August 2019

**2019 ID5 MID-TERM MEETING**

**Tokyo, June 24, 2019**

**CONCLUSIONS OF DISCUSSION (MEMORANDUM)**

**INTRODUCTION**

Experts from the ID5 Partners gathered in Tokyo, Japan on June 24, 2019 for the 2019 ID5 Mid-term Meeting and discussed such issues as the ongoing cooperation projects, potential areas for further cooperation and preparation for 2019 ID5 Annual Meeting in accordance with the adopted agenda.

This memorandum has been created for the purpose of affirming the decisions made at the meeting and facilitating further works of the Partners to be done, in particular, before 2019 ID5 Annual Meeting, which will be held in Japan on December 12-13, 2019.

The conclusions of discussion at the Mid-term Meeting are described as follows.

1. **Follow-up of the Closed Projects** (agenda item 4)
2. *Compilation of Industrial Design Statistics (JPO)*

The Partners agreed that:

* Supplementary and/or updated information would be provided, if any, to the Lead Office by the end of July, 2019.
* The Lead Office would compile final information into the Lists and present them to the Partners in August, 2019.
* The Lead Office would upload the compiled lists onto the ID5 website in September, 2019.
1. *Development and Maintenance Of ID5 Website (KIPO)*

The Partners agreed that:

* The Lead Office would strive to provide an upgraded downloading function on the ID5 website before the Annual Meeting.
1. **Updates of the Continuing Projects** (Agenda item 5)
2. *Study of Practices of Priority Right by ID5 Offices (CNIPA)*

The Partners agreed that:

* Any supplementary information would be provided to the Lead Office by September, 2019.
* The Lead Office would finalize and present a draft final report in advance of the Annual Meeting and the project could be concluded at the ID5 Annual Meeting.
* On approval of a final report, the present project would be closed.
* The final report would be published on the ID5 website, accordingly.
1. *Study of Priority Document Exchange by ID5 Offices (CNIPA and USPTO)*

JPO informed that it would start priority document exchange through the WIPO Digital Access Service (DAS) on January 1, 2020. EUIPO informed of its current status of the preparation work for the DAS.

The Partners agreed that:

* At the 2019 ID5 User Session, it would be announced that all the Partners have been moving forward with the implementation of the DAS.
* EUIPO informed that the integration into WIPO DAS was shifted to EUIPO-WIPO bilateral cooperation (2019).
* Once EUIPO has decided its schedule for the implementation of the DAS such that all of the Offices have established a specific planned timeline for implementation, the Lead Offices would prepare a draft final report before concluding the project that will be published in the ID5 website.
* On approval of a final report, the present project would be closed.
1. *Analysis of Underlying Economic Factors and IP Office Actions on How They Impact Global Design Filings (EUIPO)*

The Partners agreed that:

* The Lead Office would prepare and distribute a draft report of Phase 2 in July, 2019.
* Partners would provide comments on the draft report, if any.
* The draft report would be discussed for approval at the Annual Meeting[[1]](#footnote-1).
1. *Study of Product Indications (EUIPO)*

The Partners agreed that:

* As a result of feasibility study of Phase 2, the Partners would not move into Phase 2.
* The present project would be closed at the Annual Meeting 2019.
1. **Updates of the Newly Adopted Projects** (Agenda item 6)
2. *Study of Quality Management by ID5 (CNIPA and EUIPO)*

The Partners agreed that:

* The Lead Offices would finalize a questionnaire in consideration of further comments to be made by the Partners and distribute it for answer.
* Partners would complete the questionnaire and submit it to the Lead Offices before the Annual Meeting.
* The Lead Offices would report the progress of the project at the Annual Meeting in view of finalizing a study report in 2020.
* Upon completion of the study report, proposed for 2020, this project would be closed.
1. *Study of Design Non-patent Data Resources among ID5 Offices (CNIPA and JPO)*

The Partners agreed that:

* The Lead Offices would distribute a revised draft questionnaire by August, 2019.
* Partners would complete the questionnaire and submit it to the Lead Offices by October, 2019.
* The Lead Offices would introduce an outline of the collected information at the Annual Meeting in view of finalizing a study report in 2020.
1. *Study on the Admissibility of Internet Information as Legitimate Disclosure for Novelty Examinations (JPO and CNIPA)*

The proposed questionnaire was approved.

The Partners further agreed that:

* The questionnaire would be completed and submitted to the Lead Offices by September, 2019.
* The Lead Offices would prepare and distribute a draft report by October, 2019 for comments by Partners in November, 2019.
* The final draft report would be discussed for approval at the Annual Meeting.
1. *3D Printing and Industrial Design Protection (KIPO)*

The proposed questionnaire was approved.

The Partners further agreed that:

* The questionnaire would be completed and submitted to the Lead Office accordingly.
* The Lead Office would prepare and distribute a draft report by November, 2019 for comments by Partners.
* The final draft report would be discussed for approval at the Annual Meeting.
1. *ID5 Recommended Design Practices (USPTO and JPO)*

CNIPA and EUIPO clarified their positions that they still could not participate in the work of the present project. KIPO needed some time to provide its feedbacks.

The Partners agreed that:

* The Lead Offices would continue their work for the adoption of the ID5 Recommended Design Practices documents at the Annual Meeting.
* KIPO would provide the Lead Offices with its feedbacks on the documents as early as possible.[[2]](#footnote-2)
* All the Partners would be informed of the progress of the project for accommodating any additional participation and contribution.
* Approved documents would clearly state who (which Partners) have been engaged in drafting and approval when they are published.

Project would be proposed as agenda point of the User Session in the Annual Meeting.

1. *Remedies and Relief for Industrial Design Infringement (USPTO and KIPO)*

The Partners reconfirmed that the work of this project would start in 2020.

1. **Discussion on Possible New Projects** (Agenda item 9)
2. *Image Search (EUIPO)*

Tentatively general interests were seen in the proposed theme. Several comments and varied approaches for discussion of the topic were made by the Partners.

The Partners agreed that:

* With more detailed plan and information being provided by EUIPO, the Partners would continue to discuss how to deal with the proposal at the Annual Meeting.
1. *Risk Management (EUIPO)*

Through the discussion, no common view was found among the Partners to support the project for further development at the 2019 Annual Meeting.

1. *Comparative study on design examination through the Hague system (KIPO)*

While general interests were seen in taking up a matter relating to the Hague system, several comments were made by the Partners to the proposal.

The Partners agreed that:

* In considering Partners’ comments, KIPO would create sample cases for a prospective further discussion at the Annual Meeting.
1. **Preparation for 2019 Annual Meeting** (Agenda item 8)

The Partners confirmed the date, venue and proposed outline of 2019 ID5 Annual Meeting, which would be held at Sheraton Grande Tokyo Bay Hotel, Chiba, Japan on December 12-13, 2019.

The Partners agreed that:

* Day 1 (Thursday, December 12, 2019) would be allocated for the Annual Meeting among the Partners with WIPO; and day 2 (Friday, December 13, 2019) would be allocated for an ID5 User Session and other cultural events with user representatives.
* The Partners are open to making an ID5 Joint Statement at the Annual Meeting.
* Draft agenda and draft ID5 Joint Statement would be proposed by JPO for consideration by the Partners in advance of the Annual Meeting.
* The Partners would also assist in promoting participation of representatives from user associations in respective country/region.

[End of document]

1. After the mid-term meeting, EUIPO indicated its intention not to fully implement the 3rd phase and to conclude the project during the Annual Meeting. [↑](#footnote-ref-1)
2. After the mid-term meeting, KIPO informed the Lead Offices of its support and continued cooperation in this project. [↑](#footnote-ref-2)