

Chapter 5

Intellectual Property Branch, Taiwan High Prosecutors Office



Section 1 Historical Overview

- I. With the rapid development of science and technology and the rise of the knowledge economy, intellectual property rights have become edged tools for business operation and management, and development of national science, technology, and the economy. To protect intellectual property rights, properly handle intellectual property cases, and promote the development of national science, technology, and the economy, the Legislative Yuan came to resolutions to establish a dedicated court for handling intellectual property cases. Accordingly, in February 2004, the Judicial Yuan started to set up the Intellectual Property Court. In order to demonstrate the reciprocal position between the prosecutors offices and the courts, the Ministry of Justice took consider that a second-instance prosecutors office corresponding to the intellectual property court shall be established. However, on the basis of casenumbers, affairs supervision, and administrative resource sharing, it was decided to set up a "Branch Prosecutors Office," but not a Second-Instance Prosecutors Office in parallel with the Taiwan High Court Prosecutors Office. This new Branch Prosecutors Office was directly subordinate to and under the supervision of the Taiwan High Court Prosecutors Office.
- II. The Legislative Yuan passed the Intellectual Property Case Adjudication Act and the Intellectual Property Court Organization Act on January 3, 2007 and March 3, 2007, respectively (and these two Acts were both promulgated by the President of the R.O.C. on March 28, 2007). According to the provisions of the forepart of Paragraph 1 of Article 5 of the Intellectual Property Court Organization Act, "the Intellectual Property Branch of the Taiwan High Court Prosecutors Office, shall be set up as the corresponding authorities



of the Intellectual Property Court.” Accordingly, in April 2007, the Ministry of Justice set up a “Preparatory Team for the Establishment of the Intellectual Property Branch of the Prosecutors Office of the Taiwan High Court,” and on May 10, 2007, the Taiwan High Court Prosecutors Office set up a related “Affairs Preparation Team,” both of which were reported to the Executive Yuan for approval. With approval granted on March 28, 2008, the “Intellectual Property Branch of the Taiwan High Court Prosecutors Office” and “Intellectual Property Court¹” were coordinately established on July 1, 2008. The Chief Prosecutor of the Taiwan High Court Prosecutors Office was appointed to also take on the role of Chief Prosecutor of the Intellectual Property Branch of the Taiwan High Court Prosecutors Office.

III. On May 25, 2018, the Intellectual Property Branch of the Taiwan High Court Prosecutors Office was renamed the “Intellectual Property Branch, Taiwan High Prosecutors Office” (hereinafter referred to as “the Intellectual Property Branch”), where the wording of “Court” from its organizational name was taken away, in accordance with the amendment of the Court Organization Act.

Section 2 Territorial Jurisdiction

In accordance with the provisions of Paragraph 2 of Article 5 of the Intellectual Property Court Organization Act: “Prosecutors of the district Prosecutors Offices handle criminal cases prescribed in Subparagraphs 2 and 4 of Article 3; the Chief Prosecutor of the immediately supervising Prosecutors Offices shall be the Chief Prosecutor of the Intellectual Property Branch of the Taiwan High Court Prosecutors Office.” The criminal cases handled by the Intellectual Property Court shall be corresponding to the scope of the land jurisdiction, so as to achieve the goal of specialized operation and unification legal opinions. Therefore, the jurisdiction of the the Intellectual Property Branch covers the entire nation (including the Jinmen and Lianjiang districts in Fujian Province), which is surpassing the jurisdiction of the Taiwan High Prosecutors Office.

1. In accordance with the provisions of Article 2 of the Commercial Case Adjudication Act promulgated by the President on January 15, 2020 and taking effect on July 1, 2021, the Judicial Yuan was to establish a Commercial Court to deal with major commercial incidents and expedite the settlement of disputes. This Commercial Court was merged with the existing Intellectual Property Court and then reorganized into the “Intellectual Property and Commercial Court,” such merge was expected to take effect on July 1, 2021.

Section 3 Office Buildings

- I. In the beginning of preparation for space allocation of the Intellectual Property Branch, the 5th floor of the Department of Northern Region Affairs of the National Communications Commission (“NCC”), located at No.143 Yanping South Road, Zhongzheng District, Taipei City, was provided by NCC to be leased by the Intellectual Property Branch, thanks to the coordination among the Taiwan High Prosecutors Office (“THPO”), NCC, and the National Property Administration (“NPA”). On this site, there are one office for the Head Prosecutor, three offices for Prosecutors, one office each for clerks, board room, interrogation room and reading room, respectively. Later in September 2019, the Intellectual Property Branch Prosecutors Office was relocated to the 5th Floor, No. 164, Bo’ai Road, Zhongzheng District, Taipei City.
- II. The Intellectual Property Branch and the Intellectual Property Court were located in Taipei City and Banqiao District, New Taipei City, respectively. Prosecutors must travel across two administrative jurisdictions when implementing public prosecution. In order to facilitate Prosecutors while they were preparing for or waiting for the court hearing, another prosecutors’ office was set up inside the Intellectual Property Court.



On September 3, 2019, the Intellectual Property Branch was relocated to its new location



The new office of the Intellectual Property Branch, where the Branch profile is listed on the wall