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특허심판원
Intellectual Property Trial and Appeal Board

Intellectual Property Trial and Appeal Board
Gov. Complex Daejeon Building.2, 189, Cheongsa-ro,
Seogu, Daejeon, 302-701, Republic of Korea
Tel. +82-1544-8080



INTELLECTUAL PROPERTY TRIAL AND APPEAL BOARD



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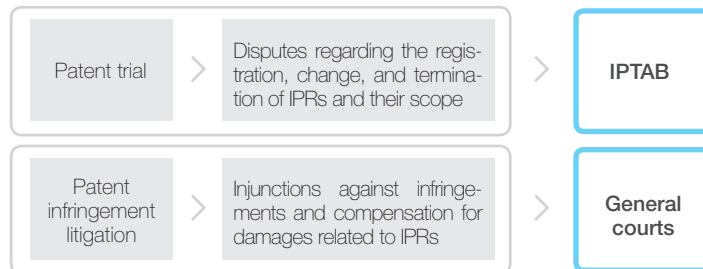
About IPTAB?

The Intellectual Property Trial and Appeal Board (IPTAB) works hard to provide high-quality trial services as well as support fast and accurate dispute settlements.

The IPTAB is a subsidiary organization of KIPO. It was established through a merger of the previous Trial Board and the Appellate Trial Board, and launched concurrently with the Patent Court in March 1998.

The IPTAB is responsible for special administrative trials held to settle IP-related disputes that require a high degree of technological judgment and expert knowledge related to application rejections (patents / utility models / trademarks / designs), invalidation, cancellation, and corrections to registered rights, as well as confirmation of the scope of rights.

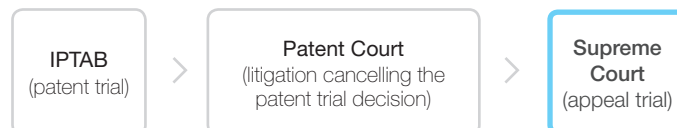
Patent Litigation



*(Reference) Patent infringement litigation: the Court Organization Act and Civil Procedure Act will be amended in order to concentrate jurisdiction after 2015 (first-instance trial: five district courts belonging to each high court / second-instance trial: under the exclusive jurisdiction of the Patent Court).

Patent Litigation System

A patent trial functions as the first-instance trial in the Three-Instance Patent Litigation System. Only after receiving a ruling from the IPTAB can an applicant/agent appeal to a higher court, such as the Patent Court or the Supreme Court.

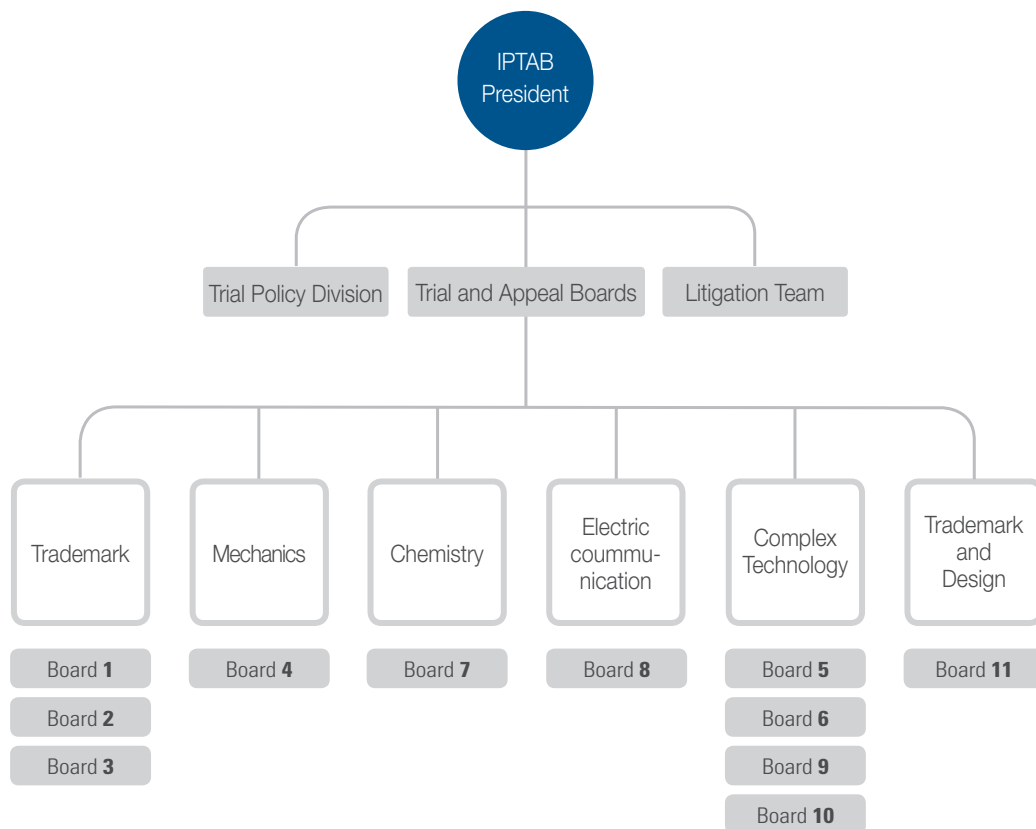




Organization

The IPTAB president oversees all the affairs related to the management of the board, supervises and guides the board's civil servants, and acts as the chief administrative judge for cases acknowledged as being very important.

- The board consists of 11 Trial and Appeal Boards, and each board has about 10 administrative judges working on trials and appeals.
- The Trial Policy Division conducts formal examinations and trial quality evaluations, and is also responsible for drawing up trial policies.
- The Litigation Team processes litigation cases in which the KIPO Commissioner is the defendant under the jurisdiction of the Patent Court.





Types of Trial

Trials are classified into ex parte cases and inter partes cases. Ex parte cases are appeals involving a petitioner only and involve an appeal against an examiner's measure, such as the decision to reject a patent application. Inter partes cases are trials to settle disputes related to established right; there is both a petitioner and a defendant, and the parties are in opposition.

Ex Parte Cases	Inter Partes Cases
Appeals against the decision of rejection for patents, utility models, trademarks and designs	Invalidation trials
Trials for the correction of patents and utility models	Trials to confirm the scope of a right for patents, utility models, designs and trademarks Trials for the cancellation of registered trademark

Appeals against the decision of rejection are held when an applicant disagrees with the decision to reject their application (or registration of extension of term of right etc.) and lodges a request for appeal.

Trials for correction are for registered right holders to present corrections to erroneous statements, unclear points in the specifications or drawings, and patent claims that are too broad.

Invalidation trials are to extinguish IP rights retroactively or in the future based on legal invalidation reasons.

Trials to confirm the scope of a right are requested by right holders, exclusive licensees or stakeholders to confirm the scope of protection of a patented invention. These are classified into aggressive and defensive trials depending on the purport of the request.

Trials for the cancellation of registered trademarks involve a request to cancel a registered trademark in the future when a registered trademark is not in use or is being unfairly used.



구술심리진술요지서
(심판번호 2014당1302)
일시: 2014. 9. 23.
심판대상 등록번호: 제62140호
심판청구인: 주식회사 문코프레이션

Patent Trial Procedures

이 사건 특허의 요지
I. 이 사건 특허의 청구항 제1항 본문 제4호 제42호 제4항 제1호 내지 제2호)
II. 이 사건 특허의 대상 발명 공명 내용의 실제 구현 가능 여부 등
IV. 이 사건 특허의 부호사용(법 제29조 제2항)
V. 결론
BARUN
2014. 9. 23.



Panel for a trial

A trial is conducted by a panel of three or five administrative judges, and an agreement is reached through a majority vote among the administrative judges.

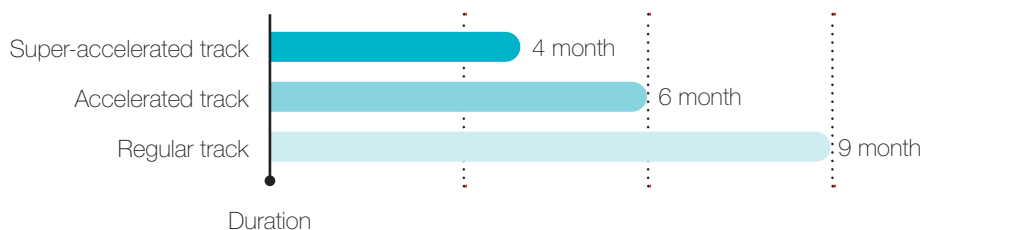
Trial proceedings

A trial is held through oral hearing or written documents. When the involved parties request an oral hearing, an oral hearing must be held except for when it is acknowledged that it can be decided only through written documents. As regards to the examination of evidence, it shall follow the Civil Procedure Act.

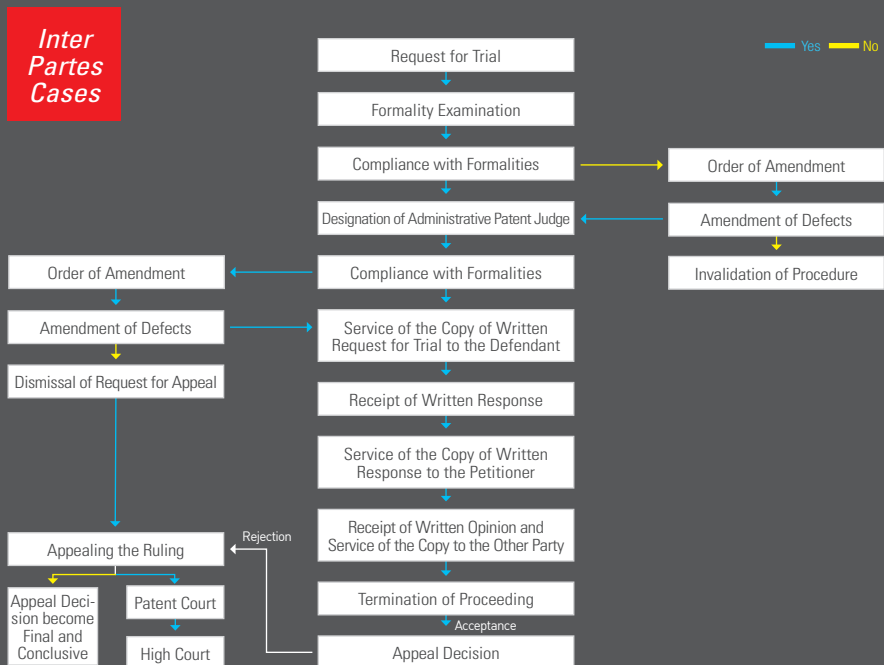
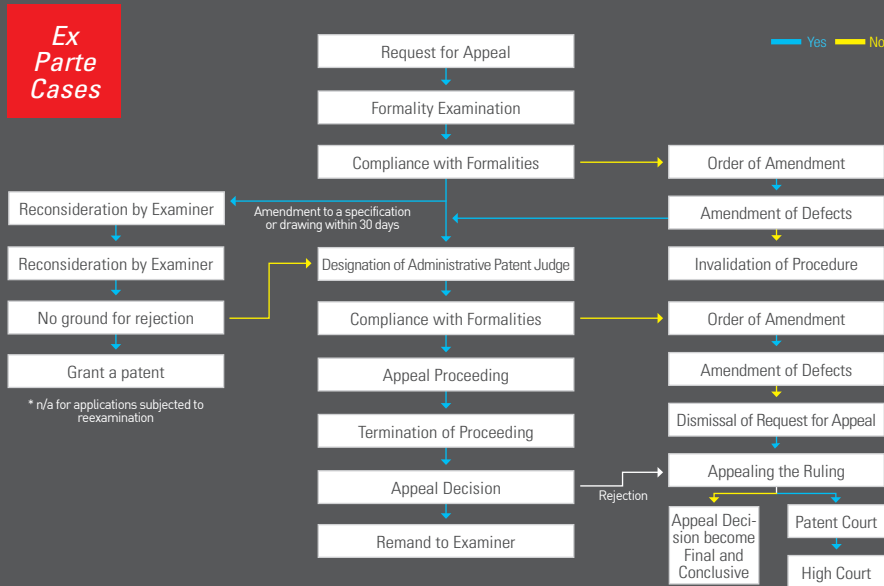
Customized three-track trial services

The IPTAB provide a three-track (super-accelerated, accelerated, and regular) system for the efficient disposition of patent disputes and trial cases.

Outline of the three-track trial system



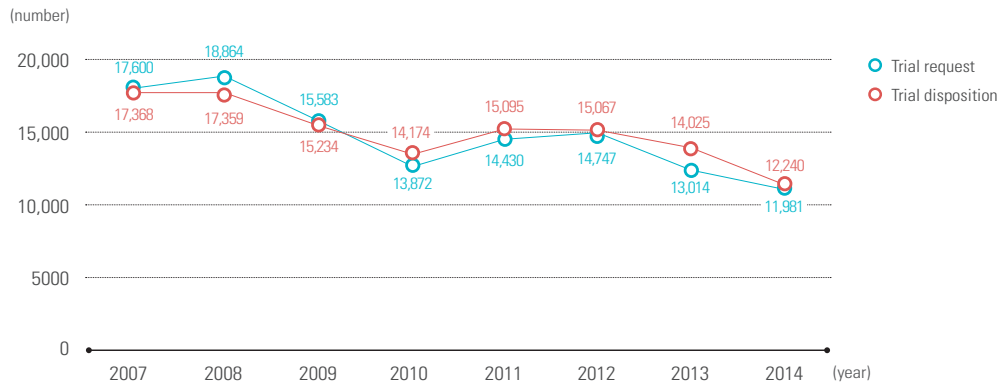
Procedural Flow of Patent Trials





Trial and Appeal Trends

Number of requests for trials, dispositions

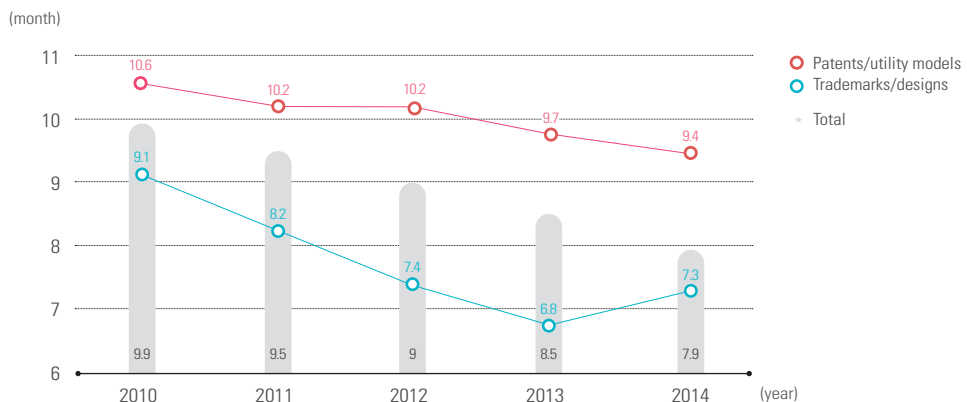


Trial requests and dispositions in 2014

	Ex parte cases			Inter partes cases			Total
	Patents/utility models	Trademarks/industrial designs	Sub total	Patents/utility models	Trademarks/industrial designs	Sub total	
Number of requests	6,386	1,986	8,372	1,200	2,409	3,609	11,981
Number of dispositions	7,014	1,920	8,934	1,057	2,249	3,306	12,240

Footnote) 1. As of document disposition
 2. The number of dispositions includes cases whose registrations were decided by an examiner's reconsideration before trial.
 3. Administrative judges in 2014: a total of 101 (11 chief administrative judges and 90 administrative judges)

Trial Pendency Periods



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