



經濟部智慧財產局

INTELLECTUAL PROPERTY OFFICE

MINISTRY OF ECONOMIC AFFAIRS

July - September 2016

Quarterly Report on Taiwan's Intellectual Property Rights Protection

Held by TIPO in conjunction with EETO and EBRC, the 2016 Taiwan-EU seminar on trade secrets took place on September 21. Invited to speak at the event were DG Trade Policy Officer Jorg Weberndorfer of the European Commission, Head Prosecutor Jan Østergarrd from Denmark, and Ms. Elizabeth Jones from the UKIPO's Copyright & IP Enforcement Directorate. The speakers shared their thoughts on trade secret laws and enforcement with Taiwan's judges, prosecutors, policemen, investigators, the private sectors, as well as scholars and experts. The seminar was very well received by over 250 people comprising respective government officials, enforcement officers, and industrial representatives.

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Special Report

TIPO attended the 43rd APEC/IPEG meeting

TIPO's delegation attended the 43rd APEC/IPEG meeting and Plant Variety Protection under the 1991 Act of the UPOV Convention on August 17-19 in Lima, Peru. In the meeting, TIPO's Online Music Repertoire Database established in 2013 is presented. Featured with user convenience in quick lookup, the integrated database accommodating music and recordings contributes to the transparency and soundness of licensing market as well as fairness of overall royalty. The report attracted vibrant exchange of ideas.

2016 Symposium on Best Practices for Stemming Digital Piracy

On July 26, 2016 International Conference on Best Practices for Stemming Digital Piracy was cohosted by TIPO, AIT, and Graduate Institute of Technology, Innovation and Intellectual Property Management (TIIPM) of National Chengchi University (NCCU). Mr. Danny Marti, U.S. IPEC Coordinator, shared the U.S. experience in IPR enforcement. To devise an evolutionary strategy to combat digital piracy, a representative from TIPO delivered the latest development in copyright legal regime, and ad networks and payment providers presented their practices for online copyright protection by stemming the flow of funds. The Conference was attended by over 200 people, including officials from government agencies and representatives from technology industry, law firms and universities.

2016 Taiwan-EU Seminar on Trade Secrets

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During the seminar, the EU speakers gave in-depth reports on the EU's Trade Secrets Directive, prohibition of business strife for workers and its impact, how to identify potential trade secrets, how to calculate damages, as well as maintaining confidentiality throughout the entire course of litigation. In addition, the EU IP expert stationed in China reported on the country's current trade secret protection and enforcement, which led to engaging discussion and feedback among attendees. In turn, the Taiwan side gave an overview of its trade secret legal regimes and practices, followed by representatives from local industries addressing the challenges they encounter in terms of protecting their trade secrets. These challenges include key elements to identifying potential trade secrets in litigation, filing a request for damages, as well as keeping confidentiality during litigation. Through dialogues and experience sharing, this seminar provided respective industries with the prospect of more comprehensive trade secret protection.

2016 Cybercrime Investigation Workshop

Aiming to fully grasp the new types of cybercrime in IPRs infringement and to develop skills in uncovering trade secret theft and in securing from hacker attacks for law enforcement agency, TIPO, Criminal Investigation Brigade (CIB) of National Police Agency of Ministry of Interior and Immigration and Customs Enforcement of United States Department of Homeland Security (ICE, DHS) cohosted the 2016 Cybercrime Investigation Workshop on September 12-14. The workshop comprehensively introduced cybercrime threats in terms of regional IP issues, technical principle, research in open resource and social media, deep web and its case study, anonymity, case study on illegal e-commerce and evidence collection in cyberspace, and digital forensics. The trainees are representatives from Ministry of Justice, Investigation Bureau (MJIB) and National Police Agency.

Asia IP Forum—Challenges and Prospects in Patent Invalidation Procedure faced by Taiwan and Asian Countries

TIPO, College of Law of National Taiwan University and Taiwan Intellectual Property Training Academy jointly held the Asia IP Forum—Challenges and Prospects in Patent Invalidation Procedure faced by Taiwan and Asian Countries in NTU's Tsai Lecture Hall on September 30. Prof. Ng-Loy Wee Loon of the Faculty of Law of National University of Singapore, Prof. Tamura Yoshiyuki of Graduate School of Law of Hokkaido University, Prof. Sang Jo Jong of School of Law of Seoul National University, Prof. Chuntian Liu of Law School of Renmin University of China, Prof. Feroz Ali of Indian Institute of Technology Madras and Prof. Heng-Gee Lim of Faculty of Law of University Teknologi Mara of Malaysia are invited to give speeches on issues regarding patent invalidation procedure in different countries. The IP forum is attended by 135 people from government agencies, TIPA's seed instructors, attorneys, patent attorneys and participants representing the industry and academia.

2016 Symposium on Patent Law and Practice

TIPO and Taiwan Patent Attorneys Association (TWPA) cohosted 2016 Symposium on Patent Law and Practice in GIS convention center on October 4-5. Two guest speakers, James Robart, federal judge in the U.S. District Court of Western District of Washington, and Christian Hannon, patent attorney of the U.S. Patent and Trademark Office had a discussion on the subjects of Standard Essential Patents and Reasonable Royalty, Patent Infringement Damages, the Definiteness Requirement of a Patent and Patent Eligibility, Comparative Study of Post-Grant Claim Amendment and Post-Grant Claim Amendment in Taiwan. Over 200 people representing TWPA, various law firms, industries, academia as well as TIPO's patent examiners attended this symposium and exchanged on the latest patent infringement cases and examination in practice.

Latest Developments

The Judicial Yuan promotes E-Court

In recent years the Judicial Yuan has been dedicated to promoting E-Court by integrating electronic filing of legal action, electronic evidence and hardware facility to improve the efficiency of litigation. As the IP Administrative Litigation Electronic Filing System launches on July 20, 2015, Taiwan becomes the 26th country worldwide accessible to electronic filing. In Doing Business 2016, Taiwan's ranking in Enforcing Contract is lifted from the 93rd to the 16th. Since August 8, 2016, civil litigation is incorporated in the electronic filing system, making available for the general public who is also an account holder of the Judicial Yuan's electronic service authentication system. Meanwhile, to facilitate the E-Court in a comprehensive manner, the Judicial Yuan nonstop strengthens integrated functions such as organization of relevant issues in dispute, evidence presentation, and online inquiry.

2016 Traditional Intellectual Creations Protection of Indigenous Peoples Seminar

Aiming to conserve the traditional intellectual creations through exercising the exclusive right conferred to the indigenous peoples, Council of Indigenous Peoples held 2016 Traditional Intellectual Creations Protection of Indigenous Peoples Seminar at National Dong Hwa University on August 20-21. Taiwanese academics, postdoctoral researcher Bernd Brabec de Mori of University of Music and Performing Arts in Graz, Austria, Kelly Marsh (Taitano) of Chamorro History Studies of University of Guam and visiting pundits from abroad are invited, whose participation fosters the application and development of traditional intellectual creations protection.

2016 Taipei Int'l Invention Show & Technomart (INST)

The 2016 Taipei Int'l Invention Show & Technomart (INST) had drawn inventors around the globe to exhibit nearly 1,500 patented technologies in the Exhibition Hall 1 in Taipei World Trade Center from September 29 to October 1.

The 2016 INST is basically divided into two sections, Invention Competition and Technology Exhibition. The Invention Competition section gathers inventions presented by individual inventors, schools, foundations and SMEs around the globe. The Technology Exhibition section is comprised of 15 pavilions. Supervised by the Ministry of Economic Affairs, Ministry of National Defense, Ministry of Education, Ministry of Science and Technology, Council of Agriculture in Executive Yuan, the agencies representing the industries, government, schools and research institutes exhibit their performance in government subsidized R&D technology. Meanwhile, multiple business matching sessions and contract signing ceremonies are held. During the 3 days, commercialization consultation is available by a group of pundits from Ministry of Education, Ministry of Science and Technology, Council of Agriculture in Executive Yuan, Industrial Development Bureau, Bureau of Foreign Trade, Bureau of Energy, Department of Industrial Technology, Small and Medium Enterprise Administration and Intellectual Property Office in Ministry of Economic Affairs. In addition, 17 information sessions are held on Sep. 30 aiming to promote technological development and to disseminate assistance measures adopted for industrial revival.

TIPO's Innovative Invention Pavilion accommodates gold medalist inventions in well-known international invention shows in 2014 and 2015 and innovative products made by start-ups.

2016 Cross-Strait Copyright Forum

The 2016 Cross-Strait Copyright Forum is cohosted by Taiwan Association for Copyrights Protection (TACP) and Copyright Society of China (CSC) on September 19-25 in Chengdu city, Sichuan, China. New Thinking in Copyright Regime and Numeric Creativity & Culture Remodeling are two main themes surround this annual convention. Addressing issues such as Copyright Regime between the Strait and copyright protection for digital publication, the speakers delivered 4 in-depth speeches by sharing their practical experience in digital multimedia and online music industries.

There are 20 delegates from Taiwan side, leading by TIPO's Deputy Director General Yuh-Ying Chang and accompanying by TACP's founding chairman Mr. Zhi-De Liao and representatives from software and music industries while mainland China side is led by CSC's chairman Mr. Xiaohong Yan, vice chairman Mr. Tzu-Chiang Wang, Director General Mr. Cike Yu, municipal copyright associations in Chengdu and Jiangsu, the International Copyright Exchange, publishers and web portals such as Artron Art Group, Baidu, Tencent, Sohu. In total, over 100 people attended. This forum is a platform on which both sides share regulatory, academic and practical experience to move towards the higher level of cross-strait cooperation.

Renowned trademark case compilation is updated for public reference

Pursuant to registration protection principle, Taiwan provides enhanced statutory protection for renowned trademarks to assure market access and fair competition, allowing right-holders seek recognition and protection by multiple means that are in place for years. Earlier in 2008, TIPO had outsourced to gather together cases administered by courts, Fair Trade Commission, Taiwan Network Information Center and TIPO in previous 5 years and to complete case compilation. Since then, it has been updated annually. Recently the renowned trademark case compilation from July 2011 to June 2016 has completed update. Now it is published online for public reference.

A complete version for renowned trademark case compilation from July 2015 to June 2016 is available to download.
<http://www.tipo.gov.tw/ct.asp?xItem=569026&ctNode=7746&mp=1>

Enforcement and Latest Statistics

National Police Agency (NPA)

1. Enforcement Statistics (July-September 2016):

From July to September 2015, a total of 1,313 infringement cases involving 1,454 suspects were discovered (including 607 copyright cases with 681 suspects and 706 trademark cases with 773 suspects). The total market value of all the seized goods was estimated by right holders at NT\$2,565,499,744. The above cases were transferred to district prosecutor's offices for further investigation according to Taiwan laws.

2. Major Cases (July-September 2016)

The Swedish company Mojang Synergies AB reported to police that Taiwan Minecraft Co. allegedly plagiarized the computer game Minecraft. The police confiscated 32 computers and relevant evidence including network equipment. The case has been handed to the Prosecutors Office of Taiwan Taichung District Court.

3. International Exchange

- (1) On July 6, 2016, Maria Elms, Head of Legal of PANDORA Jewelry Asia-Pacific Limited visited IPRs Protection Police Force to exchange views on counterfeit identification and facilitation of identification procedure.
- (2) On July 18, 2016, Japan's Interchange Association (IAJ) and Sanrio Company, Ltd. Visited IPRs Protection Police Force to exchange views on the efficiency of counterfeit identification.
- (3) On July 25, 2016, NPA accompanied the US delegation led by Danny Marti, US Intellectual Property Enforcement Coordinator (IPEC) to visit Ministry of Interior for a discussion about bilateral training and cooperative investigation in transnational infringement cases.
- (4) On September 8, 2016, the Danish company PANDORA A/S and the Second Special Police Corps of Criminal Investigation Brigade cohosted a seminar to enhance investigation ability in combating counterfeit.

Statistics for IP Infringement Cases

Unit : case/person

Year	Total		Trademark		Copyright		
	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of CDs Confiscated
2016 Jul. -Sept.	1,313	1,454	706	773	607	681	9
2015 Jul. -Sept.	1,262	1,433	749	879	513	614	5,448
Percentage Change: 2016/2015 Jul. -Sept.	4.04	1.47	-5.74	-12.06	18.32	10.91	-99.83

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

Joint Optical Enforcement Taskforce (JODE)

From July to September 2016, JODE conducted 88 inspections of OD factories, printing plate factories and other related facilities. This total is 36 times less than 124 inspections in the same period last year. In addition, JODE conducted 9 documented audits of the internal control and audit systems of outstanding OD factories after advising them on the establishment of such systems.

JODE's Inspection Results (July-September, 2016)

		2015	2015	2016
		Jan.-Dec.	Jul.-Sept.	Jul.-Sept.
Number of Inspections		444	124	88
Number of Cases Found Violating the Optical Disk Act		0	0	0
Number of Plants Closed	Manufacturing Plants	1	0	0
	Packaging Plants	0	0	0
Number of Cases Prosecuted		0	0	0
Number of Suspects Prosecuted		0	0	0
Number of Administrative Dispositions Administered According to the Optical Disk Act		0	0	0
Number of Machines Confiscated		0	0	0
Number of Illegal ODs (Pieces) Confiscated		0	0	0

Source: The Joint Optical Disk Enforcement Taskforce (JODE), Ministry of Economic Affairs

Customs Administration, Ministry of Finance

1. Inspection Results:

- (1) In compliance with the *Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark, Operational Directions for Customs Authorities in Implementing Measures for Protecting the Rights and Interests of Patent and Copyright*, and other border measures, the Customs Administration from July to September 2016 yielded the following results:

Category	Trademark Violations		Copyright Violations		Export ODS Without Source ID Code	False Declaration of Source ID Code	False Declaration of Trademark
	Exports	Imports	Exports	Imports			
Cases	0	77	0	2	0	2	58
Number	0	74,503	0	66	0	327	-

2. Major Inspections

- (1) Keelung Customs' discoveries of counterfeit goods: In uncovering fraudulent goods transported by sea, 1,540 mugs breaching DORAEMON were seized on July 5; 28,728 packs of fake Chinese Tea's Pu'er tea were seized on August 5.
- (2) Taipei Customs' discoveries of counterfeit goods: In terms of counterfeiting goods transported by express delivery, 1950 sets of selfie sticks breaching Hello Kitty and Doraemon were seized on August 4; 675 pair of glasses breaching EDWIN was seized on August 8; 500 pieces of headsets breaching Sony were seized on September 6.
- (3) Kaohsiung Customs' discoveries of counterfeit goods: 14,963 sets of bearings transported by sea breaching NSK were uncovered on July 21.

3. International Exchange

- (1) As part of active efforts to increase the exchange of information with foreign customs offices on counterfeiting, the Customs Administration from July to September 2016 provided information on 14 counterfeiting and piracy cases to customs offices of other nations.
- (2) On July 25, 2016, the US delegation of Intellectual Property Enforcement Coordinator (IPEC) visited the Customs Administration, Ministry of Finance, to exchange opinion on challenges in global IPRs enforcement and Taiwan's IPRs border measures.
- (3) On August 24, 2016, 5 representatives from the economic department of Taipei office of Japan's Interchange Association (IAJ) and Japanese Customs visited the Customs Administration of MOF to discuss issues in relation to IPR-counterfeiting investigation and Taiwan-Japan Customs cooperation.
- (4) On September 22, the economic counselor of French embassy in Korea and representative from the economic department of French Office in Taipei visited the Customs Administration of MOF to discuss about cohosting a French-proposed workshop to identify counterfeit medicine.

Taiwan High Prosecutors Office (THPO)

1. Enforcement Results (January-June, 2016)

District prosecutors offices across Taiwan uncovered 1 off-campus photocopying stores involving 1 suspect, and seized 1 illegally printed textbook. The infringing materials were worth NTD266. The prosecutors offices will continue investigation to effectively deter such infringement.

2. Status of adjudication (January-September, 2016)

Affirmed IPR infringement cases processed by Taiwan's district prosecutors offices between January 1 and September 30, 2016 totaled 2,060. Of these, 513 suspects in 431 cases were indicted under ordinary procedures; 489 cases involving 503 defendants were filed for summary judgment; 935 indictments involving 990 defendants were deferred; and 205 cases involving 216 defendants were closed by ex officio action. In the same period, 770 defendants were sentenced to prison terms at a conviction rate of 89.22%. Compared to the same period in 2015, the status of court rulings on IPR infringement cases (summary judgment included) is as follows. There are 1,066 indictments in 2016 and 1,356 in 2015, accounting for a 21.39% decrease. As for the number of convictions, there are 770 defendants being convicted in 2016, accounting for a 9.20% decrease over the same period (844) in 2015.

Status of Adjudication of Taiwan District Prosecutors Offices on IPR Infringement Cases

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	2016 Jan.-Sept.	1,065	769	212	6	4	0	0	468	79	93	0
	2015 Jan.-Sept.	1,125	848	219	15	2	0	0	572	40	86	3
	Percentage Change(%)	-5.33	-9.32	-3.20	-60	100	0	0	-18.18	97.50	8.14	-100

Source : The Prosecutors' Office for the Taiwan High Court

Ongoing IPR Awareness Information Meeting Series

Beginning in this March, TIPO has held a series of 120 “IPR Protection Service Group” information meetings to raise people’s IPR awareness as of the end of September. The topics and effects of the meetings are listed below:

Topics	Time, Venue and Number of Participants	Issues addressed and Effects
1. IPR Laws and Regulations	From July to September, TIPO and the Service Group organized 41 meetings (6 at government agencies, 19 at corporations, and 16 at schools) across the island with 2,108 people in attendance.	The meetings addressed patent, trademark, copyright, trade secrets, and layout designs of integrated circuits. On-site counseling was also provided to step up people’s IPR awareness. Survey shows that 90% of the attendants gained better knowledge of copyright; 90% of the attendants learned that the copyright is automatically secured upon creation, meaning copyright protection subsists from the time the work is created.
2. Legal Use of Software	1 meeting was held in Taichung on July 29, with 100 people in attendance.	The meetings introduced and provided explanations on software piracy commonly seen in government procurement, types of misleading licensing. Survey shows that 70% of the participants have learned more about computer programs & copyright protection and licensing regulations in Copyright Act.
3. Notable Regulations On Government Procurement and Related Business	5 meetings were held and participated by 346 people on Jul 1, 15, Aug 12, 25 and Sep 30 in Taipei, Taichung and Kaohsiung.	The meetings illustrated regulations relating to government procurement, dissemination and other businesses. Survey shows that nearly 70% of the attendants know better about fair use while more than 90% of the attendants realize that exploitation for the purpose of public affairs is not necessarily constitute fair use. The basic concept enhanced the competence of public servants.
4. Copyright Seminar on Cultural and Creative Industry – Practice and Case Study	5 meetings were held on Aug 5, 19, Sep 1, 2, and 23 in Taipei and Taichung with a total of 352 participants.	The lecturer from the industry addressed issues encompassing exploitation & licensing of digital content, licensing practices and approaches in multimedia-related industries, key concepts in licensing for authors (SOHO workers) and copyright entitlement in the process of production and marketing & licensing contract in practice. There were pundits and academics helped clarify legislations and FAQs of copyright contracts. Survey shows that more than 90% of the attendants know better about copyright in cultural and creative industry and more than 70% show approvals that the seminar benefits their profession.

● Campus IPR Assistance Team

From July to September, the “Campus IPR assistance team” comprising 135 seed instructors from 23 universities went to 28 elementary, junior high, and senior (vocational) high schools using lively activities and short skits to promote IPR awareness to more than 5,000 students. A subsequent survey shows that over 70% of schoolers became aware that sound recording, video recording, scanning and photocopying fall under reproduction stipulated in Copyright Act; over 80% students aware that both uploading videos to the Internet with P2P software for public viewing and photocopying an entire textbook in separate times constitute violation of copyright.

● Strengthen Copyright Protection by Broadcasting

In September, after broadcasting for 154 times in 6 cable TV channels and intensively displaying on 21 LCD multimedia electronic blackboards set up by the Executive Yuan nationwide the advertisement disseminating the idea of supporting genuine works, the advantage of raising awareness of copyright protection is acknowledged.

● “Internet copyright” campaign activities

TIPO continues to use Facebook page “Let’s support genuine works” to quickly disseminate IPR campaign information. As of the end of September, TIPO had posted 145 pieces of information, responded to 55 online inquiries about copyright, and newly attracted 1,585 followers.

● The MOE’s campus IPR protection awareness campaigns

1. On August 29, 2016, the MOE and Taiwan Book Publishers Association signed a MOU for blocking infringing websites.
2. Starting 2015, on-site university visits and guidance are jointly conducted under the MOE’s supervision. By the end of September 2016, a total of 50 universities were visited and all of them passed. Since the second half of 2015, right-holder group are being invited to visit the universities, with whom the MOE visited 3 schools in the first half of 2016 and are planning to visit 5 schools in the second half of 2016.
3. To further promote the action plan of IPRs protection on campus, the MOE commissioned National Chung Hsing University to organize the meeting calling for the support of participating directors or chiefs of counseling office in universities.
4. To further promote the action plan of IPRs protection on campus, the MOE commissioned Hungkuang University to convene the meeting gathering the heads who are responsible for organizing extracurricular activities on August 23-24.
5. In September 2016, the MOE issued a circular to public and private universities to promulgate heads-up for lecturers. Updated by TIPO, the heads-up elaborates copyright laws with respect to the use of digitalized materials.
6. In September 2016, the MOE issued a circular to public and private universities to remind students of photocopying illegally may give rise to copyright infringement and using genuine textbook (including second-hand books) is advised.