



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

JANUARY 2021 (E254)

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 Positive Patent Examination Pilot Program for Startup Companies” implemented from January 5, 2021**

Taiwan IPO enacted and promulgated the “Positive Patent Examination Pilot Program for Startup Companies”, which is formulated specifically for startup companies to give priority to patent applications filed by newly established companies and allow eligible applicants to conduct positive interviews. During positive interviews, applicants will be informed of the grounds for rejecting their applications and be provided with advice on amendments of applications to shorten examination process.

For the invention patent applications which are filed by startup company applicants eligible for this program are given priority for examination and are rejected, the Taiwan IPO will provide interview materials and also arrange a time for positive interview within one (1) month after receipt of the applications for positive patent examination. Examiners will provide advice on amendments of such applications on a case-by-case

basis. If the applicants submit responses or amendments within a designated time period, Taiwan IPO will issue a notice of examination result within one (1) month after receiving the same. That is to say, the eligible startup applicants may acquire patents within four (4) months.

The procedural requirements of this program are that there are no charges for the application itself and for positive interview, and applications must be filed electronically, and this program is limited to a total of 30 test applications only. The trial period of this pilot program has begun as of January 5, 2021. Relevant information or details are provided on the Taiwan IPO's website. (Released 2020.12.24)

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02 ELAN Microelectronics sued China-based Goodix Technology for patent infringement

The leading touch controller solution provider, ELAN Microelectronics Corp. (hereinafter referred to as "ELAN") announced on December 23, 2020 that the touchscreen controller made and sold by Shenzhen Goodix Technology Co., Ltd. (hereinafter referred to as "Goodix") for use in touchscreen falls into the right scope of ELAN's Taiwanese invention patent No. I556033 (hereinafter referred to as the "patent in dispute") and thus infringes upon the patent in dispute, and in this regard, ELAN submitted a complaint with the Taiwan IP Court to file a lawsuit alleging patent infringement against Goodix and Shouhon Technology Co., Ltd. (hereinafter referred to as "Shouhon") to safeguard its shareholders' rights and ELAN's IP rights. ELAN has enforced its patent rights to seek removal and cease of patent infringement by Goodix and Shouhon and also to seek damages payment. This lawsuit is now pending at the Taiwan IP Court.

ELAN already filed a lawsuit with Beijing Intellectual Property Court against Goodix and Beijing Xingyi Tongda Technology Co. for patent infringement in early December 2020 and demanded for damages payment of RMB25 million. Getting ahead of the curve in the industry, ELAN has introduced the integrated circuit packaging technology for touchscreen controllers, a technology that is able to provide the best solution for narrowing the bezel of touchscreens and to be widely applied to various mobile electronic devices. ELAN also emphasized that it has been involved in touch technology for many years and has successfully acquired hundreds of patents relating to touch technology in the US, Japan, China, and Taiwan. It is a matter of course that ELAN will actively stand up for its IP rights and battle against acts of patent infringement. (Released 2020.12.24)

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E201230Y5

03 Taiwan Ministry of Economic Affairs amends Regulations Governing the Approval of Investment or Technical Cooperation in Mainland China

In order to prevent potential outflow of technologies as a result of Taiwanese proprietary technologies or IP rights transfer to Chinese nationals, the Ministry of Economic Affairs promulgated an amendment to Article 5 of the "Regulations Governing the Approval of Investment or Technical Cooperation in Mainland China" on December 30, 2020, which specifies that selling or licensing of specific technologies will be considered "technical cooperation" and must be approved in advance. This is to avoid any possible prejudice to Taiwan's industrial development.

Key points of the amendment are summarized as follows.

1. Scope of technical cooperation is extended.

All future transfer and license of Taiwanese proprietary technologies or IP rights to Chinese entities or Chinese nationals will be included into the scope of technical cooperation that is subject to prior approval of the competent authority.

2. Both direct and indirect technical cooperation are subject to prior approval.

By reference of the comments sought and gathered during the public comment period, the amendment provides that both direct and indirect transfer or licensing are now subject to regulatory approval, so as to avoid a scenario that Taiwanese nationals transfer or license their proprietary technologies or IP rights indirectly to Chinese entities through any third-area company to skirt relevant regulations.

3. The scope of regulatory approval and control is widened and defined.

During the public comment period, “integrated circuit layout” sector was targeted for regulatory control by the Ministry of Economic Affairs. However, after consideration of the ever-changing development of IP rights and “integrated circuit layouts” having been covered by “specialist technology”, the Executive Yuan examined and decided on this issue that technical cooperation in China involving “proprietary technologies, patent rights, trademark rights, or economic rights” are now subject to regulatory approval and control.

Moreover, in view of the facts that technical cooperation in China is, in practice, subject to prior approval and the review procedure thereof is different from that of investment in China, the Ministry of Economic Affairs also promulgated an amendment to Article 4 of the “Regulations Governing the Examination of Investment or Technical Cooperation in Mainland China” by adding in paragraph 2 of Article 4 a separate review procedure specifically for Taiwanese nationals’ applications for technical cooperation in China. (Released 2020.12.30)

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