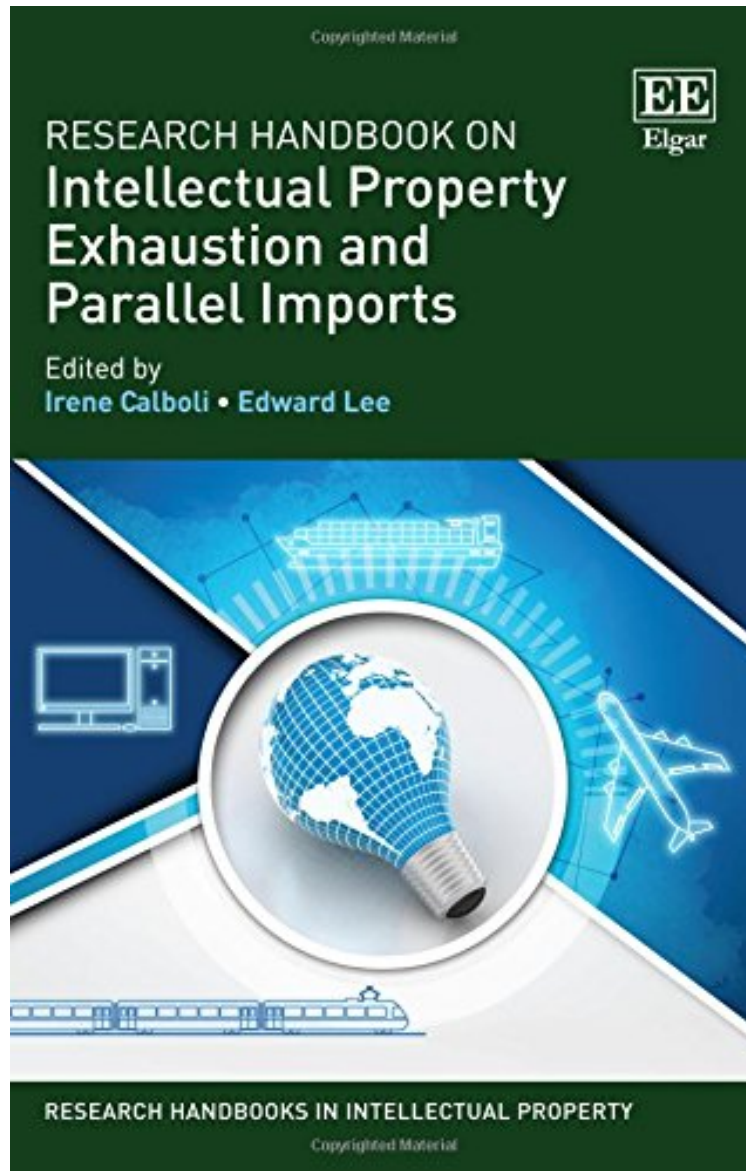


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Research Handbook on Intellectual Property Exhaustion and Parallel Imports (Research Handbooks in Intellectual Property series)

Irene Calboli, Edward Lee

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This Research Handbook explores issues related to the principle of exhaustion of intellectual property rights. To date, the application of this principle continues to vary from country to country, and there is increasing pressure to clarify the extent of its application both at the national level and in the context of international trade with respect to parallel imports. Notably, from the Americas to the European Union, Asia-Pacific, and Africa, courts and policy makers are asking similar questions: Should exhaustion apply at the national, regional, or international level? Should parallel imports be considered lawful imports? Should copyright, patent, and trademark laws follow the same regime? Should countries attempt to harmonize their approaches? To what extent should living matters and self-replicating technologies be subject to the principle of exhaustion? To what extent have the rise of digital goods and the 'Internet of things' redefined the concept of exhaustion in cyberspace? The goal of this book is to explore these questions. The book also highlights how a one-size answer may not fit all the current challenges that the courts and policy makers are facing in this area. This Research Handbook will be of interest to academics, judges and other practitioners looking for an in-depth study on the topic, offering both of detailed analysis of the current state of play, and a discussion of the challenges that arise on a global scale. Contributors include: F.M. Abbott, I. Calboli, V. Chiappetta, A.G. Chronopoulos, C.M. Correa, J.I. Correa, J. Drexl, S. Frankel, D.J. Gervais, S. Ghosh, C. Heath, R.M. Hilty, A. Katz, B. Kim, M. LaFrance, E. Lee, Y.J. Liebesman, K.-C. Liu, N.-L.W. Loon, S.M. Maniatis, K.E. Maskus, P.-E. Moyse, Y. Pai, A. Perzanowski, J.H. Reichmann, J.A. Rothchild, J. Schultz, C.M. Stothers, M. Trimble, M.S. Van Houweling, S.R. Wasserman Rajec, G. Westkamp, B. Wilson, C. Yin, X. Yu

'Exhaustion of rights and parallel trade of goods protected by intellectual property are at the crossroad of international trade and exclusive rights. The contributions to this important volume ably interface the two legal concepts. Incorporating intellectual property in the WTO and preferential trade agreements is not without longer-term implications for today's decentralised doctrine of exhaustion of intellectual property rights. The book makes a significant contribution to the quest for a proper balance between freer trade and legitimate exclusivity of different forms of IPRs. It is essential reading for all interested in the state of the law on parallel trading in different jurisdictions and the prospects of future and shared developments in international law aiming at a proper balance conducive to welfare and prosperity.' --Thomas Cottier, Professor Emeritus of Law, World Trade Institute, University of Bern, Switzerland

The concept of exhaustion of intellectual property rights has proved to be thorny and complex. Collectively the chapters of this Handbook offer the reader a systematic and in-depth treatment of the theoretical, jurisdictional and contextual complexities of the concept. Irene Calboli and Edward Lee have produced an editorial tour de force.' --Peter Drahos, Professor, Australian National University; Chair in Intellectual Property, Queen Mary University of London

This book is a deep dive into the enigmatic role played by the doctrine of exhaustion. The volume offers a framework and a detailed examination of the impact of parallel imports within each of the regimes of copyright, patent, and trademark. It studies exhaustion from the perspective of large and small economies; developed, emerging, and developing countries; right holders, importers, and exporters; producers and consumers; economists and free traders. The collection offers a comprehensive entry into this difficult and contentious issue.' --Rochelle Dreyfuss, Pauline Newman Professor of Law, New York University School of Law

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