



## Legal Liability for Defective Products in the United States

### 在美國有缺陷的產品之法律責任

Whether your company sells industrial equipment, consumer electronics, pharmaceuticals or medical devices, companies who sell products or components that are marketed and sold in the United States should consider the legal risks related to liability for product defects. Under United States law, manufacturers, distributors and suppliers of finished products and component parts can be held legally responsible for business losses, property damage, and personal injuries caused by defective products. Even if the product manufacturer or distributor uses reasonable care, the company can still be held legally responsible for damages if a jury of ordinary United States' citizens conclude that the product's design, manufacture or lack of adequate warnings poses an unreasonable danger, or if the product does not fully comply with the warranty offered with the product.

不管您的公司是否賣工業的設備、消費類電子產品、藥物或醫療的儀器，只要公司賣產品或是零件銷售和出售在美國，就應該考慮到有關產品缺陷的法律責任之風險。根據美國的法律，製造業者、經銷商、和供應商所製造的產品和零件，因有缺陷的產品所造成的商業損失、財產損害，以及私人的損害負有法律的承擔責任。即使產品的製造商，或是經銷商使用合理的保護，若是美國公民所組成的陪審團所判定其產品的設計、製造，或是缺少適當的警告標示造成不合理的危險，或是產品若是沒有完全地遵守產品所提供的保證，該公司對損壞仍然負有法律賠償責任。

This session will use real-world examples to address issues from initial design and testing to completed product. Topics covered may include: (1) principles of liability applicable to manufacturers of finished products and component part suppliers; (2) whether a company is safe from liability because it thinks that it is not subject to the jurisdiction of United States Court; (3) how product warranties, warnings, instructions and even web site descriptions can give rise to liability; (4) how to minimize risk through effective contracts and warranties with suppliers and customers; and (5) the "discovery" process in United States litigation. The focus is on how companies and their employees can work better, on a day-to-day basis, to reduce the risk of legal liability in the United States for the products they design, manufacture, market or sell.

此研討將會利用工作的一些例子，針對些狀況，從最初的設計，和測試到產品的完成。論題可能涉及包括：(1)適用於製造商所製成的產品，和零件供應商可實施的主要賠償責任；(2)不管公司是否安全免責，因為它並不是受美國法院的司法管制；(3)產品如何的保證、警告、操作指南，甚至網頁敘述可以增加賠償責任；(4)如何與供應商們和客戶們透過有效的合約和保證書來降低風險；以及(5)在美國訴訟之“要求告知”程序。聚焦在公司如何和他們的員工們，能夠在每日的工作做的更好，以減少因為他們所設計、製造、銷售或是出售的產品，在美國法律賠償責任之風險。