Content

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Content：

Fair Trade Act of 2015

CHAPTER I
GENERAL PRINCIPLES
Article 1 This Act is enacted for the purposes of maintaining trading order, protecting consumers' interests, ensuring free and fair competition, and promoting economic stability and prosperity.
Article 2 The term "enterprise" as used in this Act refers to any one of the followings: 1. a company 2. a sole proprietorship or partnership 3. any other person or organization engaging in transactions through the provision of goods or services. A trade association organized by businesses, or any other organization lawfully established to promote the interests of its members is deemed as an enterprise as referred to in this Act.
Article 3 The term "trading counterpart" as used in this Act means any supplier or purchaser that engages in or concludes transactions with an enterprise.
Article 4 The term "competition" as used in this Act means any conduct of one enterprise to compete for trading opportunities in the same market with one or more enterprises through offering more favorable price, quantity, quality, service or any other terms.
Article 5 The term "relevant market" as used in this Act means a geographic area or a coverage wherein enterprises compete in respect of particular goods or services.

Article 6

The term "competent authority" as used in this Act means the Fair Trade Commission.

For any matter provided for in this Act that involves the authorities of any other ministries or commissions, the competent authority may consult with such other ministries or commissions to deal therewith.

CHAPTER II
RESTRAINTS OF COMPETITION

Article 7

The term "monopolistic enterprise" as used in this Act means any enterprise that faces no competition or has a dominant position to enable it to exclude competition in the relevant market.

Two or more enterprises shall be deemed monopolistic enterprises if they do not in fact engage in price competition with each other and they as a whole have the same status as the enterprise defined in the preceding paragraph.

Article 8

An enterprise shall not be deemed a monopolistic enterprise as defined in the preceding article if none of the following circumstances exists:

1. the market share of the enterprise in the relevant market reaches one half of the market
2. the combined market share of two enterprises in the relevant market reaches two thirds of the market and
3. the combined market share of three enterprises in the relevant market reaches three fourths of the market.

Under any of the circumstances set forth in the preceding paragraph, where the market share of any individual enterprise does not reach one tenth of the relevant market or where its total sales in the preceding fiscal year are less than the threshold amount as publicly announced by the competent authority, such enterprise shall not be deemed as a monopolistic enterprise.

An enterprise exempted from being deemed as a monopolistic enterprise by any of the preceding two paragraphs may still be deemed a monopolistic enterprise by the competent authority if the establishment of such enterprise or any of the goods or services supplied by such enterprise to the relevant market is subject to legal or technological restraints, or there exists any other circumstance under which the supply and demand of the market are affected and the ability of others to compete is impeded.

Article 9

Monopolistic enterprises shall not engage in any one of the following conducts:

1. directly or indirectly prevent any other enterprises from competing by unfair means
2. improperly set, maintain or change the price for goods or the remuneration for services
3. make a trading counterpart give preferential treatment without justification or
4. other abusive conducts by its market power.

Article 10

The term "merger" as used in this Act means any one of the following conditions:

1. where an enterprise and another enterprise are merged into one
2. where an enterprise holds or acquires the shares or capital contributions of another enterprise to an extent of more than one third of the total number of voting shares or total capital of such other enterprise
3. where an enterprise is assigned by or leases from another enterprise the whole or the major part of the business or assets of such other enterprise
4. where an enterprise operates jointly with another enterprise on a regular basis or is entrusted by another enterprise to operate the latter's business or
5. where an enterprise directly or indirectly controls the business operation or the appointment or discharge of personnel of another enterprise.

In computing the shares or capital contributions referred to in subparagraph 2 of the preceding paragraph, the shares or capital contributions held or acquired by an enterprise that is controlled by, controlling, or affiliated with the acquiring enterprise, and by an enterprise where both it and the acquiring enterprise are controlled by the same enterprise or enterprises shall be included.

Article 11

Any merger that falls within any of the following circumstances shall be filed with the competent authority in advance:

1. as a result of the merger the enterprise(s) will have one third of the market share
2. one of the enterprises in the merger has one fourth of the market share or
3. sales for the preceding fiscal year of one of the enterprises in the merger exceeds the threshold amount publicly announced by the competent authority.

The threshold amount of the sales referred to in Subparagraph 3 of the preceding paragraph shall include the sales amount of an enterprise that is controlled by, controlling, or affiliated with the enterprise in the merger, and of an enterprise where both it and the enterprise in the merger are controlled by the same enterprise or enterprises. The calculation method shall be publically announced by the competent authority.

A person or a group that has controlling interest in an enterprise is deemed as an enterprise pertinent to the provisions of this Act with regards to merger.

The controlling interest as referred to in the preceding paragraph means that the person or the group, as referred to in the preceding paragraph, and their related persons, hold a majority of the total number of outstanding voting shares or the total capital of the said enterprise.

The scope of the related persons as referred to in the preceding paragraph is defined as follows:

1. The same natural person, and the natural person’ s spouse, as well as the person’ s blood relatives within the second degree of kinship.
2. An enterprise in which the person, referred to in the preceding subparagraph, holds more than one half of the total number of outstanding voting shares or total capital.
3. An enterprise in which the person, referred to in Subparagraph 1, acts as its chairman, president or the director representing a majority of directors.
4. The same group and its representative, manager, or any other person with representing authority, and his/her spouse, as well as his/her blood relatives within the second degree of kinship.
5. The same group and the enterprise in which the natural person of the preceding subparagraph holds more than one half of the total number of outstanding voting shares or total capital.

The sales amount as referred to in Paragraph 1 Subparagraph 3 shall be announced separately by the competent authority in different industries.

Enterprises shall not proceed to merge within a period of 30 days starting from the date the competent authority accepts the complete filing materials, provided that the competent authority may shorten or extend the period as it deems necessary and notifies in writing the filing enterprise of such change. .

Where the competent authority extends the period in accordance with the proviso of the preceding paragraph, such extension may not exceed 60 days for cases of extension, decisions on the filing shall be made in accordance with the provisions of Article 13.

Where the competent authority fails to notify of the extension as referred to in the proviso of Paragraph 7 or make any decision as referred to in the preceding paragraph before the period expires, the enterprises may proceed to merge provided that the merger may not proceed under any of the following circumstances:

1. Where the filing enterprises consent to a further extension of the period.
2. Where the filing contains any false or misleading item.

Article 12
The provisions of Paragraph 1 of the preceding Article shall not apply to any of the following circumstances:
1. Where any of the enterprises participating in a merger, or its 100% held subsidiary, already holds no less than 50% of the voting shares or capital contribution of another enterprise in the merger and merges such other enterprise.
2. Where enterprises of which 50% or more of the voting shares or capital contribution are held by the same enterprise merge.
3. Where an enterprise assigns all or a principal part of its business or assets, or all or part of any part of its business that could be separately operated, to another enterprise newly established by the former enterprise solely.
4. Where an enterprise, pursuant to the proviso of Article 167, Paragraph 1 of the Company Act or Article 28-2 of the Securities and Exchange Act, redeems its shares held by shareholders so that its original shareholders' shareholding falls within the circumstances provided for in Article 10, Paragraph 1, Subparagraph 2 herein.
5. Where a single enterprise reinvests to establish a subsidiary and holds 100% shares or capital contribution of such a subsidiary.
6. Any other designated type of merger promulgated by the competent authority.

Article 13
The competent authority may not prohibit any of mergers filed if the overall economic benefit of the merger outweighs the disadvantages resulted from competition restraint.
The competent authority may impose conditions or undertakings in any of the decisions it makes on the filing cases referred to in Article 11, Paragraph 8 herein in order to ensure that the overall economic benefit of the merger outweighs the disadvantages resulted from competition restraint.

Article 14
The term "concerted action" as used in this Act means that competing enterprises at the same production and/or marketing stage, by means of contract, agreement or any other form of mutual understanding, jointly determine the price, technology, products, facilities, trading counterparts, or trading territory with respect to goods or services, or any other behavior that restricts each other's business activities, resulting in an impact on the market function with respect to production, trade in goods or supply and demand of services.
The term "any other form of mutual understanding" as used in the preceding Paragraph means other than contract or agreement, a meeting of minds whether legally binding or not which would in effect lead to joint actions.
The mutual understanding of the concerted action may be presumed by considerable factors, such as market condition, characteristics of the good or service, cost and profit considerations, and economic rationalization of the business conducts.
The act of a trade association or other groups, as referred to in Article 2 Paragraph 2, to restrict activities of enterprises by means of its charter, a resolution of a general meeting of members or a board meeting of directors or supervisors, or any other means, to restrict activities of enterprises is also deemed as concerted action as used in this Act.

Article 15

No enterprise shall engage in any concerted action unless the concerted action that meets one of the following requirements is beneficial to the economy as a whole and in the public interest, and the application with the competent authority for such concerted action has been approved:

1. unifying the specifications or models of goods or services for the purpose of reducing costs, improving quality, or increasing efficiency
2. joint research and development on goods, services, or markets for the purpose of upgrading technology, improving quality, reducing costs, or increasing efficiency
3. each developing a separate and specialized area for the purpose of rationalizing operations
4. entering into agreements concerning solely the competition in foreign markets for
the purpose of securing or promoting exports
5. joint acts in regards to the importation of foreign goods, or services for the purpose of strengthening trade
6. joint acts limiting the quantity of production and sales, equipment, or prices for the purpose of meeting the demand orderly, because of economic downturn, that the enterprises in the same industry have difficulty to maintain their business or encounter a situation of overproduction
7. joint acts for the purpose of improving operational efficiency or strengthening the competitiveness of small and medium enterprises or
8. joint acts required for the purposes of improving industrial development, technological innovation, or operational efficiency.

After receipt of the application referred to in the preceding Article, the competent authority shall make a decision within three months, the period of which may be extended once if necessary.

Article 16

The competent authority may impose conditions or undertakings in the approval it grants pursuant to the provisions of the preceding article.

The approval shall specify a time limit not exceeding five years. The enterprises involved may, with justification, file a written application for an extension thereof with the competent authority within three to six months prior to the expiration of such period provided, however, that the term of each extension shall not exceed five years.

Article 17

After a concerted action is approved, the competent authority may revoke the approval, alter the contents of the approval, or order the enterprises involved to cease from continuing the conduct or rectify its conduct, or to take necessary corrective actions, because the cause for approval no longer exists, the economic condition changes, the enterprises involved engage in any conduct beyond the scope of approval, or violate the conditions or undertakings which the competent authority imposed pursuant to Paragraph 1 of the preceding Article.

Article 18

The competent authority shall voluntarily make public the approvals, and their relevant conditions, undertakings, and time limits, referred to in the preceding three articles.

Article 19

An enterprise shall not impose restrictions on resale prices of the goods supplied to its trading counterpart for resale to a third party or to such third party for making further resale. However, those with justifiable reasons are not subject to this limitation.

The provision of the preceding paragraph shall apply mutatis mutandis to services provided by an enterprise.

Article 20

No enterprise shall engage in any of the following acts that is likely to restrain competition:

1. causing another enterprise to discontinue supply, purchase or other business transactions with a particular enterprise for the purpose of injuring such particular enterprise
2. treating another enterprise discriminatively without justification
3. preventing competitors from participating or engaging in competition by inducement with low price, or other improper means
4. causing another enterprise to refrain from competing in price, or to take part in a merger, concerted action, or vertical restriction by coercion, inducement with interest, or other improper means
5. imposing improper restrictions on its trading counterparts' business activity as part of the requirements for trade engagement.

CHAPTER III
UNFAIR COMPETITION

Article 21

No enterprise shall make or use false or misleading representations or symbols on the matter that is relevant to goods and is sufficient to affect trading decisions on goods or in advertisements, or in any other way make it known to the public.

The matter, referred to in the preceding paragraph that is relevant to the goods, and is sufficient to affect trading decisions, includes: price, quantity, quality, content, production process, production date, valid period, method of use, purpose of use, place of origin, manufacturer, place of manufacturing, processor, place of processing, or any other relevant item that has touting effects.

No enterprise shall sell, transport, export or import goods bearing false or misleading representations referred to in the preceding paragraph.

The preceding three paragraphs shall apply mutatis mutandis to services provided by an enterprise.

Where any advertising agency makes or designs any advertisement that it knows or should have known to be misleading, it shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. Where any advertising medium communicates or publishes any advertisement that it knows or should have known to be likely to mislead the public, it shall be jointly and severally liable with the principal of such advertisement for the damages arising therefrom. Where any endorser provides any testimonials that he knows or should have known to be likely to mislead the public, he shall be jointly and severally liable with the principal of such advertisement for damages arising therefrom. However, endorsers who are not celebrities, specialists or organizations shall be held jointly and severally liable with the advertiser for only up to 10 times of the reward they have received from the advertiser.

The endorser set forth in the preceding paragraph shall refer to any person or organization, other than the principal of the advertisement, who expresses opinions, trust, findings, or results of personal experiences with regard to the goods or services **.**

Article 22

No enterprise shall have any of the following acts with respect to the goods or services it supplies:

1. using in the same or similar manner in the same or similar category of merchandize, the personal name, business or corporate name, or trademark of another, or container, packaging, or appearance of another's goods, or any other symbol that represents such person's goods, commonly known to the public, so as to cause confusion with such person's goods or selling, transporting, exporting, or importing goods bearing such representation or
2. using in the same or similar manner in the same or similar category of services, the personal name, business or corporate name, or service mark of another, or any other symbol that represents such person's business or services, commonly known to the public, so as to cause confusion with the facilities or activities of the business or service of such person

The provisions of the preceding paragraph are not applicable to the personal name, business or corporate name, or trademark of another, or container, packaging, or appearance of another's goods, or any other symbol that represents such person's goods, as referred to in the preceding paragraph, if that enterprise has obtained a legally registered trademark.

The provisions of Paragraph 1 shall not apply to any one of the following:

1. using in an ordinary manner the generic name customarily associated with the goods or services, or the representation customarily used in the trade of the same category of goods or services or selling, transporting, exporting or importing goods or services bearing such name or representation
2. using in good faith one's own name, or selling, transporting, exporting or importing goods or services bearing such name
3. using, with good faith, in the same or similar manner the representation referred to in the first or second subparagraph of the first paragraph before such representation having become commonly known to the public, or using such representation by any successor that acquires such representation together with the business from a bone fide user or selling, transporting, exporting or importing goods or services bearing such representation.

Where any enterprise has any of the acts set forth in the second or third subparagraphs of the preceding paragraph which is likely to cause confusion or mistake concerning the origins of such goods or services with another enterprise, the latter enterprise may request the former to add appropriate distinctive labeling, unless the former only transports such goods.

Article 23

No enterprise shall compete for trading opportunities by means of improper offerings of gifts or prizes.

The competent authority shall enact the regulations with regard to the scope of gifts or prizes, amount of improper offering and other related matters.

Article 24

No enterprise shall, for the purpose of competition, make or disseminate any false statement that is capable of damaging the business reputation of another.

Article 25

In addition to what is provided for in this Act, no enterprise shall otherwise have any deceptive or obviously unfair conduct that is able to affect trading order.

CHAPTER IV
INVESTIGATION AND SANCTION PROCEDURES

Article 26

The competent authority may investigate and handle, upon complaints or ex officio, any involvement in the violation of the provisions of this Act that harms the public interest.

Article 27

In conducting investigations under this Act, the competent authority may proceed in accordance with the following procedures:

1. to notify the parties and any related third party to appear to make statements
2. to notify the parties and any related third party to submit books and records, documents, and any other necessary materials or exhibits and
3. to dispatch personnel for any necessary onsite inspection of the office, place of business, or other locations of the parties and any related third party.

The competent authority may seize articles obtained from the investigation that may serve as evidence. The scope, and duration of holding the seized articles are limited to the need of investigation, inspection, verification, or any other purpose of preserving evidence.

Any person, subject to an investigation conducted by the competent authority pursuant to the provisions of Paragraph 1, shall not evade, obstruct, or refuse to cooperate without justification.

An investigator carrying out his/her duties under this Act shall present the documents supporting such duties the person to be investigated may refuse the investigation where the investigator fails to present such documents.

Article 28

In conducting investigations into an enterprise' s conduct that may violate the provisions of the Act, if such enterprise makes commitments to take specific measures to cease and rectify its alleged illegal conduct within the time prescribed by the competent authority, the competent authority may suspend the investigation.

In the situation referred to in the preceding paragraph, the competent authority shall monitor whether such enterprise fulfills its commitments.

If the enterprise has fulfilled its commitments by taking specific measures to cease and rectify its alleged illegal conduct, the competent authority may decide to terminate the investigation. However, under any of the following circumstances, the investigation shall be resumed:

1. The enterprise fails to fulfill its commitments.
2. There is a significant change to the facts upon which the decision to suspend the investigation was based.
3. The decision to suspend the investigation was based on incomplete or misleading information provided by the enterprise.

The limitation on the power to impose sanctions, under the circumstance as described in Paragraph 1, interrupts on the day of suspending the investigation. Where the competent authority resumes the investigation, the limitation on the power to impose sanctions shall start on the date of the following day when the investigation is resumed, which shall be added to the period of time elapsed prior to suspending the investigation.

CHAPTER V
COMPENSATION FOR DAMAGES

Article 29

If any enterprise violates any of the provisions of this Act and thereby infringes upon the rights and interests of another, the injured may request the removal of such infringement if there is a likelihood of infringement, prevention may also be claimed.

Article 30

Any enterprise that violates any of the provisions of this Act and thereby infringes upon the rights and interests of another shall be liable for the damages arising therefrom.

Article 31

In response to the request of the person being injured as referred to in the preceding article, a court may, taking into consideration of the nature of the infringement, award compensation more than the actual damages if the violation is intentional provided that no award shall exceed three times of the amount of damages that is proven.

Where the infringing person gains from its act of infringement, the injured may request to assess the damages exclusively based on the monetary gain to such infringing person.

Article 32

No claim for damages as prescribed in this Chapter shall be allowed unless the right is exercised within two years after the claimant knows the act and the person liable for the damages nor shall the claim be allowed after the lapse of ten years from the time of infringing conduct is committed.

Article 33

In filing a suit with a court in accordance with this Act, the injured may request the content of the judgment to be published in a newspaper at the expenses of the infringing party.

CHAPTER VI
PUNISHMENT

Article 34

If any enterprise violating the provisions of Articles 9 or Article 15 is ordered by the competent authority pursuant to paragraph 1 of Article 40 to cease therefrom, rectify its conduct, or take necessary corrective action within the time prescribed in the order, and after the lapse of such period, shall such enterprise fail to cease therefrom, rectify such conduct, or take any necessary corrective action, or after its ceasing therefrom, shall such enterprise have the same or similar violation again, the actor shall be punished by imprisonment for not more than three years or detention, or by a fine of not more than one hundred million New Taiwan Dollars, or by both.

Article 35

The competent authority may grant exemption from or reduction of fines to be imposed in accordance with paragraph 1, 2 of Article 40 on enterprises in violation of Article 15 but meeting one of the following conditions:

1. The enterprise files a complaint or informs the competent authority in writing about the concrete illegal conduct of the concerted action in which it has partaken and also submits the evidence and assists the investigation before the competent authority is aware of the said illegal conduct or initiated an investigation in accordance with this Act.
2. The enterprise reveals the concrete illegal conduct as well as submits the evidence and assists the investigation during the period in which the competent authority investigates the said illegal conduct in accordance with this Act.

The competent authority shall enact the regulations with regard to the eligibility of the subjects to whom the preceding paragraph applies, the criteria of the said fine reduction and exemption and the number of enterprises to be granted the said fine reduction or exemption, evidence submission, identity confidentiality, and other matters in relation to the enforcement of the said regulations.

Article 36

If any enterprise violating the provisions of Article 19 or Article 20 is ordered by the competent authority pursuant to paragraph 1 of Article 40 to cease therefrom, rectify its conduct, or take necessary corrective action within the time prescribed in the order, and after the lapse of such period, shall such enterprise fail to cease therefrom, rectify such conduct, or take necessary corrective action, or after its ceasing therefrom, shall such enterprise have the same or similar violation again, the actor shall be punished by imprisonment for not more than two years or detention, or by a fine of not more than fifty million New Taiwan Dollars, or by both.

Article 37

Shall any enterprise violate the provisions of Article 24, the actor shall be punished by imprisonment for not more than two years or detention, or by a fine of not more than fifty million New Taiwan Dollars, or by both.

If any representative, agent, employee or other worker of a juristic person commits an offense referred to in the provisions of Article 24 while executing his/her duties, not only the actor shall be punished in accordance with the provision of the preceding paragraph, the juristic person shall also be fined as prescribed in the preceding paragraph.

No action shall be brought against the violation referred to in the preceding two paragraphs unless there is a complaint filed.

Article 38

Where any other laws provide for more severe punishment than those prescribed in Article 34, Article 36 and Article 37, the provisions of such other laws shall apply.

Article 39

Where any enterprise(s) proceeds with a merger in violation of Paragraph 1 or Paragraph 7 of Article 11 herein, or proceeds with a merger despite that the competent authority decides upon the filing to prohibit such merger, or fails to perform the undertakings required as pursuant to Paragraph 2 of Article 13, the competent authority may prohibit such merger, prescribe a period for such enterprise(s) to split, to dispose of all or a part of the shares, to transfer a part of the operations, or to remove certain persons from their positions, or make any other necessary dispositions, and may impose an administrative penalty of no less than two hundred thousand and no more than fifty million New Taiwan Dollars upon such enterprise(s).

Where any enterprise(s) proceeds with a merger under the circumstances where the filing contains any false or misleading items, the competent authority may prohibit such merger, prescribe a period for such enterprise(s) to split, to dispose of all or a part of the shares, to transfer a part of the operations, or to remove certain persons from positions, or make any other necessary dispositions, and may impose an administrative penalty of no less than one hundred thousand and no more than one million New Taiwan Dollars upon such enterprise(s).

Where any enterprise violates the disposition made by the competent authority pursuant to the provisions of the preceding two paragraphs, the competent authority may order for dissolution, suspension or termination of business operation.

The period for suspension of business operation ordered pursuant to the preceding paragraph shall be limited to six months each.

Article 40

The competent authority may order any enterprise that violates Article 9, Article 15, Article 19 and Article 20 to cease therefrom, rectify its conduct or take necessary corrective action within the time prescribed in the order in addition, it may assess upon such enterprise an administrative penalty of not less than one hundred thousand nor more than fifty million New Taiwan Dollars. Shall such enterprise fails to cease therefrom, rectify the conduct or take any necessary corrective action after the lapse of the prescribed period, the competent authority may continue to order such enterprise to cease therefrom, rectify the conduct or take any necessary corrective action within the time prescribed in the order, and each time may successively assess thereupon an administrative penalty of not less than two hundred thousand nor more than one hundred million New Taiwan Dollars until its ceasing therefrom, rectifying its conduct or taking the necessary corrective action.

The competent authority may impose an administrative penalty up to 10% of the total
sales income of an enterprise in the previous fiscal year without being subject to the limit of administrative fine set forth in the preceding paragraph if the enterprise is deemed by the central competent authority as in serious violation of Articles 9 or 15.

The competent authority shall enact the regulations with regard to the calculation of the total sales of the previous fiscal year, definition of serious violations, and calculation of administrative penalties.

Article 41

The power to impose sanctions pursuant to the provisions of the preceding two Articles is expired upon the lapse of five years.

Article 42

The competent authority may order any enterprise that violates Article 21, Article 23 to Article 25 to cease therefrom, rectify its conduct or take necessary corrective action within the time prescribed in the order in addition, it may assess upon such enterprise an administrative penalty of not less than fifty thousand nor more than twenty-five million New Taiwan Dollars. Shall such enterprise fails to cease therefrom, rectify the conduct or take any necessary corrective action after the lapse of the prescribed period, the competent authority may continue to order such enterprise to cease therefrom, rectify the conduct or take any necessary corrective action within the time prescribed in the order, and each time may successively assess thereupon an administrative penalty of not less than one hundred thousand nor more than fifty million New Taiwan Dollars until its ceasing therefrom, rectifying its conduct or taking the necessary corrective action.

Article 43

If any trade association or organization as referred to in Article 2 Paragraph 2 violates the provisions of this Act, the competent authority may impose a penalty on any member who participated in such violation. However, if the member is able to demonstrate that the member has no knowledge of the violation, or did not participate in the mutual understanding, did not implement, or ended such violation prior to the investigation conducted by the competent authority, the member may not be punished.

Article 44
Shall any person subject to any investigation, conducted by the competent authority pursuant to the provisions of Article 27, violate the provisions of Article 27 Paragraph 3, the competent authority may impose an administrative penalty of no less than fifty thousand and no more than five hundred thousand New Taiwan Dollars. Shall such person continue to evade, interfere or refuse to cooperate without justification upon another notice, the competent authority may continue to issue notices of investigations, and may impose consecutively thereupon an administrative penalty of no less than one hundred thousand and no more than one million New Taiwan Dollars each time until such member accepts the investigation, appears to respond, or renders relevant materials like books and records, documents, or exhibits.

CHAPTER VII
SUPPLEMENTARY PROVISIONS

Article 45
No provision of this Act shall apply to any proper conduct in connection with the exercise of rights pursuant to the provisions of the Copyright Act, Trademark Act, Patent Act or other Intellectual property laws.

Article 46
The Act has precedence over other laws with regards to the governance of any enterprise' s conduct in respect of competition. However, this stipulation shall not be applied to where other laws provide relevant provisions that do not conflict with the legislative purposes of this Act.

Article 47
Any unrecognized foreign juristic person or organization may file a complaint for public prosecution, private prosecution, or civil action pursuant to the provisions of this Act provided, however that any national or organization of the Republic of China in the country of such foreign juristic person or organization must be entitled to the right of the kind in accordance with any treaty, or any law, regulation, or custom of such country or through any agreement entered into by any organization(s) or institution(s) and approved by the competent authority, for mutual protection.

Article 47-1

To strengthen the investigation and sanction over concerted actions and promote the healthy development of market competition, the competent authority may set up an anti-trust fund.

Capital sources of the preceding anti-trust fund are as follows:

1. 30% of the fines imposed according to the Act;
2. Interests accrued on the fund;
3. Budgetary allocations;
4. Other relevant incomes.

The fund under Paragraph 1 shall be used for the following purposes :

1. Rewards for the reporting of illegal concerted actions;
2. Promotion of cooperation, investigation and communication matters with international competition law enforcement agencies;
3. Subsidies to the related expenses incurred from litigations associated with the Act and rewards reporting of illegal actions;
4. Deployment and maintenance of databases in relation to the Competition Law;
5. Research and development on the systems in association with the Competition Law;
6. Education and advocacy of the Competition Law;
7. Other necessary expenditures to maintain the market order.

The previous paragraph governing the scope of reporting reward, the qualifications of informer, the criteria of rewarding, the procedures of rewarding, the revocation, abolishment and recovery of reward, and the maintenance of confidentiality of the informer’ s identity shall be determined by the competent authority.

Article 48

Where disposition or decisions made by the competent authority pursuant to this Act are objected or challenged, the procedures for administrative litigation shall apply directly.

Where administrative appeal cases are not concluded prior to the enactment of the amendment of this Act, they shall be concluded in accordance with the Administrative Appeal Act.

Article 49

The enforcement rules of this Act shall be made and promulgated by the competent authority.

Article 50

This Act takes effect on the date of promulgation, except Articles 10 and 11, which were amended on January 22, 2015, shall take effect thirty days from the date of promulgation.