

## LIABILITY RULES IN PATENT LAW

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The primary purpose of a patent law system should be to enhance economic efficiency, in particular by providing incentives for making inventions. The conventional wisdom is that patents should therefore be strictly exclusive rights. Moreover, in practice patent owners are almost never forced to give

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Interdisciplinary research at the interface of law, business administration and economics Perspectives for improvement of the patent system Focus on whether and under which conditions patents should be protected by property or liability rules

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[PROPERTY RULES, LIABILITY RULES, AND PATENT LAW: LEGAL ...](#)

In their seminal 1972 article, Property Rules, Liability Rules, and Inalienability: One View of the Cathedral, Guido Calabresi and A. Douglas Melamed proposed an analytic framework for comparing entitlements protected by property rules, liability rules, and inalienability rules.

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2011] Patent Liability Rules as Search Rules 189 it demonstrates that the search behaviors that arise as a result of patent law's liability rules will in some cases diminish social welfare, and

#### **Adverse Effects of Moving from Property Rules to Liability ...**

Finally, while the use of liability rules benefits the patent infringer, it harms the incentives for invention. Strong property rules whether applied to real property or intellectual property require an injunction to protect the property right. Application of liability rules serves to disintegrate the property right in a patent, with adverse consequences to economic progress.

#### **Property Rules, Liability Rules, and Patents: One ...**

Abstract. In their seminal 1972 article, "Property Rules, Liability Rules, and Inalienability: One View of the Cathedral," Guido Calabresi and A. Douglas Melamed proposed an analytic framework for comparing entitlements protected by property rules and liability rules.