

Office of Policy and International Affairs (OPIA) update

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Topics for discussion

- ICANN
- WTO and WIPO updates
- TM5
- Trademark labeling restrictions
- Trademark training

ICANN updates

- ICANN (Internet Corporation for Assigned Names and Numbers) activities that implicate trademark-related matters include:
 - Discussions on a model for access to, and disclosure of, WHOIS domain name registration record information, for legitimate interests.
 - ICANN Board to act on Final Report on Rights Protection Mechanisms (RPMs) for new generic top-level domains.
 - ICANN is studying the Subsequent Procedures for New gTLDs, in preparation for the likely new round in early to mid 2024.
 - Inter-governmental organizations (IGOs) Work Track is evaluating the public comments on the Initial Report for protection of IGO names/acronyms, in preparation of a Final Report.
 - Review of the Uniform Domain Name Dispute Resolution Policy (UDRP) is expected to begin sometime in 2022.
- The ICANN73 Virtual Community Forum will be held on March 7-10, 2022.



WTO and WIPO updates

World Trade Organization (WTO)

- The WTO's Trade Policy Review of U.S. trade policies and practices is scheduled for June 2022; USPTO will support USTR in the IP component of the review.

World IP Organization (WIPO)

- Regular full-day hybrid mode meetings to begin in 2022.
- Assemblies will meet July 15-22, 2022 (not the fall, as in years past) and a Ministerial Forum on Innovation will convene on July 13-14, 2022.
- Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) will meet twice in 2022:
 - SCT 45 on March 28-30, 2022, expected to focus upon:
 - protection for country names in trademarks and in generic top-level domains ("gTLDs"); and countries' development, use, and enforcement of nation brands.
 - information sessions: GI information session on the margin of the SCT 45 and topics for another session on the margin of SCT 46 to be discussed; possible future session on nation-brand protection contemplated and possible topics to be discussed
 - SCT 46 on November 21-23, 2022



TM5

- 2021 TM5 Annual Meeting was held November 3–5.
 - Two new projects approved covering
 - Oppositions and Appeals at the Board or equivalent
 - Archiving trademark records
- EUIPO is the 2022 TM5 Secretariat.
 - TM5 Midterm Meeting scheduled for April 29-30, 2022, in Alexandria and Washington, DC, on the margins of the INTA Annual Meeting.
 - TM5 Midterm User Session is May 1, 2022.

Trademark labeling restrictions

- There is a growing trend to prohibit the use of certain types of trademarks on the packaging of food products that contain high fat, sugar, or caloric content.
- A number of western hemisphere countries, including Chile (2018), Mexico (2020), and Argentina (2021), have enacted such laws.
- Examples:
 - Trademarks that feature children’s, cartoon or otherwise animated characters
 - Trademarks or logos featuring athletes or pets
 - Trademarks associated with visual-space games or digital downloads
- The USPTO is monitoring this development and its impact on U.S. trademark owners.



Trademark labeling restrictions

Banned depiction of cartoon character mascots



Banned depiction of Santa Claus on chocolate



OPIA training – some highlights

- Webinar with Oceania Customs Organization member states on trademark protection.
- Webinar on well-known marks and bad faith with Association of South East Asian Nations (ASEAN) region countries.
- Webinar on trademarks and the digital economy with ASEAN region countries.
- Webinar on USPTO practice concerning Vienna Classification of figurative/designs elements with Pakistan.
- Webinar on three dimensional marks and industrial designs for the Andean region (Colombia, Ecuador, Peru).





Thank you!

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