

駐荷蘭臺北代表處與荷蘭貿易暨投資辦事處相互承認專利優先權協定

鑒於工業財產之國際合作對提昇產業、科技及經濟發展之重要性，駐荷蘭臺北代表處及荷蘭貿易暨投資辦事處（以下稱締約雙方）爰簽訂以下之協定：

一、締約任一方同意雙方所代表領域之自然人及法人，依本協定第二條所稱之聲明，自本協定生效日起，在其個別領域提出之發明專利或新型專利申請案，基於互惠原則，於向另一方提出該發明或新型專利案較晚申請時，得依據該較晚申請地之法規主張優先權。向締約任一方申請發明專利時，得以在另一方先申請之新型專利主張優先權，反之亦同。

二、本協定將於締約雙方交換作為本協定附件之聲明後完成。聲明為本協定之一部分。本協定將於雙方聲明公告之日生效。

除締約任一方於六個月前，以書面通知他方終止本協定外，本協定將持續有效。經合法授權之雙方代表爰於本協定簽字以昭信守。

本協定以中文、荷文及英文各繕兩份，三種文字約本同一作準。惟遇解釋上有歧異時，應以英文本為準。

駐荷蘭臺北代表處

簽署人：

職稱：代表

荷蘭貿易暨投資辦事處

簽署人：

職稱：代表

二〇〇一年 月 日

聲明

依據專利法第二十四條，臺北智慧財產局爰此公告：

任何荷蘭貿易暨投資辦事處所代表領域之自然人及法人自本協定生效日起，向海牙工業財產局申請發明或新型專利者，或其專利繼受人，得於十二個月內向臺北智慧財產局主張該發明或新型專利申請案之優先權；但其優先權日不得早於本協定之生效日。

對前述優先權之主張，臺北智慧財產局及其領域內其他主管機關將依照『巴黎保護工業財產權公約』第四條處理。

本聲明將於二〇〇一年十二月十一日公告。

臺北智慧財產局

簽署人：

職稱：局長

聲明

依據一九九五年專利法第九條，海牙工業財產局爰此公告：

任何駐荷蘭臺北代表處所代表領域之自然人及法人自本協定生效日起，向臺北智慧財產局申請發明或新型專利者，或其專利繼受人，得於十二個月內向海牙工業財產局主張該發明或新型專利申請案之優先權；但其優先權日不得早於本協定之生效日。

對前述優先權之主張，海牙工業財產局及荷蘭其他主管機關將依照『巴黎保護工業財產權公約』第四條處理。

本聲明將於二〇〇一年十二月十七日公告。

海牙工業財產局

簽署人：

職稱：局長

**Agreement on the Mutual Granting of Patent Priority Right
between
the Taipei Representative Office in the Netherlands
and
the Netherlands Trade and Investment Office**

In the light of the importance of international co-operation on intellectual property in supporting the development of industry, technology and the economy,

the Taipei Representative Office in the Netherlands

and

the Netherlands Trade and Investment Office

hereinafter referred to as 'the parties',

hereby establish the agreement set out below:

Article 1

Each of the parties shall accept that a natural or juridical person of either territory represented by each party who has, in accordance with the Declarations referred to in Article 2, duly filed in their territory on or after the date on which this Agreement takes effect an application for a patent of invention or for a utility model, shall enjoy on a reciprocal basis, for the purposes of filing in the territory represented by the other Party, a right of priority based on such laws and regulations of the place in which the second filings are made. The right of priority claimed in an application for a patent of invention filed in the territory represented by

one party may be based on the filing in the territory represented by the other party of an application for a utility model patent, and vice versa.

Article 2

- 1. This Agreement shall be completed by the Exchange of Declarations which are annexed to the Agreement and which constitute an integral part thereof.
- 2. This Agreement shall take effect on the date on which both Declarations have been published.
- 3. This Agreement shall remain in force until terminated by either party upon six months written notice to the other party.

In witness whereof, the undersigned, being duly authorized, have signed this Agreement.

Done in duplicate, in the Chinese, Dutch and English languages, all three texts being equally authentic. In case of any divergence in interpretation, the English version shall prevail.

**For the Taipei Representative
Office in the Netherlands**

Shih, Ker-Min
Representative

**For the Netherlands Trade
and Investment Office**

Siebe K. Schuur
Representative

Declaration

The Intellectual Property Office in Taipei hereby declares in accordance with article 24 of the Patent Law of the territory in which it is established:

Any natural or juridical person of the territory represented by the Netherlands Trade and Investment Office who has duly filed an application for a patent or a utility model, on or after the date of effect of the Agreement, with the Industrial Property Office in The Hague, or its successor in title, shall enjoy, for the purpose of filing an application for a patent or a utility model with the Intellectual Property Office in Taipei, a right of priority during a period of twelve months.

However, the date of priority claimed by an applicant should not be prior to the date of effect of the Agreement .

In dealing with claims for a priority right as mentioned in the foregoing paragraph, the Intellectual Property Office in Taipei and any other competent authority in its territory shall act in accordance with article 4 of the Paris Convention for the Protection of Industrial Property.

This Declaration will be published on 11 December 2001

For the Intellectual Property
Office in Taipei

Chen Ming- Bang
Director General

Date:(Month/Date), 2001

Declaration

The Industrial Property Office in The Hague hereby declares in accordance with article 9 of the Patent Act 1995 of the territory in which it is established:

Any natural or juridical person of the territory represented by the Taipei Representative Office in the Netherlands, who has duly filed an application for a patent or a utility model, on or after the date of effect of the Agreement, with the Intellectual Property Office in Taipei, or its successor in title, shall enjoy, for the purpose of filing an application for a patent or a utility model with the Industrial Property Office in The Hague, a right of priority during a period of twelve months.

However, the date of priority claimed by an applicant should not be prior to the date of effect of the Agreement.

In dealing with claims for a priority right as mentioned in the foregoing paragraph, the Industrial Property Office and other competent authorities in the Netherlands shall act in accordance with article 4 of the Paris Convention for the Protection of Industrial Property.

This Declaration will be published on 17 December 2001

For the Industrial Property
Office in the Hague

Rob Berger

President

Date: (Month/Date), 2001