

Hague Agreement Accession Progress

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I. Progress in Joining the Hague Agreement

2010 - 2011

- Translated & published the H.A.
- Collected opinions from design industries
- Studied on the potential impact of introducing the H.A.
- Drafted the Design Act for implementing the H.A.
- Ratified the Locarno Agreement

2012 - 2013

- Established a task force
- Completed revisions on the Design Protection Act
- Consulted with the International Bureau on the declarations
- Provided education on international applications (manuals, guides, etc.)

2014 -

- Reforming/Implementing regulations for the H.A.
- Developing a comprehensive IT system
- Launching an international application & examination system
- Establishing education programs for users

II. Revision of the Design Protection Act

1. Implementing the Hague System onto the Design Protection Act

Procedure of Receiving Office

- International Applications can be filed through the D.O.(Article 173)
- Entitlement to file an int'l application (add Habitual residence, Article 174)
- Procedure for International application (Article 175)
- Effective date of submitted documents (Article 176) , Notification (Article 177)

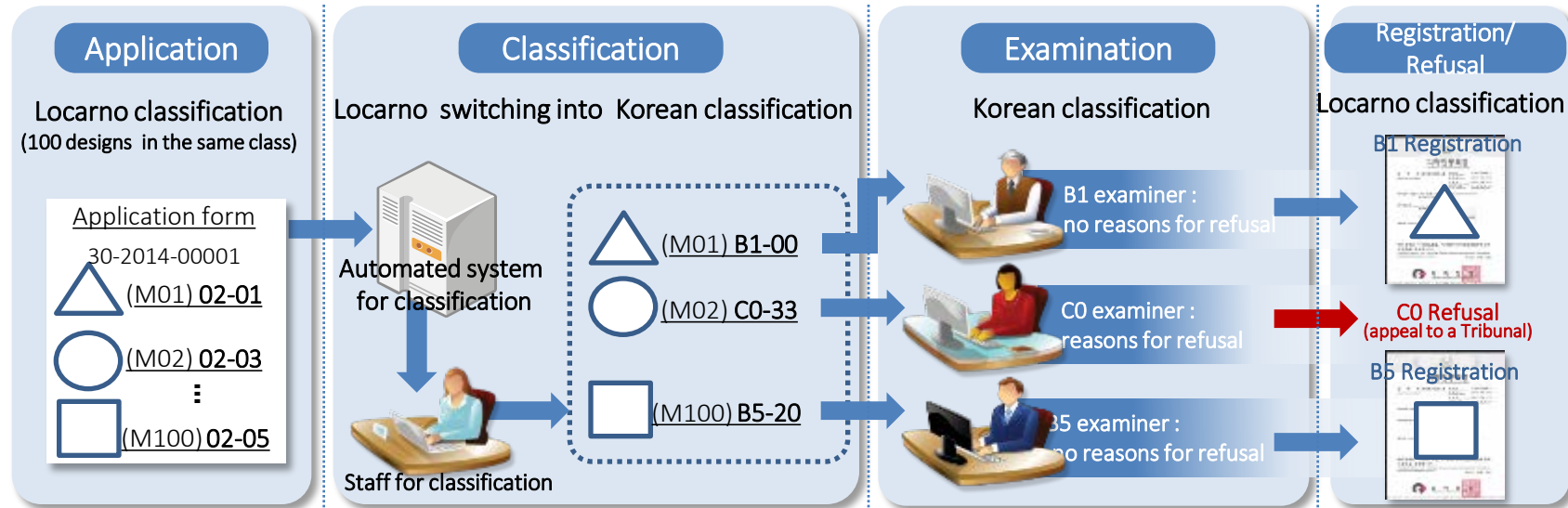
Procedure of Designated Office

- Int'l registration under the domestic law (Article 179)
- Special provision for design registration (Article 181)
- Withdrawal by canceling int'l registration (Article 183)
- Priority Claim(Article 188), Effect of Publication(Article 190)
- Notice if Reasons for refusal (Article 194), Fees(Article 196)
- registration for establishment (Article 198)
- Duration of Protection (Article 199), Effects of Correction (Article 203)

II. Revision of the Design Protection Act

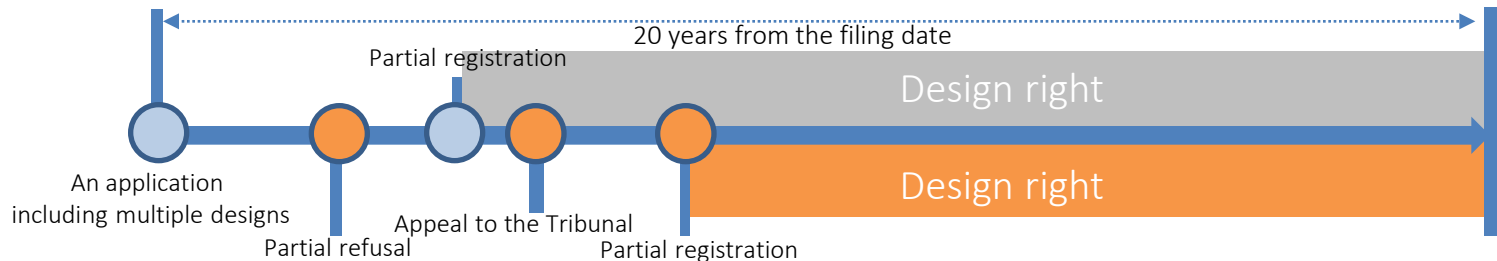
2. Harmonizing the Design Protection Act onto the Hague System

(1) Changes in the examination system for multiple design applications



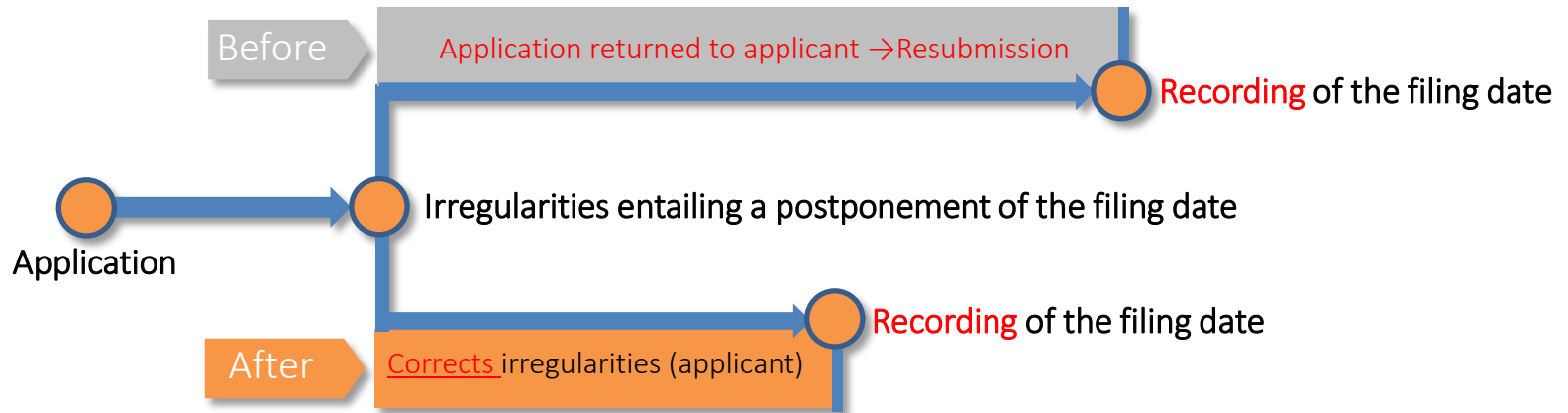
(2) Examination for individual designs in multiple design applications

(each design undergoes a different registration process but registrations expire on the same date)



II. Revision of the Design Protection Act

(3) System for correcting irregularities without postponing the filing date

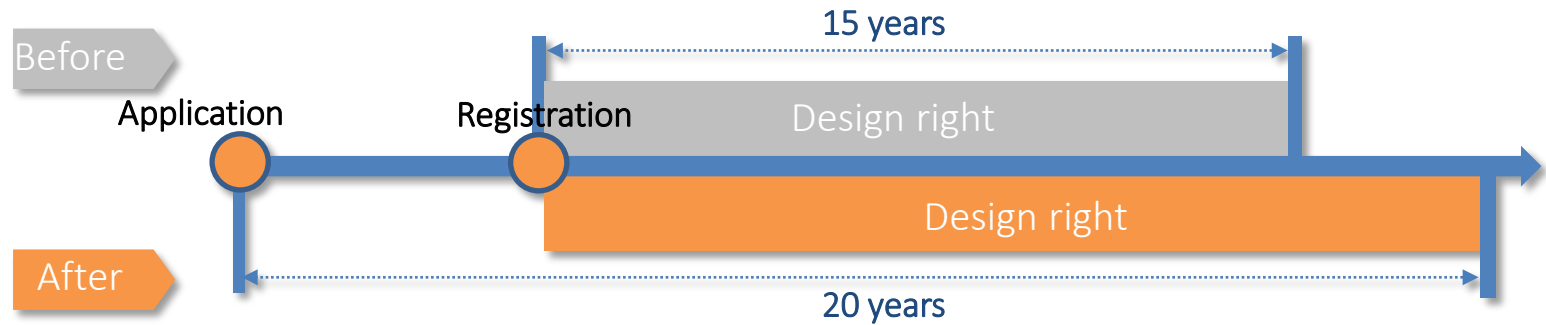


Examples of irregularities that entail a postponement of the filing date

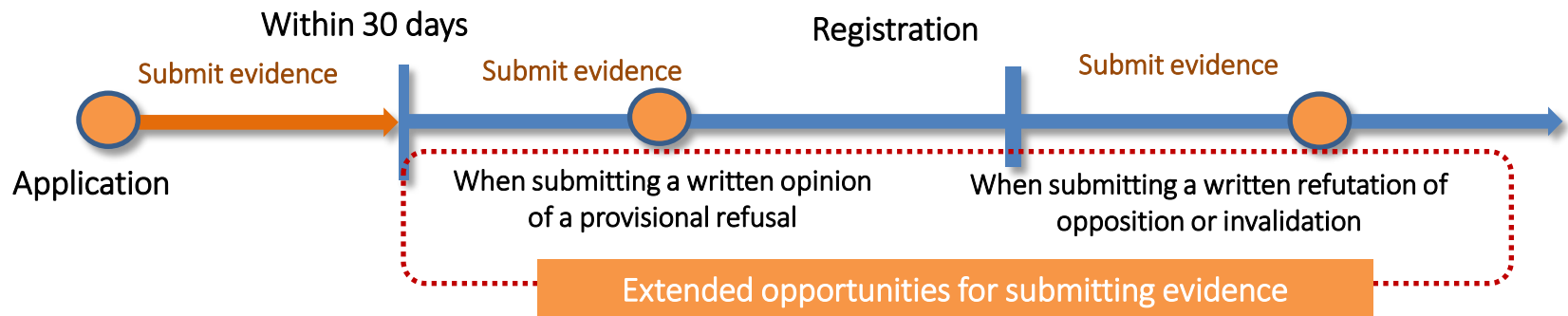
- No clear indication as to the scope of the intended registration
- Applicant's name or address is unclear
- Application is not written in English
- Application is missing comprehensive reproductions

II. Revision of the Design Protection Act

(4) Extension of the protection period



(5) Extended opportunities to claim exception to loss of novelty (grace period: 6 months)



III. Amendments of Subordinate Legislation

1. Revision of Enforcement Regulations & Admin. Instructions

Enforcement Decree & Regulations

- Completion of the Revision of Enforcement Regulations (2014 Apr.)
- Patent Registration Enforcement Decree & Regulations, Enforcement Rules of the Patent ACT & Fee Regulations: draft preparation (present)

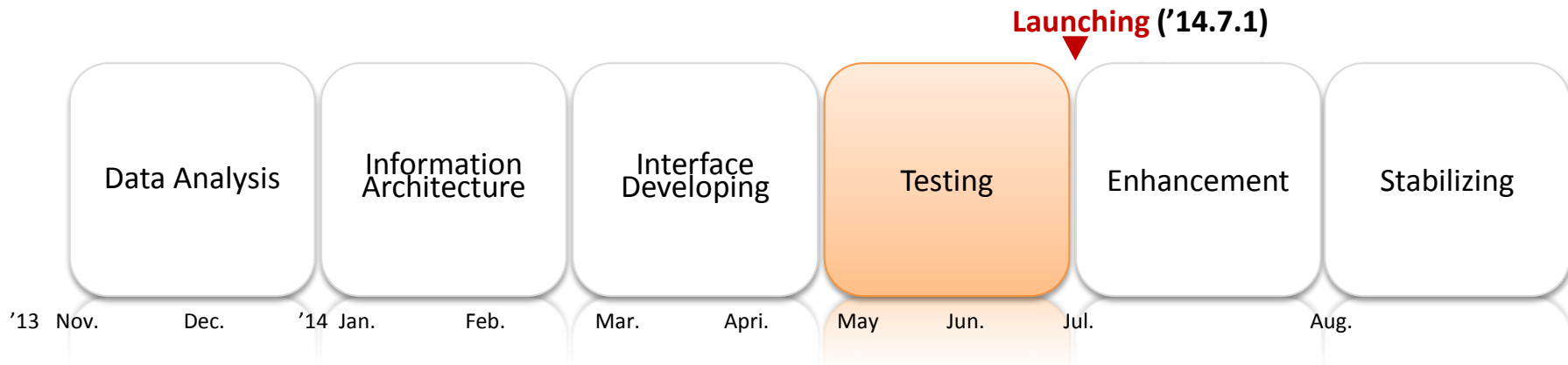
Administrative Instructions

- Examination Guideline & Substantive Examination Administrative Instructions: filing period (until 2014 May)
- Amendment of Korean Design Classification based on the Locarno Classification , Formal Examination Administrative Regulations: draft preparation (present)

2. Deposit of Instrument of Accession, including declarations (2014 Apr.)

IV. IT Development

1. Schedule of IT Development (budget: 2 billion won)



2. Preparation of Notification Templates

Notification templates for Examiners

- Development collaboration with the International Bureau (2014 June)
- Publishing of booklet (2014 Aug.)

Guidebook for Substantive Examination

- Publishing of booklet (2014 Dec.)

3. Translation & Classification Services (starting 2014 July)

V. Educating Programs for Users

Online & Offline Guide for the Hague System

- Publishing the “Hague System Application Guidebook for Korean Users” (2014 May)
- KIPO call center staff training customized training about the Hague system
- Update the Hague System section on the KIPO website (2014 June)

Outreach Programs for Users (2014 May - present)

- Seminars with the 5 most prolific applicants to Europe (Samsung, LG, Hyundai Motors, Konad, LG Innotek)
- Seminars for Korean SMEs (2014 June – Sep.)
- Hosting Forums with Korean design NBOs for the benefit of design companies (2014 May – July)
- KPAA/KIPO roundtables for patent law practitioners (2014 May-June)

Training Programs for Design Examiners (2014 Feb - present)

VI. Declarations

1. Fees

Substantive Examination Track (except class 2,5, or 19)

- individual designation fee

Non-substantive Examination Track (class 2,5, or 19 of the Locarno)

- Standard designation fee (level three)

- 2. Changes in ownership has no effect until KIPO receives doc. evidencing the agreement of the joint owner**
- 3. The maximum duration of protection for designs provided by Korean national law is 20yrs from the date of international registration.**

VI. Declarations

4. Special reproductions (design of a set of articles & typeface)

- (i) A design of a set of articles: one view of the coordinated whole & corresponding views of each of its components
- (ii) Typefaces: views of the given characters, a sample sentence & typical characters

5. Period of Refusal & etc.

Non-substantive Examination (Rule 18(1)(a))

- 6 months (class 2,5, or 19 of the Locarno classification)

Substantive Examination (Rule 18(1)(b))

- 12 months (except class 2,5, or 19 of the Locarno classification)

Overcoming Refusal grounds

- Just in case of an unforeseen circumstance, such as a natural disaster



Thank You

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