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Where creativity meets fairness

특허법원

PATENT
COURT
OF
KOREA



Where creativity meets fairness

Patent Court of Korea

Creative technology is practically protected by fair law.
This is the mission of the Patent Court.



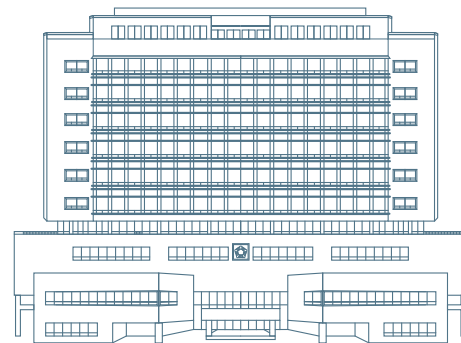
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History of Patent Court

Before the establishment of the Patent Court, the patent trial system consisted of administrative proceedings at the Korean Intellectual Property Office (KIPO) and final appeals to the Supreme Court. However, it became necessary to streamline the judicial system for addressing patent disputes under an independent legal process to guarantee the constitutional right to a “fact-finding” trial conducted by judges and to ensure the expeditious and fair resolution of IP related disputes, which have become more and more complex over the years in the knowledge-based economy. To meet such demands of the times, the Patent Court was established at the level of a high court in charge of suits filed against decisions of the KIPO (the Intellectual Property Trial and Appeal Board, IPTAB) on March 1, 1998.

As trial on patent cases, which was conducted as administrative proceedings, is now carried out in the judicial proceedings, thereby enabling expeditious and effective patent litigation.

Establishment of Patent Court



Opening of Patent Court



Relocation of Patent Court to Daejeon

Opening of Patent Court

The Patent Court, which was officially opened at the Seoul High Court building on March 1, 1998 according to the enforcement of the amended Court Organization Act promulgated on July 27, 1994, is the first IP-specialized court in Asia.

Relocation to Daejeon and Construction of New Office Building

At the time of relocation to Daejeon on March 1, 2000, the Patent Court shared a space with the Daejeon Court Complex and then moved to the current building having 10 stories high with 1 basement floor. The location of the Court in Daejeon enabled a balanced development between the metropolitan city of Seoul and other provinces and the establishment of networks with the KIPO, government-funded research institutes, research institutes in the Daedeok Science Town, and other educational institutions located in Daejeon such as the Korea Advanced Institute of Science and Technology (KAIST).

Expansion of Court Divisions and Increased Number of Judges

At the time of its opening, the Patent Court consisted of three court divisions, each of which is composed of one presiding judge and two judges, totaling of 10 judges. The number of divisions was expanded to four on November 21, 2005 and to five on February 22, 2016. As of 2020, a total of 17 judges serve in the Court.

Introduction of e-Court System

With the implementation of the Act on the Use of Electronic Documents in Civil Litigation on March 24, 2010, the e-Court system was introduced in civil litigation procedure. The Patent Court, with the introduction of e-Court system on April 26, 2010, became the first in Korea to adopt the system.

Conferred with Exclusive Jurisdiction over Patent and Other IP Cases

On December 1, 2015, the amended Civil Procedure Act (Law No. 13521) and Court Organization Act (Law No. 13522) focusing on the exclusive jurisdiction over patent and other IP cases in order to resolve IP disputes professionally, efficiently, and expeditiously were promulgated. From January 1, 2016, the Patent Court was conferred with the exclusive jurisdiction over appeals to civil actions relating to IP infringement.



Ceremony to Mark 10th Year Anniversary of Patent Court



e-Court Room



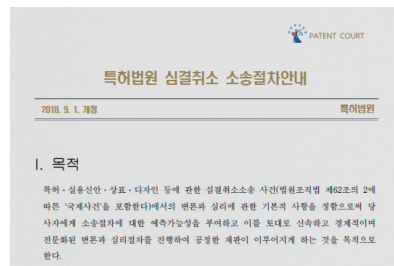
Conferred with Exclusive Jurisdiction



2019 International IP Court Conference



Establishment of International IP Law Research Center



Enactment and Amendment of Practice Directions



International Symposium Celebrating 20th Anniversary of Patent Court



First International Trial

International IP Court Conference

Since 2015, the Patent Court has hosted the International IP Court Conference every year to discuss practice of major issues in global patent litigation, share experiences of IP-specialized courts in different countries, and strengthen international exchange and cooperation.

Establishment of International IP Law Research Center

The International IP Law Research Center was established on March 1, 2017 as a research center for court for the first time in the judiciary to strengthen the expertise of the Patent Court through comparative research on IP rights. The research center has been striving to advance IP litigation practice by publishing papers containing comparative research conducted on specific IP-related topics selected every year and sharing research results home and abroad through academic conferences.

Enactment and Amendment of Practice Directions

The Patent Court enacted and published Guidelines of Practice and Procedures that provide standard court procedures for patent cases in March 2016 for presenting trial proceedings and examination of evidence in an objective and standardized manner and promoting efficiency of trial and predictability for the parties. In September 2018, the Guidelines were revised into Practice Directions, which are currently in effect, with updates on matters that are not in line with practice and addition of procedures for international case.

20th Anniversary of Patent Court and International Symposium in Commemoration

The Patent Court hosted an international academic conference on April 23, 2018 to commemorate the 20th anniversary of its establishment. At the conference, the achievements of the Court, which was established as the first IP-specialized court in Asia, and the direction of the Court in the future were discussed.

In addition, the Court published collected articles exhibiting academic achievements in celebration of its 20th anniversary.

Establishment and Expansion of International Division

The number of cases involving foreign companies or foreigners as a party has steadily increased since the establishment of the Patent Court, taking up about one-third of total cases. The International Division was established on June 13, 2018 to eliminate the language barrier for foreign parties in IP related cases and to play a role in resolving international IP disputes based on the global competence of the Court.

The Court concluded its first international case in 2019 and second in 2020 and expanded the International Division to the four divisions in February 2020 as a move to prevent “forum shopping.”

[History of Patent Court]

1990

- Mar. 1. 1998** Establishment (within the west wing of the Court Complex located at 100 Woomyeon-ro, Seocho-gu, Seoul)
Taking office of first Chief Judge Kong-Woong Choi
- Nov. 1. 1999** Taking office of 2nd Chief Judge Moon-Tae Ahn

2000

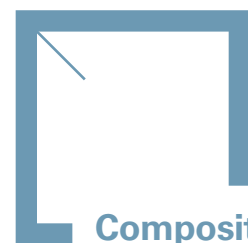
- Feb. 8. 2000** Taking office of 3rd Chief Judge Dae-Hwa Im
- Mar. 1. 2000** Move to Daejeon (within the Court Complex located at 6, Beopwon-gil, Seo-gu, Daejeon)
- Feb. 11. 2001** Taking office of 4th Chief Judge Yung-Woong Lee
- Aug. 16. 2001** Taking office of 5th Chief Judge Young-Moo Park
- Feb. 8. 2002** Taking office of 6th Chief Judge Ihl-Pyo Hong
- Feb. 12. 2003** Taking office of 7th Chief Judge Cheol-Koo Kang
- Sep. 1. 2003** Move to a newly constructed building (current location of 69 Dunsan-jung-ro, Seo-gu, Daejeon)
- Sep. 15. 2003** Taking office of 8th Chief Judge Sung-Tae Yang
- Feb. 14. 2005** Taking office of 9th Chief Judge Dong-Hyo Kwak
- Feb. 13. 2006** Taking office of 10th Chief Judge Heung-Bok Lee
- Aug. 24. 2006** Taking office of 11th Chief Judge Kook-Soo Park
- Mar. 3. 2008** Commemorative ceremony celebrating the 10th anniversary and the publication ceremony of collected articles
- Feb. 9. 2009** Taking office of 12th Chief Judge Yong-Keun Sohn

2010

- Feb. 11. 2010** Taking office of 13th Chief Judge Yi-Su Kim
- Apr. 26. 2010** Introduction of e-Court system
- Feb. 17. 2011** Taking office of 14th Chief Judge Eun-Soo Choi
- Feb. 16. 2012** Taking office of 15th Chief Judge Jong-Back Kim
- Feb. 14. 2013** Taking office of 16th Chief Judge Sam-Bong Park
- Feb. 13. 2014** Taking office of 17th Chief Judge Young-Ho Kang
- Jan. 1. 2016** Conferred with exclusive jurisdiction
- Feb. 11. 2016** Taking office of 18th Chief Judge Dae-Kyeong Lee
- May. 23. 2017** Establishment of International IP Law Research Center
- Feb. 13. 2018** Taking office of 19th Chief Judge Kyeong-Ran Cho
- Jun. 13. 2018** Establishment of International Division

2020

- Feb. 13. 2020** Taking office of 20th Chief Judge Seung-Young Lee

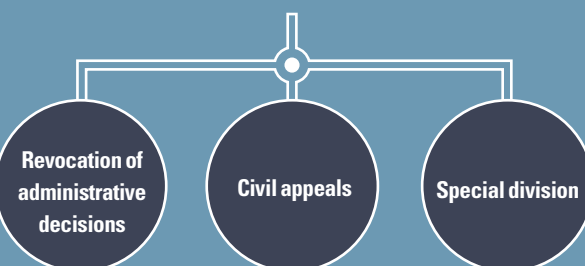


Composition

Court Division



There are five court divisions in the Patent Court. Each division is responsible for both revocation trials and civil appellate trials. Divisions handling cases seeking revocation of administrative decisions are indicated as 1st to 5th Divisions and those handling civil appeal cases are indicated as 21st to 25th Divisions. Each division consists of three judges including one presiding judge and two judges, forming a collegiate body, and renders decisions by the agreement of the three judges. Each division has judicial technical examiners, judicial research officers, clerk of court, assistant clerk of court, court reporter, and court security management unit staff.



1st Division	21st Division	11th Division
2nd Division	22nd Division	31st Division
3rd Division	23rd Division	
4th Division	24th Division	
5th Division	25th Division	

Secretariat



The Patent Court has Special Divisions to facilitate expeditious and consistent judgment for important cases such as cases that have significance as a precedent or are expected to have a significant effect on society. A special division is made up of the Chief Judge of the Patent Court as the presiding judge and two high court presiding judges as judge, forming a collegiate body. The 11th Division is in charge of revocation trials, and the 31st Division is in charge of civil appellate trials.

Intl. IP Law Research Center



The International IP Law Research Center has standing researchers consisting of the Chief Director, the Principal Judicial Researcher, two senior judicial researchers (judges), seven judicial researchers (judges) and two specialized researchers. The research center is responsible for conducting comparative research on IP litigations and systems, facilitating domestic and international academic exchanges, supporting international IP Court Conference and publication of IP Law Journal and Patent Court Decisions, translating the Patent Court's decisions into English, and building a database of decisions translated into English. In addition, it actively promotes international academic exchanges by appointing judges from the United States District Court and the German Federal Supreme Court as advisory members.

Mediation Committee



The Patent Court has a Mediation Committee consisting of IP experts to facilitate amicable dispute resolution between parties to IP-related civil lawsuits. About 30 appointed experts in IP lawsuits and science and technology are in charge of mediation.



To facilitate mediation, the Court has signed MoUs with specialized mediation and arbitration institutes outside the court since 2017, and has created and implemented a system to request mediation to external experts.

Advisory Committee



The Patent Court has two advisory committees to enhance judicial capacity and expand the participation of experts in judicial administration and affairs.

Scientific Advisory Committee

Scientific Advisory Committee

The Patent Court has the Scientific Advisory Committee to facilitate communication with the science and technology community and enhance judicial capacity. The committee is in charge of advising on policy, system improvement, and operation plans regarding IP trials, along with providing opinions of the science and technology community to the judiciary and cooperating for recommendation of technical advisors to the Court. Eleven members with expertise in science and technology including those from government-funded research institutes at the Daedeok Science Town, KAIST, and Chungnam National University are serving as advisors.

Judicial Administration Advisory Committee

The Patent Court has the Judicial Administration Advisory Committee consisting of experts in academia, industry, administration, and IP litigation to increase the participation of experts in judicial administration and affairs and to promote communication with citizens.

IP-related Litigation System

IP-related litigation includes two types of litigation: suits against administrative decisions rendered by IPTAB and civil actions relating to IP rights.



Type and Overview

Suits against administrative decisions

Suits against administrative decisions refer to suits seeking revocation of rejection decisions of KIPO examiners on patent rights, utility model rights, design rights and trademark rights, administrative decisions to reject patent term extension, administrative decision to invalidate patent rights, utility model rights, design rights, and trademark rights, adjudication on the scope of right, IPTAB decisions to reject an application to register the extended term of a patent, rejection decisions on plant variety rights by examiners of the Ministry of Agriculture, Food and Rural Affairs (MAFRA) or the Ministry of Oceans and Fisheries (MOF), administrative decisions of MAFRA (Plant Variety Protection Tribunal) on invalidation of plant variety rights, rejection decisions on geographical indications of the Ministers of MAFRA or MOF, and administrative decisions of MAFRA or MOF (Adjudication Committee on Geographical Indications) on invalidation or refusal of geographical indications.

Suits against administrative decisions are handled under two-level trial system, and the Patent Court has the exclusive jurisdiction over the first-instance trials in revocation cases, and appeals may be made to the Supreme Court only when the Patent Court decisions violate the law.

Revocation cases against IPTAB decisions among suits against administrative decisions may be represented not only by attorneys but also by patent attorneys.

Civil actions relating to IP rights including patent rights

Civil actions relating to IP rights including patent rights include actions seeking injunction, destruction, or reinstatement of reputation and damages against infringement of patent rights, utility model rights, design rights, trademark rights, or plant variety rights, and actions concerning ownership of rights including claims seeking transfer or extinguishment of any of the foregoing rights. Civil cases relating to IP rights may be filed with 6 district courts including the Seoul Central District Court, and cases where less than KRW 200 million is claimed are proceeded by a single judge, and cases where KRW 200 million or more is claimed are proceeded by a three-judge panel. Appeals against the decisions of the 1st instance courts are brought before the Patent Court regardless of the amount claimed.

Since the Patent Court is a fact-finding trial court, appeals may be filed on the grounds of both unreasonableness in finding of fact and violation of the law. Patent Court decisions may be appealed to the Supreme Court, the court of third instance, solely on the ground of violation of the law. Unlike in revocation actions against administrative decisions, parties in civil actions may be represented by attorneys only. In cases heard and proceeded by a single judge at a court of first instance, a person who has a kinship or employment relationship may represent a party to a case with the court's approval under certain conditions, but at the Patent Court, an appellate court, the principle of legal representation by attorneys is applicable.



Suits against administrative decisions

The Patent Court has the exclusive jurisdiction over cases seeking revocation of administrative decisions rendered at the IPTAB (Court Organization Article 28-4(i), Patent Act Article 186(1), Utility Model Act Article 33, Design Protection Act Article 166(1), Trademark Act Article 162, Act on the Protection of New Varieties of Plants Article 103(1), and Agricultural and Fishery Products Quality Control Act Article 54(1)).

Civil actions relating to IP rights including patent rights

On December 1, 2015, amendments to the Civil Procedure Act and the Court Organization Act focusing on the exclusive jurisdiction over IP-related suits including patent were promulgated to resolve delays in litigation arising from the two-track jurisdiction over civil administrative cases relating to IP rights and to effectively cope with IP disputes, which are increasingly specialized and internationalized, by strengthening trial expertise.

Accordingly, as of January 1, 2016, the effective date of the foregoing amendments, civil actions relating to IP rights including patent rights are under the exclusive jurisdiction of six district courts, including the Seoul Central District Court, Daejeon District Court, Daegu District Court, Busan District Court, Gwangju District Court, and Suwon District Court, and the Seoul Central District Court has concurrent jurisdiction with the other district courts (Civil Procedure Act Article 24(2) and (3)), with their appeals put under the exclusive jurisdiction of the Patent Court (Court Organization Act Article 28-4(ii)).

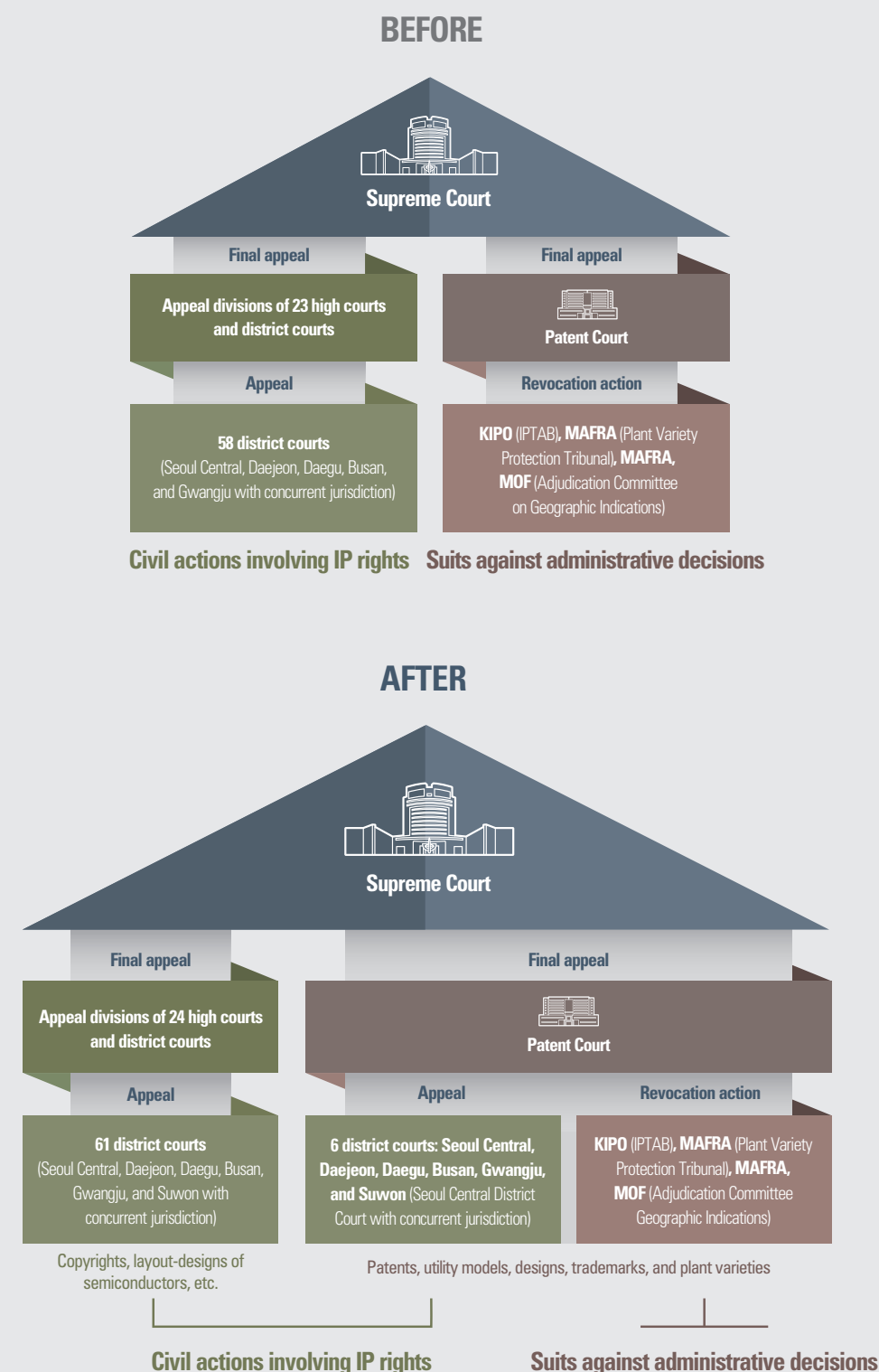
※Intellectual Property Divisions in District Courts

Six district courts including the Seoul Central District Court, Daejeon District Court, Daegu District Court, Busan District Court, Gwangju District Court, and Suwon District Court with jurisdiction over civil cases relating to IP rights as 1st instance trial courts have intellectual property divisions dedicated to IP-related cases.

Actions relating to other IP rights

Actions related to IP rights other than patent rights, utility model rights, design rights, trademark rights, and plant variety rights such as actions concerning copyrights or layout-designs of semiconductors and actions based on the Copyright Act, the Unfair Competition Prevention and Trade Secret Protection Act, and the Internet Address Resources Act may be filed with the district courts nationwide in the same manner as general civil actions or administrative actions. Accordingly, the six district courts including the Seoul Central District Court, Daejeon District Court, Daegu District Court, Busan District Court, Gwangju District Court, and Suwon District Court have concurrent jurisdiction.

[Change in Jurisdiction over IP-related Litigations]



Litigation Proceedings at Patent Court



Suits Against Administrative Decisions

STEP 1 Written Arguments

The Patent Court enacted and published on its homepage the Guidelines of Practice and Procedures of Revocation Action in the Patent Court of Korea on September 1, 2016, and in 2018 amendments and the addition of procedures of international case were made into 'Practice Direction.' Practice Directions, which are in effect since September 1, 2018, are available not only in Korean but also in English, Chinese, and Japanese. Revocation trials are proceeded as follows:

- The parties make their case through a complaint, answers, and briefs and submit evidence for proof. The complaint submitted by the plaintiff must include all arguments concerning the grounds for revocation. The defendant is required to submit its answer within 3 weeks of its receipt of the complaint and the answer should include both specific rebuttals to the plaintiff's arguments and arguments for the administrative decision.
- Upon completion of the submission of written arguments between the parties, the presiding judge designates a trial date or conducts a preparatory proceeding for discussing procedural matters.
- Upon completion of written arguments between the parties or completion of preparatory proceeding, the court conducts issue-by-issue hearing at first or second trial date. The presiding judge may conduct a hearing for claim construction before other issues in dispute.

STEP 2 Preparatory Proceedings

STEP 3 Trial

Civil appellate trials on IP rights including patent rights are proceeded as follows:

- Upon submission of a brief containing the grounds for appeal, the presiding judge immediately designates a trial date or refers the case to an early mediation proceeding, and cases require discussion on procedural matters are referred to preparatory proceedings.

Civil Actions Relating to IP Rights

STEP 1 Preparatory Proceedings

STEP 2 Trial

- In preparatory procedures, procedural matters are discussed such as deadlines for submission of arguments and evidence, dates and the number of trial, and disputed issues to be addressed in each of the trials, the deadline for requesting evidentiary method such as an expert witnesses, and whether to designate a technical advisor. Conference for case management is usually conducted through a video means, "video conference for case management," for the convenience of the parties and their counsels.

Issue-by-issue Hearing

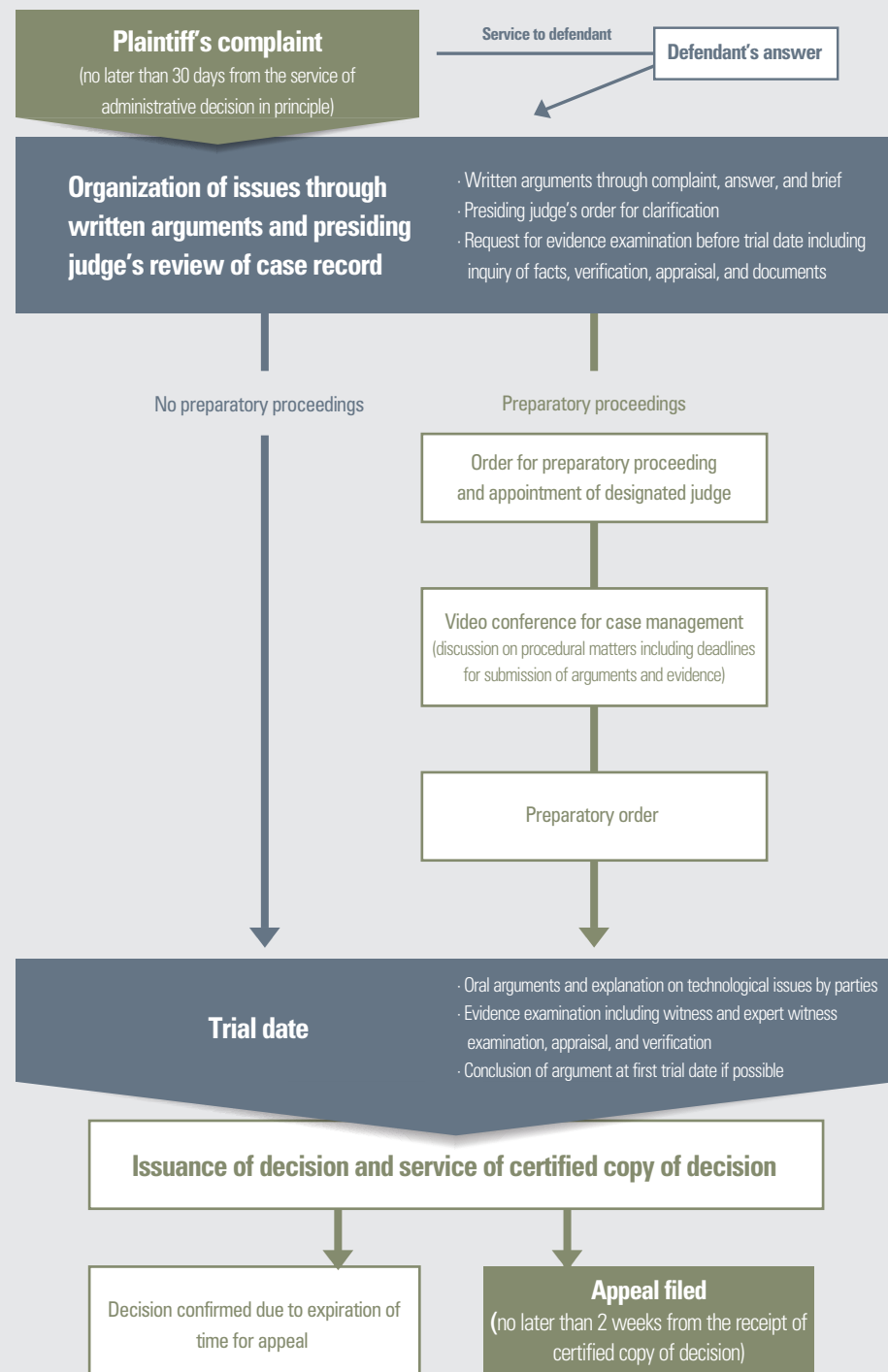
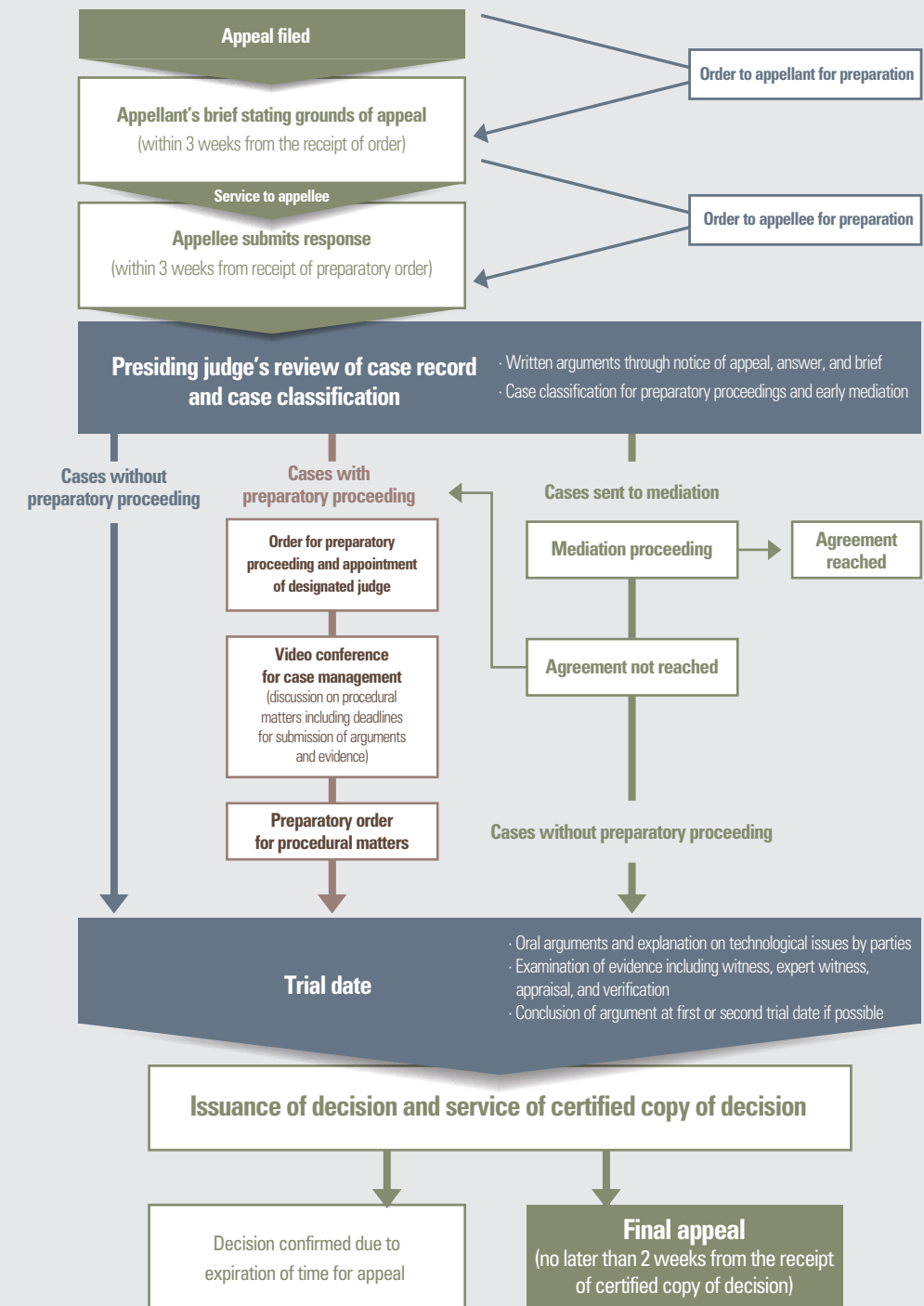
- Hearing plans by issue are established, and oral hearings by issue are conducted at first or second trial date.
- The judicial panel may set separate trial dates by issue where deemed necessary because multiple issues are in dispute and a certain issue needs to be determined first, and disclose its opinion on the issues examined. For example, in a case where both the infringement and the amount of damages are in dispute, the judicial panel may conduct a hearing on whether infringement constitutes first and discloses its opinion.

Evidence Examination

- If a party requests evidence that is identical or similar in the evidentiary purport to the evidence that had been admitted and examined by the lower court, the evidence that had been filed but rejected by the lower court, the party must provide a detailed explanation on the need for such evidence.
- At a party's request, the judicial panel may order the other party to submit documents necessary to prove infringement or calculate the amount of damages and conduct an examination of evidence such as examination of an expert witness and appraisal for proof of infringement or compensation for damages either upon a party's request or on an ex officio basis. Further, if deemed necessary, the judicial panel may hear the opinions of the parties and designate one or more technical advisors to participate in the action. As of 2020, approximately 110 experts in the science and technology area are registered as technical advisors in the Patent Court.

Mediation

- Immediately upon the filing of an appeal case or at an appropriate time, the presiding judge may determine whether the case is suitable for mediation and refer the case to a mediation proceeding. Cases referred to mediation proceedings are handled by a mediation judge. The Patent Court seeks a prompt and ultimate resolution of civil cases through mediation by a mediation judge, mediation by the Mediation Committee or mediators outside the court.

[Revocation Trials]**[Civil Appellate Trials]**

Technical Examination in Patent Court

Judicial technical examiners and judicial research officers

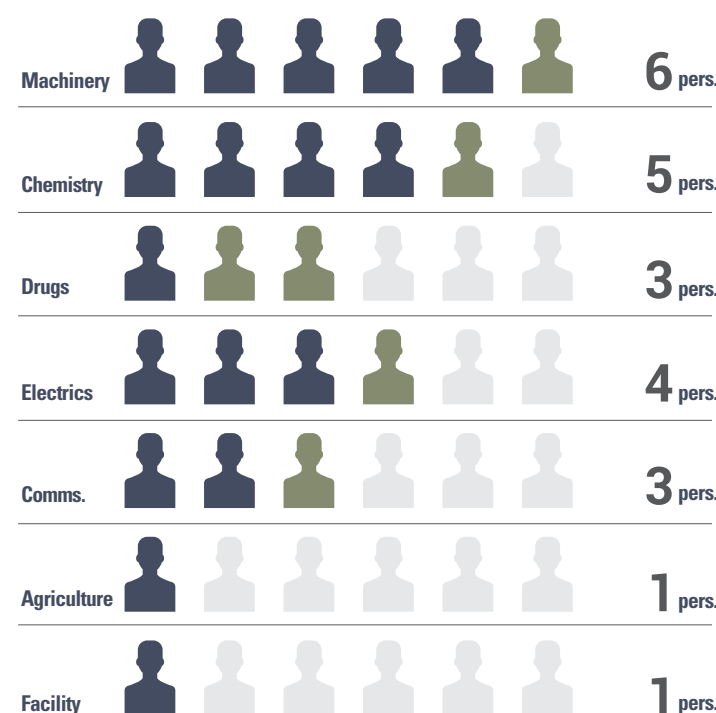
The Patent Court has a pool of judicial technical examiners, judicial research officers, and technical advisors to resolve disputes in an expeditious and effective manner through specialized examination of issues in dispute involving technological matters in patent or utility model cases.

- There are a number of judicial technical examiners and judicial research officers in the Patent Court to provide assistance for trials who have specialized knowledge in specific fields such as machinery, communications, electrics/electronics, chemistry, drugs, agriculture, and construction. The judicial technical examiners and judicial research officers are selected from those with certain qualification requirements such as a long experience of working for the KIPO or science and technology majors.
- Upon the request of the judicial panel, judicial technical examiners provide opinions on technological matters in suits against administrative decisions involving patents and utility models and, if deemed necessary by the judicial panel, participate in preparatory and trial proceedings and ask questions to the parties with the permission of the presiding judge, and may give their opinions on the technological matters in the process of reaching an agreement of the judicial panel.

Current status of judicial technical examiners and judicial research officers (2020)

Total **23** persons

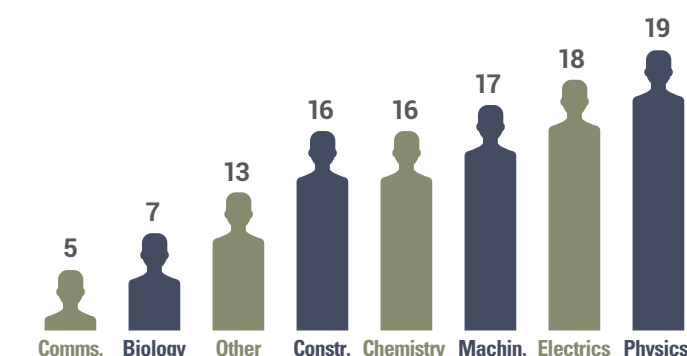
 17 judicial technical examiners
 6 Judicial research officers



Technical advisors

- The Patent Court may designate technical advisors to get involved in cases that require specialized knowledge and experience of specific technical areas. The Court has a pool of technical advisors in specific technical fields including machinery, communications, electrics/electronics, chemistry, drugs, agriculture, and construction.
- Technical advisors may be present either by attending or writing at a trial date and provide explanations or opinions on technological matters, and, with the permission of the presiding judge, may ask questions to the parties or witnesses. These experts are bound by confidentiality obligations in connection with the cases they participate in and are deemed public officials for the purpose of adjudicating the offence of bribery under the Criminal Act.

Number of technical advisors in each field



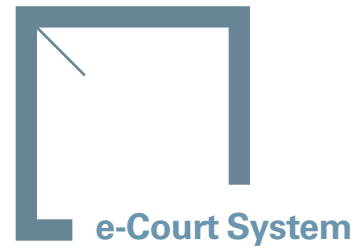
Total **111** persons

Technical explanatory session

- Judicial panels of the Patent Court hold technical explanatory sessions in the process of preparing for cases concerning patents or utility models for the purpose of understanding technological matters. At the technical explanatory session, technical experts such as judicial technical examiners or judicial research officers explain the parties' arguments on the technological matters by using drawings, products, miniatures, computer graphics, and video equipment.

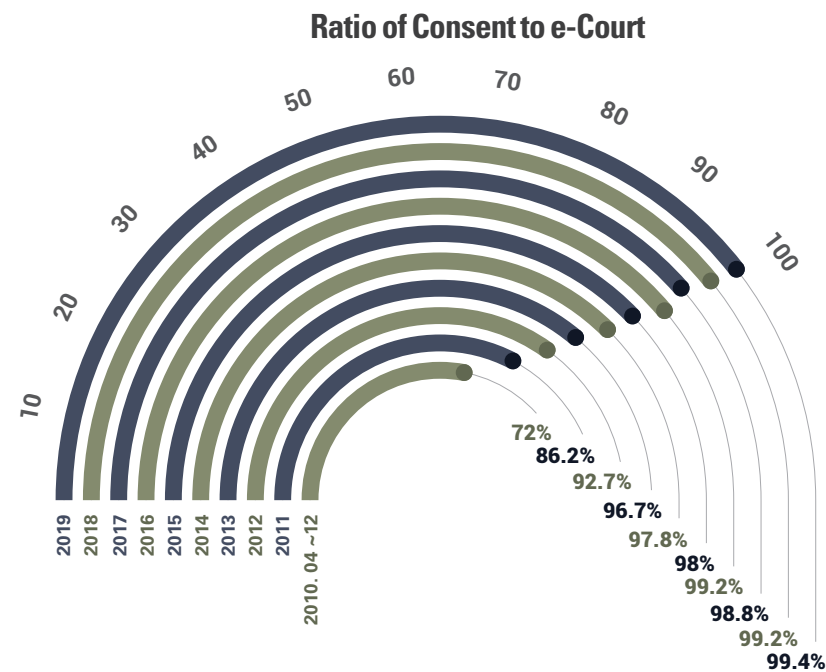
Enhancement of Expertise

- The Patent Court has implemented a judicial capacity building program since 2020 with the aim of obtaining trial-related expertise that would actually be helpful in patent trials.
- In 2020, the Court organized a 11-class lecture on pharmaceuticals and pharmacokinetics, which are the most difficult among the patent fields. The Court plans to select a specific technical area every year and prepares a consecutive lecture program to promote the understanding of highly advanced science and technology, which will in turn contribute to resolving patent disputes in a prompt and efficient manner.



Procedures for e-Court System

- **Registration** Upon the confirmation of an applicant's identity online and the entry of membership information, the applicant will be registered as a user of the ECFS.
- **Filing a complaint (plaintiff)** A registered user logs in with an accredited certificate, fills out a complaint, and submits it with an electronic signature on. Once the filing is complete, a case number will be assigned.
- **Submit an answer (defendant)** The defendant who has received a service of a duplicate of the complaint by mail may submit his/her answer online after agreeing to the ECFS with the ECFS authentication number and the case number indicated in the Guide on Litigation Procedure.
- **Service and access to case records** Parties and their counsels who have agreed to the ECFS is able to receive electronic documents (by alert of service via text messages or e-mail) through the ECFS website, check the contents, and review and print the case records online at any time.



The number of cases involving a foreigner or a foreign company as a party has steadily increased since the establishment of the Patent Court to reach approximately a third of the total cases before the Court. The International Division, which allows argument in foreign languages in IP cases, was installed on June 13, 2018 for the first time in the world with the aim of removing the language barrier of the foreign parties in IP lawsuits, with the Court utilizing its capacity to serve as a globally popular platform for IP dispute resolution.

An application to bring the case to the International Division may be filed when: a



First International Trial



Memorandum of Understanding with WIPO
Seungyoung Lee, Chief Director of International IP Law Research Center (Top)
Francis Gurry, Director General of WIPO (Bottom)

party to the lawsuit is a foreigner or a foreign company; there is a need to examine material evidence in foreign language; or there are other circumstances with equivalent international implications.

Mutual consent of the parties and the permission by the International Division must be obtained prior to the first trial date in the first instance in a revocation case and the second instance in a damages case. The court may refuse the application when significant delay in the proceeding is expected.

Once it is permitted to proceed in the International Division, the parties may argue their cases in the permitted foreign language or submit briefs and evidence in the foreign language without translation. On the trial date, the judicial panel will proceed in Korean and provide interpretation from Korean to the permitted foreign language and vice versa, with costs borne by the court. The decision will be written in Korean and announced in Korean. Meanwhile, after the service of the original copy of the decision, the court will send the decision translated into the permitted foreign language. If appealed, the parties may file the appeal in the permitted foreign language without translation.

The Patent Court handled its first international case in 2019 and its second international case in 2020, and the International IP Law Research Center of the Patent Court published a white paper on the first international case, covering the preparation, process and progress of the case.

The International Division started with one division on June 13, 2018 and is expanded to four divisions on February 24, 2020 to prevent "forum shopping" by parties.

The International IP Law Research Center was founded on May 23, 2017 to reinforce the Patent Court's identity as the global hub of IP dispute resolution by developing legal principles and practice relating to IP litigation. As the first research center in the judiciary established within a court, it serves as a think-tank that builds systematic and lasting networks at home and abroad in order to expand research and practical exchanges.

Every year, the research center selects specific topics related to IP litigation, conducts comparative legal research, publishes papers, and holds seminars to share the outcomes at home and abroad. It actively supports the International IP Court Conference and the International Division and engages in other international communication by signing MoUs with national and international IP-related agencies such as IP-specialized courts abroad and WIPO.

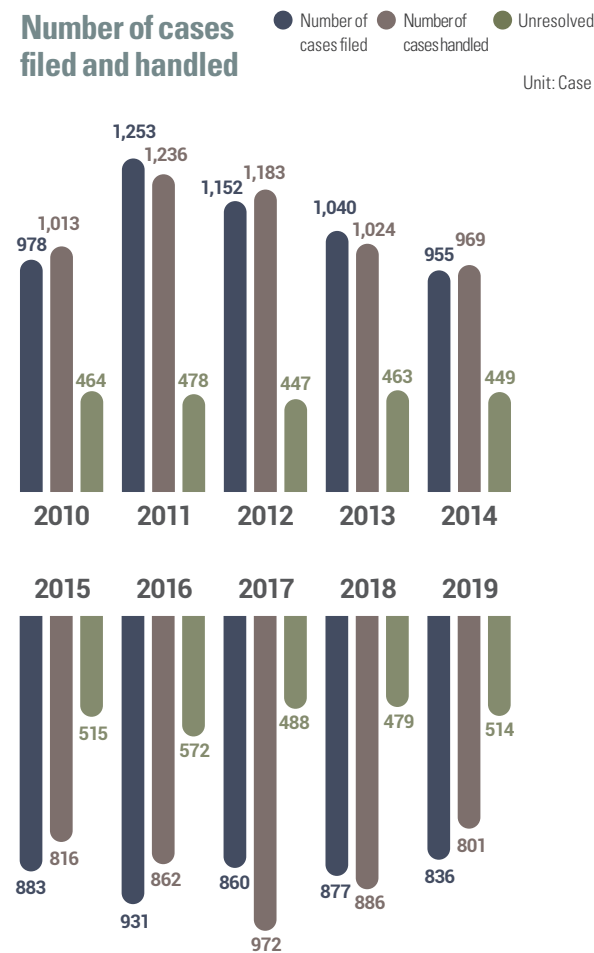
A research team consisting of judges from the Patent Court and standing specialized researchers plays a key role in carrying out research, and judges from the United States District Court and the German Federal Supreme Court are appointed as advisory members to help in conducting comparative legal studies.



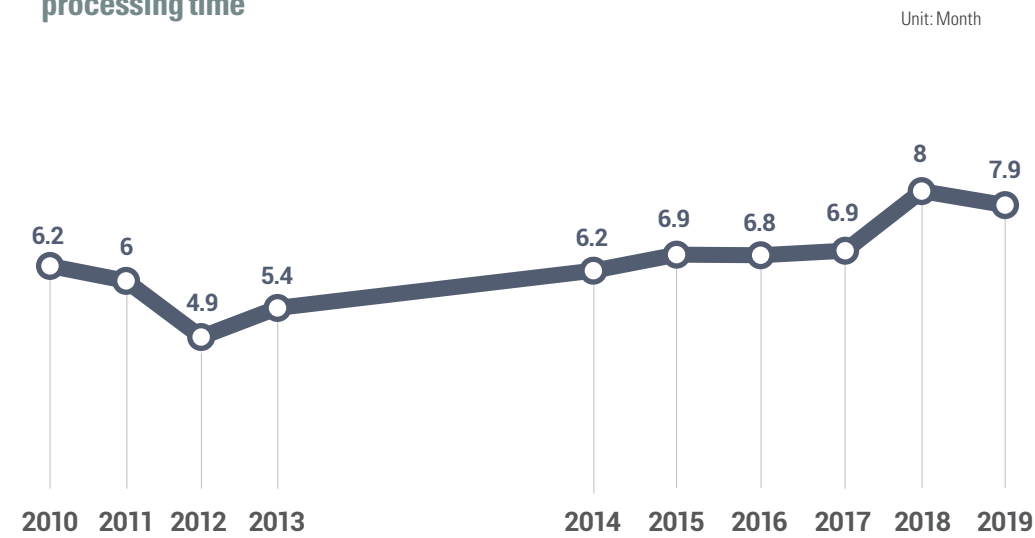
Statistics

Suits against administrative decisions

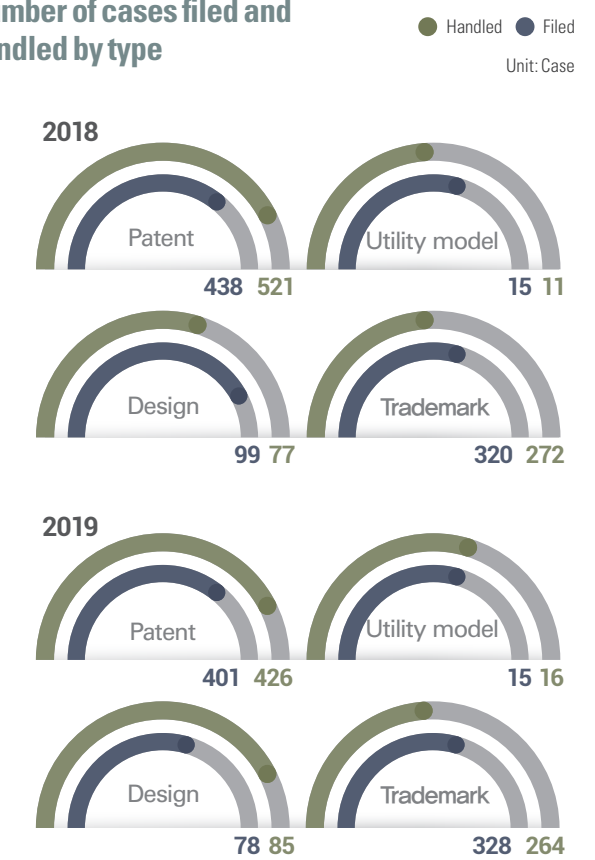
Number of cases filed and handled



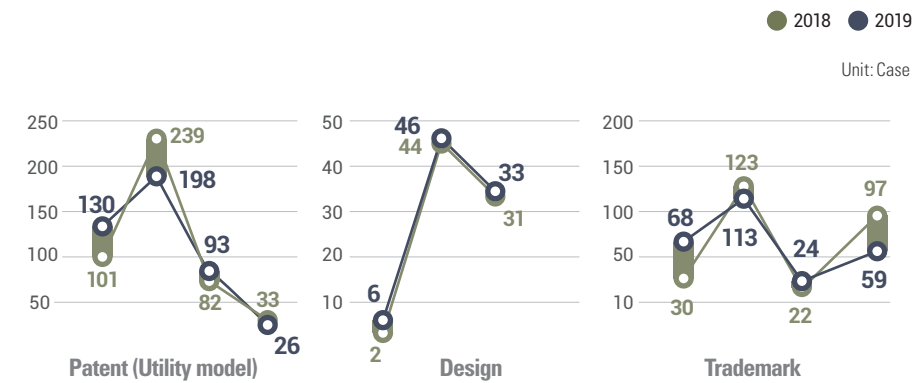
Average processing time



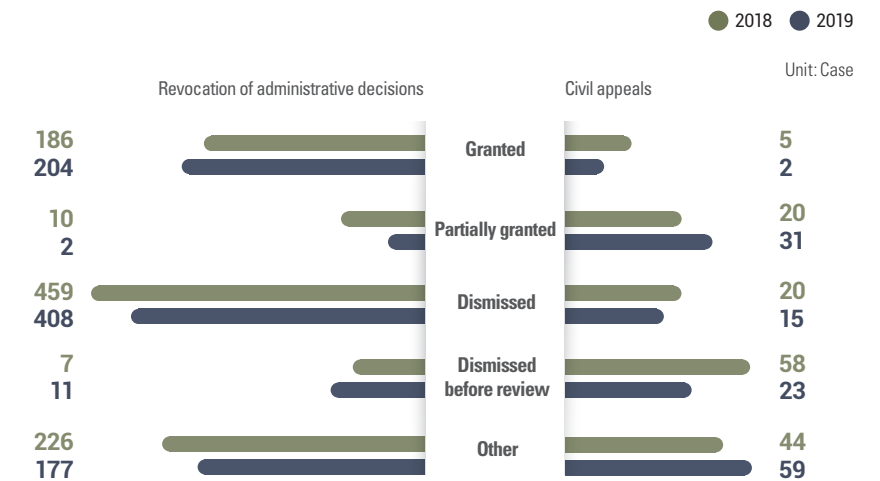
Number of cases filed and handled by type



Status of cases by type



Status of cases by final result



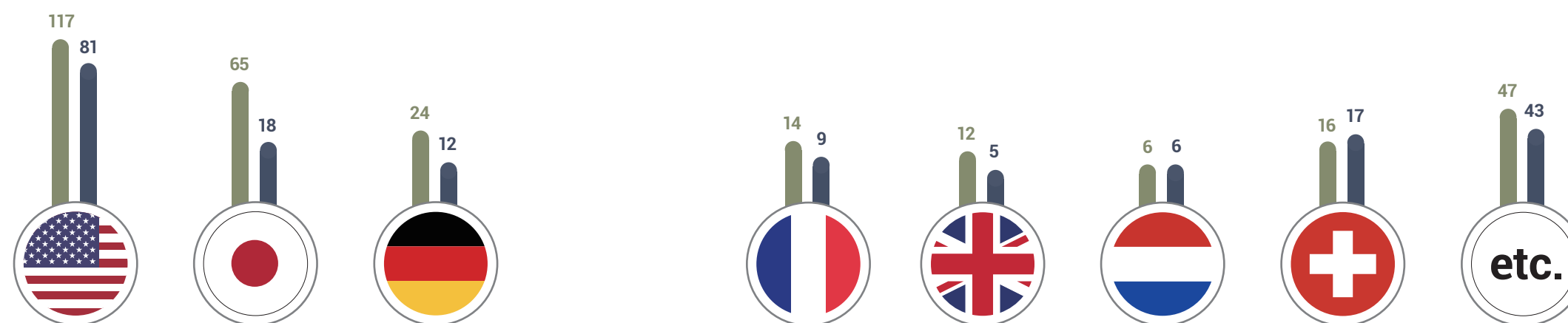
Number of cross-border cases

2018 Total
301

2019 Total
191

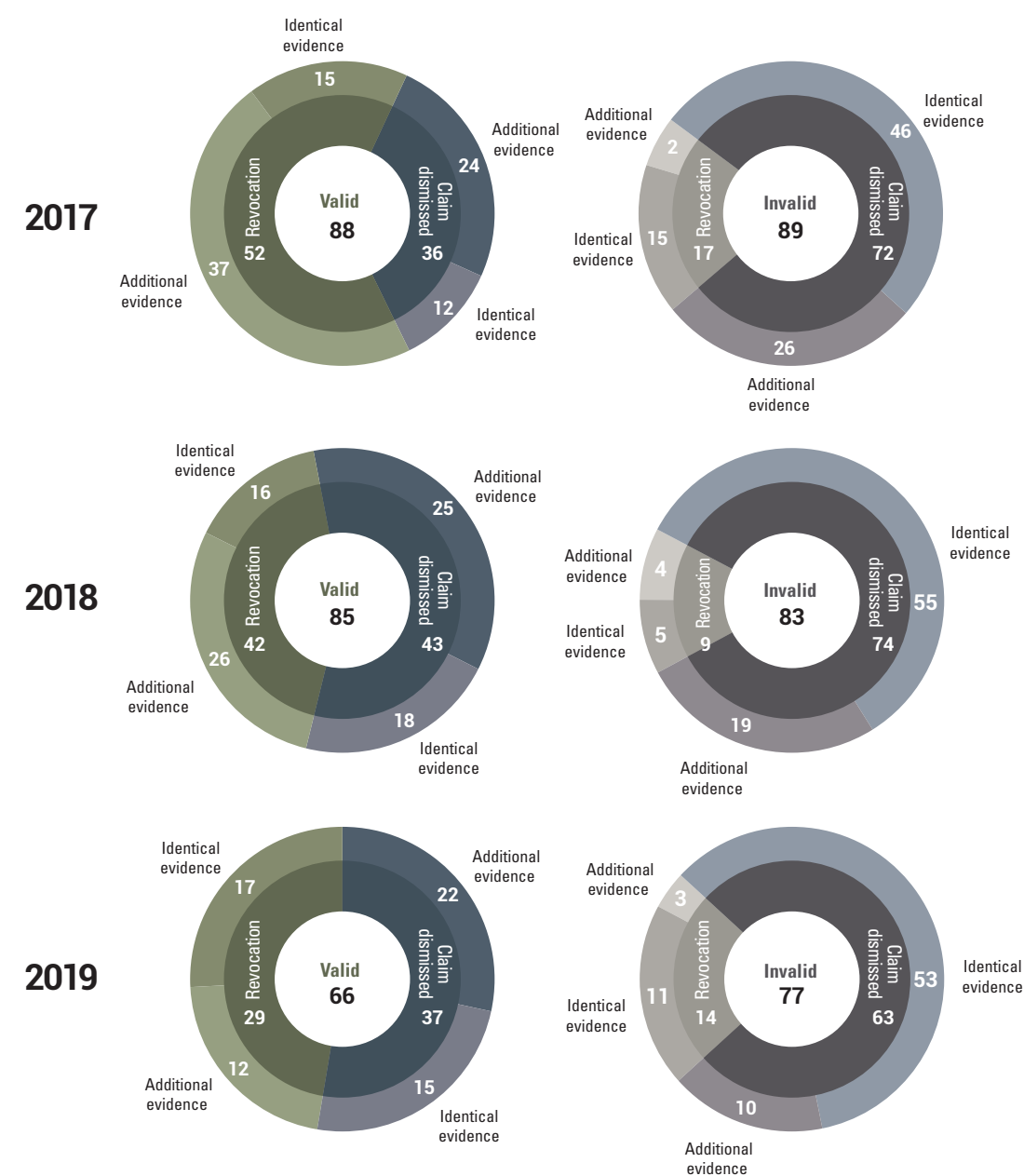
● 2018 ● 2019

Unit: Case



Status of invalidation case related to inventive step

Unit: Case





International IP Court Conference



Since 2015, the Patent Court has hosted the International IP Court Conference every year to hold practical discussion over major issues in global patent litigation and to present a new vision on the role of IP-specialized court in resolving international disputes. With the participation by judges from the IP Big 5 including the United States, European Union, Japan, China, and Korea, the event has become a venue to foster in-depth discussion of the latest issues in the field of IP.

1st “Court, IP and INNOVATION” In the 1st conference held on October 14-15, 2015, IP judges with expertise from major IP countries gathered together to exchange opinions on IP litigation in general and discuss its future directions.

2nd “Court, IP and FUTURE” In the 2nd conference held on September 7-8, 2016, discussions took place on the challenges and innovations in patent litigation and damages assessment as well as the International Division and regional hub court.

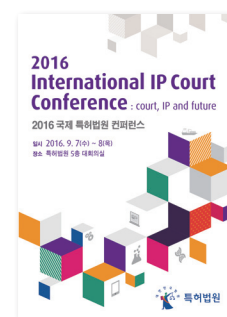
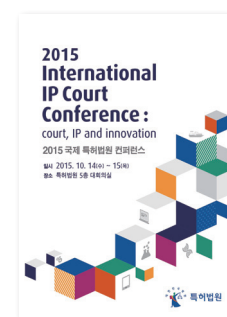
3rd “Court, IP and BUSINESS” In the 3rd conference held on September 6-7, 2017, there were discussions on topics related to medicine, biotechnology, and patent requirements

and relief focusing on the ICT industry, and deliberation on harmonization and cooperation among IP courts.

4th “Court, IP and PROTECTION” In the 4th conference held on October 17-18, 2018, the scope of topics was expanded to include protection of inventions through patents, protection of technical information through trade secrets, protection of form of product by design and trade dress, and the latest trends in international IP trials.

5th “Court, IP and FAIRNESS” In the 5th conference held on October 16-17, 2019, participants discussed what makes a good trial and a fair patent trial. Arbitration panels each consisting of five judges from five countries were formed for moot court sessions to examine international cases using the e-Court system of the International Division to present a blueprint for future dispute resolution.

6th “Court, IP and GLOBALIZATION” In the 6th conference held on November 11-12, 2020, there were discussions about international IP trials, patentable subject matter, cross-border patent infringement, standard essential patents (SEP), and FRAND.



Research and Communication Activities

The Patent Court has been involved in in-depth research for the development of legal principles and improvement of legal systems in the field of IP rights and has endeavored to expand the understanding and the base of IP through a variety of communication activities.



Research Activities

- There are a number of research groups under the Patent Court including the IP Litigation Practice Research Committee, Research Society for IP Trial Procedures, Research Society for Courtroom Communication, Research Society for Improving Written Judgment, and Research Society for Promoting Mediation. Based on the research outcomes of these research groups, the Court has published a guide for practitioners titled "IP Litigation Practice," "Patent Litigation," collected articles, "IP Law Journal," and "Correct Patent Litigation Terms" and "Rephrased Patent Rulings for Easy Understanding," which contain suggestions for writing judgment on patent cases.
- Since 2015, the Court has held Bench & Bar Conference jointly with the Korean Intellectual Property Lawyers Association (KIPLA).



Patent Trial Advocacy Competition

students and to provide a foundation for fostering attorneys specializing in IP litigation. Starting from 2020, the Court has been hosting the Patent Trial Advocacy Competition alone.

- The Court offers in-depth training sessions for law school students every year, which enables them to participate in IP related trials. Since 2013, the Court has also visited major universities annually including KAIST, Seoul National University, and POSTECH to hold "Patent Class on the Go for Future Scientists and Technicians" for professors, students, and researchers from neighboring research institutes.
- The Court has actively cooperated in offering career experiences and visiting programs in order to share knowledge and experience in the field of IP as part of an effort to become a court that keeps the lines of communication open to the public. The Court visited by hundreds of people through visiting programs every year has been working to promote the understanding of the Court through various exchanges with schools and organizations interested in IP rights and to become a court that is open and friendly to the public.
- The Patent Court is also actively engaged in law and culture projects that contribute to promoting awareness of science and technology and IP by co-hosing "Science Concert" with KAIST to provide opportunities for employees of the Court and citizens of Daejeon to learn the basis of science and technology.

IP Law and Culture Projects



Science Concert White Paper and Poster

Support for IP Law Education and Fostering IP Litigation Expert

- The Patent Court has been supporting educational courses for the protection of IP with signing an MoU with the Small and Medium Business Administration and KAIST on November 23, 2015 with the goal of enhancing awareness of technology protection. Based on this, the Court has opened the Advanced Intellectual Property Strategy Program (AIP), signed another MoU with the KIPO in 2016, and has been operating the program to provide its 9th session in 2020, which has started from the 1st and 2nd sessions in 2016.
- Since December 22, 2014, the Court has hosted the Patent Trial Advocacy Competition jointly with the KIPO every year to raise awareness of IP rights among law school

Strengthening International Exchanges



Publications in English

IP Law Journals and Patent Court Decisions are annual English publications prepared to disseminate and share the Patent Court's trial practice and research outcomes worldwide. These publications covering administrative decisions of the KIPO, judgments of the Court, and carefully selected related articles translated into English have been contributing to making the IP system of Korea known to the international community and providing a variety of information to foreigners who are engaged in IP-related affairs in Korea or who want to study the Korean IP system.

Furthermore, the Court has published and distributed its 'Annual Report' since 2016 covering the key activities of the Court each year to enable experts, researchers, and practitioners in the international community who are interested in the IP system to understand the Korea's IP system more easily.



Operation of Homepage in English

Keeping up the recent trend of rising interest in the Korean patent system at home and abroad, along with the development of science and technology and economic growth of Korea, the Patent Court operates its homepage in English, Chinese, Japanese, and German to provide foreigners with better access to the litigation system, major decisions, and articles of the Court. In addition, the Court provides its Practice Directions translated into English, Chinese, Japanese, and German for the convenience of foreign parties to litigation. The Court also releases English translations of major IP decisions of the Supreme Court and the Patent Court under the 'Korea IP Decisions' menu on its homepage.

Visits by Foreign Experts

The Patent Court is visited by a variety of people every year including judges, IP-related public officials, attorneys, and IP-related workers from the U.S., China, Japan, Vietnam, Thailand, Myanmar, and Argentina. The Court through meetings with these visitors introduces its history and practices including its past, organization, jurisdiction, judges' duties and characteristics, and the e-Court system and shares information on IP litigation systems of other countries.



Visit of Chinese officials specializing in IP



Visit of the Thailand Central IP and International Trade Court



Judges from Argentina



Far Eastern Branch under the American Intellectual Property Law Association (AIPLA)

Visit to Patent Court

The Patent Court welcomes visits of anyone interested in the Court including students of elementary, middle, and high school, university students, employees of IP-related organizations, researchers, attorneys or patent attorneys.

For details on how to request a visit and our tour program, please refer to the Patent Court's homepage (patent.scourt.go.kr) → Introduction → Communication → Visit to Court.

Address and contact

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Contact +82-42-480-1400

Location and transportation

By Subway Leave Daejeon City Hall Station via Exit 4, walk about 200m in the direction of the Government Complex

By Bus About 5 minutes' walk from the Daejeon City Hall Bus Stop

By Express Bus www.djbusterminal.co.kr
 Get off at Daejeon Express Bus Terminal or Daejeon Complex Terminal

By Rail www.korail.go.kr, www.srail.co.kr
 Get off at Daejeon Station or Seodaejeon Station



Where creativity
meets fairness
PATENT COURT OF KOREA

