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FIRM NEWS

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PATENT

Is a Dosage Regimen Patentable? Yes, Says the Korean Supreme Court

By Mee-Sung SHIM, Sang Nam LEE and H. Joon CHUNG

Korean courts have long held that a known drug treating a known disease with a new dosage regimen is not patentable subject matter. In a significant *en banc* decision, the Korean Supreme Court reversed this entrenched precedent, and settled debate on an aspect of Korean patent law involving pharmaceutical inventions.

Legal Precedent on Dosage Regimens and Court's Rationale

The subject case arose out of a scope trial (for determining enforceable patent scope with respect to a generic product) involving a composition patent covering the top selling drug in Korea. The Supreme Court took up the case to determine the broader preliminary question of whether the dosage regimens of the claimed pharmaceutical composition — "once a day administration" and "0.5 to 1.0 mg" of the active ingredient — should be included in the patentability analysis as claim elements that by themselves may confer novelty or inventiveness. Until this case, Korean court precedents largely discounted dosage regimens from patentability analysis on the basis that the composition of a drug does not physically embody a dosage regimen, and that the use of the drug according to a particular dosage regimen does not qualify as patentable subject matter under Korean patent law. However, in establishing its new precedent, the Court reasoned that the dosage regimen of a drug is closely linked to improving the effectiveness of the drug — enhancing efficacy, safety or patient compliance — and therefore that denying patentability as to dosage regimen claims would be improper.

Implications of the Case

Ultimately, the Court determined that the scope of the subject patent did not cover the generic product because one skilled in the art would have expected the therapeutic effects of the claimed dosage regimen in view of the relevant prior art (and thus the generic belonged to the public domain). Thus, the final outcome of the ruling is that Korean courts should require a claimed new dosage regimen for a known drug to show unexpected results in order to be patentable.

Notwithstanding the above negative outcome, this decision represents a major shift in Korean patent law as it relates to pharmaceuticals because it potentially recognizes the patentability of new dosage regimens in Korea, and thus is a welcome sign that Korean courts are beginning to recognize the need to protect all inventive features of pharmaceutical inventions.

Kim & Chang represented the patentee in the case.

New Law Regarding 12-Month Grace Period and Divisional Practice

By Joon-Hwan KIM, H. Joon CHUNG and Jeonghui CHO

The amendments to Korean patent prosecution procedures by (i) reducing procedural requirements for obtaining the grace period for public disclosures and (ii) extending the deadline for filing divisional applications became effective on July 29, 2015. This is a follow-up article to the one in our last publication ("Draft Amendment Regarding 12-Month Grace Period and Divisional Practice," Winter 2014/2015).

No More Declaration Requirement for 12-Month Grace Period (but with a Wrinkle)

Korean patent law provides that public disclosures made by the inventor less than 12 months before the patent filing date will not be considered prior art. (See Article 30 of the Patent Act.) For example, if an inventor published a paper or demonstrated a product less than 12 months before filing a patent application, the grace period applies and the disclosure will not be considered as prior art. However, prior to the amendment, the applicant was required to submit (i) a document on the filing date claiming the grace period, and (ii) a proof document that shows that the invention was made public by the applicant within 30 days from the date of filing. Thus, if the grace period was not requested at the time of filing, it was lost to the applicant and the applicant's own disclosures could be cited as prior art.

The amendment effectively removes the declaration requirements at filing and allows the applicant to claim the grace period against the applicant's own public disclosure made within 12 months of the filing date. This new provision, however, comes with a condition. The benefits

of the grace period must be claimed during prosecution and do not apply to disclosures first discovered after prosecution of the application has closed, typically during litigation. This new amendment on the grace period is applicable for an application filed on or after July 29, 2015.

Divisional Application Can be Filed *After* Notice of Allowance

Previously, a divisional application could only be filed when responding to an office action. Thus, once a notice of allowance had been issued, a divisional application could not be filed. This means that if an applicant would like to guarantee the opportunity to file a divisional application, the applicant must file the divisional when responding to the office action before knowing whether the pending application would be allowed or further rejected. Thus, the previous system resulted in the filing of potentially unnecessary divisional applications simply as back-up applications since it could not be known whether it was the applicant's last opportunity to file a divisional.

Under the amendment, applicants are allowed to file divisional applications after a notice of allowance is received, up to 3 months from the date of receipt of the notice of allowance or until the application is registered, whichever is earlier. This eliminates the need to file unnecessary back-up divisionals, allowing an applicant to take a wait-and-see approach on whether to file a divisional application based on the prosecution outcome of the parent application. This new divisional practice is available for a notice of allowance received on or after July 29, 2015.

Time for Refund of KIPO Examination Fees Extended

By Young Hwan YANG, Raymis H. KIM and Sung Soo HWANG

Under a recent amendment to the Korean Patent Act ("KPA"), examination fees paid to the Korean Intellectual Property Office ("KIPO") for a patent application are refundable if the application is withdrawn or abandoned in writing before undergoing substantive examination. The amendment (effective May 18, 2015) thus provides more time for applicants to request a refund of examination fees beyond one (1) month period from filing an application under the previous KPA.

According to Korean patent practice, a patent application is substantively examined only after a request for examination is filed with the payment for the examination fees (which can be a significant amount depending on the number of claims to be examined). Before the amendment to the KPA, an applicant had limited time to seek a refund of the examination fees because a refund of the official fees (application fees, examination fees, and priority claim fees) was only available if the patent application was withdrawn or abandoned within one (1) month from the filing of the application (except divisional applications, converted applications, and patent applications with a request for expedited examination). Accordingly, after one (1) month from the filing date, examination fees were no longer refundable, even if substantive examination of the application had not yet started.

The revised KPA expands the timeframe to seek a refund of examination fees beyond the one (1) month period from the filing date of the patent application until the Examiner is expected to undertake an examination of the application. Specifically, an applicant may request a refund of examination fees upon officially withdrawing or abandoning a patent application before one of the following events occurs: (i) issuance of an order by KIPO for consultation to resolve double patenting issues; (ii) receipt of prior art search results by KIPO from KIPO-designated agencies; (iii) issuance of a first preliminary rejection; or (iv) issuance of a Notice of Allowance. Procedurally, an applicant may receive a refund of examination fees by: (i) filing a notice of withdrawal or abandonment before issuance of substantive examination results (including issuance of a first office action, such as a preliminary rejection or notice of allowance, or receipt of prior art search results by KIPO from KIPO-designated agencies), and (ii) filing a request for a refund for examination fees after receiving a written notice from KIPO indicating that the applicant is eligible to request a refund of examination fees.

Under the revised KPA, applicants will have more time and flexibility in making strategic decisions on voluntarily withdrawing or abandoning patent applications according to changes in their business or IP strategies.

Court Confirms Patentee and Attorney May Be Liable for Damages for Cease & Desist Letters to Accused Infringer's Customers

By Duck-Soon CHANG, Seung-Chan EOM and Tommy KIM

The Seoul Central District Court recently rendered a decision ordering compensation for damages due to negligent business interference resulting from infringement warning letters the patentee sent to a competitor's customers (Seoul Central District Court Decision No. 2014gahap551954 rendered May 1, 2015). This confirms the long-held understanding of the Korean legal

community that such letters involve substantial risks to patentees.

1. Factual Background

Plaintiff A imports into and distributes in Korea drinking straws (called "Quick Milk Magic Sipper"), which are

purchased by Plaintiffs B & C for further distribution to large supermarket chain customers such as HomePlus, Hanaro Mart, E-Mart, etc.

Through a local attorney, the patentee (an overseas entity) sent warning letters to the customers of Plaintiffs B & C, asserting patent infringement and demanding they immediately stop dealing with Plaintiffs and selling the straws at issue. These customers subsequently either ceased to purchase the product from Plaintiffs B & C or substantially reduced their purchase volumes.

Once Plaintiff A became aware of the patentee's warning letters, it responded to the patentee by citing an overseas case decision holding that the subject product did not infringe the corresponding foreign patent and requested that the patentee apologize to the customers and retract its prior assertions of infringement. When the patentee failed to respond, Plaintiff A filed an action at the Korean Intellectual Property Office and successfully obtained a determination that the straws at issue did not fall within the scope of the patentee's patent. Plaintiffs then sued the patentee's local attorney ("Defendant") for damages on the basis that the sending of the infringement warning letters was unlawful.

2. Issues Presented to the Court

Whether warning letters to a competitor's customers were unlawful

The court first determined that sending warning letters to a competitor's customers in this particular case was not a fair exercise of patent rights, and could cause legally actionable harm, in view of the following:

- Patentee's warning letter did not merely assert that the straws in question "potentially" infringed the patent, but conclusively accused the straws of infringement;
- Customers do not possess the capability to determine if the straws in question infringe the patent;
- It would be impractical for the customers to voluntarily risk being entangled in a legal dispute by continuing to sell the straws at issue after receiving Patentee's warning letter; and
- The warning letters could have resulted in a reduction in customer purchases, causing harm to Plaintiffs' business (including the business relationship between Plaintiffs and the customers).

Whether Defendant should be liable for the harm

The court determined that Defendant was at least negligent in sending the warning letters, and thus should be held liable for the harm to Plaintiffs' business, in view of the following factors:

- Defendant had no reasonable basis to believe there was patent infringement, in view of the foreign court decision that the subject product did not infringe Patentee's corresponding foreign patent;
- Defendant nevertheless sent warning letters to a competitor's customers conclusively asserting that there was patent infringement, rather than filing for a preliminary injunction against Patentee's competitor;
- Defendant failed to respond to Plaintiff A's detailed evidence of non-infringement (i.e., the foreign court decision); and
- Defendant should have known that sending warning letters to a competitor's customers without first sending a warning letter to the competitor directly could result in suppression of the competitor's business and cause the competitor to lose customers to Patentee.

The court thus found that Defendant's sending warning letters in this case without any strong basis for infringement was unlawful and negligent, even under the patentee's instructions, and required Defendant to compensate Plaintiffs for the damages arising from the cessation or reduction in supply of the subject product.

3. Implications

While the case does not hold that all warning letters sent for the purpose of amicable settlement are unlawful, the practical implication of the case is that any warning letter should first be sent to the competitor directly, and a patentee should seek to resolve the infringement issue with the competitor before considering any communication with the competitor's customers. Attorneys also must be careful to advise patentee clients accordingly, as they are also potentially liable for any damages. Any communications with a competitor's customers should be limited to readily-supportable factual statements, and avoid making direct accusations of infringement. Otherwise, the patentee and its attorney risk being sued for unlawful business interference if the infringement claims are ultimately denied.

Supreme Court Rules Employee Invention Remuneration Is Non-Taxable Other Income

By Jongmin LEE, Mikyung (MK) CHOE and Jack Eui-Hwan JUNG

Recently, the Korean Supreme Court determined that an institute's payments to its inventor-employees based on the institute's royalty income derived from the employees' in-service inventions (i.e., inventions made by the employees in connection with their work and assigned to the institute) are deemed compensation for in-service inventions under Article 15 of the Invention Promotion Act ("IPA") and thus non-taxable other income under Article 12, Subsection 5(d) (i) of the Personal Income Tax Law ("PITL"), regardless of whether the payments were made regularly or repeatedly (Supreme Court, Case No. 2014Du15559, decided on April 23, 2015).

The plaintiff in the case is a government-operated research institute with the highest royalty income among Korean entities. It acquired ownership of in-service inventions from its employee-inventors, granted licenses to third parties, and earned royalty income as a result. A portion of said royalty income was paid to the inventor-employees as "compensation for exploitation of the invention" in accordance with the formula set forth in the plaintiff's internal regulations. The plaintiff regarded such payments as in-service invention compensation in accordance with Article 15 of the IPA, and did not withhold personal income taxes from the payments.

The tax authority (defendant in this case) viewed the invention remunerations as research incentives and taxable earned income on the grounds that the remuneration was paid in a continuous and repeated manner and the inventions resulted from the plaintiff's normal business operations. The tax authority charged unpaid taxes (including penalties) of over 10 billion Korean

Won (approximately USD 9 million) in connection with remunerations paid to current and former employees from September 2006 to December 2010.

Article 15 of the IPA provides that an employee who assigns or grants an exclusive license to an in-service invention to his/her employer in accordance with a contract or an employment policy is entitled to reasonable compensation. Under Article 12, Subsection 5(d)(i) of the PITL, remuneration paid to an employee by the employer in accordance with the IPA is deemed to be non-taxable other income. However, the Korean tax authorities have narrowly interpreted this provision and have only recognized as non-taxable the remuneration specifically paid after the grant of a patent for an in-service invention. The remunerations at issue in this case constituted compensation based on continuing exploitation of the inventions (i.e., royalties earned from grant of licenses to third parties), but the Supreme Court affirmed that such remunerations are non-taxable other income.

This Supreme Court decision clearly confirms the principle that remuneration paid by an employer to an inventor-employee in return for assignment of his/her in-service invention to the employer should be treated as non-taxable other income to the extent the remuneration is within the scope of reasonable compensation, regardless of whether the remuneration is paid in a continuous or repeated manner. Companies operating R&D centers or otherwise conducting research in Korea may wish to review their current tax withholding practices for in-service invention remunerations in accordance with this Supreme Court decision.

Amendment to Regulations on Export Control of Strategic Goods

By Wangi AHN, Mikyung (MK) CHOE and Jinha YOON

The Ministry of Industry, Trade and Energy ("MOTIE") amended the Regulations on Export Control of Strategic Goods ("Regulations") on July 20, 2015. The Regulations are directed to export control of "Strategic Goods" for the purpose of keeping global peace and maintaining safety and national security. "Strategic Goods" refers to goods, technology and software controlled under multinational strategic materials export control regimes such as the Wassenaar Arrangement, the Nuclear Suppliers Group, etc.

Main points of the amendments are summarized below.

- **Who may apply for export license (new Art. 18, Par. 2)**

Who may apply for export license is newly defined as follows:

- (i) one who has ownership in Strategic Goods to be exported and directly controls and leads the export thereof;
- (ii) one who is comprehensively authorized to export Strategic Goods by a foreign-resident who has ownership in the Strategic Goods and directly controls and leads the export of thereof;
- (iii) one who exports contract-manufactured Strategic Goods or Strategic Goods for contract-manufacturing.

This amendment is intended to clarify who is responsible for obtaining an export license, and thus, who may be subject to sanctions in case of export without the necessary export license.

- **Korean text is given priority in interpretation of the Regulations (Art. 98)**

The Regulations define the Strategic Goods in the annex of the Regulations with detailed specification and function. The goods listed in the annex are substantially similar to those covered by the multinational strategic materials export control regimes. The annex is currently available in Korean and English, but some provisions have discrepancies between the Korean and English text. However, the amendment makes clear that the Korean

text will have priority over the English text. Therefore, in assessing whether your product needs an export license as a Strategic Good, the Korean text of the annex should be reviewed.

- **Exemptions from the export license requirement are expanded (Art. 26, Par. 1)**

Although pre-export license is exempted, the Exporter is obliged to report the export to the authority within seven (7) days after export.

- 1) Currently, dual use goods controlled under the Wassenaar Arrangement are exempted from export license if the total price is USD 3,000 or less. The amendment increases the upper limit to USD 8,000. However, the exemption does not apply to dual use goods which are (i) sensitive or super-sensitive items, or (ii) software, subject to the Wassenaar Arrangement, or (iii) controlled under other multinational export control regimes.
- 2) If Strategic Goods are exported for presentation in trade fairs, sample displays or exhibitions, on the condition that the goods are returned to Korea or destroyed in the country of export within one year, the export license is exempted, except for (i) sensitive or super-sensitive dual use goods of the Wassenaar Arrangement, (ii) dual use goods from the CAT1 of the Missile Technology Control Regime, (iii) goods from the Military Goods Control List, (iv) goods from the Australia Group, and (v) goods from the Chemical Weapons Convention.
- 3) An exemption is newly added to cover the re-export of the imported Strategic Goods if a country of zone "A" (29 countries which have joined the four multinational export control regimes, such as Japan and the US) approved the re-export with confirmation of the final user. However, this exemption does not apply if the Strategic Goods relates to nuclear material or equipment.

- 4) An exemption is newly added to cover the export of the Strategic Goods if a country of zone "A" approved the export with confirmation of the final user and the Korean exporter is engaged in intermediary trade or export from a foreign country directly to another foreign country without importing into Korea. However, this exemption does not apply if the Strategic Goods relates to nuclear material or equipment.
 - 5) An exemption is newly added to cover the export of dual use goods for the purpose of examination, testing and repair on the condition that the goods are returned to Korea, or destroyed in the country of export, within one year. However, this exemption does not apply to (i) sensitive or super-sensitive dual use goods of the Wassenaar Arrangement, (ii) dual use goods from the CAT1 of the Missile Technology Control Regime, (iii) goods from the Military Goods Control List, (iv) goods from the Australia Group, and (v) goods from the Chemical Weapons Convention.
- Exemptions from the export license requirement applicable to Strategic Technology are also amended. Under the current Regulations, transfer of Strategic Technology to ex-pat employees and executives of a Korean entity is exempted from the export license requirement. The amendment further specifies the scope of the ex-pat employees and executives to those who have an employment agreement with the Korean entity (Art. 26, Par. 3).
 - MOTIE has prohibited export transactions with companies, entities or persons who have been identified as "parties of concern". The amendment provides a legal basis for the list of the parties of concern, who are unlikely to be granted an export license (Art. 90-2). Thus, exporters must check with MOTIE or the Korea Strategic Trade Institute (KOSTI) to determine whether a potential party in an export transaction is identified as a party of concern.

TRADEMARK, COPYRIGHT & UNFAIR COMPETITION

The Supreme Court Says Titles of Musical Productions May Be Protectable as Source Identifiers

By Seoung-Soo LEE, Angela KIM and Seung-Hee LEE

Under Korean practice, the titles of books and music albums generally are not protectable as trademarks, unless a title is used for a series of works. While titles for musical productions generally also have been considered not protectable as trademarks for similar reasons, no exceptions to that rule have been recognized, until now.

In a recent case involving the well-known Andrew Lloyd Webber musical "CATS," the Supreme Court held that the title of a production can be protectable under the Unfair Competition Prevention and Trade Secret Protection Act ("UCPA") if the production has been staged enough times to cause its title to become associated with the particular party or parties who have been responsible for the production. This is the first decision in Korea to clearly confirm that the title of a musical production can be protected as a source identifier, following the logic of earlier decisions protecting titles of series of books and albums as trademarks.

In this particular case, Seol and Company ("Seol"), the company that stages performances of "CATS" in Korea, sought to enjoin another company from staging a musical under the title "Children's Cats." Seol filed an action under Article 2(1)(ii) of the UCPA, which prohibits acts likely to cause confusion with another's business facilities or activities. In order to prevail in such an action, one must

show that: (i) the asserted mark is well-known in Korea as a source identifier; (ii) the cited mark is similar or identical to the well-known mark; and (iii) a likelihood of confusion exists as a result of the similarity. While Seol prevailed at the first instance, the High Court reversed the decision on appeal, stating that in order to function as a source identifier, the title "CATS" needed to be used specifically in relation to the production company's business, and not merely to convey the content of the musical.

The Supreme Court ultimately disagreed with the High Court, although it did affirm that ordinarily, the title of a copyrighted musical production merely conveys the content of the production and is not separately protectable as a trademark. However, in this case, the Court found that Seol had been staging "CATS" repeatedly in Korea under license since 2003, and took note of the large number of performances, the size of the audiences, and significant advertising expenditures in connection with the production over the years. The Court thus concluded that the name "CATS" has become conspicuously distinctive and associated with the parties involved in staging the production, thereby functioning as a source identifier, and remanded the case back to the High Court, which found in favor of Seol. The case was appealed again to the Supreme Court by the defendant, and is now pending.



IPT Takes Weakly Distinctive Elements into Account in Similarity Analysis

By Min-Kyoung JEE and Alexandra BÉLEC

When examining the similarity between two marks, Korean administrative bodies and occasionally Korean courts have a tendency to mechanically disregard the non-distinctive or weakly distinctive portions of the marks in order to concentrate their analysis on comparing the remaining

distinctive portions. This tendency is quite strong at the Korean Intellectual Property Office ("KIPO"), which rarely deviates from this practice.

A more flexible approach was displayed in a recent decision

by the Intellectual Property Tribunal ("IPT") of KIPO, which may signal a change of attitude regarding this issue. In this particular case, the IPT was asked to review whether the registration for the  mark (Reg. No. 877006) should have been denied in view of the prior famous  mark of W. L. Gore & Associates, Inc. (makers of GORE-TEX® branded products) (W. L. Gore & Associates, Inc. vs. Lee Gil Woon, invalidation action against Trademark Reg. No. 877006 - 2013dang2649 rendered on January 16, 2015).

Under usual Korean examination practice, the compared marks probably would have been found dissimilar, as their non-distinctive portions likely would have been ignored (i.e. the red octagonal shape, the term WIND), and the examination likely would have focused on the distinctive portions WIND COOL vs. WIND STOPPER or COOL vs. STOPPER only. However, in this case, the IPT stated that because the marks should be compared in their entirety,

even if the red octagonal shape was non-distinctive, it should not be ignored in the analysis. The IPT then found that the motifs and the overall arrangements of the marks (i.e. red octagonal shapes, portions inside the shapes organized on three lines, use of capital letters and similar fonts for word portions, etc.) were very similar. The IPT found that this similarity was likely to cause consumer confusion if the marks were used on the same or similar designated goods, as the overall impression given by these marks is highly similar. The IPT thus concluded that the challenged mark should be invalidated due to its similarity with Gore's famous mark.

It remains to be seen whether this decision is followed by other Korean administrative bodies and courts. If so, this more flexible approach clearly will provide a greater scope of protection to owners of trademarks substantially comprising non-distinctive or weakly distinctive elements.

FIRM NEWS

AWARDS & RANKINGS

Kim & Chang ranked again as a Tier 1 firm in Korea in MIP World IP Survey 2015

Kim & Chang has once again been recognized as a Tier 1 firm in Korea in every category covered – patent prosecution, patent contentious, trademark prosecution, trademark contentious, and copyright – by the Managing Intellectual Property (MIP) World IP Survey 2015. This marks the 13th consecutive year that Kim & Chang has received this honor.

MIP identifies leading law firms based on extensive research and in-depth interviews with IP practitioners and clients worldwide.

Kim & Chang ranked Tier 1 across all areas in ALB 2015 IP Rankings

Kim & Chang has been recognized as a Tier 1 firm in Korea in the patents and trademarks/copyright categories in Asian Legal Business (ALB)'s 2015 IP Rankings.

ALB is a legal publication owned by Thomson Reuters, the world's leading source of intelligent information for

businesses and professionals. The rankings are based on research and interviews with a wide variety of lawyers and clients in Asia.

Kim & Chang named in IAM Patent 1000 – The World's Leading Patent Professionals

Kim & Chang has been ranked in the Gold (highest) band for litigation and transactions and recognized as a highly recommended firm for prosecution in Korea in the fourth edition of the Intellectual Asset Management (IAM) Patent 1000 – The World's Leading Patent Professionals.

In addition, 5 Kim & Chang professionals – **Duck-Soon Chang, Kenneth K. Cho, Jay J. Kim, Chun Y. Yang, and Jay (Young-June) Yang** – have been identified as recommended individuals for litigation in Korea.

The IAM Patent 1000 is a guide to top patent practitioners in key jurisdictions around the globe. Their rankings are based on in-depth research and interviews with numerous attorneys at law, patent attorneys and in-house counsel.

Kim & Chang ranked Tier 1 in 2015 Asia IP Trademark Survey

Kim & Chang has been recognized as a Tier 1 firm in Korea for both Trademark Prosecution and Contentious work by Asia IP in its special 2015 Trademark Survey issue of Asia IP Magazine.

Asia IP is published by Apex Asia Media Limited, an independent publisher based in Hong Kong, and offers an extensive range of in-depth features and resources essential for IP-owning firms active in Asia and international law firms that want to keep ahead of the key issues.

Korea Law Firm of the Year – Who's Who Legal Awards 2015

Kim & Chang was named "Korea Law Firm of the Year 2015" at the Who's Who Legal Awards 2015 held in Washington, D.C. on April 27, 2015. This is the tenth consecutive year that Kim & Chang has received this honor.

Who's Who Legal, published by Law Business Research Limited, spends months collecting recommendations from both private practitioners and in-house counsel in over 60 jurisdictions in order to identify the global legal market's most widely recognized and accomplished law firms and individuals in multiple areas of business law.

South Korea National Law Firm of the Year – Chambers Asia-Pacific Awards 2015

Kim & Chang was named "South Korea National Law Firm of the Year" at the Chambers Asia-Pacific Awards 2015. Chambers & Partners presents the awards annually in recognition of the best law firms from throughout the Asia Pacific region in a variety of categories.

Chambers & Partners is a highly respected London-based research and publishing company providing an array of annual directories in which lawyers and law firms from around the world are ranked based on exhaustive peer review and client feedback.

Kim & Chang professionals recognized by Who's Who Legal

Who's Who Legal has recognized 40 Kim & Chang

professionals in their respective practice areas. In the Intellectual Property practice area, **Duck-Soon Chang**, **Kenneth K. Cho**, and **Jay (Young-June) Yang** have been recognized in Who's Who Legal: Patents 2015, and **Alex Hyon Cho**, **Sung-Nam Kim**, **Robin Gill Sang Lee**, and **Jay (Young-June) Yang** in Who's Who Legal: Trademarks 2015.

Who's Who Legal is published by Law Business Research Limited, an independent London-based publishing group providing research, analysis, and reports on the international legal services marketplace. Since 1996, Who's Who Legal has identified the foremost legal practitioners in multiple areas of business law.

Kim & Chang professionals named to Euromoney's 2015 Expert Guides

7 Kim & Chang professionals – **Casey Kook-Chan An**, **Duck-Soon Chang**, **Jay J. Kim**, **Young Kim**, **Man-Gi Paik**, **Chun Y. Yang**, and **Jay (Young-June) Yang** – have been recognized as among Korea's leading patent practitioners in the latest edition of the Guide to the World's Leading Patent Law Practitioners.

In addition, **Yoon Seong Cho** and **Sang Nam Lee** have been recognized to appear in the inaugural edition of the LMG Rising Stars 2015 guide.

Expert Guides series, published by Euromoney Institutional Investor PLC, is designed primarily for individuals who need access to the world's leading business lawyers in specific areas of law.

Kim & Chang professionals named "IP Stars" by Managing Intellectual Property

9 Kim & Chang professionals – **Casey Kook-Chan An**, **Duck-Soon Chang**, **Alex Hyon Cho**, **Kenneth K. Cho**, **Jay J. Kim**, **Ann Nam-Yeon Kwon**, **Peter K. Paik**, **Chun Y. Yang**, and **Jay (Young-June) Yang** – have been recognized as "IP Stars" by Managing Intellectual Property (MIP), far exceeding the number of attorneys named at any other firm in Korea. MIP's "IP Stars" are selected based on extensive research and in-depth interviews with IP practitioners and clients worldwide.

MIP, part of the Euromoney Legal Media Group, is a leading source of news and analysis on IP developments worldwide.

Duck-Soon Chang named to Asia IP's "50 Asia licensing experts that IP owners should know"

Duck-Soon Chang has been named among the "50 Asia licensing experts that IP owners should know" by Asia IP in its March 2015 issue.

Asia IP is published by Apex Asia Media Limited, an independent publisher based in Hong Kong, and offers an extensive range of in-depth features and resources essential for IP-owning firms active in Asia and international law firms that want to keep ahead of the key issues.

EVENTS

Seminar on "How to Protect Your Brands from Me-Too Products" in Seoul on April 24, 2015

A seminar on "How to Protect Your Brands from Me-Too Products" was held in Seoul on April 24, 2015. The seminar was co-hosted by Thomson Reuters Korea and Kim & Chang, and was organized by LAWnB for the purpose of exchanging information on the challenges posed by me-too products as well as discussing about strategic considerations for trademark and IPR protection and management in the global business environment.

As a co-hosting firm, seven attorneys from Kim & Chang's IP Practice Group participated in the seminar as speakers. **Jay (Young-June) Yang** gave an overview of recent developments and trends relating to brand and trademark protection and management. **Jong-Kyun Woo** gave a broad outline of various overseas protection strategies, while **Jung Hwa Yoon**, **Peter Won-Kil Yoon**, and **Alex H. Cho** discussed about specific strategies for obtaining protection in China, Europe and the U.S., respectively. In addition, **Chang Su Park** and **Kyeong Tae Kang** presented on various protection systems as well as strategic options against dead copies of product appearance.

The seminar was widely attended by trademark professionals, including trademark attorneys and in-house counsels, and provided a unique venue for networking

and sharing knowledge about recent IP developments and trends.

Patent Court's Open Seminar in Daejeon on April 27, 2015

On April 27, 2015, the Patent Court of Korea hosted a seminar entitled "Council for Intellectual Property Judicial Proceedings." At the seminar, **Sang-Wook Han** from Kim & Chang's IP Practice Group presented on the recently proposed amendments to the Court Organization Act, the Civil Procedure Act, and the Patent Act in Korea.

With renowned speakers and participants from the National Assembly, the Patent Court, the Korean Intellectual Property Tribunal, the Korea Advanced Institute of Science and Technology, etc., the seminar provided a platform for IP litigation experts to exchange their views on the future outlook of Korea's judicial system for intellectual property rights enforcement in the globalized marketplace.

International Trademark Association (INTA) in San Diego, May 2 - 6, 2015

Sung-Nam Kim and **Alex H. Cho** from the firm's Trademark Group spoke at the INTA Annual Meeting in San Diego from May 2 to 6, 2015. Ms. Kim presented on the topic of "Nominative Fair Use of Logos" during the "Is Fair Use Always Fair? International Approaches to Fair Use Issues in a Mobile World" panel discussion session, while Mr. Cho presented on "Regional update on Korean Trademark Laws" during the "Regional Update: China, Japan, and Korea—Revisions to Trademark Laws" panel discussion session.

Founded in 1878, INTA is a global not-for-profit membership association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property in order to protect consumers and to promote fair and effective commerce. With close to 10,000 delegates from more than 145 countries in attendance, this year's Annual Meeting marked the largest attendance in its 137-year history.

KIM & CHANG
INTELLECTUAL PROPERTY

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