

Overview of 2008

Dynamic IP Korea

Open Innovation and Regional Capacity Building

Toward IP-friendly society

Highlighting Figures of 2008

Appendix

Highlighting Figures of 2008

| | |
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Applications

Applications

A. Domestic Applications

The overall number of IPR applications filed in 2008 was 372,697, a decrease of 2.0 percent from 380,203 applications of the previous year.

A breakdown of that figure shows that patent applications decreased slightly by 1.1 percent, from 172,469 to 170,632. Utility model applications dropped by 17.4 percent, from 21,084 to 17,405. Industrial design applications numbered 56,750, which represents an increase of 4.4 percent over the previous year's figure of 54,362. Trademark applications also decreased by 3.3 percent, from 132,288 in 2007 to 127,910 in 2008.

Of the 372,697 IPR applications filed in 2008, residents of Korea filed 304,358 (or 81.7 percent), which is 2.6% less than in the previous year; and residents of foreign countries filed 68,339 (or 18.3%), which is 0.7% more than in 2007.

Looking at the IPR applications filed by residents of foreign countries, the vast majority, 43,518, were for patents, though the figure underperforms the previous year's figure by 0.6 percent; of the rest, 434 were for utility models, 3,964 were for industrial designs, and 20,423 were for trademarks.

Most of the applications of foreign applicants came from three countries: 23,844 (or 35 percent) came from Japan, 21,112 (or 29.7 percent) came from the USA, and 4,981 (or 7 percent) came from Germany.

Applications by IPR type

| IPR type | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | Increase from 2006 (%) |
|--------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|------------------------|
| Patents | 118,652 | 140,115 | 160,921 | 166,189 | 169,381 | 170,632 | -1.1 |
| Utility models | 40,825 | 37,753 | 37,175 | 32,908 | 20,946 | 17,405 | -17.4 |
| Subtotal | 159,477 | 177,868 | 198,096 | 199,097 | 190,327 | 188,037 | -2.8 |
| Industrial designs | 37,607 (39,346) | 41,184 (42,879) | 45,222 (46,615) | 51,039 (52,879) | 54,485 (55,662) | 56,750 (58,912) | 4.4 (5.8) |
| Trademarks | 108,917 (148,691) | 108,464 (147,319) | 115,889 (156,270) | 122,384 (164,432) | 132,756 (180,257) | 127,910 (178,211) | -3.3 (-1.1) |
| Total | 306,001 (347,514) | 327,516 (368,066) | 359,207 (400,981) | 372,520 (416,408) | 375,403 (425,815) | 372,697 (425,160) | -2.0 (-1.0) |

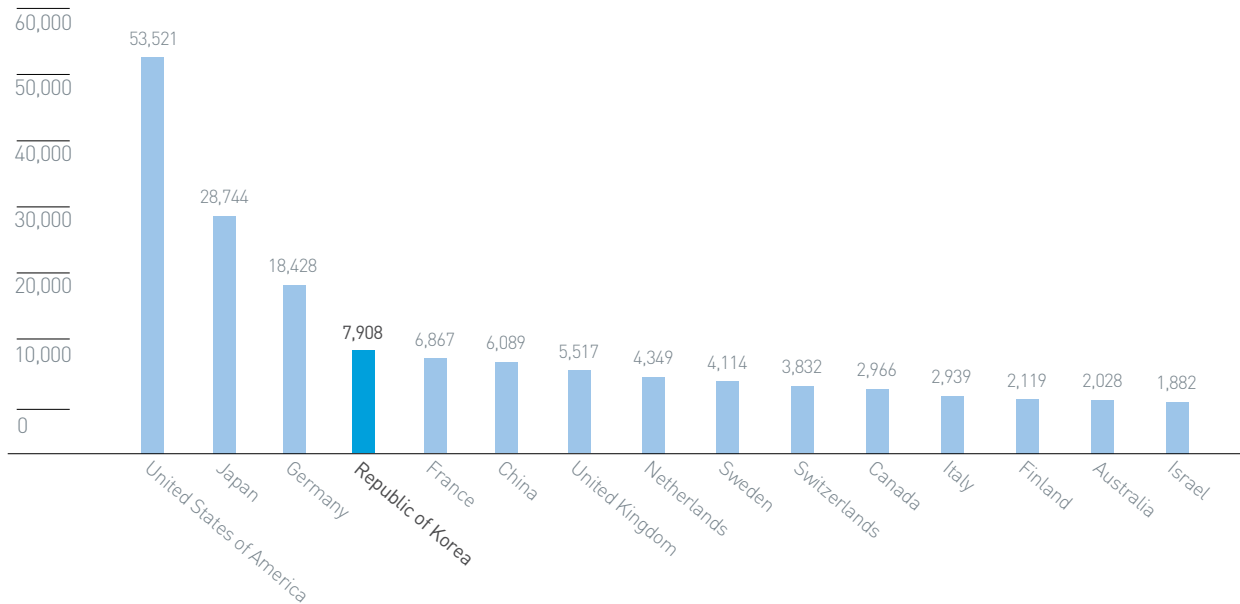
Note: 1. Figures in parentheses include multiple applications
2. The figures for 2007 are preliminary.

B. PCT Applications

PCT Application Trend

The overall number of PCT applications in 2008 was 163,800 (preliminary estimate), an increase of 3,914 (or 5.9 percent) over the previous year. Of these applications, residents of Korea filed 7,066. Although that figure is only 4.5 percent of all PCT applications filed in 2008, it represents a significant increase of 12.0 percent over the 7,066 of the previous year and it still places Korea at the fourth in world ranking (out of 136 member countries) in 2008.

Ranking for PCT applications (2008)



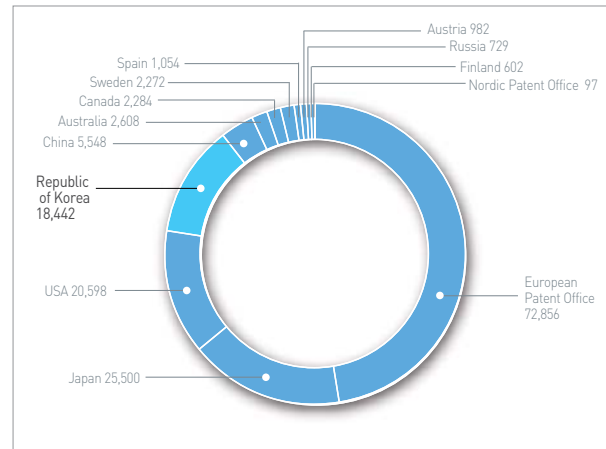
* Data Source: Latest News of WIPO, January 27, 2009

* WIPO statistics are preliminary estimates and may differ from the KIPO data due to the gap in registration date.

Applications

Status of international searches and international preliminary examinations

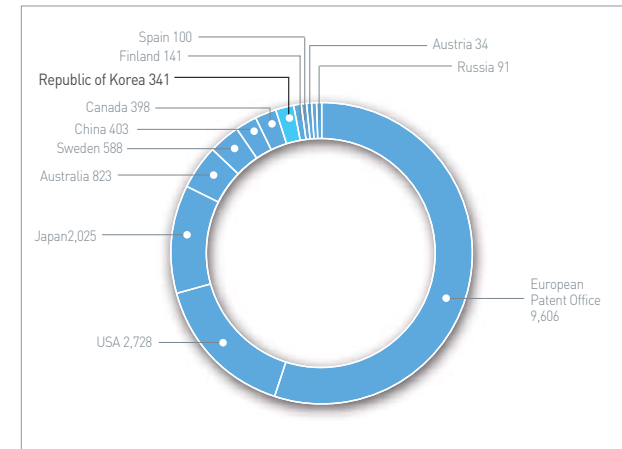
Status of international searches



Note: Based on PCT Yearly Review 2007

In 2008, the 13 International Searching Authorities accepted 163,800 applications for international searches. KIPO's portion numbered 18,442, earning us a ranking of fourth.

Status of international preliminary examinations



Note: Based on PCT Yearly Review 2007

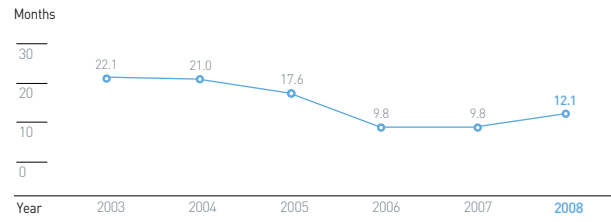
in 2008, the 12 International Preliminary Examining Authorities conducted 17,347 examinations. KIPO's portion numbered 341, earning us a ranking of eighth.

Examinations

A. Patents and utility models

In 2008, the number of patent and utility model applications examined by the first action standard was 109,313. [That figure is comprised of 95,490 patent examinations and 13,823 utility model examinations.] Of the 13,823 utility

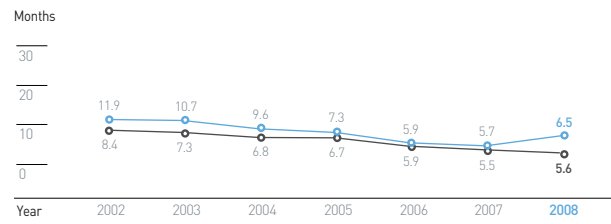
First action pendency period for patent and utility model examination



B. Trademarks and industrial designs

In 2008, KIPO examined on a first action basis 162,697 regular trademark applications, 23,578 international trademark applications under the Madrid Protocol, and 51,492 industrial design applications. The trademark figures represent an annual decrease of 5.3 percent and the industrial design

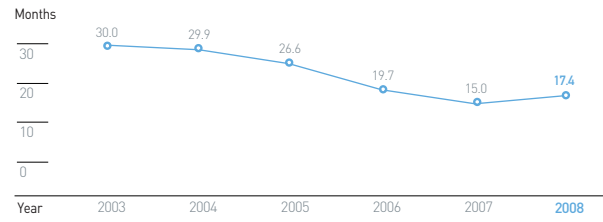
First action pendency period



model examinations, 12,707 were processed under the new utility model law; 48 were processed under the quick registration system for utility models; and 1,068 were processed under a technical evaluation for utility models.

By the end of 2008, the first action pending period for patent and utility model examinations averaged 12.1 months, an increase from the previous year's 9.8 months.

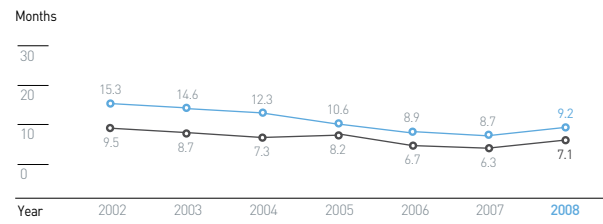
Total pendency period for patent and utility model examinations



figures represent an annual decrease of 12.1 percent.

By the end of 2008, the average first action pendency period was 6.5 months for trademarks and 5.6 months for industrial designs. Compared to the previous year, these figures represent an increase of approximately 0.8 months for trademarks and 0.1 months for industrial designs.

Total pendency period to the final decision



Examinations

Examinations

Examinations by IPR type

| Year | Patents and utility models | | | Industrial designs | Trademarks | | Total |
|------|----------------------------|----------------|----------|--------------------|-------------------|-----------------|-------------------|
| | Patents | Utility models | Subtotal | | Domestic | International | |
| 2002 | 79,414 | 49,307 | 128,721 | 38,631 (40,618) | 100,020 (136,041) | | 267,372 (305,380) |
| 2003 | 93,433 | 48,578 | 142,011 | 40,094 (42,419) | 118,796 (157,800) | | 300,901 (342,230) |
| 2004 | 98,404 | 53,389 | 151,793 | 40,541 (42,080) | 116,210 (156,147) | 3,205 (6,560) | 311,749 (356,580) |
| 2005 | 131,115 | 49,317 | 180,432 | 40,820 (41,987) | 124,892 (171,000) | 4,534 (8,941) | 350,678 (402,360) |
| 2006 | 195,398 | 45,270 | 240,668 | 46,381 (48,369) | 128,457 (172,045) | 7,270 (15,031) | 422,776 (476,113) |
| 2007 | 129,156 | 14,407 | 143,563 | 56,584 (58,584) | 127,709 (171,858) | 8,305 (17,746) | |
| 2008 | 95,490 | 13,823 | 109,313 | 50,117 (51,492) | 117,796 (162,697) | 10,830 (23,578) | |

Note: 1. Includes other items such as withdrawal, abandonment, and invalidation.

2. Figures are base on the first action.

3. Figures in parentheses include multiple applications.

C. Registrations

In 2008, IPR registrations in Korea numbered 193,939, for an annual decrease of 14.8 percent. Analysis of registrations in 2008 reveals a 78.0 percent increase for utility models, 8.7 percent increase for trademarks, while it shows a drop of 32.5 percent for patents and 2.2 percent decrease for industrial designs.

Registrations by IPR type

| IPR type | 2004 | 2005 | 2006 | 2007 | 2008 | Percentage change for 2007 |
|--------------------|----------------|----------------|----------------|----------------|----------------|----------------------------|
| Patents | 49,068 | 73,512 | 120,790 | 123,306 | 83,523 | △ 32.5 |
| Utility models | 34,182 | 32,716 | 29,736 | 2,766 | 4,975 | 78.0 |
| Industrial designs | 31,021 | 33,993 | 34,206 | 40,611 | 39,858 | △ 2.2 |
| Trademarks | 51,104 | 57,873 | 65,825 | 60,104 | 65,583 | 8.7 |
| Total | 165,375 | 198,094 | 250,557 | 226,787 | 193,939 | △ 14.8 |

Note: Trademark registration renewals are excluded.

In terms of nationality, residents of Korea obtained 61,115 registrations, a 33.3 percent decrease from the previous year, while residents of foreign countries obtained 22,408 registrations, marking a 30.3 percent annual decrease.

Of registrations by residents of foreign countries, the majority came from Japan (14,940 registrations), the USA (8,842 registrations) and Germany (2,098 registrations).

Domestic and foreign registrations

| IPR type | Patents | Utility Models | Industrial Designs | Trademarks | Total |
|--------------|---------------|----------------|--------------------|---------------|----------------|
| Domestic | 61,115 | 4,875 | 36,645 | 50,927 | 153,562 |
| Foreign | 22,408 | 100 | 3,213 | 14,656 | 40,377 |
| Total | 83,523 | 4,975 | 39,858 | 65,583 | 193,939 |

Note: Trademark registration renewals are excluded.

D. Trial and appeals

In 2008, KIPO received 21,011 trial petitions, which represents a 8.3 percent increase over the previous year.

A breakdown of trial petitions for the year shows that the number of petitions on patents and utility models rose by 12.3% to 13,143, whereas number of trial petitions for trademarks and industrial designs rose by 2.3 percent to 7,868. In addition, the ex parte cases number 16,218 (or 77.2 percent of all cases), and the inter partes cases numbered 4,793 (or 22.8% of all cases). Moreover, residents of Korea accounted for 12,798 (or 63 percent) of the trial petitions, whereas residents of foreign countries accounted for 8,213 petitions (or 39.1 percent).

In 2008, we concluded 19,475 trials. Of these, 11,596 (or 59.5 percent) were for patents and utility models, and 7,879 (or 40.5 percent) were for trademarks and industrial designs.

The ex parte suits filed in 2008 with the Patent Court numbered 445, which is slightly more than 436 suits filed in the previous year. The ex parte suits comprised 250 patent and utility model cases and 195 trademark and industrial design cases. As the defendant in the ex parte suits, the KIPO Commissioner had a success rate of 80.6 percent, slightly down from the 83.1 percent success rate of the previous year.

Examinations

The final appeals of the ex parte suits filed with the Supreme Court in 2007 were up by 27 from the previous year for a total of 107. Of these, patent and utility model cases numbered 60, while trademark and industrial design cases numbered 74. As the defendant in the final appeals, the KIPO Commissioner had a success rate of 73.9%, down slightly from the 82.7 percent success rate of the previous year.

Trial statistics

| | IPR type | 2004 | 2005 | 2006 | 2007 | 2008 | Percentage change for 2008 |
|-----------------------------|--------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------------|
| Petitions | Patents | 4,798 | 7,142 | 9,725 | 10,950 | 12,237 | 11.8 |
| | Utility models | 827 | 786 | 765 | 753 | 906 | 20.3 |
| | Industrial designs | 572 | 484 | 546 | 611 | 806 | 31.9 |
| | Trademarks | 4,582 | 5,869 | 6,056 | 7,081 | 7,062 | △ 0.3 |
| | Total | 10,779 | 14,281 | 17,092 | 19,395 | 21,011 | 8.3 |
| Disposals | Patents | 4,051 | 6,572 | 9,793 | 11,335 | 10,741 | △ 5.2 |
| | Utility models | 876 | 1,041 | 857 | 862 | 855 | △ 0.8 |
| | Industrial designs | 599 | 535 | 506 | 539 | 670 | 24.3 |
| | Trademarks | 4,206 | 5,003 | 5,630 | 6,245 | 7,209 | 15.4 |
| | Total | 9,732 | 13,151 | 16,786 | 18,981 | 19,475 | 2.6 |
| Successful petitions (rate) | Patents | 1,009 (44.0) | 1,513 (42.8) | 2,192 (45.0) | 2,221 (39.0) | 1,787 (34.0) | - |
| | Utility models | 393 (45.3) | 487 (47.1) | 391 (46.4) | 364 (43.4) | 316 (43.2) | - |
| | Industrial designs | 277 (52.0) | 227 (46.8) | 262 (56.8) | 231 (47.4) | 278 (47.7) | - |
| | Trademarks | 2,484 (59.1) | 2,687 (53.7) | 3,194 (57.1) | 3,690 (59.6) | 4,135 (58.4) | - |
| | Total | 4,163 (52.7) | 4,914 (48.9) | 6,039 (51.3) | 6,506 (49.2) | 6,516 (47.7) | - |

Note: 1. The term "disposals" refers to cases where a right has been registered or the applicant abandons the application, as well as cases where the registration is decided by an examiner's reconsideration before a trial.

2. The rate of successful petitions is the percentage of successful petitions over the number of petitions, where the number of petitions does not include the registrations which is decided by an examiner's reconsideration before a trial.

Comparison of domestic and foreign trial petitions

| | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|--------------------|---------------|---------|---------------|---------|---------------|---------|---------------|---------|---------------|---------|
| | Domestic | Foreign | Domestic | Foreign | Domestic | Foreign | Domestic | Foreign | Domestic | Foreign |
| Patents | 3,133 | 1,665 | 4,362 | 2,780 | 6,209 | 3,516 | 7,004 | 3,946 | 7,649 | 4,588 |
| Utility models | 812 | 15 | 771 | 15 | 758 | 7 | 744 | 9 | 900 | 6 |
| Industrial designs | 538 | 34 | 456 | 28 | 515 | 31 | 584 | 27 | 763 | 43 |
| Trademarks | 2,890 | 1,692 | 3,432 | 2,437 | 3,315 | 2,741 | 3,750 | 3,331 | 3,486 | 3,576 |
| Subtotal | 7,373 | 3,406 | 9,021 | 5,260 | 10,797 | 6,295 | 12,082 | 7,313 | 12,798 | 8,213 |
| Total | 10,779 | | 14,281 | | 17,092 | | 19,395 | | 21,011 | |

Note: Multiple applications for trademarks and industrial designs are treated as single applications.