

## The Last-Place Person Changes the World

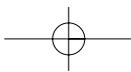


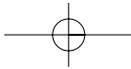
Thrill and suspense are traits not exclusive only to movies and dramas. Comeback stories need not belong only to novels or stories. Especially in TV dramas, we see exciting stories on a daily basis and even dramatic comebacks. The unfolding of circumstance where the situations are suddenly reversed... This is not too different from the current struggles of the real world, which is often described as the economic war or patent war.

Someone said that the last-place person changes the world. Didn't the dawdling turtle beat the impossible to-catch rabbit in their race? The overconfident rabbit, who took a nap during the race, actually lost to the turtle. People generally run into major troubles by being lazy or ignoring the trivial. Situations such as reversal of fortunes and triumph replacing agony are indeed dramatic.

The marathoner inched closer, and I was finally able to observe the expressions on his face. It felt as if I had never seen such expression. I had never seen such an honest, yet painful face, and honest, yet lonely face. Boldly, I ran into the street, and cheered him on as loud as I can. I think that I'll even like the runner who finishes last. Just for the person's will to overcome the terrible pain and loneliness.

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This is an excerpt from <Ovation to the Last-Place Person> written by Wan Suh Park, author of a number of novels. Yes. Life is indeed a marathon. You don't have to be a winner to whom the crown is bestowed. Any runner who finishes the race without giving up deserves the ovation.

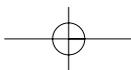
It is said that, happiness is not measured in grades. Sometimes, I am disgusted by the world which is readily willing to label a person as the top or the last, whether in school or at work. More often than not, I would like to shake up the world's value system that only rewards the best and does not afford any opportunity to the last.

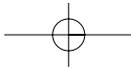
### **The revolution by the Last-Place people occurring throughout the world**

Do not ignore it! Don't deny the fact that there is a revolution by the Last-Place people throughout the world. The legendary success stories of people who created giant companies with only an elementary school education or who were slow as students are indeed tales of heroism.

Presently, there are many disputes involving patents. The war surrounding a name of a restaurant or a company is especially intense. One good example is the litigation between Hyunpoong Hahlmaejip Joint Venture, a gohm tahng (Beef Broth) house in Suwon and Hyunpoong Hahlmaejip Gohm Tahng in Seocho-Dong, arising from the use of similar names. Despite the fact that they've registered the name as company names, they are having hard times because they did not register the name as a trademark with KIPO. Had either of them registered the mark, this war would not have been fought.

One of the representative companies which enjoyed success in the patent wars is Texas Instruments, one of the world leaders in semiconductors. Since the mid-1980's, they began legal actions when the semiconductors manufactured in Japan and Korea began to dominate the market. As a result, Japanese and Korean companies were required to pay huge royalties. Many of the





Japanese companies paid a smaller amount of royalties as they had owned some patents of their own. On the other hand, one Korean semiconductor company, which did not possess any significant patents, was required to pay 68 Billion Won, an astronomical figure at the time, as royalties.

The X Restaurant, a sullung-tahng (Beef Broth Soup) house, which boasted a 50-year tradition, commenced their preparations for opening a restaurant in Bundang. However, they were met by what they considered a trivial matter. A person living in Kangwon-Do had already registered the name, X Restaurant, as a service mark.

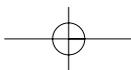
The Kangwon-Do registrant, who may in fact be a latecomer, was preventing the owner of the 50-year old restaurant from pursuing their business plans. This owner was now unsure as to whether to open the restaurant in Bundang, due to the fear of legal action for trademark infringement. When he realized that a service mark registered from Kangwon-Do would have a national effect, it was already too late.

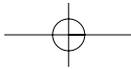
This tragedy was brought upon by the owner of X Restaurant himself. He was simply careless. He is protected in the Seoul area, as he was a prior user. However, this protection is limited to the initial area of such prior use. He was not aware that registration of a mark with KIPO, once registered, entitled the registrant to an exclusive use throughout the country.

The costs of filing an application for a service mark is about US\$500 and US\$400 at the time of registration, about one year thereafter, for a total of US\$900. Of course, the amount of such fees was not likely the reason for not filing the mark. The owner of X Restaurant is not alone in being dragged into unnecessary legal actions at great expense and time because of such oversight.

There are abundant, unfortunate cases where a well-known company or long-standing restaurant had to stop using their own mark due to the failure to register the mark. A significant loss

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would be incurred if one were forced to dispose of all of the signage prepared for franchise stores throughout the country and to change them to a different mark. Had one registered the mark, not only could a costly legal action would have been avoided, but the mark could alternatively be licensed for significant royalties.

We live in a world where the slow turtle can prevail in a race against the super-fast rabbit. The moral of the story of a turtle and rabbit can apply painfully to the patent war. Register the names of your companies or restaurants with KIPO. With the availability of renewals, the registration can in fact be maintained in perpetuity.

It can be scary to think that one who prevails can continue to win. While the rabbit may be able to win in the subsequent race, in patent wars, there are numerous cases where the loser is required to abandon permanently. In fact, one must undertake almost a suicidal economic loss in order to remain competitive or pay huge royalties to maintain the status quo.

For those of us who experienced the difficult IMF times, patent wars tell us that comebacks are always possible. We must not forget that the slow turtle can prevail over the rabbit and that the last-place person can change the world.

