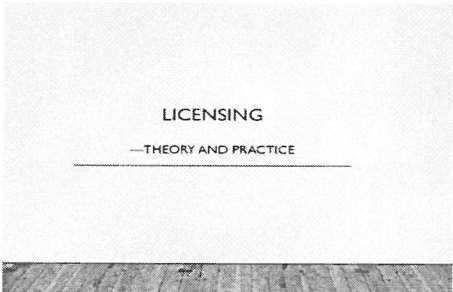
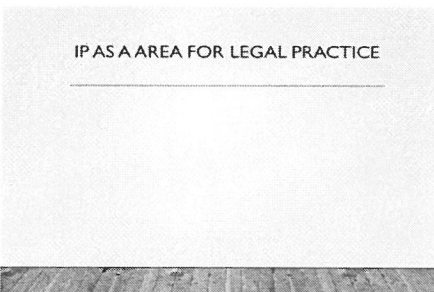
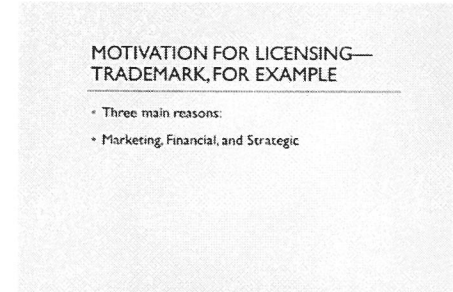
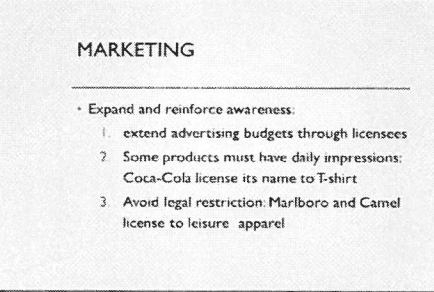
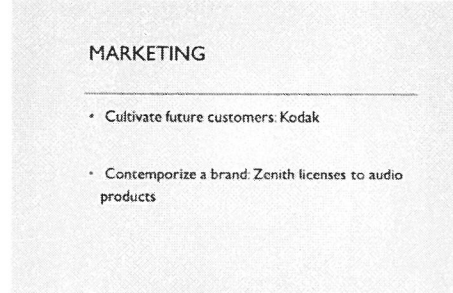
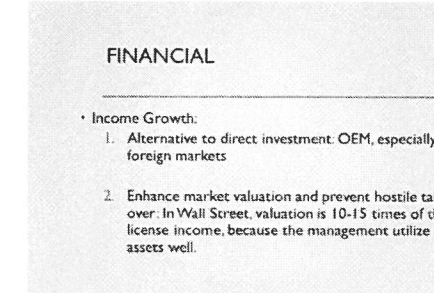


中國文化大學 110 年度教育部高等教育深耕計畫
計畫成果紀錄表

子計畫	子計畫 B
具體作法	B4-1 法學院「企業法務人才跨域培育計畫」
主題	B4-1 法學院「企業法務人才跨域培育計畫」
內容 (活動內容簡述/執行成效)	<p>主辦單位：法律學系 活動日期：110 年 5 月 21 日 (五) 10:10-12:00 活動地點：大新館 301 教室 授課課程：涉外民事法律問題專題 主講者：王偉霖 業師今日分享[IP LICENSING]</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%; text-align: center;">  </div> <div style="width: 50%; text-align: center;">  </div> <div style="width: 50%; text-align: center;">  </div> <div style="width: 50%; text-align: center;">  </div> <div style="width: 50%; text-align: center;">  </div> <div style="width: 50%; text-align: center;">  </div> </div>

STRATEGIC

- Eliminate Entry Barriers: Strategic relationship: working under the umbrella of a single brand
- Testing means of merger and acquisition

OTHER MOTIVES—NOT CONFINED TO TRADEMARK

- Acquire Technology
- Exploit rather than waste by-product technology
- Settle or avoid litigation
- Avoid antitrust or trade regulation (while, still is subject to antitrust regulation)
- Satisfy the "working" requirement of patent and trademark laws

RELATED ISSUES

- Merges and acquisition
- Assignment

WHY NOT LICENSE

- The licensee may become competitor
- Cannot find problems from manufacturing and then improve the technology
- Dilute the trademark

METHOD FOR CASE BRIEFING

1. Who sued Whom?
2. For What?
3. What instance the court is?
4. What kind of procedure?
5. What the court said?

WHY GET A LICENSE?

- To Avoid Litigation
- Less Expensive
- To Gain Market Entry
- To get tax deduction and other incentives in some countries

POBLEM DISCUSSION

- What kind of motivation does Estrella has to license its brand?
- What kinds of issues should the Chairman pay attention to?
- The three alternative?

IP LICENSING

—Process for conducting licensing and negotiation tactics

WHAT A LICENSING LAWYER SHOULD BEAR IN MIND

- License is not a transaction, it is a relationship: when the deal is made, the "pie" is unbaked
- License term is very long; hence, disputes resolution and damage control methods should be expected
- Understand your client, and understand the subject technology; then understand the accounting

PROCESS FOR LICENSING NEGOTIATION

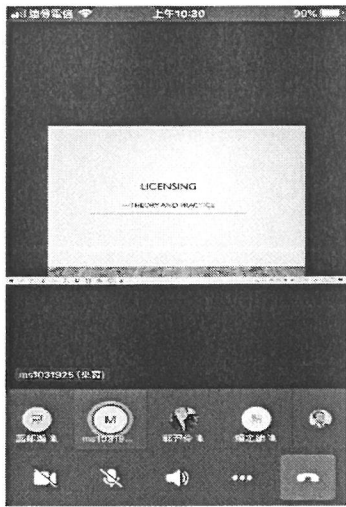
1. Exchange of non-confidential information: to determine whether there is a potential opportunity (a Memorandum of Understanding, MOU, maybe)
2. Execute a NDA (Non-disclosure Agreement)
3. Pre-negotiation begins
4. Due Diligence
5. The outline of a potential agreement emerges as key terms are still negotiated

執

行成效：

業師今日分享[IP LICENSING]，從不同面向說明如 Process for Licensing Negotiation，讓學生從簡報中透過實例可以進一步認識實務操作，師生討論熱烈，也讓學生可以從不同角度切入思考，易使學生容易理解且感興趣，加上授課教師一起說明互動，學生受益匪淺。

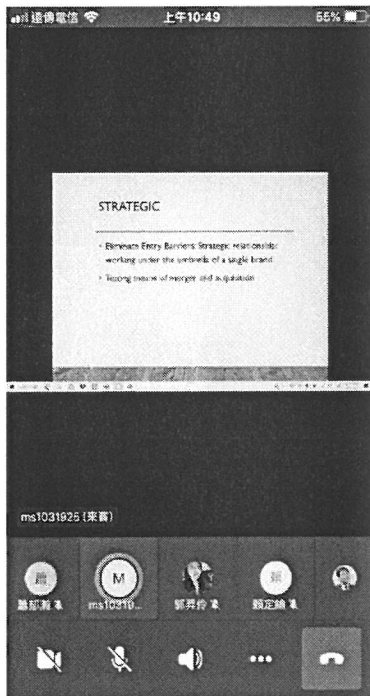
相關
圖片



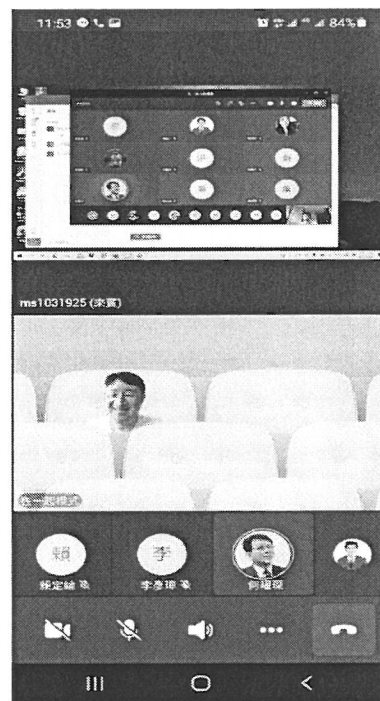
業師授課



業師授課



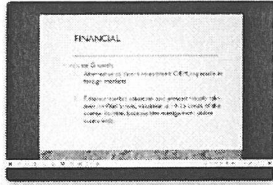
授課教師與業師解說報告



討論時間

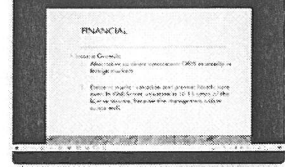
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- 何曜琛 召集人
- 王品煊
- 王偉霖 (來賓)
- 何家瑋
- 吳聳彥
- 呂文嘉
- 李彥璋
- 李睿好
- 林信介



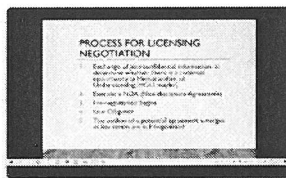
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- 林柏佑 上午2:43
- 林洋業
- 林盈綺
- 洪麗鈞
- 莊立瑜
- 郭羿伶
- 廖建凱
- 廖淑君
- 鄧文鈞
- 蕭郁瀚



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- 莊立瑜
- 郭羿伶
- 陳軍偉
- 廖建凱
- 廖淑君
- 鄧文鈞
- 蕭郁瀚
- 賴定綸
- A8103928 A8103928 上午3:26



業師講解案例中，授課教師確認在線上課同學