

The Content Analysis of U.S. and Taiwan Patent Pool Cases
—The Viewpoints of Antitrust Guidelines for the Licensing of Intellectual Property

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Abstract

While it is true that the patent pool of firms can enhance their competitiveness, and at the same time it constitutes an important approach to settling patent disputes, there have been few studies on the patent pool cases' connotations in domestic documents. In particular, in the standard dependent industry that is being developed today, the analysis of the patent pool cases' connotations has become more significant. Based on the above reasons, the author has collected 7 patent pool cases from the U.S. and Taiwan as its sample, all of which have occurred since the U.S. Department of Justice and the Federal Trade Commission established the "Antitrust Guidelines for the Licensing of Intellectual Property" in 1995. First, this study carefully considers relevant past documents and constructs the themes and the attitude measurement of patent attributes, the characteristics of patent contracts and the competitive effects based on content analysis. Next, a t-test is used to examine the sample data, and evidence is found of the following: (a) the patent attributes of open licensing portfolios correspond more to the pro-competitive effects; (b) if the characteristics of patent contracts can prevent the competitive information of licensees from being exposed, they will correspond more to the pro-competitive effects; and (c) the patent attributes and the characteristics of patent contracts can affect the competitive effects. These results can help the authorities and businesses as they enforce their patent pool strategies.

Keywords: Patent Pool, Patent Attributes, Patent Contract Characteristics, Content Analysis.

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