

A COURSEBOOK IN
**INTERNATIONAL
INTELLECTUAL
PROPERTY**

Doris Estelle Long
Anthony D'Amato

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A COURSEBOOK IN INTERNATIONAL INTELLECTUAL PROPERTY

By

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Preface and Acknowledgments

This Coursebook and its accompanying Documents Supplement are designed for a one-semester law school course in international intellectual property. As is typical with coursebooks of this kind, we have included somewhat more material than can comfortably be covered in one semester. This allows the professor to select topics according to his or her pedagogical needs. In particular, Parts X, XI and XII of this Coursebook explore specific problems in depth. Some, all, or none of these in-depth problems may be offered in a given semester. Also, Part I, which is a general view of US intellectual property law, may be skimmed or skipped depending on whether the students in the class have already taken one or more courses in US intellectual property.

We believe in being user-friendly. We've used easy-to-remember subject titles for cases and we've removed ellipses from edited case reports. Many provocative Notes and Questions are sprinkled throughout the Coursebook to help stimulate classroom discussion. We have added a unique website to update our Coursebook and Documents Supplement. Readers are invited to visit this site at www.long-damato.nwu.edu. Access to the site is free, courtesy of Northwestern University.

International intellectual property law is largely a matter of treaty regimes, reciprocal international legislation for the protection of literary and artistic works and scientific invention, and ownership issues that seem to come up in many countries as the global market works its accommodation with the rights of authors and inventors. We have selected cases from around the world that illustrate these recurring issues. In addition, we introduce "Controversies" as a companion to "Cases." A Controversy involves facts, issues, arguments, and a "decision" reached by a non-judicial body such as a legislature or by out-of-court settlement. When an intellectual property issue arises for the first time in the court of a particular country, references both to foreign cases and foreign controversies can be exceptionally persuasive in legal argument. We believe that practitioners of international intellectual property will increasingly use controversies in their legal research and briefs.

On the world stage there are analogues to domestic intellectual property rights that, in varying degrees, establish copyrights and patents, protect trade secrets, trade marks and industrial designs, and protect "neighboring rights" to these forms. In addition, international intellectual property law deals with a subject that has no domestic-law analogue, namely, the protection of cultural patrimony.

Our Coursebook grew out of our co-teaching a seminar at Northwestern University Law School on international intellectual property (also co-taught with Adjunct Professor William Streff, to whom we are indebted

for his sharp insights), as well as Professor Long's regular courses in international intellectual property at The John Marshall Law School and Jiao Tung University in Shanghai. We are deeply indebted to our wonderful students who have contributed so much to our evolving thought on this vast subject. In particular, we are indebted to our summer research assistants on this project. One student, Isabella Rudes, who is now practicing law in Germany, contributed so much of her time and superb talent to this enterprise that she is our Virtual Co-Author. Our other summer research assistants, whose help we have been so fortunate to have, were Lisa Carroll, Salma Hammad, Matthew Weed, Adam von Poblitz, Sean Kahng, Chris Kohler, Laura MacFarland-Taylor, Tania Diklic, Julia Andrusiv, Craig Sandberg and Nathan Benditson. All of these marvelous colleagues have made it possible for us to search throughout the world for cases and materials that are not at all easy to track down on the internet.

We would also like to thank Pamela Seige and G. Brandon Bauer at West Group, our secretarial assistants Gwen Koenigsfeld, Malissa Strong, Eugene Limb, and especially Mary Finn and Chris Kotter. Miss Finn's exemplary help has been well beyond the call of duty. Thanks to Dean David Van Zandt of Northwestern Law School and Dean Robert Gilbert Johnston of The John Marshall Law School for their support and encouragement, and to Judd C. and Mary Morris Leighton who have generously contributed research funds for this project.

DORIS ESTELLE LONG
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REMINDER

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