

## **Fairness and overlapping of intellectual property rights: is it all about requirements?**

**Abstract:** Different IP rights demands different approaches based on the nature and goals of each specific IP right. The desired fairness focused on solving overlapping of intellectual property rights tensions is based on the balance between the nature and goals of the IP specific policies together with competition policies.

The mentioned balance could be reached when the intrinsic and extrinsic limits and possibilities of each IP right are clear. Even do so, the human creativity is not linear and because of that the boundaries between the different IP rights are frequently tested. In different IP fields the Courts historically faced the overlapping of IP rights and with different solutions that goes from one mandatory option by the creator to the multiple IP rights possibility based on the fulfillment of the requirements of each specific IP right. Should we have two different moments related to a) recognize the possibility of cumulation in abstract, and b) to see how does the cumulation “performs” in the competition environment? Or is it all just about requirements? Maybe the today fairness related to overlapping of intellectual property rights is not the same as it was in the past and it will not be the same in the future.

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