

ID5 Project Proposal

Title: Protection of Digital Design in Metaverse

Lead Office: CNIPA & KIPO

Introduced: 2022 ID5 Midterm Meeting & Annual Meeting

Background

According to the rapid growth of virtual space related industry like “Metaverse,” virtual products/services get to be similar to those provided in reality, and various types of digital products and designs continue to appear. For example, we can decorate our own avatar with digital twin items which are very similar to real ones in the metaverse platform, or can extend our business activities to a virtual space which is digitalized based on a real building and interior decoration. These designs do not assume any physical article, unlike conventional industrial designs.

Such digital designs are not yet protected under the current legislations or practices in many jurisdictions yet in spite of their growth potential and value. Furthermore, as virtual space is likely to be created regardless of national border, intergovernmental discussion for convergence of practices is necessary.

In 2022, KIPO has organized “Metaverse Experts Groups” to meet design creators from SMEs, platform companies utilizing such designs, and IP attorneys. Throughout the discussions with each expert group, we could find out the recent digital design trends in the industry and each group’s perspective. This project is expected to extend that experience to ID5.

Project Definition

This project compares the current level of protection provided to digital designs, and the protection level which the users in the relevant industries require so that ID5 Offices can identify a direction and make a recommended practice in the long run.

To that end, the project is carried out with 4 steps in 2023: (1) 10-min-presentation by each Office in the midterm meeting, (2) summary of the presentations by the leading Offices, (3) user presentations in the user session, and (4) the project outcome combining Partners' and Users' contributions.

The leading Offices will distribute a PPT template containing various types of digital design, which may or may not be protected under each Office's system, and questions about their legislations/practices including indications, classifications and novelty, no later than the end of March 2023. Summary of presentations will be provided in July, so that Partners can invite an appropriate presenter for the user session who can give an experience or raise an issue regarding the project. After the user session, the leading Offices will work on the whole outcome and discuss with Partners on whether to develop the project into a recommended practice.

Project Scope

In Scope:

- Establishment of research structure to perform the comparison of digital design protection related legislations and practices
- Preparation of research draft based on feedback from the Partners
- Prepare the outcome of the study to the 2023 Annual Meeting
- Publication of research results for users on the ID5 website

Out of Scope:

- This study is to provide and understand information on the systems of the Partners and has no legal binding power.

Desired Outcome

- A Catalogue of case study of ID5 Offices and presentations of users

Proposed Project Timeline (tentative)

Midterm Meeting 2022	Submission of the new project proposal
Annual Meeting 2022	Adoption of the new project
March 2023	The Lead Offices prepare and distribute a PPT template to the Partners.
Midterm Meeting 2023	The Partners give 10-min-presentation based on the template.
July 2023	The Lead Offices prepare and distribute a summary of the Partners' presentations.
Annual Meeting 2023	ID5 Offices discuss the possibility of developing the project to a recommended practice.
User Session 2023	The Partners invite users to give a presentation on experiences.
December 2023	The Lead Offices prepare and distribute a project outcome by summarizing the Partners' and users' presentations.