Preface

The starting point for this *Handbook* was the confusing, even paradoxical development we could observe, as close followers, of intellectual property rights on one hand and labour law on the other. We have during the last decades seen an expansion and dynamic development of IP law. We have experienced a transformation of labour law in which some of its foundations have been questioned and reconsidered. The “fuel and fire” of these developments have been technological development combined with globalization. However, when we focus on the legal developments regarding employee IP, it seems that very much has remained the same. Or has it? And why? These were questions we started ask ourselves. With economic support from the Finnish Society for Sciences and Letters, we invited a very distinguished group of academics from several continents to a brainstorming meeting in Helsinki, to discuss different aspects of employee IP and its regulation in different parts of the world.

The meeting brought to the forefront some of the societal changes relevant in this context. The breakthrough of the digital information society marks a change from the production industry to the data industry. The number of employees creating intellectual property assets has increased considerably and labour relations have become more individualized. Flexibility, mobility, networking and globalization have become the catchwords of modern production. Although the legal position of the employer has been strengthened in many jurisdictions, the rights to IP created in employment are fragmented in several ways. The various forms of intellectual property rights, as well as different groups of employees, are treated differently. We also saw that behind many legal constructions we can find similar, rather pragmatic, functional approaches to employee IP.

We therefore decided to put together a research handbook which would take as its starting point the legal traditions within labour law and intellectual property law, but would try to come up with a synthesis of contemporary research comprising a blend of critical, innovative thinking and substantial analysis. In the end we hope to be able to present some rather practical aspects of the functioning of IP. We have not forgotten issues of fairness in this context, which is something that employees regard as important. During the last stage of the project we were able to integrate some of the work of Professor Nari Lee’s project on fairness in IP, which was financed by the Academy of Finland. For this we are grateful.

We are also happy that Edward Elgar Publishing, which has published an excellent series of *Research Handbooks*, accepted our book plan for a *Research Handbook on Intellectual Property and Employment Law*.

We have had the pleasure of working with a group of excellent academics, who also have shown a great deal of patience, since this project took far longer than we ever expected. We hope that the *Handbook* will guide the reader to looking beyond the

borders of narrow national tradition and jurisprudence towards a pluralistic approach which includes an international and cross-border perspective on employee IP.

We have structured the book in three parts. In Part I we try to contextualize the development of employee IP from different perspectives. We have contributed ourselves to this part, but we also have important contributions from Ulf Petrusson and Alan Hyde. Part II deals with the crucial building blocks of the regulation of employee IP. The concepts of authorship, inventorship and creatorship are dealt with, as well as individual, corporate and collective works. We cover French law with the help of our authors, Sylvie Nérissou and Stéphanie Le Cam, US law with Sean O'Connor, European law with Antoon Quaadvlieg, Korean and Japanese law with Nari Lee and Chinese law with Liguozhang. Furthermore, we explore the enforcement mechanisms in a chapter written by Trevor Cook. Part III concentrates on phenomena that we regard as new challenges. Paul Torremans takes a look at cross-border business matters and choice of law, Ann Monotti presents the developments regarding university employees and IP, and finally William van Caenegem deals with the highly topical subjects of knowledge mobility, trade secrets and non-competes.

We sincerely thank all the authors and everyone who has put their time and effort into this project. We also thank the highly qualified personnel of the IPR University Center in Helsinki. They have been of great help to us in many ways.

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