

法規名稱：MEMORANDUM OF UNDERSTANDING ON BILATERAL COOPERATION IN INDUSTRIAL PROPERTY BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN AUSTRALIA (TECO) AND THE AUSTRALIAN COMMERCE AND INDUSTRY OFFICE, TAIPEI (ACIO)

簽訂日期：民國 97 年 10 月 09 日

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This document outlines the commitments of the implementing authorities to build an ongoing cooperative relationship that contributes to the needs and priorities of each organisation. This document reflects the shared understandings of both implementing authorities.

1. Implementing Authorities

1.1 This Memorandum of Understanding will be implemented:

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

2. Interpretation

2.1 In this Memorandum of Understanding, “Industrial Property” will have the same meaning as is provided for in the Paris Convention for the Protection of Industrial Property, as amended in 1979.

3. Key Activities and Commitments

The following areas have been identified by the implementing authorities as potential key areas for mutually beneficial cooperation:

3.1 Training of Technical Personnel

- 3.1.1 IP Australia will accommodate the placement of up to two senior TIPO trade mark examiners for a two week period to participate in scheduled training programs at IP Australia. The timing of this placement will be mutually arranged by TIPO and IP Australia. The aim of this placement is to enhance the skills and understanding of senior TIPO officials on Australia’s approach to trade mark examination and administration practices, and for the information and knowledge acquired during the placement to be shared with trade mark examiners and officials at TIPO.
- 3.1.2 TIPO will accommodate the placement of up to two IP Australia design examiners to participate in training and information exchange at TIPO. The timing and length of this placement will be mutually arranged by TIPO and IP Australia.

3.2 Data Exchange

- 3.2.1 TIPO and IP Australia will endeavour to exchange, via electronic means, Industrial Property data, and approaches

to making data available publicly and accessible.

3.2.2 Where practical, TIPO and IP Australia will exchange experiences regarding their Industrial Property related information systems, particularly in the area of e-filing systems.

3.3 Participation in seminars and conferences

3.3.1 When appropriate, TIPO and IP Australia will invite officials from each office to participate in seminars/conferences on industrial property issues that are organised by either TIPO or IP Australia.

3.4 Information and publication exchange

3.4.1 Information and publications to be exchanged may include, but are not limited to, the following:

- annual reports, corporate publications, and public education/outreach materials developed by TIPO and IP Australia.
- relevant industrial property laws and regulations in Taiwan and Australia
- approaches to IPR enforcement in Taiwan and Australia
- IP office administration and management issues, such as selffunding
- protection of Traditional Knowledge, Plant Variety Rights, Genetic Resources and Folklore
- insights into major issues faced by Taiwanese IPR owners operating in Australia, and likewise Australian IPR owners operating in Taiwan.
- on-line newsletters/publications available via TIPO and IP Australia subscription based mailing lists

3.4.2 TIPO and IP Australia will commit to exchange views on international industrial property developments and matters of mutual interest. These exchanges may be held, where convenient to both offices, in person, via electronic means or whilst attending other multilateral meetings, such as APEC Intellectual Property Rights Expert Group (IPEG) meetings.

3.4.3 If either office should require information related to IPR protection and enforcement that is beyond their authority, the requested office will do its best to refer such requests to the relevant authority for response.

4. Understandings

4.1 Activities will be subject to the availability of funds and resources, and to the applicable laws and regulations, policies and programs of Taiwan and Australia.

4.2 This Memorandum of Understanding will take effect from the date of signing and remain in effect for a period of two years. It may be amended by mutual written determination prior to its expiry and amendment may be initiated by either TECO or ACIO.

- 4.3 This Memorandum of Understanding supersedes the previous Memorandum of Understanding signed on 23 April 2004.
- 4.4 The implementing authorities will render mutual assistance in the performance of the above understandings.
- 4.5 Either TECO or ACIO may terminate this Memorandum of Understanding by giving three months prior notice in writing.
- 4.6 The implementing authorities will respect the confidentiality of any information which is provided to it in confidence by the other party and, without limiting the generality of the foregoing, will not publish, copy or distribute that information.

Signed at Taipei, Taiwan on 9 October 2008, 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 Taipei
Economic and Cultural
Office in Australia

On behalf of the Australian
Commerce and Industry
Office, Taipei

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