



# IPR EXAMINATIONS AND SERVICES

## Unwavering Commitment to Quality

1. Patent Examination
2. Trademark Examination
3. Copyright Affairs

### HIGHLIGHTS

- Relaxed Eligibility Requirements for the Positive Patent Examination Pilot Program for Startups
- Introduced an Accelerated Examination for Design Patents
- Amendments to the Deferred Substantive Examination for Design Patents Take Effect
- Analysis of the Copyrights Legal Regime and Practices Related to Generative AI



## IPR EXAMINATIONS AND SERVICES

TIPO is committed to providing high-quality examinations and services, as well as maintaining stable and reasonable review periods for patents and trademarks to support corporate strategies. As for copyrights, TIPO aims to promote active market mechanisms for copyrights use and address emerging issues in copyright laws related to the latest technological developments by convening discussions across sectors to achieve consensus.

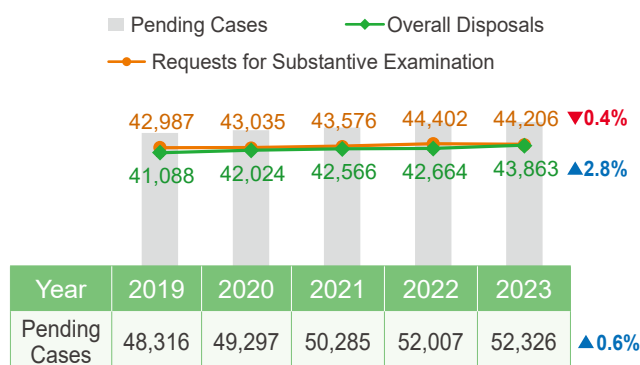
### 1. Patent Examination

#### Examination Performance

With TIPO actively implementing various control measures and utilizing online systems to facilitate the examination process, the average first office action pendency and disposal pendency for invention patents was 8.9 months and 14.4 months respectively in 2023, with outstanding performance maintained in processing efficiency.

#### ◆ Invention Patent Examination

##### Invention Patent Examination Cases



In 2023, the number for substantive examinations was 44,206, a decrease of 0.4% compared with 2022; the number of disposals was 43,863, an increase of 2.8%; and the number for pending applications was 52,326, an increase of 0.6%.

TIPO maintained a balance between requests and disposals for substantive examination of invention patent applications.

#### Examination Outcomes of Invention Patent Applications

Year		2019	2020	2021	2022	2023
Item	Cases	30,987	30,542	31,833	32,622	33,821
	Percentage	75.4%	72.7%	74.8%	76.5%	77.1%
Rejection	Cases	9,144	10,509	9,945	9,250	9,284
	Percentage	22.3%	25.0%	23.4%	21.7%	21.2%
Others ( including withdrawals and not accepted )	Cases	957	973	788	792	758
	Percentage	2.3%	2.3%	1.8%	1.8%	1.7%

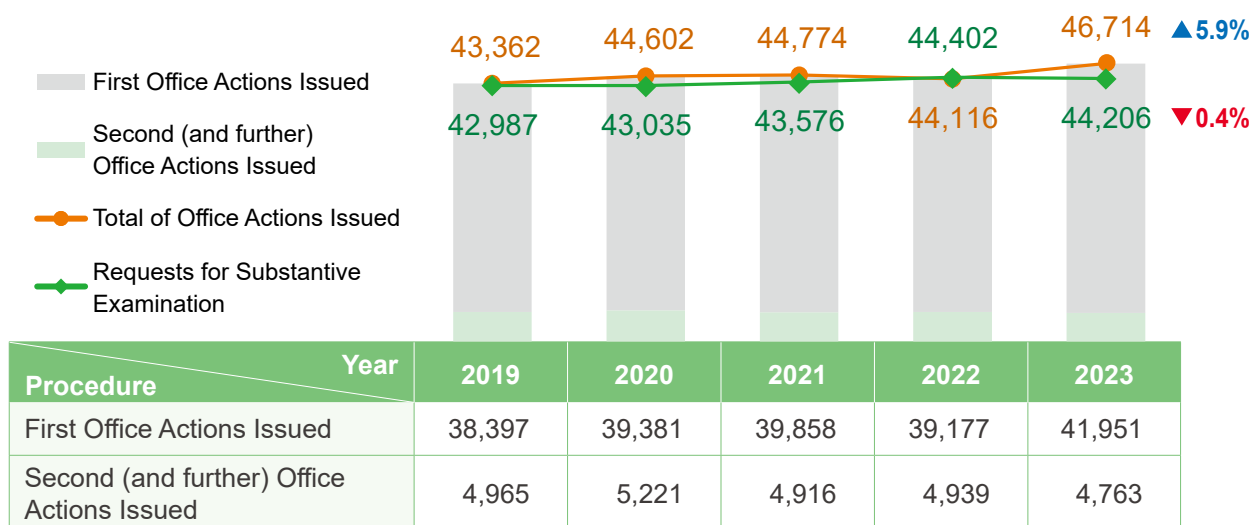
Note: 1. Percentage is calculated by dividing the number of allowances, rejections, and others by the number of overall disposals.

2. Overall disposals include allowances, rejections, and others (including withdrawals and not accepted).

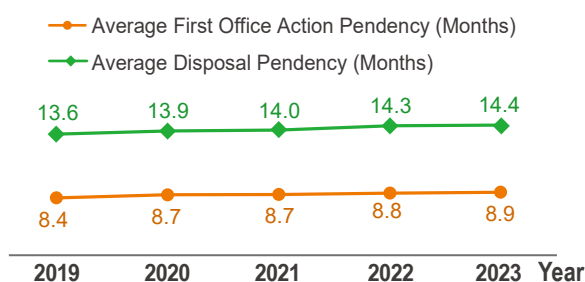
Examination outcomes in 2023 included 33,821 allowances (77.1% of overall disposals), 9,284 rejections (21.2%), and 758 others instances of other outcomes (1.7%), including withdrawals and not accepted.

### Number of Office Actions for Invention Patent Examination

Compared to 2022, office actions for invention patent applications increased by 5.9% in 2023 with a total of 46,714 office actions issued. Of these, 41,951 were first office actions, and 4,763 second (and further) office actions. A total of 87 final office actions were also issued.



### Pendency for Processing Examination of Invention Patent Applications



The average first office action pendency for invention patents in 2023 was 8.9 months, and the average disposal pendency was 14.4 months – both within the bounds of reasonable processing times.

Note: 1. “Average First Office Action Pendency” refers to the average time it takes to process a request for substantive examination from the time it is filed to the time of issuing a first office action.

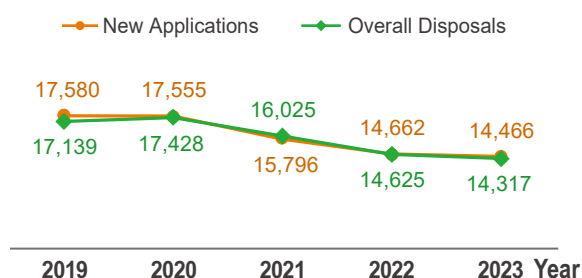
2. “Average Disposal Pendency” refers to the average time it takes to process a request for substantive examination from the time it is filed to the time a decision is issued.

3. Each figure refers to the average pendency as of the end of the indicated year.

## ◆ Utility Model Patent Examination

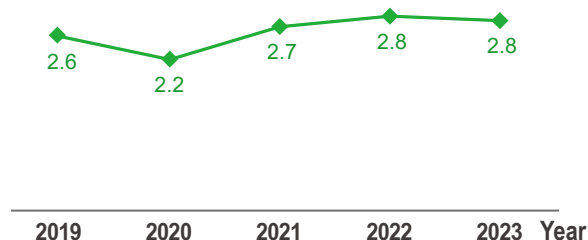
In 2023, the number of disposals of utility model patent applications stood at 14,317. The average disposal pendency for utility model patents was 2.8 months, allowing applicants to obtain utility model patents quickly.

### Utility Model Patent Examination Cases



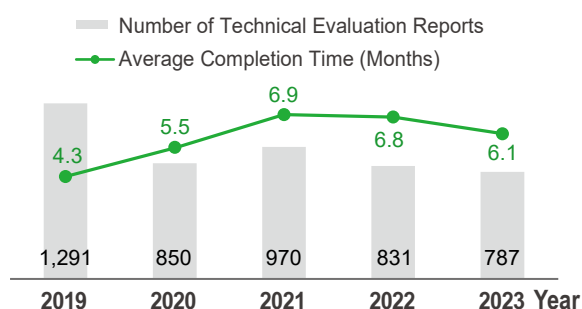
Note: Overall disposals include allowances, rejections, and others (including withdrawals and not accepted).

### Average Disposal Pendency for Utility Model Patent Applications (Months)



Note: Each figure refers to the average pendency as of the end of the indicated year.

### Number of Technical Evaluation Reports/ Average Completion Time



In 2023, 787 technical evaluation reports were completed for utility model patents, and the average completion time was 6.1 months.

## ◆ Design Patent Examination

### Examination Outcomes of Design Patent Applications

Year		2019	2020	2021	2022	2023
Item	Cases	6,906	7,164	7,304	6,564	6,268
	Percentage	86.4%	84.4%	86.7%	88.7%	87.5%
Rejection	Cases	741	989	760	582	635
	Percentage	9.3%	11.6%	9.0%	7.9%	8.9%
Others (including withdrawals and not accepted)	Cases	348	338	361	254	262
	Percentage	4.4%	4.0%	4.3%	3.4%	3.6%

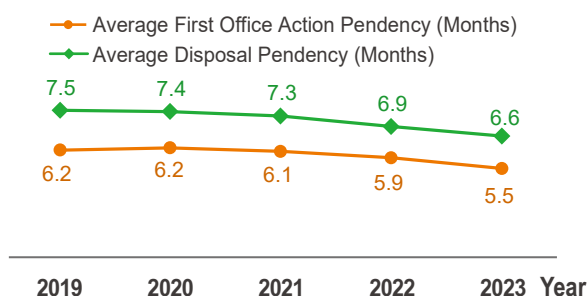
Note: 1. Percentage is calculated by dividing the number of allowances, rejections, and others by the number of overall disposals.

2. Overall disposals include allowances, rejections, and others (including withdrawals and not accepted).



In 2023, the examination outcomes for design patents included 6,268 allowances (87.5% of 7,165 overall disposals), 635 rejections (8.9%), and 262 others (3.6%).

### Pendency for Processing Examination of Design Patent Applications

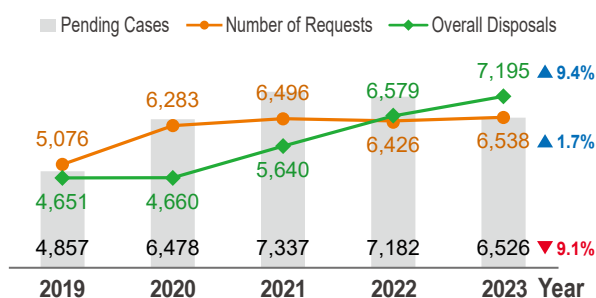


Note: Each figure in this chart is the average value for the end of each year.

The average first office action pendency for design patents in 2023 was 5.5 months, and the average disposal pendency was 6.6 months, maintaining a consistent decrease in examination processing time.

### Reexamination

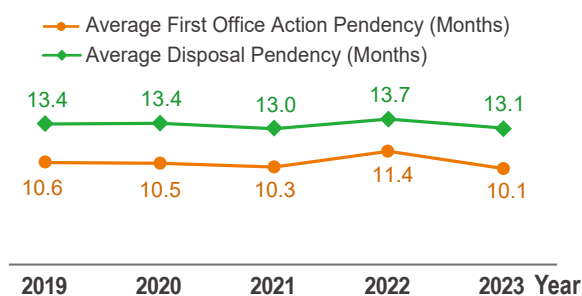
#### Invention Patent Reexamination Cases



Note: "Overall Disposals" include allowances, rejections, and others (withdrawal and not accepted).

The number of reexamination requests from 2021 to 2023 was 6,496, 6,426, and 6,538 respectively. The numbers of reexamination disposals were 5,640, 6,579, and 7,195 within the same period, showing an increase of 9.4%. Compared to 2022, the number of pending reexaminations decreased by 9.1% to 6,526 cases.

### Pendency for Processing Reexamination of Invention Patent Applications

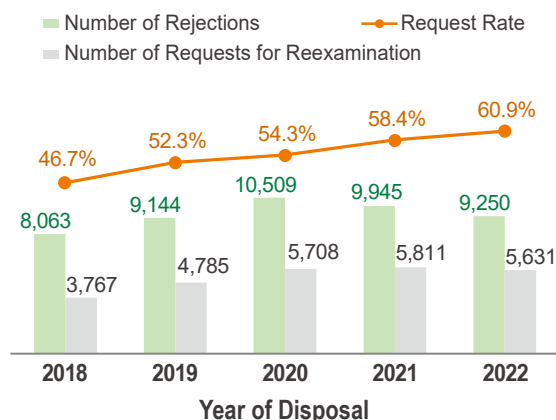


The average first office action pendency and disposal pendency for invention patent reexaminations remained stable at 10.1 months and 13.1 months, respectively, in 2023.

Note: 1. "Average First Office Action Pendency" refers to the average time it takes to process a reexamination request from the time it is filed to the time of issuing a first office action.

2. "Average Disposal Pendency" refers to the average time it takes to process a reexamination request from the time it is filed to the time of rendering a written decision.

## Request Rate for Invention Patent Reexamination



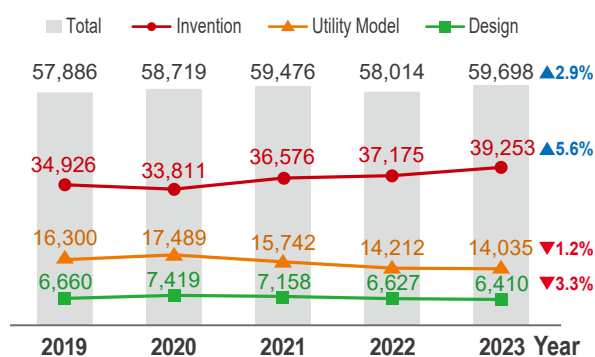
The numbers of rejected examinations from 2020 to 2022 were 10,509, 9,945, and 9,250, with corresponding reexamination request rates of 54.3%, 58.4%, and 60.9%, demonstrating a yearly increase.

Note: 1. "Request Rate" is calculated by dividing the number of requests for reexamination by the number of rejections based on the year of disposal, not the year the request was filed.

2. Applicants may request reexamination within two months after the date on which the rejection is served. As such, the latest figures may be unavailable by the publication of this report, and figures from the past year are used.

## Patent Grants

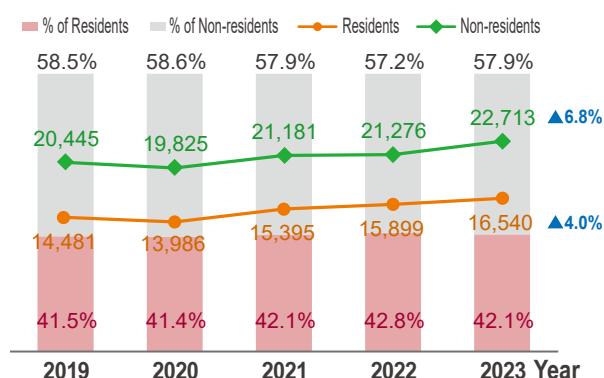
### Types of Patent Grants



Compared to 2022, overall patent grants increased by 2.9% in 2023 to 59,698. Of these, invention patent grants (39,253) grew by 5.6%, while utility model grants (14,035) and design patent grants (6,410) decreased by 1.2% and 3.3%, respectively.

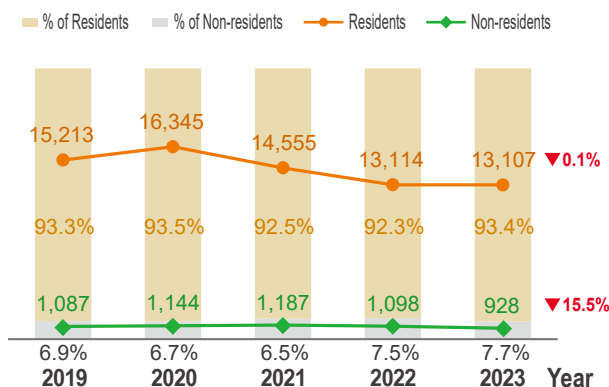
In 2021, invention patent grants experienced a positive turnaround, while utility model grants and design patent grants went from positive to negative growth.

### Trends in Invention Patent Grants



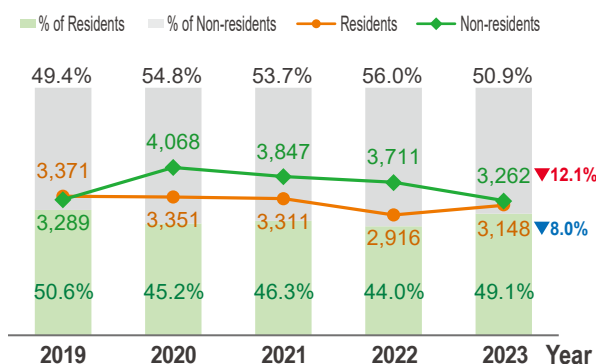
In 2023, the number of invention patents granted to residents (16,540) and non-residents (22,713) grew by 4.0% and 6.8% respectively. The ratio of invention patents granted to residents versus non-residents was approximately 4:6.

### Trends in Utility Model Patent Grants



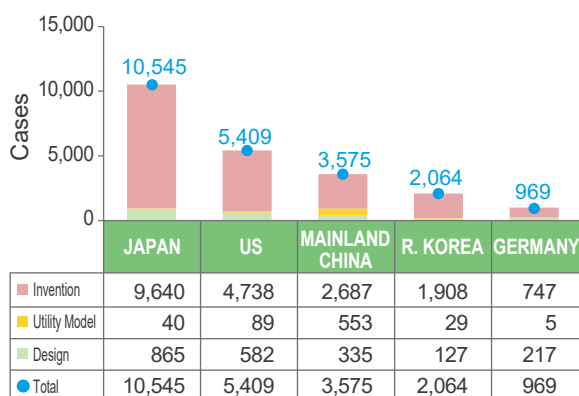
In 2023, the number of utility model patents granted to residents (13,107) and non-residents (928) fell by 0.1% and 15.5%, respectively. Utility model patents granted to residents accounted for 93%.

### Trends in Design Patent Grants



In 2023, the number of design patents granted to residents (3,148) grew by 8.0%, while non-residents (3,262) fell by 12.1% compared to 2022. The ratio of design patents granted to residents versus non-residents was approximately 1:1.

### Top 5 Countries (Regions) Receiving Patent Grants from Taiwan in 2023

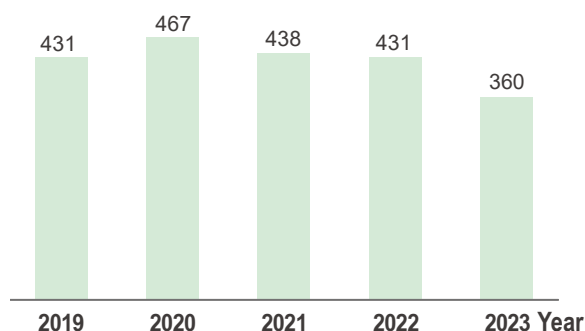


Of the top five countries (regions) to receive patent grants from Taiwan in 2023, Japan led with 10,545, followed by the US with 5,409.

A breakdown by patent type shows that in 2023, Japan led with 9,640 invention grants and 865 design grants, and Mainland China led with 553 utility model grants.

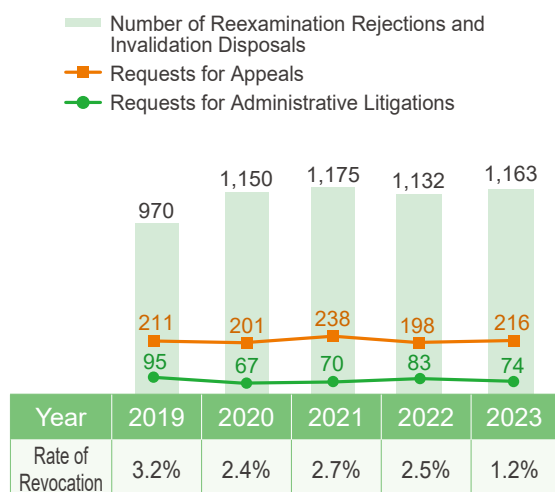
## Invalidation and Administrative Remedy

### Requests for Invalidation



The number of invalidation requests from 2021 to 2023 was 438, 431, and 360 respectively, marking a decline.

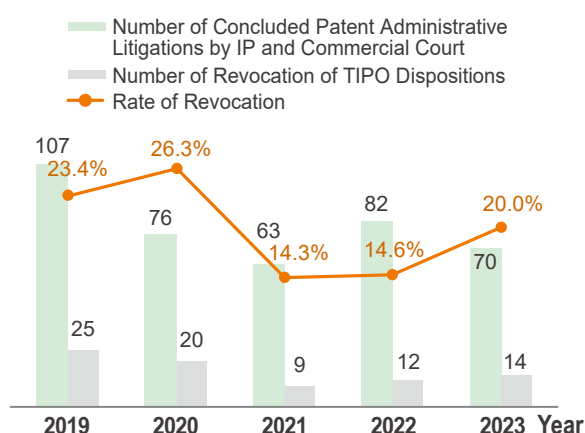
### Requests for Administrative Remedy



Between 2021 and 2023, there was a total of 3,470 (1,175, 1,132, and 1,163 cases, respectively) reexamination rejections and invalidation disposals. In the same period, 652 appeals (238, 198, and 216 cases, respectively) and 227 administrative litigation requests (70, 83, and 74 cases, respectively) were filed against TIPO's original dispositions.

Of the requests for appeals (238, 198, and 216, respectively, from 2021 to 2023), the Ministry of Economic Affairs revoked 2.7%, 2.5%, and 1.2% of TIPO's original dispositions, marking a decline.

### Rate of Revocation of TIPO Dispositions



227 administrative litigation requests were filed in the same period (70, 83, and 74, respectively, between 2021 and 2023). The number of administrative litigation cases concluded by the IP and Commercial Court was 63, 82, and 70, respectively. The IP and Commercial Court revoked 9, 12, and 14 TIPO dispositions (including in favor of the plaintiff and partly winning and partly losing) between 2021 and 2023. The rate of revocation in 2023 was 20.0% (10 cases (14.3%) ruled in favor of the plaintiff, and 4 (5.7%) partial wins or partial losses). This was mainly due to the IP and Commercial Court disagreeing with TIPO's assessment of inventive step requirements and the addition of new evidence prescribed by Article 33 of the Intellectual Property Case Adjudication Act.

## Patent Examination in Multiple Measures

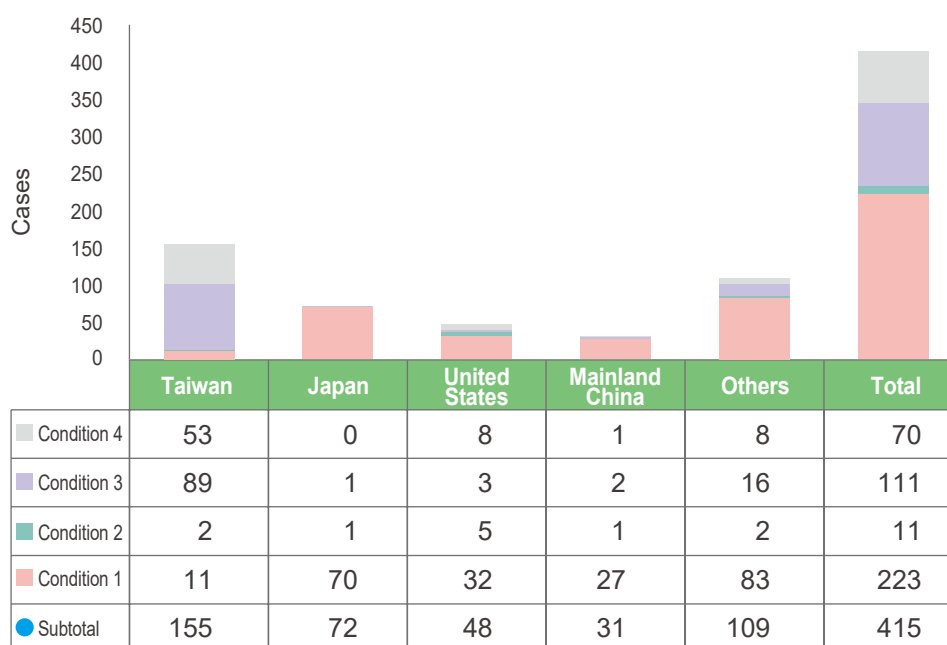
TIPO employs various measures to help applicants develop their patent portfolios. In addition to accelerating patent examinations, applicants may also choose to defer substantive examination and/or publication of approved patents, allowing for greater flexibility in their filing strategies, patent portfolio development, and/or patent commercialization timelines.

### ◆ Accelerated Examination Program (AEP)

A total of 415 AEP requests were filed in 2023. Of these, 223 requests were filed under Condition 1 (when the corresponding foreign application has been granted via substantive examination by a foreign patent authority), accounting for the majority of total AEP requests. Requests filed under Condition 3 (when the invention patent application is essential to commercial exploitation) ranked second, accounting for 111 requests.

The majority of requests came from residents, accounting for 155 requests, most of which were filed under Condition 3. Among foreign countries, Japan led with 72 requests, followed by the United States (48).

**AEP requests by Nationality**



Note: Condition 1 is when the application's corresponding foreign application has been granted under substantive examination by a foreign patent authority;

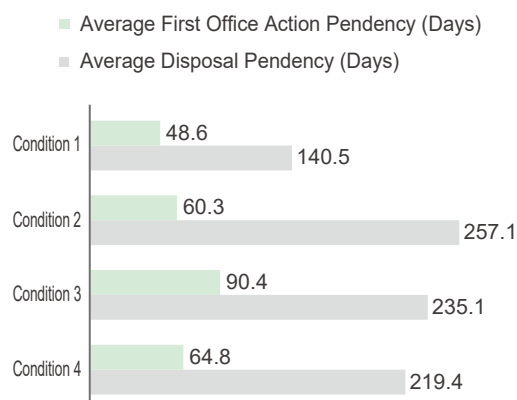
Condition 2 is when the EPO, JPO or USPTO has issued an office action and a search report during substantive examination but has yet to allow the application's corresponding foreign application;

Condition 3 is when the invention patent application is essential to commercial exploitation;

Condition 4 is when the invention is related to green energy technology.



## Pendency for Processing AEP Requests










As of the end of 2023, the average first office action pendency was between 49 and 90 days, and the average disposal pendency was between 140 and 257 days.

Note: 1. "Average first office action pendency" refers to the average time from the time document requirements are met to the time a first office action is issued. The said pendency is calculated on the basis of office actions first issued or disposed in 2023.

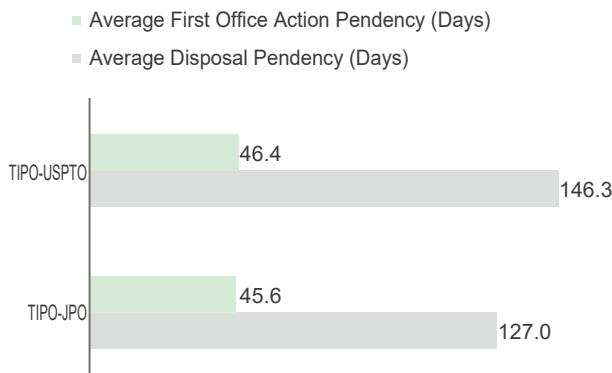
2. "Average disposal pendency" refers to the average time from the time document requirements are met to the time a final decision is issued. The said pendency is calculated based on disposals made in 2023.

## ◆ Patent Prosecution Highway (PPH) Program

TIPO is currently partnering with USPTO, JPO, SPTO, KIPO, PPO, and CIPO on the Patent Prosecution Highway (PPH) Program. Patents applications filed under the TIPO-USPTO (402) and TIPO-JPO (430) PPH programs accounted for the majority of total PPH applications (866) in 2023.

PPH Program	Nationality of Applicants								Total
	 Taiwan	 United States	 Japan	 Spain	 R. of Korea	 Poland	 Canada	Others	
TIPO-USPTO	33	249	16	0	27	0	4	73	402
TIPO-JPO	0	1	423	0	0	0	0	6	430
TIPO-SPTO	0	0	0	0	0	0	0	0	0
TIPO-KIPO	0	0	1	0	28	0	0	5	34
TIPO-PPO	0	0	0	0	0	0	0	0	0
TIPO-CIPO	0	0	0	0	0	0	0	0	0
Total	33	250	440	0	55	0	4	84	866

### Pendency for Processing PPH Requests



As of the end of 2023, the average first office action pendency for patents filed under the TIPO-USPTO and the TIPO-JPO PPH programs was 46 days, and the average disposal pendency was between 146 and 127 days.

Note: 1. "Average first office action pendency" refers to the average time from the time document requirements are met to the time a first office action is issued. The said pendency is calculated based on office actions first issued or disposed in 2023.

2. "Average disposal pendency" refers to the average time from the time document requirements are met to the time a final decision is issued. The said pendency is calculated based on disposals made in 2023.

### ◆ TW-Support Using the PPH Agreement (TW-SUPA) Examination Program

The TW-Support Using the PPH Agreement (TW-SUPA) Examination Program was launched on March 1, 2012, allowing applicants to request fast-tracking for invention patent applications within six months corresponding foreign application. This program has greatly increased the efficiency by which TIPO shares examination information with its global counterparts, and enables applicants to fast-track overseas patent applications in key technologies with TIPO's examination results.

Thanks to the well-executed Patent Backlog Reduction Project, only 14 TW-SUPA requests were filed in 2023. The average first office action pendency and the average disposal pendency were 2.1 and 5.0 months respectively.

### ◆ Accelerated Examination for Design Patents

As design patent applicants have a need to accelerate patent portfolios and commercialization schedule, TIPO began accepting applications for accelerated examination of design patents on September 1, 2023. Applicants are eligible to receive examination results within two months of submitting a complete application, provided that they meet one of the following criteria:

- (1) Commercial exploitation by a third party,
- (2) The design has received prestigious international or national design awards,
- (3) The applicant is a new startup enterprise.

As of the end of 2023, TIPO had accepted three cases under this accelerated examination process, including two from new startup enterprises and one that had won a Red Dot Design Award in Germany.



Diversified Examination Services for Design Patents



Accelerated Examination Pilot Program for Design Patents  
<https://www.tipo.gov.tw/tw/cp-85-925650-1fdcd-1.html>

## ◆ Positive Patent Examination Pilot Program for Startups

To foster the development of new industries and assist startup companies with R&D capabilities in quickly assessing the likelihood of securing invention patents and accelerating certification, TIPO launched the Positive Patent Examination Pilot Program for Startups in 2021. To allow more startups to benefit from this program, the eligibility criteria regarding the company's age has been relaxed from under 5 years to under 8 years. The revised pilot program commenced for an additional one-year trial period starting from January 1, 2023.

TIPO accepted a total of 35 eligible applications in 2023, which marks a 1.5-fold increase compared to the 14 applications in 2022. A total of 25 startups applied for the program. The average processing times for applications – from the request date to the notification date of the examination results – were 70.2 days. This significant reduction in processing times demonstrates the program's effectiveness in accelerating patent acquisition for startups.

Considering that many startups' patent applications come from transferred research outcomes, TIPO has further relaxed the eligibility criteria effective January 1, 2024. Under the new Program, any startup that holds the right to apply for the invention patent at the time of application is eligible, regardless of whether the company was established before the initial patent application.



Positive Patent Examination Pilot Program for Startups

<https://www.tipo.gov.tw/tw/cp-85-930526-2704f-1.html>

## ◆ Deferral of Patent Examination

As factors like applicants' filing strategies, patent portfolios, and timeline for patent commercialization may differ case by case, TIPO began accepting requests for deferral of invention patent substantive examination on April 1, 2015. As of the end of 2023, TIPO accepted a total of 1,204 deferral requests.

TIPO began accepting applications for deferred substantive examinations of design patents on July 1, 2018. The deferred examination can be filed within one year from the filing date or the priority date (if priority is claimed). As of the end of August, 2023, a total of 565 deferral requests were received.

Starting from September 1, 2023, the deferred examination period for design patent applications claiming priority has been amended to within one year from the filing date. As of the end of 2023, a total of 83 deferral requests were received.

## ◆ Patent Search

The Patent Search Center (PSC) assists TIPO in conducting prior art search services for invention patent applications. In 2023, 61 professional search personnel compiled 9,437 patent search reports, effectively enhancing the efficiency of patent examinations.

In order to promote patent search and analysis and to foster industrial development, and technological research value, the PSC has expanded its patent search and analysis services to stakeholders in industry, government, academia, and research institutions since 2017. In 2023, the revenue of PSC exceeded NT\$10 million for the first time.

## Optimizing Patent Examination Quality

Optimizing examination quality is a key focus of TIPO's operations. Efforts are ongoing to refine examination guidelines, review cases, set up online feedback mechanisms, and increase the professional capabilities of examiners. The aim is to standardize judgment criteria and improve the quality of patent examinations.

### ◆ Proposals for Improving Patent Examination Quality

#### ● Patent Examination Quality Review Mechanism

TIPO selected 1,187 invention and 223 design patent applications for review in 2023, which accounted for 3% and 3.5% respectively of all final decisions made for the particular type of patent. The reviews revealed that patent examination quality was well-maintained. TIPO holds quality review meetings for patent examinations twice a year, where instances of improper handling or faults for improvement are identified to serve as reference for future examiner training.

#### ● Communication Platform for Examination-Related Technical Fields

To maintain consistency between examination and reexamination outcomes, TIPO established a platform to exchange opinions on examination-related technical fields. Through this platform, cases from different technical fields are discussed, focusing on patentability such as claim interpretation, inventive step, citation eligibility, enablement requirements, and judgements on excessive amendments. In 2023, the fields discussed included mechanics, electronics and electrical engineering, information technology, and biomedicine. Through case analysis and opinion exchange, examiners continually enhance their professional competencies and consensus on patentability.

### ◆ Optimize Examination Quality of Patent Invalidation

#### ● Hearing on Processing of Patent Invalidation

Since the end of March 2018, TIPO has implemented a hearing procedure for patent invalidation cases. By the end of 2023, a total of 26 hearings have been conducted, effectively improving the accuracy in resolving disputes and the rigor in argumentation.

In response to the draft amendment to the Administrative Procedure Act proposed by the Executive Yuan, which involves significant revisions to the "hearing procedure," TIPO plans to incorporate beneficial elements in 2024 to further optimize the operation and efficiency of the Hearings on Patent Invalidation Processes.

#### ● Review and Analysis of Revoked Invalidation and Reexamination Cases

Every year, TIPO reviews and analyzes invalidation and reexamination cases revoked by the Ministry of Economic Affairs and the IP and Commercial Court. Important cases are selected for study, and TIPO also conducts case study sessions on the dismissal of patent administrative litigations. These cases are incorporated into analysis reports and compiled into the Compilation of Patent Administrative Litigation Cases Studies for future reference to make quality improvements.

### ◆ Training Professional Patent Examiners

TIPO places great importance on cultivating the professional capabilities of our examiners. Through a series of training courses and improvement measures, we address various challenges encountered in examination practices, thereby enhancing the professional capabilities of examiners and improving examination quality.

To equip new patent examiners with the necessary professional knowledge, TIPO offers foundational training courses that familiarize them with relevant law, procedures and practical operations. Additionally, TIPO offers professional courses of varying levels and organizes seminars on issues in patent examination practices and procedures, case studies on patent examination, and dismissal of patent administrative litigation. These activities deepen the practical experience of our examiners. In addition, TIPO offers monthly English book clubs to stay abreast of international patent developments.

In August, TIPO organized a seminar aimed at enhancing the professional capabilities of part-time patent examiners. The seminar covered topics such as prior art search practices and evaluation of invention patentability, with the goal of strengthening part-time patent examiners' search skills and examination expertise.

In addition, TIPO periodically invites domestic experts to speak on specific industrial topics. This year, the topics focused on the latest technologies, including "Generative AI-assisted Patent Search Services," "ESG Strategies for the Semiconductor Industry" and "Strengthening Power Grid Resilience."



Outstanding Examiner Award Ceremony

## 2.Trademark Examination

Trademark applications have been registered for over 100,000 classes since 2015. From 2018, the number of classes exceeded 110,000 for 3 consecutive years and exceeded 120,000 in 2021 and 2022. The number of classes experienced a reduction to 115,000 in 2023. To improve examination efficiency, the Fast-Track trademark examination pilot mechanism was implemented in May 2020. It is supplemented by an online timing control system to improve efficiency. The average first action pendency in 2023 was about 6.2 months.

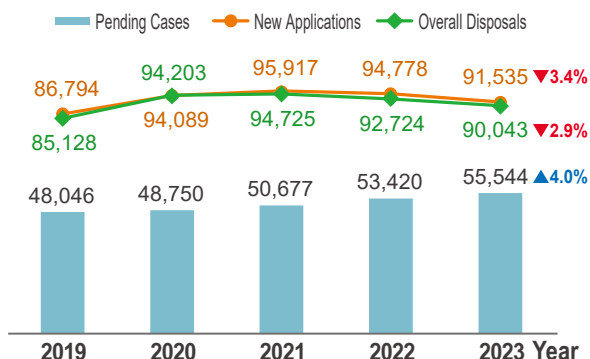
### Examination Performance

After 8 years of continuous growth, the number of trademark applications began to decline in 2022. Despite operating with a shortage of manpower, the Trademark Division has redistributed manpower and enhanced training for new staff in order to maintain the amount of dispositions (around 115,000 classes), but the backlog in pending cases is growing steadily.



## ◆ Status of Trademark Examinations

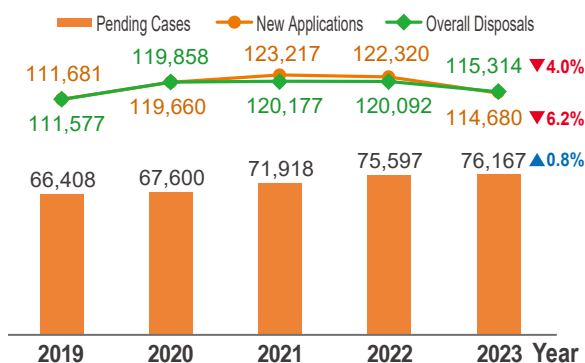
### Trademark Application Examinations (by Case)



Note: "Overall Disposals" include approvals, rejections, and others. "Pending Cases" refers to pending applications as of December 31 of each year.

In 2023, 91,535 trademark applications were received, down by 3.4% from 2022 (94,778). On the other hand, 90,043 cases were disposed, down by 2.9% from 2022 (92,724). There were 55,544 pending cases, up by 4% from 2022 (53,420).

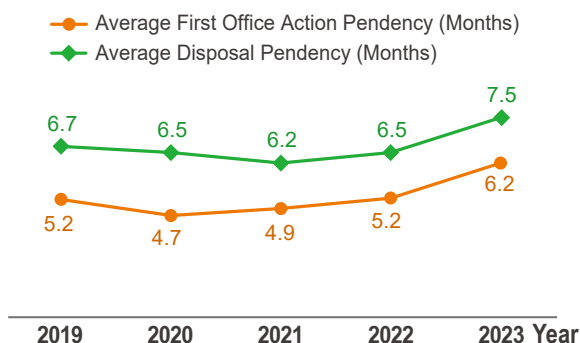
### Trademark Application Examinations (by Class)



Note: "Overall Disposals" include approvals, rejections, and others. "Pending Cases" refers to pending applications (by class) as of December 31 of each year.

In 2023, 114,680 trademark applications (by class) were received, down by 6.2% from 2022 (122,320). 115,314 classes were disposed, approximately down by 4% from 2022 (120,092). There were 76,167 pending classes, up by 0.8% from 2022 (75,597).

### Pendency for Processing Trademark Applications

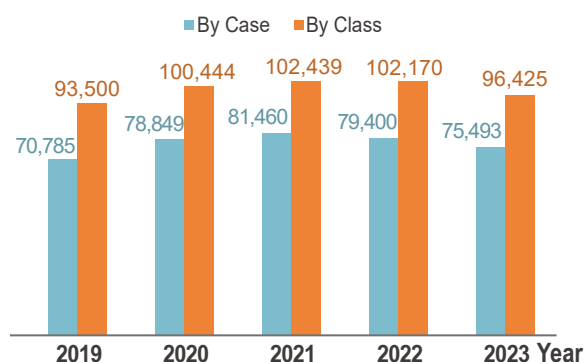


Note: "Average First Office Action Pendency" refers to the average time it takes to process an application from the time of filing to the time of issuing a first office action.

With the growing number of applications in recent years, TIPO has readjusted manpower to support and improve performance. The average first office action pendency was 6.2 months, and the average disposal pendency was 7.5 months.

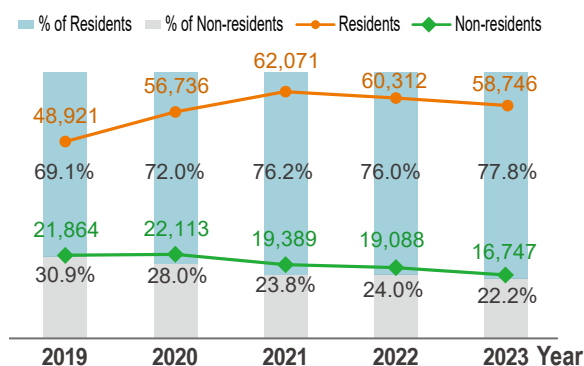
## ◆ Trademark Registrations

### Trademark Registrations (by Case/ by Class)



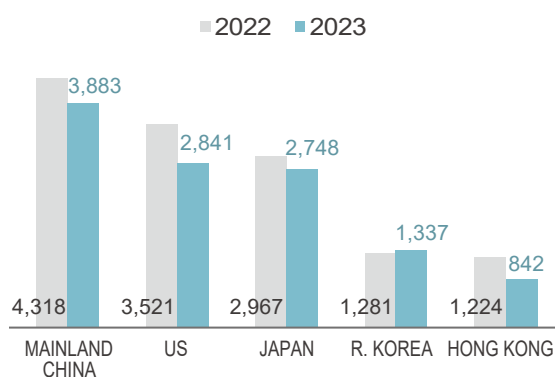
There were 75,493 trademark registrations or 96,425 classes in 2023, marking a decline from 2022.

### Trends in Trademark Registrations (by Case)



Trademark registrations by residents and non-residents were 58,746 and 16,747 cases, respectively, both showing a decrease from 2022. Resident registrations accounted for about 78% of all trademark registrations in 2023.

### Trademark Registrations of Top Five Countries (Regions) (by Case)



Among the top five countries (regions) of trademark registrations, Mainland China continued to lead with 3,883 cases in 2023, followed by the US (2,841), and Japan (2,748) ranking third.

## Registration of Non-traditional Trademarks

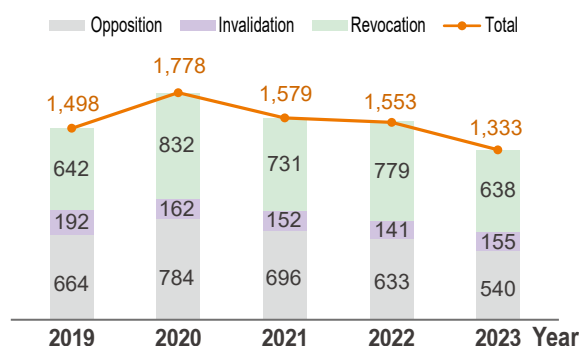
Unit: Case

Type \ Year	2021	2022	2023
3D	50	46	35
Sound	0	5	1
Color	0	0	1
Hologram	0	0	0
Motion	0	1	1
Others	8	16	4
<b>Total</b>	<b>58</b>	<b>68</b>	<b>42</b>

There were 42 registrations for non-traditional trademarks. Of these, 35 registrations were for 3D trademarks.

## Disputes and Administrative Remedy

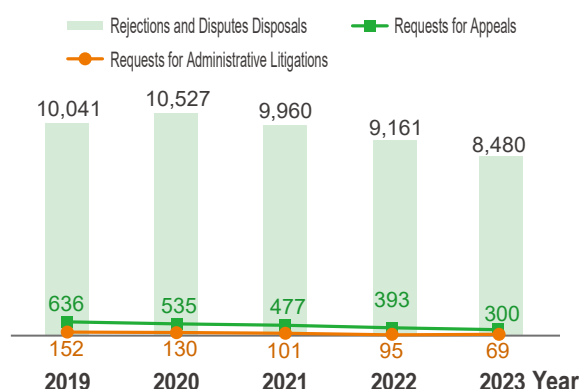
### Trademark Disputes



Note: Trademark dispute requests include oppositions, invalidations, and revocations.

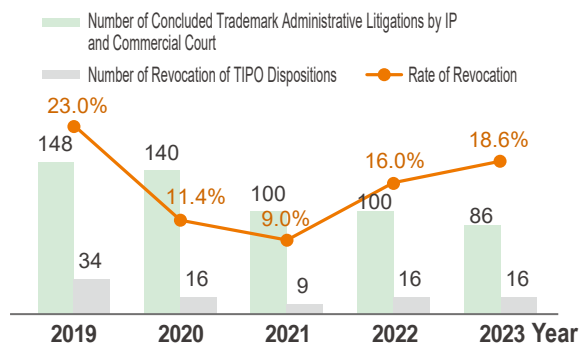
In 2023, 1,333 cases of trademark disputes were received, down by 220 from 2022 (1,553). Of these, there were 540 oppositions (down by 93), and 638 revocations (down by 141 cases), and 155 invalidations (up by 14 cases).

### Requests for Administrative Remedy



Trademark rejection and dispute disposals in 2023 totaled 8,480 cases. Of these, 300 appeals were filed with the Ministry of Economic Affairs. The appeal rate was about 3.54%, down from 2022 (4.29%). As for dissatisfaction with appeal decisions, the IP and Commercial Court received 69 administrative litigation cases during the same period, down from 2022 (95 cases).

## Rate of Revocation of TIPO Dispositions



The IP and Commercial Court adjudicated 86 cases of administrative litigation in 2023. Of these, 16 of TIPO's dispositions were revoked (including instances in favor of the plaintiffs and partial wins/partial losses), with a revocation rate of 18.6%, up by 2.6% from 2022. Revocations are primarily caused by divergent opinions regarding likelihood of confusion and the interpretation of evidence. TIPO will continue to exchange practical opinions with the courts and strive to improve examination quality.

## Optimizing Trademark Examination Quality

TIPO spares no effort in pushing for the following measures to increase the number of trademark disposals and improve examination quality:

### ◆ Optimization of Trademark Examination Quality

#### ● Trademark Examination Quality Review Mechanism

In 2023, TIPO instituted pre-disposal sampling and increased random sampling for specific examiners, reviewing 5,414 cases (6.0% of all cases). Substantive deficiencies were found in 1.7% of cases. Issues involving the principles of examination have been communicated through examiners' workshop and incorporated into additional training to establish a consensus on the standards for examinations. Relevant cases were also collected to serve as references for updating the examination guidelines.

#### ● Proposing Disputable Questions regarding Trademark Examination

The Measure of Proposing Disputable Questions regarding Trademark Examination was established on July 20, 2020, to clarify disputable questions in specific cases. The mechanism is designed specifically for issues regarding the harmonization of various viewpoints from different sections of the Trademark Division, general principles for examination, the recognition of the certified priority documents, accurate classification and acceptability of goods or services, determination of trademark distinctiveness and the likelihood of confusion in specific cases, etc. Discussions yield consensus under the mechanism, serving as the basis of examination for specific cases. 9 proposals were handled in 2023.

#### ● Trademark Examiners' Workshops

In order to maintain examination consistency and enhance professional knowledge among examiners, the Trademark Division offers periodic workshops on Office updates, the latest legislations, developments of goods or services and business activities, and precautions for examination. Topics discussed in three workshops in 2023 include: latest amendments to the Trademark Act; the principles of changing trademark reproduction and textual analysis in rejections; and the latest office announcements. These include a report entitled "Comparative Analysis of Taiwan's Green Trademarks Industry in the Last Ten Years" as well as hyperlinks to trademark related information provided by Mainland China and all the other countries, etc. These workshops serve as valuable resources to enhance the quality of trademark examinations.

### ● Review and Analysis of Revoked Dispositions

In response to dispositions of dispute and rejection cases revoked by the Ministry of Economic Affairs and the IP and Commercial Court in 2022, TIPO reviewed and analyzed each instance in accordance with the grounds of revocation to implement relevant internal training.

### ◆ Training Professional Trademark Examiners

TIPO organizes training sessions for trademark examiners, led by internal experts on patent and trademark related international treaties and examinations. Topics include introductions to international trademark treaties and agreements, application of trademark examination guidelines and case studies on modifications in trademark ownership. These programs improve examiners' knowledge and practice in related fields.



Outstanding Examiner Award Ceremony

## 3. Copyright Affairs

In 2023, TIPO exchanged views with domestic industries, other government agencies, and academia on legal and practical issues regarding generative AI and copyrights, and continued to deepen the enforcement of measures combating online piracy.

For collective management, TIPO conducted three reviews of royalty rates, including the MÜST's blanket license royalty rates for broadcasting on wireless television (TV) stations. In addition, TIPO conducted an administrative inspection of personal data protection for copyright collective management organizations (CMO).

### Collective Management Organization Affairs

#### ◆ Royalty Rate Review

TIPO conducted five reviews of royalty rates, two of which are still under review.

#### ◆ Optimizing the Online Music Search Platform

TIPO completed website integration, update and data correction for the new online music search platform to ensure public access to song information.

### Cracking Down on Online Piracy

In order to curb online piracy, TIPO continues to track the progress of the voluntary agreement titled "Follow the Money" between copyright owners and advertising agency groups. In 2023, the Taiwan Intellectual Property Alliance (TIPA) updated the list of infringing websites six times, while the IWL Taiwan Intellectual



Property Rights Defense Alliance updated its list once. Advertising agency groups are following the lists and refrain from placing advertisements on infringing websites.

## IP Affairs Seminars and Meetings

### ◆ Analysis of the Copyrights Legal Regime and Practices Related to Generative AI

On May 31, TIPO held discussions with the Science & Technology Policy Research and Information Center (STPI) of the National Applied Research Laboratories on copyright issues associated with their plans to develop in-house generative AI dialogue models. Discussions focused on whether the training of generative AI models constitutes reproduction of copyrighted works, and whether the outputs from these models might infringe upon existing copyrights.

On July 5, TIPO visited Taiwan AI Labs to discuss intellectual property issues related to AI technologies. The visit provided an opportunity to deepen understanding of the AI industry's development and to assist the industry in addressing regulatory and practical IP challenges.

On August 25, TIPO convened a meeting with its copyright law and technology advisors, AI industry experts, and representatives from relevant ministries to discuss the copyright implications of generative AI models. The participants reached a broad consensus that the training phase of AI models involves the act of "reproduction" and exchanged views on issues with divergent opinions. Given the absence of international consensus on these issues, it was agreed that ongoing monitoring of global policies and judicial rulings is essential.



TIPO visited Taiwan AI Labs on July 5.

### ◆ Addressing Concerns from Rights Holder Groups over Illegal Set-Top Boxes

On September 27, TIPO attended a press conference by the MOI National Police Agency, focusing on the crackdown on certain illegal set-top boxes. At the conference, the National Police Agency invited TIPO, the American Institute in Taiwan (AIT), the Content Overseas Distribution Association (CODA), the Taiwan Intellectual Property Alliance (TIPA), the Taiwan OTT Association, the Cable Broadband Institute in Taiwan (CBIT), and the Satellite Television Broadcasting Association R.O.C (STBA) to collectively commit to combating online piracy.

### ◆ Exchanging Opinions on the Draft Amendment to the Guidelines for the Execution of Licensing by CMOs

In line with the amendments to the Copyright Collective Management Organization Act published in 2022, and with reference to the recent practical issues in the implementation of the collective management services of the CMOs, relevant contents of the Guidelines were amended, and a meeting was held on November 16 to allow for an exchange of opinions, to which five CMOs were invited.

### ◆ Physical and Online Briefing Sessions to Promote the Online Music Search Platform

On September 21, TIPO held an online briefing session with a total of 151 representatives from radio stations and the online music industry. On October 16, TIPO held a physical briefing session with a total of 38 representatives from TV stations. Both sessions were met with enthusiastic discussions and positive feedback.

### ◆ Administrative Inspection of Personal Data Protection for Copyright Collective Management Organizations

On September 13, to help collective management organizations (CMOs) improve personal data protection, an administrative inspection was conducted at The Association of Recording Copyright Owners of Taiwan (ARCO).

### Processing of Copyright Requests

In 2023, TIPO completed 5 requests for authorized exploitation of works of unknown copyrights ownership (including 4 musical works, 2 sound recordings, 8 audiovisual works, 5 literary works, 14 artistic works and 1 photographic work) and 2 requests for registration of copyright pledge (including 1 registration of pledge creation and 1 registration of pledge deletion).

### Copyright Training for TIPO Staff

TIPO organized eight professional training workshops for our staff. The workshops covered copyrights legal system and practices, information sharing between domestic and foreign copyright and CMO systems, and English book clubs.