

駐英國台北代表處與 駐台北英國貿易文化辦事處 智慧財產權相互承認合作辦法

鑒於工業財產之國際合作對提昇產業、科技及經濟發展之重要性，駐台北英國貿易文化辦事處及駐英國台北代表處，分別代表英國及台灣之相關主管機關，簽訂以下之辦法：

一、任一方之主管機關同意就任何台灣或英國自然人或法人（已於英國申請專利或工業設計之登記者；或已於台灣申請發明專利、新式樣或新型專利者；或已於『巴黎保護工業財產權公約』之締約國或世界貿易組織之會員國（且此等締約國或會員國亦與台灣有互惠之優先權協定）依其個別法律所承認之各種專利提出申請者，自二〇一〇年三月二十日起或自二〇一〇年三月二十日之後，或此等台灣或英國自然人或法人之專利繼承人，於向另一方主管機關提出申請時，享有優先權。任一方之主管機關將依據「巴黎保護工業財產權公約」第四條執行本條款。

二、任一方之相關主管機關，就台灣或英國自然人或法人關於新種微生物發明之專利申請，將予受理並賦與專利權。

三、為了專利公開之目的，任一方之相關主管機關，將承認依據英國或台灣相關規定所為之微生物寄存。英國之主管機關將承認於任何機構所為之微生物寄存，此等機構應隨時具備收受、接受及貯藏微生物以及以客觀而公平之方式提供樣本之功能。台灣之主管機關將承認於任何經專利主管機關指定或承認之寄存機構所為之微生物寄存。

四、任一方之主管機關將延長對於特定科技專利之保護，延長之期間，依據英國及台灣之相關規定，為自專利期間屆滿後，至多五年。在英國，應依據歐洲經濟共同體理事會規則第一七六八／九二號下對醫療產品之補充保護文件，以及歐洲共同體第一六一〇／九六號對植物產品保護之規則，授與此種專利之延長。在台灣，應依據專利法第五十一條對醫藥品及農藥品之規定，授與此種專利之延長。

五、本辦法將自雙方簽署之日生效。

六、經合法授權之雙方代表爰於本辦法簽字，以昭信守。

ARRANGEMENT ON COOPERATION CONCERNING MUTUAL RECOGNITION OF INTELLECTUAL PROPERTY RIGHTS BETWEEN

THE TAIPEI REPRESENTATIVE OFFICE IN

THE UNITED KINGDOM

AND

THE BRITISH TRADE AND CULTURAL OFFICE IN TAIPEI

In the light of the importance of international cooperation on industrial property in supporting the development of industry, technology and the economy, the British Trade and Cultural office in Taipei and the Taipei Representative office in the United Kingdom, acting on behalf of the relevant authorities in the United Kingdom and Taiwan respectively, hereby establish the arrangement set out below :

1. The relevant authorities of each side will accept that any natural or legal person of Taiwan or the United Kingdom, who has filed an application for a patent or for the registration of an industrial design in the United Kingdom or an application for an invention patent, utility model, or design patent in Taiwan or an application for a patent, including the various kinds of industrial patents recognised by their respective laws, in a country which is a party to the Paris Convention for the protection of Industrial Property or a member of the World Trade Organization and also has a reciprocal priority arrangement with Taiwan on or after 20 March 2000, or his successor in title, will enjoy, for the purpose of filing with authorities of the other side, a right of priority. Each authority will act in accordance with Article 4 of the Paris Convention for the Protection of Industrial Property for the purpose of implementing this provision.

2. The relevant authorities of each side will receive applications for patents and accordingly grant patents for inventions relating to new micro-organisms when filed by any natural or legal person of Taiwan or the United Kingdom, as the case may be.

3. The relevant authorities of each side will recognise for the purpose of patent disclosure, micro-organisms deposited in accordance with the relevant provisions applicable in the United Kingdom or Taiwan, as the case may be. The authorities in the United Kingdom will recognise micro-organisms deposited in any institution, which at all relevant times carries out the functions of receiving, accepting and storing micro-organisms and the furnishing of samples thereof in an objective and impartial manner. The authorities in Taiwan will recognise micro-organisms deposited in any deposit institute designated or recognised by the patent authority.

4. The relevant authorities of each side will extend the protection conferred by a patent for certain technologies for a maximum of 5 years after the expiry of the normal, full term of that patent in accordance with the relevant provisions applicable in the United Kingdom or Taiwan, as the case may be. In the United Kingdom such extensions shall be granted as supplementary Protection Certificates under Council Regulation

(EEC) No. 1768/92 for medicinal products and Council Regulation

(EEC) No. 1610/96 for plant protection products. In Taiwan such extensions shall be granted in accordance with Article 51 of the Patent Law for pharmaceutical and pesticide inventions.

5. This arrangement will come into effect on signature.

6. IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this arrangement.

DONE at Taipei on 20 March 2000 in duplicate in Chinese and English languages, both texts having equal validity