
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON INDUSTRIAL DESIGNS

Adopted by Decision No. 117 of the Standing Committee of the Supreme People's Assembly on June 3, 1998, amended by Decree No. 350 of the Presidium of the Supreme People's Assembly on January 14, 1999, amended by Decree No. 1235 of the Presidium of the Supreme People's Assembly on August 2, 2005 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 industrial designs and the examination thereof and the protection of the industrial design rights, thereby contributing to the improvement of the quality of manufactured goods and the development of the socialist economy.

Article 2 (Definition, classification)

An industrial design is a drawing or a photograph of the shape, colour and decorations of the goods to be manufactured.

Industrial design shall include designs and decorations of machines, equipment, transports, textiles, living utensils and goods for cultural use, garments, furniture, furnishings and packing containers.

Article 3 (Principle of application for registration of industrial designs)

Application for the registration of an industrial design is the first process of the industrial design administration.

The State shall ensure that proper application procedures for the registration of industrial designs are set and strictly followed.

Article 4 (Principle of examination for registration of industrial designs)

It is the basic duty of the industrial design registration organ to examine in a responsible manner the application for the registration of industrial designs.

The State shall ensure that the examination system for the registration of industrial designs is established and scientific accuracy and impartiality are guaranteed in the examination.

Article 5 (Principle of protection of industrial design rights)

To protect the industrial design rights is a consistent policy of the DPRK.

The State shall protect the industrial design rights held by institutions, enterprises, organizations and citizens.

Article 6 (Principle of improving industrial designs)

The State shall pay close attention to industrial designing to ensure that industrial designs are constantly improved in keeping with the development of the national economy and the increased production of manufactured goods.

Article 7 (Exchange and cooperation)

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

Chapter 2 Application for Registration of Industrial Designs

Article 8 (Basic requirements for application for registration of industrial designs)

Proper application for the registration of industrial designs is a precondition for timely examination of the industrial designs to be registered.

Institutions, enterprises, organizations and citizens shall file in the prescribed form and manner the applications for the registration of the industrial designs that have been created.

Article 9 (Submission of application)

Institutions, enterprises, organizations and citizens that wish to apply for the registration of an industrial design shall submit an application to the industrial design registration organ.

In case of a joint application, the application shall be presented in joint names.

Article 10 (Preparation of application)

Each industrial design shall require a separate application for the registration. However, designs of the items similar to each other in structure and operation may be applied in one document.

The application shall contain the description of the design, its classification and the name of the applicant, accompanied by the design, specifications and an examination report.

Article 11 (Manner of submission of application)

The application for registration of an industrial design shall be delivered directly or sent by post to the industrial design registration organ.

In an unavoidable circumstance, the application may be sent by such telecommunication means as telex or fax.

Article 12 (Application by foreign corporate bodies)

Foreign institutions, enterprises, organization and citizens that wish to have their industrial designs registered in the DPRK shall file, via their agency, an application in Korean language to the industrial design registration organ.

Article 13 (Rectification of errors in application)

Where any error is found in the application for the registration of an industrial design, the industrial design registration organ shall send it back or have the errors rectified within 3 months.

In case the errors are not rectified within 3 months for unavoidable reasons, the period of rectification may be extended by up to 2 months.

Article 14 (Notification of receipt of application)

Upon acceptance of an application for the registration of an industrial design, the industrial design registration organ shall make notification thereof to the institutions, enterprises, organizations and citizens.

Article 15 (Date of application)

The date of application for the registration of an industrial design shall be the date of receipt of the application.

Even in case where the errors in the application are rectified within the prescribed period of time, the date on which the industrial design registration organ first received the application shall be the date of application.

Article 16 (Priority to application)

In case where the institutions, enterprises, organizations and citizens have presented industrial designs or their specimen products to exhibitions, they shall be granted priority in applying for the registration thereof. In this case a document justifying the priority shall be submitted to the industrial design registration organ within 3 months of presenting the industrial designs or their specimen products to the said exhibition.

Article 17 (Validity of priority to foreign corporate bodies)

The priority of application for the registration of industrial design given by foreign countries to their institutions, enterprises, organizations and citizens shall be valid when the relevant document is presented to the industrial design registration organ of the DPRK within 6 months of receipt thereof.

Article 18 (Application to foreign country)

The institutions, enterprises, organizations and citizens that hold industrial design rights may have their industrial designs registered in foreign countries. In this case they shall obtain the approval of the industrial design registration organ before presenting an application for registration of their industrial designs via the relevant international organizations or agencies.

Chapter 3 Examination of Industrial Designs for Registration

Article 19 (Term of examination)

Examination of the industrial designs to be registered is an important work of examining the application for the registration of industrial designs and deciding on their registration.

The industrial design registration organ shall examine the application for the registration of industrial designs within 6 months of receipt thereof.

Article 20 (Request for necessary information)

The industrial design registration organ may require the applicant institutions, enterprises, organizations and citizens to submit information necessary for the examination of the industrial designs.

The applicants shall provide the industrial design registration organ with the necessary materials in time.

Article 21 (Prohibition of registration as industrial designs)

The following shall not be registered as industrial designs:

1. A design basically identical with or similar to the industrial design already registered;
2. A design identical with or similar to the product which has been publicized and used;

3. A design contrary to the laws, public morals, manners and customs of the DPRK;
4. Blueprints of equipment or technical process and designs of fine art works, architecture, monuments and the like;
5. A design identical with or similar to a registered trademark; and
6. A design without economic efficiency, artistic practicability or introduction feasibility.

Article 22 (Examination of application)

The industrial design registration organ shall examine the application for the registration of industrial designs and decide on either approval or rejection.

The result of examination shall be notified to the applicant institutions, enterprises, organizations and citizens.

Article 23 (Issuance of registration certificate of industrial design)

The industrial designs whose registration is approved shall be entered into the State register of industrial designs and a certificate thereof shall be issued to the institution, enterprise, organization or citizen concerned.

The registered industrial designs shall be made public through the Official Bulletin of Industrial Designs.

Article 24 (Lodging complaints)

The institutions, enterprises, organizations and citizens that have complaints about the registered industrial designs may raise an appeal to the industrial design registration organ within 6 months of the publication thereof.

The industrial design registration organ shall examine the complaints and inform the institutions, enterprises, organizations and citizens concerned of the results.

Article 25 (Request for reexamination of rejected industrial designs)

The institutions, enterprises, organizations and citizens that are aggrieved at the rejection of the registration may request for reexamination within 6 months of the notification thereof.

Article 26 (Lodging complaints about decision concerning reexamination)

The applicants may, if any, lodge complaints about the decision concerning the reexamination with the non-standing industrial design examination committee within 2 months of the notification.

Chapter 4 Protection of Industrial Design Rights

Article 27 (Basic requirement of protection of industrial design rights)

Protection of the industrial design rights is a basic demand for the strengthening of the industrial design administration.

The industrial design registration organ shall protect the interests of the institutions, enterprises, organizations and citizens that hold the industrial design rights.

Article 28 (Holder of industrial design right)

The industrial design rights shall be held by the institutions, enterprises, organizations and citizens whose industrial designs have been registered.

The right to the industrial designs registered under joint names shall be held jointly.

Article 29 (Right of holder of industrial design right)

The holder of the industrial design right shall have the right:

1. To use the registered industrial design;
2. To transfer and authorize others to use the whole or a part of the registered industrial design; and
3. To withdraw the registration of industrial design.

Article 30 (Transfer)

The institutions, enterprises, organizations and citizens that wish to transfer or be transferred an industrial design right shall submit an application to that effect to the industrial design registration organ.

The transfer of the right shall be effective as from the date of the registration thereof.

Article 31 (Authorization for use of industrial designs)

In case the institutions, enterprises, organizations and citizens that hold the industrial design rights wish to authorize other institutions, enterprises, organizations and citizens to use the registered industrial designs, they shall conclude a contract and submit a document concerning such authorization to the industrial design registration organ.

Article 32 (Responsibility for quality of products)

The institutions, enterprises, organizations and citizens that have a license for the use of an industrial design shall be responsible for the quality of the product on which the industrial design concerned is used.

The institutions, enterprises, organizations and citizens that have authorized the use of their industrial designs may control the quality of the product concerned.

Article 33 (Prohibition of transfer or authorization)

The institutions, enterprises, organizations and citizens that are not duly qualified shall not be transferred the industrial design rights nor be authorized to use the registered industrial designs.

Article 34 (Transfer to or authorization of use by foreign country)

In case the institutions, enterprises, organizations and citizens that hold the industrial design rights wish to transfer their rights to foreign institutions, enterprises, organizations and citizens or authorize them to use their registered industrial designs, approval thereof shall be obtained from the industrial design registration organ.

Article 35 (Term of protection of industrial design rights)

The term of protection of the industrial design rights shall be 5 years from the date of application for registration.

Upon application by the institutions, enterprises, organizations and citizens that hold the industrial design rights, the term of protection may be extended twice, each by 5 years. In this case an application for the extension of the term shall be submitted to the registration organ.

Article 36 (Extension of term of protection)

The application for the extension of the protection term of the industrial design rights shall be submitted 6 months before the expiry of the original term.

In unavoidable circumstances, the application may be submitted within 6 months after the expiry of the original term of protection.

Article 37 (Alteration of registration)

The institutions, enterprises, organizations and citizens that hold the industrial design rights shall submit an application for alteration to the industrial design registration organ in respect of any change to the name, address and others during the term of protection.

The industrial design registration organ shall register the particulars of change in the State industrial design register.

Article 38 (Cancellation of registration)

The institutions, enterprises, organizations and citizens that wish to cancel the registration shall submit a document to that effect to the industrial design registration organ. In this case the certificate of registration shall also be submitted.

Article 39 (Invalidity)

The industrial design rights shall be invalid in case the registered industrial design is cancelled, the term of its protection expired or the industrial design is not used for 2 years from the date of its registration.

Chapter 5 Guidance and Control of Industrial Design Administration

Article 40 (Basic requirements of guidance and control of industrial design administration)

To strengthen guidance and control of the industrial design administration is an indispensable requirement of encouraging the creation of industrial designs and protecting the industrial design rights

The State shall strengthen guidance and control of the industrial design administration.

Article 41 (Guidance organ)

Industrial design administration shall be placed under the guidance of the industrial design guidance organ under the unified direction of the Cabinet.

The industrial design guidance organ shall regularly grasp and guide the industrial design administration.

Article 42 (Publication of trademark-related records)

The industrial design registration organ shall regularly make public the status of registration, extension of the term of protection, transfer, authorization for use and cancellation related to industrial designs, as well as changes of the names and addresses of the applicants for registration.

Article 43 (Fees)

Institutions, enterprises, organizations and citizens shall pay the prescribed fees in time.

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

Article 44 (Creation of industrial design)

The relevant institutions, enterprises and organizations shall strengthen research into the creation of industrial designs and train necessary personnel in a far-sighted way.

Article 45 (Prohibition of illegal acts)

Institutions, enterprises, organizations and citizens shall not use registered industrial designs without due authorization nor violate the procedures for transfer or authorization of use of industrial designs.

Article 46 (Supervision and control)

Supervision and control of industrial designs shall be exercised by the industrial design guidance organ and the relevant supervisory and control organ.

The industrial design guidance organ and the supervisory and control organ concerned shall exercise strict supervision and control to ensure that the procedures for application for registration of industrial designs and examination thereof are observed and the industrial design rights are not violated.

Article 47 (Compensation, confiscation)

Any infringement on the interests of the institutions, enterprises, organizations and citizens that hold the industrial design rights shall be compensated or the products made illegally confiscated.

Article 48 (Suspension of use, cancellation of registration)

In case a registered industrial design is used without authorization or the procedure for transfer or license of industrial designs is violated, the use shall be suspended or the registration of the industrial design cancelled.

Article 49 (Administrative or penal liability)

Administrative or penal liability shall be imposed on the officials of the institutions, enterprises and organizations and citizens who are liable for the grave consequences caused through their violation of this Law.

Article 50 (Settlement of disputes)

Any dispute concerning industrial designs shall be settled through consultation.

In case of failure in consultation the dispute shall be referred to the industrial design registration organ or state industrial design examination committee for settlement.

If no settlement is effected, the dispute may be referred to an arbitration body or a court for settlement.