

## Trade Marks and Competition Law



This book provides a critical analysis of the interface between trade mark law and competition law through a combination of practice, doctrine, and policy. The two legal regimes are at opposite ends of the scale, with one promoting monopoly and the other competition; they operate at parallel levels, often without regard for the objectives and regulatory tools of the other. However, an increasing number of cases from the European Union (EU) and beyond cover the intersection of the two regimes. This book highlights the ways in which the fundamentals of trade mark law are being challenged from a competition law perspective, and how trade mark principles affect the development and application of competition law. It provides a detailed overview of jurisprudence from Europe, the United States, and Australia, adopting a comparative approach. The book explores three practical areas. Firstly, it considers the jurisprudence on how trade mark law internalises competition considerations. Secondly, it examines how competition law internalises trade mark considerations. Thirdly, it looks at the hierarchy of the direct relationship between trade mark law as a set of exclusionary rules that lead to market power on one hand and competition law as a set of rules targeting market power and its abuse on the other. The book then focuses on identifying and codifying the judicial toolkit developed by the courts in all of these, and positions this against a theoretical justificatory background. Finally, it tests the sustainability of the toolkit against the competition plus context and provides an appropriate policy framework for the balancing between trade mark rights and competition rules.

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McClure, Trademarks and Unfair Competition: A Critical paradigm to describe the evolution of trademark legal theory and doctrine. **Section of Intellectual Property Law: TRADEMARKS & UNFAIR** This book provides a critical analysis of the interface between trade mark law and competition law through a combination of practice, doctrine, and policy. **The Relationship Between Trademarks and Unfair Competition Law** The best way to envision the relationship between trademarks and unfair competition is to imagine an umbrella. The umbrella is unfair **INTA :: U.S. State Trademark and Unfair Competition Law** In the Trademarks, Designs & Competition Law department are presently working 9 Attorneys-at-Law. **Trademarks, Designs & Competition Law Vossius & Partner : Trademarks and Unfair Competition Law and Policy** Jane C. Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia Law School Jessica Litman, John F. 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