

# **Lifting the (Dogmatic) Barriers in Intellectual Property Law: fragmentation vs. integration and the future of European IP law**

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## Abstract

Intellectual Property Law is not deprived of dogmatic barriers. One of these is the old-rooted division between Copyright and Industrial Property law. The case for the creation of a European Copyright Code, supported at both political and academic level, has its theoretical foundations on that division.

However, while a codification process in the field of European Intellectual Property Law is an *a priori* interesting idea, the elaboration of a code with a scope limited to Copyright law might be problematic, for many reasons. First, the dogmatic paradigm of the systematic autonomy of copyright law is not convincing, since the borders between different IP rights are not water-tight anymore. Moreover, the elaboration of an EU Copyright Code is not taking into account the systematic unity of IP law, which is nowadays dully recognized at the European level. Besides, the adoption of an EU Copyright Code would lead to the creation of an impractical two-gear European IP law, while the risk of new fragmentations is not excluded.

Given that the codification process should lead to integration and not to fragmentation of European IP law in the future, it is suggested that if a European Code is to come, a shift in its scope should be made, in order to encompass IP law as a whole and lift the dogmatic barriers of sectoral divisions. In that case, a European Copyright “Code” would fit better as a “book” within a broader *European Intellectual Property Code*.