



NEWSLETTER

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Taiwan Trademark Procedural Examination Guidelines Revised and Implemented from December 1, 2025

The Taiwan Intellectual Property Office (TIPO) recently announced amendments to the "Trademark Registration Application Procedural Examination Guidelines," effective December 1, 2025. These amendments primarily align with the revised Trademark Act and its Enforcement Rules, which had already been implemented as of May 1, 2024, and also incorporate examination principles based on procedural examination practices. The following are some highlights from the revised examination guidelines, along with related explanations in accordance with our practice.

Trademark applicant and appointed agent

1. A trademark applicant can be a public or private juristic entity. Public juristic entities established under public law include, for example, administrative agencies at all levels, while private juristic entities established under civil law or other laws include, such as associations/foundations, companies, and commercial/industrial unions. Foreign companies can apply for Taiwan trademarks using the name and address of their head office (which requires appointing a Taiwan agent, unless they use the address of their branch office or representative office in Taiwan). However, branches of foreign companies in Taiwan do not have independent legal personality and cannot be Taiwan trademark applicants.
2. The entity of the applicant may be a partnership (such as a law firm, accountant or architect's firm), a legally established unincorporated organization (such as a temple), or a business registered under the Business Registration Act. The applicant's name shall be in the form of the entity's name plus the name of the responsible person, and relevant supporting documents must be attached.
3. A Power of Attorney shall be signed by the trademark applicant (as the appointer), and the agent (as the appointee) may sign the trademark application form, to establish a mutual recognition between the applicant and agent. If the applicant is a domestic legal entity, the Power of Attorney should be signed by its representative or an authorized person, and a legal entity's seal should be affixed as well. If the Power of Attorney is signed by an authorized person, a document proving the legal entity's authorization or a declaration stating that the authorized person is performing the duties and has the authority to sign on behalf of the legal entity must be provided. The declaration may be provided by the signing person, the applicant's representative, or appointed agent. If the applicant is a foreign legal entity, the Power of Attorney may simply be signed by its representative or an authorized person, regardless of whether a seal is used.
4. For applicants who are legal entities in mainland China, the Power of Attorney may be signed by the legal representative or an authorized signatory, or by affixing the entity seal (i.e., the official seal or company seal of a legal entity).
5. For Japanese applicants who are also legal entities, the Power of Attorney may be signed in accordance with their customary manner, for example, affixing the company seal plus the representative's seal or signature, affixing only the representative's seal, or affixing the seal bearing the full name of the company and the title of the representative director. The TIPO may also accept the signing (execution) form from a Japanese company even if the company seal

contains only bear the distinctive part of its company's name, or the representative's seal contains only the surname or given name. However, the execution form bearing only the company seal without the signature of the representative or an authorized signatory will not be accepted.

6. For matters that have a significant impact on the applicant's rights, such as the recordal of change, assignment, voluntary withdrawal of trademark application, and issuing the letter of consent of trademark co-existence, the TIPO will verify whether the applicant's signature on the documents matches the signature on file. If there is a discrepancy, the applicant will be notified to file a response within a specified period. The applicant may reply by re-filing the same signature on file, recording the change of signature, or submitting an affidavit to confirm the genuine signature of the authorized person.
7. After filing an application for trademark registration, the designated goods or services cannot be changed, but reduction or division is permissible. If the applicant appoints an agent to handle the reduction of goods or services, such appointment must be clearly specified in the Power of Attorney.
8. A trademark agent shall have a domicile in Taiwan. Agents who conduct trademark business are limited to: 1) Lawyers and certified Accountants legally permitted to file and handle trademark matters; or 2) Trademark agents who have passed the trademark professional competency certification examination recognized by the TIPO or former trademark examiners at the TIPO. Trademark agents must complete the required professional training annually.

Filing recordal of change or assignment before and after trademark registration

1. If the applicant has changed their name, assigned or intended to assign the trademark after the trademark application is allowed but not yet issued for a registration certificate, regardless of whether the applicant's entity has been changed, a recordal of pre-registration change should be filed (official fee at NT\$500).
2. After a trademark has been registered and its rights holder has changed, the applicant is required to file a recordal of name change (no change of entity; official fee at NT\$500), or a recordal of assignment (change of entity; official fee at NT\$2000). For merger/acquisition or division of company that involves the change of entity, a recordal of assignment shall be filed.
3. For recordal of name change, domestic juristic persons do not need to submit name change documents (TIPO can check the information from the governmental website), while natural persons or foreign juristic persons should submit name change documents. For recordal of assignment, it is required to submit supporting documents, for example, deed of assignment, merger/acquisition agreement, and include the related Taiwan trademark registration number in the documents.
4. For assignment recordation matter involving a party of domestic company, it is advisable to avoid having the same representative for the assignor and assignee. This restriction does not apply if both assignor and assignee are all foreign companies.

Consent for trademark co-existence

1. If a trademark applicant and a trademark owner (who have previously filed the trademark or already obtained the trademark right) wish to submit or issue a trademark co-existence consent, the co-existence agreement shall not be of any "not obviously improper" situation, such as when both parties have the same trademark and the designated goods or services are also the same.

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2. The signature of the prior trademark owner in the letter of consent must be consistent with the signature as recorded by the TIPO. In principle, when issuing the co-existence consent involving a domestic company, it is prohibited for the representatives of both parties to be the same person.

Trademark title and specimen

1. The title of trademark in a trademark application should match the trademark specimen. If there is any discrepancy, the TIPO will notify the applicant to file a response or amendments. If a reply is not filed within the specified period, the trademark application will be dismissed.
2. A trademark shall have distinctiveness as a whole, but if it contains functional parts, those parts should be presented in a dotted line manner or disclaimed the parts.

Trademark priority document

1. The trademark priority document refers to a certified trademark application and issued by a WTO member state or a country with which Taiwan has mutual recognition of priority rights. The document must include the issuance date, the application date and number, the applicant's name, the trademark specimen, and the designated goods/services. However, a priority document does not refer to the filing or electronic receipt, acceptance decision, or registration certificate of the foreign application. Such documents cannot replace the priority document.
2. If the applicant of a Taiwan trademark application is different from that of the priority case, in addition to a certified priority document, a priority assignment document should also be submitted.
3. Applicants may submit a photocopy of the priority document and attest that it is consistent with the original. For Taiwan trademark applications claiming priority based on the foreign application from European Union or New Zealand, the applicant may submit a downloaded priority document containing a verification code from the official websites, without submitting the certified priority document issued by EUIPO or IPONZ.

Expedited examination of trademark registration applications

1. If an applicant needs to immediately obtain rights to any trademark application (other than certification mark, collective mark, or collective membership mark), a request for expedited examination may be filed with the TIPO by stating the facts and reasons, accompanied by relevant evidence.
2. The official fee for filing a request for expedited examination is NT\$6000 per class.

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