

IP CASE STUDY & EDUCATIONAL ANALYSIS

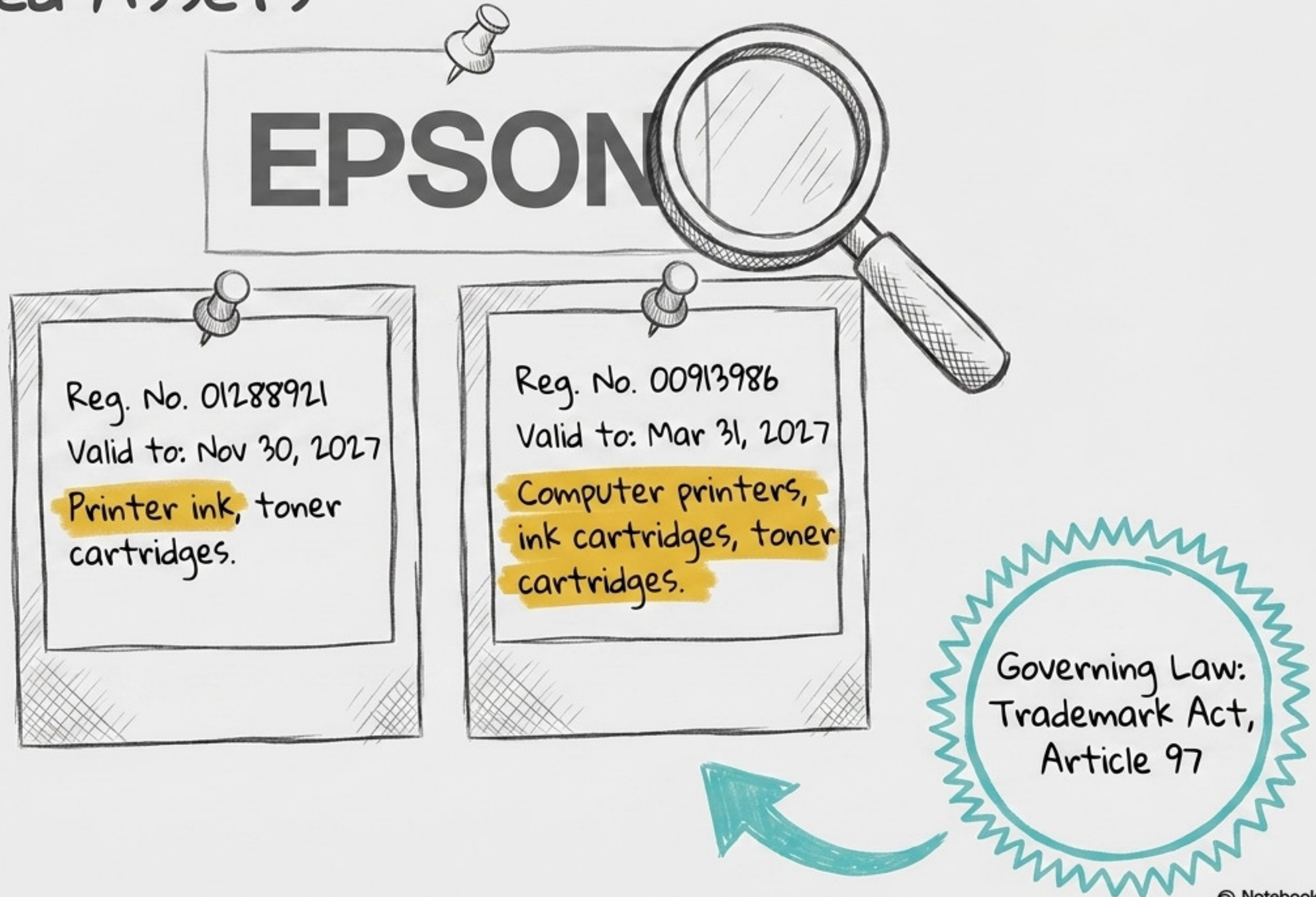
The Missing Defendant & The Burden of Proof

Deconstructing the EPSON
Trademark Infringement Case

Source: Intellectual Property and Commercial Court,
Criminal Judgment Case No. 112 Xing-Zhi-Shang-Yi No. 37



The Protected Assets



The Incident Timeline: The Sting Operation



Taobao (China)

Defendant imports unboxed, low-cost ink.

~70-80 TWD



Shopee (Taiwan)

Listed online from Dec 2019.

123-150 TWD



Dec 2019: Trap Purchase

Rightsholder (Seiko Epson Corp.) purchases 6 bottles + 1 gift. Authenticated as counterfeit.



Sept 25, 2020: Police Action

Search warrant executed. 98 bottles seized (86 confirmed fake).

The Prosecution's Case vs. The Evidentiary Gap

The Presumption of Guilt

Naked Goods: No outer packaging is inherently suspicious for retail goods.

Source & Price: Taobao is known for fakes; massive price gap (70 TWD vs true 175 TWD value).

The Absentee: Defendant evaded court (appeared 1 of 6 times), resulting in an arrest warrant.

The Requirement of Proof

Does buying cheap, unboxed goods online definitively prove Mens Rea (subjective criminal intent)?

Mens Rea

Does absence from court legally equate to a confession of guilt?

Decoding the Right to be Heard

The Anomaly: The first-instance court ruled "Not Guilty" without the defendant taking the stand. Was this a failure of investigation?

Courtroom
Absence



Constitutional
Right



The Right to be Heard is a constitutional protection, not a legal trap.

A defendant's choice to not exercise this right (even if it results in an arrest warrant) cannot be used as a negative inference of guilt.

Per appellate judgment: Proceeding to verdict without the defendant's statement is lawful if active evidence of guilt is insufficient.

The Appellate Ruling: Upholding the Presumption of Innocence

Mens Rea Requirement

Trademark Act, Article 97 strictly requires the actor to knowingly sell infringing goods.

Insufficient Active Evidence

Prosecutor relied on assumptions (price/packaging) rather than concrete proof of the defendant's knowledge.

Presumption of Innocence

Suspicion regarding sourcing and courtroom evasion do not meet the threshold for criminal conviction.

**APPEAL DISMISSED.
ORIGINAL NOT GUILTY
VERDICT MAINTAINED.**

Case Synthesis & Strategic Takeaways

Burden of Proof is Absolute.

Circumstantial suspicion (low prices, missing boxes, shady platforms) is not enough to prove Mens Rea in criminal IP cases. Prosecutors require active evidence of subjective intent.

Absence ≠ Guilt.

The Right to be Heard protects the accused. An absent or evasive defendant does not lower the evidentiary bar for the prosecution.

Beyond the Trap Purchase.

Rightsholders conducting online sting operations must dig deeper than proving a seized item is fake; they must proactively gather evidence proving the seller knew it was counterfeit.