

**JOHN T. MASTERSON, JR., ED., *INTERNATIONAL TRADEMARKS
AND COPYRIGHTS: ENFORCEMENT AND MANAGEMENT*
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AND PRACTICE, AMERICAN BAR ASSOCIATION, 2004)**

*By David Lametti**

The book gives an overview of norms and procedures of the international protection of trademark and copyright, two intellectual property rights (IPRs) with an inherently international scope, and is written for the international IP practitioner, from the perspective of the (American) IP right-holder. The book is a practical guide identifying the applicable rules and bodies that might be used to vindicate IPRs. In that capacity, it provides a summary of rules and practices, and copies of the actual forms to be used, with treaties included as appendices.

The area covered is an important one, both because of the growing economic importance of IPRs and the expanding international scope of such rights, brought about by the continuing integration of markets throughout the world and the dizzying pace of technological change. IPRs are increasingly valuable to clients with international reach, and the protection of these rights becomes ever more complex. Domestic statutes, international treaties and bilateral agreements, and various for interpreting and applying these norms are all part of the mountainous terrain of the international IP practitioner. As such this book would be extremely useful to the IP practitioner in the US; however, it might also be quite useful to the what one might call the “other party” accused of infringing the IPR, as it gives a concise review of what the other party might expect from the IP right-holder. So, for example, a Canadian or Singaporean IP practitioner whose practice includes clients with dealings in IPRs originating in the US might find the information in this book somewhat topical.

The authors are all American IP experts and practitioners who, in addition to experience in the practice of international IP law in the public and private sectors, have strong academic backgrounds, experience in trade and IP policy in both the public and private sectors, as well as in universities, and in scholarly and professional legal writing. Most notably, general editor John T. Masterston, Jr., is Deputy Chief Counsel for International Commerce at the US Department of Commerce, with a rich and extensive experience in a wide range of trade and investment and international IP issues in a variety of settings.

The book is broken down into six chapters with appendices. Chapter 1, written by Masterston, deals with the enforcement of both trademarks and copyrights

* Associate Professor of Law and Member of the McGill Centre for Intellectual Property Policy. Faculty of Law, McGill, University, 3644 Peel, Montreal, Canada H3A 1W9, david.lametti@mcgill.ca.

under the TRIPS Agreement.¹ The text of the TRIPS itself is included as the appendix, and the chapter covers both the nature of the agreement and related pertinent norms as well as the substantive means of enforcement under all if these agreements and laws. Chapter 2, authored by Maria Strong, an IP and trade law practitioner in Washington D.C., very briefly covers more general aspects and strategies of the trademark and copyright protection respectively. Chapter 3, written by Wayne W. Herrington, a senior lawyer at the US International Trade Commission, covers a more specific manner of protecting both copyrights and trademarks under Section 337² proceedings at the International Trade Commission. The three appendices contain the relevant section of the Act, information on the Trade Commission and a sample complaint. Chapter 4, authored by Bruce A. McDonald, also a leading practitioner and expert on international IP and trade law, covers international trademark registration and the protection of trademarks under the Madrid Protocol.³ The adoption of the Protocol is a very step in international trademark protection, facilitating the ease of trademark protection and reducing its associated costs both in the US and abroad. Here as well, the necessary forms and normative provisions are included in the appendices. Chapter 5, co-authored by McDonald and Chin Kyung Yoo, an IP and communications lawyer, deals with the procedures involved when recording trademarks, trade names and copyrights with US Customs, while Chapter 6, penned by Herrington, provides a brief note on international trademark licensing, the latter clearly of economic interest to the IPR holder.

In general, the book is clear and well-written, with a topical index, providing ready access to the substance of the chapters. The text's methodology is to provide the practitioner with the necessary background, legislative and treaty provisions and strategies in an accessible and straightforward manner to best defend the interests of the IPR holder. A more detailed critical examination of the provisions themselves is beyond the professed reach of this type of book. As part of a practitioner's desk series, this contribution is useful to those so engaged.

¹ *Agreement on Trade-Related Aspects of Intellectual Property Rights*, 15 April 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (entered into force 1 January 1995) [*TRIPS*].

² *Tariff Act of 1930*, 19 U.S.C. at para. 337.

³ *Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks*, 28 June 1989, WIPO Doc. TREATY/MADRIDP-GP/43, online: World Intellectual Property Organization <http://www.wipo.int/treaties/en/registration/madrid_protocol/index.html> [*Madrid Protocol*].