

2016 EDTX Bench and Bar Conference (Oct. 19-21, 2016)

Expertise in

Korean Patent litigation system

Judge Young Gi KIM
(Republic of Korea)



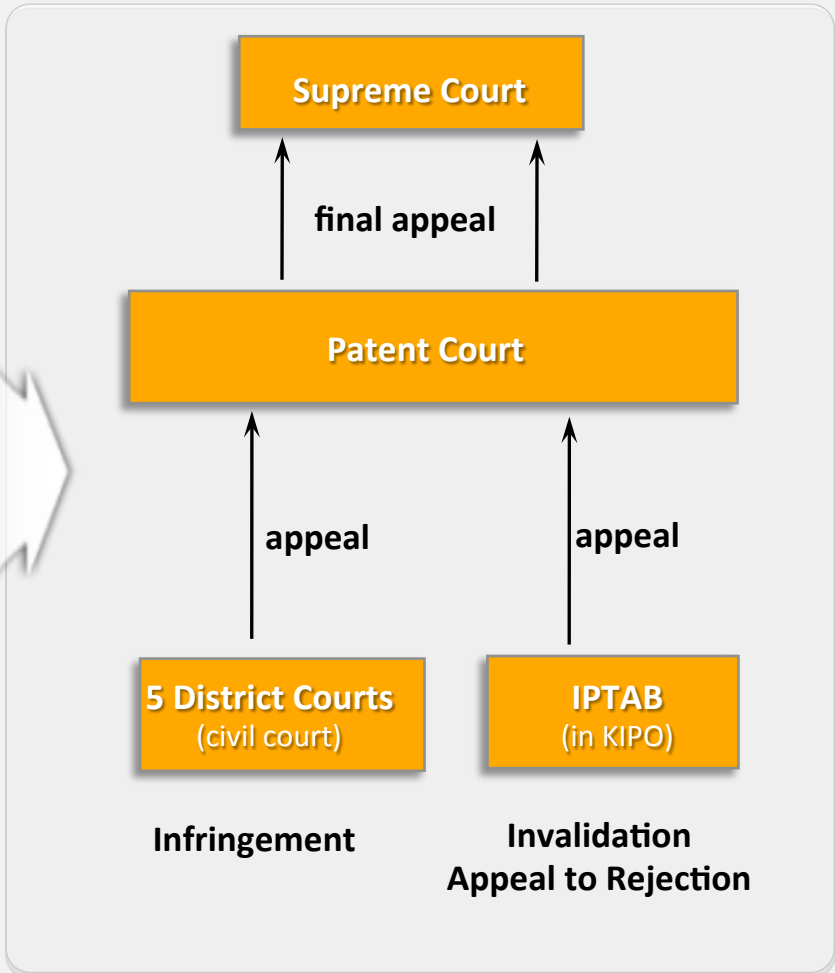
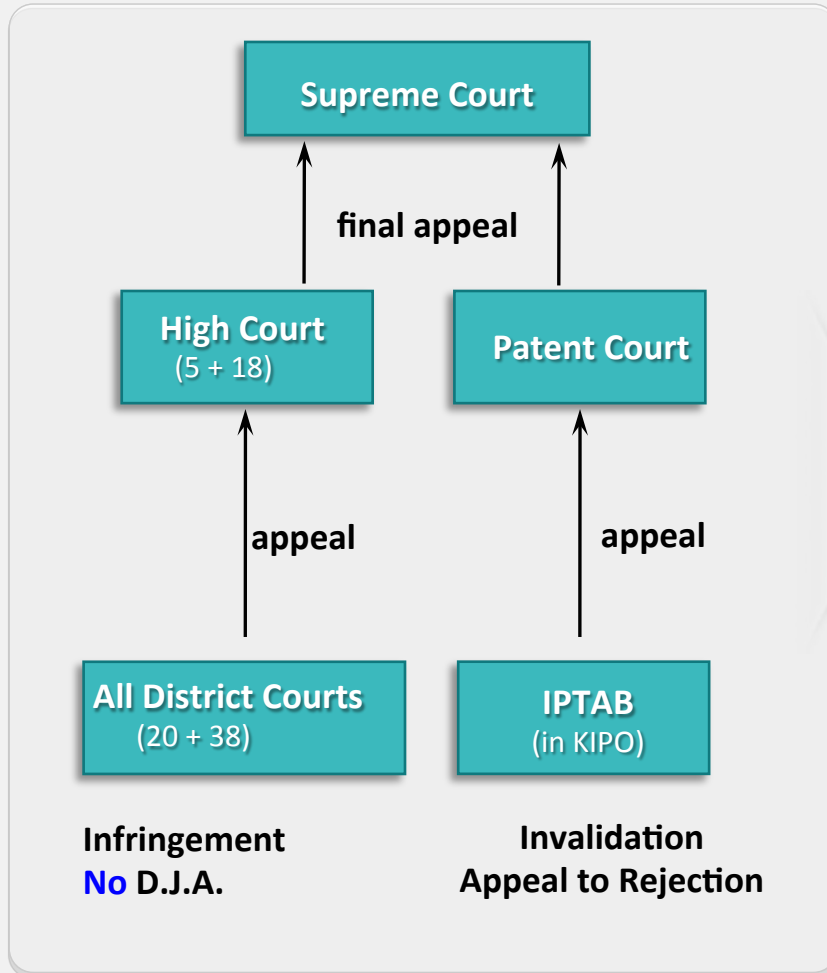
PATENT COURT OF KOREA

Presentation source : Judge Hwansoo Kim
& Judge HyunJin Chang



Korean Patent litigation system

Bifurcated(before) → Concentrated(after)



* Bench Trial / Patent, Utility model, Trademark, Design



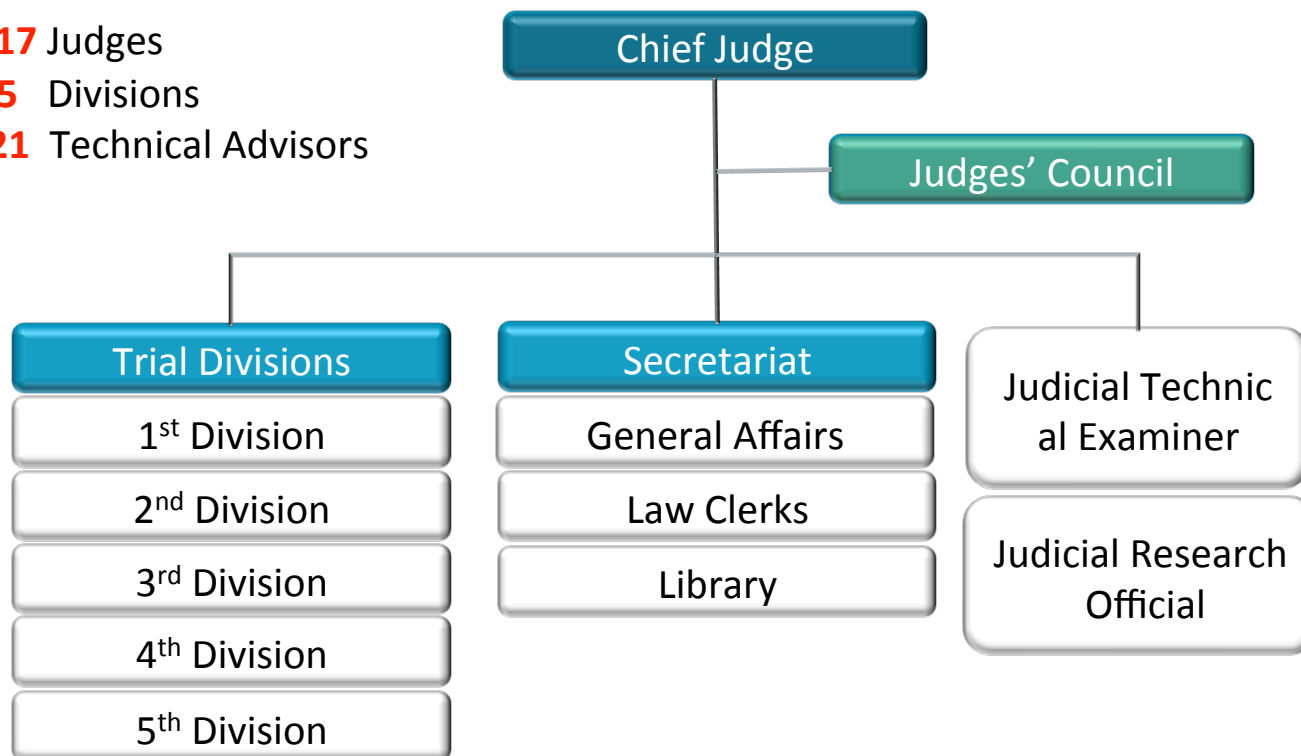
Organization of Patent Court of Korea

1st IP Specialized Court in Asia

- Established in **1998**

- Japan: 2005, Taiwan: 2008, Singapore: 2010, China: 2014

- **17** Judges
- **5** Divisions
- **21** Technical Advisors





- ▶ **IP division & Patent Court of Korea - 1998**

- ▶ **IP study group: online & off-line – since 2000**

- ▶ **Change of patent case jurisdiction**
 - 5 specific district courts with exclusive jurisdiction over patent infringement cases

 - Concentrating jurisdiction over patent appellate cases



Technical Expertise in Korean Courts

- ▶ **Designation of judges with technical background or experience**
- ▶ **Hiring & using technical advisors**
 - Telecommunications, electronics, machinery, chemistry, pharmacy, civil engineering, etc.
- ▶ **Providing the technical classes for judges**
 - Patent court holds periodic seminar with technical experts
 - Judges can take the technical classes from engineering college.



Effort to avoid “Tunnel Vision Effect”

▶ Not allow the Judges to stay in a court

- Rotate every 4-6 years

gain general point of view from diverse region and various cases

- Change the division every at least 2 years



Imagination from my experience in EDTX

▶ 4 patent jury trial during 5 weeks

- Hon. Judge

Mitchell – Gilstrap – Schroeder – Love --- (Clark)

▶ What if, we have “**Dream bench trial**” with them

- Efficient process? ✓

- Fair decision? ✓

- Cost effective? ✓



Much Specialized Court - IP Hub Court Plan

▶ International Chamber

- New bill is pending

Organization



At least three Judges Panel with Comprehensive IP knowledge & Proficient English Skill

Litigation Procedure



When both parties agree to proceed in English
Allow to submit documents & give oral arguments in English

Technical Support



International Electronic Litigation System wi
It provide Simultaneous Interpretation & Translation

“I love East Texas!”

Thank You !



- Judge Young G. Kim

