

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 1999. However, Articles 28*bis* to 28*quinquies* of the Patent Act as applied *mutatis mutandis* under Article 4 take effect on January 1, 1999, and provisions on the effect of the description, claim(s), drawing(s) and abstract of an application for international utility model registration filed in the Korean language in Article 59(6), provisions on the exemption of submission of the translation of an application for international utility model registration filed in the Korean language in Article 65(1), provisions on the exemption of submission of the translation of an application for an international patent filed in the Korean language in Article 210 of the Patent Act as applied *mutatis mutandis* under Article 72, and Articles 193(1) and 198*bis* of the Patent Act as applied *mutatis mutandis* under Article 72 apply on and after the date on which the agreement that the Government of the Republic of Korea concludes with the International Bureau on the selection of an international investigation agency takes effect for the Republic of Korea under Article 16(3)(b) of the Patent Cooperation Treaty.

Article 2 General Transitional Measures

An application for utility model registration, as well as its examination, utility model registration, utility model right, opposition to a utility model registration, trial, review, and lawsuits, filed under the previous provisions when this Act enters into force is subject to the previous provisions.

Article 3 Application Examples of Disposition of Procedures Related to a Utility Model by Means of Electronic Documents

Articles 28*ter* to 28*quinquies* of the Patent Act as applied *mutatis mutandis* under Article 4 and Article 217*bis*(5) of the Patent Act as applied *mutatis mutandis* under Article 77 apply to an application for utility model registration filed on or after January 1, 1999.

Article 4 Application Examples of Requirements for Utility Model Registration

Article 5(3) applies when a device for which an application for utility model registration is filed after this Act enters into force (referred to as "a later-filed application" in this Article) is the same as a device described in the description or drawing(s) attached to an application for utility model registration that had been filed before the date of enforcement of this Act and has been laid open after the later-filed application.

Article 5 Special Cases for Applying the New Act to Previous Applications for Utility Model Registration

(1) Notwithstanding Article 2 of this addendum, upon the request of an applicant, the provisions apply to an application for utility model registration pending in the Korean Intellectual Property Office when this Act enters into force (excluding an application for which six years have elapsed since the date of its application as of the date this Act takes effect).

(2) A person applying the provisions under paragraph(1) shall submit a request to the Commissioner of the Korean Intellectual Property Office as prescribed by ordinance of the Ministry of Commerce, Industry and Energy within one year of the date on which this Act takes effect. However, a request for an international application deemed to be an application for utility model registration under the previous provisions of Articles 36(1) or 44(4) is allowed only if the translation and necessary documents under the previous provisions of Articles 37(1) and 38 are submitted and the fees are paid under the previous provisions of Article 17(1) when making the request.

(3) An application for utility model registration subject to this Act under paragraph(1) is deemed to have been filed on the filing date of the original application for utility model registration deemed to have been withdrawn on the date of the request under paragraph (1).

(4) Notwithstanding Article 13(1), amendment of the description, drawing(s) or abstract attached to an application for utility model registration that is subject to application of this Act under paragraph(1) may be made within the

period designated by ordinance of the Ministry of Commerce, Industry and Energy under Article 13(1) from the date on which a request is submitted under paragraph (2).

Article 6 Amending Other Acts

(1) The following provision of the Invention Promotion Act is amended as follows:

"Article 11 of the Utility Model Act" in Article 14 reads "Article 20 of the Utility Model Act".

(2) The following provision of the Court Organization Act is amended as follows.

"Article 35 of the Utility Model Act" in Article 28^{quater}(i) and Article 54^{bis}(2) reads "Article 55 of the Utility Model Act".

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2001. However, amended Articles 10, 19(1), the portions of Article 28^{bis} that pertain to Articles 141 and 142 of the Patent Act, Articles 31(2) and (3) and 217(1) of the Patent Act as applied *mutatis mutandis* under Articles 77 and 83 enter into force on the date of its promulgation.

Article 2 Transitional Provision on Requirements for a Utility Model

Amended Articles 5(1)(ii) and 6(1)(i)(c) apply to applications for utility model registration initially filed after this Act enters into force.

Article 3 General Transitional Measures

Examination of the basic requirements for utility models, utility model

registration and rights, oppositions to utility model registration, trials, retrials and litigation with respect to utility model registration applications filed under the previous provisions when this amended Act enters into force is subject to the previous provisions, except in the following cases:

- (i) where a technical evaluation of a utility model is conducted, Article 77(3) of the Patent Act as applied *mutatis mutandis* under amended Article 27(4) applies. In such a case, only Article 136(9) of the Patent Act as applied *mutatis mutandis* under Article 77(3) of the Patent Act applies;
- (ii) where a request for a technical evaluation is dismissed, Article 141 of the Patent Act as applied *mutatis mutandis* under amended Article 28*bis* applies;
- (iii) where a utility model right is deemed to exist retroactively by late payment of the registration fees, amended Article 29*ter* applies;
- (iv) where an opposition to a utility model registration is requested, Article 77(3) of the Patent Act as applied *mutatis mutandis* under Article 48 applies. In such cases, only Article 136(9) of the Patent Act as applied *mutatis mutandis* under the Article 77(3) of the Patent Act applies; or
- (v) where a trial for invalidation of a utility model registration is requested, amended Article 49*bis*(1) to (3) and Articles 51(2) to (4), (6) to (10), 55(1), (2) and (5) as applied *mutatis mutandis* under amended Article 49*bis*(4) apply, respectively.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2002.

Articles 2 to 7 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force five months after its promulgation. However, amended Article 59(1) enters into force three months after its promulgation.

Article 2 Application for Treating the Technical Evaluation of a Utility Model

Amended Article 28*bis* applies to a technical evaluation of utility model filed for the first time after the enforcement of this Act.

Article 3 Transitional Measures on the Domestic Period for Submitting Documents for an International Utility Model Application

Notwithstanding amended Article 59(1), the previous provisions apply to an international utility model application for which the domestic period for submitting documents expires when this Act enters into force.