

General Index

A

ABANDONMENT

Orphan works, **5A.07[6]**,
5D.05[3], **App 3D(11)**
Patent license, **3.07[15]**

ABSTRACT RIGHTS

Distinct from material manifesta-
tion in intellectual property,
1.09[1][b]

ABUSE

Dominant position, *see* **Dominant
Position, Abuse Of**

ACQUISITIONS

See also **Mergers**
Clayton Act, assets and stock,
2.06[3]
United States, IP rights, **2.09[1][s]**

ACTIVITY RIGHTS

Intellectual property as example,
1.01[1]

AGENTS

Distribution and agency agree-
ments, exclusive, **8.02[1]**
European Directives, self-
employed commercial agents,
App 3D(4)

AGREEMENTS

see **Contracts and Agreements**

ALIEN OBLIGATIONS

License, in, **1.13**

ALTERNATE DISPUTE RESOLUTION

Arbitration, escalating ADR
clauses, **10.11**
FRAND licensing, negotiations,
3.11[3][b]

ANTICOMPETITIVE ACTIVITIES

Damages, **1.07[1][b]**, **1.07[1][f]**

ANTITRUST

Generally, **2.01**, **2.02**
America, *see* **United States**
Arbitral Tribunal, application of
antitrust rules by, **10.12[7]**
Challenges, **2.03**
Clayton Act, *see* **Clayton Act**
Common law provisions, **1.06[2]**,
1.06[5]
Competitive advantage demands,
1.12
Concentration, undue, of related
rights, **1.15**
Consumer protection, **8.06[3]**
Covetous obligations, and, **1.13**
English common law, relevance
of, **1.06[2]**
EU, *see* **EU Competition**
Exclusivity, **1.16**, **2.09[1][i]**
Federal Trade Commission Act,
see **Federal Trade Commis-
sion Act**
Foreign trade and, **1.17**
Franchising, **8.02[2][b]**
Fundamentalism of validity, **1.14**
Improvements, handling of, **1.10**
Intellectual property
Application to, **1.06[5]**, **1.07** to
1.17
Challenges, **2.03**
International effect, **1.17**
Limits licensing to accord with
grant, **1.07**
Limits rights to primary act, **1.08**
Patent exploitation policy and,
1.15[1]
Patent misuse, and, in US, **1.13[6]**

ANTITRUST—Cont’d

- Principles applicable, **1.06[2], 1.07 to 1.17**
- Public interest, **1.06[5][c]**
- Sherman Act, *see* **Sherman Act**
- Sources of, **1.06[1]**
- Splitting-up rights, **1.09**
- Technological advance challenges, **2.03**
- Unwanted facilities barred, **1.11**
- US, *see* **United States**

ARBITRATION

- ADR clauses, escalating, **10.11**
- Agreements
 - Arbitrability of agreements relating to intellectual property, **10.05**
 - Arbitration Act of 1996, **10.08[1][d] to 10.08[1][g]**
 - US Arbitration law, below
- Antitrust rules, application by Arbitral Tribunal, **10.12[7]**
- Clauses
 - Audit clause, effect on, **10.08[1][c]**
 - Escalating ADR clauses, **10.11**
 - Future dispute clauses, **10.03**
 - US Arbitration law, below
- Commercial, AAA rules on, **App 6-17**
- Conflict of forum selection and arbitration clauses, US Arbitration law, **10.12[6]**
- Convention on Recognition and Enforcement of Foreign Arbitral Awards, 1958, **App 4G**
- Defined, **10.01**
- Enforcement of award
 - England and Wales, Arbitration Act of 1996, **10.08[1][h]**
 - International and “non-domestic” awards, **10.12[4][a] to 10.12[4][c]**
 - US Arbitration Law, below

ARBITRATION—Cont’d

- England and Wales
 - Arbitration Act of 1996, **10.08[1]**
 - Agreements, **10.08[1][d] to 10.08[1][g]**
 - Enforcement of award, **10.08[1][h]**
 - Mandatory and nonmandatory provisions, **10.08[1][b], 10.08[1][c]**
 - Recognition of foreign awards—the New York Convention, **10.08[2]**
 - Escalating ADR clauses, **10.11**
- EU Competition Law, application by Arbitral Tribunal, **10.09**
- Federal Arbitration Act, **10.12[1], App 6C**
- Franchising, arbitration for, **10.10**
- Future dispute clauses, **10.03**
- Intellectual property
 - See also other lines in this heading*
 - Agreements relating to intellectual property, arbitrability of, **10.05**
 - Arbitrability of intellectual property rights per se, **10.04**
- International arbitration, **10.06**
 - and see also other lines in this heading*
- International commercial arbitration, UNCITRAL Modern Law (1985), **App 6A**
- New York Convention, **10.08[2], 10.12[4][a]**
- Patents
 - AAA rules on, **App 6-33**
 - US Arbitration law, **10.12[8]**
 - Voluntary arbitration of patent matters, **App 6E**
- Recognition of foreign awards
 - Convention on Recognition and Enforcement of Foreign

INDEX

ARBITRATION—Cont’d

- Recognition of foreign awards
 - Cont’d
 - Arbitral Awards, 1958, **App 4G**
 - New York Convention, **10.08[2]**
- Referral to major arbitration institutions, **10.07**
- Scope of chapter, **10.03**
- Third parties to agreement containing arbitration clause, **10.12[5][c]**
- UK Arbitration Act of 1996 (extracts), **App 6B**
- UNCITRAL Model Law on International Arbitration
 - Generally, **10.06[1]**, **App 6A**
 - Adoption, **10.06[1][b]**, **10.06[1][c]**
 - Scope, **10.06[1][d]**
- Uniform Arbitration Act of 1950, **App 6D**
- US Arbitration law
 - Agreement, scope of
 - Challenging arbitrators authority to make award, **10.12[5][a]**
 - Freedom of parties to contractually expand court’s review powers, **10.12[5][b]**
 - Third parties to agreement containing arbitration clause, **10.12[5][c]**
 - Antitrust rules, application by Arbitral Tribunal, **10.12[7]**
 - Clauses
 - Conflict of forum selection and arbitration clauses, **10.12[6]**
 - Third parties to agreement containing arbitration clause, **10.12[5][c]**
 - Conflict of forum selection and arbitration clauses, **10.12[6]**
 - Courts in favor of arbitration, **10.12[2]**

ARBITRATION—Cont’d

- US Arbitration law—Cont’d
 - Enforcement of international and “non-domestic” arbitral awards
 - Bound to enforce award, court as, **10.12[4][b]**
 - The New York Convention, **10.12[4][a]**
 - “Non-domestic,” awards made in US can be, **10.12[4][c]**
- Federal Arbitration Act, **10.12[1]**
- Patent arbitration, **10.12[8]**
- State law and Federal law, **10.12[3]**
- Use of arbitration, why, **10.02**
- Writing, agreement to be in, **10.8[1][e]**

ASSEMBLIES

- Design right, **5C.02[1][j]**

ASSIGNMENT

- Application, patent for, **3.06[1]**
- Company in liquidation, **3.06**
- Contract and agreements
 - Claim, **9.29**
 - Right to re-assignment on non payment, **9.27**
- Copyright, generally, **5A.06**
- Covenants for title in, **3.05**
- Death of proprietor, **3.06**
- Design right, *see* **Design Right**
- Incorporation by individuals, **4.06[2]**
- Intellectual property rights, **1.04[1]**
- Invention, of, **3.06[1]**
- Invention by employee, **4.06[3]**
- Non payment, right to re-assignment, **3.07[16]**, **9.27**
- Patent, of, requirements for, **3.03**, **3.06[1]**
- Patent license, *see* **Patent License**
- Protectable information, **4.04**
- Trade marks, *see* **Trade Mark(s)**

ASSIGNMENT—Cont’d

Trade marks to distributors, non-genuine, **8.04[7][e]**
Trade secret, **4.04[2]**

ATTORNMENT

Practice, **9.05**

AUDITS AND AUDITORS

Arbitration, effect on audit clause, **10.08[1][c]**

AUTHORSHIP

Multimedia and entertainment, moral rights, **7.03[1][b]**
Resale right for benefit of author of original work of art, Directive 2001/84/EC (27 September 2001), **App 3D(9)**

B

BANKRUPTCY

Patent, license, **3.09**
Trade mark of bankrupt debtor, use by licensee, **6.06[7]**

**BERNE CONVENTION
IMPLEMENTATION ACT**

Copyright, **5A.08[5]**

**BERNE COPYRIGHT
CONVENTION**

Generally, **App 4B**

BEST ENDEAVOURS

Competing products, and, **9.11**
Significance of clauses for, **9.10**

BIOTECHNOLOGY

Protection of
EC directive 98/44/EC on legal protection of biotechnological inventions, **App 3D(2)**
EC notice on the legal protection of biotechnological inventions, **App 3C(11)**
United Kingdom
Generally, **13.04[3]**

BIOTECHNOLOGY—Cont’d

Protection of—Cont’d
United Kingdom—Cont’d
Compulsory and cross-licensing, **13.04[3][c]**
Licensing, **13.04[3][b]**
Patents, **13.04[3][a]**
United States, **13.03[3]**
Multiple claims, **13.03[4]**

BLOCK EXEMPTIONS

EC, regulations issued by, *see* **EC**
EU competition law, *see* **EU**
Competition Law

BOOKS

Inspection of, rights relating, **9.09**

BREACH

Generally, **9.13**
Burden of proof, licensee, **4.06[6]**
Effect on information, **4.06[5]**

BREEDERS’ RIGHTS

see **Plant Varieties**

**BROADCASTING, CABLE
PROGRAMMES AND
RIGHTS IN
PERFORMANCES,
COPYRIGHT**

Generally, **5D**
Cable, broadcasting by, **5D.01**
Extent and duration of protection, **5D.02**
Introduction, **5D.01**
Licensing, **5D.05, 5D.05[3]**
Moral rights in performances, **5D.06**
Orphan works, **5D.05[3]**
Ownership, **5D.03**
Transferring title, **5D.04**

BUNDLING

EU competition law, *see* **EU**
Competition Law
FRAND licensing, **3.11[4][d]**
Licensing of IP, Dept. of Justice and FTC antitrust guidelines,

INDEX

BUNDLING—Cont’d

tying/bundling arrangements,
2.09[1][o]

United States restrictions, **2.12[5]**

BURDEN OF PROOF

Breach by licensee, **4.06[6]**

BUSINESS

Definition of, **9.24**

C

CABLE TV

Copyright coverage, **5D.01**

Satellite broadcasting and cable
retransmission, Directive
93/83/EEC (27 September
1993), **App 3D(4B)**

CHARGES

Intellectual property, **1.04[4]**

CHOSE-IN-ACTION

Intellectual property and, **1.01[1]**

CHOSE-IN-POSSESSION

Example, **1.01[1]**

CLAYTON ACT

Generally, **2.06, App 2A**

Asset acquisitions, **2.06[3]**

Conditioning, **2.06[2]**

Facilities discrimination, **2.06[1]**

Price discrimination, **2.06[1]**

Service discrimination, **2.06[1]**

Stock acquisitions, **2.06[3]**

Tying, **2.06[2]**

CLOUD COMPUTING

Copyright, **5B.03[6]**

CO-AUTHORSHIP

Copyright, **5A.04[2A]**

COLLECTIVE RIGHTS

MANAGEMENT

Design right, EU scheme, **5D.07**

COMBINATION PATENTS

Restraints of trade, **1.09**

COMMISSIONED WORKS

Design right, **5C.02[2][b][ii]**

COMMON LAW OF ENGLAND

Antitrust law and, **1.06[2], 1.06[5]**

Monopolies and, **1.06[2]**

COMMUNITY TRADEMARKS

see BFTrade Mark(s)

COMPANY PURCHASE

Transfer of employee obligations,
4.06[4]

COMPETITION

Generally, **2.01, 2.02**

“By object” competition restric-
tions, guidance, **App 3C(4)**

EC, *see* **EC**

EEC policy, *see* **Competition
Policy in EEC**

EU, *see* **EU Competition Law**

Minor importance, agreements not
falling under Article 101(1)
of TFEU, Commission notice
on, **App 3C(3)**

Patents, impact of Competition
Law, **3.11**

Pools and pooling, *see* **Pools and
Pooling**

Relevant market, EC’s notice on
definition for purpose of
Community Competition
Law, **App 3C(9)**

Trade marks, *see* **Trade Mark(s)**

US, *see* **United States**

COMPETITION ACT 1998

Excerpts, **App 1Z**

COMPULSORY LICENSE

Breeders’ rights, U.K., **13.04[2][h]**

Early decisions, **1.16[2]**

Not quantitative restriction for
E.E.C., **1.16[1]**

Patents, **3.10**

COMPUTER GENERATED DESIGNS

Design right, **5C.02[3][c]**

COMPUTER PROGRAMS

Bootstrap ROMs and operating systems, **5B.02[4]**
 Copyright, **5B.01, 5B.02**
 Databases, **5B.02[8]**
 European directives, Directive 91/250/EC (14 May 1991) (repealed), **App 3D(3)**
 Expression/idea dichotomy, **5B.02[2]**
 Impact of EU law on licensing of, **5B.02[7]**
 Mask works, **5B.02[5]**
 Protection of, **5B.02[1]**

COMPUTER SOFTWARE

Copyright, **5B.01, 5B.02**
 Generally, **5B.02**
 Cloud computing, **5B.03[6]**
 Exploiting, **5B.03**
 Expression/idea dichotomy, **5B.02[2]**
 Indirect use, **5B.03[3]**
 Open source software, **5B.03[5]**
 Protection, **5B.02[1]**
 Transferability, **5B.03[3]**
 Translation, **5B.02[3]**

CONFIDENTIAL INFORMATION

Assignment by employee, **4.06[3]**
 Confidentiality Clubs, **4.06[8]**
 External Eyes Only Provisions, **4.06[8]**
 FRAND licensing, confidentiality of license settled by a court, **3.11[4][e]**
 License, territorial limits, **4.06[7]**
 Multimedia and entertainment, **7.02[5]**
 Public domain, **4.06[5]**
 Term and termination, **4.07**
 Transfer, **4.04**

CONFIDENTIALITY

Technology sharing and transfer, **12.03[5][g]**

CONFIDENTIALITY CLUBS

Generally, **4.06[8]**

CONSENT JUDGMENT

Validity and, **1.14[2][c]**

CONSORTIA

Technology sharing and transfer, **12.02[3]**

CONSULTANTS

Inventions by, **3.03**

CONSUMER LEGISLATION

Distribution media, modes and legislation, **7.06[1], 7.06[2]**

CONTRACTORS

Sub-, inventions by, **3.03**

CONTRACTS AND AGREEMENTS

And intellectual property rights transactions, **9.01**
 Antitrust, United States, **2.08**
 Arbitration agreements, *see* **Arbitration**
 Assignment. *see* **Assignment**
 Breach of, **9.13, 9.23**
 Charges on intellectual property, **9.18**
 Communication of acceptance, **9.16**
 Cooperation, *see* **Co-Operation Agreements**
 Co-owners, **3.02[1][b]**
 Copyright licensing, **5A.07[2], 5A.07[3]**
 Digital signatures, **9.28**
 Distributors, *see* **Distribution Agreements**
 Duration, **9.04**
 Enquiries before, **3.05**
 EU competition law. *see* **EU Competition Law**
 Force majeure clauses, **9.21**
 Good faith, **9.32**
 Goods supplied and held on trust, **9.17**

INDEX

CONTRACTS AND

AGREEMENTS—Cont'd

- Implied terms, **3.05[3]**, **9.02[1]**, **9.31**
- Joint ventures, **12.02[2][b]**
- Limitation of liability, **9.20**
- Marketing, uncommon forms, **8.03**
- Minor importance agreements under TFEU, Commission notice on, **App 3C(3)**
- Multimedia and entertainment, personal rights, collective agreements and collecting societies, **7.03[3]**
- Multiply-used standard agreements, TFEU, **8.04[1][a]**
- Non assignment, **9.33**
- Penalty clauses, **9.30**
- Proper law of, **9.14**
- Protectable information, UK, **4.02[2][b]**
- Research and development, *see* **Research and Development**
- Reservation of rights clauses, **9.22**
- Right to re-assignment on non payment, **9.27**
- Settlements. *see* **EU Competition Law**
- Severability, **9.06**
- Termination, effect of, **9.08**
- Third parties, rights of, **9.23**
- Torts relating to
 - Generally, **9.19**
 - Procuring breach, **9.19**
 - Wrongful interference, **9.19**
- Transfer, **9.33**
- U.K. statutes affecting contractual transactions
 - Generally, **9.02**
 - Consumer contracts, **9.02[2]**
 - Deeds and their execution, **App 1S(3)**
 - Implied covenants under English statutes, **9.02[1]**, **App 1S**
- United States, antitrust, **2.08**

CONTRIBUTORY

INFRINGEMENT

- Antitrust law, **1.06[2]**

CO-OPERATION

AGREEMENTS

- EU and US *see* **EU Competition Law**
- Marketing agreement/relationship, **8.03[2]**
- Technology transfer, **12.02[2][a]**

COPYRIGHT

- Generally, **1.03[3][a]**, **5A.01**
- And related rights, generally, **1.03[3][b]**
- And the database right, generally, **1.03[3][c]**
- And works in electronic form
 - Generally, **5B**
 - Computer software
 - Generally, **5B.02**
 - Cloud computing, **5B.03[6]**
 - Exploiting, **5B.03**
 - Expression/idea dichotomy, **5B.02[2]**
 - Indirect use, **5B.03[3]**
 - Open source software, **5B.03[5]**
 - Protection, **5B.02[1]**
 - Transferability, **5B.03[3]**
 - Translation, **5B.02[3]**
 - Databases, protection of, **5B.02[8]**
 - Indirect use, **5B.03[3]**
 - Transferability, **5B.03[3]**
- Assignment, generally, **5A.06**
- Berne Convention Implementation Act, **5A.08[5]**
- Broadcasts, cable programme services, performances and associated rights. *see* **Broadcasting, Cable Programmes and Rights in Performances, Copyright**
- Cloud computing, **5B.03[6]**
- Co-authorship, **5A.04[2A]**

COPYRIGHT—Cont’d

- Collective management of licensing
 - EU Collective Management and Multi-Territorial Licensing Directive, **5A.07[7]**
- Competition law, *see* **EU Competition Law**
- Computer software
 - Generally, **5B.02**
 - Cloud computing, **5B.03[6]**
 - Exploiting, **5B.03**
 - Expression/idea dichotomy, **5B.02[2]**
 - Indirect use, **5B.03[3]**
 - Open source software, **5B.03[5]**
 - Protection, **5B.02[1]**
 - Transferability, **5B.03[3]**
 - Translation, **5B.02[3]**
- Database right. *see* **Database Right**
- Design right, **5C.02[1][k]**, **5C.02[2][b][iii]**
- Directive on harmonisation of certain aspects of copyright and related rights in the information society (22 May 2001), **App 3D(8)**
- EU competition, *see* **EU Competition Law**
- European directives, harmonization of term of protection and related rights, Directive 93/98/EC (29 October 1993) (repealed), **App 3D(5)**
- European directives, rental and lending rights, Directive 2006/115/EC (12 December 2006) (repealed), **App 3D(9A)**
- European directives, rental and lending rights, Directive 92/100/EEC (19 November 1992) (repealed), **App 3D(4A)**
- European harmonisation, **App 3D(5)**, **App 3D(8)**

COPYRIGHT—Cont’d

- European harmonisation and initiatives, **5A.09**
- Internet service providers
 - Generally, **5B.04**
 - Information residing on systems or networks at the direction of users and information location tools, **5B.04[3]**
 - System caching, **5B.04[2]**
 - Transitory communications, **5B.04[1]**
- Licenses and licensing
 - Browse-wrap agreements, **5A.07[2]**
 - Click-wrap agreements, **5A.07[2]**
 - Collective Management Multi-Territorial Licensing Directive, EU, **5A.07[7]**
 - Contracts and agreements, **5A.07[2]**, **5A.07[3]**
 - Database right, **5A.07[4]**
 - EU Collective Management and Multi-Territorial Licensing Directive, **5A.07[7]**
 - EU Copyright and Related Rights in Digital Single Market Directive, **5A.07[3][e]**
 - Express licenses, **5A.07[1]**
 - Misuse, effect on, **5B.02[9]**
 - Orphan works, **5A.07[6]**, **5D.05[3]**
 - Schemes and bodies, **5A.07[5]**
 - Shrink-wrap agreements, **5A.07[2]**
 - Software as goods, **5A.07[3][d]**
- Misuse of, **1.13[6]**, **5A.10**, **5B.02[9]**
- Open source software, **5B.03[5]**
- Originality, **5A.05**
- Orphan works
 - European Directives, permitted uses (25 April 2012), **App 3D(11)**
 - Licensing, **5A.07[6]**, **5D.05[3]**

INDEX

COPYRIGHT—Cont'd

- Pools and collective rights management, EU law, **2.21[2]**
- Printing, impact of invention of, **1.02[1][a]**
- Protectable information and, **4.03[2]**
- Reciprocal protection of copyright in the U.S., **5A.08**
- And related rights
 - Artists resale rights, **5A.02[3]**
 - Scope of, **5A.02[3]**
- Resale rights of artists, **5A.02[3]**
- Schemes and bodies, **5A.07[5]**
- Term of protection and related rights, Directive 2006/116/EC (12 December 2006), **App 3D(9B)**
- Trade secrets law, non-pre-emption, **4.03[1][d]**
- Transferring title
 - Broadcasting, cable programmes and rights in performances, copyright, **5D.04**
 - To copyright, **5A.06**
- U.K., protection of U.S. works in the U.K., **5A.08[6]**
- Unfair competition, copyright and, **1.02[1][b]**
- United States, *see* **United States**
- Universal Copyright Convention, **5A.08[3]**

COPYRIGHT ACT OF 1909

- Generally, **5A.08[1]**

COPYRIGHT ACT OF 1976

- Generally, **5A.08[4]**

COVENANTS

- Implied under English statutes, **9.02[1]**, **App 1S**
- Title for, **3.05**

CROSS-BORDER

PORTABILITY

- Online services in the internal market, european regulations, **App 3B(20)**

CROSS-LICENSING

- Licensing of IP, Dept. of Justice and FTC antitrust guidelines, **2.09[1][p]**
- Patent pools and, **1.15[2]**

D

DAMAGES

- Anticompetitive activities, **1.07[1][b]**, **1.07[1][f]**
- Claim for, by non-exclusive licensee, **1.07[1][f]**
- Directives of EC, damages for infringements, (26 November 2014), **App 3D(12)**
- Quantum for repudiation of license, **9.23**
- Quantum in breach of agreement, **9.04**

DATA PROTECTION

- Databases, legal protection, Directive 96/9/EC (11 March 1996), **App 3D(6)**
- Multimedia and entertainment, **7.03[5]**
- Protectable information, interaction with, **4.01[1]**

DATABASE RIGHT

- Licensing, **5A.07[4]**
- Multimedia and entertainment, **7.02[4]**
- Protection, EU-UK withdrawal agreement, **5A.02[6][a]**, **5A.03[7]**
- Related rights, and, **1.03[3]**

DATABASES

- Protection, EU-UK withdrawal agreement, **5A.02[6][a]**, **5A.03[7]**

DEEDS

- U.K. statutes affecting contractual transactions, **App 1S(3)**

DEFEND TRADE SECRETS ACT

Protectable information, US,
4.02[3][b]

**DEFEND TRADE SECRETS ACT
2016**

Generally, **App 2K**

DERIVATIVE ACTIONS

Technology sharing and transfer,
shareholder or director
action, **12.05[4]**

DESIGN RIGHT

Generally, **1.03[4], 5C**
Anomalous position of the protec-
tion of designs, **5C.01**
Assemblies, **5C.02[1][j]**
Assignments and licenses
EU system for protection of
designs, **5C.03[3]**
Registered, UK scheme
Generally, **5C.02[4]**
Assignments, **5C.02[4][a]**
Licenses, **5C.02[4][b]**
Unregistered, UK scheme
Generally, **5C.02[2]**
Commissioned works,
5C.02[2][b][ii]
Copyright and,
5C.02[2][b][iii]
Designer's intention,
5C.02[2][b][iv]
Employers and ownership,
5C.02[2][b][iii]
Exclusive licenses,
5C.02[2][a][ii]
Future rights,
5C.02[2][b][vii]
Housekeeping,
5C.02[2][b][v]
Introduction to 1988 Act,
5C.02[2][b][i]
Licenses of right,
5C.02[2][a][iii]
1988 Act, **5C.02[2][b]**
Notices, **5C.02[2][b][ix]**
Originality, **5C.02[2][b][vi]**

DESIGN RIGHT—Cont'd

Assignments and licenses
—Cont'd
Unregistered, UK scheme
—Cont'd
Proceedings, assistance of
designer in,
5C.02[2][b][viii]
Statutory provisions,
5C.02[2][a]
Warranties, **5C.02[2][b][iv],**
5C.02[2][b][vi]
Categories excluded, **5C.02[1][b]**
Collective rights management, EU
scheme, **5D.07**
Commissioned works,
5C.02[2][b][ii]
Computer generated designs,
5C.02[3][c]
Copyright and
Generally, **5C.02[2][b][iii]**
Interaction between,
5C.02[1][k]
Designer, **5C.02[1][d],**
5C.02[1][j], 5C.02[2][b][iv]
Duration, **5C.02[1][f],**
5C.02[3][d]
EC designs, Regulation No.
6/2002, **App 3B(13)**
Employers and ownership,
5C.02[2][b][ii]
EU scheme
Collective rights management,
5D.07
EU System for protection of
designs
Generally, **5C.03**
Assignments and licenses,
5C.03[3]
Registered community design
right, **5C.03[2]**
Unregistered community design
right, **5C.03[1]**
European harmonisation and co-
existence with other rights,
5C.02[3][i]
Exclusive licenses, **5C.02[2][a][ii]**

INDEX

DESIGN RIGHT—Cont'd

Exhaustion, **5C.02[3][g]**
Future rights, **5C.02[2][b][vii]**
Hague Agreement on International
Registration, UK accession
to, **5C.02[3][j]**
Harmonisation, **5C.02[3][i]**
Housekeeping, **5C.02[2][b][v]**
Kits, **5C.02[1][h]**
License, Assignments and licenses, above
Matching sets, **5C.02[1][j]**
1988 Act, **5C.02[2][b]**
Notices, **5C.02[2][b][ix]**,
5C.02[3][e]
Originality, **5C.02[2][b][vi]**
Ownership, **5C.02[1][e]**,
5C.02[3][b]
Proceedings, assistance of
designer in, **5C.02[2][b][viii]**
Protectable information and,
4.03[2]
Registered, UK scheme
Generally, **5C.02[3]**
Assignments and licenses,
above
Computer generated designs,
5C.02[3][c]
Duration, **5C.02[3][d]**
European harmonization and
co-existence with other
rights, **5C.02[3][i]**
Exhaustion, **5C.02[3][g]**
Harmonization, **5C.02[3][i]**
Introduction, **5C.02[3][a]**
Notices, **5C.02[3][e]**
Ownership, **5C.02[3][b]**
Scope of rights conferred,
5C.02[3][f]
Threats, **5C.02[3][h]**
Registered community design
right, EU System for protection of designs, **5C.03[2]**
Scheme for the protection of
designs, UK, **5C.02**
Semiconductor topography,
5C.02[1][i]

DESIGN RIGHT—Cont'd

Statutory provisions, **5C.02[2][a]**
Subsistence and qualification,
5C.02[1][c]
Threats, **5C.02[3][h]**
UK
Hague Agreement on
International Registration,
accession to, **5C.02[3][j]**
see other lines in this heading
Unregistered, UK scheme
Generally, **5C.02[1]**, **5C.02[2]**
Assemblies, **5C.02[1][j]**
Assignments and licenses,
above, **5C.02[1][j]**
Categories excluded,
5C.02[1][b]
Copyright and, interaction
between, **5C.02[1][k]**
Definition, **5C.02[1][a]**
Definition of designer,
5C.02[1][d]
Designer's intention,
5C.02[1][j]
Duration of right, **5C.02[1][f]**
Kits, **5C.02[1][h]**
Matching sets, **5C.02[1][j]**
Ownership, **5C.02[1][e]**
Semiconductor topography,
5C.02[1][i]
Subsistence and qualification,
5C.02[1][c]
Threats, **5C.02[1][g]**
Unregistered community design
right, EU System for protection of designs, **5C.03[1]**
Warranties, **5C.02[2][b][iv]**

DESIGNER

Design right, **5C.02[1][d]**,
5C.02[1][j], **5C.02[2][b][iv]**

DIGITAL CONTENT

Computer software, copyright,
5B.01-5B.04
Digital single market
Distribution media, modes and
legislation, **7.06[3]**

DIGITAL CONTENT—Cont'd

Digital single market—Cont'd
 EU Copyright and Related
 Rights Digital Single Mar-
 ket Directive, **5A.07[8]**
 Distribution media, modes and
 legislation, **7.06[2]**

DISCRIMINATION

Clayton Act, facilities, price and
 service, **2.06[1]**
 Geo-blocking
 Discrimination based on,
 amending Regulations
 (EC) No. 2006/2004, (EU)
 2017/2394, Directive
 2009/22/EC, **App 3B(21)**
 Unjustified, EU prohibition
 against, **2.20[9]**

DISTRIBUTION AGREEMENTS

Agency agreements, exclusive,
8.02[1]
 Marketing, **8.02**

**DISTRIBUTORSHIP
 AGREEMENTS**

Restraint of trade, **1.09**

**DOMINANT POSITION, ABUSE
 OF**

EC treaty, abusive exclusionary
 conduct by dominant
 undertakings, guidance on
 Commission's enforcement
 priorities, **App 3C(8)**
 EU competition law, **2.17[1][b],**
2.17[6][e]
 Unfair competition, **8.04[5],**
8.06[2]

DOUBLE TAXATION

Provisions, **11.07[1]**

DURATION

Contracts, **9.04**
 Design right, **5C.02[1][f],**
5C.02[3][d]
 Multimedia and entertainment,
 personal rights, **7.03[1][f]**

DURATION—Cont'd

Patent license, **1.07[1][e]**
 Patents, **3.01[3]**

E

EC

Block exemptions. Regulations,
 below
 Competition
 Articles 81 and 82 of EC Treaty
 as amended, No. 1/2003,
App 3B(1)
 "By object" competition
 restrictions, de minimis
 notice, **App 3C(4)**
 Restrictions, **App 3C(3), App**
3C(4)
 Computer programs
 European directives, Directive
 91/250/EC (14 May 1991)
 (repealed), **App 3D(3)**
 Copyright
 European Directives, **App**
3D(4), App 3D(5), App
3D(9), App 3D(9B), App
3D(10A), App 3D(10B)
 Databases
 European Directives, **App**
3D(6)
 Designs
 European Directives, **App**
3D(7)
 Directives of the EC/EU
 Trade marks. *see* **Trade**
Mark(s)
 European announcements and
 notices
 "By object" competition
 restrictions, de minimis
 notice, **App 3C(4)**
 Communication from the Com-
 mission to the European
 Parliament, Council,
 European Economic and
 Social Committee, stan-
 dard esse, **App 3C(12)**

INDEX

EC—Cont'd

- European announcements and notices—Cont'd
 - Horizontal restraints, Commission guidelines, **App 3C(7)**
 - Minor importance agreements, notice, TFEU, **App 3C(3)**
 - Relevant market, Commission's notice on definition for purpose of Community Competition Law, **App 3C(9)**
 - Standard essential patents, **App 3C(12)**
 - Treaty. *see* **EC Treaty**
 - Unified Patent Court, agreement, **App 3C(13)**
 - Vertical restraints, Commission guidelines, **App 3C(6)**
- European Directives
 - Generally, **App 3D**
 - Amendment of Directive 2006/116/EC, copyright, term of protection and related rights (27 September 2011), **App 3D(10A)**
 - Biotechnological inventions, directive 98/44/EC on legal protection, **App 3D(2)**
 - Computer programs, Directive 91/250/EC (14 May 1991) (repealed), **App 3D(3)**
 - Copyright, harmonization of term of protection and related rights, Directive 93/98/EC (29 October 1993) (repealed), **App 3D(5)**
 - Copyright, rental and lending rights
 - Directive 2006/115/EC (12 December 2006) (repealed), **App 3D(9A)**
 - Directive 92/100/EEC (19 November 1992) (repealed), **App 3D(4A)**
 - Copyright, term of protection and related rights, Direc-

EC—Cont'd

- European Directives—Cont'd
 - tive 2006/116/EC (12 December 2006), **App 3D(9B)**
 - Databases, legal protection, Directive 96/9/EC (11 March 1996), **App 3D(6)**
 - Designs, legal protections, Directive 98/71/EC (13 October 1998), **App 3D(7)**
 - Directive 2009/22/EC, amended by Regulation 2018/302, geo-blocking, discrimination based on, **App 3B(21)**
 - EU Directive 2016/943, **App 3D(12)**
 - European Parliament and Council, May 22, 2001, **App 3D(10)**
 - Harmonisation of certain aspects of copyright and related rights in the information society (22 May 2001), **App 3D(8)**
 - Musical works, copyright, related rights, multi-territorial licensing, online use, **App 3D(10B)**
 - Online transmissions of broadcasting organisations and retransmission of television and radio programmes, **App 3D(4C)**
 - Orphan works, certain permitted uses, (25 April 2012), **App 3D(11)**
 - Resale rights, benefit of author of original work of art, Directive 2001/84/EC (27 September 2001), **App 3D(9)**
 - Satellite broadcasting and cable retransmission, Directive 93/83/EEC (27 September 1993), **App 3D(4B)**
 - Self-employed commercial agents, **App 3D(4)**

EC—Cont'd

European Regulations

(EU) 2017/2394, amended by Regulation 2018/302, geo-blocking, discrimination based on, **App 3B(21)**

(EC) No. 2006/2004, amended by Regulation 2018/302, geo-blocking, discrimination based on, **App 3B(21)**

Articles 81 and 82 of EC Treaty Generally, No.773/2004, **App 3B(4)**

Competition rules, implementation, No. 1/2003, **App 3B(3)**

Unfair competition rules implementation, No. 17/62, **App 3B(1)**

Block exemptions

Article 81(3), application of, Generally, No. 19/65, **App 3B(2)**

Article 81(3), application of, Technology transfer agreement, certain categories of, No. 240/96, **App 3B(9)**

Article 101(3), application of Research and development agreement, certain categories, No. 1217/2010, **App 3B(7)**

Specialization agreement, certain categories, No. 1218/2010, **App 3B(6)**

Vertical agreements, No. 330/2010, **App 3B(5)**

Community designs, No. 6/2002, **App 3B(13)**

Community plant variety rights, No. 2100/94, **App 3B(14)**

Community trade mark, No. 207/2009, **App 3B(12)**, **App 3B(12A)**

Community trade marks, No. 40/94, **App 3B(11)**

EC—Cont'd

European Regulations—Cont'd

Co-operation enhanced, unitary patent protection creation, No. 1527/2012, **App 3B(15)**

Cross-border portability, online services in the internal market, **App 3B(20)**

Electronic identification and trust services for electronic transactions, No. 910/2014, **App 3B(19)**

Nagoya Protocol, implementation, No. 511/2014, **App 3B(16)**

Regulation 2018/302, geo-blocking, discrimination based on, amending Regulations (EC) No. 2006/2004, (EU) 2017/2394, Directive 2009/22/EC, **App 3B(21)**

Rome I, contractual obligations, No. 593/2008, **App 3B(17)**

Rome II, non-contractual obligations, No. 864/2007, **App 3B(18)**

Unitary patent protection creation, enhanced co-operation, No. 1527/2012, **App 3B(15)**

Licenses and licensing

European directives, **App 3D(10B)**

Minor importance agreements, notice, TFEU, **App 3C(3)**

Resale rights

European directives, **App 3D(9)**

Satellite broadcasting and cable retransmission

European directives, **App 3D(4B)**

Self-employed commercial agents

European directives, **App 3D(4)**

Unfair competition rules (Articles 81 and 82 of EC Treaty as

INDEX

EC—Cont'd

- amended), No. 17/62, **App 3B(1)**
- No. 99/63 Application of regulation 17/62, **App 3B(3)**
- No. 2659/2000, Amending regulation 17/62, **App 3B(7)**
- Vertical restraints, Commission notice on guidelines on, **App 3C(6)**

EC TREATY

- Announcements and notices
- Abusive exclusionary conduct by dominant undertakings, guidance on Commission's enforcement priorities, **App 3C(8)**
- Biotechnological inventions, Commission notice on certain articles of Directive 98/44/EC, **App 3C(11)**
- Horizontal restraints, Commission guidelines, **App 3C(7)**
- Technology transfer agreements, Commission notice guidelines as to applicability of Article 81 of Treaty, **App 3C(10)**

ELECTRONIC TRANSACTIONS

- European regulations, identification and trust services for electronic transactions, No. 910/2014, **App 3B(19)**

EMPLOYEE

- Assignment of invention, **4.06[3]**
- Compensation entitlement, **3.03**
- Confidentiality obligations on takeover, **4.06[4]**
- Inventions of, **3.03**
- Making invention, **3.03**
- Who is, **3.03**

EMPLOYERS

- Design right, **5C.02[2][b][ii]**

ENTERPRISE ACT

- Extracts, **App 1AA**

ENTERPRISE AND REGULATORY REFORM ACT OF 2013

- Extracts, **App 1AB**

ENTIRE AGREEMENT

- Effect of clause, **9.25**

ESTOPPEL

- Assignee, of, **1.14[2][a]**
- Assignment by, **3.06[1]**
- Cancellation of contract, **1.14[2][a]**
- European ruling, **1.14[1]**
- Implied estoppel, validity of rights, **1.14[2][e]**
- Issue and exclusive licensees, **1.12**
- License by, **3.06[1]**
- Licensee, of, **1.12, 1.14[2]**
- Marking article, **1.14[1][d]**
- Public interest overrides, **1.14[1]**
- Validity and, other situations, **1.14[2][d]**

EU COLLECTIVE MANAGEMENT AND MULTI-TERRITORIAL LICENSING DIRECTIVE

- Generally, **5A.07[7]**

EU COMPETITION LAW

- Generally, **2.15 to 2:21**
- Agreements
 - See also specific lines throughout this topic
 - Application of EU law, **2.18**
 - Article 101 application, **2.18[4]**
 - IPRs and competition law, balance, **2.18[2]**
 - Objective of single market integration, **2.18[1]**
 - Transfer of rights, **2.18[3]**
- Antitrust, US competition, **2.14**
- Arbitral Tribunal, application by, **10.09**

EU COMPETITION LAW

—Cont'd

Block exemptions and guidelines
 Generally, **2.17[1][c]**
 Research and development, **2.17[1][c][iii]**
 Specialisation agreements, **2.17[1][c][iv]**
 Technology sharing and transfer, **2.17[1][c][i]**
 Technology Transfer Block Exemption Regulation [TTBER], **2.19[1][a]**
 Vertical restraints, **2.17[1][c][ii]**
 Bundling. Tying/bundling, below
 Contracts. Agreements, above
 Cooperation. US cooperation, below
 Copyright
 Collective licensing, **2.19[3][c]**
 Non software copyright licenses, **2.19[3][a]**
 Performance rights and related rights, **2.19[3][b]**
 Pools and collective rights management, **2.21[2]**
 Directives of the EC/EU. *see* **EC**
 Dominant position, abuse of, **2.17[1][b]**, **2.17[6][e]**
 Exemptions and exceptions
 Block exemptions and guidelines, above
 IPR exception, free movement of goods, **2.17[2][c]**
 Field of use restrictions
 Generally, **2.20[2]**
 Competitors and non competitors, **2.20[2][a][i]**
 Output restriction, **2.20[2][a][iii]**
 Preservation of product or technical field, **2.20[2][a][ii]**
 Technology Transfer Block Exemption Regulation [TTBER], **2.20[2][a]**

EU COMPETITION LAW

—Cont'd

Free movement of
 Goods, free movement of, below
 Services, **2.17[2][c]**
 Geo-blocking, unjustified, EU prohibition against, **2.20[9]**
 Goods, free movement of
 Generally, **2.17[2]**
 IPR exception, **2.17[2][c]**
 Qualitative import restrictions, **2.17[2][b]**
 Quantitative import restrictions, **2.17[2][a]**
 Grant backs. Improvements and grant backs, below
 Implementing provisions
 Generally, **2.17[4]**
 Administration and enforcement, **2.17[4][a]**
 Conduct of proceedings, **2.17[4][b]**
 Improvements and grant backs
 Generally, **2.20[6]**
 Exclusive, **2.20[6][a]**
 Non-exclusive, **2.20[6][b]**
 Institutions, *see* **European Institutions**
 Know-how. Patents and know-how, below
 Legislative framework
 Goods, free movement of, above
 Implementing provisions, above
 Policy, below
 Services, free movement of, **2.17[2][c]**
 Licensing, settlement agreements, **2.21[3][a]**, **2.21[3][b]**
 No challenge clauses and termination, **2.20[8]**
 Non-compete obligations, **2.20[5]**
 Output restrictions
 Generally, **2.20[3]**
 Case law, **2.20[3][c]**

INDEX

EU COMPETITION LAW

—Cont'd

- Output restrictions—Cont'd
 - Competitors, agreements between, **2.20[3][a]**
 - Field of use restrictions, **2.20[2][a][iii]**
 - Non competitors, agreements between, **2.20[3][b]**
- Patents and know-how
 - Generally, **2.19[1]**
 - Definition of know-how, **2.19[1][a][i]**
 - Patent pools, **2.19[1][a][iii]**
 - Standard essential patents (SEP), **2.13[2]**, **2.19[1][a][iii]**, **2.21[1]**
 - Technology Transfer Block Exemption Regulation [TTBER], **2.19[1][a]**
- Pay for delay, **2.20[10]**
- Plant varieties. *see* **plant Varieties**
- Policy
 - Generally, **2.17[1]**
 - Abuse of dominant position, **2.17[1][b]**
 - Block exemptions and guidelines, above
 - Restrictive or distorting agreements, **2.17[1][a]**
- Prohibition against unjustified geo-blocking, EU, **2.20[9]**
- Regulations issued by the EC/EU. *see* **EC**
- Restrictions
 - Agreements, restrictive or distorting, **2.17[1][a]**
 - Field of use restrictions, above
 - Output restrictions, above
 - Qualitative import restrictions, free movement of goods, **2.17[2][b]**
 - Quantitative import restrictions, free movement of goods, **2.17[2][a]**
 - Territorial restrictions, below

EU COMPETITION LAW

—Cont'd

- Retained block exemptions and guidelines
 - U.K., **2.17[6][c]**
- Royalties, **2.20[7]**
- Services, free movement of, **2.17[2][c]**
- Settlement agreements
 - Generally, **2.21[3]**
 - Cross-licensing, **2.21[3][b]**
 - Licensing, **2.21[3][a]**
 - Non-challenge clauses, **2.21[3][c]**
- Technology Transfer Block Exemption Regulation [TTBER], **2.19[1][a]**, **2.19[2][a]**, **2.20[2][a]**, **2.20[4][a]**
- Territorial restrictions
 - Generally, **2.20[1]**
 - Competitors, agreements between, **2.20[1][a]**
 - Non-competitors, agreements between, **2.20[1][b]**
 - Passive restrictions, **2.20[1][c]**
- Trademarks
 - Generally, **2.19[2]**
 - Case law, **2.19[2][b][i]**, **2.19[2][c][i]**
 - Delimitation agreements, **2.19[2][c]**
- Technology Transfer Block Exemption Regulation [TTBER], **2.19[2][a]**
- Vertical restraints, **2.19[2][b]**
- Treaty on the Functioning of the European Union (TFEU), **2.17[1]**, **2.18[4]**, **2.20[4][c]**
- Tying/bundling
 - Generally, **2.20[4]**
 - Article 102, **2.20[4][c]**
 - Case law, **2.20[4][c]**, **2.20[4][d]**
- Technology Transfer Block Exemption Regulation [TTBER], **2.20[4][a]**

EU COMPETITION LAW

—Cont'd

Tying/bundling—Cont'd

U.K. Competition Act 1998,
2.20[4][d]

Vertical restraints regulation,
2.20[4][b]

U.K.

Generally, **2.17[6]**

Abuse of dominant position,
Chapter II prohibition,
2.17[6][e]

Agreements, Chapter I prohibition,
2.17[6][b]

Block exemption orders,
2.17[6][d]

Competition Act 1998,
2.17[6][a]

Digital markets, competition
and consumers act 2024,
2.17[6][g]

Enterprise and Regulatory
Reform Act, **2.17[6][f]**

Field of use restrictions, above
Institutions, *see* **European
Institutions**

Output restrictions, above
R&D Agreements in the UK,
2.17[6][d][ii]

Retained block exemptions,
2.17[6][c]

Specialisation Agreements,
2.17[6][d][iii]

Territorial restrictions, above

UK competition law and EU
competition law, relation-
ship, **2.17[7]**

Vertical agreements, 2022
VABEO 516, **2.17[6][d][i]**

Unjustified geo-blocking, EU pro-
hibition against, **2.20[9]**

US cooperation

Generally, **2.17[5]**

Antitrust, generally, **2.14**

1981 Cooperation Agreement,
2.17[5][a]

EU COMPETITION LAW

—Cont'd

US cooperation—Cont'd

1998 EU/US Positive Comity
Agreement, **2.17[5][b]**

Vertical restraints

Block exemptions and
guidelines, **2.17[1][c][ii]**

Trademarks, **2.19[2][b]**

Tying/bundling, **2.20[4][b]**

EU COPYRIGHT AND RELATED RIGHTS DIRECTIVES

Digital single market directive,
5A.07[8]

Online transmissions directive,
5D.08

EU DIRECTIVE 2016/943

Protection of trade secrets,
4.02[1][d]

Text, **App 3D(12)**

UK Implementation, **4.02[2][e]**

EU SCHEME FOR COMMUNITY PROTECTION

Design right, *see* **Design Right**

EUROPEAN ECONOMIC COMMUNITY

As to EC, *see* **EC**

Generally, **2.01 et seq., 8.01 et
seq.**

Franchising in, **8.02**

Regulations issued by EC, *see* **EC**

Treaty, *see* **EC Treaty**

Unfair competition, in, **8.06[2]**

See also entries beginning: EC

EUROPEAN INSTITUTIONS

Council of the EU, **2.16[1]**

Court of Justice of European
Union, **2.16[2]**

European Commission, **2.16[1]**

European Economic Area (EEA),
2.16[5]

INDEX

EUROPEAN INSTITUTIONS

—Cont'd

EU-UK Trade and Cooperation Agreement, Articles DIGIT 1-17 and IP1-57, **App 3A(3)**

EU-UK withdrawal agreement, **1.05[1]**

CPVR protection, **13.05[1]**

Database protection, **5A.02[6][a]**, **5A.03[7]**

EUTM protection, **6.04[1][a]**

Exhaustion of IPRs, **2.19[5]**

Extracts, Articles 2, 54-61 and 126, **App 3A(2)**

Extracts, Articles 28-37, 101-102 and 267, **App 3A(1)**

Mutual recognition of exhaustion of rights, **6.07[1][a]**

Supplementary Protection Certificates, **3.01[6][a]**

Trade and cooperation agreement, articles DIGIT 1-17 and IP1-57, **App 3A(3)**

UCDR protection, **5C.03[1][a]**, **5C.03[2][a]**

General Court, **2.16[2]**

Marketing, effect on, **8.01**

Member state institutions and courts, relationship between, **2.16[4]**

U.K. institutions

Generally, **2.16[3]**

Competition and Markets Authority (CMA), **2.16[3][a]**, **2.16[3][c]**

Competition Appeal Tribunal (CAT), **2.16[3][b]**

Cooperation between UKIPO and CMA, **2.16[3][c]**

EU and UK Digital Services Taxes, **11.06[3][b]**

UKICO and CMA, cooperation, **2.16[3][d]**

Vertical agreements

2022 regulation 2022/720, **8.02[1][a]**

EUROPEAN INSTITUTIONS

—Cont'd

U.K. institutions—Cont'd

Vertical agreements—Cont'd

2022 VABEO 516, **2.17[6][d][i]**

2022 VABEO SI 516, **8.02[1][b]**

EU-UK WITHDRAWAL AGREEMENT

CPVR protection, **13.05[1]**

Database protection, **5A.02[6][a]**

EUTM protection, **6.04[1][a]**

Exhaustion of IPRs, **2.19[5]**

Extracts, Articles 2, 54-61 and 126, **App 3A(2)**

Mutual recognition of exhaustion of rights, **6.07[1][a]**

Supplementary Protection Certificates, **3.01[6][a]**

UCDR protection, **5C.03[1][a]**, **5C.03[2][a]**

EVIDENCE

Parol, **9.25**

EXCLUSIVE DISTRIBUTION

Agency agreements, and, **8.02[1]**

EXCLUSIVE LICENSEE

Rights of, **1.16**, **3.06[3]**, **5C.02[2][a][ii]**

EXCLUSIVITY

Antitrust and, **1.16**, **2.09[1][i]**, **2.09[1][q]**

Grant backs, EU Competition Law, **2.20[6][a]**, **2.20[6][b]**

EXHAUSTION

Patent license, **3.07[2]**

United States, non-geographical approach to first sale exhaustion, **2.13[1]**

EXHAUSTION OF RIGHTS

Doctrine, **1.08[1]**

EU-UK withdrawal agreement, recognition, **6.07[1][a]**

EXHAUSTION OF RIGHTS

—Cont'd

Trade marks, **6.07**

EXTENSION

Period, of, **1.07[1][e]**

Product, of, **1.07[1][f]**

Territory, of, **1.07[1][c]**

EXTERNAL EYES ONLY PROVISIONS

Generally, **4.06[8]**

EXTRATERRITORIALITY

Goods in transit, **1.17[3]**

International supervision of intellectual property, **1.17[1]**

Long-arm statutes, **1.17[2]**

Parallel imports, **1.17[4]**

F

FAIR TRADING

Agreement, non-genuine, **8.04[7][a]**

Non-genuine agreement, in TFEU, **8.04[7][e]**

Protection of principals and agents, **8.04[7][d]**

FEDERAL TRADE

COMMISSION (FTC)

Act. *see* **Federal Trade Commission Act**

Guidelines, antitrust, **2.09[1] to 2.09[3], App 2J(2)**

FEDERAL TRADE

COMMISSION ACT

Generally, **2.07, App 2B(1)**

Unfair methods of competition, **2.07[1]**

FIELD OF USE

Restriction on, **1.09[1][e], 2.12[3]**

FINANCE

International judgment, of, **9.07**

FORUM

Choice of, **9.15**

FRANCHISING

Anti-Trust Law, US, **8.02[2][b]**

Arbitration for, **10.10**

Business systems and systems for trade marked goods, **8.02[2][b][iii]**

Damages for breach, **9.23**

EU franchising, **8.02[2][c]**

Marketing and distribution agreements, generally, **8.02[2]**

Regulation of franchising, US, **8.02[2][a]**

Relevant block exemptions, **4.03[3]**

Restrictive covenants, **8.02[2][b][ii]**

Third parties, rights of, **9.23**

Trade mark, **4.03[3]**

Trade secrets and trade marks, **6.02[2][b][iv]**

Tying, **8.02[2][b][ii]**

UK franchising, **8.02[2][c]**

Violations, anti-trust, **8.02[2][b][i]**

FRAND LICENSING

Generally, **2.13[2], 2.19[1][a][ii], 2.21[1], 3.11**

ETSI, **3.11[2]**

Negotiations, **3.11[3][b]**

SEPs. *See* **Standard Essential Patents (SEPs)**

Terms

Access to records, **3.11[4][f]**

Audit costs, **3.11[4][f]**

Bundling, **3.11[4][d]**

Confidentiality of license settled by a court, **3.11[4][e]**

Record keeping, **3.11[4][f]**

Royalties, **3.11[4][a]**

Scope of license, **3.11[4][c]**

Term, **3.11[4][g]**

Territory, **3.11[4][b]**

Undertaking to take license of FRAND terms, effect of, **3.11[3][c]**

INDEX

FRAND LICENSING—Cont'd

Undertaking to take license of
FRAND terms, effect of,
3.11[3][c]
Unwired case, **3.11[2]**

FRAUD

Patent Office, on, **1.14[3]**
Recovery of royalties, **1.14[2][a]**
Upon the Crown, **1.14[3]**

FUTURE DISPUTE CLAUSES

Arbitration, **10.03**

FUTURE RIGHTS

Design right, **5C.02[2][b][vii]**

G

GEO-BLOCKING

Discrimination based on, amend-
ing Regulations (EC) No.
2006/2004, (EU) 2017/2394,
Directive 2009/22/EC, **App**
3B(21)
Unjustified, EU prohibition
against, **2.20[9]**

GEOGRAPHICAL AREA

United States, non-geographical
approach to first sale exhaus-
tion, **2.13[1]**
See also **Territoriality**

GOLD

Clause, **9.07**
One-time significance, **9.07**

GOOD FAITH

Contracts and agreements, **9.32**

GOODS

Licensing of IP, Dept. of Justice
and FTC antitrust guidelines,
2.09[1][d]
Supplied and held on trust, **9.17**
In transit, **1.17[3]**

GOODWILL

Ownership in foreign market,
8.02[3]

GRANT, PLANT VARIETY

Duration of, **13.04[2][d]**

GRANT-BACK

Antitrust, US guidelines,
2.09[1][r]
Competition law
EU *see* **EU Competition Law**
US restrictions, **2.12[6]**
Improvements of, **1.10[1]**
Patent licenses, **3.07[9]**

H

HAGUE AGREEMENT

International Deposit of Industrial
Designs, **5C.04**

HAGUE AGREEMENT ON INTERNATIONAL REGISTRATION

U.K. accession to, **5C.02[3][j]**

HARMONISATION

Copyright, **App 3D(5)**, **App 3D(8)**
Design right, **5C.02[3][i]**
European harmonisation and
initiatives, **5A.09**
Plant varieties, breeders' rights,
13.04[2][k]
Trade mark(s), **6.01[2]**

“HOPPING”

United States antitrust law, **2.13[3]**

HORIZONTAL RESTRAINTS

Licensing of IP, Dept. of Justice
and FTC antitrust guidelines,
2.09[1][m]

HOUSEKEEPING

Design right, **5C.02[2][b][v]**

HUMAN RIGHTS ACT

Privacy, **4.01[1]**

HYPERLINKING

Multimedia and entertainment,
licensing and developments,
7.05[6]

I

IMPLIED TERMS

Contracts and agreements, **3.05[3]**,
9.02[1], **9.31**

License, in, **3.08**, **9.02[1]**

IMPROVEMENTS

Benefit of, assignee takes, **3.07[8]**

“Club,” **1.10[2]**

Grant-back of, **1.10[1]**

Ownership, **1.10[1]**

INCOME TAX

Generally, **11.06[1]**

INDEMNITY

Infringement of third party rights,
9.26[1]

Liability of licensee to third party
for acts of sub-licensee,
9.26[2]

Third parties, generally, **9.26**

INDEX

Plant variety, of, **13.04[2][g]**

INDIRECT USE

Computer software, exploiting,
5B.03[3]

INFLATION

Gold, role of, **9.07**

Statistical index, use of, **9.07**

INFRINGEMENT

Patent, of, **1.07[f]**, **1.14[c]**

Consent judgment, validity and,
1.14[c]

Plant variety rights, of, **13.04**

Registered trade mark, of, *see*
Trade Marks(s)

Third party, by, **1.12**

Third party rights infringement,
indemnities against, **9.26[1]**

US Patent Law (§ 271), **1.13[5]**

INQUIRIES BEFORE CONTRACT

Title, **3.05[1]**

Validity, **3.05[2]**

INSOLVENCY OF PARTY

Corporate Insolvency and
Governance Act 2020, **9.12**

Provisions in case of, **9.12**

INSPECTION

Rights relating to inspection of
books, **9.09**

INTELLECTUAL PROPERTY

Analysis of, **1.01[2]**

Antitrust law and, **1.06[1]**, **1.06[5]**

Arbitration, *see* **Arbitration**

Assignments in respect of, **1.04[1]**

Charges, transactions in respect of,
1.04[4]

Compulsory exploitation of intel-
lectual property, exclusivity
justified, **1.16[2]**

Individual in society, **1.02**

Copyrights and unfair competi-
tion, **1.02[1][b]**

Early monopoly grants,
1.02[2][b]

Politics of patents, **1.02[2][b]**

Qualifying as grantee of patent,
1.02[2][a]

Intellectual Property Act 2014,
App 1L

Licensee’s interests, **1.06[5][b]**

Licenses, transactions in respect
of, **1.04[1]**

Marketing provisions, **8.01**

Monopoly, **1.06[1]**

Mortgages, transactions in respect
of, **1.04[3]**

Nature of rights, **1.01[1]**

Overlaps antitrust, **1.06[2]**

Owner’s interest, **1.06[5][a]**

Patent antitrust law, sources,
1.06[1]

Rights

Generally, **3.11**

Evolution and interplay,
international trade, **1.05**

Sources of, **1.06[1]**

Trade marks, *see* **Trade Mark(s)**

INDEX

INTELLECTUAL PROPERTY

—Cont'd

Trade secrets, **1.03[2]**

Transactions in property, **1.01**

Transfer of, *see* **Technology**

Transfer

UK National Security and Investment Act 2021, **1.05[2]**

INTERNATIONAL ARBITRATION

UNCITRAL Model Law on
International Arbitration, *see*
Arbitration

INTERNATIONAL GUIDELINES

Dept. of Justice and FTC, **2.09[3]**,
App 2J(2)

INTERNATIONAL PAYMENT/JUDGMENT

Money basis, **9.08**

INTERNATIONAL TRADE

Intellectual property rights, evolution, **1.05**

INTERNATIONAL TRANSACTIONS

Taxation, **11.07 to 11.07[2]**

INTERNATIONAL TRANSPORT

Patents relating to, **1.17[3]**

INTERNET SERVICE PROVIDERS

Geo-blocking

Discrimination based on,
amending Regulations
(EC) No. 2006/2004, (EU)
2017/2394, Directive
2009/22/EC, **App 3B(21)**

Unjustified, EU prohibition
against, **2.20[9]**

Information residing on systems or
networks at the direction of
users and information location
tools, **5B.04[3]**

System caching, **5B.04[2]**

Transitory communications,
5B.04[1]

INTERPRETATION

Parol evidence, **9.25**

INTERSTATE CONFLICTS

Local rules on, **8.06[4]**

INVENTION

Assignment of, **3.01[4]**

Biotechnological inventions, EC
directive 98/44/EC on legal
protection, **App 3D(2)**

Computer-related, **5B**

Connected party, by, **3.03**

Consultant, by, **3.03**

Employee, of, **3.03**

Future option on, **3.03**

Licensee, by, **3.03**

Property in, **3.03[4]**

INVESTIGATION OF TITLE

Patent, to, **3.05[1]**

J

JOINT INVENTORS AND OWNERS

Agreements between co-owners,
3.02[1][b]

Patent application, generally,
3.02[1] to 3.02[1][c]

Preemption, **3.02[1][c]**

UK Patents Act of 1977,
3.02[1][a]

JOINT RESEARCH/VENTURE

Where allowed, **12.02[2][b]**

JOINT VENTURES

Agreements, **12.02[2][b]**

JURISDICTION

Choice of forum, **9.15**

Multimedia and entertainment,
7.08

Patent license, **3.07[17]**, **3.07[19]**

JURISPRUDENCE

Analysis of intellectual property,
1.01[2]

K

KITS

Design right, **5C.02[1][h]**

KNOW-HOW

Assignment by employee, **4.06[3]**

Block exemption definitions,
4.01[1][c]

Employee's, **3.04**

EU competition law, *see* **EU
Competition Law**

Goodwill, as, **3.01[4]**

Hybrid agreement, **4.06[1]**

Incorporation by individuals,
4.06[2]

License, territorial limits, **4.06[7]**

Property, as, **3.01[4]**

Tax incidence, **11.07**

Term and termination, **4.07**

Territorial limits, **4.06[7]**

L

LABEL LICENSING

Process patents for, **1.06[1],
1.13[5]**

LAPSE

Patent license, **3.07[15]**

LIABILITY

Licensor's liability to third party
for licensee, **9.26[2]**

Limitation, **9.20**

LICENSEE

Competitive advantage, **1.12**

Complex apparatus, imposing on
licensee, **1.11[1]**

Estoppel, **1.12, 1.14[2]**

Exclusive licensees, exploitation
for benefit of relevant public,
1.16[1]

Non-infringing, **1.07[1][f]**

Obligations upon, **1.13**

Trade mark of bankrupt debtor,
use by licensee, **6.06[7]**

LICENSEE—Cont'd

Unwanted facilities, imposing on
licensee, **1.11, 1.11[1]**

LICENSES AND LICENSING

Agreement, basis for, **9.03**

Antitrust, US, *see* **United States**

Biotechnology, U.K., **13.04[3][b]**

Compulsory and cross-licens-
ing, **13.04[3][c]**

European Harmonisation and
EU Exit, **13.04[3][k]**

Compulsory licenses, *see*

Compulsory Licenses

Copyright. *see* **Copyright**

Cross-licensing and pooling,
3.07[10]

Design right, *see* **Design Right**

Estoppel, assignment by, **3.06[1]**

EU Collective Management and
Multi-Territorial Licensing
Directive, **5A.07[7]**

EU competition law, *see* **EU
Competition Law**

European directives, **App
3D(10B)**

Exclusive, obligation under, **1.16,
3.06[3]**

Extent of grant, **3.07[3]**

Implication of, **1.09[1][b]**

Implied, **3.08**

Intellectual property rights,
1.04[2]

Label licensing, process patents
for, **1.06[1]**

Lapse, patent license, **3.07[15]**

Licensee, *see* **Licensee**

Limited, **1.09[1][b], 1.09[1][c]**

Multimedia and entertainment. *see*
**Multimedia and Entertain-
ment**

Nature of, **3.06[2]**

Orphan works, **5A.07[6], 5D.05[3]**

Patent, *see* **Patent License**

Protectable information, **4.05**

Right, licenses of, **3.10**

Schemes and bodies, **5A.07[5]**

INDEX

LICENSES AND LICENSING

—Cont'd

- Simple, **3.06[3]**
- Sole, **3.06[3]**
- Sub-license, *see* **Sub-License**
- Term of, patents for inventions, **3.07[5]**
- Termination, **3.07[14]**, **9.08**
- Terms and issues, general outline, **3.08**
- Trade marks, *see* **Trade Mark(s)**
- US, *see* **United States**

LIMITATIONS

- Legality of, **1.07**
 - Damages for anticompetitive behavior, **1.17[3]**
 - On scope, **1.07[1][a]**
- Of liability, **9.20**
- TFEU, market, technical development or investment limits or controls, **8.04[3]**

LIMITED LICENSE

- Knowledge of conditions, **1.09[1][b]**
- Title passed, where, **1.09[1][c]**

LIQUIDATOR OF COMPANY

- Assignment by, **3.06**

LOCAL RESTRICTIONS

- TFEU, local restrictions as measures “having equivalent effect” to prohibitions within Articles 34-36 of, **8.06**

LONG-ARM JURISDICTION

- Foreign companies, over, **1.17[2]**

M

MARKET / MARKETING

- Generally, **8.01 to 8.06**
- Agreement / relationship, uncommon forms, **8.03**
- Co-operatives, **8.03[2]**
- Digital single market, European Union (EU), **5A.07[8]**, **7.07**

MARKET / MARKETING

—Cont'd

- Franchising agreements, **8.02[2]**
- Goodwill in foreign market, ownership of, **8.02[3]**
- Intellectual property rights, **8.01**
- Limited partnership, through, **8.03[1]**
- Obligations unconnected with contract, imposing supplementary, **8.04[6]**
- Offending (or not) against TFEU, Articles 101 and 102, **8.04**, **8.05**
- Relevant market, EC's notice on definition for purpose of Community Competition Law, **App 3C(9)**
- Sharing, TFEU, **8.04[4]**
- Territorial limitations, **1.16**, **8.06[1]**, **8.06[4]**
- TFEU, **8.04**, **8.05**
- Unfair competition, **8.04[5]**, **8.06[2]**

MASK WORKS

- Copyright, **5B.02[5]**

MATCHING SETS

- Design right, **5C.02[1][j]**

MERGERS

- Guidelines, US antitrust, **2.09[4]**, **App 2J(3)**, **App 2J(4)**
- Patents and concentration through merger, **1.18**
- Vertical, DOJ, **App 2J(5)**

MISUSE

- Patent license, **3.07[12]**
- Patents, of, **1.13[5]**

MONEY

- Choice of, **9.08**

MONOPOLIES

- Beneficial monopoly, undue concentration of rights as affecting, **1.15**
- Commission investigating, **1.06[2]**

MONOPOLIES—Cont’d

Common law, and, **1.06[2]**,
1.06[4]
 Sherman Act, **2.05[2]**

MORTGAGES

Intellectual property, **1.04[3]**

**MULTIMEDIA AND
 ENTERTAINMENT**

Generally, **7.01**
 Core property rights
 Generally, **7.02**
 Confidentiality, **7.02[5]**
 Copyrights, **7.02[1]**
 Databases, rights in, **7.02[4]**
 Patents, **7.02[2]**
 Rights in databases, **7.02[4]**
 Trade marks, **7.02[3]**
 Trade secrets, **7.02[5]**
 Distribution media, modes and
 legislation
 Generally, **7.06**
 EU digital single market legisla-
 tion, **7.06[3]**
 On-line supply, digital content,
 supply and consumer
 legislation, **7.06[2]**
 Physical media, supply and
 consumer legislation,
 7.06[1]
 End user considerations and
 restrictions, **7.07**
 Enforcement, **7.08**
 Films, privacy, moral rights,
 7.03[1][e]
 Formats, rights in, **7.04**
 Image rights, personal rights,
 7.03[6]
 Jurisdiction, **7.08**
 Liability and jurisdiction, **7.08**
 Licensing and developments
 Collecting societies and collec-
 tive management organiza-
 tions, **7.05[1]**
 Copyright Tribunal, **7.05[3]**
 Existing agreements, new chan-
 nels, **7.05[2]**

MULTIMEDIA AND

ENTERTAINMENT—Cont’d

Licensing and developments
 —Cont’d
 Hyperlinking, **7.05[6]**
 Moral rights, **7.05[2]**
 Music industry, **7.05[5]**
 Protected content, online uses,
 7.05[6]
 Moral rights
 Generally, **7.03[1][a]**
 Author, **7.03[1][b]**
 Director, **7.03[1][b]**
 False attribution of work,
 7.03[1][d]
 Films, privacy, **7.03[1][e]**
 Identified, right to be,
 7.03[1][b]
 Objection to derogatory treat-
 ment, right to be,
 7.03[1][c]
 Photographs, privacy, **7.03[1][e]**
 Music industry, licensing and
 developments
 EU, **7.05[4][b]**
 UK, **7.05[4][b]**
 US, **7.05[4][a]**
 Personal rights
 Generally, **7.03**
 Collective agreements and col-
 lecting societies, **7.03[3]**
 Data protection, **7.03[5]**
 Image rights, **7.03[6]**
 Information privacy, **7.03[5]**
 Moral rights, above
 Non-property rights, **7.03[2]**
 Performers, **7.03[2]**
 Photographs, privacy, moral
 rights, **7.03[1][e]**
 Rights of personality, **7.03[4]**
 Character merchandising,
 7.03[4][b]
 Endorsing, **7.03[4][c]**
 Fictional characters, **7.03[4][b]**
 Introduction, **7.03[4][a]**
 Merchandising, **7.03[4][d]**

INDEX

MULTIMEDIA AND

ENTERTAINMENT—Cont'd

Rights of personality, **7.03[4]**

—Cont'd

Rights arising from reputation,
7.03[4][c]

Sponsoring, **7.03[4][c]**

Use of company name,
7.03[4][e]

N

NAGOYA PROTOCOL

EC regulation, implementation,
App 3B(16)

NEGOTIATIONS

FRAND licensing, **3.11[3][b]**

1988 ACT

Design right, **5C.02[2][b]**

NO-CHALLENGE CLAUSES

Patent license, in, **3.07[13]**

Validity, **1.14[2]**

NON ASSIGNMENT

Contracts and agreements, **9.33**

Transfer, **9.33**

NON-EXCLUSIVE LICENSEE

Damages claim, **1.07[1][f]**

NOTICES

Design right, **5C.02[2][b][ix]**,
5C.02[3][e]

EC announcements and notices,
see **EC**

EC Treaty announcements and
notices, *see* **EC Treaty**

TFEU, minor importance, notice
on agreements not
appreciably restricting com-
petition, **App 3C(3)**

O

OPEN SOURCE SOFTWARE

Copyright, **5B.03[5]**

ORIGINALITY

Copyright, **5A.05**

Design right, **5C.02[2][b][vi]**

Resale right for benefit of author
of original work of art, Direc-
tive 2001/84/EC (27
September 2001), **App 3D(9)**

ORPHAN WORKS

Broadcasting and rights in perfor-
mances, licensing, **5D.05[3]**

Copyrights, licensing, **5A.07[6]**

Directives of EC, certain permit-
ted uses of orphan works (25
Apr 2012), **App 3D(11)**

OWNERSHIP

Design right, **5C.02[1][e]**,
5C.02[3][b]

Goodwill in foreign market,
ownership of, **8.02[3]**

P

PARALLEL IMPORTS

Control of, **1.08[1]**

Exhaustion of rights doctrine,
1.08[1]

Protective provisions, **1.17[4]**

Restrictions, TFEU, **8.04[3][a]**

PARTNERSHIP

Implied license, **3.08**

Limited, E.E.C., **8.03[1]**

PATENT APPLICATION

Generally, **3.02**

Joint inventors and owners,
3.02[1] to 3.02[1][c]

Procedure, **3.01[1]**

Publication of, **3.01[3]**

Requirements for, **3.01[1]**

Right to apply, **3.02**

Transactions related to, **3.04**

UK Patents Act of 1977,
co-ownership, **3.02[1][a]**

PATENT LICENSE

Generally, **3.06, 3.07**

PATENT LICENSE—Cont'd

- Abandonment, **3.07[15]**
- Applications, *see* **Patent Application**
- Assignment
 - Nonassignment, **3.07[15]**
 - Re-assignment, **3.07[16]**
- Bankruptcy, **3.09**
- Best endeavors, **3.07[6]**
- Compulsory, **1.16, 3.10**
- Cross-licensing, **3.07[10]**
- Customer restrictions, **3.07[2]**
- Duration, **1.07[1][e]**
- Estoppel of licensee, **1.12**
- Exclusive, **1.16, 3.06[3]**
- Exhaustion, **3.07[2]**
- Field of use, **3.07[2]**
- Grantbacks, **3.07[9]**
- Impact of competition law, **3.12**
- Implied licenses and terms, **3.08**
- Improvements, **3.07[8]**
- Infringement, right and obligation to enforce, **3.07[18]**
- Jurisdiction clauses, **3.07[17], 3.07[19]**
- Label, by, **1.06[1], 1.13[4]**
- Lapse, **3.07[15]**
- Legality of license limitations, **1.07**
- Licenses of right, **1.16[2], 3.10**
- Limited, **1.09[1][c]**
- Misuse, **3.07[12]**
- Most favoured licensee/nation, **3.07[7]**
- No-challenge clauses, **3.07[13]**
- Non-assignment, **3.07[15]**
- Non-infringing sales, **1.07[1][f]**
- Pooling, **3.07[10]**
- Price fixing, **3.07[11], 3.07[12]**
- Re-assignment on non payment, **3.07[16]**
- Restrictions, **1.07**
- Right to demand, **1.15[1]**
- Royalties, **3.07[1]**
- Simple, **3.06[3]**
- Sole, **3.06[3]**

PATENT LICENSE—Cont'd

- Term of license, **3.07[5]**
- Termination, **3.07[14]**
- Terms and issues, **3.08**
- Territory, **3.07[4]**
- Tying, **3.07[12]**
- UK Patents Act 1977, **3.10**

PATENT(S)

- Generally, **3.01 et seq.**
- Analysis of grant, **1.09[1][a]**
- Antitrust and, **1.06[1]**
- Application, *see* **Patent Application**
- Arbitration, *see* **Arbitration**
- Area of, extension, **1.07[1][c]**
- Assignment of, **3.06[1]**
- Biotechnology, U.K., **13.04[3][a]**
- Competition law
 - EU, *see* **EU Competition Law**
 - Impact, **3.12**
- Competition policy, **1.07**
- Consultants, by, **3.03**
- Cross-licensing of, **1.15[2]**
- Date of, **3.01[3]**
- Early development and history, **1.02[2][b]**
- Employee making, **3.03**
- EU competition, *see* **EU Competition Law**
- Exclusive
 - Assignment, as, **1.16**
 - Right to grant, **1.07[1][d]**
 - Safeguards, **1.16**
- Exclusivity of, **1.16**
- Exploitation of, in foreign countries, **1.16[2]**
- Exploitation policy, **1.15**
- Failure to exploit, **1.14[1]**
- Grant of patent, right to, **3.02**
- Hybrid agreement, **4.06[1]**
- Improvements, **1.10[2]**
- Invalid, responsibility, **1.14[2]**
- Invalidity, protection against, **3.05[2]**

INDEX

PATENT(S)—Cont'd

- Inventions or designs, treatment of, **3.04**
- Know-how, *see* **EU Competition Law**
- Law, non-pre-emption of trade secret law by, **4.03[1][c]**
- License, *see* **Patent License**
- Merger, patents through, **1.18**
- Misuse, US law, **1.13[5]**
- Multimedia and entertainment, **7.02[2]**
- Plants
 - Breeders' rights, **13.04[2]**
 - European protection, **13.05**
 - United Kingdom, **13.04[1]**
 - United States, **13.03[1], 13.06**
- Politics of, **1.02[2][b]**
- Pools
 - Beneficial monopoly, undue concentration of rights as converting, **1.15[2]**
 - Legality, **1.09[1][d]**
 - Technology Transfer Block Exemption Regulation (TTBER), **2.19[1][a][iii]**
- Post expiration royalty, **4.06[1]**
- Process, for, **1.06[1], 1.07[1], 1.13[5]**
- Property in, **3.01[4]**
- Protectable information and, **4.03[1]**
- Qualifying as grantee of, **1.02[2][a]**
- Restrictive practices and, **1.07[1][d], 3.07[2]**
- Rights in, generally, **1.03[1], 3.01**
- Royalties, patent-free territories, **1.07[1][c]**
- Sale in patent-free territories, **1.07[1][c]**
- Scope of protection, **3.01[5]**
- Sources of antitrust law, **1.06[1]**
- Supplementary Protection Certificates, **3.01[6]**
- Territories, patent-free
 - Royalties in, **1.07[1][c]**

PATENT(S)—Cont'd

- Territories, patent-free—Cont'd
 - Sale in, **1.07[1][c]**
- Title to, **3.05[1]**
- Transactions related to, **3.04**
- Unpatented inventions, **3.04**
- US, *see* **United States**
- Validity attacked, **1.12**
- Validity inquiry, **3.05[2]**
- Warranty of validity, **3.05[2]**

PAY FOR DELAY

- EU competition law, **2.20[10]**

PAYMENT

- Contract, re-assignment on non payment, **9.27**
- Patent license, re-assignment on non payment, **3.07[16]**
- Taxation, nature of transactions and payments, **11.04**
- U.S. antitrust issues, reverse payment settlement agreements, **2.13[4]**

PERFORMANCE RIGHT

- Generally, **1.03[5]**
- EU competition law, copyright, **2.19[3][b]**

PLANT(S)

- Joint venture, whether sale, **13.04[2][e]**
- Renewal, renunciation on, **13.04[2][e]**

PLANT VARIETIES

- Act, **App 2I**
- Breeders' rights
 - United Kingdom
 - Annulment, cancellation and suspension, **13.04[2][i]**
 - Duration of rights, **13.04[2][e]**
 - EU competition law and plant varieties rights, **13.04[2][l]**
 - European harmonisation, **13.04[2][k]**

PLANT VARIETIES—Cont’d

- Breeders’ rights—Cont’d
 - United Kingdom—Cont’d
 - Exemptions, **13.04[2][d]**
 - Infringement, **13.04[2][c]**
 - Licensing and compulsory licenses, **13.04[2][h]**
 - Naming of varieties, **13.04[2][g]**
 - Nature of the rights conferred, **13.04[2][b]**
 - Persons entitled to apply, **13.04[2][a]**
 - Plant Varieties and Seeds Tribunal, **13.04[2][j]**
 - Sale of rights, **13.04[2][f]**
 - United States, **13.06**
- Community plant variety rights, **App 3B(14)**
- EU competition law
 - Generally, **2.19[4]**
 - Breeders’ rights, **13.04[2][i]**
- European protection
 - EU-UK withdrawal agreement, **13.05[1]**
- Plant Varieties Act 1997, **App 1Y**
- Protection of
 - Future developments needed, **13.03[6]**
 - General Information About 35 USC.A. 161, **App 2I(1)**
 - Overlap between patents and breeders’ rights, **13.03[5]**
 - Types of, **13.01, 13.02**
 - United Kingdom patents, **13.04[1]**
 - United States, **13.03**
 - Multiple claims, **13.03[4]**
 - Patents, **13.03[1]**
 - United Kingdom
 - Breeders’ rights, United Kingdom, above
 - Protection of patents, **13.04[1]**

POOLS AND POOLING

- Competition law
 - Copyright pools and collective rights management, EU law, **2.21[2]**

POOLS AND POOLING—Cont’d

- Competition law—Cont’d
 - Technology pools, EU law, **2.21[1]**
 - US restrictions, **2.12[5]**
- Cross-licensing, *see* **Cross-Licensing**
- Patent licensing issues, **3:07[10]**
- Patents. *see* **Patents**
- Technology pools, co-operation within industry, **12.02[2][e]**

PREEMPTION

- Joint inventors and owners, **3.02[1][c]**

PRICE CONTROL

- TFEU, **8.04[2]**

PRICE-FIXING

- Exclusive dealer, by, **3.07[12]**
- International agreements in, **1.09[1][d]**
- Licensee estoppel and, **1.09[1][d]**
- Patent licensing issues, **3.07[11], 3.07[12]**
- Purchase or sale prices, **8.04[2]**

PRINTING

- Copyrights, impact of invention of printing, **1.02[1][a]**

PRIVACY

- Human Rights Act, **4.01[1]**

PRIVITY OF CONTRACT

- Exception to, **1.09[1][c]**

PROCEEDINGS

- Design right, **5C.02[2][b][viii]**

PRODUCT MIGRATION

- United States antitrust law, **2.13[3]**

PROPER LAW

- Contract, of, **9.14**

PROPRIETARY INFORMATION

- see* **Protectable Information**

INDEX

PROTECTABLE

INFORMATION

Assignment, **4.04[1]**, **4.04[2]**
Comeptition/Antitrust considerations
EU, **4.08[1]**
U.K., **4.08[2]**
U.S., **4.08[3]**
Confidence, breach of, **4.02[3][c]**
Confidential information. *see*
Confidential Information
EU
Generally, **4.02[1][b]**
National law, **4.02[1][a]**
Technology sharing and transfer, **4.05[2]**
Trade secrets, Directive 2016/943 for protection of, **4.02[1][d]**
Incorporation by individuals, **4.06[2]**
Law, **4.01[2]**
Legal frameworks
EU, **4.02[1]**
UK, **4.02[2]**
US, **4.02[3]**
Defend Trade Secrets Act, **4.02[3][b]**
Licensing
UK, **4.05[1][a]**
US, **4.05[1][b]**
On purchase of company, **4.06[4]**
Other intellectual property rights and, **4.03**
Terminology and, **4.01[2]**
Trade secrets. *see* **Trade Secrets**
Transfer, **4.04[1]**, **4.04[2]**
U.K. *see* **United Kingdom**
Unfair competition, **4.02[1][c]**
See also **Know How;**
Confidential Information

PUBLIC DOMAIN/PUBLIC JURIS

Effect on information license, **4.06[5]**

PUBLIC INTEREST

Overrides estoppel, **1.14[1]**
Paramount, **1.14[1]**
Restraint of trade, **1.06[4]**

Q

QUIET POSSESSION

Implied term, **9.02[1]**

R

RECITALS

Significance, **9.11**

RECORDS AND RECORDKEEPING

FRAND licensing, **3.11[4][f]**

REGISTERED DESIGN

In U.K., **5C.02**

REGISTERED DESIGNS ACT OF 1949

Amended, **App 1N**

REPACKAGING

Trade marked goods, **6.10[3]**

REPAIR

Right of, **1.13[2]**
Spare parts, **1.13[3]**

RESALE

Prices
Fixing, **1.09[1][d]**
Maintenance, **2.09[1][n]**
Rights
Benefit of author of original work of art, Directive 2001/84/EC (27 September 2001), **App 3D(9)**
Copyright, scope of artists resale rights, **5A.02[3]**

RESEARCH AND DEVELOPMENT

Agreements, technology sharing and transfer, **12.02[2][c]**

RESEARCH AND

DEVELOPMENT—Cont'd

EU competition law,
2.17[1][c][iii]
 Licensing of IP, Dept. of Justice
 and FTC antitrust guidelines,
2.09[1][f]

RESTRAINT OF TRADE

Common law rules, **1.06[2]**
 Distributorships and, **1.09**
 Domestic imports, **1.17**
 Foreign trade, **1.17**
 Patents and, **1.07**
 Public interest, **1.06[4]**
 Severance, **1.06[3]**
 Sherman Act, **2.05[1]**
 Vertical agreements, **1.09**

RESTRICTIVE COVENANTS

Employment, **1.06[2]**
 Franchising, tying and restrictive
 covenants, **8.02[2][b][ii]**

RESTRICTIVE PRACTICES

Generally, **1.06[2]**
 EU competition law, *see* **EU
 Competition Law**
 Exemptions, **1.07[1][d]**
 Patents and, **1.07[1][d]**
 Procedure in, **1.07[1]**
 US competition law, *see* **United
 States**

ROME I

European regulations, contractual
 obligations, No. 593/2008,
App 3B(17)

ROME II

European regulations, non-
 contractual obligations, No.
 864/2007, **App 3B(18)**

ROYALTIES

Basis for, **1.07[1][c]**
 Escrow account during litigation,
 in, **1.14[2][b]**
 EU competition law, **2.20[7]**

ROYALTIES—Cont'd

FRAND licensing, **3.11[4][a]**
 Hybrid agreement, **4.06[1]**
 Patent licenses, **3.07[1]**
 Post patent royalty, **4.06[1]**
 Recovery of, **1.14[2][a]**
 Withholding of, **1.14[2][a]**

S

SALE OF GOODS

Implied terms, **9.02[1]**

SCHEMES AND BODIES

Copyright, **5A.07[5]**

SECRET INFORMATION

Trade secrets, **4.01 et seq.**

SEEDS

Plant varieties and breeders'
 rights, **13.04[2][j]**

**SEMICONDUCTOR
 TOPOGRAPHY**

Design right, **5C.02[1][i]**

SETTLEMENTS

EU competition law, *see* **EU
 Competition Law**
 U.S. antitrust issues, reverse pay-
 ment settlement agreements,
2.13[4]

SHERMAN ACT

Generally, **2.05, App 2A**
 Contracts, combinations, and
 conspiracies in restraint trade,
2.05[1]
 Monopolization, **2.05[2]**

SOFTWARE

Goods licensing and copyright,
5A.07[3][d]

SPARE PARTS

Obligation not to copy, **8.04[7][c]**
 Obligation to buy from franchisor,
1.13[3]

INDEX

SPECIALISATION

AGREEMENTS

EU competition law, **2.17[1][c][iv]**
Technology sharing and transfer,
12.02[2][d]

STAMP DUTY

Generally, **11.06[5]**

STANDARD ESSENTIAL

PATENTS (SEPs)

Generally, **2.13[2]**, **2.19[1][a][ii]**,
2.21[1], **3.11**
Essential, defined, **3.11[3][a]**
European Commission Com-
munication on SEP licensing,
3.11[5]

SUB-LICENSE

Liability of licensee to third party
for acts of sub-licensee,
9.26[2]
Requirement, **3.07[3]**

SUPPLEMENTARY PROTECTION CERTIFICATES

Patent(s), **3.01[6]**
EU-UK withdrawal agreement,
3.01[6][a]

SUPPLY AND SUPPLIES

Distribution media, modes and
legislation, **7.06[1]**, **7.06[2]**
Requiring licensee to obtain, from
licensor, **1.13[1]**

T

TAXATION

Generally, **11.01**
Characterising the nature of intel-
lectual property rights and
transactions, generally, **11.05**
to 11.05[2]
Double taxation provisions,
11.07[1]
Entities, **11.03**
EU and UK Digital Services
Taxes, **11.06[3][b]**

TAXATION—Cont'd

Kinds of taxes

Generally, **11.06**
Capital, **11.06[2]**
Corporate/corporation taxation,
11.06[3]
EU and UK Digital Services
Taxes, **11.06[3][b]**
Income, **11.06[1]**
Innovation/patent box regimes,
11.06[3][a]
Sales; VAT, **11.06[4]**
VAT and intellectual prop-
erty, **11.06[4][a]**
Stamp duty, **11.06[5]**
Legislation and authorities, **11.02**
Transactions and payments,
characterizing nature of,
11.04
Withholding tax, **11.07[2]**

TECHNOLOGY SHARING AND TRANSFER

Generally, **12.01[1]**
Agreements
Generally, **12.02[2][a]**
TFEU application, **App 3B(8)**
Block exemption, **2.17[1][c][i]**
Boilerplate clauses, **12.03[5][j]**
Commission notice guidelines as
to applicability of Article 81
of EC Treaty to technology
transfer agreements, **App**
3C(10)
Computer software, exploiting,
5B.03[3]
Confidentiality, **4.03**, **12.03[5][g]**
Consortia, **12.02[3]**
Context, technology transfer in,
12.01[2]
Co-operation involving universi-
ties
Approaches, **12.03[2]**
Background, **12.03[1]**
Boilerplate clauses, **12.03[5][j]**

**TECHNOLOGY SHARING AND
TRANSFER—Cont'd**

Co-operation involving universities—Cont'd
 Commencement and date of student research, **12.03[5][a]**
 Confidentiality, **12.03[5][g]**
 Contributions by company, **12.03[5][e]**
 Discoveries, **12.03[5][h]**
 Exploitation, **12.03[5][i]**
 Inventions, **12.03[5][h]**
 Parties sponsoring student research, **12.03[5][b]**
 Primary issues, **12.03[3]**
 Progress, **12.03[5][f]**
 Project, **12.03[5][d]**
 Recitals, **12.03[5][c]**
 Sponsoring student research, **12.03[5]**
 Strategic issues, **12.03[4]**
 Co-operation within industry
 Agreements, technology transfer, **12.02[2][a]**
 Consortia, **12.02[3]**
 European Categorisation, **12.02[2]**
 Joint venture agreements, **12.02[2][b]**
 Kinds of co-operation, **12.02[1]**
 Pools, **12.02[2][e]**
 Research and development agreements, **12.02[2][c]**
 Specialization agreements, **12.02[2][d]**
 EU competition law, **2.17[1][c][i]**
 Europe, International Technology Control, **12.06[2]**
 Exploitation of student research, **12.03[5][i]**
 Hybrid agreement, **4.06[1]**
 Incorporation by individuals, **4.06[2]**
 Industrial partners, between, **12.02**
 International Technology Control Europe, **12.06[2]**

**TECHNOLOGY SHARING AND
TRANSFER—Cont'd**

International Technology Control—Cont'd
 United Kingdom, **12.06[1]**
 United States, **12.06[3]**
 US-UK Treaty, **12.06[4]**
 Planning for transfer, **12.01[3]**
 Pools, co-operation within industry, **12.02[2][e]**
 Research and development agreements, **12.02[2][c]**
 Specialization agreements, **12.02[2][d]**
 Technology Transfer Agreements (EU), **4.05[2]**
 Term and termination, **4.07**
 Territorial limits, **4.06[7]**
 Underlying intangible rights
 Charges, **12.05[2]**
 Derivative action by shareholder or director, **12.05[4]**
 Licenses, **12.05[3]**
 Nature of underlying rights, **12.04**
 Transfers, **12.05[1]**
 United Kingdom, International Technology Control, **12.06[1], 12.06[4]**
 United States, International Technology Control, **12.06[3], 12.06[4]**

**TECHNOLOGY TRANSFER
BLOCK EXEMPTION
REGULATION [TTBER]**

EU competition law, **2.19[1][a], 2.19[2][a], 2.20[2][a], 2.20[4][a]**

TERMINATION

License
 Generally, **3.07[14], 4.07**
 Trade secret, **4.07**
 Loss of confidentiality, **4.07**
 Residual rights, on, **9.08**

INDEX

TERRITORIALITY

- Competition law, US restrictions, **2.12[2]**
- Confidential information, **4.06[7][a]**
- Extensions, **1.07[1][c]**
- FRAND licensing, territory, **3.11[4][b]**
- Know how license, **4.06[7][a]**
- Limits for antitrust, **1.07[1][d]**
- Market sharing, **1.07[1][d]**
- Patent license, **3.07[4]**
- Trade secret, **4.06[7][b]**

THIRD PARTIES

- Arbitration clause, third parties to agreement containing, **10.12[5][c]**
- Contractual rights of, **9.23**
- Indemnities and third parties, **9.26**
- Infringement of third party rights, indemnities against, **9.26[1]**
- Public domain, **4.06[5]**
- Trade marks, *see* **Trade Mark(s)**

THREATS

- Design right, **5C.02[3][h]**

TIE-IN

- Alternative, **1.13**
- Hybrid patent license, **4.06[1]**
- Misuse of rights, **1.13**

TITLE

- Copyright, transferring. *see* **Copyright**
- Covenants for, **3.05**
- Investigating, **3.05[1]**

TORT(S)

- Relating to contract, **9.19**

TRADE MARK(S)

- Generally, **1.03[6]**, **6.01 et seq.**
- Approval, **6.08[6]**
- Assignment of trade marks
 - Generally, **6.05**
 - Community trade marks, **6.05[3][c]**

TRADE MARK(S)—Cont'd

- Assignment of trade marks
 - Cont'd
 - EU and United Kingdom, **6.05[3][a]**
 - Goodwill
 - Community trade marks, **6.05[2][c]**
 - EU and United Kingdom, **6.05[2][a]**
 - United States, **6.05[2][b]**
 - Licensing distinguished, **6.05[1]**
 - United States, **6.05[3][b]**
- Community, European Community trade mark, **6:02[3]**, **App 3B(11) to App 3B(12A)**
- Competition, antitrust and unfair competition law
 - EU, *see* **EU Competition Law**
 - Europe, **6.10[1]**
 - United Kingdom, **6.10[2]**
 - United States, **6.10[3]**
- Delimitation agreements, **6.08[2]**
- Distributors
 - Advertising, **6.08[4][b]**
 - Alteration exhaustion and first sale, **6.08[4][a]**
 - Application of distributors mark, **6.08[4][c]**
 - Dealers' rights to mark, **6.08[4][d]**
 - Services agreement, **6.08[4][e]**
- EU competition, *see* **EU Competition Law**
- European Community trade marks, **App 3B(11) to App 3B(12A)**
- European Directives
 - European Parliament and Council, EC directive to approximate the laws of member states, **App 3D(1A)**
 - European Parliament and Council, EU directive to approximate the laws of

TRADE MARK(S)—Cont'd

European Directives—Cont'd
 member states, **App 3D(1B)**
 First council directive
 approximate the laws of
 member states, **App 3D(1)**
 Extent of protection conferred by
 trade mark
 Generally, **6.04**
 EU and United Kingdom,
 6.04[1]
 United States, **6.04[2]**
 Franchising, business and trade
 marked goods systems
 distinction, **8.02[2][b][iii]**
 Licensing
 Generally, **6.06**
 Assignment with license back,
 6.06[3]
 Bankrupt debtor's trade mark,
 6.06[1]
 Exclusive licenses, **6.06[4]**
 Formal requirements, **6.06[1]**
 Merchandising, **6.06[6]**
 Quality control, **6.06[2]**
 Multimedia and entertainment,
 7.02[3]
 Nature and function
 Harmonisation in the EU,
 6.01[2]
 History
 Asset of proprietor, mark as,
 6.01[1][c]
 Quality, **6.01[1][b]**
 Source, **6.01[1][a]**
 No-challenge clause, **6.08[1]**
 Panel imports, gray goods and
 exhaustion of rights
 Generally, **6.07**
 EU and United Kingdom,
 6.07[1]
 United States, **6.07[2]**
 Protectable information and,
 4.03[3]
 Registerability as a trade mark
 Generally, **6.03**

TRADE MARK(S)—Cont'd

Registerability as a trade mark
 —Cont'd
 Certification marks
 United Kingdom, **6.03[4][a]**
 United States, **6.03[4][b]**
 Collective marks
 EU Collective Mark,
 6.03[3][c]
 United Kingdom, **6.03[3][a]**
 United States, **6.03[3][b]**
 EU and United Kingdom,
 6.03[1]
 United States, **6.03[2]**
 Repackaging, **6.10[3]**
 Statutory framework for licensing
 EU
 Community/ European trade
 marks, **6.02[1][b]**
 Directives, **6.02[1][a]**
 United Kingdom, **6.02[1][c]**
 United States
 Lanham Act, **6.02[2][a]**
 Related company concept,
 6.02[2][b]
 Common stockholders,
 directors, or officers,
 6.02[2][b][ii]
 Licensees and franchisees,
 6.02[2][b][iv]
 Sister corporations,
 6.02[2][b][iii]
 Wholly owned related
 companies,
 6.02[2][b][i]
 Term and termination, **6.09**
 Third parties
 Manufacturer, use by, **6.08[3]**
 Right to take action against,
 6.08[5]
 Trade Marks Act 1994 (U.K.),
 App 1Q, App 1R
 United States, **2.11[5]**
 Unregistered trade marks, **1.03[6]**

TRADE SECRETS
 Generally, **1.03[2], 4.01 et seq.**

INDEX

TRADE SECRETS—Cont'd

- Assignment, **4.04[2][a]**
- Assignment by employee, **4.06[3]**
- Confidentiality Clubs, **4.06[8]**
- Copyright law, non-pre-emption of trade secret law by, **4.03[1][d]**
- Defend Trade Secrets Act 2016, **App 2K**
- Defined, **4.01[1][b]**
- EU Directive 2016/943, **App 3D(12)**
- External Eyes Only Provisions, **4.06[8]**
- Implied duty, **1.03[2]**
- Incorporation by individuals, **4.06[2]**
- Legal frameworks
 - EU Directive 2016/943 for protection of trade secrets, **4.02[1][d]**
 - US, **4.02[3][a]**
- Multimedia and entertainment, **7.02[5]**
- Natural monopoly, **1.03[2]**
- Nature of, **1.03[2]**
- Public domain, entry, **4.06[5]**
- Term and termination, license, **4.07**
- Territorial limits, license, **4.06[7]**
- Transfer, **4.04[1][b]**, **4.04[2][b]**
- Uniform Trade Secrets Act, **4.01[1][b]**
- United States, **2.11[2]**

TRANSFER

- Contracts and agreements, **9.33**
- Non assignment, **9.33**

TRANSFER OF TECHNOLOGY

- see* **Technology Sharing and Transfer**

TRANSLATIONS

- Qualifying for copyright, **5B.02[3]**

TREATY ON THE

FUNCTIONING OF THE EUROPEAN UNION (TFEU)

- Article 101
 - Behaviour adjustments, compet-

TREATY ON THE

FUNCTIONING OF THE EUROPEAN UNION (TFEU)—Cont'd

- Article 101—Cont'd
 - ing undertaking, **8.04[1][b]**
 - Competing undertaking, behaviour adjustments, **8.04[1][b]**
 - Competition law, **2.17[1][a]**, **2.18[4]**
 - Exports, promoting, **8.04[3][b]**
 - Investment limitations or control, **8.04[3]**
 - Market limitations or control, **8.04[3]**
 - Market-sharing arrangements, **8.04**
 - Multiply-used standard agreements, **8.04[1][a]**
 - Notice by commission, competition restriction, **App 3C(3)**
 - Parallel import restrictions, **8.04[3][a]**
 - Price fixing, **8.04[2]**
 - Technical development limitations or control, **8.04[3]**
 - Technology transfer agreements, **App 3B(8)**
- Article 102
 - Generally, **8.05**
 - Competition law, **2.17[1][b]**, **2.20[4][c]**
- Dealership, obligation to grant, **8.04[7][b]**
- Extracts, **App 3A(1)**
- Fair trading, **8.04[7][a]**, **8.04[7][d]**, **8.04[7][e]**
- Local restrictions as measures “having equivalent effect” to prohibitions within Articles 34-36 of, **8.06**
- Marketing, **8.04**, **8.05**
- Notice on agreements of minor importance by Commission, **App 3C(3)**

**TREATY ON THE
FUNCTIONING OF THE
EUROPEAN UNION (TFEU)
—Cont'd**

- Obligations unconnected with contract, imposing supplementary, **8.04[6]**
- Regulation 316/2014, technology transfer agreements, **App 3B(8)**
- Spare parts, obligation not to copy, **8.04[7][c]**
- Trade marks to distributors, non-genuine assignment, **8.04[7][e]**
- Unfair competition, in, **8.04[5]**

TRIPS AGREEMENT

- Foreign trade, restraints on, **1.17, App 4F**

TRUST

- European regulations, identification and trust services for electronic transactions, No. 910/2014, **App 3B(19)**
- Goods supplied and held on trust, **9.17**

TYING

- Clayton Act, **2.06[2]**
- Competition law
 - EU *see* **EU Competition Law**
 - US restrictions, **2.12[4]**
- Franchising, tying and restrictive covenants, **8.02[2][b][ii]**
- Licensing of IP, Dept. of Justice and FTC antitrust guidelines, tying/bundling arrangements, **2.09[1][o]**
- Patent license, **3.07[12]**

U

UK ARBITRATION ACT OF 1996

- Extracts, **App 6B**

UK PATENTS ACT 1977

- Compulsory licenses, **3.10**

UK PATENTS ACT 1977—Cont'd

- Licenses of right, **3.10**

**UK SCHEME FOR THE
PROTECTION OF DESIGNS**

- Design right, **5C.02**

**UNCITRAL MODEL LAW ON
INTERNATIONAL
ARBITRATION**

- see* **Arbitration**

UNFAIR

COMPETITION/TRADING

- Basis of intellectual property rights, **1.02[1][b]**
- Federal Trade Commission Act, **2.07[1]**
- Regulations issued by EC, *see* **EC**

**UNIFORM ARBITRATION ACT
OF 1950**

- Generally, **App 6D**

UNITED KINGDOM

- Arbitration Act of 1996, **App 6B**
- Biotechnology
 - Compulsory and cross-licensing, **13.04[13][c]**
- Breeders' rights, *see* **Plant Varieties**
- Competition law, *see* **EU Competition Law**
- Copyright, Designs and Patents Act 1988, as amended, **App 1K**
- Copyright, protection of U.S. works in the U.K., **5A.08[6]**
- Crown Copyright, **App 1N**
- Design right, *see* **Design Right**
- Enterprise Act of 2002, extracts, **App 1AA**
- Enterprise and Regulatory Reform Act of 2013, extracts, **App 1AB**
- EU and UK Digital Services Taxes, **11.06[3][b]**
- EU-UK Trade and Cooperation Agreement, Articles DIGIT

INDEX

UNITED KINGDOM—Cont'd

1-17 and IP1-57, **App 3A(3)**
EU-UK withdrawal agreement, **1.05[1]**
CPVR protection, **13.05[1]**
Database protection, **5A.02[6][a]**, **5A.03[7]**
EUTM protection, **6.04[1][a]**
Exhaustion of IPRs, **2.19[5]**
Extracts, Articles 2, 54-61 and 126, **App 3A(2)**
Mutual recognition of exhaustion of rights, **6.07[1][a]**
Supplementary Protection Certificates, **3.01[6][a]**
Trade and cooperation agreement, articles DIGIT 1-17 and IP1-57, **App 3A(3)**
UCDR protection, **5C.03[1][a]**, **5C.03[2][a]**
Franchising, **8.02[2][c]**
Grant of letters patent, **App 1B**
Hague Agreement on International Registration, accession to, **5C.02[3][j]**
Institutions, *see* **European Institutions**
Intellectual Property Act, **App 1L**
Monopolies, **App 1A**
Patent Act 1977
 Co-ownership, **3.02[1][a]**
 Extracts, **App 1C**
Plant patent(s), **13.04[1]**
Protectable information
 Generally, **4.02[2]**
 Contracts, **4.02[2][b]**
 Property, **4.02[2][c]**
Tortious interference with contractual rights, **4.02[2][d]**
UK Implementation of EU Directive 2016/943, **4.02[2][e]**
Protection of biotechnology
 Generally, **13.04[3]**
 Licensing, **13.04[3][b]**
 Patents, **13.04[3][a]**

UNITED KINGDOM—Cont'd

R&D Agreements in the UK, **2.17[6][d][ii]**
Registered Designs Act, **App 1N**
Scheme for the protection of designs, **5C.02**
Specialisation Agreements, **2.17[6][d][iii]**
Technology sharing and transfer, **12.06[1]**, **12.06[4]**
UK block exemption orders, **2.17[6][d]**
UK National Security and Investment Act 2021, **1.05[2]**
UKICO and CMA cooperation, **2.16[3][d]**
Vertical agreements
 2022 regulation 2022/720, **8.02[1][a]**
 2022 VABEO 516, **2.17[6][d][i]**
 2022 VABEO SI 516, **8.02[1][b]**
Withdrawal agreement, EU
 CPVR protection, **13.05[1]**
 Database protection, **5A.02[6][a]**
 EUTM protection, **6.04[1][a]**
 Exhaustion of IPRs, **2.19[5]**
 Extracts, Articles 2, 54-61 and 126, **App 3A(2)**
 Mutual recognition of exhaustion of rights, **6.07[1][a]**
 Supplementary Protection Certificates, **3.01[6][a]**
 UCDR protection, **5C.03[1][a]**, **5C.03[2][a]**

UNITED STATES

Antitrust
 Generally, **2.04**
 Agencies, **2.04[2]**
 Agreements, **2.08**
 Clayton Act, *see* **Clayton Act**
 Competition/Antitrust considerations, protectable information, **4.08[2]**
E-commerce might, **2.13[5]**

UNITED STATES—Cont’d

Antitrust—Cont’d
 EU cooperation, **2.14**
 Federal Trade Commission Act,
see **Federal Trade Com-
 mission Act**
 First sale exhaustion, non-
 geographical approach,
2.13[1]
 F/RAND licensing, **2.13[2],**
2.19[1][a][iii]
 FRAND licensing, **2.21[1]**
 Guidelines, below
 Internet might, **2.13[5]**
 Laws, generally, **2.04[1]**
 Patents, standard essential,
 (SEP), **2.13[2],**
2.19[1][a][iii], 2.21[1]
 Product migration or “Hop-
 ping,” **2.13[3]**
 Reverse payment settlement
 agreements, **2.13[4]**
 Sherman Act, *see* **Sherman Act**
 Arbitration, patents, **10.12[8]**
 Competition
 Generally, **2.10 to 2:12**
 Combined or hybrid patent
 agreements, **2.11[3]**
 Copyright, **2.11[4]**
 Hybrid or combined patent
 agreements, **2.11[3]**
 Patents, **2.11[1], 2.11[3]**
 Pre-emption, **2.11**
 Restrictions, below
 Trade secrets, **2.11[1]**
 Trademarks, **2.11[4]**
 Copyright
 Competition, **2.11[4]**
 Misuse, **1.13[6]**
 Reciprocal protection of copy-
 right in the U.S., **5A.08**
 U.K., protection of U.S. works
 in, **5A.08[6]**
 Dept. of Justice and FTC antitrust
 guidelines, **App 2J**
 EU cooperation, competition law.
see **EU Competition Law**

UNITED STATES—Cont’d

Franchising, **8.02[2][a], 8.02[2][b]**
 Guidelines, antitrust
 Generally, **2.04[3], 2.09**
 Collaborations among competi-
 tors, Dept. of Justice and
 FTC for, **2.09[2], App**
2J(1)
 DOJ and vertical merger, **App**
2J(5)
 Enforcement and cooperation
 for international opera-
 tions, Dept. of Justice and
 FTC for, **2.09[3], App**
2J(2)
 International guidelines, Dept.
 of Justice and FTC for,
2.09[3], App 2J(2)
 Licensing of IP, Dept. of Justice
 and FTC for, below
 Mergers, horizontal and non-
 horizontal, **2.09[4], App**
2J(3), App 2J(4)
 Licensing of IP, Dept. of Justice
 and FTC antitrust guidelines
 Generally, **2.09[1], App 2J**
 Acquisition of IP rights,
2.09[1][s]
 Analysis modes, **2.09[1][c]**
 Application of general
 principles, **2.09[1][l]**
 Concerns, **2.09[1][c]**
 Cross-licenses, **2.09[1][a],**
2.09[1][p]
 Dealing, exclusive, **2.09[1][q]**
 Efficiencies, **2.09[1][j]**
 Enforcement of invalid IP
 rights, **2.09[1][t]**
 Evaluations, **2.09[1][g],**
2.09[1][h]
 Exclusivity, **2.09[1][i],**
2.09[1][q]
 Good markets, **2.09[1][d]**
 Grant-backs, **2.09[1][r]**
 Horizontal restraints,
2.09[1][m]
 Justifications, **2.09[1][j]**

INDEX

UNITED STATES—Cont'd

Licensing of IP, Dept. of Justice and FTC antitrust guidelines—Cont'd
Pooling, **2.09[1][p]**
Procompetitive benefits, **2.09[1][b]**
Resale price maintenance, **2.09[1][n]**
Research and development markets, **2.09[1][f]**
Rule of Reason evaluations, **2.09[1][h]**
“Safety zone” provisions, **2.09[1][k]**
Technology markets, **2.09[1][e]**
Transfers included, **2.09[1][a]**
Tying/bundling arrangements, **2.09[1][o]**
Patents
Antitrust, **2.13[2]**
Arbitration, **10.12[8]**
Competition law and agreements, **2.11[3]**
Product migration or “Hopping,” antitrust issues, **2.13[3]**
Protectable information
Competition/Antitrust considerations, **4.08[2]**
Confidence, breach of, **4.02[3][c]**
Licensing, **4.05[1][b]**
Trade secrets, **4.02[3][a]**
Restrictions
Generally, **2.12**
Bundling, **2.12[5]**
Exclusive dealing, **2.12[3]**
Field of use, **2.12[3]**
Grant-back, **2.12[6]**
Pooling, **2.12[5]**
Product price restraints, **2.12[1]**
Quantity, **2.12[3]**
Territorial restrictions, **2.12[2]**
Tying, **2.12[4]**
Reverse payment settlement agreements, antitrust, **2.13[4]**

UNITED STATES—Cont'd

Technology sharing and transfer, **12.06[3], 12.06[4]**

UNWIRED CASE

FRAND licensing, **3.11[2]**

V

VALIDITY

Consent judgment, **1.14[c]**
No-challenge clause, **1.14[2]**
Patent, warranty of, **3.05[2]**

VALUE ADDED TAX

Generally, **11.06[4]**
Intellectual property, **11.06[4][a]**

VERTICAL AGREEMENTS

Block exemptions, Regulation 330/2010, **App 3B(5)**
Restraint of trade, **1.09**
Restraints, Commission notice on guidelines on, **App 3C(6)**
Restrictions, EU law, *see* EU **Competition Law**

W

WARRANTY

Design right, **5C.02[2][b][iv]**

WITHDRAWAL AGREEMENT

EU-UK
CPVR protection, **13.05[1]**
Database protection, **5A.02[6][a]**
EUTM protection, **6.04[1][a]**
Exhaustion of IPRs, **2.19[5]**
Extracts, Articles 2, 54-61 and 126, **App 3A(2)**
Mutual recognition of exhaustion of rights, **6.07[1][a]**
Supplementary Protection Certificates, **3.01[6][a]**
UCDR protection, **5C.03[1][a], 5C.03[2][a]**

FORMS AND AGREEMENTS

**WORLD INTELLECTUAL
PROPERTY
ORGANIZATION (WIPO)**
International trademark system,
6.04[3]