

Taiwan Design Patent System

Latest Developments and Case Studies



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Outline

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Introduction to
Design Patent System
in Taiwan

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Protecting Designs
in Both
the Physical and Virtual Worlds

1



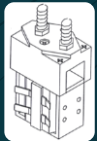
Introduction to Design Patent System in Taiwan

	Taiwan	E U	
Term	Design Patent	Registered Community Design(RCD)	Unregistered Community Design(UCD)
Examination	Substantive examination	Formal examination only	No application nor examination needed
Term of protection	15 years	Renewable every 5 years Up to 25 years	3 years from first the disclosure of the design in the European Community
Rights	Exclusive right	Exclusive right	Prohibit third parties from knowingly copying designs

1

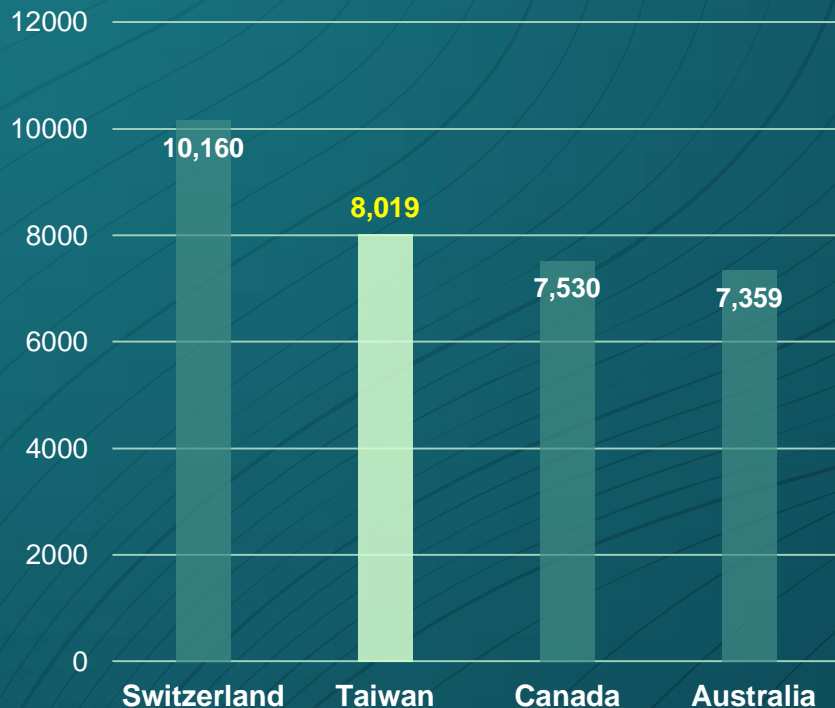
Subject matters of Design Patent and Registered Community Design

Examples				
	A set of products (RCD 002490193-0001)	Parts of products (RCD 229752-0001)	Computer icons (RCD 003001494-0002)	Get-ups (RCD 002213793-0001)
Taiwan	○	○	○	○
EU	○	○	○	○

Examples				
	Logos (RCD 000754098-0001)	Graphic designs (RCD 004547370-0002)	Living organisms (RCD 001943283-0001)	Electrical connectors (RCD 000022603-0001)
Taiwan	×	×	×	○
EU	○	○	×	×

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Statistics of Design Patent Applications in Taiwan (2020)



Top 3 Design Application Categories

Rank	T a i w a n	E U (R C D)
1	Parts for vehicles	Textiles & Accessories
2	Equipment for distribution or control of electric power	Furniture & Household goods
3	Consumer Electronics	Consumer Electronics



1

Amendments to Subject Matter of Design Patent

~2011

Tangible Movable Property

Previous law only allowed design patent registrations for tangible movable property that could be circulated in the market.



Wristwatch
(TW D122,959)



Shoe
(TW D208,470)



Headphone
(TW D214,806)

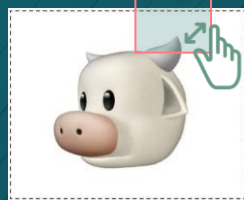
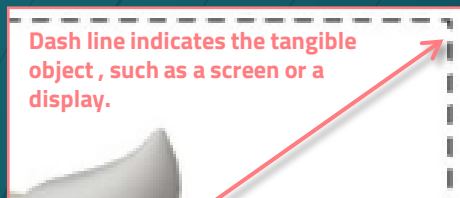


Perfume bottle
(TW D205,066)

2011~2020

Tangible Object

The scope of protection of the amended patent law was expanded to subjects of graphic designs (such as computer-generated icons or graphical user interfaces).



Icons for a display screen
(TW D206,682)



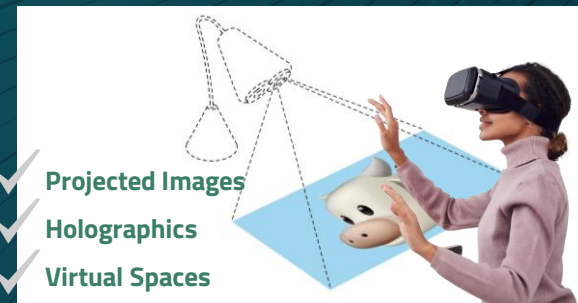
Graphical user interfaces
(RCD007329651-0001)

2020~

Tangible Object

Computer Program Product

The amended examination guidelines for Design Patents further expanded the definition for "computer program products" to include objects that display or presents graphic designs. Graphic design is thus redefined as virtual images "presented or projected" from various electronic device displays.



Icons for a computer program product

2

NERF Toy Gun in Both the Physical and Virtual Worlds

Toy gun



Metaverse (ROBLOX)





Source: <https://www.turbosquid.com/3d-models/blaster-commander-3d-1764214>

2

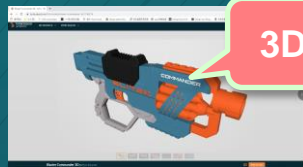
Design Patent Infringement Assessment in Taiwan



Toy Gun



Analyzing scopes of the design patent



3D Models

Analyzing the content of the accused product

First Stage

The usage of the article

If the two articles are identical or similar

Yes

No

Second Stage

If the appearances of the two articles are identical or similar

Yes

No

Infringing

Non-infringing

2

Design Patent Portfolio Strategy

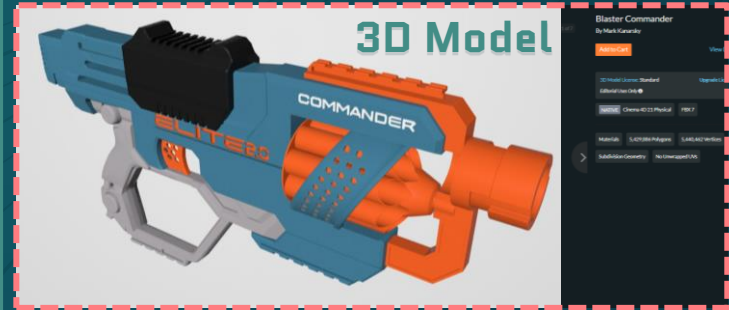
Physical World



Your Design

Toy Gun

Virtual World



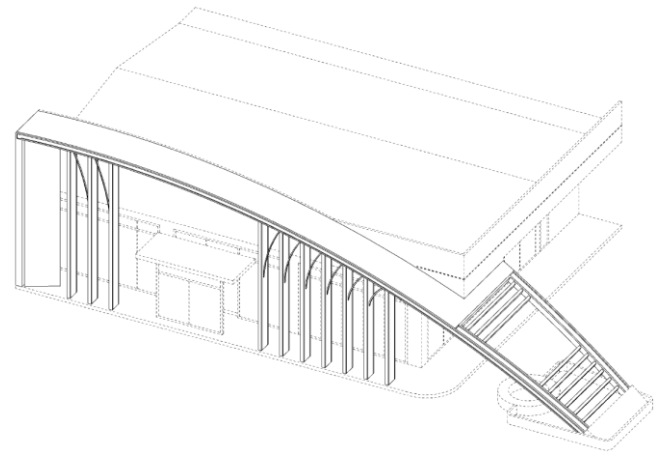
https://www.turbosquid.com/Search/Index.cfm?keyword=nerf&media_typeid=2#

Graphic Image of a computer program product



3D Printed Toy Guns

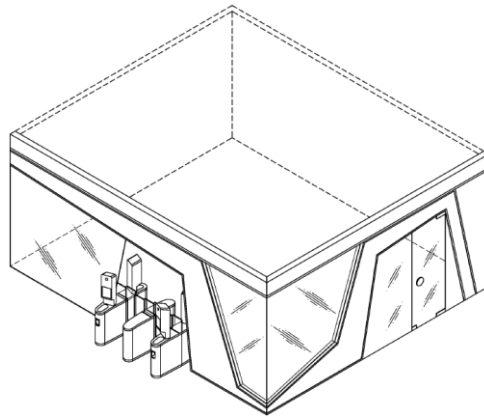
Design Patent for Architecture in Taiwan



Design Patent for Architecture located in Kaohsiung City, Taiwan
Registration Number : TW D215,072



Design Patent for Interior Design in Taiwan



Design patent for interior design located in Taipei City, Taiwan
Registration Number : D193,475



Please feel free to contact me if you
need any further information.

Thanks!



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