

國立政治大學九十六學年度碩士論文提要

研究所別：財政學研究所

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論文題目：仿冒查緝與政治獻金

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論文摘要：

在「商標」與「知識」等無形資產逐漸成為經濟社會中重要生產要素的今日，保障其所有權是維持市場秩序的重要方式之一，為此我國公平交易法第二十條與智慧財產相關法律均有相關規範。本文由政治獻金遊說的角度出發，探討當此類無形資產掌握在外國廠商手中時，本國民選政府如何制定最適的仿冒查緝率。本文研究發現，在沒有利益團體遊說的情況下，本國政府的最適查緝率為零；然若外國正版商的參與政治獻金遊說，即使本國政府對全國福利的重視程度相對於政治獻金兩倍以上，外國正版商的遊說仍可能大幅改變本國政府的選擇，使查緝率大幅提升至仿冒能夠在市場生存的查緝上限；若外國正版商與本國消費者均付出政治獻金遊說，則雙方將會落入類似囚犯的困境中。

關鍵詞：智慧財產權、政治獻金。

Crackdown on Imitations and Political Contributions

Yang, Tun-Ya

Abstract

Since intangible asset like trademark and knowledge has become a profitable input, patent protection is an essential way to maintain market order. For the purpose, there are many regulations such as Article 20 of the Fair Trade Act (FTA) and other Acts associated with intellectual property protection being put into practice in Taiwan. Applying political contributions to the issue, the paper analyzes how a domestic government decides optimal enforcement rate when intellectual property is held by a foreign company. We find the domestic government would lower enforcement rate to zero when there is no political contributions. However, the situation would be altered dramatically with applying political contributions. Despite raising the weight the government put on domestic welfare to two times as that on political contributions, lobbying from foreign companies may change government's original choice about the upper bound that allows imitations existing in the market. In addition, those foreign company and domestic consumers that both lobby and pay political contributions will fall into paradox analogous to prisoners' dilemma.

Key words: Intellectual property, political contributions.