



EU-RoK IPA

EU - Republic of Korea
Intellectual Property Action



Navigating the Korean IP system: a practical introduction for EU users

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Programme

Presentation

1. Overview of the Korean IP System
2. Protection Procedures and Requirements in Korea
3. Appeal and Post Registration Actions in Korea
4. IP Enforcement and Protection in Korea
5. Useful Resources and References on the Korean IP System

Questions and answers



1. Overview of the Korean IP System

1.1 Types of Intellectual Property in Korea





1. Overview of the Korean IP System

1.1 Types of Intellectual Property in Korea

- Treaties administrated by WIPO

PATENTS - PCT - Budapest Treaty	INDUSTRIAL DESIGNS - Hague Agreement - Locarno Agreement	TRADEMARKS - Madrid Protocol - Nice Agreement - Vienna Agreement - TLT - Singapore Treaty
COPYRIGHT & RELATED RIGHTS - Berne - Rome - Brussels - Phonograms - WCT - WPPT - Beijing - Marrakesh	PLANT VARIETY PROTECTION UPOV Convention	GENERAL IP FRAMEWORK - Paris Convention - WIPO Convention

- FTAs with IP Chapter (Non-exhaustive List)

	Korea-U.S. FTA Chapter 18: Intellectual Property Rights
	Korea-EU FTA Chapter 10: Intellectual Property
	Korea-China FTA Chapter 15: Intellectual Property
	RCEP Chapter 11: Intellectual Property
	Korea-UK FTA Chapter 10: Intellectual Property
	Korea-Australia FTA Chapter 14: Intellectual Property



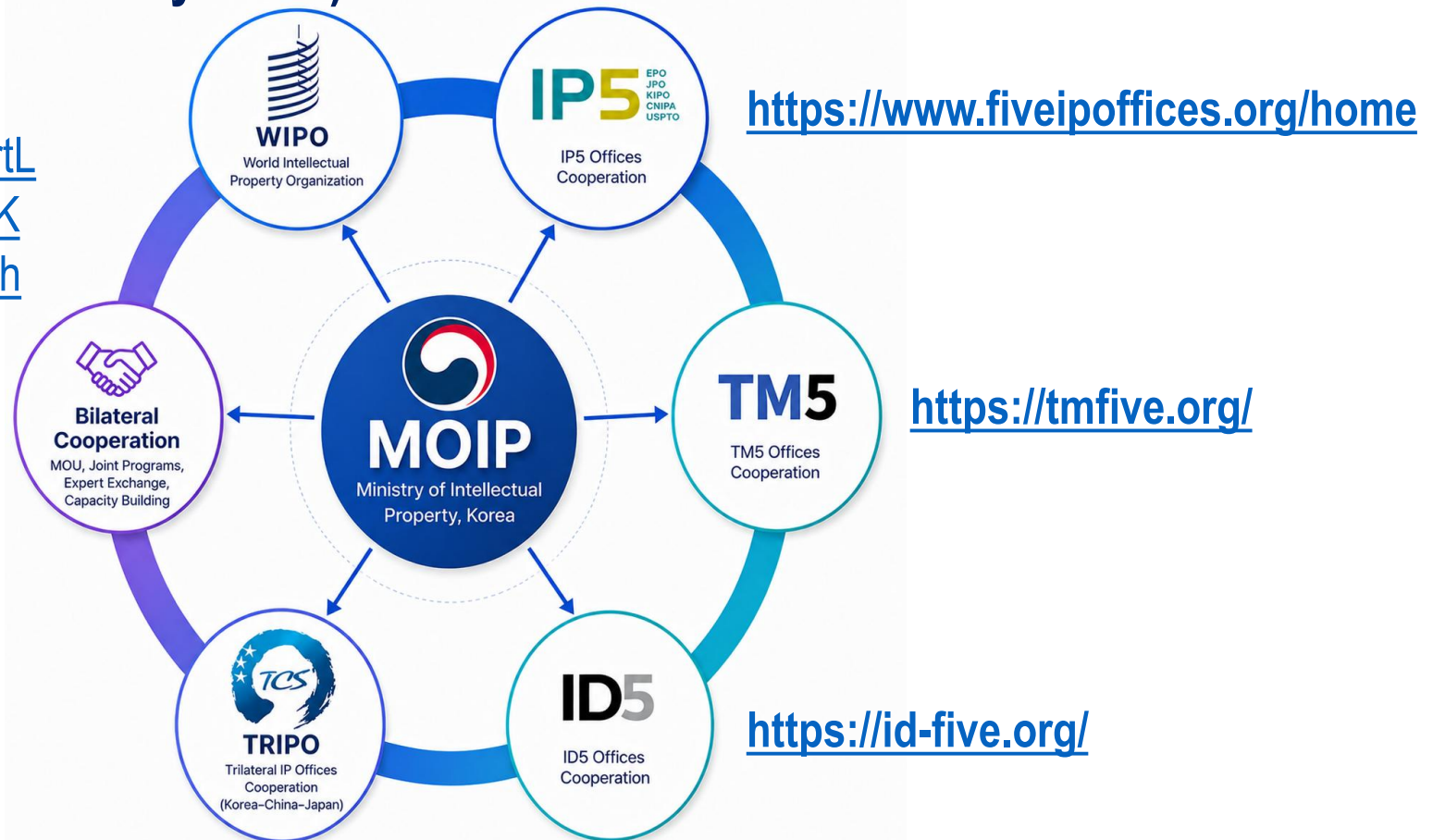
1. Overview of the Korean IP System

1.2 Introduction of MOIP (Formerly KIPO)

<https://www.kipo.go.kr/ko/goodsSortList.do?menuCd=SCD0201115&schKor=&schEng=&schCl=&schSg=&schVersion=13&schEuipo=on>
(webpage available in KR only)

Welcome kit for EU Businesses to
Korean system

<https://internationalipcooperation.eu/en/rokipa/ip-resources>

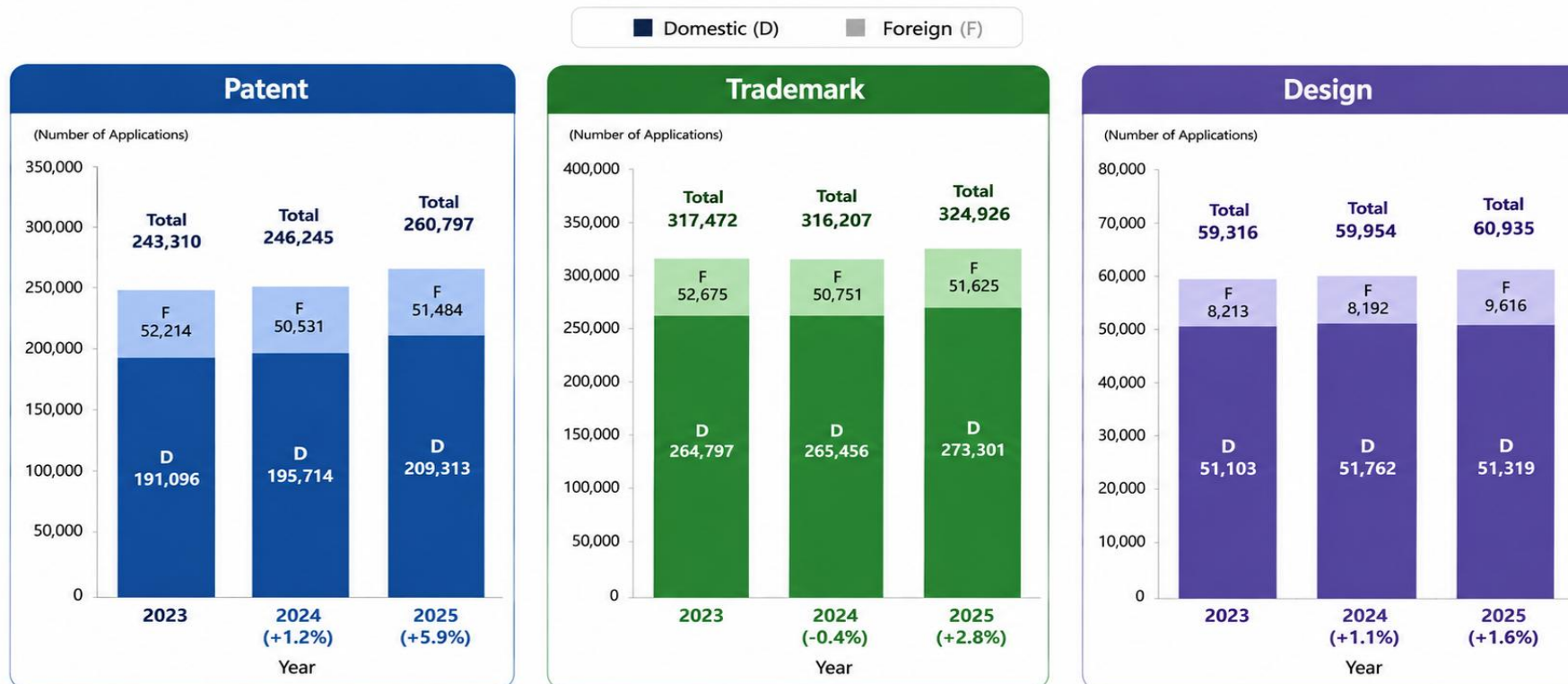




1. Overview of the Korean IP System

1.3 IP Filing Trends in Korea

Industrial Property Applications by Domestic and Foreign Applicants





1. Overview of the Korean IP System

1.3 IP Filing (Trade mark and Design) Trends in Korea (RoK-EU)

ROK to EUIPO					
Year	2020	2021	2022	2023	2024
 Trademark	3,313	3,731	4,048	3,850	3,549
 Design	2,176	1,747	1,581	1,384	1,629

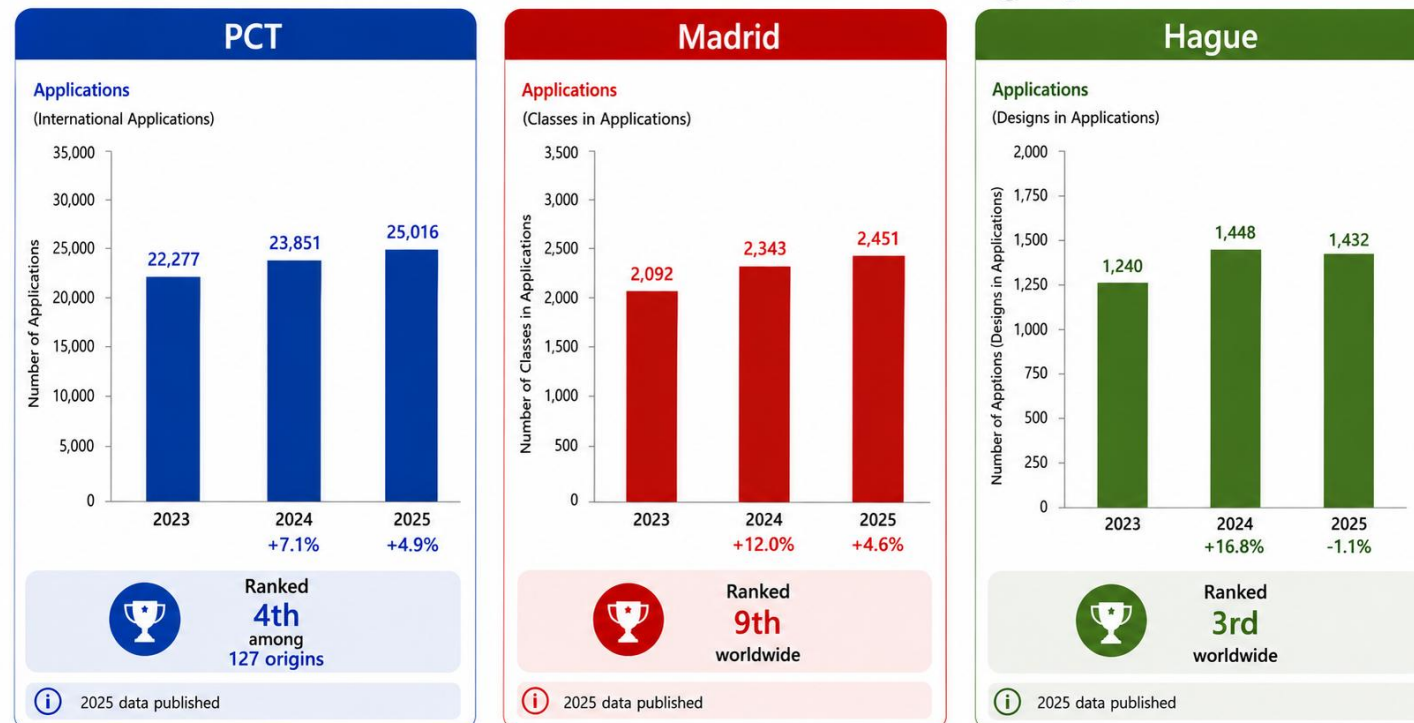
EUIPO member state(All) to ROK					
Year	2020	2021	2022	2023	2024
 Trademark	12,970	15,524	13,847	12,001	11,090
 Design	1,598	2,102	2,180	2,075	2,084



1. Overview of the Korean IP System

1.4 Outbound IP Filing Trends from Korea

Korea in WIPO International Filing Systems



Source: WIPO PCT Yearly Review 2025, Madrid Yearly Review 2025, Hague Yearly Review 2025



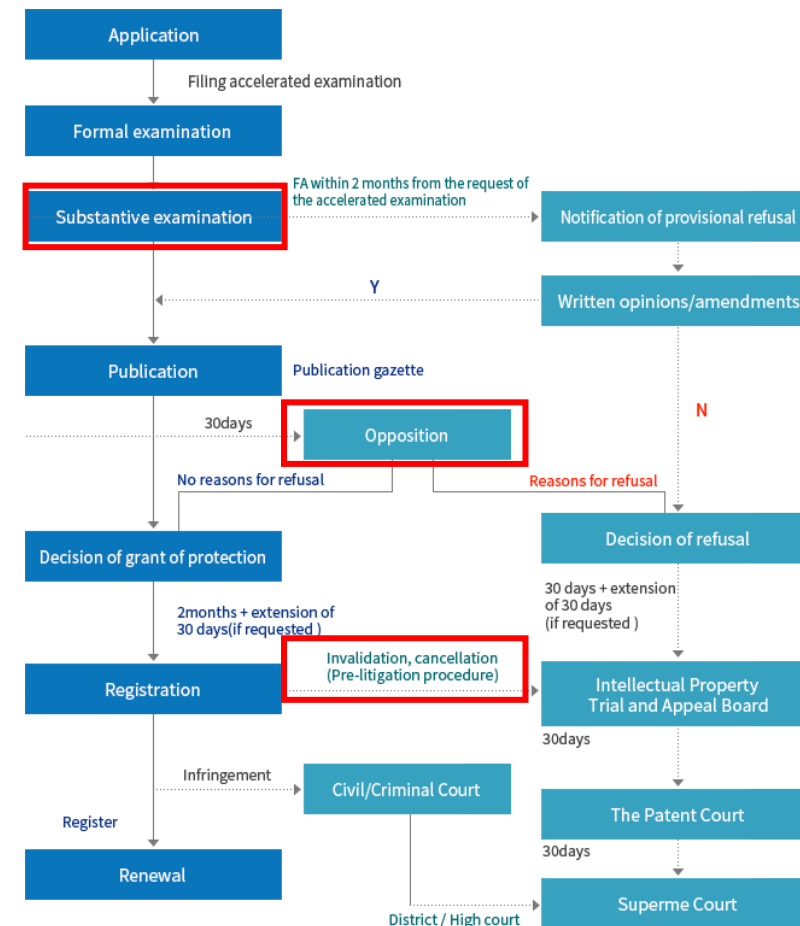
2. Protection Procedures and Requirements in Korea

2.1 Trade mark Registration System

- **Scope of Examination** : Absolute Grounds + **Relative Grounds!**
- **Opposition** : No cooling-off period, No proof of genuine use procedure in Korea, No direct appeal against opposition decision by the opponent (possible challenging by invalidation action)
- **After Registration**

Korean Trade mark Act	EUTM
IPTAB	Cancellation Division (first instance)
Appeal to Patent Court	Appeal to the Boards of Appeal

Registration Procedure Flowchart





2. Protection Procedures and Requirements in Korea

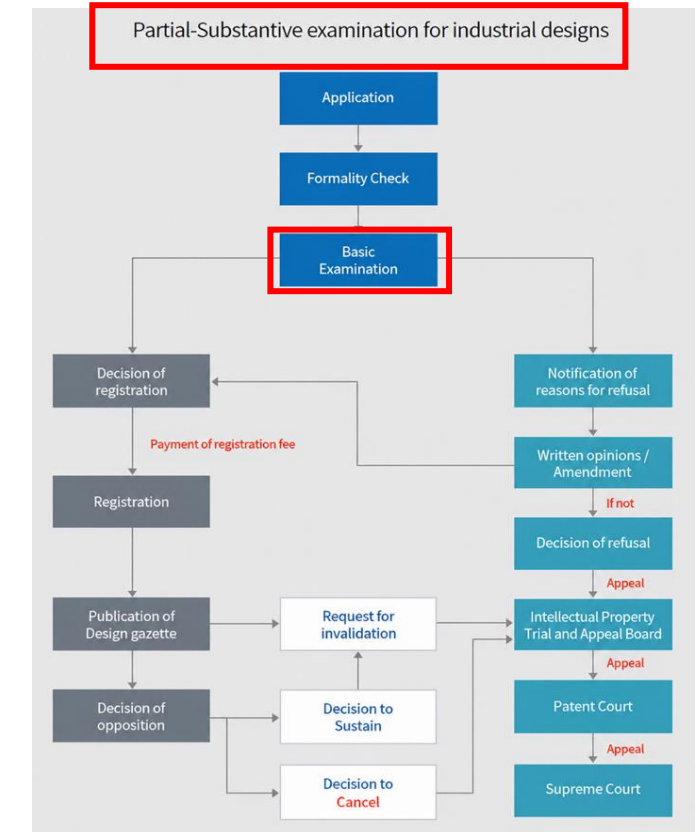
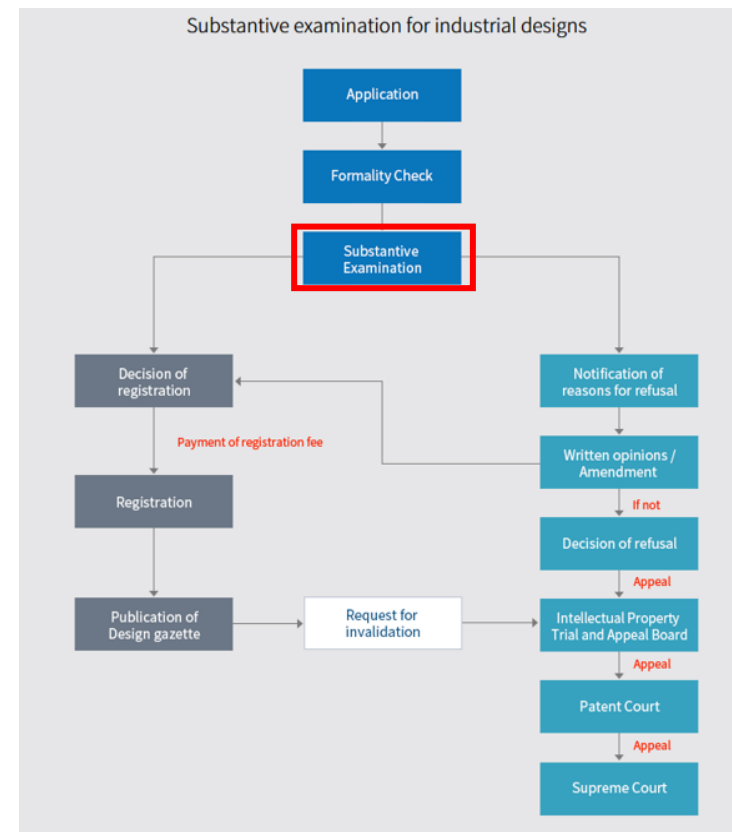
2.2 Design Registration System

- **Scope of Examination : Full Substantive Examination**, including Novelty and Creativity (cf. Individual Character under the EUDR), prior application, etc.
- **Partial Substantive Examination System (PSES)** : providing faster registration with short product cycles



Subjects for PSES

Registration Procedure Flowchart

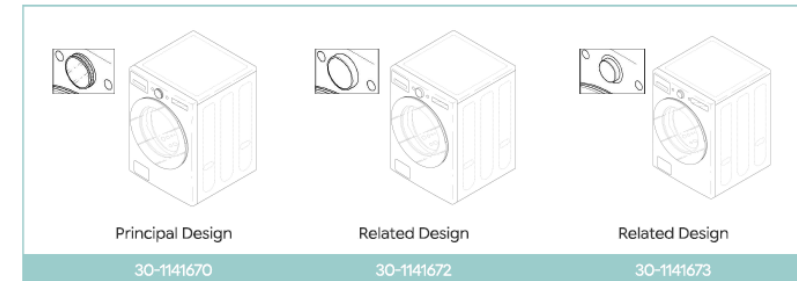




2. Protection Procedures and Requirements in Korea

2.2 Design Registration System

- **Related Designs** : Protecting design **variations** as **independently** registered rights, while maintaining their **legal relationship with the principal design**
- **Partial Designs** : By **clearing defining the scope of rights**, stronger design protection will be possible



- **After Registration**

Korean Design Act	EUDR
IPTAB (Invalidation) MOIP (Opposition/Partial Substantive examination)	Cancellation Division (first instance)



2. Protection Procedures and Requirements in Korea

2.3 Patent Registration System (Requirements for Protection – Non-exhaustive List)

- It should fall under the definition of invention under the Patent Act
- It should have Novelty, Industrial Applicability, and Inventive Step
- It should not fall into any of the patent categories unable to be registered



The invention must be a technical idea utilizing natural laws.



The invention must be new, capable of industrial application, and not obvious to a person having ordinary skill in the relevant technical field.



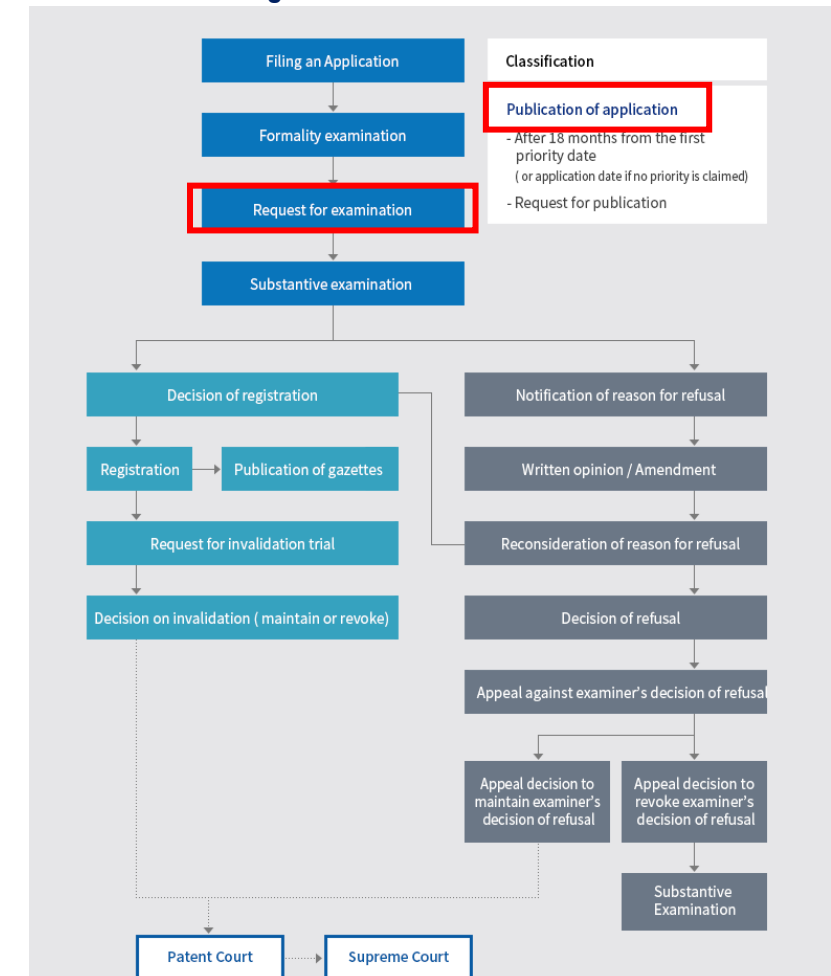


2. Protection Procedures and Requirements in Korea

2.3 Patent Registration System

- **Publication of Application** : Mandatory publication 18 months after the filing (or priority) date (No deferment / Early publication available upon request)
- **Request for Examination** within 3 years of filing date : If no request → application will be deemed withdrawn
- **Accelerated Examination for eligible applications** (e.g. Green technologies) : Examination begins within 2 months after accelerated examination is granted, with the first Office Action typically issued within 3–4 months of the request (may be delayed)

Registration Procedure Flowchart





2. Protection Procedures and Requirements in Korea

2.4 Geographical Indications (GIs) in Korea

1 Protection (Registration) under the Trademark Act Collective and Certification Marks for GIs

Authority
Ministry of Intellectual Property (MOIP)

Scope of Protection

- Agricultural products
- CIGI (Craft and Industrial GI)
e.g., pottery, Hwamunseok (Korean rush mat)

Eligible Right Holder

- GI collective mark : only legal entities
- GI certification mark : legal entities and individual (but very exceptional)

Term of Protection

- 10 years from the registration date and renewable every 10 years

Examples



Icheon Ceramics
(도자기)



Ganghwa Hwamunseok
(강화 화문석)

2 Protection (Registration) under the Agricultural, Fishery and Food Quality Act

Authority
Ministry of Agriculture, Food and Rural Affairs (MAFRA)
Ministry of Oceans and Fisheries (MOF)
Korea Forest Service (KFS)

Scope of Protection

- Agricultural and fishery products
- CIGI (Craft and Industrial GI) not eligible

Term of Protection

- No renewal required
- Registration remains effective unless cancelled

Nature of the System

- Focus on quality certification
- Similar to the EU's PGI/PDO system

Examples



Boseong Green Tea
(보성 녹차)



Hadong Green Tea
(하동 녹차)



Yangyang Pine-mushroom
(양양 송이)

3 Protection through FTAs (GI Protection via Reciprocity)

Mechanism

- Mutual protection of GIs through FTA agreements (Exchange of protected GI lists)

Example: Korea-EU FTA (Annex)

- GIs of the EU are protected in Korea

Protected Goods

- Agricultural products and food
- Wines and spirits

Examples of EU GIs Protected in Korea

Agricultural Products & Food



Roquefort



Münchener Bier



Aceto Balsamico di Modena



Gorgonzola

Wines & Spirits



Bordeaux



Chablis



Barolo



2. Protection Procedures and Requirements in Korea

2.5 Trade Secret in Korea (Under Unfair Competition Prevention and Trade Secret Protection Act)

- **Definition:** technical or business information useful for business activities, including production or sales methods, that is **not publicly known**, has independent **economic value**, and is managed as **confidential**
- **Considerations for Protecting Your Trade Secrets in Korea**





2. Protection Procedures and Requirements in Korea

2.6 Practical Considerations for Filing IP Applications in Korea

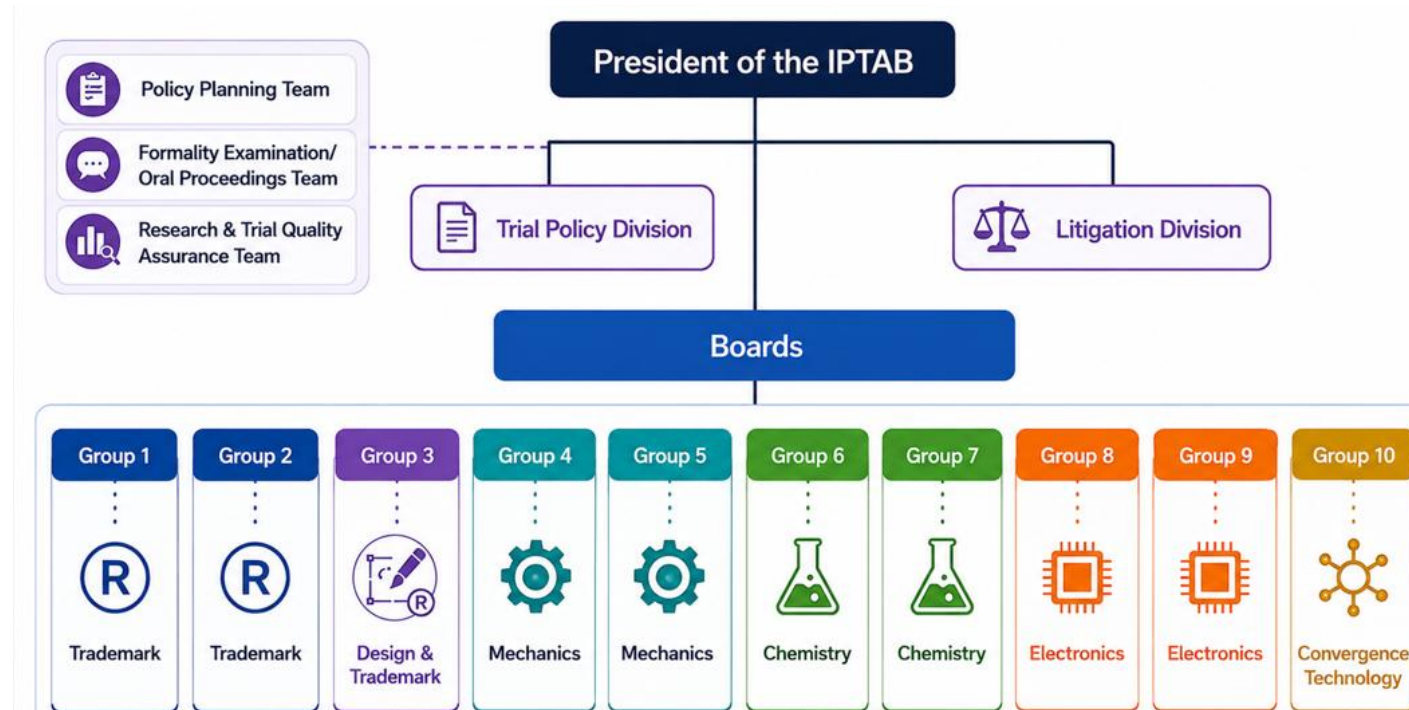
1	 Local Representation requirement if no address or place of business in Korea	 The application must be filed in Korean.
2	 If you meet the requirements, consider requesting expedited examination.	 Typical Grounds (Examples) • When you plan to use the filed IP • When a third party is using your IP
3	 For trademark applications 1. Consider whether to include both the Latin alphabet and its Korean transliteration. 2. If there is a conflict with earlier trademarks due to similarity of goods, consider actively responding.	 Key Points 1. Case Reviness / 리바이네스 v. REVANESSE) 2. similarity code vs. judgment based on actual trade circumstances
4	 For patent and design applications consider actively utilizing the grace period (new novelty) system.	 How to Make Use (Examples) • Prior disclosures in Korea and abroad, academic papers, product releases, etc. • File the application within 12 months from the disclosure



3. Appeal and Post Registration Actions in Korea

3.1 IPTAB (Intellectual Property Trial and Appeal Board)

- Structure of IPTAB

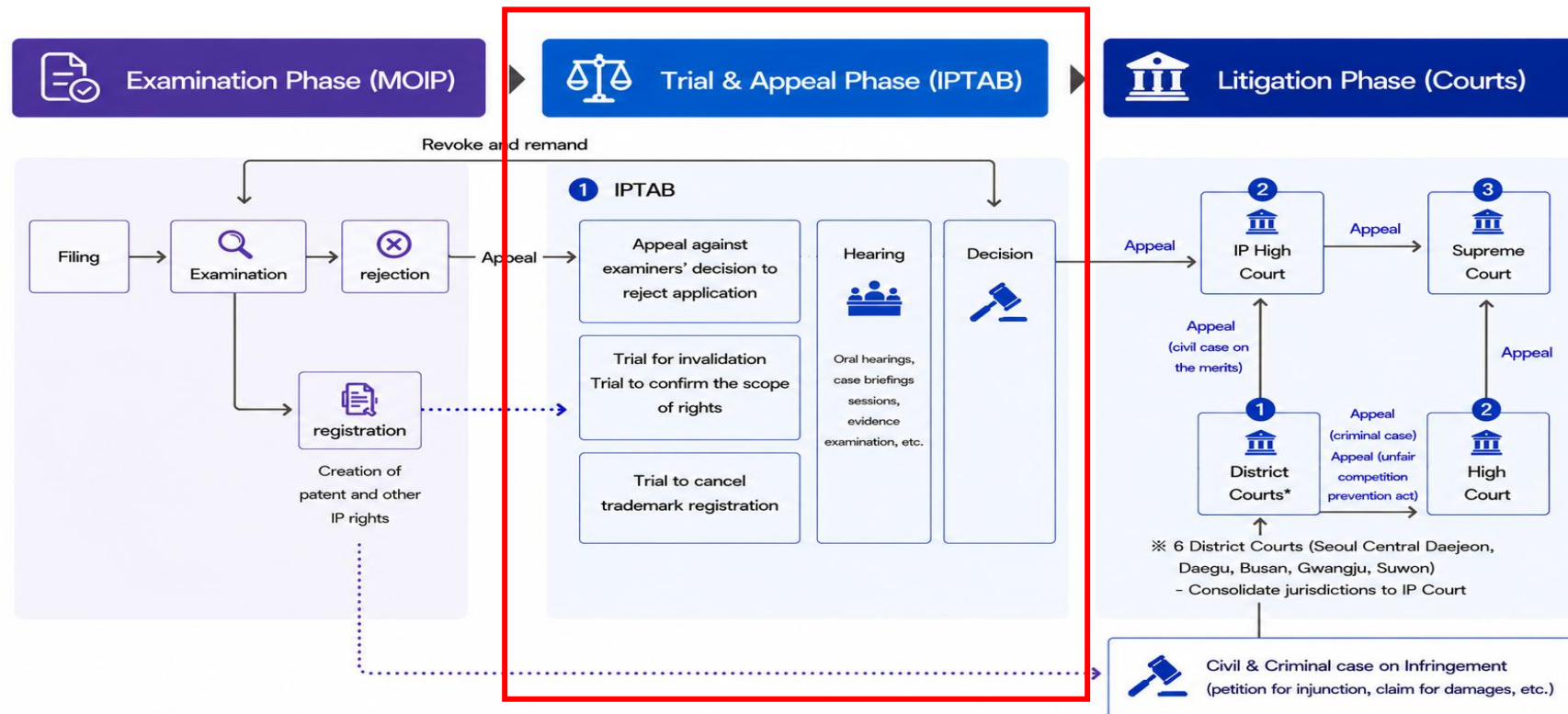




3. Appeal and Post Registration Actions in Korea

3.1 IPTAB (Intellectual Property Trial and Appeal Board)

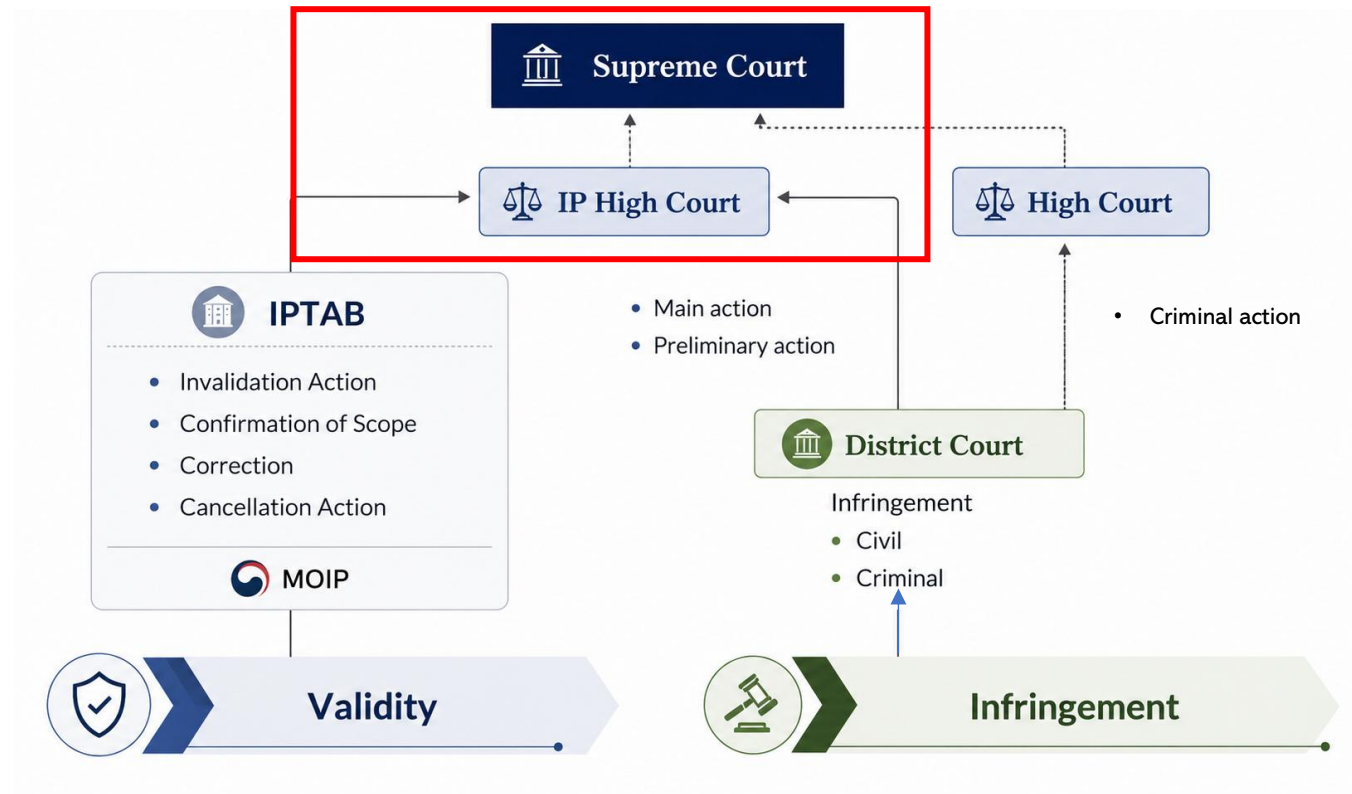
- Subjects and Procedures for IPTAB





3. Appeal and Post Registration Actions in Korea

3.2 IP High Court and Supreme Court in Korea





3. Appeal and Post Registration Actions in Korea

3.3 Notable Court Decisions

1. Louis Vuitton Case – Supreme Court, 2014 (2013후2484)

Protection of a famous mark against
bad faith


LOUIS VUITTON

Earlier Famous Mark

LV Monogram
(Handbags, Bags, etc.)



Contested Mark (Applicant)

Mark imitating LV monogram
(Various goods)



Court's Decision & Reasoning

- The LV monogram was well-known in Korea and abroad at the time of filing.
- The mark applied for was highly similar in motif, form and expression.
- The applicant had previously filed multiple similar marks imitating Louis Vuitton, which had been refused.
- The applicant had a bad faith intent to free-ride on the reputation and goodwill and to cause damage to Louis Vuitton.

Note

The Court recognized bad faith even though the designated goods, such as sausage casings for making sausages, clothing for pets, dog collars, hiking sticks, pads for horse saddles, whips, etc., were far removed from Louis Vuitton's core goods for which the mark is well-known.

2. LEGO v. LEGOCHEMPHARMA – Supreme Court, 2023 (2020후11943)

Protection of a famous mark against
dilution of distinctiveness.



Earlier Famous Mark

LEGO / 레고
(Toys, Playthings, etc.)



Contested Mark (Applicant)

LEGOCHEMPHARMA
(Pharmaceuticals)

LEGOCHEMPHARMA



Court's Decision & Reasoning

- LEGO is a well-known mark in Korea with a high degree of recognition and strong distinctiveness.
- The use of "LEGOCHEMPHARMA" is likely to cause association with LEGO and to impair the distinctiveness of LEGO.
- Registration was therefore invalidated even without likelihood of confusion.



Factors for Determining Dilution of Distinctiveness

The Court comprehensively considered the following factors:

- 1 The degree of identity or similarity between the registered mark and the famous mark
- 2 The degree of recognition and distinctiveness of the famous mark
- 3 Whether the applicant intended to create an association between the registered mark and the famous mark
- 4 Whether an actual association between the registered mark and the famous mark is likely to occur



4. IP Enforcement and Protection in Korea

4.1 Korean IP Enforcement Framework (Civil Enforcement)

1 Permanent and Preliminary Injunctions	2 Compensation for Damages	3 Enhanced Damages (Punitive damages)	4 Court-Controlled Access to Evidence
			
• Permanent injunctions against ongoing or threatened infringement. • Destruction of infringing products and removal of facilities used for infringement.	• Lost profits. • Infringer's profits as a basis for calculating damages. • Reasonable royalties. • Court assessment where damages are difficult to prove.	• Available for intentional infringement. • Up to five times the amount of proven damages. (Applies to patents, designs, trademarks, and copyrights (non-exhaustive list).)	• No U.S.-style broad discovery. • Court-ordered production of materials necessary to prove infringement or calculate damages. • In camera review where trade secrets are asserted. • Adverse consequences for unjustified refusal to produce ordered materials.
Effective tools to prevent ongoing or future infringement.	Compensates the actual loss suffered by the right holder.	Stronger deterrence against willful infringement.	Targeted and court-controlled information disclosure.



4. IP Enforcement and Protection in Korea

4.1 Korean IP Enforcement Framework (Criminal Enforcement)





4. IP Enforcement and Protection in Korea

4.2 Special Judicial Police (SJP) for IP Protection (MOIP)

- **Overview** : MOIP operates **SJP specialized in IP** (e.g. Tech Police and TM Police), and conducts **administrative investigation** on unfair competition, to help companies effectively protect their IPRs.
- **What is the SJP** : A legal system that grants judicial police authority, such as criminal **investigation to public officials with expertise** in special field (such as labor, drug and forest)

- **FAQ** – Are foreign Companies eligible for seeking IP protection through MOIP's SJP?
Answer : YES, subject to specific conditions

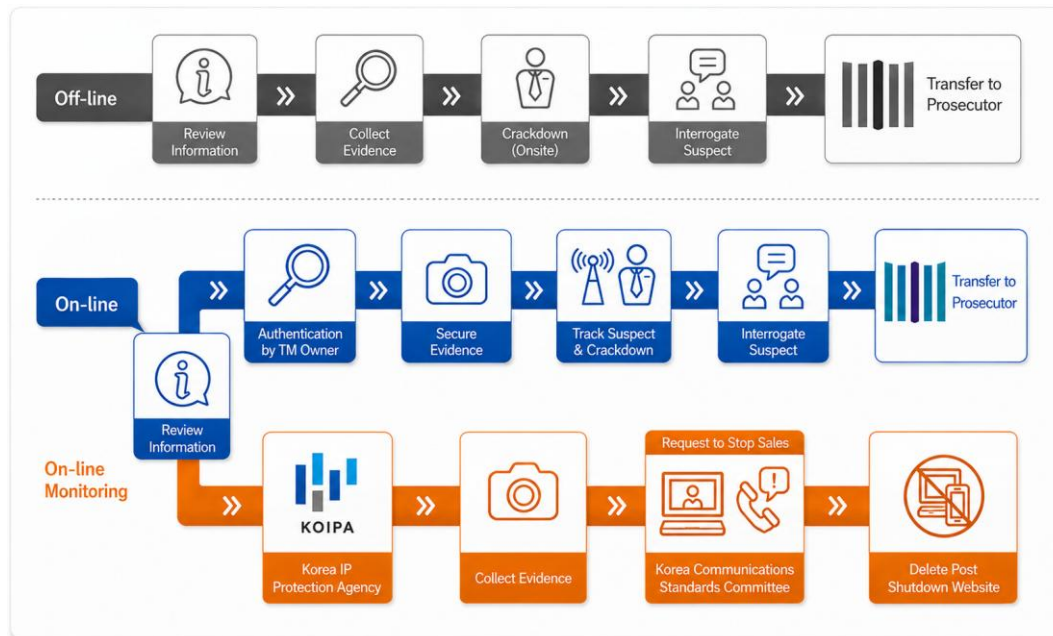
1		The patent, design, or trademark right allegedly infringed <u>must be registered and valid in Korea</u>	
2		Only the patent, design, or trademark right owner or a <u>valid exclusive licensee</u> has the legal standing to file a criminal complaint	
3		The alleged infringement of patent, design, or trademark rights <u>must take place within the territory of Korea</u>	



4. IP Enforcement and Protection in Korea

4.2 Special Judicial Police (SJP) for IP Protection (MOIP)

- Enforcement Procedure (trademark)**



- Enforcement Case (trademark -2022)**
Crackdown on Counterfeit Starbucks Goods





4. IP Enforcement and Protection in Korea

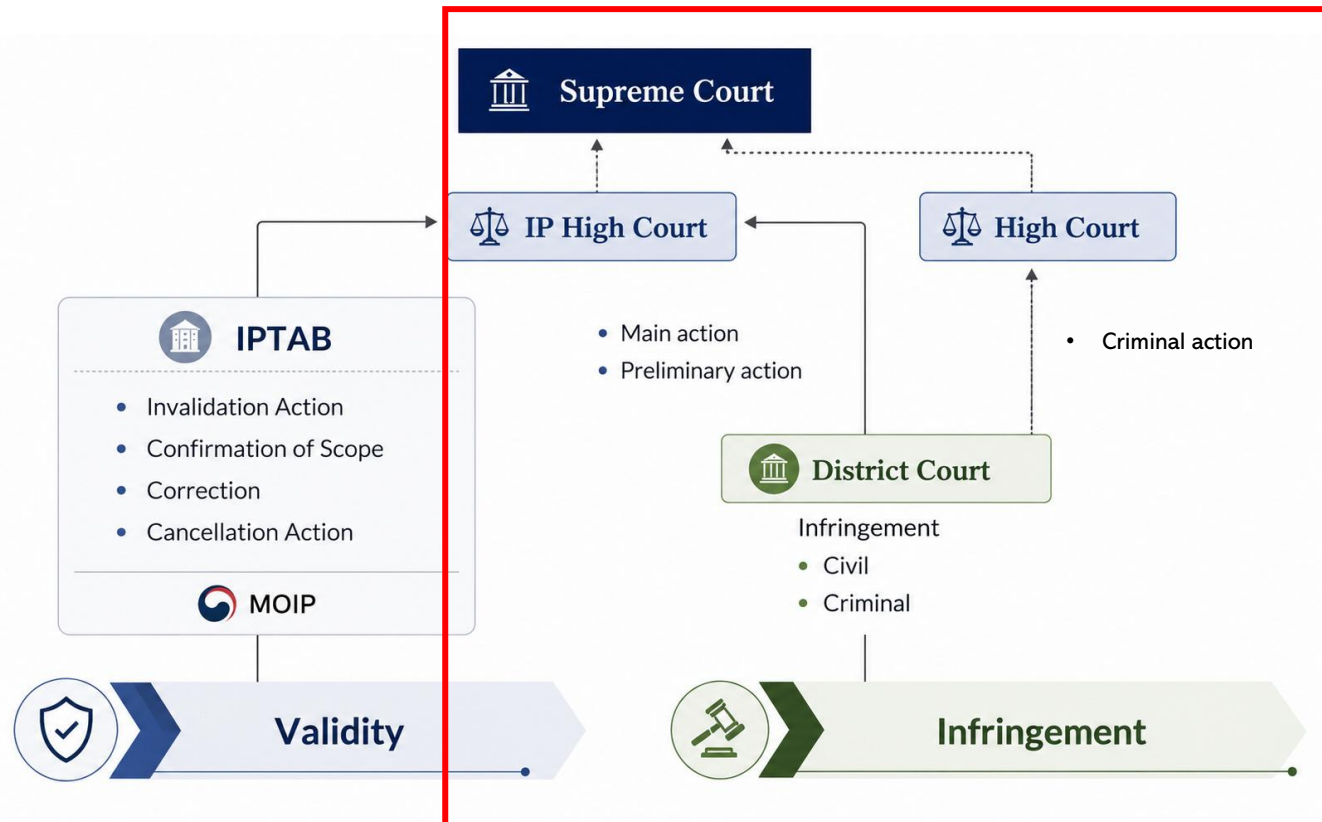
4.3 Customs Recordation System (Border Protection)





4. IP Enforcement and Protection in Korea

4.4 Civil and Criminal Litigation in Korea





5. Useful Resources and References on the Korean IP System

- [MOIP Website](#) (English)
- [Korean Industrial Property Laws](#) (English)
- [Patent Examination Guidelines](#) (English)
- [Welcome kit for EU Businesses to Korean system](#) (Trade mark applications in South Korea)
- [A Practical Guide to Korean Design Rights & Examination](#) (English)

Note : The information available on the above websites may not be current and is provided for reference purposes only. Any person intending to rely on such information should consult a qualified IP professional in Korea.



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THANK YOU

www.rokipa.eu

