

Copyright Law in Taiwan

With an office in Taipei, the international law firm Wang & Wang assists clients with the acquisition, registration, and protection of copyrights in Taiwan.

- Copyright Protection for Foreign Nationals
- Exclusive Rights Retained by Copyright Owners
- Term of Protection
- Works Protected in Taiwan
- Copyright Ownership
- Civil Remedies
- Criminal Penalties

Copyright Protection for Foreign Nationals

Ownership of the copyright to a work is granted to Taiwan nationals upon completion of the work. By virtue of the 1946 Friendship, Commerce, and Navigation Treaty between Taiwan and the U.S., the works of U.S. nationals are also granted copyright upon completion. Taiwan is not a member of the Berne Convention. Works created by nationals of the United Kingdom, Hong Kong, and Spain are also protected by treaty. After January 1, 2002 when Taiwan entered into the World Trade Organization ("WTO"), works created by nationals of the member states obtained protection. However, other works, unless first published in Taiwan, or published in Taiwan no more than 30 days after first publication in a nation that provides reciprocal protection to Taiwan nationals, will not be protected in Taiwan.

[Back To Top](#)

Exclusive Rights Retained by Copyright Owners

Only the copyright owner may exercise the following personality rights and property rights:

- Right of reproduction
- Right of public recitation
- Right of public broadcasting
- Right of public projection
- Right of public performance
- Right of public transmission
- Right of public exhibition
- Right of compilation
- Right to distribute their works through transfer of ownership
- Right of leasing
- Right of adaptation

[Back To Top](#)

Term of Protection

Generally, the term of copyright ownership is the life of the author plus 50 years, starting at the date of completion. When the date of completion is unknown, the copyright term begins at the date of first publication. In the following instances, the term of copyright will endure for 50 years after the public release of the work:

- Economic rights for works authored by a juristic person endure for 50 years after the public release of the work; however, if the work is not publicly released within 50 years from the date of completing the creation, the economic rights shall subsist for 50 years after completion of the creation.
- Economic rights for photographic works, audiovisual works, sound recordings, and performances endure for 50 years after the public release of the work.

[Back To Top](#)

Works Protected in Taiwan

Taiwan copyright law protects ten types of works:

- Literary works, including oral works, translations, translations of oral works, compilations, and derivative works

- Dramatics and choreographic works, including lectures, musical performances, and stage presentations
- Artistic works
- Pictorial works
- Musical works
- Motion pictures including videotapes
- Sound recordings
- Photographic works
- Computer programs
- Architectural works

[Back To Top](#)

Copyright Ownership

Copyright belongs to the author of the works. If the creator is employed to create a work, he is the author, but the employer may be the author pursuant to a written agreement with the employee. Copyrights may be jointly owned by two or more persons and may be assigned in whole or in part.

[Back To Top](#)

Civil Remedies

Civil remedies available to a copyright owner whose copyright is infringed upon include monetary damages, removal of infringement and prevention of future infringement, and publication of a court judgment. Monetary damages will be assessed based on the profits obtained by the infringer and losses suffered by the injured party. If the copyright owner fails to prove the actual amount of damages, then the damages will be determined by the court, from NT\$10,000 to NT\$1,000,000 (roughly US \$30,000).

[Back To Top](#)

Criminal Penalties

The Copyright Law provides for criminal penalties for various types of copyright infringements. For example, any person who reproduces the work of another without authorization is subject to imprisonment of no more than three years, and a fine of no more than NT \$750,000 (roughly US \$22,000). Any person who commits such an offense as a profession shall be imprisoned for between one year and seven years, and in addition, may be fined up to NT \$3,000,000 (roughly US \$90,000). Generally, prosecution for copyright infringement shall be instituted only upon complaint by the injured party. For more specific information on protection of copyrights, please visit our page describing Intellectual Property Enforcement in Taiwan.

[Back To Top](#)

[HOME](#) [ABOUT US](#) [BUSINESS & LITIGATION](#) [INTELLECTUAL PROPERTY](#) [INTERNATIONAL FILINGS](#) [NEWS & PUBLICATIONS](#) [CONTACT US](#) [MAPS & DIRECTIONS](#)



Attorney Advertising. This web site is designed for general information only. The information presented at this site should not be construed to be formal legal advice nor the formation of a lawyer/client relationship. [[Site Map](#)] [[Bookmark Us](#)]