



## 合夥律師

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## 蔡毓貞

*Jane Tsai*

蔡毓貞律師為理慈國際科技法律事務所合夥律師及商標部負責人，專精於商標、專利、著作權及營業秘密等智慧財產權領域。

蔡毓貞律師執業超過二十年，有豐富的商標、專利及營業秘密訴訟案件處理經驗。除了國內訴訟，蔡律師並協助國內客戶管理美國、加拿大、德國等國外訴訟案件，幫助客戶了解國外訴訟程序及進行案件策略規劃。

蔡律師經常協助客戶進行智慧財產權佈局規劃，包括商標全球布局規劃、企業內部營業秘密保護機制等。蔡毓貞律師過去曾經在上市公司擔任法務律師，確實了解企業的法務需求，能夠提供客戶務實的法律諮詢服務，並協助客戶審閱契約及議約。

蔡毓貞律師現為全國律師聯合會智慧財產委員會之委員，關注各項智慧財產權相關法令修訂進度。

## 專業資格

2001 年取得律師資格

## 學歷

- 國立台灣大學 法律學士 (2000)

## 經歷

- 全國律師聯合會第 2 屆個人會員代表、智慧財產權委員會主任委員 (2023 迄今)
- 全國律師聯合會第 1 屆個人會員代表、智慧財產權委員會委員 (2021-2022)
- 台北律師公會第 29 屆律師與人文委員會主任委員 (2020 迄今)
- 台北律師公會第 27 屆、28 屆理事兼任律師與人文委員會主任委員(2014-2020)
- 理慈國際科技法律事務所 律師 (2008 年迄今)
- 台灣大哥大股份有限公司法務室 律師 (2004-2008)
- 博仲法律事務所 律師 (2002-2003)
- 齊麟國際法律事務所 實習律師/律師 (2001-2002)

## 會員

- 台北律師公會、高雄律師公會
- 國際商標協會

## 專門領域

- 專利、商標、著作權、營業秘密等智慧財產權爭議案件處理
- 處理智慧財產權與反托拉斯、不公平競爭法交錯領域案件
- 協助跨國企業進行全球商標佈局策略規劃、執行及系統化商標管理
- 一般公司法律問題諮詢及中英文合約撰擬及議約

## 辦案經歷

- 代表國內知名銀行訴請另一銀行停止使用其著名商標中文字作為公司名稱之一部分
- 代表國內知名銀行對於商標廢止案進行答辯
- 協助國內上市公司處理在美國、歐盟之反托拉斯調查案件
- 協助國內上市公司處理在台灣、美國、歐盟涉及智慧財產權與不公平競爭法交錯領域訴訟
- 代表國內半導體業上市公司對營業秘密侵害案件提出刑事告訴及民事訴訟、聲請定暫時狀態處分

- 代表跨國半導體設備製造商對專利侵害案件提出民事訴訟、聲請證據保全
- 代表國內電影發行公司對侵害著作財產權之影片聲請定暫時狀態處分、提出民事訴訟

### 近期演講

- 於 2018 年 9 月台北律師公會舉辦之「東南亞司法制度國際研討會」擔任與談人
- 於 2018 年 1 月至三創育成中心演講「ODM、OEM、經銷契約、授權契約常見智財權條款規劃與執行」

### 相關著作

- 智慧財產局委託研究案「專利商標行政救濟制度研究案」
- 財團法人台灣網路資訊中心(TWNIC)委辦之「**TWNIC WHOIS** 相關資料庫之個人資料蒐集與利用之合法使用探討」研究計畫
- 台商與外商於民間自行規劃申請參與公共建設模式下之合作關係

### 榮耀

- World Trademark Review 評選為智慧財產權優秀律師
- Benchmark Litigation 評選為智慧財產權訴訟優秀律師

### 語言

國語、英語

## Jane Tsai

Partner

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Ms. Jane Tsai is a partner of Lee, Tsai & Partners with over twenty years of experience. She also heads the firm's trademark practice.

She specializes in intellectual property matters and is internationally recognized for her expertise in trademarks, patents, and trade secrets. She has a record of achieving success on behalf of her clients in complex intellectual property litigation in Taiwan. In addition to domestic litigation, Ms. Tsai also assists the firm's domestic clients in their multi-jurisdictional intellectual property litigations, involving countries including the U.S., Canada, and Germany, by providing them with an understanding of the litigation processes abroad and advising them on a global litigation strategy. Ms. Tsai further frequently assists her clients in intellectual property rights planning, including global trademark strategic planning and internal trade secret protection mechanisms. She was named a Litigation Star in Intellectual Property by Benchmark Litigation in 2021 and received the bronze ranking in the categories "enforcement and litigation" and the "prosecution and strategy" in Taiwan in World Trademark Review, WTR 1000 2022 guide.

In addition, Ms. Tsai served as in-house counsel for a public company prior to coming to the firm, which provided her with a strong foundation in understanding what enterprises need. She is known by her corporate clients for providing practical legal advice that balances their business objectives with legal risks when reviewing and negotiating their commercial and corporate contracts.

Ms. Tsai is currently a member of the Intellectual Property Committee of the Taiwan Bar Association and closely follows the development of new intellectual property rights related laws and regulations.

### QUALIFICATION

Admitted to the Bar 2001, Taiwan

### EDUCATION

- National Taiwan University (LL.B., 2000)

### EXPERIENCE

- The 2nd Member's representative of the Taiwan Bar Association and chairperson of the Taiwan Bar Association Intellectual Property Rights Committee. (2023~)
- The 1<sup>st</sup> Member's representative of Taiwan Bar Association, and member of the Taiwan Bar Association Intellectual Property Rights Committee. (2021-2022)
- The 29<sup>th</sup> Director of the Taipei Bar Association and chairperson of the Taipei Bar Association Attorney and Humanities Committee. (2020~)
- The 27<sup>th</sup> and 28<sup>th</sup> Director of the Taipei Bar Association and chairperson of the Taipei Bar Association Attorney and Humanities Committee. (2014-2020)
- Attorney, Lee, Tsai & Partners (2008~)
- Attorney-at-law, Taiwan Mobile Co., Ltd. Legal Office (2004-2008)

- Associate, Winkler Partners (2002-2003)
- Intern Attorney/Associate, Qi Lin International Law Offices (2001-2002)

### PROFESSIONAL & ASSOCIATION MEMBERSHIPS

- Taipei Bar Association, Kaohsiung Bar Association.
- International Trademark Association (INTA).

### FIELDS OF EXPERTISE

- Dispute and Litigation over Patents, Trademarks, Copyrights, Trade Secrets and other Intellectual Property.
- Intersection of Intellectual Property Rights and Antitrust.
- Trademark Strategy Planning & Portfolio Management.
- General Corporate Counseling, Contract Drafting and Negotiation.

### PREVIOUS PROJECTS AND CASES

- Represented a well-known Taiwan bank in a company name trademark infringement litigation against another Taiwan bank.
- Represented a well-known Taiwan bank in defending a trademark non-use cancellation case.
- Advised a Taiwan listed company in handling antitrust investigations in the US and EU.
- Advised a Taiwan listed company in handling actions involving the intersection of intellectual property rights and antitrust laws.
- Represented a Taiwan listed company in the semiconductor business in initiating criminal and civil actions for trade secret misappropriation, including filing motions for preliminary injunction to maintain the status quo.
- Represented a multi-national semiconductor equipment manufacturer in initiating a civil action for patent infringement, including filing motions for preservation of evidence.
- Represented a film distributor in filing motions for preliminary injunction to maintain the status quo and initiating copyright infringement actions.

### RECENT SPEECH ENGAGEMENTS

- Panelist commentator at the International Conference on the Southeast Asia Judicial System held by the Taipei Bar Association, September 2018.
- Spoke on IPR clauses in ODM, OEM, Distribution Agreements and Licensing Agreements at Star Rocket, January 2018.

### WORKS AUTHORED

- "A Study on the Patent and Trademark Administrative Remedies" commissioned by the Taiwan Intellectual Property Office.
- Participated in A research project for TWNIC on WHOIS Database and the Collection and Utilisation of Personal Data.
- "Cooperation between Taiwanese Companies and Foreign Companies in Submitting Unsolicited Proposals in Infrastructure Projects."

## ***HONORS***

- Ranked Litigation Star in Intellectual Property by World Trademark Review.
- Ranked Litigation Star in Intellectual Property by Benchmark Litigation.

## ***LANGUAGES***

Mandarin and English