

從K-POP談台灣智財戰略-兼談 如何成為生技專利律師

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介紹

- 現職為國立台北科技大學智慧財產權研究所助理教授，研究興趣為專利法、著作權法、流行音樂產業。
- 學歷：美國聖路易華盛頓大學（Washington University in St. Louis）法律博士（Juris Doctoris, J.D., 2010年畢）。美國聖路易華盛頓大學智慧財產暨科技法律法學碩士（LL.M. in Intellectual Property and Technology Law）（2008年畢）。政治大學法律科際整合研究所法學碩士（2007年畢）、台灣大學化工所碩士（1999年畢）、台灣大學化工系（1997年畢）。
- 工作經驗：華邦電子公司製程工程師、聯華電子公司製程整合研發工程師、台灣茂矽電子公司專利工程師、禹騰國際智權公司專利工程師、威盛電子公司專利工程師、亞太國際專利商標事務所專案副理。

大綱

- Ideas
- Psy Trend
- Korea v. Taiwan
- Korea in Music
- Samsung
- International Sensation
- Rethinking Ourselves
- Careers in IP
- How IIP can Help You
- Q&A

Ideas

- Taiwan: Manufacturing
 - Brand-name
 - What is needed?
 - Endorsers
 - Celebrities
 - “Targeted market” v. “Taiwan but internationally-known”
 - Sports, movies, dramas, *singers*
- Fashion products
 - Electronic devices for entertainment
 - Clothes
 - Cosmetics
- Pop music industry
 - Generating celebrities
 - Observations from the K-POP industry

Psy Trend

- Beginning: Gangnam Style, <http://youtu.be/9bZkp7q19f0>
- Achievements
 - 400 million views on Youtube
 - No.1 on Billboard K-Pop Hot 100
 - Aug. 2, 2012 CNN report: <http://youtu.be/Bz95ahmCEGQ>
 - No.1 download in i-Tunes
 - No.2 on Billboard Top 100 Chart
- Interview on NBC TODAY SHOW 9/14/12 :
 - http://youtu.be/meWJZXIY_HA
- Another interview:
 - <http://youtu.be/dOQFSnFTDOc>



Psy Trend

- Background
 - Park Jae-sang
 - born in December of 1977
 - studied at Boston University first and later transferred to *Berklee College of Music*; but never graduated
 - His father owning D.I Corp.
- Music career
 - 12 years; No.1 singles
 - YG Entertainment
 - Colleagues: Big Bang; 2NE1



Psy Trend

- 台灣（媒體）的一般反應
 - 「大叔」？
 - 看不起？還是無知？
- 台灣的韓國情節
 - 何時開始「仇韓」？
 - 零星的非正式衝突（運動比賽）

ETtoday新聞雲 Goody Lau : 哈哈~

◎推薦 | 理財達人 | 每日秒殺

總覽 專題 論壇 政治 財經 BBC 影音 圖集 國際 大陸 新奇 生活 社會 地方 寵物 影劇

· 英雄回歸 誰「暗殺」了你的荷包？ · 愛臺灣MIT 一定要有這一件 · 早

地表最強軍規化硬碟 Armor A80 ET 很愛購 開賣

ETtoday > 影劇 > 影劇 2012年08月25日 21:13

影劇 | 影劇焦點 | 後台直擊 | 八卦 | 電視 | 電影 | 音樂 | 日韓 | 微語錄 | BBC 娛樂

「騎馬舞」橫掃全球 韓舞棍大叔PSY一個月海撈2.6億

點評：MV真得很放得開

【好康】歡慶新館進駐 鞋包/服飾 限時特惠299起

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南韓歌手PSY的新歌《江南Style》

的騎馬舞紅遍全球，受封為舞棍大叔，MV在YouTube公開僅40天，已破5000萬次點擊率，創南韓藝人紀錄。PSY的身價也跟著水漲船高，韓媒粗估短短1個月左右，PSY就海撈了大約新台幣2.6億元。

Korea v. Taiwan

- Source: CIA,
<https://www.cia.gov/library/publications/the-world-factbook/geos/ks.html>
- Population
 - 48,860,500 (July 2012 est.); No. 25
- Area
 - 99,720 sq km; No. 109
 - Land: 96,920 sq km
- Age structure
 - 0-14 years: 15.1% (3,844,033 male/female 3,533,963)
 - 15-64 years: 73% (18,228,643 male/female 17,463,195)
 - 65 years and over: 11.9% (2,365,749 male/female 3,424,917) (2012 est.)

- Source: CIA,
<https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html>
- Population
 - 23,234,936 (July 2012 est.); No. 51
- Area
 - 35,980 sq km; No. 139
 - Land: 32,260 sq km
- Age structure
 - 0-14 years: 15.1% (1,813,886 male/female 1,675,749)
 - 15-64 years: 73.8% (8,590,859 male/female 8,465,373)
 - 65 years and over: 11.1% (1,213,519 male/female 1,354,515) (2012 est.)

Korea v. Taiwan

- Median age
 - total: 39 years
 - male: 37.6 years
 - female: 40.4 years (2012 est.)
 - Population growth rate
 - 0.204% (2012 est.)
 - Birth rate
 - 8.42 births/1,000 population (2012 est.)
 - Unemployment rate
 - 3.4% (2011 est.); No. 31
 - 3.7% (2010 est.)
- Median age
 - total: 38.1 years
 - male: 37.4 years
 - female: 38.8 years (2012 est.)
 - Population growth rate
 - 0.171% (2012 est.)
 - Birth rate
 - 8.81 births/1,000 population (2012 est.)
 - Unemployment rate
 - 4.4% (2011 est.); No. 44
 - 5.2% (2010 est.)

Korea v. Taiwan

- 共同歷史經驗
 - 被日本統治
 - 軍事獨裁者時期
 - 民主化
 - 獨裁者處死（Chun Doo-hwan，特赦） v. 無轉型正義
 - 美國支持
 - 外國的武力威脅
 - 相似的節日
 - ex.: 農曆過年、中秋節
- 台韓關係
 - 從無軍事衝突
 - 自1992年：無外交關係
 - conflicts
 - 韓劇
 - 韓國飲食
 - K-POP社群

Korea in Music

- 2012 Olympic medal count
 - No. 5; G 13, S 8, B 7
 - USA: No. 1; G 46, S 29, B 29
 - TW: No. 63; G 0, S 1, B 1

- Psy, Korea:
<http://youtu.be/rpYq1ISce1U>
 - 看到什麼？
 - 自信
 - 文化
 - 歷史與現代
 - 台灣的歷史
 - 「國家」概念？
 - 政治發展與IP保護
 - 出版法 v. 著作權法

Korea in Music

- G20 Summit
 - found in 1999 (G7)
 - a forum for finance ministers and central bank governors
 - international economic issues
 - Korea's participation:
 - <http://youtu.be/DjKv4tz4FG0> (hosting)
 - <http://youtu.be/sbqDUZy1jEM> (Reception)
- 2010 G20 Summit in Korea
 - Let's Go (in English):
<http://youtu.be/wCFK6QuqpAw>
 - 2010 Asia Song Festival
G20 Concert 2010-10-24:
http://youtu.be/JTR4v1d_q9s

Samsung

- Multi-national company
 - Taiwan equivalent: 台塑
- Electronics Industries
 - Samsung Electro-Mechanics
 - Samsung SDI
 - Samsung Corning Precision Materials
 - Samsung SDS
 - Samsung Techwin
 - Samsung Mobile Display
 - Samsung Digital Imaging
- Machinery and Heavy Industries
 - Samsung Heavy Industries
- Chemical Industries
 - Samsung Total Petrochemicals
 - Samsung Petrochemicals
 - Samsung Fine Chemicals
 - Samsung BP Chemicals

Samsung

- Financial Services
 - Samsung Life Insurance
 - Samsung Fire & Marine Insurance
 - Samsung Card
 - Samsung Securities
 - Samsung Investment Trust Management
 - Samsung Venture Investment
- Others
 - Samsung C&T Corporation
 - Samsung Engineering
 - Cheil Industries
 - Samsung Everland
 - The Shilla Hotels & Resorts
 - Cheil Worldwide
 - S1 Corporation
 - Samsung Medical Center
 - Samsung Human Resources Development Center
 - Samsung Economics Research Institute
 - Samsung Lions
 - The Ho-Am Foundation
 - Samsung Foundation of Culture
 - Samsung Welfare Foundation
 - Samsung Life Public Welfare Foundation

Samsung

- Samsung and Team of Chinese Taipei (aka Taiwan):
http://youtu.be/z2Mk1dT_1iQ
 - What about HTC?
 - “HTC是中國人所創立的品”,
http://youtu.be/oRJfY_K9Mul
- Samsung and K-POP:
 - Olympic:
<http://youtu.be/MlozGvbuT8Y>
 - AMOLED:
<http://youtu.be/HkPOmuRJQHI>



The poster features a family of four (mother, father, and two children) running joyfully on a large, green, grassy globe that resembles the Earth. The background is a bright blue sky with soft white clouds. At the top left is the Samsung logo and the year '2012'. At the top right is the Samsung logo. In the center, the text 'SAMSUNG 2012 活力路跑' is written above the large, colorful 'RUN SMART Living' logo. Below the family, a green banner contains the slogan '為自然而跑 Samsung 好禮愛地球' and images of various Samsung products like smartphones, tablets, and TVs. At the bottom, there is detailed information about the event: '10/21 臺北市政府廣場 6AM 報到 7AM 開跑'. It lists the registration date as October 21st (Sunday) at 6 AM, the starting time at 7 AM, and the route from Ren'ai Road to Anhe Road. It also mentions prizes like Samsung products and a chance to win a Samsung TV. The bottom of the poster includes the names of the organizing units: Taipei City Government, Samsung Electronics Co., Ltd., Taipei City Sports Bureau, and the Chinese Taipei Running Association. A small Taipei 2012 logo is also present. A blue banner at the very bottom states that traffic control will be implemented on Ren'ai Road from 6:50 AM to 8:00 AM for the race start.

10/21 臺北市政府廣場 6AM 報到 7AM 開跑

報名方式 101年10月21日(星期日)早上6點開始免費現場報名, 即贈送快速流汗T恤乙件(數量有限, 送完為止); 憑號碼布及摩拿2012年活力路跑T恤跑完全程者(臺北市政府廣場→仁愛路→安和路 原線折返 來回共約3公里), 還可獲得精美回禮贈品乙個(數量有限, 送完為止)。此外還能參加百萬好禮抽獎活動!

主辦單位 臺北市政府、臺灣三星電子股份有限公司 **協辦單位** 臺北市政府體育局 **承辦單位** 中華民國路跑協會

TEL: (02) 2585-5659 FAX: (02) 2599-6716 網址: <http://www.sportnet.org.tw>

仁愛路四段, 逸仙路至安和路口上午06:50-08:00 進行交通管制, 車輛請改道行駛, 造成您的不便, 敬請見諒。

International Sensation

- Cultural exports:
<http://youtu.be/zOXkjroLsfQ> (festival events)
- High competition:
<http://youtu.be/eFdPQb6yNhA>
 - New idol groups: **30** (up to Aug. 2012); **15** (2011)
- Key person-Park Jin-young:
 - Business model:
 - <http://youtu.be/Mrm8BjMLnAM> (MidemNet 2009: Conversation with J.Y. Park, JYP Entertainment)
 - J.Y. Park's 2012 new song:
 - <http://youtu.be/2fsyoTaQ2W8>

International Sensation

- Music Shows
 - Music Bank (KBS)
 - Show! Music Core (MBC)
 - M! Countdown (Mnet)
 - Inkigayo (SBS)
 - Radio Shows
 - DJs from idol group members
 - Interviews
- Idol Star Athletics Championship
 - <http://youtu.be/429yHlKTpYc>
 - Live performance
 - Technology
 - <http://youtu.be/N-MOImD-OE8>

International Sensation

- **Music Awards**

- Cyworld Digital Music Awards (2006)
- Golden Disk Awards (1986)
- Melon Music Awards (2009)
- Seoul Music Awards (1990)
- Korean Music Awards (2004)
- Mnet Asian Music Awards (MAMA, 1999) (aka Mnet Korean Music Festival prior to 2008)
- Mnet 20's Choice Awards (2007)

- Gaon Chart Awards (2012)
- KBS Music Festival
- Asia Song Festival (2004)
- Annual Korean Entertainment Arts Awards
- Korean Popular Culture and Arts Awards
- SBS MTV Best Of The Best
- Korea Republic Seoul Cultural Art Awards
- Korean Broadcasting Awards
-

International Sensation

- Distinctive features of K-POP music
 - A song of at most **3 min and 30 sec.**
 - Groups: main vocalists
 - Dancers, choreography
 - <http://youtu.be/PQjovLrnvVo>
 - Variety: Ballad, pop, rock, rap, ...
 - Respectful, humble persons
 - Psy is not typical.
- IP strategies
 - Trademark registration
 - “GIRLS’ GENERATION” (Taiwan Trademark)
 - S.M. ENTERTAINMENT CO., LTD.
 - **Filing date: Aug. 6, 2007**
 - Registration: May 16, 2008
 - TW TM no. 01311865
 - “少女時代”, as well
- Endorsement
 - Profit sources

Rethinking Ourselves

- We are far behind Korea.
 - IP Tactics
 - Human-being-focused
 - Technology as a supplementary
 - i-Phone: user experiences
 - Legal Reform
 - "Inventors/authors"-focused
 - Not for big companies
- Sustainable Music Industry
 - Business model
 - Show channels
 - Awards for local artists
 - Training
 - More participants
 - S.H.E.: Qualified?
 - Local → International
 - International is not equal to China.

Careers in IP

- 事務所
 - 專利工程師
 - 程序管理師
 - 專利師/專利代理人
 - 專利師考試：難，國家不鼓勵
 - 學位 v. 證照
 - 律師
- 公司
 - 專利工程師
 - 專案經理/專案副理
 - 法務管理師
 - 程序管理師
 - 專利經理
 - 法務經理

How IIP can Help You

- 年限：2-3 yrs
 - 專利律師訓練,
<http://www.iip.ntut.edu.tw/files/15-1109-31717,c7064-1.php>
 - 基礎IP法律課程
 - 基礎法律課程
 - 基礎專利法課程
 - 高等專利法課程
 - 實習機會
 - IP產業連結
- 基礎IP法律課程
 - 著作權法專題研究、商標法專題研究、營業秘密法與公平交易法專題研究
 - 基礎法律課程
 - 行政法、民事訴訟法、刑事訴訟法、民法總則、刑法總則、民法債篇、民法物權篇、英美契約法、公司法（6 o/f 9）
 - 可考律師

How IIP can Help You

- 基礎專利法課程
 - 專利法專題研究、專利寫作、專利申請實務、專利審查基準、美國專利法專題研究、美國專利申請實務、中國專利申請實務、歐盟專利申請實務
- 高等專利法課程
 - 專利法案例分析、美國智財訴訟實務、專利侵害鑑定實務、專利佈局與專利策略、高科技產業的專利糾紛、美國專利訴訟專題研究
- 出國
 - Ph.D first; then, LL.M. or J.D.
 - Engineering writing skills
 - Speaking skills
 - 工作幾年→回國
 - 準備：GRE & TOEFL
- 實驗室經驗
 - 北科大理工研究所
 - 師資可比國立的普通大學

Q&A

- Thank you for your attentions.