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▶ IPR Infringement Cases Processed by NPA in March 2014

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2014 US-Taiwan Symposium on Trade Secrets Rounds Off



On March 28 and 31, TIPO convened the “2014 US-Taiwan Symposium on Trade Secrets” in Taipei and Tainan respectively. Mr. John Hauser, senior special agent from Federal Bureau of Investigations (FBI), Dr. Dale Hoscheit, U.S. attorney from Banner & Witcoff, along with Ms. Lin Chih-Chieh, Associate Professor at National Chiao Tung University, were invited as speaker to introduce and analyze the difference of trade secret legal regimes between Taiwan and U.S.. The U.S. speakers addressed on civil and criminal litigation practices of trade secret infringement, elaborating definition of a trade secret, inevitable disclosure doctrine, non-compete clause, non-disclosure investigation, recognition standard in civil and criminal liability, whether food ingredient or processing can be asserted as a trade secret, discovery proceeding, and security or identification for electronic recording. A total of 220 representatives from Judicial Yuan, Ministry of Justice, Investigation Bureau, National Police Agency and Ministry of Economic Affairs took part in this symposium.



“Regulations Governing Customs Detaining Goods Suspected of Patent Infringement” Came into Effect

Newly-added provisions concerning border protection measures of Patent Act were authorized by Executive Yuan and entered into force on March 24, 2014. On the same day, Ministry of Economic Affairs (MOEA) and Ministry of Finance jointly promulgated “Regulations Governing Customs Detaining Goods Suspected of Patent Infringement” and the regulations related to patent infringement launched officially. Main points of the regulations are as follows: 1.A request shall be submitted in writing to the customs offices of articles importation; 2.Document(s) of proof of the patent right(s) shall be prepared; where a utility model patent right is concerned, the technical evaluation report shall also be provided. An infringement analysis report is the most important document as well as a sufficient description enabling Customs to identify the articles to be detained, such as the name of the importer, the business administration number or I.D. card number thereof, import declaration number, name, type or specification of the articles, possible importing date or vehicle. 3.The detention requester shall provide a security amounting to the duty-paid price of the imported articles and file the litigation claiming within twelve (12) days following the date of receipt of Customs’ written notice. The owner of the detained articles may retrieve the detained articles following a paid counter security amounting to two times the duty-paid price of the imported articles, together with a representative sample retained by Customs. 4.Prior to carrying out the detention, Customs may ask the detention requester to provide assistance. The detention requester or the owner of the detained articles may request Customs for examining the detained articles; however, both shall refrain from compromising confidential information protection of the detained articles. 5.The detention requester or the owner of the detained articles filing a request with Customs for the return of the security shall provide a copy of a final and binding judgment of the court in favor of the requester, or a copy of a settlement agreement.



Consultation Meeting on “ISP’s Forwarding Infringement Notice and Action Taken for Repeated Infringements”

On March 14, 2014, TIPO invited National Communications Commission (NCC), ISPs and rightholder groups to consult on “ISP’s Forwarding Infringement Notice and Action Taken for Repeated Infringements” in regard to P2P infringement notice and Repeated infringements.



Information Meetings for New Trademark Law of Mainland China

From March 31 to April 9, 2014, TIPO has held 4 information meetings in regard to mainland China’s new Trademark Law in Taipei, Kaohsiung, Tainan and Taichung respectively, elaborating major amendments and case studies so as to assist Taiwan enterprises with

protection for trademark rights in mainland China.



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Tel : +886-(02)-2738-0007 Fax : +886-(02)-2377-9875