

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN AUSTRALIA AND THE AUSTRALIAN COMMERCE AND INDUSTRY OFFICE, TAIPEI CONCERNING COOPERATION IN THE REGULATION OF SPAM

簽訂日期：民國 96 年 10 月 19 日

生效日期：民國 96 年 10 月 19 日

THE TAIPEI ECONOMIC and CULTURAL OFFICE in AUSTRALIA and THE AUSTRALIAN COMMERCE and INDUSTRY OFFICE, TAIPEI (hereinafter referred to as the "Signatories") have embodied their understandings in this Memorandum of Understanding.

Implementing Authorities

This Memorandum of Understanding will be implemented;

- a) on behalf of the Australian Commerce and Industry Office,
Taipei by the Australian Communications and Media Authority.
- b) on behalf of the Taipei Economic and Cultural Office in
Australia by the National Communications Commission, Taiwan.

Paragraph 1

The protection of the information economy is a major factor for social, economic and environmental development and for the realisation of productivity and service delivery improvements in all sectors of the economy.

Large volumes of spam can impair the infrastructure and viability of the information economy and mutual cooperation can minimise the amount of spam flowing between economies and assist in combating the spam problem.

Paragraph 2

Focus of Cooperation

Acting within the framework of their powers, interests and responsibilities, the Signatories will collaborate on the regulation of spam (unsolicited commercial electronic messages). The purpose of this Memorandum of Understanding is to encourage cooperation between the Signatories in minimising spam originating in and being sent to end-users in their respective

economies. The Signatories will also encourage closer cooperation and the exchange of information relating to spam in accordance with the relevant laws and regulations in each economy and on the basis of equality, reciprocity and mutual benefit.

Paragraph 3

Scope of Cooperation

The Signatories will promote cooperation in all spheres of activity defined by this Memorandum of Understanding in order to derive maximum benefits for both Taiwan and Australia.

The Signatories have identified areas of common interest for cooperation including, but not limited to, the encouragement of:

- a.the exchange of information about policies and strategies for establishing and enforcing anti-spam regulatory frameworks;
- b.the exchange of information and strategies about the effective use of regulation policies;
- c.the exchange of intelligence, relating to the other country, gathered as a result of enforcement or investigations; and
- d.industry collaboration.

Paragraph 4

Forms of Cooperation

Cooperation between the Signatories in the field of regulating spam may take the following forms:

- a.exchange of information on spam, and establishment of channels for exchange of information as appropriate;
- b.exchange of delegations and visits as appropriate;
- c.encouragement of liaison between industry and nominated organisations to promote areas of interest and cooperation; and
- d.other forms of cooperation arranged by the Signatories.

Paragraph 5

Designated Representative

In order to coordinate cooperative activities, each Signatory will appoint a representative to be responsible for determining the particular directions of cooperation and for ensuring the effectiveness of all cooperation and exchange activities.

The representatives of the Signatories, or their designated coordinators, will consult with each other through the channel specified by the Signatories, to define activities and other related matters.

Paragraph 6

Information Exchange

Where practical, the implementing Authorities will exchange information available in English as regards any issues pertinent to the Memorandum of Understanding.

Paragraph 7

Funding and Resources

The cooperative activities carried out under this Memorandum of Understanding will be subject to the availability of funds and resources of the Signatories. For those activities carried out under this Memorandum of Understanding, unless otherwise jointly decided, each Signatory will provide resources adequate to carry out its own commitments in relation to those activities.

Paragraph 8

Confidential information

Neither Signatory will disclose or distribute any information that is supplied and marked, or stated to be "in-Confidence" by the originating Signatory, except as, and to the extent authorised, by the originating Signatory.

The implementing authorities will respect the confidentiality of any information which is provided to it in confidence by the other Implementing Authority and, without limiting the generality of the forgoing, will not publish, copy or distribute that information.

After termination of this Memorandum of Understanding the Implementing Authorities will continue to respect the confidentiality of confidential document exchanged between them pursuant to this paragraph and Paragraph 2

Paragraph 9

Settlement of Disputes

Any disputes between the Signatories arising from the interpretation or implementation of this Memorandum of Understanding will be settled amicably through consultations between the Signatories.

Paragraph 10

Commencement and Termination

This Memorandum of Understanding will come into effect on the date of its signature. It will remain in effect for a period of five (5) years thereafter unless terminated by either Signatory giving six (6) months prior notice in writing to the other Signatory.

Notwithstanding termination of this Memorandum of Understanding, activities being undertaken pursuant to this Memorandum of Understanding immediately before its termination will continue to be governed by this Memorandum of Understanding until their completion, unless the Signatories mutually determine otherwise.

Paragraph 11

Review and Amendment

This Memorandum of Understanding may be amended by mutual written consent of the Signatories at the request of either Signatory.

SIGNED at Canberra, Australia on the nineteenth day of October 2007 in duplicate.

Song-Huann Lin

Representative

FOR THE TAIPEI ECONOMIC AND
CULTURAL OFFICE IN AUSTRALIA

Steve Waters

Representative

FOR THE AUSTRALIAN COMMERCE
and INDUSTRY OFFICE, TAIPEI