



TAIWAN INTELLECTUAL PROPERTY OFFICE,  
MINISTRY OF ECONOMIC AFFAIRS

# Quarterly Report

## on Intellectual Property Rights Protection in Taiwan

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3F, No.185, Sec. 2, Xinhai Road, Daan District, Taipei City 10637, Taiwan, R.O.C

Tel: (+886) 2-2738-0007

Fax: (+886) 2-2377-9875

Website: <http://www.tipo.gov.tw>

## **Special Report**

### **Fast-Track Trademark Examination Program Fully Implemented May 1<sup>st</sup>, 2021**

It has been over a year since TIPO conducted a pilot run for the fast-track trademark examination program on May 1<sup>st</sup>, 2020. More than 49,000 fast-track trademark applications were filed as of February 2021. On average, the number of fast-track applications filed per month accounted for about 60% of the number of new applications filed, showing that applicants have fully understood the fast-track mechanism and made good use of it.

TIPO hopes that the fast-track program will encourage applicants to utilize the e-filing system, use the names of the designated goods or services listed in the e-filing system, have all required documents ready before filling and pay the fees soon after submitting the applications. Thus, the processing time for the applications can be shortened at TIPO and the examination process expedited. The average first office action is about 1.5 months shorter than that of the applications not filed under the program. The year-long trial run results showed that the average first office action was significantly shortened, hence TIPO decided to have the program implemented on May 1<sup>st</sup>, 2021.

However, for applicants who are unable to utilize the fast-track mechanism but urgently need to obtain trademark rights, TIPO has introduced a fee-based accelerated examination mechanism to

its draft amendment to the Trademark Act, which is under review at the Executive Yuan. TIPO aims to provide diversified measures to fulfill the needs of applicants.

## **Legal Amendments**

### **1. Draft Amendments to the “Copyright Act” and “Copyright Collective Management Organization Act” Passed by the Executive Yuan.**

In order to accommodate the rapid growth of both digital technology and the Internet, TIPO has drafted amendment to the Copyright Act. The proposed changes factor in both international treaty provisions and the copyright systems of those countries that are ahead of the curve. With the addition of 9 articles and the revision of 37, this would be the biggest revamp of the Act in 20 years. Another law up for amendment is the Copyright Collective Management Organization Act. TIPO hopes that changes to this statute will ensure a fairer and more effective licensing market—one in which works can be easily circulated and used, and one where the rights and interests of copyright owners are fully protected. Having been reviewed by the Executive Yuan Council on April 8, 2021, both drafts will now be submitted to the Legislative Yuan for further deliberation. Key pointes of the Copyright Act amendment are as follows:

- (1) Changes to the Definitions of “Public Broadcast” and “Public Transmission”

Greater bandwidth speeds and other technological advances have made it easier, and indeed more common, for linear broadcasts and programs to be transmitted

online. Unfortunately, this has created somewhat of a legal gray area, with consumers finding it increasingly difficult to distinguish between different types of rights as they pertain to different types of technologies. In accordance with digital convergence, the amendment to the Copyright Act seeks to provide clarity on this issue. Under the proposed changes, the term “public broadcast” would cover any linear broadcast (i.e., one that cannot be rewatched), regardless of whether it is transmitted via TV, radio, or the Internet. What this means is that there would no longer be a medium-based distinction between “public broadcasting” and “public transmission.” To give an example: If the Taiwanese radio station VHBN decided to broadcast one of its programs on the Internet platform HiChannel, that program would be considered a “public broadcast” under the amended Act.

## (2) Simultaneous Further Communication to the Public

A provision that would broaden the scope of copyright liability has been added to include simultaneous further communication to be the public in the amendment. This is to ensure greater protection for right holders and their interests. An example of such communication would be where a retailer plays a YouTube video inside one of its stores.

## (3) Limitations to Copyright (Fair Use)

In response to recent technological advances, a “fair use” exemption has been added for distance (off-campus) learning. With many schools now moving courses online, the Internet has become a critical tool in guaranteeing teaching efficacy in the digital age. For this reason, this exemption aims to provide permission for educators to use copyrighted works other than textbooks without having to obtain prior authorization.

The amendment would obligate libraries and other archival institutions to provide (subject to certain conditions) intranet access to patrons, allowing online perusal on the institutions’ premises. This change reflects the growing trend toward digital reading.

A newly drafted article would authorize museums to use copyrighted materials when providing the public with relevant indexes of archived works. It is hoped that this might expose a wider audience to culturally significant art and help the public more easily locate and browse collections from different museums. The ultimate aims of the article are to foster cultural continuity and to facilitate the circulation of cultural works.

As it stands, criminal liability for unauthorized copyright use also extends to regularly held nonprofit events. Once the proposed amendment is adopted, this will no longer be the case. Beyond fee payment, there would be no additional obligation to obtain

authorization from the rights holders. If, for example, a theater or dance troupe were to stage weekly nonprofit performances, fee payment would suffice in order to prevent liability for the use of copyrighted material. Furthermore, group recreational activities aimed at promoting mental and physical health can enjoy full fee exemption, a change designated to meet the everyday needs of the public. To illustrate, music played from one's personal devices as part of public dances or exercise activities would thus fall outside the scope of liability.

(4) Addition of Provisions on Compulsory Licensing of Works of Unknown Owner

Obtaining a copyright license is especially difficult where, due to the age of the work or for other reasons, a right holder is either unknown or uncomfortable. This problem constitutes an unnecessary obstacle not only to cultural continuity but also to the free circulation of culturally significant works. To rectify this issue, the Compulsory Licensing of Works of Unknown Owner, currently to be found in the Development of the Cultural and Creative Industries Act, would be incorporated into the existing provisions of the Copyright Act. Meanwhile, a further provision would allow license applicants to begin using the work of an unknown owner upon deposit payment without having to await approval. These

changes should go a long way in spurring the development of the cultural industry.

(5) Online Pirated Goods Advertising Shall Be Deemed an Infringement of Copyright

Online advertisements have become an important sales channel for those vending pirated goods through the Internet. Needless to say, this has a very detrimental impact on rights holders. To prevent the advertisement of pirated goods from prevailing to any extent, the amendment would deem the practice an act of copyright infringement. To illustrate: anyone selling USB flash drives containing pirated music files, or anyone giving away pirated gaming software with game console purchases would face a maximum prison sentence of two years along with civil liability.

(6) Calculation of Civil Damages on the Basis of Royalties

Under the proposed amendment, plaintiffs in copyright infringement cases would be given the option of having damages calculated on the basis of royalties owed to them. Aside from reducing the plaintiff's burden of proof, this could also incentivize victims of infringement to pursue civil action, instead of pressing criminal charges.

(7) Abolition of Mandatory Minimum Sentence



Under the current law, some acts of copyright infringement carry a minimum statutory sentence of six months imprisonment. This may lead to a disproportionate punishment in cases where infringement is deemed to be minor. Under the new amendment, the mandatory minimum would be abolished, allowing courts themselves to decide the severity of a sentence on a case-by-case basis.

The amendment to the Copyright Collective Management Organization Act would create the following changes: the introduction of a public consultation mechanism; the establishment of a good governance mechanism; and the expansion of supervisory powers. Key points of the amendment are as follows:

(1) Introduction of Public Consultation Mechanism for CMO Establishment Process

The establishment of a collective management organization (CMO) can have far-reaching implications for the licensing market, affecting not only industry developments but also the interests of copyright users. Therefore, the public should have access to its future strategic plans, information related to the works under its scope of management, and means to make their opinions heard. For this reason, the latest amendment introduced a mechanism obligating TIPO to announce the applications on its website for the public to provide

feedback.

When a CMO negotiates a blanket license agreement with a user, it shall inform the user of the information under the preceding paragraph. This would give interested members of the public a chance to have their say by leaving comments, which can in turn help TIPO decide whether a CMO establishment permit should be issued.

(2) CMO Management-level Position Term Limits and Internal Controls

To ensure that a CMO can fulfill its duty of good governance, the amendment would establish term limits and disqualifying criteria for the positions of director and supervisor, thereby curbing the potential for a monopoly on power. A requirement that financial reports must contain cash flow statements would be introduced, as would a system of internal controls. These changes are aimed at guaranteeing that collective management services are conducted in an equitable, prudent, and appropriate manner.

(3) Expansion of TIPO's Supervisory and Guidance Powers

In order to strengthen financial supervision, the new amendment would authorize TIPO to request that CMOs submit financial declarations and/or financial plans within specified time frames. Moreover, TIPO would

have the power to suspend or dismiss directors, supervisors, and complaint committee members who have engaged in illegal acts. The amendment also defines acceptable reasons for permit revocation that dissolves CMOs with significant deficiencies in management that failed to make corrections the authorities required.

## **2. Revised Examination Guidelines for Computer Software-Related Inventions, Effective July 1<sup>st</sup>, 2021**

Technologies such as AI (artificial intelligence) and big data have been booming in recent years, and the number of patent applications for computer software-related inventions has increased accordingly. The Examination Guidelines for Computer Software-Related Inventions has thus been updated by TIPO and came into effect on July 1<sup>st</sup>, serving as a guide for examiners to handle related cases and reference for applicants.

The key points of the amendment include:

- (1) Introduced examination procedures and flow chart for computer software inventions evaluations, supplemented by case examples, as a principle for assessing the eligibility of inventions.
- (2) In line with the principle of TIPO's assessment of inventive step in the current examination basis, sections "Factors Denying Existence of Inventive Step" and "Factors Determining Existence of Inventive Step" are

introduced.

- (3) Added AI-related examination instructions and application cases for reference.

Examination Guidelines for Computer Software-Related Inventions (in Mandarin):

<https://www.tipo.gov.tw/tw/cp-85-891201-9f474-1.html>

### **3. Regulations Governing Court's Handling of Remote Interrogation in Intellectual Property Case Amended and Promulgated by Judicial Yuan on June 25<sup>th</sup>**

In response to the COVID-19 pandemic, the Judicial Yuan amended and promulgated the Regulations Governing Court's Handling of Remote Interrogation in Intellectual Property Case on June 25<sup>th</sup> to expand the scope of application and strengthen the procedural requirements for remote trials of intellectual property cases, so as to serve as references for courts at all levels to handle intellectual property cases.

### **4. Article 23 of the Regulations of Scientific and Technological Research and Development Results Ownership and Utilization by the Council of Agriculture, Executive Yuan Amended and Promulgated May 23<sup>rd</sup>**

In order to strengthen the protection and application of Taiwan's R&D results, enhance competitiveness, safe keep

agricultural techniques, and prevent Taiwan's agri-technologies from outflowing and being used to the detriment of our domestic industries, Article 23 of the Regulations of Scientific and Technological Research and Development Results Ownership and Utilization by the Council of Agriculture, Executive Yuan was thus amended. This amended article added that if an R&D result is authorized to be implemented outside of Taiwan's jurisdiction without the consent of the Council of Agriculture in accordance with the Regulations, the Council may exercise administration control or notify the Ministry of Science and Technology or the Ministry of Education and other relevant authorities if deemed necessary. In addition, the Council of Agriculture has incorporated the relevant regulations into the provisions of science and technology project grants and commissioning contracts.

## **5. TIPO Announced the Updated Version of the “Requirements for Design Patents’ Descriptions and Drawings”**

To be in line with the “Substantive Examination Guidelines for Design Patents” amended last year (2020), TIPO has comprehensively updated the “Requirements for Design Patents’ Descriptions and Drawings” as well as added pictures to clearly illustrate examples, in hopes to make them more understandable. The key revisions are as follows:

- (1) Added a specific section of “Instructions for Writing

Descriptions” to help applicants compose descriptions according to relevant drawings.

- (2) Revised instructions and examples for “Graphical Designs” descriptions and drawings.
- (3) Added instructions and examples for “Spatial Design” descriptions and drawings (including architectural and interior designs).

Link to the “Requirements for Design Patents’ Descriptions and Graphs” (In Mandarin):

<https://www.tipo.gov.tw/tw/dl-278245-271a4d3f3db44615b512416ea4c075c6.html>

## **Latest News**

### **1. TIPO Releases English Edition of the 2020 Annual Report**

As the global COVID-19 pandemic kept raging in 2020, TIPO launched epidemic prevention and response measures in January to protect the interests of applicants and rights holders, as well as to provide domestic industries valuable insights into patent filing information pertaining to the development of global epidemic prevention technologies.

TIPO continues to deliver expeditious and quality examination services for applicants, the average first office action pendency for invention patents and trademark applications are 8.7 and 4.7 months respectively. The fast-track examination of trademark registration applications went under a trial run in May, the process proven to be 1.5 months shorter than that of an ordinary trademark application case.

TIPO also strives to optimize the legal regime of intellectual property rights. The Enforcement Rules of the Patent Act amendment in June relaxed the time frame for submitting third-party observations, the Regulations Governing Application for Approval of Compulsory License of Musical Works and Royalties for Use Thereof were revised in August to ensures conformity to the Copyright Act and judicial judgments, and the draft amendment to partial articles of the Trademark Act was proposed to specifically regulate the

management mechanism of trademark agents and introduce accelerated examination, which was completed for review and will be submitted to MOEA in October.

In addition, TIPO aims to support the innovative development of the industry on all fronts and expand and strengthen international cooperation. The results and statistics for the year 2020 are compiled into the Annual Report, which is available on the TIPO website.

English edition of the 2020 Annual Report:

<https://www.tipo.gov.tw/en/cp-309-892172-3ea07-2.html>

## **2. TIPO's Q1 2021 IPR Statistics Report**

In Q1 2021, TIPO received a total of 17,156 patent applications (invention, utility model and design patents) as well as 22,385 trademark applications, marking increasing of 3% and 10% compared with the same period last year respectively. TSMC filed the most invention patent applications among all domestic applicants, which hit an all-time high, while Qualcomm took first place among foreign applicants. Invention patent applications filled by domestic enterprises increased by 28% and it is worthy of note that those filed by domestic SMEs have now increased for twelve consecutive quarters.

### **(1) Patent Applications**



TIPO received a total of 11,888 invention patent applications among the three patent types. The numbers of domestic and foreign applications both increased, comparing to the same period last year. It is worth mentioning that domestic applications grew by 19%, which was the main factor contributing to the significantly increasing number of invention patent applications. On the other hand, there was a downward trend in utility model and design patent application numbers.

Invention patent applications filed by domestic enterprises (3,821) were up by 28% compared to the same period last year and accounted for 81% of all patent applications filed. Also, invention patent applications filed by large enterprises and SMEs saw a growth of 31% and 16% respectively. Comparing to the same quarter and same period last year, those filed by SMEs have increased for twelve quarters straight even when the world is still under the impact of the COVID-19 pandemic.

As for domestic applicants, TSMC filed the most applications (678), setting a high record that outnumbered other domestic applicants for eight quarters straight, while ACER ranked No.1 in filing design patent applications (21 cases).

As for foreign applications, Japan led with 3,376

invention patent applications and 259 design patent applications, while Mainland China filing the most utility model patent applications (185). However, as for the patent applicants, Qualcomm and Harry Winston topped the list of filing 215 invention patents applications and 42 design patent applications respectively.

## (2) Trademark Applications

22,385 (28,827 by class) trademark applications were filed and the number increase by 10%, compared to the same period last year. Domestic and foreign trademark applications both went up by 13% and 3% respectively.

In terms of patent application classifications, domestic applicants filed the most applications (3,205) in class 35 (advertising, business operations, retail and wholesale services, etc.), while foreign applicants from Mainland China filing the most applications (983 out of 1,029 applications) in Class 9 (computer and technology products, etc.).

In terms of domestic applicants, Uni-President and KING CAR GROUP ranked the top 10 applicants both in Q1 2020 and 2021; as BUNNY GIRL LIMITED, which is never on the list in Q1 2020, and FULL COMFORT CO., LTD. ranked first and second respectively among foreign applicants.

A total of 5,255 domestic trademark applications classified under “Agricultural Foodstuffs” were filed by domestic applicants, a much higher number than other industries. Foreign applicants filed the most under the “Health and Medical Affairs” industry at the number of 1,761, outperforming other industries.

TIPO’s Q1 2021 IPR Statistics Report (In Mandarin):

<https://www.tipo.gov.tw/tw/dl-278080-ed31dc552aa64ea8b1f908f4834d084f.html>

### **3. Podcast Channel *Copyright x I Support Originals* on Major Platforms**

To raise public awareness on copyrights and copyright protection, TIPO has established the exclusive podcast channel *Copyright x I Support Originals* on major platforms. The show invites creators from all walks of life to share everyday copyright cases with the audience, helping the listeners to better understand copyright issues in various fields.

This channel has successively invited illustrators, writers, and teaching instructors from Teach for Taiwan, a non-profit organization that dedicates itself to improve education equality in Taiwan. They have shared with the audience details to pay closer attention to when using pictures found on the Internet, survival strategies for novice writers, and copyright issues that teachers may encounter. TIPO is planning to invite founders from curation companies, professional lawyers, and

well-known online film critics to share their practical experiences as well. Subscribe to be the podcast and enjoy!

Link to the Podcast *Copyright x I Support Originals* (in Mandarin):

Apple Podcast : <https://reurl.cc/ZQ0Obp>

Google Podcast : <https://reurl.cc/NXkjGn>

SoundsOn : <https://sndn.link/podcasttip>

Spotify : <https://open.spotify.com/show/713fvZAV3MIodmXSpGYNr7>

KKbox : <https://podcast.kkbox.com/channel/Cl43WzO7jMyfL54MZS>

#### **4. TIPO hosted 2021 Seminar Series on Trademark Laws**

From April 29<sup>th</sup> to May 11<sup>th</sup>, TIPO held the seminar series on trademark laws in Taipei, Taichung, Kaohsiung and Tainan respectively, a total of 4 seminars and 308 participants.

The seminars mainly focused on issues that enterprises should pay attention to, the opportunities they should grasp when planning global brand strategies, as well as the abilities they should develop when handling the issue of trademark squatting.

In terms of trademark squatting, the seminars introduced practices for handling bad-faith trademark filings in Taiwan, the European Union, the United States, Japan and Mainland

China as well as offering actual case analyses, for example, FLANAX trademark dispute in the United States, OUTSOURCE 2 INDIA in the European Union, JORDAN and MUJI in Mainland China, and Red Bull in Japan. Thus, the enterprises can better understand trademark laws and regulations, examination practices, and trends in court decisions in each of the aforementioned countries (regions).

## **5. Updated Information under “Trademark Agent” Available on the TIPO Website!**

TIPO replaced the “Trademark Agent” section of the official website with “Business of Trademark Agents” and updated the reference list of trademark agents that have 20 or more applications for trademark registration per year for 5 consecutive years. This section will be updated annually.

“Business of Trademark Agents” Section:

<https://www.tipo.gov.tw/en/lp-644-2.html>

## **6. SME Trade Secrets Protection Mechanism Checklist Available!**

To assist SMEs with reviewing and improving their trade secret protection mechanism, TIPO compiled a *SME Trade Secrets Protection Mechanism Checklist*, made available under the “Trade Secrets” subsection on the TIPO website on June 11<sup>th</sup>, 2021.

This checklist contains 5 major parts, including trade secrets policy, employee management, paper and electronic file management, educational training and audit, and outsourcing and collaborative staff management. This checklist, consisting of 10 items and 67 indicators, is available on the TIPO website (mandarin webpage).

SME Trade Secrets Protection Mechanism Checklist (in Mandarin):

<https://www.tipo.gov.tw/tw/dl-278336-383b5349c8c54dcd86f2da765b59d265.html>

## **7. TIPO subsidizes Chinese National Federation of Industries' Seminar on AI and Pharmaceutical patents in Mainland China**

The updated version of the Guidelines for Patent Examination issued by China National Intellectual Property Administration (CNIPA) took effect on February 1<sup>st</sup>, 2020. The guidelines addressed prominent issues in the artificial intelligence field. In addition, this June (2021), Mainland China will promulgate the fourth amendment to the Patent Law, introducing patent term extension for drugs and an early patent dispute resolution mechanism.

To help Taiwanese businessmen and domestic entrepreneurs better understand the recent changes in Chinese IP laws, TIPO subsidized Chinese National Federation of Industries (CNFI) to host the *Seminar on AI with High Patent Value in Mainland*

*China and Seminar for the opportunities and Challenges to Pharmaceutical Patents in Mainland China* on May 25<sup>th</sup> and June 4<sup>th</sup> respectively. Patent attorneys and experts in the AI and pharmaceutical industries from Mainland China are invited to conduct in-depth analysis and discussion on how new amendments will impact the AI and pharmaceutical industries.

## **8. TIPO Subsidizes Chinese National Federation of Industries' Online Seminar on Interpretations and Practices of the Amendments Concerning Malicious Trademark Registrations in Mainland China**

Mainland China's fourth amendment to the Trademark Law that took effect on November 11<sup>th</sup> of 2019 aimed to curb bad faith trademark filings. The State Administration for Market Regulation (SAMR) issued the Provisions on Regulating Trademark Registration Application and provided a list of comprehensive criteria to judge whether the trademark registration applications are regarded as malicious.

TIPO subsidized the CNFI to host the *Online Seminar on Interpretations and Practices of the Amendments Concerning Malicious Trademark Registrations in Mainland China* on June 23<sup>rd</sup> to help Taiwanese businessmen and domestic enterprises better understand relevant regulations.

## **9. Ministry of Education's TANet Report Portal**

The Ministry of Education (MOE) has established a

mechanism to report suspected copyright infringement on college and university campuses. A dedicated TANet (Taiwan Academic Network) report portal ([abuse@moe.edu.tw](mailto:abuse@moe.edu.tw)) was also provided to accept rights holders' reports on foreign textbook infringement cases on the Internet.

## **10. Implementation Overview of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples by the Council of Indigenous Peoples**

Ever since the official implementation of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples took effect in 2015 till June of 2021, 151 applications for exclusive rights have been received and compiled into 123 cases, of which 89 cases (72%) have been completed, 21 cases (17%) are pending considerations, 8 cases (7%) have been withdrawn, and 5 cases (4%) have been dismissed or rejected. Of the 89 cases completed, 79 (89%) were granted exclusive rights, 2 (3%) were scheduled to be granted exclusive rights in July, 4 (4%) were reexamined, and 4 (4%) were rejected.



## Law Enforcement Results and Statistics

### **The National Police Agency of the Ministry of the Interior**

#### **Law Enforcement**

From April to June 2021, 445 cases and 565 persons were investigated for violation of the Copyright Act, 510 cases and 665 persons for violation of the Trademark Act, and 5 cases and 9 persons for violation of the Trade Secrets Act. 960 cases involving 1,239 suspects were investigated for various types of infringement, and all of them were referred to district prosecutors' offices for further investigation in accordance with the regulations.

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

Unit : case/person									
Year	Total		Trademark		Copyright			Trade secret	
	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of CDs Confiscated	No. of Cases	No. of Suspects
2021 Jan.-Jun.	1,866	2,447	1,000	1,269	857	1,161	-	9	17
2020 Jan.-Jun	1,767	2,148	977	1,147	784	982	45	6	19
Percentage Change	5.60%	13.92%	2.35%	10.64%	9.31%	18.23%	-100.00%	0.50%	-10.53%

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

## **Taiwan High Prosecutors Office (THPO)**

### **Law Enforcement**

1. From April to June, there were 440 persons among 411 cases suspected of committing crimes in all the prosecutors' offices, of which 120 persons across 101 cases were prosecuted according to usual procedures, 146 persons across 144 cases were sentenced by summary judgment, 138 persons across 131 cases were punished by deferred prosecution, and 36 persons across 35 cases were not prosecuted nor punished by the court's sua sponte motion. The number of defendants convicted by the court from April to June was 236, with a conviction rate of 92.19%.
2. The number of prosecutions (including applications for summary judgment) and convictions in cases of infringement of intellectual property rights compared to the same period in 2020 are as follows: from April to June 2021, the number of prosecutions was 266, compared to 437 in the same period in 2020, there is a decrease of 171 (39.13%); the number of convictions was 236 in 2021, compared to 294 in 2020, a decrease of 58 (19.73%).

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

Unit: Person

Categories	Year	Results of Court Rulings												
			Sentence							Remitted	Acquitted	Not to Prosecuted	Turned Down	Others
		Total	Subtotal	Under 6 Months	6-12 Months	1-2 Year(s)	Over 2 Years	Detention	Fines					
Total	2021 Jan.-Jun	644	492	186	-	1	-	297	8	-	43	4	105	-
	2020 Jan.-Jun	750	563	185	6	8	-	340	24	-	49	7	131	-
	Percent Change	-14.13%	-12.61%	-0.54%	-100%	-87.5%	0	-12.65%	-66.67%	0	-12.24%	-42.86%	-19.85%	0

Source: Taiwan Prosecutors Office

- In response to the rapid escalation in digital textbook piracy, the “The Working Group Meeting on the Coordination and Supervision of Investigations Relating to Intellectual Property Rights” implemented by the Taiwan High Prosecutor's Office on November 24<sup>th</sup>, 2020, the prosecutors, police, and investigators were asked to make an effort in investigation activities, including but not limited to the photocopy stores around colleges and universities as well as hard copy textbooks.

## The Customs Administration

### Law Enforcement Results

- 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. From April to June, 89 cases of imports that constitute trademark infringement were investigated and 18,510 infringing items were seized.

2. From April to June, the Customs Administration had received 60 requests for advice protection on trademark rights, 12 requests for extending the terms for advice protection on trademark rights, and 90 requests for updating/supplementing documents and other matters, adding up to a total of 162 requests.
3. The Keelung Customs intercepted 222 counterfeit jackets bearing the trademark Jack Wolf-Skin on April 15<sup>th</sup>, and 170 articles of clothing bearing the trademark NIKE on May 12<sup>th</sup>. The items in question have all been seized.
4. On April 24<sup>th</sup> and May 13<sup>th</sup>, Taipei Customs intercepted counterfeit goods including 27 purses bearing the trademarked LV logos and 20 pairs of slippers with ADIDAS logos respectively. The items in question have all been seized.

## **Ministry of Justice Investigation Bureau**

### **Law Enforcement Results**

In Q2 2021, 8 cases that involved 11 persons were investigated for infringement of intellectual property rights, all of whom were referred to district prosecutors' offices for further

investigation in accordance with the regulations. The 8 cases and 11 persons consist of 1 case and 1 person for violation of the Copyright Act, 3 cases and 5 persons for violation of the Trademark Act, and 4 cases and 5 persons for violation of the Trade Secrets Act.

## **International Exchange and Cooperation**

### **1. Taiwan High Prosecutors Office (THPO)**

The Taiwan High Prosecutor's Office, together with the Ministry of Foreign Affairs, the American Institute in Taiwan, and the Japan-Taiwan Exchange Association, held the *2021 GCTF Virtual Conference on New Developments in IP Protection and Combating Digital Infringement*, an online international seminar from June 17<sup>th</sup> to 18<sup>th</sup>, focusing on the prosecution of cross-border trade secret theft cases and industry protection measures regarding trade secrets. Government officials from 20 different countries who are in charge of intellectual property protection participated in this online seminar and shared their experiences.

### **2. The Customs Administration**

The Customs Administration continues to exchange information on counterfeiting cases with its global counterparts. In Q2 of 2021, it provided customs authorities in other countries with leads on 2 different counterfeiting cases.

## **IPR Awareness Campaigns**

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

The Second Special Police Corps visited a total of 18 companies in Q2 of 2021. In addition to providing information related to trade secret laws, it assisted in examining confidentiality measures and also conducted 19 courses on the Trade Secrets Act.

### **2. Council of Indigenous Peoples**

- (1) The Council of Indigenous Peoples launched the Talent Cultivation Program for Protecting Traditional Intellectual Creations of Indigenous Peoples, scheduled from September 1<sup>st</sup>, 2020 to June 30<sup>th</sup>, 2021. Under the impact of the COVID-19 pandemic, the 26 approved universities and colleges have held a series of lectures, intensive courses, or credit courses online from mid-May 2021, aiming to deepen college and university students' understanding of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples.
- (2) On April 23<sup>rd</sup>, the Council of Indigenous Peoples and the Hualien County Siou Lin Township Office jointly held a briefing session on the “Organization of Management, Receipts and Expenditures, and Utilization of the Common Fund for the Protection of Traditional Intellectual Creations of the Truku Indigenous Peoples” to promote the meaning and

practice of traditional intellectual creations protection. There were a total of 70 participants.

### **3. Ministry of Education**

The Ministry of Education (MOE) held the National Association of College and University Librarians of the 2020 Academic year, on April 29<sup>th</sup>, 2021, advocating 130 colleges and universities against using unauthorized illegal library files and paper textbooks to further ensure the protection of intellectual property rights on campus.

### **4. TIPO**

#### **(1) Intellectual Property Advocacy Seminars**

TIPO has been accepting applications from industrial and commercial enterprises, private organizations, and schools at all levels since the end of March for the 2021 annual “IPR Expert Service Group Seminar”, which will be addressing issues of concern including patents, trademarks, copyrights, and trade secrets. For the 37 seminars held before the end of June, free lectures and on-site consultation services were both available.

#### **(2) Campus IPR Protection Task Force**

TIPO formed the “Campus IPR Protection Task Force,” consisting of 62 seed instructors from 17 universities, to promote the concept of intellectual property rights in elementary, junior high, and high schools (including



vocational schools) in a lively and fun way. As of the end of June, only 2 sessions were held due to the COVID-19 pandemic, with 45 student participants in total. According to the post-session survey, more than 90% of the students knew that they had to obtain legal authorization from the copyright owner before uploading videos and pictures to the Internet for it to not constitute an infringement on people's copyright.

(3) Internet Copyright Promotion Campaign

The program *Copyright x I Support Originals* was produced and set up on large Podcast platforms. Seven episodes of the program were broadcast from May 5<sup>th</sup> to the end of June, with more than 8,200 listeners.

(4) “How to Stipulate Copyright Ownership in Procurement Contracts and Arts and Cultural Procurements” Advocacy Events

To assist government agencies, schools, and state-owned enterprises in understanding copyright ownership in procurement contracts and reasonable copyright attribution agreements, TIPO plans to hold four information sessions this year. Two of which were held in Taipei and Taichung on April 13<sup>th</sup> and 23<sup>rd</sup>, respectively.

(5) Audio and Video Awareness Campaigns

In May, TIPO commissioned 125 radio stations nationwide

to broadcast 195 30-second videos *Internet Live Streaming Copyright* and 10,897 30-second advertisement on “Illegal Downloading from the Internet — Music, Video, and Articles”. In addition, the Executive Yuan’s 25 LCD digital billboards at train stations, highway service areas, etc. nationwide also broadcasted the awareness campaign video *Internet Live Streaming Copyright*.

(6) Trademark Secret Awareness Campaigns

In order to enhance enterprises’ understanding and attention to trade secret protection, TIPO plans to conduct 10 promotional activities for trade secret protection this year and has already held the “Seminar on Legal and Practical Issues of Enterprise Trade Secrets Protection” on April 29th at the Taichung Science Park, and co-organized the “Agricultural Technology Trade Secret Protection Course” with the Council of Agriculture on May 5<sup>th</sup>.