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INVENTION PROMOTION ACT

[Enforcement Date 28. Apr, 2016.] [Act No.13842, 27. Jan, 2016., Partial
Amendment]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to enhance the technical competitiveness of industries and to contribute to the development of the national economy by encouraging invention and facilitating the prompt and efficient securing of rights to inventions and the commercialization thereof.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 9986, Jan. 27, 2010; Act No. 10357, Jun. 8, 2010; Act No. 11960, Jul. 30, 2013; Act No. 13309, May 18, 2015 >

1. The term "invention" means an invention, design, or creation eligible for protection under the Patent Act, the Utility Model Act, or the Design Protection Act;
2. The term "employee ' s invention" means an invention that an employee, executive officer of a corporation, or public official (hereinafter referred to as "employee, etc.") makes in connection with his/her duties, where it falls within the scope of business of the employer, the corporation, the State, or the competent local government (hereinafter referred to as "employer, etc.") and the activities that have led to the invention fall within the present or past duties of the employee, etc.;
3. The term "independent inventor" means a person who makes an invention, other than an employee ' s invention;
4. The term "industrial property rights" means rights to a patent, utility model, design, or trademark registered pursuant to the Patent Act, the Utility Model Act, the Design Protection Act, or the Trademark Act;
5. The term "patent management department" means a department of the employer, etc. in charge of planning, research, management, etc. of industrial property rights;

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- 5 - 2. The term "public patent attorney" means a patent attorney who executes his/her duties at a patent consulting center of public patent lawyers established under Article 26 - 2;
6. The term "examination of industrial property rights" means proposing directions, strategies, etc. for research and development or for commercialization after making a comprehensive research on trends in invention and industrial property rights and an analysis thereof;
7. The term "information on industrial property rights" means data generated in the course of securing industrial property rights or conducting research, analysis, etc. on industrial property rights;
8. The term "informatization of industrial property rights" means systematically generating, managing, supplying, and utilizing information on industrial property rights to enhance efficiency in research and development by the State and the private sector and to support the prompt securing of a right to research and development results;
9. The term "industrial property rights service industry" means any of the following business that support the creation, protection, and utilization of industrial property rights:
- (a) The business of collecting, analyzing, processing, translating, distributing, or managing information on industrial property rights, or of developing or establishing relevant software or systems (hereinafter referred to as "industrial property rights information service industry");
 - (b) The business under Article 2 of the Patent Attorney Act;
 - (c) The business of evaluating the economic value or technical excellence of industrial property rights based on their equivalent values, grades, scores, etc.;
 - (d) The business of mediating or assisting transactions of industrial property rights, such as transfer of industrial property rights or grant and permission of licenses;
 - (e) Any other business prescribed by Presidential Decree;
10. The term "industrial property rights service business entity" means a business entity providing industrial property rights services.

- Article 3 (Comprehensive Policy on Promotion of Invention)** (1) The Government shall establish and enforce a comprehensive policy on the promotion of invention (hereinafter referred to as "comprehensive invention promotion policy") each year.
- (2) Comprehensive invention promotion policy under paragraph (1) shall include the following matters:
1. Enhancement of citizens' knowledge of invention;
 2. Encouragement of inventive activities and facilitation of securing of rights to outcomes of inventions;
 3. Referral of transfer of outstanding inventions and facilitation of commercialization of such inventions;
 4. Other matters necessary for the promotion of inventions.

- Article 4 (Grants, etc. of Subsidies for Promotion of Invention)** (1) The Government may grant a subsidy to any of the following persons within budget limits in order to promote invention: <Amended by Act No. 11960, Jul. 30, 2013 >
1. An inventor and his/her successor;
 2. An individual or organization that carries out research on invention or a project for the promotion of inventions.
- (2) Matters necessary for business activities eligible for subsidies under paragraph (1), the application for, and management of, such subsidies shall be prescribed by Presidential Decree. <Amended by Act No. 11960, Jul. 30, 2013 >

Article 5 (Invention Day)

The Government shall designate May 19 each year as Invention Day in order to make citizens aware of the importance of invention and stimulate their enthusiasm for invention and shall hold ceremonies for the promotion of invention.

CHAPTER II PROMOTION OF INVENTION

SECTION 1 Enhancement of Knowledge of Invention

Article 6 (Raising Awareness on Invention and Facilitating Inventive Activities)

The Commissioner of the Korean Intellectual Property Office shall conduct the following activities in order to raise national awareness on invention and facilitate

inventive activities: <Amended by Act No. 10357, Jun. 8, 2010 >

1. Holding events for encouraging invention;
2. Facilitating inventive activities of students, women, and the disadvantaged;
3. Holding exhibitions for outstanding inventions and providing support to outstanding inventors to participate in overseas exhibitions;
4. Providing information on industrial property rights, etc. for inventive activities;
5. Providing education and training on invention and industrial property rights;
6. Identifying and awarding persons of distinguished service to invention and outstanding inventions;
7. Other projects necessary for raising national awareness on invention and facilitating inventive activities.

Article 7 (Facilitation of Inventive Activities of Students) (1) The Government shall establish and enforce a supportive policy to revitalize education for developing students' creative problem - solving and reasoning abilities and for stimulating their enthusiasm for inventions and practice of inventions in daily life (hereinafter referred to as "invention education") for students in a preschool under subparagraph 2 of Article 2 of the Early Childhood Education Act or in a school under Article 2 of the Elementary and Secondary Education Act or Article 2 of the Higher Education Act (hereinafter referred to as "all levels of schools"), and to contribute to training human resources for the development of technology. <Amended by Act No. 11960, Jul. 30, 2013 >

(2) The supportive policy under paragraph (1) shall include the following matters: <Amended by Act No. 11960, Jul. 30, 2013 >

1. Objectives and basic direction - setting for invention education;
2. Support for the establishment and operation of schools specializing in invention education, and educational institutions and research institutes for invention education;
3. Support for the enhancement of teachers' expertise in invention education and for the nurturing of specialized teachers;
4. Support for research, development, and dissemination of the curricula and details of invention education;

5. Support for the identification and fostering of students with distinguished talents for invention;

6. Other matters necessary for support for invention education.

(3) The Government may include subjects regarding industrial property rights in curricula of schools where such subjects are considered necessary, among all levels of schools, or may establish departments or courses related to industrial property rights in such schools.

Article 8 (Facilitation of Women's Inventive Activities) (1) The Government shall establish and implement supportive policies for the development of women's inventive creativity and the training of women as outstanding human resources for invention.

(2) Policies under paragraph (1) shall include the following matters:

1. Education of women inventors on industrial property rights;
2. Commercialization of women's inventions;
3. Matters necessary for promoting women's invention, such as holding events for promoting women's invention.

Article 8 - 2 (Facilitating Inventive Activities of the Disadvantaged) (1) The Government shall establish and implement supportive policies to facilitate inventive activities of the disadvantaged.

(2) Supportive policies under paragraph (1) shall include the following:

1. Providing information on industrial property rights, etc. to the disadvantaged;
2. Supporting patent legal service for facilitating invention by the disadvantaged;
3. Protecting industrial property rights of the disadvantaged.

[\[This Article Newly Inserted by Act No. 10357, Jun. 8, 2010\]](#)

Article 9 (Establishment and Operation of Invention Education Centers) (1) The State and each local government (including offices of education) may establish and operate an educational institution for stimulating enthusiasm for inventions by students, etc. (hereinafter referred to as "invention education center").

(2) The State and each local government may provide necessary financial support to invention education centers.

(3) Matters necessary for the establishment and management of invention education centers and for the management of guidance teachers shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 11960, Jul. 30, 2013]

Article 9 - 2 (Facilitation of Utilization of Research Notes) (1) The Commissioner of the Korean Intellectual Property Office may conduct the following affairs to facilitate the use of data on the process and outcomes of research recorded in the course of conducting the national research and development projects under the Framework Act on Science and Technology (hereinafter referred to as "research notes"). In such cases, he/she shall consult with the heads of relevant central administrative agencies:

1. Public relations to raise awareness of research notes;
2. Education for the preparation, management, use, etc. of research notes;
3. Support for the distribution of written research notes and for the establishment of a system for electronic research notes;
4. Other affairs necessary to facilitate the utilization of research notes.

(2) The Commissioner of the Korean Intellectual Property Office may designate a specialized institution or organization to conduct on its behalf, affairs under paragraph (1). In such cases, expenses incurred in conducting such affairs may be fully or partially subsidized.

(3) The criteria and procedures for designating a specialized institution or organization referred to in paragraph (2) shall be determined by Presidential Decree.

(4) Where a specialized institution or organization designated pursuant to paragraph (2) falls under any of the following cases, the Commissioner of the Korean Intellectual Property Office may revoke the designation or order suspension of its business or affairs for a given period not exceeding six months: Provided, That where it falls under subparagraph 1, he/she shall revoke such designation:

1. Where it has obtained designation by fraud or by other improper means;
2. Where it has lost its capability to conduct business or affairs;
3. Where it fails to meet the criteria for designation under paragraph (3).

(5) The detailed criteria for administrative dispositions made under paragraph (4) shall be prescribed by Presidential Decree in consideration of reasons therefor and

the degree of violation.

[This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

SECTION 2 Boosting of Employee ' s Inventions

Article 10 (Employee ' s Inventions) (1) If an employee, etc. acquires a patent or completes registration of a utility model or design (hereinafter referred to as "patent, etc."), or succeeds to the right to acquire a patent, etc., for an employee ' s invention, the employer, etc. shall have a non - exclusive license in the right to a patent, utility model, or design (hereinafter referred to as "patent right, etc."): Provided, That the foregoing shall not apply to an employer, etc. which is an enterprise other than a small and medium business under Article 2 of the Framework Act on Small and Medium Enterprises unless it concludes or prepares, in advance, any of the following contracts or employment regulations subject to consultation with an employee, etc.: <Amended by Act No. 11960, Jul. 30, 2013>

1. A contract or employment regulations that requires the employer, etc. succeed to the right to acquire a patent, etc. or a patent right, etc. for an employee ' s invention made by the employee, etc.;
2. A contract or employment regulations that requires the grant of an exclusive license to the employer, etc. for an employee ' s invention made by the employee, etc.

(2) Notwithstanding paragraph (1), the State or a local government shall succeed to a public official's right to an employee ' s invention, and thus a public official's patent right, etc. in for an employee ' s invention, to which the State or a local government succeeds, shall be State property or public property: Provided, That an exclusively responsible organization under the latter part of Article 11 (1) of the Technology Transfer and Commercialization Promotion Act (hereinafter referred to as "exclusively responsible organization") shall succeed to rights of a teaching staff member, who works at a national or public school under Article 3 of the Higher Education Act (hereinafter referred to as "national or public school"), to an employee ' s invention, and thus patent rights, etc. of a teaching staff member of a national or public school to an employee ' s invention, to which the exclusively

responsible organization succeeds, shall be owned by the exclusively responsible organization.

(3) A provision of a contract or employment regulations shall be void, if the provision requires an employer, etc. to succeed to the right to acquire a patent, etc., or a patent right, etc., in advance, for an invention made by an employee, etc. other than an employee ' s invention or requires an employee, etc. to grant an exclusive license in the patent right, etc. to the employer, etc.

(4) Notwithstanding Article 8 of the State Property Act, the disposal and management (including waiver of patent rights, etc.) of patent rights, etc. that become State property pursuant to paragraph (2) shall be under the jurisdiction of the Commissioner of the Korean Intellectual Property Office, and matters necessary for the disposal and management thereof shall be prescribed by Presidential Decree.
<Amended by Act No. 9401, Jan. 30, 2009; Act No. 9986, Jan. 27, 2010 >

Article 11 (Implementation of Employee ' s Invention Compensation System and Supportive Policies)

(1) The Government shall establish and enforce supportive policies for the implementation of an employee ' s invention compensation system, etc. to encourage employee ' s inventions.

(2) Supportive policies under paragraph (1) shall include the following matters:
<Amended by Act No. 11960, Jul. 30, 2013 >

1. Preparation and diffusion of compensation regulations that would be standard regulations;
2. Preparation and diffusion of reasonable regulations on procedures for the prevention and settlement of disputes related to compensation;
3. Support for consultation, etc. on the implementation and operation of the employee ' s invention compensation system.

(3) The Government shall take measures to facilitate the securing of rights to inventions and the commercialization of inventions under Chapters III and IV preferentially for employers, etc. who compensate for employee ' s inventions.

Article 11 - 2 (Support for Outstanding Companies in Employee ' s Invention Compensation System)

(1) The government may designate outstanding companies in terms of the employee ' s invention compensation system referred to in Article 11

(1) and provide them with support as necessary promote the system.

(2) Matters concerning the standards, procedures, and support for the designation of outstanding companies under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11661, Mar. 22, 2013]

Article 12 (Notice of Completion of Employee ' s Invention)

An employee, etc. who completes an employee ' s invention shall notify the employer, etc. of his/her completion in writing without delay. Where an employee ' s invention is completed jointly by two or more employees, etc., such notice shall be given jointly by the employees, etc.

Article 13 (Notice of Whether Successive) (1) An employer, etc. (excluding the State or a local government) shall, upon receiving a notice under Article 12, notify the employee, etc. as to whether the employer, etc. succeeds to rights to the invention within the period specified by Presidential Decree: Provided, That no employer, etc. may assert his/her succession to rights to an invention against the intent of an employee, etc. if there is no provision in a contract or employment regulations that requires the employer, etc. to succeed to the right to acquire a patent, etc., or a patent right, etc., in advance, or requires the employee, etc. to grant the exclusive license in the patent right, etc. to the employer, etc.

(2) An employer, etc. shall be deemed to have succeeded to rights to an invention as at the time he/she gives notice of his/her intent to succeed to the rights to the invention within the period under paragraph (1).

(3) If an employer, etc. does not give notice of whether succeeding to rights to an invention within the period under paragraph (1), the employer, etc. shall be deemed to have given up the succession to the rights to the invention. In such cases, the employer, etc. shall not be entitled to a non - exclusive license without consent of the employee, etc. who made the invention, notwithstanding Article 10 (1).

Article 14 (Succession to Rights to Joint Invention)

Where an employee ' s invention has been made jointly by an employee, etc. and a third party and the employer, etc. succeeds to rights to the invention in accordance with a contract or employment regulations, the employer, etc. shall acquire the share

of the rights of the employee, etc. to the invention.

Article 15 (Compensation for Employee ' s Inventions) (1) An employee, etc. shall be entitled to fair compensation where the employer, etc. succeeds, under a contract or employment regulations, to the right to acquire patent, etc., or a patent, right, etc., for an employee ' s invention, or are to be granted an exclusive license in the patent right, etc.

(2) The employer, etc. shall prepare compensation regulations stipulating the criteria for determining the type and amount of compensation referred to in paragraph (1), the method of payment thereof, etc., and inform the employee, etc. thereof in writing. <Amended by Act No. 11960, Jul. 30, 2013>

(3) The employer, etc. shall consult with the employee, etc. regarding the preparation or modification of the compensation regulations under paragraph (2): Provided, That where modifying the compensation regulations disadvantageously to the employee, etc., the employer, etc. shall obtain consent of a majority of the employees, etc. to whom the relevant contract or compensation regulations apply. <Amended by Act No. 11960, Jul. 30, 2013>

(4) The employer, etc. shall give written notice to an employee, etc. who will receive compensation under paragraph (1) of the details of compensation, including the amount of compensation determined pursuant to the compensation regulations under paragraph (2). <Newly Inserted by Act No. 11960, Jul. 30, 2013>

(5) Necessary matters, such as the scope of employees, etc. consultation with whom or consent from whom is required of the employer, etc. pursuant to paragraph (3) and procedures, shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 11960, Jul. 30, 2013>

(6) Compensation paid by the employer, etc. to the employee, etc. pursuant to paragraphs (2) through (4) shall be deemed fair compensation: Provided, That the foregoing shall not apply to cases where the amount of compensation excludes the benefits the employer, etc. is anticipated to obtain with an employee ' s invention and the degree of contribution by the employer, etc. and employee, etc. to the completion of the invention. <Newly Inserted by Act No. 11960, Jul. 30, 2013>

(7) The State or a local government shall pay fair compensation, when it succeeds to rights to an employee ' s invention of a public official pursuant to Article 10 (2). In

such cases, matters necessary for the payment of compensation shall be prescribed by Presidential Decree or Municipal Ordinance. <Amended by Act No. 11960, Jul. 30, 2013>

Article 16 (Compensation when Patent Application Reserved)

An employer, etc. shall pay fair compensation pursuant to Article 15, even in cases where the employer, etc. has succeeded to rights to an employee ' s invention, but gives up filing a patent application or voluntarily withdraws a patent application. In such cases, economic benefits that the employee, etc. could have obtained if the invention had been protected by industrial property rights shall be considered in determining the amount of compensation for the invention.

Article 17 (Operation, etc. of Deliberative Committee on Employee ' s Inventions) (1)

An employer, etc. may establish and operate a deliberative committee on employee ' s inventions (hereinafter referred to as the "deliberative committee") to deliberate on the following matters regarding employee ' s inventions: <Amended by Act No. 11960, Jul. 30, 2013>

1. Matters concerning the preparation, modification, and implementation of regulations on employee ' s inventions;
2. Matters concerning the mediation of disputes between an employee, etc. and the employer, etc. regarding rights, compensation, etc. for an employee ' s invention;
3. Other necessary matters concerning employee ' s inventions.

(2) The deliberative committee shall be comprised of the same number of members representing an employer, etc. and employees, etc. (excluding executive officers of a juristic person) respectively, and experts in appropriate fields may be commissioned as advisors, if necessary. <Amended by Act No. 11960, Jul. 30, 2013>

(3) Other matters necessary for the composition and operation of the deliberative committee shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 11960, Jul. 30, 2013>

Article 18 (Mediation, etc. of Disputes Related to Employee ' s Inventions) (1) In any of the following cases, an employee, etc. may request his/her employer, etc. to organize a deliberative committee to deliberate on a relevant matter:

1. Where differences exist between the employee, etc. and employer, etc. as to whether an invention is an employee ' s invention;
 2. Where the employer, etc. assert succession to rights to, or grant of an exclusive license to, an invention, other than an employee ' s invention, contrary to the intent of the employee, etc. in violation of Article 10 (3);
 3. Where the employer, etc. assert succession to rights to, or grant of an exclusive license of, an employee ' s invention contrary to the intent of the employee, etc. in violation of Article 13 (1);
 4. Where the employer, etc. assert a non - exclusive license in violation of the proviso to Article 10 (1), or 13 (3);
 5. Where he/she has an objection to compensation regulations proposed by the employer, etc.;
 6. Where he/she has an objection to a procedure for consultation or consent with the employer, etc.;
 7. Where he/she has an objection to the details of compensation, including an amount of compensation notified by the employer, etc. pursuant to Article 15 (4);
 8. Where the employer, etc. fail to pay compensation to the employee, etc. under Article 15 (2) through (4);
 9. Other cases of differences between the employer, etc. and employee, etc. with regard to the rights to, and compensation for, an employee ' s invention.
- (2) The right under paragraph (1) shall be exercised within 30 days from the date on which a ground in any subparagraph of paragraph (1) arises: Provided, That in cases falling under paragraph (1) 7, the right shall be exercised within 30 days from the date on which the employee, etc. receives notice.
- (3) Upon receipt of a request under paragraph (1), the employer, etc. shall organize a deliberative committee to deliberate on the relevant matter within 60 days. In such cases, the deliberative committee shall include at least one advisor who is an expert in the employee ' s invention field.
- (4) The deliberative committee under paragraph (3) shall give written notice to the employer, etc. and employee, etc. of the results of deliberation without delay.
- (5) The Government may dispatch an expert in the relevant field as an advisor under paragraph (3) at the request of the employer, etc., and necessary matters for

such dispatch shall be prescribed by Presidential Decree.

(6) An employer, etc. or an employee, etc., who are dissatisfied with the results of deliberation by the deliberative committee under paragraph (3), may file an application for mediation with the committee for mediation of disputes over industrial property rights under Article 41. <Amended by Act No. 13309, May 18, 2015 >

[This Article Wholly Amended by Act No. 11960, Jul. 30, 2013]

Article 19 (Duty of Confidentiality) (1) An employee, etc. shall keep details of an employee ' s invention confidential until the employer, etc. files a patent application for the invention: Provided, That the foregoing shall not apply where the employer, etc. confirms that he/she will not succeed to rights to an invention. <Amended by Act No. 11960, Jul. 30, 2013 >

(2) No person who participates or participated in the deliberative committee as an advisor under Article 18 (3) shall disclose to any other person, the details of an employee ' s invention he/she has learned in the course of performing his/her duties. <Newly Inserted by Act No. 11960, Jul. 30, 2013 >

SECTION 3 Supply of Information on Industrial Property Rights and Facilitation of Utilization of Such Information

Article 20 (Establishment, etc. of Plans to Promote Informatization of Industrial Property Rights) (1) The Commissioner of the Korean Intellectual Property Office shall establish and implement a plan to promote informatization of industrial property rights (hereinafter referred to as "promotion plan") in order to drive forward informatization of industrial property rights efficiently and systematically. <Amended by Act No. 11960, Jul. 30, 2013 >

(2) The promotion plan shall include following matters: <Amended by Act No. 11960, Jul. 30, 2013; Act No. 13309, May 18, 2015 >

1. Generation and management of information on industrial property rights;
2. Supply of information on industrial property rights and facilitation of utilization of such information;
- 2 - 2. Creation and operation of an industrial property rights information system;

3. Fostering of industrial property rights information service industry;
4. International cooperation in information on industrial property rights;
5. Other matters related to informatization of industrial property rights.

(3) The Commissioner of the Korean Intellectual Property Office shall establish and implement an implementation plan for informatization of industrial property rights (hereinafter referred to as "implementation plan") each year in order to implement the promotion plan smoothly.

(4) Matters necessary for the establishment and implementation of implementation plans shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9986, Jan. 27, 2010]

Article 20 - 2 (Supply of Information on Industrial Property Rights) (1) The

Commissioner of the Korean Intellectual Property Office may provide a person who intends to use information on industrial property rights with information on industrial property rights within the extent permitted by the relevant statutes, such as the Patent Act. In such case, restrictions may be placed on the provision of personal information under the Personal Information Protection Act, as prescribed by Presidential Decree. <Amended by Act No. 10465, Mar. 29, 2011; Act No. 11960, Jul. 30, 2013; Act No. 13309, May 18, 2015>

(2) The Commissioner of the Korean Intellectual Property Office may charge a fee to a person who uses information under paragraph (1), as prescribed by Presidential Decree. <Amended by Act No. 13309, May 18, 2015>

[This Article Newly Inserted by Act No. 9986, Jan. 27, 2010]

Article 20 - 3 (Specialized Institution for Informatization of Industrial Property Rights)

(1) The Commissioner of the Korean Intellectual Property Office may designate a specialized institution or organization as a specialized institution for the informatization of industrial property rights (hereinafter referred to as "specialized institution for informatization") and may require it to perform duties related to the informatization of industrial property rights under the subparagraphs of Article 20 (2) on his/her behalf. <Amended by Act No. 13309, May 18, 2015>

(2) The criteria and procedures for designating a specialized institution for informatization under paragraph (1) shall be prescribed by Presidential Decree.

<Amended by Act No. 13309, May 18, 2015>

(3) Article 9 - 2 (4) and (5) shall apply mutatis mutandis to the revocation of designation, or suspension of business, of a specialized institution for informatization under paragraph (1). <Amended by Act No. 13309, May 18, 2015>

(4) A specialized institution for informatization may conduct profit - making business within the scope necessary to perform duties under paragraph (1). <Newly Inserted by Act No. 13309, May 18, 2015>

(5) The Government may make contributions, in whole or in part, for expenses necessary to establish and operate an institution designated as a specialized institution for informatization pursuant to paragraph (1) or to conduct its business, as prescribed by Presidential Decree. <Newly Inserted by Act No. 13309, May 18, 2015>

[\[This Article Wholly Amended by Act No. 11960, Jul. 30, 2013\]](#)

Article 20 - 4 (Assistance in Research and Development for Informatization of Industrial Property Rights)

(1) The Government shall endeavor to facilitate research and development of technology and software related to the provision and utilization of information on industrial property rights.

(2) The Government may fully or partially subsidize any person who conducts research and development under paragraph (1) with a full or partial as necessary for such research and development.

[\[This Article Newly Inserted by Act No. 9986, Jan. 27, 2010\]](#)

Article 20 - 5 (Transfer of Achievements of Research and Development to Private Sector)

The Government shall endeavor to have achievements of research and development, carried out in accordance with Article 20 - 4 (referring to products of such research and development, and instruments, equipment, material and goods invested or created in the course of such research and development) transferred smoothly to the private sector.

[\[This Article Newly Inserted by Act No. 9986, Jan. 27, 2010\]](#)

Article 20 - 6 (Research on Actual Conditions of Industrial Property Rights - Related Activities, etc.)

(1) In order to grasp the actual conditions of overall intellectual property - related activities related to industrial property rights and trade secrets

defined in subparagraph 2 of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act (hereinafter referred to as "trade secret"), the Government shall annually conduct research on the actual conditions of universities, research institutes, enterprises, etc.

(2) The Commissioner of the Korean Intellectual Property Office may entrust the research on the actual conditions under paragraph (1) to an institution or organization prescribed by Presidential Decree that is deemed to have expertise in the research on intellectual property.

(3) Matters necessary for the details, methods, etc. of research on the actual conditions under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13309, May 18, 2015]

Article 20 - 7 Deleted. <by Act No. 11960, Jul. 30, 2013 >

Article 21 Deleted. <by Act No. 13309, May 18, 2015 >

Article 22 Deleted. <by Act No. 13309, May 18, 2015 >

Article 23 (Regional Intellectual Property Centers) (1) A regional intellectual property center may be established in each area in order to raise the awareness of regional small and medium enterprises and residents about industrial property rights and support the creation, protection and utilization of industrial property rights.

<Amended by Act No. 10489, Mar. 30, 2011 >

(2) Each regional intellectual property center under paragraph (1) (hereinafter referred to as a "regional intellectual property center") shall conduct the following business activities: <Amended by Act No. 9986, Jan. 27, 2010; Act No. 10489, Mar. 30, 2011 >

1. Provision of information or counseling on industrial property rights;
2. Raising awareness about industrial property rights, including education and public relations on industrial property rights;
3. Supporting the creation, protection and utilization of industrial property rights;
4. Other support activities concerning intellectual property rights.

(3) Any person who intends to establish a regional intellectual property center shall file for registration of the center with the Commissioner of the Korean Intellectual

Property Office.

(4) Any person who intends to file for registration of a regional intellectual property center pursuant to paragraph (3) shall have professionals and facilities prescribed by Presidential Decree. < Amended by Act No. 9986, Jan. 27, 2010; Act No. 13309, May 18, 2015 >

(5) No person, other than a regional intellectual property center, shall use the name "regional intellectual property center".

(6) The Government may grant subsidies of expenses incurred in operating regional intellectual property centers within budget limits.

(7) A regional intellectual property center may conduct profit - making business in order to furnish funds for projects under paragraph (2). < Amended by Act No. 10489, Mar. 30, 2011 >

(8) Any person who file for registration of a regional intellectual property center pursuant to paragraph (3) shall submit business plans for the relevant business year by one month before the date on which each business year begins and reports on business performance of the relevant business year within three months from the date on which business year ends to the Commissioner of the Korean Intellectual Property Office. < Newly Inserted by Act No. 10489, Mar. 30, 2011 >

(9) Matters necessary for the registration procedures under paragraph (3) and other relevant matters shall be prescribed by Presidential Decree. < Amended by Act No. 10489, Mar. 30, 2011 >

(10) The Commissioner of the Korean Intellectual Property Office may evaluate the performance, achievements, etc. of projects of a regional intellectual property center each year. In such cases, necessary matters concerning the procedure, method, etc. for evaluation shall be prescribed by Presidential Decree. < Newly Inserted by Act No. 10489, Mar. 30, 2011; Act No. 11960, Jul. 30, 2013 >

(11) The Commissioner of the Korean Intellectual Property Office may warn a regional intellectual property center with poor business performance as the results of an evaluation of business performance pursuant to paragraph (10) and suspend or reduce support therefor under paragraph (6). < Newly Inserted by Act No. 10489, Mar. 30, 2011 >

Article 24 (Cancellation, etc. of Registration of Regional Intellectual Property Center)

(1) When a regional intellectual property center falls under any of the following subparagraphs, the Commissioner of the Korean Intellectual Property Office may cancel the registration thereof or order the suspension of its work by setting a period up to six months: Provided, That when a regional intellectual property center falls under subparagraph 1, its registration shall be cancelled: <Amended by Act No. 11960, Jul. 30, 2013>

1. When it became registered as a regional intellectual property center by fraud or other improper means;
2. When it loses its capability to conduct business activities under Article 23 (2);
3. When it falls short of registration standards under Article 23 (4);
4. When it fails to submit a business plan for and report on business performance under Article 23 (8) within a period under Article 23 (8);
5. When it receives at least two warnings pursuant to Article 23 (11) within the preceding three months.

(2) Detailed criteria for administrative dispositions made under paragraph (1) shall be prescribed by Presidential Decree in consideration of grounds therefor and the degree of violation. <Newly Inserted by Act No. 11960, Jul. 30, 2013>

[This Article Wholly Amended by Act No. 10489, Mar. 30, 2011]

Article 24 - 2 (Intellectual Property Management Certification for Small and Medium Enterprises, etc.)

(1) The Commissioner of the Korean Intellectual Property Office may grant intellectual property management certification (hereinafter referred to as “certification”) to a small and medium enterprise that sets an example with strategic managerial activities in creating, protecting, and promoting the use of, industrial property rights.

(2) A small and medium enterprise that intends to obtain certification, shall file an application for certification with the Commissioner of the Korean Intellectual Property Office.

(3) Upon receipt of application for certification under paragraph (2), the Commissioner of the Korean Intellectual Property Office shall examine the small and medium enterprise that intends to obtain certification, and if such enterprise meets the criteria for certification, he/she shall grant a certificate with a validity period.

(4) If a small and medium enterprise has obtained certification by fraud or other improper means, the Commissioner of the Korean Intellectual Property Office shall revoke the certification.

(5) If a small and medium enterprise that has obtained certification becomes falling short of the certification criteria, the Commissioner of the Korean Intellectual Property Office may revoke the certification.

(6) The Commissioner of the Korean Intellectual Property Office may receive necessary expenses relating to certification from the relevant small and medium enterprise.

(7) Certification procedures and costs, certification criteria, certification mark, designation of certifying agencies, the validity period of the certificate, and other matters necessary for certification shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13842, Jan. 27, 2016]

CHAPTER III SUPPORT FOR SECURING RIGHTS TO INVENTIONS

Article 25 (Prior Art Search) (1) The Commissioner of the Korean Intellectual Property Office shall establish and enforce a policy on comprehensive search for prior art, in Korea and abroad, in the relevant area so that he/she can, upon receiving an application for an industrial property right, examine and process the application promptly and correctly.

(2) The policy under paragraph (1) shall include the following matters:

1. Collection and analysis of information on prior art;
2. Outsourcing services for prior art;
3. Other matters necessary for prior art search.

Article 26 (Establishment of Patent Management Department) (1) The Commissioner of the Korean Intellectual Property Office shall establish and enforce a supportive policy necessary for the efficient establishment and operation of patent management departments so as to deal with disputes, in Korea and abroad, over industrial property rights and secure the competitiveness of the industry by improving employers' capability of patent management.

(2) The policy under paragraph (1) shall include the following matters:

1. Providing information on the establishment of a patent management department;
2. Education of staffs in a patent management department on industrial property rights;
3. Other matters necessary for the establishment of a patent management department.

Article 26 - 2 (Patent Counseling Center of Public Patent Attorneys) (1) The Commissioner of the Korean Intellectual Property Office shall establish a patent counseling center of public patent attorneys (hereinafter referred to as "counseling center") to provide pro bono patent legal services, such as counseling related to patent, to the disadvantaged.

(2) The counseling center shall execute the following business:

1. Counseling for procedures for application, examination, registration, and adjudication of industrial property rights and supporting the preparation of documents;
2. Acting as an agent on the matters to be directed to the Korean Intellectual Property Office or courts under Article 2 of the Patent Attorney Act;
3. Reviewing applications for dispute conciliation related to industrial property rights and supporting the preparation of tentative recommendations for settlement;
4. Providing management consulting on patent disputes and legal service;
5. Holding briefings for industrial property rights and providing counseling;
6. Providing legal service in connection with industrial property rights and other business prescribed by Presidential Decree that conforms to the purpose of operating the counseling center.

(3) The counseling center shall provide services to any of the following persons:
<Amended by Act No. 13309, May 18, 2015>

1. Recipients of assistances under subparagraph 2 of Article 2 of the National Basic Living Security Act;
2. Persons who have rendered distinguished services to the State, and their families or bereaved families under Articles 4 and 5 under the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State;

3. Persons with a disability registered under Article 32 (1) of the Act on Welfare of Persons with Disabilities;
4. Students at schools under Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act (excluding students at special graduate schools);
5. Small enterprises under Article 2 of the Framework Act on Small and Medium Enterprises;
6. Other persons prescribed by Presidential Decree as particularly in need of counseling and support.

(4) The State may provide expenses necessary for the operation of the counseling center within its budgetary limits.

(5) The Commissioner of the Korean Intellectual Property Office may entrust the operation of the counseling center to a corporation or organization prescribed by Presidential Decree, which has expertise in the field of industrial property rights.

(6) Matters necessary for organization, operation, scope of business, procedures, etc. of a counseling center shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10357, Jun. 8, 2010]

Article 27 (Subsidization of Expenses for Patent Management) (1) The Commissioner of the Korean Intellectual Property Office may take measures necessary to reduce expenses for filing patent applications and filing for registration so as to facilitate promptly securing rights to inventions made by an independent inventor or an employee as a result of his/her research and development, as prescribed by Presidential Decree.

(2) The Commissioner of the Korean Intellectual Property Office may take measures under paragraph (1) preferentially for students in school, beneficiaries under Article 5 of the National Basic Living Security Act, and small enterprises not bigger than the size specified by Presidential Decree.

CHAPTER IV FACILITATING COMMERCIALIZATION OF INVENTIONS

Article 28 (Designation, etc. of Institutes for Evaluation of Inventions) (1) If earlier commercialization of an invention, registered as an industrial property right, is

considered necessary, the Commissioner of the Korean Intellectual Property Office may designate a national or public research institute, a government - funded research institute, a private research institute, or an institute specializing in evaluation of technical strength and business feasibility as an evaluating institute for the invention (hereinafter referred to as "evaluation institute"), subject to prior consultation with heads of appropriate administrative agencies. <Amended by Act No. 11960, Jul. 30, 2013>

(2) A person who intends to be designated as an evaluation institute under paragraph (1) shall have professionals and facilities prescribed by Presidential Decree. <Amended by Act No. 11960, Jul. 30, 2013; Act No. 13309, May 18, 2015>

(3) A person who intends to commercialize an invention may request the evaluation institute designated pursuant to paragraph (1) to evaluate the technical strength and business feasibility of the invention. <Amended by Act No. 11960, Jul. 30, 2013>

(4) The evaluation institute shall, upon receiving a request for evaluation under paragraph (3), analyze and evaluate the invention first and notify results thereof without delay.

(5) The Commissioner of the Korean Intellectual Property Office may consult with the head of the evaluation institute on the following matters:

1. Technology subject to evaluation and the scope of evaluation;
2. Financial support to the evaluation institute and evaluation fees;
3. Agreement on business operation with the evaluation institute.

(6) Matters necessary for the designation procedures under paragraphs (1) and (2) and other relevant matters shall be prescribed by Presidential Decree.

Article 29 (Support to Evaluation institutes)

The Commissioner of the Korean Intellectual Property Office may grant a full or partial subsidy to an evaluation institute that carries out the following business activities for expenses incurred in conducting such activities, within budget limits:

1. Training of professional human resources for the evaluation of inventions;
2. Research on skills for the evaluation of inventions;
3. Collection and supply of information related to the evaluation of inventions;
4. Other matters specified by Presidential Decree as necessary for the evaluation of inventions.

Article 30 (Subsidization of Evaluation Fees)

The Commissioner of the Korean Intellectual Property Office may grant a full or partial subsidy of evaluation fees, within budget limits, to a person whose invention has successfully passed the evaluation conducted by an evaluation institute on its technical strength and business feasibility pursuant to Article 28 (3) and (4).

Article 31 (Revocation, etc. of Designation of Evaluation Institute) (1) If an evaluation institute falls under subparagraph 1, the Commissioner of the Korean Intellectual Property Office shall revoke the designation thereof and may, if the evaluation institute falls under subparagraph 2, revoke the designation thereof or order the evaluation institute to suspend its business for a given period not exceeding six months: <Amended by Act No. 11960, Jul. 30, 2013 >

1. If it obtains designation as an evaluation institute by fraud or by other improper means;
2. If it lost its capability to evaluate the technical merits and commercial feasibility of inventions under Article 28 (2) and (3).

(2) Detailed criteria for administrative dispositions made under paragraph (1) shall be prescribed by Presidential Decree in consideration of grounds therefor and the degree of violation. <Newly Inserted by Act No. 11960, Jul. 30, 2013 >

Article 32 (Assistance in Commercialization of Outstanding Inventions)

If an invention of an independent inventor or an employer is evaluated as excellent in its technical strength and business feasibility in accordance with Article 28 (3), the Commissioner of the Korean Intellectual Property Office may assist in commercialization of the invention by providing financial support for the invention and facilitating purchases of the invention.

Article 33 Deleted. <by Act No. 9509, Mar. 18, 2009 >

Article 34 (Korea Industrial Property Business Arrangement Center) (1) The Korea Industrial Property Business Arrangement Center shall be established to conduct business affairs for facilitating the commercialization of industrial property rights.
(2) The Korea Industrial Property Business Arrangement Center shall conduct the following business activities: <Amended by Act No. 9369, Jan. 30, 2009; Act No.

9509, Mar. 18, 2009; Act No. 11960, Jul. 30, 2013 >

1. Operation of a permanent market for technology related to invention (hereinafter referred to as "patent technology") and an Internet market for patent technology for referral of transfer, sale, and purchase of industrial property rights;
2. Referral of grant of a license or a right to use for an industrial property right (including where an industrial property right holder grants the execution or use of such license or such right to the Korea Industrial Property Business Arrangement Center, and it, then, grants a sub - license or a right to use therefor to a third party. In such cases, the Korea Industrial Property Business Arrangement Center shall pay the royalties that it has received from the third party to the industrial property right holder in compliance with the extent and procedure stipulated in the agreement made with the industrial property right holder);
3. Collection, analysis, and provision of information related to referral and evaluation of industrial property rights;
4. Establishment of a cooperative system with institutions related to technology transfer, such as the Korea Institute for Advancement of Technology under Article 38 of the Industrial Technology Innovation Promotion Act;
5. Other activities necessary to facilitate commercialization of patent technology and to boost referral of patent technology.

(3) The Government may fully or partially contribute funds for expenses incurred in the establishment and operation of the Korea Industrial Property Business Arrangement Center or the conducting of its business activities.

(4) The organization, functions and operation of the Korea Industrial Property Business Arrangement Center, the Government's contribution to the center, and other necessary matters shall be prescribed by Presidential Decree.

Article 35 (Subsidization of Production of Prototype)

The Government may grant a full or partial subsidy, within budget limits, for the funds required for producing a prototype of an invention evaluated as excellent in its technical strength and business feasibility pursuant to Article 28 (3).

Article 36 (Designation of Institutions for Examination of Industrial Property Rights, etc.)

- (1) The Commissioner of the Korean Intellectual Property Office may designate a

national or public research institute, a government - funded research institute, a private research institute, or an institution specializing in examination of industrial property rights as an institution for examination of industrial property rights in order to improve the ability of independent inventors and employers to manage industrial property rights and prevent double investments in research and development.

(2) A person who intends to be designated as an institution for examination of industrial property rights under paragraph (1) shall have professionals and facilities prescribed by Presidential Decree. <Amended by Act No. 13309, May 18, 2015 >

(3) Where an institution designated as an institution for examination of industrial property rights pursuant to paragraph (1) has conducted an examination of industrial property rights, the Commissioner of the Korean Intellectual Property Office may assist the institution, in whole or in part, with the expenses incurred while conducting an examination within the budgetary limits. <Amended by Act No. 13309, May 18, 2015 >

(4) Matters necessary for the procedures for designation, etc. under paragraph (1), shall be prescribed by Presidential Decree.

Article 37 (Revocation, etc. of Designation of Institution for Examination of Industrial Property Rights)

(1) The Commissioner of the Korean Intellectual Property Office shall cancel the designation of an institution for examination of industrial property rights if it falls under subparagraph 1, and may cancel such designation or order it to suspend its business for a given period not exceeding six months, if it falls under subparagraph 2: <Amended by Act No. 11960, Jul. 30, 2013 >

1. If it obtains designation as an institution for examination of industrial property rights by fraud or by other improper means;
2. If the institution for examination of industrial property rights lost its capability to conduct examinations of industrial property rights.

(2) Detailed criteria for administrative dispositions made under paragraph (1) shall be prescribed by Presidential Decree in consideration of grounds therefor and the degree of violation. <Newly Inserted by Act No. 11960, Jul. 30, 2013 >

Article 38 (Request for Modification to Various Specifications)

If an invention registered as an industrial property right is excluded from products eligible for purchasing by the State, local governments, public institutions and other similar entities under Article 4 of the Act on the Management of Public Institutions because its specifications are different from conventional specifications, the Commissioner of the Korean Intellectual Property Office may request the head of the appropriate administrative agency, who manages the relevant specifications, to modify or supplement the relevant specifications so that the products made with the invention can be included in those eligible for such purchasing. <Amended by Act No. 9509, Mar. 18, 2009>

Article 39 (Preferential Purchasing of Outstanding Inventions)

When an end-user institution defined in subparagraph 5 of Article 2 of the Government Procurement Act purchases goods, it may preferentially purchase outstanding inventions made by small and medium enterprises (referring to small and medium business under Article 2 of the Framework Act on Small and Medium Enterprises) recommended by the Commissioner of the Korean Intellectual Property Office. <Amended by Act No. 9509, Mar. 18, 2009; Act No. 11960, Jul. 30, 2013; Act No. 13817, Jan. 27, 2016>

Article 40 (Tax Support)

The Government may provide tax support for income or expenses that accrue in promoting inventions, filing an application for an industrial property right, filing for registration of such right, or a transfer or licensing of an industrial property right, as provided for in the Restriction of Special Taxation Act.

CHAPTER IV - 2 FOSTERING OF INDUSTRIAL PROPERTY RIGHTS SERVICE BUSINESS

Article 40 - 2 (Establishment and Implementation of Fostering Policies) (1) The Commissioner of the Korean Intellectual Property Office shall establish and implement policies necessary to foster industrial property rights service industry (hereinafter referred to as "fostering policies") annually.

(2) Fostering polices shall include the following matters:

1. Establishment of the foundation necessary to foster industrial property rights service industry;
2. Enhancement of the competitiveness of industrial property rights service industry;
3. Facilitation of the utilization of industrial property rights service industry and support for business start - up;
4. Other necessary matters for fostering industrial property rights service industry.

[This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

Article 40 - 3 (Enhancement of Competitiveness of Industrial Property Rights Service Industry)

(1) The Commissioner of the Korean Intellectual Property Office may conduct the following affairs to enhance the competitiveness of industrial property rights service industry:

1. Nurturing human resources to enhance expertise of industrial property rights service industry;
2. Facilitating international cooperation on, and overseas expansion of, industrial property rights service industry;
3. Other affairs necessary to enhance the competitiveness of industrial property rights service industry.

(2) The Commissioner of the Korean Intellectual Property Office may designate a specialized institution or organization to conduct on its behalf, the business activities under paragraph (1). In such cases, expenses incurred in conducting such affairs may be fully or partially subsidized.

(3) The criteria and procedures for the designation of a specialized institution or organization referred to in paragraph (2) shall be prescribed by Presidential Decree.

(4) Article 9 - 2 (4) and (5) shall apply mutatis mutandis to revocation of designation, or suspension of business, of a specialized institution or organization under paragraph (2).

[This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

Article 40 - 4 (Facilitation of Utilization of Industrial Property Rights Service Industry and Support for Business Start - Up)

The Commissioner of the Korean Intellectual Property Office may conduct the following affairs to facilitate the utilization of the industrial property rights service industry and to revitalize business start - up in such business:

1. Public relations to raise awareness of industrial property rights service industry;
2. Providing information on business start - up and holding consultations, fairs, exhibitions, etc.;
3. Selecting outstanding industrial property rights service business entities and excellent business start - up cases, and awarding prizes to them;
4. Other affairs to facilitate the utilization of industrial property rights service industry and to activate business start - up.

[This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

Article 40 - 5 (Research on Actual Conditions of Industrial Property Rights Service Industry)

(1) The Commissioner of the Korean Intellectual Property Office may conduct research on the actual conditions of industrial property rights service industry for a period of three years, to efficiently establish and implement fostering policies for such business.

(2) To conduct research on the actual conditions pursuant to paragraph (1), the Commissioner of the Korean Intellectual Property Office may request an industrial property rights service business entity to submit data prescribed by Presidential Decree, such as the manpower status and sales revenue, or to state his/her opinion. In such cases, the industrial property rights service business entity so requested shall cooperate, except in extenuating circumstances, including a case where the requested data referred to in the former part amounts to trade secrets.

(3) The period, method, items, etc. of research on the actual conditions under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

Article 40 - 6 (Establishment, Operation, etc. of Association)

(1) An industrial property rights service business entity may establish an association relating to the industrial property rights service industry (hereinafter referred to as "association") to promote the sound development of such business and mutual benefits of industrial property rights service business entities.

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- (2) The association shall be a juristic person.
- (3) The association shall conduct the following:
1. Conducting research on relevant systems for the development of the industrial property rights service industry, and recommending the improvement of the systems;
 2. Managing the current status and statistics regarding industrial property rights service business entities;
 3. Collecting, analyzing, and providing the information on the industrial property rights service industry;
 4. Affairs entrusted by the Commissioner of the Korean Intellectual Property Office for fostering the industrial property rights service industry;
 5. Other affairs necessary to achieve the objectives of establishing the association.
- (4) The provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis to the association, except for those prescribed in this Act.
- [This Article Newly Inserted by Act No. 11960, Jul. 30, 2013]

- Article 40 - 7 (Specialized Companies for Industrial Property Rights Services)** (1) In order to promote the use of industrial property rights services, the Commissioner of the Korean Intellectual Property Office may designate a company that professionally provides industrial property rights services (excluding subparagraph 9 (b) of Article 2; hereafter the same shall apply in this Article) and satisfies the standards for human resources, facilities, etc., prescribed by Presidential Decree, as a specialized company for industrial property rights services (hereinafter referred to as "specialized company").
- (2) Where a specialized company falls under any of the following, the Commissioner of the Korean Intellectual Property Office may revoke the designation: Provided, That in the case of subparagraph 1, he/she shall revoke the designation:
1. Where it receives designation by fraud or other improper means;
 2. Where it has no track record of providing industrial property rights services for two years after designation;
 3. Where it falls short of standards for designation under paragraph (1).
- (3) The Government may provide specialized companies with necessary support.

(4) Matters necessary for the designation under paragraph (1), revocation of designation under paragraph (2), support by the Government under paragraph (3), etc., shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13309, May 18, 2015]

CHAPTER V MEDIATION OF DISPUTES OVER INDUSTRIAL PROPERTY RIGHTS AND FACILITATION OF SHARING OF TECHNOLOGY

Article 41 (Committee for Mediation of Disputes over Industrial Property Rights) (1) A committee for mediation of disputes over industrial property rights (hereinafter referred to as the "Committee") shall be established in order to examine and mediate disputes over the following matters (hereinafter referred to as "disputes"):

<Amended by Act No. 10357, Jun. 8, 2010; Act No. 13309, May 18, 2015>

1. Industrial property rights (including applications for industrial property rights);
2. Employee ' s inventions;
3. Trade secrets (referring only to trade secrets related to technical information).

(2) The Committee shall be comprised of not less than 15 but not more than 40 committee members for mediation (hereinafter referred to as "mediators"), including one chairperson. <Amended by Act No. 9986, Jan. 27, 2010; Act No. 10357, Jun. 8, 2010>

(3) Mediators of the Committee shall be commissioned by the Commissioner of the Korean Intellectual Property Office, from among the following persons, and the chairperson shall be appointed by the Commissioner of the Korean Intellectual Property Office, from among the mediators: <Amended by Act No. 9986, Jan. 27, 2010; Act No. 10357, Jun. 8, 2010; Act No. 13309, May 18, 2015>

1. Public officials who are in a position ranked Grade III or who are members of the Senior Civil Service, among public officials of the Korean Intellectual Property Office;
2. Persons who currently serve as a judge or a public prosecutor;
3. Persons who hold a license as attorney - at - law or patent attorney;
4. Persons who assume the position as an associate professor or a higher position at a college;

5. Persons recommended by non - profit, non - governmental organizations under Article 2 of the Assistance for Non - Profit, Non - Governmental Organizations Act;

6. Other persons who have extensive knowledge and experience in the matters referred to in the subparagraphs of paragraph (1).

(4) The term of office for each mediator shall be three years: Provided, That the term of office for a mediator who falls under paragraph (3) 1 or 2 shall be the period during which he/she holds the corresponding position.

(5) A vacancy for a mediator shall be filled by commissioning another mediator in accordance with paragraph (3), and the term of office for a mediator commissioned for filling a vacancy shall be the remaining term of his/her predecessor: Provided, That if the number of mediators is not less than 15 persons, it is not necessary to commission a mediator for filling a vacancy.

Article 41 - 2 (Exclusion, Challenge, and Recusal of Mediators) (1) Any of the following mediators shall be excluded from a deliberation on and mediation of the relevant case applying for dispute conciliation (hereafter in this Article referred to as "case"):

1. Where a mediator or his/her current or former spouse becomes the interested party of the relevant case or has the relationship of joint rightful persons or responsible persons with the interested party of the relevant case;

2. Where a mediator has or had the ties of kinship with the interested party of the relevant case;

3. Where a mediator has directly engaged in an examination, adjudication or trial in connection with the relevant case;

4. A mediator is or was involved in the relevant case as a witness, appraiser or proxy of the interested party;

5. A mediator has any direct interest in the relevant case.

(2) An interested party in the relevant dispute may apply for a challenge to the Committee where it is hard to expect any fairness in a deliberation or mediation from a mediator. In such cases, where the Committee deems that the application for a challenge is justifiable, it shall make a decision on a challenge against the relevant mediator.

(3) Where a mediator falls under paragraph (1) or (2), he/she may abstain from a deliberation on or mediation of the relevant case by himself/herself.

[This Article Newly Inserted by Act No. 10357, Jun. 8, 2010]

Article 42 (Mediation Panels)

The Committee shall have mediation panels, each of which shall be comprised of three mediators, in order to efficiently mediate disputes, and one person among mediators of a mediation panel shall be a person qualified as an attorney - at - law or a patent attorney. <Amended by Act No. 10357, Jun. 8, 2010>

Article 43 (Application for Mediation, etc.) (1) A person who intends to have a dispute mediated may file an application for mediation with the Committee, stating the purpose and ground for the application. <Amended by Act No. 10357, Jun. 8, 2010>

(2) The mediation of a dispute under paragraph (1) shall be conducted by a mediation panel under Article 42.

(3) The Committee shall complete mediation within three months from the filing date of an application for mediation: Provided, That the period may be extended only once by not more than one month with consent of both parties, if any inevitable ground exists. <Amended by Act No. 10357, Jun. 8, 2010>

(4) If the period under paragraph (3) lapses, it shall be deemed that a mediation has failed to reach a resolution.

Article 43 - 2 (Persons Eligible for Application for Mediation) (1) Eligibility to apply for mediation of a dispute pursuant to Article 43 (1) shall be limited to any of the following persons: Provided, That where a person does not have an address or business office in Korea, he/she may apply for mediation only through an agent who has an address or business office in Korea: <Amended by Act No. 13309, May 18, 2015>

1. An applicant for an industrial property right;
2. A right - holder;
3. A licensee;
4. A holder of a right to use;
5. An employee - inventor;

6. A person who possesses a trade secret (referring only to a trade secret related to technical information; hereafter the same shall apply in subparagraph 7);

7. Other persons who have a direct interest in the exercise of the relevant rights or in employee ' s inventions or trade secrets.

(2) Among persons under paragraph (1), a minor, a person under adult guardianship, or a person under limited guardianship may apply for mediation only through his/her legal representative. <Amended by Act No. 11960, Jul. 30, 2013 >

[This Article Newly Inserted by Act No. 10357, Jun. 8, 2010]

Article 44 (Matters Excluded from Subject Matter of Application for Mediation)

A case for which a mere determination on whether an industrial property right is void or cancelled or a declaration of the scope of a right is sought, among disputes, shall not be eligible for an application for mediation.

Article 45 (Demand for Appearance) (1) If necessary for the mediation of a dispute, the Committee may demand a party, his/her representative, or an interested party to appear or to submit relevant documents, as necessary. <Amended by Act No. 10357, Jun. 8, 2010 >

(2) If a party to the mediation does not comply with a demand for appearance under paragraph (1) without a justifiable ground, it shall be deemed that a mediation has failed to reach a resolution.

Article 46 (Formation of Mediation, etc.) (1) Mediation shall be formed by recording matters on which parties agree in a protocol.

(2) The protocol under paragraph (1) shall be as effective as judicial conciliation: Provided, That the foregoing shall not apply to any matter of which neither party can dispose of at will.

Article 46 - 2 (Refusal and Suspension of Mediation) (1) The Committee may refuse or suspend a mediation in any of the following cases:

1. Where either party to the dispute has refused mediation;
2. Where either party to the dispute has filed a suit to the court or has done so after the application for mediation;

3. Cases prescribed by Presidential Decree as having no actual benefit from mediation, such as where the details of the application are clearly approved by the relevant statutes or objective data.

(2) Where any ground for refusal or suspension of mediation under paragraph (1) arises, the Committee shall notify the party to the dispute of such ground, in writing.

[This Article Newly Inserted by Act No. 10357, Jun. 8, 2010]

Article 47 (Interruption of Extinctive Prescription, etc.) (1) An application for mediation shall have the effect of interrupting extinctive prescription.

(2) If successful mediation has not been made and if no lawsuit is filed within one month from the day on which the failure in mediation is finally confirmed, extinctive prescription shall not be interrupted.

Article 48 (Organization of Committee, etc.)

Matters necessary for the organization and operation of the Committee, method and procedures for mediation, and processing of the business of mediation shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10357, Jun. 8, 2010]

Article 49 (Subsidization of Expenses)

The Government may grant a subsidy, within its budgetary limits, for expenses incurred in operation of the Committee. <Amended by Act No. 10357, Jun. 8, 2010 >

Article 49 - 2 (Prohibition of Divulgence of Confidential Information) No person who is or was a mediator of the Committee shall divulge any confidential information on industrial property rights that he/she has learned in the course of performing his/her duties. <Amended by Act No. 10357, Jun. 8, 2010 >

[This Article Newly Inserted by Act No. 8601, Aug. 3, 2007]

Article 50 (Facilitation of Joint Ownership and Reciprocal Licensing of Industrial Property Rights)

(1) The Commissioner of the Korean Intellectual Property Office shall establish and enforce a supportive policy necessary for facilitating joint ownership of industrial property rights owned by each employer or reciprocal grant of non - exclusive licenses in such industrial property rights (hereinafter referred to as "joint ownership or reciprocal licensing of industrial property rights") by

encouraging employers to execute an agreement on joint ownership or reciprocal licensing of industrial property rights with other employers.

(2) The supportive policy under paragraph (1) shall include the following matters:

1. Providing information, in Korea and abroad, regarding joint ownership and reciprocal licensing of industrial property rights;
2. Holding explanatory sessions for facilitating joint ownership and reciprocal licensing of industrial property rights;
3. Other matters necessary for facilitating joint ownership and reciprocal licensing of industrial property rights.

(3) The Commissioner of the Korean Intellectual Property Office may request the Minister of Trade, Industry and Energy or the Chairperson of the Korea Invention Promotion Association to grant a subsidy, in advance, for expenses incurred to employers, who enter into agreements on joint ownership or reciprocal licensing of industrial property rights in accordance with paragraph (1), when they jointly develop technology for the technical area subject to the joint ownership or reciprocal licensing of industrial property rights, from the fund under Article 55, the funds for industrial technology development projects under Article 11 (2) of the Industrial Technology Innovation Promotion Act, the fund for business start - up and promotion of small and medium enterprises under Article 63 of the Small and Medium Enterprises Promotion Act, or any other fund. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9685, May 21, 2009; Act No. 9986, Jan. 27, 2010; Act No. 11690, Mar. 23, 2013>

Article 50 - 2 (Protection of Industrial Property Rights) (1) The Government may conduct programs for protection of industrial property rights, as prescribed by Presidential Decree, to enhance technical competitiveness of industries and establish a fair trade system.

(2) The Commissioner of the Korean Intellectual Property Office may designate a specialized institution or organization to perform on its behalf, programs under paragraph (1). In such cases, the Government may fully or partially subsidize expenses incurred in conducting such programs. <Amended by Act No. 11960, Jul. 30, 2013>

(3) The criteria and procedures for designating a specialized institution or organization under paragraph (2) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 11960, Jul. 30, 2013>

(4) Article 9 - 2 (4) and (5) shall apply mutatis mutandis to revocation of designation, or suspension of business, of the specialized institution or organization under paragraph (2). <Newly Inserted by Act No. 11960, Jul. 30, 2013>

[This Article Newly Inserted by Act No. 9986, Jan. 27, 2010]

Article 50 - 3 (Overseas Industrial Property Rights Center) (1) An overseas industrial property rights center may be established in order to have a center for assisting exporters in securing, utilizing, and protecting industrial property rights abroad.

(2) An overseas industrial property rights center under paragraph (1) (hereafter referred to as "overseas industrial property rights center" in this Article) shall conduct the following activities:

1. Assisting exporters in applying for, registering, and utilizing industrial property rights abroad;
2. Assisting exporters in dealing with disputes over industrial property rights abroad;
3. Assisting exporters in protecting trade secrets abroad;
4. Sharing and diffusing information on protection of industrial property rights abroad;
5. Collecting overseas data appropriate for assisting in protection of industrial property rights abroad;
6. Establishing a cooperative network for protection of industrial property rights abroad;
7. Survey and public relations activities for systems, statistics, and demands for protection of industrial property rights abroad;
8. Other matters necessary for securing, utilizing, and protecting exporters' industrial property rights abroad.

(3) The Government may provide financial support necessary for conducting business activities, within budget limits, to a person who operates an overseas industrial property rights center.

(4) Article 20 - 3 (4) shall apply mutatis mutandis to the profit - making business of an overseas industrial property rights center. <Amended by Act No. 13309, May 18, 2015 >

[This Article Newly Inserted by Act No. 9986, Jan. 27, 2010]

Article 51 (Korea Institute of Intellectual Property) (1) The government shall establish Korea Institute of Intellectual Property (hereinafter referred to as “ institute ”) in order to prepare efficient schemes for dealing with disputes, in Korea and abroad, related to intellectual property rights, analyze Korean and overseas trends of intellectual property rights, and conduct research on the field of new intellectual property rights. <Amended by Act No. 11661, Mar. 22, 2013 >

(2) The institute shall be a juristic person. <Newly Inserted by Act No. 11661, Mar. 22, 2013 >

(3) The institute shall be established by registering its incorporation at the seat of its main office. <Newly Inserted by Act No. 11661, Mar. 22, 2013 >

(4) The Institute shall perform the following affairs in accordance with the conditions provided by its articles of incorporation: <Newly Inserted by Act No. 11661, Mar. 22, 2013 >

1. Survey and research on intellectual property in Korea and abroad;
2. International cooperation and exchange with regard to intellectual property in Korea and abroad;
3. Projects for the promotion of awareness of intellectual property in Korea and abroad, information collection, operation of a special intellectual property library, etc.;
4. Undertaking of research contracts issued by the government, public institutions or private organizations in and out of Korea, or corporations, etc. or conducting joint research with them;
5. Policy advice or recommendation concerning intellectual property and intellectual property rights;
6. Other projects incidental to the projects referred to in subparagraphs 1 through 5, and projects which the government deems to be serving the establishment purpose prescribed in paragraph (1).

(5) The Government shall establish and enforce a supporting policy necessary for the institute under paragraph (1). <Amended by Act No. 11661, Mar. 22, 2013>

(6) The policy under paragraph (5) shall include the following matters: <Amended by Act No. 11661, Mar. 22, 2013>

1. Subsidization of project costs and operating expenses;
2. Dispatch of public officials for research on intellectual property rights;
3. Other matters necessary for research on intellectual property.

(7) With regard to the institute, except as provided in this Act, the provisions concerning an incorporated foundation as referred to in the Civil Act shall apply mutatis mutandis. <Newly Inserted by Act No. 11661, Mar. 22, 2013>

(8) The Commissioner of the Korean Intellectual Property Office shall guide and supervise the business affairs of researchers. <Newly Inserted by Act No. 11661, Mar. 22, 2013>

CHAPTER VI KOREA INVENTION PROMOTION ASSOCIATION

Article 52 (Establishment of Korea Invention Promotion Association) (1) The Korea Invention Promotion Association shall be established in order to promote projects for promotion of invention systematically and efficiently and to conduct programs for furtherance of inventors' interests.

(2) The Korea Invention Promotion Association shall be a legal entity.

(3) The Korea Invention Promotion Association shall be duly formed when it completes the registration of its association at the registry office having jurisdiction over its principal place of business.

(4) Where necessary, the Korea Invention Promotion Association may establish branch associations at any place, inside and outside of the Republic of Korea, as stipulated by its articles of association.

(5) No person, other than the Korea Invention Promotion Association, shall use the name "Korea Invention Promotion Association".

(6) Except as otherwise provided for in this Act, the provisions governing incorporated foundations in the Civil Act shall apply mutatis mutandis to the Korea Invention Promotion Association.

Article 53 (Business Activities) (1) The Korea Invention Promotion Association shall conduct the following business activities: <Amended by Act No. 11960, Jul. 30, 2013>

1. Surveys, research, and informatization on promotion of inventions;
2. Collection, analysis, and distribution of technical information and data on industrial property rights;
3. Training of talents relating to industrial property rights and operation of educational facilities;
4. Fostering of education, research, and teachers relating to invention;
5. Exhibitions, events, and international exchanges and cooperation to promote inventions;
6. Support for the creation, protection, and utilization of industrial property rights through regional intellectual property centers;
7. Facilitation of evaluation and commercialization of patent technology;
8. Projects entrusted by the Commissioner of the Korean Intellectual Property Office for promotion of inventions;
9. Other business activities stipulated by its articles of association.

(2) The Korea Invention Promotion Association may engage in any business for profit in order to raise financial resources necessary to conduct business activities under paragraph (1).

(3) For promotion of invention, the Government may fully or partially subsidize the project costs and operating expenses of the Korea Invention Promotion Association within budget limits.

Article 54 (Guidance and Supervision)

The Commissioner of the Korean Intellectual Property Office shall guide and supervise the Korea Invention Promotion Association for its business affairs.

Article 55 (Raising Funds, etc.) (1) The Korea Invention Promotion Association may raise and manage the fund for efficient support to invention promotion projects under this Act (hereinafter referred to as the "Fund").

(2) The Fund shall be raised from the following sources:

1. Earnings accrued from business activities for profit under Article 53 (2);
2. Contributions and donations from employers;
3. Borrowings;
4. Gains on management of the Fund;
5. Other earnings prescribed by Presidential Decree.

(3) The Fund shall be used for the following business activities:

1. Promoting inventive activities, such as holding events for encouraging invention;
2. Subsidizing production of prototypes of outstanding inventions;
3. Subsidizing evaluations on technical strength and business feasibility of inventions;
4. Subsidizing transfer of inventions, grant of licenses, subsidizing funds for business start - up, and subsidizing commercialization;
5. Facilitating utilization of the employee ' s invention system;
6. Encouraging application and registration of industrial property rights in Korea and abroad;
7. Encouraging students' invention;
8. Survey and analysis on information on industrial property rights;
9. Survey, research, and development of systems for industrial property rights;
10. Assistance in free representation for students and indigent inventors;
11. Assistance in providing credit guarantees in granting subsidies for commercialization of industrial property rights;
12. Other business activities that the Chairperson of the Korea Invention Promotion Association considers necessary for promotion of inventions.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 56 (Delegation, etc. of Authority) (1) The Commissioner of the Korean Intellectual Property Office may delegate part of his/her authority vested under this Act to the Special Metropolitan City Mayer, a Metropolitan City Mayor, a Special Self - Governing City Mayor, a Do Governor, or the Governor of a Special Self - Governing Province, as prescribed by Presidential Decree.

(2) The Commissioner of the Korean Intellectual Property Office may entrust part of his/her business affairs vested under this Act to a specialized institution for informatization, the association, the Korea Invention Promotion Association, the head of an inventing agency (referring to the head of an agency to which a public official belongs as at the time the public official makes an invention), the Korea Patent Attorneys Association established under Article 9 of the Patent Attorney Act, or an agency designated as a technology trading agency pursuant to Article 10 of the Technology Transfer and Commercialization Promotion Act, as prescribed by Presidential Decree. <Amended by Act No. 13309, May 18, 2015 >

[This Article Wholly Amended by Act No. 11960, Jul. 30, 2013]

Article 57 (Hearings)

The Commissioner of the Korean Intellectual Property Office shall hold a hearing when he/she intends to make any of the following dispositions: <Amended by Act No. 11960, Jul. 30, 2013; Act No. 13309, May 18, 2015 >

1. Revocation of designation, or suspension of business affairs, of a specialized institution or organization under Articles 9 - 2 (4), 40 - 3 (4), and 50 - 2 (4);
2. Revocation of designation as a specialized institution for informatization or suspension of business affairs thereof under Article 20 - 3 (3);
3. Cancellation of registration, or suspension of business affairs, of a regional intellectual property center under Article 24 (1);
4. Revocation of designation, or suspension of business affairs, of an evaluation institute under Article 31 (1);
5. Revocation of designation, or suspension of business affairs, of an institution for examination of industrial property rights under Article 37 (1).

Article 57 - 2 (Re - Examination of Regulation)

The Commissioner of the Korean Intellectual Property Office shall examine the appropriateness of the following matters every three years, counting from each base date specified in the following (referring to the period that ends on the day before the base date of every third year) and shall take measures, such as making improvements:

1. Standards for registration of a regional intellectual property center and procedures for application under Article 23: January 1, 2015;
2. Standards for administrative disposition on a regional intellectual property center under Article 24: January 1, 2015;
3. Standards for designation of an evaluation institute under Article 28: January 1, 2015;
4. Standards for administrative disposition on an evaluation institute under Article 31: January 1, 2015;
5. Standards for designation of an institution for examination of industrial property rights under Article 36: January 1, 2015;
6. Standards for administrative disposition on an institution for examination of industrial property rights under Article 37: January 1, 2015;
7. Standards for designation of a specialized institution or organization and standards for administrative disposition on a specialized institution or organization under Article 50 - 2: January 1, 2015;
8. Standards for imposition of an administrative fine under Article 60 (1) 4: January 1, 2015.

[This Article Newly Inserted by Act No. 13309, May 18, 2015]

CHAPTER VIII PENALTY PROVISIONS

Article 58 (Penalty Provisions) (1) Any person who discloses details of an employee ' s invention with intent to acquire unjust benefits or inflict loss on an employer, etc. in violation of Article 19 shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won.

(2) A prosecution for a crime under paragraph (1) may be instituted only where an employer, etc. files a criminal complaint.

Article 59 (Legal Fiction as Public Official in Application of Penalty Provisions) (1) The mediators of the Committee who are not public officials, and the executive officers and employees of specialized institutions for informatization, the Korea Industrial Property Business Arrangement Center and the Korea Invention Promotion Association, shall be construed as a public official in applying the penalty provisions

under the Criminal Act and other Acts.

(2) The executive officers and employees (limited to the executive officers and employees engaged in duties that have been entrusted) of an institution (excluding a specialized institution for informatization and the Korea Invention Promotion Association) entrusted with duties under this Act by the Commissioner of the Korean Intellectual Property Office, shall be construed as a public official in applying the provisions under Articles 129 through 132 of the Criminal Act.

[This Article Wholly Amended by Act No. 13309, May 18, 2015]

Article 60 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding ten million won: <Amended by Act No. 11960, Jul. 30, 2013>

1. Any relevant person who fails to organize a deliberative committee or fails to request to deliberate on a relevant matter, in violation of Article 18 (3);
2. Any person who discloses to other person, any the details of an employee ' s invention he/she becomes aware of in the course of performing his/her duties while participating in a deliberative committee as an advisor, in violation of Article 19 (2);
3. Deleted;< by Act No. 13309, May 18, 2015>
4. Any person who uses the title "regional intellectual property center" without the registration under Article 23 (3), in violation of paragraph (5) of the aforesaid Article;
5. Any person who uses the title "Korea Invention Promotion Association" in violation of Article 52 (5).

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

(3) through (5) Deleted. <by Act No. 9509, Mar. 18, 2009>

ADDENDA <No. 8357, 11. Apr, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended proviso to Article 10 (2) and the amended provisions of Article 34 (2) 4 shall enter into force on June 29, 2007, while the amended provisions of Article 6 (4) of the Addenda shall enter into force on July 1, 2007.

Article 2 (Transitional Measures concerning Enforcement Date)

Until before the amended proviso to Article 10 (2) and the amended provisions of Article 34 (2) 4 enter into force pursuant to the proviso to Article 1 of the Addenda, the corresponding proviso to the previous Article 8 (2) and the corresponding provisions of the previous Article 24 (2) 2 - 3 shall apply instead.

Article 3 (Transitional Measures concerning Compensation for Employee ' s Inventions)

Compensation for succession to a right to obtain a patent, etc. or a patent right, etc. or for grant of an exclusive license, which was made before September 4, 2006, shall be governed by the provisions of the previous Patent Act.

Article 4 (General Transitional Measures concerning Dispositions, etc.)

An action done by or against an administrative agency pursuant to the previous provisions in force as at the time this Act enters into force shall be deemed a corresponding action done by or against the administrative agency pursuant to this Act.

Article 5 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

As to acts committed before this Act enters into force, the previous provisions shall apply in application of penalty provisions or provisions regarding administrative fines.

Article 6 Omitted.

Article 7 (Relationship with Other Statutes)

A citation to the previous Invention Promotion Act or any provision thereof by any other statute in force as at the time this Act enters into force shall be deemed a citation to this Act or a corresponding provision hereof in lieu of the previous provision, if such corresponding provision exists in this Act.

ADDENDA <No. 8601, 03. Aug, 2007 >

This Act shall enter into force on 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. 9369, 30. Jan, 2009 >

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <No. 9401, 30. Jan, 2009 >

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <No. 9509, 18. Mar, 2009 >

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

ADDENDA <No. 9685, 21. May, 2009 >

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <No. 9986, 27. Jan, 2010 >

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

ADDENDA <No. 10357, 08. Jun, 2010 >

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

(2) (Applicability to Refusal and Suspension of Mediation) The amended provisions of Article 46 - 2 shall apply from the first application for mediation filed with the Committee after this Act enters into force.

ADDENDA <No. 10465, 29. Mar, 2011 >**Article 1 (Enforcement Date)**

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

Articles 2 through 7 Omitted.

ADDENDA <No. 10489, 30. Mar, 2011 >

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

ADDENDA <No. 11661, 22. Mar, 2013 >**Article 1 (Enforcement Date)**

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

Article 2 (Transitional Measures concerning Establishment of Institute, etc.)

The incorporated foundation, the Korea Institute of Intellectual Property, which was established under the previous provisions of the Civil Act before the enforcement of this Act shall be deemed to have been established in accordance with the amended provisions of Article 51.

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. 11960, 30. Jul, 2013 >**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 43 - 2 (2) and Article 6 of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Applicability to Hearings)

The amended provisions of Article 57 shall apply beginning with a prior notification of a disposition of business suspension made after this Act enters into force.

Article 3 (Transitional Measures concerning Industrial Property Rights Information Industry, etc.)

- (1) The industrial property rights information industry as at the time this Act enters into force shall be construed as the industrial property rights information service industry under the amended provisions of subparagraph 9 (a) of Article 2.
- (2) An association related to the industrial property rights information industry which has obtained establishment permission from the Commissioner of the Korean Intellectual Property Office pursuant to Article 32 of the Civil Act as at the time this Act enters into force shall be construed as an association under the amended provisions of Article 40 - 6.

Article 4 (Transitional Measures concerning Invention Classes)

An invention class established and operated pursuant to the previous provisions as at the time this Act enters into force shall be construed as an invention education center under the amended provisions of Article 9 (1).

Article 5 (Transitional Measures concerning Non - Exclusive License of Employer, etc.)

If any of an employer, etc., which is an enterprise other than a small and medium business under Article 2 of the Framework Act on Small and Medium Enterprises, holds a non - exclusive license in the patent right, etc. for an employee ' s invention made by an employee, etc., the employer, etc. shall be deemed to hold such non - exclusive license under the amended provisions of Article 10 (1).

Article 6 (Transitional Measures concerning Incompetent Persons, etc.)

Persons under adult guardianship and persons under limited guardianship referred to in the amended provisions of Article 43 - 2 (2) shall be deemed to include persons for whom the declaration of incompetency or quasi - incompetency remains effective under Article 2 of the Addenda to the Civil Act (Act No. 10429).

ADDENDA <No. 13309, 18. May, 2015 >

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Designation of Specialized Institutions for Informatization of Industrial Property Rights)

A specialized institution or organization designated pursuant to previous Article 20 - 3 and the Korea Intellectual Property Rights Information Center registered pursuant to previous Article 21 as at the time this Act enters into force shall be construed as a specialized institution for informatization of industrial property rights designated pursuant to the amended provisions of Article 20 - 3.

Article 3 (Transitional Measures concerning Administrative Fines)

The previous provisions shall apply to the imposition of an administrative fine for an act committed before this Act enters into force.

ADDENDA <No. 13817, 27. Jan, 2016 >

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <No. 13842, 27. Jan, 2016 >

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