

Latest News

► Amended Patent Act will enter into force on November 1, 2019

The amendments to the Patent Act promulgated on May 1, 2019 will come into force on November 1, 2019. The main points of the amended act include: the term of protection of a design patent will extend to 15 years from 12 years; an applicant may file a request for division of patent application within three months upon receiving the approval decision of an examination or reexamination, and such a rule also applies to utility model patent applications; a request of invalidation should provide inval

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Transitional provisions for the implementations of the amendments are as follows – please be aware of the differences:

1. Extension of the period of design patent protection

- The term of protection of a design patent will still be 12 years if a design expires on the date of implementation of the amendments.
- The term of protection of a design patent will automatically extend to 15 years if its right is valid on the date of implementation of the amendments.

2. Division of a patent application after the approval decision is served

- If an approval decision of an invention or a utility model patent application examination, reexamination served within three months prior to the implementation date of amended Patent Act the applicant may file a request for division of the approved patent application within three months after the date on which an approval decision is served.
- If an approval decision of an invention or a utility model patent application examination reexamination served three months the date of the implementation of the amended act, the applicant may not file a request for division of the approved patent application.

3. Providing invalidation reasons or evidence for an invalidation action

The invalidation requests, which have been accepted before the amendments enter into force but no decisions have been rendered, will be handled as follows:

- All reasons and evidence provided by the requester before the amendments enter into force will be examined.
- All reasons and evidence provided by the requester within three months after a request is filed will also be examined.
- Reasons and evidence provided by the requester beyond three months after a request is filed will not be examined.

4. Filing post-grant amendment requests during invalidation proceedings

During invalidation proceedings, the post-grant amendment requests for invention, utility model or design patents, if filed after the amended Patent Act comes into force, will be bound by the time limit as mentioned in the amended act. However, the requests will not be bound if the patents are involved in pending litigation cases.

5. Post-grant amendments requests

- The post-grant amendment requests for invention and design patents that are not proposed during invalidation proceedings will not be bound by any time limit after the amended Patent Act come into force.
- The post-grant amendment requests for utility model patents, which have been accepted prior to the date of implementation of the amended Patent Act, will be substantively examined after the act comes into force. But no fees should be paid.
- The post-grant amendment requests for utility model patents, which are only filed after the day of implementation of the amended Patent Act, will be bound by the time limit as mentioned in the amended act, and a NT\$2000 fee should be paid.



TIPO to hold a public hearing for the 2019 draft amendments to the Trademark Act

In continuation of the discussions on the amendments to the Trademark Act last year (2018), and in response to global legal trends and Taiwan's examination requirements, TIPO collected suggestions from experts and scholars at consultancy meetings on the amendments of the Trademark Act, trademark examination quality, and amendments to the procedures of administrative remedies for trademarks, to draft the amendments on selected articles of the Trademark Act. A public hearing took place at 2pm, October 15, 2019 for discussing the key points of the amendments. This is also to lessen impacts on trademark agents after the passing of the draft amendments to the Attorney Regulation Act.

The main points of the amendments made during the meeting are as follows:

1. Specify that the qualifications of trademark agents other than attorneys or representatives who have been licensed to practice matters related to the trademark in question, as well as the legal basis of relevant management rules. (See Article 6 in the draft)
2. Specify that the ground of the competent agency may render a decision or send any other document(s) electronically (See Article 13 in the draft)
3. Introduce accelerated examination for trademarks, as some institutions need to acquire their rights urgently. (See Article 14 in the draft)
4. Specify that the applicable applicants of the Trademark Act in response to the marketing needs of commercial subjects. (See Article 19 (3) in the draft)
5. Loosen regulations: easing the requirements for claiming the right of priority, assessing preemption of invalidation, and applying to revoke the registration. (See Articles 20 (4), 58 (2), and 65(1) in the draft)
6. Specify the scope of acquired distinctiveness or functions of the reproduction of a trademark. (See Articles 29 (3) and 30 (4) in the draft)
7. Specify the nominative fair use and earlier use with the bona fide of a trademark which are not limited by the effect of registration. (See Article 36 (1) (i) (ii) and (2))
8. Abolish the opposition system, resolving opposition disputes of registration of a trademark through a unified invalidation system. (Deleting Section IV, Chapter II on opposition)

For more information (in Mandarin), please click the following link:

<https://www.tipo.gov.tw/tw/dl-124927-6ac867ddcf3949f5b912aaba1d1999a3.html>



Please feel free to register for the 2019 Strategies and Computer-based Practices of the Global Patent Search System

To assist members of industry and academia in utilizing TIPO's GPSS, explanation events entitled "2019 Strategies and Computer-based Practices of the Global Patent Search System" will be held. At the events, TIPO representatives will focus on the procedures, techniques, functions and strategies of patent search, and lead participants to do practices on computers. The events will be held on October 8, 15 and 21, as well as November 5, respectively in Hsinchu, Kaohsiung, Taipei and Taichung. Each is limited to 35 participants only. All member of society are encouraged to take part.

For more information (in Mandarin), please visit:

<https://www.tipo.gov.tw/tw/cp-85-802739-5f9dc-1.html>



2019 Taiwan Innotech Expo took place with grandiosity

The 2019 Taiwan Innotech Expo took place from September 26 to 28 at Hall 1 of the Taipei World Trade Center. To promote and strengthen our links with other countries, a total of 74 global institutions from 25 countries took part, such as Microsoft, Nissan, NSTDA, and Lely from USA, Japan, and Europe, displaying more than 1,200 technologies and patented inventions. During the three days, more than 45,000 counts of people swamped the hall, making it a lively place.

For the Taiwan Innotech Expo Award, a total of 659 entries home and abroad from 19 countries including Taiwan took part. After a careful review, 15 were selected for the Platinum Medal, 111 for the Gold Medal, 112 for the Silver Medal, and 154 for the Bronze Medal. In total, 392 entries were awarded.

The Three Major Themed Topics area was curated by seven ministries and councils together - the Ministry of Economic Affairs, Ministry of National Defense, Ministry of Education, Ministry of Science and Technology, Council of Agriculture, National Development Council, and Environmental Protection Administration, focusing on technologies of the future, innovative inventions, and sustainable development. A total of 411 R&D results of the "5+2" industries were displayed.

At the expo, two international forums on IP strategies were held. IP experts from around the world were invited to share how they set up cooperation strategies for technology transfer in hopes of gaining the most economic benefits. Also, to foster buy-and-sell of technology, seven talks and seminars for tech trading firms were held, for them to share thoughts on the buy-and-sell of technology, for encouraging mutual learning of patented technology home and abroad. TIPO hopes to use the expo as a platform for the buy-and-sell of technology and relevant cooperation between the R&D institutions and start-ups in Taiwan and their overseas counterparts, thereby building Taiwan's international presence in terms of patented technology match-making.



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Please contact us if you have any suggestion or question about our monthly news. We will make corrections or write back to you as soon as possible.

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