

## **General Information on Taiwan's Patent Application**

### **A. Requirements:**

- (1) Name, nationality and complete address of the applicant
- (2) Name, nationality and complete address of the inventors
- (3) Specification and claim(s) and drawings or photos (if any)
- (4) Power of Attorney (no notarization required)
- (5) Deed of Assignment

### **B. Examination Procedure:**

- (1) Invention patent application
  - ✘Preliminary examination procedure will takes 18 months from filing date.
  - ✘A separate request for substantive examination is required.
  - ✘The application will be laid-open to public view automatically after 18 months from priority date.
- (2) Utility model patent application
  - ✘No substantial examination is carried out.
  - ✘Examination procedure will takes 6 months from filing date.
- (3) Design application
  - ✘Examination procedure will takes 12 months from filing date.

### **C. Duration of right:**

- (1) Invention : 20 years from the filing date
- (2) Utility model : 10 years from the filing date
- (3) Design : 12 years from the filing date

**Note:** Under the Taiwan's trademark and patent law, priority claims are allowed based upon reciprocal agreements with other certain countries. Now applicants who are members of the World Trade Organization (WTO) may claim six months priority for trademarks and designs and twelve months for patents.

Under the Taiwan's patent law that a person shall obtain a patent unless:

- (a) The invention was described in a printed publication in Taiwan or a foreign country or in public use or on sale in Taiwan or a foreign country **prior to the date of application** for patent in Taiwan.
- (b) The invention was patented in Taiwan or a foreign country.
- (c) The invention was displayed in an exhibition in Taiwan or a foreign country **prior to the date of application** for patent in Taiwan.