



Overlapping Intellectual Property Rights

Neil Wilkof, Shamnad Basheer

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Providing a comprehensive and systematic commentary on the nature of overlapping Intellectual Property rights and their place in practice, this book is a major contribution to the way that IP is understood. IP rights are mostly studied in isolation, yet in practice each of the legal categories created to protect IP rights will usually only provide partial legal coverage of the broader context in which such rights are actually created, used, and enforced.

Consequently, often multiple IP rights may overlap, in whole or in part, with respect to the same underlying subject matter. Some patterns, for instance, in addition to being protected from copying under the design rights regime, may also be distinctive enough to warrant trade mark protection.

Each chapter addresses a discrete pair of IP rights and is written by a specialist in that area. Facilitating an understanding of how and when those rights may be encountered in practice, each chapter is introduced by a hypothetical situation setting out the overlap discussed in the chapter. The conceptual and practical issues arising from this situation are then discussed, providing practitioners with a full understanding of the overlap.

Also included is a valuable summary table setting out the legal position for each set of overlapping rights in jurisdictions across Europe, Central and South America, and Asia, and the differences between them.

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