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Newsletter

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The Korea Trade Commission – Introduction and Recent Developments

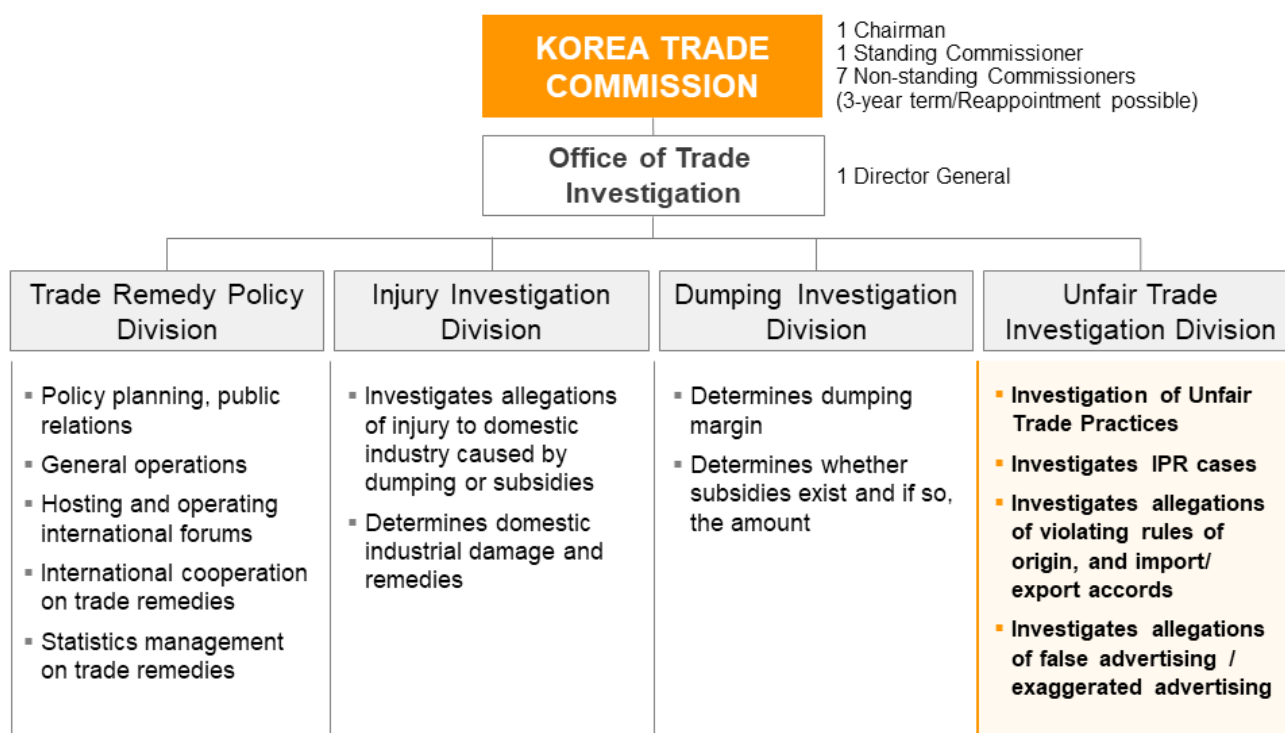
By Jong Kwon KIM, Inchan Andrew KWON, Yeon Tae JUNG and Hyunwoo SHIM

The Korea Trade Commission (KTC) is a quasi-judicial government agency responsible for various enforcement measures relating to imports and exports, which has become increasingly important as a means for effective protection of intellectual property in Korea, similar in many ways to the U.S. International Trade Commission. This paper summarizes the structure and operation of the KTC, including some recent developments and statistics relating to the KTC.

1. KTC's Unfair Trade Practice Investigation System

The KTC is responsible for enforcing the Act on the Investigation of Unfair International Trade Practices and Remedy against Injury to Industry (the "UITIA"), including investigating potential injury to domestic industry due to unfair international trade practices, reviewing and determining the extent of such injury, and recommending remedial measures, and publicly announcing resolution of such investigations. The unfair trade practices investigated by the KTC can include the infringement of intellectual property rights by imported and exported goods.

The KTC comprises nine commissioners, including one chairperson. The Trade Investigation Division of the KTC is responsible for conducting investigations of imports and exports of goods that unfairly infringe intellectual property rights, and to take corresponding remedial measures.



[Organization of the KTC]

The UITIA prohibits the following acts as types of unfair international trade practices:

- (i) Any act of supplying goods, etc. that infringe patent rights, utility model rights, design rights, trademark rights, copyrights, neighboring copyrights, program copyrights, layout-design rights of semiconductor integrated circuits, geographical indications, or trade secrets protected by the statutes of the Republic of Korea or the treaties to which the Republic of Korea is a party, or any act of importing and selling such goods, etc. into the Republic of Korea from abroad, or any act of exporting such goods, etc. from the Republic of Korea or manufacturing such goods in the Republic of Korea for export;
- (ii) Any act of exporting or importing goods with a false or misleading mark of origin, goods whose mark of origin is damaged or changed, or goods subject to marking of origin without such mark;
- (iii) Exporting or importing goods, etc. with false or exaggerated labeling of quality, etc.;
- (iv) Interfering with imports or exports to foreign countries through damaging Korea's credibility based on importing/exporting goods, etc. significantly different from the terms and conditions of a contract for import/export, or the arising of disputes relating to the performance of an import/export contract.

Either at the request of a party or *ex officio*, the KTC can investigate unfair international trade practices and issue an order for corrective action (such as prohibiting or destroying infringing products) and/or administrative fines for such practices, but cannot award damages. An objection

to a decision may be filed to the KTC by the respondent in an investigation, while either the respondent or petitioner may file an administrative appeal of a decision to the Administrative Appeals Commission, or an administrative litigation to the Administrative Court to review a decision by the KTC.

Some important aspects of the KTC's system for investigating unfair international trade practices are as follows:

- The KTC has broad jurisdiction to investigate violations of a wide scope of intellectual property rights, including copyrights, semiconductor integrated circuit layout design rights, and trade secrets in addition to patents, utility models, designs, and trademarks.
- The KTC will make a determination as to whether there are unfair trade practices within as little as six months from commencing the investigation, and because KTC proceedings are structured as investigations by the agency rather than dispute proceedings between parties, they are relatively lower cost than the courts or the Intellectual Property Trials and Appeals Board for conducting IP disputes.
- Once an investigation determines there is irreparable harm, remedies such as suspension of unfair trade practices can be promptly obtained through provisional measures (similar to an injunction against infringement in an infringement action).
- In the event goods identical to goods determined to be infringing by the KTC are imported/exported by a third party, remedies can be promptly obtained through a confirmation system for goods subject to judgment, without needing a separate investigation proceeding.

In view of the above, the KTC provides for relatively speedy remedies to address infringement of intellectual property rights by imported or exported goods compared to other venues for enforcing IP rights, which may be especially effective for protecting companies' interests.

2. Recent Developments

In July 2024, the KTC expanded its fact-finding procedures for IP infringement cases from the existing method of investigation based mainly on submitted documents as evidence, to add investigation based on witness statements from relevant parties and fact-finding pledges. The KTC also introduced new regulations to facilitate submission of evidence claimed to be trade secrets and improve the security of management of data, in order to better facilitate the resolution of disputes between parties on technical issues involving trade secrets.

The KTC is currently reviewing introducing procedures to limit access to trade secrets in an investigation to counsel for the petitioner and respondent only (similar to attorneys' eyes only designations for evidence in the U.S., or the data room system in the EU), for the purpose of expediting investigations involving trade secret information and enhancing the rights of companies to defend themselves. The KTC is also making efforts to establish better cooperation with research

institutes that have advanced equipment or highly capable researchers in order to make faster and more accurate judgments in technical cases.

<Source: Website of the Korea Trade Commission>

Classification (Unit: Case)		'15	'16	'17	'18	'19	'20	'21	'22	'23	'24. 11	Total
IPR Infringement	Application	9	12	8	9	13	3	5	8	8	14	88
	Investigation Commencement	9	12	7	8	10	5	5	8	4	15	83

As the above table shows, these efforts seem to have encouraged multinational companies from the U.S. and Japan to apply more often to the KTC to investigate IP infringement by Chinese, Korean, and Japanese companies, as reflected in recent filing numbers. Indeed, the KTC's efforts in 2024 seem to have resulted in the highest number of investigations initiated in the past 10 years.

"Exports" to be Included as Patent or Utility Model Infringing Acts

By Sang Bon GU and Inchan Andrew KWON

On December 27, 2024, the National Assembly passed an amendment to the Patent Act and the Utility Model Act ("Amendment") that expands the definition of acts that would constitute practicing an invention or utility model for purposes of infringement to include "exports." Specifically, the definitions of "practice of an invention" and "practice of a utility model" have been revised to recite "manufacturing, using, assigning, leasing, importing, or exporting." The Amendment was officially promulgated on January 21, 2025, and will take effect on July 22, 2025.

South Korea is a major player in global trade (ranking 8th in exports and 10th in imports as of 2023), but while existing laws included importation as an act of practicing an invention or utility model for purposes of infringement, they were silent regarding whether exports of otherwise-infringing products were infringing acts. As such, it has been challenging in Korea to enforce claims for damages or criminal liability under the Patent Act and the Utility Model Act regarding exported infringing products. Prior to the Amendment, the only remedies available to rights holders in practice were to try to block exports of infringing products at Customs, or to request that the Korea Trade Commission block such exports or impose fines under the Act on the Investigation of Unfair International Trade Practices and Remedy against Injury to Industry. This was in contrast to the situation with trademarks and designs, since the Trademark Act and Design Protection Act were already revised in 1974 and 2011 to include exports as potentially infringing acts.

As the Amendment now gives patent and utility model owners the same rights to assert infringement claims against exports as trademark and design holders, it is expected that this will significantly enhance the ability of right holders to protect their IP in Korea and globally.

Changes to Korean Patent Term Extension System Coming Into Effect in July 2025

By Keun Sil LIM and Inchan Andrew KWON

On January 21, 2025, an amendment to the Patent Act ("Amendment") was promulgated that introduces important revisions to patent term extension (PTE) system in Korea. The Amendment will come into force on **July 22, 2025** (six months after promulgation), and will apply to PTE applications based on product approvals issued on or after that date. The most notable amendments and implications are as follows.

1. Only One Patent Extension Per Approval

Under the current PTE system, while each patent can only be extended once, and PTE can only be granted for the first approval of a new chemical entity ("NCE") in Korea, there is no limit to the number of patents that can receive PTE based on a single approval, as long as they all cover the approval.

The Amendment now changes this to limit the number of patents that can be extended based on a single approval to only one. Thus, a patent owner must select one patent to actually receive PTE.

2. 14-Year Maximum Patent Term from Drug Approval Date

While a maximum of 5 years of PTE can be granted for a single patent, until now there has been no limit to the total amount of time a patent term can be extended.

However, the Amendment adds a further limit to PTE by limiting the maximum amount of extension a patent can receive to up to 14 years from the drug approval date. This may have significant implications if there is only a short gap of time between the patent filing date and the drug approval date in Korea.

While the Amendment was ostensibly passed under the rationale of seeking to harmonize the Korean PTE system with the PTE systems in other major jurisdictions (especially the United States), as a practical matter, the Amendment is highly likely to be favorable to generics' interests.

In order to maximize patent term and exclusivity under the revised PTE system, when deciding which patent to extend, a patent owner (PTE applicant) will now need to consider additional factors on a case-by-case basis, such as patent strength and enforceability (i.e., which patents are less vulnerable to invalidity challenge or design arounds), effective patent term in relation to the data protection period and the 14-year cap, the enforceable scope of the patent during PTE, etc.

Our firm is monitoring for any amendments to the relevant regulations, and information on how the revised PTE system is implemented in practice, and will provide periodic updates as appropriate.

Notable Changes to the Enforcement Rules of the Korean Patent Act and IPTAB Practice

By Kyoung-Soo JIN and Sooho LEE

On November 1, 2024, the Korean Intellectual Property Office (KIPO) implemented new enforcement rules to the Patent Act and the Utility Model Act (hereinafter, "**New Rule**"). The New Rule includes restrictions on adding or correcting inventors, mandatory disclosure requirements for the inventors' nationality and country of residence, and changes to the examination order of divisional applications. Notable changes to the New Rule include the following.

Stricter procedures for adding or correcting inventors

Under the old rule, inventors could be added or corrected without requiring special supporting documents prior to the issuance of a patent. This has led to numerous instances where individuals who did not contribute to the invention were arbitrarily listed as inventors or true inventors were omitted. For example, there have been cases where minors were added as inventors for highly specialized technical inventions, and applicants (companies) removed actual inventors and arbitrarily added third parties as inventors.

Under the New Rule, if an inventor is to be added or corrected, supporting documents (confirmation documents signed by the applicant and the inventor being added or corrected) must be submitted before a patent is issued. In addition, during the period between the allowance of the application and the issuance of the patent, adding a new inventor or correcting an existing inventor (unless it's the same inventor) is not permitted. This restriction is due to the examination procedure being deemed complete once the application is granted.

On the other hand, when the inventor is clearly incorrect (e.g., a clerical error), submission of supporting documents is not required. Additionally, if there is a special reason that makes signing or stamping impossible (e.g., inventor's death), the New Rule allows the confirmation documents to state such a reason and the signature or stamp can be omitted.

KIPO hopes that the New Rule will prevent indiscriminate corrections of inventors and ensure the accuracy of inventor information. However, with the stricter procedures for adding or correcting inventors, it will be important to accurately disclose inventor information when filing a patent application.

Obligation to disclose inventors' nationality and country of residence in the application

Under the old rule, if an inventor is a foreigner, the inventor's nationality can only be disclosed in the application at the inventor's request. The New Rule now requires the disclosure of a foreign inventor's nationality and country of residence in the application.

The New Rule is designed to take into account the fact that inventors are the ones that have the right to obtain patents under Korean patent law, and that inventors' nationality and country of residence can help identify national core technologies, facilitating joint technology development and preventing the overseas outflow of key personnel.

Changes on Examination Order for Divisional Applications

Under the Patent Act, patent applications are examined in the order that examination requests are filed. Previously, however, there was an exception for divisional applications. The old rule allowed divisional applications to be examined based on the order of when the examination request for the "parent" application was filed. As such, even if the examination request for a divisional application was filed later than a standard patent application, as long as the parent application's examination request preceded the filing of the standard patent application's examination request, the divisional application would be examined before the standard patent application.

However, with the increasing number of divisional applications being filed, this system caused significant delays in the examination of standard patent applications. Moreover, some applicants received their divisional application examination results earlier than intended, sometimes even before the final decisions on the parent applications were made. On such occasions, applicants were compelled to file multiple extension requests to allow sufficient time to respond.

Under the New Rule and the New Regulations on Handling Business Affairs Regarding Examination of Patent and Utility Model (hereinafter, "**New Regulation**"), all applications, whether divisional or otherwise, will now be examined strictly in the order the examination requests are submitted. KIPO indicated that these changes aim to address delays in the examination of standard patent applications caused by the increasing number of divisional applications.

As a result, examinations of divisional applications may be delayed by approximately 5 months, extending from 12 months to 17 months. In some cases, however, the delay may result in potentially reducing the term of protection, especially if serial divisional applications are filed.

For applicants wishing to expedite the examination process for divisional applications, the applicant may consider utilizing the Patent Prosecution Highway (PPH). The New Regulation has reduced

time for prioritized examinations via PPH from 4 months to 3 months after the PPH request is granted. Thus, utilizing the PPH can be an advantageous option to accelerate examination.

Streamlined Patent Registration: Faster Outcomes for Successful Appeals in Korea

According to the current Intellectual Property Trial and Appeal Board ("**IPTAB**") practice guidelines, when the IPTAB trial examiners decide in favor of the applicant in an appeal against a Final Rejection, the trial examiners may issue an allowance for the patent application if it is deemed administratively inefficient to remand the application back to the KIPO examiners for re-examination. In practice, most IPTAB trial examiners do not directly grant a patent but instead remand the application back to the examination bureau at KIPO for further review. As a result, even when an appeal is successful, there is an additional delay of 1 to 2 months before a Notice of Allowance is issued.

In response, IPTAB announced in a KIPO press release on December 31, 2024, that starting in January 2025, unless there are outstanding issues that were not reviewed during the examination stage, or new grounds for rejection are discovered necessitating further review, IPTAB trial examiners will directly issue an allowance for patent applications.

This procedural change is expected to significantly reduce the time between a successful appeal and allowance, facilitating a more streamlined process to protect the patentees' intellectual property.

Supreme Court Rules That Infringement Damages Must Be Separately Assessed for Each IP Right Asserted in Infringement Litigation

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

In a recent case involving infringement on a licensee's right to multiple intellectual property ("IP") rights, Kim & Chang successfully represented the appellant (i.e., the defendant) in the Supreme Court, which ruled that for each licensed IP right, (i) the scope of the license for the right, (ii) whether the right was infringed upon, and (iii) the amount of damages should be individually reviewed and assessed (Supreme Court Decision 2023Da280358, October 25, 2024). When multiple IP rights cover a single product, the IP owner may grant a license to another party to manufacture/sell the product and treat the license as a "single license" to all of the IP covering the product. However, the Supreme Court decision clarified that if a court awards damages claimed by the licensee against a third party infringer, it must separately calculate the amount of damages for each licensed IP right.

Comprehensive IP licenses to manufacture and sell specific products often include the exclusive right to manufacture and sell the product, where the exclusive licensee's rights are based on multiple IP rights (e.g., technical know-how, patent right, design right, trademark right, etc.). As such licenses are ultimately intended to cover the manufacture and selling of a specific product, in practice, they have often been treated as a single right by licensors/licensees. The lower court decision in this case awarded a single total damages award for infringement in line with this practice.

Representing the defendant in the Supreme Court appeal, we argued that (i) the plaintiff cannot claim damages for infringement based solely on the exclusive right to manufacture/sell the product granted by the license contract, but only in connection with the exclusive license to each of the IP rights in the agreement, and (ii) each of the plaintiff's IP rights needs to be treated as independent for purposes of enforcement. The Supreme Court agreed with this argument and ruled that a damages claim based on the infringement of multiple IP rights must explain how the damages are related to each of the asserted IP rights separately.

1. Background

Company A, which owns the technical know-how, patent rights, design rights and trademark rights to the product at issue, granted the plaintiff an exclusive license to manufacture and sell the product. The license also included the right to grant sub-licenses to third parties.

The defendant entered into a license agreement with the plaintiff to manufacture and sell the product using the IP rights licensed from Company A to the plaintiff. In return, the defendant was obliged to pay a certain percentage of the net sales of the product as royalties to the plaintiff. After the initial agreement, claiming that the defendant failed to timely pay the required royalties, the plaintiff notified the defendant that the agreement was terminated on the basis of the defendant's non-payment and other reasons. However, the defendant continued to manufacture and sell the licensed product.

In response, the plaintiff then filed a lawsuit against the defendant, claiming damages from infringement, arguing that the defendant's acts of continuously manufacturing and selling the product after the termination of the license agreement constituted an infringement of the rights in the license.

2. Court Ruling

The Intellectual Property High Court (the "IP High Court," the appellate court) had assumed that the license agreement granted the plaintiff the exclusive rights to the product, and calculated the amount of damages based only on the infringement of the licensed trademark right out of the multiple IP rights that had been licensed to the plaintiff by Company A. The court ruled in favor of the plaintiff's damages claim as follows:

- The plaintiff was granted an exclusive license to Company A's product. The defendant's manufacture and sale of the product even after the termination of its license agreement with the plaintiff constituted an unauthorized use of the licensed IP rights and therefore infringed the plaintiff's rights as the licensee and sub-licensor of these rights.
- Even the plaintiff's damages arising from the defendant's infringement of the licensed trademark alone (the entire sales revenue of the product was used as the basis for calculating such damages) must be higher than the plaintiff's partial claim amount of the total damages.

However, the Supreme Court reversed the IP High Court's decision and remanded it for further proceedings, ruling that the IP High Court's decision was unlawful because it misapplied the relevant legal principles and improperly failed to fully exercise the court's right to request clarification from the plaintiff, as summarized below:

- An exclusive license is granted for the "practice" of IP rights that are defined under the Patent Act and the Trademark Act, among others, and the scope of the license varies depending on which "right" it relates to. However, the license agreement between Company A and the plaintiff makes it clear that the license is directed to a specific "product," rather than specific IP rights, and thus the use of the term "exclusive license" in the agreement is inappropriate. Specifically, it is difficult to ascertain whether the exclusive license allegedly infringed refers to the right to exclusively practice the licensed patents in relation to the specific product at issue, or whether any other rights of a different nature are infringed upon.
- While the plaintiff claims damages for the defendant's post-termination manufacturing and selling of the product based on misappropriation of trade secrets and infringement of exclusive licenses to patent, design and trademark rights, the plaintiff failed to specify the amount of damages attributable to the infringement of each specific IP right, and claimed only a portion of the total damages. As the plaintiff did not specify the damages specifically attributable to each infringement, the IP High Court should have requested clarification from the plaintiff, but failed to do so.
- The plaintiff's damages arising from the defendant's sale of the infringing product after the termination of the license agreement (e.g., reducing the sales of the plaintiff's product or decreasing royalties) may include not only the damages arising from the infringement of the plaintiff's exclusively licensed trademark, but also damages arising from the infringement of the exclusively licensed design right. However, the IP High court calculated the amount of damages based only on the trademark infringement, without identifying how much the trademark infringement contributed to the reduction of sales or royalties, and failed to calculate the amount of damages for the other infringed IP rights, solely on the ground that even the amount of damages from the trademark infringement alone would clearly exceed the damages claimed by the plaintiff. Given that the IP High Court should have assessed the level of contribution of the defendant's infringement of the trademark to the overall decrease in the plaintiff's sales or royalties, it was unlawful that the court didn't exercise its right to request clarification pursuant to such assessment.

The Supreme Court decision clarifies that any license to manufacture or sell a product should distinguish each specific IP right being licensed to the licensee. In light of this ruling, IP rights holders seeking to enforce their rights in Korea are expected to bear additional burden, as licensors will be required to specify each IP right being infringed upon as well as the amount of damages to be allocated to the infringement of each right.

IP High Court's First Decision on Enhanced Damages for Willful Infringement

By Seong-Soo PARK, Injae LEE, Soo Yong LEE, Min-Kyoung JIN and Aeree KO

The IP High Court recently decided a case on appeal from the Busan District Court's award of enhanced damages for willful infringement. This decision provides clear guidance for awarding enhanced damages (IP High Court Decision No. 2023Na11276 decided on October 31, 2024; the "Case"). The decision became final and conclusive after the defendant waived its right to appeal.

The Korean Patent Act ("KPA") was amended to add Articles 128(8) and (9) (the "Amendment"), which took effect on July 9, 2019 (the "Effective Date"). These articles give courts the discretion to award treble damages (up to three times the actual damages¹) as enhanced damages for willful infringement, and outline the factors to be considered in determining the amount of enhanced damages². A subsequent amendment, effective August 21, 2024, increased the maximum limit from three to five times the actual damages.

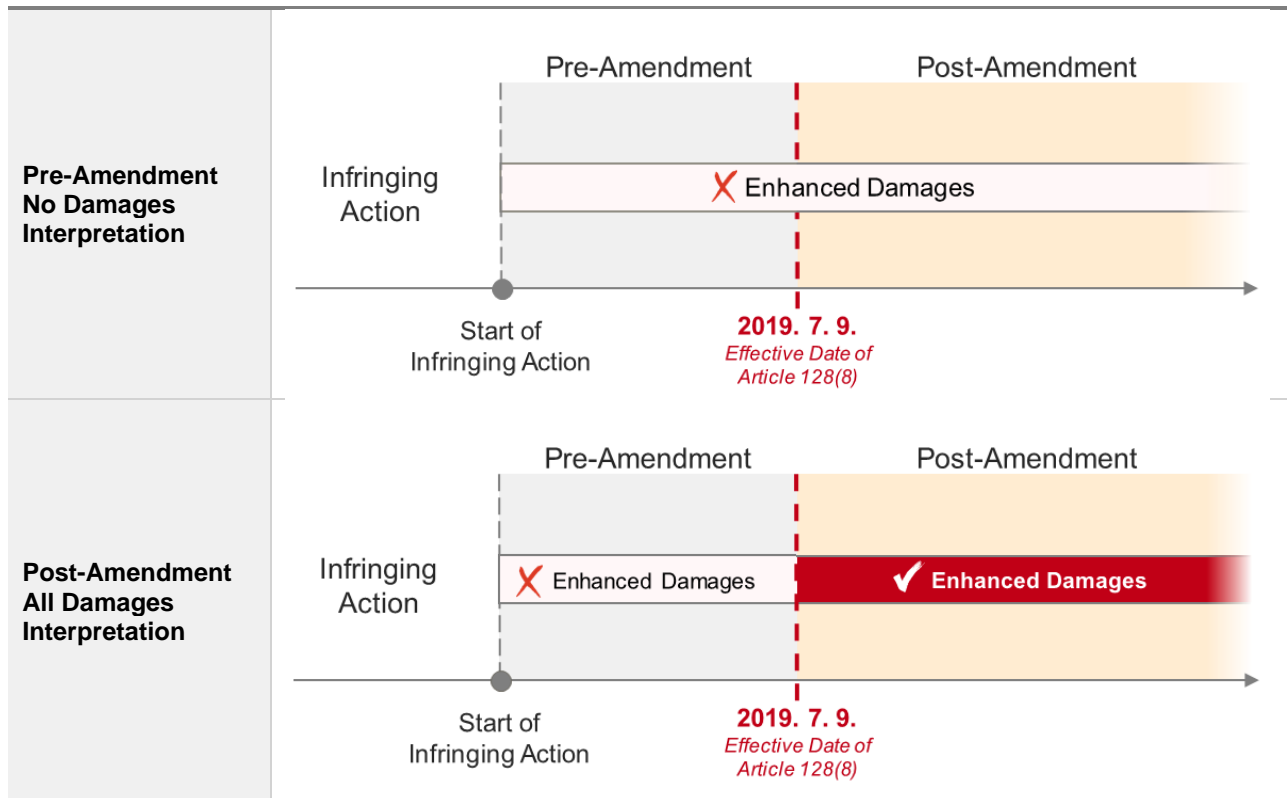
In promulgating the Amendment, the Addendum³ prescribed when the Amendment will apply as follows:

"The amended provisions of Article 128(8) and (9) shall apply from the violation first committed after the Amendment went into effect."

Until the Case was decided by the IP High Court, there were different interpretations on which violation the phrase "*first committed*" referred to. Specifically, if infringement had commenced prior to the Effective Date (i.e., July 9, 2019) and continued thereafter:

-
- ¹ Pursuant to Article 128(8), the amount of actual damages as a basis for enhanced damages is calculated in accordance with Articles 128(2) to (7) of the KPA.
 - ² Article 128(9) stipulates the factors for determining the amount of enhanced damages as follows: (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.
 - ³ See Addendum <Act No. 16208> of the KPA.

- One interpretation was that the enhanced damages cannot be awarded at all (the "Pre-Amendment No Damages Interpretation") because the infringement was first committed before the Effective Date; and
- The other interpretation was that the enhanced damages should be awarded for part of infringement committed after the Effective Date (the "Post-Amendment All Damages Interpretation") because that part of infringement was first committed after the Effective Date.



The Case involved a patent directed to a lid of a cooking vacuum pot. The plaintiff claimed that the defendant intentionally continued infringing the patent from 2015 to 2022, and requested the court to increase the amount of damages up to three times⁴ pursuant to Article 128(8) of the Patent Act. In a first application of the Amendment, the Busan District Court awarded enhanced damages based on the Post-Amendment All Damages Interpretation.⁵ The district court divided the infringing action into two distinct periods, the pre-Amendment period (before July 7, 2019) and the post-Amendment period (on or after July 7, 2019), and awarded enhanced damages for infringing acts that took place during the post-Amendment period.

⁴ The maximum penalty at the time of the lawsuit was three times, but the limit was subsequently raised to five times the actual damages effective August 21, 2024.

⁵ See Busan District Court Decision No. 2023Gahap42160 decided on October 4, 2023.

Until this decision by the Busan District Court, other district courts adopted the Pre-Amendment No Damages Interpretation, refusing to award enhanced damages if infringement initially took place before the Effective Date even though the infringing acts continued thereafter. The Busan District Court was the first court that applied the Post-Amendment All Damages Interpretation providing enhanced damages for infringing acts committed on or after the Effective Date, even if the infringing acts first started before the Effective Date.

On appeal, the IP High Court affirmed the District Court's decision by holding that the defendant committed willful infringement⁶ and thus, enhanced damages under Article 128(8) should be awarded for infringing acts that took place during the post-Amendment period (on or after July 9, 2019) regardless of when the infringing act started - whether the infringing act commenced for the first time before July 9, 2019 or not (i.e., applying the Post-Amendment All Damages Interpretation).⁷

In affirming the Busan District Court's decision, the IP High Court reasoned as follows:

- The purpose of the Amendment for enhanced damages is to discourage infringement and enhance remedies for damages caused by infringement of patent rights or exclusive licenses.
- According to Supreme Court precedents on applying a newly enacted provision to acts committed before and after an amendment because the acts as a whole is now illegal due to the new provision, the new law should be applied to all acts over the period before and after the amendment without the need to compare the severity of the statutory punishment under the new and old laws.⁸ However, if the new provision is not an amendment relating to definitions or penalties of violation, the new provision cannot be applied to punish acts that took place before the provision went into effect (i.e., the new provision should apply only to acts that took place after the effective date of the provision).⁹ The Pre-Amendment No Damages Interpretation is inconsistent with the above Supreme Court precedents.
- Moreover, if enhanced damages are available only for infringement that first took place after the Effective Date, a plaintiff may seek enhanced damages solely for the infringement occurring after the Effective Date. In response, a defendant may argue as a defense that its infringement occurred before the Effective Date. This situation is unreasonable in that the

⁶ In finding willful infringement, the IP High Court considered the facts that the defendant produced and sold infringing products with knowledge of the patented invention and continued to do so even after failing to negotiate a license with the plaintiff and receiving adverse decisions in an invalidation action and a scope confirmation action from the Intellectual Property Trial and Appeal Board.

⁷ The Court awarded enhanced damages of two times the actual damages for the infringing acts that took place during post-Amendment period.

⁸ See, e.g., Supreme Court Decision 2009Do321 decided on April 9, 2009.

⁹ See Supreme Court Decision 2022Do10660 decided on December 29, 2022.

defendant can avoid enhanced damages by arguing that it committed infringement before the Effective Date.

- The culpability of an individual who continues to infringe before and after the Effective Date is greater than that of a person who first commenced infringement after the Effective Date. If enhanced damages are available only for infringement that first took place after the Effective Date, the individual who has committed more infringing acts would not be liable for enhanced damages. Thus, such interpretation would be inconsistent with the legislative intent and undermine the balance of legal interests in the Amendment, which aims to provide stronger protection for patents.
- Furthermore, the text of the Addendum is that *"the amended provisions of Article 128(8) and (9) shall apply from the violation first committed after the Amendment went into effect,"* not *"the amended provisions of Article 128(8) and (9) shall apply to the violation first committed after the Amendment went into effect."* Therefore, it would be more natural to interpret the Addendum to limit the scope of infringement to which the enhanced damages apply as in the Post-Amendment All Damages Interpretation, rather than limiting the type of infringement for applying the Amendment as in the Pre-Amendment No Damages Interpretation.

The IP High Court's decision is significant in clarifying that enhanced damages should be applied under Article 128(8) to infringement acts that took place before Article 128(8) came into effect and continued until after the Effective Date. In addition to the recent legislative trend of strengthening sanctions on willful infringement by increasing the maximum limit of enhanced damages, this ruling is expected to serve as an opportunity to further strengthen the protection of patent holders' rights in Korea. In view of such pro-patent trend, businesses should examine their patent protection policies and at the same time, exercise caution in responding to infringement allegations.

Abusive Patent Lawsuits Expressly Added to KFTC Unfair Trade Practice Review Guidelines as Example of Illegal Conduct

By Myung Yoon WOO and Inchan Andrew KWON

The Unfair Trade Practice Review Guidelines ("Guidelines") of the Korea Fair Trade Commission ("KFTC") provide examples of the types of unfair trade practices, such as unfair solicitation of customers, abuse of superior bargaining position, and interference with business activities. As of December 30, 2024, the Guidelines have been amended to add filing abusive patent lawsuits as a specific example of illegal conduct constituting "unfair solicitation of customers."

Specifically, the amended Guidelines now recite "filing a patent lawsuit without a reasonable cause by abusing patent rights, such as filing a patent lawsuit against a competitor despite knowing of non-infringement or filing a patent lawsuit against a competitor after obtaining a patent through deceptive means, and using it in business activities to solicit customers of the competitor" as an example of illegal conduct, which reflects some recent KFTC decisions and court rulings. This newly added conduct also is categorized as an unfair means of competition that can be regulated without proving anti-competitive effects in the relevant market.

In one case, on March 11, 2021, the KFTC imposed sanctions on a Korean pharmaceutical company ("Company X") for abuse of patent rights based on two types of misconduct:

- (i) unfairly interfering with the business activities of one generic company by filing a preliminary injunction action and notifying the generic company's customers about the generic drug supply possibly being suspended, even though Company X had conducted tests indicating the generic product was outside the scope of Company X's patents and thus knew there was no infringement, and
- (ii) unfairly interfering with the business activities of a second generic company by filing and actively publicizing an infringement action asserting another patent that had been obtained based on manipulated and falsified bioequivalence test data.

The KFTC determined that these acts constituted unfair solicitation of customers in violation of the Monopoly Regulation and Fair Trade Law ("FTL"). The Seoul High Court subsequently affirmed this decision on August 30, 2023 (Seoul High Court Decision No. 2021Nu40470), and the Supreme

Court recently reaffirmed the decision on January 25, 2024 (Supreme Court Decision No. 2023Du55535), which is now final and conclusive. The amended Guidelines reflect these KFTC and court rulings clarifying abusive misconduct that is outside the scope of legitimate exercise of patent rights.

As the amended Guidelines now expressly identify abusive patent lawsuits as potentially constituting unfair solicitation of customers, companies may need to reconsider their risks or potential defenses under the FTL before engaging in patent lawsuits in Korea.

Korea Moves to Safeguard Its Technologies: Statutory Amendment and the Comprehensive Protective Plan

By Kyung Yoon LEE, Peter K. PAIK, Ki Beom PARK and Se-Hee LEE

Proposed amendments to the Act on Prevention of Divulgence and Protection of Industrial Technology (the "**Industrial Technology Protection Act**" or **ITA**) passed the plenary session of the National Assembly on December 27, 2024 ("**Proposed Amendments**"). The Proposed Amendments, set to take effect six months from the date of promulgation, aim to enhance the management of industrial technologies, including "national core technologies" ("**NCTs**"), and expand the scope of punishable infringing acts. On the same day, the Ministry of Trade, Industry and Energy ("**MOTIE**") unveiled the 5th Comprehensive Plan on Prevention of Divulgence and Protection of Industrial Technology (the "**5th Comprehensive Plan**"), which will be implemented over the next three years.

1. Key Highlights of the Proposed Amendments to the ITA

1. Systematic Management of NCTs

Determining whether a technology qualifies as an NCT is crucial for businesses, given the strict regulations applicable to NCTs. Currently, the NCT determination process can only be initiated by the possessing entity's application to the MOTIE Minister. The Proposed Amendments would allow the MOTIE Minister to demand, *ex officio*, that potential NCT holders submit an application for determination (Article 9-2). Furthermore, if a technology is classified as an NCT, the possessing entity must register the relevant information with the MOTIE Minister (Article 9-3). Non-compliance with these requirements may result in administrative fines of up to 10 million Korean won (Article 39(1)(i), (ii)).

2. Tightened Regulations to Prevent Leakage of Industrial Technology Overseas

Under the current framework, if an NCT-holding entity exported without approval or report, corrective measures follow an investigation and committee review. The Proposed Amendments would empower MOTIE to issue immediate corrective orders without such processes (Article 11(8)). The same changes apply to foreign M&A conducted without

approval or reporting (Article 11-2(1)). Companies failing to comply may face enforcement charges (Article 11-3).

Additionally, the Proposed Amendments would expand scenarios requiring a review of potential impacts on national security and economy if technologies are leaked outside of Korea. This review would include overseas M&As of entities holding government-funded NCTs (Article 11-2(4)) and also cover the export of non-government-funded NCTs or overseas M&As involving such entities, necessitating MOTIE's security impact assessment (Article 11(5), 11-2(7)).

3. Broader Scope of Infringement and Stricter Punishments

The Proposed Amendments include the following as infringing acts: (i) unauthorized removal or use of industrial technologies; (ii) facilitation of technology divulgence; or (iii) unreported or fraudulently reported export of NCTs (Article 14). Notably, the amended ITA would apply to acts of divulgence and infringement occurring abroad (Article 14-4).

In cases of willful infringement, punitive damages may be up to five times the incurred amount, increased from the previous maximum of three times (Article 22-2(2)). The maximum criminal fine for individuals leaking NCTs abroad has been raised from 1.5 billion to 6.5 billion Korean won. If the leaked technology is not classified as an NCT, the fine rises to 3 billion from 1.5 billion Korean won (Article 36(1), (2)).

2. Overview of the 5th Comprehensive Plan

The 5th Comprehensive Plan, aligned with the Proposed Amendments, aims for enhanced protection and management of NCTs. Key elements include:

- Designating new NCTs in high-impact areas such as batteries and aerospace.
- Establishing an M&A subcommittee within the Industrial Technology Protection Expert Committee.
- Expanding security consulting support for vulnerable entities like universities and SMEs.
- Developing management guidelines for core personnel in NCTs through big data analysis.
- Establishing standards for cloud protection measures for NCT-holding entities.

MOTIE plans to release Technology Scope Guidelines in the latter half of 2025 to assist entities in determining if their technologies meet the NCT criteria. They also aim to strengthen the review of overseas M&A by adding an M&A subcommittee under the Industrial Technology Protection Expert Committee. Additionally, MOTIE will amend the ITA Enforcement Decree and redefine "foreigner" and "control" to expand reviewable events.

The Proposed Amendments signify a pivotal change, addressing practical issues and granting MOTIE greater authority to issue *ex officio* NCT determinations. This is a crucial moment for companies to assess their holdings and ensure compliance with these evolving regulations.

As the Proposed Amendments and the 5th Comprehensive Plan could lead to further changes through subordinate regulations and public notices, it is increasingly important to monitor developments not only within the ITA but also in its subsidiary regulations.







Refurbishing Can Constitute Trademark Infringement

By Sung-Nam KIM and Alexandra BÉLEC

The Korean IP High Court took its first look at the emerging trend of refurbishing, upcycling, and transforming used goods and reminded us that new trends do not mean that IP rights should be overlooked.

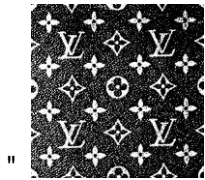
The past few years have seen the emergence of a global trend where used products are refurbished, upcycled, recycled, and/or transformed either to personalize a product to a consumer's liking or to give a second life to worn-out goods. This new practice started to raise concerns among owners of luxury and other famous brands, as it often involves tangible risks of consumer confusion and dilution for the concerned brands, which can seriously damage the reputation and goodwill accumulated in their IP rights.

In the subject case, the defendant offered refurbishing services to his customers, and notably, manufactured bags and wallets in various sizes, shapes, and designs using the materials from used Louis Vuitton products provided by his customers. The defendant disassembled the Louis Vuitton products provided and used the fabric and material parts to construct new bags and wallets which differed from the disassembled products, and in many instances imitated the designs of other Louis Vuitton products.

Original Products	Products After Transformation	Plaintiff's Other Products
		
		

Louis Vuitton filed a lawsuit against the defendant, seeking injunctive relief and damage compensation.

After considering several factors, some of which we will review in detail below, the IP High Court concluded that the refurbished products infringed upon the plaintiff's registered trademarks



" and " and upheld the district court's decision that had been decided in favor of Louis Vuitton, prohibiting the use of the plaintiff's marks and awarding damages of KRW 15 million. In its decision, the IP High Court ruled that, even if a product needs to be repaired, if the size, shape, or design of the original product is significantly modified in the repairing/refurbishing process, displaying and delivering such goods constitute an infringement of the plaintiff's trademark rights.

One of the crucial factors in this case was that the trademarked outer fabric was still clearly visible on the refurbished goods as shown in the above images. In his defense, the defendant tried to argue that the trademarks on the fabric were just design features, but the court rejected the argument and held that the subject trademarks could function both as designs and source identifiers.

Such use of the plaintiff's trademarks by the defendant on the refurbished products was also taken into consideration by the court when it reviewed the defendant's intent to use the marks as source identifiers and the risk of confusion for average consumers. The court noted that the defendant was exploiting the fame of the plaintiff's marks by ensuring they were clearly visible on the refurbished products and by redesigning the goods to look like other goods of the plaintiff. The court deduced from such facts that the defendant's intent was to provide his customers with products that would be similar to the plaintiff's products in order to satisfy their desire for new products that were similar to the plaintiff's luxury goods at a lower price, ensuring that the defendant's business would be successful. Moreover, the court mentioned that the average consumer, who would later encounter the refurbished goods, would perceive the plaintiff's marks appearing on such goods as source identifiers.

The court further noted that the defendant's refurbishing services did not comply with the plaintiff's strict quality control standards, and thus, the quality assurance function of the plaintiff's trademarks had been damaged.

The defendant tried to argue that he should not be found guilty on sustainability grounds. The court denied this argument, saying that while upcycling should be encouraged, the fact that the goods were upcycled did not negate the trademark infringement. In that regard, the court mentioned that the defendant had failed to take steps to avoid confusion, even though it was not impossible for

him to do so. The court did not elaborate on this point, which leaves some uncertainty as to the potential limits of this ruling and the type of indications that may allow third parties to offer upcycling services.

Another argument that the defendant raised was that the refurbishing services he provided were equivalent to consumers refurbishing their personal products by themselves because his customers would provide their personal product to the defendant, which would be returned to the customer after he had transformed it according to the customer's instructions. Since the act of refurbishing one's own product is not a commercial act and does not constitute trademark infringement, the defendant tried to argue that his providing aid to his customers was not infringing. This defense was also rejected by the court which considered that refurbishing a product and providing the result to a consumer constituted a commercial act, and that the defendant was liable for direct trademark infringement.

This decision by the Korean IP High Court is currently under appeal before the Supreme Court. If the ruling is confirmed, it will be a positive outcome for the owners of luxury and other famous brands, who could use it in enforcement efforts against parties who refurbish goods with the intention of exploiting such famous brands.

Key Changes to the Korean Trademark Law to be Enacted in July 2025

By Sue Su-Yeon CHUN and Clare Ryeojin PARK

On January 21, 2025, the amendment to the Korean Trademark Act ("Amendment") was promulgated after having passed the National Assembly on December 27, 2024. The Amendment will be enacted six months following the date of promulgation, i.e., on **July 22, 2025**.

Under the Amendment, (1) the trademark opposition period will be shortened to 30 days; and (2) the limit on punitive damages for intentional trademark infringement will be raised. Details are set out below.

Opposition period to be shortened from 2 months to 30 days

Under the current law, anyone can file an opposition with the Korean Intellectual Property Office ("KIPO") against a trademark application within 2 months of the date of its publication. However, many people file trademark applications at the time of launching the relevant product or with respect to trademarks that are already in use, and in addition, only about 1% of all published applications encounter oppositions. Recognition of the above, led to the consensus that the opposition period should be shortened so that trademarks can be registered more quickly.

For applicants, this amendment will expedite the overall registration process. Potential opposers will have to keep a very close eye on publications given the very short opposition period. As is the case now, however, it will remain possible, to first file a simple notice of opposition before the end of the opposition period and submit a detailed supplementary brief within a 30 day period (this period may be further extended for an opposition against a national application for up to 30 days; where the opposer is a foreigner, this can be extended for up to 60 days) after the opposition period expires. In addition, an information brief can be filed with KIPO to preemptively block the registration of a trademark before the mark is published.

The Amendment will only apply to trademarks that are published after the date of enactment.

Punitive damages limit to be increased from 3 times to 5 times

Under the current law, trademark owners are entitled to claim damage compensation from an infringer based on the infringer's profits gained from the infringement, the trademark owner's lost profits due to the infringement, or reasonable royalties. However, trademark owners are frequently hindered from recovering an adequate amount of damages, as there are practical difficulties in substantiating the damages actually incurred. To address this, an earlier amendment to the Trademark Act (amendment of October 2020) introduced the concept of punitive damages and currently, punitive damages of up to 3 times the amount of actual damages can be sought for intentional acts of infringement.

The Amendment reinforces the punitive damages provision by increasing the limit to 5 times the amount of actual damages. By doing so, further pressure will be placed on potential infringers preemptively, while entitling trademark owners to a more realistic remedy for damages incurred.

The Amendment will apply to acts which occur after the date of its enactment.

Recent Changes to the Design Protection Act and Design Practice

By Seung Jun JI and Alexandra BÉLEC

Amount of punitive damages available for willful infringement of registered designs to be increased

On January 21, 2025, an amendment to the Design Protection Act that increases the amount of punitive damages available for willful infringement of registered designs was promulgated. The amendment will take effect on July 22, 2025.

The amendment increases the punitive damages limit from three times the actual damages to five.

By increasing the damages available for intentional infringement, the amendment aims to allow victims of design infringement 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 that occur after the amendment enters into effect.

IPTAB now able to grant design registrations in certain cases

As of January 1, 2025, IPTAB examiners can directly grant a design registration when they reverse a refusal decision issued by the Korean Intellectual Property Office (KIPO) if no issues requiring review by KIPO's examination bureau remain and no new grounds for refusal have been identified.

Prior to this practice change, if the IPTAB overturned a refusal decision, the design application had to be sent back to the examination bureau for further examination. With this change the registration process will be accelerated by one to two months if the above criteria are met since re-examination by the examination bureau is no longer required in such cases.

Introduction of Labeling Obligation, Etc., of the AI Framework Act as Passed by the National Assembly

By Dong-Won KIM, Hyung Ji KIM, Hyewon CHANG, Angela KIM and Clare Ryeojin PARK

On December 26, 2024, the plenary session of the National Assembly voted to pass the "Framework Act on the Development of Artificial Intelligence and the Establishment of Foundation for Reliability" ("AI Framework Act"). The AI Framework Act is the second of its kind in the world following the EU AI Act. According to the Ministry of Science and ICT ("MSIT"), the enactment of the AI Framework Act comes at a time where many other major jurisdictions are also putting in substantial efforts in developing artificial intelligence and establishing regulations relating to artificial intelligence that are in favor of their countries. The AI Framework Act includes provisions relating to the establishment of a system for promoting trustworthy AI development, supporting and fostering the AI industry, and creating a foundation to ensure the safety and reliability of high-impact AI and generative AI.

What is an "artificial intelligence service provider"?

The AI Framework Act defines "artificial intelligence service provider" ("AI service provider") as a corporation, organization, individual, or state agency, etc. that is engaged in any business related to the AI industry (Article 2, Subparagraph 7). "High-impact AI" refers to an AI system that significantly affects or poses a risk to the safety or fundamental rights of individuals. High-impact AI systems are used in areas such as energy supply, drinking water production processes, digital medical device development and use, safety management and use of nuclear materials and nuclear facilities, and analysis and utilization of biometric information for criminal investigations or arrest (Subparagraph 4 of the same Article).

Particularly noteworthy for AI service providers are the (i) obligation to be transparent by notifying users when AI is being used under Article 31, (ii) obligation to ensure safety under Article 32, and (iii) the obligations for businesses who provide or use high-impact AI under Article 34. The above provisions impose obligations of notification, labeling, safety monitoring, risk management, high-impact AI management and supervision, and designation of a local agent, etc. on AI service providers. Therefore, AI service providers are strongly encouraged thoroughly review the obligations and implement measures to ensure compliance. These are further discussed below.

1. Obligation to ensure transparency

If an AI service provider intends to provide products or services that use high-impact AI or generative AI, the service provider must notify users in advance that their products or services operate using AI (Article 31(1)).

Furthermore, if an AI service provider intends to provide generative AI services or products or services using generative AI its products or services must be labeled as having being generated by generative AI (Article 31(2)).

Where a work consisting of virtual sounds, images, videos, etc. that can be mistaken for real (so-called "deep fakes") is intended to be provided using AI system, the service provider must clearly indicate the fact that the work has been generated using AI (Article 31(3)). However, if the work qualifies as an artistic or creative expression or forms a part thereof, the manner of labeling should not impede the exhibition or enjoyment of the work.

2. Obligation to ensure safety

Where the cumulative amount of data used for AI training exceeds the threshold set by the Presidential Decree, the AI service provider must : (i) identify, assess and mitigate risks throughout the AI life cycle , (ii) establish a risk management system to monitor and respond to AI-related safety incidents (Article 32(1)), and (iii) submit the results of the above to the Minister of the MSIT (Article 32(2)).

3. Responsibilities of business operators related to high-impact AI

Where an AI service provider intends to provide high-impact AI or any products or services that use a high-impact AI technology, the AI service provider is subject to certain obligations including the following to ensure the safety and reliability of its systems as prescribed by the Presidential Decree (Article 34(1)).

- Establishment and operation of a risk management plan (Subparagraph 1)
- Establishment and implementation of plans for explaining the final result derived by AI to the extent it is technically feasible, the key standards used to derive the final result, and an overview of the training data used for the development and utilization of the AI (Subparagraph 2)
- Establishment and operation of measures to protect users (Subparagraph 3)
- Human management and supervision of high-impact AI (Subparagraph 4)
- Preparation and storage of documents detailing the measures taken to ensure safety and reliability (Subparagraph 5)

- Other matters deliberated and resolved by the AI Committee to ensure the safety and reliability of high-impact AI systems (Subparagraph 6)

4. Fact-finding investigations / suspension and corrective orders/ fines

The AI Framework Act also stipulates sanctions against violations of the law. If the Minister of the MSIT becomes aware of, or receives a report or complaint on, violations of the law (including the labeling requirements, safety requirements, and the obligations of business operators relating to high-impact AI), an on-site inspection of the business premises of the business operator may be carried out by public officials to inspect its books, documents, and other materials or articles. If any violation is confirmed by the investigation, the Minister of the MIST is authorized to issue a suspension or correction order (Article 40).

Non-compliance with such orders or the violation of the advance notice requirement (Article 31 (1)), etc. may result in an administrative fine of up to KRW 30 million (Article 43).

5. Designation of a local agent

An AI service provider without a domicile or place of business in Korea whose number of users, sales, etc. meet certain criteria (to be prescribed by Presidential Decree) must designate a person with residence or a business operation in Korea as its domestic agent. On behalf of the service provider, the agent will be responsible for complying with obligations, including the filing of an application to confirm whether the service provided qualifies as high-impact AI and providing support for the implementation of measures to ensure the safety and reliability of high-impact AI. The designation of the agent must be made in writing and reported to the Minister of the MSIT (Article 36).

6. Distinction from the labeling obligations of other proposed laws

The partial amendment to the Content Industry Promotion Act proposed in May 2024 (Bill No. 2200048, proposed by National Assembly Member Yoo-Jeong Kang) and the partial amendment to the Copyright Act proposed in November 2024 (Bill No. 2205507, proposed by National Assembly Member Yong-Ki Jung) also stipulate an obligation to label when content or a copyrighted work was produced/created using artificial AI.

Specifically, the proposed partial amendment to the Content Industry Promotion Act requires that when content is produced using AI technology as prescribed by the Presidential Decree, it should be indicated (Article 26(3) of the proposed partial amendment), and the proposed partial amendment to the Copyright Act requires that a work created using generative AI technology be indicated as such (Article 7-2(1) of the proposed partial amendment).

While the indication obligation set out in the above two proposed amendments are similar to that provided by the AI Framework Act, there are differences in that the proposed partial amendment to the Content Industry Promotion Act focuses specifically on "content," while the proposed partial amendment to the Copyright Act focuses specifically on "copyrighted works." Unlike the AI Framework Act, the proposed partial amendment to the Content Industry Promotion Act imposes an obligation to label when "artificial intelligence technology prescribed by the Presidential Decree" is used, while the proposed partial amendment to the Copyright Act imposes the obligation to label when "generative artificial intelligence" is used.

The AI Framework Act will enter into force in January 2026 with a one-year transition period, after resolution and promulgation by the Cabinet. The government announced that it plans to take follow-up measures in the first half of 2025, such as establishing subordinate laws and guidelines to ensure a prompt implementation of the AI Framework Act.

We will closely monitor the implementation of the related subordinate laws and guidelines and keep our readers updated.

NEWS

Winner of "Country Firm of the Year Awards: South Korea" for the 19th Consecutive Year – Lexology Index Awards 2024

Kim & Chang received the "Country Firm of the Year Awards: South Korea" award for the 19th consecutive year at the *Lexology Index Awards 2024*.



About the Lexology Index Awards: The *Lexology Index Awards* (formerly, *WWL Awards*) is an annual awards ceremony hosted by Lexology, a legal intelligence platform under the British legal media group Law Business Research. Based on independent research and in-depth evaluation, the *Lexology Index Awards* recognize law firms and lawyers who have shown exceptional performance in the past year in over 70 jurisdictions across major practice areas. This year's awards ceremony was held in London on November 7, 2024.

Ranked "Band 1" in 18 Areas, 90 "Leading Individuals" – Chambers Asia-Pacific 2025

Kim & Chang obtained a "Band 1" ranking in 18 practice areas in the 2025 edition of *Chambers Asia-Pacific*, once again receiving the most "Band 1" rankings among Korean law firms. With the guide also recognizing 90 of our professionals, the highest number among Korean law firms, as "Leading Individuals," we have demonstrated our market-leading capabilities across a wide range of fields.



In particular, for the fifth consecutive year, we were the only Korean law firm to be ranked "Band 1" in the Dispute Resolution - Arbitration category. Moreover, for the third year in a row, we were the only Korean law firm to be ranked "Band 1" in the Intellectual Property: Patent Specialist and Shipping categories.

About Chambers Asia-Pacific: The *Chambers Asia-Pacific* guide, which is published annually by world-renowned legal media Chambers and Partners, provides an assessment of the Asia-Pacific legal market. This year, the guide recognized outstanding law firms and lawyers across 19 practice areas specific to Korea based on its evaluation of firms' submissions, interviews with key clients and partners, and independent research.

Below are the details of our rankings this year:

Firm Rankings

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

- Banking & Finance: Band 1
- Capital Markets (Capital Markets: Securitisation): Band 1
- Competition/Antitrust: Band 1
- Corporate/M&A: Band 1
- Dispute Resolution – Arbitration: Band 1
- Dispute Resolution – Litigation: Band 1
- Dispute Resolution – White-Collar Crime: Band 1
- Employment: Band 1
- Insurance: Band 1
- Intellectual Property: Band 1
- Intellectual Property – Patent Specialist: Band 1
- International Trade: Band 1
- Projects & Energy: Band 1
- Real Estate: Band 1
- Restructuring/Insolvency: Band 1
- Shipping: Band 1
- Shipping – Finance: Band 2
- Tax (Tax: Consultant): Band 1
- Technology, Media, Telecoms (TMT): Band 1

North Korea

- General Business Law: Spotlight

Asia-Pacific Region

- Arbitration (International): Band 4

For individual categories, 90 of our professionals were recognized as "Leading Individuals." In the Intellectual Property practice area, Jay (Young-June) Yang, Duck Soon Chang, Young Kim, Sang-Wook Han, Seong-Soo Park, Yu-Seog Won, John J. Kim, Chun Y. Yang, and Minjung Park were selected as "Leading Lawyers."

"Korea Law Firm of the Year" for 12 Years in a Row – ALB Korea Law Awards 2024

For the twelfth consecutive year, Kim & Chang won the "Korea Law Firm of the Year" award at the *ALB Korea Law Awards 2024* held in Seoul on November 6, 2024.



At the awards ceremony, Kim & Chang received the highest recognition in a total of seven categories, receiving six firm awards, which honor the best law firms in each field, and one deal award, which recognizes influential deals from the previous year.

The *ALB Korea Law Awards* ceremony, which celebrates its twelfth anniversary this year, is an annual awards ceremony hosted by Asian Legal Business ("ALB"), an Asian legal media under Thomson Reuters, which recognizes outstanding law firms, deals, lawyers and in-house legal teams in each category through evaluation by a panel of experts in the fields of the respective awards.

The following is a list of our firm's wins this year.

Firm Award Categories – Sole Winner

- Korea Law Firm of the Year (twelfth consecutive win)
- Korea Deal Firm of the Year (fifth consecutive win)
- Korea Intellectual Property Law Firm of the Year (sixth consecutive win)
- Insurance Law Firm of the Year (second consecutive win)
- Tax and Trusts Law Firm of the Year
- Technology, Media and Telecommunications Law Firm of the Year (second consecutive win)

Deal Award Categories

- M&A Deal of the Year: SK On Co., Ltd. and Hyundai Motor Group's EV Battery Joint Venture in the US (Co-Winner)

Newsletter

A Quarterly Update of Korean IP Law & Policy

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