

ECCK Newsletter



25 July 2013, No 1

Secretary-General's Message

I am pleased to release the ECCK's first newsletter to our members. I hope you will enjoy this issue and find it to be appropriately informative.



The newsletter is part of our effort to keep members up-to-date on the ECCK's various activities. The Chamber has quickly grown in the first half of this year, and we plan to launch a number of new initiatives

and committee functions in the second half. Along with our own activities, we are cultivating cooperative relationships with business associations and media outlets with some fruitful results in sight.

Our first newsletter is to report the Chamber's latest activities and introduce our new communication tools – a renovated website, the publication of membership directory, and the membership satisfaction survey. Also, I am deeply grateful that Ms Morag Peberdy of Covington & Burling LLP has contributed a special column on an emerging EU Unitary Patent system.

As always, our priority is to meet your needs and aid you in understanding the context of the Korean market. Your feedback is, of course, very much appreciated.

The simmering Korean summer has come in full swing with wonderful vacation and holiday opportunities. While you rejoice a short time away

from business, I hope you can take a moment for this read, to revitalise your knowledge and assist your way to success in the Korean market.

Yours faithfully
Christoph Heider

New ECCK Website Open!

The ECCK has launched its new website, replacing the current blog. You will immediately notice all new features – i.e. an upgraded event calendar, bulletin boards for committees, as well as overall interface improvement to be more pleasant to the eye.

The ECCK staff are now better equipped to aide you with information about general and committee activities, should they wish to join, as well as the different services that members can use. You can now RSVP to us, access to magazines and newsletters, and find useful information produced by committees on the ECCK website. Please take a look around, and don't forget to take a few surveys we've uploaded.

Membership Satisfaction Survey

The ECCK primarily functions to serve for its members' interests. What members want and would like to accomplish in the Korean market is our utmost concern. With the opening of our new website, we have circulated a Membership Satisfaction Survey questionnaire to better understand your needs and wishes.

You may access the survey via <https://www.surveymonkey.com/s/ECCKSURVEY> or by clicking a slide on the new ECCK website.



ECCK Membership Directory

The first ECCK Membership Directory has recently been published. Neat and portable, the Directory contains the details of all our members who could be your valuable partners.

ECCK Luncheon with KFTC Chairman



The ECCK hosted a luncheon event with Mr Dae-Lae Noh, Chairman of the Korea Fair Trade Commission (KFTC), at Lotte Hotel, Seoul, on 7 June 2013. Mr Noh delivered a presentation titled “Korea’s Economic Democratisation and Fair Trade Policy.” In his welcoming speech, Mr Thilo Halter, President of the ECCK, said, “with its purpose and commitment, the KFTC will help the market become fairer and mutually beneficial for both big and small businesses, as well as domestic actors and foreign investors.” Mr Noh also emphasised that the government’s policy was designed to correct unfair practices between conglomerates and SMEs, not to intervene in the market.

New Committee Launched

As from 1 August, a new committee specialised in real estate finance, investment, and development will start its operation. This new committee will also cover broad industrial sectors including construction, urbanisation, and sustainable development.

The committee’s activities include but are not limited to: (1) investment promotion activities; (2)

research on the Korean real estate market for market entry; (3) government relations as a facilitator between the industry and the relevant agencies; and (4) networking. In addition, the committee will serve as a representative body for European real estate companies.

The committee will start with a real estate seminar exclusively for ECCK members. Ms Seungyeon Ahn is in charge of the set up process in coming months. (contact: rec.mg@ecck.eu)

Pharmaceutical Working Group

The ECCK kicked off a pharmaceutical working group on 19 June 2013. The first working group meeting was convened with representatives from European healthcare & pharmaceutical industries. Participants agreed to institute a dedicated standing committee for addressing related issues within the ECCK. Once established, a new healthcare & pharmaceutical committee is expected to represent the European voice in the industry. The ECCK’s Finance, Cosmetics, Legal Affairs Committees have teamed up to lead this initiative.

Finance Committee Activities

June has been an active month for ECCK Finance Committee. In collaboration with *SAMIL PwC*, the ECCK’s Taxation and Fashion & Luxury Committees held a joint workshop on 11 June 2013. The workshop, attended by fashion & luxury industry professionals, covered a variety of topics from general tax issues and industry trends to tax audits, transfer pricing and customs, as well as industry-specific issues.

On 12 June, the ECCK Insurance Committee held its monthly meeting with the support from *Kim & Chang*. Participants were discussing upcoming regulatory changes and the effects of the EU-Korea FTA on European insurance companies.

On another end of the spectrum, the Tobacco Working Group met on 26 June to discuss the implications of new regulatory changes and industry-specific issues. The Working Group was joined up with the ECCK IPR Centre and the Taxation Committee.

Cosmetics Committees

The ECCK Cosmetics Committee organised *President Group Meeting* on 11 June 2013, one of the main committee events for 2013. Representatives from the European cosmetic industry gathered in Grand Hyatt Hotel to share various news and issues regarding the cosmetic market in Korea. Mr Heider, Secretary-General of the ECCK also attended and presented action plans for the Chamber.

In early July, as an interlocutor in a dialogue with the Korean government, the ECCK Cosmetics Committee gathered opinions from members, drafted an official letter, and sent it to *National Assembly's Health & Welfare Committee*. The letter was drafted to make a case against a proposed Cosmetics Act in which it is required to label the date of import on all foreign cosmetic products. The common position was that such a regulation had no practical benefits for consumers, but added more burden to the overall cosmetic industry.

On 17 July, the Cosmetics Committee held a meeting to discuss issues regarding on-site inspection of overseas cosmetic manufacturers by *Ministry of Food and Drug Safety (MFDS)*. Furthermore, on 24 July, the ECCK Cosmetic Committee participated in an experts meeting, organised by *MFDS Cosmetic Policy Division*. Cosmetic labelling and advertisements were the main topics of the meeting, where MFDS stated that it would revise the cosmetic labelling and advertisement guidelines and introduce a self-regulation review system.

Busan Chapter

In Busan, the ECCK Marine & Shipbuilding Committee has recently seen a change in

chairmanship. Mr Jan Benggaard has been inaugurated as the Chairman of the Marine & Shipbuilding Committee. He will serve in this role for the next two years.

At ECCK Busan Network Night on 25 June, Mr Ville Packalen, the former chairman of the committee was awarded an appreciation plaque for his excellent service. The Network Night event was held at Gallery IDM in Haeundae.

On 3 July, with Busan-Jinhae Free Economic Zone Authority, the ECCK Marine & Shipbuilding Committee co-hosted a seminar on maritime equipment technology. Korean Maritime Equipment Research Institute (KOMERI) and KTB Investment & Securities researchers were invited to deliver a presentation titled "Trend of Maritime Equipment Technology", as well as a speech regarding marine equipment business strategies.

Upcoming Events

ECCK Summer Network Night by the Han River

Date & Time: 18:00, Tue., 30 July 2013

Venue: WAV Bar & Lounge (3F)



ECCK General Meeting

Date & Time: 18:00, Thur., 29 August 2013

Venue: Conrad Hotel

For more information: www.ecck.eu

For advertisement, please contact us via ecck@ecck.eu



The Korea Herald

The ECCK congratulates the 60th anniversary of the Korea Herald this year. The newspaper is preparing a special issue on 14 August to commemorate its 60th anniversary of publication in 1953. A survey analysis on the business environment of Korea will be featured in this issue. Your insightful views and opinions in the following survey would therefore be much appreciated. Thank you.

[Go to survey](#)

Special Column

The new Unitary Patent for Europe: a short overview

By Morag Peberdy

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After many years of negotiation, last December the European Parliament approved a package of legislation to create an EU Unitary Patent. It was anticipated that it would come into effect in

January 2014, but this timetable has slipped and autumn 2015 now seems like the earliest realistic start date. Once implemented, the new regime will provide a single patent, referred to as the “Unitary Patent”. It will have uniform effect in most of the 28 EU member states (it’s not yet clear how many countries will participate; currently Spain and Poland are refusing to ratify the legislation), and will provide a potentially very valuable asset.

The Unitary Patent will be prosecuted centrally by the European Patent Office, and a new Unified European Patent Court, with the power to grant pan-European injunctions, will be created to enforce the Unitary Patent. If a Unitary Patent is invalidated, it will no longer have any effect in any of the participating countries. The new legislation will not change substantive patent law. Due to a reduced requirement for translations, it is hoped that it will become cheaper to obtain pan-European patent protection. Supporters of the Unitary Patent also believe that patent litigation in Europe will become simpler, more cost-effective, and remove the possibility of inconsistent decisions on the same patent in different national courts.

A “European Patent” exists currently, which is obtained through the European Patent Office, and which can designate some or all of the 38 countries which have signed the European Patent Convention. However, the name is misleading, because on grant, an application for a “European Patent” transforms into a bundle of national patent rights which are renewed, enforced and invalidated

separately on a national basis. If a patent holder wants damages or an injunction stopping infringement in a number of countries, it has to start legal proceedings in each country, requiring different local counsel. After the Unitary Patent comes into effect, European Patents will continue to be available for the 10 or more countries who have signed the European Patent Convention but cannot (or will not) participate in the Unitary Patent. For those countries which have ratified the Unitary Patent, patentees can choose whether to file a Unitary Patent or a series of national patents. Careful thought needs to be given to patent filing strategies for Europe.

Implementation of the Unitary Patent is likely to happen, but is not yet a done deal. The legal instrument creating the Unified European Patent Court cannot come into effect until four months after it has been ratified by thirteen countries, including the UK, France and Germany. The UK is very unlikely to ratify until April 2015, at the earliest. The Spanish, who along with the Italians have objected to the language regime for the Unitary Patent, have challenged the legality of the new regime, and it will probably be 2015 before the EU Court of Justice decides this case.

Some companies, including Ericsson and Nokia, have argued that the new system will not deliver the anticipated advantages. The proposed filing and renewal costs have still not been revealed, so it is not yet known whether broad European patent protection will become cheaper. Concerns have been raised that the proposed patent litigation system contains flaws which will lead to complexity and forum shopping. Nonetheless, the attraction of being able to assert a patent across Europe in a single court action is likely to lead to non-European companies revisiting their patent filing strategies, increasing the size of their patent portfolio in Europe, and becoming involved in patent litigation in Europe much more frequently.

Morag Peberdy is of council at Covington & Burling LLP. She advises clients on intellectual property issues in Europe, including patents, trade marks, designs, copyright, database rights and confidential information.