

Presidential Decree  
On the 6<sup>th</sup> of January 2016  
Hua-Zong-1-Yi No. 10400154531

## Satellite Broadcasting Act

Promulgated on the 6<sup>th</sup> of January 2016

Issue Date

Full text of 68 clauses amended and promulgated by Presidential Decree No. 10400154531 on January 6, 2016

### Chapter I General Provisions

Article 1 This Act is enacted to promote the sound development of the satellite broadcasting industry, to safeguard the audio-visual rights and interests of the public, to maintain the audiovisual diversity, to promote the development of the ROC's communications industry in the international community, and to strengthen regional cultural exchanges.

Article 2 The terms used in this Act shall be defined as follows:

1. Satellite Broadcasting: Refers to the transmission of sound or visual signals, via satellite, for audio and visual reception by the public;
2. Satellite Broadcasting Business: Refers to a direct satellite broadcasting service operator or a satellite broadcasting program supplier;
3. Direct Satellite Broadcasting Service Operator (referred to hereinafter as "service operator"): Refers to a business which uses its own or others' facilities to provide satellite broadcasting services and directly charge subscribers for the service;
4. Satellite Broadcasting Program Supplier (referred to hereinafter as "program supplier"): Refers to a legal entity which transmits programs or advertisements, via satellite, to public audio and visual broadcasting platform with its own transponders or channels or those rented from satellite transponder operators;
5. Foreign Satellite Broadcasting Business: Refers to a foreign satellite broadcasting operator which transmits, via satellite, programs or advertisements to areas within the jurisdiction of the Republic of China;
6. Satellite Transponder (referred to hereinafter as "transponder"): Refers to the communications relay facilities set up on the satellite

to receive the up-link signals sent out from earth stations, and then transmit them back to earth stations after they are transponded to the down-link frequencies.

7. Other Type Channel and Program Supply Business: Refers to the business that, via methods other than the satellite, transmit program or advertisement of a specific channel to the public audio and visual broadcasting platform;
8. Shopping Channel: Refers to the advertising channel that is designated to promote products or services;
9. Internal Control Mechanism: Including the structure, personnel arrangement, quality control operating procedures, and program and advertisement production and transmission standards of the internal control organization.
10. Programs: Refer to the content of a scheduled independent unit composed by a series of images, sounds and relevant words
11. Advertisements: Refer to images, sounds and relevant words broadcasted by an enterprise, agency (institution) group or person for the purpose of marketing or propagating product, concept, service or image.
12. Sponsorships: Refer to monetary or non-monetary payment offered by an enterprise, agency (institution) group or person for the purpose of promoting specific name, brand, image, activity or product under the circumstances of not affecting the content or independency of editing or producing the program.
13. Placement marketing: Refers to the behavior of presenting specific concept, product, brand, service or relevant information and characteristics in a program based on the compensable or quid pro quo relation with an enterprise, agency (institution), group or person for the purpose of marketing or propagation.

Article 3      The regulatory agency of this Act is National Communications Commission.

## Chapter II Permission of Operation

Article 4      The organization of a satellite broadcasting business shall be a company limited by shares or a foundation.  
The minimum paid-in capital and total endowment assets of a satellite broadcasting business shall be prescribed by the regulatory agency.  
The total shares of a satellite broadcasting business directly held by foreign shareholders shall be less than 50 percent of the total shares issued by the said business.

Article 5      The government and political parties, as well as foundations

established with their endowments, and those commissioned by them, shall not directly or indirectly invest in satellite broadcasting businesses.

Unless otherwise provided by law, the government and political parties shall not provide endowments for the establishment of a satellite broadcasting business.

Existing situations involving the government, political parties, as well as foundations established with their endowments, and those commissioned by them, that do not meet the provisions of one of the preceding two Paragraphs prior to the implementation of the revision of this Act, shall be corrected within two years of the implementation of this Act.

Political party workers, political appointees, and elected public officials shall not invest in satellite broadcasting businesses. Total shareholdings by their spouses, relatives by blood within the second degree of relationship, and lineal relatives by marriage, shall not exceed 1 percent of the issued shares of a satellite broadcasting business. Existing situations involving satellite broadcasting businesses that do not meet these provisions prior to the implementation of the revision of this Act shall be corrected within two years of the implementation of the revision of this Act.

The government, political parties, political workers, and elected public officials shall not be promoters, directors, supervisors, or managerial officers of a satellite broadcasting business. Those who hold these positions prior to the implementation of the revision of this Act shall be relieved of their duties by the satellite broadcasting business within six months of the implementation of the revision of this Act.

The scope of political party workers, political appointees, and elected public officials mentioned in the preceding two Paragraphs shall be defined in the Enforcement Rules of this Act.

#### Article 6

To operate a satellite broadcasting business, an applicant shall complete and submit an application form, along with an operations plan, to the regulatory agency. Satellite broadcasting operation shall begin after the regulatory agency approves the application and issues a satellite broadcasting business license

To operate a direct satellite broadcasting business, a foreign satellite broadcasting business shall complete and submit an application form, along with an operations plan, to the regulatory agency by its branch office located in the Republic of China. Satellite broadcasting operation shall begin after the regulatory agency approves the application and issues a satellite broadcasting business license.

To operate a satellite channel and program supply business, a foreign

satellite broadcasting business shall complete and submit an application form, along with an operations plan, to the regulatory agency by its branch office or agent located in the Republic of China. Satellite broadcasting operation shall begin after the regulatory agency approves the application and issues a satellite broadcasting business license.

The approval procedures, examination items, assessment standards and other regulatory matters shall be enacted by the regulatory agency.

Article 7 To provide a direct satellite broadcasting business, an applicant shall explicitly include the following details in the operations plan:

1. The name, nationality, frequency, and transponder of the satellite; the number of satellite channels; and the reception area of the satellite signals;
2. The initial date of operation;
3. Financial structure and personnel organization;
4. Channel and program planning;
5. Internal control mechanism;
6. Methods of operation and plan for technological development;
7. Rates and their calculation formula; and
8. Other items, as specifies by the regulatory agency.

An operation plan submitted by the foreign satellite broadcasting business for providing direct satellite broadcasting services in the Republic of China shall explicitly include the following details:

1. The name, nationality, frequency, and transponder of the satellite; the number of satellite channels; and the reception area of the satellite signals;
2. The initial date of operation;
3. Channel and program planning;
4. Rates and their calculation formula; and
5. Other items, as specifies by the regulatory agency.

Article 8 To provide satellite channel and program supply business, an applicant shall explicitly include the following details in the operations plan:

1. The number of operating channels, channel name and the method of transmitting signals;
2. The initial date of operation;
3. Program planning;
4. Proposals of broadcasting programs that promote our nation's culture;
5. Internal control mechanism and program editorial system;
6. Rates and their calculation formula;
7. Other items, as specified by the central regulatory agency.

While planning the programs, satellite channel and program supply

business shall take the content diversity into consideration, protect human dignity, fulfill social responsibility and protect the culture of our nation.

To protect the culture of our nation, satellite channel and program supply business shall produce and broadcast programs in accordance with the restrictions of our nation's program ratio stipulated by the regulatory agency.

The said identification, category, designated broadcast time slot and restrictions on the ratio shall be regulated by the regulatory agency.

The satellite channel and program supply business shall submit and apply for the change of operations plans according to Subparagraph 3 and 4 of Paragraph 1, and Paragraph 2 through preceding Paragraph a year prior to the implementation of the amendment of this Act made on the 18<sup>th</sup> of December 2015. A year after the implementation of the amendment of the Act, the produced and broadcasted program shall comply with provisions stated in Paragraph 2 through preceding Paragraph.

An operations plan submitted by the branch office or agent of a foreign satellite broadcasting business for the engagement in channel and program supply operations in the Republic of China shall explicitly include the following details:

1. The name, nationality, frequency, and transponder of the satellite; the number of satellite channels; and the reception area of the satellite signals;
2. The initial date of operation;
3. Program planning
4. Internal control mechanism and program editorial system;
5. Rates and their calculation formula; and
6. Other items, as specifies by the regulatory agency.

Article 9 Should the application or operations plan of satellite broadcasting business or the branch or agent of a foreign satellite broadcasting business be incomplete, the regulatory agency shall notify the applicant to make up the documents in time. If an applicant fails to do so by the given time, the application shall be rejected.

Article 10 Where an applicant of satellite broadcasting business is having any of the following situations, the application shall be rejected with reasons stated.

1. Violation of Article 4 or Article 5
2. The applicant's director, supervisor or the applicant is a company in preparation; the promoter violates Article 30 of Company Act; or the director, supervisor or manager of the satellite broadcasting business has been sentenced to imprisonment for committing

crime with the job position and the sentence has not been completed or three (3) years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.

3. The applicant's operations plan may violate compulsory or prohibitive regulations under the law, or adversely affect the national security, overall industrial development, public order or good social customs.
4. The applicant does not have sufficient capital and capability for executing the operations plan.
5. The applicant had its satellite broadcasting business license revoked or abolished less than two years due to the violation of this Act.

Should the branch office or agent of a foreign satellite broadcasting business that applies for the engagement of satellite broadcasting business operations violates any situations stated in Subparagraph 3 through 5 in preceding Paragraph, the application shall be rejected with reasons stated.

The qualifications of directors, supervisors and the responsible person and other management details shall be regulated by the regulatory agency.

- Article 11      The license of the satellite broadcasting or the branch office or agent of a foreign satellite broadcasting business is valid for six years.  
The validity of the license of a foreign satellite broadcasting business' agent depends on the agency right period stated in the agency agreement, which shall not exceed six years.

### Chapter III      Regulations of Operations

- Article 12      A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall not have the operations authorized to a third party or have its license leased, lent, transferred, or assigned to a third party unless stipulated by law.

- Article 13      A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall receive regulatory agency's permission before installing the earth station.

The application and permission procedures, installation, examination, issuance / renewal / reissuance of license, abolishment of permit, installation and use management, use frequency, engineer qualifications and evaluation system, and other regulatory matters of the earth station stated in preceding Paragraph shall be enacted by the regulatory agency.

- Article 14      Anyone who obtains the satellite broadcasting business license and the branch office or agent of a foreign satellite broadcasting business shall initiate the broadcasting according to the date stated in operations plan. Those who are unable to initiate the operations on time shall apply for an extension and submit it to the regulatory agency. The extension shall not exceed six months and is limited to one time only.
- Anyone who obtains the satellite broadcasting business license and the branch office or agent of a foreign satellite broadcasting business and do not initiate the broadcasting according to the date stated in operations plan or within the approved extension period will have the permit abolished and the satellite broadcasting business license revoked.
- Article 15      When a change is made to an application form and/or operations plan that has already been approved, a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall file for approval of the changes with the regulatory agency in advance. This provision shall not apply to changes in the contents specified in Subparagraph 3 of Paragraph 1 of Article 7.
- If the change mentioned in the preceding Paragraph involves registration of establishment, the said business shall first obtain approval from the regulatory agency before it proceeds with business establishment or the change of registration.
- If the content of changes mentioned in preceding two Paragraphs is having any situation stated in Subparagraph 1 through Subparagraph 4 of Paragraph 1 of Article 10, the application shall be rejected with reasons stated.
- Article 16      When a change is made to the license of a satellite broadcasting business or the branch office or agent of a foreign satellite broadcasting business, an application for a new license shall be filed with the regulatory agency within 15 days after the change. In the event that the license is lost, an application for its re-issuance shall be filed within 15 days after the loss.
- If the change mentioned in the preceding Paragraph involves registration of establishment, the said business shall first obtain approval from the regulatory agency before it proceeds with business establishment or the change of registration.
- Article 17      Three years after the satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business acquire the license, the regulatory agency shall conduct an assessment based on the operations plan execution report provided by the said business.
- Should the assessment results mentioned in the preceding Paragraph reveal the said business has failed to live up to the operations plan, the

regulatory agency shall notify the said business to make corrections within a specified period of time. In the event that no corrections are made, the regulatory agency shall revoke the satellite broadcasting operation permit and cancel the satellite broadcasting business license. The assessment procedures, examination items, assessment standards and other regulatory matters shall be enacted by the regulatory agency.

Article 18 Six months prior to the expiry date of the license, a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall complete and submit an application form, along with an operations plan for license renewal operations, to the regulatory agency.

In addition to examining the application form and operations plan mentioned in preceding Paragraph, the regulatory agency shall evaluate the following circumstances, when reviewing the application for license renewal.

1. Evaluation of the execution of the operations plan and any improvements;
2. Record of violations of the Act;
3. Record of infringing others' rights by broadcasting certain programs and advertisements; and
4. Handling of disputes with subscribers.
5. Financial status
6. Other circumstances that can affect the operations

The license-renewal procedures, examination items, assessment standards and other regulatory matters shall be enacted by the regulatory agency.

Article 19 The regulatory agency shall conduct an examination according to Paragraph 2 of preceding Article. In the event that the applicant is potentially having a bad operation, the regulatory agency shall notify the applicant to make up the documents in time. If an applicant fails to do so by the given time or the supplemented sections are still incomplete, the application shall be rejected.

Article 20 The regulatory agency shall summon satellite broadcasting business application, establishment, assessment and license renewal advisory meetings to discuss the following proceedings and to provide advices accordingly.

1. The application, installation, assessment and license renewal of the satellite broadcasting business, foreign broadcasting business and other type channel and program supply business.
2. Other things to be done per the request of regulatory agency

The advisory meeting mentioned in preceding paragraph shall have nine to eleven members, where the number of any gender shall not be



less than one-third of the total number of members, including:

1. Two representatives of the regulatory agency;
2. Three to four representatives of public interest groups selected and employed according to the channel and program category; Three to four experts/scholars;
3. One representative of the national satellite broadcasting association;

The advisory meeting members mentioned in paragraph one shall be selected and employed/appointed by the regulatory agency. The said members shall have a tenure of two years and consecutive tenure by employment or assignment upon expiration is allowed.

The rules of selecting members of the satellite broadcasting business application, establishment, assessment and license renewal advisory meetings as well as the discussion method shall be regulated by the regulatory agency.

Article 21 When a domestic or foreign satellite broadcasting business plans to suspend or terminate the operations of one or all the channels, the said business or its branch office or agent shall submit a written report to the regulatory agency three months in advance, and notify its subscribers one month in advance.

The period of suspension of operations mentioned in the preceding Paragraph shall not exceed six months and is limited to one time only.

Article 22 The produced and broadcasted news or other satellite channel and program supply business designated by the regulatory agency shall establish an independent self-regulatory mechanism that accepts audience's appeal related to the accuracy, balance and taste of the broadcast content. The said mechanism shall also submit specific reports to the regulatory agency and make such report open information.

The self-regulatory mechanism mentioned in preceding Paragraph shall be reported to the regulatory agency for future reference.

Article 23 A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall put logo on the program and advertisement pictures.

Article 24 The number of shopping channels of a direct satellite broadcasting business and the branch office of a foreign satellite broadcasting business that operates direct satellite broadcasting business shall be less than ten percent of the total channels.

Article 25 A direct satellite broadcasting business and the branch office of a foreign satellite broadcasting business that operates direct satellite broadcasting business shall not treat satellite channel and program supply business and the branch office or agent of a foreign satellite channel supply business differently without justification.

A satellite channel and program supply business and the branch office or agent of a foreign satellite channel supply business that provides satellite channel and program supply service shall not treat cable radio/television system operator (including the cable television program broadcasting system), direct satellite broadcasting service business or other public audio and visual broadcasting platforms differently without justification .

The scope of the public audio and visual broadcasting platform mentioned in preceding Paragraph shall be announced by the regulatory agency and be published in the Government Gazette.

Article 26 In the event of a natural disaster or emergency, the regulatory agency may direct satellite broadcasting businesses to broadcast specific programs or messages.

When the situation mentioned in the preceding Paragraph no longer exists, the regulatory agency shall immediately notify the said businesses to revert to broadcast of regular programming.

Regulations for dealing with natural disasters and emergencies applied to cable radio and television system operators shall apply to satellite broadcasting businesses *mutatis mutandis*.

## Chapter IV Program and Advertisement Management

Article 27 The content of the program and advertisement produced and broadcasted by a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall respect cultural diversity, protect human dignity and fulfill social responsibility.

The produced and broadcasted news and comments shall pay attention to fact verification and principles of fairness.

The contents of programs or advertisements transmitted by a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall not:

1. Violate compulsory or prohibitive regulations under the law;
2. Impair the physical or mental health of children or juveniles; or
3. Disrupt public order or adversely affect good social customs.
4. The produced and broadcasted news violates the principle of fact verification and caused damage on public interest.

A satellite broadcasting business or the branch office or agent of a foreign satellite broadcasting business is involved in any of the cases mentioned in Subparagraph 4 of preceding Paragraph shall be investigated by the self-regulatory mechanism established by the said business and then made into an investigation report. The said report

shall then be submitted to the regulatory agency for deliberation.

Article 28 A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall classify its broadcasted television programs.

To protect the physical and mental health of children and their visual and audio rights and benefits, the regulatory agency shall make restrictions on the content and hours of the advertisements broadcasted in channels or programs specially designed for the children.

The program level and audience age mentioned in Paragraph 1, and the advertisement content, time limit and other regulatory matters shall be enacted by the regulatory agency.

Article 29 The regulatory agency may broadcast designated program or advertisement in specific time slot or broadcast it under encryption.

A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall report the encryption method to the regulatory agency for approval.

Article 30 Programs broadcasted by a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall be readily recognized and be distinguished with inserted advertisement. However, this shall not apply to what is provided for in this Act.

Article 31 A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall not have any one of the following actions:

1. To broadcast a program or advertisement that is financed, produced or sponsored by the government and is related to persons planning to participate in campaign
2. To broadcast a program or advertisement that is financed, produced or sponsored by the government and is based on the topics of persons planning to participate in campaign
3. To broadcast a placement marketing program commissioned by the government.
4. To broadcast a program that is commissioned by the government and does not reveal messages financed, produced, sponsored or subsidized by the government.

A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall not make placement marketing in news report and children program.

When the program provided by a satellite broadcasting business or the branch office or agent of a foreign satellite broadcasting business is classified as placement marketing by the regulatory agency, the said business shall not purposely affect the edit of program content, directly encourage the purchase of objects or service, or exaggerate the effect of

product. Besides, the said business shall explicitly reveal the placer information before and after the program broadcast in accordance with relevant rules.

Article 32 Upon acceptance of sponsorship, a satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business shall reveal the sponsor information before and after the broadcast of the program. The sponsor information can also appear in programs of sporting events or cultural/artistic activities under the premise of not affecting the benefits and rights of the viewers.

Article 33 The duration of placement marketing and displaying the sponsor information shall not be counted in the duration of advertisements according to Paragraph 3 of Article 31 and preceding Article.

The category of placement marketing programs; identification of news/report, children, sporting event and cultural/artistic activity programs; readily recognition and distinction of programs and inserted advertisements; methods of the placement marketing and sponsor information being applied or revealed; and restrictions and other regulatory matters shall all be enacted by the regulatory agency.

Article 34 A satellite broadcasting business shall not use inserted characters, except under the following circumstances:

1. To report a natural disaster or emergency;
2. To publicize public service information;
3. To announce a change of channel or program;
4. To release non-commercial and information related to the program being broadcast; or
5. As stipulated by other laws or regulations.

Article 35 When the contents of an advertisement require the legal approval of central industry competent authorities, certification of approval for the said advertisement shall be obtained before it is transmitted.

The preceding Paragraph shall apply mutatis mutandis to advertisements transmitted by a foreign satellite broadcasting business on products or services circulated in the Republic of China.

Article 36 The duration of advertisements broadcasted by a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall not exceed one-sixth of the total transmission time of each program.

The word "advertisement" shall be displayed on the screen, in the event that one single advertisement lasts more than three minutes or an advertisement is transmitted in the form of a program.

Advertisements can appear in the broadcast of sporting event or cultural/artistic activities at the right timing in the circumstances of not interrupting the program.

The program starting and ending time, advertisement transmission method and the number of advertisements distributed to each time slot shall be enacted by the regulatory agency.

Article 37 A satellite broadcasting business or the branch office or agent of a foreign satellite broadcasting business that has established a shopping channel shall not be limited to Article 34 and Paragraph 1 and Paragraph 2 of preceding Article.

Regarding inserted characters in shopping channels, the specific use standards, methods and other regulatory matters shall be enacted by the regulatory agency.

Article 38 A direct satellite broadcasting business and the branch office of a foreign satellite broadcasting business that operates direct satellite broadcasting business shall not broadcast programs or advertisement of satellite channel and program supply business, foreign satellite broadcasting business and other type channel and program supply business that has not been approved in accordance with Article 6 or Article 64 where Paragraph 1 of Article 6 apply.

Article 39 The regulatory agency may, if it deems necessary, request a satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business to provide a program or an advertisement within 20 days after the transmission of the said program or advertisement.

Article 40 When a commentary in a satellite broadcasting program involves individuals, institutions, or organizations to the extent that the rights and interests of the involved party are impaired, the request by the said party for a commensurate opportunity to respond shall not be rejected.

Article 41 A satellite broadcasting business may transmit a domestically produced program overseas to facilitate cultural exchanges and shall comply with international satellite broadcasting conventions and practices.

## Chapter V Protection of Rights

Article 42 A direct satellite broadcasting business and the branch office of a foreign satellite broadcasting business that operates a direct satellite broadcasting business shall sign a written contract with subscribers.

The content of the contract mentioned in preceding Paragraph shall include:

1. Rates and restrictions on fee adjustment;
2. Numbers and names of channels, and period of authorization;
3. Restrictions on the use of subscriber' basic data;
4. Conditions for compensation in the event that a domestic or foreign satellite broadcasting business is penalized with

- termination of transmission, or abolishment/revocation of permit;
5. Conditions for giving compensation to subscribers whose rights to visual and audio reception are likely to be impaired in the event that the signals of the subscribed channels are interrupted without justification;
  6. Validity of the contract;
  7. Toll-free complaint hotlines for subscribers; and
  8. Other items, as specified by the regulatory agency.

A satellite broadcasting or the branch office or agent of a foreign satellite broadcasting business that operates satellite channel and program supply business shall sign a written or electronic contract with subscribers if the said business sells channels and programs on a public audio and visual broadcasting platform under its name.

The electronic contract mentioned in preceding Paragraph shall provide an electronic menu that provides the seller's name, channel name, a summary of the program content, rate and other purchase required information for subscribers to select and purchase the channels and programs. A sample of viewer contract for subscribers shall also be set and submitted to the regulatory agency for future reference.

Details to be recorded in the written subscriber contract and viewer contract sample stated in preceding two Paragraphs shall apply to Paragraph 2 *mutatis mutandis*.

If the written contract and viewer contract sample stated in Paragraph 1, Paragraph 3 and Paragraph 4 may damage subscribers' rights and benefits or reveal to lose fairness, the regulatory agency shall demand the said business to make a change by a prescribed deadline.

Article 43 A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall regularly file the operation status every year according to items designated by the regulatory agency.

Should the regulatory agency determine that the satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business is inappropriately operated so as to impair, or be likely to impair, the rights and interests of the subscribers, it shall notify the said business or the branch office or agent of the said foreign satellite broadcasting business to rectify the situation within a specified period of time or to take other necessary measures.

A satellite broadcasting business and the branch office or agent of a foreign satellite broadcasting business shall promptly handle subscribers or audience's complaints and shall retain the files of such complaints for three months. The regulatory agency may request the

said business to respond to the subscribers in writing or in relevant programs.

Article 44 If an involved party considers a satellite broadcasting program or advertisement to be erroneous, the said party may request a correction within 20 days of its broadcast. The satellite broadcasting business shall make the correction in the same program or advertisement in the same time slot, within 20 days of receiving the request. If the satellite broadcasting business considers that there has been no error in the program or advertisement, it shall state its reasons in a written response to the said party.

Article 45 Should the broadcast content of a direct satellite broadcasting business and the branch office of a foreign satellite broadcasting business result in damages of another person's name, reputation, privacy, credit, portrait, personality, and other benefits and rights, the victim may apply to the court for removing the content of that part or for making necessary rectification. Those with concerns of infringement may request for prevention.

A satellite broadcasting business or the branch office or agent of a foreign satellite broadcasting business that unlawfully infringes upon other people's rights on purpose or due to negligence shall be liable for the damage and compensation in accordance with the Civil Code.

## Chapter VI Penal Provisions

Article 46 A satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business, or other type channel and program supply business shall be fined an amount from NT\$300,000 up to NT\$3,000,000 and be demanded to suspend the operations in the event of one of the following. If the said business refuses to suspend the operations, the fine may be imposed consecutively and enforcement of dismantling or confiscating the facilities will be conducted accordingly:

1. Violation of Paragraph 1 through 3 of Article 6 or Paragraph 1 of Article 64 where Paragraph 1 of Article 66 apply.
2. A continuation of the operations after the abolishment or revocation of permit.

Article 47 Other type channel and program supply business that Paragraph 3 or Paragraph 4 of Article 64 shall be fined an amount from NT\$300,000 up to NT\$3,000,000 and be demanded to suspend the operations. The fines may be imposed consecutively if the said business refuses to suspend the operations.

Article 48 A satellite broadcasting business, the branch office or agent of a

foreign satellite broadcasting business, or other type channel and program supply business shall be fined an amount from NT\$400,000 up to NT\$2,000,000 and be demanded to suspend the program or advertisement transmission:

1. Violation of Subparagraph 1 of Paragraph 3 of Article 27 or Paragraph 1 of Article 64 where Subparagraph 1 of Paragraph 3 of Article 27 apply.
2. Violation of time slot or methods of broadcasting the program or advertisement prescribed by the regulatory agency as stated in Paragraph 1 of Article 29 or Paragraph 1 of Article 64 where Paragraph 1 of Article 29 apply.
3. Violation of Paragraph 1 and Paragraph 2 of Article 31 or Paragraph 1 of Article 64 where Paragraph 1 and Paragraph 2 of Article 31 apply.

A satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business, or other type channel and program supply business that refuses follow the disposition of suspending the broadcast of program or advertisement in accordance with preceding Paragraph shall suspend the broadcast of that channel for three to ninety days. Those that refuse to suspend the broadcast will have their permit abolished and license revoked.

Article 49

A satellite broadcasting business, foreign broadcasting business or other type channel and program supply business shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be notified to make corrections by a prescribed deadline in the event of one of the following. The fine may be imposed consecutively or the said business may have its permit abolished and license revoked for failure to make corrections by the prescribed deadline:

1. Violation of Paragraph 1 and Paragraph 3 of Article 4, or Paragraph 1 of Article 64 where Paragraph 1 and Paragraph 3 of Article 4 apply.
2. Violation of the minimum paid-in capital and total endowment assets prescribed by the regulatory agency as stated in Paragraph 2 of Article 4 or Paragraph 1 of Article 64 where Paragraph 2 of Article 4.

Article 50

A satellite broadcasting business, foreign broadcasting business or other type channel and program supply business that violates Paragraphs 1 through Paragraph 5 of Article 5 or Paragraph 1 of Article 64 where Paragraphs 1 through Paragraph 5 of Article 5 apply shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be notified to make corrections by a prescribed deadline. The fine may be imposed consecutively or the said business may have its permit



abolished and license revoked for failure to make corrections by the prescribed deadline

Article 51 A satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business or other type channel and program supply business that has failed to make corrections by the deadline prescribed by the regulatory agency according to Paragraph 2 of Article 17 or Paragraph 1 of Article 64 where Paragraph 2 of Article 17 apply shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be notified to make corrections by a prescribed deadline. The fine may be imposed consecutively or the said business may have its permit abolished and license revoked for failure to make corrections by the prescribed deadline.

Article 52 A satellite broadcasting business, the branch office and agent of a foreign satellite broadcasting business, and other type channel and program supply business shall be warned or be fined an amount from NT\$200,000 up to NT\$2,000,000 and be notified to make corrections by the prescribed deadline in the event of one of the following. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline

1. Violation of the broadcast time slot and ratio restriction of domestic program as stated in Paragraph 4 of Article 8 or Paragraph 1 of Article 64 where Paragraph 4 of Article 8 apply;
2. Failure to apply for changes of the operations plan during the period as stated in Paragraph 5 of Article 8 or Paragraph 1 of Article 64 where Paragraph 5 of Article 8 applies;
3. Violation of the program level, restrictions on the audience age, advertisement content, time limit or other regulatory matters as stated in Paragraph 3 of Article 28 or Paragraph 1 of Article 64 where Paragraph 3 of Article 28 applies;
4. Violation of Article 30 or Paragraph 1 of Article 64 where Article 30 applies;
5. Violation of Paragraph 1 of Article 36 or Paragraph 1 of Article 64 where Paragraph 1 of Article 36 applies;
6. Violation of Article 40 or Paragraph 1 of Article 64 where Article 40 applies;
7. Violation of Article 44 or Paragraph 1 of Article 64 where Article 44 applies;

A direct satellite broadcasting business, foreign satellite broadcasting business that operates direct satellite broadcasting business, satellite channel and program supply business, branch office and agent of a foreign satellite channel and program supply business, or other type channel and program supply business that violates any situations stated

in Paragraph 1 and Paragraph 2 of Article 25, Paragraph 1 of Article 64 where Paragraph 1 and Paragraph 2 of Article 25 apply shall be warned or be fined an amount from NT\$200,000 up to NT\$2,000,000, and be notified to make correction by a prescribed deadline. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline.

Article 53 A satellite broadcasting business, the branch office and agent of a foreign satellite broadcasting business, and other type channel and program supply business shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be demanded to suspend the program or advertisement or to take necessary rectification measures:.

1. Violation of Article 24.
2. Violation of Subparagraph 2 through Subparagraph 4 of Paragraph 3 of Article 27 or Paragraph 1 of Article 64 where Subparagraph 2 through Subparagraph 4 of Paragraph 3 of Article 27 apply.

Article 54 A satellite broadcasting business, the branch office and agent of a foreign satellite broadcasting business, and other type channel and program supply business shall be fined an amount from NT\$200,000 up to NT\$2,000,000 in the event of one of the following:

1. Violation of Paragraph 3 of Article 31 or Paragraph 1 of Article 64 where Paragraph 3 of Article 31 applies;
2. Violation of Article 32 or Paragraph 1 of Article 64 where Article 32 applies;
3. Violations of readily recognition and distinction of programs and inserted advertisements; methods of the placement marketing and sponsor information being applied or revealed; and restrictions and other regulatory matters shall all be enacted by the regulatory agency as stated in Paragraph 2 of Article 33 or Paragraph 1 of Article 64 where Paragraph 2 of Article 33 applies;
4. Violation of Paragraph 2 of Article 36 or Paragraph 1 of Article 64 where Paragraph 2 of Article 36 applies
5. Violation of advertisement transmission method and the number of advertisements distributed to each time slot as stated in Paragraph 4 of Article 36 or Paragraph 1 of Article 64 where Paragraph 4 of Article 36 applies.

Article 55 A satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business, or other type channel and program supply business that violates Article 35 or Paragraph 1 of Article 64 where Paragraph 1 of Article 35 apply shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be notified to immediately suspend the broadcast. The fine may be imposed consecutively if the said business refuses to suspend the broadcast.

- Article 56 Direct satellite broadcasting service business, branch office of foreign satellite broadcasting business that operates direct satellite broadcasting business shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be prohibited to broadcast the channel program or advertisement if the said business violates Article 38. The fine may be imposed consecutively or the said business may have its permit abolished and license revoked for failure to stop the broadcasting.
- Article 57 Should a satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business, or other type channel and program supply business evades, disturbs or refuses regulatory agency's action of asking for the program, advertisement and other relevant information in accordance with Article 30 or Paragraph 1 of Article 64 where Article 39 applies shall be fined an amount from NT\$200,000 up to NT\$2,000,000 and be demanded to provide the said information by a prescribed deadline. The fine may be imposed consecutively for failure to provide the said information by a prescribed deadline.
- Article 58 A satellite channel and program supply business, the branch office and agent of foreign satellite channel business or other type channel and program supply business that violates Article 22 or Paragraph 1 of Article 64 where Article 22 apply shall be warned or be fined an amount from NT\$200,000 up to NT\$1,000,000 and be notified to make corrections by the prescribed deadline. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline.
- Article 59 A satellite broadcasting business, the branch office and agent of foreign satellite broadcasting business and other type channel and program supply business shall be warned or be fined an amount from NT\$200,000 up to NT\$1,000,000 in the event of one of the following: :
1. Violation of Article 23 or Paragraph 1 of Article 64 where Article 23 apply
  2. Violation of the use of inserted characters as stated in Article 34 or Paragraph 1 of Article 64 where Article 34 apply
  3. Violation of Paragraph 3 of Article 36 or Paragraph 1 of Article 64 where Paragraph 3 of Article 36 apply.
  4. Violations of the specific use standards, methods or other regulatory matters of inserted characters as stated in Paragraph 2 of Article 37 or Paragraph 1 of Article 64 where Paragraph 2 of Article 37 apply.
- Article 60 A satellite broadcasting business, the branch office and agent of foreign satellite broadcasting business and other type channel and

program supply business that violates Article 12 or Paragraph 1 of Article 64 where Article 12 applies shall be fined an amount from NT\$100,000 up to NT\$1,000,000 and have its permit abolished and license revoked.

Article 61 A satellite broadcasting business, the branch office and agent of foreign satellite broadcasting business and other type channel and program supply business shall be warned or be fined an amount from NT\$100,000 up to NT\$1,000,000 and be demanded to make corrections by a prescribed deadline in the event of one of the following. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline:

1. Violations of Paragraph 1 and Paragraph 2 of Article 15 or Paragraph 1 of Article 64 where Paragraph 1 and Paragraph 2 of Article 15 apply;
2. Violation of Article 16 or Paragraph 1 of Article 64 where Article 16 applies;
3. Violation of Article 21 or Paragraph 1 of Article 64 where Article 21 applies;
4. Violation of broadcasting specific programs or messages directed by the regulatory agency as stated in Paragraph 1 of Article 26 or Paragraph 1 of Article 64 where Paragraph 1 of Article 26 applies;
5. Violation of Paragraph 2 of Article 29 or Paragraph 1 of Article 64 where Paragraph 2 of Article 29 applies;
6. Violation of following the order of regulatory agency to make corrections or take other necessary measures as stated in Paragraph 2 of Article 43 or Paragraph 1 of Article 64 where Paragraph 2 of Article 43 applies.
7. Violation of Paragraph 2 of Article 65

Article 62 A satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business or other type channel and program supply business shall be fined an amount from NT\$100,000 from NT\$500,000 and be notified to make corrections by a prescribed deadline in the event of one of the following. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline.

1. Violation of Paragraph 1 of Article 13
2. Violations of the permission procedures, installation, examination, issuance / renewal / reissuance of license, abolishment of permit, installation and use management, use frequency, engineer qualifications and evaluation system, and other regulatory matters of the installation of earth station stated in Paragraph 2 of Article 13 or Paragraph 1 of Article 64 where Paragraph 2 of Article 13

applies.

Article 63 A satellite broadcasting business, the branch office and agent of foreign satellite broadcasting business and other type channel and program supply business shall be warned or fined an amount from NT\$60,000 from NT\$300,000 and be notified to make corrections by a prescribed deadline in the event of one of the following. The fine may be imposed consecutively for failure to make corrections by the prescribed deadline:

1. Violation of Paragraph 1 and Paragraph 3 of Article 42 or Paragraph 1 of Article 64 where Paragraph 3 of Article 42 apply;
2. The content of the written contract or sample of the viewer contract for subscribers violates Paragraph 2 and Paragraph 5 of Article 42 or Paragraph 1 of Article 64 where Paragraph 5 of Article 42 applies;
3. Violation of Paragraph 6 of Article 42 or Paragraph 1 of Article 64 where Paragraph 6 of Article 42 applies, where the said business fails to change the content of written contract or sample of the viewer contract for subscribers according to regulatory agency's orders or fails to do so within the deadline prescribed by the regulatory agency;
4. Violation of Paragraph 1 of Article 43 or Paragraph 1 of Article 64 where Paragraph 1 of Article 43 apply;
5. Violation of Paragraph 3 of Article 43 or Paragraph 1 of Article 64 where Paragraph 3 of Article 43 apply, where the said business fails to promptly handle complaints, retain the files of such complaints for three months, or reply to the subscriber or audience as requested by the regulatory agency.

## Chapter VII Supplementary Provisions

Article 64 The provisions of Article 4, Article 5, Paragraph 1 and Paragraph 4 of Article 6, Paragraphs 1 through Paragraph 5 of Article 8, Article 9, Paragraph 1 and Paragraph 3 of Article 10, Paragraph 1 of Article 11, Articles 12 through Article 19, Articles 21 through Article 23, Articles 25 through Article 34, Paragraph 1 of Article 35, Article 36, Article 37, Articles 39 through Article 41, Paragraphs 3 through Paragraph 6 of Article 42, and Articles 43 through Article 45 shall apply mutatis mutandis to operation permit, operation management, program and advertisement management, and right protection of other type channel and program supply business unless otherwise provided by law.  
Anyone who has operated other type channel and program supply business prior to the amendment of this Act made on the 18th of

December 2015 shall apply for a permit within six months after the date of promulgating the amendment of this Act in accordance with the law.

Anyone who has operated other type channel and program supply business prior to the amendment of this Act made on the 18th of December 2015 fails to submit its application before the prescribed deadline as stated in preceding Paragraph shall not carry on the operations starting from the deadline.

If anyone who has operated other type channel and program supply business prior to the amendment of this Act made on the 18th of December 2015 has submitted the application within the deadline stated in Paragraph 2 and the said application was rejected, it is a must to discontinue its operations within a month upon the receipt of the disapproval.

- Article 65     The regulatory agency may dispatch personnel with certified documents to conduct an investigation on a satellite broadcasting business, the branch office or agent of a foreign satellite broadcasting business or other type channel and program supply business. The regulatory agency may also request the said business to submit a report, provide inform or follow other cooperative measures based on its facility status and provisions of this Act.
- The said business shall not evade, disturb or refuse requests and investigations stated in preceding Paragraph.
- Article 66     The regulatory agency shall charge the applicants review and license fees for processing the applications for review and issuance of license, in accordance with this Act. The standards for the said fees shall be set by the regulatory agency.
- Article 67     The Enforcement Rules for this Act shall be established by the regulatory agency.
- Article 68     The Act shall take effect from the date of promulgation.