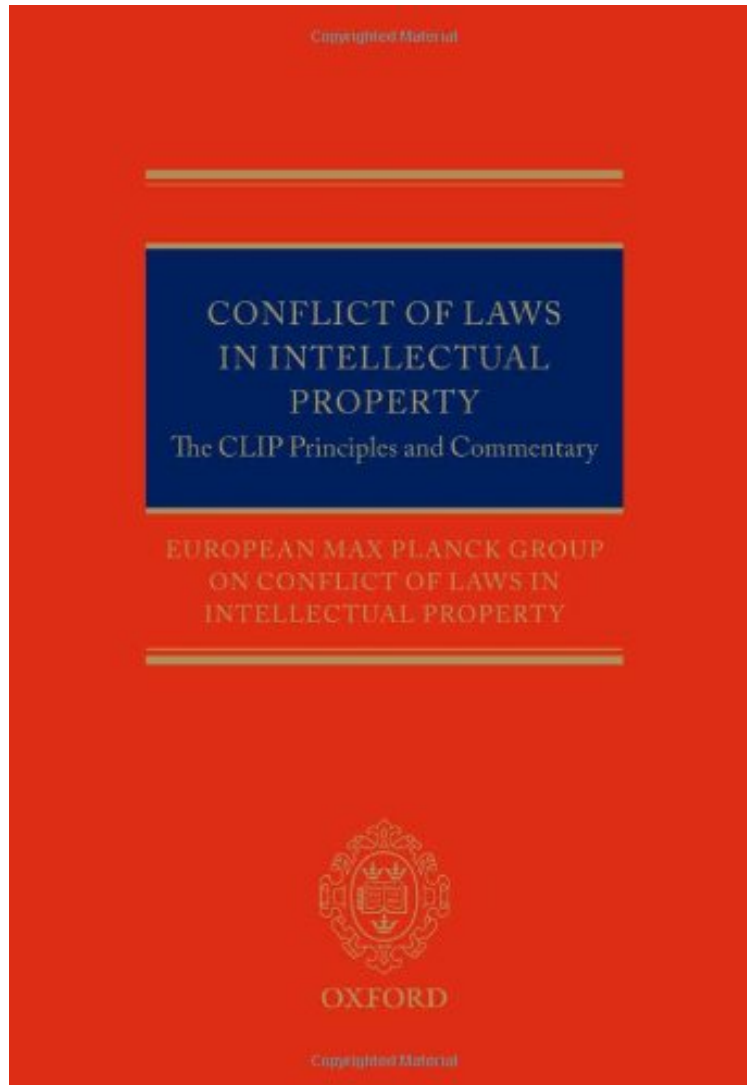


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# Conflict of Laws in Intellectual Property: The CLIP Principles and Commentary

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The Conflict of Laws in Intellectual Property (CLIP) Principles address issues of private law for disputes involving

intellectual property rights. They were produced by a Max Planck Institute research project, in which the authors of this work were heavily involved. The Principles are intended to provide a model European framework to respond to the increasing need for guidance on the applicable law. They represent a significant body of work which will help to inform developing practice on applicable law and conflict throughout the field. This new work presents the Principles, alongside article-by-article commentary and notes, which analyse thoroughly the context of the rule within the Principles, as well as within the existing legal solutions at the national, European and international level. It also explores the policy considerations underlying the rule, enabling a better understanding of why the Principles adopt the solutions laid out in the rules. Useful references are provided to the relevant legal provisions and cases dealing with the respective issues of intellectual property and private international law.

About the Author Jurgen Basedow is Director at the Max Planck Institute for Comparative and International Private Law in Hamburg and Secretary General of the International Academy of Comparative Law. He is also a member of the Group Européen de droit international privé. He has published extensively on various issues of Private International Law and European Private Law. Most recently, he has co-edited a book on Intellectual Property in the Global Arena. Pedro de Miguel Asensio is Professor of Private International Law at Universidad Complutense de Madrid. He has written extensively on issues at the intersection of private international law and intellectual property law. He has published monographs on the International Transfer of Technology Contracts, the Recognition and Enforcement of Foreign Judgments and Internet Business Law. Graeme Dinwoodie is Professor of Intellectual Property and Information Technology Law at the University of Oxford and the Director of the Oxford Intellectual Property Research Centre. He has written extensively on trademark law, copyright law and on the international aspects on intellectual property. Most recently, he has published the second edition of his casebook on International Intellectual Property Law and Policy. Josef Drexler is Director at the Max Planck Institute for Intellectual Property and Competition Law in Munich and Chair of the Managing Board of the Munich Intellectual Property Law Center. Since 2003, he has also been Chairman of the Academic Society for Competition Law (ASCOLA). He is a leading authority on Conflict of Laws in the fields of unfair competition, antitrust and intellectual property. Most recently, he has published the second edition of his commentary on International Competition Law and International Intellectual Property. Christian Heinze is a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg. He is an expert on civil procedure with a special focus on international jurisdiction and the enforcement and recognition of foreign judgements. In his doctoral thesis, Christian has done groundbreaking research on provisional measures in European Intellectual Property Law. Most recently, he has worked among others on the law applicable to security rights in intellectual property. Annette Kur is a Senior Research Fellow at the Max Planck Institute for Intellectual Property and Competition Law in Munich and Associate Professor at the University of Stockholm. Further, she was Global Visiting Professor of Law at New York University Law School and Consultant to the American Law Institute on the project Intellectual Property - Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes. She is an expert on European and international trademark law, on European industrial design law and on international procedural law in the field of intellectual property. Most recently, she has done research on the law applicable to contributory infringement. Axel Metzger is the Chair of Civil Law, Intellectual Property Law, Information Technology Law and Private International Law at the University of Hanover and founding member of the Institute for Legal Issues of Free and Open Source Software. He is a prolific scholar in the fields of private international law and intellectual property. In particular, he has repeatedly done research on the law applicable to contracts relating to intellectual property rights. His most recent academic interest, however, are the implications of the Anti-Counterfeit Trade Agreement on European Intellectual Property Law. 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In addition to his academic work, he has also acted as an expert for the World Intellectual Property Organisation, the European Commission and other numerous other international organisations. Mireille van Eechoud is Associate Professor at the Institute of Information Law of the University of Amsterdam and currently a Research Visitor at the Centre for Intellectual Property and Information Law at the University of Cambridge. She is a specialist in copyright law, in particular in collaborative works, and as done groundbreaking research on choice of law in copyright and related rights. Most recently, she has published a thorough analysis on the future of the principle of territoriality in European Copyright Law in Harmonizing European Copyright Law: The Challenges of Better Lawmaking.