

SUPPLEMENTARY PROTECTION CERTIFICATES AND PATENT TERM EXTENSIONS

Response ID:85; rkc Data

1. Country code page

1. Please enter the two-letter country code corresponding to your Office or Organization.

KR

2. Questions page

2. 1. Does your Office/Organization provide SPCs or PTEs?

Yes

2. If you have answered "NO" to Question 1, will your Office/Organization start providing SPCs or PTEs in the future?

Comments:

3. 3. Please specify for which products an SPC or PTE can be obtained (or are planned to be introduced):

medicinal products

plant protection products

4. 3a. Please describe the requirements for granting SPCs or PTEs.

Examples:

the product has been protected by a patent,

the product has been subject to a regulatory review procedure before its commercial marketing or use,

an SPC or PTE has never been granted on the product.

If available, please provide a link to guidelines on filing applications for SPCs or PTEs.

As a patented invention by Article 7 of the Enforcement Decree of the Patent Act (Invention Subject to Application for Registration of Patent Term Extension for Approval, etc.), 1. Invention of a medicine for which an approval by item has been granted pursuant to Article 31 (2), (3) or 42 (1) of the Pharmaceutical Affairs Act to practice a patented invention [limited to a medicine for which an approval by item has been granted first, among medicines manufactured with a new substance (referring to a substance whose chemical structure in the activated part having medicinal effects is new) as an effective ingredient]; or 2. Invention of an agricultural chemical or raw material registered pursuant to Article 8 (1), 16 (1), or 17 (1) of the Pesticide Control Act to practice a patented invention (limited to an agricultural chemical or raw material registered first, among agricultural chemicals and raw materials manufactured with a new substance as an effective ingredient). The scope of the patent claims shall include the item(s) approved pursuant to the Pharmaceutical Affairs Act or the item(s) registered pursuant to the Pesticide Control Act. Patents seeking to register an extension of its term shall be valid at the time of applying for the registration of the extended term of the patents. (A link to guidelines on filing applications for PTEs::

http://www.kipo.go.kr/kpo/user.tdf?a=user.html.HtmlApp&c=8044&catmenu=m11_02_06)

5. 4. Please specify the legal basis for granting SPCs or PTEs. For example, relevant provisions of the national law (article or rule number), regional regulation, decrees, ordinances etc.

If legal grounds are different for the objects indicated in Question 3, please list all of them, indicating corresponding products.

·Article 89, 90, 91, 92, 93 of the Patent Act; Article 7 of the Enforcement Decree of the Patent Act; Article 52, 53 of the Enforcement Rules of the Patent Act; Operating Rules about Patent Term Extension for Approval, etc. (Notification No. 2018-29 of the Korean Intellectual Property Office) ·Drugs: Article 31 and 42 of the Pharmaceutical Affairs Act ·Pesticides: Article 8,

6. 5. Please give the name(s) of the SPCs or PTEs granted by your Office/Organization in both English and the original language.

Example: DE – Supplementary Protection Certificate (in German: “Ergänzendes Schutzzertifikat”).

If names are different for the products indicated in Question 3, please list all of the protections, indicating corresponding products.

KR – Patent Term Extension for Approval, etc. (in Korean: "허가등에 따른 특허권존속기간 연장등록출원")

7. 6. If your Office/Organization assigns (or intends to assign) a specific application and/or grant/registration number to SPCs or PTEs, please give examples and details of:

the numbering system for applications:: The numbering system is the same with that for general applications.

the numbering system for registration or grant (if different from the above):: The original registration number is used, but the items relating to Patent Term Extension for Approval, etc. including the final expiry date of the patent term shall be added to the Patent Register when a decision is made to register an extension of the term of a patent right.

Comments:

8. 7. Does your Office/Organization or other relevant national authority publish, or intend to publish, one or more of the following events for an SPC or PTE?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Request (application) for an SPC or PTE filed	X	X		
SPC or PTE granted	X	X		
SPC or PTE not granted				
SPC or PTE opposed by third parties	X	X		
SPC or PTE came into force	X	X		
SPC or PTE ceased because of a lapse or expiry	X	X		
Extension of SPC term requested				
Extension of SPC term granted				
Extension of SPC term not granted				

Comments: Application for a PTE filed - Patent Gazette; PTE granted - Publication of Registration; PTE opposed by third parties - Patent Register; PTE came into force - Patent Register; PTE ceased because of a lapse or expiry - Patent Register

9. 8a. In what form is the corresponding event published?

as part of an Official Gazette

through public online databases (please indicate the name and the URL of the database): KIPO Homepage – Notice – Internet Bulletin – Other Information Including Service by Public Notice, etc. – Patent Term Extension

(http://www.kipo.go.kr/kpo/user.tdf?a=user.html.HtmlApp&c=4020&catmenu=m03_03_08); or Original application information on KIPRIS (<http://eng.kipris.or.kr/enghome/main.jsp>)

10. 8b. What are the minimum elements that this publication must contain?

application number
filing date
name and address of the applicant
number of the relevant patent
title of the invention
name of the product
authorization details
date of the SPC or PTE authorization
other elements (please specify):: The name and address of a patentee (if a patentee is a corporation, its name and place of business) when a decision is made to register extension of the term of a patent right; Number of the relevant patent:: Original application number and original patent number; The claim numbers for which the term is to be extended; The number of the claims for which the term is to be extended; The name and address or place of business of a patent attorney or agent; The expiry date of the patent term (The final expiry date of the patent term when a decision is made to register extension of the term of the patent right); The requested term of which is to be extended (The extended patent term when a decision is made to register extension of the term of the patent right)

11. 8c. What is the planned timetable for publishing this information?

[Application division] Formality check ==> [Application system] Request the publication of the patent gazette --> publish the patent gazette ==> [Examination division] The examiner makes a decision to register extension of the term of the patent right ==> [Registration system] Request the Publication of Registration --> publish the Registration

12. 8d. Please attach an example(s) of published events and/or of corresponding announcements.

[Patent_gazette.png](#)

[Registration.png](#)

Comments:

13. 9. Does your Office/Organization or other relevant national authority publish (or intend to publish) the announcement of state changes for an SPC or PTE as defined in WIPO Standard ST.27?

	MEDICINAL PRODUCTS	PLANT PROTECTION PRODUCTS	ALL PRODUCTS SUBJECT TO REGULATORY APPROVAL FOR MARKETING	OTHER
Changed to "Active"				
Changed to "Not active"				
Changed to "Terminated"				

14. 10a. In what form is the announcement related to the state change published?

15. 10b. What are the minimum elements that this publication must contain?

16. 10c. What is the planned timetable for publishing this information?

17. 10d. Please attach a specimen(s) of corresponding announcements.