

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on September 1, 1990.

Article 2 General Transitional Measures

Except as otherwise prescribed by Articles 3 to 7 of this addendum, this Act applies to matters that take place before this Act enters into force. However, this Act has no influence on any effect produced under the previous provisions.

Article 3 Transitional Measures on Applications etc.

An appeal against the examination of an application for design registration and a ruling of rejection made before this Act enters into force is subject to the previous provisions.

Article 4 Transitional Measures on Trials Related to Registering the Establishment of a Design Right

Any trial, appeal, retrial and lawsuit on a registered design whose right is established on the basis of an application for design registration filed before this Act enters into force is subject to the previous provisions.

Article 5 Transitional Measures on the Dismissal of an Amendment

An amendment made before this Act enters into force is subject to the previous provisions.

Article 6 Transitional Measures on Expropriation of a Design Right etc.

Any disposition or lawsuit pertaining to a restriction, expropriation, revocation or the working of a design right requested before this Act enters into force is subject to the previous provisions.

Article 7 Transitional Measures on the Procedure and Expenses of Trials and Compensation for Damages etc.

The previous provisions govern the procedure, expenses, compensation for damages and so on for a trial, appeal, retrial and lawsuit requested against any act committed before this Act enters into force.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on the date of its promulgation. (Proviso deleted.)

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on January 1, 1994.

Article 2 Transitional Measures on the Term of a Design Right

Notwithstanding amended Article 40(1), the previous provisions govern the term of a design right that has been established or for which establishment

has been sought by an application for design registration before this Act enters into force.

Article 3 Transitional Measures on the Period for Refunding Design Registration Fees etc.

The previous provisions govern the refund of design registration fees and other fees mistakenly paid before this Act enters into force.

Article 4 Application Examples on Returning Design Registration Fees

Amended Article 36(1)(ii), which concerns the return of design registration fees due to the final decision of a trial on the invalidation of a design registration, applies to final decisions of invalidation made after this Act enters into force.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on March 1, 1998.

Article 2 Transitional Measures on Pending Cases

(1) Any case in which a request has been made before this Act enters into force for a trial or an appeal against a ruling of refusal or against a decision to dismiss a correction is deemed to be continued with the Intellectual Property Tribunal under this Act and to be pending at the Intellectual Property Tribunal.

(2) Any case in which a request has been made before this Act enters into force for an appeal against the decision of a trial or for immediate appeal

against a decision to dismiss the request is deemed to be continued with the Patent Court under this Act and to be pending at the Patent Court.

Article 3 Transitional Measures on Cases that May Be Appealed

(1) A court action may be brought against a case on which a decision on a trial, a decision to dismiss a request for a trial, a ruling of rejection or a decision to dismiss an amendment by an examiner when this Act enters into force, and against which an appeal has not been brought to the Patent Tribunal under the previous provisions within 30 days of the enforcement date of this Act, and a court action referred to in Article 186(1) of the Patent Act applied *mutatis mutandis* under Article 75 of this Act may be brought against a decision on the trial and a decision to dismiss a request for a trial, and a trial referred to in Article 132^{ter} or 132^{quater} of the Patent Act applied *mutatis mutandis* under Article 72 of this Act may be requested against a ruling of rejection or a decision to dismiss an amendment by the examiner. However, this provision does not apply if any period for appeal has expired under the previous provisions when this Act enters into force.

(2) An appeal may be brought within 30 days of the enforcement date of this Act against a case on which a decision or appeal, a decision to dismiss a request for an appeal and a decision to dismiss an amendment by the appellate trial examiner has been served with the Supreme Court when this Act enters into force. However, this provision does not apply if any period for appeal has expired under the previous provisions when this Act enters into force.

(3) Any case against which an appeal has been brought to the Supreme Court and which is pending at the Supreme Court before this Act enters into force, and any case against which an appeal has been brought under paragraph (2), is deemed to be pending or to be brought against the Supreme Court by this Act.

Article 4 Transitional Measures on Retrials

Articles 2 and 3 of this addendum apply *mutatis mutandis* to a pending retrial.

Article 5 Transfer etc. of Documents

(1) The Commissioner of the Korean Intellectual Property Office shall immediately transfer the documents of a pending case referred to in Article 2(1) of this addendum (including those applied *mutatis mutandis* under Article 4 of this addendum) to the President of the Intellectual Property Tribunal.

(2) The Commissioner of the Korean Intellectual Property Office shall immediately transfer the documents of a pending case referred to in Article 2(2) of this addendum (including those applied *mutatis mutandis* under Article 4 of this addendum) to the chief of the Patent Court. In this case, matters necessary for the transfer and so on of documents are prescribed by Supreme Court regulations.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 1996.

Article 2 Transitional Measures on the Procedures and Expenses for Trials and Compensation for Damages etc.

The previous provisions govern the procedure, expenses, compensation for damages and so on for a trial, appeal, retrial and lawsuit requested against any act committed before this Act enters into force.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 1997. (Proviso deleted.)

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on March 1, 1998.

Article 2 Transitional Measures on Applications for Registration etc.

The previous provisions govern an examination or ruling to reject an application for design registration made before this Act enters into force.

Article 3 Transitional Measures on Trials Related to Registered Designs

The previous provisions govern trials, retrials and court actions for registered designs on which rights are established in accordance with applications for design registration filed before this Act enters into force.

Article 4 Transitional Measures on the Dismissal of Amendments

The previous provisions do not apply to amendments before this Act enters into force.

Article 5 Application Examples of Admission of Exceptions to Loss of Novelty

Amended Article 8(1) and (2) is effective for an application for design registration initiated after this Act enters into force.

Article 6 Application Examples of Extending the Term of a Design Right

Amended Article 40(1) is effective for a design right registered by an application for design registration initiated after this Act enters into force.

Article 7 Application Examples Related to Another Person's Design Right etc.

Amended Article 45(2) applies to the owner or exclusive licensee of a design right registered by an original application for design registration submitted after this Act enters into force.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on January 1, 1999. However, [deleted] amended Articles 21 and 22 enter into force on July 1, 1999.

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on October 1, 2000. (Proviso deleted.)

Articles 2 to 13 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2001. However, amended Article 36(2) and (3) enters into force on the date of its promulgation.

Article 2 General Transitional Measures

The previous provisions apply to the requirements for registration, division, conversion, examination, design registration, a design right, an opposition to an unexamined design registration, a trial, retrial or litigation related to an application for design registration submitted when this Act enters into force, except under any of the following circumstances:

- (i) amended Article 31*bis* applies if each design in an application for multiple design registration is abandoned;
- (ii) amended Article 33*bis* applies if an application for design registration or design right is deemed to have existed retroactively by late payment of the registration fees; and
- (iii) Article 140*bis*(1) and (3) of the Patent Act as applied *mutatis mutandis* under amended Article 72 applies if a trial against a ruling to reject a design registration is requested.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2002.

Articles 2 to 7 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force five months after its promulgation.

**Article 2 Application of the Treatment of Oppositions Against
Unexamined Design Registration**

Amended Article 30(2) applies to an opposition against an unexamined design registration initiated after the enforcement of this Act.