

A Quarterly Update of Korean IP Law & Policy

Newsletter

2023 Issue 1

PATENT

Korean Supreme Court Again Warns Against Hindsight Bias in Reviewing Numerical Limitation Inventions

Korea Considers How to Address Creative Works by Artificial Intelligence

KIPO Improves Examination Guidelines for 4th Industrial Revolution Technologies

KIPO Publishes Examination Casebook for Autonomous Vehicle Inventions Based on Its Recent Examination Guidelines

More Criminal Investigations and Heavier Punishments for Misappropriation of Trade Secrets and Industrial Technologies in Korea

Non-Compete Agreements in Korea

TRADEMARK, DESIGN, COPYRIGHT & UNFAIR COMPETITION

Korea Is Poised to Allow Letters of Consent for Trademark Co-Existence

MOJ Announces Bill to Establish the "Right of Publicity" in the Civil Code

Partial Rejections and Re-Examination System Now Effective in Korea

Can a Well-Known Mark Owner Raise a Consumer Confusion Claim Against a Good Faith Prior User?

Supreme Court Sets Limits to "Freedom to Operate" Defense in Design Cases

The Impact of Design Classification Changes on Partial Examination

Korea Customs Service Publishes 2021 Annual Report on IPR Seizures

Trademark and Compliance Issues Flagged in Korean Customs' Crackdown on Illegal Direct Overseas Purchases

TRADEMARK, DESIGN, COPYRIGHT & UNFAIR COMPETITION

The Korean Patent Court Will Now Be Called the "Intellectual Property High Court" in English

EDITORS *Inchan Andrew KWON, John J. KIM & Raymis H. KIM*

NEWS



Ranked "Band 1" in All Nine Areas, 38 "Leading Individuals" Recognized – Chambers Global 2023

Kim & Chang Ranked Among Top Trademark Firms in WTR 1000 2023

Opening of Kim & Chang's Hanoi (Vietnam) Office

Korean Supreme Court Again Warns Against Hindsight Bias in Reviewing Numerical Limitation Inventions

By CY Chooyoun KIM, Ji Woo KIM and Yeonwoo PARK

In an important decision impacting the so-called numerical limitation inventions in Korea, on January 13, 2022, the Supreme Court emphasized that the disclosure of prior art references must be interpreted in a complete and organic way to avoid improper hindsight, in contrast to the current common practice by courts of allowing the significance of numerical limitation features to be challenged based on a selective review of prior art disclosures without larger context.

Background

In Korea, a numerical limitation invention refers to an invention whose point of novelty over the prior art is a specific numerical range or limitation of one or more previously disclosed technical elements. Such inventions are generally subject to stricter scrutiny under Korean practice due to the perception that they are less inventive, given that all of their technical elements were previously known, and it is common for such claimed numerical limitations to be judged to have been easily derivable through routine experimentation in the course of normal optimization processes, especially if other overlapping or similar numerical ranges also are disclosed in the prior art. Such prior art numerical ranges are frequently simply referenced without considering their full significance in the context of the prior art or applicability to the invention at issue. As a result, numerical limitation inventions tend to be allowed at a substantially lower rate compared to regular inventions or similar types of inventions in other jurisdictions.

Supreme Court Decision

The case at issue involved an invention for a "method of treatment of a running ferrous alloy sheet" to improve adhesion of coatings on the sheet, which included immersing the iron alloy sheet in a molten oxide bath with a viscosity between 0.003 to 3 poise, and where the Li_2O concentration of the bath was between 10%wt to 45%wt. The main cited reference disclosed a "steel strip annealing method" that also used a low-viscosity molten salt bath, involving a viscosity of 100 poise or less, and a Li_2O concentration of up to 6%wt.

The Korean Intellectual Property Office (KIPO) rejected the invention for lack of inventiveness over the cited reference, finding that the differences in numerical ranges of molten oxide bath viscosity and Li_2O concentration easily could have been derived through routine experiments. KIPO's decision was upheld by both the Intellectual Property Trial and Appeal Board and the IP High Court before finally being appealed to the Supreme Court.

The Supreme Court found fault with the above decisions in their interpretation and application of the molten oxide bath viscosity and Li_2O concentrations ranges of the cited reference against the claimed invention, noting in particular that the prior art ranges were selectively drawn from the cited reference to compare with the numerical ranges of the invention without considering how a person of ordinary skill in the art would have interpreted the cited reference ranges at the time of the invention.

The Supreme Court then determined that extrapolating the molten oxide bath viscosity range of the cited reference to cover the invention would have defeated the intended purpose of the prior art (to form a solidified salt coating on steel strips), and thus would have been contrary to the understanding of one of ordinary skill in the art. The Supreme Court further observed that the cited reference actually taught away from using Li_2O concentrations above 6%wt (such as the invention's claimed 10-45%wt range) since the reference disclosed that this would cause the desired adhesion-level of the solidified film to be exceeded. The Supreme Court concluded that one of ordinary skill would not easily have derived the claimed numerical limitations from the cited reference, and affirmed inventiveness.

Implications

This is the latest Korean Supreme Court decision to warn against hindsight in reviewing inventiveness, this time in the context of numerical limitation inventions, and to encourage the application of general principles of patentability rather than using specific inventiveness rules for different types of invention categories. This is expected to enhance the ability of patentees to protect their inventions in Korea, and to improve consistency between Korean patentability standards and those of other jurisdictions.

Korea Considers How to Address Creative Works by Artificial Intelligence

By Ho Yeon LEE, Aeree KO, Chang Hwan SHIN and Chulhyun PARK

Can artificial intelligence (AI) be an inventor? With the rapid advancement of AI technologies today, this issue is being hotly debated in many countries.

The Korean Patent Act (KPA) defines an invention as a high level creation of a technical idea using the laws of nature (Article 2(1)), and that the "person" who creates an invention (or his/her successor) owns the right to obtain a patent on the invention (Article 33). The language of the KPA therefore suggests that an invention is the result of "personal" human intellectual activity, and that only a human being can be an inventor.

The Korean Intellectual Property Office (KIPO) recently dealt with this issue in a Korean patent application which named an AI called "Device for the Autonomous Bootstrapping of Unified Sentience (DABUS)" as an inventor. The invention was originally filed under the Patent Cooperation Treaty (PCT) as an international application, and then entered the Korean national phase on May 17, 2021. Although details of the examination of the application are not yet publicly available, KIPO issued a press release in January 2023 indicating it had dismissed the application filing without review (i.e., it did not initiate examination of the application) on the basis that it identified an entity that was not a natural person as an inventor and thus failed to meet filing formality requirements. The press release added that there had been no substantive assessment as to whether the invention actually was created by the AI. The dismissal of the application was appealed to the Seoul Administrative Court in December 2022, and is now pending.

This patent application was filed pursuant to the Artificial Inventor Project, headed by Stephen Thaler, as one of a series of test cases filed worldwide "seeking intellectual property rights for AI-generated output in the absence of a traditional human inventor or author," according to the project website. Mr. Thaler has filed national phase patent applications in over ten countries based on the above PCT application. Some of the cases (including EU and Australia) resulted in final decisions that AI cannot be an inventor, while other cases (including the U.S., U.K., Germany) are currently pending at the highest courts in those jurisdictions.

In its press release, KIPO indicated it would keep an eye on the decision by the Seoul Administrative Court as well as decisions in other countries, and would seek to establish an appropriate system for handling AI-related IP issues in harmony with the international community.

Creative works by AI have also raised copyright issues in Korea. The Korea Copyright Commission published its position on AI-created works on their website in November 2022. The Commission expressly states that AI cannot be an author or a copyright holder, and AI-created works cannot be copyrightable, citing to Article 2(1) of the Copyright Act that "a copyrightable work is a creative work expressing a human's spirit or emotion." Similarly, the Korea Music Copyright Association has determined that copyright royalties need not be paid for musical works generated by AI because the works are not copyrightable, referencing the same copyright statute. Similar copyright issues seem to have been raised in other countries as well.

In view of the rapid advancement of AI as reported in the news recently, an answer to the question of whether works generated by AI are entitled to intellectual property protection seems inevitable. We would expect Korean laws and regulations on intellectual property protection to be revised in the near future based on how the international community responds to this issue, and will continue to monitor for any relevant developments in this area.

KIPO Improves Examination Guidelines for 4th Industrial Revolution Technologies

By Aeree KO, Chulhyun PARK and Man Kum LEE

The Korean Intellectual Property Office (KIPO) has been making efforts to improve examinations of technologies relating to the Fourth Industrial Revolution (4IR). KIPO has categorized the technologies into key technologies and technologies where the key technologies are being combined ("convergence technologies") as shown in the table below (see KIPO press release, November 17, 2022):

Table. Categories of the Fourth Industrial Revolution Technologies

8 Key Technologies of the 4IR	11 Convergence Technologies of the 4IR
- Artificial Intelligence (AI)	- AI & Digital Healthcare
- Big Data	- AI & Big Data
- Internet of Things (IoT)	- AI & IoT
- Digital Healthcare	- AI & Autonomous Driving
- Biomarker	- AI & Intelligent Robot
- Intelligent Robot	- Digital Healthcare & IoT
- Autonomous Driving	- Digital Healthcare & Intelligent Robot
- 3-Dimensional Printing	- Digital Healthcare & Big Data
	- IoT & Big Data
	- IoT & Autonomous Driving
	- Autonomous Driving & Intelligent Robot

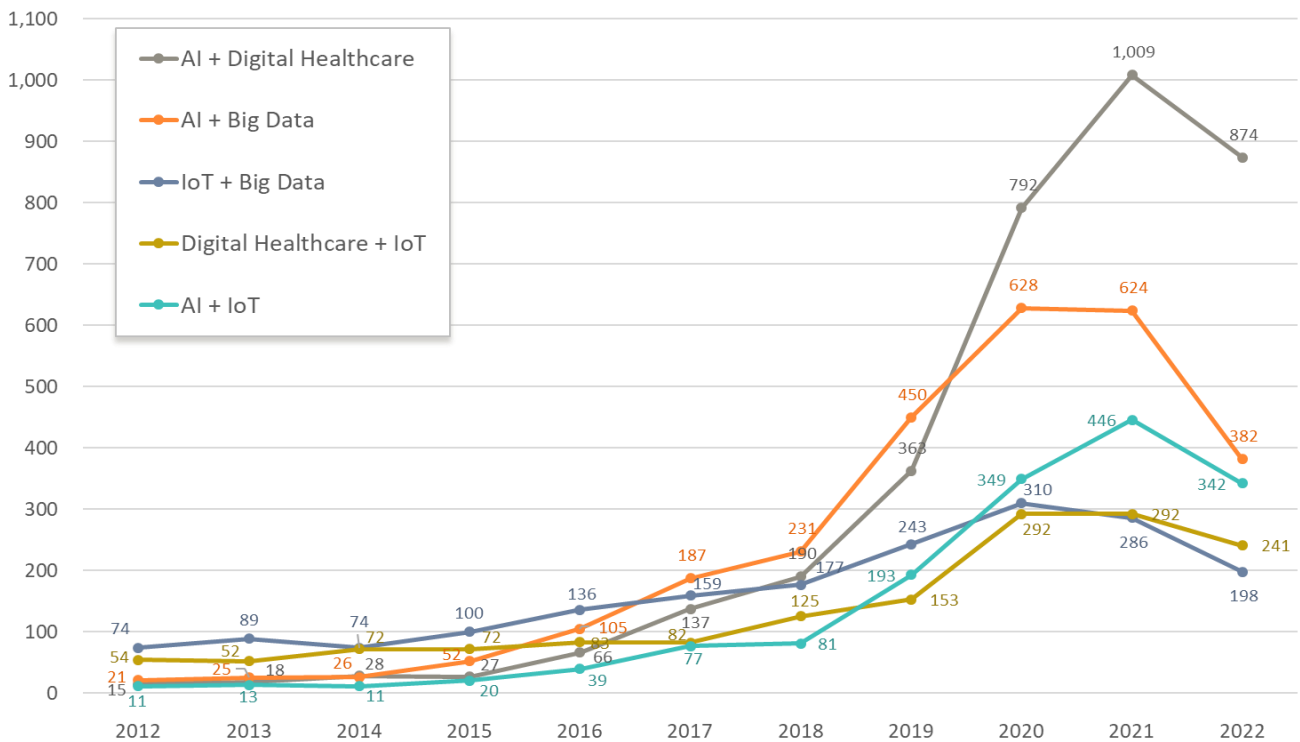
As more patent applications for convergence technologies are being filed, it is important to have a better understanding of the examination guidelines for the base key technologies used in the convergence technologies. Thus, KIPO has been updating its examination guidelines for different technology areas relating to 4IR and providing clearer examination standards with many illustrative examples (including actually examined cases): artificial intelligence (AI), Internet of Things (IoT), biotechnology, plant, medical, intelligent robot, autonomous driving, 3D printing, and chemical compounds.

Some notable updates in the guidelines include: for AI, the guidelines define an AI training model subject to a patent and specify formality of claims and written description requirements; for the IoT, the guidelines clarify standard for determining inventiveness; and for biotechnology, the guidelines have added examination cases for technologies involving biomarkers in diagnosing a disease.

According to a KIPO press release, the filing records over a ten-year period from 2012 to 2021 show an increasing trend in the convergence of key technologies. Over the ten year period, the number of patent application filings for convergence technologies have seen a 22-fold increase (from 95 to 2,103 filings); whereas, for the key technologies, there has been a 3.7-fold increase (from 6,710 to 24,732 filings).

Based on KIPO's data, AI has been the most integrated technology among the key technologies. The number of patent application filings for convergence technologies integrated with AI has seen a 44-fold increase over the ten year period. Of these AI convergence technologies, the convergence of digital healthcare and AI is leading the number of annual filings since 2019, outpacing the convergence of big data and AI.

Figure. The Number of Application Filings for Top 5 Convergence Technologies



* Graph generated based on data available on KIPO's website; the number of filings in 2021 and 2022 does not include unpublished applications

In view of the rapid convergence of technologies and the increase in need for protecting 4IR technologies, we expect applicants and practitioners to benefit from the clearer examination standards, which are likely to lead to an increase in allowance rates. For our newsletters on some highlights of the updated examination guidelines, please refer to [KIPO Publishes Examination Guidelines for Autonomous Vehicle Inventions](#), [KIPO Publishes Examination Guidelines for Intelligent Robot Inventions](#), and [KIPO Publishes Examination Guidelines for 3D Printing Inventions](#).

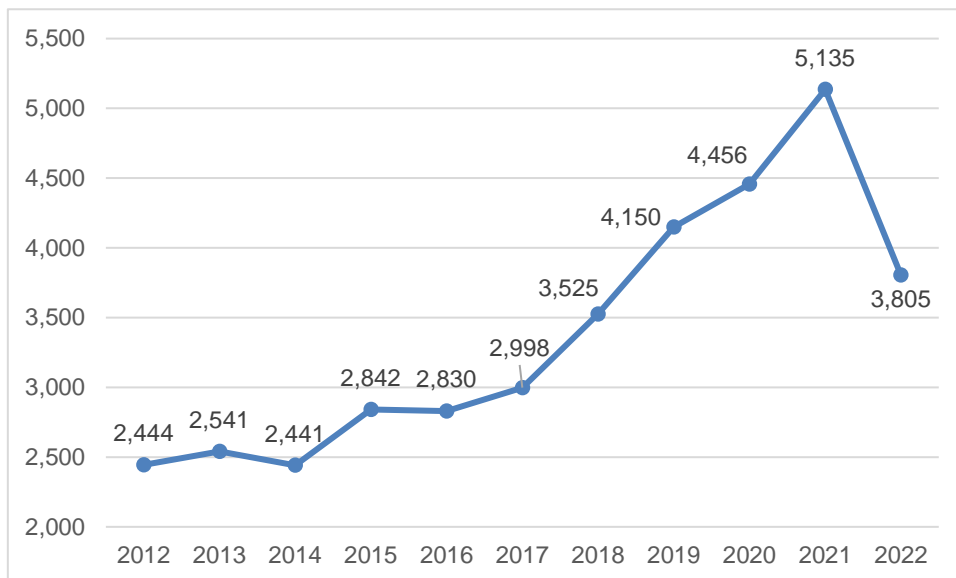
KIPO Publishes Examination Casebook for Autonomous Vehicle Inventions Based on Its Recent Examination Guidelines

By Soho LEE and Ki Ho KIM

On January 6, 2023, the Korean Intellectual Property Office (KIPO) published an Examination Casebook ("Casebook") regarding examination of autonomous vehicle applications. The Casebook follows publication of KIPO's patent examination guidelines ("Guidelines") in March 2022 ([link](#)), and provides valuable insight into how KIPO applies the Guidelines in practice.

Over the past five years, significant advances have been made in the autonomous vehicle technologies and the number of related patent applications filed in KIPO has increased steadily. In a press release on January 27, 2023, KIPO provided statistical information supporting this trend.

Figure. Autonomous Vehicle Technology Application Filings



* Graph generated based on data available from KIPO's website; 2021 and 2022 filings do not include unpublished applications

Among the applications filed at KIPO, a large portion of the applications was directed to complex technologies that combine AI (Artificial Intelligence) with sensor technology, V2X (Vehicle to Everything) and ITS (Intelligence Traffic System), and technologies that provide new services by applying autonomous vehicle technology to existing mobility systems.

The Casebook is divided into four parts corresponding to four patentability requirements under the Korean Patent Act: i) written description (Article 42(3) of the Patent Act), ii) claim scope (Article 42(4) of the Patent Act), iii) eligible subject matter (Articles 2 and 32 of the Patent Act), and iv) inventiveness (Article 29 (2) of the Patent Act). The four parts in the Casebook mirror the sections of the Guidelines and provide numerous practical examples for examiners and patent practitioners.

While the primary purpose of the Casebook is to aid KIPO examiners in examining applications related to autonomous vehicle technologies, the Casebook also provides patent practitioners with valuable insight on examination of complex technical disclosures, examination procedure of patent applications, and the like. Some examples from the Casebook are provided below.

Written Description

The Guidelines require a patent application to provide sufficient written description to allow a person of ordinary skill in the art ("POSITA") knowledgeable in autonomous vehicle technology to accurately understand and utilize the invention without any additional prior knowledge. To this end, KIPO considers the state of the relevant technology (e.g., SAE autonomous driving level) at the time of filing a patent application. The Casebook introduces several cases providing guidance on the state of the relevant technology.

Case 1

- Written description was not met as the SAE autonomous driving level existing at the time of filing the application was Level 2, but the disclosure in the application required a minimum of Level 4. The application disclosed a system in which a parked autonomous vehicle is temporarily driven without any driver intervention by recognizing a voice command of someone other than the driver (such as in a congested parking lot where vehicles are blocking each other). The specification discloses a technology for performing autonomous driving that is at least Level 4 or higher, but does not provide any specific means for achieving the disclosed technology.

Case 2

- Written description was not met as the specification does not provide sufficient disclosure regarding how an autonomous vehicle's internal monitoring system could recognize whether an occupant is in a meeting. The application disclosed a system where the autonomous vehicle's internal monitoring system recognizes occupants' behavior such as sleeping, reading, drinking, operating a mobile phone, watching a movie, participating in a meeting. While the examiner agreed that a POSITA would understand how the internal monitoring system would recognize most of the occupant behavior mentioned above, the specification does not provide sufficient disclosure regarding how the internal monitoring system determines whether an occupant is in a meeting as it would have to use advanced algorithms to specifically recognize such a behavior that would not have been known at the time to a POSITA.

Eligible Subject Matter

With respect to eligible subject matter, the Guidelines provide that an autonomous vehicle related invention cannot be patented if its implementation results in a violation of regulations related to public interest, such as traffic laws. However, an exception is made if the violation was for a reasonable purpose when considered together with the invention's disclosure.

Case 1

- An invention that controls a vehicle to stop in a no-parking zone for the convenience of its occupants is not patentable. However, when read with the invention's description which discloses a vehicle that stops in a no-parking zone to prevent collisions and accidents with other vehicles based on reasonable judgement, the invention is patentable.

Inventiveness

Since autonomous vehicle inventions relate to application and convergence of different technologies such as sensors, information and communication, and computer technologies for existing automobile technologies, even if the cited invention is not classified as an autonomous vehicle technology, an invention may be rejected for lack of inventiveness by combining cited inventions related to non-autonomous vehicle technology with related autonomous driving references.

Case 1

- A cited invention directed to a ground laser scanner that performs intensity correction on the laser scanner to improve the accuracy of distance measurements for buildings and terrain may be cited as prior art reference for an invention directed to improving the reliability of road surface detection results by performing intensity correction in an autonomous vehicle.

Publication of the Casebook is expected to lead to a more consistent examination of autonomous vehicle applications at KIPO while providing applicants more predictability on examination of their applications at KIPO.

More Criminal Investigations and Heavier Punishments for Misappropriation of Trade Secrets and Industrial Technologies in South Korea

By John J. KIM, Seok Hee LEE, Seung-Chan EOM and Unjung PARK

Leakage of trade secrets or industrial technologies, which are subject to criminal penalties in Korea, have gained much attention over the past few years as the country becomes home to more and more advanced and competitive technologies.

However, the level of punishment has not caught up with the gravity of the crimes, even though there is a broad consensus that misappropriating trade secrets or industrial technologies is a serious crime that poses a threat to national security and competitiveness. It is not uncommon for persons found guilty to get a suspended sentence or only pay monetary fines. Accordingly, the Korean authorities are making efforts to strengthen investigations and punishments while making legislative changes for better protection of trade secrets and industrial technologies.

1. Stronger Investigation of Crimes

The Supreme Prosecutors' Office (SPO) announced plans to strengthen their investigation and response system for economic security and technology protection in October 2022. Acknowledging that punishments have not been commensurate with the gravity of the crimes, especially with some incidents simply going unnoticed, the SPO expressed its commitment to cracking down by (i) mobilizing a crime response network to share relevant information; (ii) securing materials that evidence the damage resulting from the leakage for proper sentencing; (iii) strengthening case management processes within the Prosecutors' Offices; and (iv) making sure that all illegal profits are confiscated.

The police also joined forces to improve investigations by, for example, launching a task force for economic security crime investigation under the National Police Agency, setting up investigation teams in the national security departments of 41 base police stations, and working to open crime report centers for misappropriation of industrial technology at 202 police stations.

The National Intelligence Service (NIS) also confirmed there has been an increasing number of leaks of industrial and national core technologies. In response, it is strengthening industrial technology protection systems and building a database of professionals and experts. The Ministry of Trade, Industry and Energy has also implemented Operation Rules on Foreign Investment Security Review Procedure in August 2022 to conduct review on proposed foreign investment deals that may cause technology transfers to foreign countries.

2. Heavier Punishment by the Courts

The judicial branch amended the sentencing standard on intellectual property crimes on December 6, 2021, effective since March 1, 2022. However, some have argued that the amended standard is insufficient to prevent crimes, as it allows mitigated sentencing where the harm was avoided due to early investigations. The Ministry of Justice and the SPO, along with other relevant authorities, have indicated that heavier sentencing on misappropriation of trade secrets and industrial technologies should be imposed.

Consequently, going forward, we may be seeing heavier sentencing. For example, in a case where former employees of a display material manufacturer were indicted for leaking trade secrets of the former employer to China, the first-instance court found the defendants not guilty and partially dismissed the indictment on procedural grounds. However, on appeal, the appellate court sentenced one of the defendants to a jail term of two years, arresting the person directly from the courtroom, pending appeal to the Supreme Court. Moreover, the second defendant was also found guilty on appeal and was sentenced to pay a criminal fine.

3. Stronger Protection by Statutory Amendment

The Act on Prevention of Divulgence and Protection of Industrial Technology (ITA) was amended to ease the intent requirement for establishing misappropriation of industrial technologies. The amendment was announced on January 3, 2023 and took effect on April 4, 2023. Previously, Article 14 prevented divulging industrial technologies "for the purpose of causing harm" to the entity that possessed the technology and consolidating with or acquiring a target company without approval or report "for the purpose of causing the technology to be used abroad." After the amendment, the language prescribing the requisite intent will be lowered to "knowing that harm will be caused" and "knowing that the technology will be used abroad," making it easier to establish liability.

Moreover, new amendments to the Unfair Competition Prevention and Trade Secret Protection Act (UCPA) are under review that would (1) include a new clause on confiscation and collection of items acquired or created by misappropriating trade secrets with the intent to prevent secondary damage; and (2) expands the scope of punishable acts by including the act of damaging or

deleting trade secrets by hacking into or attacking computers or data systems via viruses or other means.

In view of the additional scrutiny and protections that trade secrets and industrial technologies are receiving in Korea, we recommend reviewing your policies and practices to ensure your information is properly protected and to ensure that you are not inadvertently or unknowingly receiving a third parties' protected information.

Non-Compete Agreements in South Korea

By John J. KIM, Seok Hee LEE, Hyewon CHANG and Unjung PARK

The US Fair Trade Commission (FTC) recently proposed a ban on non-compete agreements with "workers". Under the proposed rule, entering into a non-compete agreement with a worker would be prohibited as an unfair method of competition under Section 5 of the FTC Act. If finalized as is, the ban would equally apply to de facto non-compete agreements with workers, e.g., a non-disclosure agreement between an employer and a worker that is written so broadly that it effectively precludes the worker from working in the same field after the conclusion of the employment or engagement, as applicable, or a contractual term that requires the worker to pay the employer for training costs not reasonably related to the costs the employer incurred for the training if the worker's employment or engagement, as applicable, terminates within a specified time period. The proposed rule will also apply retroactively. Existing non-compete agreements with workers must be rescinded and the employer must notify the worker of the rescission. It remains to be seen as to whether such a significant change to the existing non-compete practice with workers would be adopted as proposed by the FTC.

In view of these potential changes in the US, we thought it would be a good time to review the Korean practice on non-compete agreements with employees ("Employee NCAs"). In general, the number of Employee NCA cases disputed in Korea is growing. Korean courts have a reasonably balanced approach that tries to take into account the individual rights of employees to freely choose their employment and the employers' rights to protect their trade secrets and confidential information.

The Korean courts have often upheld Employee NCAs with reasonable terms, usually for a duration between six months and one year, but up to two years, depending on the factors outlined below. Where the Employee NCAs impose excessive burdens on the employees, the courts tend to shorten the non-compete period or sometimes modify or remove some of the terms, but may even nullify the entire Employee NCA where the terms are not amenable to a reasonable modification. The following factors are considered in determining the validity of an Employee NCA:

- The nature of the employer's interest
- The employee's position, status, and length of employment
- The duration and scope of jobs restricted
- Compensation paid to the employee specifically in consideration of the non-compete obligation
- Reason for termination of employment agreement

- Other factors, such as prevailing market practice in the relevant industry.
A court recently held that an Employee NCA for an auto part company was enforceable against its former employees who started working for a direct competitor. This case provides a good example of how the factors were reviewed by the Court. In particular, the Court found the length of the Employee NCA (three-year) was too long and reduced the term to two years (still fairly long period of time) because most of the above factors favored the employer's interests based on the following:
- **The nature of the employer's interest:** The Court looked at the employer's highly competitive power in the global market and concluded that the marketing and business strategies the employer possessed were worth protecting, whether or not they constituted trade secrets. The employees worked in marketing departments covering foreign jurisdictions. The Court found that it takes considerable time and efforts to learn how to comply with varying regulations and meet diverse consumer demands in the region. Therefore, the information the employer possessed was not generally known in the field and was highly valuable. Therefore, the employer had a great interest in guarding the information through the Employee NCA.
- **The employee's position, status, and length of employment:** Both of the employees' careers were heavily focused on marketing in foreign regions. They worked for the employer for more than 10 years, mostly in global marketing departments, and held executive positions in the later years. Their positions and lengths of employment indicated that the defendants were well aware of the employer's strategies and other valuable information in relation to marketing to the relevant market.
- **The duration and scope of jobs restricted:** The Employee NCA prevented the employees from seeking employment in the same field for three years, regardless of the region. The Court held that the Employee NCA was not overly broad in terms of region because the employer is one of the global leaders in the relevant market. As for the length of the Employee NCA, the Court stated that the valid term should have been two years instead of three years. Given the fast-changing nature of market conditions, the marketing and business strategies the employees knew would be less applicable after two years, diminishing the employer's need for protection.
- **Compensation paid to the employee specifically in consideration of the non-compete obligation:** The employees were paid compensation amounting to a substantial portion of their yearly salaries in exchange for non-compete obligations. Factoring in the amount of fees paid to the employees, the Court concluded that it was more appropriate for an Employee NCA for two years rather than three years.
- **Reason for termination:** Contrary to employees' arguments, there was no evidence that they were involuntarily terminated by the employer.

- **Other factors:** There were no factors that indicated enforcing the Employee NCA would be against public interest.

This court case illustrates how Korean courts may reasonably modify the terms of an Employee NCA in an effort to strike a balance between the conflicting interests of an employer and an employee to uphold the effectiveness of an Employee NCA. This court case, however, does not necessarily mean that Korean courts generally respect a two-year non-compete period in Employee NCAs, and the permitted temporal length of Employee NCAs would be determined based on an overall assessment of the facts and circumstances pertaining to the factors described above. In fact, the prevailing Korean market practice, as well as past court precedents, generally lean towards an employee non-compete period of up to (and often less than) one year, absent compelling employer-favorable factors and interests which support a two-year non-compete period such as in the court case illustrated above.

As seen in the above and in many other cases, the courts in Korea have applied a reasonable balancing test in assessing whether an Employee NCA should be enforced. With the importance of trade secrets and other intangible assets growing, along with companies' attempts to protect their business information, litigation in this practice area has been increasing. In light of the above practices in Korea, it would be advisable to monitor the status of the US FTC proposal and, if appropriate, consider using Korean law as the governing law of the Employee NCAs for employees in Korea.

Korea Is Poised to Allow Letters of Consent for Trademark Co-Existence

By Sue Su-Yeon CHUN, Clare Ryeojin PARK and Angela KIM

On March 20, 2023, a bill amending the Korean Trademark Act ("Bill") was submitted to the National Assembly to introduce a system that would permit the use of consent letters to overcome rejections based on citations of senior trademarks ("Letter of Consent System"). This Bill is a long-awaited development that eases registration requirements for trademarks and reflects actual trade practices.

Under the current Trademark Act, a trademark similar to another party's senior mark cannot be registered for the same or similar goods. Even if the applicant submits a letter of consent signed by the owner of the senior mark to the Korean Intellectual Property Office (KIPO) expressly consenting to the registration of the later-filed mark, KIPO will not accept the letter. As a result, when such parties agree to the co-existence of their trademarks in Korea, they have had to resort to an assignment/re-assignment strategy ("Assign-Back Strategy"), in addition to entering into a co-existence agreement. Under the Assign-Back Strategy, the junior mark which was preliminarily rejected (or the cited senior mark) is temporarily assigned to the other party so that the marks will be owned by the same party. Once the rejection ground is overcome and the junior mark is registered, the temporarily assigned mark is then re-assigned back to the original owner.

The complexity of the Assign-Back Strategy has led to substantial inefficiencies for trademark practitioners and owners alike. KIPO's practice under the current Trademark Act is also at odds with the practices in many other jurisdictions which also examine for conflicting marks but take letters of consent (if submitted) into consideration during examination. Thus, trademark practitioners have been calling for a change to allow letters of consent for co-existence of trademarks.

In amending the Trademark Act, the Bill aims to reflect the actual trade practices, mitigate the inconvenience of undergoing an extra process to register a trademark despite having the consent of the owner of the conflicting mark, and ease the registration requirements for trademarks. On the other hand, the Bill includes a protective measure that cancels the registration of a mark registered based on the Letter of Consent System if it is used for unfair competitive purposes and causes consumer confusion and/or deception. Furthermore, the Letter of Consent System will not apply where the parties intend to register identical marks for the same goods.

According to KIPO's statistics, about 40% of all trademark-related office actions issued by KIPO in 2022 involved a rejection based on conflict with a senior mark. Thus, the adoption of the Letter of Consent System in Korea is expected to bring substantial relief to trademark practitioners and owners. While the Bill has a number of additional steps to go through before its final passage, it is expected to be promulgated by the end of this year.

MOJ Announces Bill to Establish the "Right of Publicity" in the Civil Code

By Angela KIM and Hyung Ji KIM

On December 26, 2022, the Ministry of Justice (MOJ) announced a proposed partial amendment to the Civil Code (the "Proposed Amendment") that will establish the statutory right to commercially exploit the use of one's own name, likeness, voice, and other aspects of their persona ("Persona"). This right is commonly referred to as the "right of publicity." The Proposed Amendment is closely linked to a proposed Civil Code amendment the MOJ announced for public comments in April 2022, establishing personality rights generally.

According to the MOJ, the Proposed Amendment seeks to clarify the ambiguities in the current Civil Code, which has led to an increasing number of disputes concerning the right of publicity, such as its duration and validity after the individual's death. The MOJ also noted that other countries such as the United States, Germany, Japan, China, and France recognize the right of publicity as a statutory right or based on court precedents.

Key details of the Proposed Amendment are as follows:

1. Scope, transferability, and inheritability of the right of publicity (Article 3-3, Paragraphs (2) and (5) of the Proposed Amendment)

Historically, discussions surrounding the right of publicity were focused on the Persona of well-known individuals such as celebrities. However, the Proposed Amendment offers broad protection of the right of publicity as a universal right of all individuals, regardless of fame.

The Proposed Amendment expressly stipulates that the right of publicity is not transferable (Article 3-3(2)). Upon the death of the rights holder, however, the right of publicity can be inherited, in which case it will be valid for 30 years from the date of inheritance (Article 3-3(5)). The Proposed Amendment is silent on whether the right of publicity can be waived, but considering the link between the right of publicity and the personality rights, waiver of the right of publicity is unlikely to be permitted.

Under the Proposed Amendment, it will be necessary to review the need to obtain/grant a license for every single commercial use of the Persona, such as name, likeness, and voice, of any individuals (to be discussed below), and consider the fact that the right of publicity cannot be transferred even when such license has been granted.

2. Licensing the right of publicity (Article 3-3, Paragraphs (3) and (4) of the Proposed Amendment)

The Proposed Amendment allows the holder of the right of publicity to license the right to commercially use his/her Persona to another person. The rights holder can withdraw the license if a material reason arises, such as when the licensee commercially uses the Persona in a manner that goes against the rights holder's beliefs. The MOJ explained that this provision reflects the close connection between an individual's persona and his/her beliefs and values. However, the Proposed Amendment appears to give a rights holder broad discretion to withdraw the license (which can lead to a request for injunction to prevent the infringement), so it could have a significant impact on the practical stability of licensing agreements. Therefore, the Proposed Amendment is expected to give rise to important questions concerning whether an heir to publicity rights can withdraw a license granted prior to the rights holder's death, as well as the meaning and scope of "material reason."

The Proposed Amendment also allows a person who has a legitimate interest in using another person's Persona to commercially exploit such Persona to a reasonable extent without the rights holder's consent. The MOJ gave examples of cases where someone would unavoidably use the Persona of another as part of their legitimate activities, such as (i) when the face of a person in the audience is displayed on a screen during a live broadcast of a sports event or (ii) when a clip of a passerby's interview is used in the media. However, the MOJ has yet to offer a detailed explanation as to why these examples are considered to represent "legitimate interests." The vague concepts of "legitimate interest" and "reasonable extent" included in the Proposed Amendment are likely to cause confusion as to when an individual can commercially exploit another individual's Persona without consent.

3. Remedies for infringement of the right of publicity (Article 3-3, Paragraph (6) of the Proposed Amendment)

In the Proposed Amendment, the MOJ recognized a rights holder's right to request injunctive relief to prevent infringement. The MOJ reasoned that a claim for damages (which is essentially the right to receive compensation after the fact) does not effectively remedy the harm caused by infringement of one's publicity rights. Thus, pursuant to the Proposed Amendment, a rights holder would have the right to demand takedown or suspension of content if it infringes on their publicity right.

As part of a partial amendment to the Unfair Competition Prevention and Trade Secret Protection Act (the "UCPA") on December 7, 2021, the following item was added as a type of unfair competition: "An act of infringing on another person's economic interests by using an identifier that can distinguish the individual's identity, such as name, likeness, voice, or signature, which is widely recognized in the Republic of Korea and has economic value, for one's own business without permission, in a manner contrary to fair commercial practices or competition order" (Article 2, Subparagraph 1, Item (I) of the UCPA). Separately from this regulation on the "conduct" prohibited under the UCPA, it appears that the MOJ saw the need to establish a corresponding "right" in the Civil Code, which prompted the MOJ to announce the Proposed Amendment. This is reminiscent of the Ministry of Culture, Sports and Tourism's attempt to stipulate the right of publicity (named "the rights for likeness, etc.") in the Copyright Act in early 2021. It would be helpful to monitor future developments in both the Civil Code and the Copyright Act.

The Proposed Amendment was open for public comments until February 6, 2023. Based on the opinions collected, the MOJ will finalize the bill and submit the final draft to the National Assembly in the first half of 2023 after going through the necessary legislative procedures.

Partial Rejections and Re-Examination System Now Effective in Korea

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

On February 4, 2023, the amendments to the Korean Trademark Act that were promulgated on February 3, 2022 finally took effect. Among the most notable amendments are the introduction of partial rejections and a re-examination system, which will be available for applications filed on or after February 4, 2023. These new systems are expected to make the registration process more convenient for applicants and to enhance their chances of properly securing their rights.

New Partial Rejection System

Prior to the amendment, if any designated goods of an application were preliminarily rejected by the Korean Intellectual Property Office (KIPO), the applicant was required to overcome each and every rejection ground, or else KIPO would issue a final rejection of the entire application, even if not all of the designated goods were originally rejected. The only ways to get such non-rejected goods allowed were either to appeal to the Intellectual Property Trial and Appeal Board (IPTAB) to limit the application, or to file a new application designating only the non-rejected goods.

Under the amended Trademark Act, however, KIPO will issue a final rejection only as to the specific goods that have been rejected, such that the remaining goods can simply be registered by the applicant without need for further proceedings.

Establishment of a Re-Examination System

Under the newly established re-examination system, where KIPO issues a final rejection, if the rejection grounds can be overcome simply by amending the designated goods, the applicant is now permitted to submit such an amendment together with a request for re-examination to KIPO, instead of having to go through a trial proceeding at the IPTAB.

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 revoked. A re-examination request may only be submitted once per application, 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.

Can a Well-Known Mark Owner Raise a Consumer Confusion Claim Against a Good Faith Prior User?

By Seok Hyun KWON, Clare Ryeojin PARK and Jason J. LEE

The Unfair Competition Prevention and Trade Secret Protection Act ("UCPA") defines a range of unfair competitive acts, including a provision prohibiting the act of using a mark similar or identical to another person's mark that is well-known in Korea to cause confusion as to the source of a product or business ("consumer confusion provision"). Under the current version of the UCPA, anyone who violates the consumer confusion provision may be liable for a violation even if that person used the mark in question in good faith before the mark became well-known ("Good Faith Prior User").

The UCPA also includes a provision prohibiting trademark dilution as an act of unfair competition ("dilution provision"). Since the dilution provision was added in 2001, it has included several exceptions where it does not apply, including against Good Faith Prior Users, in contrast to the consumer confusion provision. This difference in legislative language led to a general consensus that Good Faith Prior Users continue to bear legal liability for committing consumer-confusing acts, which was further supported in a decision from the Supreme Court. However, over time, some commentators have increasingly criticized this interpretation as unfair to Good Faith Prior Users, although there continue to be other opinions that consumer confusion should continue to be prohibited under all circumstances.

A proposed amendment to the UCPA ("Proposed Amendment") has now been promulgated as of March 28, 2023, which allows an exception for Good Faith Prior Users by removing "acts of continuously using, without improper purpose, a mark similar or identical to another person's mark since before that mark became well-known in Korea" from the scope of acts considered to be unfair competition. The Proposed Amendment also includes a provision allowing the legitimate owner of a well-known mark to require Good Faith Prior Users to make and use labels as needed to prevent confusion and/or deception.

While the Proposed Amendment carves out an exception for Good Faith Prior Users from claims of unfair competition, owners of well-known marks should seek to ensure that Good Faith Prior Users put in the necessary efforts to prevent consumer confusion and/or deception as provided under the

amended statute. The amendment will enter into force on September 29, 2023, and will apply to acts of unfair competition that take place on or after the date.

Supreme Court Sets Limits to "Freedom to Operate" Defense in Design Cases

By Seung Jun JI, Alexandra BÉLEC and Clare Ryeojin PARK

The Supreme Court recently rendered landmark decisions that delimit the extent of the "freedom to operate" defense in relation to design matters (Supreme Court Case No. 2021Hu10473 and 2022Hu10012, February 23, 2023).

Courts in Korea have long recognized a "freedom to operate" defense against claims of design infringement, in which an accused party can argue that its design is similar or identical to (or easily could have been conceived from) designs published prior to the filing date of the registered design being asserted, and therefore the accused party's use of the accused design does not infringe the registered design regardless of any similarities.

Supreme Court Case No. 2021Hu10473 involved a dispute between two small business owners who were manufacturing and selling furniture. One of the parties, "Mr. A," owned a design registration for a bed headboard design, which he believed was being infringed by a bed frame sold by the other party, "Mr. B." Mr. A filed a scope confirmation trial against Mr. B at the Intellectual Property Trial and Appeal Board (IPTAB) for the purpose of determining whether the design of the bed headboard sold by Mr. B fell within the scope of protection of Mr. A's design registration. In response, Mr. B filed an invalidation action against Mr. A's asserted design.

In the scope confirmation trial, at the first level of appeal before the Intellectual Property High Court (IPHC), Mr. B asserted the "freedom to operate" defense to argue that his design was outside the scope of protection of Mr. A's design registration, and based his argument on the fact that the design he had used was similar to another unprotected design of Mr. A, which was already disclosed prior to the application date of Mr. A's registered design. At the same time, in the invalidation action, Mr. B asserted that Mr. A's design registration was invalid for lack of novelty over Mr. A's previously-disclosed design.

In response, in the invalidation action, Mr. A successfully argued that the registered design had been filed within the 12-month grace period after the date the earlier design had been disclosed, while presenting the necessary supporting evidence, and thus was entitled to claim an exception to loss of novelty over the earlier-disclosed design. Mr. A then argued in the scope confirmation trial that the "freedom to operate" defense should not apply since Mr. A had validly claimed an

exception to loss of novelty over the prior-disclosed design (which was the basis for the "freedom to operate" defense).

The IPHC, in a decision that appeared fundamentally at odds with the intended purpose of the law, rejected Mr. A's argument, holding that it would be unfair to bar Mr. B from using the freedom to operate defense simply because Mr. A had validly claimed an exception to loss of novelty, since Mr. B had reasonably trusted that the earlier version of the registered design had already been disclosed to the public. The IPHC added that third parties reasonably relying on such prior disclosures should be protected against possible infringement actions.

However, the Supreme Court reversed and remanded the IPHC's decision. The Supreme Court noted that the Design Protection Act sets forth certain time and procedural conditions in order for an exception to loss of novelty claim to be allowed (i.e., the requirement that the application must be filed within 12 months of the disclosure and accompanied by the relevant supporting documents, at particular stages). The Supreme Court further noted that third parties were additionally protected because the Act provides for a non-exclusive license for prior users who use a disclosed design similar to a registered design without knowing if the registrant of the design has claimed an exception to loss of novelty. The Supreme Court issued another decision in the scope confirmation case on the same day, based on the same reasoning.

These Supreme Court decisions confirm that relying on a freedom to operate defense based on a registrant's prior unprotected design will not be possible, if the asserted design successfully claims an exception to loss of novelty over the prior published design. It is expected that these precedents will also apply to patent cases. It would thus be advisable to first check whether a registered design or patent potentially lacking novelty over a prior public design is eligible for an exception to such loss of novelty before raising the freedom to operate defense.

The Impact of Design Classification Changes on Partial Examination

By Seok Hyun KWON, Beth JANG and Angela KIM

In Korea, design applications for products falling within certain classes undergo partial examination only, in which only basic requirements for registration are examined to ensure that rights can be promptly secured. Designs that undergo partial examination generally involve approximately a one month examination period, whereas substantive examination of designs takes approximately seven or eight months.

As a result of KIPO's official implementation of the 14th Edition of the Locarno Classification as of January 1, 2023, the classification of certain industrial designs has been changed, such that the following products are no longer subject to partial examination:

Crutches, crutch armrests, crutch tips, fine dust masks, sanitary masks, yellow dust masks, disposable face masks, face masks for infection control, and face shields for infection control

On the other hand, the following products are now newly subject to partial examination:

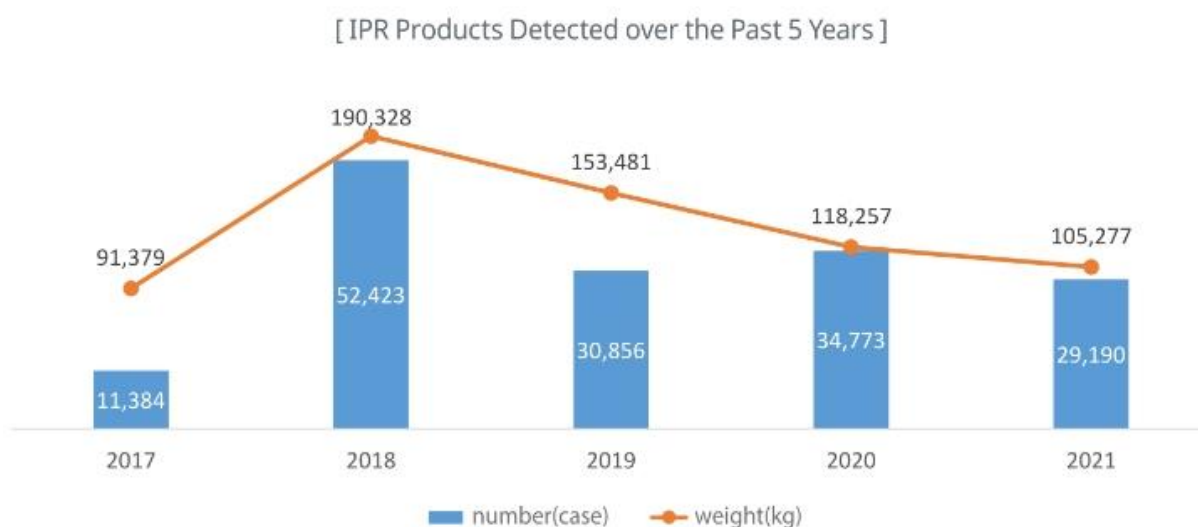
Exercise belts, nail polish containers, stick foundation containers, lip gloss containers, lipstick tubes [packaging containers], and perfume burners

Other products that are currently subject to partial examination comprise those within Class 1 (Foodstuffs), Class 2 (Articles of clothing and haberdashery), Class 3 (Travel goods, cases, parasols and personal belongings, not elsewhere specified), Class 5 (Textile piece goods, artificial and natural sheet material), Class 9 (Packaging and containers for the transport or handling of goods), Class 11 (Articles of adornment), and Class 19 (Stationery and office equipment, artists' and teaching materials).

Korea Customs Service Publishes 2021 Annual Report on IPR Seizures

By Seok Hyun KWON, Clare Ryeojin PARK and Angela KIM

The Korea Customs Service (KCS) recently published its 2021 Annual Report on Intellectual Property Rights Seizures ("2021 Report"). According to the 2021 Report, after the number of IPR-infringing seizure cases by the Korean Customs Offices substantially increased in 2018 due to implementation of measures to enhance detection of infringement, the number of cases has since dropped significantly over the past five years, from 52,423 total products seized in 2018 to only 29,190 products seized in 2021.



The 2021 Report also contains the following notable observations:

- 98.7% of goods seized in 2021 related to suspected trademark infringement, but the total number of such trademark-related seizures actually decreased 16.1% from 2020. On the other hand, the number of goods seized relating to suspected infringement of other types of IP such as patents and design rights increased by 47.6% from 2020.
- 74.5% of all seized goods were imported into Korea via postal parcels, while 24.1% were imported via express courier (most of which represent direct overseas purchases by Korean consumers). Since over 98% of all seized imports came in through the above two methods,

extra care may be needed to clear imports shipped as postal parcels or express courier packages through customs.

- Seizures at the border of the following types of goods increased significantly from 2020 to 2021:
 - Home appliances (increased by 84.1%);
 - Stationery and toys (increased by 124.8%);
 - Personal accessories such as gloves, belts, etc. (increased by 104.3%)

- However, seizures of the following types of goods decreased substantially from 2020 to 2021:
 - Handbags (decreased by 17%);
 - Footwear (decreased by 44%);
 - Sports equipment (decreased by 33.3%)

The English language version of the full KCS report is available at [this link](#).

Trademark and Compliance Issues Flagged in Korean Customs' Crackdown on Illegal Direct Overseas Purchases

By Seok Hyun KWON, Clare Ryeojin PARK and Angela KIM

As the number of direct overseas purchases made by Korean consumers spike every November, the Korean Customs Service (KCS) conducted a special 10-week crackdown last year over a period covering China's Singles' Day (Nov. 11, 2022) and the American Black Friday holiday (Nov. 25, 2022), and recently released a report on the results.

During their crackdown, the KCS monitored vendors facilitating direct purchases of products from overseas, and identified 97 vendors that had engaged in illegal activities that resulted in a total penalty amount of KRW 81 billion. The goods seized from these vendors mainly comprised food/medicine/cosmetics (penalty amount of KRW 42 billion), bags/shoes/fashion accessories (penalty amount of KRW 14 billion), electric/electronic goods (penalty amount of KRW 8 billion) and exercise and leisure gear/stationery (penalty amount of KRW 5 billion).

Some key seizure cases noted by the KCS in their report were as follows.

1. One vendor illegally obtained the personal information of approximately 100 consumers, and used their information to import counterfeit goods "for personal use" (and thus exempt from certain approval/reporting requirements) which they then subsequently sold as genuine products: Goods were identified and seized based on violation of the Trademark Act
2. One vendor imported children's toys without obtaining the required safety tests and certifications: Goods were identified and seized based on violation of the Special Act on the Safety of Products for Children
3. One vendor imported electronic products such as laptops and mobile phones bearing marks imitating well-known domestic/foreign trademarks as "personal use" goods: Goods identified and seized based on violation of product safety certification standards implemented under various applicable laws

The crackdown highlighted that many vendors have been using direct overseas purchasing channels as a way to sell counterfeits in Korea by exploiting the laws applicable to importation of "personal use" items. Goods imported for "personal use" are not considered to be "use of a

trademark" under the Korean Trademark Act and thus do not constitute trademark infringement. Further, importation of "personal use" items are generally subject to a simplified clearance procedure, and usually do not require import declarations or proof of testing or certifications to be presented at the time of importation.

However, the highlighted KCS seizure cases also indicate that other laws might be applicable to block or enforce against counterfeits even if they may be outside the scope of the Trademark Act, such as the Special Act on the Safety of Products for Children and the Electrical Appliances and the Consumer Products Safety Control Act.

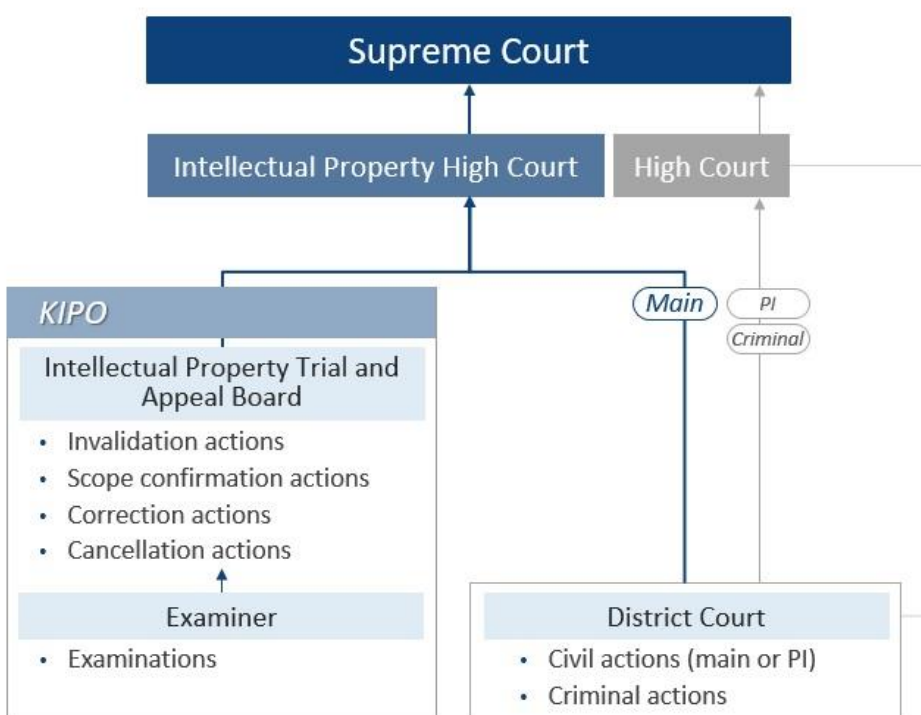
The Korean Patent Court Will Now Be Called the "Intellectual Property High Court" in English

By Seok Hyun KWON, Beth JANG and Angela KIM

The English name for the specialized appellate court for intellectual property cases in Korea, formerly known as the Patent Court, was officially changed to the "Intellectual Property High Court" ("IP High Court") on February 16, 2023, by order of the Office of the Director of International Affairs. Interestingly, the Korean name for the court remains the same for now (and literally means "Patent Court" in English), as no decision to revise the Korean name has yet been taken. The new English name more accurately reflects the jurisdiction of the court, which has authority over all types of IP cases, not just patent cases.

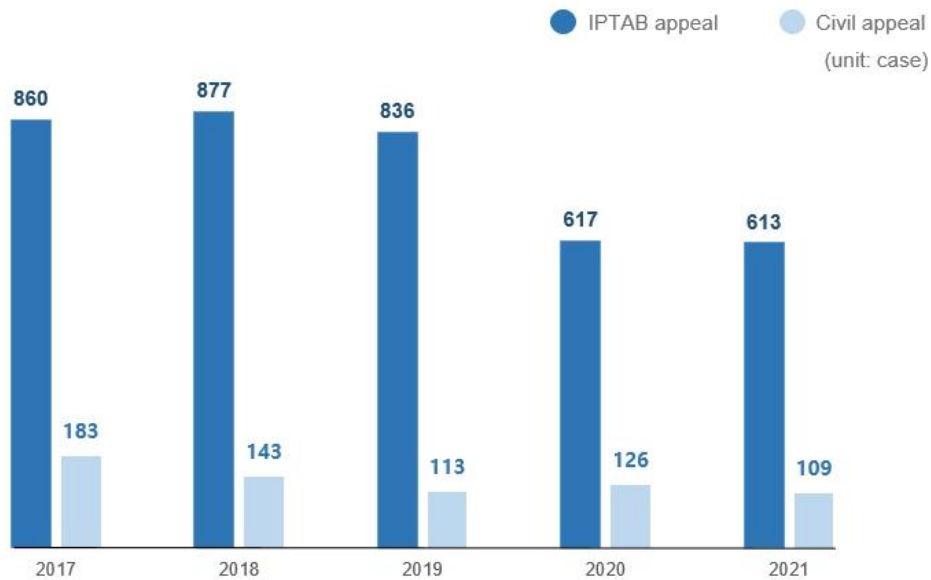
The IP High Court was originally established in 1998 to consolidate appeals of most intellectual property cases in Korea into a single court with experience handling IP issues, and is located in the city of Daejeon where the Korean Intellectual Property Office is also situated. The court comprises a total of 18 judges, each of whom previously must have served as a judge for at least 12 years,

and each appeal case is heard by a panel of three judges from the court.



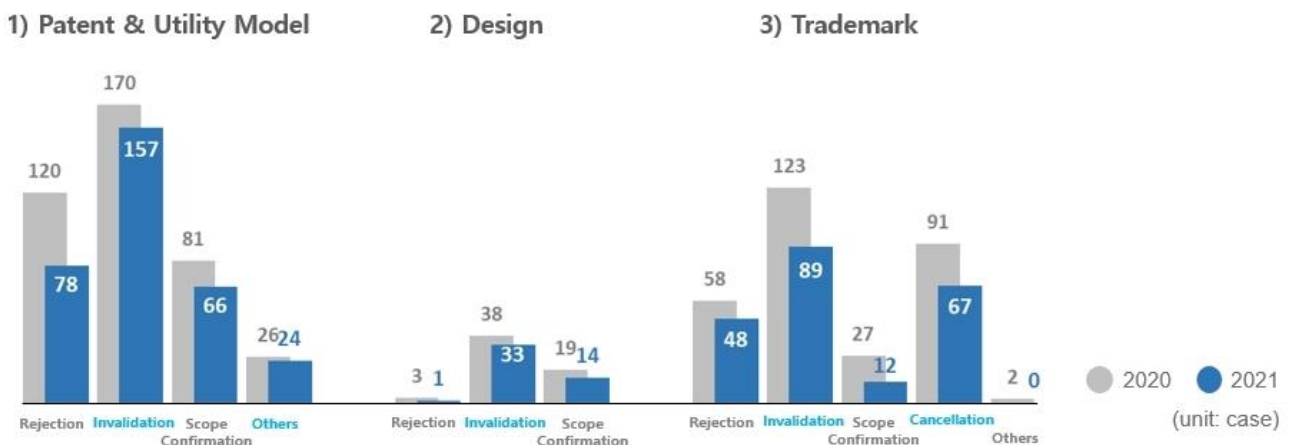
Per the diagram on the left, the IP High Court is an appellate-level court with exclusive jurisdiction over Intellectual Property Trial and Appeal Board (IPTAB) appeals, and over appeals of civil IP infringement cases other than preliminary injunction actions.

Most of the appeals handled by the IP High Court are appeals of IPTAB cases, rather than civil infringement cases, as illustrated by the chart below.



As with most other civil litigation cases in Korea, cases involving IP disputes between parties (i.e., infringement, invalidation, cancellation, and scope confirmation cases) are heard *de novo* by the IP High Court, meaning the court can consider new evidence and arguments in the appeal even if they were not asserted at the district court level. However, in cases involving appeals of IP application rejections, the court's function is limited to assessing whether KIPO's grounds for rejection are legally valid.

The following chart provides more detail on IPTAB appeal cases that were handled by the IP High Court in 2020 and 2021, and shows that appeals of invalidation actions were the most common type of IPTAB appeal over this period.



NEWS

Ranked "Band 1" in All Nine Areas, 38 "Leading Individuals" Recognized – Chambers Global 2023

In the 2023 edition of *Chambers Global*, Kim & Chang was once again the only Korean law firm ranked "Band 1" in all nine practice areas that were surveyed for Korea. In addition, in the Global Market Leader ranking table, our firm was selected as "Band 5" in the Arbitration (International) category for the third consecutive year.



The following details our 2023 rankings.

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: Spotlight¹ (Foreign Expertise for North Korea)
- Dispute Resolution - Arbitration: Band 1
- Dispute Resolution - Litigation: Band 1
- Intellectual Property: Band 1
- Intellectual Property - Patent Specialists: Band 1
- International Trade: Band 1
- International & Cross-Border Capabilities: Band 1

North Korea

- General Business Law (Expertise based Abroad): Spotlight

For individual categories, 38 of our 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.

¹ A "Spotlight" ranking is given to firms or individuals where the table does not have numerical rankings.

Kim & Chang Ranked Among Top Trademark Firms in WTR 1000 2023

Kim & Chang has once again been recognized as one of the top trademark law firms in Korea by *World Trademark Review (WTR)*, earning the top "Gold Band" ranking in the categories of Enforcement & Litigation and Prosecution & Strategy in the thirteenth edition of *WTR 1000 – The World's Leading Trademark Professionals*.

In addition, 12 Kim & Chang attorneys – Alexandra Bélec, Duck Sook Chang, Hyun-Jin Chang, Hong Seok Jang, Angela Kim, Dong-Won Kim, Sung-Nam Kim, Ann Nam-Yeon Kwon, Jason J. Lee, Minjung Park, Dae Hyun Seo, and Jay (Young-June) Yang – were recognized as leading practitioners.

WTR 1000 is the first and only definitive guide exclusively dedicated to identifying the world's leading trademark professionals. Their rankings are based on in-depth research and interviews with hundreds of trademark specialists across the globe.

Opening of Kim & Chang's Hanoi (Vietnam) Office

Following the opening of Kim & Chang's first Vietnam office in Ho Chi Minh City in 2018, we are delighted to announce the opening of our second Vietnam office in Hanoi in December 2022 (with the Hanoi office having been formally established after completing all license registrations in October 2022). Through both our Ho Chi Minh City and Hanoi offices, we aim to provide leading

legal services in close proximity to our clients based both in the Northern and Southern parts of Vietnam.

The Hanoi team currently consists of foreign attorneys David Yongkyu Han (admitted in British Columbia, Canada), Ngoc Tuan Le (admitted in Vietnam), Joo Ho Lee (admitted in Hong Kong) and Trang Nguyen (admitted in Vietnam). The team will aim to work seamlessly in cooperation with our firm's Seoul head office and Ho Chi Minh City office to provide quality legal services to our clients in relation to a broad range of matters and industries.

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

T +82-2-2122-3900 | **F** +82-2-2122-3800 / +82-2-741-0328 | **E** ip-group@kimchang.com | www.ip.kimchang.com

This publication is provided for general informational purposes only and should not be considered a legal opinion of KIM & CHANG nor relied upon in lieu of specific advice. If you would like to subscribe or unsubscribe to this newsletter, change your address, or have any comments, please send an email to news@kimchang.com. To view our previous newsletters and other updates, please visit our website at www.ip.kimchang.com.