

著作權法中英文對照

民國 99 年 02 月 10 日修正

Copyright Act (2010.02.10 Amended)

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本表編輯基準日：2010.11.15

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第一章 總則

第 1 條

為保障著作人著作權益，調和社會公共利益，促進國家文化發展，特制定本法。本法未規定者，適用其他法律之規定。

第 2 條

本法主管機關為經濟部。

著作權業務，由經濟部指定專責機關辦理。

第 3 條

本法用詞，定義如下：

- 一、著作：指屬於文學、科學、藝術或其他學術範圍之創作。
- 二、著作人：指創作著作之人。
- 三、著作權：指因著作完成所生之著作人格權及著作財產權。
- 四、公眾：指不特定人或特定之多數人。但家庭及其正常社交之多數人，不在此限。
- 五、重製：指以印刷、複印、錄音、錄影、攝影、筆錄或其他方法直接、間接、永久或暫時之重複製作。於劇本、音樂著作或其他類似著作演出或播送時予以錄音或錄影；或依建築設計圖或建築模型建造建築物者，亦屬之。
- 六、公開口述：指以言詞或其他方法向公眾傳達著作內容。
- 七、公開播送：指基於公眾直接收聽或收視為目的，以有線電、無線電或其他器材之廣播系統傳送訊息之方法，藉聲音或影像，向公眾傳達著作內容。由原播送人以外之人，以有線電、無線電或其他器材之廣播系統傳送訊息之方法，將原播送之聲音或影像向公眾傳達者，亦屬之。
- 八、公開上映：指以單一或多數視聽機或其他傳送影像之方

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

法於同一時間向現場或現場以外一定場所之公眾傳達著作內容。

九、公開演出：指以演技、舞蹈、歌唱、彈奏樂器或其他方法向現場之公眾傳達著作內容。以擴音器或其他器材，將原播送之聲音或影像向公眾傳達者，亦屬之。

十、公開傳輸：指以有線電、無線電之網路或其他通訊方法，藉聲音或影像向公眾提供或傳達著作內容，包括使公眾得於其各自選定之時間或地點，以上述方法接收著作內容。

十一、改作：指以翻譯、編曲、改寫、拍攝影片或其他方法就原著作另為創作。

十二、散布：指不問有償或無償，將著作之原件或重製物提供公眾交易或流通。

十三、公開展示：指向公眾展示著作內容。

十四、發行：指權利人散布能滿足公眾合理需要之重製物。

十五、公開發表：指權利人以發行、播送、上映、口述、演出、展示或其他方法向公眾公開提示著作內容。

十六、原件：指著作首次附著之物。

十七、權利管理電子資訊：指於著作原件或其重製物，或於著作向公眾傳達時，所表示足以確認著作、著作名稱、著作人、著作財產權人或其授權之人及利用期間或條件之相關電子資訊；以數字、符號表示此類資訊者，亦屬之。

十八、防盜拷措施：指著作權人所採取有效禁止或限制他人擅自進入或利用著作之設備、器材、零件、技術或其他科技方法。

十九、網路服務提供者，指提供下列服務者：

(一)連線服務提供者：透過所控制或營運之系統或網路，以

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 pre-existing 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,

有線或無線方式，提供資訊傳輸、發送、接收，或於前開過程中之中介及短暫儲存之服務者。

(二)快速存取服務提供者：應使用者之要求傳輸資訊後，透過所控制或營運之系統或網路，將該資訊為中介及暫時儲存，以供其後要求傳輸該資訊之使用者加速進入該資訊之服務者。

(三)資訊儲存服務提供者：透過所控制或營運之系統或網路，應使用者之要求提供資訊儲存之服務者。

(四)搜尋服務提供者：提供使用者有關網路資訊之索引、參考或連結之搜尋或連結之服務者。

前項第八款所定現場或現場以外一定場所，包含電影院、俱樂部、錄影帶或碟影片播映場所、旅館房間、供公眾使用之交通工具或其他供不特定人進出之場所。

第 4 條

外國人之著作合於下列情形之一者，得依本法享有著作權。但條約或協定另有約定，經立法院議決通過者，從其約定：
一、於中華民國管轄區域內首次發行，或於中華民國管轄區域外首次發行後三十日內在中華民國管轄區域內發行者。但以該外國人之本國，對中華民國人之著作，在相同之情形下，亦予保護且經查證屬實者為限。

二、依條約、協定或其本國法令、慣例，中華民國人之著作得在該國享有著作權者。

第二章 著作

第 5 條

本法所稱著作，例示如下：

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 videocassettes 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:

- 一、語文著作。
 - 二、音樂著作。
 - 三、戲劇、舞蹈著作。
 - 四、美術著作。
 - 五、攝影著作。
 - 六、圖形著作。
 - 七、視聽著作。
 - 八、錄音著作。
 - 九、建築著作。
 - 一〇、電腦程式著作。
- 前項各款著作例示內容，由主管機關訂定之。

- 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.

第 6 條

就原著作改作之創作為衍生著作，以獨立之著作保護之。
衍生著作之保護，對原著作之著作權不生影響。

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.

第 7 條

就資料之選擇及編排具有創作性者為編輯著作，以獨立之著作保護之。
編輯著作之保護，對其所收編著作之著作權不生影響。

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.

第 7-1 條

表演人對既有著作或民俗創作之表演，以獨立之著作保護之。
表演之保護，對原著作之著作權不生影響。

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.

第 8 條

二人以上共同完成之著作，其各人之創作，不能分離利用者，為共同著作。

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.

第 9 條

下列各款不得為著作權之標的：

- 一、憲法、法律、命令或公文。
- 二、中央或地方機關就前款著作作成之翻譯物或編輯物。
- 三、標語及通用之符號、名詞、公式、數表、表格、簿冊或時曆。
- 四、單純為傳達事實之新聞報導所作成之語文著作。
- 五、依法令舉行之各類考試試

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

題及其備用試題。

前項第一款所稱公文，包括公務員於職務上草擬之文告、講稿、新聞稿及其他文書。

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.

第三章 著作人及著作權

Chapter III Authors and Copyright

第一節 通則

Section 1 General Provisions

第 10 條

著作人於著作完成時享有著作權。但本法另有規定者，從其規定。

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.

第 10-1 條

依本法取得之著作權，其保護僅及於該著作之表達，而不及於其所表達之思想、程序、製程、系統、操作方法、概念、原理、發現。

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.

第二節 著作人

Section 2 Authors

第 11 條

受雇人於職務上完成之著作，以該受雇人為著作人。但契約約定以雇用人為著作人者，從其約定。

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.

依前項規定，以受雇人為著作人者，其著作財產權歸雇用人享有。但契約約定其著作財產權歸受雇人享有者，從其約定。前二項所稱受雇人，包括公務員。

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.

第 12 條

出資聘請他人完成之著作，除前條情形外，以該受聘人為著作人。但契約約定以出資人為著作人者，從其約定。

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.

依前項規定，以受聘人為著作人者，其著作財產權依契約約定歸受聘人或出資人享有。未約定著作財產權之歸屬者，其

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.

著作財產權歸受聘人享有。

Where no stipulation regarding the enjoyment of economic rights has been made, the economic rights shall be enjoyed by the commissioned person.

依前項規定著作財產權歸受聘人享有者，出資人得利用該著作。

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.

第 13 條

在著作之原件或其已發行之重製物上，或將著作公開發表時，以通常之方法表示著作人之本名或眾所周知之別名者，推定為該著作之著作人。

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.

前項規定，於著作發行日期、地點及著作財產權人之推定，準用之。

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.

第 14 條

(刪除)

Article 14

(deleted)

第三節 著作人格權

Section 3 Moral Rights

第 15 條

著作人就其著作享有公開發表之權利。但公務員，依第十一條及第十二條規定為著作人，而著作財產權歸該公務員隸屬之法人享有者，不適用之。

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.

有下列情形之一者，推定著作人同意公開發表其著作：

In the following circumstances the author shall be presumed to have consented to the public release of the work:

一、著作人將其尚未公開發表著作之著作財產權讓與他人或授權他人利用時，因著作財產權之行使或利用而公開發表者。

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.

二、著作人將其尚未公開發表之美術著作或攝影著作之著作原件或其重製物讓與他人，受讓人以其著作原件或其重製物公開展示者。

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.

三、依學位授予法撰寫之碩士、博士論文，著作人已取得學位者。

3. Where the work is a Masters thesis or doctoral dissertation written under the "Degree Conferral Act" and the author has obtained a degree.

依第十一條第二項及第十二條第二項規定，由雇用人或出資人自始取得尚未公開發表著作之著作財產權者，因其著作財

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

產權之讓與、行使或利用而公開發表者，視為著作人同意公開發表其著作。

前項規定，於第十二條第三項準用之。

第 16 條

著作人於著作之原件或其重製物上或於著作公開發表時，有表示其本名、別名或不具名之權利。著作人就其著作所生之衍生著作，亦有相同之權利。

前條第一項但書規定，於前項準用之。

利用著作之人，得使用自己之封面設計，並加冠設計人或主編之姓名或名稱。但著作人有特別表示或違反社會使用慣例者，不在此限。

依著作利用之目的及方法，於著作人之利益無損害之虞，且不違反社會使用慣例者，得省略著作人之姓名或名稱。

第 17 條

著作人享有禁止他人以歪曲、割裂、竄改或其他方法改變其著作之內容、形式或名目致損害其名譽之權利。

第 18 條

著作人死亡或消滅者，關於其著作人格權之保護，視同生存或存續，任何人不得侵害。但依利用行為之性質及程度、社會之變動或其他情事可認為不違反該著作人之意思者，不構成侵害。

第 19 條

共同著作之著作人格權，非經著作人全體同意，不得行使之。各著作人無正當理由者，不得拒絕同意。

共同著作之著作人，得於著作人中選定代表人行使著作人格權。

對於前項代表人之代表權所加

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

限制，不得對抗善意第三人。

representative referred to in the preceding paragraph shall not be effective against a third party acting in good faith.

第 20 條

未公開發表之著作原件及其著作財產權，除作為買賣之標的或經本人允諾者外，不得作為強制執行之標的。

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.

第 21 條

著作人格權專屬於著作人本身，不得讓與或繼承。

Article 21

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

第四節 著作財產權

Section 4 Economic Rights

第一款 著作財產權之種類

Subsection 1 Categories of Economic Rights

第 22 條

著作人除本法另有規定外，專有重製其著作之權利。
表演人專有以錄音、錄影或攝影重製其表演之權利。
前二項規定，於專為網路合法中繼性傳輸，或合法使用著作，屬技術操作過程中必要之過渡性、附帶性而不具獨立經濟意義之暫時性重製，不適用之。但電腦程式著作，不在此限。
前項網路合法中繼性傳輸之暫時性重製情形，包括網路瀏覽、快速存取或其他為達成傳輸功能之電腦或機械本身技術上所不可避免之現象。

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.

第 23 條

著作人專有公開口述其語文著作之權利。

Article 23

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

第 24 條

著作人除本法另有規定外，專有公開播送其著作之權利。
表演人就其經重製或公開播送後之表演，再公開播送者，不適用前項規定。

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.

第 25 條

著作人專有公開上映其視聽著

Article 25

Authors of audiovisual works have the exclusive right to publicly

作之權利。

present their works.

第 26 條

著作人除本法另有規定外，專有公開演出其語文、音樂或戲劇、舞蹈著作之權利。

表演人專有以擴音器或其他器材公開演出其表演之權利。但將表演重製後或公開播送後再以擴音器或其他器材公開演出者，不在此限。

錄音著作經公開演出者，著作人得請求公開演出之人支付使用報酬。

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.

第 26-1 條

著作人除本法另有規定外，專有公開傳輸其著作之權利。

表演人就其經重製於錄音著作之表演，專有公開傳輸之權利。

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.

第 27 條

著作人專有公開展示其未發行之美術著作或攝影著作之權利。

Article 27

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

第 28 條

著作人專有將其著作改作成衍生著作或編輯成編輯著作之權利。但表演不適用之。

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.

第 28-1 條

著作人除本法另有規定外，專有以移轉所有權之方式，散布其著作之權利。

表演人就其經重製於錄音著作之表演，專有以移轉所有權之方式散布之權利。

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.

第 29 條

著作人除本法另有規定外，專有出租其著作之權利。

表演人就其經重製於錄音著作之表演，專有出租之權利。

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.

第 29-1 條

依第十一條第二項或第十二條第二項規定取得著作財產權之雇用人或出資人，專有第二十

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

二條至第二十九條規定之權利。

exclusive enjoyment of the rights set out in the provisions of Articles 22 through 29.

第二款 著作財產權之存續期間

Subsection 2 Term of Protection for Economic Rights

第 30 條

著作財產權，除本法另有規定外，存續於著作人之生存期間及其死亡後五十年。

著作於著作人死亡後四十年至五十年間首次公開發表者，著作財產權之期間，自公開發表時起存續十年。

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.

第 31 條

共同著作之著作財產權，存續至最後死亡之著作人死亡後五十年。

Article 31

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

第 32 條

別名著作或不具名著作之著作財產權，存續至著作公開發表後五十年。但可證明其著作人死亡已逾五十年者，其著作財產權消滅。

前項規定，於著作人之別名為眾所周知者，不適用之。

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.

第 33 條

法人為著作人之著作，其著作財產權存續至其著作公開發表後五十年。但著作在創作完成時起算五十年內未公開發表者，其著作財產權存續至創作完成時起五十年。

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.

第 34 條

攝影、視聽、錄音及表演之著作財產權存續至著作公開發表後五十年。

前條但書規定，於前項準用之。

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.

第 35 條

第三十條至第三十四條所定存續期間，以該期間屆滿當年年之末日為期間之終止。

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.

繼續或逐次公開發表之著作，依公開發表日計算著作財產權存續期間時，如各次公開發表能獨立成一著作者，著作財產權存續期間自各別公開發表日起算。如各次公開發表不能獨立成一著作者，以能獨立成一著作時之公開發表日起算。前項情形，如繼續部分未於前次公開發表日後三年內公開發表者，其著作財產權存續期間自前次公開發表日起算。

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.

第三款 著作財產權之讓與、行使及消滅

Subsection 3 Transfer, Exercise, and Extinguishment of Economic Rights

第 36 條

著作財產權得全部或部分讓與他人或與他人共有。著作財產權之受讓人，在其受讓範圍內，取得著作財產權。著作財產權讓與之範圍依當事人之約定；其約定不明之部分，推定為未讓與。

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.

第 37 條

著作財產權人得授權他人利用著作，其授權利用之地域、時間、內容、利用方法或其他事項，依當事人之約定；其約定不明之部分，推定為未授權。前項授權不因著作財產權人嗣後將其著作財產權讓與或再為授權而受影響。非專屬授權之被授權人非經著作財產權人同意，不得將其被授與之權利再授權第三人利用。專屬授權之被授權人在被授權範圍內，得以著作財產權人之地位行使權利，並得以自己名義為訴訟上之行為。著作財產權人在專屬授權範圍內，不得行使權利。第二項至前項規定，於中華民國九十年十一月十二日本法修正施行前所為之授權，不適用

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.

之。

有下列情形之一者，不適用第七章規定。但屬於著作權集體管理團體管理之著作，不在此限：

- 一、音樂著作經授權重製於電腦伴唱機者，利用人利用該電腦伴唱機公開演出該著作。
- 二、將原播送之著作再公開播送。
- 三、以擴音器或其他器材，將原播送之聲音或影像向公眾傳達。
- 四、著作經授權重製於廣告後，由廣告播送人就該廣告為公開播送或同步公開傳輸，向公眾傳達。

第 38 條

(刪除)

第 39 條

以著作財產權為質權之標的物者，除設定時另有約定外，著作財產權人得行使其著作財產權。

第 40 條

共同著作各著作人之應有部分，依共同著作人間之約定定之；無約定者，依各著作人參與創作之程度定之。各著作人參與創作之程度不明時，推定為均等。

共同著作之著作人拋棄其應有部分者，其應有部分由其他共同著作人依其應有部分之比例分享之。

前項規定，於共同著作之著作人死亡無繼承人或消滅後無承受人者，準用之。

第 40-1 條

共有之著作財產權，非經著作財產權人全體同意，不得行使之；各著作財產權人非經其他共有著作財產權人之同意，不得以其應有部分讓與他人或為他人設定質權。各著作財產權

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.

人，無正當理由者，不得拒絕同意。

共有著作財產權人，得於著作財產權人中選定代表人行使著作財產權。對於代表人之代表權所加限制，不得對抗善意第三人。

前條第二項及第三項規定，於共有著作財產權準用之。

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.

第 41 條

著作財產權人投稿於新聞紙、雜誌或授權公開播送著作，除另有約定外，推定僅授與刊載或公開播送一次之權利，對著作財產權人之其他權利不生影響。

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.

第 42 條

著作財產權因存續期間屆滿而消滅。於存續期間內，有下列情形之一者，亦同：

- 一、著作財產權人死亡，其著作財產權依法應歸屬國庫者。
- 二、著作財產權人為法人，於其消滅後，其著作財產權依法應歸屬於地方自治團體者。

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.

第 43 條

著作財產權消滅之著作，除本法另有規定外，任何人均得自由利用。

Article 43

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

第四款 著作財產權之限制

Subsection 4 Limitations on Economic Rights

第 44 條

中央或地方機關，因立法或行政目的所需，認有必要將他人著作列為內部參考資料時，在合理範圍內，得重製他人之著作。但依該著作之種類、用途及其重製物之數量、方法，有害於著作財產權人之利益者，不在此限。

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.

第 45 條

專為司法程序使用之必要，在合理範圍內，得重製他人之著

Article 45

Within a reasonable scope, and for the sole purpose of use necessary to judicial proceedings, the works of another person may be

作。
前條但書規定，於前項情形準用之。

第 46 條

依法設立之各級學校及其擔任教學之人，為學校授課需要，在合理範圍內，得重製他人已公開發表之著作。
第四十四條但書規定，於前項情形準用之。

第 47 條

為編製依法令應經教育行政機關審定之教科用書，或教育行政機關編製教科用書者，在合理範圍內，得重製、改作或編輯他人已公開發表之著作。

前項規定，於編製附隨於該教科用書且專供教學之人教學用之輔助用品，準用之。但以由該教科用書編製者編製為限。

依法設立之各級學校或教育機構，為教育目的之必要，在合理範圍內，得公開播送他人已公開發表之著作。

前三項情形，利用人應將利用情形通知著作財產權人並支付使用報酬。使用報酬率，由主管機關定之。

第 48 條

供公眾使用之圖書館、博物館、歷史館、科學館、藝術館或其他文教機構，於下列情形之一，得就其收藏之著作重製之：

- 一、應閱覽人供個人研究之要求，重製已公開發表著作之一部分，或期刊或已公開發表之研討會論文集之單篇著作，每人以一份為限。
- 二、基於保存資料之必要者。
- 三、就絕版或難以購得之著作，應同性質機構之要求者。

第 48-1 條

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

中央或地方機關、依法設立之教育機構或供公眾使用之圖書館，得重製下列已公開發表之著作所附之摘要：

- 一、依學位授予法撰寫之碩士、博士論文，著作人已取得學位者。
- 二、刊載於期刊中之學術論文。
- 三、已公開發表之研討會論文集或研究報告。

第 49 條

以廣播、攝影、錄影、新聞紙、網路或其他方法為時事報導者，在報導之必要範圍內，得利用其報導過程中所接觸之著作。

第 50 條

以中央或地方機關或公法人之名義公開發表之著作，在合理範圍內，得重製、公開播送或公開傳輸。

第 51 條

供個人或家庭為非營利之目的，在合理範圍內，得利用圖書館及非供公眾使用之機器重製已公開發表之著作。

第 52 條

為報導、評論、教學、研究或其他正當目的之必要，在合理範圍內，得引用已公開發表之著作。

第 53 條

已公開發表之著作，得為視覺障礙者、學習障礙者、聽覺機能障礙者或其他視、聽覺認知有障礙者以點字、附加手語翻譯或文字重製之。

以增進視覺障礙者、學習障礙者、聽覺機能障礙者或其他視、聽覺認知有障礙者福利為目的，經依法立案之非營利機構或團體，得以錄音、電腦、口述影像、附加手語翻譯或其他方式利用已公開發表之著

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

Works that have been publicly released may be reproduced in Braille or with accompanying sign language translation or text for the visually impaired, learning disabled, hearing impaired or others having a handicap in perceiving visual or audio expressions.

For the purpose of promoting the welfare of the visually impaired, learning disabled, hearing impaired or others having a handicap in perceiving visual or audio expressions, legally accredited non-profit institutions or organizations may, by means of sound recordings, computers, verbal imagery, accompanying sign language translation, or otherwise, exploit works that have been publicly released, for exclusive use by the visually impaired, learning disabled, hearing

作，專供視覺障礙者、學習障礙者、聽覺機能障礙者或其他視、聽覺認知有障礙者使用。

impaired or others having a handicap in perceiving visual or audio expressions.

第 54 條

中央或地方機關、依法設立之各級學校或教育機構辦理之各種考試，得重製已公開發表之著作，供為試題之用。但已公開發表之著作如為試題者，不適用之。

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.

第 55 條

非以營利為目的，未對觀眾或聽眾直接或間接收取任何費用，且未對表演人支付報酬者，得於活動中公開口述、公開播送、公開上映或公開演出他人已公開發表之著作。

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.

第 56 條

廣播或電視，為公開播送之目的，得以自己之設備錄音或錄影該著作。但以其公開播送業經著作財產權人之授權或合於本法規定者為限。

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.

前項錄製物除經著作權專責機關核准保存於指定之處所外，應於錄音或錄影後六個月內銷燬之。

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.

第 56-1 條

為加強收視效能，得以依法令設立之社區共同天線同時轉播依法設立無線電視臺播送之著作，不得變更其形式或內容。

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.

第 57 條

美術著作或攝影著作原件或合法重製物之所有人或經其同意之人，得公開展示該著作原件或合法重製物。

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.

前項公開展示之人，為向參觀人解說著作，得於說明書內重製該著作。

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.

第 58 條

於街道、公園、建築物之外壁或其他向公眾開放之戶外場所長期展示之美術著作或建築著作，除下列情形外，得以任何方法利用之：

- 一、以建築方式重製建築物。
- 二、以雕塑方式重製雕塑物。
- 三、為於本條規定之場所長期展示目的所為之重製。
- 四、專門以販賣美術著作重製物為目的所為之重製。

第 59 條

合法電腦程式著作重製物之所有人得因配合其所使用機器之需要，修改其程式，或因備用存檔之需要重製其程式。但限於該所有人自行使用。

前項所有人因滅失以外之事由，喪失原重製物之所有權者，除經著作財產權人同意外，應將其修改或重製之程式銷燬之。

第 59-1 條

在中華民國管轄區域內取得著作原件或其合法重製物所有權之人，得以移轉所有權之方式散布之。

第 60 條

著作原件或其合法著作重製物之所有人，得出租該原件或重製物。但錄音及電腦程式著作，不適用之。

附含於貨物、機器或設備之電腦程式著作重製物，隨同貨物、機器或設備合法出租且非該項出租之主要標的物者，不適用前項但書之規定。

第 61 條

揭載於新聞紙、雜誌或網路上有關政治、經濟或社會上時事問題之論述，得由其他新聞紙、雜誌轉載或由廣播或電視公開播送，或於網路上公開傳

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

輸。但經註明不許轉載、公開播送或公開傳輸者，不在此限。

republishing, public broadcast, or public transmission is not authorized.

第 62 條

政治或宗教上之公開演說、裁判程序及中央或地方機關之公開陳述，任何人得利用之。但專就特定人之演說或陳述，編輯成編輯著作，應經著作財產權人之同意。

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.

第 63 條

依第四十四條、第四十五條、第四十八條第一款、第四十八條之一至第五十條、第五十二條至第五十五條、第六十一條及第六十二條規定得利用他人著作，得翻譯該著作。

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 48bis through 50, Articles 52 through 55, Article 61, and Article 62 may translate such work.

依第四十六條及第五十一條規定得利用他人著作，得改作該著作。

Persons that may exploit the work of another person in accordance with the provisions of Articles 46 and 51 may adapt such work.

依第四十六條至第五十條、第五十二條至第五十四條、第五十七條第二項、第五十八條、第六十一條及第六十二條規定利用他人著作，得散布該著作。

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.

第 64 條

依第四十四條至第四十七條、第四十八條之一至第五十條、第五十二條、第五十三條、第五十五條、第五十七條、第五十八條、第六十條至第六十三條規定利用他人著作，應明示其出處。

Article 64

A person who exploits the work of another person pursuant to the provisions of Articles 44 through 47, Articles 48bis 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.

前項明示出處，就著作人之姓名或名稱，除不具名著作或著作人不明者外，應以合理之方式為之。

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.

第 65 條

著作之合理使用，不構成著作財產權之侵害。

Article 65

Fair use of a work shall not constitute infringement on economic rights in the work.

著作之利用是否合於第四十四條至第六十三條規定或其他合理使用之情形，應審酌一切情狀，尤應注意下列事項，以為判斷之基準：

In determining whether the exploitation of a work complies with 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:

一、利用之目的及性質，包括係為商業目的或非營利教育目的。
二、著作之性質。
三、所利用之質量及其在整個著作所占之比例。
四、利用結果對著作潛在市場與現在價值之影響。
著作權人團體與利用人團體就著作之合理使用範圍達成協議者，得為前項判斷之參考。

前項協議過程中，得諮詢著作權專責機關之意見。

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.

第 66 條

第四十四條至第六十三條及第六十五條規定，對著作人之著作人格權不生影響。

Article 66

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

第五款 著作利用之強制授權

Subsection 5 Compulsory Licensing

第 67 條

(刪除)

Article 67

(deleted)

第 68 條

(刪除)

Article 68

(deleted)

第 69 條

錄有音樂著作之銷售用錄音著作發行滿六個月，欲利用該音樂著作錄製其他銷售用錄音著作，經申請著作權專責機關許可強制授權，並給付使用報酬後，得利用該音樂著作，另行錄製。

前項音樂著作強制授權許可、使用報酬之計算方式及其他應遵行事項之辦法，由主管機關定之。

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.

第 70 條

依前條規定利用音樂著作，不得將其錄音著作之重製物銷售至中華民國管轄區域外。

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.

第 71 條

Article 71

依第六十九條規定，取得強制授權之許可後，發現其申請有虛偽情事者，著作權專責機關應撤銷其許可。

依第六十九條規定，取得強制授權之許可後，未依著作權專責機關許可之方式利用著作人，著作權專責機關應廢止其許可。

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.

第 72 條

(刪除)

第 73 條

(刪除)

第 74 條

(刪除)

第 75 條

(刪除)

第 76 條

(刪除)

第 77 條

(刪除)

第 78 條

(刪除)

Article 72

(deleted)

Article 73

(deleted)

Article 74

(deleted)

Article 75

(deleted)

Article 76

(deleted)

Article 77

(deleted)

Article 78

(deleted)

第四章 製版權

Chapter IV Plate Rights

第 79 條

無著作財產權或著作財產權消滅之文字著述或美術著作，經製版人就文字著述整理印刷，或就美術著作原件以影印、印刷或類似方式重製首次發行，並依法登記者，製版人就其版面，專有以影印、印刷或類似方式重製之權利。

製版人之權利，自製版完成時起算存續十年。

前項保護期間，以該期間屆滿當年之末日，為期間之終止。製版權之讓與或信託，非經登記，不得對抗第三人。

製版權登記、讓與登記、信託登記及其他應遵行事項之辦法，由主管機關定之。

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.

第 80 條

Article 80

第四十二條及第四十三條有關著作財產權消滅之規定、第四十四條至第四十八條、第四十九條、第五十一條、第五十二條、第五十四條、第六十四條及第六十五條關於著作財產權限制之規定，於製版權準用之。

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.

第四章之一 權利管理電子資訊及防盜拷措施

Chapter IVbis Electronic Rights Management Information and Technological Protection Measures

第 80-1 條

著作權人所為之權利管理電子資訊，不得移除或變更。但有下列情形之一者，不在此限：
一、因行為時之技術限制，非移除或變更著作權利管理電子資訊即不能合法利用該著作。
二、錄製或傳輸系統轉換時，其轉換技術上必要之移除或變更。

明知著作權利管理電子資訊，業經非法移除或變更者，不得散布或意圖散布而輸入或持有該著作原件或其重製物，亦不得公開播送、公開演出或公開傳輸。

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].

第 80-2 條

著作權人所採取禁止或限制他人擅自進入著作之防盜拷措施，未經合法授權不得予以破解、破壞或以其他方法規避之。破解、破壞或規避防盜拷措施之設備、器材、零件、技術或資訊，未經合法授權不得製造、輸入、提供公眾使用或為公眾提供服務。

前二項規定，於下列情形不適用之：

- 一、為維護國家安全者。
- 二、中央或地方機關所為者。
- 三、檔案保存機構、教育機構或供公眾使用之圖書館，為評估是否取得資料所為者。
- 四、為保護未成年人者。
- 五、為保護個人資料者。
- 六、為電腦或網路進行安全測

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.

試者。

七、為進行加密研究者。

八、為進行還原工程者。

九、其他經主管機關所定情形。

前項各款之內容，由主管機關定之，並定期檢討。

7. Where to conduct encryption research.

8. Where to conduct reverse engineering.

9. 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.

第五章 著作權集體管理團體 與著作權審議及調解 委員會

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

第 81 條

著作財產權人為行使權利、收受及分配使用報酬，經著作權專責機關之許可，得組成著作權集體管理團體。

專屬授權之被授權人，亦得加入著作權集體管理團體。

第一項團體之許可設立、組織、職權及其監督、輔導，另以法律定之。

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.

第 82 條

著作權專責機關應設置著作權審議及調解委員會，辦理下列事項：

一、第四十七條第四項規定使用報酬率之審議。

二、著作權集體管理團體與利用人間，對使用報酬爭議之調解。

三、著作權或製版權爭議之調解。

四、其他有關著作權審議及調解之諮詢。

前項第三款所定爭議之調解，其涉及刑事者，以告訴乃論罪之案件為限。

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.

第 82-1 條

著作權專責機關應於調解成立後七日內，將調解書送請管轄法院審核。

前項調解書，法院應儘速審核，除有違反法令、公序良俗或不能強制執行者外，應由法

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

官簽名並蓋法院印信，除抽存一份外，發還著作權專責機關送達當事人。

法院未予核定之事件，應將其理由通知著作權專責機關。

第 82-2 條

調解經法院核定後，當事人就該事件不得再行起訴、告訴或自訴。

前項經法院核定之民事調解，與民事確定判決有同一之效力；經法院核定之刑事調解，以給付金錢或其他代替物或有價證券之一定數量為標的者，其調解書具有執行名義。

第 82-3 條

民事事件已繫屬於法院，在判決確定前，調解成立，並經法院核定者，視為於調解成立時撤回起訴。

刑事事件於偵查中或第一審法院辯論終結前，調解成立，經法院核定，並經當事人同意撤回者，視為於調解成立時撤回告訴或自訴。

第 82-4 條

民事調解經法院核定後，有無效或得撤銷之原因者，當事人得向原核定法院提起宣告調解無效或撤銷調解之訴。

前項訴訟，當事人應於法院核定之調解書送達後三十日內提起之。

第 83 條

前條著作權審議及調解委員會之組織規程及有關爭議之調解辦法，由主管機關擬訂，報請行政院核定後發布之。

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.

第六章 權利侵害之救濟**Chapter VI Remedies for Infringement of Rights****第 84 條**

著作權人或製版權人對於侵害其權利者，得請求排除之，有侵害之虞者，得請求防止之。

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.

第 85 條

侵害著作人格權者，負損害賠償責任。雖非財產上之損害，被害人亦得請求賠償相當之金額。

前項侵害，被害人並得請求表示著作人之姓名或名稱、更正內容或為其他回復名譽之適當處分。

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.

第 86 條

著作人死亡後，除其遺囑另有指定外，下列之人，依順序對於違反第十八條或有違反之虞者，得依第八十四條及前條第二項規定，請求救濟：

- 一、配偶。
- 二、子女。
- 三、父母。
- 四、孫子女。
- 五、兄弟姊妹。
- 六、祖父母。

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

第 87 條

有下列情形之一者，除本法另有規定外，視為侵害著作權或製版權：

- 一、以侵害著作人名譽之方法利用其著作。
- 二、明知為侵害製版權之物而散布或意圖散布而公開陳列或持有者。
- 三、輸入未經著作財產權人或製版權人授權重製之重製物或製版物者。
- 四、未經著作財產權人同意而輸入著作原件或其重製物者。
- 五、以侵害電腦程式著作財產權之重製物作為營業之使用者。
- 六、明知為侵害著作財產權之

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 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

物而以移轉所有權或出租以外之方式散布者，或明知為侵害著作財產權之物，意圖散布而公開陳列或持有者。

七、未經著作財產權人同意或授權，意圖供公眾透過網路公開傳輸或重製他人著作，侵害著作財產權，對公眾提供可公開傳輸或重製著作之電腦程式或其他技術，而受有利益者。前項第七款之行為人，採取廣告或其他積極措施，教唆、誘使、煽惑、說服公眾利用電腦程式或其他技術侵害著作財產權者，為具備該款之意圖。

第 87-1 條

有下列情形之一者，前條第四款之規定，不適用之：

一、為供中央或地方機關之利用而輸入。但為供學校或其他教育機構之利用而輸入或非以保存資料之目的而輸入視聽著作原件或其重製物者，不在此限。

二、為供非營利之學術、教育或宗教機構保存資料之目的而輸入視聽著作原件或一定數量重製物，或為其圖書館借閱或保存資料之目的而輸入視聽著作以外之其他著作原件或一定數量重製物，並應依第四十八條規定利用之。

三、為供輸入者個人非散布之利用或屬入境人員行李之一部分而輸入著作原件或一定數量重製物者。

四、附含於貨物、機器或設備之著作原件或其重製物，隨同貨物、機器或設備之合法輸入而輸入者，該著作原件或其重製物於使用或操作貨物、機器或設備時不得重製。

五、附屬於貨物、機器或設備之說明書或操作手冊，隨同貨物、機器或設備之合法輸入而

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.

A person who undertakes the actions set out in subparagraph 7 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 the computer program or other technology provided by that person for the purpose of infringing upon the economic rights of others.

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.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.

5.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

輸入者。但以說明書或操作手冊為主要輸入者，不在此限。前項第二款及第三款之一定數量，由主管機關另定之。

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.

第 88 條

因故意或過失不法侵害他人之著作財產權或製版權者，負損害賠償責任。數人共同不法侵害者，連帶負賠償責任。

前項損害賠償，被害人得依下列規定擇一請求：

一、依民法第二百十六條之規定請求。但被害人不能證明其損害時，得以其行使權利依通常情形可得預期之利益，減除被侵害後行使同一權利所得利益之差額，為其所受損害。

二、請求侵害人因侵害行為所得之利益。但侵害人不能證明其成本或必要費用時，以其侵害行為所得之全部收入，為其所得利益。

依前項規定，如被害人不易證明其實際損害額，得請求法院依侵害情節，在新臺幣一萬元以上一百萬元以下酌定賠償額。如損害行為屬故意且情節重大者，賠償額得增至新臺幣五百萬元。

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.

第 88-1 條

依第八十四條或前條第一項請求時，對於侵害行為作成之物或主要供侵害所用之物，得請求銷燬或為其他必要之處置。

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.

第 89 條

被害人得請求由侵害人負擔費用，將判決書內容全部或一部登載新聞紙、雜誌。

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.

第 89-1 條

第八十五條及第八十八條之損害賠償請求權，自請求權人知有損害及賠償義務人時起，二年間不行使而消滅。自有侵權行為時起，逾十年者亦同。

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.

第 90 條

共同著作之各著作權人，對於侵害其著作權者，得各依本章之規定，請求救濟，並得按其應有部分，請求損害賠償。前項規定，於因其他關係成立之共有著作財產權或製版權之共有人準用之。

第 90-1 條

著作權人或製版權人對輸入或輸出侵害其著作權或製版權之物者，得申請海關先予查扣。前項申請應以書面為之，並釋明侵害之事實，及提供相當於海關核估該進口貨物完稅價格或出口貨物離岸價格之保證金，作為被查扣人因查扣所受損害之賠償擔保。海關受理查扣之申請，應即通知申請人。如認符合前項規定而實施查扣時，應以書面通知申請人及被查扣人。

申請人或被查扣人，得向海關申請檢視被查扣之物。查扣之物，經申請人取得法院民事確定判決，屬侵害著作權或製版權者，由海關予以沒入。沒入物之貨櫃延滯費、倉租、裝卸費等有關費用暨處理銷燬費用應由被查扣人負擔。前項處理銷燬所需費用，經海關限期通知繳納而不繳納者，依法移送強制執行。

有下列情形之一者，除由海關廢止查扣依有關進出口貨物通關規定辦理外，申請人並應賠償被查扣人因查扣所受損害：

- 一、查扣之物經法院確定判決，不屬侵害著作權或製版權之物者。
- 二、海關於通知申請人受理查扣之日起十二日內，未被告知就查扣物為侵害物之訴訟已提

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

起者。

三、申請人申請廢止查扣者。
前項第二款規定之期限，海關得視需要延長十二日。

有下列情形之一者，海關應依申請人之申請返還保證金：

一、申請人取得勝訴之確定判決或與被查扣人達成和解，已無繼續提供保證金之必要者。

二、廢止查扣後，申請人證明已定二十日以上之期間，催告被查扣人行使權利而未行使者。

三、被查扣人同意返還者。
被查扣人就第二項之保證金與質權人有同一之權利。

海關於執行職務時，發現進出口貨物外觀顯有侵害著作權之嫌者，得於一個工作日內通知權利人並通知進出口人提供授權資料。權利人接獲通知後對於空運出口貨物應於四小時內，空運進口及海運進出口貨物應於一個工作日內至海關協助認定。權利人不明或無法通知，或權利人未於通知期限內至海關協助認定，或經權利人認定系爭標的物未侵權者，若無違反其他通關規定，海關應即放行。

經認定疑似侵權之貨物，海關應採行暫不放行措施。

海關採行暫不放行措施後，權利人於三個工作日內，未依第一項至第十項向海關申請查扣，或未採行保護權利之民事、刑事訴訟程序，若無違反其他通關規定，海關應即放行。

第 90-2 條

前條之實施辦法，由主管機關會同財政部定之。

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.

第 90-3 條

違反第八十條之一或第八十條之二規定，致著作權人受損害者，負賠償責任。數人共同違反者，負連帶賠償責任。

第八十四條、第八十八條之一、第八十九條之一及第九十條之一規定，於違反第八十條之一或第八十條之二規定者，準用之。

第六章之一 網路服務提供者之民事免責事由**第 90-4 條**

符合下列規定之網路服務提供者，適用第九十條之五至第九十條之八之規定：

一、以契約、電子傳輸、自動偵測系統或其他方式，告知使用者其著作權或製版權保護措施，並確實履行該保護措施。

二、以契約、電子傳輸、自動偵測系統或其他方式，告知使用者若有三次涉有侵權情事，應終止全部或部分服務。

三、公告接收通知文件之聯繫窗口資訊。

四、執行第三項之通用辨識或保護技術措施。

連線服務提供者於接獲著作權人或製版權人就其使用者所為涉有侵權行為之通知後，將該通知以電子郵件轉送該使用者，視為符合前項第一款規定。著作權人或製版權人已提供為保護著作權或製版權之通用辨識或保護技術措施，經主管機關核可者，網路服務提供者應配合執行之。

第 90-5 條

有下列情形者，連線服務提供者對其使用者侵害他人著作權或製版權之行為，不負賠償責任：

一、所傳輸資訊，係由使用者

Article 90-3

Whoever violates any provision of Article 80bis or Article 80ter, 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 88bis, Article 89bis, and Article 90bis shall apply mutatis mutandis to violations of Article 80bis or Article 80ter.

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 90sexies to Article 90novies 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

所發動或請求。

二、資訊傳輸、發送、連結或儲存，係經由自動化技術予以執行，且連線服務提供者未就傳輸之資訊為任何篩選或修改。

第 90-6 條

有下列情形者，快速存取服務提供者對其使用者侵害他人著作權或製版權之行為，不負賠償責任：

一、未改變存取之資訊。

二、於資訊提供者就該自動存取之原始資訊為修改、刪除或阻斷時，透過自動化技術為相同之處理。

三、經著作權人或製版權人通知其使用者涉有侵權行為後，立即移除或使他人無法進入該涉有侵權之內容或相關資訊。

第 90-7 條

有下列情形者，資訊儲存服務提供者對其使用者侵害他人著作權或製版權之行為，不負賠償責任：

一、對使用者涉有侵權行為不知情。

二、未直接自使用者之侵權行為獲有財產上利益。

三、經著作權人或製版權人通知其使用者涉有侵權行為後，立即移除或使他人無法進入該涉有侵權之內容或相關資訊。

第 90-8 條

有下列情形者，搜尋服務提供者對其使用者侵害他人著作權或製版權之行為，不負賠償責任：

一、對所搜尋或連結之資訊涉有侵權不知情。

二、未直接自使用者之侵權行為獲有財產上利益。

三、經著作權人或製版權人通知其使用者涉有侵權行為後，立即移除或使他人無法進入該

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

涉有侵權之內容或相關資訊。

infringement by the user of the service provider.

第 90-9 條

資訊儲存服務提供者應將第九十條之七第三款處理情形，依其與使用者約定之聯絡方式或使用者留存之聯絡資訊，轉送該涉有侵權之使用者。但依其提供服務之性質無法通知者，不在此限。

前項之使用者認其無侵權情事者，得檢具回復通知文件，要求資訊儲存服務提供者回復其被移除或使他人無法進入之內容或相關資訊。

資訊儲存服務提供者於接獲前項之回復通知後，應立即將回復通知文件轉送著作權人或製版權人。

著作權人或製版權人於接獲資訊儲存服務提供者前項通知之次日起十個工作日內，向資訊儲存服務提供者提出已對該使用者訴訟之證明者，資訊儲存服務提供者不負回復之義務。

著作權人或製版權人未依前項規定提出訴訟之證明，資訊儲存服務提供者至遲應於轉送回回復通知之次日起十四個工作日內，回復被移除或使他人無法進入之內容或相關資訊。但無法回復者，應事先告知使用者，或提供其他適當方式供使用者回復。

第 90-10 條

有下列情形之一者，網路服務提供者對涉有侵權之使用者，不負賠償責任：

一、依第九十條之六至第九十條之八之規定，移除或使他人無法進入該涉有侵權之內容或相關資訊。

二、知悉使用者所為涉有侵權情事後，善意移除或使他人無法進入該涉有侵權之內容或相關資訊。

Article 90-9

An information storage service provider shall forward notice to the allegedly infringing user of any measures taken under Article 90octies, 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 90septies to 90novies; 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.

第 90-11 條

因故意或過失，向網路服務提供者提出不實通知或回復通知，致使用者、著作權人、製版權人或網路服務提供者受有損害者，負損害賠償責任。

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.

第 90-12 條

第九十條之四聯繫窗口之公告、第九十條之六至第九十條之九之通知、回復通知內容、應記載事項、補正及其他應遵行事項之辦法，由主管機關定之。

Article 90-12

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

第七章 罰則**Chapter VII Penal Provisions****第 91 條**

擅自以重製之方法侵害他人之著作財產權者，處三年以下有期徒刑、拘役，或科或併科新臺幣七十五萬元以下罰金。

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.

意圖銷售或出租而擅自以重製之方法侵害他人之著作財產權者，處六月以上五年以下有期徒刑，得併科新臺幣二十萬元以上二百萬元以下罰金。

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.

以重製於光碟之方法犯前項之罪者，處六月以上五年以下有期徒刑，得併科新臺幣五十萬元以上五百萬元以下罰金。

A person who commits the offense in the preceding paragraph by means of reproducing onto an optical disk shall be imprisoned not less than six months and not more than five years, and in addition thereto, may be fined not less than five hundred thousand and not more than five million New Taiwan Dollars.

著作僅供個人參考或合理使用者，不構成著作權侵害。

A work only for personal reference or fair use of a work does not constitute infringement of copyright.

第 91-1 條

擅自以移轉所有權之方法散布著作原件或其重製物而侵害他人之著作財產權者，處三年以下有期徒刑、拘役，或科或併科新臺幣五十萬元以下罰金。

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.

明知係侵害著作財產權之重製物而散布或意圖散布而公開陳列或持有者，處三年以下有期徒刑，得併科新臺幣七萬元以

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

上七十五萬元以下罰金。
犯前項之罪，其重製物為光碟者，處六月以上三年以下有期徒刑，得併科新臺幣二十萬元以上二百萬元以下罰金。但違反第八十七條第四款規定輸入之光碟，不在此限。
犯前二項之罪，經供出其物品來源，因而破獲者，得減輕其刑。

第 92 條

擅自以公開口述、公開播送、公開上映、公開演出、公開傳輸、公開展示、改作、編輯、出租之方法侵害他人之著作財產權者，處三年以下有期徒刑、拘役、或科或併科新臺幣七十五萬元以下罰金。

第 93 條

有下列情形之一者，處二年以下有期徒刑、拘役，或科或併科新臺幣五十萬元以下罰金：

- 一、侵害第十五條至第十七條規定之著作人格權者。
- 二、違反第七十條規定者。
- 三、以第八十七條第一項第一款、第三款、第五款或第六款方法之一侵害他人之著作權者。但第九十一條之一第二項及第三項規定情形，不在此限。
- 四、違反第八十七條第一項第七款規定者。

第 94 條

(刪除)

第 95 條

違反第一百十二條規定者，處一年以下有期徒刑、拘役，或科或併科新臺幣二萬元以上二十五萬元以下罰金。

第 96 條

違反第五十九條第二項或第六十四條規定者，科新台幣五萬

than seven hundred and fifty thousand New Taiwan Dollars.

A person who commits the offense in the preceding paragraph and the infringing copy is optical disk shall be imprisoned not less than six months and not more than three years and, in addition thereto, may be fined not less than two hundred thousand and not more than two million New Taiwan Dollars; provided, this shall not apply to optical disks imported in violation of subparagraph 4 of Article 87. Punishment of an offense in the preceding two paragraphs 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 91bis.
4. Violations of subparagraph 7 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

元以下罰金。

or the provisions of Article 64.

第 96-1 條

有下列情形之一者，處一年以下有期徒刑、拘役，或科或併科新臺幣二萬元以上二十五萬元以下罰金：

- 一、違反第八十條之一規定者。
- 二、違反第八十條之二第二項規定者。

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 80bis.
2. Violation of paragraph 2 of Article 80ter.

第 96-2 條

依本章科罰金時，應審酌犯人之資力及犯罪所得之利益。如所得之利益超過罰金最多額時，得於所得利益之範圍內酌量加重。

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.

第 97 條

(刪除)

Article 97

(deleted)

第 97-1 條

事業以公開傳輸之方法，犯第九十一條、第九十二條及第九十三條第四款之罪，經法院判決有罪者，應即停止其行為；如不停止，且經主管機關邀集專家學者及相關業者認定侵害情節重大，嚴重影響著作財產權人權益者，主管機關應限期一個月內改正，屆期不改正者，得命令停業或勒令歇業。

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.

第 98 條

犯第九十一條至第九十三條、第九十五條至第九十六條之一之罪，供犯罪所用或因犯罪所得之物，得沒收之。但犯第九十一條第三項及第九十一條之一第三項之罪者，其得沒收之物，不以屬於犯人者為限。

Article 98

An article used in the commission of an offense or acquired through the commission of an offense set forth in Article 91 through Article 93, Article 95 through Article 96bis may be confiscated; provided, for an offense set forth in paragraph 3 of Article 91 or paragraph 3 of Article 91bis, articles which may be confiscated are not limited to those belonging to the offende

第 98-1 條

犯第九十一條第三項或第九十一條之一第三項之罪，其行為人逃逸而無從確認者，供犯罪

Article 98- 1

An article used in the commission of an offense or acquired through the commission of an offense set forth in paragraph 3, Article 91, or paragraph 3, Article 91bis, may be confiscated by the judiciary

所用或因犯罪所得之物，司法警察機關得逕為沒入。

前項沒入之物，除沒入款項繳交國庫外，銷燬之。其銷燬或沒入款項之處理程序，準用社會秩序維護法相關規定辦理。

第 99 條

犯第九十一條至第九十三條、第九十五條之罪者，因被害人或其他有告訴權人之聲請，得令將判決書全部或一部登報，其費用由被告負擔。

第 100 條

本章之罪，須告訴乃論。但犯第九十一條第三項及第九十一條之一第三項之罪，不在此限。

第 101 條

法人之代表人、法人或自然人之代理人、受雇人或其他從業人員，因執行業務，犯第九十一條至第九十三條、第九十五條至第九十六條之一之罪者，除依各該條規定處罰其行為人外，對該法人或自然人亦科各該條之罰金。

對前項行為人、法人或自然人之一方告訴或撤回告訴者，其效力及於他方。

第 102 條

未經認許之外國法人，對於第九十一條至第九十三條、第九十五條至第九十六條之一之罪，得為告訴或提起自訴。

第 103 條

司法警察官或司法警察對侵害他人之著作權或製版權，經告訴、告發者，得依法扣押其侵害物，並移送偵辦。

第 104 條

(刪除)

police if the offender escapes and is therefore unidentifiable.

The article confiscated pursuant to the preceding paragraph shall be destroyed, provided that where the confiscated article is money, that money shall be submitted to the national treasury. The relevant provisions of the Act for the Maintenance of Social Order shall apply mutatis mutandis to the procedures of the aforementioned destruction and submission.

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 to offenses specified in paragraph 3 of Article 91 and paragraph 3 of Article 91bis.

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 96bis 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 96bis.

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)

第八章 附則**Chapter VIII Supplementary Provisions****第 105 條**

依本法申請強制授權、製版權登記、製版權讓與登記、製版權信託登記、調解、查閱製版權登記或請求發給謄本者，應繳納規費。
前項收費基準，由主管機關定之。

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.

第 106 條

著作完成於中華民國八十一年六月十日本法修正施行前，且合於中華民國八十七年一月二十一日修正施行前本法第一百零六條至第一百零九條規定之一者，除本章另有規定外，適用本法。

著作完成於中華民國八十一年六月十日本法修正施行後者，適用本法。

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.

第 106-1 條

著作完成於世界貿易組織協定在中華民國管轄區域內生效日之前，未依歷次本法規定取得著作權而依本法所定著作財產權期間計算仍在存續中者，除本章另有規定外，適用本法。但外國人著作在其源流國保護期間已屆滿者，不適用之。

前項但書所稱源流國依西元一九七一年保護文學與藝術著作之伯恩公約第五條規定決定之。

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).

第 106-2 條

依前條規定受保護之著作，其利用人於世界貿易組織協定在中華民國管轄區域內生效日之前，已著手利用該著作或為利用該著作已進行重大投資者，除本章另有規定外，自該生效日起二年內，得繼續利用，不適用第六章及第七章規定。

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

自中華民國九十二年六月六日本法修正施行起，利用人依前項規定利用著作，除出租或出借之情形外，應對被利用著作之著作財產權人支付該著作一般經自由磋商所應支付合理之使用報酬。

依前條規定受保護之著作，利用人未經授權所完成之重製物，自本法修正公布一年後，不得再行銷售。但仍得出租或出借。

利用依前條規定受保護之著作另行創作之著作重製物，不適用前項規定。但除合於第四十四條至第六十五條規定外，應對被利用著作之著作財產權人支付該著作一般經自由磋商所應支付合理之使用報酬。

第 106-3 條

於世界貿易組織協定在中華民國管轄區域內生效日之前，就第一百零六條之一著作改作完成之衍生著作，且受歷次本法保護者，於該生效日以後，得繼續利用，不適用第六章及第七章規定。

自中華民國九十二年六月六日本法修正施行起，利用人依前項規定利用著作，應對原著作之著作財產權人支付該著作一般經自由磋商所應支付合理之使用報酬。

前二項規定，對衍生著作之保護，不生影響。

第 107 條

(刪除)

第 108 條

(刪除)

第 109 條

(刪除)

第 110 條

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 106bis, 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

第十三條規定，於中華民國八十一年六月十日本法修正施行前已完成註冊之著作，不適用之。

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.

第 111 條

有下列情形之一者，第十一條及第十二條規定，不適用之：
一、依中華民國八十一年六月十日修正施行前本法第十條及第十一條規定取得著作權者。
二、依中華民國八十七年一月二十一日修正施行前本法第十一條及第十二條規定取得著作權者。

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.

第 112 條

中華民國八十一年六月十日本法修正施行前，翻譯受中華民國八十一年六月十日修正施行前本法保護之外國人著作，如未經其著作權人同意者，於中華民國八十一年六月十日本法修正施行後，除合於第四十四條至第六十五條規定者外，不得再重製。

前項翻譯之重製物，於中華民國八十一年六月十日本法修正施行滿二年後，不得再行銷售。

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.

第 113 條

自中華民國九十二年六月六日本法修正施行前取得之製版權，依本法所定權利期間計算仍在存續中者，適用本法規定。

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.

第 114 條

(刪除)

Article 114

(deleted)

第 115 條

本國與外國之團體或機構互訂保護著作權之協議，經行政院核准者，視為第四條所稱協定。

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.

第 115-1 條

製版權登記簿、註冊簿或製版物樣本，應提供民眾閱覽抄錄。

Article 115- 1

The plate rights register or recordation log, and samples submitted, shall be made available to the public for inspection and copying.

中華民國八十七年一月二十一日
日本法修正施行前之著作權註
冊簿、登記簿或著作樣本，得
提供民眾閱覽抄錄。

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.

第 115-2 條

法院為處理著作權訴訟案件，
得設立專業法庭或指定專人辦
理。
著作權訴訟案件，法院應以判
決書正本一份送著作權專責機
關。

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.

第 116 條

(刪除)

Article 116

(deleted)

第 117 條

本法除中華民國八十七年一月
二十一日修正公布之第一百零
六條之一至第一百零六條之三
規定，自世界貿易組織協定在
中華民國管轄區域內生效日起
施行，及中華民國九十五年五
月五日修正之條文，自中華民
國九十五年七月一日施行外，
自公布日施行。

Article 117

This Act shall take effect from the date of promulgation, provided that the provisions of Articles 106bis through 106quater 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