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▶ TIPO Publishes the draft amendments to the Copyright Act on January 30, 2020

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1. In response to recent technological development, TIPO amended the definition for public broadcasting and public transmission, and added the right to simultaneous further communication to the public.
2. TIPO discussed who should enjoy the copyright and whether this would be reasonable. TIPO also amended the person(s) to enjoy the economic right in a contract between an employer and an employee. In addition, it amended the legal relationship between the commissioning party and the commissioned party, so that no matter the commissioned party is a natural or juristic person, the commissioned party must serve as the author according to the contract between the two parties, thereby meeting the actual needs.
3. To facilitate the circulation and use of works, TIPO amended the rules for moral rights. It excluded the performer's right to the public release of his or her work, and also amended the definition for public release.
4. TIPO amended the definition for the fair use of the limitations on economic rights, including the fair use of long-distance courses of schools and that of browsing through texts online of libraries under certain conditions. TIPO also amended the fair use of a work for not-for-profit activities – the organizer of a regular, not-for-profit activity may use the work upon a fair amount of remuneration, without having to acquire the consent or authorization of the rights holder. As to people who play music with their own devices for dancing in a park, no licensing or payment is needed.
5. About amending the rules for compensation for damages:

- Amendments were made to the rules of the burden of proof for claiming compensation. The injured party may ask the court to set a compensation amount between NT\$10,000 and NT\$1 million depending on the details of damages.
- According to the amendments, the injured party may choose to claim compensation for damages based on his or her licensing fee. This shall encourage the injured party to accept civil compensation instead of criminal litigation.

6. About amending outdated rules for criminal liability:

- Delete minimum imprisonment of six months for some minor infringement of copyright. The court may set the details of the punishment according to the cases, so as to avoid over-punishment.
- The persons who sell authentic goods imported from overseas in Taiwan without authorization will not be bound by criminal liability anymore.
- Delete the criminal punishment for distributing authentic goods, for which civil remedy is available under current Act. This shall set it apart from the liability for distributing counterfeit goods.

For more information (in Mandarin), please visit:

[A general description to the draft amendments to the Copyright Act](#)

[A comparison table of the current and the amended Copyright Act in draft](#)



Patent and trademark applicants may ask for reinstatement if failing to comply within a statutory time period due to the heated COVID-19 outbreak

As the title of this article suggests, if the delay of a statutory time period is caused by natural calamity or other causes not attributable to the applicant, according to Article 17 of the Patent Act and Article 12 of the Enforcement Rules of the Patent Act, or Article 8 of the Trademark Act and Article 9 of the Enforcement Rules of the Trademark Act, the applicant may file a request for reinstatement.

Any patent or trademark applicant who fails to comply within a statutory time period due to the COVID-19 may file a request for reinstatement accompanied by the documents of proof. In principle, such cases will be determined leniently on a case-by-case basis.



Version 11-2020 of the Taiwan-Japan Concordance of Similar Group Codes is released

In conjunction with the modification to the 11th Edition-Version 2020 of the Nice Classification made by the World Intellectual Property Organization, TIPO renewed the Taiwan-Japan Concordance List of Similar Group Codes corresponding to Nice Classification, 11th edition, version 2020 (NCL11-2020), as a reference for Taiwanese and Japanese trademark registration applicants to utilize this List when searching for currently registered trademarks.

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



The 2020 Seminar on Patent Laws was held

Since February 12, TIPO has held four sessions of the 2020 Seminar on the Points to Amendments to the Patent Examination Guidelines on medical-related inventions and Cases Relating to Emerging Technologies, respectively in Hsinchu, Taichung, Kaohsiung,

and Tainan. All members of society were cordially encouraged to take part.

The amendments to the Patent Examination Guidelines respectively came into force on November 1, 2019 and January 1, 2020. The seminar provided explanation to the public about the points of the amendments made. The topics included “the points to amending the examination guidelines for patent invalidation,” “the points to amending examination guidelines for patent division and post-grant amendment,” “the points to amending the examination guidelines for medical-related inventions,” and “cases of emerging technologies.” The seminar was expected to help applicants learn more about the examination process.



About copyright for pictures and videos uploaded and forwarded via LINE

LINE users might receive a message stating that “those uploading, forwarding, and/or viewing pictures and/or videos will be fined. Rights holders and copyright trolls have been collecting evidence with LINE to sue people, including LINE group members,” but this is fake news.

Earlier in 2017, the misleading rumor was already there. TIPO has tried to clear this up and no one has ever been sued under such circumstances. Just to make sure the public will not be troubled by the false information anymore, below is our latest explanation:

1. Providing an URL (hyperlink) of photographic or video content (such as news reports, pictures, or YouTube) in a LINE group is not defined as “reproduction” or “public transmission” of copyrighted work. In principle, this does not constitute copyright infringement and no violations are thus made.
2. When uploading pictures, videos, etc. to a public LINE group (exclusive of family and friends), such an act involves “reproduction” and “public transmission.” To exploit a piece of work, a license is required. Otherwise, the person who does so might infringe another person’s rights. Any general or fans’ LINE group would be defined as a “public” LINE group. We suggest not to forward unlicensed pictures, videos, and/or articles to it.
3. Viewing pictures, videos and/or articles in a LINE group without forwarding such content does not constitute copyright infringement. There is no need to panic.
4. Please be reminded that, in respect of other’s economic rights, when forwarding and/or downloading pictures, videos, and articles in LINE, make sure whether this relates to exploitation of the work, so as to avoid being sued by the copyright holder in defense of his or her rights.



The Public Hearing for the Draft Amendments to the Copyright Act

TIPO held the Public Hearing for the Draft Amendments to the Copyright Act on February 25, 2020 at Tsai Lecture Hall, College of Law, National Taiwan University in Taipei.

The points of TIPO’s latest draft amendments for the Copyright Act include “in response to technological advancements, incorporating and amending the rules for intangible economic rights,” “the fairness of the rules for determining which person(s) to enjoy the copyright,” “facilitating the circulation and use of a work, amending the rules for moral rights,” “making the limitations on economic rights even fairer,” “amending the rules for claiming compensation for damages,” and “amending the outdated rules for criminal liability.”



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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Intellectual Property Office
Ministry of Economic Affairs R.O.C.

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The site has been optimized for monitors with over 1024x768 resolution, with window maximized

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