

法規名稱：AMENDMENT TO "EXCHANGE OF LETTERS BETWEEN NATIONAL INSTITUTE FOR INDUSTRIAL PROPERTY IN PARIS AND NATIONAL BUREAU OF STANDARDS, MINISTRY OF ECONOMIC AFFAIRS IN TAIPEI CONCERNING THE MUTUAL GRANTING OF A PRIORITY RIGHT AS REGARDS PATENTS, DESIGNS AND TRADEMARKS, AND COOPERATION"

簽訂日期：民國 93 年 04 月 02 日

生效日期：民國 93 年 04 月 02 日

Date: April 2, 2004

Mr. Daniel HANGARD

DIRECTOR GENERAL

National Institute for Industrial Property

"Dear Director General,

With reference to the latest discussion during the 4th bilateral commission in Cognac, on 23rd October 2000, concerning the mutual granting of a priority right as regards patents, trademarks and industrial designs, I have the pleasure to notify you of the fact that the Intellectual Property Office in Taipei is willing to enter with the National Institute for Industrial Property in Paris into an agreement to amend the "Exchange of Letters between National Institute for Industrial Property in Paris and National Bureau of Standards, Ministry of Economic Affairs in Taipei concerning the Mutual Granting of a Priority Right as regards Patents, Designs and Trademarks, and Cooperation" dated 1st July 1996, in these fields under the following terms and conditions:

1. National Institute for Industrial Property in Paris (INPI), and Intellectual Property Office in Taipei (TIPO), hereinafter referred to as "the Parties", record formally that each of the Parties shall accept priority claims in relation to applications for patents of invention, for utility model patents or utility certificates, and for design patents, or designs and models, based on a first filing effected with the other Party (or based on a first filing effected with a country which is a member of the World Trade Organization or a party to the Paris Convention for the Protection of Industrial Property and also has a reciprocal priority arrangement with TIPO) by its nationals, on or after the date on which this Amendment takes effect. The Parties note that the reciprocity condition provided for in both statutes is complied with and accordingly shall exempt the applicants from producing proof thereof.
2. This Amendment to the exchange of letters is a reciprocity Agreement as regards priority in the field of trademarks. Applicants with each of the Parties can avail themselves of this Agreement as of right. Each of the Parties shall accept priority claims deriving from a first application for the registration of a trademark effected with the other Party (or based on

a first filing effected with a country which is a member of the World Trade Organization or a party to the Paris Convention for the Protection of Industrial Property and also has a reciprocal priority arrangement with TIPO) on or after the date on which this Amendment takes effect.

3. Both Parties (INPI and TIPO) accept priority claims by nationals of the other Party, based on a first filing effected under international treaties such as the Hague Agreement, the European Patent Convention, and the Patent Cooperation Treaty on or after the date on which this Amendment takes effect.

4. For the purpose of the implementation of the preceding Provisions, notably of the definition and of the time limits, both Parties shall refer to Article 4 of the Paris Convention for the Protection of Industrial Property.

5. At their convenience and on terms to be agreed upon between the Directors General of the parties, INPI and TIPO shall exchange:

a) Information and Experience:

- on their respective organization and management
- on their procedures (search and examination, notably)

b) Technical documentation and publications

c) Trainees

6. Both Parties shall keep each other informed of the way in which this Amendment is implemented as well as the difficulties with implementation which may be encountered. The Parties shall exchange views on the evolution of national laws and on any issue related to industrial property rights protection.

If the above-mentioned provisions suit you, I have the pleasure, Sir, to suggest that this letter and your acceptance reply constitute an Agreement in this field between our two offices, which shall enter into force on the date of acceptance reply.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours sincerely,

Lien-Sheng Tsai
Director General
Intellectual Property Office
Ministry of Economic Affairs

Date: April 2, 2004

Mr. Lien-Sheng Tsai

DIRECTOR GENERAL

Intellectual Property Office, MOFA

19th Fl., No. 185, Hsin-Hai Road, Sec. 2,
Taipei, Taiwan

Dear Director General,

It is my honor to acknowledge the receipt of your letter of today which reads as follows:

"Dear Director General,

With reference to the latest discussion during the 4th bilateral commission in Cognac, on 23rd October 2000, concerning the mutual granting of a priority right as regards patents, trademarks and industrial designs, I have the pleasure to notify you of the fact that the Intellectual Property Office in Taipei is willing to enter with the National Institute for Industrial Property in Paris into an agreement to amend the "Exchange of Letters between National Institute for Industrial Property in Paris and National Bureau of Standards, Ministry of Economic Affairs in Taipei concerning the Mutual Granting of a Priority Right as regards Patents, Designs and Trademarks, and Cooperation" dated 1st July 1996, in these fields under the following terms and conditions:

1. National Institute for Industrial Property in Paris (INPI), and Intellectual Property Office in Taipei (TIPO), hereinafter referred to as "the Parties", record formally that each of the Parties shall accept priority claims in relation to applications for patents of invention, for utility model patents or utility certificates, and for design patents, or designs and models, based on a first filing effected with the other Party (or based on a first filing effected with a country which is a member of the World Trade Organization or a party to the Paris Convention for the Protection of Industrial Property and also has a reciprocal priority arrangement with TIPO) by its nationals, on or after the date on which this Amendment takes effect. The Parties note that the reciprocity condition provided for in both statutes is complied with and accordingly shall exempt the applicants from producing proof thereof.
2. This Amendment to the exchange of letters is a reciprocity Agreement as regards priority in the field of trademarks. Applicants with each of the Parties can avail themselves of this Agreement as of right. Each of the Parties shall accept priority claims deriving from a first application for the registration of a trademark effected with the other Party (or based on a first filing effected with a country which is a member of the World Trade Organization or a party to the Paris Convention for the Protection of Industrial Property and also has a reciprocal priority arrangement with TIPO) on or after the date on which this Amendment takes effect.
3. Both Parties (INPI and TIPO) accept priority claims by nationals of the other Party, based on a first filing effected under

international treaties such as the Hague Agreement, the European Patent Convention, and the Patent Cooperation Treaty on or after the date on which this Amendment takes effect.

4. For the purpose of the implementation of the preceding Provisions, notably of the definition and of the time limits, both Parties shall refer to Article 4 of the Paris Convention for the Protection of Industrial Property.

5. At their convenience and on terms to be agreed upon between the Directors General of the parties, INPI and TIPO shall exchange:

a) Information and Experience:

- on their respective organization and management
- on their procedures (search and examination, notably)

b) Technical documentation and publications

c) Trainees

6. Both Parties shall keep each other informed of the way in which this Amendment is implemented as well as the difficulties with implementation which may be encountered. The Parties shall exchange views on the evolution of national laws and on any issue related to industrial property rights protection.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

In reply, I have the pleasure to accept, on behalf of the INPI, the foregoing conditions contained in your letter and to confirm that your letter and this letter in reply shall constitute an Agreement between our two offices which shall into force on the date of this letter.

Yours sincerely,

Daniel HANGARD
Director General
French National Institute
For Industrial Property