INTELLECTUAL PROPERTY LAW TEACHING AND RESEARCH IN KOREA

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EDUCATION AND RESEARCH

Intellectual property law has long been listed as an optional course for senior students on the curricula of less than ten major law schools in Korea. It is only in 1986, however, that this course was actually taught for the first time. For example, intangible property law was taught the senior law students in case of Seoul National Universtiy, and Professor Kisu Lee opened a course to the graduate students in case of Korea University with an aim of opening an undergraduate course soon. The courses are taught for 15 weeks with three credit hours a week. The teaching programs usually contain all the items traditionally included in the subject matter, although a lot depends on the personal interests of the particular teacher. Since there are less than ten textbooks or treatises written in Korean, teachers have to compile basic articles, domestic as well as foreign, to cover copyright, patent, trademark, design, technology transfer and licensing, unfair competition, computer programs, and relevant conventions. Foreign literature are usually English, German and Japanese. Courses are conducted to introduce international developments on the one hand, and interpretation of relevant domestic statutes and analysis of court cases on the other. Due to the language barrier, how much and widely relevant foreign literature are collected and used in the course also depends largely upon the individual teacher. While the responses from the students were enthusiastic, the evaluation reports of such pilot teaching programs have yet to come out. It will take some time to shape up the nationally unified course and the intellectual property law course looks now like an empty container to fill with anything.

Until the U.S. Government raised the intellectual property issue two years ago in the context of trade relationships with Korea, the very term "intellectual property" was foreign and very few were aware of its meaning and importance in Korea. Lack of demand on the part of the students, a dearth of qualified teachers and no adequate teaching materials resulted in the absence of such courses in law schools.

Outside law schools that began teaching intellectual property, Korean Intellectual Property Research Society, Inc. ("KIPS"), of which I am the president, was founded on January 25, 1986 by professors of various disciplines as well as by lawyers, judges, musicians, artists, engineers, computer specialists, concerned government officals and research institutes. Its purpose is to contribute to the appropriate protection of intellectual property and to conduct systematic research in areas such as copyright, patent, trademark, industrial design, utility model, know-how and other intangible property, through legal as well as interdisciplinary approaches. In conducting such research, particular emphasis is placed upon protection and use of intellectual property, technology transfer and the economic, industrial, technical and sociocultural analysis thereof. I am pleased to be able to inform you that some positive achievements have been realized in the past two years.

First, our research projects: at the request of the Ministry of Science and Technology we drafted the computer program protection law which was enacted by the National Assembly in December, 1986. The ministry also commissioned KIPS to do the feasibility studies of extending protection to semiconductor chips, which is being carried out as scheduled. The Ministry of Communications recently assigned KIPS a research project regarding legal problems of broadcast via satellite and data bases. One of our vice presidents is busy working on the economic impact analysis and our preparation for the New Round in connection with intellectual property.

Since our main office is located at the Korean Social Sciences Library Building, KIPS enjoys the benefit of the professional information and literature service offered by the Library. Other research activities have included the convening of two large scale international seminars on copyright and another one on patent and trademark. In addition, one of our committees sponsors a study group which analyzes relevant court cases. Most importantly, from January 22-23, 1987 KIPS held a two day international symposium on the new Copyright Act. Speakers from the U.S., U.K., Australia, Japan, Hong kong drew more than 300 concerned intellectuals, business executives, government officials and lawyers to attend and particpate in their presentations and discussions.

Secondly, international exchanges: through exchange and cooperation with the World Intellectual Property Organization (WIPO), I presented successful examples of Korean technology transfer in April, 1986 at a workshop in Karachi for the Pakistan Government and in February, 1987 in Jakarta for the Indonesian Government on the protection of computer programs. We also sent one of our members to the U.S. in November, 1986 for a three week training and orientation program for intellectual property teachers with the financial support of the WIPO. In addition, with the generous assistance of a full scholarship granted by the British Council one of our members was sent to the London School of Economics in October, 1986 to specialize in copyright law for one year.

Thirdly, our education and training activites: as I said earlier, two members of KIPS, who are law professors, have started courses on intellectual property at their law schools. Of equal significance, several specialists from KIPS regularly lecture on various aspects of intellectual property at the Judicial Training and Research Institute of the Supreme Court, which is a two-year training program for those who passed the National Judicial Service Exam to produce judges, prosecutors and practitioners upon graduation. It is indeed KIPS that takes a timely initiative in enhancing the importance of intellectual property and in helping major law schools and institutes organize related teaching and training programs.

Fourthly, our public relations activities: in March, 1986 KIPS started to publish a bi-monthly newsletter entitled, "The Korean Intellectual Property Research Society News." This publication is distributed to 6,000 leading intellectuals who have expressed interest in this field.

GOVERNMENT ACTIVITIES

It is one thing to enact all the necessary legislation, but it is quite another to enforce and administer such legislation. Foreigners have long suspected that the Korean Government might be lax in enforcement. In some

cases some foreign right holders formed a surveillance mechanism with Korean business partners and lawyers to monitor infringement. Domestically it has been repeatedly argued that the government as well as the private sectors concerned ought to prepare for the new legal environment. After the initial protests subsided, businesses adopted different strategies to cope with the changes and are eager to seek licensing from or other forms of collaboration with foreign right holders.

The Government also initiated various preparatory works. Deliberation or mediation committees were established within the relevant Ministries to help the competent Ministry formulate policies and to handle intellectual property disputes seeking much advice and assistance from the academia. With the significant enhancement of penalties and fines in the new legislation, the prosecution authority designated a team of public prosecutors to investigate and prosecute infringers of intellectual property rights and to confiscate counterfeits. The Office of Patent Administration (OPA), with the financial and technical assistance of WIPO and UNDP, organized the International Intellectual Property Training Institute making it a comprehensive training center for all intellectual property subjects. It offers various courses regarding patent, trademark, copyright, utility model, computer software and other industrial property to audiences ranging from OPA examiners and business executives to intellectual property officials of developing countries in Asia. The Institute is an ambitious project which was first opened on July 13, 1987. It is a brain child of KIPS, Inc. in the sense that when the idea was approved by the President of the Republic, it was KIPS that organized all the courses, curricula and selected the faculty members, almost all of whom are members of KIPS.

Changes that are taking place in Korea with respect to the intellectual property are enormous. I believe that the pressing need of the hour would be to strenghten teaching programs to enhance the recognition and understanding of intellectual property.

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