



CEIPI Research Seminars

A Comparative Analysis of the Liability of Intermediaries for Facilitating Trade Mark Infringement

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CEIPI - 11, rue du Maréchal Juin BP 68
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This session is only open to lecturers (professors and associate professors), doctoral students and graduates of the doctoral program of the CEIPI.



Bio :

Graeme B. Dinwoodie is the Professor of Intellectual Property and Information Technology Law at the University of Oxford, Director of the Oxford Intellectual Property Research Centre, and a Professorial Fellow of St. Peter's College. Professor Dinwoodie holds law degrees from the University of Glasgow, Harvard Law School (where he was a John F. Kennedy Scholar), and Columbia Law School (where he was a Burton Fellow). Prior to taking up the IP Chair at Oxford, Professor Dinwoodie was a Professor of Law and Director of the Program in Intellectual Property Law at the Chicago-Kent College of Law. He has also previously taught at the University of Cincinnati College of Law and the University of Pennsylvania School of Law, and from 2005-2009 held a Chair in Intellectual Property Law at Queen Mary College, University of London. He was elected to membership in the American Law Institute in 2003, and served as President of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) from 2011-2013. In 2008, the International Trademark Association awarded Professor Dinwoodie the Pattishall Medal for Teaching Excellence in Trademark Law. He is the author of numerous articles and books on trade mark law and on international and comparative intellectual property law.

Abstract:

In the internet era, trade mark owners in a number of countries increasingly seek relief against intermediaries who facilitate trade mark infringement by others, rather than against the primary trade mark infringer. Such "secondary liability" claims (as they are called in some countries) bring efficiency gains for the mark owner by securing in a single proceeding relief against a party whose conduct is simultaneously enabling multiple acts of infringement by a number of primary infringers. And they might shift to intermediaries some of the costs of trade mark enforcement. But they may also enable mark owners to affect the future structure of business models employed by intermediaries and the direction of technological development considered by the intermediaries. These (and other) considerations have to be taken into account in devising appropriate bases of liability and fashioning proportionate remedies. This Lecture will consider the balance that has been struck between the interests of mark owners and intermediaries both in the European Union and the United States.