

Taiwan's New Copyright Regime: Improved Protection for American Authors and Copyright Holders

As part of Taiwan's continuing effort to improve its intellectual property regime it has enacted new patent, trademark, and related statutes over the past decade. Taiwan's latest Copyright Law (Copyright Law or Law) became effective on June 12, 1992. The law resulted largely from U.S. pressure due to dissatisfaction with Taiwan's 1985 Copyright Law.¹ Despite Taiwan's many significant problems in

*Managing Partner, Wang & Wang, San Francisco and Taipei.

**Senior Associate, Wang & Wang, San Francisco and Taipei.

1. Faced with the threat of action by the United States Trade Representative (USTR) in 1989, Taiwan entered into negotiations with the United States to improve protection of intellectual property. The result of these negotiations was the United States—Taiwan Bilateral Copyright Agreement, which promised U.S. copyright holders expanded protection. Taiwan made no effort to implement the Agreement until 1992, when the USTR identified Taiwan as a Priority Foreign Country. The USTR commenced an investigation, pursuant to section 301 of the Omnibus Trade and Competitiveness Act of 1988, 19 U.S.C. §§ 2411 *et seq.* (1990), to determine whether trade sanctions against Taiwan should be levied based on unfair trade practices. The USTR found Taiwan to be "a center for copyright piracy and trademark counterfeiting of U.S. products." Statement of Carla Hills, USTR Press Release, Apr. 30, 1992. In order to terminate the investigation, Taiwan entered into further negotiations. These negotiations were concluded in June 1992 with the signing of a Memorandum of Understanding (MOU), and the final promulgation of the new Copyright Law. See Copyright Law of the Republic of China, May 14, 1928 (amended June 12, 1992) [hereinafter Copyright Law], translated in Francis S. L. Wang, Taiwan's New Copyright Law and the AIT-CCNAA Understanding (1992) (documents and memoranda collected by and on file with the author). In the MOU Taiwan agreed to exert its best efforts to ratify the 1989 Bilateral Copyright Agreement by January 31, 1993.

By January 1993, Taiwan's Legislative Yuan was reluctant to ratify the Agreement. Finally, under extreme pressure from the executive branch of government insisting that refusal by the Legislature would ensure that Taiwan would be reinvestigated, Taiwan's Legislative Yuan hurriedly ratified an eviscerated version of the Agreement. The Bilateral Agreement was rendered meaningless when the Legislative Yuan did not ratify the most basic provisions, including many definition sections of the Agreement.

This type of form-over-substance protection resulted in continued pressure from the United States, and prompted several trade organizations to request the USTR to impose trade sanctions on Taiwan. Over half of the industry submissions to the USTR, including reports from Nintendo of America, Intel,

the area of intellectual property protection, its new Copyright Law is generally hailed as quite progressive. The new Copyright Law is superior to the old law in protecting intellectual property rights, and American copyright holders are in the unique position to receive the greatest benefit from the new law. However, certain provisions of the new law may trap the unwary.

I. Basis of Protection

Pursuant to the Friendship, Commerce and Navigation Treaty of 1948,² U.S. nationals are accorded the same national treatment with respect to intellectual property rights as Taiwan nationals. Under the treaty, copyright vests upon creation of a work. With the exception of the nationals of a few countries that grant copyright protection to Taiwan nationals, including the United Kingdom, Hong Kong, and Spain, foreign nationals can obtain copyright protection in Taiwan only under limited circumstances. It should be noted that with the final passage of the 1989 Bilateral Copyright Agreement between the CCNAA and the AIT³ on April 23, 1993, protection is extended to non-U.S. works acquired by a U.S.

the U.S. Trademark Association, the International Intellectual Property Alliance, the International Anti-Counterfeiting Coalition, the Motion Picture Export Association, and the Textile Producers and Suppliers Association, listed Taiwan as a major, if not the most significant, source of counterfeit and infringing goods. In response to pressure from the United States, Taiwan's Legislature felt compelled to ratify the entire Bilateral Agreement on April 26, 1993, but with the addition of five riders, intending to limit the future ability of the executive branch to make similar international commitments. Agreement for the Protection of Copyright between the Coordination Council for North American Affairs and the American Institute in Taiwan, Apr. 23, 1993 [hereinafter Bilateral Copyright Agreement] (copy on file with author).

On April 30, 1993, the USTR placed Taiwan on the Priority Watch List of countries engaged in unfair trade practices against the United States. As outlined by the USTR, Taiwan was to improve its protection of U.S. patent, copyright, and trademark rights prior to a July 31, 1993, deadline. Although Taiwan made some progress, particularly by passing cable television legislation and revising its copyright export control system, it failed to complete other promised improvements, and has been maintained on the Priority Watch List. The USTR's decision was viewed as too lenient by U.S. industry, and as too stringent by the government of Taiwan.

2. The Treaty of Friendship, Commerce and Navigation, Nov. 30, 1948, U.S.-China, 63 Stat. 1299 (1946) (copy on file with author), provides that the United States and the Republic of China accord each other's nationals reciprocal national treatment. The Treaty has been tested several times since the United States broke diplomatic relations with Taiwan. The argument against enforcement of the Treaty has been that the United States ceased to recognize the Republic of China in 1979, when the United States officially recognized mainland China as the People's Republic of China, and therefore the Treaty is null and void. In the most recent test of the Treaty, in New York federal court, Professor Lawrence Tribe argued that as a matter of constitutional law, the Congress, acting through the Taiwan Relations Act of 1979, did not have the power to continue the Treaty in force with Taiwan. A broad coalition of industry filed an *amicus curiae* brief in support of preserving the Treaty. The court ruled that the Treaty remained in effect, and the Second Circuit upheld that decision on appeal. The U.S. Supreme Court denied certiorari. *New York Chinese TV Programs, Inc. v. U.E. Enterprises, Inc.*, 954 F.2d 847 (2d Cir.), *cert. denied*, 113 S. Ct. 86 (1992); *see also* *International Audio-Video Communications, Inc. v. Chen*, No. CV 84-2328-DWW (D. Cal. 1984).

3. CCNAA stands for Taiwan's unofficial embassy to the United States, the Coordination Council for North American Affairs. AIT stands for the unofficial American embassy to Taiwan, the American Institute in Taiwan.

national within one year of the first publication of that work.⁴ United States companies with foreign subsidiaries and employees may now be able to protect their copyrights in Taiwan. Additionally, many companies whose governments do not grant reciprocal rights to Taiwan nationals should now be able to obtain protection by carefully structuring a copyright acquisition and maintenance program.

An employee is presumed to be the author of a work.⁵ Under the old law, unless the parties agreed otherwise, the employer was presumed to be the author, and held all attendant rights to any work created by an employee in the course of and related to his or her employment. The new Copyright Law shifts the presumption in favor of the employee. Given the issue of authors' moral rights as encompassed in the new Law, employers should be particularly disciplined in obtaining agreements from their employees to reverse this presumption.

Authors' moral rights prohibit significant alteration of a work during an author's lifetime. Under the new Law, an author's moral rights are not assignable or inheritable. Among the moral rights held by the author is the right to maintain the integrity of the contents of his or her work. A potential trap for employers arises here. If an unwary employer does not have an agreement with his employee whereby the employee acknowledges that all work created on the job was created as a work for hire and assigns all of the employee's rights to the employer, the employer is prohibited from altering any of the employee's work. Computer software companies, in particular, should make note of these changes. The new Copyright Law specifically prohibits the alteration of a computer program beyond the scope of correcting obvious defects to the program unless agreed to by the author.⁶

4. The Bilateral Agreement states:

A person or entity designated [as a protected person] shall be considered a protected person to the extent that he owns, by way of any written agreement signed by the parties thereto, exclusive right(s) in a literary or artistic work in the territories represented by the Parties provided that:

(a) the ownership of such right(s) was acquired by way of any written agreement signed by the parties thereto, within one year following the first publication of the work in a country that is party to a multilateral copyright convention to which the territory represented by either Party belongs. . . .

Bilateral Copyright Agreement, *supra* note 1, art. 1(4).

5. The Copyright Law states:

Where a work is completed by an employee of a juridical person within the scope of his/her employment and under the planning of the employer, the said employee shall be the author, unless otherwise provided in contracts stipulating that the juridical person or its representative shall be the author.

Copyright Law, *supra* note 1, art. 11. Additionally:

Where a work is completed by a person who is commissioned by a patron and under the planning of the latter, except as otherwise regulated by the preceding Article, the person commissioned shall be the author of such work, unless otherwise provided in contracts stipulating that the patron or the representative of the patron shall be the author.

Id. art. 12.

6. The Copyright Law states:

An author shall have the right to maintain the integrity of the contents, form and title of his/her work. However, this provision shall not apply to any of the following circumstances:

. . . .

(2) Where necessary changes are made in order to make a computer program suitable to a specific computer, or to correct obvious program errors which prevent the fulfillment of the original purposes of the program . . .

Id. art. 17. Additionally, the Law states: "The moral rights belong solely to the author and cannot be transferred either by assignment or by inheritance." *Id.* art. 21.

II. Provisions Affecting Rights Granted to American Copyright Owners

The new Copyright Law grants new powers to American copyright owners, including the right to control translations of their works. For public policy reasons, translation rights were previously excluded from protection under Taiwan's old law. The grant, however, is subject to certain limitations.⁷ In addition, U.S. copyright holders are now accorded exclusive importation rights. The new Law also provides improved definitions of terms in many areas.

A. TRANSLATION RIGHTS

New translation rights are a significant benefit to American authors, as Taiwan has traditionally had a vibrant market in translations of foreign works, with publishers paying no royalties for translation rights. The new Law considers translations to be adaptations of the original works.⁸ The new Law grants the author the exclusive right to adapt an original work or to create a "derivative work."⁹ Infringers of an author's property rights to a derivative work are subject to civil and criminal penalties.¹⁰ Translators must now seek to obtain permission from the author of the work prior to publishing a translation of the work.¹¹

However, translated works not authorized by foreign authors but legal under the old law may be legally distributed for two years. The new Law stipulates that such works may not be reproduced after June 12, 1992, and the remaining stock shall not be sold beyond two years of that date, except when "fair use" by government agencies and schools is applicable.¹²

Where the author cannot be located or an agreement cannot be reached, translations will be subject to compulsory license under the new Law. Such compulsory licenses for translations must be approved by the competent authority.¹³ Music was the only

7. See *infra* part IV.

8. "The following terms, as used in this law, shall be defined as follows: . . . (11) Adaptation: shall mean the activity of creating a new work based on preexisting original work by means of translating, composing, written adaption, cinematographic, or any other methods." Copyright Law, *supra* note 1, art. 3(11).

9. "The author shall have the exclusive right to adapt his/her work to create a derivative work or to edit and compile his/her work to create a compilation." *Id.* art. 28.

10. *Id.* arts. 88, 91.

11. "Derivative works are works adapted from original works, and shall be protected as independent works." *Id.* art. 6.

12. Where a work of a foreign national was protected by the Copyright Law in force before the effective date of this Law, any translation of such work made before the effective date of this Law, without the consent of the foreign copyright owner of the work, shall not be reproduced after the effective date of this Law, unless the reproductions of the translations are in compliance with the provisions of articles 44 to 65. The reproductions of the translations set forth in the preceding Paragraph shall not be sold after two years following the effective date of this Law.

Id. art. 112.

13. At the time of one year after a work was first published, where there is no translated Chinese edition issued in places other than mainland China or where the translated Chinese edition is out-of-print, a person who desires to translate the work for the purposes of teaching, research or investigation may, after having applied for compulsory license, received approval by the competent authority and paid the royalty, translate the work and publish the translation by printing or other similar method of reproduction. . . .

Id. art. 67.

type of work subject to compulsory license under the old law. However, Taiwan authorities are concerned that foreign publishers will refuse to grant translation licenses, thereby depriving Taiwan's populace of information. As a form of protection to rights owners, however, the new law prohibits the export of translated works beyond the Taiwan market, and the translation license shall be revoked when the copyright owner publishes a Chinese translation "at a reasonable price."¹⁴

The definition of the "general public" has been revised to prevent video parlor piracy. The draft of the new Law included the phrase "persons in public places" as part of the definition of "general public," but this was replaced by the phrase, "persons in places where a plurality of persons outside of a normal circle of family is gathered."¹⁵ Some copyright owners fear this definition may allow MTV¹⁶ and video system owners to escape prosecution by claiming that viewers are not the "general public," but members of a normal circle of family, and thus the presentation of the video is not "public presentation." The Ministry of Justice issued a directive to prosecutors in 1992 instructing that the showing of movies at MTVs constitutes "public presentation." However, the Ministry's directive is not equivalent to binding precedent.¹⁷

American copyright owners have received a grant of exclusive right of importation. Pursuant to the Bilateral Copyright Agreement, parallel imports are now prohibited without the copyright owner's express authority.¹⁸

14. "A person who uses a work in accordance with the provisions of the [compulsory license provisions] shall not export the reproduction of the translation or the sound recording of the work outside the jurisdiction of the Republic of China." *Id.* art. 70.

[T]he competent authority shall terminate the approval of a compulsory license of a person who has obtained the approval under Article 67 [when]:

1. A translated Chinese edition is published by the owner or the licensee of the property rights to the original work at an ordinary reasonable price with substantially the same content as the Chinese translation published under a compulsory license.

Id. art. 72.

15. "4. The general public: shall mean unspecified persons or a plurality of specified persons. Persons in places where a plurality of persons outside of a normal circle of a family is gathered shall also be deemed to be the general public." *Id.* art. 3(4).

16. While the acronym "MTV" became widely used after the creation of the American music television channel, it has a different meaning in Taiwan. MTVs are public video parlors offering private viewing rooms, a wide selection of often illegally copied video tapes, and food and beverages.

17. Like Japan, Taiwan has a civil law system, modelled on the German system. The Judicial Yuan, which governs judges and courts (separate and distinct from the Ministry of Justice, which governs prosecutors), periodically selects Supreme Court judgments to serve as legal precedents, known as *pan-li*. Otherwise, court judgments, known as *pan-jue*, are used for reference, but are not binding.

18. Although art. 87(1) of the Copyright Law, on its face, explicitly prohibits the import of goods that infringe a copyright or plate right, remarkably, in November 1992, the Ministry of Interior's Copyright Committee ruled that this provision would not be interpreted to ban parallel imports. However, the Legislature's subsequent ratification of the Bilateral Copyright Agreement ensures a legal prohibition on imports without authorization of a copyright owner. Article 14 of the Bilateral Copyright Agreement, *supra* note 1, states:

An infringing copy shall mean a copy of such work that infringes any of the exclusive rights provided in domestic law and in this Agreement including a copy which is imported into the territory represented by either party where, if made in such territory by the importer, would constitute an infringement of the copyright.

The ban is the subject of much controversy, and a focal point of anti-U.S. sentiment. One of the five riders passed by the Legislature required that pursuant to the ban, major foreign copyright owners

III. Term of Protection

The term of protection for copyrights has been increased by the new law. The term of copyright in the new law is the natural life of the author plus fifty years from creation, or fifty years from public release if the author is a juridical person.¹⁹ Under the old law, the term of copyright was the lifetime of the author plus thirty years. Works created prior to June 12, 1992, shall continue to receive the protection then in force at the time of their creation.

The term of copyright is counted from the date of public release for juridical persons, unnamed authors, and authors using obscure pseudonyms. Authors with famous pseudonyms do not qualify, as they presumably can be easily identified.²⁰

IV. Limitations to a Copyright Owner's Exclusive Rights

After considerable revision during the drafting process, the new Copyright Law attempts to balance incentives for original creations, through grants of exclusive rights, against maximum public dissemination by compulsory licensing arrangements and a wide range of fair use provisions. Examples include the provisions for compulsory licensing for musical and translation works and the fair use provisions, with their limitations.

Under amended and newly added fair use provisions the government, the judiciary, and schools may reproduce works for internal use. The fair use provisions are drafted so as to prevent abuses by limiting the use of copyrighted works to the special purpose and function of the public agency. Computer programs are specifically excluded from reproduction under the fair use provisions.²¹ The new Law provides standards for "reasonable and necessary" use of a work, and factors in possible harm to the interests of the copyright owner.²² However, one

be monitored by the Fair Trade Commission to ensure they do not abuse their monopoly status. Whether the ban will ever be effectively enforced is uncertain. As of late April, various government agencies denied they had the authority or the ability to implement the ban.

19. "Unless this Law provides otherwise, the property rights to a work shall continue for the life of the author plus fifty years after his/her death." Copyright Law, *supra* note 1, art. 30. "For a work whose author is a juridical person, the term of the property rights to the work shall continue for fifty years from the time of public release of such work." *Id.* art. 33.

20. The term of the property rights to a work of an unnamed author or published under a pseudonym shall continue for fifty years from the time of public release of such work. . . . The provision of the preceding Paragraph shall not apply in either of the following circumstances:

1. The pseudonym of the author is well-known to the public. . . .

Id. art. 32.

21. The legislative or executive governmental entities, when necessary for their legislative or executive functions, may reproduce a work of another person, within a reasonable scope, where the governmental entities deem it necessary to include the work of another for internal reference. The above provision shall not apply where the reproduction of the work, taking into consideration the category and purpose of the work, and of the quantity and method of the reproduction, will prejudice the interests of the owner of the property rights to such work or where the work is a computer program.

Id. art. 44.

22. All circumstances shall be considered in determining whether the use of a work complies with the provisions of Articles 44 through 63, especially the following factors which shall be taken as standards for such determination:

1. The purpose and nature of the use, including whether it is for commercial use or is for nonprofit educational purposes;
2. The nature of the work being used;

troubling provision could be interpreted so as to permit commercial *bu-hsi-ban* (cram schools) to reproduce works.²³

The new Law specifically grants a fair use exception to individuals who reproduce works on copying machines. Under the old law, it was permissible to reproduce a work without authorization "merely for private use in academic research." Under the new Law, any work may be reproduced by the public on a copying machine "for nonprofit personal or family use" within a reasonable scope, as long as the copying machine is located in a library or is "not for public use."²⁴

The new law entitles copyright owners to royalties for nonprofit broadcasts or performances. A work that has been publicly released may be broadcast and publicly presented or performed for nonprofit public interest activities. However, although no fee is collected from the audience, royalties must be paid to the copyright holder for a nonprofit performance, in accordance with minimum royalty standards set by authorities.²⁵

V. Remedies for Infringement

Under the old law a copyright owner could request seizure of the infringing goods, an injunction against further infringement, and civil monetary damages calculated on the basis of actual profits earned by the infringer or on a presumption that profits equaled 500 times the retail price of the legitimate item. In practice, obtaining the account books of infringers was nearly impossible, and courts generally relied upon the presumption for calculating damages. Moreover, criminal penalties under the old law generally fell below the six months' imprisonment required to trigger actual incarceration.

Several new remedies are introduced in the new Law, but they fall short of providing actual deterrence. Under the new Law complainants may request the destruction of infringing goods, or the addition of the author's name, and/or correction of the contents of the work. The complainant may also request that a judgment be published in a newspaper at the infringer's expense.

The new law still provides for damages, but the statutory presumption is no

3. The quantity and quality of the use and the percentage thereof as compared to the entire work as a whole;

4. The effect of the use upon the potential market for the work and upon current value of the work.

Id. art. 65.

23. "Schools of various levels established in accordance with the relevant law and the persons thereof responsible for teaching may reproduce, within a reasonable scope for the necessity of teaching in the schools, the work of another which has been publicly released." *Id.* art. 46.

24. "For non-profit personal or family use, a person may utilize a copying machine in a library or a copying machine which is not for public use, within a reasonable scope, to reproduce a work which has been publicly released." *Id.* art. 51.

25. A work of another person which has been publicly released may be publicly recited, publicly broadcast, publicly presented or publicly performed in the course of public interest activities which are conducted for non-profit purposes without collecting any fee directly or indirectly from the viewers or the audience and without paying any compensation to the performers. A person who uses another person's work under the conditions set forth in the preceding Paragraph shall pay royalties for his/her use. The rates of royalties shall be prescribed by the competent authority.

Id. art. 55.

longer available. In place of the "500 times retail price" provision, courts may now decide on damages in the range of NT\$10,000 to NT\$500,000 (approx. U.S. \$400 to U.S. \$20,500), or NT\$1,000,000 (about U.S. \$41,000) where the infringement is "intentional and serious."²⁶

However, even the most severe criminal fine that may be imposed, NT\$450,000 (about U.S. \$18,500), is still far short of the profits realized by many such infringers.²⁷ While generally adequate when applied to small t-shirt distributors, these amounts do not deter or punish piracy of video-games, computer software, and similar high-tech goods routinely exported to world markets.

The penal provisions of the Law are stronger, but are still not sufficient. Under the old law, jail terms were generally not long enough to trigger mandatory incarceration. As a result, most counterfeiters paid a daily rate of about US\$3.50 as a substitute to actual prison time. Under Taiwan's Criminal Code, sentences for less than six months may be substituted by payment of a cash fine equivalent to approximately US\$3.50 per day.²⁸ Under the new Law, prison terms have been increased to avoid any eligibility under the "buy-out" provisions of the Criminal Law.²⁹

Public authorities may act to stop counterfeiting if the infringer qualifies as a professional. Copyright piracy is generally held to be a "private crime" under Taiwan public policy. As such, it differs from trademark and patent piracy, which are held to be crimes against the public, and therefore eligible for direct police action. Under the new Law, the public prosecutor has the authority to prosecute professional infringers without awaiting a complaint from the copyright owner.³⁰

The new Law includes a provision establishing a detention and security bond system for seizure of suspect goods by Customs. The provisions state that a complainant must provide certain documents to Customs, and then must file suit for infringement within seven days of the seizure. Failure to comply completely

26. Where the injured person has difficulty proving the actual damages according to the preceding Paragraph, the injured person may request the court to decide the damages according to the seriousness of infringement, in the range of not less than NT\$10,000 and not more than NT\$500,000, and the damages may be increased up to NT\$1,000,000 where the infringement is intentional and serious.

Id. art. 88.

27. Any person who commits the offenses set forth in the preceding three Articles as his/her regular profession or trade shall be punished with imprisonment for a period of not less than one year but not more than seven years, and may in addition thereto, be subject to a fine of not more than four hundred and fifty thousand New Taiwan Dollars.

Id. art. 94.

28. If the maximum basic punishment which may be imposed does not exceed imprisonment for three years, and if the punishment as imposed is imprisonment for not more than six months or detention . . . the punishment as imposed may be commuted to a fine at the rate of not less than one nor more than three yuan for each day of imprisonment or detention.

Criminal Code art. 41 (Taiwan) (copy on file with author). In January 1993, the enforcement regulations to the Criminal Code were revised to increase the daily rate of commutation; however, the amount is not sufficient to constitute genuine deterrence.

29. The penal provisions in arts. 91 through 95 specify sentences of "not less than six months" and up.

30. "The offenses as set forth in this Chapter, except those set forth in Articles 94, Items 1 of Article 95 and Article 97, shall be prosecuted only upon complaint by the injured party." Copyright Law, *supra* note 1, art. 100; *see supra* note 27.

will result in liability of the copyright owner to the infringer.³¹ The provisions regarding Customs' inspections establish a system by which a complainant may request that Customs impound goods suspected of infringing the complainant's copyright.

For practical purposes, the number of documents that must be submitted before the suspected goods may be impounded by Customs officials makes it difficult for a foreign copyright owner to obtain such seizure. Further, because of the protection for exporters under article 104, a copyright owner may risk a half-hearted enforcement effort by Customs officials. Crucial to enforcing the seizure provision is the vigor with which Customs officials will inspect goods to be exported. Currently most counterfeit goods pass through Customs inspections without ever coming to the notice of inspectors.³²

VI. Conclusion

The new Copyright Law is generally viewed as bringing Taiwan well in line with international standards, and marks Taiwan's desire to assume more than developing nation status. However, as many copyright owners will attest, Taiwan's reputation will be built by the will of its people and government to enforce its statutes. According to the evaluation of U.S. industry in the most recent round of submissions for the USTR's annual section 301 review, Taiwan must continue to improve the use of its statutes to achieve this goal.

31. The owner of copyright or plate-right may request the Customs to detain imported or exported goods which are suspected of infringing upon his/her copyright or plate-right, after posting a surety bond in an amount equivalent to the appraised value of the goods for import duty or the F.O.B. value of the exported goods as security for any damage if the detention is later proved to be unjustified. . . .

Under any of the following circumstances, the Customs shall cancel the detention and the applicant shall be liable to the other party for damages caused by the detention:

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- 2. The applicant did not institute a court action against the importer or exporter within a 7-day period from the day the Customs accepted the application for detention;
- 3. The applicant withdrew his/her application for detention after the Customs had accepted his/her application for detention.

Copyright Law, *supra* note 1, art. 104.

32. U.S. Customs reported that seizures of goods from Taiwan for 1992 accounted for 20% of all seizures, and 70% of seizures in the high-tech product categories. Taiwan was the source of the highest proportion of seizures for both 1991 and 1992. Despite a highly publicized new inspection system instituted by Taiwan's Board of Foreign Trade, counterfeit video game boards and computer software continue to be exported from Taiwan into the United States, Mexico, and Australia, as well as many other nations. Submission by the International Anti-Counterfeiting Coalition to the U.S. Trade Representative, Feb. 12, 1993, at 7.

