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Lodewijk Pessers

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(Information Law):

Information Law Series Volume 36 *The Inventiveness Requirement in Patent Law* provides a broad and historical perspective on the inventiveness concept in patent law. This groundbreaking work lays a very thorough conceptual basis for further and more in-depth discussions on current standards of inventiveness. Although the pivotal role of the inventiveness requirement in patent law is broadly accepted, it has long remained an ill-defined concept. The question that is often raised in current debates is whether the requirement is capable of functioning as an adequate gate-keeper. Using a methodology guided by geography and chronology, the author weaves together developments in numerous countries focusing primarily on the United States, the United Kingdom, Germany, and the Netherlands into a full-scale analysis of the inventiveness concept. What's in this book: Among the questions raised and examined are the following: How do industrial and economic considerations influence the inventiveness requirement? Are there different doctrinal schools of thought that can be distinguished? Should the current inventiveness requirement stay in close relationship with its predecessors, or is it fundamentally different? Which socio-economic and political forces have influenced or diverted the evolution of the inventiveness requirement? What are the most conspicuous similarities and dissimilarities among the jurisdictions under examination? How can they be explained? To what extent is the inventive step requirement applied in a uniform manner within the European Patent Convention area? To what extent has the recent enormous growth of patent grants been brought about by relaxation of the inventiveness requirement? The author tries to answer the question of how the requirement of inventiveness (in patent law) has evolved over time. In doing so, he focuses on three aspects in particular: (i) the historical phases that can be discerned in the requirements evolution; (2) the socio-economic and political forces that have determined or influenced its course; and (3) the similarities and dissimilarities between the jurisdictions under examination (i.e., the United States, the United Kingdom, Germany and the Netherlands). For reasons of structure and overview, the book is divided into two parts. The first part describes the evolution of inventiveness requirements in its first three phases: medieval, mercantilist and pre-modern. The second part is dedicated to the modern phase and pays particular attention to two different schools of thought that developed in the 19th century and which continue to be relevant for the doctrines direction, even today. How will this help you: This book provides crucially important fundamental commentary for lawyers, jurists, and scholars coming to grips with a hugely complex legal phenomenon: the dramatic growth, worldwide, in recent years of patents as instruments for the protection of industrial property. This book discusses the legislative and jurisprudential developments, as well as the extra-legal aspects social, economic, political, and administrative of the inventiveness in patent law. This excellent analysis is particularly welcome in these times of intensifying scrutiny of patent law and is sure to rapidly become a cornerstone resource for intellectual property lawyers, patent officers, in-house counsel in multinational manufacturing companies, and other interested practitioners.