

## **Annual Review of 2017 on the Civil Law: The Supreme Court Judgments on Property Law**

*Tsung-Fu Chen\**

### **Abstract**

This paper reviews important civil law judgments made by the Supreme Court in 2017. In the General Principles of the Civil Code, the sum of a contract of loan has to be reduced by the interest that has been collected by the creditor. The right to injunction based on the right of personality is not subject to the statute of limitations. The statute of limitations is postponed due to the parties' negotiation.

In the contract law, a debtor of a preliminary contract is liable for damages when violating his duty to performance. Where a debtor fails to perform his ancillary obligations, the creditor may terminate the contract and claim damages. Where an undertaker's work is defective, the proprietor is not allowed to make a claim based on incomplete performance if he passed the one year period of time to find the defects. The claim to increase the reimbursement for the work under the doctrine of change of circumstances is subject to different limitation of period of time under the Supreme Court decisions.

In tort law, the definitions of "right" and "good morals" stipulated in article 184 are expanded widely. The liability for the defects on goods is not covered by article 7 of the Consumer Protection Act. Further, in medical malpractice, medical custom is not a decisive criterion in determining the doctor's negligence, while medical standard is the same as a good manager's standard of care. Where a doctor is grossly negligent, the burden of proof for causation is on the doctor, instead of the patient. Although relatives of a patient are allowed to express their opinions, their opinions are merely for reference but not decisive.

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\* Professor of Law, College of Law, National Taiwan University.  
E-mail: congfu@ms6.hinet.net

**Keywords:** contract of loan, statute of limitation, statute of repose, preliminary contract, ancillary obligations, substitute claims, change of circumstances, medical standards, substitute consent