

# Optimal Design Of Patent Rights - Christoph Dyllick-brenzinger

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What are the incentives and the damages of patent rights? Assuming that a competitive market doesn't ensure efficient RD, I want to give a short recapitulation of the characteristics of public goods to show the motivation for patent rights. After that I introduce three different papers to give a insight in the optimal design of patent rights. I emphasize that the ideal design of a patent depends on the assumptions of the models. So there is no perfect patent design. There is just a perfect patent for the given situation. Ein Erfinder macht eine Entdeckung, die er patentieren möchte. Durch die Patentierung stellt der Erfinder der Öffentlichkeit sein Wissen zur Verfügung, gleichzeitig wird jedoch eine Barriere errichtet, die den Erfinder vor dem Wettbewerb schützt und ihm eine temporäre Monopolstellung ermöglicht. Diese Monopolstellung gibt dem Patentinhaber das Recht, sich gegen jegliche Übergriffe zu wehren, sollte jemand versuchen, seine Erfindung nach zu bauen, zu nutzen, anzubieten, zu importieren oder auch nur anzubieten, diese in ein Land zu importieren, wo das gewählte Patent gilt. Wie kommt es, dass Patente zu einem solchen Widerspruch führen? Auf der einen Seite will man Forschung induzieren und die Ergebnisse dieser Forschung der Öffentlichkeit zur Verfügung stellen, auf der anderen Seite muss man den Erfinder für seine Erfindung belohnen, damit es überhaupt zu Innovation kommt. In meiner Seminararbeit werde ich kurz auf die grundlegende Problematik von öffentlichen Gütern eingehen. Anhand deren Eigenschaften werde ich die Notwendigkeit von Patenten aufzeigen, welche Forschung induzieren, wenn der Markt nicht genug Anreize bietet. Danach werde ich drei Modelle zur optimalen Ausgestaltung von Patentrechten vorstellen, die zu unterschiedlichen Ergebnissen in ihren Empfehlungen für die optimale Ausgestaltung von Patentrechten gelangen. Trotz der unterschiedlichen Annahmen und Aussagen der Modelle geben sie meiner Meinung nach einen guten Einblick in das umfangreiche Thema der optimalen Ausgestaltung von Patentrechten. [...]

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