

多層次傳銷事業報備及變更報備準則

中華民國103年5月1日公競字第10314604591號令訂定發布全文

中華民國111年12月30日公競字第1111461561號令修正發布第4條附件3、附件4

中華民國112年8月18日公競字第1121460839號令修正發布第3條附件1、附件2

- 第一條 本準則依多層次傳銷管理法（下稱本法）第八條規定訂定之。
- 第二條 多層次傳銷事業（下稱事業）辦理報備及變更報備，應自行登入主管機關「多層次傳銷管理系統」（下稱本管理系統）以電子文件方式為之。但有下列情形之一，得以書面方式為之：
- 一、本管理系統發生故障時。
 - 二、事業因其他不可抗力或特殊因素無法使用本管理系統，經以書面向主管機關申請並獲同意者。
 - 三、其他經主管機關同意之情形。
- 第三條 事業依前條但書規定以書面方式向主管機關辦理報備及變更報備者，應使用報備書及變更報備書。
- 前項報備書及變更報備書範本如附件一及附件二。
- 第四條 事業得以下列方式之一登入本管理系統：
- 一、憑證登入：以經濟部簽發之工商憑證登入。
 - 二、帳號登入：以書面向主管機關申請之使用者帳號及密碼登入。前開申請應使用密碼申請書、加蓋事業及其代表人或負責人印鑑，並檢附公司或商業登記證明文件為之。密碼申請書範本如附件三。
- 第五條 事業依本法第六條第一項及第七條第一項規定為報備及變更報備時，應依主管機關於本管理系統所定格式逐項填載。
- 事業依本法第六條第一項及第七條第一項規定所應檢附之文件、資料，應以上傳電子檔案方式為之，其檔案之格式、位元組及上傳方式，應符合主管機關之規定。
- 第六條 事業依第二條但書規定，以書面方式辦理報備及變更報備者，應於各該事由消滅後七日內，自行至本管理系統完成資料補登。
- 事業依前項規定所為補登內容，主管機關認有必要時，得命其限期補正。
- 第七條 事業依前條第一項規定所為補登內容，如與書面報備資料不符時，以書面資料為準。
- 第八條 事業未依第五條及第六條規定完成報備、變更報備及補登者，不得於本管理系統再為變更報備。

- 第九條 主管機關於本管理系統受理事業報備、變更報備或補登，其回復、通知補正或退件，得以電子文件方式為之，不另以書面方式送達。
前項主管機關以電子文件方式所為回復及通知，以電子文件進入事業電子郵件信箱資訊系統時為送達時間。
- 第十條 事業使用本管理系統傳送電子文件，以電子文件進入主管機關資訊系統時為收文時間。
- 第十一條 事業應提供常設電子郵件信箱，及確保為可正常收受電子文件之狀態，於使用本管理系統傳送電子文件後，應適時查閱主管機關所為回復及通知。
- 第十二條 事業遺失主管機關所核發本管理系統密碼時，應依第四條第二款規定申請補發。
- 第十三條 本準則自發布日施行。

附件一

多層次傳銷事業報備書

茲依多層次傳銷管理法第六條第一項規定，檢送下列文件、資料，送請報備。

一、事業基本資料(詳載於附件__);開始實施多層次傳銷行為之日：中華民國__年__月__日。

二、主要營業所及其他營業所所在地及電話(詳載於附件__)。

三、擬與傳銷商簽定之參加契約內容(含事業手冊、營運規章等，詳載於附件__)：

(一)傳銷制度及傳銷商參加條件：載於__頁__。

(二)多層次傳銷法令：載於__頁__。

(三)商品或服務瑕疵擔保責任條款：載於__頁__。

(四)多層次傳銷管理法第二十條至第二十二條所定權利義務事項或更有利於傳銷商之約定：
載於__頁__。

(五)解除或終止契約係因傳銷商違反營運規章或計畫、有多層次傳銷管理法第十五條第一項
特定違約事由或其他可歸責於傳銷商之事由者，傳銷商提出退貨之處理方式：載於__
頁__。

(六)傳銷商違約事由及處理方式：載於__頁__。

(七)招募限制行為能力人為傳銷商者其法定代理人之書面允許格式：載於__頁__(法定代
理人之書面允許格式如附件四)。

(八)多層次傳銷事業依多層次傳銷管理法第二十一條第三項後段或第二十四條規定扣除買回
商品或服務之減損價值者，其計算方法、基準及理由：載於__頁__。

(九)契約如訂有參加期限者，其續約之條件及處理方式：載於__頁__。

四、預估佣金、獎金及其他經濟利益之合計數占其營業總收入之最高比例__%(含計算說明)。

五、銷售商品或服務之品項、價格、來源、行銷方式合於法規或取得目的事業主管機關許可之
證明及積分值等有關事項及資料(詳載於附件__)。

報備事業：_____統一編號：_____印鑑：_____

電子郵件信箱：_____代表人/負責人：_____印鑑：_____

聯絡人：_____聯絡電話：_____

報備填報日期：中華民國__年__月__日

附件二

多層次傳銷事業變更報備書

茲依多層次傳銷管理法第七條第一項規定，檢送下列文件、資料，送請變更報備。

變更事項實施日期：中華民國____年____月____日。

變更事項：請勾選相關項目，並填寫附件次序；附件中應載明報備事項變更前後之相關內容，同時指明變更之處（格式如附）。

- ☐一、事業基本資料（詳載於附件__）。
- ☐二、主要營業所及其他營業所所在地及電話（詳載於附件__）。
- ☐三、擬與傳銷商簽定之參加契約內容（含事業手冊、營運規章等，詳載於附件__）：
- （一）傳銷制度及傳銷商參加條件：載於____頁__。
- （二）多層次傳銷法令：載於____頁__。
- （三）商品或服務瑕疵擔保責任條款：載於____頁__。
- （四）多層次傳銷管理法第二十條至第二十二條所定權利義務事項或更有利於傳銷商之約定：載於____頁__。
- （五）解除或終止契約係因傳銷商違反營運規章或計畫、有多層次傳銷管理法第十五條第一項特定違約事由或其他可歸責於傳銷商之事由者，傳銷商提出退貨之處理方式：載於____頁__。
- （六）傳銷商違約事由及處理方式：載於____頁__。
- （七）招募限制行為能力人為傳銷商者其法定代理人之書面允許格式：載於____頁__（法定代理人之書面允許格式如附件四）。
- （八）多層次傳銷事業依多層次傳銷管理法第二十一條第三項後段或第二十四條規定扣除買回商品或服務之減損價值者，其計算方法、基準及理由：載於____頁__。
- （九）契約如訂有參加期限者，其續約之條件及處理方式：載於____頁__。
- ☐四、預估佣金、獎金及其他經濟利益之合計數占其營業總收入之最高比例__%(含計算說明)。
- ☐五、銷售商品或服務之品項、價格、來源、行銷方式合於法規或取得目的事業主管機關許可之證明及積分值等有關事項及資料（詳載於附件__）。

報備事業：_____ 統一編號：_____ 印鑑：_____

電子郵件信箱：_____ 代表人/負責人：_____ 印鑑：_____

聯絡人：_____ 聯絡電話：_____

變更報備填報日期：中華民國____年____月____日

附件

變更前之內容	
變更後之內容	
變更事項說明	
備註	

附件三

多層次傳銷管理系統密碼申請書

事業名稱	
統一編號	
所在地	
代表人/負責人 姓名	
申請項目	<input type="checkbox"/> 新申請密碼 <input type="checkbox"/> 密碼遺失重新申請
事業及 代表人/負責人 印鑑	
<p>備註：</p> <p>註 1、請檢附公司或商業登記證明文件。</p> <p>註 2、請自行列印本申請表，填妥事業資料並加蓋印鑑後，郵寄至 「100219 臺北市中正區濟南路1段2之2號12樓 公平交易委員會」收。</p>	

附件四

法定代理人同意書書

立書人 茲同意本人之☐子☐女☐其他() (傳銷商)
(民國 年 月 日出生) 與多層次傳銷事業 (事業名稱)
締結書面參加契約，成為其傳銷商。

立書人：

住址：

中 華 民 國 年 月 日

註：招募限制行為能力人(7歲以上未滿18歲者)為傳銷商應填寫本同意書。

Criterion for Multi-level Marketing Enterprises Filing Reports for Record or Amendment

Enacted and promulgated on 1 May 2014
by Fair Trade Commission Decree Kung Jing Tzu No. 10314604591
Amended and Promulgated Appendix 3 and Appendix 4 of Article 4 on 30 December 2022
by Order of Fair Trade Commission Decree Kung Jing Tzu No. 1111461561
Amended and Promulgated Appendix 1 and Appendix 2 of Article 3 on 18 August 2023
by Order of Fair Trade Commission Decree Kung Jing Tzu No. 1121460839

Article 1

This criterion is enacted in accordance with Article 8 of Multi-Level Marketing Supervision Act (hereinafter referred to as the Act).

Article 2

Multi-level Marketing enterprises (hereinafter referred to as MLM enterprises), when required to file for record or amendment, should complete the application process on their own initiative through the "Multi-Level Marketing Administration System" (hereinafter referred to as "the Administration System") with electronic documents. However, in the event that any of the following situations is applicable, paper-based written reports may be submitted in lieu thereof:

1. when the Administration System is experiencing unscheduled downtime or is otherwise not in normal operation;
2. MLM enterprises, which are unable to use the Administration System for reasons of force majeure or other special considerations, apply in writing to the competent authority and received advance approvals;
3. other circumstances approved by the competent authority.

Article 3

MLM enterprises, when they are eligible to file for record or amendment by paper-based written reports in accordance with the proviso to the preceding Article, should submit their application with the Filing Reports for Record Form and Filing Reports for Amendments Form.

The paper-based application forms for reports filing for record and amendment are attached as Appendix 1 and Appendix 2.

Article 4

MLM enterprises may log in on to the Administration System by any one of the following means:

1. Certificated entry login: by use of an economic affair certificate authenticated by the Ministry of Economic Affairs; or
2. User account login: with the user account and password applied in writing to the competent authority. The application should be completed on the password application form, with the

official corporate seal affixed thereon, and the personal seal of the representative or responsible person, as well as submitted along with the documents pertaining to the corporation and business registration. The password application form is attached as Appendix 3.

Article 5

MLM enterprises, when filing report for record and amendment through the Administration System according to the requirements set forth in Paragraph 1 of Article 6 and Paragraph 1 of Article 7 of the Act, should fill in the blank item by item according to the format stipulated in the Administration System by the competent authority.

MLM enterprises, providing information required in Paragraph 1 of Article 6 and Paragraph 1 of Article 7 of the Act, should submit their documents and materials by electronic files. In addition, the format of the files, size of the files, and methods of electronic submissions should all comply with the rules of the competent authority.

Article 6

MLM enterprises, when filling report for record and amendment in writing according to the proviso of Article 2 of this Criterion, should log in on to the Administration System and complete resubmission within 7 days after such obstruction ends.

Article 7

Where the resubmitted content of electronic documents filed according to Paragraph 1 of Article 6 conflict with the written ones submitted by MLM enterprises, the written ones shall govern.

Article 8

MLM enterprises, without completing filing for report, amendment or resubmission thereto in accordance with Articles 5 or 6 of this Criterion, shall not be permitted to further amendment through the Administration System.

Article 9

When receiving filing for report, amendment or resubmission through the Administration System, the component authority may issue the responses, notices for supplementation or correction, or rejection notices in electronic form solely rather than written ones.

The receipt time of the response or notice from the component authority noted in the preceding paragraph is the time when the electronic document enters the MLM enterprise's electronic mail system.

Article 10

When the MLM enterprise's submission is completed through the Administration System, the receipt time of filing is the time the electronic documents enter the competent authority's information system.

Article11

MLM enterprises shall ensure that the email accounts they provide are fully capable and operating normally to receive emails, and should timely review the responses and notices from the competent authority after transmitted electronic documents through the Administration System.

Article12

MLM Enterprises shall apply for a replacement password in accordance with Paragraph 2 of Article 4 of this criterion when the password of the Administration System approved by competent authority is missing.

Article 13

This criterion will be enforced from the date of promulgation.

Appendix 1

Multi-Level Marketing Enterprise Filing Reports for Record Form

In accordance with the requirements set forth in Paragraph 1 of Article 6 of the Multi-Level Marketing Supervision Act, the following documents and materials are required to be filed for record.

1. Enterprise documentation (the information provided in attachment item ____). The date of commencement of multi-level marketing operations (Year/ Month/ Day): ____/____/____.
2. The addresses and telephone numbers of the main office and other locations where business is conducted (the information provided in attachment item ____).
3. A copy of the written participation agreement to be signed with participants (including operation manuals, rules or plans, and the information provided in attachment item ____).
 - (1) The multi-level marketing plans and conditions of participation (page ____).
 - (2) The related regulations governing multi-level marketing (page ____).
 - (3) The clause of warranties against defects relevant to the goods or services (page ____).
 - (4) The rights and obligations of the participants set forth in Articles 20, 21 and 22 of the Multi-Level Marketing Supervision Act or more favorable provisions (page ____).
 - (5) The methods for handling of goods returning requested by a participant when the contract is terminated because of the participant's violation of business rules or plans, or breaches as referred in Paragraph 1 of Articles 15 of the Multi-Level Marketing Supervision Act, or other reasons attributable to participants (page ____).
 - (6) Policies and procedures regarding breaches of the contract by the participant (page ____).
 - (7) The written consent from the legal representative when recruiting a person with limited capacity to be participants (page ____). (The template for parental/guardian consent form is attached as Appendix 4)
 - (8) The calculation methods, criterion and reasons when a multi-levels marketing enterprise deduct the devaluation amount from the price in repurchasing the goods or services pursuant to the later sentence of Paragraph 3 of Articles 21 or Article 24 of the Multi-Level Marketing Supervision Act (page ____).
 - (9) The conditions for renewal of contracts and the method of handling when the contracts stipulate specific period of participation (page ____).
4. Estimation for the highest percentage for the total commissions, bonuses, or other economic benefits noted above within the overall sales income is ____%. (including detailed calculation methods).
5. Documents and information related to the items, prices, sources of the products or services, the evidence of the marketing practices in compliance with laws and regulations other rather than this Act or having ex-ante approval issued by competent authorities, and bonus point systems (the information provided in attachment item ____).

Enterprise Filer: _____

Uniform Invoice Number: _____

Official seal : _____

Email address: _____

Representative/Legally responsible person: _____

Personal seal: _____

Contact person: _____

Contact telephone number: _____

Date of Filing Reports for Amendment: (Year/ Month/ Day)_____/_____/_____

Multi-Level Marketing Enterprise Filing Reports for Amendments of Record Form

In accordance with the requirements set forth in Paragraph 1 of Article 7 of the Multi-Level Marketing Supervision Act, the following documents and materials are required to be submitted for amendments of record.

Date on which the alterations are to take effect: (Year/ Month/ Day) ____/____/____

Supplemental matters: please check the appropriate box to indicate which matters are being supplemented and number the attachment items. The attachments should also clearly state the contents of the pre-amendment matters and the amendments thereto, and the nature of the amendments (see the attached form below).

- ☐ 1. Enterprise documentation (the information provided in attachment item ____).
- ☐ 2. The addresses and telephone numbers of the main office and other locations where business is conducted (the information provided in attachment item ____).
- ☐ 3. A copy of the written participation agreement to be signed with participants (including operation manuals, rules or plans, and the information provided in attachment item ____).
 - (1) The multi-level marketing plans and conditions of participation (page ____).
 - (2) The related regulations governing multi-level marketing (page ____).
 - (3) The clause of warranties against defects relevant to the goods or services (page ____).
 - (4) The rights and obligations of the participants set forth in Articles 20, 21 and 22 of the Multi-Level Marketing Supervision Act or more favorable provisions (page ____).
 - (5) The methods for handling of goods returning requested by a participant when the contract is terminated because of the participant's violation of business rules or plans, or breaches as referred in Paragraph 1 of Articles 15 of the Multi-Level Marketing Supervision Act, or other reasons attributable to participants (page ____).
 - (6) Policies and procedures regarding breaches of the contract by the participant (page ____).
 - (7) The written consent from the legal representative when recruiting a person with limited capacity to be participants (page ____). (The template for parental/guardian consent form is attached as Appendix 4)
 - (8) The calculation methods, criterion and reasons when a multi-levels marketing enterprise deduct the devaluation amount from the price in repurchasing the goods or services pursuant to the later sentence of Paragraph 3 of Articles 21 or Article 24 of the Multi-Level Marketing Supervision Act (page ____).
 - (9) The conditions for renewal of contracts and the method of handling when the contracts stipulate specific period of participation (page ____).
- ☐ 4. Estimation for the highest percentage for the total commissions, bonuses, or other economic benefits noted above within the overall sales income is ____%. (including detailed calculation methods).
- ☐ 5. Documents and information related to the items, prices, sources of the products or services ,

the evidence of the marketing practices in compliance with laws and regulations other rather than this Act or having ex-ante approval issued by competent authorities, and bonus point systems (the information provided in attachment item ____).

Enterprise Filer: _____

Uniform Invoice Number: _____

Official seal : _____

Email address: _____

Representative/Legally responsible person: _____

Personal seal: _____

Contact person: _____

Contact telephone number: _____

Date of Filing Reports for Amendment: (Year/ Month/ Day)_____/_____/_____

Attachment item_____

Pre-amendment Contents	
Contents of the amendments	
Explanation of the amendments	
Notes	

Multi-Level Marketing Registration Administration System Password Application Form

Enterprise Name	
Uniform Invoice Number	
Location	
representative/Legally Responsible Person	
Application type	<input type="checkbox"/> initial application <input type="checkbox"/> application for a new password
Official Seal of the Enterprise and the Representative/Legally Responsible Person	
<p>Note 1: Please provide the documents pertaining to the corporation and business registration.</p> <p>Note 2: After printing out this form, please complete it fully and affix the required seals, then send it by post to “Fair Trade Commission, 12F, No. 2-2 Jinan Rd., Sec. 1, Zhongzheng District, Taipei City 100219”</p>	

Appendix 4

Affidavit of Parental/Guardian Consent

The undersigned consenting parent/guardian, _____, do hereby agree that my minor son/daughter/other_____ (the participant)_____ (Birth date is ____/____/_ ____), and the multi-level marketing enterprise (the name of the enterprise being) _____ have entered into a written participation agreement, providing that he/she/other_____ shall be a participant thereunder.

Consenting Parent/Guardian:

Address:

Note: This written consent shall be filled in while recruiting a person with limited capacity (with an age between 7 and 18 years).