

A Quarterly Update of Korean IP Law & Policy

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**PATENT**

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# Significant New Changes to Patent Prosecution Practice in Korea

By Raymis H. KIM and Seo Jin KIM

An amendment to the Korean Patent Act ("KPA") that makes several major changes to Korean patent prosecution practice was promulgated on October 19, 2021 and will be effective on April 20, 2022. Some of the major changes include extending the period for responding to a final rejection from 30 days to 3 months, allowing a request for reconsideration to be filed even after receiving a notice of allowance, and introducing a "separate application" system that is intended to reduce the need to file precautionary divisional applications. These changes largely enhance convenience and protection of rights for applicants and patentees, as discussed below.

## **Response to final rejection now due in 3 months rather than 30 days**

Under the current KPA, an applicant has 30 days to file an appeal, a request for reconsideration, and/or a divisional/converted application in response to a final rejection. This 30-day period has been criticized as too short to fully prepare an appeal brief, an amendment for a request for reconsideration, and/or a claims set for a divisional application.

In the amended KPA, the 30-day period has been extended to 3 months after the date of receipt of the Notice of Final Rejection. Further, the initial 3 month period to respond to a final rejection can be extended an additional 60 days. Thus, it is expected that these measures will provide sufficient time for applicants to respond to a final rejection while saving costs for time extensions.

## **Applicants will now be able to request reconsideration of an application even after Notice of Allowance is issued**

Currently, an applicant may respond to a "first final rejection" during prosecution by filing an amendment and a request for reconsideration, after which the examiner may allow the application, or issue a "second final rejection." However, once a Notice of Allowance is issued, the applicant can no longer file a request for reconsideration (e.g., to fix errors in the claims/specification). While it is possible to file a "correction" (post-grant amendment) of the patent after registration, this requires an additional administrative proceeding that can take up to a year to resolve, and corrections are relatively limited compared to amendments during prosecution since they must be narrowing and cannot substantially change the nature of what is claimed.

The amended KPA provides that a request for reconsideration may now be filed even after a Notice of Allowance, as long as it is filed before the application is actually registered as a patent. This should allow more flexibility for applicants to address any late-discovered issues with the claims, or even to amend the claims after allowance to respond to any changes that may have occurred in the market subsequent to the applicant's last response in the prosecution. However, if the application was allowed after filing a request for reconsideration in response to a first final rejection, another request for reconsideration cannot be filed. Further, the allowable scope of amendment to be filed with a request for reconsideration is limited to: (a) narrowing a claim; (b) correcting a clerical error; or (c) clarifying an ambiguous description. This means that expanding the claimed scope or adding a new claim would not be allowed.

### **New "separate applications" for non-rejected patent claims introduced**

Under the current system, an applicant seeking to appeal a final rejection commonly also will file a divisional application to maintain the ability to continue prosecution if the appeal is dismissed or withdrawn, since the applicant only has a limited time after the final rejection to file such a divisional.

The amended KPA introduces the concept of a new "separate application" that may allow the applicant to preserve some patent rights in the application after an unsuccessful appeal of a final rejection, even if for some reason a divisional application was not filed. Under the amended KPA, if an appeal is dismissed, the applicant can file a "separate application" within 30 days for any patent claims that were pending in the application but not rejected in the final rejection. However, a separate application cannot be filed if all of the claims of the application were rejected, and further divisional/separate applications cannot be filed from a separate application, limiting the utility of such applications. Given such limitations of separate applications, filing a divisional application as a placeholder is still an important strategic option if the applicant chooses to file an appeal with the Intellectual Property Trial and Appeal Board (IPTAB) against a final rejection.

### **Automatic recognition of priority for divisional applications**

Under current practice, priority must be specifically claimed for each new divisional application that is filed. The amended KPA provides that as long as priority is properly claimed in the original parent application, the same priority will automatically be recognized for any divisional application filed from that parent application, thereby reducing unnecessary procedures due to rejections based on inadvertent omission of the priority claim for a divisional application by the applicant.

### **Relaxed requirements for restoration of patent rights**

In the past, in order to restore patent or other rights lost for failure to satisfy procedural requirements such as missing critical application deadlines, the applicant has been required to

explain that the failure was due to "reasons not imputable to a person," which has in practice been construed very narrowly to mean an extreme event such as a natural disaster. In the amended KPA, the term "reasons not imputable to a person" has been relaxed to simply "reasonable reasons," in order to more broadly protect applicants/patentees from losing rights due to circumstances out of their control. The Korean Intellectual Property Office (KIPO) has indicated it will recognize some specific examples of such "reasonable reasons," including due to an applicant's medical condition. However, it has not yet been decided whether an agent's mistake, such as omission of a report to a client, will be recognized as a "reasonable reason."

### **Non-exclusive licenses to patent co-owners after transfer of patent rights**

Under Korean patent practice, if some but not all of the co-owners of a patent right wish to sell their patent rights to a third party, they can request that a court conduct an auction to sell the entire patent right to the third party, and if the court agrees, the proceeds will then be distributed to the co-owners according to their share ratios, regardless of whether the other co-owners consent to the sale. The amended KPA now provides that co-owners who do not consent to the sale will retain non-exclusive licenses to the transferred patent right after the sale in order to protect their ongoing business interests, in addition to the payment distribution.

### **Now possible to claim priority to domestic Korean applications after allowance**

Until now, it has not been possible for a Korean application to claim priority to an earlier Korean application if the earlier application had already received a Notice of Allowance. Under the amended KPA, this restriction has been loosened, and domestic priority can now be claimed even for an allowed application as long as it has not yet been registered as a patent.

# The Patent Court Further Broadens the Definition of "New Chemical Entity" for PTE

By Jong Seok KIM, Inchan Andrew KWON and A Young KI

On September 30, 2021, the Korean Patent Court held for the first time that a regulatory approval of a PEGylated drug could be the basis for patent term extension (PTE) of a patent covering the PEGylated drug.

Section 89 of the Korean Patent Act allows for certain types of chemical compound patents or related patents (e.g., claiming a composition, process of manufacturing, or formulation involving the compound) to receive extended patent terms if they pertain to an approved medicinal or agricultural product, but cannot be practiced after grant due to pharmaceutical or agricultural regulatory approval requirements. While Korea has granted PTEs since 1987, in 2013 the Patent Act was amended to clarify that the regulatory approval for which PTE is claimed must be the "first" regulatory approval in Korea for a "new chemical entity." The Enforcement Decree of the Korean Patent Act generally defines "new chemical entity" to mean a new substance having an active moiety with a novel chemical structure that exhibits a pharmacological effect, but there have still been disputes as to precisely what approved products correspond to "new chemical entities."

The main issue in this case was whether the PEGylated version of an earlier approved substance constituted a "new chemical entity" that would support the grant of PTE. PEGylation is the process of covalent attachment of polymer (polyethylene glycol; "PEG") chains with molecules such as peptides, antibody fragments, etc., which leads to improved pharmacokinetics and biological function. The drug Avonex® comprising the active ingredient "interferon beta-1 $\alpha$ " had previously been approved in Korea for relapsing multiple sclerosis. The instant case involved the drug Plegridy®, which comprises the active ingredient "PEGinterferon beta-1 $\alpha$ ," or interferon beta-1 $\alpha$  covalently conjugated to methoxy PEG, which was also approved for relapsing multiple sclerosis.

Biogen filed a PTE application for a patent covering Plegridy®, but the Korean Intellectual Property Office (KIPO) rejected the PTE application on grounds that i) Avonex® was already approved; ii) both drugs had the same indication for treatment of relapsing multiple sclerosis, and iii) in both drugs, the active moiety exhibiting the therapeutic effect for relapsing multiple sclerosis was interferon beta-1 $\alpha$ , and thereby concluded that PEGinterferon beta-1 $\alpha$  was not a "new chemical entity." KIPO's position has been that "pharmacological effect" in the Enforcement Decree means an indication, and that the active moiety exhibiting a pharmacological effect should be considered

to mean only the portion of the molecule that binds to a receptor. The Intellectual Property Trial and Appeal Board (IPTAB) upheld KIPO's rejection, reasoning that the indication of relapsing multiple sclerosis and the biological activities associated with the indication (e.g., antiviral activity) of PEGinterferon beta-1 $\alpha$  were not substantially changed or improved compared to interferon beta-1 $\alpha$ , so the active moiety of Plegridy® corresponded to "interferon beta-1 $\alpha$ ," not "PEGinterferon beta-1 $\alpha$ ."

However, on appeal, the Patent Court revoked the IPTAB decision, holding as follows:

- 1) The "pharmacological effect" of the amended Enforcement Decree cannot mean simply an indication (diseases or symptoms for which therapeutic effect is expected by a drug), and it is more reasonably construed to refer more generally to the effect of diagnosing, treating, alleviating, or preventing a specific disease by the pharmacological action inherent in the drug product.
- 2) The active moiety exhibiting the pharmacological effect in this case is "PEGinterferon beta-1 $\alpha$ ," not "interferon beta-1 $\alpha$ ," since PEGinterferon beta-1 $\alpha$  has different biological activities (such as antiviral activity, anti-proliferative activity, anti-angiogenic activity, etc.) and improved pharmacokinetic properties (such as decreased clearance, increased half-life, increased bioavailability, etc.) compared to interferon beta-1 $\alpha$ , and these biological activities and pharmacokinetic properties have resulted in an increase in the pharmacological effect of treating relapsing multiple sclerosis. In other words, the different biological activities, improved pharmacokinetic properties, and increased pharmacological effect were all effects of PEG conjugation to interferon beta-1 $\alpha$ , so the active moiety was PEGinterferon beta-1 $\alpha$ .

The Court specifically reasoned that if "pharmacological effect" was limited to an indication as KIPO argued, all drugs having a therapeutic effect for the same symptoms would be interpreted to have the same pharmacological effect regardless of the duration and degree of the therapeutic effect, the presence or absence of side effects, etc. which would not conform to the generally accepted meaning of "pharmacological effect."

We believe this decision significantly broadens the interpretation of "new chemical entity" and potentially makes PTE available for many patents not previously considered eligible by KIPO. Further, with this Patent Court ruling, the "first regulatory approval for a new chemical entity" requirement in the Korean PTE system was brought into international harmony with the similar requirements of the US and European PTE/SPC system, under which a PEGylated substance has been recognized as being eligible for PTE.

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# Tightened Regulations on Export of "Strategic" Technology

By Mikyung (MK) CHOE, Min Seo HWANG and Hosung Hwang

On December 2, 2021, the Ministry of Trade Industry and Energy (MOTIE) published a notice announcing an amendment to its Notification on Export/Import of Strategic Items (the "Amendment"), which became effective on the same date, except the annexes revising the list of Strategic Items (defined below).

## Background

In Korea, export of technologies is regulated primarily by two statutes. The Foreign Trade Act regulates exports of technologies meeting the definition of "Strategic Items" under multinational export control regimes (e.g., the Wassenaar Arrangement, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group). The term "Strategic Item" encompasses both goods (including software) and technologies, which can be divided into (i) "dual use" items, or items with both regular commercial and military applications (materials, production equipment, electronics, information security, sensors, lasers, marine, and aerospace); (ii) nuclear items; and (iii) military items.

In addition, the Act on Prevention of Divulgence and Protection of Industrial Technology (the "ITA") regulates exports of items classified as "national core technologies" (NCTs), which are defined as industrial technologies that may have a detrimental effect on national security and development of national economy if misappropriated, due to their substantial strategic or economic value.

"Export" of technologies as covered by the above statutes is broadly construed by MOTIE, and in connection with NCTs, MOTIE has expressly included in the scope of "export" the transfer or transmission of 1) technical documents for the purpose of submission to litigation or arbitration in a foreign country as evidence or 2) results of a research conducted by a subsidiary or affiliate in Korea to a foreign affiliate or headquarters. An exporter is required to obtain a license in order to export Strategic Items, and to either file a report or obtain approval prior to exporting NCTs.

The ITA also regulates mergers and acquisitions involving a foreign investor and a Korean company possessing NCTs, if the foreign investor acquires at least 50% of the shares of the target Korean company (the "Target Company") (or will become the largest shareholder and will have



substantial control over the management of the Target Company). The Target Company must report such an acquisition to MOTIE prior to the closing of the transaction, and the transaction may not be finalized until MOTIE issues its approval or acceptance.

## **Key Changes under the Amendment**

### **1. Change to the validity period of an export license for Strategic Item technology**

Prior to the Amendment, a license involving export of Strategic Item technology as defined in the regulations was valid for either one year, or for the duration of the license agreement. Under the Amendment, the validity period is now limited to one year. This is in line with licenses involving export of Strategic Item goods or software, which is already limited to one year.

### **2. New reporting requirement for exports of Strategic Item technology**

Prior to the Amendment, exports of Strategic Item goods/software and "Strategic Item" technology were handled differently where an exception to the license requirement for Strategic Item exports applied. For Strategic Item goods/software, even if a license exception was available, the exporter still was required to file a report regarding the export to MOTIE within seven days after the export. However, Strategic Item technology subject to a license exception could be exported without filing any report.

However, under the Amendment, Strategic Item goods/software and Strategic Item technology will now be treated the same, and both types of Strategic Items are subject to the reporting requirement even where a license exception applies. Further, the exporter now has the option to file the report to MOTIE either prior to the export, or after the export.

### **3. New publication of checklist to confirm whether "catch-all" license is required**

Even if an item to be exported is not considered a Strategic Item, if it is suspected that the item can be used to manufacture, develop, utilize or store weapons of mass destruction, missiles or conventional weapons, the exporter is still required to obtain an export license (a so-called "catch-all" license). Pursuant to the Amendment, MOTIE has published a checklist to provide guidelines for exporters in determining whether a contemplated export may require a "catch-all" license before export. This appears to be part of MOTIE's general recent efforts to try to improve compliance with "catch-all" licensing requirements.



## Potential Impact

The trade war between China and the U.S. continues to escalate into a "cold war" in the area of advanced technologies, and the U.S. Congress is reviewing a proposed "Innovation and Competition Act" to significantly increase federal investment in research in the semiconductor, 5G, and other technical fields, and to establish a critical supply chain resiliency program to challenge China's efforts to displace the United States as the world's leading technology superpower. Korea recognizes the need to improve its own technical competitiveness and to protect its industries in the semiconductor, battery, and other technical fields, and to establish a system for expanding the development of core strategic technologies and industries in order to ensure supply chain resilience and economy and national security. Thus, in addition to the Amendment, the National Assembly of Korea is reviewing a bill called the "Special Act on Strengthening and Protecting Competitiveness in National Core Strategic Industries" proposed on October 22, 2021. The bill also includes provisions on regulation of (i) exports involving NCTs and Strategic Items, and (ii) foreign mergers and acquisitions of Korean companies possessing such technologies, similar to those in the ITA.

Accordingly, we recommend that you review whether technology you intend to export or transfer to a foreign country may constitute (1) a Strategic Item requiring an export license, or a non-Strategic Item that still requires a "catch-all" license, and (2) an NCT requiring prior approval or reporting. We also advise evaluating whether your company has adequate policies or systems in place to comply with all relevant export controls.

# Amendments to Strengthen Protection of Trademark and Design Applicants

By Won Joong KIM and Alexandra BÉLEC

The National Assembly recently promulgated amendments to the Trademark Act ("TMA") and the Design Protection Act ("DPA"), which will go into effect on April 20, 2022. The amendments will strengthen protection measures for applicants by providing more opportunities to remedy mistakes and by relaxing time limits for certain procedures. Some of the more notable amendments are outlined below.

## **Response to final rejection now due in 3 months rather than 30 days**

Under the current TMA and DPA, trademark and design applicants have 30 days to file an appeal, a request for reconsideration, and/or a divisional/converted application in response to a final rejection. This 30-day period has been criticized as too short to fully prepare an appeal brief or an amendment for a request for reconsideration.

In the amended Acts, the 30-day period has been extended to 3 months after the date of receipt of the Notice of Final Rejection. Further, the initial 3 month period to respond to a final rejection can be extended an additional 60 days.

## **Relaxed requirements for restoration of trademark/design rights**

In the past, in order to restore trademark/design rights lost for failure to satisfy procedural requirements such as missing critical application deadlines, the applicant has been required to explain that the failure was due to "reasons not imputable to a person," which has in practice been construed very narrowly to mean an extreme event such as a natural disaster. In the amended Acts, the term "reasons not imputable to a person" has been relaxed to simply "reasonable reasons," in order to more broadly protect applicants from losing rights due to circumstances out of their control. The Korean Intellectual Property Office (KIPO) has indicated it will recognize some specific examples of such "reasonable reasons," including due to an applicant's medical condition.

## **Automatic recognition of priority for divisional applications**

Under current practice, priority must be specifically claimed for each new divisional application that

is filed. The amended TMA and DPA provide that as long as priority is properly claimed in the original parent application, the same priority will automatically be recognized for any divisional application filed from that parent application, thereby reducing unnecessary procedures due to rejections based on inadvertent omission of the priority claim for a divisional application by the applicant.

### **Introduction of new ex-officio re-examination procedure**

The amendment provides for a new ex officio re-examination system, under which an examiner who determines that there are obvious refusal grounds for an application after the application is allowed, but before the application is registered, may withdraw the decision to grant a registration and reopen the examination of the application.

### **Non-exclusive licenses to trademark/design co-owners after transfer of such rights**

Under Korean trademark/design practice, if some but not all of the co-owners of a trademark/design right wish to sell their trademark/design rights to a third party, they can request that a court conduct an auction to sell the entire trademark/design rights to the third party, and if the court agrees, the proceeds will then be distributed to the co-owners according to their share ratios, regardless of whether the other co-owners consent to the sale. The amended Acts now provide that co-owners who do not consent to the sale will retain non-exclusive licenses to the transferred right after the sale in order to protect their ongoing business interests, in addition to the payment distribution.

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# Posting a Link to Infringing Content May Now Be a Criminal Copyright Violation in Korea

By Hyung Ji KIM

In a recent *en banc* decision, the Korean Supreme Court overturned its previous precedent to hold that a website operator that posts links to foreign websites that replay copyright-infringing content was liable for aiding and abetting copyright infringement (Case No. 2017do19025, decided on September 9, 2021).

The lower court in this particular case issued a decision in line with previous Supreme Court precedent (Supreme Court Case No. 2012do13748, decided on March 12, 2015), finding that the mere offering of a link to infringing content cannot constitute aiding and abetting infringement, because publishing a link does not necessarily make it easier to infringe another's copyright.

However, the Supreme Court overruled the lower court's acquittal of the defendant and remanded the case, holding that the defendant aided and abetted the infringement of another's transmission rights. The Court noted that the defendant continuously provided links to other replay sites (about 450 times over several months) and profited financially from such activity (through banner advertisements) despite being aware that the replay sites were infringing third party copyrights.

Further, the Court noted that the defendant's links made it easier for the public to access infringing content at a time and place of their choosing, and that the public likely would not have been able to discover such infringing content if defendant did not operate a website offering the subject links. Therefore, defendant's links were determined to have increased the possibility of infringement of the transmission rights of the copyright holders, and the Court reasoned that there was a reasonable nexus between the act of offering links and the actual crime of using infringing content.

The Court did express concerns about overly limiting free speech as a result of this decision, given that hyperlinking is a usual form of interaction on the internet, and stated that aiding and abetting of copyright infringement should only be found in cases where there are clear factors attributable to the actor responsible for providing the links. The Court mentioned a few examples, such as (i) there must be strong evidence that the individual providing the links was aware that the hyperlinked content was infringing, and (ii) there must be a close nexus between the hyperlinking and the infringement of the transmission right, thus resulting in an increased incidence of copyright infringement.

The Supreme Court decision seeks a balance between strengthening protection for right holders concerning copyright infringement on the Internet, which can take place across international borders, while trying to prevent overly restricting online speech. Users who continuously offer links to infringing content on replay sites or mobile apps, etc. on a for-profit basis can no longer be confident of avoiding liability under Korean law. At the same time, authorities and copyright holders should be prepared to offer persuasive evidence of a connection between the hyperlinking and willful infringement of copyright.

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# New Amendment to Specify Unfair Uses of Data and Publicity Rights Under the UCPA

By Hyung Ji KIM, Bo Rung YOON, Seoung Soo LEE and Jason J. LEE

An amendment (the "Amendment") to the Unfair Competition Prevention and Trade Secret Protection Act (the "UCPA") was passed by the National Assembly on November 11, 2021, which prohibits the unfair use of data and unauthorized use of distinctive signs (e.g., portraits and names) of celebrities as "unfair competitive acts." The provision prohibiting unauthorized use of data will take effect on April 20, 2022, and the provision prohibiting unauthorized use of distinctive signs such as portrait and name of celebrities will take effect on June 8, 2022.

The importance of data, which is the basis of the digital era such as the Fourth Industrial Revolution and artificial intelligence, has been growing day by day, and new economic value is being created by utilizing big data, but the use and distribution of high-quality data have been hindered due to the lack of legal protections for such data. In addition, while the production and sale of illegal products using celebrities' portraits and names have increased and become more diverse, there are limits under current laws to protect celebrities' property rights and consumers from being damaged from such activities. The Amendment seeks to establish sound trade order and protect consumers from unfair damages by regulating these acts as potential unfair competitive acts.

The key contents of the Amendment are as follows:

## 1. Misuse of Data (newly inserted as Article 2 (1) (k))

The data protected by the UCPA is defined as "technical or business information provided to a specific person or a large number of specific persons for business, accumulated and managed in a substantial amount by electronic means, and not managed as confidential" as defined in Article 2(1) of the Framework Act on the Promotion of Data Industry and Promotion of Utilization, and the UCPA sets forth the following four types of specifically prohibited acts:

- (i) Acquiring data by theft, deceit, unlawful access, or any other improper means, or using or disclosing such data without access authority;

- (ii) Using, disclosing, or providing to a third party, data for the purpose of gaining unjust profit or inflicting damage on a data holder by a person who has access to the data in accordance with a contractual relationship with the data holder;
- (iii) Acquiring data or using or disclosing such data with knowledge of the involvement of (i) or (ii); and
- (iv) Circumventing technical protective measures for data.

Where a person's data is misused, that person can file a civil claim for injunction and damages. The Amendment further provides that a person circumventing technical protective measures for data as described in (iv) may be subject to criminal punishment.

## **2. Unauthorized Use of Distinctive Signs, Including Portrait and Name of a Celebrity (newly inserted as Article 2 (1) (l))**

The Amendment newly adds the act of infringing another person's economic interests by using a celebrity's portrait, name, voice, signature, or other identifiable signs for one's own business without permission in a manner contrary to fair commercial practices or competition order as potential unfair competition.

Significantly, the Amendment defines the unlawful use of data to include not only the direct act of unlawfully acquiring, using, and disclosing data, but also the act of acquiring, using, and disclosing data with knowledge that such unlawful acts were involved in the data's acquisition, disclosure or use. Caution is essential to ensure that any data acquired or used is lawfully available. In addition, an amendment to the Copyright Act to expressly state a right of publicity has been proposed but is still pending before the National Assembly, so the Amendment is expected to be actively utilized for now to protect celebrities' portraits from unauthorized use.

As we have seen an increase of disputes relating to the so-called "performance theft" provision after its addition to the UCPA as a new type of unfair competitive act, we expect there will be increased disputes relating to the unlawful use of data (item (k)) and the unauthorized use of distinctive signs such as portraits and names of celebrities (item (l)) as well.

It should be noted that the Amendment uses fairly vague or abstract terminology to describe the prohibited "acts," such as "unfair means," "unfair profits," and "methods contrary to fair commercial practices or competition order." Therefore, to avoid disputes relating to potentially covered acts, increased vigilance will be necessary until clearer precedents regarding the interpretation of these provisions have been established.



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**NEWS**

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## **"Korea Law Firm of the Year" for Nine Years in a Row – ALB Korea Law Awards 2021**

Kim & Chang won the "Korea Law Firm of the Year" award at the ALB Korea Law Awards 2021 held on December 2, 2021.

At the awards ceremony, Kim & Chang received the highest recognition in a total of 16 categories, including: seven more firm awards, which honor the best law firms in each field; four individual awards, which are given to attorneys with outstanding performance; and four deal awards, which recognize influential deals from the past year.

The ALB Korea Law Awards, which marks its ninth anniversary this year, is an annual awards ceremony hosted by Asian Legal Business (ALB), an Asian legal media under Thomson Reuters, which celebrates outstanding law firms, deals, lawyers and in-house legal teams in each category through evaluation by a panel of experts in the field of the respective awards. The results of this year's awards were announced online on December 2, 2021.

The following is a list of our awards:

### **Firm Award Categories – Sole Winner**

- Korea Law Firm of the Year (ninth consecutive win)
- Energy and Resources Law Firm of the Year
- Korea Deal Firm of the Year (second consecutive win)
- Korea Intellectual Property Law Firm of the Year (third consecutive win)
- Litigation Law Firm of the Year
- Regulatory and Compliance Law Firm of the Year (second consecutive win)
- Tax and Trusts Law Firm of the Year
- Technology, Media and Telecommunications Law Firm of the Year (second consecutive win)

### **Individual Award Categories – Sole Winner**

- Managing Partner of the Year: Kye Sung Chung
- Dispute Resolution Lawyer of the Year: Sungwook Kim
- Woman Lawyer of the Year: Yunjoh Lee
- Dealmaker of the Year: Teo Kim

### **Deal Award Categories – Co-Winner**

- Equity Market Deal of the Year: [Coupang's IPO in NYSE](#)
- M&A Deal of the Year: Korean Air's Acquisition of Asiana Airlines

- Project Finance Deal of the Year: Almaty Ring Road PPP Project
- Technology, Media and Telecommunications Deal of the Year: HYBE's Acquisition of Ithaca Holdings

## **"Outstanding" in All 24 Categories and 67 "Leading Lawyers" – asialaw Profiles 2022 & asialaw Leading Lawyers 2022**

Named "Outstanding" in all 24 categories in the 2022 edition of asialaw Profiles, Kim & Chang once again received the highest recognition across the entire surveyed categories.



Below are the details of our wins from this year's results.

### **Firm Rankings ("Outstanding" in all 24 categories surveyed in Korea)**

#### **Practice Areas**

- Banking and finance
- Capital markets
- Competition/antitrust
- Construction
- Corporate and M&A
- Dispute resolution
- Intellectual property
- Investment funds
- Labour and employment
- Private equity
- Regulatory
- Restructuring and insolvency
- Tax

#### **Industry Sectors**

- Aviation and shipping
- Banking and financial services
- Consumer goods and services
- Energy
- Industrials and manufacturing
- Infrastructure

- Insurance
- Media and entertainment
- Pharmaceuticals and life sciences
- Real estate
- Technology and telecommunications

In asialaw Leading Lawyers 2022, we also had 67 of our attorneys and patent attorneys rank as Korea's "Leading Lawyers" in each of their respective areas of expertise. In the Intellectual Property practice area, Duck-Soon Chang, Hyun-Jin Chang, Sang-Wook Han, Young Kim, and Jay (Young-June) Yang were recognized as "Leading Lawyers."

*asialaw Profiles and asialaw Leading Lawyers*: asialaw Profiles and asialaw Leading Lawyers are annually published legal directories by asialaw, a legal media company associated with Euromoney, covering law firms and legal practitioners in the Asia-Pacific region. Drawing from law firm submissions, client and peer feedback, and independent research and data analysis, asialaw published its rankings of Korean law firms in 13 practice areas and 11 industry sectors.

## IPR Daily Webinar

On October 29, 2021, In Kyu Jung (Korean Patent Attorney) and Huilian Kang (Chinese Patent Attorney), members of Kim & Chang's Intellectual Property Practice were invited to speak at a live lecture session organized by the IPR Daily. Under the topic of "Korean Patent System," they presented an overview of Korean Invention Patent System and IP Protection System.

The session was well-received by more than 2,000 onsite attendees and 4,000 online audiences of industry representatives and IP practitioners in China as a great opportunity to enhance their understanding on key IP issues and differences between the Chinese and Korean IP systems.

Founded in 2014, [IPR Daily](#) is China's leading Intellectual Property media, providing IP rights news, various industry updates and conference information worldwide. As a rapidly growing media, IPR Daily has recently launched [426.cn](#) (四二六人才平台), an online learning platform committed to IP.

## **Newsletter**

A Quarterly Update of Korean IP Law & Policy

## **KIM & CHANG**

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