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Karaoke machines are hugely popular in Taiwan and a wide range of songs are programmed in these devices. However, in the past, users had to obtain licensing from different copyright collective management organizations (CCMOs) to be able to use the contents legally, which was simply inconvenient, and a lot of times, disputes would arise, demanding the mediation of competent authorities. To solve those problems, TIPO has designated songs played by karaoke machines into the category where a joint royalty rate would apply, and requested three CCMOs to negotiate relevant rates and decide which one would serve as the one-stop-shop collector. As no agreement was reached, the Music Copyright Society of Chinese Taipei (MÜST) requested TIPO to make the decision.

With these measures in place, content-users will be able to obtain licensing in a simpler and more affordable manner, an incentive for the general public to gain licensing and use contents through legal means. In the meantime, CCMOs will be able to cut costs and boost

margins when conducting their licensing business, which would be conducive to stabilizing the licensing market and promoting the wider use of created contents.



TIPO hosts a Taiwan-Japan examiner exchange program

On February 13, 2017, TIPO received four examiners from the Japan Patent Office (JPO) for a one-week exchange program.

In the program, the Japanese examiners gave an introduction of the JPO, and briefed on topics such as the file index (FI) and file forming terms (F-terms) patent classification system in Japan, search tools for non-patent literature (NPL), patent search strategies in the area of macromolecular compounds, as well as patent prior art search. During their stay, the examiners also paid a visit to the Patent Search Center (PSC) and the Intellectual Property Court. Through the exchange program, the two sides have shared experiences and conducted thorough discussions on patent examination practices in Taiwan and Japan, which can be enormously helpful for the future work of examinations.



TIPO releases statistics on patent and trademark applications in 2016

In 2016, overall applications dropped slightly by 2% from the previous year to 72,442 cases. Decrease in invention patent applications (43,836 cases) slowed down and fell slightly by 1%. Utility model patents (20,161 cases) decreased by 6%, whereas design patents (8,445 cases) grew by 8%.

Breakdown by nationality, overall applications (40,443 cases) by residents saw a yearly decrease of 3%. As for non-residents, overall applications (31,999 cases) increased slightly by 1%. Among domestic applications, the number of invention patent applications fell for five years in a row, to 16,866 in 2016, with a 2 percent drop, a milder decline in comparison with previous years; while that of design patents grew by 3 percent to 4,579. Among foreign applications, the number of invention patent applications dropped 1 percent to 26,970; that of utility model patents dived 9 percent to 1,163; and that of design patents jumped 15 percent to 3,866.

In the number of patent applications filed with TIPO by non-residents, Japan and the US continued to claim the top two spots. Japan once again took the lead with 13,349 overall applications, followed by the US (7,972 cases) and Mainland China (2,202 cases). Japan also claimed the top spot among the five largest patent-filing countries (regions) in the number of invention (12,006 cases) and design (1,258 cases) applications, and Mainland China outnumbered other in the utility model applications (551 cases).

In trademark, the number of applications (79,300 cases) saw a yearly increase of 1%. By nationality, applications filed by residents (57,548 cases) and non-residents (21,752 cases) both grew slightly from the preceding year. Among the top five foreign applicants, Mainland China (4,281 cases, +9%) again took the lead, outnumbering the US (3,735 cases) and Japan (3,669 cases). In addition, four out of top five trademark filing countries (regions) are in Asia, which indicates their active expansion of trademark portfolios in Taiwan.



Average first-OA pendency for invention patent applications in Taiwan has dropped to 20 months

TIPO has carried out a backlog reduction project since 2010. By the end of 2016, the number of disposals has reached 384,789, exceeding the original target (365,740) by about 19,000, a considerable success in terms of performance.

As of the end of 2016, the backlog of pending invention patent applications reported a drop of 110,025 to 50,293, a sharp decrease compared with 160,318 in 2011.

With regard to patent pendency, in 2015, the average patent pendency at TIPO was 26 months, while at the United States Patent and Trademark Office (USPTO) was 26.3 months and the European Patent Office (EPO) 26.9 months. In 2016, the figure in Taiwan was further reduced to 20 months, fostering for applicants to expand their patent portfolios around the globe.



TIPO releases statistics on top 100 patent applicants of 2016

TIPO published statistics regarding the number of patent applications and patents granted in Taiwan in 2016. As for patent applications by domestic legal entities in 2016, Taiwan Semiconductor Manufacturing Company (TSMC) (873) ranked number one for the first time, while Hon Hai Precision (400), the champion for 14 consecutive years, dropped to number three. However, with regard to the number of patents granted, Hon Hai Precision (982) continued to rank highest. As for foreign legal entities, Intel remained top, in terms of both the number of applications (905) and patents granted (854).

As for the number of invention patent applications by industry, there were ups and downs in the semiconductor industry, with Intel (905) ranking number one—despite a 5 percent decrease from last year—ahead of TSMC (873) and Samsung (252), which increased dramatically by 74 and 30 percent, respectively.

In the panel industry, applications by LG Display (98) surged 88 percent while that of Samsung (88) dropped 25 percent. On the other hand, Taiwanese manufacturers AUO (268) and InnoLux (56) fell by 5 and 36 percent over the previous year, respectively.

With regard to the mobile device industry, the number of applications has been in the decline, with Apple (99) and HTC (81) decreasing markedly by 55 and 45 percent, respectively.

As for educational institutions, a total of 29 colleges and universities made it onto the list of the top 100 domestic legal entity patent applicants in Taiwan. Among them, Far East University led its peers and ranked 8th in the list, by filing a total of 222 applications (among them, 178 were for utility model patents). It was followed by the Taipei City University of Science & Technology, which filed 172 applications and ranked 9th in the list.

As for invention patent applicants, the National Tsing Hua University came top among its university peers again by filing 111 applications. It was followed by the National Taiwan University (49) and the National Chiao Tung University (54), which increased nearly 30 percent and decreased 49 percent from the previous year, respectively.

As for research institutions, they accounted for six places in the list of the top 100 domestic legal entity patent applicants in Taiwan. Among them, the Industrial Technology Research Institute (ITRI) came top with 468 applications, similar to its record last year. It was followed by the Metal Industries Research and Development Center, which filed 154 applications, the best performance it has delivered so far on the list.

According to the list of top 100 domestic legal entity patent applicants in Taiwan in 2016, after a two to three year consecutive decline in the numbers of all three types of patent applications, things are turning for the better. The decrease in invention patent applications has slowed in 2016, while the growth rate for utility model and design patent applications have both turned positive again.

Details of the abovementioned patent applications are as followed: The number of invention patent applications by corporations (4,955) in 2016 only decreased by 7 percent from past year. It was due to the 24 percent decrease in university and college applications (1,054), that the total number of applications in this category suffered a 9 percent drop to 6,870. Yet, it was still an improvement in comparison with the 12 and 27 percent decrease in 2014 and 2015, respectively. As for utility model patent applications, the total number climbed 1 percent to 2,094, due to increases in corporate applications and a slowed-down decrease in university and college ones. With regard to design patent applications, the number rose by 5 percent to 557, due to an increase in corporate applications.

For more information about the list of top 100 patent applicants in Taiwan in 2016, please visit:
<https://www.tipo.gov.tw/ct.asp?xItem=613792&ctNode=7123&mp=1>



Starting from March 1, 2017, people no longer need to apply for a copyright inspection certificate when they export audiovisual works, such as audio CDs

Over the past twenty years, people had to apply to TIPO for a copyright inspection certificate for the surveillance of the customs authority, before they could export audiovisual works, such as LDs, VCDs, DVDs, or audio CDs to foreign country region. To save people money and streamline customs procedures for exporting, the Ministry of Economic Affairs (MOEA) has, on March 1, 2017, repealed

relevant guidelines on the application of such inspection certificates in the event of exporting audiovisual works or OEM audio CDs. In addition, the Bureau of Foreign Trade of the MOEA has also, on February 15, 2017, removed recorded LDs, VCDs and DVDs of sound and image (Commodity Classification Code: 8523.49.00.21-0; Export Regulation Code: 571) from relevant regulations, so that no copyright inspection certificate is needed for their export.

Starting from March 1, 2017, people no longer need to apply to TIPO for a copyright inspection certificate before their export action of audiovisual works, such as LDs, VCDs, DVDs, or audio CDs to another country. Rather, they can simply export such goods in accordance with regular customs procedures. However, when the customs authorities, in the course of executing their duties, discover import or export goods that in appearance are obviously suspect of copyright infringement, the officials can still ex officio request the importer or exporter to provide relevant licensing papers for inspection, in accordance with Article 90bis of the Copyright Act.

In addition, according to subparagraph 1 of Article 17 of the Foreign Trade Act, importers and exporters shall not violate any intellectual property rights protected by laws of this country or other countries. Infringers can receive a warning, an administrative fine of not less than NT\$30,000 and not more than NT\$300,000, or be banned from importing, exporting, or importing and exporting goods for not less than one month and not more than one year, in accordance with Article 28 of the same Act.



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