

ROUTLEDGE RESEARCH IN INTELLECTUAL PROPERTY

# Intellectual Property Overlaps

Theory, strategies and solutions

Robert Tomkiewicz

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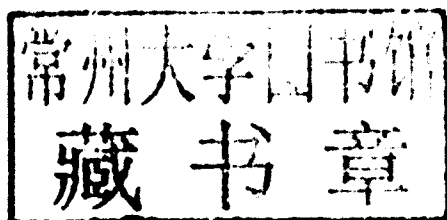
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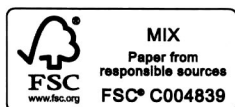
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# Intellectual Property Overlaps

Intellectual property rights and their overlaps are considered in light of rights purposes, relying on the concept of a balance of rights as the measuring rod for assessment of the consequences resulting from the exercise of overlapping rights. Identifying the complex interface between different types of intellectual property rights, this book discusses the use of these rights and their affect on a diverse group of stakeholders, from individual users of e-books to large corporations operating search engines on the internet.

The book suggests solutions to potentially objectionable uses of overlapping rights in an attempt to provide the judiciary and law practitioners with an analytical framework for resolving disputes of overlaps in the intellectual property system. In doing so, the author investigates how the use of intellectual property rights associated with one segment of the system can affect the carefully crafted balance of rights held by various stakeholders in an overlapping segment. In particular, the book suggests that a properly construed doctrine of misuse of intellectual property rights would provide an adequate response to the challenge posed by the improper use of overlapping intellectual property rights.

This book is of particular interest to law practitioners, managers in advanced technology and media industries, academics, and university students who work with or analyse intellectual property and new technologies.

**Robert Tomkowicz** is a barrister and solicitor practising intellectual property and information technology law. He is a member of the Law Society of British Columbia and the New York State Bar. He has previously published in academic and professional journals. Robert Tomkowicz lives in Vancouver, Canada.

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