

2021 TM5 Annual Meeting Record of Discussion

November 3-5, Virtual Meeting

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) (known as “Partner Offices”) met online on 3-5 November, 2021 for the TM5 Annual Meeting hosted by the CNIPA. The meeting was also attended by the World Intellectual Property Organization (WIPO) as an observer.

Progress of Current Projects

The following projects were discussed:

- Risk Management (EUIPO)
 - o The Partners agreed to EUIPO’s work proposal and arrangements and will provide additional materials regarding the template.
- Joint Communication Action (EUIPO and KIPO)
 - o The Partners agreed that the WIPO Banner be posted annually on the TM5 website on each year’s World IP Day.
 - o The Partners agreed to the proposed template for News subscription.
 - o The Partners agreed to the proposed future communication actions.
 - o The Partners will support the proposal in principle that the Five Offices issue a Joint Message on 2022 World IP Day and will provide comments on the draft text.
- Common Statistical Indicators (EUIPO)
 - o The Partners will have further discussion on whether to publish the report earlier each year.
- User Involvement (EUIPO and JPO)
 - o The Partners welcomed the addition of SME information resources on the TM5 website from all Partner offices as well as from WIPO.
 - o The Partners will continue to exchange views on SME-related actions/initiatives.
 - o The Partners will participate in the 5th Joint Workshop at the INTA Annual Meeting.
 - o The Partners will continue to discuss the topic of the 6th Joint Workshop in 2022 at working level.
- TMview (EUIPO)
 - o The Partners appreciated that the project objective (to integrate all TM5 partners) has been achieved.
 - o The Partners agreed that the project would be closed in 2022.
- Priority Rights (EUIPO)
 - o The Partners agreed to discuss expanding the project to Phase 3.
 - o The Partners will have discussion on the revised Project Brief.
 - o The Partners agreed to hold an experts meeting on Phase 3 in 2022.
- Bad Faith (JPO)
 - o The Partners will provide case summaries for the digest version of “Case Examples”.
 - o The Partners will provide comments on the case summaries of non-TM5 offices.
 - o The Partners will have discussion at working level regarding the webinar in Indonesia.

- Image Search (JPO)
 - o The Partners agreed to the change of the project's title from "Image Search" to "IT Support for Trademark Examination".
 - o The Partners support information sharing on the use of new technologies.
 - o The Partners will provide feedback on the revised Project Brief.
 - o The Partners agreed to exchange relevant information in principle.
- Comparative Examination (KIPO)
 - o The Partners agreed to close the project.
- Product Names (KIPO)
 - o The Partners agreed to close the project.
- TM5 Website (KIPO)
 - o The Partners will continue to support KIPO's work as Lead Office.
- Combating Infringement (KIPO)
 - o The Partners will provide feedback on the revised Project Brief.
- Fraudulent Solicitations (USPTO and EUIPO)
 - o The Partners agreed to add a scams warning to the TM5 website.
- Common Status Descriptors (USPTO)
 - o USPTO will invite UKIPO upon EUIPO's agreement.
 - o The Partners will have further communication and coordination with WIPO.
- ID List (USPTO)
 - o The Partners agreed to exchange information about the top five Nice classes filed by applicants from each of the TM5 offices.
 - o The Partners will have further discussion on the necessity of exchanging information about the Nice service classes that are most likely to result in examiners' rejection of submitted terms.
- Non-Traditional Trademarks (USPTO)
 - o The Partners agreed to publish the Non-Traditional Marks Searching Guide on the TM5 website and will provide their feedback for the final version.
 - o The Partners will support USPTO to conduct further study on color mark.
 - o The Partners agreed to have WIPO participate in this project.

Approval of New Projects

The Partners discussed two new proposed TM5 Projects.

- Trademark Protection in Opposition and Appeal (Review) Procedure (CNIPA and EUIPO)
 - o The Project Brief was adopted and the project will commence immediately.
- Trademark Archives Management and Application (CNIPA)
 - o The Project Brief was adopted and the project will commence immediately.

Improvement and Optimization of the TM5 Operation Mechanism

The Partners agreed to further exchange views on optimizing and improving operation mechanism of TM5 and will engage in consultation.

TM5 Joint Statement

The Partners reached consensus on the 2021 Joint Statement of the TM5 Partners and will approve it after all Partners' internal procedures have been finished.

TM5 User Session

An interactive meeting with users from all TM5 partner countries/regions was held. The agenda included topics such as Office Updates, presentations on both the Challenges and Responses to the Pandemic by both the Partners and the users, and a Q&A session.

2022 Secretariat and Host

The Partners agreed that EUIPO would serve as Secretariat and Host of the 2022 TM5 meetings at the conclusion of the 2021 Annual Meeting.