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Before April 1, it was mandatory for AEP, PPH and TW-SUPA applications which request for accelerated examination and has not yet been laid open to file a request for advancing the laying-open of the application and pay \$1,000 fee. Recently TIPO's backlog reduction project has turned out successfully. The examination pendency has gradually shortened in the past few years. As a result, we have seen a gradual increase in the number of applications that have not yet been laid open (18 months) b...

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The NPA uncovered a total of 537 IPR infringements in March 2016. Of which, 272 are trademark related and 265 are copyright related. Copyright infringements that involved foreign cases include 6 cases involving the U.S. and 5 cases involving Japan.

Advancing laying-open is no longer a prerequisite for requesting AEP, PPH and TW-SUPA from April 1, 2016

Before April 1, it was mandatory for AEP, PPH and TW-SUPA applications which request for accelerated examination and has not yet been laid open to file a request for advancing the laying-open of the application and pay \$1,000 fee.

Recently TIPO's backlog reduction project has turned out successfully. The examination pendency has gradually shortened in the past few years. As a result, we have seen a gradual increase in the number of applications that have not yet been laid open (18 months) but are already undergoing substantive examination. Taking into account of the objective of PPH program, it may impede the PPH cooperation if the examination can only start with a request for advancing the laying-open of the application. Referring to the practice adopted by JPO, KIPO and USPTO, it does not require statutory laying-open in their PPH guidelines. Thus, since April 1, 2016, it no longer requires advancing the laying-open for AEP, PPH and TW-SUPA applications which request for accelerated examination and has not yet been laid open. It is hoped to optimize all accelerated examination programs and save applicants from paying extra fees for advancing the laying-open for applications.



The Amended Substantive Examination Guideline of Design Patent Become Effective on April 1, 2016

In order to meet international trend and domestic industry's demand, TIPO has amended the examination guideline of design patent after

referring to international norms, examination practices and precedents. On April 1, 2016, the amended examination guideline entered into force. The key revisions are:

1. How the drawing should be disclosed is changed for "designs which are not claiming colors". For those designs claiming colors, it is required to disclose drawings with colors. Designs which are not claiming colors shall disclose the ink drawings, grey-scale computer-generated drawings or black-and-white photographs. Drawings are the main object for examination and descriptions are supplementary.
2. In order to better distinguish between "claimed portion" and "unclaimed portion" of design, the applicant is allowed to use solid/broken lines, half-transparent coloring, grey-scale coloring, and circling the scope or other forms of disclosure.
3. The purpose of the unclaimed portion of design is revised. It is now used to explain (a) the article to which the design is applied, (b) the position, size and layout of the claimed design and (c) the environment of the design.



Priority Claims in OHIM Published as EU in Design Patent Gazette since March 23, 2016

In the design patent gazette, claims for the priority in OHIM (Office for Harmonization in the Internal Market) will be replaced with "EU" to reflect the change from OHIM into EUIPO (European Union Intellectual Property Office) since March 23, 2016. The change was introduced in the EU Trade Mark Regulation 2015/2424 which published on December 24, 2015.



TIPO adjusts Joint Royalty Rate for Karaoke Machine to Respond MCAT's Registration Revocation and Dissolution

Since 2015, the user can acquire a collective license from MÜST (Music Copyright Society of Chinese Taipei), MCAT (Music Copyright Association of Taiwan) and TMCS (Music Copyright Intermediary Society of Taiwan) after making a one-off payment in the single window MÜST based on the joint royalty rate for public performance using karaoke machines whether it is for business or public interests.

Due to alleged financial and administrative contravention of MCAT, TIPO raised concern that MCAT was not competent to properly operate the business of collective management. Thus, recently TIPO has revoked MCAT's registration approval and issued a dismissal order on February 24, 2016. Except for the licensing contracts entered before the dismissal order takes into effective, MCAT is no longer in part of the collection and distribution of joint royalty since February 25, 2016.

The joint royalty rate is adjusted since February 25, 2016 by TIPO:

1. NT\$6,300 (pre-tax) per karaoke machine per year if the exploitation is for business;
2. NT\$4,410 (pre-tax) per karaoke machine per year if the exploitation is for cultural, educational, or other purposes in the public interest; NT\$2,205 (pre-tax) per karaoke machine per year if the exploitation is non-profit and for the purpose of public interests.

In terms of the licensing contracts entered before February 24, 2016, licenses issued by MÜST and TMCS remain unchanged. While MCAT is now in liquidation, it is entitled to the income of royalty derived from the contracts entered before that date and distributing to its members accordingly for the purpose of winding up. Users can choose to sustain the existing contracts till they expire. Until then performing publicly the copyrighted work managed by MCAT is still legal.



TIPO's Open Data Downloading Website of Patents and Trademarks Now Open to the Public

To foster full use of patent and trademark data, TIPO has established 11 data compilations comprised of patent right, trademark right and relating cases on the website. It provides legal status and relating cases regarding patent right and trademark right. Now it is available for free download. The website regularly synchronizing with the latest updates published in patent and trademark gazette is now open to the public.

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