

KIPO's Announcement No. 2020 - 76

Announcement of *Ex officio* Extension of Deadlines as Designated by KIPO Due to COVID-19

Due to the spread of Coronavirus Infectious Disease-19 (COVID-19) in Korea and abroad, there are concerns that the applicants, who go through proceedings on patents, utility models, designs, and trademarks, may not be able to comply with the deadlines as designated by the Commissioner of the Korean Intellectual Property Office (KIPO) according to relevant laws and regulations. If the deadlines listed in the Appendix expire within the period from March 31, 2020 to April 29, 2020, the deadlines thereof are extended to April 30, 2020 *ex officio* according to Article 15(2) of the Patent Act (including cases applied *mutatis mutandis* under Article 3 of the Utility Model Act), Article 27(2) of the Design Protection Act, and Article 17(2) of the Trademark Act.

March 30, 2020

**Commissioner of the Korean Intellectual Property Office
President of the Intellectual Property Trial and Appeal Board**

[Remarks]

1. The statutory deadlines stipulated by the Patent Act, etc., and the period for which there is a possibility of disputes between the interested parties, are excluded from this *ex officio* extension. Please check the deadlines listed in the Appendix for the *ex officio* extended deadline related to the periods for proceedings concerning patents, etc.
2. Even though the deadline is extended, if a response or amendment is submitted within the (initial) deadline, KIPO may proceed to process the documents on patents, etc. in order to prevent unnecessary delay even if there is no request for reducing a time period until the deadline.

APPENDIX

[Patent and Utility Model]

1. Deadline to supplement to a request for supplementing a petition for an expedited examination pursuant to Article 10 of the Enforcement Decree under the Patent Act, Article 6 of the Enforcement Decree under the Utility Model Act, and Article 60 of Patent and Utility Model Examination Practice Handling Regulations
2. Deadline to submit a written opinion (statement) on an allowance of extension of a deadline (limited to a period allowed by the Commissioner of KIPO, the President of IPTAB, and Examiner) pursuant to Article 16 of the Enforcement Rules under the Patent Act, Article 16 of the Enforcement Rules under the Patent Act applied *mutatis mutandis* under Article 17 of the Enforcement Rules under the Utility Model Act, and Article 23 of Patent and Utility Model Examination Practice Handling Regulations
3. Deadline to submit a Korean translation for an order to submit a Korean translation of a priority document pursuant to Article 25 of the Enforcement Rules under the Patent Act and Article 25 of the Enforcement Rules under the Patent Act applied *mutatis mutandis* under Article 17 of the Enforcement Rules under the Utility Model Act
4. Deadline to submit a Korean translation for an order to submit results of examination in the country where an earlier application was filed pursuant to Article 46 of the Enforcement Rules under the Patent Act and Article 46 of the Enforcement Rules under the Patent Act applied *mutatis mutandis* under Article 17 of the Enforcement Rules under the Utility Model Act
5. Deadline to submit a report on a request for agreement pursuant to Article 36 of the Patent Act and Article 7 of the Utility Model Act
6. Deadline to submit a response to a Notice of Preliminary Rejection (including a Notice of Last Preliminary Rejection) pursuant to Article 63 of the Patent Act and Article 14 of the Utility Model Act
7. Deadline to submit a written opinion for an order to submit results of examination in foreign countries pursuant to Article 63-3 of the Patent Act and Article 63-3 of the Patent Act applied *mutatis mutandis* under Article 15 of the Utility Model Act
8. Deadline to submit a response to a Notice of Preliminary Rejection pursuant to Article 63 of the Patent Act applied *mutatis mutandis* under Article 93 of the Patent act and Article 14 of the Utility Model Act applied *mutatis mutandis* under Article 22-6 of the Utility Model Act
9. Deadline to submit copies of references for an order to submit the references cited in the International Search Reports pursuant to Article 211 of the Patent Act and Article 211 of the Patent Act applied *mutatis mutandis* under Article 41 of the Utility Model Act
10. Deadline to submit documents to a request for submitting the documents (a request for submitting reference materials for examination) pursuant to Article 222 of the Patent Act and Article 222 of the Patent Act applied *mutatis mutandis* under Article 44 of the Utility Model Act
11. Deadline to submit a written opinion on a delivery of copies such as a written request for receiving opinions on examination pursuant to Article 58 of the Patent Act, Article 58 of the Patent Act applied *mutatis mutandis* under Article 15 of the Utility Model Act, and Articles 71 and 71-2 of Patent and Utility Model Examination Practice Handling Regulations
12. Deadline to submit a response on a delivery of copies of a Notice of Opposition pursuant to Article 70

of the Old Patent Act (before partially amended by Act No. 7871, March 3, 2006) and Article 70 of the Old Patent Act (before wholly amended by Act No. 7872, March 3, 2006) applied *mutatis mutandis* under Article 48 of the Old Utility Model Act (before amended by Act No. 7871, March 3, 2006)

13. Deadline to submit a written opinion on an advance notice of disapproval of divisional application pursuant to Article 52 of the Old Patent Act (before partially amended by Act No. 7871, March 3, 2006), Article 16 of the Old Utility Model Act (before wholly amended by Act No. 7872, March 3, 2006), and Articles 22 and 25 of Patent and Utility Model Examination Practice Handling Regulations
14. Deadline to cure defects for an order pursuant to Article 195 of the Patent Act
15. Deadline to cure procedural defects for an order concerning a request for international preliminary examination pursuant to Article 106-29 of the Enforcement Rules under the Patent Act

[Trademark]

16. Deadline to report the results of the agreement according to the Article 35 of the Trademark Act, Trademark and Designs Examination Handling Regulations 33-2, and Application for International Trademark Registration Examination Handling Regulations 20-1
17. Deadline to file a written opinion (statement) to an advance notice of disapproval for conversion application according to Article 44 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 32
18. Deadline to file a written opinion (statement) to an advance notice of disapproval for divisional application according to Article 45 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 32
19. Deadline to file a written opinion (statement) to an advance notice of disapproval for the claim of priority under treaty according to Article 46 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 32
20. Deadline to file a written opinion (statement) to an advance notice of disapproval for special cases at time of filing applications according to Article 47 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 32
21. Deadline to file a response to a notice of a rejection ground according to Article 55 of the Trademark Act and Article 50 of the Enforcement Rules under the Trademark Act (excluding a period for filing a response to a notice of provisional rejection against an application for an international trademark registration according to Article 180 of the Trademark Act)
22. Deadline to file documents (reference materials for examination) to a request to submit the documents, etc. (the reference materials for examination) according to Article 56 of the Trademark Act
23. Deadline to file a response on a delivery of copies of a Notice of Opposition according to Article 66 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 57
24. Deadline to file a response to a notice of provisional rejection based on an opposition according to Article 66 of the Trademark Act and Application for International Trademark Registration Examination Handling Regulations 24
25. Deadline to file a written opinion (statement) to an advance notice of disapproval for special cases of applications for trademark registrations after expiration of international registration (advance notice of disapproval of reapplications) according to Article 205 of the Trademark Act, and Trademark and

- Designs Examination Handling Regulations 41
26. Deadline to supplement for an order to supplement a request for expedited examination according to Article 13 of the Enforcement Rules under the Trademark Act and Trademark and Designs Examination Handling Regulations 44
 27. Deadline to file an amendment to a notice to resume an examination according to Trademark and Designs Examination Handling Regulations 31
 28. Deadline to file an amendment to an advance rejection notice according to Trademark and Designs Examination Handling Regulations 37
 29. Deadline to file a written opinion (statement) to an approval of extension of designated period (limited to a period approved by the Commissioner of the Korean Intellectual Property Office, the President of the Intellectual Property Trial and Appeal Board, an examiner) according to Article 17 of the Trademark Act, and Trademark and Designs Examination Handling Regulations 13
 30. Deadline to file a procedural supplementary to an order to supplement according to Article 37 of the Trademark Act

[Design]

31. Deadline to report the results of the agreement according to Article 46 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 13, and Application for International Design Registration Examination Handling Regulations 22
32. Deadline to file a written opinion (statement) to an advance notice of disapproval for the claim of priority under treaty according to Article 51 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 71, and Application for International Design Registration Examination Handling Regulations 26
33. Deadline to file a written opinion (statement) to an advance notice of disapproval for exception to lack of novelty according to Article 36 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 71, and Application for International Design Registration Examination Handling Regulations 26
34. Deadline to file a response to a notice of a refusal ground according to Article 63 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 13, and Application for International Design Registration Examination Handling Regulations 22
35. Deadline to supplement for an order to supplement a request for expedited examination according to Article 7 of the Enforcement Rules under the Design Protection Act, Trademark and Designs Examination Handling Regulations 44, and Application for International Design Registration Examination Handling Regulations 46
36. Deadline to file a written opinion (statement) to an advance notice of disapproval for divisional application according to Article 50 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 71, and Application for International Design Registration Examination Handling Regulations 26
37. Deadline to file a response to a Notice of Opposition against a partial design registration according to Article 68 of the Design Protection Act, Trademark and Designs Examination Handling Regulations 91, and Application for International Design Registration Examination Handling Regulations 36
38. Deadline to file a Korean translation for an order to submit a Korean translation of priority document

for proving the priority claim according to Article 47 of the Enforcement Rules under the Design Protection Act

39. Deadline to file a written opinion (statement) to an approval of extension of designated period (limited to a period approved by the Commissioner of the Korean Intellectual Property Office, the President of the Intellectual Property Trial and Appeal Board, an examiner) according to Article 29 of the Enforcement Rules of the Design Protection Act, Trademark and Designs Examination Handling Regulations 13, and Application for International Design Registration Examination Handling Regulations 22
40. Deadline to file documents, etc. (reference materials for examination) to a request to submit the documents, etc. (reference materials for examination) according to Article 213 of the Design Protection Act
41. Deadline to file a procedural supplementary to an order to supplement according to Article 38 of the Design Protection Act

[Trial]

42. Deadline designated by the President of IPTAB applying *mutatis mutandis* Article 109 of the rules of the Civil Procedure in a written request to notify that bibliographical data (including no submission of a translation) in a petition for trial (Petition for Patent Cancellation) and interim documents be supplemented
43. Deadline designated by the President of IPTAB in a call notice to notify a defendant that a written opinion (statement) be submitted to a bill of costs submitted by a petitioner pursuant to Article 5 concerning a Notification of Determination of Trial Costs of Industrial Property Right
44. Deadline designated by the President of IPTAB in "a Notice of Delivery of Copies of Response to Call Notice" to notify a petitioner that opinions be submitted in response to the written opinion (statement) prepared by the defendant to the call notice pursuant to Article 5 concerning a Notification of Determination of Trial Costs of Industrial Property Right

[Others]

45. Deadline (application for resumption) designated in an order to resume a procedure that is suspended pursuant to Article 22(5) of the Patent Act, Article 22 of the Patent Act applied *mutatis mutandis* under Article 3 of the Utility Model Act, Article 24(4) of the Design Protection Act and Article 24(4) of the Trademark Act
46. Deadline to submit a revision (written opinion) to an order to revise as notified by the Commissioner of KIPO or the President of IPTAB pursuant to Articles 46 and 203(3) of the Patent Act, Article 46 of the Patent Act applied *mutatis mutandis* under Article 11 of the Utility Model Act, Article 47 of the Design Protection Act, and Article 39 of the Trademark Act
47. Deadline to submit a statement to a Notice of Grounds of Return of inappropriate filing documents designated by the Commissioner of KIPO or the President of IPTAB pursuant to Article 11 of the Enforcement Rules under the Patent Act, Article 11 of the Enforcement Rules under the Patent Act applied *mutatis mutandis* under Article 17 of the Enforcement Rules under the Utility Model Act, Article 24 of the Enforcement Rules under the Design Protection Act, and Article 25 of the Enforcement Rules under the Trademark Act