

ECONOMIC APPROACHES TO INTELLECTUAL PROPERTY

Policy, Litigation, and Management

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Economic Approaches To Intellectual Property Policy Litigation And Management

Battersby, Grimes



Economic Approaches To Intellectual Property Policy Litigation And Management:

Economic Approaches to Intellectual Property Policy, Litigation, and Management Gregory K. Leonard, Lauren J. Stiroh, National Economic Research Associates, 2005 Intellectual Property, Antitrust and Cumulative Innovation in the EU and the US Thorsten Käseberg, 2012-06-08 For decades the debate about the tension between IP and antitrust law has revolved around the question to what extent antitrust should accept that IP laws may bar competition in order to stimulate innovation The rise of IP rights in recent years has highlighted the problem that IP may also impede innovation if research for new technologies or the marketing of new products requires access to protected prior innovation How this cumulative innovation is actually accounted for under IP and antitrust laws in the EU and the US and how it could alternatively be dealt with are the central questions addressed in this unique study by lawyer and economist Thorsten Käseberg Taking an integrated view of both IP and antitrust rules in particular on refusals to deal based on IP the book assesses policy levers under European and US patent copyright and trade secrecy laws such as the bar for and scope of protection as well as research exemptions compulsory licensing regimes and misuse doctrines It analyses what the allocation of tasks is and should be between these IP levers and antitrust rules in particular the law on abuse of dominance Article 102 TFEU and monopolisation Section 2 Sherman Act while particular attention is paid to the essential facilities doctrine including pricing methodologies for access to IP Many recent decisions and judgments are put into a coherent analytical framework such as IMS Health AstraZeneca GlaxoSmithKline in the EU Apple France Orange Book Standard Germany Trinko Rambus NYMEX eBay US Microsoft and IBM T3 both EU and US Further topics covered include IP protection for software interoperability information and databases industry specific tailoring of IP antitrust innovation market analysis and the WTO law on the IP antitrust interface Constructing Intellectual Property Alexandra George, 2012-03-12 What is intellectual property This book examines the way in which this important area of law is constructed by the legal system It argues that intellectual property is a body of rules created by the legal system that regulate the documented forms of abstract objects which are also defined into existence by the legal system Intellectual property law thus constructs its own objects of regulation and it does so through the application of a collection of core concepts By analyzing the metaphysical structure of intellectual property law and the concepts the legal system uses to construct intellectual property the book sheds new light on the nature of this fascinating area of law It explains anomalies between social and intellectual property uses of concepts such as authorship here dubbed creatorship and originality and it helps to explain the role of intellectual property from a structural rather than the traditional normative perspective **Economic Approaches to Intellectual Property** Nicola Searle, Martin Brassell, 2016 Intellectual property has traditionally been a matter for the legal professions but with the shift to evidence based policy the global economic upheaval and the advent of the digital age intellectual property is increasingly informed by economic perspectives This book offers provide a clear and practical guide to economic approaches to intellectual property

written for a legal audience It introduces basic concepts in economics and finance that inform the law of intellectual property Topics discussed offer additional perspectives include the economics of innovation development crime law industrial organization and welfare Next it considers the economics of specific intellectual property rights including copyright patents trademarks trade secrets geographical indicator and design rights as well as a section on competition Finally a section on applied approaches to the valuation of IP will help readers to understand the use of these topics in practice This practical guide offers readers a better understanding of economic debates in intellectual property as well as tools to enhance their ability to critique evidence based policy

Governance of Intellectual Property Rights in China and Europe Nari Lee, Niklas Bruun, Mingde Li, 2016-01-29 Intellectual property IP law has been widely discussed in recent scholarship though many recent works explore the topic from a largely descriptive perspective This book provides an analytical and comparative study of Chinese and European IP law as well as an analysis of system reforms in China The book highlights in three parts intellectual property for innovation and creativity in China comparing concepts and norms in Chinese and European IP law and governance of practices and IP enforcement Demonstrating that the governance of IP rights requires the adoption of a set of norms the contributors also argue that success is dependent on a transformation of the perspectives and implementation Students and scholars of IP law and Chinese IP law in particular will find this book to be a valuable resource to their work It will also be of interest to IP practitioners looking for an insight into system reforms in China

Valuing Intellectual Capital Gio Wiederhold, 2013-08-13 Valuing Intellectual Capital provides readers with prescriptive strategies and practical insights for estimating the value of intellectual property IP and the people who create that IP within multinational companies This book addresses the crucial topic of taxation from a rigorous and quantitative perspective backed by experience and original research that illustrates how large corporations need to measure the worth of their intangible assets Each method in the text is applied through the lens of a model corporation in order for readers to understand and quantify the operation of a real world multinational enterprise and pinpoint how companies easily misvalue their intellectual capital when transferring IP rights to offshore tax havens The effect contributes to the issues that can lead to budgetary crises such as the so called fiscal cliff that was partially averted by passage of the American Taxpayer Relief Act on New Year's day 2013 This book also features a chapter containing recommendations for a fair and balanced corporate tax structure free of misvaluation and questionable mechanisms CFOs corporate auditors corporate financial analysts corporate financial planners economists and journalists working with issues of taxation will benefit from the concepts and background presented in the book The material clearly indicates how a trustworthy valuation of intellectual capital allows a realistic assessment of a company's income earnings and obligations Because of the intense interest in the topic of corporate tax avoidance the material is organized to be accessible to a broad audience

Evolving IP Marketplace Suzanne Michael, 2011-05 This report recommends improvements to two areas of patent law policies affecting how well a patent gives notice to the public of

what technology is protected and remedies for patent infringement The report provides valuable insights on how courts can reform the patent system to best serve consumers It recognizes that patents play a critical role in encouraging innovation but it also observes that some strategies by patent holders risk distorting competition and deterring innovation This is especially true for activity driven by poor patent notice and by remedies that do not align the compensation received by patent holders for infringement with the economic value of their patented inventions This is a print on demand report Comparative Patent Remedies Prof. Thomas F. Cotter,2013-03-06 Nations throughout the world receive more patent applications grant more patents and entertain more patent infringement lawsuits than ever before To understand the contemporary patent system it is crucial to become familiar with how courts and other actors in different countries enable patent owners to enforce their rights This is increasingly important not only for firms that seek to market their products worldwide and for the lawyers who provide them with counsel but also for scholars and policymakers working to develop better policies for promoting the innovation that drives long term economic growth Comparative Patent Remedies provides a critical and comparative analysis of patent enforcement in the United States and other major patent systems including the European Union Japan Canada Australia China South Korea Taiwan and India Thomas Cotter shows how different countries respond to similar issues and suggests how economic analysis can assist in adapting current practice to the needs of the modern world Among the topics addressed are how courts in various nations award monetary compensation for patent infringement including lost profits infringer s profits and reasonable royalties the conditions under which patent owners may obtain preliminary and permanent injunctions including cross border injunctions in the European Union the availability of various options for potential defendants to challenge patent validity and other matters such as the availability of criminal enforcement and border measures to exclude infringing goods *Guide to Intangible Asset Valuation* Robert F. Reilly,Robert P. Schweihs,2016-11-07 The highly experienced authors of the *Guide to Intangible Asset Valuation* define and explain the disciplined process of identifying assets that have clear economic benefit and provide an invaluable framework within which to value these assets With clarity and precision the authors lay out the critical process that leads you through the description identification and valuation of intangible assets This book helps you Describe the basic types of intangible assets Find and identify intangible assets Provide guidelines for valuing those assets The *Guide to Intangible Asset Valuation* delivers matchless knowledge to intellectual property experts in law accounting and economics This indispensable reference focuses strictly on intangible assets which are of particular interest to valuation professionals bankruptcy experts and litigation lawyers Through illustrative examples and clear modeling this book makes abstract concepts come to life to help you deliver strong and accurate valuations The Evaluation of Language Regimes Michele Gazzola,2014-08-15 Building on existing analytical frameworks this book provides a new methodology allowing different language policies in international multilingual organisations or language regimes to be compared and evaluated on the basis of criteria such as efficiency and

fairness It explains step by step how to organise the evaluation of language regimes and how to design and interpret indicators for such evaluation The second part of this book applies the theoretical framework to the evaluation of the language policy of the Patent Cooperation Treaty PCT division of the World Intellectual Property Organisation WIPO and the European Patent Office EPO Results show that an increase in linguistic diversity of the language regimes of patent organisations can both improve the efficiency of the patent system and lead to a more balanced distribution of costs among countries This book is a resource for scholars in language policy and planning and for policy makers in the international and European patent system

Transfer Pricing and Intangibles Michael Lang, Alfred Storck, Raffaele Petruzzi, Robert Risse, 2019-04-11 Transfer pricing treatment of intangibles Issues und developments In recent decades intangibles have become one of the most relevant success factors for Multinational Enterprises MNEs Along with the increasing importance of intangibles for economies their tax treatment has also been under scrutiny which includes inter alia respective transfer pricing issues MNEs are seeking for the best ways to optimize their business arrangements with the related intangibles while at the same time getting the most tax efficient treatment On the other hand tax authorities have become increasingly concerned with the ease that intangibles can be used in aggressive planning These concerns have been noticed and addressed by the Organization for Economic Cooperation and Development which presented its main findings with respect to transfer pricing aspects of intangibles in Action 8 of the BEPS Project in 2015 and in the 2017 OECD Transfer Pricing Guidelines This book is based on the outcomes of the presentations and discussions held during the WU Transfer Pricing Symposium Transfer Pricing and Intangibles Current Developments Relevant Issues and Possible Solutions that took place in October 2018 at the WU Vienna University of Economics and Business The publication discusses the most important issues and recent developments related to transfer pricing treatment of intangibles Starting with the definition of intangibles it further deals with topics such as appropriate attribution of intangible related profits structuring of intangibles in MNEs and proper valuation of intangibles The authors apart from providing a theoretical background to the discussed issues also present case studies that show how certain issues can be approached in practice Every chapter ends with a summary of the discussions held during the panels of the Transfer Pricing Symposium in which representatives of tax administrations multinationals and tax advisories presented their opinions on the issues at stake

Battleground: Business Peg Thoms, Michael Walden, 2007-10-30 Business is one of the most potent cultural forces today profoundly affecting every facet of our lives whether we are working in a corporate environment or not This book surveys some of the most controversial issues and topics central to the contemporary business world Included are more than 70 alphabetically arranged entries written by expert contributors Each entry explores a topic s relevance and influence highlights opposing viewpoints provides sidebars of interesting information and lists resources for further research For students and general readers this book is an engaging accessible and essential resource on the role of business in society Globalization Outsourcing Downsizing These are

some of the economic issues at the center of today's society. Time after time we see that business is one of the most powerful forces in the modern world profoundly affecting every facet of our lives whether we work in a corporate environment or not. Because in one way or another the world is all about economics students need to understand and appreciate the role of business in their lives. This book overviews the most important topics and issues characterizing the role of business in today's society. Included are alphabetically arranged entries on more than 70 critical issues or topics central to the role of business in our lives. Each is written by an expert contributor and provides a summary of the topic's relevance and influence, a consideration of opposing viewpoints, and a list of resources for further research. For students and general readers, this book is an engaging, accessible, and essential resource on the role of business in everyday life.

The Law and Economics of Generic Drug Regulation Christopher Scott Hemphill, 2010. This dissertation examines the law and economics of generic drug entry and the problems that arise from specific U.S. regulatory arrangements that govern innovation and competition in the market for patented pharmaceuticals. As Chapter 1 explains, competitive entry by generic drug makers is limited by both patents and industry-specific regulation, which together provide the means for brand-name drug makers to avoid competition and thereby recoup large investments in research, development, and testing. At the same time, the complex rules of the Hatch-Waxman Act furnish a pathway by which generic drug makers may challenge the validity or scope of brand-name patents with a view to entering the market with a competing product prior to patent expiration. The subsequent chapters examine several aspects of the competitive interaction between brand-name and generic drug makers. Chapter 2 analyzes settlements of patent litigation between brand-name and generic drug makers in which the brand-name firm pays the generic firm in exchange for delayed market entry. Such pay-for-delay settlements are an important unresolved question in U.S. antitrust policy. The analysis reveals that the pay-for-delay settlement problem is more severe than has been commonly understood. Several specific features of the Act, in particular, a 180-day bounty granted to certain generic drug makers as an incentive to pursue pre-expiration entry, widen the potential for anticompetitive harm from pay-for-delay settlements compared to the usual understanding. In addition, I show that settlements are innovation inefficient as a means of providing profits and hence ex ante innovation incentives to brand-name drug makers. To the extent that Congress established a preferred tradeoff between innovation and competition when it passed the Act, settlements that implement a different, less competition-protective tradeoff are particularly problematic from an antitrust standpoint. Chapter 3 synthesizes available public information about pay-for-delay settlements in order to offer a new account of the extent and evolution of settlement practice. The analysis draws upon a novel dataset of 143 such settlements. The analysis uncovers an evolution in the means by which a brand-name firm can pay a generic firm to delay entry, including a variety of complex side deals by which a brand-name firm can compensate a generic firm in a disguised fashion. It also reveals several novel forms of regulatory avoidance. The analysis in the chapter suggests that, as a matter of institutional choice, an expert agency is in a relatively good position to conduct the

aggregate analysis needed to identify an optimal antitrust rule Chapter 4 examines the co evolution of increased brand name patenting and increased generic pre expiration challenges It draws upon a second novel dataset of drug approvals applications patents and other drug characteristics Its first contribution is to chart the growth of patent portfolios and pre expiration challenges Over time patenting has increased measured by the number of patents per drug and the length of the nominal patent term During the same period challenges have increased as well and drugs are challenged sooner relative to brand name approval The analysis shows that brand name sales a proxy for the profitability of the drug have a positive effect on the likelihood of generic challenge consistent with the view that patents that later prove to be valuable receive greater ex post scrutiny The likelihood of challenge also varies by patent type and timing of expiration Conditional on sales and other drug characteristics drugs with weaker patents particularly those that expire later than a drug s basic compound patent face a significantly higher likelihood of challenge Though the welfare implications of Hatch Waxman patent challenge provisions are complicated these results suggest these challenges serve a useful purpose in promoting scrutiny of low quality and late expiring patents

The Economics of Innovation and Intellectual Property Bronwyn H. Hall, Christian Helmers, 2024-10-04 The first comprehensive textbook covering all aspects of the economics of innovation and the role of intellectual property in encouraging or discouraging innovation Innovation is widely viewed as the engine behind economic growth and it has assumed increasing importance in contemporary economic research In *The Economics of Innovation and Intellectual Property* Bronwyn H Hall and Christian Helmers introduce readers to the use of economic analysis for the understanding of technical change and the innovative process its determinants and consequences The authors cover innovation basics the measurement of returns to innovation for individuals and the economy and the use of intellectual property protection by innovators They focus on the various ways patents have been used by industry to secure returns to innovation as well as the strategic use of patents and they emphasize present day technologies including pharmaceuticals software and AI Clearly organized and accessible *The Economics of Innovation and Intellectual Property* offers a useful introduction to economics business public policy and legal studies and provides a comprehensive collection of references and information from a variety of sources across disciplines It also includes various boxes with definitions and examples as well as a brief mathematical appendix explaining concepts that may be unfamiliar and an introduction to data sources

Handbook of Intellectual Property Research Irene Calboli, Maria Lilla Montagnani, 2021 This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law bringing together contributions from a diverse group of scholars who derive from a wide range of countries backgrounds and legal traditions

Research Handbook on the Economics of Intellectual Property Law Ben Depoorter, Peter Menell, David Schwartz, 2019 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

Intellectual Property Law and Policy Volume 10 Hugh Hansen, 2008-03-26 Hart Publishing is pleased to announce that it has recently become publisher of this prestigious and much valued work The 15th Annual volume in the series collects the presentations and discussion from the Annual Fordham IP Conference The contributions by leading world experts analyze the most pressing issues in copyright trademark and patent law as seen from the perspectives of the USA the EU Asia and WIPO This volume in common with its predecessors seeks to make a lasting contribution to discourse in IP law few of the chapters are merely descriptive and most raise questions of policy or discuss new developments Praise for the Fordham International Intellectual Property Conference This must be one of the most enjoyable and thought provoking conferences in the IP field The high quality of the speakers is matched by the intense audience led debates and challenges which follow Hugh Laddie formerly Mr Justice Laddie University College London and consultant to Rouse Co Willoughby Partners Faculty for this conference are always well known names well respected leaders in their fields speaking with a combination of candor and timeliness that is unrivaled by any other forum of its kind The Honorable Marybeth Peters Register of Copyrights United States Copyright Office

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confidence needed to negotiate the maximum allowable rate regardless of the product the market and the parameters of the specific deal itself Previous Edition Licensing Royalty Rates 2019 Edition ISBN 9781543800425 **Corporate Counsel's Guide to Laws of International Trade** ,2011 **Patent Policy and Innovation** Hazel V. J. Moir,2013-01-01 Just how inventive are inventions More to the point just how inventive are the inventions covered by patents Not very according to Hazel Moir and there is no reason to doubt her conclusions She has spent years in painstakingly analysis of dozens of business method patents in Australia and elsewhere She finds t hey are no more than strategic devices intended to annoy and disrupt commercial competition and confuse the market Hazel Moir is a patent expert beholden to no patent theory and no patent interests In consequence her research is fresh and inspired Her conclusion that patents describe and protect obvious combinations of old ideas and trivial variations may not be confined to business methods It is a conclusion that demands the consideration of policymakers Stuart Macdonald Aalto University Helsinki Finland This book presents a compelling attack on the patent system Thoughtfully analyzing the existing empirical literature and providing her own painstaking study of business method patents Hazel Moir explains how it is that patents have spread geographically and technologically with increasingly broad rights becoming ever easier to obtain Bravely and persuasively she recommends policymakers tackle one of the most vexing issues in patent law the quantum of new knowledge that ought to be required to make an invention worthy of protection Rochelle Dreyfuss New York University School of Law US Hazel Moir s book deserves to become a classic Between its covers one will find writing of great clarity and data that reveal the real world costs of the patent system After reading Moir s analysis one wonders what the actual social benefits of the patent system might be This is evidence based analysis at its best Peter Drahos Australian National University and Queen Mary University of London UK This book presents a compelling attack on the patent system Thoughtfully analyzing the existing empirical literature and providing her own painstaking study of business method patents Hazel Moir explains how it is that despite the intuitions of economists social scientists lawyers judges and even some inventors patents have spread geographically and technologically with increasingly broad rights becoming ever easier to obtain Bravely and persuasively she recommends policymakers tackle one of the most vexing issues in patent law the quantum of new knowledge that ought to be required to make an invention worthy of protection Rochelle Dreyfuss New York University School of Law US This empirical study uses a scientifically selected sample of patents to assess patent quality The careful evaluation of the assumptions in alternative economic theories about the generation and diffusion of new knowledge demonstrates that the height of the inventive step is critical to effective and efficient patent policy The book provides a practical introduction to the policy rules affecting the grant of patents particularly the rules making the inventive step so low It also offers insights into interactions between examiners and applicants during the patent application process Finally the book compares how the rules about inventiveness operate in the USPTO the EPO and the Australian Patent Office gives new insights into business method patenting and offers suggestions for raising the

height of the inventive step Patent Policy and Innovation will appeal to academics researching in the patent field economists
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