
Preface

AS THE TITLE suggests, this book discusses patents from the global or international perspective. The book is intended primarily for an academic audience; however, it will also be of interest to legal practitioners working in the area of intellectual property law, particularly patents, whether in patent prosecution, patent litigation, patent licensing, or other transactional work involving patents. Inventors, investors, and businesses will find this book useful for learning about the challenges they will face when they encounter patent-related issues that cross national borders. With increasing globalization, such encounters are likely to become more frequent than they have been before, and advance knowledge of the landscape will be essential for operating successfully in a globalized economy.

This book is not the first publication concerning international intellectual property law, or the intersection of intellectual property law and private international law, also referred to as “conflict of laws” in common law countries. Numerous studies exist on the topic of international intellectual property law, the body of law that has developed through international treaties—treaties that specifically address intellectual property issues, and treaties that cover such issues together with other topics, for example, trade-related treaties and agreements.

As compared to the tradition of studies in international intellectual property law, the history of the literature discussing the interplay between intellectual property law and private international law is relatively recent. But in this area several important works have already been written as well, including a major treatise by

James Fawcett and Paul Torremans, *Intellectual Property and Private International Law*, originally published by Oxford University Press in 1998, now in its second edition from 2011.

As opposed to other monographies that analyze issues of private international law and intellectual property law by considering all types of intellectual property, this book focuses solely on patents. This focus might be surprising to readers who are aware of the functioning of national patent systems, which are known for being strictly territorially limited, and affording rights only in the country in which the patent was granted. At first glance it appears that the functioning of patent systems rules out any cross-border problems by definition, but this book points out the wide variety of cross-border issues that are associated with the enforcement of patents.

This book addresses cross-border patent problems in a comprehensive manner; it does this through the view of an inventor or other prospective patent applicant who wishes to protect an invention globally, or at least in as many countries as possible, and who strives to enforce his rights regardless of where acts of infringement occur, or where infringers or their assets happen to be located. The book provides not only new perspectives, such as a comparative analysis of U.S. and German rules on enforcement of national patents beyond national borders, and recent statistical data, such as original statistics on U.S. patent cases, but it also advances topics that have been discussed in other studies, such as the history of patent law internationalization. By covering a large scope of cross-border patent enforcement issues, the book enriches readers' knowledge of the history of patent law internationalization, the development, current state, and possible future trajectory of international patent law, the extraterritoriality of national patent laws, and problems at the intersection of private international law and patent law.

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The text of this book reflects the state of the law as of June 1, 2011.