

The Content Analysis of Infringement Notice Cases on Intellectual Property Right
— Focusing on Fair Trade Law

Shih, Chin-Tsun *

Abstract

This paper aimed to discuss the content construction of infringement notice of intellectual property right. The research reviewed relevant documents to construct the social science control procedure and regarded the categories, substantial claims and procedural claims of the content claim, internal evidences and extrinsic quantitative evidences and extrinsic qualitative evidences of the evidential category, explain rules and quantitative rules of the adopted rule, unfair competitions and limited competitions of the law's effect, as the themes of a content analysis to compare with control procedure of substantial cases, and to validate the difference between the two. Using a research sample of 175 cases of the infringement notice between 1997 and 2008 and conducting a cross-analysis and a χ^2 test. The results confirm the ratio of procedural claim is superior to substantial claim, and the difference of the two reaches significantly. They also substantiate the ratio order of the evidential category to follow the extrinsic quantitative evidence, the internal evidence and the extrinsic qualitative evidence, and the difference among the three reach significantly. Meantime, the ratio of the explain rule is superior to the quantitative rule, and the difference of the two reaches significantly. However, the law's effects all belong to the unfair competitive issues, and never one is been the limited competition. The result can be provided as references to the business and the authority for treating alike cases.

Keywords: Intellectual Property Right; Infringement Notice; Content Analysis; Fair Trade Law.

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* Shih, Chin-Tsun, Assistant Professor, Department of Business and Enterpreneurial Management, Kainan University.