KIM & CHANG

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Newsletter

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PATENT

TRADEMARK, DESIGN, COPYRIGHT & UNFAIR COMPETITION

EDITORS ***John J. KIM & Inchan Andrew KWON***

NEWS

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"Tier 1" in All 15 Practice Areas – The Legal 500 Asia Pacific 2022

Top Ranking in 18 Areas and 74 Individual Recognitions – Chambers Asia-Pacific 2022

PATENT

Korean Patent Court Confirms for the First Time That a Pharmaceutical Compound Patent Covers Generic Prodrugs

By Inchan Andrew KWON, Duck Soon CHANG and Monica Hyon Kyong LEEU

In a significant decision, the Patent Court recently confirmed that a generic product using a prodrug ester form of the active ingredient of AstraZeneca's blockbuster type II diabetes drug Forxiga® (dapagliflozin) was within the scope of a compound patent covering dapagliflozin, even if the patent did not expressly claim the prodrug ester form. This decision is especially remarkable because the applicant deleted the term "prodrug esters" from the claims during prosecution, due to the Korean Intellectual Property Office's (KIPO's) rejection of the term on formal lack of clarity grounds. However, after reviewing the totality of the circumstances, the Patent Court determined that the deletion of "prodrug esters" from the claims did not indicate intentional exclusion of all prodrug esters from the scope of the patent, and affirmed that the generic prodrug ester was within the scope of equivalents of AstraZeneca's patent.

This case followed other recent efforts by Korean generic companies to try to design around originator patents with generic products using different salt forms of the original approved active ingredient, on the theory that the scope of a patent during the patent term extension (PTE) period must be limited to the exact salt form of the original approved active ingredient. The Supreme Court ultimately rejected those efforts, and affirmed that other salt forms are still within the scope of the patent as long as they involve the same pharmacological mechanism of action and would not have been difficult to conceive or implement from the original approved salt form.

Following that rejection by the courts, Dong-A ST tried a different approach to get around AstraZeneca's Forxiga® patent, by developing a drug using a prodrug ester form of dapagliflozin (dapagliflozin formate), instead of a different salt form. A prodrug ester is a compound that has the same basic chemical structure as the underlying compound (dapagliflozin in this case), but adds an ester moiety to the compound, which is separated from the compound in the patient's body after being ingested. As such, while a prodrug ester of a compound is structurally different from the underlying compound, once ingested, it results in the same compound exerting the drug's pharmacological effect in the body, since the ester moiety is removed from the compound in the patient's digestive tract. Dong-A ST filed a scope confirmation action at the Korean Intellectual Property Trial and Appeal Board (IPTAB) to obtain a ruling that its prodrug ester (the Compared

Product) was outside the scope of AstraZeneca's patent, on the basis of the structural difference and the deletion of "prodrug esters" from the claims during prosecution, and the IPTAB agreed.

However, on appeal, the Patent Court rejected Dong-A ST's position, and held that even if the Compared Product was not literally claimed, it was still within the scope of equivalents covered by the patent, because it used the same problem-solving principle to achieve the same working effect as the patent, the substitution of different elements would not have been difficult to conceive, and the substituted element was not intentionally excluded from the patent during prosecution. Regarding the ease of substitution issue, the Court noted that the ester form chosen by Dong-A ST (the formate) was structurally the simplest ester that could have been used and that other formate ester prodrugs were known in the art, and that the formate did not provide any remarkable pharmaceutical effects in this case, so would have been considered as a candidate by one of ordinary skill in developing the drug. The Court also rejected that the deletion of "prodrug esters" meant that AstraZeneca had intended to exclude prodrug esters from the scope of the patent, on the basis that counterparts in other jurisdictions continued to claim prodrug esters expressly, and the record established that it was KIPO's practice at the relevant time not to allow the term "prodrug" in patent claims for formal reasons. The Court thus concluded that "prodrug ester" was merely a "functional expression," and that the applicant deleted the term from the claims in order to quickly resolve KIPO's formality rejection, not as an indication that the applicant intended to substantively remove prodrug esters from the scope of the claims.

In rejecting Dong-A ST's attempt to design around AstraZeneca's Forxiga® compound patent using a prodrug form of dapagliflozin that had no real medical benefit or advantages over dapagliflozin itself, the Patent Court's decision helps protect the core innovation of AstraZeneca's patent, and thus is a significant step in defending the value of innovative pharmaceutical products in Korea.

The Supreme Court Clarifies the Limits of Application of Res Judicata in Patent Cases

By Hyun-Jin CHANG, Hyewon KANG and Hyeongsu PARK

Under Article 163 of the Patent Act, res judicata prevents a re-trial of a final and conclusive IPTAB patent decision "based on the same facts and evidence," but does not apply to IPTAB decisions based on a "rejection" for non-substantive reasons. However, there has been some ambiguity in Korean law regarding whether certain types of "rejection" decisions might still be proper grounds for a later dismissal on res judicata grounds, if they involve some substantive review of the evidence presented. The Supreme Court has now clarified that res judicata cannot be invoked based on any decisions constituting a "rejection," even if the rejection involved some level of substantive review, as it would exceed the scope of Article 163 to treat any "rejection" as equivalent to a dismissal decision on the merits (Supreme Court Decision No. 2021Hu10077 rendered on June 3, 2021).

The principle of res judicata in IPTAB cases is set forth in Article 163 of the Patent Act, which provides that "[i]f a trial ruling rendered under this Act becomes final and conclusive, no person may demand re-trial, based on the same facts and evidence, provided that the foregoing shall not apply where the final and conclusive trial ruling is a rejection." In other words, the Patent Act gives res judicata effect to the IPTAB's decisions, for the purpose of preventing inconsistent decisions and abusive litigation and to promote efficiency in resolving patent disputes, unless a particular decision involves a "rejection" for non-substantive reasons (such as lack of standing).

While Article 163 indicates that res judicata does not apply to a petition that is "rejected" without a review on the merits (Articles 141 and 142 of the Patent Act), an ambiguity can arise in some cases because "same evidence" in this context can mean "not only the same evidence as that of a previous trial ruling that became final and conclusive, but also evidence that is not strong enough to overturn said ruling" (*see* Supreme Court Decision No. 90Hu1840 rendered on November 26, 1991). As a result, it has been possible for a case to be rejected on res judicata grounds even if it involved evidence that is literally different from a prior final decision on the same patent (such as new prior art references), if the IPTAB substantively reviewed the new evidence and determined it was "not strong enough" to overturn the prior ruling, and therefore constituted the "same evidence" as the prior ruling.

The instant case involved review of a patent invalidation petition that was rejected on res judicata grounds because it involved the "same evidence" as a previous invalidation decision involving the same patent, which had already become final and conclusive. The previous decision also involved a rejection on res judicata grounds over an earlier original decision upholding the validity of the same patent, and had been confirmed by the Patent Court. Both the first and second rejections for res judicata involved different prior art references from the original case, but the Patent Court determined that those references were still substantially the "same evidence" as those presented in the original case. However, the Supreme Court clearly ruled in Decision No. 2021Hu10077 rendered on June 3, 2021 that a "rejection" cannot have res judicata effect, for the following reasons:

- The doctrine of res judicata is essentially a formality requirement for a petition for trial, and it would be beyond the scope of Article 163 of the Patent Act to treat any "rejection" decision as equivalent for res judicata purposes to a dismissal decision after a substantive trial on the merits, even if some review of evidence may be required.

- While res judicata serves the purposes of seeking to prevent abusive litigation and contradictory trial rulings, this is counterbalanced by the fact that the right to petition for trial is an equally important right, and it is difficult to justify acknowledging exceptions to the treatment of "rejections" under Article 163 to allow them to have res judicata effect as to third parties.

Interestingly, while the Patent Court had earlier upheld the first res judicata rejection (as noted above), on remand in the second res judicata case, the Patent Court held that if a trial presents only new evidence that does not overlap with the evidence submitted in a previous final and conclusive trial ruling, the new evidence does not constitute "same evidence," and would not be subject to res judicata effect (Patent Court Decision No. 2021Heo3680 rendered on November 25, 2021).

In this case, the Supreme Court's decision did not change the substantive outcome, because even though the rejection on res judicata grounds was determined to be improper, the Patent Court on remand still held that the patent was inventive over the new references presented, and thus apparently still considered them not strong enough to overturn its initial ruling of validity. However, the Supreme Court's decision and the Patent Court's decision on remand did clarify the meaning of "same evidence" in Article 163 of the Patent Act and that "rejection" decisions under Article 163 are not merits decisions for res judicata purposes, which should clarify application of the res judicata doctrine in Korea going forward.

Korea Announces Comprehensive "Technology Protection Strategy" for Core Technologies and Infrastructure

By Peter K. PAIK, Injae LEE and Min Seo HWANG

In recognition of the growing importance to the economy and national security of securing core technologies and the infrastructure to support technology supply chains, the Korean government has revised its policy framework to respond to changes in the global technology protection environment. As part of this effort, the Korean government announced its "Technology Protection Strategy under Global Competition for Technology Hegemony" (hereinafter, the "**Protection Strategy**") at the National Policy Coordination Meeting held on December 23, 2021, which was presided over by the Prime Minister.

According to the Protection Strategy, the government will seek to integrate various protection measures that have been established and implemented by different government ministries into a single unified "Korean technology protection strategy." This signals the government's commitment to mobilize all of its ministries to preemptively and strategically respond to attempts by industry latecomers to unlawfully access Korea's core technologies. The Protection Strategy aims to "strengthen the competitiveness of industries and the country through protection of core technologies and a virtuous cycle of human resources" by implementing various strategies and objectives, such as (i) establishment of a proactive protection system for core technologies, (ii) prevention of leakage of core human resources and establishment of a virtuous cycle of human resources in Korea, and (iii) strengthening of inter-ministry cooperation, especially in areas of international trade in technology, and requiring detailed implementation plans from the relevant ministries.

In addition, a new Act on Special Measures for Strengthening and Protecting the Competitiveness of the National High-Tech Strategic Industry (hereinafter, the "**Special Act**") was promulgated on February 3, 2022 and will take effect on August 4, 2022. Under the Special Act, specific technologies that (i) have a significant impact on national and economic security, such as stabilization of the supply chain, and on the national economy, such as export and employment, (ii) have growth potential, technical difficulty and industrial importance, and (iii) have a significant ripple effect on related industries, will be newly designated and protected as "**National High-Tech Strategic Technology**," which is expected to include certain semiconductor and battery technologies. The government will provide a package of support to industries that research,

develop or commercialize National High-Tech Strategic Technologies or that produce and commercialize products and services based on National High-Tech Strategic Technologies (hereinafter referred to as the "**National High-Tech Strategic Industry**"), including (i) expedited processing of governmental approvals or licenses, (ii) establishment of infrastructure (i.e., priority support for industrial infrastructure in a designated special area), (iii) rapid processing of administrative complaints, (iv) funding, and (v) tax benefits.

The tax benefits under the Special Act are linked to the amended Restriction of Special Taxation Act (the "**Special Taxation Act**"), which will take effect on January 1, 2023. Under the Special Taxation Act, certain technologies will be newly designated as "**National Strategic Technology**," and tax benefits will be provided to companies (including foreign-invested enterprises) that research, develop or commercialize National Strategic Technology in Korea. Such tax benefits will apply to (i) costs incurred after July 1, 2021 for R&D relating to National Strategic Technology, and (ii) investments incurred after July 1, 2021 in facilities to manufacture products using National Strategic Technology, even if the facility also manufactures other products, as long as National Strategic Technology products constitute more than 50% of the facility's output. The Ministry of Economy and Finance announced in its press release dated July 26, 2021 that certain semiconductor, battery, and vaccine technologies will be designated as National Strategic Technology under the Special Taxation Act, and the proposal has been reaffirmed in the proposed amendment to the Enforcement Decree to the Special Taxation Act published in a press release dated January 6, 2022.

National Core Technology	**National High-Tech Strategic Technology**	**National Strategic Technology**
ITA (currently in force)	Special Act (August 4, 2022)	Special Taxation Act (January 1, 2023)
Certain Semiconductor (11), Display (2), Electrical and Electronics (4), Automobile· Railway (9), Steel (9), Shipbuilding (8), Nuclear Power (5), Information & Communication (7), Space (4), Biotechnology (4), Machine (7) & Robot (3) – total 73	Expected to designate certain semiconductor and other technologies	Certain semiconductor (20), battery (9), and vaccine (5) technologies – total 34

If certain technology is designated as a National High-Tech Strategic Technology, it shall also be deemed as National Core Technology under the Act on the Protection of Industrial Technology and Prevention of Divulgence (the "**ITA**"). This means that even if the government does not provide any R&D funding of the technology, any export of National High-Tech Strategic Technology from Korea and any M&A involving a company possessing National High-Tech Strategic Technology will require prior approval by the Minister of Trade, Industry and Energy (MOTIE).

Details of the Protection Strategy

The key details of the Protection Strategy are as follows:

1. Establishment of proactive protection system for core technology

A. Expansion of new designations of core technologies and implementation of a "sunset" system

Due to the continuing need to designate new core technologies for protection by the government as well as to revoke such designations, and to take into account the technological environment, domestic and international level of technology, and changes in economic value of technology, the government plans to (i) expand the scope of National Core Technology to additional critical technologies that have achieved global competitiveness through designating such technologies (e.g., semiconductors, displays, batteries, and materials/parts/equipment); (ii) regularize the timing of new designations, changes, and revocations of National Core Technology designations, and (iii) formulate and implement procedures for revoking the designation of National Core Technology (i.e., a technology sunset system) after a certain period of time (5-10 years depending on the technology). The government plans to amend the designation of National Core Technologies in 2022 to implement the above.

B. Introduction of system for registering institutions possessing National Core Technology

The government plans to introduce a registration system for institutions holding National Core Technologies. Such registrations are designed to prevent unauthorized export of technologies, unauthorized M&A's by foreign entities, evasion of determination of possession of National Core Technologies, and failure to undergo compliance audits, and to secure effectiveness of National Core Technology protection measures. The institutions subject to registration will be those that have been identified as an institution in possession of National Core Technology through export history (e.g., export of National Core Technology, M&A by foreign entities, and determination of National Core Technology) and institutions where the government requested registration (including subcontractors that have acquired National Core Technology by means of joint R&D, contract manufacturing, etc.). The government plans to implement registration by amending the Industrial Technology Protection Guidelines in 2022 and will establish a legal basis for the introduction of the mandatory registration system and sanctions

provisions by amending the ITA in 2023, the primary statute governing the protection of National Core Technology.

C. Expand the scope of application to include M&A's involving foreign companies

In order to prevent technology theft through M&As by foreign entities, the government plans to add foreign nationals to the list of those who are required to report or seek approval of M&As with any institution possessing National Core Technology, and to expand the scope of foreign nationals and M&As subject to government approval. The government has indicated it will amend the ITA in 2023 to achieve the above.

Persons with duty of application/report	(Current) institutions possessing National Core Technology → To be amended to add foreign nationals
Foreign nationals	(Current) Foreign nationals (with the plain and ordinary meaning) → To be amended to add dual citizens, foreign capital private equity funds, and domestic corporations controlled by foreign national(s)
M&A	(Current) Direct ownership of 50% or more of stock/shares → To be amended to direct or indirect ownership (having influence via the parent company, subsidiaries, or second-tier subsidiaries) of 30% or more of stock/shares
	(Current) If owning less than 50% of the stocks/shares, foreign nationals who can exercise controlling influence over either the appointment of executive officers or management of a subject institution → To be amended to foreign nationals who can exercise controlling influence over business performance such as the appointment of executive officers, organizational transformation, or investment in new business

2. Prevention of leakage of key personnel and establishment of a virtuous cycle of human resources

In order to prevent the leakage of National Core Technology experts and the leakage of technology by former/current employees and employees of subcontractors, the government plans to (i) establish a database of National Core Technology experts in 2023 to constantly monitor their job changes and travel to and from Korea (priority implementation toward the workforce requested by the industry with consent to the provision of personal information, and expanded implementation through amendment of laws and regulations), (ii) provide incentives to core personnel to prevent the leakage of National Core Technology jointly owned or jointly developed by a principal company and its subcontractors and to encourage the long-term service of the subcontractors' core personnel, and (iii) establish measures in 2022 to prevent the exploitation of technology by foreign experts.

3. Strengthened cooperation among ministries and cooperation for international trade in technology

First, the government plans to establish a center for reporting the leakage and infringement of industrial technology; to enhance cooperation around the relevant agencies' windows for reporting technology leakage and infringement; and to strengthen cooperation between relevant ministries during the survey/investigation of technology leakage by, e.g., using Korean Intellectual Property Office (KIPO) patent databases to identify institutions possessing National Core Technology and to conduct compliance audits and collect and investigate information on technology leakage. KIPO already announced on January 23, 2022 that it will start building a database this year by analyzing the relevance of new patent applications to National Core Technologies and granting industry-linked classification codes.

Second, the government will establish and jointly announce mid- and long-term technology protection plans for each ministry in the short term; and establish an integrated management system for technology security across all ministries through the "Technology Protection Consultative Organization."

Finally, the government will strive to comprehensively improve cooperation for technology trade across semiconductor, investment assessment, ICT, energy, and other fields, in accordance with the Korea-U.S. Summit Agreement by, e.g., strengthening consultation channels among the Korea-U.S. trade authorities; cooperating with respect to export control policies related to semiconductors; discovering and promoting semiconductor technology cooperation projects; and continuing to operate the Korea-U.S. investment assessment working group and to share investment assessment policies.

In line with intensifying global competition for technology hegemony, the government has expressed its strong commitment to prevent the leakage of core Korean technologies to foreign countries. The government is expected to closely monitor violations and strictly enforce laws in the future. Therefore, companies that may be handling such core technologies in Korea are strongly advised to monitor any amendments to the relevant laws and regulations (e.g., export control laws), and to ensure compliance with these laws and regulations in their work.

New Amendments to the Korean Trademark Act in the New Year

By Sue Su-Yeon CHUN, Beth JANG and Angela KIM

On February 3, 2022, the National Assembly promulgated amendments to the Trademark Act (the "Amendments"), which supplement the definition of "use of a trademark" and enhance procedural convenience for applicants as well as their ability to secure rights. The Amendments are summarized in detail below.

1. Expansion of the definition of "use of a trademark" to cover the online distribution of "digital goods"

Under the current Trademark Act, "use of a trademark" is defined as any of the following acts, where "displaying a trademark" includes "displaying a trademark on information provided through a telecommunications network by electronic means":

(a) Displaying a trademark on goods or packages of goods;
(b) **Transferring or delivering** goods or packages of goods bearing a trademark, or exhibiting, exporting, or importing such goods for the purposes of transferring or delivering;
(c) Displaying a trademark on advertisements, price tags, transaction documents, or other means, and exhibiting or giving extensive publicity to the trademark.

In recent years, the distribution of various downloadable "digital goods" has become increasingly prevalent. While such distribution involving trademarks has been deemed to constitute use of the relevant trademarks by KIPO and the courts, strictly speaking, paragraph (b) above refers only to traditional types of distribution and does not reflect changing trends in distribution. Thus, to clarify the statute to recognize that the distribution of trademarked digital goods is also use of the trademark, this paragraph has been amended to read: "**Transferring, delivering, or providing via a telecommunications network** goods or packages of goods bearing a trademark, or exhibiting, exporting, or importing such goods for any of the aforementioned purposes." This amendment will go into effect on August 4, 2022.

2. Introduction of a Partial Rejection System

Under the current Trademark Act, examiners at the Korean Intellectual Property Office are required to specify the rejection grounds for each designated good when issuing an Office Action. When issuing a final rejection, however, the examiner must reject the entire application unless each and every rejection ground has been overcome, even if only some of the designated goods have been rejected. Following such a final rejection, in order to obtain allowance of the application for the non-rejected goods, the applicant must either appeal to the Intellectual Property Trial and Appeal Board (IPTAB) to limit the application, or file a new application designating only the non-rejected goods.

In order to make the registration process more convenient for applicants and to improve their chances of securing proper rights, the Amendments introduce a partial rejection system, which requires KIPO to issue a final rejection only as to goods that have been rejected, such that the remaining goods can be registered without the need for additional steps by the applicant. This system will apply to applications filed on or after February 4, 2023.

3. Establishment of a Re-Examination System

The Amendments also establish a new re-examination system, for the convenience of applicants and provide more opportunities for them to protect their rights. More specifically, even if KIPO issues a final rejection, if the rejection grounds can be overcome by simply amending the designated goods, the applicant may submit the amendment together with a request for re-examination to KIPO, without having to undergo a trial proceeding at the IPTAB. It is important to note, however, that a request for re-examination cannot be filed to dispute any rejection ground that cannot be resolved by an amendment.

A request for re-examination may be filed before the deadline to appeal the final rejection to the IPTAB (i.e., within 3 months from the date of receipt of the Notice of Final Rejection), and if the re-examination request is filed, the final rejection will be deemed to be revoked. A re-examination request may only be submitted once, and no re-examination may be requested once an IPTAB appeal has been filed. In addition, this system does not apply to applications filed under the Madrid Protocol. This system will be effective as to applications filed on or after February 4, 2023.

Korean Customs Releases 2020 Statistics Showing Increased Seizures of Counterfeit Goods

By Seung Jun JI and Jason J. LEE

The Korea Customs Service (KCS) recently published its report on counterfeit goods seized by Customs in South Korea in 2020. The numbers reveal some interesting trends that may reflect the large increase in online shopping due to the COVID-19 pandemic.

According to the report, there were 34,773 seizures in 2020, an increase of 13% from 30,856 seizures in 2019. 98.7% of these seizures involved either items sent through the postal service (89%) or express shipping services (9.7%), up considerably from 83.7% in 2019. Nearly 99.1% of these seizures involved some type of trademark infringement. The KCS also noted that despite the increase in number of seizures, the total weight of seized items actually decreased by 23% compared to 2019. The substantial decline in the average weight of seized items suggests that smaller packages constituted a much larger portion of seized items in 2020 compared to previous years.

Seizures of bags (33.9%), shoes (18%), and clothing (17.7%) accounted for the largest portion of total seizures by weight, and the majority of these items originated from China and Hong Kong (94.5%), figures that are not significantly different from 2019. Interestingly, the number of infringing items brought into the country through travelers' personal belongings decreased by more than 90% compared to 2019, reflecting the impact of the COVID-19 pandemic.

These numbers suggest that the onset of the COVID-19 pandemic in early 2020 likely led to a large increase in online shopping by Korean consumers, not only in terms of increased ordering from abroad, but also because small online retailers within Korea commonly order goods from Chinese sellers to be shipped directly to Korean customers. As a result, the way many counterfeit goods enter Korea from China also appears to have changed – instead of large shipments of counterfeit goods being imported into Korea and being resold through various physical shops and markets, it appears that counterfeit goods are increasingly being imported in small quantities through various mail and courier services. This could have implications for trademark and counterfeit enforcement, since these small online retailers typically do not need to store infringing products in warehouses within Korea.

To combat this increase in small imports of counterfeit and infringing products through postal and courier services, the KCS is planning to expand its postal customs program, which it established in 2019, through which customs officers focused on postal imports categorize suspicious items, confirm the types and quantities of items, and report them to rights holders for authentication, with support from the Trade Related IPR Protection Association. Rights holders may be well advised to increase their monitoring of online sales in Korea, and to work with the KCS' postal customs program to enhance their enforcement efforts.

The full KCS report can be viewed on KCS' official website at www.customs.go.kr in both Korean and English. To view the English version of the report, please click on the following link: https://www.customs.go.kr/streamdocs/view/sd;streamdocsId=72059238243953855.

NEWS

Ranked "Band 1" in All Nine Areas, 37 "Leading Individuals" Recognized – Chambers Global 2022

In the *Chambers Global 2022 edition*, Kim & Chang was the only Korean law firm to be ranked "Band 1" in all nine practice areas that were surveyed for Korea this year. In addition, in the Global Market Leader ranking table, our firm was selected as "Band 5" in the Arbitration (International) category for the second consecutive year.

The following details our 2022 rankings results.

Firm Rankings

Global Market Leader

- Arbitration (International): Band 5

Asia-Pacific Region

- Arbitration (International): Band 4

South Korea ("Band 1" in all nine categories surveyed for Korea)

- Banking & Finance: Band 1
- Capital Markets: Band 1
- Capital Markets: Securitisation
- Corporate/M&A: Band 1
- Corporate/M&A (Foreign Expertise for North Korea)
- Dispute Resolution – Arbitration: Band 1
- Dispute Resolution – Litigation: Band 1
- Intellectual Property: Band 1
- Intellectual Property – Patent & Trade Mark Agents: Band 1
- International Trade: Band 1
- International & Cross-Border Capabilities: Band 1

North Korea

- General Business Law (Expertise based Abroad): Spotlight

For individual categories, 37 attorneys and patent attorneys were recognized as "Leading Individuals." In the Intellectual Property practice area, Duck-Soon Chang, Sang-Wook Han,

Young Kim, Seong-Soo Park, Yu-Seog Won, and Jay (Young-June) Yang were selected as "Leading Individuals."

About Chambers Global: A global legal market assessment directory published annually by the world-renowned legal media Chambers and Partners, *Chambers Global* conducts extensive investigations based on law firms' submissions, interviews with key clients and partners, and its own research and data analysis to name outstanding law firms and lawyers in more than 200 jurisdictions around the world on an annual basis.

"Tier 1" in All 15 Practice Areas – The Legal 500 Asia Pacific 2022

In the 2022 edition of *The Legal 500 Asia Pacific*, Kim & Chang was the only Korean law firm to be selected as "Tier 1" in all 15 areas surveyed for Korea this year. In addition, we maintained our "Tier 3" ranking in the Regional International Arbitration category, which was evaluated across the Asia-Pacific region.

Firm Rankings

South Korea ("Tier 1" in all 15 practice areas)

- Antitrust and Competition
- Banking and Finance
- Capital Markets
- Corporate and M&A
- Dispute Resolution
- Insurance
- Intellectual Property
- International Arbitration
- Labour and Employment
- Projects and Energy
- Real Estate
- Regulatory Compliance and Investigations
- Shipping
- Tax
- TMT

Asia Pacific

- Regional International Arbitration: Tier 3

In addition, 46 attorneys, patent attorneys, and tax attorneys/CPAs were recognized as "Leading Individuals," "Next-Generation Partners," and "Rising Stars" in the individual category. In the Intellectual Property practice area, Young Kim was selected as a "Leading Individual."

The Legal 500 Asia Pacific, a market-leading law firm directory published by renowned UK legal publisher Legalease, conducted extensive research on 25 countries in the Asia-Pacific region based on submissions from law firms and interviews of partners and clients, and announced the rankings of law firms across major practice areas.

Top Ranking in 18 Areas and 74 Individual Recognitions – Chambers Asia-Pacific 2022

Kim & Chang ranked "Band 1" in 18 practice areas in *Chambers Asia-Pacific 2022*, once again receiving the most number of "Band 1" rankings among Korean law firms.

In particular, we were the only Korean law firm to be ranked "Band 1" in Dispute Resolution: Arbitration and Dispute Resolution: White-Collar Crime since last year. In addition, we continued to rank in Arbitration (International): Asia-Pacific Region and General Business Law: North Korea.

Below are the details of our rankings:

Firm Rankings

South Korea ("Band 1" in 18 out of 19 practice areas surveyed for Korea)

- Banking & Finance: Band 1
- Capital Markets (Capital Markets: Securitisation): Band 1
- Competition/Antitrust: Band 1
- Corporate/M&A: Band 1
- Dispute Resolution – Arbitration: Band 1
- Dispute Resolution – Litigation: Band 1
- Dispute Resolution – White-Collar Crime: Band 1

- Employment: Band 1
- Insurance: Band 1
- Intellectual Property: Band 1
- Intellectual Property – Patent Specialist: Band 1
- International Trade: Band 1
- Projects & Energy: Band 1
- Real Estate: Band 1
- Restructuring/Insolvency: Band 1
- Shipping: Band 1
- Shipping – Finance: Band 2
- Tax: Band 1
- Technology, Media, Telecoms (TMT): Band 1

North Korea

- General Business Law

Asia-Pacific Region

- Arbitration (International): Band 4

With the guide also naming 74 of our attorneys, patent attorneys and certified public accountants, the highest number of any Korea law firm, as "Leading Individuals," we demonstrated our market-leading capabilities across a wide range of fields. In the Intellectual Property practice area, Duck-Soon Chang, Sang-Wook Han, Young Kim, Seong-Soo Park, Yu-Seog Won, and Jay (Young-June) Yang were selected as "Leading Individuals."

Chambers Asia-Pacific, an annual Asia-Pacific legal market assessment published by world-renowned legal media Chambers and Partners, conducted extensive research this year in 36 countries in the Asia-Pacific and in 19 practice areas specific to Korea and named outstanding law firms and lawyers based on its evaluation of firms' submissions, interviews of key clients and partners, and its independent research and data analysis.

Newsletter

A Quarterly Update of Korean IP Law & Policy

KIM & CHANG

INTELLECTUAL PROPERTY

Jeongdong Building, 17F, 21-15 Jeongdong-gil, Jung-gu, Seoul 04518, Korea

Tel: +82-2-2122-3900 | Fax: +82-2-2122-3800/+82-2-741-0328 | Email: ip-group@kimchang.com | www.ip.kimchang.com