing importance of superbrands or trade marks with global appeal and selling power. This has led to new international treaties and a return to the use of bilateral trade agreements. Globalisation has also resulted in greater pressure to expand the rights of intellectual property owners as they endeavour to capture the potential benefits of ownership in an increasingly affluent and integrated world economy.

The increasing importance of intellectual property has given rise to an increasing need for an understanding of the technicalities of intellectual property law. Both due to and despite some of the harmonising effects of globalisation, Australian law in this area has continued to develop and expand.

This book attempts to provide a detailed and scholarly insight into Australian intellectual property law. Its primary emphasis is on the legal principles and the complexities in that law. The authors have made a deliberate decision to focus on these issues to the exclusion of the wider policy issues surrounding intellectual property law. They have done so for a number of reasons. The first of these is that space constraints make it impractical to adequately deal with those policy considerations in a meaningful way. Consequently, they are flagged throughout the book and detailed references made to the many excellent works that already discuss those matters. The second and related reason is that an adequate investigation into and examination of the legal principles and complexities of Australian intellectual property law requires the sort of detailed treatment that has been undertaken and, again, space constraints demanded a choice about which issues to focus on. The intention is, therefore, to provide an in-depth and scholarly analysis of intellectual property law. By so doing, we aim to increase the stock of knowledge in this important area of the law.

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