

Harmonizing Intellectual Property Law for a Trans-Atlantic
Knowledge Economy

Harmonizing Intellectual Property Law for a Trans-Atlantic Knowledge Economy

Edited by

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Foreword

The extremely rich jurisprudence of the Court of Justice to date leaves no doubt as to the great legal challenges posed by the use of new technologies. There is no doubt in my mind that among the areas of law most exposed to these challenges is intellectual property law in its broadest sense.

Never before have we been faced with such an enormous ease of collecting, accessing and transmitting information. Nor have we had to deal with events that are almost completely de-territorialized, where we must ask ourselves how then to reconcile such events with the principle of territoriality. In a similar vein, never before have we, as lawyers, had to face such a complex interplay and potential conflict of various fundamental rights. All this requires us to take a fresh look at the existing legal framework.

I am very pleased that a group of young, yet already experienced and with significant achievements, researchers have taken the initiative to develop selected issues related to contemporary challenges facing intellectual property law. Each of the 16 studies included in this volume is innovative, in-depth and responds to real needs of legal science and practice. They are all related to essential aspects of harmonization of IP law in a Trans-Atlantic context of culture and trade. The majority of these studies concern either copyright, trademark, or patent law, and adopt either a US perspective or an EU one. Some are dedicated to specific theories of IP law or to a focused set of doctrinal problems such as copyright exceptions, remedies, standards-essential patents, or fashion/the luxury economy.

The US and the EU constitute two particularly important markets both for the creation and for the exploitation of intellectual property. Although their legal systems diverge greatly, convergent solutions are often adopted and the two systems inspire each other. A study of intellectual property from a transatlantic perspective, as in this book, is therefore of great academic and practical interest.

The volume constitutes the follow-up to the Fifth Annual Workshop on Intellectual Property Rights in Szeged in Hungary that took place in 2021. My compliments go to the editors Péter Mezei, Hannibal Travis and Anett Pogácsás, whose commitment and enthusiasm makes me look forward to their future scientific initiatives.

Maciej Szpunar

First Advocate General, Court of Justice of the European Union

Acknowledgments

The book that you hold in your hands is the culmination of a long journey that started sometime in 2020. Your editors, *Péter Mezei*, a professor at the University of Szeged, *Hannibal Travis*, professor of law at the Florida International University, and *Anett Pogácsás*, an associate professor of the Pázmány Péter Catholic University, have spent the last several years planning a book on international and comparative aspects of intellectual property (IP) law in the digital age. We had separately researched and taught on the rise of a trans-Atlantic knowledge economy despite continued friction between national IP systems, and found one another to be good team members for collaborating on such a project, even if the majority of the work was done during the pandemic period and in separate locations.

The fifth annual Workshop on Intellectual Property Rights in Szeged (WIPS) was scheduled to take place in May 2020. That was, however, the early period of the global COVID-19 pandemic, which prompted us to postpone the event. It was finally rescheduled and completed successfully in the spring of 2021. One of the key tracks of the event was the concept of harmonization of IP law. Although WIPS was the starting point for our discussions on the book proposal, the project transcended it both in terms of coverage and the invited participants. The final list of contributors includes still more global experts on IP law and practice, and papers that make the content of this volume more complex and inclusive. We are therefore primarily grateful to our authors for joining this endeavor and writing their comparative and critical chapters focused on their fields of interest. The authors helped make this book a success with their precise and timely work to keep it on track for publication.

We are grateful for the help of many people, whose identities were not always known to use, for example because they helped our authors. We also truly appreciate the supportive and creative comments of the anonymous reviewers of the manuscript. Brill's professionalism was extraordinary throughout the whole publishing process. Hannibal Travis would like to thank the Florida International University College of Law for providing a sabbatical leave and arranging for the work of his research assistants Sarah Bruno, Roger Notario, and Ashley Allison. Finally, we are also indebted to John Cross, Giovanni Maria Ricchio, First Advocate General Maciej Szpunar, and Peter K. Yu, who took the time to read the final version of the book and write a commendation for us.

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