



IP POLICY AND INTERNATIONAL AFFAIRS Bulletin

January 2022

The state of international cooperation on industrial design: A report on the 2021 annual meeting of the ID5

On November 1-2, 2021, representatives of the Industrial Design Forum, or ID5, gathered for the group's sixth annual meeting. As with the 2020 annual meeting, the attendees met virtually, hosted this year by the China National Intellectual Property Administration (CNIPA).

The importance of industrial design protection has risen considerably in recent years, fueled by the growing needs of innovators and companies to not only create new products, but to differentiate themselves from competitors and, in an increasingly interconnected world, improve user experiences. Consumer design preferences often define commercial success and drive sales, and competitors are increasingly relying on design protection to gain a competitive advantage.

About the ID5

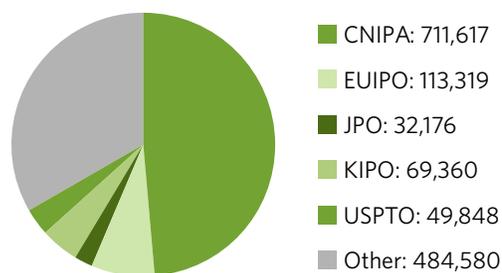
The ID5 is the voluntary collaboration of the world's five largest industrial design offices. Aside from the aforementioned CNIPA, they include the European Union Intellectual Property Office (EUIPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), and the United States Patent and Trademark Office (USPTO), along with the World Intellectual Property Organization (WIPO) in an observer capacity. Together, these five offices accounted for more than two-thirds of the world's industrial design applications in 2019 (see Figure 1).

The ID5 held its inaugural meeting in December 2015 at USPTO headquarters in Alexandria, Virginia. The collective goal, as expressed in a joint statement issued at that time, was straightforward: To "promote and further the development of user-friendly, highly efficient and interoperable industrial design protection systems."

In the six years since, the ID5 has been successful in supporting convergence in the practices of the five offices through such means as information sharing and comparative studies. These areas of convergence include implementation of a grace period, partial design, and electronic priority document exchange for the protection of industrial design rights.

In one area in particular, ID5 collaboration was instrumental in supporting all of the five offices' quick implementation, between 2018 and 2020, of WIPO's Digital Access Service (DAS) as a mechanism for the electronic exchange of priority documents. This proved to be a particularly important achievement for users during the recent pandemic.

Figure 1: Worldwide industrial design applications filed



Source: World Intellectual Property Organization, WIPO IP Facts and Figures 2020.
www.wipo.int/edocs/pubdocs/en/wipo_pub_943_2020.pdf

UNITED STATES
PATENT AND TRADEMARK OFFICE



Sixth annual meeting

This year's ID5 annual meeting opened with remarks from Dr. Changyu Shen, the Commissioner of CNIPA. He highlighted the achievements of the ID5 so far, noting the steps taken by the five offices to lay the groundwork for future progress.

Closed sessions during the annual meeting provided the opportunity for the partner offices to assess the progress made on 13 currently active ID5 projects (see sidebar) and to consider next steps for each of them. Three of the projects were, by mutual agreement, judged to be completed and were closed out: Those on quality management, non-patent literature data resources, and electronic priority document exchange. (The final reports for each of these projects are available on the [ID5's website](#).) An entirely new project was launched at this year's meeting: This was for the creation of a user guide for the view and drawing requirements of designs.

User information and input

The second day of the annual meeting welcomed back user representatives to the ID5, after a hiatus when the annual meeting went virtual in 2020. User representatives from all five jurisdictions participated, including the nine listed in the sidebar on the next page. Collectively, these user representatives account for a significant proportion of the industrial designs filings made each year. They are also the largest and most frequent users of the global industrial design system, and they possess a wealth of practical experience from pursuing industrial design protection in the ID5 jurisdictions. Representatives of the five offices provided the participating user representatives with updates on industrial design developments from each of their jurisdictions. In return, the user representatives shared their feedback and views on a variety of industrial design-related topics and offered details about the benefits they saw in the ID5's work.

These discussions included a number of pandemic-related topics, such as the practicalities of shifting to a virtual environment. Users also emphasized the need for the modern industrial design system to provide protection for designs without limitation to a particular article or category of products, given the evolution of industrial design. They also discussed the importance of pendency and deferment of publication in supporting commercially successful products.

Active ID5 projects

- ID5 five-year review
- Recommended design practices
- Study on deferment of publication
- Study on remedies and relief for industrial design infringement
- Study on term of protection
- Study on the admissibility of internet information as a legitimate disclosure for novelty examination
- Joint communication action
- New technologies information exchanges
- ID5 statistics
- ID5 website
- User guide for the view and drawing requirements of designs



Office representatives at ID5 virtual Annual Meeting, November 2021

Future ID5 activities

In the coming year, the ID5 expects to complete and publish three USPTO-led comparative studies on (1) remedies and relief for industrial design rights infringement, (2) deferment of publication, and (3) term of protection and renewals. The ID5 will also undertake a five-year review process of its previous work. This will entail updating previous studies and catalogs on such topics as grace period, partial design, and new technology designs. The purpose of this review is to reflect recent legislative updates by the individual ID5 offices and to consider whether recommended practices can be identified in relation to these key aspects of industrial design.

With the close of the 2021 ID5 annual meeting on November 2, secretariat and hosting duties for 2022 meetings passed to the EUIPO.

To learn more on the ID5, visit the [ID5 webpage on USPTO.gov](#) and the [ID5 website](#).

This report was prepared by the USPTO's Office of Policy and International Affairs. For information on the USPTO's engagement with the ID5 and other international bodies that deal with intellectual property (IP) and IP policy, visit the [USPTO's IP Policy webpage](#). To keep informed about the latest development in IP policy at the USPTO, subscribe to receive [IP Policy and International Affairs Alerts](#) by email.

Some of the user organizations represented at the 2021 ID5 annual meeting

- American Bar Association
- American Intellectual Property Law Association
- International Federation of Intellectual Property Attorneys-U.S.
- Association of National Institutes of Intellectual Property Attorneys
- Chartered Institute of Trade Mark Attorneys
- International Trademark Association
- Intellectual Property Owners Association
- Japan Intellectual Property Association
- Japan Patent Attorneys Association.

ID5 - Industrial Design Forum

