

Exhaustion of IP rights

When and whether intellectual property rights are exhausted by the actions of the intellectual property owner is a source of much discussion among nation states actively engaged in the development of intellectual property regimes. The TRIPS Agreement, under Article 6, gives member states great liberty in how exhaustion is implemented. While this freedom is often exercised along the dimension of geography, from national to regional to international exhaustion, the exhaustion doctrine can extend beyond the traditional "first sale doctrine." This presentation will examine different regimes of exhaustion across the Americas, Europe, and Asia-Pacific and make the case for exhaustion as an important doctrinal means to promote innovation.