



台灣新經濟簡訊

經建會法協中心

法規鬆綁

■ 智財銀行 6 月成立

經濟部推動智財銀行機制有新進展，由工業技術研究院主導的智財管理公司，預定於 6 月底成立，將協助台灣產業因應國際權利主張及專利訴訟，以優化智慧財產創造、保護及運用的環境。

近來侵權訴訟已成為國際競爭手段之一，台灣具國際品牌產製行銷能力的企業，常遭競爭對手及專利授權公司（non-practicing entity, NPE）以權利主張與侵權訴訟干擾，目前國際上許多大型企業已建立聯合防禦機制，日本、韓國等也另成立大型智財基金，協助本國企業取得關鍵專利，進行國際布局。

經濟部表示，為使我國產業在國際智財權競爭戰場上，進行有效防禦並積極攻略，政府已規劃建置智財銀行機制，第一階段先成立智財管理公司，第二階段將促成設置智財基金，基金主要來自工研院及資訊與光電等業者，部分資金則研議由國發基金挹注。

【新聞辭典】

智財銀行（IP BANK）是一種創新的智財營運模式，由一家擁有優秀智財專業團隊的智財管理公司，以及一家以上智財基金（公司）組成的體系。主要任務在取得優質關鍵專利，以提供國內企業採取因應措施與布局新興產業之用。

智財管理公司的主要業務內容是為國內廠商提供前瞻研發智財權布局所需的專利仲介代理、專利舉發、聯合談判、智財權訴訟等專業諮詢及戰略合作。協助廠商在研發前期布局專利，占領先機，中期得以合理防禦、取得市場利基，長期更可積極攻略，拓展產業規模。

■ 外商快速通關效期展延

符合一定資格的外籍商務人士，入出境台灣，可享有快速通關的便利，自2003年實施以來，廣獲得外籍人士好評。內政部為減輕外籍商務人士重複申辦負擔，於日前進一步將效期由1年展延至與申請人的居留證效期一致。

依據「外籍商務人士快速查驗通關作業要點」規定，凡是外籍商務人士在台灣有新台幣5,000萬元以上投資、為僑外投資事業、跨國企業派駐台灣或受聘於國內企業的主管或經理人，以及對我國企業有貢獻者，經過商會推薦及經濟部審查核准後，其本人及隨行的配偶及直系親屬入出境時，可於機場特定櫃檯，辦理快速查驗通關。

移民署表示，以往核發快速查驗通關效期只有1年，到期須重新辦理申請，為提升行政效率，簡化申辦程序，移民署修正發布新作業要點，將取得我國居留身分的外籍人士快速通關的效期，由從現行1年展延至與居留證的期限相同。

■ 外僑居留申請簡化

為營造友善的國際生活環境，吸引優秀外籍人士來台工作或就學，行政院通過《入出國及移民法》部分條文修正草案，簡化外僑居留證申請行政流程，並放寬國人海外出生子女回台申請居留或定居規定。

移民署表示，此次修法放寬外國人以免簽證方式或持停留簽證來台，如符合《就業服務法》對於白領外人之規定，包括應政府及其所屬學術研究機構聘請擔任顧問或研究工作，或受聘於大學進行 6 個月內之短期講座、學術研究等工作，經中央目的事業主管機關許可後，其本人及隨行眷屬，可直接向入出國及移民署申請外僑居留證，無須先向外交部領事事務局申請改辦居留簽證。

同時，為擴大招收僑外生來台，經各級主管教育行政機關、大學或其組成的海外聯合招生委員會許可來台就學的僑生及外國學生，因招生程序以免簽證或持停留簽證入境者，也可以比照前述簡易行政流程改辦居留。但在大專院校附設機構研習華語的外國學生，則須符合讀滿 4 個月，並繼續註冊 3 個月以上的資格。

此外，考量國人在海外出生的已成年子女申請來台定居，但因經常入出國，無法依規定在台持續居留滿 1 年。此次修法也放寬規定，只要出生時，其父母之一為在台灣設有戶籍的國民，即可來台申請定居，不受連續居住時間之限制。

■ 公司設立一站式上線

跨部會整合政府作業流程的「公司設立一站式線上作業網站」(<http://onestop.nat.gov.tw>) 於 5 月 30 日正式啟動，將現行申辦程序由 6 個減為 3 個，辦理時間由 15 天縮短為 10 天，民衆開辦企業，除郵寄或臨櫃方式外，可選擇更為快速簡便的網路進行申辦。

經濟部指出，「公司設立一站式網站整合」分屬不同機關的各項申辦流程，包括經濟部的公司名稱預查及公司設立申請、財政部營業登記、勞保局及健保局的勞健保加保，以及勞委會的工作規則核備業務。

民衆利用線上申請方式，可完成「開辦企業」所有設立程序，節省過去往返於各政府機關進行申辦及重複登打文件所耗費的人力與時間。線上申辦服務也結合政府共通平台線上付費機制，提供多種網路付費方式。

此外，申請人可隨時上網查詢案件申請狀態，網站系統也會透過電子郵件與簡訊，主動告知辦理現況，以利民衆掌握案件申辦進度及結果。

新聞快遞

■ 經建會促日商來台投資

經建會於 5 月 10 日首度召開「日本工商會白皮書跨部會協調會議」，主委劉憶如致詞時指出，311 日本地震不僅在日本造成災情，也對國際經貿造成衝擊，尤其影響關鍵零組件的供應。她呼籲日商企業應思考分散營運風險，而台灣當前投資環境已更為優質及友善，投資台灣將是日商企業的最佳選擇。

劉憶如指出，在面臨全球化及氣候變遷的挑戰下，企業必須嚴肅思考因應對策並分散營運風險，台灣不僅是日本重要的經貿夥伴，同時具有高素質的人力、優良的技術，以及健全的法規等優勢，可做為前進中國市場的橋梁。一年來政府積極推動全球招商，隨著制定《產業創新條例》、降低營所稅至 17%、兩岸直接三通等政策，台灣投資環境更加優質與友善，是國際企業投資台灣的最佳時機。

針對日本工商會對台灣投資環境改善建言，經建會特別邀集各部會共同協助外商解決在台投資營運的問題。經建會表示，本次協調會議創造了各部會與日商面對面溝通平台，就日商產業投資營運問題，將積極給予協助，並朝向開放鬆綁的方向邁進。

日本工商會岸本恭太理事長對於我國政府近年開放經貿投資環境的努力及誠意給予高度評價，他也對台灣政府及民間在日本地震期間的協助及關懷，表示感謝。

針對 2010 年白皮書提出的 69 項建言，日本工商會評估指出，包括「明訂國際會計準則採用方法」、「延展外籍商務人士快速查驗通關效期」、「鬆綁中國製監視器進口」等 8 項建言已屬處理完成（16%），另有 23 項（45%）在短期內將有突破，超過 5 成的議題都有進展。

至於其他須進一步研商的建議事項，經建會表示，政府將務實並全面性地檢討相關法規制度，再行檢視是否有採納之可能，以增進外商在台投資的信心，共創互利雙贏局面。📍



Taiwan New Economy Newsletter

Deregulation Progress

■ Government to establish intellectual property bank

The Ministry of Economic Affairs (MOEA) reports progress in its efforts to set up an "intellectual property bank" with the projected establishment at the end of June, by the Industrial Technology Research Institute (ITRI), of an IP management company. This will help Taiwanese companies deal with international rights claims and patent prosecution, and optimize the island's environment for IP creation, protection, and utilization.

Rights-infringement litigation has become a tool of international competition, and Taiwanese firms with international brand manufacturing and marketing capability have become frequent targets for rights claims and patent-infringement prosecution by competitive rivals and non-practicing entities (NPEs). Many large companies around the world have reacted to this problem by setting up joint defense mechanisms, and Korea and Japan, among others, have established large IP funds to help their enterprises acquire key patents and undertake international deployment.

The MOEA notes that the government has mapped out plans for the establishment of an IP bank mechanism to help Taiwanese companies mount effective defenses and vigorous attacks on the international battlefield of IP rights competition.

News Glossary

An international property (IP) bank is a kind of innovative IP operating model made up of one IP management company with an outstanding team of IP professionals along with one or more IP funds (or companies). The primary task of an IP bank is the acquisition of key patents for the use of domestic enterprises in taking counter-offensive action and deploying in emerging industries.

The main business of an IP management company is to provide domestic companies with the patent agency, patent invalidation, joint negotiation, IP litigation, and other professional consultation and strategic cooperation needed for forward-looking R&D and IP rights deployment. Such a company helps enterprises to carry out patent deployment and grasp pioneering opportunities in the preliminary stages of R&D, construct reasonable defenses and gain market niches in the middle stages, and, in the long term, pursue vigorous offensive strategies and expand industrial scale.

The first stage of the plan calls for the establishment of an IP management company and the second for the formation of an IP fund. Money for the fund is to come mainly from ITRI, ICT firms, and optoelectronics companies, with more perhaps being provided by the National Development Fund.

■ Extension of fast immigration clearance for foreign business people

Foreign business people who meet certain conditions enjoy speedy immigration clearance when entering and departing Taiwan, a convenience that has been lauded since its inauguration in 2003.

Now the Ministry of the Interior has added to the convenience by extending the period of validity of this privilege from the original one year to the period of validity of the applicant's Alien Resident Certificate (ARC).

Foreign business people who have invested NT\$50 million or more in Taiwan, are executives or managers of foreign-invested enterprises in Taiwan, are employed by local businesses as executives or managers, or who have made contributions to the economy of Taiwan may enjoy fast entry and exit clearance as provided for in the "Operational Regulations Governing Speedy Immigration Inspection and Clearance of Foreign Business People."

Once such business people are recommended by a foreign chamber of commerce and approved by the Ministry of Economic Affairs, they, their spouses, and their direct family members can pass speedily through entry and exit procedures at designated counters at international airports.

The National Immigration Agency notes that the validity of speedy clearance authorization was originally just one year, after which the individual was required to apply again. The revised Guidelines improve administrative efficiency and streamline application procedures by lengthening the period of validity to the date of expiration of the applicant's ARC.

■ Foreign residency application further simplified

The Executive Yuan has approved a revision of the "Immigration Act" designed to

create a more friendly international living environment and attract outstanding foreigners to Taiwan by simplifying application procedures for alien resident certificates (ARCs) and making it easier for ROC citizens to apply for the stay or residence of children who were born abroad.

According to the National Immigration Agency (NIA), the revision relaxes the rules for foreigners entering Taiwan visa-free or with visitor visas. Those who comply with the provisions of the Employment Services Act regarding foreign white-collar workers, including those hired by the government or by government-owned academic or research institutions for consulting or research work, or by universities for short-term lecturing or research work lasting up to six months, may, with the approval of the competent agency of the central government, apply directly to the NIA for ARCs for themselves and accompanying dependents. They do not need to first apply to the Bureau of Consular Affairs to switch to a resident visa.

To expand the recruitment of overseas Chinese and foreign students to study in Taiwan, such students who are approved by administrative agencies in charge of education, universities, or their University Entrance Committee for Overseas Chinese Students, and who enter Taiwan visa-free or with visitor visas because of the recruitment process, may switch to resident visas via the simplified procedure described above. Foreign students who come to study Chinese language at organizations affiliated with colleges or universities, however, must first complete four months of study and register for a further three months.

The revision also takes into consideration the case of the foreign-born adult children of ROC citizens who would like to reside in Taiwan but cannot fulfill the requirement to live continuously on the island for one year because they need to travel frequently. Under the revised rules, if at least one of the individual's parents is a citizen with household registration in Taiwan at the time of birth, then the individual may apply for residence in Taiwan without being subject to the continuous-residence requirement.

■ One-stop online application for starting a company

The government inaugurated its new inter-ministerial website for one-stop online company establishment (<http://onestop.nat.gov.tw>) on May 30, reducing the original six

application steps to just three and shortening the time needed to set up a company from 15 to 10 days. This provides a new and more convenient choice for starting a business in addition to the original use of the post and personal visits.

The Ministry of Economic Affairs (MOEA) points out that the one-stop company establishment website integrates the various application procedures that are handled by different agencies, including the MOEA's company name pre-review and company establishment application, the Ministry of Finance's business registration, the Bureau of Labor Insurance and Bureau of National Health Insurance's labor and health insurance applications, and the Council of Labor Affairs' work rules approval.

Now all company establishment procedures can be accomplished online, saving much of the time and manpower needed in the past to visit various agencies and fill out the necessary documents over and over. The new online application service includes a fee-payment mechanism via the government's common platform, which offers a choice of various Internet payment methods. In addition, an applicant can go online at any time to check on the status of the application, and the website will also automatically notify the applicant via e-mail or messaging of the progress of the application.

News Express

■ CEPD calls on Japanese enterprises to invest in Taiwan

The Council for Economic Planning and Development (CEPD) held its first inter-ministerial coordination meeting to discuss the white paper published by the Japanese Chamber of Commerce & Industry, Taipei (JCCI) on May 10.

In her address to the meeting, CEPD Minister, Dr. Christina Liu pointed out that the 311 earthquake not only caused disaster in Japan but also had an impact on international economy and trade, especially the supply of key parts and components. In response, she said, Japanese companies should consider diversifying their operational risk by investing in other areas—and Taiwan, with its improved and friendlier investment environment, is the perfect choice for such a move.

In the face of the challenges posed by globalization and climate change, the minister stated, companies should give serious consideration to responsive measures

and the diversification of their operational risk. Taiwan is not only an important trade and economic partner for Japan, she pointed out, but also possesses the advantages of high-quality manpower, outstanding technology, and a comprehensive legal system, making it an ideal bridge for entry into the mainland Chinese market. The island's government has been engaged in a vigorous global investment promotion campaign over the past year, she went on; and with the enactment of the Statute for Industrial Innovation and reduction of the business income tax rate from 25% to 17%, along with the institution of direct links across the Taiwan Strait and other measures, the island's investment environment is better and friendlier than ever. This offers ideal opportunities for investment by international enterprises.

In regard to the suggestions for improvement raised in the white paper, the CEPD called together the concerned ministries and commissions for joint efforts to find solutions to problems that foreign companies encounter in investing and operating in Taiwan. The coordination meeting provided an opportunity for face-to-face communication between the ministries and Japanese companies, and the CEPD assured the Japanese businesses of the government's help in overcoming problems and Taiwan's continued progress toward deregulation.

Kyoto Kishimoto, chairman of the JCCI, lauded the government for its efforts toward trade and economic opening in recent years. He also expressed gratitude for the assistance and concern extended by the Taiwanese government and the private sector in the wake of the earthquake disaster.

The JCCI pointed out that eight of the 69 suggestions in its white paper, or 16% (including the stipulation of methods for application of international accounting standards, extension of the period of validity for expedited immigration clearance for foreign business people, and allowing the import of mainland Chinese-made monitors), had already been addressed and that breakthroughs in 23 more are expected soon, meaning that progress had already been achieved on more than half of the total.

The CEPD indicated that the government would continue reviewing the regulatory system in regard to the other suggestions made by the JCCI, and would take action on them if possible so as to boost the confidence of foreign investors in Taiwan. 