

# ENFORCEMENT DECREE OF THE UTILITY MODEL ACT

Wholly Amended by Presidential Decree No. 19696, Sep. 28, 2006

Amended by Presidential Decree No. 20128, Jun. 28, 2007

Presidential Decree No. 20137, Jun. 29, 2007

Presidential Decree No. 20729, Feb. 29, 2008

Presidential Decree No. 21054, Sep. 30, 2008

Presidential Decree No. 21568, Jun. 26, 2009

Presidential Decree No. 23342, Dec. 2, 2011

Presidential Decree No. 24439, Mar. 23, 2013

Presidential Decree No. 24646, Jun. 28, 2013

Presidential Decree No. 25925, Dec. 30, 2014

Presidential Decree No. 26495, Aug. 19, 2015

Presidential Decree No. 27779, Jan. 10, 2017

Presidential Decree No. 29956, Jul. 9, 2019

Presidential Decree No. 30845, Jul. 14, 2020

Presidential Decree No. 31814, Jun. 22, 2021

Presidential Decree No. 32591, Apr. 19, 2022

Presidential Decree No. 33998, Dec. 19, 2023

Presidential Decree No. 34657, Jul. 2, 2024

Presidential Decree No. 34808, Aug. 6, 2024

## Article 1 (Purpose)

The purpose of this Decree is to provide for matters mandated by the Utility Model Act and those necessary for enforcing that Act.

## Article 2 Deleted. <Jun. 28, 2013>

## Article 3 (Methods to Describe Scope of Claims)

(1) In describing claims falling within the purview of claims (hereinafter referred to as "claims") as provided for in Article 8 (8) of the Utility Model Act (hereinafter referred to as the "Act"), there shall be

the description of an independent claim concerning the article (hereinafter referred to as "independent claim"), and a dependent claim (hereinafter referred to as "dependent claim") may be added to make the independent claim more specific with restrictive or additional description to the independent claim. In such cases, another dependent claim may be added to make such dependent claim more specific with restrictive or additional description, if necessary. <Amended on Jun. 28, 2007; Jun. 28, 2013; Dec. 30, 2014>

(2) Claims shall be divided into an appropriate number of claims according to the nature of devices.

(3) A claim citing another claim shall indicate the number of the claim cited. <Amended on Jun. 28, 2013>

(4) A claim citing at least two claims shall alternatively state the number of claims cited.

(5) The claim cited in a claim as one of at least two claims may not cite at least two other claims again. The same shall apply where a claim cited in a claim as one of two or more claims cites another claim to cite two or more claims again consequently.

(6) A claim cited shall be mentioned ahead of another claim citing the claim.

(7) Each claim shall be presented as a separate line item, and claims shall be numbered serially with Arabic numerals in the order of description.

#### **Article 4 (Requirements of Unity of Invention)**

Where a group of devices is claimed in an application as provided for in the proviso of Article 9 (1) of the Act, the following requirement of unity of invention shall be met:

1. There shall be technical correlation between the inventions claimed;
2. The claimed devices shall have the same or corresponding technical features. In such cases, the technical features, considered each of the claimed devices as a whole, shall be the more improved one from that of the prior art.

#### **Article 5 (Applications Eligible for Accelerated Examination)**

"Patent applications specified by Presidential Decree" in subparagraph 2 of Article 61 of the Patent Act as applied mutatis mutandis in Article 15 of the Act means any of the following utility model registrations, prescribed by the Commissioner of the Korean Intellectual Property Office: <Amended on Jun. 28, 2007; Jun. 29, 2007; Sep. 30, 2008; Jun. 28, 2013; Dec. 30, 2014; Aug. 19, 2015; Jan. 10, 2017; Jul. 9, 2019; Jun. 22, 2021; Nov. 1, 2022; Jul. 2, 2024; Aug. 6, 2024>

1. Utility model registration for the defense industry;
2. Utility model registration useful for the prevention of pollution;
- 2-2. Applications for utility model registration related to advanced technologies crucial in strengthening the national economy and national competitiveness, such as semiconductors (limited to applications for utility model registration, for which the Commissioner of the Korean Intellectual Property Office makes a public announcement after determining those eligible for accelerated examination and the deadline for filing an application);

3. Utility model registration directly related to the promotion of export;
4. Utility model registration related to the functions of the State or local governments (including the utility model registration filed for by an organization established within a national or public school and exclusively dedicated to the technology transfer and the promotion of commercialization thereof under Article 11 (1) of the Technology Transfer and Commercialization Promotion Act among the utility model registration related to the functions of national and public schools as defined in the Higher Education Act);
5. Utility model registration filed for by an enterprise acknowledged as a venture business under Article 25 of the Special Act on the Promotion of Venture Businesses;
6. Utility model registration filed for by an enterprise selected as one of technology-innovative small and medium enterprises under Article 15 of the Act on the Promotion of Technology Innovation of Small and Medium Enterprises;
- 6-2. Utility model registration filed for by an enterprise certified as one of excellent enterprises in employee invention compensation under Article 11-2 of the Invention Promotion Act;
- 6-3. Utility model registration filed for by a small and medium enterprise which has obtained intellectual property management certification under Article 24-2 of the Invention Promotion Act;
7. Utility model registration related to a product of national research and development projects under subparagraph 1 of Article 2 of the National Research and Development Innovation Act;
8. Utility model registration that serves as a ground for priority claims under a treaty (limited to those for which the procedures for a patent application or utility model registration filed for are under way at a foreign patent office according to priority claims based on such utility model registration);
9. Utility model registration under which the applicant of the utility model registration is currently working, or is at the stage of preparation for working, the device for which utility model registration was filed for;
10. Deleted; <Jul. 9, 2019>
11. Deleted; <Jul. 9, 2019>
12. Deleted; <Dec. 19, 2023>
13. Deleted. <Dec. 19, 2023>

#### **Article 6 (Decision on Accelerated Examination)**

- (1) A person who requests the accelerated examination under Article 61 of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act shall submit a written application for accelerated examination prescribed by Ordinance of the Ministry of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office. <Amended on Feb. 29, 2008; Mar. 23, 2013>
- (2) Upon receiving the application for accelerated examination under paragraph (1), the Commissioner of the Korean Intellectual Property Office shall decide whether to allow the accelerated examination.

(3) Matters necessary for the decision on accelerated examination under paragraph (2) shall be determined by the Commissioner of the Korean Intellectual Property Office.

#### **Article 6-2 (Periods of Delay Attributable to Applicants)**

(1) "The period of delay attributable to an applicant" in Article 22-2 (3) of the Act means any of the following periods: *<Amended on Mar. 23, 2013; Aug. 19, 2015; Jul. 14, 2020; Apr. 19, 2022; Dec. 19, 2023>*

1. Any of the following periods with regard to the procedure for utility model registration pending in the Korean Intellectual Property Office or the Korean Intellectual Property Tribunal:

(a) Where the Commissioner of the Korean Intellectual Property Office or a presiding judge issues an order to appoint an agent to initiate the procedures related to utility model registration or to replace an agent pursuant to Article 10 of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act: The period from the date such order is issued to the date an agent is appointed or replaced;

(b) When the period for taking procedures related to utility model registration is extended at the request of an applicant pursuant to Article 15 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act: The extended period (where the period for procedures related to registration of a utility model is reduced at the request of an applicant pursuant to Article 15 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act after the period has been extended, the reduced period shall be excluded herefrom);

(c) When a date for initiating the procedure related to utility model registration has been determined but changed to a later date upon request of an applicant pursuant to Article 15 (3) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act: the period from the day following the determined date to the changed date;

(d) When a party subsequently completes the procedure related to utility model registration after any ground imputable to the party has ceased to exist pursuant to the main clause of Article 17 of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act: the period from date such ground has ceased to exist to the date the procedure is subsequently completed;

(e) When the procedure related to utility model registration is interrupted or suspended pursuant to Article 20, 23 (2), 78 (1) or 164 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 3, 15 or 33 of the Act: the period during which the procedure related to utility model registration is interrupted or suspended;

(f) When the Commissioner of the Korean Intellectual Property Office orders an applicant to report the result of consultation within a specified period as prescribed in Article 7 (6) of the Act: the specified period (when the period is reduced upon request of an applicant pursuant to Article 15 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act, the reduced period shall be excluded herefrom);

(g) When a description is supplemented to contain the scope of a claim for utility model registration by the date provided for in the proviso of Article 8-2 (2) of the Act: the period from the date an

applicant is notified of the purport of a request for initiating an examination of utility model registration to the date the applicant supplements the description;

(h) When a document correcting any error in the final Korean translation under Article 8-3 (6) of the Act (hereafter in this item referred to as "document correcting erroneous translation") is submitted later than the date eight months have passed from the date of filing a request for the examination of the application: the period from the date following the eight-month period to the date the document correcting erroneous translation is finally submitted;

(i) When the Commissioner of the Korean Intellectual Property Office, the President of the Korean Intellectual Property Tribunal or a presiding judge orders the procedure related to utility model registration to be supplemented within a specified period pursuant to Article 46, 141 (1) or 203 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 11, 33 or 41 of the Act: the specified period (when the period is reduced upon request of an applicant pursuant to Article 15 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act, the reduced period shall be excluded herefrom);

(j) When an application claiming a priority right based on an earlier filed application that serves as a basis for claiming the priority right pursuant to Article 55 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 11 of the Act is withdrawn or deemed withdrawn pursuant to Article 56 of the Patent Act as applied mutatis mutandis pursuant to Article 11 of the Act: the period from the date the application claiming a priority right to the earlier filed application was filed to the date such application is withdrawn or deemed withdrawn;

(k) When an examiner (referring to an administrative patent judge if applied mutatis mutandis to trial on utility model pursuant to Article 33 of the Act and Article 170 of the Patent Act; hereafter in this item the same shall apply) notifies an applicant for utility model registration of grounds for rejection and provides the applicant an opportunity to submit his or her statement of opinion within a specified period pursuant to the main clause of Article 14 (1) of the Act [*Provided, That when an examiner decides to grant utility model registration pursuant to Article 66 of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act after he or she has notified an applicant of grounds for rejection even though the applicant fails to supplement the relevant description or drawings based on such notification (including cases where a decision to grant utility model registration is made pursuant to Article 33 of the Act and Article 170 of the Patent Act as applied mutatis mutandis pursuant to Article 66 of the same Act), such cases shall be excluded herefrom*]: the specified period (when a period for submitting a statement of opinion is reduced upon request of an applicant pursuant to Article 15 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act, the reduced period shall be excluded herefrom);

(l) When a decision on preferential examination under Article 6 with regard to preferential examinations prescribed in Article 61 of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act is delayed due to reasons attributable to an applicant: the delayed period;

(m) When an applicant pays registration fees pursuant to Article 16 (1) of the Act after having been served a certified copy of the decision to grant utility model registration pursuant to Article 67 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act (including cases where the late payment of patent fees are made pursuant to Article 81 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 20 of the Act, patent fees are covered pursuant to Article 81-2 (2) of the same Act, or patent fees are paid and covered pursuant to Article 81-3 (1) of the same Act), or an applicant is exempt from registration fees after submitting documents specified by Ordinance of the Ministry of Trade, Industry and Energy pursuant to Article 83 (3) of the Patent Act as applied mutatis mutandis pursuant to Article 20 of the Act: the period from the date he or she is served on a certified copy to the date the establishment of a utility model right is registered as prescribed in Article 21 of the Act;

(n) When an applicant makes a request for reexamination pursuant to the main clause of Article 67-2 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act: The period from the date the applicant has been served a certified copy of the decision to approve or reject utility model registration pursuant to Article 67 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act before making a request for reexamination to the date the Commissioner of the Korean Intellectual Property Office renders a decision on whether to accept utility model registration;

(o) When an applicant requests the examination or re-examination of the patent application after good cause ceases to exist under Article 67-3 (1) of the Patent Act applied mutatis mutandis pursuant to Article 15 of the Act: the period from the date the cause ceases to exist to the date the applicant requests the examination or re-examination of the patent application;

(p) When a petition is filed for a trial on an appeal against a decision to reject utility model registration under Article 132-17 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act: The period from the date a certified copy of the decision to reject utility model registration under Article 67 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act is served to the date a petition is filed for a trial under Article 132-17 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act (including cases where the period for filing a petition for a trial is extended at the applicant's request pursuant to Article 15 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act);

(q) When a motion for exclusion or challenge made pursuant to Article 149 or 150 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act is rejected based on a decision made pursuant to Article 152 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act: The period during which trial proceedings are suspended pursuant to the main clause of Article 153 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act;

(r) When the examination or preservation of evidence requested by an applicant pursuant to Article 157 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act is deemed

unnecessary: The period from the date such request is made to the date the examination or preservation of evidence is deemed unnecessary;

(s) When an examination is reopened upon request of an applicant after the applicant has been notified of the closure of the examination pursuant to Article 162 (4) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act: The period from the date an examination is reopened to the date notice on the closure of the examination is given pursuant to Article 162 (3) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act;

(t) When a request for re-trial prescribed in Article 178 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act is filed after an applicant becomes aware of grounds for re-trial: The period from the date an applicant becomes aware of grounds for re-trial to the date he or she requests for re-trial;

(u) When the presiding judge determines an additional period as prescribed in Article 186 (5) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act: The additional period;

(v) When the service of documents or service of documents by public notice pursuant to Article 218 or 219 of the Patent Act as applied mutatis mutandis pursuant to Article 44 of the Act is delayed due to reasons attributable to an applicant (referring to cases, etc. where the service of documents is delayed due to a failure to report the Commissioner of the Korean Intellectual Property Office on the purport of change when a person to be served on has changed his or her place of service pursuant to Article 18 (10) of the Enforcement Decree of the Patent Act as applied mutatis mutandis pursuant to Article 9): The period during which such service is delayed;

(w) When any of the following documents or writings is not submitted by the date eight months have passed from the date of filing a request for the examination of the application: The period from the date following the eight-month period to the date when such document, etc. are submitted:

2. Any of the following periods with regard to litigation proceedings about trial decisions, decisions or rulings pursuant to Article 186 (1) or (8) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act::

(a) When litigation proceedings are suspended pursuant to Article 78 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act or Article 164 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act: the period during which the litigation proceedings are suspended;

(b) When a motion for excluding or challenging judges (including technical examiners as applied mutatis mutandis pursuant to Article 33 of the Act and Article 188-2 (1) of the Patent Act and junior administrative officers, etc. of a court as applied mutatis mutandis pursuant to Article 50 of the Civil Procedure Act) pursuant to Articles 41 through 43 of the Civil Procedure Act is rejected based upon a ruling rendered pursuant to Article 45 or 46 of the Civil Procedure Act: the period from the date a motion for exclusion or challenge is filed to the date a decision to dismiss such motion is made, or the period during which litigation proceedings are suspended pursuant to the main clause of Article 48 of

the Civil Procedure Act;

(c) When a court or presiding judge issues an order for supplementation within a specified period pursuant to Article 59 or 254 (1) of the Civil Procedure Act: the specified period;

(d) When a special representative is appointed as prescribed in Article 62 of the Civil Procedure Act: the period from the application date of appointment to the appointment date of the special representative;

(e) When the reopening of a pleading prescribed in Article 142 of the Civil Procedure Act is attributed to an applicant: the period from the date an order to reopen a pleading is issued to the date the pleading is re-closed;

(f) When a court prohibits an applicant or his or her agent from testifying and determines a new date for continuing pleadings pursuant to Article 144 (1) of the Civil Procedure Act: the period from the date giving testimony is prohibited to the new date;

(g) When a court requires a lawyer to be appointed pursuant to Article 144 (2) of the Civil Procedure Act: the period from the date an order to appoint a lawyer is issued to the date a lawyer is appointed;

(h) When the date designated by a presiding judge is changed to a late date on substantial grounds, such as an applicant's request, etc. pursuant to Article 165 (1) of the Civil Procedure Act: the period from the date following the designated date to the changed date;

(i) When a court extends a statutory period or period determined by the court upon request of an applicant or determines an additional period with regard to the invariable period pursuant to Article 172 of the Civil Procedure Act: the extended period or additional period;

(j) When a party subsequently complete procedural acts after any ground imputable to the party has ceased to exist pursuant to Article 173 of the Civil Procedure Act: the period from the date such ground has ceased to exist to the date the procedural acts are subsequently completed;

(k) When the service of documents or service of documents by public notice pursuant to Articles 178, 186 through 188 or 194 of the Civil Procedure Act is delayed due to reasons attributable to an applicant: the period during which such service is delayed;

(l) When litigation proceedings are interrupted or suspended pursuant to Articles 233 through 237, 239, 240 or 246 of the Civil Procedure Act: the period during which the litigation proceedings are interrupted or suspended;

(m) When a presiding judge determines a new date for pleading since an applicant fails to appear on the date for pleading or appears but fails to plead pursuant to Article 268 (1) of the Civil Procedure Act: the period from the date following the date for pleading to the new date for pleading;

(n) When evidence applied for examination pursuant to Article 289 of the Civil Procedure Act is deemed unnecessary: the period from the date an application is filed to the date the evidence is deemed unnecessary;

(o) When a party files a petition for re-trial pursuant to Article 451 of the Civil Procedure Act after it becomes aware of the grounds for re-trial: the period from the date the party becomes aware of the



grounds for re-trial to the date the party filed a petition for re-trial;

3. Any of the following periods with regard to administrative appeals or administrative litigation proceedings in relation to objections to a disposition pursuant to Article 224-2 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 44 of the Act:

(a) When a motion for exclusion or challenge filed under Article 10 of the Administrative Appeals Act is rejected or dismissed by a ruling rendered under Article 12 of the Enforcement Decree of the same Act: the period during which appeals procedure is suspended pursuant to Article 13 of the same Enforcement Decree;

(b) When an administrative appeal is filed after a natural disaster, war, armed conflict, or other force majeure has ceased to exist pursuant to Article 27 (2) of the Administrative Appeals Act: the period from the date the relevant ground has ceased to exist to the date an administrative appeal is filed;

(c) Where the Central Administrative Appeals Commission (hereinafter referred to as the "Commission") requests correction by fixing a period under the main clause of Article 32 (1) of the Administrative Appeals Act, the relevant period;

(d) When the Commission determines a period for submitting supplementary documents pursuant to Article 33 (2) of the Administrative Appeals Act: the period from the date the period for submission thereof is determined to the date the supplementary documents are submitted;

(e) When a date for trial designated by the Commission is changed to a later date upon request of an applicant pursuant to Article 38 of the Administrative Appeals Act: the period from the date following the designated date for trial to the changed date for trial;

(f) When the provisions of the Civil Procedure Act prescribing service shall be as applied mutatis mutandis pursuant to Article 57 of the Administrative Appeals Act: the period provided in subparagraph 2 (k);

(g) When the provisions of the Civil Procedure Act shall be as applied mutatis mutandis pursuant to Article 8 (2) of the Administrative Litigation Act: the period provided in the items of subparagraph 2;

4. Other periods specified by Ordinance of the Ministry of Trade, Industry and Energy and delayed due to reasons attributable to an applicant with regard to the procedure for utility model registration pending in the Korean Intellectual Property Office or the Korean Intellectual Property Tribunal, litigation proceedings about trial decisions, decisions or rulings prescribed in Article 186 (1) or (8) of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act, or administrative appeals or administrative litigation proceedings in relation to objections to a disposition pursuant to Article 224-2 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 44 of the Act. Any of the following periods with regard to the procedure for utility model registration pending in the Korean Intellectual Property Office or the Korean Intellectual Property Tribunal.

(2) Notwithstanding paragraph (1), if there exists an objectively acceptable reason not attributable to an applicant among the reasons delaying the registration of the establishment of a utility model right pursuant to Article 22-2 (1) of the Act, the period corresponding thereto shall be excluded from the period provided

in paragraph (1).

### **Article 7 (Utility Model Gazettes)**

(1) The Utility Model Gazettes under Article 42 of the Act shall be divided into the Utility Model Gazette for registration and the Utility Model Gazette for disclosure. *<Amended on Dec. 30, 2014>*

(2) "Matters prescribed by Presidential Decree" in Article 21 (3) 8 of the Act means the following matters: *<Amended on Jan. 10, 2017; Dec. 19, 2023>*

1. Classification code;
2. Matters concerning an invention deemed an invention not publicly announced, etc. under Article 30 of the Patent Act applied mutatis mutandis in Article 11 of the Act;
3. The description and drawings attached to an application for utility model registration (referring to the description and drawings attached upon registration of establishment referred to in Article 21 (2) of the Act);
4. Matters concerning divisional, split-off, or converted applications;
5. Matters concerning priority claims;
6. The application disclosure number and the date of disclosure;
7. Matters concerning ex officio amendments under Article 66-2 of the Patent Act applied mutatis mutandis in Article 15 of the Act;
8. Matters corrected under Article 132-3 of the Patent Act applied mutatis mutandis in Article 30-3 of the Act;
9. Matters corrected under Article 133-2, 136, or 137 of the Patent Act applied mutatis mutandis in Article 33 of the Act;
10. Other matters deemed necessary by the Commissioner of the Korean Intellectual Property Office.

(3) The Utility Model Gazette for disclosure shall contain the following: Provided, That matters considered likely to cause disturbance to the public order or morals or harm to public health shall not be contained herein: *<Amended on Jun. 28, 2013; Dec. 30, 2014; Dec. 19, 2023>*

1. Matters according to the following classification:
  - (a) Where the applicant is a natural person: name and address;
  - (b) Where the applicant is a juristic person: title and location of business place of the juristic person;
2. The application number, classification code, and date of application;
3. Name and domicile of the deviser;
4. Matters concerning priority claims;
4. Matters concerning divisional, split-off, or converted applications;
- 5-2. The description and drawings initially attached to the application for utility model registration: Provided, That in cases of an application for utility model registration the description and drawings of which are written and prepared in a language other than Korean language pursuant to Article 8-3 (1) of the Act (hereinafter referred to as "application for utility model registration in a foreign language") and

an application for international utility model registration written and prepared in a language other than Korean language among applications for international utility model registration under Article 34 (1) of the Act (hereinafter referred to as "application for international utility model registration in a foreign language"), the description (referring to the descriptions of a device and the claims, in cases of an application for international utility model registration in a foreign language; hereafter in this subparagraph the same shall apply) and drawings classified as follows shall be contained:

(a) In cases of an application for utility model registration in a foreign language: The description and drawings deemed amended under Article 8-3 (5) of the Act;

(b) In cases of an application for international utility model registration in a foreign language: The description and drawings deemed amended under Article 35 (5) of the Act;

6. An abstract attached to the application for utility model registration;

6-2. Matters concerning amendments to the description under Article 8-2 (2) of the Act;

7. The serial number and date of disclosure of application;

8. The fact that a request for examination of application has been filed in accordance with Article 60 (2) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act: Provided, That the disclosure number, classification code, and application number of the application shall be published in the Utility Model Gazette for disclosure, which will be issued later along with the fact that the request for examination of application has been filed, if the fact that the request for examination of application had been filed was not published as at the time of the laying open of the application;

9. The purport that anyone may furnish the Commissioner of the Korean Intellectual Property Office with the information that the relevant device is not eligible for utility model registration along with evidentiary documents in accordance with Article 63-2 of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act;

10. Other matters related to the disclosure of application for utility model registration.

(4) When the Commissioner of the Korean Intellectual Property Office publishes the addresses of the owner of the utility model right who is a natural person and the applicant or inventor who is a natural person pursuant to Article 21 (3) of the Act and paragraphs (3) of this Article, he or she may publish only part of the address, if there exists a request from the owner of the utility model right, applicant, or inventor. *<Newly Inserted on Jun. 28, 2013; Jan. 10, 2017>*

(5) Methods and procedures of the request, and scope of publication of the address under paragraph (4) shall be determined and publicly notified by the Commissioner of the Korean Intellectual Property Office. *<Newly Inserted on Jun. 28, 2013>*

## **Article 7-2 (Handling of Personally Identifiable Information)**

The Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may handle materials in which a resident registration number or alien registration number is included pursuant to subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal

Information Protection Act, where inevitable to perform the following:

1. Issuance of the identification number under Article 28-2 of the Patent Act as applied *mutatis mutandis* pursuant to Article 3 of the Act;
2. Application for the utility model registration under Article 8 of the Act;
3. Examining and preserving evidence under Article 157 of the Patent Act as applied *mutatis mutandis* pursuant to Article 33 of the Act;
4. Submission, etc. of documents under Article 222 of the Patent Act as applied *mutatis mutandis* pursuant to Article 44 of the Act;
5. Other affairs regarding the request, reporting, or submission of the application, examination, trial, or registration under the Act and this Decree.

#### **Article 8 (Imposition of Administrative Fines)**

The criteria for the imposition of administrative fines under Article 52 (1) of the Act shall be as provided in the attached Table. *<Amended on Dec. 2, 2011>*

#### **Article 9 (Application *Mutatis Mutandis* of the Enforcement Decree of the Patent Act)**

(1) Articles 2 through 4, 8-2 through 8-5, 9 (2), 11 through 16, and 18 of the Enforcement Decree of the Patent Act shall apply *mutatis mutandis* to the applications, requests, and other procedures for utility model registration. *<Amended on Jun. 28, 2007; Dec. 30, 2014; Jun. 22, 2021>*

(2) Article 8 of the Enforcement Decree of the Patent Act shall apply *mutatis mutandis* to the qualifications of an examiner, an administrative patent judge, a presiding judge, and the President of the Intellectual Property Tribunal with respect to the examination and trial on utility model registration.

ADDENDA *<Presidential Decree No. 19696, Sep. 28, 2006>*

(1) (Enforcement Date) This Decree shall enter into force on October 1, 2006: Provided, That the amended provisions of Article 8 (2) and (3) 2 of the Enforcement Decree of the Patent Act as applied *mutatis mutandis* pursuant to Article 9 (2) of this Decree shall enter into force on July 1, 2007.

(2) (Applicability concerning Objects of Accelerated Examination) The amended provisions of Article 5 shall apply to the application for accelerated examination submitted on or after this Decree enters into force.

(3) (Transitional Measures concerning Issuance of Utility Model Gazette) The Utility Model Gazette for the application for utility model registration filed under the previous provisions as at the time the amended provisions of Article 7 enter into force shall be issued in accordance with the previous provisions.

(4) (Transitional Measures concerning Qualifications of Administrative Patent Judges) A person qualified as an administrative patent judge or a presiding judge under the previous provisions as at the time the amended provisions of Article 8 (2) and (3) of the Enforcement Decree of the Patent Act as applied *mutatis mutandis* in Article 9 (2) of this Decree enter into force shall be deemed one qualified as an administrative patent judge or a presiding judge under this Decree.

ADDENDUM <Presidential Decree No. 20128, Jun. 28, 2007>

This Decree shall enter into force on July 1, 2007.

ADDENDA <Presidential Decree No. 20137, Jun. 29, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Presidential Decree No. 20729, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

Article 2 Omitted.

Article 3 Omitted.

ADDENDA <Presidential Decree No. 21054, Sep. 30, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 1, 2008.

**Article 2 (Applicability to Cases Eligible for Accelerated Examination)**

The amended provisions of Article 5 shall apply to the applications for accelerated examination filed on or after the date this Decree enters into force.

ADDENDUM <Presidential Decree No. 21568, Jun. 26, 2009>

This Decree shall enter into force on July 1, 2009.

ADDENDA <Presidential Decree No. 23342, Dec. 2, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date "Free Trade Agreement between the Republic of Korea and the United States of America" takes effect in the Republic of Korea: Provided, That the amended provisions of Article 8 and attached Table shall enter into force on January 1, 2012.

## **Article 2 (Applicability to Periods of Delay Attributable to Applicants)**

The amended provisions of Article 6-2 shall apply to an application filed for utility model registration on or after this Decree enters into force.

## **Article 3 (Transitional Measures concerning Fines for Negligence)**

(1) The imposition of fines for negligence on any violation committed before this Decree enters into force shall be governed by the former provisions, notwithstanding the amended provisions of attached Table.

(2) The disposition of imposing fines for negligence on any violation committed before this Decree enters into force shall be excluded from the number of violations prescribed in the amended provisions of attached Table.

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. <Proviso Omitted.>  
Article 2 Omitted.

ADDENDA <Presidential Decree No. 24439, Mar. 23, 2013>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.  
Article 2 Omitted.  
Article 3 Omitted.

ADDENDA <Presidential Decree No. 24646, Jun. 28, 2013>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2013: Provided, That the amended provision of subparagraph 6-2 of Article 5 shall enter into force on September 23, 2013 and the amended provisions of Article 7 (2) through (4) shall enter into force on July 1, 2014.

## **Article 2 (Applicability concerning Methods to Describe Scope of Claims for Utility Model Registration)**

The amended provision of Article 3 (3) shall also apply to the following utility model registrations:

1. Pending utility model registration as at the time this Decree enters into force;
2. Following utility model registrations, that were filed after this Decree enters into force, of the utility model registration filed before this Decree enters into force (in case of item (a), patent application):

- (a) Converted application under Article 10 of the Act;
- (b) Application for utility model registration by a legitimate owner under Article 11 of the Act;
- (c) Divisional application under Article 11 of the Act.

### **Article 3 (Applicability concerning Objects of Accelerated Examination)**

The amended provision of subparagraph 6-2 of Article 5 shall begin applying to utility model registration for which a request for accelerated examination is filed by an enterprise selected as one of excellent enterprises in employee invention compensation under Article 11-2 of the Invention Promotion Act after the proviso to Article 1 of the Addenda enters into force.

### **Article 4 (Applicability concerning Utility Model Gazettes)**

The amended provision of Article 7 (4) shall begin applying to the cases where there exists a request that only a part of the address be contained in the Utility Model Gazette for publication of registration or the Utility Model Gazette for disclosure issued after the proviso to Article 1 of the Addenda enters into force.

ADDENDA <Presidential Decree No. 25925, Dec. 30, 2014>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2015.

### **Article 2 (Applicability to Matters Contained in Utility Model Gazette for Registration)**

The amended provisions of Article 7 (2) 5-2 shall also apply to a utility model right, the establishment of which was registered before this Decree enters into force and which is published in the Utility Model Gazette for registration after this Decree enters into force.

ADDENDUM <Presidential Decree No. 26495, Aug. 19, 2015>

This Decree shall enter into force on the date of its promulgation.

ADDENDUM <Presidential Decree No. 27779, Jan. 10, 2017>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 7 (2) shall enter into force on March 1, 2017.

ADDENDA <Presidential Decree No. 29956, Jul. 9, 2019>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

## **Article 2 (Applicability to Transitional Measures concerning Applications Eligible for Accelerated Examination)**

The previous provisions shall apply to utility model registration for which a request for accelerated examination has been filed before this Decree enters into force, notwithstanding the amended provisions of Article 5.

ADDENDA <Presidential Decree No. 30845, Jul. 14, 2020>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

### **Article 2 (Applicability to Periods of Delay Attributable to Applicants)**

(1) The amended provisions of Article 6-2 (1) 1 (h) and (v) shall begin to apply where the term of a utility model right, for which an application for utility model registration is filed after this Decree enters into force, is extended pursuant to Article 22-2 of the Act.

(2) The amended provisions of Article 6-2 (1) 1 (n) shall begin to apply where the term of a utility model right, for which a request for reexamination is filed after this Decree enters into force, is extended pursuant to Article 22-2 of the Act.

ADDENDUM <Presidential Decree No. 31814, Jun. 22, 2021>

This Decree shall enter into force on June 23, 2021.

ADDENDA <Presidential Decree No. 32591, Apr. 19, 2022>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on April 20, 2022

### **Article 2 (Applicability to Restoration of Applications for Utility Model Registration )**

The amended provisions of Article 6-2 (1) 1 (o) shall also apply where an application for utility model registration is withdrawn or a decision to reject utility model registration is deemed final and binding before this Decree enters into force as the applicant fails to comply with a time limit falling under either of the subparagraphs of Article 67-3 (1) of the Patent Act for good reason as applied mutatis mutandis under Article 15 of the Act and where two months have not elapsed since such good reason ceased to exist.

ADDENDUM <Presidential Decree No. 32974, Nov. 1, 2022>



This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 33998, Dec. 19, 2023>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2024.

**Article 2 (Applicability to Periods of Delay Attributable to Applicants)**

(1) The amended provisions of Article 6-2 (1) 1 (n) shall begin to apply to a request for re-examination under the main clause of Article 67-2 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 15 of the Act after this Decree enters into force.

(2) The amended provisions of Article 6-2 (1) 1 (p) shall begin to apply to a case where a petition is filed for a trial against a decision to reject utility model registration under Article 132-17 of the Patent Act as applied mutatis mutandis pursuant to Article 33 of the Act after this Decree enters into force (excluding cases where the period for filing a petition for a trial is extended at the request of an applicant pursuant to Article 15 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act before this Decree enters into force).

**Article 3 (Transitional Measures concerning Patent Applications Subject to Accelerated Examinations)**

Notwithstanding the amended provisions of subparagraphs 12 and 13 of Article 5, the previous provisions shall apply to applications for utility model registration, for which an application for accelerated examination has been filed before this Decree enters into force.

**Article 4 (Applicability to Periods of Delay Attributable to Applicants)**

Notwithstanding the amended provisions of Article 6-2 (1) 1 (b), the previous provisions shall apply where an applicant requests an extension of the period for filing a request for examination pursuant to Article 15 (1) of the Patent Act as applied mutatis mutandis pursuant to Article 3 of the Act before this Decree enters into force.

ADDENDA <Presidential Decree No. 34657, Jul. 2, 2024>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 10, 2024. (Proviso Omitted.)

Article 2 Omitted.

Article 3 Omitted.

ADDENDA <Presidential Decree No. 34808, Aug. 6, 2024>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 7, 2024.

Articles 2 through 5 Omitted.

Last updated :    - -

