

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

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01 Japanese artist wins TWD2 million in Kaohsiung public art copyright case

In 2022, a plagiarism controversy broke out from the public art installation displayed in front of the building of Kaohsiung Branch, Administrative Enforcement Agency under the Ministry of Justice. Taipei District Prosecutors Office later prosecuted the contractor, Graph Arch Design and its responsible person, TSAI Wen-Xiang (“Tsai”) on criminal charges. Separately, Kino Satoshi, a Japanese ceramic artist, initiated a civil action with the IPC Court, claiming that Graph Arch Design reproduced his artwork accomplished in 2015, “Oroshi-typhoon” (嵐 (眼)) without authorization. In the first-instance judgment, the IPC Court sustained Graph Arch Design’s and Tsai’s infringement upon Kino Satoshi’s copyrights (his rights of reproduction and attribution) and ordered that Graph Arch Design and Tsai shall severally and jointly pay TWD2 million and interest thereof in damages. The court also mandated the destruction of the infringing public artwork.

Kino Satoshi stated that his artwork “Oroshi-typhoon” (嵐 (眼)) was exhibited and received award in Taiwan in 2016 and later published in a printed art book that remains available for purchase through Taiwanese online bookstores and other platforms, which means that Graph Arch Design and Tsai had ample opportunity to have seen and accessed the artwork. According to Kino Satoshi, the public artwork installation in question bears an almost identical appearance, form, and structure to “Oroshi-typhoon” (嵐 (眼)). That is to say, Graph Arch Design and Tsai, without prior consent or authorization, allegedly reproduced the “Oroshi-typhoon” (嵐 (眼)) and indicated Tsai as the author, thereby infringing Kino Satoshi’s copyrights (rights of reproduction and attribution).

According to the IPC Court judgment, Kino Satoshi’s artwork “Oroshi-typhoon” (嵐 (眼)) possesses originality and qualifies as an artistic work protected under the Copyright Act. Even inspired by nature, the piece, “Oroshi-typhoon” (嵐 (眼)) demonstrates aesthetic uniqueness in its curves and aesthetic expression through specialized ceramic techniques. The court also indicated that the piece had been publicly exhibited at the New Taipei City Yingge Ceramics Museum and featured in journals and magazines, which makes it accessible to the public. It is therefore reasonable to assume that Graph Arch Design and Tsai could have seen the piece. The piece features two interlocking semicircles with ribbon-like extensions that slope to the sides, ending in slightly twisted, asymmetrical lines, and a structure that is thinner at the front and thicker at the back. The infringing public artwork shares these same characteristics, and

thus, the court found that the two pieces bear a highly similar “overall concept and impression,” reaching the level of substantial similarity.

As ruled by the IPC Court in its judgment, Graph Arch Design and Tsai infringed upon Kino Satoshi’s right of reproduction by submitting an unauthorized copy of his work in a public art tender. Also, they violated Kino Satoshi’s right of attribution by attributing authorship of the infringing public artwork to Tsai. In view of the foregoing, the court ordered that Graph Arch Design and Tsai should severally and jointly pay TWD2 million in damages plus interest calculated and accrued at a 5% annual rate from September 27, 2024 until full payment is made. In addition, Graph Arch Design should have the infringing public artwork destroyed to remove the infringement. (Released 2025.09.04)

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02 TSMC and ASE lead the formation of 3DIC Advanced Packaging Manufacturing Alliance

On September 9, 2025, Semiconductor Equipment and Materials International (SEMI) announced the official formation of the 3DIC Advanced Manufacturing Alliance (3DICAMA; hereinafter referred to as the “Alliance”), which is co-chaired by TSMC and ASE Group and brings together 37 leading companies, including Chroma and Hongsu, aiming to promote cross-domain collaboration and standardization and also to establish the most comprehensive 3DIC ecosystem.

According to SEMI, 3DIC technology is facing multiple challenges. Taiwan, with its comprehensive semiconductor supply chain and advanced mass production capacity and also its influence on international collaboration and standards formulation, has become an essential global hub for 3DIC and advanced packaging development.

TSMC and ASE jointly lead industry chain partners to promote 4 core tasks of 3DICAMA as summarized below.

1. For industry collaboration, the Alliance will connect the semiconductor industry chains to facilitate the cross-domain innovation and experience sharing;
2. The Alliance will focus on the strengthening of supply chain resilience and industrial support and build a more resilient and stable industrial system by enhancing local manufacturing and connecting global resources;
3. In terms of industrial standards, the Alliance will integrate the SEMI platform resources and industry consensus to establish technical standards and specifications that cover materials, processes, and design, promote standard implementation, and assist manufacturers and suppliers in effectively introducing and implementing systematic application standards; and
4. The Alliance will also focus on technology and quality upgrading and promote R&D cooperation in advanced packaging, so as to enhance manufacturing efficiency and yield and also actively address technical bottlenecks, such as, thermal management and advanced interconnect architectures. In the field of measurement and testing, the Alliance will strengthen advanced testing technology and quality control, accelerate the implementation and broader application of new technologies, promote technology commercialization while simultaneously advancing system software and automation upgrades, as well as communication interface integration, and continuously enhancing the advanced packaging ecosystem. (Released 2025.09.10)

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03 Taiwan moves toward becoming an AI Island as Executive Yuan greenlights its Artificial Intelligence Basic Act

In order to build up a sound environment for developing and applying artificial intelligence and to foster Taiwan into an AI island, the Executive Yuan of Taiwan approved the draft Artificial Intelligence Basic Act on August 28, 2025 (hereinafter the “draft Act”) and submitted the draft Act to the Legislative Yuan for deliberation.

The minister of the Executive Yuan indicated that for the purpose of building up a sound environment conducive to AI development and application, the Ministry of Digital Affairs carries on the task of drafting the Artificial Intelligence Basic Act initiated by the National Science and Technology Council. The legislation aims to establish the fundamental principles for AI development, application, and governance, with a focus on urging technological innovation and keeping pace with the international standards, while also focusing intellectual property rights and personal data protection. The Act serves to chart the course for national development, position Taiwan as an “AI Island” and elevate Taiwan to a key player in the global advancement of artificial intelligence.

The minister stated that following the submission of the draft Act to the Legislative Yuan for review, the Ministry of Digital Affairs should, based on the legislative framework and principles of basic act, actively communicate with all political parties and various sectors of society to seek support, so as to complete the legislative process as soon as possible. The key points of the draft Act are as follows.

- (1) Legislative purpose; (Article 1 of the draft Act)
- (2) Definition of artificial intelligence; (Article 2)
- (3) Fundamental and guiding principles for AI research, development, and application; (Article 3)
- (4) The government should promote AI research and development, application, and infrastructure; (Article 4)
- (5) Competent authorities may establish AI innovation-friendly environments for AI-based products or services; (Article 5)
- (6) The government should promote AI innovation through public-private partnerships and should also advance international AI-related collaboration; (Article 6)
- (7) The government should keep promoting AI education; (Article 7)
- (8) The government should prevent unlawful conduct arising from AI application, and relevant government agencies should provide or recommend tools or methods for evaluation and verification; (Article 8)
- (9) The Ministry of Digital Affairs should create an AI risk classification framework aligned with international standards, and competent authorities should, as needed, use this framework to establish risk-based tiered management regulations; (Article 9)
- (10) The government may, through laws or guidelines, establish standards, verification, traceability, or accountability mechanisms to enhance the verifiability and human controllability of AI-driven decision-making; (Article 10)

(11) The government should clarify liability attribution and conditions for accountability in high-risk AI applications and also establish remedy, compensation, or insurance mechanism; (Article 11)

(12) The government should protect labor rights and must provide reemployment assistance to those who become unemployed due to AI; (Article 12)

(13) The government should protect personal data during AI development and application; (Article 13)

(14) The government is also required to enhance the availability, quality, and quantity of data used in AI to avail AI training and outputs that uphold the country's cultural diversity and protect IP rights; (Article 14);

(15) Guidelines for AI use in government affairs; (Article 15)

(16) After the enforcement of this Act, the government should review and adjust the competent authorities' duties, functions, relevant regulations and issue guidelines according to this Act. The central competent authorities should consult with the central digital authority to interpret and specify scope of applications with respect to those matters not addressed in the existing laws and regulations before amendment. (Article 16) (Released 2025.08.28)

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