Recent Developments of the PCT
In Korea

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This presentation will highlight the following topics:

I. Korea’s Status in Patent Intensity Based on WIPO Statistics

II. Introduction of KIPO (Korean Intellectual Patent Office) in Viewpoint of PCT

III. KIPO’s Efforts to Encourage Invention

IV. Development of IP Automation in KIPO

V. Language as a Momentum in PCT Development of Korea

VI. Promotion of Benefits of PCT for applicants to develop the PCT
Korea’s Status in Patent Intensity
Based on WIPO Statistics
Resident patent filings per $billion Gross Domestic Product

Source: WIPO Statistics Database and World Bank (World Development Indicators), June 2009
Number of Resident Patent Filings per $Million Research & Development (R&D) Expenditure

Rep. of Korea
Japan
China
Russia
Ukraine
New Zealand
Thailand
Poland

Source: WIPO Statistics Database and UNESCO, June 2009
Number of resident patent filings per million population

Source: WIPO Statistics Database and World Bank (World Development Indicators), June 2009
Introduction of KIPO
(Korean Intellectual Patent Office)
in Viewpoint of PCT
History of PCT in Korea

- Joined Paris Convention (May 1980)
- Joined PCT (May 1984, 36th contracting State)
- Started receiving PCT applications (August 1984)
- KIPO was designated as an ISA/IPEA (Sep. 1997)
- KIPO Started its work as an ISA/IPEA (Dec. 1999)
- Korean was adopted as an PCT Publication Language (Sep. 2007)
Examiners in Korean Intellectual Patent Office
(Total: 866 (712 for patents, 154 for trademarks) (‘11)]
Patent, Utility Model, PCT Application Filings and Export Trends in Korea
PCT Application Filings and Exports Relation in Korea

The graph illustrates the number of PCT applications and exports in Korea from 1980 to 2010. The number of PCT applications (PCTApp.(BO)) shows a steady increase, while the exports (Export(Million $)) have a substantial rise in recent years.
KIPO as an International Searching Authorities (ISA) selected by applicants

Foreign Country(12): Philippines, Viet Nam, Indonesia, Mongolia, Singapore, New Zealand, U.S.A., Malaysia, Sri Lanka, Australia, Thailand, Chile, Peru
PPH (Patent Prosecution Highway) Situation in KIPO

- Japan, U.S.A, Denmark, U.K., Canada, Russia, Finland, Germany, Spain, China (10)
- PCT-PPH: U.S.A.(‘11.7.), China (‘12.3), Japan(be expected)
Collaborative Search & Examination in PCT

- Participants: EPO, KIPO, USPTO
- Why is CS&E so interesting?
  - Innovative way of collaboration between the Offices.
  - It is work-sharing and something more: collaboration
  - It addresses quality and efficiency aspects.
  - Consulted external users look forward to this development.
  - It is part of the PCT Roadmap of WIPO General Director
KIPO’s Efforts
to Encourage Invention
Utilizing IP Information

- Building infrastructures for the strategic use of patent information
  - KIP O

- Legal Infrastructure
  - Amend Laws & Regulations
  - Institutionalization
  - <From 2004>

- Systematic management of National R&D projects
  - Planning Patent Trend Analysis
  - Selecting Prior Art Search

- Capability building for utilizing patent information
  - R&D IPR Consulting Center
  - Patent Information Seminars
  - Education at universities
Strategic use of patent information

- **Patent Map**
  - Raise nationwide awareness of the use of patent information
  - Develop patent maps for new technologies
  - Launch PM Portal (www.patentmap.or.kr)

- **KIPRIS**
  - Provide free search services on patent information
  - Collect domestic and foreign patent documents

- **Statistics**
  - Publish patent statistics analysis reports for patent policy
  - Encourage mutual usage of patent & industry statistics
Encouragement of utilization through legal system

- Amendment of the laws & regulations
- Making Patent information search mandatory
- Proposal to the President of the National Science & Technology Council (’04. 12)
- Institutionalized Patent Trend Analysis
- Included patent as a performance indicator
- Patent Search in evaluating each stage

Timeline:
- 2004
- 2005
- 2006
- 2007
Improvement of the planning and managing systems to make effective national R&D programs
Patent Trend Analysis in drafting R&D

- Technology trend
- Gap technology
- Patents for basic technologies

Guiding the direction Of R&D projects

Prior art search in selecting R&D

- Type 1 - Prior art search before applying for a project
- Type 2 - Prior art search in evaluating R&D projects
Systematic management and evaluation of R&D projects

R&D Organizer
- Planning
- Selecting

Funding for R&D projects (giving a unique number)

R&D agency
- Conducting R&D

Application info.  Registration info.  Commercialization info.

Filing (ID No.)
Granting (ID No.)
Assigning/Licensing (ID No.)
Encouraging broad sharing of IP Information

- Consulting service for national R&D projects
- Visit each lab for IPR consultation, researcher’s note
  - Foreign IPR trend report
- Promoting the use of patent information in R&D processes
- Undergraduate: Basic theory of IP, Blended learning
- Graduate: Advanced courses, off-line training
- Patent maps for universities
Development of IP Automation

in KIPO
Development of Computerization in IP

- Paper based application
- Provides basic admin. process supporting functionalities, focusing on receiving and registration
- Simple search function
- Provides basic information to the public
Development of Computerization in IP

- E-filing
- Electronic gazette publication (by CD-ROM)
- Automated IPR administration
- Integrated search functions
- Provides various informational services to the public
- Electronic document handling
- Interface with other government agencies
- Streamlined and standardized processes
Development of Computerization in IP

- High value-added services using accumulated data
- Various e-learning training courses
- Knowledge-based IP administration environment to IPO members of staff and the general public
- Interconnects with other IPOs for information exchange
- Standardized processes reflecting PLT, TLT, Madrid Protocol, etc.
Language as a Momentum in PCT Development of Korea
Language of the International Application

- From ‘99. 12., KIPO accept the International Application in Korean and act International Searching Authority
  - Below Graph shows 1\st inflection point at that year
  - The receiving Office accept the language on the condition
    - A language accepted by the International Searching Authority
    - A language of publication (Regulations under the PCT, Rule 12)

- Korean was adopted as an PCT Publication Language (in effect Jan. 2009)

Trends in PCT Applications (Korea)
Promotion of Benefits of PCT for applicants to develop the PCT
Promotion of Benefits of PCT for applicants

◆ A single filing with a single Receiving Office within 12 months of the filing of a priority application can be considered to comply with the 12 month Paris Convention deadline in all countries which are members of the PCT

◆ Payment of a single modest fee, rather than paying separate filing fees in each of the designated countries

◆ National fees will need to be paid when national phase entry is confirmed, that is the payment of these filing fees is deferred
Promotion of Benefits of PCT for applicants

◆ the PCT applicant is also able to defer making a decision on the countries where patent protection will ultimately be pursued. This deferral period, which is generally 18 months, allows the patent applicant to assess suitable markets for the invention, and to assess the merits and likely commercial success of the invention.
Promotion of Benefits of PCT for applicants

◆ International Search Report (ISR) provides the applicant with a useful indication of the prior art against the invention

◆ As this International Search Report is issued prior to international publication, the applicant is afforded an opportunity to withdraw the application on receipt of an unfavourable ISR prior to publication of details of the invention.
Promotion of Benefits of PCT for applicants

◆ The applicant is also permitted an opportunity under Article 19 to amend the claims of the application to avoid prior art cited in the ISR.

◆ The opportunity to file a Demand for International Preliminary Examination, which may be accompanied by amendments to the description, claims and drawings.
Thank you very much for your attention

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