KOREAN INTELLECTUAL PROPERTY OFFICE

AS

DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Korean Intellectual Property Office
ER: Enforcement Regulations under the Patent Law of the Republic of Korea
UML: Utility Model Law of the Republic of Korea

(25 July 2019)
### SUMMARY

**Designated (or elected) Office**

**KOREAN INTELLECTUAL PROPERTY OFFICE**

**SUMMARY**

**Summary of requirements for entry into the national phase**

<table>
<thead>
<tr>
<th>Time limits applicable for entry into the national phase:</th>
<th>Under PCT Article 22(3): 31 months from the priority date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Under PCT Article 39(1)(b): 31 months from the priority date</td>
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<tr>
<td>Translation of international application required into:</td>
<td>Korean</td>
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<tr>
<td>Required contents of the translation for entry into the national phase:</td>
<td>Under PCT Article 22: Request,² description, claims (if amended, as originally filed or as amended, together with any statement under PCT Article 19, at applicant’s option), any text matter of drawings, abstract</td>
</tr>
<tr>
<td></td>
<td>Under PCT Article 39(1): Request,² description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)</td>
</tr>
<tr>
<td>Is a copy of the international application required?</td>
<td>No³</td>
</tr>
<tr>
<td>National fee:¹</td>
<td><strong>Currency:</strong> Won (KRW)</td>
</tr>
<tr>
<td></td>
<td><strong>Filing fee:</strong></td>
</tr>
<tr>
<td></td>
<td>– when a translation of the application has been furnished in electronic form: KRW 46,000</td>
</tr>
<tr>
<td></td>
<td>– when a translation of the application has been furnished on paper: KRW 66,000 plus KRW 1,000 per sheet in excess of 20⁴</td>
</tr>
<tr>
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<td><strong>Fee for request for examination:</strong> KRW 143,000 plus KRW 44,000 for each claim</td>
</tr>
<tr>
<td></td>
<td><strong>Annual fees from the first to the third year, per year:</strong> KRW 15,000 plus KRW 13,000 for each claim</td>
</tr>
</tbody>
</table>

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¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
² The request does not need to be translated when Form No. 57 is used for entering the national phase (see Annex KR.II).
³ Since 20 May 2019, where applicants wish to enter the national phase early, i.e. before the international publication has taken place, the Korean Intellectual Property Office in its capacity as designated/elected Office, will retrieve a copy of the international application, and other documents associated therewith, directly from the International Bureau.
⁴ This fee applies to the total number of sheets of the description, drawings (if any) and abstract.
### Designated (or elected) Office

#### KOREAN INTELLECTUAL PROPERTY OFFICE

[Continued]

<table>
<thead>
<tr>
<th>National fee (cont’d):</th>
<th>For utility model:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Filing fee:</strong></td>
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<td></td>
<td>– when a translation of the application has been furnished in electronic form: KRW 20,000</td>
</tr>
<tr>
<td></td>
<td>– when a translation of the application has been furnished on paper: KRW 30,000 plus KRW 1,000 per sheet in excess of 20</td>
</tr>
<tr>
<td></td>
<td><strong>Fee for request for examination:</strong> KRW 71,000 plus KRW 19,000 for each claim</td>
</tr>
<tr>
<td></td>
<td><strong>Annual fees from the first to the third year, per year:</strong> KRW 12,000 plus KRW 4,000 for each claim</td>
</tr>
</tbody>
</table>

#### Exemptions, reductions or refunds of the national fee:

Filing fee, fee for request for examination, annual fees from the first to the third year and fee for request for scope confirmation trial are reduced by 70% where the applicant is a natural person and is also the inventor. However, if the number of applications per year by the applicant exceeds 20, the application fee will be reduced by 30% only.

The fee for request for examination is reduced by 70% where the international search report and/or the international preliminary examination report has been established by the Korean Intellectual Property Office.

#### Special requirements of the Office (PCT Rule 51bis):

Name and address of the inventor if they have not been furnished in the “Request” part of the international application. 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 limit which shall not be less than two months from the date of the invitation. This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

Appointment of an agent if the applicant is not resident in the Republic of Korea. Must be appointed within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1).

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

#### Who can act as agent?

Any registered patent attorney or legal representative

#### Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?

No

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5 See footnote 1.
6 See footnote 4.
7 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 limit which shall not be less than two months from the date of the invitation.
8 This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.
9 Must be appointed within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1).
THE PROCEDURE IN THE NATIONAL PHASE

PL Sec. 203

KR.01 FORMS FOR ENTERING THE NATIONAL PHASE. The Office has available a transmittal form for entering the national phase (Form No. 57, see Annex KR.II) and strongly recommends the use of this Form. When this Form is used, the Request does not need to be translated under PCT Rule 49.1(a)(i). If amendments have been made during the international phase under PCT Article 19, or during the international preliminary examination under PCT Article 34, Form No. 13 (see Annex KR.VI) should preferably be used for the furnishing of a translation of such amendments into Korean. Forms Nos. 57 and 13 are also available on KIPO’s web site at: www.kipo.go.kr.

PL Sec. 201(3)

KR.02 TRANSLATION (CORRECTION). A revised translation of the international application can be furnished before the expiration of the time limit applicable under PCT Article 22 or 39(1) unless a request for examination (see paragraph KR.06) has already been filed. Errors in the translation may also be corrected when amendments to the application are permitted (see paragraph KR.10).

PL Sec. 79(1) 82(1)

KR.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KR.I.

PL Sec. 5(1)

KR.04 POWER OF ATTORNEY. An agent must be appointed by filing a power of attorney. Where the power of attorney is in a language other than Korean, a Korean translation is required. A model is given in Annex KR.IV (English translation).

ER Sec. 113

KR.05 PRIORITY DOCUMENT. The Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may, if necessary for the examination or trial, invite the applicant to submit the Korean translation of the priority document within a designated period. In case of identity between the text of the priority document and the international application, a statement to that effect may be furnished instead of a translation.

PL Sec. 60 210

KR.06 REQUEST FOR EXAMINATION. A patent will be granted only after examination as to patentability which may be requested by the applicant or by a third party. The request for examination must be made in writing and in Korean, on Form No. 22 which is given in Annex KR.III.

PL Sec. 59(2)

KR.07 TIME LIMIT FOR REQUESTING EXAMINATION. Examination must be requested within three years from the international filing date (see, however, for utility models, paragraph KR.13). Such request can only be made once all requirements for entry into the national phase (see the Summary) have been complied with. The request for examination is considered by the Office as a request for early start of the national phase if it is made before the expiration of the time limit applicable under PCT Article 22 or 39(1) (see paragraph 3.004 of the National Phase).

PL Sec. 82

KR.08 FEE FOR REQUESTING EXAMINATION. The request for examination is only effective if the fee for requesting examination has been paid. The amount of the fee is indicated in Annex KR.I.

PL Sec. 79(1)

KR.09 ANNUAL FEES. After examination, prior to the grant of a patent, annual fees must be paid for the first to the third year. These fees must be paid all at one and the same time within three months after receipt of the decision to grant a patent. The annual fees for the fourth and subsequent years must be paid before the anniversary of the date of the first payment. Payment can still be made, together with a 18% surcharge for late payment, before the expiration of six months from the anniversary of the date of the first payment. The amounts of the annual fees are indicated in Annex KR.I. Payment must be effected by filing Form No. 25. This form may be obtained from the Office.
KR.10 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may amend the specification or drawings attached to the application before the examiner issues a certified copy of a decision to grant a patent. However, in cases that fall under any of the following subparagraphs, the applicant may amend the application within the following time limit:

(i) where the applicant receives a notice of the grounds for rejection (excluding a notice of grounds for rejection with regard to a ground for rejection which has arisen according to the amendment following the notice of grounds for rejection) for the first time or receives a notice of the grounds for rejection that does not apply under paragraph (ii): the applicable time limit is the period for submission of arguments against a notice of the grounds for rejection thereof;

(ii) where the applicant receives a notice of the grounds for rejection (and where the examiner issues a notice of revocation of decision to grant patent for ex officio reexamination, excluding a notice of grounds for rejection which has been issued before the examiner issues that notice) which has arisen as a result of an amendment following a notice of the grounds for rejection: the applicable time limit is the period for submission of arguments against a notice of the grounds for rejection thereof or

(iii) where an applicant requests a reexamination in accordance with Article 67bis against a decision of rejection of a patent: at the time of filing of the request.

Notwithstanding the first paragraph, no amendment to an international patent application (except an amendment under PCT Articles 19(1) and 34(2)(b)) may be made until the fees have been paid, a translation of the application (except in the case of an international patent application made in the Korean language) has been submitted, and the relevant date (either 31 months from the priority date or after the filing date of a request for examination, whichever is earlier), has passed.

KR.11 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. The request for review to the Office should be filed with Form No. 58, which is given in Annex KR.V. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an administrative appeal against this denial may be lodged within 60 days from the receipt of the denial with the Office.

KR.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS. The Office does not excuse the failure to comply with any time limits during the national phase.

KR.13 UTILITY MODEL. The requirements for the national phase are basically the same as for patents, except that the fees for utility models must be paid (see Annex KR.I, page 2). Examination must be requested within three years from the international filing date.

KR.14 Where, in the case referred to in paragraph KR.13, the international application does not contain drawings, the applicant must furnish the drawing(s) within the time limit applicable under PCT Article 22 or 39(1). Where the applicant does not furnish the drawing(s) within that time limit, the Office will invite him to furnish the drawing(s) within a time limit fixed in the invitation.

KR.15 CONVERSION APPLICATION. An international application for a patent may be converted into an application for a utility model after the applicant has complied with the requirements for entry into the national phase for a patent application as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex KR.I and may be requested at any time within 30 days from the date of (first) receipt of a certified copy of the decision of refusal.

KR.16 An international application for a utility model may be converted into an application for a patent after the applicant has complied with the requirements for entry into the national phase for a utility model application as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex KR.I and may be requested at any time within 30 days from the date of receipt of a certified copy of the decision of refusal.
FEES

(Currency: Won)

Patents

National fee:
- when a translation of the application has been furnished in electronic form . . . 46,000
- when a translation of the application has been furnished on paper ........... 66,000 plus 1,000 per sheet in excess of 20

Fee for claiming priority:
- when a request for claiming priority is made in electronic form ............... 18,000 for each priority claim
- when a request for claiming priority is made on paper ..................... 20,000 for each priority claim

Fee for request for examination......................................................... 143,000 plus 44,000 for each patent claim

Fee for conversion of a patent application into a utility model application . Same as national fee for utility models

Annual fees:
- for the 1st to the 3rd year (must all be paid at one and the same time), per year 15,000 plus 13,000 for each claim
- for the 4th to the 6th year,2 per year ............................................... 40,000 plus 22,000 for each claim
- for the 7th to the 9th year,2 per year ............................................. 100,000 plus 38,000 for each claim
- for the 10th to the 12th year,2 per year .......................................... 240,000 plus 55,000 for each claim
- for the 13th to the 25th year,2 per year ......................................... 360,000 plus 55,000 for each claim

Utility Models

National fee:
- when a translation of the application has been furnished in electronic form . 20,000
- when a translation of the application has been furnished on paper ........... 30,000 plus 1,000 per sheet in excess of 20

Fee for claiming priority:
- when a request for claiming priority is made in electronic form ............... 18,000 for each claim
- when a request for claiming priority is made on paper ..................... 20,000 for each claim

Fee for request for examination......................................................... 71,000 plus 19,000 for each claim

Fee for conversion of a utility model application into a patent application . Same as national fee for patents

Annual fees:
- for the 1st to the 3rd year (must all be paid at one and the same time), per year 12,000 plus 4,000 for each claim
- for the 4th to the 6th year,2 per year ............................................... 25,000 plus 9,000 for each claim
- for the 7th to the 9th year,2 per year ............................................. 60,000 plus 14,000 for each claim
- for the 10th to the 12th year,2 per year .......................................... 160,000 plus 20,000 for each claim
- for the 13th to the 15th year,2 per year ......................................... 240,000 plus 20,000 for each claim

1 This fee applies to the total number of sheets of the description, drawings (if any) and abstract.
2 These fees may all be paid at the same time or in installments.
How can payment of fees be effected?

All payments must be made via the Office’s payment system and must indicate the receipt number issued by the Office to the applicant.

For further details, see
www.kipo.go.kr/kpo/user.tdf?a=user.english.html.HtmlApp&c=92004&catmenu=ek03_04_01
특허법 제203조에 따른 서면

【출원구분】 □ 특허출원 □ 실용신안등록출원
【출원인】
【성명(명칭)】
【특허고객번호】
【대리인】
【성명(명칭)】
【대리인번호】
(【포괄위임등록번호】)
【국제출원번호】
【국제출원일자】
【국제특허출원언어】
【발명(고안)의 국문명칭】
【발명(고안)자】
【성명】
【특허고객번호】
(【보정통지서의 발송번호】)
(【우선권주장】)
【출원국명】
【출원번호】
【출원일자】
【증명서류】
(【기타사항】)
(【기타사항】)
위와 같이 특허청장에게 제출합니다.

출원인(대리인) (서명 또는 인)

【수수료】(기재요령 제11호를 참조합니다)
【출원료】 면 원
(【수수료 자동납부번호】)
【첨부서류】 법령에서 정한 서류 각 1통(기재요령 제12호를 참조합니다)

출원법 시행규칙 [별지 제57호서식] 개정 2017.2.28.
특허로(www.patent.go.kr)에서 온라인으로 제출 가능합니다.
심사청구(우선심사신청)서

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<th>□ 우선심사신청</th>
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<td>□ 디자인의 일련번호</td>
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<td></td>
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<tr>
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<td>□ 심사유예신청 □ 선형기술(디자인)조사의뢰된 출원</td>
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<td>□ 유예회망사항</td>
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<tr>
<td>□ 심사청구 납부유예 □ 필요 □ 불필요</td>
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<td>□ 관련기관</td>
<td>□ 의뢰일자</td>
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<tr>
<td>□ 국제특허분류</td>
<td></td>
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</tr>
</tbody>
</table>

위와 같이 특허청장에게 제출합니다.

제출인(대리인) (서명 또는 인)

수수료 (기재요령 제6호 참조)

수수료 자동납부번호)

심사청구료 항 원

우선심사신청료 원

첨부서류 법령에서 정한 서류 각 1통(기재요령 제8호 참조)

210㎜×297㎜[백상지 80g/㎡]

(27 April 2017)
위임장

【수임자】
【성명(명칭)】
【대리인번호】
【사건의 표시】
【출원번호】
【위임장】
【위임자】
【성명(명칭)】
【특허고객번호】
【사건과의 관계】
【위임사항】
위와 같이 특허청장(특허심판원장, 심판장)에게 제출합니다.

위임자
서명 또는 날인

* 기재요령 제6호의 작성 시 유의사항을 참조합니다.

210㎜×297㎜ [백상지 80g/㎡]

(27 April 2017)
특허법 제214조제1항에 따른 결정신청서

(앞쪽)

<table>
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<tr>
<th>[출원구분]</th>
<th>□ 특허출원 □ 실용신안등록출원</th>
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| [출원인] |
| [성명(명칭)] |
| [특허고객번호] |

| [대리인] |
| [성명(명칭)] |
| [대리인번호] |

( [포괄위원등록번호] )

| [제출출원번호] |
| [발명자(고안자)] |
| [성명] |
| [특허고객번호] |

| [거부(선언, 인정)의 통지 수령일자] |
| [국제사무국에 국제출원 사본의 송부청구일자] |

| [신청취지] |
| [신청이유] |

위와 같이 특허청장에게 제출합니다.

출원인(대리인) ( 서명 또는 인 )

<table>
<thead>
<tr>
<th>[첨부서류] 법령에서 정한 서류 각 2통 ( 기재요령 제9호 참조 )</th>
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</thead>
</table>

210㎜×297㎜ [ 백상지 80g/㎡ ]

(27 April 2017)
서류제출서

【제출구분】 □ 우선권증명서류 □ 우선권증명서류 번역문
□ 공지예외적용대상(신규성, 출원 시의 특정)증명서류
□ 공지예외적용 보완 증명서류
■ 국제단계보정서 번역문 □ 국제단계보정서 사본
□ 국제단계설명서 번역문 □ 국제단계설명서 사본
□ 국제특허출원에 관한 서류의 사본
□ 「특허법」 제42조의3제2항·3항, 「실용신안법」 제8조의3제2항·3항에 따른
외국어특허출원의 국어번역문
□ 「특허법」 제201조제1항 각 호 외의 부분 단서, 같은 조 제3항, 「실용신안법」 제35
조제1항 각 호 외의 부분 단서 또는 같은 조 제3항에 따른 국어번역문
□ 「특허법」 제63조의3, 「실용신안법」 제15조에 따른 외국 심사결과에 대한 자료
□ 「특허법」 제63조의3, 「실용신안법」 제15조에 따른 외국 심사결과에 대한 자료
의 국어번역문

【출원인】
【성명(명칭)】
【특허고객번호】

【대리인】
【성명(명칭)】
【대리인번호】
(【포괄위임등록번호】)
【출원번호(국제출원번호, 국제등록번호, 이의신청번호, 취소신청번호, 심판번호)】
(【디자인의 일련번호】)
(【제출원인이 된 서류의 발송번호】)
【제출하는 서류의 내용】

위와 같이 특허청장(특허심판원장)에게 제출합니다.

출원인(대리인) (서명 또는 인)

【첨부서류】 법령에서 정한 서류 각 1통(기재요령 제7호를 참조합니다)
(27 April 2017)
서류제출서

【제출구분】 □ 우선권증명서류 □ 우선권증명서류 번역문
□ 공지예외적용대상(신규성, 출원 시의 특례)증명서류
□ 공지예외적용 보완 증명서류
□ 국제단계보정서 번역문 □ 국제단계보정서 사본
■ 국제단계설명서 번역문 □ 국제단계설명서 사본
□ 국제특허출원에 관한 서류의 사본
□ 「특허법」 제42조의3제2항·제3항, 「실용신안법」 제8조의3제2항·제3항에 따른
외국어특허출원의 국어번역문
□ 「특허법」 제201조제1항 각 호 외의 부분 단서, 같은 조 제3항, 「실용신안법」 제35
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