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Notes and Comments

The Partial Design and Derivative Design Patent Practices under the R.O.C. (Taiwan) Patent Reform Act^{*}

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Abstract

The two most important changes to design patenting to be introduced by the Patent Reform Act are that partial designs can be protected and that protection by “associated design patent” is replaced by “derivative design patent”. According to Article 123 of the Act, a design patent application can focus on partial design by using solid lines to indicate the claimed portion and using dash/broken lines to indicate the unclaimed portion. The introduction of partial design avoids unnecessary limitations to the scope of the claimed design. According to Article 129 of the Act, for two or more similar designs owned by the same person, a design patent application can be filed to cover one of the designs and derivative design patent application(s) can be filed to cover the rest. Unlike an associated design patent, which

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depends from its original patent, a derivative design patent is independent from its original design patent. That is, a derivative design patent can be independently enforced.

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