

TAIPEI MAIN OFFICE

7th Floor We Sheng Building,
No.125, Nanking East Rd. Sec.2,
P.O.BOX 39-243, Taipei 10409, Taiwan
Tel: 886-2-2507-2811 • Fax: 886-2-2508-3711
E-mail: tiplo@tiplo.com.tw
Website: www.tiplo.com.tw

TOKYO LIAISON OFFICE

No.506 Lions Mansion ,
13-11, Shinjuku 2-Chome,
Shinjuku-ku, Tokyo 160-0022, Japan
Tel: 81-3-3354-3033 • Fax: 81-3-3354-3010

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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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E190928Y5

- 01 2019 Taiwan Innotech Expo rounded off with Taiwan's creativity and innovation on full display to the world**

The three-day Taiwan Innotech Expo (TIE) successfully came to a close on September 28, 2019 with more than 45,000 international and local professionals' and visitors' participation. A broad display of products and inventions came from 30 different countries to attract buyers and visitors mainly from 37 countries, including Mainland China, Japan, Korea, USA, Thailand, Hong Kong, Bulgaria, Canada, Egypt, Singapore, Vietnam and others. The biggest local winner that walked away with two Platinum Awards and numerous gold, silver, and bronze awards is Taiwan's National Central University. Featured by a great diversity of inventions, TIE has earned full recognition from foreign inventors and made itself one of the top trading and retail platforms for patents and inventions.

More than 1,000 patented technologies and products were put on display in major pavilions. Asia Silicon Valley Development Agency worked with some of Taiwan's major technology companies to display the latest self-driving car, central control platform, related components, and smart application services thereof at the Future Technology Pavilion, in the hope of presenting Taiwan's autonomous vehicle capabilities and R&D strength. Moreover, the Industrial Technology Research Institute (ITRI) showcased its dye-sensitized battery at the Sustainability Pavilion.

ITRI's dye-sensitized battery is featured by its advantages of light weight, low cost, and the low power threshold that it can still generate electricity even in indoor settings with a low illuminance of around 200 lumens. Besides, the Innovative Invention Pavilion attracted interest from foreign and international inventors and demonstrated 59 innovative technologies, which has not only contributed to transnational communication and patent-related cooperation but also almost TWD1 million generated in trade value as estimated by the Ministry of Science and Technology. It is a fruitful outcome showing that Taiwan's creativity has been fully recognized in the international grand stage.

Arranged by Taiwan IPO, the Excellent Inventions Pavilion had 41 inventions winning Taiwan's National Invention and Creation Award for 2018. These inventions covered various industries of circular economy, intelligent machinery, optoelectronic liquid crystal, information and communication, biotechnology and medicine, medical engineering materials, and presented to the world Taiwan's full and innovative power and strength. Moreover, the two main foreign participant groups, Korea Invention Promotion Association (KIPA) and Indonesian Invention and Innovation Promotion Association (INNOPA) also stated that as one of the top innovation shows in Asia, TIE continues growing in size and provides a representative and prestigious platform for foreign inventors to show their inventions. For them, TIE is a yearly grand invention meeting they cannot be absent from. (September 2019)

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E190830Y2

02 Marks found unregistrable for containing geographical indication

Grace Optical Co., Ltd. (Chinese: 得恩堂眼鏡有限公司, a locally well-known eyeglasses company, hereinafter "Grace Optical") filed an application with Taiwan IPO for registering "BOY LONDON" as a trademark (hereinafter the "proposed mark") on February 26, 2018, but Taiwan IPO found the proposed mark "BOY LONDON" unregistrable on the ground that the proposed mark is likely to confuse consumers or to form mistaken belief with respect to the nature, quality, or place of origin. Disagreeing with the Taiwan IPO's denial of their application, Grace Optical filed an administrative appeal with the Ministry of Economic Affairs and the appeal was dismissed as well, and therefore, Grace Optical instituted administrative proceedings with the Taiwan IP Court. The administrative proceedings were dismissed by the IP Court.

Grace Optical argued that what consumers know and are familiar with is the mark as a whole, and that the proposed mark is not "LONDON BOY", but "BOY LONDON", which does not carry a literal meaning to form mistaken understanding that the product under the proposed mark is from London. Besides, there have been no consumers complaining against Grace Optical's use of the proposed mark about false or misleading labeling nor other competitors filing complaint with Taiwan Fair Trade Commission against Grace Optical over unfair competition for use of the proposed mark.

Grace Optical maintained that they are famous for the services of providing eyeglasses and prescribing and fitting eyeglasses, and have been taking a significant position on Taiwan market since their incorporation in 1965. In addition to the proposed mark, Grace Optical has duly registered its "羅密歐 BOY LONDON" mark since 1991 and has been using the "BOY LONDON" mark that has been well recognized by consumers. To beat the unregistrable reason about geographical name, Grace Optical also argued that there have been other trademarks containing such words as "TOKYO", "SEOUL", and "Wellington", but the products sold under

these trademarks are not necessarily from Tokyo of Japan, Seoul of South Korea, and Wellington of New Zealand. It is obviously unfair for Taiwan IPO to have approved applications of the aforesaid trademarks but negated the proposed mark as a registrable one.

According to Taiwan IP Court's reasoning, the word "London" may be used as a personal name but is not generally used as one. It is used as the name of the city London, the capital of the UK, more often than a personal name as most people think. Hence, the word "London" would mostly mean the geographic name of the city London. In this case, even though the proposed mark contains a word "boy" before "LONDON", it would still form a misconception that the products or services under the proposed mark come from London or are related to city London, if it is observed and seen as a whole. Moreover, as to the other trademarks containing such words as "TOKYO", "SEOUL", and "Wellington" as indicated by Grace Optical as rebuttal, they have been approved of registration as trademarks because they are designated on different products or services. The registrability of any proposed mark should be tested and examined on a case-by-case basis and on such factors as fact, evidence, distinctiveness, likelihood of consumers' confusion and misconcept. (August 2019)

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台灣國際專利法律事務所

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