

Christian Osterrieth

Patentrecht

6. Auflage

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Jin-Ying Zhang



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European Patent Law Duncan Matthews, Paul Torremans, 2023-10-04 This book provides a comprehensive overview of European Patent Law. It presents a critical analysis of the European patent law system and the proposed changes to it. The book explores the strengths and weaknesses of the European Patent Convention and the interaction between the national and the European level as well as across borders.

Global Patents Marketa Trimble, 2012-03-08 This book explains why a global patent does not exist. It identifies the barriers to its creation from both historical and current perspectives and discusses the difficulties that arise as inventors, investors and businesses strive to protect their inventions in the widest territory possible. The author analyzes the options available to patent holders.

Patent Enforcement Worldwide Christopher Heath, 2015-11-19 This book features 15 country reports on the patent enforcement practice of the world's most litigated countries in Europe, Asia and the Americas. Litigation strategies for both right owners and alleged infringers are explained against the background of case law on types of action, standing to sue, jurisdiction, obtaining evidence, provisional and final measures, trial practice, types of infringement, remedies and counterclaims, costs and issues of retrial, threats and wrongful enforcement. Special chapters cover the Trade-Related Aspects of Intellectual Property Agreement provisions on enforcement, enforcement issues in the European Community, international cross-border litigation and border measures. The reports are written by patent practitioners or academic experts in the field and the homogenous structure of the country reports allows for an easy identification of best practices and strategic considerations on the choice of jurisdiction.

The Legal 500 John Pritchard, 2010

Die internationale Regulierung des Arzneimittelsektors zwischen gewerblichem Rechtsschutz und öffentlichem Gesundheitsschutz Tobias Witte, 2011-04-11 Studienarbeit aus dem Jahr 2008 im Fachbereich Jura, Zivilrecht, Handelsrecht, Gesellschaftsrecht, Kartellrecht, Wirtschaftsrecht, Note 1,3 Punkte, Westfälische Wilhelms-Universität Münster, Lehrstuhl für öffentliches Recht, einschließlich Völker und Europarecht, Veranstaltung: Seminar im Wirtschaftsvertragsrecht, Sprache: Deutsch, Abstract: Die Arbeit befasst sich mit dem Wechselspiel zwischen notwendigen Investitionen in neue, effizientere Arzneimittel und teilweise langen Patentlaufzeiten. Während die Patentlaufzeiten notwendig für die Kostenamortisierung der Pharmafirmen sind, führen sie auch gleichzeitig dazu, dass günstige und somit auch für Entwicklungsländer erschwingliche Arzneimittel vor allem Generika erst Jahre später zugänglich sind, was nicht unerhebliche gesundheitliche Risiken birgt.

Comparative Patent Remedies Prof. Thomas F. Cotter, 2013-01-28 Nations throughout the world receive more patent applications, grant more patents and entertain more patent infringement lawsuits than ever before. To understand the contemporary patent system, it is crucial to become familiar with how courts and other actors in different countries enable patent owners to enforce their rights. This is increasingly important not only for firms that seek to market their products worldwide and for the lawyers who provide them with counsel, but also for scholars and policymakers working to develop better policies for promoting the innovation that drives long-term economic growth.

Comparative Patent Remedies

provides a critical and comparative analysis of patent enforcement in the United States and other major patent systems including the European Union Japan Canada Australia China South Korea Taiwan and India Thomas Cotter shows how different countries respond to similar issues and suggests how economic analysis can assist in adapting current practice to the needs of the modern world Among the topics addressed are how courts in various nations award monetary compensation for patent infringement including lost profits infringer s profits and reasonable royalties the conditions under which patent owners may obtain preliminary and permanent injunctions including cross border injunctions in the European Union the availability of various options for potential defendants to challenge patent validity and other matters such as the availability of criminal enforcement and border measures to exclude infringing goods

Zum Stand der europäischen Patentrechtsvereinheitlichung (2005) Johannes Henke, 2005-06-15 Studienarbeit aus dem Jahr 2005 im Fachbereich Jura Europarecht V Ikerrecht Internationales Privatrecht Note 17 Punkte Bayerische Julius Maximilians Universität Würzburg Lehrstuhl für Bürgerliches Recht Handelsrecht Gewerblichen Rechtsschutz und Urheberrecht Veranstaltung Grundlagenseminar zum deutschen und europäischen Immaterialgüterrecht Sprache Deutsch Abstract Erfindungen können im Gegensatz zu körperlichen Gegenständen von einer Vielzahl von Menschen ohne Ortsbindung genutzt werden Die Schutzwirkung in Bezug auf eine Erfindung kann sich aber nur im Rahmen der Kompetenz des jeweiligen Staates bewegen Der Berechtigte muss also auf Grund des Territorialprinzips im jeweiligen Staat ein Schutzrecht erlangen wo er die Erfindung verwerten möchte Dieses System ist dazu geeignet inländisches Gewerbe zu fördern indem Inländer bei der Schutzverleihung bevorzugt behandelt werden Es entfaltet Sinn wenn man einem merkantilistischen Wirtschaftsverständnis folgt In einer Union mit 25 Mitgliedstaaten ist dafür kein Platz Vielmehr geht es dort um möglichst allseitige Anerkennung des vom Erfinder originär erworbenen Rechts kurz um eine Vereinheitlichung des Patentrechts Deutlich hat sich die Globalisierung in der wissensbasierten Konomie vornehmlich der IT Branche der Telekommunikation und der Gentechnik niedergeschlagen Dies sind Branchen die nicht unter den klassischen patentrechtlichen Technikbegriff fallen und zumindest teilweise vom Patentschutz ausgenommen waren Insoweit kollidiert die dematerialisierende Wirkung der Globalisierung mit dem Technizitätsprinzip des Patentrechts In diesen Bereichen hat sich der patentrechtsvereinheitlichende Anpassungsbedarf stark erhöht Die Einführung eines Gemeinschaftspatents erscheint unerlässlich um einer Verwirklichung des Binnenmarktes näher zu kommen Eine Einschränkung des Gesagten gebietet sich jedoch insofern als nicht in jedem Fall ein Bedarf besteht eine Erfindung über die Staatsgrenzen hinaus patentieren zu lassen Die Dimension einer Patentrechtsvereinheitlichung zeigt sich am deutlichsten wenn man die im Zuge der Globalisierung international ausgerichtete Konomie mit der einzelstaatlich gefassten Organisation des Patentrechts vergleicht Die konomische Endterritorialisierung steht gleichsam im Konflikt zum patentrechtlichen Territorialprinzip Anders gewendet Der größte Anpassungszwang folgt aus der Inkongruenz zwischen Aktivitäten der Wirtschaft und Reichweite der Patentrechtsordnungen

NJW-Rechtsprechungs-Report ,2007 Adams Pech,

die Welt zu retten Arto Paasilinna, 2009 Aatami Rym ttly hat den Weg aus der drohenden lkrise gefunden einen winzigen Akku der Strom im berfluss liefern kann Um die umw lzende Erfindung zu vermarkten fehlt Aatami jedoch das Geld Zum Gl ck nimmt sich Eeva Kontupohja des vom Pech verfolgten Weltretters an Die neue Energiequelle st sst jedoch nicht nur auf Gegenliebe Die lmultis setzen einen sizilianischen Killer auf Aatami an **Die Reaktion der Softwareindustrie auf das**

Scheitern des Richtlinienentwurfs zur Patentierbarkeit computerimplementierter Erfindungen Jens

Englert, 2007-08-26 Diplomarbeit aus dem Jahr 2007 im Fachbereich Jura Medienrecht Multimediarecht Urheberrecht Note 1 3 Hochschule Darmstadt Sprache Deutsch Abstract Die Diskussion um die Patentierbarkeit computerimplementierter Erfindungen ist auch nach der Ablehnung des Richtlinienentwurfes durch das Europ ische Parlament am 06 Juli 2005 nicht beendet sondern nach wie vor aktuell da sich an der Rechtsprechungs und Patentierungsspraxis in Europa nichts ge ndert hat Im Laufe der Kontroverse um die Richtlinie hat sich gezeigt dass es zwischen Patentierungsbef rwortern und Gegnern eine klare Front gibt Beide Seiten versuchten mit Lobbyarbeit und Aktionen das Europ ische Parlament und die ffentlichkeit von ihrer Meinung zu berzeugen Patentierungsgegner schickten zahlreiche Briefe an Politiker unterzeichneten Online Petitionen und schickten sogar aus Protest Bananen an das Bundesjustizministerium Letztlich erreichten die Richtliniengegner damit ihr Ziel und die Richtlinie wurde nicht verabschiedet Im Rahmen dieser Arbeit soll er rtert werden ob und in welcher Form die Softwareindustrie auf diese Ablehnung reagiert hat Nachdem die einzelnen Entw rfe der Richtlinie er rtert worden sind wird dazu die Anzahl von Patentanmeldungen ausgesuchter Softwarefirmen vor und nach dem Scheitern der Richtlinie kritisch beleuchtet werden Weiterhin wird auf Alternativen zum bestehenden Patentsystem eingegangen um anschlie end sinnvolle Regelungen im Hinblick auf einen Interessenausgleich zwischen den widerstreitenden Gruppen zu pr sentieren 1 2 Gang der Untersuchung Nach allgemeinen berlegungen zum Patentschutz in Kapitel zwei werden im dritten Kapitel die patentrechtlichen Schutzmglichkeiten f r computerimplementierte Erfindungen dargestellt Dazu wird auf die einzelnen Patentierungsvoraussetzungen nach deutschem Recht eingegangen gefolgt von der Darstellung der einschl gigen Rechtsprechung von BGH und BPatG Dem schlie t sich ein Blick auf den Patentschutz nach internationalen Abkommen an Dabei wird das TRIPS Abkommen vorgestellt sowie sich mit den Patentierungsvoraussetzungen nach dem Europ ischen Patent bereinkommen und der dazugeh rigen Rechtsprechung der Technischen Beschwerdekammern des Europ ischen Patentamts auseinandergesetzt Kapitel vier befasst sich zun chst mit der Geschichte des Richtlinienentwurfs begonnen mit ersten Sondierungen anhand des Gr nbuchs bis hin zur abschlie enden Ablehnung des Gemeinsamen Standpunkts durch das Europ ische Parlament Anschlie end werden die unterschiedlichen Richtlinienentw rfe von Kommission Parlament und der Gemeinsame Standpunkt mitsamt den jeweiligen Regelungen gegen bergestellt und bewertet In Kapitel f nf werden die wichtigsten Einw nde gegen die Richtlinie kritisch hinterfragt Das darauffolgende Kapitel sechs wird der besonderen Problematik der Patentierung von Gesch ftsmethoden und den

Trivialpatenten gewidmet Im siebten Kapitel werden verschiedene Ansätze für eine Verbesserung des aktuellen Patentsystems vorgestellt und beurteilt Zum Ende des Kapitels erfolgt ein eigener Vorschlag Kapitel acht beschäftigt sich mit den Anmeldezahlen ausgewählter Softwareunternehmen Es werden die Anmeldzahlen vor dem Europäischen Patentamt in den Jahren 2000 bis 2006 dargestellt Anschließend werden die Anmeldungen der einzelnen Firmen einer genaueren Analyse unterzogen Das Kapitel schließt mit einer Stellungnahme und Bewertung der Anmeldzahlen In Kapitel neun folgt die Abbildung eines Interviews mit Dr Bernhard Fischer der SAP Global IP Group zum Thema computerimplementierte Erfindungen Das Fazit mitsamt einer kurzen Zusammenfassung beschließt schließlich in Kapitel 10 diese Arbeit

International Encyclopaedia of Laws ,2002 **Neue juristische Wochenschrift** ,2007 **Deutsche Nationalbibliographie und Bibliographie der im Ausland erschienenen deutschsprachigen Veröffentlichungen** ,1996 **Copyright World** ,2003 **Neuerwerbungen der Bibliothek** ,2004 Restructuring and Reform United Nations. Department of Economic and Social Affairs, United Nations Development Programme, China Association for Peaceful Use of Military Industrial Technology, 1999 *Martindale-Hubbell International Law Directory* ,1994 **Patentrechtliche Zwangslizenzen zum Export von Arzneimitteln in Entwicklungsländer** Patrick Krüger, 2016-11-21 Studienarbeit aus dem Jahr 2014 im Fachbereich Jura Zivilrecht Handelsrecht Gesellschaftsrecht Kartellrecht Wirtschaftsrecht Note 17 00 Punkte Humboldt Universität zu Berlin Juristische Fakultät Veranstaltung Patentrecht Sprache Deutsch Abstract Das Inkrafttreten des Übereinkommens über handelsbezogene Aspekte der Rechte des geistigen Eigentums TRIPS im Jahre 1994 bezweckte einheitliche Standards der Rechte des geistigen Eigentums in allen Mitgliedsstaaten der Welthandelsorganisation WTO Insbesondere Entwicklungsländer mussten Schutzsysteme etablieren um den Anforderungen des TRIPS gerecht zu werden Im Bereich der pharmazeutischen Patente hatte das TRIPS Abkommen einen signifikanten Einfluss aus in dem es festlegte dass diese nun in allen WTO Ländern geschätzt werden Obgleich das TRIPS Abkommen den Schutz des geistigen Eigentums in den Entwicklungsländern stärken oder gar erst etablieren sollte war es ein Anliegen der Vertragsstaaten auch den Zugang zu Arzneimitteln für die Bevölkerung zu verbessern Wie sich zeigen wird erschwert die an sich lobenswerte Stärkung des patentrechtlichen Schutzes den Zugang zu bezahlbaren Arzneimitteln Im Wissen um dieses Spannungsfeld haben die Mitgliedsstaaten Wege geschaffen diesen Zugang wieder weiter zu öffnen Die Effektivität einer dieser Vehikel soll im Folgenden untersucht werden Damit ist die Möglichkeit der Zwangslizenzierung unter Art 31 TRIPS gemeint welche hierbei die meiste Aufmerksamkeit auf sich gezogen hat und mithin auch die konfliktträchtigste Variante darstellt Aufgrund dessen wird sich der wesentliche Schwerpunkt dieser Arbeit mit der Frage auseinandersetzen Stellt die Zwangslizenzierung gegenüber unter dem TRIPS Abkommen und der VO 816/2006/EG ein effektives Mittel dar den Zugang zu Arzneimitteln in Entwicklungsländern zu verbessern Dabei wird die vorliegende Arbeit zunächst auf die ökonomischen Aspekte des Arzneimittelpatents eingehen Nach dieser einleitenden Betrachtung werden die patentrechtlichen Zwangslizenzen dabei

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