

Updates on Trademark-Related Legislations

Intellectual Property Office (TIPO), Ministry of Economic Affairs (MOEA), Chinese Taipei

Outline

(1) TM Act Amendment Key Points

(2) Regulations related to the TM Act Amendment

- (2.1) Regulations Governing TM Agent Registration and Management
- (2.2) Accelerated Examination

(1) TM Act Amendment Key Points

1. Accelerated examination for TM registration applications

Satisfy the industry's need to obtain trademark registration faster

- As the number of cases continues to grow, the limited number of examiners may delay the registration process for enterprises and impact their TM portfolio development strategies.
- An accelerated examination mechanism has been introduced to flexibly respond to the need of industries to acquire rights immediately.

2. Regulatory mechanism for trademark agents

Enhance the professional competency requirements for trademark agents to obtain qualifications

- To ensure that the cases delegated to trademark agents can be properly handled, the regulatory mechanism of trademark agents has been promoted to protect the rights of applicants and trademark holders.
- Specify the requirements for registration as a trademark agent and establish a register of trademark agents for management to improve the regulatory mechanism of agents.

(1) TM Act Amendment Key Points

3. Specifying that groups without juridical personality can be applicants

Protect the rights of those who actually use trademarks on the market

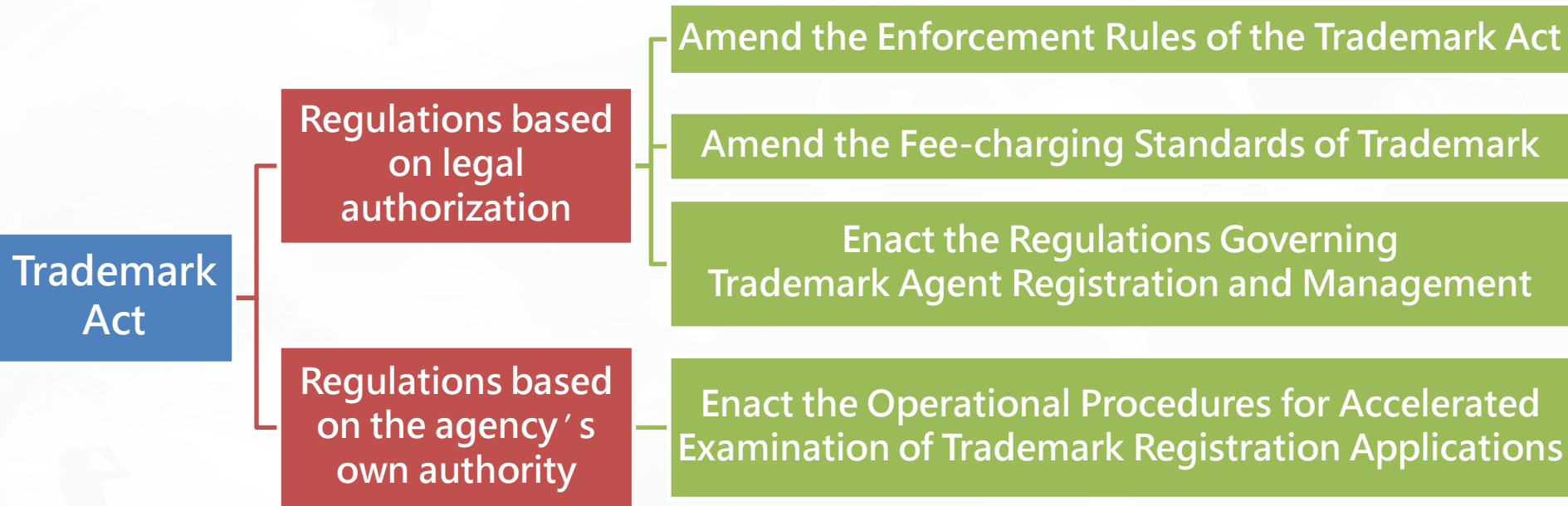
- To align with actual market transactions, groups without juridical personality, sole proprietorships, and partnerships are clearly stipulated as eligible applicants to **provide certainty in the vesting of rights and enable them to obtain litigant status.**

4. No need to go to the Customs for infringement identification

Streamline the procedures for infringement identification at the Customs

- Before revised, regardless of the type or quantity of goods seized, trademark holders are required to go to the Customs Office for identification.
- **Right holders can make an evaluation first based on the photos provided by the Customs platform, and then, if necessary, go to the Customs Office to identify the infringement on-site.**

(2) Regulations related to the TM Act Amendment

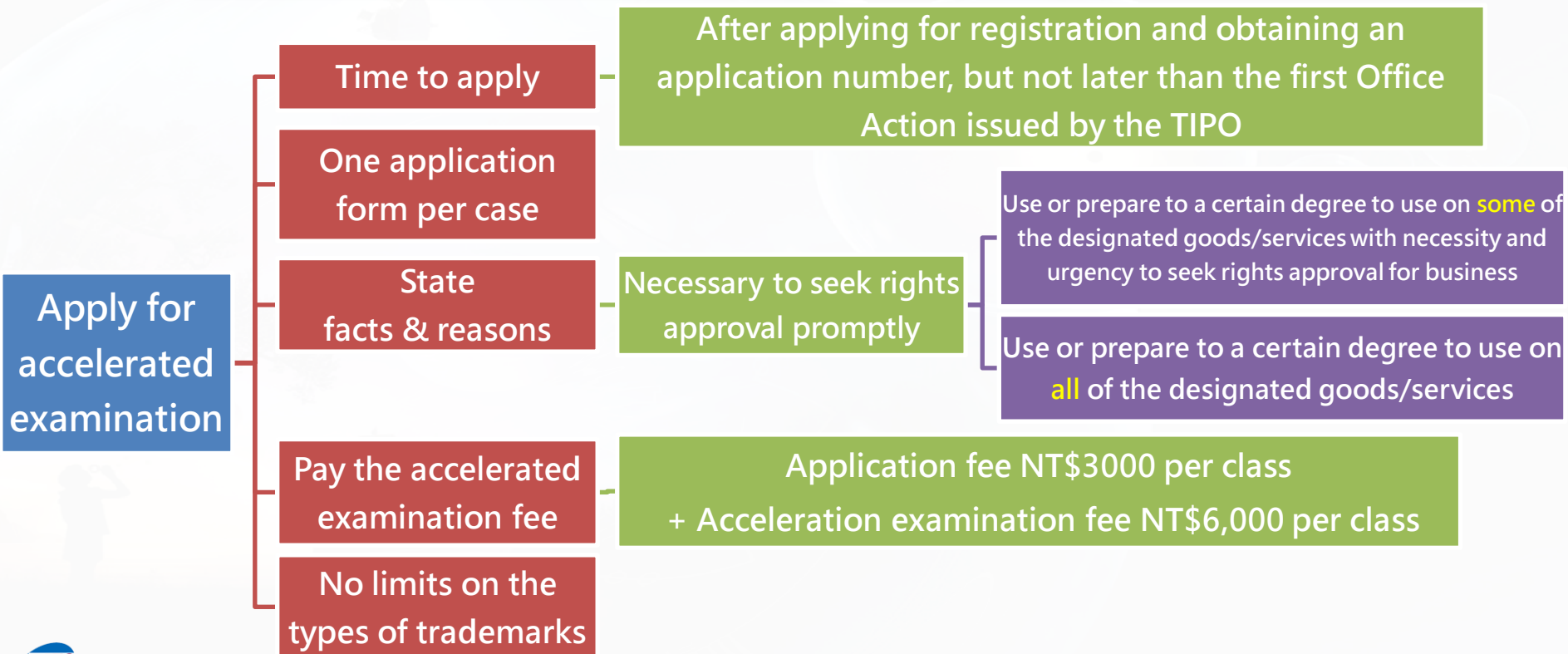


The date of enforcement of the amendments of the TM Act and related regulations is May 1, 2024.

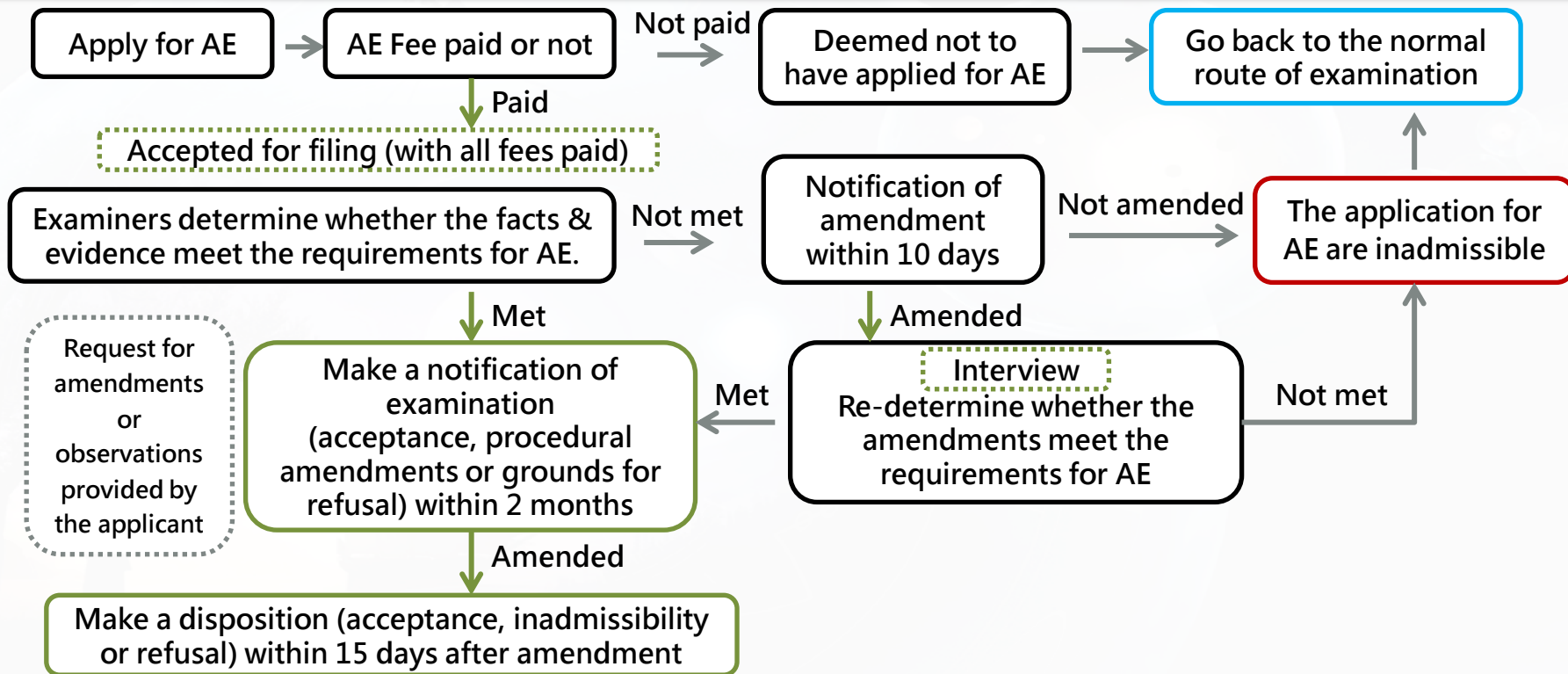
(2.1) Regulations Governing TM Agent Registration and Management

- **25 articles in total:** Stipulated pursuant to Article 6(4) of the Trademark Act
 - Holding of the Trademark Professional Capability Certification Examination
 - Qualification and required documents for trademark agent registration
 - On-the-job training methods and course hours
 - Management measures on handling trademark related matters
 - Applications for suspension of executing trademark agent responsibilities
 - Revocation of registration and other matters to be followed

(2.2.1) Accelerated Examination: Requirements



(2.2.2) Accelerated Examination: Flow Chart



Thanks!