

MAX PLANCK SERIES ON ASIAN INTELLECTUAL PROPERTY LAW

PARALLEL IMPORTS IN ASIA

Editor
Christopher Heath



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Parallel Imports In Asia

Pradip Thomas, Jan Servaes



Parallel Imports In Asia:

Parallel Imports in Asia Christopher Heath, 2004 In the absence of international rules governing parallel imports and exhaustion of intellectual property rights issues arising in this context are left to the individual countries concerned Asian countries although generally more open towards parallel imports than Europe or the U S show marked differences both among their individual approaches and among the various intellectual property rights in question Increasingly permitting or blocking parallel imports of intellectually protected goods is regarded as a political decision to accommodate foreign pressure domestic consumers or right holders Due to the diversity of legal regimes in the jurisdictions covered reliable information on the regimes of parallel imports in Asia has been hard to come by Now *Parallel Imports in Asia* brings together the insight and experience of fourteen academics and practitioners in this specialized but highly significant field each highly respected in his or her particular country Two concise introductory chapters clearly present the economic and legal foundations of the subject matter Then thirteen chapters offer in depth analysis of exhaustion of intellectual property rights and parallel imports for each of twelve Asian jurisdictions China Taiwan Japan Korea Vietnam Thailand Indonesia The Philippines Malaysia Singapore Hong Kong and India plus the Australasian bloc With this book businesses in all of these countries and in particular India and the Australasian countries can assess the strength of their IP rights against parallel importation in other parts of Asia All country reports are written in a uniform structure and take into account legal political and economic considerations with respect to the parallel importation of patented trademarked and copyrighted goods A useful appendix provides a synoptical overview on the rules of parallel importation in Asia While academics will find here a thought provoking survey of an important but relatively unstudied area of intellectual property law *Parallel Imports in Asia* will prove to be of greatest value to potential investors in Asia particularly with regard to market separation and licensing agreements It will also help practicing lawyers for globally operating companies to appropriately counsel their clients in this area of business decision making

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of intellectual property rights and parallel imports for each of twelve Asian jurisdictions China Taiwan Japan Korea Vietnam Thailand Indonesia The Philippines Malaysia Singapore Hong Kong and India plus the Australasian bloc With this book businesses in all of these countries and in particular India and the Australasian countries can assess the strength of their IP rights against parallel importation in other parts of Asia All country reports are written in a uniform structure and take into account legal political and economic considerations with respect to the parallel importation of patented trademarked and copyrighted goods A useful appendix provides a synoptical overview on the rules of parallel importation in Asia While academics will find here a thought provoking survey of an important but relatively unstudied area of intellectual property law Parallel Imports in Asia will prove to be of greatest value to potential investors in Asia particularly with regard to market separation and licensing agreements It will also help practicing lawyers for globally operating companies to appropriately counsel their clients in this area of business decision making

Copyright Law and the Information Society in Asia
Christopher Heath, Kung-Chung Liu, 2006-12-21 The book takes a look at the six most important current topics arising from copyright law in the information society and for each topic provides an in depth introduction that compares the approaches taken in Europe and the US Each topic is introduced by an expert and the issues are then analysed in separate country reports representing nine Asian jurisdictions China Taiwan Hong Kong Japan Korea Singapore Malaysia Thailand and the Philippines The six topics are The Expansion of Copyright Law and its Social Justification Introduction by Reto Hilty Max Planck Institute Munich Internet Trade Digital Works and Parallel Imports Introduction by Christopher Heath European Patent Office Munich The Collective Exercise of Copyrights Introduction by Kung Chung Liu Academia Sinica Taiwan The Law on Anti Circumvention and Digital Rights Management Introduction by Andy Sun National Chenchi University Taipei Taiwan and Zhi Wei Peking University Beijing Copyright Contracts Public Policy and Antitrust Introduction by Estelle Derclaye Queen Mary University of London Contributory and Vicarious Liability for Copyright Infringement Introduction by Andy Sun National Chenchi University Taipei Taiwan

IP Laws and Regimes in Major Asian Economies Kung-Chung Liu, 2022-08-11 This book systematically studies the structural characteristics of IP laws and regimes of major Asian economies including but not always China Hong Kong India Indonesia Japan Korea Malaysia Singapore Taiwan and Thailand It explores and crystallizes some worthy Asian models which could further help the development of international IP laws This book begins with an overview of Asian modern history and IP laws It discusses the three basic IP laws in Asia which are patent law trademark law and copyright law It looks at the pre established damages for copyright infringement and trademark counterfeiting The book also deals with problems with trade secret and its over protection It compares IP laws and four industries in India and China and examines what role have IP laws played in the development in those industries and how India and China can learn from each other Finally it examines one medium and one small sized Asian economy on its respective struggle Taiwan s efforts to build a coherent IP exhaustion regime and a success story how Singapore has utilized

IP to secure its position in global value chains This book is a useful reference for law students scholars practitioners IP professionals who are interested in knowing Asia Asian IP laws and industries their struggles and finding ways to better global IP laws The case studies could provide helpful lessons for other Asian economies and beyond Parallel Imports of Pharmaceuticals Cédric Julien Poget, 2007-12-20 Parallel trade occurs if international price differences for identical products are high and a policy of regional or international exhaustion of the respective property right has been implemented in the high price country The work by C Poget analyses how parallel imports of pharmaceuticals are affecting end consumer prices and drug expenditures in three Scandinavian countries Sweden Denmark and Norway Based on his observations he derives proposals for policy reforms in EU member countries and Switzerland

Intellectual Property Rights and Communications in Asia Pradip Thomas, Jan Servaes, 2006-08-04 RIGHT WRONG LEGAL ILLEGAL Such simple binary notions cannot be used to assess issues related to intellectual property and communications One of the key dilemmas in the field of intellectual property rights today is the need for a system that rewards innovation and creativity while encouraging the social availability and distribution of ideas in the public domain And this is the balance that this volume sets out to strike With the ownership of IP becoming a core feature of media information industries and state policy issues related to access to knowledge and its use have become a matter of critical concern While trade regimes the state and the core cultural and information industries have begun to advocate greater scope for a variety of knowledge enclosures civil society is increasingly arguing for a people centred vision of knowledge futures This vision includes the need for equity based and flexible licensing regimes the legitimacy of local solutions to IP related issues support for cultural diversity and access to knowledge based on need rather than the ability to pay for knowledge The central argument of this volume is that since access to knowledge in a knowledge economy is a passport to a better quality of life then its fair distribution and universal availability ought to become a standard norm The articles in this volume explore the contested nature of the ownership of and access to knowledge and support it with illustrative case studies from the Asian region Exhaustively discussed from the point of view of the dominant power interests as also the margins or indigenous communities this volume provides emerging solutions supportive of public domain

Intellectual Property, Competition Law and Economics in Asia R Ian McEwin, 2011-10-07 This book results from a conference held in Singapore in September 2009 that brought together distinguished lawyers and economists to examine the differences and similarities in the intersection between intellectual property and competition laws in Asia The prime focus was how best to balance these laws to improve economic welfare Countries in Asia have different levels of development and experience with intellectual property and competition laws Japan has the longest experience and now vigorously enforces both competition and intellectual property laws Most other countries in Asia have only recently introduced intellectual property laws due to the Trade Related Aspects of Intellectual Property Rights TRIPS Agreement and competition laws sometimes due to the World Bank International Monetary Fund or free trade

agreements It would be naïve to think that laws even if similar on the surface have the same goals or can be enforced similarly Countries have differing degrees of acceptance of these laws different economic circumstances and differing legal and political institutions To set the scene Judge Doug Ginsburg Greg Sidak David Teece and Bill Kovacic look at the intersection of intellectual property and competition laws in the United States Next are country chapters on Asia each jointly authored by a lawyer and an economist The country chapters outline the institutional background to the intersection in each country discuss the policy underpinnings theoretically as well as describing actual policy initiatives analyse the case law in the area and make policy prescriptions

Intellectual Property in Asia Paul Goldstein, Joseph Straus, 2009-01-07
Introduction Intellectual property rights foster innovation But if as it surely does intellectual property means not just intellectual property rules the law of patents copyrights trademarks designs trade secrets and unfair competition but also intellectual property institutions the courts police regulatory agencies and collecting societies that administer these rules what are the respective roles of intellectual property rules and institutions in fostering creativity And to what extent do forces outside intellectual property rules and institutions economics culture politics history also contribute to innovation Is it possible that these other factors so overwhelm the impact of intellectual property regimes that it is futile to expect adjustments in intellectual property rules and institutions to alter patterns of innovation and ultimately economic development It was to address these questions in the most dynamic region of the world today Asia that we invited leading country experts to contribute studies that not only summarize the current condition of intellectual property regimes in countries ranging in economic size from Cambodia to Japan and in population from Laos to China but that also describe the historical sources of these laws and institutions the realities of intellectual property enforcement in the marketplace and the political economic educational and scientific infrastructures that sustain and direct investment in innovative activity A

Intellectual Property and Free Trade Agreements in the Asia-Pacific Region Christoph Antons, Reto M. Hilty, 2014-12-05 This book is highly topical The shift from the multilateral WTO negotiations to bilateral and regional Free Trade Agreements has been going on for some time but it is bound to accelerate after the WTO Doha round of negotiations is now widely regarded as a failure However there is a particular regional angle to this topic as well After concluding that further progress in the Doha round was unlikely Pacific Rim nations recently have progressed with the negotiations of a greatly expanded Trans Pacific Partnership Agreement that includes industrialised economies and developed countries such as the United States Japan Australia and New Zealand recently emerged economies such as Singapore but also several developing countries in Asia and Latin America such as Malaysia and Vietnam US and EU led efforts to conclude FTAs with Asia Pacific nations are also bound to accelerate again after a temporary slowdown in the negotiations following the change of government in the United States and the expiry of the US President's fast track negotiation authority The book will provide an assessment of these dynamics in the world's fastest growing region It will look at the IP chapters from a legal perspective but also put the developments

into a socio economic and political context Many agreements in fact are concluded because of this context rather than for purely economic reasons or to achieve progress in fields like IP law The structure of the book follows an outline that groups countries into interest alliances according to their respective IP priorities This ranges from the driving forces of the EU US and Japan via Asia Pacific resource rich but IP poor economies such as Australia and New Zealand recently emerged economies with strong IP systems such as Singapore and Korea to leading developing countries such as China and India and second tier industrializing economies such as Thailand Malaysia and Indonesia

Intellectual Property Law in South East Asia Christoph Antons, Michael Blakeney, 2023-02-14 This timely book provides a comprehensive survey of recent developments in intellectual property IP law within the Association of Southeast Asian Nations ASEAN countries written by experienced scholars and practitioners in the field

Record Label Marketing Thomas William Hutchison, Amy Macy, Paul Allen, 2010 Provides in depth information on corporate marketing processes combining marketing theory with the how to practised in marketing war rooms This book is illustrated with figures tables graphs and glossaries It is for professionals and students and also offers a useful overview of the music industry

Trade Policy In Asia: Higher Education And Media Services Christopher Findlay, Hildegunn Kyvik Nordas, Gloria O Pasadilla, 2014-04-25 Education and media services have much in common Both provide services that embody local cultures in which there is extensive public sector participation and significant domestic regulation At the same time both are dramatically affected by the information and communications technology revolution The production of information content now involves huge costs in terms of research and development or artistic talent whilst the cost of making such products available to other consumers is very low This in turn challenges the effectiveness of domestic regulation and raises fundamental questions about its purpose calling for an increased scope for international trade and investment and the development of supply chains Yet both areas are lightly committed in international trade agreements like the GATS This lack of commitment and the lack of additional impact from negotiations in bilateral discriminatory trade agreements are cross cutting themes in the book Trade Policy in Asia responds to these issues to provide readers with a comprehensive and consistent treatment of policy in the higher education and media services sector across a range of Asian economies little studied in the existing literature The book opens the discussion with an overview of global trends in each area followed by detailed country specific studies Through comparative work it identifies common elements across these sectors and highlights critical implications for trade policy Education services themes include the growth and impediments involved in various forms of trade and investment the emergence of a new wave of globalization obstacles faced by domestic providers in supplying services a common ambition to become an education services hub for international students and the scope for greater international cooperation in research Media services themes include the impact of new technology on options for content delivery and the associated problems for policy implementation and copyright protection and the new challenges of globalization for social goals relating to local cultures as well as risks

involved in implementing policies that pursue these goals *Deregulation and Interdependence in the Asia-Pacific Region* Takatoshi Ito, Anne O. Krueger, 2007-12-01 Recently real and artificial barriers to international transactions have fallen sharply causing a rise in the overall volume of international trade East Asia has been particularly affected by the economic stresses and gains derived from deregulation Deregulation and Interdependence in the Asia Pacific Region explores the broadly similar experiences of certain economies in the region China Hong Kong Japan Korea in dealing with the potentially volatile process of deregulation and examines the East Asian response to a rapidly transforming economic environment

International Marketing: An Asia-Pacific Perspective Richard Fletcher, Heather Crawford, 2013-08-28 International Marketing 6e is written from a wholly Australasian perspective and covers issues unique to local marketers and managers looking towards the Asia Pacific region the European Union and beyond It presents a wide range of contemporary issues faced by subsidiaries of multinational enterprises MNEs as well as small and medium scale enterprises SMEs mainly exporters which make up the vast bulk of firms involved in international business in the Australasian region International Marketing 6e clearly demonstrates the links between the different stages of international marketing connecting analysis with planning planning with strategy and strategy with implementation Key concepts are brought to life with comprehensively updated statistics recent illustrations and a variety of real world examples and case studies **Handbook of Medical**

Device Regulatory Affairs in Asia Jack Wong, Raymond Tong, 2018-03-28 Medical device regulation in Asia has gained more importance than ever Governments and regulatory bodies across the region have put in place new regulatory systems or refined the existing ones A registered product requires a lot of technical documentation to prove its efficacy safety and quality A smooth and successful registration process demands soft skills for dealing with various key stakeholders in the government testing centers and hospitals and among doctors This handbook covers medical device regulatory systems in different countries ISO standards for medical devices clinical trial and regulatory requirements and documentation for application It is the first to cover the medical device regulatory affairs in Asia Each chapter provides substantial background materials relevant to the particular area to have a better understanding of regulatory affairs Marketing Across Cultures in Asia Richard R. Gesteland, Georg F. Seyk, 2002 A practical step by step guide for international marketers who are targeting the challenging markets of the Asia Pacific region Packed with useful information and real world examples Marketing Across Cultures in Asia is based on the two authors 35 years of combined hands on experience of managing marketing and negotiating in Asia **Handbook of Markets and Economies: East Asia, Southeast Asia, Australia, New Zealand**

Anthony Pecotich, Clifford J Shultz, 2016-07-22 East and Southeast Asia is a vast and complex region Its countries have a bewildering array of histories demographics economic structures cultural backgrounds and global marketing potential This Handbook unravels the mystery Each chapter is written by a country specialist and provides a thorough and up to date analysis of one of the ESEA countries Each author follows a consistent model and covers geography and natural resources

the political system the economic system the social system and the marketing environment Complete chapters are devoted to Australia Brunei Cambodia China and Hong Kong East Timor Indonesia Japan Korea North and South Laos Malaysia Myanmar New Zealand Papua New Guinea the Philippines Singapore Taiwan Thailand and Vietnam Not just a review of current conditions the Handbook offers prognoses for future marketing and commercial activity in each country This definitive resource is generously illustrated with maps figures and tables and includes comprehensive references and source materials for each country It is an essential reference for students researchers and practitioners in the global economy

Consumer Behaviour in Asia Hellmut Schütte, Deanna Ciarlante, 2016-07-27 Success in the Asian market is crucial to many firms Yet many marketing strategies are based on a western perspective of what consumers want and respond to In Consumer Behaviour in Asia the authors argue that Asian culture is so fundamentally different to Western Culture that existing consumer behaviour concepts cannot be applied to Asian consumers In this book the authors outline and explain these differences and put forward modifications to many well known consumer behaviour concepts Consumer Behaviour in Asia shows how firms need to modify their marketing strategies in such areas as segmentation positioning and the marketing mix in order to successfully penetrate these markets

Asia-Pacific Legal Development Gerry Ferguson, 2011-11-01 In this age of globalization many legal experts see evidence of swift global movement toward an eventual single world legal system Yet the trend to political and economic integration in some parts of the world is matched by the trend to disintegration in others where strong cultural and political resistance to external influences exists Asia Pacific Legal Development traces current and prospective developments in several legal systems of the Asia Pacific region to make sense of these trends and counter trends The contributing authors represent a wide variety of specialist expertise both public and private and together they encompass the three sectors that constitute a modern system of formal law the economic the behavioural and the civic Taking into account the opinions and perspectives of both indigenous and non indigenous experts on topics ranging from prostitution to constitutional law the book surveys how several ASEAN nations as well as Canada Australia and New Zealand are confronting social economic and legal change In the first three parts chapters are grouped along general sectoral lines to cover economic civic and behavioural themes while in the fourth cross sectoral contexts are addressed With the introduction and concluding chapter the editors provide an overall integrating framework as well as provocative insights into trends in legal development in the Asia Pacific region and on comparative legal research and writing in general Asia Pacific Legal Development is not only an exemplary model for cooperative and comparative legal research and scholarly pluralism but also a rich study of the increasingly relevant issue of convergence and divergence of legal systems with a unique Asian focus

Foreign Language Teaching in Asia and Beyond Wai Meng Chan, Kwee Nyet Chin, Titima Suthiwan, 2011-10-27 This book comprising two parts is concerned with both the science and the art of foreign language teaching with a particular but not exclusive focus on Asia Under the theme of Theoretical foundation and research Part 1 of this book informs the readers

about recent efforts in theoretical and empirical research which have had an impact on foreign language teaching or promise to yield results that will shape its future These studies not just from the domain of foreign language teaching but also its primary feeder disciplines of linguistics and second language acquisition offer the necessary theoretical and conceptual foundation for both current and future research and practice As its theme Classroom practice and evaluation studies suggests Part 2 focuses on new and innovative developments in curricular and classroom practice all built upon insights from research in the above mentioned disciplines and poised to become standard practices These projects include qualitative and quantitative evaluation studies which have yielded insightful data for the refinement and continued development of the projects and their underlying theoretical concepts

Unveiling the Power of Verbal Art: An Psychological Sojourn through **Parallel Imports In Asia**

In a global inundated with screens and the cacophony of immediate communication, the profound energy and emotional resonance of verbal art frequently disappear in to obscurity, eclipsed by the continuous assault of noise and distractions. Yet, set within the lyrical pages of **Parallel Imports In Asia**, a interesting work of literary beauty that pulses with organic thoughts, lies an unforgettable trip waiting to be embarked upon. Penned by a virtuoso wordsmith, that mesmerizing opus instructions visitors on a mental odyssey, softly revealing the latent possible and profound affect stuck within the intricate internet of language. Within the heart-wrenching expanse of this evocative examination, we can embark upon an introspective exploration of the book is central styles, dissect their captivating publishing model, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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Parallel Imports In Asia Introduction

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