

约定赔偿作为知识产权侵权 惩罚性赔偿数额计算基数研究

内容提要:

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关键词:

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Abstract: One problem for the judicial application of punitive damages on intellectual property infringement is that it's difficult to determine the base for calculation. The agreed compensation provides a reasonable and feasible way to determine the base for calculating the amount of punitive damages. The legal orientation of agreed compensation is to be an applicable base to determine punitive damages. The nature of the agreed compensation is an alternative way to determine the actual loss or profits from infringement. The scope of the agreed compensation does not include reasonable expenses for protecting right. The content of the agreed compensation is a "package agreement" on