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## Latest News

- ▶ Amendments to the Patent Act are promulgated on May 1 by the President Order, and the date of implementation will be determined by the Executive Yuan

The draft amendments to the Patent Act, based on changes of global trends and to make patent examination practices more robust, were passed by the Legislative Yuan on April 16. A total of 17 articles were included in the amendments. The major points are as follows: 1. Extend the scope and period of patent applications division after approval decisions. Currently, division is only applicable to invention patent applications within 30 days after written decision of allowance is served. After amendment...

- ▶ Amendments to Articles 87 and 93 of the Copyright Act are promulgated on May 1 by the President Order and shall enter into force on May 3
- ▶ 2019 IP Party awaits all to take part

## TIPO News & Events

## Enforcement

- ▶ Registration for the invention competition of the 2019 Taiwan Innotech Expo from April 19 to June 30
- ▶ Celebrations were held for the World IP Day and the Patent Attorney Day
- ▶ The 2019 International Seminar on Digital Piracy and Trade Secrets
- ▶ The 2019 TIPO-USPTO Exchange of Best Practices on Trademark Examination

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A total of 17 articles were included in the amendments. The major points are as follows:

1. Extend the scope and period of patent applications division after approval decisions  
Currently, division is only applicable to invention patent applications within 30 days after written decision of allowance is served. After amendments, 3 months instead of 30 days will be allowed. The same time rule applies to a reexamination application. This rule of division will also become applicable to utility model patent applications.
2. Enhance examination effectiveness of invalidation  
In order to keep the parties involved from repeatedly proposing new reasons, evidence, or post-grant amendments during an invalidation proceeding, thereby prolong the examination process, the person initiates invalidation action must submit reasons for such invalidation within three months. Late submission will not be considered. Also, during the examination, the time limits that right holder may apply for post-grant amendments are stipulated.
3. The period for making a post-grant amendment application to utility model patent and the requirement of substantive examination  
Since substantive examinations are not applied for utility model applications, to avoid the claim scope of such patents from being changed after post-grant amendment applications have been approved, thereby affecting a third party's interests, the timing which a patentee can apply for a post-grant amendment has been revised. Also, substantive examination will be conducted from now on for utility model post-grant amendment application.
4. Term of design patent is extended from 12 years to 15 years  
Since the term of design patent in the Hague Agreement is 15 years, we extend the term of design patent in Taiwan to 15 years from the current 12 years, so as to enhance protection and to help the design industry to grow.
5. Resolve lack of storage space for patent documents  
The current regulations stipulate that the patent documents must be preserved permanently. Now, more than 2.1 million cases are there. This makes it highly challenging in expanding storage space. Taking reference from other IP offices' regulations, decision has been made

to preserve patent documents according to their categories and on a periodical basis. The ones not worth preservation may be destroyed periodically. This shall ease the problem of lack of space.

TIPO hopes to loosen the current regulations through the amendments. This shall help to improve patent examination efficacy, benefit corporate patent portfolios, and promote industrial design development in Taiwan.

For more information (Chinese), please click the following link: <https://www.tipo.gov.tw/dl.asp?fileName=941611175146.pdf>



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### **Amendments to Articles 87 and 93 of the Copyright Act are promulgated on May 1 by the President Order and shall enter into force on May 3**

In recent years, some set-top boxes and APPs in the market have provided access to infringing websites for people to watch illicit audiovisual contents. Without authorization, the providers of these set-top boxes and APPs gain excessive profits by charging monthly fees or selling off the boxes at once. These have severely affected the interests of copyright holders and OTT service providers who acquired licensing from the copyright holders.

To curb malicious online infringement, Legislators proposed the draft amendments to Articles 87 and 93 of the Copyright Act. The draft was passed by the Legislative Yuan on April 16.

Upon amending the bill, manufactures, importers, and distributors of illegal set-top boxes, which pre-located with APPs linking to infringing contents, will face a sentence of up to two years imprisonment or detention, or in lieu thereof or in addition thereto, a fine of not more than five hundred thousand New Taiwan Dollars. It is hoped that the amendments can help to curb online infringement, while facilitating the development of Taiwan's creative and audio-visual industries.

For more information (Chinese), please click the following link:

<https://www.tipo.gov.tw/dl.asp?filename=9511023963.pdf>



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### **2019 IP Party awaits all to take part**

From 13:00 to 17:00 on June 2, 2019, TIPO will hold an IP party at Huashan 1914 Creative Park. Taking the theme of "Alice's Adventures in Wonderland," the party aims to help people learn more about IPR. Picnic, games, and contests will all be held to achieve this goal.

Singing and dance, magic shows, and DIY kite-coloring classes will take place, too. Taipei City Government's mascot, "Bravo" bear, will attend the cheerful occasion. Thematic photo-taking settings will be available for people to use. By uploading their pictures and checking in on Facebook, the visitors can get snacks for free. The fun, diverse party awaits all to take part.

For more information (Chinese), please lick the following link: <https://www.facebook.com/copyright.com.tw/>



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### **Registration for the invention competition of the 2019 Taiwan Innotech Expo from April 19 to June 30**

The 2019 Taiwan Innotech Expo will be held from September 26 to 29 at Exhibition Hall 1, Taipei World Trade Center. Registration for an invention competition began on April 19. Interested companies and inventors are encouraged to register soon, to grasp this wonderful chance of displaying new inventions.

In continuation of the three themes of 2018 - Future Technology, Innovative Inventions, and Sustainable Development, this year, three main exhibitions will be there to showcase the R&D results attained by the responsible ministries of Taiwan. Also, renowned overseas R&D organizations will partake in technological exchange with Taiwan's professionals. The goal is to generate more chances of international cooperation, as well as business opportunities.

For more information, please click the following link: [https://www.inventaipai.com.tw/en\\_US/index.html](https://www.inventaipai.com.tw/en_US/index.html)



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## Celebrations were held for the World IP Day and the Patent Attorney Day

April 26 is the World Intellectual Property Day. Since 2001, many countries in the world have held celebrations for this day in ways that are close to daily life, based on its theme of the year. This has allowed people to learn more about innovations, environmental protection and IPR, as well as to show respect. "Reach for Gold: IP and Sports" is the theme of the World Intellectual Property Day in 2019.

To celebrate the World IP Day with the rest of the world, TIPO held a promotional talk on April 25 at the Taipei Arena. Since the Patent Attorney Day is on April 26, TIPO jointly worked with the Taiwan Patent Attorneys Association and The Motion Picture Association of America to celebrate the two days together. Representatives from the sports industry were invited to give speeches on the influence and importance of intellectual property protection for R&D and manufacturing in the sports industry, as well as for sports players. Nearly 150 people took part in the fun talks where IP awareness was also promoted.



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## The 2019 International Seminar on Digital Piracy and Trade Secrets

Because digital piracy and trade secrets protection are the two main issues concerned by Taiwan and the U.S. governments, the Ministry of Justice, TIPO, the U.S. Department of Justice, and the American Institute in Taiwan (AIT) jointly held the Seminar at the International Conference Hall of the National Central Library on April 11 & 12. It was aimed at effectively enhancing investigation and professional knowledge for law enforcement agencies in such cases, in hope of strengthening cooperation between the two sides for combating illegal use of IPR and misappropriations of trade secrets.

Five topics were discussed on the first day under the theme of 'stemming digital piracy': the role of the courts in stemming digital piracy, law enforcement in cases of digital piracy, the role of industry in stemming digital piracy, statutory approaches to stemming digital piracy, and ESI (electronically stored information) and trans-border cooperation for stemming digital piracy.

On the second day, under the theme of 'trade secret protection,' six topics were discussed: private sector's concerns about reporting trade secret thefts, protective orders for trade secrets during litigation, law enforcement outreach for trade secret owners, criminal cases relating to trade secrets, the role of experts in trade secret litigation, and the valuation of trade secrets.

The speakers and attendants from Taiwan and the U.S. came from various sectors. For the U.S., there were federal and state courts, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, and USPTO. For the Taiwan, it included the Department of Justice, district prosecutors' offices, Intellectual Property Court, Investigation Bureau, and TIPO. These agencies all attached much importance to the topics discussed at the seminar.



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## The 2019 TIPO-USPTO Exchange of Best Practices on Trademark Examination

The TIPO-USPTO Exchange of Best Practices on Trademark Examination was held at TIPO from March 25 to 28, 2019. USPTO sent two attorney-advisors from the Trademarks Team, Office of Policy and International Affairs to share trademark laws and practices in the United States.

On this occasion, a wide range of subjects of exchange were discussed, including the trademark application process, examination of marks for distinctiveness, acquired distinctiveness and disclaimers, examination on likelihood of confusion, well-known marks, bad faith applications, trade dress and non-traditional trademark examination, developments in U.S. trademark cases in the courts, and cases of online trademark infringement.

While Taiwan and the U.S. do not always share the same views on legal regimes and individual cases, after exchange of ideas and in-depth discussions, new paths were found. This was helpful for both sides to find the best practices for trademark examination.



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Please contact us if you have any suggestion or question about our monthly news. We will make corrections or write back to you as soon as possible.

Our email address is: [ipogp@tipo.gov.tw](mailto:ipogp@tipo.gov.tw) .



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