

INTELLECTUAL PROPERTY AND THE HUMAN RIGHTS OF COMPANIES IN EUROPE

The aim of this book is to investigate the history and rationale for the paradoxical extension of human rights to companies in the European Convention on Human Rights (ECHR) and to analyse the Court's jurisprudence on protection of companies' intellectual property in this light. The study shows how, before the adoption of the ECHR, the concepts of legal personality and possessions functioned as legal fictions in European civil and common law to facilitate ownership and sale of tangible and intangible property, shares, debts, securities and intellectual property. The Court's construction of the ambiguous text of Article 1 of the First Protocol and its application to corporate intellectual property rights is reviewed in this light and shown to have been initially anchored in the legal fictions of national laws and later expanded and reinforced by European Union law.

Aurora Plomer is Professor Emeritus of Intellectual Property and Human Rights at the University of Bristol. She has published numerous books and articles in peer-reviewed international journals on the interface between intellectual property, human rights and innovation. The research for this monograph was funded by a Major Research Fellowship from the Leverhulme Trust (MRF 2019-112).

Intellectual Property and the Human Rights of Companies in Europe

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Abbreviations

A1P1	Article 1 of the First Protocol
AB	Anheuser-Busch
AI	artificial intelligence
AO	appellation of origin
BAT	British-American Tobacco
BB	Budejovicky Budvar
CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEC	European Economic Community
EM	European Movement
EPC	European Patent Convention
EPO	European Patent Organization
EU	European Union
GC	Grand Chamber
IBR	An International Bill of the Rights of Man
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ILO	International Labour Organization
IP	intellectual property
IPR	intellectual property right
MRP	Mouvement Républicain Populaire
NGO	non-governmental organization
NIIP	National Institute of Intellectual Property
TM	trademark
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights

UEF	Union of European Federalists
UK	United Kingdom
UN	United Nations
US	United States
USSC	United States Supreme Court
VCLT	Vienna Convention on the Law of Treaties
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
WWII	World War II