

**B1****Information on Contracting States****B1****KR****REPUBLIC OF KOREA****KR****General information**

Name of Office:	Teukheocheong Korean Intellectual Property Office
Location and mailing address:	Government Complex-Daejeon, 189 Cheongsa-ro, Seo-gu, Daejeon 35208, Republic of Korea
Telephone:	(82-42) 481 87 70 (RO) (82-42) 481 57 41 (ISA, IPEA)
Facsimile machine:	(82-42) 472 34 73 (RO) (82-42) 481 85 78 (ISA, IPEA)
E-mail:	kipopct@korea.kr (RO) isa.kipo@korea.kr (ISA, IPEA)
Internet:	www.kipo.go.kr
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents except the translation to be furnished under PCT Article 22 or 39
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	Yes <sup>1</sup>
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make national applications available to the WIPO DAS <sup>2</sup>
Competent receiving Office for nationals and residents of the Republic of Korea:	Korean Intellectual Property Office or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>3</sup> restrict the filing of international applications with the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents <sup>4</sup>

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<sup>1</sup> See also Annexes D and E.

<sup>2</sup> For further details on how to request this Office to make applications available to DAS see, <https://www.patent.go.kr/smart/jsp/ka/menu/support/main/WipoAccessCodeHelp.do>.

<sup>3</sup> Patent Act, Art. 41.

<sup>4</sup> Applies to applications which may be of interest for national defense.

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Competent designated (or elected) Office if the Republic of Korea is designated (or elected):	Korean Intellectual Property Office (see National Phase)
May the Republic of Korea be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	Patents, utility models
Provisions of the law of the Republic of Korea concerning international-type search:	None
Provisional protection after international publication:	After the applicant has filed a translation of the international application into Korean and paid the national fee, the translation will be laid open for public inspection. The applicant may, after the laying open of the application and following a warning by the applicant in the form of a document describing the contents of the invention claimed in the application, require a person who has commercially worked the invention, after the warning but before the registration of the patent right, to pay in compensation a sum of money equivalent to what he would normally be entitled to receive for the working of the invention if it were a patented invention.

### Information of interest if the Republic of Korea is designated (or elected)

Time when the name and address of the inventor must be given if the Republic of Korea is designated (or elected):	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time fixed in the invitation.
Are there special provisions concerning earlier national applications from which priority is claimed and what are the effects of these provisions?	Article 56 of the Korean Patent Law provides that the filing of an international application which contains the designation of the Republic of Korea and claims the priority of an earlier national application for the grant of a patent or a utility model having effect in the Republic of Korea shall have the result that the earlier national application will be considered withdrawn 15 months after the filing date of the earlier national patent application, provided that this shall not apply where that earlier application falls under any of the following subparagraphs: (i) where the earlier application has been abandoned, invalidated or withdrawn; (ii) where a decision or a trial decision to grant or refuse a patent or a utility model registration has become final and conclusive; or (iii) where priority claims based on the earlier application concerned have been withdrawn. If the applicant of an international application which claims the priority of an earlier national application wants to avoid this effect, pursuant to PCT Rule 4.9(b), the applicant may exclude the Republic of Korea from the automatic designation or, with respect to the earlier national patent application, may consider to withdraw the designation of the Republic of Korea subsequently to the filing of the international application but before the expiration of 15 months from the priority date.
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)