

Leaflet Patents in the Republic of Korea

Territory

The patent is valid for the territory of the Republic of Korea (South Korea).

Duration

The maximal duration of the patent is 20 years starting from the date of filing.

Compulsory use

A patented invention must be worked in the Republic of Korea. Any interested party may request a compulsory licence in the event that a patented invention has not been continuously worked in the Republic of Korea for 3 or more consecutive years without justifiable reasons; even if the patented invention has been worked but has not been commercially worked in the Republic of Korea on a substantial scale during a period of 3 or more consecutive years without justifiable reasons; or if the domestic demand for the patented invention has not been satisfied to an appropriate extent. In such a case the grant of a compulsory licence may be requested after a period of 4 years has elapsed after the filing date of the application. Real working (i.e., working in a commercial manner and on a substantial scale) is required; nominal working is of no relevance.

Marking

Marking is not compulsory, but marked products may have implications for awarding compensation in case of past infringement. Marking may be placed either on the patented article itself or, if this is not possible, on the container or packing. The usual marking is 'Patent No.', preferably both in Korean and in English.

License

An exclusive licence must be recorded with the Korean Intellectual Property Office (KIPO) in order to be effective. A non-exclusive licence need not be recorded in order to be effective between the parties thereto, but should be recorded in order to be effective as against third parties. We suggest you to contact us if you intend to grant a license under your Patent in the Republic of Korea.