



TAIWAN NEWSLETTER

UNION PATENT SERVICE CENTER

NO. 20190726-E1
July 26, 2019

Upmanship Professionalism Sincerity Credibility

PATENT TRANSLATION AND SPECIFICATION BETWEEN TAIWAN AND CHINA

In Taiwan, a foreign applicant can use a foreign-language specification to file a patent application, regardless a basic priority is to be claimed or said applicant is the same applicant of the priority case. The Chinese translation of a foreign-language specification can be filed within 4 months after the patent application is filed in Taiwan. In China, a foreign-language specification is not allowed, so that the applicant must use a Chinese specification to file a patent application. If a foreign priority is to be claimed, the China patent application must be filed by the same applicant of the priority case, and its Chinese translation will need to be prepared in advance. As such, it is usually necessary for a foreign applicant to translate the foreign-language specification into a Chinese language specification for patent filing in Taiwan and/or China. However, the Chinese specification filed by a China or Taiwan patent application cannot be used interchangeably. Certain modifications or localization must be made according to the patent format requirements of each jurisdiction. The following are some differences between the patent specifications in Taiwan and China.

1. Chinese written form and usage

Taiwan uses traditional Chinese characters (TC) in writing, and China uses simplified Chinese characters (SC). Chinese characters in TC usually have more writing strokes than those in SC. Furthermore, the usage of Chinese vocabulary or terminology in Taiwan and China are not all the same. For example, the section title of patent claims is “申請專利範圍” in Taiwan, but is “权利要求书” in China. The term “授權” means “license” of a patent right in Taiwan but its simplified form “授权” means the grant or allowance of a patent application in China. Also, the Chinese words of many terminological terms, such as computer, digital, disk, internet, integrated circuit, laser, read-only-memory, software, photoresist, and printer, are different in Taiwan and China.

2. Conversion between TC and SC

Microsoft Word office is commonly used to write a patent specification, and it provides a quick function for TC-SC conversion. However such machine conversion is not perfect and guaranteed. Sometimes the meaning of a word is changed after the conversion. For example: the English word “mass” is “質量” in TC or “质量” in SC, but may be changed to “品質” in TC (“quality” in English) when converting from “质量” in SC; the English word “process” can be translated as “程序” in TC (and “程式” in SC), but may be changed to “程式” in TC (“program” in English) when converting from “程序” in SC. Ultimately, manual proofreading is necessary to ensure the accuracy.

3. Patent format requirements

In general, a patent specification is required for filing a patent application. Taiwan and China adopt the Common Application Format (CAF) for a Chinese application file comprising specification, claims and abstract. Both Taiwan and China have requirements in some parts or title sections not same to each other. For example, paragraph numbering and a list of reference numerals are required in Taiwan, but may not be necessary in China.

4. Statutory document filed for patent application

In Taiwan, if a patent application is filed using a foreign language specification, and its Chinese specification is supplemented within a prescribed term, said foreign language specification will be deemed a statutory document for obtaining an effective filing date of patent application. For any translation error in the Chinese specification, the applicant can file a request with TIPO for correction of translation error, during the pending of patent application or after a patent is granted, provided that the correction does not exceed the disclosed scope of the foreign language specification.

If necessary, the applicant can use the SC version of specification from China for filing a patent application in Taiwan, and then supplement the TC specification as required by Taiwan. But if there is a foreign priority to be claimed, the applicant should still use the foreign language specification of said priority case, rather than the SC specification from China, to file a Taiwan patent application, in case there is any translation error to be corrected in the later stage.