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## PATENT ATTORNEY ACT

[Enforcement Date 22. Sep, 2017.] [Act No.14688, 21. Mar, 2017., Partial  
Amendment]

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## PATENT ATTORNEY ACT

[Enforcement Date 22. Sep, 2017.] [Act No.14688, 21. Mar, 2017., Partial Amendment]

( ) 042 - 481 - 5187

### Article 1 (Purpose)

The purpose of this Act is to contribute to the protection of rights and interests of inventors and the development of industrial property right systems and industries by establishing a patent attorney system.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

Article 1 - 2 Deleted. <by Act No. 5826, Feb, 8, 1999>

### Article 2 (Work)

A patent attorney shall act, as an agent, in matters to be submitted to the Korean Intellectual Property Office or courts concerning a patent, utility model, design, or trademark, appraise such matters and perform other related work.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

### Article 3 (Qualification)

The following persons who have completed on - the - job training prescribed by Presidential Decree are qualified as a patent attorney: <Amended by Act No. 13843, Jan. 27, 2016>

1. A person who passes a patent attorney examination;
2. A person qualified as an attorney - at - law under the Attorney - at - Law Act.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

### Article 4 (Grounds for Disqualification)

The following persons shall be disqualified as a patent attorney: <Amended by Act No. 11962, Jul. 30, 2013; Act No. 13843, Jan. 27, 2016>

1. A person in whose case three years have not elapsed since his/her imprisonment without prison labor or heavier sentenced by a court was completely executed (including where the execution thereof is deemed completely executed) or exempted;
2. A person subject to suspended execution of his/her imprisonment without prison labor or heavier sentenced by a court;

3. A minor, a quasi - incompetent under limited guardianship, or an incompetent under adult guardianship;
4. A person declared bankrupt, and yet to be reinstated;
5. Any of the following persons:
  - (a) A person who has been removed or dismissed by an impeachment or disciplinary action;
  - (b) A person for whom two years have not passed since his/her disposition of demotion or suspension from office was given;
  - (c) A person for whom two years have not passed since his/her registration was revoked by disciplinary action under this Act;
  - (d) A person in whose case two years have not passed since he/she was disbarred from the Bar Association under the Attorney - at - Law Act.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

- Article 4 - 2 (Patent Attorney Examinations)** (1) A patent attorney examination shall be administered by the Commissioner of the Korean Intellectual Property Office.
- (2) A patent attorney examination shall consist of preliminary and secondary examinations.
- (3) If a person (excluding minors among those specified in subparagraph 3 of Article 4) becomes disqualified as provided for in Article 4 as at the applicants passing a patent attorney examination are announced, the person shall be ineligible to take the patent attorney examination. <Newly Inserted by Act No. 11962, Jul. 30, 2013>
- (4) A person who intends to apply for a patent attorney examination shall pay fees specified by Presidential Decree, which shall not exceed actual expenses. Matters necessary for the payment and refund of fees in such cases shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 11962, Jul. 30, 2013>
- (5) Subjects of a patent attorney examination and other matters concerning examinations shall be prescribed by Presidential Decree. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

- Article 4 - 3 (Partial Exemption from Examination)** (1) A person who has served as a public official, ranking at least Grade VII with the assignment of patent administrative work for at least ten years in the Korean Intellectual Property Office shall be

exempted from a preliminary examination.

(2) A person who has served as a public official, ranking at least Grade V, or a public official in general service in the Senior Civil Service with the assignment of patent administrative work for at least five years in the Korean Intellectual Property Office shall be exempted from all subjects of a preliminary examination, and from some subjects of a secondary examination, and some subjects thus to be exempted shall be prescribed by Presidential Decree.

(3) A successful applicant in a preliminary examination may be exempted from the next preliminary examination on only one occasion.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 4 - 4 Deleted.** <by Act No. 11962, Jul. 30, 2013>

**Article 4 - 5 (Sanction for Cheating in Examination)**

The Commissioner of the Korean Intellectual Property Office shall take a disposition to suspend or nullify the results of an examination which any of the following persons has taken, and place restrictions on his/her eligibility to take another examination for three years from the date such disposition has been taken:

1. A person who engages in cheating behavior during an examination;
2. A person who falsifies any document evidencing his/her eligibility for examination.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 5 (Registration)** (1) When a qualified patent attorney intends to commence as a patent attorney, he/she shall file for registration with the Commissioner of the Korean Intellectual Property Office.

(2) Deleted. <by Act No. 13843, Jan. 27, 2016>

(3) Matters necessary for filing for registration as a patent attorney and other matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 5 - 2 (Refusal of Registration)** (1) If a person who has filed for registration as a patent attorney pursuant to Article 5 (1) falls under any subparagraph of Article 4, the Commissioner of the Korean Intellectual Property Office shall refuse his/her registration: <Amended by Act No. 13843, Jan. 27, 2016>

1. and 2. Deleted. <by Act No. 13843, Jan. 27, 2016>

(2) The Commissioner of the Korean Intellectual Property Office may refuse to accept the registration of a person as a patent attorney, if the person has been criminally prosecuted or punished by disciplinary measure while in service as a public official or has been severed from employment on the ground of an offense perpetrated in connection with his/her duties as a public official and is found evidently incompetent to provide services as a patent attorney. <Amended by Act No. 11962, Jul. 30, 2013>

(3) When the Commissioner of the Korean Intellectual Property Office refuses registration in accordance with paragraph (1) or (2), he/she shall promptly notify the applicant thereof by specifying the grounds therefor.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

#### **Article 5 - 3 (Revocation of Registration)**

If any of the following applies to a patent attorney, the Commissioner of the Korean Intellectual Property Office shall revoke his/her registration:

1. Where he/she falls under any subparagraph of Article 4;
2. Where he/she submits a request for revocation of his/her registration;
3. Where he/she files a report on business closure under Article 6 - 2 (2);
4. Where he/she dies.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

#### **Article 6 (Registration Fees)**

A person who files for registration as a patent attorney shall pay a registration fee prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 2 (Establishment of Offices)** (1) A patent attorney who intends to establish an office to provide patent services can establish only one office.

(2) A patent attorney who opens, suspends, or closes his/her business or establishes, relocates, or closes his/her office shall promptly report thereon to the Commissioner of Korean Intellectual Property Office.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

- Article 6 - 3 (Incorporation of Patent Firms)** (1) Patent attorneys may incorporate a patent firm comprised of at least three patent attorneys, to provide services in a systematic and professional manner, as prescribed by Presidential Decree. <Amended by Act No. 11962, Jul. 30, 2013; Act No. 13843, Jan. 27, 2016>
- (2) Patent attorneys who intend to incorporate a patent firm and serve as partners of the patent firm shall prepare the articles of incorporation and obtain authorization therefor from the Commissioner of the Korean Intellectual Property Office, as prescribed by Presidential Decree. The same procedure shall also apply to any amendment to the articles of incorporation.<Amended by Act No. 11962, Jul. 30, 2013>
- (3) The Commissioner of the Korean Intellectual Property Office shall notify the applicant for authorization to incorporate or to amend the articles of incorporation of whether such authorization is granted within 10 days from the date on which application under paragraph (2) is filed. <Newly Inserted by Act No. 14688, Mar. 21, 2017>
- (4) Where the commissioner of the Korean Intellectual Property Office fails to notify the applicant, within the period prescribed by paragraph (3), of whether authorization is granted or of the fact that treatment period under statutes related to civil petition treatment is extended, the authorization shall be deemed granted on the day after such period ends. <Newly Inserted by Act No. 14688, Mar. 21, 2017>
- (5) The articles of incorporation shall include the following:<Amended by Act No. 11962, Jul. 30, 2013>
1. Objectives and the name of the patent firm, and the location of its principal place of business and branch offices;
  2. Names, resident registration numbers, and domiciles of partners;
  3. Matters relating to meetings of partners;
  4. Matters relating to the representative of the patent firm;
  5. Matters relating to assets and accounting;
  6. Term of existence or grounds for dissolution, if such term or grounds are prescribed.
- (6) A patent firm shall be registered, as prescribed by Presidential Decree.<Amended by Act No. 11962, Jul. 30, 2013>

(7) A patent firm shall be duly formed when its incorporation is registered at the seat of its principal place of business. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 4 (Partners, etc. of Patent Firms)** (1) In any of the following cases, a partner of a patent firm shall be automatically removed from the patent firm: <Amended by Act No. 11962, Jul. 30, 2013>

1. When he/she falls under any subparagraph of Article 4;
2. When he/she is punished by a disposition to suspend his/her performance of work or to suspend his/her qualification as a patent attorney under Article 17 of this Act or Article 90 of the Attorney - at - Law Act;
3. When a relevant event specified by the articles of incorporation occurs.

(2) A patent firm may employ patent attorneys (hereinafter referred to as "associate patent attorneys"), other than partners, and shall, without delay, file a report to the Commissioner of the Korean Intellectual Property Office whenever it employs or replaces an associate patent attorney. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 5 (Offices, etc. of Patent Firms)** (1) A patent firm may have branch offices, and at least one partner shall work full time in each branch office. <Amended by Act No. 11962, Jul. 30, 2013>

(2) No partner nor an associate patent attorney of a patent firm shall have any other office in addition to the office of the patent firm to which he/she belongs, nor work for any other patent firm or limited liability patent firm as a partner or an associate patent attorney. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 6 (Business Practices of Patent Firms)** (1) A patent firm shall conduct its business affairs in the name of the patent firm and shall designate a patent attorney to take charge of each case: Provided, That when a patent firm designates an associate patent attorney to take charge of a case, it shall also designate a partner to take charge of the case jointly with the associate patent attorney. <Amended by Act No. 11962, Jul. 30, 2013>

(2) A partner and an associate patent attorney designated under paragraph (1) shall represent his/her patent firm, respectively, regarding the specific case. <Amended by Act No. 11962, Jul. 30, 2013 >

(3) A patent firm shall note the name of the patent firm in documents prepared regarding each case, and the partner and associate patent attorney in charge of the case shall note their names and affix their signatures thereon. <Amended by Act No. 11962, Jul. 30, 2013 >

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 7 (Restrictions on Business Activities of Partners, etc. of Patent Firms)** (1) No partner nor associate patent attorney of a patent firm may engage in any business activity that constitutes the business activities of the patent firm, for his/her or any third party's interest. <Amended by Act No. 11962, Jul. 30, 2013 >

(2) No former partner nor associate patent attorney of a patent firm shall provide services for a case the patent firm has accepted, or agreed to accept while such partner or associate patent attorney worked for the patent firm: Provided, the foregoing shall not apply where the patent firm consents thereto. <Amended by Act No. 11962, Jul. 30, 2013 >

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 8 (Revocation of Authorization for Incorporation of Patent Firms)** (1) In any of the following cases, the Commissioner of the Korean Intellectual Property Office may revoke authorization for incorporation of a patent firm: Provided, That he/she must revoke authorization in cases referred to in subparagraph 1 or 2: <Amended by Act No. 11962, Jul. 30, 2013 >

1. If a patent firm obtains authorization under Article 6 - 3 by fraudulent or other illegal means;
2. If a patent firm fails to fill the prescribed number of partner positions under Article 6 - 3 (1) within three months from the date the number of its partners falls short of the prescribed number;
3. If a patent firm violates any provision of Articles 6 - 4 (2), 6 - 5, 6 - 6, or 11 or any provision of Articles 6 - 2 (2), 7, 7 - 2, and 8 - 2 through 8 - 4, which shall apply mutatis mutandis pursuant to Article 6 - 11.



(2) If the Commissioner of the Korean Intellectual Property Office intends to revoke authorization for incorporation of a patent firm under paragraph (1), he/she shall hold a hearing thereon. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 9 (Dissolution of Patent Firms)** (1) In any of the following cases, a patent firm shall be dissolved: <Amended by Act No. 11962, Jul. 30, 2013>

1. Where an event specified in the articles of incorporation as a ground for dissolution occurs;
2. Where all partners of the patent firm consent to dissolution;
3. Merger;
4. Bankruptcy;
5. Revocation of authorization for incorporation.

(2) When a patent firm is dissolved, the liquidator shall promptly report thereon to the Commissioner of the Korean Intellectual Property Office. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 10 (Conversion of Patent Firms into Limited Liability Patent Firms)** (1) A

patent firm that meets the requirements for incorporation of a limited liability patent firm may convert into a limited liability patent firm with its partners' unanimous consent, upon obtaining authorization from the Commissioner of the Korean Intellectual Property Office.

(2) When a patent firm obtains authorization for incorporation of a limited liability patent firm under paragraph (1), it shall file for registration of dissolution of the patent firm and the registration for incorporation of the limited liability patent firm at the seat of its principal place of business within two weeks.

(3) If the net assets currently held by a patent firm as at the time of conversion under paragraph (1) are below the equity capital of the newly incorporated limited liability patent firm, the difference shall be paid in jointly by the partners who consent to such conversion under paragraph (1).

(4) Partners of the former patent firm, among partners of a limited liability patent firm incorporated under paragraph (1), shall be liable for debts of the patent firm incurred before the registrations under paragraph (2) are completed, for two years

after the registrations as partners of the patent firm.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 11 (Provisions Applicable Mutatis Mutandis to Patent Firms)** (1) Articles 6 - 2 (2), 7, 7 - 2, 8, 8 - 2 through 8 - 4, and 17 (excluding Article 17 (2) 4) shall apply mutatis mutandis to patent firms. <Amended by Act No. 11962, Jul. 30, 2013>

(2) The provisions concerning unlimited partnership companies in the Commercial Act shall apply mutatis mutandis to patent firms, except as otherwise expressly provided for in this Act.<Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 6 - 12 (Incorporation of Limited Liability Patent Firms)** (1) Patent attorneys may incorporate a limited liability patent firm comprised of at least five patent attorneys, to provide services in a systematic and professional manner, as prescribed by Presidential Decree.

(2) Patent attorneys who intend to incorporate a limited liability patent firm and serve as partners of the limited liability patent firm shall obtain authorization therefor from the Commissioner of the Korean Intellectual Property Office, as prescribed by Presidential Decree. The same procedure shall also apply to any amendment to the articles of incorporation.

(3) The Commissioner of the Korean Intellectual Property Office shall notify the applicant for authorization to incorporate or to amend the articles of incorporation of whether the authorization is granted within 10 days from the date on which application under paragraph (2) is filed. <Newly Inserted by Act No. 14688, Mar. 21, 2017>

(4) Where the commissioner of the Korean Intellectual Property Office fails to notify the applicant, within the period prescribed by paragraph (3), of whether authorization is granted or of the fact that treatment period under statutes related to civil petition treatment is extended, such authorization shall be deemed granted on the day after such period ends.<Newly Inserted by Act No. 14688, Mar. 21, 2017>

(5) The articles of incorporation shall include the following:

1. Objectives and the name of the limited liability patent firm, and the location of its principal place of business and branch offices;

2. Names, resident registration numbers, and domiciles of partners and directors;
3. Each partner's shares in equity capital and total shareholders' equity;
4. Matters relating to meetings of partners;
5. Matters relating to the representative of the limited liability patent firm;
6. Matters relating to assets and accounting;
7. Term of existence or grounds for dissolution, if such term or grounds are prescribed.

(6) A limited liability patent firm shall be registered, as prescribed by Presidential Decree.

(7) A limited liability patent firm shall be duly formed when its incorporation is registered at the seat of its principal place of business.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 13 (Partners, etc. of Limited Liability Patent Firms)** (1) In any of the following cases, a partner of a limited liability patent firm shall be automatically removed from the patent firm:

1. When he/she falls under any subparagraph of Article 4;
2. When he/she is punished by a disposition to suspend his/her performance of work or to suspend his/her qualification as a patent attorney under Article 17 of this Act or Article 90 of the Attorney - at - Law Act;
3. When a relevant event specified by the articles of incorporation occurs.

(2) A limited liability patent firm may employ patent attorneys (hereinafter referred to as "associate patent attorneys"), other than partners, and shall, without delay, file a report to the Commissioner of the Korean Intellectual Property Office whenever it employs or replaces an associate patent attorney.

(3) A limited liability patent firm shall have at least three directors. None of the following shall serve as director:

1. A person who is not a partner;
2. A former director of a limited liability patent firm, the authorization for incorporation of which was revoked (limited to directors as at the time a ground for revocation occurred), if three years have not passed since such revocation.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 14 (Offices, etc. of Limited Liability Patent Firms)** (1) A limited liability patent firm may have branch offices, and at least one director shall work full time in each branch office.

(2) No partner nor associate patent attorney of a limited liability patent firm shall have any other office in addition to the office of the limited liability patent firm to which he/she belongs, nor work for any other patent firm or limited liability patent firm as a partner or an associate patent attorney.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 15 (Business Practices of Patent Firms Limited Liability)** (1) A limited liability patent firm shall conduct its business affairs in the name of the limited liability patent firm and shall designate a patent attorney to take charge of each case: Provided, That when it designates a non - director partner or an associate patent attorney to take charge of a case, it shall also designate a director to take charge of the case jointly with the non - director partner or associate patent attorney.

(2) A director, non - director partner, and an associate patent attorney designated under paragraph (1) shall represent his/her limited liability patent firm, respectively, regarding the specific case.

(3) A limited liability patent firm shall note the name of the limited liability patent firm in documents prepared by it regarding each case, and the partner and associate patent attorney in charge of the case shall note their names and affix their signatures thereon.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 16 (Equity Capital, etc. of Limited Liability Patent Firms)** (1) The equity capital of a limited liability patent firm shall be at least 300 million won.

(2) The par value of each share in equity capital shall be 10,000 won.

(3) The number of shares held by each partner shall be at least 1,000 shares.

(4) If the amount calculated by subtracting total liabilities from total assets on the financial statement of a limited liability patent firm at the end of the immediately preceding business year is below 300 million won, the limited liability patent firm shall increase its equity capital or replenish the shortfall with contributions from partners within six months after the end of each business year.

(5) Contributions received under paragraph (4) shall be treated as non - operating income;

(6) If a limited liability patent firm fails to increase its equity capital or replenish a shortfall under paragraph (4), the Commissioner of the Korean Intellectual Property Office may order it to do so within a period specified by him/her.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 17 (Restrictions, etc. on Investment of Limited Liability Patent Firm in other**

**Corporations)** (1) No limited liability patent firm shall invest in any other corporation, or provide a debt guarantee for any other person, in excess of the amount calculated by multiplying its equity capital by the rate specified by Presidential Decree, which shall not exceed 50/100.

(2) "Equity capital" in paragraph (1) means an amount calculated by subtracting total liabilities (excluding the professional liability reserve under Article 6 - 18) from total assets on the financial statement at the end of the immediately preceding business year. "Equity capital" means the paid - in capital as at the time of incorporation, if a limited liability patent firm is newly incorporated and does not have the financial statement at the end of the immediately preceding business year.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 18 (Professional Indemnity Reserve of Limited Liability Patent Firms) (1)**

Every limited liability patent firm shall accumulate a professional indemnity reserve each business year or subscribe to an indemnity insurance policy, as prescribed by Presidential Decree, to be covered for its liability for any injury or loss inflicted upon a client in the course of providing patent services.

(2) No professional indemnity reserve nor contract on an indemnity insurance policy under paragraph (1) shall be used for any purpose, other than for the payment of damages, nor be cancelled or terminated without approval from the Commissioner of the Korean Intellectual Property Office.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 19 (Revocation of Authorization for Incorporation of Limited Liability Patent**

**Firms)** (1) In any of the following cases, the Commissioner of the Korean Intellectual Property Office may revoke authorization for incorporation of a limited liability patent

firm: Provided, That he/she must revoke authorization in cases referred to in subparagraphs 1 through 4:

1. If a limited liability patent firm obtains authorization under Article 6 - 12 by fraudulent or other illegal means;
2. If a limited liability patent firm fails to fill the prescribed number of partner or director positions under Article 6 - 12 (1) or 6 - 13 (3) within three months from the date the number of its partners or directors falls short of the prescribed number;
3. If any director falls under any subparagraph of Article 6 - 13 (3): Provided, That this shall not apply where such director is replaced within three months from the date the relevant event occurs;
4. If a limited liability patent firm fails to satisfy any of the requirements under Article 6 - 16 (1) within three months from the date it ceases to meet the requirements;
5. If a patent firm violates any provision of Articles 6 - 13 (2), 6 - 14, 6 - 15, 6 - 16 (6), 6 - 17 (1), 6 - 18, or 11 or any provision of Articles 6 - 2 (2), 7, 7 - 2, or 8 - 2 through 8 - 4, which shall apply mutatis mutandis pursuant to Article 6 - 22.

(2) If the Commissioner of the Korean Intellectual Property Office intends to revoke authorization for incorporation of a limited liability patent firm under paragraph (1), he/she shall hold a hearing thereon.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 20 (Dissolution of Limited Liability Patent Firms)** (1) In any of the following cases, a limited liability patent firm shall be dissolved:

1. Where a relevant event specified in the articles of incorporation as a ground for dissolution occurs;
2. Where a majority of partners and at least 3/4 of voting shares of all partners consent to dissolution;
3. Merger;
4. Bankruptcy;
5. Revocation of authorization for incorporation.

(2) When a limited liability patent firm is dissolved, the liquidator shall promptly report thereon to the Commissioner of the Korean Intellectual Property Office.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 21 (Accounting of Limited Liability Patent Firms)** (1) Except as otherwise expressly provided for in this Act, a limited liability patent firm shall manage its accounts in accordance with the accounting standards under Article 13 of the Act on External Audit of Stock Companies.

(2) A limited liability patent firm shall prepare financial statements in accordance with the accounting standards referred to in paragraph (1) and submit them to the Commissioner of the Korean Intellectual Property Office within three months after the close of each business year.

(3) If the Commissioner of the Korean Intellectual Property Office deems it necessary, he/she may verify whether financial statements submitted under paragraph (2) is accurate.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 6 - 22 (Provisions Applicable Mutatis Mutandis to Limited Liability Patent Firms)**

(1) Articles 6 - 2 (2), 6 - 7, 7, 7 - 2, 8, 8 - 2 through 8 - 4, and 17 (excluding Article 17 (2) 4) shall apply mutatis mutandis to limited liability patent firms.

(2) The provisions concerning limited liability companies in the Commercial Act shall apply mutatis mutandis to limited liability patent firms, except as otherwise expressly provided for in this Act.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 7 (Cases not to be Accepted)**

No patent attorney shall accept any case which he/she has previously accepted as an agent of the other party of the case.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 7 - 2 (Prohibition on Affiliation with Non - Patent Attorney)**

No patent attorney shall accept any request or brokerage concerning patents, utility models, designs or trademarks from those who have violated Article 5, 21 or 22, nor allow them to use his/her name.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 8 (Qualification to become Litigation Representative)**

A patent attorney may become a litigation representative in connection with matters pertaining to patents, utility models, designs or trademarks.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 8 - 2 (Obligations to Maintain Dignity, Conscientiousness and Fairness)**

A patent attorney shall not lose his/her dignity, and shall render his/her patent services conscientiously and fairly in accordance with Acts and subordinate statutes.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 8 - 3 (Prohibition against Lending Name, etc.)** (1) No patent attorney shall

permit any third party to provide patent services under his/her name or trade name, and lend his/her qualification certificate or registration certificate to any third party.

(2) No patent attorney shall receive any interest from his/her counterpart, ask his/her counterpart for such interest, nor promise any interest in respect of a case that he/she has accepted.

(3) No patent attorney shall acquire any right in a dispute.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 8 - 4 (Clerks)**

A patent attorney may have clerks and shall be responsible to guide and supervise them.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 9 (Establishment, etc. of Korea Patent Attorneys Association)** (1) The Korea

Patent Attorneys Association (hereinafter referred to as the "Patent Attorneys Association") shall be established to promote the development of the industrial property rights system, enhance the dignity of patent attorneys, and improve business practices.

(2) The Patent Attorneys Association shall be a corporation.

(3) The provisions concerning incorporated associations in the Civil Act shall apply mutatis mutandis to the Patent Attorneys Association, except as otherwise expressly provided for in this Act.

(4) The Patent Attorneys Association may have chapters or branches upon obtaining approval from the Commissioner of the Korean Intellectual Property Office.



(5) The organization of the Patent Attorneys Association, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 10 (Rules of Patent Attorneys Association)** (1) The Patent Attorneys Association shall prescribe its rules and obtain authorization thereof from the Commissioner of the Intellectual Property Association. The same shall apply to any amendment to such rules.

(2) Rules referred to in paragraph (1) shall include the following:

1. Matters regarding executives and members;
2. Matters regarding meetings;
3. Matters regarding amendments to rules;
4. Other matters necessary for handling the affairs of the Patent Attorneys Association.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 11 (Obligatory Membership in Patent Attorneys Association)**

Each patent attorney registered under Article 5 (1) and each patent firm or limited liability patent firm incorporated under Article 6 - 3 (1) or 6 - 12 (1) shall join the Patent Attorneys Association. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 12 (Code of Ethics)** (1) The Patent Attorneys Association shall establish a code of professional ethics its members shall comply with such code in providing patent services. <Amended by Act No. 11962, Jul. 30, 2013>

(2) Members shall comply with the code of professional ethics prescribed under paragraph (1).

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 13 (Supervision over Patent Attorneys Association)** (1) The Commissioner of the Korean Intellectual Property Office shall supervise the Patent Attorneys Association.

(2) When deemed necessary, the Commissioner of the Korean Intellectual Property Office may require the Patent Attorneys Association to submit a report, or order a subordinate public official to inspect the records of business operations of the Patent Attorneys Association and other necessary documents.

(3) When the Commissioner of the Korean Intellectual Property Office intends to conduct an inspection under paragraph (2), he/she shall notify the relevant person of the inspection plan which includes the date and time, reason, contents, etc. of the inspection by not later than seven days before such inspection: Provided, That the same shall not apply in an emergency or where the giving of prior notice might compromise the objectives of such inspection due to preemptive destruction of evidence, etc.

(4) A public official who conducts an inspection under paragraph (2) shall carry a certificate indicating his/her authority, present it to relevant persons, and deliver a document stating a visitor's name, time for visit, objective of visit, etc. to relevant persons.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 14 (Disclosure of Information)** (1) The Patent Attorneys Association shall disclose necessary information, such as the field of practice, qualification information, etc. of patent attorneys registered under Article 5 (1), in order to ensure the convenience of clients in selecting a patent attorney.

(2) Patent attorneys registered under Article 5 (1) shall provide information required to be disclosed under paragraph (1) to the Patent Attorneys Association. In such case, no patent attorney shall falsify any such information.

(3) When it is necessary to disclose information pursuant to paragraph (1), the Commissioner of the Korean Intellectual Property Office may provide information concerning registered patent attorneys to the Patent Attorneys Association.

(4) The scope and methods of disclosure of information under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10706, May 24, 2011]

**Article 15 (Training for Patent Attorneys)** (1) Patent attorneys registered under Article 5 (1) shall complete training provided by the Patent Attorneys Association to enhance expertise and awareness of ethics, for at least the number of hours determined by Presidential Decree: Provided, That this shall not apply in any case prescribed by Presidential Decree, if a patent attorney cannot undergo training due to a disease, suspension of business, etc.

(2) The Patent Attorneys Association shall establish training rules concerning the methods and procedures for training and other necessary matters, and obtain approval therefor from the Commissioner of the Korean Intellectual Property Office.

(3) In order to efficiently provide training, the Patent Attorneys Association may commission training to a specialized training institution or organization.

(4) When necessary for training under paragraph (1), the Commissioner of the Korean Intellectual Property Office may provide information concerning registration of patent attorneys to the Patent Attorneys Association.

[This Article Newly Inserted by Act No. 10706, May 24, 2011]

**Article 16 (Patent Attorney Qualification and Disciplinary Committee)** (1) A Patent Attorney Qualification and Disciplinary Committee (hereinafter referred to as the "Committee") shall be established under the Korean Intellectual Property Office to deliberate or pass a resolution on the following:

1. Matters concerning patent attorney examinations, including subjects of patent attorney examinations;
2. Determination of the number of patent attorneys to be selected through patent attorney examinations;
3. Prerequisites for partial exemption from patent attorney examinations;
4. Matters concerning disciplinary measures against patent attorneys;
5. Other important matters related to qualifications for patent attorneys and disciplinary measures against patent attorneys.

(2) The Committee shall be comprised of nine members, including one chairperson.

(3) The Deputy Commissioner of the Korean Intellectual Property Office shall serve as the chairperson of the Committee, and its members shall be appointed or commissioned by the Commissioner of the Korean Intellectual Property Office from among the following persons:

1. Public officials of the Korean Intellectual Property Office;
2. Patent attorneys;
3. Professors;
4. Persons with abundant knowledge and experience in the intellectual property system.

(4) The Committee shall adopt a resolution in the following relevant manners:

1. A disciplinary measure referred to in Article 17 (2) 1 or 2: An affirmative vote of a majority of all incumbent members of the Committee;
2. A disciplinary measure referred to in Article 17 (2) 3 or 4: An affirmative vote of at least 2/3 of all incumbent members of the Committee;
3. Any matter other than those specified in subparagraph 1 or 2: The attendance of a majority of all incumbent members of the Committee and an affirmative vote of a majority of the members present at the meeting.

(5) Except as otherwise expressly provided for in paragraphs (1) through (4), the operation of the Committee and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11962, Jul. 30, 2013]

**Article 17 (Disciplinary Actions)** (1) If a patent attorney violates this Act or an order issued under this Act, the Commissioner of the Korean Intellectual Property Office may take disciplinary action against the patent attorney, subject to resolution thereon by the Committee.

(2) Disciplinary actions against patent attorneys shall be classified as follows:

1. Reprimand;
2. Imposition of an administrative fine not exceeding five million won;
3. Full or partial suspension of business operations for a period not exceeding two years;
4. Revocation of registration.

(3) If the Patent Attorneys Association finds a ground to take disciplinary action against a patent attorney under paragraph (1), it may request the Commissioner of the Korean Intellectual Property Office to take the disciplinary action against the patent attorney, along with evidentiary documents.

(4) No disciplinary action referred to in paragraph (1) shall be taken after the lapse of three years from the date the relevant ground for such disciplinary action arises.

[This Article Wholly Amended by Act No. 11962, Jul. 30, 2013]

**Article 17 - 2 (Effect of Disciplinary Actions against Attorneys - at - Law)**

If an attorney - at - law licensed under the Attorney - at - Law Act and registered as a patent attorney is subject to disciplinary action under subparagraph 3 of Article 90 of

the aforesaid Act, or an order suspending business operations under Article 102 of the aforesaid Act, the attorney - at - law shall not continue providing his/her services as a patent attorney during the relevant period.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 18 (Dispositions Suspending Qualifications)** (1) If the registration of a patent attorney against whom the Committee is requested to take disciplinary action has been already revoked under subparagraph 2 or 3 of Article 5 - 3, the Commissioner of the Korean Intellectual Property Office may issue an order suspending his/her qualification for up to five years, subject to resolution thereon by the Committee.  
<Amended by Act No. 11962, Jul. 30, 2013 >

(2) No disposition to suspend a qualification under subparagraph (1) shall be taken after the lapse of three years from the date the relevant ground for such disposition arises.<Amended by Act No. 11962, Jul. 30, 2013 >

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 19 Deleted.** <by Act No. 5826, Feb, 8, 1999 >

**Article 20 Deleted.** <by Act No. 11962, Jul. 30, 2013 >

**Article 21 (Prohibition against Provision of Patent Services by Non - Patent Attorney)**

No person, other than a patent attorney, shall act as an agent pursuant to Article 2.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 22 (Prohibition against Use of Similar Titles or Names)** (1) No person, other than a patent attorney, shall use a title that includes the words "patent attorney" or similar. <Amended by Act No. 11962, Jul. 30, 2013 >

(2) No person, other than a patent firm or limited liability patent firm, shall use a name that includes the words "patent firm" or "limited liability patent firm" or similar.

<Newly Inserted by Act No. 11962, Jul. 30, 2013 >

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 23 (Misappropriation or Divulgence)**

A current or former patent attorney who, without good cause, divulges or misappropriates confidential information about an invention, design, or creation of an inventor, designer, author, patent applicant, or applicant for registration of a utility

model or design, he/she becomes aware of in the course of providing services shall be punished by imprisonment for up to five years, or by a fine not exceeding 50 million won. <Amended by Act No. 11962, Jul. 30, 2013; Act No. 14688, Mar. 21, 2017>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 24 (Penalty Provisions)** (1) A person who violates Article 8 - 3 (including cases to which the aforesaid Article shall apply mutatis mutandis pursuant to Article 6 - 11 or 6 - 22) or Article 21 shall be punished by imprisonment with labor for up to five years, or by a fine not exceeding 50 million won. <Amended by Act No. 11962, Jul. 30, 2013; Act No. 14688, Mar. 21, 2017>

(2) A person who violates Article 22 shall be punished by a fine not exceeding three million won.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 25 (Prohibition against Provision of Patent Services by Unregistered Patent Attorneys)**

A qualified patent attorney who provides patent services without registration shall be punished by a fine not exceeding five million won.

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 26 (Joint Penal Provisions)**

If a partner, associate patent attorney, or clerk of a patent firm or limited liability patent firm violates Article 23 or 24 in connection with the business of the patent firm or limited liability patent firm, not only shall such offender be punished, but also the patent firm or limited liability patent firm shall be punished by a fine under the relevant Article: Provided, That the foregoing shall not apply where such patent firm or limited liability patent firm has not been negligent in giving due attention and supervision concerning the relevant business to prevent such offence. <Amended by Act No. 11962, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10706, May 24, 2011]

**Article 26 - 2 (Confiscation and Punitive Collection)**

Money, valuables, or other benefits a person who commits a crime under Articles 23 or 24, or any other person who knows such fact receives, shall be confiscated. When it is impossible to confiscate, the value thereof shall be collected.

[This Article Newly Inserted by Act No. 14688, Mar. 21, 2017]

**Article 27 (Administrative Fines)** (1) A person who fails to undergo training, in violation of Article 15 (1) shall be punished by an administrative fine not exceeding five million won.

(2) Administrative fines referred to in paragraph (1) shall be imposed by the Commissioner of the Korean Intellectual Property Office, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10706, May 24, 2011]

**Article 28 (Entrustment of Administrative Affairs)**

The Commissioner of the Korean Intellectual Property Office may partially entrust his/her administrative affairs under this Act to the Patent Attorneys Association, or an institution or organization specializing in the administration of examinations, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11962, Jul. 30, 2013]

**Article 29 (Review on Regulation)**

The Commissioner of the Korean Intellectual Property Office shall examine the appropriateness of the following subparagraphs every three years beginning January 1, 2017 and shall take measures such as making improvements:

1. Grounds for disqualification under Article 4;
2. Refusal of registration as a patent attorney under Article 5 - 2;
3. Revocation of registration as a patent attorney under Article 5 - 3;
4. Establishment of offices of a patent attorney under Article 6 - 2;
5. Establishment of the Korea Patent Attorneys Association under Article 9, and authorization of rules thereof under Article 10;
6. Supervision over the Korea Patent Attorneys Association under Article 13.

[This Article Newly Inserted by Act No. 13843, Jan. 27, 2016]

**ADDENDA** <No. 2510, 08. Feb, 1973>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) Any person who falls under the former provisions of Article 3 (1) 3 within three years from the date this Act enters into force shall be governed by the former provisions after this Act enters into force.

**ADDENDA** <No. 2957, 31. Dec, 1976>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) through (7) Omitted.

**ADDENDA** <No. 4541, 06. Mar, 1993>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

**ADDENDA** <No. 5454, 13. Dec, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

**ADDENDA** <No. 5815, 05. Feb, 1999>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation. (Proviso Omitted)

(2) (Transitional Measures concerning Penalty Provision) Application of penalty provisions to an act committed before this Act enters into force shall be governed by the former provisions.

**ADDENDA** <No. 5826, 08. Feb, 1999>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures concerning Patent Attorney Association) As at the time this Act enters into force, the Patent Attorney Association established under the



former provisions shall be deemed to have been established under this Act.

(3) (Transitional Measures concerning Disciplinary Actions) The application of a disciplinary action to any act committed before this Act enters into force, shall be subject to the former provisions.

**ADDENDA** <No. 6225, 28. Jan, 2000 >

(1) (Enforcement Date) This Act shall enter into force on July 1, 2000: Provided, That the amended provisions of Articles 3 and 4 - 3 (1) and (2) shall enter into force on January 1, 2001.

(2) (Application Example concerning Qualification Suspension) The amended provisions of Article 18 shall apply to any disciplinary action taken on or after the date this Act enters into force.

(3) (Transitional Measures concerning Automatic Acquisition of Patent Attorney Qualification) Notwithstanding the amended provisions of Article 3 (1) 3, the former provisions shall apply to any person who engaged in patent administrative duties at the Korean Intellectual Property Office before December 31, 2000. <Amended by Act No. 6753, Dec. 5, 2002 >

<This paragraph is amended by Act No. 6753 on Dec. 5, 2002, following the decision of incompatibility with the Constitution by the Constitutional Court made on Sep. 27, 2001 >

(4) Deleted. <by Act No. 6753, Dec. 5, 2002 >

**ADDENDA** <No. 6753, 05. Dec, 2002 >

This Act shall enter into force on the date of its promulgation.

**ADDENDA** <No. 7289, 31. Dec, 2004 >

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

**ADDENDA** <No. 7428, 31. Mar, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

**ADDENDA** <No. 7796, 29. Dec, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2006.

Articles 2 through 6 Omitted.

**ADDENDA** <No. 7870, 03. Mar, 2006>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures with Respect to Korea Patent Attorneys Association)  
The patent attorneys body established under the former provisions as at the time this Act enters into force shall be deemed the Korea Patent Attorneys Association under this Act.

**ADDENDA** <No. 8457, 17. May, 2007>

This Act shall enter into force three months after the date of its promulgation.

**ADDENDA** <No. 8852, 29. Feb, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

**ADDENDA** <No. 8936, 21. Mar, 2008 >

This Act shall enter into force on the date of its promulgation.

**ADDENDA** <No. 9224, 26. Dec, 2008 >

This Act shall enter into force on the date of its promulgation.

**ADDENDA** <No. 10706, 24. May, 2011 >

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 14, 15 and 27 shall enter into force six months after the date of its promulgation.

**ADDENDA** <No. 11690, 23. Mar, 2013 >

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

**ADDENDA** <No. 11962, 30. Jul, 2013 >

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Article 2 (Applicability to Contents of Articles of Incorporation)**

The amended provisions of Article 6 - 3 (3) 2 shall apply, starting from the first application filed to obtain authorization for incorporation of a firm or for an amendment to articles of incorporation after such amended provisions enter into force.

**Article 3 (Applicability to Restrictions on Business Activities of Partners, etc.)**

The amended proviso to Article 6 - 7 (2) shall apply, starting from the first case a patent firm accepts, or agrees to accept after such amended proviso enters into force.

**Article 4 (Applicability to Revocation of Authorization for Incorporation of Patent Firms)**

The amended proviso to Article 6 - 8 (1) shall apply, starting from the first violation committed after the amended proviso enters into force.

**Article 5 (Applicability of Provisions regarding Disciplinary Actions, Applicable Mutatis Mutandis to Patent Firms)**

The amended provisions of Article 6 - 11 shall apply, starting from the first violation committed after the amended provisions enter into force.

**Article 6 (Applicability to Prescriptive Period of Disciplinary Actions against Patent Attorneys)**

The amended provisions of Article 17 - 4 shall apply, starting from the first violation committed after the Act enters into force.

**Article 7 (Applicability to Effect of Disciplinary Actions against Attorneys - at - Law)**

The amended provisions of Article 17 - 2 shall apply, starting from the first person subject to disciplinary action under subparagraph 3 of Article 90 of the Attorney - at - Law Act, or an order suspending business operations issued under Article 102 of the aforesaid Act, after the amended provisions enter into force.

**Article 8 (Transitional Measure concerning Incompetents, etc.)**

A quasi - incompetent under limited guardianship, or an incompetent under adult guardianship referred to in the amended provisions of subparagraph 3 of Article 4 shall be deemed to include a person upon whom the declaration of incompetence or quasi - incompetence remains in effect under Article 2 of the Addenda to the partial amendment (Act No. 10429) to the Civil Act.

**Article 9 (Transitional Measure concerning Committee)**

Deliberations, resolutions, and other acts done by the Patent Attorney Qualifying Examination Committee or the Patent Attorneys Disciplinary Committee, or requests to take disciplinary action or other acts done in relation to the Patent Attorney Qualifying Examination Committee or the Patent Attorneys Disciplinary Committee, under the former provisions as at the time this Act enters into force, shall be deemed acts done in relation to the Committee under the amended provisions of Article 16.

**Article 10 Omitted.**

**ADDENDA** <No. 13843, 27. Jan, 2016 >

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Grounds for Disqualification)**

The amendments to subparagraph 5 (a) of Article 4 shall apply, starting from the first person in whose case the grounds for disqualification arise after this Act enters into force.

**Article 3 (Transitional Measure concerning Qualification and Registration of Patent Attorney)**

Notwithstanding the amendments to Articles 3, 5, and 5 - 2, former provisions shall apply to a person who has passed a patent attorney examination or who has been qualified as an attorney - at - law before this Act enters into force.

**ADDENDA** <No. 14688, 21. Mar, 2017 >

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amendments to Articles 6 - 3 and 6 - 12 shall enter into force one month after its promulgation.

**Article 2 (Applicability to Authorization for Incorporation and Amendment to Articles of Incorporation of Patent Firm, etc.)**

The amendments to Articles 6 - 3 and 6 - 12 shall apply, beginning with the first application to incorporate or amend articles of incorporation after the same amendments enter into force.