Content

Title：	Copyright Act Ch
Date：	2022.05.04

Legislative：	1.40 Articles adopted and promulgated in full on 14 May 1928 by Order No. 212 of the National Government. 2.37 Articles amended and promulgated in full on 27 April 1944 by Order Yu-Wen-Zih No. 251 of the National Government. 3.Articles 30, 31, 32, 33, and 34 amended and promulgated by Presidential order on 13 January 1949. 4.Articles 30, 31, 32, 36, and 41 newly adopted by Presidential order on 10 July 1964; original Articles 22-29 became Articles 23-30; original Articles 30-32 became Articles 33-35; original Articles 33-36 became Articles 37-40; original Article37 became Article 42; and Articles 25, 26, 33, 35, 37-40 amended. 5.52 Articles amended and promulgated in full on 10 July 1985 by Presidential Order No. (74) Hua-Zong-(1)-Yi-Zih 3318. 6.Articles 50-1 newly adopted and promulgated and Articles 3, 28 and 39 amended and promulgated on 24 January 1990 by Presidential Order No. (79) Hua-Zong-(1)-Yi-Zih 0427. 7.117 Articles amended and promulgated in full on 10 June 1992 by Presidential Order No. (81) Hua-Zong-(1)-Yi-Zih 2805. 8.Article 53 amended and promulgated on 6 July 1992 by Presidential Order No. (81) Hua-Zong-(1)-Yi-Zih 3285. 9.Article 87 amended and promulgated and Article 87-1 newly adopted and promulgated on 24 April 1993 by Presidential Order No. (82) Hua-Zong-(1)-Yi-Zih 1841. 10.117 Articles amended and promulgated in full on 21 January 1988 by Presidential Order No. (87) Hua-Zong-(1)-Yi-Zih 87000126405. 11.Articles 2, 34, 37, 71, 81, 82, and 90-1 amended and promulgated on 12 November 2001 by Presidential Order No. (81) Hua-Zong-(1)-Yi-Zih 2805. 12.Articles 26-1, 28-1, 59-1, Chapter IV-1 (chapter name), 80-1, 82-1 to 82-4, 90-3, 91-1, 96-1, 96-2, and 98-1 newly adopted and promulgated, and Articles 2, 3, 7-1, 22, 24, 26, 29, 37, 49, 50, 53, 56, 56-1, 60, 61, 63, 65, 69, 79, 82, 87, 88, 91 to 95, 98, 100 to 102, 105, 106, 106-2, 106-3, 111, 113, 115-1, 115-2, and 117 amended and promulgated, on 9 July 2003 by Presidential Order No. (92) Hua-Zong-(1)-Yi-Zih 09200122700. 13.Article 80-2 of the Copyright Act newly adopted and promulgated and Articles 3, 22, 26, title of Chapter IV-1, Articles 82, 87, 90-1, 90-3, 91, 91-1, 92, 93, and 96-1 thereof amended and promulgated on 1 September 2004 by Presidential Order No. (93) Hua-Zong-(1)-Yi-Zih 09300158591. 14.Article 94 of the Copyright Act deleted and promulgated and Articles 98, 99 through 102, and 117 thereof amended and promulgated on 30 May 2006 by Presidential Order No. (95) Hua-Zong-(1)-Yi-Zih 09500075761. 15.Article 97-1 of the Copyright Act newly adopted and promulgated, and Articles 87 and 93 thereof amended and promulgated on 11 July 2007 by Presidential Order No. (96) Hua-Zong -(1)-Yi-Zih 09600088051. 16.Title of Chapter VI-1,, Article 90-4 to 90-12 newly adopted and promulgated, and Article 3 thereof amended and promulgated on 13 May 2009 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 09800116331. 17.Articles 37, Chapter V (chapter name), 81, and 82 amended and promulgated on 10 February 2010 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 09900029991. Article 53 amended and promulgated on 10 February 2010 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 09900030001. 18.Article 53, 65, 80-2, 87 and 87-1 amended and promulgated on 22 January 2014 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 10300009931. 19.Article 98 amended and promulgated on 30 November 2016 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 10500146961. 20.Article 87 and 93 amended and promulgated on 1 May 2019 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 10800043331. 21.Article 98 and 98-1 deleted, and Article 91, 91-1, 100 and 117 amended and promulgated on 4 May 2022 by Presidential Order No. Hua-Zong-(1)-Yi-Zih 11100037471, and will take affect from a date to be prescribed by the Executive Yuan.
Content：	**Chapter I General Principles**

Article 1
This Act is specifically enacted for the purposes of protecting the rights and interests of authors with respect to their works, balancing different interests for the common good of society, and promoting the development of national culture. Matters not provided for herein shall be governed by the provisions of other acts.

Article 2
The competent authority under this Act is the Ministry of Economic Affairs.
The Ministry of Economic Affairs shall appoint a specialized agency in charge of copyright matters.

Article 3
For the purposes of this Act the following definitions shall apply:
1."Work" means a creation that is within a literary, scientific, artistic, or other intellectual domain.
2."Author" means a person who creates a work.
3."Copyright" means the moral rights and economic rights subsisting in a completed work.
4."The public" or "a public" means unspecified persons or multiple specified persons; provided, this does not apply to multiple persons of a household and the household's normal social acquaintances.
5."Reproduce" means to reproduce directly, indirectly, permanently, or temporarily a work by means
of printing, reprography, sound recording, video recording, photography, handwritten notes, or otherwise. This definition also applies to the sound recording or video recording of scripts, musical works, or works of similar nature during their performance or broadcast, and also includes the construction of an architectural structure based on architectural plans or models.
6."Public recitation" means to communicate the content of a work to the public by spoken words or other means.
7."Public broadcast" means to communicate to the public the content of a work through sounds or images by means of transmission of information by a broadcasting system of wire, wireless, or other equipment, where such communication is for the purpose of direct listening reception or viewing reception by the public. This includes any communication, by transmission of information via a broadcasting system of wire, wireless, or other equipment, to the public of an original broadcast of sounds or images by any person other than the original broadcaster.
8."Public presentation" means to use single- or multiple-unit audiovisual devices, or other methods of transmitting images, to simultaneously communicate the content of a work to the public at the place of transmission or at a specified place outside the place of transmission.
9."Public performance" means to act, dance, sing, play a musical instrument, or use other means to communicate the content of a work to a public that is present at the scene. This includes any communication to the public of an original broadcast of sounds or images through loudspeakers or other equipment.
10."Public transmission" means to make available or communicate to the public the content of a work through sounds or images by wire or wireless network, or through other means of communication, including enabling the public to receive the content of such work by any of the above means at a time or place individually chosen by them.
11."Adaptation" means to create another work based upon a preexisting work by translation, musical arrangement, revision, filming, or other means.
12."Distribution" means, with or without compensation, to provide the original of a work, or a copy thereof, to the public for the purpose of trade or circulation.
13."Public display" means to display the content of a work to the public.
14."Publication" means distribution by the rights holder of a sufficient number of copies of a work to satisfy a reasonable level of public demand.
15."Public release" means public issue by the rights holder of the content of a work to the public through publication, broadcast, presentation, recitation, performance, display, or other means.
16."The original" or "an original" means the object to which a work is first fixed.
17."Electronic rights management information" means electronic information presented on the original or copies of a work, or at the time of communication of content of a work to the public, sufficient to identify the work, the name of the work, the author, the economic rights holder or person licensed thereby, and the period or conditions of exploitation of the work, including numbers or symbols that represent such information.
18.“Technological protection measures” means equipment, devices, components, technology or other technological means employed by copyright owners to effectively prohibit or restrict others from accessing or exploiting works without authorization.
19. "Internet service provider" means those who provide the following services:
(1) Connection service provider: those who provide services, by wire or wireless means, of

transmitting, routing, or receiving, information through a system or network controlled or operated by the service provider, or of the intermediate and transient storage of information in the course of such transmitting, routing, or receiving.
(2) Caching service provider: those who, after information has been transmitted at the request of a user, provide services of intermediate and temporary storage of the information through a system or network controlled or operated by the service provider, for purposes of providing accelerated access
to the information by users who subsequently request transmission of the information.
(3) Information storage service provider: those who provide information storage services at the request of a user through a system or network controlled or operated by the service provider.
(4) Search service provider: those who provide users with services, including an index, reference, or hyperlink, to search or hyperlink to online information.
"Place of transmission or at a specified place outside the place of transmission" as referred to in subparagraph 8 of the preceding paragraph includes motion picture cinemas, clubs, places where videocassetes or videodiscs are presented, hotel rooms, public transportation vehicles, or other places that may be accessed by unspecified persons.

Article 4
Works of foreign nationals that comply with one of the following conditions may enjoy copyright under this Act; provided, where the terms of a treaty or an agreement that has been ratified by resolution of the Legislative Yuan provide otherwise, such terms shall govern:
1.Works that are first published in the territory under the jurisdiction of the Republic of China, or are published in the territory under the jurisdiction of the Republic of China within thirty days after their first publication in territory outside the jurisdiction of the Republic of China; provided, this shall only apply where the country of such foreign national extends protection under identical circumstances to the works of persons of the Republic of China, and such protection has been verified.
2.Where by treaty or agreement, or under the domestic acts, regulations, or standard practice of the home country of the foreign national, works of persons of the Republic of China enjoy copyright in such country.

Chapter II Works

Article 5
For the purposes of this act, "works" shall include the following:
1.Oral and literary works.
2.Musical works.
3.Dramatic and choreographic works.
4.Artistic works.
5.Photographic works.
6.Pictorial and graphical works.
7.Audiovisual works.
8.Sound recordings.
9.Architectural works.
10.Computer programs.
The examples and content of each category of works set forth in the preceding paragraph shall be prescribed by the competent authority.

Article 6
A creation adapted from one or more pre-existing works is a derivative work and shall be protected
as an independent work.
Protection of a derivative work shall not affect the copyright in the pre-existing work.

Article 7
A compilation work is a work formed by the creative selection and arrangement of materials, and shall be protected as an independent work.
Protection of a compilation work shall not affect the copyright in the work from which the material was selected and arranged.

Article 7-1
A performance by a performer of a pre-existing work or folklore shall be protected as an independent work.

Protection of a performance shall not affect the copyright in the pre-existing work.

Article 8
A joint work is a work that has been completed by two or more persons where the creation of each person cannot be separately exploited.

Article 9
The following items shall not be the subject matter of copyright:
1.The constitution, acts, regulations, or official documents.
2.Translations or compilations by central or local government agencies of works referred to in the preceding subparagraph.
3.Slogans and common symbols, terms, formulas, numerical charts, forms, notebooks, or almanacs.
4.Oral and literary works for news reports that are intended strictly to communicate facts.
5.Test questions and alternative test questions from all kinds of examinations held pursuant to acts or regulations.
The term "official documents" in the first subparagraph of the preceding paragraph includes proclamations, text of speeches, news releases, and other documents prepared by civil servants in the course of carrying out their duties.

Chapter III Authors and Copyright

Section 1 General Provisions

Article 10
The author of a work shall enjoy copyright upon completion of the work; provided, where this Act provides otherwise, such provisions shall govern.

Article 10-1
Protection for copyright that has been obtained in accordance with this Act shall only extend to the expression of the work in question, and shall not extend to the work's underlying ideas, procedures, production processes, systems, methods of operation, concepts, principles, or discoveries.

Section 2 Authors

Article 11
Where a work is completed by an employee within the scope of employment, such employee is the author of the work; provided, where an agreement stipulates that the employer is the author, such agreement shall govern.
Where the employee is the author of a work pursuant to the provisions of the preceding paragraph, the economic rights to such work shall be enjoyed by the employer; provided, where an agreement stipulates that the economic rights shall be enjoyed by the employee, such agreement shall govern.
The term "employee" in the preceding two paragraphs includes civil servants.

Article 12
Where a work is completed by a person under commission, except in the circumstances set out in the preceding article, such commissioned person is the author of the work; provided, where an agreement stipulates that the commissioning party is the author, such agreement shall govern.
Where the commissioned person is the author pursuant to the provisions of the preceding paragraph,
enjoyment of the economic rights to such work shall be assigned through contractual stipulation to either the commissioning party or the commissioned person. Where no stipulation regarding the enjoyment of economic rights has been made, the economic rights shall be enjoyed by the commissioned person.
Where the economic rights are enjoyed by the commissioned person pursuant to the provisions of the preceding paragraph, the commissioning party may exploit the work.

Article 13
Where a person's name or a pseudonym familiar to the public is represented in a normal way as the author on the original of a work, or on a published copy of the work, or in connection with a public release of a work, the person shall be presumed to be the author of the work.
The provisions of the preceding paragraph shall apply mutatis mutandis to presumptions concerning the date and place of publication of a work as well as the ownership of economic rights therein.

Article 14
(deleted)

Section 3 Moral Rights

Article 15
The author of a work shall enjoy the right to publicly release the work; provided, this shall not apply to a civil servant where, pursuant to the provisions of Article 11 or 12, such person is the author while the juristic person employing such author enjoys the economic rights to the work.
In the following circumstances the author shall be presumed to have consented to the public release of the work:
1.Where, prior to publicly releasing its work, the author has transferred, or licensed to exploit, the economic rights to the work, and the work is publicly released as a consequence of the exercise or exploitation of the economic rights.
2.Where, prior to the public release of a artistic work or a photographic work, the author transfers the original or a copy of such work to another party and the transferee publicly displays the original or copy of the work.
3.Where the work is a Masters thesis or doctoral dissertation written under the "Degree Conferral Act" and the author has obtained a degree.
Where, in accordance with the provisions of paragraph 2 of Article 11 or paragraph 2 of Article 12, an employer or a commissioning party, ab initio, obtained economic rights to a work that has never been publicly released, and where such work is publicly released in conjunction with the transfer, exercise, or exploitation of the economic rights of such work, the author shall be deemed to have consented to the public release of the work.
The provisions of the preceding paragraph shall apply mutatis mutandis to paragraph 3 of Article 12.

Article 16
The author of a work shall have the right to indicate its name, a pseudonym, or no name on the original or copies of the work, or when the work is publicly released. The author has the same right to a derivative work based on its work.
The proviso in the first paragraph of the preceding article shall apply mutatis mutandis to the preceding paragraph.
The person exploiting a work may use its own cover design and may add the name or appellation of the designer or editor-in-chief; provided this shall not apply where the author has specifically indicated to the contrary, or where the addition would deviate from commonly accepted practices.
Where the purpose and method of exploitation neither present any likelihood of harm to the author's interests nor deviate from commonly accepted practices, the author's name or appellation may be omitted.

Article 17
The author has the right to prohibit others from distorting, mutilating, modifying, or otherwise changing the content, form, or name of the work, thereby damaging the author's reputation.

Article 18
The protection of moral rights of an author who has died or been extinguished shall be deemed to be
the same as when the author was living or in existence and shall not be infringed upon by any person; provided, the act shall not constitute an infringement where it can be considered that the author's intent has not been contravened given the nature and degree of the act of exploitation, social
changes, or other circumstances.

Article 19
Moral rights in a joint work may not be exercised without the consent of all the joint authors. A joint author shall not refuse consent without a legitimate reason.
Authors of a joint work may select an author from among the joint authors to be their representative for the purpose of exercising moral rights.
Limitations imposed on the representative powers of the representative referred to in the preceding paragraph shall not be effective against a third party acting in good faith.

Article 20
The original of a work that has not been publicly released and the economic rights therein shall not

be the object of compulsory execution unless they are the object of a trade or the principal has given
its consent.

Article 21
Moral rights belong exclusively to the author and shall not be transferred or succeeded.

Section 4 Economic Rights

Subsection 1 Categories of Economic Rights

Article 22
Except as otherwise provided in this Act, authors have the exclusive right to reproduce their works.
Performers have the exclusive right to reproduce their performances by means of sound recording, video recording, or photography.
The provisions of the preceding two paragraphs do not apply to temporary reproduction that is transient, incidental, an essential part of a technology process, and without independent economic significance, where solely for the purpose of lawful network relay transmission, or for the lawful use of a work; provided, this shall not apply to computer programs.
In the preceding paragraph, the phrase "temporary reproduction… for the purpose of lawful network
relay transmission" includes technically unavoidable phenomena of the computer or machine occurring in network browsing, caching, or other processes for enhancing transmission efficiency.

Article 23
Authors of oral and literary works have the exclusive right to publicly recite their works.

Article 24
Except as otherwise provided in this Act, authors have the exclusive right to publicly broadcast their works.
The provisions of the preceding paragraph shall not apply to further public broadcasts of a performance after that performance has been reproduced or publicly broadcast.

Article 25
Authors of audiovisual works have the exclusive right to publicly present their works.

Article 26
Except as otherwise provided in this Act, authors of oral and literary, musical, and dramatic/choreographic works have the exclusive right to publicly perform their works.
Performers have the exclusive right, by means of loudspeakers or other equipment, to publicly perform their performances; provided, this shall not apply to public performances of a performance by means of loudspeakers or other equipment after that performance has been reproduced or publicly broadcast.
Where a sound recording has been publicly performed, the author may claim payment of remuneration for use from the persons who publicly performed it.

Article 26-1
Except as otherwise provided in this Act, authors of works have the exclusive right of public transmission of their works.
Performers have the exclusive right of public transmission of their performances reproduced in sound recordings.

Article 27
Authors of unpublished fine arts or photographic works have the exclusive right to publicly display the original and copies of their works.

Article 28
Authors of works have the exclusive right to adapt their works into derivative works or to compile their works into compilation works; provided, this shall not apply to performances.

Article 28-1
Except as otherwise provided in this Act, authors of works have the exclusive right to distribute their works through transfer of ownership.

Performers have the exclusive right to distribute their performances reproduced in sound recordings through transfer of ownership.

Article 29
Except as otherwise provided in this Act, authors of works have the exclusive right to rent their works.
Performers have the exclusive right to rent their performances reproduced in sound recordings.

Article 29-1
An employer or commissioning party that has obtained the economic rights in a work in accordance with the provisions of paragraph 2 of Article 11 or paragraph 2 of Article 12 shall have exclusive enjoyment of the rights set out in the provisions of Articles 22 through 29.

Subsection 2 Term of Protection for Economic Rights

Article 30
Except as otherwise provided in this Act, economic rights endure for the life of the author and fifty years after the author's death.
Where a work is first publicly released between the fortieth and fiftieth years after the author's death,
the economic rights shall endure for a term of ten years beginning from the time of the first public release.

Article 31
Economic rights in a joint work subsist for fifty years after the death of the last surviving author.

Article 32
Economic rights in a pseudonymous work or an anonymous work endure for fifty years from the time of public release; provided, the economic rights shall be extinguished where it can be proven that the author has been deceased for over fifty years.
The provisions of the preceding paragraph shall not apply when the pseudonym of the author is well known to the public.

Article 33
Economic rights in works authored by a juristic person endure for fifty years after the public release of the work; provided, if the work is not publicly released within fifty years from the completion of the creation, the economic rights shall subsist for fifty years after completion of the creation.

Article 34
Economic rights for photographic works, audiovisual works, sound recordings, and performances endure for fifty years after the public release of the work.
The proviso of the preceding article shall apply mutatis mutandis to the preceding paragraph.

Article 35
All terms of duration specified in Articles 30 through 34 terminate as of the last day of the last year of the term.
Where the term of economic rights for works released to the public continuously or successively is calculated on the basis of the date of the public release of the work, if each public release can constitute an independent work, the term of economic rights of each work shall be calculated from the date of each public release; if each public release cannot constitute an independent work, the term shall be calculated from the date of the public release(s) that can constitute an independent work.
With respect to the circumstances described in the preceding paragraph, if the continuing part has not been publicly released within three years of the date of public release of its preceding part, the term of the economic rights shall be calculated from the date of public release of its preceding part.

Subsection 3 Transfer, Exercise, and Extinguishment of Economic Rights

Article 36
Economic rights may be transferred in whole or in part to another person and may be jointly owned with other persons.
The transferee of economic rights obtains economic rights within the scope of the transfer.
The scope of the transfer of the economic rights shall be as stipulated by the parties; rights not

clearly covered by such stipulations shall be presumed to have not been transferred.

Article 37
The economic rights holder may license others to exploit the work. The territory, term, content, method of exploitation, and other particulars of the license shall be as stipulated by the parties; particulars not clearly covered by such stipulations shall be presumed to have not been licensed.
The license referred to in the preceding paragraph shall not be affected by subsequent assignment or further licensing of economic rights by the economic rights holder.
A non-exclusive licensee may not sublicense the rights inherent in the license to any third party for exploitation without the consent of the economic rights holder.
An exclusive licensee may, within the scope of the license, exercise rights in the capacity of economic rights holder, and may perform litigious acts in its own name. The economic rights holder may not exercise rights within the scope of an exclusive license.
The provisions of paragraphs 2 through 4 shall not apply to any license conferred prior to the implementation of the November 12, 2001 amendment to this Act.
The provisions of Chapter VII do not apply in the following circumstances except for works subject to the management of copyright collective management organizations:
1. Exploitation of digitized karaoke machines or jukeboxes which contain licensed duplication(s) of music works for public performance; or
2. Rebroadcasting works of an original broadcast; or
3. Communicating the sounds or images of an original broadcast to the public with loudspeaker or other equipment; or
4. Communicating the works to the public through public broadcasting or simultaneous public transmission of advertisement, by a broadcaster, within which such works have been reproduced under authorization.

Article 38
(deleted)

Article 39
Where economic rights are the object of a pledge, unless otherwise stipulated at the time the pledge is created, the economic rights holder may exercise the economic rights to the work.

Article 40
In the case of a joint work, each author's share of the ownership of such a work shall be as stipulated
by the joint authors; where no stipulation has been made, ownership shares shall be determined according to the degree of each author's creative contribution. Where the degree of each author's creative contribution is not clear, it shall be presumed that each author owns an equal share.
Where an author of a joint work abandons its share of the ownership of the work, that share shall be
apportioned among the other joint authors in proportion to their respective shares.
The provisions of the preceding paragraph shall apply mutatis mutandis where the author of a joint work dies with no successor or is extinguished with no receiver.

Article 40-1
Joint economic rights in a work shall not be exercised except with the consent of all the joint economic rights holders; no economic rights holder shall transfer its share to another person or establish a pledge of its share in favor of a third party without the consent of all other joint economic rights holders. A joint economic rights holder shall not refuse consent without a legitimate reason.
The joint economic rights holders of a work may select a representative from among themselves to exercise their economic rights. Limitations imposed on the representative powers of such representative shall not be effective against a third party acting in good faith.
The second and third paragraphs of the preceding article shall apply mutatis mutandis to joint ownership of economic rights.

Article 41
Where an economic rights holder makes a submission to a newspaper or magazine, or licenses the public broadcast of the work, it shall be presumed, unless otherwise stipulated, that the economic rights holder has licensed one printing or one public broadcast only, and that said printing or broadcast shall have no effect on other rights belonging to the economic rights holder.

Article 42
Economic rights are extinguished upon expiration of the term of protection. Economic rights are also extinguished where any of the following circumstances occurs during the term of protection:
1.The economic rights holder has died and the economic rights, for that reason, divest by law to the national treasury.
2.The economic rights holder is a juristic person that has been extinguished and the economic rights, for that reason, divest by law to a local government.

Article 43
Except as otherwise provided by this Act, any person may freely exploit a work for which the economic rights have been extinguished.

Subsection 4 Limitations on Economic Rights

Article 44
Within a reasonable scope, central or local government agencies may reproduce the work of another
person if it is considered necessary for internal reference for the purpose of legislation or administration; provided, this shall not apply where such reproduction would prejudice the interests of the economic rights holder due to the type and use of the work and the volume and method of reproduction.

Article 45
Within a reasonable scope, and for the sole purpose of use necessary to judicial proceedings, the works of another person may be reproduced.
The proviso of the preceding article shall apply mutatis mutandis to the circumstances set forth in the preceding paragraph.

Article 46
Within a reasonable scope, and where necessary for the purpose of teaching in schools, all levels of legally established schools and their teachers may reproduce the works of another person which have already been publicly released.
The proviso of Article 44 shall apply mutatis mutandis to the circumstances set forth in the preceding paragraph.

Article 47
Within a reasonable scope, and for the purpose of preparing pedagogical texts for which review and approval by an education administrative agency is required by act or regulation, or where an education administrative agency prepares pedagogical texts itself, the works of another person that have been publicly released may be reproduced, adapted, or compiled.
The provisions of the preceding paragraph shall apply mutatis mutandis to the preparation of supplementary teaching aids which are ancillary to the aforesaid textbooks and which are exclusively provided to teachers for teaching purposes; provided, this shall be limited to editing by the preparer of such textbooks.
Within a reasonable scope and for the purpose of meeting educational needs, all levels of legally established schools and educational institutions may publicly broadcast the works of another person that have been publicly released.
In the circumstances set forth in the preceding three paragraphs the exploiter of the work shall notify the economic rights holder and pay compensation for use. The level of compensation shall be set by the competent authority.

Article 48
Libraries, museums, history museums, science museums, art museums, and other cultural institutions open to the public may reproduce works in their collections in any of the following circumstances:
1.Where a patron requests reproduction of a part of a work that has been publicly released, or a single article from a seminar paper or a single article from a periodical that has been publicly released, provided that the copy is for personal research purposes and is limited to one copy per person.
2.Where necessary to preserve materials.
3.Where the works in question are out of print or difficult to purchase, and have been requested by another similar institute.

Article 48-1
Central or local government agencies, educational agencies that have been established by law, or libraries open to the public may reproduce abstracts appended to the following works where such works have been publicly released:
1.Masters theses or doctoral dissertations written under the "Degree Conferral Act," where the author has obtained a degree.
2.Academic papers published in periodicals.
3.Research reports or collections of seminar papers that have been publicly released.

Article 49
When reporting current events by means of broadcasting, photography, film, newspaper, network, or
otherwise, works that are seen or heard in the course of the report may be exploited within the scope
necessary to the report.

Article 50
Works publicly released in the name of a central or local government agency or a public juristic person may, within a reasonable scope, be reproduced, publicly broadcast, or publicly transmitted.

Article 51
Within a reasonable scope, where for nonprofit use by an individual or a family, a work that has been publicly released may be reproduced by a machine that is either located in a library or is not provided for public use.

Article 52
Within a reasonable scope, works that have been publicly released may be quoted where necessary for reports, comment, teaching, research, or other legitimate purposes.

Article 53
For the purpose of exclusive use by the visually impaired, learning disabled, hearing impaired or other persons with a perceptual disability, works that have been publicly released may be exploited by local or central government agencies, non-profit organizations and all levels of legally established schools, by means of translation, Braille, sound-recording, digital transformation, verbal imagery, accompanying sign language or otherwise.
The preceding paragraph shall be applied mutatis mutandis to the disabled persons or their guardians referred to in the preceding paragraph for personal and nonprofit use by the disabled.
The copies reproduced in accordance with the preceding two paragraphs may be distributed or publicly transmitted among the disabled persons, local or central government agencies, non-profit organizations and all levels of legally established schools as prescribed in the preceding two paragraphs.

Article 54
Works that have been publicly released may be reproduced for use in examination questions on all kinds of examinations held by central or local government agencies and all levels of schools or educational institutions established in accordance with law; provided, this shall not apply to works that have been publicly released as examination questions.

Article 55
The work of another person that has been publicly released may be publicly recited, publicly broadcast, publicly presented, or publicly performed in the course of an activity of non-profit nature, provided that no fee is directly or indirectly collected from the viewers or listeners, and no compensation is given to the performers.

Article 56
For the purposes of public broadcasting, a radio or television broadcasting organization may, with its own equipment, sound record or video record a work; provided, this shall be limited to situations where the public broadcasting has been licensed by the economic rights holder, or situations otherwise comporting with the provisions of this Act.
Except where preservation of the recording referred to in the preceding paragraph has been approved for a designated place by the specialized agency in charge of copyright matters, such sound or video recordings shall be destroyed within six months from the time of recording.

Article 56-1
For the purpose of enhancing receiving effect, a community antenna installed in accordance with law may simultaneously rebroadcast works broadcast by wireless television stations established in accordance with law; the form and content of such broadcasts shall not be changed.

Article 57
The owner of the original legal copy of an artistic work or photographic work, or a person authorized by the owner, may publicly display such original or legal copy of the work.
The public displayer referred to in the preceding paragraph may reproduce the work in a descriptive writing in order to provide viewers with an explanation or introduction.

Article 58
Artistic works or architectural works displayed on a long-term basis on streets, in parks, on outside walls of buildings, or other outdoor locales open to the public, may be exploited by any means except under the following circumstances:
1.Reproduction of a building by construction of another building.
2.Reproduction of a work of sculpture by production of another sculpture.
3.Reproduction for the purpose of long-term public display in locales specified in this article.
4.Reproduction of artistic works solely for the purpose of selling copies.

Article 59
The owner of a legal copy of a computer program may alter the program where necessary for utilization on a machine used by such owner, or may reproduce the program as necessary for backup;
provided, this is limited to the owner's personal use.
If the owner referred to in the preceding paragraph loses ownership of the original copy for any reason other than the destruction or loss of the copy, all altered and backup copies shall be destroyed
unless the economic rights holder grants its consent otherwise.

Article 59-1
A person who has obtained ownership of the original of a work or a lawful copy thereof within the territory under the jurisdiction of the Republic of China may distribute it by means of transfer of ownership.

Article 60
Owners of originals of works and lawful copies of works may rent such original works or copies; provided, this shall not apply to sound recordings and computer programs.
The proviso of the preceding paragraph shall not apply to copies of computer programs incorporated
in products, machinery, or equipment to be legally rented, where such copies do not constitute the essential object of such rental.

Article 61
Commentary on current political, economic, or social events that has appeared in a newspaper, magazine, or network may be republished by other newspapers or magazines, or be publicly broadcast by radio or television, or publicly transmitted on a network; provided, this shall not apply where there is indication that republishing, public broadcast, or public transmission is not authorized.

Article 62
Public speeches on politics or religion, and public statements made in legal proceedings or during proceedings of central or local government agencies, may be exploited by any person; provided, consent of the economic rights holder shall be obtained when compiling a compilation work that is dedicated to the speeches or statements of specified persons.

Article 63
Persons that may exploit the work of another person in accordance with the provisions of Article 44,
Article 45, subparagraph one of Article 48, Articles 48-1 through 50, Articles 52 through 55, Article
61, and Article 62 may translate such work.
Persons that may exploit the work of another person in accordance with the provisions of Articles

46 and 51 may adapt such work.
Persons that may exploit the work of another person in accordance with the provisions of Articles 46 through 50, Articles 52 through 54, paragraph 2 of Article 57, Article 58, Article 61, and Article 62 may distribute such work.

Article 64
A person who exploits the work of another person pursuant to the provisions of Articles 44 through 47, Articles 48-1 through 50, Article 52, Article 53, Article 55, Article 57, Article 58, and Articles 60 through 63 shall provide a clear indication of the source of the work.
The "clear indication of the source" referred to in the preceding paragraph shall indicate the name or appellation of the author in a reasonable manner, except where the work is anonymous or the author is not known.

Article 65
Fair use of a work shall not constitute infringement on economic rights in the work.
In determining whether the exploitation of a work complies with the reasonable scope referred to in the provisions of Articles 44 through 63, or other conditions of fair use, all circumstances shall be taken into account, and in particular the following facts shall be noted as the basis for determination:
1.The purposes and nature of the exploitation, including whether such exploitation is of a commercial nature or is for nonprofit educational purposes.
2.The nature of the work.
3.The amount and substantiality of the portion exploited in relation to the work as a whole.
4.Effect of the exploitation on the work's current and potential market value.
Where the copyright owner organization and the exploiter organization have formed an agreement on the scope of the fair use of a work, it may be taken as reference in the determination referred to in the preceding paragraph.
In the course of forming an agreement referred to in the preceding paragraph, advice may be sought from the specialized agency in charge of copyright matters.

Article 66
The provisions of Articles 44 through 63 and Article 65 shall not affect the author's moral rights.

Subsection 5 Compulsory Licensing

Article 67
(deleted)

Article 68
(deleted)

Article 69
Where a sound recording of a musical work recorded for sale has been published for six months, a person who wishes to exploit the aforementioned musical work to record and produce other sound recordings for sale may apply to the specialized agency in charge of copyright matters for a compulsory license, and after paying compensation, may exploit such musical work and record and produce other sound recordings.
Regulations governing the compulsory license for a musical work referred to in the preceding paragraph, the method for calculating the compensation for exploitation, and other requisite matters shall be prescribed by the competent authority.

Article 70
Copies of sound recordings which exploit musical works pursuant to the provisions of the preceding article shall not be sold outside of the territory under the jurisdiction of the Republic of China.

Article 71
The specialized agency in charge of copyright matters shall void approval for a compulsory license obtained in accordance with the provisions of Article 69 if the application is found to contain misrepresentations.
The specialized agency shall void approval for a compulsory license obtained in accordance with the provisions of Article 69 if the work is not exploited in the manner approved by the specialized agency.

Article 72

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Article 73
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Article 74
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Article 75
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Article 76
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Article 77
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Article 78
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Chapter IV Plate Rights

Article 79
For a literary or artistic work that has no economic rights or for which the economic rights have been extinguished, a plate maker who arranges and prints the said literary work, or in the case of an artistic work, a plate maker who photocopies, prints, or uses a similar method of reproduction and first publishes such reproduction based on such original artistic work, and duly records it in accordance with this Act, shall have the exclusive right to photocopy, print, or use similar methods of reproduction based on the plate.
The rights of the plate maker shall subsist for ten years from the time the plate is completed.
The last day of the term of protection referred to in the preceding paragraph shall be the last day of the last year of such term.
Assignment or placement in trust of plate rights shall not be effective against third parties unless it has been recorded.
The regulations governing recordation of plate rights, recordation of assignment, recordation of trust, and other requisite matters shall be prescribed by the competent authority.

Article 80
The provisions of Article 42 and Article 43 concerning the extinguishment of economic rights, and the provisions of Articles 44 through 48, Article 49, Article 51, Article 52, Article 54, Article 64, and
Article 65 concerning limitations on economic rights, shall apply mutatis mutandis to plate rights.

Chapter IV-1 Electronic Rights Management Information and Technological Protection Measures

Article 80-1
Electronic rights management information made by a copyright owner shall not be removed or altered; provided, this shall not apply in any of the following circumstances:
1.Where removal or alteration of electronic rights management information of the work is unavoidable in the lawful exploitation of the work given technological limitations at the time of the act.
2.Where the removal or alteration is technically necessary to conversion of a recording or transmission system.
Whoever knows that electronic rights management information of a work has been unlawfully removed or altered shall not distribute or, with intent to distribute, import or possess the original or any copy of such work. He/She also shall not publicly broadcast, publicly perform, nor publicly transmit [the same].

Article 80-2
Technological protection measures employed by copyright owners to prohibit or restrict others from accessing works shall not, without legal authorization, be disarmed, destroyed, or by any other means circumvented.
Any equipment, device, component, technology or information for disarming, destroying, or

circumventing technological protection measures shall not, without legal authorization, be manufactured, imported, offered to the public for use, or offered in services to the public.
The provisions of the preceding two paragraphs shall not apply in the following circumstances:
1.Where to preserve national security.
2.Where done by central or local government agencies.
3.Where done by file archive institutions, educational institutions, or public libraries to assess whether to obtain the information.
4.Where to protect minors.
5.Where to protect personal data.
6.Where to perform security testing of computers or networks.
7.Where to conduct encryption research.
8.Where to conduct reverse engineering.
9.Where to exploit works of others in accordance with the provisions of Articles 44 through 63 and Article 65.
10.Under other circumstances specified by the competent authority.
The content in the subparagraphs of the preceding paragraph shall be prescribed and periodically reviewed by the competent authority.

Chapter V Copyright Collective Management Organizations and Copyright Review and Mediation Committees

Article 81
Economic rights holders may, with the approval of the specialized agency in charge of copyright matters, establish copyright collective management organizations for the purpose of exercising rights or for collecting and distributing compensation for use.
Exclusive licensees may also join copyright collective management organizations.
The approval for establishment and the organization and capacities of the organizations referred to in paragraph 1, as well as the supervision and guidance thereof, shall be otherwise provided for by act.

Article 82
The specialized agency in charge of copyright matters shall establish a Copyright Review and Mediation Committee to handle the following matters:
1.Examination of rates of compensation for use under the provisions of paragraph 4 of Article 47.
2.Mediation of disputes between copyright collective management organizations and users concerning compensation for use.
3.Mediation of disputes concerning copyright or plate rights.
4.Other consultation in connection with copyright examination and mediation.
Dispute mediation referred to in subparagraph 3 of the preceding paragraph, when involving criminal matters, shall be limited to cases actionable only upon complaint.

Article 82-1
Within seven days of the date of the conclusion of a mediation settlement, the specialized agency in charge of copyright matters shall submit the written mediation settlement statement for review by the court of jurisdiction.
The court shall review the written mediation settlement statement referred to in the preceding paragraph with due dispatch. Unless it is contrary to act or regulation, public order, or good morals, or compulsory execution would be impossible, the judge shall sign [copies] thereof and affix the seal of the court thereto, and shall return the mediation settlement statement to the specialized agency in charge of copyright matters for service to the parties, retaining one copy for its own records.
Where the court decides not to ratify a mediation settlement statement, it shall notify the specialized agency in charge of copyright matters of the reasons.

Article 82-2
After a mediation settlement has been ratified by a court, the parties shall not initiate any further public or private prosecution or action with respect to the mediated matter.
A civil mediation settlement ratified by a court as referred to in the preceding paragraph shall have the same force as a final and unappealable court judgment in a civil case. With respect to a criminal mediation settlement that has been ratified by a court, where the subject matter is payment of a certain amount of money, or other substitute therefore, or securities, the written mediation settlement statement shall constitute a writ of execution.

Article 82-3
Where a civil mediation settlement has been concluded, and then ratified by a court while the civil action is under litigation, and where no final and unappealable court judgment has yet been obtained, the civil action shall be deemed withdrawn as of the date of the conclusion of the mediation settlement.
Where a criminal mediation settlement has been concluded, and then ratified by a court while the criminal case is in the investigation stage or before the conclusion of arguments in the trial of first instance, and where the parties have agreed to withdraw the case, the complaint or private prosecution shall be deemed withdrawn as of the date of the conclusion of the mediation settlement.

Article 82-4
Should there exist any ground for invalidation or voidance of a civil mediation settlement after ratification by a court, the parties may file an action with the original ratifying court to invalidate or void the mediation settlement.
The action referred to in the preceding paragraph shall be initiated by the parties within 30 days of service of the written mediation settlement statement ratified by the court.

Article 83
The organic charter for the Copyright Examination and Mediation Committee referred to in Article 82, and the regulations concerning dispute mediation, shall be drafted by the competent authority and promulgated after review and approval by the Executive Yuan.

Chapter VI Remedies for Infringement of Rights

Article 84
The copyright holder or the plate rights holder may demand removal of infringement of its rights. Where there is likelihood of infringement, a demand may be made to prevent such infringement.

Article 85
A person who infringes on the moral rights of an author shall be liable for damages. In the event of non-pecuniary injury, the injured party may claim a commensurate amount of compensation.
In infringement matters referred to in the preceding paragraph the injured party may demand indication of the author's name or appellation, correction of content, or adoption other appropriate measures necessary for the restoration of its reputation.

Article 86
After the death of the author, unless otherwise specified by a will, the following persons, in the order indicated, shall be entitled to request remedies in accordance with Article 84 and the second paragraph of the preceding article for actual or likely violations of Article 18:
1.Spouses
2.Children
3.Parents
4.Grandchildren
5.Brothers and sisters
6.Grandparents

Article 87
Any of the following circumstances, except as otherwise provided under this Act, shall be deemed an infringement of copyright or plate rights:
1.To exploit a work by means of infringing on the reputation of the author.
2.Distribution of articles that are known to infringe on plate rights, or public display or possession of such articles with the intent to distribute.
3.Import of any copies reproduced without the authorization of the economic rights holder or the plate rights holder.
4.Import of the original or any copies of a work legally reproduced abroad without the authorization of the economic rights holder.
5.Exploitation for business purposes of a copy of a computer program that infringes on economic rights in such computer program.
6.Distribution, by any means other than transfer of ownership or rental, articles that are known to infringe on economic rights; or public display or possession, with the intent to distribute, of articles that are known to infringe on economic rights.
7.To provide to the public computer programs or other technology that can be used to publicly transmit or reproduce works, with the intent to allow the public to infringe economic rights by

means of public transmission or reproduction by means of the Internet of the works of another, without the consent of or a license from the economic rights holder, and to receive benefit therefrom.
8.Knowing that the works broadcast or transmitted publicly by another person infringe economic rights, with the intent to provide the public to access such works by the Internet, acting as follows, and to receive benefit therefrom:
(1) To provide the public with computer programs which have aggregated the Internet Protocol Addresses of such works.
(2) To direct, assist or preset paths to the public for using computer programs in the preceding item.
(3) To manufacture, import or sell equipment or devices preloaded with the computer programs of the first item.
A person who undertakes the actions set out in subparagraphs 7 or 8 above shall be deemed to have
"intent" pursuant to that subparagraph when the advertising or other active measures employed by the person instigates, solicits, incites, or persuades the public to use.

Article 87-1
The provisions of subparagraph 4 of the preceding article do not apply under any of the following circumstances:
1.Where the original or copies of a work are imported for the use of central or local government agencies; provided, this does not apply to import for use in schools or other educational institutions, or to the import of any audiovisual work for purposes other than archival use.
2.Where the original or a specified number of copies of any audiovisual works are imported in order to supply such works to nonprofit scholarly, educational, or religious organizations for archival purposes, or where an original or specified number of copies of works other than audiovisual works are imported for library lending or archival purposes, provided that such copies are used in compliance with the provisions of Article 48.
3.Where the original or a specified number of copies of a work are imported for the private use of the importer, not for distribution, or where such import occurs because the original or copies form part of the personal baggage of a person arriving from outside the territory.
4.For the purpose of exclusive use by the visually impaired, learning disabled, hearing impaired or other persons with a perceptual disability, local or central government agencies, non-profit organizations and all levels of legally established schools may import copies reproduced by means of translation, Braille, sound-recording, digital transformation, verbal imagery, accompanying sign language or otherwise, provided that such copies are used in compliance with the provisions of Articles 53.
5.Where the original or copies of a work incorporated into any legally imported goods, machinery, or equipment are imported in conjunction with the import of such items. Such original or copies of the work shall not be reproduced during the use or operation of the goods, machinery or equipment.
6.Where a user's manual or operating manual accompanying any legally imported goods, machinery, or equipment is imported; provided, this does not apply where the user's manual or operating manual are the principal objects of the importation.
The "specified number" set forth in subparagraphs 2 and 3 of the preceding paragraph shall be prescribed by the competent authority.

Article 88
A person who unlawfully infringes on another person's economic rights or plate rights out of intention or negligence shall be liable for damages. Where multiple persons engage in unlawful infringement, they shall bear joint and several liability for damages.
With regard to the damages referred to in the preceding paragraph, the injured party may make claim in any of the following manners:
1.In accordance with the provisions of Article 216 of the Civil Code; provided, when the injured party is unable to prove damages, it may base the damages on the difference between the amount of expected benefit from the exercise of such rights under normal circumstances and the amount of benefit from the exercise of the same rights after the infringement.
2.Based on the amount of benefit obtained by the infringer on account of the infringing activity; provided, where the infringer is unable to establish costs or necessary expenses [of the infringing act or articles], the total revenue derived from the infringement shall be deemed to be its benefit.
If it is difficult for the injured party to prove actual damages in accordance with the provisions of the preceding paragraph, it may request that the court, based on the seriousness of the matter, set compensation at an amount of not less than ten thousand and not more than one million New Taiwan Dollars. If the damaging activity was intentional and the matter serious, the compensation may be increased to five million New Taiwan Dollars.

Article 88-1
Where claim is made pursuant to Article 84 or paragraph 1 of the preceding Article, the injured party may request the destruction or other necessary disposition of goods produced as a result of the
infringing act, or of articles used predominantly for the commission of infringing acts.

Article 89
The injured party may demand that the infringer, at its own expense, publish in a newspaper or magazine all or part of a judgment concerning said infringement.

Article 89-1
The right to claim damages as specified in Articles 85 and 88 shall be extinguished if not exercised within two years from the time the person having the right to make claim learns of its right to claim damages and knows the identity of the obligor, or within ten years of the occurrence of the infringement.

Article 90
Each holder of copyrights in a joint work may, pursuant to the provisions of this chapter, separately demand remedies from the infringer, and may also claim damages based on its share of copyright ownership.
The provisions of the preceding paragraph shall apply mutatis mutandis to joint holders of economic rights and plate rights that arise out of other relationships.

Article 90-1
A copyright holder or plate rights holder may apply to the customs authorities to suspend the release of import or export goods that infringe on their copyright or plate rights.
The application referred to in the preceding paragraph shall be filed in writing, shall state the facts of the infringement, and shall include a bond in an amount equivalent to the import customs value or the export FOB value of the goods, as assessed by customs, to serve as a security to offset the loss suffered by the party whose goods are subject to attachment.
Customs shall immediately inform the applicant when processing an application to suspend the release of goods. Where Customs determines that the conditions in the preceding paragraph have been met and issues an attachment order, it shall give written notification to the applicant and to the party whose goods are attached.
The applicant or the party whose goods are attached may apply to the customs authorities for permission to inspect the attached goods.
Attached goods shall be confiscated by the customs authorities where the applicant has obtained a final and unappealable civil judgment determining that the goods infringe on copyright or plate rights. The owner of the attached goods shall be held liable for such costs as container demurrage, warehousing, loading, unloading, as well as for expenses connected with destruction of the goods. If the expenses connected with destruction of the goods referred to in the preceding paragraph are not paid within the period prescribed by customs authorities, the claim shall be enforced through compulsory execution.
In any of the following circumstances, an attachment order shall be rescinded by the customs authorities and the attached goods shall be processed in accordance with applicable import and export regulations; in addition, the applicant shall compensate the party whose goods were attached for damage incurred on account of the attachment:
1.The attached goods have been determined to be non-infringing of copyright or plate rights by a final and unappealable court judgment.
2.Within twelve days of the date on which the applicant is informed of the attachment, the customs authorities have not received notification from the applicant indicating that it has initiated litigation proceedings alleging that the attached goods are in infringement.
3.The applicant applies to rescind the attachment.
The period referred to in subparagraph 2 of the preceding paragraph may be extended by another twelve days if customs authorities deem it necessary.
Customs authorities shall return the bond upon the applicant's request in any of the following circumstances:
1.There is no need to continue posting the bond either because the applicant has obtained a final and
unappealable judgment in its favor or because the applicant has reached a settlement with the party whose goods were attached.
2.The attachment order has been rescinded and the applicant can prove that at least the required

twenty days have elapsed since the applicant notified the party whose goods are subject to the suspension of release to exercise its rights and such party has failed to exercise its rights.
3.The party whose goods were attached agrees to the return.
A person whose goods have been attached shall have the same rights as a pledgee with respect to the
bond referred to in the second paragraph of this article.
When the customs authorities, in the course of executing their duties, discover import/export goods that in appearance are obviously suspect of copyright infringement, they may within one business day notify the rights holder and notify the importer/exporter to produce authorization materials. After receiving notice, the rights holder shall proceed to customs within four hours for air export goods and within one business day for air import goods and sea import/export goods to assist with verification. Where the rights holder is unknown or cannot be notified, or the rights holder fails to proceed to customs within the time limit as notified to assist with verification, or the rights holder determines that the goods in question are not infringing, and if there is no violation of other customs clearance regulations, customs shall release the goods forthwith.
Where the goods are determined to be suspected infringing goods, customs shall take measures to suspend the release of the goods.
If within three business days after customs has taken measures to suspend the release of the goods the rights holder has not applied to customs for attachment under paragraphs 1 to 10, or has not initiated civil or criminal litigation procedure to protect the rights, and if there is no violation of other customs clearance regulations, customs shall release the goods forthwith.

Article 90-2
The implementing regulations for the preceding article shall be prescribed by the competent authority in consultations with the Ministry of Finance.

Article 90-3
Whoever violates any provision of Article 80-1 or Article 80-2, thereby causing damage to the copyright owner, shall be liable for damages. If there are multiple violators, they shall bear joint and several liability for damages.
The provisions of Article 84, Article 88-1, Article 89-1, and Article 90-1 shall apply mutatis mutandis to violations of Article 80-1 or Article 80-2.

Chapter VI-1 Limitations on Liability for Internet Service Providers

Article 90-4
An Internet service provider shall be entitled to the application of Article 90-5 to Article 90-8 regarding the limitation on liability only if the service provider—
1. by contract, electronic transmission, automatic detective system or other means, informs users of its copyright or plate right protection policy, and takes concrete action to implement it; and
2. by contract, electronic transmission, automatic detective system or other means, informs users that in the event of repeat alleged infringements up to three times the service provider shall terminate the service in whole or in part; and
3. publicly announces information regarding its contact window for receipt of notification documents.
4. accommodate and implement the technical measure described in paragraph 3.
A connection service provider that, after receiving notification by a copyright holder or plate rights holder of alleged infringement by a user, has forwarded the notification to that particular user by electronic mail is deemed to have met the requirement in the preceding paragraph, subparagraph 1.
If a copyright holder or plate rights holder has provided technical measures which have been developed based on a broad consensus and are used to identify or protect copyrighted or plate-righted works, the Internet service provider shall accommodate and implement the measures if the technical measures has been ratified by the competent authority.

Article 90-5
A connection service provider shall not be liable for damages for infringement of the copyright or plate rights of another by a user of its service if—
1. the transmission of the information was initiated by or at the request of the user; and
2. the transmission, routing, provision of connections, or storage is carried out through an automatic technical process, without any selection of the material or modification of its content by the connection service provider.

Article 90-6

A caching service provider shall not be liable for damages for infringement of the copyright or plate rights of another by a user of its service if—
1.the service provider does not make any modification to the cached information；
2.when the person who made the original information available subsequently update, deletes, or blocks access to it, the cached information is done in the same way as a result of an automatic technical process; and
3.the service provider responds expeditiously to remove, or disable access to, the allegedly infringing content or related information upon notification by a copyright holder or plate rights holder of the alleged infringement by the user of the service provider.

Article 90-7
An information storage service provider shall not be liable for damages for infringement of the copyright or plate rights of another by a user of its service if the service provider—
1.does not have knowledge of the allegedly infringing activity of the user;
2.does not receive a financial benefit directly attributable to the infringing activity of the user; and
3.responds expeditiously to remove, or disable access to, the allegedly infringing content or related information upon notification by a copyright holder or plate rights holder of the alleged infringement by the user of the service provider.

Article 90-8
A search service provider shall not be liable for damages for infringement of the copyright or plate rights of another by a user of its service if the service provider—
1.does not have knowledge that the searched or linked information may be infringing;
2.does not receive a financial benefit directly attributable to the infringing activity of the user; and
3.responds expeditiously to remove, or disable access to, the allegedly infringing content or related information upon notification by a copyright holder or plate rights holder of the alleged infringement by the user of the service provider.

Article 90-9
An information storage service provider shall forward notice to the allegedly infringing user of any measures taken under Article 90-7, subparagraph 3, by the contact method stipulated between the service provider and the user or by the contact information left by the user. However, this requirement shall not apply if the nature of the service provided makes such notice impossible.
If a user referred to in the preceding paragraph believes that the materials were not involved in infringement, the user may submit counter notification documents to the information storage service provider with a request to restore the removed content or related information or restore the access to
it.
Upon receipt of a counter notification described in the preceding paragraph, an information storage service provider shall expeditiously forward such documents to the copyright holder or plate rights holder.
If, within 10 business days since one day after the date of receiving counter notification from the information storage service provider as described in the preceding paragraph, the copyright holder or plate rights holder provides the information storage service provider with evidence regarding filing civil or criminal litigation against the user, the information storage service provider shall not bear any obligation to restore the content or related information.
If the copyright holder or plate rights holder fails to provide evidence on filing litigation in accordance with the preceding paragraph, the information storage service provider shall, within no more than 14 business days since one day after the date of forwarding the counter-notification documents, restore the removed content or related information or restore the access to it. However, if restoration is impossible, the service provider shall notify the user in advance, or provide another appropriate method by which the user may restore it.

Article 90-10
An Internet service provider shall not be liable for damages to the allegedly infringing user if the service provider—
1.removes, or disables access to, the allegedly infringing content or related information in accordance with Articles 90-6 to 90-8; or
2.upon obtaining knowledge of suspected infringement by the user, acts in good faith belief to remove, or disable access to, the allegedly infringing content or related information.

Article 90-11
A person who misrepresents an Internet service provider with a notification or counter notification

out of intention or negligence shall be liable for damages for any injury incurred on the user, copyright holder, plate right holder or Internet Service Provider.

Article 90-12
The information in connection with the public announcement of the contact window under Article 90-4, and the content of the notification and counter notification, required particulars, supplementation or correction, and other requisite matters under Articles 90-6 through 90-9 shall be prescribe by the competent authority.

Chapter VII Penal Provisions

Article 91
A person who infringes on the economic rights of another person by means of reproducing the work without authorization shall be punished by imprisonment for not more than three years, detention, or in lieu thereof or in addition thereto a fine not more than seven hundred and fifty thousand New Taiwan Dollars.
A person who infringes on the economic rights of another person by means of reproducing the work without authorization with the intent to sell or rent shall be imprisoned not less than six months and not more than five years, and in addition thereto, may be fined not less than two hundred thousand and not more than two million New Taiwan Dollars.
A work only for personal reference or fair use of a work does not constitute infringement of copyright.

Article 91-1
A person who infringes on the economic rights of another person by distributing the original of a work or a copy thereof by transfer of ownership without authorization shall be punished by imprisonment for not more than three years, detention, or in lieu thereof or in addition thereto, a fine not more than five hundred thousand New Taiwan Dollars.
A person who distributes or with intent to distribute publicly displays or possesses a copy knowing that it infringes on economic rights shall be imprisoned not more than three years and, in addition thereto, may be fined not less than seventy thousand and not more than seven hundred and fifty thousand New Taiwan Dollars.
Punishment of an offense in the preceding paragraph may be reduced if the offender confesses the source of the goods, resulting in the uncovering thereof.

Article 92
A person who infringes on the economic rights of another person without authorization by means of public recitation, public broadcast, public presentation, public performance, public transmission, public display, adaptation, compilation, or leasing, shall be punished by imprisonment for not more than three years, detention, or in lieu thereof or in addition thereto a fine not more than seven hundred and fifty thousand New Taiwan Dollars.

Article 93
In any of the following circumstances, a sentence of up to two years imprisonment or detention shall be imposed, or in lieu thereof or in addition thereto, a fine of not more than five hundred thousand New Taiwan Dollars:
1.Infringement of the author's moral rights as set forth in the provisions of articles 15 through 17.
2.Violations of the provisions of Article 70.
3.Infringement of another person's copyright by any of the means specified in paragraph 1, subparagraphs 1, 3, 5, or 6 of Article 87, provided this shall not apply to offenses as referred to in paragraph 2 or paragraph 3 of Article 91-1.
4.Violations of subparagraphs 7 or 8 of paragraph 1 of Article 87.

Article 94
(deleted)

Article 95
A person who violates any provision of Article 112 shall be punished by imprisonment for not more than one year, detention, or, in lieu thereof or in addition thereto, a fine of not less than twenty thousand and not more than two hundred and fifty thousand New Taiwan Dollars.

Article 96
A fine of up to fifty thousand New Taiwan Dollars shall be imposed for violations of the provisions

of the second paragraph of Article 59 or the provisions of Article 64.

Article 96-1
In any of the following circumstances a sentence of up to one year imprisonment or detention shall be imposed, or in lieu thereof or in addition thereto, a fine of not less than twenty thousand and not more than two hundred and fifty thousand New Taiwan Dollars:
1.Violation of Article 80-1.
2.Violation of paragraph 2 of Article 80-2.

Article 96-2
If a fine is to be imposed pursuant to the provisions of this Chapter, the financial ability of the offender and the benefit he/she has obtained through commission of the offense shall be taken into account. If the benefit obtained exceeds the maximum fine, such fine may be increased within the limit of the obtained benefit.

Article 97
(deleted)

Article 97-1
When an enterprise, by means of public transmission, violates the provisions of Article 91, Article 92, or Article 93, subparagraph 4 and is convicted by a court, it shall immediately cease such activities. If the enterprise does not cease those activities, then following the convening by the competent authority of a group of specialists, academicians, and related enterprises who determine that the enterprise's activities constitute a serious infringement and that they materially affect the rights and interests of the economic rights holder, the competent authority shall prescribe a period of one month within which the enterprise shall take corrective action; where the enterprise fails to take corrective action within that period, the competent authority may order suspension or compulsory termination of the enterprise's business.

Article 98
(deleted)

Article 98-1
(deleted)

Article 99
Upon motion by the injured party or another party having the right to file a complaint, an infringer as set out in Articles 91 through Articles 93, Articles 95 may be ordered to publish all or part of the court judgment in a newspaper and bear the costs thereof.

Article 100
The offenses specified in this chapter are actionable only upon complaint; provided, this shall not apply in any of the following circumstances, when a work provided for payment has been exploited in its complete unaltered form, causing damage of one million New Taiwan Dollars or more to the economic rights holder:
1. Commission of an offense set forth in Article 91, paragraph 2, where the copy is in digital format.
2. Commission, with intent to profit, of an offense set forth in Article 91-1, paragraph 2 of distributing a copy knowing that it infringes economic rights, where the distributed copy is in digital format.
3. Commission of an offense set forth in Article 92 of infringing the economic rights of another person without authorization by means of public transmission.

Article 101
Where the representative of a juristic person, or the agent, employee, or other servant of a juristic or
natural person commits any of the offenses specified in Articles 91 through Article 93, Article 95 through 96-1 in the performance of its duties, in addition to punishing the infringer in accordance with the aforesaid articles, such juristic or natural person shall also be fined in accordance with said articles.
In circumstances specified in the preceding paragraph, where a complaint against the infringer or the juristic or natural person is filed or withdrawn, the effect of such filing or withdrawal shall apply to the others.

Article 102
An unrecognized foreign juristic person may file a complaint or bring a private prosecution against the offenses specified in Articles 91 through Article 93, Article 95 through 96-1.

Article 103
Upon complaint or information of an infringement of a person's copyright or plate rights, judicial police officials or judicial police may seize the infringing articles in accordance with law and refer the matter for investigation.

Article 104
(deleted)

Chapter VIII Supplementary Provisions

Article 105
Persons who apply under this Act for a compulsory license, recordation of plate rights, recordation of assignment of plate rights, recordation of trust of plate rights, dispute mediation, inspection of the register of plate rights, or issuance of a transcript thereof, shall pay a filing fee.
The amount of the fee referred to in the preceding paragraph shall be prescribed by the competent authority.

Article 106
Except as otherwise provided for in this Chapter, this Act shall apply to works that were completed prior to the implementation date of the June 10, 1992 amendment to this Act where such works comply with any one of the provisions of Articles 106 through 109 of the Act prior to the January 21,
1998 Copyright Act taking effect.
This Act shall apply to works that were completed after the implementation date of the June 10, 1992 amendment to this Act.

Article 106-1
Except as otherwise provided under in this Chapter, this Act shall apply to works that were completed prior to the date on which the World Trade Organization Agreement took effect in the territory under the jurisdiction of the Republic of China where such works did not enjoy copyright under the provisions of the respective versions of this Act but where the term of protection for economic rights has not expired in accordance with this Act; provided, this shall not apply to works of foreign nationals for which the term of protection has expired in their country of origin.
The term "country of origin" as used in the proviso of the preceding paragraph shall have the meaning ascribed to the term in Article 5 of the Berne Convention for the Protection of Literary and Artistic Works (Paris Act 1971).

Article 106-2
Except as otherwise provided for in this Chapter, a person who began the exploitation of works protected pursuant to the provisions of the preceding article prior to the date on which the World Trade Organization Agreement took effect in the territory under the jurisdiction of the Republic of China, or who made significant investment toward the purpose of such exploitation, may continue to exploit such works during the two-year period which commences on the aforementioned effective date of said Agreement, and the provisions of Chapter VI and Chapter VII of this Act shall not apply.
From the implementation of the June 6, 2003 amendment to this Act, the person exploiting a work pursuant to the preceding paragraph, except in circumstances of rental or lending, shall pay to the economic rights holder of the exploited work a reasonable compensation for the exploitation such as would normally be paid for such work through free negotiation.
From one year after the date of promulgation of the amendment to this Act, an exploiter shall not further sell unauthorized copies of works protected under the preceding article; provided, it may still rent or lend them.
The preceding paragraph does not apply to copies of works that are separately created through exploitation of works protected under the preceding article; provided that, except as set forth in Articles 44 to 65, the economic rights holder of the exploited work shall be paid a reasonable compensation for the exploitation such as would normally be paid for such work through free negotiation.

Article 106-3
Exploitation of a derivative work may continue beyond the date on which the World Trade Organization Agreement took effect in the territory under the jurisdiction of the Republic of China, where the preexisting work upon which such derivative work is derived is a work under Article 106-1, where the completion of the derivative work occurred prior to the aforementioned effective date, and where such derivative work was protected under respective versions of this act; the provisions of Chapter VI and Chapter VII of this Act shall not apply.
From the implementation of the June 6, 2003 amendment to this Act, the person exploiting the derivative work pursuant to the preceding paragraph shall pay to the economic rights holder of the underlying work a reasonable compensation such as would normally be paid for such work through free negotiation.
The provisions of the preceding two paragraphs shall not affect the protection of the derivative work.

Article 107
(deleted)

Article 108
(deleted)

Article 109
(deleted)

Article 110
The provisions of Article 13 shall not apply to works completed and registered prior to the implementation date of the June 10, 1992 amendment to this Act.

Article 111
The provisions of Article 11 and Article 12 shall not apply in the following situations:
1.The copyright was obtained pursuant to the provisions of Article 10 or 11 of this Act prior to the implementation date of the June 10, 1992 amendment to this Act.
2.The copyright was obtained pursuant to Article 11 or 12 of this Act prior to the January 21, 1998 Copyright Act taking effect.

Article 112
Where the works of foreign nationals enjoyed protection of translation rights pursuant to this Act prior to the implementation date of the June 10, 1992 amendment hereto, translations of such works made prior to said implementation date shall no longer be reproduced after said implementation date without the consent of the holder of the copyright to such works, unless such exploitation is in conformity with Articles 44 through Article 65 of this Act.
Copies of translations of works referred to in the preceding paragraph shall no longer be sold after the expiration of the two-year period following the implementation date of the June 10, 1992 amendment to this Act.

Article 113
This Act shall apply to plate rights that were obtained prior to the implementation date of the June 6, 2003 amendment to this Act; provided, the term of protection calculated pursuant to this Act has not
expired.

Article 114
(deleted)

Article 115
Agreements for reciprocal copyright protection signed by organizations and agencies of this country and those of a foreign country shall, upon ratification by the Executive Yuan, be deemed "agreements" as that term is used in Article 4.

Article 115-1
The plate rights register or recordation log, and samples submitted, shall be made available to the public for inspection and copying.
Any copyright register or recordation log that has been registered and recorded prior to the implementation date of the January 21, 1998 amendment to this Act, and any sample thereof that

has been submitted, may be made available to the public for inspection and copying.

Article 115-2
For the purpose of handling copyright litigation, courts may establish a specialized court or appoint specialized judges.
The courts shall deliver to the specialized agency in charge of copyright matters a copy of decisions in copyright litigation cases.

Article 116
(deleted)

Article 117
This Act shall take effect from the date of promulgation, provided that the provisions of Articles 106-1 through 106-3 amended and promulgated on January 21, 1998 took effect from the date upon which the World Trade Organization Agreement took effect in the territory under the jurisdiction of the Republic of China, and the provisions amended and promulgated on May 5, 2006 took effect from July 1, 2006, and the provisions amended on April 15, 2022 will take affect from a date to be prescribed by the Executive Yuan.

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