



Feedback from KIPO as a designated Contracting Party

- Substantive requirements of registration & more

2019.10.28.

[Recent filing trends at KIPO]

Hague Applications (Number of Designs)

	2014	2015	2016	2017	2018
Inbound Applications	984	2,591	2,566	2,402	2,621
Top 3 Locarno classes in the international applications designating Korea (Locarno Class)	No. 11	No. 10	No. 10	No. 12	No.14
	No. 9	No. 11	No. 11	No. 14	No.12
	No. 7	No. 12	No.12	No. 2	No.2

[Declarations of Republic Of Korea]

1. Fees

Substantive Exam. Track (except Locarno class 2,5, or 19)

- individual designation fee

Non-substantive Exam. Track (class 2,5, or 19)

- 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.**

4. Special reproductions
- A set of articles & typeface

A design of a set of articles : one view of the coordinated whole and corresponding views of each of its components

Typefaces : views of the given characters, a sample sentence and typical character

5. Period of Refusal & etc.

- **6 months (class 2,5, or 19)**

- **12 months (except the above)**

- Overcoming Refusal grounds : Just in case of an unforeseen circumstance, such as a natural disaster

[Priority claim to KIPO]

- Available E-filing Submission of document(s) in support of a priority claim to the KIPO

* eHague : under 'Priority tab' tab, or DM/1/V

- Priority document should be submitted **at the time of filing** or directly to the **KIPO within 3 months from the date of publication of the IR**

[Priority claim to KIPO]

(30) Data relating to priority claim under the Paris Convention

i No. 2: 16.03.2018; 004 761 526; EM

(45) Date of publication of the registered industrial design by printing or similar process, or making it available to the public by any other means

02.11.2018

DM/103288

1.1



1.2



1.3



1.4



1.5



1.6



1.7



2.1



2.2



2.3



2.4



2.5



2.6



2.7



[Exception to lack of novelty]

- Available E-filing Submission of documentation(PDF) in support of a declaration concerning exception to lack of novelty to the KIPO

* eHague : 'More optional contents' tab, or DM/1/II

- Where the application of a design **is disclosed or the registration is published according to a law or a treaty, you shall not claim the exception to lack of novelty.**

[Exception to lack of novelty]

(23) International exhibition

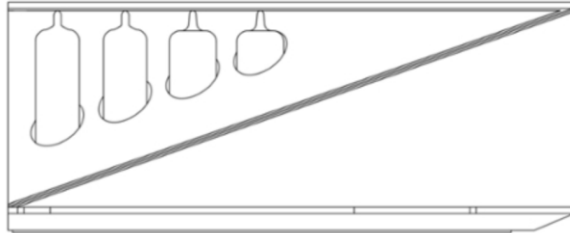
1: CES 2018; Las Vegas, Unites States of America; 09.01.2018

(45) Date of publication of the registered industrial design by printing or similar process, or making it available to the public by any other means

23.11.2018

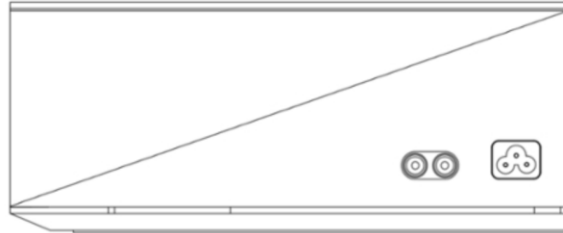
DM/103691

1.1



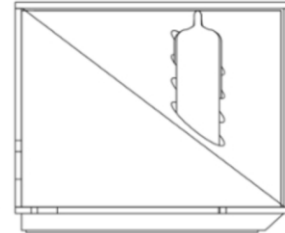
1.1) Front

1.2



1.2) Back

1.3



1.3) Left

▶ EXHIBITION [OPTIONAL]

▼ OPTIONAL CONTENT

DECLARATION CONCERNING EXCEPTION TO LACK OF NOVELTY [Help](#)

The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the respective designated Contracting Parties concerned, for disclosure of the following industrial designs.

If you wish to make a declaration concerning exception to lack of novelty, click "save" to record your declaration. You may also submit supporting documentation in PDF.

For design(s) 1

CP KR

Disclosure Document DISC_236.pdf

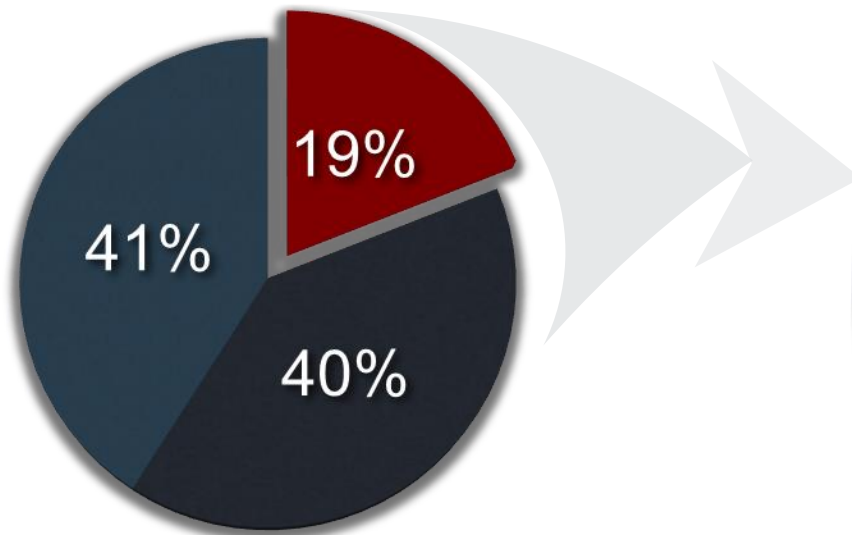
...

[Common grounds for Refusals from KIPO]

- Design usable for an industrial purpose
- Novelty
- Ease of creation
- Related design
- Indication of Products

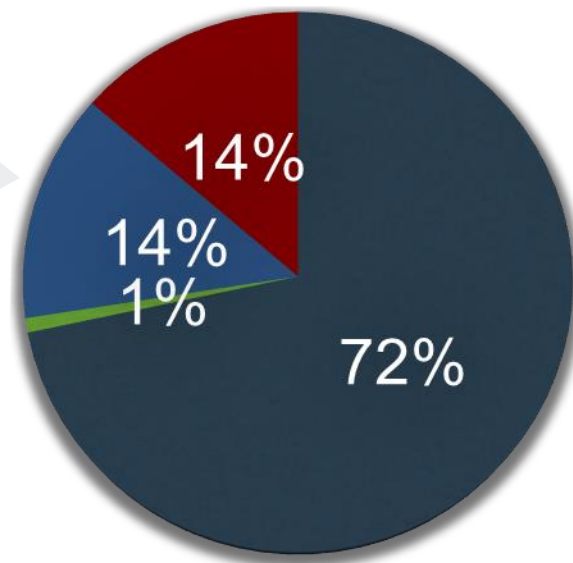
[Common grounds for Refusals from KIPO]

IR designated KR
(2018)



- Decision of Refusal (19%)
- Withdraw of Refusal (40%)
- Grant of Protection without Refusal (41%)

Refusals by ground (2018)



- Industrial applicability
- others
- Prior application
- Novelty & Ease of Creation

[Design usable for an industrial purpose]

© Article 33 (Requirements for Design Registration)

(1) A design usable for an industrial purpose is eligible for design registration, except:

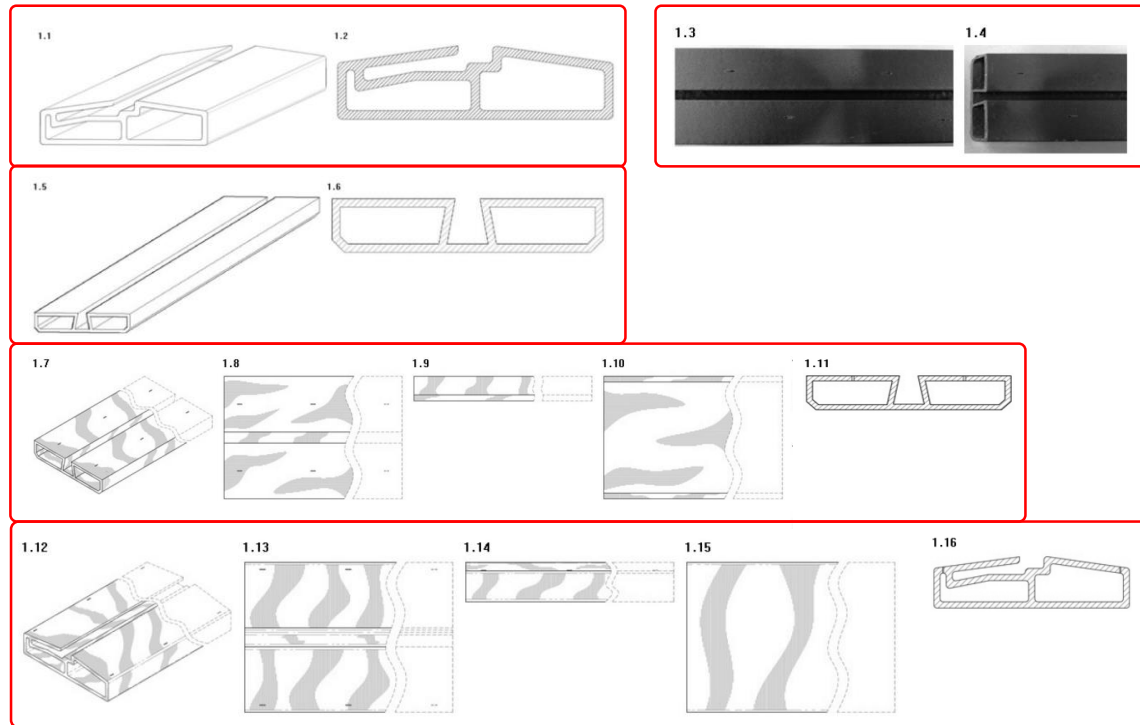
1. A design publicly known or worked in the Republic of Korea or a foreign country before an application for design registration is filed;
2. A design described in a printed publication distributed in the Republic of Korea or a foreign country or made available for public use via telecommunications lines before an application for design registration is filed;
3. A design similar to any of the designs specified in subparagraph 1 or 2.

[Design usable for an industrial purpose]

Design Protection Law of Republic of Korea

discrepancies between drawings

DM/086955



[Novelty]

© Article 33 (Requirements for Design Registration)

(1) A design usable for an industrial purpose is eligible for design registration, except:

1. A design publicly known or worked in the Republic of Korea or a foreign country before an application for design registration is filed;
2. A design described in a printed publication distributed in the Republic of Korea or a foreign country or made available for public use via telecommunications lines before an application for design registration is filed;
3. A design similar to any of the designs specified in subparagraph 1 or 2.

Self-disclosure before 12 months

[Novelty]

DM/085959 ('14.12.19.)

published

Online ('14.12.2.)

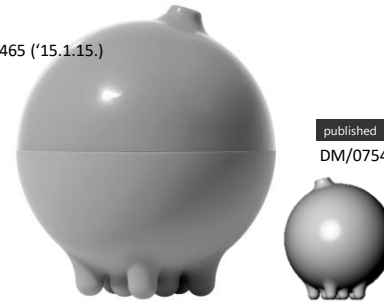


Self-disclosure before 6 months of filing date

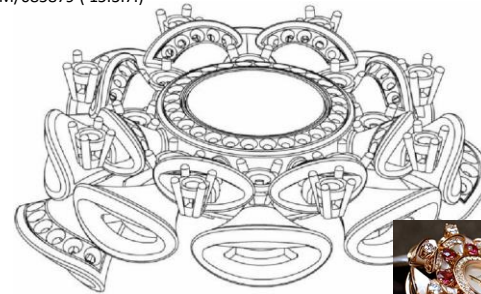
DM/080465 ('15.1.15.)

published

DM/075425 ('11.7.31)



DM/085879 ('15.3.7.)



DM/084462 ('14.9.4.)

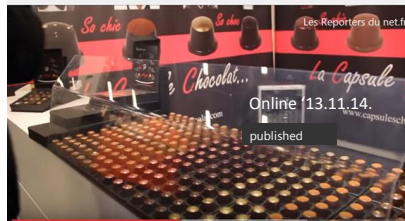


published

DM/080784 ('13.4.22.)



DM/084610 ('14.10.8.)



Online 13.11.14.

published

published
Online ('14.6.23)



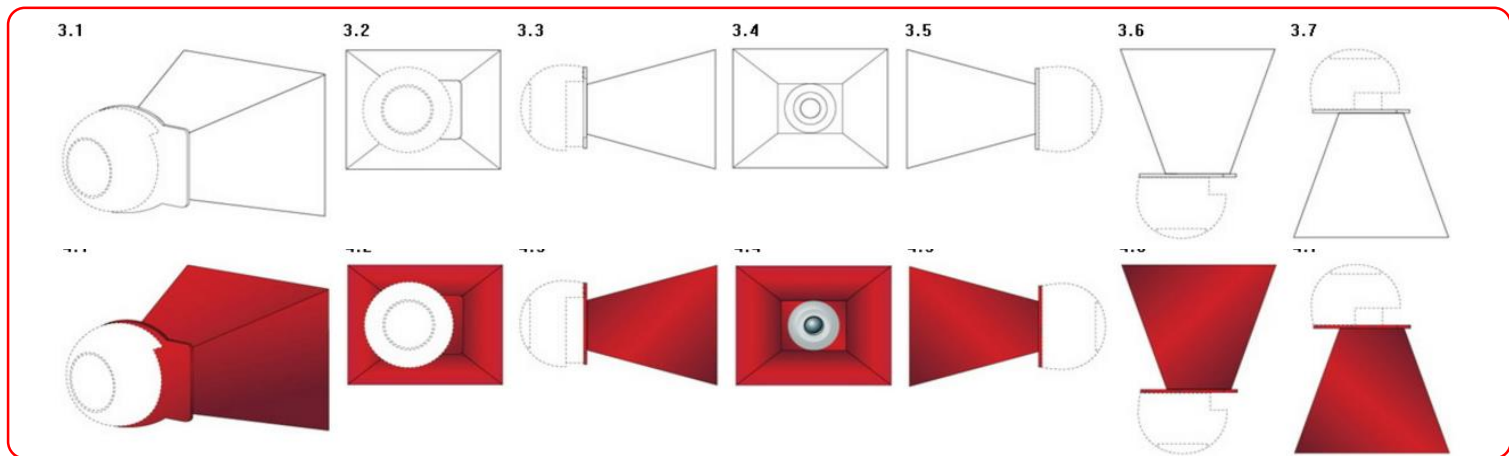
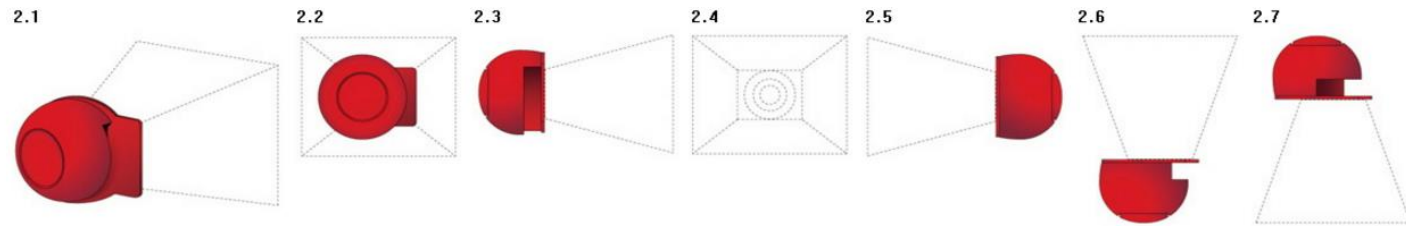
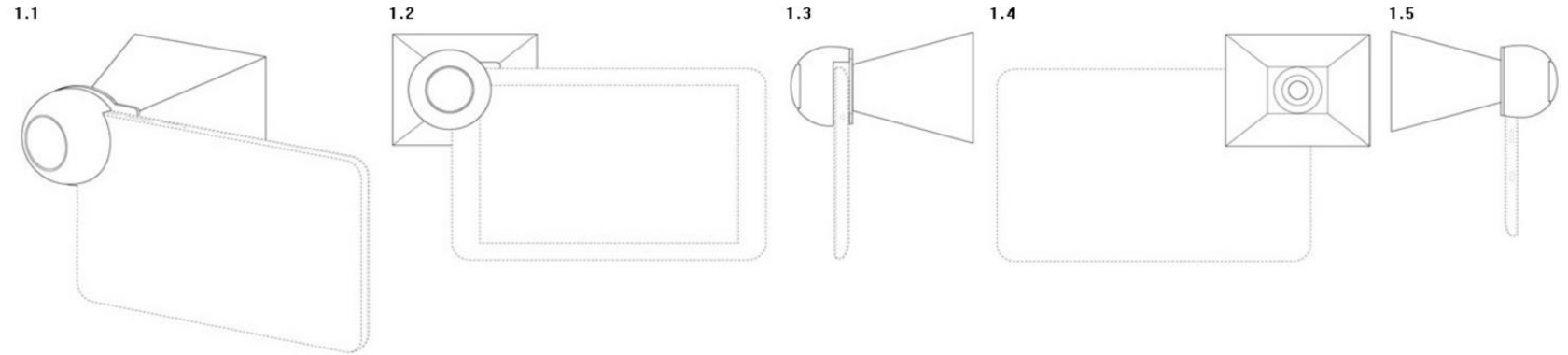
[Related Design]

© Article 35(1) (Related Designs)

(1) Notwithstanding the provisions of Articles 33 (1) and 46 (1) and (2), the owner of a design right or the applicant for registration of a design may have designs similar only to his/her registered design or the design claimed in the application pending for design registration (hereinafter referred to as “base design”) registered as related designs (hereinafter referred to as “related designs”), only if he/she files an application for registration of such related designs within one year from the filing date of the application for registration of the base design.

	Principle design(A)	Related design (A')
Order of time	Registered design	Subsequent application (within 1 year from the filing date of principle design)
	Antecedent application	Subsequent application (within 1 year from the filing date of principle design)
	Application filed on the same date	Application filed on the same date
Type of design	Finished article	Finished article
	Component	Component
	Set of article	Set of article
	Partial design	Partial design

[Related Design]



[Indication of Products]

© Article 40 (One Registration Application for Each Design)

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(2) A person who intends to file an application for design registration shall follow the classification of products prescribed by Ordinance of the Ministry of Trade, Industry and Energy.



GUI (Graphic User Interface) is only applicable as a partial design of a whole article, therefore the indication of Products shall be the whole article embedding the partial area for claim.

Recommendations

- display panel with animated graphical user interfaces
- Multimedia Device with GUI
- Icons [for computers]
- Display panel in which Graphical user interface is indicated
- Computer monitor in which Graphical user interface is indicated



Thank You
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