

Deconstruction and Reconstruction of Famous Marks Regulation of Taiwan: Interpretive and Legislative Perspectives

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Abstract

This paper starts from the viewpoint of establishing the importance of own brand to Taiwan's future industrial upgrading, and explains the relevant provisions of the Trademark Law's famous trademark protection in encouraging and assisting enterprises to establish the normative connotation and function of their own brands, and also in contrast to international treaties/agreements. The practical operation of the foreign trademark legal system, reviewing the practical operation of China's trademark special authorities and court judgments, presenting the problems and blind spots in the content of the famous trademarks in Taiwan's current trademark law and its operational operations. Under this understanding, this paper believes that for the sound protection of well-known trademarks and the protection of enterprises to establish their own brands, the trademark law of Taiwan should be amended in accordance with the provisions of the current well-known trademark protection regulations. In addition to the normative concept and logic, it can also promote the correct understanding of different types of well-known trademark protection in the practice community, and thus make a reasonable judgment in line with the concept of famous trademarks on the basis of correct recognition. In view of the importance attached to famous brands in the world today and the intensification of their protection norms, Taiwan's trademark law, in conjunction with the correct understanding of the famous trademark protection norms, is subject to legal amendments. It seems to have faced the point of sword and

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performance, and looks forward to the future of trademark authorities and academic circles. Under the efforts of the practical circles, it is possible to obtain legal amendment results that are more in line with the well-known trademark protection required for brand development.

Keywords: Paris Convention, bridging the gap, likelihood of confusion, Trademark Law, well-known trademarks, dilution, Trade-Related Intellectual Property Rights Agreement, distinctiveness