

The Relationships between Information Content and Legal Duty on Warning Letters Regarding Patents: The Moderating Effect of Patent Categories

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Abstract

This paper aims to explore the relationships between information content, including a proper execution of right and an improper execution of right, and the legal duty on warning letters regarding patents. In addition, it validates the moderating effect of categories of patents on legal duty, to explain the gap between the regulations of Article 45 of the Taiwan Fair Trade Law and the related documents concerning patents. The research involves an empirical study that crosses legal and managerial domains, and is different from previous related documents regarding patents and competitive law, which were concerned only with the legal relationships related to competition and cooperation. A research sample consisting of 145 cases of patent warning letters, from 1992 to 2014, is sourced from the Fair Trade Commission and the Supreme Administrative Court of Taiwan, and statistical analysis is conducted for validation purposes. The research validates the view that the proper execution of the right to a legal duty has a significant negative influence, and the improper execution of the right to a legal duty has a significant positive influence. The moderating effect of the categories of patents to a legal duty does not exist. The results should serve as a valuable reference to both business and the competition law authority when handling cases involving patent warning letters.

Keywords: Patent Warning Letter, Proper Execution of Right, Improper Execution of Right, Legal Duty, Patent Categories.

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