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## **Intellectual Property - Taiwan**

### **No time limit for injunctions against trademark infringement**

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The owner of a registered trademark is entitled to demand that a third party which infringes or is likely to infringe its trademark rights must cease or prevent such infringement. The rights holder is entitled to demand that the infringer who knowingly, or with reasonable grounds to know, infringes its trademark rights must pay damages, as stipulated in Article 69 of the Trademark Act. With respect to the right to claim damages, the act explicitly restricts the time limit in which such legal proceedings may be brought. The right to claim damages is extinguished if it is not exercised within two years of the date on which the rights holder became aware of the damages and the third party liable for damages. This right will be extinguished if it is not exercised in 10 years from the time of infringement. However, as the act does not stipulate a specific time limit for claims for ceasing or preventing such infringements, in practice it is quite controversial if there is a time limit on injunctions against trademark infringements.

In 2012 the Intellectual Property Court referred to a 2008 civil action decision by the Supreme Court and concluded that where there is a trademark infringement, or the risk of an infringement exists, a rights holder may exercise his or her right to demand the infringing party cease and prevent such an act. No time limit is applicable to such a claim for injunctions.

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