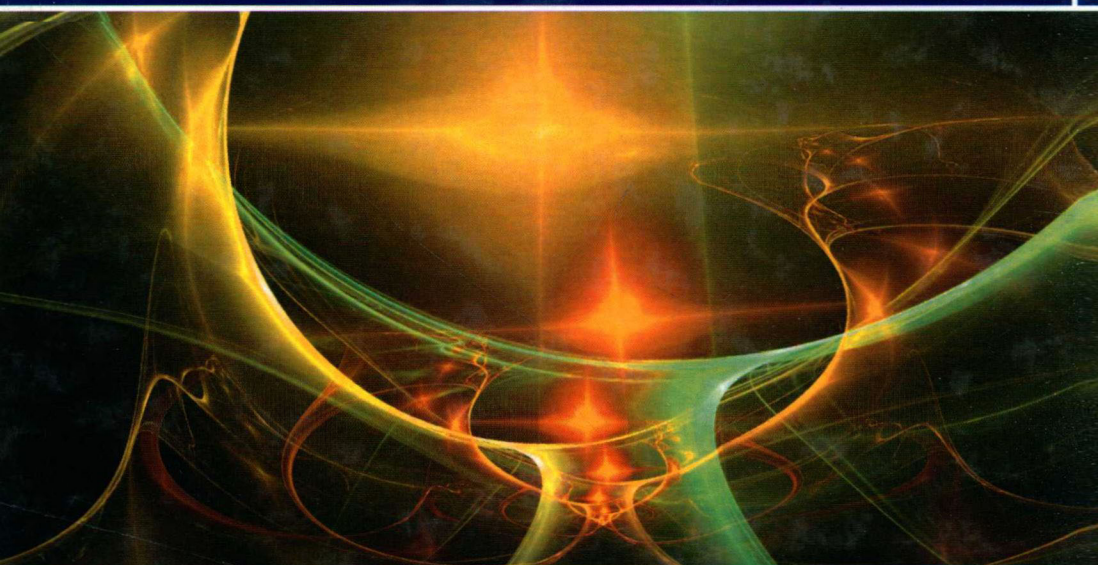




EU INTELLECTUAL PROPERTY LAW AND POLICY

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ELGAR EUROPEAN LAW

EU Intellectual Property Law and Policy

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EU Intellectual Property Law and Policy

ELGAR EUROPEAN LAW

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EU Intellectual Property Law and Policy
Catherine Seville

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Preface

My aim in writing this book is to offer a compact and accessible account of EU intellectual property law and policy. It covers the substantive provisions and procedures which apply throughout the EU, making extensive reference to the case law – the sheer volume of which is utterly daunting for students attempting to explore the area on their own. The book is intended to be manageable in terms of length and ease of understanding. Basic material is rehearsed as appropriate, although it is not intended as an introductory book for those entirely unfamiliar with the subjects of intellectual property or EU law. I hope the book will be used as a work of reference, as well as for wider study, so sections stand on their own, with cross-references offered where these will be helpful. Intellectual property is not isolated from other aspects of EU law and policy; it is regarded as a crucial contributor to economic growth and competitiveness, especially in fields of technology. Aspects of the free movement of goods and services, competition law, customs measures, and anti-counterfeiting efforts are all engaged. This work takes a broad view of these interactions, and their impact on law and policy.

It is also essential to set EU intellectual property law in the wider international context necessary for understanding it, and its application to intellectual property law within the EU member states. The exploitation of intellectual property is increasingly global, bringing corresponding pressures for global harmonisation. Often the harmonisation of intellectual property law at the EU level is only partial, so the broader framework is extremely important. This is particularly true of patent law, where the success of the European Patent Convention and other international initiatives has left Community patent law with only a minimal role – thus far. Similarly, the interaction of Community law and national laws may also be very significant. In discussions of this, the book focuses on the harmonised environment. Matters of general application to all member states are discussed, but individual substantive national laws are not. The book is intended to elucidate the framework within which the national intellectual property laws of member states operate. It is thus not tied to any particular national law, although reference is made to national cases where this helps to develop points of interest relevant to the situation within the EU.

Finally, the book also seeks to highlight policy issues and arguments of relevance to the EU, both within the Union, and in its relations with the rest of the world. There is a huge volume of policy material, which may be tricky for

the non-specialist to locate and digest; detailed references are given to these sources. There has necessarily been a process of selection, with the focus on offering understanding of the major issues, rather than an exhaustive account of every detail. But the aim has been always to offer guidance and further reading for those wishing to undertake research on particular matters.

Catherine Seville
Newnham College
June 2008

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