KFTC on home straight in IPR guidelines revision

Jurisdiction : - Asia /North East Asia /South Korea

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IN BRIEF

The Korea Fair Trade Commission is in the final stages of revising its guidelines on intellectual property rights, it is understood. The KFTC sought public comment on its IPR guidelines revision from a wide range of industries and jurisdictions up to January 13. It has finished reviewing that feedback and is now finalizing its revised draft, it is understood.

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The commission aims to finish the revision in the first quarter of this year. Last December, the KFTC announced that it would revise its exiting IPR guidelines. Under the revision, the definition of "standard technology" would apply only to technology recognized as such by the government or by standards-setting organizations. The term "standard essential patent", or SEP, would apply only to technology used under fair, reasonable and non-discriminatory, or Frand, commitments. And a different illegality standard would be applied to de facto SEPs to avoid excessive restrictions on technology that is widely used.

The KFTC did not disclose further details, but sources say it is likely that the agency will address concerns raised and make an effort to bring the guidelines into line with international standards.

In November last year, the American Bar Association submitted comment to the KFTC on the guidelines. (see here)

Also, shortly after the KFTC announced the planned revision, the Global Antitrust Institute at the George Mason University School of Law submitted comment to it. (see here)

Some sources have said that although the KFTC would carefully review comment and concerns

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raised, it would also remain firm in ensuring that the guidelines were not revised intentionally to accommodate certain industries and companies.

"IPR is certainly an area of strong interest for the KFTC," a source told MLex. "They're working hard on this revision, given that much attention has been placed on the process,"

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