

Outline contents

Section A Introduction

- 1 Themes in intellectual property 3
- 2 The international and European framework 30

Section B Patents

- 3 Origin, background, and international aspects of the patent system 43
- 4 Patentability 57
- 5 Use and grant in the UK and Europe 107
- 6 Infringement and revocation 143
- 7 Supplementary protection certificates and the unitary patent 172
- 8 Patents—an overview 182

Section C Copyright and Related Issues

- 9 An introduction to copyright 187
- 10 The various types of copyright and the quality issue 191
- 11 Qualification 224
- 12 The term of copyright 228
- 13 Authorship and ownership of copyright 236
- 14 Moral rights 244
- 15 Copyright infringement 257
- 16 Defences to copyright infringement 282
- 17 Rights in performances 307
- 18 Dealing in copyright 315
- 19 Copyright—an overview 358

Section D Designs

- 20 Design and copyright 361
- 21 Registered designs 368



22	Unregistered designs	393
23	Designs—an overview	414

Section E Trade Marks and Other Image Rights

24	Trade marks—an introduction	419
25	Trade marks—registrability and use	425
26	Trade marks—infringement and revocation	468
27	Trade marks—European and international aspects	512
28	Tortious protection of intellectual property rights	539

Section F Issues in Intellectual Property

29	Confidentiality and trade secrets	579
30	Computer technology and intellectual property	622
31	Character merchandising	657
32	Remedies in intellectual property litigation	669

Index	701
-------	-----



online
resource
centre

online resource centre

Franchising and intellectual property

Visit the Online Resource Centre at www.oxfordtextbooks.co.uk/orc/holyoak8e/
to access this chapter and other useful materials.

Detailed contents

Preface to the eighth edition

Table of legislation

Table of cases

Table of international agreements, conventions, and treaties

Section A Introduction

1 Themes in intellectual property

Preliminary thoughts

Introduction

A brief historical overview—the origins

A definition and a justification of intellectual property

The current economic importance of intellectual property

An overview

Further reading

2 The international and European framework

Introduction

International intellectual property conventions

European initiatives

Other European initiatives

An overview

Further reading

Section B Patents

3 Origin, background, and international aspects of the patent system

History

Purpose

The international dimension

Obtaining a patent

An overview

Further reading

4 Patentability	57
Novelty	58
Inventive step	69
Industrial application	87
Non-patentable matter	92
Biotechnology	96
An overview	104
Further reading	105
5 Use and grant in the UK and Europe	107
Whose patent is it anyway?	107
Commercial exploitation in European law	119
An overview	141
Further reading	142
6 Infringement and revocation	143
Revocation	143
Infringement	150
An overview	169
Further reading	171
7 Supplementary protection certificates and the unitary patent	172
Supplementary protection certificates	172
The unitary patent	179
An overview	181
Further reading	181
8 Patents—an overview	182
Further reading	183

Section C Copyright and Related Issues

9 An introduction to copyright	187
The roots of copyright	187
Essential elements	187
An overview	190
Further reading	190
10 The various types of copyright and the quality issue	191
Original literary, dramatic, musical, and artistic works	192
Entrepreneurial rights	217

An overview	222
Further reading	223
11 Qualification	224
Qualification by means of the personal status of the author	224
An overview	226
Further reading	227
12 The term of copyright	228
General principles	228
Original works	231
Films	231
Other entrepreneurial works	233
An overview	234
Further reading	234
13 Authorship and ownership of copyright	236
Authorship	236
Ownership	240
An overview	243
Further reading	243
14 Moral rights	244
General principles	244
The paternity right	246
The integrity right	248
The right against false attribution of the work	252
The right to privacy in relation to commissioned photographs	253
Consent and waiver	254
An overview	255
Further reading	256
15 Copyright infringement	257
Primary infringement	257
Secondary infringement	274
An overview	280
Further reading	281
16 Defences to copyright infringement	282
Authorization or consent of the owner	282
Public interest	282

The Copyright (Visually Impaired Persons) Act 2002	286
The making of temporary copies	286
Fair dealing	287
Caricature, parody, or pastiche	296
Incidental inclusion	297
Educational use	298
Libraries, archives, and public administration	300
Miscellaneous	301
Once more, the Information Society Directive	303
Orphan works	303
An overview	305
Further reading	306
17 Rights in performances	307
The problem	307
Subsistence of rights	308
Term of protection	308
The qualification requirement	309
Content and infringement	310
The nature of the performer's rights and their transfer	312
Moral rights	312
An overview	313
Further reading	314
18 Dealing in copyright	315
Crown copyright	315
Commercial exploitation of copyright in the UK	316
Exploitation under European law—copyright and the free movement of goods	326
Exploitation under European law—copyright and competition law	334
An overview	356
Further reading	356
19 Copyright—an overview	358
Further reading	358
Section D Designs	
20 Design and copyright	361
Introduction	361
The wall between design and copyright	361
Does the <i>British Leyland</i> defence survive?	365

An overview	366
Further reading	367
21 Registered designs	368
Starting points	368
Requirements for the grant of a registered design	369
Requirements for protection	370
Grounds for refusal of registration	377
Ownership of a registered design	379
Rights of the owner and infringement	380
Invalidity	385
Duration of the registered design right	385
Spare parts	386
International commercial exploitation	387
The Community design	388
An overview	391
Further reading	391
22 Unregistered designs	393
Introduction	393
Subsistence of the (unregistered) design right	394
The substance of the design right	402
The person behind the design	402
The term of (unregistered) design protection	404
Infringement and remedies	404
Commercial exploitation	409
An overview	412
Further reading	412
23 Designs—an overview	414
Further reading	415

Section E Trade Marks and Other Image Rights

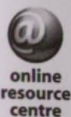
24 Trade marks—an introduction	419
Trade marks—development	419
The need for reform	420
From Community trade mark to European Union trade mark	422
Why trade marks?	423
An overview	423
Further reading	424

25 Trade marks—registrability and use	425
Trade mark recognition—the UK framework	425
Trade marks defined	427
Unregistrable marks	437
Special marks	462
Uses of trade marks	464
An overview	466
Further reading	467
26 Trade marks—infringement and revocation	468
Infringement	468
Revocation and invalidity	504
An overview	510
Further reading	511
27 Trade marks—European and international aspects	512
International aspects—introduction	512
Internationalization of both trade mark law and trade	515
Trade marks and the free movement of goods	516
The real context	534
Trade marks and competition law	536
An overview	536
Further reading	537
28 Tortious protection of intellectual property rights	539
Passing off	540
Defamation and malicious falsehood	569
An overview	574
Further reading	574

Section F Issues in Intellectual Property

29 Confidentiality and trade secrets	579
Historical development and conceptual basis	579
Elements of the action	581
Remedies for breach of confidence	609
Information—the international dimension	613
An overview	620
Further reading	621

30 Computer technology and intellectual property	622
Patent protection for computer technology	622
Copyright protection for computer software	627
Databases	636
The Internet	645
Semiconductor chip protection	654
An overview	656
Further reading	656
31 Character merchandising	657
Trade mark law	658
Design law	661
Tort	661
Copyright	666
An overview	667
Further reading	668
32 Remedies in intellectual property litigation	669
Enforcement issues	669
Civil remedies	678
The gathering of evidence	688
Abuse of enforcement proceedings	697
An overview	698
Further reading	699
Index	701



online resource centre

Franchising and intellectual property

Visit the Online Resource Centre at www.oxfordtextbooks.co.uk/orc/holyoak8e/
to access this chapter and other useful materials.