

Republic of Korea

The Korean Intellectual Property Office offers several expedited examination options provided for in the Korean Patent Act (“the Act”) and the Enforcement Decree of the KPA.

- The Korean Patent Act

Article 61 (Accelerated Examinations) In either of the following cases, the Commissioner of the Korean Intellectual Property Office may instruct an examiner to examine a patent application in preference to other patent applications:

1. Where it is found that any person, other than the patent applicant, is practicing for business purposes the invention claimed in the patent application after it is laid open under Article 64;
2. Where it is deemed necessary to urgently process a patent application prescribed by Presidential Decree;
3. Where a patent application prescribed by Presidential Decree is deemed necessary for disaster prevention, response, recovery, etc.

Article 9 (Cases Eligible for Accelerated Examination)

① "Patent application prescribed by Presidential Decree" in subparagraph 2 of Article 61 of the Act means a patent application designated by the Commissioner of the Korean Intellectual Property Office, among the following patent applications:

1. A patent application in the area of the defense industry;
2. A patent application directly related to green technology under the Framework Act on Carbon Neutrality and Green Growth For Coping with Climate Crisis;
- 2-2. A patent application utilizing technologies related to the fourth industrial revolution such as artificial intelligence (AI) and the Internet of Things (IoT);
- 2-3. A patent application related to advanced technology that is important to the national economy and the enhancement of national competitiveness, such as semiconductors (limited to a patent application for which the Commissioner of the Korean Intellectual Property Office determines and publicly announces specific cases eligible for an expedited examination and the period for application therefor);
3. A patent application directly related to export promotion;
4. A patent application concerning the official duties of the State or local governments (including any patent application concerning the duties of the national and public schools provided for in the Higher Education Act, which is filed by the organization in charge of the technology transfer and industrialization established within the national and public schools pursuant to Article 11 (1) of the Technology Transfer and Commercialization Promotion Act);

5. A patent application filed by an enterprise confirmed as a venture business under Article 25 of the Act on Special Measures for the Promotion of Venture Businesses;
- 5-2. A patent application filed by an enterprise selected as a technology-innovative small and medium enterprise under Article 15 of the Act on the Promotion of Technology Innovation of Small and Medium Enterprises;
- 5-3. A patent application filed by an enterprise selected as an exemplary company in terms of the employee invention compensation system under Article 11-2 of the Invention Promotion Act;
- 5-4. A patent application filed by a small or medium enterprise with the certification for management of intellectual property under Article 24-2 of the Invention Promotion Act;
6. A patent application concerning the results of national research and development programs under subparagraph 1 of Article 2 of the National Research and Development Innovation Act;
7. A patent application which serves as a basis of a priority claim under treaties (limited to cases where a patent is being processed by a foreign patent office, upon a priority claim based on the relevant patent application);
- 7-2. An international patent application on which the Korean Intellectual Property Office conducts international search, as an international search agency under the Patent Cooperation Treaty pursuant to Article 198-2 of the Act;
8. A patent application under which an invention is being practiced or being prepared to be practiced by the patent applicant;
10. A patent application on which the Commissioner of the Korean Intellectual Property Office has agreed with the commissioner of any foreign patent office to preferentially examine

② "Patent application prescribed by Presidential Decree" in subparagraph 3 of Article 61 of the Act means any of the following patent applications:

1. Any of the following patent applications determined and publicly notified by the Commissioner of the Korean Intellectual Property Office:
 - a. A patent application directly related to goods for medical treatment and disease control under subparagraph 21 of Article 2 of the Infectious Disease Control and Prevention Act;
 - b. A patent application directly related to disaster safety products certified under Article 73-4 of the Framework Act on the Management of Disasters and Safety;
2. A patent application subject to public notice given by the Commissioner of the Korean Intellectual Property Office for a specified period of applying for an expedited examination to respond to an emergency situation caused by a disaster.

○ Accelerated Examination of COVID-19 related patent applications has terminated on June 22, 2023.