
INVENTION LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by Decision No. 112 of the Standing Committee of the Supreme People's Assembly on May 13, 1998, amended by Decree No. 507 of the Presidium of the Supreme People's Assembly on March 11, 1999 and amended by Decree No. 2052 of the Presidium of the Supreme People's Assembly on December 21, 2011

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the application for the registration of an invention and the examination of an invention for the registration, and the protection of invention right and patent right, thereby contributing to developing science, technology and the national economy.

Article 2 (Invention right, patent right)

An invention is a scientific and technological achievement that is novel and more advanced and produces a higher technical and economic efficiency than the existing one.

The State shall grant the invention right or the patent right to the invention that has been examined and registered.

Article 3 (Accurate and strict procedures for application)

Application for the registration of an invention is a precondition for the proper examination and registration thereof.

The State shall ensure that application procedures for the registration of an invention are properly set and strictly followed.

Article 4 (Impartial and scientific examination and registration)

Examination and registration in a responsible manner of an invention is an important condition for the development of the science and technology.

The State shall ensure that impartiality and scientific accuracy are maintained in the examination and registration of an invention.

Article 5 (Protection of invention right and patent right)

The Democratic People's Republic of Korea consistently maintains the policy of protecting the rights to an invention and a patent.

The State shall ensure that the rights of the holders of the invention right and patent right are protected and properly guaranteed.

Article 6 (Encouragement of invention)

The State shall ensure that invention is widely encouraged, technical innovation by the popular masses dynamically promoted and investment in the development and introduction of new science and technologies steadily increased.

Article 7 (Exchange and cooperation)

The State shall promote exchange and cooperation with foreign countries and international organizations in the field of invention administration.

Chapter 2 Application for the Registration of an Invention

Article 8 (Basic requirements of application for registration of invention)

Proper filing of an application for the registration of an invention is a basic guarantee for having the priority of new science and technology acknowledged and its scientific and technological value examined.

Institutions, enterprises, organizations and citizens that wish to be granted the right to an invention or a patent for their new scientific and technological achievements shall accurately and timely file an application for the registration thereof.

Article 9 (Application for registration of invention jointly made)

The scientific and technological achievements made jointly by a DPRK citizen and a foreign citizen shall be applied for registration in their own names or in the name of the institution, enterprise or organization that they belong to.

Article 10 (Registration institution)

An application for the registration of an invention shall be filed with the invention registration institution.

An application by a foreign corporate body or an individual shall be submitted through a patent agency.

Article 11 (Preparation of application)

An application for the registration of an invention shall be prepared separately by contents or items. In case the contents are inseparable, they may be contained in one document.

The document for the registration of an invention shall include the application for registration, technical specifications and the like.

Article 12 (Procedures for application)

Institutions, enterprises, organizations and citizens that wish to apply for the registration of an invention shall submit an application to the invention registration institution. In this case, a sample product, a model, a trial product or a sample shall also be submitted as required by the institution.

The invention registration institution shall notify the applicant of the receipt of the document within 20 days of receipt thereof.

Article 13 (Fees)

Institutions, enterprises, organizations and citizens that wish to obtain a patent for their new scientific and technological achievement shall pay fees.

The amount of fees shall be set by the central price fixing institution.

Chapter 3 Examination of an Invention for Registration

Article 14 (Contents of examination)

Examination and registration of an invention is an important work of examining the value of an invention.

The invention registration institution shall, upon receiving an application for the registration of an invention, examine its novelty, level, industrial applicability and economic effectiveness.

The invention registration institution may, where necessary, refer to the relevant specialized organ the scientific and technological examination and experimental analysis of an invention.

Article 15 (Determination of priority of invention)

The priority of an invention shall be determined in consideration of the date on which the invention registration institution first received an application.

Where priority is claimed under an international convention, it shall prevail.

Article 16 (On-site inquiry)

The invention registration institution may conduct an on-site inquiry into an application for the registration of an invention.

Institutions, enterprises, organizations and citizens shall provide conditions for the on-site inquiry.

Article 17 (Non-standing Invention Examination Committee)

The State shall, for the purpose of ensuring proper examination of an invention, organize a non-standing Invention Examination Committee under the central guidance organ of science and technology administration.

Where necessary, an invention examination committee may be organized in other fields on a non-standing basis.

Article 18 (Notification of registration or rejection)

The invention registration institution shall notify an applicant in writing of either the registration or rejection of an invention.

The notification of rejection shall specify the reasons thereof.

Article 19 (Registration of invention)

The invention in respect of which decision on registration is made shall be registered with the invention registration institution.

The invention registration institution shall register the invention and issue a certificate to the holder of the invention right or patent right.

The holder of the invention right shall be awarded an inventor's medal and prize.

Article 20 (Announcement of registered invention)

The invention registration institution shall make public the registered inventions.

A registered invention may not be made public, if so required.

Article 21 (Lodging complaints)

Institutions, enterprises, organizations and citizens that disagree with the results of the examination of an invention may lodge a complaint with the invention registration institution.

The invention registration institution shall examine and settle the complaint in time.

Article 22 (Application for patent to foreign country)

Institutions, enterprises, organizations and citizens may file with a foreign country an application for a patent for their new scientific and technological achievements. In this case, approval of the invention registration institution shall be obtained before filing an application with a patent agency

Chapter 4 Protection of Invention Right and Patent Right

Article 23 (Protection of right to use science and technology)

Protection of the invention right and the patent right is essential for the facilitation of the scientific and technological development and the guarantee of the rights thereto.

The invention registration institution and the relevant institutions, enterprises and organizations shall ensure that the right to use the science and technology examined and registered as an invention is properly guaranteed.

Article 24 (User of science and technology registered as invention or patent)

The science and technology to which invention right has been granted shall be used by the institutions, enterprises and organizations. However, the science and technology to which patent right has been granted shall be used by the patent owner.

Article 25 (Term of patent protection)

The term of a patent protection shall be 15 years from the date of issuance of the priority.

The term of a patent protection shall be extendable by 5 years upon request by the patent owner.

Article 26 (Fees)

A patent owner shall pay fees required for the protection of the patent.

The fees shall be prescribed by the central price fixing institution.

Article 27 (Invalidity)

A patent shall be invalidated in case where:

1. The patent owner has withdrawn his right;
2. The fees for the patent protection has not been paid within the prescribed period of time; or
3. The non-standing Invention Examination Committee or a court has decided to invalidate the patent.

Article 28 (Use of patented science and technology)

In case where institutions, enterprises, organizations and citizens wish to use for the production of goods the science and technology under protection as a patent, authorization of the patent owner shall be obtained.

The patented science and technology shall not be transferred to a third party without the consent of the owner thereof.

Article 29 (Transfer of patent)

A patent may be transferred or its science and technology may be used under authorization. In this case the patent owner shall conclude a contract and register it with the invention registration institution.

Article 30 (Use of joint patent)

A joint owner of a patent may use the science and technology thereof without the consent of the other owner of the patent. However, in case he wishes to transfer the patent to a third party or authorize others to use the science and technology thereof, the consent of the other owner shall be obtained.

Article 31 (Transfer of patent to the State)

Where the patented science and technology is to be used for public interest, the State may take over the patent or the right to use the science and technology thereof. In this case, due reimbursement shall be made to the patent owner.

Article 32 (Possibility of change)

A patent right may be changed into an invention right if the owner so wishes. An invention right, however, shall not be changed into a patent right.

Article 33 (Use of patented science and technology without authorization of owner thereof)

A patented science and technology may be used without the consent of the patent owner in case where it is used for:

1. The repair or maintenance of a transports of a foreign country that stays temporarily in the DPRK;
2. Scientific research and experiment; or
3. The preparation of medicaments necessary for the medical treatment of a patient according to a doctor's prescription.

Article 34 (Procedures for transferring patented science and technology to foreign country)

The right to use patented science and technology and the data or products thereof shall be transferred to a foreign country subject to the agreement of the central guidance organ of science and technology administration and the approval of the Cabinet.

Chapter 5 Guidance and Control of Invention Administration

Article 35 (Basic requirements of guidance and control)

To strengthen the guidance and control of the work related to invention is a fundamental guarantee for the correct implementation of the policy of the State on science and technology.

The State shall tighten guidance and control of the administration of the work related to invention.

Article 36 (Guidance)

Administration of the work related to invention shall be placed under the unified guidance of the central guidance organ of science and technology administration under the direction of the Cabinet.

The central guidance organ of science and technology administration shall set accurate targets of inventional work and provide regular guidance on the attainment and introduction thereof.

Article 37 (Massive technical innovation)

Institutions, enterprises and organizations shall, for the mobilization of the masses to technical innovation, organize seminars on science and technology, exhibitions of technical innovative achievements, meetings for sharing experience and prize contests on a planned basis.

Article 38 (Provision of conditions)

The institutions of State planning, labour administration, material supply, finance and banking shall provide in time the manpower, materials and funds needed for the creation of an invention.

Article 39 (Preferential social treatment)

The State shall afford preferential social treatment and appreciation to the inventor that has contributed to the development of the national economy, and the person that has introduced the science and technology registered as an invention.

Article 40 (Supervision and control)

Supervision and control of the work of invention shall be undertaken by the central guidance organ of science and technology administration and the relevant supervisory and control institutions.

The central guidance organ of science and technology administration and the relevant supervisory and control institutions shall set strict procedures for the application for an invention registration and examination of an invention for registration, as well as strengthening supervision and control for the protection of the invention right and patent right.

Article 41 (Compensation)

Due compensation shall be made for any infringement of the right of an owner of the invention right or patent right.

Article 42 (Administrative or penal liability)

Officials of the institutions, enterprises and organizations, and the citizens that have caused serious consequences in the work of invention through their violation of this Law shall, depending on the gravity of an offence, be liable to administrative or penal liability.

Article 43 (Settlement of disputes)

Any dispute over an invention shall be settled through consultation.

In case of failure in consultation, the dispute may be referred to an arbitration organ or a court for settlement.