

Application for Patent Registration in Taiwan

A. General information

Any entity that desires to obtain the right of patent to protect its inventions or creations should apply for its registration with TIPO (Taiwan Intellectual Property Office) in accordance with Patent Law.

There are three types of patents: i.e., invention patent, utility model patent and design patent.

The periods of protection of invention patent, utility patent and design patent are respectively twenty (20) years, ten (10) years and twelve (12) years from the filing date.

When filing the invention patent, the authority will have such application laid-open after a period of eighteen (18) months from the filing date. The authority may advance the laying-open of a patent application at the request of the applicant.

For an invention patent application, any person may, within three (3) years from the filing date, apply to the authority for a substantive examination. In the case of utility model patent, the authority will only conduct a formality examination while in the case of design patent, the authority will proceed to conduct the substantive examination.

B. Documentation

The documentation required by the authority for three types of the patents is the same.

1. Application form.
2. Specifications and claims in three copies (which may be submitted in original language at the time of initial filing and then supplemented by Chinese translation.)
3. Document evidencing the entitlement to filing the patent where the inventor and the applicant are not the same person.
4. Power of attorney if an agent is appointed.
5. Document proving nationality or incorporation.
6. Specifications written in original language in duplicate (if the original text of the specifications is not Chinese).
7. Documents proving priority claims if any, one original copy and two photocopies.

The application, specifications and necessary drawings should be prepared in

the format provided by the authority.

Drawings should be prepared with black ink according to industrial drawing methods, i.e., with symbols but no attendant descriptions. Rather the descriptions for the drawings should be attached to the specifications. Photos, if any, should be attached as appendices, not as drawings.

When there are two or more applicants, one of them should be designated to correspond with the authority. If no designation is made, the first applicant indicated on the application form will be deemed as the designated person.

C. Application procedures

1. A properly prepared and signed application, together with the required filing fees, should be submitted by the applicant or its agent to the authority.
2. The authority will notify the applicant or its agent to submit additional documents or pay the required fees if the application does not conform to prescribed format, or where the necessary fees are not paid.
3. Applications made and other actions taken outside the statutory or the prescribed time periods will be ineffective.
4. Once the application passes the examination, the authority will serve a decision of approval on the applicant or its agent. Otherwise, the authority will serve a notice of its intention to reject on the applicant or its agent, to which the applicant or its agent may serve a reply showing why the application should not be rejected.
5. Once approved, a patent will be published only after the issue fee and the first year maintenance fee have been paid by the applicant within three (3) months after the service of the aforesaid approval; if the foregoing fees have not been paid on or before the expiry of the prescribed period, no publication will be made, and the patent right for said invention will be void *ab initio*.
6. The patent right will be granted and the certificate will be issued, both to the applicant on the date of publication, but the protection period shall commence retroactively from the filing date.