



International Intellectual Property Arbitration (Arbitration in Context Series)

Trevor Cook, Alejandro Garcia

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More and more, intellectual property disputes tend to be multijurisdictional in nature, and parties everywhere are turning to international arbitration as the most promising means of resolution. Although these two legal specialisms – intellectual property law and international arbitration – are still in the process of 'understanding' each other, an efficient and effective procedural system of international intellectual property arbitration is well under way and growing by leaps and bounds. This is the first book in English to offer a comprehensive guide to this important branch of practice. The treatment throughout is eminently practical. The scope includes such matters as the following:

- benefits and limitations of arbitration as a means of resolving intellectual property disputes;
- legal and regulatory framework of an intellectual property arbitration under differing applicable laws;
- intellectual property arbitration agreements;
- establishment and organization of the arbitral tribunal, conduct of proceedings, and taking of evidence in intellectual property arbitrations
- making, setting aside, and enforcement of arbitral awards; and
- mediation of intellectual property disputes.

Types of dispute covered includes allegations of infringement of intellectual property rights such as patents, trade marks, copyright and confidential information, validity challenges to registered rights in the context of intellectual property arbitration, disputes as to ownership, and, as to licences of intellectual property rights, whether a particular activity falls within the scope of a licence, issues stemming from technology transfer and its 'know-how' element, the definition of licensed rights and of licensed products, calculation of royalties, and much more.

Intellectual property practitioners advising on or participating in international intellectual property arbitration will warmly welcome this practical, systematic treatment. The clear analysis and presentation will also provide the arbitration specialist who lacks familiarity with intellectual property with valuable insights into the perspectives of intellectual property practitioners and the specificities of intellectual property in the context of arbitration. In a more academic or policy context, the book is sure to contribute to the development of arbitration as a way of resolving intellectual property disputes, especially on a multijurisdictional basis.

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