



Please rest assured that Taiwan IPO and our firm have been maintaining normal operation as the coronavirus pandemic spreads throughout the world.

When faced with the severe global health crisis triggered by the pandemic, please take good care of your health and stay healthy.

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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E201118Y1

- 01 Gudeng Precision and Entegris, Inc. settle patent litigation**

Taiwan-based semiconductor-related equipment and materials supplier, Gudeng Precision Industrial Co., Ltd. (hereinafter referred to as "Gudeng Precision") held a press conference to announce a major event on November 18, 2020 that Gudeng Precision and Entegris, Inc. have inked license agreements to settle and resolve all pending patent infringement lawsuits and disputes between them relating to the Reticle SMIF Pod and EUV POD products. The terms of the agreements are confidential. (Released 2020.11.18)

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E201102Y1

E201030Y1

- 02 Winner list of 2020 National Invention and Creation Award comes out**

Taiwan IPO made public the winning patents of the 2020 National Invention and Creation Award by selecting 43 top-quality patents, which won 6 golden prizes and 20

silver prizes in the invention category and also 5 golden prizes and 12 silver prizes in the creation category, respectively, with a total of 8.6 million grants received.

According to Taiwan IPO, there were a total of 583 qualified patents competing for the awards in 2020, and the prize winning entries involved the technologies of photoelectric liquid crystal, information and communication, biopharmaceutics, medical engineering materials, smart machinery, circular economy, and so forth. In the invention category, the selected patents include “Image Device Corresponding to Depth Information/Panoramic Image and Related Image System Thereof”, “Channel-Based Positioning Device, System and Method Thereof”, “Quinoxaline Compounds as Type III Receptor Tyrosine Kinase Inhibitors”, “Cutting tool holder”, “Force-limited damping device”, and “Lens Module and Eye Fundus Camera Including the Same”. A lot of the winning patents take full advantage of Taiwan’s superiority in the industry of biotechnology and biomedical engineering. For example, Medimaging Integrated Solution Inc.’s patent, “Lens Module and Eye Fundus Camera Including the Same” is a hand-held fundus retina photography optical equipment combining optical lens module and lighting system, characterized by its superior features and functions of compact and lightweight size, mydriasis-free, high-speed photography, and instant image display, and recording and transmitting high-resolution digital optical images of the eyeball in medical level. This invention has been patented in the U.S., China, and Europe, and has been embodied in ODM products and other commercialized goods for sale on the market. With high technical R&D performance and clear-cut patent value, this patent enjoys high degree of commercialization and market potential.

In the creation category, the prize winning patents include “A Co-Gate Electrode Between Pixels Structure”, “Reinforcement Steel Friction Welding Machine”, “Head Mounted Display”, “Pots and Pans”, and “Handheld Vacuum Pumping Device”, etc.. Among these winning patents, Darhung Machinery Co., Ltd.’s “Reinforcement Steel Friction Welding Machine” is featured by its abilities to solve the disadvantages of traditional hydraulic cylinder welding machine that lack stable thrust force, stable welding quality, and has to adjust pressure step by step. As opposed to the traditional welding machines, the patent “Reinforcement Steel Friction Welding Machine” possesses the advantages of high output, precision, quality, stability, and commercial value and will hold high market share for its sale in both domestic and foreign markets. (Released 2020.11.02)

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E201104Y2

03 Taiwan IPO publishes and submits draft amendment to Trademark Act for Taiwan Executive Yuan’s review

For completing the trademark legal regime, the Taiwan IPO has prepared and proposed the draft amendment to partial provisions of the Trademark Act of Taiwan. This amendment revises 16 articles and incorporates 2 new articles and has been submitted to the Executive Yuan for examination on October 27, 2020.

The main points of the amendment are summarized as follows.

1. Individuals with trademark-related knowledge and professional competence may act as trademark agents and will perform trademark agency services only upon registration. The professional qualifications, certification, requirements for registration, training and required training hours, management measures, revocation or cancellation of registration, and any other relevant details and matters shall be prescribed and administered by the competent authority. This amendment also

introduces transitional clauses and sets forth the time limit for trademark agent registration application. (amended Article 6 and added Article 109-1)

2. To fit in with trademark agent management measures, this amendment requires that the competent authority should prepare and hold trademark agent directory and provide trademark agent register for inquiry. (amended Article 12)

3. Applicants eligible to apply for trademark registration are specified for dealing with the practical needs of different business entities engaged in the business of relevant products or services on the market. (amended Article 19 and Article 99)

4. The accelerated examination mechanism for trademark applications is introduced to satisfy domestic industrial demands and also to keep pace with international practices. (amended Article 19 and Article 104)

5. The scope of trademark rights with respect to the functional part of a trademark is clearly defined and specified. (amended Article 30)

6. To go with judicial practices, this amendment lays down the limits on effect of a registered trademark, which are nominative fair use, prior use with bona fide, and right exhaustion, etc.. (amended Article 36)

7. For an opposition filed based on the reason that a trademark registration infringes upon the prior rights of others as defined by subparagraph 15, paragraph 1 of Article 30 of the Trademark Act, "a final court judgment" shall be present when the opposition is filed. The provisions shall apply *mutatis mutandis* to requests for invalidation and are not subject to preemption. (amended Article 48, Article 58, and Article 62)

8. The procedural requirements for revocation request are relaxed. (Amended Article 65)

9. The new provision is added to stipulate punishment for any individuals acting as a trademark agent without registration or recordation and the effect of publication of a trademark agent's cessation of practice, revocation or cancellation of his/her registration. (added Article 98-1) (Released 2020.11.04)

E201109Y3

04 Operators of the largest video piracy website in Taiwan indicted for Copyright infringement

Taoyuan District Prosecutors Office indicted two suspects, the founders of the most-visited video piracy streaming website in Taiwan, 8maple.ru, for violating the Copyright Act by reproducing, public transmitting, and public broadcasting unlawfully obtained copyrighted works. The two suspects, Chen and Chuang worked with Chinese nationals and used offshore cloud hosting servers to download unauthorized movies, dramas and television series and offer them to online viewers or provide links to other websites free of charge. Also, the two suspects gained revenue by requesting site visitors to click on ads before watching, and their more than TWD67 million worth of property from their illegal dealings has been frozen.

By operating the said video piracy platform, Chen and Chuang infringed the audiovisual works, including 107 Taiwanese dramas, 64 American dramas, 60 Japanese dramas, and 144 movies from Taiwan and abroad, for which the infringed copyright holders, including CK TV, Sanlih E-Television, Fuji Television Network, Inc,

Cai Chang International Inc., and Warner Bros. have collected evidence to bring a lawsuit against the two suspects. The estimated value involved in this alleged IP infringement is estimated to be closed to TWD1 billion.

In order to seek payment of the revenues from the two suspects' illegal dealings and to secure plaintiffs' recovery of their losses, the prosecutor moved for having Chen's and Chuang's illegal gains and real estate seized. (Released 2020.11.09)

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