

NEWSLETTER

April 2022

Recent IP Developments in Korea

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Editors



Young Mo KWON



Hyeon Gil RYOO



Seong Tahk AHN

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CONTACT



Seong Tahk AHN

T: +82,2,6386.6239
E: seongtahk.ahn@leekoip.com



Hyungwon CHAE

T: +82,2,6386.6632
E: hyungwon.chae@leekoip.com

Revised Korean Patent Act Going into Effect from April 20, 2022

A number of important changes to the Korean Patent Act (KPA) are scheduled to go into effect from April 20, 2022. Read on to learn more about how these changes have been made to protect an applicant's interests, provide further opportunities to obtain patent rights, and simplify a variety of procedures.

1. The New Separational Application System

The revised Patent Act introduces a new system where, even after IPTAB dismisses the appeal against a final rejection (in other words, the final rejection is affirmed), an applicant can split the claims that have not been finally rejected from the application and file them separately. This system will be applied to patent applications for which an appeal against a final rejection has been filed on or after April 20, 2022.

Previously, even if only one claim was dismissed in an appeal against a final rejection, all the claims would collectively be rejected. Consequently, in about 40% of these cases, applicants filed a divisional application when filing an appeal against the final rejection as a precautionary measure in case their appeal was dismissed. KIPO introduced the separational application system both to reduce the costs incurred by applicants when a final rejection is reversed in an appeal and to provide an opportunity to secure a patent even if an appeal is dismissed.

Specifically, a separational application can be filed within the period for filing a Petition with the Patent Court after receiving a trial decision dismissing the appeal against the final rejection. A request for examination can be made within three years of the filing date of the original application or within thirty days of the filing date of the separational application. A separational application can be filed with the following claims:

- i) Any claim which was not finally rejected
- ii) In case that a claim describes elements in a selective matter and some of elements were basis for the final rejection of the claim, Any claim which was rejected but amended to remove one or more alternatively usable elements forming the basis of the final rejection
- iii) Any claim which is amended to narrow the scope of claims under i) or ii), correct a clerical error therein, or clarify an indefinite description thereof
- iv) Any claim which is amended to delete a new matter in any of claims under i), ii) or iii) above.

Applications that do not comply with the above requirement for a separational application will be rejected. A separational application with a new matter added will be both rejected and invalidated.

It is important to note that a separational application cannot be the basis for a further separational application, divisional application, or converted application.

In addition, a request for re-examination cannot be filed for separational applications. As such, the utility of the new separational application system is more limited than filing a preemptive divisional application, but it can still serve to further an applicant's interests in cases where such a divisional application has not been filed and there are allowable claims on offer.

2. Extension of Period to File an Appeal Against a Final Rejection

KIPO has extended the period for filing an appeal against a final rejection from thirty days to three months after the date of receipt of the Notice of Final Rejection. The revised provision will be applied to applications that receive a copy of the Notice of Final Rejection on or after April 20, 2022.

The three-month response period can be further extended by an additional sixty days, as is currently allowed for foreign applicants, meaning that a response to a final rejection can be made within a maximum period of five months after the date of receipt of the Notice of Final Rejection. A request for re-examination, a divisional application, or a converted application may also be filed within the period for filing an appeal against the final rejection, so the deadline for each of these options has also been extended.

The previous thirty-day period for filing an appeal against a final rejection was shorter than that of most other major countries around the world, so a petitioner often had to extend the deadline in order to secure time to prepare for the appeal (time extensions were requested in about 32% of cases) or amend the grounds for the appeal after filing the appeal. With this revision, the period for filing an appeal against a final rejection is now the same as in the United States, Japan, and China.

3. Extension of Applications Subject to a Request for Re-examination and Period for Filing the Request

Previously, a request for re-examination could only be filed for an application that had been finally rejected, but under the revised Patent Act, a request for re-examination can be also filed for an allowed application before it is registered. In addition, as mentioned above in Item 2, the period for filing a request for re-examination of a finally rejected application has been extended to three months, the same as the period for filing an appeal. The revised provision will be applied to applications that receive a copy of a Decision of Allowance, Notice of Final Rejection, or Decision to Reverse the Final Rejection (Decision to Grant a Patent) on or after April 20, 2022.

As such, it has become easier to secure strong patent rights suitable to market circumstances by filing a request for re-examination along with an amendment even after a patent is allowed. In addition, previously, the only way to correct a specification after a patent had been allowed was to file a trial for correction, and the scope for correction was more limited than the scope for amendment of a pending application. Through the revised Patent Act, more opportunities to amend the specification, including the possibility to pursue a broader claim scope, after allowance are now available. However, the notice of allowance is cancelled by a request for the re-examination. So, in practice, re-examination after a notice of allowance is primarily expected to be used to correct minor errors in the specification.

Bear in mind that a request for re-examination cannot be filed for a separational application (see Item 1) but can be filed if the final rejection is revoked.

4. Simplified Priority Claim Process for Divisional Applications

As long as a priority has been claimed and a certified copy of the priority document has been submitted lawfully for the

parent application, it is now deemed that the same has been submitted for any and all divisional applications derived therefrom. This will be applied to divisional applications filed on or after April 20, 2022.

Prior to the revision, divisional applications were required to go through the same procedures as the parent application, such as claiming a priority and submitting a certified copy of the priority document, which led to unnecessary administrative processing and inadvertent omissions of priority claims for divisional applications due to an applicant's mistakes or misunderstanding. The revision was made to more easily resolve such problems.

5. Relaxed Standards for Restoration of Patent Rights

Where, due to a failure to submit documents, pay fees, or meet a due date, events such as

- i) a patent procedure being nullified,
- ii) the patent application being deemed withdrawn (because a request for examination could not be filed),
- iii) the final rejection becoming finalized (because a request for re-examination could not be filed), or
- iv) a patent right being terminated (because annuity fees have not been paid)

occur, such could only previously be rectified when the failure was due to 'a cause not attributable to the applicant or patentee,' such as a natural disaster. However, KIPO has now relaxed the term 'a cause not attributable to the applicant or patentee' to 'a justifiable cause.' Examples of a justifiable cause may include an applicant/patentee's impaired judgement due to a health issue or a system failure when submitting patent documents. Cancellation or restoration must be requested within two months after the justifiable cause is no longer in effect. However, the request for cancellation or restoration is not accepted if one year has passed from the due date of the designated or statutory period. This revision will also be applied to those who have received an order of correction or have failed to meet deadlines before April 20, 2022 (the date of implementation), as long as more than two months have not passed from the termination of the justifiable cause at the time of implementation.

6. Others

■ Protection of Patent Co-owners

A co-owner of a patent who has practiced the patent but has since lost their share due to another co-owner's petition for partition of a co-owned patent in the court is now allowed to obtain a non-exclusive license of the patent right. Naturally, this comes with the proviso that said co-owner must pay an appropriate fee to the holder of the transferred patent. This provision will be applied for cases where the partition of a jointly-owned patent has been requested on or after April 20, 2022.

■ Expansion of Applications Subject to a Priority Claim Based on Patent Applications

It is now possible for an applicant to claim domestic priority based on an allowed application within one year from the filing date of the allowed application before it is registered. It is possible for an invention to be improved according to market circumstances; in this case, an applicant can file a patent application including the improved invention, even after the notice of allowance, while claiming domestic priority. The revised provision will be applied to applications that claim priority based on earlier applications for which a Notice of Allowance or a trial decision to grant a patent is received on or after April 20, 2022.

CONTACT



Vera
Eun Woo LEE

T: +82,2,772,4334
E: eunwoo.lee@leeko.com



Jiwoo JEONG

T: +82,2,6386,0776
E: jiwoo.jeong@leekoip.com

KIPO's New Developments in the Trademark Act

Recently, the Trademark Act was revised to enhance convenience for applicants, protect the interests of trademark users, and reflect the active transaction status of 'digital goods' with the changing times, all of which were promulgated on February 3, 2022. The revised Trademark Act introduced 'a Partial Rejection System' — which allows KIPO to reject only some designated goods which are not registrable - and 'a Reexamination Request System.' The key takeaways of the amendments to the Trademark Act to be implemented in 2022 and 2023, including the aforementioned two systems and the amendments in 2021, are set out below.

1. Extension of the Period to File an Appeal in Response to a Final Rejection or a Decision to Decline Amendment

Previously, if an application for a trademark was finally rejected or amendment was declined, the applicant could file an appeal within thirty days from the receipt date of the rejection. However, this period was not long enough for the applicant to carry out the required work; thus, the revised Trademark Act extends this period from thirty days to three months.

This revised provision is applied to trademark applications (including international trademark applications) that are served with a certified copy of the final rejection on or after April 20, 2022. Even if the examiner's final rejection is made before April 20, 2022, as long as a certified copy of the final rejection is received on or after April 20, the revised period of three months is applied.

2. Automatic Recognition of Priority Claim for Divisional Applications

According to the revised Trademark Act, if a divisional application is filed from the original parent application claiming priority, the same priority will automatically be recognized for the divisional application. That is, as long as the relevant priority document was submitted for the original application, it is deemed that the same has been submitted for the divisional application. An applicant who does not wish to claim priority or does not want the special exception applicable to her case at the time of filing can cancel the priority claim, etc. within thirty days from the date of filing the divisional application.

Prior to the revision, if a divisional application was missing a proper priority claim or special exception claim due to any mistake by an applicant or other errors, then another application could be recognized as an earlier application due to the missing priority/special exception claim. The present revision serves to promote the convenience of the applicant and resolve this problem.

This revised provision is applied to divisional applications filed on or after April 20, 2022.

3. Expansion of the Concept of “Use of a Trademark”

Recently, digital goods have been actively distributed through online downloads or trading between rights owners. However, according to the current Trademark Act, the definition of ‘use of a trademark’ is based on traditional transactions as described below, so it was difficult to clearly recognize the use of a trademark in the process of online distribution of digital goods as ‘use of a trademark’ under the Trademark Act.

**Article 2(1)(xi) of the Trademark Act*

xi. The term “use of a trademark” means any of the following:

(a) Displaying a trademark on goods or packages of goods;

(b) Transferring or delivering goods or packages of goods on which a trademark is displayed, or exhibiting, exporting, or importing such goods for the purpose of transfer or delivery;

(c) Displaying a trademark on advertisements for goods, price tags, transaction documents, or other means, and exhibiting or giving wide publicity to the trademark.

To cure this issue, the Amendments explicitly reflect the more diverse aspects of the actual transaction world, and replaces item (b) above with *‘(b) Transferring or delivering goods or packages of goods on which a trademark is displayed, or supplying such goods through telecommunications networks, or exhibiting, exporting, or importing such goods for the purpose of transfer, delivery or supply’* whereby the transaction of digital goods is explicitly included in the use of the trademark. This revised provision will take effect on August 4, 2022.

4. Introduction of a Partial Rejection System

Under the current Trademark Act, where multiple goods have been designated in a single application, KIPO must reject all designated goods even if only some of them have rejection grounds. Therefore, applicants, particularly individuals and small and medium-sized enterprises, found it difficult to respond appropriately to and overcome the rejection grounds issued by the examiner, all of which prevented them from readily obtaining trademark rights.

When the examiner finds rejection grounds only for some of the designated goods during the examination of a trademark application, the Amendments allow the examiner to finally reject only those goods such that the applicant can obtain rights for the remaining goods. In general, examiners allow publication of a trademark application so long as they cannot find any grounds for rejection. According to the revised Act, when only some of the designated goods of a trademark application have rejection grounds, the decision to publish and register the trademark application will only be made after the refusal of the rejected goods becomes conclusive and final. If applicants choose not to pursue rights for the rejected goods, they do not need to take additional steps; if applicants need prompt registration of the remaining goods, similar to the current system, they may delete the rejected goods through an amendment or use the divisional application system.

This revised provision will be applied to trademark applications filed on or after February 4, 2023.

5. Establishment of a Re-Examination Request System

To allow applicants to have broader opportunities to overcome the rejection grounds in the examination stage and to save time and money on securing rights, the Amendments allow the applicants to request re-examination for their trademark

applications as well as amend the designated goods or trademark within three months from the date of the receipt of the final rejection. Then, the examiner will re-examine the trademark application based on the amendment.

Under the current Trademark Act, an applicant can overcome the rejection grounds by amending the trademark or goods at issue only before the final rejection is made, while after this final rejection, the applicant has to undertake an appeal, which is an expensive and time-consuming process, even when the rejection grounds can be overcome through a simple amendment.

Under the revised Act, however, a request for re-examination is not possible when the re-examination result also led to a final rejection (in this case, the applicant can file an appeal to the IPTAB) or an appeal to the final rejection has already been filed. It is also important to note that a request for re-examination once filed cannot be canceled.

This revised provision will be applied to trademark applications to be filed on or after February 4, 2023.

CONTACT



Joonyoung KWAK

T: +82,2,6386.7908
E: joonyoung.kwak@leekoip.com



Sungsoo (Sean) HWANG

T: +82,2,6386.6257
E: sungsoo.hwang@leekoip.com

Patent Filing Trends in Korea

According to the statistical data on patent filings recently published by KIPO, the number of patent applications filed in Korea has increased consistently over the past five years, and in particular, the number of those filed by foreign applicants increased significantly, by 11.7%, in 2021 compared to the previous year. This substantial increase occurred across a variety of technological fields, such as gaming and autonomous driving in computer/IT-related technologies.

1. Statistical Data on Patent Filings in 2021

■ Status of Patent Filings by Applicant Type

According to KIPO's statistical data on patent filings in 2021¹⁾, there were 237,998 patent applications in Korea, which is an increase of 5.0% over the previous year and further proof of the consistent growth in application numbers shown over the past five years. Particularly, the number of patent applications filed by foreign applicants was 51,735, accounting for 21.7% of total patent filings, which, up until its steep rise in 2021 (11.7% over 2020), had been decreasing since 2018.

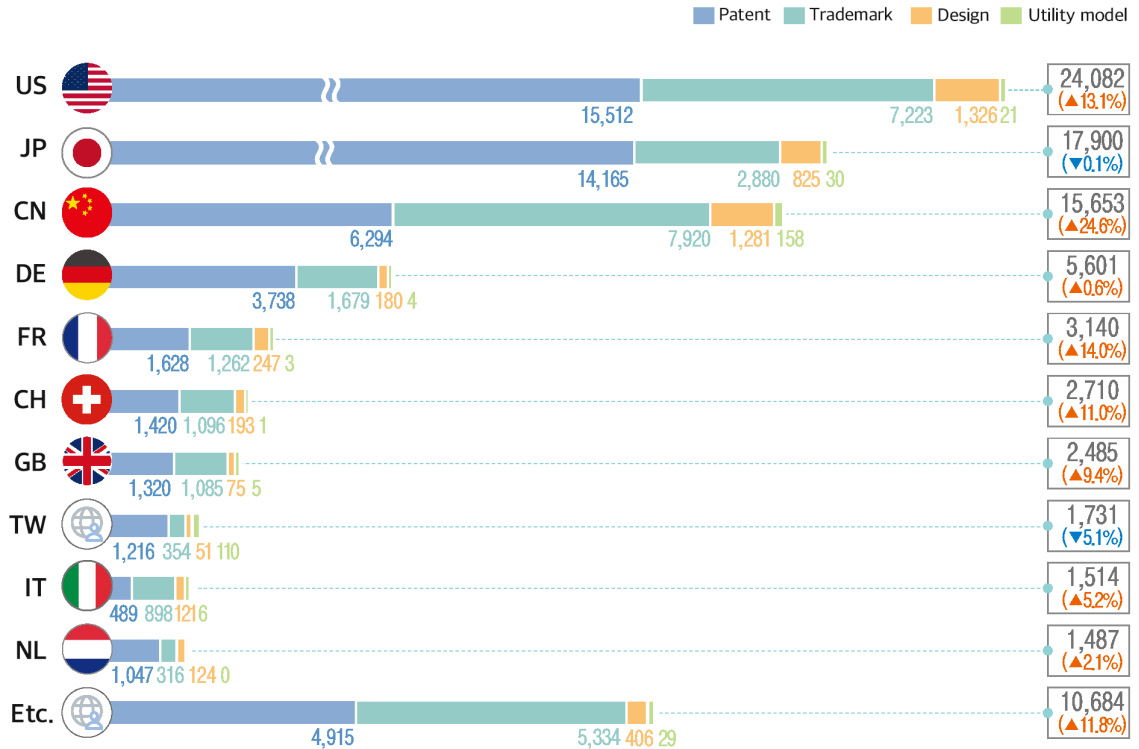
Classification	2017	2018	2019	2020	2021	
					Filings	Rate of change
Total (rate of change)	204,775 (-1.9%)	209,992 (2.5%)	218,975 (4.3%)	226,759 (3.6%)	237,998	5.0%
Small and medium venture company	44,715	46,652	50,493	57,438	62,843	9.4%
venture company	18,954	19,320	21,543	24,874	28,759	15.6%
Large company	33,207	33,693	37,538	37,536	37,322	-0.6%
University Public research institute	27,309	27,218	26,944	27,947	30,020	8.6%
Individual	40,272	41,096	43,130	43,544	41,298	-5.2%
Foreigner	46,025	47,809	47,518	46,306	51,735	11.7%
Etc.	13,247	13,524	13,352	13,988	14,780	5.7%

< Number of patent filings by year and by applicant type >

1) Press Release of KIPO, "The Number of 2021 Intellectual Property Applications, Highest Ever (593 Thousand)" (January 11, 2022)

■ Status of Patent Filings by Prolific Applicants

According to KIPO's intellectual property statistical data in 2021²⁾, for foreigners' domestic (KR) intellectual property filings (including not only patents but also trademarks, designs, and utility models), the ranking of the foreign entities with the most patent applications are as follows: the United States (27.7%, 24,082 cases), Japan (20.6%, 17,900 cases), China (18.0%, 15,653 cases), and so on. Notably, the number of domestic filings by American and Chinese entities in 2021 increased by 13.1% and 24.6%, respectively, compared to 2020.



※ Etc.: 117 countries other than top 10 countries

< Status of 2021 Korean patent applications filed by foreign applicants >

Among foreign companies, the top five companies with the highest number of domestic patent filings in 2021 were as follows:

Company	Industry	Cases
Tokyo Electron	Japanese semiconductor equipment manufacturer	687
Semiconductor Energy Laboratory	Japanese company specializing in semiconductor processes	644
Applied Materials	American semiconductor equipment manufacturer	623
Huawei	Chinese telecommunication equipment manufacturer	601
TSMC	Taiwanese foundry company	546

2) KIPO, 2022 IP Statistics FOCUS, The first half of the year

Korean companies with the highest number of domestic filings are summarized below:

Company	Cases
Samsung Electronics	9,857
LG Electronics	4,008
Hyundai Motors	2,975
LG Energy Solution	2,605
Samsung Display	2,600

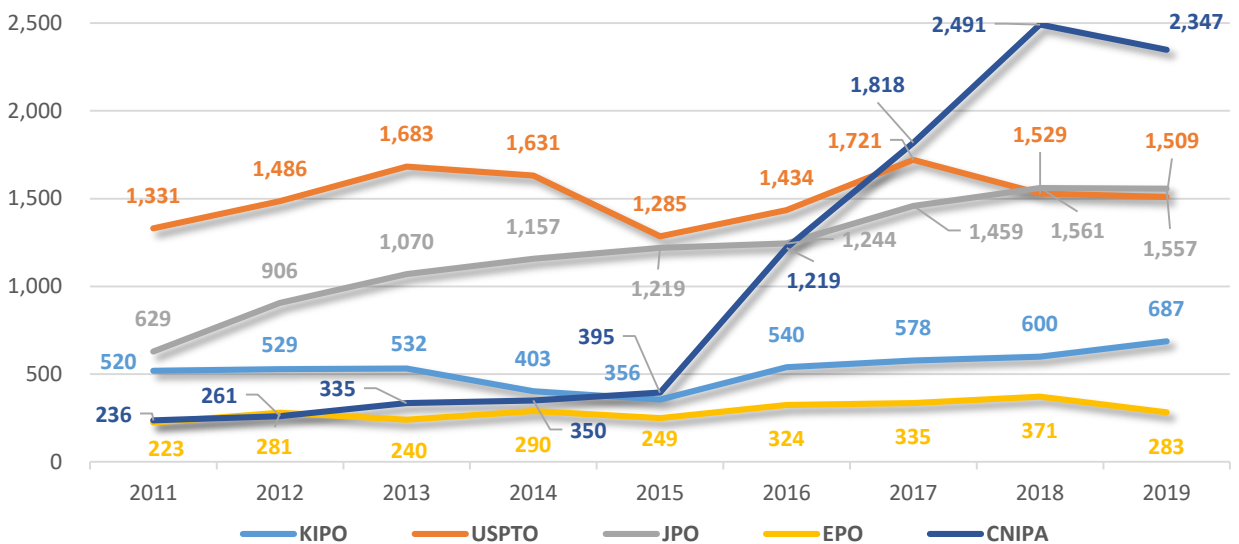
■ Number of PCT Filings

According to KIPO’s statistical data³⁾, the number of PCT applications filed in 2021 by Korean companies such as Samsung Electronics and LG Electronics was 20,678. This is an increase of 3.2% compared to 2020, and this number was ranked fourth in the world for two consecutive years. The rest of the top 5 countries with the largest number of PCT applications are China (69,540 cases), the United States (59,570 cases), Japan (50,260 cases), and Germany (17,322 cases).

2. Recent Trending Technologies with an Increased Number of Filings in the Computer-related Field

■ Games

According to KIPO’s statistical data⁴⁾, game-related patent applications filed in IP5 countries (the five countries accounting for 85% of global patent applications: US, EU, CN, JP and KR) grew at an average annual rate of 16% over the past five years (from 2015 to 2019). The data shows that the main applicants include Sony (2,923 cases), Konami (2,393 cases), Tencent (1,754 cases), Nintendo (1,744 cases), Bandai Namco (1,433 cases), Gree (1,416 cases), and Netease (1,396 cases), indicating that those companies with strengths in games and information and communication technologies are actively participating in obtaining patent rights.



< Statistics of game-related patent applications in IP5 countries (2011-2019) >

3) Press Release of KIPO, "Korea ranks 4th in the world in the number of PCT applications for the second consecutive year" (January 11, 2022)

4) Press Release of KIPO, "Seeking patent protection for metaverse innovations" (December 21, 2021)

In particular, game-related patent applications associated with convergence technologies were filed in IP5 countries at around 200 cases until 2015, which then saw a rapid increase of more than 2-3 times that amount to 440 in 2016 and 629 in 2017. Since then, this area of industry has maintained a steady upward trend.

■ **Autonomous Driving-related Field**

According to KIPO's statistical data⁵⁾, the analysis of the number of autonomous driving vehicles-related applications filed in IP5 countries from 2006 to 2020 shows that the ranking of the companies with the most patent applications is Toyota (5,239 cases), Sony (3,630 cases), Hyundai Motors (3,080 cases), Honda (2,844 cases), Ford (2,069 cases), and LG (2,019 cases).

Ranking	Applicant	Nationality	No. of Cases	Notes
1	TOYOTA	JP	5239	Finished car manufacturer
2	SONY	JP	3630	IT company
3	HYUNDAI	KR	3080	Finished car manufacturer
4	HONDA	JP	2844	Finished car manufacturer
5	FORD	US	2069	Finished car manufacturer
6	LG	KR	2019	IT company
7	NISSAN MOTOR	JP	1779	Finished car manufacturer
8	GOOGLE	US	1727	IT company
9	DENSO	JP	1636	Parts maker
10	GM	US	1633	Finished car manufacturer

<Top 10 applicants who filed many patent applications in patent offices in IP5 countries over the past 15 years (2006 to 2020) >

5) Press Release of KIPO, "Upheavals in the autonomous vehicles manufacturers" (November 11, 2021)

CONTACT



Youngmo KWON

T: +82,2,772,4446
E: youngmo.kwon@leeko.com



Jaewoo KWAK

T: +82,2,772,4985
E: jaewoo.kwak@leeko.com



John KIM

T: +82,2,772,4931
E: john.kim@leeko.com

Amendments to Korea's Unfair Competition Prevention and Trade Secret Protection Act Provide More Protection for Data and Famous People

Korea's recent amendments to the *Unfair Competition Prevention and Trade Secret Protection Act* (the **UCPA**) strengthened the statutory framework for:

- expanding the scope of protection to unstructured data in light of the significance the data assumes in today's digital era; and
- expanding the defined scope of unfair competition, including the unfair use of name, image, and likeness, for brand protection and enforcement against unauthorized use of name, image, and likeness.

1. UCPA Amendments Expand Scope of Unfair Uses Defined as Unfair Competition

■ Background

Korea's UCPA amendments prohibiting unfair use of data and unauthorized use of the name, image and likeness readily identifying a famous person were adopted by the Korean National Assembly as of November 11, 2011. Under Korea's legislative process and procedures, the revised statute will come into effect on April 20, 2022.

Under the previous Korean legal framework, 'undisclosed data' may be protected as a trade secret based on the UCPA. Among the range of disclosed data, 'structured data' - data whose material is systematically arranged and composed - is protectable through copyright law as compilation works or databases. There has been a lack of legal foundation, however, for protecting 'unstructured data', which accounts for the majority of data in the Korean market.

When it comes to unstructured data protection, when a person collects data of another person disclosed for a business purpose and subsequently sells such data to third parties or uses it for the individual's personal commercial purposes without permission, courts have interpreted such acts to fall within the meaning of 'acts of unfair competition' under Article 2(1)(k) of the UCPA, which operates as a supplementary general or 'catch-all' provision.

To properly control the unauthorized collection, use, and distribution of various forms of data, however, legislative discussions have been underway for introducing independent stand-alone provisions. Specifically, the Korean National Assembly enacted the Framework Act on Data Industry and Use Promotion (the Data Framework Act). The Data Framework Act specified the general principles for data protection (Data Framework Act, Article 12(1) and (2))

and outlined specific acts that constitute unfair uses of data, including remedies available under the UCPA (*Data Framework Act*, Article 12(3)).

■ UCPA Amendments Expand Civil and Criminal Remedies for Data Protection

The UCPA Amendments expand the scope of data protected as “among those data defined under . . . the Data Framework Act” to include data that is: (1) provided to the specified individual or the specified majority as part of business; (2) substantially accumulated and managed through electronic means; and (3) technical or operational information not maintained as secrets. The UCPA Amendments also list several broad types of acts that constitute unfair uses of data and specify them as acts of unfair competition.

More specifically, the Amendment defines the following acts as unfair competition:

- a person who does not have access to the data acquiring such data through theft, deception, illegal access, and other unlawful means and subsequently using and disclosing such data (**illegal acquisition by the person not granted with access**);
- a person who has access to the data through contractual relationships with the data owner using or disclosing such data or providing such data to third parties for the purpose of gaining unfair profits or causing damage to the data owner (**breach of good faith on the part of the person with granted access**);
- knowingly acquiring the data pertaining to (1) and (2) above and knowingly using and disclosing such data (**malicious subsequent acquisition**); and
- providing, importing, exporting, manufacturing, transferring, leasing or transmitting, without authorization, the technology, service, device or the components of such devices whose main purpose is to avoid, eliminate or change technological protective measures implemented for the protection of the data or displaying it for the purpose of transferring and leasing (**neutralization of technological protection measures**).

A person who suffered damage from another person’s unfair use of such data may initiate civil actions (*Amended UCPA*, Articles 4 and 5), including the request for an injunction prohibiting use and compensation through monetary damages. A criminal action may be brought by Korean Prosecutors, however, only when another person’s unfair use of such data involves ‘neutralization or disabling technical protective measures’ (*Amended UCPA*, Article 18(3)).

2. UCPA Amendments Expand Protection Against Unauthorized Use of Name, Image, and Likeness

■ Background

Recently, there has been increasing global interest in cases involving the range of permissible use for marks readily identifying a person (‘Name, Image, and Likeness’). Key enforcement cases in Korea have focused on portraits and names of famous people, including the manufacture and sale of illegal goods attempting to free-ride on the goodwill achieved through significant investment and efforts.

Historically, Korean courts have often applied supplementary general provisions or the ‘catch-all provision’ of the UCPA to find that using the Name, Image, and Likeness of a famous person constituted an act of unfair competition. In Lee & Ko IP’s recent Name, Image, and Likeness enforcement actions on behalf of BTS, the Korean Supreme Court held that manufacturing and selling photo albums and photo cards containing several photos of BTS members infringed on the

outcomes achieved by BTS's management company through substantial investment and effort (*i.e.*, BTS' reputation, credibility and ability to attract fans and consumers). Accordingly, the Korean Supreme Court concluded that such behavior violated Article 2(1) (k) of the UCPA that defined unauthorized use of the outcomes achieved.

The new UCPA Amendments attempt to clarify the scope of protection and to foster uniformity in the application of the law in Korea. By codifying the scope of protection in Name, Image, and Likeness enforcement cases, the UCPA Amendments attempt to improve the stability and predictability of the Korean IP legal system.

■ UCPA Amendments Specify Civil Claims to Protect Name, Image, and Likeness

The UCPA Amendments add a new provision to protect the Personally Identifiable Mark of a famous person (*Amended UCPA*, Article 2(1)(l)). The new provision defines a Personally Identifiable Mark protected under law as "a mark that can identify a person, such as person's name, portrait, voice or signature, is widely known in the country, and possesses economic values." The UCPA Amendment also defines 'the act of using a Personally Identifiable Mark without authorization in ways that violate fair commercial/transaction practices or competition market order for one's own business' as an act of unfair competition.

In cases where the Personally Identifiable Mark of a famous person is used without permission, remedies for successful civil claims, including requests for injunctive relief and compensatory damages, are available. (*Amended UCPA*, Articles 4 and 5.) This line of enforcement scenarios, however, is not yet subject to criminal punishment (*Amended UCPA*, Article 18(3)).

3. Practical Implications and Future Prospects

The overarching goal of these UCPA Amendments is to codify expanded protections for unstructured data and marks identifying famous people. In the past, many of Korea's IP enforcement campaigns relied on the supplementary general or 'catch-all' provisions of the UCPA in light of the lack of express governing laws. While many businesses or famous people who suffered injury in the past relied on an outdated statutory framework, this UCPA amendment is meant to allow for more active protections from harm and famous brand owners should expect stronger enforcement remedies.

Further, businesses that operate in privacy-implicating operations will need to evaluate the increased risk that should arise under the UCPA Amendments where (1) data collection and the use of the data of another person occur by bulk means, such as crawling, or (2) the unauthorized use of the Name, Image, and Likeness of another person is a part of the business. Accordingly, we recommend that clients conduct their compliance audit work well in advance and seek expert advice early to ensure that management can assess the new risk profile presented by the Amended UCPA.

Finally, we recommend that our clients continue to keep watchful eyes on how Korean courts interpret the newly-added provisions in the UCPA to track the specific real-world interpretations of each element, including the key factors cited by Korean judges and jurists attempting to apply the new standards for rendering final judgments in Korea.