

Korea (KR) Coverage

Patent Office Details

Korean Intellectual Property Office
Government Complex-Daejeon
139 Seonsa-ro, Seo-gu
Daejeon
Korea (302-701)

Web: www.kipo.go.kr

Kinds of Protection

Patents of Invention	Granted for a term of 20 years from submission date*
Extensions	Extensions of up to five years for pharmaceutical or agrochemical patents

* The Plant Variety Industry Act protects fruit trees, forest trees and their root stocks for a term of 25 years

Convention & Treaty Membership

Patent Cooperation Treaty	10.08.1984
Signatory of:	Paris Convention (Stockholm wording) Budapest Treaty World Intellectual Property Organization

Filing for Patents

Inventions are patentable and must have industrial application, an inventive step and novelty. A plant patent is granted for any asexually reproduced distinct and new variety of plant. The Plant Variety Industry Act will protect a new plant if it has distinctiveness, uniformity, novelty, stability and a permissible name; food and foodstuffs are also patentable. Under the Criteria for Examination of Animals, patents may be granted on new animals. Inventions for new animals can be protected as of 01.03.1998. Under the revised Criteria for Examination of Computer Software, computer software is recognized as a patentable subject matter, this applies to patents filed on or after 01.01.1998.

Patent applications must be for a single invention or for a group of inventions that embody a single concept. Should patents be filed for more than one invention then the applications may be divided into divisional applications. According to amendments to the Patent and Utility Model Law that went into effect on 03 March 2006, the first-to-file entitlement is no longer granted to applications that are rejected before being laid open.

Applications can be made, in Korean, by the inventor or his legal successor, or an assignee or by a legal representative. Foreigners who don't have a residence or place of business in South Korea can file an application if they are a national of a country with which South Korea has made a treaty or convention arrangement. It is also mandatory for non-residents to appoint a South Korean patent administrator by power of attorney.

Under the *International Convention* applications claiming priority must be filed within 12 months of the earliest filing date in a Convention country. Priority must be claimed on filing in Korea and a certified copy of the priority document must be submitted within 16 months of the earliest priority. A Korean translation of the priority document must also be submitted. As of 01.09.1990, Korea retracted its reservation to Chapter II of the PCT. As such the national phase of an international patent application will be initiated in Korea on submission of a translation of application to the Korean Patent Office within 31 months of the earliest priority date.

Examination is made upon request and within five years of the filing date or, if it is a PCT application, within five years of the international filing date. Requests for examination cannot be withdrawn. Applications are examined as to novelty, industrial application and inventive step. When a request for examination is filed along with the patent application it generally takes two to three years from the filing date for the examination to be conducted. However, the Korean Patent Office plans to reduce the time it takes to examine a patent application to less than a year.

A patent application should be laid open to public inspection after 18 months from the filing date (from the earliest priority date if priority is claimed). Where a registration has been made, the grant of the patent together with the relevant information is published in the Patent Gazette for public inspection for a period of three months from the publication date.

An early opposition period exists for application subject to early publication. The opposition procedure after the registration of the patent has been abolished from 01.10.2006. Instead, the public examination function supplements the invalidation trial of patents.

Dual application for patent and utility model covering the same invention was abolished from October 2006 and a modification application that allows a change in the type of application between patent and utility model will be introduced.

DWPI Coverage

Kind	DWPI Start Dates
A Application	8 January 1997
B Examined patent specification	24 February 1986
B1 Examined patent specification	1 October 1991
B2 Examined patent specification (first publication)	18 August 1993
U Utility model	2 January 2008
Y1 Utility model (registered)	2 January 2008

DWPI Data elements online	Notes
✓ Bibliographic data	
✓ English value-add title and abstract	
✓ Original title and abstract	Title and abstract from 2008 onwards
✓ Claims	All claims from 2008 onwards
✓ Manual Codes	Chemical (CPI) and Electrical (EPI)
✓ Chemical Indexing	DCR, Chemical Fragmentation, Polymer and Markush from January 2008

Numeration

Kind Code – A, U

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Published to May 1998</i>				
YY-Nnnnnnn	KRYYYNnnnnnn	KR YYnnnnnn	KRYYNnnnnnn	KRYNnnnnnn
97-0000107	KR1997000107	KR 97000107	KR97000107	KR97000107
<i>Published May 1998 to 2003</i>				
YYYY-Nnnnnnn	KRYYYNnnnnnn	KR YYnnnnnn	KRYYYNnnnnnn	KRYNnnnnnn
1999-0023460	KR1999023460	KR 99023460	KR99023460	KR99023460
<i>Published 2004 onwards</i>				
XX-YYYY-NNNNNNN	KRYYYNnnnnnn	KR YYYYnnnnnn	KRYYYNnnnnnn	KRYYYNnnnnnn
10-2004-0012345	KR2002012354	KR 2002012354	KR2002012354	KR2002012354
20-2009-0011191	KR200911191U	KR 2009011191	KR2009011191U	KR2009011191U

YY or YYYY	2 or 4 digit year
XX	Denotes type (10 = patent; 20 = utility model)
nnnnnn	6 digit serial number
Nnnnnn	5 or 6 digit serial number
Nnnnnnn	6 or 7 digit serial number
NNNNNN	7 digit serial number
U	Denotes Utility Model (U kind)

Kind Codes – B, B1, B2, Y1

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Published to October 1997</i>				
YY-NNNNNNN	KRYYYnnnnnKK KR199108439B1	KR YYnnnnn KR 9108439	KRYYnnnnn KR9108439	KRYYnnnnn KR9108439
<i>Published October 1997 to May 1999</i>				
NNNNNNN	KRnnnnnnKK KR232283B1	KR nnnnnn KR 232283	KRnnnnnn KR232283	KRnnnnnn KR232283
<i>Published May 1999 onwards</i>				
XX-NNNNNNN	KRnnnnnnKK	KR nnnnnn	KRNnnnnnn	KRNnnnnnn
10-0837877	KR437861B	KR 837877	KR837877	KR837877
20-451020	KR451020Y1	KR 451020	KR451020	KR451020U

YY or YYYY	2 or 4 digits representing the year of publication
XX	Denotes type (10 = patent, 20= utility model)
KK	Kind code
nnnnn	5 digit serial number
Nnnnnn	6 or 7 digit serial number
NNNNNNN	7 digit serial number
U or Y1	Denotes Utility Model

Kind Codes – A, B, B1, B2, U, Y1

Application Numbers*				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Published to 1993</i>				
YY-Nnnnnnn	KRYYYYnnnnnA	KR YYYYNnnnn	YYYYKR-nnnnnnn	KR YYYY-Nnnnn
92-0004828	KR19924828A	KR 19924828	1992KR-0004828	KR1992-4828
<i>Published 1994 to 1997</i>				
YYYY-Nnnnnnn	KRYYYYnnnnnA	KR YYYYNnnnn	YYYYKR-nnnnnnn	KR YYYY-Nnnnn
1996-0021041	KR199675336A	KR 199675336	1996KR-0075336	KR1996-21041
<i>Published 1998 onwards</i>				
XX-YYYYnnnnnnn	KRYYYYNnnnnA	KR YYYYNnnnn	YYYYKR-Nnnnnnn	KRYYYY-Nnnnn
10-2009-0041503	KR200941503A	KR 200941503	2009KR-0041503	KR2009-41503
	KRYYYYXnnnnnnnU	KR YYYYNnnnn	YYYYKR-JNNNNNN	KRYYYY-NnnnnU
20-2008-0005656	KR2008200005656U	KR 20085656	2008KR-U005656	KR2008-5656U

YY or YYYY 2 or 4 digits representing the year of publication
 XX 2 digits denoting the type of patent (10 = patent, 20= utility model)
 Nnnnn 1 to 5 digit serial number
 Nnnnnnn 6 or 7 digit serial number
 NNNNNN 6 digit serial number
 nnnnnnn 7 digit serial number
 U Denotes Utility Model (U & Y1 kinds)

**Full coverage of application numbers commenced from DWPI update 199216*