

Jurisdiction

14. National Jurisdiction

Legal Jurisdiction

- See session 1
- Sec. 13 CCA: **Civil Litigation**

Ratione Materiae (Subject Matter Jurisdiction)

- Appellate Jurisdiction: see next slide
- Main aspect to determine ratione materiae: **Value in Dispute** (Sec. 23 Nr. 1, 71 Para. 1 CCA) up to 5.000 € ≈ 171.040 TWD, **local courts** (In development: increase to 8.000 €), higher value in dispute: regional courts as courts of first instance
- **Specific Jurisdiction**: e.g. disputes in cases concerning rent: local courts, Sec. 23 Nr. 2 a) CCA

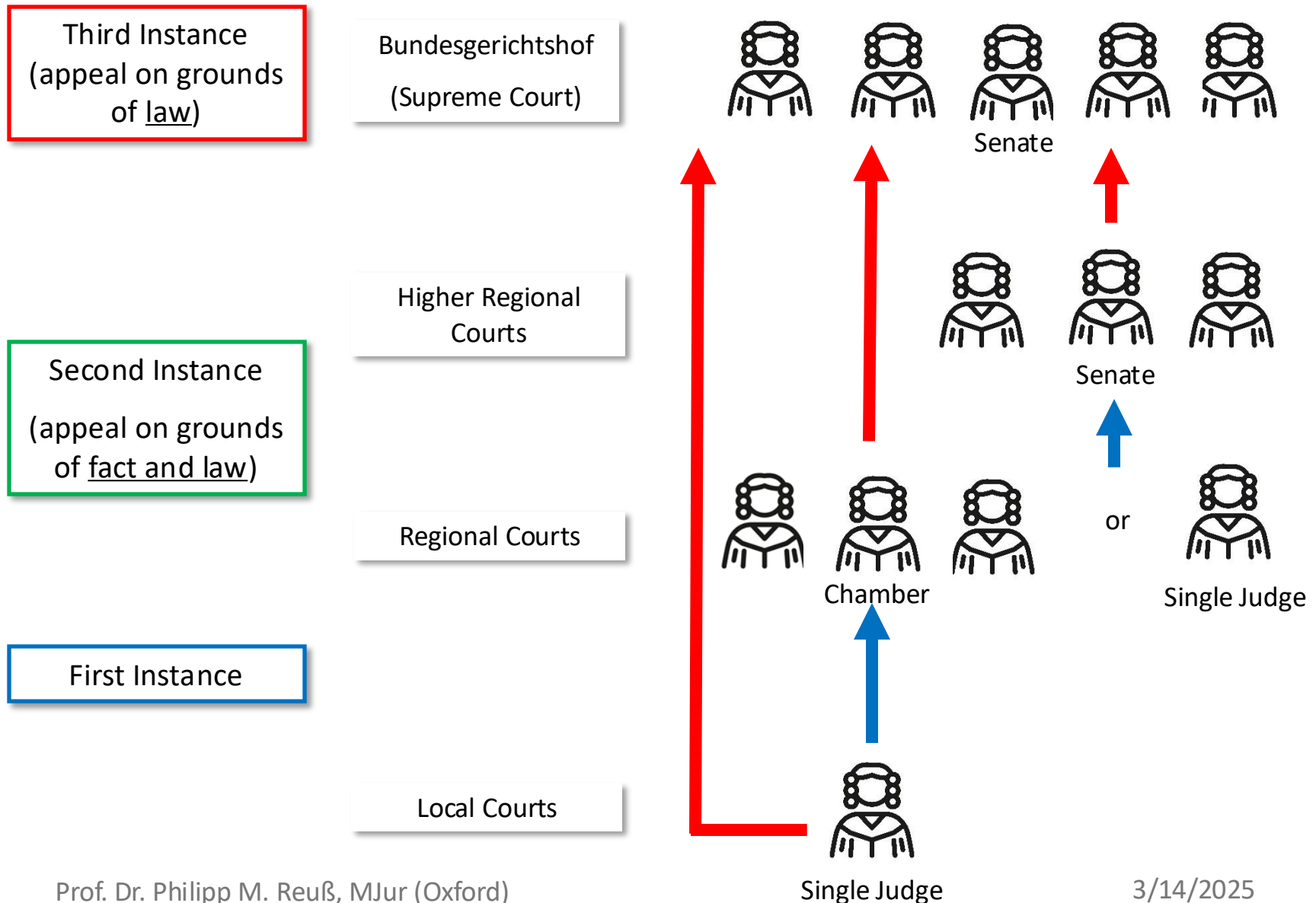
Local Jurisdiction

- **Place of Jurisdiction**, Sec. 12-34 CPC
- **General place of jurisdiction: residence of defendant** (sec. 13 CPC) or at registered seat at administrative center Sec. 17, 18, 21 CPC)
- **Particular place of jurisdiction**, e.g. Sec. 29 CPC Actions arising from contracts and **exclusive jurisdiction**, e.g. Sec. 29a CPC Disputes concerning tenancy and leases

Functional Jurisdiction

- **Court/Judge**= as an adjudicative body (single judge, chamber, senate); Assignment within the court by case allocation plan (“Geschäftsverteilungsplan”)
- **Clerk and other Auxiliary bodies**: internal, e.g. registrar of deeds or external, e.g. Translator/Interpreter

14. National Jurisdiction - stages of appeal procedure



14. National Jurisdiction – Place of Jurisdiction and Digitalisation

■ Status quo

- So far: no specific laws regarding jurisdiction with regard to digitalisation
- See **Sec. 29c (1) 2 CPC**: Exclusive Jurisdiction for doorstep sales regarding consumers
- **(P) Floating Jurisdiction** for infringements of rights in the internet (Sec. 32 CPC: torts)
- New rules concerning **digital trials** in sec. 128a CPC and Sec. 16 EGZPO contain no specific rule on jurisdiction

■ De lege ferenda

- Implementation of a **location-independent online-venue (in planning)**
- Centralized **Online-venue** (similar model of default summon courts)
- [2025 Reform Commission](#): enabling digital choice of court agreements



14. National Jurisdiction – Current Reform Debate

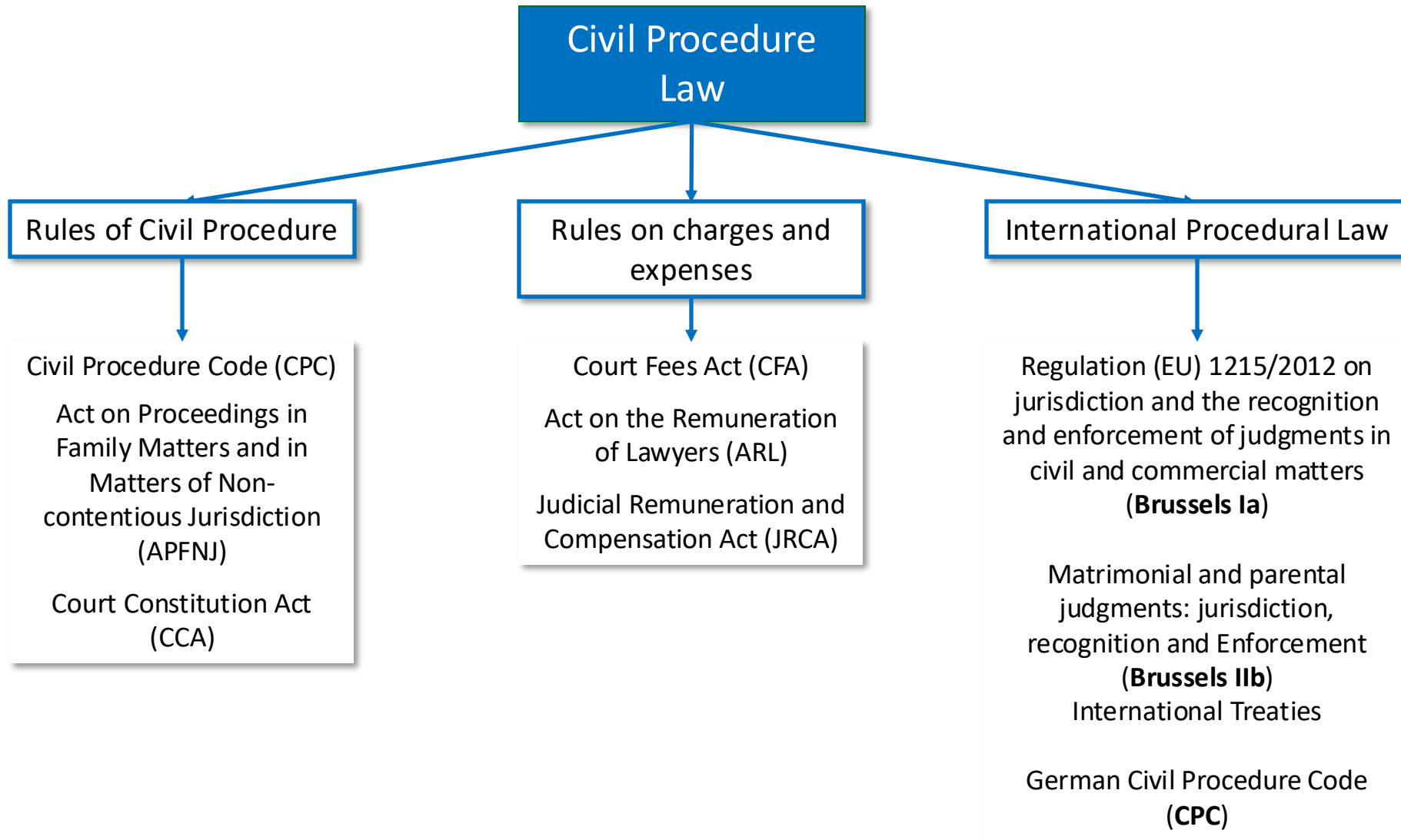


Reformkommission Zivilprozess der Zukunft

im Auftrag des 3. Digitalgipfels
der Justizministerinnen und Justizminister
des Bundes und der Länder

→ download the full report (in German) [here](#).

15. International (and European) Jurisdiction



Summary

- Rules of national jurisdiction
- Rules of international jurisdiction