

**Intellectual Property Court Adjudicates the Case of the Boundaries of
Administrative Action concerning Intellectual Property Rights Arising
under the Fair Trade Act**

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Abstract

The Intellectual Property Court Organization Act and Intellectual Property Case Adjudication Act were promulgated on March 28, 2007 in the R.O.C. While they both promote adjudication, some doubts over their content have arisen. What is it that concerns intellectual property rights arising under the Fair Trade Act? The Fair Trade Act of the R.O.C. combines antitrust and unfair competition, and the Fair Trade Commission of the R.O.C. can interfere in disputes regarding the domain name between two companies based on Article 24 of the Fair Trade Act, where the name is not in the “public interest”. Will the jurisdiction of the Intellectual Property Court include these kinds of administrative actions in the future? It is difficult to separate issues that are concerned and not concerned with intellectual property rights arising under the Fair Trade Act. I recommend that the jurisdiction of the Intellectual Property Court include the first instance of an administrative action concerning intellectual property rights and disputes under the Fair Trade Act, and that its name be changed to the “Intellectual Property and Fair Trade Act Court.” This will make it easier for everyone.

Key words: intellectual property, Fair Trade Act, Intellectual Property Court, antitrust, unfair competition, domain name, know how, administrative procedure, administrative action, administrative guide