

- (i) working a design in good faith after a trial decision becomes final but before the registration of a request for a retrial;
- (ii) manufacturing, assigning, leasing, importing, or offering for assignment or lease products for which an application for design registration has been made, after a trial decision becomes final but before the registration of a request for a retrial.

### **Article 75 *Mutatis Mutandis* Application of the Patent Act**

Articles 179, 180 and 182 to 185 of the Patent Act apply *mutatis mutandis* to a retrial for a design, and Articles 186 to 191 of the Patent Act apply *mutatis mutandis* to litigation for a design. In such cases, "action against a trial decision" in Article 186(1) of the Patent Act reads "action against a trial decision and a decision to reject an amendment under Article 18*bis*(1) as applied under Article 71(1) of this Act (including Article 184 of the Patent Act as applied under Article 75 of this Act)", and "action under Article 186(1)" in Article 188(1) of the Patent Act reads "action against a trial decision and a decision to reject an amendment under Article 18*bis*(1) as applied *mutatis mutandis* under Article 71(1) (including Article 184 of the Patent Act as applied *mutatis mutandis* under Article 75)".

## **CHAPTER IX**

### **SUPPLEMENTARY PROVISIONS**

#### **Article 76 Inspection of Documents**

(1) A person may request the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal for a certified copy of an application for design registration or a trial certificate, a certified copy or extract of documents, or to inspect or copy of the Design Register or other documents.

(2) The Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may not grant the request under paragraph (1) if the required document is related to an application that has not been published, that has not led to the registration of a design right or is liable to contravene public order or morality.

**Article 77 Prohibition of Opening or Removing a Design Register and Documents Related to an Application, Examination or Trial**

(1) Removal of the Design Register or documents related to an application for design registration, examination, opposition to the registration of an unexamined design, trial or retrial is prohibited. However, under Article 58(1) or (2) of the Patent Act as applied under Article 30 of this Act, this provision does not apply to the removal of documents related to an application for design registration or examination.

(2) A response may not be given to a request for an expert opinion, testimony or an inquiry regarding the contents of a pending application for design registration, examination, opposition to the registration of an unexamined design, trial or retrial or the contents of a decision or ruling.

**Article 78 Design Gazette**

(1) The Korean Intellectual Property Office shall publish the Design Gazette. However, a registered design that is required to be kept secret for national defense under Article 41 of the Patent Act as applied under Article 24 of this Act may not be published in the Design Gazette.

(2) The Design Gazette may be published in electronic media as prescribed by ordinance of the Ministry of the Commerce, Industry and Energy.

(3) When the Design Gazette is published in electronic media, the Commissioner of the Korean Intellectual Property Office shall publicize on a communication network matters regarding the Design Gazette's publication, main contents and service.

(4) Matters to be published in the Design Gazette are prescribed by Presidential Decree.

### **Article 79 Design Registration Marking**

The owner of a design right or an exclusive or nonexclusive licensee may mark an identification of the registered design on a product for which a registered design has been applied for or on the product's container or package.

### **Article 80 Prohibition of False Marking**

The following acts are unlawful:

- (i) marking on a product for which design registration has not been granted or for which an application for design registration is not pending, or on the product's container or package, an indication that design registration has been granted or that an application for design registration has been filed or any sign likely to cause confusion over the registration;
- (ii) assigning, leasing or displaying a product that has been marked as referred to in subparagraph (i);
- (iii) marking an indication that a product is subject to a registered design or an application for design registration, or any confusingly similar indication on advertisements, signboards or tags to cause others to manufacture, use or lease the product for which design registration has not been granted or a design application is not pending.

### **Article 81 *Mutatis Mutandis* Application of the Patent Act**

Articles 217*bis* to 220, 222 and 224*bis* of the Patent Act apply *mutatis mutandis* to designs.