

**PUBLICATIONS RÉCENTES
EN MATIÈRE DE PROPRIÉTÉ INTELLECTUELLE
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Ce numéro des *Cahiers de propriété intellectuelle* inaugure une nouvelle chronique consacrée à la recension des articles publiés par les principales revues dédiées au droit de la propriété intellectuelle. Par essence, elle est condamnée à l'imperfection. Ainsi, nous invitons tous nos lecteurs à nous transmettre une copie de la table des matières de toute revue qui n'apparaîtrait pas à la liste qui suit.

Columbia-VLA Journal of Law & the Arts

WEINBERG, Jonathan, " Cable TV, Indecency and the Court ", (1997) 21 *Columbia-VLA Journal of Law & the Arts* (n° 2)

LEICHTMAN, David, " Unemployment Insurance for Artists: Prats, Pitfalls and Solutions for Artists and Arts Organizations ", (1997) 21 *Columbia-VLA Journal of Law & the Arts* (n° 2)

WINICK, Raphael, " Intellectual Property, Defamation and the Digital Alteration of Visual Images ", (1997) 21 *Columbia-VLA Journal of Law & the Arts* (n° 2)

Actes du Congrès annuel du Barreau du Québec

LABRÈCHE, Jacques E., " Les marques et les noms de domaine : les créatures et effets d'Internet ", Barreau du Québec *Actes du Congrès annuel du Barreau du Québec* (1997), p. 37

SOLIS, Michel A. et Geneviève CABANA, " ABC inc. est-elle propriétaire de son logiciel ? ", Barreau du Québec *Actes du Congrès annuel du Barreau du Québec* (1997), p. 509

Copyright World

McDONALD, Ian, " Copyright and Intellectual Property Concerns of Australia's Indigenous People ", (1997) 73 *Copyright World* , (n° 73), p. 15

KARLEN, Peter H., " Architecture and Copyright ", (1997) 73 *Copyright World* , (n° 73), p. 24

OVERDIJK, Tjeerd F.W., " Directory Services in the Netherlands, the Free Flow of Information and Magill à la Hollandaise ", (1997) 73 *Copyright World* ,, p. 34

THORNE, Clive D., " *Canon Kabushiki Kaisha v. Green Cartridge Company (Hong Kong) Limited* , Wither the spare parts exception? ", (1997) 73 *Copyright World* ,, p. 42

KLEIN, Joel L., " Cross Licences, Patent and Copyright Pools and the US Antitrust Law ", (1997) 73 *Copyright World* ,, p. 44

BEST, Hubert, " What Price Privacy? ", (1997) 74 *Copyright World* , p. 20

ZISSU, Roger L. and Lisa PEARSON, " *Playboy Enterprises, Inc. and Special Editions Ltd. v. Jennifer Dumas and Jennifer Dumas Inc.* ", (1997) 74 *Copyright World* , p. 26

BORTLOFF, Dr. Nils, " Internet Services Providers' (ISP) Liability in the European Union ", (1997) 74 *Copyright World* , p. 32

- LIM, Christopher L., “ Philippines: Recent Changes in Copyright Law ”, (1997) 74 *Copyright World* , p. 37
- SAMPSON, Paul, “ Copyright and Electronic Publishing ”, (1997) 75 *Copyright World* , p. 20
- The FAST Crime Unit, “ Software: An Enforcement Perspective ”, (1997) 75 *Copyright World* , p. 27
- MATTEI, Fabrice, “ Enforcing Copyright Law in Thailand: The New Intellectual Property Court ”, (1997) 75 *Copyright World* , p. 32
- AL-BASIR, Dr. Salah Eddin M., “ Litigation of Intellectual Property Rights in the Arab World ”, (1997) 75 *Copyright World* , p. 35
- HILL, Keith, “ CIS - A Collective Solution for Copyright Management in the Digital Age ”, (1997) 76 *Copyright World* , p. 18
- INNES, John & Fraser McMILLAN, “ *The Shetland Times* Internet Case ”, (1997) 76 *Copyright World* , p. 26
- WHALLEY, Sarah, “ Internet - A Threat to Copyright? ”, (1997) 76 *Copyright World* , p. 29
- COOK, Trevor, “ UK Copyright Tribunal - An Update ”, (1997) 76 *Copyright World* , p. 34
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- SMITH, Adrian, “ Intellectual Property and Managing Legal Risk ”, (1997) 76 *Copyright World* , p. 42
- HALL, Michael & Annette TECKEMEIER, “ 1997 Review of the Year: Australia ”, (1997) 76 *Copyright World* , p. 18
- LOKE-KHOON, Tan, “ 1997 Review of the Year: China ”, (1997) 76 *Copyright World* , p. 21
- NARITA, Nobuko, “ 1997 Review of the Year: Japan ”, (1997) 76 *Copyright World* , p. 25
- MARSLAND, Vanessa and Nynke KOSTER, “ 1997 Review of the Year: Europe ”, (1997) 76 *Copyright World* , p. 32
- ALPERT, Robert and Mary A. MOY, “ 1997 Review of the Year: The USA ”, (1997) 76 *Copyright World* , p. 47
- ROSENBLATT, Ian, “ 1997 Review of the Year: *Mark Wilkinson Furniture v. Woodcraft Design (Radcliffe) Ltd.* ”, (1997) 76 *Copyright World* , p. 57
- EIPR**
- GRIFFITHS, Jonathan, “ Copyright and Public Lending in the United Kingdom ”, (1997) 19 *EIPR* (n° 9)
- ORR, Graeme, “ Marketing Games: The Regulation of Olympic Indicia and Images in Australia ”, (1997) 19 *EIPR* (n° 9)
- STOODLEY, Jonathon, “ Internet Domain Names and Trade Marks ”, (1997) 19 *EIPR* (n° 9)

WIBBELMANN, Jobst, “ Broad Claims: A Nuisance? ”, (1997) 19 *EIPR* (n° 9)

CAMPBELL, Kenneth J., “ Additional Damages for Breach of Copyright: The Approaches of Scotland and England Compared: Cala Homes (South) Ltd. v. Alfred McAlpine Homes East Ltd. (No. 2); Redrow Homes Ltd. v. Bett Bros plc ”, (1997) 19 *EIPR* (n° 9)

LAI, Stanley, “ Recent Developments in Copyright Protection and Software Reverse Engineering in Singapore: A Triumph for the Ultra-protectionists? ”, (1997) 19 *EIPR* (n° 9)

RADCLIFFE, Jonathan and Nicholas CADDICK, “ Abbreviating the Scope of Design Right: Ocular Sciences and Parker v. Tidball ”, (1997) 19 *EIPR* (n° 9)

GIMENO, Luis, “ Spare Parts in Spain and from a European Perspective: Ford Werke Aktiengesellschaft v. Construcciones Metalicas Arregui SA ”, (1997) 19 *EIPR* (n° 9)

TORREMANS, Paul and Irini STAMATOUDI, “ Merck is Back to Stay: The Court of Justice’s Judgment in Merck v. Primecrown ”, (1997) 19 *EIPR* (n° 9)

OMAJI, Paul, “ Infringement of Unauthorised Importation under Australia’s Intellectual Property Laws ”, (1997) 19 *EIPR* (n° 10)

MILLÉ, Antonio, “ Copyright in the Cyberspace Era ”, (1997) 19 *EIPR* (n° 10)

STECKLER, Brunhilde and Frank BACHMANN, “ Comparative Advertising in Germany with Regard to European Community Law ”, (1997) 19 *EIPR* (n° 10)

DOBLE, Richard, “ Patent and Copyright Protection of Board Games: Do Not Pass Go? ”, (1997) 19 *EIPR* (n° 10)

LEES, Clifford, “ Translations: The Key Solution ”, (1997) 19 *EIPR* (n° 10)

ROZAS, Roberto and Herbert JOHNSTON, “ Impact of Certification Marks on Innovation and the Global Market-Place ”, (1997) 19 *EIPR* (n° 10)

SPEYART, Herman M.H., “ The Grand Design: An Update on E.C. Design Proposals ”, (1997) 19 *EIPR* (n° 10)

LYONS, Debrett, “ Elvis All Shook Up by the High Court ”, (1997) 19 *EIPR* (n° 10)

COLE, Paul, “ Kastner v. Rizla ”, (1997) 19 *EIPR* (n° 10)

MASON, Sir Anthony, “ Developments in the Law of copyright and Public Access to Information ”, (1997) 19 *EIPR* (n° 11)

OSBORNE, Dawn, “ Domain Names - Registration and Dispute Resolution Rules and Recent U.K. Cases ”, (1997) 19 *EIPR* (n° 11)

HENDERSON, Elizabeth, “ TRIPs and the Third World: The Example of Pharmaceutical Patents in India ”, (1997) 19 *EIPR* (n° 11)

TORREMANS, Paul, “ New Repackaging under the Trade Mark Directive of Well-Established Exhaustion Principles: Hoffman-La Roche v. Centrafarm and Pfizer v. Eurim-Pharm ”, (1997) 19 *EIPR* (n° 11)

STERN, Stephen, “ First Test of the E.C./Australia Wine Treaty: Comité Interprofessionnel des Vins des Côtes de Provence and Institut National des Appellations d’Origine v. Stuart and Kay Bryce ”, (1997) 19 *EIPR* (n° 11)

WILKINSON, David, “ Trade Marks in the Shop Window: Does the Use of a Registered Trade Mark by a Third Party as the Name of a Shop Constitute Infringement? Greenpeace v. Income Team Ltd. ”, (1997) 19 *EIPR* (n° 11)

RAWKINS, Jason, “ Copyright - Designs - British Leyland Spare Parts Defence: Canon Kabushiki Kaisha v. Green Cartridge Company (Hong Kong) Ltd. ”, (1997) 19 *EIPR* (n° 11)

ARNOLD, Richard, “ A New Remedy for Copyright Infringement? ”, (1997) 19 *EIPR* (n° 12)

HUGHES, Simon, “ Droit de Suite: A Critical Analysis of the Approved Directive ”, (1997) 19 *EIPR* (n° 12)

NEWMAN, Jonathan, “ The Patentability of Computer-related Inventions in Europe ”, (1997) 19 *EIPR* (n° 12)

FITZGERALD, Darren, “ Comparative Advertising in the United Kingdom ”, (1997) 19 *EIPR* (n° 12)

MONOTTI, Ann, “ Power to Modify the Vesting of Copyright in an Employer: Subsection 35(3) of the Copyright Act 1968 (Cth) and Australian Universities ”, (1997) 19 *EIPR* (n° 12)

GAGLIARDI, Andrea, “ Territorial Restraints in Pure Trade Mark Licence ”, (1997) 19 *EIPR* (n° 12)

JANDOLI, Vincenzo, “ The Group of Companies in Litigation of Patent Infringement Hans Oetiker and Hans Oetiker AG v. CIMA-CID-Arcelli & Bernacchi ”, (1997) 19 *EIPR* (n° 12)

JEW, Bernadette, “ Full Bench Appeal Successful Powerflex Services Pty Ltd. v. Data Access Corporation ”, (1997) 19 *EIPR* (n° 12)

IDEA

LITTMAN, Allan N., “ Monopoly, Competition and Other Factors in Determining Patent Infringement Damages ”, (1997) 38 *IDEA* (n° 1), p. 1

PARTRIDGE, Mark V.B., “ A Review of Recent Trademark and Unfair Competition Cases in the U.S. ”, (1997) 38 *IDEA* (n° 1), p. 57

KUKKONEN, III, Carl A., “ The Need to Abolish Registration for Integrated Circuit Topographies Under TRIPs ”, (1997) 38 *IDEA* (n° 1), p. 105

HARRIS, Bryan, “ Technology Licensing in the European Union ”, (1997) 38 *IDEA* (n° 1), p. 139

BINNEY, David H. and Toussaint L. MYRICKS, “ Patent Claim Interpretation After *Markman* - How Have the Trial Courts Adapted? ”, (1997) 38 *IDEA* (n° 1), p. 155

Intellectual Property Journal

BURSHTEIN, Sheldon, “ Trade-mark ”Use” in Canada: The Who, What, Where, When, Why and How (Part 1) ”, (1997) 11 *IPJ* (n° 3), p. 229

SOOKMAN, Barry B., “ Copyright and the Information Superhighway: Some Issues to Think About (Part 2) ”, (1997) 11 *IPJ* (n° 3), p. 265

POTVIN, Louise, “ Protection Against the Use of One’s Likeness in Quebec Civil Law, Canadian Common Law and Constitutional Law (Part 2) ”, (1997) 11 *IPJ* (n° 3), p. 295

BRAIT, Richard A., “ Structuring an Effective Intellectual Property Management Program ”, (1997) 11 *IPJ* (n° 3), p. 321

PURI, Kamal, “ Ownership of Employees’ Inventions: A Comparative Study ”, (1997) 12 *IPJ* (n° 1), p. 1

CRINSON, Michael, “ Is Some Novel Protection of Invention Needed in Canada? ”, 12 *IPJ* (n° 1), p. 25

VAVER, David, “ The Copyright Amendments of 1997: An Overview ”, 12 *IPJ* (n° 1), p. 53

BURSHTEIN, Sheldon, “ Trade-Mark Use in Canada: The Who, What, Where, When, Why and How (Part II) ”, 12 *IPJ* (n° 1), p. 75

VAVER, David, “ Copyright in Canada: The New Millenium ”, 12 *IPJ* (n° 1), p. 117

Journal of the Copyright Society of the USA

GINSBURG, Jane C., “ Authors and Users in Copyright ”, (1997) 45 *Journal of the Copyright Society of the USA* (n° 1), p. 1

GOLDENBERG, David, “ The Long and Winding Road, A History of the Fight Over Industrial Design Protection in the United States ”, (1997) 45 *Journal of the Copyright Society of the USA* (n° 1), p. 21

GLAUBERMAN, Scott P., “ Citizen Suits Against States: The Exclusive Jurisdiction Dilemma ”, (1997) 45 *Journal of the Copyright Society of the USA* (n° 1), p. 63

ROCKETT, Courtney R., “ The Copyright Act of 1976 May Finally Answer the Question About a Tree Falling in the Woods ”, (1997) 45 *Journal of the Copyright Society of the USA* (n° 1), p. 118

McGill Law Journal

HANDA, S., “ A Review of Canada’s International Copyright Obligations ”, (1997) 42 *McGill Law Journal*, 961-989

Propriété industrielle – Bulletin documentaire

TAKAGI, Y. et W. GUY, “ Internet et l’intérêt qu’il revêt pour les offices de propriété industrielle ”, (1997) *PIBD* (n° 639, 1-10-1997), p. II-145

GILPIN, B.G., “ Les marques dans le cyberespace : se conformer à l’obligation d’usage” par le biais d’un usage sur Internet (États-Unis) ”, (1997) *PIBD* (n° 639, 1-10-1997), p. II-146

CHARTOVE, A., “ La doctrine des équivalents demeure un élément essentiel du droit américain des brevets : compte rendu de l’arrêt “ Hilton Davis ” de la Cour suprême des États-Unis ”, (1997) *PIBD* (n° 640, 16-10-1997), p. II-157

GROOM, S. et G.J. RIBBINK, “ Un “ droit sur les créations publicitaires ”, la reconnaissance légale d’une forme artistique commerciale négligée ”, (1997) *PIBD* (n° 641, 1-11-1997), p. II-169

CHEN, X.Y., “ Le point sur la protection contre la concurrence déloyale à l’échelon international ”, (1997) *PIBD* (n° 642, 15-11-1997), p. II-175

COOKSON, B.E., “ Les progrès de l’harmonisation (en matière de marques) à l’échelon européen ”, (1997) *PIBD* (n° 643, 1-12-1997), p. II-183

VON BOMHARD, V., “ Marque communautaire : effets de l’ancienneté et de la transformation dans les anciens protectorats et colonies ”, (1997) *PIBD* (n° 643, 1-12-1997), p. II-185

FROSCH, G. et C. HACK, “ L’épuisement des droits de marque à l’échelon européen et international ”, (1997) *PIBD* (n° 645, 1-1-1998), p. II-1

MARTIN, J.-P., “ La protection initiale à l’étranger d’inventions faites en France est-elle légale ? ”, (1997) *PIBD* (n° 645, 1-1-1998), p. II-2

LANGLE, E. Alonso, “ Les atteintes aux droits de propriété intellectuelle en Espagne un an après l’entrée en vigueur du nouveau code pénal ”, (1997) *PIBD* (n° 645, 1-1-1998), p. II-3

YAMAMOTO, S. et J.A. TESSENSOHN, “ Japon : selon la Cour suprême, l’importation parallèle n’est pas constitutive de contrefaçon ”, (1997) *PIBD* (n° 645, 1-1-1998), p. II-4

ROZAS, R. et H. JOHNTON, “ Les incidences des marques de certification sur l’innovation et les marchés mondiaux ”, (1997) *PIBD* (n° 646, 15-1-1998), p. II-9

ESSLINGER, A. et E. WENNING, “ La production d’une impression d’ensemble s’agissant d’une marque : question de fait ou de droit ? ”, (1997) *PIBD* (n° 646, 15-1-1998), p. II-10

Revue de droit intellectuel L’Ingénieur-conseil

CRUQUENAIRE, Alexandre, “ Internet : La problématique des noms de domaines ”, (1997) 87 *Revue de droit intellectuel L’Ingénieur-conseil* (n° 8-9-10), p. 222

Revue internationale du droit d’auteur

BONDIA ROMAN, Fernando, “ La titularidad de los derechos sobre el programa de ordenador en la nueva ley española de propiedad intelectual ”, (1997) 174 *RIDA* (octobre), p. 3

SCHONNING, Peter, “ Chronique des pays nordiques : Danemark ”, (1997) 174 *RIDA* (octobre), p. 61

ESKOLA, Jaako, “ Chronique des pays nordiques: Finlande ”, (1997) 174 *RIDA* (octobre), p. 61

TÒMASSON, Eirikur, “ Chronique des pays nordiques : Islande ”, (1997) 174 *RIDA* (octobre), p. 61

DJUPVIK, Gunda, “ Chronique des pays nordiques : Norvège ”, (1997) 174 *RIDA* (octobre), p. 61

MULDIN, Kenth, “ Chronique des pays nordiques : Suède ”, (1997) 174 *RIDA* (octobre), p. 61

Patent World

CHARTOVE, Charles, "Recent US Courts Decisions Put Patent Owners in Control" (1997), 96 *Patent World* 24

COHN, Michael, "Compulsory Licence for the Manufacture of a Hepatis B Vaccine: Exploitation of the Invention for R&D Prior to Compulsory Licence Proceedings in Israel" (1997), 96 *Patent World* 27

PEGRAM, John B., "Reducing Patent Costs: International Developments" (1997), 96 *Patent World* 30

ZAITLEN, Richard, "Patent Protection for Computer Icons" (1997), 96 *Patent World* 16

BURDON, Michael & Paul Garland, "Pan-European Patent Litigation – Back to the Future?" (1997), 97 *Patent World* 17

KAMINSKI, Michael D., Federal Circuit Decision Discusses When a Licensee Can Stop Paying Royalties When Challenging a Patent" (1997), 97 *Patent World* 37

LUTEREK, Janusz, "Licensing of Pending Patent and Design Applications: the Position of South African Law (1997), 97 *Patent World* 32

SMITH, Adrian, "Intellectual Property and Managing Legal Risk" (1997) 97 *Patent World* 26

BURDON, Michael, Paul GARLAND & Liz BEREFORD, "Pan-European Patent Litigation: Back to the Future II" (1997), 98 *Patent World* 16

CORDERY, Brian & Edward NODDER, "Interpretation of Brussels Convention Referred to the European Court of Justice" (1997), 98 *Patent World* 13

GIELEN, Charles, "Litigating Patents in the Netherlands" (1997), 98 *Patent World* 27

GRELL, Emma A.C., "The Slender Thread: Patents and Excessive Pricing of Pharmaceuticals" (1997), 98 *Patent World* 20

TAUCHNER, Paul, "Experimental Use Exemption in Germany" (1997), 98 *Patent World* 23

International Review of Industrial Property and Copyright Law

AHLERT, Ivan B. "New Brazilian Industrial Property Law" (1997), 28 *IIC* 632

CRESPI, Stephen R., "Recombinant DNA Patents in Litigation – A Comparative Study of Some EPO and UK National Court Decisions" (1997), 28 *IIC* 603

HEATH (Cristopher, "Parallel Imports and International Trade" (1997), 28 *IIC* 623

MADIEHA, Ida & Abdul Ghani AZMI, "Authorship and Islam in Malaysia: Issues in Perspective" (1997), 28 *IIC* 671

PALM, Jukka, "The New Finnish Tobacco Act from a Trade Mark Point of View" (1997), 28 *IIC* 706

"Report on Recent Swedish Patent Law Jurisprudence" (1997), 28 *IIC* 878

BRINKHOF, Jan J., "The Conflict Between Article 123(2) and (3) EPC" (1997), 28 *IIC* 833

- JACOB, Robin, "Some Recent Cases of Significance in the U.K." (1997), 28 *IIC* 880
- KLETT, Kathrin, "Exceptions to Patentability Under Article 1(a) Swiss Patent Law (1997), 28 *IIC* 858
- LADDIE, Hugh, "The Inescapable Trap – Thoughts from the United Kingdom" (1997), 28 *IIC* 829
- LANÇON, Pierre, "The Case Law of the Boards of Appeal of the EPO 1994 to 1996 – A Summary" (1997), 28 *IIC* 889
- LOURIE, Alan D., "Developments in U.S. Case Law" (1997), 28 *IIC* 868
- MOSER, Walter, "Exceptions to Patentability Under Article 53(b) EPC" (1997), 28 *IIC* 845
- ROGGE, Rüdiger, "The Concept of Novelty with Particular Regard to Conflicting Patent Applications" (1997), 28 *IIC* 794
- ROGGE, Rüdiger, "The Conflict Between Article 123(2) and (3) EPC" (1997), 28 *IIC* 842
- RYBERG, Annika, "Procedural Law for Patent Litigation" (1997), 28 *IIC* 904
- SEDEMUND-TREIBER, Antje, "Report on Recent Jurisprudence in Germany" (1997), 28 *IIC* 884
- SPANGENBERG, Reinhard, "The Novelty of "Selection" Inventions" (1997), 28 *IIC* 808
- THOMSEN, Hans Christian, "The Exception to Patentability Under Article 53(b) and Corresponding Law of EPC Contracting States" (1997), 28 *IIC* 850
- TÖRNROTH, Lennarth, "Prior Use" (1997), 28 *IIC* 800
- TÖRNROTH, Lennarth, "Report on Recent Swedish Patent Law Jurisprudence" (1997), 28 *IIC* 878
- WHEELER, William J.L., "The "Conflict" Between Article 123(2) and 123(3) EPC" (1997), 28 *IIC* 822
- WILLEMS, Jan, "Report on Recent Jurisprudence in the Netherlands" (1997), 28 *IIC* 876
- The Trademark Reporter**
- BROWNING, Minde C., "Trademark Resources on the Internet: A Bibliography" (1997), 87 *TMR* 712
- BUCHAN, Ian A., "Internet Issues in the United Kingdom" (1997), 87 *TMR* 660
- DUPRE, Jennifer R., "A Solution to the Problem? Trademark Infringement and Dilution by Domain Names: Bringing the Cyberworld in Line With the "Real" World" (1997), 87 *TMR* 613
- KELLY, David M. & CHRISTINA J. HIEBER, "Untangling A Web of Minimum Contacts: The Internet and Personal Jurisdiction in Trademark and Unfair Competition Cases" (1997), 87 *TMR* 526
- MUELLER-STOFEN, Tilman, "Domain Name-Related Infringement Procedures in Germany" (1997), 87 *TMR* 590

SARTORI, Michael A., "A Proposal for the Registration of Domain Names" (1997), 87 *TMR* 638

"The Intersection of Trademarks and Domain Names – INTA White Paper" (1997), 87 *TMR* 668

WEINBERG, Steven M., "Cyberjinks: Trademark Hijinks in Cyberspace Through Hyperlinking and Metatags" (1997), 87 *TMR* 576