



IPTAB: Recent Developments and Key Initiatives

**Trial Policy Division
Intellectual Property Trial and Appeal Board**



Ministry of Intellectual Property
**Intellectual Property Trial
and Appeal Board**



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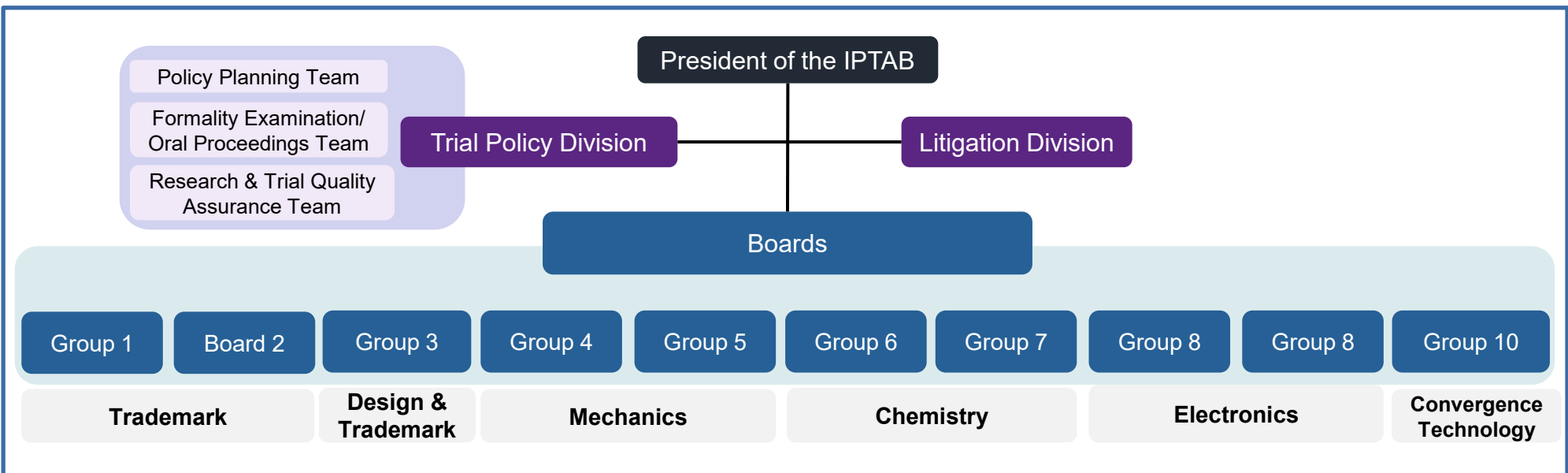


General Information



IPTAB at a glance

- ❖ **Boards** (106 administrative judges) : Chief presiding judges (10), presiding judges (40), judges (56)
 - review trial and appeal cases over patent, utility model, trademark and design rights
 - Investigate and conduct research on trial/appeal and litigation proceedings
- ❖ **Trial Policy Division** (28 employees) : Policy planning, revision on legal system, formality examination, support oral proceedings, research on quality improvements, etc.
- ❖ **Litigation Division** (13 employees) : Defends *ex parte* decisions by IPTAB, research on litigations, etc.



Qualifications for IPTAB Judges



IPTAB Judge → Presiding Judge → Chief Presiding Judge

Qualifications for administrative judge

- A government officials of level 4 or higher who completed APJ training and who has more than 2 years of experience as an examiner
- A government officials of level 4 or higher who has a patent attorney license

Qualifications for presiding administrative judges

- Government officials of level 4 or higher who have served as APJ for more than 2 years (more than 2 years of experience as APJ, technical advisor, court investigator, or prosecution investigator combined)
- A person who is eligible for APJ with 3 or more years of examination or trial/appeal experience at the MOIP or its affiliated body
- (open position) A person who has 2 or more years of experience in the relevant field after obtaining an attorney or patent attorney license, a person who has 7 or more years of experience as a government official and researcher in private sector combined, and at least 2 of which in the relevant field.

Types of IPTAB Proceedings

<i>Ex Parte</i>		<i>Inter Partes</i>	
Appeal against a Decision to Reject Application	If a patent examiner rejects a patent application, the applicant can seek review of the rejection by the Board	Trial to Cancel Trademark Registration	An interested party can file a petition for a trial to extinguish trademark right where the grounds for cancellation exists, including non-use or bad faith, etc.
Trial for correction	A patentee can file a petition to correct his/her patented invention after the registration of such rights (Patent / Utility Model)	Trial for Invalidation	An interested party can file a petition for a trial to invalidate a granted rights based on statutory invalidation grounds
Appeal against a Decision to Reject Amendment	If an examiner rejects an amendment for changing the substance of the initial application, the application can seek review of the rejection by the Board (Trademark / Design)	Trial to Confirm the Scope of Rights	A patentee, exclusive licensee, or interested party may file a petition for a trial to have the scope of protection of the patented invention confirmed by the Board

Special Boards & Exclusive Boards



Special Boards

- **(Regulations on the Establishment and Operation of the Board)**

The IPTAB may establish a Special Board in addition to Standing Board.

- consists of a panel of 3 or 5 administrative judges.
- established for each case separately from the Standing Boards
- **(eligible cases)** mostly *inter partes* cases, such as cases involving more than one technical fields, cases with legal and/or technical difficulties, cases considered important for having far-reaching social impact, etc.



Exclusive Boards

- Consists of highly experienced administrative judges who have academic background in specific field and who have extensive years of experience in examination and trial/appeal. They exclusively hear and review cases involving emerging and advanced technologies.

Jurisdictions over IP Dispute Resolution



Trial & Appeal / Litigation

Structure of the Courts & Tribunal System

Examination Phase (MOIP)

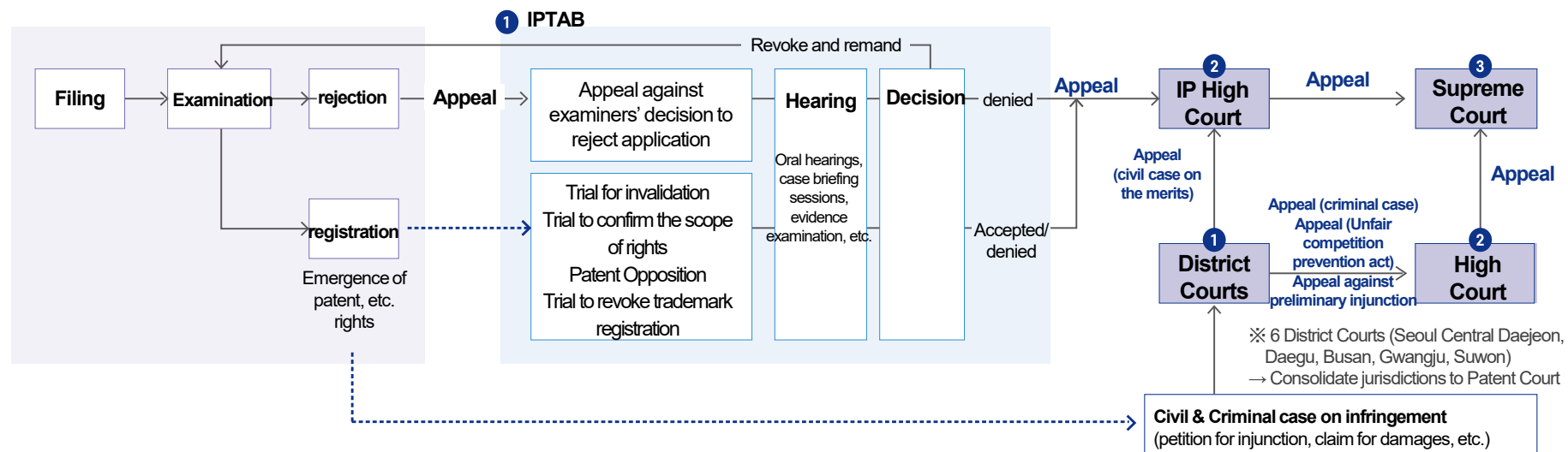
Decides the possibility of registration

Trial & Appeal Phase (IPTAB)

Decides the emergence & extinction and the scope of rights

Litigation Phase (Courts)

Decides appeals against IPTAB decision and infringement of IP rights



- The IP High Court has exclusive jurisdiction over appeals in infringement lawsuit involving 5 IP rights, including patent rights, which are under the jurisdiction of 23 high courts and district courts across the country (2016)



Statistics

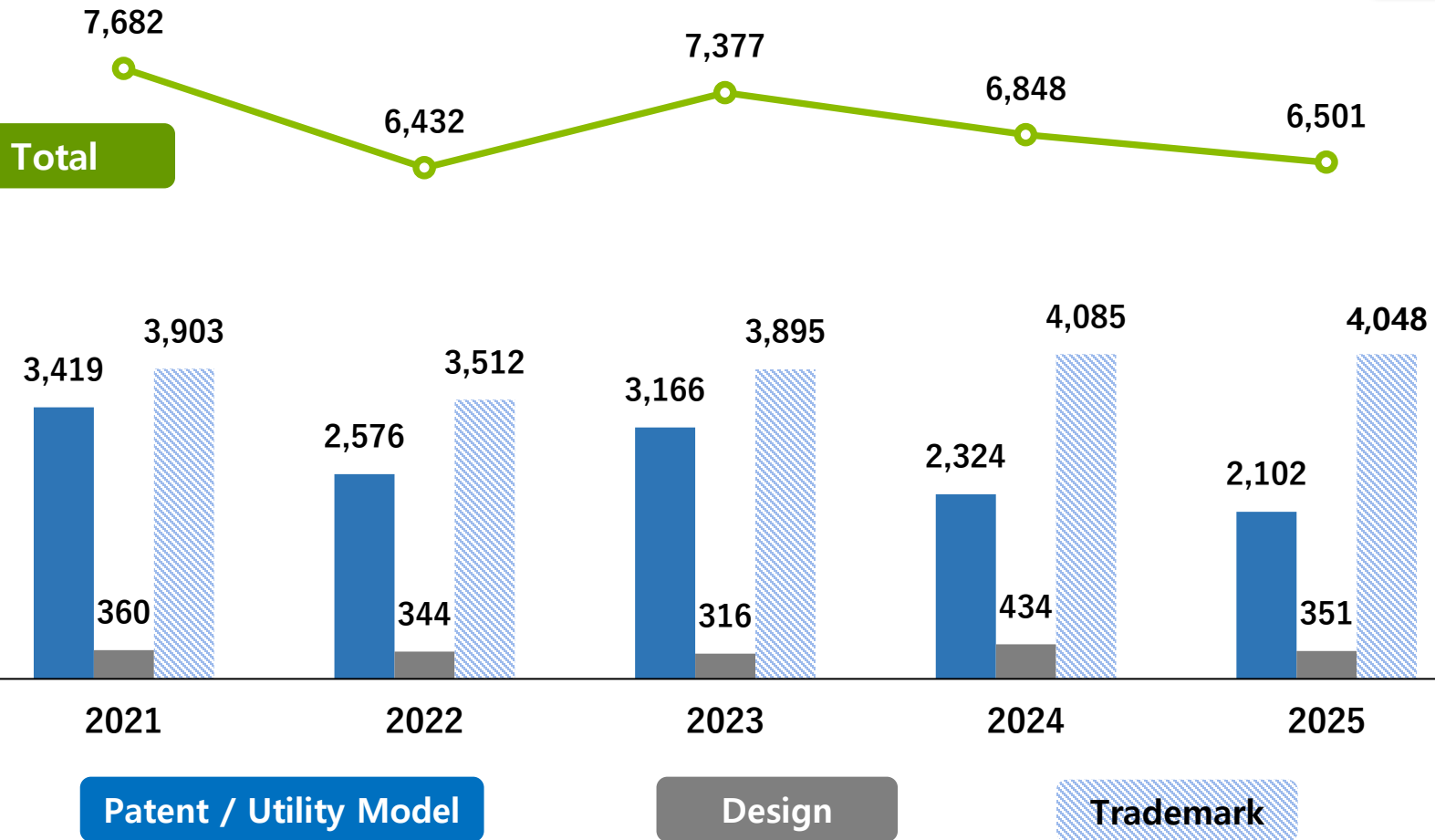


Number of Cases filed in the Past 5 Years



Trends in the number of filings

Unit: case

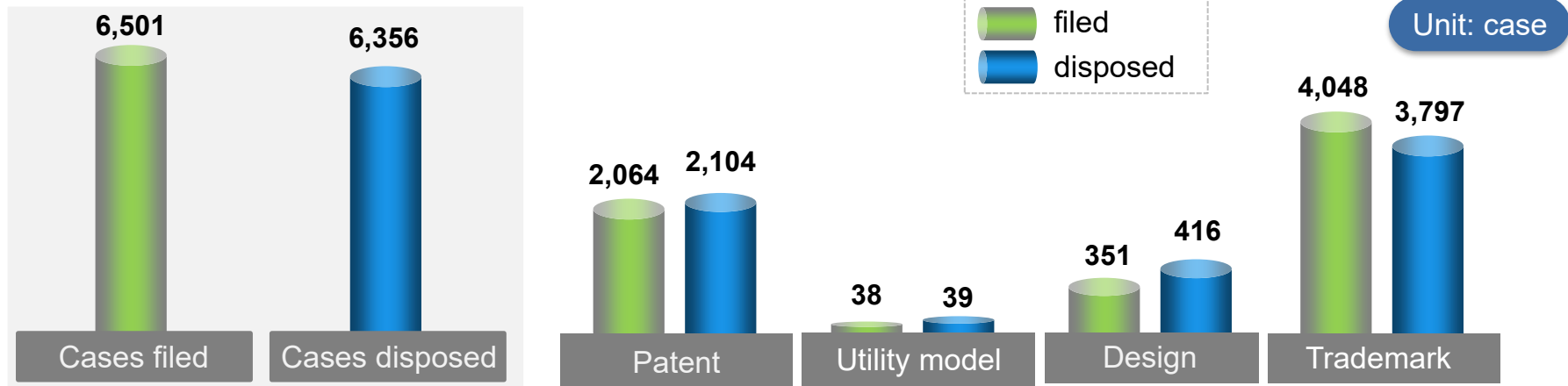


Key Figures in 2025



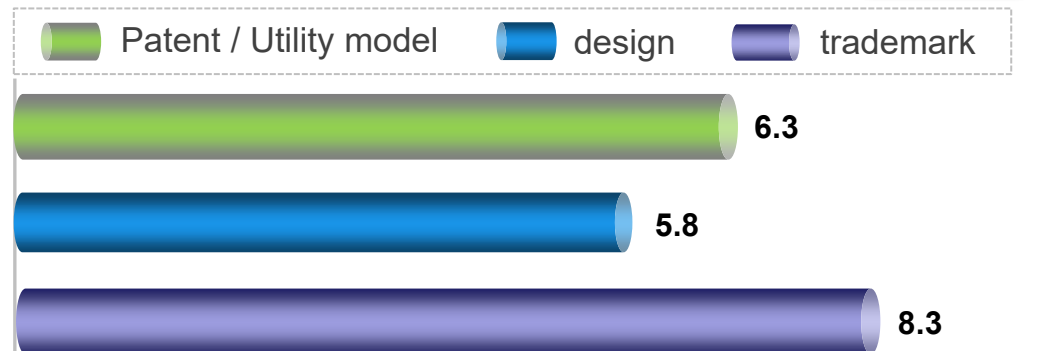
Cases filed / disposed / Pendency period

Cases filed / disposed



		filings	disposal
Patent / Utility model	Ex-parte	1,442	1539
	Inter-partes	660	604
Design	Ex-parte	57	132
	Inter-partes	294	284
Trademark	Ex-parte	903	1,079
	Inter-partes	3,145	2,718

Pendency period





Recent Updates & Key Initiatives



Fair IPTAB Proceedings: Ensure More Opportunities to be Heard



Relocation of the IPTAB to separate premises: all Boards under one roof

Relocated the IPTAB to separate premises from the MOIP office to ensure fairness and independence of the IPTAB and its proceedings (July 2024).

※ MOIP Office : Government Complex Daejeon Headquarter, IPTAB Office: Annex Building



Expanded its infrastructure with relocation

	Before	After
Grand Hearing Room	1	1
Hearing Room	3	4
Video Hearing Room (Seoul office)	1(1)	3(2)
Internet Hearing Room	-	2
Case Briefing Room (Interview Room)	2	3
Conference Room (w/ VICO equipment)	-	1

Fair IPTAB Proceedings: Ensure More Opportunities to be Heard



Expand and Improve Oral Proceedings

Improve trial quality by expanding and improving oral hearings



[IPTAB hearing room where oral hearings are conducted]



[Video oral hearings (3 rooms)]

Advantages and benefits of oral hearings

▪ [advantages]

Oral arguments made by the parties

Sufficient opportunities to state their opinions

Questions being asked by the panel



Ensure prompt dispute resolution
with points at issue identified at an early stage

Increase parties' acceptance of IPTAB decision

Allow panels to have better understandings of the case

- [benefits] Identify points at issue and make more accurate understandings of the genuine intentions of the parties with oral testimony, which allows early dispute resolution.

Fair IPTAB Proceedings: Ensure More Opportunities to be Heard



Involving external experts in IPTAB proceedings

Enhance fairness in IPTAB proceedings by involving external experts in its proceedings

IPTAB-appointed attorneys

- **Technical & Legal** expertise
- Provide support for financially or socially underrepresented inventors

** in effect as of July 2019*

Technical Advisors

- **Technical** expertise
- Ensure reliability of IPTAB decisions

** in effect as of October 2021*

Amicus Curiae

- **Legal** expertise
- Open to industry and hear feedbacks from public

** in effect as of March 2024*

Protection measures for financially and socially under-represented individuals

- IPTAB-appointed attorneys
- Fast-track proceedings in which SMEs are having IP disputes with large enterprises
- Special Board designated for cases with far-reaching social impact, such as cases involving the theft of innovative technology from SMEs, etc.

Fair IPTAB Proceedings: Ensure More Opportunities to be Heard



Amicus Curiae

Enhance fairness in IPTAB proceedings by involving external experts in its proceedings

© **Amicus Curiae** (Trademark Act, Design Protection Act, Patent Act) (enforced in March 2024)

- Aims to hear expert opinions from the public sector, including government or local government agencies, public institutions, other expert witnesses, via *amicus* brief for the **cases having far-reaching impact on the industries**.
- Chief presiding administrative judge may request **public institutions, other expert witnesses, etc.** to provide written opinion (*amicus* brief) on the case.
- Government or local government agencies may provide *amicus* brief even when not requested to do so.
- **Parties are given opportunities to state opinions orally or in writing** on the submitted *amicus* brief
- Enforcement regulations applied for appointment process, associated fees, etc.

Before

- ① Have **technical advisors** provide advisory opinions on technical issues



After (Mar 2024)

- ① Have **technical advisors** provide opinions on technical issues
- ② Have **amicus curiae** provide opinions on impact on the industry, legal issues, etc.

without Compromising the Quality of IPTAB Decisions



Exclusive Boards for emerging & advanced technologies

More exclusive boards for national critical technologies (Total 6 → 9 Boards)

6 Exclusive Boards (as of May 2024)

Semiconductor, mobility, secondary battery,
AI, next generation communication, digital
media



9 Exclusive Boards (Jan 2025)

Existing 6 Boards +
bio, robotics, pharmaceuticals

Standing Boards

Random
distribution

General case on chemistry

Chemistry Board 1

Chemistry Board 2

★ Random distribution by default to ensure
fairness and transparency in its proceedings

★ Exclusive Boards

Exclusive
distribution

Case on secondary battery

Exclusive Board for
Secondary Battery

(Highly experienced APJ with academic
background in secondary battery)



3-Year Plan for Developing AI-powered IPTAB IT System

AI-powered automatic IPTAB formality examination and search for IPTAB/Court decisions

1st phase (23)

More convenient
e-filing system

- Auto-fill of form elements, automatic error detections, more flexible formats in uploading files, automatic conversion of documents to PDF format
- Online submission of (large file) video files as exhibits
- Improvements in the electronic service of (large volume) documents

2nd phase (24)

AI-powered
automatic
formality check

- Automatic extraction of necessary information from submitted image files
- AI-based learning and application of rules targeted for each type of forms for automatic formality examination
- Automatic masking of sensitive data (personal information) when inspecting or photocopying IPTAB documents

3rd phase (23~25)

Enhance
AI-powered trial
support system

- Automatic error detection of IPTAB decisions and auto-fill of IPTAB documents
- AI-powered search service in IPTAB/Court decisions and automatic recommendations of similar cases based on key issues
- More advanced video-conferencing system, high-speed e-filing system, closer links with external agencies

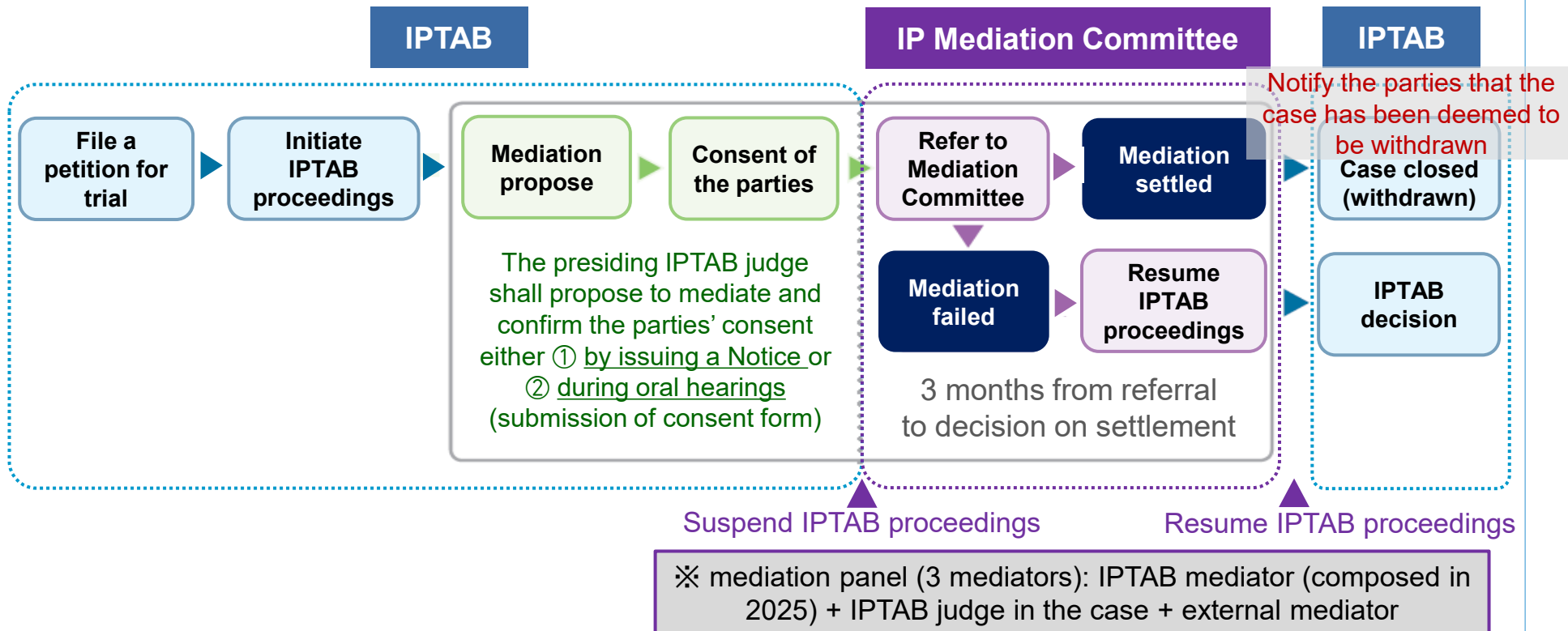
User-friendly Adjudication Services



Promote IPTAB-annexed Mediation

IPTAB-annexed mediation allows prompt IP dispute resolution by settlement

* Average pendency in 2025: (mediation) 2.8 months vs. (*inter partes*) 8.8 months (takes approx. 3 times longer)



* (Trial Policy Division, IPTAB) IPTAB formalities officer shall deliver the Notice of Referral to Mediation and copies of IPTAB documents

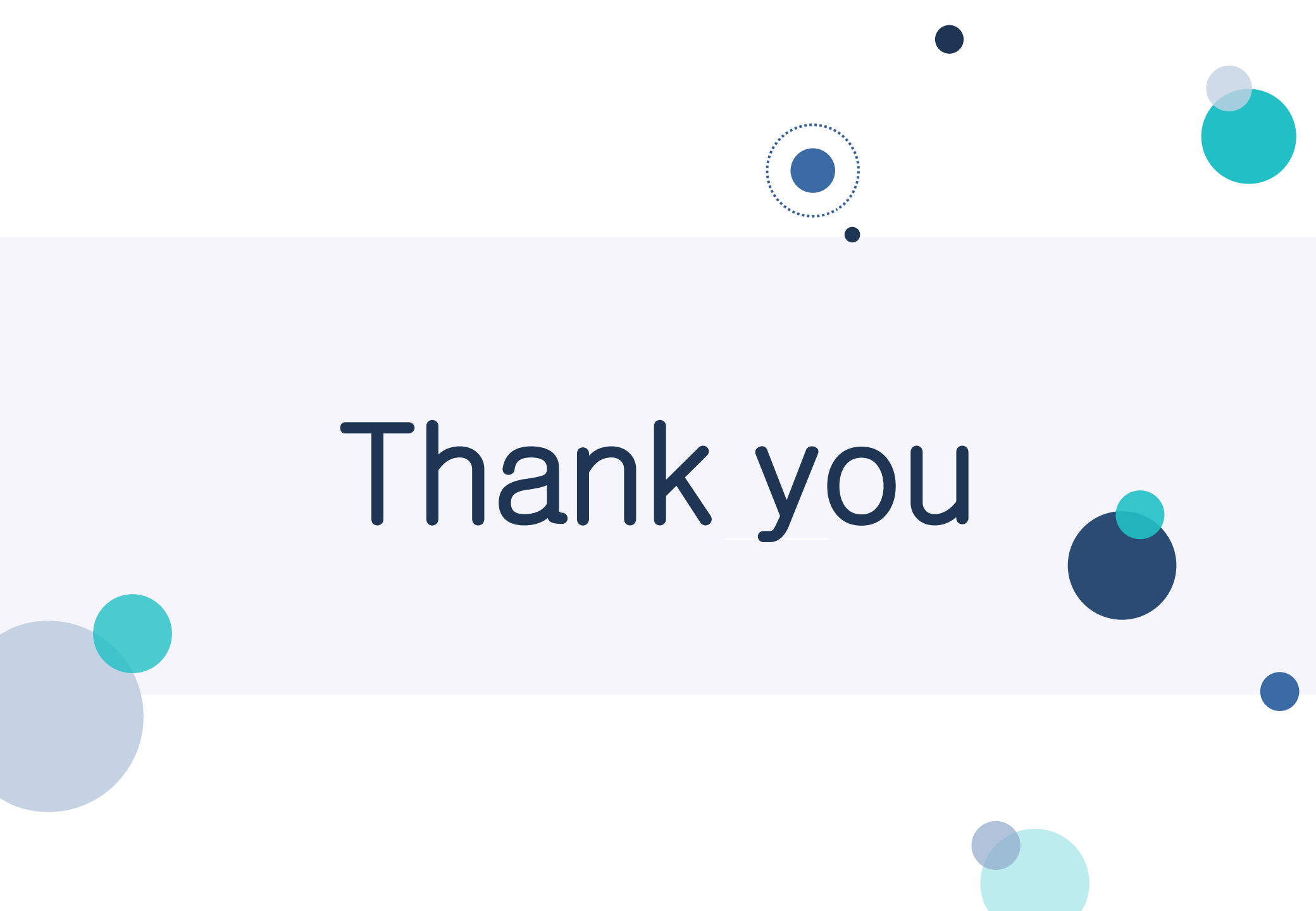
User-friendly Adjudication Services



Enhance External Communications

- **(IP High Court)** Exchange views with IP High Court on litigation practice
- **(KINPA*, KPAA**)** Hold regular stakeholder meetings with business representatives and patent practitioners to share information on recent IP disputes and identify areas for improvements in IPTAB system
 - * KINPA: Korea Intellectual Property Association
 - ** KPAA: Korea Patent Attorneys Association
- **(Prosecutor's Office, KAIST*, Chungnam National University)**
Have regular exchanges through 'Patent Litigation Practitioner Study Group' to share knowledge and information on patent litigation, etc.

* KAIST: Korea Advanced Institute of Science and Technology



Thank you