

JIPITEC - Special Issue on Private International Law and Intellectual Property

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JIPITEC - Special Issue on Private International Law and Intellectual Property

This special issue of JIPITEC presents a collection of papers given at the inaugural meeting of the International Law Association's (ILA) Committee on Intellectual Property (IP) and Private International Law held at the University of Lisbon on March 15-17, 2012. The ILA approved to establish a new committee on IP and Private International Law (hereinafter "the Committee") in 2010 to continue the ongoing discussion on the challenges for traditional models of adjudicating international disputes with regard to intellectual property.¹ These new challenges are raised by today's global business models of right holders and intermediaries, as well as by information technology at the disposal of users that allows worldwide dissemination of protected subject matter but that can endanger, as such, the protection of intellectual property. The Committee continues research efforts that have been started in the 2000s. The first comprehensive research outcome of this international debate has been the 'Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes' of 2007 published by the American Law Institute in 2007.² In 2011, the Max-Planck Institutes in Hamburg and Munich together with a group of distinguished European scholars concluded a research project and published the CLIP-Principles on Conflict of Laws in Intellectual Property.³ In Asia, a group of scholars in Japan and Korea (the Waseda GCOE Project) published their own Principles on this topic in 2010,⁴ while another project team in Japan (the Transparency Project) has published a legislative proposal in August 2010.⁵ Due to the mature status of the international debate, the

Committee decided to start its deliberations by taking stock of the common features of the already existing works. This challenging task was taken over by *Paulius Jurčys*, *Rita Matulionytė* and *Benedetta Ubettazzi*, whose reports are collected in this issue. However, the Committee has also identified new subjects that have not been sufficiently dealt with in the older projects and areas where new proposals should be developed. The papers by *Pedro de Miguel Asensio* and *Axel Metzger* explore two potential issues for further discussion in the Committee. The editors would like to thank *Rita Matulionytė* who assisted the editing of this issue.

The editors

- 1 See <http://www.ila-hq.org/en/committees/index.cfm/cid/1037> and <http://www.law.kyushu-u.ac.jp/programs/english/ila2012>.
- 2 American Law Institute's 'Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes' of 2007 (ALI Principles).
- 3 European Max Planck Group on Conflict of Laws in Intellectual Property (CLIP), Principles on Conflict of Laws in Intellectual Property of 2011, <http://www.cl-ip.eu/en/pub/home.cfm>. The CLIP-Principles will be published with comments and notes in early 2013 at Oxford University Press.
- 4 Members of the Private International Law Association of Korea and Japan, Principles of Private International Law on Intellectual Property Rights, The (Waseda) Quarterly Review of Corporation and Law and Society 2011, 112, 141.
- 5 Transparency Proposal on Jurisdiction, Choice of Law, Recognition and Enforcement of Foreign Judgments in Intellectual Property, October 2009, in Jürgen Basedow/Toshiyuki Kono/Axel Metzger (eds.), Intellectual Property in the Global Arena - Jurisdiction, Applicable Law, and the Recognition of Judgments in Europe, Japan and the US (2010), 394-402.