

## Re-examination systems

# Republic of Korea

### ***Ex-officio* re-examination**

Under the current system, erroneous patents could be registered as the examiner could not re-examine the patent even if obvious reasons for rejection are found after a patent is granted. To complement the system, '*ex-officio* re-examination' shall come into effect from March 2017 where the examiner shall re-examine the patent *ex-officio* if obvious reasons for rejection are found after the patent is granted.<sup>1</sup>

Under the system, where reasons for rejection are found to be obvious, such as lack of novelty after a patent is granted, the patent will be cancelled, and then the patent shall be re-examined. However, *ex-officio* re-examination is allowed only before the registration of establishment of a patent right (within three months after a patent is granted) in order to guarantee the stability of patent right.

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<sup>1</sup> Article 66(3) and Article 63 of Patent Act.