



## 2022 TM5 Annual Meeting Record of Discussion

The China National Intellectual Property Administration (CNIPA), the European Union Intellectual Property Office (EUIPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and the United States Patent and Trademark Office (USPTO) (hereinafter referred to as the “Partners”) met for the 2022 TM5 Annual Meeting in Brussels, with some of the Partners joining the discussions online.

The World Intellectual Property Organisation (WIPO) was present at the meeting as an observer.

### Introduction

A welcome address was given by EUIPO Executive Director Mr. Christian ARCHAMBEAU.

Video opening remarks were given by CNIPA Commissioner Dr. SHEN Changyu, JPO Commissioner Mr. Koichi HAMANO, KIPO Commissioner Ms. Insil LEE and Under Secretary of Commerce for Intellectual Property and Director of the USPTO Ms. Kathi VIDAL.

Remarks were delivered by Director General of WIPO Mr. Daren Tang.

The Offices adopted a **Joint Vision Statement** building on the achievements of the collaboration at its 10-year celebration, setting out a reaffirmed and stronger mandate to work toward interoperable trademark systems, harmonised trademark practices and continued cooperation with a widening group of users, among other things.

The Partners also adopted the “**TM5 Operational Guide**” to improve and optimize future cooperation.

### Updates on the Status of Cooperation Projects

Partners had in-depth discussions on the following 16 TM5 projects:

- Trademark Protection in Opposition and Appeal (review) Procedure (CNIPA and EUIPO): the Partners agreed to extend Phase 1 and aim to finalise the study before the end of this year.
- Trademark Archives Management and Administration (CNIPA): the Partners agreed to extend the project timeline until the 2023 Midterm Meeting.
- TMview (EUIPO): The Partners agreed that the project enters active continuous status subject to revision and review of the project brief. The EUIPO will present the new TMview image search functionality at the 2023 Annual Meeting.
- Priority Rights (EUIPO): the Partners agreed that with the completion of the objectives of phases 1 and 2 the project enters accomplished (monitoring) status with the view of possible future cooperation on priority document exchange with new technologies.
- User involvement (EUIPO & JPO): the Partners approved JPO’s proposal to hold the 7th Joint Workshop on “Proving use of trademarks in TM5 offices” at the INTA Annual Meeting which will be held in Singapore in May 2023. The Partners acknowledged the addition of new information resources to the SME Info Corner of the website and will continue preparatory and study work on SME Welcome Kits for overseas applicants.
- Joint Communication Action (EUIPO and KIPO): the Partners support the initiatives of the Lead Offices to communicate to the public about TM5 and in particular welcome the publication of the “10 Years TM5 Anniversary Booklet”.
- Common Statistical Indicators (EUIPO): the Partners welcomed the addition of new interactive charts on the website which show the summary report in the form of virtual tables.

- Risk Management (EUIPO) the Partners agreed that the project enters into accomplished (monitoring) status.
- Bad Faith (JPO): the Partners approved the revised project brief and agreed to hold the next bad faith seminar in the Philippines. They also welcomed the upgraded bad faith report and digest version of case examples (partial) which will be published after the Annual Meeting.
- IT support for Trade Mark Examination (JPO): the Partners approved the project brief of the new project to hold IT expert meetings which builds on and carries forward the work of the old “Image Search” project. They also welcomed the idea of holding another expert meeting next year.
- Combatting Infringement (KIPO): the Partners approved the revised project brief with the new Phase 2 focusing on online infringement.
- TM5 Website (KIPO): the Partners welcomed the enhancements made by KIPO and look forward to further enhancements on the website in 2023.
- Fraudulent Solicitations (USPTO and EUIPO): the Lead Offices provided a brief update on the status of the project and proposed a new mapping exercise focusing on cases of irregular trade mark filing practices or other procedural abuses.
- Common Status Descriptors (USPTO): the Lead Office provided a brief update on the status of this project’s expansion to other IP offices. The Partners welcomed WIPO’s implementation of the status descriptors and look forward to more information on the implementation of interested EU Member States national offices who have signalled interest.
- ID List (USPTO): the Lead Office provided a brief update on the status of the ID List, which now has over 22,400 pre-approved identifications of goods and services that are acceptable in all 5 Partner Offices and 45 trademark offices globally.
- Non-traditional Marks (USPTO): the Partners noted the recently published searching guide on the TM5 website and discussed the next study on color marks.

### **Discussion and Adoption of New TM5 Project**

The Partners discussed one new proposed TM5 Project led by EUIPO, on “**Practices relating to the temporary exchange of staff between TM5 Offices**”. The project was adopted and will commence immediately. The objective of the project is to share knowledge amongst Partners about each other’s practices and potentially an exchange of staff among interested offices.

### **TM5 User Session**

The Partners hosted a hybrid meeting with users from all TM5 Partner countries. The one-day meeting included updates from the offices and on the results of the Annual Meeting. Partners and users had discussions on the impact of new technologies on IP offices and business, focusing on the classification of virtual goods, NFTs, metaverse, TMview, bad faith, and the challenges of hybrid work.

### **2023 Secretariat and Host**

The Partners agreed that KIPO would serve as Secretariat and Host of the 2023 TM5 work and meetings as of the conclusion of the 2022 Annual Meeting.