

The Role and Practices of KIPO to Promote the PCT System

- As RO, DO/EO -

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Electric & Electronic Exam. Bureau
K.I.P.O.

This presentation will highlight the following topics :

I. Introduction of KIPO (Korean Intellectual Patent Office)

II. KIPO's History and Role in the Framework of the PCT

III. KIPO acting as Receiving Office (RO)

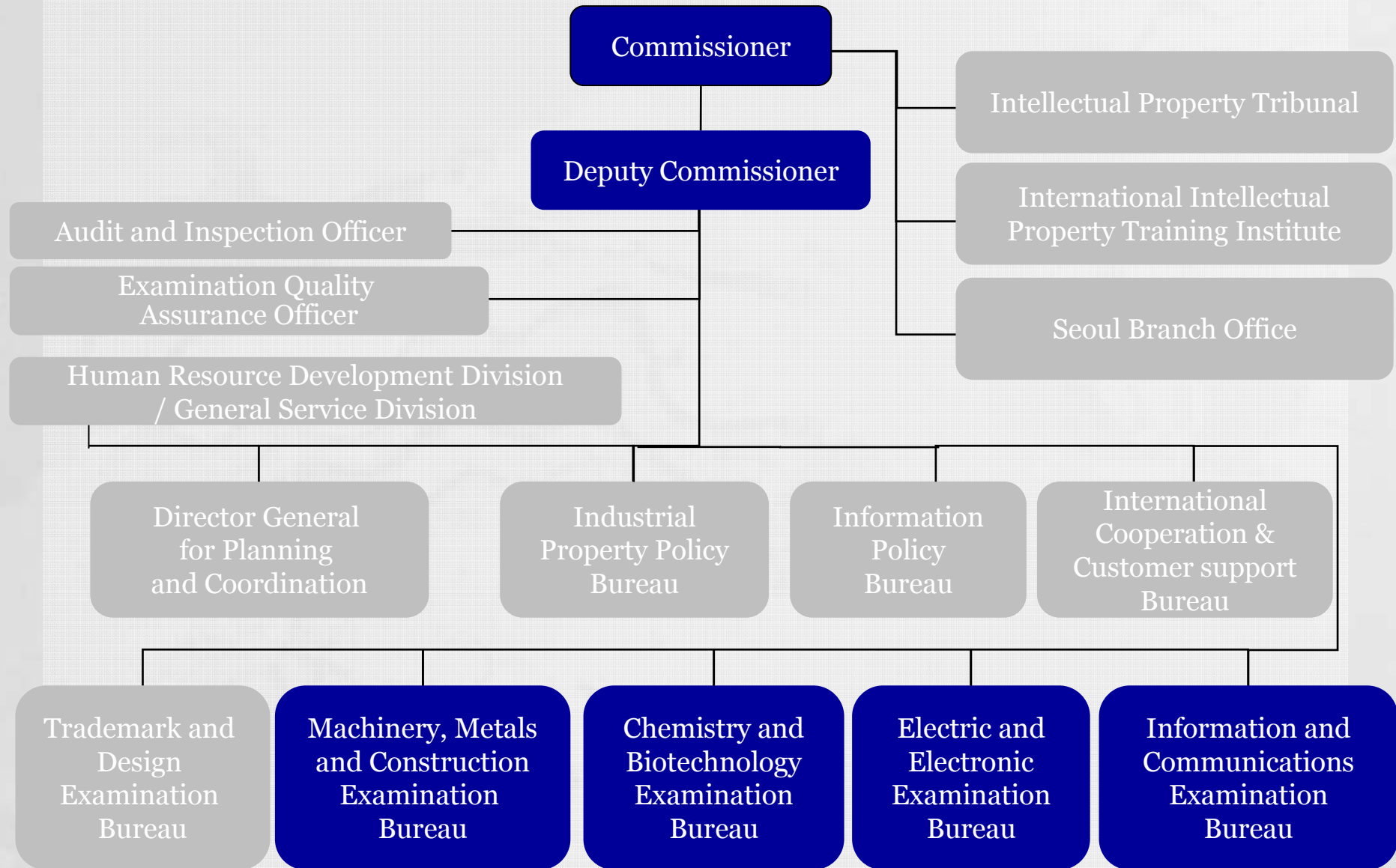
IV. KIPO acting as Designated/Elected Office (DO/EO)

Introduction of KIPO
(Korean Intellectual Patent Office)

Introduction of KIPO

- KIPO's History
 - 1949 Established as an external bureau of the Ministry of Commerce and Industry under the name of Patent Bureau
 - 1977 Established as an external administration of the Ministry of Commerce and Industry under the name of Korean Industrial Property Office (KIPO)
 - 1998 Moved the main office from Seoul to Daejeon
 - 2000 Renamed to Korean Intellectual Property Office
 - 2006 Changed the legal status of KIPO to a central executive agency under the Act on Establishment and Operation of Executive Agencies.

▶ KIPO ' s Organization



- KIPO's Scope and Staff

- Patent, Utility Model, Industrial Design, Trademark, Trade secrets, Semiconductor chip layout design

- Staff: 1,576 (2011. 12.)

- ☞ Examiners: 866

- (Patent Examiner: 712, Trademark & Design Examiner: 154)

- KIPO's Organization of Computerization, Filing and Examination

- Information Policy Bureau

- Develop, manage, and maintain automation systems

- Plans comprehensive automation of intellectual property administration

- Receive and formality examine IPR applications and intermediate documents

- Build and manage intellectual property information and documentation

- Promote international cooperation on patent information systems

- KIPO's Organization of Computerization, Filing and Examination

- International Cooperation and Customer Support Bureau

- (Application Division)

- Formality Examination of Applications in IPRs

- Formality examination of patents, utility models, industrial designs and trademarks applications and other administrative documents

- Management of Application System

- Management of application procedure and improvement of application system

- Management of file wrappers

- (International Application Division)

- Formality Examination of International Applications under PCT

- Formality examination of Request, demand and other administrative documents under the Patent Cooperation Treaty.

- (Registration Division)

- Registration of patents, utility models, industrial designs and trademarks

- KIPO's Organization of Computerization, Filing and Examination
 - Trademark and Design Examination Bureau (9 Div.)
 - Machinery, Metal and Construction Examination Bureau (9 Div.)
 - Chemistry and Biotechnology Examination Bureau (8 Div.)
 - Electric and Electronic Examinations Bureau (9 Div.)
 - Information Communications Examination Bureau (6 Div.)

*KIPO's History and Role
in the Framework of the PCT*

History of PCT in KIPO

- Joined Paris Convention (May 1980)
- Joined PCT (May 1984, 36th contracting State)
- Started receiving PCT applications (August 1984)
- KIPO was designated as an ISA/IPEA (Sep. 1997)
- KIPO Started its work as an ISA/IPEA (Dec. 1999)
- Korean was adopted as an PCT Publication Language (Sep. 2007)

Role of the KIPO in the framework of the PCT

◦ **Receiving Office**

- *competent only if applicant is national or a foreigner who has residence or the address of office within korea*

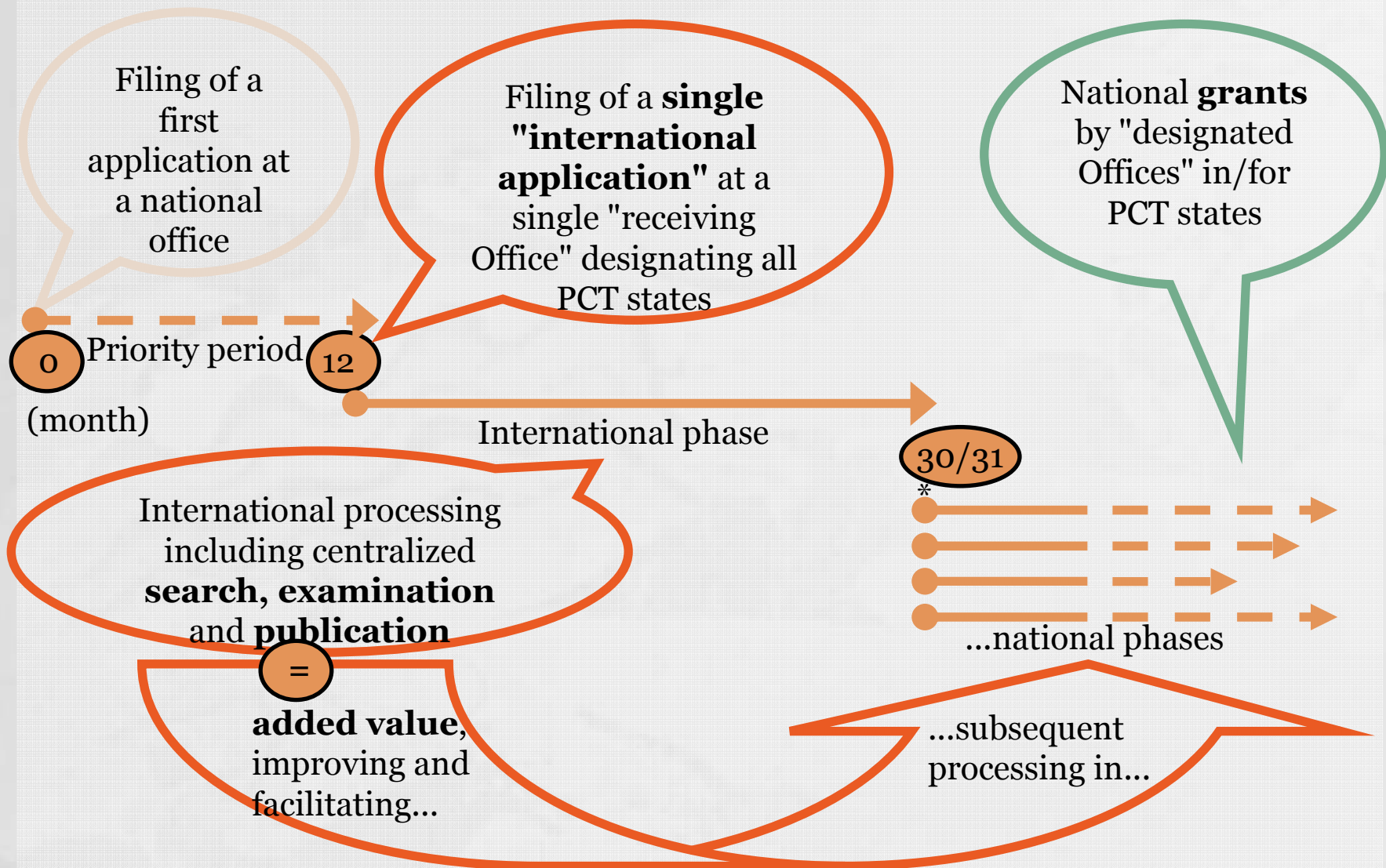
◦ **International Authority:**

- **International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA)**

- *PH(02), VN(02), ID(03), MN(04), SG(04), NZ(05), US(06), MY(06), LK(09), AU(09), TH('09), CL('10), PE('11) [13 countries], provided the applicant has selected KIPO as ISA or IPEA*

◦ **Designated/Elected Office (DO/EO)**

Outline of the PCT procedure



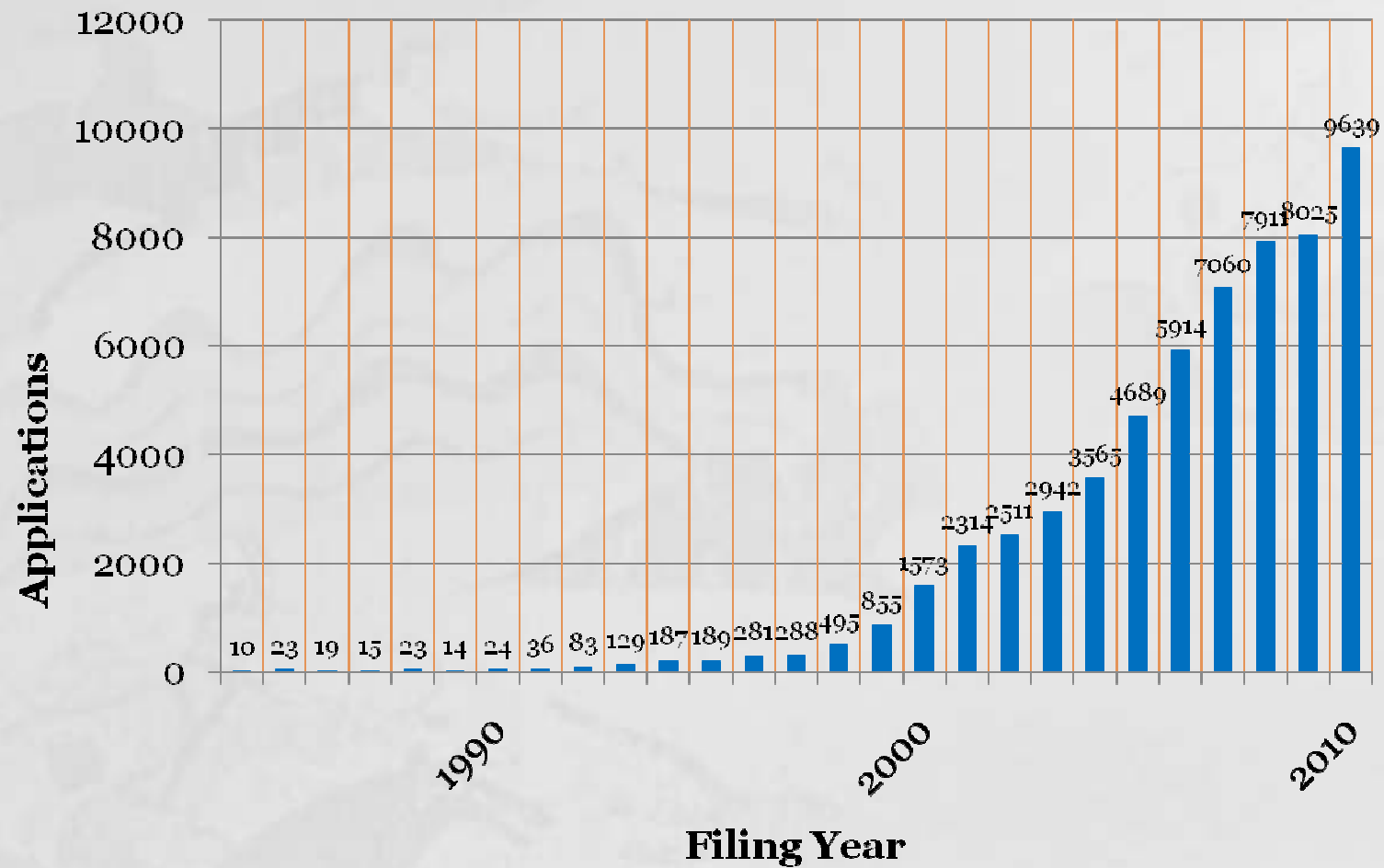
* 20/21m for CH,LU,TZ,UG if no demand filed within 19 m

KIPO acting as Receiving Office (RO)

KIPO acting as Receiving Office

- Started in 1984
- Filing on paper or in electronic form
 - Direct or by post
 - ✓ Request written by PCT-SAFE EASY MODE (reduction of 100 Swiss francs): on paper together with a copy in electronic form of the request and the abstract
 - E-filing:
 - ✓ Online filing using *PCT – SAFE* (reduction of 300 Swiss francs)
- Languages
 - The description and claims must be drafted in either Korean, English, Japanese
- Competent ISAs
 - KR, AT, AU, JP (only International applications filed in Japanese)

Trends of International applications filed at the RO/KR

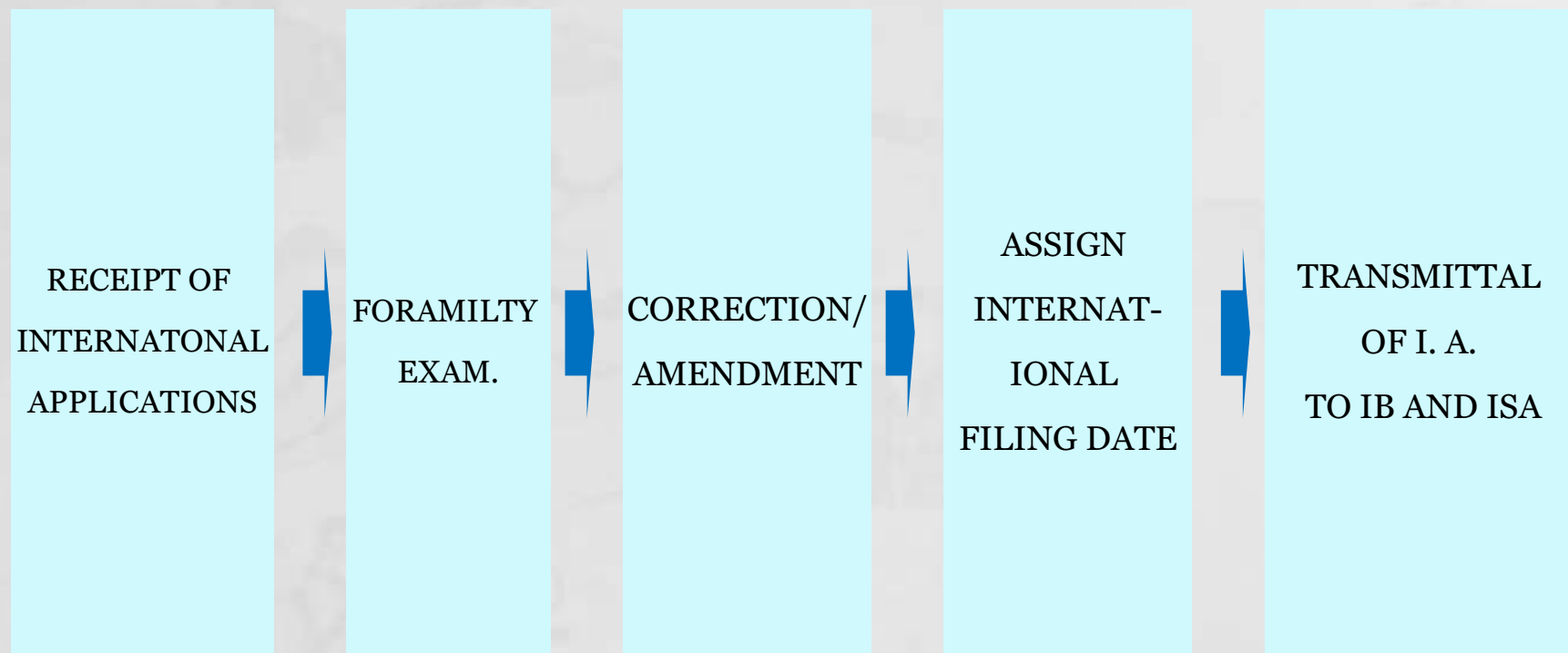


International applications filed in Languages at the RO/KR

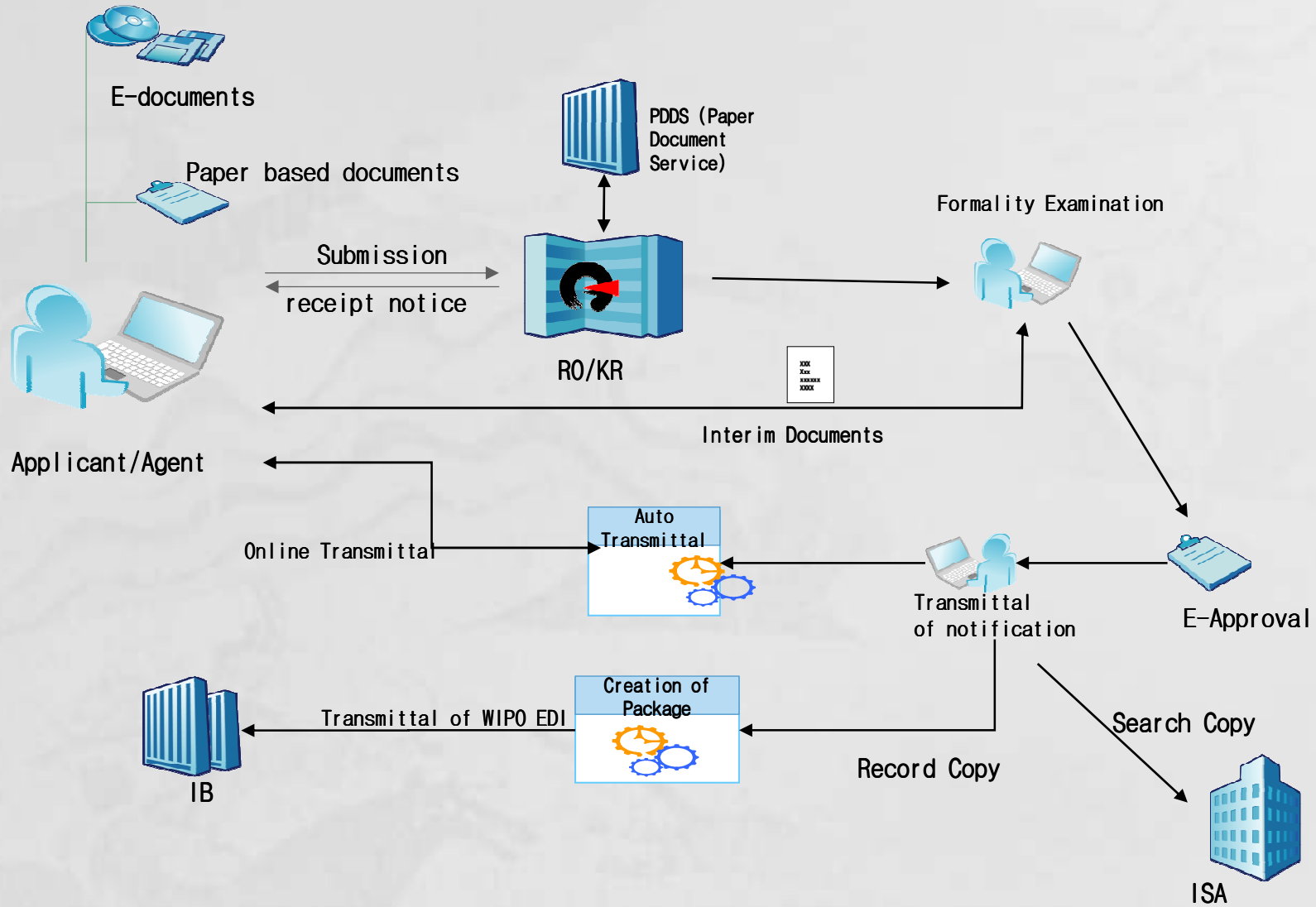
	'84	'85	'86	...	'05	'06	'07	'08	'09	'10
Korean	-	-	-	...	2,856	3,714	4,558	4,982	5,800	7,336
English	6	11	15	...	1,833	2,204	2,505	2,928	2,226	2,303
Japanese	4	12	5	...	1	1	0	3	0	0
Total	10	23	20	...	4,690 (61%)	5,919 (63%)	7,063 (65%)	7,913 (63%)	8,026 (72%)	9,639 (76%)

() is rate Korean to Total

Overview of the formality examination process at the RO/KR



Overview of RO Work Process



Screen for checking whether or not the requirements (Art. 11) of assigning an international filing date is met

PCT시스템 - Microsoft Internet Explorer

국제출원번호: PCT / KR / 06 / 00123

FAQ Q&A HELP 심판정보공유방 KOASIS 국제지문CSR 검색시스템 원경실적 사서메일 종료

My 메뉴 | 납부미확인건처리 | 수리권한 | 국제조사기관 | 국제예비심사기관 | 지적선역권할 | 결제/발송 | PCT발식알림

RO 국제출원서 화면방식

International Application NO : PCT/KR2006/000123 File reference : SH-27099-PCI Receipt Date : 2005.01.12

국제출원서

BOX I	BOX II	BOX III	BOX IV	BOX V
BOX VI	BOX VII	BOX VIII	BOX IX	BOX X

Box No.I TITLE OF INVENTION [TOP]
METHOD AND APPARATUS FOR REPRODUCING DATA RECORDED ON STORAGE MEDIUM ALONG WITH DOWNLOADED DATA

Box No.II APPLICANT [TOP]
This person is applicant.
Applicant for all
Name SAMSUNG ELECTORNICS CO., LT D.
Address 416, Maetan-dong, Yeuongtong-gu Suwon-si Gyeonggi-do 442-742 KR
State of Nationality KR
State of Residence KR
Telephone 82-31-200-1502
Facsimile 82-31-200-3272
e-mail kwanshik.yang@samsung.com
Applicant's registration No 1-1998-104271-3

Box No.III FUTHER APPLICANT(S) AND/OR (FUTHER) INVENTOR(S) [TOP]
This person is Inventor Only
Name JUNG, Ki-Soo
Address 104-1401 Namsuwon Doosan Apt, B yeongjeom-dong, Hwaseong-si Gyeonggi-do 445-000 KR

통지서작성

- 소정의 언어로 명세서용 작성하지않음
- 소정의 언어로 청구서를 작성하지않음
- 의견상 명세서라고 인정되는 부분이 포함안됨
- 의견상 청구범위라고 인정되는 부분이 포함안됨
- 국제출원의 품도라는 표시가 없음
- 출원인성명 또는 평칭의 기재가 정당하지못함
- 출원인의 국적이나 거주지상의 이유에 의한 영적한 출원(출원인부정적)

통지서작성

통지서작성

수정/입력

각 권 열 인

권자항오류수입

재권자항요청

취급사항 입력

제 목

조 회

입수이력보기

권상발식결과

대권인조회

재송서류보기

내코드출력

국제출원열람

총건수 : 93건

조회를 완료 했습니다.

KIPO acting as Receiving Office

- **Upon receipt of a request for an International application the RO checks if the application**
 - Has indicated that it is to be treated as a PCT application
 - Has indicated the applicant's name / identity
 - should be national/a foreigner who has residence or the address of office within korea
 - Contains a Description
 - Contains at least one Claim
- **If these conditions are met the RO will allocate a**
 - DATE OF FILING (DFIL)

Screen for checking whether or not any defects (Art. 14) exist

Microsoft Internet Explorer - PCT시스템

특허넷 II Korea Intellectual Property Office

국제출원번호 PCT/KR 05 / 003715

FAQ Q&A HELP

My 메뉴 | 납부미액인건처리 | 수리관현 | 국제조사기관 | 국제해비심사기관 | 지식선택관결 | 결재/발송 | PCT발식알림

RO 국제출원서 화면방식

International Application N/O PCT/KR2006/000123 File reference SH-27099-PCT Receipt Date : 2006.01.12

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e-mail kwanshk.yang@samsung.com

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Box No.III FUTHER APPLICANT(S) AND/OR (FUTHER) INVENTOR(S)

보정사항

서명해 관한 보정 출원인에 관한 보정 연도에 관한 보정

발명의 명칭에 관한 보정 요약서에 관한 보정 서지사항

명세서 명구의 범위 요약서

도면용지에 관한 사항 도면에 관한 출결사항

서명해 관한 보정

기타 서명해 관한 보정사항

대리인이나 대표자에 의해 서명된 것으로 보이나 위임장이나 출원자의 서명이 없음

대리인이나 대표자에 의해 서명된 것으로 보이나 위임장이 불충분함

출원인의 서명(출원인이 201살의 경우 최소한 1인자 누락됨)

출원서BOX No.IX의 USA지점에 대한 출원인 명의 출결 제 대해 만족할 만한 설명을 한 서면을 제출하지 않음

출원인에 관한 보정

기타 출원인에 관한 기재에 대한 보정사항

출원인성명의 부적절한 기재

출원인의 거주국명 미기재

출원인의 국적 미기재

출원인주소의 미기재

출원인주소의 부적절한 기재

연도에 관한 보정

문면의 문장이 지정언어로 작성되지 않음

요약서가 지정된 언어로 작성되지 않음

출원서가 지정언어로 작성되지 않음

통지서작성

통지서작성

수정/접속

수리

부정

부정

부정

누락물기

압력한 오류

무선전 주공

포함수기 보제

수정/접속

각 권 정정

전자화요복수정

재전자화요정

취급사항 입력

대 무

조회

접수여력 보기

전신방식결과

대리인조회

재출서류보기

내코드출력

국제출원접합

총건수 : 66건

조회를 완료 했습니다.

KIPO acting as Receiving Office

- **Invites the applicant to correct any deficiencies within prescribed time limits, for instance:**
 - **Signature**
 - **Indications concerning applicant**
 - **Language**
 - **Title**
 - **Text or drawing matters**

- **Forwards the Application to**
 - **the International Searching Authority**
 - **International Bureau of WIPO**

*KIPO acting as Designated/Elected
Office (DO/EO)*

Trends of patent applications by PCT national phase entry



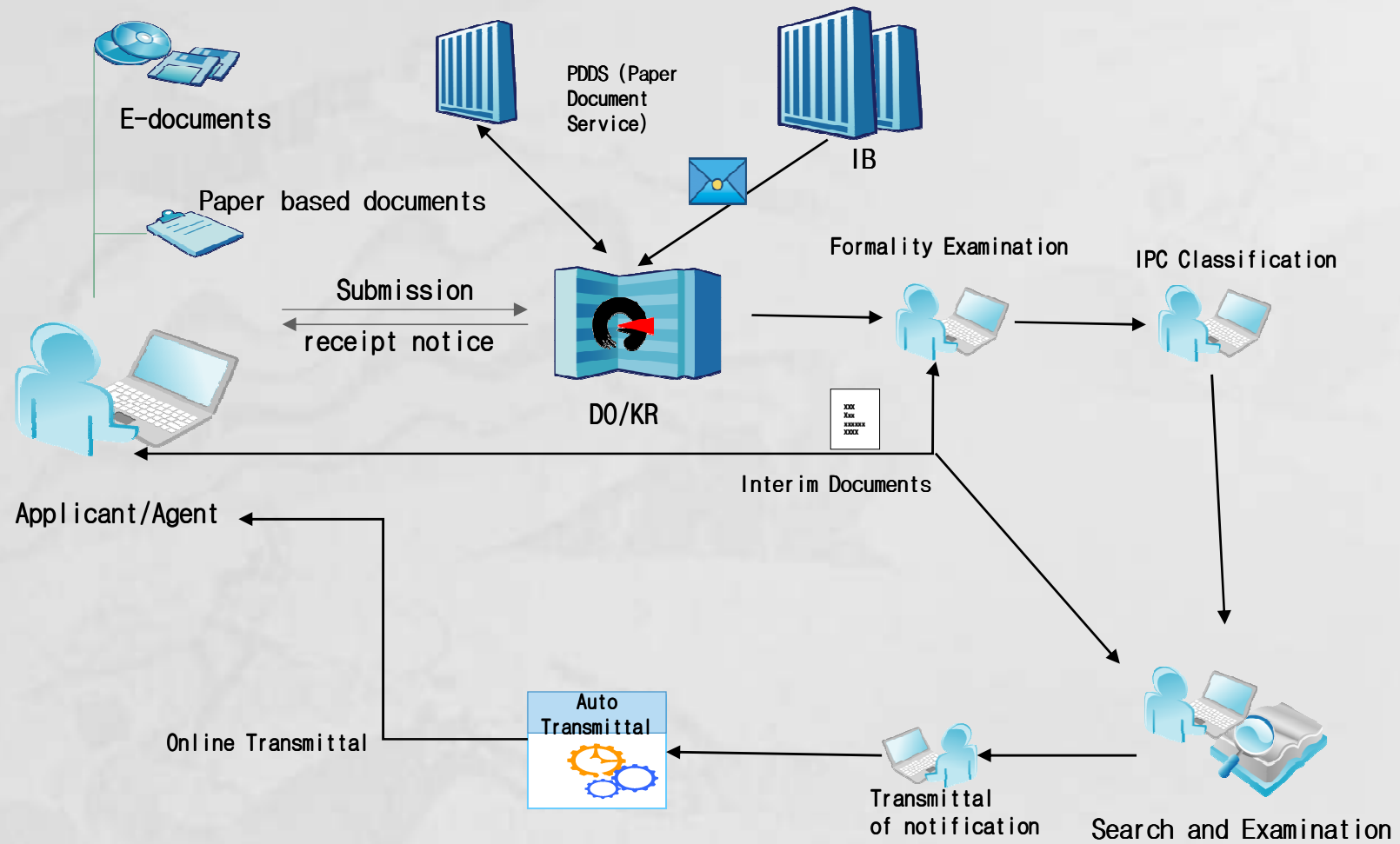
Number of Patent applications by PCT/ PARIS/Domestic

	1981	1982	1983	1984	1985	1986	1987
Foreign (PCT Route)	-	-	-	-	418	976	1,277
Foreign (Paris Route)	3,984	4,368	4,795	6,619	7,466	8,142	10,914
Domestic (share)	1,319 (24.9%)	1,556 (26.3%)	1,599 (25%)	2,014 (23.3%)	2,703 (25.5%)	3,641 (28.5%)	4,871 (28.5%)
Total	5,303	5,924	6,394	8,633	10,587	12,759	17,062

Number of Patent applications by PCT/ PARIS/Domestic

	1985	1986	1987	~	2006	2007	2008
Foreign (PCT Route)	418	976	1,277	~	26,635	29,023	30,048
Foreign (Paris Route)	7,466	8,142	10,914	~	14,078	13,545	11,459
Domestic (share)	2,703 (25.5%)	3,641 (28.5%)	4,871 (28.5%)	~	125,476 (75.5%)	128,143 (75.1%)	126,397 (75.3%)
Total	10,587	12,759	17,062	~	166,189	170,711	167,904

Overview of DO Work Process



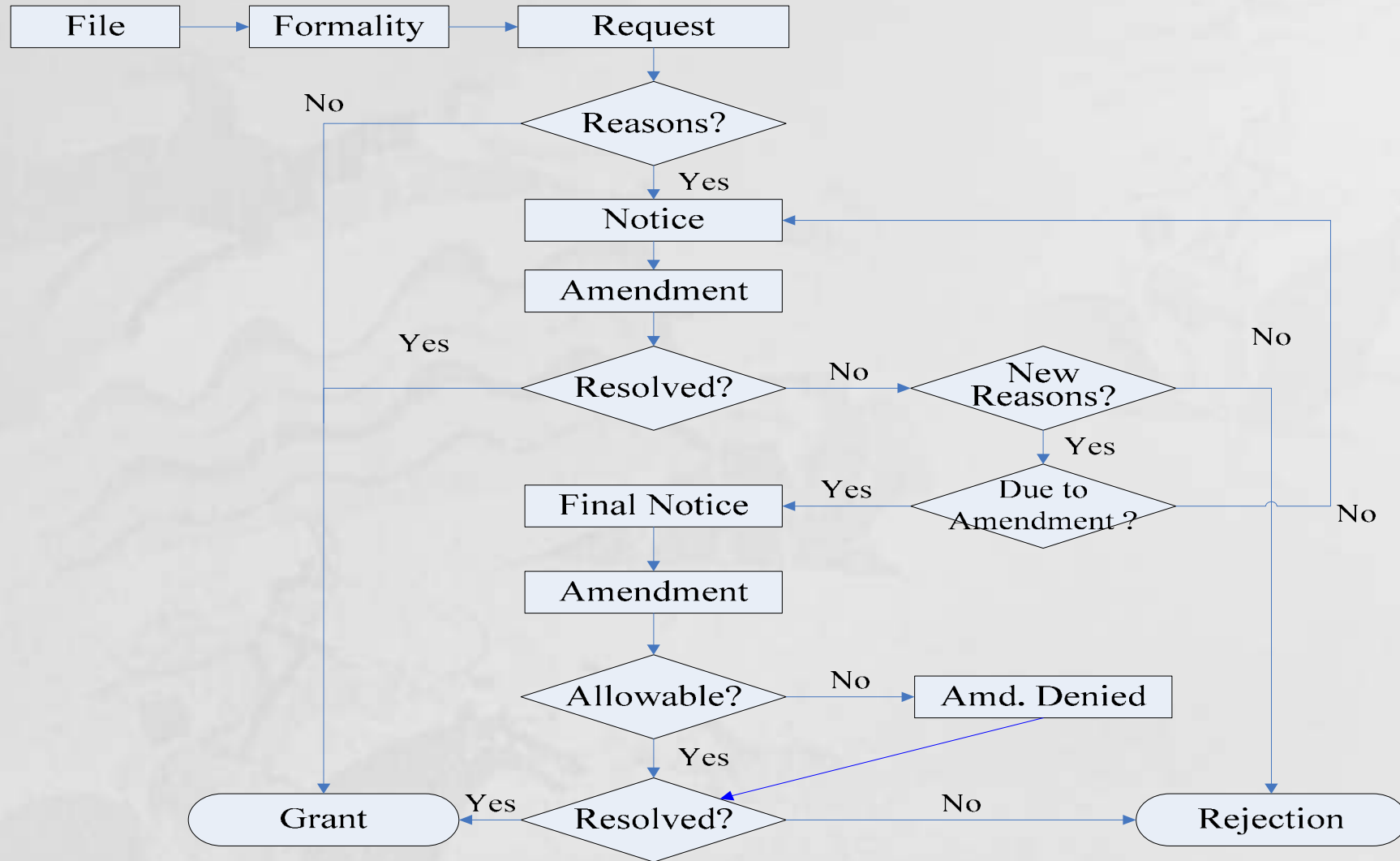
KR National Phase entry requirements by PCT

- Time limit: 31 months from the priority date (under Chapter I and Chapter II)
- Language of the translation: Korean
- Filing and examination fees etc: basically identical to those due for a national direct filing
 - Reductions of the national fee are also applicable
- Publication of the translated application

KR National Phase entry requirements by PCT

- Appointment of an agent if the applicant is not a resident in the Republic of Korea
- Priority document: If not submitted or available during the international phase, invite the applicant to furnish the priority document
- Translation into Korean of the priority document is required only when it is needed for the purpose of examination or trial (with effect from January 1, 2006)

Flow Chart of KR National Phase Exam.



KR National Phase Examination

- Similar to the examination of national direct filings
- Request for examination is required
 - Within 5 years from international filing date
- Consider the International Search Report and Written Opinion
- Additional Search

***Thank you very much
for your attention***

**Baekmoon Seong
Patent Examination Cooperation Division**

KIPO

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