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US and Taiwan Signs MOU on the Secure Exchange of Patent Data

On November 22, 2023, Taiwan and the US signed the MOU on the Secure Exchange of Patent Data, streamlining and reducing the cost of patent priority claims for Taiwanese applicants who annually file over 20,000 patent applications in the United States.

The annual number of patent applications filed by Taiwanese applicants in the United States has consistently been around 20,000 in recent years. The numbers rose a significant 6% from 2021 to 2022. The MOU aims to alleviate this burden by facilitating the secure exchange of priority documents between the Taiwan Intellectual Property Office and the United States Patent and Trademark Office (USPTO).

The collaboration between Taiwan and the United States on the electronic exchange of priority documents began in 2016 through TIPO and USPTO's bilateral discussions. Given the importance of information security, both confirmed details related to information equipment and transmission meticulously.

After continuously efforts from both sides, the MOU was finally signed this year. This milestone in the deepening of our relations with the US follows the implementation of the Patent Prosecution Highway (PPH) project in 2011, and the sign of the MOU on Intellectual Property Rights Enforcement Cooperation in 2017.

1. TIPO's Q4 2023 IPR Statistics Report

In Q4 2023, TIPO received a total of 19,686 patent applications. Among them, invention patent (13,928) and design patents (1,921) increased by 4% and 3% respectively. The number of invention patents filed by residents grew by 3%, and those filed by non-residents across all three patents witnessed growth ranging from 5% to 45%.

Among the top ten resident applicants of invention patents, TSMC showed significant growth (+264%) by leading with 342 applications, followed by ITRI (210) and AU Optronics (128). Among the top five resident applicants for design patents, Acer (22) maintained its top position for the fourth consecutive year.

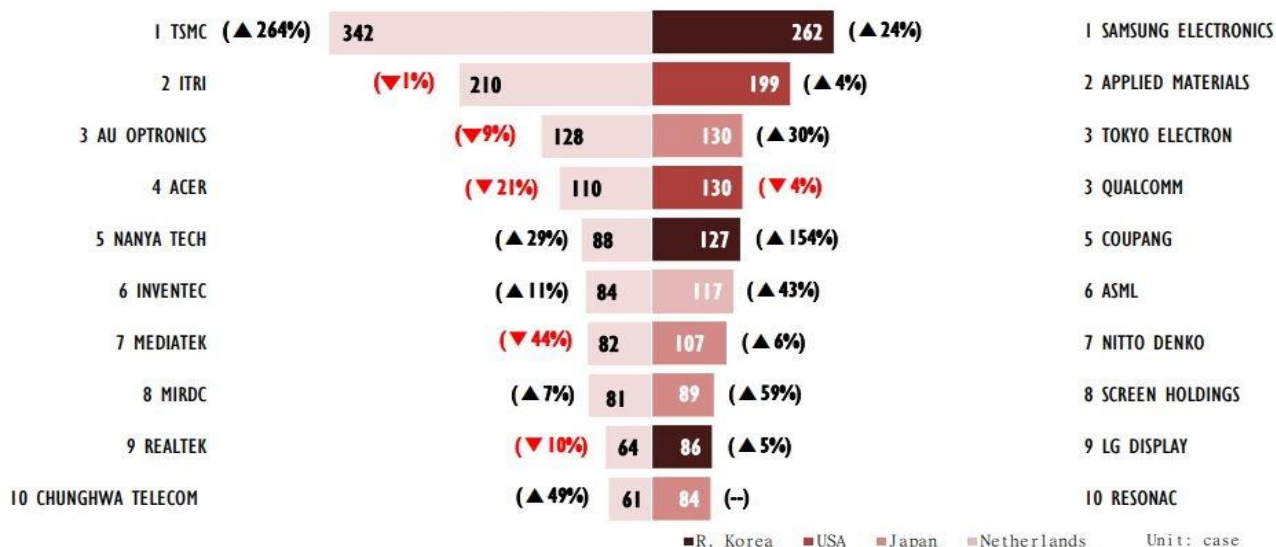
Non-resident applicants filed 8,519 invention patent applications, marking a 5% increase. Among the top five countries (regions), Japan topped with 3,188 applications. Among the top ten non-resident applicants for invention patents, Samsung Electronics from R. Korea outnumbered all others with 262 applications for the second year in a row.

Among the top five non-resident applicants for design patents, all exhibited positive growth in the number of applications. Apple from the US not only surpassed other applicants in the number of applications (122) but also achieved a sharp growth rate (+259%). It is particularly noteworthy that Apple's number of applications has exceeded 100 for the first time since 2013. Moreover, BMW (42) from Germany saw a remarkable increase of 200% as well.

Top 10 Invention Patent Applicants in Q4 2023

Resident Applicants

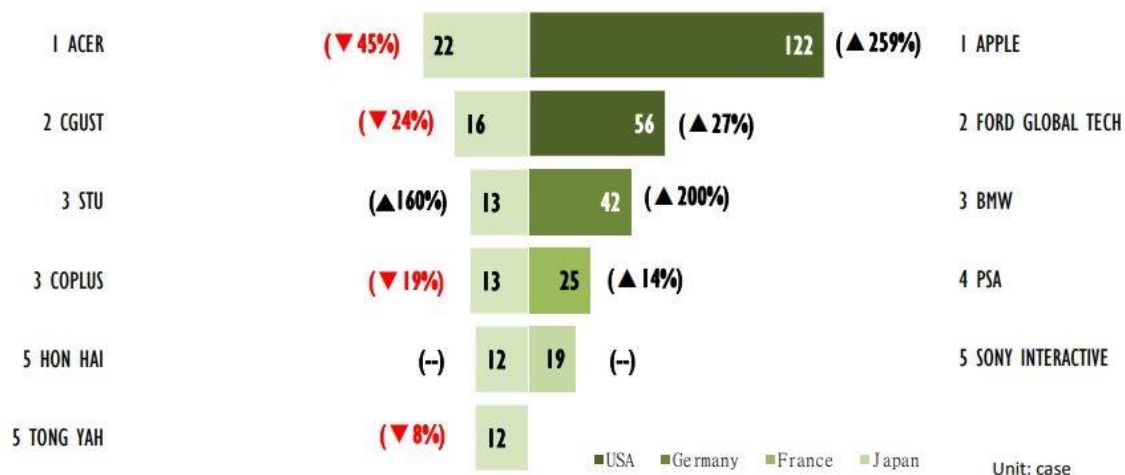
Non-Resident Applicants



Top 5 Design Patent Applicants in Q4 2023

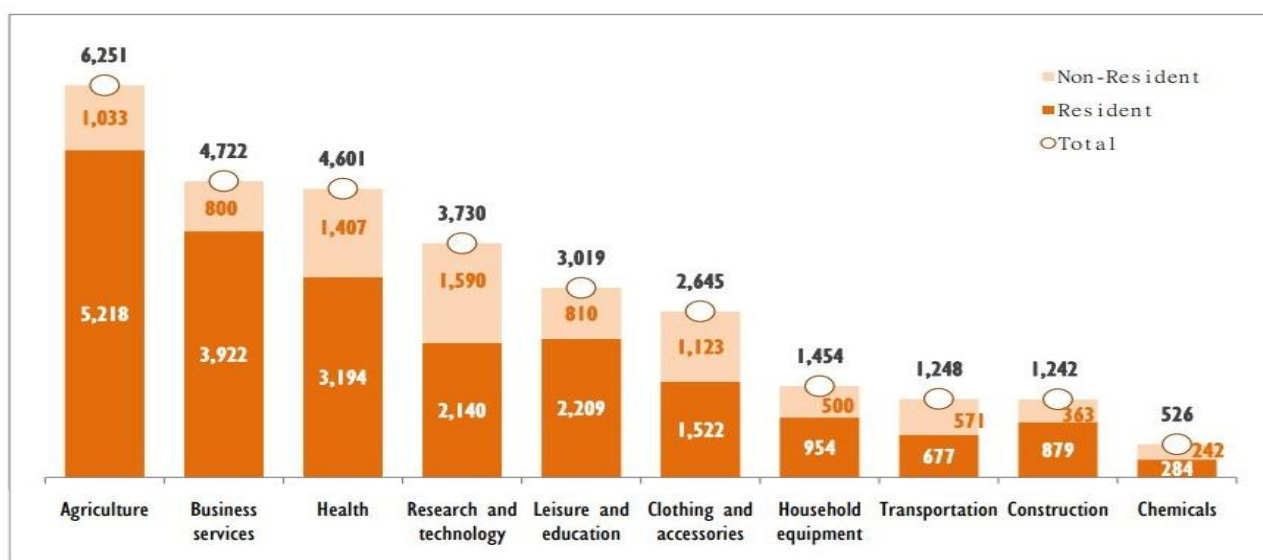
Resident Applicants

Non-Resident Applicants



23,250 trademark registrations were filed in 2023 across 29,004 classes, marking a 2% increase. Growth was mainly driven by a 9% growth among non-resident applicants (5,249). On the other hand, those from residents (18,001) saw a slight decrease of 0.5%. Non-resident trademark applications were predominantly from Mainland China (1,185).

Trademark Applications by Industries in Q4 2023



Note 1: The top ten industry categories are based on the Nice Classification defined in the *World Intellectual Property Indicators 2020* published by the World Intellectual Property Organization (WIPO).

Note 2: "Research and technology" include devices and instruments, audio/video equipment, telecommunication services, technological services, and related designs for the purpose of scientific research.

TIPO's Q4 2023 IPR Statistics Report:

<https://www.tipo.gov.tw/en/dl-285958-926a40e304204c7591dd075456b09412.html>

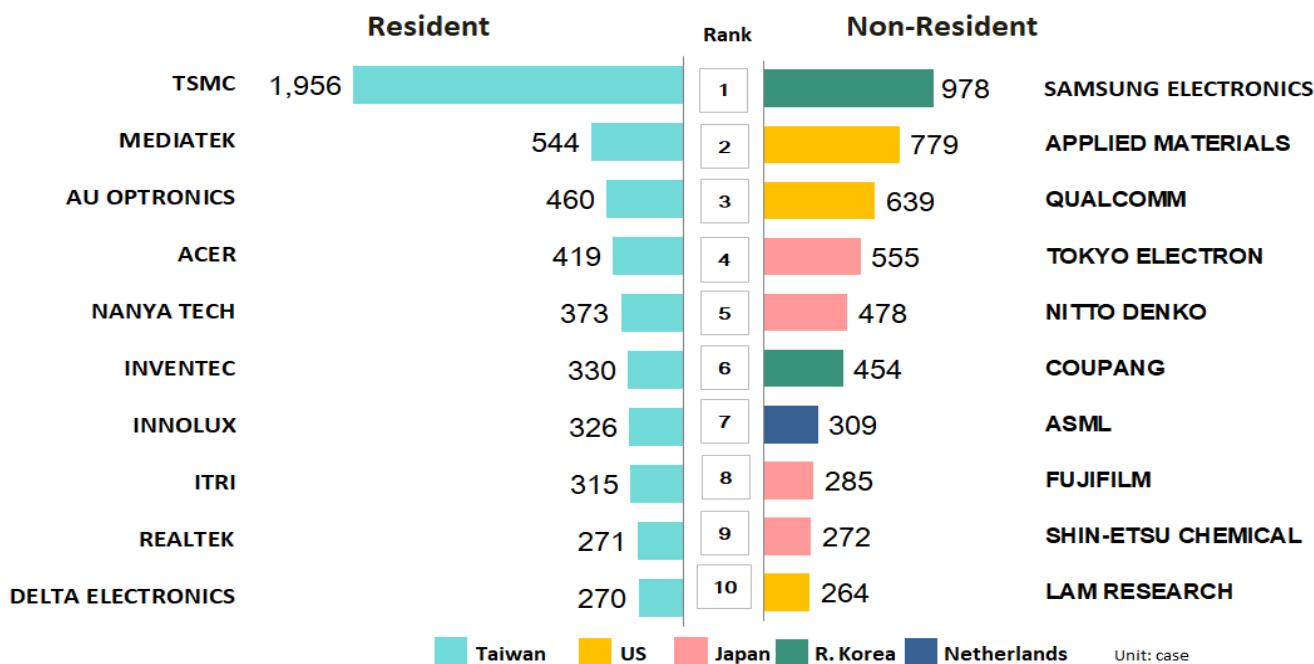
2. TIPO Announces Top 100 Patent Rankings for 2023

TIPO has released the statistics for patent applications and grants in 2023. Among residents, TSMC led across the board for all patent categories (invention, utility model, and design) with 1,956 applications – taking the top spot for the eight consecutive year. Among non-resident applicants, Samsung came in with 978 applications – an unprecedented lead for the company. Both Samsung and TSMC set new records. In terms of patent grants, TSMC led with 1,040 patents among Taiwanese applicants, while Applied Materials USA led foreign applicants with 591 patents.

TSMC has held first place among applicants for all three patent categories since 2016, with a 28% increase in 2023 to 1,956 applications (all invention patents).

Samsung (978) led among non-resident patent applicants with a 45% increase,

followed by Applied Materials (USA) with 779 applications and Qualcomm (USA) with 639 applications. Tokyo Electron Limited (Japan) ranked fourth with 555 applications, Coupang (South Korea) ranked sixth with 454 applications, ASML (Netherlands) ranked seventh with 309 applications, and Lam Research (USA) ranked tenth with 264 applications. All the above (TEL, Coupang, ASML, Netherlands), along with Samsung, set new records for patent applications across all three types.



TIPO's Top 100 Patent Applicants of 2023 (Mandarin):

<https://topic.tipo.gov.tw/patents-tw/dl-285792-3138bde1abbf42e894815be004806f1a.html>

3. TIPO Releases the State of Patent and Trademark Applications in 2023

In 2023, TIPO received 72,607 patent applications, an increase of 1% from the previous year. Among these, invention patents reached an 11-year high with 50,854 applications (up 1%), utility model patents saw a slight decrease to 14,466 applications (down 1%), and design patents reversed trajectory by rising 2% to 7,287 applications. Trademark registration applications decreased 3% to a total of 91,535. Average first-action pendency for invention patents was 8.9

months, and 6.2 months for trademarks.

Among resident applicants, invention patent applications increased by 1% to 19,634, primarily due to a 4% increase in corporate applications. Design patent applications broke a six-year decline, increasing by 1% to 3,437. The turnaround was driven by an increase in applications from schools and individuals.

Non-resident applicants set a new record with 31,220 invention patent applications (up 1%), 1,157 utility model patents (up 17%), and 3,850 design patents (up 3%).

Residents registered 91,535 trademarks, representing a 3% decrease compared to the previous year. Trademarks were registered across 114,680 classes, marking a 6% decline. These figures are comparable to the number of applications in the year 2019, prior to the COVID-19 pandemic.

TIPO was able to maintain examination quality and timeliness throughout 2023, as the average first-action pendency for invention patents remained stable at 8.9 months. Administrative efficiency will help businesses secure the rights to continue their expansions. Average first-action pendency for trademarks increased a full month to 6.2 months.

TIPO Releases State of Patent and Trademark Applications in 2023 (Mandarin):

<https://www.tipo.gov.tw/tw/dl-285791-d47026917da6408bada545ded5a36e6b.html>

4. 2022 Trends & Comparisons: Taiwan Invention Patent Applications and WIPO PCT Applications

The number of applications for invention patents continues to grow in Taiwan. In 2022, 50,242 invention patents were filed in Taiwan, an increase of 2.3% due to surging growth between 9.4-16.1% in applications from the US, Mainland

China and Korea.

Resident applications were mostly from the 6 major municipalities, as well as Hsinchu City and Hsinchu County, accounting for 92.3% of all invention patent applications filed in 2022. Applications from the top 3 cities (Taipei, New Taipei, and Hsinchu) collectively accounted for 55.4%, up by 4.7 percentage points compared to 2018. Applicants residing in Hsinchu City (4,455) filed the most applications in 2022, followed by applicants from Taipei City (3,154) and New Taipei City (3,129).

In 2022, the field of semiconductors (with a share of 14.5%) had the most invention patent applications in Taiwan, followed by computer technology; computer technology claimed top spot (10.4%) in published WIPO PCT applications, followed by digital communication (9.4%).

A further comparison reveals that the top ranking field in Taiwan, “semiconductors,” ranked tenth (accounting for 3.3%) at WIPO. This demonstrates Taiwan’s prowess and advantage in semiconductors. However, although “digital communication” and “medical technology” claimed two out of the top five spots in WIPO PCT applications, they were not among Taiwan’s top ten technology fields of invention applications.

Top filing countries (regions) mostly filed invention applications in “semiconductors” in Taiwan. In 2022, Taiwan received the largest number of applications in “semiconductors” from Taiwan, Japan, the US, Mainland China, and Korea (from 11.7% to 22.5%). Germany filed mostly in organic fine chemistry (10.8%).

For both TIPO and WIPO, the top ten applicants include Qualcomm (US) and Samsung Electronics (RK). “Semiconductors” accounted for most number of applications among the top 10 applicants in Taiwan. Six of the top 10 applicants in 2022 filed most applications in “semiconductors” in applications filed in

2019-2021, including TSMC (37.2% ~ 80.6%). On the other hand, six of the top 10 WIPO PCT applicants in 2022 had the most applications in “digital communication” (26.9% ~ 70.4%), including Huawei (CN). In comparison, Samsung Electronics (KR) filed mostly for “semiconductors” in Taiwan, and primarily for “digital communications” in WIPO – showing significant differences in their patent portfolio. On the other hand, Qualcomm (US) filed the greatest number of applications in “digital communication” both in Taiwan and WIPO, followed by “audio-visual technology” and “telecommunications,” exhibiting the smallest difference in patent portfolio.

2022 Trends & Comparisons: Taiwan Invention Patent Applications and WIPO PCT Applications (Mandarin):

<https://www.tipo.gov.tw/tw/dl-284816-9385d885bc4a4bacb713ea583020ccc5.html>

5. Tutorial Video on the Patent Application Document Error Detection System is New Online

TIPO’s Patent Application Document Error Detection System was made publicly available on September 28 of last year. To use this system, applicants need to first complete their patent documents in .docx format and then log on to the TIPO Net website. Users can access the Patent Application Document Error Detection System [Beta] dashboard by clicking on the link, and then import patent documents onto the system.

Tutorial videos are also available for applicants (or agents). The goal is to improve the quality and efficiency of patent applications, as well as reducing turnaround for relaying official documents between TIPO and the applicants.

TIPO Net (Mandarin):

https://tiponet.tipo.gov.tw/030_OUT_V1/home.do

6. TIPO’s Search System for Music Information is Now Online

To facilitate public access to song information and copyright management details, as well as to streamline the licensing process, TIPO has created a search system for music information. The system integrates data from the International Standard Recording Code (ISRC) system, the Taiwan Popular Music Database, and copyright data managed by collective management organizations.

Over 450,000 data records can be found on the site, sharing information about songs and copyrights management. Compatible with multiple devices, including Android and iOS, users can quickly and conveniently determine the CMO responsible for a particular song – useful information for acquiring licenses. The system is now available to the public.

Search system for music information (Mandarin): <https://tipo.ltc.tw/>

7. TIPO Compiles Examples of Right of Priority Documents for Public Reference

In light of the significance of proper documentation to establish rights of priority, TIPO has specifically set up a database with examples of priority documents for patent applications on its website. The hope is to prevent errors when applicants submit documents and also, to uphold their rights. Applicants can refer to the examples to verify whether the document they received is indeed, a priority document. The database includes the most common examples of priority documents in recent years. Additionally, it notes on what applicants should be mindful of for public reference.

Examples of Right of Priority Documents (Mandarin):

<https://topic.tipo.gov.tw/patents-tw/lp-997-101.html>

8. TIPO Releases “Report on Key Technologies and Patent Portfolio Analysis for Waste Management in the Global Semiconductor Industry”

ESG (Environmental, Social, and Governance) is currently one of the most popular topics in the semiconductor industry. The management and recycling of waste resources, or waste generated in the process, are of great significance to

the circular economy (or ESG) of the semiconductor industry.

The report focuses on copper recovery, silicon slurry recovery, and hydrogen recovery within waste management in the semiconductor industry. Data is compiled and organized, and relevant patent trends are included within the report. Key technologies have also been selected for in-depth analysis. The aim is to provide insights and inspiration for the development of green circular economy practices in the domestic semiconductor industry.

Report on Key Technologies and Patent Analysis for Waste Management in the Global Semiconductor Industry (Mandarin):

<https://www.tipo.gov.tw/tw/dl-285494-e1531bef03134166bfd43097e5219ee9.html>

9. TIPO's Information Session on Trade Secret Management for Academic and Research Institutions

TIPO held an information session on November 8, 2023 to enhance measures for managing trade secrets within academic and research institutions.

During the seminar, TIPO provided an overview of the current state of trade secret protection in Taiwan. The National Health Research Institutes (NHRI) shared insights on implementing confidential management for secret research findings. The Agricultural Technology Research Institute (ATRI) emphasized the necessity of managing research and development outcomes, drawing examples from recent intellectual property litigation in domestic agriculture. The Institute for Information Industry's Science and Technology Law Institute (STLI) shared perspectives on establishing or improving mechanisms for trade secret management.

TIPO hopes that this seminar will guide legal entities and research institutions to prioritize and strengthen the protection of trade secrets.

10. Ministry of Education's TANet Report Portal

The Ministry of Education (MOE) has established a mechanism to report

suspected copyright infringement on college and university campuses. Hyperlinks directing to copyright-infringing foreign textbook websites can be reported through the dedicated TANet (Taiwan Academic Network) portal (abuse@moe.edu.tw). Three cases of infringement was reported this quarter.

11. Implementation Overview of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples by the Council of Indigenous Peoples

Since the implementation of the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples in 2015, up until December 2023, a total of 150 applications for exclusive rights have been processed. After consolidation, these were reduced to 120 cases, of which 94 cases (90%) have been granted exclusive rights.

Law Enforcement Results and Statistics

The National Police Agency of the Ministry of the Interior

Law Enforcement

Between October and December of 2023, a total of 365 cases involving 523 persons were investigated for violation of the Copyright Act, a total of 481 cases (600 persons) for violation of the Trademark Act, and 5 cases (9 persons) for violation of the Trade Secrets Act. A total of 851 cases involving 1,132 persons were investigated for various types of infringement. All the aforementioned persons were referred to the district prosecutors offices for further investigation in accordance with the law.

Statistics for IP Infringement Cases by the National Police Agency, NPA

Unit : case/person

Year	Total		Trademark		Copyright			Trade Secrets	
	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of Cases	No. of Suspects	No. of CDs Confiscated	No. of Cases	No. of Suspects
2023 Jan.-Dec.	3,556	4,759	2,014	2,580	1,519	2,144	92	23	35
2022 Jan.-Dec.	4,191	5,525	2,054	2,677	2,121	2,800	31	16	48
Percentage Change %	-15.15%	-13.86%	-1.95%	-3.62%	-28.38%	-23.43%	196.77%	43.75%	-27.08%

Source: National Police Agency (NPA), Ministry of the Interior

Taiwan High Prosecutors Office (THPO)

Law Enforcement

1. According to the data from all the prosecutors offices, a total of 512 suspects were involved in 449 concluded cases of IPR infringement between October and December, of which 197 persons involved in 145 cases were prosecuted according to regular procedures, 144 persons involved in 138 cases were granted summary judgment, 148 persons across 144 cases received deferred prosecution, and 23 persons across 22 cases were not prosecuted nor punished by the court's sua sponte motion. 188 persons were convicted by the courts between October and December, for a conviction rate of 96.91%.
2. A comparison to the same period in 2022 reveals the following regarding the number of prosecutions (including those who requested summary judgment) and convictions for cases of IPR infringement: 341 persons were prosecuted between October and December this year, marking a decrease of 74 persons (27.72%) compared to 267 persons in the same period in 2022; 188 persons were convicted between October and December, marking an decrease of 55 persons (22.63%) compared to 243 persons in the same period in 2022.

Statistics for Final Court Decisions on IP Cases Brought by Various District

Prosecutors Offices

單位：人 Unit: Person

Categories	Year	Results of Court Rulings												
		Total	Subtotal	Sentence						Sentence Remitted	Acquitted	Not to Prosecuted	Case Rejected	Others
				Under 6 Months	6-12 Months	1-2 Year(s)	Over 2 Years	Detention	Fines					
Total	2023 Jan.-Dec	1,138	884	301	5	5	1	537	35	1	58	6	188	1
	2022 Jan.-Dec	1,284	1,023	356	7	14	2	604	40	0	51	3	205	2
	Percent Change %	-11.37 %	-13.59 %	-15.45 %	-28.57 %	-64.29 %	-50 %	-11.09 %	-12.50 %	-	13.7 3%	100 %	-8.29 %	-50 %

Source: Taiwan Prosecutors Office

3. As the methods used to pirate textbooks continue to change, copyrights violations via digital and online methods are starting to emerge. The Working Group Meeting on the Coordination and Supervision of Investigations Relating to Intellectual Property Rights held by the Taiwan High Prosecutors Office on November 24, 2020 gathered prosecutors, police, and investigators and asked them to further the investigation into these copyright violations, including but not limited to photocopy shops around university campuses or hard copy textbooks. In the latter half of this year, 3 businesses and 3 individuals were apprehended, resulting in the seizure of desktop computers, laptops, USB drives, external hard drives, genuine and pirated exam CDs, and exam preparation books.

The Customs Administration

Law Enforcement Results

1. The Customs Administration of the Ministry of Finance has implemented various border protection measures in accordance with the Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark and the Operational Directions for Customs Authorities in Implementing Measures for Protecting the Rights and Interests of Patent and Copyright. A total of 17,714 infringing items were seized from 76 import cases and 1 export case suspected of trademark infringement between October and December.
2. Between October and December, the Customs Administration received 60 requests for advice protection on trademark rights, 15 requests for extending the terms for advice protection on trademark rights, and 227 requests for updating/supplementing documents and other matters, adding up to a total of 302 requests.
3. On October 13, the Taipei Customs intercepted 23 counterfeit BOTOX-branded pharmaceutical products imported via air express consignments. All infringing items have been seized.
4. On October 31, November 30, and December 19, the Kaohsiung customs intercepted a total of 681 counterfeit items imported via maritime express consignments, including APPLE-branded adapters and charging cables, THE NORTH FACE-branded backpacks, and NSK-branded deep groove ball bearings. All aforementioned cargoes in question have been seized.

Ministry of Justice Investigation Bureau

Law Enforcement

In Q4, the Investigation Bureau referred a total of 21 cases of IP violations to district prosecutors' offices for further investigation, including 6 cases involving 15 persons for violation of the Copyright Act, 9 cases (10 persons) for violation of the Trademark Act, and 6 cases (15 persons) for the Trade Secrets Act.

International Exchange and Cooperation

1. The Customs Administration

- (1) The MOF Customs Administration was invited to attend the Asia Pacific conference and seminar on commodity identification hosted by the Royal Thai Police Central Investigation Bureau on November 17, 2023.
- (2) The Customs Administration continues to exchange information on counterfeiting cases with its global counterparts. A total of 6 counterfeiting reports were made in Q4 of 2023.

2. TIPO

November 8 to 10, 2023 marked the first time TIPO invited three experts from the German Patent and Trademark Office (DPMA) for an exchange visit to Taiwan. The delegation included Dr. Volker Rüger, Head of Central Unit - International Affairs, Mr. Jörg-Eckhard Dördelmann, Head of the Legal Division and Chief of the Utility Model Revocation Procedure Unit, and Ms. Antje Wielage, Head of the Utility Model Division and Chair of Cancellation Proceedings.

IPR Awareness Campaigns

1. The National Police Agency of the Ministry of the Interior

The Second Special Police Corps visited companies to provide information on trade secrets regulations and assist in inspecting current protection measures. The Second Special Police Corps also organized 19 events, which were attended by 1,500 persons, to raise awareness for trade secrets protection and relevant regulations in Q4.

2. Ministry of Justice

Preventing trade secrets infringement is now included as part of the MOJ Bureau of Investigation's responsibilities to reduce corruption within enterprises. As such, the Bureau offered a total of 58 information sessions to various industrial districts, major industry and commerce organization, as well as corporations. The information sessions provided actual case studies to highlight the importance of trade secrets protection and were attended by 417 businesses or 3,685 persons.

3. The Customs Administration

(1) The Customs Administration of the Ministry of Finance held 6 seminars on counterfeit product identification for the Keelung, Taipei, Taichung, and Kaohsiung Customs between December 5 and 8 to enhance the professional knowledge of customs officers in inspections.

(2) To further promote awareness of IP border measures and legal regulations among relevant industries, the Taichung Customs held interviews with customs brokers on December 6 and 26, and also organized the second Joint Seminar for Customs Brokerage, Transportation, Warehousing, and Container Terminal Industries of 2023 on December 12. Additionally, the Kaohsiung Customs conducted the second Joint Seminar for Customs Brokers of 2023 on December 7.

4. Ministry of Foreign Affairs

The Ministry of Foreign Affairs published three separate articles on the New Southbound Policy Portal and in Taiwan Today, the subjects of which pertain to publishers and cultural creative events in Taiwan:

- (1) TAICCA Collaborates with Taiwan's Publishing Industry to Showcase Diverse Topics at the Frankfurt Book Fair (German):

<https://taiwanheute.tw/news.php?unit=120&post=243646>

- (2) 2023 Taiwan Creative Content Fest (TCCF) Kicks Off on November 7, Promoting International Exchange and Cooperation for Taiwanese Content (French):

<https://taiwaninfo.nat.gov.tw/news.php?unit=62&post=243978>

- (3) 2023 Taiwan Creative Content Fest (TCCF) is Biggest Ever, Attracting Over 200 International Professionals and Buyers from 29 Countries:

<https://taiwaninfo.nat.gov.tw/news.php?unit=183&post=244461>

5. Council of Indigenous Peoples

On December 15, the Council of Indigenous Peoples hosted a seminar at the Walo Tribe Development Association in Miaoli County's Nanzhuang Township. The seminar focused on the application and review process for exclusive rights to indigenous peoples' traditional intellectual creations. This event was part of the efforts to enforce the Protection Act for the Traditional Intellectual Creations of Indigenous Peoples, with 20 attendees participating.

6. Ministry of Education

The Ministry of Education convened the 2023 Inter-Ministry Advisory Group Meeting of the Ministry of Education on Campus Protection of Intellectual Property Rights on December 28. The meeting aimed to promote respect for intellectual property rights among experts, school administrators, student representatives, government representatives, and rights owner groups. Attendees were encouraged to make use of the resources

available in the Campus Copyrights section of TIPO's website to avoid copyrights infringement.

7. TIPO

Through a variety of initiatives, including the IPR Expert Service Group Seminar, campus advocacy teams, copyright-themed workshops, informational sessions, and online copyright promotion, the Intellectual Property Office (TIPO) has reached 7,838 participants and garnered an online following of 53,000.

Additionally, TIPO has collaborated with Taiwan Startup Hub, the Linkou Startup Park, and the Industrial Development Bureau to organize a trademark protection seminar and provide eight sessions of intellectual property consultation services, online or in person. These efforts aim to enhance businesses' understanding of intellectual property and offer customized IP protection courses.