

Providing IP Services



Changgyeonggung Palace
King Sejong the Great, the fourth king of the Joseon Dynasty, built this palace for his father (King Taejong) in 1418. It is the symbolic scenery of Seoul where tradition is combined with modern styles and the city's forest of buildings.

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Examination Services

01 Reducing first office action pendency

As technological development continues to increase, the Korean Intellectual Property Office (KIPO) is reducing its first office action pendency for intellectual property rights (IPRs) in order to afford its customers timely protection.

In 2015, first office action pendency was 10.0 months for patents and utility models, 4.7 months for trademarks, and 4.4 months for designs. Compared to 2014, this was a reduction of 1.0 month for patents and utility models, 0.7 month for trademarks, and 1.1 month for designs.

With IPR application submissions continuously on the rise, KIPO's goal for 2016 is to maintain its current average first office action pendency through improved outsourcing of prior art searches and the recruitment of additional examiners.

Recruiting additional examiners

In 2015, we recruited 84 new examiners for patents and utility models, as well as 10 new examiners for trademarks and designs. By the end of 2015, our examination personnel totaled 812 for patents and utility models, and 167 for trademarks and designs.

Expanding KIPO's outsourcing of prior art searches

In 2015, we outsourced prior art searches for 97,314 patent and utility model applications (56% of all applications), an increase of 4,331 applications over the previous year. In addition, we outsourced prior art searches for 74,213 trademark applications (31% of all applications) and 28,519 design applications (41% of all applications). In 2016, we plan to outsource prior art searches for 86,541 patent and utility model applications, 82,002 trademark applications, and 26,118 design applications.

02 Enhancing examination quality

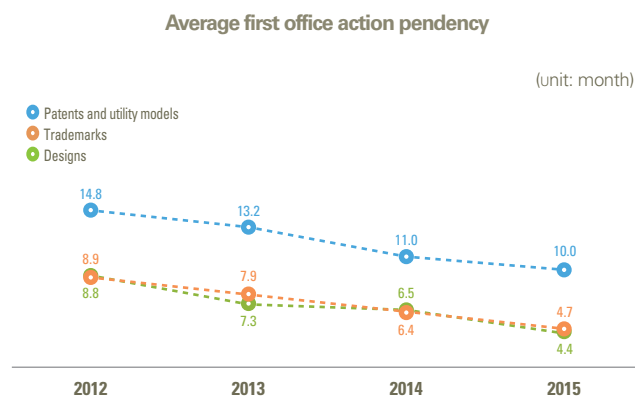
Managing examination quality through examination review

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

Examination review is primarily conducted by the Examination Quality Assurance Division (EQAD), as well as by the examination bureau directors, who review examinations according to specific guidelines. The EQAD assists with each examination bureau's quality control by providing statistical data on each examiner. Such data includes their rates of registration, acceptance of invalidation trial result, etc.

In 2015, EQAD reviewed examinations conducted on 3,276 patents and utility models (2.1% of concluded examinations), 5,706 trademarks and designs (2.4% of concluded examinations), and 1,497 ISRs. In addition to the aforementioned items, examination reviews of 2,166 patents and utility models, as well as 1,303 trademarks and designs, were carried out by examination bureau directors.

In the second half of 2015, examination reviews were conducted and all application/notification errors were corrected before applicants were sent final notification



of a decision of registration or decision of rejection. In addition, it became each examination bureau director's responsibility to evaluate examinations currently in progress, rather than completed ones only.

On-the-job training (OJT) for examiners and administrative judges

In 2015, we operated a variety of training courses for examiners and administrative judges of every career stage in order to help them improve their expertise. We organized a total of 4 basic courses, 16 legal courses, 11 practical examination courses, 20 capacity-enhancing courses, and an examiners' course on cutting-edge technology (held a combined total of 120 times).

The 4 basic courses, in which 325 examiners participated, ranged from ones tailored toward new examiners to ones focused on mid-grade examiners, litigation system experts, and administrative judges.

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., and a total of 515 examiners participated in the 16 courses of this program.

Moreover, we established 11 capacity-building courses (including basic and in-depth case studies on examinations) for our examiners and administrative judges, as well as 15 practical examination courses—including a course on commercializing IPR technology.

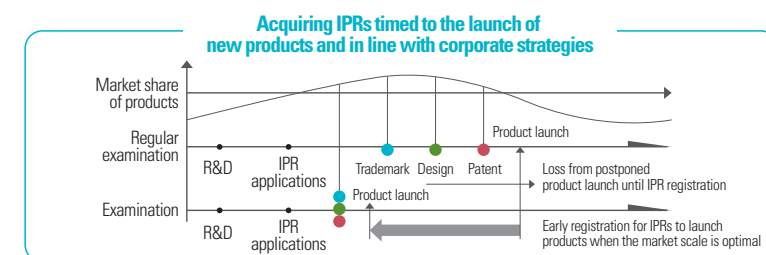
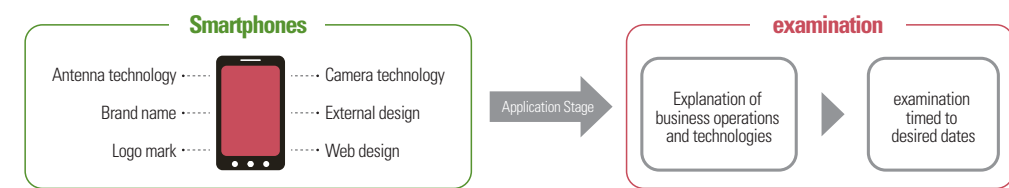
During 2015, 664 examiners attended the courses, which were held a total of 22 times. We also delivered 66 lectures aimed at providing the 1,573 examiners and administrative judges in attendance with training on cutting-edge convergence technologies.

Public-Private Joint Advisory Committee for Patent Quality Improvement

A Public-Private Joint Advisory Committee for Patent Quality Improvement was set up to provide a channel for communicating with private sector academics, researchers, industry experts, and patent lawyers in order to collect ideas on how patent policies might be amended to improve overall patent quality.

In 2015, Advisory Committee meetings were held on two separate occasions, once in June and once in December, to discuss KIPO policies that have an impact on patent

Example of collective examination



quality. Such policies include methods for improving examiner capabilities, conducting joint examinations with the USPTO, and administering examination reviews. Suggestions from experts in the private sector were thoroughly reviewed for potential implementation, and the results were then reported back to said experts.

Open Patent Technology Forum for Improving Examiner Expertise

The Open Patent Technology Forum invites companies that file a large volume of patent applications to introduce their cutting-edge technologies to patent examiners.

In March 2015, Samsung Electronics gave a seminar on their overall patent strategy and four major fields of technology (including semi-conductors and memory chips).

In July 2015, LG Electronics gave a similar seminar in which they introduced their patent strategy and four major fields of technology (including LTE communication technology).

LG Chemical followed suit in October 2015 by sharing their patent strategy and four major fields of technology (including secondary batteries).

03 Customized examination services

Examination 3.0

We shifted our examination paradigm from the existing system—in which examiners simply give their reasons for refusal—to a more customer-oriented examination system that 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 was first introduced in 2014, enabling applicants and patent examiners to communicate with each other prior to first office actions in order to discuss the overall direction of the examination and resolve any possible reasons for rejection. In 2015, preliminary examination became available in all cases of accelerated examination.

B) Review of pre-amendments

The process of reviewing pre-amendments was introduced in 2015 as a way of informing applicants of whether reasons for rejection can be resolved prior to the final amendment.

C) Collective examination

Collective examination is a customized service in which, at the applicant's request, separate applications involving patent, design, and/or trademark rights for a single product are examined simultaneously. In 2015, the service was further expanded to include new technologies resulting from national R&D projects.

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 IP strategy: accelerated, regular, or customer-deferred. Accelerated examination takes between two to four months, whereas, conversely, customer-deferred examination is completed within three months of the desired postponed examination date.

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 their 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/or dispute resolution. In 2015, there were 4,214 requests (2.4% of all applications) for accelerated examination of trademarks and 4,592 requests (6.8% of all applications) for accelerated examination of designs.

Trial Services

01 Video Conference Oral Hearing

In April 2014, as a way of making IPTAB services more convenient, video conferences were set up for oral hearings. In 2015, Video conference began to be widely used. These video conferences allow trial participants to take part in oral hearings at not only KIPO's Daejeon office, but KIPO's Seoul office as well.

A survey conducted among video conference users reported a 95% satisfaction rate, with 98% of customers stating they would use this service again.

02 Reducing trial pendency

With the recent global surge in IPR disputes, KIPO is taking measures to reduce trial pendency and resolve these disputes as quickly as possible. In 2015, we hired five new administrative judges, resulting in a reduced inter partes trial pendency of only 5.9 months.

03 Three-track trial service

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

Usually, trials are treated on a first come first serve basis, however, some trials—such as trials to confirm the scope of a right and re-trials due to the revocation of trial decisions from the patent court, etc.—qualify for accelerated trials. 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 weeks after the oral hearing. Plaintiffs receive a trial decision within three months, and these

Statistics on three-track examination requests

Category	2011	2012	2013	2014	2015
Accelerated examination	22,249 (13.9%)	24,205 (14.6%)	25,609 (14.7%)	27,437 (15.4%)	28,574 (15.5%)
Regular examination	138,202 (86.1%)	141,217 (85.3%)	148,427 (85.2%)	150,763 (84.6%)	155,525 (84.4%)
Customer-deferred examination	153 (0.1%)	190 (0.1%)	149 (0.1%)	54 (0.1%)	112 (0.06%)
Total requests for examination	160,604 (100%)	165,612 (100%)	174,185 (100%)	178,254 (100%)	184,211 (100%)



trials are more quickly processed than accelerated trials. Super-accelerated trials can consist of trials to confirm the scope of a right, invalidation trials corresponding to infringement lawsuits, etc.

04 | Activities to Improve Trial Quality

IPTAB’s trial decisions are often referenced during infringement lawsuits, and they can directly impact corporations’ business strategies. Therefore, IPTAB makes every possible effort to improve the quality of its trials, with a special emphasis on fairness and accuracy.

Administrative judges are selected from among a pool of patent/trademark/design examiners, each of whom averages at least ten years of examination experience.

In order to enhance their expertise, various training programs are provided, including customized OJT, regular refresher courses, and legal courses. These judges also engage in regular self-study programs in which they can converse with participating court judges and professors from relevant fields.

Trial decision feedback from administrative judges also function as an integral part of IP trial quality control. IPTAB’s presiding administrative judge evaluates trial decisions made by the administrative judges, and, in every quarter, a trial quality evaluation committee reviews trial decision annulments in search of possible errors. The administrative judges are then informed of the committee’s findings so they can better align their activities with prior court decisions.

Statistics on two-track examination requests

Category	Trademarks			Designs		
	2013	2014	2015	2013	2014	2015
Total no. of applications (A)	147,667	150,226	172,512	66,940	64,345	67,326
Requests for expedited examination (B)	3,430	3,497	4,214	3,792	4,143	4,592
Requests for expedited examination as a percentage of the total (B/A)	2.3	2.3	2.4	5.7	6.4	6.8

Statistics on super-accelerated, accelerated, and regular trials in 2015

Requests made in 2015	Patents and utility models	Trademarks and designs	Sub total
Super-accelerated trials	141 (2.6%)	22 (0.5%)	163 (1.7%)
Accelerated trials	1,016 (18.7%)	394 (9.6%)	1,410 (14.8%)
Regular trials	4,278 (78.7%)	3,693 (89.9%)	7,971 (83.5%)
Total	5,435 (100%)	4,109 (100%)	9,544 (100%)

IP system

01 | Patents and utility models

Revisions to the Patent Act and the Utility Model Act

The Patent Act and the Utility Model Act were revised on January 28, 2015 (effective as of July 29, 2015), in which a grace period with additional measures preventing patent applications from being rejected due to accidental public disclosure was introduced. Also, the submission period for divisional patent applications was extended, enabling applicants to better respond to market changes.

A revision was also made to the policy for reimbursing examination request fees. If, for whatever reason, examination service is not provided (for example, in cases where an application is withdrawn prior to certain office actions), applicants will be fully reimbursed for any examination request fees they already paid. This change to the Patent Act went into effect on May 18, 2015.

need not submit the drawing in its entirety. For items featuring a flat reverse side with no particular design, a drawing of that side is no longer required. When filing a patent for a fashion accessory, mannequins or coat hangers used to better display the item is now considered part of the design itself.

Enlarging the reference list of goods and services

To assist in the registration of trademark applications, the reference list of names of goods and services was expanded from 15,000 in 2014 to 46,000 in 2015. Names jointly acknowledged by the TM5, as well as those acknowledged by WIPO and OHIM, are included in KIPO’s notification of goods list so that applicants can easily check goods being distributed in major countries.

Whenever goods classifications are falsely presented, or when the English names of goods contain errors and require corrections, trademark registration is delayed for the amount of time necessary for the corrections to be made. By providing the original source information pertaining to the names of goods and services acknowledged in major countries, which is reflected in KIPO’s notification of goods list, applicants have an easier time filling out the description of goods in overseas applications and obtaining international trademarks in a timely manner.

02 | Trademarks and Designs

Amendments to Trademark Examination Standards

Several changes were made in the trademark field. Consistency of trademark examinations was improved by ensuring examiners consult with each other extensively in cases where more than one examiner was responsible for separate applications submitted by a single applicant. We also worked to enhance examination fairness and accuracy by improving regulations for examining 3D trademarks. We also took further measures to improve customer convenience, such as by expanding eligibility for accelerated trials and extending the timeframe for designated period extension requests up to 4 months from the end of the originally designated period.

Changes were made in the design field, as well. For example, we determined that, as long as the entire submitted design could be easily inferred, applicants

03 | Trials

Revisions of the Trademark Act and the Design Protection Act

The fee for appealing a decision of rejection was required to be paid in full by the trial applicant, and was not refunded even in cases where, as a result of the appeal, the initial decision of rejection was revoked. Since this practice was not deemed satisfactory, the Trademark Act and the Design Protection Act were amended so that, if a decision of rejection is revoked through no fault of the trial applicant, the trial request fee will be

PCT IP System International Search Service

fully refunded to said applicant. Furthermore, starting in the first half of 2016, cases where: trial applications or decisions to participate in a trial are dropped by the applicant prior to a notification of the closure of the trial review; trial requests are rejected in situations where an appeal is deemed inadmissible; and the trial applicant is denied eligibility to take part in the trial will result in the applicant being refunded half of the already-paid trial request fee.

Amendments in Trial Procedure Regulations

The drug patent linkage system in pharmaceutical law was implemented in March 2015 to boost the generic drug industry via various patent challenges (i.e. the nullification of registered drug patents) while still providing fair compensation (i.e. a sales ban on generic drugs) to the patent holder. The introduction of the linkage system caused a significant increase in petitions for patent trials (a total of 1,957 petitions in 2015). Had these trial decisions been delayed, producers of generic drugs would have suffered heavy losses from having to wait to enter the market. Delayed trial decisions can lead to financial losses on the part of National Health Insurance, as well. To prevent this, IPTAB amended its trial procedure regulations in March 2015 to allow for accelerated trials in cases such as invalidation trials for drugs and trials to confirm the scope of a right.

In October 2015, additional changes were made to trial regulations, resulting in accelerated trials for second-round appeals. Second-round appeals occur when an applicant wishes to re-appeal after the examiner upholds

his/her decision of rejection at the end of the first appeal. By granting accelerated trial status to second-round appeals, average pendency for appeal trials was reduced by three months—a dramatic reduction in overall trial and examination pendency for appeals against decisions of rejection.

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.

KIPO was designated as a PCT international authority in September 1997 and has been conducting PCT international searches since December 1999, providing PCT international search services to foreign applicants since 2002. As of January 2015, 20 patent offices have been designated as international authorities. Since 2006, there has been a surge in international search requests made by US applicants, and, in 2014, these requests accounted for 97.2% of all international search requests we received.

Requests for PCT international searches

Category		2011	2012	2013	2014	2015
Koreans		9,950	10,736	11,971	12,442	13,579
Foreigners	U.S.A	15,167	15,778	16,968	17,162	14,480
	Others	549	566	592	556	409
	Subtotal	15,716	16,344	17,560	17,718	14,889
Total		25,666	27,080	29,531	30,160	28,408

IP Administrative Automation System

01 | KIPOnet

In 1999, KIPO launched its automation system (KIPOnet), which serves as an e-filing platform for trials, as well as the filing, receipt, examination, and registration of applications. 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.

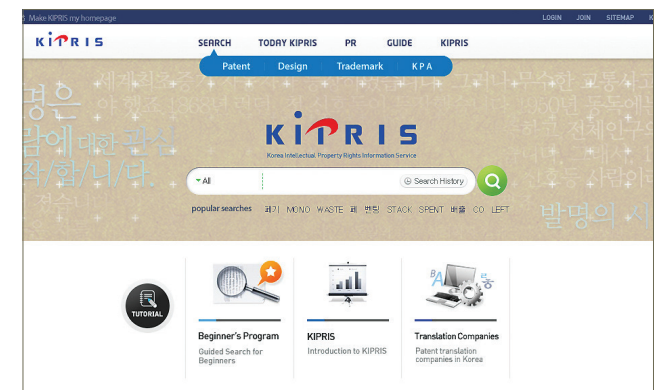
To prevent excessive workloads among examiners and improve overall examination quality, the Smart Examination System was established, with service beginning on December 11, 2015.

The Smart Examination System has two main functions: (1) Automatic Analysis of Applications and (2) Error Detection in Notifications. The Automatic Analysis function checks applications for formality-related errors, such as the listing of more than two inventions in one claim. The Error Detection function detects any errors made when examiners manually file out notifications. Such errors include applying the wrong law to the application, omitting a claim, etc.

02 | Korea IPRs Information Service (KIPRIS)

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

We are pursuing a diverse range of activities for



publicizing and promoting the utilization of IP information. For example, we provide beginner's guides and regular email updates for KIPRIS users. We also provide free machine translation services that convert text from Korean into English (and vice versa) and from Japanese and Chinese into Korean. Furthermore, we provide a mobile app (<http://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.

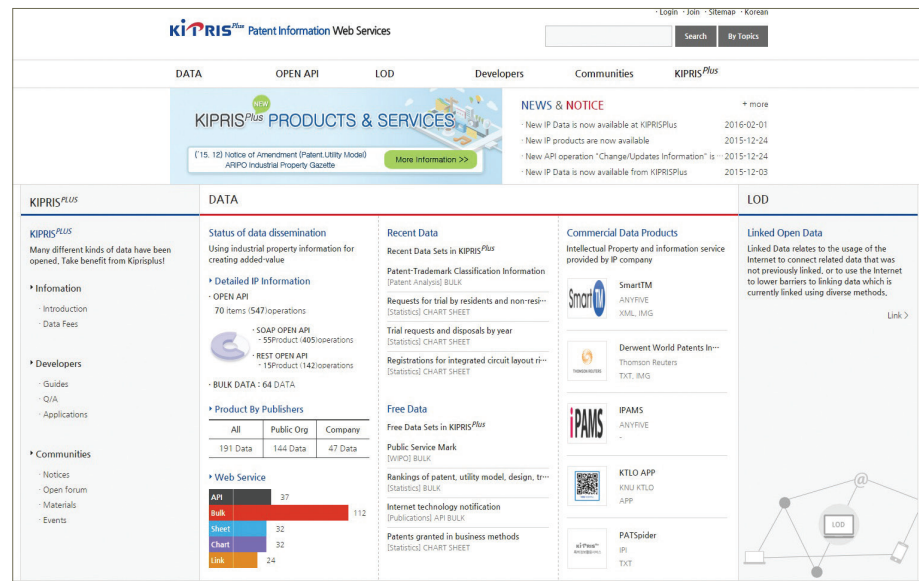
03 | Korea IPRs Information Service (KIPRIS^{Plus})

KIPRIS^{Plus} (<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 access 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^{Plus} has information—information such as patents, designs, and trademarks—on 64 kinds of goods, in addition to 47 kinds of information from the private sector. Fifty-two different organizations, including IP information service companies and public agencies, currently 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^{Plus} as an open platform for providing and distributing IP information.

04 Information security system

We continuously develop and implement various managerial 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 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 on 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 KIPO Monitoring Control Center has prevented, detected, and responded to cyber-attacks in real time. In 2011, we expanded our security control to include our subsidiary organizations and outsourcing firms. We also evaluate the information security of our subsidiary organizations and hold outsourcing firms responsible for any security violations.

As a result of our efforts, KIPO was recognized by the 2014 Status Review of Administrative Management Capacity as having the best practice in cyber safety and ranking number 1 among the 43 central administrative agencies in the 2015 Information Security Management Status Evaluation.

05 IP Point System

To prevent excessive application requests by any one individual, anytime a single applicant submits more than 20 applications, the examination fee waiver is limited to only 30% of the applications, as opposed to the previous fee waiver of 70-80%. For applicants who are eligible for a full examination fee waiver, but request more than 30 examinations, an examination request fee is issued in order to help prevent excessive workloads for the examiners.

In November 2015, the IP Point System was introduced as a way of offsetting examination fees. Points are awarded to patent holders who make their patent, utility model, and design rights available to the public free of charge, prompting active utilization of IPRs and presenting new business opportunities to small and medium-sized companies.

06 Application and registration systems

In 2015, the “Guidebook on Patent Application Forms” was distributed to help applicants correctly fill out their application forms. Public briefings were held for SMEs in order to explain key examination cases and changes to the overall system. KIPO also provided these SMEs with its “Guidebook on Examination Fee Waivers” which explains how to qualify for examination fee exemptions.

Furthermore, an ex officio system was introduced whereby, if an application contains clerical errors made by the applicant, the person in charge of the formality check can make ex officio corrections, thereby eliminating easily avoidable delays in the examination process.

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.

07 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 improvement. In May 2015, we held an idea contest, wherein a total of 136 ideas were suggested—47 of which were adopted as policies for streamlining 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 2015, a third team of 25 participants engaged in IP work with company employees, patent attorneys, law firm representatives, and college students. Over the course of the year, it generated a total of 146 ideas and adopted 103 suggestions for systemic and institutional improvement.

Development of IP information database before and after KIPRIS^{Plus}

