

Enforcement Rules of the Commercial Case Adjudication Act

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- Article 1 These Rules are formulated in accordance with the provisions of Article 80 of the Commercial Case Adjudication Act (hereinafter referred to as "this Act").
- Article 2 The Commercial Court as described in these Rules refers to the commercial tribunal of the Intellectual Property Court and the Commercial Court.
- Article 3 A commercial case pending in a court as not yet concluded before the enforcement of this Act shall be handled by the court of original jurisdiction after the enforcement of this Act according to the procedures stipulated before the enforcement of this Act.
In the case as described in the preceding paragraph, if an appeal or an interlocutory appeal against the judgment is filed, or a lawsuit for retrial or a petition for retrial is filed after the final judgement, the provisions before the enforcement of this Act shall apply to its court of jurisdiction and adjudication procedures.
- Article 4 A commercial case pending in a higher court as not yet concluded before the enforcement of this Act and then remanded or transferred after the enforcement of this Act, such case shall be judged by the court of original jurisdiction or the court to which the case is transferred according to the procedures stipulated before the enforcement of this Act.
- Article 5 The litigation proceedings in a commercial case that was subject to mediation proceedings by the court before the enforcement of this Act's and remains unmediated after the enforcement of this Act shall transfer all case files and evidences and judgements of the case to the Commercial Court, in accordance with the provisions of Paragraphs 1 and 4 of Article 419 of the Taiwan Code of Civil Procedure.
After the enforcement of this Act, the parties' commercial cases sued pursuant to Paragraph 3, Article 419 of the Taiwan Code of Civil Procedure shall be handled by the Commercial Court.
- Article 6 In commercial cases where a court issued a payment order before the enforcement of this Act and the debtor raises an objection to the payment order according to law after the enforcement of this Act, the provisions of Paragraph 2 of Article 62 of this Act shall apply.

Article 7 The litigation of this case is considered as a commercial case if the ruling of provisional attachment, provisional injunction, or temporary status quo injunction is made before the enforcement of this Act. If the parties petition to revoke the litigation after the enforcement of this Act, the case shall be handled after the enforcement of this Act according to the provisions of the following subparagraphs:

1. If this case has not pended, the procedure shall be made with the original ruling court.

2. If this case has pended, the procedure shall be made with the court of this case.

Article 8 These rules shall take effect on the date of July 1, 2021.