



22 September 2022

(22-7128)

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU:
COPYRIGHT COLLECTIVE MANAGEMENT ORGANIZATION ACT

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| Notifying Member | THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU |
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Details of the notified legal text

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| Title | Copyright Collective Management Organization Act |
| Subject matter | Copyright and related rights |
| Nature of notification | <input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation |
| Link to legal text* | https://ip-documents.info/2022/IP/TPKM/22_5536_00_e.pdf https://ip-documents.info/2022/IP/TPKM/22_5536_00_x.pdf |
| Notification status | <input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s) |
| Previous notification(s) referred to | IP/N/1/TPKM/C/11 |

Brief description of the notified legal text

The amendments ensure smooth operation, increased transparency, and prudent management of the collective management system to protect the rights of members and facilitate circulation of copyrighted works. The main highlights are as follows:

1. Introduction of a public consultation mechanism: When a CMO applies for an establishment permit, the specialized agency in charge of copyright matters (hereinafter referred to as "the specialized agency") shall make the information publicly available on their official websites for general copyright users to leave comments, which shall serve as references for the specialized agency when processing the permit application.
2. Term limits for management-level positions and internal controls: To ensure that a CMO can fulfil its duty of good governance, the amendments curtail the duration and number of terms for the positions of director and supervisor, and stipulate the need for internal controls to manage personnel, finances, and operations.
3. Use of technology to enhance management and operations of CMOs: A new amendment has been added that stipulates the specialized agency's responsibility to counsel CMOs in the use of innovative technology for more efficient management and lowering the cost of copyright licensing.

4. Expansion of the specialized agency's supervisory and guidance capacity: Amendments have been added ensuring the specialized agency's authority to supervise and penalize any CMOs in violation of the law. For example, if the CMO commits a major violation of the law by misappropriating allotted funds or not allocating royalties in accordance with the law and fails to rectify their actions, then the specialized agency has the power to revoke its establishment permit and eliminate any CMOs not adhering to prudent management practices.

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| Language(s) of notified legal text | English, Chinese |
| Entry into force | 20 May 2022 |
| Other date | Adoption: 27 April 2022 |

Notification details

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| Submission date of notification | 12 August 2022 |
| Other information | <p>Please refer to the website of the Intellectual Property Office (TIPO) of the Ministry of Economic Affairs to get more information about the Amendments to the Copyright Collective Management Organization Act.</p> <p>Website: http://www.tipo.gov.tw Contact email address: ipogp@tipo.gov.tw</p> |
| Agency or authority responsible | Intellectual Property Office, Ministry of Economic Affairs |

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.