



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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E221230X1

E221128X1

E221107X1

01 Everlight Electronics filed patent infringement lawsuit against Raider Electric and Liang Rei Shin in Taiwan

Everlight Electronics, Ltd. (hereinafter referred to as “Everlight”) issued a press release on November 28, 2022 to announce that they filed a patent infringement lawsuit with the Intellectual Property and Commercial Court against Raider Electric Corp. (hereinafter referred to as “Raider”) and Liang Rei Shin Co., Ltd. (hereinafter referred to as “Liang Rei Shin”) for the two companies’ infringement upon Everlight’s No. TWI665406, No. TWI644055 and No. TWI553264 patents (hereinafter referred to as “Everlight’s patents”) by the LED products, including bulbs, tubes, ceiling lamps, and recessed lights made and sold by Raider and Liang Rei Shin (hereinafter referred to as the “infringing products”). In the patent infringement lawsuit, Everlight claimed for damages against Raider and Liang Rei Shin in an amount of TWD100 million and demanded that the two companies should immediately stop making, importing, and selling the infringing products.

As alleged by Everlight, Raider’s “Dr. Bright” LED product and Liang Rei Shin’s “LiGHTNESS” LED product infringed upon Everlight’s patents, which are related to the LED leadframe packaging technology and structure thereof that can enhance the production speed and yield of light emitting devices and also improve the electrical conductivity and thermal dissipation of light emitting devices. The technology can be applied not only to lighting LED products but also to backlighting and automotive LEDs.

On November 7, 2022, Everlight initiated another patent infringement action with the Intellectual Property and Commercial Court against Test Rite Retail Co., Ltd., Jan Cheng Lighting Co., Ltd., and China Electric, alleging that the bulbs, tubes, and ceiling lamps sold by the three companies infringed upon Everlight’s Taiwanese patents, for which Everlight thus claimed for damages in an amount of TWD300 million against the three companies and demanded that three companies should immediately stop making, importing, and selling the aforesaid infringing products. Subsequently, Everlight withdrew the patent infringement action against Test Rite Retail Co., Ltd. and China Electric on November 21, 2022 and December 30, 2022, respectively. (Released 2022.11.28)

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E221201Y1

02 Revisions of the Industry Collaborative Patent Interview Pilot Program come into effect as of January 3, 2023

The Taiwan IPO announced that the Industry Collaborative Patent Interview Pilot Program (hereinafter referred to as the “Pilot Program”), which has been implemented for a trial period from November 1, 2021 through October 31, 2022 and well-received by the public, is revised to take another two years for trial implementation, so as to accomplish and perfect the procedure of collaborative patent interviews. More information with respect to the revisions of the Program, frequently asked questions and answers, and letter of intent are provided at Taiwan IPO’s website. (<https://www.tipo.gov.tw/tw/cp-85-915613-77c21-1.html>)

The Industry Collaborative Patent Interview Pilot Program is enforced to enable patent examiners to better understand the technical content of applicants’ advanced technology patents, to enhance the efficiency and quality of patent examination, to facilitate patent grant, and also to assist applicants in building their patent portfolio.

In addition, patent applicants may submit a letter of intent in paper or in electronic form. (Released 2022.12.01)

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03 Revisions to the Positive Patent Examination Pilot Program for Startup Companies take effect as of January 1, 2023

The Positive Patent Examination Pilot Program for Startup Companies (hereinafter the "Pilot Program") the Taiwan IPO has been promoting since 2022 terminated on December 31, 2022. There was an original requirement that the startups eligible for the Pilot Program should have been founded for less than 5 years. To extend the scope of eligibility for the Pilot Program, the revisions allow the startups that have been founded for less than 8 years to also participate in the Pilot Program. The revisions come into force as of January 1, 2023. More details of the revisions and relevant Q&A are available at the link below:

<https://www.tipo.gov.tw/tw/cp-85-915609-67230-1.html>. (Released 2022.12.01)

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04 Part I (*Procedural Examination And Patent Rights Administration*) of the Patent Examination Guidelines revised with revision adopted as of 1 December 2022, including changes made to Chapter 1, Chapters 3 ~8, Chapter 14, Chapter 17, Chapter 19 and Chapter 20.

The changes are proposed and made in accordance with the interpretation and construction of the relevant laws and regulations to incorporate the same in the practice of the procedural examination of patent applications. In addition to textual revision, examples are introduced to explain to clearly show the operability and operation of the guidelines in practice. Also, documents supporting and produced attached to the patent application upon filing may be executed electronically in line with the global tendency to digital transformation.

(1) Changes made to Chapter 1 concerning the execution of documents

In line with the global tendency to accepting electronic signature and the fact that documents produced in support of the patent application are mostly private documents acceptable upon the consent expressed by the respondent, the Taiwan IPO now accepts that the documents may be executed in any form and manner as long as the signature signed, seal printed or electronic signature given in the document presented is workably intelligible. (*Section 1.2.4*)

(2) Changes made to Chapter 3 concerning the request for name change

Relevant text has been restructured to reflect the practical examination with examples introduced to elucidate the principle of examination at work. Proposing to remove the inconsistency among the documents presented upon filing of the patent application is not proposing a change of the application. Also, examples are introduced by reference to the relevant court decisions to explain the examination of a name change request involving multiple applicants all of whom belong to the same principal. (*Sections 3.1, 4.1 and 4.5*)

(3) Changes made to Chapter 5 concerning the filing date

The exact filing date of an application cannot be determined without the applicant

named in the application being conclusively identified in the first place. The Taiwan IPO has identified three groups of applications which must be looked at carefully to determine if a later date should be designated for the filing date: 1) applications involving change of the principal seeking the patent claimed, 2) applications involving additional applicant(s), and 3) applications involving reduction in the number of applicants named. (Section 1.1)

(4) Changes made to Chapter 7 concerning priority claim and grace period

Practical examples are introduced to show what types of documents produced as evidence in support of the priority claim will be denied of acceptance. (Section 1.5)

(5) Changes made to Chapter 8 concerning evidence of deposit of biological materials

Where the depository institution with which the biological material is deposited is not an IDA under the Budapest Treaty, the documents produced for proof of the deposit must include the evidence proving the survival of the biological material. (Section 4)

(6) Changes made to Chapter 19 concerning the request for registration of placement of pledge on patent right

Required content of the documents to produce upon filing of the request for registration of pledge placed on the patent right is revised up-to-date according to the revision of Article 67 of the Enforcement Rules of the Patent Act announced by the order of 20 October 2022, ref. Jing-Zhi-Zi No. 11104604410. (Section 6.2)

(7) Others

Other changes made include text modified based on the relevant provision of the laws and regulations and the procedural examination in practice, correction of typographical errors, etc. (Released 2022.11.08)

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