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The issues covered at the meeting included IPR legislative progress, IP Court adjudication, customs and police investigation, and campus IPR awareness campaigns. The Taiwan side updated on the latest amendment to Patent Attorney Act, comprehensive amendment to the Copyright Act in response to digital technology development, and amendment to supportive laws related to the Trade Secrets Act. The EU side reported on the progress of the Unitary Patent, Unified Patent Court System, trademark packaging act, directions for subsequent legislative amendment as indicated in the copyright white paper, as well as the establishment of trade secret directives. According to the Customs Enforcement of IPR at the EU Border in 2013, the EU added, Taiwan was very successful in its border enforcement. The two sides also exchanged views on pharmaceutical data exclusivity, IPR cooperation across borders, and Copyright Seminar 2015.



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## The 7th Cross-strait Forum on Patents



On October 14-15, 2014, patent experts and officials from Taiwan and mainland China attended the 7<sup>th</sup> Cross-strait Forum on Patents in Taipei to discuss in-depth the latest IPR development and trends, cooperation in patent examination, case studies on patent judicial remedies, win-win strategies for patent agents, experience sharing by corporations in patent litigation, as well as patent protection of e-commerce and experience sharing. Ms. Jaclyn Tsai, the Minister Without Portfolio of the Executive Yuan, gave a speech on cross-strait IPR cooperation at the event. With an attendance about 200 people, this forum deepened interaction among participants exchanging views on issues regarding the latest development in the patent laws of Taiwan and mainland China, patent examination, and remedies for redressing patent infringement.



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## Taiwan-Japan Trademark Examiner Exchange

To strengthen exchange of trademark examination practices, TIPO sent two trademark examiners to Japan for a five-day (September 29-October 3) visit. While there, both sides exchanged views on many issues including similar grouping of goods under the Nice Classification, names to the place of origin that are likely to cause misbelief and misidentification among the public, determining trademark distinctiveness, and determining “other relationship” as stipulated in Subparagraph 12, Paragraph 1, Article 30 of the Trademark Act. TIPO examiners used comparison tables to discuss in-length Taiwan and Japan’s respective groupings for similar goods/services. Focusing on new goods/services, the two sides also expressed views on the differences in classification in hopes of achieving harmonization in the goods/services classification in the future.



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## Cross-Strait Trademark Examiner Exchange



Four trademark examiners from mainland China’s Trademark Office and Trademark Review and Adjudication Board of the State Administration for Industry and Commerce came to Taiwan for a three-day (October 13-15, 2014) visit to exchange views on respective registration and examination practices, cases in dispute, as well as relevant laws. Mainland China examiners were impressed with TIPO’s case quality review and cultivation of talents, hoping that this exchange would increase understanding of each other’s examination practices and serve as the foundation for assisting Taiwan corporations in filing trademark registration in mainland China.



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## International Symposium on Damages for Patent Infringement

The international symposium on damages for Patent Infringement was held by TIPO on October 24, 2014, with guest speakers Dr. Alan Cox of NERA, Mr. Gary C. Ma, managing partner and attorney of Finnegan, and Prof. Heinz Goddar from Germany



introducing how patent infringement damages are calculated among the industrial sectors in the US and Germany. These speakers provided a very new perspective on Taiwan's IPR-related judicial practices. A total of 230 representatives from the industrial sectors, academia, and judicial sectors attended the event.

Participants at the seminar exchanged views with IP Court judges on the Court's invalidation rate for patents and plaintiff win rates. To this, the IP Court judges explained with relevant data. In all, this seminar helped Taiwan corporations learn more about the trends in damages in IP litigation in the US, Germany, and Taiwan and provided the IP Court with valuable reference for calculating damages.



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## Information Meetings on Patent Trademark Gazette Open Data Service and Patent Trademark Web Interfacing Service

A total of three information meetings on the Patent Trademark Gazette Open Data Service and Patent Trademark Web Interfacing Service were held by TIPO in Taipei, Taichung and Kaohsiung. These new services were created to expand information use of patent trademark gazettes, implement open information policy, and encourage development in related information services. The meetings provided insight into what is meant by government open data, gazette open data collection website, patent gazette open data, trademark gazette open data, use of open data and operation of Web Service. These explanations were combined with demonstration of actual website functionalities to help participants deepen their understanding of open data collection. As to the suggestions raised at the meetings concerning information interfacing services, TIPO will continue to expand functionalities and make improvements to help the industries enhance the convenience of data processing while stepping up their market competitive advantage.

TIPO's Patent Trademark Gazette Open Information Service currently houses 30 information collections (trademark registration gazette, gazette of trademark right changes, patent specification, and bibliography of laid-open invention gazettes, etc.) and is available for public access starting October 27, 2014. To download the data, go to: <https://tiponet.tipo.gov.tw/Gazette/OpenData/OD/OD01.aspx>.



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## IPR Trends Q3 2014: Patent and Trademark Statistics

IPR statistics released by TIPO for Q3 2014 saw a 4.28% drop in the overall number of new patent applications, a comparatively milder decrease than in the previous quarter. Domestic and foreign companies in the display, semiconductor, and PC industries continued their proactive momentum reflecting in the number of inventions filed. In trademark, applications grew steadily by 1.40%. Of the major trademark filing countries, the US reclaimed top spot whereas mainland China fell to third place.

Compared to Q3 2013, the overall number of new patent applications (19,218) in Q3 2014 was 4.28% lower due to an 8.22% decrease in domestic applications (11,150). Of these, Taiwan invention applications (4,617) concluded with a 4.10% growth and a milder decrease than in the previous quarter, despite a 12.04% slump compared to Q3 2013. The top-ranking Hon Hai Precision Industry (190) plummeted 70.72% from its own 649 applications in Q3 2013 and slumped 17.03% from the 229 applications in the previous quarter. This marked decrease may be attributed to the changes in the company's patent application strategies. Applications by other domestic corporations totaled 3,005, accounting for a 5.86% decrease than in Q3 2013 (3,192) but an 8.21% increase over the previous quarter (2,777).

Invention applications by foreigners totaled 6,827. Breakdown by nationality, the top five countries are Japan (3,115), the US (1,619), South Korea (508), mainland China (374), and Germany (300). Design applications by foreigners totaled 884, remaining the same as in Q3 2013. Of the top five countries, Japan (283) and the US (131) securely held the top two positions; Switzerland (75) and Sweden (73) jumped to third and fourth place, pushing down Germany (64) to the fifth.

Seen from the industrial standpoint, invention applications kept up a proactive momentum in Q3 2014 among major domestic and foreign corporations in the display, semiconductor, and PC industries. Of foreign invention filing corporations, those in the display industry took up three spots, with LG Chem Ltd. (173) clinching the top position, followed by Fujifilm Corp. (115) and Nitto Denko Corp. (104)

respectively at third and fifth place. Of domestic invention filing corporations, AU Optronics Corp. (102) and InnoLux Corp. (62) in the display industry concluded with second and fifth place, respectively.

Of foreign corporations, in addition, Toshiba Corp. (156) and Applied Materials Inc. (106) landed on the second and fourth spot, both registering a growth of over 50% in semiconductor-related applications. Of the top ten domestic invention filing corporations, Taiwan Semiconductor Manufacturing Company Ltd. (52) and Macronix International Co., Ltd. (46) took up two spots.

Of the top ten foreign patent filing corporations, moreover, Intel Corp. (95), Microsoft Corp. (55), and Hewlett Packard Development Company (50) all belong to the PC industries. Domestically, innovations in operating systems and applications were thought to have contributed to Acer Inc. (94) and Wistron Corp.'s (74) securely holding third and fourth place.

On the other hand, in expediting examination, the number of pending invention applications was down to 106,639, which is less than the 110,000 threshold. Comparatively, the average pendency for disposal (32.13 months) in September 2014 was 8.00 months shorter than the same month of last year; pendency for first office action was lowered to 22.22 months, cut short by 8.07 months.

In trademark, applications (19,574) were 1.40% more than in Q3 2013. Of these, domestic (14,338) applications saw a 1.28% decrease whereas foreign applications (5,236) concluded with a 9.56% growth. The US (1,038) reclaimed its top spot with a significant 15.21% increase, followed closely by Japan (900). Mainland China (896), however, fell to third place.

The Patent and Trademark Statistics Q3 2014 is now available at: (<http://www.tipo.gov.tw/lp.asp?CtNode=7123&CtUnit=3195&BaseDSD=7&mp=1>)



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