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

Original: English/
anglais/
inglés

**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 Regulations of Copyright Dispute Mediation, as last amended on 9 June 1999, 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 du Règlement sur la médiation en cas de différend concernant le droit d'auteur, modifié en dernier lieu le 9 juin 1999, 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 del Reglamento relativo a la mediación en las diferencias sobre derecho de autor, modificado por última vez el 9 de junio de 1999, 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.

REGULATIONS OF COPYRIGHT DISPUTE MEDIATION

Approved by Executive Yuan on August 11, 1992 per Memorandum No. Tai-(81)-Yen-Tsung-Tzu 3990; Promulgated by Ministry of Interior on August 28, 1992 per Letter No. Tai-(81)-Nei-Chu-Tzu 8183016.

Article 1

These Regulations are enacted pursuant to the provisions of Article 83 of Copyright Law (hereinafter referred to as "this Law").

Article 2

With any of the following situations, a party may apply to the competent authority for mediation in accordance with these Regulations:

1. Disputes over royalties between a copyright intermediary association and the user.
2. Disputes over copyright or plate-right.

Where the disputes referred to in Item 2 of the preceding Paragraph are involved with criminal offenses, the mediation thereof should be restricted to the cases which could be prosecuted by the Public Prosecutor upon complaints initiated by the victim.

Article 3

This dispute mediation provided by the preceding Article shall be mediated by one to three Members designated by Copyright Examination and Mediation Committee (hereinafter referred to as Mediation Member) of the Ministry of Interior according to the nature of incident or the category of works.

Article 4

The application for mediation by a party should be made in writing, indicate the following items, and be signed or sealed by the party or his/her Agent:

1. The names, gender, age, occupation and domicile or residence of the party; the name and office or business place of a party where the party is a government authority, school, corporation or other juridical persons or organizations.
2. If the party has a statutory representative or an agent, the agent's name, gender, age occupation, domicile or residence.
3. The incidents for mediation.
4. Issues of the dispute.

Duplicates of the written application set forth in the preceding Paragraph should be made one duplicate per person of the other party.

Article 5

Where a Party appoints an agent, it should present a Letter Power of Attorney.

Where the agent is changed or discharged, the principal should give a written notice to the competent authority.

Article 6

When the competent authority accepts the application for mediation, it should send the duplicates of the written application for mediation to the other party and notify the other party that they shall express, by a deadline, whether they would proceed with mediation; failure to express such would be deemed as refusal of mediation.

Article 7

Where a party's application for mediation is concurred by the other party, the competent authority should bring this case to the Copyright Examination and Mediation Committee of the Ministry of Interior for mediation.

Article 8

Regarding the application for mediation, unless the mediation is refused by the other party as provided by Article 6, the competent authority should designate a mediation date and notify the parties or their agent to be present.

The other party may submit written opinions to the competent authority before the mediation date.

A party or his agent's absence on the mediation date without reasonable justifications shall be deemed to be that the mediation is not concluded. Nevertheless, if the competent authority considers that it is hopeful to reach a mediation, it may set another mediation date.

Article 9

Mediation proceedings shall be conducted by Mediation Members at a place designated by the competent authority, which may be unopen to the public.

Mediation may still be proceeded with even if only one Mediation Member set forth in the preceding Paragraph attends the mediation.

Where the matters to be mediated are involved with Mediation Member himself or his cohabitants, the Mediation Member should withdraw from this mediation upon a party's request.

Article 10

Both parties may appoint one to three persons to attend the mediation meeting to assist in mediation.

Article 11

Upon approval by the competent authority, an interested third party may participate in the mediation proceedings; the competent authority may also directly notify the interested party to participate.

The interested third party of the preceding Paragraph may be joined as one of the parties with his/her own consent and the consent of both parties.

Article 12

The Mediation Member, the attendants or participants of a mediation meeting, and/or the persons who have handled the mediation affairs should keep confidential the incidents being mediated, except those matters having been open to the public.

Article 13

Mediation Members should ask the opinions of both parties, give adequate advice to the parties, and proceed with the mediation by taking the actual situations and key issues into account.

Article 14

When mediation agreement is reached, the competent authority should prepare a written agreement of mediation, indicating the following items, and the said agreement shall be signed or sealed by the parties or their agents, the Mediation Members and relevant attendants.

1. The party's name, gender, age, occupation and domicile or residence; the name, office or business place where the party is a government authority, school, corporation, or other juridical persons or organizations.
2. Where the Party has a statutory representative or an agent, the agent's name, gender, age, occupation and domicile or residence.
3. Where there is an interested person participating in the mediation, the person's name, occupation, domicile or residence.
4. The names, occupation and domicile or residence of the Mediation Members and of the attendants of the mediation.
5. The incidents for mediation.
6. The contents of the mediation agreement.
7. The place where the mediation is concluded.
8. The date when the mediation is concluded.

The original copies of the written agreement of mediation set forth in the preceding Paragraph should be sent to the parties and the interested persons who participated in the mediation, within fifteen days starting from the date when the mediation is concluded.

Article 15

When the mediation is concluded, the mediation agreement shall be deemed as a contract between the parties.

Article 16

These Regulations shall come into force from the date of promulgation.

Note:

This translation is provided by the Ministry of Interior, the then competent authority of the Copyright Law.
