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.\(^1\)

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.

\(^1\) Article 66(3) and Article 63 of Patent Act.