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Asia IP Forum—Challenges and Prospects in Patent Invalidation Procedure faced by Taiwan and Asian Countries

TIPO, College of Law of National Taiwan University and Taiwan Intellectual Property Training Academy jointly held the Asia IP Forum—

Challenges and Prospects in Patent Invalidation Procedure faced by Taiwan and Asian Countries in NTU's Tsai Lecture Hall on September 30. Prof. Ng-Loy Wee Loon of the Faculty of Law of National University of Singapore, Prof. Tamura Yoshiyuki of Graduate School of Law of Hokkaido University, Prof. Sang Jo Jong of School of Law of Seoul National University, Prof. Chuntian Liu of Law School of Renmin University of China, Prof. Feroz Ali of Indian Institute of Technology Madras and Prof. Heng-Gee Lim of Faculty of Law of Universiti Teknologi Mara of Malaysia are invited to give speeches on issues regarding patent invalidation procedure in different countries. The IP forum is attended by 135 people from government agencies, TIPA's seed instructors, attorneys, patent attorneys and participants representing the industry and academia.



2016 Symposium on Patent Law and Practice

TIPO and Taiwan Patent Attorneys Association (TWPA) cohosted 2016 Symposium on Patent Law and Practice in GIS convention center on October 4-5. Two guest speakers, James Robart, federal judge in the U.S. District Court of Western District of Washington, and Christian Hannon, patent attorney of the U.S. Patent and Trademark Office had a discussion on the subjects of Standard Essential Patents and Reasonable Royalty, Patent Infringement Damages, the Definiteness Requirement of a Patent and Patent Eligibility, Comparative Study of Post-Grant Claim Amendment and Post-Grant Claim Amendment in Taiwan. Over 200 people representing TWPA, various law firms, industries, academia as well as TIPO's patent examiners attended this symposium and exchanged on the latest patent infringement cases and examination in practice.



2016 Cross-Strait Copyright Forum is successfully concluded



The 2016 Cross-Strait Copyright Forum is cohosted by Taiwan Association for Copyrights Protection (TACP) and Copyright Society of China (CSC) on September 19-25 in Chengdu city, Sichuan, China. New Thinking in Copyright Regime and Numeric Creativity & Culture Remodeling are two main themes surround this annual convention. The morning session addressed issues such as laws between the Strait and copyright protection for digital publication. The issues are delivered by four speakers, namely, Copyright Division Director of TIPO Mr. Hao-Chi Mao, the Head of Enforcement Division of National Copyright Administration Mr. Jie Zhao, Prof. Chung-Hsin Chang, in School of Law in Soochow University and Prof. Kaizhone Hu in Zhongnan University of Economics and Law. In the afternoon session, five speakers including the general manager of Showtime Cinemas Mr. Willy Liao and the general manager Mr. Bo Jiang in Tencent Technology delivered in-depth speeches by sharing their practical experience in digital multimedia and online music industries. In all, the forum covers many aspects in copyright.

There are 20 delegates from Taiwan side, leading by TIPO's Deputy Director General Yuh-Ying Chang and accompanying by TACP's founding chairman Mr. Zhi-De Liao and representatives from software and music industries while the China side is led by CSC's chairman Mr. Xiaohong Yan, vice chairman Mr. Tzu-Chiang Wang, Mr. Cike Yu, municipal copyright associations in Chengdu and Jiangsu, the International Copyright Exchange, publishers and web portals such as Artron Art Group, Baidu, Tencent, Sohu. In total, over 100 people attended.

This forum is a platform on which both sides share regulatory, academic and practical experience to move towards the higher level of cross-strait cooperation.



Public hearing on draft amendment to Patent Examination Guideline for Post-Grant Amendment

In 2016, TIPO completed the draft amendments to Patent Examination Guidelines for Post-Grant Amendment, Invalidation and Inventive Step.

In Patent Examination Guideline for Post-Grant Amendment, the key revisions are: 1. reorganization of the contents in judging substantially enlarge or alter the scope of the claim(s), 2. changes in the method of judging the adding technical features to the claim(s) for post-grant amendment, 3. increments of post-grant amendment types, and 4. rearrangement, addition and amendment of example cases.

In Patent Examination Guideline for Invalidation, the key revisions are: 1. principles applying when amended pages are only provided, 2. the invalidation requester is entitled to elucidate when mistakenly citing provisions misapplicable under the circumstance that two patent applications relating to the same invention are filed, 3. online evidence and evidence in foreign language are included in the process of investigation, and 4. ex officio examination is only performed with reference to reliable civil judgment.

In Patent Examination Guideline for the Inventive Step, the key revisions are: 1. concept of the inventive step, 2. principles of examining the inventive step, 3. steps in determining the inventive step, 4. factors failing the inventive step and 5. factors constituting the inventive step.

To seek public inputs, TIPO will hold 8 public hearings about the draft amendments to abovementioned examination guidelines from October 17 to the end of December. For details and the schedule, please go to <http://www.tipo.gov.tw/ct.asp?xItem=602881&ctNode=7127&mp=1>



Renowned trademark case compilation is updated for public reference

Pursuant to registration protection principle, Taiwan provides enhanced statutory protection for renowned trademarks to assure market access and fair competition, allowing right-holders seek recognition and protection by multiple means that are in place for years. Earlier in 2008, TIPO had outsourced to gather together cases administered by courts, Fair Trade Commission, Taiwan Network Information Center and TIPO in previous 5 years and to complete case compilation. Since then, it has been updated annually. Recently the renowned trademark case compilation from July 2011 to June 2016 has completed update. Now it is published online for public reference.

A complete version for renowned trademark case compilation from July 2015 to June 2016 is available to download <http://www.tipo.gov.tw/ct.asp?xItem=569026&ctNode=7746&mp=1>



TIPO's IPR protection service team campaign activities

In September 2016, TIPO's IPR protection service team formed by experts and scholars had 15 campaigns in government agencies, schools, and enterprises using interactive activities to promote IPR awareness to a total of 823 people. Most universities wanted to know more about copyright on campus and online copyright. And most enterprises demanded more lectures on patent, trademark and trade secrets. Survey shows that over 90% learned more about copyright and understood it is copyright infringement to separately photocopy an entire book. The team fulfilled its objective of promoting IPR awareness.



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

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