

## II. Video trial & Electronic Litigation

Intellectual Property High Court of Korea

High Court Judge Hyejinlee



## Video Trial (1/2)

Date	Type of cases video trial was introduced
December 5, 1995	Video trial was introduced for areas of poor transportation access
March 29, 2016	Video examination was introduced for witnesses, appraisers, and expert witnesses (when appearing before a court is difficult)
Jun 1, 2020	Due to COVID 19, video trial was introduced for pretrial hearing
November 18, 2021	The scope of video trial was expanded, including to pretrial hearing

- Currently, video trials may be used for the following under the Korean civil procedures:
  - Oral arguments
  - Pre-trial hearing and examination
  - Mediation
  - Examination of witnesses, examination of the parties, examination of appraisers, interpretation , provision of opinion, etc. by technical advisors

## Video Trial (2/2)

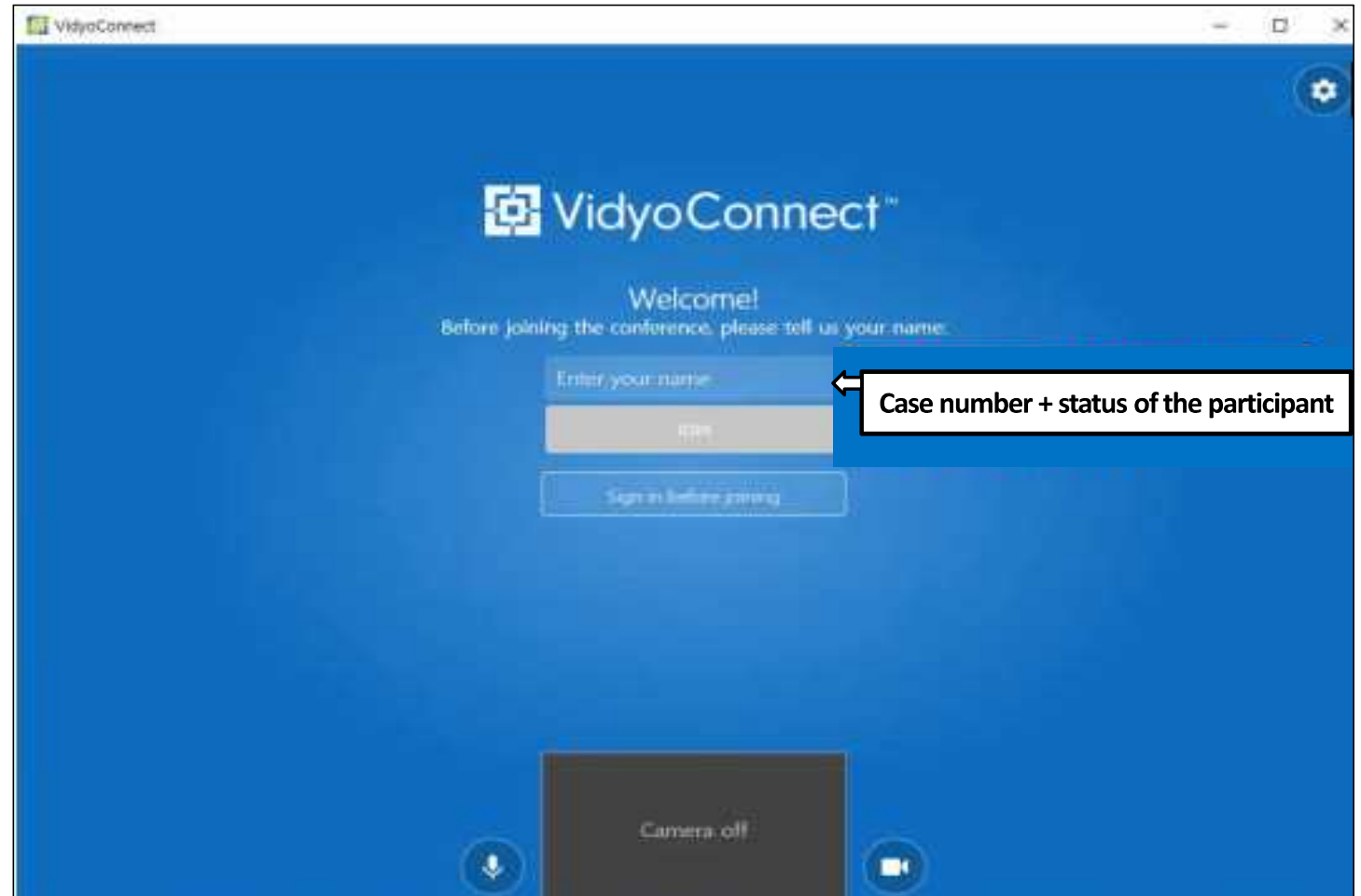
- Video trials have increasingly been popular amid the social crisis caused by COVID-19. Since the amended law expanded the scope of video trials on November 18, 2021, the number of video trials has grown steadily to surpass 10,000 cases as of April 20, 2023.

Classification	2021		2022										2023				Total		
	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.		Mar.	4/20
Video Hearing	11	97	188	179	380	390	396	435	411	503	611	625	716	787	684	465	1382	1126	9386
Video Examination	7	13	16	7	31	44	44	40	39	46	56	55	61	63	58	35	63	50	728
<b>Total</b>	<b>18</b>	<b>110</b>	<b>204</b>	<b>186</b>	<b>411</b>	<b>434</b>	<b>440</b>	<b>475</b>	<b>450</b>	<b>549</b>	<b>667</b>	<b>680</b>	<b>777</b>	<b>850</b>	<b>742</b>	<b>500</b>	<b>1445</b>	<b>1176</b>	<b>10114</b>

- The use of video trials is also growing at the Intellectual Property High Court. From 2021 to July 2023, 43 video trials were held at the IP High court.

2021	2022	January 1-July 31, 2023
<b>12</b>	<b>21</b>	<b>10</b>

## The Program and software



## Pre-trial hearing via video trial: E-litigation Court



# Technical explanatory session via video trial (1/2): Using Video trial and e-litigation together

### Display Record

**Objective Nature of the Patented Product (1)**

- The patented product interacts with the Plaintiff's article packaging device, and the essential element of the product is the magnet in the core tube.
- The invention in question aims to measure the rotation angle of the roll paper and thereby adjust the braking force applied to the roll holder in order to prevent packaging sheet from sagging.

sagging

재판장

Judge

Technical Advisor

Attorney

# Technical explanatory session via video trial (2/2): Using Video trial and e-litigation together



# Witness Examination via video trial (1/2)

6 특허법원 22부 법정

말하기: 재판장

## Witness

### Oath

양심에 따라 숨기거나 보태지 아니하고  
사실 그대로 말하며,  
말한 거짓말은 하면  
위증의 죄를 받기로  
생각합니다.

I swear that I will tell the truth in compliance  
with my conscience without concealing or adding anything  
and that if I make a false statement,  
I will accept punishment on a charge of perjury.

증인            (인 또는 서명)  
Witness       (seal) (or signature)

### Judge

### Defendant's Attorney

### Plaintiff's Attorney

재판장      Si Yul Lee      허상욱

스피커    마이크    카메라    레이아웃    공유    채팅



# Witness Examination via video trial (2/2)

The screenshot displays a video trial interface. At the top, a window titled "6 특허법원 22부 법정" (6th Patent Court 22nd Division Courtroom) is visible. The main content is a PowerPoint presentation titled "The Plaintiff's Direct Examination". The slide contains three numbered questions:

- 1 From September 2017 to March 2020, you worked at the manufacture/technology division of Turtle Corp., the Defendant's Japanese subsidiary. Is this correct?
- 2 It is difficult to separate only the core tube from the Plaintiff's roll paper that has been used up because the packaging sheet was attached to the core tube using heat. Is this correct?
- 3 It is difficult to maintain the quality of the final product made by re-winding a packaging sheet if the previous packaging sheet has not been completely removed. Is this correct?

Below the presentation, a black bar identifies the participants: Plaintiff's Attorney, Judge, Witness, and Defendant's Attorney. At the bottom, a video call interface shows five participants in separate windows: 한상욱 (Han Sang-uk), 재판장 (Judge), Kwanghee YOO, Si Yul Lee, and 이기운 (Lee Gi-un). The interface also includes controls for speaker, microphone, camera, and screen sharing.

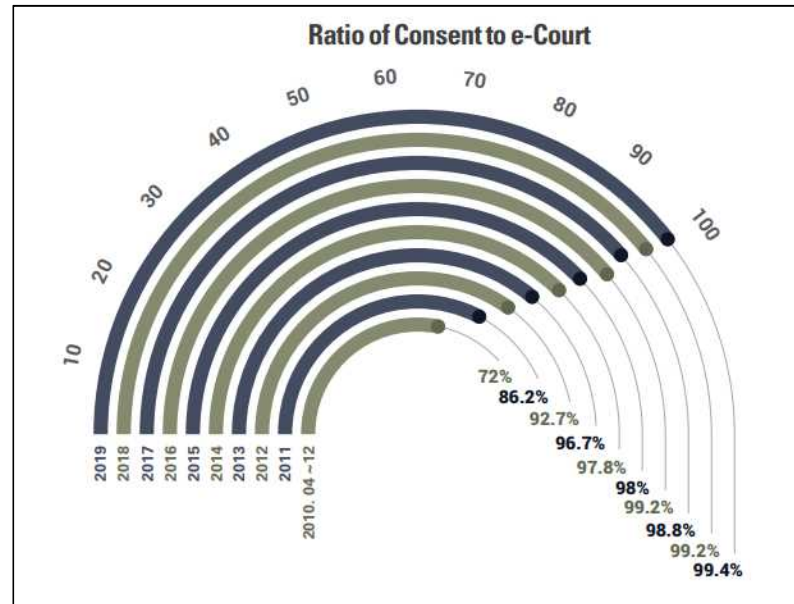
## Electronic Case Filing System (ECFS) (1/2)

- Litigants may file complaints and exhibit from their homes and offices via the ECFS, and they will receive the opponents' submissions through emails and text messages.
- Judges and court clerks can manage the case procedure, review filings, and approve requests through the automated system.
- The IP High Court was the first to adopt the ECFS on April 26, 2010. The scope of cases the ECFS has been gradually expanded.

Date	Type of cases where ECFS was introduced
April 26, 2010	IP High Court cases
May 1, 2011	Certain civil cases
January 1, 2012	All civil cases
January 21, 2013	Family and administrative cases
September 16, 2013	Preliminary attachment/injunction petitions
April 28, 2014	Rehabilitation and bankruptcy
March 23, 2015	Civil execution and non-contentious cases

## Electronic Case Filing System (ECFS) (2/2)

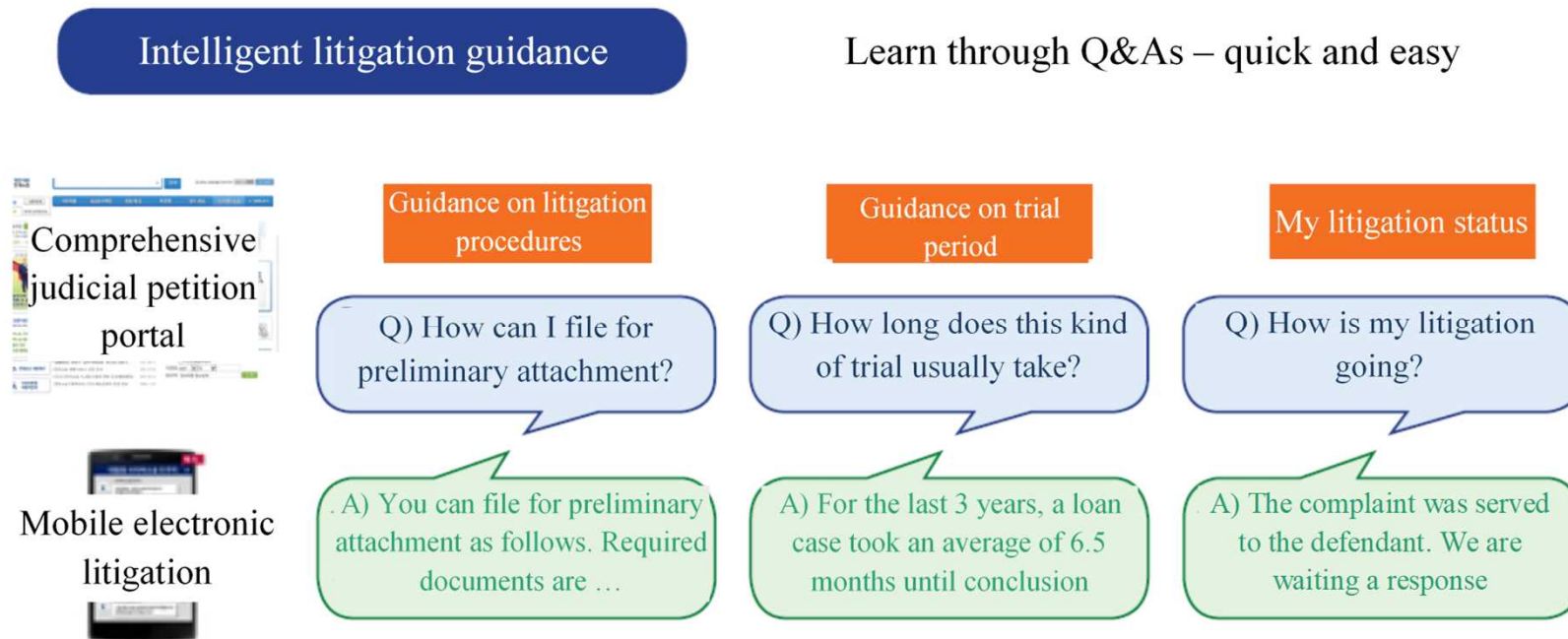
- Over 99% of patent cases have been processed as electronic litigation since 2020.



- ECFS will be implemented in criminal procedures from October 20, 2024, at the earliest.**
  - The relevant statute, the Act on the Use of Electronic Documents in Criminal Justice Procedures, was passed at the National Assembly on September 28, 2021, and promulgated on October 19, 2021.

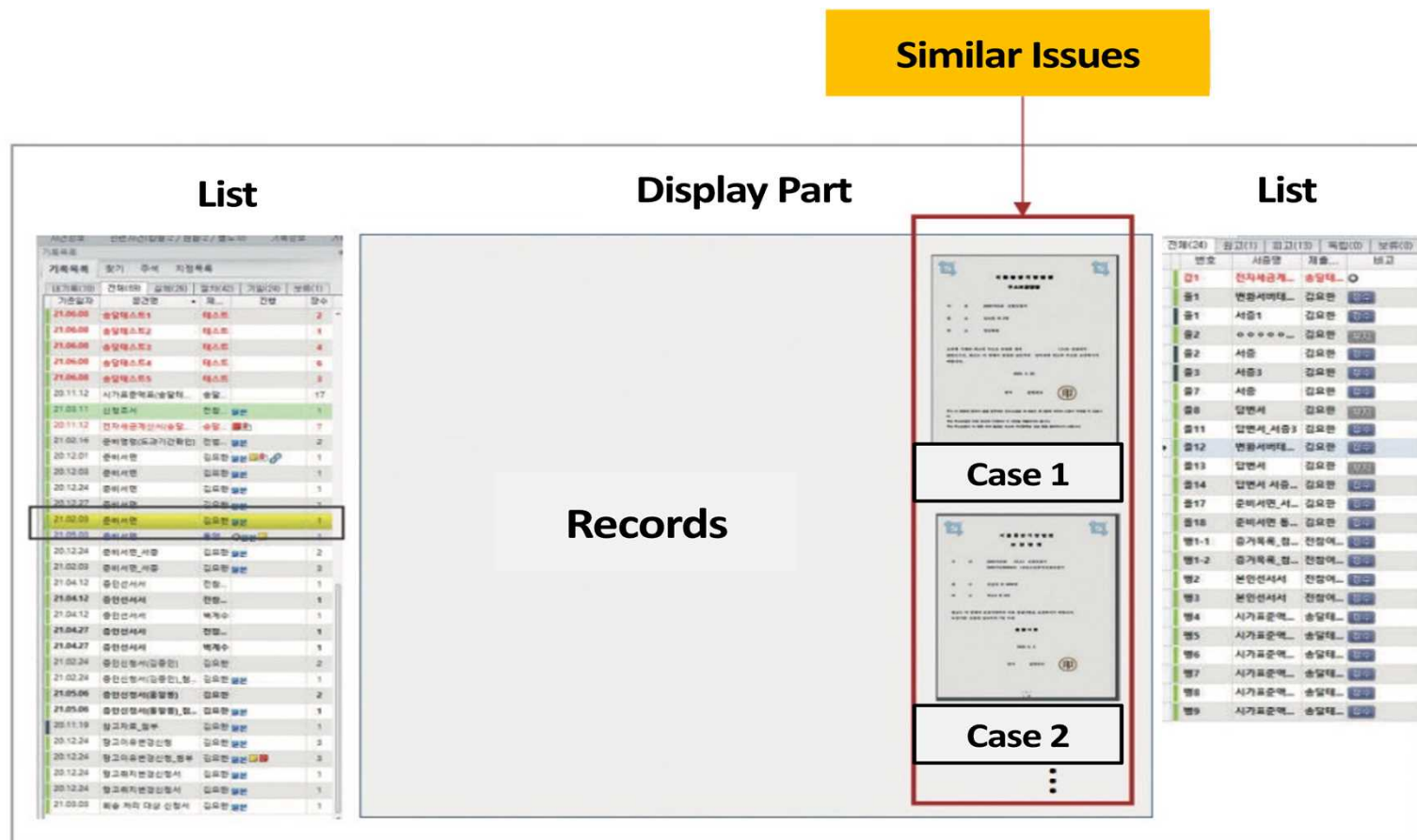
## Next-generation E-Litigation Task Force Projects (1/2)

- **Next-generation electronic litigation system building project:** Under the “Rules on Installation and Operation of Next-generation Electronic Litigation Task Force” established on December 26, 2019, the Next-generation Electronic Litigation Task Force (“TF”) was set up in the National Court Administration.
- **AI chatbot guide:** AI chatbot using judicial big data that answers questions on court proceedings.



# Next-generation E-Litigation Task Force Projects (2/2)

- Intelligent case search:** will enable users within the Judiciary, by entering the case number, to retrieve the information on the case briefs and search a list of cases with similar issues.



## Next-generation Court: Metaverse Court?



Source: Freepick



**Thank  
You**

IP litigation cases in the world are found to be similar in terms of disputes, handling procedures, and court precedents.

It is also clear that the constraints of physical distance are no longer an issue with the adoption of video trials and electronic litigation.

The Unified Patent Court has been established, so why not an Asia Unified IP Community(AUIPC) ?

Now is the right time to initiate discussions regarding the establishment of AUIPC.