

International Comparative Legal Guides



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Trade Marks 2021

A practical cross-border insight into trade mark law

10th Edition

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1 Relevant Authorities and Legislation

1.1 What is the relevant trade mark authority in your jurisdiction?

The relevant trade mark authority is the Taiwan Intellectual Property Office (TIPO).

1.2 What is the relevant trade mark legislation in your jurisdiction?

The Taiwan Trademark Act was first enacted and promulgated on 6 May 1930.

The current Trademark Act was amended and promulgated on 30 November 2016 and became effective on 15 December 2016.

2 Application for a Trade Mark

2.1 What can be registered as a trade mark?

Any sign with distinctiveness, which may consist of words, designs, symbols, colours, three-dimensional shapes, motions, holograms, sounds or any combination thereof, can be registered as a trade mark.

2.2 What cannot be registered as a trade mark?

There is no sign that would be refused registration in Taiwan so long as it is distinctive enough.

2.3 What information is needed to register a trade mark?

The following information is needed:

- A Power of Attorney.
- Specification of goods/services sought for registration.
- The filing date and application number of the corresponding priority application (if priority is claimed pursuant to the corresponding World Trade Organization (WTO) member country's trade mark application).
- A certified copy of the corresponding priority application (if priority is claimed pursuant to the corresponding WTO member country's trade mark application).
- The date of the first display of the goods or services and the name of the exhibition (if priority is claimed pursuant to the exhibition).

- The exhibition priority document (if priority is claimed pursuant to the exhibition).
- Five (5) prints (not less than 5cm and not exceeding 8cm in length and width) of the mark.

2.4 What is the general procedure for trade mark registration?

The trade mark registration procedure and estimated time are provided below:

- The applicant files the application.
- It takes about nine (9) months to receive an official decision.
- The registration fees must be paid within two (2) months from the day after the approval decision has been received.
- It takes about one (1) month to receive the registration certificate after the payment of the registration fees.

2.5 How is a trade mark adequately represented?

- Traditional trade mark: A traditional trade mark should be presented in a two-dimensional still image.
- Non-traditional trade marks:
 - Three-dimensional trade mark: A three-dimensional trade mark should be presented by views depicting the three-dimensional shape of the trade mark. The applicant shall furnish a description explaining the three-dimensional shape. The reproduction may use broken lines to show the manner, placement or context in which the trade mark is used on the designated goods or services with a description explaining such broken lines.
 - Colour trade mark: A colour trade mark does not have to be claimed using an internationally recognised colour code and can be presented by a sample of the colour or colours. The reproduction may use broken lines to show the manner, placement or context in which the colour is, or the colours are, used on the designated goods or services. The matter shown by the broken lines is not a part of the trade mark. The applicant shall furnish a description explaining such broken lines.
 - Sound trade mark: A sound trade mark should be represented by a musical notation on a staff, a numeric music score or written explanation.
 - Motion trade mark: A motion trade mark can be presented by still images of the varying process of the moving images. The applicant shall furnish a description explaining the movement in sequential order.
 - Hologram trade mark: A hologram trade mark can be presented by the perspective drawing(s) of the hologram.

The applicant should provide a description stating the hologram. For a hologram that generates different representations because of different perspective views, the description should include the changes of the different perspective drawings.

- Repeating-pattern trade mark: A repeating-pattern trade mark can be presented by the pattern structure and serial arrangement. Also, the trade mark may be displayed in dotted lines showing the manner, position or context it is used on the designated goods or services; in particular, how the repeating-pattern trade mark is used on a specific portion of goods indicating the actual use should be clearly explained in the trade mark description, however, the dotted lines should not be part of the trade mark.
- Smell trade mark: A smell mark should be presented in written explanation. The applicant may submit product samples, product packages, and articles related to the services provided in actual use, or test papers with the smell, etc., as the specimens of a smell trade mark applied for registration.
- Position trade mark: A position trade mark can be presented by broken lines to show the position where the trade mark is actually applied on the goods or services, and a description clearly describes the trade mark itself and the manner how and the position where the trade mark is used on the goods or services.

2.6 How are goods and services described?

The goods and services are classified according to the Nice Classification system. Most of the class headings will be considered as too broad/indefinite in meaning to be acceptable for registration purposes; it is necessary to specify the goods or services. It is not permissible to claim "all goods in class".

2.7 To the extent 'exotic' or unusual trade marks can be filed in your jurisdiction, are there any special measures required to file them with the relevant trade mark authority?

The measures required to file non-traditional trade marks are given in question 2.5. In filing an application for registration of other non-traditional trade marks that are not given in question 2.5, the applicant must furnish the reproduction of the proposed trade mark. If the reproduction does not clearly and completely present the trade mark, a description or even specimen(s) thereof should be provided in order to precisely define the scope of the rights and to enable third parties to ascertain the registered trade mark and its scope of rights according to the publication of the trade mark registration.

2.8 Is proof of use required for trade mark registrations and/or renewal purposes?

Proof of use is not required for trade mark registrations or renewal purposes.

2.9 What territories (including dependents, colonies, etc.) are or can be covered by a trade mark in your jurisdiction?

A trade mark registered in Taiwan can only be protected in Taiwan.

2.10 Who can own a trade mark in your jurisdiction?

Any juridical or natural person, business or group can own a Taiwanese trade mark.

2.11 Can a trade mark acquire distinctive character through use?

A trade mark can acquire distinctive character through use. Generally speaking, it needs at least three (3) years of use and advertising in Taiwan to acquire distinctive character.

2.12 How long on average does registration take?

It takes at least one (1) year from filing until registration of a trade mark if there is no objection from the examiner.

2.13 What is the average cost of obtaining a trade mark in your jurisdiction?

In addition to attorney fees, the official fees (NT\$) for one (1) application in one (1) class are quoted as below:

Filing Fees

Goods

- NT\$3,000.00 if the designated goods are under 20 items; and
- NT\$200.00 for each additional item if over 20 items.

Services

- NT\$3,000.00; and
- NT\$500.00 for each additional retail service of specific goods if there are over five (5) such services in class 35.

Registration Fees

- NT\$2,500.00.

2.14 Is there more than one route to obtaining a registration in your jurisdiction?

Except by filing an application in Taiwan, there is no other route to obtaining a registration in Taiwan.

2.15 Is a Power of Attorney needed?

A Power of Attorney (simply signed by an authorised person) is needed.

2.16 If so, does a Power of Attorney require notarisation and/or legalisation?

Neither notarisation nor legalisation is required.

2.17 How is priority claimed?

The following documents and information are needed to claim priority pursuant to the corresponding WTO member country's trade mark application:

- Filing date and application number of the corresponding priority application: must be stated at the time of filing the Taiwanese application.

- A certified copy of the corresponding priority application: must be submitted within three (3) months after the Taiwanese application is filed; an extension of time to file the certified copy is not allowed.

The following documents and information are needed to claim priority pursuant to the exhibition:

- The date of first display of the goods or services and the name of the exhibition: must be stated at the time of filing the Taiwanese application.
- Exhibition priority document: must be submitted within three (3) months after the Taiwanese application is filed; an extension of time to file the priority document is not allowed.

2.18 Does your jurisdiction recognise Collective or Certification marks?

Taiwan recognises collective and certification marks.

A collective trade mark is a sign that serves to indicate goods or services of a member in an association, society or any other group which is a juridical person and to distinguish goods or services of such member from those of others who are not members.

A certification mark is a sign that serves to certify a particular quality, accuracy, material, mode of manufacture, place of origin or other matters of another person's goods or services by the proprietor of the certification mark, and to distinguish the goods or services from those that are not certified. Only a juridical person, a group or a government agency which is competent to certify another person's goods or services shall be eligible to be an applicant for an application for registration of a certification mark.

3 Absolute Grounds for Refusal

3.1 What are the absolute grounds for refusal of registration?

The principal absolute grounds for refusal of registration are provided below:

- A trade mark that is non-distinctive.
- A trade mark which is exclusively necessary for the goods or services to be functional.
- A trade mark which is identical or similar to the national flag, national emblem, national seal, military flags, military insignia, official seals, or medals of the ROC, or the state flags of foreign countries, or the armorial bearings, national seals or other state emblems of foreign countries communicated by any member of the WTO under Paragraph 3 of Article 6ter of the Paris Convention.
- A trade mark which is identical to the portrait or name of Dr. Sun Yat-Sen or of the head of the state.
- A trade mark which is identical or similar to the mark of a government agency of the ROC or an official exhibition held thereby, or the medal or certificate awarded thereby.
- A trade mark which is identical or similar to the armorial bearings, flags, other emblems, abbreviations, and names of international intergovernmental organisations or well-known domestic or foreign institutions undertaking business for public interests, and hence being likely to mislead the public.
- A trade mark which is identical or similar to official signs and hallmarks indicating control and warranty adopted by the domestic or foreign countries, and being designated to the identical or similar goods or services.

- A trade mark which is contrary to public policy or to accepted principles of morality.
- A trade mark which is likely to mislead the public as to the nature, quality, or place of origin of the goods or services.
- A trade mark which is identical or similar to a geographical indication for wines or spirits in the ROC or a foreign country, and is designated to goods that are identical or similar to wines or spirits, where that foreign country concludes with the ROC an agreement, or accedes to an international treaty, to which the ROC also accedes, or has reciprocal recognition with the ROC of protection of geographical indications for wines or spirits.
- A trade mark which is identical or similar to another person's registered trade mark or earlier filed trade mark and to be applied for goods or services identical or similar to those for which the registered trade mark is protected or the earlier filed trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers, unless the consent of the proprietor of the said registered trade mark or earlier filed trade mark to the application has been given and is not obviously improper.
- A trade mark which is identical or similar to another person's well-known trade mark or mark, and hence there exists a likelihood of confusion of the relevant public or a likelihood of dilution of the distinctiveness or reputation of the said well-known trade mark or mark, unless the proprietor of the said well-known trade mark or mark consents to the application.
- A trade mark which is identical or similar to another person's earlier used trade mark and to be applied for goods or services identical or similar to those for which the earlier used trade mark is applied, where the applicant with the intent to imitate the earlier used trade mark, being aware of the existence of the earlier used trade mark due to contractual, regional, or business connections, or any other relationship with the proprietor of the earlier used trade mark, files the application for registration, unless the proprietor of the said earlier used trade mark consents to the application.
- A trade mark which contains another person's portrait or well-known name, stage name, pseudonym, or alternative name, unless the said person consents to the application.
- A trade mark which contains the name of a well-known juridical person, business or any group, and hence there exists a likelihood of confusion of the relevant public, unless the said juridical person, business or group consents to the application.
- A trade mark which is an infringement of another person's copyright, patent right, or any other right, where a final judgment of the court has been rendered, unless the said person consents to the application.

3.2 What are the ways to overcome an absolute grounds objection?

An absolute grounds refusal can be overcome through argument, acquired distinctiveness through use, and/or obtaining a letter of consent.

3.3 What is the right of appeal from a decision of refusal of registration from the Intellectual Property Office?

A decision can be appealed in its entirety.

3.4 What is the route of appeal?

The route of appeal is as follows:

- In disagreement with the TIPO's decision, an initial appeal may be filed with the Ministry of Economic Affairs (MOEA) within 30 days, counting from the day after the TIPO's decision has been received.
- In disagreement with the MOEA's decision, an administrative suit may be instituted with the Intellectual Property Court (IPC) within two (2) months, counting from the day after the MOEA's decision has been received.
- In disagreement with the IPC's judgment, an ultimate appeal may be instituted with the Supreme Administrative Court within 20 days, counting from the next day after the IPC's judgment has been received.

4 Relative Grounds for Refusal

4.1 What are the relative grounds for refusal of registration?

With respect to the examination of an application for trade mark registration, Taiwan adopts "the comprehensive examination system", which means that the trade mark authority *ex officio* examines all grounds for refusal including the grounds regarding conflicting trade marks which involve only private interests.

4.2 Are there ways to overcome a relative grounds objection?

An objection can be overcome by argument, limiting the specification, a letter of consent, and/or invalidating the earlier mark.

4.3 What is the right of appeal from a decision of refusal of registration from the Intellectual Property Office?

A decision can be appealed in its entirety.

4.4 What is the route of appeal?

The route of appeal is as follows:

- In disagreement with the TIPO's decision, an initial appeal may be filed with the Ministry of Economic Affairs (MOEA) within 30 days, counting from the day after the TIPO's decision has been received.
- In disagreement with the MOEA's decision, an administrative suit may be instituted with the Intellectual Property Court (IPC) within two (2) months, counting from the day after the MOEA's decision has been received.
- In disagreement with the IPC's judgment, an ultimate appeal may be instituted with the Supreme Administrative Court within 20 days, counting from the day after the IPC's judgment has been received.

5 Opposition

5.1 On what grounds can a trade mark be opposed?

The principal grounds for opposition are given as below:

- A trade mark that is non-distinctive.
- A trade mark which is exclusively necessary for the goods or services to be functional.

- A trade mark which is likely to mislead the public as to the nature, quality, or place of origin of the goods or services.
- A trade mark which is identical or similar to a geographical indication for wines or spirits in the ROC or a foreign country, and is designated to goods that are identical or similar to wines or spirits, where that foreign country concludes with the ROC an agreement, or accedes to an international treaty, to which the ROC also accedes, or has reciprocal recognition with the ROC of protection of geographical indications for wines or spirits.
- A trade mark which is identical or similar to another person's registered trade mark or earlier filed trade mark and to be applied for goods or services identical or similar to those for which the registered trade mark is protected or the earlier filed trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers.
- A trade mark which is identical or similar to another person's well-known trade mark or mark, and hence there exists a likelihood of confusion of the relevant public or a likelihood of dilution of the distinctiveness or reputation of the said well-known trade mark or mark.
- A trade mark which is identical or similar to another person's earlier used trade mark and to be applied for goods or services identical or similar to those for which the earlier used trade mark is applied, where the applicant with the intent to imitate the earlier used trade mark, being aware of the existence of the earlier used trade mark due to contractual, regional, or business connections, or any other relationship with the proprietor of the earlier used trade mark, files the application for registration.

5.2 Who can oppose the registration of a trade mark in your jurisdiction?

Anyone can oppose the registration of a Taiwanese trade mark.

5.3 What is the procedure for opposition?

The procedure is as follows:

- The opposer files the opposition.
- The TIPO notifies the trade mark registrant to submit a defence within a certain time limit (normally 30 days).
- The trade mark registrant submits a defence.
- The TIPO notifies the opposer to submit supplementary opposition reasons within a certain time limit (normally 30 days).
- The TIPO issues a decision.
- The opposition is finalised if no appeal is filed.

6 Registration

6.1 What happens when a trade mark is granted registration?

The registration fees must be paid within two (2) months from the day after the approval decision has been received. The trade mark will be registered and published after payment of the registration fees, and a registration certificate will then be issued.

6.2 From which date following application do an applicant's trade mark rights commence?

Trade mark rights in Taiwan commence from the date of registration.

6.3 What is the term of a trade mark?

The term of a trade mark is ten (10) years.

6.4 How is a trade mark renewed?

Renewal will be granted upon the filing of a renewal application and payment of the official fees.

In addition to attorney fees, the official fee for one (1) application for renewal of one (1) registration in one (1) class is NT\$4,000.00.

The renewal application shall be made within six (6) months before the expiration of its period. However, it is allowed to pay twice the official fees for renewal within six (6) months after the expiration of the period.

7 Registrable Transactions

7.1 Can an individual register the assignment of a trade mark?

An assignment of a trade mark shall be recorded with the TIPO.

For recordal of assignment, the following documents are needed:

- a Power of Attorney of the Assignee: to be simply signed by an authorised person; and
- a Deed of Assignment signed by the parties (a copy of the assignment is acceptable).

7.2 Are there different types of assignment?

A partial assignment is possible for certain goods or services and a trade mark can be assigned with or without goodwill.

7.3 Can an individual register the licensing of a trade mark?

A licence of a trade mark shall be recorded with the TIPO.

A licence agreement is no longer required for filing a licence application if the application is filed by the registrant.

A copy of the licence agreement signed by the parties is acceptable if the licence application is filed by the licensee.

7.4 Are there different types of licence?

A registered trade mark may be licensed by the proprietor, exclusively or non-exclusively, for all or some of the designated goods or services for which it is registered and for a particular locality.

7.5 Can a trade mark licensee sue for infringement?

Only an exclusive licensee is entitled, within the scope of the licence, to bring infringement proceedings in his/her own name unless otherwise prescribed in a licensing contract.

7.6 Are quality control clauses necessary in a licence?

Quality control clauses are not necessary in a licence.

7.7 Can an individual register a security interest under a trade mark?

A creation, change, or extinguishment of a security interest made by a trade mark right-holder shall be recorded with the TIPO.

A description of the security interest signed by the parties is acceptable.

7.8 Are there different types of security interest?

There are no different types of security interest.

8 Revocation

8.1 What are the grounds for revocation of a trade mark?

The principal grounds for revocation are provided below:

- Where the trade mark is altered by the proprietor in different forms from those by which it was registered or supplemented with additional notes whereby the trade mark is identical or similar to another person's registered trade mark in relation to goods or services which are identical or similar to those for which another person's registered trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers.
- Where the trade mark has not yet been put to use or such use has been suspended for a continuous period of not less than three (3) years without proper reasons for non-use.
- Where the trade mark has become the generic mark or term, or common shape for the designated goods or services.

8.2 What is the procedure for revocation of a trade mark?

The procedure is as follows:

- The petitioner files a revocation petition.
- The TIPO notifies the trade mark registrant to submit a defence within a certain time limit (normally 30 days).
- The trade mark registrant submits a defence.
- The TIPO notifies the petitioner to submit supplementary revocation reasons within a certain time limit (normally 30 days).
- The TIPO issues a decision.
- The revocation is finalised if no appeal is filed.

8.3 Who can commence revocation proceedings?

Anyone can commence revocation proceedings.

8.4 What grounds of defence can be raised to a revocation action?

The main grounds of defence may include:

- Non-similarity between two parties' trade marks.
- No likelihood of confusion in the case.
- The trade mark is not used in a form as registered but it should be considered genuine use because its identity remains the same according to the general social concept.

8.5 What is the route of appeal from a decision of revocation?

The route of appeal is as follows:

- In disagreement with the TIPO's decision, an initial appeal may be filed with the MOEA within 30 days, counting from the day after the TIPO's decision has been received.
- In disagreement with the MOEA's decision, an administrative suit may be instituted with the Intellectual Property Court (IPC) within two (2) months, counting from the day after the MOEA's decision has been received.
- In disagreement with the IPC's judgment, an ultimate appeal may be instituted with the Supreme Administrative Court within 20 days, counting from the day after the IPC's judgment has been received.

9 Invalidity

9.1 What are the grounds for invalidity of a trade mark?

The principal grounds for invalidation are provided below:

- A trade mark that is non-distinctive.
- A trade mark which is exclusively necessary for the goods or services to be functional.
- A trade mark which is likely to mislead the public as to the nature, quality, or place of origin of the goods or services.
- A trade mark which is identical or similar to a geographical indication for wines or spirits in the ROC or a foreign country, and is designated to goods that are identical or similar to wines or spirits, where that foreign country concludes with the ROC an agreement, or accedes to an international treaty, to which the ROC also accedes, or has reciprocal recognition with the ROC of protection of geographical indications for wines or spirits.
- A trade mark which is identical or similar to another person's registered trade mark or earlier filed trade mark and to be applied for goods or services identical or similar to those for which the registered trade mark is protected or the earlier filed trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers.
- A trade mark which is identical or similar to another person's well-known trade mark or mark, and hence there exists a likelihood of confusion of the relevant public or a likelihood of dilution of the distinctiveness or reputation of the said well-known trade mark or mark.
- A trade mark which is identical or similar to another person's earlier used trade mark and to be applied for goods or services identical or similar to those for which the earlier used trade mark is applied, where the applicant with the intent to imitate the earlier used trade mark, being aware of the existence of the earlier used trade mark due to contractual, regional, or business connections, or any other relationship with the proprietor of the earlier used trade mark, files the application for registration.

9.2 What is the procedure for invalidation of a trade mark?

The procedure is as follows:

- The petitioner files an invalidation petition.
- The TIPO notifies the trade mark registrant to submit a defence within a certain time limit (normally 30 days).
- The trade mark registrant submits a defence.

- The TIPO notifies the petitioner to submit supplementary invalidation reasons within a certain time limit (normally 30 days).
- The TIPO issues a decision.
- The invalidation is finalised if no appeal is filed.

9.3 Who can commence invalidation proceedings?

Only an interested party can commence invalidation proceedings.

9.4 What grounds of defence can be raised to an invalidation action?

The main grounds of defence may include:

- Non-similarity between two parties' trade marks.
- No likelihood of confusion in the case.
- The cited mark is not well-known in Taiwan in the case that the invalidation action is based on the well-known status of the cited mark.
- The disputed mark is not filed in bad faith.
- The disputed mark is inherently distinctive or has acquired distinctiveness through use.

9.5 What is the route of appeal from a decision of invalidity?

The route of appeal is as follows:

- In disagreement with the TIPO's decision, an initial appeal may be filed with the MOEA within 30 days, counting from the day after the TIPO's decision has been received.
- In disagreement with the MOEA's decision, an administrative suit may be instituted with the Intellectual Property Court (IPC) within two (2) months, counting from the day after the MOEA's decision has been received.
- In disagreement with the IPC's judgment, an ultimate appeal may be instituted with the Supreme Administrative Court within 20 days, counting from the day after the IPC's judgment has been received.

10 Trade Mark Enforcement

10.1 How and before what tribunals can a trade mark be enforced against an infringer?

According to the Taiwan Trademark Act, a trade mark owner may take criminal and civil actions against an infringer for trade mark infringement in Taiwan. In the event of trade mark infringement, a trade mark owner may initiate a civil action with the Taiwan Intellectual Property Court (the Taiwan IP Court) to seek infringement removal and damages against an infringer. Alternatively, the trade mark owner may file a criminal complaint for violation of the Taiwan Trademark Act against an infringer with the district prosecutor's office that has jurisdiction in the place where the suspected infringer has his/her domicile or where he/she commits the violation of the Taiwan Trademark Act. A trade mark owner may also initiate an incidental civil action during the trial proceedings after the prosecutor's indictment. Under the Intellectual Property Case Adjudication Act, the judge will hear and decide on the criminal action and the incidental civil action at the same time.

10.2 What are the key pre-trial procedural stages and how long does it generally take for proceedings to reach trial from commencement?

In Taiwan, instead of the pre-trial discovery regime adopted in the US and Europe, the preparatory proceedings should go first before the parties in a civil action with respect to a trade mark infringement, to present their arguments on substantive issues in the oral argument sessions, after the civil action moves to the proceedings at the district court. The preparatory proceedings usually take around five (5) to eight (8) months, during which period the judge first examines if the required procedural formalities are met, and the parties submit their respective arguments or move for investigation on evidence. The judge compiles and lists the disputed issues on the case.

In a criminal action in regard to a trade mark infringement, the court issues a notice requesting the court appearance of the defendant and the prosecutor (or complainant) for preparatory proceedings, and the judge compiles the important issues on the substantive issues and evidence presented by the parties, provides opinions with respect to the admissibility of evidence presented by the parties, and decides to deny/accept motion(s) for investigation on evidence. The preparatory proceedings for a criminal action take around three (3) to five (5) months.

10.3 Are (i) preliminary, and (ii) final injunctions available and if so on what basis in each case?

Yes, preliminary injunctions and final injunctions are available in Taiwan.

- (i) A preliminary injunction is granted if the claimant can show that an injunction is necessary to prevent material harm or imminent danger or other similar circumstances. The factors generally considered by the court to determine whether a preliminary injunction is warranted include (a) likelihood of success on the merits of the case, (b) if the claimant would suffer irreparable harm in the absence of an injunction, (c) balance of interests between both parties, and (d) impact on the public interest.
- (ii) Final injunctions are typically granted if the claimant is successful at trial in establishing that (a) the trade mark is infringed (trade mark similarity and likelihood of confusion), and (b) the defendant is currently engaging in infringing activities or is likely to engage in infringing activities in the future.

10.4 Can a party be compelled to provide disclosure of relevant documents or materials to its adversary and if so how?

Yes, a party in a civil action may move the court to order the opposing party to produce documentary evidence in the opposing party's possession. The motion must specify the relationship between such documentary evidence and the disputed fact to be proved, as well as the legal ground for the opposing party's duty to produce such documents or materials. Under Article 344 of the Code of Civil Procedure, a party has the duty to disclose: (a) documents to which such party has made reference in the course of the proceedings; (b) documents whose delivery or inspection the other party may require, pursuant to applicable laws; (c) documents which were prepared for the interest of the other party; (d) commercial accounting books; and (e) documents which were made in respect of matters relating to the action (the party may refuse to produce such (e) documents

that involves privacy or business secrets of a party or a third person and the disclosure of such documents may result in material harm to such party or third person. Notwithstanding, in order to determine whether the party has a justifiable reason to refuse the production of the documents, the court, if necessary, may order the party to produce the documents and examine them in private.)

10.5 Are submissions or evidence presented in writing or orally and is there any potential for cross-examination of witnesses?

In a criminal action for trade mark infringement, in principle, arguments or written statements made out of court by any person other than the defendant of an action cannot be taken as evidence, unless they are made by such a person being cross-examined in court. Any person who testifies by providing arguments or written statements before the judge should be ordered to make an affidavit, and any false statements given by such a person will be considered perjury, as defined by the Taiwan Criminal Code. In a civil action for trade mark infringement, either party may introduce a desired witness(es) or produce evidence in written form and also move for the judge to conduct a necessary examination of the witness(es) or conduct such examination himself/herself after informing the judge.

10.6 Can infringement proceedings be stayed pending resolution of validity in another court or the Intellectual Property Office?

No; Article 16 of the Taiwan Intellectual Property Case Adjudication Act requires that the court may not suspend or stay the proceedings pending resolution of validity by the TIPO or the Administrative Court.

10.7 After what period is a claim for trade mark infringement time-barred?

The damages claim for trade mark infringement is time-barred after a two-year period from the time when the trade mark owner becomes aware of the infringement and the infringer, or a 10-year period from the time when the infringement takes place, whichever expires earlier.

10.8 Are there criminal liabilities for trade mark infringement?

Yes, there are criminal liabilities for trade mark infringement in Taiwan.

Any person who commits any of the following acts, in the course of trade and without the consent of the proprietor of a registered trade mark or collective trade mark, shall be liable to imprisonment for a period not exceeding three (3) years and/or a fine not exceeding NT\$200,000.00:

- (1) using a trade mark which is identical to the registered trade mark or collective trade mark in relation to goods or services which are identical to those for which it is registered;
- (2) using a trade mark which is identical to the registered trade mark or collective trade mark and used in relation to goods or services similar to those for which the registered trade mark or collective trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers; or

- (3) using a trade mark which is similar to the registered trade mark or collective trade mark and used in relation to goods or services identical or similar to those for which the registered trade mark or collective trade mark is designated, and hence there exists a likelihood of confusion of relevant consumers. (Article 95 of the Taiwan Trademark Act.)

Any person who knowingly sells or, due to an intent to sell, possesses, displays, exports, or imports infringing goods shall be liable to imprisonment for a period not exceeding one year and/or a fine not exceeding NT\$50,000.00; the same penalties shall also apply to acts performed through electronic media or on the Internet. (Article 97 of the Taiwan Trademark Act.)

10.9 If so, who can pursue a criminal prosecution?

The trade mark owner and/or the exclusive licensee can bring a criminal action against the infringer(s).

10.10 What, if any, are the provisions for unauthorised threats of trade mark infringement?

According to Article 2 of the Taiwan Fair Trade Commission Disposal Directions (Guidelines) on the Reviewing of Cases Involving Enterprises Issuing Warning Letters for Infringement on Copyright, Trademark, and Patent Rights (the Guidelines), the “act of issuing a warning letter by an enterprise” in the Guidelines means an enterprise publicises to its own or another enterprise’s trading counterparts or potential trading counterparts that another enterprise infringes its copyrights, trade marks, or patent rights.

Also, according to the 1st paragraph of Article 3 of the Guidelines, the act of issuing a warning letter by an enterprise constitutes proper exercise of rights pursuant to the Copyright Act, Trademark Act, or Patent Act where the enterprise has issued the warning letter subsequent to confirmation, through one of the following procedures, that its rights have been infringed: (1) copyright, trade mark, or patent right infringement ruling has been rendered by a court of first instance; (2) a determination of copyright infringement has been rendered by the Copyright Review and Mediation Committee after conciliation; or (3) the allegedly infringing article has been submitted for assessment by a professional infringement assessment institution and an assessment report has been obtained, and the potentially infringing manufacturer, importer, or agent has either been notified beforehand or simultaneously about the issuance of the warning letter and is requested to cease such infringement.

In addition, the 1st paragraph of Article 4 of the Guidelines provides that for an enterprise that has only issued warning letters after carrying out the following procedures to confirm its rights have been infringed shall be considered as properly exercising its rights pursuant to the Copyright Act, Trademark Act, or Patent Act: (1) notify the allegedly infringing manufacturer, importer, or agent to request cease of infringement beforehand or simultaneously with the issuance of the warning letter; (2) state clearly the precise content and scope of copyright, trade mark or patent rights, and the concrete facts of infringement in the warning letter, so that the receivers of letters have sufficient knowledge that the rights at issue are possibly being infringed.

By doing so, the enterprise will not violate Article 25 of the Taiwan Fair Trade Act stipulating that in addition to what is provided for in this Act, no enterprise shall otherwise have any deceptive or obviously unfair conduct that is able to affect trading order.

11 Defences to Infringement

11.1 What grounds of defence can be raised by way of non-infringement to a claim of trade mark infringement?

A suspected trade mark infringer may allege non-infringement by raising the following grounds as a defence: (1) the allegedly infringing mark is not identical or similar to the allegedly infringed mark and is unlikely to cause confusion; (2) the allegedly infringing mark is not used as a trade mark; (3) the allegedly infringing mark is not used for marketing purposes; or (4) the allegedly infringed mark should be cancelled or revoked.

11.2 What grounds of defence can be raised in addition to non-infringement?

In addition to a non-infringement allegation, the suspected infringer may assert that:

- (1) he/she properly uses the mark in dispute and should be free from the capacity of the allegedly infringed trade mark right in the following circumstances: (i) he/she indicates his/her own name, or the term, shape, quality, nature, characteristic, intended purpose, place of origin, or any other description in relation to his/her own goods or services, in accordance with honest practices in industrial or commercial matters, but does not use the mark in dispute as a trade mark; (ii) he/she uses the mark in dispute where it is necessary for the goods or services to be functional; (iii) he/she uses, with *bona fide* intent and prior to the filing date of the registered trade mark, an identical or similar mark on goods or services identical or similar to those for which the registered trade mark is protected, provided that the use is only on the original goods or services and the proprietor of the registered trade mark is entitled to request the party who uses the trade mark to add an appropriate and distinguishing indication; or (iv) goods have been put on the domestic or foreign market under a registered trade mark by the proprietor or with the proprietor’s consent, and the proprietor is not entitled to claim trade mark rights on such goods, unless such claim is to prevent the condition of the goods having been changed or impaired after they have been put on the market, and unless there exist other legitimate reasons (Article 36 of the Taiwan Trademark Act);
- (2) no damages should be awarded because the suspected infringer lacks the subjective intention or negligence on which an award of damages must be based; or
- (3) the plaintiff’s claim for damages was time-barred (see the answer to question 10.7).

12 Relief

12.1 What remedies are available for trade mark infringement?

In criminal aspects, the trade mark owner may file a criminal complaint against an infringer for violation of the Taiwan Trademark Act and seek a raid action to be initiated by the police and further initiate an incidental civil action during the trial proceedings after the prosecutor’s indictment, which will produce more impeding effects and also satisfy cost-saving purpose. Seized counterfeit items will be confiscated and destroyed after the judge confirms and sustains the occurrence

of a violation of the Taiwan Trademark Act. A civil action serves as another remedy, by which a trade mark owner may seek injunction, removal of infringement, compensation, and destruction of the counterfeits.

12.2 Are costs recoverable from the losing party and, if so, how are they determined and what proportion of the costs can usually be recovered?

For initiating a civil action regarding trade mark infringement, the plaintiff should first pay litigation expenses to the court, and the losing party should bear the litigation expenses upon conclusion of the case. In other words, the winning party may request the losing party to bear litigation expenses. Where the parties each win the case in part, the court may, at its discretion, order the parties to bear the litigation expenses in a certain proportion or a particular party alone to bear them, or order both parties to bear litigation expenses that have been incurred by them respectively. In addition, the parties each should bear their attorney's fee incurred by them respectively, unless the court determines that the losing party should bear the attorney's fee incurred in the third-instance proceedings.

13 Appeal

13.1 What is the right of appeal from a first instance judgment and is it only on a point of law?

In the criminal aspect of the trade mark infringement action, the complainant may seek an appeal as well, by filing a motion with the prosecutor's office for the prosecutor to take an appeal if he/she finds the judgment unjustifiable. The second-instance judgment will, however, be the final judgment with binding effects on the criminal cases of trade mark infringement. That is to say, neither the prosecutor nor the defendant will be allowed to bring the criminal case to a third-instance trial. In the civil action, either party may appeal the district court judgment to the High Court should they find the judgment unjustifiable. The matter may be brought to the Supreme Court – the court of third instance – if the value of claim meets the NT\$1.65 million threshold. An appeal taken to the Supreme Court must be based on a point of law.

13.2 In what circumstances can new evidence be added at the appeal stage?

The parties in a trade mark infringement action may present arguments, materials and/or introduce (new) evidence in due course during the relevant proceedings, or the court may deny those presented by reason of obstruction of proceedings. Furthermore, as the third-instance court is to examine judicial and only judicial issues, neither party is to present a new argument or introduce evidence of any kind during the third-instance proceedings.

14 Border Control Measures

14.1 Is there a mechanism for seizing or preventing the importation of infringing goods or services and, if so, how quickly are such measures resolved?

The trade mark owner or its authorised agent may file the request for recording its registered trade mark(s) with the Customs Authority with the material on the key points to identify a

counterfeit to the Customs' database for use in combating counterfeiting goods at the borderline. The recordation will be valid until expiration of the trade mark term.

The Customs Authority will withhold the shipment of suspected counterfeits declared for export or import at random inspection based on the relevant recordation data. It should be noted that the Customs Authority's request for an on-site authenticity examination conducted by the trade mark owner or its authorised agent must be answered within 24 hours from receiving a notice from the Customs Authority, and the assessment report confirming the shipment to be counterfeit should be provided to the Customs Authority within three working days (an additional three-working-day extension is allowed). If the result of the authenticity examination shows that the sample examined is counterfeit and the importer/exporter is unable to produce the authorisation letter or any evidence of non-infringement, the shipment shall be detained. And the Customs Authority will refer the case to the relevant prosecutor's office for further investigation.

15 Other Related Rights

15.1 To what extent are unregistered trade mark rights enforceable in your jurisdiction?

Unregistered trade marks that are commonly known to the public are eligible for right protection under the Taiwan Fair Trade Act in the case that they are used in the same or similar manner so as to cause confusion with the goods or service of another (Article 22 of the Taiwan Fair Trade Act). Advertisements published in Taiwan, and figures with respect to sales volume and market share, etc., for the past two (2) to three (3) years, shall be presented if seeking Fair Trade Act protection.

15.2 To what extent does a company name offer protection from use by a third party?

No company may use a company name identical to that of another company. Where two companies' names contain any word that may specify their different business categories, such company names will not be considered identical to each other. A company name can be used exclusively by its owner once it has been approved by, and registered at, the competent authority. Anyone may initiate a civil action with the court for protection of his or her company name from use by a third party. Also, he or she may file a complaint with the Taiwan Fair Trade Commission against the use of his/her company name that are commonly known to the public by a third party in the same or similar manner without his/her prior consent to seek remedy and protection, by asserting the third party's violation of the Taiwan Fair Trade Act.

15.3 Are there any other rights that confer IP protection, for instance book title and film title rights?

The Taiwan Fair Trade Act protection is conferred on unregistered trade marks, personal name, business or corporate name, or container, packaging, or appearance of another's goods, or any other symbol that represents such person's goods, commonly known to the public, so as to cause confusion with such person's goods (Article 22 of the Taiwan Fair Trade Act). In addition, an enterprise may be held in violation of Article 25 of the Taiwan

Fair Trade Act for any deceptive or obviously unfair conduct that is able to affect trading order by taking a free ride on any other person's goodwill, or by the act of plagiarising any other person's packaging or appearance of goods, book title or film title, etc. that is able to affect trading order.

16 Domain Names

16.1 Who can own a domain name?

Anyone can own a domain name after completing the due course of registration.

16.2 How is a domain name registered?

A registrant may apply to the Registrar, such as the Taiwan Network Information Center (TWNIC), to register the domain name he/she selects and to pay the annuity.

16.3 What protection does a domain name afford *per se*?

No one may repeat the registration of any registered domain names. According to the "Domain Name Dispute Resolution Policy" passed by the TWNIC, in the following three circumstances, a complaint should be sustained and the TWNIC Registry Administrator should cancel or transfer a registered domain name to the complainant after the dispute-resolution provider decides in favour of the complainant:

- (1) The domain name in dispute is identical or confusingly similar to the complainant's trade mark(s).
- (2) The registrant of the domain name in dispute has no rights or legitimate interests in the domain name in dispute.
- (3) The registrant has registered or used the domain name in dispute in bad faith.

16.4 What types of country code top level domain names (ccTLDs) are available in your jurisdiction?

TWNIC deals with the disputes with respect to or arising from the country code top level domain names (ccTLDs) ending with ".tw".

16.5 Are there any dispute resolution procedures for ccTLDs in your jurisdiction and if so, who is responsible for these procedures?

In Taiwan, domain name dispute may be brought to the court for resolution by initiating a lawsuit. In addition to a lawsuit, there is another expedited procedure for dispute resolution by having domain name dispute handled by a dispute-resolution provider which is an organisation or institution approved and recognised by TWNIC, such as, Science & Technology Law Institute or Taipei Bar Association, which will select qualified panellists to handle domain name disputes according to the "Domain Name Dispute Resolution Policy".

17 Current Developments

17.1 What have been the significant developments in relation to trade marks in the last year?

The Amendments to the "Intellectual Property Court

Organization Act" and the "Commercial Case Adjudication Act" were promulgated on January 15, 2020, respectively, and the two Acts will be enforced as of July 1, 2021.

The "Intellectual Property Court Organization Act" is amended and renamed as "Intellectual Property and Commercial Court Organization Act" to establish a specialised commercial court that will consolidate the existing IP Court as the "Intellectual Property and Commercial Court".

Highlights of the new amendment to the "Commercial Case Adjudication Act" are summarised as follows:

- (1) Use of e-facility: All briefs or documents shall be submitted through an online system, and the court may hear cases by conducting distance interrogation with audio visual facilities.
- (2) Establishment of specialty court: The Intellectual Property and Commercial Court will be established at the same level as the High Court to have jurisdiction over significant commercial matters in a two-level and two-instance adjudication system so as to seek prompt finalisation of commercial disputes.
- (3) Mandatory representation by attorneys: Attorney(s) shall be engaged to represent the parties to a commercial dispute in litigation procedures to effectively identify the disputable issues and to enhance trial efficiency.
- (4) Mandatory preliminary mediation: Pre-trial mediation for commercial disputes must be conducted by mediators with relevant expertise, so as to seek resolution of commercial disputes by and between the parties and to reduce weariness in litigation.
- (5) Expert witness and litigant's inquiry system: Parties to an action may request for expert witnesses' opinions and also raise inquiries or requests for explanations by the other party, so as to expedite court proceedings.
- (6) Confidentiality preservation order: If any documents, objects to be examined or inspected, or materials required for assessment involve trade secrets, the holder(s) of such documents, objects, or materials may request for the court's issuing confidentiality preservation order to facilitate fact finding and confidentiality preservation at the same time.

17.2 Please list three important judgments in the trade marks and brands sphere that have been issued within the last 18 months.

Case 1: Civil Judgment rendered by the Taiwan Supreme Court under docket number (108) Tai-Shang-Zi No. 397 (Date: January 30, 2020)

Facts

The PHILIP B mark (the mark in dispute) was registered as a trade mark by a Taiwanese proprietor in Taiwan and by an American proprietor in the U.S., respectively. The two proprietors are relating to each other in business, and the American proprietor agreed to the Taiwanese proprietor's application for registering the mark in dispute in Taiwan.

The plaintiff of this civil case is an importer that imported into Taiwan the genuine products bearing the mark in dispute (the product in dispute) from the American proprietor for sale in Taiwan. In order to prevent the Taiwanese proprietor's interference in the sale, the plaintiff initiated an action against the Taiwan proprietor with the Taiwan IP Court to affirm absence of trade mark rights in accordance with paragraph 2 of Article 36 of the Trademark Act of Taiwan. According to paragraph 2 of Article 36 of the Trademark Act of Taiwan, where goods have been put on the domestic or foreign market under a registered trade mark by the proprietor or by any other person with the

proprietor's consent, the proprietor is not entitled to claim trade mark rights on such goods. Also, parallel import of such goods is legal with the operation of the principle of trade mark rights exhaustion as stipulated by the same Article.

Disputed Issue

Does the principle of trade mark rights exhaustion apply to a scenario where a trade mark in dispute is registered by different proprietors in Taiwan and in other countries?

Summary of the Taiwan Supreme Court's Judgment

- (1) The Taiwan IP Court determined both in the first and the second instance proceedings that the principle of trade mark rights exhaustion is not applicable in this case. The mark in dispute was owned and held by different proprietors in Taiwan and in the U.S., and the plaintiff, namely the importer, purchased the product in dispute with the U.S. manufacturer of the genuine products. It was not the case that the Taiwanese proprietor, namely the defendant of this case, was the first one to put the product in dispute on the domestic market and received any remuneration therefrom. Subject to the territoriality principle, the principle of trade mark rights exhaustion should apply where the domestic and foreign proprietors are the same one at the time of the first sale of the goods sold under the trade mark in dispute. In this regard, the importer, namely the plaintiff, should not assert trade mark rights exhaustion against the Taiwanese proprietor with respect to the product in dispute. Therefore, the Taiwan IP Court both in the first and the second instance proceedings decided on this civil case against the plaintiff.
- (2) This civil case was further brought to the Taiwan Supreme Court. The Supreme Court rendered a judgment that even though one mark of the same device which is registered as a trade mark in different countries by its trade mark proprietor or by any others with the proprietor's authorisation is recognised as having separate trade mark rights based on the territoriality principle, the exclusive rights in and to that trade mark also comes from the same proprietor because of the same device thereof. In this regard, trade mark rights exhaustion will occur to the authorised trade mark proprietor as long as the separate and different proprietors to the same trade mark have licensor-licensee relationship or any legal relationship of any kind.
- (3) Hence, the Taiwan IP Court's judgments against the importer (the plaintiff) are not correct. Therefore, the Taiwan IP Court judgments should be vacated and this civil case should be remanded back to the Taiwan IP Court in the second instance for retrial.

Update

After this case was remanded back to the Taiwan IP Court in the second instance for retrial, the plaintiff withdrew this case in June 2020, so this case has been concluded accordingly.

Case 2: The Administrative Ruling made by the Taiwan Supreme Administrative Court under docket number (109) Cai-Zi No. 1092 (Date: July 9, 2020)

Facts

A man surnamed Lin (Lin) successfully trade marked a stylized logo of "Blackmamba" (the mark in dispute) in April 2016 and designated it to be used on apparel, t-shirts, and outerwear. Kobe Inc. filed an opposition action with Taiwan IPO against the registration of the mark in dispute and successfully had it cancelled, which caused Lin to file an administrative appeal but the administrative appeal was denied. Lin further initiated an action with the Taiwan IP Court but lost this case. Thus, Lin went further to appeal this case to the Supreme Administrative Court. The Supreme Administrative Court, however, overruled Lin's appeal.

Disputed Issue

Does Lin's registration of the stylized logo of "Blackmamba" fall into one of the unregistrable grounds as defined by subparagraph 13 of paragraph 1 of Article 30 of the Trademark Act, that is, a proposed mark being unregistrable for containing another's portrait or well-known stage name?

Summary of the Taiwan Supreme Administrative Court's Ruling

- (1) According to the Taiwan IP Court judgment, Kobe Bryant, the famous American professional basketball player, who had the nickname "Black Mamba" for being known for his ability to move as aggressively, rapidly, and agilely on the court as a black mamba, the venomous snake from Africa, whose speed is nearly unmatched. Kobe Bryant has been called or referred to by the nickname "Black Mamba" by his fans, in his official Facebook fanpage or major sports media since the approximate time between June 2010 through to April 2016. "Black Mamba" is Kobe Bryant's nickname, alternative name, as well as stage name that has aroused Taiwanese consumers' (audience's) attention, and in this regard, any labelling including "Black Mamba" would cause Taiwanese consumers to believe that any products bearing "Black Mamba" are related to Kobe Bryant.
- (2) The Taiwan IP Court judgment also stated that "Black Mamba" had already been Kobe Bryant's stage name well-known to Taiwanese consumers before Lin filed the trade mark application for the mark in dispute. Under this circumstance, Lin's acts of applying for trade mark registration for the mark in dispute without Kobe Bryant's prior consent and obtaining economic benefits by using the mark in dispute in commercial activities have impaired the moral right and economic right of Kobe Bryant and form the unregistrable grounds as provided by the Taiwan Trademark Act.
- (3) In consideration of the foregoing, the Supreme Administrative Court affirmed the Taiwan IP Court judgment and dismissed Lin's appeal.

17.3 Are there any significant developments expected in the next year?

1. **A draft amendment to the Taiwan Trademark Act was submitted to the Executive Yuan for examination on October 27, 2020, which is summarised as follows**
 - (1) Individuals with trade mark-related competence and having been qualified and certified may act as trade mark agents and will perform trade mark agency services after and only after completing registration with Taiwan IPO. New provisions are added to impose punishment on any individuals acting as a trade mark agent without registration or recordation and also the effect of publication of a trade mark agent's cessation of practice, revocation or cancellation of his/her registration.
 - (2) This amendment requires that Taiwan IPO should prepare and hold trade mark agent directory for inquiry to fit in with trade mark agent management measures.
 - (3) The accelerated examination mechanism for trade mark applications is introduced to satisfy domestic industrial demands and also to keep pace with international practices.
 - (4) The proposed amendment clearly defines and specifies the scope of trade mark rights with respect to the functional part of a trade mark and also lays down the limits on effect of trade mark rights, which are nominative fair

use, prior use with bona fide and right exhaustion, etc., to go with judicial practices.

2. Taiwan IPO published another draft amendment to the Taiwan Trademark Act in January 2021 and will hold public hearings to seek comments from the participants of all sectors on this amendment. Formulated by reference of the advice from the industry, scholars and professionals and also the legal regime of Japan, the U.S., and Germany, this draft amendment focuses on the issues as summarised below

- (1) Formation of the “Reexamination and Dispute Deliberation Board”: Taiwan IPO will establish an independent and specialised unit, that is, the Reexamination and Dispute Deliberation Board, to specifically review and deliberate remedial cases concerning trade marks.
- (2) Simplified remedial procedures: In case of any objection to the decision of the Reexamination and Dispute Deliberation Board on trade mark applications or trade mark disputes involving validity issue, an action may be directly filed with the Intellectual Property and Commercial Court without going through administrative appeal procedure.
- (3) Litigation Procedure Reformation: The litigation procedure for trade mark remedial cases is restructured to have cases involving trade mark dispute subject to civil procedure, instead of the administrative procedure currently adopted and also to consolidate the trade mark dispute deliberation and litigation into an integral procedure for resolution of trade mark right disputes (private right dispute).

- (4) Removal of Opposition Section: The proposed removal of opposition section from the Trademark Act on the grounds that the third-party opinions mechanism has been introduced in trade mark registration application procedure to serve as reference of examination, and also that the person filing an opposition to registration and the grounds for opposition usually overlap that for invalidation.

17.4 Are there any general practice or enforcement trends that have become apparent in your jurisdiction over the last year or so?

In general circumstances of trade mark infringement, the trade mark owner may act upon the Taiwan Trademark Act to assert trade mark rights in civil or criminal aspects. In criminal aspects, the trade mark owner may seek a raid action to be initiated by the IPRP Team, which will produce more impeding effects and thus serve as the most common remedial measure for trade mark owners in Taiwan. In addition, civil and criminal lawsuits are subject to different standards sustaining the existence of trade mark infringement. Due to this fact, even if the trade mark owner loses the criminal lawsuit, he or she still has a chance to win the civil action to obtain the award of damages if the infringer is held to be infringing trade mark rights by negligence, because criminal judgments have no binding effects on the civil cases involving the same incident (matter/occurrence).



Mr. J. K. Lin, Director, Attorney-at-Law and Patent Attorney, TIPLo Attorneys-at-Law, became the Director of TIPLo in 1997, after TIPLo's founder Mr. M. S. Lin passed away. During the 23-year tenure up to now, J. K. has set out to further streamline the hierarchy of the staff and adopted effective formulae leading to significant quality improvement of TIPLo's patent, trade mark and legal services that accommodate clients' intensifying needs for IPR enforcement. J. K. also devotes his time to many public speaking events targeted at global corporations and international society, addressing issues of IP concerns, unfair competition and others, while following the footsteps of his late father in his dedication to *pro bono* activities with NGOs such as the Judicial Reform Foundation, the Taiwan International Law Society and the Taiwan Human Rights Committee, among many others. He is currently a member of the council of the APAA Asian Patent Attorneys Association (APAA) and is vice president of the APAA's Taiwan Group and Co-Chairperson, Organising Committee, 2019 APAA 70th Council Meeting in Taipei.

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TIPLo Attorneys-at-Law (also known as **Taiwan International Patent & Law Office**) was founded in 1965 by M. S. Lin and a group of professional legal and technical associates specialising in intellectual property rights. Being a leading firm in patent and trade mark prosecution and enforcement, TIPLo is one of the largest and most reliable IP specialty full-range service law firms in Taiwan. TIPLo is currently staffed by over 290 full-time members, many of whom are multilingual professionals fluent in English, Chinese, Japanese, Taiwanese and other languages. TIPLo mainly consists of three departments, namely the Patent, Trade Mark and Legal Departments. Our patent engineers and attorneys have an average career length of more than 10 years, with expertise and experience covering a wide range of technical fields including electrical engineering, mechanical engineering, applied chemistry, biochemical engineering, biotechnology, pharmaceuticals, semiconductors, computer technology and other emerging areas. TIPLo is a leading firm in patent and trade mark prosecution,

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