

[Medicated toiletries preparations, medicated shampoos, and medicated mouth washes will no longer be accepted for Taiwan trademark applications]

1. Taiwan government revised and renamed the “Cosmetic Hygiene Regulation” as “Cosmetic and Hygiene Safety Act” and the new Act has been enforced as from July 1, 2019. Per the new Act, “Non-medicated dentifrices and mouth washes” are also included in said Act as General Purpose Cosmetics, while “medicated cosmetics” is renamed into “**Specific Purpose Cosmetic**”. The new Act has taken steps to change gradually from the old inspection and registration system to **Notification** and **Product Information File (PIF)** system, and it is required that the manufacturer must meet the **GMP** requirements to ensure the quality of products.
2. On May 30, 2019, Taiwan Ministry of Health and Welfare promulgated “Names of Ingredients for Specific Purpose Cosmetics and Restriction of Use Thereof” which is effective as from January 1, 2020. The Ministry also abolished the “Guidelines for Cosmetics containing Medicated or Toxic Preparations” in August 2020. Furthermore, non-medicated dentifrices and mouth washes are included as General Purpose Cosmetics within the jurisdiction of cosmetics administration. Labelling requirements are also enforced for packaging, containers, labels or inserts of which must be registered. For **Specific Purpose Cosmetics**, it is necessary to conduct **Notification** and **PIF**, and meet **GMP** requirements eventually. Starting from July 1, 2026, General Purpose Cosmetics must complete **PIF** and comply with **GMP**.
3. In response to the above requirements for **Specific Purpose Cosmetics** pursuant to the enforcement of “**Cosmetic Hygiene and Safety Act**”, Taiwan Intellectual Property Office (TIPO) announced on November 17, 2020 that the names of “Medicated toiletry preparations, medicated shampoos and medicated mouth washes” are no longer accepted for Taiwan trademark applications. Accordingly, the trademark applicant must use the new names for goods to be filed under Class 5 of International Classification of Goods/Services.

For the trademarks already registered in Taiwan with the above-mentioned old names in Class 5, such as Subclass 0519 “medicated toiletry preparations; medicated shampoos; medicated soaps” and Subclass 0520 “medicated mouth washes”, the names of these goods will no longer be allowed for commercial use. According to “**Cosmetics Hygiene and Safety Act**” and its relevant rules, if they meet the said **Specific Purpose Cosmetics** and have been filed for inspection and registration, then they may be allowed for manufacture and import upon approval obtained.

4. In regard to the examination of non-use revocation for a registered trademark with goods of the above-mentioned old names, TIPO explained that, in principle, these goods must meet the requirements for a **Specific Purpose Cosmetics**. TIPO will also take into consideration the actual

trading in the market to determine whether the goods have actually been used. If the new names of goods have been applied onto the trademark, they should have the same identity with the old designated goods on record.

5. In Taiwan, per the revised International Classification of Goods/services, the goods in Class 5 under Subclass 0519 and Subclass 0520 (**Specific Purpose Cosmetics**) are deemed same/similar to the goods under Class 3 under Group 030102 "hair waving preparations, hair dyes, shampoos, hair conditioners" Group 030104 "body wash (for humans)" and Subclass 0307 "non-medicated mouth washes" (**General Purpose Cosmetics**), hence cross searches should be conducted with each other.
6. Starting from January 1, 2021 the names of goods in the right column should be used for filing a trademark application in Taiwan:

Old names non-accepted by TIPO	New names accepted by TIPO
<p>Subclass 0519 Medicated toiletry preparations, medicated shampoos, medicated soaps</p> <p>Group 051901 Medicated toiletry preparations Medicated toiletry preparations, medicated cosmetics, medicated after-shave lotions</p> <p>Group 051902 Medicated shampoos Medicated shampoos, medicated hair lotions, pediculicidal shampoos, medicated dry shampoos</p> <p>Group 051903 Medicated soap Medicated soap, anti-bacterial soap, anti-bacterial hand sanitizer, disinfectant soap</p> <p>Subclass 0520 Medicated dentifrices Medicated dentifrices</p>	<p>Subclass 0519 After-shave lotions for medical purpose; shampoos for medical purpose; toiletry preparations for medical purpose</p> <p>Group 051901 After-shave lotions for medical purpose After-shave lotions for medical purpose; hair-removal lotions for medical purpose</p> <p>Group 051902 Shampoos for medical purpose Shampoos for medical purpose; hair lotions for medical purpose; pediculicidal shampoos; dry shampoos for medical purpose; hair oils for medical purpose</p> <p>Group 051903 Toiletry preparation for medical purpose Soap for medical purpose; antibacterial soap; antibacterial hand soap; disinfectant soap; antibacterial dry hand washes; toiletry preparations for medical purpose; bath agents; bath mud; bath water and sea water for medical purpose; bath agents for medical purpose; bath salts for medical purpose; mineral water-bath salts</p> <p>Subclass 0520 Mouth washes for medical purpose</p>

7. EPISODE

In Taiwan, Majestic soap (美琪香皂) or Majestic medicated soap (美琪藥皂) is a brand of soap that has been established for decades. These soaps, filed under registered trademarks including “MAJESTIC soap,” have been popular and well recognized among consumers of different generations. However, due to the regulations of the “Cosmetics and Hygiene Safety Act,” which stipulates that the term “medicated” should not be used, the makers of Majestic soap must change the product name. The makers replaced the Chinese word “藥 (Medicated)” with another word “樂 (which means **Happy** in English)” while emphasizing the ingredients remain the same. Namely, the Chinese name of “美琪藥皂” is now changed to “美琪樂皂” in compliance with the regulations. Interestingly, the Chinese word of “樂” is normally pronounced as “lo” (i.e. Happy) but can also be pronounced as “yiao” which is the same pronunciation of “藥”(yiao). Additionally, the word “藥” after the deletion of its “艸” or grass radical on top becomes the word “樂,” and said grass radical is now artfully shown as a plant in the artistic design of soap package.

