

本研究之題目為：「通訊傳播業務消費者權益保護之調查研究」，係因台灣通訊傳播產業之主管機關，「國家通訊傳播委員會」，為有效因應數位時代的變遷，一方面加速匯流，以多種平台的競爭打破壟斷的現狀，另一方面也以提升多元文化及維護公共權益為目標，並以「確保市場秩序」、「強化產業發展」、「保障消費權益」作為改革的三大面向，為建立法令架構、秩序井然的市場環境，期使讓我國順利邁向數位匯流新紀元。因此可明確得知，「國家通訊傳播委員會」優先公共利益議題首先應包括「無間斷保障消費者權益」此項任務。

The title for this project is called "The Research and Analysis on the Consumer Rights Protection Regarding the Telecommunications and Broadcasting Industry." The incentive for project is mainly concerned with the National Communications Commission(NCC) of Taiwan, the governing authority for Taiwan's Telecommunications and broadcasting industry. In order to efficiently keep pace with changes of the digital era, National Communications Commission dedicates itself to the facilitation of convergence, with a view to break the monopoly status quo by introducing market competition among various platforms. In the meantime, National Communications Commission is concerned with the elevation of multiple cultures as well as the maintenance of public welfare. The innovation is threefold: to keep the market order, to enhance the industry development, and to protect consumers' rights and benefits. National Communications Commission is devoted to the establishment of laws and order, and the well-organized market environment, in order to help Taiwan step in the flow and development of digital convergence era. It is crystal clear that the priority issue for public interests should include the mission of 'non-elapse protection on consumer's rights and benefits.'

因此本研究之目的即希望透過對於通訊傳播服務業(在通訊業，以行動電話服務為研究議題，在傳播業一則以有線電視服務為研究議題)之現行營業規章、定型化契約及應記載及不得記載事項之研究，並蒐集歐、美、日等先進國家目前所採行之通訊傳播業務消費者權益保護措施之相關資訊。並從我國整體經濟、通訊傳播市場發展狀況及我國現行消費者權益保護制度，分析我國目前通訊傳播產業所實施之保護消費者權益之措施，進而評估我國採行通訊傳播服務契約之定型化契約之利弊或可行性分析。

Accordingly, the scope for this research comprises the study of current business regulations of the telecommunications and broadcasting services(mobile phone service is the target subject in telecommunications, and cable TV service, in broadcasting), the fixed-format contracts, the must-include and the must-not-include clauses, etc. In addition, this research endeavors to collect relevant up-to-date information concerning consumer's right protection measures of the telecommunications and broadcasting businesses in European countries, the United States, and Japan. Starting from the analyses on Taiwan's economy, telecommunications and broadcasting development, and the current consumer's right protection scheme, this research aims to scrutinize the current measures for the protection of consumer's rights in Taiwan's telecommunications and broadcasting business, so as to evaluate the pros and cons as well as the feasibility of Taiwan's present telecommunications and broadcasting service contracts.

另外以比較研究之方式，整理分析並歸納歐、美及日本等先進國家在通訊傳播業所踐行之消費者保護機制。之後，參酌這些先進國家之制度，並針對我國經濟環境及政府對消費者保護之相關制度及政策目標，提出我國法令規範及實務運作制度之各該類型通訊傳播服務契約之定型化契約範本與定型化契約之應記載或不得記載事項之修正建議及方向，同時對於因此所可能產生之衝擊影響及所帶來之效益進行分析。

Comparative methodology is applied in this research. Different consumer's right protection schemes for telecommunications and broadcasting businesses in Europe, the United States, and Japan are carefully studied, analyzed, and concluded in this research. The conclusions are utilized as the basis for the improvement and suggestions to Taiwan's related laws and regulations, market orders, and telecommunications and broadcasting service contracts, including the must-include and must-not-include clauses. Meanwhile, possible impacts and influence, and the forthcoming effects are also analyzed to enhance the wholeness and completeness of this research.

為使研究範圍及議題明確，除第一章為序論，擬先從第二章，國內目前在通訊傳播業所面臨之各項消費議題出發，予以整理分析，再輔以第三章國內有關消費者保護法制之探討，以全面性體檢目前國內通訊產業所面臨之消費議題之情況。進而在第四章及第五章分別對於各先進國家目前在通訊及傳播之業務上所採行之消費者權益保護措施及其法令規章等相關資訊之整理，及其所面臨之消費者議題等，進行研析歸納。最後在第六章再將上述五章之重點加以綜合探討，並參考導入外國制度，提出相關法制修正之方向及建議，並以落實消費者與業者間之平等互惠原則，進而達成「國家通訊傳播委員會」之保障消費者權益之施政目標。最後一章第七章，總合上述六章，建議「國家通訊傳播委員會」宜先決定管制之架構後，再進一步考量是否相關法令有修正之必要且再次以目前有關有線電視業者預收費用可能之消費糾紛及履約保證為範例議題，提出建議，最後提出通訊傳播整體法規之調整之建議。

Chapter One of this research deals with the introduction. To make the research scope and issues clear, Chapter Two deals with the various consumer issues of Taiwan's current telecommunications and broadcasting industry. Chapter Three aims at the study of Taiwan's consumer protection laws and regulations, in order to comprehensively examine the status quo from the perspective of the telecommunications and broadcasting business providers. Chapters Four and Five deal with the study on consumer protection measures, the analysis on the laws and regulations concerning the telecommunications and broadcasting industry of the developed countries, as well as the study on the present consumer-related issues. Finally in Chapter Six, foreign systems are introduced alongside the important elements from previous five chapters, with a view to offer the possible solutions to the relevant and current system, and to provide a friendly equilibrium between the consumers and the service providers. In that regard, the objective of ensuring and protecting the consumer's rights and benefits launched by National Communications Commission is fulfilled. Chapter Seven, which comprises elements of all previous chapters, offers suggestions to National Communications Commission such as to determine the controlling scheme in the first place, to put into consideration

whether it is necessary to amend the relevant laws and regulations, and to ponder over issues like cable TV pre-paid disputes, warranty over contract fulfillment, etc. Last but not least, suggestions to the telecommunications and broadcasting regulations adjustment is included to make this research complete.