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Intellectual Property - Taiwan

TIPO patent publication postponement period extended to six months

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On March 7 2016 the Taiwan Intellectual Property Office (TIPO) amended Article 86 of the Enforcement Rules of the Patent Act to extend the period of postponement for the publication of patents from three months to six months. The amended article took effect on March 9 2016.

Due to TIPO efforts to accelerate examinations of pending patent applications, the average time required to conclude an invention patent application is less than 25 months, while that of a utility model patent application is around four months.

Patent applicants may need to postpone the publication of their patents when considering industrial strategy and global patent deployment. However, from a public perspective, the postponement of patent publication delays awareness of the patent's technical contents and may result in repetitive research and investment. Moreover, it is disputed whether a patent applicant can enforce a patent during the postponement period.

TIPO has compromised and adopted the proposal to extend the period of publication postponement to six months by amending Article 86. As a result, patent applicants have more time to consider patent deployment based on their industrial strategy.

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