

[Barun IP & Law Awarded '2012 Best Intellectual Property Law Firm Award- South Korea' & '2013 Continent Award']

Barun IP & Law was praised with two awards, '2012 Best Intellectual Property Law Firm-South Korea' and '2013 Continent Awards' given by InterContinental Finance Magazine, a leading global financial magazine based in England.

We would like to honor the achievements by expressing our sincerest gratitude to each and every client of ours. Barun IP & Law promises to make honest efforts to make more improvements and continue serving with only the highest quality of service in intellectual property.



[Recent Amendments to the Korean Patent Act in 2013]

1. Opportunity Granted to Recover Filed Patent Applications (Article 67-3)

Under the current system, if a patent application does not undergo examination within 5 years

from its filing date, it is considered withdrawn, and if the applicant does not appeal for re-examination within 30 days of receiving the decision of refusal, then the application is determined to be finally rejected.

Starting July 1st, 2013, if an applicant does not request for examination or appeal for re-examination within the given period due to adverse circumstances beyond the person's control such as natural disasters or because the applicant was not advised of the official notification from the Korean Intellectual Property Office (KIPO), 2 months from the end date of such adverse or unforeseen event is bestowed for a chance to recover such invalidated patent application.

However, in order to prevent the uncertainty of patent applications' invalidation status from happening repeatedly, maximum of 1 year is allowed from the expiration date to request for examination or appeal for re-examination.

Under the current system, if a failure to pay patent fees or annuity within the given period is deemed to have been caused by reasons unattributable to an applicant or a patentee, 14 days are arranged from the end date of the cause not imputable for the applicant or patentee to recover an invalidated patent right. This time period will be extended to 2 months starting on the first day of July, 2013.

Overall, these new amendments are anticipated to propose a generous opportunity for applicants and patentees to protect their patent rights.

2. Improved Procedures for Amending Patent Applications (Article 47-4)

Taking effect on July 1st, 2013, when a patent applicant receives on more than one occasion a notification of grounds for rejection and makes several amendments, KIPO will withdraw all amendments submitted prior to the final amendment, to elucidate exactly what amendments were made to a patent application and thus to clarify the scope of examination it went under.

3. Extended Eligibility for Official Fee Refunds (Article 84)

When a patent application is withdrawn or abandoned within 1 month of filing, its application fees and examination fees are refunded under the existing law. With the new amendment going into effect on July 1, 2013, official fees for claiming priority will also be refundable, improving accessibility and convenience for patent applicants.

4. Expanded Scope of Grounds for Rejection from Telecommunication Lines Prescribed by ‘President Decree’ to All Telecommunication Lines (Article 29)

KIPO has amended that patent applications filed on and after July 1st 2013 are subject to be denied patents if an invention could have been made accessible through any and all channels of telecommunication lines.

Under the present law, inventions accessible to the public only through ‘telecommunication lines prescribed by Presidential Decree’ are denied patents, along the same lines as published prior arts.

However, in consideration of the internet, etc. that have become widespread and providing substantial access to a large number of published prior arts, the new amendment expands the scope of denying patents beyond just the telecommunication lines prescribed by ‘President Decree’.

5. Exceptional Clause Established for Persons Entitled with Rights to Request for Examination of Patent Applications (Article 59)

Unless a person requests for an examination of a patent application within 5 years from the filing date, the application is deemed to have been withdrawn under the current law. However, the new exceptional clause will allow an entitled person to request for an examination even after the 5 year period is up, as long as the examination request is submitted within 30 days of the entitled person’s application filing date.

2012 ACQUISITION
INTERNATIONAL
LEGAL AWARDS

**SOUTH KOREAN
INTELLECTUAL PROPERTY
LAW FIRM OF THE YEAR**



BARUN
I P & L A W

9th Fl., Saman Building
520 Teheran-ro, Gangnam-gu
Seoul 135-846, Korea
www.barunip.com

T e l : (82-2) 3479-7000
F a x : (82-2) 3479-7070
(82-2) 539-7340
E-mail : office@barunip.com