

2024 TM5 Annual Meeting

Record of Discussion

December 9-10, Hakone, Japan

The China National Intellectual Property Administration (CNIPA), European Union Intellectual Property Office (EUIPO), Japan Patent Office (JPO), Korean Intellectual Property Office (KIPO), and United States Patent and Trademark Office (USPTO), hereinafter referred to as the “Partners”, met for the 2024 TM5 Annual Meeting in Hakone, Japan. The World Intellectual Property Organization (WIPO) was present at the meeting as an observer.

Outcomes and next steps regarding cooperation projects

• User Involvement (JPO and EUIPO):

The Partners agreed to hold the 9th Joint Workshop under the theme of “Acquired Distinctiveness through Use regarding Three Dimensional Trademarks” at the INTA Annual Meeting held in San Diego, USA, in May 2025.

• Bad Faith (JPO):

The Partners agreed to hold an online seminar for Albania, Bosnia and Herzegovina, and North Macedonia in January 2025. In addition, the Partners agreed to prepare an ASEAN version of the Laws and Examination Guidelines/Practices against Bad-Faith Trademark Filings proposed by the JPO.

• IT support for Trade Mark Examination (JPO):

The Partners agreed to hold an IT Support Tools Expert Meeting online in conjunction with the 2025 working level meeting. In addition, the Partners agreed to compile information regarding the status of each office's use of IT tools and AI within the trademark field, and to share this information among the TM5 Offices.

• Trademark Protection in Opposition and Appeal Procedures (CNIPA and EUIPO):

The lead offices requested that the Partners submit a summarized version of the opposition cases, along with typical cases of trial and appeals. The Partners foresee to accomplish the project in 2025.

- **Combatting Infringement (KIPO):**

KIPO briefed the Partners on the project's findings in advance, to be presented to users at the user session of this meeting. The Partners then agreed to declare the project accomplished after a final exchange of information among the TM5 Partners in 2025.

- **TM5 Website (KIPO):**

KIPO reported on the status of website updates and the number of visits. Additionally, it was reported that, prior to sending out the newsletter, spam accounts were checked and removed, and an email verification procedure was implemented during website registration to enhance security.

- **Trademarks in Virtual Space (KIPO):**

KIPO intends to request responses to a questionnaire on trademarks in virtual space in 2025, and asked Partners to submit their responses.

- **Staff Exchange (EUIPO):**

Having obtained a good overview of the different staff exchange practices, the Partners agreed to declare the project accomplished at this meeting, and it was decided that future exchanges would take place bilaterally, between the offices interested in exchanging personnel.

- **TMview (EUIPO):**

The Partners appreciated the findings of the user survey and agreed to declare the project accomplished at this meeting. Future exchanges on TMview will continue to take place between the EUIPO and the Partners under the existing MoUs, including on the quality standards of TMview data, which had been analyzed by EUIPO for interested offices.

- **Joint Communication Action (EUIPO and KIPO):**

The Partners agreed to send out a newsletter twice a year to the TM5 website registrants consisting of TM5 news and curated news from the Partner offices.

- **Common Statistical Indicators (EUIPO):**

EUIPO reported that it published statistical data of the TM5 offices for 2023 on the TM5 website, and explained that it would publish more visualized data in the future.

- **Green TM5 (EUIPO):**

EUIPO requested that the Partners submit comments on a public report summarizing each office's responses to the questionnaire on sustainability.

- **Common Status Descriptors (USPTO):**

The Partners agreed at this meeting to declare the project accomplished. A system will be created in the future to receive information on how IP offices can adopt the common status descriptors from the TM5 website.

- **ID List (USPTO):**

USPTO provided a brief update on the status of the ID List, which now contains 23,772 harmonized identifications of goods and services for customers to use in trademark applications in each of the Partner offices. The Partners agreed to add additional new terms to the ID List via a bulk upload process.

- **Non-traditional Marks (USPTO):**

The USPTO requested that the Partners submit comments on the final draft of the guidelines for color marks. The Partners also agreed to prepare a report on sound marks, and to accomplish the project at the annual meeting in 2025.

Discussion on the adoption of possible new projects

• User Guide to TM5 Trademark Application Information (CNIPA):

The Partners agreed to continue to coordinate via email regarding the adoption of this project at the 2025 Midterm Meeting.

Adoption of TM5 Joint Statement

The Partners adopted the 2024 Joint Statement.

TM5 User Session

The Partners hosted a user session with user participants from all TM5 Partner jurisdictions. The Partners provided information regarding the TM5 Annual Meeting outcomes and latest office trends, and users gave presentations on their experiences combatting bad faith trademark filings.

2025 TM5 Meetings Host

The Partners agreed that USPTO would serve as Secretariat and Host of 2025 TM5 work and meetings as of the conclusion of the 2024 TM5 Annual Meeting. It was decided that the 2025 Midterm Meeting would be held in San Diego, USA in May.