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The key revisions of this draft amendment include:

1. The steps in determining unity of invention is amended: First, determine if the independent claims are obviously lack of unity of invention. If yes, the application doesn't meet the unity of invention requirement. If not, a prior art search shall be conducted to determine whether an identical or corresponding special technical feature (STF) is found among the independent claim 1 and other independent claims. If no STF can be found, the application doesn't meet the unity of invention requirement. If STF can be found, the application meet the unity of invention requirement.
2. It is clearly stipulated that in principle at least ONE independent claim (usually independent claim 1) as well as claims dependent on the independent claim shall be searched and examined if an application doesn't meet the unity of invention requirement.

For more information, please visit: <https://www.tipo.gov.tw/dl.asp?fileName=89181184084.pdf>



TIPO holds a public hearing on draft amendment to Examination Guidelines on Biology-related Invention Patent Applications on October 11

TIPO proposed to amend the Guidelines on Examining Biology-related Invention Patent Applications to align with the status of development of Taiwan's biotech industry, the practices in respect of patent examination, as well as the amended Examination Guidelines on Inventive Step, which took effect on July 1, 2017. This draft amendment is aimed at making determination of inventive step of invention patent applications much simpler, clearer, and easily understood. Key revisions were posted on TIPO's website and a public hearing was held on October 11 to solicit public feedback.

This amendment focuses on adjusting the structure of certain chapters, revising specific types and discourse of inventive step, as well as adding sample cases.

For more information, please visit:

<https://www.tipo.gov.tw/ct.asp?xItem=681032&ctNode=7127&mp=1> ◦



Publication of Examination Guidelines on Procedural Examination of Applications for Trademark Registration

TIPO published the Examination Guidelines on Procedural Examination of Applications for Trademark Registration on October 19, 2018.

The Guidelines comprise a total of 15 chapters: preamble, submitting and withdrawing of applications, application fees, trademark application form and filing date, right of priority and right of exhibition priority, applicants, agents, trademark reproductions, designated goods or services, notices stating grounds for intended refusal and disposition of refusal or acceptance of trademark applications, issuing a letter of consent to coexistence, division and restriction of designated goods or services, changes and corrections prior to registration, serving, calculation of period, and request for restoration to the status quo ante. The Guidelines are aimed at helping people understand procedural requirements in the application for trademark registration, providing more comprehensive protection of applicants' rights and interests, as well as increasing efficiency in examining trademark applications for registration. TIPO encourages those interested to make use of the Guidelines.

For more information, please visit:

<https://www.tipo.gov.tw/ct.asp?xItem=684960&ctNode=7127&mp=1> ◦



Statistics report 2017: Patent and trademark applications filed with IP5/TM5 and those by Taiwan nationals

According to IP5 (USPTO, JPO, EPO, KIPO, and CNIPA) and TM5 (USPTO, JPO, EUIPO, KIPO, and CNIPA) statistics, with the exception of JPO and KIPO, all of the other offices hit historical high in the number of patent and trademark applications. With CNIPA, the number of applications for invention and design patents, as well as the number of applications for trademark registration far exceeded that of the other offices. As to Taiwan nationals filing patent and trademark applications with IP5 and TM5, most of their applications were filed with the USPTO and CNIPA and there was a positive growth in the application number in 2017. Applications for design patent and trademark registration filed with EUIPO saw an increase for two consecutive years.

The number of invention patent applications received by most IP5 in 2017 saw a positive growth. Of these, CNIPA topped the list with 1,381,594 applications, hitting new highs continuously. Applications received by the USPTO (606,956 cases) and EPO (165,590 cases) were both historical high. The number received by JPO (318,479 cases) remained constant. KIPO (204,775 cases) was the only patent office that saw a decrease, which had lasted for two consecutive years.

Design patent applications received by USPTO, JPO, EUIPO, KIPO, and CNIPA saw mostly a slight increase. SIPO received 628,658 applications, far exceeding those received by the other four. However, that figure was a 3.3% decrease from the previous year. The EUIPO received 26,058 applications, registering the fastest growth with a 5.9% yearly increase.

As to Taiwan nationals filing invention and design patent applications with IP5 and EUIPO, most of their applications were also filed with the USPTO and CNIPA. Taiwan nationals filed 19,019 and 10,802 invention patent applications with the USPTO and CNIPA, registering a respective growth of 1.6% and 5.0% from the previous year. Invention applications filed with EPO stood at 1,623 cases, registering a 14.1% increase and a positive growth for three consecutive years. Taiwan nationals filed the most design patent applications (1,429

cases) with CNIPA. That figure, however, was a yearly decrease of 12.7%. There were 691 design patent applications being filed with EUIPO, registering a slight upward climb of 1.9%.

In the number of applications for trademark registration, four of the TM5 (USPTO, EUIPO, JPO, KIPO, and CNIPA) except for KIPO hit a record high. CNIPA in 2017 received 5,748,175 applications, registering a yearly increase of 55.7%. Between 2014 and 2016, CNIPA maintained a growth rate of over 20%, which was subsequently sped up. As for the USPTO, JPO, and EUIPO, the growth rate in 2017 ranged from 8.2 to 18.0%. This is an indication that applicants are placing more and more importance on building portfolios in the TM5 regions.

In the number of applications for trademark registration filed with TM5 by Taiwan nationals, a total of 20,308 cases were filed with CNIPA, far exceeding the other four trademark offices. This points to a trend heading towards highly-concentrated trademark portfolios. On the second spot was the USPTO with 1,734 applications. Applications filed with the other three offices were all below 800.

For more information, please visit:

<https://www.tipo.gov.tw/ct.asp?xItem=684873&ctNode=7127&mp=1> °



New filter for search now available at the Taiwan Patent Search System

The Taiwan Patent Search System was added a new patent status search filter at the end of this past August to allow users to quickly filter out patents of specified statuses. For instance, users ticking the “extinguished” status will be given results of lapsed patents (expired or unpaid annuities). They can also add filter instructions to search queries to quickly access lapsed patents of specified technical fields. In addition, the system enables search results to be adjusted to short entries that show current statuses of queried patents, allowing users to quickly browse through targeted data.

With these new and modified functionalities now in place, the system is aimed at allowing users to more conveniently conduct their search of patent data and to more quickly use lapsed patents.



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Intellectual Property Office
Ministry of Economic Affairs R.O.C.

Office Hours: 9:00~12:00, 13:30~17:30 Add : 185 Hsinhai Rd., Sec. 2, 3F; Taipei 10637, Taiwan, R.O.C

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