

LAW ON INVENTIONS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by Decision No.112 of the Standing Committee of the Supreme People's Assembly on May 13, 1998 and amended by Decree No. 507 of the Presidium of the Supreme People's Assembly on March 11, 1999

Chapter 1 Fundamentals

Article 1 (Mission)

The Law on Inventions of the DPRK shall aim to establish strict guidelines for the application for invention registration and evaluation and registration of invention and the protection of the invention right and patent right, thereby contributing to developing science, technology and the national economy.

Article 2 (Invention right, patent right)

An invention is a scientific and technological achievement that is more updated and progressive and is capable of bringing about higher technical and economic efficiency than the one previously known.

The state shall grant the invention right or patent right to the invention that has been examined and registered.

Article 3 (Accurate and strict procedure of application)

Application for the registration of an invention is a precondition for the evaluation and registration.

The state shall ensure that application procedures for the registration of an invention are accurately set and strictly followed.

Article 4 (Impartial and scientific evaluation and registration)

Accurate evaluation and registration of an invention is an important condition for the development of the science and technology.

The state shall ensure impartiality and scientific accuracy in the evaluation and registration of an invention.

Article 5 (Protection of invention right and patent right)

It is a consistent policy of the DPRK to protect the invention right and patent right.

The state shall guarantee that the rights of the holders of the invention right and patent right are protected and properly ensured.

Article 6 (Encouragement of invention)

The state shall actively encourage invention, dynamically promote technical innovation by the popular masses and steadily increase investment in the invention and introduction of new science and technology.

Article 7 (Exchange and cooperation)

The state shall develop exchange and cooperation with foreign countries and international organizations in the field of invention.

Chapter 2 Application for Registration of Invention

Article 8 (Basic requirements)

Proper application for the registration of invention is a basic guarantee for having the priority of new science and technology acknowledged and its scientific and technological value evaluated.

The institutions, enterprises, organizations or citizens that wish to obtain the invention right or patent right for their new scientific and technological achievement shall accurately and timely apply for the registration of the invention.

Article 9 (Application for registration of joint invention)

The scientific and technological achievements made jointly by a DPRK citizen and a foreign citizen shall be applied for registration in their own names or in the name of the institution, enterprise or organization that they belong to.

Article 10 (Registration institution)

Applications for the registration of invention shall be filed with the invention registration institution.

Applications by foreign legal or natural persons shall be submitted through a patent agency.

Article 11 (Preparation of application)

Applications for the registration of invention shall be prepared separately by contents or items. In case the contents are inseparable, the applications may be contained in one document.

The document shall include the application for registration, technical specifications, etc.

Article 12 (Procedure of application)

The institutions, enterprises, organizations or citizens that wish to apply for the registration of invention shall submit their applications to the invention registration institution. In this case, the applicant shall present sample product, model, trial product and sample as required by the institution.

The invention registration institution shall notify the applicant of the receipt of the document within 20 days.

Article 13 (Fees)

The institutions, enterprises, organizations or citizens that wish to obtain patents for their new scientific and technological achievement shall pay fees.

The fees shall be fixed by the central price fixing institution.

Chapter 3 Evaluation and Registration of Invention

Article 14 (Contents of evaluation)

Evaluation and registration of an invention is important for the examination of the value of an invention.

Upon receiving an application the invention registration institution shall examine the novelty, level, industrial applicability and technical and economic effectiveness.

If necessary, the invention registration institution may entrust the relevant specialized organs with the scientific and technological evaluation and experimental analysis of an invention.

Article 15 (Determination of priority of invention)

The priority of invention shall depend on the date on which the invention registration institution has received the application.

In case priority is demanded under an international convention, priority shall be granted.

Article 16 (On-site inquiry)

The invention registration institution may make an on-site inquiry into an application for registration of invention.

The institutions, enterprises, organizations or citizens shall provide conditions for the on-site inquiry.

Article 17 (State invention examination committee)

The state shall organize a non-standing State Invention Evaluation Committee under

the state guidance institution of science and technology administration.

If necessary, an invention evaluation committee may be organized in other fields on a non-standing basis.

Article 18 (Notification of registration or rejection)

The invention registration institution shall notify the applicant in writing of either the registration or rejection of an invention.

The notification of rejection shall specify the reasons.

Article 19 (Registration of invention)

Following the decision on registration the invention in question shall be registered with the invention registration institution.

The invention registration institution shall register the invention and issue a certificate to the holder of the invention right or patent right.

The holder of the invention right shall be awarded an inventor's medal and prize.

Article 20 (Announcement of registered invention)

The invention registration institution shall make public the registered inventions. If necessary, a registered invention may not be made public.

Article 21 (Lodging complaints)

The institutions, enterprises, organizations or citizens that disagree with the result of the evaluation of an invention may lodge a complaint with the invention registration institution.

The invention registration institution shall examine and settle the complaint in time.

Article 22 (Application for patent to foreign country)

Institutions, enterprises, organizations or citizens may file with a foreign country an application for a patent for their new scientific and technological achievement. In this case, the application shall be subject to the approval of the invention registration institution and be entrusted with a patent agency.

Chapter 4 Protection of Invention Right and Patent Right

Article 23 (Protection of right to use science and technology)

Protection of the invention right or patent right is essential for the promotion of the scientific and technological development and the guarantee of the right.

The invention registration institution and the relevant institutions, enterprises and

organizations shall ensure that the right to use the science and technology evaluated and registered as an invention is properly guaranteed.

Article 24 (User of science and technology with invention right or patent right)

The science and technology to which invention right has been granted shall be used by the institutions, enterprises and organizations. However, the science and technology to which patent right has been granted shall be used by the patent owner.

Article 25 (Term of patent protection)

The term of a patent protection shall be 15 years from the date of issuance of the priority. The term of a patent protection may be extended by 5 years upon request by the patent owner.

Article 26 (Fees)

A patent owner shall pay fees necessary for the protection of the patent. The fees shall be fixed by the central price fixing institution.

Article 27 (Invalidity)

A patent shall be invalidated if:

1. the patent owner has withdrawn his right;
2. the patent protection fees have not been paid within the prescribed time limit; or
3. the State Invention Examination Committee or a court has decided to invalidate the patent.

Article 28 (Use of patented science and technology)

If institutions, enterprises, organizations or citizens wish to use for the production of goods the science and technology under protection as a patent, they shall obtain the permission of the patent owner.

The patented science and technology may not be transferred to a third party without the consent of the owner.

Article 29 (Transfer of patent)

A patent may be transferred or its science and technology may be used under permission.

In this case the patent owner shall make a contract and register it with the invention registration institution.

Article 30 (Use of joint patent)

A joint owner of a patent may use the science and technology without the consent of the other owner of the patent. However, in case he wishes to transfer the patent to a third party or permit others to use the science and technology, he shall obtain the consent of the other owner.

Article 31 (Transfer of patent to state)

Where the patented science and technology is needed for the public interest, the state may take over the patent or the right to use the science and technology. In this case, the state shall reimburse the patent owner.

Article 32 (possibility of change)

A patent right may be changed into an invention right if the owner so wishes. An invention right, however, may not be changed into a patent right.

Article 33 (Use of patented science and technology without permission)

A patented science and technology may be used without the consent of the patent owner if:

1. it is used for the repair or maintenance of a foreign transport means that stays temporarily in the DPRK;
2. it is used for scientific research and experiment; or
3. it is used for the preparation of medicaments necessary for medical treatment according to a doctor's prescription.

Article 34 (Procedure of transferring patented science and technology to foreign country)

The right to use patented science and technology and its data or products shall be transferred to a foreign country subject to the consent of the central guidance institution of science and technology administration and the approval of the Cabinet.

Chapter 5 Guidance and Control of Invention Administration

Article 35 (Basic requirements)

To consolidate invention administration is the fundamental guarantee for the correct implementation of the state policy.

The state shall consolidate the guidance and control of invention administration.

Article 36 (Guidance)

Invention administration shall be placed under the uniform guidance of the central guidance institution of science and technology administration under the direction of the Cabinet.

The central guidance institution of science and technology administration shall set accurate targets of invention and provide regular guidance on their attainment and introduction.

Article 37 (Massive technical innovation)

Institutions, enterprises and organizations shall, for the mobilization of masses to technical innovation, hold seminars on science and technology, exhibitions of technical innovative achievements, meetings for exchanging experiences and prize contests on a planned basis.

Article 38 (Provision of conditions)

The institutions of state planning, labour administration, material supply, finance and banking shall provide in time the manpower, materials and funds needed for invention.

Article 39 (Preferential social treatment)

The state shall afford preferential social treatment and appraisal to the inventor that has contributed to the development of the national economy, and the person that has introduced the science and technology registered as an invention.

Article 40 (Supervision and control)

The work of invention shall be placed under the control of the central guidance institution of science and technology administration and the relevant supervisory and control institutions.

The central guidance institution of science and technology administration and the relevant supervisory and control institutions shall set strict procedure of application for an invention registration and evaluation and registration of an invention, and strengthen supervision and control for the protection of the invention right and patent right.

Article 41 (Compensation)

In case the right of an owner of the invention right or patent right is infringed upon, the person responsible shall compensate.

Article 42 (Administrative or penal responsibility)

The officials of the institutions, enterprises and organizations and the citizens that have violated this law resulting in serious consequences shall, depending on the gravity, be subject to administrative or penal responsibilities.

Article 43 (Settlement of dispute)

Any dispute over invention shall be settled through consultation.

In case of failure in consultation, it may be submitted to an arbitration organ or a court for settlement.