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The TPP is the first regional trade agreement that connects to the Asia-Pacific region. Currently, members of this agreement include the US, Japan, Singapore, Chile, Vietnam, Malaysia, Brunei, New Zealand, Australia, Canada, Mexico, and Peru. These nations take up 36% of the world's GDP. Negotiations finished on October 5, 2015, the TPP's draft text comprises 442 articles in 30 chapters on free trade, as well as emerging issues concerning environmental protection and laborers.

Most of the IP protection standards prescribed in the TPP/IP are higher than those of the existing international agreements, and these standards could become

globalized in the future. Therefore, much attention was given to negotiations over such standards. The fact that the TPP/IP was the last agreed upon of all the thirty chapters attests to the sheer scale of controversy caused. The final version of the TPP/IP includes issues concerning cooperation (patent examination, traditional knowledge), trademark, geographical indication, patent/undisclosed test or other data, industrial design, copyright and related rights, enforcement, as well as ISPs. This TPP/IP prescribes comprehensive and tangible regulations, and upholds higher standards than the TRIPS Agreement.

TIPO kept a close watch on the development of the TPP/IP for a long time, and, when the final and negotiated version came out, immediately took stock of the legislative discrepancies found in the existing laws and regulations. According to TIPO, the existing laws and regulations are mostly in line with those of the TPP/IP. There are, however, discrepancies regarding the following: extension of grace period for patent disclosure; extension of patent terms due to stalled examination; imposition of criminal liability on any person importing counterfeit labels or packages; performers exercising the right of public transmission or performance reproduced in sound recordings, or requesting payment of a single equitable remuneration; extension of copyright protection to life of the author plus 70 years; plant variety rights covering all plant species; data exclusivity for agrochemicals, pharmaceuticals and biologics; patent linkage; and protection of encrypted signals.

Since the WTO Doha Round stalemate, nations around the world have concentrated their efforts on bilateral or regional trade agreement talks. This, however, could result in certain countries being left out of trading and investment partnerships. Taiwan, for instance, relies heavily on trade and should actively partake in regional economic integration to maintain its global competitive edge. This information session was held, therefore, to provide participants with firsthand access to the TPP/IP. Participants were able to learn more about the TPP/IP and have a thorough discussion with DG Wang. This information session was successfully concluded.

The public who were not able to attend the information session can go to TIPO's website as below to watch the event online at:

<http://www.tipo.gov.tw/ct.asp?xItem=577768&ctNode=7127&mp=1>



TIPO-KIPO PDX kicks off January 1, 2016

Following the TIPO-KIPO PPH MOTTAINAI pilot launched on July 1, 2015, the two offices cooperated on PDX on January 1, 2016 to speed up respective examination procedures, providing greater convenience to all applicants.

According to the program, an applicant that files a patent application with the Office of First Filing (OFF), and then files another application in respect of the same invention with the Office of Second Filing (OSF) may request PDX (within 16 months after the earliest priority date) and be deemed to have provided priority documents. The documents requested will then be exchanged electronically between the two participating offices.

The program not only eases applicants' burden in terms of money, time and relevant procedures but also allows the two offices to directly exchange documents electronically, which in turn can cut down on energy consumption and carbon emission. This, in other words, will significantly streamline the procedure for applications filed in respective offices. Also, the program enables patent examiners to quickly obtain electronic documents to accelerate examination and increase administrative efficiency.

This PDX service is free of charge to encourage use by applicants. For more information, applicants can access relevant guidelines at the TIPO website (<http://www.tipo.gov.tw>), or call our e-filing and patent hotline at (02) 8176-9009.



Amended Patent Attorney Act now effective

Since its promulgation in 2007, the Patent Attorney Act has only been amended once, which took place in 2009. There are, however, provisions on key practices that require further amendment. To this purpose, TIPO began the amendment process. The Act was later promulgated on July 1, 2015, and then became effective on January 1, 2016. Key revisions include:

1. Simplifying administrative procedures

The provision that requires registration for patent attorney practices is deleted. A patent attorney now has to complete pre-employment training to apply for certificate.

2. Employment by a registered corporation

In addition to setting up a law firm and working for a patent firm, a patent attorney can now be employed by a registered corporation.

3. Expanding areas of practice

New areas of practice now include patent appeals and administrative litigation, patent infringement analysis, and patent affairs counseling. This is to stay in line with the professionalism, importance, and normalcy of the practice.

4. Continuous in-service training

Patent attorneys and agents should continue in-service training and biennially provide patent competent authority with documents evidencing their completion of such training. This is to step up professional capability of patent attorneys and agents.

5. Heavier punishment for patent attorney malpractice

The Patent Attorney Act imposes heavier punishment for the following kinds of malpractice: any person not certified as a patent attorney carries out areas of practice specified by the Act with the intent to make a profit; and a patent attorney lending his seal to another person to carry out practice. In addition, malpractitioners will directly be given criminal punishment without first being imposed an administrative sanction as the current law stipulates. This is to maintain a healthy environment for patent attorney practice and to deter patent attorney malpractice.

For inquiries, please go to the TIPO website and download Q&A on the Patent Attorney Act at:

<http://www.tipo.gov.tw/ct.asp?xItem=576248&ctNode=7127&mp=1> .



Patent and trademark e-filing now open 24/7

Starting January 1, 2016, TIPO's patent and trademark e-filing system became 24/7, allowing greater flexibility for applicants to file applications either on weekdays or weekends.

Applicants encountering problems while filing applications online are advised to go to the TIPONet (<https://tiponet.tipo.gov.tw/S045/RealTimeServlet>) and check the status of their online applications.

1. If the system indicates "Normal," the applicant has to re-submit the application.

2. If the system indicates "Not normal," it means the applicant has requested a specific deadline for submission (e.g. submission done within a specific date), and therefore has to re-submit the application in paper.



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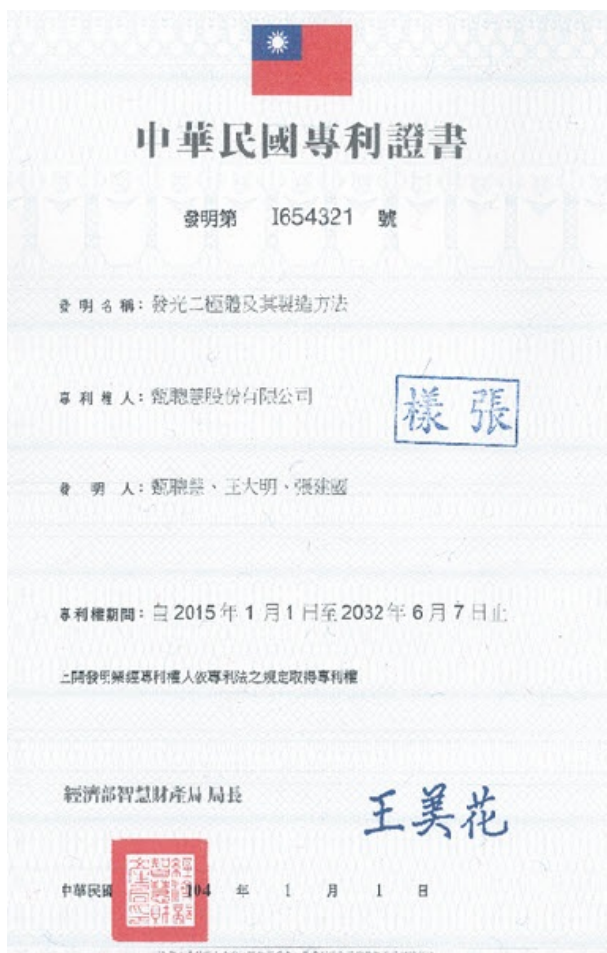
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New look to patent and trademark registration certificates

Starting January 1, 2016, TIPO's patent and trademark registration certificates had a new look. The new registration certificate for patent and IC layout design is stylized with the unique profile of the Formosan black bear, which is an endangered species; the new trademark registration certificate is stylized with the elegance of the Taiwanese salmon, which is endemic to Taiwan. Both designs are created by combining continuous curves and geometric patterns, denoting the exclusivity of granted patents and trademarks, while also telling their intangible value.



Workshops on practices involving trade secrets held in 2015 to assist in judicial investigation

These past few years have seen continuous emergence of cases involving trade secret infringement due to hyperglobalization, digitalization of information storage or burgeoning development in cloud storage, as well as frequent transfer and exchange of technologies and personnel, particularly between industries across the Taiwan Strait. The growth of infringement cases has been ongoing in terms of quantity, complexity, scope, frequency, and breadth and depth of impact.

In 2014, TIPO worked with TSMC, MediaTek, and AU Optronics to host a series of workshops to strengthen trade secret investigation, and the quality and efficiency of adjudication. Judicial personnel were invited to these workshops to discuss trade secret protection and relevant practices. There were also on-site visits to the factories of said corporations. In all, the workshops were well-received, and helped judicial personnel learn more about trade secrets and their protection.

In 2015, TIPO continued to host three workshops at Hsinchu, Taichung, and Tainan science parks on May 28, July 31, and November 6, respectively. Prosecutors, court judges, and judicial personnel from the Secondary Special Police Corps of the National Police Agency of the Ministry of the Interior were invited to discuss "Status and development in the practices involving trade secret infringement," and "Collection and security of evidence indicating trade secret infringement." The workshops provided opportunities for legal counsels from technology industries and enforcement personnel to jointly discuss key issues concerning evidence collection and security in relevant criminal cases. The discussion was important because it helped strengthen investigation and adjudication of trade secret cases.



IPR Protection Service Group information sessions of 2015 successfully concluded

In 2015, TIPO continued to assemble leading experts to form the IPR Protection Service Group to raise the public's awareness of IPR

protection and increase the industry's competitive edge. The Group went to different sectors on demand to give lectures on IPR laws and regulations, and provide consulting service regarding IPR practices. From March to December 10 of 2015, a total of 135 sessions (government agencies: 38, corporations: 43, schools: 54) were held, with 11,847 people in attendance. Survey shows that 98.6% of the attendees were satisfied with the sessions, and 70% had a better understanding of the commonly-seen types of use involving "photocopying an entire book in separate times constitutes an illegal act" and "citing authros or sources does not constitute fair use" (Note: Ciring as such is deemed as a responsibility by the Copyright Act, not as fair use). These events are well-received because attendees can benefit from face-to-face interaction with experts. Given the success, TIPO will continue to host such events in the future.



IPR Infringement Cases Processed by NPA in December 2015

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