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### TIPO's Director General WANG Mei-hua appointed to Vice Minister of the MOEA on July 1, 2016

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Vice Minister WANG now supervises key affairs involving business management, international cooperation, review of appeals, intellectual property, standards and inspection, international trade, as well as trade negotiations.

Deputy Director General HONG Shu-ming now leads TIPO as Acting Director General.



### Taiwan-Japan examiners exchange on extending patent terms of pharmaceuticals



JPO's Patent Examiner OSABE Yoshiyuki met with TIPO's examiners for a two-day exchange (June 15-16, 2016) on extending patent terms of pharmaceuticals. Mr. Yoshiyuki gave an overview of Japan's Supreme Court rulings and the Revised Examination Guidelines. The examiners shared experiences and exchanged thoughts on respective examination practices of extending patent terms. The exchange saw attendance of over 40 people from the Ministry of Health and Welfare, Council of Agriculture, IP Court, and Petitions and Appeals Committee of the Ministry of Economic Affairs.



### Executive Yuan passes Trademark Act draft amendment to facilitate Taiwan's TPP accession and stay current with the Criminal Code's new confiscation provision

On June 23, 2016, TIPO's draft partial amendment and amendment to Articles 98 and 111 of the Trademark Act passed review at the Executive Yuan and will later be reviewed by the Legislative Yuan. This is to facilitate TPP accession, as well as to stay current with the Criminal Code's new confiscation provision.

Key revisions made to meet TPP requirements include: 1. The "knowingly" subjective assessment provision applied to determine civil or criminal liability for counterfeiting trademark labels is deleted. In its place, the general subjective assessment provision is restored and applied. 2. A new criminal penalty provision on counterfeiting trademarks or collective trademark labels is added. 3. Acts such as counterfeiting trademarks, collective trademarks or certification mark labels are clearly defined. The provision on banning sale of infringing goods is revised to include sale via electronic media or the Internet.

The Criminal Code's new "confiscation" provision (Article 10ter) took effect on July 1, 2016. Other provisions on confiscation, levy, demanding payment, and compensation stipulated under relevant laws prior to this effective date will no longer be applied. However, the efficacy of counterfeit criminal investigations and efforts to crack down on infringing goods would be compromised if this new "confiscation" provision were applied. More specifically, investigations that comply with this "confiscation" provision have to ascertain rights ownership of infringing goods, as well as legitimate grounds for obtaining such goods. In addition, confiscation by ex officio in compliance with this provision requires evidence collection and presumption of infringement. In view of compromised efficacy, only minor revisions to wording were made in the draft amendment to Articles 98 and 111 on absolute obligation of confiscation.

These two amendments will enable Taiwan to gain fair competitive edge in the international market through TPP accession. They will also enable smooth confiscation of trademark-infringing goods by ex officio, and avoid hurdles in the crackdown.



## Announcement of changes in the names and search reference for designated use of goods and services in applications for trademark registration

A total of 64 revisions, 6 deletions, and 17 additional revisions to names or notes on groupings were recently made to TIPO's names and search reference for designated use of goods/services in applications for trademark registration. This was done to stay current with the Nice Classification (NSL 10-2016), which is updated periodically. These changes took effect on July 1, 2016. The classification and names of goods/services of designated use on TIPO's trademark e-filing system were also simultaneously updated.

Applicants e-filing their applications for trademark registration after July 1 are advised to download the changes to avoid inconsistency when filling out the names of designated goods/services, and thereby losing the NT\$300 fee waiver. These changes were available in the Trademark Gazette (Vol. 43 No. 13) published on the same effective date.



## TIPO's electronic service of patent and trademark documents goes 24/7

TIPO's electronic service of patent and trademark documents went 24/7 on July 1, 2016 to allow for more flexible download service to users. Between the launch in January 2014 and May 2016, a total of 4,227 recipients agreed to designated service of electronic documents, with a 63.74% service rate.

Consistent with this new 24/7 download service, TIPO added colored signals on the service webpage to enable users to quickly check the latest processing status.



## Information sessions on copyright awareness key to government agencies carrying out procurement and general affairs successfully concluded

TIPO held a series of seven information sessions in northern, central, and southern Taiwan to strengthen government agencies' copyright

awareness and help them learn more about copyright laws and regulations when carrying out procurement, promotional activities, and general affairs. The first session took place on June 14 and was attended by a total of 150 people. Survey shows that attendants learned more about different types of copyright use by government agencies, channels for copyright licensing, and contracting methods of a commission agreement. Keynote slides are now available for download at:  
<http://www.tipo.gov.tw/public/Attachment/663014105298.pdf> °



## Statistics on PPH requests

TIPO is currently running PPH programs with the US, Japan, Spain, and Korea. In Taiwan-US PPH, which was launched in September 2011, the number of requests has been increasing. In 2015, there were 327 PPH requests; from January to June 2016, there were 158 requests. In total, TIPO has received 1,368 requests.

Taiwan-Japan PPH began in May 2012 and was later optimized to PPH MOTTAINAI in May 2014. The number of requests has been increasing rapidly. In 2015, there were already 523 requests; from January to June 2016, there were 223 requests. In total, TIPO has received 1,962 requests.

In Taiwan-Korea PPH, which began in July 2015, there have been tangible results. A total of 13 requests were made as of June 2016. In Taiwan-Spain PPH, one request has been made.

The average first OA pendency for a PPH request is 57.6 days; the average disposal pendency is 136.6 days. However, the average first OA pendency for ordinary procedure is 402 days; the average disposal pendency is 634.2 days. In comparison, PPH mechanism actually allows for faster and more efficient prosecution of patent applications. To access PPH statistics, please go to:

<http://www.tipo.gov.tw/lp.asp?ctNode=7483&CtUnit=3629&BaseDSD=7&mp=1>



## Patent and trademark application trends: Jan-Jun 2016

New patent applications in the first half of 2016 totaled at 34,494 cases, about 2.55% less than the same period last year. Of these, utility model patent applications slumped by 6.23%, or the greatest decrease by 9,927 cases. Invention patent applications also dropped 2.17% to 20,622 cases. Design patent applications, on the contrary, increased by 5.74% to 3,945 cases.

Invention applications by Taiwan nationals were down by 6.84% from the same period last year to 7,447 cases. Invention applications by foreign nationals, however, were up by 0.69% to 13,175 cases. By nationality, Japan led by 5,994 cases, which were 1.69% less than the same period last year. The US (3,409 cases) and Korea (807 cases) followed with respective increase of 1.16% and 12.24%.

The top five invention filing domestic corporations were Hon Hai Precision (176 cases), Au Optronics (133 cases), Acer Inc. (109 cases), Industrial Technology Research Institute (87 cases), and China Steel Corporation (78 cases). The fifth-ranked CSC is the only corporation among the top five that belongs to traditional industry. The top five invention filing foreign corporations were Intel (375 cases), Qualcomm (313 cases), Semiconductor Energy Laboratory (204 cases), Tokyo Electron (166 cases), and Applied Materials (148 cases). Four of these companies are in the semiconductor industry. Qualcomm is the only top-five company that is in the communications industry, and whose applications were 169.83% more than the same period last year. The company's subsequent application trend is worth closer attention.

Applications for trademark registration totaled at 38,269 cases, up by 1.50% from the same period of last year. Applications by Taiwan and foreign nationals totaled at 27,684 and 10,585 cases, with respective growth of 0.32% and 4.72%. By nationality, China led by 2,169 applications with a 12.09% growth, followed by the US (1,904 cases) and Japan (1,739 cases), with respective growth of 1.17% and 8.21%.

To access patent and trademark application trends Jan-Jun 2016, please go to:

<http://www.tipo.gov.tw/lp.asp?CtNode=7123&CtUnit=3195&BaseDSD=7&mp=1>

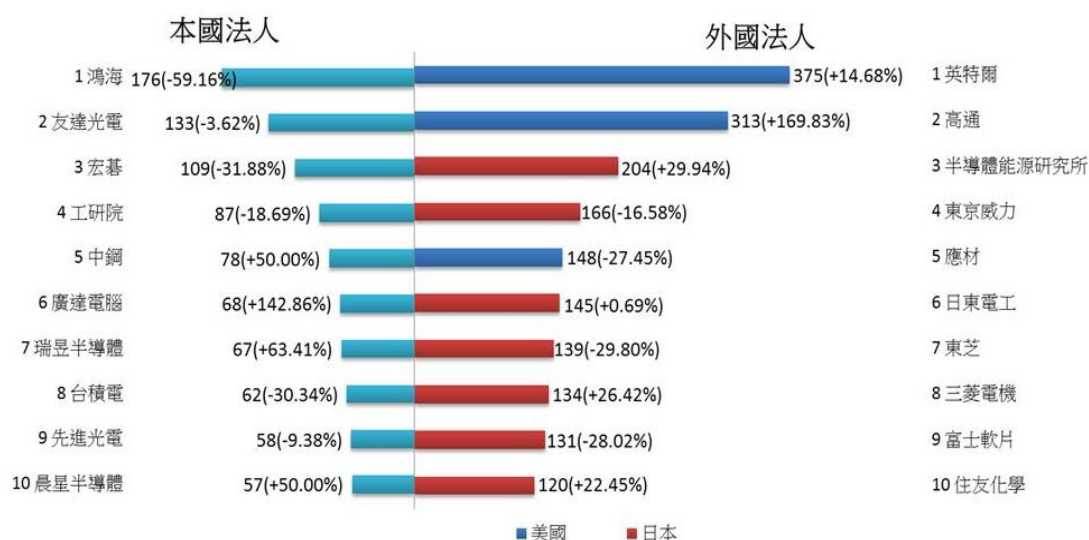


圖 104 年上半年本、外國法人發明專利申請前十大



## TIPO's IPR protection service team campaign activities

In June, TIPO's IPR protection service team formed by experts visited 42 government agencies, universities, and enterprises using interactive activities to promote IPR awareness to a total of 2,640 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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