

**Individual, multiple and collective ownership –
which impact on exclusivity?**

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I. Introduction

- The general balance between exclusivity and access
- Modifications due to different ownership structures?

II. Individual Ownership

- Individual exclusivity as the paradigm of classical property thinking
- Licensing as a case of multiple ownership?

III. Multiple rights/owners

1. Double innovation/creativity and parallel trademarks

- Registered rights: first to file/first to invent and rights of prior use
- Unregistered rights: double protection
- Trademarks: first to file/first to use and exceptional coexistence of identical/similar signs

2. Unilateral combination/adaptation of protected subject matter

- Multiple layers of separate rights
- Contracting into liability rules and the tragedy of the anti-commons
- General limitations of exclusive rights, compulsory collective licensing, compulsory licensing in individual cases

3. Group innovation/creativity concerning several rights

- Internal coordination problems
- Consolidation of rights with the employer or other investor

4. Cumulation of different IP rights

- One product, different overlapping IP rights
- Which balance applies?

IV. Collective ownership

1. Joint ownership

- One IP right held jointly by several persons
- Internal coordination problems
- Authorization to act alone

2. Collective Marks/geographical indications

- No joint ownership of trademarks
- Ownership of collective marks and geographical indications
- Rights to access the association or group entitled to protection

V. Traditional Knowledge

- Ownership of traditional knowledge
- Exclusivity and the public domain

VI. Summary

- Relative limitations of exclusivity
 - Double innovation
 - Group innovation concerning several rights
 - Joint ownership
- General limitations of exclusivity
 - Unilateral combination/adaptation
 - Cumulation of rights
 - Collective marks and geographical indications
- Traditional knowledge