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In the intellectual property regime, new challenges emerge as digital technologies evolve. One of them is to what extent the exploitation is considered as fair use. For example, whether it covers distance education, Google books, parodies, caricature and KUSO that are widespread online. Another challenge is whether e-books (carrying devices) apply the principle of exhaustion. Those issues raise discussion worldwide. Given that internet and digital convergence are rapidly developing in the world, the trend in the future is to focus on how creators can create new digital economic value through creativity and value-added utilization on the basis laid by predecessors. The four speakers addressing on the impact and influence which technology brought in each industry had enlightened attendees. The event is also an

opportunity to disseminate the idea that the IPRs should be respected and protected.



Seminar on Prospects and Challenges of Fintech Patent

Given to the fact that many countries are committed to build Fintech patent portfolio globally, it is also considered a priority in Taiwan. In March 2016, the Legislative Yuan convened a meeting gathering government institutes, banking industry and experts to discuss the status quo of Fintech patent applications, problems and assistance requested by domestic banking and financing industries.

To help the financial industry better understand the procedure and process of filing a Fintech patent application, TIPO and Taipei Financial Center Corporation cohosted the seminar “Prospects and Challenges of Fintech Patent” on April 14, 2016. The topic includes “Fintech Past and Future, Prosecution” and “Development and Challenges of Taiwan’s Financial Technology”. The speakers and attendees of this seminar are legislator Ming-chung Tseng, TIPO’s Director General Mei-hua Wang, attorney from the U.S. law firm Hogan Lovells, Chairman Joseph Teyu Chou of Taipei 101, Assistant Professor Huang-chih Sung in National Chengchi University, Senior vice president Anderson Chen of CTBC Bank.

TIPO’s patent examiner Ching-Chi Lee briefed on “Analysis on the Trend of Taiwan’s Fintech Patent”. During the seminar, the status quo of patent application in Taiwan’s banking industry, the difference among Taiwan, U.S. and the EU in patent examination, and Taiwan’s Fintech patent strategy were exchanged with attendees. In terms of patent strategy, it is suggested to reinforce R&D and innovation when encountering a strategic opportunity and to build the patent portfolio for effective protection by taking advantage of flexible patent strategy and professional assistance.



Amendments to IP Laws for TPP Accession

Following the Executive Yuan’s policy to dash for Taiwan’s inclusion in the TPP, TIPO has started drafting amendments to Patent Act, Trademark Act and Copyright Act to fill the gap with TPP regulations. The key amendments are as following:

1. Patent Act: It aims to extend the grace period, extend the term of protection due to unreasonable delay caused by the authority, and revise the indictable basis in response to patent linkage system.
2. Trademark Act: Importation and domestic use of counterfeit labels and packages will be liable for criminal penalties.
3. Copyright Act: The term of protection for copyright will be extended to 70 years after the death of the author of the work. Acts circumventing technological protection measures will be subject to criminal penalties. Certain contraventions which are liable for criminal penalties will be indicted without a complaint. The amendment will also introduce protection of encrypted program-carrying satellite and cable signals.

TIPO has held public hearings on the amendments above in March and April for seeking public inputs. The draft amendment was submitted to the Executive Yuan on May 10.



TIPO Publishes the Fourth Copyright Act Draft Amendment and Seeks Public Inputs

In line with the development of internet era and digital convergence, the third draft amendment to Copyright Act was published from October 30 to November 30, 2015 seeking public inputs. After revising its text, the fourth draft amendment was published on April 13, 2016. The publication will remain till May 14 for public inputs.

The key revisions of the fourth draft include: 1. modifications to the exploitation of the commissioning party, 2. fair use provisions relating to the scope of "proceedings concerning applications made in accordance with laws and regulations", 3. fair use provisions for archives such as library, 4. fair use provisions for non-profit activities, 5. fair use provisions for republishing of material commenting on current

events, and 6. statutory damages provisions and reinstatement of provisions relating to optical disks for prosecution without the requirement of a complaint.

An online platform “Join Discussion” managed by the National Development Council is designed for public to express opinions. There are five topics under discussion: 1. revision to the right of public release, 2. fair use of distance education, 3. fair use of non-profit activities, 4. fair use of library, and 5. compulsory licensing of orphan works.



The Retrieval Platform for Standard Essential Patents in Telecommunication Industry Launched

TIPO has assigned the Science & Technology Policy Research and Information Center (STPI) of National Applied Research Laboratories to set up “The Retrieval Platform for Standard Essential Patents in Telecommunication Industry” and it is launched from now on. It is designed to reinforce enterprises’ patent strategy management by utilizing patent information search result, analyzing essential technologies in the industry and mapping the patents systematically.

The “Retrieval Platform for Standard Essential Patents in Telecommunications Industry” integrates with TIPO’s research results of the three-year “Research Program of Analysis in Patent Trends and Litigations of Telecommunications Industry”. It provides technology reports, information related to patent litigation through searching function. In addition, it features with dynamic analysis by using visualization function.

The platform provides commentary on experts’ technology reports to assess eligibility of the standard essential patents (SEPs) in LTE/LTE-A. It organizes information of litigations in which such patents are involved and provides non-SEPs calculation based on searching results.

Users can not only take advantage of Quick search or Boolean search with keywords input in multiple columns, but also look for a list of SEPs information with advanced search function. Users can analyze the patent groups in search results in the form of multidimensional diagram. Dynamic analysis can be performed through options including built-in basic diagram plotting and advanced diagram plotting.

In additional to the macroscopic analysis, users can find commentary reports on around 7,500 SEPs covering information such as learned flaws, clauses of specification in standard, characteristic of the technology, function, technology and product classification, which help shorten readers’ time in reading.

Other than analysis in SEPs, this platform also introduces classification of 5G technology field in the future and prospective patents. In terms of information of major companies and their patent portfolio in telecommunication industry, it also includes information of 10 companies for reference. It is hoped that by setting up this platform, it will fulfill its objectives to assist companies in technology monitoring, patent assessment, technology market analysis and patent portfolio, as well as ultimately to elevate the competitiveness of national industry. Please visit <https://tipa.stpi.narl.org.tw/login.php> and note that users need to sign in to access the platform.



IPR Trends Q1 2016: Patent and Trademark Statistics

In Q1 2016, compared with the same quarter last year, new applications for all three types of patents came down by 3.32% to 16,649 cases. Applications for trademark registration grew by 3.76% and reached 18,033.

A. Patent

New applications for all three types of patents came down by 3.32% to 16,649 cases. Inventions (10,306) and utility models (4,551) decreased by 2.08% and 7.07%. Designs (1,792) were slightly down by 0.39%.

Inventions by residents (3,505) dropped 11.65% but jumped 3.71% for non-residents (6,801). By country, Japan (3,375) came out on top, followed by the US (1,645), South Korea (416), Germany (313), and China (264).

B. Patent Grants

There is a 0.37% increase for all three types (19,093). Inventions (12,553) and designs (1,866) increased by 4.36% and 10.55%, respectively. However, utility models (4,674) fell 11.93%.

Inventions granted to residents (5,243) fell 3.48% but were up 10.82% for non-residents (7,310). By country, Japan (3,221) came out on top, followed by the US (2,168), South Korea (479), China (307), and Germany (280).

C. Trademark

New applications (18,033) grew by 3.76%. Resident and non-resident applications totaled at 12,890 (+2.06%) and 5,143 (+8.30%) cases, respectively. By country, China (1,110) came out on top, followed by the US (966), Japan (879), Hong Kong (361), and South Korea (317).

For more information, please go to:

<http://www.tipo.gov.tw/ct.asp?xItem=587137&ctNode=6687&mp=2>



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