

KOREA,
REPUBLIC OF



Treaty Series No. 28 (1978)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Korea
on Industrial Property

Seoul, 19 December 1977

[The Agreement entered into force on 19 February 1978]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 1978*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF KOREA ON
INDUSTRIAL PROPERTY**

No. 1

*Her Majesty's Ambassador at Seoul to the Minister of Foreign Affairs
of the Republic of Korea*

*British Embassy,
Seoul.*

19 December 1977.

Your Excellency,

With reference to the discussions which have recently taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and of the Government of the Republic of Korea with a view to the conclusion of an Agreement to provide for the reciprocal grant and protection of rights with respect to patents, designs, trade marks and utility models, I have the honour to confirm that the Government of the United Kingdom are prepared to enter into an Agreement with the Government of the Republic of Korea in the following terms:

- (1) This Agreement shall apply:
 - (a) in relation to the Government of the United Kingdom of Great Britain and Northern Ireland, to the United Kingdom, the Channel Islands and the Isle of Man;
 - (b) in relation to the Government of the Republic of Korea, to the Republic of Korea.

- (2) For the purposes of this Agreement:
 - (a) the term "national" shall mean, in relation to the Government of the United Kingdom, any person whom the Government recognises as a national and who belongs to the United Kingdom, the Channel Islands or the Isle of Man; and, in relation to the Government of the Republic of Korea, to any national of the Republic of Korea;
 - (b) the term "companies" shall mean any legal person (or any juridical entity duly established in accordance with the law of the territory concerned).

- (3) The nationals and companies of each Contracting Party shall within the territory of the other Contracting Party be granted the same rights as are given to the nationals and companies of the other Contracting Party with respect to the registration and protection of patents, designs, trade marks and utility models irrespective of whether they have a domicile or an establishment in that territory.

- (4) (a) The nationals and companies of each Contracting Party who have regularly filed an application for a patent or for the registration of a design within the territory of the other Contracting Party shall enjoy for the purpose of filing in that territory a right of priority during the period provided for by the relevant laws and regulations of the other Party. This provision shall apply also to any application for the registration of a utility model in the Republic of Korea.
- (b) It is understood that where an application to register a design is filed in the United Kingdom by virtue of a right of priority based on the filing of an application to register a utility model in the Republic of Korea the period of priority shall be only that fixed for applications to register designs.
- (c) It is permissible to file an application to register a utility model by virtue of a right of priority based on the filing of a patent application or an application to register a design and vice versa.
- (5) The nationals and companies of each Contracting Party shall within the territory of the other Contracting Party be subject to the laws and regulations of the other Contracting Party with respect to patents, designs, trade marks and utility models.

If the foregoing terms are acceptable to the Government of the Republic of Korea, I have the honour to suggest that the present Note and Your Excellency's reply in that sense shall be regarded as constituting an Agreement between the two Governments in this matter, which shall enter into force two months after the date of Your Excellency's reply hereto and shall continue in force until twelve months from the date on which either Government shall have given to the other written notice of termination.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

W. S. BATES

No. 2

*The Minister of Foreign Affairs of the Republic of Korea
to Her Majesty's Ambassador at Seoul*

*Ministry of Foreign Affairs,
Seoul.*

19 December 1977.

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note dated December 19, 1977, which reads as follows:

[As in No. 1]

I further have the honour to inform Your Excellency that the provisions set forth in Your Excellency's Note are acceptable to the Government of the Republic of Korea and to confirm that Your Excellency's Note and this reply are considered as constituting an Agreement between our two Governments on the subject, to enter into force two months after the date of this reply.

Accept, Excellency, the assurance of my highest consideration.

TONG-JIN PARK,
Minister of Foreign Affairs.