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### 基于发明专利的专利制度变动效应研究

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### The variation effect of patent system based on invention patents

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**摘要** 本文使用中国发明专利分析了1993和2001年两次专利制度变动对专利权人行为的影响。我们选取了较短的时间区间,即专利制度变动前后两年的发明专利为研究对象,以保证其他环境变量的稳定性。我们用三个变量描述专利权人行为特征及其对专利制度的信任程度:专利授权、临时寿命和实际寿命,并使用Log-rank检验和处理效应方法对专利制度变动前后专利权人行为特征差异进行了分析。结果显示,专利权人对专利制度的信任程度在两次专利制度变动后有一定增加,主要表现在专利授权率的提高和临时寿命的延长上。但专利的实际寿命并未有明显延长,说明专利制度为专利权人提供的保护仍旧不足,专利权人对专利制度的信任度仍旧不高。

**关键词:** [专利法](#) [临时寿命](#) [实际寿命](#) [专利制度](#)

**Abstract:** By using Chinese invention patents, the impact of twice patent system variations in the years of 1993 and 2001, respectively on the behaviors of patentee is investigated. The patents selected as the research subjects are only two years before and after the patent system variation, therefore other environmental variables remain constant. Three variables are used to describe the characteristics of patentee's behavior and their trust on patent system, namely, patent grant, provisional life, and active life. The method of Log-rank test and treatment effect is adopted for investigating the patentee's behavior differences before and after patent system variation. The result shows that patent grant rate is raised and provisional life is extended after twice patent system variations, it is indicated that patentee's trust on patent system increases. However, patent's active life is not extended; it means that the protection provided by patent system still insufficient for patentees, and patentees still distrust the patent system.

**Keywords:** [patent law](#) [provisional life](#) [active life](#) [patent system](#)

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