

Taiwan Accelerated Design Examination Program starting from September 1, 2023

Taiwan adopts substantive examination for design applications. Upon completion of filing formalities, Taiwan Intellectual Property Office (TIPO) may issue a first examination result around 6 six months for a design patent application at the primary examination stage. The examination time for Taiwan design applications is relatively fast compared with other countries or regions. In order to provide more diversified and flexible examination manner, TIPO has launched a trial program for accelerated examination of design patent application. The trial period is from September 1, 2023 to December 31, 2024. TIPO will then evaluate whether to continue or make adjustments on this program.

Key points of Taiwan accelerated examination of design patent applications are as follows:

1. An accelerated examination request must be filed after receiving TIPO notification to conduct the primary examination and before receiving TIPO office action.
2. The request must be made electronically via TIPO e-SET system.
3. There are no official fees required during the trial period as mentioned above.
4. Applicant may request an accelerated examination under any of the following Bases I to III.

Bases	Description	Required documents
I. Commercial practice by a third party	The design has been commercially practiced by a person other than the applicant who filed the design application; it is required to provide the third party's information, the fact of act and its starting time	Supporting documents such as catalogues or photographs, newspapers and magazines
II. The design has won prestigious national or foreign awards	There are five major design awards including: Taiwan Golden Pin Design Award, German iF Design Award, German Red Dot Design Award, Japan Good Design Award, International Design Excellence Awards (IDEA).	An award certificate stating the awardee with the same name as the design applicant (the applicant is the award-winner) and a proof showing the design appearance of the award (which can be a screenshot of the official website bearing the awardee, awarded design and the hyperlink information of the website)
III. Design patent application filed by a start-up company (must not file more	The start-up company can be a domestic or foreign company established in accordance with the relevant Company Act, for less than eight years by calculating the period	Domestic company does not need to provide supporting document for the establishment date of company (TIPO will check at their end) but foreign company should provide supporting

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<p>than three expedited examination applications in the same year on this basis)</p>	<p>from the date of establishment of the company to the filing date of the design patent application (if a priority is claimed, the earliest priority date shall prevail)</p>	<p>document (plus an affidavit if the document is not an original copy) with Chinese translation</p>
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If the required documents are incomplete, TIPO will notify the Applicant to file the outstanding documents. In principle, TIPO will issue the examination result within two months upon receipt of all required documents. Per TIPO statistics in 2022, the average period is 6.9 months for issuing a decision and 5.9 months for issuing a first notification of design application. Therefore, if there is an accelerated examination of a design application, the examination period will be three to four months shorter than that of a normal application.

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