



29 November 2018

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**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU:
REGULATIONS GOVERNING THE DETERMINATION OF PATENT TERM EXTENSION

Notifying Member	THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU
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Details of the notified legal text

Title	Regulations Governing the Determination of Patent Term Extension
Subject matter	Patents (including plant variety protection)
Nature of notification	<input type="checkbox"/> Main dedicated intellectual property law or regulation <input checked="" type="checkbox"/> Other law or regulation
Link to legal text	https://members.wto.org/cnattachments/2018/IP/TPKM/18_5954_00_e.pdf https://members.wto.org/cnattachments/2018/IP/TPKM/18_5954_00_x.pdf
Notification status	<input type="checkbox"/> First notification <input checked="" type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/TPKM/4 " https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?DataSource=Cat&query=@SymbolMatch=IP/N/1/TPKM/4*&Language=English&Context=ScriptedSearches&languageUIChanged=true# " IP/N/1/TPKM/P/8 " https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?DataSource=Cat&query=@SymbolMatch=IP/N/1/TPKM/P/8*&Language=English&Context=ScriptedSearches&languageUIChanged=true# "

Brief description of the notified legal text

Formulated pursuant to Paragraph 5, Article 53 of the Patent Act, these Regulations prescribe primarily forms and supporting documents for the request of patent term extension for pharmaceuticals, agrichemicals, and their manufacturing Process, as well as the determinations of extended period to be granted. The amendment to the Regulations included:

1. For a request for patent term extension based on a clinical trial or field test conducted in a foreign country, the document proving that the trial/test time has been claimed and approved for patent term extension by the foreign country will no longer be required. (Article 5, 7)
2. For field tests that need not to be conducted in sequence, the limitation that only the longest one may be claimed for patent term extension will be removed. (Article 6)

Language(s) of notified legal text	English, Chinese
Entry into force	1 April 2018
Other date	Adoption: 11 April 2018

Notification details

Submission date of notification	26 November 2018
Other information	Patent applications are examined and granted under the Patents Act and the Patents Regulations by the Intellectual Property Office (TIPO), an administrative agency of the Ministry of Economic Affairs. Website: http://www.tipo.gov.tw/ Contact email address: ipogp@tipo.gov.tw
Agency or authority responsible	Ministry of Economic Affairs: http://www.moea.gov.tw/