

## The Current Situation of the *Enforcement Rules of the Patent Act* After Recent Amendments

The *Enforcement Rules of the Patent Act* has had many amendments; in light of the recent easing of regulations, and, taking into consideration the interests of both the patentee and pledgor, to simplify the pledge registration process, and relax the grounds for the replacement or reissuance applications of patent certificates, Articles 67 and 80 were amended in October 2022. And to meet the practical demands of the patent review and increase the efficiency of review, an advance notice of the enforcement rules Article 17 and Article 18 of the amendment draft was released in January this year (2023). A comparison table of the previous amendment (2022/10/20) and the contents of this draft may be found below:

\*English Version of Pre-amendment Articles Issued by Ministry of Economic Affairs

Article 67 and Article 80 Amendments of <i>Enforcement Rules of the Patent Act</i> (current articles)		
Amended Article No.	Amendment (THY Translation) 2022/10/20	Pre-amendment (MOEA) 2020/06/24
Article 67	<p>Patentees or pledgors applying for the registration of a patent pledge shall submit a request form along with the following documents:</p> <ol style="list-style-type: none"> <li>1. For the application of a pledge registration: the pledge agreement or proof of pledge documentation.</li> <li>2. For the application of the modification of a pledge registration: proof of modification</li> </ol>	<p>In requesting for recordation of pledge establishment of a patent right, a request form shall be submitted by the patentee or the pledgee and accompanied by the <b>patent certificate</b> and the following documents: 1. for recordation of pledge establishment, the pledge agreement or document(s) of proof with respect to such establishment; 2. for alteration of the</p>

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<p>documentation</p> <p>3. For the application of the cancellation of a pledge registration: proof of credit obligation documentation, proof of the pledgor's <b>consent to cancel pledge documentation</b>, proof of court judgment and a certificate of judgement, or documentation that has the same effect as a certificate of judgement according to law (p.1).</p> <p>The pledge agreement or proof documentation in Subparagraph 1 of the preceding Paragraph shall specify the following items:</p> <ol style="list-style-type: none"> <li>1. Title or certificate number of the invention, utility model, or design patent.</li> <li>2. Value of pledge credit and duration of the pledge term (p.2).</li> </ol> <p>The pledge term in Subparagraph 2 of the preceding paragraph shall not exceed the patent term (p.3).</p>	<p>recording of pledge establishment, document(s) of proof with respect to such alteration; 3. for deletion of pledge establishment recording, document(s) of proof with respect to the full discharge of pledged liabilities, <b>a letter consenting deletion of pledge establishment recording issued</b> by the pledgee, a judgment of the court along with a certificate stating the judgment is final and binding, or documents which legally have the equivalent effect as a final and binding judgment of the court (p.1).</p> <p>The agreement or document(s) of proof referred to in Subparagraph 1 of the preceding paragraph shall specify the following items:</p> <ol style="list-style-type: none"> <li>1. title or certificate number of the invention, utility model or design patent;</li> <li>2. amount of credit pledged and the term of the pledge establishment (p.2).</li> </ol> <p>The expiration date of the term of the pledge establishment referred in Subparagraph 2 of the preceding paragraph shall not be later than the expiration date of the patent term (p.3).</p>
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		<p>Upon recordation under the first paragraph with the Specific Patent Agency, the relevant items shall be annotated to the patent certificate and the Patent Registry (p. 4).</p>
<p>Article 80</p>	<p>The patentee may file an application form and provide a written statement stating the reason(s) for the replacement or re-issuance of a patent certificate under any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1. The patent certificate is destroyed or lost.</li> <li>2. The patent certificate is outdated or damaged.</li> <li>3. Changes made to the provisions of the patent certificate (p.1).</li> </ol> <p>Pursuant to the preceding Paragraph, when a patent certificate is replaced or re-issued, the nullification of the original patent certificate shall be published in the Patent Gazette (p.2).</p>	<p>Where a patent certificate is destroyed, lost or damaged to the extent that it is no longer usable, the patentee shall apply for issuance of a replacement or a substitution, stating the reasons in writing (Subparagraph 1).</p>

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Advance notice of Article 17 and Article 28 Amendments of <i>Enforcement Rules of the Patent Act</i> amendment draft		
Amended Article No.	Amendment (THY Translation) Draft	Current Article (THY Translation) 2022/10/20
Article 17	<p>When filing an application for an invention patent, the patent disclosure shall contain the following items:</p> <ol style="list-style-type: none"> <li>1. Title of invention.</li> <li>2. Field of invention</li> <li>3. Prior art: indicate the prior art known to the applicant; may submit information relevant to prior art</li> <li>4. Details of invention: disclose the problem(s) that the invention hopes to solve, the technical means for solving the problem(s), and a comparison of the effects of the invention to the effects of prior art</li> <li>5. Brief description of drawing(s): Applicants of patents with drawing(s) shall provide a concise description of the drawing(s) according to the numbered figures to describe the drawing(s).</li> <li>6. Embodiment of invention: record at least one method of embodiment, use examples where appropriate, and refer to drawing(s), if any.</li> <li>7. Legend: Applicants of patents with drawing(s) shall list the main</li> </ol>	<p>When filing an application for an invention patent, the patent disclosure shall contain the following items:</p> <ol style="list-style-type: none"> <li>1. Title of invention.</li> <li>2. Field of invention</li> <li>3. Prior art: indicate the prior art known to the applicant; may submit information relevant to prior art</li> <li>4. Details of invention: disclose the problem(s) that the invention hopes to solve, the technical means for solving the problem(s), and a comparison of the effects of the invention to the effects of prior art</li> <li>5. Brief description of drawing(s): Applicants of patents with drawing(s) shall provide a concise description of the drawing(s) according to the numbered figures to describe the drawing(s).</li> <li>6. Embodiment of invention: record at least one method of embodiment, use examples where appropriate, and refer to drawing(s), if any.</li> <li>7. Legend: Applicants of patents with drawing(s) shall list the main</li> </ol>

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	<p>symbols in a legend according to the numbered figures or symbols (p.1).</p> <p>The disclosure shall be presented in the order and method specified in each subparagraph of the preceding paragraph with the addition of headings; unless, the nature of the invention is more clearly expressed with a different method (p.2).</p> <p>Four consecutive Arabic numbers in separate square brackets may be arranged before each paragraph of the disclosure so that each of the paragraphs can be clearly identified (p.3).</p> <p>The title of invention should concisely state the contents of the claimed inventions; no irrelevant wording (p.4).</p> <p>If a patent application for invention involves a biological material or utilization of a biological material, and the biological material concerned has been deposited, the disclosure shall specify the depository, date of deposit and deposit number. In the event that, prior to filing the patent application, the biological material concerned has</p>	<p>symbols in a legend according to the numbered figures or symbols (p.1).</p> <p>The disclosure shall be presented in the order and method specified in each subparagraph of the preceding paragraph with the addition of headings; unless, the nature of the invention is more clearly expressed with a different method (p.2).</p> <p>Four consecutive Arabic numbers in separate square brackets may be arranged before each paragraph of the disclosure so that each of the paragraphs can be clearly identified (p.3).</p> <p>The title of invention should concisely state the contents of the claimed inventions; no irrelevant wording (p.4).</p> <p>If a patent application for invention involves a biological material or utilization of a biological material, and the biological material concerned has been deposited, the disclosure shall specify the depository, date of deposit and deposit number. In the event that, prior to filing the patent application, the biological material concerned has</p>
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	<p>been deposited in a foreign depository recognized by the Specific Patent Agency, the disclosure shall also specify the foreign depository, date of deposit, and deposit number (p.5).</p> <p><b>If a biological material is deposited in a depository as specified in Paragraph 5 Article 27 of the Act, the certificate issued by the aforementioned depository shall include a viability test report of the deposited biological material (p.6).</b></p> <p>If the patent application for invention contains one or more nucleotides and/or amino acids sequences, the disclosure shall include a sequence listing produced in a separate section in compliance with the Specific Patent Agency. In addition, an electronic version of the sequence listing may be submitted provided it is in compliance with the requirement of the Specific Patent Agency (p.7).</p>	<p>been deposited in a foreign depository recognized by the Specific Patent Agency, the disclosure shall also specify the foreign depository, date of deposit, and deposit number (p.5).</p> <p>If the patent application for invention contains one or more nucleotides and/or amino acids sequences, the disclosure shall include a sequence listing produced in a separate section in compliance with the Specific Patent Agency. In addition, an electronic version of the sequence listing may be submitted provided it is in compliance with the requirement of the Specific Patent Agency (p.6).</p>
<p>Article 28</p>	<p>Applicants requesting the division of a patent application for invention, shall submit a request form for each divisional patent application, along with the following documents:</p> <ol style="list-style-type: none"> <li>1. Disclosure, claim(s), abstract, and drawing(s).</li> </ol>	<p>Applicants requesting the division of a patent application for invention, shall submit a request form for each divisional patent application, along with the following documents:</p> <ol style="list-style-type: none"> <li>1. Disclosure, claim(s), abstract, and drawing(s).</li> </ol>

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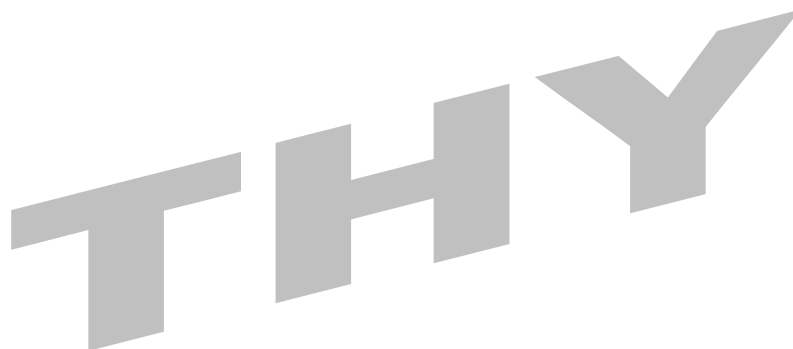
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<p>2. For patent application of an invention involving a biological material or utilization of a biological material, the certificate of deposit.</p> <p>Under any of the following circumstances, a written statement shall be made when filing the request form for each divisional patent application:</p> <ol style="list-style-type: none"> <li>1. The priority prescribed in Paragraph 1, Article 28 of the Act is claimed</li> <li>2. where the priority prescribed in Paragraph 1, Article 30 of the Act is claimed (p.2).</li> </ol> <p>If the content of the disclosure prescribed in Subparagraph 1 of Paragraph 1 is not completely quoted from the disclosure of the original patent application, a page marking the discrepancies between the two descriptions shall be submitted; the deleted original disclosure shall be indicated by a strikethrough of the deleted text(s); the added content shall be indicated by underlining the added text(s); the discrepancies may be stated in the request form prescribed in Paragraph 1 (p.3).</p>	<p>2. For patent application of an invention involving a biological material or utilization of a biological material, the certificate of deposit.</p> <p>Under any of the following circumstances, a written statement shall be made when filing the request form for each divisional patent application:</p> <ol style="list-style-type: none"> <li>1. The priority prescribed in Paragraph 1, Article 28 of the Act is claimed</li> <li>2. where the priority prescribed in Paragraph 1, Article 30 of the Act is claimed (p.2).</li> </ol> <p>The classification of the divisional patent application shall not differ from the classification of the original patent application (p.3).</p>
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