APAA 2026, in Hong Kong
Trademark Committee
Group Report - Taiwan

A. Developments

1. TIPO Revises Examination Guidelines for Non-Traditional Trademarks (Effective August 1, 2025)

To align with the amendments to Article 30, Paragraph 4 of the Trademark Act and Articles 12(10) and 13(2) of the Enforcement Rules of the Trademark Act, which took effect on May 1, 2024, TIPO revised relevant provisions of the Examination Guidelines for Non-Traditional Trademarks. The revised guidelines were promulgated on July 23, 2025, and came into effect on August 1, 2025.

Key revisions include:

- Clarifying the treatment of functional elements within trademark representations.
- Requiring that any dotted lines used in trademark representations be explained in the trademark description.
- Clarifying the dominant distinctive characters of non-traditional trademarks, which differ from the two-dimensional characters of traditional marks.
- Requiring applicants for three-dimensional trademarks to include a trademark description explaining the 3D shape, ensuring clarity and precision in relation to designated goods or services.

Related Links:

- TIPO Announcement (English): https://www.tipo.gov.tw/en/tipo2/339-57637.html
- Examination Guidelines for Non-Traditional Trademarks (Chinese): https://www.tipo.gov.tw/wSite/public/Attachment/005/f1763432688901.pdf

2. Explanation Regarding Reinstatement After Missing the Deadline for Priority Documents Due to Delayed Issuance by the USPTO

If applicants for trademarks fail to submit priority documents within the statutory time period due to reasons not attributable to them, they may request for reinstatement in accordance with Article 8(2) of the Trademark Act and Article 9 of its Enforcement Rules. In such cases, applicants may submit supporting documents such as an official written notice issued by the United States Patent and Trademark Office (USPTO), or an email sent from an official USPTO address. The document must clearly state the reason for the delay (e.g., st aff shortages or force

majeure), and include the relevant priority application number or order number. TIPO will assess each application for reinstatement on a case by case basis.

Related Link: https://www.tipo.gov.tw/tw/trademarks/649-57424.html

3. Applicability of Exhaustion Principle to Goods Not Marked "Gift – Not for Resale"

The applicability of trademark exhaustion is not determined solely by whether goods are marked with statements such as "Gift – Not for Resale" or "Not for Sale". When promotional gifts bearing such restrictive statements enter the market outside standard distribution channels, quality control (linked to the trademark"s guarantee function) cannot be effectively guaranteed. Where the trademark owner chose to provide such gifts free of charge with restrictive or reserved statements, its trademark rights are not exhausted, since no consideration was obtained through a first sale, and the gifts should not readily be construed as having been placed into commercial circulation by the trademark owner or with its consent. Subsequent marketing or resale by consumers requires trademark owner consent to avoid infringement.

Regarding unlabeled single-use trial samples provided by department store staff, applicability is determined case-by-case. If legitimate grounds exist, such as preventing the goods from deteriorating or being damaged after entering the market, the trademark owner retains the right to assert infringement. Furthermore, the exhaustion principle does not apply where the goods were not sold by the trademark owner or with its consent, such as counterfeit goods.

Related Link: https://www.tipo.gov.tw/tw/trademarks/574-66036.html

B. Statistics

1. Number of New Applications

Year	No. of New Applications	Increase / Decrease
2024	90,341	-
2025	97,411	Increase about 7.8%

Comments and / or additional statistics: N/A

2. Average timeframe from filing up to registration

Year	Average Timeframe from Filing up to Registration (months)
2024	8
2025	8

Comments and / or additional statistics: N/A

C. CASES

1. "iROO" vs. "AROO" — Domain Names, E-Commerce Platform Accounts, and Probative Value of Market Surveys

Court & Case No.: Intellectual Property and Commercial Court, Civil Judgment 112 Min-Shang-Shang-Zi No. 8

Judgment Date: July 31, 2025

Relevant Statutory Provisions: Trademark Act Articles 5, 68(3), and 70(2)

Case Facts:

Appellee (ELO International Development Co., Ltd.) established the apparel brand "iROO" in 1999 and is the registered trademark owner of "iROO". Appellee asserted "iROO" is a well-known famous mark. Appellant (Wei Yi International Development Co., Ltd.), also an apparel vendor, used the mark "AROO" on clothing products, registered domain name "aroo.com.tw", created an AROO website selling fitness apparel, and used "AROO" as account names across Shopee, Facebook, Instagram, and YouTube. Appellee filed suit claiming intentional trademark infringement under Article 68(3) and Article 70(2).

Appellant's Defense:

Appellant argued that its mark features a distinct stylized font, and that the starting letter, pronunciation, and visual presentation differ from "iROO". It argued target consumer groups and sales channels do not overlap, precluding confusion. Appellant also presented a market survey conducted by the China Commercial Research Institute indicating nearly 90% of consumers distinguish the two marks.

Court Findings & Legal Reasoning:

- **Trademark Use on Website, Products, and Prefixes:** Appellant prominently displayed "AROO" in large/bold fonts on its official website, Shopee store, social media pages, product listing prefixes, and apparel front. Objectively, this serves to identify the source of goods/services, constituting trademark use under Article 68(3).
- **Domain Names and Account Names as Business Identifiers:** The domain name "aroo.com.tw", Shopee avatars/store descriptions, and social media account handles serve to distinguish business entities/accounts rather than indicating product/service origin under general commercial practice. Thus, they do not constitute trademark use.
- **Admissibility of Jointly Commissioned Third-Party Survey:** By agreement of both parties, a market survey was conducted by the Taiwan Institute of Economic and

Technological Development sampling adults aged 18+ across Northern, Central, and Southern Taiwan combined with online questionnaires. Over 50% of respondents believed "AROO" and "iROO" products originated from the same or associated sources, showing that the marks were similar to a degree causing a likelihood of confusion.

- **Insufficient Probative Value of Unilaterally Commissioned Survey:** Appellant"s self-commissioned survey was conducted without judicial supervision or opposing party consent, sampled only Taipei/New Taipei, and lacked procedural rigor (omitting the "different time/place, isolated observation" standard). Its authenticity and survey process could not be verified, and it was therefore insufficient to serve as evidence in Appellant"s favor.
- **Rejection of Article 70(2) Famous Mark Claim:** Evidence presented was insufficient to prove "iROO" had become widely recognized by the relevant enterprises or consumers so as to qualify as a famous mark; thus Article 70(2) liability was not established.

Litigation Status:

Appellant appealed to the Supreme Court. On December 26, 2025, the parties successfully reached a court settlement during third-instance proceedings (Supreme Court Case 114 Tai-Shang-Zi No. 2095).

2. "萬家香" (Wan Jia Xiang) Trademark Invalidation — Scope of Related Goods and Dilution of Famous Marks

Court & Case No.: Intellectual Property and Commercial Court, Administrative Judgment 114 Xing-Shang-Su-Zi No. 9

Judgment Date: September 18, 2025

Relevant Statutory Provision: Trademark Act Article 30, Paragraph 1, Subparagraph 11

Case Facts:

On April 14, 2016, Plaintiff applied to register "萬家香" (Wan Jia Xiang) in Class 4 (charcoal, fuels) and Class 11 (grills, barbecue equipment, lighting) (Reg. No. 01820505). Intervenor filed for invalidation based on its famous prior registrations (Reg. Nos. 187978 & 448955) for soy sauce. TIPO revoked Plaintiff"s registration on August 28, 2024. Following an unsuccessful appeal to the Ministry of Economic Affairs (MOEA), Plaintiff filed an administrative lawsuit.

Court Findings & Legal Reasoning:

- **High Fame and Strong Distinctiveness:** Intervenor"s mark "萬家香" has been continuously used on soy sauce products for many years with extensive advertising across Taiwan. It holds high brand fame and inherent/acquired distinctiveness as a household seasoning brand.

- **High Mark Similarity and Bad Faith Registration:** Both marks share identical Chinese characters “萬家香” with no distinguishing elements. Plaintiff”s designated goods (barbecue stoves, charcoal, lighting) are directly linked to Intervenor”s famous barbecue campaign slogan (“一家烤肉萬家香” - One house grills, ten thousand houses smell the aroma) and shared retail channels. Plaintiff acted in bad faith to free-ride on Intervenor”s goodwill, constituting a bad-faith filing under Article 58(2) of the Trademark Act.
- **Likelihood of Confusion (Article 30(1)(11), First Part):** For Class 11 barbecue equipment and lighting, consumers naturally associate barbecue stoves/tools with soy sauce seasonings during barbecue activities. This may cause a likelihood of consumer confusion regarding product origin or corporate licensing/affiliation.
- **Likelihood of Dilution (Article 30(1)(11), Second Part):** For Class 4 fuels/candles and Class 11 faucet filters, even if product natures differ, registering and using the identical famous mark “萬家香” across unrelated goods would weaken the unique brand association and distinctiveness established by Intervenor.

Litigation Status:

Plaintiff (Mei Chi Industrial Co., Ltd.) appealed to the Supreme Administrative Court. The Supreme Administrative Court dismissed the appeal on March 25, 2026 (115-03-25) (Supreme Administrative Court Order 114 Shang-Zi No. 743), with the costs of the appeal borne by Plaintiff.