



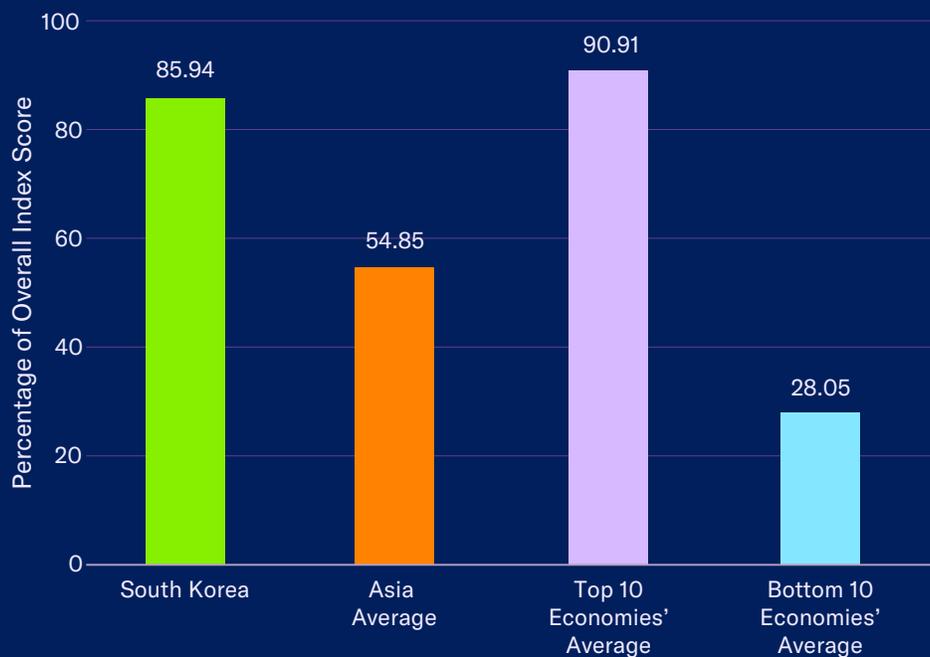
# South Korea

Rank  
10/55

## Category Scores



## Overall Score in Comparison





## Key Areas of Strength

- 2024 amendments to the Unfair Competition Prevention and Trade Secret Protection Act significantly strengthened existing penalties and damages for trade secret violations and misappropriation of confidential information
- Extended data exclusivity period (referred to as 're-examination' period) of 10 years for designated orphan drugs available since 2016
- Increasingly active stance taken toward combating online piracy; this stands as an example to Southeast Asia and emerging markets around the world of what strong and consistent protection of copyright can achieve in terms of stimulating innovation, cultural production, and economic activity
- Patenting standards are in line with international best practices
- Relatively robust legal framework for trademark and design protection
- Membership in Global PPH and IP5 and new post-grant patent opposition mechanism help streamline patent office review
- KIPO provides SMEs with a variety of educational and technical assistance programs as well as right to reduced filing fees

## Key Areas of Weakness

- Not a contracting party to the Patent Law Treaty or the Convention on Cybercrime
- Some barriers to market access that discriminate against foreign IP owners
- Onerous licensing registration requirements

Indicator	Score	Indicator	Score
<b>Category 1: Patents Rights and Limitations</b>		<b>8.50</b>	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	0.50
2. Patentability requirements	1.00	30. IP as an economic asset	0.75
3. Patentability of CII	1.00	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	1.00	<b>Category 7: Enforcement</b>	
5. Pharmaceutical-related enforcement	0.50	<b>6.24</b>	
6. Legislative criteria and active use of compulsory licensing	1.00	32. Physical counterfeiting rates	0.81
7. Pharmaceutical patent term restoration	1.00	33. Software piracy rates	0.68
8. Membership of a Patent Prosecution Highway	1.00	34. Civil and procedural remedies	0.75
9. Patent Opposition	1.00	35. Pre-established damages	1.00
<b>Category 2: Copyrights and Limitations</b>		<b>5.99</b>	
10. Term of protection	0.74	36. Criminal standards	1.00
11. Exclusive rights	1.00	37. Effective border measures	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00	38. Transparency and public reporting by Customs	1.00
13. Cooperative action against online piracy	1.00	<b>Category 8: Systemic Efficiency</b>	
14. Limitations and exceptions	0.75	<b>5.00</b>	
15. TPM and DRM	1.00	39. Coordination of IP rights enforcement	1.00
16. Government use of licensed software	0.50	40. Consultation with stakeholders during IP policy formation	1.00
<b>Category 3: Trademarks Rights and Limitations</b>		<b>3.75</b>	
17. Term of protection	1.00	41. Educational campaigns and awareness raising	1.00
18. Protection of well-known marks	1.00	42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
19. Exclusive rights, trademarks	0.75	43. IP-intensive industries, national economic impact analysis	1.00
20. Frameworks against online sale of counterfeit goods	1.00	<b>Category 9: Cutting-Edge Innovation</b>	
<b>Category 4: Design Rights and Limitations</b>		<b>2.50</b>	
21. Industrial Design Term of Protection	0.80	44. IP incentives for orphan medicinal product development	1.00
22. Exclusive rights, industrial design rights	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.50
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>		<b>1.80</b>	
23. Protection of trade secrets (Civil Remedies)	1.00	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00	<b>Category 10: Membership and Ratification of International Treaties</b>	
25. Regulatory data protection term	0.60	<b>5.50</b>	
<b>Category 6: Commercialization of IP Assets</b>		<b>3.67</b>	
26. Barriers to market access	0.75	47. WIPO Internet Treaties	1.00
27. Barriers to technology transfer	0.75	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
28. Registration and disclosure requirements of licensing deals	0.25	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
		51. Membership of the Convention on Cybercrime, 2001	0.00
		52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
		53. Post-TRIPS FTA	1.00

**Total Score: 45.55**

# Spotlight on the National IP Environment

## Past Editions versus Current Score

South Korea's overall score remains unchanged at 45.55 out of 53 indicators.

## Area of Note

There were several positive IP developments in South Korea in 2025. To begin with, in late 2025, the national IP authority, KIPO, was transformed into a full-fledged executive department, the Ministry of Intellectual Property. As noted in the Index, South Korea has long emphasized its national IP environment, particularly the governance and support structures for IP-intensive industries. In 2025, there were also important reforms to the IP enforcement environment, including increased punitive damages for trademark and design infringement and the introduction of new incentives to report overseas trade secret misappropriation. The Index applauds the Korean Government's continued efforts to reform its national IP environment. The Index will continue to monitor these developments in 2026.

## Patent Rights and Limitations

### *7. Patent term restoration for pharmaceutical products:*

The Korean Patent Act provides a clear five-year term restoration for any patent term lost during the regulatory review and product registration process for biopharmaceuticals. However, as noted in past editions of the Index, the industry has raised several concerns over the practical availability of this restoration. This includes, for example, the inclusion of clinical trials conducted outside Korea in calculating the patent term to be restored;

the extent to which additional uses of a patented invention are included under any restoration granted; and the wholesale rejection of all term restoration for unsuccessful applications. In late 2024, legislative changes introduced several new changes and potential barriers. Under amendments to the Patent Act, a new 14-year maximum patent term (including any term restoration) has been introduced, together with new limitations on the number of patents eligible for restoration for each product. These changes came into effect in 2025. The Index will monitor the extent to which these legislative changes affect rights holders' ability to access term restoration on a non-discriminatory and fair basis.

## Copyrights and Limitations

### *14. Scope of limitations and exceptions to copyrights and related rights:*

Like many other Index economies, South Korea is increasing its use of machine learning and AI-based technologies and applications. AI-based technologies are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide.

Over the last few years, the Korean Government has introduced several new initiatives to establish an appropriate legal and policy environment for the use and application of these technologies. As noted last year, this includes actions taken by both the executive and legislative branches of the Korean Government. For example, in late 2023, the Ministry of Culture, Sports, and Tourism released A Guide on Generative AI and Copyright.

The Guide is the culmination of the work of a special working group established by the Ministry and the Korea Copyright Commission (KCC). While not a binding legal document, the Guide provides a summary of the existing legal framework and its applicability to the development and use of generative AI. As such, the Guide makes an important contribution not only to policy discussions in Korea but also globally. Notably, the Guide states that “an AI business, even when using a work solely for AI training, should try to prevent possible disputes by securing authorization from the rights holder prior to the use, whether by paying adequate remuneration or through other means.”

The Korean National Assembly has also been considering several bills related to AI and machine learning, including government-sponsored legislation and member bills. In late 2024, the Assembly enacted the “AI Framework Act.” The purpose of the Act is to promote the development and use of AI in South Korea. The Act provides a legal definition of AI, establishes a national AI plan and a presidential strategic AI committee, and charges the executive branch with developing an AI-specific regulatory framework.

In late 2025, the Ministry of Science and ICT released the “AI Draft Enforcement Decree of the Framework Act on Artificial Intelligence.” The enforcement decree was expected to take effect in early 2026. With respect to the interplay between IP rights and AI, the Act itself is largely silent on IP issues, including the interaction between AI and copyright protection.

In response to this omission, in mid-2025, a group of 12 National Assembly members, led by Representative Kim Ki-hyun, proposed an amendment to the Act to introduce a mechanism to verify the use of copyrighted works in AI training and development.

Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. At the time of research, the proposed amendment was still pending. The Index will continue to monitor these developments in 2026.

## Trade Secrets and the Protection of Confidential Information

### *25. Regulatory data protection term:*

Amendments to the Pharmaceutical Affairs Law and South Korea’s data exclusivity regime took effect in 2025. Historically, South Korea has provided a period of so-called ‘drug re-examination’ through subsidiary regulation, with a baseline period of protection for new drugs being six years. The 2025 changes introduce a more formalized regulatory system for data protection. Local legal analysis suggests that this new system should provide rights holders with more legal certainty. As the baseline term of protection under the new system was not amended, Korea’s score on this indicator remains unchanged at 0.6. The Index will continue to monitor these developments in 2026.