

Office of Policy and International Affairs update

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Office of Policy and International Affairs (OPIA) updates

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Agenda items

- OPIA priorities for 2021
- Trademark first action pendency – global
- Chinese trademark filings
- Adding languages to Madrid
- TM5
- ICANN
- Trademark training

OPIA priorities for 2021 include -

Trademark improper filings & behavior

- continue exchanging information with foreign trademark offices regarding ways to address improper filings

Geographical indications

- continue advancing *ex officio* examination, due process, and transparency as critical elements for a foreign government's GI protection regime

Trademark quality

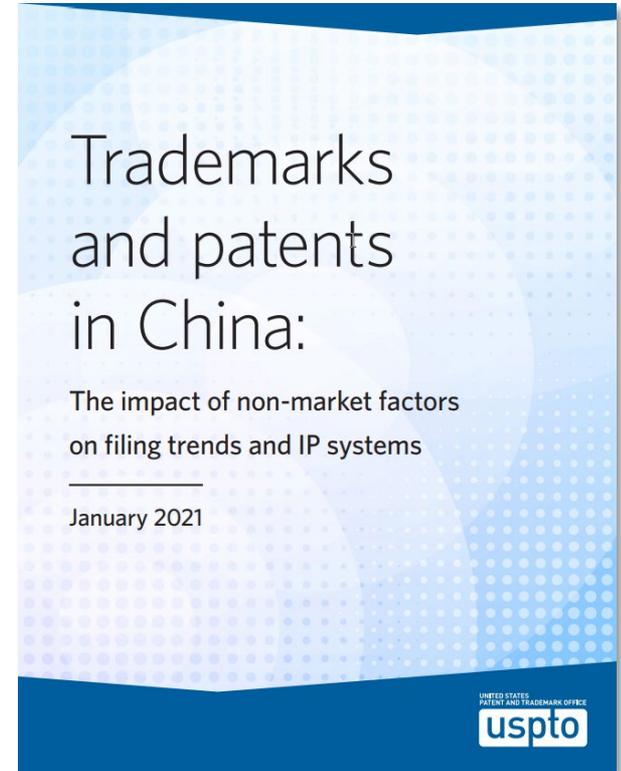
- continue sharing USPTO examination practices and quality initiatives with foreign offices to improve foreign office examination quality for the benefit of U.S. stakeholders

First action trademark pendency

- OPIA has begun an inquiry regarding pendency times in foreign offices
- Preliminary returns trend towards increasing pendency and inventory in foreign offices
- Initial replies:
 - Australia – 3.5 months
 - Brazil – 7 months
 - Canada – 23.4 months
 - China – 4 months (from filing until final decision, first action pendency not collected)
 - European Union – 17 days
 - Korea – 9.5 months
 - Mexico – 4 months

Report on filings from China

- General CNIPA report on China filing data
- Trend of China filings with the USPTO
- USPTO report on non-market factors
- OPIA continued research to support needs of TM Ops





Adding languages to Madrid

- The Madrid Working Group continues to discuss the pros and cons of adding new languages to the Madrid System.
- Considerations include –
 - whether to add languages simultaneously or gradually, and
 - whether to add as working or filing languages or something in between.
- WIPO conducted a study in 2019 on cost implications and will conduct another more detailed study on concerns raised in the October 2020 WG meeting.

TM5

- CNIPA is the secretariat for 2021
- 2021 TM5 Midterm Meeting on May 25-26 (virtual)
- 2021 TM5 Annual Meeting during the week of November 1-4
- Canada has joined USPTO-led TM5 Common Status Descriptors project
- TM5 website improvements, including more information on scams, reports, and TM5 activities
- TM5 Partners currently exploring how SMEs interact with the offices and WIPO

ICANN updates

- The USPTO is an active participant in ICANN and provides support, along with other federal agencies, to DOC's National Telecommunication and Information Administration (NTIA), the U.S. government lead on domain name issues in ICANN.
- Ongoing discussions:
 - Working Group on New gTLD Subsequent Procedures
 - WHOIS: Policy Development 2.0
 - Completing review of Rights Protection Mechanisms (RPMs) and Upcoming Review of the Uniform Domain Name Dispute Resolution Policy (UDRP)
 - Potential Protection for acronyms of Intergovernmental Organizations (IGOs)
- Next (virtual) Meeting (ICANN 70): March 22-25, 2021

OPIA training – stats FY21 YTD

Stats: FY21 YTD

- **Domestic: U.S. stakeholders, including U.S. government**
 - 18 events training over 1,800 U.S. stakeholders and U.S. government officials
- **International: Foreign officials with IP-related responsibilities**
 - 79 events training over 3,700 officials in a wide range of IP protection and enforcement roles
- **Programs on TM topics made up about 17 percent of OPIA/GIPA Q1 activity**

