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► 2016 International Conference on Best Practices for Stemming Digital Piracy

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In this Conference, Vice Minister WANG Mei-hua of the Ministry of Economic Affairs (MOEA), who led TIPO as Director General, delivered opening remarks. Vice Minister WANG pointed out that Taiwan has been dedicated to protecting Internet copyright over the years. In the same spirit, TIPO has spared no effort to keep track and stay abreast of international legislative development. So far, Taiwan has referenced many international treaties, as well as relevant laws and regulations of other countries. According to Taiwan's Copyright Act, the "Limitation on liability for ISPs" provision is modeled on DMCA §512. This is to encourage ISPs and copyright holders to jointly fight against infringement, as well as to facilitate development in

Internet technology. So far, many copyright management organizations have responded positively to the notice-and-take-down mechanism. Also, with Internet access becoming more diverse, TIPO is expanding its scope of copyright awareness campaign work. The goal is to step up people's copyright awareness. In terms of legislation, our government will continue to push for key legislative amendments to meet different needs in the digital era.

As technology progresses, mobile communications, online streaming, and cloud services are becoming the primary channels for use of copyrighted works. The Internet serves as a borderless platform for creators to showcase their creations, while also allowing people to easily access such works. The complexity of internet affects not only the rights and interests of economic right holders, users, and ISPs, but also those of online advertisers and e-payment service providers. The Symposium explored feasible solutions to collectively solve indirect stakeholder-level problems, such as preventing capital flow towards digital piracy. It also provided stakeholders with an opportunity to exchange views on how to establish a sound copyright regime in Taiwan and how to create an optimal environment for copyright protection and use. In all, the event facilitated collective brainstorming to effectively deter Internet copyright infringement.



The Executive Yuan passed draft amendment to Patent Act

The Executive Yuan passed draft amendment to Patent Act on August 4, 2016. The main objective of this amendment is to harmonize Taiwan's legal regime with TPP requirements. This amendment brings advantages in enhancing patent protection and moving Taiwan forward to TPP's second round negotiation.

This amendment to Patent Act covers three key revisions:

1. Where the applicant disclose the technology and file the application within stipulated period of time which known as grace period, the disclosure made prior to the date of the filing of the application does not affect the patentability. This amendment extends the grace period to 12 months and sets out a more lenient requirement to disclosures. After revision, it is no longer mandatory to claim grace period on the date of filing of the application in response to the public's request.
2. The term of patent begins on the date of filing of the application. But the patentee can only exercise this exclusive right after the patent applications is granted and published. A prolonged examination caused by unreasonable patent office delays may result in a shorter period of time for patentee's exercise. After revision the patentee can apply for patent term adjustment if unreasonable delay is inflicted.
3. In line with the introduction of patent linkage system in Pharmaceutical Affairs Act, the amended Patent Act's provision will be added to clarify the basis for the patentee of new drugs to bring allegedly breach to court during the process of generic drug marketing approval.

Considering that the grace period extension is beneficial for industries in terms of future development, the revision will come into force once it completes legislative procedure. As for the effective date of other two key revisions, it depends on the progress of TPP negotiation and other responding measures steered by the Executive Yuan.



2016 Symposiums on IPR Practices

A series of symposiums on IPR practices were held by TIPO on July 5 in Tainan, July 6 in Kaohsiung, July 11 in Taipei, July 18 in Hsinchu and July 26 in Taichung. A total of 292 people attended the events.

This year, the symposium gives special reports themed with "The Latest Update in



Patent Legal Regime” and “A Study in Patent Examination Cases”. The attendees showed approval to the recent cancellation of mandating an original priority document if the application has previously enclosed it electronically, which becomes effective from July 1, 2016. Meanwhile, several experienced practitioners expressed their sincere concern about the progress in Patent Act's amendment. In the session “A Study in Patent Examination Cases”, the evidence credibility of online information and translation which cited in litigation is discussed, highlighting that the date of online information and accuracy of translation are indispensable for credibility.

The public can freely access the briefing slides along with related information on TIPO's website. <http://www.tipo.gov.tw/ct.asp?xItem=597688&ctNode=6963&mp=1>



Information Session on Prospects and Challenges of Fintech Patents

FinTech, which unites two unrelated industries, has recently become one of the notable international trends with its utmost goal to provide the most efficient financial service by employing software technology. Many countries have been devoted to FinTech's development whereas in Taiwan the FinTech patent is primarily focused on areas such as e-commerce, advertising, marketing, auction and shopping, leading to a relative lower number of application in the field of finance and insurance.

To stimulate the innovative stamina and promote the valuation of technology, an information session on Prospects and Challenges of Fintech Patent was held by TIPO in NTU's Tsai Lecture Hall on July 22, 2016. Vice Minister WANG Mei-hua of the Ministry of Economic Affairs (MOEA) was invited to deliver opening remarks. Vice Minister WANG indicated that the prospect of FinTech patent connects closely with the development of financial industry. The government lays out three main policy directions: firstly, to examine relevant financial regulations; secondly, to facilitate fast-track integration between financial and technology industries; lastly, to expedite FinTech patent portfolio.

This seminar surrounds with two main topics. The first topic “Status Quo of FinTech Patent”, which centered in innovation of financial industry, analyzes international development and introduces the status quo in Taiwan's industries. Taking FinTech pioneer Bank of America as an example, it demonstrates that recent technological development is shifted to fields such as mobile authentication, payment module, merchant location, social media management and customer service. In addition, it observes the blockchain-related patent applications are rising so that a close follow-up is necessary for devising a successful counteraction beforehand. Subsequently, TIPO's examiner elaborates the second topic “Application and Examination of FinTech Patent” which covering detailed introduction of FinTech's status quo and examination. By illustrating the process of examination and analyzing relevant cases, the topic is designed to assist applicants in passing the obstacle encountered during the process of filing a FinTech patent.

Around 200 people from patent law firms, financial industry and academic research institutes attended. In better grasping FinTech and recognizing the opportunity accompanying this wave of change, attendees found the information session greatly beneficial.



API Service for Patent and Trademark Open Data Now Available



To foster full use of patent and trademark data, TIPO has made public of 11 data compilations on March 31, 2016. API service for the 11 data compilations is also available through specified URLs, helping users in locating data they're interested. TIPO welcomes any questions and feedback relating to this service. (Please contact Ms. Lu in Information Management Office via Tel: 02-23767452 or e-mail to ipoid@tipo.gov.tw.)



TIPO's IPR protection service team campaign activities

In July, TIPO's IPR protection service team formed by experts and scholars had 10 campaigns in government agencies, universities, and enterprises using interactive activities to promote IPR awareness to a total of 695 people. Most universities wanted to know more about campus copyright and related practices. And most enterprises demanded more lectures on patent application, copyright protection and fair use. Survey shows that over 80% 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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