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Intellectual Property, Taiwan

IP Court sets guideline determining jurisdiction over online trademark infringement

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The Internet's popularity as a main platform for selling goods – including counterfeit trademarked products – continues to diminish the divide between regional markets. Consumers were traditionally exposed to products available only within physical shops in local markets, but the Internet has bridged the gap between local and multinational markets.

A controversial issue has been raised in Taiwan regarding whether the local courts or a specific district court has jurisdiction over trademark infringement cases where the actual operator of an online store selling counterfeit goods is not physically located in Taiwan.

The IP Court recently set a guideline in a criminal trademark infringement case determining jurisdiction. The IP Court held that a district court in a certain city should have jurisdiction over trademark infringement cases when consumers who may have access to the online store are located in that city.

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