

**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The present document reproduces the text¹ of the Standards for Compensation for Fair Use of Works in Paragraph Four, Article 47 of the Copyright Law, as notified by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, under Article 63.2 of the Agreement (see document IP/N/1/TPKM/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

TERRITOIRE DOUANIER DISTINCT DE TAIWAN, PENGHU, KINMEN ET MATSU

Le présent document contient le texte¹ de la Norme d'établissement des redevances pour une utilisation loyale des œuvres énoncée au paragraphe 4 de l'article 47 de la Loi sur le droit d'auteur, qui a été notifié par le Territoire douanier distinct de Taiwan, Penghu, Kinmen et Matsu au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/TPKM/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

TERRITORIO ADUANERO DISTINTO DE TAIWÁN, PENGHU, KINMEN Y MATSU

En el presente documento se reproduce el texto¹ de las Normas sobre la remuneración por el uso legítimo de obras prevista en el cuarto párrafo del artículo 47 de la Ley de Derecho de Autor, notificado por el Territorio Aduanero Distinto de Taiwán, Penghu, Kinmen y Matsu de conformidad con lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/TPKM/1).

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte, dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

**STANDARDS FOR COMPENSATION FOR FAIR USE OF WORKS IN PARAGRAPH
FOUR, ARTICLE 47 OF THE COPYRIGHT LAW**

Promulgated on February 23, 1998 per Letter No. Tai-(87)-Nei-Chu-Tze 870 2053.

1. These standards are set pursuant to the provisions of Paragraph 4, Article 47 of the Copyright Law (hereinafter referred to as "the Law").

2. Except as otherwise provided under these standards the compensation for reproduction or compilation of works pursuant to the provisions Paragraph 1, Article 47 of the Law shall be calculated as follows:

(1) For literary and oral works: the calculation shall be based on the number of characters at the rate of one thousand New Taiwan Dollars for one thousand characters or fraction thereof.

(2) For photographic, artistic or pictorial works: the calculation shall be based on the number of items¹, regardless of whether the item is in black and white or color, and regardless of the size of the plate, at the rate of five hundred New Taiwan Dollars per item, or if to be used on the front or back cover, one thousand New Taiwan Dollars.

(3) For musical works: lyrics and music shall be calculated separately at the rate of two thousand New Taiwan Dollars per title.

(4) For works other than those referred to in the preceding (1), (2) and (3): the calculation shall be based on the proportion of the exploited work occupying the surface space on the page or plate at the rate of one thousand New Taiwan Dollars per plate or page; or if a calculation can not be made on this basis, one thousand New Taiwan Dollars per piece.

3. Compensation for adaptations pursuant to Paragraph 1, Article 47 of the Law, shall be calculated based on the standards at one half of the amount specified under the provisions of 2.

4. Except as otherwise provided in these standards the compensation for editing of supplementary teaching aids pursuant to Paragraph 2, Article 47 of the Law shall be separately calculated as follows:

(1) For sound recordings and audio visual works: two thousand New Taiwan Dollars for each three minute period or fraction thereof.

(2) For works other than those specified in the preceding (1): one half of the amount specified in 2 and 3.

5. Compensation for the public broadcast of works pursuant to the provisions of Paragraph 3, Article 47 of the Law shall be calculated as follows:

(1) For on the air public broadcasts: lyrics and music of musical works shall be separately calculated at the rate of one New Taiwan Dollar per title per broadcast; for other works, one New Taiwan Dollar for each three minute period or fraction thereof.

(2) For TV public broadcasts: lyrics and music of musical works shall be separately calculated at the rate of forty New Taiwan Dollars per title per broadcast; for other works, thirty New Taiwan Dollar for each three minute period or fraction thereof.

6. With respect to reproductions or compilations for the purpose of editing textbooks or supplementary teaching aids pursuant to Paragraph 1 or Paragraph 2, Article 47 of the Law, where the work exploited is a derivative work, and be two or more instances of compensation are required to be paid for the original work and the derivative work, the amount shall be calculated as seventy five percent of the amounts set forth in the preceding 2 and 4.

Note:

1. "Items" is from the compound "張數" in Chinese.

2. This translation is drafted by Qi Lin International Law Offices and later revised and concluded by Ministry of Interior, the then competent authority of the Copyright Law.
