


Content

Title :	Directions on the Letter of Opinions Related to Marketability of Science and Technology Enterprises or Cultural and Creative Industries Provided by the Ministry of Digital Affairs 
Date :	2023.05.19
Legislative :	Formulated and announced 14 regulations by the Ministry of Digital Affairs, on May 19, 2023.
Content :	<p>Article 1 The Ministry of Digital Affairs (hereinafter referred to as "the Ministry") established directions to issue assessment opinions on the marketability of a domestic or foreign enterprise in the field of science and technology or cultural and creative industries administered by the Ministry. These directions help the Taiwan Stock Exchange Corporation (hereinafter referred to as "TWSE") or the Taipei Exchange (hereinafter referred to as "TPEX") process applications when a company seeks to apply for listing on the TWSE or the TPEX.</p> <p>Article 2 An applying company in the digital economy-related industry administered by the Ministry (as shown in the attachment) with the successful development of products or services must meet the following requirements: (1) Its net revenue from digital economy-related operations in the preceding year before filing the application accounts for 50 percent or more of its total net operating revenue in that year. (2) Its management team is capable of continuous innovation and development. (3) Its products or services are developed on its own and integrate cloud computing, data exchange and analysis, cybersecurity, artificial intelligence (AI), virtual reality (VR), augmented reality (AR), blockchain, or other new forms of digital applications. (4) The utilization rates of its products or services must have the potential for growth, and its products or services are attractive for reutilization.</p> <p>Article 3 The applying company in a cultural and creative industry administered by the Ministry must have net revenue from products or services related to digital content in the preceding year accounting for 50 percent or more of the company's total net operating revenue in that year, and it meets one of the following requirements: (1) Its management team is capable of continuous innovation and creation. (2) Its products or services are creative or are integrated, across industries, or otherwise with marketable results. (3) The use or reading/listening of its creations has market potential, and steady operating and marketing models have been established for the creations.</p> <p>Article 4 The applying company shall provide the following documents in Chinese, either in writing or in electronic format approved by the Ministry, for conducting evaluation:</p>

- (1) Self-assessment reports.
- (2) Any other documents specified by the Ministry.

Article 5

If the applying company adjusts its operations, terminates part of its business, splits its business to establish a new company, transfers/merges its business to another company during the assessment of its application, the net revenue from products or services of digital economy-related and digital content-related industries and its total net operating revenue in the preceding year may be calculated based on its remaining business scope.

Article 6

The Ministry shall organize the assessment panel, which shall comprise 15 to 20 standing members. This panel shall include the Director General or the Deputy Director General of the Administration for Digital Industries of the Ministry as an ex officio member, as well as experts from the relevant government agencies, academic institutions and research institutions, or professionals in the related field. The panel for evaluating a project in a particular industry shall comprise 10 to 16 project members, including industry experts or standing members of the assessment panel.

The composition of the assessment panel shall be adjusted as necessary depending on the specific industry under assessment. If a panel member can no longer perform his/her duties due to employment by a private company or other reasons, the Ministry reserves the right to discharge him/her from this panel.

Article 7

To issue assessment opinions, the Ministry shall convene assessment meetings for each case. Each assessment meeting shall have six to eleven members. The convener of the meetings shall be the Director General or the Deputy Director General of the Administration for Digital Industries of the Ministry, along with two to four from standing members and three to six from project members, determined by drawing lots.

If the convener is unable to preside over an assessment meeting, a member nominated by the convener shall act in his/her substitute. In the absence of such a nominee, the members shall elect a member among themselves to preside over the meeting.

Article 8

The convener shall serve as the chairperson and preside over the assessment meeting. Each member shall attend the meeting in person. For an assessment meeting, the presence of more than half of the total responsible members is necessary. The relevant agencies of the Ministry shall also attend the meeting to provide explanations.

Resolutions at the assessment meeting shall be adopted by sealed name-bearing ballot cast by the members. The chairperson shall cast his/her vote. A resolution at an assessment meeting shall be adopted by a majority vote of the members present at the meeting.

Article 9

Prior to the assessment meeting, the Ministry may conduct a preliminary review as needed. For a preliminary review, two of the project members, determined by drawing lots, shall join the representatives of the relevant agencies under the Ministry for visitation.

Where the applicant is a foreign company, the visitation may be conducted through field surveys at a maximum of two locations.

After a preliminary review is concluded, the experts shall present a preliminary review opinion for the reference of the members of the assessment meeting.

Article 10

The members attending an assessment meeting shall comprehensively review all the documents submitted by the applying company, as well as the preliminary review opinion presented by the experts.

Article 11

If a member present at an assessment meeting or a preliminary reviewer has potential conflict of interests with the applying company or its responsible person as set forth under Article 32 of the Administrative Procedure Act, the member shall voluntarily recuse from the meeting. The applying company may apply for recusal from the meeting in accordance with Article 33 of the Administrative Procedure Act.

Staffers of the Ministry, members of the assessment meeting, and preliminary reviewers each shall be responsible for maintaining confidentiality of all information obtained in performance of their duties under these Directions. Members attending assessment meetings or conducting preliminary reviews shall sign a non-disclosure affidavit.

Article 12

If it is necessary to understand the status of the developments and sales of an applying company's products or services, or the market value of its creations, or whether the company's operational model is novel and marketable, the personnel concerned in the company may be invited to attend the assessment meeting, provide explanations, answer questions, or supplement relevant information in Chinese.

Article 13

The Ministry shall deliver written outcomes of the assessments to the TWSE or TPEX for reference.

If the assessment meeting decides the application needs to submit more information in a timeframe for further assessment, the applicant shall be notified of providing its supplemental information by the deadline. Where the applicant fails to submit the supplemental information within the timeframe, the Ministry will forthwith deliver the written outcome of the assessment to TWSE or TPEX.

Article 14

Where a company has withdrawn an application or its application has failed the assessment, it may file a new application by submitting its CPA-audited financial statement for one new year or CPA-reviewed financial statement for one new half year.

Attachments : 附表 數位經濟相關產業(英譯).pdf

Data Source : Ministry of Digital Affairs Laws and Regulations Retrieving System