

Annual Technical Report on Trademark Information Activities in 1998

? . Evolution of registration activities:

- Changes experienced in terms of application filing and grants (registration) with respect to the previous year:

Applications filed of service marks decreased by 14.8% from 87,065 in 1997 to 74,214 in 1998.

Applications registered of service marks increased by 40.3% from 42,484 in 1997 to 59,611 in 1998.

- Trends or areas experiencing rapid changes with respect to the previous year:

None

? . Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, i.e. trademarks gazettes:

- Publishing, printing, copying techniques;

The Issue of Official Gazettes on CD-ROM

- (a) KIPO has published Official Gazettes on CD-ROM since May 1998 and has distributed them inside and outside the country.

Official Gazettes for Trademark are published on CD-ROM two or three times a month.

- (b) Index CD-ROMs

For a more effective search of information in each CD-ROM, KIPO has published Index CD-ROMs at the end of each year, since May 1998. Everyone can easily access the information which he or she wants to search by using various key words. From 1999, KIPO is planning to publish them twice a year.

- (c) '98 Issue results

Trademark gazettes for public inspection of examined application were published 56 times in which 79,742 applications were included in 1998.

? . Matters concerning classifying, reclassifying and indexing of trademark Information:

- Classification of Goods;

KIPO has adopted NICE Classification System since '98. 3. 1. and officially joined the NICE convention in '98. 10.

- Classification of Figurative Elements of Marks

KIPO still observes its own unique standard for classification, while considering to determine whether to adopt the Vienna Classification within this year.

? . Search file establishment and upkeep:

- None

? . Activities in the field of computerized trademark search system:

Launch of the New Search System for Trademark

- KIPO launched the New Search System for Trademark on September 3, 1998, which makes a dramatic changes on the Trademark examinations from manual search to automated one. The new system makes it possible to search with a title and a figure together and fully supports searching for the applications filed according to the NICE Classification.

- The features of the New Search System for Trademark are as follows:

- spontaneous support of search and administration for Trademark
- support of a single application to designate one or more classes
- provision of an integrated environment with the KIPOnet, KIPO's in-House system, which automates all the processes from filing to registration.
- provision of various search facilities enabling complex condition search
- and so forth...

? . Administration of the industrial property office library and services available to the public(relating to facilities, e.g., for lodging applications, for assisting clients on searching procedures, for obtaining official publications and registry extract):

A. Collection of Industrial Property Information Resources in 1998

- In 1998, KIPO purchased US patent specifications including the PCT Minimum Documentation of AT, DE, GB, FR, JP and also the WPI from Derwent Co.

(a) patent specifications

22 countries and 4 international organizations(AT, AU, BG, CA, CH, CN, CZ, DE, EG, FR, GB, HU, ID, JP, LT, LV, PH, RO, RU, TH, TW, US, AP, EP, OA, WO) on a mutual exchange basis

(b) Abstracts and Index

17 countries and 2 international organizations(AT, AU, BG, CA, CH, CN, DE, EG, FR, GB, HU, JP, PH, RO, RU, TW, US, EP, WO) and the JP Index

B. Non-patent literature

- KIPO preserves 17,955 volumes related to science and technology including 426 titles of periodicals, 41 journals from research institutes which may be useful to examiners and trial examiners as reference material.

C. Administration of the Industrial Property Resource Room and services available to the public

(a) Computerization of the Industrial Property Library

KIPO accomplished the computerization of the IP Library concerning information searches and the management of non-patent literature in 1998 which was started in 1997, based on the "7years Project of Automation of Industrial Property Administration".

(b) Membership of STIMA, Union DB, etc.

Due to the membership of these two associations, in which science and technology related research institutes and universities are joined, original copies of external documents are available on the internet.

(c) Internet Service of non-patent literature

KIPO has started to provide to the public as well as KIPO's staff non-patent literature including general books and periodicals which KIPO preserves on the internet.

(d) KIPRIS search free of charge

It is possible to search for patent information inside and outside the country through the network of KIPO's IP Library and local service centers free of charge.

? . Matters concerning mutual exchange of trademark documentation and Information:

A. On the basis of mutual exchange, KIPO provides official gazettes with 20 other countries as follows:

- AT, AU, BE, BY, CA, DE, ES, FR, GR, IR, IT, JP, MX, NL, PA, PH, RU, SE, US, EP

- type of material: CD-ROM

B. On the basis of mutual exchange, KIPO is provided annual reports from 28 other countries and 3 international organization as follows:

- AT, AU, BG, BY, CA, CN, CZ, DE, ES, FR, GB, GR, HU, IL, JP, KZ, MK, MX, NL, NO, NZ, PH, PL, RO, RU, SE, SI, US, AP, EP, WO

- type of material: paper-form

? . Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries:

A. Training Courses for National Participants.

| List of courses | | Frequency | Numbers of participants |
|-------------------------------|--|-----------|-------------------------|
| Total(23 courses) | | 48 | 3,051 |
| Courses for Government Sector | - Course for beginning officer | 2 | 37 |
| | - Course for leading officer | 1 | 47 |
| | - Course for working-level staff | 2 | 45 |
| | - Introductory course for examiners | 2 | 145 |
| | - Advanced course for examiners | 2 | 45 |
| | - Course for trial examiners | 1 | 52 |
| | - Course for examiners in charge of IPR litigation | 1 | 21 |
| | - Course for staff in charge of IPR supervision | 2 | 174 |
| | - Course for school principals and education supervisors | 4 | 516 |
| | - Course for school invention club instructors | 4 | 594 |
| | - Course for teachers in charge of invention classroom | 1 | 62 |
| | Sub-total (11 courses) | | 22 |
| Courses for Private Sector | - Course for patent attorneys-in apprenticeship | 1 | 69 |
| | - Course for chief executive officials | 1 | 21 |
| | - Introductory course on IPR | 4 | 201 |
| | - Advanced course on patent & utility model system | 5 | 163 |
| | - Advanced course on trademark system | 1 | 26 |
| | - Advanced course on industrial design system | 1 | 17 |
| | - Course for electronic application exercise | 5 | 305 |
| | - Course for independent inventors | 1 | 13 |
| | - Course for individual corporations | 4 | 153 |
| | - Course on foreign IPR systems | 1 | 36 |
| | - Course for university or college students | 1 | 166 |
| | - Course for professors in science and engineering departments | 1 | 143 |
| Sub-total (12 courses) | | 26 | 1,313 |

B. Training Courses for Foreign Participants.

| Title | Duration | Number of participating countries | Number of Participants | Funding by organizations |
|---|----------------------------------|-----------------------------------|------------------------|--|
| Total | | 29 | 90 | |
| - Training course on industrial property system | 14 days (Sep. 10- Sep. 23, 1998) | 8 | 17 | Korean International Cooperation Agency (KOICA) |
| - WIPO Asian Regional Seminar on the Promotion of the Use of the Intellectual Property System by the Private Sector | 3 days (Nov.17- Nov.19,1998) | 21 | 73 | WIPO (60%) and Korean Industrial Property Office(KIPO) (40%) |

C. International Cooperation and Perspectives

The IIPTI(International Intellectual Property Training Institute) has been undertaking every effort for consolidating cooperative activities with domestic and international training and research institutes, patent offices or professional societies like Max Planck Institute in Germany, the Franklin Pierce Law Center of the United States and the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP).

In addition, while IIPTI is vigorously seeking ways to serve as a center for consolidating a network for information exchange on education and training programs on IPRs, it is also planning to offer medium and long-term specialized training courses catering to the demand of the post-graduates not only from Korea but also from the Asia-Pacific region.

? . Other relevant matters

A. The revised Korean Trademark Law(KTL) takes effect on March 1, 1998. The main revisions are as follows:

1. Three-dimensional marks

Three-dimensional marks such as product configurations and packaging will be registerable as trademarks as such. However, the shape of a specific good or its packaging which is inherently functional will be

excluded. If the use of a registered three-dimensional mark conflicts with an existing registered patent, utility model or design, an authorization from the relevant right holder must be obtained.

2. Multiple application and registration system

In order to simplify the application procedures and satisfy the requirements of the Trademark Law Treaty, the revised KTL allows a single application to designate one or more classes.

3. Abolition of associated marks

In order to facilitate the cancellation of the unused marks, the revised law abolishes the associated marks system. Under the KTL, a mark which has not been used for more than 3 years may be cancelled. But it is also considered the use of any one of the associated marks as the use of all the other marks associated with it. Hence it is too difficult to cancel the unused mark which has many associated marks. Under the revised law, however the use of marks will be reviewed separately.

4. Simplification of renewal procedure

The requirement of substantive examination will be removed for renewal applications in order to comply with the Trademark Law Treaty. The revised KTL also abolishes the requirement of submitting trademark samples at the time of filing the renewal application.

5. Enhancement of the protection of well-known marks

Under the revised KTL, an application for a mark which is identical with or similar to a mark that has been well known to Koreans or foreign consumers and a mark which is filed with an unfair competitive purpose will be denied registration.

6. Reinforcement of Penalty for infringement

The maximum fine for trademark infringement will be increased from 20 million Won to 50 million Won for an infringer. Also in the new provision, a third party's possession of infringing goods with the intent to transfer or deliver such goods to another constitutes an act of trademark infringement.

B. Reduction of an average period of examination for Trademark applications

- From 17 months in 1997 to 12 months in 1998

C. Planning to revise fully the trademark examination standards in the early-half of 1999 to make an active preparation for rapidly-changing economic environment such as extension of an electronic commerce on the internet