CONTENTS

Prefac	e		v
	of Cases		xiii
	I. INTRODUCTION		
1 Ivar	TATION, MONOPOLY AND CONTROL		3
1. IMI	Remedies		8
25	Foreign Law		14
	Note: Compensation for Infringement		14
	Note: Self-help in Copyright Infringeme	nt	16
	Note: Exclusive Licensees		17
2 D	DISTONE CONTRACTOR DISTONE		18
Z. PAI	ENT, COPYRIGHT OR DESIGN? Patents		18
	Designs, Registered and Unregistered		19
	Copyright	2	20
	Periods of Protection		21
	"Imitations" and Copying		22
		12.2	
	II. PROTECTING THE PRODUC	I	
3. Рат	ents and How to Get Them		27
	The European System of Patent Law		27
	Who Applies		30
	The Specification and the Claims		31
	Securing Priority		34
	Patentability		34
	Search, Publication, Examination		36
	Delay in Application		36
	Examination Procedure		38
	Grant and Revocation After Grant		38 38
	EPO Oppositions Cost and Period of Protection		39
	Grant and Ownership		40
	Crant and Connecting		10

Contents

Patent Agents	40
The Grounds on which a Patent may be Declared	41
Invalid	41 44
Note: Inventions by Employees	
Note: History of Patents	45
4. Exploiting Patents	47
Patents Protect a Trade	47
The Importance of Validity	47
Avoiding Patents	48
Licensing	50
5. Important Inventions	52
Introduction	52
Where Others Have Tried	52
An Important Invention	53
Action in the Courts: For Infringement or	
Revocation	58
Threats	59
Compulsory Licensing	60
Supplementary Protection Certificates ("SPCs")	60
"Improvement" Patents	61
Taxation and Patents	62
Note: Drugs, Similar Chemical Compounds,	
and Genetic Engineering	63
Note: What Amounts to Infringement	65
6. Crown Rights and Security	67
The Crown's Right to Work Patents	67
Keeping Inventions Secret for Security Reasons	68
the state of the s	00
7. Industrial Designs	69
Introduction	69
UK and EU Registered Designs	70
UK Unregistered Design Right ("UDR")	72
EU UDR	73
Ordinary Copyright	74
Use of Other Rights to Protect Designs	74
	4 (5
III. TRADE MARKS AND UNFAIR COMPETITION	
8. Different Sorts of Protection	77
Passing-off	77

CONTENTS

	Passing-off and Registration of Trade Marks	78 78
	Passing-off and Goodwill	79
	Why People Sue for Passing-off Registered Trade Marks	79
	Litigation Caused by Uncertainty	81
9. Tr <i>i</i>	de Mark Infringement	82
	Introduction	82
	What a Registered Trade Mark Can Stop	82
	The Tests for Trade Mark Infringement	85
	Use	90
	Who Should be Sued for Infringement	91
	Threats	91
	Contested Actions	92
10 Fx	CEPTIONS TO TRADE MARK INFRINGEMENT	93
10. 27	Introduction	93
	Use of Own Name and Address	93
	"Indications of the Characteristics of Goods	
	of Services"	93
	Spare Parts	94
	But There Must be Honesty	95
	Earlier Rights	95
	Defendant Using His Own Registered Mark	96
11. Tr	RADE MARK REGISTRATION	97
	Introduction	97
	What Kind of Sign Can Be Registered?	97
	Registrable Marks	98
	Earlier Marks and Rights	103
	Applications and Oppositions	106
12 D	emoval from the Register	110
12. K	Introduction	110
	Grounds for Revocation	110
	Grounds for Invalidity	114
	Grounds for invalidity	117
13. C	ommunity Marks, International Registration	
	F Marks and Well-known Marks	116
	The Community Trade Mark	116
	"International" Registration of Trade Marks	118
	Wall Vacuus Marks	110

CONTENTS

26. Database Right	222
Introduction	222
What is a Database?	222
How Long does Database Right Last and how	
can it be Traded?	223
The Types of Protection for Databases	224
Actions for Infringement of Database Right	225
27. THE EUROPEAN COMMUNITY—FREE MOVEMENT AND	
Competition	226
The Influence of European Community Law	226
Free Movement - Articles 28 And 30	228
Competition - Articles 81 And 82	229
Enforcing The EC Competition Rules	231
28. Some Aspects of the International Law of	
INTELLECTUAL PROPERTY	234
Private International Law	234
Public International Aspects Of Intellectual Propert	y
Policy	238
29. Further Reading and Website References	240
Useful Websites	240