## **EDITORIAL TEAM**

## **Editor-in-Chief**

Dr. **Jye-Ching Lee**, Director and Professor, Graduate Institute of Intellectual Property, National Taipei University of Technology

#### **Executive Editor**

**Ping-Hsun Chen** J.D., Assistant Professor, Graduate Institute of Intellectual Property, National Taipei University of Technology Email: cstr@ntut.edu.tw

#### **Associate Editors**

## (Listed alphabetically by surname)

- Ms. Chia-Hsin Chen, Secretary, Graduate Institute of Intellectual Property, National Taipei University of Technology
- Ms. **Ya-Wei Tung**, Graduate Student, Graduate Institute of Intellectual Property, National Taipei University of Technology
- Ms. Ching-Wen Ho, Graduate Student, Graduate Institute of Intellectual Property, National Taipei University of Technology
- Ms. **Yi-Fan Chen**, Graduate Student, Graduate Institute of Intellectual Property, National Taipei University of Technology
- Mr. **Min-Wen Zheng**, Graduate Student, Graduate Institute of Intellectual Property, National Taipei University of Technology

#### **Editorial Members**

# (Listed alphabetically by surname)

- Dr. **Mindaugas Kiskis**, Professor, Mykolas Romeris University (Lithuania)
- Dr. Avv. Marco Ricolfi, Professor, University of Turin (Italy)
- Dr. **Shun-Liang Hsu**, Assistant Professor, Department of Law, National Chung Hsing University (Taiwan)
- Dr. **Hsin-Lan Hu**, Assistant Professor, College of Law, Tunghai University (Taiwan)

- [2014] Vol. 3 No. 1 NTUT J. of Intell. Prop. L. & Mgmt.
- **Shin-Yi** (**Serena**) **Huang** J.D., Associate Professor, School of Law, Soochow University (Taiwan)
- Dr. Chung-Lun Shen, Associate Professor, College of Law, National Chengchi University (Taiwan)
- **Dennis Y.H. Tsai** J.D., Associate Professor of Law, Graduate School of Science and Technology Law, National Yunlin University of Science and Technology (Taiwan)
- Ai-Tang Chang J.D., Attorney, MT Law PC (U.S.A.)

## **Advisory Committee**

## (Listed alphabetically by surname)

- Mr. **Jen-Ping Chang**, Section Chief, Section 5 of the Third Patent Division, Taiwan Intellectual Property Office
- Yuan-Chen Chiang J.D., Legal Counsel, Delta Electronics, Inc.
- Dr. **Ming-Jye Huang**, Professor, College of Law, National Taiwan University
- Dr. **Shang-Jyh Liu**, Professor, Institute of Technology Law, National Chiao Tung University
- Dr. **Ming-Yan Shieh**, Professor, College of Law, National Taiwan University
- Hon. Judge Dr. **Huei-Ju** (**Grace**) **Tsai**, Taiwan Intellectual Property Court
- Chia-Sheng Wu J.D., Professor, Department of Law, National Taipei University

The **NTUT Journal of Intellectual Property Law and Management** is published twice a year by the National Taipei University of Technology ("Taipei Tech."), a national university located in Taipei City, Taiwan. The Journal is run by the Graduate Institute of Intellectual Property, an educational organization of Taipei Tech. The address of Taipei Tech. is No. 1, Sec. 3, Chung-hsiao E. Rd., Taipei City 10608, Taiwan.

### **CALL FOR PAPERS**

The journal welcomes unsolicited articles on all aspects of intellectual property issues. Currently, the journal prefers articles related to American IP laws. But, IP issues related to other jurisdictions are still acceptable.

#### **Submission:**

- 1. A manuscript has to follow the citation format of The Bluebook: A Uniform System of Citation. If the citation format for a particular reference is not provided, please give a citation in a form: [Author], [article title], [volume number] [JOURNAL TITLE] [first page] (publication year), for instance, Zvi Griliches, Patent Statistics as Economic Indicators: A Survey, 8 JOURNAL OF ECONOMIC LIRERURURE 1661, 1661-707 (1990). If your article relates to management or business, pin-point citation is not required. For all manuscripts, a list of references is not required.
- 2. A manuscript is normally limited to at most 5,000 words, including the main text and footnotes. Potential authors are encouraged to contact Prof. Ping-Hsun Chen for a manuscript template.
- 3. A manuscript has to include an abstract of at most 300 words and at most five keywords.
- 4. The authors are responsible for the factual or legal accuracy of their papers. No payment is for contribution. Two copies of the journal will be supplied to the authors free of charge.
- Manuscripts must be typewritten in English. Electronic submissions are preferred. Please provide Microsoft Word files and email to cstr@ntut.edu.tw.

## Review:

In general, all submissions will be subject to a peer-review process.

### Copyrights:

By submitting manuscripts, all authors shall grant to the National Taipei University of Technology to disseminate their papers through the instruments of the National Taipei University of Technology or other entities.

## Publication Ethics and Malpractice Statement:

The journal is committed to ethics and quality of publication. Authors, editors, reviewers, and staff are required to follow general standards of ethical behavior. Authors should submit their original works without infringing intellectual property rights of others. Editors and reviewers should evaluate manuscripts according to their academic value. Reviewers should not take advantage of the original ideas drawn from the reviewed manuscripts. Reviewers should keep confidential the content of each reviewed manuscript until it is published.

### TABLE OF CONTENTS

## **Rearch Article**

- **Pi-Chan Hu**, *A Linguistic Study of the Distinctiveness of a Trademark*, 3 NTUT J. of Intell. Prop. L. & Mgmt. 1 (2014).
- **Severin de Wit**, Challenges in Public and Private Domains Will Shape the Future of Intellectual Property, 3 NTUT J. OF INTELL. PROP. L. & MGMT. 21 (2014).
- **Yen-Te Wu**, *How Will eBay v. Mercexchange Affect Preliminary Injunction?*, 3 NTUT J. of Intell. Prop. L. & Mgmt. 34 (2014).
- **Ping-Hsun Chen**, Choice of Law—An Unresolved Question in the First Adult Video Copyright Case of the Taiwan Intellectual Property Court, 3 NTUT J. OF INTELL. PROP. L. & MGMT. 56 (2014).
- **Po-Ching Lee**, A Case Study for the Fubon Group—The Group's Topology and Patent Activity in the Digital Convergence Era, 3 NTUT J. OF INTELL. PROP. L. & MGMT. 72 (2014).

### **Quick View**

- **David McGowan**, Opportunity Lost: Economic Analysis in Apple v. Motorola, 3 NTUT J. of Intell. Prop. L. & Mgmt. 88 (2014).
- **Jason Rantanen**, *Claiming Clones*, 3 NTUT J. of INTELL. PROP. L. & MGMT. 92 (2014).
- **Jeffrey A. Lefstin**, *In re Roslin Institute: Products of Nature and Source Limitations*, 3 NTUT J. of Intell. Prop. L. & Mgmt. 95 (2014).

# **Author's Reply**

**Arif Jamil**, *Author's Reply: Human Stem Cell Research in Europe and the U.S.A.: Post Brüstle and Sherley, Ethics Issues and Patent Quagmire*, 3 NTUT J. of Intell. Prop. L. & Mgmt. 99 (2014).

# **Editorial Note**

**Ping-Hsun Chen**, *Editorial Note on the Volume 3 Number 1 Issue of 2014*, 3 NTUT J. of Intell. Prop. L. & Mgmt. 101 (2014).