Intellectual Property – Private International Law How does one teach one to the other?

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Intellectual Property

- Territoriality (?)
- Local exploitation of works/inventions
- The royal prerogative
- Now internet – the law of cyberspace – global exploitation outside territorial/legal borders

- Is there a private international law issue?

Private International Law

- A foreign element – inventor/author – exploitation – PIL issues arise
- De facto few problems
- How does this closed IP world work?
- Territoriality???

Territoriality

- Country by country
- Jurisdiction? / Exclusive jurisdiction?
- Choice of Law? (see article 5 Berne Convention)
- Lex protectionis / but to what does it apply?

Jurisdiction

- Registration – official input
- Exclusive jurisdiction – the land issue
- But does the country by country method still apply in the EPC – PCT era?
- Consolidation – global exploitation
- But only validity and registration issues
- Outside this area, nothing special

Choice of Law

- Lex protectionis
- Extent (scope, means of redress)
- Other areas?
- The right – contractual exploitation dichotomy
- Right – infringement (why from PIL point of view?)
- The transferability example

Internet

- And just when we started to speak the same language
- The internet
- Where does infringing act take place?
- Ubiquitous infringement
- Territoriality and lex protectionis challenged
- Substantive law – definitions – solutions

Conclusions

- The way ahead
- Harmonisation in IP
- Private International Law still needed
- A lot of work ahead
- Principles of PIL
- New challenges

Thank You!