

Enhancing the Trial and Appeal System

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Enhancing the Trial and Appeal System

In 2025, the Intellectual Property Trial and Appeal Board (IPTAB) continued to adapt to the increasing complexity of IP disputes and rapid technological change. Structural reform and improvements to trial and appeal procedures focused on enhancing expertise in advanced technology disputes, reorganizing the Boards to better reflect the characteristics of each technology field, and providing more efficient and user-centered dispute resolution services. IPTAB also improved procedural fairness, expanded the use of mediation, and advanced cooperation with other major IP offices. Together, these efforts enhanced IPTAB's institutional capacity and reinforced confidence in Korea's patent trial and appeal system.

01

Specialized Boards for Advanced Technology Sectors

In response to rapid technological changes and the increasing complexity of IP disputes, IPTAB restructured its organization to strengthen expertise in both advanced technologies and areas with growing caseloads. The restructure focused on aligning technical expertise more closely with emerging industries while improving the timely and consistent resolution of disputes.

Of IPTAB's 36 trial divisions, the number of specialized divisions dedicated to advanced technologies was expanded from six to nine. Three new Boards for robotics, biotechnology, and pharmaceuticals were added to the existing six Specialized Boards, covering semiconductors, mobility, secondary batteries, artificial intelligence (AI), next-generation communications, and digital media. The organizational restructure enabled IPTAB to align its expertise more closely with emerging areas of technological development and growing demand for specialized adjudication.

The newly established Boards were reinforced with

administrative patent judges with advanced technical expertise and extensive practical experience, including doctoral degree holders, licensed professional engineers, and officials with substantial experience in patent examination and trial and appeal practice. Strengthening the expertise of the Specialized Boards enhanced IPTAB's capacity to ensure consistent and high-quality decisions in technically complex cases.

IPTAB also addressed the growing volume of trademark trial and appeal cases. Additional administrative trademark judges were assigned, and responsibilities were realigned by technical fields, covering machinery and electronics trademarks, chemical and food trademarks, and consumer goods trademarks and designs. These measures were intended to build greater expertise and provide timely resolution of trademark and design disputes.

Overall, the reorganization created a more specialized adjudication framework better equipped to address emerging technologies and the evolving nature of IP disputes. By enhancing both technical expertise and institutional capacity, IPTAB reinforced its institutional foundation for delivering faster, more consistent and transparent adjudication, while enhancing confidence in Korea's IP dispute resolution system.

02

Invalidation Trial Proceedings

IPTAB also reformed invalidation trial proceedings to enhance the reliability and stability of patent rights while strengthening procedural fairness for the parties involved. The reforms focused both on providing patent holders with a meaningful opportunity to maintain valid rights and on ensuring that invalidation cases are reviewed in a more streamlined and efficient manner.

A key feature of the reform was the proposed introduction of an advance notice of invalidation decisions. Under the proposed system, when the grounds for invalidation are considered to be well founded, the patent holder would be notified of the preliminary decision before a final invalidation decision is issued. This would give the patent holder an opportunity to request a correction and maintain claims that remain patentable. By providing the patent holder with a meaningful opportunity to respond, the reform is expected to enhance the predictability of invalidation proceedings and help prevent valid patent rights from being unnecessarily lost.

In parallel with the proposed reform, IPTAB revised its hearing procedures to encourage a more thorough and focused review of invalidation cases. Petitioners are required to clearly specify the grounds for invalidation and submit supporting evidence within the specified period, to encourage timely submission. Key issues in disputes were also identified and narrowed at an earlier stage, allowing the parties to fully present their arguments and evidence, while improving the efficiency of oral hearings.

Procedures for claim construction were further strengthened as part of this effort. Petitioners were encouraged to identify their proposed interpretation of disputed claims when filing a petition for patent invalidation. Where the parties disagreed on claim construction or the meaning of a claim remained unclear, they are given a further opportunity to make additional submissions.

Taken together, the procedural reforms and proposed

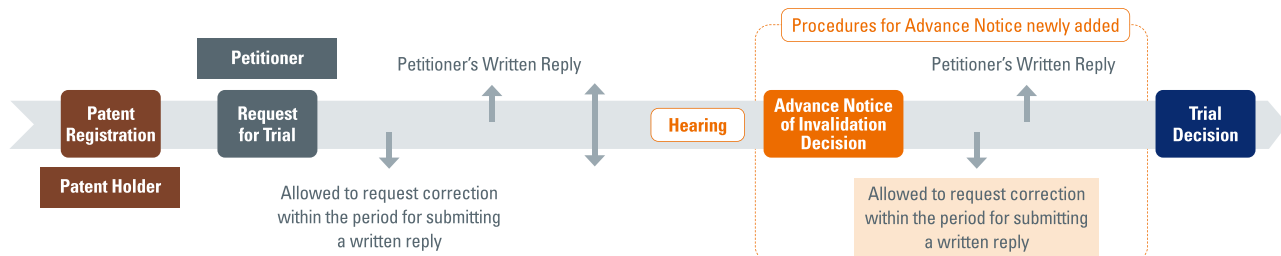
advance-notice mechanism are intended to establish a more balanced and structured framework for patent invalidation proceedings. By strengthening procedural safeguards while ensuring more focused and efficient adjudication, IPTAB sought to improve the quality and predictability of its decisions, strengthen the procedural rights of the parties, and promote confidence in the patent trial and appeal system.

03

IPTAB-annexed Mediation

While administrative trial and appeal proceedings and litigation remain the primary means of resolving IP disputes, they involve considerable time, cost, and procedural complexity, making alternative dispute resolution (ADR) an attractive option in appropriate cases. To promote a more flexible and efficient dispute resolution, IPTAB expanded the use of IPTAB-annexed mediation in suitable trial and appeal cases. Building on its experience in trademark and design cases, IPTAB established the institutional framework and procedures needed to expand the use of IPTAB-annexed mediation to patent disputes.

Patent disputes often involve complex technical issues and may give rise to parallel civil or criminal proceedings, making settlement more difficult. Under the IPTAB-annexed mediation mechanism, the IPTAB judge assigned



to the case may participate in the mediation proceedings as a member of the mediation panel. Drawing on their technical expertise and an in-depth knowledge of the case, the IPTAB judge helps the parties identify the key issues in disputes and facilitates a fair and practical settlement that reflects both the technical issues and the parties' respective interests.

The first patent dispute successfully resolved through IPTAB-annexed mediation involved two Korean semiconductor equipment companies. Before issuing a decision on the patent validity, IPTAB carefully considered the nature of the dispute and its broader implications for the industry, and recommended mediation as a means of resolving the dispute at an early stage. Following a mediation session and several rounds of discussions, the companies reached an agreement on joint ownership of the patent. The settlement was reached and the trial proceedings concluded in June 2025, only three months after the mediation process began.

The case was significant not only because it resolved the patent dispute, but also because it helped rebuild the business relationship between the companies and laid the groundwork for future cooperation. The case demonstrated that IPTAB-annexed mediation can provide an effective mechanism for resolving patent disputes while preserving business relationships and driving innovation.

04

IP5 Cooperation on Patent Trials and Appeals

In September 2025, the 6th IP5 Trial and Appeal Boards High-Level Meeting—a forum for the heads of the patent trial and appeal bodies of the five IP5 Offices to exchange policy developments and practical experience—was held in China. The meeting brought together representatives from Korea, the United States, the European Patent Office,

Japan, and China to discuss cooperation in patent trial and appeal administration.

Participants shared recent developments in their respective systems and discussed common challenges arising from the increasing complexity and convergence of technologies. They also explored measures to strengthen case management capabilities, improve the efficiency and quality of proceedings, and enhance institutional capacity to handle complex and cross-border IP disputes. The discussions highlighted the value of closer cooperation and the exchange of administrative experience in promoting more consistent, predictable, and user-oriented dispute resolution.

IPTAB shared its recent reforms aimed at enhancing procedural transparency and improving the timeliness and accessibility of trial and appeal services. In particular, IPTAB shared its experience in the operation of fast-track proceedings and digitalization of IPTAB proceedings. It also proposed directions for continued cooperation among the IP5 Offices, including further exchanges of institutional practices and operational expertise.

Korea's participation highlighted its growing role in international cooperation on patent adjudication. By sharing its experience in procedural reform, fast-track proceedings, and digitalization, IPTAB contributed to ongoing efforts to build more efficient, accessible, and reliable patent adjudication systems across the IP5 Offices.

