

**14. 智慧財產法院刑事上訴第三審發回或發交更審案件裁判結果一按年別與罪名別分**  
**14.Results of Judgments and Rulings of Criminal Appeal Cases of the Third Instance Remanded or Assigned for New Trial Terminated by the Intellectual Property Court- by Year and Crime Type**

單位：件;人(Unit: case; individual)

| 年別及罪名別<br>Year and Crime Type  | 終結<br>件數<br>Cases closed | 被告人數 Defendants |                                  |                                      |  |   |   |                                |                               |             |                               |                 |             |          |          |
|--|--------------------------|-----------------|----------------------------------|--------------------------------------|--|---|---|--------------------------------|-------------------------------|-------------|-------------------------------|-----------------|-------------|----------|----------|
|  |                          | 合計<br>Total     | 上訴駁<br>回<br>Appeals<br>dismissed | 撤銷改判 Revocation of previous judgment |  |   |   |                                |                               |             | 通緝<br>Wanted<br>by the<br>law | 撤回<br>Withdrawn | 其他<br>Other |          |          |
|  |                          |                 |                                  | 小計<br>Subtotal                       | 維持原<br>刑期<br>New<br>judgment<br>but with<br>same<br>period of<br>imprison-<br>ment | 減免或<br>無罪<br>New<br>judgment<br>but with<br>reduced<br>penalty or<br>not guilty | 加重<br>New<br>judgment<br>but with<br>increased<br>penalty | 免訴<br>Not<br>prosec-<br>utable | 不受理<br>Case<br>decline-<br>ed | 其他<br>Other |                               |                 |             |          |          |
| 民國 9 2 年 2 0 0 3   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 民國 9 3 年 2 0 0 4   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 民國 9 4 年 2 0 0 5   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 民國 9 5 年 2 0 0 6   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 民國 9 6 年 2 0 0 7   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 民國 9 7 年 2 0 0 8   | 7                        | 17              | 2                                | 12                                   | -  | 10  | 2   | -                              | -                             | -           | -                             | -               | -           | -        | 3        |
| 民國 9 8 年 2 0 0 9   | 41                       | 64              | 17                               | 44                                   | 3  | 34  | 4   | -                              | 2                             | 1           | -                             | 3               | -           | -        | -        |
| 民國 9 9 年 2 0 1 0   | 39                       | 58              | 5                                | 48                                   | 9  | 25  | 12  | -                              | 2                             | -           | -                             | 5               | -           | -        | -        |
| 民國 1 0 0 年 2 0 1 1   | 34                       | 45              | 6                                | 38                                   | 6  | 21  | 11  | -                              | -                             | -           | -                             | 1               | -           | -        | -        |
| 民國 1 0 1 年 2 0 1 2   | 15                       | 22              | 1                                | 21                                   | 1  | 18  | 2   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| <b>普 通 刑 法 計<br/>Subtotal of general criminal law</b>  | <b>7</b>                 | <b>8</b>        | <b>-</b>                         | <b>8</b>                             | <b>-</b>   | <b>7</b>  | <b>1</b>  | <b>-</b>                       | <b>-</b>                      | <b>-</b>    | <b>-</b>                      | <b>-</b>        | <b>-</b>    | <b>-</b> | <b>-</b> |
| <b>妨 害 農 工 商 罪<br/>Offenses against agriculture, industry &amp; commerce</b>   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 偽造仿造商標商號罪<br>Crime of trademark or tradename counterfeiting  | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 販賣陳列輸入偽造仿造<br>商標商號之貨物罪<br>Crime of trafficking, displaying or importing goods with a<br>counterfeit trademark or tradename   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 對商品為虛偽標記與販賣陳列<br>輸入該商品罪<br>Crime of falsifying an indication on goods, or<br>trafficking, displaying or importing such goods | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 其 他<br>Other   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| <b>妨 害 秘 密 罪<br/>Offenses relating to protection of secrets</b>  | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 洩漏業務上知悉工商祕密<br>Disclosing a trade secret known in business   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 洩漏職務上工商祕密<br>Disclosing a trade secret known on official duty  | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| 其 他<br>Other   | -                        | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           | -        | -        |
| <b>其 他<br/>Other</b>   | <b>7</b>                 | <b>8</b>        | <b>-</b>                         | <b>8</b>                             | <b>-</b>   | <b>7</b>  | <b>1</b>  | <b>-</b>                       | <b>-</b>                      | <b>-</b>    | <b>-</b>                      | <b>-</b>        | <b>-</b>    | <b>-</b> | <b>-</b> |

14.智慧財產法院刑事上訴第三審發回或發交更審案件裁判結果—按年別與罪名別分(續)

14.Results of Judgments and Rulings of Criminal Appeal Cases of the Third Instance Remanded or Assigned for New Trial Terminated by the Intellectual Property Court— by Year and Crime Type (Cont.)

單位：件;人(Unit: case; individual)

| 年別及罪名別<br>Year and Crime Type   | 終結<br>件數<br>Cases<br>closed | 被告人數 Defendants |                                  |                                      |  |   |   |                                |                               |             |                               |                 |             |
|---|-----------------------------|-----------------|----------------------------------|--------------------------------------|--|---|---|--------------------------------|-------------------------------|-------------|-------------------------------|-----------------|-------------|
|   |                             | 合計<br>Total     | 上訴駁<br>回<br>Appeals<br>dismissed | 撤銷改判 Revocation of previous judgment |  |   |   |                                |                               |             | 通緝<br>Wanted<br>by the<br>law | 撤回<br>Withdrawn | 其他<br>Other |
|   |                             |                 |                                  | 小計<br>Subtotal                       | 維持原<br>刑期<br>new<br>judgment<br>but with<br>same<br>period of<br>imprison-<br>ment | 減免或<br>無罪<br>new<br>judgment<br>but with<br>reduced<br>penalty or<br>not guilty | 加重<br>New<br>judgment<br>but with<br>increased<br>penalty | 免訴<br>Not<br>prosec-<br>utable | 不受理<br>Case<br>decline-<br>ed | 其他<br>Other |                               |                 |             |
| 特別刑事法計<br>Subtotal of special criminal law  | 8                           | 14              | 1                                | 13                                   | 1  | 11  | 1   | -                              | -                             | -           | -                             | -               | -           |
| 違反著作權法<br>Violation of the copyright law  | 3                           | 4               | 1                                | 3                                    | 1  | 2   | -   | -                              | -                             | -           | -                             | -               | -           |
| 違法重製罪<br>Offense of unlawful reproduction   | 2                           | 3               | -                                | 3                                    | 1  | 2   | -   | -                              | -                             | -           | -                             | -               | -           |
| 移轉所有權或公開陳列持有<br>侵害著作權<br>Infringement of copyright by means of transfer of<br>ownership, public display or possession     | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 公開上映或改作出租侵害<br>著作財產權<br>Infringement of copyright by means of public<br>presentation, adaptation, or renting              | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 侵害著作權或違法<br>將重製物銷售國外<br>Infringement of copyright or unlawful sale of<br>reproduced articles abroad                       | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 侵害著作權犯罪之常業犯<br>Offense of occupational infringement of<br>copyright   | 1                           | 1               | 1                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 違法重製銷售受保護之<br>外國著作翻譯<br>Unlawful reproduction or sale of foreign works or<br>translations under protection                | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 違法利用他人著作罪<br>Offense of unlawful use of another person's<br>work of authorship  | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 虛偽記載登記罪<br>Offense of false entry or registration   | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 其他<br>Other   | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 違反商標法<br>Violation of the trademark law   | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 侵害他人商標罪<br>Offense of trademark infringement  | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 販賣陳列輸出入仿冒商標罪<br>Offense of sale, display, importation or<br>exportation of counterfeit trademark                          | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 惡意使用他人商標文字罪<br>Offense of malicious use of another person's<br>trademarked words  | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 違反公平交易法<br>Violation of the fair trade act  | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 仿冒或販賣運送輸出入<br>仿冒商品罪<br>Crime of counterfeiting or of selling, trafficking<br>in, importing or exporting counterfeit goods | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 脅迫利誘獲取產銷技術機密罪<br>Crime of obtaining a secret in manufacturing or<br>marketing by duress or inducement                     | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 其他<br>Other   | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |
| 其他<br>Other   | 5                           | 10              | -                                | 10                                   | -  | 9   | 1   | -                              | -                             | -           | -                             | -               | -           |
| 併案裁判<br>Consolidated judgments  | -                           | -               | -                                | -                                    | -  | -   | -   | -                              | -                             | -           | -                             | -               | -           |