

Developments in the Law in 2019: Disputes Concerning the Jurisdiction and Competence of Specialized Courts

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Abstract

Taiwan has always distinguished the relationship between public and private law and has introduced a dual system of jurisdiction, with the administrative court and the civil chamber of the general court deciding respectively. In the field of private law relations, there has been a gradual shift towards professional adjudication with the establishment of specialized courts or tribunals, instead of only the ordinary courts (district courts, high courts, and supreme courts) or their civil divisions trying all private law disputes. Consequently, controversies arose as to the characterization of various types of matters and the division of jurisdiction (or assignment of affairs). The conflict of authority between civil and administrative adjudication has not been fully resolved so far, and following the interpretation of the Chief Justice will increase the parties, labor, time and costs, and waste limited judicial resources. In privacy disputes between professional courts, disputes over jurisdiction or assignment of affairs must balance the basic principles of litigation law such as professional trial, timely trial, procedural stability, unified dispute resolution, protection of procedural interests and litigation economics, rather than merely pursuing the interests of professional trial in order to seek appropriate handling on the theory of interpretation.

This article collates the relevant important civil judicial practice decisions in 2019, and analyzes their opinions. Between a specialized court and an ordinary civil court of the same court, only the allocation of business is involved. If the civil court mistakenly allows the civil proceedings to be consolidated as an

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addition to the family case, the Supreme Court expressly states that there is no violation of exclusive jurisdiction and that the original judgment cannot be set aside on the ground of general illegality of the appeal in order to protect the procedural interests of the parties and to avoid wasting judicial resources, which is agreeable and may be handled by the civil court as a labor case misallocation.

Keywords: jurisdiction, specialised court, exclusive jurisdiction, family matters, employment matters, intellectual property matters, business matters, transfer of jurisdiction, consolidation of litigations