

**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 Implementation Regulations for Suspension of Release of Goods Infringing on Copyright or Plate Rights by Customs Authorities, 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 d'application sur la suspension par les autorités douanières de la mise en circulation de marchandises portant atteinte à un droit d'auteur ou à un droit de reproduction, 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
Intelectual 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 suspensión por las autoridades aduaneras del despacho de mercancías infractoras del derecho de autor o de derechos de impresión, 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.

**IMPLEMENTATION REGULATIONS FOR SUSPENSION OF RELEASE OF GOODS
INFRINGING ON COPYRIGHT OR PLATE RIGHTS BY CUSTOMS AUTHORITIES**

Approved by Executive Yuan on May 14, 1998 per Memorandum No. Tai-(87)-Nei 23452;
Promulgated on June 8, 1998 Letters No. Tai-(87)-Nei-Chu-Tze 8704665 & Tai Tzai-Kuan-Tze
870378351.

Article 1

These rules are prescribed in accordance with Article 90ter of the Copyright Law (hereinafter referred to as "the Law").

Article 2

The copyright owner or the plate rights owner who applies, in accordance with Article 90bis of the Law, for suspension of release of the imported or exported goods that are suspected of infringing on his/her copyright or plate rights shall post a bond in an amount equivalent to the customs authorities-valued landed cost of imported goods or the F.O.B. price of exported goods to serve as a security for the party whose goods are subject to the suspension of release. In addition, the application shall be submitted in writing to customs authorities at the port where the goods are to be imported or exported indicating therein the following items:

1. He/she is the owner of the said copyright or plate rights;
2. Descriptions which may sufficiently identify the infringing goods; and
3. The fact of infringement.

The matters as set forth in Items 1 and 3 of the preceding Paragraph shall be expressly explained.

Article 3

Where an application for suspension of release, after examination, complies with Article 90bis, customs authorities shall forthwith proceed with the suspension.

Where an application for suspension of release needs to be made up, customs authorities shall immediately notify the applicant to make up the requirements. Before the application has been made up, any of the customs clearance procedures shall not be affected.

Article 4

In carrying out the suspension of release in accordance with Article 90bis of the Law, customs authorities shall notify, in writing, the applicant and the party whose goods are subject to the suspension.

Article 5

In applying for inspection of goods which are detained pursuant to Paragraph 3 of Article 90bis of the Law, the applicant or the party whose goods are subject to the suspension shall apply, in writing, to customs authorities at the port where the goods are to be imported or exported.

The inspection as referred to in the preceding Paragraph shall be performed in the manner and at the time and place as appointed by customs authorities.

While arranging the appointment as set forth in the preceding Paragraph, customs authorities be careful not to impair the protection of the confidential information of the detained goods.

Article 6

Where the detained goods have been given a final judgment from the court which determined that the said commodities have infringed copyright or plate-right, customs authorities may, upon the written request of the applicant, notify him/her of the quantity of the detained goods, and the names/appellations and addresses of their consignor, importer, and consignee.

Article 7

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

NOTE

1. In case of discrepancies between the Chinese and this English version the Chinese version shall prevail.

2. This translation is by Lee and Li Attorneys-At-Laws and later revised and concluded by Ministry of Interior, the then competent authority of the Copyright Law.
