

## Latest News

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In May 2012, TIPO and the JPO launched the PPH pilot program, which was then modified to PPH MOTTAINAI in 2014 and was extended for three years in 2017. As of the end of September 2019, TIPO had received 3,426 requests for expedited examination, outnumbering other five ongoing PPH programs TIPO is currently partnering with. In addition, the pilot program remarkably sped up examination process, with first OA pendency averaging at 1.21 months and disposal at 3.77 months, respectively. In view of its excellent performance, TIPO and the JPO agreed that following the expiry of the pilot program, a permanent PPH program will replace it, starting on May 1, 2020. This permanent program is aimed at continuing to provide applicants with stable and convenient PPH services.

Moreover, Taiwan and Japan in 2013 signed an MoU on PDX to facilitate electronic exchange of priority documents for invention and utility model patent applications. Since its launch, the PDX has been widely used by respective applicants. To expand the current scope of electronic exchange, TIPO and the JPO have decided to incorporate design patent priority documents. Once implemented, it will save applicants' time on mailing paperwork, streamline cross-county application procedures, as well as make the exchange mechanism for priority documents more comprehensive. In the meantime, relevant IT systems on both ends are being developed and tested. The service is estimated to be officially launched in April 2021.

Taiwan and Japan have been close in bilateral economic and trade relations. Japan tops all the other foreign countries in the number of patent applications filed with TIPO. Last year (2018), that number stood at 14,169. Of these, the numbers of invention and design patent applications respectively stood at 12,871 and 1,224, both also topping other countries. On the other hand, the number of patent applications filed annually with the JPO by Taiwanese applicants is close to 3,000. Through the above two cooperative programs, TIPO hopes to support relevant domestic industries to further develop their international competitiveness and that more applicants could be benefited.

## Amendments to Patent Act, the Enforcement Rules of the Patent Act and the Regulations of Patent Fees entered into force on November 1, 2019

The amendments to the Patent Act released on May 1, 2019 entered into force on November 1, 2019. Consequently, amendments to the Enforcement Rules of the Patent Act and the Regulations of Patent Fees were also released on September 27, and became effective on November 1 as well. The key points of the amendments to the two auxiliary rules / regulations are as follows:

### 1. Enforcement Rules of the Patent Act

- Article 29 will be deleted, since its content is now specified in Paragraphs 6 and 7, Article 34 of the Patent Act. (Article 29 was amended)
- Article 89-1 will stipulate the threshold for evaluating whether certain patent files are worthy of preservation, in conjunction with Paragraph 1, Article 143 of the Patent Act, which specifies that patent files deemed worth preserving by the Specific Patent Agency shall be permanently kept. (Article 89-1 was amended)

### 2. Regulations of Patent Fees

- Prior to the implementation of the amendments of the Patent Act, according to Article 118 of the Patent Act, in terms of post-grant amendment requests of utility model patent applications, substantive examination would be adopted during invalidation proceedings, while formality examination would be adopted in all other cases. Thus, according to Article 5 of the Regulations of Patent Fees, when it comes to post-grant amendment requests of utility model patent applications, an NT\$1,000 and an NT\$2,000 fee would respectively apply alongside formality examination and substantive examination. Based on Article 118 of the amended Patent Act, however, in terms of post-grant amendment requests of utility model patent applications, substantive examination shall be adopted under all circumstances. Thus, the amended Article 5 of the Regulations of Patent Fees stipulates that the fee for utility model patent applications is now a unified NT\$2,000. (Article 5 was amended)

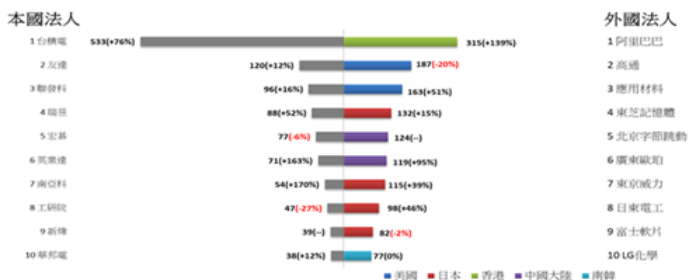


## TIPO releases IPR statistics for the third quarter of 2019

In Q3 2019, TIPO received a total of 18,976 applications for invention, utility model, and design patents, as well as 22,275 trademark applications. All marked an increase compared to the same period last year. The number of invention patent applications filed by Taiwanese nationals increased by 11%, while the number of design patent applications filed by foreign nationals increased significantly by 23%, marking a salient growth. TSMC and Alibaba respectively topped the domestic applicant list and the foreign one when it comes to invention patent applications.

A total of 12,260 invention patent applications were received in Q3 2019. The number of applications filed by domestic (4,918) and foreign (7,342) applicants increased by 11% and 1% respectively on a year-on-year basis. The number of applications filed by domestic applicants increased more significantly because companies filed more applications this year. A total of 2,264 design patent applications were received in the third quarter of 2019. The number of applications filed by foreign applicants (1,233) increased by 23% and this mainly results from an increased number of applications coming from major foreign countries (regions).

Of the top 10 Taiwanese companies filing the most invention patent applications, Taiwan Semiconductor Manufacturing Company (TSMC) topped the list with 533 applications, followed by AU Optronics (AUO) (120) and MediaTek Inc. (96). For applications by foreign companies, Alibaba Group Holding Limited (Hong Kong) filed the most applications (315), followed by Ford Motor Company (USA) (87).



The number of new applications for trademark registration (22,275) in Q3 2019 increased by 6% compared with that of the last year. Respectively, 15,738 applications were filed by Taiwanese nationals and 6,537 by foreigners, marking a 6% and 4% increase. China filed the most applications (1,755) among all foreigners – a 15% increase on a year-on-year basis, followed by Japan (1,235) – also a 9% increase.

For more information (in Mandarin), please visit: <https://www.tipo.gov.tw/tw/lp-87-1.html>



## Seminar on Symposium for Drug Patent Linkage System

The Ministry of Economic Affairs held the 2019 Symposium for Drug Patent Linkage System at the NTUH International Convention Center on November 13 this year (2019), with joint effort from TIPO, Industrial Development Bureau, and Department of Industrial Technology. Pharmaceutical patent and professionals were especially encouraged to take part.

January 31 last year (2018), Chapter 4-1 on drug patent linkage added to the Pharmaceutical Affairs Act was promulgated via a presidential order. On July 1 this year (2019), the enforcement rules for drug patent linkage was promulgated. To protect biosimilar patents, the rules for acquiring approvals for generic drugs are deemed as applicable to biosimilars. On August 20, 2019, the drug patent linkage system came into force on as scheduled by the Executive Yuan. To help local companies adjust to the system more quickly, TIPO invited patent attorneys and agents experienced in listing patent information and handling patent litigation to give lectures at the seminar. It was hoped that, by discussing legal regimes and actual practices, people could learn more about how the patent linkage system influences the pharmaceutical industry in USA and South Korea, and brainstorm on how they can respond to such a system in Taiwan.

For more information (in Mandarin), please visit:

<https://activity.tipo.gov.tw/ct.asp?xItem=37263&ctNode=817&mp=1>



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## The 2019 TIPO-CGPDTM Patent Examiner Exchange was a success

The 2nd TIPO-CGPDTM Patent Examiners Exchange took place from October 21 to 25, 2019 at the Taiwan Intellectual Property Office. With two assistant controllers from India's Office of the Controller General of Patents, Designs and Trade Marks attending the occasion, the participants exchanged their thoughts on the patent regimes and examination practices in Taiwan and India, as well as discussed a few cases.

The participants not only introduced their organizational structure, patent laws, patent regimes and examination practices, patent reexamination, invalidation and administrative remedies, but also discussed patent application cases in biomedical engineering, information communication technology, and computer implemented invention and software related inventions. A wide range of subjects includes search of prior art, scope of claims, specification formats, supplementary documents, requirements of accelerated examination, and patent eligibility were also covered. In addition, TIPO arranged visits to the Technology Transfer and Law Center of the Industrial Technology Research Institute and IC design industry for the Indian examiners to learn about ITRI's assistance to local firms in commercializing IPRs and the recent developments of Taiwan's IC design sector.

In 2018, TIPO sent patent examiners to India to exchange thoughts on the two sides' patent regimes and examination practices for the first time. Based on last year's achievements, this year, both sides had deep discussions on the administrative litigation regimes and examination practices on biomedical engineering, information communication technology, and computer science. The participants also shared opinions about the cases which they are interested in. The event was a success and both TIPO and the CGPDTM look forward to holding similar events in the future.



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## 2019 TIPO-JPO Trademark Examiner Exchange reaps new harvests

The 8th TIPO-JPO Trademark Examiner Exchange was held from October 1 to 4, 2019 at the Taiwan Intellectual Property Office, MOEA. JPO sent three trademark examiners, including one managerial officer, to participate in the exchange.

Affected by Typhoon Mitag, this year's exchange was rather short. However, this was the first time that TIPO and JPO conducted more thorough and in-depth discussions on issues concerning "non-traditional trademarks" and "quality management" on the basis of mid-to-long-term programs. The event therefore marked a new chapter in TIPO-JPO Trademark Examiner Exchange.

The two sides also exchanged thoughts on "the latest measures and developments," "trademarks which are likely to mislead the public," and "classification of goods and services and other similar groups." The discussions were informative, and questions arising from hands-on practices raised by both sides were effectively clarified. In addition, TIPO arranged a company visit and shared knowledge of the functional designs and uses of its online trademark examination system and search system as well. The two sides learned from one another in a great deal. TIPO will continue to draw support from the examiner exchange to improve the quality of trademark examination, raise the public awareness of brand protection among domestic industries, and fine-tune Taiwan's IPR regime and practice.



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## The 2019 TIPO 20th Anniversary Celebrations and Seminar on the Copyright Act – the Past and the Future was a success

"The 2019 TIPO 20th Anniversary Celebrations and Seminar on the Copyright Act – the Past and the Future" was held on October 4 at the International Conferences Hall of Tsai Lecture Hall, National Taiwan University. Various scholars and experts, including attorney Yeh Chi-hsin, founder of Our Song Wu Po-tsang, IP Court Division-Chief Judge Tsai Hui-ju, attorney Lai Wen-Chi, associate professor Hsu Hsiao-fen, attorney Hsing Chiu-miao, associate professor Hu Hsin-lan, attorney Hsiao Hsiung-lin, and assistant professor Chang Chung-hsin were invited to give lectures for the occasion. The guests shared how the Copyright Act may respond and be applied to emerging technologies, cases of copyright litigation, and the past and future of copyright law amendments in EU, Japan, USA and Taiwan.

More than 300 representatives of public agencies, academic institutions and industry attended the event, and the lecturers were praised for their informative speeches. The audience also responded zealously. Other than introducing the evolutions of the Copyright Act to the public, the symposium successfully strengthened people's knowledge of copyright and related issues and made the copyright protection mechanism in Taiwan more complete. In all, the event helps to foster development of relevant industries.



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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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