


Content

Title :	Regulations Governing the Implementation of Filing Patent Applications and Services by Electronic Means 
Date :	2020.06.09
Legislative :	<ol style="list-style-type: none"><li>1. Promulgated and entered into force on May 8, 2008.</li><li>2. Amended on July 3, 2012; entered into force on January 1, 2013.</li><li>3. Amended on December 6, 2013; entered into force on December 1, 2013.</li><li>4. Amended on July 13, 2015; entered into force on July 15, 2015.</li><li>5. Amended on June 29, 2016; entered into force on July 1, 2016.</li><li>6. Amended on June 9, 2020; entered into force on July 1, 2020.</li></ol>
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"><li>1. Electronic patent application: the transmission of application documents using the hardware and software information equipment designated by the Specific Patent Agency.</li><li>2. User: the applicant or the agent thereof who files an electronic patent application.</li><li>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.</li><li>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.</li><li>5. Information system: a system that generates, sends, receives, stores, or otherwise processes information or data in electronic form</li><li>6. Electronic certificate: a valid electronic attestation issued by a certification service provider qualified pursuant to the Electronic Signatures Act.</li><li>7. Digital signature: the digital signature as prescribed under the Electronic Signatures Act.</li><li>8. Electronic official documents: Various official documents made by the Specific Patent Agency by electronic means during patent application and other procedures thereof.</li><li>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.</li><li>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.</li><li>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.</li></ol> <p>Article 3</p> <p>The effect of the electronic patent application documents submitted in accordance with these Regulations is identical to the effect of the written application documents.</p> <p>Article 4</p>

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 14-1

Where one of the following circumstances occurs as a user files an electronic patent application, the alternative methods of electronic transmission announced by the Specific Patent Agency may be used :

1. The file size of the electronic patent application documents exceeds the limit specified by the Specific Patent Agency.
2. The Specific Patent Agency notifies a breakdown of its information system pursuant to the provision of Article 13.

#### Article 14-2

Where the alternative methods are used to file an electronic application pursuant to the preceding article, the filing date shall be the date on which the Specific Patent Agency receives the electronic patent application documents. Where the delivery thereof is made via postal service, the filing date shall be the postmark date of the place of delivery. However, if the postmark date is unclear, the filing date shall be the date of receipt by the Specific Patent Agency, unless otherwise proved by the parties involved.

Articles 6 through 10, and Paragraphs 3 of Article 12 shall apply *mutatis mutandis* to the alternative methods of electronic transmission.

#### 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 to these Regulations shall enter into force from the date of implementation of the Act.

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

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

The June 9, 2020 amendment to these Regulations shall enter into force from July 1, 2020.

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