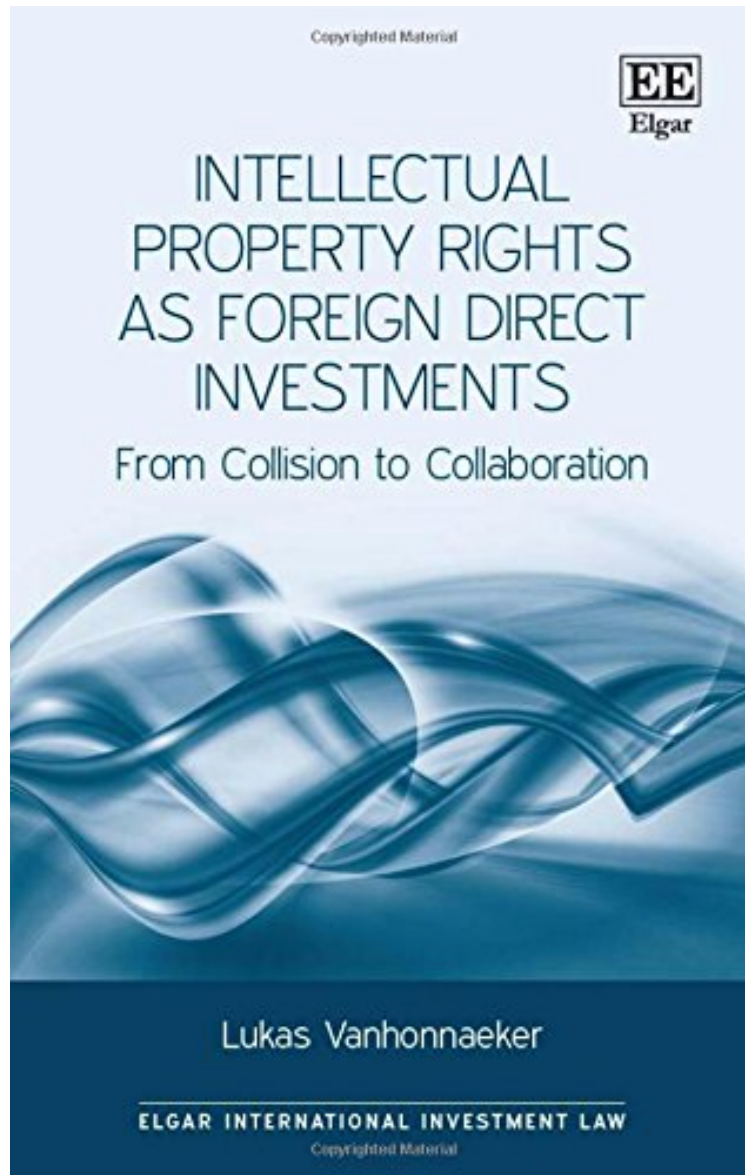


(Download pdf) Intellectual Property Rights As Foreign Direct Investments: From Collision to Collaboration
(Elgar International Investment Law Series)

Intellectual Property Rights As Foreign Direct Investments: From Collision to Collaboration (Elgar International Investment Law Series)

Lukas Vanhonnaeker

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would be worth my time, and all praised Intellectual Property Rights As Foreign Direct Investments: From Collision to Collaboration (Elgar International Investment Law Series):

0 of 0 people found the following review helpful. PioneeringBy Phillip Taylor MBEA PIONEERING MONOGRAPH EXPLORING RELATIONS BETWEEN IP AND INTERNATIONAL INVESTMENT LAWAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersTo what extent do the traditional protections and standards of international investment law apply to intellectual property rights investments? In an era of globalization, we continue to see an expansion and diversification of international law and consequently its fragmentation. These developments are the subject of increasing concern, of course, to owners of intellectual property as well as those who have invested in it.Published by Edward Elgar Publishing Limited, this book by Lukas Vanhonnaeker of McGill University, Montreal, is described quite rightly as a pioneering monograph offering a detailed and carefully researched overview of the relationship between intellectual property and international investment law. The two are now at a crossroads, says the author, as a result of global economic activity and the expansion of international transactions involving knowledge-intensive products, often of considerable value.Speaking very generally, owners of intellectual property face considerable risk when doing business with countries whose domestic laws offer inadequate protection to intellectual property rights. Such risks and shortcomings and the possible solutions, including international recourse, are discussed in detail in this book.Vanhonnaeker outlines the guiding thread of this study as an exploration of the key question here, namely what is the level of convergence between the international investment law regime and the international legal regime regulating intellectual property rights?The short answer, apparently is not much, or rather, not enough, which is rather unfortunate because we are talking about property rights here and the rights of owners of intellectual property to own and profit from their own creativity and ideas, whether in the host country or internationally.The theoretical background with respect to these and related issues is expanded upon in Part I of the book, whilePart II focusses on the standard of protection against indirect expropriation. Questions of performance requirements, technology transfer and the piracy of intellectual property rights are examined in Part III. Part IV on uncharted waters contains a synthesis of the various conclusions reached.Judging by the impressively detailed footnoting throughout, the author has done an enormous amount of research and the book is replete with useful research references, plus tables of cases and international conventions and documents, together with a detailed index.Then there are the numerous annexes offering a number of interesting statistics. For example -- did you know that the worlds top 10 counterfeited trademarks include Louis Vuitton, Nike, Hello Kitty, Adidas and Puma? If, as an IP lawyer or academic, you'd like to know more, you would do well to acquire this book, which certainly makes an important contribution to IP literature and scholarship.The publication date is cited as at 2015.

'The protection of intellectual property rights in international investment law has considerable potential for future development. This pioneering work is full of nuanced and insightful analysis. It is a must for academics and practitioners in the field.'- Christoph Schreuer, University of Vienna, AustriaWhat is the level of convergence between the international investment law framework and the international legal regime regulating intellectual property rights? This discerning book examines the interface between intellectual property and foreign direct investments.Taking a multi-disciplinary approach, the author scrutinizes the circumstances in which, and the extent to which, international investment law's traditional protective standards apply to intellectual property rights investments. After concluding that the TRIPS agreement has shortcomings in this respect, the author analyses intellectual property rights in the context of international investment law in light of traditional standards of protection including the protection against indirect expropriation, the National Treatment Principle, the Most-Favoured Nation clause, fair and equitable treatment, and the prohibition of performance requirements, while emphasizing the importance of transfers of technology within and to developing countries. These explorations contribute to the debates surrounding the fragmentation of international law arising from its expansion and diversification.Scholars, students and practitioners in the field of international investment law, as well as those interested in the protection of intellectual property rights at an international level, will find this book to be a useful and informative read.

'The protection of intellectual property rights in international investment law has considerable potential for future development. This pioneering work is full of nuanced and insightful analysis. It is a must for academics and practitioners in the field.' -- Christoph Schreuer, University of Vienna, AustriaAbout the AuthorLukas Vanhonnaeker, McGill University, Montral, Canada