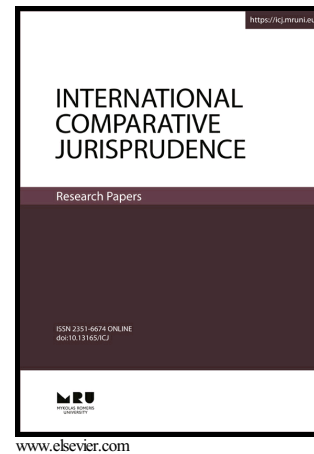


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Different Regulatory Models of Transfer of Industrial Property Rights in the Baltic States: A Plea for Harmonized Approach

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Abstract

The authors explore different models of transfer of industrial property on a comparative basis. The article demonstrates that these models differ on a country level and several models may be in use in one legal system. The authors analyze strengths and weaknesses and legal implications of these models in the three Baltic States both at the regulatory level and at the practical level through case studies. The authors conclude that would be preferable to use the model under which the register is vested with negative publicity and the transfer of ownership of industrial property is not made dependent on its recordation.

1 Introduction

Intellectual property (IP) can be commercialized through licensing, transfer (or assignment) of rights (for example, sale of IP) or spin-off creation (IP is transferred or licensed to a company). Transfer of IP rights is a central mechanism in IP based business. Recently the questions concerning the transfer of industrial property were addressed in the process of preparing the draft of Industrial Property Code within the framework of the codification of IP law in Estonia (see Kelli, 2015). This article departs from the issues raised during this process

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