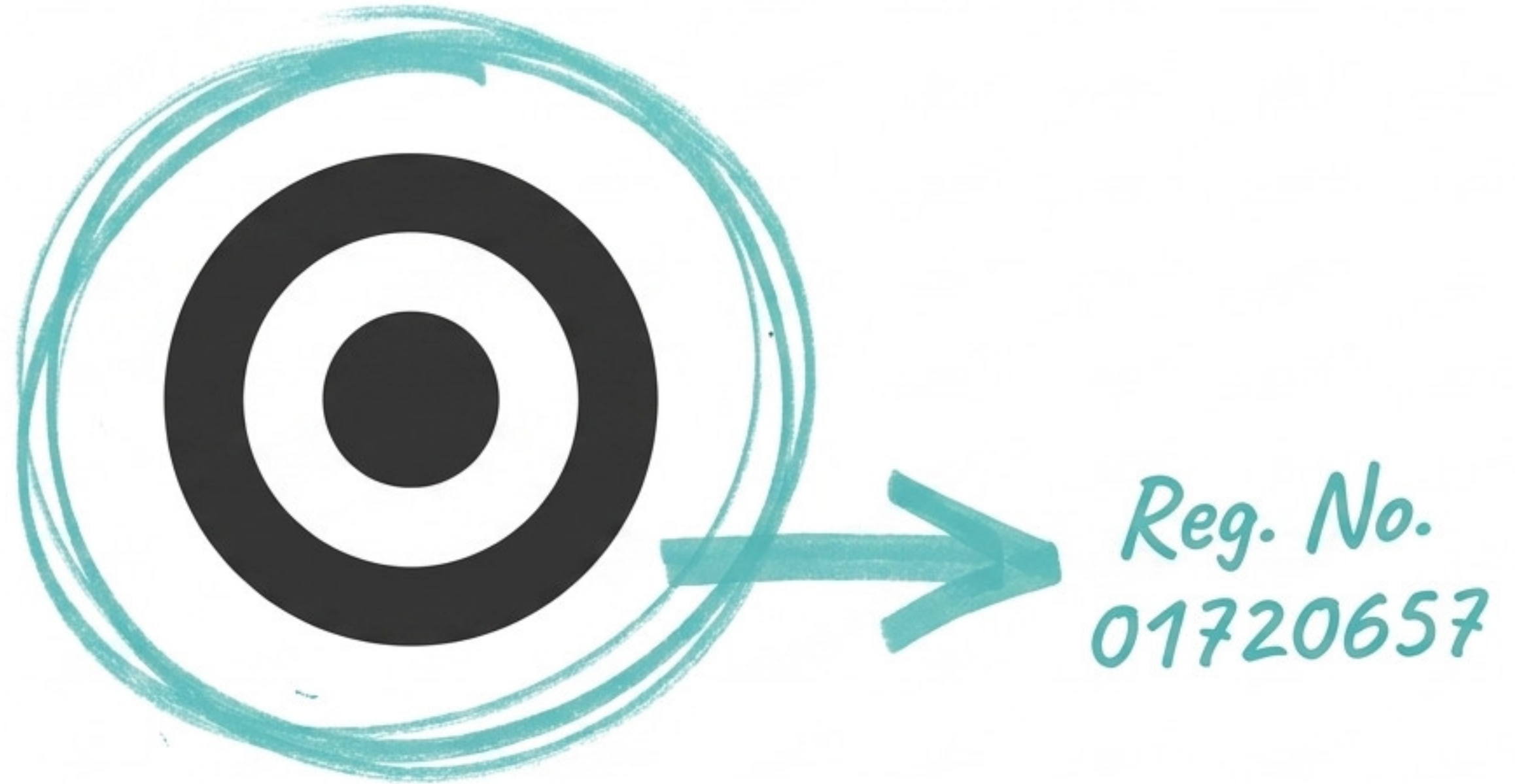




Global E-Commerce vs. Local Use

An Educational Case Study on Trademark Revocation & Evidentiary Investigation

Case Profile: The Foundational Facts

The Mark

- **Trademark:** 'Bullseye Design' (Target Corporation)
- **Designated Class:** Class 35



註冊第01720657號
第35類：「提供便利商店、超級商店、超級市場、購物中心及百貨公司之服務，網路購物（電子購物）」服務。

- **Scope:** Convenience stores, supermarkets, department stores, and online shopping (e-commerce).

The Legal Framework

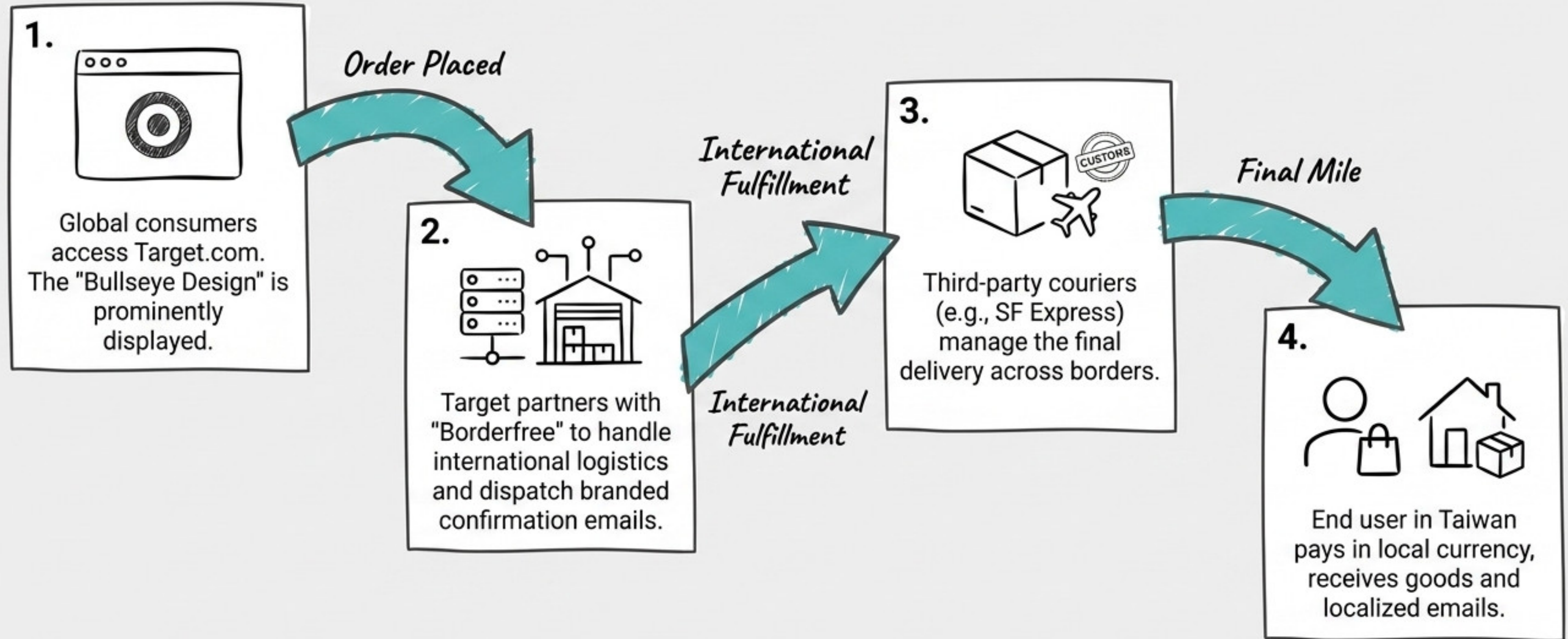
- **Statute:** Trademark Act §63 I ②
- **The Rule:** A trademark registration may be revoked if it has not been put to genuine use in the country for three consecutive years without justifiable reasons.

The Dispute

- **Revocation Date:** Applied on March 9, 2020.
- **Core Question:** Did Target genuinely use the mark for 'online shopping' in Taiwan between March 2017 and March 2020?

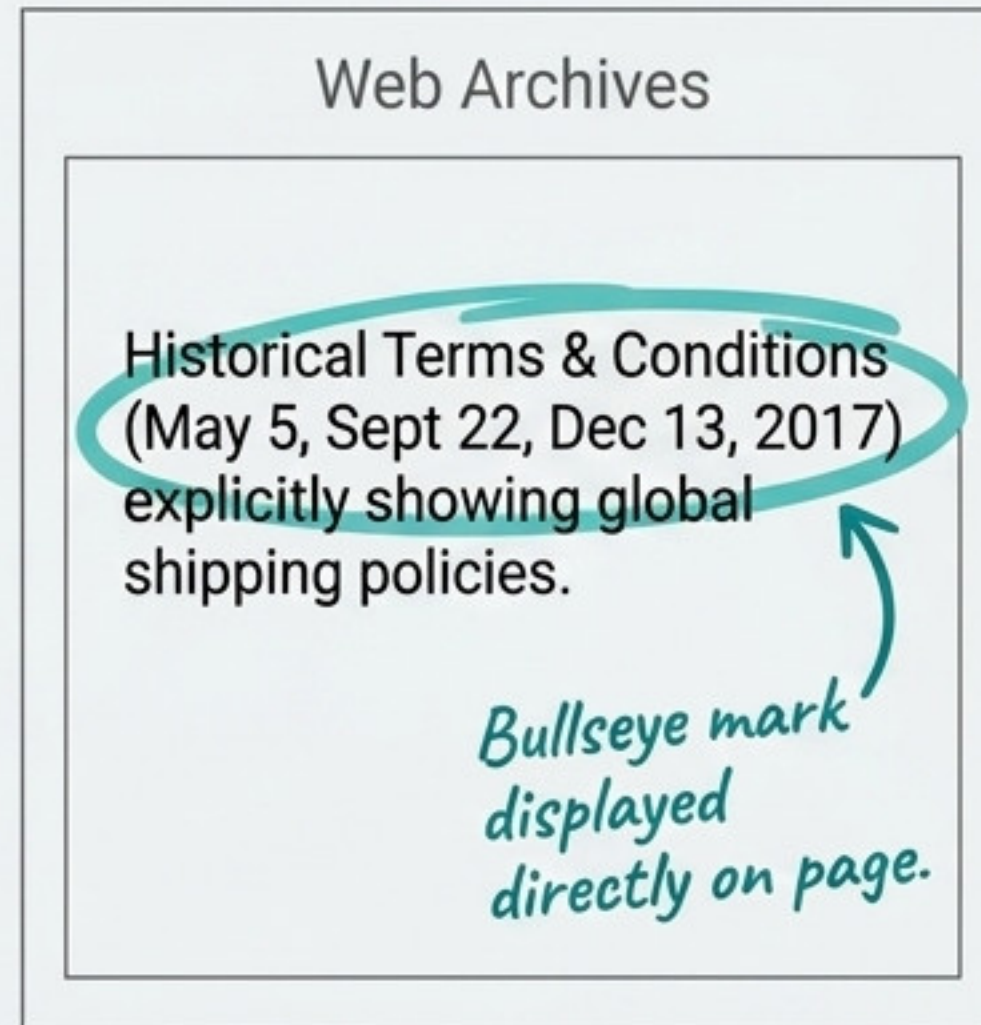
The Cross-Border E-Commerce Reality

How goods reach Taiwan via the global platform.



The Digital Footprint in Taiwan

Evidence submitted by the Appellant (Target Corp.) to prove genuine use.



The Evidentiary Clash

Why did the Original Court reject Target's evidence?

Appellant (Target Corp.)

The Stance:

We operate a global B2C model. Taiwanese consumers actively order, pay, and receive goods via our website and logistics partners.

View of Evidence:

When cross-referenced together, the un-notarized emails, localized web histories, and notarized user logs prove a continuous, genuine transaction flow in Taiwan.

Original Court (IP & Commercial Court)

The Stance:

Insufficient proof of actual commercial transactions completed within Taiwan territory.

View of Evidence:

1. Printouts of localized emails are un-notarized, lacking credibility.
2. Website screenshots only prove the website exists, not that transactions were actually fulfilled in Taiwan.

The Investigative Flaw

The Original Court relied on official third-party data, but asked fundamentally flawed questions.

The Customs Inquiry

~~Court's Action: Asked Customs for import records between March 2017 - March 2020. Customs found zero records.~~

The Flaw: Customs searched for "Target" as the Importer and "Borderfree" as the Exporter. In cross-border B2C e-commerce, the Taiwan Consumer is the legal importer. The query parameters were wrong.

The Courier Inquiry

~~Court's Action: Asked SF Express for shipping manifests based on Target's order numbers. Courier found no records.~~

The Flaw: The courier organizes data by waybill number, not website order number. Furthermore, records from May 2017 were simply too old and had been purged from the system.

Supreme Administrative Court Judgment

Verdict: Remanded back to the Intellectual Property and Commercial Court.

The Judicial Correction

- ✓ **Failure to Cross-Reference:** The Original Court committed an error by viewing evidence in isolation. Emails, web history, and user logs must be evaluated **holistically** to understand the commercial reality.
- ✓ **Failure to Investigate:** If the court doubted the un-notarized emails, it should have investigated the actual Taiwanese consumers listed on the notarized logs, rather than dismissing the evidence outright.
- ✓ **Ignoring Business Reality:** The original judgment failed to address Target's valid argument that the Customs and Courier search parameters fundamentally misunderstood modern e-commerce logistics.

Summary & Strategic Insights

What this judgment means for global brands protecting their IP.



1. Holistic Evidence is Key

Summary: Courts must cross-reference digital evidence, not view it in a vacuum.

Insight: Website screenshots alone are insufficient. Combine them with localized user data, localized emails, and notarized transaction logs to build an unbreakable chain of genuine use.



2. Modern Business vs. Traditional Logic

Summary: B2C e-commerce models frequently break traditional B2B customs definitions.

Insight: When presenting evidence, explicitly educate the court on how your specific logistics and data architecture works to prevent misguided official inquiries.



3. Proactive Documentation

Summary: Third-party logistics providers routinely purge old data.

Insight: Brands cannot rely on couriers to retain proof of delivery for 3+ years. Actively archive cross-border shipping proofs and waybills internally to defend against §63 I ② revocation claims.