

Rethinking
Patent Law

ROBIN FELDMAN



Rethinking Patent Law

Douglas Lichtman, Mark A. Lemley



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Rethinking Patent Law Robin Feldman, 2012-06-19 Scientific and technological innovations are forcing the inadequacies of patent law into the spotlight Robin Feldman explains why patents are causing so much trouble She urges lawmakers to focus on crafting rules that anticipate future bargaining not on the impossible task of assigning precise boundaries to rights when an invention is new

Rethinking Patent Law's Presumption of Validity Douglas Lichtman, Mark A. Lemley, 2011 The United States Patent and Trademark Office is tasked with the job of reading patent applications and determining which ones qualify for patent protection It is a Herculean task and the Patent Office pursues it subject to enormous informational and budgetary constraints Nonetheless under current law courts are bound to defer to the Patent Office's decisions regarding patent validity In this Article we argue for reform Deference to previous decision makers is appropriate in instances where those previous decisions have a high likelihood of accuracy and the patent system should endeavor to create processes that fit this mold But granting significant deference to the initial process of patent review is indefensible and counter productive Patents should be vulnerable to challenge until and unless they are significantly evaluated in an information rich environment At that point they will have earned and therefore should be accorded a presumption of validity Such an approach would better serve the patent system's long run incentive goals and it would give patent applicants better incentives to file for genuine inventions but leave their more obvious and incremental accomplishments outside the patent system's purview Here we therefore suggest the creation of a two tier system of patent validity with patents that are subject to intensive scrutiny accorded a strong presumption of validity while untested patents are left to be evaluated more fully in court

Research Handbook on the Economics of Intellectual Property Law Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it

[The Changing Face of US Patent Law and Its Impact on Business Strategy](#) D.R. Cahoy, 2013-01-01 Daniel Cahoy and Lynda Oswald have brought together some of the country's most prominent patent scholars outside the legal discipline From the Leahy-Smith America Invents Act to recent court cases from the Supreme Court and the Federal Circuit this timely informative and well edited volume examines the latest changes in US patent law and their impact on business strategy The book is a must read for anybody who wants to learn more deeply about the ever increasing role of patents in the business environment Peter K Yu Drake University Law School US Within the complex global economy patents function as indispensable tools for fostering and protecting innovation This fascinating volume offers a comprehensive perspective on the US patent system detailing its many uses and outlining several critical legislative administrative and judicial reforms that impact business strategy The expert

contributors to this book provide an overview of how the US patent system functions today and describe how recent changes affect firms and individual inventors Topics discussed include the drivers of intellectual property policy recent revisions to the patent application process in terms of the new first to file regime inequitable conduct and allowable subject matter and changes to patent enforcement and infringement related to the Federal Circuit s special role and post grant review Contributors address recent legislation such as the 2011 America Invents Act which enacted some of the most significant patent reforms in decades This examination of the US patent system highlights some of the most important issues for business It will serve as an important tool for both policymakers and business leaders and will also interest students and professors of business and management studies innovation studies and business law

The Future of the Patent System

Ryo Shimanami,2012-01-01 In a rapidly changing world the underlying philosophies the rationale and the appropriateness of patent law have come under question In this insightful collection the authors undertake a careful examination of existing patent systems and their prospects for the future Scholars and practitioners from Japan the US Europe India Brazil and China give detailed analyses of current and likely future problems with their respective systems and outline possible responses to them With detailed and extensive contributions this book will greatly appeal to students practitioners policymakers and academics who are interested in the problems of current patent system in the world and their future

Review of Recent Judicial Decisions on Patent Law United States. Congress. House. Committee on the Judiciary.

Subcommittee on Intellectual Property, Competition, and the Internet,2011

Patent Failure James Bessen,Michael J. Meurer,2009-08-03 In recent years business leaders policymakers and inventors have complained to the media and to Congress that today s patent system stifles innovation instead of fostering it But like the infamous patent on the peanut butter and jelly sandwich much of the cited evidence about the patent system is pure anecdote making realistic policy formation difficult Is the patent system fundamentally broken or can it be fixed with a few modest reforms Moving beyond rhetoric *Patent Failure* provides the first authoritative and comprehensive look at the economic performance of patents in forty years James Bessen and Michael Meurer ask whether patents work well as property rights and if not what institutional and legal reforms are necessary to make the patent system more effective *Patent Failure* presents a wide range of empirical evidence from history law and economics The book s findings are stark and conclusive While patents do provide incentives to invest in research development and commercialization for most businesses today patents fail to provide predictable property rights Instead they produce costly disputes and excessive litigation that outweigh positive incentives Only in some sectors such as the pharmaceutical industry do patents act as advertised with their benefits outweighing the related costs By showing how the patent system has fallen short in providing predictable legal boundaries *Patent Failure* serves as a call for change in institutions and laws There are no simple solutions but Bessen and Meurer s reform proposals need to be heard The health and competitiveness of the nation s economy depend on it

The Oxford Handbook of Intellectual Property

Law Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative foundations and its place and operation in the political economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy

Knowledge Governance Reasserting the Public Interest, Anna Célia Castro, Rainer Kattel, 2014-10-01 This book argues that the current international intellectual property rights regime led by the World Trade Organization WTO has evolved over the past three decades toward overemphasizing private interests and seriously hampering public interests in access to knowledge and innovation diffusion This approach concentrates on tangible and codified knowledge creation and diffusion in research and development R D that can be protected via patents and other intellectual property rules and regulations In terms of global policy initiatives however it is becoming increasingly clear that the WTO in particular is mostly a conflict resolution facility rather than a global governance body able to generate cooperation and steer international coordinated policy action At the same time rent extraction and profits streaming from legal hyperprotection have become pervasively important for firm strategies to compete in a globalized marketplace Knowledge Governance Reasserting the Public Interest offers a novel approach knowledge governance in order to move beyond the current regime

Research Handbook on Intellectual Property and Technology Transfer Jacob H. Rooksby, 2020-02-28 Written by leading experts from across the world this Handbook expertly places intellectual property issues in technology transfer into their historical and political context whilst also exploring and framing the development of these intersecting domains for innovative universities in the present and the future

Reviewing **Rethinking Patent Law**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Rethinking Patent Law**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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