

# **International Review of Intellectual Property and Competition Law**

## **(IIC) Instructions for Authors**

### **Manuscript Submission**

#### **Requirements**

Submission of a manuscript implies: that the work described has not been published before; that it is not under consideration for publication anywhere else; that its publication has been approved by all co-authors, if any, as well as by the responsible authorities – tacitly or explicitly – at the institute where the work has been carried out. Furthermore, the work must be original and the author's own. Manuscripts that are accepted for publication will be checked by our copyeditors for spelling and formal style. This may not be sufficient if English is not your native language and substantial editing would be required. In that case, you may want to have your manuscript edited by a native speaker prior to submission. A clear and concise language will help editors and reviewers concentrate on the scientific content of your paper and thus smooth the peer review process.

#### **Permissions**

Authors wishing to include figures, tables, or text passages that have already been published elsewhere are required to obtain permission from the copyright owner(s) for both the print and online format and to include evidence that such permission has been granted when submitting their papers. Any material received without such evidence will be assumed to originate from the authors. Submitted manuscripts will be checked for plagiarism, including with the use of software tools.

### **Manuscript Submission**

Contributions may be submitted at any time to IIC's Legal Manager at:

E-Mail: [iic\(at\)ip.mpg.de](mailto:iic(at)ip.mpg.de)

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## **Page Length**

Articles: Maximum 25 pages (approx. 14,000 words incl. footnotes).

Opinions and Reports: Maximum 15 pages (approx. 8,500 words incl. footnotes).

Book reviews: Maximum 4 pages (approx. 2,300 words incl. footnotes).

Case notes: Maximum 8 pages (approx. 4,600 words incl. footnotes).

## **Title Page**

The title page should include:

- The name(s) of the author(s)
- A concise and informative title
- The affiliation(s) and address(es) of the author(s)
- the e-mail address, telephone and fax numbers of the corresponding author

## **Abstract**

Please provide an abstract of 150 to 250 words. The abstract should not contain any undefined abbreviations or unspecified references.

## **Keywords**

Please provide 4 to 6 keywords which can be used for indexing purposes.

## **Text Formatting**

- Use a normal, plain font (e.g., 10-point Times Roman) for text.
- Use italics for emphasis.
- Use the automatic page numbering function to number the pages.
- Do not use field functions.
- Use tab stops or other commands for indents, not the space bar.
- Save your file in doc format. Do not submit PDF files.

## **Headings**

Please use the decimal system of headings with no more than three levels. For example:

1. Section

1.1 Subsection

1.1.1 Sub-subsection

## **Abbreviations**

Avoid unfamiliar abbreviations, define any abbreviation that you use in the text at first mention and use it consistently thereafter.

Within articles and decisions the terms below are to be abbreviated as follows.

Exceptions are original EU decisions. Here these terms are left as in the original.

Also, the § and §§ are left in citations of U.S. Appeal and Supreme Court decisions.

Standard abbreviations of terms:

Article – Art.

Articles – Arts.

Compare – cf.

Figure – Fig.

Figures – Figs.

Number – No.

Numbers – Nos.

Official Journal – OJ

Paragraph – para.

Paragraphs – paras.

Section or § – Sec.

Sections or §§ – Secs.

Abbreviations of courts, organizations, treaties and unions:

Court of Appeal – CA

Court of First Instance – CFI

Court of Justice of the European Union – CJEU

European Community (aka “Treaty of Rome”) – EC

European Economic Community – EEC

European Patent Convention (aka “Munich Convention”) – EPC

European Patent Office – EPO

European Union (aka “Maastricht Treaty”) – EU

House of Lords HL

Patent Court – PatC

Trade-Related Aspects of Intellectual Property Rights – TRIPS\*

WIPO Copyright Treaty – WCT

World Intellectual Property Organization – WIPO

World Trade Organization – WTO

\* Note: WIPO uses “TRIPS”, however, some authors prefer “TRIPs”. This is accepted as long as usage is consistent

### **Footnotes**

Footnotes can be used to give additional information, which may include the citation of a reference included in the reference list. They should not contain any figures or tables.

Footnotes to the text are numbered consecutively; those to tables should be indicated by superscript lower-case letters (or asterisks for significance values and other statistical data). Footnotes to the title or the authors of the article are not given reference symbols.

Always use footnotes instead of endnotes.

### **Acknowledgments**

Acknowledgments of people, grants, funds, etc. should be placed in a separate section before the reference list. The names of funding organizations should be written in full.

### **References**

#### **Citation**

Citations of books, book chapters, or journal articles in the text or in footnotes should be given in a shortened form: author name(s), year and page number or paragraph.

Some examples:

- One author: Miller 1991, p. 17 or Miller 1991, para 30
- Two authors: Miller and Smith 1991, p. 17 or Miller and Smith 1991, para 30
- Three authors or more: Miller et al. 1991, p.17 or Miller et al. 1991, para 30
- Commentaries: Smit 2005, Article 5, para 7

#### **Reference list**

Please provide a reference list with the bibliographic details of the cited books, book chapters, or journal articles. The list should only include works that have been published or accepted for publication. Personal communications and unpublished works should only be mentioned in the text or the footnotes.

Reference list entries should be alphabetized by the last names of the first author of each work.

– Journal article

Schwarze J (2000) Der Staat als Adressat des europäischen Wettbewerbsrechts. *EuZW* 11: 613–618

– Article by DOI

Cheng, ECM, Courtenay SM (2006) Board composition, regulatory regime and voluntary disclosure. *Int J Account* 41:262-289. doi:10.1016/j.intacc.2006.07.001

– Book

Enchelmaier S (1997) Europäische Wettbewerbspolitik im Oligopol. Nomos, Baden-Baden

– Book chapter

Hulle K van, Tas L van der (2001) European Union-individual accounts. In: Ordelheide D, KPMG (eds), *Transnational accounting*, 2nd edn. Palgrave, Basingstoke, pp 772–826

– Online document

Deutscher Bundestag (2009) Plenarprotokoll 16/222.

[www.bundestag.de/bic/plenarprotokolle/pp\\_pdf/16222.pdf](http://www.bundestag.de/bic/plenarprotokolle/pp_pdf/16222.pdf). Accessed 18 May 2009

Courts/Names of International Courts

The names of international courts are given in English.\*

Example:

“Cour d’appel de Paris” is “Paris Court of Appeal”

“Bundesgerichtshof or BGH” is “German Federal Supreme Court”

\* Note: For a comprehensive list of foreign courts and their English translation, see below.

## **Cases**

Clagett v. Daly, 87 S. Ct. 311 (1966).

Federal Supreme Court, May 14, 1998, Case No. I ZB 9/96, 1998 GRUR 938 – Dragon.

German case references in BGH decisions

Examples:

(Original) BGHZ 98, 12, 18 – Formstein

(IIC style) 98 BGHZ 12, 18 [18 IIC 797 (1987)] – Formstein\*

\* Note: The first number after “BGHZ” in the original example is the volume number and belongs in the first position. Where an IIC translation of the decision exists, the IIC citation information is inserted in squared brackets before the catch words. The catch words are in cursive following an en-dash.

### **Translation of German Laws**

PatG § 9 Abs. 1 Satz 2 = Patent Act, Sec. 9(1), second sentence

MarkenG § 24 Nr. 2 = Trade Mark Act, Sec. 24, No. 2

MarkenG § 24 Abs. 1 Nr. 2 = Trade Mark Act, Sec. 24(1)(2)

### **Numbering**

Paragraph Numbering/Marginal Numbers:

All translations of BGH decisions should retain the paragraph numbering from the German original. The marginal numbering of paragraphs in BGH decisions is placed at the beginning of each paragraph.

Example:

4 The appeal on the law is admissible and results in the contested decision being set aside and the case being returned to the appeal court for rehearing....

becomes

4 The appeal on the law is admissible and results in the contested decision being set aside and the case being returned to the appeal court for rehearing....

Where a paragraph already contains numbering or lettering along with a marginal number, the marginal number is still set at the beginning, separated by an en-dash.

Example:

5 I. The patent at issue concerns the drawing unit of a machine for drawing metal blanks, and interacts with a drawing tool as shown schematically in Fig. 1 of the patent at issue:...

becomes

5 – I. The patent at issue concerns the drawing unit of a machine for drawing metal blanks, and interacts with a drawing tool as shown schematically in Fig. 1 of the patent at issue:...

### **Countries and Their Courts**

#### **Austria**

Kartellgericht (1. Instance – not appellate court) – Cartel Court

Kartellobergericht Cartel – Supreme Court

Oberlandesgericht Wien – Vienna Court of Appeal

Oberster Gerichtshof – Supreme Court

Österreichisches Patentamt – Patent Office

Beschwerdeabteilung – Appeals Division

Nichtigkeitsabteilung – Nullity Procedures Division

Oberster Patent- und Markensenat – Supreme Patent and Trade Mark Chamber

Patentgerichtshof – Patent Court

Verfassungsgerichtshof – Constitutional Court

Verwaltungsgericht – Administrative Court

Arbeiterkammertag – Govt. Agency representing workers (not a court)

#### **Belgium**

Tribunal de première instance de Bruxelles – Court of First Instance

Cour d'appel de Bruxelles – Court of Appeal

Tribunal de commerce – District Court for Commerce Matters

Rechtbank van Koophandel – District Court

Hof van Beroep – Court of Appeal

Benelux Gerechtshof – Court of Justice

Rechtbank – District Court

#### **Brazil/Portugal**

Tribunal da Relação – Court of Appeal

Supremo Tribunal de Justiça – Supreme Court of Justice

#### **Denmark**

So-og Handelsret – Maritime & Commercial Court

Byret – Court of First Instance

Højesteret – Supreme Court

Ostrelandsret – District Court

Føjesteret – Bailiffs Court

Marktgesetz – Marketing Practices Act

France

Cour d'appel de Paris – Paris Court of Appeal

Cour de cassation – Supreme Court

Tribunal de commerce de la Seine – District Court for Commerce Matters

Tribunal de grande instance de Paris – Paris District Court

Germany

Amtsgericht – Local Court

Bundesgerichtshof – Federal Supreme Court

Bundespatentgericht – Federal Patent Court

4. Senat – 4th Chamber

Senat – this Court, the Court

Landgericht – District Court

Oberlandesgericht – Court of Appeal

Bundeskartellamt – Federal Cartel Office

Kammergericht – Berlin Court of Appeal

Schiedsstelle nach dem ArbNErfG beim Deutschen Patentamt – Arbitration Board at the German Patent Office according to the Act on Employees' Inventions

Bundesverfassungsgericht – Federal Constitutional Court

Hungary

Fovarosí Biroság – District Court

Legfelsőbb Biroság – Supreme Court

Italy

Corte di Cassazione – Supreme Court

Corte di Appello – Court of Appeal

Corte Costituzionale – Constitutional Court

Tribunale di Milano – District Court

Pretura di Roma – County Court

Commissione dei Ricorsi in materia – Patent Appeal Commission Di brevetti

## Luxembourg

Tribunal d'Arrondissement – District Court

## Netherlands

Octrooiraad Afdeling van Beroep Patent – Office Board of Appeal

Arrondissements-Rechtbank te Breda – District Court

Hoge Raad – Supreme Court

Gerechtshof – Court of Appeal

## Norway

Hoysterett – Supreme Court

Byrett – District Court

## Poland

Komisja Odwolawcza – Patent Office Appeal Commission

Komisja Rozjemcza – Patent Office Arbitration Commission

Kollegium Orzekajace – Decisions Board

Sad Najwyzszy – Supreme Court

Vojvod – District Court

## Rumania

Comisia pentru solution area – Appeal Commission

Contestatiilor privind inventiile – Board of Appeals for Inventions

## Russia

Comitet po delam izobretenij i otkrytij – Committee for Discoveries and

InventionsVerchovnyj sud – Supreme Court

Ekspertnyj sovet – Board of experts or Statute on Discoveries, Inventions and Rationalization Proposals or State Office for Scientific-Technical Examination of Inventions

## Spain

Tribunal Supremo – Supreme Court

## Sweden

Tingsrätt – City Court

Svea Hovrätt – Court of Appeal or Market Court or Marketing Practices Act

Switzerland

Bundesgericht – Federal Supreme Court

Bezirksgericht – District Court

Eidgenössisches Amt für Geistiges Eigentum – Federal Office for Intellectual Property

Vorprüfungssektion – Examining Division

Markenabteilung – Trade Mark Division

Beschwerdeabteilung – Board of Appeals

Handelsgericht – District Court for Commercial Matters

Obergericht – Court of Appeal

Zivilgericht Basel-Stadt – Canton of Basel District Court

Cour de justice civile – Court of Appeal

Kartellkommission – Cartel Commission

### **Peer Review**

Contributions submitted to IIC are subject to a peer-review process. Two in-house or external experts will independently from one another have a look at the contribution to determine whether it is suitable for publication in IIC. Following review, the experts make recommendations to the editors as to whether a submission should be accepted as it is or with changes, or whether it should be rejected.

It is IIC's policy to not provide any reasons for the rejection of a contribution. It should be mentioned that, although the rejection of a submission may be related to its quality, it more often than not has to do with other factors, such as that IIC receives a large number of submissions which cannot all be published, that the editors consider a topic to have been dealt with sufficiently in previous issues or that the content of a submission may not be pertinent enough to what the typically internationally oriented reader of IIC may expect the journal to publish at a certain point in time. It may also be the case that the editors consider a submission, in view of its nature or format, to be more suited for publication in a legal journal with a different thematic or conceptual emphasis. Furthermore, it is also possible for a contribution to be declined in light of "the diverse mix" of topics IIC wishes to maintain to make the journal interesting for all its readers.

The review process may take up to two months, but very often review is completed prior to the expiry of that period. In the case of "urgent" contributions (adjudged in the light of the topic dealt with), measures are usually taken to expedite review.

## **After Acceptance**

Upon acceptance of your article you will receive a link to the special Author Query Application at Springer's web page where you can sign the Copyright Transfer Statement online and indicate whether you wish to order offprints.

Once the Author Query Application has been completed, your article will be processed and you will receive the proofs.

The purpose of the proof is to check for typesetting or conversion errors and the completeness and accuracy of the text, tables and figures. Substantial changes in content, e.g., new results, corrected values, title and authorship, are not allowed without the approval of the Editor.

After online publication, further changes can only be made exceptionally and in the form of an Erratum, which will be hyperlinked to the article.

The article will be published online after receipt of the corrected proofs ("Online First"). This is the official first publication citable with the DOI. After release of the printed version, the paper can also be cited by issue and page numbers.