

CHAPTER I

GENERAL PROVISIONS

Article 1 Purpose

The purpose of this Act is to encourage the creation of designs by ensuring their protection and utilization so as to contribute to the development of industry.

Article 2 Definitions

The definitions of the terms used in this Act are as follows:

- (i) "design" means the shape, pattern, color or a combination of these in an article that produces an aesthetic impression in the sense of sight; the same applies to a part of an article unless Article 12 applies;
- (ii) "registered design" means a design for which design registration has been granted;
- (iii) "design registration" means registration of examined or unexamined designs;
- (iv) "examined design registration" means registration of a design that is subject to examination as to whether it is completely qualified for registration;
- (v) "unexamined design registration" means registration of a design that is subject to examination as to whether the application for design registration satisfies the requirements for registration under this Act, with the exception of the requirements that are not applied under Article 26(2).
- (vi) "working" of a design means any act of manufacturing, using, assigning, leasing, importing or offering for assignment or lease (as

well as displaying for assignment or lease) the article to which the design has been applied.

Article 3 Persons Entitled to Obtain Design Registration

(1) A person who creates a design or the person's successor is entitled to obtain design registration under this Act; however, employees of the Korean Intellectual Property Office and the Intellectual Property Tribunal may not obtain design registration during their employment except in the case of inheritance or a bequest.

(2) If two or more persons jointly create a design, the right to obtain design registration is jointly owned.

Article 4 *Mutatis Mutandis* Application of the Patent Act

Articles 3 to 26 and 28 to 28^{quinqies} of the Patent Act apply *mutatis mutandis* to designs. In such cases, "Article 132^{ter}" in Article 6, 11(1)(iv), 15(1) and 17 of the same Act reads "Article 67^{bis} or 67^{ter}".

CHAPTER II

REQUIREMENTS FOR DESIGN REGISTRATION AND DESIGN APPLICATIONS

Article 5 Requirements for Design Registration

(1) Designs that are industrially applicable may be registered unless they fall under any of the following subparagraphs:

- (i) the design was publicly known or publicly worked in the Republic