

Regulations Governing the Licensing of Images and Publications of National Palace Museum

Enactment promulgated and enforced per Tai-Bo-Wen-Zi Order No. 10300057621 dated Jun. 3, 2014

Article 1

These Regulations are enacted in accordance with the stipulation on the use of public cultural and creative assets set forth in Paragraph 5 of Article 21 of the Law for the Development of Cultural and Creative Industries to serve as the guidelines for the licensing of images and publications from the National Palace Museum (hereinafter referred to as NPM).

Article 2

Terminology:

1. Images of collection: negatives, photos, digital image files or other image data produced from the collection of NPM
2. Licensing of publications: license granted to applicants applying to use images of collection of NPM and printing the publication of such images conducted under NPM supervision or guidance after approval
3. Derivatives: cultural and creative products or publications containing images of collection of NPM
4. Royalties: fees to be charged on applicants licensed to use images of collection of NPM; divided into fixed royalties and proportional royalties in accordance with the type of license granted
5. Product price: the prices of derivative submitted for review (tax included)
6. Total product price: the total of product price multiplied by product quantity
7. On-demand selection and printing: printing of (part of) images in accordance with the applicant's request

Article 3

The type of use of images and publications from NPM and corresponding royalties to be charged are as indicated in the Royalty Standards for Licensing Images and Publications from the National Palace Museum (hereinafter the Royalty Standards, as attached).

NPM may impose charges for the application types not stipulated in the Royalty Standard.

NPM shall determine the type and purpose of license accordingly. NPM may also impose restrictions on the quantity, specifications and scope of use of images and publications from NPM.

Article 4

The application procedure for licensing images and publications from NPM are as follows:

1. Completion of the application form.
2. Submission of the draft design, proposal (in any format) and related proof documents.
3. After an applicant turns in the application documents, NPM reviews the documents and the draft design. If any errors or omissions are found in the documents, NPM will notify the applicant to make corrections.
4. When the documents are complete and the application is approved, NPM notifies the applicant to pay the royalties and performance bond fee. If the use is for profitable

purposes, a licensing agreement has to be signed. If the use is for non-profit purposes, an affidavit is to be provided.

5. After confirming that the applicant has made the payment, NPM provides the image data as requested.

Article 5

NPM may delegate a juristic person or corporate body to handle the use of images and publications from NPM.

Article 6

Royalty discounts given for the use of image and publications from NPM are as follows:

1. A 50% discount is given if the applicant is a government agency and the use is for non-profit purposes.
2. Equal treatment is given when the applicant is a domestic or foreign museum, art museum or library that has established a reciprocal relationship with NPM.
3. If a corporate body or an individual makes donations to help with NPM's promotional activities and the donations amount to NT\$ one million or more within a calendar year, NPM shall gratuitously provide one image per each million for the donor for indirect profitable purposes in advertising or marketing for two years.
4. For applications that can significantly benefit the academic research, artifact collection, publicity of NPM's image, research and development of the creative design, or digitization work of NPM, the royalties may be negotiated on a case-by-case basis after NPM reviews the proposal and approves the project.
5. NPM may openly seek and license interested parties to publish corresponding printed materials or electronic books when deemed necessary for the museum's promotion policy. However, the bottom line of the royalties may not be lower than 50% of the established prices.
6. The price of fair use of the images or publications from NPM shall be as defined in Articles 44 to 46 of the Copyright Law.

Article 7

Applicants granted license to use images from NPM are required to inscribe the credit line, "The Collection of National Palace Museum," as a legend of the image and submit two copies of the product's sample or PDF files of the product to NPM for reference within two months after completion of the product.

Applicants granted license to use publications from NPM are required to indicate that the publication is "The Collection of National Palace Museum" on the copyright page or in accordance with the agreement between both parties on indication of copyright ownership. The applicant shall also submit a sample within two months after the publication is released as specified in the licensing agreement.

Article 8

In principle, negatives or digital files of images from NPM may not be loaned for more than three months. However, if an application for an extension is filed within 30 calendar days before the expiration date and is approved by NPM, the loan period may be extended for only once for one month.

Article 9

The applicant is required to pay 20% of the royalties as the performance bond fee when signing the licensing agreement or affidavit unless the amount of performance bond fee is less than NT\$3,000.

The performance bond fee mentioned in the preceding paragraph shall be returned without interest when the applicant performs accordingly to the agreement. If an applicant fails to perform as agreed, in addition to confiscation of the performance bond, Article 10 shall also apply.

Article 10

If one of the following conditions is true while using the images from NPM, NPM may terminate the license and the applicant may not apply again within two years; the royalties or other fees paid already shall not be returned.

1. Violating laws and regulations
2. Engaging in immoral conduct
3. Using such images in ways inconsistent with the purposes specified in the application
4. Licensing a third party to use such images without the consent of NPM
5. Failing to make the indications specified in Article 7
6. Engaging in practices likely to damage the rights and interests of NPM

If any of the conditions described in the preceding paragraph causes damage to NPM, NPM is entitled to claim compensation from the applicant. The applicant shall also be held jointly liable for compensation if causes attributable to the applicant lead to damage to NPM by a third party whether the behavior is intentional or a result of negligence.

Article 11

NPM may investigate or commission an impartial third party to investigate the use of images or publications of NPM, while the licensed users are obligated to cooperate in the process of investigation and may not conceal any information or refuse to do so.

Article 12

NPM may claim compensation for the damage from any party using images or printing publications from NPM without applying for license or acquiring prior consent of NPM in advance. Depending on the severity of the matter, the amount of compensation may range from 3 to 10 times of the royalties or 30 to 50 times of the total value of such products investigated.

NPM may consider minimizing the amount of compensation once the applicant resubmits cited royalties for his or her prior unauthorized use of images or printing publications, which are in possession of NPM.

Article 13

These Regulations shall take effect on the day of its promulgation.

Attachments

The Royalty Standard for Licensing of Images and Publications from National Palace Museum

1. NT\$400 is charged for each image used in academic research or papers released (in any format) but NT\$800 is charged if the image is used for the front or back cover.
 2. NT\$1,200 is charged for each image used in non-profit publication, release of academic research outcome or publications for other educational purposes (in any format), but NT\$2,400 is charged if the image is used for the front or back cover. Licensing fee for publications for profitable purposes are as specified in Article 6 of this attachment.
 3. NT\$500 is charged for each image used in textbooks compiled by and requiring approval from education authorities, but NT\$1,000 is charged if the image is used for the front or back cover.
 4. Fixed royalties are calculated according to the purpose of licensed image use and the quantity released; proportional royalties are calculated according to the prices of publications and proportion of the quantity released. In other words, the royalties for the initial edition are paid in advance and thereafter the publisher provides the sales statement each year and royalty settlement is conducted accordingly.
 5. The royalties are calculated according to the quantity of NPM images used.
 6. Royalties for images used in books, newspapers, magazines, journals and audio-video materials (including but not limited to VCD, DVD, etc.) shall be calculated according to the rates listed below. When an application is filed for a revised edition or a subsequent edition, the royalties shall be 2% higher than those specified in the Royalty Standard.
- A. For books, newspapers, magazines, journals, etc. whose texts are not provided by NPM and only part of the images used are from NPM, the royalties are calculated in accordance with the prices indicated in the table below:

Currency: NTD

Released Quantity		1 4,000	4,001 8,000	8,001 12,000	12,001 16,000	16,001 20,000	More than 20,001
Pages	1/8 page	1,600	1,900	2,100	2,200	2,400	2,600
	1/4 page	1,800	2,200	2,300	2,500	2,700	2,900
	1/2 page	2,500	3,000	3,300	3,500	3,800	4,000
	3/4 page	3,200	3,800	4,200	4,500	4,800	5,100
	Full page	3,600	4,300	4,700	5,000	5,400	5,800
	Double spread	5,900	7,100	7,700	8,300	8,900	9,400
Front cover/back cover/book jacket		7,200	8,600	9,400	10,100	10,800	11,500
Bellyband/book box		10,000	12,000	13,000	14,000	15,000	16,000
Watermark/ Top margin/spine		1,600	1,900	2,100	2,200	2,400	2,600

The royalties shall be 1.8 times of the price specified in the Royalty Standard if the publication is in two languages or 2 times if the publication is in three or more languages.

Notes:

(1) When an image is larger than 3/4 of a page but smaller than a full page, it is considered full page.

When an image is larger than 1/2 but smaller than 3/4 of a page, it is considered 3/4 of a page.

When an image is larger than 1/4 but smaller than 1/2 of a page, it is considered 1/2 of a page.

When an image is larger than 1/8 but smaller than 1/4 of a page, it is considered 1/4 of a page.

When an image is smaller than 1/8 of a page, it is considered 1/8 of a page.

(2) If there are spreads, full page is calculated for each of the foldout pages.

(3) There is no restriction on the number of times of use of an image as a watermark, in the top margin or on the spine.

B. For books, magazines, journals, etc. whose texts are not provided by NPM but all the images from NPM are used, the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 2,000 pieces	2,001~5,000 pieces	5,001~10,000 pieces	More than 10,001 pieces
Less than 500	7%	6%	5%	4%
501~2,000	8%	7%	6%	5%
More than 2,001	9%	8%	7%	6%

C. For regular publications whose texts and images are all provided by NPM, the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 2,000 pieces	2,001~5,000 pieces	5,001~10,000 pieces	More than 10,001 pieces
Less than 500	8%	7%	6%	5%
501~2,000	9%	8%	7%	6%
More than 2,001	10%	9%	8%	7%

D. For Buddhism scriptures and book sets (set used as unit) whose texts and images are all provided by NPM, the royalties are calculated in accordance with the rates indicated in the table below:

(1) Standard editions

Currency: NTD

Quantity-released Product Price	Less than 200 pieces	201~500 pieces	More than 501 pieces
Less than 10,000	10%	9%	8%
10,001~50,000	11%	10%	9%
More than 50,001	12%	11%	10%

(2) Limited editions

Currency: NTD

Quantity-released Product Price	Less than 200 pieces	201~500 pieces	More than 501 pieces
Less than 10,000	11%	10%	9%
10,001~50,000	12%	11%	10%
More than 50,001	13%	12%	11%

E. When both the texts and images provided by NPM are printed in small quantities or randomly selected for printing, the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 5,000 pieces	5,001~10,000 pieces	More than 10,001 pieces
Less than 1,000	12%	11%	10%
1,001~3,000	13%	12%	11%
More than 3,001	14%	13%	12%

F. For audio-video publications based on materials from NPM's collection (including but not limited to VCD, DVD, etc.), the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 1,000 pieces	1,001~3,000 pieces	3,001~6,000 pieces	More than 6,001 pieces
Less than 300	7%	6%	5%	4%
301~600	8%	7%	6%	5%
601~1,000	9%	8%	7%	6%
1,001~2,000	10%	9%	8%	7%
More than 2,001	11%	10%	9%	8%

G. For carrier-free electronic books published based on PDF files or JPG files from NPM, the royalties shall be 40% of the total sales and the performance bond fee shall be the set amount of NT\$500,000.

Note: Royalty calculation for audio-video publications only partially using NPM images shall be referred to the “Regulations on Licensing of Use of Audio-Video Data of the National Palace Museum”.

7. For images used in advertising flyers, brochures, menus, posters and other advertising materials, the royalties are calculated in accordance with the prices indicated in the table below:

Currency: NTD

Released Quantity (pieces)	Royalty per Image
1~500	6,000
501~1,500	8,000
1,501~3,000	10,000
3,001~5,000	13,000
5,001~10,000	16,000
10,001~25,000	22,000
25,001~50,000	29,000
50,001~100,000	36,000
100,001~250,000	43,000
250,001~350,000	51,000
350,001~500,000	65,000
More than 500,001	To be negotiated

Note: Royalty calculation is conducted according to the quantity of images used.

8. For images used to decorate homes, theaters, shows, exhibition venues, hotels, restaurants, stalls, shopping malls, advertising boards, etc., the royalties are calculated in accordance with the prices indicated in the table below:

Currency: NTD

Type of Uses	Royalty per Image
Decoration of homes, theaters, shows or exhibition venues	6,000
Decoration of hotels or restaurants	9,000
Decoration of stalls or shopping malls	18,000
Large billboards, store signs and advertising devices in buses and trains	20,000

1.5 times of the established prices are to be charged for images used in decoration of regional chain stores in Taiwan and 2 times of the established prices for outside Taiwan.

Note: Royalty calculation is conducted according to the quantity of images used.

9. For NPM images used in product packaging, the royalties are calculated in accordance with the prices indicated in the following table:

Currency: NTD

Quantity Released (pieces)	Royalty per Image
1~1,500	10,000
1,501~5,000	16,000
5,001~10,000	20,000
10,001~25,000	27,000
25,001~50,000	35,000
50,001~100,000	42,000
100,001~250,000	54,000
250,001~350,000	64,000
350,001~500,000	83,000
More than 500,001	To be negotiated

Note: Royalty calculation is conducted according to the quantity of images used.

10. For images used in producing admission tickets, debit cards, phone cards, travel cards, stamp derivatives, vouchers, etc., the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 2,000 pieces	2,001~10,000 pieces	10,001~30,000 pieces	More than 30,001 pieces
Less than 100	11%	9%	7%	5%
101~1,000	12%	10%	8%	6%
1,001~5,000	13%	11%	9%	7%
More than 5,001	14%	12%	10%	8%

Note: Royalty calculation is conducted according to the quantity of images used. For each additional image used, 1% is added.

11. For images used in producing small daily commodities (stationery, postcards, calendars, greeting cards, recreational objects, dining ware, etc.), the royalties are calculated in accordance with the rates indicated in the following table:

Currency: NTD

Quantity-released Product Price	Less than 2,000 pieces	2,001~10,000 pieces	10,001~30,000 pieces	More than 30,001 pieces
Less than 100	7%	6%	5%	4%
101~1,000	8%	7%	6%	5%
1,001~5,000	9%	8%	7%	6%
More than 5,001	10%	9%	8%	7%

Note: Royalty calculation is conducted according to the quantity of images used. For each additional image used, 1% of royalty is added.

12. For images used in producing large daily commodities (furniture, beddings, sanitation equipment, household appliances, etc.), the royalties are calculated in accordance with the rates indicated in the table below:

Currency: NTD

Quantity-released Product Price	Less than 1,000 pieces	1,001~3,000 pieces	3,001~6,000 pieces	More than 6,001 pieces
Less than 10,000	9%	8%	7%	6%
10,000~50,000	10%	9%	8%	7%
50,001~100,000	11%	10%	9%	8%
More than 100,001	12%	11%	10%	9%

Note: Royalty calculation is conducted according to the quantity of images used. For each additional image used, 1% is added.

13. Aside from electronic books, for images used on the internet, for instance, online advertising, and other advertising measures, where the quantity of released items is improbable to estimate, the royalties are calculated in accordance with the prices indicated in the table below:

Currency: NTD

License Period	Price per Image
6 months	4,000
1 year	5,000
2 years	6,000

Note: The royalties are calculated according to the quantity of images used. The specifications of files provided are 72dpi and pixel resolution of 640x480.

14. The royalties for electronic books are as indicated in the table below:

Currency: NTD

License Period	Price per Image
6 months	6,000
1 year	7,000
2 years	8,000
3 years	9,000
4 years	10,000

Note: The royalties are calculated according to the quantity of images used. The specifications of files provided are 72dpi and pixel resolution of 640x480.