



We provide customized examination and trial services to applicants based on their intellectual property right (IPR) strategies. We also work hard to reduce the examination pendency period for the quicker protection of IPRs in innovations. In 2012, the pendency period was reduced to 14.8 months, allowing us to maintain the world's quickest patent examination. Furthermore, we have recently launched the third generation KIPOnet to provide prompt and precise examination services.

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Providing IP Services

Examination Services

01 Reducing the examination pendency period

The early acquisition of IPRs is as important as examination quality. We are therefore placing our efforts into improving examination quality while also reducing the pendency period. That is, we set targets for the pendency 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 2012 was 14.8 months for patents and utility models, 8.9 months for trademarks, and 8.8 months for designs. Compared to 2011, the pendency period was reduced by 2.0 months in the case of patents and utility models, 1.1 months for trademarks and 1.2 months for designs. We have set the targets for 2013 to 13.3 months for patents and utility models and 8.3 months for trademarks and designs to keep examination periods competitive. Since IPR applications and requests for international searches under the Patent Cooperation Treaty (PCT) are steadily increasing, we are making multifarious efforts to increase examination manpower and improve the examination system.

Outsourcing prior art searches

Over the past year, we outsourced the prior art searches for 84,230 patent and utility model applications (47.7% of the total number of applications), 2,730 applications more than the filings from the previous year. In addition, we outsourced prior trademark searches for 39,771 trademark applications (27.5% of the total number of applications) and prior design searches for 10,228 design applications (15% of all applications). As a result, we succeeded in expediting the examination pendency period. We plan to outsource prior art searches for 92,993 patent and utility model applications as well as prior trademark searches for 51,011 trademark applications in 2013. As for design applications, we plan to outsource prior design searches for 17,712 applications (25% of expected applications), a 7,484 filing increase year-on-year, to increase the speed of examination for designs.



Increasing examination manpower

To reduce the examination pendency period, we are continuously increasing our pool of examiners. We recruited 44 PhD holders and experts in various technological fields and 5 experts in the area of trademark and design in 2012. We plan to continue recruiting examiners in the future. Our designated staff for examination (excluding contract examiners) in 2012 amounted to 726 for patents and utility models and 162 for trademarks and designs.

02 Raising quality

Managing examination quality through examination review

The main goal of examination quality control is to improve examination quality and enhance reliability of examination results for customers by conducting fair and objective reviews.

Examination review is mainly conducted by staff in the Examination Quality Assurance Office (EQAO) which is under the deputy commissioner’s direct supervision. The EQAO has 12 reviewers in charge of patents, utility models and the PCT and 4 reviewers in charge of trademarks and designs.

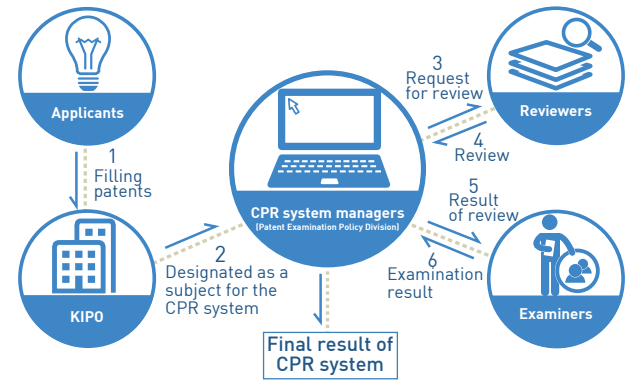
The EQAO samples the examination cases on which an examination is completed, on a half-yearly basis, reviews according to the prescribed review guidelines, and gives feedback to the examiner in charge. The EQAO also performs planning, diagnosis and analysis tasks in relation to examination quality in KIPO. In addition, examination review is carried out by the directors of each examination division in adherence to the guidelines.

In 2012, the sampling ratio was 2.5% in the patent and utility model fields and 2.3% in the trademark and design fields. PCT reports are reviewed only by EQAO and the sampling ratio of PCT reports was 6.3%. The error ratio of examination was 1.0% for patents and utility models, 0.5% for trademarks and designs, and 1.0% for PCT. EQAO checks any deficiencies in each sampled case and gives scores to the sampled cases according to the review score chart.

To ensure the systematic management of examination quality, the EQAO has established the Examination Quality Warning System (EQWS). The system provides the criteria for giving warnings on changes in examination quality and countermeasures against each phase of warning. To be specific, the EQAO holds monthly reviews on in-process examination cases and measures the deficiency ratio. In a case where examination quality is abnormally low, we systematically manage the recovery of quality at an early stage.

Community Patent Review System

In the Community Patent Review system, a patent application selected by KIPO or requested by an applicant is posted and disclosed on an exclusive website (www.k-cpr.or.kr) where skilled people in the art, or “reviewers”, provide related prior art documents or opinions to be used by patent examiners to examine the applications. We first introduced the system in 2010 and ran two pilot tests until 2011. Since 2012, the exclusive system for the Community Patent Review has been in full operation. In 2012, a total of 407 opinions were posted on 123 of the 228 applications subject to the Community Patent Review System. 40% of the 123 applications were examined giving reference to the opinions posted on the website. The system has therefore been recognized as a contributing factor in raising examination quality.



Examination Services

03 Customized examination services

Three-track patent and utility model examination system

We provide examination services in accordance with our clients’ IPR strategies and their preferred time schedule. 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 from accelerated, ordinary, 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 desired postponed examination date (24 months from the date of a request for examination ~ 5 years from the date of the patent application) and best suits applicants requiring time to prepare.

As the three-track system stabilized, requests for preferential examination accounted for 15% of all examination requests with 24,066 in 2012, a slight increase from 22,249 in 2011 (13.9% of all examination requests for the year). Requests for customer-deferred examination accounted for 0.12% of the total at 186, increasing from 153 in 2011 (0.10%).

Meanwhile, since the introduction of the super-accelerated examination system for green technologies in October 2009, we have provided even faster examination results (within one month of request) compared to ordinary preferential examinations for newly researched and developed technologies (greenhouse gas reducing technologies, technologies enhancing energy use efficiency, etc.) as specified by the national strategy for “low carbon, green growth.” Requests for super-accelerated examination on green technology came to 220 in 2012, increasing from 196 in 2011.

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 requesting preferential examination can receive first examination results within 45 days of applying for trademarks, and within two months for designs, allowing them to conveniently use the system should they wish to commence with earlier business activities or when disputes arise after a trademark application. There were 2,899 requests (2.2% of all applications) for preferential examination of trademarks in 2012, with the number and percentage share increasing from 2011 to the present. For designs, 3,766 requests for preferential examination (6.0% of all applications) were filed.

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

(unit : cases)					
Category	2008	2009	2010	2011	2012
Requests for accelerated examination	16,198	20,317	20,896	22,249	24,066
Requests for super-accelerated examination of green technology	-	52	230	196	220
Requests for -ordinary examination	142,468	126,276	134,128	138,202	136,132
Requests for deferred examination	858	1,698	946	153	186
All requests for examination	159,524	148,291	155,970	160,604	160,384

< Record of the preferential examination system for trademarks and designs >

(unit : cases)						
Category	Trademarks			Designs		
	2010	2011	2012	2010	2011	2012
Number of applications (A)	121,313	146,065	132,620	57,223	56,540	63,153
Number of requests for preferential examination (B)	1,697	2,389	2,899	4,063	4,021	3,766
Ratio of requests for preferential examination (B/A)	1.4%	1.6%	2.2%	7.1%	7.1%	6.0%

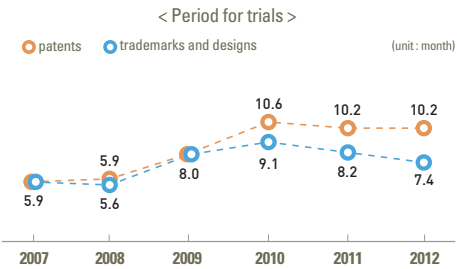
Trial Services

01 Reducing the trial processing period



Due to the recent rise in IPR disputes, demand for solving disputes through patent trials has steadily increased. As a result, the IP5 countries are devising various measures to reduce the trial period and solve IPR disputes as quickly as possible. In the case of Korea, the number of requests for trials increased by 2.2% year-on-year from 14,430 in 2011 to 14,747 in 2012. The number of litigations for IPR infringement brought to Korean civil courts is also rapidly increasing. In response, the IP Tribunal is making efforts to shorten the trial period.

As such, the IP Tribunal has drawn up plans and is executing various policies to provide trials within 6 months by 2016, in line with changes to the IP environment and customer demands. In 2012, we set a target to process trials within nine months in order to enhance the leading role of the tribunal in resolving patent disputes. We were able to reach our targets for the trial period by surpassing our initial trial processing goals and maximizing the availability of trial judges. Despite the difficult internal and external trial environments, we shortened the trial period by 0.5 months year-on-year and we are now capable of providing speedy trial results to those subject to patent disputes.



02 Customized three-track patent trial service

Since 2010, the IP Tribunal has managed a three-track (super-accelerated, accelerated, and ordinary) 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 ordinary 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 accelerated trial has been submitted; and cases against the decision of refusal for the super-accelerated examination of patent applications directly related to green technology. The IP Tribunal has dutifully pursued the three-track customized trial processing system for super-accelerated, accelerated, and ordinary trials, contributing to the efficient resolution of patent disputes.

< Number of requests for super-accelerated, accelerated, and ordinary trials in 2012 >

(unit : cases)			
Requests made in 2012	Trademarks and designs	Patents and utility models	Total
Trademarks and designs	14	106	120
Accelerated trials	424	655	1,079
Ordinary trials	3,868	9,680	13,548
Total	4,306	10,441	14,747



Improving the IP System

01 Patents and utility models



Amendments to advance the patent system

In 2012, we pursued amendments to the Patent Act and the Utility Model Act to provide more opportunities for recovering extinguished patent applications or rights, while also enhancing convenience for applicants. The amendments also aim to strengthen the protection of patent applicants’ rights and expand the availability of refunds for patent fees (comes into effect on July 1, 2013). In addition, the revised Patent Act and the Utility Model Act reflect the agreed-upon issues of the ROK-U.S. free trade agreement (FTA), such as the introduction of the patent term extension system due to delays in registration, which came into effect on March 15, 2012.

Improving the working-level management of patent systems

We also amended the subordinate statutes of the Patent Act to authorize the submission of e-documents using official authentication certificates for e-signing. This is aimed at those wishing to acquire patents using e-documents, which allow for the enhanced protection and management of personal information (enforced on January 1, 2013). In addition, we amended the subordinate statutes to mandate sequence listings on specifications for patent applications that contain nucleotide sequence listings (enforced on March 1, 2013).

Amendments to patent and utility model examination standards

Examination standards were changed in 2012 to reflect the amended Patent Act for the enforcement of the ROK-U.S. FTA. We also reflected international trends for the deposit of microorganisms, description of claims, and the period allowed for filing divisional applications to enhance procedural guarantees for applicants.

In principle, preferential examinations are conducted on applications with the earliest date of request; however, KIPO allows for adjustment of the examination order to ensure higher examination efficiency.

Until 2011, we only provided the English versions for parts 3, 4, 5, and 6 of our patent and utility model examination guidelines. As part of the trend for closer international cooperation on patent examinations, we completed the translation of the remaining parts 1, 2, and 7 into English during 2012, and published the full version of the guidelines in March 2013. The English version of the amended patent and utility model examination guidelines may be downloaded from our website.



02 Trademarks and Designs

Amendments to consolidate fair trademark use order

We amended the Trademark Act in 2012 to solve the inconvenience of having to re-apply even after winning a case for request in a trial for trademark cancellation due to non-usage.

The amendment also prevents so-called ‘trademark hunting behavior’ by applicants registering trademarks for trade names used by small businesses and then sending letters of warning to demand financial settlements to the same businesses. It also prevents the behavior of exploiting the priority request period of trials for trademark cancellation for non-usage, which had enabled individuals to evade cancellations of trademark registrations. In addition, for the added convenience of applicants, we introduced a system that enables applicants to proceed with their applications within two months of missing the opinion submission deadline due to simple mistakes (expected enforcement in October 2013).



Amendments to trademark and design examination regulations

In 2012, we introduced smell and sound trademarks and a certification mark system, providing quality information on trademarks, to reflect the ROK-U.S. FTA agreements. We prepared standards on the methods of application and examination tips and added them to the trademark examination standards. In addition, to raise the quality of examinations and provide stable and strong trademark rights to applicants, we regularly hold a public competition on improving the trademark system and examination know-how to reflect the ideas discovered in our examination standards and policies.

The complex and distracting examination standards for designs, first enacted on September 1, 1981, were wholly changed through these amendments to help new examiners understand and apply the standards, which will help reduce any deviations in examination results.

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.

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 from 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% 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 2012, applications for design registrations using 3D illustrations year-on-year increase of 822 to 2,391, accounting for 3.7% of all applications for design registrations in 2011.

IP Office Automation System

01 Third-generation KIPOnet system

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 to this system has led to the development of the third generation KIPOnet (KIPOnet III) since 2009. The latest version of the system, launched on January 1, 2012, reflects the amendments to the Patent, Trademark and Industrial Design Protection Acts in order to accommodate the international harmonization and simplification of IP rights and the ROK-U.S. FTA.

In 2012, services for international patents (PCT), trials, international trademarks (Madrid), and Patent Road (e-application portal) were revamped. Patent Road, which was completely reformed in January 2013, enhanced its help feature to make the process easier to use for new applicants. The interface was also changed with a focus on user-friendliness for easy and quick access to frequently used menus. In addition, we unified the certification system to require the use of only public certificates for user authentication and improved the procedures of issuing diverse certificates to do so immediately upon the receipt of corresponding online requests. Furthermore, we introduced a system for applicants to pay fees in a foreign currency, the first time for a government organization, by allowing PCT application fees to be paid in Swiss Francs (CHF). We also expanded the list of financial institutions to which fees can be automatically paid by adding Nonghyup Bank to the existing Bank of Korea. We expect to complete the building of a PCT system as well as a trial and a Madrid system and finally launch the third generation KIPOnet in June 2013.

02 Enhancing information protection

We are continuously fortifying the protection of information by building various management and security-related systems. In

2012, we introduced the latest IT technology, a cloud computing operating system, in our main office, 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.

In 2013, we plan to expand remote working cloud services that include teleworking and enhance the cloud system’s security by introducing a One-Time Password (OTP) into the cloud certifying system.

03 Korea IPRs Information Service (KIPRIS)

KIPRIS (www.kipris.or.kr) is a free online search service that we provide to industry, universities, research institutes as well as the general public so that they can conveniently search and view Korean and international IPR information (Korean industrial IPR information, legal status information, patent information from 12 international IP offices, and trademark information from five international offices, etc.). KIPRIS provides a “Beginners’ Program” for any novice users to help get started. Additional services such as “TODAY KIPRIS”, a customized new patent notification service, and “Online Download”, as well as an English-Korean and Japanese-Korean free machine translation service, are offered to promote the utilization of IP information. Furthermore, we provide a mobile app (m.kipris.or.kr) for easy use of KIPRIS anytime, anywhere. We continue to dedicate our efforts to supporting Korean and global users to conveniently view a more diverse range of IP information and utilize it through KIPRIS.



Consumer-Focused Civil Request Service System

01 Improved fee payment system

We reduced fees by 10% for 33 types of online request, including a priority claim and a notice of change of applicant, to decrease the financial burden on our customers. We also introduced a 30% cut on registration fees during the initial three year period, patent, utility model and design application fees, and the examination request fee to promote the creation of IP and technological innovation by mid-sized companies.

We have conducted business talks with KB Kookmin Card, Samsung Card, and Korea Exchange Bank Card to enable the use of card mileage points to pay fees, and also introduced “the credit card mileage point payment system” to ease payment and improve convenience for customers.

To provide a more convenient customer payment system, we added Nonghyup Bank to the list of financial institutions eligible to be used for automatic payment through a bank account. In addition, annual registration fees as well as registration fees for the establishment of right can now be paid through accounts exclusively prepared for deposits through automatic teller machines (ATMs).

02 Improved application and registration systems

We built an online format search map for formatted documents to enable easier searches for formats by rights and application stages. We also changed the error solving helper from only having existing lists of information to an actual screen that helps applicants solve errors during the preparation of documents, including applications. To reduce inconvenience for applicants, we endeavored to fix common problems experienced by applicants when using the application system and also enabled them to prepare applications quickly and easily by publishing a case book on application format standards.

In July 2012, we introduced an amendment system on industrial IP registration that allows applicants to supplement registration

requests within one month and request proper registration again in cases where there are errors in names, address, or in the omission of attached files. We have also made it easier for applicants to consolidate the information necessary for transactions, such as the content of technology and design drawings, in addition to the legal state of rights, through a simple online search of original registers. In addition to this, we built a comprehensive site that provides detailed information on annual registrations for the added convenience of rights holders when paying annual fees.

03 Improved civil request service system

We manage an IP administration monitoring team and run an IP administration proposal contest to discover new areas for system improvement with the active participation of our customers. We held a proposal contest for the general public linked to the Day of Invention in May 2012, during which 173 proposals were submitted. Among them 20 proposals were adopted as tasks for system improvement. The IP administration monitoring team was launched in November 2012 with a total of 36 members of staff responsible for IP work with conglomerates and small and medium-sized enterprises (SMEs), patent attorneys, and law firm representatives. The team is channeling the opinions of active and experienced patent users into policy through close linkages with our work.

