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

Topics in this issue

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01 TIPO releases statistics of top 100 patent applicants and grants for 2024

TIPO released the statistical rankings for patent applications and patent grants in 2024. By filing a total of 1,412 applications throughout 2024, TSMC remained firmly on the top position as the most prolific resident applicant for nine consecutive years for invention patent applications, while US-based Applied Materials regained the top spot with a total of 950 applications as the top non-resident applicant. ITRI (the Industrial Technology Research Institute) and National Cheng Kung University outshined their peers by filing 356 and 121 applications, respectively, in 2024. As to invention patent grants, TSMC and Applied Materials each took the lead as the top resident applicant and the top non-resident applicant with 1,163 grants and 697 grants, respectively.

TSMC has been remaining at the top position in invention patent applications for nine straight years since 2016. In 2024, TSMC had filed 1,412 invention patent applications, outnumbering Nanya Tech in the 2nd place (with 466 applications), AU Optronics (with 425 applications), ITRI (with 356 applications), Innolux Corporation (with 328 applications), Inventec (with 321 applications), Realtek (with 309 applications), Acer (with 277 applications), Hon Hai Precision Industry (with 259 applications), and Mediatek (with 239 applications). Among the foregoing top 10 resident applicants, Nanya Tech and Innolux claimed the 2nd and 5th positions, hitting their respective new records, while Hon Hai Precision Industry, coming in 9th, exhibited the fastest growth at 93% among the top 10 resident applicants. Moreover, among the top 20 resident applicants, United Microelectronics (ranking 12th with 221 applications), Winbond Electronics (ranking 13th with 160 applications), and Powerchip Semiconductor Manufacturing Corp (ranking 17th with 131 applications) attained their all-time highs.

As to the non-resident applicants, Applied Materials recovered the top spot with 950 applications, trailed by Samsung Electronics, which ranked 2nd with 894 filings and Korea-based Coupang, which leaped to the 3rd with 698 filings to experience the sharpest increase by 54% among the top 10 in 2024. Rounding out the top 10 are Japan-based Tokyo Electron with 661 filings, US-based Qualcomm with 660 filings, Japan-based Nitto Denko with 417 filings, ASML Netherlands with 344 filings, Shin-Etsu Chemical with 279 filings, US-based Lam Research with 276 filings, and Screen Holdings with 253 filings. Among the top 10 non-resident applicants, Coupang (finishing 3rd), Tokyo Electron (finishing 4th), ASML Netherlands (finishing 7th), Shin-Etsu Chemical (finishing 8th), and Lam Research (finishing 9th) all scaled record highs.

Among the top 20 non-resident applicants, 11 of them are from Japan. Besides, Resonac (ranking 11th with 251 applications), Huawei Technologies (ranking 17th with 184 applications), and Wonderland Switzerland (ranking 18th with 167 applications) also hit all-time highs.

Additionally, there were five research institutes named among the top 100 resident invention patent applicants. The Industrial Technology Research Institute (ITRI) claimed the 4th spot with 356 applications, holding onto the top position among research institutes for the 18th consecutive year.

Among the schools that were recognized as the top 100 resident applicants in Taiwan, National Cheng Kung University maintained its top position for three straight years with 121 applications, preceding National Taiwan University (with 98 applications), National Tsing Hua University (with 83 applications), National Chin-Yi University of Technology (with 75 applications), National Yang Ming Chiao Tung University (with 74 applications), National Pingtung University of Science (with 60 applications), National Taipei University of Technology (with 55 applications), National Sun Yat-Sen University (with 51 applications), National Taiwan University of Science And Technology (with 49 applications), and National Chung Hsing University (with 48 applications). It is noticeable that the top 10 schools are

all national universities, while Taipei Medical University got an entry in the list to rank 11th with 47 applications, surpassing other private universities. As to design patent applications, Chang Gung University of Science and Technology led with 51 filings, followed by Shu Te University with 34 filings. In respect to overall patent applications, Taipei City University of Science and Technology took the lead with 177 applications for five straight years and most of its applications are filed for utility model patents. (Released 2025.02.10)

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02 TIPO statistics report on patent and trademark applications filed in 2024

TIPO released the statistics report of patent and trademark applications in 2024. According to the report, the number of applications for three kinds of patents has maintained modest growth over the past three years, reaching 72,742 in 2024, roughly on par with 2023. Among these applications, 50,823 were filed for invention patents, reflecting a marginal decrease compared to 2023 but still maintaining solid momentum. On the contrary, the applications for utility model patents rebounded to 14,559 filings, while the design patent applications sustained growth with 7,360 filings. Meanwhile, trademark registration applications totaled 90,341 cases, with the rate of decline slowing down. On the other hand, as a result of TIPO's sustained efforts to elevate examination capacity, the average first action pendency was 8.4 months for invention patent applications and 6.1 months for trademark applications, down by 0.5 and 0.1 months, respectively, compared to 2023. These improvements assist enterprises in securing rights for industrial arrangements as soon as possible.

1. Domestic enterprises' patent portfolio for invention and utility model patents become more flexible, while the number of academic and research institutes applications largely increased.

Resident invention patent applications totaled 19,586, slightly decreased by 0.2% compared to 2023, while utility model patent applications marginally rose by 0.2% to 13,341. A breakdown of applicants shows that enterprises' invention patent applications declined by 1% but their utility model filings increased by 3%, which indicates a more flexible patent strategy. On the other hand, academic and research institutes experienced a 3%~8% growth in invention patent applications and also a 13%~57% surge in utility model applications, which reflects the continued growth in patent deployment by the industry-academia collaboration. In the meantime, there were a total of 3,338 design patent applications filed, down by 3%, which was mainly attributable to the drop in the filings from schools, while it is noticeable that the design patent filings from enterprises rebounded by 5%.

2. Japan stayed on top for the non-resident filings for invention and design patents

Non-resident applicants had filed a total of 31,237 invention patent applications throughout 2024, which marked a slight rise of 0.1%, with Japan still leading with 12,307 applications, surpassing the U.S. with 6,817 applications, China with 3,472 applications, South Korea with 3,365 applications, and Germany with 1,035 applications, among which South Korea reached a record high. Analysis of these filing countries' growth shows that South Korea and Germany each experienced a growth rate of 8% and the U.S. also saw its 1% growth. However, Japan and China each had a decline by 2% and 9%, respectively.

In addition, non-resident applications for design patents increased by 4% to 4,022 cases in 2024. Japan also topped this ranking with 880 applications, followed by the U.S. with 772 applications, China with 755 applications, Switzerland with 370 applications, and Germany with 241 applications. China's growth remarkably surged to 61%, while Germany improved by 1%. On the contrary, Japan, the U.S., and Switzerland fell by 6%, respectively.

3. Decline of trademark registration applications slowed down to 1%

Trademark applications totaled 90,341 cases (covering 112,534 classes), down by 1% (or 2% by class). The rate of decline eased compared to 2023 when a 3% decrease occurred. The fall was mainly attributable to a 4% fall in resident applications to 69,386 cases. In contrast, non-resident applications climbed by 7% to 20,955 cases, returning to positive growth.

Among the top five foreign filing countries (regions), China outstripped other countries with 5,624 filings, ahead Japan with 3,397 filings, the U.S. with 2,822 filings, South Korea with 1,919 filings, and Hong Kong with 1,277 filings. Except for the U.S. seeing a 3% drop, the other four countries' applications jumped by 13%~28%.

4. Uni-President retained no. 1 ranking as the top domestic corporate applicant for six straight years, while Tencent Holdings led as the top foreign corporate applicant again.

Uni-President remained as the top domestic corporate trademark applicant for the sixth year in a row, with 709 applications in 2024. MOMO.COM Inc. ranked No. 2 with 216 applications. WU, Ruo-Mei and the other top five applicants filed trademarks in or related to religious temples. As to foreign corporate applicants, Tencent Holdings stick to the top position with 146 applications, trailed by L'Oreal of France with 86 applications and Japan-based Kao with 81 applications.

With respect to the classes the resident trademark applications, Class 35 (advertising, business management, and retail/wholesale services) recorded the highest number of 13,407 applications. Among the top 10 classes, only Class 3 (cosmetics and cleaning products, etc.) saw a growth by 2.2%, while Class 5 (pharmaceuticals) and Class 42 (scientific and technological services) had growth rates between -0.3%~0.3%. All other classes decreased at the rates between 1.8% to 10.6%.

As to the non-resident applications, most of them were filed in Class 9 (computer and technology) to reach 3,848 applications. Among the top 10 classes of non-resident applications, Class 3 (cosmetics and cleaning products, etc.), Class 25 (clothing, footwear, etc.), Class 18 (leather and synthetic leather, luggage) all experienced double-digit growth between 12.2%~15.4%. On the contrary, Class 5 (pharmaceuticals) and Class 42 (scientific and technological services) fell by 3.7% and 9,8%, respectively.

5. Continued optimization of patent/trademark examination pendency supports industrial deployment.

TIPO has been committed to enhancing patent and trademark examination capacity by continuously optimizing its review system, search efficiency, and workforce allocation. As a result of the sustained improvement, the average first action pendency in 2024 was 8.4 months for invention patent applications, down by 0.5 month compared to 2023, with the number of pending applications being 52,712 cases. On the other hand, the average first action pendency for trademark applications was shortened by 0.1 month to 6.1 months, and the number of pending applications decreased to 52,860 cases. These improvements help businesses secure trademark or patent rights earlier and strengthen their industrial planning in the market. (Released 2025.02.10)

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03 Force Mos wins patent infringement lawsuit against ASUS in U.S.

Force Mos Technology Co., Ltd. (hereinafter "Force Mos"), the MOSFET provider, announced its legal victory in the patent infringement lawsuit filed against Asus in the U.S.. On February 13, 2025 (the U.S. time), the U.S. District Court for the Eastern District of Texas decided on this case in favor of Force Mos by sustaining Asus' willful infringement and ordered Asus to pay USD10.5 million (around TWD340 million) in damages to Force Mos.

This patent dispute can be traced back to 2022 when Force Mos discovered that Asus incorporated in its notebook models sold in the U.S. the MOSFET components infringing upon its U.S. patents (Patent Nos. 7,629,634 and 7,812,409). Force Mos had sent notices to Asus and communicated with Asus in good faith, but received no response, which prompted Force Mos to file a lawsuit against Asus, alleging that the allegedly infringing MOSFET components have been widely used in consumer electronics, including laptops, PCs, tablets, and battery modules, with each device incorporating dozens to over a hundred such components. As such, Force Mos argued that the extensive application of such components has resulted in long-term infringement upon Force Mos' IP rights and damage to its market competitiveness.

In addition to the damages awarded, the jury's finding of Asus' willful infringement may lead to enhanced damages and an order requiring Asus to pay part or all of Force Mos' legal fees. Force Mos will also take further legal steps to block the sale of the electronic products integrating the infringing MOSFETs in the U.S. market. It also warned that any future products of any brands incorporating the infringing components will be subject to legal risks. (Released 2025.02.14)

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04 Plant variety right applications reach 200 in 2024, highest in a decade

Plant variety rights are a form of intellectual property exclusive to agriculture. According to the Agriculture and Food Agency under the Ministry of Agriculture (hereafter the "Agency"), following the enforcement of the Plant Variety and Plant Seed Act on June 30, 2005, which was amended by reference of the 1991 International Convention for the Protection of New Varieties of Plants of the UPOV (International Union for the Protection of New Varieties of Plants), the number of applications for variety rights have maintained modest growth and even rose to 200 applications in 2024, hitting a 10-year high. This reflects the industry's growing importance placed on the innovation and protection of plant varieties. The Agency noted that new varieties receive provisional protection after public disclosure of their applications, which provides more protection to breeders. The Agency also calls on all sectors to value IP rights and work together to protect the fruits of innovation.

The Agency explained that there have been 226 plant varieties recognized and announced as eligible for plant variety right protection. Plant varieties that are novel, distinct, consistent, stable, and properly named are eligible for plant variety right application. As of the end of January 2025, there have been a total of 3,286 applications filed and 1,640 are granted. Among these applications, 676 applications were filed by foreign applicants and 278 were granted. The large number of developed and introduced plant varieties demonstrates the result and effectiveness of Taiwan's protection for plant variety rights, which is effective enough to offer farmers diverse cultivation options and also to strengthen the competitiveness of agricultural sector.

Moreover, according to the Agency, the variety right holder's authorization is required for reproduction and sale of the plants protected by variety rights. New varieties are granted "provisional protection" after the applications thereof have been laid open and before official approval as set forth in the 2nd paragraph of Article 19 of the Plant Variety and Plant Seed Act, and thus, farmers or businesses may commercially exploit these varieties only after obtaining the variety right holder's prior consent, or they risk infringing on variety rights. In order to avoid infringement and legal violation, it is advisable to use the Ministry of Agriculture's plant variety rights public information search system (at https://pvr.afa.gov.tw) to first conduct a search of variety names, plant appearance, laid-open date of application, and right status, etc.. The Agency emphasizes that new plant varieties represent the result of years of efforts and innovation of breeders and thus the Agency calls on all sectors to respect plant variety rights. Unauthorized reproduction, sale, or cultivation of protected varieties should be avoided. Respecting these rights will help improve domestic breeding efforts and encourage the introduction of high-quality foreign varieties and ultimately foster overall agricultural development. (Released 2025.02.17)

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