



TAIWAN INTELLECTUAL PROPERTY OFFICE,
MINISTRY OF ECONOMIC AFFAIRS

Quarterly Report

on Intellectual Property Rights Protection in Taiwan

July to September, 2022

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2022 Taiwan Innotech Expo (TIE) Came to a Successful Close!

The 2022 TIE was held in a hybrid format this year, with its physical event running from October 13-15 at the TWTC Exhibition Hall 1 and its virtual event from October 11-20. The expo exhibited nearly 1,000 inventions and technologies of businesses and inventors from 20 countries.

The Taipei Invention Awards Competition has always been the highlight of the exhibition. Its final winners were announced on October 15. There were a total of 516 entries across a plethora of categories, including semiconductors, optoelectronics and liquid crystal, information and communication technology, biotechnology and medicine, machinery, and household products.

Besides being designed for practical applications in everyday life, the entries are well aligned with the shared vision and common goals of countries worldwide, namely, environmental protection and net-zero carbon emission. In the School Invention Area, the National Central University team came out on top with a total of 19 medals - 1 platinum award, 7 gold, 3 silver, and 8 bronze medals. In the Foreign Invention Area, the Indonesian Invention and Innovation Promotion Association (INNOPA) claimed 1 platinum award, 1 gold, 2 silver, and 3 bronze medals, while the National Research Council of Thailand (NRCT) won 7 gold, 8 silver, and 5 bronze medals, respectively. The team of Ecuador noted that they came to Taiwan not only for the chance to demonstrate their R&D achievements through the TIE platform but also for the opportunity to connect with the global community of inventors for firsthand experiences that ignites the spark of innovation.

The 2022 Taiwan Innotech Expo has resulted in resounding applause, acknowledged as one of the most important exhibitions of inventions in the world today. The next TIE is scheduled to be held on October 12 to 14, 2023, at the TWTC Exhibition Hall 1, continuing to establish itself as a global platform to showcase the vibrant, innovative energy from all over the world.

2022 Taiwan Innotech Expo:

<https://online.inventaipai.com.tw/zh-tw/index.html>

1. Revisions Have Been Made to Chapters 3, 6, 7, 8, 9, and 14 of Part II “Substantive Examination for Innovation Patents” of the Patent Examination Guidelines, Which Take Effect on July 1, 2022

To reflect the practical needs of patent examination, TIPO has added new examination criteria and notes to the Patent Examination Guidelines, which include two applications (invention and utility model) for the same creation, disclaimers, final notice limitations, and deposit of biological materials. TIPO hopes to enhance the quality of patent examinations by providing unified standards. Main revisions include the following:

I. Part II Chapter 3 “Patentability”

Additional paragraphs 5 and 6 have been added under “5.7.2 Notes for Examination” for when two applications (invention and utility model) are filed for the same creation. Specifically, it details examination principles for the invention application if – during the examination of the invention patent, or after approval but before invention published – the utility model application is invalidated but has yet to be final and binding.

II. Part II Chapter 6 “Amendments”

Under “4.2.2 Permissible Omissions,” in the event that the applicant amends the claim by negative limitations to exclude any overlap with prior art (disclaimers) before the issuance of an office action from the patent examiner, the applicant should still provide the patent examiner with prior art documentation and an explanation for further assessment. If no such documentation is provided, the application is deemed to introduce new matter. Exceptions are made for applications where prior art is already disclosed in the descriptions, patent claims,

or drawings of the original application as filed.

III. Part II Chapter 7 “Office Action and Final Decisions”

Under 3.1.2 “Reduction of Patent Claim Scope,” stipulations in paragraph 6 that require “partial deletion of cited or dependent claims and a breakdown of remaining claims” have been moved to the newly added paragraph 7. It also states that besides the aforementioned situation, the additions of new claims are not included within the “reduction of patent claim scope” referred to in the revision limitations of the final notice.

IV. Part II Chapter 9 “Corrections”

Under “6. Notes for Examination,” patent examination principles have been added with regard to negative limitations to exclude any overlap with prior art (disclaimers) in accordance with revisions to chapter 6.

V. Part II Chapter 14 “Biology-Related Inventions”

A new paragraph (3) has been added to “4.2.4 Notes for Deposits” which stipulates that the applicant, in accordance with the provisions of Article 27 Paragraph 5 of the Patent Act, should include documentation proving that biological materials deposited in a depository designated by a foreign country in its territory exist and are viable.

VI. Other Revisions

Other revisions include changes to the wording to reflect new regulations, as well as to ensure consistency and prevent misrepresentation within all chapters.

Revisions to Chapter 3, 6, 7, 8, 9, and 14 of Part II “Substantive Examination for Invention Patents” of the Patent Examination Guidelines (Mandarin):

<https://www.tipo.gov.tw/tw/cp-85-910484-c6f3d-1.html>

2. Revisions to the Examination Guidelines on Distinctiveness of Trademarks Were Promulgated on July 26, 2022, and Will Take Effect on

September 1

To enhance the examination principles for distinctiveness of various types of trademarks, TIPO has promulgated revisions to the Examination Guidelines on Distinctiveness of Trademarks. TIPO has provided examples for different types of trademarks and ensured that the basis on which distinction is determined for trademarks aligns with current market transactions. Main revisions are as follows:

- I. Made adjustments to the different composition patterns of foreign alphabets; provision of reference examples for determining whether descriptions are designed and distinctive.
- II. Added assessment criteria and example explanations for “alphanumeric combinations” and “numbers” in response to differences in use between various industries.
- III. Added following categories with examples: “popular graphics,” “purely informational graphics,” and “commercial design graphics.”
- IV. Added criteria for country names, geographical images, and geographical names used in descriptions of product origin, as well as misleading use or misrepresentation thereof for product origin.
- V. Added criteria for determining the name and portraits of well-known public figures who are recently deceased; provided criteria to assess whether it constitutes use of “portraits” of other persons; provided examples for reference.
- VI. Added determining criteria for religious images and terms; added examination principles for marks related to traditional and cultural activities.
- VII. Revised criteria for slogans, common words, new terms, and technical terms, and adjusted the examination guidelines for “idioms.”
- VIII. Trademark graphics which include “the full name of the company” or “domain na-

-mes” are considered strictly informational in order to prevent affecting the certainty of the scope of trademark rights and the function of correctly indicating the source of the product or service in the event that trademark rights are transferred or there is a change of name after registration.

Examination Guidelines on Distinctiveness of Trademarks (Mandarin):

<https://topic.tipo.gov.tw/trademarks-tw/cp-517-860259-f5cf9-201.html>

3. Revisions to the Examination Guidelines on Certification Marks, Collective Membership Marks, and Collective Trademarks Take Effect on October 1, 2022

To help businesses better understand the “Geographical Marks” protected under Taiwan’s Trademark Act and subsequently enhance the quality of patent examinations, TIPO has revised the Examination Guidelines on Certification Marks, Collective Membership Marks, and Collective Trademarks, which took effect on October 1, 2022. Main revisions are as follows:

- I. Its name was revised to “Examination Guidelines on Certification Marks, Collective Membership Marks, and Collective Trademarks” to reflect the sequence of the provisions.
- II. Added a separate chapter on “Geographical Marks” to promote and explain the registration process in Taiwan for the application of a geographical certification mark and geographical collective trademark.
- III. Regarding the applicant’s declaration that he/she does not own a business that is involved in the manufacturing and marketing of goods or provision of services of the kind being certified:
 - i. Clear stipulations forbidding the applicant from registering a trademark in the same scope of the product or services being certified. Otherwise, the applicant is considered in violation of impartiality and the terms of the declaration.

- ii. The applicant may, given that he/she fulfills the other requirements, apply to register another trademark outside of the scope of the product or services being certified.
- IV. The regulations governing the use of the certified mark should clearly indicate the name of the products or services being certified:
- i. When applying for a certification mark, the applicant is permitted to list the overarching category in the name of the product or service being certified (e.g., food, electronics, etc.). However, to ensure that the name clearly corresponds to the conditions of use set forth in the regulations governing the use of certification marks, as well as to facilitate applications for the utilization of certification marks by any third-parties, TIPO followed the lead set by foreign counterparts and require that the names of products and services abide by NICE classification and be included as an annex in the regulations governing the use of certification marks for ease of publication.
 - ii. The names of products or services listed for “products or services being certified” should match what is listed in the regulations governing the use of the certified mark and the application and shall not extend beyond the scope listed therein.
- V. Provide examples to illustrate the principles by which to determine what constitutes “obviously improper” – a term used in Article 30, Paragraph 1, Subparagraph 10 of the Trademark Act – with regards to the registration of certification marks, collective membership marks, and collective trademarks.
- VI. Additional case studies are added on the basis of supplementing the content for ease-of-understanding.

Draft Revisions to the Examination Guidelines on Certification Marks, Collective Trademarks, and Collective Membership Marks (Mandarin):

<https://topic.tipo.gov.tw/trademarks-tw/cp-517-860257-4f5b2-201.html>

1. 2021 Comparison of Trends in Invention Patent Applications in Taiwan and WIPO PCT Applications

In 2021, TIPO received 49,116 invention patent applications, while WIPO received an estimated number of 277,500 international patent applications (PCT applications) filed under the Patent Cooperation Treaty (PCT). Of Taiwan's invention patent applications, semiconductors (6,360) and computer technology (4,283) took the top 2 spots among 35 technology fields. However, computer technology (26,092) remained the main technology field among WIPO PCT applications, while semiconductors (8,346) ranked 10th. As for applicants, TSMC and Huawei took the lead in Taiwan and WIPO PCT applications, respectively. Moreover, Qualcomm and Samsung Electronics were both among the top 10 applicants in Taiwan and WIPO PCT applications.

I. Invention applications rebounded in Taiwan while WIPO PCT applications maintained a modest growth

Overall invention patent filings in Taiwan rebounded with an increase of 5.3% in 2021, following the decline in 2020 brought on by a drop in non-resident filings due to the COVID-19 pandemic. On the other hand, WIPO PCT applications grew by 3.6% in 2020, attributable to the surging growth in applications from China. However, the number of applications decreased in March and from September to year-end, seeing a slight yearly increase of 0.9% overall (Fig. 1, Fig. 2, and Fig.3).

II. Taipei-Hsinchu accounted for 56.3% of resident invention applications in Taiwan in 2021

Applicants residing in Hsinchu City filed the most applications in 2021, at 4,711, followed by applicants from Taipei City (3,282) and New Taipei City (3,007). The

top three cities combined accounted for 56.3% of all applications filed in 2021, up by 6.2 percentage points compared to 2017. On the other hand, Hsinchu City saw the fastest growth (+23.3%) in 2021, followed by Hsinchu County (+7.9%) and New Taipei City (+1.6%) (Fig. 4).

III. Semiconductors and computer technology took top spots in Taiwan and WIPO PCT applications, respectively, in 2021

In 2021, semiconductors (6,360, +19.6%) topped the technology fields of invention patent applications in Taiwan, while the field of computer technology had the most WIPO PCT applications published (26,092, +7.2%). Both the top ten technology fields in invention applications in Taiwan and WIPO PCT applications included semiconductors, computer technology, electrical machinery, audio-visual technology, measurement, and pharmaceuticals (Table 1).

Furthermore, semiconductors topped all technology fields, accounting for 12.9% of invention applications in Taiwan in 2021 but ranked 10th with a share of 3.2% in WIPO PCT applications. This indicates that Taiwan remains outstanding in the semiconductor industry. On the other hand, digital communication and medical technology claimed two out of the top three spots in WIPO PCT applications. However, they were not among Taiwan's top ten technology fields of invention applications.

IV. Health-related technology fields grew both in Taiwan and in WIPO PCT applications, with pharmaceuticals reporting the fastest growth in 2021

In Taiwan, pharmaceuticals rose by 26.3% in 2021, followed by biotechnology (+19.1%), while medical technology remained stable (-0.1%) after a surge in 2020. As for WIPO PCT applications, pharmaceuticals also had the fastest growth of 12.8% in 2021, followed by biotechnology (+9.5%) and medical technology (+6.0%) (Table 1, Fig. 5).

- V. Certain top filing countries (regions) that mostly filed invention applications in semiconductors, computer technology, or organic fine chemistry in Taiwan primarily filed WIPO PCT applications in computer technology, digital communication, or electrical machinery

For invention applications received by TIPO, Taiwan, Japan, the U.S., and the Republic of Korea filed the most applications in semiconductors (shares of 12.0~18.3%). On the other hand, computer technology accounted for the largest proportion of applications (13.9%) for Mainland China, while Germany filed the most in organic fine chemistry (11.6%). The top three technology fields of the two aforementioned countries (regions) did not include semiconductor (Table 2).

WIPO PCT applicants from Mainland China (a share of 15.6%) and the US (12.4%) filed more applications in computer technology; those from Japan and Germany filed intensively for patents related to electrical machinery (10~11%). The top technology field in R. Korea was digital communication (11.5%). The top three technology fields of these countries did not include semiconductor (Table 2).

- VI. TSMC led in the number of invention patent application filings in Taiwan, while Huawei remained the top filer of WIPO PCT applications in 2021

As regards invention applicants in Taiwan, TSMC (1,950) filed the most applications in 2021, followed by Qualcomm (845) and Applied Materials (758). Industrial Technology Research Institute (ITRI), coming in tenth, is the only research institute among the top 10 applicants. The top 10 WIPO PCT applicants were all businesses. Of them, Huawei topped with 6,952 WIPO PCT applications published in 2021, followed by Qualcomm (3,931) and Samsung Electronics (3,041); the latter two both claimed top 10 spots in Taiwan as well (Fig. 6).

- VII. Seven of the top 10 applicants in Taiwan were also top filers in the field of semiconductors, while most top 10 WIPO PCT applicants had the greatest shares in

digital communication

Seven of the top 10 applicants in Taiwan (Fig. 6), TSMC, Qualcomm, Applied Materials, Samsung Electronics, Tokyo Electron, AU Optronics, and Kioxia, are also among the top 10 applicants in semiconductors. Furthermore, TSMC, Applied Materials, ASML, and AU Optronics claimed the top in computer technology, electrical machinery, optics, and audio-visual technology, respectively (Table 3).

Six of the top 10 WIPO PCT applicants filed most applications in digital communication, including Telefonaktiebolaget LM Ericsson, Huawei, Guang Dong OPPO Mobile, LG Electronics, Qualcomm, and Samsung Electronics. On the other hand, Mitsubishi Electric had its largest share in thermal processes and apparatus, BOE Technology filed intensively in semiconductors, Panasonic Intellectual Property Management filed mainly in electrical machinery, and Sony filed most in computer technology (Fig. 7).

Tables of 2021 Comparison of Trends in Invention Patent Applications in Taiwan and WIPO PCT Applications:

<https://www.tipo.gov.tw/en/dl-282830-14eb5e57f4f742cb868fc2ca36233674.html>

2. TIPO Publishes English Version of *Part II: Substantive Examination for Invention Patents, Chapter 12 Computer Software Related Inventions of the Patent Examination Guidelines*

Chapter 12 Computer Software Related Inventions, Part II: Substantive Examination for Invention Patents of the Patent Examination Guidelines was implemented on July 1, 2021. TIPO has subsequently released a translated version in English to help the global IP community better understand and utilize patent examination guidelines for, as well as enhance services regarding, computer software related inventions in Taiwan. The information is available on TIPO's official English website for all who are interested.

<https://www.tipo.gov.tw/en/cp-282-913035-68f9c-2.html>

3. TIPO Adds *Strategic Manual for the Protection of Trade Secrets 3.0* to the Trade Secrets Section

To ensure more comprehensive protection for corporate trade secrets, TIPO has compiled a strategic manual since 2013, and the second version was compiled in 2019. TIPO continues to draw from the experiences of corporations that have successfully protected their trade secrets, as well as to follow the court's latest interpretations of Taiwan's trade secrets regulations.

TIPO compiled the Strategic Manual for the Protection of Trade Secrets 3.0 in 2022. New chapters include the latest insights from the courts, updated protection strategies for enterprises in response to the current pandemic, QA on trade secret protection practices, and a new perspective from CEOs who lead successful enterprises to provide more practical and concrete practices. TIPO hopes that the manual will serve as a reference for all sectors in the promotion of trade secret protection.

Trade Secrets Section (Mandarin):

<https://www.tipo.gov.tw/tw/cp-9-913050-13a5d-1.html>

4. “Patent Trend Analysis of International Carbon Capture Technology” is now Available on the TIPO Website for Public Reference

To help businesses better understand the global patent trends in Carbon Capture, Utilization, and Storage (CCUS), TIPO has compiled graphics on the Patent Trend Analysis of International Carbon Capture Technology based on the three major themes of CCUS and according to the international patent classification (IPC) on carbon capture and sequestering, which were established in the 2010

WIPO IPC Green Inventory. The analysis also refers to the relevant classifications and key words in the Cooperative Patent Classification (CPC). TIPO used Derwent Innovation to compile patent information laid open/published by various countries before the end of December 2021 and conducted overall patent analysis, analysis of relevant technology patents, global flow of applications, and analysis of major patent offices. The full report is expected to be completed by the end of this year and shall be published on TIPO's website.

Patent Trend Analysis of International Carbon Capture Technology (Mandarin):

https://www.tipo.gov.tw/tw/cp-938-910572-d72d6-1.html?fbclid=IwAR3EaQfDkIky6N_GG5korganc5OYesyUTzI-Gw0JzlFk1PigqkW_2J31LQU

5. TIPO Publishes Serialized IPR-Info Comic The Everyday Life of a One-Man IP Department on IPKM

To promote IP knowledge and practical applications to the public, TIPO's platform dedicated to promoting IP information (IPKM) has created a serialized comic entitled The Everyday Life of a One-Man IP Department. The comic mainly discusses IPR management for SMEs and transforms practical workplace IPR issues into lighthearted workplace skits. Through this educational and entertaining publication, IPR information is made easy and fun, creating an accessible entry for more people to gain a deeper understanding of IPR.

The comic is set in a fictional SME in Taiwan, and company employees in different positions bring their own perspectives – placing a highlight on the various IPR issues that may arise within a company. By constructing a conceptual basis for understanding IPR and its practical applications through the comic, TIPO hopes to assist Taiwanese businesses to gain a better understanding of IPR and prepare them for when they encounter IPR issues themselves.

The serialized *Everyday Life of a One-Man IP Department* is published on the IPKM platform and is now available for download and sharing! Please follow the IPKM platform and the official TIPO Facebook page for more information about the comic series.

Everyday Life of a One-Man IP Department on IPKM:

<https://ipkm.tipo.gov.tw/lite/article/columnist/6>

6. TIPO has Added a New Chapter on “Green Industries” to the Industry Trademark Application Strategy Manual for Designated Goods and Services in Response to Goals to Reach Net Zero by 2050

The Executive Yuan has passed amendments to the Greenhouse Gas Reduction and Management Act on April 21, 2022. The Act has been renamed the “Climate Change Response Act,” and officially declares net zero emission of greenhouse gases by 2050. The specific approach targets greenhouse gases from the manufacturing, transportation, agricultural industries, as well as from residential activities and utilizes negative carbon technology (carbon capture, storage, and reuse) and natural carbon sinks (forests and ocean sorption) to balance carbon emissions in order to reach net zero emissions.

TIPO has added the “Green Industries” chapter to the Industry Trademark Application Strategy Manual for Designated Goods and Services, and the chapter is divided into six fields: “Green Energy,” “Clean Energy Transportation,” “Carbon Rights, Carbon Economy and Related Commercial Trading of Electricity,” “Pollution Treatment and Reutilization,” “Green Buildings to Zero-Carbon Buildings” and “Green Industry-Related Certification Mark, Certification Process Guidance, and Educational Training.” This distinction will help industries understand the scope of trademark rights they should get to protect their businesses, make the right choice of designated good or service when registering a trademark, and cross-reference the goods and

services listed in the NICE classification for their industry. The Industry Trademark Application Strategy Manual for Designated Goods and Services is available for public reference.

Industry Trademark Application Strategy Manual for Designated Goods and Services (Mandarin): <https://topic.tipo.gov.tw/trademarks-tw/lp-931-201.html>

7. The Industry Patent Analysis Report on WBG Power Semiconductor Devices is Now Available!

Wide-Bandgap (WBG) semiconductors have become a crucial component in the future development of many major industries, with silicon carbide (SiC) and gallium nitride (GaN) being the most critical power components. The analysis report describes the differences between WBG power semiconductor GaN or SiC devices and silicon-based power semiconductor devices, as well as the role that GaN and SiC power components will play in the future. GaN and SiC power components of WBG semiconductors are the main objects of analysis within the report.

The report examines patent application trends, top 10 applicants, top 10 regions, life-cycle analysis, technology classification analysis, competitiveness of private R&D, interpretations of core patents, interpretations of country-specific industry applications, and analysis of industry applications of major patent owners, etc. By analyzing and cross-referencing the aforementioned aspects, a current overview of the industry technology is created within the report.

The world's most highly developed industry of semiconductor manufacturing is in Taiwan, and our wealth of experience in the field can furnish greater opportunities for Taiwan to develop industrial applications and manufacturing of WBG semiconductor GaN or SiC power components in the future – which will serve to bolster Taiwan's ICT and energy tech development.

Through the report, TIPO provides future development suggestions, as well as an overview of the technology landscape, to domestic industries. TIPO hopes that it will facilitate their understanding of the overall development trends in the technology and help them secure a place in the future blue ocean market of WBG semiconductor power components.

Industry Patent Analysis Report on WBG Power Semiconductor Devices
(Mandarin): <https://www.tipo.gov.tw/tw/cp-85-913004-4b7b1-1.html>

8. Pilot Program for IP Info Cloud Services Began on August 3, 2022 – Patent & Trademark Open Data Downloads Available Now!

In response to government policy to promote better cloud services to the public, TIPO has been working on the IP Info Cloud Services Project since 2021. Application platforms on the public cloud have been constructed, and TIPO also plans to incorporate IP open data, trademark search, industry IP knowledge, and other services in several stages to provide rapid and reliable access to IP information and furnish a more comprehensive digital IP environment for Taiwan.

TIPO has successfully finished the first stage of operations by setting up the IP Info Cloud Service and transferring the Patent & Trademark Open Data Website onto the new platform. The service is now operational and available to the public.

New Website for Patent & Trademark Open Data Downloads:

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

9. TIPO Holds 2022 Global Patent Search & Strategy Seminar

TIPO will be holding three sessions of the Global Patent Search & Strategy Seminar separately in Kaohsiung, Taichung, and Taipei on September 29, October 6, and October 13 respectively. The seminars shall focus on processes, skills, functions, and strategic analysis within the Global Patent Search System

(GPSS) and allow users to practice with actual case studies. Through the seminars, TIPO hopes to enhance GPSS use and patent portfolio strategies for industry, academic, and research professionals from all fields.

10. 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. Hyperlinks directing to copyright-infringing foreign textbook websites can be reported through the dedicated TANet (Taiwan Academic Network) portal (abuse@moe.edu.tw). Four cases of infringement were reported this quarter.

11. 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 September 2022, 150 applications for exclusive rights have been received and consolidated into 120 cases - of which 97 cases have been completed, 13 cases are pending considerations, 8 cases have been withdrawn, and 2 cases have been dismissed. Of the 97 cases completed, 83 were granted exclusive rights, 5 were scheduled to be granted exclusive rights, 4 were reexamined, and 5 were rejected.

Law Enforcement Results and Statistics

The National Police Agency of the Ministry of the Interior

Law Enforcement

Between July and September of 2022, a total of 599 cases involving 796 persons were investigated for violation of the Copyright Act, a total of 598 cases (822 persons) for violation of the Trademark Act, and 2 cases (5 persons) for violation of the Trade Secrets Act. A total of 1,199 cases involving 1,623 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.-Sep.	3,087	4,152	1,465	1,958	1,609	2,165	16	13	29
2021 Jan.-Sep.	2,623	3,408	1,335	1,657	1,271	1,718	0	17	33
Percentage Change %	17.69%	21.83%	9.74%	18.17%	26.59%	26.02%	-	-23.53%	-12.12%

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

Taiwan High Prosecutors Office (THPO)

Law Enforcement

1. According to the data from all the prosecutors offices, a total of 495 suspects were involved in 432 concluded cases of IPR infringement between July and September, of which 182 persons involved in 131 cases were prosecuted according to regular procedures, 154 persons involved in 150 cases were granted summary judgment, 131 persons across 124 cases received deferred prosecution, and 28 persons across 27 cases were not prosecuted nor punished by the court's sua sponte motion. 256 persons were convicted by the courts between July and September, for a conviction rate of 96.36%.
2. Among the aforementioned cases, a total of 40 suspects were involved in 19 concluded cases of trade secrets infringement, of which 9 persons were convicted by the courts between July and September, for a conviction rate of 90.00 %.
3. A comparison to the same period in 2021 reveals the following regarding the number of prosecutions (including those who requested summary judgment) and convictions for cases of IPR infringement: 336 persons were prosecuted between July and September this year, marking a decrease of 19 persons (5.35%) compared to 355 persons in the same period in 2021; 265 persons were convicted between July and September, marking an increase of 14 persons (5.58%) compared to 251 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	Sentence							Sentence Remitted	Acquitted	Not to Prosecuted	Case Rejected	Others
			Subtotal	Under 6 Months	6-12 Months	1-2 Year(s)	Over 2 Years	Detention	Fines					
Total	2022 Jan.-Sep.	968	780	271	6	12	-	457	33	-	37	1	149	1
	2021 Jan.-Sep.	955	743	266	2	1	-	457	17	-	65	5	142	-
	Percent Change %	1.36%	4.98%	1.88%	200%	1100%	-	0	94.12%	-	-43.08%	-80%	4.93%	-

Source: Taiwan 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. A total of 21,261 infringing items were seized from 37 import cases suspected of trademark infringement between July and September; a total of 500 infringing items were seized from 1 import case suspected of copyright infringement.
2. Between July and September, the Customs Administration received 34 reque-

-sts for advice protection on trademark rights, 28 requests for extending the terms for advice protection on trademark rights, and 27 requests for updating/supplementing documents and other matters, adding up to a total of 89 requests.

3. The Keelung Customs intercepted 1,200 infringing items from the Maritime Express Consignments Handling Unit that bear the internationally renowned brand logos “Hermes,” “GUCCI,” “YSL,” “DIOR,” “Michael Kors,” “ADIDAS,” “PUMA,” etc. between June to July. On September 1, a total of 500 counterfeit Nintendo game consoles were also seized from the regular maritime import cargoes. All aforementioned items have been seized.
4. The Taipei Customs intercepted 39 counterfeit watches bearing the logos “Cartier,” “Rolex,” “Omega,” etc., brought by inbound passengers on July 9. It also intercepted counterfeited 126 boxes of health supplements bearing the logo “Caltrate” on July 16 and 144 boxes of medication bearing the logo “Cilias” from air express consignments on July 27. All aforementioned cargoes in question have been seized.

Ministry of Justice Investigation Bureau

Law Enforcement

In Q3, the Investigation Bureau referred a total of 14 cases of IP violations to district prosecutors offices for further investigation, including 5 cases involving 11 persons for violation of the Copyright Act, 3 cases (3 persons) for violation of the Trademark Act, and 6 cases (23 persons) for the Trade Secrets Act.

1. Intellectual Property Branch, Taiwan High Prosecutors Office

- (1) On August 4, Mr. N. Rashad Jones, the Economic Section Chief of the American Institute in Taiwan (AIT), visited the Intellectual Property Branch Office of the Taiwan High Prosecutors Office (THPO-IPB) and discussed the significance of establishing a law enforcement cooperation between the U.S. and Taiwan, the paramount importance of intellectual property rights (including trade secrets) protection, and means to strengthen US-TW bilateral exchanges and cooperation regarding technological investigation. After the talks, Mr. Jones also visited the Tech Crime Investigation Center and the multi-functional investigation room in THPO-IPB.
- (2) On August 26, the IP Branch Head Prosecutor Wen-Chi Chen, fellow IP Branch prosecutors, Deputy Director General Cheng-Wei Liao of TIPO, staff of the American Institute in Taiwan (AIT), and the U.S. congressional delegations, including Dylan Clement, met to engage in a discussion on the subject of trade secrets protection.

2. The Customs Administration

The Customs Administration continues to exchange information on cases of counterfeiting with its global counterparts. A total of 10 reports of counterfeiting were made in Q3 of 2022.

IPR Awareness Campaigns

1. Judicial Yuan

This quarter, the Judicial Yuan held the "Symposium on National Security and Trade Secrets," "On-the-job Training Courses for Judges of the Intellectual Property and Commercial Court", and "On-the-job Training Courses for Judicial Associate Officers, Technical Examination Officers, and Law Clerks of the Intellectual Property and Commercial Court." Aiming to improve the quality and efficiency of trial operations, said symposium and training courses are designed to enhance the professional knowledge of judges and related judicial officers in handling national security, trade secret litigation, and intellectual property cases.

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

The Second Special Police Corps visited 2 manufacturers in Q3 of 2022 to provide information on trade secrets related laws and regulations and assistance in reviewing trade secrets protection methods. In this quarter, they have also held two lectures to promote a deeper understanding of the Trade Secrets Act.

3. Ministry of Justice

The Investigation Bureau 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 32 seminars from July to September in various industrial districts, important industrial and commercial organizations, and corporate groups. The seminars reminded enterprises to pay greater attention to the protection of trade secrets by sharing actual case studies. A total of 76 businesses and 2,618 participants were in attendance.

4. The Customs Administration

(1) The Customs Administration, ministry of finance held 4 Customs Training on Intellectual

Property Rights Border Measures at the Keelung, Taipei, Taichung, and Kaohsiung Customs, respectively, to expand customs officers' professional knowledge on border measures and laws and regulations related to IP protection.

- (2) Endeavors to strengthen the knowledge of companies in the customs industry on border measures and laws related to IP protection, the Customs Administration has held the Information Session on Personal Information Security Protection Plan for the Customs Industry at the Taichung Customs on August 3, and The 2nd Seminar on Customs Clearance at the Taipei and Keelung Customs on August 10 and September 28, respectively.

5. Ministry of Education

- (1) On August 26, the Ministry of Education sent official correspondences to colleges and universities, urging educational institutions to build respect for intellectual property rights on campus and actively remind students to use original textbooks (including second-hand books) and not to scan, photocopy, download, or upload books or teaching materials without authorization to avoid infringing on the copyright of others.

On the same day, the Ministry of Education also invited colleges and universities to utilize the "Teacher's Guide to Copyright in Teaching," a manual that provides educators with accurate information on copyright-related matters.

- (2) The Ministry of Education urges all schools to continue promoting the action plan for IPR protection on campus during the National Joint Conference of Academic Affairs Directors of Universities and Colleges and the National Conference of Academic Affairs Directors of Vocational and Technological Universities and Colleges on September 7.

The MOE also called for all schools to enhance IPR education and training for teachers and provide educators assistance on matters regarding IPR (including the contents of education and teaching materials). Moreover, the Ministry also wishes to strengthen the management of photocopying on campus by specifying in contracts that vendors providing photocopying services on campus shall not engage in illegal photocopying,

thereby enforcing the protection of intellectual property rights on campus.

6. TIPO

(1) Intellectual Property Advocacy Seminars

TIPO has been accepting registrations for the 2022 annual IPR Expert Service Group Seminar from industrial and commercial enterprises, private organizations, and schools at all levels since April to address issues of concern related to patents, trademarks, copyrights, and trade secrets.

Of the 20 seminars (1,327 participants in total) held from July to September, 9 were held for schools, 10 for enterprises, and 1 for a government agency. All were free of charge. A survey afterward revealed that over 90% of the participants said the seminar facilitated understanding of copyright concepts, and 80% understood that public videos and images on social media sites should not be downloaded and used without permission.

(2) Campus IPR Protection Task Force

TIPO formed the Campus IPR Protection Task Force, consisting of 90 seed instructors from 29 universities, to promote the concept of intellectual property rights in elementary, junior high, and high/vocational schools through activities in a lively and fun manner. 17 sessions were held in September, and there were 1,244 student participants in total.

A post-session survey revealed that over 90% of students understood that plagiarism of online articles is wrong, and over 80% of students know that they must obtain authorized use from the copyright holder before uploading any videos and images onto the internet to share with friends, so as to not commit copyright infringement.

(3) Themed Workshops on Copyrights

The Copyright Workshop for Online Teaching in the Pandemic Era was held by TIPO on July 8 and 22, attracting 191 participants, while the Practical Workshop on Copyright Licensing in the Film, Television, and Audio Industry was held on August 12 and 26, with

a total of 259 participants. Participants from both workshops noted that the activities were helpful in raising awareness of copyright protection.

(4) Copyrights Advocacy Seminars

- i. TIPO held the Common Copyright Issues for Government Agencies Advocacy Seminar on September 23 at the Taipei Public Library (Main Library) to help government employees gain a better understanding of copyright-related matters, facilitate the establishment of proper copyright ownership and licensing agreements according to the needs of government agencies, and prevent copyright disputes. The seminar was attended by 94 persons and received a satisfaction rate of over 97.5%.
- ii. TIPO held the virtual Copyright Infringement Case Studies for Online Sellers and Influencers on September 29, inviting Mann C. C. Liu, a copyrights expert and lawyer from InfoShare Tech Law Office, to share information on copyright regulations regarding online sellers and self-media as well as investigations of copyright infringements online. The event was attended by 176 persons and received a satisfaction rate of over 97%.

(5) Internet Copyrights Promotion Campaign

In order to utilize the power of the Internet to disseminate educational information, TIPO shared 134 posts regarding copyright information, current events, etc., on the Copyright x I Support Originals Facebook page and answered 19 questions about copyrights. Currently, the number of followers has reached approximately 47,900 people.

Giveaways and Q&As were held in August and September to encourage Web users to utilize resources in the copyright section of the official TIPO website and listen to the Copyright x I Support Originals Podcast.

(6) Training Courses for IP Professionals

TIPO held two seminars on Trademark Challenges Posed by the Metaverse in Startup Ter-

-race Kaohsiung and the Startup Terrace in Linkou on September 23 and 29, respectively. The seminars covered the definition of Metaverse and its commercial applications. Concepts and technologies related to Metaverse and trademarks were also introduced, including virtual products, augmented reality and virtual reality, decentralized ledger technology (DLT) and non-fungible token (NFT), blockchain domain names, etc. Additionally, the sessions conducted litigation case studies, shared the applicability of laws and regulations, and provided after-session consultation and suggestions to trademark owners on their best practices regarding said matter.

(7) Strengthening Trade Secret Protection Mechanism for Enterprises

TIPO successfully held three sessions of the 2022 Seminar on Strengthening Trade Secret Protection Mechanism for Enterprises at the Central Taiwan Science Park, New Taipei Industrial Park, and Kaohsiung Nanzih Technology Industrial Park on September 16 & 23 and October 7, respectively.

Experts in the industry and law enforcement officers were invited as lecturers to share their experiences on four topics, including "Reasonable Measures to Maintain Trade Secrecy," "Trade Secrets Case Investigation Practices," "Case Studies: Improving Trade Secrets Management," and "SOP for Reporting Trade Secret Misappropriation," aiming to help enterprises reinforce their trade secret management system and better understand the countermeasures and SOP for reporting cases in the event of trade secret misappropriation.