Updates from the Office of Policy and International Affairs (OPIA)

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Topics for discussion

• ICANN
• WIPO SCT update
• WIPO Madrid Working Group update
• TM5
• Trademark training
• NFT Study
ICANN updates

- ICANN75 (Internet Corporation for Assigned Names and Numbers) Annual General Meeting on Sept. 17-22:
- Ongoing debates over defining “DNS Abuse,” with greater emphasis on enhanced abuse reporting
- “WHOIS Disclosure System” introduced, allowing for the consolidated approach to making requests for information
- No mention of anticipated review of Uniform Domain Name Dispute Resolution Policy (UDRP)
- ICANN still reviewing plans for new round of gTLDs, possibly now in 2026
WIPO SCT updates

- Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) will meet from November 21-23, 2022

- Trademarks and Geographical Indications
  - Discussion on protection for country names in trademarks and in generic top-level domains ("gTLDs"), and countries’ development, use, and enforcement of nation brand
  - GI information session on the margins. Future GI information sessions and a proposed nation-brand protection session to be discussed further

- Industrial Designs
  - Matters concerning the convening of a diplomatic conference of a Design Law Treaty (DLT)
  - Updated proposal for a joint recommendation concerning industrial design protection for designs for graphical use interfaces (GUIs)
WIPO Madrid working group update

• Annual meeting is on November 7 – 11, 2022
• Significant topics:
  – Dependency and the possible convening of Diplomatic Conference
    • TPAC preliminary feedback indicated interest in eliminating the basic mark requirement rather than reducing dependency period from 5 to 3 years
  – Adding new languages (Arabic, Chinese and Russian)
  – Examining limitations for scope, filed in international applications
TM5

• TM5 Annual Meeting was held from October 24-26, 2022, in Brussels, Belgium.

• A full-day TM5 user session was held on October 26.

• 2021 annual statistics for each Partner office and new TM5 reports and statements are available at tmfive.org.
TM5

• 2022 accomplishments & milestones
• TM5 10th anniversary
• Over 22,000 entries in ID List; accepted in 45 countries worldwide
• Publication of TM5’s non-traditional marks search guide
OPIA training – some highlights

- Workshop on opposition procedures in the USPTO and the Indian IP office
- USPTO practice concerning examination of trademark applications for the Bangladesh IP office
- Caribbean Peer to Peer Workshop on the Madrid Protocol with Trinidad & Tobago, Jamaica, Antigua & Barbuda, and Belize
- Webinar on the Intersection of Trademarks and Other IP in Examination with Mexico, Costa Rica and Dominican Republic
- Likelihood of confusion webinar for Haitian National Registry
NFT study

• Joint USPTO / U.S. Copyright Office study on NFTs and IP rights

• Federal Register Notice
  – Announces three public roundtables to be held in January
  – Seeks public comments