

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE INTELLECTUAL PROPERTY OFFICE OF MINISTRY OF ECONOMIC AFFAIRS IN TAIWAN AND THE AUSTRALIAN COMMERCE AND INDUSTRY OFFICE ON COOPERATION IN INDUSTRIAL PROPERTY

簽訂日期：民國 93 年 04 月 23 日

生效日期：民國 93 年 04 月 23 日

Memorandum of Understanding Between The Intellectual Property Office of Ministry of Economic Affairs in Taiwan and The Australian Commerce and Industry Office On Cooperation in Industrial Property

The Intellectual Property Office of the Ministry of Economic Affairs in Taiwan and The Australian Commerce and Industry Office (hereinafter referred to as "the Parties") have embodied their understandings in this Memorandum.

Implementing Authorities

This Memorandum of Understanding will be implemented:

- a) on behalf of Taiwan by the Intellectual Property Office of Ministry of Economic Affairs of Taiwan, in Taiwan.
- b) on behalf of the Australian Commerce and Industry Office by IP Australia, in Canberra, Australia.

Interpretation

In this Memorandum of Understanding "Industrial Property" shall have the same meaning as is provided for in the Paris Convention for the Protection of Industrial Property, as amended in 1979.

Paragraph 1

The scope of cooperation in Industrial Property related matters will not only cover those elements of this Memorandum of Understanding but will also cover areas that both Parties are willing to cooperate upon that are in the best interests of each Party

to enhance the existing relationship in the protection of intellectual property rights.

Paragraph 2

Information Systems Data Exchange

Where practical, the Implementing Authorities will exchange data and experiences regarding their Industrial Property related information systems, particularly in the area of e-filing systems. This information will consist mainly of the technical aspects of the data processing and their applied technology. Provided however that certain information as requested will not be provided nor published in any respect, if it is determined by the responding Implementing Authority to be confidential in nature due to the operation of law or by the discretion of the Parties involved.

Paragraph 3

Confidential information

The Implementing Authorities will respect the confidentiality of any information which is provided to it in confidence by the other Implementing Authority and, without limiting the generality of the forgoing, will not publish, copy or distribute that information.

After termination of this Memorandum of Understanding the Implementing Authorities will continue to respect the confidentiality of confidential documents exchanged between them pursuant to this paragraph and Paragraph 2.

Paragraph 4

Exchange of Technical Personnel

Where practical, and subject to each Implementing Authority's financial constraints, they will exchange technical personnel including but not limited to patent and trade mark examiners in order to facilitate the implementation of this Memorandum of Understanding, through the holding of practical training progra-

ms and workshops/seminars.

Paragraph 5

Information Exchange

Where practical, the Implementing Authorities will exchange information available, in English, as regards any legal issues pertinent to this Memorandum of Understanding, particularly the development of the Industrial Property rights laws, regulations, executive decisions, and enforcement. If either Implementing Authority should require information related to Industrial Property related matters, but beyond their authority, the requested Implementing Authority will do its best to refer such requests to the competent authority for response.

Paragraph 6

Publications Exchange

The Implementing Authorities will exchange Industrial Property rights publications including but not limited to periodicals, gazettes and pamphlets. The publications may be provided to the requesting party electronically. The publications to be exchanged should be in English.

Paragraph 7

Annual Meeting

Both Implementing Authorities will endeavour to meet once a year to exchange views on international developments and matters of mutual interest. This annual meeting may be held, where convenient to both parties, in person, via electronic means or whilst attending other multilateral meetings.

Paragraph 8

Commencement

This Memorandum of Understanding will come into effect on the date of the signatures thereof.

Paragraph 9

Termination

Either Party, upon six months advance written notice to the other Party, may terminate this Memorandum of Understanding at any time.

Paragraph 10

Review and Amendment

This Memorandum of Understanding may be amended by mutual written consent of the Parties at the request of either Party.

Signed in Taipei, Taiwan on 23 April 2004, in duplicate each in the Chinese and English languages, the two texts being equally valid. In case of any divergence in interpretation, the English text governs.

On behalf of the Intellectual
Property Office (TIPO) of the
Ministry of Economic Affairs
in Taiwan

On behalf of the Australian
Commerce and Industry Office

Tsai, Lien-Sheng
Director General / Intellectual
Property Office (TIPO) of the
Ministry of Economic Affairs in
Taiwan

Frances Adamson
Representative/ Australian
Commerce and Industry Office