



經濟部智慧財產局

INTELLECTUAL PROPERTY OFFICE

MINISTRY OF ECONOMIC AFFAIRS

July-September 2017

Quarterly Report on Taiwan's Intellectual Property Rights Protection

On September 26, 2017, TIPO, the European Economic and Trade Office (EETO), and the framework of the European Business and Regulatory Cooperation (EBRC), jointly held the 2017 EU-Taiwan Seminar on Industrial Designs and Trademarks in Taipei. More than 200 people showed up for the event. Exchanging views and experiences, and heated discussions have taken place throughout the sessions.

The 2017 Taipei International Invention Show and TECHNOMART took place at Exhibition Hall 1 of the Taipei World Trade Center during September 28 - 30, 2017, with 500 companies or inventors from 24 countries participating, exhibiting more than 1,500 inventions.

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Special Report

TIPO facilitated the signing of a MoU on the Infringing Website List between the TAAA and TIPA in August 2017

With TIPO's coordination and facilitation efforts, the Taipei Association of Advertising Agencies (TAAA) and the Taiwan Intellectual Property Alliance (TIPA) signed a memorandum of understanding (MoU) on the Infringing Website List (IWL) of Taiwan in August 2017, signaling cooperation between the two organizations. According to the MoU, TIPA will provide the IWL for the reference of the TAAA, while members of the TAAA will refrain from putting ads on these sites, in the hope of disrupting the revenue flow of these websites, curbing online infringement, and protecting the brand image of brand owners.

Currently, rights-holder groups in six major areas including music, films, drama, animation and comics, software, and books have joined the MoU, and more are expected to follow in the future. TIPO welcomes the development of the IWL cooperation, and hopes that the MoU will apply to more rights-holders and advertisers in the future, thereby providing stronger copyright protection over the content industry in Taiwan.

Legislative Amendments

1. Amendments to the Guide to the Preparation of Design Patent Drawings is promulgated on July 20, 2017

To comply with the Examination Guidelines on the Substantive Examination of Design Patents, TIPO has made amendments to the Guide to the Preparation of Design Patent Drawings and had them promulgated on July 20, 2017. Amendments about general principles were made in areas such as ways of drawing disclosures, views that do not claim colors, as well as the sufficient views of design drawings must contain. In addition, examples such as computer-generated icons were also added to the new version.

2. TIPO makes public the Guide for Viewing and Photocopying of Trademark Application Files on July 28, 2017

To make the application process for viewing or photocopying files on the trademark applications clearer, TIPO makes public the Guide for Viewing and Photocopying of Trademark Application files on July 28, 2017. Information such as the scope of and limitations on such viewing; manners of application; the designated date, venue, and means of the viewing; as well as electronic documents viewing, is detailed in the Guide.

3. TIPO adopts the latest IPC on August 1, 2017

TIPO has uploaded the latest International Patent Classification (IPC 2017.01) on its website. Starting from August 1, new applications for patents will be classified in accordance with this latest version, which will start to apply to Taiwan's Patent Gazette and Patent Application Publication Gazette on August 21 and October 1, 2017, respectively.

4. On September 12, 2017, TIPO made public the revised Examination Guidelines on Non-traditional Trademarks, which has come into effect on September 14.

The Examination Guidelines on Non-traditional Trademarks came into effect on July 1, 2012. Since then, TIPO has gained extensive real-world experience in examining a wide variety of non-traditional trademark applications over the past five years. To provide clearer guidance on the examination of trademarks in the future, TIPO is planning to amend the abovementioned Examination Guidelines. Besides, two chapters on repeating pattern trademarks and scent trademarks will be added to the Examination Guidelines.

On September 12, 2017, TIPO made public the revised Examination Guidelines on Non-traditional Trademarks, which has come into effect on September 14.

Latest development

1.The Taiwan-Japan Trademark Examiner Exchange Program takes place during September 11-15, 2017

The sixth Taiwan-Japan Trademark Examiner Exchange Program took place during September 11-15, 2017, with three experts from the Japan Patent Office (JPO) taking part in the event. During the program, TIPO examiners introduced its measures to improve examination efficiency and shared its lately revised version of the Examination Guidelines on Non-traditional Trademarks, while JPO representatives introduced how non-traditional trademark examination was conducted in Japan. The two sides have also talked about the 11th edition of the Nice Classification (NCL) for goods and services, and exchanged views on issues such as slogans, geographic names, the protection of well-known trademarks, as well as cases of parody. The two sides also exchanged their updated reference list of geographic names, making the examination database on each other's side even more comprehensive while lowering the possibility of geographic names in Japan and Taiwan being registered as a trademark improperly.

2.TIPO holds a public hearing on possible law amendment to the system governing the extension of patent terms on September 19, 2017

On September 19, 2017, TIPO held a public hearing to discuss possible law amendment to the system governing the extension of patent terms. Topics touched upon include the extension of patent terms, the definition of an active ingredient noted on the first regulatory approval, and the definition of starting and ending dates for pharmaceutical clinical trials in Taiwan. TIPO will take into consideration opinions given by all circles as a reference for future amendment needs.

3.The 2017 EU-Taiwan Seminar on Industrial Designs and Trademarks takes place in Taipei on September 26, 2017

On September 26, 2017, TIPO, the European Economic and Trade Office (EETO), and the framework of the European Business and Regulatory Cooperation (EBRC), jointly held the 2017 EU-Taiwan Seminar on Industrial Designs and Trademarks in Taipei. The conference featured presentations by experts from both the EU and Taiwan, including Mr. Günther Marten, IP attaché at the EU Delegation in Beijing; Ms. Lin Hsin-jung, Judge of the Supreme Administrative Court; Mr. Yeh Che-wei, Technical Examination Officer of the Intellectual Property Court; Ms. Liu Chen-chen, Director of the Trademark Division of TIPO; and Mr. Hsu Chia-hung, Design Patent Examiner of TIPO. Topics touched upon include the regimes and examination practices on the invalidity of industrial designs, the development of the legal regimes and practices regarding trademarks, as well as relevant judicial practices in Taiwan and Europe. More than 200 people showed up for the event. Exchanging views and experiences, and heated discussions have taken place throughout the sessions.

4.The 2017 Taipei International Invention Show and TECHNOMART takes place during September 28 - 30, 2017

The 2017 Taipei International Invention Show and TECHNOMART took place at Exhibition Hall 1 of the Taipei World Trade Center during September 28 - 30, 2017, with 500 companies or inventors from 24 countries participating, exhibiting more than 1,500 inventions.

In addition to the main exhibition, a number of sideline events also took place at the same venue, including seminars and technology discussions on business opportunities, briefings on government consultation support resources and projects, as well as a joint consultation service, providing on-site consultation services to all participants. The exhibition turned out to be highly popular and successful, with the number of visits made reaching 77,000 in total.

5.The MOE denies access to overseas websites offering pirated textbook materials through the TANet

To strengthen IPR protection among universities and colleges, the Ministry of Education (MOE) has signed an MOU with the Taiwan Book Publishers Association, a rights-holder organization, on August 29, 2016, and denied the access to overseas rouge websites offering pirated textbook materials through the Taiwan Academic Network (TANet), in July and August 2017, at the request of the groups of rights-holders.

6.The Council of Indigenous Peoples initiates a talent-cultivation program dedicated to promote people's understanding about the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples in 2017

To promote understanding with a good knowledge of the theory and practice of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples among faculty and students of universities and colleges in Taiwan, the Council of Indigenous Peoples has initiated a talent-cultivation program dedicated to this purpose. The Council has decided that relevant talks, intensive courses, and credit courses would be held by eight universities and colleges, starting from September.

Law Enforcement Results and Latest Statistics

The National Police Agency (NPA)

1. Law Enforcement Results

From July to September 2017, a total of 629 copyright infringement cases involving 729 suspects and worth NT\$778.21 million; a total of 548 trademark infringement cases involving 627 suspects and worth NT\$341.12 million; and a total of 4 trade secret infringement cases involving 9 suspects and worth NT\$310,000, were recorded. In total, there were 1,181 IPR infringement cases involving 1,365 suspects, with the amount of money lost as a result reaching NT\$1,196.5 million. The abovementioned cases were later transferred to district prosecutors' offices for further investigation.

2. Major Cases

Under the command of the Taiwan Ciaotou District Prosecutors Office, the Criminal Investigation Brigade (CIBr) has been investigating a famous second-hand luxury group that sells fake luxury products. After months of work, the CIBr has collected evidence, conducted an examination of the evidence, and transferred the case to the Taiwan Ciaotou District Prosecutors Office.

3. International Exchanges

(1) During September 5-8, the CIBr gave talks on the investigation of IP-related cases in Tokyo and Osaka at the invitation of the Japan-Taiwan Exchange Association.

(2) On September 20, the CIBr gave a talk about the investigation of IP related cases to representatives and personnel of Japanese companies in Taiwan at an IP promotional event organized by the Japan-Taiwan Exchange Association.

Statistics for IP Infringement Cases

Unit: Case/Person (Jan-Sep 2017)

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
Jan-Sep 2017	1,679	2,003	1,121	1,292	551	698	84,265
Jan-Sep 2016	1,982	2,285	1,450	1,618	529	667	121,806
Percentage Change (%) (Jan to Sep 2017 / 2016)	-15.29	-12.34	-22.69	-20.15	4.16	4.65	-30.82

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

The Customs Administration

1. Law Enforcement Results

(1) In compliance with the Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark, the 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 2017 yielded the following results:

Jul-Sep 2017	Trademark Violations		Copyright Violations		Exported ODs without a SID Code	False Declaration of SID Codes	False Declaration of Trademarks
	Imports	Exports	Imports	Exports			
No. of cases	2	26	0	0	0	2	65
No. of items	418	9,353	0	0	0	318	330,033

(2) From July to September 2017, there are 30 trademark infringement cases in total lodged either by a complaint or by an advice; and an extension for protection was filed for a total of 262 cases lodged by an advice.

2. Major Cases

(1) Taipei Customs: In July and August, the Taipei Customs uncovered 42 fake Apple iPhones, 9 fake Rolex watches, 290 fake G-Shock watches, and 100 fake Baby-G watches imported via express delivery.

(2) Keelung Customs: In August, the Keelung Customs uncovered 138, 182, and 73 fake shoulder bags of Burberry, Coach, and Louis Vuitton imported by sea freight.

3. International Exchanges

(1) As part of its efforts to increase the flow of information between foreign customs offices regarding counterfeiting offences, the Customs Administration has provided five pieces of information to customs authorities of other countries, from July to September 2017.

(2) In July, representatives of the Customs Administration and the Japan-Taiwan Exchange Association met to exchange views on IP-related border control measures. The two sides also discussed how to promote cooperation between rights-holders and the customs to clamp down counterfeit activities effectively.

The Taiwan High Prosecutors' Office (THPO)

1. Law Enforcement Results

From January to September 2017, seven stores with eleven suspects involved in copyright piracy were uncovered, and 10,847 copies of artistic and literary works were seized, totaling NT\$11.3 million.

2. Court Rulings

From July to September 2017, affirmed IPR infringement cases processed by district prosecutors offices totaled 619. Among them, 217 suspects in 164 cases were indicted under ordinary procedures; 157 defendants in 148 cases were filed for summary judgment; 252 defendants in 242 indictments were deferred; and 66 defendants in 65 cases were closed by ex officio grounds. In total, 264 defendants were convicted guilty by the court, resulting in a conviction rate of 93.95%.

In comparison with statistics from the same period of time last year (2016): the number of suspects indicted (including summary judgment) in 2016 stood at 334, while that in 2017 reached 374, resulting in a 12.0% year-on-year increase. With regard to the number of defendants convicted, it stood at 243 in 2016 and 264 in 2017, respectively, resulting in a 8.6% year-on-year increase.

Status of Adjudication of Taiwan District Courts on IPR infringement Cases unit: person

Categories	Year	Results of Court Rulings													
		Total	Sentence								Exemption	Not Guilty	Not Prosecutable	Case Declined	Others
			Subtotal	Under 6 Months	6-12 Months	1-2 Year(s)	2-3 Years	Over 3 Years	Detention	Fines					
Total	Jan-Sep 2017	1,019	779	211	7	3	0	0	505	53	1	48	8	181	2
	Jan-Sep 2016	1,065	769	212	6	4	0	0	468	79	1	93	10	192	0
	YoY %	-4.32	1.30	-0.47	16.67	-25	0	0	7.91	-32.91	0	-48.39	-20	-5.73	0

Source: The Taiwan High Prosecutors' Office

IPR Awareness Campaigns

1. Customs Information exchange sessions

(1) The Customs Administration held a joint information session for customs brokers, transport operators, warehouse operators, and container freight station operators in Keelung in July, to promote relevant IPR border measures and regulations.

(2) The Customs Administration held joint information sessions for customs brokers in Taichung in July, August, and September, to promote relevant IPR border measures and regulations.

(3) The Customs Administration conducted its third information exchange meeting in Taipei in September, to step up promotion of relevant IPR border measures and regulations.

2.MOE IPR awareness campaigns

- (1)The Ministry of Education (MOE) sent an official notice to colleges and universities in September, requesting the educational institutions to promote the use of copyrighted textbooks among their students, and to discourage the use of illegally copied textbooks and teaching materials, so as to not infringe the copyrights of the authors.
- (2)To facilitate the licensing of recordings and audiovisual works on campus, The Audiovisual Music Copyright Owner Association (AMCO) started granting a package license to colleges and universities instead of granting an individual license. The information has been passed on to colleges and universities in August through an official notice by the MOE.

3.MOEA IPR awareness campaigns

- (1)IPR awareness campaigns through social media: The Ministry of Economic Affairs (MOEA) has made a 30-second video to promote the must-knows about livestreaming. The video was put on “Let’s Support Original Works”, a TIPO fan page on Facebook, and a complete 2-minute version of the video will be put on digital platforms such as Youtube in the near future.
- (2)Campaign events to promote online copyright
 - I.Three promotional videos about photos used for online auction, copyright knowledge of professionals, and videos from suspicious sources (those involve BitTorrent downloading) were made. They were put on the “Let’s Support Original Works” fan page and other digital platforms such as Youtube and Dailymotion.
 - II.TIPO posted 25 pieces on its Facebook fan page “Let’s Support Original Works” and held two gift-giving events online to promote original works. About 1,500 people took part in the events.
- (3)IPR on Campus Task Force: In September, the IPR on Campus Task Force, a group composed of 152 seed instructors from 26 universities, visited 27 elementary, junior and senior vocational high schools, to promote IPR awareness to more than 6,600 students, by fun, lively group activities. Subsequent survey shows that more than 90 percent of student learned that sound or video recording, digital scanning, and photocopying are all considered as “reproduction”, prescribed in the Copyright Act; while more than 90 percent of them said that they know that photocopying an entire textbook in separate times (even if not in one go) has constituted an infringement of copyright.
- (4)IPR promotional talks by the IPR Protection Service Group

Topics	Details
I.IPR laws and regulations	TIPO and the IPR protection service group have held 51 IPR professional talks to people from different circles from July to September (15 on campus, 33 for private businesses and associations, and 3 for government agencies). A total of 2,064 people showed up for these events.
II.Copyright issues involving government administrative affairs	Promotional talks were held in Taichung and Taipei on July 7 and 21, respectively. A total of 153 people showed up for these events.
III.Copyright issues in government outsourced works	Promotional talks were held in Kaohsiung and Taipei on August 4 and 25, respectively. A total of 158 people showed up for these events.
IV.Copyright and the cultural and creative industry—by taking a look at case studies of copyright-related issues during the production and marketing stages of cultural and creative products and in contracts	Promotional talks were held in Taipei and Taichung on August 18 and September 8, respectively. In the events, experts in the field were invited to talk about the IP licensing of cultural and creative works during their production and marketing stages. In addition, lawyers were invited to talk about copyright and contract-related issues for cultural and creative works. A total of 123 people showed up for these events.
V.Copyright of digital publishing works	A promotional talk was held in Taipei on July 10 to promote copyright issues related to types of usages of digital publishing works and their licensing. A total of 90 people showed up for these events.
VI.Copyright of library collections	Promotional talks were held in Taipei and Kaohsiung on July 24 and August 7, respectively, to introduce copyright issues related to types of usages of library collections, cross-library cooperation, and distance teaching. A total of 153 people showed up for these events.