

The Korea IP News Quarterly

KIPO looks at development and IP
Trademark applicants can take a fast track
PPH links Korea and Denmark
Enforcement orgs shift 24/7

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• Beyond Wrappers

IP as Development Tool

Today, intellectual properties (IP) are not only new motive power to generate national wealth, but also key factors for human welfare and prosperity that can resolve global issues such as climate change, food shortages and oil price increases. Understanding such importance of IP in today's world, the Korean Intellectual Property Office (KIPO) is laying the foundation for sustainable growth in the knowledge-based economy by supporting the creation of strong intellectual property rights (IPR) and developing practical IPR policies and strategies. Particularly KIPO has endeavored to contribute to the global IPR community and the human society by undertaking the role of a leading member of our global society.

Due to the rapidly increasing number of patent applications worldwide, patent offices of most countries are suffering a huge backlog of patent examinations and concomitant deterioration of examination quality. According to the 2008 statistical report of the World Intellectual Property Organization (WIPO), 24% of all patent applications are filed to more than 2 countries, causing inefficient duplication. Settling down such an issue takes international cooperation. The Heads Meeting of IP 5 brought the leaders of the United States Patent and Trademark Office (USPTO), the Japan Patent Office (JPO), the European Patent Office (EPO), KIPO, and the State Intellectual Property Office of the Peoples' Republic of China (SIPO) together in Jeju, Korea last October. These five countries make up 80% of all patent applications in the world.

At the meeting, the five countries agreed to the principle and vision of international cooperation for the patent examination process, including the idea of reducing workload of examiners by sharing examination results of duplicated applications. To give shape to this plan, they also agreed to promote ten foundation projects. Accordingly KIPO will sincerely promote the ten foundation projects to improve the examination quality and develop the international work-sharing environment.

Since the Korean War in 1950 Korea has risen from ashes and become the 13th largest trading country and fourth in the number of patent applications. Using the experience of rapid growth, KIPO is planning to develop practical and useful programs for supporting

developing countries, taking into account the specific demands and economic level of each country. The programs will allow the developing countries to gain actual benefits from the IP system. For instance, one of these programs is a project for supporting products of developing countries to acquire IPRs. In 2008 KIPO supported a trademark registration for coffee that YMCA was importing as part of its fair trade project.

Other multilateral development programs include the provision of technologies for basic necessities of living and technological information optimized for a recipient country, various training programs for IP professionals, capacity building for patent examiners and support for the automation of the patent administration. KIPO hopes that these programs will also be widely adopted by other international organizations and societies, such as WIPO and the Asia-Pacific Economic Cooperation.

In addition, KIPO is planning to actively participate in discussions on the development agenda currently promoted by WIPO. KIPO will also make sure to strategically operate the WIPO Korea Funds-in-Trust and increase its efficiency, to ensure the fund actually helps improve the recipient country's IP system.

Lastly, as the IP community is asked to pay more attention to global issues such as climate change, KIPO will endeavor to introduce diverse policies and programs to facilitate technological solutions to the issues. KIPO will also continue to contribute to the development of the world's IP system by building global partnerships with patent offices around the world. As a powerful supporter of the patent community, KIPO will carry the virtue of sharing into practice, so that we can serve as a facilitator in fostering co-prosperity of every country in the world.

KIM, Chang Ryong
Director General
Int'l Cooperation &
Customer Support Bureau



KIPO Looks to Support Developing Countries

KIPO launched two programs for assisting local communities of the developing countries to achieve self-sustaining economic development. The two programs, which are composed of the Branding for Local Products and the Technological Solution for Survival Issues, were designed as pioneer projects under the KIPO's umbrella plan for developing country assistance and will serve to achieve two goals: income growth and autonomous technological development.

The first program, Branding for Local Products, pulls together resources of various governmental and non-governmental organizations as well as corporations to help build brands for local products of the developing countries and to commercially distribute them. KIPO is discussing the implementation of this program with the Korea International Cooperation Agency (KOICA). Under the cooperative plan being discussed, KOICA will utilize its overseas volunteers in developing countries in identifying local products that have marketing potential.

Upon completion of the identification of local products, KIPO and participating organizations will embark on building brands for the products, which will include creating brands as well as counseling for trademark application and registration. After brands are established, NGOs in the



Fair Trade™, movement and social enterprises will get involved to help distribute the products in Korea and internationally. This program is expected to ultimately help increase the income of the local communities of the developing countries.

A pilot project under this scheme was already conducted in the last year. The YMCA Korea, in support of KIPO, developed and filed applications for trademarks for the East Timorese coffee that the YMCA was importing and marketing. The Branding for Local Products project, a full-fledged program of this pilot program, will have broader scope of participants and volunteers.

The Technological Solution for Survival Issues, the second program, utilizes patents and utility models information as tools for helping the developing country communities to autonomously solve the issues related to specific problems of their lives, for example, water shortage, starvation or habitation. This second program also involves various governmental/non-governmental organizations and corporations. The process will be initiated by KIPO by building a database of "appropriate technology" information. The process of building appropriate technology DB will include identification of the areas of technology in need, the collection of technological information from patent and utility model databases, translation of the information and launching them onto the database. KIPO is collaborating with universities to encourage participants of contests for designing appropriate technology such as "Design for the other 90%" to develop and offer solutions using appropriate technology for survival issues. After the DB is built, KIPO will work with social enterprises to develop and distribute devices that implement technological solutions to whoever needs them. KIPO expects participation from anyone in the IP community.

PARK, Eun Kyul, Multilateral Affairs Division, KIPO
TEL. +82 (42) 481-5067 / E-MAIL. ekpark@kipo.go.kr

Accelerated Examination System for Trademark

Trademark applications are traditionally examined in a single-track system in the order in which they are filed, that is, on a "first come, first serve" basis. Recently, however, KIPO has introduced a dual-track system, which gives applicants the option of an accelerated examination. An applicant may choose the accelerated examination when the applicant is already using the applied trademark or where a dispute over the trademark is expected.

For trademarks which need to be registered as quickly as possible, it is necessary to examine them faster than ordinary applications, given that they meet a certain condition. Thus, KIPO introduced the 'accelerated examination system for trademarks' where applicants with a good reason can apply for an accelerated examination and pay a specified fee.

The accelerated examination system for trademarks provides a customized examination service to satisfy the applicants' need, as

well as allow applicants to receive the examination in the preferred period. This allows companies planning to conduct their business based on trademarks to swiftly commercialize their plans.

Furthermore, in case there is a dispute regarding a trademark application, the accelerated examination system can clarify the scope of rights swiftly to resolve the dispute as expeditiously as possible and save costs related to the lawsuit.

The Enforcement Regulations of the Trademarks Law was revised in December 2008, and the new system went into effect in April 2009. The fee for applying for the accelerated examination will be roughly triple (W160,000 or \$123) the ordinary application fee (Based on Article 5-1 Regulations of Collecting Patent Fees etc).

EOM, Taemin, Trademark and Industrial Design Examination Policy Division
TEL. +82 (42) 481-5089 / E-MAIL. tmeom@kipo.go.kr

Patent Prosecution Highway Links Korea and Denmark

- Pilot service began on March 1 -

Korean patent applicants began enjoying fast and easy patent examination service in Denmark thanks to the Patent Prosecution Highway (PPH). KIPO and the Danish Patent and Trademark Office (DKPTO) began a pilot program of the Patent Prosecution Highway on March 1st.

The PPH between the two countries allows a patent filed and granted in one of them to get the benefit of accelerated examination using the examination results of the first office. An identical patent may thereby be examined fast in the second office.

KIPO has already opened the PPH with Japan, active since April 2007, and with the United States, as of January 2008. Thus the PPH with Denmark is the third of its kind.

By allowing the mutual use of examination results, the PPH not only helps patent offices reinforce interactive cooperation and improve examination qualities, but also gives applicants quicker examination service in foreign countries. This is why KIPO has put forth so much effort in opening the PPH with more countries. Under such circumstances, the PPH with Denmark is expected to encourage other European countries to open the PPH with KIPO.

After the one-year pilot program, the patent offices of both countries will decide whether to continue the service in full scale. Details about the PPH are posted on the website of KIPO (<http://www.kipo.go.kr>) and DKPTO (<http://www.dkpto.dk>).

HWANG, Sang Dong, Patent Examination Support Division, KIPO
TEL. +82 (42) 481-5970 / E-MAIL. hsangdong@kipo.go.kr

IP Australia Appoints KIPO as ISA

IP Australia, the Australian patent office, appointed KIPO as its international patent examination agency. Patent examination services are available to Australian patent applicants starting March 1.

Last August, IP Australia and KIPO agreed on IP Australia's appointment of KIPO as its International Searching and International Preliminary Examination Agency (ISA/IPEA) under the Patent Cooperation Treaty (PCT). Australia is the 10th country who appointed KIPO as its ISA/IPEA, following Singapore, New Zealand, the United States and others.

KIPO's services under the PCT continue to be welcomed by foreign enterprises. In 2008, the number of international patent examination requested from abroad marked beyond 12,000, leaping by four times from 2007. Increase in requests from global American enterprises such as Microsoft™, 3M™, and HP™, mostly explains the drastic increase.

KIM, Byung Pil, Patent Examination Support Division, KIPO
TEL. +82 (42) 481-5893 / E-MAIL. bpilkim@kipo.go.kr

KIPO and WIPO Jointly Held a PCT-ROAD User Training Program

From February 2 to 6, 2009, KIPO and WIPO jointly held a PCT-ROAD user training program titled 'In-depth Training Program on the PCT E-Processing System.'

The program, which was targeted at patent examiners from five IP offices including the Philippines and Malaysia, was aimed at giving them a better understanding of the PCT-ROAD system and thus facilitate its efficient use. The PCT-ROAD system was developed in 2004 by KIPO in collaboration with WIPO to help make PCT Receiving Offices more efficient. It has since been deployed to 18 IP offices including Canada, the Philippines and Malaysia, but some of these countries were yet to efficiently use the system due to the lack of proper user training programs.

This was the main motivation behind the training program which tried to give user offices a complete understanding of the general procedures for PCT applications ranging from the procedures for filing, receiving, to the procedures for efficiently managing PCT applications.

Plans are currently underway to extend the PCT-ROAD system to more offices and the opinions / feedbacks received from the participants of the training program will be used to improve on the system and to improve on future training programs.

KIM, Hye-Won, Technical Cooperation Team
TEL. +82 (42) 481-5116 / E-MAIL. kimhyewon@kipo.go.kr

Shift to Constant Enforcement of Counterfeit Goods

- KIPO opening three regional anti-counterfeit offices in Seoul, Youngnam, and Jungbu areas -



KIPO Commissioner Celebrates the Opening of the Seoul Anti-Counterfeit Office

In an effort to eliminate the distribution of counterfeit goods, KIPO shifts to a constant enforcement system. The recently-opened three regional anti-counterfeit offices will furnish administrative resources and develop local regulations for enforcement of counterfeit goods.

The first regional office for anti-counterfeit opened on February 3, on the fifth floor of the Seoul KIPS Center, in Gangnam. The Youngnam area office opened on February 26, on the first floor of the Korean Intellectual Property Association in Busan. The Jungbu area office was set up at the KIPO Intellectual Property Protection Division in Daejeon.

There will be four permanent regulation squad members at each local office. They will conduct cooperative random crackdowns with local administration, prosecutors, and police. The Seoul office will conduct cooperative crackdowns with the Korean Intellectual Property Organization.



The Youngnam Anti-Counterfeit Office Opening Ceremony

GU, Yeong-Min, manager of Intellectual Property Protection Division said, "So far, the crackdowns have been conducted only once a year, but now with the help of regional offices in major metropolitan areas, crackdowns on a quarterly basis and random crackdowns in cooperation with the local administration are possible."

To further strengthen the operation of this constant enforcement system, KIPO will seek from the Ministry of Justice a special judicial and police authority to reinforce its regulatory authority. If granted, KIPO will have regulatory authorities necessary for effective enforcement, such as search, seizure and the arrest of counterfeiters.

Last year, KIPO conducted 18 regular crackdowns and 20 special crackdowns on counterfeit products. It gave 1,147 correction recommendations and prosecuted 47 cases.

SO, Jae-Myun, Intellectual Property Protection Team, KIPO
TEL. +82 (42) 481-5999 / E-MAIL. sojae74@kipo.go.kr

Crackdown on Illegal Modchips

On January 15, 2008, the Korea Customs Service (KCS) executed a crackdown on 'modchips' (modification chips), a chip attached to 'Nintendo' (a popular game device) to run illegally-copied software.

After a preparation period of one month, eight investigation teams with 64 agents were used in this crackdown to simultaneously search and seize 12 merchandisers and storage sites. As a result, 75,653 illegal modchips including R4, DSTT, etc (worth about W2.3bn or USD1.6mn) were found.

The date of crackdown was carefully selected between the New Year's Day and admission/graduation seasons, when Nintendo is popular as a gift for teenagers and therefore supply of illegal modchips would concomitantly increase.

Photos of illegal modchips



【 Modchips (R4 etc) 】



【 Nintendo Game Device 】



【 Modchip inserted into Nintendo 】

SON, Sung-Soo, Investigation Planning Division, KCS
TEL. +82 (42) 481-7942 / E-MAIL. sonss@customs.go.kr

Joint Public-Private Guardians of Intellectual Property Launches

- Inaugural meeting of Korea Intellectual Property Organization on Jan. 16 -



The Korea Intellectual Property Protection Organization (KIPRO) launched January 16, 2009. This organization brings together approximately 30 small and large companies seeking to improve the nation's international competitiveness in the intellectual property sector; they started working on the efficient and systematic protection of the intellectual property rights of Korean companies both in Korea and overseas.

People attending the inaugural meeting included KIPO Commissioner KOH, Jung-Sik and officials from other relevant

ministries as well as representatives from the Korea Federation of Small and Medium Business and other economic organizations and member companies.

The launch of the KIPRO addresses the need for a central organization to strengthen the protection of the intellectual property rights. It will take the lead in the active protection of the results of continuing innovations as a means of overcoming the economic crisis. The organization will play a key role in the protection of intellectual property rights in Korea and abroad, providing support for companies exposed to international patent disputes as well as policy proposals to the government. It will also support regulatory activities related to counterfeit products, and offer advanced and further local support for exporters facing intellectual property infringement in the countries involved.

KWON, Soon-Do, CEO of a leading semiconductor equipment manufacturer, Mirae Corporation, has accepted the chairmanship of the Organization for the first term of its operation.

SO, Jae-Myun, Intellectual Property Protection Team, KIPO
TEL. +82 (42) 481-5999 / E-MAIL. sojae74@kipo.go.kr

Crack Down on Heavy Uploaders of Copyright Materials

On March 5, the Ministry of Culture, Sports and Tourism (MCST) announced the results of the investigation into 61 heavy uploaders who professionally & regularly transferred illegal works via online means such as P2P, Web-hard, etc.

Indictment without restraint	39
Demand to appear in court	4
Not enough evidence for indictment	9
Investigation incomplete	9

After monitoring on P2P and Web-hard sites operated by online service providers (OSPs), the 'Copyright Protection Center,' an agency overseeing the infringement of copyrights, collected data on 61 heavy uploaders who were suspected of professionally & regularly transferring illegal works. The center handed the data to the copyright police, which conducted a major investigation starting on December 2, 2008.

Among the 61 suspects, 39 were indicted (nonrestraint) for distributing illegal video & movie files. Some of the indicted

suspects received payment from the Web-hard company for their illegal transference of files. The payment ranged from W12mn (USD 9,200) to W19.41mn (USD14.9 thousand). An indictment was made against a person for distributing more than 59,000 files illegally. Corroborative investigations are being made for the nine incomplete cases. Among them is a heavy uploader who received more than W30mn (USD23 thousand) during the past ten months as compensation.

The majority of the heavy uploaders are in their 20s or early 30s. They are usually unemployed, or college students.

The result of this investigation shows that 98% of the heavy uploaders are male, 75% are between the age of 20s and early 30s, and 70% are unemployed or college students. In short, the online distribution of illegal works is mostly conducted by young males without a steady income.

CHOI, Tae-Kyung, Copyright Protection Team, MCST
TEL. +82 (2) 3704-9682 / E-MAIL. ctk7@mcst.go.kr

Introducing the National Intellectual Property Education Portal

- Free Education Services for every field of intellectual property, from invention to creating patent rights to dispute resolution -

KIPO launched the National Intellectual Property Education Portal, or "e-Portal" on January 30. The e-Portal (at <http://www.ipacademy.net/>) provides complete e-learning services on intellectual property for small and medium sized enterprises (SMEs), R&D researchers, students, teachers, and others.

The e-Portal is an expansion of its predecessor service, which has provided online IP education since 2002. The e-Portal is now offering more than 140 types of contents to an expanded base of learners comprising 320,000 registered users.

SMEs especially will enjoy the site's practicality. Issues like how to write a patent application or how to file an electronic application are all covered without charge. Upon request, SMEs can even

receive customized information from patent experts and attorneys who, on site, will teach employees. Researchers can likewise freely use content related to search.

e-Learning services that improve creativity, invention, and innovation are sure to be popular with students of all ages. And teachers teaching invention and creation will find the resources and teaching methods offered on the e-Portal invaluable.

LEE, Jae-Geun, International Intellectual Property Training Institute
TEL. +82 (42) 601-4332 / E-MAIL. stephano@kipo.go.kr

Patent Blueprints Drawn by University Students for Industry



Prize Awarding Ceremony of the 2008 Campus Patent Strategy University

On February 12, KIPO Commissioner KOH Jung-Sik and the National Academy of Engineering of Korea (NAEK) president YUN Jong Yong announced the results of 2008 Universiade. The award ceremony was held on Friday, February 13 at the Korea Technology Center, KOTEC, in Seoul's Yeoksam-dong.

The Universiade was first held last year, with a focus on practical university education. Twenty one companies, including Samsung Electronics, LG Electronics, and Hyundai-Kia Motors Group, provided W 236 mn (\$ 168,000) in support of the Universiade. 2,050 teams (students) from 68 universities participated. 89 teams, and a total of 172 students from 34 universities, were awarded. Winning teams of the two top prizes, the Minister of Knowledge Economy and the NAEK Presidential Prize, were awarded W10 mn (\$ 7,000). Other winners took home the CEO Prizes of sponsor companies and W5 mn (\$ 300).

KAIST had the most winners with 18 winner teams. Korea University and Seoul National University had 7 winning teams each, POSTech had 6 winning teams, and Youngnam University, Hanyang

University, Yonsei University, and Chonbuk National University each had 4 winning teams. Yonsei University was awarded W 10 mn (\$ 7,000) for best teamwork among the most participants.

The winners for the Minister of Knowledge Economy's Best Patent Strategy Award were POSTech students CHOI Seong-Cheol, GANG Sun-Pyeong and JUNG Su-Ho. KAIST Materials Science and Engineering students PARK Hun and LEE Seong-Je won the NAEK Presidential Prize and Chungnam National University Mechatronics Engineering student LEE Jin-Yi won the Minister of Knowledge Economy Prize for Best Prior Art Search.

The Best Patent Strategy Award was given for Mr. CHOI's team's "Suggestions on Future Technology Development of Electrode Catalysts in Polymer Electrolyte Membrane Fuel Cells and Polymer Electrolyte Membranes." He appreciated that the contest helped him learn how to apply theoretical knowledge to actual business circumstances.

POSTech Industrial & Management Engineering professor KIM Gwang-Su won the Minister of Knowledge Economy Prize as top advisor. He found Universiade an all around positive experience, where everyone has a chance to see the importance of practical patent education in universities.

HWANG Chul-Joo, CEO of Jusung Engineering Co., Ltd said the suggestions offered by Ms. LEE Jin-Yi's team would solve some problems his company had struggled with.

JEONG, Ui Gwan, Intellectual Property Human Resources Division
TEL. +82 (42) 481-5181 / E-MAIL. kwon@kipo.go.kr



On-site Training for SMEs Prove Popular



In the midst of the recent economic recession, many companies are turning their eyes to training programs for employees. KIPO's Tailored On-site Training Program are catching eyes of the companies that are weathering the tides and crunching for the next opportunity.

The Tailored On-site Training Program is being held in 16 major cities. Forty six companies, mostly SMEs and venture companies, applied for the Tailored On-site Training Program. Under the Program, trainers are sent directly to workplaces to teach.

The trainee companies' level of understanding in patent is measured in advance for a training program to be tailored to the types and sophistication their needs. Trainers use simulated cases, such as the company receiving a patent infringement warning letter, to teach effective courses of action.

RYU Hyeong-Seon, CEO of Dasan Medichem Co., Ltd., one of the applicant companies, said his company certainly wanted patent training, but the cost was a big hurdle. Mr. LEE Se-Jin, a patent attorney and an instructor for the Program, commented, "I meet engineers and workers directly at their worksite and I can give training on what they really need."

Tailored on-site patent training will be provided during two sessions this year, once during the first half and another during the second. The first started in February and will last till June. The second starts after July.

JUNG, Dae Soon, Intellectual Property Human Resources Division
TEL. +82 (42) 481-8100 / E-MAIL. ddaesoon@kipo.go.kr

KIPO Enters MOU with KAIST and POSTECH to Educate Intellectual Property Professionals

KIPO and the Korea Advanced Institute of Science and Technology (KAIST) signed a memorandum of understanding (MOU) of comprehensive cooperation on January 4. A similar MOU was entered between KIPO and Pohang University of Science and Technology (POSTECH) on February 6. KIPO and the two universities agreed to cooperate in education of the gifted of the next business generation and the intellectual property professionals who will lead the future.

KIPO and the universities organizations understood that national measures were needed to overcome the present economic crisis and provide future growth engines. They were therefore planning to implement programs to educate the best of the next generation, those like Sergey Brin, Google founder, and Chul-Soo Ahn, security solutions frontrunner.

The programs will focus on ▲ the implementation of leadership and creativity programs to educate creative inventors and push education of the gifted, ▲ stepping up patent education in the sciences and engineering, ▲ introducing techno-MBA patent programs that stress using intellectual property rights as part of proper business management, and ▲ keeping examiners up to date on recent technical trends through new technology & patent strategy training by the universities' excellent scientists.

The MOU's are expected to synergize KIPO and the two universities, with KIPO providing support for increased patenting capabilities at universities and the universities contributing the latest technological information to examiners and creative inventors.

JANG, Ray, Intellectual Property Human Resources
TEL. +82 (42) 481-8241 / E-MAIL. xlay3200@kipo.go.kr



INDECOPI IT Experts' visit to KIPO

From January 20 to 23, 2009, IT experts the Peruvian Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI), led by Mr. Victor Pacheco, Head of Informatics and System Area visited KIPO to benchmark the information technology (IT) policies of KIPO including its office automation system, 'KIPOnet,' for the Patent Based Technology Information Platform of INDECOPI.

They were given presentations and demonstrations on the KIPOnet, e-filing, automated administration, and search systems, following which they expressed interest in each system, especially in the level of automation and in the management of the servers involved. During their visit, they were also taken on a tour of the Korea Institute of Patent Information where they received a presentation on 'Korea Intellectual Property Rights Information Service and the PCT-ROAD system.

Technical Cooperation Meeting Between KIPO and the EPO

On February 9, 2009, KIPO had a working level meeting with EPO in the IT area. At this meeting, representatives of both offices agreed to expand their cooperation in 2009 within the framework of the Memorandum of Understanding reached in 2005.

They signed Agreed Minutes of the meeting to implement the bilateral cooperation activities between both offices on technical issues such as data exchange, extension of priority documents exchange, and the development of an esp@cenet Korean language user interface in 2009. Moreover, the two parties have agreed on the substantial methodologies and future agenda based on their mutual IT directions and current legal systems.

IPOM and KIPO hold IT Experts Meeting

In Ulaanbaatar, Mongolia, from February 17 to 18, 2009, the Intellectual Property Office of Mongolia (IPOM) and KIPO had an IT experts meeting to discuss further technical cooperation activities between both offices, especially on issues regarding the successful implementation of IPOM's office automation system.

At the meeting, the two offices clarified the responsibilities of each office and the scope of the bilateral cooperation to include the securing of an Official Development Assistance (ODA) fund for the IPOM's office automation project. Both offices agreed to cooperate and join efforts to ensure that the IPOM's proposal is given preference for the approval of an ODA fund.

IT Experts Meeting Between IP Australia and KIPO

On February 27, 2009, KIPO had an IT experts meeting with Mr. David Johnson, CIO of IP Australia. At the meeting, the two offices started discussions on the electronic exchange of PCT documents taking the momentum of IP Australia's designation of KIPO as an International Searching Authority and an International Preliminary Examining Authority under the Patent Cooperation Treaty (PCT).

Mr. Johnson expressed the intention of IP Australia to benchmark KIPO's IT systems and its diverse computerized services, which he indicated, would be very helpful in making the systems at IP Australia more efficient. In addition, both offices briefed each other on their respective short-term staff exchange programs with their partner offices and agreed to further discuss the possibility of having similar exchange programs between IP Australia and KIPO.



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- Contact : Multilateral Affairs Division, KIPO
- Tel : +82 (42) 481-5067 ■ Fax : +82 (42) 472-9314 ■ E-mail : minsu.kyeong@kipo.go.kr