AN EXPERIENCE AT KOREA UNIVERSITY

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The first time that I studied intellectual property law was when I was selected as a scholarship student of the Konrad-Adenauer Foundation, and began the program of Ph.D in Tübingen University, located in the south-west part of the Federal Republic of Germany.

By that time, I was collecting the data and the sources for my degree thesis (Gläubigerschutz bei Unterkapitalisierung der GmbH), besides attending the classes and seminars in business law, economic law, and international trade law, as well as bankruptcy law. Also, I attended courses which were based on the competition and trademark law, and patent and utility model law which were given by Dr. Völp, who was the attorney. The major components of the courses, the competition and trademark law, were through the competitions as the coordinative structure of economy and cases, the supplementary of Article 1 of the Unfair Competition Act, and special composing elements, special laws, and administration laws for the name-branded goods, and packages of these goods, and the procedures in the Chartered Department, and the procedures of the competition and trademark laws.

In the course on patent and utility models, lectures were given on the protection of patents, the procedure for awarding patents, and utility models (the small patent) license contracts, technology transfer, inventions of employees, the international protection of patents, as well as the European Patent.

During the summer session (April-July) in 1978, the intellectual property and patent law course was offered. This was conducted by Dr. Völp. The course mainly concentrated on the approaches to protection of the mental compensation. To supplement the main goal, utility models and utility designs, as well as intellectual property and patent law were dealt with. This type of course was continuously held during every term but under slightly different titles. For instance, they changed the title of the winter session lecture "Unfair Competition and Trademark Law" to "Unfair Competition Law Including of Trademark Law", but the components were the very same.

The major reason for which the intellectual property courses were in every summer and winter session was that this field of law belonged to the major-elective course group, which included commercial law, company law, security law, accounting, company relations, competition law, tax law.

At that time, I was preparing for the degree thesis on company law, and I enrolled in the course on intellectual property law. Of course, I could not concentrate on systematic research in intellectual property law because I was terribly busy preparing the thesis.

Fortunately, in the summer of 1981, I had the opportunity to attend King's College in London University, where the summer school was hosted by the law school of San Diego University in the United States. In this program, I took comparative corporate law from Professor Richard Buxbaum, who visited

Korea recently for the University of California (Berkeley). I also took business arbitration from the famous Professor Schmitthoff, and this provided me the opportunity to realize the importance of intellectual property rights in international transactions and trade.

Even though I have been lecturing in the undergraduate and graduate school of the Law College in Korea University after earning my degree in August of 1983, the ranges are very constrained in the fields of commercial and economic law and international trade law. However, since the trade conflicts between Korea and the United States have heavily increased due to the profitable balance of payments for the Republic of Korea, Koreans were pressed to open their financial and insurance market. The protection of intellectual property was especially raised as the big issue. Therefore, towards the end of 1985, practical law experts and professors came together in order to compose the Korean Intellectual Property Research Society, Inc. (KIPS). The first founding convention was held on January 25, 1986. The President of KIPS is Professor S.H. Song at the Seoul National University. I was elected the vice-president. I came to know that the issue of intellectual property law is the most important element and which must be approached from the economic, cultural, and scientific disciplines. Therefore, prior to anything else, I strongly believed that the course on intellectual property law to be held in the Graduate School must be built on a basic comprehension of those disciplines.

THE SEMINAR ON INTELLECTUAL PROPERTY RIGHTS IN THE GRADUATE SCHOOL

With a view to preparing a seminar on intellectual property rights, I decided to go to the Federal Republic of Germany on June 5, 1986. Once again, I was financially supported by the Konrad-Adenauer Foundation, which had provided me with the scholarship for the previous six years. By that time, I could take the seminar and lectures related to my major, for German schools were still in session. I collected some important data from GRUR, and purchased some books on intellectual property law. The books which I would like to mention are:

- Bernhardt/Krasser, Lehrbuch des Patentrechts, -Recht der Bundesrepublik Deutschland, Europäisches und Internationales Patentrecht-, 4. Aufl., 1986.

- Hubmann, Urheber- und Verlagsrecht, 5. Aufl., 1984, Nachtrag 1985.

- Baumbach/Hefermehl, Warenzeichenrecht und Internationales Wettbewerbs-und Zeichenrecht, 11. Aufl. 1985.

- Eisenmann, Grundriss Gewerblicher Rechtsschutz und Urheberrecht: Mit 45 Fällen und Lösungen, 1985.

Besides these books, "Gewerblicher Rechtsschutz" of Hubmann is the fundamental text book in this field, but I could not get the fifth edition.

In Tübingen, I was able to keep close relations with the professors of the law school; especially I could exchange broad opinions with Prof. Zöllner, my supervising professor, and Professor Möschel, who was a great help to me in the field of anti-trust law.

In the middle of July, my researching office was moved to Munich so that Professor Fikentscher, who is an expert in intellectual property law, and I could have the chance to participate in the seminar. Also, in Munich, there is Max Planck Institute, and Professor Fikentscher is also a member of this institution. I was introduced to the members of that research institute by Professor Fikentscher. I had access to many valuable resources. Of course, I specifically explained about the Korean Intellectual Property Research Society, Inc. (KIPS).

Though I returned to Korea with successful data collection in the middle of August, I was bewildered when I had to conduct the seminar. Luckily I came to know Mr. Hondo, to whom Professor Choi Dal Gon at the Korean University had introduced me, and who was an attorney in Japan. He was very fluent in Korean and had a lot of Korean friends and he even published a book on the Korean family law. Therefore it was decided to host the seminar with Mr. Hondo and the programs were also planned out as following.

Mr. Hondo introduced the definiton of intellectual property rights and characteristics and their relation to other legislations. I took part in the general introduction of intellectual property rights. In this part, the legal foundations of intellectual property rights, protective-legal interest, the status and special characters of the entire order of the law, general establishment of the basic rights, the relations between intellectual property law and special industrial ownership, and inter-relationships of industrial property rights were discussed. Afterwards, more specifically, intellectual property rights -- patent law, utility model law, trademark law -- and the international point of view on these items were presented by the graduate school students. The most unforgettable thing is, that many basic and strange questions were raised, while clear and definite answers were not always provided. Based on this knowledge, we all together read the paper "Intellectual Property Rights in an Age of Electronics and Information" proposed by United States Congress. This was three-hundred pages long, but we were so enthusiastic that it ended with great success. In my opinion, this is partly due to the comfortable air of Dogo Hot-Spring.

LECTURES ON THE INTELLECTUAL PROPERTY RIGHTS TO UNDERGRADUATES

It is a very difficult issue to lecture on intellectual property rights in an undergraduate school. The unique elements of intellectual property rights are the close relationships with the scientific and industrial knowledge; therefore it clearly indicates through the question "Is it possible for law professors who have weak background of afore-mentioned science to give lectures to the students who have been literaric orientated about intellectual property law effectively?". Anyway, it was impossible for me to lecture perfectly and systematically intellectual property rights, and I could only theoretically introduce them. Therefore, I will be more satisfied if our law students can recognize the importance of intellectual property rights and the correlations between our modern society more than the selective subject of Judge Qualification Exam. More than anything else I think I should be satisfied with the fact that intellectual property rights law was decided as a subject of selective course. After 1988 I may teach two courses about intellectual property rights at Korea University. In summer semester about the industrial property law and in winter about the copyright law. Also many new textbooks have been published recently.

- S.D. Yang, "Industrial Property Law", supp. ed., 1986.
- W.S. Park, et al.,"Copyright Law - emphasis on the comparative aspects", 1986.
- I.B. Jung, "An Introduction to the Patent Law", 1986.
- Y.S. Song, et al., "Intellectual Property Law", 1987.

Based on these texts and continuous research, study and comparison of foreign laws should bring about new approaches, methods and theories.

Consequently, my lectures in the undergraduate school are being delivered on the basis of experimentation. However, all I hope is that more students can be enthusiastic with intellectual property rights and that many law school students will make a substantial contribution to this field as patent attorneys or otherwise. Actually, one of my students who studied law and food science is working as a patent attorney, which fully satisifies me.

CONCLUSION

"To study" seems to me, is to tackle a problem with an inquiring state of mind. As I've been majoring in commercial law, I have come to study economic law, which is one of the major-elective courses, and intellectual property law should not be an exception. Korea's international economic circumstances made me have deep interest in intellectual property law, and have brought about the foundation of the Korean Intellectual Property Research Society, Inc. (KIPS). "We find that the classical intellectual property infringement problems is something which should be solved with other matters in a new stage. We believe our Research Society, Inc. (KIPS) will analyze the present situation of our law, and at the same time will provide a foundation to deal with such problems." I thoroughly agree with afore-mentioned statement and, as a member of this Research Society (KIPS), and as a professor who has deep interests in intellectual property, I would like to finish this paper with the hope that this will be of some help to my Research Society, Inc. (KIPS) and our regional symposium intellectual property law teaching and research in Asia and the Pacific.

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