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# Providing IP Services

The Korean Intellectual Property Office (KIPO) provides world class examination services to applicants by implementing various systems and policies that ensure quick and high-quality examinations. We succeeded in shortening the first action pendency period for examinations in 2011 and opened the third generation KIPOnet, a new KIPO office automation system, in order to maintain our superior examination services.

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# Rapidly



# Examination Services



## 01

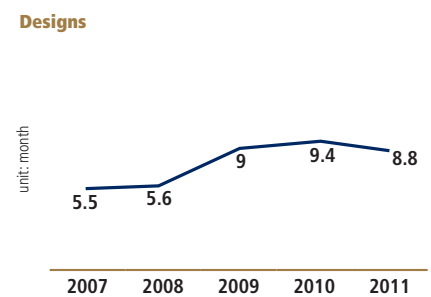
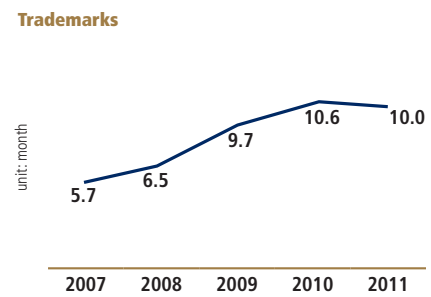
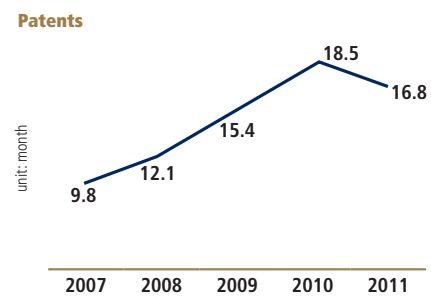
### Shortening the examination pendency period

When applying for IP rights (IPRs), the early acquisition of rights is as important as the quality of the examination. Therefore, we are making efforts to shorten the examination pendency period. That is, we set targets for the processing period of patents, utility models, trademarks, and designs at the start of each year and undertake various measures to reach those targets.

The average first action pendency period by right in 2011 was 16.8 months for patents and utility models, 9.98 months for trademarks, and 8.8 months for designs. Compared to 2010, the pendency period has

been shortened by 1.7 months in the case of patents and utility models, and 0.6 months for trademarks and designs. We have set the targets for 2012 to within 14.8 months for patents and utility models and 9.0 months for trademarks and designs to keep examination periods competitive. Since IPR applications and requests for international investigations under the Patent Cooperation Treaty (PCT) are steadily increasing, we are making multifarious efforts to increase examination manpower and improve the examination system.

Average First action pendency period



### Increasing examination manpower

To shorten the examination pendency period, we are continuously increasing our examination manpower. We recruited 70 PhD holders and technicians in various technological fields and 23 experts such as PhD holders, patent attorneys, and lawyers in the areas of trademarks and designs (19 trademark experts, 4 design experts) in 2011. We plan to continue recruiting examiners in the future. Our examination manpower in 2011 amounted to 794 for patents and utility models and 135 for trademarks and designs.

### Outsourcing prior art searches

Over the past year, we outsourced the prior art searches of 81,500 patent and utility model applications (42.4 percent of the total number of applications) to private institutions. In addition, we entrusted private institutions with prior trademark searches of 36,018 trademark applications (29.0 percent of the total number of applications) and prior design searches of 6,514 design applications (11.5 percent of applications). As a result, we succeeded in expediting the

examination pendency period. We plan to outsource prior art searches for 84,230 patent and utility model applications as well as prior trademark searches for 43,426 trademark applications in 2012. As for design applications, we plan to outsource prior design searches for 10,228 applications (18.1 percent of expected applications), a 3,714 increase year-on-year, to increase the examination of designs.



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### Raising quality

#### Managing an examination evaluation system

Beyond the recruitment of examiners, we additionally hired an examination evaluator

bringing the total number of examination evaluators to 16. The evaluators were responsible for evaluating the examinations of 3,032 patents and utility models, 3,495 designs and trademarks and 1,564 PCT reports. They evaluated the substantive requirements for patents and trademark registrations and the appropriateness of the overall examination process. The rate of examination errors was 0.9 percent for patents and utility models, 0.8 percent for trademarks and designs, and 1.5 percent for PCT reports. In addition, evaluation by other examination directors within each examination bureau was carried out for 1,061 patents and utility models and 530 trademarks and designs.

Of the comprehensive examination quality indexes introduced in 2000, we partially amended certain elements and weights in 2011 to enhance the precision of examination quality measurement in line with the changing examination environment. The comprehensive examination quality indexes were amended to include a total of five indexes: the average scores of the examination evaluation table, the results of surveys on the level of satisfaction of applicants, the revocation ratio of appeal trials for rejected applications, the reduction

ratio of claims, and the acceptance level of rejections. The measurements showed that the examination quality index exceeded the target set for 2011 (average value of achievement rates in the last two years) by 1.1 percent. To grasp the examination quality trends in real time in 2011, we pilot-tested the evaluation of sample examinations each month. During the tests, we sent management and risk warnings when the deficiency rate surpassed a certain level and analyzed and drew up measures to the causes of the increasing shortage. As such, the tests aim to stabilize at the early stage the quality of examinations.

total 100 applications and examiners used 38 percent of the opinions for their examinations contributing to a rise in examination quality. In addition, we built a system exclusively programmed for community-reviewed examinations in 2011 for easy access to the system by the reviewers.



### Community Patent Review

In the Community Patent Review system, a patent application selected by KIPO or requested by an applicant is posted and disclosed on an exclusive system where experts, or “reviewers”, provide related prior art documents or opinions to be used by patent examiners to examine the applications. We first introduced the Community Patent Review system in pilot tests from 2010 to 2011. Results of the pilot tests showed that 237 comments were posted about 75 of the

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### Customized examination services

#### Three-track patent and utility model examination system

The customized three-track patent and utility model examination system implemented in October 2008 enables customers to choose the most appropriate examination track for their patent strategy. Customers can choose

among accelerated, regular, or customer-deferred examination tracks. An accelerated examination provides examination services within three to five months and is best suited for applicants in pursuit of an exclusive market position. Conversely, a customer-deferred examination track provides examination services within three months of the postponed examination date (24 month from the date of a request for examination ~ 5 years from the date of the patent application) and best suits applicants in need of preparation time. In 2011, requests for the accelerated examination track accounted for 13.9 percent of all examination requests, a slight rise from the previous year at 13.4 percent. Requests for the customer-deferred examination track accounted for 0.1 percent of all requests, a drop from 0.6 percent in 2010.

For green technology, the super-accelerated examination system introduced in October 2009 provides examination results sooner than the accelerated examination track, or within one month of the date of request. To be eligible for this system, the green technology (i.e. technology for reducing greenhouse gas and the efficient use of energy) must be researched and developed according to

the national strategy of ‘low-carbon green growth’. Requests for super-accelerated examinations of green technology totaled 197 in 2011, a drop from 230 in 2010.

### Preferential examinations for trademarks and designs

To accommodate our applicants in need of earlier trademark or design rights, we have been running a two-track examination system since April 2009. Applicants have the choice between a regular examination conducted on a first come, first served basis and a preferential examination which is given priority over regular examinations. The preferential examination track provides results of the first examination within 2 months of applying and may enable applicants to use the rights to promote their business or resolve a dispute after filing. In 2011, there were 2,389 requests for the preferential examination track for trademarks (1.6 percent of all applications), an increase from 2010. In the case of designs, 4,021 requests were submitted for the preferential examination track (7.1 percent of all applications).

#### Status of the three-track patent and utility model examinations system

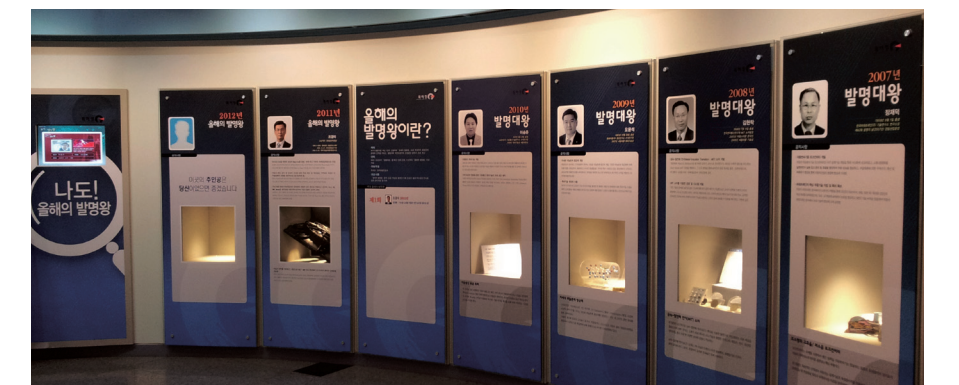
unit : cases

Category	2008	2009	2010	2011
Requests for accelerated examination track	16,198	20,317	20,896	22,249
Requests for super-accelerated examinations of green technology	-	52	230	196
Requests for regular examination track	142,468	126,276	134,128	138,202
Request for customer-deferred examination track	858	1,698	946	153
All requests for examinations	159,524	148,291	155,970	160,604

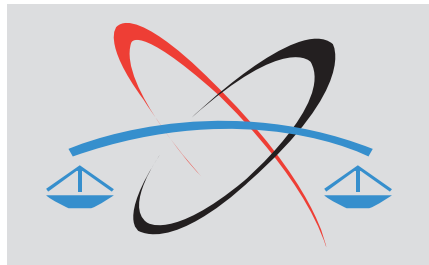
#### Record of the preferential examination system for trademarks and designs

unit : cases

Category	Trademarks			Designs		
	2009	2010	2011	2009	2010	2011
Number of applications (A)	95,747	121,313	146,065	57,941	57,223	56,540
Number of requests for preferential examinations (B)	653	1,697	2,389	4,468	4,063	4,021
Ratio of requests for preferential examinations (B/A)	0.7%	1.4%	1.6%	7.7%	7.1%	7.1%



# Trial Services



## 01

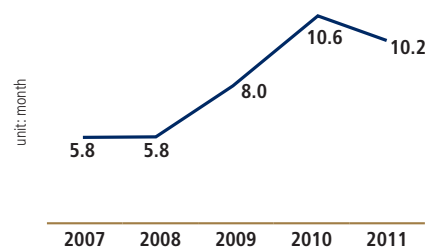
### Trial processing period

Due to the recent rise in IPR disputes, demands for solving these disputes through patent trials have been steadily increasing. As a result, the IP5 countries are devising various measures to shorten the trial period and solve IPR disputes as quickly as possible. In the case of Korea, the number of requests for trials increased by 4 percent year-on-year from 13,872 in 2010 to 14,430 in 2011. The number of litigations against IPR infringements brought to Korean civil courts is also rapidly increasing. In response, the IP Tribunal is making efforts to shorten the trial period; it has minimized the annual average rate of vacancy of trial examiners (11 percent in 2010 -> 7.7 percent in 2011) and encouraged each examiner to

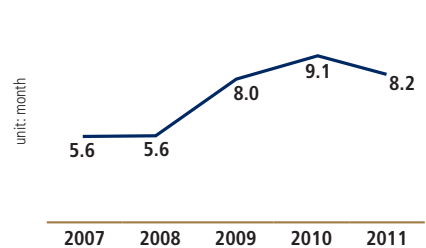
exceed the trial processing achievements target by 120 percent. As a result, the average trial processing records of each examiner at the end of 2011 exceeded the target by 126 percent and the trial decisions made by the examiners increased by 14 percent year-on-year at 10,570 (9,274 in 2010). The annual average trial period in 2011 was 9.5 months, 0.4 months shorter than 2010.

Period for trials

Patents



Trademarks and Designs



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### Customized three-track patent trial service

Since 2010, the IP Tribunal has managed a three-track (super-accelerated, accelerated, and regular) trial system to enhance the efficient processing of patent disputes. For super-accelerated trials, an oral hearing is held within one month of the expiry of the period to submit answers and trial decisions are made within two months of the oral hearing. The involved parties receive a final decision within four months of the request for trial. Processing times for accelerated and regular trial cases are six and nine months, respectively. Super-accelerated trials are limited to trial cases to confirm the scope of patents of infringement litigations pending in court; cases wherein an agreement of the parties involved for an

# Improving the IP System



## 01

### Patents and utility models

#### Amendment of Patent and Utility Model Acts to reflect the ROK-US FTA

To reflect the Republic of Korea (ROK)-US FTA in amendments to IP-related acts for patent and utility models, we first introduced a system that extends the duration of patent rights according to the time delayed for their registrations. In other words, should a delay in examination delay the registration of a patent, the duration of the patent would be extended for the same amount of time. We also extended the application period of inventions made public from 6 months to 12 months. In addition, we terminated the

accelerated trial has been submitted; cases against the decision of refusal for the super-accelerated examination of patent applications directly related to green technology; and trials in the process of appealing a decision of invalidity at a patent court.

Number of requests for accelerated, super-accelerated, and regular trials in 2011

Requests made in 2011	Trademarks and designs		Patents and utility models		Total
	Patents and utility models	Trademarks and designs	Patents and utility models	Trademarks and designs	
Super-accelerated trials	6	44	44	50	
Accelerated trials	460	1,217	1,217	1,677	
Regular trials	3,827	8,876	8,876	12,703	
<b>Total</b>	<b>4,293</b>	<b>10,137</b>	<b>10,137</b>	<b>14,430</b>	

unit : cases



patent revocation system and improved the process of calculating damages and proving acts of infringement during patent litigations. Furthermore, we amended the Patent and Utility Model Acts to include a system of nondisclosure to prevent the leakage of private business management information to uninvolved third parties (enforced on March 15, 2012).

### Amendment of the Patent and Utility Model Acts to mandate the writing of background technology in descriptions

To enhance the efficiency of examinations and improve the quality of descriptions, it is now mandatory for applicants to write background technology in descriptions and we have amended the Patent and Utility Model Acts accordingly (enforced on July 1, 2011).

### Improving the working-level management of patent systems

In 2011, we included trial decision documents among items subject to e-delivery. In an effort to vitalize the examination postponement system, we mandated the payment for examinations to two months prior to the

desired point of examination postponement. We also extended the period to request examination postponement up to nine months after the date of request for examination. In addition, we expanded the patent certificate languages from Korean and English to Chinese, Japanese, German, French, Spanish, Russian, and Arabic. On the other hand, we prepared an English version of the Patent and Utility Model Examination Guidelines presenting the standards for patent and utility model examinations (expected to be completed in 2012).

### Amendment of the Patent and Utility Model Acts to develop Korea's patent system

Other than the above-mentioned, we are making amendments to the Patent and Utility Model Acts to prepare rights recovery procedures thereby reflecting the Patent Law Treaty (PLT) and promoting the harmonization of procedural conditions related to patents of all countries. The pending amendments also reflect the demands for legal amendments to respond to the changing environment in Korea and abroad and aim to create easy-to-use and understandable laws for the public.



## 02

### Trademarks and Designs

#### Amendments to Trademark and Design Acts to reflect the ROK-EU and ROK-US FTAs

To reflect the ROK-EU FTA, the amended Trademark Act provides regulations to reject a trademark application that is identical or similar to a geographical indication already protected by the FTA and Korean laws. The amended Design Act includes 'exports' in the scope of registered designs further enhancing the protection of registered design rights (enforced on July 1, 2011).

Additional amendments to the Trademark Act that reflect the ROK-US FTA make non-visual trademarks such as sound and smell now

eligible for trademarks. We also introduced a certification mark used to guarantee the quality and characteristics of goods or services (enforced on March 15, 2012).

### Amendments to regulations regarding trademark and design examination

In 2011, we amended the Trademark Examination Guideline to allow registration of trademarks with the same name of another company not known to general consumers. Other amendments to regulations regarding examination of trademarks and designs include the deferment of examinations of subsequent trademark applications when prior registered trademarks are pending in trial or litigations, through which we expect to enhance the uniformity of examinations and allow applicants to forecast the results. To help settle early trademark disputes, we have also amended the notification on requests for preferential examination of trademark registration applications so that interested parties, whose applications are being processed, may also request preferential examinations for trademarks.

### Reforms to the classification system

Reforms to the classification system of goods and services reflect the current transaction reality as much as possible by further breaking down the scope of analogous goods and services, increasing the number of similarity groups from 324 to 504. In the case of goods, the number of similarity groups increased from 277 to 301 while the number of similarity groups for analogous services increased from 47 to 203.

Regarding design rights, to harmonize the Locarno Classification and the Korean classification, we compared 16,000 goods of Korean classification with the Locarno Classification and analyzed the structural differences between the two classification systems. Furthermore, we provided guidelines to match 7,125 goods in the Korean classification to the Locarno Classification.

### Expanding goods subject to the non-substantial examination system of industrial designs

We have amended the "notification on the classification of design goods" to expand the

scope of goods subject to non-substantial examination in line with global trends as well as to accommodate the demands of the design industry. Eight categories such as B3 (accessories) and B4 (bags or wallets) have become eligible for non-substantial examination.

### 3D drawing application system for designs

We have been running a 3D drawing application system since 2010 allowing 3D drawings to replace 2D drawings when applying for industrial design registrations. Starting April 1, 2011, we made the Initial Graphics Exchange Specification (IGES) file format eligible for applications and have been able to support more than 90 percent of 3D programs used by companies as a result. In addition, when applying for designs with videos of motion icon designs, the video files may be submitted as a reference view with the application in order to diversify the methods of applying. In 2011, applications for design registrations using 3D illustrations increased by 783 to 1,569 year-on-year accounting for 2.8 percent of all applications for design registrations in 2011

# IP Office Automation System

## Building the 3rd generation KIPOnet System (KIPOnet III)

In 1999, we launched the KIPOnet system, an internet-based e-filing and work processing system for the filing and receipt, examination, registration, trial, and publication of applications for patent, utility model, design, and trademark rights. The constant improvement of this system has led to the development of the 3<sup>rd</sup> generation KIPOnet (KIPOnet III) beginning in 2009. The latest version of the system, launched on January 1, 2012, reflects the amendments of the Patent, Trademark and Industrial Design Protection Acts in order to cope with the international harmonization and simplification of IP rights and the ROK-US FTA. KIPOnet III provides a more simplified e-filing software suite and Easy-Web filing system, both of which support an automated search function for similar prior patents of each application. In addition, KIPOnet III has incorporated the Intelligent Search System, which enables automatic prior art searches of similar technologies for each application during examination as well as a drawing interpretation function which links the names of each part of a drawing(s) to their

corresponding symbol.

In 2012, we plan to complete the incorporation of systems supporting the PCT, trials, and international trademarks into the KIPOnet III environment. Simultaneously, we will reflect additional legal amendments to prepare for the joining of international treaties such as the Hague Agreement for the International Registration of Industrial Designs, the Patent Law Treaty, the Singapore Intellectual Property Law, the Locarno Classification System, and the Vienna Classification, in the KIPOnet III system. Finally, those incorporated and amended systems will be launched in the first half of 2013.

## Managing the Knowledge Oasis (KOASIS)

The Knowledge Oasis system functions as an enterprise knowledge portal that eases the use of information created during all business processes. The system organically links various information systems to business processes such as the examination system, trial system, search system, and work management system. In 2011, we enhanced the integrated search function and improved the reward system for

knowledge mileage such as the “knowledge mileage coupon system” and “rookie intellectual” to vitalize the use and sharing of work-related knowledge.

## Enhancing information protection

We are continuously fortifying the protection of information by building various management- and security-related systems. This year, we introduced the latest IT technology called cloud technology, which restricts the processing and saving of all work data to only a central server, in order to prevent the leakage of IP-related documents and information.

# Consumer-focused Civil Request Service System

## Improved fee payment system

We improved the fee payment system in April 2011 so that applicants requesting a delayed examination for patents and utility models may pay the examination fee anytime within two months from the desired date of examination. Previously, applicants had to pay the examination fee when requesting an examination even if requesting a delayed examination. In addition, we expanded the payment methods of annual fees for patent, utility model, and design rights to include Automated Teller Machine (ATM) payments along with the previous in-person visits and Internet banking from September 2011. These changes in policy have largely enhanced the convenience of applicants.

## Improved registration system

To further accommodate applicants in the patent registration process, we introduced a supplementary system where applicants can submit revised information or attached files within a month of the registration of the patent without having to submit another request. Also, in the case of an incorrect address, KIPO officers may now directly correct the address for registration upon confirmation

by the applicant. In addition, we have unified the previously separate registration laws for patents, utility models, designs and trademarks to conveniently find laws related to each right.

## Executing a step-by-step error warning service

Individual applicants using the Web-Pass system for patents are warned of any errors in the documents submitted to them to prevent possible damages. The warnings are divided in two stages of “precaution” and “warning” depending on the seriousness of the errors. We provide warning services for about 130 types of errors such as the submission of incorrect application numbers or general power of attorney numbers, the failure to submit power of attorney certificates, and the overdue submission of documents certifying right of priority.

## Building an error check system for registering changes to IPRs

In response to the increasing number of requests for re-registration and rate of refusal of requests made for registration changes, we have built a system for checking errors in advance when registering changes to IPRs. This

system enables applicants to perform an online check of their documents for errors before submitting the requests.

