

Application for Trademark Registration in Taiwan

A. General Information

Any entity that desires to obtain the exclusive right of a trademark to distinguish its goods and/or services from those of others should apply for its registration with the trademark authority in accordance with the Trademark Law.

A trademark¹ may be composed of a word, design, symbol, color, sound, three-dimensional shape or a combination thereof.

A trademark registration is valid for ten (10) years and may be renewed within six (6) months of the expiry of the registration period for successive periods of ten (10) years each.

The trademark authority has a self-imposed time limit for the processing of a new application for registration, which is one (1) year (exclusive of any correspondence between the trademark authority and the applicant or its agent).

B. Documentation

1. Application form. An application form must be completed, which must designate the particular goods and/or services and their respective classes in accordance with the prescribed schedule under the Trademark Law. The classifications contained the prescribed schedule under the Trademark Law generally correspond with the current International Classifications. Additional information may be required for a trademark consisting of non-black-and-white colors, sound and/or three-dimensional shapes.

2. Trademark device: five (5) copies (use paper of sturdy material and smooth surface with approximately 5 ~ 8 cm in length and width). If the trademark device is in non-black-and-white color, submit two additional copies of the device in black and white. For practical purposes, clients may simply deliver the image file electronically via E-mail.

¹ In addition to trademarks (covering both goods and services), there are certification marks, collective membership marks and collective trademarks available for registration under the Trademark Law.

3. Identification papers: The trademark authority may require proof of legal existence of the applicant if the applicant is a corporation, and a personal identification if the applicant is an individual.
4. Proof of priority: An applicant may claim priority within six (6) months of its initial filing date if the country accepting the initial filing is on reciprocal basis with Taiwan. Priority claiming must be made at the time of the filing for application under the Trademark Law and must contain information on the initial filing date and the name of the country accepting such filing.
5. Power of attorney: A power of attorney is required if an agent is used to make an application on behalf of the applicant; an applicant who is not a domiciliary or has no business establishment in Taiwan must appoint an agent to act on its behalf. The suggested form of the power of attorney is attached.
6. Mainland China applicants: (pursuant to Guidelines for Patent Application and Trademark Registration by Mainland Persons)
 - a. For individuals, identification paper is required; for corporation, company registration certificate or license is required. If the aforesaid document is submitted in original, no verification is required; if in photocopy, the applicant or his/her agent should provide an affidavit vouching that the said copy is as authentic as the original; where the authenticity of the photocopy is in question, an original should be provided or the photocopy verified by an institution sanctioned by the Executive Yuan (i.e., the highest administrative authority of this country).
7. Documents in a foreign language must be accompanied by a translation.

C. Fees

Please see the attached Fee Schedule for the relevant official fees and corresponding service fees.

D. Application Procedures

1. A properly prepared and signed application, together with the required filing fees, should be delivered by the applicant or its agent to the trademark authority.
2. The trademark authority will notify the applicant or its agent to submit additional documents or pay the necessary fees if the application does not conform to the prescribed format, the devices presented are unclear or incomplete, or the necessary fees are not paid.
3. Applications made and other actions taken outside the statutory or the prescribed time periods will be rejected, unless the delay is due to force majeure or other causes not attributable to the applicant, in which case an extension of time may be requested granted by the trademark authority.
4. Once the trademark under application passes the examination, the trademark authority will serve a written decision of approval to the applicant or its agent.
 - 4.1 If the trademark authority is considering to disallow the application for registration, it would serve a written notice of its intention on the applicant or its agent, to which the applicant or its agent may serve a reply to such notification.
 - 4.2 If the reply changes the initial view of the trademark authority, then the procedure resumes its normal course and goes to Step 5, below; otherwise, an appeal may be taken from the formal decision of the trademark authority.²
5. Upon receiving the notice of approval, payment of the registration fee must be made within two (2) months of the receipt thereof or else the approval will lapse. Upon payment of the registration fee, the trademark will be registered and published in the official gazette, and the applicant or its agent will receive the registration certificate.

² The appeal may consist of an appeal within the administrative authority of the government (i.e., the appeal to the Ministry of Economic Affairs), and two instances of Administrative Court proceedings succeeding the administrative appeal.

GENERAL POWER OF ATTORNEY

We, (a) _____ of (b) _____,
registered under the laws of (c) _____ do hereby
constitute and appoint _____ to be our true and
lawful attorney, with full power of substitution and revocation, in our name,
place and stead and on our behalf to jointly and/or severally prosecute
application for registration, reinstatement, renewal, assignment, addition,
amendment and/or division of any and all of our trademarks under all
relevant laws, and to prosecute applications for approval and recordal of
trademark licenses, to conduct all procedures concerning same, to appeal
against adverse decisions successively to the higher authorities concerning
same, to institute and/or defend litigation, opposition proceeding and/or
invalidation and/or cancellation proceeding, and all successive appeal
proceedings from same, to receive on our behalf service of all documents
relating to our trademarks, and to generally represent us and to transact all
business on our behalf in the registration and protection of any and all of our
trademarks in the R.O.C.

The above-said appointment shall cover all trademarks already registered,
now being registered, and/or at any further time to be registered by us in the
R.O.C., and all trademark proceedings already instituted, now being
instituted and/or at any future time to be instituted by us or against us in the
R.O.C.

Dated this _____ day of _____, 200__.

(a) _____

By: _____

Name: _____

Title: _____

Note: (a) Name of the Applicant; (b) Address of the Applicant (c) Name of the country

No notarization or legalization is required for this form.