



Alicante, 11 December 2009

Eighth Annual Meeting of the Trademark Trilateral Alicante, 9-11 December 2009

Statement of Joint Conclusions

During the 8th Annual Meeting, the Japan Patent Office, the United States Patent and Trademark Office and the Office for Harmonization in the Internal Market (Trade marks and designs) (hereinafter the “Partners”), joined by the World Intellectual Property Organization (WIPO) and the Trademark Office under the State Administration for Industry and Commerce, People’s Republic of China (CTMO under SAIC), exchanged views on issues of common interest and developments in their respective offices.

The Partners reached the following conclusions:

TRADE MARKS

Mission statement

The Partners agree to adopt the following mission statement

Through exchange of information on practices and programs as well as common projects aiming at the harmonization or improvement of trade mark procedures, the Trilateral strives to promote cooperation and collaboration between members and contribute to increasingly user-friendly and, if possible, interoperable trade mark systems.

Trade mark classification

An expansion of the number of MoC with third countries is supported by the Partners. They, however, agree on the need on a further discussion on how in terms of capacities and workload to deal with it.

The Partners agree to continue with the current feeding of the Trilateral ID database. In the meantime, they will reflect on the size and dimension of the Trilateral database and its impact and relevance on users. OHIM will prepare an analysis for further discussion.

The Partners recognize an interest in WIPO’s project on the establishment of a database of acceptable indications of goods and services.

Collaboration projects

The Partners agree on the usefulness of sharing information on main projects. Both the USPTO and the JPO are going to study OHIM's list of projects and will look into possible fields of cooperation.

The Partners agree to try to define common terminology regarding the status of TM applications and registrations that will help users to understand the legal status of their TM portfolios. The USPTO will prepare a proposal for high-level specifications for statuses. The Partners agree to involve users when developing such an initiative.

Priority rights

The Partners agree to reflect on the needs of the users with respect to the necessity, or not, of providing priority documents as pointed out by the analysis presented by the JPO. By the end of March 2010, the OHIM and the USPTO will provide the JPO with a preliminary opinion.

Common statistical indicators

The Partners agree on the usefulness of this initiative and decide to continue sharing common statistical indicators for internal purposes while improving their clarity. The exchange of indicators will occur each year and reflect indicators for the preceding year.

Relations with other IP Offices

The Partners agree on reflecting on the eventual enlargement of the Trilateral. They agree to one or more sessions without observers at the next annual meeting.

By the end of March 2010, each partner will prepare a paper on the future structures of the Trilateral. The papers will explore, among other things, the following topics:

- Admissibility criteria for new members or observers*
- Maximum number of new members or observers*
- Distinction between observers and members*
- Working methods and alternative ways of exchanging information*
- Administrative needs and governance*

The Partners agree that the Chair will rotate annually, that Delegations bear their own expenses, and that the number of languages will be established before further acceptance of members or observers.

The proposals will be discussed and first conclusions will be drawn in the margin of next year's INTA meeting in Boston.

The Partners agree on extending an invitation to CTMO under SAIC to participate as a permanent observer in the next annual meetings.

The Partners agree to issue a standing invitation to WIPO for an exchange of views on common issues, in particular trade mark classification.

In light of the Korean Intellectual Property Office (KIPO) request to participate in the Trademark Trilateral, the Partners agree to issue an invitation to KIPO as an observer. The Japan Patent Office will inform KIPO accordingly.

Relations with users

The Partners agree to pilot a new separate session with users as from the next annual meeting.

Trade mark trilateral symposium in China

The Partners agree to hold a seminar in China in 2010 in collaboration with SAIC.

DESIGNS

The Partners express the usefulness of the design session within the Trilateral framework and their desire to continue along these lines.

Done in Alicante, on 11th December 2009