
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON THE NAME OF ORIGIN

Adopted by Decree No. 3964 of the Presidium of the Supreme People's Assembly on August 27, 2003

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the application for the registration of name of origin and the examination thereof and the protection of the rights to the name of origin, thereby contributing to the preservation of the quality of special products and to the protection of the interests of the institutions, enterprises and organizations that are engaged in the production thereof.

Article 2 (Condition of acquiring name of origin)

The name of origin is the name of the place of production marked on a famous special product.

The name of origin shall be the geographical name of a particular country or region where a special product is originated endowed with its own peculiar qualitative characteristics under the influence of the unique natural and geographical environment or technical and functional conditions.

Article 3 (Principle of application)

Proper application for the registration of a name of origin is an important condition for the timely examination and registration of the name of origin.

The State shall establish proper procedures for the application for the registration of the name of origin and ensure that they are strictly observed.

Article 4 (Principle of examination)

The examination of the name of origin to be registered is an important work of ascertaining and registering the place of production of a specialty.

The State shall ensure that the responsibility and role of the registration organ of the name of origin are enhanced and scientific accuracy and impartiality guaranteed in the examination thereof.

Article 5 (Principle of protection)

To protect the right to the name of origin is a consistent policy of the DPRK.

The State shall protect by law the right to the name of origin.

Article 6 (Improvement of work concerning name of origin)

The State shall improve and strengthen the work concerning the name of origin in keeping with the development of the national economy and the increased production of famous specialties.

Article 7 (Exchange and cooperation)

The State shall promote exchange and cooperation with foreign countries and international organizations in the work concerning the name of origin.

Chapter 2 Application for the Registration of the Name of Origin

Article 8 (Submission of application)

Application for the registration of the name of origin is the first process of the work concerning the name of origin.

The institutions, enterprises or organizations that wish to mark the name of origin on a special product shall submit to the relevant registration organ an application for the registration thereof.

Article 9 (Contents of application)

The application shall contain the name and address of the applicant and the place of production of the special product, accompanied by documents specifying the technical and functional characteristics, method of production and the natural and geographical factors.

Article 10 (Application by foreign legal bodies)

Foreign institutions, enterprises, organizations and citizens that wish to have a name of origin registered in the DPRK shall submit an application in Korean language to the registration organ of the name of origin through an agency. In this case the certificate of registration of the name of origin issued by the country concerned and a letter of attorney shall be accompanied.

Article 11 (Rectification of errors)

Where any error is found in the application, the registration organ of the name of origin shall send the application back or have the errors rectified within 3 months.

Where the errors are not rectified within 3 months due unavoidable reasons, the period for rectification may be extended by 2 months.

Article 12 (Acknowledgement of date of application)

The date of application for the registration of a name of origin shall be the date when the registration organ of the name of origin receives the application.

Even in case where the errors in an application are rectified and submitted again within the prescribed time limit, the date of application shall be the date when the application is first received.

Article 13 (Issuance of receipt of application)

Upon receipt of an application, the registration organ of the name of origin shall issue a receipt to the applicant institution, enterprise or organization.

The receipt shall specify the date of receipt and the reference number.

Article 14 (Application to foreign country)

The name of origin that has been registered with the relevant registration organ may be registered in a foreign country through an international organization or an agency. In this case approval thereof shall be obtained from the registration organ of the name of origin.

Chapter 3 Examination of the Name of Origin for Registration

Article 15 (Term of examination)

Correct examination of the name of origin for registration is the basic duty of the registration organ.

The registration organ of the name of origin shall examine the application within 6 months of receipt thereof.

Article 16 (Request for necessary information)

The registration organ of the name of origin may require the applicant institution, enterprise or organization to submit information necessary for the examination.

The applicant institutions, enterprises and organizations shall provide the required materials in time to the registration organ of the name of origin.

Article 17 (Non-registrable geographic names)

The following geographic names shall not be registered as the name of origin:

1. A geographic name of a specialty that has not been produced in a unique natural and geographic environment or technical and functional conditions, or that has not been famous for a certain period of time;
2. A geographic name that is not recognized by the State or is misrepresented;
3. A geographic name contrary to the laws, public morality, manners and customs of the DPRK;
4. A geographic name which is registered as a trademark or which may infringe upon a trademark right; or
5. A geographic name identical with or similar to a name of origin already registered.

Article 18 (Notification of results of examination)

The registration organ of the name of origin shall examine the application within the prescribed time limit and decide either on approval or rejection. In this case the results of examination shall be notified to the applicant institution, enterprise and organization.

Article 19 (Issuance of certificate, announcement of registration)

The registration organ of the name of origin shall register the approved name of origin in the register of name of origin and issue a registration certificate to the applicant.

The registered name of origin shall be made public through an official journal.

Article 20 (Lodging complaints)

The institutions, enterprises and organizations that do not agree with the registered name of origin may lodge complaints with the registration organ of the name of origin within 6 months of the announcement of the registration.

The registration organ of the name of origin shall consider the complaints and notify the results to the institutions, enterprises or organizations that lodged the complaints and those that had their name of origin registered.

Article 21 (Term of settlement of complaints)

Where the registration of a name of origin is rejected, the applicant may request reexamination within 6 months of the notification of rejection.

The registration organ of the name of origin shall consider the request and notify the results to the applicant.

The results of the reexamination of the registration organ of the name of origin shall be valid if no other complaint is lodged within 2 months of decision thereon.

Article 22 (Term of settlement of complaints about results of reexamination)

The institutions, enterprises and organizations that are aggrieved at the results of the reexamination may lodge complaints again within 2 months of notification thereof.

The registration organ of the name of origin shall consider the complaints and notify the results to the applicant.

Chapter 4 Protection of the Rights to the Name of Origin

Article 23 (Basic requirements)

Protection of the rights to the name of origin is an important requirement of the work concerning the name of origin.

The registration organ of the name of origin and the relevant institution shall ensure that the interests of the institutions, enterprises or organizations that hold the right are not infringed upon.

Article 24 (Holder of right to name of origin)

The rights to the name of origin shall be held by the institutions, enterprises or organizations that had the name of origin registered.

Article 25 (Right of holder of rights to name of origin)

The holder of the rights to the name of origin shall exercise the right:

1. To use or authorize others to use the registered name of origin;
2. To demand an end to the practices of infringement on the rights to the name of origin or to claim indemnity; and
3. To revoke the registered name of origin.

Article 26 (Term of protection)

The term of protection of the name of origin shall be from the date of application for registration to the date of termination of the use of the name of origin.

Article 27 (Application for change of registered items)

Where any change is made in the name, address and the like during the term of protection, the institutions, enterprises and organizations that hold the rights to the name of origin shall submit an application for the registration of changed items to the registration organ.

The registration organ of the name of origin shall enter the particulars of change into the register.

Article 28 (Contract of authorization for use of name of origin)

Institutions, enterprises and organizations that wish to use the name of origin shall conclude a contract with the holder of the rights. In this case prescribed documents shall be submitted to the registration organ of the name of origin.

Article 29 (Liability for quality of product)

The institutions, enterprises and organizations that are authorized to use a name of origin shall be liable for the quality of the special product on which the name of origin is marked.

Where the institutions, enterprises and organizations authorized to use the name of origin fail to ensure the quality of the special product, the holders of the rights thereof may revoke the authorization for the use the name of origin.

Article 30 (Prohibition of transfer and modification)

The right to the name of origin shall not be transferred to other institutions, enterprises or organizations, nor the registered name of origin be used in a modified form.

Article 31 (Revocation of registration)

Institutions, enterprises and organizations that wish to revoke the right to the name of origin shall submit a written application to that effect to the registration organ. In this case registration certificate of the name of origin shall be attached.

Article 32 (Invalidity)

The right to the name of origin shall be invalid in case the registration is revoked or the name of origin is not used for 5 years from the date of registration.

Chapter 5 Guidance and Control of the Administration of the Name of Origin

Article 33 (Basic requirements)

Strengthening guidance and control of the administration of the name of origin is an essential requirement of ensuring the quality of the specialty and promoting the development of the national economy.

The State shall strengthen the guidance and control of the work concerning the name of origin.

Article 34 (Guidance organ)

The work concerning the name of origin shall be placed under the guidance of the guidance organ of the name of origin under the unified direction of the Cabinet.

The guidance institution of the name of origin shall regularly control and guide the administration of the name of origin.

Article 35 (Contents of guidance)

The guidance institution of the name of origin shall correctly designate the name of origin to suit the characteristics of the specialty, and regularly announce the records of applications for registration, registration, alteration and revocation of the names of origin.

Article 36 (Fees)

Institutions, enterprises and organizations shall pay prescribed fees in good time to the registration organ of the name of origin.

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

Article 37 (Prohibition of illegal acts)

Institutions, enterprises and organizations shall not illegally designate, print or sell the name of origin nor use the names that are identical with or similar to the name already registered.

Article 38 (Supervisory and control organ)

The work concerning the name of origin shall be placed under the supervision and control of the guidance organ of the name of origin and the competent supervisory and control organ.

The guidance organ of the name of origin and the competent supervisory and control organ shall strictly supervise and control the practices of application, registration and protection.

Article 39 (Revocation of registration, suspension of use)

Where the procedures for the registration and use of the name of origin are violated, the registered name of origin shall be revoked or the use thereof suspended.

Article 40 (Fines, compensation, confiscation)

Any infringement on the interests of the institutions, enterprises and organizations that hold the right to the name of origin shall lead to fines, compensation for the damage and confiscation of the illegal products.

Article 41 (Administrative or penal liability)

Officials of the institutions, enterprises and organizations, and individual citizens who are responsible for the grave consequences caused through their violation of this Law shall, depending on the gravity of the offence, be liable to administrative or penal liability.

Article 42 (Settlement of disputes)

Any dispute concerning the name of origin shall be settled through consultation.

In case of failure in consultation, the dispute shall be brought to the guidance organ of the name of origin for settlement.

Where the guidance organ of the name of origin fails to settle the dispute, it may be referred to a court or an arbitration body for settlement.