

Content

Title :	Act of the Organization of Intellectual Property Office, Ministry of Economic Affairs <b>Ch</b>
Date :	2011.12.28
Legislative :	<ol style="list-style-type: none"><li>1. Entry into force January 26, 1999 as published by the Executive Yuan pursuant to Directive Ref. No. Tai-87-Ching-60938</li><li>2. On February 2, 2000, the amended provision of Article 19 and the enactment of Article 16-1 were promulgated by the President.</li><li>3. On July 17, 2002, the amended provisions of Article 2, Article 7, Article 16 and Article 17 were promulgated by the President.</li><li>4. On December 28, 2011, the amended provisions of Article 7, Article 16 and Article 17 were promulgated by the President.</li></ol>
Content :	<p><b>Article 1</b></p> <p>This Statute is enacted in accordance with Article 8 of the Law of Organization of the Ministry of Economic Affairs.</p> <p><b>Article 2</b></p> <p>The Intellectual Property Office under the Ministry of Economic Affairs (hereinafter referred to as "the Office") shall be in charge of the following matters:</p> <ol style="list-style-type: none"><li>1. Matters in connection with research, drafting and execution of policies, laws, regulations, and systems governing patent right, right to exclusive use of trademarks, copyright, integrated circuit layout, trade secret and other intellectual property rights;</li><li>2. Matters in connection with the patent examination, re-examination, opposition, cancellation, revocation and extinguishment as well as the management of patent rights;</li><li>3. Matters in connection with examination of application for trademark registration, opposition, invalidation, cancellation and renewal cases, and administration of the right to exclusive use of trademarks;</li><li>4. Matters in connection with copyright registration and cancellation, determination of royalty rates for licensed use of copyrights, compulsory licensing of copyrights, and establishment approval, assistance and guidance, and supervision of the operation of copyright intermediary organization, inspection of copyright documentation for exporting audio-visual works and</li></ol>

OEMCDs.;

5. Matters in connection with registration and management of integrated circuit layout;

6. Publicity of the concept of intellectual property rights, mediation, assessment and assistance in

raid action with regard to intellectual property rights infringement cases;

7. Matters in connection with information collection, gazette publishing, public reading, consulting

services, publicizing, international cooperation arrangement, information exchange and relevant

coordination, with respect to intellectual property rights and associated information; and

8. Other matters in connection with intellectual property rights.

### Article 3

Under the Office, there shall be seven (7) individual operational departments and a legal affairs

division to take charge of and to carry out the duties set forth in the preceding Article respectively.

Operational sections may be set up under each department.

### Article 4

The Office shall have a Secretariat to take charge of the matters in connection with research,

development and evaluation, secretarial activities, official seal control, cashier's operation, general

affairs, meeting arrangement, public relations, public service and other matters not falling under the

scope of other operational departments and division. Operational sections may be set up under the

secretariat.

### Article 5

The Office shall have an Information Division to take charge of matters in connection with the

planning, development and management of information related activities. Operational sections may

be set up under this division.

### Article 6

The Office shall have one (1) Director General, with ranking of Grade 13 of Selected Appointment

Official, who shall be in charge of the overall operations of the Office; and two (2)

Deputy Directors

General, with ranking of Grade 12 of Selected Appointment Official, who shall assist the Director

General in the management of the operation of the Office.

Article 7

Other officials and staff personnel of the Office shall include : one ( 1 ) Chief of Staff and seven ( 7 )

Directors, with ranking of Grade 11 of Selected Appointment Official; three ( 3 ) Researchers, with

ranking from Grade 10 through Grade 11 of Selected Appointment Official; seven ( 7 ) Deputy

Directors, with ranking of Grade 10 of Selected Appointment Official; three ( 3 ) Heads of Division,

forty-one to fifty-three ( 41-53 ) Senior Patent Examiners, thirteen to fifteen ( 13-15 ) Senior

Trademark Examiners and six ( 6 ) Senior Specialists, with ranking from Grade 9 of Recommended

Appointment Official through Grade 10 of Selected Appointment Official; forty to forty-two

( 40-42 ) Section Chiefs, with ranking of Grade 9 of Recommended Appointment Official, among

which thirteen ( 13 ) Section Chiefs shall be acted concurrently by Senior Patent Examiners or Patent

Examiners, and five ( 5 ) Section Chiefs shall be acted concurrently by Senior Trademark Examiners

or Trademark Examiners; six to eight ( 6-8 ) Secretaries, six ( 6 ) Senior Technical Specialists, one

hundred and twenty-one to one hundred and thirty-three ( 121-133 ) Patent Examiners, thirty-nine to

forty-three ( 39-43 ) Trademark Examiners, ten ( 10 ) Supervisors, and two ( 2 ) Analysts, with ranking

from Grade 8 through Grade 9 of Recommended Appointment Official, among which two ( 2 )

Secretaries, two ( 2 ) Senior Technical Specialists and three ( 3 ) Supervisors may be with ranking of

Grade 10 of Selected Appointment Official; eight to ten ( 8-10 ) Editors, with ranking from Grade 7

through Grade 9 of Recommended Appointment Official; twenty-eight to thirty ( 28-30 ) Specialists,

with ranking from Grade 7 through Grade 8 of Recommended Appointment Official; two hundred

and thirty-two to two hundred and thirty-four ( 232-234 ) Assistant Patent Examiners, twenty-seven

( 27 ) Assistant Trademark Examiners, two to four ( 2-4 ) Administrators and two to four ( 2-4 )

Programmers, with ranking from Grade 6 through Grade 8 of Recommended Appointment Official;

one hundred and seven to one hundred and eleven ( 107-111 ) Desk Officers and twenty ( 20 )

Associate Technical Specialists, with ranking of Grade 5 of Designated Appointment

Official or  
with ranking from Grade 6 through Grade 7 of Recommended Appointment Official;  
three (3)  
Assistant Programmers, three (3) Assistant Administrators and six (6) Assistant  
Technical  
Specialists,  
with ranking from Grade 4 through Grade 5 of Designated Appointment Official, among  
which one  
(1) Assistant Programmers, one (1) Assistant Administrators and three (3) Assistant  
Technical  
Specialists may be with ranking of Grade 6 of Recommended Appointment Official;  
nineteen to  
twenty-one (19-21) Deputy Desk Officers, with ranking from Grade 3 through Grade  
5 of  
Designated Appointment Official; four to six (4-6) Junior Desk Officers, with ranking  
from Grade  
1 through Grade 3 of Designated Appointment Official.  
Senior Patent Examiners, Senior Trademark Examiners, Patent Examiners, Trademark  
Examiners,  
Assistant Patent Examiners and Assistant Trademark Examiners as mentioned in the  
preceding  
Paragraph shall be selected and appointed to individuals that fulfill the respective  
qualification  
requirements as set out in the Patent Examination Officer Qualification Statute and  
Trademark  
Examination Officer Qualification Statute.

#### Article 8

The Office shall have a Personnel Division headed by one Head of Division whose  
ranking shall be  
from Grade 9 of Recommended Appointment Official through Grade 10 of Selected  
Appointment  
Official. This Division shall handle the matters related to the personnel management.  
Other working  
personnel required by this Division may be appointed according to the quota of  
appropriate  
personnel as specified in this Statute.

#### Article 9

The Office shall have an Accounting Division headed by one Head of Division whose  
ranking shall  
be from Grade 9 of Recommended Appointment Official through Grade 10 of Selected  
Appointment  
Official. This Division shall handle the matters related to annual accounting, routine  
accounting and  
statistic operations. Other working personnel required by this Division may be appointed  
according

to the quota of appropriate personnel as specified in this Statute.

#### Article 10

The Office shall have an Anti-Corruption Division headed by one Head of Division whose ranking shall be from Grade 9 of Recommended Appointment Official through Grade 10 of Selected Appointment Official. This Division shall handle the matters related to prevention of corruptive conduct of the government employees of this Office. Other working personnel required by this Division may be appointed according to the quota of appropriate personnel as specified in this Statute.

#### Article 11

The Office shall have an Integrated Circuit Layout Assessment and Mediation Committee and a Copyright Examination and Mediation Committee to handle the matters specified in Article 36 of the Integrated Circuit Layout Protection Act and in Article 82 of the Copyright Law respectively. The members of the two Committees set forth in the preceding Paragraph shall be retained or engaged for part-time position by the Director-General of the Office from the representatives of relevant government authorities, scholars and/or experts in the related fields, and/or from the chiefs/heads of appropriate units under the Office. Other working personnel as required by those Committees may be appointed according to the quota of appropriate personnel specified in this Statute.

#### Article 12

In order to meet its operational requirements, the Office may set up different committees, with the working personnel required to be appointed in accordance with the quota of appropriate personnel specified in this Statute.

#### Article 13

In order to meet its special operational requirements, the Office may invite, with no pay, relevant scholars and experts to act as consultants or advisors to the Office.

#### Article 14

The Office may, contingent upon operational requirement(s), set up branch office(s) in appropriate district(s), with the working personnel required to be appointed in accordance with the quota of appropriate personnel specified in this Statute.

#### Article 15

With regard to the personnel whose job titles and position ranks are specified respectively in Article 6 through Article 10 of this Statute, appointment of appropriate personnel to fulfill the different organizational positions shall be considered in accordance with Article 8 of the Law for Appointment of Public Functionaries and the provisions of relevant laws and regulations and be effected by making reference to the applicable categories of personal specialties.

#### Article 16

The Office may, in order to meet its operational requirements, initiate employment of professional personnel in accordance with the provisions of the Statute for the Employees.

#### Article 16-1

The employees, as stated in the preceding Article, who are in charge of patent/trademark examination, shall fulfill the qualifications prescribed by the Executive Yuan.

#### Article 17

The Office may, in order to meet its requirements for patent examination, initiate employment of scholars and experts in related fields to be part-time patent examiners.

#### Article 18

The implementing by-laws of the Office shall be drawn up and submitted to the Ministry of Economic Affairs for its approval.

#### Article 19

The enforcement date of this Statute shall be determined by the Executive Yuan. The revised provisions of this Statute shall become effective from the date of promulgation.