

Alexandria, VA December 7, 2011

**Annual Meeting of the Expanded Trademark Trilateral  
Alexandria, VA, December 5-7, 2011**

**Joint Statement**

The Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the Office for Harmonization in the Internal Market (Trademarks and Designs)(OHIM), and the United States Patent and Trademark Office (USPTO)(hereinafter referred to as the “Partners”) held their Annual Meeting of the Expanded Trademark Trilateral Meeting in Alexandria, VA on December 5-7, 2011. The Partners were delighted to welcome observers from the State Administration for Industry and Commerce (SAIC) and the World Intellectual Property Office (WIPO) and greatly appreciated their participation and presentations.

The Partners were also pleased to host a session with their user associations for the second year in a row at the Annual Meeting.

The Partners reached the following conclusions:

**Plenary**

**Rules of Governance**

- The Partners agreed to Rules of Governance for the newly expanded Trademark Trilateral.
- The Partners agreed to rename the Expanded Trademark Trilateral to “TM4” so as to reflect the addition of KIPO as a Partner.
- The Partners agreed to incorporate a project management methodology in order to accelerate the development of collaboration projects. The methodology could include an overall work plan for all of the ongoing and new projects, both in trademarks and designs. The Partners agree that OHIM will prepare a first overall work plan.

**Trademarks**

**Existing Collaboration Projects**

- ID Project
  - The Partners agree to discuss the taxonomy project within the existing ID project working group.
  - The proposals made by the Partners will be addressed by the working group.
- Common Statistical Indicators

- Partners discussed amending the common statistical indicators to more accurately capture the critical data of interest to the partners, including adding application filing forecast data.
- If the meeting is held in June 2012, the Partners agree to collect data through the end of March 2012.
- Since OHIM is hosting the 2012 Annual Meeting, OHIM agreed to take the lead on updating the statistical indicators form and the statistical indicators and to distribute the data in advance of the meeting
- **Common Status Descriptors**
  - The Partners agree to create a working group and plan for moving forward with this issue.
  - The USPTO agreed to take the lead.
  - The Partners agreed to consider Japan's counter-proposal to add a third category to USPTO's proposed model.
- **Continuation/Expansion of Bad Faith Project**
  - SAIC, JPO, OHIM, KIPO and USPTO agreed to continue discussions on bad faith filings by holding a workshop in 2012. JPO will take the lead in organizing the workshop.
  - The time and place will be determined by the above mentioned parties.

### **New Collaboration Projects**

- **Figurative Search**
  - OHIM has already begun exploring this issue and has agreed to distribute that information.
  - The Partners agreed to exchange samples of confusingly similar figurative marks.
  - The Partners agreed to form a working group led by JPO.

### **Areas for Collaboration**

- The Partners agreed to look at the best means of providing user-friendly access to trademark information at a global level.
- **TMView**
  - The Partners agreed to continue to pursue the possibility of adding their National data to OHIM's TMView website in light of technical requirements and resources.

### **Session with Users**

- The Partners agreed to review topics and determine whether any of the user comments are appropriate for further discussion by the Partners.

### **Designs**

The Partners exchanged information and views on the design system and practices in their respective offices and discussed specific issues (examination of priority claims and view/drawing requirements) with the participation of WIPO as an observer. The Partners

agreed to postpone the discussion on quality check systems and processes until the next meeting.

The Partners reached the following conclusions:

**Exchange of common statistical items**

- The Partners agreed to continue including KIPO.

**Possible areas for future discussion among TM4 Offices**

- The Partners agreed to further discuss drawing/view requirements.
- The Partners agreed to gather drawing/view requirements of offices to begin preparation of a comparative catalog.
- The Partners agreed to explore the potential for simplification and convergence of drawing/view requirements.
- The Partners agreed to update each other on Hague Agreement accession and/or implementation efforts.
- The Partners agreed to discuss the law and practice on Graphical User Interface (GUI) and animated icons protection at the respective Offices.
- The Partners agreed to discuss electronic priority document exchange.
- The Partners agreed to discuss further the proposals raised during the user session on December 6, 2011.

**Next Meeting**

- The Partners agree that the next Annual Meeting will be hosted by OHIM.