

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE INTELLECTUAL PROPERTY OFFICE IN TAIPEI AND THE OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS) IN ALICANTE ON THE EXCHANGE OF INFORMATION RELATING TO THE PROTECTION OF TRADE MARK RIGHTS

簽訂日期：民國 88 年 12 月 31 日

生效日期：民國 89 年 01 月 01 日

The Office for Harmonization in the Internal Market (Trade Marks and Designs) [OHIM] in Alicante and the Intellectual Property Office in Taipei [IPO], hereinafter referred to as "the offices",

TAKING INTO CONSIDERATION

Their willingness to join efforts in the pursuit of the protection of trade mark rights and a wider respect of the interests of users and consumers.

Their conviction that the exchange of information and cooperation within the framework of the friendly relations between both Offices will promote the protection of trade marks in the territories represented by the Offices, and will contribute to its appropriate dissemination.

That the OHIM, as a European Union agency, has the human, technical and material means necessary to implement the objectives and commitments set out in this Memorandum, and that the OHIM also has the capacity to execute them.

That the IPO has the human, technical and material means necessary to implement the objectives and commitments set out in this Memorandum, and that the IPO also has the capacity to execute them.

HAVE AGREED AS FOLLOWS

#### Article 1

The Offices declare their willingness to maintain continuous communication on the exchange of information relating to the modernisation, harmonization and development of trade mark rights, in particular the exchange of information regarding legislation in force as well as those legislative proposals and amendments which are anticipated.

The Offices shall carry out joint consultations and discussions concerning the organisation, collection, storing and accessibility of their trade mark documentation.

#### Article 2

The Offices shall jointly establish mechanisms for technical cooperation in the field of trade marks, which shall mainly comprise of technical training and the organisation of courses and seminars.

#### Article 3

The execution of all cooperation activities foreseen in this Memorandum shall be developed through annual work plans scheduled on a short, medium and long term basis, jointly prepared and agreed upon by the Offices.

The financing of the activities arising from the execution of this Memorandum shall be established via the annual work plans. As a general principle, unless otherwise agreed, in the field of training and specialisation, each Office shall bear all travel costs and allowances for any personnel travelling on their own behalf to the other Office or any other institution in that country.

#### Article 4

The Offices shall exchange views and experience on search and examination standards.

#### Article 5

The OHIM shall send the IPO, as from the date of entry into force of this Memorandum and on a regular basis, one free copy of all its official publications, including periodical and non-periodical publications.

The IPO, shall send the OHIM, as from the date of entry into force of this Memorandum and on a regular basis, one free copy of all its official publications, including periodical and non-periodical publications.

This list is non-exhaustive and may be modified as seen fit by the Offices.

The Offices undertake to use English as the language for correspondence. All publications and texts, legal or otherwise shall be sent in English on condition that an available translation exists.

Unless otherwise stated, each Office shall be authorised to use the information made available by the other Office exclusively for internal needs.

#### Article 6

On request, the Offices shall provide each other with jurisprudence on specific subject matters.

#### Article 7

The Offices shall develop mechanisms for technical assistance and promotion, in particular, in the area of dissemination of information concerning trade marks.

While executing this provision, the Offices shall exchange information on awareness programmes in relation to Universities, Research Centres, enterprises and other social and economic agents .

Should these programmes or actions be dealt with by other state bodies, the Offices agree to coordinate with those bodies in order to make the information available to each other.

#### Article 8

The Offices shall examine the efficiency of these provisions at regular intervals and shall agree, based on a joint review, the adoption of amendments to the present Memorandum.

#### Article 9

All communications relating to the execution of the present Memorandum shall be made in writing, shall mention the title of the project, and shall be sent in two copies to the IPO in Taipei, and the OHIM in Alicante.

#### Article 10

The present Memorandum shall enter into force on the day following its signature.

IN WITNESS WHEREOF the Undersigned, being duly authorized thereto, have signed this Memorandum of Understanding.

Done at Taipei, on December 31, 1999, in duplicate in the Chinese and English languages, both texts being equally authentic.

For the Intellectual Property Office〔IPO〕

Chen Ming-Bang

Director General

For the Office for Harmonization in the

Internal Market (Trade Marks and

Designs)〔OHIM〕

Jean-Claude

COMBALDIEU

President