

Dr. Baer's

Introduction to Intellectual Property Law

by

Dr. S. Baer



Dr Baer's Introduction to Intellectual Property Law provides a thorough guidance of the concepts of intellectual property law in general, and of the specific fields of patents, copyrights and trademarks in particular. The book should give the reader a critical and systematic understanding of intellectual property law and allow her to approach any intellectual property case with a knowledge of basic concepts and how to apply them.

In the first part, intellectual property rights are analysed in regard of their justification, social benefits, scope and limits, and the specifics of their enforcement. In doing so, the book attaches particular importance to the relationship between intellectual property law and the civil law concepts of property, contracts, tort and unjust enrichment.

The second part provides an extensive coverage of international agreements in the field of intellectual property, namely the Paris and Berne Conventions, and the WTO/TRIPS Agreement. After all, intellectual property law has organically developed within a framework of international agreements, as domestic intellectual property law can be properly understood and appreciated only in light of international agreements and their obligations. These have provided intellectual property law with a common language and tradition that allows the subject to be taught, approached and discussed at a global level.

The third part features three mock trials so that students learn how to argue intellectual property cases in a cordial, entertaining and yet competitive atmosphere.



Merrymaking pirates and counterfeiters

Preface

This book has been written for students who have taken or are considering to take intellectual property law at bachelor or master course level, for patent attorneys who are interested in the concept and foundations of this field of law, and for all those who wonder why intellectual property law has been catapulted from an obscure legal niche to an area that, for better or worse, has become pervasive in our daily lives. The book is used by the law faculty of Maastricht University in their intellectual property courses.

Different from other fields of civil law, intellectual property law has organically developed within a framework of international agreements that is the common language of experts around the globe. International agreements and their obligations starting from the Paris Convention 1883 have provided intellectual property law with a common tradition that allows the subject to be taught, approached and discussed at a global level.

This introductory book is divided into three parts: The first deals with the justification and fabric of intellectual property law, the second with international agreements in this field. Both are inseparably linked, as domestic concepts have made their way into international agreements and vice versa. The third part is meant for classroom use and provides three "mock trials" that allow students to test and apply their knowledge in moot court competitions.

In writing this book I have been greatly assisted by my dear friend and travel companion Sir James F. Mitchell for whose common sense and erudite knowledge I am ever so grateful. The images of Dr. Baer, the angora cats and the little pirates were painted by Monè Cepelinai.

Last but not least, it is with deep regret that I have learnt of rumours according to which I have won my doctoral degree in a cat food lottery. Nothing could be further from the truth. At the oral defence of my thesis, I may however have been asked "How many mice can dance on the top of a needle?", yet my recollection thereof is hazy.

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