

Regulations for Reduction and Exemption of Patent Annuities

1. Promulgated on May 30, 1994.
2. Amended and promulgated on January 14, 2004 and entered into force on July 1, 2004.
3. Amended and promulgated on July 4, 2006 and took effect on July 6, 2006.
4. Amended and promulgated on November 29, 2012 and entered into force on January 1, 2013.
5. Amended and promulgated on June 29, 2016 and entered into force on July 1, 2016.

Article 1 The Regulations are formulated pursuant to Paragraph 2, Article 146 of the Patent Act (hereinafter referred to as “the Act”).

Article 2 The “natural person” referred to in the Regulations shall mean a natural person with Taiwan nationality or foreign nationality.

 The “domestic school” referred to in the Regulations shall mean a public or registered private school.

 The “foreign school” referred to in the Regulations shall mean a foreign school recognized by the Ministry of Education.

 The “small and medium enterprise” referred to in the Regulations shall mean an enterprise that meets the standards set forth in the Small and Medium Enterprise Definition Standards; the same shall apply to those that are foreign enterprises.

Article 3 A patentee who is a foreign school, domestic or foreign small and medium enterprise may apply in writing for reduction of the patent annuity.

 The Specific Patent Agency may reduce the patent annuity for patentee who is a natural person or domestic school.

 The Specific Patent Agency may, when it deems necessary, notify the patentee to submit relevant document(s) of proof.

Article 4 The amount of patent annuity to be reduced in accordance with the Regulations shall be as follows:

1. first annuity through third annuity: NT\$800 per year; and
2. fourth annuity through sixth annuity: NT\$1,200 per year.

Article 5 An applicant who qualifies for reduction of patent annuity under the Regulations may obtain the reduction for three (3) years or six (6) years, or obtain annual reduction from the first

year to the sixth year.

Where the applicant who qualifies for reduction of patent annuity under the Regulations, but who has an overdue annuity to be paid with a specified percentage addition pursuant to Article 94 of the Act, the overdue annuity shall be paid along with a sum that conforms to the specified percentage addition after the reduction.

Article 6 A patentee who is a natural person with no capital for patent annuity may apply in writing on a yearly basis to the Specific Patent Agency for annuity exemption.

An applicant for annuity exemption shall submit proof of low income issued by the relevant authority (township and district offices) of his domicile , and the application must be submitted within the periods prescribed below:

1. for the first annuity, three (3) months after the day on which the decision of approval or disposition letter is received; and
2. for annuities from the second year onward, the time the annuity is to be paid within six (6) months after the due date.

Article 7 A patentee who has pre-paid the patent annuity and qualifies for reduction or exemption of patent annuity in accordance with the Regulations may apply for reduction or exemption of the remaining undue patent annuities from the following year onward.

In the event that the reduction of patent annuity has been granted and the patentee has pre-paid the deducted patent annuity but does not qualify for reduction in accordance with the Regulations, the patentee shall pay the balance from the following year onward.

Article 8 (Deleted)

Article 9 The Regulations shall take effect from the date on which the Act enters into force.

The amendments of the Regulations, except the November 29, 2012 amendment, which took effect on January 1, 2013, shall enter into force on the date of promulgation.