Patent Information Discovery Zone:
Democratic People’s Republic of Korea
Introduction: some basic facts at a glance

Official name: Democratic People’s Republic of Korea (DPRK) (Chosŏn Minjujuŭi Inmin Konghwaguk)

Foundation day: 9 September 1948

Total area: 120,538 km² (97th worldwide) (ROK: 100,363)

Population: 24.7 million (49th worldwide) (ROK: 51.5 million)

Capital: Pyongyang (since 1972) (ca. 2.8 million inhabitants)

Ethnic groups: almost 100% Korean; (small Chinese and Japanese minorities)

Source: www.nationmaster.com
Introduction: North Korea’s economy

GDP (PPP): $40 billion (99th worldwide) (ROK: 1.60 trillion)
GDP (PPP) per c.: $1,716 (148th worldwide) (ROK: $29,690)

Source: www.nationmaster.com

Currently strong policy focus on economic development:

• “improvement of people’s living standard”
• creation of “economically strong country”
• establishment of a “knowledge-based economy”
  • strong promotion of science and technology
  • important role of intellectual property: amendments of IP legislation
Overview on the DPRK’s IP infrastructure

• Overview on main IP categories
• Evolution of filing figures and main technical fields
• The DPRK's membership in international IP treaties and organisations

While the EPO's Asian Patent Information Services make every effort to ensure that the information they provide is complete, up-to-date and accurate,
Overview on main IP categories

Intellectual property (지적소유권)

Industrial property rights (registration required)
- Technical inventions
- Aesthetical creations
- Industrial design (공업도안)
- Marks

(Other rights, registration not required)
- Trade mark (상표)
- Geographical indication (원산지명)
- Works of literature, art and music
- Copyright (저작권)

Patent (특허)
Invention right (발명권)
(Creative design) (창의고안)
Utility model (실용기술)
# Patent vs. Invention right

<table>
<thead>
<tr>
<th>Requirements for grant</th>
<th>Patent</th>
<th>Invention right</th>
</tr>
</thead>
<tbody>
<tr>
<td>New solution for a technical problem which has to fulfill the requirements of novelty, inventive level and potential for application in various fields of the people’s economy.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Right to use the invention</th>
<th>Inventor (applicant)</th>
<th>After grant, transfer to government; Exploitation of invention by public institutions, organisations and enterprises</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reward/compensation for applicant</th>
<th>Patent</th>
<th>Invention right</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Moral award (patent certificate)</td>
<td></td>
<td>Moral and material reward from government:</td>
</tr>
<tr>
<td>• (Material benefit by exploiting the patented invention)</td>
<td></td>
<td>• Moral reward: invention certificate; inventor’s medal; certificates of honour etc.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Material reward: Share of government’s earnings from commercialisation of the product or savings in production costs during the first year from grant</td>
</tr>
</tbody>
</table>
# Patent vs. Invention right

<table>
<thead>
<tr>
<th></th>
<th>Patent</th>
<th>Invention right</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Public institution, organisation, enterprise; foreigners</td>
<td>Individual inventor (even in case invention was produced during work)</td>
</tr>
<tr>
<td><strong>Term</strong></td>
<td>15 years from filing date; extension of 5 years possible</td>
<td>Not specified (unlimited, even after death of the inventor)</td>
</tr>
<tr>
<td></td>
<td>upon request</td>
<td></td>
</tr>
<tr>
<td><strong>Right to</strong></td>
<td>Permitted (registration of transfer/license at patent</td>
<td>Not permitted</td>
</tr>
<tr>
<td><strong>transfer/license</strong></td>
<td>office required)</td>
<td></td>
</tr>
</tbody>
</table>


## Patent vs. Invention right

<table>
<thead>
<tr>
<th></th>
<th>Patent</th>
<th>Invention right</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conversion</strong></td>
<td>into invention right and utility model (&quot;utility patent&quot;) permitted</td>
<td>into patent right not permitted. Conversion into utility model (&quot;utility invention right&quot;) permitted.</td>
</tr>
<tr>
<td><strong>Fees</strong></td>
<td>Filing fee, examination fee and annual renewal fees</td>
<td>None</td>
</tr>
</tbody>
</table>
## Filing figures: Invention rights vs. patents

<table>
<thead>
<tr>
<th>Year</th>
<th>patents</th>
<th>invention rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>119</td>
<td>3953</td>
</tr>
<tr>
<td>2014</td>
<td>90</td>
<td>4034</td>
</tr>
<tr>
<td>2015</td>
<td>136</td>
<td>4463</td>
</tr>
<tr>
<td>2017</td>
<td>106</td>
<td>4388</td>
</tr>
</tbody>
</table>

Currently mostly domestic applicants

Almost 100% domestic applicants

Source: *Invention Gazette* of the DPRK’s Invention Office, numbers counted manually in paper versions of the gazette.
Other jurisdictions which granted invention rights

- Soviet Union (1941-90)
- China (1950-63)
- German Democratic Republic (“Wirtschaftspatente”, until 1990)
- Czechoslovakia (1973-1990)
- Bulgaria (until 1990)
- Romania (until 1990)
- Poland (until 1972)
- Hungary (until 1969)
- Mexico (1976-1991)
The DPRK's membership in international IP treaties
## Membership in international IP treaties – DPRK vs. ROK

<table>
<thead>
<tr>
<th>Treaty</th>
<th>North Korea</th>
<th>South Korea</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Trade Organization (TRIPS Agreement)</td>
<td>No member</td>
<td>1995</td>
</tr>
<tr>
<td>World Intellectual Property Organization (WIPO)</td>
<td>1974</td>
<td>1979</td>
</tr>
<tr>
<td>Paris Convention</td>
<td>1980</td>
<td>1980</td>
</tr>
<tr>
<td>Patent Law Treaty (PLT)</td>
<td>2018</td>
<td>No member</td>
</tr>
<tr>
<td>Strasbourg Agreement Concerning Patent Classification (IPC)</td>
<td>2002</td>
<td>1999</td>
</tr>
<tr>
<td>Madrid Agreement for international registration of trade marks</td>
<td>1980</td>
<td>No member</td>
</tr>
<tr>
<td>Berne Convention on Copyright</td>
<td>2003</td>
<td>1996</td>
</tr>
<tr>
<td>Hague Agreement for international registration of designs)</td>
<td>1992</td>
<td>2014</td>
</tr>
<tr>
<td>Lisbon Agreement for protection of appellations of origin</td>
<td>2005</td>
<td>No member</td>
</tr>
<tr>
<td>Locarno Agreement for international classification of designs</td>
<td>1997</td>
<td>2011</td>
</tr>
<tr>
<td>Nice Agreement for international classification of trade marks</td>
<td>1997</td>
<td>1999</td>
</tr>
</tbody>
</table>
North Korean PCT filings
North Korean PCT filings
International trade marks filed by DPRK applicants

https://www.wipo.int/branddb/en/
International trade marks registered in the DPRK

Designations of the DPRK from other countries under Madrid system

**Global Brand Database**

Perform a trademark search by text or image in brand data from multiple national and international official emblems. V: 2019-04-08 20:46

**SEARCH BY**

<table>
<thead>
<tr>
<th>Brand</th>
<th>Numbers</th>
<th>Dates</th>
<th>Class</th>
<th>Country</th>
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<tbody>
<tr>
<td>Origin</td>
<td>Designation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e.g. CH, Switzerland</td>
<td>K.P.</td>
<td></td>
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</tbody>
</table>

**FILTER BY**

<table>
<thead>
<tr>
<th>Source</th>
<th>Image</th>
<th>Status</th>
<th>Origin</th>
<th>App. Year</th>
<th>Expiration</th>
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<td>IT</td>
<td>7,840</td>
<td>FR</td>
<td>7,505</td>
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<td>BE</td>
<td>3,574</td>
<td>BX</td>
<td>3,574</td>
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<td>2,436</td>
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<td>RU</td>
<td>799</td>
<td>GB</td>
<td>795</td>
<td>TR</td>
<td>654</td>
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<tr>
<td>EG</td>
<td>199</td>
<td>PT</td>
<td>193</td>
<td>CZ</td>
<td>146</td>
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<tr>
<td>MC</td>
<td>127</td>
<td>HU</td>
<td>127</td>
<td>NO</td>
<td>91</td>
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<tr>
<td>FI</td>
<td>65</td>
<td>IR</td>
<td>61</td>
<td>IN</td>
<td>58</td>
</tr>
<tr>
<td>HR</td>
<td>35</td>
<td>DD</td>
<td>35</td>
<td>SU</td>
<td>34</td>
</tr>
</tbody>
</table>

Display: List | Sort: Count - desc | 1 - 30 / 52,611

**Example Entries**

- **AROMACEUTICALS**
  - WO TM: Inactive
  - AU: The Perfect Potion (Aust) Pty Ltd ACN 059 642 956
  - 779915

- **weier**
  - WO TM: Active
  - CH: GUANGZHOU WANTENG ELECTRONIC CO., LTD
  - 1365434

- **DIGITAL REALITY CREATION**
  - WO TM: Active
  - CH: Sony Overseas SA
  - 724162A

- **Gazzaz**
  - WO TM: Inactive
  - EG: Hussein Baly Gazzaz
  - 682841

- **HELLMIO**
  - WO TM: Inactive
  - DE: HELM AG
  - 778473

- **REACH**
  - WO TM: Active
  - HK: LG Household & Health Care Ltd
  - 559868B

[https://www.wipo.int/branddb/en/](https://www.wipo.int/branddb/en/)
Overview on Intellectual property legislation in the DPRK

INVENTION LAW OF THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

Adopted by Decision No. 112 of the Standing Committee of the Supreme People’s Assembly on May 13, 1998 and amended by Decree No. 507 of the Presidency of the Supreme People’s Assembly on March 11, 1999

Chapter 1 Fundamentals

Article 1 (Mission)
The Invention Law of the DPRK shall aim to establish strict guidelines for the application for invention registration and evaluation and registration of invention and the protection of the invention right and patent right, thereby contributing to developing science, technology and the national economy.

Article 2 (Invention right, patent right)
An invention is a scientific and technological achievement that is more updated and progressive and is capable of bringing about higher technical and economic efficiency than the one previously known.
The state shall grant the invention right or patent right to the invention that has been examined and registered.

Article 3 (Accurate and strict procedure of application)
Application for the registration of an invention is a precondition for the evaluation and registration.
The state shall ensure that application procedures for the registration of an invention are accurately set and strictly followed.

Article 4 (Impartial and scientific evaluation and registration)
Accurate evaluation and registration of an invention is an important condition for the development of the science and technology.
## Evolution of the DPRK’s IP legislation

<table>
<thead>
<tr>
<th>Year</th>
<th>Patent</th>
<th>Invention right</th>
<th>Creative design</th>
<th>Trade mark</th>
<th>Industrial Design</th>
<th>Geographical indication</th>
<th>Copyright</th>
</tr>
</thead>
<tbody>
<tr>
<td>1967/68</td>
<td>Regulations on Inventions and Creative Designs</td>
<td>Regulations on Trademarks and Industrial Designs</td>
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<td></td>
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</tr>
<tr>
<td>1978</td>
<td>Regulations on Inventions and Creative Designs (Amendment)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1983</td>
<td></td>
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<td></td>
<td>Regulations on Trademarks and Industrial Designs (Amendment)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1986</td>
<td>Regulations on Inventions and Creative Designs (Amendment)</td>
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<td></td>
<td>Regulations on Trademarks and Industrial Designs (Amendment)</td>
<td></td>
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</tr>
</tbody>
</table>
Overview on revisions of patent/invention right laws

Amendment of 1978 (Text not accessible)
- Introduction of patent rights for foreign applicants (DPRK’s accession to PCT and Paris Convention 1980)

Amendment of 1986 (4 chapters, 49 articles)
- Introduction of patent rights also for domestic applicants (before: only invention rights)
- Publication of “implementing regulations”: stronger focus on practical application

Background:
- Joint Venture Law 1984: DPRK’s first law for economic co-operation with foreigners
- IP protection as requirement to attract foreign capital
- In Joint ventures: access to patents for both foreign and domestic partner required
Overview on revisions of patent/invention right laws

The Invention Act of 1998 (5 chapters, 43 articles)

- Extension of patent term from 15 to max. 20 years from filing date (15 years plus 5 years extension against extra fee)
- Introduction of patent protection for pharmaceuticals (before: protection only by invention rights)
- Explicit promotion of exchange and cooperation with foreign countries and international organisations
- Possibility for locals to file abroad or to transfer patents/license patented technology to foreign business partners (upon government approval)
Overview on revisions of patent/invention right laws

Revision of the Invention Act of 2014 (5 chapters, 64 articles)

- Introduction of novelty grace period of 6 months
- Provisions for third parties to challenge application/granted patent:
  - Introduction of 3rd party observation system (anytime from publication to grant)
  - Introduction of invalidation requests (possible anytime after grant at invention office)
- Provisions on amendments
  - permitted any time during substantive examination within the scope of claims mentioned in the publication of the application)
- Possibility for applicant to file request for re-examination against decision of rejection (within 3 months from notification of rejection)
Overview on revisions of patent/invention right laws

- Introduction of utility model protection
  - Difference to patents/ invention rights: no inventive step required
  - available both for patents and invention rights

IP rights for technical inventions since 2014:

- Patents
- "Utility patents"
- Invention rights
- "Utility invention rights"
Life of a DPRK patent file: granting procedure
# DPRK vs. ROK: Comparison of key features of the patent systems

<table>
<thead>
<tr>
<th></th>
<th>North Korea</th>
<th>South Korea</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patent Term</strong></td>
<td>15 years from filing date</td>
<td>20 years from filing date</td>
</tr>
<tr>
<td></td>
<td>(Extension of further 5 years possible upon request)</td>
<td></td>
</tr>
<tr>
<td><strong>Filing language</strong></td>
<td>Korean</td>
<td>Korean</td>
</tr>
<tr>
<td></td>
<td>(Filing in foreign languages permitted, but translation in Korean required on filing day)</td>
<td>(since January 2015: Filing in English permitted, Korean translation within 14 months from priority day required)</td>
</tr>
<tr>
<td><strong>Publication of application</strong></td>
<td>After formality examination</td>
<td>After 18 months from filing (priority) day</td>
</tr>
<tr>
<td><strong>Scope of publication</strong></td>
<td>Only bibliographic data</td>
<td>Complete document</td>
</tr>
<tr>
<td><strong>Substantive examination</strong></td>
<td>After publication of application (starts automatically, no request required)</td>
<td>Upon request of applicant (within 3 years from filing day)</td>
</tr>
</tbody>
</table>
Sources of patent information from the DPRK
Invention Gazette: general overview

- information on new applications and grants of patents and invention rights
- published monthly (until 2008: bi-monthly)
- available in print and on CD, but not online
Editorial by the leader

Invention Gazette: Structure

Invention right applications

Patent applications

Until mid-2013: no separate sections for invention right and patent right applications
Bibliographic data

- Inid Code 75: Inventor (= applicant)
- Inid Code 77: Related Organisation (Employer of inventor)
- English abstract (translation of original Korean text, since 2004)

Claims section

- publication of description partially available
Invention Gazette: Structure

 Granted patents

외부등록포함

(11) CN221066468
(12) 2019030923
(86) 2019030923
(53) 직렬적, 건설적 분류
(54) 해지기금물건, 관리, 건설적 분류
(57) 직렬적, 건설적 분류

가능한 제18항을 위함용 빌딩물건

The invention relates to the mineral
seeds using nuclear magnetic resonance.

Discussion of the document, including other relevant patents and prior art, may be necessary to fully understand the scientific or technical context of this invention.
Invention Gazette: Structure

- Last page: Overview on IPC Class of registered patents and invention rights
- No separation between patents and invention rights
- Typ of right can be identified via kind code:
  - H, F: Invention rights
  - L, W: Patents
Basic Online Source: „NK Tech“ Patent & Invention DB

„North Korea Science and Technology Network“

Provided by South Korean organisation "Korea Institute for Science and Technology Information (KISTI)"

http://www.nktech.net/main/main.jsp
Online Access to Basic Gazette Data in "NK Tech"

Search with IPC classes

http://www.nktech.net/main/main.jsp
Online Access to Basic Gazette Data in "NK Tech"

Search with keywords or names (only in Korean)
Summary: Reasons for keeping an eye on the DPRK

• Intellectual property protection available for all IP rights
• DPRK is member in most international IP-related treaties
• Serious attempts to constantly improve IP protection: regular amendments of most important IP laws
• DPRK patents and invention rights belong to worldwide prior art!
• Almost all applications are first filings: searcher can not rely on foreign family members!
Recent trends

North Korea’s Kim Il Sung University opens intellectual property organization

New IP-related institutions in the DPRK

Source: https://www.nknews.org

South Korea: IP-related exchange with the DPRK as important policy issue in 2019
Further questions?

Please contact us at:

www.epo.org/asia
asiainfo@epo.org