

Applicant Name Standardization : Current Practice in KIPO

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Korean Intellectual
Property Office

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Introduction of Applicant Codes in KIPO

❖ Introduction of Applicant Codes in KIPO

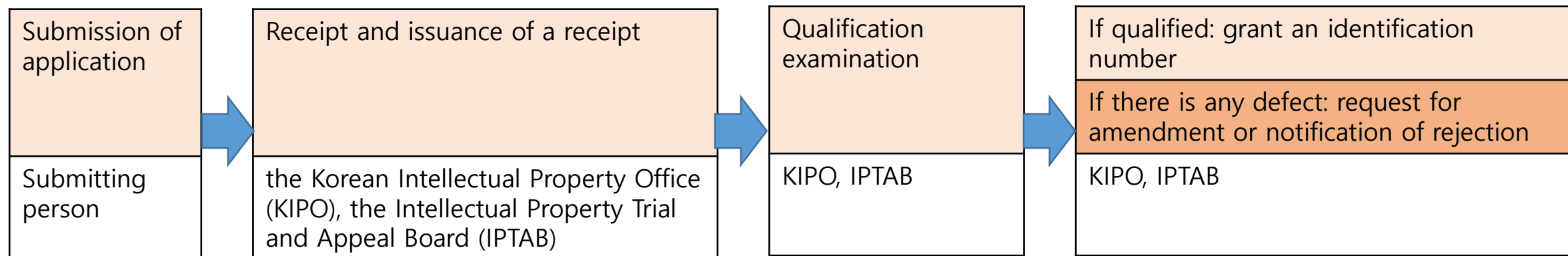
- KIPO has internally used 'Applicant Codes' for statistical purpose since 1987, and assigned them to existing applicants ex officio as KIPOnet (KIPO's IT automation system) was developed in 1998.
- Since 1999, KIPO has been issuing 'Applicant Codes' for new applicants by Resident Registration Number or Corporate Registration Number.
- In 2011, 『Guidelines for Issuing and Managing Applicant Code』 was introduced.
- In 2016, 'Applicant Code' was changed into 'Customer Number' in order to cover all parties who take actions relating IP rights.

Concept of 'Applicant Code' and Procedure of Issuance (1/2)

❖ Concept of Applicant Code

- A unique number that a person who intends to initiate procedures on patent etc. registers his/her personal information with KIPO in advance and then is given by KIPO to the person for efficient management of basic information on the IP rights

❖ Procedure of Issuance



Guidelines for Issuing and Managing Applicant Code: Concept of 'Applicant Code' and Procedure of Issuance (2/2)

❖ Applicant Code System (12 digits)

○ ○○○○ ○○○○○○ ○
Distinguisher Year Serial No. Check digit

<Distinguisher>

| 1 | 2 | 4 | 5 | 6 | 7 | 8 |
|--------------------|----------------------|-------------------------|-------------------|------------------------|--------------------------|-----------------|
| Domestic corporate | National institution | Domestic natural person | Foreign corporate | Foreign natural person | Non-corporate foundation | Patent attorney |

| Applicant Codes | Applicant |
|-----------------|----------------------------|
| 4 | 20070279401 민경욱 |
| 1 | 19981042713 삼성전자주식회사 |
| 5 | 19980961547 소니 가부시끼 가이샤 |

Guidelines for Issuing and Managing Applicant Code: Method and Criteria for Issuing Applicant Code (1/2)

❖ Issued to

- Domestic corporate
 - A domestic corporation that has been granted a corporation registration number after the registration of incorporation
 - The name and address of head office of the corporation must be registered
- National institution
 - Central administrative agency and its affiliates, the president-affiliated agencies, the National Assembly, the courts, local governments and their affiliated organizations, national and public schools, and other national institutions established by law
- Domestic natural person
 - Domestic residents and overseas Koreans with domestic addresses
 - Overseas Koreans without a domestic address
- Foreign corporate
 - A corporation established under a foreign law
 - A corporation classified as a foreign corporation according to the Rules on Assigning Registration Numbers for Registration of Real Estates of Corporation and overseas Koreans.
 - Foreign national institutions
- Foreign natural person
 - A natural person who does not have the nationality of the Republic of Korea
 - Nationals of the States Parties to the International Treaty on the protection of industrial property rights
 - Nationals of the countries which have agreed to mutually recognize the rights of industrial property rights with the Republic of Korea
- Non-corporate foundation
 - An applicant code could be assigned to a non-corporate foundation as a petitioner for examinations of applications, a petitioner or a defendant of a trial, a petitioner or a defendant of a retrial
 - It is impossible for non-corporate foundation to file an application because non-corporate foundation has no legal capacity.

Guidelines for Issuing and Managing Applicant Code: Method and Criteria for Issuing Applicant Code (2/2)

- ❖ Information to be submitted for the applicant code issuance
 - Common information
 - Name in Korean and English
 - Registration number: unique identification number such as resident registration number, corporation registration number, business license number, etc.
 - Foreign natural person does not need to submit a registration number.
 - Contact: address, telephone number
 - Seal or Signature
 - Certificates for checking registration number and address
 - Additional information required of foreign corporate and foreign natural person
 - Nationality and Address in English must be submitted
 - In case that a submitting person has no domestic address or no place of business in Korea
 - Applicant code must be issued through a representative who has a place of business in Korea.
 - No seal or signature required.

❖ Search method for the same applicant

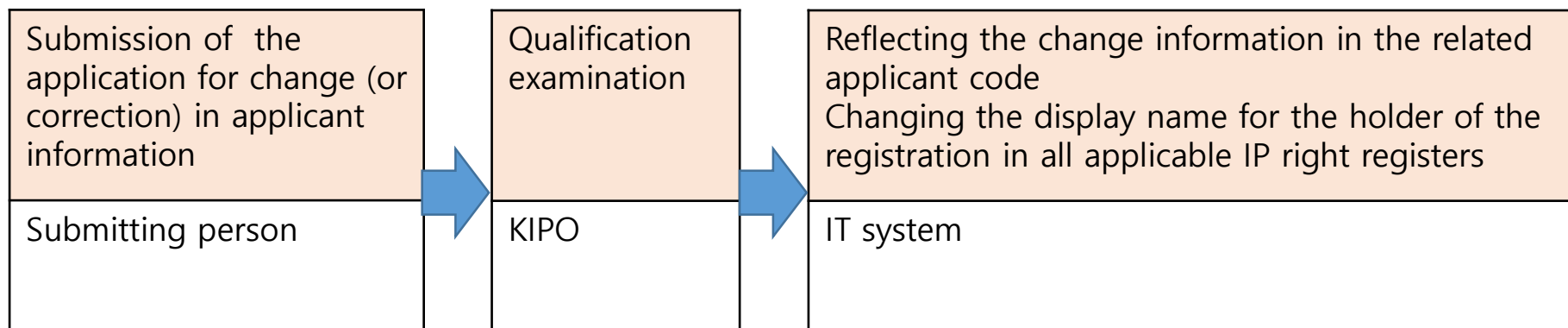
- If an existing applicant code is found during searching for the same applicant, a notification of rejection would be informed to the submitting person.
 - If any of the information has been changed, it would be notified to submit the application for change in applicant information.
- How to search for the same applicant

| Submitting Person | Key words for Search |
|------------------------------------|--|
| Domestic natural person | 1. Resident registration number, 2. Name, 3. Address |
| Domestic corporate | 1. Corporation registration number, 2. Name, 3. Address |
| Foreign natural person / corporate | 1. Name in English (case-insensitive search, search by word spacing) 2. Address in English (case-insensitive search) |
| National institution | 1. Name, 2. Address, 3. Search by the name before the change after identifying the name change information of the national institution |

- ❖ Management method for the multiple codes for one applicant and incorrectly issued applicant codes
 - If the person in charge of issuing applicant codes finds out the multiple codes for one applicant or incorrectly issued applicant codes, he/she requests corrections to data management division.
 - [Related statute] Article 9-5 of the Enforcement Rules of the Patent Act
 - If an applicant code has been granted twice or granted with error, the Commissioner of KIPO shall correct or cancel the code ex officio. In this case, the Commissioner shall notify the person granted with the applicant code of the fact of such correction or cancellation made ex officio.

Management Method for the Information related to an Applicant Code (1/3)

- ❖ Changing or correcting the information related to an applicant code
 - when the person who has been granted an applicant code wants to **change** the information such as name, address, signature or seal, telephone number, etc.
 - when the person who has been granted an applicant codes wants to **correct** the applicant code which has been granted twice or granted with error
- ❖ Procedure of changing or correcting the information related to an applicant code



- ❖ Procedure of **changing** the information related to an applicant code
 - Check whether the applicant has legal capacity (whether the corporate has the corporate personality)
 - Check whether the identity of the applicant (the holder of the registration) is maintained.
 - Check whether the legal personalities before and after the information change are the same
 - (Domestic corporate) check whether the corporate registration number, the legal person titles and the addresses before and after the information change on the certificate of corporate register match those of the submitted information.
 - (Foreign corporate) check whether the legal person titles and the addresses before and after the information change match the contents of the certificate of change in legal person title or address issued by an appropriate foreign authority (or the contents of the notarial declaration of change in legal person title or address)
 - (Note 1) The name change by the merger means that the legal personality has been changes. In this case, the application for change in applicant information must be rejected.
 - (Note 2) If the name change has been occurred not by a merger but an organizational change of a company, the identity of the corporate personality is maintained. In this case, it is possible to accept the application for change in applicant information.

Management Method for the Information related to an Applicant Code (3/3)

❖ Correcting the information related to an applicant code

- The application for correcting in applicant information is submitted in order to compensate for any error in the display name, address, resident registration number(corporate registration number), etc.

❖ Procedure of **correcting** the information related to an applicant code

- Check whether the applicant has legal capacity (whether the corporate has the corporate personality)
- The correction is accepted only if the identity of the applicant (the holder of the registration) is maintained.
 - The reason for correction and a documentary evidence that objectively confirms the identity of the applicant should be submitted.
 - If the application for correcting is submitted based on the difference of transliteration of the display name and/or address of a foreign natural person (or a foreign corporate), the correction would be accepted only if it is determined that the applicant itself has not been changed.

Major Maintenance History (1/2)

❖ Standardization of Applicant Codes in KIPO

- Existing applicants before 1999, however, could have more than one code.
 - Samsung Electronics had 23 different applicant codes at the time.
- KIPO cleaned up some (not all) of multiple codes in 2007 and 2009 and applied the mapping table to KIPO's search system.

| Applicant Code | Applicant Name | Standardized Applicant Code | Standardized Applicant Name |
|---------------------|-----------------|-----------------------------|-----------------------------|
| 119981042713 | 삼성전자주식회사 | 119981042713 | 삼성전자주식회사 |
| 119952712895 | (주)삼성전자 | | |
| 119952715079 | 삼성전자주식회사 | | |
| 119952825346 | 삼성전자주식회사 | | |
| ... | ... | | |

- KIPO revised its regulation in 2009 to clearly state that applicants are only allowed to use a single applicant name and applicant code.

Major Maintenance History (2/2)

❖ Standardization of Applicant Codes in KIPO

- In 2016, KIPO performed additional intra-office standardization, especially for its foreign applicants.
 - Applicants' names and addresses are checked manually, after eliminating special character and aligning by ascending order of remaining character.
 - About 2,000 foreign applicants' names are standardized.
- ➔ The standardization has been completed for the domestic applicants and the foreign applicants with domicile or place of business in the Republic of Korea based on resident registration numbers, corporate registration numbers and foreign registration numbers.

Difficulties in Maintaining Applicant Codes

❖ Existing applicants before 1999

- Existing applicants before 1999 might still have more than one code even though KIPO cleaned up the multiple codes.
- Even if a display name seems to be a misspelled version of another display name, those two names can represent totally different two entities. (e.g. Samsung vs. Samsong)
 - This is the reason why KIPO contacted some applicants directly at the final step in the standardization process.
 - This could be a limitation of automated standardization algorithms.

❖ Human error

- The person in charge of issuing applicant codes might make an error.

❖ A person with no domicile or place of business in the Republic of Korea

- Additional information is needed to uniquely identify a foreign natural person.
 - In this case, KIPO currently uses the name and address in English in order to search for the same applicant.
 - If a foreign natural person changes his/her name and address in English and applies for a new applicant code, then KIPO cannot recognize the sameness between the new information and the existing information.

Thank you!