

## International IP training courses

### KOICA Training Course for Intellectual Property Experts

- **Host organizations** : The International Intellectual Property Training Institute (IIPTI) and the Korean International Cooperation Agency (KOICA)
- **Dates and venue** : June. 8 - 21. 2008 (2 weeks) at the IIPTI
- **Participants** : Twenty participants from 14 countries. (Participants are invited by the Korean Ministry of Foreign Affairs.)
- **Main topics** : Current polices and prospects of intellectual property in Korea  
Korean laws, guidelines and examination practice for patents, trademarks, and industrial designs
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### WIPO Summer School on Intellectual Property in Korea

- **Host organizations** : WIPO, KIPO and the IIPTI
- **Dates and venue** : August 11 to 22, 2008 (2 weeks) at the IIPTI
- **Objective** : To provide an opportunity for 3<sup>rd</sup> and 4<sup>th</sup> University students and young professionals to acquire deeper knowledge of intellectual property, and to gain an appreciation of intellectual property as a tool for economic, social, cultural and technological development
- **Participants** : 3<sup>rd</sup> and 4<sup>th</sup> University students and young professionals from any field of study or discipline.
- **Registration** : Candidates may apply online at  
[http://www.wipo.int/academy/en/courses/summer\\_school\\_korea/index.html](http://www.wipo.int/academy/en/courses/summer_school_korea/index.html)
- **Deadline** : The application deadline is May 23, 2008
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# The Korea IP News Quarterly



## The Intellectual Property Tribunal and KIPO: notable achievements in 2007

The Intellectual Property Tribunal and KIPO both enhanced their performance in 2007. The tribunal, for instance, now completes trial examinations in a much shorter period and KIPO has made notable progress in international relations.

This is the third volume of the Korea IP News Quarterly. The quarterly was launched last September to increase international awareness and understanding of Korea's intellectual property laws and institutions.

The Intellectual Property Tribunal (IPT) is a Korean government tribunal that specializes in resolving conflicts and conducting trials pertaining to intellectual property (IP). The IPT has made significant progress since its foundation in 1998.

The most phenomenal achievement of the IPT is the drastically shortened IP trial examination period. The IPT set up a goal to shorten the average period of trial examinations to less than six months by the end of 2007 and, over the past several years, this goal has been pursued with tremendous effort.

We increased the number of trial examiners from 49 in 2005 to 99 in 2007, and we enhanced the efficiency of trial examinations by streamlining the trial examination process. As a result, in the space of four years, we more than halved the average trial examination period-from 14 months in 2003 to 5.9 months in 2007.

In addition, we have continued to enhance the quality of trial examinations by strengthening the training system for trial examiners and expanding the use of oral statements in examinations. These efforts have helped reduce the portion of trial decisions appealed at the Patent Court and the portion of trial decisions cancelled at the Patent Court and sent back to the IPT.

The number of appeals is directly related to the extent to which disputants accept trial decisions, and the number of cancellations by the Patent Court is directly related to the accuracy of trial examination decisions. We can deduce therefore that we have succeeded in improving the accuracy of trial decisions and in fostering greater acceptance of trial decisions. Note in particular that the portion of cancellations has plummeted recently.

The Korean Intellectual Property Office (KIPO) contributed to the global IP community in several remarkable ways in 2007.

First, KIPO took a leading role in the merger of two trilateral groups of IP offices (namely the US, Japan, and the EU, on the one hand, and Korea, China, and Japan, on the other hand) to form the Meeting of the Heads of Five Patent Offices, a cooperative body of five of the world's major patent offices.

In April 2007, the Patent Prosecution Highway between the KIPO and the Japan Patent Office became fully operational. Furthermore, in September 2007, the 183 member states of the World Intellectual Property Organization agreed unanimously at the general assembly to include Korean as an official language of publication under the Regulations of the Patent Cooperation Treaty.

KIPO and the IPT will continue to adopt an enterprise style of management. That style has already yielded significant outcomes, and further efforts will be made to inculcate enterprise-style management into our organizational culture.

In view of KIPO's fundamental goal of maximizing the value of customers, we will transform our customer satisfaction management into customer value management.

In addition, we will continue to ensure that our staff are all highly qualified, and we will expand our investment in infrastructural areas such as the IT system. Other goals include the strengthening of cooperation with domestic judicial authorities and the promotion of international cooperation to enhance the global competitiveness of KIPO examiners and IPT trial examiners.

March 2008

Myoungsik Park  
Chairman of  
the Intellectual Property Tribunal



## Pilot phase of the Korea-US Patent Prosecution Highway

“The Patent Prosecution Highway between Korea and the US is being piloted as a means of fast-tracking examinations of patent applications filed in both countries”

The pilot phase of the Korea-US Patent Prosecution Highway commenced on January 28, 2008.

The highway system gives priority to any patent application filed at both the Korean Intellectual Property Office (KIPO) and the United States Patent and Trademark Office (USPTO) whenever either side has assessed the application as patentable.

Through the highway system, which is expected to enhance the quality of patent examinations, either office can use the patent examination results of the other office to fast-track the patent approval process.

KIPO and the USPTO will evaluate the results after piloting the Patent Prosecution Highway for a period of 12 months. Depending on the results of the evaluation, the highway system may be adopted on a permanent basis.

Details of the Korea-US Patent Prosecution Highway can be found on the Web sites of the two offices: "<http://www.kipo.go.kr/kpo2/user.tdf?a=user.english.html.HtmlApp&c=60622&catmenu=ek60600>" and "[http://www.uspto.gov/web/patents/pph/pph\\_kipo.html](http://www.uspto.gov/web/patents/pph/pph_kipo.html)"

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## IP Xpedite

“IP Xpedite was officially released at the APEC Intellectual Property Experts Group meeting, which was held between 23 and 29 February 2008. The program has subsequently been made available to trainee patent attorneys, corporate executives, and graduate and undergraduate students in Korea”

KIPO has successfully developed another interactive e-learning program called IP Xpedite. This multi-year project was developed in 2006 and 2007 under an APEC cooperative framework with the United States Patent and Trademark Office, the Japan Patent Office, and IP Australia.

With the eponymous goal of 'expediting the utilization of intellectual property', IP Xpedite aims to encourage greater use of intellectual property information, to enhance the efficiency of research and development, and to achieve greater economic development.

The first phase of IP Xpedite (released in 2006) covers the fundamentals of intellectual property information. The specific topics are as follows: Introduction of Intellectual Property Information; Method of Searching Intellectual Property Information; and Analysis of Patent Information. The second phase (2007) focuses on more practical subjects, such as Advanced Methods of Searching for Patent Information, Strategies for International Applications, and the Drafting and Interpretation of Patents.

IP Xpedite was officially released at the APEC Intellectual Property Experts Group meeting, which was held between 23 and 29 February 2008. The program has subsequently been made available to trainee patent attorneys, corporate executives, and graduate and undergraduate students in Korea. It is also available on the Web site of the IP Academy at "<http://www.ipacademy.net/ipeng>" or on CD-ROM. To obtain a copy of the CD-ROM version, you can either send an e-mail request to "<mailto:ipxpeditesservice@kipo.go.kr>" or call +82 (42) 482-5129.

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## A roundtable on a best practice model of IP development and economic progress

“A roundtable and joint research among experts from Seoul National University and WIPO officials will explore ways of setting up a best practice model of IP development and economic progress”

The World Intellectual Property Organization (WIPO) recognizes Korea as good example of a country that has accomplished remarkable economic progress by successfully institutionalizing intellectual property rights. Accordingly, in April 2007, WIPO decided to conduct joint research with experts of Seoul National University on the role of intellectual property rights in Korea's successful economic development, and to set up Korea's case as a best practice model.

For the first step of this research, a roundtable is scheduled for April 7-8, 2008. Local and international experts, government officials, and WIPO officials will participate in the roundtable. The list of distinguished participants includes Prof. Lee Branstetter of Carnegie Mellon University, Prof. Dietmar Harhoff of Ludwig-Maximilians University of Munich, Director General Rai of WIPO, and Director General Chang-ryong Kim of

KIPO and 20 experts from Seoul National University. They will discuss the role of intellectual property rights in Korea's economic progress.

For the second step, WIPO will fund year-long research on the development of a best practice model based on the results of the roundtable.

The roundtable will provide an important opportunity to discuss concrete ways of exploring the role of KIPO in Korea's economic progress. WIPO and developing countries such as Mexico are hopeful that the outcome of this research will be a best practice model that can assist IP authorities in developing countries.

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## IP Panorama fever in Korea

“E-learning is all the rage in Korea and KIPO's educational programs IP Panorama and IP Xpedite are leading the way in the field of intellectual property education”



The intellectual property e-learning program IP Panorama is attracting great interest among Korean customers.

IP Panorama, which was launched on September 24, 2007, has 10 modules of educational material on intellectual property. The e-learning program is well-known for its focus on business-oriented knowledge of intellectual property. Furthermore, its advanced e-learning capabilities and IT technology distinguish it from other e-learning media on intellectual property.

Launched in Korea in 2007, IP Panorama now boasts 245 users, most of whom are trainee patent attorneys from Yonsei University and Korea University. Those users have acclaimed the quality and effect of the program and, as a result, prompted the Korean Intellectual Property Office (KIPO) to distribute the program to various other targets this year.

In the first half of 2008, the IP Panorama users include trainee patent attorneys from the departments of International Studies and Information Management at Korea University and from the Department of

Information Science at Sookmyung Women's University. All students are awarded three credits for finishing the IP Panorama program.

Korean enterprises are also eager to use IP Panorama as an internal educational resource on intellectual property. The world's second largest steel company, POSCO, signed a license agreement with KIPO on the use of IP Panorama. Under the agreement, POSCO can use IP Panorama to provide ongoing education for its intellectual property experts and to raise intellectual property awareness among its 17,000 employees.

The 10 modules of IP Panorama cover the following topics: patents, copyrights, trademarks, trade secrets, industrial designs, patent information, technology licensing, intellectual property and international trade, intellectual property in the digital economy, and intellectual property auditing. IP Panorama is based on a brand new instructional design strategy that combines storytelling with educational technology. Each module has a practical, informative, and interesting story about intellectual property. To get more information, please visit the IP Academy at <http://www.ipacademy.net/ipeng>.

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**Current status of FTA negotiations on intellectual property issues**

“The Korean Intellectual Property Office is currently engaged in negotiating a free-trade agreement (FTA) with the EU, Canada, Mexico, and the Gulf Cooperation Council (GCC),<sup>1</sup> as well as a comprehensive economic partnership agreement (CEPA)<sup>2</sup> with India. This report summarizes the current status of these negotiations in relation to intellectual property (IP) issues”

**FTA negotiations with the EU**

Six rounds of negotiations were held between May 2007 and January 2008. In these negotiations, both sides actively discussed various aspects of IP, such as geographical indications, trademarks, design protection, patents and enforcement. Agreement was reached on certain points but further discussion is needed on major differences of opinion, such as the issue of geographical indications. For the seventh negotiation with the EU, which will be held in mid-April, we plan to have a task force meeting and further in-house discussion of the unresolved issues. To clarify our position, we will also consult with the relevant ministries and offices.

**FTA negotiations with Canada**

The first round of FTA negotiations with Canada was held in July 2005. At the 10th round of negotiations in April 2007, both sides reached a consensus on various IP issues. However, further IP discussions have been held since Canada presented a draft proposal on geographical indications at the 11th round of negotiations. At the 13th round of negotiations, which will be held in Ottawa, Canada, at the end of March, we hope to narrow our differences on the methods and scope of protection for geographical indications.

**FTA negotiations with Mexico**

Between February and June 2006, we held three rounds of negotiations with Mexico for the purpose of establishing a strategic economic

complementation agreement.<sup>3</sup> However, we subsequently changed our approach and began working towards an FTA. Accordingly, the fourth round of negotiations in December 2007 became the first round of FTA negotiations. At that round both nations made their positions clear with regard to geographical indications, international agreements, trademarks and patents. The second round of FTA negotiations (or the fifth round in all) will be held in Seoul in mid-May.

**CEPA negotiations with India**

The first round of CEPA negotiations between Korea and India was held in March 2006; the ninth round was held in December 2007. With regard to IP cooperation, India proposed a memorandum of understanding (MOU) similar to an existing memorandum between India and Japan. We remain optimistic of reaching an agreement that adequately reflects our suggestions.

**FTA negotiations with the GCC**

In preliminary FTA discussions with the GCC in November 2007, in Riyadh, Saudi Arabia, we reached an agreement with the GCC to open the first round of FTA negotiations in March or April 2008. We will do our best to make progress in the 1st round of negotiations to come.

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<sup>1</sup> The GCC is a body of economic cooperation six nations of the Middle East: Saudi Arabia, the United Arab Emirates, Bahrain, Oman, Kuwait and Qatar.  
<sup>2</sup> A CEPA is a comprehensive agreement on exchanging products, services, investment and economic cooperation; it is a more comprehensive than an FTA, which generally highlights the liberalization of trade.  
<sup>3</sup> A strategic economic complementation agreement is a trade agreement that has a lower degree of liberation than an FTA; such negotiations do not focus on all products but on specific products targeted for trade liberalization.



**A Civil and Government Joint Council aims to prevent illegal import of tools**

**The Korea Customs Service recently assembled a group of experts from the tool industry to address various problems pertaining to illegal importation and intellectual property infringements**

On February 29, 2008, the Korea Customs Service hosted a Civil and Government Joint Council comprising 25 representatives from the Korea Customs Brokers Association, the Trade-related IPR Protection Association, the Korea Industrial Materials and Tool Dealers Association, the Korea Tools Industry Cooperative and 10 IP-related enterprises. The council conducted a consultation and discussion on how to prevent illegal imports of various tools.

"Tool manufacturing companies have experienced difficulty in tackling IP infringements and the place of origin because most small and medium-sized companies don't have their own system of cracking down on infringements and there is no system of close cooperation with relevant governmental authorities," said Hyeon-Jong Part, Director of the Marketing Team at the Keyang Electric Machinery Co.

Mr. Part thanked the Korea Customs Service for showing interest in the protection of intellectual property rights. He also expressed the hope that the illegal importation and circulation of tools would be eradicated from the domestic tool business environment.

The Korea Customs Service will take full-scale preventive measures in order to establish a sound business environment and to prevent any damage to consumers. Our goal is to tackle the illegal importation and circulation of tools and to eradicate chronic abuses, especially in cases where the close ties between tool manufacturers and

wholesalers and retailers have discouraged people from reporting from infringements to the national authorities.



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## Customs Act amended to strengthen intellectual property rights

### The Customs Act was amended in early 2008 to deal with a raft of issues ranging from copyright matters to parallel imports and counterfeit parts

On January 1, 2008, the government amended the Customs Act on the basis of proposals from

the Korea Customs Service. The amendments permit the introduction of customs recordation and ex officio suspension of the custom clearance system for copyrights, related rights and program copyrights.

The relevant public notice was amended to incorporate the contents of the amended Customs Act, which took effect on March 1, 2008.

Several major concerns are addressed in the amended public notice.

First, parallel imports are permitted in certain cases. That is, they are permitted if the importer submits relevant evidentiary documents when importing samples for the purpose of custom-building at the request of a foreign trademark right holder: they are also permitted if a person without a trademark right imports an item that was exported by the domestic trademark right holder.

Second, the amendments stipulate various custom report methods, as well as the contents and forms for reporting copyrights, related rights, and program copyrights. Hence, right holders can conveniently submit reports to the customs service.

In addition, a customs clearance suspension system was introduced into the legislation to prevent counterfeit parts (such as a counterfeit zipper attached to clothing) from being used in a finished product. The purpose of this new provision is to strengthen the protection of trademark rights

Finally, each customs office is obliged to set up a council dedicated to the suspension of the customs clearance. The council, which advocates the rights of right holders and exporters, can decide to suspend the customs clearance and to promote customs clearance tasks in a transparent and objective manner.

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## KIPO and the Korea Customs Service discuss IPR protection

### Representatives of KIPO and the Korea Customs Service met recently to discuss ways of cooperating more closely on the protection of intellectual property

Eleven working-level representatives from the Korean Intellectual Property Office and the Korea Customs Service held a meeting on February 13, 2008, to discuss a cooperative approach to the protection of intellectual property.

The representatives discussed the possibility of coproducing a public advertisement aimed at eradicating counterfeit goods. They also considered enlisting the services of celebrities such as Mr. Jin-a Tae, a singer and a publicity ambassador to the Korea Customs Service; Ms. Mee-Lee Geon, an entertainer; and Ms. Bo-young Lee, an

entertainer and a publicity ambassador to the Korea Intellectual Property Office.

Other suggestions included the sharing of information on intellectual property infringements and joint investigation of intellectual property infringements against Korean companies in other countries. The representatives also agreed to set up a hot line to facilitate effective communication and cooperation between the relevant officials of both parties.

The representatives acknowledged the need to cooperate on the protection of

intellectual property and agreed to hold the working-level meeting every quarter. They also expressed the desire to expand cooperation with other national authorities, such as the Ministry of Culture, Sports and Tourism, which is in charge of the copyrights, as well as the Ministry of Knowledge Economy and the Korea Trade Commission, both of which are in charge of compensation for industrial damage caused by illegal trade.

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## Celebration of the 2008 World Intellectual Property Rights Day

### World Intellectual Property Rights Day will be commemorated in Seoul in late April with three days of exciting concerts, exhibitions and contests in appreciation of the creative legacy of copyrights and in awareness of the importance of copyrights protection

Between April 25 and 27, the Ministry of Culture, Sports and Tourism will host a variety of events, such as commemorative concerts, an art exhibition, and UCC contests, near the plaza of the Seoul railway station to celebrate the 2008 World Intellectual Property Rights Day.

The World Intellectual Property Organization (WIPO), one of the UN's special organizations, designated April 26 as World Intellectual Property Rights Day. This year is the eighth time the annual event has been held since it was first designated by WIPO. The special day reminds us to reflect on the value of copyrights, which have endowed the world with beauty, bountifulness, and convenience. It is a special time to appreciate and encourage creative works in a variety of different fields.



The Ministry of Culture, Sports and Tourism and its associated institutions, namely the Korea Federation of Copyright Organizations, the Copyright Commission, the Korea Software Copyright Committee, the Korea Film Council, the Korea Culture Content Agency, and the Korea Game Industry Agency, will host a variety of different events to enhance the public's appreciation of the value of creative works and to increase public awareness of copyright protection.

On April 26, a sketch contest, a copyright publicity ambassador's fan signing ceremony, an OX quiz on copyrights, and an 'i-clean concert', which the Minister of Culture, Sports and Tourism will attend, will be held to celebrate the World Intellectual Property Rights Day.

On April 27, a cultural exhibition will be held to display excellent Korean films and games, along with the winning submissions of the UCC creative contest. A signature campaign will also be launched to protect copyrights and a character photo zone will be run to provide a space where visitors can appreciate the importance of copyrights.

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