

Introduction of ID5

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ID5 is an international collaboration framework in the field of industrial designs jointly inaugurated in 2015 by the China National Intellectual Property Administration (CNIPA), the United States Patent and Trademark Office (USPTO), the European Union Intellectual Property Office (EUIPO), the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO). In addition to IP5 (a forum of the five major IP offices in the field of inventions) and TM5 (a forum of the five major IP offices in the field of trademarks), ID5 serves as a multi-lateral collaboration framework between the above five intellectual authorities established with an aim of improving work efficiency, quality and user-friendliness of industrial design system.

I. Background

(1) Industrial designs make incremental contributions to global innovations and economic growth

Industrial design is a new productivity as a result of a combination of sciences and arts, and plays a vital role in leading technical innovations, elevating product quality and boosting industrial transformation and upgrading. Over recent years, both developed countries in Europe and America and newly emerging industrial countries attach constant and close attention to industrial designs. Meanwhile, industrial designs are increasingly considered to be a trump card of enterprises to enhance competitiveness and increase

market share.

The five major IP offices are also conscious of the value and significance of industrial designs in both global and domestic markets, and extraordinary contributions made to national development and economic growth. The European Patent Office (EPO) and EUIPO joined forces in 2013 to carry out a study concerning intellectual property conditions in Europe, demonstrating that after trademarks, industrial designs rank second among advantageous industries for offering more job opportunities in Europe. The weight of industrial designs continuously ascends in IP protection and innovation boosting, and therefore, the demands for coordination of designs on a global scale are getting increasingly higher. They are the economic background and external factor for the formation of the ID5 collaboration framework.

(2) Design filings at ID5 account for a large portion of global design filings

According to the statistics provided by the World Intellectual Property Organization (WIPO), design filings at the five countries/regions (China, U.S.A., EU, Japan and Korea) in 2016 were up to 899,966, which made up approximately 93% of all design filings worldwide¹. Design filings at the five countries/regions constitute a vast majority of global design filings, and advanced design industries render the ID5 always at a forefront of design system improvement and innovation. ID5, by virtue of their advantages, embarked on researches and collaboration in the field of industrial de-

signs, which is of great significance in improving the global industrial design system.

II. Objectives of ID5

ID5 collaborate in the hope of setting up a highly-efficient and interoperable industrial design protection system for the sake of providing better services to users. For pushing the protection system forward, ID5 make joint efforts to strengthen inter-office collaboration in the form of annual meetings.

ID5 collaboration differs from common international conferences and academic forums in that it is an international collaboration framework primarily relying on inter-office cooperation, which aims at serving design users at the five countries/regions and worldwide. According to the ID5 Joint Statement on Industrial Designs signed in 2015, the ID5 objectives include promotion and furtherance of the efficiency, quality and user-friendliness of industrial design protection systems realized by a series of proposed cooperation projects. The 2016 ID5 Joint Statement reiterated the objectives and confirmed that the Offices strive to provide better services to users and the public, continue to consider users' opinions, and promote the use of ID5 cooperation outcomes to benefit users and the public.

III. Development of ID5

In December 2015, the first ID5 Annual Meeting convened in the U.S., during which the Offices signed the 2015 ID5 Joint Statement on Industrial Designs with the goal of "promotion of efficiency, quality and user-friendliness of industrial design systems". In addition, the Offices conducted an in-depth discussion on feasible cooperation projects in the future and finally determined 13 proposed cooperation projects involving aspects related to design systems, examination practice and IT support system. In the meantime, the Dialogue between ID5 Offices and Industry was also organized, on which the USPTO on behalf of the ID5 Offices briefed the industry about their latest developments, and the ID5 Offices also heard the voice of the industry and discussed with industrial representatives about issues of their concern.

The second ID5 Annual Meeting was held in China from 1 to 2 November, 2016. A closed-door meeting took place on the first day, and the meeting between the ID5 Of-

fices and the industry was arranged on the second day.

During the session of the ID5 closed-door meeting, the ID5 Offices signed the 2016 ID5 Joint Statement on Industrial Designs, which consists of three parts, i.e., cooperation objectives, overall principles and cooperation projects. The 2016 Joint Statement specified the notion of providing better services to users and the public, and placed emphasis on the deliverables of the projects; and the overall cooperation principles are to benefit users, the public and the ID5 system through close cooperation between the Offices under the precondition of unanimous agreement, and to ensure that information is shared with the public in an open and transparent manner and the public's opinions are in full consideration.

The ID5 Offices also decided to cooperate on industrial design topics including comparative studies on legal systems and examination practices in respective countries, IT support systems, industrial design classification, quality management and statistics, emerging industrial design protection, etc.

No.	ID5 Cooperation Projects
1	Development and Maintenance of an ID5 Website
2	Compilation of Industrial Design Statistics
3	Catalogue of Eligibility for Industrial Design Protection
4	Catalogue of the View and Drawing Requirements for Designs
5	Study of Priority Document Exchange by ID5 Offices
6	Study of Practices of Priority Rights for Industrial Design by ID5 Offices
7	Study of Design Classification Conventions and Practices
8	Comparative Study of Practices Concerning Product Indications
9	Analysis of Underlying Economic Factors and IP Office Actions on How They Impact Global Design Filings
10	Comparative Study of the Application of a Grace Period for Industrial Design Applications
11	Comparative Study of Partial Designs as an Effective Means of Protection for Industrial Design Innovation
12	Study of Practices on Protection of New Technological Designs

Table 1 ID5 Cooperation Projects

During the meeting between ID5 Offices and Industry, the host CNIPA, on behalf of ID5 Offices, reported the closed-door discussion results to users. The meeting also saved adequate time for industrial representatives to share

their views and have a discussion with ID5 Offices to ensure that their views are well listened through effective channels. Such a Dialogue between ID5 Offices and Industry in respective countries/regions has been unanimously acknowledged and praised, established a good foundation for cooperation between ID5 Offices and Industry, and set up a framework and platform for the Industry in respective countries/regions to participate in international affairs in the industrial design field.

The ID5 Offices gathered in Alicante, Spain in December 2017 for its third ID5 Annual Meeting.

On the first day, the ID5 Offices took stock of progress of all projects in the closed-door meeting. ID5 projects have gone smoothly so far. As the deliverables for a number of projects have been met, the ID5 Offices agreed to close the following and will continue in maintenance and updating mode: 1) Catalogue of the View and Drawing Requirements for Designs; 2) Compilation of Industrial Design Statistics and 3) Study of Design Classification Conventions and Practices. How to further expand and deepen the ID5 cooperation becomes a new topic after the completion of comparative studies of examination rules and practices.

During the meeting between ID5 Offices and Industry held on the second day, the host EUIPO, on behalf of the ID5 Offices, reported the closed-door discussion results to users. Moreover, in consideration of great emphasis placed on emerging designs, the meeting also designed keynote speeches and panel discussions concerning emerging designs. ID5 Offices and industrial representatives had an in-depth discussion on that topic.

IV. Key projects

(I) Comparative study of examination practices

1. Study of Practices on Priority Right for Industrial Designs

The objective of this project is aimed to conduct a comparative analysis and information sharing concerning rules and examination practices on priority right among the ID5 Offices, so as to provide an overview in relation to the priority right system and examination practices among them.

The project consists of a study of priority right systems in foreign countries and a study of relevant systems.

ID5 Offices have finished the study of the foreign priority right system, and the search report demonstrating a full picture of diverse laws and practices in this regard was ad-

opted in the 2017 ID5 Annual Meeting. The ID5 Offices agreed to post the search report on the ID5 website to make it available to the users and the public.

At present, the project enters into the phase of studying priority - related systems. The ID5 Offices conducted studies of different systems on the basis of their respective conditions, including the related design system in Japan and Korea, the continuation application system in the U.S., the exhibition system in the EU, etc.

The achievements made by the project are of great significance to ID5 Offices and users. The project provides a window into the differences and similarities between laws and practices regarding the design priority in ID5 Offices, which serves as a valuable reference for users who intend to enjoy rights to designs at other IP offices.

2. Study of Practices on Protection of Emerging Designs

The objective of this project is aimed to promote protection of emerging designs by comparing existing provisions and different practices among the ID5 Offices related to the protection of new and emerging industrial designs and identifying gaps in existing protection and office practices.

This project primarily contains two parts: the first part is a comparison table of emerging industrial designs, including subject matters eligible for protection, such as Graphical User Interfaces (GUIs), icons, transitional images, animated characters, computer related typeface/type font, virtual reality environment, and new subject matters that are temporarily non-patentable but have emerged and rapidly developed; and the second part is related to information technology support to application, examination, announcement and grant of emerging industrial designs.

At present, the selection of specific subject matters under search has been completed. The ID5 Offices started to study new technology designs like GUIs. Although the project is still in its infancy, the matter concerning the protection of emerging designs is gaining more and more attention from ID5 Offices and Industry.

During the meeting between ID5 Offices and Industry at the 2017 ID5 annual meeting, keynote speeches and panel discussions on new technology designs were particularly arranged to offer an opportunity for ID5 Offices and industrial representatives to have an in - depth discussion. Judging from the speeches of those ID5 representatives, ID5 Offices were all quite concerned about users' demands on protection of new technology designs and re-

forms to technological support concerning application, examination, announcement and grant as a result of new technologies. The KIPO and EUIPO took the lead in achieving the reception and examination of dynamic 3D documents, and the KIPO also possesses the capability to have dynamic 3D documents announced. Judging from the speeches of the Industry representatives, users are strongly eager to put new technology designs under protection. Users not only require a deeper and fuller protection for new technology designs, such as GUIs, that can be granted by ID5 Offices, but also express their sincere hope for conferring patent protection to those new technology designs which are unable to be protected as patents, such as virtual reality. Several users even propose an extreme opinion of protecting creativity and ideas. It can thus be seen that new technology designs arouse great concerns of ID5 Offices and users.

The project is forward-looking indeed and of vital significance to both ID5 offices and users. Subsequently, ID5 Offices will actively promote the project according to the time schedule.

(II) Projects relating to IT support tools

1. Study of Priority Document Exchange by ID5 Offices

The Study of Priority Document Exchange by ID5 Offices is intended to seek a convenient electronic exchange or filing manner that ensures the authenticity and validity of design priority document, in such a way to provide better, more convenient and more economic services to applicants and the public.

The project consists of a feasibility study in the first phase and work plan implementation in the second phase. In consideration of legal provisions of ID5 Offices and differences of IT system states, ID5 Offices will complete the study of priority document exchange at different paces.

At present, the CNIPA has been technically well-prepared for the design priority document exchange. The priority document exchange between the CNIPA and KIPO was launched in 20 July, 2018. The USPTO and JPO are in the process of IT technical preparations. The EUIPO has finished a feasibility study in terms of laws and IT system.

The ultimate goal of ID5 Offices is to establish channels for exchanging priority documents between them, which brings more convenience to applicants and the public, and meanwhile greatly reduces the burden and pressure on ID5 Offices.

2. Development and Maintenance of ID5 Website

The Development and Maintenance of an ID5 Website ²

is aimed to create an open window of an ID5 cooperation framework, in order to effectively share, with each other and users, primary information concerning each Partner's design regimes and shared priorities, as well as the details and progress of various cooperative projects.

The development of the ID5 website has been preliminarily achieved. The contents on the ID5 website that are accessible by users and the public include the introduction of ID5, projects, references (such as laws & regulations, examination standards, classification) and latest news, statistics of ID5 Offices and ID5 meetings. The ID5 website is expected to be formally launched at the 2018 ID5 Annual Meeting.

V. Conclusion

The ID5 cooperation framework is a place where the Partners can share work and information with each other and a good platform for communication and interaction between ID5 Offices and Industry. Although the ID5 cooperation has been carried out for less than four years, the ID5 cooperation in its entirety has made rapid progress and achieved fruitful results. The project cooperation and communication among ID5 Offices levelled up the professional level, and management and service capabilities of each Partner. At the same time, the in-depth communication and positive interaction between ID5 Offices and Industry have also significantly improved the quality of services provided by ID5 Offices to users in local countries/regions and worldwide.

In the future, ID5 Offices with the acknowledgement of "providing better services to users and the public" will expand their roles in cooperation, promote the improvement of the global industrial design protection system, and provide better services for users in local countries/regions and on the global scale. ■

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¹ Data statistics are retrieved from the 2017 World Intellectual Property Indicators.

² ID5 website: www.id-five.org.