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On January 24, TIPO received a nine-people delegation led by Vincent Shih and Peter J. Dernbach, co-chairs of the Intellectual Property & Licensing Committee of the American Chamber of Commerce in Taipei (AmCham), to exchange views on issues raised in AmCham's 2016 White Paper. During the meeting, the two sides had a thorough and comprehensive discussion on issues rights-holders care greatly about, including the copyright royalty tariff review system, amendments to the Copyright Act, online copyright infringement, and the IP Court's awarding of appropriate damages.

Taiwan has attached great importance to intellectual property protection. In addition to closely following developments in international IP regimes and practices, the government has also consulted widely to listen to stakeholders' voices, both local and foreign. By engaging in a constructive dialogue with rights-holder groups, TIPO aims to create a more robust environment for IP protection, thereby providing better services to the public.



TIPO receives Laure Reinhart, Director of Innovation Partnerships of Bpifrance

On January 9, 2017, TIPO Deputy Director-General Chang Yuh-ying met with a four-people delegation led by Laure Reinhart, Director of Innovation Partnerships of Bpifrance, and Christophe Legillon, Head of Commercial section of the France office in Taipei. During the meeting, the two sides exchanged view on what can be done to drive industrial growth. TIPO shared its experience interacting with the National Industrial Property Institute (INPI), while Bpifrance talked about how it works with the INPI as well as other approaches adopted in France to boost innovation and growth.



An amendment concerning the grace period under the Patent Act is promulgated on January 18, 2017, by a presidential decree

An amendment to the Patent Act had passed three readings in the Legislative Yuan on December 30, 2016. This amendment will introduce a more lenient requirement regarding the grace period, which would be conducive to the dissemination of innovation and technologies. The amended provisions were promulgated on January 18, 2017, by a presidential decree; their effective date will later be decided by the Executive Yuan.

Major revisions to the Patent Act include:

1. Extending the grace period and easing forms of disclosure

The existing grace period in the Act is extended from 6 months to 12 months and is not limited to disclosures made by applicants. The new provisions regarding the grace period would apply when disclosures are made either intentionally or unintentionally by an applicant, in the hope of further promoting the publication and dissemination of technologies.

2. Publication in the Patent Gazette is inapplicable in the grace period

Publication in the Patent Gazette is made with the aim to avoid duplication of investment in the same R&D project, or to make known to the public the exact scope of claims of granted patents. On the other hand, the grace period is set out to ensure that inventions do not fail the novelty and inventive step tests due to exceptional disclosures made prior to their applications. The two measures are obviously different from each other in terms of their scopes and purposes. As such, provisions regarding the grace period would not apply in the event of publication made in the Patent Gazette.

3. Removing the requirement for applicants to claim the disclosure at the time of filing a patent application

To prevent an applicant's interests from nullification due their failure to state a claim, provisions requiring that an applicant "has to claim the disclosure at the time of filing a patent application" has been removed from the Act, to better protect the rights of applicants.

For corresponding revised provisions in the Patent Act, please refer to the link below.

<https://www.tipo.gov.tw/site/UipTipo/public/Attachment/72211472770.pdf>



Amendment to Article 31bis of the TRIPS Agreement takes effect on January 23, 2017

Roberto Azevêdo, Director-General of the World Trade Organization (WTO), announced on January 30, 2017, at an ad hoc meeting of the TRIPS Council, that the amendment to Article 31bis of the TRIPS Agreement has come into force on January 23, 2017, after two thirds of WTO members accepted and ratified the amendment.

The amendment to Article 31bis was drafted to deal with public health crises, such as HIV/AIDS, malaria, and tuberculosis, which have occurred due to the ineffective use of compulsory licensing under the TRIPS Agreement, as a result of insufficient manufacturing capacities in the pharmaceutical sector in some developing or least developed countries (LDCs). To solve this grave problem, the WTO mandated the 2001 Doha Declaration on TRIPS and Public Health in November 2001.

After years of hard work, the amendment to Article 31bis was finally approved at the WTO on December 6, 2005. Under this amendment, export of pharmaceutical products manufactured under a compulsory license to members with insufficient manufacturing

capabilities in the pharmaceutical sector is permitted. Eligible importing and exporting members are obliged to ensure that products shipped under the system are used for the public health purposes, and should also take reasonable measures to prevent re-exportation of the products, illegitimate importation, and trade diversion. In addition, to better cope with the abovementioned public health problems, WTO members are encouraged to promote the transfer of technology and capacity building in the pharmaceutical sector, in the hope of securing developing and LDC members' access to pharmaceutical products.

To stay in line with the Doha Declaration on TRIPS and Public Health, Taiwan revised Article 90 and 91 of its Patent Act accordingly in 2011, and ratified the abovementioned WTO amendment on July 31, 2012. To help relieve public health problems faced by developing countries and LDCs, Taiwanese generic drug manufacturers with relevant manufacturing capabilities are allowed to apply for the grant to produce pharmaceutical products under a compulsory license, and to export them to countries in need, thereby making contributions to the life security, health, and public health of mankind.



IPR Trends in the Fourth Quarter of 2016: Patent and Trademark Statistics

In the fourth quarter of 2016, new applications for all three types of patents dropped by 1.71% to 19,827 cases. Inventions (12,365) and utility models (5,189) decreased by 0.20% and 8.68%, respectively, while designs (2,273) increased by 8.29%.

Applications for invention patents by residents (5,353) were up by 2.98%; those by non-residents (7,012) were down by 2.50%. By country, Japan (2,920) came top, followed by the US (1,829), China (491), South Korea (463), and Germany (345).

The top five domestic corporations filing for new invention patents in this period of time were Taiwan Semiconductor Manufacturing Company (TSMC) (600), the Industrial Technology Research Institute (ITRI) (293), Inventec Corporation (193), Metal Industries Research & Development Centre (119), and Hon Hai (93). In foreign corporations, Intel (310) came top, followed by Semiconductor Energy Laboratory (147), Qualcomm (131), Applied Materials (77), and Nitto Denko (77).

In the meantime, the number of new applications for trademark registration (21,157) rose by 3.12%. Resident and non-resident applications totaled 15,351 (+2.11%) and 5,806 (+5.91%), respectively. By country, China (1,155) came top, followed by Japan (1,020), the US (956), Hong Kong (402), and South Korea (372).

For more information, please visit: <http://www.tipo.gov.tw/lp.asp?ctNode=6801&CtUnit=3308&BaseDSD=7&mp=1>



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