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FRAMEWORK ACT ON INTELLECTUAL PROPERTY

[Enforcement Date 11. Dec, 2022.] [Act No.18873, 10. Jun, 2022., Partial
Amendment]

과학기술정보통신부 (성과평가정책과)044-202-6925



법제처 국가법령정보센터

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to contribute to the economic, social and cultural development of the Republic of Korea and the improvement of people's quality of life by formulating basic government policies and establishing the system for promotion thereof in order to facilitate creation, protection and utilization of intellectual property and create the foundations thereof, thus enabling the value of intellectual property to be displayed in our society to the fullest extent.

Article 2 (Fundamental Concepts) The Government shall promote policies related to intellectual property according to the following fundamental concepts:

1. To promote the creation of excellent intellectual property by encouraging creators of intellectual property, such as writers, inventors, technicians, and artists to engage in their activities creatively and stably;
2. To protect intellectual property in an effective and stable manner, promote the utilization and the reasonable and fair use thereof;
3. To build up foundations to promote the creation, protection and utilization of intellectual property by promoting the social environment that values intellectual property and fostering professional human resources and related industries;
4. To contribute to the common development of the international community by bringing harmony between domestic norms and international norms on intellectual property and supporting the strengthening of intellectual property-related aptitude of developing countries.

Article 3 (Definitions) The terms used in this Act are defined as follows:

1. The term "intellectual property" means knowledge, information, technology, the expression of thoughts or feelings, the indication of business or goods, varieties of organism or genetic resources and other intangibles created or discovered by creative activities, experience, etc. of human beings, the value of property of which may be realized;

2. The term "new intellectual property" means intellectual property that appears in new fields in line with economic, social or cultural changes or the development of science and technology;
3. The term "intellectual property right" means any right relating to intellectual property recognized or protected according to Acts and subordinate statutes, treaties, etc.;
4. The term "public research institute" means any of the following institutions;
 - (a) A research institute directly established and operated by the State or a local government;
 - (b) A school as defined in Article 2 of the Higher Education Act;
 - (c) A government-funded research institute as defined in Article 2 of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc.;
 - (d) A government-funded science and technology research institute as defined in Article 2 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
 - (e) A local government-invested research institute as defined in Article 2 of the Act on the Establishment and Operation of Local Government-Invested Research Institutes;
 - (f) A specific research institute as defined in Article 2 of the Specific Research Institutes Support Act;
 - (g) A special manufacturing technology research institute as defined in Article 42 of the Industrial Technology Innovation Promotion Act;
 - (h) An institute engaging in business related to the creation or utilization of intellectual property among public interest corporations as defined in Article 2 of the Act on the Establishment and Operation of Public Interest Corporations;
 - (i) An institute engaging in business related to the creation or utilization of intellectual property among institutions designated as public institutions pursuant to Article 4 of the Act on the Management of Public Institutions.
5. The term "business operator, etc." means a person other than a public research institute who operates a business related to intellectual property or engages in such business as research and support.

Article 4 (Responsibilities of State) (1) The State shall formulate and promote comprehensive policies to promote the creation, protection and utilization of intellectual property and

create the foundations thereof according to the objectives and basic principles of this Act.

(2) A local government shall formulate and promote policies for intellectual property by region in consideration of the policies of the State under paragraph (1) and relevant regional characteristics.

(3) A public research institute, business operator, etc. shall endeavor to create and actively utilize excellent intellectual property and afford better treatment to researchers and creators under its supervision, and provide reasonable remuneration to them for the outcomes thereof.

(4) The State, local governments, public research institutes and business operators, etc. shall mutually cooperate so that government policies for promoting creation, protection and utilization of intellectual property and creating the foundations thereof may be promoted in an effective manner.

Article 5 (Relations with Other Acts) (1) Where other Acts related to intellectual property are enacted or amended, they shall satisfy the objectives and basic principles of this Act.

(2) Except as otherwise provided for in other Acts, this Act shall apply to the promotion of policies for intellectual property.

CHAPTER II FORMULATION OF POLICIES FOR INTELLECTUAL PROPERTY AND PROMOTION SYSTEM THEREOF

Article 6 (Establishment and Functions of Presidential Council on Intellectual Property) (1) The Presidential Council on Intellectual Property (hereinafter referred to as the "Council") shall be established under the jurisdiction of the President to deliberate on and coordinate main policies and plans of the Government on intellectual property and to inspect and evaluate the conditions of the promotion thereof.

(2) The Council shall deliberate on and coordinate the following matters:

1. Matters concerning the formulation and change of the master plan for national intellectual property under Article 8 and the action plan for national intellectual property under Article 9;
2. Matters concerning the inspection and evaluation of the conditions for promoting the master plan and the action plan under Article 10;
3. Matters concerning the direction of the distribution and the efficient management of financial resources related to intellectual property;

4. Matters concerning policies for promoting the creation, protection and utilization of intellectual property and creating the foundations thereof under this Act;
 5. Other matters deemed necessary by a chairperson of the Council for promoting the creation, protection and utilization of intellectual property and creating the foundations thereof, or requested by the heads of central administrative agencies concerned or a Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as the "Mayor/Do Governor").
- (3) Where matters that the Council intends to deliberate on or coordinate are related to a policy or plan formulated in accordance with other Acts, the Council shall consult in advance with the agency in charge of the relevant policy or plan.

- Article 7 (Organization and Operation of Presidential Council on Intellectual Property)** (1) The Council shall be comprised of not more than 40 members, including two chairpersons.
- (2) The Prime Minister and a person appointed by the President from among members under paragraph (3) 2 shall serve as chairpersons.
- (3) The following persons shall serve as members of the Council:
1. Heads of central administrative agencies concerned and public officials in political service as prescribed by Presidential Decree;
 2. Persons appointed by the President from among those who have considerable knowledge and experience in intellectual property.
- (4) The term of office of the members under paragraph (3) 2 shall be two years, and they may be reappointed only once: Provided, That the term of office of a member newly appointed due to the resignation, etc. of a member shall be the remaining period of the term of office of his or her predecessor.
- (5) Each chairperson shall represent the Council and the chairperson who is the Prime Minister shall call a meeting of the Council and preside over the meeting, and where he or she is unable to perform his or her duties due to inevitable reasons, another chairperson appointed by the President pursuant to paragraph (2) shall perform his or her duties on his or her behalf.
- (6) In order to perform the business of the Council in an efficient manner, specialized committees by field may be established in the Council.

(7) Other matters necessary for the organization and operation of the Council and specialized committees shall be prescribed by Presidential Decree.

Article 8 (Formulation of Master Plan for National Intellectual Property) (1) The Government shall, every five years, formulate a master plan for national intellectual property that defines the objectives of and basic direction-setting for mid-term and long-term policies concerning intellectual property (hereinafter referred to as "master plan") in order to achieve the objectives of this Act in an efficient manner.

(2) Where the Government intends to formulate or change a master plan, it shall confirm the master plan after deliberation by the Council and publicly announce the same without delay: Provided, That this shall not apply to cases where the Government intends to change insignificant matters prescribed by Presidential Decree.

(3) A master plan shall include the following matters:

1. The objectives of and basic direction-setting for policies for intellectual property;
2. Strategies for the creation, protection and utilization of intellectual property and new intellectual property;
3. A plan for strengthening abilities of industrial circles, academic circles, research circles, cultural and artistic circles, etc. to create intellectual property;
4. Matters concerning the protection of intellectual property of nationals of the Republic of Korea in foreign countries (including corporations or organizations established in accordance with the law of the Republic of Korea; hereinafter the same shall apply);
5. A plan for preventing danger and harm to the security of the people, etc. due to an infringement on intellectual property;
6. A plan for the fair use of intellectual property;
7. Matters concerning the creation of the intellectual property-friendly social environment;
8. Matters concerning the international standardization of intellectual property;
9. Matters concerning the collection, analysis and provision of information related to intellectual property;
10. A plan for strengthening intellectual property-related aptitude of small and medium enterprises, farmers and fishermen, etc.;
11. Matters concerning support for access to intellectual property by an economically or socially neglected class of people;

12. A plan for training of professional human resources in intellectual property;
 13. A plan for the internationalization of an intellectual property-related system;
 14. A plan for the investment of the Government's budget in the promotion of policies for intellectual property;
 15. A plan for the reform of statutes to improve cultural, educational and financial systems, etc. related to intellectual property;
 16. Other matters necessary for promoting the creation, protection and utilization of intellectual property and for creating the foundations thereof.
- (4) Detailed procedures for the formulation and change of a master plan shall be prescribed by Presidential Decree.

Article 9 (Formulation of Action Plan for National Intellectual Property) (1) The Government shall formulate an annual action plan for national intellectual property (hereinafter referred to as "action plan") with promotion plans submitted by the heads of central administrative agencies concerned and the Mayors/Do Governors according to a master plan under Article 8.

(2) Where the Government intends to formulate and change an action plan, it shall confirm the action plan after deliberation by the Council: Provided, That this shall not apply to cases where it intends to change insignificant matters prescribed by Presidential Decree.

(3) Detailed procedures for formulating and changing an action plan shall be prescribed by Presidential Decree.

Article 10 (Inspection and Evaluation of Conditions of Promotion) (1) The Council shall inspect and evaluate the conditions of the promotion of a master plan and an action plan.

(2) If necessary to efficiently promote a master plan and an action plan, the Council may notify the heads of central administrative agencies concerned or the Mayors/Do Governors of its opinion for the improvement thereof reflecting the findings of inspection and evaluation under paragraph (1).

(3) The heads of central administrative agencies concerned or the Mayors/Do Governors notified of an opinion for improvement pursuant to paragraph (2) shall formulate a plan necessary for the improvement thereof and submit it to the Council, and the Council shall inspect the condition of the implementation of the plan submitted by the relevant agencies.

(4) Other matters necessary for the inspection and evaluation of conditions of the promotion of a master plan and an action plan shall be prescribed by Presidential Decree.

Article 11 (Secretariat of Presidential Council on Intellectual Property) (1) A secretariat may be established in the Council to support the business thereof.

(2) If necessary to conduct Council affairs efficiently, the Council may request the heads of central administrative agencies, local governments, other related institutions or organizations, etc. to dispatch public officials or executives and employees under their supervision to the Council or to have them concurrently hold a position in the Council.

(3) Matters necessary for organizing and operating the secretariat under paragraph (1) shall be prescribed by Presidential Decree.

Article 12 (Designation of Officers in Charge of Policies for Intellectual Property) The head of a central administrative agency concerned and a Mayor/Do Governor may designate an officer to be in charge of policies for intellectual property from among the public officials under his or her control to efficiently formulate and execute policies for intellectual property of the relevant agency.

Article 13 (Notification of Enactment and Amendment of Related Statutes) (1) Where the head of a central administrative agency and a Mayor/Do Governor intends to enact or amend statutes or municipal ordinance related to intellectual property, or to formulate or change main policies and plans (hereinafter in this Article referred to as "main policies, etc."), he or she shall notify the Council of the details thereof.

(2) The Council may advance its opinion on the statutes, municipal ordinance or main policies, etc. notified pursuant to paragraph (1), and the head of the central administrative agency concerned or the Mayor/Do Governor shall endeavor to reflect its opinion therein.

(3) Detailed procedures for notification under paragraph (1) and presentation of opinions under paragraph (2) shall be prescribed by Presidential Decree.

Article 14 (Request for Cooperation of Related Institutions) If necessary to conduct Council affairs, the Council may request central administrative agencies, local governments, other related institutions, organizations or experts to submit materials or advance opinions, or to conduct research or study. In such cases, the Council may reimburse expenses incurred therein within budgetary limits.

Article 15 (Annual Report) (1) Within three months after each fiscal year has lapsed, the Government shall prepare an annual report on the actual results of the promotion of an action plan in the relevant fiscal year and submit the same to the National Assembly.

(2) Matters necessary for the preparation of an annual report under paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER III PROMOTION OF CREATION, PROTECTION AND UTILIZATION OF INTELLECTUAL PROPERTY

SECTION 1 Promotion of Creation of Intellectual Property

Article 16 (Promotion of Creation of Intellectual Property) The Government shall formulate and promote policies, including the following matters, to promote the creation of excellent intellectual property:

1. Research on and analysis of statistics and indexes related to intellectual property;
2. The trend of the development of future intellectual property and the outlook for related industries and markets;
3. Support for strengthening of intellectual property-related aptitude of public research institutes and business operators, etc.;
4. Education for strengthening abilities of researchers, creators and intellectual property managers;
5. Improvement in laws and systems to promote the creation of excellent intellectual property;
6. Support for the vitalization of joint research and development of public research institutes and business operators, etc. in the Republic of Korea and abroad;
7. Other matters necessary for promoting the creation of excellent intellectual property.

Article 17 (Connection of Research and Development with Creation of Intellectual Property)

(1) The Government shall support research and development so that the outcomes of research and development may lead to the creation of excellent intellectual property.

(2) The Government shall support research and development so that information on related intellectual property may be utilized in the entire process of planning, management, evaluation, etc. of research and development.

(3) The Government shall take necessary measures so that evaluation on research and development may be conducted based on the outcomes of the creation of intellectual

property.

Article 18 (Support for Creation of New Intellectual Property) (1) The Government shall promote the creation, protection and utilization of new intellectual property.

(2) The Government shall research and analyze the current status of new intellectual property to promote the creation, protection and utilization of new intellectual property.

(3) The Government shall reform the related statutes so that new intellectual property may be protected in a proper way, and take necessary measures, including support for developing means of technical protection related thereto and vitalizing the utilization thereof.

Article 19 (Reward to Creators of Intellectual Property) The Government shall promote the social environment and foundations for an individual who creates intellectual property to be fairly rewarded, and formulate policies necessary therefor.

SECTION 2 Strengthening Protection of Intellectual Property

Article 20 (Promotion of Claiming Rights and Protection of Intellectual Property) The Government shall formulate and promote policies, including the following matters, so that intellectual property may be expeditiously and accurately confirmed as a right, and protected effectively:

1. A plan for the reform of systems, etc. for the examination, judgment, registration of intellectual property;
2. A plan for strengthening legal and administrative measures for the protection of intellectual property;
3. A plan for strengthening technical measures, such as the establishment of a security system and information system for the protection of intellectual property;
4. A plan for cooperation with institutions and organizations related to the protection of intellectual property in the Republic of Korea and abroad;
5. A plan for claiming intellectual property rights and for securing professional human resources related to the protection thereof;
6. Other matters necessary for claiming intellectual property rights and the promotion of the protection thereof.

Article 21 (Reform of Litigation System) (1) The Government shall endeavor to improve systems, including the simplification of legal proceedings, so that intellectual property disputes may be settled expeditiously and fairly, and the relief for rights may be substantially realized.

(2) The Government shall reform a litigation system and strengthen the professionalism of related human resources to secure professionalism of the settlement of intellectual property disputes.

Article 22 (Invigoration of Procedures for Settlement of Disputes Other Than Trials) The Government shall invigorate simple and convenient procedures for the settlement of disputes other than via trial, such as reconciliation and arbitration, so that intellectual property disputes may be settled in an expeditious and efficient manner, enhance professionalism, and take necessary measures, including strengthening guidance and public relations, so that the same may be utilized easily.

Article 23 (Response to Infringement of Intellectual Property Rights) (1) The Government shall formulate and promote countermeasures, including the following matters to strengthen execution activities, such as control over or investigation into infringements of intellectual property rights:

1. A plan for preventing illegal leakage of intellectual property and infringement of intellectual property rights;
2. A plan for eradicating the manufacture, distribution, or export and import of goods infringing intellectual property;
3. A plan for cooperation among institutions concerned to prevent infringement of intellectual property rights;
4. Other matters necessary to respond to infringement of intellectual property rights.

(2) The Council and the heads of central administrative agencies concerned may request the head of an intelligence or investigative agency to collect or provide necessary information or materials, and provide cooperation to formulate countermeasures under paragraph (1).

Article 24 (Protection of Intellectual Property in Foreign Countries) (1) The Government shall make efforts so that intellectual property possessed by a national of the Republic of Korea may be protected appropriately in foreign countries.

(2) Where intellectual property possessed by a national of the Republic of Korea is not protected appropriately in foreign countries, the Government shall take necessary measures, including investigation into the current status of the matter, requesting the relevant foreign government to take measures, and cooperation with international organizations and related organizations, by official authority or at the request of the person concerned.

SECTION 3 Promotion of Utilization of Intellectual Property

Article 25 (Promotion of Utilization of Intellectual Property) (1) The Government shall formulate and promote policies, including the following matters, to promote the utilization of intellectual property, such as transfer, transactions and commercialization of intellectual property:

1. A plan for activating business startups by utilizing intellectual property;
2. A plan for activating connection between consumers and suppliers of intellectual property;
3. A plan for increasing values of intellectual property, such as discovery, collection, merger, additional development and claiming rights of intellectual property, and for raising funds necessary therefor;
4. A plan for reforming systems to promote the liquidation of intellectual property;
5. A plan for activating investment in, financing, and establishing trust, guarantee, insurance, etc. on intellectual property;
6. Other matters necessary to promote the utilization of intellectual property.

(2) The Government shall endeavor to promote the utilization of intellectual property possessed and managed by the State, local governments or public research institutes.

Article 26 (Fostering Intellectual Property Service Industry) (1) The Government shall foster the service industry related to intellectual property (hereinafter referred to as "intellectual property service industry"), such as the analysis and provision of information related to intellectual property, the evaluation, transactions and management of intellectual property, and the formulation of and consultation about strategies for management of intellectual property.

(2) The Government may give necessary support to the intellectual property service industry, such as support for business startups and training of human resources, provision of information.

(3) The Government may select business operators, etc. with the ability and actual results who are able to provide excellent intellectual property services and offer them rewards and necessary support, such as conferring benefits for participation in relevant Government projects.

(4) The Government shall establish a system for classification of the intellectual property service industry, and collect and analyze the related statistics.

Article 27 (Establishment of Evaluation Systems for Intellectual Property) (1) The Government shall establish an evaluation methodology and evaluation system for intellectual property to promote the objective evaluation of intellectual property.

(2) The Government shall provide support so that an evaluation methodology and evaluation system under paragraph (1) may be utilized in transactions, finance, etc. related to intellectual property.

(3) The Government shall train related human resources to vitalize the evaluation of intellectual property.

Article 28 (Establishment of Order in Fair Use of Intellectual Property) (1) The Government shall endeavor to promote the fair use of intellectual property and to prevent any abuse of intellectual property rights.

(2) The Government shall take necessary measures so that intellectual property created by joint efforts may be distributed fairly among the persons concerned.

(3) The Government shall prevent unfair transactions of intellectual property between large companies and small and medium enterprises, and promote mutual cooperation.

CHAPTER IV CREATION OF FOUNDATIONS TO PROMOTE CREATION, PROTECTION AND UTILIZATION OF INTELLECTUAL PROPERTY

Article 29 (Creation of Intellectual Property-Friendly Social Environment) (1) The Government shall formulate and promote policies to improve people's awareness of intellectual property, such as education, public relations, and cultural events to create the social environment that values intellectual property.

(2) The Government shall formulate and promote policies to promote the creation, protection and utilization of intellectual property by region to enhance competitiveness in intellectual property of each region.

Article 29-2 (Intellectual Property Day) (1) September fourth shall be designated as Intellectual Property Day to improve citizens' understanding of and interest in creation, protection and utilization of intellectual property.

(2) The Government may hold a celebration satisfying the purpose of the Intellectual Property Day.

[This Article Newly Inserted on Dec. 19, 2017]

Article 30 (International Standardization of Intellectual Property) (1) The Government shall formulate and promote policies to provide support necessary during the entire process from the planning stage of research to the acquisition of standards so that intellectual property being created or already created from a research and development project may be connected to the international standards under subparagraph 2 of Article 3 of the Framework Act on National Standards.

(2) The Government shall collect, analyze and provide information on trends related to the international standards to support the international standardization of intellectual property.

Article 31 (Collection, Analysis and Provision of Information on Intellectual Property) (1) The Government shall formulate and promote policies, including the following matters, to promote the production, distribution and utilization of information on intellectual property:

1. A plan to collect, analyze, process and establish databases of information on intellectual property;
2. Matters concerning the establishment of a system for classification of information on intellectual property and the preparation, supplementation, etc. of a classified table of intellectual property;
3. A plan to improve accessibility to information, such as the establishment of an intellectual property information network and the establishment of a special library for intellectual property;
4. A plan for research and development necessary to activate the collection, analysis and provision of information on intellectual property;

5. A plan to foster institutions specialized in the management and distribution of information on intellectual property;
6. Other matters necessary to collect, analyze and provide information on intellectual property.

(2) Where the Government promotes policies under paragraph (1), it shall take measures necessary for protecting personal information, national secrets, etc.

Article 32 (Support to Economic and Social Minorities) (1) The Government shall provide support necessary to strengthen the abilities of small and medium enterprises, farmers and fishermen, individuals, etc. to create, protect and utilize intellectual property.

(2) The Government may certify management of intellectual property for small and medium enterprises that excellently perform strategic management activities for promoting the creation, protection and utilization of intellectual property, as prescribed by Presidential Decree.

(3) The Government shall provide necessary support so that persons who have difficulty in having access to intellectual property, including the disabled and senior citizens may easily utilize intellectual property.

Article 33 (Strengthening Education on Intellectual Property) (1) The Government shall strengthen education on intellectual property to enhance people's awareness of intellectual property and their ability to create and utilize intellectual property.

(2) The Government shall encourage schools so that intellectual property-related content may be reflected in the regular curricula of schools as defined in Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act.

(3) The Government shall foster schools specialized in intellectual property and encourage schools to establish departments or courses related to intellectual property.

(4) The Government shall encourage lifelong educational institutions so that content to widen understanding on and interest in intellectual property may be included in the curricula of lifelong educational institutions under Article 2 of the Lifelong Education Act.

Article 34 (Training for Professional Human Resources in Intellectual Property) (1) The Government shall train professional human resources necessary to create, protect and utilize intellectual property and create the foundations thereof.

(2) The Government shall formulate a plan for training female professional human resources in intellectual property, and encourage them to display their quality and ability in the field of intellectual property to the fullest extent.

(3) The Government shall cooperate with industrial circles, academic circles, research circles and cultural and artistic circles, etc. to train professional human resources in intellectual property.

(4) The Government may subsidize all or some of expenses incurred in relation to educational facilities, the development of teaching materials, education, etc. by public research institutes or business operators, etc. to train professional human resources in intellectual property.

Article 35 (Fostering Intellectual Property Research Institutes) (1) The Government shall foster research institutes specializing in research and study systems or policies related to intellectual property.

(2) The Government shall foster corporations or organizations established for the purpose of creating, protecting, utilizing, and promoting intellectual property, engaging in academic activities, and creating the foundations thereof. <Amended on Jun. 10, 2022>

(3) The Government may contribute or subsidize all or some of expenses incurred in operating research institutes under paragraph (1) or corporations or organizations under paragraph (2) or promoting their projects. <Amended on Jun. 10, 2022>

(4) Matters necessary for the scope, etc. of research institutes under paragraph (1) and corporations or organizations to be fostered pursuant to paragraph (2) shall be prescribed by Presidential Decree. <Newly Inserted on Jun. 10, 2022>

Article 36 (Internationalization of Intellectual Property Systems) (1) The Government shall formulate and promote policies necessary to harmonize an intellectual property system of the Republic of Korea with the international commitments and norms so that the creation, protection and utilization of intellectual property may be realized effectively in the Republic of Korea and abroad.

(2) The Government shall cooperate with foreign governments, international organizations, etc. to establish systems for intellectual property consistent with the international standards.

(3) The Government shall research and analyze effects of international agreements with foreign governments, international organizations, etc. including treaties and conventions on systems, policies or markets related to intellectual property of the Republic of Korea and shall establish appropriate measures therefor.

Article 37 (Support to Developing Countries) The Government may provide support necessary to improve the abilities of developing countries to create and utilize intellectual property to contribute to the elimination of poverty, economic growth and cultural development of developing countries.

Article 38 (Inter-Korean Cooperation in Exchange of Intellectual Property) The Government shall endeavor to promote inter-Korean exchange and cooperation in the field of intellectual property by promoting research and study activities on systems, policies or the current status related to intellectual property in the Democratic People's Republic of Korea.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 39 (Prohibition of Divulgence of Classified Information) No member of the Council or a specialized committee, or staff of the secretariat or person who was in the position thereof, person who conducts or conducted Council affairs by dispatch, commission, entrustment, etc., shall divulge any classified information he or she learned in the course of duty.

Article 40 (Legal Fiction as Public Officials in Application of Penalty Provisions) The members of the Council and specialized committees, persons who are not public officials among the staff of the secretariat shall be deemed public officials when the provisions of Articles 129 through 132 of the Criminal Act are applied.