

FOREWORD

The Rt. Hon Professor Sir Robin Jacob*

If you think about it, you will realise that intellectual property law really has three important divisions, or foundations: substantive law, procedural law and transactional law. Most talk and debate is about substantive law. Sadly, procedural law – how substantive law can as a practical matter be enforced – gets little discussion yet is perhaps the Queen of the game. And transactional law hardly gets a look-in. It is amazing really, since so much of the practical working of the intellectual property system depends on transactions (licences or assignments) about intellectual property rights.

Some academic institutions (including University College London) and trademark scholars have recognised this situation, and try to do something about it. So it was with particular honour and pleasure that I accepted Irene Calboli and Jacques de Werra's request to write this Foreword.

Of course, I could not fairly do it without sight of the book itself. So they sent the chapters of the book to me. I thought I would just do a quick skim. But I found, chapter by chapter, that the constellation of star authors that contributed to this book had produced what can only be described as a compelling work. In many cases the authors have extended beyond strict transactional law to deeper considerations of what really is involved. Anyone who read this book properly would gain an understanding of many facets of trademark transactions, for instance of what can and cannot be done transactionally, of how a trade mark transaction requires particular care given the inherent nature of trademark rights themselves (can there be a bare licence?), of how competition law may get in the way of commercial agreement and many other things. The book further offers original developments on international (TRIPS and WIPO) and comparative aspects of trademark transactions in various countries and regions (from Asia, Europe, South and North America, and so on). It goes even further by exploring areas outside of the intellectual property/contract interface, which play a significant role in trademark transactions, such as tax and accounting issues, security interests, domain name transactions and conflict of law issues.

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Deep down the reader of this unique compendium will emerge from reading it not only as a better trademark transactional lawyer but also as a better trademark lawyer. The reader will also enjoy it, as I did. We at UCL will certainly be putting it on our reading list for our intellectual property transactional course.

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