

ACT on PRODUCT LIABILITY

다음은 제조물책임법에 대한 영문판으로 업무에 참고하시기 바랍니다.

※ This translation is virtually literal and not for official use.

자료제공 · 전기제품PL상담센터

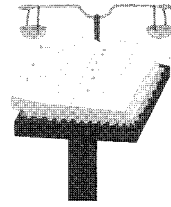
Article 1(Purpose)

The purpose of the Act is to protect consumers against damages caused by defective products, and contribute to the enhancement of the safety of the civic lives and to the sound development of the national economy by regulating the liability of manufacturers, etc. for damages caused by the defects of their products.

Article 2(Definitions)

The definitions of the terms used in the Act shall be as follows:

1. The term “product” means all movables, industrially manufactured or processed, even though incorporated into another movables or into immovables.
2. The term “defect” means the defect of any product in manufacturing, design or instructions for usage falling under any of the following items or any lack of safety that the products ordinarily should possess : and
 - (a) The term “defect in manufacturing” means the lack of safety caused by manufacturing or processing of any product deviating from the originally intended design, regardless of whether the manufacturers truly perform the duty of care and diligence in relation to the manufacturing or processing
 - (b) The term “defect in design” means the lack of safety caused by the failure of the manufacturers to adopt a reasonable alternative design in a condition that any damage or risk caused by the product would otherwise be reduced or prevented; and
 - (c) The term “defect in users’ directions” means situations in which a manufacturer fails to give reasonable explanations, instructions, warnings and other indications on the product, while there occurs any such damage or risk caused by the product that would otherwise be reduced or prevented
3. The term “manufacturer” means a person falling under any of the following items:
 - (a) A person who is engaged in a business of manufacturing, processing or importing any



product: and

- (b) A person who shows himself as any person falling under item (a) by putting his name, firm name, trademark or any other distinguishable features (hereinafter referred to as "his name, etc.") on the products, or a person who put his name, etc. on the product in a manner mistakable for any person falling under item(a).

Article 3(Product Liability)

1. Manufacturers shall be liable for either damage of death or personal injuries, or damage to any item of property(other than the defective product itself) which is suffered by any person, due to defects of the products.
2. With regard to any product the manufacturer of which can not be identified, a person who, for profit, supplies it in a form of sale or lease, etc. shall be liable for a damage referred to in paragraph 1, if, despite the fact that he knows or would be able to know the identity of the manufacturer or the person who has supplied it to himself, he fails to inform any injured person or his legal representative of the said identity within a reasonable period of time.

Article 4(Reasons for Exemption)

- (1) Where a person who is liable for a damage in conformity with the provisions of Article 3 proves the fact falling under any of the following subparagraphs, he shall be exempted from such liability:
 1. that the manufacturer did not supply the product;
 2. that the state of scientific or technical art or knowledge at the time when the manufacturer supplies the product was not such as to enable the existence of the defect to be discovered;
 3. that the defect is due to the compliance of the product with any Act or subordinate statute at the time when the manufacturer supplied it: and
 4. that, in case of raw materials or components, the defect is attributable to the design of the product in which any raw materials or components have been fitted or conforms to the instructions regarding manufacturing given by the manufacturer of the product using them.
- (2) Where, despite the fact he knows or would be able to know the existence of any defect of the product after it has been supplied, the person who is liable for damage under the provisions of Article 3 fails to take proper measures to prevent the damage

caused by the defect of the product from occurring he shall not get any exemption referred to in paragraph (1) 2 through 4.

Article 5(Joint Liability)

Where not less than two persons are liable for the identical damage, they shall be liable jointly and severally.

Article 6(Restrictions on Special Agreement Regarding Exemption)

Any special agreement attempted to exclude or limit any liability for damage under the Act shall be null and void. Provided that this shall not apply to the case where a person who is supplied with any product only used for his own business concludes the said special agreement with regard to damage to his business property caused by the product.

Article 7(Extinctive Prescription, etc.)

- (1) The right for damage under the Act shall be extinguished by prescription if the injured person or his legal representative does not exercise their rights within three years from the date on which the damage and the person liable therefor under the provisions of Article 3 have come to the knowledge of either of them.
- (2) The right for damage under the Act shall be practiced within 10 years from the date on which a manufacturer supplies a product causing damage: Provided that with regard to the damage caused by any substances which are accumulated in human physical body and, in turn, hurt his health, or any other damage the symptoms of which appear after a lapse of a certain latent period, the aforesaid period shall be counted from the date on which the damage actually occurs.

Article 8(Application of Civil Law)

Matters regarding any liability for damages caused by the defects in products shall be governed by the Civil Law except as otherwise provided for in the Act.

BYLAW

- (1) (Date of Enforcement) The Act shall go into effect on July 1, 2002.
- (2) (Cases for Application) The Act shall apply to products delivered by the manufacturer on or after the enforcement date of the Act.