



NEWSLETTER

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Update and Revision of Taiwan Accelerated and Deferred Examination for Design Application effective January 1, 2025

Under the Taiwan design patent system, Taiwan Intellectual Property Office (TIPO) will automatically conduct substantive examination of design applications. To facilitate the Applicant's patent layout, TIPO began to process requests for deferred substantive examination of design applications on July 1, 2018. Subsequently, TIPO launched a trial program for accelerated examination of design applications from September 1, 2023 until December 31, 2024, and amended relevant regulations on deferred substantive examination of design applications. Starting from January 1, 2025, the accelerated and deferred examination procedures for Taiwan design applications will be updated and amended as follows.

Accelerated Examination for Taiwan Design Application

After evaluation of the accelerated examination program for design applications, TIPO has decided to extend the trial period for another two years. The accelerated program will be updated for a new period from January 1, 2025 to December 31, 2026.

Below are the key points of the accelerated examination for design applications:

1. The timing for a request of accelerated examination is after receiving TIPO notification to conduct the primary examination and before receiving TIPO office action.
2. The request of accelerated examination must be submitted through TIPO e-SET system.
3. There are no required official fees during the trial period.
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	Five major design awards include 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 than three expedited examination applications in the same year on this basis)	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 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)	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 document (plus an affidavit if the document is not an original copy) with Chinese translation
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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.

The TIPO's standard examination period for a design application is about 6 to 10 months. Per TIPO statistics in 2023, the average period is 6.6 months for issuing a decision and 5.5 months for issuing a first notification of design application. Therefore, if an accelerated examination of a design application is filed, the examination period will be three to four months shorter than that of a normal application.

Deferred Examination for Taiwan Design Application

The above deferred substantive examination for design applications (the operation directions will be combined with invention applications) was originally applicable at the primary examination stage. The TIPO now amends and relaxes the eligibility for filing deferred substantive examination at the re-examination stage.

The following are the main points for requesting a deferred examination:

1. A request can be made at the same time when filing a design patent application or within one year after its filing date.
2. The request should clearly state a date for continuing the substantive examination (the date must be within one year after the filing date of a design patent application).
3. An official fee is not required when requesting the deferred examination.
4. The request is applicable to a design application at the primary examination or re-examination stage, and before the issuance of an official action.
5. The request is not applicable to a design application that has been filed with an accelerated examination.
6. If the filing date of a design application has been over one year, a request for deferred examination cannot be made.

In practice, if an Applicant is unwilling to disclose the design, a deferment of publication (one to six months, no fee is required) can be filed when the issuance fee is paid within three months after the service of a Notice of Allowance. This could prevent the design patented in Taiwan from being immediately made public. ※