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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 snatches 5th spot as one of the most high-tech cities around the world**

The American business site, Business Insider compiled a list of 85 cities around the world and named 25 of them as the most high-tech cities and ranked them based on 10 factors relating to technological advancement chosen by 2thinknow, a research firm engaged in analyzing innovative cities. The 10 factors include the number of patents filed per capita, startups, tech venture capitalists, ranking in other innovation datasets, and level of smartphone use, etc.. San Francisco comes in first, followed by New York (No. 2), London (No. 3), Los Angeles (No. 4), and Taipei (No. 5); Taipei surpasses its competitors of the same region to be the only Asian city claiming the top

5 ranking of the most high-tech cities.

According to 2thinknow's analysis, Taipei has been ahead of other cities in the aspect of industrial design, and hardware, instead of software, is always the focus of developments in Taipei for years. Moreover, some of the largest PC companies, including Asus, MSI, Gigabyte, and Acer, originate in this city. Taipei also has a lot of venture capitalists. (August 2017)

/CCS

E170814Y2

02 Taiwan IPO holds a public hearing on draft amendment to the Examination Guidelines on Non-Traditional Trademarks

On July 7, 2017, the Taiwan IPO announced to seek opinions from all sectors with respect to the proposed amendment to the Examination Guidelines on Non-Traditional Trademarks. Further on July 17, 2017, the Taiwan IPO held a public hearing to touch on the topics and have discussions with experts and scholars of a wide range of circles regarding the amendments. Minutes of the hearing has been made public on the Taiwan IPO's website since July 27, 2017. After compiling and deliberating the extensive opinions sought in the public hearing, Taiwan IPO decided to hold an open attitude toward the applications for scent trademarks and has completed the amendment to the Examination Guidelines. (August 2017)

/CCS

E170801Y2

E170801Y3

03 Online sale of pirated software copies involves more than TWD6million

Software piracy has run rampant. A woman, surnamed Li, had been engaged in online sale of pirated Microsoft software at the minimum bid of one Taiwan dollar and also making laser labels and letter of authorization to cause confusion on the public. Upon receipt of Microsoft's complaint, the First Company of the Criminal Investigation Brigade under the Second Special Police Corps successfully arrested Li after evidence gathering and seized a lot of pirated copies of Win 10, Office 2013, etc. which involved the value of more than TWD6 million. The police referred Li to the relevant district prosecutors office for suspected offenses of Copyright Act and Trademark Act violation. (August 2017)

/CCS

E170824Y3

04 Local art network to pay TWD300,000 to artist for copyright infringement

The renowned artist, LIU Kuo-Sung sued a Taiwan-based art portal and art network named 全球華人藝術網 (hereinafter the "Art Network") for seeking damages over the Art Network's continued use of LIU Kuo-Sung's ("the artist") works after the artist's voluntary termination of the agreement with the Art Network in 2016, which agreement was signed by and between the artist and the Art Network in 2011 for authorizing the Art Network to sell the artist's works.

According to the artist, the Art Network took advantage of the event of 2011 top 100 artists selection to deceive him into signing the agreement and also reproduced, adapted, distributed, and transmitted in public the artist's works without his due authorization. On the other hand, the Art Network claimed that there was no description in the agreement relating to the event of 2011 top 100 artists selection and the artist knew about the Art Network's publishing on their website and using in promotional events the artist's works and the artist even cooperated to provide his works, which makes it clear that the artist agreed and understood the content of the agreement.

Judging from the agreement signed by and between the artist and the Art Network, the IP Court held that the artist indeed authorized the Art Network to sell his works and granted copyrights but the artist does not prove the alleged acts of fraud and coercion of Art Network. Even so, the Art Network should have stopped using the artist's works after the artist issued a letter to terminate the agreement in 2016 and thus the Art Network had no rights to continue using the artist's works upon receipt of the artist's letter. Therefore, the IP Court decided that the Art Network and its responsible person should jointly and severally pay to the artist TWD300,000 in damages, run the gist of the IP Court judgment in local newspapers, and also remove the artist's works from the Art Network's website and from relevant websites (台灣百年藝術家傳記電子書 and 台灣百大水墨畫家). This case is appealable. (August 2017)

/CCS

E170815Y6

05 “Intellectual Property and Computer Crime Communication Platform” established in Kaohsiung, Taiwan

The “Intellectual Property and Computer Crime Communication Platform” for Kaohsiung metropolitan has been officially established since August 15, 2017 for the purpose of immediate investigative measures to be taken, through the immediate communication on the Platform, by the police and the investigation authority as commanded by prosecutors whenever any suspected IP and computer crimes are sighted and uncovered. The functioning of the said Platform will enable the police and investigation authority to promptly bust criminals and also seize and confiscate all criminal tools and earnings and ultimately to impede crimes.

Mr. ZHOU Zhang-Qi, Chief Prosecutor of Kaohsiung District Prosecutors Office, pointed out the insufficient power for IP rights protection even though periodical forums with enterprises have been held for information exchanging. To strengthen IPR protection power and energy, the said Platform is created and successfully established through the cross-office collaboration between Chief Prosecutor Zhou of Kaohsiung District Prosecutors Office and Chief Prosecutor WANG Jun-Li of Qiaotou District Prosecutors Office. It is expected that the investigation on IP and computer crime cases in the Kaohsiung metropolitan can be integrated by means of the horizontal urgent reporting and communication functions of the said Platform, so as to identify and solve all relevant problems and ultimately to enhance investigative efficiency and protect the enterprises' and people's rights.

According to Chief Prosecutor WANG Jun-Li of Qiaotou District Prosecutors Office, Qiaotou District Prosecutors Office has received a total of 251 cases involving IP and computer crimes since their official establishment on September 1, 2016. He also talked about the great importance of trade secrets protection to enterprises and also the severe adverse impact on enterprises' development advantages and product

competitiveness caused by insufficient protection. Now with the said Platform, the well functioning communication on the said Platform will be able to timely preserve relevant evidence at the beginning of any cases and to upgrade investigation performance. The rights of the residents and enterprises of the Kaohsiung metropolitan can be well protected accordingly.

The above mentioned two prosecutors offices will take turn to hold the regular meetings for the said Platform for every six months, through which they will exchange information from all sectors, build team consensus, strengthen professional knowledge, and bring about the synergy of crime combating. (August 2017)

/CCS



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