

法規名稱：駐紐西蘭台北經濟文化辦事處與紐西蘭商工辦事處間關於著作權保護暨執行互惠辦法

簽訂日期：民國 87 年 06 月 15 日

生效日期：民國 89 年 12 月 22 日

Whereas the New Zealand Commerce and Industry Office and the Taipei Economic and Cultural Office, New Zealand (hereinafter referred to jointly as "the Parties")

Wishing to promote extensive, close and friendly commercial, cultural and other relations,

Desiring to facilitate the expansion of trade and commerce on a non-discriminatory basis, and

Recognizing the benefits to be derived from the reciprocal protection and enforcement of copyright,

Have come to the following arrangements:

Paragraph 1

Implementing Authorities

The authorities implementing this Arrangement will be the Copyright Committee of the Ministry of Interior in Taipei, and the Ministry of Commerce in Wellington (hereinafter referred to respectively as "the Copyright Committee" and "the Ministry of Commerce", and jointly as "the implementing authorities").

Paragraph 2

Definition

"Territory" means:

- (a) In respect of the Copyright Committee, the areas to which the copyright legislation of the geographical areas of Taiwan and other outlying islands under the same jurisdiction applies.
- (b) In respect of the Ministry of Commerce, the areas to which the copyright legislation administered by the Ministry of Commerce applies.

"Copyright Material" means such material to which the Parties' territories accord protection and enforcement under their respective copyright laws and procedures.

Paragraph 3

Scope

The Parties acknowledge that the reciprocal protection and enforcement to be accorded by each implementing authority in its re-

spective territory for the purposes of this Arrangement shall apply to:

- (a) Copyright material brought into existence after entry into effect of this Arrangement; and
- (b) Copyright material in existence before the entry into effect of this Arrangement, provided that for the purposes of this Arrangement no act by a person before the entry into effect of this Arrangement will be taken to constitute an infringement of the copyright in, or in respect of, that material.

Paragraph 4

Reciprocity of Protection and Enforcement

Either Party or implementing authority will ensure that, in accordance with the laws and procedures of its territory, the copyright material of the citizens or corporations in the territory of the other implementing authority, will be accorded copyright protection and enforcement on the same basis as that accorded to the copyright material of the citizens or corporations of its own territory.

Paragraph 5

Consultations

Either Party or implementing authority may, at any time, request consultations on any aspect of the implementation or application of this Arrangement.

Paragraph 6

Amendments

This Arrangement may be amended at any time by mutual consent in writing between the Parties.

Paragraph 7

Review

1. Either party or implementing authority may request review of this Arrangement after this Arrangement has been in effect for a period of twelve months.
2. This Arrangement will be subject to review should the Marrakech Agreement Establishing the World Trade Organization, which Incorporates the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the WTO Agreement), enters into force for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
3. Nothing in this Arrangement will be taken to effect the rights and obligations of the Parties under the WTO Agreement.

Paragraph 8

Entry into effect and Termination

1. This Arrangement will enter into effect after each Party has notified each other in writing of the completion of legal procedures necessary for the implementation of this Arrangement. The date of entry into effect will be the date of the last of these two notifications.
2. This Arrangement may be terminated by either Party upon six months written notice in advance.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Arrangement.

Done in Taipei ON The 15th day of June, 1998, in duplicate in the Chinese and English languages, both texts having equal validity.

FOR THE NEW ZEALAND COMMERCE AND INDUSTRY OFFICE

NAME : M. BRIDGE

TITLE : DIRECTOR

TAIPEI ECONOMIC AND CULTURAL OFFICE

FOR THE TAIPEI ECONOMIC AND CULTURAL OFFICE, NEW ZEALAND

FRANK C. LIN

REPRESENTATIVE T.E.C.C. WELLINGTON

Mr. Nick Bridge

12 November, 1999

Director

New Zealand Commerce & Industry Office in Taipei

C/o Ms. Rosemary Banks

Director, North Asia Division

Ministry of Foreign Affairs & Trade

Dear Nick ,

Upon instructions, I wish to notify you that due to the restructure of the Copyright Committee of the Ministry of Interior, our implementing authority for the "Arrangement between the Taipei Economic & Cultural Office in New Zealand and the New Zealand Commerce & Industry Office on the Reciprocal Protection and Enforcement of Copyright" has been changed from the Copyright Committee of the Ministry of Interior to the Intellectual Property Office of the Ministry of Economic Affairs. Enclosed please find the amendments both in Chinese and English version for your reference.

The ratification procedures required by our domestic law to give the above mentioned arrangement effect were completed in Oct. 1998. For the arrangement to enter into force, I look forward to

receiving your notification to the same effect as provide in paragraph 8 of the arrangement.

Your sincerely,

Frank C. Lin
Representative

c.c. Mr. Mark Steel
Director, Competition and Enterprise Branch, Ministry of Commerce

16 November 1999

TWN/NZ/1/15

Frank C. Lin
Director
Taipei Economic and Cultural Office
Level 21
105 The Terrace
Wellington

Dear Frank,

I refer to you letter of 12 November 1999, advising that your implementing authority for the Copyright Arrangement between the Taipei Economic and Cultural Office in New Zealand and the New Zealand Commerce and Industry Office which was signed in Taipei in June 1999, has been changed from the National Bureau of Standards in Taipei to the Intellectual Property Office of the Ministry of Economic Affairs.

I can confirm that the amendments to the Arrangement enclosed with your letter which reflect this change are acceptable to the New Zealand Commerce and Industry Office, and that your letter and this reply shall constitute an Arrangement between our two offices with effect from the date of this reply.

Nick Bridge
DIRECTOR

22 December 2000

Mr. Frank Lin
Director
Taipei Economic and Cultural Office in New Zealand
PO Box 10-250
WELLINGTON

cc : NAD

Dear Mr. Lin

IMPEMENTATION OF BILATERAL INTELLECTUAL PROPERTY ARRANGEMENT

I refer to the Arrangement between the Taipei Economic and Cultural Office, New Zealand and the New Zealand Commerce and Industrial Office on the Reciprocal. Protection and Enforcement of Copyright ("the Arrangement")

The Arrangement was signed in August 1998 and in a letter dated 12 October 1998 we received notification from you of the completion of the legal procedures required for the Arrangement to enter into effect.

There were three major steps which had to be completed before this Arrangement could come into effect in New Zealand, Firstly, an Order in Council had to be promulgated to give domestic effect to the Arrangement: the Copyright (Application to Other Countries) Amendment Order 2000. Secondly, the Order in Council had to be gazetted for 28 days prior to coming into force. It was published in the Gazette on 9 November 2000 and came into force on the 7 December 2000. Finally, in accordance with Paragraph 8 (1) of the Arrangement, both signatories must notify each other in writing of the completion of legal procedures necessary for the implementation of this Arrangement.

I am therefore pleased to notify you that, having completed the procedures necessary for the implementation of this Arrangement and having already received notification from you to similar effect, then in accordance with Paragraph 8(1), the Arrangement will enter into effect on the date of this letter of notification.

Please find attached a copy of the Order in Council.

Yours sincerely

Paul Ash
Acting Director
New Zealand Commerce and Industry Office

Encl