



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

JUNE 2021 (E259)

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

Topics in this issue

- 01 Amendment to the Patent Examination Guidelines for Computer Software-Related Inventions taking effect as of July 1, 2021**
- 02 Taiwan recognized for trade secrets protection in 2021 Special 301 Report**
- 03 Taiwan's TSMC makes TIME's first ever list of 100 Most Influential Companies**

Taiwan High-Tech News

- 01 Japan Will Invest in TSMC's 3DIC R&D Center**
- 02 MediaTek launches new 6nm 5G smartphone chipset**
- 03 Hon Hai and Yageo collaborate to establish XSemiconductor to extend business into semiconductor industry**

Topics in this issue

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01 Amendment to the Patent Examination Guidelines for Computer Software-Related Inventions taking effect as of July 1, 2021

Taiwan IPO announced that the amendment to the Patent Examination Guidelines for Computer Software-Related Inventions (in Volume II, Chapter 12 of the Patent Examination Guidelines) has come into force as of July 1, 2021. The applications for computer software-related inventions are on the rise as artificial intelligence and big data have boomed in recent years and that has driven the development of new types of applications and inventions in various fields. Thus, to adapt to such industrial changes and the demand for innovation protection, it is necessary to amend the current Patent Examination Guidelines for Computer Software-Related Inventions to build and forge a concrete and consistent examination standards.

The main points of the amendment are summarized as follows.

1. Principles for determining the definition of an invention (eligibility) are clearly specified.

The concept of having “further technical effects” and “simply using the computer” are removed from the current Patent Examination Guidelines for Computer Software-Related Inventions (hereinafter referred to the “Guidelines”). The amendment stipulates that the invention claimed should be the subject matter for examination on eligibility and also provides the steps and flowcharts for determination. Also, case examples are provided in each section to make the determination criteria clearer. (Section 3 of the amendment)

2. Regulations governing inventive step of computer software-related inventions are made consistent with those provided in the general provisions of the Guidelines.

To correspond to the current general provisions regarding the inventive step of the current Guidelines, the amendment introduces new sections with respect to “a person having ordinary skills in the art”, “factors for denying an inventive step”, and “factors for affirming an inventive step,” and further includes “alternatively use of known technical field,” “the systemization of operation methods performed by humans”, “the softwarization of functions performed by prior hardware technology”, and other related types into “simple change” factors for denying an inventive step of the current Guidelines. (Section 4.2 of the amendment)

3. Regulations governing examination on artificial intelligence (AI) and AI-related case examples are introduced.

(1) In response to the situation that artificial intelligence has been widely applied in various fields, it is highlighted in the amendment that examiners should pay attention to the question whether the methods claimed in the applications involving AI-related inventions to be applied in the medical field are the diagnostic and therapeutic methods for human beings and animals that are the unpatentable subject matters in law.

(2) Based on the amended contents regarding patent eligibility and inventive step, AI-related descriptions and case examples are added (Section 4.2.2.1.1.1, Section 4.2.2.1.1.2, case examples 2-12, 2-13, and 3-5 in Section 5.2 of the amendment).

Case examples are included as reference and illustration of the circumstances where the enablement requirement is not satisfied due to insufficient disclosure (Case example 1-1 and 1-2 in Section 5.1 of the amendment).

4. Other regulations for examination

(1) For improving regulations more in line with practical applications and examination, the amendment stipulates that the features of “object/article claims” do not necessarily need to be structurally limited (Section 2.2.1.2 of the amendment).

(2) The amendment incorporates the sections with respect to the circumstances where “claims are not clear or definite” and “claims are supported by the description” (Section 2.2.3 and Section 2.2.4 of the amendment).

(3) The amendment sets forth the allocation of burden of proof with respect to the claims involving functional limitations and means-plus-function language (paragraph (2) of the Notice on Examination in Section 2.3 of the amendment). (Released 2021.06.09)

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02 Taiwan recognized for trade secrets protection in 2021 Special 301 Report

The United States Trade Representative (USTR) released the annual Special 301 Report for 2021 on May 30, 2021, which named China, Russia, India, Indonesia, Chile, Argentina, Saudi Arabia, Ukraine, and Venezuela on the Priority Watch list. Taiwan is not only absent from the list but also lauded and recognized for the efforts to augment trade secrets protection.

Regarding Taiwan, the report highlighted a significant judgment rendered subsequent to the amendment of Taiwan Trade Secrets Act on the case in which the Taiwanese court found that Taiwan-based United Microelectronics Corporation stole the trade secrets from an American semiconductor company, Micron Technology, Inc.. This case represents the substantial cooperation between the Taiwanese and the U.S. investigators and prosecutors.

According to the report, in the past year, countries reported vast quantity of COVID-19 testing kits, personal protective equipment (such as N-95 masks) and sanitizers from China that were determined to be counterfeit. These counterfeits have been pervading the market with the pandemic spreading around and devastating the world. They make their way from the physical marketplace to online markets to exacerbate counterfeiting on the Chinese e-commerce market.

The report also pointed out the aggravated piracy through illicit streaming devices (ISDs) and illicit Internet protocol television (IPTV) apps taking place in countries including Argentina, Brazil, Chile, China, Guatemala, Hong Kong, Indonesia, Iraq, Mexico, Saudi Arabia, Singapore, Switzerland, Taiwan, Thailand, Ukraine, and Vietnam. In particular, China is the manufacturing hub of these devices, while Iraq is source of satellite receivers pre-loaded with pirated IPTV apps. (Released 2021.05.02)

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03 Taiwan's TSMC makes TIME's first ever list of 100 Most Influential Companies

TIME magazine released its inaugural list of 100 Most Influential Companies which are categorized into five groups including Pioneers, Leaders, Innovators, Titans, and Disruptors. Taiwan Semiconductor Manufacturing Company (TSMC) is named as a "titan" along with other international enterprises under the Titans category, including Alibaba, Facebook, Disney, Samsung, Microsoft, and FedEx.

According to the TIME magazine, TSMC is the worldwide leading supplier of custom chips for the laptops, smartphones, and other devices made by Apple, Huawei, and Sony Group Corp.. TIME also indicated that TSMC's services have become more needed and more essential as a result of the curb on U.S. tech sales to the largest Chinese chips maker placed by the Trump administration. (Released 2021.04.29)

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Taiwan High-Tech News

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01 Japan Will Invest in TSMC's 3DIC R&D Center

Ministry of Economy, Trade and Industry (MoETI), JAPAN announced on May 31, 2021: The Japanese government will invest in TSMC's project for establishing a 3DIC materials R&D center in Japan. Said official investment made under Japan's project for post-5G telecommunication infrastructure is authorized with a view to the R&D of advance technology in the field of semi-conductor fabrication.

TSMC will put in over JPY18 billion and the Japanese government will contribute JPY19 billion through the New Energy and Industrial Technology Development Organization (NEDO). Twenty (20) Japanese corporations including Ibiden, Shin-Estu Silicone each will also take a part in the project.

According to the information made public by the MoETI, this 3DIC center will focus on the R&D of advance 3D packaging technology including new-generation processing and substrate materials, bonding process, measuring equipment. A pilot fabrication line will be assembled in the cleanroom of National Institute of Advanced Industrial Science and Technology (AIST) located in Tsukuba-shi (筑波市) after the summer of 2021 with R&D work expected to officially start in 2022. (Released 2021.06.01)

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02 MediaTek launches new 6nm 5G smartphone chipset

Targeting the prospect of increasing 5G penetration, on May 13, 2021 MediaTek Inc. introduced its latest 5G chipset designated for the new addition to its Dimensity 5G smartphone family, the Dimensity 900, which is built on 6nm process technology and to be launched worldwide in Q2 of 2021.

According to MediaTek, the Dimensity 900 5G chipset supports 4K HDR visual enhancements, a 108MP main camera, and Wi-Fi 6 connectivity and features

MediaTek's third-generation APU and FHD+ 120Hz displays. Such a suite of features can not only solve image sticking but also improve web pages scrolling and smooth display of app animation. (Released 2021.05.14)

E210506Y5

03 Hon Hai and Yageo collaborate to establish XSemi to extend business into semiconductor industry

On May 5, 2021, Hon Hai Technology Group and Yageo Group announced to form a joint venture, XSemi Corporation, to focus on the development and sale of power semiconductors and analog semiconductors at the preliminary process so as to cope with the vast demand that is to come from the three major emerging industries of electric vehicle, etc..

Hon Hai and Yageo announced that XSemi's key products will be small ICs at the beginning of its operation, such as, power and analog semiconductors with average selling prices lower than USD2 per unit. (Released 2021.05.06)



台灣國際專利法律事務所

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