



經濟部智慧財產局

INTELLECTUAL PROPERTY OFFICE

MINISTRY OF ECONOMIC AFFAIRS

July to September 2018

Quarterly Report on Intellectual Property Rights Protection in Taiwan

On August 30, 2018, TIPO held a seminar on the IP landscape in Southeast Asian countries in Taipei. During the event, IP officials from a number of Southeast Asian countries, including Malaysia, Indonesia, Vietnam, and Thailand, were invited to give a talk and share the legal regimes, examination practices, and law enforcement situation concerning trademarks in their countries with the Taiwanese audience. By holding this event, TIPO hopes to help participants gain a better understanding about trademark protection in Southeast Asian countries, thereby providing support for Taiwanese businesses when they seek to make inroads into markets in the region.

The Taiwan Innotech Expo (previously known as the Taipei International Invention Show and Technomart) took place at the Taipei World Trade Center on September 27-29 this year, with roughly 700 booths run by companies, technological institutions, and inventors from over 30 countries, exhibiting more than 1,000 technologies or patented inventions. There were two exhibition areas for this year's exposition: the Invention Contest area and the Three Major Themed Topics area, focusing on three major themes: future technologies, innovative inventions, and sustainable development. The exposition showed interdisciplinary research results and innovative technologies, as well as provided industry, academia, and research institutions home and abroad an opportunity to meet up and explore possibilities for cooperation.

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Special Report

TIPO holds the Seminar on the IP Landscape in Southeast Asian Countries on August 30, 2018

On August 30, 2018, TIPO held the Seminar on the IP Landscape in Southeast Asian Countries in Taipei. A number of trademark officials from Southeast Asian countries were invited to talk at the event, including Mr. Azahar Bin Abdul Razab, Assistant Director General of Registration and Compliance of the MyIPO; Mr. Fathlurachman, Director for Trademark and Geographical Indication of the DGIP; Mr. Ronald Lumbuun, Deputy Director for Enforcement and Monitoring of the DGIP; Ms. Ha Thi Nguyet Thu, Senior Official of the NOIP; and Mr. Tanakrit Ekkayokkaya, Senior Professional of the Trade Office of the DIP.

The speakers shared the legal regimes, examination practices, and law enforcement situation concerning trademarks in their countries with the Taiwanese audience. About 210 people showed up for the seminar, including people from industry, government, as well as academic and research institutions, and heated discussions took place throughout the sessions. By holding this event, TIPO hopes to help participants gain a better understanding about the trademark protection in Southeast Asian countries, thereby providing support for Taiwanese businesses when they seek to make inroads into markets in the region.

TIPO holds the 2018 Taiwan Innotech Expo on September 27-29

The Taiwan Innotech Expo (previously known as the Taipei International Invention Show and Technomart) took place at the Exhibition Hall 1 of the Taipei World Trade Center on September 27-29 this year, with roughly 700 booths run by companies, technological institutions, and inventors from over 30 countries, exhibiting more than 1,000 technologies and patented inventions.

There were two exhibition areas for this year's exposition: the Invention Contest area and the Three Major Themed Topics area. In the Invention Contest area, a total of over 650 inventions were put on exhibition by individual inventors, as well as members from industry and academia home and abroad. By hosting this invention contest, TIPO aimed to pick out some of the most innovative inventions or inventions with great market potential, and rewarded them for their achievement. In addition, there was also a sub-exhibition, entitled Excellent Invention Collections, where works by Taiwanese gold medal winners at renowned international invention exhibitions around the world from 2016-2017, as well as those rewarded with a platinum award at the Taipei International Invention Show and Technomart from 2014-2017, were displayed, thereby demonstrating the innovative strengths of the people of Taiwan.

In the Three Major Themed Topics area, a joint-exhibition held by the Ministry of Economic Affairs, the Ministry of Science and Technology, the Ministry of Education, the Ministry of National Defense, the Council of Agriculture of the Executive Yuan, and the National Development Council, was categorized in accordance with three major themes: technologies of the future, innovative inventions, and sustainable development. A total of 360 scientific research results were put on display this year, showing interdisciplinary research results and innovative technologies made by different government agencies. In addition, there were three sub-areas, dedicated to each theme, demonstrating the trading of international technologies under each of the three themes. A total of 90 state-of-the-art technologies were presented by organizations around the world in these spots, providing industry, academia, and research institutions home and abroad an opportunity to meet up and explore possibilities for cooperation.

Moreover, two forums on global IP strategies and interdisciplinary innovation were held during the exhibition, with foreign IP experts invited to share their knowledge about technology introduction and cooperation strategies, in the hope of further improving real-term economic benefits brought about by technology transfer. Also, ten seminars on technology trading and investment opportunities were held, allowing people to exchange views about the trading of technologies while learning more about each other's patented technologies.

Latest News

1. TIPO holds seminars on IPR practices for 2018. Presentation and meeting materials are now available on TIPO website

On July 3, 6, 12, 13, and 18, TIPO held its 2018 seminars on IPR practices in Taipei, Taichung, Tainan, Kaohsiung, and Hsinchu, respectively. Materials from the meetings are now available on TIPO website.

Topics covered at the seminars include the draft amendment to the Patent Act; analysis of evidence for the examination on the validity of patents; an introduction to the Taiwan Global Patent Search System (GPSS); and tips about patent and trademark prosecution. A total of 63 pieces of feedback has been given based on the presentations. Brief responses were provided on site, and more comprehensive ones have also been put on TIPO website at a later date.

For presentation and seminar materials, please visit:

<https://www.tipo.gov.tw/ct.asp?xItem=674606&ctNode=7127&mp=1>

2. TIPO holds a working-level meeting with KIPO

On July 12, TIPO held its fourth working-level meeting with the Korean Intellectual Property Office (KIPO) in Taipei. Senior Deputy Director Jinyong Lee and Deputy Director Jun-Jae Lee of the KIPO took part in the meeting, and exchanged views and experiences with their Taiwanese counterparts on issues such as the Cooperative Patent Classification (CPC) system, trade secrets protection measures, as well as the protection regime for IP in general. The

two sides were satisfied about the fruitful results achieved at this exchange meeting and looked forward to next working-level meetings in the future to continue their discussion on issues of mutual concern.

3. TIPO uploads a new version of IPC on its website

TIPO has uploaded a new version of the International Patent Classification (IPC) (2018.01) on its website. Applications filed after July 16 will be categorized in accordance with the new IPC. Items printed in the Patent Gazette and the Patent Application Publication Gazette will also be categorized in accordance with the latest IPC, starting from August 11, 2018 and October 1, 2018, respectively.

For more information, please visit:

<https://www.tipo.gov.tw/ct.asp?xItem=673206&ctNode=7127&mp=1>

4. TIPO holds the TIPO-IPOPHL Trademark Examination Practices Workshop in 2018

On August 14-16, 2018, TIPO held the TIPO-IPOPHL Trademark Examination Practices Workshop for this year. Three senior examiners from the IPOPHL took part in the event. During the workshop, the Philippine examiners introduced the mechanism to accelerate the examination process in their country, while Taiwanese ones shared their online examination process and relevant practices. The two sides also exchanged views on areas such as well-known trademarks, 3D trademarks, and regular trademarks. In addition, as part of the program of the workshop, the Philippine delegation also paid a visit to the Branding Taiwan Project Office of the Industrial Development Bureau of the Ministry of Economic Affairs (MOEA), where they learned about how Taiwan government support local businesses when they build their global brands.

5. TIPO starts delivering the citation of document of NPL along with patent search reports to patent applicants electronically on September 1, 2018

To provide better services with electronically delivered patent official documents, TIPO started delivering cited documents of non-patent literature (NPL) in a search report along with official documents in electronic format to patent applicants on September 1, 2018. In other words, if there are cited documents of NPL in a search report, a PDF file of these cited documents will be attached to the patent official documents and delivered to patent applicants electronically from now on, making it easier for people who chose to receive official documents in electronic form to access cited documents of NPL.

6. Judicial Yuan provides “Multi-channel E-filing Service” and “Integrated Online Documentation Library” for IP civil litigation cases in its e-court system

The Judicial Yuan recently added the Multi-channel E-filing Service and the Integrated Online Documentation Library to its Electronic Court Service System on August 1. For any civil litigation cases concerning intellectual property filed in paper form by a plaintiff, the defendant may use the E-filing Documentation Platform to present legal documents online. The plaintiff may also choose to send legal documents online via the platform instead at a later stage. Both sides may use the Integrated Online Documentation Library to read and download related electronic legal documents, dossiers, and transcripts online for free.

7. MOE sets up an email for reporting TANet-related IP infringement offences

The MOE has set up an email address (abuse@moe.edu.tw) for reporting TANet-related IP infringement offences. The Taiwan Book Publishers Association, a rights-holder group in Taiwan, has reported three times through the email from July to September, to ask the MOE to thwart access attempts through TANet to link to foreign infringing websites containing pirated textbooks. The MOE has responded and banned such access.

8. The Council of Indigenous Peoples grants exclusive rights to traditional intellectual creations of indigenous peoples

As of September 30, 2018, the Council of Indigenous Peoples had conducted 11 meetings and reviewed 40 applications for exclusive rights to traditional intellectual creations of the indigenous peoples. Of these, 12 applications were granted exclusive rights, 5 were subject to second review after resubmission, and 1 was rejected. Exclusive rights will be issued to the rest of the 22 applications after amendment to the application forms are made according to feedbacks from reviewers.

Law Enforcement Results and Latest Statistics

The National Police Agency (NPA)

1. Law enforcement results

From July to September 2018, a total of 718 copyright infringement cases involving 802 suspects and worth NT\$ 6.83 billion; a total of 531 trademark infringement cases involving 587 suspects and worth NT\$ 291.78 million, were recorded. In total, there were 1,249 IPR infringement cases involving 1,389 suspects, with the amount of money lost as a result reaching about NT\$ 7.12 billion. The abovementioned cases were later transferred to district prosecutors' offices for further investigation.

2. Major Cases

The Criminal Investigation Brigade (CIBr) of the NPA under the Ministry of the Interior has seized a syndicate which

sets up a large IT room to capture cable or satellite TV signals and turn them into online streaming through amplifiers and codecs before delivering them to hosting servers overseas. These are then used as set-top box or phone app channels. It was found that the scope of infringement committed included domestic and overseas film and TV channels. The amount of money involved in the infringement was roughly estimated to be at least up to NT \$10 million.

3. International exchanges

- (1) On July 17, the intellectual property rights protection department of Apple Inc. in East Asia visited the Criminal Investigation Brigade (CIBr) to thank it for uncovering counterfeit goods. The two sides also exchanged views on how to distinguish authentic Apple products from fake ones.
- (2) On August 23, Wisdom International Patent & Law Office, along with the Taipei Office of the Japan-Taiwan Exchange Association, Issey Miyake Inc. and YKK Taiwan Co., Ltd., visited the Criminal Investigation Brigade (CIBr) to exchange ideas on how to build up contact points with the CIBr.

Statistics for IP Infringement Cases by the National Police Agency, NPA

Unit: case/person (Jan.-Sep. 2018)

Year	Total		Trademarks		Copyright		
	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of CDs Confiscated
2018 Jan.-Sep.	3,481	3,949	1,474	1,704	2,007	2,245	24,180
2017 Jan.-Sep.	3,387	3,913	1,630	1,871	1,755	2,039	84,085
Percentage Change: 2018/2017 Jan.-Sep.	2.78	0.92	-9.57	-8.93	14.36	10.10	-71.24

Source: National Police Agency (NPA), Ministry of the Interior

Joint Optical Disk Enforcement Taskforce (JODE)

From January to September 2018, the Joint Optical Disk Enforcement Taskforce (JODE) of the Ministry of Economic Affairs has conducted a total of 212 inspections on OD factories, printing plate factories, and related facilities, 27 times less in comparison with the same period of time last year (239 times). The JODE also consulted law-abiding OD factories to establish an internal control and audit system and has carried out, during this period, 22 relevant documented audits in this regard. No major violation was found as a result.

JODE's Inspection Results

(Jan.-Sep. 2018)

	2017	2017	2018
		Jan.-Sep.	Jan.-Sep.
Number of Inspections	322	239	212
Audit/Consultation	38	28	22
Number of Cases Found Violating the Optical Disk Act	0	0	0
Number of Plants			
Manufacturing Plants	3	2	3
Closed Packaging Plants	0	0	0
Number of Cases Prosecuted	0	0	0
Number of Suspects Prosecuted	0	0	0
Number of Administrative Dispositions	0	0	0
Number of Machines Seized	0	0	0
Number of Illegal ODs (Pieces)	0	0	0

Source: The Joint Optical Disk Enforcement Taskforce (JODE), Ministry of Economic Affairs

The Customs Administration

1. Law Enforcement Results

- (1) The Customs Administration of the Ministry of Finance has been carrying out its duties regarding border protection in accordance with the Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark, and the Operational Directions for Customs Authorities in Implementing Measures for Protecting the Rights and Interests of Patent and Copyright. Results of the customs Administration from July to September 2018 are listed as follows:

Jul.-Sep.2018	Trademark Violations		Copyright Violations	
	Exports	Imports	Exports	Imports
No. of cases	0	31	0	0
No. of items	0	10,417	0	0
Jul.-Sep.2018	Exported ODs without a SID Code	False Declaration of SID Codes	False Declaration of Trademarks	
No. of cases	0	1	47	

*Here, "False Declaration of Trademarks" refers to failing to or untruthfully declared trademarks, as prescribed in paragraph 3, Article 17 of Foreign Trade Act.
Source: Customs Administration, Ministry of Finance

- (2) From July to September 2018, customs across Taiwan received a total of 70 requests for lodging advice on protecting trademark rights, 15 requests for extending the terms for advice on protecting trademark rights, as well as 36 requests for updating documents.

2. Major Cases

- (1) Keelung Customs: In September, a total of 1,000 counterfeit Burberry scarves and 200 counterfeit GUCCI scarves imported by sea freight were uncovered.
- (2) Taipei Customs: In July, nine sets of counterfeit iPhone imported via express delivery and 50 counterfeit ROLEX watches imported via air freight express delivery were uncovered. In August, a total of 1,792 counterfeit PRIZER tablets imported via air freight express delivery were uncovered. In September, 60 counterfeit ADIDAS wallets and 180 such boxes imported via express delivery were uncovered.
- (3) Kaohsiung Customs: In August, a total of 1,660 counterfeit BRIDGESTONE golf club heads imported via sea freight were uncovered.

3. International Exchanges

- (1) As part of its efforts to step up exchange of information on counterfeiting with global counterparts, the Customs Administration from July to September provided 10 pieces of information for customs authorities of other countries.
- (2) From August 8 to 12, Customs Administration officers attended 2018 APEC/IPEG seminar, APEC Customs Business Dialogue (ACBD), and the Second Meeting of the Sub-Committee on Customs Procedures (SCCP2) in Papua New Guinea. The exchanged views on issues relating to the enforcement of IPR border measures with representatives from APEC economies on these occasions.

The Taiwan High Prosecutors' Office (THPO)

From July to September 2018, the District Prosecutors Offices in Taiwan have investigated and closed a total of 514 cases suspected of IPR infringement, involving 580 suspects. Among them, 232 suspects in 174 cases were indicted under ordinary procedures; 150 suspects in 146 cases had their cases heard in a summary judgment; 161 suspects in 158 cases were granted a deferred prosecution; and 37 suspects in 36 cases were not indicted on ex officio grounds. In total, 217 people were convicted guilty by the court during this period, resulting in a conviction rate of 93.53%.

In comparison with statistics from the same period of time last year (2017), the number of suspects indicted (including those applied to have their cases heard in a summary judgment) in 2017 stood at 374, while that in 2018 reached 382, resulting in a 2.14% year-on-year increase. With regard to the number of suspects convicted, the figure stood at 264 in 2017, and 217 in 2018, representing a 17.80% year-on-year decrease.

Status of adjudication of Taiwan District Courts on IPR infringement cases

unit: person

Categories	Year	Results of Court Rulings													
		Total	Sentences							Exemption	Not Guilty	Not Prosecutable	Case Declined	Others	
			Subtotal	Under 6 Months	6-12 Months	1-2 Year(s)	2-3 Years	Over 3 Years	Detention						Fines
Total	Jan.-Sep. 2018	848	627	220	6	3	1	-	360	37	-	66	3	152	-
	Jan.-Sep. 2017	1,019	779	211	7	3	-	-	505	53	1	48	8	181	2
	YoY %	-16.78	-19.51	4.27	-14.29	0	0	0	-28.71	-30.19	-100	37.50	-62.50	-16.02	-100

Source: Taiwan High Prosecutors' Office

IPR Awareness Campaigns

1. National Policy Agency of the Ministry of the Interior conducts awareness campaigns on laws and regulations

In the third quarter of 2018, Criminal Investigation Brigade (CIBr) visited a total of 120 companies. The CIBr provided information relating to trade secret laws, assisted in examining confidentiality measures, and conducted 11 courses on trade secret laws.

2. Customs Administration holds information exchange meeting

From September 12 to 13, Customs Administration, Ministry of Finance sent representatives to Tokyo and Osaka, Japan to attend a seminar on IP in Taiwan hosted by the Japan-Taiwan Exchange Association, and introduced Taiwan's enforcement of IPR border measures and inspection practices.

3. MOE holds IPR awareness campaigns

On September 13-14 and 20, the 2018 College and University Research and Development Supervisors Meeting and the 2018 Technological College and University Academic Affairs Supervisors Meeting were respectively held. At the meetings, R&D and academic affairs supervisors were encouraged to carry out campus IPR action plan.

4. MOFA advocates IPR protection

At the New Southbound Policy Portal, a total of three articles on intellectual property rights were published. At Taiwan Today, an electronic newspaper, a total of eight articles on Taiwan's IPR policies were published, in languages such as English, Spanish, German and Thai.

5. MOEA holds IPR protection education campaigns

(1) IPR awareness lecture series

To strengthen the public's IPR awareness, TIPO in March began officially accepting registration for the 2018 IPR protection service group lecture series. Corporations, civil groups, and schools of all levels are eligible to register, and, once approved, on-site lectures on issues of interest (including patent, trademark, copyright, and trade secrets) along with consultation will be arranged free of charge. From July to September, 43 lectures had been organized, with nearly 5,000 people in attendance.

(2)The IPR on the Campus Task Force

From July to September 2018, the IPR on the Campus Task Force, a group composed of 166 seed instructors from 29 universities, visited 25 elementary, junior and senior high schools, as well as vocational schools, to promote the concept of IPR protection, by fun, lively group activities. A total of 9,054 students took part in these events. A subsequent survey shows that, more than 90 percent of student learned that sound or video recording, digital scanning, and photocopying are all considered as “reproduction” prescribed in the Copyright Act. More than 90 percent of them said that they know that uploading newly released movies to the Internet with P2P software or photocopying an entire textbook in separate times (even if not in one go) has constituted an infringement of copyright.

(3)Information meeting on copyright for new media

On August 10, an information meeting on copyright for new media was held in Taipei, as attended by 118 counts of people. A subsequent survey shows that, 90 percent of the participants learned that the videos and pictures set as “public” on Facebook fan pages or friends’ personal pages may not be downloaded for their own uses. 80 percent of the participants learned that using messengers to forward a link of pirated films to friends constitutes copyright infringement. More than 90 percent of the participants said that they learned more about copyright at this event and the learning would be beneficial to their work and life.

(4)Information meetings on copyright in the public sector

On July 12, August 10 and September 6, in Taipei and Kaohsiung, three information meetings on copyright in the public sector were held, as attended by as many as 415 counts of people. A subsequent survey shows that, nearly 80 percent of the participants learned that for public-sector institutions, it is not the only option to obtain copyright when outsourcing projects of producing copyrighted works. Instead, depending on actual needs, the institution may acquire permanent, free-of-charge licensing without limits, just so that the work may not be wasted. 90 percent of the participants learned that even if the use of someone’s work is not-for-profit or just for the public sector, such a use may not necessarily be considered as legitimate. 90 percent of the participants said that they learned more about copyright through this event and this would be beneficial to their work and life.

(5)Information meeting on the legal use of software for SMEs

An information meeting on the legal use of software for SMEs was held on September 14 in Taipei, as attended by 65 counts of people. A subsequent survey shows that, nearly 60 percent of the participants gained a further understanding of “copyright for computer software” and “how to reduce risks of computer software infringement.” 90 percent of the participants learned that as long as a webpage’s source code is “a set of commands which directly or indirectly makes a computer generate certain results,” the code might be considered as a computer program and be protected by the Copyright Act. 90 percent of the participants said that they learned more about copyright at this event and the learning would be beneficial to their work and life.

(6)Internet copyright awareness activities

To more quickly spread awareness information on the Internet, on August 17 and September 21 respectively, an online marketing and promotion event entitled “Looking for IP Talents” was held. A total of 25 cartoons and animations such as “Will I infringe copyright if I decorate others’ works in my shop?”, “What if I can’t find the author to license his or her work?”, “How to acquire music licensing for Facebook fan page videos?”, and “Uploading news clippings to the Internet” were produced and broadcast. As of end of September, on the “Idea My Dear” Facebook fan page, 129 posts had been published. 43 replies to questions regarding copyright on the Internet had also been given. Finally, the page gathered about 3,900 more fans.

(7)Copyright awareness animations

TIPO entrusted six satellite television services to broadcast a lively, readable 30-second awareness animation entitled “Copyright for Online Streaming” (in three language versions, Mandarin, Taiwanese and Hakka) extensively from August 1 to 31, in hopes of strengthening people’s understanding of online copyright. A total of 477 screenings were made.