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密等及解密條件或保密期限：
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主旨：檢送本局所擬「運用臺灣專利·拓展競爭實力」中、英文說帖各1份，請惠予協助宣導。

說明：

- 一、依本局「專利審查品質諮詢委員會」104年度第1次會議之綜合意見辦理。
- 二、前述說帖簡要敘明「為何要申請臺灣專利」及「為何臺灣專利讚」之理由，期能提升我國專利申請案量。相關文稿，並刊登於本局網站公告資訊專利布告欄(<http://www.tip.o.gov.tw/ct.asp?xItem=548951&ctNode=7127&mp=1>)，請參閱連結。

正本：中華民國專利師公會、亞洲專利代理人協會臺灣總會、中華民國律師公會全國聯合會、臺北律師公會、中華民國全國工業總會、臺灣科學園區科學工業同業公會、工業技術研究院、日本交流協會、臺北市日本工商會智財委員會、歐洲經貿辦事處、歐洲在台商務協會、美國在台協會、臺北市美國商會

副本：本局各單位(含附件)

局長 王美花

運用臺灣專利·拓展競爭實力

一、為何要申請臺灣專利？

(一)保研兼抵稅，提升競爭力

企業要提升競爭力，首要就是創新研發，而申請專利就是保住研發成果的利器，積極申請台灣專利，布局創造專利的價值，不但可降低被控侵權的風險，更可延長產品在市場上獲利的期間，此外，台灣專利亦得作為技術作價入股，享有所得緩課的優惠。

(二)立足臺灣，布局全球

臺灣是各國專利布局重點之一，具體來說，外國人近3年在臺灣申請件數為28,112件、27,488件、27,276件，維持穩定申請量，顯示外國人肯定我國專利保護的整體環境。更由於臺灣與中國大陸為同文同種，企業得以臺灣作為前進中國大陸及全球的踏腳石。

二、為何臺灣專利讚？

(一)速度快

1. 發明專利初審平均首次審查意見通知的期間，由103年1月的27.88個月降至12月的21.16個月，且持續縮短審查期間。
2. 平均審結期間由101年最高47個月縮短至104年2月的28個月，預計至104年底審結期間將縮短為24個月。

(二)品質好

1. 在提高案件審結速度的同時，智慧局持續進行加強專利審查品質精進方案，建立客觀指標，實施品質覆核回饋機制，即時改善審查品質。
2. 以專利行政爭訟案件為例，行政訴訟撤銷率已由102

年的 19.26%降為 103 年的 6.9%，顯示專利審查品質的提升。又民事侵權訴訟專利權人的勝訴率，於 103 年已提升至 25%，與英國的 22%、德國的 26%及日本的 20%相較，並無明顯過低的情形。

3. 我國相繼與日本、美國及西班牙簽訂專利審查高速公路協議，藉由雙方專利主管機關相互利用檢索與審查結果，以加速專利申請案之審查速度及提升專利審查品質，且目前持續積極與其他國家洽商中，藉由專利制度國際調和化，提供國際化的智慧財產權保護環境。

(三)費用低

智慧局持續以「建立合理收費機制」為目標，針對可予調降之收費項目，主動檢討調降，已完成的具體事項如下：

1. 鼓勵申請人將專利的摘要譯成英文，以與世界各國專利局進行資料交換，使各國產業界都能查詢我國專利，有利於在我國投資，因此當申請人提供英文摘要時，可減免申請費用。
2. 配合電子化申請的建置，對於線上申請者，給予規費上的優惠。
3. 大幅調降專利年費金額，專利權人為自然人、學校或中小企業者，可依調降後的專利年費金額繳費，再依專利年費減免辦法規定，減免第 1 年至第 6 年之專利年費。

(四)服務好

1. 開創便捷專利申請、檢索運用環境，持續以網路服務效率化及友善化為努力的目標，規劃提供電子申請 24 小時全年無休的服務。

2. 建構完善面詢機制，透過申請人與專利審查人員面談，提供具體審查意見，以協助申請人及早獲得專利，並藉由群組式審查方式，對特定重點技術領域建構完整專利戰略及布局，以利審查人員迅速理解申請案技術內容，進而提升專利案件審查效能及速率。
3. 協助產業強化專利布局，營造有利的研發創新環境。具體措施包括：辦理產業專利布局說明會 20 場、建置通訊專利資料庫及檢索平台，整合通訊產業標準與非標準 8,000 多件關鍵專利 102 年至 104 年研究成果、針對重要產業進行專利訴訟與趨勢分析，以提供申請人面臨訴訟爭端的解決之道，及管理者的決策指南等。

Gaining a competitive edge with Taiwan patents

I. What are the benefits for filing a patent application in Taiwan?

A. Innovation protection and tax deduction

Filing a patent application is the primary strategy a corporation uses to safeguard the results of its innovation and R&D, thereby increasing its competitiveness. Corporations that are actively filing patent applications in Taiwan to map out and create values for their inventions are better able to reduce the danger of being accused of patent infringement and to increase the profitability cycle of their product. In addition, right holders obtaining stocks from companies in exchange for their patent rights may have their tax deferred until the sale of said stocks.

B. Developing your global patent portfolios

Over the years, Taiwan has gradually become prominent for foreign corporations mapping out their patent portfolios. Statistically, the numbers of applications (28112, 27488, and 27276) filed by foreign nationals have witnessed a steady growth over the past three years, a fact that attests to Taiwan's globally-acclaimed environment for patent protection. Also, with Taiwan sharing the same linguistic and cultural roots with mainland China, Taiwan is seen by many as a key portal for their entry into the mainland and global markets.

II. What makes filing a patent application in Taiwan stand out?

A. Impressive patent examination speed

1. The average pendency of first office action for invention patent applications was lowered to 21.16 months in December 2014 from 27.88 months in January of the same year. TIPO will continue to work

toward shortening the average pendency for first office action.

2. The average disposal pendency was lowered from the peak of 47 months in 2012 to 28 months in February 2015. TIPO is hoping that by the end of 2015, the disposal pendency will have been shortened to 24 months.

B. Impressive quality

1. While exerting effort to speed up examination, TIPO is also working on the Project for Optimizing Patent Examination Quality through the establishment of a set of objective reviewing criteria and a mechanism for quality feedback to enable expedited improvement of examination quality.
2. Take patent administrative litigation cases, the rate of agency decisions being revoked by court dropped from 19.26% in 2013 to 6.9% in 2014, indicating improved patent examination quality. The win-rate of plaintiffs in civil infringement cases went up to 25% in 2014, nearing that in the UK (22%), Germany (26%), and Japan (20%), respectively.
3. Currently, TIPO is partnering with the JPO, the USPTO, and the SPTO on PPH to enable mutual use of search and examination results, speed up patent examination, and improve patent examination quality. TIPO will continue to seek similar partnerships with other IP offices in hopes of creating an internationalized environment for IPR protection through harmonizing patent regimes across nations.

C. Lower cost

In line with its continuous effort to establish a reasonable fees structure, TIPO has lowered the charges of the following:

1. Applicants providing an additional abstract of their patent applications in English will be eligible for fee reduction. This is to enable data exchange among IP offices and facilitate convenient searches by foreign investors planning to do business in Taiwan.
2. Applicants filing patent applications online are eligible for fee reduction.
3. With statutory patent annuities having been significantly lowered, holders of patent right that are natural persons, educational institutions or SMEs can now make their payments according to the lowered rates and then apply to further lower their annuities of 1st through 6th year according to the Regulations for Reduction and Exemption of Patent Annuities.

D. Impeccable Service

1. To date, TIPO has created an environment for convenient patent application and search and will continue to achieve the objective of providing efficient and friendly online service through the establishment of a 24/7, all-year-round e-filing system.
2. TIPO provides an in-person service that allows applicants to gain expert opinions firsthand from patent examiners to help them quickly obtain patents. The office also establishes a comprehensive patent strategy and portfolio on certain key technologies via group examination to enable examiners to quickly grasp the technologies involved in an application and thereby to improve examination efficacy.
3. As part of its effort to help the industries strengthen their patent portfolios and create an optimal environment for innovation, TIPO has

over the past few years put lots of effort to the following: organizing 20 forums on industries developing patent portfolios, establishing a communications-related patent database and a search platform for the purpose of compiling the research results (2013-2015) of over 8,000 communications-related key industrial SEPs and non-SEPs, as well as conducting patent litigation and trends analyses of key industries. All of the above may serve as tactics to patent applicants facing lawsuits and as guidance to administrators making relevant decisions.