

### IP5 Head Meeting 2008

- **Dates** : October 27~ October 28, 2008
- **Venue** : Haevichi Hotel, Jeju, Republic of Korea
- **Host** : Korean Intellectual Property Office
- **Contact** : [shs4147@kipo.go.kr](mailto:shs4147@kipo.go.kr), +82 (42) 481-8645

### Seoul Copyright Forum 2008

- **Theme** : Open Platform, UCC Services and Copyrights
- **Date** : September 29 to October 1, 2008
- **Venue** : COEX, ASEM Hall, Conference Center #402, Seoul
- **Host** : Ministry of Culture, Sports and Tourism
- **Organizer** : Korea Copyright Commission
- **Contact** : Seong-Hwan JANG (Manager, Korea Copyright Commission)  
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### International IP training courses in the International Intellectual Property Training Institute (IIPTI)

#### KOICA Training Course on Intellectual Property Rights for ASEAN members countries

Korea has fostered its IPR system in a way that motivates creative activities and protects the resultant invention and work of authorship. Korea hopes to share with ASEAN member countries its experience in the promotion of IPR creation and protection as a part of the cooperation plan under the Korea-ASEAN FTA.

- **When** : October 9 ~ 23, 2008      • **Where** : IIPTI, Daejeon, Republic of Korea
- **Participants** : 20 government officials and IP experts from the ASEAN member countries
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#### WIPO Asia-Pacific Seminar on Intellectual Property Rights and Competition Policy

The Seminar will aim to enhance the knowledge and competence of the participants in dealing with various issues related to the interface between intellectual property rights and competition policy and to share national experiences and best practices in the effective application and use of these policy tools to promote economic growth and competitiveness.

- **When** : October 7 ~ 9, 2008      • **Where** : IIPTI, Daejeon, Republic of Korea
- **Participants** : 30 participants from Asia-Pacific Region
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#### Publication

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#### Subscription

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# The Korea IP News Quarterly



## Global Era of Change in IP Training

The paradigm of the global economy has shifted to a knowledge-based economy and we now find ourselves at the heart of the patent war. Korean enterprises must secure strong patents in order to survive and remain competitive. To meet this goal, we need to focus on the education of patent experts-experts who can facilitate the development of the patent system, promote greater IPR protection, and encourage the utilization of research results. As part of the education of patent experts, the Korean Intellectual Property Office (KIPO) runs 50 IPR courses for students who are majoring in science and engineering.

In accordance with the globalization trend, the various IPR laws and regulations of each country are now being harmonized. There has also been a surge in the use of international patent systems for the filing of patent applications overseas. Due to our improved capability in developing new technologies, we are now witnessing a rapid change in focus from domestic patents to international patents. Furthermore, the harmonization of IPR law is now being accelerated through FTA negotiations. As a result, IPR experts must be equipped with "a global mind" and "a global linguistic ability"-all of which heightens the need for comprehensive IPR education at the university and corporate level.

Since 2005 KIPO has offered domestic science and engineering majors educational programs based on the English IPR training program of the World Intellectual Property Organization (WIPO). In 2005 three universities and 300 students benefited from these programs. In 2007 the number of beneficiaries increased to 1,400 students from eight universities. The rising figures reflect the high academic demand for English IPR education. In addition, together with WIPO and APEC, we have developed English e learning programs on IPRs and, since last year, extended the service to graduate students, patent experts, and employees of domestic enterprises.

Characterized by intense IPR competition, the 21st century has become "a global IPR century." For Korea, which has become the fourth largest IPR country in the world and a member of IP5, the collaborative group of the world's five major patent offices, now is the time to become an intellectual property powerhouse. And now is the time to train global IP experts who will lead the global era.

By boosting the education and training of global experts through English IPR training programs, we can help establish the infrastructure of global IPRs and make Korea an ever stronger intellectual property powerhouse.

September 2008

Jong-Hyub Choi  
Director General  
Information Policy Bureau  
Korean Intellectual Property Office



## Commissioner Koh highlights global issues at the 45th WIPO General Assembly

Commissioner Jung-Sik Koh of the Korean Intellectual Property Office (KIPO) participated in the 45th Series of Meetings of the Assemblies of the Member States of World Intellectual Property Organization (WIPO) in Geneva, Switzerland, on September 22.

On the first day of the general assembly of the 184 member states, Commissioner Koh delivered a keynote address to highlight how the Korean government under President Myung-Bak Lee aims to become a mature and responsible member of the international community. He also urged the international intellectual property community to be actively involved in resolving global issues such as climate change.

Besides participating in the assembly, Commissioner Koh met with representatives of other member states, including the US, Japan, South Africa and the EU.

Affiliated with UN, WIPO is a special agency that manages the overall field of intellectual property. Every September WIPO holds a general assembly for the heads of the intellectual property offices of the 184 member states and the representatives of major international organizations. During the assembly, the participants discuss major issues related to international intellectual property policies.

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## KIPO and USPTO signed a memorandum of understanding on bilateral cooperation

The Korean Intellectual Property Office (KIPO) and the United States Patent and Trademark Office (USPTO) announced the signing of a Republic of Korea-US memorandum of understanding (MOU) regarding comprehensive cooperation on patents.

Commissioner of KIPO, Dr. Jung-Sik Koh, and the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Mr. JonW. Dudas signed the MOU during a bilateral meeting in Geneva, Switzerland, on September 23.

The focus of the MOU is to promote work-sharing by harmonizing the patent examination environment of Korea and the US. With work-sharing arrangements, each office can take advantage of the examination results of the other office for its own patent examinations. To create this environment, the two countries plan to move forward with various projects, including the establishment of a common search database, the development of a standardized patent classification system, common examiner training, and greater utilization of each other's examination results. The goal of the bilateral cooperation is to allow each office to better use of each other's resources and

encourage reutilization of the work already done by the other office.

"The MOU would further strengthen the strategic alliance between KIPO and USPTO," said Dr. Koh. "By promoting work-sharing through a harmonious patent examination environment, Korean and US applicants will acquire high-quality patents more conveniently in both countries"

"This memorandum marks the growing cooperative relationship between our two offices,"

said Under Secretary Jon Dudas, "These initiatives will enable us to leverage the work and the expertise of each office in order to avoid duplication of work and ensure the highest quality examination."

The two patent offices plan to have several working-level meetings later this year to start planning the implementation of these the cooperative projects of the MOU.

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## Bilateral heads meetings in Australia and Japan



Dr. Jung-Sik Koh, the Commissioner of the Korean Intellectual Property Office, participated in the 9th Korean-Australian heads meeting in the Australian capital, Canberra, on August 1, 2008. Dr.Koh met with Philip Noonan, the Director General of IP Australia, to discuss issues such as reciprocal arrangements as PCT international searching authorities.

On August 4, Dr. Koh was in Japan for the 20th Korean-Japanese heads meeting, where he discussed a range of issues with Takashi Suzuki, Commissioner of the Japanese Patent Office. The commissioners discussed the forthcoming meeting of the five major patent offices, which is to be held in Korea in October this year, as well as the establishment of cooperative

arrangements between their respective intellectual property training institutes.

While in Japan, Dr. Koh visited the Intellectual Property Strategy Headquarters, which is affiliated with the Prime Minister's Office, and the Japanese Intellectual Property Association, where he exchanged ideas regarding the role of intellectual property on Japanese development strategies and the establishment of intellectual property policies.

Dr. Koh's visits to Australia and Japan were highly productive in terms of reinforcing international cooperation in the field of intellectual property.

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## Inclusive naming of assigned products in trademark applications

- Multiple rights can be acquired with a single trademark registration -

The Korean Intellectual Property Office (KIPO) has decided to acknowledge 279 products as assigned products. The inclusive naming system will apply to applications made after September 16, 2008. Previously, affected products were excluded from registration as dissimilar (mixed) products.

In 2006, KIPO decided to progressively introduce the inclusive naming system and, in January 2007, it first acknowledged 'inclusive naming in a narrow sense' for such categories as cosmetics and fertilizers. The new acknowledgement applies in a broader sense to categories such as clothes.

The transportation machinery category (type 12), which includes automobiles

and aircraft, is the dominant category of products in list of inclusive naming with a total of 71 names. That category is followed by the air-conditioning machinery category (type 11) and the electric and electronic machinery group (type 9).

As a result of the inclusive naming, applicants inside and outside of Korea will be able to enjoy extended protection of their rights through a single assigned product. Moreover, the trademark application process will be easier because applicants will be spared the burden of describing products in detail.

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## New three-track patent examination system

The Korean Intellectual Property Office (KIPO) will implement a new three-track patent examination system on October 1, 2008. Under the new system, applicants can choose an accelerated track, a regular track, or a customer-deferred track for their patent or utility model examinations.

The three-track system is the outcome of a survey conducted in the first half of 2008 among 1,000 patent customers, including major enterprises, small and medium-sized enterprises and private inventors.

In the survey, 53.8% of respondents felt that the primary patent examination period of 10 months is still too long. In addition, 68.3% asked for expedited examination service, and 48.8% requested an examination service in which examination results could be delayed in accordance with the wishes of the applicant.

The introduction of the three-track system should ensure that applicants can get the primary examination results within two or three months of filing an application.

Until now, the notion for preferential examinations was limited to certain types of applications, such as self-licensing applications. The new system, however,

applies to all applications, provided the following requirements are met: first, the applicant needs to request one of the KIPO-approved agencies (namely the Korea Institute of Patent Information, WIPS Co. Ltd, the Korea IP Protection Technology Institute Co. Ltd, and the IP Solution Co. Ltd) to conduct the prior art search and, second, the applicants need to ask the agency to forward the search results to the KIPO commissioner.

With the customer-deferred track, applicants can opt to have the examination deferred for up to six months from the date of the examination request. Alternatively, instead of specifying a preferred date, applicants can get the results of the primary examination within three months of the preferred examination date provided the preferred date is at least 18 months after the date of the examination request and within five years of the application date. These stipulations enable applicants to forecast the examination time more accurately.

To maintain international competitiveness in terms of the swiftness of patent examinations, KIPO plans to ensure that primary examinations in the regular track will be completed within 16 months.

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**Korean students at the WIPO Summer School**

Seven elite university students represented Korea at the WIPO Summer School on Intellectual Property.

The seven students were selected out of 1634 candidates from 12 Korean universities following a rigorous selection process that included an interview in English and discussion of intellectual property issues.

Two of the seven students participated in the WIPO Summer School at Geneva from July 14 to 25 the rest joined the WIPO Summer School at Daejeon, which was held at the International Intellectual Property Training Institute from August 14 to 25.

Besides learning about intellectual property, the students were able to form ties with like-minded young people from other countries. The course included discussions, a mock trial, and simulated patent negotiations.

The WIPO Summer School aims to provide an opportunity for senior students and young professionals to acquire deeper knowledge of intellectual property it also raises awareness of intellectual property as a tool for economic, social, cultural and technological development and highlights the role that WIPO plays in the global administration of intellectual property.

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## Slowdown in intellectual property rights for the first half of 2008

The number of applications filed for intellectual property rights in the first half of 2008 was 184,831, which represents a slight year-on-year decrease of 1.8% the number of registrations was 106,415, which represents a year-on-year decrease of 14.3%.

[Unit : case, %]

Rights	Applications			Registrations		
	Jan-June 2008	Jan-June 2007	Year-on-year rate	Jan-June 2008	Jan-June 2007	Year-on-year rate
Patents	79,233	80,973	△2.1	50,639	69,290	△26.9
Utility models	8,752	10,775	△18.8	2,823	1,132	149.4
Designs	28,235	28,396	△0.6	21,440	20,065	6.9
Trademarks	68,611	68,047	0.8	31,513	33,666	△6.4
Total	184,831	188,191	△1.8	106,415	124,153	△14.3

### Application trend

The number of applications filed for intellectual property rights in the first half of 2008 decreased slightly as applications for patents and utility models filed by major enterprises decreased.

Applications for the period fell on a year-on-year basis by 2.1% for patents, 18.8% for utility models, and 0.6% for industrial designs. Similarly, the number of patent applications filed by Koreans fell by 1%, whereas those filed by foreigners increased by 1% overall. Moreover, the number of applications filed by major enterprises fell by 13.2%, though there was a slight increase in applications filed by small and medium-sized enterprises.

Looking at applications from other countries, Japan filed the greatest number in the first half of 2008 with 12,035 applications, though this figure is down by 0.9% over the corresponding period last year. In contrast, there was a steady rise in applications from the US (9.7%), Germany (4.3%), France (8.1%) and Switzerland (10.0%), as well as a dramatic rise in applications from China-China's 588 applications in the first half of 2008 represents an increase of 63.3% over the corresponding period last year.

Due to the US-Korea Patent Prosecution Highway, the applications filed by Microsoft skyrocketed from 15 in the first half of 2007 to 379 applications in the first half of 2008, representing a staggering increase of 2426.7% similarly, the applications from Qualcomm climbed from 244 in

the first half of 2007 to 447 in the first half of 2008 for a huge increase of 83.2%.

The number of PCT international searches in the first half of 2008 was 8,611, which represents a year-on-year increase of 118.3%.

Under the Madrid International Trademark Application System, 94 applications were filed in the first half of 2008 with agencies where the primary application and registration were made that's 57 fewer applications than in the corresponding period last year. The number of applications assigned to Korea rose from 4,016 in the first half of 2007 to 4,494 in the first half of 2008, for a year-on-year increase of 11.9%.

### Registration trend

The number of registrations made by major enterprises in the first half of 2008 was 18,580, which is a year-on-year decrease of 14.3%.

Looking at applications from other countries, Japan registered the greatest number in the first half of 2008 with 8,489 registrations. However, this figure represents a significant year-on-year decline of 29.0%.

The number of primary examinations in the first half of 2008 was 186,709, which is an increase of 2.1% over the corresponding period last year. However, the number of examinations for patents and utility models fell slightly on a year-on-year basis by 3.1% to 61,874. In contrast, the number

of PCT international searches jumped significantly to 6,362 (which represents a 56.2% increase over the corresponding period last year). The number of applications filed by US companies also increased dramatically.

As of June 2008, the average examination period was 9.5 months for patents and utility models, 4.9 months for designs and 5.7 months for trademarks. The overall examination period was reduced due to the increase of examinations. This increase necessitates better management of processing periods, particularly with respect to PCT applications, preferential examinations, divisional applications, and so on.

The number of trial requests in the first half of 2008 was 8,648, which represents a year-on-year decrease of 7.9%. The number of judgments, on the other hand, rose to 9,131, which represents a year-on-year increase of 17.1%.

The number of trial requests for patents declined on a year-on-year basis by 11.0% to 5,570. In contrast, the number of trial requests rose on a year-on-year basis by 22.0% for utility models (443) and by 44.6% for designs (363).

The number of patent judgments was 5,530, a slight year-on-year increase of 2.8%. The number of judgments rose on a year-on-year basis by 30.5% for utility models (454), by 39.3% for designs (294), and by 53.3% for trademarks (2,853).

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### Interagency cooperation on IPR protection

The Korea Customs Service set up a computer system in May 2008 for the management of copyrights. This action was taken in accordance with the revised Customs Act (January 1, 2008), which has mandated the introduction of customs recordation for copyrights, neighboring rights, and program copyrights.

Furthermore, in a gesture of interagency cooperation, the Incheon Main Customs Office and the Trade-related IPR Protection Association signed, in August 2008, a memorandum of understanding to reinforce the regulation of counterfeit products.

Under the memorandum, both agencies have agreed to share information on articles that violate intellectual property rights exchange information on authentic product judgments request regulations on intellectual property violations and reinforce joint promotion of intellectual property protection for right holders and customers.

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### Crackdown on organized counterfeit smuggling rings

The Korea Customs Service (KCS) recently formed 10 special teams with 102 agents for an intensive crackdown on organized counterfeit smuggling rings. Through this special initiative, which ran from May 13 to July 31, 2008, the KCS seized counterfeit products worth KRW 340 billion (USD 340 million) from eight smuggling rings. This contraband accounts for 85% of all the smuggled goods seized during the same period.

Smuggling rings have taken advantage of simplified clearance systems and consequently increased the importation of counterfeit products, many of which are a threat to public health and safety. To counter these illegal imports, the special crackdown targeted organized smuggling rings that use intelligent and systematic methods of smuggling.

The apprehended smuggling rings acted individually and used professional methods unique to each ring.

It appears that enforcement based on legwork and external information, such as market trends, is more efficient than enforcement based on KCS internal data, such as the clearance status.

In one of the more interesting cases, an international smuggling ring tried to avoid detection and ensure success by using not only state-of-the-art communication equipment but also talismans in the contraband.

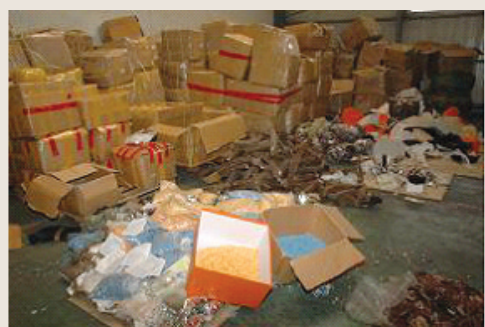
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Contraband stored in a secret warehouse



Talisman included with the contraband



Seized contraband



### Copyright education for juvenile offenders



On July 1, 2008, the practice of offering copyright education in lieu of an indictment was introduced in the Seoul region for first-time juvenile offenders who violate copyright laws without commercial intent.

The Copyright Commission launched the inaugural Copyright Protection Training Session at the Copyright Academy in the Gang Seo district of Seoul on August 9 for 21 juvenile offenders who had been directed to receive copyright education by the Seoul District Prosecutors Office.

The recent escalation of illegal online use of copyright

material by juveniles has given rise to term 'copyright suicide'. Many media reports have also focused on the copyright violations of youth, reflecting the high level of public interest in the matter.

The inaugural training session was kicked off with an opening address by Director Sun-Tae Park of the Copyright Policy Division of the Ministry of Culture, Sports and Tourism. The session included valuable lectures on the following:

- Summary of Copyright Laws (by Jung-Gwan Lim, a teacher from Hwagok Middle School)
- Special Lecture (by Seung-Jae Cha, a representative of Sidus FNH Co., Ltd.)
- Status and Seriousness of Copyright Violations (by Kyeong-Yun Lee, head of the Copyright Protection Center)
- Improved Consciousness of Protecting Copyrights and a Change in Attitude (by Jae-Geun Park, a teacher from Yangji Elementary School).

In short, the session offered participants the chance to learn about the basics of copyrights, the seriousness of copyright violations, and the importance of respecting copyright material.

If young people are to be discouraged from becoming future copyright violators, it is important to provide systematic ongoing education on copyrights. The best way to do this is to ensure that copyright issues are adequately addressed in textbooks and school programs.

#### Results of a participant survey:

- Do you think copyright education should be provided to your fellow students? --> 100% of the respondents answered affirmatively.

- Before this training, have you ever received education on copyrights? --> Only one out of 21 respondents (4.8%) answered affirmatively.

The Ministry of Culture, Sports and Tourism and the Copyright Commission expect the policy of 'the suspension of indictments on the condition of copyright education' to gain acceptance as a reasonable way of handling juvenile violations of copyright law they also plan to continue expanding copyright education for young people.

### International training on plant variety protection and DUS testing

The Korea Seed and Variety Service (KSVS) ran an international training program on plant variety protection and distinctness, uniformity and stability (DUS) testing for officials from developing countries of the Asian and African regions. The program took place at the headquarters and branch offices of the KSVS at Anyang, Gyeonggi Province, from June 16 to July 12, 2008. Seventeen public officials participated in the program; they came from 13 countries, including Cambodia, Laos, Myanmar, Vietnam, Sudan, Tunisia, and Uzbekistan.

The program, which was part of a cooperative project of the Korea International Cooperation Agency, was undertaken at the request of developing countries in recognition of Korea's success in introducing a system of plant variety protection. The aim of the program was to share practical experience of operating

systems of plant variety protection with developing countries that intend to implement comparable systems.

The program focused on essential information from each participating country, particularly the theory of seed industry law, examinations and practical studies, on-the-spot study and site inspection, and an introduction of trends in plant variety and seed protection. Other topics that were covered in detail include the following: plant variety protection, an introduction to the Korean Seed Industry Act of 1998, cultivation tests, property inspection techniques for examining plant types, DUS testing, and, from an examination perspective, technologies of molecular biology and biochemistry. The program also included site inspections of seed-related agencies, such as the Rural Development Administration, the National Institute of Crop Science, the

- June 16 to July 12, 2008
- Sponsored by the Korea Seed and Variety Service with the support of the Korea International Cooperation Agency
- Cooperative sharing of techniques of examining plant varieties with 13 developing countries of Asia and Africa

National Horticultural Research Institute, and Nongwoo Bio Co., Ltd.

The participants also enjoyed opportunities to experience Korean culture while staying in Korean homes, visiting kimchi factories, making kimchi, and visiting a Korean folk village.

The KSVS plans to run further training programs for officials from the regions of Africa, Asia and Eastern Europe.

During the closing ceremony, Dr. Haque of the Bangladesh Rice Plant Research Lab thanked the program organizers on behalf of the participants. He said, "This training program has provided invaluable insights on the outstanding seed industry and plant variety protection system of Korea".

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