

Republic of Korea

(ii) national and regional laws on opposition systems and other administrative revocation and invalidation mechanisms

- Re-examination systems

○ National/regional laws

A patent applicant may file a request for re-examination under Article 67-2 of the Patent Act of Korea. The re-examination system was expanded through the revised Act that was enforced on April 20, 2022.

In accordance with the former Act, a patent applicant might file a request for re-examination only when the patent application was finally rejected at the examination stage, but under the revised Act, a patent applicant may file a request for re-examination by amending a specification or drawing(s) of a patent application within the time period between the date of a certified copy of the grant of a patent being served and the date of having the establishment of a patent right registered.

The system is intended to prevent a possible dispute between interested parties from being caused and to eliminate bad patents beforehand, by providing an applicant with an opportunity to file a request for re-examination by incorporation with an amendment, where a patent applicant finds minor errors, etc. after a patent is being granted.