

REPUBLIC OF KOREA
Patent Regulations

as amended by Ordinance No. 215 of The Ministry of Commerce,
Industry and Energy of December 31, 2003

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CHAPTER 1 GENERAL PROVISIONS

Article 1 Purpose

The purpose of these Regulations is to prescribe particulars authorized by the Patent Act and the Enforcement Decree of the same Act as well as matters necessary to implement the aforementioned particulars.

Article 1-2 Definitions

The definitions of terms used in these Regulations are as follows:

(i) "Electronic information processing system" means a system which connects, through communication network, computers used by the Korean Intellectual Property Office (hereinafter referred to as "the Office") and computers used by persons or agents thereof who initiate patent-related applications, requests and any other procedures (hereinafter referred to as "patent-related procedure");

(ii) "Electronic documents" means documents prescribed in the following items:

(a) documents submitted to the Office or to the Korean Intellectual Property Tribunal (hereinafter referred to as "the Tribunal") by a person who initiates a patent-related procedure, by way of communication network (hereinafter referred to as "online submission") or by way of electronic recording media such as floppy disk or optical disk (hereinafter referred to as "electronic recording media"), through software made available from the Office or from the International Bureau under Article 2(xix) of the Patent Cooperation Treaty (hereinafter referred to as "the Treaty");

(b) documents transmitted or sent through communication network by the Commissioner of the Office or by the President of the Tribunal, to persons who initiate patent-related procedures, such as an application for patents, a request for trials, a demand for opposition and the like related to patents (hereinafter referred to as "applicants, etc.").

Article 2 Procedures in Writing

Documents to be submitted to the Office or to the Tribunal for initiating patent-related procedures under the Act or Decree shall, unless otherwise provided by the Act or Decree, be prepared and sealed (or, for electronic documents, an electronic signature be affixed) individually for each case, and shall be given the name (or the corporate name, in the case of a legal entity) and the

identification number (hereinafter referred to as "applicant code") of a person submitting the documents; provided that, where no applicant code is available, the name and address of the said person (or the corporate name and address of business, in the case of a legal entity) shall be indicated with a seal (or an electronic signature for electronic documents) affixed.

Article 3 Submission of Documents

(1) All documents submitted to the Office or to the Tribunal shall be addressed to the Commissioner of the Office or to the President of the Tribunal, unless otherwise provided by the Act or Decree.

(2)-(4) deleted

Article 3-2 Submission of Attached Documents Prepared in Electronic Image

(1) A person who initiates a patent-related procedure and submits electronic documents may prepare and submit documents to be attached thereto in electronic image.

(2) Where the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner recognizes that the attached documents in electronic image, which have been prepared and submitted under the preceding paragraph (1), are illegible and needs to be confirmed the contents thereof, he or she may instruct the applicants, etc. or agents to submit the relevant documents in writing within a designated period.

Article 4 Language to Be Used in Documents, etc.

(1) Except for the case mentioned in the following paragraph (2), all documents to be submitted to the Office or to the Tribunal shall be prepared in the Korean language.

(2) Powers of attorney, certificates of nationality, priority documents and other papers prepared in a foreign language shall be submitted together with their Korean translations. However, such translations may be omitted for the parts of the description and drawings of the priority documents, so far as the contents of such parts are the same as those of the description and the drawings attached to the request for patent prepared under Article 42(2) of the Patent Act (hereinafter referred to as "the Act"), provided that

a mention to that effect is indicated.

Article 5 Appointment of Agents, etc.

(1) A person who intends to appoint an agent to act on his or her behalf in patent-related procedures shall submit a power of attorney in the annexed Form No. 1 to the Commissioner of the Office or the President of the Tribunal.

(2) A person who intends to appoint an agent to act on his or her behalf in patent-related procedures shall notify of that appointment, unless the agent attaches a power of attorney to the request for patent, documents under Article 203 of the Act, the notification of change of patent applicants, the motion for opposition to the grant of patent, the request for trial or retrial, or to the responses to the motion for opposition to the grant of patent, trial or to retrial, when the agent acts in filing an application for patent, submitting national documents for international patent application under paragraph (2) of Article 199 of the Act, in notifying a change of the patent applicants, in filing an opposition to the grant of patent, in requesting a trial or a retrial, as well as in submitting any responses to motions for opposition, trials or to retrials.

(3) A person who intends to appoint an agent, or an agent who intends to appoint a subagent under the principal text of the preceding paragraph (2) shall submit to the Commissioner of the Office or the President of the Tribunal the notification in the annexed Form No. 2 with a written proof thereof.

(4) A person who takes patent procedures and intends to change an agent, or an agent who intends to change a subagent shall submit to the Commissioner of the Office or the President of the Tribunal the notification in the annexed Form No. 2-2 with a written proof thereof.

(5) A person who takes patent-related procedures and intends to dismiss an agent, or an agent who intends to dismiss a subagent shall submit to the Commissioner of the Office or the President of the Tribunal the notification in the annexed Form No. 2-3.

(6) A person who takes patent-related procedures and intends to change the scope of the authorization to an agent or to a subagent

shall submit to the Commissioner of the Office or the President of the Tribunal the notification in the annexed Form No. 2-4 with a written proof thereof.

(7) An agent or a subagent who resigned respectively from the post of agent or subagent shall notify thereof the Commissioner of the Office or the President of the Tribunal in the annexed Form No. 2-5.

Article 5-2 General Power of Attorney

(1) Where a person who initiates a patent-related procedure and has appointed an agent to act on his or her behalf intends to give the agent a general power of attorney without limiting to any particular current or future cases, the person shall submit to the Commissioner of the Office a request for registration of general power of attorney in the annexed Form No. 2-6 with a written proof of that power of attorney (hereinafter referred to as "general power of attorney").

(2) The Commissioner of the Office shall, upon receipt of a request for registration of general power of attorney under the preceding paragraph (1), grant a registration number of the general power of attorney and notify thereof the person who has made the said request.

(3) A person who has been given a general power of attorney and intends to initiate a patent-related procedure shall mention in the documents to submit to the Office or the Tribunal the registration number referred to in the preceding paragraph (2).

Article 5-3 Restriction on Scope of General Power of Attorney

A person who has registered the general power of attorney under the preceding Article 5-2 of these Regulations and intends to limit the scope of authorization of the said power of attorney in a specific matter shall submit a notification in the annexed Form No. 2-7 to the Commissioner of the Office.

Article 5-4 Revocation of General Power of Attorney

A person who has registered the general power of attorney under Article 5-2 of these Regulations and intends to revoke the said general power of attorney shall submit a statement for revocation of general power of attorney in the annexed Form No. 2-8 to the Commissioner of the Office.

Article 6 Notification of Appointment of Representative for Two or More Persons, etc.

(1) To notify the appointment of a representative under the proviso of Article 11(1) of the Act, the representative so appointed shall submit a notification in the annexed Form No. 3 to the Commissioner of the Office or the President of the Tribunal together with the following documents:

- (i) a proof of being the appointed representative;
- (ii) a proof of power of attorney, where an agent acts in the procedure.

(2) A person shall, in notifying of any change or dismissal of the representative appointed under the preceding paragraph (1), submit a notification in the annexed Form No. 3-2 or No. 3-3 to the Commissioner of the Office or the President of the Tribunal together with the following documents:

- (i) a proof of the contents of the said notification;
- (ii) a proof of power of attorney, where an agent acts in the procedure.

Article 7 Proof of Successor's Competence and of Third Party's Permission, etc.

(1) The Commissioner of the Office or the President of the Tribunal may, if need be, instruct a person who is a successor to the right to obtain a patent and intends to take a patent-related procedure, to submit a written proof to certify that the person is a competent successor.

(2) When a person who intends to take a patent-related procedure is required to obtain permission, approval, consent or acceptance of any third party before taking the said procedure, the person shall submit to the Commissioner of the Office or the President of the Tribunal a written proof thereof.

Article 8 Submission of Certificates, etc.

(1) Where the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner who deemed necessary to identify specifically the person who initiates a patent-related procedure, the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner may require the submission of the documents falling under the following subparagraphs:

(i) the copy or extract of the family register, the copy or extract of the resident register, (or the nationality certificate in the case of foreign nationals) and any other documents allowing to certify the identity of the person concerned;

(ii) the certificate of the status of the legal entity in the case where a person initiating a patent-related procedure is a legal person;

(iii) the certificate of seal (dated within past six months, or any similar certificate in the case of foreign nationals not in the practice of using seal certification).

(2) Where a foreign national who intends to take a patent-related procedure is not a national of any state or country which is a Contract party to the Paris Convention for the Protection of Industrial Property nor of any state or country which has reached a reciprocal agreement with the Republic of Korea for the mutual benefit of patent protection, the Commissioner of the Office or the President of the Tribunal may require that the documents falling under any of the following subparagraphs be submitted:

(i) the document to certify that the foreign national has an address or an address of business in the territory of one of the Contracting parties;

(ii) the document to certify that a national of the Republic of Korea can enjoy the benefit of patent or any other patent-related rights in the country, to which the foreign national belongs, under the same terms and conditions as those available for its own nationals;

(iii) the document to certify that, if the Republic of Korea allows the foreign national to enjoy the benefit of patent or any other patent-related rights, the foreign country, of which the said foreign national is a citizen, will reciprocate by allowing Korean nationals to enjoy the benefit of patent or any other patent-related rights under the same terms and conditions as for its own nationals.

(3) The Commissioner of the Office, the President of the Tribunal or the presiding trial examiner shall, when instructing that the documents under the preceding paragraphs (1) and (2) be submitted, notify, by a written instruction for submission of documents, the required documents and the grounds for the said requirement, and shall give an opportunity to submit an argument, specifying a period.

Article 9 Grant of Applicant Code, etc.

(1) "A person prescribed by ordinance of the Ministry of Commerce, Industry and Energy" under Article 28-2(1) of the Act refers to a person falling under any of the following subparagraphs:

- (i) a patent applicant;
- (ii) a successor to the right to obtain a patent;
- (iii) a person who requests an examination;
- (iv) an opponent to the grant of a patent;
- (v) a respondent to an opposition to the grant of a patent;
- (vi) a person who requests a correction;
- (vii) a person who requests a preferential examination;
- (viii) a person who furnishes information on a patent application laid open;
- (ix) a petitioner or defendant of a trial, and a trial intervener.

(2) A person who intends to request the grant of an applicant code under Article 28-2(1) of the Act shall submit a request for the grant of an application code in the annexed Form No. 4 to the Commissioner of the Office or the President of the Tribunal.

(3) A person who has been granted an applicant code and intends to change or correct his or her name, address (or, in the case of a legal entity, its corporate name and address of business), seal, telephone number and any other details shall submit a notification of change (correction) of information on the applicant in the annexed Form No. 4-2 to the Commissioner of the Office.

(4) A person who has been granted an applicant code in duplication or in error and intends to correct it shall submit to the Commissioner of the Office a request in the annexed Form No. 4-4, accompanying documents in the following subparagraphs:

- (i) a proof of the contents of the required correction;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 9-2 Documents Submittable by Means of Electronic Documents

(1) Documents which may be submitted to the Commissioner of the Office or to the President of the Tribunal by means of electronic documents under Article 28-3(4) of the Act shall be other than those falling under the following subparagraphs:

- (i) the statement for submission of electronic recording media;

(ii) the statement for submission of documents attached to electronic documents;

(iii) the statement for submission of documents (samples, articles, exhibits);

(iv) the request for issuance of correction of a patent registration certificate;

(v) documents (so far as the documents in the annexed Forms No. 45 to No. 64 and Forms No. 65-10(1) to No. 65-55) regarding the international application under Article 2(vii) of the Treaty (hereinafter referred to as "international application");

(vi) the request for decision under Article 214(1) of the Act;

(vii) the request for correction of digitized contents;

(viii) deleted.

(2) deleted

(3) Notwithstanding the preceding paragraph (1), submission in the form of electronic documents may not be allowed for patent applications which involve any national defense interest falling under the classification standards set forth by Article 11 of the Patent Act Enforcement Decree (hereinafter referred to as the "Decree"). However, the said restriction shall not apply to the case that a notice of the cancellation of the request for maintenance of secrecy under Article 12(4) of the Decree or a notice of the declassification of secrecy under 13 of the Decree has been given.

Article 9-3 Notification of Use of Electronic Documents

A notification of the use of electronic documents under Article 28-4 of the Act shall be submitted in the annexed Form No. 4-5.

Article 9-4 Submission of Electronic Documents, etc.

(1) Electronic documents shall be submitted in cypher system, affixed with electronic signature, by way of software provided by the Office. In the case of international applications, however, the same documents may be submitted by way of software provided by the International Bureau.

(2) Where electronic documents recorded in electronic recording media are to be submitted, a statement for submission of the electronic recording media in the annexed Form No. 4-6 shall be submitted to the Commissioner of the Office or the President of the

Tribunal. In such a case, those documents not suitable for the storage on electronic recording media shall be submitted as an attachment to the said statement.

Article 9-5 Special Provisions on Submission of Documents Supposed to Be Attached to Electronic Documents

Where an online submission is made by a person who takes a patent-related procedure, documents required to be attached but not so attached at the time of processing the online submission shall be filed in the form of written documents attached to a statement for submission in the annexed Form No. 4-7 within three days from the date on which the acceptance number of the online submission was recognized.

Article 9-6 Manner of Online Submission

A person who intends to make an online submission shall enter his or her applicant code and password into the electronic information processing system.

Article 9-7 Special Provisions on Concurrent Submission

(1) Where two or more procedures required to be concurrently made under the Act and Decree are to be made by way of online submission, those procedures shall be entered successively

(2) Where two or more procedures are required to be concurrently made under the Act and Decree and where one of them is to be done by way of online submission and the others are to be done by way of submission of electronic recording media or written documents, the said two or more procedures shall be made on the same day.

Article 9-8 Notifications or Other Documents to Be Served by Means of Electronic Documents

(1) The Commissioner of the Office, the President of the Tribunal, the presiding trial examiner, a trial examiner, the presiding examiner or an examiner may send or transmit all documents through communication network, unless otherwise provided by the Act or Decree, to a person who has notified of the use of electronic documents under Article 28-4(1) of the Act and wishes to receive notifications or transmittals by way of electronic documents.

(2) The President of the Tribunal, the presiding trial examiner or a

trial examiner may send or transmit through communication network those documents falling under any of the following subparagraphs to a person who has notified of the use of electronic documents under Article 28-4(1) of the Act and intends to receive notifications or transmittals by way of electronic documents:

- (i) the notice of the conclusion of trial examination;
- (ii) the duplicate copy of the request for trial;
- (iii) the notice of trial number and designated trial examiner;
- (iv) the notice of transfer to reexamination before a trial;
- (v) the instruction for amendment;
- (vi) the notice of scheduled conclusion of trial examination;
- (vii) the notice of the change of trial examiner;
- (viii) the approval of the extension of statutory (designated) period;
- (ix) the notice of withdrawal of the request for trial;
- (x) the subpoena on the (changed) date of oral trial examination;
- (xi) the notice of the fact of request for trial;
- (xii) the request for interview;
- (xiii) the notice of return;
- (xiv) the notice of payment in excess or in error;
- (xv) any other documents designated and published by the President of the Tribunal.

Article 10 Documents by Reference

(1) If a person who takes a patent-related procedure initiates two or more procedures at the same time, and if relevant certificates furnished under Articles 7, 30(2) and 54(4) of the Act or Articles 6 to 9 of these Regulations are of the same contents, the person may submit to the Commissioner of the Office or the President of the Tribunal one original certificate for only one of the procedures, and the copy of the said certificates for the rest of procedures including procedures for request.

(2) In the case that a person, who has earlier submitted certificates to the Commissioner of the Office or the President of the Tribunal in a patent-related procedure, is required to submit certificates specified in Articles 7, 30(2) and 54(4) of the Act or Articles 6 to 9 of these Regulations, if the contents of the required certificates are same as those earlier submitted, and if the person intends to refer to the original certificates, the person may, with the mention to that effect, submit relevant copy thereof

to the Commissioner of the Office or the President of the Tribunal. However, in the cases falling under any of the following subparagraphs, the person may, with specifying his or her intent to refer to the earlier submitted documents, omit the submission of the copy:

- (i) when filing a divisional application under Article 52 of the Act;
- (ii) when filing a dual application under Article 53 of the Act;
- (iii) when filing an application claiming priority under Article 55 of the Act.

(3) In the case falling under any of the following subparagraphs, the submission of documents to certify the power of attorney referred to in Article 7 of the Act may be omitted:

- (i) where an agent appointed under Article 5(2) of these Regulations takes a patent-related procedure within the scope of his or her mandate;
- (ii) where an agent who has the general power of attorney registered under Article 5-2(2) of these Regulations takes a patent-related procedure within the scope of his or her mandate.

Article 11 Return of Defective Application Documents, etc.

(1) Where documents, samples or any other relevant materials for the patent application or trial (hereinafter, in this Article, referred to as "application documents, etc.") under Article 42, 140 or 140-2 of the Act fall under any of the following subparagraphs, the Commissioner of the Office or the President of the Tribunal shall not consider them as the lawful application documents, etc. for the patent application or trial, unless otherwise provided by the Act or Decree:

- (i) the documents have not been prepared individually for each case, in violation of Article 2 of these Regulations;
- (ii) the nature of the application or documents is not specific;
- (iii) the name (or in the case of a legal entity, its corporate name) or applicant code (or in the absence of an applicant code, the name or the address (or in the case of a legal entity, its corporate name or address of business)) of a person taking a patent-related procedure is not specified;
- (iv) the documents, etc. are not written in the Korean language;
- (v) no description is attached to the application request (including the case where the description does not contain the detailed

explanation of the invention or the claims);

(vi) application documents, etc. have been filed by a person who has neither an address nor an address of business in the Republic of Korea, without representation by a patent administrator referred to in Article 5(1) of the Act;

(vii) documents have been submitted but not within a designated period by the Act or an instruction under the Act;

(viii) a request for extension of period is made for the period for which no extension is allowed by the Act or an instruction under the Act;

(ix) a request for extension of period has been submitted after the expiry of the period for amendments of grounds, etc. for opposition to the grant of patent under Article 70(1) of the Act, after the expiry of the period to request a trial under Article 132-3 of the Act, or after the expiry of period designated by the Commissioner of the Office, the President of the Tribunal, the presiding trial examiner or by an examiner;

(x) documents have been submitted in relation with a patent-related procedure, after the conclusion of the patent-related procedure;

(xi) documents have been submitted, in relation with a patent-related procedure, by a person who is not entitled to take that procedure;

(xii) a request for registration of general power of attorney in the annexed Form No. 2-6, a request for the restriction of the scope of authorization of the general power of attorney in the annexed Form No. 2-7, a statement for the withdrawal of registration of the general power of attorney in the annexed Form No. 2-8, a request for the grant of an applicant code in the annexed Form No. 4 or relevant documents required where an applicant code has to be granted ex officio are not specific enough to accept;

(xiii) a request for patent or other documents submitted by way of communication network, floppy disk or optical disk have not been prepared with software provided by the Office, or any other documents submitted by way of electronic means are not in a state suitable for the disposition on the electronic information processing system;

(xiii-2) documents instructed to be submitted under Article 3-2(2) of these Regulations have not been submitted within a designated period;

(xiv) documents instructed to be submitted under Article 8 of these Regulations have not been submitted, without any justifiable reason,

within a designated period.

(2) Where the Commissioner of the Office or the President of the Tribunal deemed application documents, etc. unlawful under the preceding paragraph (1) and intends to return such documents etc., the Commissioner of the Office shall send a notice to the effect that the application documents, etc. are to be returned, mentioning the reasons for the said return and designating the period to submit statements thereon, to the applicants, etc. who have submitted the application documents, etc. However, in the case of the preceding subparagraph (1)(xiv), the application documents etc. shall be returned immediately upon notice of the reason for return.

(3) The applicants, etc., who have received the notice under the preceding paragraph (2) and intend to submit statements thereon, shall submit a statement in the annexed Form No. 4-8 within a designated period to submit statements, and the applicants, etc., who intend to submit no statement and to have the application documents, etc. returned within the said period to submit statements, shall submit a request for return in the annexed Form No. 4-9, to the Commissioner of the Office or the President of the Tribunal. Upon receipt of the request for return of documents, the Commissioner of the Office or the President of the Tribunal shall immediately return the application documents, etc.

(4) The Commissioner of the Office or the President of the Tribunal, to whom the applicants, etc. do not submit a statement or a request for return of documents within a designated period to submit statements, or to whom the submitted statement appears to be groundless, shall return the application documents, etc. immediately after the expiry of the period to submit statements.

Article 12 Identification of Patent Number, etc.

(1) When the documents, samples or other materials on a patent right or on a patent application that has been filed are submitted to the Office or the Tribunal, the following shall be identified thereon: the patent number or the patent application number, the name of patentee or patent applicant, the applicant code (or in the absence of the applicant code, the name and address (or in the case of a legal entity, its corporate name and address of business)) and the title of the invention.

(2) When the documents, samples or other materials, which relate to an application having been filed to register an extension for the term of a patent right, are submitted to the Office or the Tribunal, the number of the application to register an extension for the term of a patent right and the title of the invention shall be identified thereon.

(3) When the documents, samples or other materials on an opposition to the grant of patent or on a trial or retrial that have been filed or requested, are submitted to the Office or the Tribunal, the number of the said opposition, trial or retrial, the names of the parties concerned and the applicant code (or in the absence of the applicant code, the name and address (or, in the case of a legal entity, its corporate name and address of business)) shall be identified thereon.

Article 13 Amendment of Documents, etc.

A person who intends to make amendments under Article 46, 47, or 90(6) of the Act or under Article 29(3) of these Regulations and a person who intends to amend or add the priority claims under Article 54(7) or 55(5) of the Act shall submit to the Commissioner of the Office or the President of the Tribunal an amendment in the annexed Form No. 5 together with the following documents:

- (i) a proof of the contents of the amendment or addition;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 13-2 Amendment of Opposition to Patent

A person who intends to make an amendment under Article 70 of the Act shall submit to the Commissioner of the Office a request for amendment in the annexed Form No. 5-2 together with the following documents:

- (i) deleted
- (ii) a proof of the contents of amendment;
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 13-3 Amendment of Request for Trial, etc.

A person who intends to make an amendment under Article 46 or 141 of the Act shall submit to the President of the Tribunal or the presiding trial examiner a request for amendment in the annexed Form

No. 5-3 together with the following documents:

- (i) deleted
- (ii) a proof of the contents of amendment;
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 13-4 Amendment of Corrected Description, etc.

(1) A person who falls under any of the following subparagraphs shall submit a request for amendment in the annexed Form No. 5-4 to the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner:

- (i) a person who intends to amend the description or the drawings of a patented invention corrected in the proceedings of opposition to the grant of patent under Article 77(3) of the Act;
- (ii) a person who intends to amend the description or the drawings of a patented invention corrected in the proceedings of the trial for invalidation under Article 133-2(3) of the Act;
- (iii) a person who intends to amend the description or the drawings of a patented invention corrected in the proceedings of the trial for correction under Article 136(9) of the Act;
- (iv) a person who intends to amend the description or the drawings of a patented invention corrected in the proceedings of trial for invalidation of correction under Article 137(4) of the Act.

(2) The request for amendment referred to in the preceding paragraph (1) shall be accompanied by the documents falling under the following subparagraphs:

- (i) deleted
- (ii) a description and drawings;
- (iii) a proof of the power of attorney, where an agent acts in the procedure;
- (iv) a proof of the consent of an exclusive licensee, a pledgee or a non-exclusive licensee, where the said consent is required under Article 77(3), 133-2(3), 136(7) or 137(4) of the Act.

Article 14 Submission of Documents, etc.

(1) A person, who has been required by the Commissioner of the Office, the President of the Tribunal, the presiding trial examiner or an examiner to submit documents, samples and other materials, in order to take a patent-related procedure, shall submit the said documents, samples and materials in the annexed Form No. 6.

(2) Where an agent acts in the procedure, a written proof of the power of attorney shall be attached to the form referred to in the preceding paragraph (1).

Article 15 Return of Articles

A person who wishes that samples or exhibits submitted to the Commissioner of the Office or the President of the Tribunal be returned in due course shall indicate the statement to that effect at the time of submission thereof.

Article 16 Specifying of Period

(1) The period for filing an amendment that may be specified by the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner under Article 46, 141 or 203(2) of the Act shall be within one month, and the period for submitting a statement for arguments under Article 63 of the Act or other periods that may be specified in accordance with the Act and Decree by the Commissioner of the Office, the President of the Tribunal, the presiding trial examiner or an examiner shall be within two months. However, if any tests and evaluation of the results thereof are required in a patent-related procedure, the said specified period shall correspond to the time required for conducting the said tests and evaluation of the results.

(2) A request for extension of a period under Article 15(1) or (2) of the Act shall be made in the annexed Form No. 7.

(3) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the form referred to in the preceding paragraph (2).

(4) An additional period, which may be determined ex officio by the presiding trial examiner under Article 186(5) of the Act, shall be within one month.

Article 17 Request for Exemption from Disposition due to Failure to Comply with Periods

A person who intends to request a revocation of the disposition of invalidation under Article 16(2) of the Act or to request under Article 17 of the Act shall submit a request in the annexed Form No. 8 to the Commissioner of the Office or the President of the Tribunal

together with the following documents:

- (i) a proof of the reasons for the failure of compliance;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 18 Notification of Continuation of Procedure

The Commissioner of the Office or the presiding trial examiner shall, when intending to have a successor in title continue patent-related procedures under Article 19 of the Act, notify thereof the parties concerned in writing.

Article 18-2 Request for Resumption of Procedure

A person who intends to request a resumption of a procedure under Article 22(1) of the Act shall submit a request for resumption of procedure in the annexed Form No. 8-2 together with the following documents:

- (i) a proof of the reasons for the resumption;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 19 Abandonment or Withdrawal

(1) A person who has initiated a patent-related procedure and intends to abandon or withdraw the procedure shall submit a statement for abandonment or withdrawal in the annexed Form No. 9 to the Commissioner of the Office.

(2) A person who has claimed a priority under Article 55(1) of the Act and intends to withdraw it shall submit a statement for withdrawal in the annexed Form No. 9-2 to the Commissioner of the Office.

(3) Where an agent acts in the procedure, a written proof of the power of attorney shall be attached to the form referred to in the preceding paragraph (1) or (2).

Article 19-2 Abandonment of Claims in Part

A person who intends to abandon some claim(s) under Article 215-2 of the Act shall state that intention in the statement for payment of the fee to establish the patent right (registration) fee in the annexed Form No. 20 of the Enforcement Regulations of the Patent Registration Decree, and shall, when paying the official patent fee,

submit to the Commissioner of the Office a request for abandonment in part of claims in the annexed Form No. 9-4 together with the said payment form.

CHAPTER 2 PATENT APPLICATION

Article 20 Scope of Academic Organizations

Academic organizations referred to under Article 30(1)(i)(d) of the Act shall be those which have been authorized or recognized by the administrative agencies concerned, those which are members of organizations which have been authorized or recognized by the said agencies, and those which have filed for registration with the Office.

Article 20-2 Submission of Proofs for Exception to Lack of Novelty

Where a person intends to apply for the exception to lack of novelty of the Act and submit the certificate thereof pursuant to Article 30(2), the submission of the said certificate shall be in a statement for submission of the certificate for the exception to lack of novelty in the annexed Form No. 9-3. However, if the person submits the novelty certificates simultaneously with filing of the patent application, the submission of the said statement may be substituted by an explanatory note to that effect mentioned in the application request.

Article 21 Documents for Patent Application

(1) A person who intends to file a patent application under Article 42(1) of the Act shall submit a request for patent in the annexed Form No. 10 to the Commissioner of the Office together with the following documents:

- (i) a description, an abstract and drawings;
- (ii) a proof of the power of attorney, where an agent acts in the procedure;
- (iii) any other certificates required under the Act or Decree, in each one copy.

(2) The description, the drawings and the abstract in the preceding paragraph (1) shall be in the annexed Forms No. 11, No. 12 and No. 13, respectively.

Article 21-2 Patent Application Containing Nucleotide and/or Amino Acid Sequences

(1) A person who intends to file a patent application, which contains nucleotide and/or amino acid sequences (hereinafter referred to as "sequences", shall submit to the Commissioner of the

Office a request for patent in the annexed Form No. 10 together with the following documents:

- (i) the description comprising or accompanied by sequence listings pursuant to the formality set out by the Commissioner of the Office;
- (ii) sequence listings recorded in an electronic file, in the computer-readable forms (only in the case where the patent application is filed in paper);
- (iii) deleted.

(2) In the case where the patent application is filed in paper, the request for patent shall contain a statement to the effect that the sequence listings recorded in an electronic file are identical with those specified in the description.

(3) Where the sequence listings given in the description and those recorded in the electronic file are not identical, the submission shall be deemed to have been made as those given in the description.

(4) The preceding paragraphs (1) to (3) shall apply mutatis mutandis to the amendment of the sequence listings.

Article 22 Notification of Change of Deposit Number of Microorganism

A person who intends to notify a new deposit number under Article 2(2) of the Decree shall submit a notification of change of the deposit number of a microorganism in the annexed Form No. 14 to the Commissioner of the Office together with the following documents:

- (i) a proof of the new deposit number;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 23 Procedure for Issuance of Microorganism Samples

A person who intends to receive issuance of microorganism samples under Article 4(1) of the Decree shall submit to the Commissioner of the Office a request for a qualification certificate for issuance of microorganism samples in the annexed Form No. 15, together with the following documents:

- (i) a request for issuance of sample, which is to be transferred to the deposit organization;
- (ii) a document explaining compliance with Article 4(1) of the Decree;
- (iii) a proof of the power of attorney, where an agent acts in the

procedure.

Article 24 Notice of Application Number

The Commissioner of the Office shall, upon accepting a request for patent, issue to the applicant a notice of the patent application number, containing the number and date thereof.

Article 25 Submission of Priority Documents

(1) The documents or statements referred to in Article 54(4) of the Act shall be submitted in the annexed Form No. 16, the statement for submission of documents certifying priority, together with the following documents:

- (i) a translation of the documents certifying priority;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(2) "Country prescribed by ordinance of the Ministry of Commerce, Industry and Energy" mentioned in the proviso of Article 54(4) of the Act is a country announced, by the Commissioner of the Office, as a country which has been established a system to exchange by electromagnetic means the documents certifying priority among the Commissioner of the Office and the foreign administrative authorities responsible for the patent-related procedures.

Article 26 Notification of Change of Patent Applicant

(1) A person who intends to notify the change of applicant under Article 38(4) of the Act shall, before the registration of the patent application, submit a notification of the change of patent applicant in the annexed Form No. 17 to the Commissioner of the Office together with the following documents:

- (i) a proof of the cause of change of the patent applicant;
- (ii) deleted
- (iii) a proof of permission, approval, consent or of acceptance in the case where it is required, obtained from a third party;
- (iv) a proof of the power of attorney, where an agent acts in the procedure.

(2) Where an identical applicant notified of the change of the patent applicant under the preceding paragraph (1) in respect of two or more patent applications, the applicant may submit a single notification so far as the subject matter of the notifications is

identical.

Article 27 Entries of Shared Interests, etc.

(1) If two or more applicants jointly file a patent application or file a notification of change of the applicant under Article 38(4) or (5) of the Act, and if their shares of interests have been determined among the applicants or successors thereof or have been fixed by contracts as provided under the proviso of Article 268(1) of the Civil Code, that fact shall be stated either in the request for patent or in the notification of change of the applicant, and certificates thereof shall be submitted to the Commissioner of the Office.

(2) An applicant who intends to change his or her share shall submit a notification in the annexed Form No. 17-2 to the Commissioner of the Office together with the following documents:

- (i) a proof of the cause of the change of shares;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 28 Addition of Inventors

Where the applicant for the patent has failed or made mistake to designate the name of any inventor in the request for the patent, the applicant may add or correct such name, not later than a decision to grant or refuse the said patent is made.

Article 29 Divisional Application

(1) A person who intends to divide a patent application under Article 52(1) of the Act shall submit to the Commissioner of the Office the request for the divisional application in the annexed Form No. 18 together with the following documents:

- (i) a description, an abstract and drawings;
- (ii) a proof of the power of attorney, where an agent acts in the procedure;
- (iii) any other certificates required by the Act or Decree, in each one copy;
- (iv) a copy of a pamphlet of international publication (so far as the original application is an international application).

(2) The description, the drawings and the abstract referred to in the preceding subparagraph (1)(i) shall respectively be in the

annexed Forms No. 11, No. 12 and No. 13.

(3) Where the matters in the original patent application needs to be amended due to the divisional application under Article 52(1) of the Act, the description, the abstract or the drawings attached to the original request for patent shall be amended at the same time as the divisional application is filed.

(4) deleted

Article 30 Dual Application

(1) A person who intends to file a patent application as a dual application based on the application for utility model registration under Article 53(1) of the Act shall submit a request for the dual application in the annexed Form No. 18-2 to the Commissioner of the Office together with the following documents:

- (i) a description, an abstract and drawings;
- (ii) a proof of the power of attorney, where an agent acts in the procedure;
- (iii) any other certificates required by the Act or Decree, in each one copy;
- (iv) a copy of a pamphlet of the international publication (so far as the original application is an international application).

(2) The description, the drawings and the abstract under the preceding subparagraph (1)(i) shall respectively be in the annexed Forms No. 11, No. 12 and No. 13.

(3) deleted

Article 31 Application by Entitled Person

(1) An entitled person who intends to file a patent application under Article 34 or 35 of the Act shall submit to the Commissioner of the Office an application request in the annexed Form No. 19 together with the following documents:

- (i) the description, the abstract and the drawings, in each one copy;
- (ii) a proof of being an entitled person;
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

(2) The description, the drawings and the abstract under the preceding subparagraph (1)(i) shall respectively be in the annexed Forms No. 11, No. 12 and No. 13.

(3) deleted

Article 32 Opposition Filed by Entitled Person

A person who is entitled to obtain a patent and intends to file an opposition to the grant of a patent for the reasons that the patent falls under Article 69(1)(ii) of the Act shall submit to the Commissioner of the Office a notice of opposition in the annexed Form No. 20 together with the following documents:

(i) deleted

(ii) a proof of being an entitled person;

(iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 33 Notification to Person Entitled to Patent

When a decision to refuse the patent application, a decision to revoke the patent, a trial decision to dismiss an appeal against the decision to refuse or to revoke, or a trial decision to invalidate the patent has become final due to the reason that a patent application has been filed by an unentitled person, the Commissioner of the Office or the President of the Tribunal shall notify in writing an entitled person of the decision thereof.

Article 34 Report on Consultation Results

(1) A person who intends to notify of a single patent application as a result of consultation referred to in Article 36(6) or 38(6) of the Act shall submit to the Commissioner of the Office a notification in the annexed Form No. 21, signed and sealed by all the parties concerned, together with the following documents:

(i) a proof of the fact of the consultation;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

(2) When the notification is submitted under the preceding paragraph (1), procedures required as a result of the consultation, in respect of all the applications concerned shall be taken at the same time.

Article 35 Request for Permission to File Patent Application in Foreign Countries

A person who intends to file a patent application in a foreign country under Article 15(2) of the Decree shall submit to the Commissioner of the Office a request in the annexed Form No. 22 together with the following documents:

- (i) the duplicate copy of a request;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 36 Issuance of Priority Claim Documents, etc.

(1) A person who intends to file a patent application in a foreign country and to request the issuance of a certificate in order to claim the priority right of that application under Article 4D(1) of the Paris Convention for the Protection of Industrial Property shall submit to the Commissioner of the Office a request in the annexed Form No. 23.

(2) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the form referred to in the preceding paragraph (1).

CHAPTER 3 EXAMINATION

Article 37 Request for Examination of Patent Application

(1) A request for examination referred to in Article 60 of the Act shall be submitted in the annexed Form No. 24. However, if the applicant requests the examination at the same time as filing of the patent application, an indication to that effect in the application request may substitute for the submission of the request.

(2) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the form referred to in the preceding paragraph (1).

Article 37-2 Reference Materials for Examination

A patent applicant who intends to submit reference materials for examination may submit the reference materials to the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner in the annexed Form No. 24-2 together with the following documents:

- (i) reference materials, in each one copy;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 38 Order of Examinations

Examinations of the patent applications shall be made in the order of making the request for examination under Article 59(1) of the Act. However, in the case of examinations requested for the divisional applications under Article 52 of the Act, the examinations shall be made in order of the request for examination of the original applications.

Article 39 Request for Preferential Examination

A person who intends to request a preferential examination under Article 61 of the Act shall submit to the Commissioner of the Office a request for a preferential examination in the annexed Form No. 25 together with the following documents:

- (i) an explanatory statement, with the indication of details prescribed by the Commissioner, of the Office of grounds for requesting the preferential examination;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 40 Examination of Applications for Same Invention

When two or more patent applications are filed for an identical invention, the examination of the later application or applications shall be withheld until after the earlier application has been processed or has been laid open or published after the grant of patent. However, this provision shall not apply where the later application is or applications are refused for the same reason as for the refusal of the earlier application.

Article 41 Opinions

A person who intends to submit opinions under Article 63, 72(1), 77(3), 133-2(3), 136(5) or 137(4) of the Act shall submit a statement of opinions in the annexed Form No. 25-2 to the Commissioner of the Office, the President of the Tribunal or the presiding trial examiner, together with the following documents:

- (i) a proof of the contents of the opinions;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 42 Decision to Reject Amendments

A decision to reject amendments referred to in Article 51(1) of the Act shall be rendered in writing, stating the following:

- (i) the patent application number;
- (ii) the title of the invention;
- (iii) the name and address of the applicant (or in the case of a legal entity, its corporate name and address of business);
- (iv) where an agent acts on behalf of the applicant, the name and address or business address of the agent (or in the case of the agent being a patent attorney firm, its firm name, business address and the name of the patent attorney appointed);
- (v) the decision to reject and its reason;
- (vi) the date of the decision.

Article 43 Date of Laying Open of Patent Application or Date of Publication of Patent Registration

The laying open date of a patent application or the publication date of a registered patent shall be the date of publication of the Patent Gazette in which the laying open or registration of the application is published, respectively.

Article 44 Request for Early Laying Open, etc.

(1) A person who intends to request the early laying open of a patent application under Article 64(1) of the Act before the lapse of the period of one year and six months from the date of the application shall submit a request for the early laying open in the annexed Form No. 25-3 to the Commissioner of the Office. However, if the said early laying open is requested at the same time as the filing of the patent application, an indication to that effect in the application request shall be considered to be equivalent to the submission of the said request.

(2) In the case of an international patent application, the early laying open may not be requested before a translation is submitted under Article 201(1) of the Act.

(3) A person who takes a patent-related procedure and intends to withdraw the request for the early laying open under the preceding paragraph (1) shall submit a request for the withdrawal in the annexed Form No. 9 not later than ten days from the date of submission of the request for the early laying open.

(4) Where the agent acts in the procedure under the preceding paragraphs (1) to (3), a written proof of his or her power of attorney shall be attached.

Article 45 Furnishing of Information on Application Laid Open

A person who intends to furnish information under Article 64(2) of the Act shall submit to the Commissioner of the Office a statement for submission of information in Form No. 26 together with the following documents:

- (i) publications, etc. as evidence, in each one copy;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 46 Opposition to Grant of Patent, etc.

(1) A person who intends to file an opposition to the grant of patent under Article 69(2) of the Act shall submit a motion in the annexed Form No. 27 to the Commissioner of the Office together with the following documents:

- (i) deleted
- (ii) a proof of the details of the opposition;

(iii) a proof of the power of attorney, where an agent acts in the procedure.

(2) A person who intends to submit an answer to an opposition to the patent under Article 70(2) of the Act shall submit a written response in the annexed Form No. 28 to the Commissioner of the Office together with the following documents:

(i) deleted

(ii) a proof of the details of the response;

(iii) a proof of the power of attorney, where an agent acts in the procedure.

(3) A person who intends to request a correction under Article 140(1) of the Act, which applies mutatis mutandis in Article 77(3) of the Act, shall submit a request for correction in the annexed Form No. 28-2 to the Commissioner of the Office together with the following documents:

(i) deleted

(ii) the description and the corrected drawings, in each one copy;

(iii) a proof of the power of attorney, where an agent acts in the procedure;

(iv) a proof of the consent, if any, consent of an exclusive licensee, a pledgee or a non-exclusive licensee, when it is required under Article 136(7) of the Act which applies mutatis mutandis in Article 77(3) of the Act.

(4) A person, who intends to submit an opinion against the response to an opposition to the patent under the preceding paragraph (2) or a person who intends to submit a rebuttal against that opinion, shall submit to the Commissioner of the Office a statement of opinion (or rebuttal) in the annexed Form No. 28-3 together with the following documents:

(i) a proof of the contents of the opinion (or rebuttal);

(ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 47 deleted

Article 48 Notification of Grounds for Refusals or Rejections, etc.

(1) The examiner who intends to decide or notify of the following matters shall first report thereon to the Commissioner of the Office,

then prepare the statement of decision or the notification, and shall give a sign and seal thereon:

- (i) a decision to reject an amendment under Article 51(1) of the Act;
- (ii) a notification of the reasons for refusal under Article 63 of the Act;
- (iii) a decision on the opposition to the grant of a patent under Article 75 of the Act;
- (iv) a notification of the non-recognition of correction under Article 136(5) of the Act, which applies mutatis mutandis in Article 77(3) of the Act;
- (v) a notification of the grounds for refusal, under Article 63 of the Act which applies in Article 93 of the Act, of an application to register an extension for the term of a patent right under Article 90(1) of the Act.

(2) The examiner, who intends to make a decision to refuse or grant a patent, shall first report that fact to the Commissioner of the Office, then prepare the notification of the decision stating the following details, and shall sign and seal on it:

- (i) the patent application number;
- (ii) the title of the invention;
- (iii) the name and address of a patent applicant (in the case of a legal entity, its corporate name and address of business);
- (iv) where an agent acts on behalf of the applicant, the name and address or business address of the agent (or in the case of the agent being a patent attorney firm, firm name, address of business and the name of the patent attorney appointed);
- (v) the date of notification of grounds for refusal (only in the case of the decision to refuse a patent);
- (vi) the decision and reasons therefore;
- (vii) the date of the decision.

(3) deleted

Article 49 Application Mutatis Mutandis of Provisions on Trial to Examination of Opposition to Grant of Patent

The Articles 58, 63, 68 and 69 of these Regulations shall apply mutatis mutandis to the examination of an opposition to the grant of patent.

CHAPTER 4 PATENT REGISTRATION CERTIFICATE AND PATENT RIGHTS

Article 50 Patent Registration Certificate, etc.

(1) Patent registration certificate issued under Article 86(1) of the Act shall be in the annexed Form No. 29.

(2) Where the Commissioner of the Office intends to reissue patent registration certificate with corrections under Article 86(2) of the Act, he or she shall fill in the field of registration details in annexed Form No. 30 with the matters for the correction, give a seal thereon, and bind the form to the corresponding patent registration certificate to be reissued.

Article 51 Request for Issuance of Correction of Patent Registration Certificate, etc.

(1) A person who intends to have corrected patent registration certificate issued shall submit to the Commissioner of the Office a request in the annexed Form No. 31 together with the said patent registration certificate.

(2) A person who lost or damaged patent registration certificate and intends to have the said certificate reissued shall submit to the Commissioner of the Office a request in the annexed Form No. 32.

(3) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the forms under the preceding paragraphs (1) and (2).

Article 52 Application to Register Extension for Term of Patent Right

A person who intends to file an application to register an extension for the term of patent right under Article 90(1) of the Act shall submit to the Commissioner of the Office an application request in the annexed Form No. 33 together with the following documents:

- (i) a proof stating the grounds for extension with supporting materials therefor;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 53 Grounds for Patent Term Extension and Supporting Materials

"The grounds for extension as prescribed by ordinance of the Ministry of Commerce, Industry and Energy (accompanied by materials substantiating the grounds)" in Article 90(1)(vi) of the Act shall mean one of the followings:

- (i) the necessity to obtain authorization or registration under Article 89 of the Act to work a patented invention, for which an application to register an extension for the term of patent right has been filed, and the material to support the said necessity;
- (ii) the period during which the invention was not workable due to procedures to obtain the said authorization or registration under the preceding subparagraph (i), and the material to support the said period;
- (iii) the materials certifying that the person who has obtained the authorization or registration under the preceding subparagraph (i) is the patentee, exclusive licensee or registered non-exclusive licensee of the patent.

Article 54 Decision to Grant or Reject Application to Register Extension for Term of Patent Right

The examiner, when rendering a decision to grant or reject an application to register an extension for the term of patent right, shall report that fact to the Commissioner of the Office, then produce a statement of the decision to reject or a statement of the decision to grant, stating the following details, and shall sign and seal thereon, provided that, in the case of a decision to reject the application, the details in the following subparagraphs (iii) and (iv) are not required:

- (i) the application number for registration of the term of patent right extension;
- (ii) the patent number;
- (iii) the extension term;
- (iv) the contents of authorization or registration under Article 89 of the Act;
- (v) the name and address of the applicant to register an extension of the term of patent right (in the case of a legal entity, its corporate name and address of business);
- (vi) where an agent acts on behalf of the applicant to register an extension of the term of patent right, the name and address or address of business of the agent (or in the case of the agent being

a patent attorney firm, its firm name, address of business and the name of the patent attorney appointed);

(vii) the decision and reasons therefor;

(viii) the date of decision.

Article 55 Publication of Extinguishment of Patent Rights

The Commissioner of the Office shall, when a patent right is extinguished under Article 124 of the Act, publish that fact in the Patent Gazette.

Article 55-2 Restoration of Patent Application and Patent Right etc. by Late Payment or Remaining Payment of Patent Fees

A person who intends to make a late or balance payment of the patent fees under Article 81-3(1) of the Act shall mention that intent in a statement for the payment of the fee for the establishment of the patent right in Form No. 20 annexed to the Enforcement Regulations of the Patent Registration Decree, in a statement for payment of the annual patent renewal fee in Form No. 20-2 annexed to the said Regulations, or in a statement for payment of the patent registration fee in balance in Form No. 20-3 annexed to the said Regulations and shall submit the said statement for payment to the Commissioner of the Office together with the following documents:

(i) a proof of the fact that the payment of the patent fees was not made within the specified payment period due to reasons not imputable to the patent applicants or patentees;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 56 Application Mutatis Mutandis of Provisions on the Application and Examination to the Application to register an extension of the term of patent right

The Articles 24 and 41 of these Regulations shall apply mutatis mutandis to the application and examination of an application to register an extension for the term of patent right.

CHAPTER 5 TRIAL AND RETRIAL

Article 57 Request for Trial

(1) A person who intends to request a trial under Articles 133 to 135 or Article 137 of the Act shall submit to the President of the Tribunal a request in the annexed Form No. 34 together with the following documents:

- (i) deleted
- (ii) the explanatory statement that can be compared with the patented invention and the necessary drawings, in each one copy (required only for the trial to confirm the scope of a patent right);
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

(2) A person who intends to request a trial under Article 136 of the Act shall submit to the President of the Tribunal a request in the annexed Form No. 34 together with the following documents:

- (i) deleted
- (ii) the corrected description and drawings, in each one copy (to be prepared in the annexed Forms No. 11 and No. 12);
- (iii) a proof of the power of attorney, where an agent acts in the procedure;
- (iv) a proof of the consent of exclusive licensees, pledgees or non-exclusive licensees, where the said consent is required.

(3) A person who intends to request a trial under Article 138 of the Act shall submit to the President of the Tribunal a request for a trial for grant of non-exclusive license in the annexed Form No. 35.

(4) A person who intends to request a trial under Article 132-3 of the Act shall submit to the President of the Tribunal a request for trial against a decision to reject (or revoke) the patent in the annexed Form 42.

Article 57-2 Request for Corrections

Article 46(3) of these Regulations shall apply mutatis mutandis in relation to the request for corrections under Article 133-2(1) of the Act or Article 137(3) of the Act. In such a case, "The Commissioner of the Office" in the principal text of Article 46(3) of these Regulations shall read "the President of the Tribunal" and

"Article 77(3)" in subparagraph (iv) of the said Article 46(3) of these Regulations shall read "Article 133-2(3) or 137(4)".

Article 58 Notification of Trial Number, etc.

Where the president of the Tribunal received a request for a trial, he or she shall give it a trial number and designate trial examiners who are to constitute a collegial body for the said case of trial, and shall notify thereof the parties concerned in writing or by facsimile. However, a change of the trial examiners is deemed to be notified in writing, if the fact is published in the Patent Gazette without delay.

Article 59 deleted

Article 60 Responses, etc.

(1) A person who intends to submit a response under Article 147(1) of the Act shall submit to the President of the Tribunal or the presiding trial examiner a statement of opinions in the trial case in the annexed Form No. 36.

(2) A person who intends to submit an opinion under Article 147(3), 156(2), 159(1) or 170 of the Act shall submit to the President of the Tribunal or the presiding trial examiner a statement of opinions in the trial case in the annexed Form No. 37.

Article 61 Motion for Exclusion of Trial Examiners, etc.

A person who intends to move for exclusion or recusal of trial examiners under Article 149 of the Act or Article 150(1) of the Act shall submit to the President of the Tribunal a motion for the exclusion (or recusal) of examiners in the annexed Form No. 38.

Article 62 Request for Intervention in Trial

A person who intends to intervene in a trial under Article 156 of the Act shall submit to the President of the Tribunal or the presiding trial examiner a request for intervention in a trial in the annexed Form No. 39.

Article 63 Attachment of Evidence

(1) Request for trial, responses, opinions and other documents to be submitted with regard to trials under Articles 57 and 60 of these Regulations shall be accompanied by necessary supporting materials

as the evidence.

(2) Supporting materials referred to in the preceding paragraph (1) shall be, in the case they are documents, accompanied by certified copies or, in the case they are drawings, samples or articles, accompanied by copies or photographs that is acceptable in lieu of actual ones. However, where the samples or articles are to be submitted additionally, a statement to the effect that samples or articles are to be submitted separately, shall be made in the trial-related documents, and the relevant samples or article shall be submitted together with the statement for the submission of documents (samples, materials and exhibits) in the annexed Form No. 6.

(3) The samples referred to in the preceding paragraph (2) shall be accompanied by their drawings. If any drawings could not be attached, an explanatory statement shall be attached.

(4) A person who intends to request preservation of the evidence under Article 157 of the Act shall submit a request for preservation of the evidence in the annexed Form No. 40 to the President of the Tribunal or the presiding trial examiner.

(5) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the form under the preceding paragraph (4).

Article 64 Written Opinion by Examiner

When a trial is requested under Articles 132-3 and 136(1) of the Act, the President of the Tribunal may send a duplicate copy of the said request for a trial to the Commissioner of the Office and may have examiners concerned submit their opinions.

Article 65 Oral Hearings

(1) A party to a trial who intends to request an oral hearing under Article 154(1) of the Act shall submit a request for an oral hearing, in the annexed Form No. 40-2 to the President of the Tribunal or the presiding trial examiner.

(2) Oral hearings shall be conducted in the Korean language.

Article 65-2 Request for Witness

(1) A party to a trial who intends to request a witness examination shall submit to the President of the Tribunal or the presiding trial examiner a request for a witness in the annexed Form No. 40-3 together with the following documents.

(i) a statement, specifying the grounds for requiring the witness examination and the details of examination requested;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

(2) A party to a trial or an intervenor who intends to request an on-site investigation shall submit a request for an on-site investigation, in the annexed Form No. 40-4 to the President of the Tribunal or the presiding trial examiner.

Article 66 Documents Submitted after Notification of Conclusion of Trial Examination

(1) Documents submitted by interested parties or by interveners, after the conclusion of trial examination under Article 162(3) of the Act has been notified, shall not be taken into consideration in the trial decision, and shall be returned to the said parties or interveners upon request. However, this provision shall not apply, where the trial examination reopened under Article 162(4) of the Act before the return of the said documents.

(2) Interested parties or interveners who intend to request the return of the documents under the preceding paragraph (1) shall submit a request for the return of documents in the annexed Form No. 40-5 to the President of the Tribunal or the presiding trial examiner.

Article 66-2 Reopening of Trial Examination

Interested parties or interveners who intend to request the reopening of trial examination under Article 162(4) of the Act shall submit a motion for the reopening of trial examination in the annexed Form No. 40-6 to the President of the Tribunal or the presiding trial examiner.

Article 67 Trial Decision

A trial decision shall include the following details and shall be signed and sealed by trial examiners who have made it:

- (i) the trial number;
- (ii) the name and address of the interested parties and interveners (or applicants for intervention) (in the case of a legal entity, its corporate name and address of business);
- (iii) where agents act on behalf of the parties concerned or interveners (or applicants for intervention), the name and address or address of business of each agents (or in the case of the agent being a patent attorney firm, its firm name, address of business and the name of the patent attorney appointed);
- (iv) the identification number of the trial;
- (v) the trial decision and reasons therefore;
- (vi) the date of decision.

Article 68 Costs of Trial

A person, who intends to request a ruling of the amount of costs of trial or retrial under Article 165(5) of the Act, shall submit to the President of the Tribunal a request in the annexed Form 43 together with the following documents:

- (i) deleted
- (ii) an account of costs and a proof thereof;
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 69 Withdrawal of Request for Trial, etc.

(1) A person who intends to withdraw a request for a trial under Article 161(1) and (2) of the Act shall submit to the President of the Tribunal or the presiding trial examiner a request for withdrawal in the annexed Form No. 41 together with the following documents:

- (i) a proof of the consent of opposite parties, where it is required;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(2) The presiding trial examiner shall, upon receipt of a request for withdrawal of a trial, notify thereof in writing to interested parties, interveners or persons who have applied for and have been rejected their intervention.

(3) A trial intervener who intends to withdraw his or her intervention shall submit to the President of the Tribunal or the

presiding trial examiner a request for withdrawal of intervention in the annexed Form No. 41-2.

Articles 70 - 71 deleted

Article 72 Request for Retrial

A person who intends to request a retrial under Article 178(1) of the Act shall submit to the President of the Tribunal a request in the annexed Form No. 44 together with the following documents:

(i) deleted

(ii) the explanatory statement that can be compared with the patented invention and the necessary drawings, in each one copy (required only for a trial for confirmation of the scope of a patent right);

(ii-2) the corrected description and the drawings, in each one copy (required only for a trial for a correction);

(iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 73 Provisions Applicable Mutatis Mutandis

(1) deleted

(2) Articles 41 and 42 of these Regulations shall apply mutatis mutandis to a trial against a decision to refuse a patent referred to in Article 132-3 of the Act.

(3) Articles 41, 42 and 48(2) of these Regulations shall apply mutatis mutandis to a reexamination referred to in Article 173 of the Act.

(4) deleted

CHAPTER 6 INTERNATIONAL APPLICATION UNDER THE PATENT COOPERATION TREATY

Section 1 International Application Procedure, etc.

Part 1 General Rules

Article 74 Identification of International Application Number

A person who has filed an international application and intends to submit documents or other relevant materials for the international application to the Commissioner of the Office shall indicate the international application number in such documents or materials.

Articles 74-2 - 74-3 deleted

Article 75 Language for International Application

Documents for an international application, to be submitted to the Commissioner of the Office, shall be in the same language as that used for the description and the claims in the said international application. However, the preceding requirement shall not apply to the following documents:

- (i) the application requests under Article 91(2) of these Regulations, translations referred to in Article 96(2) of these Regulations and the requests for the international preliminary examination referred to in Article 106-24(2) of these Regulations;
- (ii) amendments referred to in Articles 106-33(2) and 106-36(3) of these Regulations;
- (iii) nationality certificates, legal entity certificates and other documents specified by the Commissioner of the Office.

Article 76 Submission of Documents by Facsimile

(1) A person who intends to submit to the Commissioner of the Office documents related to the international application (the request, the description, the claims, the necessary drawings, the abstract and others) may submit them via facsimile.

(2) If all or a part of the contents of documents transmitted via facsimile to the Office under the preceding paragraph (1) is not clear or has not reached the Office, the Commissioner of the Office shall consider that the said part of the documents has not been submitted and shall notify the applicant of that fact.

(3) A person who has submitted documents via facsimile under the preceding paragraph (1) shall, no later than fourteen days after the said submission, submit to the Commissioner of the Office the original documents accompanied by a statement for submission of original copy of document in the annexed Form No. 45, No. 45-2 or No. 46.

(4) If a person who has submitted documents via facsimile under the preceding paragraph (1) has failed to submit the originals thereof under the preceding paragraph (3), the Commissioner of the Office may instruct the applicant to submit the originals no later than fourteen days after the date of the instruction.

(5) If a person who has been instructed to submit, in the original, the request, the description, the claims, the necessary drawings and the abstract under the preceding paragraph (4) fails to comply with the instruction to submit the originals within the designated period, the international application thereof shall be deemed to have been withdrawn in accordance with Rule 92.4(g)(i) of the Regulations under the Patent Cooperation Treaty (hereinafter referred to as "the Treaty Regulations").

(6) If a person who has been instructed to submit the original documents other than those specified in the preceding paragraph (5) pursuant to the preceding paragraph (4) fails to comply with the instruction within the designated period, the documents shall, under Rule 92.4(g)(ii) of the Treaty Regulations, be considered not to have been submitted.

Article 77 Expressions Prohibited in International Application

An international application shall not include the followings:

- (i) any expressions or drawings violating the public order;
- (ii) any expressions or drawings against morality;
- (iii) any expressions disparaging the advantages or effectiveness of a product, a process, a patent application or a patent of a particular person other than the patent applicant;
- (iv) any contents unnecessary or irrelevant to the described matters in the international patent application.

Article 78 Appointment of Agents, etc.

- (1) A person who intends to take a procedure relating to the

international application may notify the Commissioner of the Office of the appointment of an agent or a representative, by way of the filing or submission of the application request or demand for international preliminary examination referred to in Article 106-23(2) of these Regulations (hereinafter referred to as "demand for international preliminary examination"), signed and sealed by the person.

(2) An agent or a representative who has signed and sealed an application request or a demand for international preliminary examination shall attach to the said application request or demand, the power of attorney given by the applicant.

(3) Where a person who has not notified the Commissioner of the Office of the appointment of the agent or representative under the preceding paragraphs (1) and (2), notifies, after filing the application or requesting the international preliminary examination, of the appointment, dismissal or resignation of the agent or representative, the person shall submit to the Commissioner of the Office a notification in the annexed Form No. 47, No. 47-2 or No. 48 together with documents to prove the said appointment, dismissal or resignation.

(4) Where a person who takes a procedure relating to the international patent application notifies of the appointment of a new agent or representative, the agent or representative previously appointed shall be regarded to have been dismissed under Rule 90.6 of the Treaty Regulations, unless it is stated in the notification that the previously appointed agent or representative continues to represent the applicant.

Article 79 Appointment etc. of Subagents

(1) The agent of a person who takes a procedure relating to the international patent application may appoint a subagent, unless it is stipulated in a proof of power of attorney for the agent that no subagent shall be appointed.

(2) A notification of the appointment, dismissal or resignation of a subagent referred to in the preceding paragraph (1) shall be submitted to the Commissioner of the Office in the annexed Form No. 49, No. 49-2 or No. 50 together with documents to prove the

appointment, dismissal or resignation.

Article 80 Submission of General Power of Attorney, etc.

(1) A person who intends to take a procedure relating to the international application and to submit a general power of attorney under Rule 90.5(b) of the Treaty Regulations shall submit to the Commissioner of the Office a statement for submission of general power of attorney in the annexed Form No. 51, No. 51-2 or No. 52 together with a proof of the said general power of attorney.

(2) Where a general power of attorney is submitted under the preceding paragraph (1) and a copy thereof is attached to a request for the international application, a demand for international preliminary examination and any other documents related to the international application, the copy may be substituted for a written proof required under Article 7 of the Act.

(3) Where the applicant for the international application notifies the dismissal or resignation of the agent who has been designated in a general power of attorney under the preceding paragraph (1), the applicant shall submit a notification in the annexed Form No. 53, No. 53-2 or No. 54 to the Commissioner of the Office, together with a proof of the dismissal or resignation.

Article 80-2 deleted

Article 81 Notification of Change of Name, etc.

When a person who takes a procedure relating to the international patent application or his or her agent has changed his or her name, address, nationality or seal, or when an inventor's name or address has been changed, the person or the agent shall, without delay, submit to the Commissioner of the Office a notification of change in the annexed Form No. 55, No. 55-2 or No. 56 together with the following documents:

- (i) a proof of the fact of the contents of the notification;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 82 Notification of Change of Patent Applicant or Inventor

(1) Where a person taking the procedure relating to the international patent application or an inventor has been changed, a

notification of change of applicant (inventor) in the annexed Form No. 57, No. 57-2 or No. 58 shall be without delay submitted to the Commissioner of the Office.

(2) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the notification referred to in the preceding paragraph (1).

Article 83 Amendment of Documents Other than Certain Documents in International Application

(1) Where the documents submitted by an applicant for the international application (other than the request, the description, the claims, the drawings and the abstract) do not satisfy the requirements of Article 2 or 74 of these Regulations, the Commissioner of the Office shall instruct in writing the applicant to amend the documents within a designated period.

(2) A person who intends to make amendments under the preceding paragraph (1) shall submit a statement for amendment in the annexed Form No.59, No. 59-2 or No. 60 to the Commissioner of the Office.

(3) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the statement for amendment referred to in the preceding paragraph (2).

(4) If a person who has been instructed to amend the documents under the preceding paragraph (1) fails to make amendments within a designated period, the Commissioner of the Office shall deem the said documents not to have been submitted and shall notify the applicant of that fact.

Article 84 Correction of Obvious Mistakes

(1) If the applicant of an international patent application, which has been filed with the Commissioner of the Office, found any obvious mistakes in the said application under Rule 91.1(b) and (c) of the Treaty Regulations and intends to make corrections, the applicant may request to make corrections thereof.

(2) If the applicant who has been filed the international patent application, found any obvious mistakes under Rule 91.1(b) and (c) of the Treaty Regulations in documents thereof other than the

application request and intends to correct the mistakes, the applicant may file a request to make corrections with the Commissioner of the Office who conducts, in respect of the said international patent application, the international search under Article 15 of the Treaty (hereinafter referred to as "international search") or the international preliminary examination under Article 33 of the Treaty (hereinafter referred to as "international preliminary examination").

(3) Where the Commissioner of the Office found any obvious mistakes in the application request or in other documents for the international application, the Commissioner of the Office may instruct the applicant to file a request for correction of the said mistakes under the preceding paragraph (1) or (2).

(4) A person who intends to file a request for correction under the preceding paragraph (1) or (2) shall submit a request for rectification of obvious error in the annexed Form No. 61, No. 61-2 or No. 62 to the Commissioner of the Office.

(5) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the request for correction under the preceding paragraph (4).

(6) The Commissioner of the Office may, upon request under the preceding paragraph (1) or (2), authorize the corrections.

(7) The authorization of corrections referred to in the preceding paragraph (6) shall take effect in the case falling under one of the following subparagraphs:

(i) a notice of authorization of correction under Rule 91.1(f) of the Treaty Regulations reached the International Bureau under Article 2(xix) of the Treaty (hereinafter referred to as "the International Bureau") no later than one year and five months from the priority date under Article 2(xi) of the Treaty (hereinafter referred to as "priority date") or reached before technical arrangement for an international publication under Article 21 of the Treaty (hereinafter referred to as "international publication") is completed. However, in either case of the following items, the said authorization of correction shall take effect only where the said notice reached the International Bureau before the specified time in

each item:

(a) where an early international publication has been demanded under Article 21(2)(b) of the Treaty (hereinafter referred to as "early international publication"), the time that the technical arrangement for the early international publication has been completed;

(b) where an international publication is not made under Article 64(3) of the Treaty, the time that the international application has been transmitted under Article 20 of the Treaty;

(ii) in the case that obvious mistakes under Rule 91.1(b) and (c) of the Treaty Regulations are found in the documents other than the international application for which an international preliminary examination has been requested, the corrections are authorized by the Commissioner of the Office before the commencement of preparation of a report on the international preliminary examination under Article 35 of the Treaty (hereinafter referred to as "the international preliminary examination report").

(8) The Commissioner of the Office shall notify the applicant of the authorization of the correction requested under the preceding paragraph (1) or (2), or of its non-authorization together with reasons thereof.

Article 85 Submission of Documents Without Seal of Applicant

A person, who intends to submit a statement of the reason for the lack of the seal of the applicant under Rule 4.15(b), 53.8(b) or 90bis.5(b) of the Treaty Regulations, shall submit the submission of explanation of the lack of the signature(seal) in the annexed Form No. 63, No. 63-2 or No. 64.

Article 86 Delay in Mail Service

(1) If documents relating to the international application required by the Act or Decree to be submitted to the Commissioner of the Office within a designated period have been sent by registered mail and if they have not reached the Office within the period for submission due to the delay in the mail service, the applicant may submit to the Commissioner of the Office a proof of the fact that the said documents were sent as a registered mail from the post office not later than five days before the expiry date of the period for submission. However, this provision shall not apply where the said documents have not been mailed by air while it is possible to send them by airmail and it is apparent that mailing other than by

air would take not less than three days.

(2) The proof referred to in the preceding paragraph (1) shall be submitted no later than one month from the date when the applicant has become aware of, or, with reasonable attention paid, would have become aware of the fact that the documents have not reached the Office in time, and no later than six months from the date of expiry of the specified period to submit the documents.

(3) If it is confirmed, by the proof submitted under the preceding paragraph (1), that the documents have not reached the Office in time due to the delay in the mail service, the said documents shall be deemed to have been submitted within a designated period.

Article 87 Loss of Mail

Article 86 of these Regulations shall apply mutatis mutandis to the loss of relevant mail where the documents relating to the international application are submitted in mail. In that case, "proof" referred to in paragraphs (1) to (3) of Article 86 of these Regulations shall read "proof, or proof of the new documents which replace the lost documents, and proof showing that the new documents are the same as the lost documents", "due to the delay in the mail service" in paragraphs (1) and (3) of the Article 86 of these Regulations shall read "due to the loss of mail," and "said documents" in paragraph (3) of Article 86 of these Regulations shall read "the new documents submitted to replace the lost documents".

Article 88 Suspension of Postal Service

(1) If documents relating to the international application required by the Act or Decree to be submitted to the Commissioner of the Office within a designated period have been sent by mail and if they have not reached the Office within the designated period due to suspension in the mail service caused within ten days before the expiry of the specified period, and if the suspension is due to war, revolution, riot, strike, natural disaster and any other similar reasons in a territory, in where the address or address of business or the place of sojourn of the applicant or agent exists, the applicant may submit a proof to that effect to the Commissioner of the Office.

(2) Article 86(2) of these Regulations shall apply mutatis mutandis

to the submission of the proof referred to in the preceding paragraph (1).

(3) If the suspension of the postal service is recognized by the proof referred to in the preceding paragraph (1) as the cause of the documents not having reached the Office within the period to submit the documents, and if the applicant proves that the said documents have been sent by mail no later than five days after the resumption of the postal service, the documents shall be regarded to have been submitted within the specified period.

Article 89 Application of Treaty Regulations

With regard to the international application, where there are provisions under the Treaty Regulations contrary to provisions under these Regulations, those under the Treaty Regulations prevail.

Part 2 International Application Procedures

Article 90 Persons Capable of Filing of International Application

"A person who meets the requirements prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 192(iv) of the Act shall be any person who does not fall under subparagraphs (i) to (iii) of the said Article 192 of the Act and jointly files the international application together with one or more nationals of the Republic of Korea or with a foreign national who has a address or a address of business in the Republic of Korea.

Article 91 Language of International Application

(1) "any language prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 193(1) of the Act shall be English or Japanese.

(2) The documents for the international application shall be prepared in English or Japanese.

Article 92 Submission of Application Request, etc.

(1) A person who intends to file an international application shall submit to the Commissioner of the Office a request for international application together with the description, the claims, the drawings and the abstract in each one copy. However, in the case where the documents including the request for the international application

are to be filed in paper, each of the said documents shall be submitted in three separate copies.

(2) When submitting the application request, etc. in paper under the proviso of the preceding paragraph (1), a person who intends to take advantage of the reduction of or exemption from fees under Rule 102-2 of the Enforcement Regulations of the Patent Cooperation Treaty (hereinafter referred to as "the Treaty Enforcement Regulations") shall additionally submit copies of the application request and of the abstract in the electronic form referred to in Rule 102-2 of the Treaty Enforcement Regulations.

Article 93 Form of Application Requests, etc.

(1) The request for the international patent application shall be prepared in the annexed Form No. 65(1) or No. 65(2), provided that, the application request referred to in Article 92(2) of these Regulations shall be prepared under Rule 102-2 of the Treaty Enforcement Regulations.

(2) The description for the international application shall be prepared in the annexed Form No. 65-2(1), No. 65-2(2) or No. 65-3, the claims in the annexed Form No. 65-4(1), No. 65-4(2) or No. 65-5, the drawings in the annexed Form No. 65-6(1), No. 65-6(2) or No. 65-7, and the abstract in the annexed Form No. 65-8(1), No. 65-8(2) or No. 65-9.

Article 93-2 Designation of countries, etc.

(1) Where the request, etc. for an international application have been submitted under Article 92 of these Regulations, it is deemed that the followings have been effected:

(i) designation of all the Contracting states bound by the Treaty on the date of international application (hereinafter referred to as "international filing date") under Article 11 of the Treaty;

(ii) indication to the effect that the grant of all kinds of rights available under Article 43 and/or 44 of the Treaty is to be sought regarding any designated Contracting States (hereinafter referred to as "the designated States") to which the said article(s) is/are applicable.

(iii) indication to the effect that the application is for the grant of a regional patent (which refers to a patent under Article 2(iv) of the Treaty) where Article 45(1) of the Treaty applies and for the

grant of a national patent (excluding the case where Article 45(2) applies) of each designated State.

(2) Notwithstanding the preceding paragraph (1), an applicant for an international application may from the designation of the states exclude Contracting States stipulating the effect in that State of withdrawal of a prior application which forms the basis of a claim for a priority right under Rule 4.9(b) of the Treaty Regulations.

Article 94 Notification of International Application Number, etc.

Where the Commissioner of the Office received the documents for the international application, the Commissioner of the Office shall notify the applicant of the international application number and of the receiving date thereof.

Article 95 Removal ex officio of Entries in Application Request

If the request for an international application includes the matters other than those required under Article 193(2) of the Act and under these Regulations, the Commissioner of the Office shall remove them ex officio.

Article 95-2 Submission of Translations for International Search

(1) An applicant, who has filed an international application in a language other than those admitted by an International Searching Authority, shall, for an international search, submit to the Commissioner of the Office a translation in a language admitted by the International Searching Authority under Rule 12.3(a) of the Treaty Regulations within a month after the receiving date of the international application.

(2) Where an applicant has not submitted the translation within the period under the preceding paragraph (1), the Commissioner of the Office shall instruct the applicant to submit the translation within a month after the date of the instruction.

(3) Where an applicant has not submitted the translation within the designated period under the preceding paragraph (2), or where an applicant has not paid any patent fee or registration fee under the Patent Act, Utility Model Act, Design Act and the Trademark Act or any additional fees under Article 10(1)(iv)(a) of the Fee Collection Regulations (hereinafter referred to as "the Fee Collection

Regulations"), the application shall be deemed to have been withdrawn under Rule 12.3(d) of the Treaty Regulations. In such a case, the Commissioner of the Office shall notify thereof the applicant.

(4) A person who intends to submit translations under the preceding paragraph (1) or (2) shall submit to the Commissioner of the Office a statement for submission of translations for international search in the annexed Form No. 65-10(2) together with the following documents:

- (i) translation, in three copies, for international search;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 96 Submission of Translations for International Publication

(1) A person who has filed an international application in the Korean language shall submit to the Commissioner of the Office an English translation thereof for the international publication within a year and two months of the priority date (or in the case of requesting an early international publication, by the date of such a request), except where a translation for international search has been submitted under Article 95-2 of these Regulations.

(2) Where an applicant has not submitted the translation within the designated period under the preceding paragraph (1), the Commissioner of the Office shall instruct the applicant to submit the translation within a year and four months of the priority date. However, a translation submitted to the Commissioner of the Office, before sending the instruction, is deemed to have been submitted before the expiry of the period under the paragraph (1).

(3) Where an applicant has not submitted the translation within the designated period under the preceding paragraph (2), or where an applicant has not paid additional fees under Article 10(1)(iv)(a) of the Fee Collection Regulations, the application shall be deemed to have been withdrawn under Rule 12.3(d) of the Treaty Regulations. In such a case, the Commissioner of the Office shall notify thereof the applicant.

(4) A person who intends to submit a translation under the preceding paragraph (1) or (2) shall submit a statement for submission of the

translation for the international publication in the annexed Form No. 65-10(1) to the Commissioner of the Office together with the following documents:

- (i) the English translation in two copies;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 97 Amendment of Procedures

A person who intends to make an amendment under Article 194(2) of the Act shall submit a statement for submission of amendments in the annexed Form No. 65-11(1), No. 65-11(2) or No. 65-12 to the Commissioner of the Office together with the following documents:

- (i) the amendment in three copies;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 97-2 deleted

Article 98 Notification of Intent Not to Treat as International Application

If a person who has been instructed to submit an amendment of the procedures under Article 194(2) of the Act fails to make the amendment within a designated period, the Commissioner of the Office shall notify the applicant of the intent that the application concerned shall not be treated as an international application under Rule 20.7(i) of the Treaty Regulations together with reasons therefor.

Article 99 Period for Submission of Drawings

(1) "The period prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 194(4) of the Act shall be thirty days after the date of the receipt of the international application.

(2) A person who intends to submit the drawings under Article 194(4) of the Act shall submit to the Commissioner of the Office a statement for submission of drawings in the annexed Form No. 65-13(1), No. 65-13(2) or No. 65-14 together with the following documents:

- (i) the drawings in three copies;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 99-2 deleted

Article 100 Notification of International Filing Date

The commissioner of the Office shall, upon granting the international filing date under Article 11 of the Treaty, notify the applicant of the said date.

Article 101 Amendment of Procedures

(1) The reference to "the requirements prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 195(iv) of the Act means the followings:

(i) the address (or in the case of a legal entity, its address of business) and nationality of applicants (or, at least, of one applicant who falls under Article 192(i) or (ii) of the Act, where there are two or more applicants) shall be specified;

(ii) the name of the applicant or agent (or, at least, of one of those applicants or agents, where there are two or more applicants or two or more agents,) shall be stated and sealed. However, where the name and seal is that of an agent, a power of attorney signed and sealed by the applicants (or where there are two or more applicants, by all the applicants) shall be attached;

(iii) the request, the description, the claims, the drawings and the abstract of the international application shall respectively be prepared in the annexed Forms No. 65(1) to No. 65-9.

(2) A person who intends to amend the procedures under Article 195 of the Act shall submit to the Commissioner of the Office a statement for submission of correction in the annexed Form No. 65-15(1), No. 65-15(2) or No. 65-16 together with the following documents:

(i) the amendment in three copies;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 102 Amendment of or Addition to Priority Claim

(1) The applicant who intends to make amendments or additions to the priority claim shall make the said amendments or additions within a year and four months from the priority date (in the case where the priority date has been changed due to an amendment of or an addition to priority claim, a year and four months from the changed priority date or a year and four months from the priority date, whichever is

earlier) or four months from the international filing date, whichever is later.

(2) Where the Commissioner of the Office has received the statement for correction (addition) of priority claim under the following paragraph (4) after the applicant has requested an early international publication, the said statement is deemed not to have been submitted, unless the said request for an early international publication has been withdrawn before the technical arrangements for the early international publication are completed.

(3) Where the priority date has been changed by the amendment of or addition to the priority claim, any unexpired part of the period counted from the priority date before having been changed shall be counted from the changed priority date.

(4) A person who intends to make an amendment or addition under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for correction (addition) of priority claim in the annexed Form No. 65-17(1), No. 65-17(2) or No. 65-18.

(5) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the statement for correction (addition) of priority claim under the preceding paragraph (4).

Article 103 Instruction to Amend Priority Claims

(1) The Commissioner of the Office shall instruct the applicant to amend priority claims, which fall under any of the followings:

- (i) a priority claim, which does not satisfy the requirements, referred to in Rule 4.10 of the Treaty Regulations;
- (ii) entries about a priority claim which do not agree with those in the priority documents concerned.

(2) A person who intends to make an amendment under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for correction (addition) of priority claim in the annexed Form No. 65-17(1), No. 65-17(2) or No. 65-18.

(3) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the statement for correction (addition) of priority claim under the preceding paragraph (2).

(4) Where a person who has been instructed to make an amendment to a priority claim under the preceding paragraph (1) fails to make the amendment within a period as stipulated under Article 102(1) of these Regulations, the Commissioner of the Office shall consider the said priority claim not existing and shall notify the applicant accordingly. However, the said priority claim shall not be considered not existing only for the reason that the number of the prior application under Rule 4.10(a)(ii) of the Treaty Regulations is not indicated or for the reason that particulars in a priority claim does not agree with the particulars in the priority documents under Article 106-6(1) of these Regulations.

Article 104 Amendment of Fees for Late Payment

(1) If a person who has filed the international application failed to pay, within a designated period, any fee prescribed by Article 10(2)(i) of the Fee Collection Regulations, the Commissioner of the Office shall instruct the applicant to pay the fee and additional fee thereon within the period of one month specified under Rule 16bis.1(a) of the Treaty Regulations.

(2) A person who intends to pay the fees under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for correction of fees in the annexed Form No. 65-19(1), No. 65-19(2) or No. 65-20.

Article 104-2 - 105 deleted

Article 106 Period When International Application Is Considered to Have Been Withdrawn

(1) "The period prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 196(1)(ii) of the Act shall be one month from the date on which the applicant is instructed to amend the payment of fees overdue according to Article 104(1) of these Regulations.

(2) The period under Article 196(1)(iii) of the Act shall be four months from the international filing date.

Article 106-2 Advance Notification of Considering International Application as Withdrawn, etc.

(1) The Commissioner of the Office who intends to consider the

international application to have been withdrawn under Article 196(1)(iii) of the Act shall notify in advance the applicant of such intent and reason therefore.

(2) The applicant who has been notified under the preceding paragraph (1) may submit, no later than one month from the date of the notification, to the Commissioner of the Office a statement for submission of opinion in the annexed Form No. 65-23(1), No. 65-23(2) or No. 65-24 together with the following documents:

(i) a written opinion;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 106-3 deleted

Article 106-4 Designation of Representative

The common representative of the applicants referred to in Article 197(2) of the Act shall be the applicant first mentioned in the application among the applicants referred to in Article 192(i) or (ii) of the Act.

Article 106-5 Submission of Statement of Fee Payment

A person who intends to pay fees under Article 198 of the Act shall submit a statement for payment of fees for international application in the annexed Form No. 65-25(1), No. 65-25(2) or No. 65-26.

Article 106-6 Submission of Priority Documents

(1) A person who intends to claim a priority based on the national application referred to in Article 2(vi) of the Treaty or on the international application may submit, no later than one year and four months from the priority date, to the Commissioner of the Office a statement for submission of priority documents in the annexed Form No. 65-27(1), No. 65-27(2) or No. 65-28 together with a certified copy of the said national application or international application (hereinafter referred to as "priority documents"), recognized by the relevant authorities who have accepted the said national or international application.

(2) A person who intends to claim a priority based on the patent application, the utility model registration application or the international application filed in the Republic of Korea may request

to the Commissioner of the Office, within one year and four months from the priority date, to transmit the priority documents to the International Bureau, by submitting to the Commissioner of the Office a request for transmittal of priority document in the annexed Form No. 65-29(1), No. 65-29(2) or No. 65-30 together with a request for certifying the filing of the application.

(3) Where a person intends to claim a priority based on the patent application, the utility model application or the international application that may be retrievable on an electronic library under Rule 17.1(b-2) of the Treaty Regulations, the person may request to the Commissioner of the Office to transmit the priority documents to the International Bureau, by submitting to the Commissioner of the Office within one year and four months from the priority date, a request for transmittal of priority document in Form No. 65-29(1), No. 65-29(2) or No. 65-30.

(4) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the statement for submission or the request in the preceding paragraphs (1) to (3).

Article 106-7 Withdrawal of International Application, etc.

(1) The applicant for an international application may withdraw the international application, the designation of state(s), the priority claim, and the demand for the international preliminary examination or the election of state(s), which has been filed with or submitted to the Commissioner of the Office, unless any of the followings applies:

(i) two years and six months have passed since the priority date;
(ii) a request has been made under Article 23(2) or 40(2) of the Treaty.

(2) A person who intends to make withdrawals under the preceding paragraph (1) shall submit a statement for withdrawal in two copies in the annexed Form No. 65-31(1), No. 65-31(2) or No. 65-32 to the Commissioner of the Office.

(3) Where an agent acts in the procedure, a power of attorney shall be attached to the statement for withdrawal under the preceding paragraph (2).

(4) When neither an agent nor a representative (excluding the representative referred to in Article 197(2) of the Act) representing all of the applicants exist, the statement for withdrawal referred to in the preceding paragraph (1) shall be prepared, bearing signatures and seal of all of the applicants.

Article 106-8 Refund of Fees

(1) If any of the following items applies, the international application fees paid shall be refunded upon request by the applicant:

- (i) the international filing date is not accorded;
- (ii) the international application has been withdrawn or is considered to have been withdrawn before the record copy of the international application referred to in Article 12(1) of the Treaty is transmitted to the International Bureau;
- (iii) filing of the application in foreign countries is prohibited under Article 15 of the Decree.

(2) If any of the following items applies, the search fees paid shall be refunded upon request by the applicant:

- (i) the international application has been withdrawn or is considered to have been withdrawn before a copy of the international application for search (hereinafter referred to as "search copy") under Article 12(1) of the Treaty is transmitted to the International Searching Authority;
- (ii) the preceding subparagraph (1)(i) or (iii) applies.

Article 106-9 Request to Certify International Patent Application

(1) After the expiry of one year and two months from the priority date, the applicant for the international application may submit a copy of the international patent application to the Commissioner of the Office and request the Commissioner to certify it as being identical with the international application having been filed.

(2) Where the request for certification under the preceding paragraph (1) falls under Rule 22.1(e) of the Treaty, the Commissioner of the Office may refuse to certify according to the said Rule.

(3) The applicant for the international application may transmit to the International Bureau a copy of the international application so

certified under the preceding paragraph (1).

Part 3 International Search

Article 106-10 Notification of Receipt of Search Copy

The Commissioner of the Office shall, upon receiving the search copy transmitted under Rule 23.1 of the Treaty Regulations, notify without delay the applicant of its receipt and the date thereof.

Article 106-11 Subject Matter, etc. of International Search

(1) The Commissioner of the Office shall instruct the examiner to establish the international search report under Article 18(1) of the Treaty (hereinafter referred to as "international search report") and the statement of opinion (hereinafter referred to as "statement of opinion of the International Searching Authority") under Rule 43-2.1 of the Treaty Regulations, on the international application to which the international filing date has been granted under Article 194 of the Act, unless the applicant has designated an authority other than the Office as International Searching Authority.

(2) Notwithstanding the preceding paragraph (1), no examiner shall establish an international search report if all of the claims in the international application fall under any of the following:

(i) the subject matter of the international application is any of the following:

(a) scientific or mathematical theories;

(b) plant or animal varieties or biological processes for the production of plants and animals, other than microbiological processes and the products using such processes;

(c) schemes, rules or methods of doing business, performing purely mental acts or playing games;

(d) methods for treatment of the human and animal body by surgery or therapy, as well as diagnostic methods;

(e) mere presentations of information;

(f) computer programs for which the examiner is not capable to search prior arts.

(ii) required matters are not indicated in the description, the claims or the drawings, or matters indicated are obviously unclear to carry out an effective international search.

(3) If a part of the claims of the international application falls

under any of the items in the preceding paragraph (2) or if the dependent claims do not meet the requirements of Rule 6.4(a) of the Treaty Regulations, the examiner shall state that fact in the international search report and not carry out any international search on the said claims.

(4) On the claims for which no international search has been carried out under the preceding paragraph (3), the examiner shall state that fact in the statement of opinion of the International Searching Authority and not state any opinion to the said claims.

Article 106-12 Furnishing, etc. of Nucleotide and/or Amino Acid Sequence Listings, etc.

(1) Where the following sequence listings or statement in respect of the international application, which contains nucleotide and/or amino acid sequences has not been submitted, the examiner may instruct the applicant to submit the said sequence listings or statement within a specified period:

- (i) sequence listings prepared in a written form, which complies with the standard prescribed in the Treaty Enforcement Regulations (hereinafter in this Article referred to as the "standard");
- (ii) sequence listings recorded in a computer readable form, which complies with the standard;
- (iii) a statement to the effect that the listings prepared in the computer readable form are identical with those prepared in the written form.

(2) A person who has been instructed under the preceding paragraph (1) and intends to submit the sequence listings or statement shall submit to the Commissioner of the Office a statement for submission in the annexed Form No. 65-33 or No. 65-34 together with the following documents:

- (i) the sequence listings or the statement, in one copy, which is required to be submitted by the instruction;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(3) The examiner is not required to carry out any international search on the claims for which an effective international search would not be conductible because the person who has been instructed to submit under the preceding paragraph (1) does not submit the

sequence listings or statement within the specified period.

(4) The items which have been entered in the sequence listings submitted in accordance with the instruction referred to in the preceding paragraph (1) and are not included in the original international application shall not be considered to form part of the international application.

(5) With regard to the claims for which no international search has been carried out under the preceding paragraph (3), the examiner shall state that fact in the statement of opinion of the International Searching Authority and state no opinion on the said claims.

Article 106-13 Amendment to Part of Sequence Listings in Description

(1) If any part of the sequence listings in the description does not meet the requirements referred to in Rule 5.2(b) of the Treaty Regulations, the examiner shall instruct the applicant to make amendments within the specified period.

(2) A person who intends to make amendments under the preceding paragraph (1) shall submit to the Commissioner of the Office the statement for submission in the annexed Form No. 65-33 or No. 65-34 together with the following documents:

- (i) the amendment in three copies;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(3) Article 106-12(4) of these Regulations shall apply mutatis mutandis to amendments submitted according to the instruction of the preceding paragraph (1).

Article 106-14 Unity of Invention for International Search

(1) Where the examiner considers that the international application does not comply with the requirement of the unity of invention provided for in Article 17(3)(a) of the Treaty, the examiner shall instruct that the required additional fee be paid within a specified period.

(2) When a person who has been instructed to pay the additional fee under the preceding paragraph (1) (hereinafter referred to as

"instruction to pay additional fee") has paid the additional fee within a designated period, the examiner shall carry out the international search on the invention concerned.

(3) When a person who has been instructed to pay additional fee under the preceding paragraph (1) has not paid the said additional fee within the designated period, the examiner shall establish the international search report only on the part of claims concerning the first mentioned invention or group of inventions in the international application.

(4) Where the examiner establishes the international search report only on the part of the claims under the preceding paragraph (3), the examiner shall state that fact in the statement of opinion of the International Searching Authority and state an opinion only on the said part of the claims.

(5) A person who intends to pay the additional fee under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement in the annexed Form No. 65-35 or No. 65-36.

Article 106-15 Protest Against Additional Fee

(1) Where any of the following items applies, a person who has been instructed to pay additional fee under Article 106-14(1) of these Regulations may file a protest against the instruction to pay additional fee (hereinafter referred to as "protest against additional fee") with the Commissioner of the Office, by submitting the documents under paragraph (5) of the said Article 106-14 together with a reasoned statement:

(i) the international application complies with the requirement of the unity of invention referred to in Article 17(3)(a) of the Treaty;

(ii) the amount of the additional fee required by the instruction to pay additional fees is excessive.

(2) Where a protest against additional fee is filed, the collegial body of three examiners referred to in Article 106-16(1) of these Regulations shall, after a prior review of the justification for the instruction to pay the additional fee, instruct the applicant to pay, within a month, a fee for the examination of the protest against additional fee (hereinafter, in this Article, referred to as "the

fee for the protest against additional fee").

(3) A person who intends to pay the fee for the protest against additional fee shall submit to the Commissioner of the Office a statement in the annexed Form No. 65-35 or No. 65-36.

(4) Where a person who has been instructed to pay the additional fee under the preceding paragraph (2) fails to pay the fee for the protest against additional fee within the specified period, the protest against additional fee shall be considered to have been withdrawn.

Article 106-16 Decision on Protest Against Additional Fee

(1) The protest against additional fee shall be examined and decided by a collegial body of three examiners.

(2) On each protest against additional fee, the Commissioner of the Office shall designate examiners to constitute a collegial body under the preceding paragraph (1). The Commissioner may not designate, as the examiner to constitute the collegial body, any examiner who has instructed to pay the additional fee that is the subject matter of the said protest.

(3) The Commissioner of the Office shall designate one of the designated examiners under the preceding paragraph (2), as presiding examiner.

(4) The decision referred to in the preceding paragraph (1) shall be in a written statement indicating the following items, and the examiner who has made the decision shall sign and seal thereon:

- (i) the case number of the protest against additional fee;
- (ii) the name and address of a person (or in the case of a legal entity, its corporate name and address of business) who filed the protest against additional fee;
- (iii) where an agent acts in the procedure, the name and address or address of business of the agent (or in the case of the agent being a patent attorney firm, its firm name, address of business and the name of the appointed patent attorney);
- (iv) the decision and the grounds thereof;
- (v) the date of the decision.

(5) Where any decision to reimburse the applicant for the total or partial of the paid additional fee is made, the Commissioner of the Office shall reimburse to the applicant the amount set forth in the said decision.

(6) Where any decision on the protest against additional fee is made, the presiding examiner shall notify the applicant thereof.

Article 106-17 Establishment of Title of Invention by Examiner

(1) Where any of the following applies, the examiner shall establish the title of the invention for the international application:

(i) the international application does not indicate a title of the invention and no notification under Rule 37.2 of the Treaty Regulations has been given on the title of the invention;

(ii) the title of the invention indicated in the international application does not satisfy the requirements referred to in Rule 4.3 of the Treaty Regulations.

(2) The examiner shall enter in the international search report the title of the invention established under the preceding paragraph (1).

Article 106-18 Establishment of Abstract by Examiner

(1) Where any of the following applies, the examiner shall establish a new abstract:

(i) the international application does not contain any abstract and no notification regarding the abstract under Rule 38.2 of the Treaty Regulations has been given;

(ii) the abstract contained in the international application does not satisfy the requirements referred to in Rule 8 of the Treaty Regulations.

(2) The Commissioner of the Office shall transmit to the applicant the abstract established by the examiner under the preceding paragraph (1) as an attachment to the international search report.

(3) Where the abstract has been transmitted as an attachment to the international search report under the preceding paragraph (2), the applicant may state his or her opinion on the abstract received from the Commissioner of the Office, by submitting a statement for submission of opinion in the annexed Form No. 65-37 or No. 65-38, together with the following documents within one month from the date

of the transmittal of the international search report:

- (i) a written opinion;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(4) Where the applicant submits the opinion under the preceding paragraph (3), the examiner shall notify the applicant of the results of the review thereof.

Article 106-19 Entries in International Search Report and in Statement of Opinion of International Searching Authority, etc.

(1) The examiner shall enter the following items in the international search report:

- (i) the international application number;
- (ii) the international filing date;
- (iii) the name of the applicant;
- (iv) matters concerning the unity of the invention;
- (v) the title of the invention, the abstract and the matters concerning the number of drawings to be published with the abstract;
- (vi) the international patent classification symbol of the fields to which the invention pertains;
- (vii) the international patent classification symbol of the searched fields;
- (viii) documents concerning relevant arts;
- (ix) the completion date of the international search;
- (x) any other necessary matters.

(2) The examiner shall enter the following items in the statement of opinion of the International Searching Authority:

- (i) matters falling under subparagraphs (i) to (iv) and (vi) of the preceding paragraph (1);
- (ii) opinions on the novelty, inventive step and industrial applicability of the invention, which are stated in the claim;
- (iii) documents relevant to the opinions under the preceding subparagraph (ii);
- (iv) the date of establishing the statement of opinion;
- (v) any other matters deemed necessary by the examiner for establishing the statement of opinion of the International Searching Authority.

(3) The international search report and the statement of opinion of

the International Searching Authority shall be prepared in English.

Article 106-20 Transmittal of International Search Report, etc.

(1) Where the international search report and the statement of opinion of the International Searching Authority have been established by the examiner, the Commissioner of the Office shall transmit them to the applicant.

(2) Where the international search report has not been established according to Article 106-11(2) or 106-12(3) of these Regulations, the Commissioner of the Office shall notify the applicant of that fact with the reason therefor.

Article 106-21 Request for Issuance of Copy of Cited Reference

The applicant who needs the copy of the documents cited in the international search report concerning the international application may, within seven years from the international filing date, request the Commissioner of the Office to issue the said copies.

Article 106-22 Refund of Search Fee

(1) Where the examiner, in establishing the international search report on the international application, the priority claim for which is based on another international application, uses the international search report established on the said another international application (hereinafter, in this Article, referred to as "earlier international application") which forms the basis of the priority claim, the Commissioner of the Office shall, upon request by the applicant, refund a part of the search fee having been paid, unless the international search report on the earlier international application has not been established at the Office.

(2) Where the applicant states in his or her application request that the results of the examination in respect of the national application is to be used and if the examiner uses the said examination results for the establishment of the international search report, the Commissioner of the Office shall, upon request by the applicant, refund a part of the search fee which was paid.

Part 4 International Preliminary Examination

Article 106-23 Demand for International Preliminary Examination

(1) The applicant who falls under Article 31(2) of the Treaty may demand the international preliminary examination of the international application.

(2) A person who intends to demand the international preliminary examination under the preceding paragraph (1) shall submit a demand for the international preliminary examination in the annexed Form No. 65-39 in two copies to the Commissioner of the Office within either of the following periods, whichever expires later:

(i) three months from the date of sending to the applicant the international search report and the statement of the opinion of the International Searching Authority or the notice to the effect that no international search report shall be established under Article 17(2)(a) of the Treaty;

(ii) twenty-two months from the priority date.

(3) The applicant who intends to submit a demand for the international preliminary examination may submit to the Commissioner of the Office a statement of opinion or an amendment concerning the international application within the period under the preceding paragraph (2).

(4) Where the demand for the international preliminary examination has been submitted under the preceding paragraph (2), it is considered that all the designated states, to which the effect of Chapter II of the Treaty applies, have been elected.

(5) Where the demand for the international preliminary examination has been submitted after the expiry of the period under the preceding paragraph (2), the said demand is considered not to have been submitted. In such a case, the Commissioner of the Office shall notify the applicant thereof.

Article 106-24 Contents of Demand for International Preliminary Examination, etc.

(1) The demand for international preliminary examination shall contain the following matters:

(i) the indication as the demand for international preliminary

examination;

(ii) matters concerning the applicant;

(iii) matters concerning an agent or a representative where one acts in the procedure;

(iv) matters concerning the international application which is the object of the international preliminary examination;

(v) deleted

(vi) matters concerning amendments (so far as there is some statement referred to in Rule 53.9 of the Treaty Regulations).

(2) The demand for international preliminary examination shall be prepared in English.

(3) The demand for international preliminary examination shall be signed and sealed by the applicant, agent or representative under Rule 53.8 of the Treaty Regulations.

Article 106-25 Payment of Fees

(1) A person who intends to demand an international preliminary examination shall be subject to the payment of fees.

(2) A person who intends to pay the fees under the preceding paragraph (1) shall submit to the Commissioner of the Office a form for payment of fees for international preliminary examination in the annexed Form No. 65-40 or No. 65-41.

Article 106-26 Demand for International Preliminary Examination by Applicant Not Entitled to Make Demands

Where the applicant who is not entitled to make a demand for the international preliminary examination under Rule 54.4 of the Treaty Regulations has made such a demand, the Commissioner of the Office shall consider it not to have been submitted.

Article 106-27 Amendment of Procedures Concerning Demand for International Preliminary Examination

(1) Where in a demand for the international preliminary examination:

(i) one or more Contracting States, to which the effect of Chapter II of the Treaty applies, has not been indicated as the elected state;

(ii) no international application has been indicated as the subject matter of the demand for the international preliminary examination,

the Commissioner of the Office shall instruct that an amendment of the demand be made within a specified period.

(2) A person who intends to make an amendment under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for submission of correction in the annexed Form No. 65-42 or No. 65-43 together with the following documents:

- (i) the amendment in two copies;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(3) Where the person who has been instructed to make an amendment under the preceding paragraph (1) has complied with the instruction within a designated period, the Commissioner of the Office shall consider the demand for international preliminary examination to have been accepted on the date on which the said amendment was received.

(4) Where the person who has been instructed to make an amendment under the preceding paragraph (1) has not complied with the instruction within a designated period, the Commissioner of the Office shall consider the demand for international preliminary examination not to have been submitted.

(5) Unless and until the Commissioner of the Office considers the demand for international preliminary examination not to have been submitted under the preceding paragraph (4), the Commissioner of the Office may, upon request by the applicant, extend the period under the preceding paragraph (1).

Article 106-28 Notification of Date of Acceptance of Demand for International Preliminary Examination

The Commissioner of the Office shall, upon acceptance of the demand for the international preliminary examination, notify without delay the applicant of the date of acceptance thereof.

Article 106-29 Amendment of Procedures Concerning Demand for International Preliminary Examination

(1) Where a demand for the international preliminary examination falls under any of the followings, the Commissioner of the Office shall instruct that an amendment be made within a designated period:

(i) the demand does not meet the requirements referred to in Article 106-23(2) of these Regulations;

(ii) the demand does not meet the requirements referred to in subparagraphs (i) to (iv) of paragraph (1) of Article 106-24 of these Regulations. However, (ii) of the said paragraph of the said article shall not apply where there are two or more applicants and the matters are indicated concerning at least one of these applicants who may demand the international preliminary examination under Article 106-23(1) of these Regulations;

(iii) the demand does not meet the requirements referred to in paragraph (2) or (3) of Article 106-24 of these Regulations. However, with respect to the matters concerning paragraph (3) of the said Article, if an agent has given a signature and seal on the demand, a power of attorney signed and sealed by an applicant (where there are two or more applicants, except the case at least one of the applicants has signed and sealed, by all the applicants) shall be attached.

(2) A person who intends to make an amendment in compliance with the instruction for amendment under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for amendment of matters in the annexed Form No. 65-44 or No. 65-45 together with the following documents:

(i) amendment in two copies;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

(3) Where the person who has been instructed to make the amendment under the preceding paragraph (1) has complied with the instruction within a designated period, the Commissioner of the Office shall consider the demand for international preliminary examination to have been accepted on the date of the receipt of the amendment.

(4) Where the person who has been instructed to make the amendment under the preceding paragraph (1) has not made the said amendment within a designated period, the Commissioner of the Office shall consider the demand for the international preliminary examination not to have been submitted.

(5) Unless and until the Commissioner of the Office considers, under the preceding paragraph (4), the demand for the international

preliminary examination not to have been submitted, he or she may, upon request by the applicant, extend the period referred to in the preceding paragraph (1).

Article 106-30 Amendment of Failure to Pay Fees for International Preliminary Examination

(1) Where a person who has made a demand for the international preliminary examination has not paid the fees as required under Rule 10(1)(viii) or (ix) of the Fee Collection Regulations within the period specified in the said Rule 10(2)(ii), the Commissioner of the Office shall instruct the person to pay within one month the said fees and additional fee under Rule 58bis.1(a) of the Treaty Regulations.

(2) A person who intends to pay the fees referred to in the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for correction of fees in the annexed Form No. 65-46 or No. 65-47.

(3) Where the person who has been instructed to make an amendment under the preceding paragraph (1) has not paid the fees and additional fee within the prescribed period, the Commissioner of the Office shall consider the demand for international preliminary examination not to have been submitted.

Article 106-31 Notification of Demand for International Preliminary Examination Considered Not to Have Been Submitted

Where the Commissioner of the Office considers a demand for international preliminary examination not to have been submitted under Article 106-26, 106-27(4), 106-29(4) or 106-30(3) of these Regulations, he or she shall notify the applicant of that fact and reasons therefor.

Article 106-32 deleted

Article 106-33 Instruction to Submit Missing Amendments

(1) Where no amendment is attached, notwithstanding the indication in the demand for the international preliminary examination stating that an amendment referred to in Article 34(2)(b) of the Treaty is to be submitted simultaneously with the said demand, the Commissioner of the Office shall instruct that the amendment be

submitted within a designated period.

(2) Where a person who has been instructed to submit an amendment under the preceding paragraph (1) submits the said amendment, the person shall submit to the Commissioner of the Office a statement for submission of amendment of the description, etc. in the annexed Form No. 65-48 or No. 65-49 together with the following documents:

- (i) amendment in English in two copies;
- (ii) an explanatory statement, describing the contents of and reasons for the amendment;
- (iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 106-34 Start of International Preliminary Examination

(1) Where an applicant submits to the Commissioner of the Office a statement to the effect that the applicant does not intend to make an amendment referred to in Article 19 of the Treaty concerning the international preliminary examination under Rule 69.1(d) of the Treaty Regulations, the examiner shall start the international preliminary examination.

(2) The applicant who intends to submit a statement referred to in the preceding paragraph (1) shall submit to the Commissioner of the Office a request for start of international preliminary examination in the annexed Form No. 65-50 or No. 65-51.

(3) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the request referred to in the preceding paragraph (2).

Article 106-35 Translation of Earlier Application, Which Forms Basis for Priority Claim

(1) Where the earlier application, which forms the basis for a priority claim, is prepared in a language other than the Korean or English, the Commissioner of the Office may instruct the applicant to submit a translation in the Korean language within a designated period.

(2) A person who intends to submit the translation referred to in the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for submission of translation of earlier

application in the annexed Form No. 65-52 or No. 65-53 together with the following documents:

- (i) a translation;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

(3) Where the person who has been instructed to submit the translation under the preceding paragraph (1) has not complied with the instruction within a designated period, the priority claim shall be considered not to have been made and the international preliminary examination report may be prepared accordingly.

Article 106-36 Amendment of International Application by Applicant

(1) The applicant who has demanded the international preliminary examination may make an amendment to the description, the claims, and the drawings before the commencement of preparation of a report on the international preliminary examination.

(2) The amendment referred to in the preceding paragraph (1) shall be within the scope of entries in the international application as originally filed.

(3) A person who intends to make an amendment under the preceding paragraph (1) shall submit to the Commissioner of the Office a statement for submission of amendment to the description, etc. in the annexed Form No. 65-48 or No. 65-49 together with the following documents:

- (i) the amendment in English in two copies;
- (i-2) an explanatory statement, describing the contents of amendment and reasons therefore;
- (ii) a proof of the power of attorney, where an agent acts in the procedure.

Article 106-37 Subject of International Preliminary Examination

(1) The Commissioner of the Office shall cause the international preliminary examination by the examiner to be made for the international application for which a demand for the said examination has been made under Article 106-23 of these Regulations.

(2) Where all of the claims in the international application fall under any of the followings, the examiner shall indicate the fact

that the international preliminary examination is not to be carried out, in a written opinion provided by Article 34(2)(c) of the Treaty (hereinafter referred to as "written opinion of the International Preliminary Examining Authority") or in an international preliminary examination report:

- (i) Article 106-11(2)(i) of these Regulations applies;
- (ii) the matters indicated in the description, claims or drawings are obviously unclear, or the claims are inadequately supported by the description, to provide the effective and meaningful opinion on the novelty, inventive step, or industrial applicability provided by Article 33 of the Treaty;
- (iii) the international search report has not been established and the examiner has decided not to carry out the international preliminary examination.

(3) Where any part of the claims in the international application falls under any of the items referred to in the preceding paragraph (2) or where any dependent claim in the claims is in contravention of Rule 66.2(a) of the Treaty Regulations, the examiner shall indicate that fact in the written opinion or in the international preliminary examination report and shall not carry out the international preliminary examination in respect of such claim.

Article 106-38 Submission of Nucleotide and/or Amino Acid Sequence Listings, etc.

Article 106-12 of these Regulations shall apply mutatis mutandis to the submission of nucleotide and/or amino acid sequence listings, etc. in the international preliminary examination.

Article 106-39 Unity of Invention Concerning International Preliminary Examination

(1) Where the international application does not comply with the requirement of the unity of invention under Article 34(3)(a) of the Treaty, the examiner may instruct that the claims be restricted or additional fees be paid within a designated period.

(2) Where the person, who has been instructed as provided for in the preceding paragraph (1), has not restricted the claims or has not paid the additional fee within a designated period, the examiner shall carry out the international preliminary examination only on the part of claims, regarding the first mentioned invention or group

of inventions, in the international application, and shall indicate that fact in the international preliminary examination report.

(3) The preceding paragraph (2) shall apply mutatis mutandis where the person who has been instructed as provided for in the preceding paragraph (1) has restricted the claims within a designated period but has failed to satisfy the requirement of the unity of invention.

(4) Articles 106-14(4), 106-15 and 106-16 of these Regulations shall apply mutatis mutandis to the unity of invention concerning the international preliminary examination. In such a case, "a person who intends to pay the additional fee" in Article 106-14(5) of these Regulations shall read "a person who intends to pay the additional fee or to restrict claims" and "Article 17(3)(a) of the Treaty" in Article 106-15 of these Regulations shall read "Article 34(3)(a) of the Treaty".

Article 106-40 Preparation of Written Opinion of International Preliminary Examining Authority

(1) Where a demand has been made for the international preliminary examination under Article 106-23 of these Regulations, the written opinion of the International Searching Authority shall be considered to be the written opinion of the International Preliminary Examining Authority on the international application concerned.

(2) Notwithstanding the preceding paragraph (1), where the international application falls under any of the followings, the examiner may prepare and send to the applicant the written opinion of the International Preliminary Examining Authority before establishing the international preliminary examination report, and give the applicant an opportunity to submit an opinion and an amendment within a designated period:

- (i) Article 106-36(2) of these Regulations is violated;
- (ii) Article 106-37(2) or (3) of these Regulations applies;
- (iii) a person having been instructed to submit sequence listings, etc. under Article 106-38 of these Regulations has not complied with such instruction and made an effective international preliminary examination impossible to be carried out;
- (iv) the invention being described in the claims does not satisfy the requirements of the novelty, inventive step or industrial applicability under Article 33 of the Treaty;

(v) the form or contents of the international application do not satisfy the requirements provided for in the Treaty and the Treaty Regulations;

(vi) any other cases that a written opinion of the International Preliminary Examining Authority is required according to the Treaty or the Treaty Regulations.

(3) Where the applicant so requests within a designated period referred to in the preceding paragraph (2), the examiner may extend the said period.

(4) The examiner may, upon request by the applicant, give an additional opportunity to submit an opinion and an amendment in respect of the international application within a designated period.

(5) A person who intends to submit an opinion under the preceding paragraph (2), (4) or Article 106-23(3) of these Regulations shall submit to the Commissioner of the Office a statement for submission of arguments in the annexed Form No.65-54 or No. 65-55 together with the following documents:

(i) a written opinion;

(ii) a proof of the power of attorney, where an agent acts in the procedure.

(6) A person who intends to submit an amendment under the preceding paragraph (2), (4) or Article 106-23(3) of these Regulations shall submit to the Commissioner of the Office a statement for submission of amendment of the description, etc. in the annexed Form No.65-48 or No. 65-49 together with the following documents:

(i) the amendment in English in two copies;

(ii) an explanatory statement of the contents and reasons of amendment;

(iii) a proof of the power of attorney, where an agent acts in the procedure.

Article 106-41 Indications in International Preliminary Examination Report, etc.

(1) The examiner shall indicate the followings in the international preliminary examination report:

(i) the international application number;

(ii) the international filing date;

(iii) the international patent classification symbol of the field to which the invention pertains;
(iv) the name of the applicant;
(v) matters concerning the unity of the invention;
(vi) opinions concerning the novelty, inventive step or industrial applicability of the invention indicated in the claims;
(vii) documents, which relate to the opinions referred to in the preceding subparagraph (vi);
(viii) the date on which the demand for the international preliminary examination was submitted;
(ix) the date on which the international preliminary examination report was established;
(x) any other matters required.

(2) The international preliminary examination report shall be established in English.

Article 106-42 Transmittal of International Preliminary Examination Report, etc.

When an international preliminary examination report has been established by the examiner, the Commissioner of the Office shall transmit the said international preliminary examination report and its annexes to the applicant.

Article 106-43 Request for Issuance of Copy of Cited Reference

Article 106-21 of these Regulations shall apply mutatis mutandis to a request for issuance of the copy of the documents that have been cited in the international preliminary examination report but have not been cited in the international search report.

Article 106-44 Request for Issuance of Copy of Documents

The applicant who has demanded the international preliminary examination or a person who has obtained the consent of the said applicant may request the Commissioner of the Office for issuance of the copy of documents concerning the international application.

Article 106-45 Refund of Preliminary Examination Fee, etc.

(1) Where the preliminary examination fee referred to in Rule 58 of the Treaty Regulations falls under any of the followings, the Commissioner of the Office shall refund the said fee upon request by the applicant:

(i) the demand for the international preliminary examination is considered not to have been submitted under Article 106-23(5), 106-26, 106-27(4), 106-29(4) or Article 106-30(3) of these Regulations;

(ii) the international application or the demand for the international preliminary examination has been withdrawn before the international preliminary examination is started.

(2) Where the handling fee referred to in Article 57 of the Treaty Regulations falls under any of the followings, the Commissioner of the Office shall refund the said fee upon request by the applicant:

(i) The demand for the international preliminary examination has been withdrawn before the said demand is forwarded to the International Bureau;

(ii) The demand for the international preliminary examination is considered not to have been submitted under Article 106-23(5) or 106-26 of these Regulations.

Article 106-46 Withdrawal of International Application, etc.

Article 106-7 of these Regulations shall apply mutatis mutandis to the withdrawal of the international applications, etc. at the stage of the international preliminary examination.

Section 2 Special Provisions on International Patent Applications

Article 107 Special Provisions on Change of Applicant, etc.

(1) If, in the procedure of the international patent application referred to in Article 199(2) of the Act (hereinafter referred to as "international patent application"), a notification of change of the name, address, address of business, or nationality, etc. of the applicant is given by the International Bureau, the said notification shall be deemed to be a notification of the change or correction of the address, etc. made in accordance with Article 9(3) of these Regulations.

(2) If, in the procedure of the international patent application, a notification of the change of the patent applicant is given by the International Bureau, the said notification shall be deemed to be a notification of change of the patent applicant referred to in Article 26 of these Regulations.

Article 107-2 Use of Title of Invention Established by International Searching Authority

A person who intends to file an international patent application for an invention the title of which has been established by the International Searching Authority according to Rule 37.2 of the Treaty Regulations, shall use, in the translated text of the said application, the title translated from the title established by the International Searching Authority.

Article 108 Special Provisions on Entries of Shares, etc.

(1) Where Article 27 of these Regulations applies to the international patent application, "the request for patent" in that Article shall read "the document prescribed in Article 203 of the Act".

(2) Where Article 27 of these Regulations applies to the request referred to in Article 214 of the Act, "the request for patent" in that Article shall read "the request prescribed in Article 214(1) of the Act".

Article 109 Special Provisions on Notice of Application Number

Where Article 24 of these Regulations applies to a notification of the application number of the international patent application considered as the patent application under Article 199 or 214(4) of the Act, "upon accepting a request for patent" in the said Article 24 shall read "upon accepting a translation prescribed in Article 201(1) of the Act (or, with respect to the international application considered as the patent application under Article 214(4) of the Act, upon making a decision provided for in Article 214(4) of the Act)".

Article 110 Special Provisions on Identification of Patent Application Number

Where Article 12(1) of these Regulations applies to the submission of documents and other materials relating to the international patent application under Article 199(2) of the Act, "a patent application that has been filed" in the said Article 12(1) of these Regulations shall read "a patent application that has completed the procedure under Article 201(1) of the Act".

Article 111 Special Provisions on Period to Submit Documents for Presumption of Novelty of Inventions

"The period prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 200 of the Act shall be thirty days after the expiry of the relevant date provided in Article 201(4) of the Act.

Article 112 Translation of International Patent Application, etc.

A person who intends to submit a translation into the Korean language of the description, the claims, the drawings or the abstract referred to in Article 201(1) or 214(2) of the Act shall submit to the Commissioner of the Office a statement in the annexed Forms Nos. 66 to 66-4.

Article 112-2 Special Provisions on International Patent Application Containing Nucleotide and/or Amino Acid Sequences

(1) In the case of submitting documents, according to Article 201(1) of the Act, with respect to the international patent application containing the sequences, the documents, etc. provided for in each item of Article 21-2(1) of these Regulations shall be submitted.

(2) Where the sequences are contained in the international application which is considered to be the patent application referred to in Article 214(4) of the Act and a request is made under Article 214(1) of the Act, the documents, etc. provided for in each item of Article 21-2(1) of these Regulations shall be submitted.

Article 113 Special Provisions on Period to Submit Translation of Priority Documents of International Patent Applications, etc.

(1) A person who has taken a procedure under Article 201 of the Act and has complied with the requirement to submit the priority documents specified under Rule 17.1(a), (b) or (b-2) of the Treaty Regulations shall, notwithstanding Article 4(2) of these Regulations, submit a translation of the said priority documents to the Commissioner of the Office within two months from the date when the Commissioner of the Office made publication of the receipt of the copy of the priority documents upon transmittal thereof from the International Bureau under Rule 17.2(a) of the Treaty Regulations; however, where the domestic period for submitting documents under Article 201 of the Act (hereinafter, in this Article, referred to as "domestic period for submitting documents") has not expired, the

said translations may be submitted until the expiry date of the domestic period for submitting documents.

(2) The publication under the preceding paragraph (1) shall be made within twenty-one days from the submission of the translation of the international application which relates to the priority documents; however, where the copy of the priority documents is received from the International Bureau after the translation of the international application is submitted, the said publication may be made within twenty-one days from the date when the copy of the priority documents is received.

(3) Where, in the preceding paragraph (1), the description of the invention, the claims and the drawings in the priority documents are the same as those filed on the international filing date under Article 201(1) of the Act, with the indication to that effect, the submission of the translation in the Korean language may be omitted.

(4) Article 25(1) of these Regulations shall apply mutatis mutandis to the submission of the translation under the preceding paragraph (1).

Article 113-2 Special Provisions on Submission of Priority Documents, etc.

(1) Where a person, who takes a procedure under Article 201 of the Act, has not complied with the requirement for the submission of the priority documents referred to in Rule 17.2(a), (b) or (b-2) of the Treaty Regulations, the Commissioner of the Office shall instruct that the said priority documents and translations thereof be submitted within a designated period.

(2) Article 113(3) and (4) of these Regulations shall apply mutatis mutandis to the case that the applicant submits the priority documents and translations thereof under the preceding paragraph (1).

(3) Where a person who has been instructed a submission under the preceding paragraph (1) fails to submit the priority documents and translations thereof within the designated period under the said paragraph, the priority claim shall lose its effect.

Article 114 Submission of Translations, etc.

(1) A person who intends to submit translations, etc. under Articles 201 and 203 of the Act shall submit to the Commissioner of the Office a statement in the annexed Form No. 67 together with the following documents; provided that the person who has filed an international patent application in the Korean language and submitted the abstract in English shall submit a translation in the Korean language of the said abstract.

(i) the translations of the description, the claims, the abstract and of the drawings (only for the brief explanatory part in the drawings) referred to in Article 201 of the Act, in each one copy;

(ii) a proof of the power of attorney, where an agent acts in the procedure;

(iii) any other certificates required under the Act or Decree, in each one copy.

(2) A person who intends to make an amendment under Article 203(2)(i) of the Act shall submit a statement in the annexed Form No. 67 to the Commissioner of the Office and shall pay the additional fee under Article 2(1)(x) of the Fee Collection Regulations.

(3) Article 13 of these Regulations shall apply mutatis mutandis to a person who intends to make an amendment under Article 203(2)(ii).

Article 115 Translation of Amendment or Explanatory Statement

(1) A person who intends to submit a translation of the amendment referred to in Articles 204(1) and 205(1) of the Act shall submit to the Commissioner of the Office a statement in the annexed Form No. 68 together with the following documents:

(i) a translation of the amendment;

(ii) a proof of the power of attorney, where an agent acts in the procedure;

(iii) any other certificates required under the Act or Decree, in each one copy.

(2) A person, who intends to submit a translation of a brief explanatory statement under Article 204(3) of the Act, shall submit to the Commissioner of the Office a statement in the annexed Form No. 68-2 together with the following documents:

(i) a translation of a brief explanatory statement;

(ii) a proof of the power of attorney, where an agent acts in the

procedure;

(iii) any other certificates required under the Act or Decree, in each one copy.

(3) deleted

Article 116 Special Provisions on Period for Appointing Patent Administrators for Non-residents

"The period prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 206(2) of the Act shall be two months from the relevant date provided for in Article 201(4) of the Act.

Article 117 Period for Requesting Decisions, etc.

(1) The period referred to in Article 214(1) of the Act shall be two months from the date on which the notification of the refusal, declaration, or finding is given to the patent applicant.

(2) A person who intends to request a decision under Article 214(1) of the Act shall submit to the Commissioner of the Office a request in the annexed Form No. 69, in two copies, together with the following documents:

(i) the translation of the description, the claims, the abstract and of the drawings (only for the brief explanatory part in the drawings), in two copies each;

(ii) the proof of the power of attorney, where an agent acts in the procedure, in two copies;

(iii) any other certificates required under the Act or Decree, in two copies each.

Article 118 Documents Concerning Requests for Decisions

"Documents related to the international application prescribed by ordinance of the Ministry of Commerce, Industry and Energy" in Article 214(2) of the Act mean documents submitted, with respect to the said international application, by the applicant to the receiving Office referred to in Article 2(xv) of the Treaty or to the International Bureau referred to in that Article 2(xix) of the Treaty as well as documents regarding the disposition made on the said international application, by the receiving Office or the International Bureau.

Article 119 Decision on Refusal, Declaration or Finding

A decision referred to in Article 214(3) of the Act shall be stated in writing, indicating the followings:

- (i) the identification of the international application;
- (ii) the title of the invention;
- (iii) the name and address or address of business of the applicant and of the agent;
- (iv) the decision and its reasons;
- (v) the date of the decision.

CHAPTER 7 SUPPLEMENT

Article 120 Inspection of Documents, etc.

(1) With respect to the documents referred to in Article 216 of the Act, a request for issuance of a copy of the patent register shall be made in the annexed Form No. 70, a request for inspection (copying) of materials in the annexed Form No. 71, a request for issuance of the copy or extract of documents in the annexed Form No. 72, a request for issuance of a copy of the entries in the patent register in Form No. 73, a request for the proof of the fact of requesting trial, for the proof of the fact of determined trial decision and for the proof of the transmittal of the trial decision in the annexed Form No. 74. However, if the said requests for the issuance of the copy or extract, or of any other reproduction of the said documents are made by telegram or orally (including a request by telephone), a written request shall be submitted prior to the respective issuance.

(2) Where an agent acts in the procedure, a proof of the power of attorney shall be attached to the forms referred to in the preceding paragraph (1).

Article 120-2 Appointment as Agency for Digitizing Work of Patent Documents

(1) "The standards determined by ordinance of the Ministry of Commerce, Industry and Energy" referred to in Article 217-2(1) of the Act shall mean the following requirements:

- (i) being competent for maintaining secrecy of the invention in respect of which the patent application is pending;
- (ii) being equipped with sufficient facilities and skilled staff competent for effectively carrying out the digitizing work of the patent documents;
- (iii) being free from any fear of unfairness which would be incurred on the digitization work of the patent documents, because of carrying out services, if any, other than the said digitization work;
- (iv) being a legal entity.

(2) A person who intends to be entrusted with the digitizing work of the patent documents under Article 217-2(1) of the Act shall submit a petition attaching the following documents to the Commissioner of

the Office. However, where the information on these documents may be confirmed by means of joint utilization of the administrative information under Article 21(1) of the Act on the Promotion of Digitization of Administrative Service, etc. for the Implementation of the Electronic Administration, the submission of the said documents may be substituted by such confirmation of the required information:

- (i) the business plan (including a flow chart of work procedure);
- (ii) the business performance record (only in the case where any prior business experience has been acquired in a similar work field);
- (iii) the status-quo technical statement of equipment and skilled staff available;
- (iv) the inventory of property and the balance sheet for the year immediately prior to the fiscal year to which the filing date of the said petition belongs;
- (v) the certified copy of the legal entity register and the articles of association.

(3) Where the Commissioner of the Office considers it necessary for effectively carrying out the digitizing work of the patent documents, the Commissioner of the Office may entrust the said work to two or more agencies.

(4) Where the Commissioner of the Office considers it necessary for maintaining secrecy of the invention under patent pending and for effectively carrying out the digitization work of patent documents, the Commissioner of the Office may require the entrusted agencies (hereinafter referred to as "agency for digitizing work of patent documents") to take corrective measures for that purpose.

(5) If the agency for digitizing work of patent documents fails to satisfy the requirements provided in the preceding paragraph (1), or fails to comply with the requirement or instruction by the Commissioner of the Office to take corrective measures under the preceding paragraph (4) or to change work rules under Article 120-3(3) of these Regulations, the Commissioner of the Office may cancel the said entrustment of the digitizing work of patent documents.

Article 120-3 Work Rules for Agency for Digitizing Work of Patent Documents

(1) The agency for digitizing work of patent documents shall fix rules for the digitizing work of patent documents and have them approved by the Commissioner of the Office. Also in changing the said rules, the approval by the Commissioner is required.

(2) The work rules under the preceding paragraph (1) shall contain the followings:

- (i) particulars relating to the implementation methods and handling procedures of the digitizing work of patent documents;
- (ii) particulars relating to the keeping of a ledger, documents and materials concerning the digitizing work of patent documents;
- (iii) particulars relating to the maintenance of the secrets obtained in connection with the digitizing work of the patent documents;
- (iv) any other necessary particulars for the digitizing work of patent documents.

(3) Where the Commissioner of the Office considers that the work rules approved under the preceding paragraph (1) are not suitable for carrying out in a reasonable manner the digitizing work of patent documents, the Commissioner of the Office may instruct the said agency for digitizing work of patent documents to change its work rules.

Article 120-4 Media for Issuance of Patent Gazette

The electronic media provided under Article 221(2) of the Act shall be either an optical disk of read only memory or a communication network.

Article 120-5 Documents to Be Digitized

Documents, which have been submitted in paper and may be digitized by the Commissioner of the Office or the President of the Tribunal under Article 217-2(4) of the Act shall be those other than the followings:

- (i) relevant documents, which have been instructed to be treated in confidence under Article 41 of the Act;
- (ii) the documents related with international application (only those in the annexed Forms No. 45 to No. 65-55);
- (iii) the request for the registration of general power of attorney;

(iv) the request for restriction of the scope of the authorization of a general power of attorney;

(v) the request for revocation of the registration of general power of attorney;

(vi) the request for grant of an applicant code;

(vii) the notification of change (rectification) of information on the applicant;

(viii) the notification of the use of electronic documents;

(ix) the statement for submission of electronic recording media;

(x) the request for decision under Article 214(1) of the Act;

(xi) the request for correction of digitized contents;

(xii) the request for issuance of copy or extract of documents;

(xiii) the request for proof of the fact of requesting trial (or of the fact of finalized trial decision, or of the transmittal of the trial decision).

Article 120-6 Notification of Digitized Contents and Demand for Correction

(1) Where the Commissioner of the Office or the President of the Tribunal has digitized the requests for patent, amendments (so far as the amendments of contents of the description, etc. are concerned) or any other documents under Article 217-2(4) of the Act, and has recognized that the digitized contents thereof are required to be confirmed, he or she shall notify the applicants of the said digitized contents.

(2) An applicant, etc. who has been notified under the preceding paragraph (1) and finds that the digitized contents are not identical with those submitted in writing shall submit to the Commissioner of the Office a request for correction in the annexed Form No. 75 within thirty days from the date of receipt of the said notification.

Article 120-7 Notification to Persons Who Submit Documents to Be Digitized

Where the Commissioner of the Office has received the documents to be digitized under Article 120-5 of the Act, the Commissioner of the Office shall, by stating on the certification of the receipt of the documents, notify the persons, who submit the said documents, of the fact that digitized documents shall be considered to be the original documents when the submitted documents have been digitized.

Article 120-8 Destruction of Documents to Be Digitized

Where the documents to be digitized under Article 217-2(4) of the Act have been digitized and entered into the file of the electronic information processing system, the documents of the requests for patent and amendments (so far as the amendment to the contents of the description, etc. is concerned) of the documents to be digitized may be destroyed by the Commissioner of the Office on the expiry of the period for requesting a correction on the results of the digitization under Article 120-6(2) and the other documents may be destroyed on the expiry of three months from the date of the receipt thereof.

Article 121 Patent Indication

The identification of the patent referred to in Article 223 of the Act shall be made, in the case of a patented invention of the product, by indicating, on the surface of a product, the word "Patent" and the patent number thereof and in the case of a patented invention of the process for production, by indicating on the surface of a product made by using a process, the words "Process Patent" and the patent number thereof.

Article 122 Administrative Fines and Collection Procedure Thereof

Procedural rules for the collection officers of the national revenue shall apply mutatis mutandis to the procedures for collecting administrative fines under Article 20(4) of the Decree.

Supplementary Provisions

(1) (Date of Enforcement)

These Regulations shall come into force on January 1, 2004.

(2) (Articles Applying to the Designation of Contracting States of International Applications or to the Statement of Opinions of International Searching Authorities, etc.)

The amended provisions of Article 93-2, Articles 101, 105, 106-3, 106-6(3), 106-8, 106-11 to 106-12, 106-14, 106-19, 106-20, 106-23, 106-45, 113(1) and of 113-2(1) of these Regulations shall apply to international applications of which international filing dates are on or after the date of enforcement of these Regulations, and the amended provisions of Articles 92(2) and 104(1) of these Regulations shall apply to international applications filed on or after the date of enforcement of these Regulations.

(3) (Articles Applying to Demands for the International Preliminary Examinations)

The amended provisions of Articles 106-24, 106-27 and of 106-29 to 106-32 of these Regulations shall apply to demands for international preliminary examinations made on or after the date of enforcement of these Regulations.