YOON & YANG (IP) LLC

Korean IP Updates

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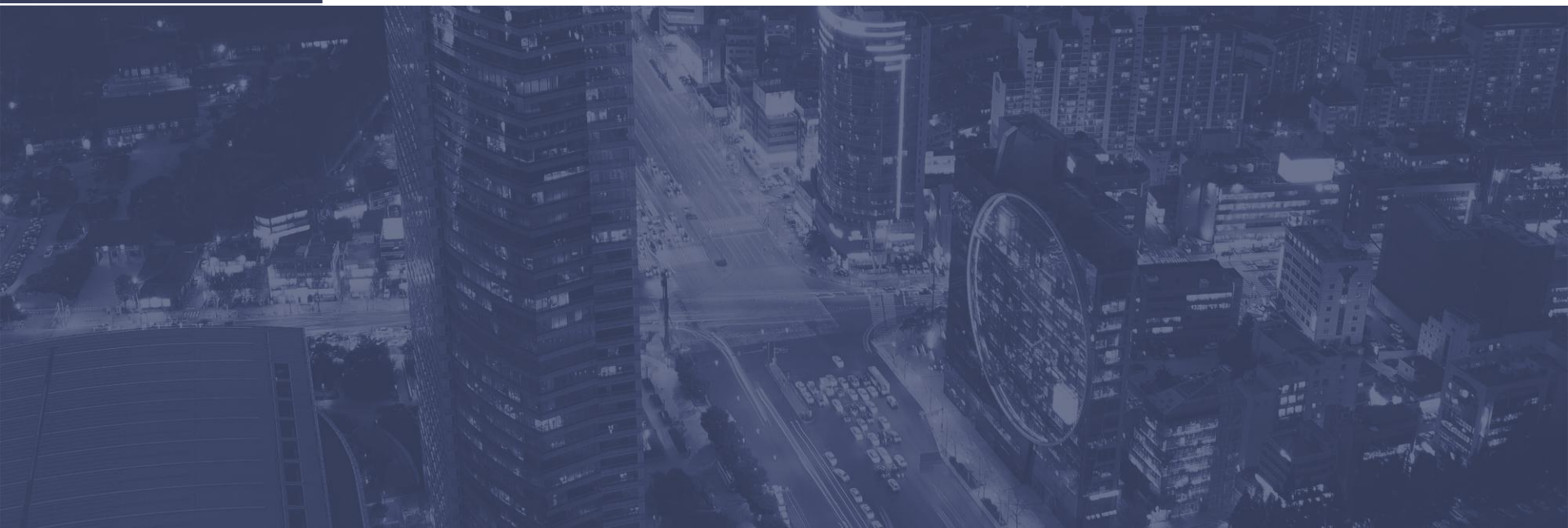
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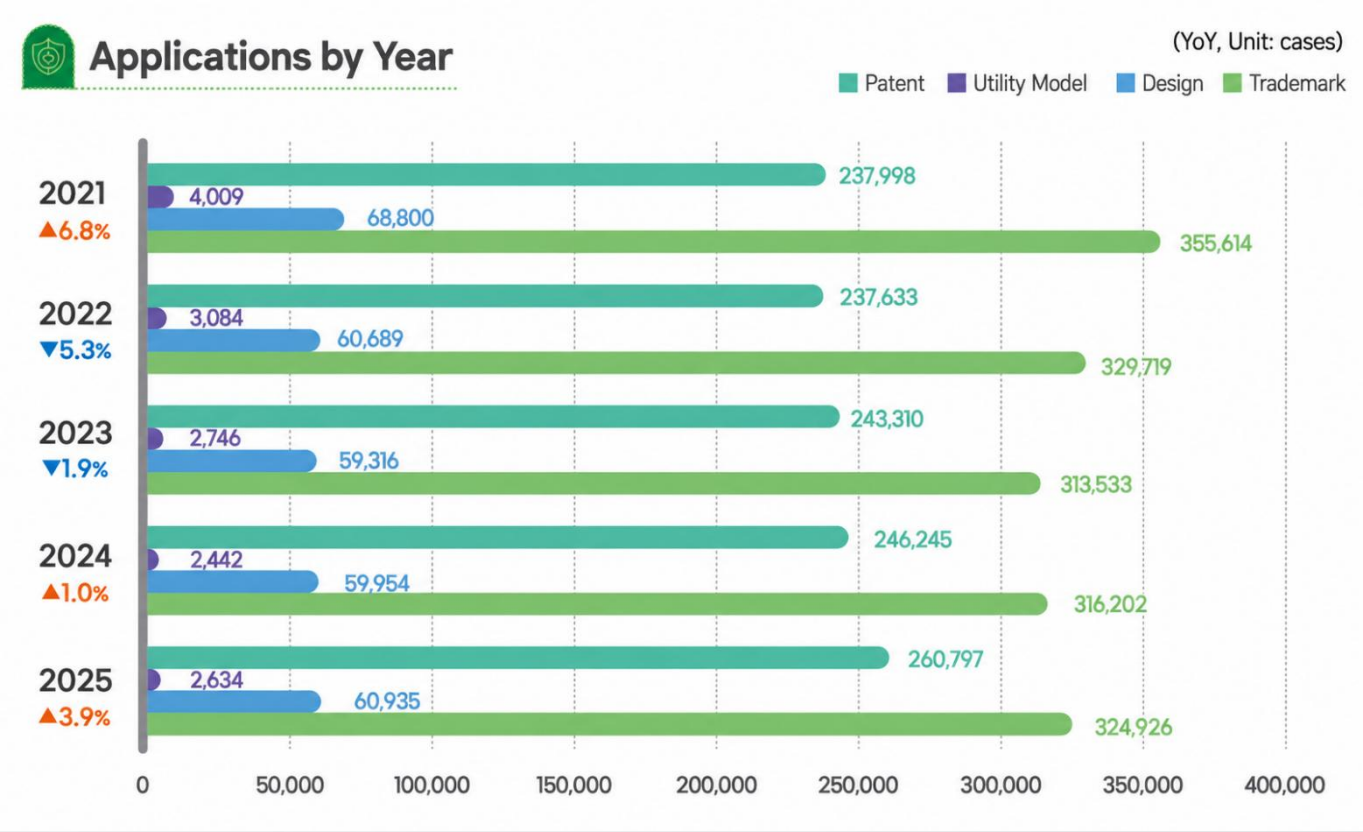
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MOIP Statistics in 2025



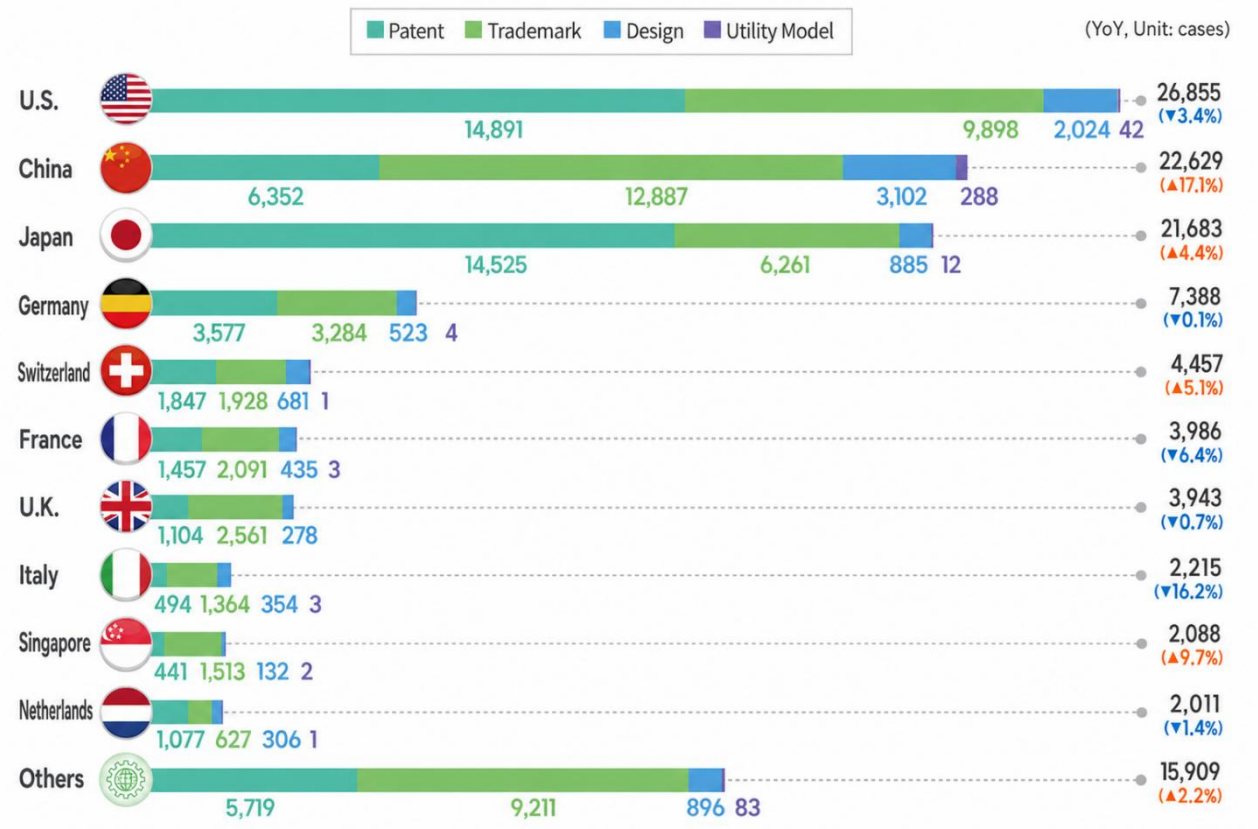
Applications per Year



MOIP's Release (Mar., 2026)

In 2025, IP applications increased by 3.9% year on year, while patent applications increased by 5.9% year on year to a total of 324,926.

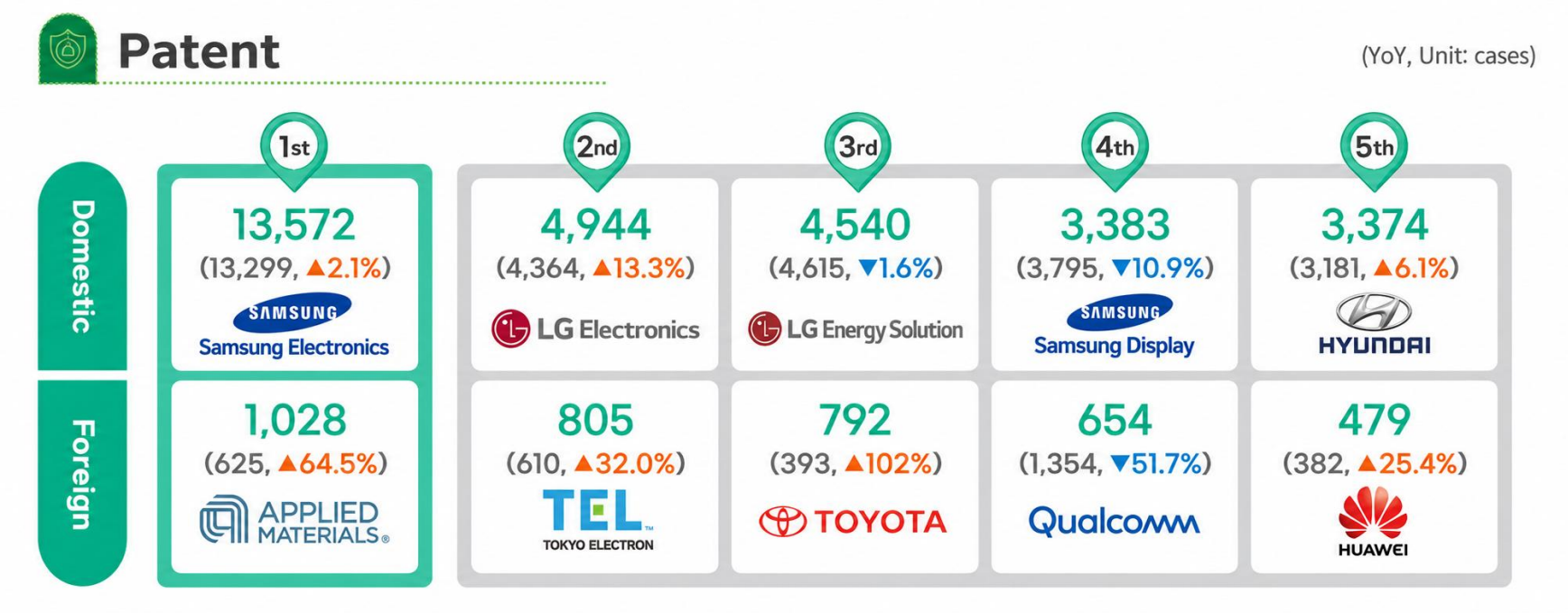
Number of Applications by Foreigners



MOIP's Release (Mar., 2026)

In 2025, foreign applications in Korea were led by the U.S., China, and Japan, with applications from China showing a particularly significant increase.

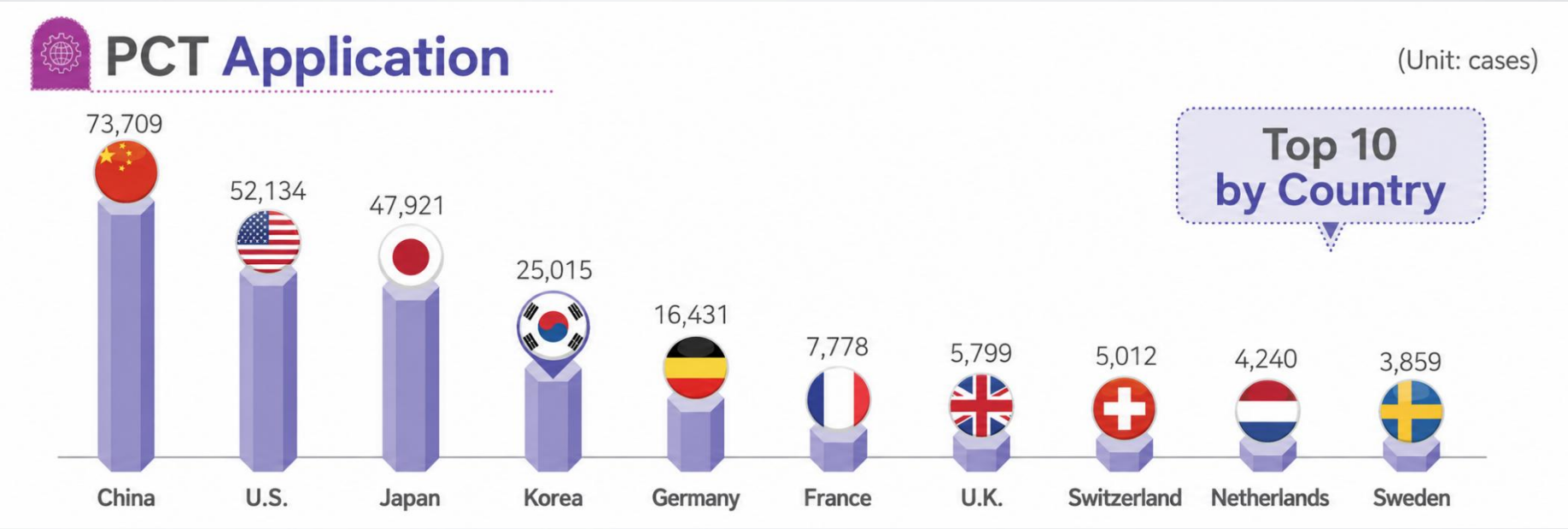
Top 5 Patent Applicants



MOIP's Release (Mar., 2026)

Among domestic companies, Samsung Electronics filed the largest number of pat ent applications; among foreign companies, Applied Materials filed the most.

Number of PCT Applications by Applicant Nationality

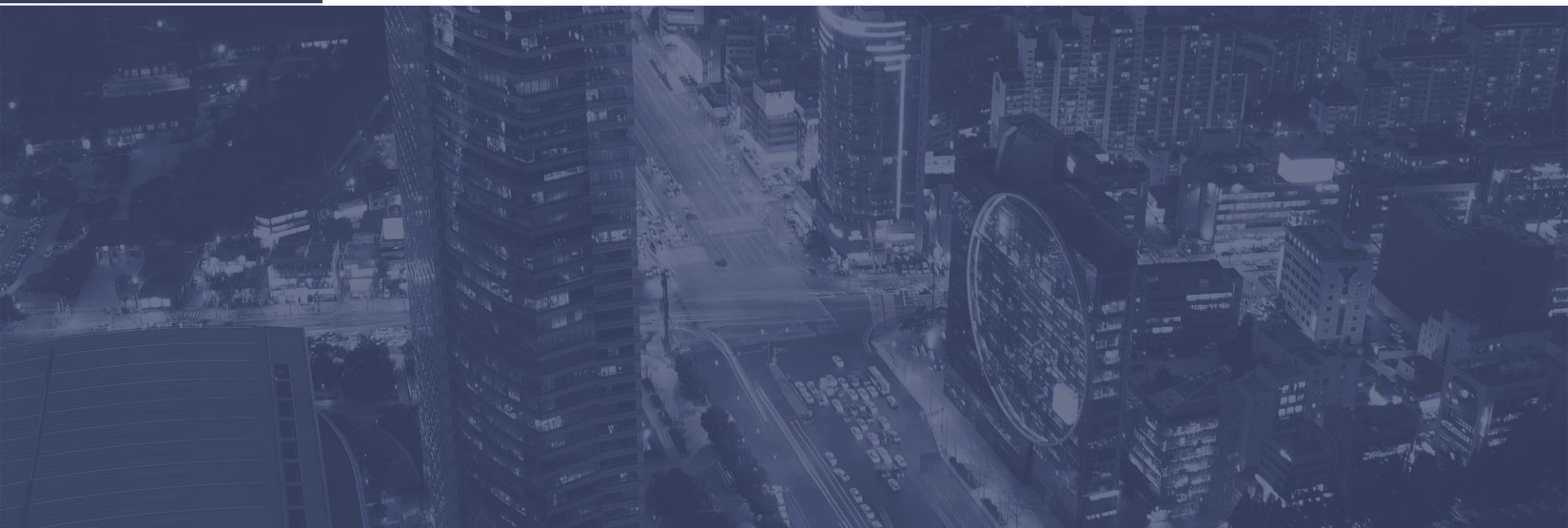


MOIP's Release (Mar., 2026)

In 2025, applicants from China filed the largest number of PCT applications, followed by those from the U.S., Japan, and Korea.

02

Recent IP developments in KR



Patent Examination Change as of 2026

Expansion of accelerated examination to Physical AI and Bio fields

- **Applications eligible for accelerated examination, which had been limited to certain AI fields such as AI neural networks, have been expanded to include Physical AI.**
- **Bio technologies, including synthetic biology, have also been added to the accelerated examination category.**
- **「Examination waiting periods」for export companies and advanced-technology applications such as Physical AI are expected to be significantly shortened.**
- **In 2025, the average examination waiting period was 14.7 months overall, 2.1 months for accelerated examination, and less than 1 month for super-accelerated examination.**

***「Examination waiting period」means the period from a request for examination to the issuance of the examiner's first Office Action.**

Patent Examination Change as of 2026

Shortening of the patent examination waiting period

- To address the rapid increase in patent applications, MOIP plans to hire 34 new examiners this year, mainly in advanced fields such as AI, IoT, and computers.
- The overall examination waiting period is expected to be shortened from 14.7 months last year to 14 months this year.
- To shorten「the examination pendency period」, the examiner's review period for applicants' responses will be reduced by half for accelerated examination cases only (from 4 months to 2 months), thereby supporting faster patent acquisition by applicants.

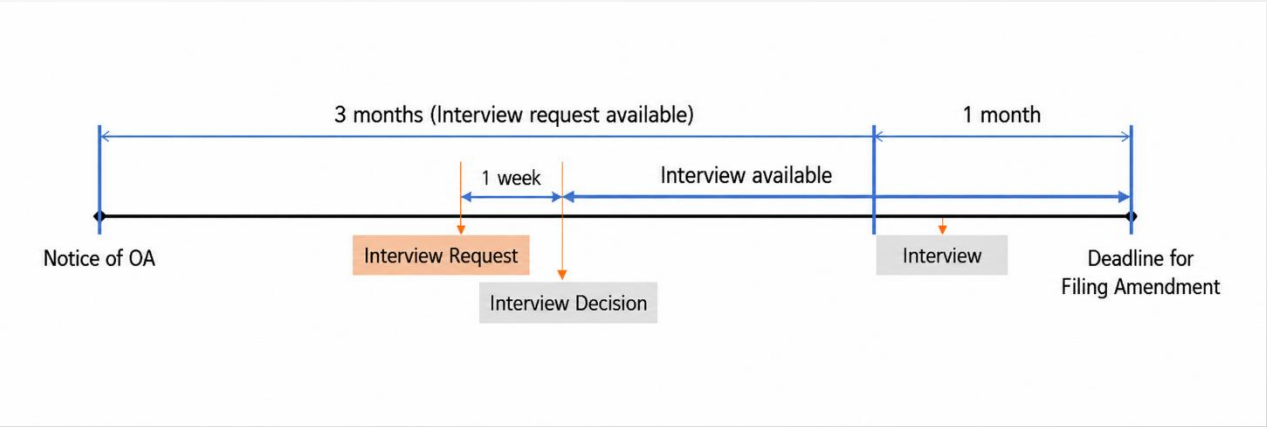
*「Examination pendency period」means the period from the request for examination to the final decision, such as a decision to grant or reject.

Patent Examination Change as of 2026

Strengthening the examination system through communication with patent applicants

- **Previously, an applicant could use an「amendment review」or「reexamination interview review」only once to exchange opinions with the examiner in response to a office action. However, the limit has been relaxed so that, where further discussion is needed, one additional review may be used.**

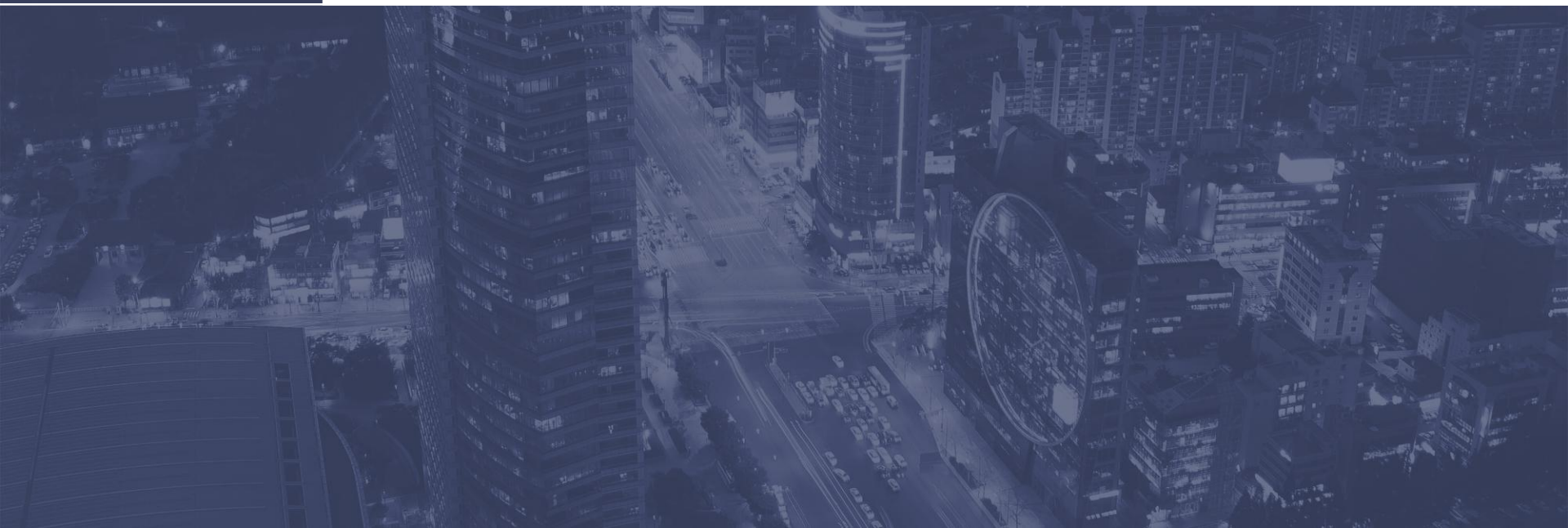
- **Previously, interviews were available only within 2–3 weeks from the interview request date. However, the available interview period has been expanded to allow more flexible scheduling, from one week after the interview request date until the deadline for filing an amendment.**



MOIP's Homepage (https://kipo.go.kr/ko/kpoContentView.do?menuCd=SCD0200117)

03

Litigation case



Supreme court case(No. 2025Da202970)

KEY Facts

- The plaintiffs argued that the PCV13 individual conjugate bulks and finished drug products supplied by the defendant to Russia infringed the composition patent for “Prevenar 13” (a pneumococcal conjugate vaccine).
- The defendant produced 13 individual conjugate bulks in Korea and exported them to a Russian pharmaceutical company.
- After importation, the Russian pharmaceutical company manufactured the finished product through the final mixing step.
- The defendant provided the finished vaccine free of charge for clinical trials and technology transfer in Russia.

KR10-1298053 : multivalent pneumococcal polysaccharide-protein conjugate composition

[Claim 1]

A 13-valent immunogenic composition for use as a pneumococcal vaccine, comprising, together with a physiologically acceptable vehicle, thirteen different polysaccharide-protein conjugates, wherein each conjugate comprises a capsular polysaccharide derived from a different serotype of *Streptococcus pneumoniae* conjugated to a CRM197 carrier protein, and wherein the capsular polysaccharides are prepared from serotypes 1, 3, 4, 5, 6A, 6B, 7F, 9V, 14, 18C, 19A, 19F, and 23F.

Supreme court case(No. 2025Da202970)

[Issue 1] The defendant produced 13 individual conjugate bulks in Korea and supplied them to a Russian company → Whether producing and exporting the 13 individual conjugate bulks (semi-finished products) in Korea constitutes direct infringement

[Issue 2] The defendant produced 13 individual conjugate bulks in Korea and supplied them to a Russian company → Where the exported bulks are made into a finished product abroad, whether production of the bulks in Korea constitutes indirect infringement

[Issue 3] The defendant produced finished vaccines in Korea on four occasions and supplied them free of charge to the Russian company → Whether production of vaccines for overseas clinical trials and confirmation of technology transfer falls within a limitation on the effect of patent rights under Article 96(1)(i) of the Patent Act

Supreme court case(No. 2025Da202970)

Issue 1: Direct infringement

- **Where all or substantially all components or elements for practicing the patented invention are produced in Korea, or where a semi-finished product having all major components after most production steps is produced in Korea, and such product is exported to a single entity with the final processing/assembly step contemplated, and where such processing/assembly is extremely minor or simple such that production of all components or the semi-finished product alone has reached a state capable of realizing the operational effects of the patented invention as an organic combination of all elements, the product may be regarded, for substantive protection of the patent right, as having been produced in Korea as a product practicing the patented invention.**

- **The final step of mixing the 13 individual conjugate bulks to manufacture the 13-valent immunogenic composition could not be considered extremely minor or simple; therefore, direct infringement was not established.**

Supreme court case(No. 2025Da202970)

Issue 2: Indirect infringement

- **Under the principle of territoriality of patent rights, “production” in “a product used exclusively for producing the patented product” under Article 127(i) of the Patent Act means production in Korea. Therefore, where such production takes place abroad, indirect infringement cannot be established even if the preceding acts were performed in Korea.**

- **Because all 13 individual conjugate bulks produced by the defendant were exported and the finished product was produced abroad, indirect infringement of the patent at issue was not established.**

Supreme court case(No. 2025Da202970)

Issue 3: Whether the act falls within a limitation on the effect of patent rig hts

- **Article 96(1)(i) of the Patent Act applies to acts of practicing a patented invention for resear ch or testing without unreasonably impairing the patentee's exclusive interests, and the eff ect of the patent right does not extend to such acts.**
- **The defendant produced four batches of vaccines falling within the scope of Claim 1 of the patent at issue and provided them free of charge to the Russian pharmaceutical company.**
- **When providing the four batches, the defendant indicated that the vaccines were for resear ch or testing purposes and were not for sale or distribution.**
- **There was no evidence that the vaccines were provided for sale or distribution, or that the defendant produced any finished vaccines other than the four batches.**
- **Accordingly, the defendant's acts constituted practice of Claim 1 of the patented invention f or research or testing purposes, and could not be deemed to have unreasonably impaired t he plaintiffs' exclusive interests; therefore, the effect of the patent right did not extend to t hose acts.**

Supreme court case(No. 2025Da202970)

Implications

- **The Court strictly interpreted the requirements for finding direct infringement where semi-finished products are produced in Korea and assembled abroad.**
- **The Court reaffirmed the principle of territoriality by limiting the meaning of “production” in indirect infringement to production in Korea.**
- **The Court clarified that, where the patentee’s interests are not unfairly prejudiced, production and export for overseas clinical trials may be exempted from patent infringement liability (e.g., free provision and clear labeling that the products are not for sale).**

YOON & YANG (IP) LLC

Thank you

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