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## **New System of Trade and Patent Administrative Litigation Special Report**

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### Abstract

Intellectual Property (IP) Court is planned to be established in March 2007 in Taiwan. Reviewing the draft of IP Court Organic Law and the draft of IP Trial Laws published by Judicial Yuan, it is clear that the paragraph I of Article 33 of IP Trial Law will become the most influential factor in IP trials. Under the current law, the administrative courts are not required to consider the new evidences the party submitted based on the same reason to revoke or repeal trade mark right or patent right after the decision made by the IP Office. However, according to the draft, those evidences should be taken into consideration by IP Court before the conclusion of oral proceedings at trials. The new law will change IP trials crucially. This report wants to introduce this change and evaluate how it will influence the legal system. By comparing the two systems and pointing out the differences, this report wants to provide a general understanding of the drafts as well as the new changes for IP practitioners.

**Keywords:** trade, patent, administrative litigation, new evidence, intellectual property