

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **Article 1 Purpose**

The purpose of this Act is to encourage, protect and utilize practical devices, thereby improving and developing technology, and to contribute to the development of industry.

#### **Article 2 Definitions**

The definitions of terms used in this Act are as follows:

- (i) "device" means the creation of technical ideas using the rules of nature;
- (ii) "registered utility model" means a device for which a utility model has been granted; and
- (iii) "working" means acts of manufacturing, using, assigning, leasing, importing, or offering for assignment or lease (including displaying for assignment or lease) an article to which a device has been applied.

#### **Article 3 Invalidation of Procedure**

(1) Where a person who has been instructed to make an amendment under Article 11 fails to do so within a designated period, the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may invalidate an application, request for a motion and other utility model-related procedures (referred to as "a utility model-related procedure").

(2) Where a utility model-related procedure is invalidated under paragraph (1), if the delay is considered to have been caused by unavoidable reasons, the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may revoke the disposition of invalidation at the request of the person instructed to make the amendment, provided the request is made within fourteen days of the date on which the reasons for the delay cease to exist and not more than a year after the designated period expired.

### **Article 3bis Scope of Powers of Attorneys**

Unless expressly empowered, a representative instructed to initiate a utility model-related procedure before the Korean Intellectual Property Office by a person whose residential or business address is in the Republic of Korea may not abandon or withdraw an application for a utility model, withdraw a petition or a request for a motion, make or withdraw a priority claim under Article 18(1), abandon a utility model right, request a trial or appoint a sub-representative under Articles 54 and 54bis.

### **Article 3ter Representation of Two or More Persons**

(1) Where two or more persons jointly initiate a utility model-related procedure, each of them may represent the joint initiators, except in any of the following actions, unless the joint initiators have appointed a common representative and have notified the Korean Intellectual Property Office or the Intellectual Property Tribunal of the appointment of the representative:

- (i) abandonment or withdrawal of a utility model application;
- (ii) claim or withdrawal of a priority claim under Article 18(1);
- (iii) withdrawal of a petition or a request; and
- (iv) request for a trial under Article 54 or 54bis.

(2) Where a common representative has been appointed and notification has been given under paragraph (1), written proof that the representative has been appointed must be presented.

#### **Article 4 *Mutatis Mutandis* Application of the Patent Act**

Articles 3 to 5, 7 to 10, 12 to 15 and 17 to 28 *quinquies* of the Patent Act apply *mutatis mutandis* to utility models. In such an operation, a person who requests an examination of a patent application under Article 4 of the Patent Act is deemed a person who requests a technical evaluation of a utility model application.

## **CHAPTER II**

### **REQUIREMENTS FOR UTILITY MODEL REGISTRATION AND UTILITY MODEL APPLICATIONS**

#### **Article 5 Requirements for Utility Model Registration**

(1) A utility model may be granted for devices that are industrially applicable and relate to the shape or structure of an article or a combination of articles, unless they fall under either of the following subparagraphs:

- (i) devices publicly known or worked in the Republic of Korea before the filing of the utility model application; or
- (ii) devices described in a publication distributed in the Republic of Korea or in a foreign country before the filing of the utility model application or made available to the public through electronic telecommunication lines under Presidential Decree.

(2) Notwithstanding paragraph (1), where a device could easily have been