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▶ TIPO releases statistics on patent and trademark applications of 2015

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Legislative News

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Enforcement

▶ IPR Infringement Cases Processed by NPA in January 2016

The NPA uncovered a total of 419 IPR infringements in January 2016. Of which, 270 are trademark related and 149 are copyright related. Copyright infringements that involved foreign cases include 3 cases involving the U.S. and 1 case involving Japan.

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In 2015, overall Patent applications were dropped 5.6% from the previous year to 73,627 cases. Invention patent applications (44,415 cases) saw decline for the third year in a row, due to downward of Domestic applications. In trademark, applications (78,523 cases) reached a peak in ten years. Thanks to TIPO's active management of examination efficiency, the average pendency for invention patent examination in December 2015 was shortened to 22.9 months, and pending applications were lowered to 72,510 cases.

Breakdown by nationality, overall applications (41,869 cases) by residents in 2015 saw a yearly decrease of nearly 4,000 cases, accounting for an 8.7% decline. Of these, invention and utility model applications concluded at 17,282 and 20,138 cases, respectively. Invention applications, in particular, declined for the fourth year. As for non-residents, overall applications (31,758 cases) were slightly down with invention applications concluded at 27,133 cases. In terms of percentage of invention applications, foreign applications remained at 27,000 cases for the past three years. Domestic invention applications, however, saw yearly declines from 44.2% in 2013 to 38.9% in 2015.

In the number of patent applications filed with TIPO by non-residents, Japanese applicants managed a slight growth over the preceding year and continued to stay on top with 13,495 overall applications. Applications (2,019 cases) filed by applicants from China were the third largest in number and once again outnumbered those (1,792 cases) filed by South Korean applicants since 2012. Compared to the preceding year, however, applications filed by Chinese applicants were in decline. Japan also claimed the top spot among the five largest patent-filing countries in the number of invention (12,284 cases) and utility model (1,090 cases) applications. Overall applications filed by South Korean applicants slumped for two consecutive years. Of these, invention applications were down by 323 cases or 16.7%.

The results shown below are TIPO's implementation of its patent backlog reduction project. From 2010 to 2015, concluded patent applications totaled at 323,498 cases, far exceeding the goal (304,690) by 18,808 cases. Pending first office actions for invention patent applications were down over 80,000 cases from the peak of 160,727 cases in May 2012 to 72,510 cases in December 2015. Average

monthly disposal pendency was shortened from the peak of 47 months in July 2012 to 22.9 months in December 2015. This is faster than in the EU, the US, China, and other countries (regions), and is instrumental in the expansion of corporate portfolios.

In trademark, the number of applications (78,523 cases) hit a record high with a yearly increase of 3.4%. Despite this yearly growth, TIPO was able to dedicate its efforts to lowering average disposal pendency to 7.5 months, the lowest in five years. In terms of nationality, applications filed by residents (57,356 cases) and non-residents (21,167 cases) both grew from the preceding year. Applications by non-residents saw a greater growth (yearly increase of 1,451 cases, or +7.4%) than applications by residents, accounting for 27.0% of all trademark applications. Among top five non-residents, China (3,919 cases) came on top for the first time, outnumbering the US and Japan. Except for the US, countries that are active in expanding patent portfolios in Taiwan are mostly Asian countries.



Amended Regulations Governing on-the-job Training of Patent Attorney and Patent Agent Takes Effect January 1, 2016

On July 1, 2015, two new provisions (Article 12-1 and Article 37-4) of the Patent Attorney Act governing on-the-job training of patent attorney and patent agent, and patent attorney malpractice were published. On January 8, 2016, TIPO published the Regulations Governing on-the-job Training of Patent Attorney and Patent Agent, which took effect retrospectively on January 1, 2016. The key revisions are:

1. Minimum training hours, commencement of two-year time period and how to make up for required hours: Patent attorney and patent agent shall participate in the training related to patent attorney expertise every two (2) years during practice; the required minimum number of hours is twelve (12).
2. The types of activities and principles for calculating the required hours: The types of activities and principles used to calculate the hours of participation in on-the-job training. Calculation shall be based on the actual number of hours participating in activities such as courses or seminars related to patent attorney expertise that are hosted by TIPO, Taiwan Patent Attorneys Association (TPAA), Asian Patent Attorneys Association Taiwan Group (APAA Taiwan Group), domestic or foreign agencies (institutes), schools or organizations.
3. Recordation of required training hours: The hours of activities organized by TIPO shall be recorded the office itself. The hours of activities organized by TPAA or APAA Taiwan Group shall be provided to TIPO along with proof documents from TPAA or APAA Taiwan Group. The hours of other activities not shall be provided along with proof documents to TIPO by patent attorney and patent agent.
4. Inspection and making up for required hour(s): By the end of every March, TIPO shall complete an inspection on the patent attorneys and patent agents who fall short of the minimum training hours, and, in accordance with the Patent Attorney Act, notify them to make up for the hour(s).



TIPO publishes a comparison table of the cross-Strait groupings for similar goods and services (NSL 10-2016)

TIPO published an updated comparison table of the cross-Strait groupings for similar goods and services (NSL 10-2016) to stay in line with the 2016 version of the tenth edition of the Nice Classification (NCL), which is revised regularly by WIPO. This table is a very useful reference in terms of goods/services classification and prior art trademark searches. Applicants from across the Strait can benefit from the table and make better plans prior to applying for trademark registration.

The table is available for download at:

<http://www.tipo.gov.tw/ct.asp?xItem=551230&ctNode=7573&mp=1>



TIPO and NARLabs launch Information for IP Creation website

A PPT file containing links to and functionalities of available government databases on innovation and R&D is now available for download. Produced by TIPO, this PPT provides access to industry and patent information to help different sectors learn more about technological trends and types of market competition to plan out their IP portfolios.

The links are now also available at the Information for IP Creation website, jointly launched by TIPO and NARLabs. This website is a one-stop-shop platform that incorporates links to information on six major types: patent, non-patent, business trends, R&D talents, research projects, reports and results, and updates on patent litigation. Users can also access this website at TIPO's IP SME Corner.

<http://www.tipo.gov.tw/public/Attachment/51218581961.pptx>

<http://ipinfo.stpi.narl.org.tw/>



TIPO invites interested organizations or individuals to partake in the trial operation of patents and trademarks open data

A total of 11 data compilations including patents and trademarks created by TIPO are now available to the public. The public can now go to the Gazette Open Data website to download open data for free. The data are updated regularly along with the issuance of patent and trademark gazettes.

This service began its pilot run for two months starting January 29, 2016. Interested organizations or individuals are welcome to offer their suggestions for improvement or contact Ms. Lu (02-23767452 or ipoid@tipo.gov.tw) for further inquiries.



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