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Patent Validity and Infringement Litigation: An Analysis from a Perspective on Comparative Law

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Abstract

In Taiwan, civil court does not decide on invalidity of a patent in infringement proceedings. It is criticized widely for its serious delay of legal remedy. This thesis tries to highlight the tenacity confronted to the international trend. In Chapter II, the article introduces and analyzes several main judicial systems of the world dealing with the validity problem of patent in infringement litigation, such as U.S.A., Great Britain, Japan, South Korea, Germany, and France. Referring to the analysis results, Chapter III reviews the current regulations of our country and explicates the theoretical foundation that justifies the court's deciding on the validity of patent. This chapter also brings up the probable questions while judging the validity of patent would confront, and offers personal opinions about treatments. Then the thesis ends with a review in Chapter IV.

Keywords: patent validity, invalidation action, invalidation litigation, infringement litigation, re-examination