

# Providing IP Services



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# Examination Services

## 01 Reducing First Action pendency

As the cycle of technological development continues to shorten, the Korean Intellectual Property Office (KIPO) is reducing the first action pendency of intellectual property rights (IPRs) for the sake of affording timely protection.

At the start of each year, we set targets for first action pendency for patents, utility models, trademarks, and designs, and undertake various measures to reach those targets.

In 2014, first action pendency was 11 months for patents and utility models, 6.4 months for trademarks, and 6.5 months for designs.

Compared to 2013, first action pendency for 2014 was reduced by 2.2 months for patents and utility models, 1.3 months for trademarks, and 0.8 months for designs. Our 2015 target goals are 10 months for patents and utility models, and 5 months for trademarks and designs. As IPR filings and requests for international searches under the Patent Cooperation Treaty (PCT) steadily increase, we are working to recruit additional examiners and expand our outsourcing of prior art searches.

### Recruiting additional examiners

To reduce first action pendency, we are constantly increasing the number of examiners on our staff. In 2014, we recruited 23 new examiners for patents and utility models, and 4 new examiners for trademarks and designs. By the end of 2014, the number of our examination personnel totaled 835 for patents and utility models, and 160 for trademarks and designs.

### Expanding KIPO's outsourcing of prior art searches

In 2014, we outsourced prior art searches for 92,983 patent and utility model applications (52.8% of all applications), an increase of 1,042 applications over the previous year.

In addition, we outsourced prior trademark searches for 62,896 trademark applications (30.5% of all applications) and prior design searches for 23,868 design applications (34.9% of all applications).

In 2015, we plan to outsource prior art searches for 96,378 patent and utility model applications, prior trademark searches for 74,220 trademark applications, and prior design searches for 28,812 design applications.

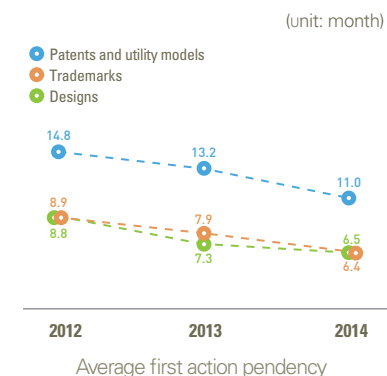
## 02 Enhancing examination quality

### Managing examination quality through examination review

One way we ensure examination quality is by double-checking randomly selected cases of IPR examination, as well as international search reports (ISRs) under the PCT, in order to determine areas for potential improvement.

Examination review is primarily conducted by the 16 reviewers of the Examination Quality Assurance Division, as well as by the directors of each examination bureau, who review examinations according to specific guidelines.

In 2014, this division reviewed examinations conducted on 3,343 patents and utility models, 4,365 trademarks and designs, and 1,519 ISRs. In addition to the abovementioned, examination reviews of 2,236 patents and utility models, as well as 1,376 trademarks and designs, were carried out by the directors of the examination



bureaus.

On December 11, 2014, our office acquired ISO 9001 certification, thereby inspiring worldwide confidence in our examination quality.



### On-the-job training for examiners and administrative judges

In 2014, we operated a variety of training courses for examiners and administrative judges in every career stage in order to improve their expertise and capacities. We organized a total of 4 basic courses, 16 legal courses, 10 practical examination courses, 16 capacity-enhancing courses, and a course on cutting-edge technology for examiners, for a total of 47 courses (held a combined total of 113 times).

The basic courses we offered ranged from courses tailored toward new examiners to ones focused on mid-grade examiners, litigation system experts, and administrative judges. A total of 341 examiners participated in these 4 basic courses.

In addition, we ran in-depth legal training courses, beginning with

basic theoretical training on important laws for examinations and trials (the Patent Act, Trademark Act, etc.), followed by debates on major issues and cases. We also provided training on the Civil Act, the Copyright Act, etc. A total of 476 examiners participated in the 16 courses of this program.

Moreover, to enhance the working capacity of our staff, we established 10 capacity-building courses (including basic and in-depth case studies on examinations) for examiners and administrative judges, as well as 16 practical examination courses—including a course on commercializing IPR technology. In 2014, 643 examiners attended the courses, which were held a total of 29 times. We also delivered 63 lectures to provide examiners and administrative judges with knowledge and training on cutting-edge convergence technologies, and 1,569 of them attended these lectures.

## 03 Customized examination services

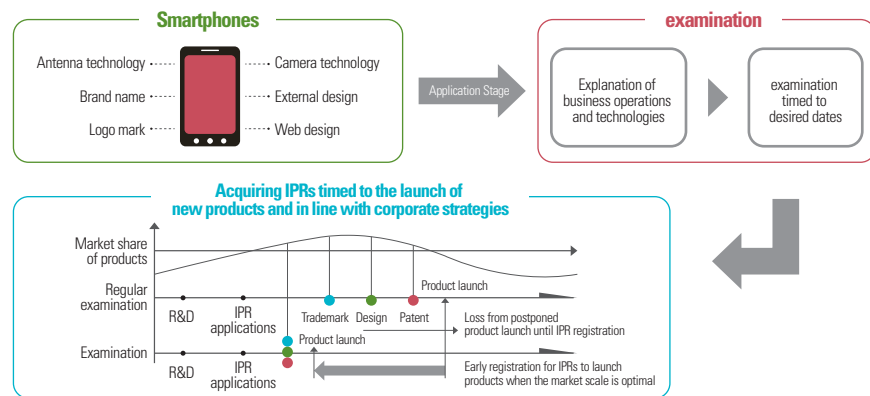
### Customer-oriented examination

We shifted our examination paradigm from the existing system—in which examiners simply give the reasons for refusal—to the customer-oriented examination system, which helps applicants acquire high-quality patents by boosting interactive communication with examiners regarding the proper scope of the inventions. Services include:

A) Preliminary examination  
Preliminary examination, a service pilot-tested among qualifying applicants in 2014, includes face-to-face interviews between applicants and examiners prior to first office actions. These interviews give applicants a chance to resolve possible reasons for rejection, and they give examiners a chance to share relevant art and explain their own views on a particular application's chances for success. We plan to carry out preliminary examinations on all applications for accelerated examination in 2015.

B) Giving advice for amendments  
Our examiners give advice on how to amend applications so that applicants can easily resolve reasons for rejection.

C) Provision of amendment guidelines  
Until recently, because individual applicants without legal counsel were likely to improperly amend their applications due to a lack



Example of collective examination

of understanding of the Patent Act, such applications were often rejected, even when the ideas behind the patents were sound. We, therefore, began providing simplified amendment guidelines when notifying applicants of reasons for rejection, so that applicants without legal counsel can more easily resolve such reasons on their own.

D) Collective examination  
It is important for companies to simultaneously acquire multiple IPRs for a single product as part of their corporate strategies. In order to support the acquisition of multiple IPRs, we introduced a collective examination system geared to various business strategies.

We are expanding our customized patent examination services by introducing a collective examination system in which multiple applications (patents, utility models, trademarks, and designs) related to one product can be examined all at once.

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

We provide examination services in accordance with our clients' IPR strategies and preferred time schedules. In the case of patents and utility models, applicants can choose the most appropriate examination track for their patent strategy: accelerated, regular, or customer-deferred.

Accelerated examination provides examination services within three to five months. Conversely, the customer-deferred examination track provides examination services within three months of the desired postponed examination date.

Category	2009	2010	2011	2012	2013	2014
Accelerated examination	20,317 (13.7%)	20,896 (13.4%)	22,249 (13.9%)	24,205 (14.6%)	25,609 (14.7%)	27,437 (15.4%)
Regular examination	126,276 (85.2%)	134,128 (86.0%)	138,202 (86.1%)	141,217 (85.3%)	148,427 (85.2%)	150,763 (84.6%)
Customer-deferred examination	1,698 (1.1%)	946 (0.6%)	153 (0.1%)	190 (0.1%)	149 (0.1%)	54 (0.1%)
Total requests for examination	148,291	155,970	160,604	165,612	174,185	178,254

Statistics on three-track examination requests

### Two-track trademark and design examination service

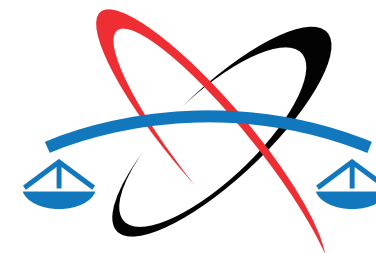
To accommodate applicants in need of expedited trademark or design rights, we implemented a two-track examination system.

Applicants who qualify for accelerated examination receive the initial examination results within 45 days of applying for a trademark, and within 2 months of applying for a design, thereby enabling them to commence more rapidly with business activities and dispute resolution. In 2014, there were 3,497 (2.3% of all applications) requests for accelerated examination of trademarks, and 4,143 (6.4% of all applications) requests for accelerated examination of designs.

## Trial Services

Category	Trademarks			Designs		
	2012	2013	2014	2012	2013	2014
Total no. of applications (A)	132,522	147,667	150,226	63,135	66,940	64,345
Requests for expedited examination (B)	2,899	3,430	3,497	3,766	3,792	4,143
Requests for expedited examination as a percentage of the total (B/A)	2.2%	2.3	2.3	6.0%	5.7	6.4

Statistics on two-track examination requests



### 01 | Reducing trial pendency

With the recent surge in IPR disputes, we are taking various measures to reduce trial pendency and resolve IPR disputes as quickly as possible.

In 2014, we strove to reduce trial pendency in order to enhance our leading role in settling IPR disputes. As a result, we achieved a trial pendency of 7.9 months.

In 2015, we plan to dualize our trial pendency targets according to *ex parte* trials and *inter partes* trials, and provide quick and precise trial results within six months for *inter parte* cases and nine months for *ex parte* cases. This, in addition to our other endeavors to improve

trial quality, will enable us to settle disputes more quickly and effectively.

### 02 | Three-track trial service

The Intellectual Property Trial and Appeal Board (IPTAB) oversees a three-track (super-accelerated, accelerated, and regular) trial system in order to more efficiently handle trials that require expedited processing.

Accelerated trials include trials to confirm the scope of a right, trials returned due to the revocation of trial decisions from the patent court, etc.

Super-accelerated trials consist of an oral hearing within one month

from the expiry date of the written opinion submission, and trial decisions are made within two months after the oral hearing. The parties will receive a trial decision within four months after the trial request. They are more quickly processed than accelerated trials.

Cases subject to super-accelerated trials include the following: trials to confirm the scope of a right, invalidation trials corresponding to infringement lawsuits, etc.



Requests made in 2014	Patents and utility models	Trademarks and designs	Total
Super-accelerated trials	79	14	93
Accelerated trials	678	325	1,003
Regular trials	4,682	3,771	8,453
Total	5,439	4,110	9,549

Statistics on superaccelerated, accelerated, and regular trials in 2014

# PCT International Search Service

Category	2010	2011	2012	2013	2014
Koreans	8,830	9,950	10,736	11,971	12,442
Foreigners	U.S.A	13,319	15,167	15,778	16,968
	Others	558	549	566	592
	Subtotal	13,877	15,716	16,344	17,560
Total	22,707	25,666	27,080	29,531	30,160

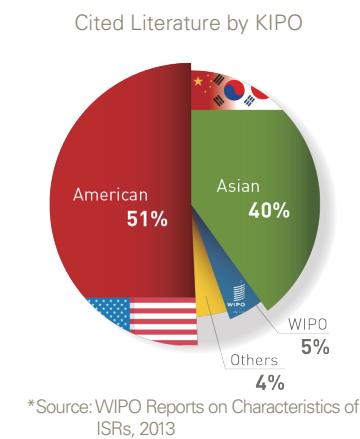
Requests for PCT international searches

PCT applications are filed with the Receiving Office (RO). A PCT international search entails perusing prior art related to the submitted invention, reviewing its patentability, and providing the results to the applicant.

We were designated as an international authority in September of 1997. We have been conducting PCT international searches since December of 1999, and providing PCT international search services to foreign applicants since 2002.

As of January 2015, from among the 148 PCT member states, only 20 patent offices<sup>1</sup> have been designated as international authorities.

Since 2006, there has been a surge in international search requests made by U.S. applicants, and, in 2014, they accounted for 96.9% of all foreign applicants requesting international searches from us.



\*Source: WIPO Reports on Characteristics of ISRs, 2013

## High quality

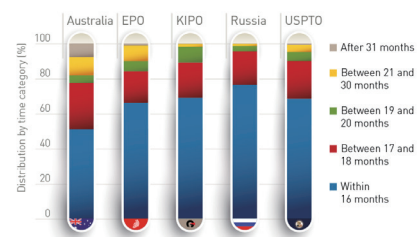
Cited references in ISRs are particularly important for ensuring overall quality. As of May 2014, our X/Y/E citation rate was about 70% and expected to rise steadily onwards.

We cite literature in various languages in our ISRs, demonstrating a balanced distribution of global sources. With patent applications from China, Japan, and Korea making up half of all global applications, 40% of the ISRs published by

us cite Asian literature, 51% cite American literature, 5% are from the World Intellectual Property Organization (WIPO), and the rest come from other sources.

In March 2013, a U.S. IP service firm conducted a survey of KIPO clients, showing their high satisfaction rate with our search service, which was assessed as having “the best value,” “very thorough and quality searches,” and “cost-effective and meaningful search results.”

Time taken in transmitting ISRs to IB – measured from priority date by time category and ISA (2013)



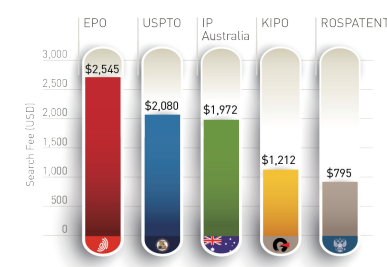
\*Source: WIPO Yearly Review, July 2014

## Prompt delivery of reports

We have improved the timeliness of our ISRs. In 2013, our ISR completion rate within 16 months was 68%, similar to the EPO and USPTO’s rates of 65.5% and 64.9% respectively.

By May 2014, we were completing 88.3% of our international search reports within 16 months of the priority date. In the near future, we plan to complete 90% of all reports within that deadline.

# IP system



\*Source: WIPO, 1. Sep. 2014

## Reasonable prices

Our international search fee is around half that of other major patent offices, offering quality search services at a fraction of the cost.

When applicants enter the Korean national phase, the examination fee is reduced by 30% for an individual International Search Report (ISR) or International Preliminary Examination Report (IPER) established by KIPO, and by 70% for an ISR and IPER simultaneously established by KIPO.

## 01 | Patents and utility models

### Amendments to the Patent Act and the Utility Model Act

In 2014, we amended the Patent Act and the Utility Model Act in view of enhancing customer convenience. We allowed for patent applications to be filed in either Korean or English, and, starting January 2015, we eased formality requirements that prevented us from allowing

pages from lab notebooks and research journals to count toward the application process.

Moreover, starting in July 2015, the time period for arguing against exception to public disclosure, which previously ended at the time of application, will be extended all the way to patent registration, and divisional applications will be made possible even after the time when the examiner has decided to grant the patent.

### Amendments to patent and utility model examination standards

To ensure accurate examinations on newly introduced foreign language applications, in January 2015, we revised examination guidelines to include procedures for correcting mistranslations, translation errors, etc.

## 02 | Trademarks

### Amendments to trademark examination standards

After making whole amendments to the Trademark Act for the first time in 23 years (effective as of July 2014), we also made whole amendments to trademark examination standards. These amendments allowed us to re-arrange the previous legal provisions by classifying them according to “part, chapter, and

number,” and to update other examples and cases, thus ensuring that trademark examination standards are easy to understand and that examinations are properly conducted in accordance with the fundamental purpose of the trademark system. Furthermore, we implemented a new chapter for non-visual trademarks (such as sounds and scent marks) in the examination standards.

### Adding names of goods and services

We designated (as of 2014) 15,000 names of goods and services as a reference for applicants. In order to increase applicant convenience and reflect industrial development, we plan to designate an additional 31,000 names of goods and services in 2015.

## 03 | Designs

### Amendments to the Design Protection Act and examination standards

In response to the amended Design Protection Act (effective as of July 2014), we fully amended our design examination standards.

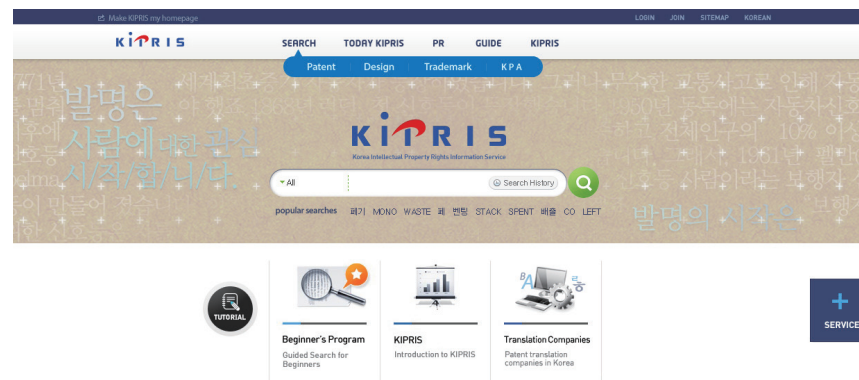
We enhanced applicant convenience by allowing up to 100 designs in a multiple design application, and we expanded the grounds for granting re-examination requests. Also, applicants were enabled to submit

<sup>1</sup> Korea, European Union, the United States, Japan, Sweden, Austria, Russia, Australia, China, Spain, Canada, Finland, Nordic countries, Brazil, Israel, Egypt, India, Chile, Ukraine, and Singapore

# IP administrative Automation System

evidentiary documents of claims for exception to lack of novelty at the same time they submit opinions, oppositions, and requests for invalidation trials. Finally, we also introduced a time limit (one year from the filing date of the principal design) that applicants must comply with when registering related designs.

We introduced provisions for implementing the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (effective as of July 2014).



## 01 | KIPOnet

In 1999, we launched KIPO's automation system (KIPOnet), which serves as an e-filing platform for the filing, receipt, examination, registration, and trials, as well as the publication of official gazettes.

In 2009, we began work on the third-generation version of KIPOnet (KIPOnet III) and launched it in June 2013. In particular, we introduced a server-based cloud (SBC) platform to further enhance our security, and we converted the fee payment system to Swiss francs (CHF).

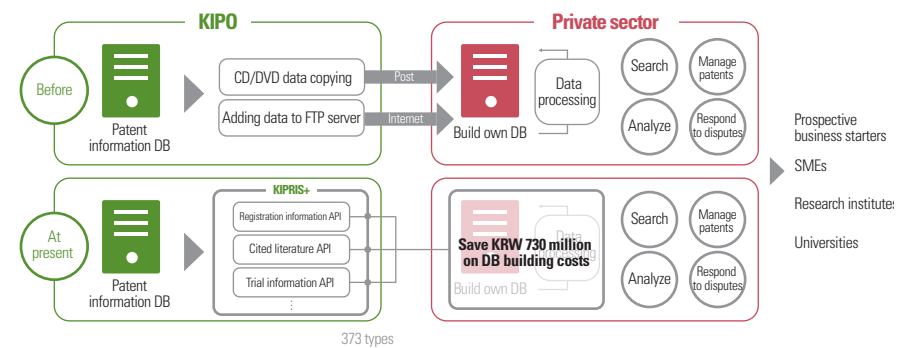
In 2014, we improved our e-application software to make acquiring IPRs more convenient. In addition, we phased-in an administrative system for international designs to enforce the amended Design Protection Act in accordance with the Hague Agreement.

## 02 | Korea IPRs Information Service (KIPRIS)

The Korea Intellectual Property Rights Information Service (KIPRIS, www.kipris.or.kr) is the free online search service we provide to enable the general public to conveniently browse IP information,<sup>2</sup> both international and domestic.

We are pursuing a diverse range of activities for publicizing and promoting IP information usage. For example, we provide beginner's guides and a mailing service to KIPRIS users. We also provide free machine translation services that convert text from Korean into English (and vice versa) and from Japanese into Korean. Furthermore, we provide a mobile app (m.kipris.or.kr) so stakeholders can easily use KIPRIS anytime, anywhere. We will continue to make improvements that allow users better access to KIPRIS' diverse IP resources. Furthermore,

<sup>2</sup> Intellectual property rights information, patent information from 12 foreign IP offices, trademark information from 5 international offices and countries, design information from 3 international offices and countries, non-patent literature, etc.



we plan to expand the amount and types of publicly-accessible IP information, such as information on IP disputes, etc.

## 03 | Patent Information Web Services (KIPRIS<sup>Plus</sup>)

KIPRIS<sup>Plus</sup> (http://plus.kipris.or.kr) is a portal for Application Programming Interface (API)-based Web services, providing real-time IP information to those who wish to use all the data without having to

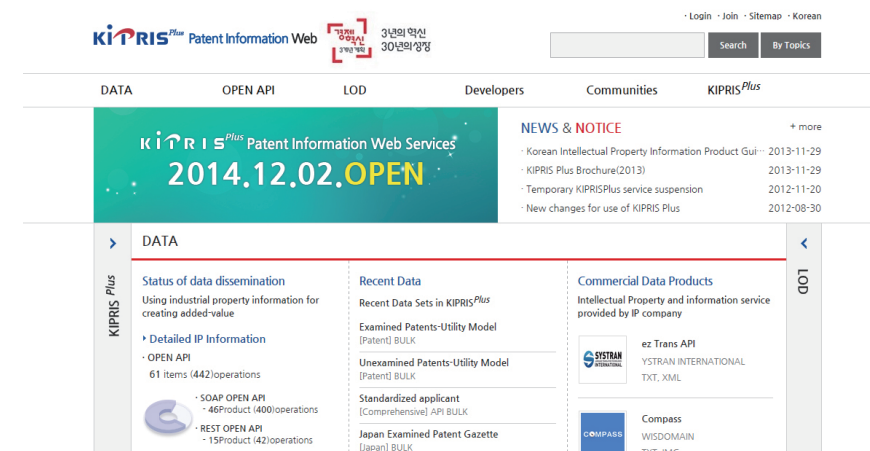
build their own databases. It allows companies and research institutes, among other entities, to reduce the time and cost involved with developing IP information databases. Currently, KIPRIS<sup>Plus</sup> has information on 13 classes and 39 goods—such as patents, designs, and trademarks—in addition to 37 kinds of information from the private sector, and 47 different organizations, including IP information service companies and public agencies, use this service. We plan to identify and disseminate useful IP data to the public and expand the provision

of Open API- and Linking Open Data (LOD)-based data to further reinforce the role of KIPRIS<sup>Plus</sup> as an open platform for providing and distributing IP information.

## 04 | Information security system

We continuously develop and implement various management and security procedures for safeguarding valuable information—such as undisclosed patent documents—from cyber-attacks. In 2009, we separated our internal and external networks in accordance with the security guidelines. Cloud computing was introduced in 2012, and we divided our comprehensive network into a SBC platform and an external network. In 2013, we tightened security over documents transmitted between the external network and the SBC platform. All IP documents are saved in the SBC server to prevent patent information leakage. In addition, we built an information security system while still cooperating with prior art search staff from our subsidiary organizations and outsourcing firms by granting them access to our in-house cloud system.

Since 2005, our Patent Security Control Center has prevented, detected, and responded to cyber-attacks in real time. In 2011, we expanded our security control to include our subsidiary



# Demand-driven Customer Service

organizations and outsourcing firms. We also evaluate the information security of our subsidiary organizations and hold outsourcing firms responsible for any security violations.

## 01 Fee payment system

We have continuously striven to enhance customer convenience by improving our fee payment policies and practices. In streamlining our fee payment policies, we have detected major areas for improvement, and we reflected these in our IP fee collection regulations when we amended them in 2014.

### Introduction of annual registration fee reduction from the 4<sup>th</sup> to 6<sup>th</sup> years after registration

To alleviate the financial burden on the under-privileged, we reduced our registration fees for patents, utility models, and design rights from the fourth to sixth years after registration by 30% for individuals, Small and Medium-sized Enterprises (SMEs), middle-grade companies, and public research institutes. In addition, we took measures to provide an additional discount of 20% (for a grand total of 50%) to SMEs and middle-grade companies selected as model companies providing due compensation for employee inventions.

### Adjustment of the application fee and the examination request fee

We raised fees for applications and examination requests by about 10% to ensure high-quality IP administration services.

### Subdivision of the additional payment system and reduction of additional fee rates

We subdivided the previous three stages of the additional payment system into six stages and largely reduced the previous aggravated rates. Instead of increasing the fees by half, we implemented a monthly rate percentage of an additional 3% per month, for a maximum of 18%.

### Reduction of partial examination fees for domestic designs

In accordance with the Hague Agreement fee system, we reduced partial examination fees for design registrations from the 4<sup>th</sup> to 15<sup>th</sup> years after registration, and moved away from the previous fee system in which fees increased every three years.

## 02 Application and registration systems

To complement our accelerated examination service, we introduced an accelerated formality examination service that can be completed in fewer than four days, as well as a customer-oriented formality examination service in which examiners give applicants explanations of any deficiencies in their applications and propose detailed corrections.

We amended and distributed a book of guidelines to help applicants correctly fill out their application forms when applying for IPRs. We also gave briefings to the staffs of SMEs and law firms, informing them of changes in relevant formality examination cases.

We further introduced a system in which formality examiners can correct typos and obvious mistakes in applications, thus allowing for enhanced applicant convenience and speedier examination. Furthermore, we redesigned our registration certificates to reflect the honor and merit of inventors. Currently, we also issue registration certificates in English for patents, utility models, trademarks, and designs—making it easier for right holders to engage in overseas marketing and publicity.



## 03 Customer feedback

With active participation from our customers, we operated an IP Administration Monitoring Team and held an IP administration idea contest to ascertain new areas for examination improvements.

In May 2014, we held an idea contest, and a total of 110 ideas were submitted. Thirty-three of those ideas were adopted as policies for streamlining with our IP administration. The IP Administration Monitoring Team is composed of customers with expertise who actively participate in IP-related affairs, and it monitors IP administration as a way of generating feedback from other voices in the field. In 2014, a second team of 35 participants engaged in IP work with company employees, patent attorneys, law firm representatives, and college students. During 2014, it generated a total of 96 ideas, and adopted 63 details for systemic and institutional improvement.

