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April 2020

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E-BOOKS



[Online Distribution of Content in the EU](#); Taina Pihlajarinne, Juha Vesala and Olli Honkkila (eds.); Edward Elgar Publishing; 2019

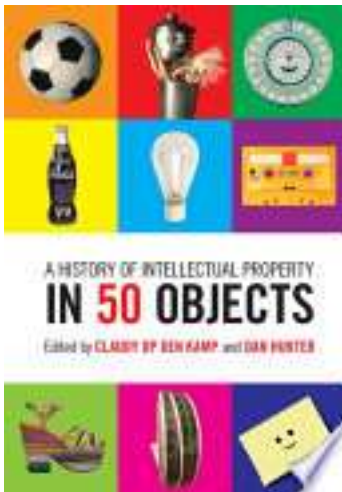
Publisher's note: *The legal issues surrounding the online distribution of content have recently gained prominence due to the European Commission's commitment to the Digital Single Market (DSM). This book is one of the first to provide highly topical analysis of the key legal challenges surrounding the online distribution of content, with particular focus on intellectual property rights, competition law and the regulation of new technologies.*



[The Average Consumer in Confusion-based Disputes in European Trademark Law and Similar Fictions](#); Rasmus Dalgaard Laustsen; Springer; 2020

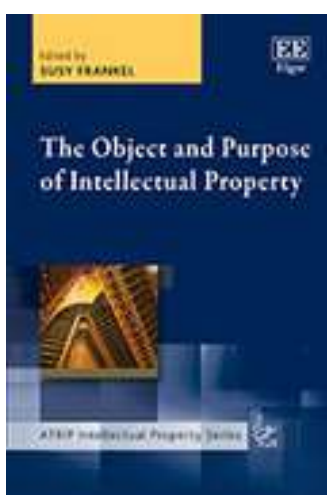
Publisher's note: *This book contends that, with regard to the likelihood of confusion standard, European trademark law applies the average consumer incoherently and inconsistently. To test this proposal, it presents an analysis of the horizontal and vertical level of harmonization of the average consumer. The horizontal part focuses on similar fictions in areas of law adjacent to European trademark law (and in economics), and the average consumer in unfair competition law. The vertical part focuses on European trademark law, represented mainly by EU trademark law, and the trademark laws of the UK, Sweden, Denmark and Norway. The book provides readers with a better understanding of key aspects of European trademark law (the average consumer*

applied as part of the likelihood of confusion standard) and combines relevant law and practices with theoretical content and other related areas of law (and economics).



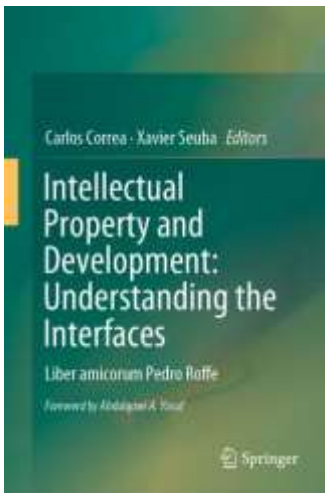
[A History of Intellectual Property in 50 Objects](#); Claudy Op den Kamp and Dan Hunter; Cambridge University Press; 2019

Publisher's note: *What do the Mona Lisa, the light bulb, and a Lego brick have in common? The answer - intellectual property (IP) - may be surprising, because IP laws are all about us, but go mostly unrecognized. They are complicated and arcane, and few people understand why they should care about copyright, patents, and trademarks. In this lustrous collection, Claudy Op den Kamp and Dan Hunter have brought together a group of contributors - drawn from around the globe in fields including law, history, sociology, science and technology, media, and even horticulture - to tell a history of IP in 50 objects. These objects not only demonstrate the significance of the IP system, but also show how IP has developed and how it has influenced history. Each object is at the core of a story that will be appreciated by anyone interested in how great innovations offer a unique window into our past, present, and future.*



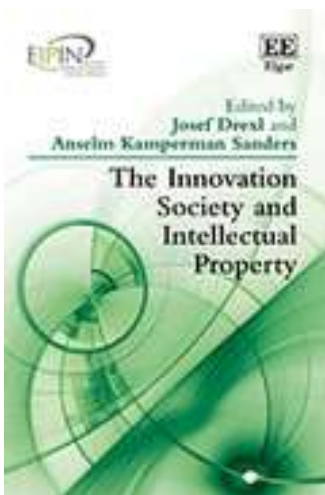
[The Object and Purpose of Intellectual Property](#); Susy Frankel (ed.); Edward Elgar Publishing; 2019

Publisher's note: *Much of the debate around the parameters of intellectual property (IP) protection relates to differing views about what IP law is supposed to achieve. This book analyses the object and purpose of international intellectual property law, examining how international agreements have been interpreted in different jurisdictions and how this has led to diversity in IP regimes at a national level.*



[Intellectual Property and Development: Understanding the Interfaces](#); Carlos Correa, Xavier Seuba (eds.); Springer; 2019

Publisher's note: *This book comprises chapters by leading international authors analysing the interface between intellectual property and foreign direct investment, development, and free trade. The authors search for a balance between the conflicting interests that inherently coexist in intellectual property law. The chapters dig deep into the subjects and notions that have become central in international intellectual property legal developments: i) flexibility, public interest and policy-space for implementation; ii) interfaces between the intellectual property regime and other legal regimes; and iii) the development of international intellectual property law and its influence on national legal orders, which includes the implementation of intellectual property undertakings.*



[The Innovation Society and Intellectual Property](#); Josef Drexler and Anselm Kamperman Sanders (eds.); Edward Elgar Publishing; 2019

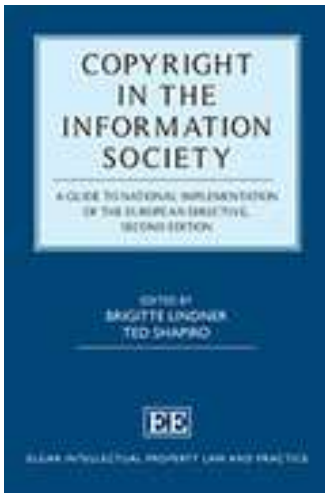
Publisher's note: *Intellectual property (IP) rights impact innovation in diverse ways. This book critically analyses whether additional rights beyond patents, trademarks and copyrights are needed to promote innovation. Featuring contributions from thought-leaders in the field of IP, this book examines the check and balances that already exist in the IP system to safeguard innovation and questions to what extent existing IP regimes are capable of catering to new paradigms of innovation and creativity. Intellectual property (IP) rights impact innovation in diverse ways. This book critically analyses whether additional rights beyond patents, trademarks and copyrights are needed to promote innovation. Featuring contributions from thought-leaders in the field of IP, this book examines the check and balances that already exist in the IP system to safeguard innovation and questions to what extent existing IP regimes are capable of catering to new*

paradigms of innovation and creativity.



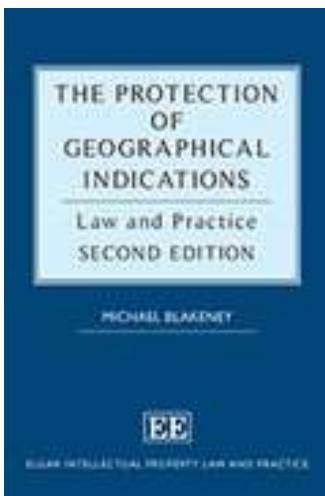
[Research Handbook on the Economics of Intellectual Property Law](#); Ben Depoorter, Peter Menell, David Schwartz (eds.); Edward Elgar Publishing; 2019

Publisher's note: *Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades. This field-defining two-volume Handbook, featuring the leading legal, empirical, and law and economics scholars studying intellectual property rights, provides wide-ranging and in-depth analysis both of the economic theory underpinning intellectual property law, and the use of analytical methods to study it.*



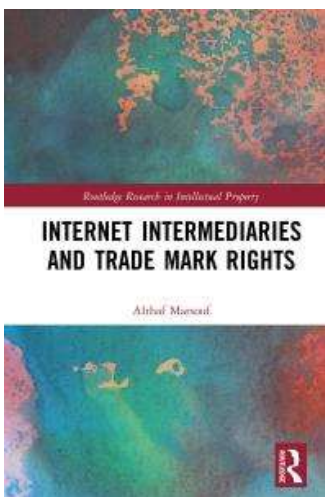
[Copyright in the Information Society: A Guide to National Implementation of the European Directive](#); Second Edition; Brigitte Lindner, Ted Shapiro; Edward Elgar Publishing; 2019

Publisher's note: *This substantially revised second edition evaluates the Directive on Copyright in the Information Society and its interpretation by the European Court of Justice in the light of its implementation and application in the EU's 28 member states. Following the initial implementation of the Directive, many member states have enacted further legislation to supplement or refine their earlier implementation: this edition will take these important developments into account.*



[The Protection of Geographical Indications: Law and Practice](#); Second Edition, Michael Blakeney; Edward Elgar Publishing; 2019

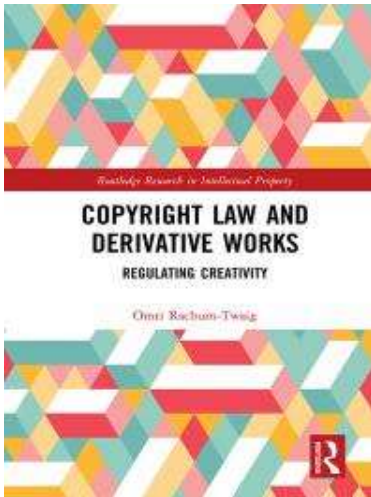
Publisher's note: *Encapsulating the most recent changes in the law, this second edition of The Protection of Geographical Indications investigates the European laws which regulate the way that geographical indications can be used in the marketing of agricultural products, food, wines and spirits. Key updates to this comprehensive second edition include two new chapters exploring the impact of Brexit and considering the protection of EU geographical indications outside Europe and of foreign geographical indications within the EU.*



[Internet Intermediaries and Trade Mark Rights](#); Althaf Marsoof; Routledge Ltd; 2019

Publisher's note: *Despite the apparent advantages of the internet, there is little debate that it facilitates intellectual property infringements, including infringements of trade mark rights. Infringers not only remain hidden by the anonymity the internet provides but also take advantage of its increasing reach and the associated challenges with regard to cross-border enforcement of rights. These factors, among others, have rendered the internet a growing source of counterfeit and other infringing products. It has, therefore, become necessary for right holders to shift their focus from individual infringers to internet intermediaries, such as Internet Service Providers (ISPs), hosts and navigation providers, which are responsible in numerous ways for making content promoting infringements available to internet users. In light of these developments, this book conducts a comprehensive analysis of the liability of such intermediaries for trade*

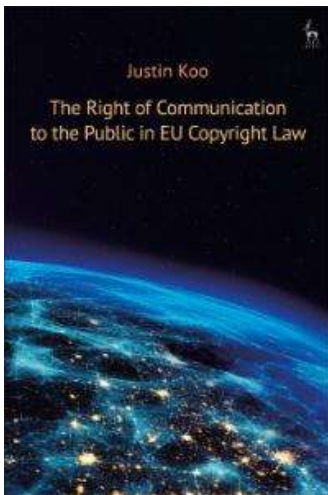
mark infringements and considers the associated issues and challenges in the diverging approaches under which liability may be imposed. At present, however, neither UK trade mark law nor English common-law principles relating to accessorial liability provide a basis to hold internet intermediaries liable for trade mark infringements. As such, this book considers approaches adopted in some of the Continental European countries and the US in order to propose reforms aimed at addressing gaps in the existing legal framework. This book also examines alternative remedies, such as notice and takedown and injunctions, and discusses the associated shortcomings of each of these remedies.



[Copyright Law and Derivative Works](#); Omri Rachum-Twaig; Routledge Ltd; 2018

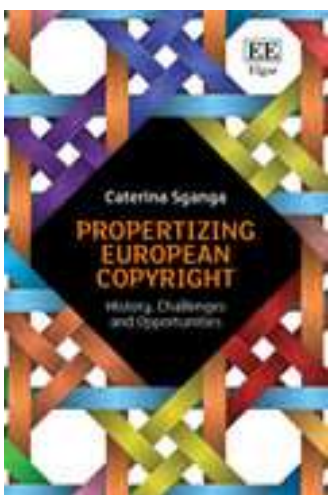
Publisher's note: *Copyright law regulates creativity. It affects the way people create works of authorship ex-ante and affects the status of works of authorship significantly ex-post. But does copyright law really understand creativity? Should legal theories alone inform our regulation of the creative process? This book views copyright law as a law of creativity. It asks whether copyright law understands authorship as other creativity studies fields do. It considers whether copyright law should incorporate non-legal theories, and if so, how it should be adjusted in their light. For this purpose, the book focuses on one of the many rights that copyright law regulates - the right to make a derivative work. A work is considered derivative when it is based on one or more preexisting works. Today, the owner of a work of authorship has the*

exclusive right to make derivative works based on her original work or to allow others to do so. The book suggests a new way to think about both the right, the tension, and copyright law at large. It proposes relying on non-legal fields like cognitive psychology and genre theories, and offers new legal-theoretical justifications for the right to make derivative works.



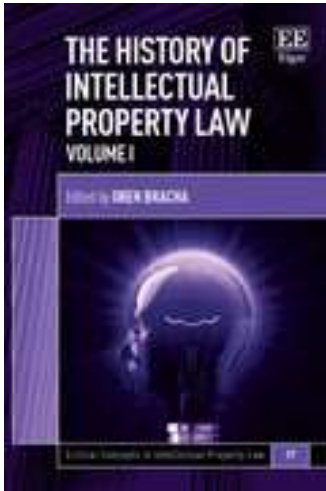
[The Right of Communication to the Public in EU Copyright Law](#); Justin Koo; Hart Publishing 2019

Publisher's note: *This monograph conducts a comprehensive analysis of the EU right of communication to the public, one of the exclusive rights under EU copyright law, and provides an alternative framework for its interpretation and application. The present state of the law is unsatisfactory; there is uncertainty in the *acquis communautaire* and courts at the EU and domestic levels have struggled to apply the right. Therefore, the book identifies the problems with the existing right of communication to the public and proposes recommendations for reform. In addition to reforming the scope of the right of communication to the public, the jurisdiction and applicable law in relation to the right are analysed and changes are recommended. Thus, the book covers both the scope and practicalities of a coherent and effective reform of the right.*



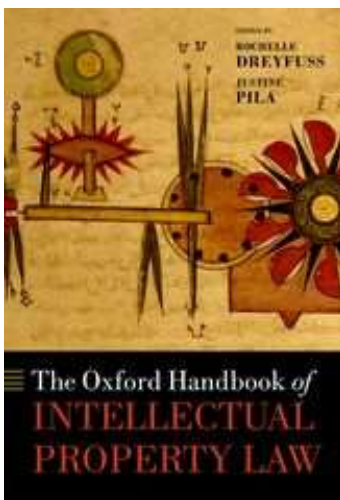
[Propertizing European Copyright: History, Challenges and Opportunities](#); Caterina Sganga; Edward Elgar Publishing; 2018

Publisher's note: *With an acceleration in the last decades, the language of property, piracy and theft has become mainstream in copyright matters. Scholars have argued that this latent propertization has progressively led to the undue expansion of copyright and an enclosure of knowledge, causing clashes with users' fundamental rights and EU social and cultural policies. Challenging the validity of such critiques, Propertizing European Copyright demonstrates that these distortive effects are only the result of mishandled property rhetoric and that a commitment to copyright propertization could enable a more internally consistent and balanced development of EU copyright law.*



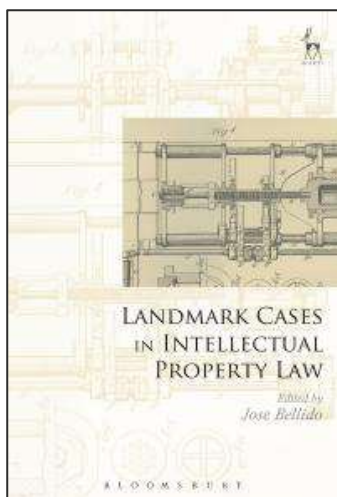
[The History of Intellectual Property Law](#); Oren Bracha; Edward Elgar Pub.; Inc.; 2018

Publisher's note: *The comprehensive research review discusses some of the most important and influential articles published on the history of intellectual property. The seminal works encompass a broad variety of specific legal fields, periods and methodological perspectives. It focuses on the three main subfields of intellectual property: patent, copyright and trademark law. This important research review will be of a great interest to legal historians, economic historians and anyone interested in intellectual property and its history.*



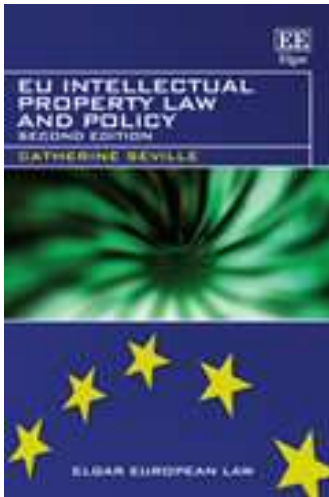
[The Oxford Handbook of Intellectual Property Law](#); Rochelle Dreyfuss and Justine Pila (eds.); Oxford University Press ; 2017-2018

Publisher's note: *This handbook is currently in development, with individual articles publishing online in advance of print publication. At this time, we cannot add information about unpublished articles in this handbook, however the table of contents will continue to grow as additional articles pass through the review process and are added to the site. Please note that the online publication date for this handbook is the date that the first article in the title was published online.*



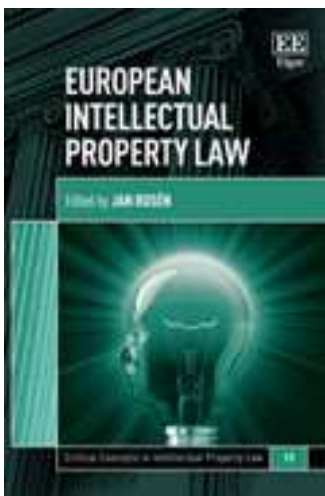
[Landmark cases in intellectual property law](#); Jose Bellido (ed.); Hart Publishing; 2017

Publisher's note: *This volume explores the nature of intellectual property law by looking at particular disputes. All the cases gathered here aim to show the versatile and unstable character of a discipline still searching for landmarks. Each contribution offers an opportunity to raise questions about the narratives that have shaped the discipline throughout its short but profound history. The volume begins by revisiting patent litigation to consider the impact of the Statute of Monopolies (1624). It continues looking at different controversies to describe how the existence of an author's right in literary property was a plausible basis for legal argument, even though no statute expressly mentioned authors' rights before the Statute of Anne (1710). The collection also explores different moments of historical significance for intellectual property law: the first trade mark injunctions; the difficulties the law faced when protecting maps; and the origins of originality in copyright law. Similarly, it considers the different ways of interpreting patent claims in the late nineteenth and twentieth century; the impact of seminal cases on passing off and the law of confidentiality; and more generally, the construction of intellectual property law and its branches in their interaction with new technologies and marketing developments.*



[EU Intellectual Property Law and Policy](#); Catherine Seville; Edward Elgar M.U.A; 2016

Publisher's note: *Intellectual property remains not just economically significant, but also of daily importance to most businesses and individuals. The digital age brings many opportunities, but also presents continuing challenges to IP law, and the EU's programme of harmonisation unfolds in this context. Taking account of numerous changes, the second edition of this accessible book offers a fully updated account of the law as it affects all the major rights, free movement and competition matters, and enforcement. It sets the substantive law in its policy context, and discusses potential reforms to this major area of EU law.*



[European Intellectual Property Law](#); Jan Rosén; Edward Elgar M.U.A; 2016

Publisher's note: *This research review thoroughly covers and systematically displays the three main areas of Intellectual Property (IP) Law - Patents, Trademarks and Copyright – without leaving other rights of the IP family aside. It also explores geographical indications, industrial designs, trade secrets and databases. It offers a full and complete picture of European IP Law, discussing the treatment of intrinsic issues on harmonization, transborder disputes, collectiveness and individualization in the different fields of IP law. This research review has been carefully designed to offer law students as well as practitioners a valuable instrument to understand contemporary IP law within the EU.*

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E-ARTICLES

- > [To What Extent Do Intellectual Property Rights Drive the Nature of Private International Law in the Era of Globalism?](#); P. Sean Morris; *Transnational Law & Contemporary Problems*; 2019-03-22; Vol. 28 (2); pp. 455
Abstract by the author: *The purpose of this article is to dissect the nature of intellectual property rights in the context of private international law. In other words, the primary focus is how private international law, i.e., conflict of laws, from the perspective of jurisdiction, applicable law, and enforcement rules have been developed and applied to intellectual property rights. As such, the principal question that this*

article examine is to understand the extent and impact intellectual property rights, when examined from the lens of private international law (conflict of laws), have on the wider process of private law in global governance.

- > [Text and Data Mining in the Proposed Copyright Reform: Making the EU Ready for an Age of Big Data?](#); Christophe Geiger, Giancarlo Frosio, Oleksandr Bulayenko; IIC - International Review of Intellectual Property and Competition Law; 2018-09; Vol. 49 (7); pp. 814-844

Abstract by the authors: *This opinion aims at examining the Text and Data Mining (TDM) process and its legal aspects in the context of the Commission's proposal for a Directive on Copyright in the Digital Single Market, which introduces in its Art. 3 a mandatory exception to copyright allowing for the carrying out of text and data mining of protected works. The discussion starts with the examination of several critical questions. At which stage of the TDM process are intellectual property rights affected? Do already existing exceptions and limitations apply to some TDM activities and techniques? What are the problems faced by researchers in applying them? This paper then considers the potential of a new mandatory TDM exception to drive innovation in the EU. The advantages of introducing an "open clause" on top of an enumerated list of exceptions to address some of the related problems are also reviewed. The study provides an in-depth analysis of the Commission's Proposal, assesses its positive and negative impacts, and provides some suggestions for possible improvements. It concludes by recommending a more ambitious reform with regard to TDM in order to get the EU into shape for the age of Big Data.*

- > [Goods in Transit and Trade Mark Law \(and Intellectual Property Law?\)](#); Vincenzo Di Cataldo; IIC - International Review of Intellectual Property and Competition Law; 2018-05; Vol. 49 (4); pp. 436-451

Abstract by the author: *The new trade mark law texts of the European Union aim, inter alia, at overruling the doctrine proposed by the EU Court of Justice in a long series of decisions – most notably Montex and Philips and Nokia – in relation to trade mark law and goods in transit. The wording of the new texts seems to impose on the trademark holder requesting the blocking of goods in transit, only the burden of proof of the existence of his trade mark right and of its infringement in the country of transit. The author suggests the possibility of an alternative interpretation, according to which the trade mark holder, in order to obtain the blocking of goods, must also give at least a prima facie evidence of the infringement of his right in the country of final destination. The reasons for this interpretation are identified in the principle of freedom of transit imposed by the GATT, in the general rules on the burden of proof, and in the principle of the proximity of the evidence. In conclusion, the author signals that the new rules are not technically justified by specific lines of trade mark law, hence they could be extended easily – by the legislator or by case law – to all other intellectual property rights*

- > [Optimising Mediation for Intellectual Property Law – Perspectives from EU, French and UK Law](#); Asako Wechs Hatanaka; IIC - International Review of Intellectual Property and Competition Law; 2018-05; Vol.49 (4); p.384-41

Abstract by the author: *A bad compromise is better than a successful lawsuit, says an adage. Would this also apply to intellectual property disputes? Mediation is a dispute resolution method, which is in vogue. It became subject to harmonisation in Europe under Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters. In this context, the objective of the article is to analyse the functions performed by mediation as well as the limitations to mediation from the viewpoint of civil procedure law, contract law and intellectual property law and to present some proposals to optimise mediation for intellectual property law. A number of legal systems, institutions and dispute resolution providers will be covered with the focus on the European Union, France and the UK.*

- > [The Certification Mark as a New EU-Wide Industrial Property Right](#); Martina Repas, Tomaž Keresteš; IIC - International Review of Intellectual Property and Competition Law; 2018-03; Vol.49 (3); p.299-317

Abstract by the authors: *This article deals with the EU certification mark, which is a new development in EU trademark law introduced by amendments to Regulation 207/2009 on EU trade marks. The article describes the basic purpose of certification marks, which is to certify the characteristics of goods and services, and compares them with other types of marks (ordinary and collective trademarks). The conditions that need to be met in order to obtain an EU certification mark are emphasised. In this context several issues are discussed, especially those regarding the ownership of certification marks and the related rules under which the trade mark owner is prohibited from performing business involving the supply of goods or services of the kind certified, ambiguities surrounding the concept of the certifying body, the co-existence of an ordinary mark, and the restrictions regarding the use of certification marks. The authors believe that a certifying body as a term used in the amended Regulation 207/2009 should encompass the owner as well as third parties authorised to monitor the use of EU certification marks, and that the co-existence of a mere “plain” ordinary mark registered for the same goods or services as certified or a filed application thereof should be a reason for refusal of registration or its invalidity.*

- > [Limitations in the Field of Designs](#); Natalia Kapyrina; IIC - International Review of Intellectual Property and Competition Law; 2018-01; Vol.49 (1); p.41-62

Abstract by the author: *Considering the weight given to exceptions and limitations in current intellectual property research, this paper endeavours to explore sui generis design rights from the standpoint of limitations to their scope of protection. This paper focuses on the current EU framework with insights from its travaux préparatoires, comparing it to several other legislations and international instruments. A primary assessment shows that these limitations have a reduced interference with the scope of protection, and stem from a copyright or patent approach to the hybrid subject matter of designs. This paper further explores situations where the interaction between the scope of design protection and its limitations to design rights triggers conflicts. It examines in particular the recent autonomous interpretation by the ECJ of the limitation authorising reproduction for the purpose of citation.*

- > [Bold and newly Independent, or Isolated and Cast Adrift? The Implications of Brexit for Intellectual Property Law and Policy](#); Benjamin Farrand; Journal of Common Market Studies; 2017; Vol.55 (6); p.1306-1321

Abstract by the author: *What happens when a breakdown in relations results in mutually possessed objectives becoming harder to achieve? This article explores the consequences of the UK's withdrawal from the EU for intellectual property (IP) law and policy. Compared with other fields such as Economic and Monetary Union and the development of the EU's 'social chapter', the UK has been a supportive and proactive player in internal market integration, particularly pertaining to IP protection. As a result of 'Brexit', the EU may find that the impetus for further harmonization and integration in this field is lost, such as with the EU unitary patent. However, the consequences for the UK are likely to be more severe – a loss of influence, both over laws that govern it and in exporting IP norms internationally, as well as a loss of access to certain protections, agencies and market sectors that are within the UK's economic interests.*

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The following journals can be also consulted: [European Intellectual Property Review](#), [Intellectual Property Law and Policy](#), [Queen Mary Journal of Intellectual Property](#), [Intellectual Property Quarterly](#), [Journal of Intellectual Property](#), [Information Technology and Electronic Commerce Law](#), [WIPO Journal](#), [Intellectual Property Litigation](#)

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- > [International Encyclopaedia of Laws for Intellectual Property](#) – Overview of all the pertinent information on intellectual property needed to gain a clear comprehension of the legislation and policy on the subject in different countries.
- > [Kluwer IP Law](#) - Database providing primary and secondary materials in the field of international intellectual property law
- > [WIPO Lex](#) – Global database that provides free of charge access to legal information on intellectual property (IP) such as treaties administered by WIPO, other IP-related treaties, and laws and regulations of the Member States of WIPO, the United Nations and the World Trade Organization
- > [HeinOnline](#) – Database providing access to more than 1,800 law and law-related periodicals
- > [Westlaw International](#) – International database providing world-wide information on legislation, case law, and legal journals
- > [Westlaw UK](#) – Database providing access to UK cases, transcripts, legislation and various legal journals.

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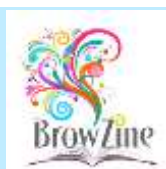
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