



Tokyo, December 9, 2010

**Ninth Annual Meeting of the Trademark Trilateral
Tokyo, December 7-9, 2010**

Joint Statement

The United States Patent and Trademark Office (USPTO), the Office for Harmonization in the Internal Market (Trademarks and Designs) (OHIM) and the Japan Patent Office (JPO) (hereinafter referred to as “the partners”) held the Ninth Annual Meeting of the Trademark Trilateral in Tokyo to improve the trademark system and practices through exchanges of views and information. The partners were delighted to welcome the observers from the World Intellectual Property Organization (WIPO) and Korean Intellectual Property Office (KIPO) and regret that the State Administration for Industry and Commerce (SAIC) was unable to attend.

As agreed at the last meeting of the Trilateral, a session between the partners and users was held for the first time.

The partners reached the following conclusions:

Trademarks

(1) Collaboration Projects

The partners agreed to continue discussions on collaboration projects of common interest.

The partners agreed to set up a Working Group to analyze the technical requirements to determine whether the Trilateral partners’ data on trademark applications and registrations can be made searchable in TM View.

Preliminary findings will be discussed during the INTA annual meeting in May 2011.

The partners agreed to follow up on the seminar held by the partners and SAIC. The partners agreed that OHIM will coordinate the efforts of the partners for the next Trademark Trilateral Seminar while staying in close contact with SAIC.

(2) Trademark Classification

The partners agreed to consider further expansion of participation to other countries in the Trilateral Identification project while keeping the partners' workloads in mind.

The OHIM will propose measures to ensure compatibility between the Trilateral ID project and the European harmonization efforts currently underway.

(3) Session with Users

The partners confirmed that the session with users was productive. The partners agreed to hold another user session at next year's Trilateral meeting.

(4) Common Statistical Indicators

The partners agreed to continue sharing the latest statistics. The USPTO will consider the time frame. The partners will provide statistics of the prior calendar year, and statistics for the year ending at the most recent quarter before the meeting.

The partners agreed to refine the definition of some of the data elements of the common statistical indicators form. Initial proposals will be discussed during the INTA annual meeting in May 2011.

(5) IT issues

The partners agreed to continue discussions on the common status descriptors of trademark applications and registrations. JPO and the OHIM will prepare comments on the proposal submitted by the USPTO prior to the INTA annual meeting.

(6) Relations with Other IP Offices

The partners agreed to invite the SAIC, WIPO and KIPO to the next meeting as observers.

The partners agreed to continue discussions about the composition and governance of the Trilateral. A proposal will be discussed during the INTA annual meeting in May 2011.

(7) Initiatives by the Trilateral Offices in the Enforcement Field

The partners shared information about their activities in the enforcement field. The partners agreed to continue exchanging information in this area.

Designs

The partners also exchanged information and views on the design system and practices in their respective offices and discussed specific issues with the participation of WIPO as an observer.

The parties reached the following conclusions:

(1) Common statistical items for information exchange

i) The partners have set a series of statistical items with definitions and agreed to exchange corresponding data twice a year.

ii) The partners have confirmed that the use of the exchanged information is,

unless otherwise provided, not restricted and may be open to the public.

(2) Possible areas for future discussion among trilateral offices

The partners confirmed the usefulness of the design session within the trilateral framework and agreed to further develop their cooperative relationship. As the possible areas for future discussion, the following three items were proposed by OHIM and the partners agreed to include these items in the agenda for the next meeting.

- Examination of priority claims
- Quality check system and process
- View/drawing requirements