

# NewsLetter

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# GENERAL TOPICS

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### **New International Trial Division in Patent Court will Accommodate Defense in Foreign Languages**

The Korean Supreme Court has decided to establish an International Trial Division within the Patent Court, which will be the first in Asia. The Supreme Court's Intellectual Property Hub Court Promotion Committee has adopted a resolution stating the terms of establishing the International Trial Division within the Patent Court, and is planning to making preparations and procuring a budget with the goal of establishing the International Trial Division by February 2016.

The International Trial Division within the Patent Court will allow oral arguments in English and submission of documents and evidence in a foreign language without Korean translations thereof. Decisions will also be issued in both Korean and a foreign language, such as English. The command of the trial at the International Division, other than the oral arguments of the concerned parties, will proceed with in Korean language, and simultaneous interpretation will be provided in English. The Supreme Court is also considering a system allowing video testimonial state-

ments by the parties and witnesses who reside in foreign countries and cannot appear at trial.

### **English Language Materials on Korean IP and Litigation to Be Available Worldwide**

Since 2010, the Korean Patent Court (KPC) has been providing foreign universities with English versions of materials related to Korean patent laws and patent litigation cases, seeking to implement a "hub-library" system for Korean IP learning.

The KPC began with the signing of an MOU with Harvard University in 2010. With this system, the KPC provides updated domestic patent litigation and legal materials twice a year to the Korean library set up within Harvard University. Since then, the KPC has been increasing the number of universities to which it offers domestic patent litigation and legal materials, having entered into Memorandums of Understanding with major universities in the US, including Columbia University and Washington University. Korea is the first non-English-speaking country to supply such materials in English.

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The KPC also has signed an MOU with WestLaw, a global legal search website, to post domestic patent litigation cases and related theses on the website, which will help researchers to find precedents and other relevant materials when global patent disputes arise. The scope of services the KPC provides in partnership with WestLaw will be expanded within the year.

In addition, the KPC is planning to hold an IP conference in October, inviting judges and opinion leaders from the IP5 countries, including Korea.

Korea is known for its efficiency in patent examination, with the world's shortest period of 10 months. With these efforts of the KPC, Korean procedures and precedents will be better known and more available to the worldwide IP community.

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### **Nokia Sets Up Advanced Technology Center for 5G research**

On July 1, 2015, Nokia established its Advanced Technology Center (ATC), a research and development center in Korea that will focus on research into 5G mobile communications and Internet of Things

(IoT) technology. This is Nokia's first technology center in a foreign country.

ATC will conduct research on Long Term Evolution Advanced (LTE-A) technology and 5G mobile communications including LTE-Unlicensed (LTE-U) utilizing a non-licensed band, massive multiple-input and multiple-output (MIMO) and high frequency bandwidth. The center will also conduct research on LTE-M which will be used for IoT, and Public Safety LTE (PS-LTE). Mobile communication companies including large companies as well as small and medium sized companies may test their new communication technologies and devices in ATC.

Nokia, in cooperation with Korea's big three mobile communication companies, SK Telecom, KT and LG Uplus, plans to establish a 5G testbed in ATC by the end of this year. The 5G testbed will conduct tests of a new wireless access technology in a high frequency bandwidth of higher than 6 GHz which is different from the currently-used LTE. With the establishment of ATC, Nokia will increase its investment to Korea's network market and reinforce its collaboration with other companies in Korea.

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## Semiconductor and Display Industries Hurry to Take Lead in Sensor Technology

The semiconductor and display industries are paying close attention to the development of sensor technologies, carrying out technology transfer and establishing technology partnership in the field, seeking to take the lead as sensor technology becomes critical for the Internet of Things (IoT) and wearable devices. Sensor technology will play a key role in the next networking businesses, by producing a further distinctive and improved product in combination with existing semiconductor and display technologies.

A semiconductor lead frame manufacturer, Haesung DS, has recently concluded a technology transfer agreement with the Korean Electronics Technology Institute with respect to a semiconductor composite sensor, and is cooperating to further expedite the commercialization of semiconductor lead frames. A display device manufacturer, Meere Company, has recently developed a 3D sensor module by using the ToF (Time of Flight) technology for the first time in Korea. STS Semiconductor and Telecommunications has secured ultra-thin sensor technology. Further, a semiconductor inspection device manufacturer, Kohyoung Technology, has

recently launched a surgical robot that can use sensor technology to precisely locate a surgical site.

## Flexible Power Supply Technology

According to a report issued by the Korean Intellectual Property Office and the Korean Intellectual Property Strategy Institute related to the “2014 National Patent Strategy Blueprint,” flexible power supply technology that maximizes the utilization of wearable devices has been selected as a “promising technology” for the future.

In particular, flexible batteries, which can be rolled up or folded, and flexible energy harvesting technology, which converts unused energy such as vibration and light into electricity, are attracting increasing attention.

The number of patent applications relating to flexible power supply technology has been increasing since 2000 and this trend is expected to continue.

Japanese companies led the development of flexible battery technology from the early stage. For example, Panasonic filed the most patent applications, with 140, followed by Samsung SDI and LG Chemi-

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cal with 122 and 88, respectively. Sanyo and Sony also have obtained many related patents.

Meanwhile, the flexible energy harvesting field shows a somewhat different trend from the battery technology field, where U.S. and Swedish companies lead the technology development. As shown in the chart below, Siemens, the University of California, and General Electric are filing many patent applications, and ABB is focusing on technology development.

## [Major Applicants in Flexible Battery Technology]

Ranking	Company	Country	Number of Patent Applications
1	Panasonic	Japan	140
2	Samsung SDI	Korea	122
3	LG Chemical	Korea	88
4	Sanyo Electric	Japan	67
5	Sony	Japan	64

## [Major Applicants in Flexible Energy Harvesting Technology]

Ranking	Company	Country	Number of Patent Applications
1	Siemens	U.S.A	47
2	ABB AB	Sweden	21
3	Canon	Japan	19
4	University of California	U.S.A	17
5	General Electric	U.S.A	14

## Status of Patents Registered in the Green List in the First Half of 2015

Janssen Korea registered the largest number of patents in the Patent List (“Green List”) of the Ministry of Food and Drug Safety (MFDS) during the first half of 2015. According to the MFDS, Janssen Korea registered 28 patents out of a total of 129 patents registered in the Green List during the first half of 2015. Among the 28 patents, 20 patents are directed to NUCYNTA ER (tapendadol), 7 patents to COMPLERA (emtricitabine/rilpivirine/tenofovir disoproxil fumarate) and 1 patent to SIRTURO 100 mg tablet (bedaquiline).

Takeda Pharmaceuticals Korea took second place with 18 patents registered of which 16 patents are directed to NESINA MET (alogliptin/metformin hydrochloride) and 2 patents are directed to DEXILANT DR CAP (dexilansoprazole), followed by GlaxoSmithKline (7 patents of which 4 patents for RELVA, a fluticasone furoate and vilanterol trifenate combination drug, 1 patent for Fluarix Tetra Prefilled Syringe, a split influenza vaccine, and 2 patents for REVOLADE TAB (eltrombopag olamine)) and MSD Korea LTD (7 patents of which 4 patents for ATXET TAB, an ezetimibe and atorvastatin calcium trihydrate com-

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bination drug, and 3 patents for ALCOXIA (etoricoxib) TAB).

Novartis Korea registered 6 patents. Dong-A ST and Boehringer Ingelheim Korea registered 5 patents, respectively. Especially, among the domestic pharmaceutical companies, Dong-A ST placed 1st by registering 5 patents in the Green List. In addition, Ono Pharmaceutical Korea, AstraZeneca Korea, Menarini Korea and BMS Pharmaceutical Korea registered 4 patents, respectively.

Meanwhile, a total of 32 companies, including 21 foreign companies and 11 domestic companies, registered patents in the Green List during the first half of 2015.

## **Ruling Favors Pfizer Korea in Invalidation Trial of Prevenar 13 Patent**

In June 2015, Pfizer Korea won an invalidation trial of a patent relating to Prevenar 13, a pneumococcal vaccine, before the Intellectual Property Tribunal (IPT).

Earlier in October 2013, SK Chemicals filed a complaint with the IPT seeking to invalidate Pfizer Korea's patent entitled "Multivalent Pneumococcal Polysaccharide-Protein Conjugate Composition" (Ko-

rean Patent No. 1298053). Prevenar 13 appeared to be a barrier to the commercialization of a pneumococcal vaccine, NBP606, that SK Chemicals is developing and has a similar structure to Prevenar 13.

The IPT concluded that Pfizer Korea's patent has novelty and an inventive step on the ground that it is known that the increase in valency of a conjugate vaccine reduces an immune reaction compared to a single antigen administration due to the increase of immune interference, and that it is difficult to determine which type of serum is selected as an antigen and which type of carrier protein is used and to predict whether a conjugate of several antigens can achieve excellent immunity without generating immune interference.

SK Chemicals filed a notice of appeal of the IPT decision with the Patent Court, and Pfizer Korea filed an action seeking a preliminary injunction for patent infringement against SK Chemical's development of a pneumococcal vaccine with the Seoul Central District Court.

## **NHIS Wins Lawsuit over Pay-for-Delay Collusion by GSK and Dong-A ST**

A district court has ordered two pharma-

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ceutical companies –GlaxoSmithKline (GSK) and Dong-A ST– to pay the National Health Insurance Service (NHIS) KRW 867 million in compensation for financial damages caused by their collusion.

In August 2015, the Seoul Western District Court ruled in favor of the NHIS in a lawsuit following a Fair Trade Commission (FTC) decision finding that the two pharmaceutical companies had colluded to limit competition. According to the court, U.K.-based GSK, the manufacturer of an anti-nausea drug, Zofran, filed a patent lawsuit against local pharmaceutical firm Dong-A ST (formerly Dong-A Pharm) in 2000, claiming that Dong-A's generic drug, Ondaron, infringed on GSK's patent for Zofran.

In an attempt to avoid fierce market competition with the cheaper generic drug, GSK sought a settlement, promising to guarantee Dong-A exclusive rights to sell brand-name drugs it produces, as well as other incentives, in return for the Korean firm's withdrawing Ondaron from the market.

The FTC ruled in 2011 that this deal violated the Fair Trade Law, slapping fines of KRW 3.1 billion on GSK and KRW 2.1 billion on Dong-A. The two companies disputed

the charges, demanding that the courts annul the fines and other administrative orders by the FTC, but the Supreme Court ruled in favor of the FTC in February 2014.

After the ruling by the Supreme Court upholding the FTC's decision, the NHIS filed its lawsuit in September 2014, claiming that it had to pay more to purchase the brand-name drug than it would have paid for the generic drug because the former was more expensive. The NHIS also claimed that due to the limited options the companies' collusion deprived consumers of the freedom to choose cheaper drugs with a similar effect.

GSK and Dong-A ST have appealed the Seoul Western District Court's decision.

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### **Rapid Increase of Korean Trademark Applications by Chinese Companies**

According to the Korean Intellectual Property Office (KIPO), the number of trademark applications filed in Korea by Chinese applicants has doubled over the last five years, rising from 1246 applications in 2010 to 2622 applications in 2014.

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Korean trademark applications were filed by Chinese applicants in two paths, (i) direct filings with the KIPO and (ii) indirect filings with the World Intellectual Property Organization (WIPO). The statistic shows that while the number of indirect filings with the WIPO increased modestly from 672 applications in 2010 to 794 applications last year, the number of direct filings increased more than three times from 574 applications to 1823 applications during the same period.

The increase in the number of Korean trademark applications by Chinese applicants after 2010 appears to be related to the Korea-China Free Trade Agreement (FTA). Many Chinese companies select Korea as their strategic point of marketing because the protection for game copyrights has been strengthened by the FTA. Korea has also been preferred as a marketing mecca for fashion items, cosmetics and games as a result of the “Korean wave” started with the popularity of Korean drama, K-POP and e-sports.

Among the Korean trademark applications filed by Chinese applicants, 1894 applications were directed to electric and electronic apparatus and games, 1663 applications were directed to clothing, footwear and headwear, 874 applications

were directed to cosmetics, 851 applications were directed to advertising and wholesale and retail store services and 702 applications were directed to bags and leather goods.

During last five years, U.S. applicants filed 1823 trademark applications (27.3%) taking the first place in the number of Korean trademark applications filed by foreign applicants, followed by Japan (17.2%), China (9.3%), Germany (7.6%) and France (5.5%).

## **Patent Court Acknowledges Distinctiveness of “AMERICAN UNIVERSITY” copyright**

In June 7<sup>th</sup> 2012, American University filed an application to register the mark “AMERICAN UNIVERSITY” (the Subject Mark) for services “providing courses of instruction at the college and graduate levels,” etc. in Class 41. The Korean Intellectual Property Office (KIPO) and the Intellectual Property Tribunal (IPT) refused the registration of the Subject Mark pursuant to Articles 6(1)(iv) and 6(1)(vii) of the Korean Trademark Act on the basis that the Subject Mark consists of “AMERICAN,” a conspicuous geographical name, and “UNIVERSITY,” the service provider or type of business.

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American University filed an appeal of the IPT decision in respect of the Subject Mark with the Patent Court (Case No. 2015 heo 642). The Patent Court concluded that the Subject Mark is distinct in its composition and, thus, Articles 6(1)(iv) and 6(1)(vii) of the Korean Trademark Act are not applicable to the Subject Mark for the following reasons:

The Subject Mark refers to the name of the university operated by the plaintiff. Based on the history of the university, the number of students, the level of awareness in and outside of Korea, and actual usage of the Subject Mark on portal sites, the Subject Mark is well known as the name of the university operated by the plaintiff among ordinary consumers of its educational services.

Furthermore, it is common for university names to be comprised of geographical names and “university.” Thus, the general public would easily be aware of that the Subject Mark in its entirety refers to the name of the university based on general information obtainable from internet and encyclopedia.

In the meantime, in order to establish a university, facilities and equipment should comply with establishment standard and

permission from the Minister of Education should be obtained. There are legal limitations for establishing and operating a university. Due to the restriction on establishment procedure and assets, there are a limited number of competitors in connection with school services. On that basis, universities with the same name cannot be established and, thus, it is highly unlikely that competitors would use the Subject Mark.

Also, as a practical matter, the Subject Mark is not being used as a term for “school education services provided by universities in America or conducted “in an American way” by any third party.

Rather, if the Subject Mark, which is well-known as the name of American University among the general consumers, can be freely used by competitors, it would create confusion among consumers as to the source of the parties’ respective services.

Therefore, the Subject Mark, consisting of “AMERICAN,” a conspicuous geographical name, and “UNIVERSITY,” a type of school, does not merely create the meaning “a university in America.” The Subject Mark consists of “AMERICAN” and “UNIVERSITY” inseparably, and the Subject Mark is perceived by ordinary consumers

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as a particular university in Washington, D.C. and, thus, the Subject Mark creates a new distinctiveness. On that basis, the court held that Articles 6(1)(iv) and 6(1)(vii) of the Korean Trademark Act are not applicable to the Subject Mark.

The KIPO filed an appeal of the decision issued by the Patent Court on August 25, 2015 with the Supreme Court. The Supreme Court decision will be watched with keen interest.

## Pfizer's 3D Mark of "VIAGRA" Blue Tablet Cancelled for Non-Use in Korea

In a cancellation action filed by Hanmi Pharm against Pfizer's registered three-dimensional mark "" (Registered Mark) on the basis of non-use, the Intellectual Property Tribunal (IPT) of the Korean Intellectual Property Office (KIPO) held on July 22, 2015 that the Registered Mark should be cancelled on the basis of non-use.

Hanmi claimed in the cancellation action that the actual use of marks '', '

on that basis, the Registered Mark should be cancelled. The IPT held that the cancellation action had merit on the basis of the following:

The Used Mark includes a blue color diamond shaped tablet engraved with its name of "Pfizer" on one side, and letters "VGR" (which is an abbreviation of its famous "VIAGRA" trademark) and the numerals "100" or "50" (which indicate the dose of the tablet) on the other side. The name "Pfizer," the letters and the numerals are inseparably combined with the diamond shape of the Registered Mark, and the combination of which creates the new meaning of "VIAGRA tablet made by Pfizer," which is different from the registered blue color diamond shaped tablet. In addition, the marking of "Pfizer" is derived from the company name which is a separately registered trademark. Moreover, the letters "VGR" is an abbreviation of the famous "VIAGRA" mark, which is registered by Pfizer for medical preparations for treating the erectile dysfunction. As a result, the words "Pfizer" and "VIAGRA" function as much stronger source indicators for Pfizer's goods as compared to the registered blue diamond shape. In contrast, the blue diamond shape alone merely serves as a general color and shape of an oral tablet but is deemed to lack any

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distinctiveness.

On the basis of the foregoing, the Korean general public and customers of the goods associated with the Used Mark are likely to identify the source of such goods on the basis of the words “Pfizer” and “VIAGRA”, rather than on the basis of the registered blue diamond shape. Therefore, the actual use of marks  by Pfizer is not a legitimate use of the Registered Mark.

Pfizer filed an appeal of the IPT decision with the Korean Patent Court on August 19, 2015. The ruling of the Korean Patent Court on this issue will be awaited with great interest.

On a related issue, Hanmi separately filed an invalidation action against the Registered Mark based on the proposition that it lacks distinctiveness, and thereafter received a favorable decision from the IPT. Pfizer also filed an appeal of this IPT decision with the Korean Patent Court, which is currently pending.

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### FTC’s Final Approval of the Corporate Combination Between Microsoft and Nokia

The Korean Fair Trade Commission of Korea (FTC) has given a final approval to Microsoft’s acquisition of Nokia’s mobile business unit.

In September 2013, Microsoft executed an agreement to acquire Nokia’s mobile phone business. Microsoft owns several patents relating to the Android-operating systems installed in smartphones. There has been concern that if Microsoft is able to manufacture mobile phones by the acquisition of Nokia, Microsoft would collect excessive patent fees from other mobile phone manufacturers thereby deteriorating a fair competition under Korea’s Fair Trade Act.

Microsoft applied for a consent order along with submission of a “proposal of corrective measures of unfair transaction” in order to secure the approval of the merger in Korea. In response, the FTC initiated an evaluation procedure of the consent order as of February 4, 2015, and gave final approval of the acquisition of Nokia’s mobile phone business unit by Microsoft on the terms of the consent order having details of blocking the possibility of patent abuse as of August 24, 2015.

This was the first time that the FTC applied a consent order system on the evaluation

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of a corporate combination. The consent order system is a measure in which the FTC does not separately determine the unlawfulness of relevant conduct if the pertinent company proposes an alternative measure for prohibiting unfair competition and the FTC approves the alternative measure.

Microsoft has agreed to comply with corrective measures caused by the consent order as follows:

- ① Microsoft will follow FRAND principles pursuant to which it will provide any person with a license for standard-essential patents (SEPs) in a fair, reasonable and nondiscriminatory way.
- ② Microsoft will not file infringement actions in and out of Korea on a basis that domestic smartphone manufacturers as well as table PC manufacturers infringe its SEPs.
- ③ When providing its SEPs to competitors, Microsoft will not demand provision of patents by its counter party in exchange.
- ④ Microsoft will not increase the amount of patent fees paid by Korean smartphone and tablet PC manufacturers with regards

to non-standard-essential patents (i.e., those patents not adopted by an organization for standardization).

**Lee's Comments:** There has been concern that an increase of patent fees for domestic smart phone manufacturers by Microsoft may lead to the ultimate increase of prices of smart phones, but an approval of the merger on the terms of the consent order would protect consumer benefits mitigating the concern.

## Korean Supreme Court: Obscene Video Entitled to Copyright Protection

The Korean Supreme Court has ruled for the first time that if an obscene video is shared in an unlawful way, an infringer would be punished under the violation of the Copyright Act on a basis that the obscene video is a subject of protection of the copyright.

On August 11, 2015, the Supreme Court upheld the decision of a lower court ordering that the defendant, who was accused of earning benefits by uploading the videos on a file-sharing website without consent from the copyright holders, shall be subject to a fine of KRW 3,000,000 and additional charges of KRW 11,760,000.

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The decision of the Supreme Court held that videos having obscene details can also be protected as works under the Copyright Act, and therefore the original decision of the lower court approving the guilt of the defendant is reasonable on a basis of the aforesaid statement. Additionally, it clarified that works may be protected under the Copyright Act so long as they take the form of creative expression and that there is no issue as to whether the expressed details, i.e. thoughts or emotions, conform to morality or not.

On a separate decision, the Busan District Court granted a preliminary injunction prohibiting the reproduction of videos filed by 15 Japanese video production entities, together with a Korean entity having a right of publication of the videos acquired from those Japanese entities, against an operator of a Korean file sharing website who illegally reproduced the video files produced by the Japanese entities on its websites.

The judge panel of the Busan District Court determined that five websites operated by the operator should cease reproduction or transmission of about 4,000 videos produced by the Japanese entities.

The judge panel of the Busan District Court

noted that those videos contain obscene details including sexual activity of men and women, but nevertheless are entitled to be protected as works under the Copyright Act. Further, the judge panel added that if a member of the website downloads and saves certain video from the website, it would constitute infringement of the right of reproduction, and that if he/she uploads certain video on the website and lets another person download it, it would constitute infringement of the right of transmission. The judge panel also stated that although the operator recognized the fact that its members had uploaded or downloaded the videos without permission of entities producing the relevant videos, it had encouraged such activity by granting points to the members, and that the operator was required to take technical measures to block the unlawful transmission of the relevant works.

**Lee's Comments:** A decision has been rendered stating that in case where an obscene video which is restricted under laws and regulations expresses thoughts or emotions in a creative way, it will still be protected under the Copyright Act. The scope of copyright protection for obscene videos is anticipated to be expanded because of this ruling.

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## First Disclosure of a Violator under the Personal Information on Protection Act

For the first time, the identity of a violator of the Personal Information Protection Act was revealed pursuant to the revision of relevant laws after massive release of personal information by Korean credit card companies in January 2014. The Ministry of the Interior announced on August 18, 2015 that last March it had imposed a fine of KRW 16 million on Mirae Medical Center for failure to perform its obligation to protect personal information under the Personal Information Protection Act.

Mirae Medical Center, a medical organization specializing in physical examinations, failed to apply appropriate security technology such as dedicated lines and virtual private network (VPN) to control access to its manager page. In addition, it failed to notify users that there would be no dis-

advantage if they refused consent in the course of joining its official website.

Last year, the Ministry of the Interior received a civil petition complaining that personal information of members, including the results of physical examinations and details of consultations, had been disclosed on the official website of Mirae Medical Center. The Ministry of the Interior confirmed such violations through an on-site inspection, and imposed a fine on Mirae Medical Center., and subsequently publicly announced the administrative disposition against Mirae Medical Center. This was the first case in which the real name of a violator was revealed since 2011 when this system was introduced under the Personal Information Protection Act.

The principal provisions of ‘Standard for Measures to Procure Safety of Personal Information’ (Notification No. 2014-7 by Ministry of the Interior) are as follows:

Index	Notification of Standard for Measures to Procure Safety of Personal Information
Internal management plan	<ul style="list-style-type: none"> <li>• Establishment and implementation of an internal management plan (§3①)</li> <li>• Management of corrective action history of the internal management plan (§3③)</li> </ul>
Access management	<ul style="list-style-type: none"> <li>• Granting grades to the access of a personal information handling system to the least extent as necessary (§4①)</li> <li>• Immediate change or cancellation of access, and storage of details thereof for three years upon personnel reshuffling (§4②, ③)</li> <li>• Issuance of one user ID for each staff member handling personal information and prohibition of sharing thereof (§4④)</li> </ul>
Password management	<ul style="list-style-type: none"> <li>• Establishment of rules for generating a password (§5)</li> </ul>

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Access control system	<ul style="list-style-type: none"> <li>• Installation and operation of an access control system (including an intrusion blocking system and an intrusion detecting system)(§6①)</li> <li>• Application of safe means of access including virtual private network (VPN) and dedicated lines upon access from outside (§6②)</li> <li>• Taking an action on a system or a computer not to disclose or release personal information to a person having no right to read (§6③)</li> <li>• Exclusion of application of an access control system upon handling personal information by using a computer for business use only (§6④)</li> </ul>
Encryption of personal information	<ul style="list-style-type: none"> <li>• Subject matter to be coded: unique identification information, password and bio information (§7①)</li> <li>• Encryption standard                             <ul style="list-style-type: none"> <li>- Encryption upon transmitting and receiving information communication network (§7②)</li> <li>- Encryption upon saving password and bio information (one-way encryption for password) (§7③)</li> <li>- Encryption upon storage of unique identification information in an internet zone or a demilitarized zone (DMZ). Upon storage of unique identification information in local area network (LAN), it will be determined whether it will be stored in a form of encryption and how the scope will be defined pursuant to the result of risk analysis (§7④⑤)</li> <li>- Application of safe encryption algorithm (§7⑥)</li> </ul> </li> </ul>
Access history	<ul style="list-style-type: none"> <li>• Storage and management of the access history to a personal information handling system for at least six months (§8①)</li> <li>• Safe storage of access history to prevent falsification, tampering, theft or loss (§8②)</li> </ul>
Security program	<ul style="list-style-type: none"> <li>• Installation of a security program including antivirus software, with updates either automatically or weekly, and with immediate update upon notification of a security update (§9)</li> </ul>
Physical protective measures	<ul style="list-style-type: none"> <li>• Entrance control process for the physical site in which personal information is stored (§10①)</li> <li>• Documents, supplemental storing medium etc. to be stored at a safe place with a locking device (§10②)</li> </ul>

**Lee's Comments:** Since the level of personal information protection is continually being strengthened in Korea, we note that a company handling personal information should check periodically whether it is in compliance with the latest laws and regulations as to collection, process and provision of personal information, as well as safety and protective measures.

## Execution of a Business and Property Transfer Agreement by Rise Education Korea

As of August 13, 2015, Rise Education Korea, a foreign invested company in Korea, a subsidiary of Rise Global, formerly an affiliated company of Houghton Mifflin Harcourt, the world biggest textbook publishing company, held a ceremony at our office executing an agreement transferring business and property from LCI Kids Club Jukjeon Campus. Our corporate ad-

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vising team, led by Attorney-at Law John Min, handled the transaction, which is the third academy assignment on behalf of Rise Education Korea. Our corporate advising team has provided overall legal advising services including legal due diligence, preparing the principal transaction agreements and coordinating the closings.



After executing the transfer agreement, Mr. Ghil-Won Jo (at the far right), Mr. John Min (the third from the left), Mr. Won-Jae Yang (the second from the left) and Ms. Hyun-Ah Kim (at the far left) took a commemorative photograph with related persons from Rise Global.

## New Member: Timothy E. Trinka Foreign Attorney, Hanhwe Kim Foreign Attorney



**Timothy E. Trinka**  
Tim Trinka is a Senior Foreign Lawyer at Lee International IP & Law Group in Seoul. He has worked as a foreign lawyer in

Seoul for over 25 years.

Throughout his career, Tim has been engaged in a wide variety of corporate, commercial and financial transactions in Asia, Europe and the United States. Tim's practice focuses on the construction, financing, development, acquisition, disposition and leasing of real property in Northeast Asia. Tim also has substantial experience in joint ventures and distribution arrangements including franchising and technology licensing.

Tim received a business degree from The University of Iowa in 1979 and his law degree from The John Marshall Law School in 1982. In 1983, he was awarded a Certificate in Advanced International Studies from Salzburg University, Salzburg, Austria.



### Hanhwe Kim

Hanhwe Kim is a foreign legal consultant with Lee International IP & Law Group and a member of the California Bar.

He worked for almost 20 years in the computer software field before practicing law. His previous work includes research in user interfaces and cognitive science, software development, and starting a company with computing pioneer Jef Raskin (who began the Macintosh project

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at Apple in the 1980's).

At Lee International, Mr. Kim specializes in high technology related intellectual property issues. His work includes patent prosecution and litigation, especially in the software field. His in-depth knowledge of computing and business issues and research experience are helpful in dealing with complex technology issues.

respected monthly legal magazine owned by Thomson Reuters, the world's leading source of information for businesses and professionals. ALB provides breaking legal news and produces the ALB Law Awards to recognize the excellence and outstanding achievements of leading law firms and lawyers. ALB is currently available in four regions, including China, Japan, Australia and South Korea.

## Selected as Finalist for the Asian Legal Business Awards 2015



Lee International IP & Law Group has been named a finalist for ALB Korea Law Awards 2015, hosted by Asian Legal Business, in the following categories; "IP Law Firm of the Year" "Construction Law Firm of the Year". The finalists are selected by ALB after an internal research and board review of nominations from market leaders. The winners of the ALB Korea Law Awards 2015 will be announced at a gala dinner on November 13, 2015 at Grand Hyatt Seoul.

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