

# Bibliography

## § 1 Legislation

### A) International legislative sources

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) (adopted 15 April 1994) (Annex 1C to the Agreement establishing the World Trade Organization) 1869 UNTS 183.
- Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886) 828 UNTS 221 (BC).
- Convention Establishing the World Intellectual Property Organisation (signed on 14 July 1967 and amended on 28 September 1979).
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended on 1 June 2010) (ECHR).
- Convention on the Grant of European Patents (European Patent Convention) of 5 October 1973 (as revised by the Act revising Article 63 EPC of 17 December 1991 and the Act revising the EPC of 29 November 2000) (EPC).
- Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part [2004] OJ L304.
- Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part [2010] OJ L127/6.
- General Agreement on Tariffs and Trade (adopted 30 October 1947) 55 UNTS 194 (GATT Agreement).
- Marrakesh Agreement Establishing the World Trade Organization (adopted 15 April 1994) 1867 UNTS 154 (WTO Agreement).
- North American Free Trade Agreement (United States-Canada-Mexico) (adopted 17 December 1992, entered into force 1 January 1994) ILM 289 (NAFTA).
- Paris Convention for the Protection of Industrial Property (adopted 29 March 1883, as revised at Stockholm on 14 July 1967 and as amended on 28 September 1979) 21 UST 1583, 828 UNTS 305 (PC).
- Universal Declaration of Human Rights (adopted 10 December 1948) UNGAs 217 A (III) (UDHR).
- Vienna Convention on the Law of Treaties (adopted 23 May 1969) 1155 UNTS 331 (VCLT).
- Washington Act (adopted 2 June 1911, entered into force 1 May 1913) TRT PARIS 006.

## *Bibliography*

WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) 2186 UNTS 121 (WCT).

### *B) U.S. legislation*

#### *I. Federal legislation*

Communications Decency Act of 1996, Pub. L. No. 104-104, 110 Stat. 133-145 (1996) (codified in scattered sections of U.S.C. § 223 et seq.).

Copyright Act, Public Law 94-553, 90 Stat. 2541 (1976) (codified as amended at 17 U.S.C. §§ 101-1332) (U.S. Copyright Act).

Defend Trade Secrets Act of 2016, Pub. L. No. 114-153, 130 Stat. 376 (2016) (codified at 18 U.S.C. §§ 1831 et seq) (DTSA).

Patent Act of 1952, Public Law 593, 66 Stat. 792 (1952) (codified as amended at 35 U.S.C. § 1 et seq) (U.S. Patent Act).

The Economic Espionage Act Pub. L. No. 104-294, 110 Stat. 3488 (1996) (codified as amended at 18 U.S.C. §§ 1831 -1839) (EEA).

The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (codified in scattered sections of 35 U.S.C.) (America Invents Act of 2011 or AIA).

#### *II. State Statutes*

Cal. Bus. & Prof. Code § 16600 (West. 2010).

Uniform Trade Secrets Act (Am. Law Inst. 1979, as amended in 1985).

#### *III. Restatements of the Law*

Restatement (First) of Torts (Am. Law Inst. 1939).

Restatement (Third) of Unfair Competition (Am. Law Inst. 1995).

### *C) English legislation*

Atomic Energy Authority Act 1986.

Copyright, Designs and Patents Act 1988.

European Union Notification of Withdrawal Bill 2017.

European Union Referendum Act 2015.

Human Rights Act 1998 (HRA).

Patents Act 1977.

The Building Societies Act 1997.

The Corporation Tax Act 2009.

*D) German legislation*

- Bundesgesetz gegen den unlauteren Wettbewerb (UWG) vom 19. Dezember 1986 (Stand am 1. Juli 2016) (UWG).
- Gesetz über Arbeitnehmererfindungen in der im Bundesgesetzblatt Teil III, Gliederungsnummer 422-1, veröffentlichten bereinigten Fassung, das zuletzt durch Artikel 7 des Gesetzes vom 31. Juli 2009 (BGBl. I S. 2521) geändert worden ist (Act on Employee Inventions).
- Gewerbeordnung in der Fassung der Bekanntmachung vom 22. Februar 1999 (BGBl. I S. 202), die zuletzt durch Artikel 1 des Gesetzes vom 17. Oktober 2017 (BGBl. I S. 3562) geändert worden ist.
- Grundgesetz für die Bundesrepublik Deutschland in der im Bundesgesetzblatt Teil III, Gliederungsnummer 1001, veröffentlichten bereinigten Fassung, das zuletzt durch Artikel 1 des Gesetzes vom 13. Juli 2017 (BGBl. I S. 2347) geändert worden ist (German Constitution or GG).
- Handelsgesetzbuch in der im Bundesgesetzblatt Teil III, Gliederungsnummer 4100-1, veröffentlichten bereinigten Fassung, das zuletzt durch Artikel 3 des Gesetzes vom 10. Juli 2018 (BGBl. I S. 1102) geändert worden ist (HGB or German Commercial Code).
- Markengesetz vom 25. Oktober 1994 (BGBl. I S. 3082; 1995 I S. 156; 1996 I S. 682), das zuletzt durch Artikel 11 des Gesetzes vom 17. Juli 2017 (BGBl. I S. 2541) geändert worden ist.
- Patentgesetz in der Fassung der Bekanntmachung vom 16. Dezember 1980 (BGBl. 1981 I S. 1), das zuletzt durch Artikel 4 des Gesetzes vom 8. Oktober 2017 (BGBl. I S. 3546) geändert worden ist (German Patent Act).
- Strafgesetzbuch in der Fassung der Bekanntmachung vom 13. November 1998 (BGBl. I S. 3322), das zuletzt durch Artikel 1 des Gesetzes vom 30. Oktober 2017 (BGBl. I S. 3618) geändert worden ist (StGB or German Criminal Code).
- Urheberrechtsgesetz vom 9. September 1965 (BGBl. I S. 1273), das zuletzt durch Artikel 1 des Gesetzes vom 1. September 2017 (BGBl. I S. 3346) geändert worden ist.

*E) Spanish legislation*

- Ley 3/1991, de 10 de enero, de Competencia Desleal (Spanish Unfair Competition Act).
- Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal (Spanish Criminal Code).
- Ley 17/2001, de 7 de diciembre, de Marcas (Spanish Trade Mark Act).
- Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el texto refundido de la Ley de Propiedad Intelectual, regularizando, aclarando y armonizando las disposiciones legales vigentes sobre la materia (Spanish Copyright Act).

## *Bibliography*

### *F) Italian Legislation*

Decreto legislativo 10 febbraio 2005, n. 30 1 Codice della proprietà industriale, a norma dell'articolo 15 della legge 12 dicembre 2002, n. 273, aggiornato a seguito del decreto legislativo di correzione 13 agosto 2010, n. 13 (Italian Industrial Property Code).

### *G) French Legislation*

Code de la propriété intellectuelle (version consolidée au 25 avril 2016) (French Intellectual Property Code).

### *H) Swiss Legislation*

Bundesgesetz gegen den unlauteren Wettbewerb (UWG) vom 19. Dezember 1986 (Stand am 1. Juli 2016).

### *I) EU legislation*

Agreement on a Unified Patent Court [2013] OJ C–175/01.

Charter of Fundamental Rights of the European Union [2012] OJ C326/391 (ChFREU).

Commission Regulation (EC) No 772/2004 of 27 April 2004 on the application of Article 81 (3) of the Treaty to categories of technology transfer agreements [2004] OJ L123/11.

Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements [2010] OJ L335/36 (R&DBER).

Commission Regulation (EU) No 316/2014 of 21 March on the application of Article 101 (3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements [2014] OJ L93/17 (TTBER).

Council Directive (EC) 2001/29 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L167/10 (Information Society Directive).

Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products [1987] OJ L24/36.

Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty [2003] OJ L 1/1.

Council Regulation (EC) No 1383/2003 [2013] OJ L181/1 (Customs Regulation).

Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark [2009] OJ L 78/1 and Article 2 of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks [2008] OJ L299/25.

- Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks [2015] OJ L336/1 (Trade Mark Directive or TMD).
- Directive (EU) 2016/943 of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure [2016] OJ L157/1 (Trade Secrets Directive or TSD).
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2000] OJ L178 (Directive on Electronic Commerce).
- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council [2005] OJ L149/22 (Unfair Commercial Practices Directive).
- Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (codified version) [2006] OJ L372/12 (Term of Protection Directive).
- Directive 96/9 on the legal protection of databases [1996] OJ L77/20 (Database Directive).
- Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs [1998] OJ L289/28 (Design Directive).
- Directive of the European Parliament and of the Council 2006/114/EC of 12 December 2006 concerning misleading and comparative advertising [2006] OJ L376/21 (Misleading and Comparative Advertisement Directive).
- Directive of the European Parliament and of the Council 2009/24/EC of 23 April 2009 on the legal protection of computer programs [2009] OJ L122/9 (Software Directive).
- Directive of the European Parliament and of the Council 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1995] OJ L281/0031 (Data Protection Directive).
- Directive of the European Parliament and the Council 2004/48/EC of 29 April 2004 on the enforcement of intellectual property rights [2004] OJ L195/16 (Enforcement Directive).
- European Parliament and of the Council (EC) No 1223/2009 of 30 November 2009 on cosmetic products [2009] OJ L342/59.
- Regulation (EC) of the European Parliament and of the Council (EC) No 1223/2009 of 30 November 2009 on cosmetic products [2009] OJ L342/59.

- Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) [2015] OJ L341/21 (Amending Regulation).
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L119/01 (GDPR).
- Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark [2017] OJ L154/1 (European Union Trade Mark Regulation or EUTMR).
- Regulation of the European Parliament and of the Council (EC) 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [2001] OJ L145/43.
- Regulation of the European Parliament and of the Council E 608/2013 of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 concerning customs enforcement of intellectual property rights [2013] OJ L 181/15 (Customs Regulation).

*J) EU Commission Documents*

- Commission, 'Proposal for a Council Directive on the legal protection of computer programs' COM (88) 816 final.
- Commission, 'Building a European Data Economy Initiative' COM(2017) 9 final.
- Commission, 'Commission Staff Working Document on the free flow of data and emerging issues of the European data economy' SWD(2017) 2 final.
- Commission, 'Commission Statement concerning Article 2 of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights' [2005] OJ L 94/37.
- Commission, 'Commission Statement on Directive 2004/48/EC' [2005] OJ L94/3.
- Commission, 'Communication from the Commission to the European Parliament, the Council, the European and economic and social committee and the committee of the regions. A Single Market for Intellectual Property Rights. Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe' COM (2011) 287 final, 3.
- Commission, 'Europe 2020: a strategy for smart, sustainable and inclusive growth' COM(2010) 2020 final.
- Commission, 'Explanatory Memorandum, Proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure'.

- Commission, 'Final report on the E-commerce Sector Inquiry' COM(2017) 229 final <[http://ec.europa.eu/competition/antitrust/sector\\_inquiry\\_final\\_report\\_en.pdf](http://ec.europa.eu/competition/antitrust/sector_inquiry_final_report_en.pdf)> accessed 15 September 2018.
- Commission, 'First evaluation of Directive 96/9/EC on the legal protection of databases' (2005) DG Internal Market and Services Working Paper.
- Commission, 'Green Paper on Copyright and Challenge of Technology – Copyright Issues Requiring Immediate Action COM (88) 172, final' [1988] OJ C71.
- Commission, 'Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements' [2014] OJ C89/3.
- Commission, 'Impact Assessment accompanying the document proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure' SWD(2013) 471 final.
- Commission, 'Proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure' COM (2013) 813 final.
- Commission, 'Proposal for a Regulation of the European Parliament and the Council on the Law Applicable to non-contractual obligations ("ROME II")' COM (2003) 427 final.
- Commission, 'Public Consultation On The Protection Against Misappropriation Of Trade Secrets And Confidential Business Information, Summary Of Responses' (2013) 11 <[http://ec.europa.eu/growth/industry/intellectual-property/trade-secrets/index\\_en.htm](http://ec.europa.eu/growth/industry/intellectual-property/trade-secrets/index_en.htm)> accessed 15 September 2018.
- Commission, 'Synopsis Report on the Consultation on the Building a European Data Economy Initiative.' 2018 <<https://ec.europa.eu/digital-single-market/en/news/synopsis-report-public-consultation-building-european-data-economy>> accessed 15 September 2018.
- Commission, 'Synopsis Report on the Consultation on the Building a European Data Economy Initiative'.
- Commission, 'Towards a common European data space' COM(2018) 232 final.
- Commission, 'Unleashing the Potential of Cloud Computing in Europe' COM(2012) 529 final.
- Commission, 'Guidelines on the application of Article 81 of the EC Treaty to technology transfer agreements' [2004] OJ C101/2.
- DG Internal Market and Services Working Paper. First evaluation of Directive 96/9/EC on the legal protection of databases.

K) Council Documents

Council, 'General Approach on the Proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure' 2013/0402 (COD) <<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209870%202014%20INIT>> accessed 15 September 2018.

Council, 'Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994)' [1994] OJ L336.

§ 2 Books

Ahrens HJ and McGuire MR, *Modellgesetz für Geistiges Eigentum, Normtext und Begründung* (GRUR 2012).

Anderson M, *Technology Transfer* (3rd edn, Haywards Heath 2010).

Aplin T and others, *Gurry on Breach of Confidence* (2nd edn, OUP 2012).

Ballester Rodes A and others, *Case Law of the Boards of Appeal* (8th edn, 2016 EPO).

Bartenbach K and Volz F, *Arbeitnehmererfindungen* (6 edn, Carl Heynemanns Verlag 2014).

Bartenbach K, *Patentlizenz-und Know-how-Vertrag* (Verlag Dr. Otto Schmidt 2013).

Beater A, *Unlauterer Wettbewerb* (2nd edn, C.H. Beck 2011).

Benkler Y, *The Wealth of Networks* (Yale University Press 2006).

Bentham J, *An Introduction to the Principles of Morals and Legislation* (first published 1781, Batoche Books 2000).

Bently L and Sherman B, *Intellectual Property Law* (4th edn, OUP 2014).

Beyerbach H, *Die geheime Unternehmensinformation* (Mohr Siebeck 2012).

Blayn JF and others, *Questions de Parfumerie* (Corpman Editions 1988).

Bodenhausen G H C, *Guide to the application of the Paris Convention* (BIRPI 1967).

Brearley K and Bloch S, *Employment covenants and confidential information* (Butterworths 1993).

Burrows A and Feldman D, *Oxford Principles of English Law* (2nd edn, OUP 2009).

Byrne N and McBratney A, *Licensing Technology* (3rd edn, Jordans 2005).

Coleman A, *The Legal Protection of Trade Secrets* (Sweet&Maxwell 1992).

Cornish W, Llewellyn D and Aplin T, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (8th edn, Sweet&Maxwell 2013).

Correa C, *Trade Related Aspects of Intellectual Property Rights, A commentary on the TRIPs Agreement* (OUP 2007).

Craig P and de Búrca G, *EU Law, Text, Cases, and Materials* (5th edition OUP 2011).

Derclaye E and Leistner M, *Intellectual Property Overlaps* (Hart 2011).

Derclaye E, *The legal protection of Databases* (Edward Elgar 2008).

Dorner M, *Know-how Schutz im Umbruch* (Carls Heymanns 2013).



- Dreier T and Hugenholtz P B, *Concise European copyright law* (2nd ed, Kluwer Law International 2016).
- Florida G and others, *Diritto Industriale Proprietà Intellettuale e concorrenza* (4th edn, Giappichelli Editore 2012).
- François Lévêque and Yann Ménière, *The Economics of Patents and Copyright* (The Berkeley Electronic Press 2004).
- Frenz W, *Handbuch Europa-Recht*, vol 6 (1st edn, Springer 2011).
- Frohlich S, *Düfte als geistiges Eigentum* (Mohr Siebeck 2008).
- Gervais D, *The TRIPs Agreement* (4th edn, Sweet&Maxwell 2012).
- Gintare S *The Refusal to Disclose Trade Secrets as an Abuse of Market Dominance – Microsoft and Beyond* (Stämpfli 2011).
- Gordon R, *EC Law in judicial review* (1st edn, OUP 2007).
- Groß M, *Der Lizenzvertrag* (Deutsche Fachverlag 2015).
- Grosse Ruse-Kahn H, 'The Protection of Intellectual Property in International Law' (OUP 2016).
- Guillemin C, *Law & Odeur* (Nomos 2016).
- Harguth A and Carlsson S, *Patents in Germany and Europe* (2nd edn, Wolters Kluwer 2017).
- Harte-Bavendamm H and Henning-Bodewig F, *Gesetz gegen den unlauteren Wettbewerb* (4th edn, C.H. Beck 2016).
- Henning-Bodewig F and Ruijsenaars H E, *Protection against Unfair competition* (WIPO 1994).
- Henning-Bodewig F, *International Handbook on Unfair Competition* (C.H. Beck 2013).
- Heydon J D, *The restraint of trade doctrine* (2nd edn, Butterworths 1999).
- Hillenbrand S, *Der Begriff des Betriebs- und Geschäftsgeheimnisses* (Herbert Utz Verlag 2017).
- Hirsch G and others, *Münchener Kommentar zum Lauterkeitsrecht* (2nd edn, C.H. Beck 2014).
- Hull J, *Commercial Secrecy* (1st edn, Sweet&Maxwell 1998).
- Ianeva I, *Registration of Non-conventional Signs Under the Community Trademark Regime* (Wissenschaftlicher Verlag Berlin 2008).
- Jager M F, *Trade Secrets Law* (Thompsons Reuters 2015).
- Kalbfus B, *Know-how Schutz in Deutschland zwischen Strafrecht und Zivilrecht-welcher Reformbedarf besteht?* (1st edn, Carl Heymanns Verlag 2011).
- Kamperman Sanders A, *Unfair Competition Law* (1st edn, OUP 1997).
- Kant I, *Groundwork for the Metaphysics of Morals* (first published 1785, CUP 2011).
- Köhler H, Bornkamm J and Feddersen J, *Gesetz gegen den unlauteren Wettbewerb* (36 edn, C. H. Beck 2018).
- Kolasa M, *Trade Secrets and Employee Mobility* (CUP 2018).
- Kraßer R and Ann C, *Patentrecht* (6th edn, C.H. Beck 2009).

## Bibliography

- Kur A and Dreier T, *European Intellectual Property Law* (Edward Elgar 2013).
- Kur A and Senfileben M, *European Trade Mark Law* (OUP 2017).
- Ladas S P, *Patents; Trademarks, and Related Rights – National and International Protection* (HUP 1975).
- Landes W and Posner R, *The Economic Structure of Intellectual Property Law* (Belknap Press 2003).
- Laszlo P and Rivière S, *Perfume, Arte y Ciencia* (Omega 2001).
- Lehmer L, *UWG: Kommentar zum Wettbewerbsrecht* (Luchterhand 2007).
- Lessig L, *Free Culture* (The Penguin Press 2004).
- Locke L, *The Selected Political Writings of John Locke* (Paul E. Sigmund ed, Norton & Company 2005).
- Melvin F. Jager, *Trade Secrets Law* (Thomsons Reuters 2015).
- Merges R P and Duffy J F, *Patent Law and Policy, Cases and Materials* (6th edn, Lexis Nexis 2013).
- Merges R P, *Justifying Intellectual Property Law* (HUP 2011).
- Milgrim R G, *Milgrim on Trade Secrets* (Matthew Bender 2014).
- Nordhaus W D, *Invention Growth, and Welfare: A Theoretical Treatment of Technological Change*. (The MIT Press 1969).
- Ohly A and Lucas-Schloetter A, *Privacy, Property and Personality* (CUP 2005).
- Ohly A and Sosnitzka O, *Gesetz gegen den unlauteren Wettbewerb* (7th edn, C.H. Beck 2016).
- Ohly A and Spence M, *The Law of Comparative Advertising* (Hart Publishing 2000).
- Peel E, *The Law of Contract* (14th edn, Sweet & Maxwell 2015).
- Pires de Carvalho N, *The TRIPS Regime of Antitrust and Undisclosed Information* (Wolters Kluwer 2007).
- Pires de Carvalho N, *The TRIPS Regime of Antitrust and Undisclosed Information* (Kluwer Law International 2008).
- Pooley L, *Trade Secrets* (Law Journal Press 2002).
- Rahmatian A, *Copyright and Creativity* (Edward Elgar 2011).
- Rawls J, *A Theory of Justice* (OUP 1972).
- Reger G, *Der internationale Schutz gegen unlauteren Wettbewerb und das TRIPS-Übereinkommen* (Carl Heymanns Verlag 1999).
- Rosati E, *Originality in EU Copyright* (Edward Elgar 2013).
- Roudnitska E, *Une vie au service du parfum* (Thérèse Vian Editions 1991).
- Rowe E A and Sandeen S K, *Trade Secrecy and International Transactions: Law and Practice* (Edward Elgar 2015).
- Scheppele K M, *Legal Secrets: Equality and Efficiency in the Common Law* (The University of Chicago Press 1992).
- Schlötter R, *Der Schutz von Betriebs- und Geschäftsgeheimnissen und die Abwerbung von Arbeitnehmern* (Carl Heymanns Verlag 1997).

- Schweyer F, *Die rechtliche Bewertung des Reverse Engineering in Deutschland und den USA* (Mohr Siebeck 2012).
- Scotchmer S, *Innovation and Incentives* (1st edn, The MIT Press 2004).
- Sundbo J, *The Theory of Innovation: Entrepreneurs, Technology and Strategy* (Edward Elgar 2009).
- Suñol A, *El Secreto Empresarial* (Thomson Reuters 2009).
- Thomas M. Cooley on Torts, *A Treatise on the Law of Torts, Or, The Wrongs which Arise Independent of Contract* (2nd edn, Callaghan 1879).
- Toulson R M and Phipps C M, *Confidentiality* (3rd edn, Sweet&Maxwell 2012).
- UNCTAD-ICTSD, *Resource Book on TRIPS and Development* (CUP 2005).
- van Caenegem W, *Trade Secrets and Intellectual Property* (Kluwer Law International 2014).
- van den Bossche P and Zdouc W, *The Law and Policy of The World Trade Organization* (3rd edn, CUP 2013).
- van Eechoud M and others, *Harmonizing European Copyright Law* (Kluwer Law International 2009).
- Wadlow C, *The Law of Passing-off* (4th edn, Swett&Maxwell 2011).
- Westerman I, *Handbuch Know-how-Schutz* (C.H. Beck 2007).
- Winzer W, *Forschungs- und Entwicklungsverträge* (2nd edn, C.H. Beck 2001)
- WIPO, *Guide to the Berne Convention for the Protection of Literary and Artistic Works* (WIPO Publications 1978).

### § 3 Book Chapters

- Aplin T, 'A right of privacy for corporations?' 475 in Torremans P LC (ed), *Intellectual Property and Human Rights* (Kluwer Law International 2008).
- Aplin T, 'Right to Property and Trade Secrets' 421 in Geiger C (ed), *Research Handbook on Human Rights and Intellectual Property* (Edward Elgar 2015).
- Aplin T, 'Subject Matter' 49 in Derclaye E (ed), *Research Handbook on the Future of EU Copyright Law* (Edward Elgar 2009).
- Arrow K J, 'Allocation of Resources for invention' 609 in Universities-National Bureau Committee for Economic Research and Committee on Economic Growth of the Social Science Research Council (ed), *The Rate and Direction of Inventive Activity: Economic and Social Factors* (Princeton University Press 1962).
- Bently L, 'Patents and trade secrets' 57 in Wilkof N and Basheer S (eds), *Overlapping Intellectual Property Rights* (OUP 2012).
- Bently L, 'Trade Secrets Intellectual Property but not property?' 60 in Howe H R and Griffiths J (eds), *Concepts of property in Intellectual Property Law* (CUP 2013).
- Bertsch C, 'Research Agreement' 38 in Weitnauer W and others (eds), *Life Sciences Agreements in Germany* (C.H. Beck 2014).
- Bone R G, 'Trade Secrecy, Innovation and the Requirement of Reasonable Secrecy Precautions' 46 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).

## Bibliography

- Bukow J W, 'Defences' in Maximilian Haedicke and Henrik Timmann (eds), *Patent Law Handbook* (C.H. Beck 2013).
- Conde Gallego B, 'Unilateral refusal to license indispensable intellectual property rights – US and EU approaches' 215 in Drexl J (ed), *Research Handbook on Intellectual Property and Competition Law* (Edward Elgar, 2008).
- Cornish W, 'The Expansion of Intellectual Property Rights' 9 in Schricker G, Dreier T and Kur A (eds), *Geistiges Eigentum im Dienst der Innovation* (Nomos 2001).
- Denicola R, 'The Restatements, the Uniform Act and the status of American trade secret law' 18 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Dessemontet F, 'Protection of Trade Secrets and Confidential information' 271 in Correa C and Yusuf A (eds), *Intellectual Property and International Trade* (2nd edn, Wolters Kluwer 2008).
- Dreier T, 'How much 'property' is there in intellectual property?' 116 in H R and Griffiths J (eds), *Concepts of Property in Intellectual Property Law* (CUP 2013).
- Dreier T, 'Regulating information: Some thoughts on a perhaps not quite so new way of looking to intellectual property' 35 in Drexl J and others (eds), *Technology and Competition, Contributions in Honour of Hanns Ullrich* (Larcier 2009).
- Drexl J, 'Die Verweigerung der Offenlegung von Unternehmensgeheimnissen als Missbrauch marktbeherrschender Stellung' 437 in Hilty R and others (eds), *Schutz von Kreativität und Wettbewerb* (C.H. Beck 2009).
- Drexl J, 'Refusal to grant access to trade secrets as an abuse of market dominance' 165 in Anderman S and Ezrachi A (eds), *Intellectual Property and Competition Law* (OUP 2011).
- Dusollier S, 'Pruning the European intellectual property tree: in search of common principles and roots' 24 in Geiger C (ed), *Constructing European intellectual property* (Edward Elgar 2013).
- Dusollier S, 'The commons as a reverse intellectual property—from exclusivity to inclusivity' 258 in Howe H R and Griffiths J (eds), *Concepts of Property in Intellectual Property Law* (CUP 2013).
- Fisher W, 'Theories of Intellectual Property' 168 in Munzer S R (ed), *New Essays in the Legal and Political Theory of Property* (CUP 2001).
- Foucault M, 'The Order of Discourse' 52 in Young R (ed), *Untying the Text: A Post-Structuralist Reader* (1st edn, Routledge & Kegan Paul 1981).
- Fromer J C, 'Trade Secrecy in Willy Wonka's Chocolate Factory' 3 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Gete-Alonso Valero M C, 'Artículo 43' 756 in Bercovitz Rodríguez-Cano R (ed), *Comentarios a la Ley de Propiedad Intelectual* (3rd edn, Tecnos 2007).
- Ghidini G and Falce V, 'Trade secrets as intellectual property rights: a disgraceful upgrading – Notes on an Italian reform' 140 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).

- Graf M and Zech H, 'IP in Research and Development Agreements: object and legal qualification' 293 in Matthews D and Zech H (eds), *Research Handbook on Intellectual Property and the Life Sciences* (Edward Elgar 2017).
- Graves C T, 'Trade Secrecy and Common Law Confidentiality: The Problem of Multiple Regimes' 77 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Harte-Bavendamm H, '§ 77 Schutz von Geschäfts- und Betriebsgeheimnissen (§§ 17-19 UWG)' in Loschelderr M and Erdmann W (eds), *Wettbewerbsrecht* (4th edn, C.H. Beck 2010).
- Heath C, 'Employees, Trade Secrets and Restrictive Covenants in Germany' 85 in Heath C and Kamperman Sanders A (eds), *Employees, Trade Secrets and Restrictive Covenants* (Wolters Kluwer 2017).
- Henning-Bodewig F, 'International Unfair Competition Law' 53 in Hilty R and Henning-Bodewig F (eds), *Law Against Unfair Competition* (Springer 2007).
- Hon W K and Millard C, 'Control, Security, and Risk in the Cloud' 18 in Millard C (ed), *Cloud Computing Law* (OUP 2013).
- Hon W K and Millard C, 'What is Regulated as Personal Data in Clouds' 165 in Millard C (ed), *Cloud Computing Law* (OUP 2013).
- Höpferger M and Senftleben M, 'Protection Against Unfair Competition at the International Level – The Paris Convention, the 1996 Model Provisions and the Current Work of the World Intellectual Property Organisation' 61 in Hilty R and Henning-Bodewig F (eds), *Law Against Unfair Competition* (Springer 2007).
- Hugenholtz P B 'Something Completely Different: Europe's Sui Generis Database Right' 205 in Frankel S and Gervais D (eds), *The Internet and the Emerging Importance of New Forms of Intellectual Property* (Wolters Kluwer 2016).
- Janssen G and Maluga G, '§ 17 Verrat von Geschäfts- und Betriebsgeheimnissen' in Joeks W and Miebach K (eds), *Münchener Kommentar zum StGB* (1st edn, C.H. Beck 2010).
- Jestaedt B and Benkard G, 'Art. 64' in Adams T and others (eds) *Europäisches Patentübereinkommen* (4th edn, C.H. Beck 2012).
- Kaiser L, 'Vetragsmanagement' 257, 268 Wurzer A and Kaiser L (eds), *Handbuch Internationaler Know-how-Schutz* (Bundesanzeiger Verlag 2011).
- Kämmerer J A, 'European Commission', *The Max Planck Encyclopedia of European Private Law* (OUP 2012).
- Kamperman Sanders A, 'The Actio Servi Corrupti' from the Roman Empire to the Globalised Economy' 3 in Heath C and Kamperman Sanders A (eds), *Employees, Trade Secrets and Restrictive Covenants* (Wolter Kluwer 2016).
- Katzenberger P and Kur A, 'TRIPs and Intellectual Property' 10 in Beier FK and Schricke G (eds), *IIC Studies, Studies in Industrial Property and Copyright Law, From GATT to TRIPs – The Agreement on Trade-Related Aspects of Intellectual Property Rights* (Weinheim 1996).
- Knospe M, 'Germany' 62 in Melvine F. Jager (ed), *Trade secrets throught the world* (2012 Thomsom West).

- Kraßer R, 'The Protection of Trade Secrets in the TRIPs Agreement' 216 in Beier FK and Schricker G (eds), *IIC Studies, Studies in Industrial Property and Copyright Law, From GATT to TRIPs – The Agreement on Trade-Related Aspects of Intellectual Property Rights* (Weinheim 1996).
- Kur A, 'What to Protect, and How? Unfair Competition, Intellectual Property, or Protection Sui Generis' 11 in Lee N and others (eds), *Intellectual Property, Unfair Competition and Publicity* (Edward 2014).
- Kur A, 'Too pretty to protect?' 139 in Drexel J and others *Technology and Competition, Contributions in honour of Hanns Ullrich* (Editions Larcier 2009).
- Landry F, 'The proceedings for grant' 338 in Haedicke M and Timmann H (eds), *Patent Law Handbook* (C.H. Beck 2013).
- Lee KD and von Lewinski S, 'The Settlement of International Disputes in the field of Intellectual Property' 278 in Beier FK and Schricker G (eds), *IIC Studies, Studies in Industrial Property and Copyright Law, From GATT to TRIPs – The Agreement on Trade-Related Aspects of Intellectual Property Rights* (Weinheim 1996).
- Lee N, 'Public domain at the interface of trade mark and unfair competition law: The case of referential use of trade marks' 309 in Lee N and others (eds), *Intellectual Property, Unfair Competition and Publicity* (Edward Elgar 2014).
- Lehmann M, 'European Market for Digital Goods' 111 in de Franceschi A (ed), *European Contract Law and the Digital Single Market – the Implications of the Digital Revolution* (Intersentia 2016).
- Leistner M, 'The Legacy of International News Service v Associated Press (USA)' 33 in Heath C and Kamperman Sanders A (eds), *Landmark Intellectual Property Cases and Their Legacy* (Kluwer Law International 2010).
- Leistner M, 'The Protection of Databases' 427 in Derclaye E (ed), *Research handbook on the future of EU Copyright* (Edward Elgar 2009).
- Leistner M, 'Unfair Competition and Freedoms of Movement', *Max Planck Encyclopaedia of European Private Law* (OUP 2012).
- Lemley M A, 'The surprising virtues of treating trade secrets as IP rights' 109 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Levin M, 'Trade Secret Protection and the Computation of Damages under Swedish Law' 735 in Dreier T, Götting HP, Haedicke M, Macdonald J and Crail R, *John Macdonald on the Law of Freedom of Information* (3rd edn, OUP 2016).
- Mayring P, 'Qualitative content analysis' 266 in Uwe Flick, Ernst von Kardoff and Ines Steinke (eds), *A companion to qualitative research* (Sage 2004).
- Menell P S and Scotchmer S, 'Intellectual Property' 1473 in Polinsky A M and Shave S (eds), *Handbook of Law and Economics*, vol 2 (Elsevier 2007).
- Michaels R, 'Property', *The Max Planck Encyclopaedia of European Private Law* (OUP 2012).
- Milbradt C and Stief M, 'Forschungs- und Entwicklungsvertrag' 126 in Marco Stief and Boris Bromm (eds), *Vertragshandbuch Pharma und Life Sciences* (C.H. Beck 2015).

- Nägerl J and Walder-Hartmann L, 'Differentiation from the state of the art' 129 in Haedicke M and Timmann H (eds), *Patent Law A Handbook on European and German Patent Law* (C.H. Beck 2014).
- Ohly A, 'Gibt es einen Numerus clausus der Immaterialgüterrechte?' 105 in Ohly A and others (eds), *Perspektiven des Geistiges Eigentums und Wettbewerbsrechts* (C.H. Beck 2005).
- Ohly A, 'Harmonising the Protection of Trade Secrets' 2 in de Werra J (ed), *La protection des secrets d'affaires* (Schulthess 2013).
- Ohly A, 'Unfair Competition', *Max Planck Encyclopaedia of European Private Law* (OUP 2012).
- Ohly A, 'Reverse Engineering: Unfair Competition or Catalyst for Innovation?' 540 in Drexel J and others (eds), *Patents and Technological Progress in a Globalized World* (Springer 2009).
- Passa J, 'La protection des secrets d'affaires en droit français' 47 in de Werra J (ed), *La protection des secrets d'affaires* (Schulthess 2013).
- Peter M and Wiebe A, 'Art. 39' in Busche J and Stoll T (eds), *TRIPs* (Carl Heymanns 2013).
- Prentice D, 'Illegality and Public Policy' in Beale H (ed), *Chitty on contracts* (32th edn, Sweet&Maxwell 2017).
- Reichman J, 'How trade secrecy law generates a natural semicommons of innovative know-how' 185 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Samuelson P, 'Challenges in Mapping the Public Domain' 7 in Hugenholtz P B and Guibault L (eds), *The Public Domain of Information* (Kluwer International Law 2006).
- Sandeen S K, 'The limits of trade secret law: Article 39 of the TRIPs Agreement and the Uniform Trade Secrets Act on which it is based' 537 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).
- Schaffert W, '4 Nr 11' Rdn 68 in Heermann P W and others (eds), *Münchener Kommentar zum Lauterkeitsrecht* (1st edn, C.H. Beck 2006).
- Straus J, 'Implications of the TRIPs Agreement in the Field of Patent Law' 160 Beier FK and Schrickler G (eds), *IIC Studies, Studies in Industrial Property and Copyright Law, From GATT to TRIPs – The Agreement on Trade-Related Aspects of Intellectual Property Rights* (Weinheim 1996).
- Suñol A, 'Trade Secrets vs Skill and knowledge' 197 in Cafaggi F and others (eds), *The Organizational Contract, From Exchange to Long-term network Cooperation in European Contract Law* (Ashgate 2013).
- Surblyte G, 'Enhancing TRIPs: Trade Secrets and Reverse Engineering' 725 in Ullrich H and others (eds), *TRIPs plus 20 – From Trade Rules to Market Principles* (Springer 2016).
- Ullman E and Deichfuß H, '§ 15 Übertragbarkeit des Rechts; Lizenzen' in Benkard G (ed), *Patentgesetz* (11th edn, C.H. Beck 2015).

## Bibliography

- van der Laan N, 'The use of trade marks in keyword advertising: Developments in CJEU and national jurisprudence' 231 in Lee N and others (eds), *Intellectual Property, Unfair Competition and Publicity* (Edward Elgar 2014).
- Zech H, 'Data as a Tradable Commodity' 51 in De Franceschi A (ed), *European Contract Law and the Digital Single Market – The Implications of the Digital Revolution* (Insertia 2016).
- Zech H, 'Data as Tradeable Commodity – Implications for Contract Law' 2 in Drexel J (ed), *Proceedings of the 18th EIPIN Congress: The New Data Economy between Data Ownership, Privacy and Safeguarding Competition* (Edward Elgar forthcoming).
- Zimmerman D L, 'Trade secrets and the "philosophy" of copyright: a case of culture crash' 299 in Dreyfuss R C and Strandburg K J (eds), *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Edward Elgar 2011).

### § 4 Journal Articles

- Abramowicz M and Duffy J F, 'Intellectual Property for Market Experimentation' [2008] 83 NYULR 337.
- Ackermann-Blome N and Rindell J, 'Should trade secrets be protected by private and/or criminal law? A comparison between Finnish and German laws' [2018] 13 JIPLP 78.
- Adams K D, 'Blaming the Mirror: The Restatements and the Common Law' [2007] 40 Indiana LR 205.
- Alexander C, 'Gegenstand, Inhalt und Umfang des Schutzes von Geschäftsgeheimnissen nach der Richtlinie (EU) 2016/943 1034' [2017] WRP 1034.
- Almeling D S, 'Seven Reasons Why Trade Secrets are Increasingly Important' [2012] 27 Berkeley Technology LJ 1091.
- Amir O and Lobel O, 'Driving Performance: A Growth Theory on Noncompete Law' [2013] 16 Stanford Technology LR 833.
- Ann C, 'Know-how- Stiefkind des Geistiges Eigentums?' [2007] GRUR 39.
- Aplin T, 'A critical evaluation of the proposed Trade Secrets Directive' [2014] IPQ 257.
- Aplin T, 'Reverse Engineering and Commercial Secrets' [2013] 66 Current Legal Problems 341.
- Aplin T, 'The future of the breach of confidence action and the protection of privacy' [2007] Oxford University Commonwealth J 137.
- Aplin T, 'Confidential Information as property?' [2013] 24 King's LJ 172.
- Arundel A V, 'The relative effectiveness of patents and secrecy for appropriation' [2001] 30 Research Policy 611.
- Balañá S, 'El entorno digital, ¿segunda oportunidad para la marca olfativa?: estudio acerca de la capacidad del signo olfativo' [2005-2006] 26 Actas de Derecho Industrial y Derecho de Autor 18.
- Balañá S, 'La perfumería toma posiciones en torno al derecho de autor "¿...fumus boni iuris?"' [2005] 19 Pe.i. 37.



- Balasubramanian N and Sivadasan J, 'What happens when firms patent? New evidence from U.S. economic census data' [2011] 93 *The Review of Economics and Statistics* 126.
- Barrett M, 'The "Law of Ideas" Reconsidered' [1989] 71 *J Patent & Trademark Office Society* 691.
- Bassard A, 'La composition d'une formule de parfum est-elle une (oeuvre de l'esprit au sens de la loi du 11 mars 1957?)' [1979] 118 *RIPIA* 461.
- Beier FK and Straus J, 'The Patent System and Its Informational Function - Yesterday and Today' [1977] *IIC* 387.
- Beier FK, 'Traditional and Socialist Concepts of Protecting Inventions' [1970] *IIC* 328.
- Beier FK, 'Die Bedeutung des Patentsystems für den technischen, wirtschaftlichen und sozialen Fortschritt' [1979] *GRUR Int* 227.
- Benkler Y, 'Free As the Air to Common Use: First Amendment Constraints on Enclosure of the Public Domain' [1997] 74 *NYULR* 354.
- Bishara N D, Martin K J, Thomas R S, 'An Empirical Analysis of Noncompetition Clauses and Other Restrictive Postemployment Covenants' [2015] 68 *Vandervilt LR* 1.
- Björkenfeldt M, 'The Genie is out of the Bottle: the ECJ's Decision in L'Oréal v Bellure' [2010] 5 *JIPPLP* 105.
- Blind K, Edler J, Frietsch R and Schmoch U, 'Motives to patent: Empirical evidence from Germany' [2006] 35 *Research Policy* 655.
- Bone R G, 'A New Look at Trade Secret Law: Doctrine in Search of Justification' [1998] 86 *California LR* 241.
- Bone R G, 'The Still Shaky Foundations of Trade Secret Law' [2014] 92 *Texas LR* 1803.
- Boyle J, 'Foreword: The Opposite of Property?' [2003] 66 *Law and Contemporary Problems* 1.
- Bronckers M and McNelis N, 'Is the EU Obligated to improve the Protection of Trade Secrets? An Inquiry into TRIPS, the European Convention on Human Rights and the EU Charter of Fundamental Rights' [2013] 34 *EIPR* 673.
- Bronckers M, 'The Impact of TRIPS: Intellectual Property Protection in Developing Countries' [1994] 31 *Common Market LR* 1245.
- Cannan J, 'A [Mostly] Legislative History of the Defend Trade Secrets Act of 2016' [2017-2019] 109 *Law Library Journal* 363.
- Chally J R, 'The Law of Trade Secrets: Toward a More Efficient Approach' [2004] 57 *Vanderbilt LR* 1269.
- Chiappetta V, 'Myth, Chameleon or Intellectual Property Olympian?' [1999] 8 *George Mason LR* 69.
- Claeys ER, 'Private Law Theory and Corrective Justice in Trade Secrecy' [2011] 4 *J of Tort Law* 1.

## *Bibliography*

- Cohen J E, 'Reverse Engineering and the Rise of Electronic Vigilantism: Intellectual Property Implications of "Lock-Out" Programs' [1995] 68 Southern California LR 1091.
- Cornish W 'Genevan Bootstraps' [1997] 19 EIPR 336.
- Cornish W, 'The Essential Criteria for Patentability of European Inventions: Novelty and Inventive Step' [1983] IIC 765.
- Cornish W, 'The International Relations of Intellectual Property' [1993] 52 Cambridge LJ 46.
- Cundiff V A, 'Reasonable Measures to Protect Trade Secrets in a Digital Environment' [2009] 49 IDEA 359.
- Cundiff V A and others, 'The Global Harmonisation of Trade Secret Law: The Convergence of Protection for Trade Secrets in the US and EU' [2016] 38 EIPR 738.
- Davison M J and Hugenholtz P B, 'Football fixtures, horse races and spin-offs: the ECJ domesticates the database right' [2005] 27 EIPR 113.
- Denicola R, 'The New Law of Ideas' [2014] 28 Harvard Journal of Law & Technology 195.
- Derclaye E, 'Databases sui generis right: what is a substantial investment?' [2005] IIC 2.
- Derclaye E, 'Intellectual Property Rights on Information and Market Power- Comparing European and American Protection of Databases' [2007] IIC 275.
- Derclaye E, 'The Court of Justice copyright case law: quo vadis?' [2014] 36 EIPR 716.
- Determann L, 'What Happens in the Cloud: Software as a Service and Copyrights' [2015] 29 Berkeley Tech LJ 1095.
- DiCicco-Bloom B and Crabtree B F, 'The qualitative research interview' [2006] 40 Medical Education J 314.
- Dinwoodie GB, 'The International intellectual property law system: new actors, new institutions, new sources' [2006] 10 Marquette IPLR 206.
- Doerfer G L, 'The Limits on Trade Secret Law Imposed by Federal Patent and Antitrust Supremacy' [1967] 80 Harvard LR 1432.
- Dorner M, 'Big Data und "Dateneigentum"' [2014] CR 617.
- Dreier T, 'The Council Directive of 14 May 1991 on the Legal Protection of Computer Programs' [1991] 13 EIPR 319.
- Drexel J, 'Intellectual Property and Antitrust Law – IMS Health and Trinko – Antitrust Placebo for Consumers Instead of Sound Economics in Refusal-to-Deal Cases' [2004] IIC 788.
- Drexel J, 'Nach "GATT und WIPO": Das TRIPs-Abkommen und seine Anwendung in der Europäischen Gemeinschaft' [1994] 43 GRUR Int 777.
- Dreyfuss R C, 'Trade Secrets: How Well Should We Be Allowed to Hide them? The Economic Espionage Act of 1996' [1998] 9 Fordham IP Media & Entertainment LJ.
- Elias B, 'Do scents signify origin? - An argument against trademark protection for fragrances' [1992] 82 TMR 475.

- Falce V, 'Trade Secrets – Looking for (Full) Harmonization in the Innovation Union' [2015] IIC 940.
- Feldman M J, 'Toward a Clearer Standard of Protectable Information: Trade Secrets and Employment Relationship' [1994] 9 Berkeley Technology LJ 151.
- Field T G, 'Copyright protection for Perfumes' [2004] 45 IDEA 19.
- Finger P, 'Die Offenkundigkeit des mitgeteilten Fachwissens bei Know-how-Verträgen' [1970] GRUR 3.
- Fisk C, 'Working Knowledge: Trade Secrets, Restrictive Covenants in Employment, and the Rise of Intellectual Property' [2001] 52 Hastings LJ 441.
- Former J C, 'Expressive Incentives in Intellectual Property' [2012] 98 Virginia LR 1745.
- Franzoni L A and Kaushik A, 'The optimal scope of trade secrets law' [2016] 45 International Review of Law and Economics 45.
- Galloux JCH, 'Profumo di diritto – Le principe de la protection des fragrances par le droit d'auteur, note sous TGI Paris, 26 mai 2004' [2004] 36 Recueil Dalloz 2641.
- Gandomi A and Haider M, 'Beyond the hype: Big data concepts, methods, and analytics' [2015] 35 International J of Information Management 137.
- Gangjee D S and Burrell R, 'Because You're Worth It: L'Oréal and the Prohibition on Free Riding' [2010] 73 Modern LR 282.
- Gervais D and Derclaye E, 'The scope of computer program protection after SAS: are we closer to answers?' [2012] 34 EIPR 562.
- Gervais D, 'Feist Goes Global: A Comparative Analysis Of The Notion Of Originality In Copyright Law' [2002] 49 LJ of the Copyright Society of the USA 948.
- Gervais D, 'The compatibility of the skill and labour standard with the Berne Convention and the TRIPs Agreement' [2004] 26 EIPR 75.
- Gielen C, 'Netherlands: copyright - blend of ingredients in a perfume constituting a copyright work' [2006] 28 EIPR 174.
- Gielen C, 'WIPO and Unfair Competition' [1997] 19 EIPR 78.
- Gilburne M R and Johnston R L, 'Trade Secret Protection for Software Generally and in the Mass Market' [1981] 3 Computer LJ 211.
- Gilson R J, 'The Legal Infrastructure of High Technology Industrial Districts: Silicon Valley, Route 128, and Covenants Not to Compete' [1999] 74 NYULR 575.
- Glöckner J, 'The Regulatory Framework for Comparative Advertisement in Europe - Time for a new Round of Harmonisation' [2012] IIC 35.
- Goldman E, 'The Defend Trade Secrets Act Isn't an "Intellectual Property" Law' [2017] 33 Santa Clara High Technology LJ 541.
- Gomulkiewicz R W, 'Leaky Covenants-Not-to-Compete' [2015] 49 University of California Davis LR 251.
- Gordon S, 'The Very Idea! Why Copyright Law is an Inappropriate Way to Protect Computer Programs' [1998] 1 EIPR 10.
- Gordon W J, 'On Owning Information: Intellectual Property and the Restitutionary Impulse' [1992] 78 Vanderbilt LR 149.

## *Bibliography*

- Graves C T and Macgillivray A, 'Combination Trade Secrets and the Logic of Intellectual Property' [2004] 20 Santa Clara High Technology LJ 261.
- Graves C T and Range B D, 'Identification of Trade Secret Claims in Litigation: Solutions for a Ubiquitous Dispute' [2006] 5 New JTechnology IP 68.
- Graves C T, 'Trade Secrets as property: Theory and Consequences' [2007] 15 JIPL 39.
- Hall B H, Helmers C, Rogers M and Sena V, 'The Choice between Formal and Informal Intellectual Property: A Review' [2014] 52 Journal of Economic Literature 1.
- Harabi N, 'Appropriability of Technichal Innovations an Empirical Analysis' [1995] 24 Research Policy 981.
- Harold Demsetz, 'The Private Production of Public Goods' [1970] 13 Journal of Law and Economics 293.
- Hart RJ, 'Interoperability information and the Microsoft decision' [2006] 28 EIPR 361.
- Harte-Bavendamm H, 'Wettbewerbsrechtliche Aspekte des Reverse Engineering von Computerprogrammen' [1990] GRUR 657.
- Henning-Bodewig F, 'A New Act Against Unfair Competition' IIC [2005] 421.
- Henning-Bodewig F, 'Internationale Standards gegen unlauteren Wettbewerb' [2013] GRUR Int 1.
- Hernández-Martí C, 'The possibility of IP protection for smell' [2014] 36 EIPR 665.
- Heusch C and others, 'Trade secrets: overlap with restrains of trade, aspects of enforcement' [2015] GRUR Int 932.
- Hilton W E, 'What sort of improper conduct constitutes misappropriation of a trade secret' [1990] 30 IDEA 287.
- Hoeren T, 'Zur Einführung: Informationsrecht' [2002] JuS 947.
- Hofmann F, "Equity" im deutschen Lauterkeitsrecht? Der "Unterlassungsanspruch" nach der Geschäftsgeheimnis-RL' [2018] WRP 1.
- Hoisl K, 'Tracing Mobile Inventors – The Causality between Inventor Mobility and Inventor Productivity' [2007] 36 Research Policy 619.
- Holder N and Schmidt J, 'Indirect patent infringement – latest developments in Germany' [2006] 28 EIPR 480.
- Hon W K, Millard C and Walden I, 'Negotiating Cloud Contracts: Looking at clouds from both sides now' [2012] 16 Stanford Technology LR 79.
- Höpner M, 'Der Europäische Gerichtshof als Motor der Integration' [2011] 21 Berlin J Soziol 203.
- Hören T and Müncker R, 'Die EU-RL für den Schutz von Geschäftsgeheimnissen und ihre Umsetzug' [2018] WRP 150.
- Hören T und Münkner R, 'Die neue EU-Richtlinie zum Schutz von Betriebsgeheimnissen und die Haftung Dritter' [2018] CCZ 85.
- Hughes J, 'The Philosophy of Intellectual Property' [1988] 77 George Mason LJ 287.

- Hull L, 'Trade Secret Licensing: the art of the possible' [2009] 14 *JIPLP* 203.
- Hunold W, '*Rechtsprechung zum nachvertraglichen Wettbewerbsverbot*' [2007] *NZA-RR* 617.
- Hunt C, 'Rethinking Surreptitious Takings in the Law of Confidence' [2011] *IPQ* 66.
- Jehoram H C, 'The Dutch Supreme Court Recognises Copyright in the Scent of a Perfume. The Flying Dutchman: All Sails, no Anchor' [2006] 28 *EIPR* 629.
- Joachim B, McGuire MR, Künzel J and Weber N, 'Der Schutz von Geschäftsgeheimnissen durch Rechte des Geistigen Eigentums und durch das Recht des unlauteren Wettbewerbs' [2010] *GRUR Int* 829.
- Jones G, 'Restitution of Benefits Obtained in breach of another's Confidence' [1970] 86 *LQR* 463.
- Judge E F and Gervais D, 'Of Silos and Constellations: Comparing notions of Originality in Copyright Law' [2009] 27 *Cardozo Arts and Entertainment LJ* 375.
- Kalbfus B, 'Die EU-Geschäftsgeheimnis-Richtlinie - Welcher Umsetzungsbedarf besteht in Deutschland?' [2016] *GRUR* 1009.
- Kambatla K, Kollias G, Kumar V and Grama A, 'Trends in big data analytics' [2014] 74 *J of Parallel and Distributed Computing* 2561.
- Kerber W, 'A New (Intellectual) Property Right for Non-Personal Data? An Economic Analysis' [2016] *GRUR Int* 989.
- Kitch E, 'The Nature and the Function of the Patent System' [1977] 20 *Journal of Law and Economics* 265.
- Kokott J and Sobotta C, 'The distinction between privacy and data protection in the jurisprudence of the CJEU and the ECtHR' [2013] *IDPL* 222.
- Koós C, 'Die europäische Geschäftsgeheimnis-Richtlinie - ein gelungener Wurf? Schutz von Know-How und Geschäftsinformationen - Änderungen im deutschen Wettbewerbsrecht' [2016] *MMR* 224.
- Kraßer R, 'Der Schutz des Know-how nach deutschem Recht' [1970] *GRUR* 587.
- Kraßer R, 'Grundlagen des zivilrechtlichen Schutz von Geschäfts- und Betriebsgeheimnissen sowie von Know-how' [1977] *GRUR* 177.
- Kur A, 'The Enforcement Directive - Rough Start, Happy Landing?' [2004] *IIC* 821.
- Kur A, 'Trade Marks Function, Don't They? CJEU Jurisprudence and Unfair Competition Principles' [2014] *IIC* 434.
- Kur A, Hilty R and Knaak R, 'Comments of the Max Planck Institute for Innovation and Competition of 3 June 2014 on the Proposal of the European Commission for a Directive on the Protection of Undisclosed Know-How and Business Information (Trade Secrets) Against Their Unlawful Acquisition, Use and Disclosure of 28 November 2013, COM(2013) 813 Final' [2014] *IIC* 45.
- Landes WM and Posner RA, 'Some Economics of Trade Secret Law' [1991] 5 *JEP* 61.
- Laskawy D H, 'Die Tücken des nachvertraglichen Wettbewerbsverbots im Arbeitsrecht' [2012] *NZA* 1011.

## *Bibliography*

- Lavery P, 'Secrecy, Springboards and the Public Domain' [1998] 20 EIPR 93
- Lederer F, 'Equivalence of Chemical Product Patents' [1999] IIC 275.
- Lehmann M, 'The Theory of Property Rights and the Protection of Intellectual and Industrial Property'[1985] IIC 525.
- Lejeune M, 'Die neue EU Richtlinie zum Schutz von Know-How und Geschäftsgeheimnissen' [2016] CR 330.
- Lemley M A, 'Does "Public Use" Mean the Same Thing It Did Last year?' [2014] 93 Texas LR 1119.
- Lemley M A, 'Intellectual Property and the Shrinkwrap Licenses' [1995] 68 Southern California LR 1239.
- Lemley M A, 'Property, Intellectual Property, and Free Riding' [2004] 83 Texas LR 1031.
- Lemley M A, 'The Surprising Virtues of Treating Trade Secrets as IP Rights' [2008] 61 Stanford LR 311.
- Levin R C, Klevorick A K, Nelson R R and. Winter S G 'Appropriating the Returns from Industrial Research and Development' [1987] 18 Brookings Papers on Economic Activity 783.
- Lieberman M B, 'First-Mover Advantage' [1988] 9 Strategic Management J 41.
- Loewenheim U, 'Der Schutz der kleinen Münze im Urheberrecht' [1987] GRUR 761.
- Machnicka A A, 'The Perfume Industry and Intellectual Property Law in the Jurisprudence of the Court of Justice of the European Union and National Courts' [2012] IIC 123.
- Malgieri G, 'Trade Secrets v Personal Data: a possible solution for balancing rights' [2016] 6 International Data Privacy LR 1.
- Mansfield E 'Patents and Innovation: An Empirical Study' [1986] 32 Management Science 173.
- McCullagh K, 'A tangled web of access to information: reflections on R (on the application of Evans) and another v Her Majesty's Attorney General' [2015] 21 European J of Current Legal Issues.
- McGuire M, 'Der Schutz von Know-how im System des Immaterialgüterrechts' [2016] GRUR 1000.
- Mcguire MR, 'Know-how:Stiefkind, Störenfried oder Sorgenkind?' [2015] GRUR 424.
- Merges R P, 'Priority and Novelty Under the AIA' [2012] 27 Berkeley Technology LJ 1023.
- Merges R P, 'The Law and Economics of Employee Inventions' [1999] 13 Harvard Journal of Law & Technology 1.
- Mes P, 'Indirect Patent Infringement' [1999] IIC 531.
- Moffat V R, 'Making Non-Competes Unenforceable' [2012] 54 Arizona LR 939.
- Montville C, 'Reforming the Law of Proprietary Information' [2007] 56 Duke LJ 1159.

- Mummenthey H, 'Vertraulichkeitsvereinbarungen' [1999] CR 651.
- Nimmer M B, 'The Law of Ideas' [1954] 27 Southern California LR 119.
- Ohly A, 'Der Geheimnisschutz im deutschen Recht: heutiger Stand und Perspektiven' [2014] GRUR 1.
- Ohly A, 'The Freedom of Imitation and Its Limits – A European Perspective' [2010] IIC 506.
- Ohly A, 'Vergleichende Werbung für Zubehör und Warensortimente - Anmerkungen zu den EuGH-Urteilen 'Siemens/VIPA' und 'LIDL Belgium/Colruyt' [2007] GRUR 3.
- Ottoz E and Cugno F, 'Patent-Secret Mix in Complex Product Firms' [2008] 10 American Law & Economics R 142.
- Pace C R J, 'The Case for a Federal Trade Secrets Act' [1995] 8 Harvard Journal of Law & Technology 427.
- Pajak S, 'Do innovative firms rely on big secrets? An analysis of IP protection strategies with the CIS 4 survey' [2016] 25 Economics of Innovation and New Technology 516.
- Paterson G, 'The Novelty of Use Claims' [1996] IIC 179.
- Peterson G R, 'Trade Secrets in an Information Age' [1995] 32 Houston LR 385.
- Pooley J, 'The Uniform Trade Secrets Act: California Civil Code 3426' [1985] 1 Santa Clara High Technology LJ 193.
- Posner R, 'Trade Secret Misappropriation: A Cost-Benefit Response to the Fourth Amendment Analogy' [1992] 106 Harvard LR 461.
- Psaroudakis G, 'Trade Secrets in the Cloud' [2016] 38 EIPR 344.
- Reichman J H, 'Computer Programs as applied scientific know-how: implications of copyright' [1989] 42 Vanderbilt LR 639.
- Reichman J H, 'Legal Hybrids Between the Patent and Copyright Paradigm' [1994] 94 Columbia LR 2432.
- Reimann T, 'Einige Überlegungen zur Offenkundigkeit im Rahmen von §§ 17 ff. UWG und von § 3 PatG' [1998] GRUR 298.
- Risch M, 'Hidden in Plain Sight' [2016] 31 Berkeley Technology LJ 1635.
- Risch M, 'Why Do We Have Trade Secrets?' [2007] 11 Marquette IPLR.
- Robert P. Merges and Richard R. Nelson, 'On the complete economics of patent scope' [1990] 90 Columbia LR 839.
- Rønde T, 'Trade secrets and information sharing' [2001] 10 J of Economics & Management Strategy 391.
- Rosati E, 'Originality in a work, or a work of originality: the effects of the Infopaq decision' [2011] 33 EIPR 746.
- Rosati E, 'Originality in U.S. and UK Copyright Experiences as a Springboard for an EU-Wide Reform Debate' [2010] IIC 524.
- Rowe E A, 'Contributory Negligence, Technology, and Trade Secrets' [2009] 17 George Mason LR 1.

## *Bibliography*

- Rowe E A, 'When Trade Secrets become Shackles: Fairness and the Inevitable Disclosure Doctrine' [2005] 7 *Tulane J of Technology & IP* 167.
- Samuelson P and others, 'A Manifesto Concerning the Legal Protection of Computer Programs' [1994] 94 *Columbia LR* 2308.
- Samuelson P and Scotchmer S, 'The law and economics of reverse Engineering' [2002] 111 *Yale LJ* 1575.
- Samuelson P, 'Information as Property: Do Ruckelshaus and Monsanto Carpenter Signal a Changing Direction in Intellectual Property Law' [1988] 38 *Catholic University LR* 365.
- Samuelson P, 'Principles for Resolving Conflicts Between Trade Secrets and the First Amendment' [2007] 58 *Hastings LJ* 777.
- Sandeen S K and Seaman C B, 'Toward a Federal Jurisprudence of Trade Secret Law' [2017] 32 *Berkeley Technology LJ* 829.
- Sandeen S K, 'A Contract by Another Name is Still a Contract: Examining the Effectiveness of Trade Secrets Clauses to Protect Databases' [2005] 45 *IDEA* 119.
- Sandeen S K, 'Lost in the Cloud: Information Flows and the Implications of Cloud Computing for Trade Secrets Protection' [2014] 19 *Virginia Journal of Law & Technology* 2.
- Sandeen S K, 'The Evolution of Trade Secret Law and why courts commit error when they do not follow the Uniform Trade Secrets Act' [2010] 33 *Hamline LR* 493.
- Sander C, 'Schutz nicht offenbarter betrieblicher Informationen nach der Beendigung des Arbeitsverhältnisses im deutschen und amerikanishchen Recht' [2013] *GRUR Int* 217.
- Schulze G, 'Schleichende Harmonisierung des urheberrechtlichen Werkbegriffs? - Anmerkung zu EuGH "Infopaq/DDF"' [2009] *GRUR* 1019.
- Scotchmer S, 'Standing on the Shoulders of Giants: Cumulative Research and the Patent Law' [1991] 5 *JEP* 29.
- Senfleben M, 'Function Theory and International Exhaustion – Why It Is Wise to Confine the Double Identity Rule to Cases Affecting the Origin Function' [2014] 36 *EIPR* 518.
- Shmueli G, 'To Explain or to Predict?' [2010] 25 *Statistical Science* 289.
- Short J L, 'Killing the Messenger The Use of Nondisclosure Agreements to Silence Whistleblowers' [1999] 60 *University of Pittsburgh LR* 1207.
- Simpson M P, 'The Future of Innovation: Trade Secrets, Property Rights, and Protectionism—An Age-Old Tale' [2005] 70 *Brooklyn LR* 1121.
- Sobel L S, 'The Law of Ideas, Revisited' [1994] 1 *UCLA Entertainment LR* 9.
- Sołtysiński S, 'Are Trade Secrets Property?' [1986] *IIC* 331.
- Sousa e Silva N, 'What exactly is a trade secret under the proposed Directive?' [2014] 9 *JIPLP* 923.
- Steele C and Trenton A, 'Trade secrets: the need for criminal liability' [1998] 20 *EIPR* 188.



- Strandburg K J, 'What does the public get? Experimental use and the patent bargain?' [2004] 57 Wisconsin LR 81.
- Surblyte G, '6th GRUR Int / JIPLP Joint Seminar: Internet search engines in the focus of EU competition law – a closer look at the broader picture' [2015] GRUR 127.
- Ullrich H, 'Technologieschutz nach TRIPS: Prinzipien und Probleme' [1995] GRUR Int 623.
- Unikel R, 'Bridging the "Trade Secret" Gap: Protecting "Confidential Information" Not Rising to the Level of Trade Secrets' [1998] 29 Loyola University Chicago LJ 841.
- van der Sloot B and van Schendel S, 'Ten Questions for Future Regulation of Big Data: A comparative and Empirical Legal Study' [2016] 7 JIPITEC 110.
- Vermont S, 'Independent Invention as a Defense to Patent Infringement' [2006] 105 Michigan LR 475.
- von Lewinski S, 'Introduction: The Notion of Work under EU Law' [2014] GRUR Int 1098.
- Wadlow C, 'Trade secrets and the Rome II Regulation on the law applicable to non-contractual obligations' 30 EIPR [2008] 309.
- Warren S and Brandeis L, 'The Right to Privacy' [1980] 4 Harvard LR 193.
- Wiebe A, 'Protection of industrial data – a new property right for the digital economy?' [2016] GRUR Int 877.
- Wiebe A, 'Reverse Engineering und Geheimnisschutz von Computerprogrammen' [1992] CR 134.
- Wiesner R M, 'A State-By-State Analysis of Inevitable Disclosure: A Need for Uniformity and a Workable Standard' [2012] 16 Marquette IPLR 211, 217-228.
- Wilkie W L and Farris P W, 'Comparison Advertising: Problems and Potential, Source' [1975] 39 J of Marketing 7.
- Zech H, 'Information as Property' [2015] 6 JIPITEC 192.
- Zypries B, 'Hypertrophie der Schutzrechte?' [2004] GRUR 977.

### § 5 *Studies and Reports*

- Baker McKenzie, 'Study on Trade Secrets and Confidential Business Information in the Internal Market' (MARKT/2011/128/D) (2013) <[http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item\\_id=8269](http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8269)> accessed 15 September 2018.
- Federal Trade Commission, 'Big Data: A Tool for Inclusion or Exclusion, Understanding the issues' (2016) FTC Report, 1 <<https://www.ftc.gov/reports/big-data-tool-inclusion-or-exclusion-understanding-issues-ftc-report>> accessed 15 September 2018.

## Bibliography

- Grosse Ruse-Khan H, 'The International Legal Framework for the protection of Utility Models' (2012) WIPO Regional Seminar on the Legislative, Economic and Policy Aspects of the Utility Model System, Kuala Lumpur <[http://www.wipo.int/edocs/mdocs/aspac/en/wipo\\_ip\\_kul\\_12/wipo\\_ip\\_kul\\_12\\_ref\\_t2b.pdf](http://www.wipo.int/edocs/mdocs/aspac/en/wipo_ip_kul_12/wipo_ip_kul_12_ref_t2b.pdf)> accessed 15 September 2018.
- Hogan Lovells, 'Study on Trade Secrets and Parasitic Copying (Look-alikes) – Report on Parasitic Copying' (MARKT/2010/20/D) (2012) <[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwiy8tzludndAhWDAFAKHfYHC3UQFjAAegQICRAC&url=http%3A%2F%2Fec.europa.eu%2Finternal\\_market%2Fiprenforcement%2Fdocs%2Fparasitic%2F201201-study\\_en.pdf&usg=AOvVaw2Ws2o9bYEnYOj5RM9bFb8y](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwiy8tzludndAhWDAFAKHfYHC3UQFjAAegQICRAC&url=http%3A%2F%2Fec.europa.eu%2Finternal_market%2Fiprenforcement%2Fdocs%2Fparasitic%2F201201-study_en.pdf&usg=AOvVaw2Ws2o9bYEnYOj5RM9bFb8y)> accessed 15 September 2018.
- Hogan Lovells, 'Study on Trade Secrets and Parasitic Copying (Look-alikes) – Report on Trade Secrets' (MARKT/2010/20/D) (2012) <[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2ahUKEwiz8ZrYt9ndAhVEiRoKHUfLBxQFjACegQIBxAC&url=http%3A%2F%2Fec.europa.eu%2Finternal\\_market%2Fiprenforcement%2Fdocs%2Fparasitic%2F201201-study\\_en.pdf&usg=AOvVaw2Ws2o9bYEnYOj5RM9bFb8y](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=2ahUKEwiz8ZrYt9ndAhVEiRoKHUfLBxQFjACegQIBxAC&url=http%3A%2F%2Fec.europa.eu%2Finternal_market%2Fiprenforcement%2Fdocs%2Fparasitic%2F201201-study_en.pdf&usg=AOvVaw2Ws2o9bYEnYOj5RM9bFb8y)> accessed 15 September 2018.> accessed 15 September 2018.
- Law Commission, *Law Commission Report on Breach of Confidence* (Law Com No 110, 1981).
- Law Commission, *Legislating the Criminal Code: Misuse of Trade Secrets* (Law Com No 150, 1997).
- Machlup F 'Economic Review of the Patent System' (1958) Study No. 15 of the subcommittee on the Judiciary-United States Senate 85th Congress, 2nd session, Washington.
- Max Planck Institute for Intellectual Property and Competition, 'Study on the Overall Functioning of the European Trade Mark System' (2011) 65-67 <[http://ec.europa.eu/internal\\_market/indprop/docs/tm/20110308\\_allensbach-study\\_en.pdf](http://ec.europa.eu/internal_market/indprop/docs/tm/20110308_allensbach-study_en.pdf)> accessed 15 September 2018.
- McGuire MR, Joachim J, Künzel J and Weber N, 'Protection of Trade Secrets through IPR and Unfair Competition Law' (2010) AIPPI Report Question Q215, 10 <[http://aippi.org/wp-content/uploads/committees/215/GR215germany\\_en.pdf](http://aippi.org/wp-content/uploads/committees/215/GR215germany_en.pdf)> accessed 15 September 2018.
- OECD, 'Data-Driven Innovation: Big Data for Growth and Well-Being' (OECD Publishing 2015) 11-15 <<http://dx.doi.org/10.1787/9789264229358-en>> accessed 15 September 2018.
- OECD, 'Digital Economy Outlook' (OECD Publishing 2015) 61 <<http://dx.doi.org/10.1787/9789264232440-en>> accessed 15 September 2018.
- Suthersanen U, 'Utility Models and Innovation in Developing Countries' (2006) ICTSD Issue Paper No. 13 <[http://unctad.org/en/docs/iteipc20066\\_en.pdf](http://unctad.org/en/docs/iteipc20066_en.pdf)> accessed 15 September 2018.
- The Tegnsee Group 'Consolidated Report on the Tegnsee user consultation on substantive Patent Law Harmonization (Tegnsee V)' (2014) <[http://www.epo.org/news-issues/issues/harmonisation\\_de.html](http://www.epo.org/news-issues/issues/harmonisation_de.html)> accessed 15 September 2018.

The Tegernsee Group ‘Report on Prior User Right (Tegernsee III)’ (2012) <[http://www.epo.org/news-issues/issues/harmonisation\\_de.html](http://www.epo.org/news-issues/issues/harmonisation_de.html)> accessed 15 September 2018.

### § 6 Newspaper Articles

‘Data, data everywhere’ *The Economist* (London, 25 February 2010) <<http://www.economist.com/node/15557443>> accessed 15 September 2018.

‘Huge volumes of data make real time insurance a possibility – Pay per risk’ *The Economist* (21 September 2017) <<https://www.economist.com/finance-and-economics/2017/09/21/huge-volumes-of-data-make-real-time-insurance-a-possibility>> accessed 15 September 2018.

‘News Pirating Case in Supreme Court’ *The New York Times* (New York, 3 May 1918) 1.

‘Where the smart is’ *The Economist* (San Francisco, 11 June 2016) <<https://www.economist.com/news/business/21700380-connected-homes-will-take-longer-material-ise-expected-where-smart>> accessed 15 September 2018.

Chartrand S, ‘Patents; Many companies will forgo patents in an effort to safeguard their trade secrets’ *New York Times* (New York, 5 February 2001) C00005.

Fongtgivell C, ‘Equivalenza proyecta 20 aperturas en Estados Unidos’ *Diario Expansión* (Barcelona, 20 April 2015) <<http://www.expansion.com/catalunya/2015/04/20/5534b784268e3ee1648b4576.html>> accessed 15 September 2018.

Rand B and Severson K, ‘Recipe for Coke? One More to Add to the File’ *New York Times* (New York, 19 February 2011) WK3.

### § 7 Internet sources

‘Amazon Web Service User Agreement’, para 3.1 <[https://d1.awsstatic.com/legal/aw-samendedCAterms/AWS%20Amended%20CA%20Terms\\_es.pdf](https://d1.awsstatic.com/legal/aw-samendedCAterms/AWS%20Amended%20CA%20Terms_es.pdf)> accessed 15 September 2018.

‘Coca-Cola Moves Its Secret Formula to The World of Coca-Cola’ (The Coca-Cola Company, 8 December 2011) <<http://www.coca-colacompany.com/press-center/press-releases/coca-cola-moves-its-secret-formula-to-the-world-of-coca-cola/>> accessed 15 September 2018.

‘Obama Administration unveils “Big Data” Initiative: Announces \$ 200 million in new R&D investments’ (29 March 2012) <[https://www.whitehouse.gov/sites/default/files/microsites/ostp/big\\_data\\_press\\_release.pdf](https://www.whitehouse.gov/sites/default/files/microsites/ostp/big_data_press_release.pdf)> accessed 15 September 2018.

Bradshaw S and others, ‘Contracts for Clouds: Comparison and Analysis of the Terms and Conditions of Cloud Computing Services’ (2010) Queen Mary School of Law Legal Studies Research Paper No. 63/2010, 21-22 <<http://dx.doi.org/10.2139/ssrn.1662374>> accessed 15 September 2018.

Carey F A, ‘Aromatic Compound’ *The Encyclopaedia Britannica*, <<http://www.britannica.com/science/aromatic-compound>> accessed 15 September 2018.

## Bibliography

- Cohen W, Nelson R R, Walsh J P, 'Protecting Their Intellectual Assets: Appropriability Conditions and Why U.S. Manufacturing Firms Patent (or Not)' (2000) National Bureau of Economic Research Working Paper 7552 <<http://www.nber.org/papers/w7552>> accessed 15 September 2018.
- Department for Business Innovation & Skills, 'Non-compete clauses – Call for Evidence' (2016) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/525293/bis-16-270-non-compete-clause-call-for-evidence.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/525293/bis-16-270-non-compete-clause-call-for-evidence.pdf)> accessed 15 September 2018.
- Drexel J and others, 'Position Statement of the Max Planck Institute for Innovation and Competition of 26 April 2017 on the European Commission's Public consultation on Building the European Data Economy' (2017) Max Planck Institute for Innovation & Competition Research Paper No. 17-08 <<https://ssrn.com/abstract=2959924>> accessed 15 September 2018.
- Drexel J, 'Designing Competitive Markets for Industrial Data – Between Propertisation and Access' (2016) Max Planck Institute for Innovation & Competition Research Paper No. 16-13 <<https://ssrn.com/abstract=2862975>> accessed 15 September 2018.
- European Copyright Society, 'Opinion on the pending reference before the CJEU in Case 310/17 (copyright protection of tastes)' (19 February 2018) para 17 <<https://europeancopyrightsocietydotorg.files.wordpress.com/2018/03/ecs-opinion-on-on-protection-for-tastes-final1.pdf>> accessed 15 September 2018.
- Feldman Y, 'Behavioral And Social Mechanisms that Undermine Legality in The Workplace: Examining The Efficacy of Trade-Secrets Laws Among Knowledge Workers in Silicon Valley' (2005) Bar Ilan University Public: Law Working Paper No. 1-05, 24 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=714481](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=714481)> accessed 15 September 2018.
- Gasser U and Palfrey J, '*Breaking Down Digital Barriers: How and When Interoperability Leads to Innovation*, plus three companion case studies on DRM, Digital Identity, and Web Services' (2007) Berkman Center Publications Series <<http://nrs.harvard.edu/urn-3:HUL.InstRepos:2710237>> accessed 15 September 2018.
- Gintare S, 'Data Mobility in the Digital Economy' (2016) Max Planck Institute for Innovation & Competition Research Paper No. 16-03, 15 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2752989](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2752989)> accessed 15 September 2018.
- Godman E and others, 'Professors' Letter in Opposition to the Defend Trade Secrets Act of 2015' (November 17, 2015), 5 <<https://cyberlaw.stanford.edu/files/bl ogs/2015%20Professors%20Letter%20in%20Opposition%20to%20DTSA%20FINAL.pdf>> accessed 15 September 2018.
- GRUR, 'Opinion on the proposal for a Directive on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure, COM (2013) 813 final' (2014) <[http://www.grur.org/uploads/tx\\_gstatement/2014-03-19\\_GRUR\\_Stellungnahme\\_zum\\_Know-how-Schutz\\_EN.pdf](http://www.grur.org/uploads/tx_gstatement/2014-03-19_GRUR_Stellungnahme_zum_Know-how-Schutz_EN.pdf)> accessed 15 September 2018.
- Hall B H, Helmers C, Rogers M and Sena V, 'The importance (or not) of patents to UK Firms' (2013) NBER Working Paper No. 19089 <<http://www.nber.org/papers/w19089>> accessed 15 September 2018.

- Hoss E, 'Delays in Patent Examination and their Implications under the TRIPS Agreement' (Master Thesis, MIPLC 2010/11) <<http://ssrn.com/abstract=2166853>> accessed 15 September 2018.
- Hugenholtz P B, 'Data Property: Unwelcome Guest in the House of IP' (2017) <[https://www.ivir.nl/publicaties/download/Data\\_property\\_Muenster.pdf](https://www.ivir.nl/publicaties/download/Data_property_Muenster.pdf)> accessed 15 September 2018.
- Hughes A and Mina A, 'The Impact of the Patent System on SMEs' (2010) Centre for Business Research, University of Cambridge Working Paper No.411 Working Papers <[https://www.uspto.gov/sites/default/files/aia\\_implementation/ipp-2011nov08-ukipo-1.pdf](https://www.uspto.gov/sites/default/files/aia_implementation/ipp-2011nov08-ukipo-1.pdf)> accessed 15 September 2018.
- Hussinger K, 'Is Silence golden? Patent versus secrecy at the firm level, Governance and the Efficiency of Economic Systems' (2005) ZEW Discussion Papers 04-78 <<https://ideas.repec.org/p/zbw/zewdip/2883.html>> accessed 15 September 2018.
- IFRA, 'Comments on the Proposal for a Directive on the Protection of Undisclosed Know-How and Business Information (Trade Secrets)' (2014) 2 <<http://www.ifra.org/en-us/library/tag/21005/s0>> accessed 15 September 2018.
- IFRA, 'Valuable yet vulnerable: Trade Secrets in the fragrance industry' (2013) IFRA Position Paper <[www.ifra.org/view\\_document.aspx?docId=23107](http://www.ifra.org/view_document.aspx?docId=23107)> accessed 15 September 2018.
- IP Federation, 'The EU Trade Secrets Directive' (2014) Policy Paper PP04/15 <<https://www.ipfederation.com/news/ip-federation-comments-on-the-compromise-text-for-the-eu-trade-secrets-directive/>> 15 September 2018.
- Kur A, Bently L and Ohly A, 'Sweet Smells and a Sour Taste – The ECJ's L'Oréal decision' (2010) Max Planck Institute for Intellectual Property, Competition & Tax Law Research Paper Series No. 09-12 2, Paper No. 10/01, 2 <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1492032](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1492032)> accessed 15 September 2018.
- Lapousterle J, Geiger C, Olszak N and Desaunettes L, 'What protection for trade secrets in the European Union?' (2015) Centre for International Intellectual Property Studies (CEIPI) Research Paper No. 2015-02 <<https://ssrn.com/abstract=2970461>> accessed 15 September 2018.
- Lichtman D G, 'How the Law Responds to Self-Help' (2004) John M. Olin Program in Law and Economics Working Paper 232 <<http://www.law.uchicago.edu/Lawecon/index.html>> accessed 15 September 2018.
- Loukides M, 'What is Data Science?' (2010) <<https://www.oreilly.com/ideas/what-is-data-science>> accessed 15 September 2018.
- Mell P and Grance T, 'The NIST Definition of Cloud Computing' (2011) The National Institute of Standards and Technology Special Publication 800-145, 2 <<https://www.nist.gov/publications/nist-definition-cloud-computing>> accessed 15 September 2018.
- Noller C R, 'Chemical Compound' *The Encyclopaedia Britannica*; <<http://www.britannica.com/science/chemical-compound>> accessed 15 September 2018.

## *Bibliography*

- Quaedvlieg A, 'Copyright and Perfume: Nose, Intellect and Industry' (2011) 6, 7 (English translation by Margaret Platt-Homme) <<http://www.klosmorel.com/en/our-people/antoon-quaedvlieg/publications/copyright-and-perfume-nose-intellect-and-industry/>> accessed 15 September 2018.
- Risch M, 'An Empirical Look at Trade Secret Law's Shift from Common to Statutory Law' (2013) Working Paper No. 2012-2008, 11-12 <<http://ssrn.com/abstract=1982209>> accessed 15 September 2018.
- Surblyte G, 'Data as a Digital Resource' (2016) Max Planck Institute for Innovation and Competition Research Paper No. 16-12 <<https://dx.doi.org/10.2139/ssrn.2849303>> accessed 15 September 2018.
- The European Corporate Observatory, 'A New Right To Secrecy For Companies, And A Dangerous EU Legislative Proposal Which Must Be Rejected' (30 March 2016) <<https://corporateeurope.org/power-lobbies/2016/03/trade-secrets-protecti-on>> accessed 15 September 2018.
- United Kingdom Intellectual Property Office, 'Consultation on draft regulations concerning trade secrets' (18 February 2018) 28 <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/682184/Consultation\\_Trade\\_Secrets\\_Directive.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/682184/Consultation_Trade_Secrets_Directive.pdf)> accessed 15 September 2018.
- Volkswagen, 'With the aim of increasing safety in road traffic, Volkswagen will enable vehicles to communicate with each other as from 2019' (28 June 2017) <<https://www.volkswagen-media-services.com/en/detailpage/-/detail/With-the-aim-of-increasing-safety-in-road-traffic-Volkswagen-will-enable-vehicles-to-communicate-with-each-other-as-from-2019/view/5234247/7a5bbec13158edd433c6630f5ac445da>> accessed 15 September 2018.
- White House, 'Non-Compete Agreements: Analysis of the Usage, Potential Issues, and State Responses' (2016) <[https://obamawhitehouse.archives.gov/sites/default/files/non-competes\\_report\\_final2.pdf](https://obamawhitehouse.archives.gov/sites/default/files/non-competes_report_final2.pdf)> accessed 15 September 2018.
- Winter R, 'Big Data: Business Opportunities, Requirements and Oracle's Approach' (2011) Executive Report <<http://www.oracle.com/us/corporate/analystreports/infrastructure/winter-big-data-1438533.pdf>> accessed 15 September 2018.
- Zaby AK, 'Losing the lead: Patents and the disclosure requirement' (2005) Tübingen Diskussionsbeitrag No. 296 <<http://nbn.resolving.de/urn:nbn:de:bsz:21-opus-20528>> accessed 15 September 2018.

## **§ 8 *Multilateral Trade Negotiations***

- Multilateral Trade Negotiations: the Uruguay Round, Communication from Brazil (MTN.GNG/NG11/W/57).
- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on Trade-Related Aspect of Intellectual Property Right – Communication from the European Communities (MTN.GNG/NG11/W/68).
- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on the Trade-Related Aspects of Intellectual Property Rights – Communication from the United States (MTN.GNG/NG11/W/70).

- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on the Trade-Related Aspects of Intellectual Property Rights – Communication from Switzerland (MTN.GNG/NG11/W/73).
- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on the Trade-Related Aspects of Intellectual Property Rights – Chairman’s Report to the Group of Negotiations on Goods (MTN.GNG/NG11/W/76).
- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on the Trade-Related Aspects of Intellectual Property Rights – Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations submitted by the Group of Negotiation on Goods (MTN.TNC/W/35/Rev. 1).
- Multilateral Trade Negotiations: the Uruguay Round, Draft Agreement on the Trade-Related Aspects of Intellectual Property Rights – Draft Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations (MTN.TNC/W/FA).
- Multilateral Trade Negotiations: the Uruguay Round, Guidelines for Negotiations that strike a Balance Between Intellectual Property Rights and Development Objectives – Communication from Peru (MTN.GNG/NG11/W/45).
- Multilateral Trade Negotiations: the Uruguay Round, Meeting of 30 October - 2 November 1989 – Note by the Secretariat (MTN.GNG/NG11/16).
- Multilateral Trade Negotiations: the Uruguay Round, Meeting of the Negotiating Group dated 12 September 1989 (MTN.GNG/NG11/14).
- Multilateral Trade Negotiations: the Uruguay Round, Note of the Secretariat on the Meeting of Negotiating Group on 2, 4 And 5 April 1990, dated 24 April 1990 (MTN.GNG/NG11/20).
- Multilateral Trade Negotiations: the Uruguay Round, Standards and Principles Concerning the Availability, Scope and Use of Trade-Related Intellectual Property Rights – Communication from Switzerland – Addendum on Proprietary Information (MTN.GNG/NG11/W/38/Add.1).
- Multilateral Trade Negotiations: the Uruguay Round, Standards and Principles concerning the Availability Scope and Use of Trade-Related Intellectual Property Rights – Communication from India (MTN.GNG/NG11/W/37).

## § 9 *Case law*

### A) *U.S. case law*

#### I. *Supreme Court*

- Bonito Boats, Inc. v. Thunder Craft Boats, Inc., 489 U.S. 141 (1989).
- E.I. DuPont de Nemours Powder Co. v. Masland, 244 U.S. 100 (1917).
- Feist Publ’ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).
- INS v. Associated Press, 248 U.S. 215 (1918).
- Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470 (1974).
- Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984).

## *Bibliography*

Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964).

### *II. Federal cases*

A.L. Labs., Inc. v Philips Roxane, Inc., 803 F.2d 378 (8th Cir. 1986).

American Can Co. v. Mansukhani, 728 F.2d 818 (7th Cir. 1982).

AMP Inc. v. Fleischhacker, 823 F.2d 1199 (7th Cir. 1987).

Anaconda Company v. Metric Tool & Die Company, 485 F. Supp. 410 (E.D. Pa. 1980).

Cataphote Corporation v. Hudson, 444 F.2d 1313 (5th Cir. 1971).

Conmar Products Corp. v. Universal Slide Fastener Co., 172 F.2d 150 (2d Cir.1949).

CVD, Inc. v. Raytheon Co., 769 F.2d 842 (1st Cir. 1985).

Data General Corp. v. Grumman Systems Support Corp., 36 F.3d 1147 (1st Cir. 1994).

Epic Systems Corporation v. Tata Consultancy Services Limited et al, No. 3:2014cv00748 - Document 243 (W.D. Wis. 2015).

Gates Rubber Co. v. Bando Chemical Industries, Ltd. et al., 9 F.3d 823 (10th Cir. 1991).

Head Ski Co. v. Kam Ski Co., 158 F. Supp. 919 (D. Md. 1958).

Julie Research Laboratories, Inc. v. Select Photographic Engineering Inc., 998 F.2d 65 (2d Cir. 1993).

Learning Curve Toys Incorporated v. Playwood Toys Inc., 342 F. 3d 714 (7th Cir. 2003).

Leo M. Hall, 781 F.2d 897 (Fed. Cir. 1986).

Lumey Inc. v. Highsmith, 919 F Supp. 624 (E.D.N.Y. 1996).

Matter of Innovative Construction Systems, Inc., 793 F.2d 875 (7th Cir. 1986).

Metallurgical Industries v. Fourtek Inc., 790 F.2d 1195 (5th Cir. 1986).

Murray v. National Broadcasting Co., Inc., 844 F.2d 988 (2d Cir. 1988).

National Basketball Association (BA) v. Motorola Inc., 105 F.3d 841 (2d Cir. 1997).

Nickelson v. General Motors Corporation, 361 F.2d 196 (7th Cir. 1966).

Northern Petrochemical Co. v. Tomlinson, 484 F.2d 1057 (7th Cir. 1973).

On-Line Technologies, Inc. v. Bodenseewerk Perkin-Elmer GmbH, 386 F.3d 1133 (Fed. Cir. 2004).

Painton Company v. Bourns Inc., 442 F.2d 216 (2d Cir. 1971).

Papa John's International, Inc. v Pizza Magia International, LLC, No. 00-10071 (5th Cir. 2001).

Penalty Kick Management, Ltd. v. Coca-Cola Co, 318 F. 3d 1284 (11th Cir. 2003).

Pepsi Co, Inc. v. Redmond, 54 F.3d 1262 (7th Cir. 1995).

Q-CO Industries, Inc. v. Hoffman, 625 F.Supp. 608 (S.D.N.Y. 1985).

Religious Technology Center v. Lerma 908 F.Supp. 1362 (E.D. Va. 1995).



- Religious Technology Center v. Netcom On-Line Commc'n Servs., Inc., 923 F.Supp. 1231 (N.D. Cal. 1995).
- Richter v. Westab, Inc., 529 F.2d 896 (6th Cir. 1976).
- Rockwell Graphic Systems, Inc. v. DEV Industries, Inc., 925 F.2d 174 (7th Cir. 1991).
- Servo Corp. of Am. v. General Electric Co., 393 F.2d 551 (4th Cir. 1968).
- Shatterproof Glass Corp. v. Guardian Glass Co., 322 F. Supp. 854 (E.D. Mich. 1970).
- Storage Tech. Corp. v. Custom Hardware Eng'g & Consulting Inc., 421 F.3d 1307 (Fed Cir. 2005).
- Timely Products Corp v. Arron 523 F 2d 288 (2d Cir. 1975).
- VD, Inc. v. Raytheon Co., 769 F.2d 842 (1st Cir. 1985).

*III. State cases*

- Abba Rubber Co. v. Seaquist, 286 Cal.Rptr. 2d 518 (Cal. Ct. App. 1991).
- Anadarko Petroleum Corp. v. Davis, 2006 WL 3837518 (S.D. Tex. 2006).
- Colony Corp. of America v. Crown Glass Corp., 430 N.E.2d 225 (Ill. App. Ct. 1981).
- Data Gene Corp. v. Digital Computer Controls Inc., 297 A.2d 437, 439 (Del. 1972).
- Dayton Superior Corp. v. Yan et al, No. 3:2012cv00380 (S.D. Ohio 2012).
- Disher v. Fulgoni, 464 N.E.2d 639 (Ill. App. Ct. 1984).
- DVD Copy Control Association Inc. v. Andrew Bunner, 75 P.3d 1 (Cal. 2003).
- Eastman Co. v. Reichenbach, 20 N.Y.S. 110 (1892).
- Edwards v. Arthur Andersen LLP, 189 P.3d 285 (Cal. 2008).
- Furr's Inc. v. United Speciality Advertising Co., 338 S.W.2d 762 (Tex. App. 1960).
- Hamer Holding Group, Inc. v. Elmore, 560 N.E.2d 907 (Ill. App. Ct. 1990).
- Hyde Corporation v. Huffines, 314 S.W.2d 763 (1958).
- L.M. Rabinowitz & Co. v. Dasher, 82 N.Y.S. 2d 431 (1948).
- McCrary v. Oklahoma Department of Public Safety, 122 P.3d 473 (Okla. 2005).
- Merck v. Smithkline Beecham Pharm Co., No. C.A. 15443-NC (Del. Ch 1999).
- Peabody v. Norfolk, 98 Mass. 452 (1868).
- Sinclair v. Aquarius Electronics, Inc., 116 Cal.Rptr. 654 (Cal. Ct. App. 1974).
- Smith v. Recrion Corporation, 541 P.2d 663 (Nev. 1975).
- Smithkline Beecham Pharmaceuticals Co. v. Merck & Co., Inc., 766 A.2d 442 (Del. 2000).
- Tan-Line Studios Inc. v. Bradley, 1 U.S.P.Q.2d 2032 (E.D. Pa. 1986).
- Teller v. Teller, 53 P.3d 240 (Haw. 2002).
- TGC Corp. v. HTM Sports, B.V., 896 F. Supp. 751 (E.D. Tenn. 1995).
- U.S. West Communications, Inc. v. Office of Consumer Advocate, 498 N.W.2d 711 (Iowa 1993).
- Vacco Indus., Inc. v. Van Den Berg, 5 Cal. App. 4th 34 (Cal. Ct. App. 1992).

## *Bibliography*

- Wal-Mart Stores, Inc. v. The P.O. Market Inc., 66 S.W.3d 620 (Ark. 2002).  
Wilson. v. Barton & Ludwig Inc., 296 S.E.2d 74 (Ga. Ct. App. 1982).  
Wissman v. Boucher, 240 S.W.2d 278 (Tex. 1951).

### *B) German case law*

- BAG NJW 1983, 134, 135 – Thrombosol.  
BAG NZA 1988, 502 – Weinhändler.  
BAG NZA 1994, 502 – Titandioxid.  
BAG NZA 1996, 310 – Nachvertragliches Wettbewerbsverbot.  
BAG NZA 2010, 1175 – Anspruch auf Karenzentschädigung nur bei verbindlichem Wettbewerbsverbot.  
BAG BeckRS 2013, 67444.  
BayObLG GRUR 1991, 694 – Geldspielautomat.  
BGH GRUR 1955, 388 – Dücko.  
BGH GRUR 1955, 468 – Schwermetall-Kokillenguß.  
BGH GRUR 1962, 207 – Kieselsäure.  
BGH GRUR 1963, 367 – Industrieböden.  
BGH GRUR 1964, 31 – Petromax II.  
BGH GRUR 1966, 576 – Zimcofot.  
BGH GRUR 1972, 541 – Imidazolines.  
BGH GRUR 1975, 206 – Kunststoffschäum-Bahnen.  
BGH GRUR 1977, 539 – Prozessrechner.  
BGH GRUR 1980, 750 – Pankreaplex.  
BGH GRUR 1981, 267 – Dirlada.  
BGH GRUR 1983, 179 – Stapel-Automat.  
BGH GRUR 1999, 934 – Weinberater.  
BGH GRUR 2003, 356 – Präzisionsmessgeräte.  
BGH GRUR 2009, 603 – Versicherungsvertreter.  
BGH GRUR 2010, 47 – Füllstoff.  
BGH GRUR 2012, 1048 – Movicol.  
BGH IIC 2004, 449 – Spritzgießwerkzeuge.  
BGH MMR 2006, 815 – Kundendatenprogramm.  
OLG Hamburg GRUR-RR 2001, 137, 139 – Nachbau einer technischen Vorrichtung nach Ablauf des Patentschutzes.  
OLG Karlsruhe MMR 2016, 562.  
RGZ 1907 65, 333 – Pomril.  
RGZ 1935 149, 329– Stiefeisenpresse.

C) *English case law*

- Askroyds (London) Ltd v Islington Plastics Ltd [1962] RPC 97 (Ch).  
Alfa Laval Cheese Systems Ltd and Another v Wincanton Engineering Ltd [1990] FSR 583 (Ch).  
Attorney General v Guardian Newspapers Ltd (No2) [1990] 1 AC 109 (HL).  
Attorney General v Newspaper Publishing Plc and Others [1989] 2 FSR 27 (Ch).  
Barclays Bank Plc v Guardian News and Media Ltd [2009] EWHC 591 (QB).  
Boardman v Phipps [1967] 2 AC 46 (HL).  
Campbell v MGN Ltd [2004] 2 AC 457 (HL).  
Carflow Products (UK) Ltd v Linwood Securities [1996] FSR 424 (Ch).  
Coco v A.N.Clark (Engineers) Ltd [1969] RPC 41 (Ch).  
Coulthard v Disco Mix Club Ltd [2000] 1 WLR 707 (Ch).  
Cray Valley Ltd v Deltech Europe Ltd [2003] EWHC 728 (Ch).  
Creations Records Ltd v News Group Newspaper Ltd [1997] EWHC Ch 370 (Ch).  
De Maudsley v Palumbo [1996] FSR 447 (Ch).  
Department of Health v Information Commissioner, (EA/2008/0018, 18 November 2018).  
Douglas v Hello! Ltd and others [2007] UKHL 21.  
DWP v IC (EA/2010/0073, 20 September 2010).  
Dyson Technolog Ltd v Strutt [2005] EWHC 2814 (Ch).  
English & American Insurance Co Ltd v Herbert Smith 2 [1988] FSR 232 (Ch).  
Faccenda Chicken Ltd v Fowler [1987] Ch 117 (CA).  
Financial Times Ltd & Ors v Interbrew SA [2002] EWCA Civ 274 (CA).  
Football Dataco & Others v Stan James Plc & Others and Sportradar GmbH & Other [2013] EWCA Civ 27 (CA).  
Force India Formula One Team Ltd v 1 Malaysia Racing Team SDN BHD [2012] EWHC 616 (Pat).  
Force India Formula One Team Ltd v 1 Malaysia Racing Team SDN BHD [2013] EWCA civ 780 (CA).  
Franchi v Franchi [1967] RPC 149 (Ch).  
Fraser v Thames Television Ltd [1984] QB 44 (QB).  
Gartside v Outram [1857] 26 LJ Ch 113.  
HEFCE v Information Commissioner and the Guardian News and Media Ltd (EA/2009/0036, 10 January 2010).  
Helmet Integrated Systems Ltd v Tunnard [2007] FSR 385 (CA).  
Herbert Morris Ltd v Saxelby [1916] AC 688 (HL).  
International Scientific Communications Inc v Pattinson and Others [1979] FSR 429 (Ch).  
L'Oréal SA v Bellure NV [2007] EWCA Civ 968 (CA).  
L'Oréal SA v Bellure NV [2010] EWCA Civ 535 (CA).

## *Bibliography*

- Lamb v Evans [1893] 1 Ch 218 (CA).
- Lancashire Fires Limited v S.A. Lyons & Company Limited and Others [1996] FSR 629 (CA).
- Malone v Commissioner of Police of the Metropolis (No 2) [1979] 2 All ER 620 (Ch).
- Marcel v Commissioner of Police of the Metropolis [1992] Ch 225 (CA).
- Mars UK Ltd v Teknowledge Ltd [2000] FSR 138 (Pat).
- McKennitt v Ash [2006] EWCA Civ 1714 (CA).
- Morison v Moat (1851) 9 Hare 241.
- Mustad v Son v Dosen and another [1964] 1 WRL 109 (HL).
- Nichrotherm Electrical Co Ltd v Percy [1956] RPC 272 (Ch).
- Nordenfelt v Maxim Nordenfelt Guns and Ammunition Co Ltd [1984] AC 535 (HL).
- Ocular Sciences Ltd v Aspect Vision Care Ltd [1997] RPC 289 (Pat).
- Petrofina (Great Britain) Ltd v Martin [1966] Ch 146 (CA).
- Polymasc Pharmaceuticals plc v Charles [1999] FSR 711 (Pat).
- Prince Albert v Strange [1849] 2 De G & Sm 652.
- Re Smith Kline & French Laboratories Ltd [1990] 1 AC 64 (HL).
- Regina Glass Fibre v Werner Schuller [1972] RPC 229 (CA).
- Robb v Green [1895] 2 QB 1 (QB).
- Rolls-Royce Ltd v Jeffrey (Inspector of Taxes) [1962] 1 WLR 425 (HL).
- Royal Brunei Airlines Sdn Bhd v Philip Tan Kok Ming [1995] 2 AC 378 (PC).
- Sales v Stromberg [2006] FSR 7 (Ch).
- Saltman Engineering v Campbell Engineering [1948] 65 RPC 203 (CA).
- SAS Institute Inc v World Programming Limited [2013] RPC 17 (Ch).
- Schering Chemicals Ltd v Falkman Ltd [1982] QB 1 (CA).
- Seager Limited v Copydex Limited [1967] 2 All ER 415 (CA).
- Shelley Films Limited v Rex Features Limited [1994] EMLR 134 (Ch).
- Spencer v Marchington [1988] IRLR 392 (Ch).
- Stephens v Avery [1988] FSR 510 (Ch).
- Sun Valley Foods Ltd v Vincent [2000] FSR 825 (Ch).
- Susan Thomas v Elizabeth Pearce and Another [2000] FSR 718.
- Terrapin Ltd v Builders' Supply Co (Hayes) Ltd [1962] RPC 375 (Ch).
- Thomas Marshall (Exports) Limited v Guinle [1979] FSR 208 (Ch).
- Under Water Welders & Repairers Ltd v Street and Longthorne [1968] RPC 498 (QB).
- University of London Press v University Tutorial Press [1916] 2 Ch 601 (Ch).
- Vestergaard Frandsen A/S v Bestnet Europe Ltd [2011] EWCA Civ 424 (CA).
- Vestergaard Frandsen A/S v Bestnet Europe Ltd [2013] UKSC 31.

Voila ES Nottinghamshire Ltd and Nottinghamshire County Council v Downen [2010] EWCA Civ 1214 (CA).

Wainwright v Home Office [2003] 3 WLR 1137 (HL).

*D) Australian case law*

Moorgate Tobacco Co, Ltd v Philip Morris Ltd (No 2) [1984] 156 CLR 414.

Tablot v General Television Corp [1981] RPC 1.

*E) Dutch case law*

Kecofa B.V. v. Lancôme parfumes et beauté. Et cie S.N.C, No. C04/327 Hoge Raad (16 June 2006).

Lancôme Parfums et Beauté et Cie S.N.C., v. Kecofab B.V., C0200726/MA (8 June 2004).

*F) French case law*

Fabrique de Produits de Chimie Organique de Laire v. Societé de parfums Marcel Rocha, Tribunal Commercial de Paris (7 Januar 1974); unpublished.

Thierry Mugler Parfums v. SA GLB Molinard, T.com. Paris, 15th ch., 24 Septembre 1999, LPA 3 March 2000, pp 13-16.

*Beauté Prestige International v. Bellure*, CA Paris, 4th ch., (17 September 2004) unpublished.

*Beauté Prestige International v. Senteur Mazal*, Cass. 1st Civ (1 July 2008) 07-13952

*Bsiri-Babur v. Haarmann & Reimer et al*, Cass. 1st Civ. (13 June 2006).

*Rochas v. de Laire*, CA Paris, 4th ch., 3 July 1975, Gaz. Pal. 21-22 January 1976, pp. 43-45.

*L'Oréal v. Bellure*, TGI Paris, 3rd ch., 26 May 2004, D. 2004; 2641-2645.

*Cour de Cassation, Tresor-Armani-Mania* (10 December 2013) Case No. 11-19.872, IIC 2014, 829-831.

*G) European case law*

*I. Court of Justice of the EU*

6/64 *Flaminio Costa v ENEL* [1964] ECR 585.

8/74 *Procureur du Roi v Dassonville* [1974] ECR I-837.

120/78 *Rewe-Zentrale AG v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)* [1979] ECR I-649.

238/87 *AB Volvo v Erik Veng (UK) Ltd* [1988] ECR I-6211.

C-267/91 and C-268/91 *Keck and Mithurard* [1993] ECR I-6097.

C-241/91 P and C-242/91 *Radio Telefis Eireann (RTE) and Independent Television Publications (ITP) v Commission of the European Communities* [1995] ECR I-00743.

## Bibliography

- C-112/99 Toshiba Europe GmbH v Katun Germany GmbH [2001] ECR I-07945.  
C-2/00 Hölterhoff v Freiesleben [2002] ECR I-4187.  
C-273/00 Sieckmann v DPMA [2002] ECR I-1173.  
C-299/99 Koninklijke Philips Electronics NV v Remington Consumer Products Ltd [2002] ECR I-05475.  
C-46/02 Fixtures Marketing Ltd v Oy Veikkaus Ab [2004] ECR I-10396.  
C-136/02 P Mag Instrument Inc v OHIM [2004] ECR I-09165.  
C-203/02 The British Horseracing Board Ltd v William Hill Organization Ltd [2004] ECR I-10415.  
C-338/02 Fixtures Marketing v Svenska Spel AB [2004] ECR I-10497.  
C-418/01 IMS Health v NDC [2004] ECR I-05039.  
C-444/02 Fixtures Marketing Ltd v Organismos prognostikon agonon podofairou AE (OPAP) 1 [2004] ECR I-10549.  
C-468/01 P to C-472/01 P Procter & Gamble Companyv. OHIM [2004] ECR I-05141.  
C-321/03 Dyson Ltd v Registrar of Trademarks [2007] ECR I-687.  
C-381/05 De Landtsheer Emmanuel SA v Comité interprofessionnel du Vin de Champagne and Veuve Clicquot Ponsardin SA [2007] ECR I-03115.  
C-450/06 Varec SA v Belgium [2008] ECR I-581.  
C-5/08 *Infopaq International v Danske Dagblades Forening* [2009] ECR I-6569.  
C-487/07 L'Oréal v Bellure [2009] ECR I-05185.  
C-48/09 P Lego Juris v OHIM [2010] ECR I-08403.  
C-92/09 and C-93/09 Volker und Markus Schecke and Eifert [2010] ECR I-11063.  
C-393/09 Bezpečnostní softwarová asociace v Ministerstvo kultury [2010] ECR I-13971.  
C-145/10 Eva-Maria Painer v Standard VerlagsGmbH and Others [2011] ECR I-12533.  
C-323/09 Interflora Inc and others v Marks & Spencer and others [2011] ECR I-08625.  
C-403/08 and C-429/08 Football Association Premier League and Others [2011] ECR I-9083.  
C-404-10 P Lagardère SCA v Éditions Odile Jacob SAS (CJEU, 29 June 2012).  
C-406/10 SAS Institute Inc. v World Programming Ltd (CJEU, 2 May 2012).  
C-477/10 P European Commission v Agrofert Holding a.s. (CJEU, 28 June 2012).  
C-604/10 *Football Dataco Ltd and others v Yahoo! UK Ltd and others (CJEU, 1 March 2012)*.  
C-30/14 Ryanair Ltd v PR Aviation BV (CJEU, 15 January 2015).  
C-481/14 Jørn Hansson v Jungpflanzen Grünwald GmbH [2016] (CJEU, 9 June 2016).

*II. General Court*

- T-76/98 Independent Television Publications Ltd v Commission [1991] ECR II-575.  
T-305/04 Eden SARL v OHIM [2005] ECR II-04705.  
T-129/04 Devely Holding GmbH & Co. Beteiligungs KG v OHIM [2006] II-0811.  
T-194/01 Unilever NV v OHIM [2006] ECR II-00383.  
T-201/04 Microsoft v Commission [2007] ECR II-03601.  
T-508/08 Bang & Olufsen A/S v OHIM [2011] ECR II-06975.  
T-189/14 Deza v ECHA (13 January 2017).  
T-718/15 PTC Therapeutics International Ltd v EMEA (GC, 5 February 2018).

*III. Commission*

- Microsoft (Case COMP/C-3/37.792) Commission Decision 2007/53/EC [2007] OJ L32/23.

*H) EPO case law*

- EPO T 381/87 [1990] OJ EPO 213.  
EPO T 931/92 (10 August 1993).  
T 426/88 [1992] OJ EPO 427.  
G 1/92 [1993] OJ EPO 277.  
T 830/90 [1994] OJ EPO 713.  
T 472/92 [1998] OJ EPO 161.  
G 2/99 [2001] OJ EPO 83.  
G 3/98 [2001] OJ EPO 62.  
T 681/01 (28 November 2006).  
T 355/07 (28 November 2008).  
EPO T1553/06 (12 March 2012).

*I) OHIM Boards of Appeal case law*

- Case R 156/1998-2 Vennootschap onder Firma Senta Aromatic [1999] OHIM OJ 1239.  
Case R 711/1999-3 Myles Limited (OHIM Boards of Appeal, 5 December 2001).

*J) EctHR case law*

- Hertel v Switzerland (1998) 28 EHHR 534.  
Société Colás Est v France (2004) 39 EHRR 17.  
Von Hannover v Germany (2005) 40 EHHR 1.  
Ashby Donald and Others v France App no 36769/08 (ECtHR, 10 January 2013).

*Bibliography*

*K) WTO case law*

WTO, Argentina – Footwear (EC), WTO Appellate Body Report, WT/DS121/AB/R (14 December 1999) .

WTO, United States –Upland Cotton, WTO Appellate Body Report, WT/DS267/AB/ (2 March 2005).