


Content

Title :	Regulations Governing Trademark Agent Registration and Managemen 
Date :	2024.05.01
Legislative :	1.Enacted, Promulgated and Enforced on May 1, 2024
Content :	<p>Article 1 These Regulations are prescribed pursuant to Paragraph 4 of Article 6 of the Trademark Act (hereinafter as the Act).</p> <p>Article 2 The Registrar Office may commission other agencies (institutes), organizations or schools to hold the Trademark Professional Capability Certification Examination as prescribed in Paragraph 3 of Article 6 of the Act. The Trademark Professional Capability Certification Examination, as prescribed in the preceding paragraph, shall be held annually or biennially. However, as circumstances may require, such Examinations can be held more or less frequently or suspended. The dates, ways and requirements of application, subjects and scopes, scores calculation, qualified criteria, ways to notify the results and other related matters of the Examination shall be published by the Registrar Office two months prior to the date of the Examination. Agencies (institutes), organizations or schools that have been commissioned as prescribed in Paragraph 1 shall notify the Registrar Office of the list of qualified candidates and their certificate numbers within a month after the Examination.</p> <p>Article 3 Agencies (institutes), organizations or schools that have been commissioned as prescribed in the preceding article shall possess any of the following qualifications: 1. agencies (institutes) or organizations that are capable of intellectual property professional capability training, and have held on their own or been commissioned by the Registrar Office to hold such training; or 2. universities or schools that are of the level of junior college or above, which have colleges related to intellectual properties, and have held on their own or been commissioned by the Registrar Office to hold intellectual property professional capability training.</p> <p>Article 4 A trademark agent applying for registration pursuant to Paragraph 3 of Article 6 of the Act shall possess any of the following qualifications: 1. successfully qualified in each subject and passed the Trademark Professional Capability Certification Examination with a certificate; or 2. has been a trademark examiner in the Registrar Office pursuant to Article 14 of the Act for at least ten years with proof of excellent performance. A trademark agent who was successfully qualified in each subject and passed the Trademark Professional Capability Certification Examination commissioned by the Registrar Office prior to the enforcement of the articles of this Act amended on May 9, 2023, with the effective certificate on the date of applying for registration shall be deemed possession of the qualification as prescribed in Subparagraph 1 of the preceding paragraph. A trademark agent who was successfully qualified in at least one subject of the Trademark Professional Capability Certification Examination commissioned by the Registrar Office during the period of three years preceding the date of the enforcement of the articles of this Act amended on May 9, 2023, shall be deemed possession of the qualification as prescribed in Subparagraph 1 of Paragraph 1 if he/she is successfully qualified in the rest of subjects of the Examination with certificate within a period of three years after the date of the said enforcement.</p> <p>Article 5 An application for trademark agent registration pursuant to Paragraph 3 of Article 6 or Paragraph 1 of Article 109-1 of the Act shall be made to the Registrar Office by submitting an application</p>

containing a two-inch, frontal, half-length, without-hat and taken-in-half-year photograph and identification documents of the applicant, as well as furnishing any of the following documents, according to the qualification to be based on:

1. certificates of successfully qualified in each subject and passing the Trademark Professional Capability Certification Examination;
2. Proof of excellent performance as a trademark examiner in the Registrar Office for at least ten years; or
3. a list of cases in accordance with Paragraph 1 of Article 109-1 of the Act.

Proving Documents, as prescribed in Subparagraphs 1 and 2 of the preceding paragraph, may be replaced by copies if the applicant has made a statement that the copies and the originals are identical.

In order to check the authenticity of the copies, the Registrar Office may give such applicants a notice to submit the originals and have them returned after the authenticity has been checked.

Article 6

A trademark agent who may apply for registration pursuant to Paragraph 1 of Article 109-1 of the Act and failed to do so within a period of one year from the day following the date of the enforcement of the articles of the Act amended on May 9, 2023, may handle trademark related matters in accordance with Paragraphs 2 and 3 of Article 6 of the Act, unless prescribed in the proviso of Paragraph 2 of Article 109-1 of the Act.

Article 7

Any person with any of the following circumstances shall not be registered as a trademark agent; where he/she is registered shall be cancelled:

1. having been convicted of a crime as a result of engaging in professional services and sentenced to a term of imprisonment of one year or more, except where one has been released on “probation,” or one's conviction(s) involved a “non-intentional” crime;
2. a person who has no or is limited in capacity to make juridical acts, or is the subject to the order of commencement of assistantship which has not been revoked;
3. a person who has been declared bankrupt, or begun liquidation proceedings following court orders, and has not resumed his/her rights; or
4. a person who is convicted of a public security penalty with the penalty to be enforced, or enforced but not completed, or completed within the past two years.

Article 8

An application for trademark agent registration shall be inadmissible if the applicant has failed to comply within the statutory period, to conform to legal formality that cannot be amended, or to conform to legal formality that is not amended within the period specified in a notice.

An application for trademark agent registration shall be accepted by the Registrar Office if, after examination, required documents are furnished and the applicant is qualified, as well as none of the grounds for refusal prescribed in the preceding article and Paragraph 2 of Article 20 is found to exist, and the related information shall be entered in the Trademark Agent Register.

Article 9

Annual on-the-job training, which a trademark agent shall complete pursuant to Paragraph 3 of Article 6 of the Act, is at least six hours. The types of activities used to calculate the hours of participation include activities that are related to trademark professional capability and are hosted by the Registrar Office or agencies (institutes), organizations or schools that possess any qualifications prescribed in Article 3, such as courses, seminars, information sessions, public hearings, symposiums, or consultation meetings, and so forth. The actual number of hours shall be calculated for participation or being in service as a speaker, a discussant or a moderator of said activities.

For activities of annual on-the-job training hosted by the Registrar Office, the hours of activities prescribed in the preceding paragraph shall be recorded by the Registrar Office; for activities hosted by agencies (institutes), organizations or schools which possess any qualifications prescribed in Article 3, trademark agents who are the participants, speakers, discussant or moderators, or such agencies (institutes), organizations or schools shall notify the Registrar Office of the dates, topics, hosts, hours and proving documents of the training courses for recordation within a month after the training concluded.

Article 10

A registered trademark agent shall finish the on-the-job training hours prescribed in the preceding

article annually, starting from next January 1 after registration.

The Registrar Office shall, by the end of every March, complete an inspection on the trademark agents who fall short of the minimum on-the-job training hours.

The Registrar Office shall notify a trademark agent who falls short of the minimum on-the-job training hours as prescribed in Paragraph 1 of the preceding article to make up for the hours within three months or, if not, be suspended from practicing for a period from six months to a year.

Article 11

A registered trademark agent who wishes to suspend practicing for more than six months may apply for removal of registration.

Before applying for removal of registration, a trademark agent shall notify the clients who appoint him/her to apply for trademark registration and other procedures, where the dispositions are not rendered, of the fact that he/she is unable to practice, as well as submit to the Registrar Office a request for dismissal or change of agent.

A removed trademark agent who wishes to practice may, after the cause of removal vanishes, submit to the Registrar Office an application for restoration to practice. If, after examination, the application is accepted, the date of restoration to practice and the number of the acceptance disposition shall be entered in the Trademark Agent Register. However, a trademark agent removed from the Register for more than three years shall not apply for restoration to practice and, instead, shall follow the procedures in accordance with Articles 4 and 5.

Article 12

Trademark related matters that a trademark agent can handle are as follows:

1. matters involving trademark application for registration;
2. matters involving trademark opposition, invalidation and revocation procedures;
3. matters involving abandonment or renewal;
4. matters involving entry of change, division, license, transfer, trust, pledge and others in the Register;
5. consultations on applications for trademark registration and other procedures or drafting related documents; and
6. other trademark related matters prescribed in accordance with the Act and the Enforcement Rules thereof.

When handling trademark related matters involving business activities administered by other target business competent authorities, a trademark agent shall comply with the relevant provisions set out under the applicable laws and regulations as stipulated and enforced by the respective competent authorities in charge of different businesses.

Article 13

A trademark agent is prohibited from accepting appointments in the following situations:

1. instances where he/she or another trademark agent in his/her firm has previously accepted an appointment of the same or essentially related trademark matter from a respondent party to his/her or their client;
2. instances where the same or essentially related trademark matter had been previously handled while employed at an administrative agency or the court;
3. instances where the same or essentially related trademark matter had been previously appointed by an administrative agency or the court; or
4. instances where more than one client whose interests are in conflict with each other.

A trademark agent shall not be appointed simultaneously or successively by both sides of a dispute, or simultaneously by parties on the same side of a dispute whose interests are in conflict with each other.

Article 14

When handling trademark related matters, a trademark agent shall not engage in the following conducts:

1. deceiving, beguiling or intimidating acts toward a staff of the Registrar Office or his/her client;
2. explicitly or implicitly expressing that he/she has a special connection or influence with the authority;
3. soliciting business engagement by harassing the public or other improper means;
4. soliciting business engagement by using exaggerated, false, or misleading propaganda;
5. disclosing or appropriating the content of the appointed cases;
6. furnishing evidence by fraud, counterfeit, alteration or other improper means;
7. allowing others to practice as a trademark agent under his/her name; or
8. failing to demonstrate due diligence as a good manager when handling trademark related

matters and thus causing any damage to his/her client.

Article 15

A trademark agent who violates the preceding two articles or is sentenced under the criminal judgment because of a crime committed relevant to the profession shall be subject to actions in the form of a warning, a reprimand, suspension from practicing, or cancellation or revocation of the trademark agent registration as actual situations may justify.

A trademark agent, who is subject to actions in the form of a warning for three times in accumulation, is regarded as subject to actions in the form of a reprimand. A trademark agent, who is subject to actions in the form of a reprimand for three times in accumulation, shall be subject to actions in the form of suspension from practicing for a period from two months to two years. Once actions in the form of a warning, a reprimand, suspension from practicing, or cancellation or revocation of the trademark agent registration become final, the facts, grounds and duration shall be published on the Trademark Agent Register by the Registrar Office.

Article 16

The registration of a trademark agent who has any of the following circumstances shall be revoked by the Registrar Office:

1. a registered trademark agent who has any circumstances as prescribed in Article 7;
2. being subject to actions in the form of suspension from practicing for a period of three years in accumulation; or
3. notified by the Registrar Office, due to falling short of the minimum on-the-job training hours as prescribed in Paragraph 1 of Article 9, to be suspended from practicing for a period and, after the said period expires, still hasn't made up for the hours.

Article 17

When a trademark agent is deceased, interested parties may apply for revocation of such trademark agent registration to the Registrar Office.

In the case that the Registrar Office is acquainted with the matters stated in the previous paragraph, revocation of such trademark agent registration shall be undertaken ex officio.

Article 18

A trademark agent who is subject to actions in the form of a warning, a reprimand, suspension from practicing, or cancellation or revocation of the trademark agent registration shall actively notify his/her clients of the said actions.

After the actions as prescribed in the preceding paragraph are published, such trademark agent shall cease to be a trademark agent of his/her clients who appointed him/her before the date of the said publication to apply for trademark registration and other procedures.

As prescribed in the preceding paragraph, the Registrar Office shall notify such trademark agent and his/her clients whose applications for trademark registration and other procedures are admitted and the dispositions thereof have not been rendered. Applicants who have no domicile or business establishment in the territory of the ROC shall appoint other agents within the prescribed period.

Article 19

Once actions in the form of suspension from practicing become final, during the period of such published suspension, such person shall not practice as a trademark agent or handle trademark related matters.

After the period of suspension expires, a trademark agent may submit to the Registrar Office an application for restoration to practice. If, after examination, the application is accepted, the date of restoration to practice and the number of the acceptance disposition shall be entered in the Trademark Agent Register.

Article 20

Once actions in the form of cancellation or revocation of the trademark agent registration become final, from the day after the date of publication, such person shall not practice as a trademark agent or handle trademark related matters.

A trademark agent whose registration has been cancelled or revoked as prescribed in the preceding paragraph shall not apply for registration again within two years from the day following the date of publication of cancellation or revocation, unless, having circumstances prescribed in Subparagraphs 2 or 3 of Paragraph 1 of Article 7 when applying for registration or during the effective period of such registration, in which case they may apply for registration again after the cause vanished.

Article 21

The Trademark Agent Register, which the Registrar Office maintains, shall be made available to the public and specify the following, as well as may be produced by electronic means.

1. the name, year of birth and registration number;
2. the name and address of the firm where he/she practices;
3. the dates of registration and re-registration and the numbers of the dispositions;
4. the dates of removal and restoration to practice and the numbers of the dispositions;
5. the records regarding actions in the form of a warning, a reprimand, suspension from practicing or cancellation or revocation of the trademark agent registration; and
6. any other related matters.

Article 22

A request to change registration matters prescribed in Subparagraphs 1, 2 and 6 of Paragraph 1 of the preceding article shall be made to the Registrar Office by the trademark agent within thirty days from the date on which the change or fact takes place. Such change shall have no effect on the Registrar Office unless it is entered in the Trademark Agent Register.

Article 23

Where a registered trademark agent violates the Act, these Regulations or any other related laws and regulations, any person may, by submitting concrete facts and evidence, report to the Registrar Office.

Article 24

Where a registered trademark agent violates the Act, these Regulations or any other related laws and regulations, the Registrar Office may convene a meeting of Trademark Agent Incident Deliberation Committee (hereinafter as the Deliberation Committee) to deliberate the incident. If necessary, parties of the incident may be invited to attend the meeting and personally state his/her case before the Committee.

The representatives of related agencies, experts or scholars invited by the Registrar Office according to the nature of disputes may act as the members of the Deliberation Committee as prescribed in the preceding paragraph. The Director General of the Registrar Office or its designated representative shall act as the chairperson of the Deliberation Committee.

The proportion of any gender of the members in the Deliberation Committee shall not be less than one third.

Article 25

These Regulations are enforced on May 1, 2024.