



經濟部智慧財產局

INTELLECTUAL PROPERTY OFFICE

MINISTRY OF ECONOMIC AFFAIRS

July – September 2011

Quarterly Report on Taiwan's Intellectual Property Rights Protection

This September, a few cooperation exchanges were completed to enhance bilateral relationship. The month kicked off with the 9th Taiwan-France Industrial Property Conference held in Taipei, and followed by visits to Spain and Italy for the 2nd Taiwan-Spain IPR Conference, extending the term of agreement for the Taiwan-Spain IPR MOU, and attending the 1st Taiwan-Italy IPR Conference.

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Oct. 2011

Special Report

AIPPI President Mr. Yoon Bae Kim Visits TIPO

International Association for the Protection of Intellectual Property (AIPPI) President Yoon Bae Kim visited TIPO on July 26 to speak with TIPO officials about Taiwan's participation in AIPPI meetings and events, and to share his thoughts on TIPO's current efforts in the area of IPR protection.

Taiwan-U.S. PPH Pilot Program Launched September 1

On September 1, 2011, the Patent Prosecution Highway (PPH) Pilot Program was launched by TIPO and the USPTO. Both offices will mutually utilize examination and search results to process requests for accelerated examination. This pilot program will effectively improve examination quality and expedite examination procedure.

2011 Cross-strait Copyright Forum Held in Taipei

The 2011 Cross-strait Copyright Forum was jointly held by the Chinese National Federation of Industries and Copyright Society of China on August 23, 2011, at National Taiwan University Hospital International Conference Center. The focus of the forum was mainly on anti-infringement system and the development of copyright system in Taiwan and mainland China. Approximately 200 people from related industries, government agencies and academic institutes attended the forum.

Hosting the Ninth Taiwan-France Industrial Property Conference and Seminar on SMEs IPR Management and Cultivation

The 9th Taiwan-France Industrial Property Conference was jointly hosted by TIPO's Director General Wang and INPI's Director General Yves Lapierre on the morning of September 6. Both sides exchanged updates on the latest development in IPR and shared views on future cooperation areas. The Seminar on SMEs IPR Management and Cultivation was held on the same afternoon, attracting an audience of nearly 200 to presentations on diagnosis of SMEs in Taiwan and France, promotion and achievements of Taiwan IP Management System (TIPS), and strategies to promote SME IP innovations.

Attending the 33rd APEC/IPEG

Three representatives from TIPO attended the 33rd APEC/IPEG in San Francisco on September 14 to 17, and gave presentations on plant patent of Patent Act amendment as well as Taiwan's experiences in promoting invention and innovative activities. Experiences were shared and exchanged between TIPO's representatives and other member economies at the venue.

Convening the Second Taiwan-Spain IPR Conference and First Taiwan-Italy IPR Conference

On September 22 to 28, Director General Wang visited Spain and Italy as part of TIPO's effort to strengthen international IPR exchange and to carry out the Taiwan-Spain and Taiwan-Italy IPR MOUs. In Spain, DG Wang and Director of Spain Patent and Trademark Office jointly hosted the 2nd Taiwan-Spain IPR Conference. While in Italy, the 1st Taiwan-Italy IPR Conference was jointly hosted with the Director of Italy Patent and Trademark Office. Also, the term of agreement for the Taiwan-Spain IPR MOU was extended to further enhance bilateral relationship.

Legislative Amendments

Public Hearing for Patent Act Amendment—Plant and animal patents

On August 12, a public hearing to address concerns over the expansion of patent protection to plant and animal patents was held. Party caucuses from the Legislative Yuan as well as representatives from related industries, government agencies and academic institutes were invited to the public hearing. The public voiced their opinions on the "needs of domestic industries with regard to plant and animal patents," "impacts of plant and animal patents on R&D institutions," and "impacts of plant and animal patents on farmers", while TIPO addressed the objectives of the amendment in hope of reaching a consensus among all sectors involved.

Latest Developments

TIPO E-filing Service Hours Extended on Trial Basis Beginning August 1, 2011

From August 1 to November 30, 2011, TIPO extends its business hours for receiving electronic filing of patent and trademark applications on a trial basis, Mondays to Fridays from 8:00 a.m. to 9:00 p.m., with telephone service available from 8:00 a.m. to 5:00 p.m. Inquiries relating to e-filing can be made through the TIPONet service hotline at (886) 2-8192-4729 on Mondays to Fridays from 8:00 a.m. to 5:00 p.m., or via e-mail at tipoeservice@tipo.gov.tw, where they will be answered by a TIPONet service representative on the following business day.

Patent Hotline and E-filing Hotline Now Share the Same Telephone Number

To enhance phone services for patent affairs and e-filing, starting on August 26, 2011, the patent hotline and e-filing hotline would share the same number. The public is welcomed to call (886) 2-8192-4729, Mondays to Fridays, between 8:30 a.m. to 5:30 p.m. for any questions or inquiry.

2011 Award Ceremony for “My Video” Contest

To promote respect for intellectual property rights and foster creative culture, under the guidance of TIPO and Hong Kong Intellectual Property Department, the 2011 My Video Contest was again jointly organized by the Taiwan Foundation Against Copyright Theft (TFA©T) and the Hong Kong Intellectual Property Society. Award ceremony for the contest was held on September 17, with a total of 15 contestants—7 from Taiwan and 8 from Hong Kong—receiving awards under open, college, and high school categories of entry.

2011 Taipei International Invention Show and Technomart

The 2011 Taipei International Invention Show and Technomart was held at the Taipei World Trade Center from September 29 to October 2. Twenty-two countries and nearly 700 manufacturers, inventors, R&D institutions and academic institutes participated in the event, showcasing over 2000 invention technologies. This year’s show successfully reached best record in terms of the number of participating countries and number of exhibitions.

2011.01 Edition of International Patent Classification Now Available Online

Beginning from September 16, 2011, all new patent applications shall adopt the new (2011.01) edition of International Patent Classification (IPC). Also, all patent publications and invention gazettes will be classified according to the new IPC beginning from November 1, 2011. Related information may be obtained from http://www.tipo.gov.tw/ch/Download_DownloadPage.aspx?path=4129&Language=1&UID=7&ClsID=55&ClsTwoID=297&ClsThreeID=0.

Patent Application Publication Gazette Published Using Latest Bibliographical Data from November 1, 2011

From November 11, 2011 onward, “disclosed bibliographical data” published in the Patent Application Publication Gazette will be the latest bibliographical data submitted for examination prior to publication.

http://www.tipo.gov.tw/ch/News_NewsContent.aspx?NewsID=5473

Enforcement and Latest Statistics

National Police Agency (NPA)

1. Enforcement News (July-September 2011):

Between July and September 2011, a total of 613 copyright infringement cases involving 728 suspects and 893 trademark infringement cases involving 1,022 suspects were apprehended.

- a) Internet infringement: 997 cases involving 1,098 suspects
- b) Pirated software: 17 cases involving 19 suspects
- c) Newspaper inserts: 4 cases involving 7 suspects
- d) Factories: 3 cases involving 8 suspects
- e) Other infringement cases: 485 cases involving 618 suspects
- f) Total infringement cases: 1,506 cases involving 1,750 suspects

2. Major Cases Involving Economic Crime (July-September 2011):

- a) On July 27, a suspect was apprehended in Taichung City for having set up a private server providing reproduced online Nintendo games for unspecified players. This behavior has severely damaged the rights of Nintendo online game agent, Gamania Digital Entertainment, Co., Ltd.
- b) On September 22, a suspect was apprehended in Kaohsiung City for having set up a personal online forum providing unspecified registered members access to pirated movie downloads. This behavior has infringed upon the rights of seven movie makers, including that of Disney.
- c) On August 24, a suspect was apprehended in Keelung City for selling counterfeit brand name suitcases, purses, wallets, and watches without the consent or authorization of the trademark owners. These counterfeited items include brand names such as Luis Vutton, Gucci, Dior, Chanel, Chopard, Rolex, Cartier, Fendi, Coach, and Montblanc. All evidence was later forwarded to the district prosecutors' office for further investigation of trademark infringement.

Statistics for IP Infringement Cases

Unit: case/person

Year	Total		Trademark		Copyright		
	Cases	Suspects	Cases	Suspects	Cases	Suspects	ODs Confiscated
2011 Jan. -Sep.	4,084	4,758	2,458	2,868	1,626	1,890	600,452
2010 Jan. -Sep.	3,441	3,979	1,876	2,202	1,565	1,777	1,127,608
Percentage Change: 2011/2010 Jan. -Sep.	18.69	19.58	31.02	30.25	3.90	6.36	-46.75

Source: National Police Agency (NPA), Ministry of the Interior

IPR Police

1. During the July to September 2011 period, the IPR Police uncovered a total of 180 copyright infringement cases (involving 205 suspects) and 445 trademark infringement cases (involving 517 suspects).
 - a) Internet infringement: 406 cases involving 450 suspects
 - b) Night markets: 51 cases involving 42 suspects
 - c) Storefronts: 111 cases involving 149 suspects
 - d) Newspaper inserts: one case involving one suspect
 - e) Factories: 3 cases involving 8 suspects
 - f) Other forms of infringement: 53 cases involving 72 suspects
 - g) Total infringement cases: 625 cases involving 722 suspects

2. Major Cases Involving Economic Crime (July-September 2011):

- a) On August 2, a suspect was apprehended in Taichung City for selling counterfeit Disney and Sanrio goods without the consent or authorization of the trademark owners. Over 30,000 pieces of counterfeit Chanel, Dior, Disney, and Sanrio merchandise were confiscated as evidence for violation of Trademark Act.
- b) On September 23, a suspect was apprehended in Taipei City for publicly displaying and selling counterfeit Timberland and Burberry goods without the consent or authorization of the trademark owners. Counterfeit Timberland, Coach, Burberry, and Tory Burch merchandise was confiscated as evidence for violation of Trademark Act.

Joint Optical Disk Enforcement Taskforce (JODE)

From July to September 2011, JODE conducted 179 inspections (77 daytime and 102 nighttime) of OD factories, printing plate factories and related facilities. This total is six times

lower than that of the same period last year (84 daytime and 101 nighttime inspections for the same period in 2010). JODE also conducted 48 documented audits of the internal control and audit systems of outstanding OD factories after advising them on the establishment of such systems. In collaboration with the IPR Police, JODE officials also took part in a total of 13 night market sweeps from July to September 2011.

Directorate General of Customs (DGOC)

1. Inspection Results:

DGOC Inspection Results (July – September 2011)

Jul.- Sept. 2011	Trademark Infringement		Copyright Infringement		No SID Codes on Export ODs	False Declaration of Export ODs	Violation of SID Code	False Declaration of Trademark
	Export	Import	Export	Import				
Cases	1	16	0	5	0	8	0	135
Amount	7,200	1,077	0	2,010	0	436,700	0	-

2. Major Cases:

On July 8, Taipei Customs Office uncovered an import shipment of 469 counterfeit Ralph Lauren polo shirts; on August 6, Taipei Customs Office uncovered an import shipment of 69 counterfeit Nokia cell phones; on August 25, Kaohsiung Customs Office uncovered an import shipment of 15 counterfeit Doraemon sofas; on August 30, Taipei Customs Office uncovered an import shipment of 30 counterfeit Louis Vutton and Chanel leather goods; on September 7, Taipei Customs Office uncovered an import shipment of 75 counterfeit Hermes and Bottega Veneta scarfs. All relevant evidence was seized by customs officials in accordance with Taiwanese law.

3. International Exchange:

- As part of active efforts to increase the flow of information between foreign customs offices on counterfeiting offenses, the DGOC provided international customs offices with information on five counterfeiting and piracy cases from July to September 2011.
- DGOC was invited by the APEC Anti-corruption and Transparency Task Force (ACT) to attend the Third APEC Senior Officials Meeting and Related Meetings (SOM3) in the United States from September 12 to 16. Information on Taiwan's enforcement of the 2010 Anti-counterfeit Drugs Project was shared at the meeting.
- In September, DGOC joined forces with the Unites States, United Kingdom, Malaysia, Korea, Japan, Indonesia, and India in implementing an international cooperation of Customs on inspection of counterfeit goods and drugs, as well as narcotics. This joint action effectively enhanced border inspections and strengthened Customs cooperation across borders.

Taiwan High Court Prosecutors Office (HCO)

- Prosecutors attended the National Communications Commission (NCC) sponsored APEC 44th Meeting of the Telecommunications and Information Working Group (APEC TEL44) in Malaysia from September 22 to 28, to exchange and share experience on infringement activities and enforcement of Internet crime.
- Between January and August, 15 off-campus photocopy shops were found and 16 people were apprehended by district prosecutors' offices across Taiwan for illegal reproduction of textbooks.
- Executive Vice President Mr. Michael D. Robinson of Motion Pictures Association of America (MPAA), MPA Asia-Pacific Director of Operation Mr. Edward Neubronner, Executive Director and General Manager Mr. Sam Ho of International Federation Against Copyright Theft - Greater China (IFACT-GC), and Executive Director Mr. Spencer Yang of Taiwan Foundation Against Copyright Theft (TFACT) visited the Ministry of Justice on August 5. The U.S. side expressed their concerns over inspection of IPR infringement cases at the meeting with the Minister; while the Minister introduced recent IPR protection policies and implements to the U.S. side.
- Between January and September, district prosecutors' offices closed a total of 3,150 IPR infringement cases. Of these, 771 suspects in 600 cases were indicted under ordinary procedures; 910 cases involving 957 defendants filed for summary judgment; and 1,404 indictments involving 1,490 defendants were deferred; 236 cases involving 250 defendants were dismissed by ex officio action. During the same period, 1,150 defendants were sentenced to prison terms with a conviction rate of 91.9%.

The adjudication of IPR cases by District Courts is outlined below:

Status of Adjudication of Public Prosecutors' Offices of District Courts

Unit: person

Sentence	Year	Status of adjudication and number of convictions										
		Total	Sentence								Not Guilty	Others
			Subtotal	Under 6 Months	6-12 months	1-2 year(s)	2-3 years	Over 3 Years	Detention	Fines		
Total	2011 (Jan.-Jun.)	1422	1149	589	54	14	4	-	465	23	102	1
	2010 (Jan.-Jun.)	1502	1222	622	57	20	2	-	495	26	105	3
	Change (%)	-5.33	-5.97	-5.31	-5.26	-30.00	100.00	-	-6.06	-11.54	-2.86	-66.67

Source: The Prosecutors' Office for the Taiwan High Court

IPR Awareness

- Workshop for part-time patent examiners was held on July 18 and 19 to enhance examination quality and efficacy. The program included current and future prospects of patent system in Taiwan, introduction to the functions and search tools of patent database, and analysis of patent administrative disputes; 63 part-time patent examiners attended the workshop.
- A seminar on digital book copyright was held on July 5 and July 29 for digital publishers, technology-related businesses, and personnel for campus computer services; total of 227 people attended the seminar.
- On July 13, TIPO invited copyright collective management professionals to attend orientations on Copyright Collective Management Organization Act and set tariffs; opinions were exchanged with copyright collective management organizations.
- A seminar on copyright in mainland China was held on July 19 for cultural and creative businesses and university personnel of related major of studies; total of 91 people attended the seminar.
- On July 21, 25 and 26, seminars on copyright issues was held for the first time for funeral operators; total of 25 funeral operator associations island-wide were invited to attend the seminars. These seminars aimed to assist funeral operators in understanding the use of copyright licenses and proper copyright concepts.
- This year, TIPO sponsored four sessions of presentation on creating creative work for colleges and universities. The presentations were given by creative talents, who shared experiences with those attended their creative process and copyright issues that they encountered. The first session was held on June 14 at the National University of Kaohsiung; the second session was held on September 6 at Tzu Chi University. These two sessions were presented by popular illustrator Stanley Dai, along with attorney to clarify any immediate questions on copyright. These presentations aimed to improve students' understanding of copyright.
- On September 8, an awareness seminar on the legal use of software was held for government agencies, schools and state-owned businesses to give them a better understanding in the legal aspects of software copyright, and techniques in identifying copycat Microsoft products, pirated software, and software licensing; a total of 71 people attended the seminar.
- A copyright awareness seminar was held separately on September 20 and 30 for teachers of all levels of schools to help enhance their knowledge of copyright concept.
- A library copyright awareness seminar was held separately on September 23 and 27 for librarians of high schools and beyond, national library and all local public libraries; a total of 189 people attended.
- Between July and September, the IPR Service Group conducted 67 sessions of IPR awareness-related seminars across Taiwan. IPR knowledge was promoted through interaction with the audience; those attended reached a total of 10,990 people (with some overlaps).