

WIPO



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GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Nineteenth Session
Geneva, May 26 to 30, 1997

**APPOINTMENT OF THE KOREAN INDUSTRIAL PROPERTY OFFICE AS
INTERNATIONAL SEARCHING AUTHORITY AND AS INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**

Document prepared by the International Bureau

1. In a letter dated April 4, 1997, the Korean Industrial Property Office (KIPO) expressed the wish to be appointed as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT). The letter from KIPO is reproduced as an Annex to this document.
2. Article 16(3)(e) of the PCT provides that “Before the Assembly [of the PCT Union] makes a decision on the appointment of any national Office [as an ISA]..., the Assembly shall...seek the advice of the Committee for Technical Cooperation...” (hereinafter referred to as the PCT/CTC).
3. According to Article 32(3) of the PCT, the provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of the appointment of an IPEA.

4. The advice given by the PCT/CTC at its nineteenth session in respect of the request by KIPO will be submitted, together with that request and a draft agreement between KIPO and the International Bureau in respect of KIPO's functioning as an ISA and IPEA, to the Assembly of the PCT Union for consideration at its next session to be held in September 1997.

5. *The PCT/CTC is invited to give its advice on this matter.*

[Annex follows]

ANNEX



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April 4, 1997

Dr. Arpad Bogsch
Director General
WIPO

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Dear Dr. Bogsch,

I would like to take this opportunity to express my sincere gratitude to you for your kind support and assistance extended to the Korean Industrial Property Office (KIPO) with reference to KIPO's wish to be appointed as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA).

As you were informed, the patent system in Korea has developed remarkably during the past decade with KIPO's continuous efforts, for the enhancement of patent protection through amendments of the Patent Act. The number of patent applications has tremendously increased from 12,759 in 1986 to 90,326 in 1996. International applications under the PCT have also followed the increasing trend of patent applications along with the increase from 13 in 1989 to 281 in 1996. I anticipate the patent applications as well as PCT applications shall rapidly increase in the years to come.

As a means of facilitating PCT applications, dealing with the growth of applications in a more efficient manner and enhancing the quality of patent search and examination together with contributing towards the development of the PCT system, the Korean Industrial Property Office is determined to apply for appointment as an ISA and an IPEA.

Dr. Arpad Bogsch, Director General, WIPO - April 4, 1997 - page 2

I, thereupon, take the pleasure of addressing a formal request to have the Korean Industrial Property Office be appointed as an ISA, and as an IPEA in accordance with Article 16(3) and Article 32(3) of the PCT.

I would like you to put this matter before the PCT/CTC in order to obtain the advice of the Committee as referred to in PCT Article 16(3)(e), and I look forward to your favorable consideration and cooperation.

Sincerely yours,

Ilong-Geon Choe
Commissioner

**Statement for the Appointment of
a PCT/ISA and an IPEA**

- i) facilitate further our nationals' filing of PCT applications;
- ii) enhance the quality of patent search and examination; and
- iii) assume an international role and responsibility corresponding to its status in the area of industrial property rights.

< **Background** >

The importance of industrial property rights in Korea has been growing remarkably during the past decade with a tremendous increase in industrial property rights applications. Taking the number of patent applications (including utility models) for instance, it has jumped from 42,728 in 1988 to 157,480 in 1996, which has placed us fifth in the world.

International applications under the PCT have also followed the increasing trend of patent applications. With these promising trends, the necessity for upgrading the quality of patent search and examination in the Korean Industrial Property Office (KIPO) became one of our main priorities. And KIPO is presently faced with demands from private companies which wish to use PCT procedures to call upon KIPO to devise a more user-friendly process for filing PCT applications. On top of that, we believe it is time for KIPO to assume an international role and responsibility corresponding to its status in the field of industrial property rights.

< **Objectives** >

We believe that KIPO's joining the PCT International Searching Authorities as well as the PCT International Preliminary Examining Authorities could serve to fulfill those purposes. That is, to :

< **KIPO's Qualifications and Preparations** >

Given this opportunity, I would like to illustrate KIPO's qualifications to be appointed an ISA as well as an IPEA focusing on the minimum requirements laid down in Article 16(3)(c) of the PCT.

KIPO has established a Task Force to push forward and systematically support our preparations to meet, at the earliest possible time, the minimum requirements for being appointed as one of the International Searching Authorities referred to in Article 16(3)(c) as well as in Rule 36.

A. Patent Examination Personnel Requirement

KIPO has continuously increased patent examiners by a large number in order to effectively cope with the remarkable increase of patent applications, despite the trend of strong control over the increase of the number of staff in other ministries or government offices under the "small government" policy. The Korean Industrial Property Office has about 400 patent examiners with sufficient technological qualifications to carry out international-type searches and examinations. Almost all examiners have a good knowledge of at least one foreign language. In particular, 41 examiners holding doctorate degrees were recently recruited to undertake examinations with respect to the newly emerging technologies including biotechnology and computer-related technology. Moreover, KIPO plans to further recruit over 200 examiners next year. It is anticipated that there will be over 800 patent examiners by the year 2000.

The KIPO's current computerized system covers the entire process of patent administration from application to registration. The following is a list of systems developed by KIPO :

- application and examination processing system ('92)
- trial decision search system ('92)
- patent search system ('92-'95)
- . IFD search system ('92)
- . English literature search system ('93)
- . Japanese literature search system ('94)
- . domestic literature search system ('95)
- . accumulation of search data: foreign('93-'95), domestic ('95-'96)
- electronic application system ('94-'97)
- official gazette publication on CD-ROM system ('96)

In addition to the increase in the number of patent examiners, KIPO has also strived to further enhance the quality of examination by way of a series of intensive training programs. Before becoming a patent examiner, the prospective examiner must undergo a series of intensive training courses to learn all the necessary professional knowledges and skills including patent law, patent classification, and the guidelines for patent search and examination. Even after becoming an examiner, he/she is required to undergo re-training courses in the third and the fifth year in order to keep informed of new information and knowledge in the related field of intellectual property as well as technology concerned. KIPO has also established and maintained the so-called "Examiner Evaluation System" to ensure the high quality of examination by conferring incentives to good examiners who obtain high points during examination evaluation.

While strengthening the examination staff, KIPO has made every effort to promote and update the computerization of patent search and examination with the aim of enhancing the total efficiency of the patent examination process.

Since the launch of the first comprehensive computerization plan in 1989 with the assistance of WIPO, KIPO's computerization status has been considerably improved. In spite of many difficulties stemming from the lack of experienced experts, funding, and facilities, concerted efforts have been made to further upgrade the computerization of patent search and related administration, and numerous computerized systems were developed and successfully employed in the area of administration processing, patent search and examination.

In order to meet the changes in users' demands, IPR systems, and technological developments, KIPO reviewed the computerization plan made in 1989 and complemented it in a more realistic and efficient manner.

In particular, I would like to illustrate in detail the computerized systems developed and put in operation in KIPO with respect to patent search and examination.

1) the Patent Search Database

Domestic and foreign information or materials is sorted, then keyed-in or scanned into the database. The computerization of this database is carried out on a step-by-step basis, giving priority to the industrial sectors in urgent need of prior art search, such as the automobile and semi-conductor industries. The system, which is already in partial operation, is expected to contribute toward the speeding up of the patent examination and information supply for interested parties. The creation of the database for past documents will be finished by 1998. Full texts and abstracts of all Korean patent/utility model applications filed since 1947 will be compiled through image scanning. The input process will be gradually carried out year by year until 1998 starting from applications related to key industrial sectors. In 1994, a total number of 78,695 cases was image-scanned into the database and necessary preparation for inputting the abstracts was completed.

2) the Patent Search System

A patent search system in Korean and Japanese languages was developed in 1994. This search system, developed for more efficient retrieval of prior art references is a database of patent information and material from many different countries permitting an on-line access to the stored data in various conditions. Completed in 1994 was a search system available in Korean and Japanese which was integrated into the existing English search system having been developed in 1993, and has been in operation since that time. The search system which underwent some database reconstruction (11 million items) resulting from continuous testing and changing of hardware of the IFD retrieval system, is now in full-fledged operation.

3) the Electronic Filing System

KIPO started to operate an electronic filing system in July 1996 and the plan was successfully carried out. Forty-two percent of the total patent applications were filed on floppy disks from the launch of the electronic filing system in July 1996 to the end of the year.

KIPO will endeavor to further improve computerization including the continuous up-dating of computer-aided search and examination systems.

B. Minimum Documentation

In relation to patent documentation the Korean Industrial Property Office has operated a documentation division since its inauguration in 1977 which is in charge of collecting patent documents and non-patent literature, classifying them into search files for patent examiners and providing information service to the public. In 1991, KIPO established the Information and Documentation Bureau with the aim of further facilitating the task of collecting, processing and utilizing patent information and documentation.

As the result of systematic and continuous efforts with reference to patent documentation, KIPO has now collected a wide range of information resources from Korea and from 35 other countries including the US, the UK, Germany, France and Japan and three international organizations including EPO and WIPO. As of March 1997, KIPO is in possession of more than 40 million patent documents in the form of paper, microfilm and other electronic media including CD-ROM, together with an almost complete set of the non-patent literature referred to in PCT Rule 34.1(b)(iii). The collected patent documents are classified according to the International Patent Classification into search files which are located in the examiners' room. The documents in the search files contain the full text of patent specifications of more than 36 million cases from 16 countries and three organizations including Australia, Austria, Canada, France, Germany, Japan Russia, Switzerland, the UK, the US, EPO, WIPO and OAPI, together with the abstracts of 18 countries' patent documents.

In addition, KIPO has collected a large number of machine-readable documents in the form of microfilm as well as CD-ROM. Microfilm documents contain more than 6 million cases from nine countries and two organizations including Australia, Canada, Switzerland, France, the UK, Japan, the US, EPO and WIPO. There are also over five million cases in CD-ROM from 12 countries and three organizations including major developed countries as well as EPO and WIPO.

Furthermore, KIPO has now 56 CD-ROM workstations, together with 386 personal computers in which a CD-ROM drive can be installed. All patent examiners will have a PC with a CD-ROM drive by the end of this year, with which they can access to patent documentation arranged for search purposes on CD-ROM or other electronic media.

KIPO also has established the WPI and FPDB databases and a retrieval system in order for patent examiners to utilize the data published by the Derwent Information Ltd. and EPO. The WPI database contains more than six million cases from 35 countries and two organizations dated back to 1963, the contents of which are bibliographic data, drawings and abstracts in English, and FPDB stores patent documents covering EPO, Japan and the US.

In addition, the patent examiners of KIPO can access, through the Internet, non-patent literature including a large number of periodicals on science and technology, which also introduce a recently developed technologies.

KIPO has entered into consultation with several foreign patent offices with a view to obtaining the missing documents listed in the attached Annex. While hoping these offices will grant assistance by donating or selling to KIPO the missing parts of the minimum documentation they published, I anticipate that we will be able to complete the collection of those documents by the date on which the Agreement between WIPO and KIPO will enter into force.

In conclusion, I am confident that KIPO has already established a strong examining force and a rich collection of documentation, to almost meet the minimum requirements to be a qualified PCT ISA and IPEA. The remainder of the minimum documentation will be secured in the shortest period of time.

We promise to make every endeavors to complete the necessary requirements as soon as possible.

[Annex]

DOCUMENTS FORMING PART OF THE PCT MINIMUM DOCUMENTATION WHICH, ON THE DATE OF THIS DOCUMENT, THE KOREAN INDUSTRIAL PROPERTY OFFICE DOES NOT HAVE IN ITS POSSESSION OR DOES NOT HAVE ACCESS TO

1. Documents issued by <u>Australia</u>		Number of Documents	
1.1 Complete Specifications lapsed issued from 1970		14,955	
Total number of documents issued by Australia		14,955	
2. Documents issued by <u>Austria</u>			
2.1 Patents issued from 1920 to 1991		6,815	
Total number of documents issued by Austria		6,815	
3. Documents issued by <u>France</u>			
3.1 Applications for all Types of Patents issued from 1969 to 1970		38,055	
3.2 Patents of Invention under old Law issued from 1920 to 1968		1,058,750	
Total number of documents issued by France		1,096,805	
4. Documents issued by <u>U.S.</u>			
4.1 Patents issued in 1920		37,165	
4.2 Reissued Patents issued from 1920 to 1976		14,310	
Total number of documents issued by U.S.		51,475	
5. Documents issued by <u>Germany</u>			
5.1 Patents issued from 1920 to 1945		452,617	
5.2 Non-examined Patent Applications issued from 1968 to 1979 and from 1990		1,004,297	
5.3 Published Examined Applications (Examined Patent Applications) issued from 1955 to 1967		238,303	
5.4 Patents and Patents of Addition issued from 1948 to 1954		124,537	
Total number of documents issued by Germany		1,819,754	
6. Documents issued by <u>U.K.</u>			
6.1 Complete Specifications issued from 1920 to 1968 and in 1978		1,043,257	
6.2 Patents Applications issued from 1979 to 1980		44,620	
Total number of documents issued by U.K.		1,087,877	
GRAND TOTAL			4,077,681

[End of Annex and of document]