



---

## 9<sup>TH</sup> TM5 ANNUAL MEETING

### Record of Discussion

Virtual  
26-28 October 2020

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,” held the 2020 TM5 Annual Meeting virtually from 26-28 October 2020.

The World Intellectual Property Organization (WIPO) was present as an observer.

At its 9<sup>th</sup> meeting, Partners exchanged status updates on the progress of cooperation projects and discussed new proposals to be adopted as TM5 Projects. The Partners also discussed recent increases in trademark filings.

#### **Updates on the Status of Cooperation Projects**

The following projects were discussed:

- ID List (USPTO): USPTO provided a brief update on the status of the ID List.
- Common Status Descriptors (USPTO): USPTO provided a brief update on the status of this project’s expansion to other IP offices.
- Non-Traditional Trademarks (USPTO): the Partners noted the recently published guide on the TM5 website, discussed inviting other offices to participate in the 3D Marks Guide and discussed potential next steps regarding color marks.
- Fraudulent Solicitations (USPTO/EUIPO): USPTO provided a brief update on the status of the project, which includes reviewing a questionnaire directed to users on fraudulent and misleading invoices and a searchable page of sample solicitations on the TM5 website.
- Bad Faith Trademark (JPO): JPO provided brief updates on the manga and the updated 2015 bad faith report. Once this is completed, the manga and the report will be published on the TM5 website. JPO also proposed inviting other offices to participate, and holding seminars. The Partners agreed to create a digest of the case examples in 2021.



- 
- Image Search (JPO): JPO announced their intent to hold the next image search Experts Meeting in the summer of 2021 focused on examination of goods/services, latest technologies, and teleworking. The Partners agreed to exchange background materials including a questionnaire on telework.
  - User Association Involvement (EUIPO/JPO): the Partners approved JPO's proposal to hold the 5<sup>th</sup> Joint Workshop on "Tips for avoiding refusals by each office" at the INTA Annual Meeting which will be held in San Diego in May 2021. The Partners agreed to EUIPO's proposed questionnaire to survey SME-related activities, which was accepted by the Partners.
  - TMview (EUIPO): EUIPO reported on the status of ongoing technical work with CNIPA for their participation in TMview, noting an anticipated completion mid-year 2021.
  - Priority Rights (EUIPO): the Partners agreed to continue with Phase 2 of the project in 2021 and discussed the possibility of WIPO DAS or a blockchain solution for priority documents.
  - Risk Management (EUIPO): the Partners discussed the next steps for this project and highlighted the timely nature of the project in light of global events. The Partners agreed to provide input on the risks identified in the draft report, which EUIPO will analyze in order to propose possible next steps.
  - Common Statistical Indicators (EUIPO): the Partners agreed to publish the 2019 report on the TM5 website. The Partners added additional statistics to the report, including examination speed, non-traditional marks, and fees.
  - TM5 Website (KIPO): the Partners welcomed the enhancements made by KIPO and shared suggestions for further development.
  - Comparative Analysis on Examination Results (KIPO): the Partners reviewed the draft report made by KIPO and will provide feedback.
  - Provide Information how to describe product names for users (KIPO): the Partners reviewed the draft report made by KIPO and will provide feedback. Once the report is finalized and approved by the Partners, it will be published to the TM5 website.
  - Raising Awareness about Trademark Infringement (KIPO): the Partners took note of the new timeline proposed by KIPO regarding the infringement cases and agreed to cooperate further in 2021.



---

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

The Partners discussed one new proposed TM5 Project co-led by EUIPO and KIPO.

Joint Communication Action (EUIPO/KIPO): the revised project brief was adopted and the project will commence immediately. The objective of the project is to further improve communication to users about TM5 activities.

### **Other Discussion**

The Partners also discussed increases in trademark filings occurring at Partner offices in 2020.

### **TM5 User Session**

The Partners hosted an interactive meeting with users from all TM5 Partner countries and included office updates and a question and answer session.

### **Discussion and Agreement on 2021 TM5 Secretariat and Host**

The Partners reached consensus that CNIPA will host the 2021 10<sup>th</sup> TM5 Midterm Meeting, the TM5 User Session, and the TM5 Annual Meeting. The Partners agreed that CNIPA will begin acting as Secretariat at the conclusion of the 2020 TM5 Annual Meeting and will serve in that role through the 2021 TM5 Annual Meeting.