APAA 2026, in Hong Kong
Trademark Committee
Group Report - Republic of Korea

A. Developments

- **Elevation of the Korean Intellectual Property Office (KIPO) to a ministry-level authority: the Ministry of Intellectual Property (MOIP)**

  With effect from October 1, 2025, an amendment to the Government Organisation Act elevated the former Korean Intellectual Property Office (KIPO) into an independent, vice-ministerial-level central administrative agency placed directly under the Prime Minister, known in English as the Ministry of Intellectual Property (MOIP). The reorganisation marks the most significant change to Korea's intellectual property administration since KIPO was first established in 1977, and is intended to make the agency the government-wide control tower for intellectual property policy rather than an examination office alone.

  Alongside the change of status, the organisation was expanded from nine to ten bureaus and from 57 to 62 divisions, and a new Intellectual Property Dispute Response Bureau was created, together with a new Intellectual Property Transactions Division.

  For trademark practice specifically, a dedicated Hallyu Tourism Trademark Examination Division was launched on December 23, 2025, to provide specialised examination and support for small businesses and merchants and to strengthen the protection of brands associated with the Korean Wave and with tourism.

- **Introduction of ultra-fast priority examination for trademarks**

  A new "ultra-fast" (super-accelerated) priority examination track was introduced under MOIP guidelines with effect from October 15, 2025. For trademarks, an applicant using this track can obtain a first examination result within 30 days of the request, compared with approximately 45 days under the existing expedited (priority) examination. A final registration outcome can be expected in roughly 60 days.

  The track is open to applicants that already export or are preparing to export, and to applications that serve as a basic application under the Paris Convention or the Madrid Protocol. The official fee is KRW 160,000 per class, the same as for ordinary expedited examination, and no cap has been placed on the number of trademark applications that may be accepted under the track.

- **No substantive amendment to the Trademark Act**

There has been no substantive amendment to the Trademark Act during the reporting period. The 2025 amendments reported to the Committee last year are now fully in force, namely (i) the expanded definition of "use of a trademark" covering counterfeit goods brought into Korea through courier or forwarding services in overseas direct-purchase transactions (Article 2(1)11(c), effective May 27, 2025), (ii) the shortening of the opposition and public file inspection period from two months to 30 days (Articles 57(3) and 60(1), effective July 22, 2025), and (iii) the increase of the cap on punitive damages for intentional infringement from three times to five times the actual damages (Article 110(7), effective July 22, 2025).

B. Statistics

1. The number of new applications

Year	No. of new applications	Increase/Decrease
2024	256,045	-
2025	261,943	Increase / about 2.3%

The number of trademark applications increased by approximately 2.3% in 2025 on an application (single-class) basis, and by approximately 3.6% on the multi-class basis used in the official statistics, under which each designated class is counted separately (327,669 in 2025 against 316,202 in 2024). By Nice class, the highest growth rates were recorded in Class 36 (financial and insurance services) and Class 3 (cosmetics). The increase is attributed to the continued growth of the K-Beauty industry and to the acceleration of AI transformation (AX) and digital transformation (DX), which has reshaped the financial and service markets and prompted businesses in the related fields to secure trademark rights.

The figures are taken from the Korean Intellectual Property Statistical Yearbook 2025 published by the Ministry of Intellectual Property, and include international applications designating Korea under the Madrid Protocol.

2. Average timeframe from filing up to registration

Year	Average timeframe from filing up to registration (months)
2024	12.6
2025	11.9

In 2025 the average examination period for trademark applications shortened further to 11.9 months, from 12.6 months in 2024. As in previous years this figure is the average period from the filing date to the first examination action, and it blends standard examination with expedited examination. Expedited examination takes approximately 45 days and the new ultra-fast track described above takes 30 days.

C. CASES

Refurbishment (Up-cycling) of Luxury Goods for the Owner's Personal Use Does Not Constitute Trademark Use (Supreme Court Decision No. 2024Da311181, rendered on February 26, 2026)

On February 26, 2026, the Supreme Court of Korea reversed and remanded the decision of the IP High Court of October 28, 2024 (Case No. 2023Na11283), which had been reported to this Committee last year. The Supreme Court held that where the owner of goods bearing a registered trademark has those goods refurbished, altered, customised or up-cycled for the owner's own personal use, the display of the trademark in the course of that refurbishment does not, in principle, constitute "use of a trademark" under the Trademark Act.

Case Summary

The plaintiff is the registered owner of well-known monogram trademarks in Korea for bags and wallets. From around 2017 to 2021 the defendant operated a bag refurbishment ("reform") business. For a fee, the defendant received the plaintiff's branded bags from their owners, disassembled them, and used the original fabric and metal parts to construct bags and wallets of different sizes, shapes and forms, which were then delivered back to the requesting owners. Customers selected designs from samples displayed at the defendant's store or from photographs posted on the defendant's website. Ownership of both the original and the refurbished products remained with the customer throughout, and the fee was characterised as consideration for the refurbishment service. The plaintiff sued primarily for trademark infringement and, in the alternative, for unfair competition by dilution.

The IP High Court had found for the plaintiff, holding that the refurbished products had independent exchange value and qualified as "goods" under the Trademark Act, and that the defendant, by disassembling the original products and reconstructing them into substantially different new products, had effectively manufactured new goods bearing the plaintiff's marks.

Original Products before Reform	Products after Reform	Plaintiff's Other Products
		





Court's Reasoning

The Supreme Court held that "use of a trademark" under Korean law is closely tied to the placing of goods into the stream of commerce, consistently with the international standards of "use in the course of trade" under the EU Trade Mark Regulation and "use in commerce" under United States trademark law. Where an owner refurbishes his or her own goods, or has them refurbished, and the refurbished goods are not placed into commerce, the trademark owner's business goodwill and the fairness of competition in the marketplace are not threatened.

The Court held that the same principle extends to a professional refurbisher who, at the owner's request, refurbishes goods for the owner's personal use and delivers them back to the owner. Even though the service is supplied as a business, it is an extension of the owner's exercise of ownership rights, the refurbished goods do not enter the stream of commerce, and the fee received is consideration for a service rather than for the sale of a new product. The Court also observed that refurbishment serves recognised values such as freedom of expression, consumer welfare, the circular use of resources and environmental sustainability, all of which warrant consideration when defining the scope of trademark protection.

The Court nevertheless recognised an important exception. Where, despite the formal appearance of a personal-use refurbishment service, the refurbisher in substance dominates the refurbishing process and effectively manufactures and markets the refurbished products as its own branded merchandise placed into commerce, trademark use and infringement may still be established. The relevant factors include who exercises final decision-making authority over the purpose, form and quantity of the refurbished product, the character of the compensation, the source and proportion of the materials used, and the ownership relations during and after the process. The trademark owner bears the burden of proving such "special circumstances". Joint liability may also arise where the owner requests refurbishment with the intention of placing the result into commerce and the refurbisher knew or should have known of that intention. Because the IP High Court had found infringement solely on the basis of the substantial transformation of the original products, without examining whether such special circumstances were present, the Supreme Court vacated the relevant parts of the judgment and remanded the case.

Significance

The decision marks a significant shift in the Korean legal landscape surrounding refurbishment and up-cycling. By drawing a clear line between trademark use tied to the circulation of goods in the stream of commerce and acts confined to the personal-use sphere of the owner, the Supreme Court has aligned Korean law more closely with the international "use in commerce" standard, while balancing the interests of trademark owners against property rights, freedom of expression, consumer welfare and environmental sustainability.

At the same time, the "special circumstances" test leaves meaningful room for trademark owners to pursue infringement where a refurbisher exceeds the role of a service provider and operates in substance as a producer of branded goods, and that test is likely to become the central battleground in future disputes. The case was remanded and is currently pending before the IP High Court (Case No. 2026Na10041), where the defendant's use of pre-made design samples and of a publicly accessible website displaying refurbished products will have to be assessed under the new framework. The outcome of the remand proceeding warrants close attention, as it will provide important practical guidance on the boundary between protected personal-use refurbishment and infringing commercial production.