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Newsletter

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PATENT

TRADEMARK, DESIGN & UNFAIR COMPETITION

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NEWS

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PATENT

Recent Revisions to Korean Invention Promotion Act

By Ki Beom PARK, Mikyung (MK) CHOE, Hyung-Geun JI and Jin Gi KWAK

While many lawsuits have been filed seeking compensation for employee inventions recently, the National Assembly of Korea passed a bill to revise the Invention Promotion Act (IPA) on January 9, 2024. The amendment to the IPA will come into effect on August 7, 2024. We would like to bring your attention to the following notable changes.

1. Easier Rules for Employers to Acquire Ownership of Employee Inventions

Under the current IPA, even if there is a contract or an employment regulation that entitles the employer to succeed to the right to an employee invention, the employer is required to notify the inventor-employee in writing that the employer succeeds to the rights to the invention within the period specified by the Presidential Decree (i.e., four months from receipt of a notice of completion of employee invention). Accordingly, there was a concern that the employee may assign the rights to a third party before the employer had a chance to obtain the rights to the employee invention (i.e., during the time that the employee provides notice of the invention but before the employer confirmed that it wanted to acquire ownership of the invention).

However, under the revised IPA, if a contract or an employment regulation which entitles the employer to succeed to the right to an employee invention has been executed or adopted in advance through consultation between the employer and the employee, the ownership rights to the employee invention are automatically acquired by the employer at the time when the invention is completed. As an exception, the employer is required to notify the employee within four months from the receipt of the invention disclosure only when the employer decides not to acquire ownership to the employee invention (Article 13(1) of the revised IPA).

In contrast, if there is no contract or employment regulation which entitles the employer to automatically succeed to the rights to the employee invention, for the employer to acquire the ownership rights in the invention, the employer must notify the employee in writing within four months regarding that the employer intends to acquire the ownership rights to the invention (similar to the current IPA requirements) (Article 13(2) of the revised IPA); provided, however,

that the employer cannot acquire the rights to the invention if the employee does not consent to the assignment.

Article 13 of the revised IPA will apply to employee inventions which are completed after the revised IPA becomes effective.

2. Specific Statute Authorizing Document Productions Needed to Calculate Compensation for Employee Inventions

In general, Korea has limited discovery. Thus, it is generally difficult to obtain information from opposing parties. Moreover, parties often refuse to produce requested information claiming that the information would contain confidential trade secret information. This has led to difficulties when trying to obtain documents to establish the appropriate compensation, which is based in part on the employer's profit that is attributable to the employee invention.

Consequently, the revised IPA newly introduced a provision on document/material production orders that allows the court to order a party to submit materials that are necessary for calculating the appropriate amount of compensation (Article 55-8 of the revised IPA). Additionally, the revised IPA also provides for protective orders to protect confidential information (Articles 55-9 to 55-11 of the revised IPA). Thus, merely claiming that information is a trade secret will no longer be a justifiable reason to refuse production.

In view of the upcoming changes, we encourage companies to review their employee invention policies as well as to prepare for the possibility of producing financial documents/information relevant to inventor compensation awards.

Amendments to Protect IP Rights Holders Under the Trade Secret Protection Act and Patent Act

Jay (Young-June) YANG, Duck Soon CHANG and Jiksoo KIM

On January 25, 2024, the Korean National Assembly passed significant amendments to the Patent Act (the "Amended Patent Act") and the Unfair Competition Prevention and Trade Secret Protection Act (the "Amended UCPA," and together with the Amended Patent Act, the "Amendments") that (i) increase punitive damages available for willful infringement of patents, trade secrets and certain unfair competition acts up to five times the actual damages, and also (ii) strengthen criminal sanctions for trade secret infringement. The Amendments were promulgated on February 20, 2024 and will take effect on August 21, 2024.

While criminal penalties and damage awards for the infringement of technology-related rights, such as patents and trade secrets, have steadily increased in recent years, they remain relatively low compared to many other countries. Moreover, rights owners often face challenges in obtaining significant relief even after successfully pursuing litigation against infringement. The Amendments have been introduced in response to such criticism.

The key provisions of the Amendments are as follows:

1. Enhanced Punitive Damages for Intentional Infringement

The Amendments increase punitive damages that may be awarded for intentional infringement/misappropriation to up to five times the actual damages, compared to the previous maximum of up to three times under the current law. By increasing the damages available for intentional or willful infringement/misappropriation, the Amendments aim to allow victims of infringement/misappropriation to be more adequately compensated for losses, while providing a more meaningful deterrent to infringing activity. The enhanced punitive damages provision will apply to acts of infringement/misappropriation that occur after August 21, 2024, the effective date of the Amendments. If the infringing acts started before the Amendments' effective date but continued afterwards, the Amendments would apply to the acts committed after the effective date.

2. Enhanced Criminal Penalties for Trade Secret Infringement

The Amended UCPA increases penalties against corporations for engaging in criminal unfair competition and misappropriation of trade secrets. Previously, corporations and individuals were subject to the same statutory fine amount as a penalty. However, under the Amended UCPA, the maximum statutory penalty for a corporation is now three times the statutory maximum for an individual. In addition, the Amended UCPA extends the statute of limitations for corporations from the current five years to ten years.

The Amended UCPA also provides for the confiscation of goods that criminally misappropriate trade secrets or facilitate unfair competition, as well as the equipment used in the manufacturing of such items. In other words, since separate civil proceedings are no longer necessary to confiscate items connected with trade secret misappropriation, enforcement is likely to be faster, reducing the likelihood of secondary infringement and damages.

Finally, the Amended UCPA now expressly prohibits unauthorized acts that damage, destroy, or alter the trade secrets of others, and provides that a person who engages in such prohibited conduct to obtain unfair profits or cause harm to an owner of a trade secret may be punished with imprisonment for up to ten years or with a fine of up to KRW 500 million. The Amended UCPA now provides a statutory basis to punish acts of damaging, destroying or altering trade secrets (e.g., through hacking), where such acts were not clearly punishable under the existing UCPA.

3. New Mechanism for Corrective Orders by KIPO to Improve Operational Processes

The Amended UCPA introduces a mechanism giving the Commissioner of the Korean Intellectual Property Office (KIPO) the authority to issue corrective orders to parties engaging in acts of unfair competition requiring them to cease such unlawful acts, remove or edit any unlawful marks and not repeat such acts. This is for the purpose of improving the operation and execution of administrative investigations KIPO initiated against those who engage in acts of unfair competition. Failure to comply with a corrective order may result in both the details of the violation being made public and fines being imposed.

In addition, the Amended UCPA provides victims of acts of unfair competition an opportunity to request and obtain copies of materials collected during administrative investigations of acts of unfair competition conducted by KIPO, while establishing additional safeguards for trade secret information contained within investigative records. In such cases, a court may order restrictions on the scope of access to such administrative investigation records and the scope of individuals who may access such records.

With the implementation of the Amendments, it is expected that damages awards for intentional infringement of patent rights and trade secrets will likely increase. Further, by giving victims of unfair competition access to evidence collected in KIPO's administrative investigations of unfair competition, the Amended UCPA is expected to (i) make it easier for them to file civil lawsuits to claim damages, and to (ii) reduce the burden on victims to prove that acts of unfair competition have occurred.

As IP rights holders in Korea are expected to proactively exercise their rights and as potential civil, administrative, and criminal sanctions against infringers are now significantly increased, there will be an increased need for companies to thoroughly review their procedures to ensure that the inflow or use of competitors' trade secrets or infringement of third party patents does not occur. On the other hand, rights holders now have additional or improved civil, administrative and criminal remedial procedures available to counteract infringements and misappropriation, as well as additional ways of securing evidence to support such proceedings. Accordingly, these changes should be considered when formulating litigation strategy, irrespective of whether bringing or defending against IP infringement actions.

First Case Awarding Punitive Damages for Willful Infringement

By Kyoung-Soo JIN, Sooho LEE and Yu-Na JIN

On October 4, 2023, the Busan District Court (Case No.: 2023-GaHap-42160) awarded punitive damages after finding the defendant willfully infringed the patentee's patent. This was the first time a court awarded punitive damages since an amendment to the Korean Patent Act ("KPA") became effective on July 9, 2019, which gave courts discretion to award treble damages (up to three times actual damages) for willful infringement ("Amendment"). A recent amendment increased this to five times actual damages on January 25, 2024. This latest amendment will go into effect on August 21, 2024.

Prior to the Amendment, a patent owner could only claim actual damages for patent infringement. *See* Art. 128 Cl. 1-5 of the KPA. However, in addition to actual damages, the Amendment allowed for a punitive award of up to three times the actual damages for intentional or willful acts of infringement for any such acts that first took place after July 9, 2019. *See* Art. 128 Cl. 8 of the KPA.

Under the Amendment, in determining whether punitive damages should be awarded, the courts review the totality of the following factors: (i) whether the infringer has a dominant position; (ii) whether the infringer knew the act of infringement would cause harm to a patent owner, or intended such harm; (iii) the significance of any such damages; (iv) the economic benefits to the infringer from the infringement; (v) how frequently and how long the infringing activity was committed; (vi) the criminal penalty for the infringing activity; (vii) the infringer's financial status; and (viii) what efforts the infringer has made to reduce the harm to the patent owner.

Prior to this decision, the courts had yet to award punitive damages. There were a handful of cases that considered applying the Amendment but in all such cases, the courts did not apply the Amendment as (i) the courts did not find the actions willful, (ii) the level of willfulness did not rise to the level that would trigger application of the Amendment; or (iii) the first infringing action took place before the effective date of the Amendment even though the same infringing action continued after the effective date of the Amendment.

In a first application of the Amendment, the Busan District Court awarded punitive damages based on a finding of willful infringement in a case involving a seal surrounding the lid of a cooking device. The court's decision was significant as it broke from precedent in that the infringing action, which

first took place in 2015 and lasted until 2022, was separated into two distinct periods, one pre-Amendment and one post-Amendment, and awarded punitive damages for infringing actions that took place post-Amendment.

The court's decision lists, among others, the following reasons for its decision finding willfulness and to award punitive damages (0.5 times actual damages from infringing actions that took place post-Amendment) while not specifying how each of the facts contributed in the court's decision.

- In May 2019, plaintiff filed a request to the Korea Fair Trade Mediation Agency (KFTMA) to mediate defendant's continued use of plaintiff's patent and issue a decision regarding associated compensation.
- In June 2019, the KFTMA issued to the defendant an official request for appearance.
- The defendant's overall sales figures between 2015 to 2022 were KRW 143.2 billion in 2017, KRW 128.2 billion in 2018, and KRW 109.1 billion in 2019, KRW 27.2 billion in 2020, 120.2 billion won in 2021, and 93.6 billion won in 2022.
- Defendant's unit sales and revenue significantly decreased from April 2021.
- There was even record of the defendant buying back inventory from its distributors.

It should be noted that although punitive damages were awarded, the actual figure relative to the actual damages was small. The court considered punitive damages only for the defendant's infringing actions that took place after the Amendment became effective, and actual damages during post-Amendment period was considerably lower than the pre-Amendment period. The following table provides a summary of the damages awarded by the court:

Infringing period	Actual damages (Art. 128 Cl. 4 of the KPA)	Punitive damages (Art. 128 Cl. 8 of the KPA) / % of actual damages
2015. 11. 30. – 2019. 7. 8.	843,512,469	N/A
2019. 7. 9. – 2022. 10. 31.	109,908,802	54,954,401 / 50%
Total	**953,421,271**	**54,954,401**

*all figures in KRW

Following the decision, the defendant appealed to the IP High Court, which is currently pending. In light of the precedents deciding against awarding punitive damages, it will be interesting to see whether the decision will be upheld.

Nonetheless, it is notable that the court, for the first time awarded punitive damages for infringing actions that took place after the Amendment even if the action began prior to the Amendment. This court's decision may provide an opening for other courts to award punitive damages for willful infringement and broaden the scope of protection for the patentees.

In addition, it is also significant that the court carefully reviewed the totality of actions taken by the parties to determine if a punitive damages award was warranted. In addition to the facts highlighted above, the defendant failed to respond to the plaintiff's cease and desist letter, and continued to sell infringing products resulting in total sales of over KRW 50 billion. As this court took a very fact based approach in determining whether or not to award punitive damages, it would be critical for patentees to thoroughly present all relevant facts to aid in the court's determination.

Cost Savings Resulting From Use of an In-Service Invention in Manufacturing Process Can Be Considered as Employer's Profit in Calculating Compensation to Inventor-Employee

By Hyung-Geun JI, Mikyung (MK) CHOE and Jae-Hyuk JANG

In Korea, the number of lawsuits filed by employees against employers seeking compensation for in-service inventions is increasing. Recently, the Intellectual Property High Court rendered an interesting decision holding that, in case where an employer does not sell a product which uses an in-service invention, but only lowers manufacturing costs by practicing the in-service invention in the manufacturing process, if the employer's exclusive use of the in-service invention provides the employer with a competitive advantage in the market increasing the employer's sales or market share, then the employer is deemed to have gained profits exceeding those available from a non-exclusive royalty-free license. Moreover, the cost-saving profits are considered as the employer's profits, which constitutes a basis for calculating compensation to the inventor-employee (Intellectual Property High Court Case No. 2021Na1664 decided on August 31, 2023).

Background

Under the Invention Promotion Act of Korea (IPA), an inventor-employee is entitled to fair compensation in return for assignment of in-service inventions to his/her employer. In the lawsuits filed by employees seeking compensation for in-service inventions, Korean courts have used the following formula to calculate fair compensation:

> *Fair compensation for in-service invention = ① employer's profits × ② employee-inventors' degree of contribution (1 - employer's degree of contribution) × ③ Plaintiff employee-inventor's contribution ratio among inventors*

Under Article 10(1) of the IPA, even if an employer chooses not to acquire the ownership or exclusive right to an in-service invention, the employer still has a non-exclusive, royalty-free license to the invention. Therefore, the employee's right to fair compensation for an in-service invention is

recognized only when the profits the employer obtains from the ownership or exclusive license exceeds the benefits resulting from the non-exclusive license.

Discussions

The key issue in this case was whether the Defendant can be deemed to have obtained profits from its exclusive use of the in-service inventions at issue when the profits the Defendant obtained from the inventions was the reduction of manufacturing costs.

In this case, the court held as follows. The Defendant did not produce or sell products to which the in-service invention was applied, but only used the equipment that uses the in-service invention in its manufacturing line. Here, the fact that the cost was reduced does not necessarily mean that the Defendant enjoyed exclusive profits out of the invention. In other words, "cost reduction" does not automatically indicate the employer's profits for the purpose of calculating the fair compensation to the inventor-employee. Only when the Defendant precludes its competitors from practicing the inventions, and such profits exceed those from a non-exclusive license, the employer can be deemed to have enjoyed exclusive profits out of the in-service invention.

In the present case, the Defendant applied the dual doors of the in-service inventions to the electric furnaces installed in the steel manufacturing plant to separately operate each door, and such operation increased the steel recovery rate in the slag. The Defendant has actually gained significant cost-saving profits, and furthermore, the competitors would not be able to enjoy such cost-saving benefits from the in-service inventions. Considering such facts, the court held that the Defendant was in an advantageous position in the market compared to its competitors by practicing the in-service inventions, and gained certain exclusive profits from the inventions. However, considering that under the IPA, the employer has a non-exclusive royalty-free license even if the employer does not succeed to the in-service inventions, the court calculated the Defendant's profits resulting from practicing the in-service inventions as the exclusive license fee applicable to the inventions less the non-exclusive license fee.

Implications

This case presents the criteria for the remuneration of an in-service invention directed to a manufacturing process, not a product manufactured and sold by an employer. The court found that the manufacturing cost reduction earned by the employer from working the in-service inventions on its production facilities can be deemed as the employer's profits out of the in-service inventions, which constitutes a basis for calculating compensation to the inventor-employee.

Korean Patent Applications in the First Half of 2023 Increased the Most in Three Fields Classified as National Core Technologies

By Sung Eun KIM and CY Chooyoun KIM

According to recently published data from the Korean Intellectual Property Office (KIPO), three technology fields – (i) electric machinery, apparatus, energy (i.e., "secondary batteries"), (ii) semiconductors and (iii) digital communications – showed the most rapid growth in and the highest number of filings during the first half of 2023. This is based on KIPO's statistical analysis of roughly 107,000 patent applications filed during the reviewed period, categorized according to the 35 technical fields from WIPO's IPC and technology concordance table.[1]

In fact, the growth rate of filings in the above three fields combined (at 13.6%) was more than three times the average growth rate for all patent applications (at 4.1%).

Technical field	Patent application filings		Growth rate	Growth rate of top 5 filers
	1st half 2022	1st half 2023		
Secondary batteries	7770	8660	11.5%	43.6%
Semiconductors	5699	6580	15.5%	37.6%
Digital communication	4438	5110	15.1%	39.1%
Above 3 fields combined	17907	20350	13.6%	
All patent applications	**103437**	**107693**	**4.1%**	

Further, the analysis showed that the growth rates for the above three technology fields varied greatly by entity type. Filings by large corporations grew at very high rates of 22 to 38%, while applications by foreigners/foreign entities grew minimally or even decreased.

1 The 35 technical fields are based on WIPO's IPC codes as of May 2008.

Field	Secondary Battery		Semiconductors		Digital Communication	
	Filings	Growth rate[2]	Filings	Growth rate	Filings	Growth rate
Overall	8660	11.5%	6580	15.5%	5110	15.1%
Large enterprises (domestic)	**2803**	**22.3%**	**3209**	**33.5%**	**2193**	**38.0%**
Small and midsize enterprises (domestic)	2256	5.7%	848	16.5%	720	4.5%
Academia/research institutions	995	31.3%	395	14.8%	530	7.7%
Individuals	672	1.4%	78	-3.7%	122	25.8%
Foreigners/Foreign entities	1924	0.3%	2046	-4.5%	1540	-1.8%
Other (Government, non-profit entities)	10		4		5	

Notably, secondary batteries, semiconductors, and digital communications are all fields that have been designated by the Korean government as National Core Technologies with substantial and strategic economic value. Exports of National Core Technologies are strictly regulated on the basis that any leakage of such technologies outside the country may have a detrimental effect on Korea's national security and economic growth. Thus, the above trends collectively may reflect the fierce competition faced by large Korean companies in these fields, and that they are investing heavily in their patent portfolios in order to try to maintain leadership in these cutting edge technologies.

2 The number of patent applications filed in first half of 2023 compared to the number of patent applications filed in the first half of 2022.

KIPO's 2022 IP Report on Secondary Batteries: Interesting Statistics on Battery Patents in Korea, Japan, and China

By Sung-Eun KIM and Inchan Andrew KWON

TAKEAWAYS *- Our analysis of KIPO's 2022 IP statistics report on secondary battery patents shows some interesting differences in patent filing trends at KIPO, JPO and CNIPA, as summarized below:*

KIPO	*Patents concentrated among a few large companies, and openness to foreign applicants*
JPO	*Largest number of filings, but technology development level reaching Maturity or Decay stage*
CNIPA	*Rapid growth in patent filings, but distributed across numerous applicants*

To efficiently construct a global patent portfolio, particularly covering Asian patents, significant attention should be paid to these differences when deciding on patent filing strategies.

The Korean Intellectual Property Office (KIPO) recently issued its 2022 IP statistics report covering four major components of secondary batteries (cathodes, anodes, separators and electrolytes). The report analyzed 352,965 patent applications filed in the big 5 patent offices (KIPO, USPTO, JPO, EPO and CNIPA) from 2000 to 2021 according to keywords and IPC/CPC combinations.

Table 1. Patent applications filed in the big 5 IP jurisdictions

	Patent office	Cathode	Anode	Separator	Electrolyte	Total
No. of patent applications filed (2000-2021)	KIPO	14,199	12,097	7,014	13,017	46,327
	USPTO	21,271	19,178	9,597	20,380	70,426
	JPO	**37,287**	**37,689**	**11,595**	**34,133**	**120,704**
	EPO	9,960	9,222	4,568	8,996	32,746
	CNIPA	32,846	17,161	11,445	21,310	82,762
	Sum	115,563	95,347	44,219	97,836	352,965

By applicant nationality, the largest share of applicants was from Japan, followed by Korea and China, and then the United States and Europe.

Table 2. Patent applications filed according to applicant nationality

	Applicant Nationality	Cathode	Anode	Separator	Electrolyte	Sum
No. of patent applications filed (2000-2021)	KR	16,077	13,904	8,526	14,652	53,159
	US	10,460	9,848	5,977	10,347	36,632
	JP	59,089	56,659	19,562	53,902	189,212
	EP	6,809	6,381	3,177	6,621	22,988
	CN	21,172	6,650	6,285	10,459	44,566

However, the report also breaks down the numbers of applicants and applications filed at each patent office in each technical field for successive five-year intervals from 2000 to 2019, which yields some additional insights. In terms of lithium-ion battery industry development, based on patent filings, Japan seems to have dominated the period from 2000-2004 (1st period), while Korea began to enter the market in the period from 2005-2009 (2nd period). Korea overtook Japan in the period from 2010-2014 (3rd period), which is also when China entered the market, and China became a major player in the period from 2015-2019 (4th period).

Using patent indicators organized according to a technology life cycle (TLC) S-curve analysis[1] as summarized in the table below, we can broadly evaluate the level of technology development of the four major components of lithium ion batteries reflected in the big 5 patent offices.

Table 3. Patent trends in terms of TLC level

TLC level	Technology Status	Number of Applications	Number of Applicants
R&D phase	new technology emerges	Low but slowly increasing	Small (pioneers only)
Ascent phase	massive R&D and increased competition	Rapid increase	Rapid increase (newly entered competitors)
Maturity phase	steady R&D and some competitors are eliminated	Steady	Steady or decrease (some abandon/withdraw business)
Decay phase	replacement technology emerges	Decrease	Decrease (survivors only)

In our analysis, we have used some additional indicators such as (i) the change rate (%) in the number of patent applications, (ii) the change rate (%) in the number of applicants, and (iii) the average number of patent applications per applicant over each period for the four major components, in addition to the commonly used (iv) number of applications, (v) number of

1 Research Policy, Volume 22, Issue 4, August 1993, Pages 279-308 and Research Policy, Volume 36, Issue 3, April 2007, Pages 387-398

applicants, and (vi) applicant types. From this, we can see some interesting stories behind these simple filing statistics.

JPO: The patent office with the most filings, but technology development level reaching Maturity or Decay

As a representative example, we discuss electrolyte patents below. As expected, the largest number of patent applications have been filed at the JPO over the 3rd and 4th periods (*see* the red circle in Fig. 1). However, from 2010 to 2019 (the 3rd and 4th periods), the overall number of patent applications worldwide also dramatically increased (*see* the red box in Fig. 2).

Fig. 1. Number of patent applications (re Electrolyte) filed in each period at each patent office

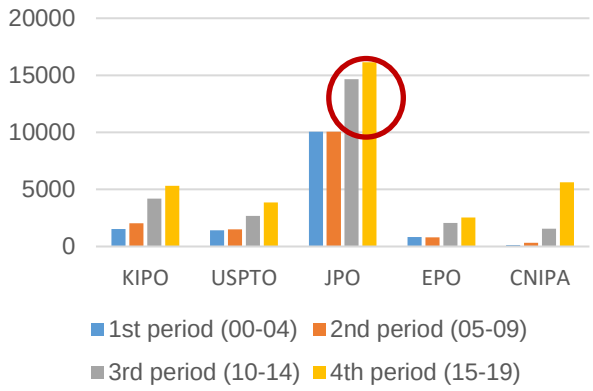
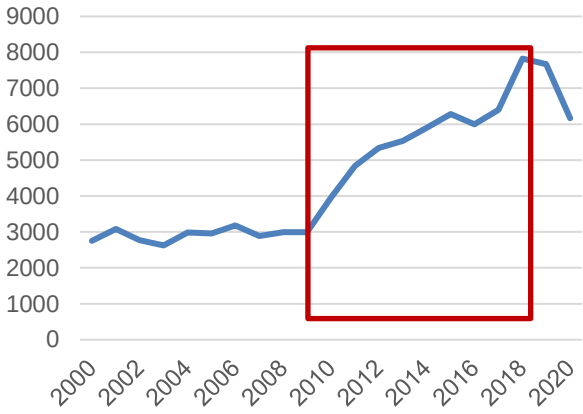


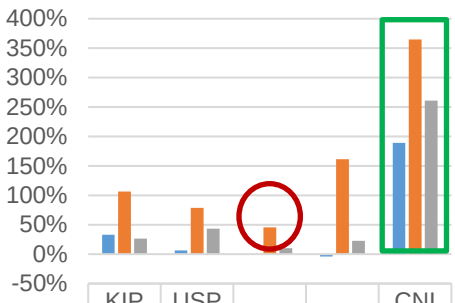
Fig. 2. Number of patent applications (re Electrolyte) filed at big 5 patent offices



Thus, the increase in patent applications at the JPO in the 3rd and 4th periods may simply reflect global trends, and not necessarily factors specific to the JPO. To confirm, we conducted an additional analysis using the additional indicators described above (e.g., the change rate (%) in the number of patent applications/applicants in one period over the previous period).

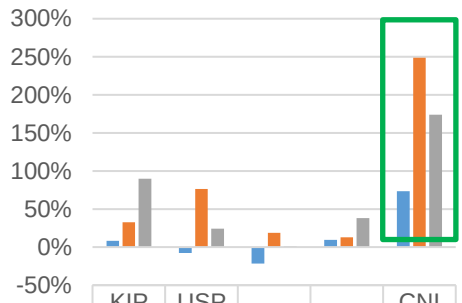
These numbers indicate that the rate of change in patent applications filed at the JPO actually has been the lowest of the major 5 patent offices (*see* the red circle in Fig. 3), even over the 3rd and 4th periods when overall worldwide rate of increase was very high (*see* the red box in Fig. 2 above). This suggests that the apparent trends in Fig. 1 are actually quite opposite to reality. The rates of change of applicant numbers show a similar trend. In contrast, the rate of change of patent applications/applicants filed at the CNIPA is the highest in every period (*see* the green boxes in Figs. 3 and 4), and the total patent filings at the CNIPA rank 2nd out of the big 5 patent offices, slightly higher than the USPTO in 3rd. (*see* Table 1 above).

Fig. 3. Change rate of patent applications (re Electrolyte) filed in each period at each patent office



	KIPO	USPTO	JPO	EPO	CNIPA
2nd period inc.	33%	6%	0%	-4%	189%
3rd period inc.	106%	79%	46%	161%	364%
4th period inc.	27%	43%	10%	22%	261%

Fig. 4. Change rate of patent applicants (re Electrolyte) filed in each period at each patent office

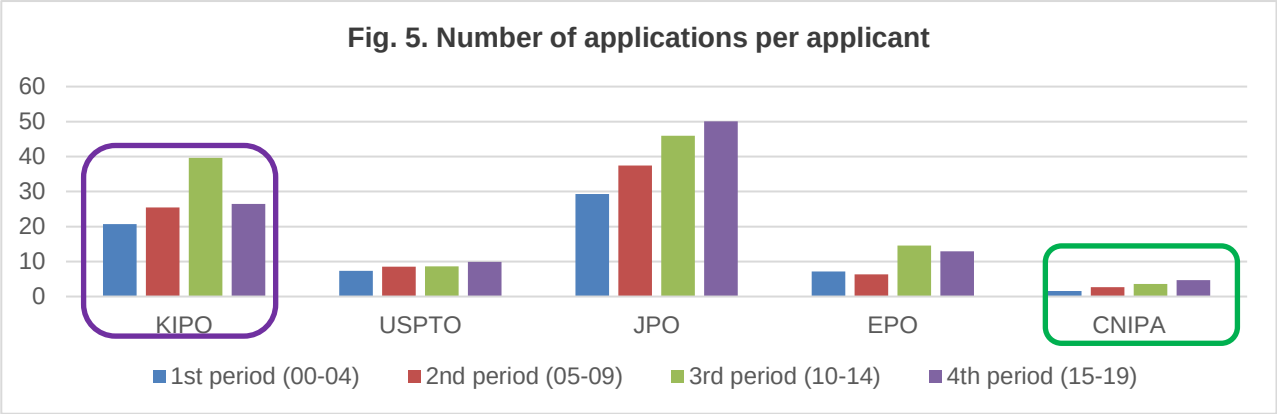


	KIPO	USPTO	JPO	EPO	CNIPA
2nd period inc.	8%	-8%	-22%	10%	74%
3rd period inc.	33%	76%	19%	13%	249%
4th period inc.	90%	24%	1%	38%	174%

Matching these results with the TLC phases explained earlier (*see* Table 3), it would appear that Japan entered the decay phase from the 2nd period, while China entered the ascent phase from the 3rd period. This suggests that Japanese applications in the electrolyte field will gradually decrease in the future, while applications in China should continue to increase rapidly. The other battery component technology areas show similar trends. Thus, regardless of the large total filing numbers currently at the JPO, if the technology development level at the JPO indicates Maturity or Decay phases of the TLC curve, patent filings at the JPO are likely to level off or even decrease in the near future, while the other major patent offices (KIPO, USPTO, EPO and CNIPA) show relatively more activity and reflect an earlier stage of technology development.

CNIPA: Rapid growth in patent filings, but distributed across numerous applicants

While application filings at CNIPA are rapidly increasing, interestingly, the number of applications per applicant shows a relatively small increase compared to other patent offices (*see* the green box in Fig. 5).



This may be a reflection of the ratio of types of applicants involved (company, government, university, and individual applicants). Universities and individuals represent a much larger share of CNIPA filings (university 21.2%, individual 3.9%) compared to patent offices in other countries (typically university 5%-10%, and individual 1% or less). In particular, the opposite trend is reflected in the numbers at KIPO and the JPO, wherein the share of company filers is relatively large, and mostly reflects a few large companies with large patent portfolios, while battery patents in China seem to be dispersed among numerous applicants and not concentrated among a few large companies.

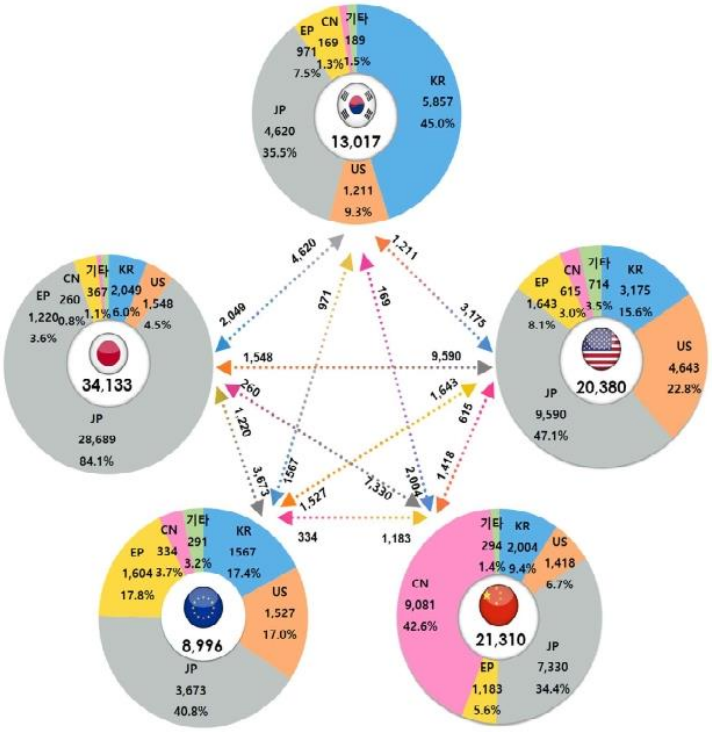
KIPO: Patents concentrated with a few large companies, and openness to foreign applicants

As noted above, the patent filing situation in KIPO is quite different from China. The high average number of patent filings per applicant (*see* the violet box in Fig. 5) reflects that a much larger share of patents in Korea is owned by companies (over 90%), with a few large companies representing the bulk of those filings. Large-scale patent disputes in the battery field have been ongoing in Korea in recent years, so because a sufficiently strong patent portfolio is needed to compete against large company portfolios in Korea, large Korean companies have tended to be more favorably positioned in such disputes. In other words, this concentration of patents has tended to be a powerful weapon for large Korean companies, who have gained extensive experience in patent disputes in battery field and are quite aggressive. Given the leading position of Korean cell makers in the lithium ion battery market, and the fact that many Chinese battery component/material makers have established production facilities in Korea due to the requirements of the US IRA (Inflation Reduction Act), strong patent portfolios in Korea are likely to become even more important.

The KIPO report also provides information on the number of outgoing and incoming applications between the IP 5 patent offices, from which the foreign filing tendencies in each country can be extrapolated. Japan seems to be the most common origin of overseas applications filed in the major patent offices, with Korean applicants also representing a significant share of overseas

applications, while in contrast Chinese applicants seem to focus on filing mainly domestic applications. On the other hand, the ratio of foreign to domestic filings at the JPO is very low, which suggests that Japan may not be an easy market for foreign lithium ion battery companies. A much higher percentage of filings at KIPO are foreign, indicating Korea may be relatively more open to foreign applicants (see Fig. 6).

Fig. 6. Number of outgoing/incoming applications between IP big 5 patent offices



As the above patent analysis shows, while Korea, Japan, and China are leaders in the secondary battery industry as well as in patent filings on secondary battery technology, the detailed patent environment of each of these countries is quite different. Entities seeking to construct a global patent portfolio, particularly covering Asian patents, are well-advised to pay attention to these differences when deciding their patent filing strategies.

KIPO Continues to Overhaul Expedited Examination System

By Ji Woo KIM and Cyril K. CHAN

Expedited examination has shortened the time for receiving office actions in the Korean Intellectual Property Office (KIPO), and increased the grant rate of applications that qualified for expedited examination. In Korea, applications that qualified for expedited examination via the patent prosecution highway (PPH) program had a higher grant rate and shorter pendency than applications examined under the regular examination system, as shown in Table 1 below.

Table 1. Comparison of regular examination and expedited examination of a patent application at KIPO in 2022

	Grant Rate (%)	Pendency First Action	Pendency Final Action	Number of OA issued
Regular	74.3	14.4	18.4	1.04
Expedited via PPH program	82.9 (84.5)	3.0 (3.3)	6.4 (7.2)	0.88 (0.97)

Source: PPH Portal - https://www.jpo.go.jp/e/toppage/pph-portal/

KIPO allowed expedited examination based on the following grounds: i) Patent Prosecution Highway (PPH) program; ii) if a third party is engaging in an on-going use of the claimed invention; (iii) green technology; iv) prior art search conducted by a KIPO-designated agency; or (v) other grounds listed in Article 61(2) of the Korean Patent Act ("KPA"). As shown in Table 2 below, the number of applications for expedited examination increased from 2020 to 2022.

Table 2. Number of applications for expedited examination for patents and utility models from 2020 to 2022 according to qualifying grounds

Qualifying Ground	2020	2021	2022
Green Technology	170	176	174
(PCT) PPH	3,878	3,481	2,720
Prior art search conducted by a KIPO-designated agency	15,723	15,798	12,758
Other grounds listed in Article 61(2) of the KPA	20,622	23,651	23,978
Total	40,393	43,106	39,630

Source: KIPO Annual Report (2022)

In an effort to expedite patent examination and grant in key technology areas that are vitally important to Korea, KIPO has further overhauled the expedited examination system by adding additional technologies and relaxing requirements for green technology patent applications that qualify for expedited examination. On the other hand, KIPO has removed prior art search conducted by an agency designated by KIPO as a ground for seeking expedited examination. Specifically, KIPO amended the qualifying grounds for expedited examination as follows.

1. Further expansion of the scope of 'advanced technology'

In 2022, KIPO amended the Enforcement Decree of the KPA to allow expedited examination for "patent applications for advanced technology important for the national economy and national competitiveness." At that time, semiconductor technology was specified as an example of such advanced technology. In 2023, KIPO further extended the expedited examination system to apply to patent applications directed to display technology. Most recently, the scope of "advanced technology" has been expanded to include secondary battery technology (effective on February 19, 2024).

2. Relaxation of requirements for 'green technology' patent applications

In the past, patent applications directed to "green technology" as defined under the Framework Act on Carbon Neutrality and Green Growth for Coping with Climate Crisis ("Framework Act") have been eligible for expedited examination if the applicants met certain requirements such as certification as "green companies" or support from the government (Government Aid for Green Technologies and Industries). Later this year, such eligibility requirements will no longer be required. Instead, patent applications will be eligible for expedited examination as long as they are directed to "green technology" as defined in the Framework Act.

3. Prior art search conducted by an agency designated by KIPO no longer qualifies a patent application for expedited examination

In order to increase efficiency and allow its expedited examination system to focus more on applications covering key technologies such as semiconductor, display, and secondary battery technologies, KIPO has removed prior art search conducted by a KIPO-designated agency as one of the qualifying grounds for expedited examination (effective on January 1, 2024). As shown in Table 2 above, the largest number of applications for expedited examination at KIPO from 2020 to 2022 was based on the prior art search ground. With the removal of this prior art search ground, KIPO is expected to have more examination capacity to handle applications eligible for expedited examination under the other grounds.

In summary, expedited examination is available in Korea for patent applications based on any of the following grounds: (i) the application is filed under the PPH program; (ii) the claimed invention is being worked by a third party; (iii) the application is directed to a "green technology" as defined in the Framework Act; (iv) the application is for a semiconductor, display, or secondary battery technology that qualifies as advanced technology; or (v) other grounds listed in Article 61(2) of the KPA.

Drug Data Protection System to Enter into Force in Korea in 2025

By Eun Jeong CHO and Hyeongsu PARK

On February 20, 2024, an amendment to the Pharmaceutical Affairs Law ("Amendment") was promulgated, which abolishes the current drug re-examination system and establishes a new system expressly protecting drug data for marketing authorization ("MA"). The Amendment will take effect on February 21, 2025, one year after promulgation.

The purpose of the current drug re-examination system is to monitor the safety and efficacy data of drugs after MA. However, in practice, the system has also served to provide *de facto* data exclusivity in Korea, since latecomers are prevented from utilizing data submitted for the original drug's MA during the re-examination period for their own approvals.

The Amendment abolishes the current re-examination system, and adds a new provision for an express system of data protection for pharmaceuticals (Article 31-6 of the Pharmaceutical Affairs Law). Under the new provision, a latecomer (such as a generic/biosimilar company) expressly cannot file its MA application based on the clinical trial data submitted for the original drug's MA for a certain period of time ("Data Protection Period"), unless (i) the original drug applicant consents to the latecomer's MA application filing based on the original drug applicant's clinical trial data, or (ii) the Ministry of Food and Drug Safety (MFDS) deems that the latecomer's MA application filing is necessary to respond to a public health crisis.

<Data Protection Period by Drug Type>

Drug Type	Data Protection Period
Orphan drug	**10 years** from the date of MA (Additional **1 year** if adding pediatric indication)
New drug	**6 years** from the date of MA
Drug requiring submission of new clinical trial data due to a material change to a drug already approved, as prescribed by the Prime Minister's Decree (e.g., changes to improve safety, efficacy and usefulness of a drug already approved)	**6 years** from the date of MA
Other drugs requiring submission of new clinical trial data and for which the need for data protection is acknowledged, as prescribed by the Prime Minister's Decree	**4 years** from the date of updated MA

The new data protection system under the Amendment covers both chemical and biologic drugs, and will apply to drugs with MA applications filed on or after February 21, 2025. For drugs where the MA application is filed prior to February 21, 2025, the current re-examination system will apply. The original function of the re-examination system to monitor post-marketing safety will be integrated into the Risk Management Plan.

Further updates will be provided as needed regarding MFDS practice developments and/or any subsequent implementing amendments to the relevant subordinate legislation of the Pharmaceutical Affairs Law (including the Prime Minister's Decree).

Recent Amendments Strengthen Export Controls for Strategic Items to Russia and Belarus

Min Seo HWANG, John J. KIM, Peter K. PAIK, Ki Beom PARK and Nam KIM

On December 26, 2023, the Ministry of Trade, Industry and Energy (MOTIE) issued an administrative announcement of amendments (the "Amendments") to the 33rd Public Notice on Trade of Strategic Items (the "Notice") proposing to (i) facilitate and strengthen the international community's efforts on export controls to Russia and Belarus, as well as to (ii) improve the system for the management of strategic items (MOTIE Announcement No. 2023-904). The Amendments came into force on February 21, 2024 (MOTIE Notice No. 2024-31).

The Amendments added a number of items to the list of goods subject to a "situational license," including heavy construction equipment, secondary batteries and machine tools, given their potential for military use. Furthermore, changes to improve the management of strategic items were introduced, including increased authority for oversight over items granted comprehensive licenses.

1. Expanded List of Items Controlled for Export to Russia and Belarus

(1) Additional Items Subject to a Situational License and Changes to Control Criteria

Following the international communities' efforts to strengthen the control of exports to Russia and Belarus, the list of items subject to a situational license has been expanded (i.e., from 798 to 1,159 items). The added items included heavy construction equipment, secondary batteries, machine tools and aircraft parts that have a likelihood of being used as weapons. In addition, the control criteria applied to certain existing items has also been revised.

Regarding the criteria revision, the current control criteria for general industrial products, which had previously classified products based on their names and technical specifications, has now been revised to explicitly correspond to specific HS (six-digit) codes. The control criteria for passenger vehicles have been revised from vehicles worth over USD 50,000 to vehicles with engines having a displacement of over 2,000 cc.

As a result of the Amendments, expert determinations issued prior to the enforcement of the Amendments will be deemed to have expired. Thus, companies will need to assess whether their exports are subject to situational licenses in accordance with the amended list and control criteria (i.e., items, technical specifications, HS codes, etc.) and obtain new expert determinations or self-determinations, if necessary. In addition, as the Amendments revise the control criteria for many tariff categories to an HS code-based standard, it will be important for companies to identify the correct HS codes and reflect the changes in their customs management systems.

(2) New Guidelines for International Cooperation on Export Control Licenses to Russia and Belarus

The MOTIE has codified the licensing guidelines for exports to Russia and Belarus by explicitly adding the "License Guidelines for International Cooperation on Export Control to Russia and Belarus" (the "License Guidelines"), as Appendix 24. The specific contents of the License Guidelines are as follows.

① Licenses for Strategic Goods Destined for Russia or Belarus: Denial (Limited Exemptions)

The License Guidelines mandate that the head of the licensing agency must deny applications for the export of strategic items to Russia or Belarus.

Furthermore, notwithstanding Article 26, paragraphs 1 and 2 of the Notice, which provides individual export licenses exemptions for strategic items, the newly codified License Guidelines now restrict exemptions to more limited circumstances. Still recognized exemptions include: (i) the export of machinery for the emergency repair of ships or aircraft for their safe operation, (ii) the export of goods for use by the Korean military or diplomatic envoys overseas, or (iii) the return of imported strategic goods to their manufacturer or original exporter.

② Situational License: Denial in Principle, Review on a Case-by-Case Basis (Limited Exemptions)

The License Guidelines mandate that applications for export licenses relating to items subject to a situational license will be denied in principle but may be exceptionally granted on a case-by-case basis. For example, (i) if the end user is a company wholly or jointly owned or controlled by a company established in the Republic of Korea or in a region listed in Annex 6 of the Notice, or (ii) if a sales contract for items subject to a situational

license specified in Annex 2 of the Notice has been entered into before the following dates:

- The contract for items 1 to 57 is completed by February 27, 2022;
- The contract for items 58 to 231 is completed by April 27, 2023; or
- The contract for items 232 to 1,159 is completed by February 23, 2024.

2. Other Revisions to the Notice Expanded List of Items Controlled for Export to Russia and Belarus

(1) Further License Types Added

In addition to the existing categories of export licenses (e.g., individual export license, comprehensive export license, and nuclear plant technology export license) available under the current regulations, the Amendments add a warship design technology export license.

(2) Strengthened Oversight Over Comprehensive License Items

Under the current Notice, a comprehensive license is revoked only for violation of the Notice or the Voluntary Export Administration Regulations. The Amendments add a new basis for revocation in the event an exporter holding a comprehensive license becomes aware of use of the items for military purposes contrary to the original declared intended use by an importing country's government, military agencies, or defense contractors. However, an exception may be granted where (i) a report is made to the Ministry of National Defense ("the MND") prior to export, and (ii) the MND and MOTIE agree to maintain the comprehensive license.

(3) New Individual Export License Exemptions Added

The Amendments establish a new individual export license exemption for exports in support of emergency humanitarian relief, providing the basis for timely assistance in the event of crises, such as war and natural disasters, and also an exemption in the case of the transport of nuclear items for exhibitions at fairs and other events.

With the Amendments, the number of items controlled for export to Russia has expanded significantly, while the review criteria for licenses have been strengthened as a policy of "denial in principle." As a consequence, when exporting to Russia or Belarus, companies are advised to confirm that their items are not subject to control under the expanded list, as well as verify that the HS codes of their items are accurate, as the HS code is now a key factor in determining the applicability of the regulations. In addition, given the strengthened license review criteria, companies are advised to examine whether there are exceptions or exemptions applicable in advance of filing for export licenses.

Stronger Crackdowns by Korea Customs Service on Overseas Leakage of Advanced Technology and Illegal Exports of Strategic Items

By Ung AHN, Gi Un LEE, Katherine Jungyun SOHN and John J. KIM

On January 31, 2024, the Korea Customs Service (KCS) held the 2024 Meeting of Investigation Officials of the National Customs Offices and announced its plan to establish an Economic Security Countermeasure Task Force ("Task Force"), which combines border control and judicial police functions in order to strongly respond to trade crimes. According to the plan, the KCS, with the focus on the Task Force, plans to increase crackdowns on overseas leakage of advanced technology and illegal exports of strategic items by closely cooperating with the Ministry of Trade, Industry and Energy (MOTIE), the National Intelligence Service, the Prosecutors' Office, the U.S. Homeland Security Investigations, and other relevant agencies in Korea and other countries.

In this regard, the KCS has continued to strengthen its crackdown on illegal export of strategic items in cooperation with the international community in view of the Russia-Ukraine War. In 2023 alone, the KCS uncovered foreign trade offenses, such as illegal export of strategic items, worth KRW 367.9 billion. Below are some of the recent cases uncovered by the KCS:

1. Illegal Export of Vehicles and Jet Skies Subject to Export Control in Relation to Russia

A Russian and a Korean accomplice were caught by the customs office for illegally exporting cars and jet skis subject to export controls to Russia by (i) falsely submitting export-related documents and (ii) disguising the exports as exports to Russia's neighboring countries.

The suspects (i) prepared a self-determination form for vehicles and jet skis, designating them as items not subject to export control, and (ii) falsely declared the amount so as not to exceed the export control standards (USD 50,000 in the case of vehicles). The suspects also (i) disguised the exports to Russia as exports to Russia's neighboring countries such as Kazakhstan and Kyrgyzstan, and (ii) exported the vehicles and jet skis to Russia via Malaysia, in order to avoid the customs office's crackdown.

2. Import of U.S.-origin Semiconductor Chips and Re-export to China

The customs office uncovered the smuggling of a U.S. company's semiconductor IC chips for telecommunications, which were designated as strategic items, to China without an export license, after importing them into Korea. In this case, Korea was used as a circumvention channel to avoid the U.S. government's tightened semiconductor export controls against China. In order to export semiconductor IC chips to Korea, an export license from MOTIE is required under the Foreign Trade Act.

The Korean government has been strengthening its crackdown on strategic items more than ever before. As described above, the KCS has become much more aggressive in investigating trade crimes. Further, on December 26, 2023, an amendment to the Public Notice on Trade of Strategic Items expanded the number of controlled items subject to catch-all licenses for Russia/Belarus to 1,159. Further, MOTIE also announced a plan to conduct rigorous investigations on unauthorized exports and circumventions through third countries through close cooperation with the KCS and other relevant agencies. Thus, companies engaged in import/export trade businesses should be cautious and take appropriate measures such as examining whether imported/exported items fall under strategic items or items subject to catch-all license.

TRADEMARK, DESIGN & UNFAIR COMPETITION

KIPO's Authority Against Unfair Competitive Acts Expands

By Seok Hyun KWON and Clare Ryeojin PARK

Pursuant to the recent amendment made to the Unfair Competition Prevention and Trade Secret Protection Act ("UCPA") promulgated on February 20, 2024, the Korea Intellectual Property Office (KIPO) now has the authority to impose corrective *orders* on parties that have committed unfair competitive acts. The scope of such unfair competitive acts include, among others, the act of causing confusion as to the source of a product, imitating the form of another person's product without authorization, infringing on another person's right of publicity such as their portrait rights, theft of ideas, etc.

Before the amendment, KIPO's authority was limited to issuing corrective *recommendations* when unfair competitive acts were found as a result of administrative investigations. Because corrective recommendations could not be enforced, such recommendations were considered insufficient to prevent the occurrence of unfair competitive acts. According to KIPO's statistics, corrective recommendations issued by KIPO were not complied with in one-third of the cases.

Under the recent amendment, KIPO can impose a fine of up to KRW 20 million if the offender does not comply with the corrective order without legitimate reasons. Moreover, a court that is reviewing a case involving the unfair competitive acts which the KIPO investigated may ask the KIPO to submit their investigation file to the court.

KIPO SJP's Investigative Authority to be Further Expanded

By Seok Hyun KWON and Beth JANG

The Special Judicial Police operating under the Korean Intellectual Property Office (the "KIPO SJP") was established in 2010, to focus on criminal investigations (including raids) into cases of trademark infringement and unfair competition causing source confusion. Since then, they have seized hundreds of thousands of counterfeit goods.

In 2019, the investigative scope of the KIPO SJP was expanded to include patent infringements, design infringements, trade secret misappropriation, and unauthorized imitations. In 2022 alone, they investigated approximately 20% of all technology infringement cases, and recently played a pivotal role in preventing technology leakage by apprehending offenders involved in the illicit transfer of core semiconductor technology to China.

On December 20, 2023, an amendment to the law governing the scope of duties and rights of the KIPO SJP was passed to further broaden the KIPO SJP's authority in order to encompass the following:

1) unauthorized imitations of the interior and exterior designs of renowned business establishments;
2) acts causing confusion through the use of famous trademarks in business establishments;
3) unauthorized uses of famous trademarks on unrelated products which could cause harm to distinctiveness or reputation;
4) utility model rights infringements;
5) attempts to disable protective measures for information safeguarded under the Unfair Competition Prevention Act, such as hacking; and
6) investigation of all acts of infringement concerning trade secrets, and not just trade secret misappropriation.

The amendment was promulgated and took effect on January 16, 2024.

Is Use of a Mark as a Smartphone App Icon Use With Respect to the Services Provided by the App or the App? The IP High Court Suggests That It Depends on the Facts

By Seok Hyun KWON and Clare Ryeojin PARK

It is not settled in Korea as to whether use of a mark as an app icon to provide certain services should be deemed trademark infringement of a registration that covers "downloadable computer software" in Class 9. In some earlier non-use cancellation cases, the IP High Court (formerly known as the Patent Court) recognized that there was Class 9 use. Recently, however, the court had the chance to consider this issue for the first time in an appeal of a trademark scope confirmation trial, and the court found in favor of the service provider.

Defendant, who owns a registration for the "010pay" mark designating electronic transaction services, etc. in class 36, provided its transaction services through a smartphone app, and used the "010pay" mark as the app icon. Plaintiff, the owner of a registered mark 010PAY which designates "downloadable computer programs, etc." in class 9, claimed that such use of the 010pay mark falls within the scope of infringed Plaintiff's rights in its registration for the "010PAY" mark. In response, Defendant asserted that its use of the "010pay" mark should be regarded as use with the electronic transaction services covered by its own registration, rather than use on the smartphone app itself.

The IP High Court held that the services provided by Defendant through its smartphone app involves electronic pre-payments, which can be regarded as equivalent to the electronic transaction services designated by Defendant's own trademark registration. The court further added that Defendant's use of the "010pay" mark in the Google Playstore and Apple App Stores constituted use of its mark in advertising for the electronic transaction services that it offers. The court agreed with Defendant that its use of the "010pay" mark – which is substantively identical to their registered "010pay" mark – should be deemed to be use with respect to the services designated by Defendant's own registration, i.e., electronic transaction services.

Given the legal uncertainty on this issue, service providers are advised to register their brands for downloadable computer software in Class 9 in addition to the services they provide through their

apps, to avoid any potential disputes. This recent IP High Court decision provides some comfort, however, that even if a service provider fails to register their trademark for software in Class 9, it will not necessarily be exposed to the risk of trademark infringement if it has registered its trademark in respect of its services. It is still worth noting though that in this case, the goods designated by Defendant's registration specifically includes the term "electronic" (i.e., electronic transaction services). It is unclear as to whether the IP High Court would have rendered the same decision if Defendant's registration simply designated "transaction services". We will have to wait and see how the IP High Court and/or the Supreme Court decides such cases going forward.

NEWS

Ranked "Band 1" in All Nine Areas, 39 "Leading Individuals" Recognized – Chambers Global 2024

In the 2024 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 fourth consecutive year.

The following details our 2024 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: Spotlight[1] (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

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

For individual categories, 39 of our attorneys and patent attorneys were recognized as "Leading Individuals." In the Intellectual Property practice area, Duck Soon Chang, Sang-Wook Han, John J. Kim, 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.

Kim & Chang Ranked Among Top Trademark Firms in WTR 1000 2024

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 and Litigation and Prosecution and Strategy, and also ranked as the "Recommended" firm in the Licensing and Transactions category in the fourteenth edition of WTR 1000 – The World's Leading Trademark Professionals.

In addition, 15 Kim & Chang attorneys – Alexandra Bélec, Duck Sook Chang, Hyun-Jin Chang, Hong Seok Jang, Martin Kagerbauer, Angela Kim, Dong-Won Kim, Sung-Nam Kim, Ann Nam-Yeon Kwon, Jason J. Lee, Seung Hee Lee, Clare Ryeojin Park, 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.

"ESG Firm of the Year" and "IP Firm of the Year" – The Asia Legal Awards 2024

At the *Asia Legal Awards 2024*, Kim & Chang obtained the "ESG Firm of the Year" and "Intellectual Property Firm of the Year" recognitions. Moreover, Chang Sup Kwon, an attorney at our firm, was recognized as the "Energy and Infrastructure Lawyer of the Year."

About the Asia Legal Awards: The American Lawyer (ALM), a leading US legal publication, annually hosts the *Asia Legal Awards*. The awards select and celebrate law firms, lawyers, deals and in-house teams that have displayed excellence during the past year. This year's awards ceremony was held in Singapore on March 14, 2024.

Newsletter

A Quarterly Update of Korean IP Law & Policy

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