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## Latest News

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## Legislative News

### ▶ TIPO completes revision to Directions for Determining Patent Infringement

## TIPO News & Events

### ▶ TIPO releases top 100 patent applicants of 2015

## Enforcement

### ▶ IPR Infringement Cases Processed by NPA in February 2016

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### MOEA hosts the 1st IPR protection coordination meeting of 2016

On February 26, 2016, the Ministry of Economic Affairs (MOEA) held the year's first interagency IPR protection coordination meeting to learn about the results of enforcement work in 2015 by police agencies, the Ministry of Justice, and customs offices. The meeting came to a resolution on strengthening campus IPR education campaigns, promoting Internet copyright protection, and providing guidance on setting up licensing mechanisms for use of copyrighted works.

Issues on strengthening trade secret enforcement were also discussed. The MOJ promised to continue enhancing law enforcement personnel training, facilitate communication and cooperation with industrial sectors, establish investigation SOP, and promote exchanges with foreign counterparts. With continuous improvement in the quality and efficiency of trade secret investigation, the R&D results of local and foreign enterprises will be securely guarded.



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## TIPO completes revision to Directions for Determining Patent Infringement

In 2014, TIPO began revising Directions for Patent Infringement Assessment. This was in response to the changes in patent infringement assessment and to stay in line with Patent Act amendment. The revision was made with reference to patent infringement rulings and documents in the US, Japan and China, and after seven meetings in 2015. On February 5, 2016, TIPO published the revision, renamed Directions for Determining Patent Infringement.

The key points are divided into Part I “Determining infringement of invention and utility model patents” and Part II “Determining infringement of design patents.”

Part I “Determining infringement of invention and utility model patents” has four chapters. The key revisions include: (i) Procedures are adjusted and streamlined. The “Reverse doctrine of equivalents” is removed from the procedure; (ii) A “preamble” is added. Explanations of “claims of utility model patents with non-structural features” and “product-by-process claims” are added; (iii) The “means-plus-function claim” is added as a new method for determining infringement; (iv) The “all elements rule” originally applied to “literally read-on” prior determination is now applied to “doctrine of equivalents” determination; (v) The “all elements rule” and “dedication rule” are added to the limitations of the doctrine of equivalents in addition to “file wrapper estoppel” and “practicing the prior art defense”; and (vi) The “prosecution history estoppel” is revised to be in line with the Festo rulings.

Part II “Determining infringement of design patents” has four chapters. The key revisions include: (i) The “point of novelty” step is removed from the procedure; (ii) The two subjects in the determination are reduced to one. This one subject should be an “ordinary customer” who is reasonably familiar with the objects of the patent in suit and who is familiar with the skill in the art; (iii) The phrase “explaining new designs of a patent application” is revised to “ascertaining the scope of a patent.” There is elaboration on the elements of the scope; (iv) The “three way comparison” is added to the determination of similar designs; and (v) New contents and cases are added that are related to the new types of protectable design (partial design, graph design, design of a set of articles, and derivative design) allowed for pursuant to the amended Patent Act of 2013.



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## TIPO releases top 100 patent applicants of 2015

According to TIPO's 2015 statistics on patent application and issuance, there are 62 corporations that made it to the top 100 domestic corporation list. Hon Hai Precision topped the list with 659 applications and 1,661 granted patents. The TSMC showed consistent effort in expanding patent portfolios and moved up to the 2nd place with 503 applications, outnumbering the ITRI for the first time.

Applications by foreign corporations saw Intel, ranked 1st in 2012, at the top once again with 956 applications, up 140% than 2014. Toshiba and Tokyo Electron finished in 2nd and 3rd place with 413 and 404 applications. For two years in a row, Toshiba was able to maintain a 10-20% growth.

Inventions by major companies showed semiconductor industry to be the most active. Intel and Samsung Electronics managed 30-140% growth with 956 and 194 applications. The TSMC also saw rapid growth with 502 applications. On the contrary, display industry continued to slash applications and portable device industry also experienced decline.

A total of 32 local universities made it to the top 100 list. Far East University continued to be #1 among universities with 278 applications and was ranked 6th among domestic corporations. Invention applications by the university quickly grew to 107 cases, surpassing all the other private universities. National Tsing Hua University again was ranked 1st among all universities with 123 invention applications.

Invention, utility model, and design applications filed by residents were all on the decline over the past three years. Inventions filed by corporations experienced a greater slump. Overall applications by top 100 corporations also experienced decline and corporate invention applications suffered over 40% decrease in five years.

Following the highly acclaimed information session on helping the industry with patent portfolios in 2014, TIPO held another session in 2015 on helping the industry, mainly the SMEs, enhance their patent capacity and value. There were also sessions co-hosted with state-run (government-held shares) enterprises, research institutes and universities on commercialization of R&D results and license of technology transfer that play a key role to research institutes and universities. About 96% of the participants thought these sessions were very helpful in terms of patent affairs.

In 2015, TIPO visited six universities including NTU, and invited experts and scholars from the Ministry of Science and Technology and Ministry of Education to discuss in-depth how to balance between the number of patent applications and results of technology transfer. This year, TIPO is planning to invite technology R&D teams of universities to co-host information sessions to help the industry, universities, and research institutes enhance their patent capacity and bring about transition in the industry.



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