

**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The present document reproduces the text¹ of the Regulations Governing the Labelling of the Alcohol Products, as notified by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, under Article 63.2 of the Agreement (see document IP/N/1/TPKM/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

TERRITOIRE DOUANIER DISTINCT DE TAIWAN, PENGHU, KINMEN ET MATSU

Le présent document contient le texte¹ du Règlement sur l'étiquetage des produits alcooliques, qui a été notifié par le Territoire douanier distinct de Taiwan, Penghu, Kinmen et Matsu au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/TPKM/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

TERRITORIO ADUANERO DISTINTO DE TAIWÁN, PENGHU, KINMEN Y MATSU

En el presente documento se reproduce el texto¹ del Reglamento relativo al etiquetado de las bebidas alcohólicas, notificado por el Territorio Aduanero Distinto de Taiwán, Penghu, Kinmen y Matsu de conformidad con lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/TPKM/1).

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte, dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

REGULATIONS GOVERNING THE LABELING OF THE ALCOHOL PRODUCTS

This draft is prepared by the Department of National Treasury, Ministry of Finance. In case of any discrepancy between the English version and the Chinese text of this, the Chinese text shall govern.

Article 1

These Regulations are adopted pursuant to the provision of the Paragraph 3 of Article 33 of the Tobacco and Alcohol Administration Law (the Law). Other laws and regulations shall apply to matters not dealt with in these regulations.

Article 2

The labeling of the alcohol products pursuant to these regulations shall appear on the label affixed directly on alcohol container, and shall be clear, legible, easily distinguishable, firmly attached to the container, and not easily destroyed or damaged. The labeling shall not be false or misleading about the characteristics of the alcohol products.

Article 3

The brand name of the alcohol products shall be printed in a large, broad or bold typeface. The typeface shall be larger than that of other labeling.

Any brand name, which, standing alone, or in association with other printed or graphic matter shall convey no erroneous impression or inference as to the age, origin, identity, or other characteristics of the product.

Article 4

The type of alcohol products shall be labeled according to the following classifications; provided, if a type is divided into more detailed types, the detailed type shall be indicated.

1.Beer: carbonated alcoholic beverages brewed primarily from malt and hops. Other grains, starch or complementary plant ingredients may be added.

2.Wine: alcoholic beverages made by fermenting the juice of fruits:

- (1) Grape wine: wine produced from grapes;
- (2) Other fruit wine: wine produced from fruit other than grapes or from two or more kinds of fruit.

3.Fermented cereal beverages: alcoholic beverages produced from grains by fermentation.

4.Other fermented alcoholic beverages: fermented alcoholic beverages other than those in the preceding three paragraphs.

5.Distilled spirits: spirit drink produced from fruit, grain, or starch-or sugar-containing plants by saccharification (optional), fermentation, and then distillation.

- (1) Brandy: distilled spirits produced from fruit by fermentation, distillation and maturation in wooden casks for at least six months. The bottled alcohol content shall not be less than 36 percent.

- (2) Whisky: distilled spirits produced from grain by saccharification, fermentation, distillation, and maturation in wooden casks for at least two years. The bottled alcohol content shall not be less than 40 percent.
- (3) Clear spirits: distilled spirits produced from grain, using “Da Qu”, “Xiao Qu” or “Fu Qu” as a portion of fermentation substrates, by saccharification, fermentation, distillation, and maturation.
- (4) Other distilled spirits: distilled spirits other than those in the preceding three subtypes.

6.Reprocessed alcoholic beverage: alcoholic beverages, which utilize ethyl alcohol, fermented alcoholic beverages, or distilled spirits as a base, and animal or plant adjuncts, medicinal materials, minerals, or other food additives are added to be reprocessed. The extract content shall not be less than 2 percent of the total volume.

7.Rice spirit: distilled spirit produced from rice by cooking, saccharification, fermentation, and distillation. It may or may not blended with ethyl alcohol.

8.Cooking alcoholic beverages: alcoholic beverages with salt content of more than 0.5 percent by volume, which is used for cooking. Other flavoring may also be added. The base alcoholic beverages may either be a product made from food grain or other starch-containing plant ingredient to which ethyl alcohol is added after saccharification, or may simply be ethyl alcohol, fermented alcohol, or distilled spirits.

9.Ethyl alcohol: undenatured ethyl alcohol with alcohol content of more than 80 percent:

- (1) Ingestible ethyl alcohol: undenatured ethyl alcohol produced from grain, potatoes, beets or honey by fermentation and distillation.
- (2) Non-ingestible ethyl alcohol: undenatured ethyl alcohol other than ingestible ethyl alcohol in the preceding subtype, with alcohol content of more than 80 percent.

10.Other alcoholic beverages: other types of alcohol not included in the above 9 types.

Article 5

The alcohol content of an alcohol product refers to the percentage of ethanol by volume, i.e. the number of milliliters of ethanol in 100 milliliters of a alcoholic beverage measured at 20 degrees centigrade on Celsius thermometer. Alcohol content shall be labeled by degrees, and shall be stated by a number.

The tolerances permitted for the alcohol content referred in the preceding paragraph is 0.5 degree.

Article 6

Importers of alcohol products shall label imported alcoholic beverages with the beverage’s origin in accordance with the provision of the Paragraph 1,item 4 of Article 33 of the Law. Before making custom declarations, importers shall submit for examination by the central competent authority a certificate of origin issued by the government of origin or a chamber of commerce authorized by that government.

Article 7

The labeling of the name and address of the alcohol business pursuant to the provision of the Paragraph 1,item 5 of Article 33 of the Law shall be sufficient to enable the consumer to identify and contact with the alcohol business.

Article 8

The net contents of alcoholic beverage shall be stated in liter or milliliter.

The tolerances permitted for the net contents referred in the preceding paragraph shall conform to the provisions of CNS12924 Methods for Inspecting the Volume of Packaged Foods.

Article 9

The major ingredients in an alcoholic beverage shall be labeled by the ratio of the ingredients from greatest to least in sequence.

Article 10

If the alcohol content of an alcohol product is not more than seven degrees, an expiration date or the bottling date shall be indicated; provided, where only the bottling date is indicated, the period of validity shall also be specified.

Article 11

Warning label on alcohol products shall be placed in a conspicuous place on the container's largest external surface. Such statement shall be on a contrasting background for ready legibility.

The warning label referred in the preceding paragraph, except on Ethyl alcohol, shall be labeled as "Excessive consumption of alcohol is harmful to health" or one of the followings:

- 1.To be safe, don't drink and drive.
- 2.Excessive drinking is harmful to you and others.
- 3.Please do not drink if you are a minor.

Ethyl alcohol shall be labeled with one of the followings:

- 1.Highly flammable. Keep away from sources of fire, sparks, and flames.
- 2.Irritating to eyes, skin, and respiratory system. Should be kept in a cool, ventilated location with cap screwed on tightly.

Article 12

"Vintage Year" referred in this Law shall mean the single year in which at least 85 percent of the wine concerned is obtained from fruits harvested in the year to be shown.

"Age" referred in this Law shall mean the time for which an alcohol product was matured in a container before bottling.

If an alcohol product referred in the preceding paragraph is produced by blending alcohol product with different ages, it shall be labeled with the age of the youngest one.

Labeling in the first and second paragraphs shall be labeled with a number.

Where alcohol products are labeled with vintage year or age, a certificate of the vintage year or age issued by the government of origin or a chamber of commerce authorized by that government shall be submitted for examination by the central competent authority before the alcohol products are declared to custom or released from the factories.

Article 13

“Geographical indication” referred in this Law shall mean indication which identify a good as originating in a nation, region, or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. Provided, in cases where other countries or regions provide otherwise, such provisions shall apply.

The geographical indication of alcohol product shall not be used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like, to convey erroneous impression or inference as to the origin of the alcohol product, even where the true origin of the product is indicated.

Where alcohol product is labeled with geographical indication, a certificate of the geographical indication issued by the government of the country of origin or a chamber of commerce authorized by such government shall be submitted for examination by the central competent authority before the alcohol product is declared to custom or released from the factory.

Article 14

Labeling of alcohol products shall be in Chinese, provided, the restriction shall not apply to the followings:

- 1.brand name, name & address of the foreign manufacturer of the imported alcohol products.
- 2.name & address of the foreign manufacturer pursuant to Article 28 in the Law.

Article 15

These regulations are effective on the day of implementation of the Law.
