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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX 3**

to the Commission Implementing Decision on the financing of the annual action plan in favour of the Asia Pacific region for 2023 Part 3

**Action Document for EU – Republic of Korea Intellectual Property Action**

**ANNUAL PLAN**

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

**1 SYNOPSIS**

**1.2 Action Summary Table**

|   |  |
|---|--|
| <p><b>1. Title</b><br/><b>CRIS/OPSYS</b><br/><b>business reference</b><br/><b>Basic Act</b></p> | <p><b>EU – Republic of Korea Intellectual Property Action</b><br/>OPSYS number: ACT-62185<br/>Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)</p>   |
| <p><b>2. Team Europe Initiative</b></p>   | <p>No</p>  |
| <p><b>3. Zone benefiting from the action</b></p>  | <p>The action shall be carried out in the Republic of Korea.</p>   |
| <p><b>4. Programming document</b></p>   | <p>Regional Multi-annual Indicative Programme for Asia and the Pacific 2021-2027</p>   |
| <p><b>5. Link with relevant MIP(s) objectives / expected results</b></p>                        | <p>In line with priority area 2.2.4 of the RIP for Asia and the Pacific 2021-2027, the proposed action intends to pursue European Union (EU) interests with Asian partners in Asia and the Pacific (High Income Countries and other key partners).</p> <p><u>Relevant specific objectives from the 2021-2027 Regional MIP:</u></p> <p><b>SO 2 – Promotion and projection of EU policies and standards in collaboration and alliance with Asian and Australasian HICs (alliance diplomacy)</b></p> <p><b>SO 3 – Economic diplomacy: FTAs, level playing field, market access, investment promotion and protection, business opportunities</b></p> <p><u>Expected Results:</u></p> <p>ER 2.2: Effective coordination and improved alignment with EU positions in various regional and international fora.</p> <p>ER 3.1: Effective implementation of trade and investment agreements, including successful negotiations and enhanced cooperation on norms, regulations, standards and interoperability and the effective implementation of commitments by the Parties to adhere to international labour and environmental conventions.</p> <p>ER 3.2: Enhanced market access (including agreements on Sanitary and Phyto-sanitary conditions), improved business cooperation and partnerships (B2B), in particular SMEs,</p> |

|  |   |                                     |                                     |                                     |
|--|---|-------------------------------------|-------------------------------------|-------------------------------------|
|  | <p>and a level playing field and fair and equal treatment for European businesses leading to improved competitiveness of EU business in Asia, as well as enhanced capacities of European business organisations.</p> <p>ER 3.3: Increased inward FDI.</p> <p>ER 3.4: Convergence on SPS, raw materials, international labour standards, intellectual property rights, competition, (green) procurement and WTO-related actions.</p> |                                     |                                     |                                     |
| <b>PRIORITY AREAS AND SECTOR INFORMATION</b>   |   |                                     |                                     |                                     |
| <b>6. Priority Area(s), sectors</b>            | <p>Priority Area 2 – Pursuing EU Interests with Key Partners;</p> <p>Sectors: Trade; and Intellectual Property Rights</p>   |                                     |                                     |                                     |
| <b>7. Sustainable Development Goals (SDGs)</b> | <p>Main SDG: SDG 9 - Industry, innovation and infrastructure</p> <p>Other significant SDGs: SDG 5 - Gender Equality, SDG 8 - Decent work and economic growth, and SDG 17 - Partnership for the goals</p>  |                                     |                                     |                                     |
| <b>8 a) DAC code(s)</b>                        | <p>15130 - Legal and judicial development (20 %)</p> <p>15110 - Public sector policy and administrative management (20 %)</p> <p>33120 - Trade facilitation (40 %)</p> <p>32130 - SME development (10 %)</p> <p>31110 - Agricultural policy and administrative management (10 %)</p>  |                                     |                                     |                                     |
| <b>8 b) Main Delivery Channel</b>              | <p>Other multilateral institution – 4700</p>  |                                     |                                     |                                     |
| <b>9. Targets</b>                              | <p><input type="checkbox"/> Migration</p> <p><input type="checkbox"/> Climate</p> <p><input type="checkbox"/> Social inclusion and Human Development</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Biodiversity</p> <p><input type="checkbox"/> Education</p> <p><input type="checkbox"/> Human Rights, Democracy and Governance</p>   |                                     |                                     |                                     |
| <b>10. Markers (from DAC form)</b>             | <b>General policy objective @</b>   | <b>Not targeted</b>                 | <b>Significant objective</b>        | <b>Principal objective</b>          |
|  | Participation development/good governance   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|  | Aid to environment @  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | Gender equality and women's and girls' empowerment  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | Trade development   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|  | Reproductive, maternal, new-born and child health   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | Disaster Risk Reduction @   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | Inclusion of persons with Disabilities @  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|  | Nutrition @   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

|  | <b>RIO Convention markers</b>   | <b>Not targeted</b>   | <b>Significant objective</b>   | <b>Principal objective</b>          |
|--|---|---|--|-------------------------------------|
|  | Biological diversity @  | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
|  | Combat desertification @  | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
|  | Climate change mitigation @   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
|  | Climate change adaptation @   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
| <b>11. Internal markers and Tags:</b>    | <b>Policy objectives</b>  | <b>Not targeted</b>   | <b>Significant objective</b>   | <b>Principal objective</b>          |
|  | Digitalisation @  | <input type="checkbox"/>  | <input type="checkbox"/>   | <input checked="" type="checkbox"/> |
|  | Tags:<br>digital connectivity<br>digital governance<br>digital entrepreneurship<br>digital skills/literacy<br>digital services  | YES<br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/>                                  |                                     |
|  | Connectivity @  | <input type="checkbox"/>  | <input type="checkbox"/>   | <input checked="" type="checkbox"/> |
|  | Tags:<br>digital connectivity<br>energy<br>transport<br>health<br>education and research  | YES<br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/>                                  | NO<br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/><br><input checked="" type="checkbox"/> |                                     |
|  | Migration @   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
|  | Reduction of Inequalities @   | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
|  | Covid-19  | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>            |
| <b>BUDGET INFORMATION</b>                |   |   |  |                                     |
| <b>12. Amounts concerned</b>             | Budget line(s) (article, item): 14 02 01 31 - South and East Asia<br>Total estimated cost: EUR 1 300 000<br>Total amount of EU budget contribution EUR 1 000 000<br>This action is co-financed in joint co-financing by: EUIPO for an amount of EUR 300 000 |   |  |                                     |
| <b>MANAGEMENT AND IMPLEMENTATION</b>     |   |   |  |                                     |
| <b>13. Type of financing<sup>1</sup></b> | <b>Indirect management</b> with the entity(ies) to be selected in accordance with the criteria set out in section 4.3.1   |   |  |                                     |

## 1.2 Summary of the Action

This action will focus on delivering tangible results in the field of Intellectual Property (IP), with the European Commission in the policy lead and the European Union Intellectual Property Office (EUIPO) as the implementing agency.

<sup>1</sup> Art. 27 NDICI

The Republic of Korea's existing legal framework and practices in the field of intellectual property have evolved with the new technologies. New developments include various policy-oriented plans involving Intellectual Property Rights (IPR) and their role in different areas of strategic economic interest, and the evolving legislation and practices for protection and enforcement of IPR in the digital environment, including in the virtual world, e.g., the Metaverse.

New priority areas also include actions related to trade secrets and technology transfer, notably with focus on specific strategic technologies.

This project will focus on cooperation on major policy areas of common EU/ Republic of Korea (RoK) interests, such as technology transfer, green technology, as well as on targeted actions to address differences in the approach to the protection and enforcement of IPR in the digital environment, including through comparative assessment of the IPR policy, laws, protection and enforcement actions between the EU and the RoK. Specific sectors and areas for further bilateral cooperation and alignment would be identified according to political priorities.

The project will also contribute to the implementation of the IPR Chapter of the EU-RoK Free Trade Agreement (FTA), mainly through targeted actions on outstanding issues, such as the public performance right, and specific support to the discussions on various topics. Promotion and knowledge sharing on geographical indications, in light of the reservations of the Republic of Korea on that particular IP right, are also envisaged in the framework of this action.

A series of IP studies, targeted research and support activities for policy discussions, workshops, and communication and outreach activities will be organised involving public and private sector representatives including government, law enforcement and right holders' representatives from the EU and the RoK.

## 2 RATIONALE

### 2.1 Context

The EU and the RoK are like-minded partners that shares similar values and interests. The trade relations are based on a Free Trade Agreement (FTA), whilst strong economic and political relations continue to be forged - e.g., the recently signed Digital Partnership - enabling frequent, high-level and technical exchanges and concrete cooperation. Science, technology and climate change are important areas of cooperation, with Intellectual Property Rights upholding an important horizontal role in economic and trade relations.

Since the FTA early application in 2011, bilateral trade and investment have expanded remarkably. Ten years after, bilateral trade has seen a growth of more than 50%, reaching over €110 billion. Today, the RoK is the EU's 9th largest export destination for goods, whereas the EU is RoK's 3rd largest export market. The Korean economy expanded by 4% in 2021, GDP growth was projected to reach 2.7% in 2022 and to slow to just under 2% in 2023 and 2024.

The RoK is a global leader in innovation and technology and a major high-tech exporter of computer chips, mobile phones, and next-generation vehicles. The country has a well-established digital infrastructure, the world's highest level of internet availability and is one of the first to roll out the 5G network. Under its 'Digital New Deal' initiative, the previous government (Moon) pushed for investment in new technologies to harness cutting-edge digital technologies—such as artificial intelligence and block-chain—in all economic and social aspects. The country is also one of the world's biggest filers of patents on cutting-edge technologies, and has a strong technology-manufacturing base, supported by some of the world's largest suppliers of semiconductors (Samsung electronics, SK Hynix) and consumer electronics (LG). E-government and e-commerce infrastructure is highly sophisticated.

IP-intensive industries with a total value of EUR 436 billion to the GDP, accounted for 43.1% of South Korea's total GDP in 2015<sup>2</sup>. This is comparable to that of the EU's 47% of the total economic activity (GDP) worth EUR 6.4 trillion ([2022 data](#)). Trade between Korea and the EU is largely based on IP-intensive industries.

The above figures underline the importance of Intellectual Property Rights in EU-RoK trade and investment. New technological developments, growth of e-commerce, the metaverse, blockchain or AI, as well as discussions on the role of IPR in different areas, including in green technology, propel the geo-political importance of IPR even further while posing new challenges at a policy and enforcement level.

The instruments solidifying the bilateral cooperation on IPR between EU and RoK are the following:

<sup>2</sup> [https://www.kiip.re.kr/research\\_report/view.do?bd\\_gb=report&bd\\_cd=1&bd\\_item=0&po\\_item\\_gb=rgb\\_10&po\\_no=R0583](https://www.kiip.re.kr/research_report/view.do?bd_gb=report&bd_cd=1&bd_item=0&po_item_gb=rgb_10&po_no=R0583)

- **EU-RoK Free Trade Agreement** ratified in 2015, it is the first EU trade agreement with an Asian country and with a sustainability chapter and a comprehensive IP chapter. The FTA established an annual IPR Dialogue and Working Group (WG) on Geographical Indications (GIs), which allows both sides to discuss ongoing legislative developments and to exchange experiences on enforcement with customs and enforcement authorities, as well as with administrative and judicial bodies.

- **EU-RoK Digital Partnership Agreement** launched in 2022, fostering joint work on semiconductors, next generation mobile networks, quantum and high-performance computing, cybersecurity, artificial intelligence, platforms, data and skills. While it is not specifically mentioned in the Agreement, IP is of key relevance for most of the technological cooperative initiatives foreseen under the Digital Partnership.

- **Digital Trade Principles** agreed in 2022 as a concrete deliverable of the ‘Digital Partnership’. There are no IPR stand-alone principles, but IPR cooperation is relevant for several of the identified areas (data governance, tech transfer and software) and requires close cooperation to ensure consumers and businesses can benefit from digital innovation.

These frameworks have cemented the common respect among the two strategic partners to nurture innovation and facilitate trade in an increasingly digital environment, while also identifying threats to IP rights and stepping up enforcement of IPR.

In this context, this action aims to promote EU interests, values, and standards in relation to the future direction of IP protection in the digital age and to build a stronger partnership with the RoK in new emerging areas. Notably, it aims to develop common approaches to influence international processes and agendas in the area of Intellectual Property protection and enforcement, particularly in relation to technology transfer, Metaverse and other innovative digital environments, the enforcement of IP and common action on shared concerns in a global context. The action will also contribute to supporting SMEs and sharing experiences on the different mechanisms for SME’s IPR protection, including in joint research projects.

It is worth noting that the [New EU Industrial Strategy](#)<sup>3</sup> adopted on 10 March 2020 acknowledged the need for the EU Intellectual Property policy to help uphold and strengthen Europe's tech sovereignty and promote a global level playing field. The [IP Action Plan](#)<sup>4</sup>, adopted in 2020 emphasises the importance of IPR enforcement and creating a global level playing field. It indicates that “while IP rights-intensive industries account for 93% of EU goods exports, our businesses still face great challenges when operating in third countries.” To address these challenges, the Commission aims to **strengthen the EU's position as a global standard-setter in IP**.

## 2.2 Problem Analysis

The Korean intellectual property protection is rather comprehensive and the relevant authorities and processes to protect and enforce IP rights are overall efficient. The standard of protection offered to right holders in the RoK is relatively high. New rules are likely to be developed for new emerging issues and to respond to the aim of the RoK to be leading in some new technologies. In light of the current rules and practices and possible future actions, there are a number of important issues and future developments which this action will address in line with the EU Indo-Pacific Strategy and the Digital Partnership:

### **IP policy, legislation and practices**

The RoK has embarked on a path to position itself as a leading IP-based nation with special focus on new technologies. IPR related to new/digital technologies or digital media is in the centre of attention, with incentives made available by South Korean policy makers and legislator. Contrary to the prevailing idea that technology goes faster than the law, the first EU-RoK Workshop on Digital IPR held in Seoul in 2022 pointed to the existing legal frameworks in Korea evolving along with the new technologies. This occurs in the context of the upgraded ‘Digital New Deal’ in

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_416](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_416)

<sup>4</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_2187](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2187)

2021 highlighting the Korean government's aims to build an open metaverse platform and promote services based on Information Communication and Technology (ICT) convergence as well as the development of core technologies, including cloud computing and blockchain. The government invests heavily in giving grants to universities and companies to help expand their technologies in new areas, including in the metaverse. Ahead of other intellectual property offices, the Korean Intellectual Property Office (KIPO) is also issuing guidelines regarding virtual goods and the metaverse which may shape international law and practice. The metaverse is one pertinent example, but the digitalisation of the economy has many more unexpected niche areas that will call for cooperation.

Therefore, there is a need to assess in depth the IP policy of the RoK with regard to the impact of digital technologies on IPR and to identify areas of strategic cooperation. Future EU cooperation on IP with RoK, as a strategic, trusted and digitally advanced partner, responds to the EU interest in remaining at the forefront of global digital innovation, whilst not losing track of the momentum growing in Asia to regulate, protect and incentivise digital technologies.

This Action will have an important role in analysing possible new challenges related to IPR where alignment and cooperation may be mutually beneficial. The EU extensive experience in the protection and enforcement of IP rights could be shared and developed further with the RoK given the positive trade relations, also given RoK's quick advances in the sphere of digital IP and enforcement. The level of digitalisation taking place in the Korean public service it is also worth exploring if there is scope to exchange on specific digital solutions (AI, blockchain) used by public authorities to protect and enforce IPR, including the possibility to develop interoperable systems which would be greatly beneficial for IPR holders. There is scope for identifying specific sectors and key areas for further EU-RoK bilateral cooperation and alignment, paving the way for further EU-RoK engagement in the digital sector.

Finally, the Action could also provide some support in the areas of **Geographical Indications (GI)** to facilitate further enlargements to the GI list and support some technical exchanges on specific concepts such as the trademark examination practice in relation to GIs to ensure the afforded protection is achieved in practice.

### **Businesses, notably SMEs**

It is also proposed to dedicate efforts to support **EU businesses and SMEs** and their opportunities to expand overseas, as well as manage the IPR in joint research activities, which is the interest of both parties. In the RoK, small- and medium-sized enterprises (SMEs) account for 99.9% of all enterprises and 83.1% of total employment.<sup>5</sup> The South Korean '3<sup>rd</sup> Basic Plan for IP' for the period 2022 - 2026<sup>6</sup> lays the foundation for an innovation-oriented nation based on IP and nurtures entrepreneurs and SMEs ("global hidden champions"), for their overseas expansion. The Government is also putting more focus on SMEs and their R&D, including the protection of IPR for SMEs. Therefore, there is a clear interest from the Korean side to educate SMEs about the EU IP system to protect and promote their business abroad. In short, the RoK is a big trading partner for the EU with great untapped potential for EU SMEs to establish business relations with Korean operators.

Businesses and SMEs have often limited resources and relative inability to absorb the costs and risks associated with in-house technology development. They must often utilise the process of technology transfer to take advantage of the benefits gained by technology and innovation, with the RoK being a key global player in technology innovation. Considering EU SMEs' potential to contribute positively to the economic development - and that their ability to innovate has a positive impact on its capacity to survive in the long run - it is important that the Action supports the identification of primary obstacles that the EU businesses face with regard to new technology development and the acquisition to create tools and policies designed to help them overcome these specific challenges in the RoK. These solutions could be shared and developed together with the RoK who faces issues with supporting SMEs technology transfer: one study<sup>7</sup> analysing the effects of the Korean government's technology transfer and commercialisation support program for SMEs (2015 to 2016) found that there seem to be low to no effect on sales volume. Another possible support channelled through this action could be targeted support to the EU industry, in particular SMEs in the Republic of Korea, on IP matters with IP expertise (e.g., providing support and guidance via an expert or a service similar to the Helpdesks).

### **Enforcement of IP, specifically online**

<sup>5</sup> <https://www.mss.go.kr/site/smba/ex/bbs/View.do?cbIdx=288&bcIdx=1022368>

<sup>6</sup> [https://www.ipkorea.go.kr/english/strategic\\_plan/strategic\\_plan.do](https://www.ipkorea.go.kr/english/strategic_plan/strategic_plan.do)

<sup>7</sup> <https://acoms.kisti.re.kr/notReviewEpaper/fileDown2.do?journalSeq=J000040&issueSeq=704&articleSeq=J000040A004y&issueChannel=FORMALLY>



The latest 2021 [Report on the protection and enforcement of intellectual property rights in third countries](#)<sup>8</sup> states that the overall level of protection and **enforcement of IPR** in the RoK has improved. There have been successful efforts to combat counterfeit goods on street markets and large online platforms have stepped up their efforts and their cooperation with Korean authorities and EU stakeholders to clean up the online marketplace. KIPO has launched a Special Judicial Police and the laws applicable to the liability of Korean online platforms and service providers were strengthened.

E-commerce was estimated at USD 26.7 trillion, about 30% of world GDP according to the 2021 EUIPO - OECD study '[Illicit Trade – Misuse of E-commerce for Trade in Counterfeits](#)'. The importance of e-commerce in the case of South Korea is 79%, ranking 5<sup>th</sup> in the World. According to the study, online retail sales represented 25.9% of sales between 2018 and 2020 and the country ranked 8<sup>th</sup> in the cross-border Business to Consumers (B2C) e-commerce sales in 2019.

One particular area that would merit further exchanges and analysis is the impact of social media on IPR, especially given the fact that the RoK is one of the world's most connected countries with one of the highest social media penetration rates. Social media in recent years has widened its use and scope and provides now a wide range of functionalities, ranging from access to content to marketing and buying goods, thus leading to new challenges to tackle piracy and counterfeiting. According to the [EUIPO – EUROPOL Intellectual Property Crime Threat Assessment 2022](#) counterfeiting now relies heavily on the digital domain to source components and distribute products (both tangible and non-tangible) to consumers via online platforms, social media and instant messaging services. Live-streaming sales, videos, and sponsored advertising on social media are used to target customers to promote sales of counterfeit products. Research on the impact of social media on IPR has been limited, although some recent EUIPO papers have already touched upon the subject ([Social Media – Discussion Paper](#)).

With the development of technologies and new types of services, including with the increased expansion of social media, more cooperation and alignment of rules and enforcement actions is needed with the EU trade partners to strengthen IPR enforcement globally.

Possible alignment of approach and cooperation may also be useful with regard to enforcement of IPR in virtual reality.

South Korea's enforcement capacities are dynamic, robust and multifaceted. EU enforcement authorities should exchange on lessons from their operations and exchange to identify the current illicit trends, threatened products and (online) platforms, with special focus on social media as well as virtual reality, and identify concrete actions.

#### **Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:**

During the inception phase a more detailed stakeholder analysis will be carried out, conducting fact-finding missions to understand and identify the needs from key IP players.

##### **Stakeholders in Korea**

- Ministry of Trade, Industry and Energy
- Ministry of Culture, Sports and Tourism
- Ministry of Science and ICT
- Korean Intellectual Property Office (The EUIPO has a Memorandum of Cooperation until 2025 and a specific agreement with the KIPO for the exchange of trademark and design data (on the TM view online platform operated by EUIPO).
- Korean IP Protection Agency
- Korean Copyright Protection Agency
- Presidential Council on Intellectual Property
- IP Attaché of the Embassy of the Republic of Korea in Brussels and KIPO's IP-DESK in Frankfurt.
- European Chamber of Commerce in Korea
- Korea Communications Commission
- Korea Music Copyright Association

<sup>8</sup><https://trade.ec.europa.eu/doclib/html/159553.htm>

- Korean IP lawyers and representatives
- Korean Trade-Investment Promotion Agency
- Korean SMEs and businesses
- Korean GI associations
- Other public and private sector institutions, business community, economic media, research centres,

### **European/International Stakeholders**

- Delegation of the European Union to the Republic of Korea
- European Commission services dealing with IP: DG TRADE, DG GROW, DG CNECT, DG AGRI, DG TAXUD, etc... They will be directly involved in the management of the Action through information and consultation on specific activities during the implementation.
- EU Member States representations in Seoul and Members States cooperating with the Republic of Korea.
- European Union Intellectual Property Network, which will be at the disposal of the present Action.
- The TM5 and ID5 cooperation platforms consisting of the five biggest trademark and design offices (of Japan, Republic of Korea, China, and USA) of which KIPO is a partner.
- European Patent Office (EPO): in the context of the MoU with the EUIPO, the EPO will be consulted on possible synergies from relevant initiatives in the field of patents.
- World Intellectual Property Organisation (WIPO): synergies will be sought with relevant initiatives undertaken by the WIPO, with whom the EUIPO has a MoU.
- Enforcement authorities in EU: police, customs, judiciary, etc. directly involved in activities aimed at improving the enforcement framework, including studies, peer-to-peer exchanges, sharing of good practice, etc. Proper coordination will be established with the European Observatory on Infringements of IPRs<sup>(9)</sup> to identify, prioritise and address threats posed by organised and serious international crime, which includes intellectual property.
- National IP Offices from the EU MS: exchanging information, establishing synergies and providing input and feedback on specific issues and activities. This includes information provided through the EUIPO's Network (EUIPN) gathering all EU IP offices, as well as participation of experts in the Action's activities.
- EU Industry, business associations and chambers of commerce will be regularly consulted (i.e., Liaison Meetings on Cooperation and Working Groups).
- Academic Community in Europe (Higher Education and Research Institutions active in the field of IP). Cooperation at the academic level is crucial to create understanding and share knowledge about the IP system, for example by expanding IP awareness in society or introducing IP in university curricula.
- Other international and/European organisations involved (CPVO, etc.).

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<sup>(9)</sup>Following a proposal by the European Commission, which was backed by the European Parliament and the Council, the Observatory was entrusted fully to the EUIPO on 5 June 2012. The Observatory is a platform-based body that brings public and private sector experts together in a dynamic exchange network. It works as a think-tank that gathers, monitors and reports crucial information to assist policy makers and authorities engaged in protecting and enforcing IP rights.



## 3 DESCRIPTION OF THE ACTION

### 3.1 Objectives and Expected Outputs

The **Overall Objective** of the Action is to enhance trade in IP intensive products between the EU and the Republic of Korea and to cooperate on new technologies and challenges where new policies and rules may be developed that involve IPR.

The **Specific Objective is to**

1. Enhance IP protection to mutual benefit and create a partnership of IP protection and enforcement that shapes the future of IP in a fast-changing environment, as well as to share experiences and policies in new technologies, inter alia taking into account the wider objectives of the digital partnership between the EU and the Republic of Korea;

The **Outputs** to be delivered by this action contributing to the corresponding Specific Objective are

1. **Expected Output 1** – Enhanced IP legal and policy frameworks, including for strategic technologies, shaping and aligning practices on IP and new emerging technologies that promote innovation and attract investment;
2. **Expected Output 2** – Companies (particularly SMEs) in the EU and the Republic of Korea supported to protect, manage, commercialise and enforce their IP rights across borders; and
3. **Expected Output 3** – Increased cooperation on enforcement of IPR.

### 3.2 Indicative Activities

*The action will cover three (3) main work packages and areas of intervention as indicatively described below.*

*Activities relating to Output 1: Enhanced IP legal and policy frameworks, including for strategic technologies, shaping and aligning practices on IP and new emerging technologies that promote innovation and attract investment.*

*Work Package 1: Cooperation on IP policies, laws and practice*

*Indicative/Tentative activities:*

- 1.1 Study and analysis of the Korean IPR landscape, main players and priorities, Korea's new IPR strategy and the IP Framework Act, legislative changes/future priorities;
- 1.2 Fact finding, targeted research and cooperation on specific topics of mutual interest; e.g., technology transfer, trade secrets protection, patents, etc.;
- 1.3 Support to EU-RoK *IPR Dialogue* (or alike policy dialogue forum) including targeted actions for outstanding topics under the FTA implementation, such as public performance right; research on specific matters; exchanges and cooperation with government identifying the issues of IPR in the digital world and possible future regulation of new technologies (e.g., VR, AI, metaverse, NFTs), and targeted research on specific matters;
- 1.4 Workshops gathering EU and RoK government officials, law enforcement and private sector representatives on Digital IPR to identify concrete elements to be followed up (e.g., specific areas where comparative analysis, studies and further analysis may be needed, key stakeholders to partner and further engage with);
- 1.5 Exchanging approaches and practices on enforcement matters, with main focus on online services and mechanisms already in place or planned (including online monitoring systems, cooperation with online services providers, possible extension of monitoring to third countries for Korean content, metaverse);

- 1.6 Possibly, technical exchanges among public sector IT professionals on the authorities' use of digital technologies such as AI tools to support IP protection and enforcement;
- 1.7 Supporting the Working Group on Geographical Indications (Article 10.25 of FTA) and exchanging on technical aspects of GI protection, inter-relations between TMs and GIs, exchange technical know-how on the concept of evocation, discuss relevant case law, etc.;
- 1.8 Promotion of the GI system and EU GIs in the RoK.

***Activities relating to Output 2: Support to companies (particularly SMEs) in the EU and Korea to protect, manage, commercialise and enforce their IP rights across borders.***

*Work Package 2: Support to private sector – SMEs*

*Indicative/Tentative activities:*

- 1.9 Exchanges on different support mechanisms for SMEs in the EU and Korea, including financial support and support for IPR management;
- 1.10 Roving awareness raising seminars in Korea on IP protection and enforcement in the EU targeting for example KOTRA, local IP centres and SMEs;
- 1.11 Roving seminars/ webinars in the EU about IP protection and enforcement in Korea;
- 1.12 Support the development of a cooperative marketplace for innovation, creating a digital platform for managing and attracting investments in intangible assets of SMEs (IP Marketplace and Authenticities Projects);
- 1.13 Participate and promote matchmaking events for EU-RoK businesses (in support of to the B2B programme with the RoK);
- 1.14 Developing and disseminating information material for EU SMEs on IP in Korea and for Korean SMEs on IP in the EU (e.g., in complementarity to the FPI funded B2B programme with the RoK);
- 1.15 Possibly, organisation of an IP helpdesk / helpline on matters related to IP and technology transfer in the EU and RoK;
- 1.16 Possibly, contracting of an IP expert in Korea for providing expertise and advice to EU companies in the Republic of Korea. Specific and direct support to the Business to Business (B2B) cooperation in the RoK (i.e., provision of briefs, expertise and advice to EU companies in Korea).

***Activities relating to Output 3: Increased cooperation on enforcement (among customs, police, administrative and judiciary bodies on enforcement of IP rights including in the fight against counterfeiting, sharing of information and aligning enforcement actions).***

*Work Package 3: Enforcement*

*Indicative/Tentative activities:*

- 1.17 Regular technical exchanges on the issues of enforcing IPR in the digital world, including metaverse and e-commerce;
- 1.18 Follow up on the implementation of the Memorandum of Understanding with major online platforms to tackle online IPR infringements concluded in 2019: seminars and exchanges among platforms and enforcement authorities on the lessons learnt and areas to improve;
- 1.19 Sharing best practices among EU-RoK enforcement authorities e.g., prosecutors, police, customs, judiciary, etc. on combating counterfeiting and piracy, including on online markets with special focus on social media;
- 1.20 Joint public awareness activities to enhance IPR protection and consumer awareness of the illegality of counterfeit goods;
- 1.21 Possibly, exploring cooperation on a blockchain authentication platform to prove the authenticity of products, with support by the European Observatory which has developed a high level of expertise in this area over the last years.

### 3.3 Mainstreaming

#### **Environmental Protection & Climate Change**

The concept of Green IP has emerged as a result of the worldwide climate catastrophe and the obstacles for businesses with supply chains. Green IP refers to new clean technologies and adaptation, often known as sustainable technologies, which entail novel concepts of goods, operations and other intangible assets designed and conceived in a way not to cause environmental derogation. Consequently, IP also contributes to ‘green technologies’ which are environmentally beneficial and/or healthy.

#### **Gender equality and empowerment of women and girls**

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G0. This implies that the Action is not particularly targeting gender equality, still it will be designed to be sensitive to gender issues e.g., in providing sex-disaggregated data.

#### **Human Rights**

Strong IP systems can have an impact on a number of human rights, such as the right of people to enjoy and access cultural heritage, access to the benefits and opportunities of science and its applications, including scientific knowledge, technology, the artistic freedoms and the right of people to access, contribute to and enjoy the arts, literacy or artistic productions regardless of the racial, sexual or religious condition

#### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. This implies that disability is not specifically targeted. However, as noted above, Korea’s rapidly ageing population and the associated rise in disabilities will be considered (e.g., IP innovative products to solve disabilities, smart cities innovations, etc.).

### 3.4 Risks and Lessons Learnt

| <b>Category</b>   | <b>Risks</b> | <b>Likelihood<br/>(High/Medium/Low)</b> | <b>Impact<br/>(High/Medium/Low)</b> | <b>Mitigating measures</b>   |
|---|--------------|---|-------------------------------------|--|
| International markets disrupted by economic, social, political crises and instability   | Risk 1       | L                                       | H                                   | The EUIPO will regularly report to the European Commission (EC) and liaise with the EU Delegation in Seoul to update on risk-related issues that can be addressed through dialogues and other policy-driven activities led by the EC with partners in the RoK, so as to establish priorities in case of such disruptions.  |
| The successful and timely implementation of activities largely depends on the support provided by the various public administration stakeholders on the Korean side. A risk exists that Korean support may not be constant over time or decrease. | Risk 2       | M                                       | M                                   | The political dialogue on IPR and technical working group meetings in the framework of the EU-RoK FTA gives political context to assure support to this program. Further cooperation may be sought under the ‘Digital Partnership’ for areas of common interest (a dedicated FPI project is being formulated in parallel). EUIPO’s bilateral cooperation with the KIPO through a Memorandum of Understanding (MoU) as well as under the TM5/ID5 platforms should provide for a solid basis to reach out to stakeholders. Support from the ECCK could also be considered where needed/appropriate. A meticulous preparation of the programme and the identification of areas of mutual interest, accompanied by an early outreach |

|   |        |   |   |   |
|---|--------|---|---|---|
|   |        |   |   | to the Korean stakeholders will further limit this risk. Appropriate mechanisms should allow for the necessary flexibility to adapt activities and plans to evolving circumstances.   |
| Collaboration of the partner agencies/IPOs/Ministries with the project, or among themselves, not at the expected level                    | Risk 3 | M | M | Establishment of a feasibility plan during the inception phase and continued monitoring during the implementation of the project. Identification and appointment of national coordinators and potential back-ups with the support of KIPO.  |
| High staff turnover limiting institutional engagement on IP matters   | Risk 4 | M | M | Dissemination of most of the tangible materials (e.g., training materials, project recommendations) in open access, available to all public audiences. Proper monitoring records and briefs by the implementer for internal records.  |
| Planned activities might not receive sufficient support from the Commission DGs involved or IP Offices in charge of the substance matter. | Risk 5 | L | L | The inclusion of suggested activities into the annual activity plan will require the written commitment of the Commission DG in charge of the substance matter that it will provide the necessary support for carrying out the activities. The close partnership between EUIPO and EPO seems to assure a sufficient support by EPO. |

#### **Lessons Learnt:**

Awareness of the benefits of IP is essential for European SMEs to nurture innovation. The EU and the RoK have - over the past 10 years of implementation of the FTA - consolidated their cooperation in the field of IPR. At the same time, there is new potential for these two strategic partners to work hand in hand to find new ways to unlock even greater potential of IP protection and safeguard these achievements. Implementation and further advancements in the bilateral Digital Partnership will help incentivise the SMEs/productive sector of the EU and of the RoK to keep full awareness of the benefits of IP and nurture innovation.

The proposed EU implementing agency, the EUIPO, has a track-record of successful projects in the IP field under DCI, EDF, ENI and PI<sup>(10)</sup> financing instruments, in a variety of different regions. Furthermore, the EUIPO has also implemented specific technical bilateral activities with the Korean IP Office (KIPO). From its previous experience, the EUIPO can apply important lessons learnt, including but not limited to the following:

- Policy related objectives should be reinforced with technical cooperation focusing on practical outputs such as harmonisation of IP practices;
- The level of commitment by different government authorities and stakeholders (EU-RoK) needs to be ensured at a very early stage for the proposed activities;
- Workshops, seminars, research studies, exchanges of experiences and practices has to be seen as a continuous process, selection of participants needs to be based on sound criteria such as those with influence and multiplier capacity;
- Final beneficiaries and partners should feel ownership of the action and be monitored with regards to their perceived needs and the benefits they obtain from the action, throughout the implementation period;
- EU visibility should be properly addressed and strengthened from the start of the implementation period and in line with EU Communication and Visibility Guidelines; and

An exit strategy should be defined for the main deliverables from the very start of the project.

<sup>(10)</sup> Development and Cooperation Instrument, European Development Funds, European Neighbourhood Instrument and the Partnership Instrument.

### 3.5 The Intervention Logic

The three project outputs will contribute to build a strong EU-RoK partnership on IP that can have major influence in shaping the future policies of IP in new technologies and turn them into global standards, increasing trade on IP intensive industries.

IPRs (trademarks, designs, GIs, patents, copyrights, etc..) offer a wealth of untapped opportunities to individuals and businesses to generate value from their resources, creations and products. A reinforced IP system creates a favourable environment for innovation, inventiveness, creativeness and free competition, for economic and cultural development, strengthening the SMEs potential and raising the level of investment attractiveness across the EU and the RoK.

Emerging technologies like AI, Blockchain, NFTs, Metaverse, have a great potential to make the IPR system more efficient and effective for the citizens. However, new technologies are complex and there are several enforcement challenges that IP authorities face in this context, making it difficult to identify possible infringements.

The main assumption of the intervention is that all parties remain committed to pursuing policy development, regulations and procedures to create a more conducive IP business-enabling environment, despite the enforcement challenges and the difficulties that businesses are facing in the macroeconomic context.

The problem analysis under point 2.2 also outlines the rationale for the selection of the project outputs.

The action, specifically work package 2 addressing ‘Support to private sector – SMEs’, will establish synergies with the ‘Business to Business Cooperation (B2B) in the-RoK’ programme with regard awareness raising and sharing of expertise in the field of IP among European SMEs, as appropriate.

The undertaking of the activities described and meeting relevant outputs (if assumptions hold true) described in section 3.2 should contribute to achieving the expected outcomes of this action.

### 3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g., including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.



| Results         | Results chain (@):<br>Main expected results (maximum 10)   | Indicators (@):<br>(at least one indicator per expected result)   | Baselines<br>(values and years)  | Targets<br>(values and years)      | Sources of data   | Assumptions   |
|-----------------|--|---|--|------------------------------------|---|---|
| <b>Impact</b>   | To enhance trade in IP intensive products, between the EU and the Republic of Korea  | <p>EU trade with RoK (in EUR)</p> <p>Number of regulations and standards relating to trade, investment and business which have been aligned to EU / international standards/where a common approach has been defined</p> <p>Number of actions under EU cooperation partnership strategies which have been enhanced</p> <p>Number of barriers to market access, investment and business development which have been removed</p>                    | <p>107.3 billion (2021)<br/>(merchandise considered IP intense tbd)</p> <p>0</p> | <p>5% annual increase</p> <p>1</p> | <p>TRADE <u>market access barriers DB</u></p> <p>TRADE enforcement survey 2024 and 2026</p> <p>European Chamber of Commerce reports and position papers</p> | <i>Not applicable</i>   |
| <b>Outcome</b>  | Enhanced and aligned IP protection policies and standards, supporting a level playing field for European businesses in the Republic of Korea, based on a strong partnership of IP protection and enforcement | <p>Number of processes related to state-level and sub-state level (bilateral, regional, multi-lateral) partnership strategies and policy dialogues which have been influenced</p> <p>Number of processes related to partner country practices on trade, investment and business which have been influenced</p> <p>Number of processes related to the removal of barriers to market access, investment and business which have been influenced</p> | <p>0</p> <p>0</p> <p>0</p>   | <p>3</p> <p>3</p> <p>2</p>         | <p>DG Trade website</p> <p>FTA annual reports, IP Committees and dialogues</p> <p>Progress Reports</p>  | <p>Relevant stakeholders are committed to engaging with the action and pursuing a more conducive business-enabling environment.</p> <p>Enabling operating environment of the IP administration and enforcement institutions remains stable.</p> |
| <b>Output 1</b> | Enhanced IP legal and policy frameworks, including for strategic technologies, including through cooperation on new technologies and challenges related to IP in a wider global context                      | <p>1.1 Number of officials benefiting from events and capacity development activities (by gender)</p> <p>1.2 % of participants benefiting from the event</p> <p>1.3 Number of studies carried out</p> <p>1.4 Number of policies or laws reviewed</p>  | <p>0</p> <p>0</p> <p>0</p> <p>0</p> <p>0</p>                                     | <p>150</p> <p>75%</p> <p>3</p>     | <p>Activity Reports, Event Registration database;</p> <p>Event satisfaction surveys</p> <p>Activity and Progress Reports, Deliverables</p>                  | <p>Implementing partners will remain committed to cooperate in the</p>  |

|                   |   |   |   |     |   |   |
|-------------------|---|---|---|-----|---|---|
|                   |   | and common approaches developed   |   | 6   |   | implementation of the actions and assign the necessary resources. |
|                   |   | 1.5 Number of policies and standards proposed by the Action   |   | 6   |   |   |
| <b>Output 2</b>   | Support to companies (particularly SMEs) in the EU and RoK to protect, manage, commercialise and enforce their IP rights across borders.  | 2.1 Number of events organised or supported   | 0 | 10  | Activity Reports, Event Registration database;<br>Event satisfaction surveys<br>Activity and Progress Reports, Deliverables |   |
|                   |   | 2.1.2 Number of participants in an event (by gender, sector and type of event)                                | 0 | 150 |   |   |
|                   |   | 2.1.3 % of participants in an event who report having benefited from an event (by gender)                     | 0 | 75% |   |   |
|                   |   | 2.1.4 Number of EU businesses that received support from the action   | 0 | 25  |   |   |
|                   |   | 2.1.5 Number of Communication products developed  | 0 | 25  |   |   |
|                   |   | 2.1.6 Number of public/media/communication campaigns designed and implemented                                 | 0 | 20  |   |   |
| <b>Output 3</b>   | Increased cooperation on enforcement, including among customs, police, administrative and judiciary bodies on enforcement of IP rights and sharing of information and aligning enforcement actions. | 3.1 Number of enforcement officials benefiting from trainings and capacity development activities (by gender) | 0 | 100 | Activity Reports, Event Registration database;<br>Event satisfaction surveys<br>Activity and Progress Reports, Deliverables |   |
|                   |   | 3.2 % of participants benefitting from the trainings  | 0 | 75% |   |   |
|                   |   | 3.3 Number of studies and data collection or methodologies adopted (knowledge-based products)                 | 0 | 2   |   |   |
|                   |   | 3.4 Number of IP tools developed or implemented   | 0 | 1   |   |   |
| <b>Activities</b> | * Events, workshops, seminars, conferences, roving seminars, round tables, study visits, etc...   |   |   |     |   |   |
|                   | * Technical cooperation, research studies, essays, statistics, etc...   |   |   |     |   |   |
|                   | * Outreach / communication and awareness activities   |   |   |     |   |   |

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the partner country, the Republic of Korea.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 0 will be carried out and the corresponding contracts and agreements implemented, is 80 months<sup>11</sup> from the date of adoption by the Commission of this Financing Decision. This includes a period of maximum 14 months for preparation of the contribution agreement and an indicative 48 months of action implementation.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer in duly justified cases.

### 4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.<sup>12</sup>

#### 4.3.1 Indirect Management with an entrusted entity

This action may be implemented in indirect management with an EU specialised agency on Intellectual Property, namely the European Union Intellectual Property Office (EUIPO). The implementation entails the signature of a Contribution Agreement. As a result, objectives, expected results and main activities are those defined above under sections 3.1 and 3.2. The EUIPO has been selected on account of its technical competence, its high degree of specialisation and administrative power capacity.

Given the high political relevance of pursuing EU interests with Asian partners and in particular with High-Income Countries (HIC) through policy driven peer-to-peer cooperation, it is judged as most appropriate to select as implementing partner the Intellectual Property Office of the EU, which is responsible for intellectual property related matters in the EU by virtue of its own mandate. In view of its position, EUIPO offers a unique combination of technical expertise and contacts with relevant stakeholders in the field of intellectual property worldwide.

The EUIPO holds legal powers to manage EU trademarks and registered community designs and has specific experience in the enforcement of IPRs. In addition, the EUIPO has a MoU with the European Commission affirming the privileged partnership it has in order to implement external actions on IP in non-EU countries. The EUIPO holds a track-record of successful projects in the IP field<sup>13</sup> under the DCI, PI, ENI and EDF instruments, in a variety of different regions, which aim at enhancing trade and supporting interests of the EU and/or the partner countries, in relation to IP matters under the Economic Partnership and Free Trade Agreements.

The EUIPO is also involved in the implementation of specific technical bilateral activities with the RoK through a Memorandum of Understanding with the KIPO. In addition, it cooperates together with KIPO under the TM5/ID5

<sup>11</sup> The tentative implementation period of the IP Action is 36 months, but additional time is given for completing the signature of the Contribution Agreement with the implementing partner until the end of the last contract with some leeway for delays.

<sup>12</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

<sup>13</sup> <https://internationalipcooperation.eu/en>

platform that assembles the five major IP Offices in the world (China, EUIPO, Japan, Korea and USA) and the focus of the initiatives launched for this year revolve around digital IPR: exchanges among IP offices and public awareness raising regarding online enforcement and the protection of digital designs. Consequently, the EUIPO is best suited for the implementation of the Action.

#### 4.4 Indicative Budget

| <b>Indicative Budget components</b>                    | <b>EU contribution<br/>(amount in EUR)</b> | <b>Third-party<br/>contribution<br/>(amount in EUR)</b> |
|--|--|---|
| Implementation modalities - cf. section 4.4            |  |   |
| Indirect management with the EUIPO – cf. section 4.3.1 | 1 000 000                                  | EUR 300 000   |
| <b>Totals</b>  | <b>1 300 000</b>                           |   |

#### 4.5 Organisational Set-up and Responsibilities

The project will be implemented by EUIPO, which will be responsible for the day-to-day management of the contribution agreement and for reporting to the EU services (DG TRADE, FPI, and EU Delegation).

DG TRADE will provide directions by setting priorities and deciding on the content and format of the annual activities to be implemented and be responsible with FPI for the technical aspects of the project (i.e., coordination, programming, regular monitoring and annual, mid-term and end-of-term reviews of the implementation). Close collaboration between the implementer (EUIPO), DG TRADE and the FPI will be ensured through regular meetings.

A Project Management Board (PMB) will be set-up and include representatives of EUIPO, FPI and DG TRADE. The PMB will be co-chaired by FPI and DG TRADE. Observers from other DGs will be invited at the request of DG TRADE and FPI. The PMB will indicatively meet once every six months, but at least once a year, to approve the annual work programme for the upcoming year.

EUIPO will be responsible for the performance of the obligations and in charge of the technical and financial implementation under the foreseen Contribution Agreement.

On the EU side, the day-to-day management of the action will be the responsibility of staff of the European Commission’s Foreign Policy Instrument Service (FPI) based in the EU Delegation to the RoK, with the support of the FPI Regional Team for Asia and Pacific (Bangkok).

European business chambers and industry associations (e.g., European Chamber of Commerce in Korea) are not part of the governance structure of the project but will be associated, as relevant stakeholders, in specific activities, as deemed appropriate.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action and may sign or enter into joint declarations or statements, for the purpose of enhancing the visibility of the EU and its contribution to this action and ensuring effective coordination.

## 5 PERFORMANCE MEASUREMENT

### 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner’s responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of

implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

The implementing partners are responsible for day-to-day monitoring and reporting based on the agreed indicators in the logframe. Indicators shall be disaggregated at least by per gender of participants, type of events and sector of participants. Adjustments to the agreed indicators will be subject to a discussion and approval by the contracting authority. The contracting authority will also be responsible for the approval of reports (interim, final etc.).

## 5.2 Evaluation

Having regard to the importance of the action, a mid-term and/or final evaluation(s) may be carried out for this action or its components via independent consultants contracted by the Commission.

In case a mid-term evaluation is conducted, it will be carried out for problem solving and learning purposes, in particular with respect to identifying opportunities to improve the project's implementation and relevance.

In case a final or ex-post evaluation is envisaged, it will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the overall EU-RoK cooperation priorities.

The Commission shall inform the implementing partner at least 30 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities. The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination<sup>14</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.

The financing of the evaluation may be covered by another measure constituting a Financing Decision.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

In line with the 2022 "[Communicating and Raising EU Visibility: Guidance for External Actions](#)", it will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

<sup>14</sup> See best [practice of evaluation dissemination](#)

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.



## Appendix 1 REPORTING IN OPSYS

A Primary Intervention (project/programme) is a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

Articulating Actions or Contracts according to an expected chain of results and therefore allowing them to ensure efficient monitoring and reporting of performance;

Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e., audits, evaluations);

Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

Primary Interventions are identified during the design of each action by the responsible service (Delegation or Headquarters operational Unit).

The level of the Primary Intervention chosen can be modified (directly in OPSYS) and the modification does not constitute an amendment of the action document.

The intervention level for the present Action identifies as:

| <b>Action level</b>                 |               |   |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Single action | Present action: all contracts in the present action |

## Appendix 2: Korea in International IP Treaties (status as of February 2023)

| Typology of IP treaty   | Name   |
|---|--|
| <b>IP Protection</b>  | Beijing Treaty on Audio-visual Performances (2020)   |
|   | Berne Convention for the Protection of Literary and Artistic Works (1996)  |
|   | Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (2003)  |
|   | Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2015)  |
|   | Paris Convention for the Protection of Industrial Property (1980)  |
|   | Patent Cooperation Treaty (1984)   |
|   | Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms (1987)                       |
|   | International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) (2009) |
|   | Singapore Treaty on the Law of Trademarks (STLT) (2016)  |
|   | Trademark Law Treaty (2002)  |
|   | WIPO Copyright Treaty (2004)   |
|   | WIPO Performances and Phonograms Treaty (WPPT) (2009)  |
|   | Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1988)              |
|   | Hague Agreement Concerning the International Registration of Industrial Designs (Geneva Act 1999) (2014)                                   |
|   | Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (2003)  |
|   | <b>Global Protection System</b>  |
| WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (1995) |  |
| <b>Classification</b>   | Locarno Agreement Establishing an International Classification for Industrial Designs (2011)   |
|   | Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1998)      |
|   | Strasbourg Agreement Concerning the International Patent Classification (1998)   |
|   | Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (2011)                                   |