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Rethinking the Legislation of Copyright Registration in Taiwan —Learning from the U.S. Experience with Copyright Formalities

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Abstract

A few years after the provisions of copyright registration in the Taiwanese Copyright Law had been abolished in 1998, people in Taiwan have started to think about putting the system of copyright registration back in the Copyright Law again due to its contribution and importance to the transaction security and market order. In 2010, the Taiwanese Law for the Development of the Cultural and Creative Industries took the lead in providing the provisions for registrations of pledges on copyright originated from the cultural and creative industries. The Taiwanese Copyright Law itself, even so, is not willing to completely readopt the system of copyright registration. The U.S. Copyright Law, comparing to Taiwan, steadfastly preserves copyright formalities even though it has to confront the severe pressure from the Berne Convention. Is there any inalienable value that the Law must retain? This

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article will look into the provisions of copyright formalities in the U.S. Copyright Law, analyze the merit and the demerit which copyright formalities have, and further bring forth suggestions for the future legislation on copyright registration in the Taiwanese Copyright Law.

Keywords: Copyright Registration, Copyright Formalities, Registration of Copyright Pledge, Copyright Recordation, Copyright Notice