Feedback from KIPO as a designated Contracting Party

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Most common grounds for refusals from KIPO

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

- discrepancy between drawings
- Ambiguity
- Lack of views
Design usable for an industrial purpose

discrepancies between drawings
Design usable for an industrial purpose

Ambiguity

DM/088730

This design applied for design registration may not obtain a design registration under Article 62(2) of the Design Protection Act, since it does not comply with Article 33(1) of the Design Protection Act, for the reason(s) listed below.

However, this reason for rejection may be overcome when the design becomes definite by an amendment.

- Representation of continuity of pattern is insufficient.
  (Additional description of continuity of pattern should be submitted)
  * Recommended example for description
    - This pattern is only used as a whole piece.
    - This pattern is repeated both vertically and horizontally.
    - This pattern is repeated only in a vertical direction.
Design usable for an industrial purpose

Ambiguity

Example for representation
(KR 30-2014-0050519)
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 6 months
Novelty

Self-disclosure before 6 months of filing date

DM/085959 (’14.12.19.)

DM/080465 (’15.1.15.)

DM/084462 (’14.9.4.)

DM/085959 (’15.3.7.)

DM/080784 (’13.4.22.)

DM/075425 (’11.7.31)

DM/084610 (’14.10.8.)

Online (’13.11.14.

Online (’14.12.2.)

Online (’14.12.2.)

Online (’13.11.14.

published

published

Online (’14.6.23)

published

published
© Article 33 (Requirements for Design Registration)
(2) Notwithstanding the provisions of paragraph (1), no design (excluding a design specified in paragraph (1)) that could have been easily created by a person who has ordinary skill in the art to which the design pertains by applying any of the following methods before an application for design registration is filed, shall be eligible for design registration:
1. A design specified in paragraph (1) 1 or 2 or a combination of such designs;
2. A shape, pattern, or color, or a combination thereof, widely known in the Republic of Korea or in a foreign country.
Ease of creation

DM/086020 Watch hands

DM/086172
Push button

DM/086172
Pendant


Prior design, watch case with bracelet
DM/085760, ‘15.3.3.

Applied design,

http://orchidgrey.blogspot.kr/2012/07/kick-around.html
© 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.
## Related design

<table>
<thead>
<tr>
<th>Order of time</th>
<th>Principle design (A)</th>
<th>Related design (A’)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered design</td>
<td>Subsequent application (within 1 year from the filing date of principle design)</td>
<td></td>
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<tr>
<td>Antecedent application</td>
<td>Subsequent application (within 1 year from the filing date of principle design)</td>
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<tr>
<td>Application filed on the same date</td>
<td>Application filed on the same date</td>
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</table>

<table>
<thead>
<tr>
<th>Type of design</th>
<th>Principle design (A)</th>
<th>Related design (A’)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished article</td>
<td>Finished article</td>
<td></td>
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<tr>
<td>Component</td>
<td>Component</td>
<td></td>
</tr>
<tr>
<td>Set of article</td>
<td>Set of article</td>
<td></td>
</tr>
<tr>
<td>Partial design</td>
<td>Partial design</td>
<td></td>
</tr>
</tbody>
</table>
Related design
Related design

DM/086172 Electric water kettle
Related design

DM/086223

Principle design

DM/083808
(was not designated KR)
Entitlement of creator

KIPO has refrained from issuing the notification of refusal since 1st of June, 2016, where an international registration does not indicate the identity of creator

Indication of products  Design Protection Act Article(40)ii

© 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.
Vehicle lighting and signaling devices
DM/085473, 15.1.23.

Decorative trims for vehicles
DM/085472, 15.1.23.

This design applied for design registration may not obtain a design registration under Article 62(1) of the Design Protection Act, since it does not comply with Article 33(1) of the Design Protection Act, for the reason(s) listed below:

- The reproduction does not sufficiently disclose the appearance of the design. This design may not perceive a specific shape of the design, since the design shows merely a temporary form, by not being an intrinsic shape of the article.

This design applied for design registration may not obtain a design registration under Article 62(1) of the Design Protection Act, since it does not comply with Article 33(1), 40(2) of the Design Protection Act and Article 38 of its Implementing Regulations, for the reason(s) listed below.

- Overall form of the design may not be definitely and completely grasped from the submitted drawing.
- The part seeking registration is not clearly specified.
- The indication of product (“Decorative trims for vehicles”) for the submitted design is inappropriate since the reproduction represents a motor vehicle and this design may not perceive a specific shape of “decorative trims for vehicles”.

Example for an appropriate indication of products: Motor vehicle.
Indication of Products

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.

- 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
Other Matters

- Provisional disapproval of priority claim
- Exception to lack of novelty
Provisional disapproval of priority claim

When the applicant of the priority claim is not identical with the applicant of domestic application
Disapproval of Exception to lack of novelty

Where the application of a design is disclosed or the registration is published at home and abroad according to a law or a treaty, you shall not claim the exception to lack of novelty.
Thank You

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