TIPO held a seminar entitled “IP Landscape in New Southbound Countries” with the Taiwan Patent Attorneys Association (TWPAA) on August 27 and 28, 2019, with IP officials from four such countries, Malaysia, the Philippines, Thailand and Vietnam, as well as patent agents from six such countries, Malaysia, the Philippines, Thailand, Vietnam, Indonesia and India, to be lecturers. The guests shared legal regimes, examination practices, and things to note when filing applications and protecting patents for Taiwanese companies in their countries, for Taiwanese companies to draw references before implementing trade and investment plans in the New Southbound states.

The Taiwan Innotech Expo took place at Exhibition Hall 1 of the Taipei World Trade Center from September 26 to 28 this year, with companies, technological institutions, and inventors from 25 countries exhibiting more than 1,200 technologies and patented inventions. The place was divided into two sections, “Invention Contest” and “Three Major Themed Topics,” focusing on technology for the future, innovative inventions, and sustainable development. The exposition aimed to present innovative interdisciplinary technologies, while establishing collaboration channels and discovering relevant opportunities for industry and academia home and abroad.
Special Report

TIPO Hosts the "2019 Seminar on the IP Landscape in New Southbound Countries" on August 27-28

On August 27-28, TIPO and Taiwan Patent Attorneys Association jointly hosted the "2019 Seminar on the IP Landscape in New Southbound Countries" at the Tsai Lecture Hall, NTU College of Law. Officials from Malaysia, the Philippines, Thailand and Vietnam, as well as patent attorneys from Malaysia, the Philippines, Thailand, Vietnam, Indonesia, and India were invited to give lectures at the seminar. The lecturers shared information and exchanged feedback regarding patent regimes of respective countries, examination practices, and the things to note when filing applications and protecting patents for Taiwanese companies. Over 230 people comprising government officials, scholars, industry representatives, and patent attorneys attended the event and had lively interactions.

Recent years have seen economic prosperity in New Southbound countries, now becoming a ginormous economic and trading market. Given this, IPR serves a key function of protecting and adding value to corporations’ operation results. When doing business or investing in New Southbound countries, corporations will increase development advantage if they are able to make good use of local IP regimes and formulate appropriate IP strategies. To increase domestic corporations’ understanding of IP regimes in New Southbound countries, TIPO in 2017 and 2018 held the “Seminar on IP Landscape in New Southbound Countries,” which was well received. As such, TIPO hosted this year’s “Seminar on the IP Landscape in New Southbound Countries,” which was larger in scale than the previous events. The discussion addressed patent-related issues, which in turn may serve as useful reference for domestic corporations doing business or planning prospective investment in New Southbound countries.

During the meeting, there was in-depth exchange of insights and experiences between participants, experts from the IP offices, and patent attorneys of six New Southbound countries. As such, the seminar did help domestic participants to better understand patent legal regimes and practices in these countries. The seminar was considered to be very successful among all the participants.

2019 Taiwan Innotech Expo took place with grandiosity

The 2019 Taiwan Innotech Expo took place from September 26 to 28 at Hall 1 of the Taipei World Trade Center. To promote and strengthen our links with other countries, a total of 74 global institutions from 25 countries took part, such as Microsoft, Nissan, NSTDA, and Lely from USA, Japan, and Europe, displaying more than 1,200 technologies and patented inventions. During the three days, more than 45,000 counts of people swamped the hall, making it a lively place.

For the Invention Contest, a total of 659 entries home and abroad from 19 countries including Taiwan took part. After a careful review, 15 were selected for the Platinum Medal, 111 for the Gold Medal, 112 for the Silver Medal, and 154 for the Bronze Medal. In total, 392 entries were awarded.

The Three Major Themed Topics area was curated by seven ministries and councils together - the Ministry of Economic Affairs, Ministry of National Defense, Ministry of Education, Ministry of Science and Technology, Council of Agriculture, National Development Council, and Environmental Protection Administration, focusing on technologies of the future, innovative inventions, and sustainable development. A total of 572 R&D results of the “5+2” industries were displayed.

At the expo, two international forums on IP strategies were held. IP experts from around the world were invited to share how they set up cooperation strategies for technology transfer in hopes of gaining the most economic benefits. Also, to foster buy-and-sell of technology, seven talks and seminars for tech trading companies were held. The goal was to encourage the companies to exchange insights on relevant topics and to learn from one another in terms of developing patented technology.

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Legislative Amendments

1. TIPO encourages those interested to learn more about the amended Notice on the Use of Registered Trademarks, published on August 23, 2019

The types of trademark use are becoming more and more diverse due to the changes and development in the types of market transaction. To remind and instruct trademark holders to accurately and legally use their registered trademarks and to effectively maintain their trademark rights, TIPO published the amended Notice on the Use of Registered Trademarks on August 23, 2019.

The key revisions are as follows: 1. New criteria for determining trademark identity and explanations of sample cases; 2. New sample cases and explanations of actual use of trademarks regarding “addition of other elements such as words or devices,” “usage in conjunction with other trademarks or signs,” as well as disclaimers or obviously without doubts included in the reproduction of a trademark; and 3. Regarding Internet usage, additional principles were added for determining “genuine use.” TIPO hopes that the amended Notice will serve as a clearer guideline for trademark holders making use of their registered trademarks. Those interested are encouraged to learn more about the amendment.

For more information, please visit: https://www.tipo.gov.tw/ct.asp?xItem=718231&ctNode=7127&mp=1

2. Amended Patent Act to enter into force on November 1, 2019

The amendments to the Patent Act promulgated on May 1, 2019 will come into force on November 1, 2019. The main points of the amended act include: the term of protection of a design patent will extend to 15 years from 12 years; an applicant may file a request for division of patent application within three months upon receiving the approval decision of an examination or reexamination, and such a rule also applies to utility model patent applications; a requester of invalidation should provide invalidation reasons or evidence within three months and no reviews will be made beyond this time period (also, there are time limits for patentees to file post-grant amendment requests during invalidation proceedings); there is a new time period allowed for utility model patentees to file post-grant amendment requests, and post-grant amendments to utility model patent will have to go through substantive examination rather than formatly examination.

Transitional provisions for the implementations of the amendments are as follows – please be aware of the differences:
I. Extension of the period of design patent protection
   (1) The term of protection of a design patent will still be 12 years if a design expires on the date of implementation of the amendments.
   (2) The term of protection of a design patent will automatically extend to 15 years if its right is valid on the date of implementation of the amendments.
II. Division of a patent application after its approval decision is served
(1) If an approval decision of an invention or a utility model patent application examination, or reexamination served within three months prior to the implementation date of amended Patent Act, the applicant may file a request for division of the approved patent application within three months after the date on which an approval decision is served.
(2) If an approval decision of an invention or a utility model patent application examination or reexamination has been served more than three months before the date of the implementation of the amended act, the applicant may not file a request for division of the approved patent application.

III. Providing invalidation reasons or evidence for an invalidation action
The invalidation requests, which have been accepted before the amendments enter into force but no decisions have been rendered, will be handled as follows:
(1) All reasons and evidence provided by the requester will be examined.
(2) All reasons and evidence provided by the requester within three months after a request is filed will also be examined.
(3) Reasons and evidence provided by the requester beyond three months after a request is filed will not be examined.

IV. Filing post-grant amendment requests during invalidation proceedings
During invalidation proceedings, the post-grant amendment requests for invention, utility model or design patents, if filed after the amended Patent Act comes into force, will be bound by the time limit as mentioned in the amended act. However, the requests will not be bound if the patents are involved in pending litigation cases.

V. Post-grant amendments requests
(1) The post-grant amendment requests for invention and design patents that are not proposed during invalidation proceedings will not be bound by any time limit after the amended Patent Act comes into force.
(2) The post-grant amendment requests for utility model patents, which have been accepted prior to the date of implementation of the amended Patent Act, will be substantively examined after the act comes into force. But no fees should be paid.
(3) The post-grant amendment requests for utility model patents, which are only filed after the day of implementation of the amended Patent Act, will be bound by the time limit as mentioned in the amended act, and a NT$2,000 fee should be paid.

3. TIPO releases “Guides for Using Punctuation Marks When Writing Titles of Claimed Goods or Services for Trademark Registration”
When it comes to trademark application, non-unified punctuation marks are often seen in the titles of claimed goods and services, and this can lead to discrepancy in determining the claimed items. To effectively define the punctuation marks used for titles of claimed goods or services, helping applicants, third-parties, and examiners to clearly pinpoint the scope of the claimed goods or services, and to set unified standard for trademark registration and examination, “Guides for Using Punctuation Marks When Writing Titles of Claimed Goods or Services for Trademark Registration” was published on July 22, 2019 for applicants to use as references, which will come into force on January 16, 2020.
Using the right punctuation marks is helpful for counting the number of claimed goods or services in the application system, thereby estimating the application fees. It also helps people to understand the scope of using the claimed goods or services. From now on, applicants are encouraged to write the titles of claimed goods or services with the punctuation marks according to the guides. TIPO will carry out more relevant measures in order to further disseminate the correct application and registration information.
For more information (in Mandarin), please visit: https://www.tipo.gov.tw/dl.asp?fileName=97221514963.pdf

Latest News
1. TIPO holds seminars on IPR practices for 2019. Presentation and meeting materials are now available on TIPO’s website
On July 9, 15, 18, 19 and 23, TIPO held its 2019 seminars on IPR practices in Hsinchu, Taichung, Tainan, Kaohsiung, and Taipei, respectively. Materials from the meetings are now available on TIPO website.
The four following topics were presented: introduction of the highlights of the amendments to the Patent Act and the Copyright Act; trends in patent administrative litigation, including post-grant amendment, new evidences and an administrative adjudication; examination principles of trademarks with the Cross Device; and patent and trademark reminders. The brief responses to the questions proposed by various circles of society on the content of the presentations and TIPO’s work were provided on site, and more comprehensive ones have been put on the TIPO website at a later date as well.
For more information, please visit: https://www.tipo.gov.tw/ct.asp?xItem=715274&ctNode=6963&m&=1

2. New measure for acknowledging claim of priority of design patents comes into force
On claiming priority of design patents, in the future, only when it is discovered that the date of a previous application or the date of publication of relevant data falls between the claimed priority date and the filing date of a later application, may the competent authority decide whether to recognize the priority claim or not, based on verification documents. If it is not discovered during the search, in principle, the priority claim will be published in the Patent Gazette as requested by the applicant. If the applicant makes several priority claims at once, based on the aforementioned principle, the claims will still all be published in the Patent Gazette. However, this does not mean the design patent in question may (always) acquire multiple priority claims or part of such claims. It depends on whether the content of the priority claims are against the rules relating to “identical designs.” Substantial determination will be in place if prior art is found to be set between the filing date of application and the priority date.
The measure was implemented on the date of publication (August 1, 2019) of Vol. 46, Issue. 22 of the Patent Gazette.
For more information (in Mandarin), please visit: https://www.tipo.gov.tw/ct.asp?xItem=713648&ctNode=7127&m&=1

3. TIPO releases IPR statistics for the first half of 2019
In the first half of 2019, TIPO received a total of 35,534 applications for invention, utility model, and design patents, just 1% more than the same period last year. The number of design patent applications increased more significantly by...
10%. The number of trademark applications was 41,986, the same on a year-on-year basis. The number of invention patent applications filed by domestic nationals increased slightly by 2%, while the number of design patent applications filed by foreign nationals increased significantly by 30%, marking a salient growth. TSMC and Alibaba respectively topped the domestic applicant list and the foreign one when it comes to invention patent applications. A total of 22,775 invention patent applications were received in the first half of 2019. The number of applications filed by domestic (8,563) and foreign (14,212) applicants increased 2% and 1% slightly on a year-on-year basis. A total of 4,259 design patent applications were received, with the number of applications (2,299) filed by foreign applicants increasing immensely at 30%. This is because TIPO received many more applications from France, and the number of applications from major countries such as Japan and USA also showed a positive growth.

Of the 10 companies filing the most invention patent applications, Taiwan Semiconductor Manufacturing Company (TSMC) topped the list with 429 applications, followed by AU Optronics (AUO) (318) and MediaTek Inc. (163). By nationality of applicants of foreign origins, Japan topped the list with 6,707 applications. Alibaba Group Holding Limited as a company filed the most applications (408). In terms of design patents, Japan also topped the list with 704 applications. Among them, Renault S.A. topped the list as a company with 102 applications.

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<tr>
<th>本國法人</th>
<th>外國法人</th>
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<td>1 台積電</td>
<td>1 阿里巴巴</td>
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<tr>
<td>2 台達電</td>
<td>2 應用材料</td>
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<td>3 聯發科</td>
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<td>4 宏碁</td>
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<td>5 瑞昱</td>
<td>5 日東電工</td>
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<td>6 濟微</td>
<td>6 東芝記憶體</td>
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<td>7 福晶</td>
<td>7 富士軟片</td>
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<td>9 中鋼</td>
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<td>10 台達電</td>
<td>10 華邦電</td>
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The number of new applications for trademark registration (41,986) in the first half of 2019 was just about the same compared to that of the same period last year. 29,957 applications were filed by Taiwanese nationals, marking a slight 0.2% increase. 12,029 were filed by foreigners, representing a 2% decrease, mainly because fewer applications from US and Hong Kong were received.

By nationality of applicants of foreign origins, mainland China topped the list with 2,958 applications, 8% more than the same period last year. Japan (2,249) and the US (1,828) respectively took up the second place and the third place. As to the countries (regions) on the top-five list, Asian countries (regions) secured four places, and its total number of applications slightly increased.

For more information, please visit: https://www.tipo.gov.tw/dl.asp?fileName=97261126956.pdf

4. Report on advocacy event “IPR Issues Relating to Traditional Intellectual Creations of Indigenous Peoples and the Cultural and Creative Industry” is out

To boost cultural and creative businesses in eastern Taiwan, and to promote IPR protection for traditional intellectual creations of indigenous peoples and the cultural and creative industry, TIPO and the Industrial Technology Research Institute – Eastern Taiwan Commercialization and Industry Service Center held an advocacy event entitled “IPR Issues Relating to Traditional Intellectual Creations of Indigenous Peoples and the Cultural and Creative Industry” on May 31 in Hualien.

The advocacy event includes the following four topics: “design patent and protecting creative products,” “cases of trademark applications in the cultural and creative sector,” "the copyright issues that cultural and creative professionals should know,” and “protecting traditional intellectual creations of indigenous peoples and licensing practices.” The attendants all zealously contributed to discussions and the events were a great success.

For more information (in Mandarin), please visit: https://www.tipo.gov.tw/dl.asp?fileName=971515191748.pdf

5. The 2019 International Seminar on Trade Secret Legal Regimes and Practices is a success

Since trade secrets can greatly influence industry development and business competitiveness, governments in many countries have attached much importance to them. TIPO, Bureau of Foreign Trade, Taiwan Association for Trade Secrets Protection, Taiwan Technology Law Institute, and NCTU Institute of Technology Law jointly held the seminar on July 10 at the Taiwan Academy of Banking and Finance. Experts and officials from USA, Japan, South Korea, and China were invited to share their experiences with industry, government and research institute representatives in the mechanism and implementation of trade secret laws.

The issues discussed include “the trade-secret legal regimes and prevention and control of cross-border crimes,” “trade secrets protection and case studies,” “challenges and prospects of the current trade secret laws in Taiwan and mutual legal assistance,” among others. The seminar was considered helpful for enhancing trade secret protection, since experts hosted in-depth discussions and shared their views of the legal aspects of trade secret protection, as well as case studies.

6. MOE sets up an email for reporting TANet-related IP infringement offences

The MOE has set up an email address (abuse@moe.edu.tw) for reporting TANet-related IP infringement offences. The Taiwan Book Publishers Association, a rights-holder group in Taiwan, has reported two times through the email in July, to ask the MOE to thwart attempts through TANet to link to foreign infringing websites containing pirated textbooks. The MOE has responded and banned such access.
Law Enforcement Results and Statistics

The National Police Agency (NPA)

1. Law enforcement results

From July to September 2019, a total of 417 copyright infringement cases involving 509 suspects and worth NT$ 268 million; a total of 551 trademark infringement cases involving 660 suspects and worth NT$ 998 million; and a total of two trade secret infringement cases involving three suspects and worth NT$ 171 million; were record. In total, there were 970 infringement cases involving 1,172 suspects, with the amount of money lost reaching NT$ 2,986 billion. The abovementioned cases were later transferred to district prosecutors' offices for further investigation.

2. Major Cases

The Criminal Investigation Brigade (CIBr) of the NPA under the Ministry of the Interior just seized a syndicate which sells counterfeit watches online. The syndicate is suspected of committing frauds and violating the Trade Market Act. Upon tracing the syndicate's cash flow, it was discovered that starting in January 2013 it has been selling counterfeit watches on and off. The amount of money involved in the infringement was roughly estimated to be more than NT $14 million.

3. International exchanges

Managing Director Ho Wai-hung of the International Federation against Copyright Theft and Secretary General He Ming-ta of the Taiwan OTT Association visited the CIBr on August 23 and thanked it for cracking down on cases of pirated set-top boxes.

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

<table>
<thead>
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<th>Year</th>
<th>Total</th>
<th>Trademarks</th>
<th>Copyright</th>
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<tr>
<td></td>
<td>No. of Cases</td>
<td>No. of Suspects</td>
<td>No. of Cases</td>
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<tr>
<td>2019 Jan.-Sep.</td>
<td>2,822</td>
<td>3,310</td>
<td>1,446</td>
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<tr>
<td>2018 Jan.-Sep.</td>
<td>3,481</td>
<td>3,949</td>
<td>1,474</td>
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Source: National Police Agency (NPA), Ministry of the Interior

Joint Optical Disk Enforcement Taskforce (JODE)

From January to September 2019, the Joint Optical Disk Enforcement Taskforce (JODE) of the Ministry of Economic Affairs has conducted a total of 192 inspections on OD factories, printing plate factories, and related facilities, 20 times less in comparison with the same period of time last year (212 times). The JODE also consulted law-abiding OD factories to establish an internal control and audit system and has carried out, during this period, 20 relevant documented audits in this regard. No major violation was found as a result.

The Custom Administration

1. Law Enforcement Results

The Custom Administration of the Ministry of Finance has been carrying out its duties regarding border protection 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. Results of the customs Administration from July to September 2019 are listed as follows:

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<th>Copyright</th>
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Source: The Joint Optical Disk Enforcement Taskforce (JODE), Ministry of Economic Affairs
(3) As part of its efforts to step up exchange of information on counterfeiting with global counterparts, the Customs Administration from July to September provided a total of 10 pieces of information for customs authorities of other countries.

The Taiwan High Prosecutors’ Office (THPO)

1. Court Rulings

From July to September 2019, the District Prosecutors Offices in Taiwan have investigated and closed a total of 513 cases suspected of IPR infringement involving 594 suspects. Among them, 205 suspects in 146 cases were indicted under ordinary procedures; 197 suspects in 182 cases had their cases heard in a summary judgment; 150 suspects in 147 cases were granted a deferred prosecution; and 42 suspects in 38 cases were not indicted on ex officio grounds. In total, 213 people were convicted guilty by the court during this period, resulting in a conviction rate of 91.81%. Also, when comparing with statistics from the same period of time last year (2018), the number of suspects indicted (including those applied to have their cases heard in a summary judgment) in 2018 stood at 382, while that in 2019 increased to 402, resulting in a 5.24% year-on-year increase. With regard to the number of suspects convicted, the figure stood at 217 in 2018, and 213 in 2019, representing a 1.84% year-on-year decrease.

Status of adjudication of Taiwan District Courts on IPR infringement cases

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<th>Categories</th>
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<td>Jan.-Sept.</td>
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<td>Source: Taiwan High Prosecutors’ Office</td>
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IPR Awareness Campaigns

1. National Policy Agency of the Ministry of the Interior conducts awareness campaigns on laws and regulations

In the third quarter of 2019, the Criminal Investigation Brigade (CiBr) visited a total of 75 companies. The CiBr provided information relating to trade secret laws, assisted in examining confidentiality measures, and conducted 34 courses on trade secret laws.

2. MOFA advocates IPR protection

At Taiwan Today, an electronic newspaper, a total of 7 articles on Taiwan’s IPR policies were published, in languages such as English, French, Spanish, and Thai.

3. The Council of Indigenous Peoples holds IPR protection education campaigns

(1) A total of 15 universities and colleges passed a preliminary review for joining the “2019 Talent Cultivation Program for Protecting Traditional Intellectual Creations of Indigenous Peoples.” Starting in September, seminars, intensive courses, and credit courses have been held.

(2) According to the “2019 Media Campaign for Traditional Intellectual Creations of Indigenous Peoples,” starting on June 13, two advertisements have broadcast through 10 national display networks. On August 26, the first TV advertisement, “Unlimited Values,” was launched to advocate respect for traditional intellectual creations of indigenous peoples. The advertisement emphasizes the importance of licensing and the correct ways to use copyrighted works.

4. Ministry of Economic Affairs holds IPR protection education campaigns

(1) IPR awareness lecture series

To strengthen the public’s IPR awareness, TIPO in April began officially accepting registration for the 2019 IPR Protection Service Group lectures. Corporations, civil groups, and schools of all levels are eligible to register and, once approved, on-site lectures on issues of interest (including patent, trademark, copyright, and trade secrets) along with consultation services will be arranged free of charge. From July to September, 27 lectures had been organized.

(2) Copyright information events

On the copyright issues concerned by the public in recent years, TIPO has held information events. Such include “Information Event on Copyright for Online Creations (including home-made short films)” held on July 5 in Kaohsiung, as well as “Information Event on Copyright for Utilizing Works Online (such as using commodity photos on e-auction sites)” held on July 12 and August 23 in Taichung and Taipei. The events were attended by 55 and 188 counts of people respectively.

(3) The IPR on the Campus Task Force

From July to September 2019, the IPR on the Campus Task Force, a group composed of 172 seed instructors from 29 universities, visited 17 elementary, junior and senior high schools, as well as vocational schools, to promote the concept of IPR protection, by fun, lively group activities. A total of 2,803 students took part in these events. A subsequent survey shows that, more than 90 percent of student learned that sound or video recording, digital scanning, and photocopying are all considered as “reproduction” prescribed in the Copyright Act. More than 90 percent of them said that they know the importance of respecting online copyright. A total of 242 and 7,652 broadcasts were made respectively.

(4) Internet copyright awareness activities

I. To more quickly spread awareness information on the Internet, from July 12 to 21 and from August 23 to September 1, “Goodbye Copyright Issues,” a prized Q&A activity, and a prize draw entitled “Enlightened by the Copyright Act” were launched respectively. More than 3,900 fans took part.

II. Operations of the “Idea My Dear” Facebook fan page continue. A total of 10 new cartoons and animations such as “Designing Board Games,” “Comics Adapted from Famous Scenes in TV Drama,” “Photographing Online Auction Products for Purchasing Agents,” and “Selling Shirts with Prints of Cute-version Movie Characters” were released. From July to September, 54 posts were published, and 19 replies to questions regarding copyright on the Internet were also given. The page gathered about 498 new fans during this period of time.

(5) Advocacy video broadcasts

From July 1 to 31, TIPO entrusted six domestic satellite television services and Taiwan Radio to broadcast a 30-second awareness animation entitled “Copyright for Online Streaming” and another 30-second advertisement entitled “Illegal Online Downloads are Prohibited – Including Music, Films and Articles” extensively (in three language versions, Mandarin, Taiwanese and Hakka), in hopes of strengthening people’s understanding of and respect for online copyright. A total of 242 and 7,652 broadcasts were made respectively.