

Latest News

▶ Amended chapter on medical-related inventions in the Patent Examination Guidelines came into force on January 1, 2020

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The points of the amendments are as follows:

1. Adjusted the content which is not consistent with that of the relevant chapters in the Guideline. 2.2.1.1 in Paragraph 3 "its immediate purpose is to obtain the diagnostic result of a disease" did not conform with what's written in Chapter 2 on definitions and general rules, and therefore it was modified.
2. The content of 2.2.1 "Claims Which Include Therapeutic and Non-therapeutic Methods" was adjusted and supplemented. For the method patent applications which may bring about therapeutic and non-therapeutic results, TIPO drew references from the UK's examination guidelines and adjusted and added relevant content, listing seven types of commonly seen therapeutic and non-therapeutic methods.
3. Amended the rules for writing Swiss-type claims.
4. Drew references from case examples in JPO's guidelines and added explanatory notes on cases which "may not be supported by specifications."

5. Five cases of novelty were added, respectively relating to new medical use, new dosage regimen, new modes of administration, specific groups of patients, intervals of administration and the order for taking different kinds of medicine.
6. A statement on the non-inventiveness of hydrates was added.
7. Five cases with inventive steps were added, including two cases of dosage, one case about specific types of patients, one case about the relevance of pharmacological action, and one case about treating diseases which have the same causative factors. Others, such as revising contents of some cases, deleting non-relevant information, adjusting the frameworks of certain chapters, and specifying relevant rules and modifying a few descriptions, were made.

[More information \(in Mandarin\)](#)



Feel free to utilize our Compilation of the Important Court Rulings on Trade Secret Cases

Trade secret protection is becoming increasingly important. To assist businesses in catching up with Taiwan's relevant judicial practices and trends, TIPO studied the civil and criminal cases relating to trade secrets from January 1, 2011 to June 30, 2019 from the courts of all levels and drew references from the Intellectual Property Court. A total of 76 cases, 57 civil and 18 criminal, were selected for making excerpts. Such include the legal battle between Largan Precision Co. and Ability Opto-Electronics Technology Co., the dispute about a cleanroom suit patent between ASE Inc. and its supplier, and a case about trade secret protection for Dairen Chemical Corp. Based on topics such as the three elements of trade secret; the civil liability, criminal liability, and evidence-keeping procedures for trade secret infringement; and confidentiality orders, TIPO has also created a compilation of the important court rulings on trade secret cases in Taiwan. The content of the compiled cases is available in the section on trade secret protection at TIPO's website. All members of society are encouraged to utilize it.

[More information \(in Mandarin\)](#)



The Legislative Yuan Passes the Trade Secrets Act that Introduces a Confidentiality Order for Investigation System

On December 31, 2019, Taiwan's Legislative Yuan passed the partial amendment to the Trade Secrets Act. This amendment introduces a "confidentiality order for prosecutorial investigation" system to strengthen protection of trade secrets during investigation proceedings. A person who violates a confidentiality order shall be liable to imprisonment for a maximum of three years. The new law will prevent trade secret leak during investigation, increase corporations' willingness to file a lawsuit, and enable prosecutors to effectively and quickly conclude their investigations. This amendment also increases protection of foreigners' trade secrets, so as to attract foreign investment and boost business development. For example, an unrecognized foreign juristic person may file a complaint, initiate a private prosecution, or institute a civil lawsuit.

Below are key points of the "confidentiality order for prosecutorial investigation" system:

1. A prosecutor may, if she/he deems it necessary, issue a confidentiality order ex officio during the investigation.
2. A person subject to a confidentiality order shall not use the investigation information for purposes other than the investigation, or disclose such information to any person not subject to a confidentiality order.
3. A confidentiality order shall be issued in writing or verbally, and a trade secret owner shall be afforded an opportunity to make observations. Procedures to cancel or change a confidentiality order, and the relation between a confidentiality order and a court order to preserve confidentiality are also stipulated.
4. A person violating a confidentiality order shall be liable to imprisonment for a period not exceeding three years, and/or a fine not exceeding NT\$1 million.



Revision to the referenced list of the designated goods/services in the trademark registration system

In conjunction with the modification to 11th edition of the Nice Classification, an international classification of goods and services, in terms of the list of the designated goods/services in trademark application cases, a total of 284 items were added, 17 items were deleted, and 22 items of groups/sub-groups and notes were revised.

The aforementioned amendments just came into force on January 1, 2020. The "list of the designated goods/services" in TIPO's electronic trademark registration system was also renewed.

We suggest those who apply to register their trademarks electronically on January 1, 2020 and after download the latest registration forms and examine them carefully. If there are discrepancies relating to the names of the designed goods/services between the list delivered electronically and in the paper form, a NT\$300 fee waiver might not apply.

[More information \(in Mandarin\)](#)



Guidebook for Trade Secret Protection 2.0

To help companies establish thorough mechanisms for protecting trade secrets, previously in 2013, TIPO already published the Guidebook for Trade Secret Protection. Six years have passed since then, and TIPO has gained many more experiences in this field. What's more, the guide needs a few amendments in order to catch up with the latest trends. TIPO therefore released the Guidebook for Trade Secret Protection 2.0 for companies to use. The points of the latest amendments are as follows:

1. The implementation procedures of reasonable confidentiality measures being a main focus, the guide takes into account relevant court rulings to advise companies on how to set up such confidentiality measures.
2. Included actual litigation practices and the strategies which companies may take to help judicial officials with judicial investigations.
3. In the Q&A session, added notes for assessing trade secret protection, the timing for carrying out such protection, and the ways to fulfill relevant duties.

[More information \(in Mandarin\)](#)



TIPO's field offices hailed for free IPR courses in 2019

TIPO's field offices in all parts of Taiwan have been holding courses for the public, such as IP zones for SMEs, introduction to search systems, patent application practices, trademark application practices, and copyright 101. Customized courses for SMEs are also available on demand. Also, to help Taiwan's SMEs overcome hands-on challenges, the companies are encouraged to use the field offices' video conference service to discuss matters with TIPO's responsible units. Such a service is highly convenient and it fixes problems quickly.

In year 2019, our field offices held 24 regular IPR courses, 10 customized courses for SMEs, and four video conferences. Fitting people's needs, these events are widely acknowledged. All members of the public are encouraged to utilize these resources!

For more information (in Mandarin), please visit [TIPO's field offices](#)



For more news, please visit [TIPO's website](#) .

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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