

# ENFORCEMENT DECREE OF THE PATENT ACT

[Enforcement Date 03. Apr, 2013.] [Presidential Decree No.24491, 03. Apr, 2013., Partial Amendment]

## CHAPTER I GENERAL PROVISIONS AND PATENT APPLICATION

### Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Patent Act and those necessary for its enforcement.<Amended by Presidential Decree No. 18694, Jan. 31, 2005>

[This Article Wholly Amended by Presidential Decree No. 17246, Jun. 27, 2001]

### Article 1-2 (Scope of Telecommunication Lines)

"Telecommunication lines prescribed by Presidential Decree" in Article 29 (1) 2 of the Patent Act (hereinafter referred to as the "Act") and subparagraph 2 of Article 129 of the Act means the telecommunication lines operated by persons falling under any of the following subparagraphs:

1. The Government, local governments, the governments or local governments of foreign countries, or international organizations;
2. National and public schools provided for in Article 3 of the Higher Education Act or national and public universities of foreign countries;
3. Domestic and foreign national and public research institutions;
4. Corporations incorporated to run the patent information business which are designated and publicly announced by the Commissioner of the Korean Intellectual Property Office.

[This Article Wholly Amended by Presidential Decree No. 19697, Sep. 28, 2006]

Article 2 (Deposit of Micro-Organisms)(1) Any person who desires to make a patent application for an invention related to a micro-organism, shall deposit such micro-organism with a depository authority determined by the Commissioner of the Korean Intellectual Property Office or an institution which has acquired a status as an international depository authority under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Micro-Organisms for the Purposes of Patent Procedure (hereinafter referred to as "international depository authority"), and attach documents certifying the fact (in cases of deposit with the international depository authority, a copy of the latest receipt of deposit under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Micro-Organisms for the Purposes of Patent Procedure) to the patent application: Provided, That if a person who has

ordinary knowledge in the field of technology to which the invention belongs, can easily obtain such micro-organism, it needs not to be required to deposit such micro-organism. <Amended by Presidential Decree No. 18694, Jan. 31, 2005>

(2) When a new deposit number is issued to the micro-organism deposited under paragraph (1) after a patent application is filed, a patent applicant or a patentee shall report such fact to the Commissioner of the Korean Intellectual Property Office without delay.<Amended by Presidential Decree No. 14059, Dec. 31, 1993>

### Article 3 (Matters to be Entered in Patent Specifications of Invention related to Micro-Organism)

Any person who intends to file a patent application for an invention related to a micro-organism shall enter in the specifications prescribed in Article 42 (2) of the Act, the deposit number issued by the depository authority or the international depository authority where he/she has deposited the micro-organism pursuant to the main sentence of Article 2 (1), and the method of acquisition of the micro-organism when he/she did not deposit it pursuant to the proviso to Article 2 (1).

[This Article Wholly Amended by Presidential Decree No. 21567, Jun. 26, 2009]

Article 4 (Apportionment of Samples of Micro-Organism)(1) A person who intends to practice an invention related to a micro-organism deposited under Article 2 for the purpose of a test or research, may have samples of such micro-organism apportioned by a depository authority or international depository authority, in any of the following cases: <Amended by Presidential Decree No. 15408, Jun. 26, 1997; Presidential Decree No. 17995, Jun. 13, 2003; Presidential Decree No. 20127, Jun. 28, 2007; Presidential Decree No. 21567, Jun. 26, 2009>

1. Where a patent application for the invention related to the micro-organism is published or its registration of establishment is filed;
2. Where it is required to prepare a written opinion prescribed in Article 63 (1) of the Act (including cases where Article 170 (2) of the Act is applicable mutatis mutandis).

(2) No person who has samples of a micro-organism apportioned under paragraph (1), shall allow another person to use the micro-organism.

Article 5 (How to Enter Scope of Patent Claim)(1) When claims (hereinafter referred to as "claims") within the scope of claims provided for in Article 42 (8) of the Act are entered, an independent claim (hereinafter referred to as "independent claim") shall be entered, and a dependent claim (hereinafter referred to as "dependent claim") that is embodied by limiting or

adding to the dependent claim may be entered. In such cases, if deemed necessary, another dependent claim that is embodied by limiting or adding to the dependent claim may be entered. <Amended by Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 20127, Jun. 28, 2007>

(2) The claims shall be entered in a proper number according to the nature of the invention.<Amended by Presidential Decree No. 17995, Jun. 13, 2003>

(3) Deleted.<by Presidential Decree No. 16417, Jun. 30, 1999>

(4) When a dependent claim is entered, one or more paragraphs from independent claims or other dependent claims shall be quoted and the number of paragraphs quoted shall be entered.<Amended by Presidential Decree No. 16417, Jun. 30, 1999>

(5) A claim that quotes not less than two claims shall mention alternatively the numbers of the quoted claims.<Amended by Presidential Decree No. 17995, Jun. 13, 2003>

(6) In a claim that quotes not less than two claims, the quoted claim shall not re-quote two or more other claims. The same shall apply to the formula by which in a claim that quotes not less than two claims, the quoted claim quotes one claim, resulting in re-quoting not less than two claims after quoting one claim.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(7) The quoted claim shall be entered ahead of the claim that quotes other claim.<Amended by Presidential Decree No. 17995, Jun. 13, 2003>

(8) Each claim shall be entered on a new line, and serial numbers in the Arabic figure shall be given in the order of the entries.

## Article 6 (Requirements for Single Patent Application for Group of Inventions)

A single patent application for a group of inventions as prescribed in the proviso to Article 45 (1) of the Act shall meet the following requirements:

1. The inventions described in the application shall have mutual relationship in adopted technology;
2. The inventions described in the application shall have the same or corresponding technological features. In such cases, the technological features shall be those improved in light of invention at large.

[This Article Wholly Amended by Presidential Decree No. 17995, Jun. 13, 2003]

## Article 7 (Invention Subject to Application for Registration of Extension of Term of Patent Right by Permit, etc.)

"Invention prescribed by Presidential Decree" in Article 89 (1) of the Act means any of the following inventions:<Amended by Presidential Decree No. 15009, Jun. 3, 1996; Presidential Decree No. 16852,

Jun. 23, 2000; Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 20127, Jun. 28, 2007; Presidential Decree No. 21053, Sep. 30, 2008; Presidential Decree No. 23341, Dec. 2, 2011; Presidential Decree No. 24491, Apr. 3, 2013>

1. Invention of a medicine for which a permit by item has been granted pursuant to Article 31 (2), (3) or 42 (1) of the Pharmaceutical Affairs Act to work a patented invention [limited to a medicine for which a permit by item has been granted first, among medicines manufactured with a new substance (referring to a substance whose chemical structure in the activated part having medicinal effects is new; the same shall apply hereafter in this Article) as an effective ingredient];
2. Invention of an agricultural chemical or raw material registered pursuant to Article 8 (1), 16 (1), or 17 (1) of the Agrochemicals Control Act to work a patented invention (limited to an agricultural chemical or raw material registered first, among agricultural chemicals and raw materials manufactured with a new substance as an effective ingredient).

Article 7-2 (Period Delayed Due to Applicants)(1) "The period delayed due to an applicant" in Article 92-2 (3) of the Act means any of the following periods: <Amended by Presidential Decree No. 24439, Mar. 23, 2013>

1. Any of the following periods in relation to ongoing procedures concerning a patent in the Korean Intellectual Property Office or the Intellectual Property Tribunal:
  - (a) In cases where the Commissioner of the Korean Intellectual Property Office or the presiding administrative patent judge orders a representative to follow procedures concerning a patent or orders the replacement of a representative under Article 10 of the Act, the period from the date when such order is given until the date when a representative is appointed or replaced;
  - (b) In cases where the period of request for trial or a period for a patent-related procedures, upon request from applicants, is extended pursuant to Article 15 (1) or (2) of the Act, the extended period (when the period for a patent-related procedures is reduced, upon request from applicants under Article 15 (2) of the Act, after such period is extended, the period reduced shall be excluded);
  - (c) In cases where a date for initiating patent-related procedures under Article 15 (3) of the Act is fixed and then such date is delayed, upon request from applicants, the period from the day after the fixed date until the changed one;
  - (d) In cases where procedures concerning a patent are supplemented later after a cause not imputable to a person who initiated a patent-related procedure ceases to exist under the main sentence of Article 17 of the Act, the period from the date when such cause ceases to

exist until the date when such procedures are supplemented;

- (e) In cases where procedures concerning a patent are suspended or stopped pursuant to Articles 20, 23 (2), 78 (1) or 164 (1) of the Act, the period during which such procedures concerning a patent are suspended or stopped;
- (f) In cases where the Commissioner of the Korean Intellectual Property Office orders applicants to report the results of the consultation within a designated period pursuant to Article 36 (6) of the Act, such period (when a period is reduced, upon request from applicants, pursuant to Article 15 (2) of the Act, the reduced period shall be excluded);
- (g) In cases where a specification is amended so as to state the claims within the period under Article 42 (5) 2 in accordance with the latter part of main sentence of Article 42 (5) of the Act, the period from the date when the intent of the request for the examination of application is notified until the date when such specification is amended
- (h) In cases where the Commissioner of the Korean Intellectual Property Office, the President of the Intellectual Property Tribunal or the presiding administrative patent judge orders amendment, fixing a period, pursuant to Articles 46, 141 (1) or 203 (2) of the Act, such period (when a period is reduced, upon request from applicants, pursuant to Article 15 (2) of the Act, the reduced period shall be excluded);
- (i) In cases where a claim for a priority right is withdrawn or deemed withdrawn pursuant to Article 56 of the Act, with respect to an earlier application which has become the basis of a claim for a priority right under Article 55 (1) of the Act, the period from the date when a claim for a priority right concerning the relevant earlier application is made until the date when such claim for priority right is withdrawn or deemed withdrawn;
- (j) In cases where the determination of an accelerated examination pursuant to Article 10 of the Act is delayed due to an applicant, with respect to an accelerated examination under Article 61 of the Act, the delayed period;
- (k) In cases where an examiner (referring to an examiner under Article 143 of the Act, when the provisions of Article 63 of the Act are applied mutatis mutandis pursuant to Article 170 of the Act; herein after the same shall apply in this item) notifies an applicant of the grounds for rejection of a patent application and provides the applicant an opportunity to present his/her written opinions within a fixed period pursuant to the main sentence of Article 63 (1) of the Act [Provided, That this shall not apply to cases where an examiner notifies an applicant of grounds for rejection and renders a decision to grant a patent (including cases where the provisions of Article 66 of the Act are applied mutatis mutandis under Article 170 of the Act and a decision is made to grant a patent) pursuant to Article 66 of the Act without making amendment to drawings or specifications concerning notification of grounds for rejection], the period (when the period for submission of written opinions is reduced, upon request from

applicants pursuant to Article 15 (2) of the Act, the reduced period shall be excluded);

- (l) In cases where an applicant pays patent fees (including cases where he/she pays additional patent fees under Article 81 (1) of the Act, the remaining portion of the patent fees under Article 81-2 (2) of the Act, or the patent fees or the remaining portion thereof under Article 81-3 (1) of the Act) pursuant to Article 79 (1) of the Act or is exempt from patent fees by submitting documents prescribed by Ordinance of the Ministry of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office pursuant to Article 83 (3) of the Act after he/she receives a certified copy of a decision on a patent application under Article 67 (2) of the Act, the period from the date when he/she receives such copy until the date when the establishment of a patent right is registered pursuant to Article 87 of the Act;
  - (m) In cases where a re-examination is requested under the main sentence of Article 67-2 (1) of the Act, the period from the date when a certified copy on rejection of a patent application under Article 67 (2) of the Act is delivered until the date when a re-examination is requested;
  - (n) In cases where a request for exclusion or challenge under Article 149 or 150 of the Act is not accepted in accordance with a decision made pursuant to Article 152 (1) of the Act, the period during which trial proceedings are suspended under the main sentence of Article 153 of the Act;
  - (o) In cases where it is deemed that the examination or preservation of evidence is unnecessary, upon request from applicants for such examination or preservation pursuant to Article 157 of the Act, the period from the date when such request is made until the date when it is deemed that such examination or preservation is unnecessary.
  - (p) In cases where an examination is resumed, upon request from applicants, after notification of the closure of the trial examination pursuant to Article 162 (4) of the Act, the period from the date when such examination is resumed until the date when the closure of the trial examination is notified again pursuant to Article 162 (3) of the Act;
  - (q) In cases where any one requests a retrial under Article 178 of the Act after he/she becomes aware of grounds for retrial, the period from the date when he/she becomes aware of such grounds until the date when a retrial is requested;
  - (r) In cases where the presiding administrative patent judge determines an additional period pursuant to Article 186 (5) of the Act, the relevant period;
  - (s) In cases where service of documents or service by public announcement under Article 218 or 219 of the Act is delayed due to an applicant (including cases where such service is delayed because a person to be served changes his/her place to be served under Article 18 (10) and fails to report it to the Commissioner of the Korean Intellectual Property Office), the period during which such service is delayed.
2. Any of the following periods in litigation procedures concerning a trial decision, ruling or

judgment under Article 186 (1) or (8);

- (a) In cases where litigation procedures are suspended pursuant to Article 78 (2) or 164 (2) of the Act, the period during which the procedures are suspended;
- (b) In cases where a request for exclusion or challenge concerning a judge (including a technical examiner applied *mutatis mutandis* under Article 188-2 (1) of the Act and a court clerical official of Grade V applied *mutatis mutandis* under Article 50 of the Civil Procedure Act) under Articles 41 through 43 of the Civil Procedure Act is not accepted in accordance with a decision under Article 45 or 46 of the Civil Procedure Act, the period from the date when such request for exclusion or challenge is made until the date when a decision to reject such request is made or the period during which litigation procedures are suspended under the main sentence of Article 48 of the Civil Procedure Act;
- (c) In cases where the court or the presiding judge orders correction, fixing a period, pursuant to Article 59 or 254 (1) of the Civil Procedure Act, the relevant period;
- (d) In cases where a special representative is appointed pursuant to Article 62 of the Civil Procedure Act, the period from the date when such appointment is requested until the date when a special representative is appointed;
- (e) In cases where a pleading is resumed under Article 142 of the Civil Procedure Act due to an applicant, the period from the date when the resumption of a pleading is ordered until the date when the relevant pleading is completed;
- (f) In cases where the court prohibits an applicant or representative from making a statement and sets a new date for continuing pleadings under Article 144 (1) of the Civil Procedure Act, the period from the date when such applicant, etc. is prohibited from making a statement until the new date;
- (g) In cases where the court orders the appointment of a lawyer pursuant to Article 144 (2) of the Civil Procedure Act, the period from the date when such order is given until the date when a lawyer is appointed;
- (h) In cases where a date designated by the presiding judge pursuant to Article 165 (1) of the Civil Procedure Act is delayed due to remarkable grounds, such as the request of an applicant, the period from the day after a designated date until the changed date;
- (i) In cases where the court extends a statutory period or a period fixed by the court, upon request from an applicant, under Article 172 of the Civil Procedure Act or fixes an additional period, with regard to the invariable period, such extended period or additional period;
- (j) In cases where any cause not attributable to a party is extinguished and procedural acts are subsequently completed under Article 173 of the Civil Procedure Act, the period from the date when such cause is extinguished until the date when procedural acts are subsequently completed;

- (k) In cases where the delivery of documents or service by public notice under Article 178, 186 through 188 or 194 of the Civil Procedure Act is delayed due to an applicant, the period during which such delivery is delayed;
  - (l) In cases where litigation procedures are suspended pursuant to Articles 233 through 237, 239, 240 or 246 of the Civil Procedure Act, the period during which litigation procedures are suspended;
  - (m) In cases where an applicant has failed to appear on the date for pleading, or failed to plead even if he/she has appeared and the presiding judge fixes another date for pleading pursuant to Article 268 (1) of the Civil Procedure Act, the period from the day after the date for pleading until the newly fixed date;
  - (n) In cases where evidence is deemed unnecessary, with respect to an application for the examination of evidence pursuant to Article 289 of the Civil Procedure Act, the period from the date when such application is filed until the date when evidence is deemed unnecessary;
  - (o) In cases where a petition for a retrial under Article 451 of the Civil Procedure Act is filed after the relevant party becomes aware of grounds for a retrial, the period from the date when he/she becomes aware of such grounds until a petition for a retrial is filed.
3. Any of the following periods in procedures for administrative appeal or administrative litigation concerning objection to a ruling under Article 224-2 (2) of the Act;
- (a) In cases where a request for exclusion or challenge under Article 10 of the Administrative Appeals Act is rejected or dismissed in accordance with a decision under Article 12 of the Enforcement Decree of the Act, the period during which administrative procedures are suspended pursuant to Article 13 of the Decree;
  - (b) In cases where an administrative appeal is filed after force majeure, such as natural disasters, wars or incidents, is extinguished under Article 27 (2) of the Administrative Appeals Act, the period from the date when such grounds are extinguished until the date when an administrative appeal is filed;
  - (c) In cases where the Central Administrative Appeals Commission (hereinafter referred to as the "Committee") requests correction by fixing a period under the main sentence of Article 32 (1) of the Administrative Appeals Act, the relevant period;
  - (d) In cases where the Committee fixes a deadline for written supplement pursuant to Article 33 (2) of the Administrative Appeals Act, the period from the date when such deadline is fixed until the date when a written supplement is submitted;
  - (e) In cases where a date for deliberation designated by the Committee under Article 38 of the Administrative Appeals Act is delayed, upon request from applicants, the period from the day following the designated date for deliberation until the changed date for deliberation;
  - (f) In cases where the provisions of the Civil Procedure Act concerning delivery are applied



mutatis mutandis under Article 57 of the Administrative Appeals Act, the period falling under subparagraph 2 (k);

(g) In cases where the provisions of the Civil Procedure Act are applied mutatis mutandis under Article 8 (2) of the Administrative Appeals Act, the period falling under any of the items of subparagraph 2.

4. The period prescribed by Ordinance of the Ministry of Trade, Industry and Energy, which is delayed due to an applicant in relation to the procedures concerning a patent pending before the Korean Intellectual Property Office or the Intellectual Property Tribunal, litigation procedures concerning a trial decision, ruling or judgment under Article 186 (1) or (8) of the Act or procedures for administrative appeal or administrative litigation concerning objection to a ruling under Article 224-2 (2) of the Act.

(2) In cases where there exists an objective ground which is not attributable to an applicant, among grounds for delaying registration of establishment of a patent right under Article 92-2 (1) of the Act, the relevant period shall be excluded from a period under paragraph (1), not withstanding the provisions of paragraph (1).

[This Article Newly Inserted by Presidential Decree No. 23341, Dec. 2, 2011]

## CHAPTER II EXAMINATION AND TRIAL

Article 8 (Eligibility Requirements of Examiners, etc.)(1) A person eligible to become an examiner shall be a public official who works for the Korean Intellectual Property Office or any of its affiliated agencies and who has completed the specified education and training course for examiners provided by the International Intellectual Property Training Institute: <Amended by Presidential Decree No. 21917, Dec. 30, 2009; Presidential Decree No. 24491, Apr. 3, 2013>

1. A public official of Grade V or higher in general service;
2. A public official in general service who belongs to the Senior Civil Service;
3. A specialized contract-based public official who satisfies the qualification criteria of Grade A or B specified in attached Table 1 of the Contract-based Public Officials Regulations.

(2) A person eligible to become an administrative patent judge shall be a Grade-IV or higher-ranking State public official in general service or public official in general service as a member of the Senior Civil Service, who works for the Korean Intellectual Property Office or any of its affiliated agencies and who has completed the specified education and training course for administrative patent judges provided by the International Intellectual Property Training Institute: Provided, That a person eligible to be appointed as an administrative patent judge, which is designated as a position open to the private sector pursuant to Article 28-4 (1) of the

State Public Officials Act, shall meet the requirements for performing duties specified in paragraph (2) of the same Article, while a person eligible to be appointed as an administrative patent judge, which is designated as a position publicly offered pursuant to Article 28-5 (1) of the said Act, shall meet the requirements for performing duties specified in paragraph (2) of the same Article:<Amended by Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 19513, Jun. 12, 2006; Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 24491, Apr. 3, 2013>

1. A person who has served as an examiner at the Korean Intellectual Property Office for two or more years;
2. Deleted;<by Presidential Decree No. 19697, Sep. 28, 2006>
3. A person who has served for two or more years in total as an examiner at the Korean Intellectual Property Office, as a Grade-V or higher-ranking State public official in general service or a public official in general service as a member of the Senior Civil Service, while being engaged directly in trials at the Intellectual Property Tribunal, and as a technical examiner in the Patent Court.

(3) A person eligible to become a presiding administrative patent judge shall be a Grade-III or higher-ranking State public official in general service or public official in general service as a member of the Senior Civil Service, who works for the Korean Intellectual Property Office or any of its affiliated agencies: Provided, That a person eligible to be appointed as a presiding administrative patent judge, which is designated as a position open to the private sector pursuant to Article 28-4 (1) of the State Public Officials Act, shall meet the requirements for performing duties specified in paragraph (2) of the same Article, while a person eligible to be appointed as a presiding administrative patent judge, which is designated as a position publicly offered to the private sector pursuant to Article 28-5 (1) of the said Act, shall meet the requirements for performing duties specified in paragraph (2) of the same Article:<Amended by Presidential Decree No. 16725, Feb. 28, 2000; Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 19513, Jun. 12, 2006; Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 24491, Apr. 3, 2013>

1. A person who has served as an administrative patent judge at the Intellectual Property Tribunal for two or more years;
2. A person who is qualified as an administrative patent judge under paragraph (2) and has worked for the Korean Intellectual Property Office or any of its affiliated agencies for three or more years while being engaged in examinations or trials.

(4) A person eligible to become the President of the Intellectual Property Tribunal shall be qualified as an administrative patent judge.<Amended by Presidential Decree No. 24491, Apr. 3, 2013>

(5) Notwithstanding paragraphs (1) through (4), a public official who belongs to a grade qualified for an examiner, administrative patent judge, presiding administrative patent judge, or

President of the Intellectual Property Tribunal under paragraphs (1) through (4) (including a public official in general service as a member of the Senior Civil Service and a specialized contract-based public official referred to in paragraph (1) 3) and who is qualified for a patent attorney may be appointed as an examiner, administrative patent judge, presiding administrative patent judge, or President of the Intellectual Property Tribunal, respectively: Provided, That a specialized contract-based public official referred to in paragraph (1) 3 shall be eligible to become an examiner only.<Amended by Presidential Decree No. 21917, Dec. 30, 2009; Presidential Decree No. 24491, Apr. 3, 2013>

(6) Matters necessary for training of examiners and administrative patent judges under paragraphs (1) and (2) shall be determined by the Commissioner of the Korean Intellectual Property Office.

[This Article Wholly Amended by Presidential Decree No. 15408, Jun. 26, 1997]

Article 8-2 (Standards for Designating Specialized Institutions)(1) The Commissioner of the Korean Intellectual Property Office may designate corporations that fully meet the following requirements as specialized institutions provided for in Article 58 (1) of the Act (hereinafter referred to as "specialized institution") pursuant to Article 58 (3) of the Act: Provided, That the same shall not apply to corporations, for which designation as specialized institutions has been revoked under Article 58-2 (1) 1 of the Act, or corporations which employ a person who has been a executive who took office in a corporation at the time of designation as a specialized institution, for which two years have not elapsed since the revocation of such designation. <Amended by Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 22674, Feb. 22, 2011>

1. They are required to secure documents and equipment necessary to perform the work of searching prior art or conducting a patent classification under the International Patent Classification;
2. They are required to secure the manpower and organization exclusively responsible for performing the work of searching prior art or conducting a patent classification under the International Patent Classification;
3. They are required not to have persons on their payrolls who concurrently work for other institutions as executives or employees, which perform the work provided for in Article 2 of the Patent Attorney Act or are required not to have patent attorneys on their payrolls who are registered pursuant to Article 5 of the same Act from their executives and employees;
4. They are required to have executives and employees in charge of the work of searching prior art or conducting a patent classification under the International Patent Classification and to

have the security system for their facilities and equipment.

(2) In cases where any specialized institution designated pursuant to paragraph (1) performs any work, other than the work of searching prior art or conducting a patent classification under the International Patent Classification, the work of searching prior art or conducting a patent classification under the International Patent Classification shall not be performed in an unfair manner on the grounds of such other work.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(3) Any person who intends to be designated as a specialized institution shall file an application for designation as a specialized institution with the Commissioner of the Korean Intellectual Property Office together with documents proving the fact that all requirements under each subparagraph of paragraph (1) are satisfied.<Amended by Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 19697, Sep. 28, 2006>

(4) Matters necessary for the detailed criteria concerning the securing of documents, equipment, manpower and organization, the operation of a specialized institution, and the detailed criteria of security systems under each subparagraph of paragraph (1) shall be provided and publicly announced by the Commissioner of the Korean Intellectual Property Office.<Newly Inserted by Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 19697, Sep. 28, 2006>

[This Article Newly Inserted by Presidential Decree No. 13744, Oct. 27, 1992]

Article 8-3 (Entrustment, etc. of Searching Prior Art)(1) With respect to the patent applications or international applications deemed to require searching prior art or conducting a patent classification under the International Patent Classification pursuant to Article 58 (1) of the Act, the Commissioner of the Korean Intellectual Property Office may commission any specialized institution to search prior art or conduct a patent classification under the International Patent Classification. <Amended by Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 21567, Jun. 26, 2009>

(2) In cases where any specialized institution is commissioned by the Commissioner of the Korean Intellectual Property Office to search prior art or conduct a patent classification under the International Patent Classification pursuant to paragraph (1), the head of such institution shall promptly notify the Korean Intellectual Property Office of the result of the search and the classification.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(3) In cases where the Commissioner of the Korean Intellectual Property Office recognizes that the result of the search and the classification referred to in paragraph (2) is insufficient to identify the existence of prior art and the patent classification under the International Patent Classification in connection with the relevant patent application or international application, he/she may re-commission the head of the relevant specialized institution to search prior art and conduct a

patent classification under the International Patent Classification after defining the scope of the search, etc.<Amended by Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 21567, Jun. 26, 2009>

(4) Paragraph (2) shall be applicable mutatis mutandis to recommission referred to in paragraph (3).<Amended by Presidential Decree No. 21567, Jun. 26, 2009>

[This Article Newly Inserted by Presidential Decree No. 13744, Oct. 27, 1992]

## Article 9 (Object of Prior Examination)

"Patent application prescribed by Presidential Decree" in subparagraph 2 of Article 61 of the Act means any of the following patent applications designated by the Commissioner of the Korean Intellectual Property Office:<Amended by Presidential Decree No. 16852, Jun. 23, 2000; Presidential Decree No. 17246, Jun. 27, 2001; Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 20127, Jun. 28, 2007; Presidential Decree No. 20137, Jun. 29, 2007; Presidential Decree No. 21053, Sep. 30, 2008; Presidential Decree No. 21567, Jun. 26, 2009>

1. A patent application in the area of the defense industry;
2. A patent application directly related to green technology [referring to technology that minimizes emissions of greenhouse gases and pollutants by saving energy and resources and making use of them efficiently throughout the whole process of social and economic activities, such as technology related to reducing greenhouse gases, raising the efficiency of energy utilization, pollution-free production, clean energy, recycling resources, and eco-friendliness (including related convergence technology)];
3. A patent application directly related to the promotion of exportation;
4. A patent application concerning the official duties of the State or local governments (including any patent application concerning the duties of the national and public schools provided for in the Higher Education Act, which is filed by the organization in charge of the technology transfer and industrialization established within the national and public schools pursuant to Article 11 (1) of the Technology Transfer and Commercialization Promotion Act);
5. A patent application filed by an enterprise confirmed as a venture business under Article 25 of the Act on Special Measures for the Promotion of Venture Businesses;
- 5-2. A patent application filed by an enterprise selected as a technology-innovative small and medium enterprise under Article 15 of the Act on the Promotion of Technology Innovation of Small and Medium Enterprises;
6. A patent application concerning the results of the State's project to support the development of new technology or quality certification;
7. A patent application which is based on a priority claim under treaties (limited to cases where

- a foreign patent office, upon receiving such priority claim based on the relevant patent application, is in the process of taking procedures for such patent);
8. A patent-applied invention for which the applicant is in process of commercializing or is preparing to do so;
  9. A patent application directly related to electronic transaction;
  10. A patent application on which the Commissioner of the Korean Intellectual Property Office has agreed with the commissioner of any foreign intellectual property office to preferentially examine such;
  11. A patent application for which a person who intends to file an application for prior examination retained a specialized institution under Article 58 (1) of the Act to search prior arts with respect to the invention for which the patent application is pending, and requested the specialized institution to notify the results of the search to the Commissioner of the Korean Intellectual Property Office.

[\[This Article Wholly Amended by Presidential Decree No. 16417, Jun. 30, 1999\]](#)

**Article 10 (Decision on Prior Examination)(1)** Any person who applies for a prior examination shall file with the Commissioner of the Korean Intellectual Property Office an application for prior examination prescribed by Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Presidential Decree No. 13870, Mar. 6, 1993; Presidential Decree No. 15009, Jun. 3, 1996; Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 20729, Feb. 29, 2008; Presidential Decree No. 24439, Mar. 23, 2013>

(2) The Commissioner of the Korean Intellectual Property Office shall, upon receiving an application for prior examination under paragraph (1), decide whether to conduct the prior examination.

(3) Matters necessary for the decision on prior examination as referred to in paragraph (2) shall be determined by the Commissioner of the Korean Intellectual Property Office.

### CHAPTER III CONFIDENTIAL TREATMENT, ETC. OF PATENT APPLICATION RELATED TO NATIONAL DEFENSE

**Article 11 (Classification Criteria of Patent Application Related to National Defense)**

The Commissioner of the Korean Intellectual Property Office shall determine the classification criteria necessary for selection of inventions to be treated as confidential under Article 41 (1) of the Act (hereinafter referred to as "classification criteria") after consulting with the Commissioner of the Defense Acquisition Program Administration. <Amended by Presidential Decree No. 19697, Sep. 28,

2006>

Article 12 (Procedure for Confidential Treatment)(1) If a patent application filed by a person having a domicile or business place in the Republic of Korea is conformed to the classification criteria as prescribed in Article 11, the Commissioner of the Korean Intellectual Property Office shall refer the Commissioner of the Defense Acquisition Program Administration to whether it is required to classify and treat such application as confidential. <Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(2) Where the Commissioner of the Korean Intellectual Property Office has made a reference to the Commissioner of the Defense Acquisition Program Administration under paragraph (1), he/she shall notify an inventor, applicant and representative of the patent application, and a person who is deemed aware of the invention (hereinafter referred to as "inventor, etc.") of such fact, and request them to maintain the confidentiality thereof.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(3) The Commissioner of the Defense Acquisition Program Administration shall, upon receiving a reference under paragraph (1), make a reply within two months, and if it is deemed necessary to treat the patent application as confidential, he/she shall request the Commissioner of the Korean Intellectual Property Office to classify and treat such patent application as confidential.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(4) Upon receiving a request to classify and treat any patent application as confidential under paragraph (3), the Commissioner of the Korean Intellectual Property Office shall take necessary measures in conformity with the confidential service rules, and order the inventor, etc. of the patent application to classify and treat it as confidential, and if he/she is not requested so, he/she shall notify the inventor, etc. of the patent application of a cancellation of the request for maintenance of confidentiality as referred to in paragraph (2).<Amended by Presidential Decree No. 18694, Jan. 31, 2005>

(5) Upon receiving a reply of the Commissioner of the Defense Acquisition Program Administration under paragraph (3), the Commissioner of the Korean Intellectual Property Office shall promptly issue an order to classify and treat the patent application as confidential, or notify a cancellation of the request for maintenance of confidentiality under paragraph (4).<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

Article 13 (Cancellation, etc. of Confidential Treatment)(1) With respect to a patent application which is ordered to be classified and treated as confidential under Article 12 (4), the Commissioner of the Korean Intellectual Property Office shall take necessary measures after



consulting twice or more each year with the Commissioner of the Defense Acquisition Program Administration on the cancellation of confidentiality, extension of confidential maintenance period or whether to change the confidential level. <Amended by Presidential Decree No. 19697, Sep. 28, 2006>

(2) An inventor, etc. who is ordered to classify and treat a patent application as confidential under Article 12 (4), may request the Commissioner of the Korean Intellectual Property Office to release it from confidential treatment, to change the confidential level or to publish or license the invention to which a patent is applied, in a specified limit.

**Article 14 (Compensation)(1)** A patent applicant may request to the Commissioner of the Defense Acquisition Program Administration for a compensation for losses arising from the prohibition of a patent application from being filed in a foreign country or by being treated as confidential(hereinafter referred to as "compensation") under Article 41 (3) of the Act. <Amended by Presidential Decree No. 17246, Jun. 27, 2001; Presidential Decree No. 19697, Sep. 28, 2006>

(2) If a patent applicant requests a compensation under paragraph (1), he/she shall submit a written request for compensation and documentary evidence proving the losses.

(3) Upon receiving a request for compensation under paragraph (1) from a patent applicant, the Commissioner of the Defense Acquisition Program Administration shall determine and pay the amount of compensation, and if necessary, he/she may consult with the Commissioner of the Korean Intellectual Property Office.<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

**Article 15 (Prohibition of Patent Application from Being Filed in Foreign Country and Permission thereof)(1)** If an invention for which a patent application is filed by a person having the domicile or business office in the Republic of Korea, is demanded by the Commissioner of the Korean Intellectual Property Office to be maintained as confidential under Article 12 (2), or is ordered to be classified and treated as confidential under paragraph (4) of the said Article, such person may file a patent application in any foreign country only when it is permitted by the Commissioner of the Korean Intellectual Property Office.

(2) A person who intends to apply for a permit to file a patent application in a foreign country shall submit to the Commissioner of the Korean Intellectual Property Office a written application prescribed by Ordinance of the Ministry of Trade, Industry and Energy.<Amended by Presidential Decree No. 13870, Mar. 6, 1993; Presidential Decree No. 15009, Jun. 3, 1996; Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 20729, Feb. 29, 2008; Presidential Decree No. 24439, Mar. 23, 2013>



## Article 16 (Consultations with Commissioner of Defense Acquisition Program Administration)

If the Commissioner of the Korean Intellectual Property Office intends to grant permission under any of the following subparagraphs, he/she shall first consult with the Commissioner of the Defense Acquisition Program Administration:<Amended by Presidential Decree No. 19697, Sep. 28, 2006>

1. Permission on a publication or license of an invention classified and treated as confidential under Article 13 (2) in a specified limit;
2. Permission on a patent application in a foreign country under Article 15 (2).

## CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 17 Deleted. <by Presidential Decree No. 20127, Jun. 28, 2007>

Article 18 (Service, etc. of Documents)(1) Except in cases where the documents to be served under the Act are directly received by the party or his/her representative at the Korean Intellectual Property Office or the Intellectual Property Tribunal or received by utilizing the information and communication networks, such documents shall be sent by registered mail. <Amended by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 15408, Jun. 26, 1997; Presidential Decree No. 17246, Jun. 27, 2001; Presidential Decree No. 20127, Jun. 28, 2007>

(2) Where the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal has served the documents pursuant to paragraph (1), he/she shall keep a receipt or its details according to any of the following subparagraphs:<Amended by Presidential Decree No. 17246, Jun. 27, 2001>

1. Where a party or his/her representative receives the documents directly at the Korean Intellectual Property Office or the Intellectual Property Tribunal, the receipt specifying the date of receipt and the name of recipient;
2. Where a party or his/her representative receives the documents by utilizing the information and communication networks, the details written in a file for receipt saved on a computer system operated by the Korean Intellectual Property Office or the Intellectual Property Tribunal;
3. Where the documents are sent by registered mail, the receipt of the registered mail.

(3) If the certified copies of an adjudication or decision of trial, review, ruling on the establishment of non-exclusive license and revocation of patent right are served, it shall be made by a special service method as prescribed by the Postal Service Act and the Enforcement Decree

thereof: Provided, That when such copies are delivered to persons who have reported on the use of electronic documents under Article 28-4 (1) of the Act, the information and communications network may be used.<Amended by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 15408, Jun. 26, 1997; Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 22674; Presidential Decree No. 22674, Feb. 22, 2011>

(4) Except as otherwise provided for in the Act or this Decree, a certified copy of the document concerned shall be delivered to the person to whom it is to be served, and if a protocol is prepared in lieu of presentation of the document to be served, a certified copy or abstract of such protocol shall be delivered.

(5) Any service to a person falling under the main sentence of Article 3 (1) of the Act shall be made to his/her legal representative.

(6) If several persons jointly exercise the attorneyship, it shall be sufficient to serve it to one of them.<Amended by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 22674, Feb. 22, 2011>

(7) Any service to a person in a prison or detention house shall be made to the head of such prison or detention house.<Amended by Presidential Decree No. 14059, Dec. 31, 1993>

(8) In cases where there exist two or more parties or their representatives and a report is made on a representative selected to receive documents to the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal, documents shall be delivered to such representative.<Newly Inserted by Presidential Decree No. 22674, Feb. 22, 2011>

(9) The place to be served shall be the domicile or business office of the person to be served: Provided, That where a person intending to be served a document has made a report on the place where he/she want to receive it (limited to a place in the Republic of Korea) in advance to the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal, it shall be such place.<Amended by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 18694, Jan. 31, 2005; Presidential Decree No. 22674, Feb. 22, 2011>

(10) If a person to be served changes his/her place to be served, he/she shall report it without delay to the Commissioner of the Korean Intellectual Property Office.<Newly Inserted by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 22674, Feb. 22, 2011>

(11) If a person to be served refuses to receive the service without justifiable grounds and it is thereby impossible to serve, the service shall be deemed to have been made on the day of sending.<Amended by Presidential Decree No. 22674, Feb. 22, 2011>

(12) Sending, etc. of documents, other than those to be served under the Act shall be made as prescribed by the Commissioner of the Korean Intellectual Property Office.<Newly Inserted by Presidential Decree No. 14059, Dec. 31, 1993; Presidential Decree No. 20127, Jun. 28, 2007; Presidential Decree No. 22674, Feb. 22, 2011>

Article 19 (Patent Gazette)(1) The Patent Gazette as prescribed in Article 221 of the Act shall be classified into the patent gazette for public announcement of registration and the patent gazette for disclosure of patent application. <Amended by Presidential Decree No. 15408, Jun. 26, 1997>

(2) The patent gazette for public announcement of registration shall contain the following matters:<Amended by Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 17246, Jun. 27, 2001; Presidential Decree No. 17995, Jun. 13, 2003; Presidential Decree No. 19697, Sep. 28, 2006; Presidential Decree No. 21567, Jun. 26, 2009>

1. The name and domicile of a patentee (in cases of a juristic person, its title and the location of its place of business);
2. An application number, classification code and date of application;
3. The name and domicile of an inventor;
4. Patent number and its registration date of establishment;
5. The publication date of registration;
6. Matters concerning priority claim;
7. Matters concerning converted applications or divisional applications;
8. Specifications, drawings and abstracts attached to a patent application;
9. The laying-open number of patent application and its date of laying-open;
10. Matters concerning ex officio amendments under Article 66-2 of the Act;
11. The details of correction made pursuant to Article 133-2, 136 or 137 of the Act;
12. Other matters deemed necessary by the Commissioner of the Korean Intellectual Property Office.

(3) The patent gazette for disclosure of patent application shall contain the following matters: Provided, That matters deemed to disrupt public order or morality or harm public sanitation shall be excluded:<Amended by Presidential Decree No. 16417, Jun. 30, 1999; Presidential Decree No. 17246, Jun. 27, 2001; Presidential Decree No. 17995, Jun. 13, 2003; Presidential Decree No. 19697, Sep. 28, 2006>

1. The name and domicile of a patentee (in cases of a juristic person, its title and the location of its place of business);
2. An application number, classification code and date of application;
3. The name and domicile of an inventor;
4. The laying-open number of patent application and its date of laying-open;
5. Specifications, drawings and abstracts attached to a patent application;
6. Matters concerning priority claim;
7. Matters concerning converted applications or divisional applications;
8. The fact of requesting the examination of a patent application under Article 60 (2) of the Act: Provided, That if the fact is not published while laying open the application, the laying-open number of publication, classification code and the number of such patent application as well as

the fact of requesting such examination shall be published in the next patent gazette for disclosure of patent application;

9. The intent to the effect that anyone may claim to the Commissioner of the Korean Intellectual Property Office against any patent application concerned with information and proof substantiating his/her claim under Article 63-2 of the Act;
10. Other matters concerning the publication of patent application.

#### Article 19-2 (Processing of Personal Identity Information)

If the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal deems it unavoidable to carry out the following administrative affairs, he/she may process data containing a resident registration number or a foreigner registration number under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act:

1. Administrative affairs for giving an identification number under Article 28-2 of the Act;
2. Administrative affairs relating to patent application under Article 42 of the Act;
3. Administrative affairs relating to the examination and preservation of evidence under Article 157 of the Act;
4. Administrative affairs relating to the submission, etc. of documents under Article 222 of the Act;
5. Other administrative affairs relating to the filing, reporting, or submission in connection with application, examination, trial, and registration under the Act and this Decree.

[\[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012\]](#)

#### Article 20 (Imposition of Fines for Negligence)

The guidelines for the imposition of fines for negligence under Article 232 (1) of the Act are as provided for in the attached Table.[<Amended by Presidential Decree No. 23341, Dec. 2, 2011>](#)

ADDENDA <No. 13078, 28. Aug, 1990>

This Decree shall enter into force on September 1, 1990.

ADDENDA <No. 13744, 27. Oct, 1992>

This Decree shall enter into force on November 1, 1992.

ADDENDA <No. 13870, 06. Mar, 1993>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <No. 14059, 31. Dec, 1993>

(1) (Enforcement Date) This Decree shall enter into force on January 1, 1994.

(2) (Transitional Measures for Object of Prior Examination) With respect to another person's patent application for which the Government or local government and its contributed research institute requested the examination, before this Decree enters into force, the former provisions shall apply.

(3) (Special Case concerning Request for Compensation) The amended provisions of Article 14 (1) shall also apply to any patent application classified into and treated as confidential, before this Decree enters into force.

(4) Omitted.

ADDENDA <No. 15009, 03. Jun, 1996>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 1996: Provided, That the amended provisions of subparagraph 2 of Article 7 shall enter into force on December 7, 1996.

Article 2 Omitted.

ADDENDA <No. 15408, 26. Jun, 1997>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 1997: Provided, That the amended provisions of Article 19 (3) 2 (e) through (j) shall enter into force on February 1, 1998 and the amended provisions of Articles 4 (1) 2, 8, and 18 (1) and (2) shall enter into force on March 1, 1998.

Article 2 (Transitional Measures on Calculation, etc. of Period for Qualification of Administrative Patent Judges, etc.)

(1) The term of office which any person has served as a State public official of Grade IV or V in general service in the affairs of appellate trial at the appellate trial tribunal and the term of completion which he/she has completed the training courses for a technical examiner and administrative patent judge as a State public official of Grade IV in general service at the International Patent Training Center before the amended provisions of Article 8 (2) enter into force shall be deemed the term of office which he/she has served as an examiner as referred to in subparagraph 1 of the same paragraph.

(2) The term of office which any person has served as an administrative patent judge at the Korean Intellectual Property Office before the amended provisions of Article 8 (3) enter into force shall be deemed the term of office which he/she has served as an administrative patent judge as referred to in subparagraph 1 of the same paragraph.

(3) Any person qualified as an administrative patent judge or appellate examiner pursuant to the previous provisions as at the time the amended provisions of Article 8 (2) and (3) enter into force shall be deemed a person qualified as an administrative patent judge or a presiding administrative patent judge under this Decree.

Article 3 (Special Cases on Special Service of Adjudication, etc.)

In applying the amended provisions of Article 18 (3), "trial" in the same paragraph of the same Article shall be construed as "trial, appellate trial and immediate appeal" until February 28, 1998.

ADDENDA <No. 16417, 30. Jun, 1999>

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 1999.
- (2) (Applicability) The amended provisions of Article 9 shall apply from the first patent application with a request for an accelerated examination made after this Decree enters into force.

ADDENDA <No. 16725, 28. Feb, 2000>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <No. 16852, 23. Jun, 2000>

- (1) (Enforcement Date) This Decree shall enter into force on July 1, 2000.
- (2) (Applicability to Request for Accelerated Examination) The amended provisions of subparagraph 9 of Article 9 shall apply from the first patent application with a request for accelerated examination filed after this Decree enters into force.

ADDENDA <No. 17246, 27. Jun, 2001>

This Decree shall enter into force on July 1, 2001.

ADDENDA <No. 17995, 13. Jun, 2003>

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

ADDENDA <No. 18312, 17. Mar, 2004>

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

ADDENDA <No. 18694, 31. Jan, 2005>

This Decree shall enter into force on February 11, 2005.

ADDENDA <No. 19513, 12. Jun, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <No. 19697, 28. Sep, 2006>

(1) (Enforcement Date) This Decree shall enter into force on October 1, 2006: Provided, That the amended provisions of Articles 8 (2) and (3) 2, 18 (3) and 19 (2) 10 shall enter into force on July 1, 2007.

(2) (Applicability to Accelerated Examination) The amended provisions of Article 9 shall apply



from the first patent application with a request for accelerated examination filed after this Decree enters into force.

(3) (Transitional Measures concerning Qualification Requirements for Administrative Patent Judges) Any person qualified as an administrative patent judge or a presiding administrative patent judge pursuant to the previous provisions as at the time the amended provisions of Article 8 (2) and (3) enter into force shall be deemed a person qualified as an administrative patent judge or a presiding administrative patent judge, respectively, pursuant to this Decree.

(4) (Transitional Matters concerning Publication of Patent Gazette) The publication of the patent gazette concerning the patent application filed pursuant to the previous provisions as at the time the amended provisions of Article 19 (2) 7 and (3) 7 and 9 enter into force shall be governed by the previous provisions.

ADDENDA <No. 20127, 28. Jun, 2007>

This Decree shall enter into force on July 1, 2007.

ADDENDA <No. 20137, 29. Jun, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <No. 20729, 29. Feb, 2008>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <No. 21053, 30. Sep, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on October 1, 2008.

Article 2 (Applicability to Cases Eligible for Accelerated Examination)

The amended provisions of Article 9 shall apply from the first patent application with a request for accelerated examination filed after this Decree enters into force.

ADDENDA <No. 21567, 26. Jun, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2009: Provided, That the amended provisions of Article 8-3 shall enter into force on the date of its promulgation, those of subparagraph 2 of Article 9 on October 1, 2009, and those of Article 3 on January 1, 2010.

Article 2 (Applicability to Matters Entered in Patent Specifications of Invention related to Micro-Organism)

The amended provisions of Article 3 shall apply from the first patent application, divisional application, converted application, and application made by a lawful holder of the right after an application made by an unentitled person after the date the amended provisions of Article 3 under the proviso to Article 1 of the Addenda enter into force.

Article 3 (Transitional Measures)

Notwithstanding the amended provisions of Article 4 (1) 2, the previous provisions shall apply to any patent application made before this Decree enters into force.

ADDENDA <No. 21917, 30. Dec, 2009>

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

ADDENDA <No. 22674, 22. Feb, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on April 1, 2011.

Article 2 (Applicable Examples concerning Delivery of Copies of Adjudication or Decision)

The amended provisions of Article 18 (3) shall apply from the first adjudication or decision field after the enforcement of this Decree.

ADDENDA <No. 23341, 02. Dec, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date when the Free Trade Agreement between the Republic of Korea and the United States of America comes into effect in the Republic of Korea: Provided, That the amended provisions of Article 20 and the attached table shall enter into force on January 1, 2012.

Article 2 (Applicability to Period Delayed Due to Applicants)

The amended provisions of Article 7-2 shall apply from the first patent application field after this Decree enters into force.

Article 3 (Transitional Measures concerning Fines for Negligence)

(1) The application of standards for imposition of fines for negligence against violations before this Decree enters into force shall be governed by the previous provisions, notwithstanding the amended provisions of the attached table.

(2) The imposition of fines for negligence against violations before this Decree enters into force shall not be included in calculating the number of violations under the amended provisions of the attached table.

ADDENDA <No. 23488, 06. Jan, 2012>

Article 1 (Enforcement Date)

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

ADDENDA <No. 24439, 23. Mar, 2013>

Article 1 (Enforcement Date)

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

Article 2 and 3 Omitted.

ADDENDA <No. 24491, 03. Apr, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Inventions Subject to Application for Registration of Extension of Term of Patent Right by Permit, etc.)

The amended provisions of Article 7 shall apply to the inventions for which an application for registration of the extension of the term of a patent right by permit, etc. is filed on or after the date this Decree enters into force.