

# **E-Platform for identifying Trademark infringement cases will be online, Customs Administration, Ministry of Finance strengthens efforts to propagate**

In our previous article "Counterfeits Crackdown- E-Platform for identifying Trademark cases is starting as of Aug. 1<sup>st</sup> " published in mid-July, we introduced the new system for trademark maintenance established by Taiwan Customs. Regarding this matter, Custom Administration, Ministry of Finance (MOF) hold a "New Regulations Governing Customs Measures in Trademark Infringing Identification Conference" on Aug 28, 2021, giving detailed explanations for the law amendment, operation procedures and methods of the E-Platform in order to strengthen public's understanding and willingness to make use of the new platform.

**Transmission Method of the E-Platform and Electronic data is expressively stipulated.**

In cooperation with the launch of new counterfeit verification system this time, Customs Administration indicated that related regulations of E-Platform and electronic information transmission will be stipulated expressively by amending the Article 7 and 9 of *Regulations Governing Customs Measures in Protecting the Rights and Interests of Trademark* so as to ensure the online verification method that the trademark owners take in in the future is legally based.

Current Positions	Amendment Provisions
<p>Subparagraph 1 of Paragraph 2 of Article 7</p> <p>The proprietor of a registered trademark shall state their intention to and identify the items in question on-site within four (4) hours for export by air freight, and within twenty-four (24) hours for import/export by sea freight and import by air freight, and then submit evidence of infringement or non-infringement by means of written documents within three (3) business days. Anyone failing to provide such evidence in time should apply in writing with a legitimate reason for an extension of additional three (3) business days prior to the deadline. Application for extension is acceptable only once.</p>	<p>Subparagraph 1 of Paragraph 2 of Article 7</p> <p>The proprietor of a registered trademark shall state their intention to and identify the items in question on-site <b>or on the e-platform authorized by Customs</b> within four (4) hours for export by air freight, and within twenty-four (24) hours for import/export by sea freight and import by air freight, and then submit evidence of infringement or non-infringement by means of written documents <b>or via electronic data transmission on the e-platform</b> within three (3) business days. Anyone failing to provide such evidence in time should apply in writing or via electronic data transmission on the e-platform with a legitimate reason for an extension of additional three (3) business days prior to the deadline. Application for extension is acceptable only once.</p>
<p>Subparagraph 2 of Paragraph 2 of Article 7</p> <p>Anyone failing to provide such evidence in time should apply in writing with a legitimate reason for additional three (3) business days prior to the deadline. Application for extension is acceptable only once.</p>	<p>Subparagraph 2 of Paragraph 2 of Article 7</p> <p>Anyone failing to provide such evidence in time should apply in writing <b>or via electronic data transmission on the e-platform</b> with a legitimate reason for additional three (3) business days prior to the deadline. Application for extension is acceptable only once.</p>
<p>Paragraph 5 of Article 7</p> <p>After receiving the notification of Paragraph 1, the proprietor of a registered trademark may apply for the photo files of suspected infringing goods taken by Customs so as to determine whether to identify the goods or not. Photos that Customs provided shall not be the basis of infringement or non-infringement evidence.</p>	<p>Paragraph 5 of Article 7</p> <p>After receiving the notification of Paragraph 1, the proprietor of a registered trademark may <b>receive the photo files of suspected infringing goods taken by Customs via the e-platform authorized by Customs</b> so as to determine whether to identify the goods or not. Photos that Customs provided shall not be the <b>only</b> basis of infringement or non-infringement evidence.</p>
<p>Subparagraph 2 of Article 9</p> <p>When performing protection measures set out in the preceding two Articles, Customs shall follow relative regulations on export/import clearance procedures under any of the following, provided that no other relevant regulations are violated:</p> <p>2. The proprietor of a registered trademark does not state their intention to and identify the goods in question on-site prior to the deadline in accordance with Subparagraph 1 of Paragraph 2 of Article 7 hereof.</p>	<p>Subparagraph 2 of Article 9</p> <p>When performing protection measures set out in the preceding two Articles, Customs shall follow relative regulations on export/import clearance procedures under any of the following, provided that no other relevant regulations are violated:</p> <p>2. The proprietor of a registered trademark does not state their intention to and identify the goods in question on-site <b>or on the e-platform authorized by Customs</b> prior to the deadline in accordance with Subparagraph 1 of Paragraph 2 of Article 7 hereof.</p>

Moreover, regarding the inquiry “The wording of draft amendment seems to be conflicted with ‘*In giving the notice referred to in the preceding paragraph, Customs shall specify*

*a period for the proprietor of the trademark to come to the customs to identify the infringement...*' of paragraph 2 of Article of Trademark Act" brought up by the attendees, Customs Administration explained that they have coordinated with Intellectual Property Office (IPO), and IPO will issue Official Notifications to state the situation and will further discuss whether the wordings of Trademark Act shall be amended.

**Customs operation procedures and time limit remain unchanged,  
E-Platform is simple and easy to manipulate**

Since the main purpose of the new system is to provide trademark owners with diversified ways for verification, the operation procedures and time limit will remain unchanged after the E-Platform is launched. While tracking down suspected infringing products, customs officers will upload related photos to the platform and notify the identification code of cases to trademark owners and importers/exporters via email in order for optimizing follow-up procedures for both sides.



After receiving the notification, trademark owners can choose to conduct the verification on-site or finish the verification and upload the report online through "Intellectual Property Service Zone" at CPT Single Window website. Importers/Exporters can also submit non-infringement certified documents online. If online submission is taken, the system will automatically notify the customs to download the archives and set a time limit for finishing the verification procedures.

Customs Administration indicated that they hope to make public understand clearly about the operation procedures of the E-Platform through this conference. Our firm will also assist trademark owners to actively maintain their rights, and keep their rights from falling asleep. If you need any assistance for trademark management, border protection or proceeding maintenance, please do not hesitate to contact our trademark department.