



Promoting Intellectual
Property Rights in the
ASEAN Region

ASEAN Common Guidelines on the substantive examination of Trademarks

Marta Fontana | 18th October 2022



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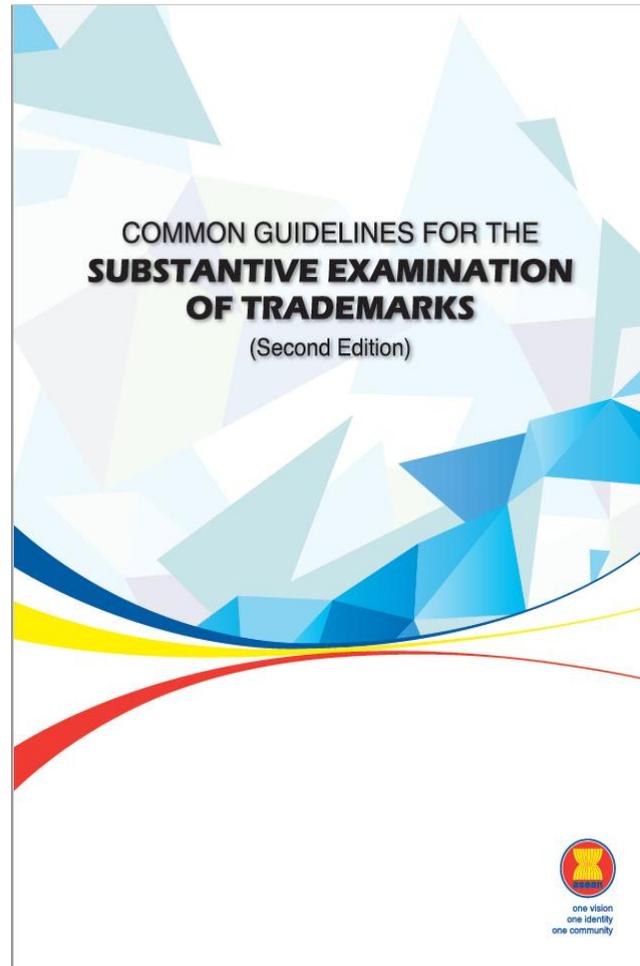
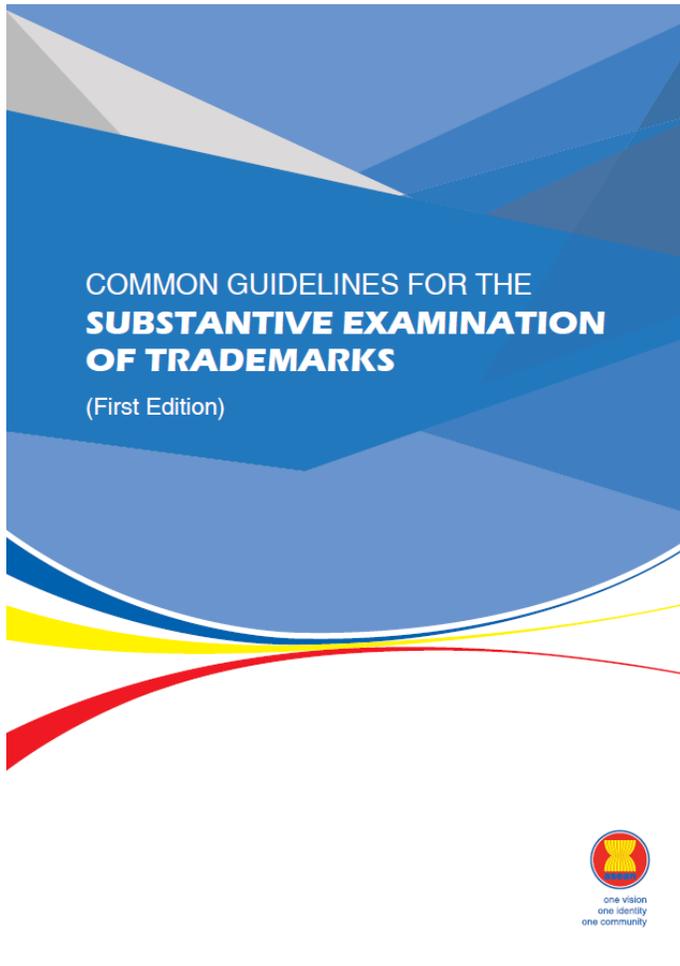


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ASEAN COMMON GUIDELINES:

- **What?** – ASEAN Common Guidelines
- **How?** – Brief background from drafting to current status
- **Why?** – Benefits
- **Who?** – ASEAN Convergence Network together with the TM Task Force
- **What is next?** - Updating Mechanism and future

1. What? – ASEAN Common Guidelines for substantive examination



National laws, regulations, jurisprudence, internal guidelines and manuals of the ASEAN countries.

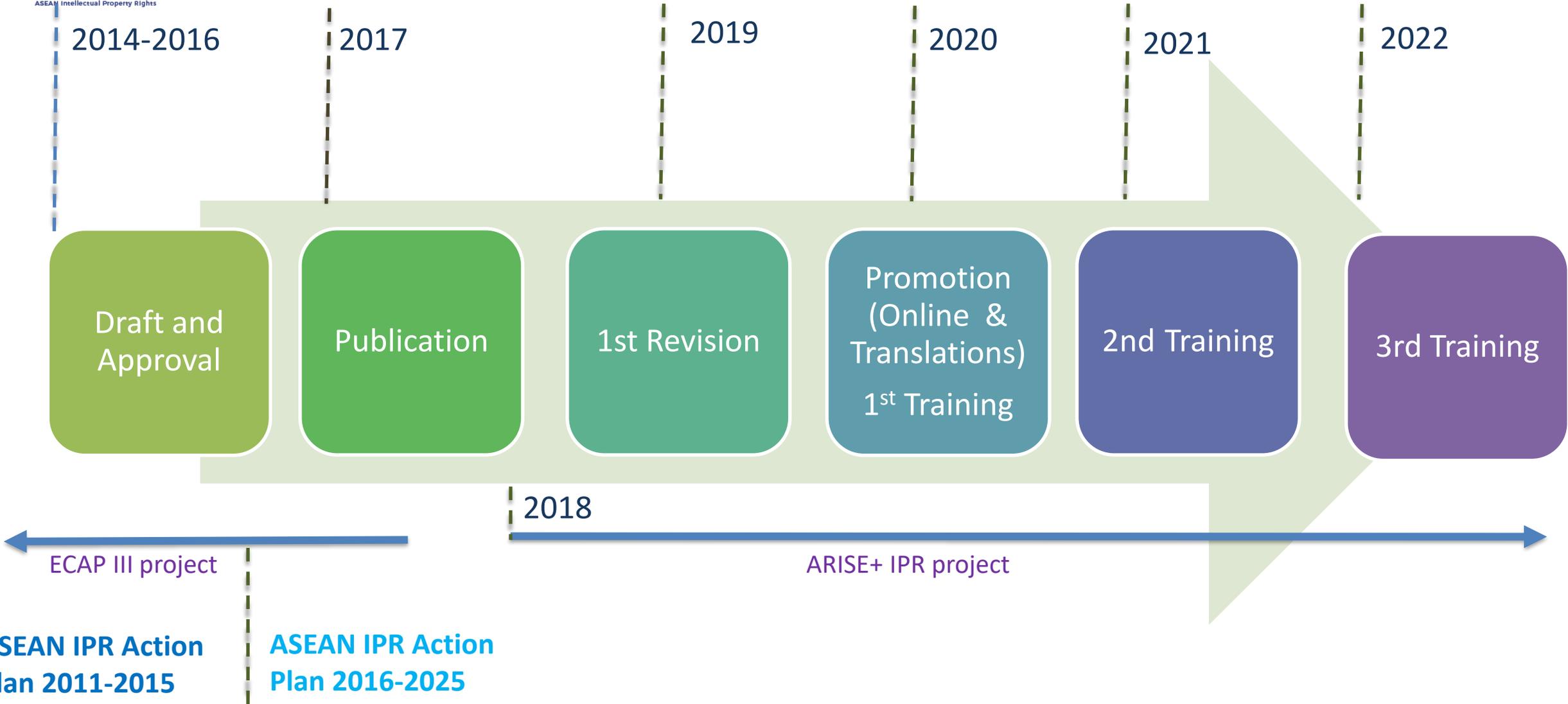
Improve the **quality, consistency, predictability and transparency** of the examination process

Content divided in two parts:
Absolute and Relative Grounds



ASEAN Intellectual Property Rights

2. How? Background from drafting to current status



3. Why? Benefits

- Sense of **ASEAN Identity**
- Facilitate the **convergences** of practices among ASEAN IP Offices
- **Consistency** on the decisions
- **Guidance** for internal staff (facilitate their work) and users (better understanding of requirements)
- **Practical tool** for technical training and reference guidance for examiners
- **Align** the practices of the ASEAN IP Offices **with international practices and standards**

4. Who? – Main stakeholders

AWGIPC

ASEAN IP Offices

- Updates on national legislation and practices
- Use
- Dissemination

ASEAN Secretariat

- Coordination and dissemination

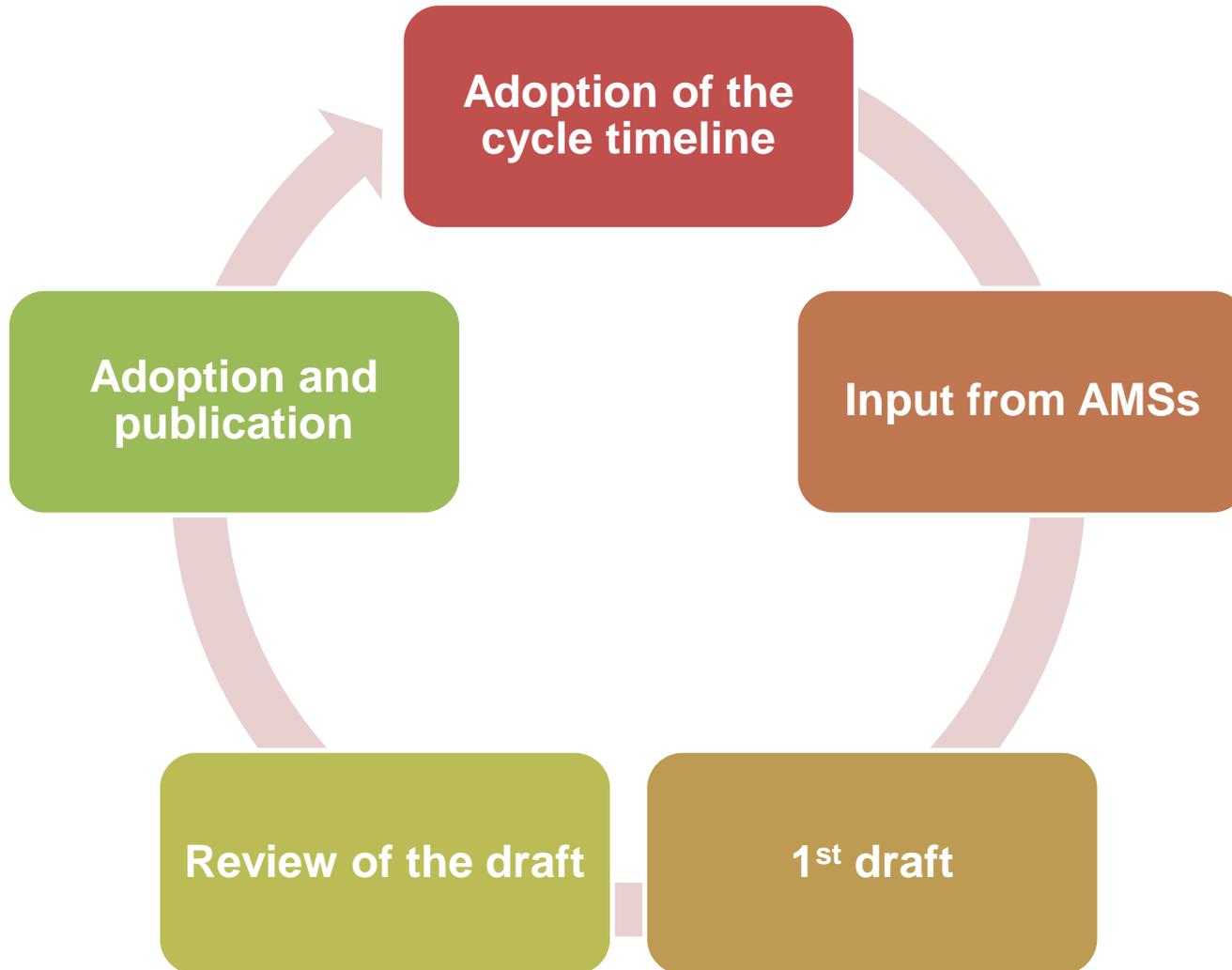
TM Convergence Network

- Discuss convergences
- Propose new updates to be included in ASEAN Common Guidelines

TM Task Force (TMTF)

- Identify priorities
- Update the ASEAN Common Guidelines

5. What is next? Updating Mechanism



- Requires regular updating and adjustment
- Included in **ASEAN IPR Action Plan 2016-2025**
- A **proposal** currently under discussion for 4 years updating cycle
- **Main updates:** national laws and legislations, data regarding ASEAN IP Offices, corrections .

5. What is next? Future

- **Involvement and commitment** of the AMSs to keep the cycle alive
- In line with **international standards and practices**
- Inclusion on the **next ASEAN IPR Action Plan (?)**



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THANK YOU



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