



TAIWAN INTELLECTUAL PROPERTY OFFICE,
MINISTRY OF ECONOMIC AFFAIRS

Quarterly Report

on Intellectual Property Rights Protection in Taiwan

January to March, 2022

Published in May, 2022

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>

Contents

Special Reports.....	2
Legal Amendments	5
Latest News.....	7
Law Enforcement Results and Statistics ..	13
International Exchange and Cooperation	17
IPR Awareness Campaigns.....	18

The 2022 EU-Taiwan Seminar on Design Protection a Success Thanks to Everyone's Participation and Support!

The Taiwan Intellectual Property Office (TIPO) has partnered with the European Economic Trade Office (EETO) to host the 2022 EU-Taiwan Seminar on Design Protection on March 9, 2022 (Wed.) at the GIS MOTC Convention Center. For the Seminar, Pieter Veeze (Senior Lawyer at the Benelux Office for Intellectual Property), Adriana (Rianne) van Rooden (Policy Officer at DG GROW, European Commission), Stephan Hanne (Policy Officer at DG Trade, European Commission), Professor Chung-Hsin Chang (Assistant Professor at Soochow University), and Ming-Feng Hsu (TIPO Senior Patent Examiner) were invited to share and exchange on the differences in Taiwan's and the EU's approach to design protection, the challenges and opportunities arising from global digitalization, and the interaction between copyright and design protection. The Seminar provided an opportunity for the two sides to foster a deeper understanding of one another.

Over 180 attendees from the private sector, government agencies, and academia in both Taiwan and the EU participated in this seminar either online or in-person to exchange experiences and perspectives with guests and experts and cultivated a space for active discussion. In addition, information regarding the seminar has been published on the TIPO website for public reference.

Powerpoint Presentation Slides of the 2022 EU-Taiwan Seminar on Design Protection: <https://www.tipo.gov.tw/tw/cp-85-903592-b7e7b-1.html>

Video Recordings of the 2022 EU-Taiwan Seminar on Design Protection: <https://youtube.com/playlist?list=PL0kqhAcKziuQ3ovbSOkxkdqPFyIsIsbSw>

The 2022 World IP Day Celebratory Event Series

The theme of the 2022 World IP Day is “IP and Youth: Innovating for a Better Future”, and as such, TIPO partnered up with the Taiwan Patent Attorneys Association (TWPAAs) on April 16 & 17 to host the Patent Specification Drafting Competition for the Youth in Taipei, Taichung, and Kaohsiung. Undergraduate students were invited to team up and compete by drafting patent specifications, and TIPO also provided introductory classes to help students better understand the workings of a patent and finish a patent specification. Students were able to learn and grow by listening to other classmates share their experience and from the instructor’s feedback.

On World IP Day, TIPO partnered with TWPAAs to host the Embracing IP to Chase Dreams – the 2022 Entrepreneur’s Forum, inviting youth entrepreneurs to share their experience with starting successful businesses. The awards ceremony for Patent Specification Drafting Competition for the Youth was conducted after the forum.

Also, there were a series of ongoing events during the week of World IP Day: seminars such as Social Media and Virtual Reality vs. IPR, Careers in IP, and Laws regarding IP and Creations in the New Age were held in northern, central, and southern Taiwan. Moreover, throughout April, Information Session for Trademark-Related Laws will be held for youths, youth startups, as well as burgeoning industries in general; IP Training Camp on Campus, a promotional activity focusing on copyright protection, was also offered.

TIPO hopes that with the series of celebratory events for World IP Day, awareness of IPR can take root and further facilitate the protection thereof, fostering greater R&D and innovation in Taiwan.

2022 World IP Day celebratory event series (Mandarin):

Patent Specification Drafting Competition for the Youth:

<https://www.tipo.gov.tw/tw/cp-939-903610-b5733-1.html>

Embracing IP to Chase Dreams – the 2022 Entrepreneur’s Forum:

<https://www.twpaa.org.tw/eventsDetail.asp?id=310>

2022 World IP Day Forum:

https://www.tipa.org.tw/tc/apply_detail60.htm

Legal Amendments

Executive Yuan Passes Amendments to IPR Law on January 20 & February 24

To facilitate Taiwan's bid to join the CPTPP, the Executive Yuan passed draft amendments to the Copyright Act and the Trademark Act on January 20 and to the Patent Act on February 24. The draft amendments have been sent to the Legislative Yuan for review and include the following:

- I. Amendments to the Copyright Act
 - i. Instances of illegal digital piracy, distribution, and public transmission constituting serious infringement are now considered offenses indictable without complaint. "Serious infringement" is determined by the following conditions: (1) infringement of work provided not for free by another person; (2) reproduction in their original form; and (3) infringements resulting in damages exceeding NT\$1 million.
 - ii. Optical disc piracy is no longer a major source of infringement and will therefore revert back to general liabilities – increased penalties for the reproduction and distribution of pirated optical discs have since been removed.
- II. Amendments to the Trademark Act
 - i. Criminal provisions for counterfeiting labels of trademarks or collective trademarks have been added, and criminal liabilities now apply to some preparatory and contributory acts of infringement – including the importation of counterfeit labels or packaging.
 - ii. According to the existing Trademark Act, the subjective condition for counterfeiting labels to be held civilly and criminally liable is that the acts were carried out "knowingly." This condition has since been deleted and civil liability

will revert to “intentional” and “negligent” acts, whilst criminal liability will be determined by “intentionality”.

III. Amendments to the Patent Act

- i. Taiwan implemented a patent linkage system on August 20, 2019 under the Pharmaceutical Affairs Act. New amendments were added to the Patent Act stipulating the legal basis for patent holders to sue generic drug manufacturers that make a P4 declaration for patent infringement.
- ii. If the patent holder does not file a suit within the stipulated time period, the generic drug manufacturer may file a declaratory judgement to ascertain whether any infringement has occurred, which will prevent future infringement lawsuits after the generic drug is launched.

1. Remote Patent Application Interviews Available March 1, 2022

An effective interview can expedite the patent examination process. However, applicants may not always be available to be interviewed at TIPO in person or join video interviews at TIPO service centers. The Ministry of Economic Affairs has thus amended the sixth point of the "Operation Directions of TIPO, MOEA for Patent Interviews" and implemented the new measure of Remote Video Interviews for Patent Applications on March 1, 2022. Applicants and patent agents are able to select a remote location to conduct trilateral video interviews at their convenience. For example, a video interview can still be held when the patent applicant is in Japan, the agent at their own office in Taiwan, and the examiner at TIPO. This measure applies to patent application and reexamination cases but does not apply to invalidation cases.

Patent Interview Request Form (Mandarin):

<https://www.tipo.gov.tw/tw/dl-280755-153e501a02254d3281466b33229cc500.html>

Patent Interview Request Instructions (Mandarin):

<https://www.tipo.gov.tw/tw/dl-280756-e1e548c6177d459f9451c0dc4564a6b7.html>

Operation Manual for Remote Video Interviews (Mandarin):

<https://www.tipo.gov.tw/tw/dl-280757-f24a354ede8b48f89e51c0558753521b.html>

2. TIPO Sets up *Net Zero Emissions IP Info* Section for Industry and Consumers

Reaching net zero emissions by 2050 is considered a collective goal by the global community, and as such, TIPO has set up a dedicated Net Zero Emission-

-s IP section to provide information on green technologies and AEP requests for related patents, including:

- I. Green Technology Patent Analysis: Includes the Carbon Reduction Technology Development Patent Map, as well as patent analysis reports for hydrogen fuel cell vehicles, smart grid, electric assisted bicycles, off-shore wind energy.
- II. AEP Requests for Green Technologies: The scope of eligibility for the Accelerated Examination Program has been revised and expanded from “green-energy technologies” to encompass “green technologies”, and the examination time has been shortened from nine to six months.
- III. Quick Green Technology Patent Search: Established the “Green Technology Section” in the Global Patent Search System (GPSS). The new section includes search criteria such as biofuel, wind energy, thermal energy storage, allowing users to quickly search through global patents of a particular field through one simple click.

The section also provides information on net zero emissions certification marks. The public can access the official website of the certification mark by clicking on the name of the mark. Clicking on the registration number of the mark will redirect to information on how to seek permission to use the certification mark.

TIPO hopes that by providing the information to the public, the people of Taiwan can better familiarize themselves with certification marks that are environmentally friendly and related to carbon reduction or energy conservation. This will help them better identify products bearing these certification marks when making purchases.

Manufacturers can also seek permission to use corresponding marks for utilized raw materials, production processes, or energy consumption methods.

Net Zero Emissions IP Info Section (Mandarin):

<https://www.tipo.gov.tw/tw/lp-938-1.html>

3. TIPO Publishes *Case Studies on IT Patent Examination*

In order to protect innovation and establish clear standards for patent examination, TIPO has updated Part II, Chapter 12 of the Examination Guidelines for Computer Software-Related Inventions, in response to industry changes. The revisions came into effect on July 1, 2021.

TIPO also provides 20 case studies across the five major fields of IT – AI, IoT, blockchain, cloud applications, and big data – to help applicants better understand the basis on which patent applications are assessed and ensure that patent examiners utilize the same concepts during examination. The compendium of case studies, *Case Studies on IT Patent Examination*, is available to the public and includes both patentable and non-patentable requests to illustrate, step-by-step, how the patentability of each request is considered.

Case Studies on IT Patent Examination explains patentability criteria such as the definition, clarity, and inventive step of the invention, as well as whether it can be carried out by a person ordinarily skilled in the art. Also included within the compendium are detailed, step-by-step descriptions of how each criterion is considered, making it easy for IT patent applicants to follow the process and facilitate their own application. This will also ensure better quality software-related patents for Taiwan in the future.

Case Studies on IT Patent Examination (Mandarin):

<https://www.tipo.gov.tw/tw/dl-280440-4a8254a2a7ac447fb32777ae4f5d1485.html>

4. TIPO's Updated Online Trademark Registration System Now Available!

TIPO has updated the trademark online registration process and interface to make it easier for applicants to apply for trademarks online. With our new guid-

-ed design, users can complete registration in just 5 steps.

The new system came into service on February 15, 2022 for three forms: traditional trademark applications, corrections, and withdrawals. TIPO is planning to add color, sound, and 3D trademarks and marks applications as well as divisional applications and applications for change prior to registration in Q3 & Q4 of 2022. TIPO will be overhauling the online trademark registration system to ensure user convenience.

The new system will be compatible with different browsers and mobile devices. New complementary functions include converting wordmarks into images, image conversion online, a search engine for trademarks, etc.

New Online Trademark Application System Functions (Mandarin):

<https://tiponet.tipo.gov.tw/S040WV1>

Intro to New Online Trademark Application System Functions (Mandarin):

<https://www.tipo.gov.tw/tw/dl-280657-523c84d996714f5f82d24176ca5875be.html>

5. New Reports Now Available Upon Request: Patent Portfolio Analysis Report for Battery Electric Vehicles (BEV) Body Structure and New Vision of Patents for Telemedicine: 5G Application Scenarios and Service Models

TIPO is dedicated to assist Taiwan businesses with developing patent portfolios and taking advantage of market opportunities, and has therefore commissioned two industry patent analysis reports from the Patent Search Center (PSC), both of which were completed last year (2021): *Patent Portfolio Analysis Report for Battery Electric Vehicles (BEV) Body Structure and New Vision of Patents for Telemedicine: 5G Application Scenarios and Service Models*. All those who are

interested are welcome to request a copy of the reports from PSC via link below.

URL link for report (Mandarin):

<https://docs.google.com/forms/d/e/1FAIpQLSc49gLB7ZvHYpNRCN6iYp5u2jgpGhh9EofFcBUPBZgRKvqqbQ/viewform>

6. 2022 Patent & Trademark Training Lessons for IP Professionals

This year marks the 18th year TIPO commissioned the Taiwan Intellectual Property Training Academy (TIPA) to hold IP courses that have provided training lessons for over 14,000 IP professionals cumulatively. As the training lessons are informative and suits participants' practical needs, the 2020 Training Courses for IP Professionals survey results showed that more than 90% of the participants are keen to participate in future TIPA training courses.

TIPA has been holding IP Capacity Courses (basics) and patent/trademark-related courses, including 12 courses: IP Basics, Patent Laws, Drafting of Patent Specifications and Patent Claims, Patent Search, Patent Analysis, Patent Examination Guidelines & Practices, Patent Formality Check and Management, Trademark Laws, Trademark Search and Analysis, Trademark Application Practices, Trademark: Domestic Laws and International Treaties, and Trademark Dispute.

The pandemic has increased the demand for distance learning. Therefore, TIPA is also planning many synchronous and asynchronous online courses in addition to physical courses. For the convenience of students based in southern and central Taiwan who are also interested in participating in the courses, additional courses are planned to be held in closer proximity to the students starting in May.

TIPA Course Information (Mandarin)

<https://tipa-certify.com.tw/tipa/courses/index.php>

TIPA Official Website (Mandarin)

<https://www.tipa.org.tw/tc/index.php>

7. Ministry of Education's TANet Report Portal

The Ministry of Education (MOE) 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) is also provided to accept rights-holders' reports on links to foreign textbook infringement websites on TANet. Six infringing textbook links were reported this quarter, all of which were successfully terminated.

8. Implementation Overview of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples by the Council of Indigenous Peoples

Since the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples took effect in 2015 and up until March 2022, 150 applications for exclusive rights have been received and consolidated into 120 cases - of which 91 cases (76%) have been completed, 19 cases (16%) are pending considerations, 8 cases (7%) have been withdrawn, and 2 cases (1%) have been dismissed. Of the 91 cases completed, 82 (90%) were granted exclusive rights, 4 (4%) were reexamined, and 5 (6%) were rejected.

Law Enforcement Results and Statistics

The National Police Agency of the Ministry of the Interior

Law Enforcement

Between January and March of 2022, a total of 521 cases involving 677 persons were investigated for violation of the Copyright Act, a total of 416 cases (510 persons) for violation of the Trademark Act, and 9 cases (22 persons) for violation of the Trade Secrets Act. A total of 946 cases involving 1,209 persons were investigated for various types of infringement. All the aforementioned persons were referred to the district prosecutors offices for further investigation in accordance with the law.

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

Unit : case/person

Year	Total		Trademark		Copyright			Trade Secrets	
	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
2022 Jan.-Mar.	946	1209	416	612	521	677	16	9	22
2021 Jan.-Mar.	906	1208	490	604	412	596	0	4	8
Percentage Change %	4.42%	0.08%	-15.10%	1.32%	26.46%	13.59%	-	125.00%	175.00%

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

Taiwan High Prosecutors Office (THPO)

Law Enforcement

1. According to the data from all prosecutors offices, a total of 508 suspects were involved in 451 confirmed cases of IPR infringement between January and March, of which 186 persons involved in 145 cases were prosecuted according to the usual procedures, 154 persons involved in 146 cases were granted summary judgment, 151 persons across 143 cases received deferred prosecution, and 17 persons across 17 cases were not prosecuted nor punished by the court's sua sponte motion. 259 persons were convicted by the courts between January and March, for a conviction rate of 94.53%.
2. Among the aforementioned cases, a total of 19 suspects were involved in 13 confirmed cases of trade secrets infringement – all were prosecuted according to the usual procedures. 5 persons were convicted by the courts between January and March, for a conviction rate of 50.00%.
3. A comparison to the same period in 2021 reveals the following regarding the number of prosecutions (including those who applied for summary judgement) and convictions for cases of IPR infringement: 340 persons were prosecuted between January and March, marking a decrease of 20 persons (5.56%) compared to 360 persons in the same period in 2021; 259 persons were convicted between January and March, marking an increase of 3 persons (1.17%) compared to 256 persons in the same period in 2021.

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

Prosecutors Offices

單位：人 Unit: Person

Categories	Year	Results of Court Rulings												
		Total	Subtotal	Sentence						Sentence Remitted	Acquitted	Not to Prosecuted	Case Rejected	Others
				Under 6 Months	6-12 Months	1-2 Year(s)	Over 2 Years	Detention	Fines					
Total	2022 Jan.-Mar	324	259	86	1	5	-	162	5	-	15	1	49	-
	2021 Jan.-Mar	341	256	96	-	1	-	155	4	-	23	4	58	-
	Percent Change %	-4.99%	1.17%	-10.42%	-	400.00%	-	4.52%	25%	-	-34.78%	-75.00%	-15.52%	-

Source: Taiwan Prosecutors Office

4. As the methods used to pirate textbooks continue to change, copyrights violations via digital and online methods are starting to emerge. The Working Group Meeting on the Coordination and Supervision of Investigations Relating to Intellectual Property Rights held by the Taiwan High Prosecutors Office on November 24, 2020 gathered prosecutors, police, and investigators and asked them to further the investigation into these copyright violations, including but not limited to photocopy shops around university campuses or hard copy textbooks. Cases involving a total of 3 shops and 3 persons were uncovered in Q1 of 2022, and computers, laptops, USB flash drives, recorded CDs, and pirated test papers and e-books were seized accordingly.

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. A total of 3,704 infringing items were seized from 23 import cases suspected of trademark infringement between January and March.
2. Between January and March, the Customs Administration received 27 requests for advice protection on trademark rights, 26 request for extending the terms for advice protection on trademark rights, 90 requests for updating/supplementing documents and other matters, adding up to a total of 143 requests.
3. The Taipei Customs intercepted 6 counterfeit laptops with the “Apple Macbook Pro” logo on January 10, 64 counterfeit cell phones and tablet computers with the “ASUS” and “SAMSUNG” logos on January 14, and 100 counterfeit garments (counterfeit T-shirts with the “Hermes” logo and counterfeit scarves with the “LV” logo) on January 17. On March 1, the Taipei Customs also intercepted 18 counterfeit handbags with “Chanel”, “Dior” and “Tory Burch” logos. All items in question have been seized.

Ministry of Justice Investigation Bureau

Law Enforcement

The Investigation Bureau has referred a total of 9 cases of copyright violations to district prosecutors offices for further investigation, including 1 case involving 1 person for violation of the Copyright Act, 4 cases (4 persons) for violation of the Trademark Act, and 4 cases (9 persons) for the Trade Secrets Act.

International Exchange and Cooperation

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

The Second Special Police Corps of the National Police Agency, Mr. Nakane Tomohiro (Director of the Economic Department of the Taipei Office of the Japan Taiwan Exchange Association), Mr. Mitsuo Goto (financial expert), held a seminar on March 23 with Mr. Sugai Takeshi (president of the Japanese Chamber of Commerce & Industry in Taipei), as well as representatives from 18 Japanese businesses including Suntory Wellness, Sony, Canon, etc., to discuss investigation practices in cases of trademark violations and preliminary methods for detecting fake goods.

2. The Customs Administration

The Customs Administration continues to exchange information on cases of counterfeiting with its global counterparts. A total of 5 reports of counterfeiting were made in Q1 of 2022.

IPR Awareness Campaigns

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

The Second Special Police Corps visited a total of 37 companies and 3 police agencies in Q1 of 2022, as well as offered 39 courses to raise awareness of the Trade Secrets Act. In addition to providing information pertaining to Trade Secrets Act, they also assisted with the examination of confidentiality measures.

2. Ministry of Justice

The Bureau of Investigation of the Ministry of Justice has listed instances of trade secret violations under the scope of anti-corruption for enterprises and offered a total of 60 seminars from January to March in various industrial districts, important industrial and commercial organizations, and corporate groups. The seminars reminded enterprises to pay greater attention on the protection of trade secrets through sharing actual case studies. A total of 253 businesses and 3,688 participants were in attendance.

3. The Customs Administration

In order to better promote border measures and laws related to IP protection, the Taichung Customs of the Ministry of Finance held the Seminar for Customs Brokers on February 22.

4. Ministry of Foreign Affairs

Three Mandarin and English articles on the implementation of IPR policy in Taiwan has been published on the New Southbound Policy Portal.

Small Island Big Song. The Sounds of Austronesian Music (Mandarin) :

https://nspp.mofa.gov.tw/nspp/news.php?post=213792&unit=406&mofa_login=true

MOEA's Efforts to Pioneer Innovation Garner Global Attention: ITRI Makes Clarivate's List of Top 100 Global Innovators for the Sixth Time (Mandarin):

https://www.itri.org.tw/ListStyle.aspx?DisplayStyle=01_content&SiteID=1&MmmID=1036276263153520257&MGID=111022412461213373

ITRI Named a Top 100 Global Innovator for the Sixth Time:

https://www.itri.org.tw/english/ListStyle.aspx?DisplayStyle=01_content&SiteID=1&MmmID=617731531241750114&MGID=111022413565139000

5. Ministry of Education

- (1) The MOE held the 2022 National Conference for University Presidents in Taiwan on January 13 & 14 and urged universities to continue their promotion of IPR protection on campus, as well as to raise awareness among professors of the importance of practicing IPR protection in their classrooms. The conference also provided information on IPR protection for course content and materials to college professors.
- (2) Via an official letter in February, the MOE asked universities across Taiwan to promote readership of the pamphlet on copyrights for college professors. The letter also urges universities to encourage the use of original or second-hand textbooks among students, as well as to discourage the illegally copying, downloading, and uploading of books and teaching materials to avoid copyright infringements.

6. TIPO

TIPO has taken the opportunity to utilize the rapid spread of information across the internet by sharing information and current events pertaining to copyrights on the *Copyright x I Support Originals* FB page. Between January and March of this year, TIPO has made 41 posts on the topic and answered 8 copyright questions.