


Content

Title :	Regulations Governing the Implementation of Filing Patent Applications and Services by Electronic Means 
Date :	2016.06.29
Legislative :	<ol style="list-style-type: none">1. Promulgated and entered into force on May 8, 2008.2. Amended on July 3, 2012; entered into force on January 1, 2013.3. Amended on December 6, 2013; entered into force on December 1, 2013.4. Amended on July 13, 2015; entered into force on July 15, 2015.5. Amended on June 29, 2016; entered into force on July 1, 2016.
Content :	<p>Article 1</p> <p>These Regulations are formulated pursuant to Article 19 of the Patent Act (hereinafter referred to as “the Act”).</p> <p>Article 2</p> <p>The terms used in these Regulations are defined as follows:</p> <ol style="list-style-type: none">1. Electronic patent application: the transmission of application documents using the hardware and software information equipment designated by the Specific Patent Agency.2. User: the applicant or the agent thereof who files an electronic patent application.3. Electronic patent application documents: the application form that the user fills out and submits in accordance with the form for electronic patent application prescribed by the Specific Patent Agency and other electronic files attached.4. Electronic transmission: the transmission with which the user submits the electronic patent application documents to the information system provided by the Specific Patent Agency through the Internet.5. Information system: a system that generates, sends, receives, stores, or otherwise processes information or data in electronic form.6. Electronic certificate: a valid electronic attestation issued by a certification service provider qualified pursuant to the Electronic Signatures Act.7. Digital signature: the digital signature as prescribed under the Electronic Signatures Act.8. Electronic official documents: Various official documents made by the Specific Patent Agency by electronic means during patent application and other procedures thereof.9. Recipient of service of documents: the person filing a patent application or other procedures by

hard copy or electronic means who agrees on electronic service of official documents by the Specific Patent Agency.

10. Electronic service: Electronic official documents transmitted to the electronic official document

downloading platform by the Specific Patent Agency and downloaded by the recipient of service of documents.

11. Electronic official document downloading platform: the information system provided by the

Specific Patent Agency for the recipient of service of documents to download electronic official documents.

Article 3

The effect of the electronic patent application documents submitted in accordance with these

Regulations is identical to the effect of the written application documents.

Article 4

These Regulations are applicable to the patent applications for invention, utility model and design as well as other related requests.

The Specific Patent Agency shall publish the types and forms of the qualified applications which may be electronically filed as prescribed in the preceding paragraph within three months before the start of acceptance of applications.

Article 5

Prior to filing an electronic patent application, a user shall complete the following procedures:

1. Obtain the electronic certificate issued by the certification service provider designated by the

Specific Patent Agency; and

2. Confirm and agree to the terms of electronic application, and register the related information on

the website designated by the Specific Patent Agency.

Article 5-1

Where there are more than two agents stated in an electronic patent application document, one of

whom is allowed to make a transmission by the electronic certificate thereof as a representative.

Unless an objection is filed, the others who do not make a transmission are presumed to have been

appointed.

Article 6

The electronic patent application documents submitted via electronic transmission shall meet the

following requirements:

1. the file format, sizes in bytes, format of electronic packet, means of transmission and the

electronic filing software used shall all meet the requirements provided by the Specific Patent

Agency; and

2. a valid digital signature must be provided.

Article 7

Upon receiving the electronic patent application documents that meet the requirements set forth in

the preceding Article and are in absence of the circumstances prescribed under Paragraph 1 or 2 of

Article 9, the Specific Patent Agency shall notify the user of the receipt; such notification shall

contain the following:

1. the mark of the Specific Patent Agency;

2. the time of receipt of the complete electronic patent application documents;

3. the accession number or application number of the electronic patent application documents referred to in the preceding subparagraph; and

4. a brief summary of the electronic patent application documents received.

Article 8

If the submitted electronic patent application documents do not meet the requirements prescribed

in Article 6, the electronic transmission thereof shall be deemed not to have been made.

In case the circumstance of the preceding paragraph occurs, the Specific Patent Agency shall notify

the user.

Article 9

If parts or the entire electronic patent application documents are unidentifiable or incomplete, the

electronic transmission of the whole electronic patent application documents shall be deemed not to

have been made.

If the electronic patent application documents carry viruses or malicious codes, they shall be

deemed as unidentifiable.

In case the circumstance of the preceding paragraph occurs, the Specific Patent Agency

shall
keep the electronic patent application documents in quarantine; procedures such as virus
removal
will not be adopted.
Regarding the electronic patent application documents prescribed in the preceding
paragraph, the
Specific Patent Agency may, after the elapse of certain time period, destroy the
documents or
proceed with other measures that guarantee system safety.
In case the circumstances prescribed under Paragraph 2 and 3 occur, the Specific Patent
Agency
shall notify the user.

Article 10

Where the Specific Patent Agency is to notify the user in accordance with Article 7 to
the preceding
article, the notification shall be made via e-mail or other ways provided by the Specific
Patent
Agency; notification by a hard copy will not be served.
In case the first delivery in the methods prescribed in the preceding paragraph fails, the
Specific
Patent Agency shall make the delivery once more in the methods prescribed in the
preceding
paragraph.
The user shall ensure the e-mail provided is functioning properly, and shall duly check
for any
notification from the Specific Patent Agency after the electronic transmission has been
made.

Article 10-1

If the user who pays the fee online through the designated account but fails to do so due
to
insufficient balance, the Specific Patent Agency shall notify the user by phone call or
email of the
time period and method to make a late payment.

Article 11

The documents of proof to be submitted in an electronic patent application may be
replaced with the
electronic version thereof prescribed by the Specific Patent Agency, except for the
original, the
certified copy, or evidence submitted pursuant to the Act or the Enforcement Rules of
the Act.
For the documents of proof submitted in electronic form pursuant to the preceding
paragraph,
preliminary showing shall be made that the electronic files are identical to the original
or the

certified copy.

Whenever it deems necessary, the Specific Patent Agency may require the user to submit the original or the certified copy of the electronic files prescribed under Paragraph 1 for verification.

Article 12

Where a request for amendment of the description, claim(s), or drawing(s) of a patent application for invention or utility model filed pursuant to the Act is in electronic form, a complete set of amended description, claim(s) or drawing(s) in electronic form shall also be submitted. Where a request for amendment of the description or drawing(s) of a patent application for design filed pursuant to the Act is in the electronic form, a complete set of amended description or drawing(s) in electronic form shall also be submitted.

The user submitting electronic patent application documents may simultaneously submit the original description, claim(s), or drawing(s) in doc, docx, pdf, jpg, and tif formats. The Specific Patent Agency allows for corrections made by the user in accordance with the original electronic description, claim(s), or drawing(s) should the electronic patent application documents be found incomplete, distorted, or inconsistent during the examination.

Article 13

If the information system of the Specific Patent Agency breaks down, a notification shall immediately be made on the website or in any other manner.

Article 14

The time when the electronic transmission from a user is received at the information system of the Specific Patent Agency shall be the time when such transmission is made to the Specific Patent Agency. However, if the user has received an automatic message indicating successful transmission or payment, the transmission or payment is deemed made despite the fact that the transmission is incomplete in reality.

Article 15

The Specific Patent Agency shall store the original version of the received electronic patent application documents for verification.

Regarding the received electronic patent application documents, the Specific Patent Agency shall store and manage the original version and the copy thereof to ensure the genuineness, completeness and confidentiality.

Article 15-1

The official documents to be sent by the Specific Patent Agency to the patent applicant or the agent thereof may be replaced by electronic official documents stored on the electronic official document downloading platform. The effect of electronic official documents is identical to that of hard-copy official documents.

Electronic service of patent documents shall be made by the Specific Patent Agency upon the consent of the patent applicant or the agent thereof.

The Specific Patent Agency shall enact the Letter of Consent in electronic form and provide it for signature by the patent applicant or the agent thereof.

Article 15-2

The Specific Patent Agency may notify by e-mail the recipient of service of documents to download such electronic official documents on the downloading platform.

In the same patent application, if there are more than two agents at the location where the service is to be effected and one of whom agrees on electronic service, the Specific Patent Agency will not send hard-copy official documents additionally.

In the same patent application, if there are more than two recipients of service of documents at the location where the service is to be effected, any one of whom has the right to download such electronic documents. However, the others are not allowed to download after one of whom has completed downloading.

The time of the electronic service shall be the time when the recipient of service of documents downloads such official documents at the information system of the Specific Patent Agency. The statutory period shall be calculated from the day following the date on which such electronic documents are downloaded.

If the recipient of service of documents fails to download such electronic document within five days after the electronic documents have been transmitted to the platform by the Specific

Patent Agency,
the Specific Patent Agency shall take down such electronic documents and send hard -
copy official
documents to the recipient.

Article 16

These Regulations shall enter into force as of the date of promulgation.

The July 3, 2012 amendment of these Regulations shall enter into force from the date of
implementation of the Act.

The December 6, 2013 amendment of these Regulations shall enter into force from
December 1,
2013.

The July 13, 2015 amendment of these Regulations shall enter into force from July 15,
2015.