

## **54-02 P**

### **Parties in a Trial for Correction**

#### **1. Requester**

The requester shall be a patentee (the Patent Act Article 126 (1)).

Where there is an exclusive licensee, a pledgee, or a non-exclusive licensee under provisions of the Patent Act Article 35 (1), the Patent Act Article 77 (4), or the Patent Act Article 78 (1), the patentee may file a request for a trial for correction only with the said person's consent (the Patent Act Article 127). Additionally, submission of a written agreement is required (Enforcement Regulations under the Patent Act Article 6).

When a request is filed by joint owners of a patent right for the right under joint ownership, all said joint owners shall jointly file the request (the Patent Act Article 132 (3)).

When it is recognized that a way of thinking of subrogation right of oblige (the Civil Law Article 423 (1)) can be transferred to the request, for example, when a patentee does not file a request for a trial for correction but an act of filing a request for a trial for correction corresponds to that of preserving self-exclusive license for an exclusive licensee, the exclusive licensee may file the request in place of the patentee.

#### **2. Intervention**

Provisions of intervention (the Patent Act Article 148) and application for intervention (the Patent Act Article 149) shall not be applicable to a trial for correction; thereby, intervention is not permitted (the Patent Act Article 166).

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