

法規名稱：(終)MEMORANDUM OF UNDERSTANDING REGARDING INSTITUTIONAL COOPERATION  
BETWEEN THE TAIWAN INTELLECTUAL PROPERTY OFFICE (TIPO) AND THE SPANISH PATENT  
AND TRADEMARK OFFICE (SPTO)

簽訂日期：民國 97 年 09 月 03 日

In Madrid, September 3, 2008.

Between

Ms. Wang Mei-Hua, Director General of the Taiwan Intellectual  
Property Office , hereinafter referred to as the TIPO, as  
representative of the same pursuant to her appointment as  
Director General of the Taiwan Intellectual Property Office by  
decree Jing-ren N° 09603523230 of the Ministry of Economic  
Affairs of November 28, 2007

and,

M. Alberto Casado Cervino, Director General of the Spanish  
Patent and Trademark Office, hereinafter referred to as the  
SPTO, as representative of the same pursuant to his appointment  
as Director General of the Spanish Patent and Trademark Office  
by Royal Decree 881/2008, May 23, and with the Royal Decree  
1270/1997 of July 24, that regulates the SPTO and in whose  
Article 6, the representative authority is entrusted to its  
Director General

Both institutions act by virtue of their respective competences  
and mutually acknowledge their powers and faculties to formalise  
this Memorandum

HEREBY STATE

Considering the mission of the protection and promotion of  
industrial property, entrusted to the SPTO in accordance with  
Articles 1 and 3 of the Royal Decree 1270/1997 of July 24 that  
regulates the same and Articles 1 and 2 of the 17/1975 Act on  
the Creation of Industrial Property Register Autonomous  
Organism,

Considering the mission of the protection and promotion of  
intellectual property, entrusted to TIPO in accordance with  
Article 2, of the IPO Organization Act promulgated on November  
4, 1998 and amended on July 7, 2002,

Considering that the TIPO's as well as the SPTO's objectives include the promotion of industrial property by means of agreements with counterpart bodies,

Considering an exchange of the skills and experiences acquired by the two institutions with regard to documentation, information, training, awareness of the industrial and commercial media or any other issue that could be of interest or use to either institution,

## ESTABLISH

### FIRST: Objectives.

This Memorandum has the following objectives:

- a) To promote the exchange of documents between the TIPO and the SPTO.
- b) To promote the exchange of experiences between both institutions.
- c) To discover mutual channels of information with respect to sessions, round-table discussions, seminars or conferences convened by either of the institutions that could be of interest of the other institution.
- d) To co-operate on those matters relating to industrial property that may be of mutual interest.

### SECOND: Exchange of documentation and of experiences.

With the exception to confidential documents, the TIPO and the SPTO shall exchange published documents on a regular basis; the publication to be exchanged should be in English when possible. The two institutions shall equally organise the exchange of experiences on their related activities.

The practical forms of these exchanges shall be determined by mutual agreement.

### THIRD: Training.

The training requirements shall be reviewed annually by both institutions by means of meeting or correspondence.

When applicable, the training shall be held at the headquarters of each one of the institutions or at the venue they judge most suitable.

### FOURTH: Awareness of the users.

The TIPO and the SPTO shall make use of the appropriate resources to allow the industrial media, whom they shall be in constant contact with, aware of the services and benefits offered by each one of the institutions, by means of furnishing reports and leaflets and the organisation of activities that

demonstrates the benefits to register either industrial property modality in both institutions.

FIFTH: Reciprocal invitations.

The TIPO and the SPTO shall, on a regular basis and in a mutual manner, inform each other of meetings, round-table discussions, as well as conferences, seminars and workshops relating to industrial property. Each institution shall invite the other to participate when such events may be of interest for them.

SIXTH: Technical assistance.

Each one of the two institutions shall be able to request technical assistance it requires from the other, with respect to questions that represent a specific interest to them.

The form and modalities of such assistance shall be defined by mutual agreement between the institutions.

SEVENTH: Meetings.

Both institutions shall meet once every two years to evaluate the undertaking of the set objectives and to adopt a plan of action for the following years.

The modalities of every meeting shall be determined by mutual agreement between the institutions.

EIGHTH: Costs.

The commitments shall be assumed within the ordinary budgetary arrangements of each one of the institutions.

As a general rule, either of the institutions shall bear the travel costs of its representatives to the other party's country (plane tickets, accommodation, daily allowances).

NINTH: Monitoring Committee.

A Monitoring Committee shall be established, made up in equal numbers from both institutions, entrusted with following-up this Memorandum and settling the differences that may arise between the two institutions in the carrying out of this Memorandum.

TENTH: Nature.

This Memorandum shall not have any binding legal effect in Public International Law.

ELEVENTH: Commencement. Effects.

This Memorandum shall come into force from the date of the signing hereof, by the representatives with the authority to act as such for TIPO and the SPTO, with a duration of 3 years. This Memorandum may be extended for equal duration following assessment by the institutions.

Either of the institutions shall be able to cease to implement

this Memorandum with a prior written notice of one (1) year to the other institution.

This Memorandum of Understanding is signed in Madrid on September 3, 2008 in duplicate in the Chinese, Spanish and English languages. In case of any divergence in interpretation, the English text shall prevail.

POR LA OFICINA DE PROPIEDAD  
INTELECTUAL DE TAIWAN  
Wang, Mei-Hua  
DIRECTORA GENERAL

POR LA OFICINA ESPAÑOLA DE  
PATENTES y MARCAS  
Alberto Casado Cervino  
DIRECTOR GENERAL