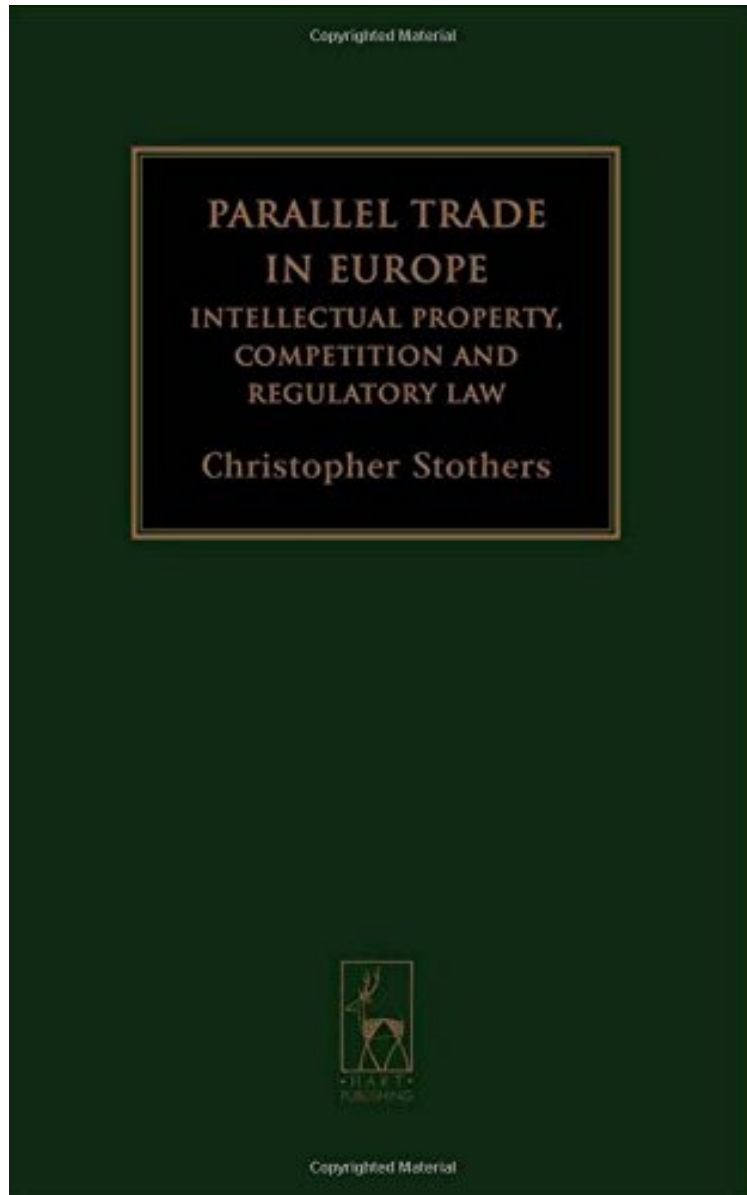


[Read ebook] Parallel Trade in Europe: Intellectual Property, Competition and Regulatory Law

Parallel Trade in Europe: Intellectual Property, Competition and Regulatory Law

Christopher Stothers

*ebooks / Download PDF / *ePub / DOC / audiobook*



[Download](#)

[Read Online](#)

#9085728 in Books Hart Publishing 2007-04-02 Original language: English PDF # 1 9.61 x 1.13 x 6.69l, 2.27
#File Name: 1841134376455 pages | File size: 55.Mb

Christopher Stothers : Parallel Trade in Europe: Intellectual Property, Competition and Regulatory Law before purchasing it in order to gage whether or not it would be worth my time, and all praised Parallel Trade in

Europe: Intellectual Property, Competition and Regulatory Law:

Are parallel importers the key to unlocking the single European market, breaking down long-established national barriers for the benefit of all? Or do they instead just operate in a dubious "grey market", free-loading on the investment of innovators and brand owners to the ultimate detriment of future investment? Parallel importers are in turn lionized and demonized, both in legal commentary and in the mainstream press. Trade is economically possible whenever the price of a particular product is higher in one area than in another. However, in the real world, trade will only occur if this price differential is sufficient to cover the costs of the trader together with a sufficiently attractive margin of profit. Some costs can be viewed as barriers to trade which result in an economically imperfect allocation of resources across the world. They can also operate as a waste of resources. Various attempts have been made to reduce unnecessary barriers, encouraging trade, and reducing waste - the clearest example being the WTO, which is dedicated to eliminating barriers to trade. Regional trading areas, such as the European Community share these goals, along with certain other aims. Although many barriers have already been removed, the process is far from complete. Parallel trade occurs when goods are manufactured by one party (the manufacturer) and put onto the market in country A but are then imported into country B by a second party (the parallel importer). The manufacturer may have manufactured the goods and/or put them on the market in country A directly or through third parties, but the distinguishing feature of parallel trade is that the manufacturer did not intend the goods to end up in country B. Parallel trade normally occurs when the manufacturer sells the goods in question in both countries (thus the trade is "parallel" to the main trade organized by the manufacturer) but the price of the goods in country A is lower than the price in country B. However, it may also occur when the manufacturer does not sell in country B at all, or does not sell sufficient quantities there. The goods are typically described in country B as "parallel imports" or "grey market goods." Understanding how EC law operates to restrict parallel trade involves exploring a complex matrix of different rules derived from the different fields of competition, free movement, and intellectual property, together with their corresponding private and public enforcement regimes, as well as the relationship with other external regimes. Author Christopher Stothers' comprehensive treatment of the subject successfully casts light on this difficult topic and is set to become the definitive work of reference in the area.

"There is an interesting account of these debates in Stothers, *Parallel Trade in Europe* (2007), at pp. 347-354" (Lord Sumption, in *Oracle America Inc (Formerly Sun Microsystems Inc) (Appellant) v M-Tech Data Limited (Respondent)* UK Supreme Court, June 2012) Stothers's valuable work untangles the web of rules affecting parallel trade in Europe. Free movement of goods, intellectual property, competition and the regulatory framework (including taxation) are all carefully explained, in a well-organised and thorough account. Basic material is always set out or referred to, and the reader is helpfully steered through to the finer points. The text is accessible without losing sharpness or depth. Stothers has a light touch with narrative, conveying a mass of detail without becoming boring...Throughout the book, Stothers's approaches the policy issues with detachment, balance and careful consideration...an excellent work, setting out thoroughly and lucidly what the law on parallel trade is. It will be of value both to those new to the subject, and to those needing a convenient and reliable reference source. Catherine Seville *International Trade Law Regulation*, 2009, 15(4) and *European Intellectual Property*, Vol 31, Issue 12, 2009 The introduction exposes succinctly and clearly the policy context that is so important to understand the interaction between the different aspects of the regulation of parallel imports...by providing an exhaustive and clear mapping of the field, it enables the reader to reflect on the congruent and in some cases less harmonious interaction between these different areas of law and to envision more clearly the influence of policy choices in framing legal discourse. I...entirely adopt the conclusion of our regretted colleague Sir Hugh Laddie in his preface of the book, that "this is a major contribution to the learning in this area of law" and that the book will become a reference for all those interested to understand what the European law on parallel trade is. Ioannis Lianos *European Competition Journal* Vol 5, No 2, August 2009 This is a very good, thorough and well balanced book...The style is lucid, the coverage thorough and critical comments are made where appropriate. Unlike much writing in this field, the book is not partisan: it describes the development and current state of the law. The author has been advising on the problems and he provides much information and analysis. His work is most welcome. Valentine Korah *World Competition Law and Economics* Vol 32, No 2, June 2009 Christopher Stothers' book is an exemplary piece of practical legal scholarship. Thoroughly researched, clearly written and full of insight, Stothers' book is now THE essential reference work for anyone interested in the law and practice of parallel trade. Lionel Bently, Herchel Smith Professor of Intellectual Property, Centre for Intellectual Property and Information Law, University of Cambridge October 2, 2008 ...a treat to find an entire treatise devoted to the parallel market. The fact that it is both readable and intelligent is a plus...the book provides European practitioners with a great refresher and non-European practitioners with a very readable introduction...Overall, *Parallel Trade in Europe* will provide the casual reader with a great overview of the fascinating history and status of parallel market law in Europe and will

provide the professional practitioner with an invaluable reference resource. I enjoyed the book and highly recommend it. The Gray Blog 19th July 2008 .an impressively comprehensive and thorough presentation and analysis of all relevant legal aspects of this subject...if this book is a major contribution to the never-ending debate on parallel trade this is due to its comprehensive scope, its thorough treatment of the various topics and to the parallel focus on the legal and economic side of the subject. Hannes Kraemer Common Market Law 2008 This book, as its title indicates, offers comprehensive and coherent treatment of three aspects of free trade that are too rarely appreciated as belonging together. What is more, Stothers does not only contemplate the Community dimension of his topic, but also its international aspects. Given this, and the fact that he looks at the regulatory framework for a number of industries in detail, the view is truly panoramic...this books sets new standards in the breadth and depth of its treatment of parallel trade. Stefan Enchelmaier IIC: International of Intellectual Property and Competition Law Volume 40, 2008 ...a timely and worthy addition to the existing literature...It is encyclopaedic, well organised, well written and well edited. It is indispensable as a non-partisan, comprehensive, complete and up-to-date source of information about all the law affecting parallel trade in Europe. It should, without doubt, be on the shelves of anybody with an interest in the subject. Eric Gippini Fournier European Law 2008, 33(1) L'interaction entre le droit de la concurrence et les problématiques de commerce parallèle a produit parmi les arrêts et décisions les plus importants de la décennie en cours...L Stothers' valuable work untangles the web of rules affecting parallel trade in Europe. A well organised and thorough account. The reader is helpfully steered through to the finer points. The text is accessible without losing sharpness or depth. Stothers has a light touch with narrative, conveying a mass of detail without becoming boring. This is an excellent work, setting out thoroughly and lucidly what the law on parallel trade is. It will be of value both to those new to the subject, and to those needing a convenient and reliable reference source Catherine Seville European Intellectual Property December 2009, issue 12About the AuthorChristopher Stothers is a Counsel in the London office of Arnold Porter (UK) LLP and a visiting lecturer in the Faculty of Laws, University College, London.