Article 1

These Regulations are prescribed pursuant to Paragraph 2 of Article 69 of the Copyright Act (hereinafter referred to as "the Act").

Article 2

In applying for approval of a compulsory license, the following documents shall be presented:
1.A written application form;
2.One sample copy of the musical work; and
3.Other relevant evidential documents.

Article 3

Except as otherwise provided under these Regulations, the written application form in Item 1 of the preceding Article shall indicate the following matters and be signed or sealed by the applicant or the agent thereof.

1.Applicant's name, date of birth or establishment, and domicile or residence, and, if the applicant is a juridical person, the name of its representative;

2.The agent's name and domicile or residence if the application is made by an agent, or, the name of its representative if the agent is a juridical person;

3.The title of the musical work;

4.The name and nationality of the author of the musical work;

5.The name, nationality, and domicile or residence of the owner of the economic rights to the musical work; also the agent's name and domicile or residence if there is an agent known by the applicant. However, if the musical work has been exclusively licensed, the written application form should then indicate the name or title, nationality, and domicile or residence of the exclusive licensee to the musical work; also the agent's name or title and domicile or residence if there is an agent known by the applicant;

6.The title of the sound recording for sale which has been recorded with the musical work and a statement indicating that the sound recording has been publicly published for over six months;

7.A statement indicating that the applicant wishes to exploit the musical work to record and produce other sound recordings for sale;

8.The kind of carrier which will be recorded with the sound recording to be published and the wholesale price thereof;

9.The quantity of the sound recording to be published; and

10.The quantity of musical works which the applicant wants to exploit in the sound recording he/she plans to publish.

Where the musical work does not indicate the matters in Item 3 of the preceding Paragraph, the matters may be omitted. The domicile or residence of the owner, the exclusive licensee of the economic rights and the agent thereof may also be omitted if it is unknown.

Where the musical work is in conformance with the situation provided by Item 1 of Article 4 of the Act, the written application form shall indicate the country or area of its first publication and the date of publication as prescribed in that Item.

Where the musical work is in conformance with the situation provided by the proviso of Article 4 of the Act, the written application form shall indicate the relevant facts complying with that proviso.

Article 4

Except as otherwise provided under these Regulations, the relevant evidential documents referred to in Item 3 of Article 2 include:
1.Evidential documents indicating that the sound recording for sale is

recorded with a musical work; and
2.Evidential documents for the fact that the sound recording for sale as set forth in the preceding Item has been publicly published for over six months.

Article 5

Where an appointed agent files the application for a compulsory license, a power of attorney or an evidential document for authorization shall be presented. When the agent is changed or discharged, the change or discharge shall not take effect before a written notice of such change or discharge is given to the Copyright Competent Authority.

Article 6

Where the documents presented by the applicant are foreign official documents, the documents shall be authenticated by an ROC embassy/consulate, representative office, branch office, or other institute authorized by the Ministry of Foreign Affairs of the Republic of China, or verified by a court or a civil notary public of the Republic of China.
Where the documents presented by the applicant are in a foreign language, a Chinese translation thereof shall be submitted.

Article 7

After accepting the application, the Copyright Competent Authority shall notify the owner of the economic rights to the musical work and the agent thereof. If the musical work has been exclusively licensed, the exclusive licensee to the musical work and the agent thereof shall be notified. If the domicile or residence of the owner is unknown, the Copyright Competent Authority shall put the contents of the written application into a public notice.

The owner of the economic rights and the agent thereof or the exclusive licensee and the agent thereof referred to in the preceding paragraph may submit their opinions in writing pertaining to the content of the application form stipulated in Paragraph 1 of Article 3 to the Copyright Competent Authority within thirty days after receiving the notification or the public notice set by the Copyright Competent Authority.

Where the owner of the economic rights to the musical work appoints an agent or has an agent to submit his/her opinion, a power of attorney or an evidential document for authorization shall be presented. When the agent is changed or discharged, the change or discharge shall not take effect before a written notice of such change or discharge is given to the Copyright Competent Authority.

Article 8

Under any of the following situations, the Copyright Competent Authority should notify the applicant for correction by given deadline:

1.Where the application fee is not paid in compliance with these Regulations;

2.Where the written application form presented is not signed or sealed by the applicant or his/her agent;

3.Where the items required to be indicated in the written application form are missing or incomplete;

4.Where the items indicated in the written application form conflict with the evidential documents or the sample copy of the musical work;

5.Where the documents required to be submitted.

6.Other situations that need to be corrected.

Article 9

Under any of the following situations, the Copyright Competent Authority shall reject the application:

1.Where the Copyright Competent Authority has set a deadline demanding correction in accordance with the provisions of the preceding Article, but the applicant has failed to correct or complete the correction by the deadline;

2.Where the written application conflicts with Paragraph 1 of Article 69 of the Act; or

3.Where the matters indicated in the application form are untrue.

Article 10

Where the Copyright Competent Authority does not approve the compulsory license, it shall notify the applicant, the owner of the economic right to the musical work and the agent thereof with a written statement of reasons. If the musical work has been exclusively licensed, the exclusive licensee and the agent thereof shall be notified.

Article 11

Where the Copyright Competent Authority approves the compulsory license, it shall put the approval decision into a public notice and notify the applicant, the owner of the economic right to the musical work and the agent thereof. If the musical work has been exclusively licensed, the exclusive licensee and the agent thereof shall be notified.

Article 12

Upon approving a compulsory license, the Copyright Competent Authority shall simultaneously inform the applicant of how the royalties will be calculated and in what manner the license is permitted to use. The royalties paid by the applicant shall be calculated as follows:

Royalties =

The wholesale price of a sound recording which is scheduled to be published X 5.4% X the quantity to be published

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The quantity of the musical work which would be used for the sound recording to be published

In accordance with the formula of the preceding Paragraph, where the amount of the royalties calculated is under twenty thousand New Taiwan Dollars, it shall be calculated as twenty thousand New Taiwan Dollars; provided, the applicant has special reason and provide evidence to demonstrate, may calculate according to the preceding Paragraph.

Article 13

The applicant who has lodged royalties shall report to the Copyright Competent Authority for its recordation.

Article 14

Where the applicant has not paid royalties, he/she shall not use the musical work to record and produce a sound recording for sale.

Article 15

The applicant who has obtained approval for a compulsory license from the Copyright Competent Authority shall not transfer the approval or prohibit others from recording and producing another sound recording.

Article 16

Where the estimated wholesale price that the applicant has submitted is lower than the actual wholesale price or the estimated quantities of the musical works that the applicant has applied to use is higher than the quantities of the musical works that actually have been used, resulting in the amount of the royalties being higher than what is calculated according to the provision of Article 12, the applicant shall make up for the deficiency.

After the Copyright Competent Authority has approved a compulsory license, the applicant who wishes to increase the quantity of publications originally approved shall apply to the Copyright Competent Authority for change of the quantity of publication.

Where the Copyright Competent Authority approves the change as set forth in the preceding Paragraph, it shall put the approval decision into a public notice and notify the applicant, the owner of the economic rights to the musical work and the agent thereof. If the musical work has been

exclusively licensed, the exclusive licensee and the agent thereof shall be notified.

Article 17

The sound recordings recorded and produced in accordance with these Regulations shall indicate the following matters:

1.The title of the musical work;

2.The name of the author of the musical work;

3.The date and document number of approval of the compulsory license by the Copyright Competent Authority;

4.Areas of sales;

5.Serial number that is sufficient to identify the quantity to be published; and

6.The product title and code of the produced record work

Where the musical work does not indicate the matters in Item 1 of the preceding Paragraph, the matters may be omitted. The produced record work may also be omitted if it does not indicate the matters in Item 6 of the preceding Paragraph.

The applicant shall, in accordance with Paragraph 1, submit a publication sample to the Copyright Competent Authority, the owner of the economic rights to the musical work and the agent thereof within 14 days. If the musical work has been exclusively licensed, the applicant shall submit a publication sample to the exclusive licensee and the agent thereof within 14 days, except where the domicile or residence of the owner, the exclusive licensee or the agent thereof is unknown.

Article 18

The Copyright Competent Authority revoking or abolishing approval pursuant to Article 71 of the Act, shall publicize its decision and notify the applicant, the owner of the economic rights to the musical work and the agent thereof. If the musical work has been exclusively licensed, the exclusive licensee and the agent thereof shall be notified.

The Copyright Competent Authority shall first inform the applicant to state his/her opinion within a specified deadline before the revocation or abolishment of approval stated in the preceding Paragraph.

Article 19

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