

法規名稱：MEMORANDUM OF UNDERSTANDING ON THE EXCHANGE OF INDUSTRIAL PROPERTY INFORMATION AND THE ELECTRONIC EXCHANGE OF PRIORITY DOCUMENTS BETWEEN THE TAIPEI MISSION IN KOREA AND THE KOREAN MISSION IN TAIPEI

簽訂日期：民國 104 年 06 月 15 日

生效日期：民國 104 年 06 月 15 日

The Taipei Mission in Korea and the Korean Mission in Taipei
(hereinafter referred to as the “ Sides ”),

Recognizing that industrial property (IP) information needs to be disseminated globally, not only to facilitate the protection of IP rights worldwide but also to promote scientific and technological development,

Considering that the electronic transfer of priority documents will benefit the Taiwan Intellectual Property Office (TIPO) and the Korean Intellectual Property Office (KIPO), hereinafter referred to as “ the Offices ” , by reducing the administrative costs associated with handling paper copies and by enabling electronic records management, and

Desiring to foster closer cooperation between the Offices within the field of IP in order to promote the creation, protection, and enforcement of IP rights,

Have reached the following understanding:

1. Exchange of IP Data

1. The Offices will strengthen their relationship, based on the principle of reciprocity, by providing to each other, free of charge, public IP information with respect to applications for patents, utility models, designs, and trademarks (hereinafter referred to as “ IP Data ”). Details of the IP Data that the Offices will provide to each other are included in the Annex to this Memorandum of Understanding.
2. Existing arrangements between the Offices on the exchange of data will remain unaffected by this Memorandum of Understanding insofar as they cover data other than IP Data.
3. The Offices providing IP Data will allow the receiving Offices to use the exchanged IP Data for internal use (i.e. official use, library use, search use) as well as for external use (i.e. provision to third parties for commercial use). The exchanged IP Data may be distributed to the public or third parties in any applicable form.

2. Electronic Exchange of Priority Documents

1. The Offices will transfer certified copies of patent applications for inventions and utility models for which priority is claimed (“ priority documents ”), electronically. This Memorandum of Understanding will not extend to priorities claimed in the electronic transfer of design patent applications.
2. Priority document exchange will be in accordance with mutually determined technical procedures and guidelines, and the means used for such priority document exchange will be jointly determined by the Offices and may be subject to change based on the mutual consent of the Offices.
3. The Offices will maintain the confidentiality of priority documents received from unpublished applications until their publication by both Offices, and will ensure that the priority documents are accessible only to the Offices and the appropriate applicants.
3. Settlement of Disputes
If any dispute arises from the interpretation or implementation of this Memorandum of Understanding, the Sides will meet promptly and attempt to reach an amicable settlement in good faith.
4. Entry into Effect, Duration, Termination, and Amendment
 1. This Memorandum of Understanding will come into effect on the date of signature by the Sides and will have duration of five (5) years.
 2. This Memorandum of Understanding will be automatically renewed unless it is terminated by either Side by means of a termination letter sent by registered post no later than six (6) months prior to the expiry date of this Memorandum of Understanding.
 3. This Memorandum of Understanding may be amended with the mutual consent of the Sides. Any amendment will be formalized in writing and will include the dates on which such amendment becomes effective.

Signed in duplicate at Taipei, on the 15th of June, 2015, in the English language.

For the Taipei Mission
in Korea

SHIH Ting
Representative

For the Korean Mission
In Taipei

CHO Baek-sang
Representative