

## Intellectual Property Policy in Korea

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**Abstract.** In a knowledge-based economy, intellectual properties such as patent, brand, and design are important assets for entrepreneurial and national competitiveness. In Korea, the Basic Law on Intellectual Property was enacted this year in order to strengthen intellectual property competitiveness. As per this law, the Presidential Council on Intellectual Property was established, whose function was to plan and monitor policies related with the creation, protection, and exploitation of intellectual property. In this paper, the Basic Law on Intellectual Property is briefly introduced, and a classification scheme for Intellectual Property Policy is proposed, which will be helpful in the planning and monitoring roles of the council.

**Keywords:** Basic Law on Intellectual Property, the Presidential Council on Intellectual Property, classification scheme for Intellectual Property Policy

### 1. Introduction

In a knowledge-based economy, intangible assets are important for entrepreneurial and national competitiveness. In such a situation, many developing countries have been forced to change their industrial structure from a “labor-integrated” one to a more “knowledge-integrated” one (Arai 2005). Korea chose to strategically manage intellectual property policies to stimulate the change in industrial structure and enhance national competitiveness.

In this paper, the Basic Law on Intellectual Property is briefly introduced and some classification scheme for Intellectual Property Policy is proposed.

### 2. Review of the Basic Law on Intellectual Property

In Korea, the government emphasizes the importance of intellectual properties such as patents, brand, design, and digital contents. The government founded the TF team for Intellectual Property in Feb 2010, and ‘Vision and Strategies for Intellectual Property’ were drawn up in the same year. The Basic Law on Intellectual Property was proposed in 2010, enacted in May 2011, and was made effective from July 2011 (Korea’s Law No. 10629 of 2011). The Basic Law on Intellectual Property comprises four chapters: general provisions, the Presidential Council on Intellectual Property, promotion of the creation, protection, and exploitation of Intellectual property, establishment of infrastructure, and supplementary provisions (also see Table 1).

	Contents	Articles
Chapter I	General provisions	Articles 1 to 5
Chapter II	Presidential Council on Intellectual Property	Articles 6 to 15
Chapter III	Promotion of the creation, protection and exploitation of intellectual property	Articles 16 to 28

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Chapter IV	Establishment of infrastructure	Articles 29 to 38
Supplementary provisions		Articles 39 and 40

Table 1: Structure of the Basic Law on Intellectual Property

After the law was enacted in April 2011, the Presidential Council on Intellectual Property was established in Sep 2011 to act as an intermediary among government ministries. The council's function is to plan policies for intellectual properties and regulate and monitor ministries' programs related with intellectual properties. Now, the council is preparing the basic program and action plans for promoting the creation, protection, and exploitation of intellectual property.

### 3. Classification Scheme for Intellectual Property policy

According to the basic law, the council acts as "liaison officers for the ministries and agencies" (Takenaka 2009). Therefore, the council should have enough capacity for developing the blueprint of policies and monitoring the programs related with intellectual property, which are executed across all the ministries and agencies. In this part, we briefly propose a classification scheme for Intellectual Property Policy, which will be helpful for the council to efficiently develop and monitor policies related with intellectual property.

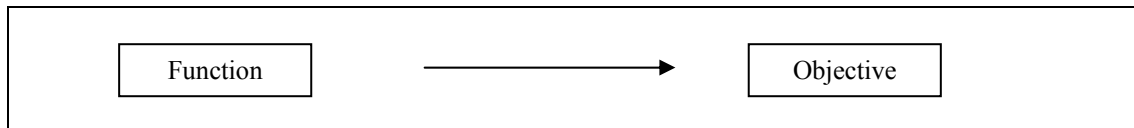


Fig. 1: Classification criteria for intellectual property policy

We choose two classification criteria: function and objective. The term function is defined as the specific mission of a program or policy that is consistent with Park's study (Park 1999). The intellectual property policies can be classified into four categories in this criterion—creation function, protection function, exploitation function, and infrastructural function. Subsequently, the policies are subclassified by the objective criterion. The objective criterion reveals the principal objectives of the policy and covers a broad spectrum of social needs. In this paper, we distinguished the objectives by the aim of the policy/program: what the program try to achieve for its output. The creation function policies can be classified into four categories, the protection function policies can be classified into three categories, the exploitation function policies can be classified into three categories, and the infrastructural function policies can be classified into three categories. The classification results were presented in Table 2.

1-Digit (Function)	2-Digit (Objective)	Description
Creation	Science and technology	Policies (programs) aiming to study and promote science and technology
	Social science	Policies (programs) aiming to study and promote social science
	Culture and contents	Policies (programs) aiming to study and promote culture and contents
	Related infrastructure	Policies (programs) aiming to support creation activities
Protection	Propertization	Policies (programs) aiming to support propertization of intellectual assets
	Infringement prevention	Policies (programs) aiming to prevent intellectual property infringement
	Dispute resolution	Policies (programs) aiming to support dispute resolution
Exploitation	Technology market	Policies (programs) aiming to support technology market formation
	Demand-oriented policies	Policies (programs) aiming to support the demand in technology market
	Supply-oriented policies	Policies (programs) aiming to support the supply in technology market
Infrastructure	Environment	Policies (programs) aiming to increase public awareness regarding intellectual

		property
	Human capital	Policies (programs) aiming to develop human resources
	Institutional infrastructure	Policies (programs) aiming to support institutional infrastructure

Table 2: Classification of policies for intellectual property

#### 4. Conclusions

In this paper, we introduced the Basic Law on Intellectual Property in Korea and proposed a classification scheme for Intellectual Property policy. We believe that the classification scheme will be helpful in planning and monitoring roles of the council. In the future, we will categorize government programs for intellectual property in Korea by using the classification scheme.

#### 5. References

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