Outline contents

Section A Introduction

1	Themes in intellectual property	3
2	The international and European framework	30
	Section B Patents and to not perfore automot	
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 responsibilities in the vigolomic and respons	143
7	Supplementary protection certificates and the unitary patent	172
8	Patents—an overview noting it is a property litigation and a selbeme A	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		244
15	Copyright infringement	257
6	Defences to copyright infringement	282
7	Rights in performances	307
8	Dealing in copyright	315
9	Copyright-an overview	358
	Section D Designs	
0.0	Design and copyright	361
1	D	368
		-00

٦	,	п	

OUTLINE CONTENTS

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
Ind	Denter Library Calabaguing or Publication Data	701
ma	Section C Copyright and Related Issues	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.

Detailed contents

Pre	face to the eighth edition	χi\
Tab	ple of legislation warview nA	X۱
	ple of cases anibas radru?	XXX
Tab	ole of international agreements, conventions, and treaties	lxx
	Use and grant in the UK and Europe	
	Whose patent is it anyway Commercial exploitation notation	
1	Themes in intellectual property	3
	Preliminary thoughts anibase as the same anibase as the same anibase as the same anibase as the same a	9
	Introduction motisover bas teamegaintain	4
	A brief historical overview—the origins	
	A definition and a justification of intellectual property	11
	The current economic importance of intellectual property	26
	An overview	28
	Further reading	29
551	Supplementary protection certificates and the unitary patent	
2	The international and European framework	30
	Introduction The unitary patent	30
	International intellectual property conventions	
	European initiatives	36
	Other European initiatives	39
	An overview	40
	Further reading gnibast 15 dnu-7	40
	Section B Patents	
3	Origin, background, and international aspects of the patent system	43
	The roots of copyright	43
	Purpose Essential elements	44
	The international dimension	47
	Obtaining a patent	51
	An overview	56
	Further reading	56

4	Patentability	57
	Novelty	58
	Inventive step	69
	Industrial application	87
	Non-patentable matter	92
	Biotechnology	noithe duties ent of each 96
	An overview	104 of legislation
	Further reading	29253 0 9 105
-	Hade many - municipal states and many convenience and many in the UK and Funns	Table of international agreen
5	Use and grant in the UK and Europe	107
	Whose patent is it anyway?	107
	Commercial exploitation in European law An overview	119
		141 Themes in intellectual
	Further reading	242 Preliminary thoughts
6	Infringement and revocation	no toubount 143
	Revocation	143
	Infringement whedold substelletni to dollar	051 A definition and a justifi
	An overview	169
	Further reading	Weivrevo nA 171
7	Supplementary protection certificates and the unitary	patent 172
DE	Supplementary protection certificates	ans is not smeth off 172
	The unitary patent	noitouboutnl 179
	An overview	
	Further reading	181 European initiatives
		Other European initiativ
8	Patents-an overview	welviewo nA 182
	Further reading	183 Further reading
	Section C Copyright and Related	Issues
9	An introduction to copyright	ns ,bruongsbad ,night 187
	The roots of copyright	Violate 187
	Essential elements	9209119 187
	An overview noise	remib Isroutemetri eri 7 190
	Further reading	091 Obtaining a patent
10		An overview
10	The various types of copyright and the quality issue	191 Further reading
	Original literary, dramatic, musical, and artistic works	192
	Entrepreneurial rights	217

		ETAILED CONTENTS ix
	An overview	222 The Copyright (Visually Impaired Persons) Act 200
	Further reading	ESS The making of temporary copies
		Fair dealing
11	Qualification	personal status of the author 224
	Qualification by means of the	personal status of the author 224
	An overview	Educational use
	Further reading	Libraries, archives, and public administration
12	The term of copyright	822 Miscellaneous
	General principles	822 Once more, the Information Society Directive
	Original works	altowns/lqrO 231
	Films	gn right weivrevo nA 231
	Other entrepreneurial works	gnibaer reading 233
	An overview	ekation 234
	Further reading	The problem
13	Authorship and ownership o	f copyright and some land 236
80	Authorship	nobsetora lo mel 236
	Ownership	042 The qualification requirement
	An overview	toemegnifini bne toetno2 243
	Further reading	243 The nature of the performer's rights and their trans
SI	No. of the design of	ethen LetoM 244
14	Moral rights	wsivisyo na 244 / 244
	General principles The paternity right	ign protection 246
	The integrity right	248
	The right against false attribut	
		to commissioned photographs 253
		425 Exploitation under European law-copyright and th
		255 Exploitation under European law-yopyright and o
	Further reading	waiviavo nA 256
15		Further reading
15	Copyright infringement	257
		anibaet en mar myer en en en en 257
	Secondary infringement An overview	280
	Further reading	201
	Take the feeting	Section D. Designa
16	Defences to copyright infrin	gement
	Authorization or consent of the	ne owner 282

Public interest

282 The wall between design and copyright

	The Copyright (Visually Impaired Persons) Act 2002		28
	The making of temporary copies		28
	Fair dealing		28
	Caricature, parody, or pastiche		29
	Incidental inclusion		29
	Educational use		29
	Libraries, archives, and public administration		300
	Miscellaneous		30
	Once more, the Information Society Directive		
	Orphan works		303
	An overview		305
	Further reading		306
17	Pights in parformances		A 20-
1/	Rights in performances		307
	The problem		307
	Subsistence of rights Term of protection		
	The qualification requirement		211
	Content and infringement		
	The nature of the performer's rights and their transfer Moral rights		
	An overview		312
	Further reading		313
	An overview		314
18	Dealing in copyright		215
	Crown copyright		015
	Commercial exploitation of copyright in the UK		
	Exploitation under European law-copyright and the free	e movement of goods	326
	Exploitation under European law-copyright and comp	etition law waynaya a	334
	An overview		356
	Further reading		356
19	Copyright-an overview		
	Further reading		
	An overview		
	Section D Designs		
20	Design and copyright		361
	Introduction		361
	The wall between design and copyright		361
	Does the British Leyland defence survive?		365

	DETAILED CONTENTS		xi
	An overview		366
	Further reading		500
	Further reading		
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			393
688	Introduction		393
			394
	The substance of the design right		402
	The person behind the design		
	The term of (unregistered) design protection		404
	Infringement and remedies		404
	Commercial exploitation		409
	An overview		412
	Further reading		412
			2
23	Designs-an overview		414
	Further reading		415
	Section E Trade Marks and Other Imag	e Rights	
24			419
			419
	The need for reform		420
	From Community trade mark to European Union trade ma	rk weiview nA	422
	Why trade marks?		423
	An overview		423
	Further reading		424

25	Trade marks—registrability and use	weiview na 44	2:
	Trade mark recognition—the UK framework	42 Further reading	25
	Trade marks defined	42	27
	Unregistrable marks	Registered designs	37
	Special marks	aming points 46	62
	Uses of trade marks	A Requirements for the grant of a r	54
	An overview	Acquirements for protection	56
	rui tilei leading	or ounds for refusal of registration	67
26	Trade marks-infringement and revocation	Ownership of a registered design 46 Rights of the owner and infringer	58
	Infringement	viibilisvat 46	58
	Revocation and invalidity	Ouration of the registered design)4
	An overview	7 Spare parts	10
	Further reading	d International commercial exploit	11
27	Trade marks-European and international asp	Dects The Community design	12
	International aspects—introduction	walviavo nA 5	12
	Internationalization of both trade mark law and	d trade	15
	Trade marks and the free movement of goods	2 Unregistered designs	16
	The real context	northuborani 53	34
	Trade marks and competition law	system So Subsistence of the (unregistered)	36
		53 The substance of the design right	36
	Further reading	53 The person behind the design	37
28	Tortious protection of intellectual property r	The term of (unregistered base) to met off	30
	Passing off	Infringement and remedies	
	Defamation and malicious falsehood	Commercial exploitation	
	An overview	weivrevo nA	
		the free movemeanibge dedhud	
	Exploration under Commonstiller - copyright and		
	Section F Issues in Intellec	ctual Property	
29	Confidentiality and trade secrets	57	79
	Historical development and conceptual basis	A sherif is morehald	79
	Elements of the action	32 Trade marks-an introduction	31
	Remedies for breach of confidence	06 Trade marks-development)9
	Information—the international dimension	The need for reform	13
	An overview	62 From Community trade mark to	20
	Further reading	Yearsmalant vity 62	21

	DETAILED CONTENTS	xiii
30	Computer technology and intellectual property	622
30	Patent protection for computer technology	622
	Copyright protection for computer software	627
	Databases	636
		645
	s-misenductor chip protection	654
	An overview	1-1
	Further reading to proceed and blad share shared at 1990 golden are se	
31	Character merchandising amas and blad makes and media aid in babulan	
	Trade mark law wait until the pinth edition	050
	Design law	001
	area, European law ill this area is rapidly taking there. And nature trot	111
	Copyright CIEU. UEID and to take the CIEU.	
	An overview	001
	Further reading	
32	Remedies in intellectual property litigation	
	Enforcement issues	669
	Civil remedies Civil remedies	
	The gathering of evidence	688
	Abuse of enforcement proceedings	697
	An overview	698
	Further reading	699
	862, 379, 275, 283, 284, 286-5, 291, 296-7, K6A 221	
Ind	lex	701



Index

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.