



經濟部智慧財產局

INTELLECTUAL PROPERTY OFFICE
MINISTRY OF ECONOMIC AFFAIRS

October to December 2020

Quarterly Report on Intellectual Property Rights Protection in Taiwan

Jointly organized by the Intellectual Property Office of the Ministry of Economic Affairs (TIPO) and the European Economic and Trade Office (EETO), the 2020 EU-Taiwan Seminar on Protection of Internet Copyright took place on December 2 at Taipei's GIS MOTC Convention Center. TIPO's Director General Shu-min Hong and EETO's Head of Office Filip Grzegorzewski delivered the opening remarks. The event, which saw over 120 people from government agencies, universities, and the private sector attend either in person or virtually, featured talks by European Commission experts Cæcilie Kjærside and Angélique Monneraye, Captain Ming-Shiung Chuang of the Criminal Investigation Bureau's (CIB) Telecommunications Investigation Corps, and TIPO's very own Copyright Division Director Hao-Chi Mao. Both the audience in Taipei and EU right holders joining via video link engaged in a lively exchange and in-depth discussions with the speakers.

Special Report

The 2020 EU-Taiwan Seminar on Protection of Internet Copyright—an All-Round Success!

Jointly organized by the Intellectual Property Office of the Ministry of Economic Affairs (TIPO) and the European Economic and Trade Office (EETO), the 2020 EU-Taiwan Seminar on Protection of Internet Copyright took place on December 2 at Taipei's GIS MOTC Convention Center. TIPO's Director General Shu-min Hong and EETO's Head of Office Filip Grzegorzewski delivered the opening remarks. The event, which saw over 120 people from government agencies, universities, and the private sector attend either in person or virtually, featured talks by European Commission experts Cæcilie Kjærside and Angélique Monneraye, Captain Ming-Shiung Chuang of the Criminal Investigation Bureau's (CIB) Telecommunications Investigation Corps, and TIPO's very own Copyright Division Director Hao-Chi Mao. Both the audience in Taipei and EU right holders joining via video link engaged in a lively exchange and in-depth discussions with the speakers.

With the advancement of the digital era and the continued rise of the Internet, copyright infringement, too, has evolved, shifting from brick-and-mortar stores to the virtual realm. This has made the protection of Internet copyright a very important global issue. The seminar not only allowed guests to gain a better understanding of the practices and efforts undertaken by the European Union and Taiwan in relation to Internet copyright protection, but also provided food for thought regarding the future and development of Internet copyright.

Virtual Conference on Trade Secrets Protection and Digital Piracy Prevention

The Virtual Conference on Trade Secrets Protection and Digital Piracy Prevention took place on October 15 and 16 in Taipei City. Organized under the Global Cooperation and Training Framework—a multilateral platform administered by Taiwan, the U.S., and Japan—the conference allowed expertise to be shared with Indo-Pacific countries on how to deal with the issues of trade secrets protection and digital piracy prevention. The two-day event was cohosted by the Ministry of Foreign Affairs, the American Institute in Taiwan (AIT), the Japan-Taiwan Exchange Association (JTEA), in cooperation with the Taiwan High Prosecutors Office and the Taiwan Intellectual Property Office (TIPO).

The conference focused on key areas such as legal system developments concerning trade secrets protection, the collection and use of evidence in trade secrets protection cases, and cross-border cooperation in the prevention of digital piracy. Speakers included prosecution officers from the Intellectual Property Branch of the High Prosecutors Office, TIPO officials, law enforcement officers from the U.S. Department of Justice and the FBI, U.S. federal magistrate judges and prosecutors, and lecturers from the University of Tokyo Research Center for Advanced Science and Technology. Domestic judges, prosecutors, judicial police officers, and TIPO officials made up the 30 in-person attendees. Joining them were more than 170 law enforcement officers and IP office representatives from 21 different countries, who participated via video link.

Legislative Amendments

1. Amendments to the Substantive Examination Guidelines for Design Patents in effect since November 1, 2020

On September 29, 2020, TIPO announced amendments to the Examination Guidelines for Patents, specifically to Chapter III – Substantive Examination of Design Patents. The revisions, which came into effect on November 1, reflect recent developments in design patent practices. In addition to protecting emerging technologies, they are designed to spur the expansion of our digital innovation economy.

Among the key changes, the former requirement that computer-generated icon and GUI design patents be limited to physical objects only has been revised. Disclosure requirements for design patent applications have also been relaxed. These steps should make it easier for software companies to obtain more comprehensive design patent protection.

What is more, disclosure requirements relating to design patent specifications and drawings have become less stringent, with buildings and interior designs henceforth expressly eligible for design patent protection. The rules governing divisional design patent applications have also been made less restrictive.

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

<https://www.tipo.gov.tw/tw/cp-85-881881-d8fd4-1.html>

2. Notice of Draft Amendments to the Patent Act

Following consultations with academic experts and representatives from many different sectors, TIPO recently proposed draft amendments to the Patent Act. The changes, announced on December 30, 2020, were devised with reference to the legal systems of Japan, the United States, and Germany. It is hoped that the amendments will further optimize Taiwan's patent remedy system.

The key changes are as follows:

- (1) The introduction of a new Trial and Appeal Board within TIPO tasked with handling patent trial and appeal cases.
- (2) Those who are not satisfied with the Board's decisions will no longer be required to address their appeal to the Petitions and Appeals Committee, but may instead file an appeal to the court directly.
- (3) The defendant in an invalidation proceeding shall be the patentees, not TIPO, as is currently the case.
- (4) The appeal procedure shall no longer follow the administrative litigation process, but will instead take the form of civil litigation.

Latest News

1. TIPO's Q3 2020 IPR Statistics Report

In Q3 2020, TIPO received a total of 18,895 applications for invention, utility model and design patents, not much different from the same period last year. Applications for trademark registrations (26,113 cases), on the other hand, hit a record high once again. Domestic applications registered a small increase for all three patents, while domestic trademark applications exceeded 20,000 for the first time in a single quarter. In terms of applicants, TSMC and QUALCOMM filed the most invention patent applications among domestic and foreign applicants, respectively. Invention patent applications filed by domestic SMEs have seen growth for 10 consecutive quarters now – an outstanding achievement.

The number of invention patent applications filed by domestic enterprises remained relatively unchanged from the same period last year, still accounting for 75% of all domestic applications filed. Of these, applications by SMEs grew by 17%, marking the tenth quarter of consecutive growth. This constitutes a positive development in terms of SMEs protecting their R&D achievements and enhancing their competitiveness.

As to the domestic applicants themselves, TSMC filed the most invention patent applications (389 cases), while L&F PLASTICS filed the most design patent applications (36 cases). Looking at non-resident applications, we see that Japan topped the list with 3,075 invention patent applications and 295 design patent applications. Among the largest filing companies, QUALCOMM and FORD took the lead with 213 cases for invention patent and 113 cases for design patent applications, respectively.

Applications for trademark registration came to 26,113 cases and encompassed 32,475 classes, an increase of 17% and 13%, respectively, over the same period last year. Applications filed by residents (20,493 cases) went up by 30%, whereas those by non-residents (5,620 cases) decreased. The number of resident applications filed in a single quarter exceeded 20,000, marking a record high. A breakdown by Nice class shows that class 35 (advertisements, business operations, etc.) received the most cases (3,763) by residents. Concerning individual applicants, UNI-PRESIDENT came out on top with 214 cases. As to non-resident applications, mainland China occupied first place with 1,245 applications filed. Class 9 (computer and technology products) led with 1,119 cases registered. Of all non-residents, GENIUS POWER filed the most applications (40 cases).

Q3 2020 IPR Statistics Report:

<https://www.tipo.gov.tw/en/cp-282-883512-6a6ad-2.html>

2.Comparative analysis of invention patent applications filed with TIPO and under the PCT in 2019

For three years now, the number of invention patent applications filed with TIPO has been on the rise, with 2019 seeing a total of 45,650 cases, representing a year-on-year increase of 2.6%. In 2019, there were 265,800 patent applications under the PCT – 5.2% more than in the previous year – marking a ten-year growth streak.

A breakdown by nationality shows that both domestic and foreign applications experienced sustained growth over the past three years. Data for 2019 put the number of resident applications at 18,294 (40.1%), with the same figure for non-resident applications coming to 27,356 (59.9%). Japan ranked first for foreign applicants, followed by the USA and mainland China – all three exhibited an upward trend. As for the nationality of applicants of PCT applications, mainland China took the lead for the first time, after boasting a substantial increase in applications of 10.6%, surpassing both Japan and the USA.

An analysis by technological field reveals that semiconductor patents made up the leading category for invention patent applications filed with TIPO in the past five years, standing at 11.6% of all applications in 2019. This group was followed by computing technology, electromechanical energy devices, and optics. For PCT applications, the order was as follows: computing technology, digital communication, and electromechanical energy devices. Applications for semiconductor and optics patents, however, only ranked 9th and 10th, respectively.

Looking at the top three technological fields for applications filed with TIPO, we learn that semiconductor patents saw the most applications filed by Japan, the USA, and South Korea. For computing technology, it was Taiwan, mainland China, and Hong Kong who led the pack, while Germany filed the most invention patents for electromechanical energy devices.

For PCT applications, the breakdown follows a different pattern: mainland China and South Korea saw the most applications filed for digital communication patents. In the USA, computing technology ranked first. As for Japan, electromechanical energy devices reigned supreme, whereas in Germany, it was transportation that came out on top. As we can see, there is a difference in terms of prioritized technological fields when comparing the PCT figures with those of TIPO.

For further reference, you can find our “Comparative analysis of invention patent applications filed with TIPO and under the PCT in 2019” under the following link (Mandarin webpage):

<https://www.tipo.gov.tw/tw/dl-276057-1fc912465b1141978bcc426d6c643e59.html>

3.Statistics on Patent and Trademark Applications Received by TIPO, IP5 and TM5 in 2019

Figures released by USPTO, JPO, EPO/EUIPO, KIPO, and CNIPA (i.e. the world’s five major patent and trademark offices), show that invention patent, design patent, and trademark applications were mostly up in 2019. Regarding invention patent and trademark applications filed by Taiwanese nationals with IP5 and TM5, the USA and China were the two main jurisdictions for portfolio building.

While invention patent applications received by IP5 in 2019 were mostly up, CNIPA saw a 9.2% decrease (1,400,661 cases), while for JPO, applications fell by 1.8% (307,969 cases). USPTO (621,453 cases), KIPO (218,975 cases), and EPO (181,406 cases) saw an increase of 4.1%~4.3%. Applications received by TIPO grew by 1.8% (48,268 cases).

As for design patent applications, CNIPA received the most cases (711,617), edging out KIPO (64,111 cases), USPTO (46,847 cases), JPO (31,489 cases), and EUIPO (28,582 cases). TIPO experienced the highest yearly growth with 8.9% (8,804 cases), followed by EPO (8.5%), USPTO (3.9%), and KIPO (2.1%). CNIPA and JPO both reported growth of less than 1%.

Turning to invention patent portfolios, we notice that Taiwanese applicants continued to focus on the USA and China. The former recorded a year-on-year increase of 2.6% (19,599 cases), while the latter saw a year-on-year decrease of 2.7% (11,152 cases). As to design patents, Taiwanese applicants filed the most applications (1,638 cases, representing a 6.0% decrease) with CNIPA, followed by USPTO (1,121 cases, equal to a 15.3% decrease) and EPO (522 cases, or a 20.2% decrease).

With the exception of JPO, the rest of the TM5 received their highest number of trademark applications in years. In 2019, CNIPA received 7,837,441 cases, followed by USPTO (494,513 cases), KIPO (204,998 cases), JPO (190,773 cases), and EUIPO (160,403 cases), while KIPO registered the largest increase (10.2%). The rest of the TM5 also reported an increase of 3.4%~6.3%. TIPO received 86,794 cases, representing a 2.3% increase.

Looking at the number of trademark registration applications filed with TM5 by Taiwanese applicants, we see that CNIPA received 19,719 cases, down by 15.6% from the previous year. On the other hand, applications filed with USPTO (2,004 cases) and JPO (1,058 cases) saw the highest number in years.

Click the link below to access TIPO's "2020 Statistics on Patent and Trademark Applications and Approvals in IP offices of Taiwan, the USA, Japan, the EU, South Korea, China, and EPO" (in Mandarin):

<https://www.tipo.gov.tw/tw/dl-276180-8dfaabb9c87f495faa1ceb7c165b3428.html>

4. Positive Patent Examination Pilot Program for Startup Companies comes into effect on January 1, 2021

To support the growth of startups, the government has been actively providing subsidies to nascent businesses. Newly founded companies in possession of patents have a greater chance of obtaining these state-sponsored contributions. An additional benefit of owning a patent is that it can be used as collateral for a loan and allows for diversified financing.

In order to expedite the patent acquisition process for startups, TIPO will begin implementing the "Positive Patent Examination Pilot Program for Startup Companies" on January 1, 2021. This will give priority to invention patent applications filed by newly established companies. Where there are grounds for rejecting an invention patent application, TIPO will subsequently inform the filing applicant of those grounds and provide advice on application amendments via so-called "positive interviews."

Where the program is applied to a startup company's patent application that has undergone examination, TIPO will, within one month of receiving the application for positive patent examination, supply interview materials relating to the search report on novelty and inventive step requirements as well as materials relating to other reasons for patent rejection. TIPO will also arrange a time for the interview, which should generally take place within one month of the applicant receiving the aforementioned materials. After conclusion of the interview, the applicant shall submit a response or amendments within a month. Should an applicant fail to do so, review of the application shall revert to the regular examination procedure. The applicant may choose to withdraw the patent application so as to protect their invention as a trade secret. These changes make it possible for startups to obtain patents within 4 months of application for the positive patent examination, which in turn allows them to benefit from increased entrepreneurial resources while also accelerating the consolidation of their patent portfolio.

Startups eligible for this program are those that, under Taiwan's Company Act or its foreign counterparts, have been established for less than five years. Applications must be made electronically, and there are no charges for either the application itself or the positive interview. The pilot program's trial period will run from January 1 until June 30, 2021, and is limited to a total of 30 test applications. Once the trial period has expired or the maximum number of test applications has been reached, TIPO will temporarily stop accepting applications and begin its evaluation of the program's success, assessing both its continued viability and the need for possible changes.

Positive Patent Examination Pilot Program for Startup Companies (Mandarin):

<https://www.tipo.gov.tw/tw/dl-276027-be448eebf68148ed8808a31897ea3f6e.html>

Q&A (Mandarin):

<https://www.tipo.gov.tw/tw/dl-276028-159a2437c98c470d8d19fb8e66603126.html>

5. TIPO holds lectures on "The Relationship between Industrial R&D/Innovation and IP Rights"

TIPO recently held an IP promotion lecture series entitled "The Relationship between Industrial R&D/Innovation and IP Rights." Separate lectures took place in Taipei and Taichung on November 5 and 11, respectively. These sessions were designed to help businesses manage various types of IP rights as well as their IP strategy as a whole, with the ultimate aim of expanding market share.

The lectures commenced with a discussion of industry research and innovation initiatives, teaching businesses how to turn R&D achievements into concrete IP rights. Information was also provided on how to effectively implement IP management plans, appropriately deal with IP risk, and reduce the chance of repetitive R&D investment. Moreover, the lectures focused on how to build a competitive advantage and improve operational performance.

6. Forum on Trade Secret Practices for Judicial Officers

On November 20, TIPO and the Taiwan Association for Trade Secrets Protection (TTSP) co-hosted the Forum on Trade Secret Practices for Judicial Officers. Members of the semiconductor industry and a team of judges were invited to discuss issues relating to trade secret practices in the field of semiconductor manufacturing. The 40 or so judges who took part in the event used the opportunity to broaden their knowledge of technologies employed by the industry.

7. Discussion Sessions on Copyright Issues

On October 30 and November 30, TIPO invited right holder groups, experts, and academics to participate in discussions on copyright issues involving interior design and the sale of cloud karaoke systems imported from mainland China. Right holder groups and academic experts came together to exchange ideas and discuss possible solutions for the future.

8. 2020 Expert Consultations on Copyright Collective Management Practices

TIPO held the "2020 Expert Consultations on Copyright Collective Management Practices" on November 2, inviting scholars and experts to exchange their views on the authorization practices of shared copyrights by copyright collective management organizations, and discuss the direction of future revisions.

9. New online publication service for copyright holder search notices—free for all to use

To promote a more widespread use of copyrighted works whose authors are unknown, TIPO has started offering a free "copyright holder search notice" publication service, which has been available since October 2020. All applicants need to do is email their application form to TIPO and we will publish the relevant notice on our website's "Licensing of orphan works" section. This service will allow applicants to more conveniently and efficiently meet the requirements for the use of works whose authors are unknown.

Guide to applying for the use of orphan works (Mandarin):

<https://www.tipo.gov.tw/tw/dl-276101-daf72ae1c3154ae29b9c193093a9f48d.html>

"Copyright holder search notice" application form (Mandarin):

<https://topic.tipo.gov.tw/copyright-tw/dl-275942-c6ae4f7734d6458389d6a7f73e0e4f99.html>

TIPO's "Licensing of orphan works" Page (Mandarin):
<https://topic.tipo.gov.tw/copyright-tw/lp-460-301.html>

10.IP Navigation Manual for Start-ups—Essential Tips for a Smooth Start

An inadequate understanding of intellectual property rights often leads start-ups to neglect IP protection, while insufficient capital can cause them to overlook the creation of patent portfolios altogether. That's why TIPO has produced the "IP Navigation Manual for Start-ups," which uses easy-to-understand comic strips to break down complex IP concepts. The manual also contains case studies in the form of stories. These allow start-up entrepreneurs to quickly familiarize themselves with the different types of IP protection so that they can choose the ones that are best suited to their products.

The stories, which focus on tech start-up entrepreneurs, describe potential hurdles a budding business might face from its very first day all the way up to product launch, specifically when it comes to IP disputes and the development of portfolios. The manual also lists the benefits of early development of portfolios in Taiwan, such as lower overall examination fees, shorter average examination pendency, and even better examination quality. In addition, it features information on different government agencies' start-up guidance measures.

In 2020, TIPO visited a number of start-up parks to hear from various industry voices, including many talented and driven start-up entrepreneurs. TIPO hopes that its manual will help these individuals better understand intellectual property, choose appropriate ways to protect their own IP, and develop patent portfolios sooner rather than later.

Click the link below to access the easy-to-follow "IP Navigation Manual for Start-ups—Essential Tips for a Smooth Start":

<https://topic.tipo.gov.tw/patents-tw/cp-673-882610-96709-101.html>

11.TIPO's Industry Patent Knowledge Base

In 2017, TIPO unveiled its Patent Data Navigation Plan. By collecting and releasing patent data from all of the IP5, along with its own, TIPO has made huge amounts of information accessible, ready to be analyzed and used. Thanks to the Industry Patent Knowledge Base, which was launched under the plan, businesses can keep up to date with the most recent global trends in technology.

In order to promote the knowledge base and improve its various functions, TIPO has visited and consulted a total of 293 companies over the past four years. Their invaluable advice has allowed us to deliver ever more convenient tools and diversify the information we provide, such as by incorporating the following functions: patent recommendation, latest patents, patent tracking, related articles search, patent systems of other countries, instructional videos, trend statistics, etc.

In 2020, we saw the addition of four new functions: search by industry, directory of researchers, PTAB case search, and news aggregation. These features can help companies quickly locate important information about patented technologies and IP developments while also ensuring that they find the right partner to work with.

- (1) Search by industry: a new type of search engine that allows direct comparison of Taiwanese industries and patented technologies. Patent documents are arranged and displayed by industry so that companies get a practical, field-specific overview of global trends relating to patented technologies.
- (2) Directory of researchers: a directory listing specialists from different research areas. Biographical information is matched to relevant patent documents so that users can learn about a researcher's background as well as any patents he/she may have applied for in the past. This allows SMEs to get a better idea of the areas of expertise associated with each individual, letting them make the right choice when it comes to selecting a partner.
- (3) PTAB case search: a collection of over 60,000 items of information detailing appeals handled by USPTO's Patent Trial and Appeal Board since 1997. The data aims to meet businesses' needs regarding the speedy gathering of information on legal proceedings and appeals.
- (4) News aggregation: Drawing from 52 different sources, including government agencies, law firms, and Google's latest IP stories, this function amasses over 7,000 news items per month. It also lets users customize their news feed. They can screen, browse and follow channels on specific topics such as IP, events, business, smart machinery, the biotech and medical industry, and job recruitment.

Industry Patent Knowledge Base:

<https://ipkm.tipo.gov.tw/>

12.2020 TIPA Professional IP Training Courses a Huge Success

TIPO commissioned the Taiwan Intellectual Property Training Academy (TIPA) to hold ten IP training courses in 2020. These were divided into "Training Courses for IP Strategy Talents" and "Training Courses for IP Professionals." The more than 600 course-takers were motivated by either a direct interest in IP or a desire to work in IP-related fields. Among the topics covered were patents, trademarks, copyright, and trade secrets. Top experts from industry, government, and academia were invited to deliver lectures, and the feedback given showed an average course satisfaction score of 9.07 out of 10, indicating a very high level of approval.

13.Ministry of Education's Dedicated Email Service for TANet

The Ministry of Education has established a mechanism for reporting suspected cases of intellectual property infringement in colleges and universities. In addition, it provides the Taiwan Academic Network (TANet) with a dedicated email service (abuse@moe.edu.tw) that allows right holders to report links to foreign textbook piracy websites on the network. No reports were made in this quarter.

14.Council of Indigenous Peoples Implements Protection Act for the Traditional Intellectual Creations of Indigenous Peoples

Since the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples came into force in 2015, the Council of Indigenous Peoples has so far received 145 exclusive right applications, which were combined into 118 cases in total. Of these, 87 cases (74%) have already been concluded, 21 cases (18%) are still pending, 5 cases (4%) have been withdrawn, and 5 cases (4%) were dismissed. Of the 87 concluded cases, 76 (87%) were decided in favor of granting the exclusive right, 3 cases (3%) were due to be granted the exclusive right, 4 cases (5%) required further amendment, and 4 cases (5%) were rejected.

Law Enforcement Results and Statistics

The National Police Agency of the Ministry of the Interior

1. Law Enforcement Results

From October to December 2020, a total of 376 copyright infringement cases involving 492 suspects were recorded. 750 trademark infringement cases involving 915 suspects were also recorded, as were 5 trade secret violation cases involving 8 suspects. In all, there were 1,131 IPR infringement cases involving 1,415 suspects. The above-mentioned cases were subsequently referred to district prosecutors offices for further investigation.

Please refer to the following table of statistics for an overview of cases of trademark and copyright infringement dealt with in 2020:

Statistics for IP Infringement Cases by the National Police Agency, NPA

Unit: case/person (Jan.-Dec. 2020)

Year	Total		Trademarks		Copyright		
	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of CDs Confiscated
2020 Jan.-Sep.	2,773	3,392	1,465	1,732	1,301	1,639	55
2019 Jan.-Sep.	2,822	3,310	1,446	1,717	1,376	1,593	52
Percentage Change: 2020/2019 Jan.-Sep.	-1.74	2.48	1.31	0.87	-5.45	2.89	5.77

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

2. Major Cases

A special investigation team was jointly formed by the Second Special Police Corps and the Hunei Branch of the Kaohsiung City Government Police Bureau. On November 4, the team uncovered the case of a suspect who used his identity as a former staff member within the hygiene R&D department of a company to misappropriate confidential information, including product formulas. The restricted data was forwarded, without the employer's authorization, from the individual's work email account to his personal account, constituting an act of trade secret infringement.

The Taiwan High Prosecutors' Office (THPO)

1. From October to December 2020, the District Prosecutors Offices in Taiwan investigated and closed a total of 624 cases of suspected IPR infringement, involving 691 suspects. Among these, 236 suspects in 188 cases were indicted under ordinary procedures; 202 suspects in 194 cases had their cases heard in a summary judgment; 213 suspects in 204 cases were granted a deferred prosecution; and 40 suspects in 38 cases were not indicted on ex officio grounds. In total, 243 suspects were found guilty during this period, resulting in a conviction rate of 92.05%.

2. Comparing these statistics with those of the same period last year (2019), we find that the number of suspects indicted (including those who applied to have their cases heard in a summary judgment) in 2019 stood at 486, while in 2020, that figure came to 438 (-48), resulting in a 9.88% year-on-year decrease. The number of suspects convicted was 176 in 2019 and 243 in 2020 (+67), representing a 38.07% year-on-year increase.

3. Please refer to the following table for final court decisions on IP cases brought by various district prosecutors offices in 2020:

Statistics for Final Court Decisions on IP Cases Brought by Various District

unit: person

Area of infringement	Year	Prosecutors Offices												
		Total	Sentence							Remitted	Acquitted	Not to Prosecuted	Turned down	Others
			Subtotal	Under 6 Months	6-12 Months	1-2 Year(s)	Over 3 Years	Detention	Fines					
Total	Jan.-Dec. 2020	1,484	1,158	365	10	21	-	722	40	1	86	9	230	-
	Jan.-Dec. 2019	1,027	709	233	3	3	-	437	33	-	69	1	248	-
	YoY %	44.5	63.33	56.65	233.33	600.00	0.00	65.22	21.21	-	24.64	800.00	-7.26	0.00

Source: Taiwan High Prosecutors' Office

The Customs Administration

Law Enforcement Results

1. The Customs Administration of the Ministry of Finance has implemented various border protection measures in accordance with the "Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark" and the "Operational Directions for Customs Authorities in Implementing Measures for Protecting the Rights and Interests of Patent and Copyright." Between October and December, 93 cases of trademark rights infringement of imported goods were investigated and 39,576 infringing items were seized.

2. Between October and December, the Customs Administration received 24 requests for lodging advice on protecting trademark rights, 20 requests for extending the terms for advice on protecting trademark rights, and 92 requests for updating/supplementing documents and other matters, adding up to a total of 136 requests.
3. In October, Taipei Customs intercepted 62 express delivery imports of counterfeit cross-body bags, backpacks, and handbags bearing the trademarked Louis Vuitton logo, and 1,160 counterfeit pairs of women's trousers and counterfeit jackets bearing the trademarked Tommy Hilfiger, Adidas, Chanel, Nike, and Roots logos. The items in question have all been seized.
4. In October, Keelung Customs intercepted 402 standard shipping imports of counterfeit mouse pads bearing the trademarked Pokémon logo, while Taichung Customs intercepted 25,000 counterfeit masks bearing the trademarked Doraemon and Hello Kitty logos. The items in question have all been seized.

International Exchange and Cooperation

1. The National Police Agency of the Ministry of the Interior

To strengthen judges' and judicial support staff's IPR expertise and increase adjudication quality and efficiency when it comes to IPR cases, the Judicial Yuan conducted a series of courses in Q3 of 2020, including an in-service training course for IP Court judges, an in-service training course for reassigned IP Court judges, a lecture series on IPR theories and practices, and an in-service training course for IP Court judicial associate officers, technical examination officers, and assistants of court judges.

- (1) The Director of the Economic Affairs Department of the Japan–Taiwan Exchange Association's Taipei Office, Tomohiro Nakane, visited the Second Special Police Corps on November 11 to discuss matters such as the joint organization of lecture and study activities planned for 2021.
- (2) The Convener of the Taiwan Intellectual Property Alliance (TIPA), Ruibin Lee, visited the Second Special Police Corps on November 26 and introduced his organization. The two sides also exchanged their views on copyright protection issues.

2. The Customs Administration

- (1) The Customs Administration continues to exchange information on counterfeiting cases with its global counterparts. Between October and December 2020, it provided customs authorities in other countries with leads on 3 different counterfeiting cases.
- (2) On November 19 and December 24, Director of the Economic Affairs Department of the Japan–Taiwan Exchange Association's Taipei Office, Tomohiro Nakane, led a team of IPR experts and colleagues to visit the Customs Administration in an effort to strengthen exchange and cooperation on the business of intellectual property rights protection between the two sides.

IPR Awareness Campaigns

1. The National Police Agency of the Ministry of the Interior

In Q4 of 2020, the Second Special Police Corps visited a total of 57 companies. In addition to providing information related to trade secret laws, it assisted in examining confidentiality measures and also conducted 68 courses on trade secret laws.

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2. The Customs Administration

Taipei Customs and Taichung Customs held advocacy sessions and seminars in December to strengthen the promotion of border-related measures and laws and regulations on intellectual property rights to relevant stakeholders.

3. Council of Indigenous Peoples

- (1) On March 30, the Council of Indigenous Peoples launched the Talent Cultivation Program for Protecting Traditional Intellectual Creations of Indigenous Peoples for the Academic Year 2020. Applications to hold lectures, intensive courses, and credit courses submitted by 26 universities and colleges have already been approved. The program, which commenced in September, is designed to reinforce university and college students' understanding of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples.
- (2) On October 6 and 7, the Council of Indigenous Peoples and the Civil Service Development Institute jointly organized the "2020 Workshop on the Protection of Traditional Intellectual Creations of Indigenous Peoples." The Council also participated in information sessions on the intellectual property of indigenous peoples held by various government agencies, with the aim of reinforcing civil servants' understanding of the practice and significance of protecting traditional intellectual creations.

4. Ministry of Foreign Affairs

The Ministry of Foreign Affairs published a total of 19 articles on the New Southbound Policy Portal and Taiwan

Today's online newspaper detailing the status of intellectual property rights enforcement in Taiwan and related reports on the subject.

5. Ministry of Education

On December 9, the Ministry of Education held the "2020 Inter-Departmental Advisory Group Meeting on Campus Protection of Intellectual Property Rights," which was attended by experts and scholars, school administrators, student representatives, representatives of government agencies, and representatives of right holder groups. The ministry continues to appeal to students not to download unauthorized digital files of illegal books and to use genuine books (including second-hand books) for their studies, so as not to infringe upon the copyrights of others.

In terms of managing the online teaching platforms of universities and colleges, it will continue to monitor the cleanup and removal of teaching resources provided by old third-party right holders (publishers) to ensure that the relevant uploaded materials comply with the provisions of the Copyright Act.

6. Ministry of Economic Affairs

(1) IPR Awareness Lecture Series

Starting in April, TIPO began accepting registrations for the 2020 IPR Protection Service Group lecture series, which were designed to strengthen IPR awareness among the public. Corporations, civil society groups, and schools of all levels were eligible to register. Once applications had been approved, on-site lectures on issues of interest (including patents, trademarks, copyright, and trade secrets) were arranged free of charge, along with consultations. From October to November, a total of 4,021 people attended 60 lectures (involving schools: 48; civil society organizations: 12).

(2) Work Continues for IPR On-Campus Task Force

From October to November 2020, the IPR On-Campus Task Force, a group of 119 seed instructors from 20 universities, visited 41 elementary, junior and senior high schools, including vocational schools, to promote IPR protection through fun, lively group activities. A total of 4,498 students took part in the events.

(3) Internet Copyright Advocacy

TIPO has been using online channels to quickly disseminate advocacy information. On October 11 and November 6, it held themed online promotional activities such as the "Golden Creation Award Poll II" and "Original Guests of Honor" on its "I Support Original Content" Facebook page. Over 2,500 fans participated in the activities. Between October and December, five comic series and animated videos were produced and broadcast, including "Deer Commissioner: Mission on the Street," "Copyright Encyclopedia: Internet Self-Media," "Pirating Videos is an Act of Infringement," "The Difference in Ownership and Copyright of Paintings," and "Short Phrases Such as Character Names and Moves are not Protected by the Copyright Act."

(4) Information Sessions on Internet Copyright and Copyright in the Cultural and Creative Industries

On October 16, TIPO held the "Information Session on Important Copyright Concepts Relating to YouTube, Influence Marketing, and the Use of Images in Online Videos." Legal and industry experts were invited to deliver lectures in the hope of familiarizing those active in the cultural and creative industries as well as other users with all relevant copyright legislation.