

KOREAN INTELLECTUAL PROPERTY OFFICE

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Korean Intellectual Property Office

PL: Patent Law of the Republic of Korea

ER: Enforcement Regulations under the Patent Law of the Republic of Korea

UML: Utility Model Law of the Republic of Korea

SUMMARY**Designated
(or elected) Office****SUMMARY****KR****KOREAN INTELLECTUAL PROPERTY
OFFICE****KR****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Korean
Required contents of the translation for entry into the national phase: ¹	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 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)
Is a copy of the international application required?	No
National fee: ¹	Currency: Won (KRW) For patent: Filing fee: – when a translation of the application has been furnished in electronic form: KRW 46,000 – when a translation of the application has been furnished on paper: KRW 66,000 plus KRW 1,000 per sheet in excess of 20 ³ Fee for request for examination: KRW 143,000 plus KRW 44,000 for each claim Annual fees from the first to the third year, per year: KRW 15,000 plus KRW 13,000 for each claim

*[Continued on next page]*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 This fee applies to the total number of sheets of the description, drawings (if any) and abstract.

SUMMARY**Designated
(or elected) Office****SUMMARY****KR****KOREAN INTELLECTUAL PROPERTY
OFFICE****KR***[Continued]*National fee⁴ (*cont'd*):

For utility model:

Filing fee:

– when a translation of the application has been furnished in electronic form: KRW 20,000

– when a translation of the application has been furnished on paper: KRW 30,000 plus
KRW 1,000 per sheet in excess of 20⁵

Fee for request for examination: KRW 71,000 plus
KRW 19,000 for each claim

Annual fees from the first to the third year, per year: KRW 12,000 plus
KRW 4,000 for each claim

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.

The fee for request for examination is reduced by 10% where the international search report has been established by the European Patent Office, by 30% where the international search report or international preliminary examination report has been established by the Korean Intellectual Property Office or by 70% where the international search report and international preliminary examination report have been established by the Korean Intellectual Property Office.

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

Name and address of the inventor if they have not been furnished in the "Request" part of the international application^{6, 7}

Appointment of an agent if the applicant is not resident in the Republic of Korea⁸

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 49*ter.2*)?

No

⁴ See footnote 1.⁵ See footnote 3.⁶ 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.⁷ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.⁸ 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.

PCT Art. 28 41 PL Sec. 47(1) 208	<p>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:</p> <p style="padding-left: 40px;">(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;</p> <p style="padding-left: 40px;">(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 <i>ex officio</i> 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</p> <p style="padding-left: 40px;">(iii) where an applicant requests a reexamination in accordance with Article 67<i>bis</i> against a decision of rejection of a patent: at the time of filing of the request.</p> <p>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.</p>
PCT Art. 25 PCT Rule 51 PL Sec. 214 UML Sec. 40	<p>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.</p>
PCT Art. 24(2) 48(2) UML Sec. 17	<p>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.</p> <p>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.</p>
PCT Art. 7(2)(ii) UML Sec. 36	<p>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.</p>
UML Sec. 10 37	<p>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.</p>
PL Sec. 53 209	<p>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.</p>

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 20¹

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 20¹

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 시행규칙 [별지 제22호서식] <개정 2017. 2. 28.>

특허로(www.patent.go.kr)에서
온라인으로 제출 가능합니다.

심사청구(우선심사신청)서

(앞쪽)

【구 분】 심사청구 우선심사신청

【제출인】

【성명(명칭)】

【특허고객번호】

【사건과의 관계】 출원인 국제출원인 제3자

【대리인】

【성명(명칭)】

【대리인번호】

(【포괄위임등록번호】)

【사건의 표시】

【출원번호(국제등록번호)】

(【디자인의 일련번호】)

【발명(고안)의 명칭[디자인의 대상이 되는 물품, 상품(서비스업)류]】

(【기타사항】 심사유예신청 선행기술(디자인)조사의뢰된 출원

(【유예희망시점】 심사청구일 후 24개월이 지난 때부터 ()개월)

(【심사청구로 납부유예】 필요 불필요)

(【선행기술조사의뢰정보】)

(【의뢰기관】)

(【의뢰일자】)

(【국제특허분류】)

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)

■ 특허법 시행규칙 [별지 제1호서식] <개정 2017. 2. 28.>

특허로(www.patent.go.kr)에서
온라인으로 제출 가능합니다.

위임장

(앞쪽)

【수임자】

【성명(명칭)】

【대리인번호】

【사건의 표시】

【출원번호[특허(등록)번호, 기술평가청구번호*, 국제등록번호*, 특허청참조번호*, 이의
신청번호*, 상품분류전환등록신청번호, 취소신청번호, 심판번호】

【위임자】

【성명(명칭)】

【특허고객번호】

【사건과의 관계】

【위임사항】

【위임일자】

위와 같이 특허청장(특허심판원장, 심판장)에게 제출합니다.

위임자

서명 또는 날인

* 기재요령 제6호의 작성 시 유의사항을 참조합니다.

■ 특허법 시행규칙 [별지 제58호서식] <개정 2017. 2. 28.>

특허법 제214조제1항에 따른 결정신청서

(앞쪽)

【출원구분】 특허출원 실용신안등록출원

【출원인】

【성명(명칭)】

【특허고객번호】

【대리인】

【성명(명칭)】

【대리인번호】

(【포괄위임등록번호】)

【국제출원번호】

【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)

【첨부서류】 법령에서 정한 서류 각 2통 (기재요령 제9호 참조)

■ 특허법 시행규칙 [별지 제13호서식] <개정 2017. 2. 28.>

특허로(www.patent.go.kr)에서 온라인

으로 제출 가능합니다.

서류제출서

(앞쪽)

- 【제출구분】**
- 우선권증명서류 우선권증명서류 번역문
 - 공지에외적용대상(신규성, 출원 시의 특례)증명서류
 - 공지에외적용 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
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)

■ 특허법 시행규칙 [별지 제13호서식] <개정 2017. 2. 28.>

특허로(www.patent.go.kr)에서 온라인

으로 제출 가능합니다.

서류제출서

(앞쪽)

- 【제출구분】**
- 우선권증명서류 우선권증명서류 번역문
 - 공지에외적용대상(신규성, 출원 시의 특례)증명서류
 - 공지에외적용 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」 제35조제1항 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 자료의 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)