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TIPLO News

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This news mail distributed in Japanese and English from time to time provides updates on the development of law in Taiwan with focus on intellectual property rights law. For more information about the status of intellectual property right protection and practice in Taiwan, please visit our website www.tiplo.com.tw

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01 Taipei Inks City Domain Agreement with ICANN to Launch Domain Suffix “.taipei”

Taipei City Government sealed a registry agreement with the Internet Corp for Assigned Names and Numbers (ICANN) on August 20, 2014 to operate the top-level domain suffix “.taipei”.

Taiwan has had the only top-level domain suffix “.tw”, the country code top-level domain (ccTLD), which is administered by TWNIC (Taiwan Network Information Center) under ICANN’s authorization. Taipei City Government has filed the application for the top-level domain suffix .taipei since 2013. Now, with the application being approved by the ICANN, groups from private sectors will be able to use not only .tw suffix but also .taipei suffix.

As one of the top ten most innovative cities in the Asia Pacific region and the pioneer of promoting digital smart city, Taipei will be able to use the new domain name “.taipei” as the important landmark in the online world. With the signing of the agreement, Taipei enters the ranks of international metropolises, such as, Tokyo, New York, London, Paris, and Berlin in providing the city-specific TLD registration service.

Distinguishable and associable with Taipei’s city images, the suffix “.taipei” will be able to boost and market Taipei and to drive industrial upgrade by making invitation to well-known brands in all sectors, organizations and individuals to identify with Taipei by registering their domain name under the “.taipei” TLD, for the ultimate purpose to pave the way for the city to enjoy a higher profile in cyberspace and in the greater international community.

Taipei City Government will begin to adopt the new domain name “.taipei” for a number of online service portals so as to satisfy the needs of digital life, including the websites of departments and agencies under the Taipei City Government and the websites for the special 1999 phone line for city residents (1999.taipei) and the public bicycle rental system YouBike (youbike.taipei) which are to be among the first websites to adopt the “.taipei” suffix this year. In addition, Taipei City Government is subject to ICANN’s regulations to gradually and periodically open the suffix “.taipei” for registration. Registration of the suffix is scheduled to open to all relevant trademark owners around the world in November 2014. (August 2014)

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02 Result of Copyright Infringement Lawsuit Initiated by Laiho Culture Foundation & Museum against Two Taiwanese Companies

Laiho Culture Foundation & Museum pressed charge against United Digital Publications Co. (hereinafter “United Digital”) and Greatman Management Consulting Inc. (hereinafter “Greatman”) for infringing upon the copyrights of Lai Ho’s works. The IP Court rendered a judgment in the second instance reversing the first instance judgment to the effect that United Digital and Greatman do not violate Taiwan Copyright Act but should pay TWD300,000 in damages.

Lai Ho Culture Foundation & Museum acquires, collects and preserves full collections of books, calligraphy and paintings, manuscripts, relevant documents, and things left or owned by Lai Ho, the father of the new Taiwanese literature. Having spent ten years and more than TWD16,000,000, Lai Ho Culture Foundation &

Museum published a series of image collections of Lai Ho's manuscripts in year 2000, a result of much time and manpower and efforts taken by Prof. LIN Rui-Ming of National Cheng Kung University and descendant of Lai Ho, LAI Yue-Yun who had been jointly compiling the things and remains left by Lai Ho. United Digital and Greatman, however, without due authorization from Lai Ho Culture Foundation & Museum, included the series into their database of the "Continuation of Taiwan Literature Series" by way of scanning and reproduction, for their registered online members' downloading or purchasing on a fee-charging basis to gain profits, and accordingly infringed upon the copyrights held by Lai Ho Culture Foundation & Museum.

According to the IP Court judgment, the series of image collections of Lai Ho's manuscripts are not eligible for copyright protection as opposed to that defined in Article 7 of Taiwan Copyright Act providing that a compilation work which is formed by the creative selection "and" arrangement of materials is eligible for copyright protection. The IP Court held that the compilers of the said series of image collections of Lai Ho's manuscripts fail to show their subjectively spiritual, intelligent, cultural, and creative representations in the selection of materials. That is to say, Lai Ho Culture Foundation & Museum and Prof. LIN Rui-Ming did not present how they selected these collected materials in a unique way and perspective. Further, even if the arrangement of materials of the said series of image collections of Lai Ho's manuscripts indeed show these collected materials in a unique way, the series of image collections of Lai Ho's manuscripts do not form a compilation work that is eligible for copyright protection.

In addition, plate right shall subsist for a period of ten years beginning from the time the plate is completed and is subject to a registration basis. Lai Ho Culture Foundation & Museum and Prof. LIN Rui-Ming did not complete registration for the said series of image collections of Lai Ho's manuscripts. Considering the investment gains that should arise from the said series of image collections of Lai Ho's manuscripts as a result of much time and manpower put therein by Lai Ho Culture Foundation & Museum and Prof. LIN Rui-Ming, the IP Court decided that Lai Ho Culture Foundation & Museum and Prof. LIN Rui-Ming deserve protection at least for their legal interests, not legal rights, while their legal interests should never go beyond the scope of the statutory plate right. Therefore, the IP Court determined that the protection for their legal interests should expire on December 31, 2010, instead of indefinitely.

In judgment, the IP Court also stated that United Digital and Greatman should pay to Lai Ho Culture Foundation & Museum the compensation of TWD300,000 on the ground that as professional database service providers, United Digital's and Greatman's act of reproducing all the said series of image collections of Lai Ho's manuscripts without due authorization obviously goes against the national moral ideas, transaction practices, and commercial ethics, and therefore violates Lai Ho Culture Foundation & Museum's interests and causes damages to another by way contrary to good morals. The case is appellable if Lai Ho Culture Foundation & Museum disagrees with the IP Court judgment. (August 2014)

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03 Taiwan/Japan: ITRI and Komori Jointly Present New Touch Panel Technology

Taiwan's Industrial Technology Research Institute (ITRI) team up with Japanese printing company, Komori Machinery Co., (Komori) to develop the one-step roll-to-roll metal mesh printing technology. Unveiled by the two companies on August 26, 2014, the one-step R2R metal mesh is able to manufacture 11.6-inch tablet in one step and cut the production cost by around 30% compared with the existing technology. This technology breakthrough will also give local touch panel suppliers an edge in the global panel market.

According to Dr. C. T. Liu, General Director of Electronics and Optoelectronics Research Laboratories, ITRI, by combining ITRI's specialty in flexible electronics and system integration with Komori's ability in machinery manufacturing and refined printing technologies, ITRI and Komori jointly fabricated the touch panel with very slim and narrow bezel in 2013. In 2014, the two companies also bring to the world an innovative breakthrough technology of putting medium- and large-sized touch sensors into mass production and printing metal mesh that can replace the costly ITO films (indium tin oxide), and meet the requirements of ultra-slim, narrow bezel, low cost, and simplified manufacturing process.

Besides, significant advancements have been accomplished in manufacturing process. ITRI and Komori adopt full printing system to print metal mesh. The previous two-step process of printing the narrow bezel and the metal mesh separately can now be done in one step, instead of two, and the new technology is capable of printing lines of various widths in one step. It reduces the complexity of the production and the costly lithography and etching processes required by ITO films. The size of the touch panel is upgraded from 3.5 inch to 11.6 inch, and the new technology is more capable of mass production in terms of its defect-free rate and production rate.

Dr. C. T. Liu said that the ITO film is the most commonly used conductive layer materials for touch panels used in smartphones and tablets, etc., but it is expensive and difficult to be recycled. The industry has been trying to figure out a way to replace it. Now, with the minimum line width of 5um and great transparency and responsiveness, ITRI's metal mesh is expected to replace ITO and to be used to fabricate touch panel of larger size. (August 2014)

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04 Intel and Chunghua Telecom Team Up on Internet of Things, Cloud Computing and SDN

On August 21, 2014, the U.S. chipmaker, Intel, and Chunghua Telecom, the leading telecom services provider in Taiwan signed a memorandum of understanding on cooperation of technology development in areas including IoT (Internet of Things),

cloud computing, and SDN (software-defined network). The partnership announced on August 21, 2014 aims to drive technology innovation, facilitate new usage models, and enable the Taiwanese industry to create new opportunities in emerging technology areas. Chunghua Telecom is the first partner of Intel in Asia for IoT, and the current MOU between the two companies represents Intel's fifth Internet of Things innovation project worldwide.

This is not the first time cooperation between Intel and Chunghua Telecom, as the current MOU expands upon an agreement originally signed by Intel and Chunghua Telecom in October 2010, and Chunghua Telecom became a part of the ODCA (Open Data Center Alliance). Intel and Chunghua Telecom have made remarkable progress in developing cloud computing and relevant applications. Now with the current MOU, Intel and Chunghua Telecom's collaboration on IoT technology will focus on smart homes, energy management and fleet management.

Mr. Gordon G. Graylish, the vice president of sales and marketing group and general manager of enterprise solution sales at Intel, said that the burgeoning IoT and cloud computing will be creating new opportunities for Taiwan's IT sector, and the two companies' collaboration spanning IoT, cloud computing, and SDN will give a big push to the realization of the vision of Connected Society in Taiwan.

With the cooperation with Intel in the current MOU, Chunghua Telecom expects to work with hardware manufacturers and use the software Chunghua Telecom develops so as to increase product value and further to provide innovative and diversified telecom and communication services. Chunghua Telecom Laboratories will first have experience sharing with Intel with respect to the development of prototype system and verification cooperation, and further evaluate the opportunities of subsequent application so as to work with Intel and relevant hardware manufacturers to facilitate industrial development by combining the energy from local and foreign industries. (August 2014)

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05 Taiwan/Japan: Hsinchu Science Park and Kyoto Research Park Sign MOU

Mr. Toshiharu Moriuchi, the President of Kyoto Research Park Corp. and Mr. TU Chi-Hsiang, the Acting Director General of Hsinchu Science Park Bureau signed a cooperation MOU on August 25, 2014 with the hope of enhancing collaboration between the two science parks by way of information and personnel exchanges and communication, technology transfer, and joint business development.

Established in 1987, Kyoto Research Park (KRP) has operated since 1989 in a land area covering a space of 5.6 ha. and 16 buildings. As the first private operated research park in Japan, KRP is established to fulfill the goals of combining the strength and collaborations of the industry, the government, and the academia to create industrial innovation and to commercialize the R&D developed by the academic research institutions for market application.

Even though it is a private operated research park, KRP has sufficiently made use of the strength of government-owned research bodies to facilitate development of their 300 tenant companies.

KRP's cooperation with Hsinchu Science Park (HSP) is based on the following reasons. The industrial structure of northern Taiwan is similar to that of Kyoto specializing in semi-conductor and electronic equipments and components. HSP and KRP may seek to find a new way of cooperation to follow the economic developments under globalization. Cooperation between HSP and KRP will bring in a win-win situation for the tenant firms of both sides. Taiwan may serve as a door to China market for the companies of KRP, while companies of HSP may partner with the companies of KRP to seek more business opportunities.

KRP is very much related to Kyoto Prefecture, Kyoto City, and Kyoto Chamber of Commerce as HSP to Hsinchu County Government and some research institutions, like ITRI. HSP and KRP's cooperation will form and strengthen a web of collaboration. Moreover, both HSP and KRP are the most active members of Asia Science Park Association (ASPA) and the International Association of Science Parks (IASP) and have been closely interacting with each other for a long period of time.

HSP and KRP's cooperation MOU is actually an extension of their rock steady relationship to corporate and industrial cooperation that is beneficial to both sides. (August 2014)

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