

Anatomy of an IP Judgment

Navigating Trademark Infringement, Multiple Accounts, and the Limits of Prosecution

Case Study: Taiwan Intellectual Property and Commercial Court, 2023 Criminal Case No. 17 (October 2023)



*An Educational
Legal Breakdown*

The Central Legal Question

If a defendant sells counterfeit goods from the same location using two different online accounts, is it a single continuous crime or multiple separate crimes?

*The Statute: Trademark Act, Article 97
(Selling counterfeit trademark goods
via online networks).*



The Seized Evidence



Source Facts: Intellectual Property and Commercial
Court, 2023 Criminal Case No. 17, Appendix I & II.

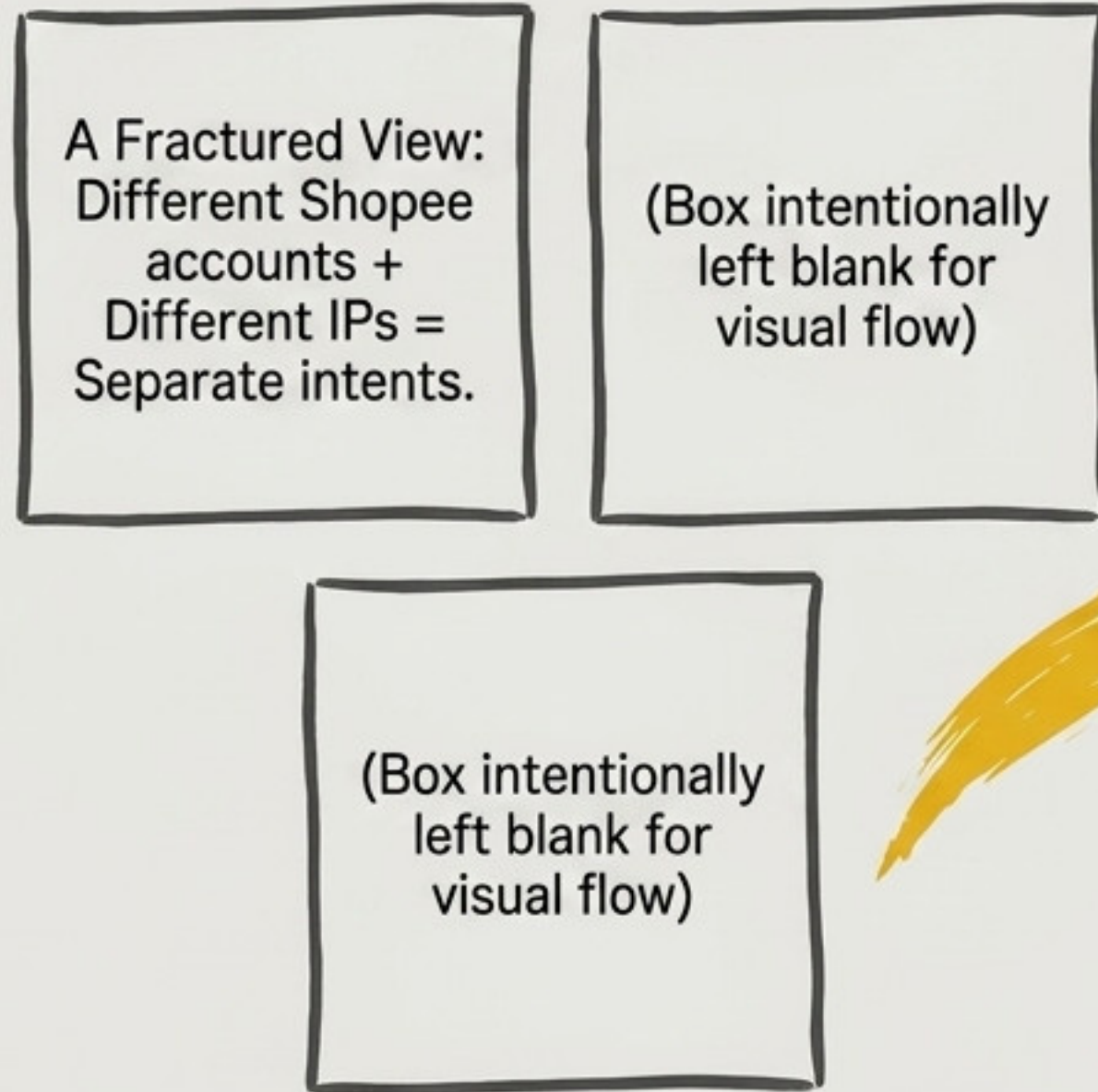
The Factual Overlap Matrix

The Prior Case	The Current Case
- Account: qetkmb733n - Time: Mar 2019 - Oct 14, 2021 - Status: Convicted (Finalized Feb 7, 2023)	- Account: ameicn - Time: Mar 2019 - Mar 12, 2021 - Status: Appealed by Prosecutor

Key Diagnostic:
100% overlapping timeline, identical physical location, identical methodology.

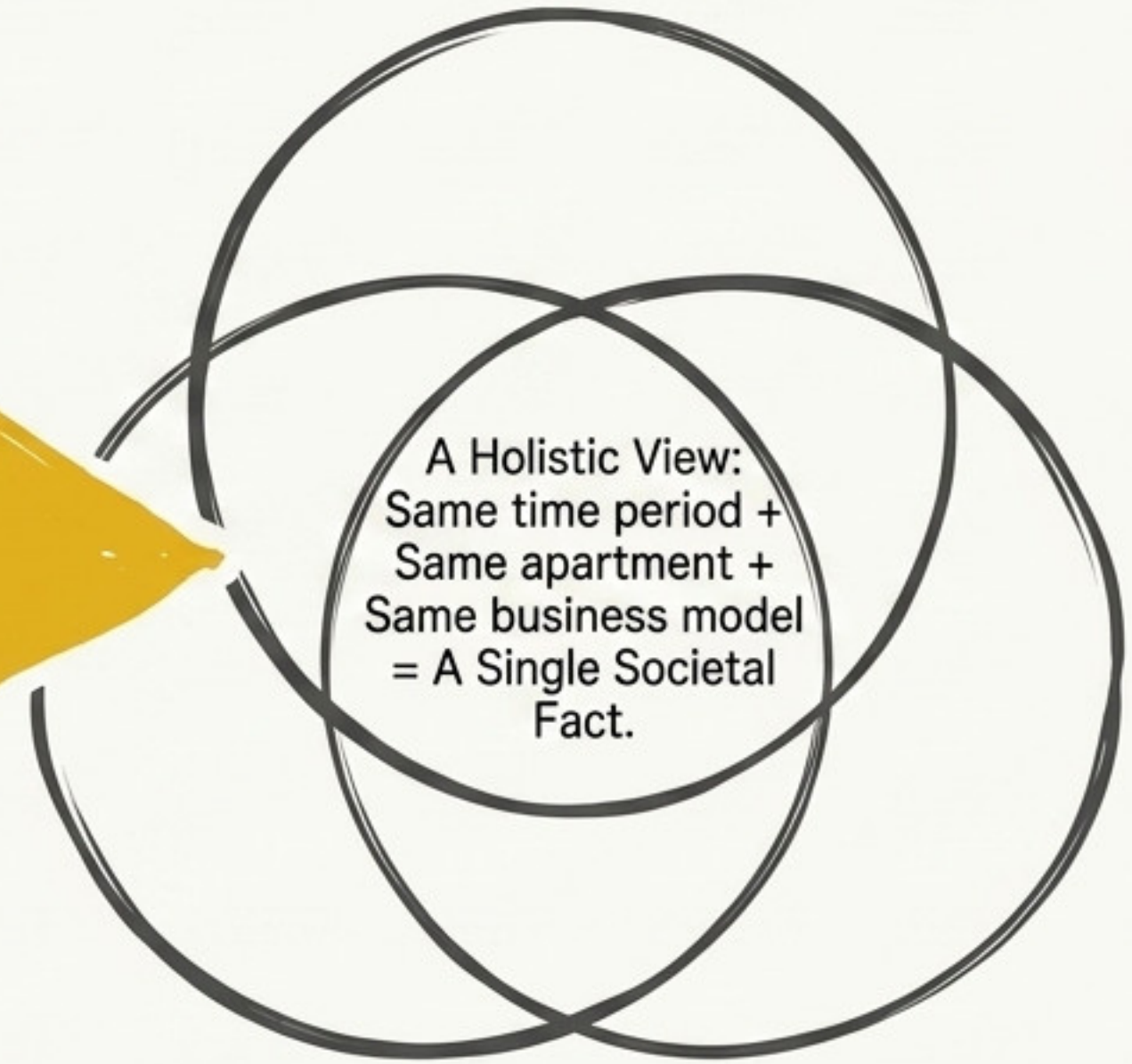
The Courtroom Standoff

Prosecutor's Perspective



Conclusion: New charges must be
filed for the second account.

The Court's Perspective



Conclusion: Cannot be spliced into
multiple charges.

Doctrinal Breakdown I: Continuing Offense

The Definition: When multiple acts are committed in close temporal and spatial proximity, infringing on the same legal interest, their independence is incredibly weak.

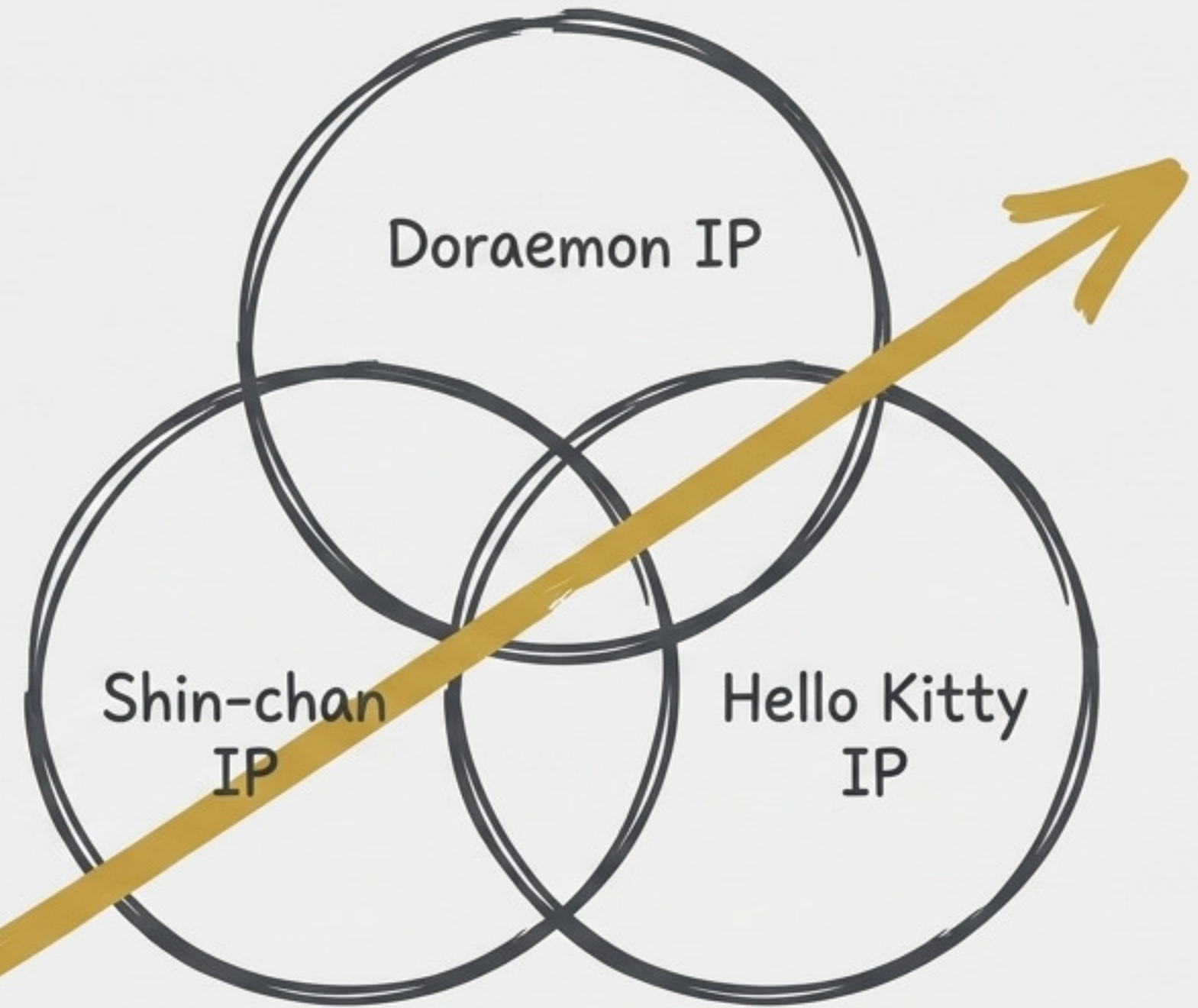
Application: Operating two accounts from the same apartment over the exact same months is legally evaluated as one ongoing operation (Substantive Single Offense).



Doctrinal Breakdown II: Imaginative Concurrence

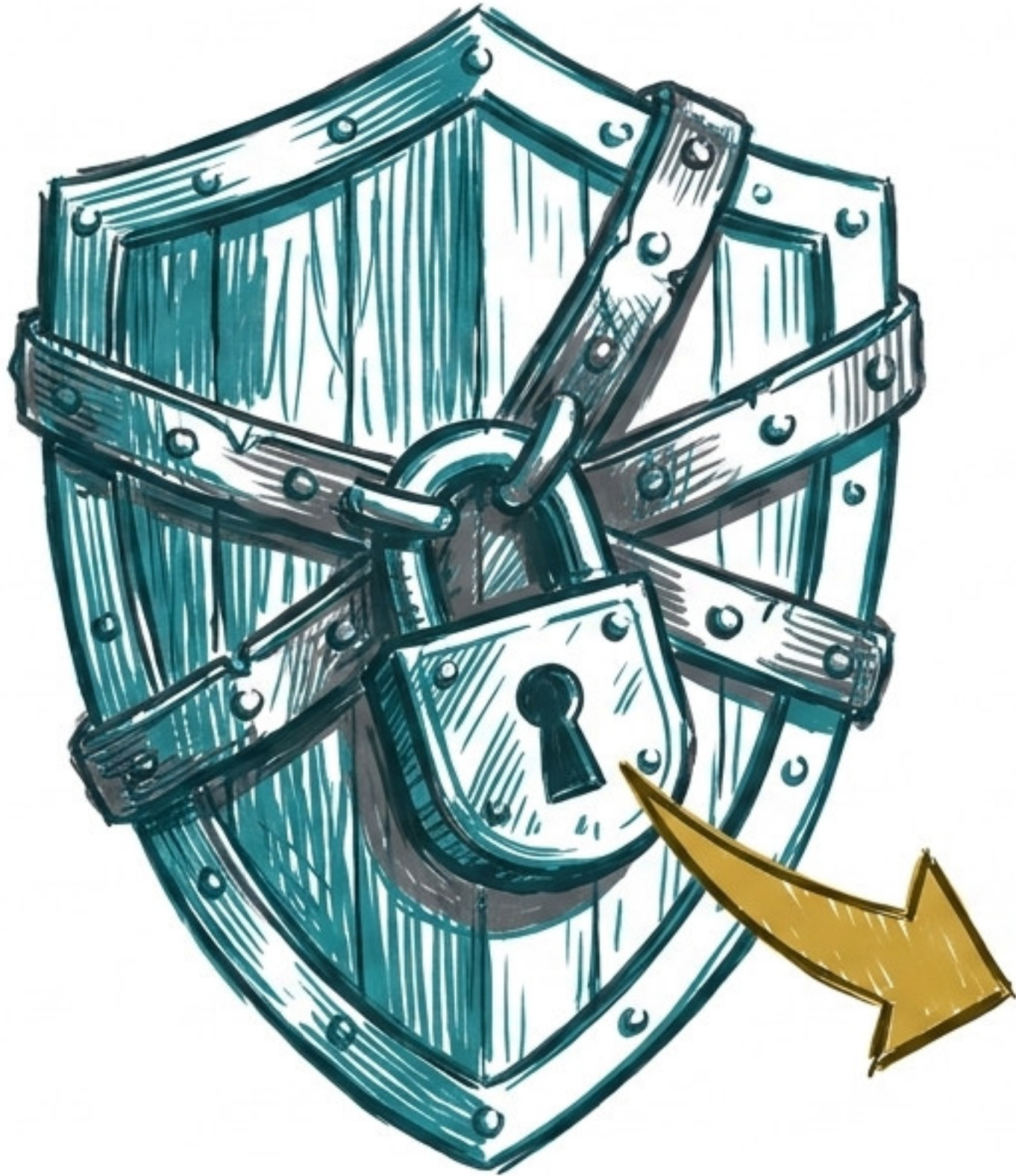
The Definition: A single criminal act that simultaneously infringes upon multiple legal interests (multiple trademarks).

Application: By operating the storefront and selling mixed batches, the defendant infringes on multiple brand rights with overlapping actions.



This creates a Procedural Single Offense. The law treats it as one unified case for prosecution.

The Legal Shield: Res Judicata



The Principle of Double Jeopardy: Once a definitive judgment is rendered on a crime (The Prior Case), the penal power of the State is exhausted.

Because the Current Case is legally bound to the Prior Case through Continuing Offense and Imaginative Concurrence, the prosecutorial power cannot be artificially split.

Non Bis In Idem:

A defendant cannot be punished twice for the same overarching historical fact.

The Final Verdict



Prosecutor's Appeal Dismissed.

Judgment: Exempt from Prosecution (Judgment of Dismissal).

The First Instance Court correctly issued a dismissal without oral argument. The facts fell completely under the binding power of the previously finalized judgment.

Statutory Citation: Code of Criminal Procedure, Article 302, Item 1.



Key Takeaways & Strategic Implications



1. **The Single Societal Fact Rule:** Courts prioritize physical reality (time, place, overarching intent) over digital fragmentation. Creating multiple usernames does not automatically create multiple, separate crimes.



2. **Holistic Prosecution is Mandatory:** For IP enforcement, prosecutors must consolidate all known infringing acts within the same timeframe into a single charge. Piecemeal litigation will fail.



3. **Doctrinal Synergy as a Shield:** The combination of temporal proximity (Continuing Offense) and multiple IP victims (Imaginative Concurrence) triggers Res Judicata, blocking double punishment.