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## TIPLO News

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*This news mail distributed in Japanese and English from time to time provides updates on the development of law in Taiwan with focus on intellectual property rights law. For more information about the status of intellectual property right protection and practice in Taiwan, please visit our website [www.tiplo.com.tw](http://www.tiplo.com.tw)*

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### **E180623Y1**

#### **01 Taiwan finishes 3<sup>rd</sup> in terms of medal count at 2018 Invent Arena**

Taiwanese exhibitors took part in the 2018 INVENT ARENA in the Czech Republic to bag 6 gold medals, 3 silver medals, 1 bronze medal, and 1 special prize among 200 inventions, coming in third and trailing behind Czech at No. 1 and Poland at No. 2 among the 22 participating countries including the US, Russia, Poland, United Arab Emirates, China, and Indonesia.

One of the Taiwanese gold medalists is Professor HSU Tzu-Kui, who invents the "wind turbine with trailing *jet* pilot for continuous operation in *all weather*". Other Taiwanese gold-winning inventions include "QMAX Pillow Set", which is an assistive pillow with rehabilitating function developed by a 70-year old rehabilitation therapist,

HONG Si-Wen and his song HONG Qi-Wei, the “solar photovoltaic monitoring system with cost-efficiency, automatic monitoring, evaluation, and warning function” created by TSAI Liang-Huan, HUANG Rong-Geng, and XU Jia-Zhong of Da Yeh University, and also the “fire evacuation and warning device” developed by CHEN Wen-Liang, ZHU Xiu-Yi, and ZHANG Jia-Yu. In addition, 3D Global Biotech Inc. also received a gold medal and a special prize with its invention, “a technology platform for hair regeneration using stem cell”. (June 2018)

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### **E180623Y3**

#### **02 Famous Taiwanese comic artist awarded TWD3 million damages for plagiarism**

The famous Taiwanese comic artist, XIAO Yan-Zhong (“Xiao”) confronted plagiarism by JIA Zhao (“Jia”), who declared himself to be a marketing expert to adapt the comic characters of Xiao’s well-known comics series, “The Moment”, rearrange these characters into a new copywriting titled “The Mouse”, upload them onto a Facebook fan page called “Angel TALK Paris” (Chinese: Angel TALK 法國軟麵包專賣店), and further make them the main characters of a series of collection cards for sale. Xiao filed a lawsuit with the Taiwan IP Court to claim damages against Jia and was granted an award of damages in an amount of TWD3 million payable by Jia. The owner of the said Facebook fan page should pay TWD300,000 out of the awarded TWD3 million damages. In the criminal aspect of the same matter, Taiwan Tainan District Court ruled in the first instance that Jia should receive 8-month prison sentence for violating the Taiwan Copyright Act.

As the creator and copyright holder of the comics series, “The Moment”, Xiao had once held a solo exhibition of his series of works, “The Moment” in Beijing, China in August 2013. However, without Xiao’s prior consent and due authorization, Jia made simply slight changes to the comic characters of Xiao’s “The Moment” by imitating these characters by computer mouth and also adapted Xiao’s text creations to rearrange them into a series of advertising materials, “The Mouse”, and post them to the said Facebook fan page together with Jia’s picture to lead viewers to believe that those drawings and texts are created by Jia himself. Moreover, Jia’s plagiarism took another form of colorable napkins carrying these imitated comic characters to be distributed in a book store in Tainan, Taiwan for customers’ use, to be framed as picture for exhibition, and further printed as collection cards for sale at the price of TWD5,000 each. Jia’s foregoing acts have constituted serious infringement.

Jia defended himself by saying that in his cooperation with Xiao in 2013, he had acquired Xiao’s consent to adapting and imitating his comic characters of “The Moment” and rearranging them into the series of “The Mouse” for marketing purpose. Based on the foregoing reason, Jia requested for a dismissal of Xiao’s damages claim by arguing that the “The Mouse” is not the reproduction of Xiao’s works but the adaptation.

Judge of the Taiwan IP Court rendered a civil judgment in favor of Xiao on the ground that Jia has never produced any evidence to prove the allegedly authorization from Xiao and that Jia had once created such posts on the said Facebook fan page as “*I want extensive coverage of news, I want to be more popular...and I am a marketing professional*” and “*I have never denied my imitation of teacher Xiao*”, which posts demonstrate Jia’s disregard for Copyright Act. According to the IP civil judgment, the infringing works shall be all destroyed and the relevant posts on the said Facebook fan page shall be removed. Also, the main text of the IP civil judgment shall be

posted on the Facebook fan page. This case is appealable. (June 2018)

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### **E180616Y3**

#### **03 Police seizes illicit STB involving more than one hundred million Taiwan dollars**

Online provider of illicitly adapted set-top box, QBox (Chinese: 千尋盒子; hereinafter the “said set-top box”) sells the said set-top box and the service of allowing users to stream movies, live programs, and local or foreign TV dramas through the said set-top box, for which the online provider is accused of infringement by Taiwanese, Japanese, and Korean TV stations. After two-month investigation by searching the server rooms of relevant service providers, the police had seized more than 40 mainframes, hundreds of set-top boxes, mobile phones, computers, and accounting books as exhibits and interrogated a couple and set-top box providers and further referred them to the prosecutors office for copyright infringement and offense against morality.

According the police investigation results, the provider of QBox uses content delivery network to illegally reproduce and publicly transmit the contents of all kinds of movies, Japanese dramas, Korean dramas, and Taiwanese dramas under a disguised foreign IP address. As the said set-top box costs less than TWD3,000 each and provides similar channels with pay TV channels for free, viewers have been gradually stop subscription-based television services, which poses a threat to the local industry of films and television and causes great loss over a hundred million Taiwan dollars. (June 2018)

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### **E180608Y3**

#### **04 Taiwanese youtuber AmoGood sued for copyright infringement**

The popular internet celebrity, AmoGood is best known for a series of short clips of “Watching a Movie within Whatever Minutes” he made and for his personal introductions and comments he added therein; AmoGood has made a phenomenon with his sensational and sarcastic review commentaries and gained a lot of followers and one hundred thousand click-throughs. AmoGood’s short clips, however, brought himself in a legal battle initiated by Walt Disney Company, Deltamac (Taiwan) Co., Autoai Design Co., KKTV Co., and Garage Play on the ground that AmoGood’s act of putting together the snippets of original movies as short clips constitute infringement.

Confronting these companies’ accusation, AmoGood maintained and insisted that his use of these movies was reasonable and should be defined as derivative works of the original ones. The aforesaid companies have produced a scene-by-scene analysis as exhibit to prove AmoGood’s infringement. The prosecutor investigated and indicted AmoGood for his violation of Article 92 of the Taiwan Copyright Act by his act of adaptation that involves business interests. (June 2018)

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E180604Y5

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**05 Taiwan's Ministry of Science and Technology teams up with NVIDIA to develop AI innovation**

On June 4, 2018, the Ministry of Science and Technology (MOST) announced that it is extending its cooperation with US-based NVIDIA to start in five major areas of supercomputing infrastructure, technology R&D, talent training, innovation training and cultivation, and innovation. It is expected that the partnership with NVIDIA will create and sustain Taiwan's vital role in the artificial intelligence technology and industrial supply chain around the world.

According to the MOST, the revolutionary GPU (Graphics Processing Unit) innovated and developed by NVIDIA serves as the technology that multiplies computing capacity to AI development and has been extensively used in AI applications by the industry as a crucial research breakthrough as it is frequently reported in leading scientific journals or periodicals.

Minister of MOST said that collaboration with international partners is the key to accelerating Taiwan's AI innovation. Ever since the Taiwan government's announcement of its AI development policies, some multinational tech giants, including Microsoft, Google, Synopsys, in addition to NVIDIA, have been working with the MOST in AI technologies. Among those tech heavyweights, NVIDIA has initiated cooperation with the MOST since October 2017 and also extended the cooperation in May 2018. In the extended cooperation project, technology, talent, and innovation, among others will be the key areas to explore. With Taiwan's predominant position in semi-conductor industry and hardware supply chains, leading wafer technology, and strong competitiveness in information and engineering, the MOST's collaboration with NVIDIA can ensure Taiwan's position in the overwhelmingly technological wave. Since 2017, the MOST has formulated AI development strategies and established a basic environment suitable for fostering AI-related research and development. (June 2018)

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