

TAIWAN

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA) 2017 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Special 301 Recommendation: IIPA recommends that Taiwan be placed on the Special 301 Priority Watch List.¹

Executive Summary: The market for creative works in Taiwan continued to deteriorate in 2016 due to the incessant growth of digital piracy, which has created an environment inimical to legitimate content producers. This is particularly unfortunate because Taiwan was once at the forefront in the region of establishing policies that fostered and rewarded creativity. Over the last several years, however, Taiwan has not made any progress towards meeting the challenges of the digital age and protecting creative investment, whether foreign or homegrown. Although the new Administration has taken some nominally positive steps, the Government of Taiwan has not been willing to adopt measures adequate to address Taiwan's urgent Internet piracy problem.

Make no mistake, the scale of Taiwan's online piracy problem calls for urgent action. The motion picture industry estimates that during one three-month period, there were five times more page views to top piracy websites as there were visits to the top legitimate platforms in Taiwan, outpacing most of Asia. More and more, Taiwan is becoming an outlier in the region regarding both its high levels of online piracy and its lack of will to address the problem. Taiwan remains without an effective mechanism to address foreign piracy websites that target consumers in Taiwan. Illicit Streaming Device (ISD) piracy is rapidly increasing. Websites and apps that facilitate stream ripping are proliferating. And e-book piracy is booming, including a derivative form of e-book piracy involving distribution of on-demand printouts at educational institutions, which is overtaking the longstanding problem of unauthorized photocopying of textbooks.

Taiwan has thus far failed to take advantage of opportunities to address this increasingly dire situation. The fourth draft amendments to the Copyright Law ("Fourth Draft") fail to provide tools adequate to effectively address Internet piracy, including the problems posed by non-hosted infringement and piracy websites hosted outside of Taiwan. The Fourth Draft also moves Taiwan further away from international norms and raises questions regarding Taiwan's commitment to its existing international obligations. A second set of Copyright Law amendments ("TPP Draft") intended to further Taiwan's aspiration to join the Trans-Pacific Partnership (TPP) appears to include provisions that would improve some of the deficiencies in the Fourth Draft, but falls short in other key areas. IIPA hopes that, eventually, Taiwan incorporates the positive aspects of the TPP Draft into the Fourth Draft. Taiwan should also add a remedy, similar to those employed in other parts of the world, to combat foreign-hosted websites that facilitate infringement; bring its term of protection in line with evolving global norms; and correct unfair practices regarding collective management.

Unfortunately, Taiwan's enforcement regime has not met the challenge of its Internet piracy problem. Although industry cooperates well with enforcement authorities, recent legal changes have inhibited investigations into online piracy cases. Furthermore, the judiciary in Taiwan typically views copyright piracy as a minor offense, resulting in suspended sentences in recent criminal cases. The lack of adequate and effective protection and enforcement is at odds with the industry's contribution to the economy, as demonstrated by a 2014 Oxford Economics study showing local film and television sectors directly contribute US\$5.5 billion to Taiwan's GDP, support 113,800 jobs and generate approximately US\$543 million in tax revenues. Moreover, Taiwan is a hub of music production for the Chinese speaking world and a major exporter of "C-pop." We urge the Taiwanese Government to reinvestigate its commitment to protect and nurture this important contributor to Taiwan's economy.

¹For more details on Taiwan's Special 301 history, see previous years' reports at <http://www.iipawebsite.com/countryreports.html>. For the history of Taiwan's Special 301 placement, see <http://www.iipawebsite.com/pdf/2017SPEC301HISTORICALCHART.PDF>.



PRIORITY ACTIONS REQUESTED IN 2017

Enforcement:

- Ensure that the Criminal Investigation Bureau (CIB) focuses on piracy cases and that the Criminal Investigation Brigade (CIBr) is provided with sufficient training to investigate online piracy cases.
- Increase trainings for judges and prosecutors on specific issues related to online copyright infringement.
- Take action against book piracy at educational institutions, including against providers of on-demand printouts of pirated e-books, and against digital piracy on online education platforms.
- Bring and conclude a greater number of ISD piracy cases under Articles 87(7) or 91 of the Copyright Law, as aiding or abetting cases under the criminal law, or through other measures.
- Issue an administrative statement confirming Article 87(7) of the Copyright Law can be used to bring cases against websites and apps that facilitate stream ripping and bring cases under that provision.

Legislative:

- As part of amendments to the Copyright Law or the revision of the draft Digital Communications Act, adopt a new measure, similar to those adopted in other parts of the world, providing the authority to disable access to websites based outside of Taiwan intended to facilitate infringement and, once enacted, monitor test cases brought to ensure the law operates effectively and fairly for all parties.
- Ensure that the contemplated Copyright Law amendments also:
 - make Internet piracy a “public crime”;
 - extend term of protection in line with the international trend (to 70 years after the death of the author, or in cases in which term is calculated based on publication, to the U.S. term of 95 years, but in any case, no less than 70 years);
 - make unauthorized camcording of motion pictures in theaters a criminal offense;
 - make unauthorized camcording of live musical performances a criminal offense;
 - correct Taiwan Intellectual Property Office (TIPO) collective management practices to allow a fair-market based royalty rate and eliminate delays in fixing the rate;
 - do not relax or reduce criminal liability standards; and
 - do not unreasonably extend exceptions beyond what is permissible under Taiwan’s TRIPS obligations.

PIRACY AND ENFORCEMENT UPDATES IN TAIWAN

Prior IIPA reports on Taiwan contain detailed discussions of piracy and enforcement issues. This report serves only as an update to those and is not to be considered an exhaustive review of all issues.²

Piracy Continues to Fester, Especially Online: Piracy remained a significant problem in Taiwan in 2016, particularly piracy over the Internet and on mobile devices, which continue to mushroom. Foreign websites, such as *eyny.com*, (the 19th most accessed site in Taiwan according to Alexa), *youmaker.com* (ranked 118th in Taiwan), and *123kubo.com* (ranked 38th in Taiwan), that provide illegal content remain a significant problem, putting enormous pressure on the ability of legitimate rights holders to survive commercially in Taiwan. Particularly popular are streaming, forum,³ blog, deeplinking, peer-to-peer (P2P), BitTorrent, and cyberlocker sites, which are used to infringe copyright in movies, music, video games, and books and journals. There is still no effective means to combat P2P sites, and sites such as *jvod* and *xfplay*, hosted in China, are popular with local users. Stream ripping, where users of legitimate online music platforms use tools, such as an app or a website, to “rip” the streamed content, is a

²See, e.g., *IIPA, Taiwan, 2016 Special 301 Report*, (February 5, 2016), available at <http://www.iipawebsite.com/rbc/2016/2016SPEC301TAIWAN.PDF>.

³Forums are a serious problem, including *eyny.com* and *ck101.com* (the 14th most accessed site in Taiwan), as just two examples. The flow of infringing music and audiovisual content through these forums is enormous.

growing problem.⁴ Social media platforms have become a popular way to share pirated content. Apps for ISDs and mobile devices have become a significant platform for disseminating illegal content.

The publishing industry has long reported on continued problems with unauthorized photocopying and use of infringing materials at universities. While a “Campus Intellectual Property Protection Action” plan has been incorporated into the Ministry of Education’s (MOE) Campus Inspection program since 2006, the inspections merely consisted of self-assessment by universities. In late 2015, MOE included publishing industry representatives in the campus inspections, which found that while some of the universities inspected had policies in place regarding copyright protection, student and faculty compliance was low. MOE should continue to allow industry participation in the campus inspections, which will foster greater cooperation among MOE, university administrators, and rights holders.

The problem of unauthorized photocopying of textbooks at universities is diminishing, in large part due to an even more pernicious form of piracy consisting of the proliferation of on-demand printouts of pirated digital textbooks. The MOE and university administrators may have also inadvertently contributed to another form of infringement through a “Teaching Excellence Program,” which encourages teachers to make all teaching materials available on a university digital platform freely accessible to students. The publishing industry has reason to believe that in addition to original content generated by the instructors themselves, a significant amount of materials—such as textbook content, PowerPoint slides, exercises, or test banks and the like—on these platforms consist of unauthorized copyrighted content. Unfortunately, without access to these platforms, the full extent of the infringement is unknown. Unauthorized copies of textbooks in digital form proliferate online, through hosted and non-hosted (P2P) platforms,⁵ and there are a number of services that sell unauthorized copies of digital textbooks on optical media.⁶ This growth in piracy has contributed to decreases in textbook sales and revenues derived from those sales.⁷ Although a few enforcement actions were taken in 2016 against “cram schools,” much more is needed to meet the growing challenge of book piracy in educational settings.⁸

Illicit Streaming Device (ISD) Piracy: The sale of ISDs⁹ (i.e., media boxes or set-top boxes), which facilitate piracy, has increased considerably in Taiwan. Mostly originating in China and available openly throughout Taiwan, including at so-called “3C” shops that sell computers, software, and peripherals, and via online retailers, ISDs facilitate unauthorized streaming of motion pictures and television content through apps that allow users to easily find and use such content without permission or payment to rights holders. These devices often contain, and can connect to, a hard disk to store downloaded content, and often have an SD card slot, which helps novices connect with foreign piracy sites. Motion picture industry staff have detected more than 30 different brands of such devices now available in the marketplaces in Taiwan.

⁴The legal framework in Taiwan presents challenges for taking action against persons who facilitate this activity (i.e. the app developer or website operator), but it appears possible that Article 87(7) of the Copyright Act, which provides for aiding and abetting liability, could be used. IIPA urges Taiwan Intellectual Property Office (TIPO) to issue an administrative statement specifying that Article 87(7) provides a clear legal basis for liability against apps or websites that facilitate stream ripping.

⁵For example, *PDFDrive* provides downloads of millions of PDFs, including more than 18 million ebooks; *iss.net* is a web server that hosts pirated content; *taodocs.com* is a file sharing site providing pirated content to read for free and selling downloads; and *taobao* sells pirated textbooks.

⁶For example, *XYZ DBT* sells pirated books, exam materials, as well as videos, music, software, and games.

⁷Initial estimates of the 2016 fall semester show that textbook sales were down 15% from the same period in 2015, and revenues from the full year 2016 are estimated to be down 16% from the previous year.

⁸Cram schools are specialized schools that help students meet a specific goal such as passing an English language proficiency test. The publishing industry reports that a criminal case was brought against a cram school in April 2016 and an investigation into another cram school was initiated in the fall. A criminal case against a cram school brought in 2015 was settled in November 2016 for only US\$2,500 even though the market value of the infringing materials was US\$4,000.

⁹In past filings, IIPA has referred to Illicit Streaming Devices (ISDs) as media boxes or set-top boxes. Because media boxes and set-top boxes have non-infringing uses, IIPA is changing our terminology to ISDs to make clear that we are referring to devices that are used to access pirated content.

ISDs are part of a sophisticated and integrated online ecosystem facilitating access to pirated audiovisual materials. The devices are either pre-installed with apps that facilitate infringement, or users are able to easily obtain apps required to access unauthorized motion pictures and television content. These apps allow users to connect to a supporting over-the-top (OTT) online infrastructure, including foreign pirate sites (usually hosted in mainland China), that provides users with instant access to infringing audiovisual content. TIPO has indicated in the past that ISD piracy can be addressed through current provisions of the law.¹⁰ One case was brought, but decided unfavorably in 2013. Taiwan must do more to eliminate this illegal activity.

Lack of Will and Inadequate Legal Framework Impede Enforcement: On enforcement, although the takedown rate remains extremely high for content hosted in Taiwan, Internet users there increasingly obtain unauthorized content from websites located overseas, particularly those in mainland China. Although injunctive relief is apparently available for domestically-hosted infringement, no remedy is available to address the problem of foreign-based infringing websites, which cause significant damage to the Taiwanese marketplace. Cooperation with Internet Service Providers (ISPs) is ad hoc, but it is generally good for domestic infringement. Unfortunately, a lack of clarity regarding existing remedies undermines cooperation with ISPs regarding infringement from foreign-hosted websites. Taiwan has become an outlier in Asia, because many other countries in the region are taking active steps to address the growing online and mobile piracy problem. Although it may be possible that existing remedies under the Copyright Act could be used more effectively to address the problem of foreign websites that primarily infringe, courts have failed to issue the necessary judicial interpretation to allow for disabling access to such sites.

Online piracy investigations suffer because the CIB, the specialized unit for online crime investigation, does not focus on intellectual property crimes and the CIBr, the specialized unit on intellectual property crimes, does not have the training or expertise to investigate online piracy. The implementation of the amendments to the Communication Security and Surveillance Act in 2014 has negatively impacted investigations into online infringement because these amendments restrict the information police can obtain from an ISP without a court order.¹¹ Investigators for the local motion picture industry report that the number of successful raids throughout the first eight months of 2016 was 22, continuing a year-on-year decline since 2013 when there were 94 raids. The music industry reports that CIBr actions against music piracy have been significantly reduced in part because takedown notice recipients have become more responsive. In a positive development, a formal civilian organization, the Association of CIBr Friends, was established in 2016 as a mechanism for stakeholders to support CIBr in its anti-piracy enforcement efforts. IIPA is hopeful that this will enhance coordination between industry and CIBr and lead to improved enforcement against online infringements.

IPRP Reorganization Into CIBr and Removal of Award Structure Have Resulted in Downgrading of Priority of Copyright Cases: The IPR Police (IPRP), prior to its disbanding on January 1, 2014, was one of the more effective units in Taiwan in combatting copyright piracy. But its reorganization into the CIBr has resulted in decreased human resources, funding, and prioritization of copyright infringement cases. In the transition, a number of good IPRP investigators were “dismissed” because they were not trained as “criminal police,” resulting in a reduction in the number of officers and squadrons from five squadrons down to three.¹² The CIBr also operates under a decreased budget, but is expected to maintain nationwide coverage. At its peak, CIBr was supposed to have 218 officers. IIPA believes the CIBr needs to re-staff to at least 185 officers; keep IPR protection within the division as the most important mission; and assign a commander and supervisors who understand IP and have the know-how to take effective action against physical and Internet/mobile piracy. The budget must be increased to make it sufficient to effectively enforce against copyright infringement. Benchmarks must be maintained for copyright cases, both in terms of the numbers of cases initiated, as well as reasonable targets for successful convictions. It is important that

¹⁰Actions could be brought under Articles 87(7) or 91 of the Copyright Act, as aiding or abetting cases under the criminal law, or through other measures. It would also appear that allowing devices to use apps that provide access infringing content is a violation of anti-circumvention provisions in Taiwan's Copyright Act.

¹¹The amended law requires officers to obtain court orders before soliciting further information from Internet Service Providers (ISPs) such as IP address account information. It is estimated that only about 30% of applications for such orders are approved by the courts.

¹²Before the reorganization, the IPR Police (IPRP) once had seven squadrons located in seven major cities.

such goals be subdivided by subject matter, such as: Internet piracy, book piracy,¹³ unauthorized camcording, ISD piracy, signal theft, and limited piratical imports. Finally, TIPO should continue in its advisory role.

Award Budgets Must Be Reinstated: It is critical to reinstate an award budget so that the CIBr officers feel that fighting copyright piracy is an important endeavor and that successful efforts will be rewarded. Unfortunately, the previous budget of NT\$4.5 million (US\$145,005) for awards for physical and Internet cases was entirely removed in 2014 by the Ministry of Economic Affairs (MOEA), responding to pressure from the Legislative Yuan. IIPA recommends the reinstatement of reasonable awards. As we have raised before, it is unfortunate that TIPO's role will be relegated to a training budget for IPR enforcement officers, and will no longer play an important role in the IPR police force as in the past.

Improvements Needed for Specialized IP Courts: Many reports from copyright and other IP rights holders indicate that civil court procedures in Taiwan remain expensive, inefficient, and time-consuming, and that criminal prosecutions do not result in deterrence. In the criminal context, prosecutors overwhelmingly settle for "suspension of indictment" in digital piracy cases and judges tend to commute prison sentences to a fine or suspend punishment altogether. Regular training schedules should be established for judges and prosecutors on specific issues related to IP infringements, focusing on the technical particularities of Internet and new technology-based copyright infringement cases; aspects of the civil and criminal system that are not operating smoothly for right holders; and primers on ways the creative industries have evolved over time and rely on effective and expeditious enforcement in the online and digital environment.

COPYRIGHT LAW AND RELATED ISSUES

The dominant concern in Taiwan is the continued lack of an administrative or judicial remedy against foreign piracy services targeting Taiwan users. IIPA strongly urges Taiwan to incorporate such a remedy into its copyright reform process or as part of the revisions to the draft Digital Communications Act.¹⁴ IIPA is also concerned about the proposed amendments to Taiwan's Copyright Act, which fail to address important needs and include several unfavorable elements for rights holders.

Concerns Over Continued Lack of Administrative or Judicial Remedies Against Non-Hosted Infringements Emanating from Outside Taiwan: It remains the case that many of the online services built on infringing activities of others, and/or fostering or encouraging infringement, are located outside of Taiwan. Nonetheless, a significant amount of infringing activity occurs within Taiwan and should create a nexus for action. Although ISPs in Taiwan have indicated a willingness to address the problem of foreign websites hosting infringing content, the current inadequate legal framework inhibits them from doing so. More than three dozen jurisdictions around the world have developed approaches to halt illegal services from being accessed from across their borders. We believe that all organs of the Taiwanese Government (TIPO, the Ministry of Justice/Judicial Yuan, and the Legislative Yuan) should remain steadfast in seeking an appropriate remedy that is narrowly tailored with appropriate processes to halt services that are built on, facilitate, and/or encourage infringement. It is unfortunate that no remedy was included as part of the copyright review process. Governments in the region, including recently in Indonesia and Singapore, have adopted and/or refined approaches that provide a remedy for ISPs to disable access to sites that are primarily infringing.¹⁵

Draft Digital Communications Act: In October 2015, the National Communications Commission (NCC) published a draft of the Electronic Communications Act (now called the Digital Communications Act), which is part of

¹³As noted above, on-demand printouts of pirated digital books (particularly higher education and English language teaching materials (ELT)) and journals has become the primary problem faced by the U.S. publishing industry in Taiwan. Publishers have also seen an increase in online piracy, particularly of textbooks and password-protected material, though the unauthorized copies of reading materials are being made available mainly from servers/sites in China.

¹⁴This Act was known as the Electronic Communications Act until it was recently renamed.

¹⁵IIPA encourages Taiwan to also look at how Europe has addressed this problem, in particular, through Article 8.3 of the European Information Society Directive, which permits injunctive relief against intermediaries to remove access to infringing content.

a legislative effort to consolidate regulation of telecommunication, Internet, television, and radio platforms. Encouragingly, the draft law includes authorization for ISPs to remove or disable access to infringing content upon knowledge that the content is infringing; but, unfortunately, it does not include authorization to disable access to foreign hosted infringing sites. After approval by the Executive Yuan, the draft was sent to the Legislative Yuan, which returned the draft to NCC for reconsideration. As the NCC revises this legislation, IIPA urges it to consider adding an effective remedy against the problem of infringing websites hosted outside of Taiwan.

Proposed Copyright Amendments Are Inconsistent With International Norms: TIPO released the Fourth Draft in April 2016. IIPA has provided extensive comments on all four drafts of the amendments, but, disappointingly, very few of IIPA's suggestions were incorporated into the Fourth Draft, which was submitted to the Executive Yuan in September 2016 for review.

Although the Fourth Draft retains many of the positive features of Taiwan's modern copyright regime, it remains flawed in fundamental aspects. First, the draft represents a missed opportunity to strengthen Taiwan's enforcement framework to address non-hosted infringements. Second, the draft fails to address Taiwan's urgent need to address foreign rogue websites directed at Taiwanese users. A new mechanism is needed to deal with rogue websites that are specifically built to induce and encourage infringement and target users in Taiwan.

The Fourth Draft also fails to address many of Taiwan's other pressing needs, including: 1) deeming Internet piracy a "public crime" (as was so successfully done regarding optical disc piracy); 2) extending term of protection in line with the international trend (to 70 years after the death of the author, or in cases in which term is calculated based on publication, to the U.S. term of 95 years, but in any case, no less than 70 years); 3) making it a criminal offense to engage in unauthorized camcording of motion pictures in movie theaters;¹⁶ 4) making it a criminal offense to engage in unauthorized camcording of live musical performances;¹⁷ and 5) correcting problematic TIPO practices regarding collective management.¹⁸ In addition to retaining an inadequate term of protection, the draft includes many other provisions that are inconsistent with evolving international norms and may even raise questions regarding Taiwan's compliance with its existing international obligations. For example, the draft introduces a catalogue of new, overly broad exceptions to protection, which includes language that would call into question Taiwan's compliance with its TRIPS obligations;¹⁹ relaxes criminal liability standards (e.g., requiring participation in collective management organizations as a prerequisite for criminal enforcement and exempting a broad range of uses of copyright works from criminal liability);²⁰ and requires rights holders to file a formal complaint rather than providing *ex officio* authority for law enforcement to take action against criminal acts of infringement. Additionally, producers and performers should be afforded exclusive rights for public performance and retransmissions of sound recordings, as many other countries around the world have done, and the provision on circumvention of technological protection measures (TPMs) should be clarified to ensure the standards are in line with those of the United States.²¹

¹⁶It has been reported that actions against camcording as "unauthorized duplication" have been brought and sustained under Article 91 of the current Copyright Law; nevertheless, it is important that Taiwan adopt *sui generis* provisions specifically covering the act of camcording.

¹⁷The music industry reports that infringement through camcording live concerts is increasing.

¹⁸Corrections should include allowing the setting of fair market based rates for collectively managed rights (instead of tariffs determined by TIPO); establishing judicial dispute resolution mechanisms in lieu of the requirement to have Collective Management Organizations (CMOs) tariffs reviewed, revised, and approved by TIPO; and eliminating TIPO's authority for setting a "joint royalty rate" and appointing a "single window" for collection. The 2010 amendments to the Copyright Collective Management Organization Act leave in place overbroad authority with TIPO to fix royalty rates for both the broadcast and performance of music and sound recordings, and allow for delays in fixing the rate, thus interfering with the ability of right holders to collect royalties. Detailed discussion of the shortcomings of the Act appear in previous IIPA filings.

¹⁹To ensure compliance, the three-step test (i.e. TRIPS Article 13) should be made explicitly applicable to all relevant exceptions and, where it has been removed from existing law, the "reasonable scope" limitation should be retained.

²⁰The draft mandates that rights holders participate in a CMO to benefit from criminal enforcement against some infringing re-broadcasts or public communications, which impinges on the contractual freedom of creators and raises serious questions of TRIPS compliance. Decriminalization of parallel imports should not be overbroad because the government needs appropriate means to address the fact that many piratical imports are labeled as legitimate goods, which undermines Taiwan's legitimate marketplace. And the exemptions from criminal liability set forth in Article 46 are too broad, covering, for example, exploitation of digitized karaoke machines or jukeboxes which contain reproductions of musical works for public performance.

²¹Draft Article 87 identifies the three conditions for a prohibited circumvention technology, device, components, etc., similar to requirements found in U.S. law. Unfortunately, it is not clear whether just one of the three conditions must be satisfied, as is the case in U.S. law, or whether all three conditions must be satisfied, which would substantially weaken the standard of protection.

To further its stated ambition to join the TPP, Taiwan has been considering the TPP Draft, a second set of amendments to the Copyright Law. Although the draft has not been released for public comment, we understand it includes criminal penalties for circumvention of TPMs, makes Internet piracy a public crime where the infringement value exceeds NT\$1M (about US\$32,169), and adds prohibitions against signal theft. Earlier versions of this legislation included a provision that would extend the term of protection to meet TPP's requirement of no less than 70 years, but that provision was dropped and will reportedly be reconsidered should Taiwan join TPP. The TPP Draft currently sits for review with the Legislative Yuan, but it is unlikely to move forward, given present prospects for TPP's entry into force. The TPP Draft could be a positive development, although IIPA strongly encourages removal of the NT\$1M threshold requirement for considering Internet piracy a public crime because calculating the value of infringement is fraught with uncertainty, and the high bar does little to deter online infringement and may actually encourage it. IIPA also encourages Taiwan to restore the provision bringing its copyright term into alignment with the evolving global norm to ensure greater incentives for the production of creative works and investment in local industry, spurring economic growth and tax revenues, and enabling producers to continue offering content to local consumers in the latest formats.

Taiwan is on the verge of squandering this opportunity to update its copyright laws. Rather than conducting a complicated copyright overhaul that fails to address many of Taiwan's most pressing needs and moves Taiwan further away from international norms and even its current international obligations, Taiwan instead should use this opportunity to improve its copyright regime to meet the challenges of the digital age. At a minimum, Taiwan should incorporate the positive aspects of the TPP Draft (while removing the threshold for making Internet piracy a public crime and including term extension) into the Fourth Draft to avoid the need for multiple revisions to its Copyright Act and to demonstrate that Taiwan is serious in its desire to join the neighboring countries in the region that, in the TPP, agreed to implement copyright protection and enforcement standards consistent with evolving global norms.

TRAINING AND OUTREACH

Rights holders continue to work with the Taiwanese government, organizing dozens of campus outreach campaigns for students, as well as participating in training seminars organized by TIPO for judges, police, prosecutors, customs officers, and other law enforcement units, and organizing similar seminars themselves. A symposium on collective management best practices was jointly held by the music industry and TIPO. Industry also provides assistance by sharing the results of investigations with law enforcement authorities (this would include rights identification, and investigations into piracy activities sourced from outside Taiwan, e.g., mainland China). Industry also supports raids and anti-piracy operations by providing on-scene examinations of seizures and logistical support to police and prosecutors. The industries provide publicly available data (including the recording industry's website in Taiwan) with important information about anti-piracy actions and copyright protection campaigns. Industry remains available and interested in providing more of the same in 2017, including through the American Institute in Taiwan (AIT), the European Economic and Trade Office (ECTO), the European Chamber of Commerce Taiwan (ECCT), and the AmCham.

COMPLIANCE WITH EXISTING OBLIGATIONS TO THE UNITED STATES

The deficiencies in the Taiwan's enforcement framework outlined above—including de-prioritization of copyright piracy cases at CIBr; inadequate civil procedures that do not result in deterrence; and a judicial system that does not take piracy cases seriously resulting in non-deterrent criminal sentences—are inconsistent with Taiwan's obligations under the TRIPS enforcement provisions, including Articles 41, 42, and 61. Furthermore, as noted above, should Taiwan adopt the Fourth Draft without significant revisions, Taiwan's copyright laws will run afoul of a number of its TRIPS obligations including, in particular, those under TRIPS Article 13 on exceptions and limitations.