AI-Driven Brand Protection: Taiwan's Insights

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The Legislative Milestones

Defining the "AI Constitution" and Cultural Content Guidelines

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AI Basic Act outlines Seven Mandatory Principles

Sustainability

Ensuring long-term well-being and digital equality.

Autonomy

Prioritizing human agency in AI interaction.

Transparency

Requirement for clear and explainable AI logic.

Security

Strict focus on info security and data governance.

Fairness

Prohibiting algorithm bias and discrimination.

Privacy

Enhanced protection for personal data handling.

Accountability

Clear responsibility for AI outputs and decisions.

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AI Basic Act outlines Seven Mandatory Principles

Privacy and data governance

Respect trade secret; Regulation how data are used

Transparency and explainability

Information marking and risk warning of AI output

Accountability

Infringement remedies and who bears liabilities

Guidelines for the Application of Generative AI in Culture and the Arts

Ministry-Level Position (Aug 2025)

Training Data: Unauthorized scraping for AI training may constitute copyright infringement.

[Advice] Consent/open-license sources/ “Not-for-AI Training” label to block data-scaping

Style Imitation:

E.g. Studio Ghibli

Styles are not protected, but marketing "in the style of X" may violate the Fair Trade Act. (False or misleading advertisement)

Human Role for Ownership: Purely AI-generated works lack human creativity and are not entitled to copyright.

[Advice] Documentation of human intervention (editing, curating) is critical to establishing rights.

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Navigating AI Risks in Branding

From First-to-File Foundations to Mass Gen AI Production

Risks of Mass GenAI Branding

AI enables the creation of identical or similar brand marks. This necessitates:

- ✓ **Junior: Pre-filing or non-infringement clearance searches.**
- ✓ **Senior: Proactive monitoring on the registry, the Internet or e-commerce platforms.**
- ✓ **Taiwan's first-to-file system > conducive to enforcement and Well-known status**

Challenging a Registration

	Time	Who	Grounds	Remarks
Opposition	3 months after publication	Anyone	Distinctiveness; Relative grounds	Partial opposition available
Invalidation	During validity	Interested Party or examiner	Distinctiveness; Relative grounds	5-year incontestability for likelihood of confusion
Cancellation	During validity	Anyone	3-year non-use; Alteration; Genericize; Misleading	
Buy back?	Current and future value; lower chance of success in contentious actions, etc.			

Criteria for Well-Known Status

Determination Factor	Specific Indicators	Evidence Required
Distinctiveness	Inherent or acquired strength	Creative design, unique traits
Knowledge	Relevant business/consumer awareness	Surveys, market research data
Extent of Use	Promotion in time and territory	Ad spend, duration of presence
Registration	Countries, time, classes	IP Offices
Recognition	Judiciary or enforcement history	Court rulings, administrative decisions
Commercial Value	Forbes, Fortune 500 rankings; Sales numbers	Magazines; Financial records
Others		

ASEAN Success Stories in Taiwan

Tiger Beer

Singapore Airlines

SHEIN

According to TIPO 2020-2025

ASEAN Success Stories in Taiwan

Dole

TWG Tea

HANSA

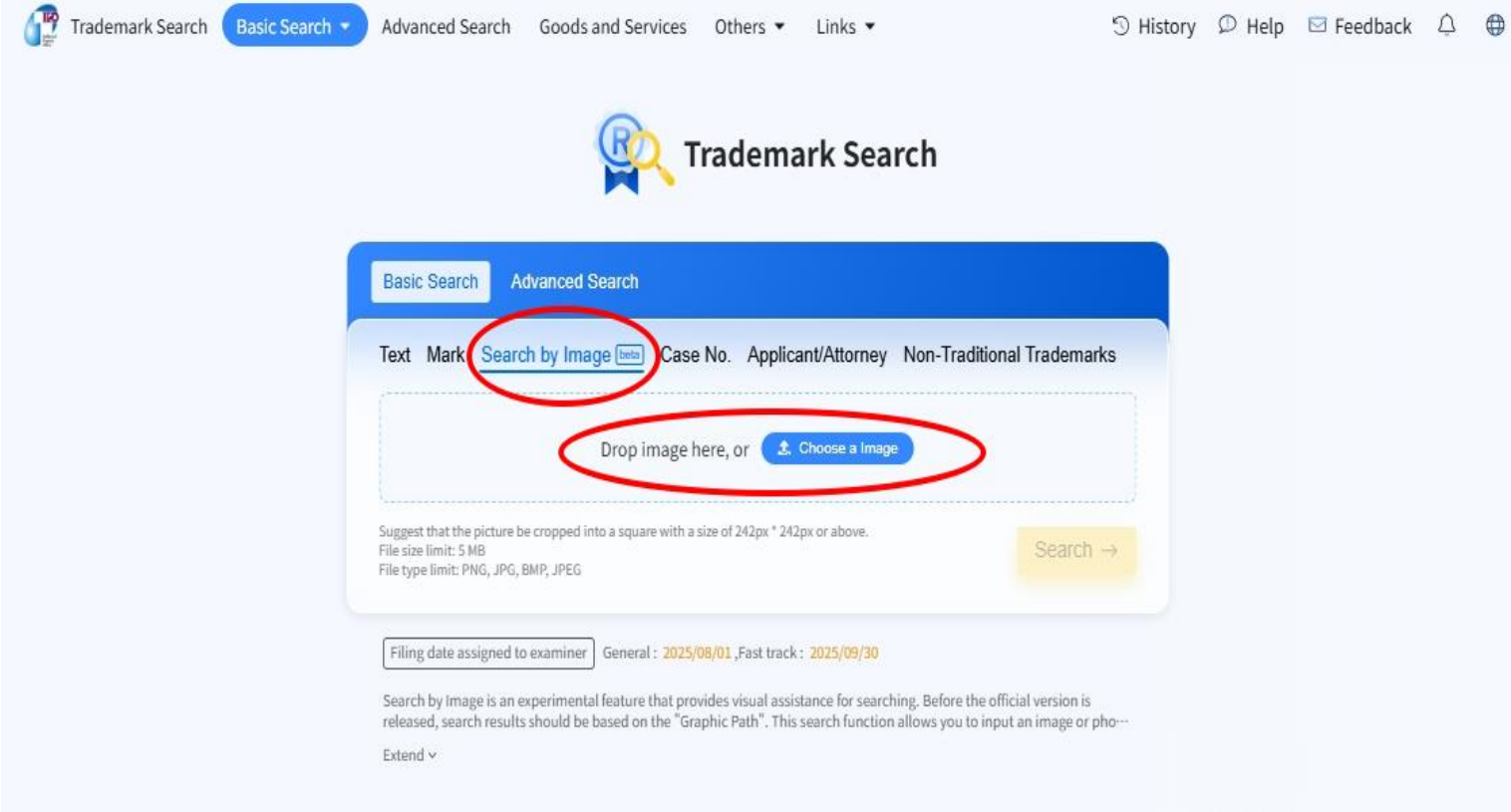
According to TIPO 2020-2025

TIPO’s AI Search Platform

Launched March 25, 2025

The Taiwan IP Office (TIPO) introduced a "Search-by-Image" functionality for free public use.

Applicants are encouraged to attach AI-based search results to applications to accelerate examination times and reduce rejection risks.

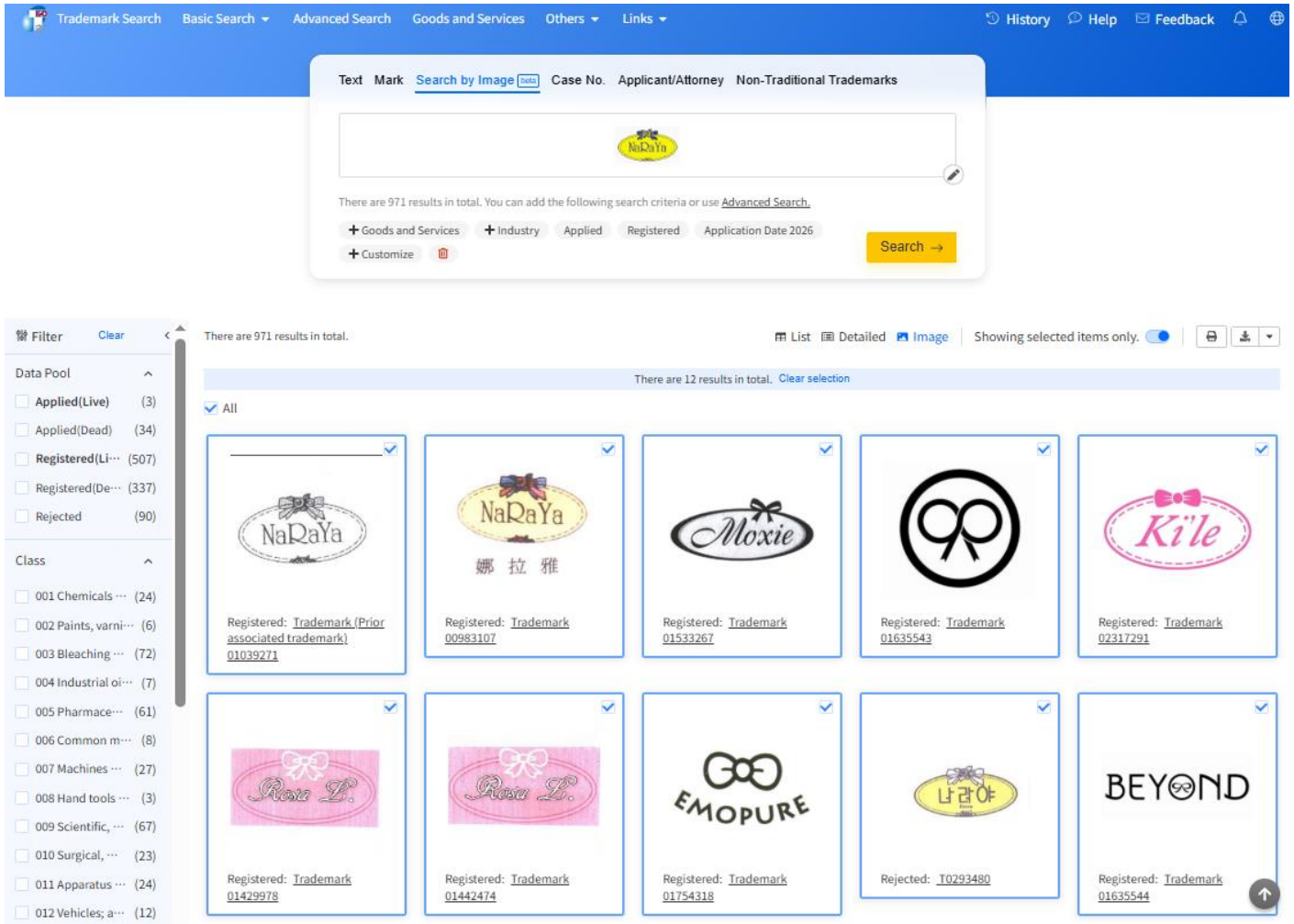


TIPO's AI Search Platform

Left dash board:

- Status – Apps/Reg./Rejected
- Classes
- Dates

Order of display does not entire equal to similarity so human judgement is recommended.



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AI Impact on a Firm

An Information Leaker or a Productivity Booster?

Client's Position on AI in our Operations

Shifting from refraining to encouraging

- In 2024, none of Gen AI systems can be used in all activities in relevance.
- Starting in mid or late 2025, conditionally Gen AI can be used provided no information leakage.
- Client agreed ChatGPT Enterprise version in place for translation.
- Human efforts remains in various degrees.

More Example: Patent Mapping & FTO

- **Mass Screening:** AI rapidly screen abstracts and specific passages within patent literature with high accuracy.
- **Identifying hidden reference**: AI tools expanded human-designated keywords to find overlooked protein sequence references, which led to a winning case.
- **Streamlining workflow**: suited for processing publicly available information to help fine tune strategic approaches.

Thank you for your attention.

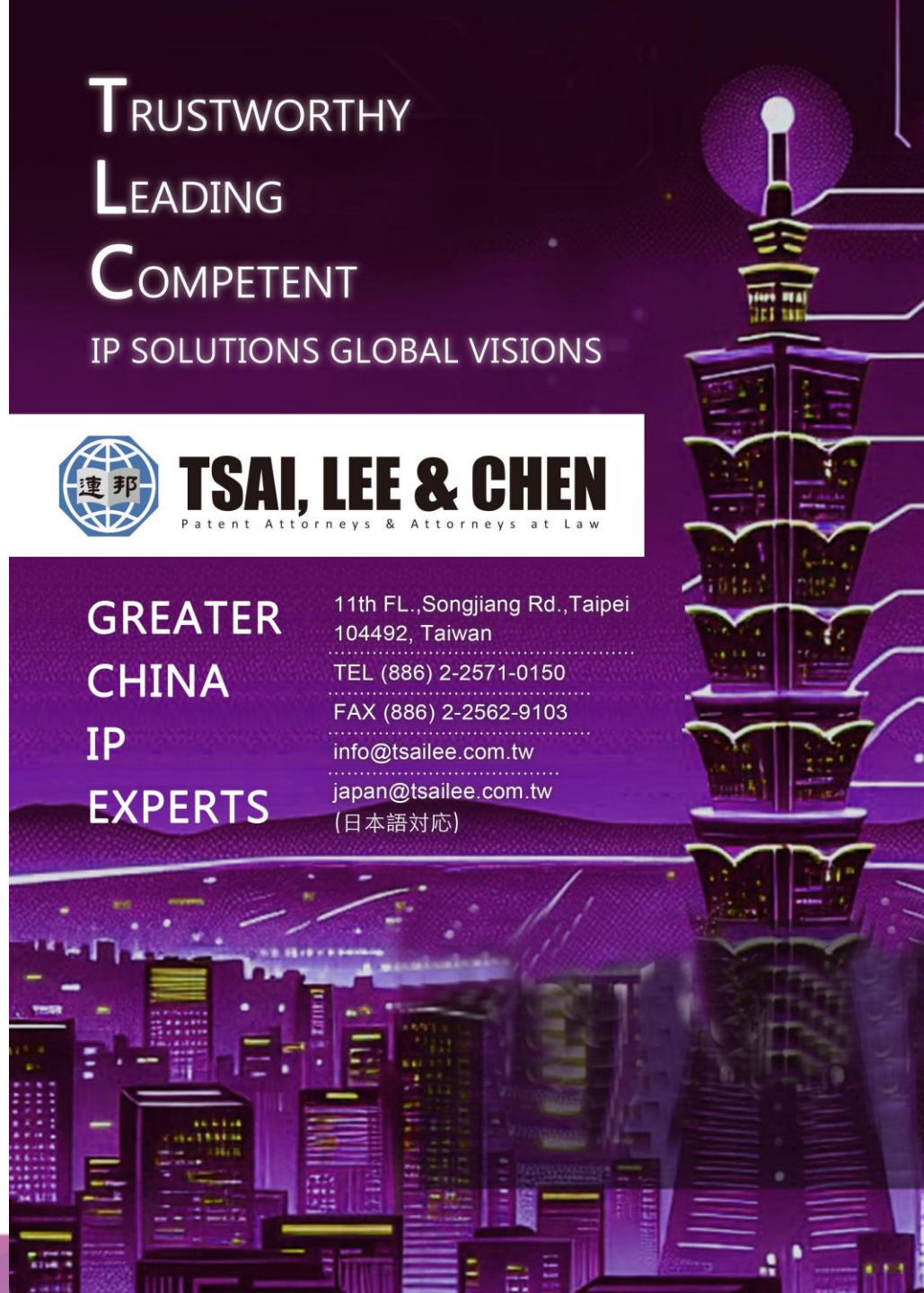

Image Sources

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