



IP Statistics 2020 in Japan

Seiwa Patent & Law

(Tokyo, JAPAN)

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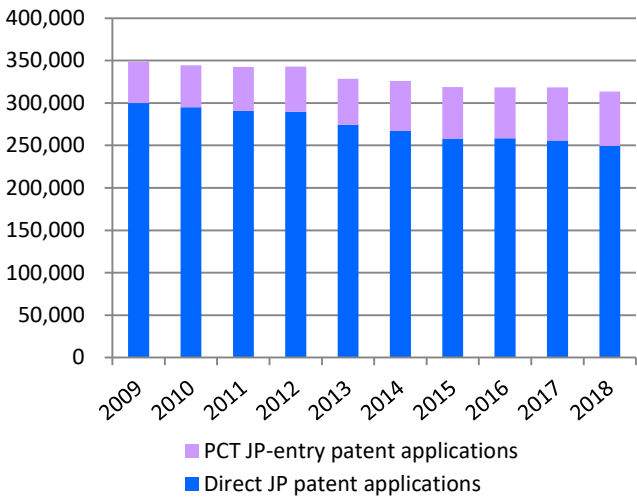
Abstract: This article summarizes recent statistical data in intellectual properties (patents, utility models, designs and trademarks), available from the Japan Patent Office (JPO), the Supreme Court of Japan (SCJ), the Intellectual Property High Court (IPHC) and WIPO, etc., and includes **updates based on the IPHC report published in January, 2020, and the IP5 Statistics Report 2018 Edition published in October, 2019.**

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Statistics: Trademarks Page 10
Statistics: Litigation Page 12

Statistics: Patents

Patent applications and registrations at the JPO

Graph 1-1: Patent applications at the JPO



Graph 1-2: Patent registrations at the JPO

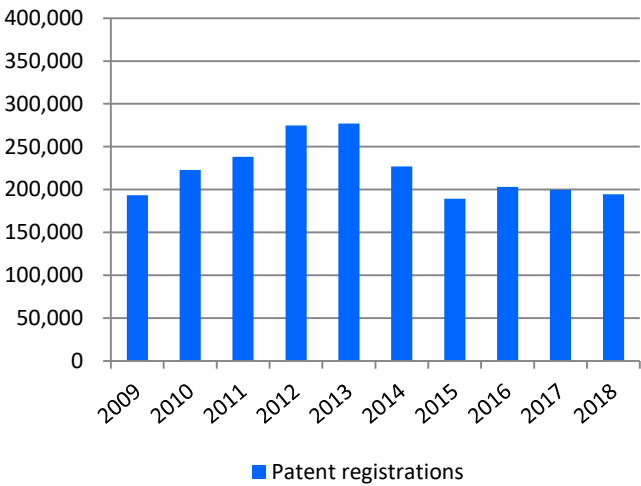
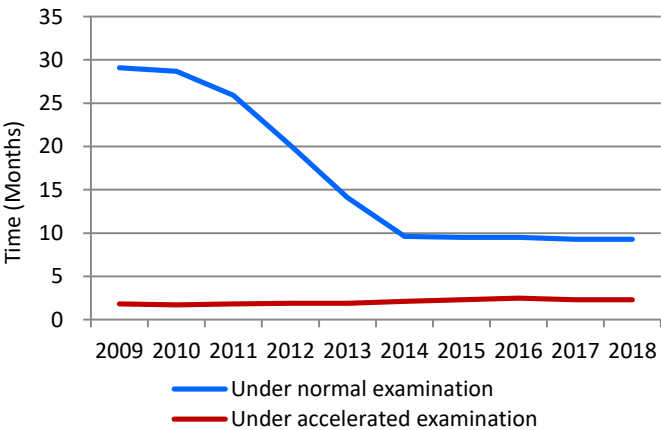


Table 1

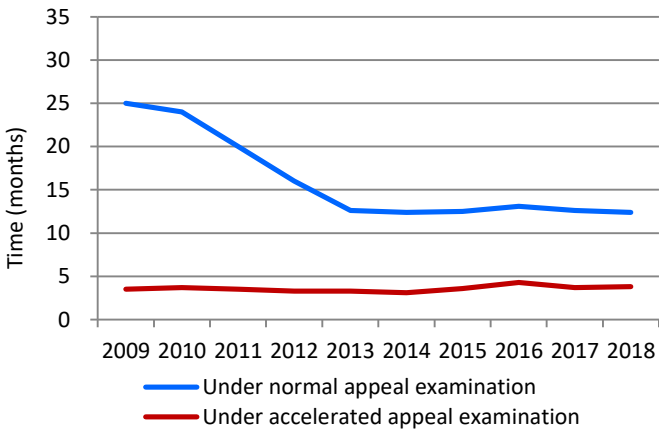
Calendar Year	2014	2015	2016	2017	2018	
JP patent applications in total	325,989	318,721	318,381	318,479	313,567	(-1.54%)
PCT JP-entry patent applications	58,464	60,591	60,024	62,764	64,212	(+2.45%)
Direct JP patent applications	267,525	258,130	258,357	255,805	249,355	(-2.52%)
Patent registrations	227,142	189,358	203,087	199,577	194,525	(-2.53%)

Average time of pendency

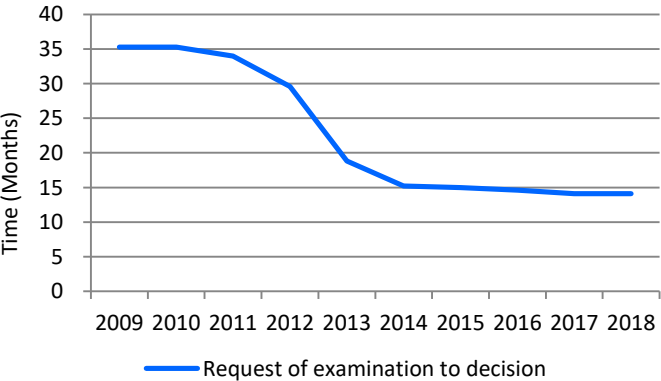
Graph 2-1: Request of examination to 1st OA



Graph 2-2: Demand of appeal examination to appeal decision



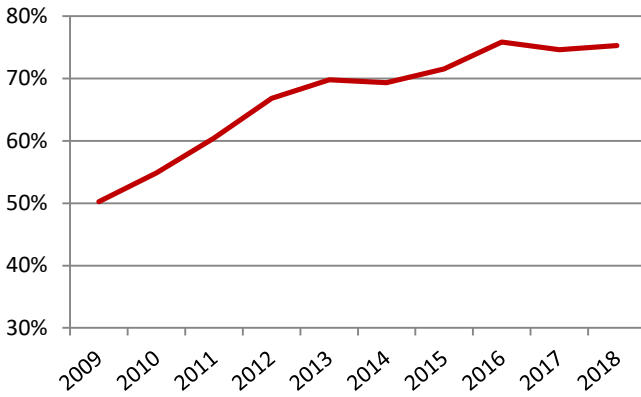
Graph 2-3: Request of examination to decision



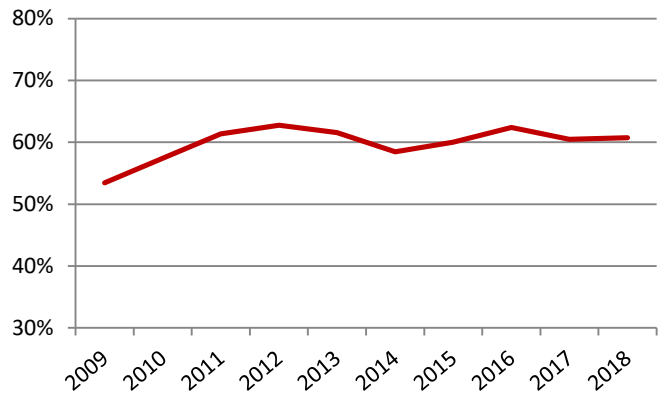
The JPO created “FA 11” campaign in 2004, aimed at reducing the average time of examination pendency to a first office action to less than 11 months. As a result, the time of pendency has dramatically decreased, and they achieved it in 2014. The JPO set the next decade goal in March 2014, which is further shortening the total pendency period to decision and the period to the first office action to less than 14 months and less than 10 months, respectively, by 2023.

Grant rate at the JPO

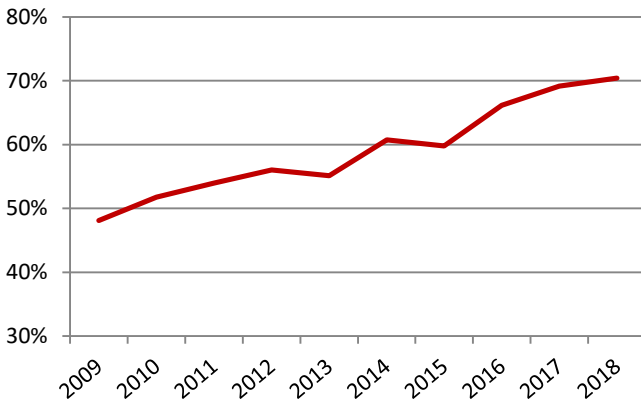
Graph 3-1: Grant rate at examination*¹



Graph 3-2: Grant rate at preappeal reexamination*²



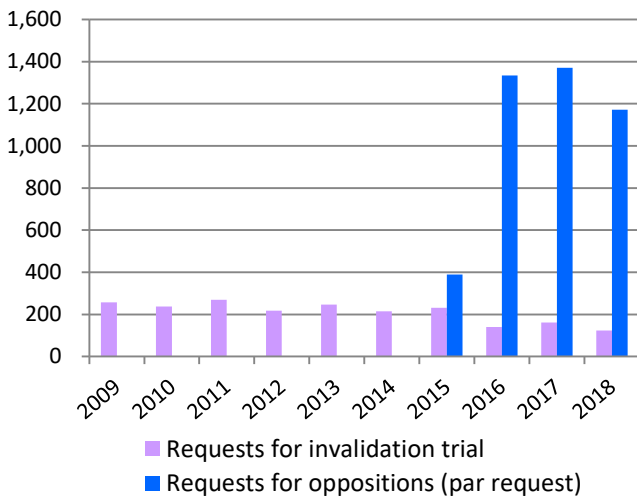
Graph 3-3: Grant rate at appeal*³



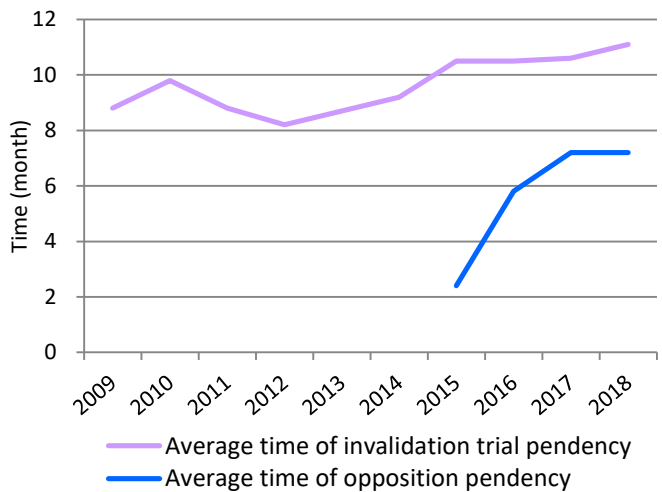
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Graph 4-1: Requests for opposition & invalidation trial



Graph 4-2: Average time of pendency at opposition & invalidation trial

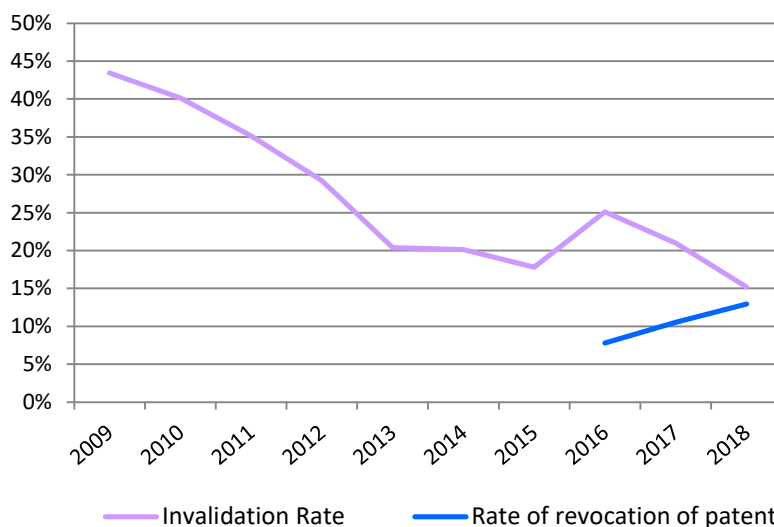


*1 Grant rate at examination = decisions of grant at examination / (decisions of grant at examination + decisions of rejection at examination + withdrawal or abandonment after request for examination)

*2 Grant rate at pretrial reexamination = decisions of grant at pretrial reexamination / (decisions of grant at pretrial reexamination + cases transferred to appeal)

*3 Grant rate at appeal = appeal decisions of grant / (appeal decisions of grant + appeal decisions of rejection)

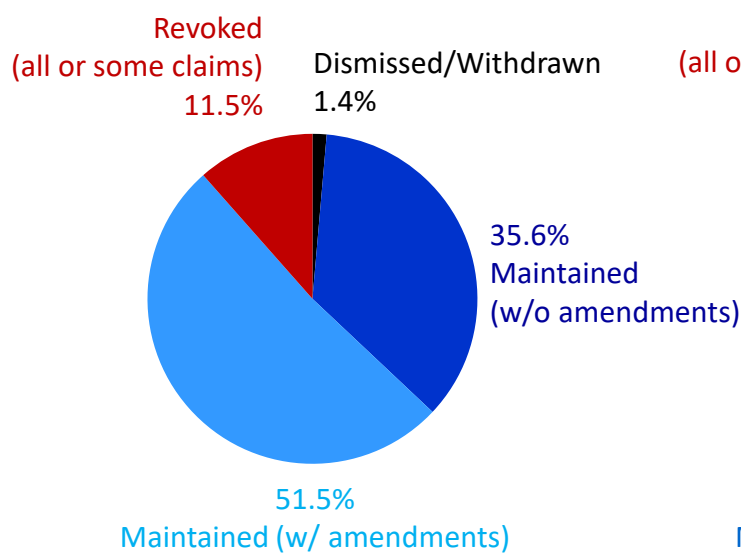
Graph 4-3: Rate of invalidation and revocation of patent
(all or some claims)*4



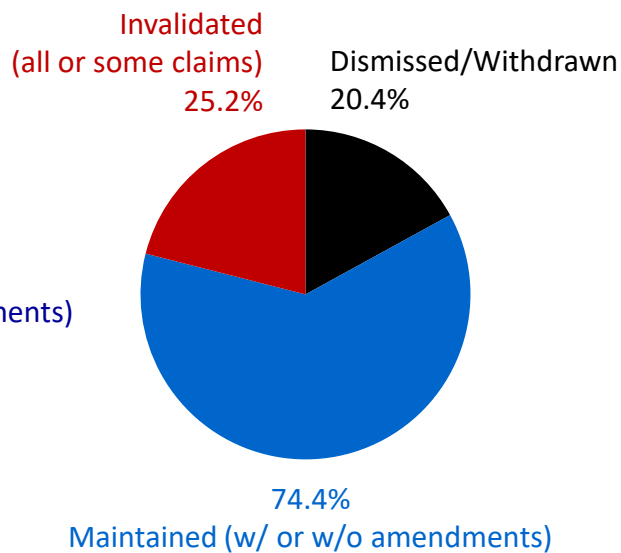
Breakdown of the Results of Oppositions & Invalidation Trials

Graph 4-4: The results of Oppositions

Graph 4-5: The results of Invalidation Trials



Oppositions filed between
Apr. 2015 to Sep. 2017
(Outcomes at the end of Dec. 2018)

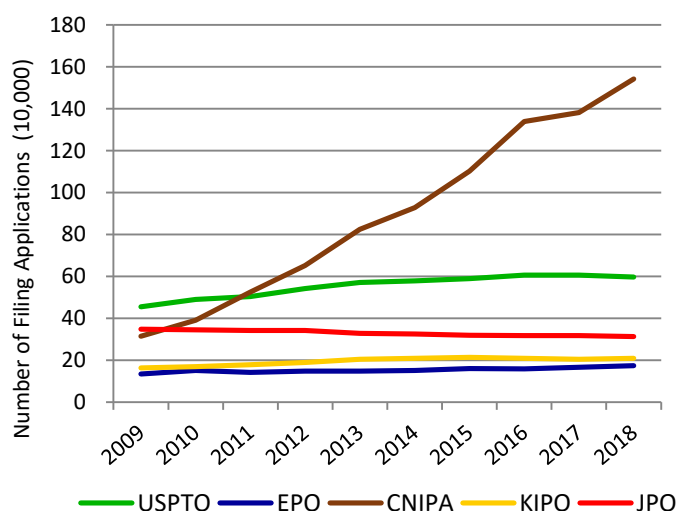


Invalidation trials filed
in recent 5 years: 2013 to 2017

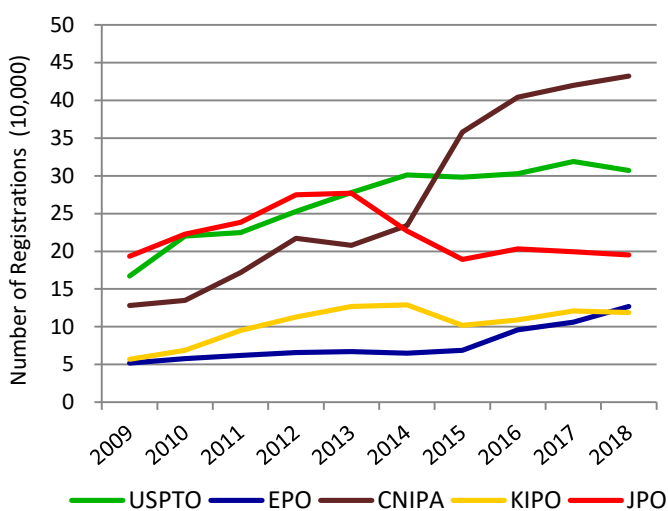
*4 Rate of Invalidation of Patent (all or some claims) = Trial Decisions to Invalidate all or some claims of Patent / (Trial Decisions to Invalidate all or some claims of Patent + Trial Decisions to Maintain Patent)
Rate of Revocation of Patent (all or some claims) = Trial Decisions to Revoke all claims of Patent / (Trial Decisions to Revoke all or some claims of Patent + Trial Decisions to Maintain Patent)

Comparison between the five IP offices

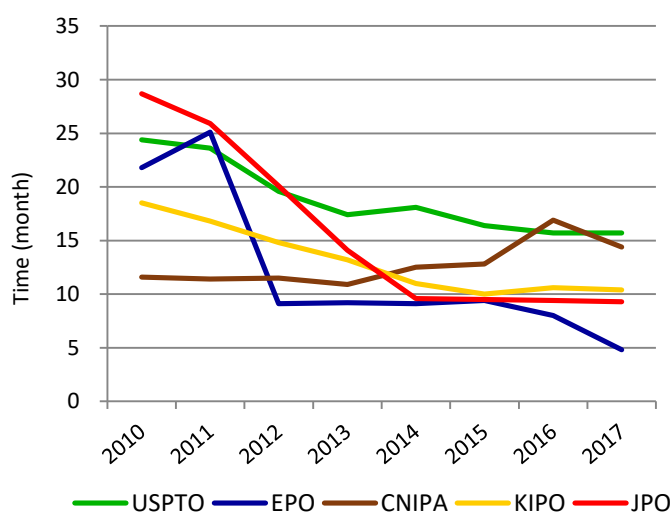
Graph 5-1: Patent applications at the five IP offices



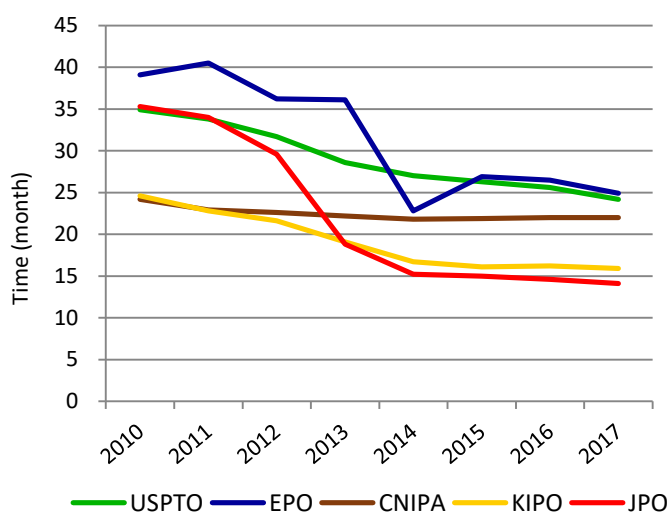
Graph 5-2: Patent registrations at the five IP offices



Graph 5-3: Average time of examination pendency to 1st OA^{*5}



Graph 5-4: Average time of examination pendency to decision^{*6}



*5 Average time of examination pendency to 1st OA:

JPO = average time of from requesting examination to 1st OA

USPTO = average time of from filing date to 1st OA

EPO = median time of from filing date to Extended European Search Report

KIPO = average time of from requesting examination to 1st OA

CNIPA = average time of from starting examination to 1st OA

*6 Average time of examination pendency to decision:

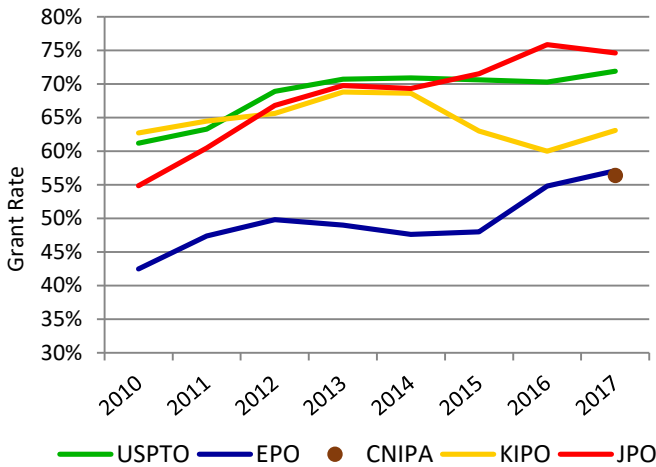
JPO = average time of from requesting examination to final disposal (final decision, withdrawal or dismissal)

USPTO = average time of from filing date to dismissal or final disposal (including reexamination)

EPO = median time of from starting examination to final disposal

KIPO = (total examination period of patent applications disposed in the year) / (total number of patent applications disposed in the year)

Graph 5-5: Grant rate at the five IP offices*7



*7 Grant Rate at Examination:

JPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal or Abandonment after Request for Examination)

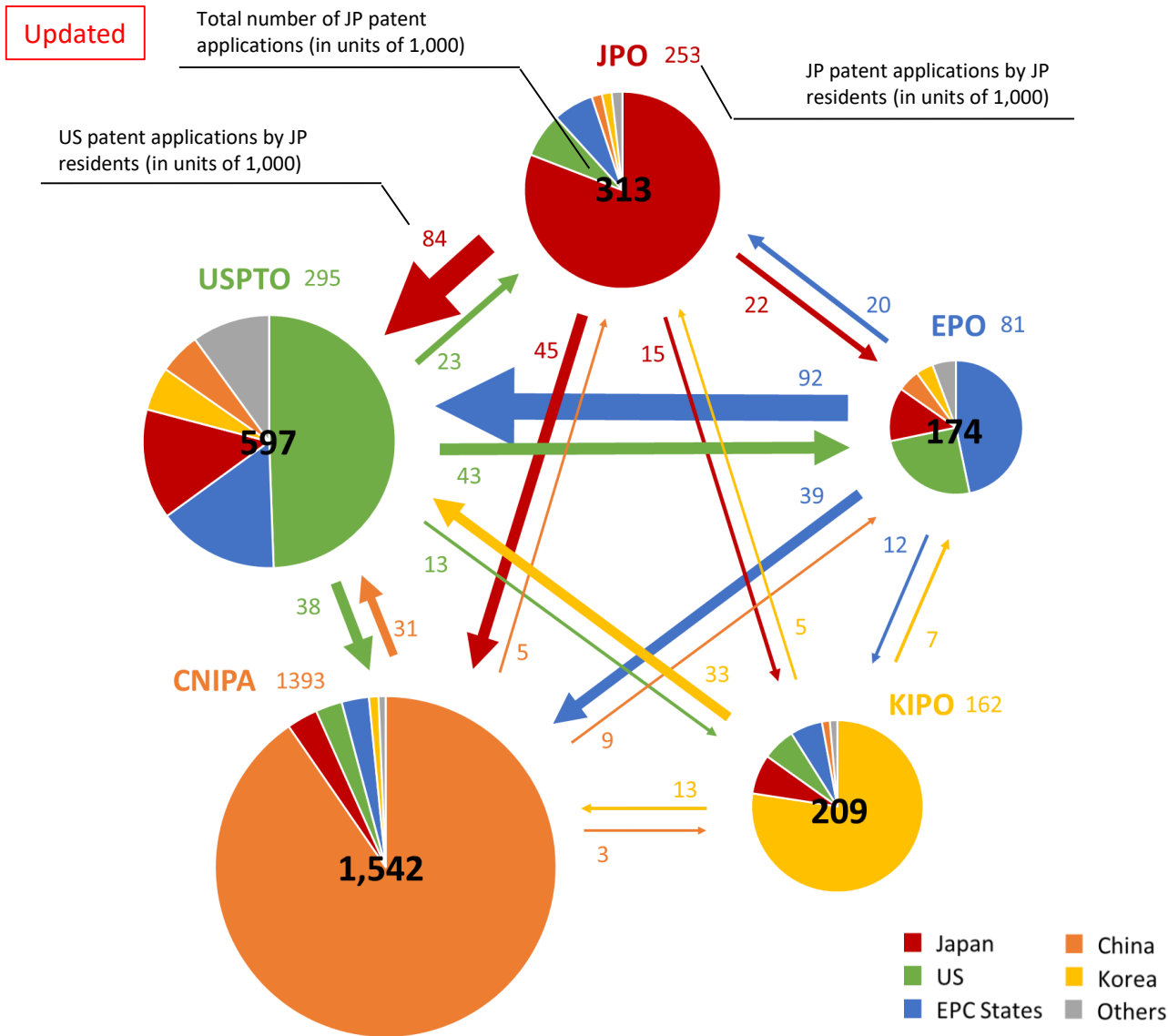
USPTO = Patent Grants / Patent Applications

EPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Abandonment)

KIPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal after Request for Examination)

CNIPA does not disclose the definition of the Grant Rate at Examination.

Graph 6: Patent applications filed at the five IP offices by origin*8 (in 2018)

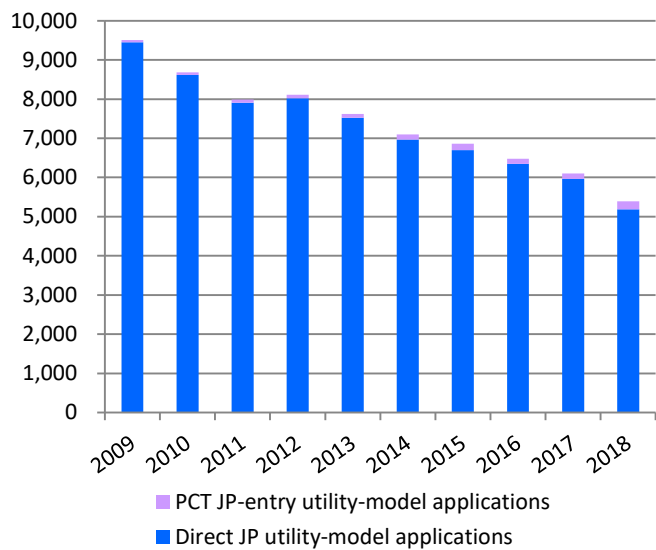


*8 The data is based on the IP5 Statistics Report 2018 Edition by five IP offices. The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

Statistics: Utility Models

Utility model applications and registrations at the JPO

Graph 7-1: Utility model applications at the JPO



Graph 7-2: Utility model registrations at the JPO

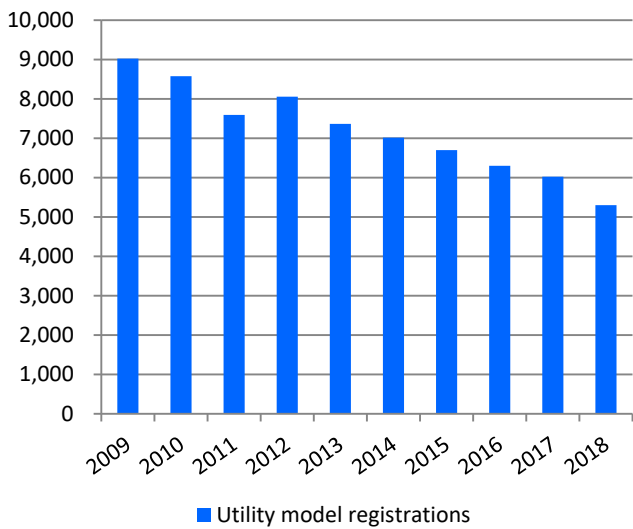
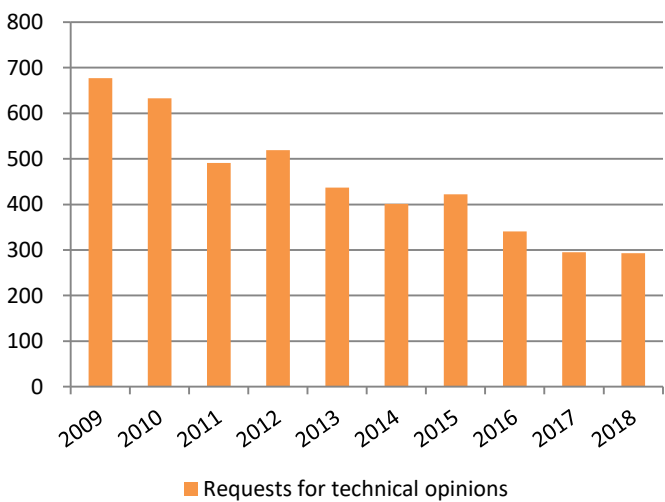


Table 2

Calendar Year	2014	2015	2016	2017	2018	
JP utility-model applications in total	7,095	6,860	6,480	6,105	5,388	(-0.06)
PCT JP-entry utility-model applications	127	160	131	144	199	(+0.10)
Direct JP utility-model applications	6,968	6,700	6,349	5,961	5,189	(-0.06)
Utility model registrations	7,017	6,695	6,297	6,024	5,303	(-0.04)
Requests for technical opinions	401	422	341	295	293	(-0.13)

Graph 7-3: Requests for Technical Opinions*¹

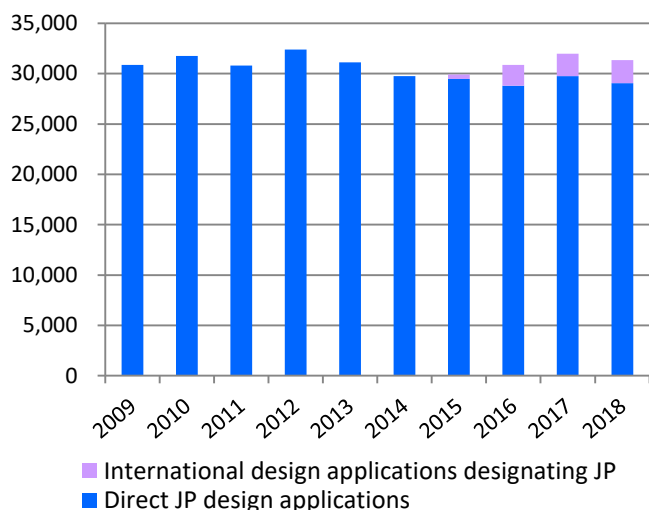


*1 A utility model right owner cannot enforce its utility model right without warning an opposing party in advance with indicating a technical opinion by the examiner.

Statistics: Designs

Design applications and registrations at the JPO

Graph 8-1: Design applications at the JPO



Graph 8-2: Design registrations at the JPO

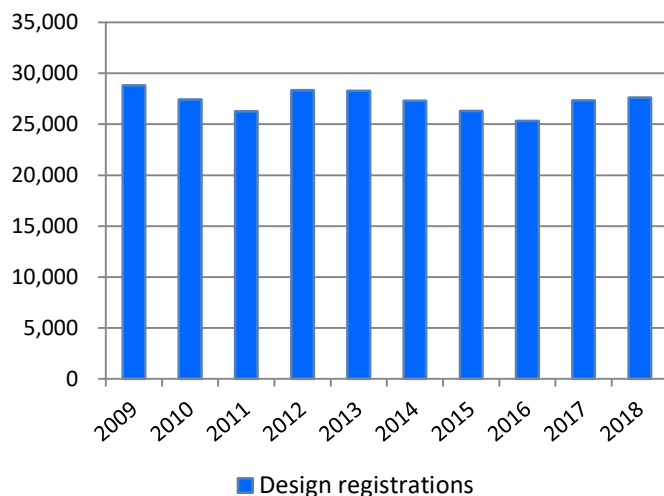
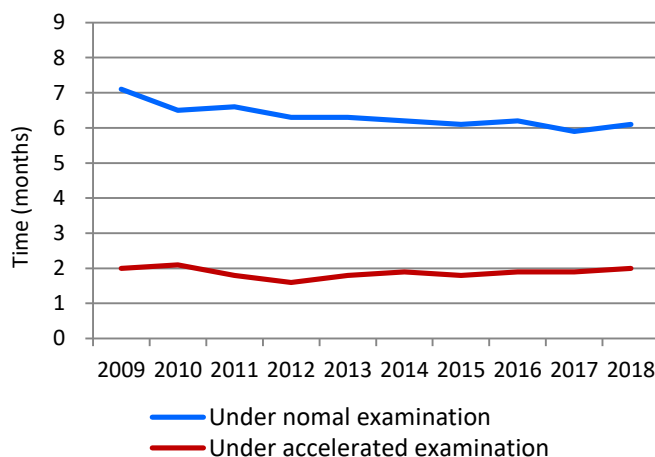


Table 3

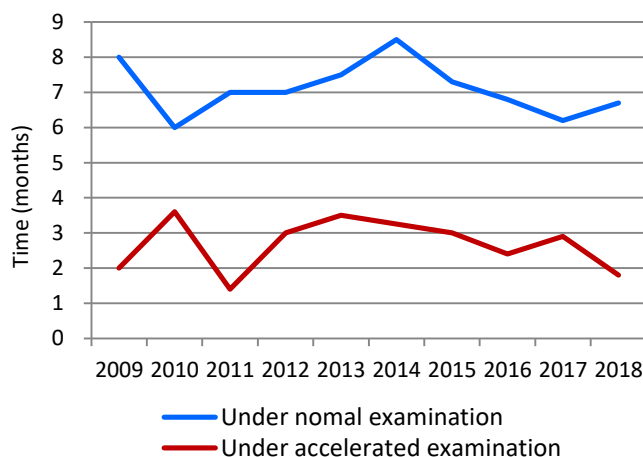
Calendar Year	2014	2015	2016	2017	2018	
JP design applications in total	29,738	29,903	30,879	31,961	31,406	(-0.02%)
International design applications designating JP	-	452	2,083	2,216	2,261	(+0.02%)
Direct JP design applications	29,738	29,451	28,796	29,745	29,145	(-0.02%)
Design registrations	27,306	26,297	25,344	27,335	27,618	(+0.01%)

Average time of pendency

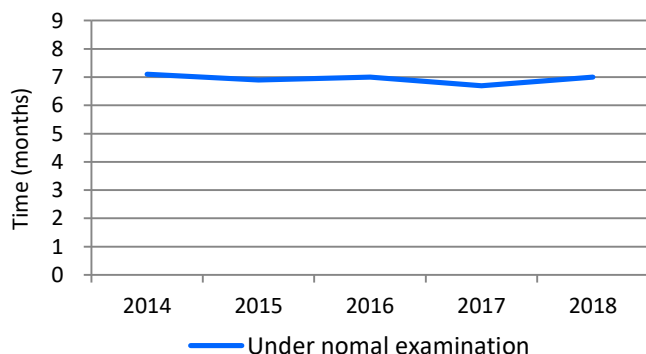
Graph 9-1: Design examination pendency to 1st OA



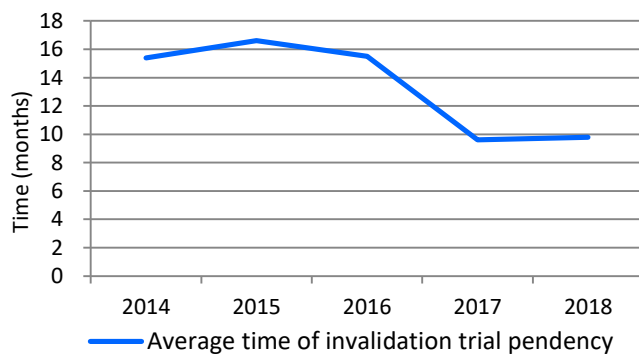
Graph 9-2: Demand of ex-parte appeal to appeal decision



Graph 9-3: Design examination pendency to decision

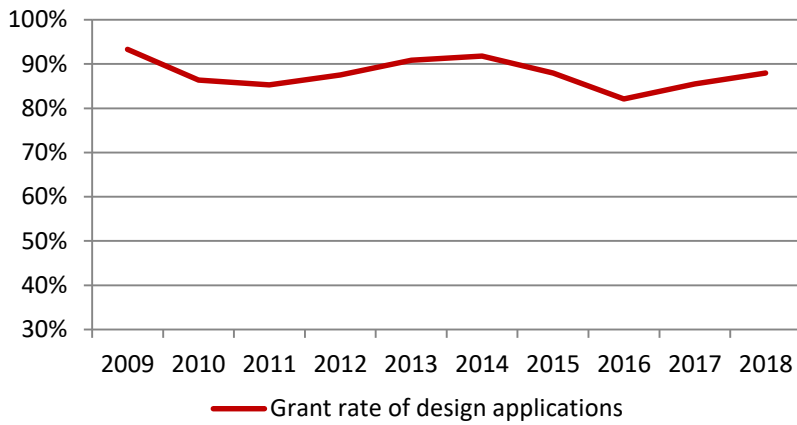


Graph 9-4: Invalidation trial pendency



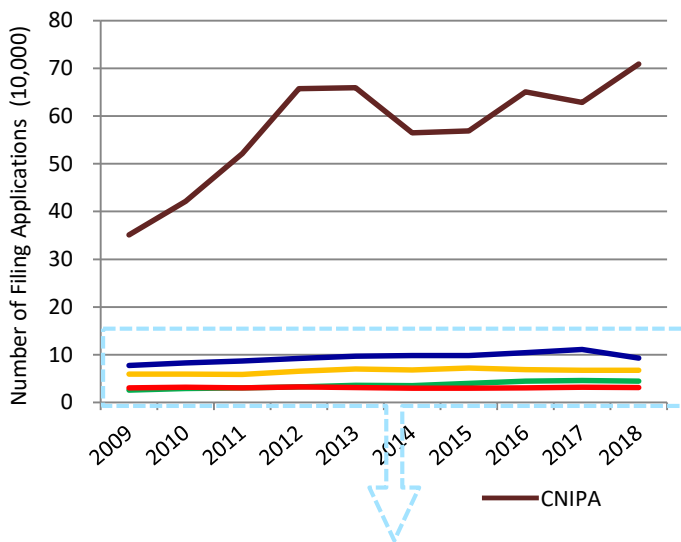
Grant rate at examination of design applications*¹

Graph 10: Design grant rate

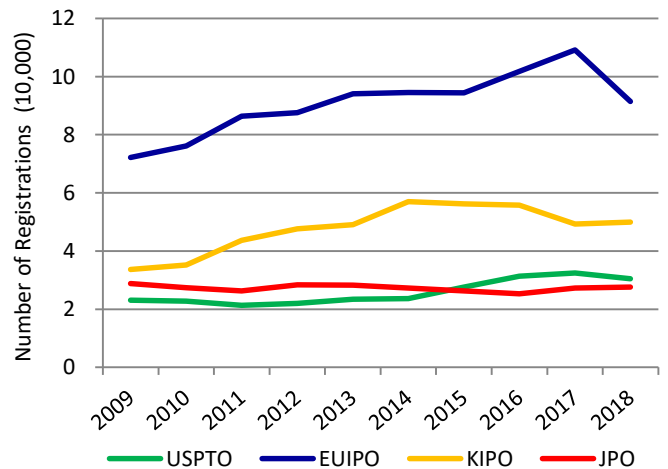
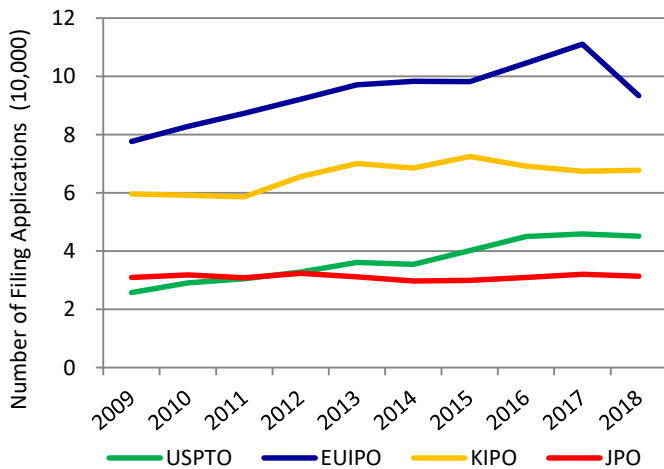
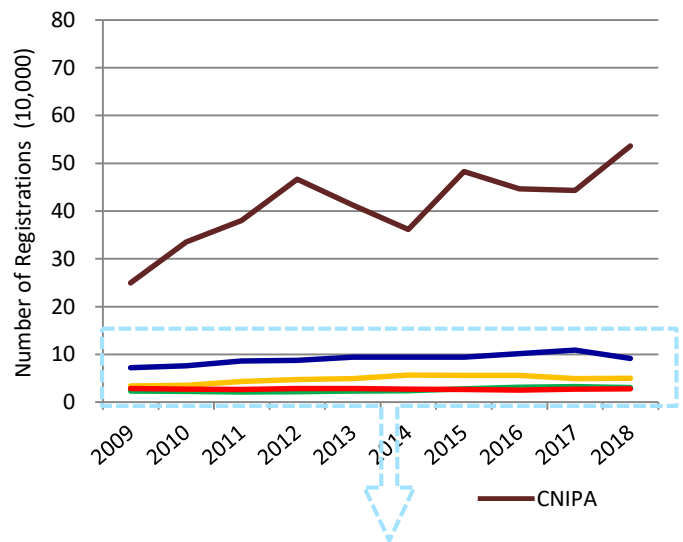


Comparison between the five IP offices

Graph 11-1: Design applications at the five IP offices



Graph 11-2: Design registrations at the five IP offices

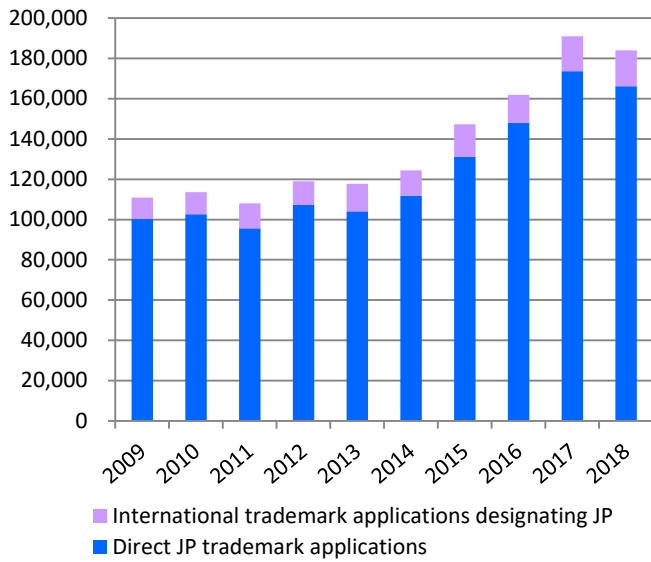


*1 Grant Rate of Design Applications = Design Registrations / Design Applications

Statistics: Trademarks

Trademark applications and registrations at the JPO

Graph 12-1: Trademark applications at the JPO



Graph 12-2: Trademark registrations at the JPO

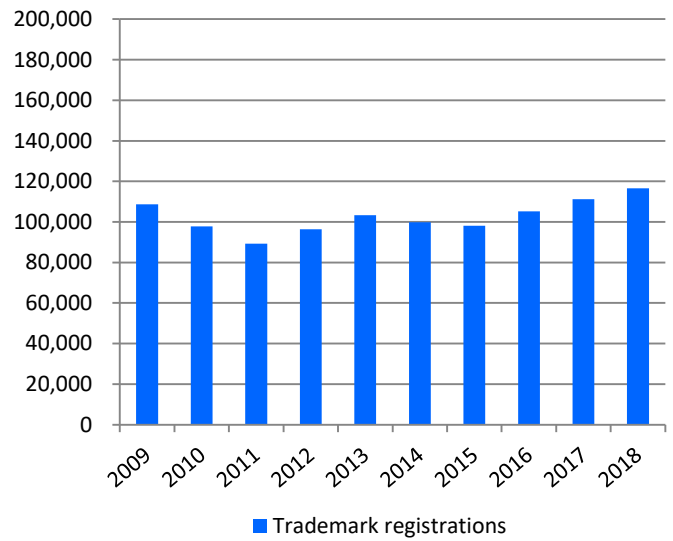


Table 4

Calendar Year	2014	2015	2016	2017	2018	
JP trademark applications in total	124,442	147,283	161,859	190,939	184,483	(-0.03%)
International trademark applications designating JP	12,672	15,984	13,835	17,328	17,803	(+0.03%)
Direct JP trademark applications	111,770	131,299	148,024	173,611	166,680	(-0.04%)
Trademark registrations	99,896	98,085	105,207	111,180	116,547	(+0.05%)

Trademark applications by different types of trademark*1

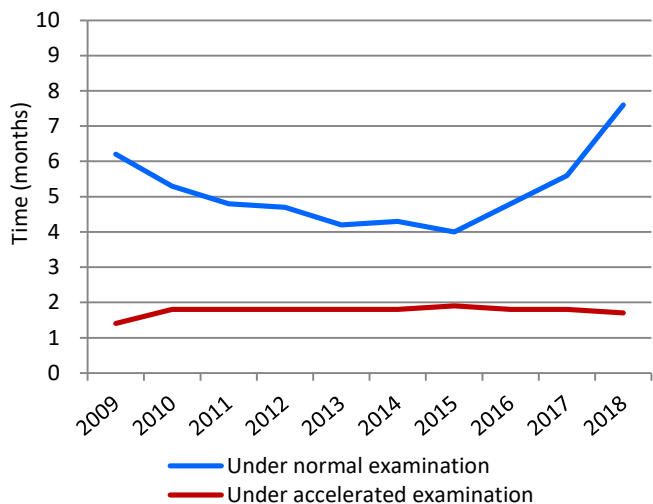
Table 5

Calendar Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3D / Applications	214	192	196	230	243	265	308	267	295	276
Registrations	116	114	93	130	150	146	174	150	141	137
Sound / Applications	-	-	-	-	-	-	365	133	80	51
Registrations	-	-	-	-	-	-	21	74	113	49
Movement / Applications	-	-	-	-	-	-	80	38	8	26
Registrations	-	-	-	-	-	-	13	47	31	8
Position / Applications	-	-	-	-	-	-	243	80	51	41
Registrations	-	-	-	-	-	-	5	14	21	19
Color / Applications	-	-	-	-	-	-	448	42	22	19
Registrations	-	-	-	-	-	-	0	0	2	5
Hologram / Applications	-	-	-	-	-	-	14	3	0	2
Registrations	-	-	-	-	-	-	1	8	2	1

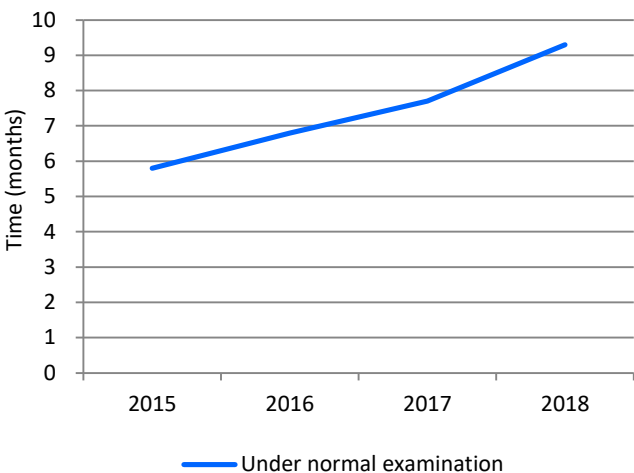
*1 These data do not include the numbers of international trademark applications designating JP.

Average time of pendency

Graph 13-1: Trademark examination pendency to 1st OA

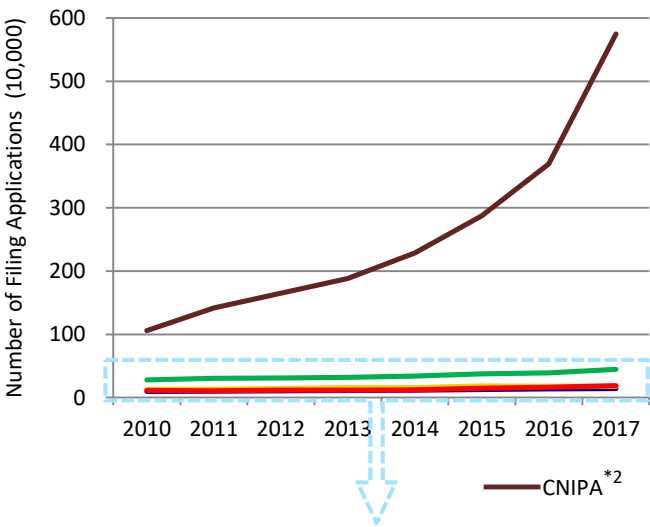


Graph 13-2: Trademark examination pendency to decision

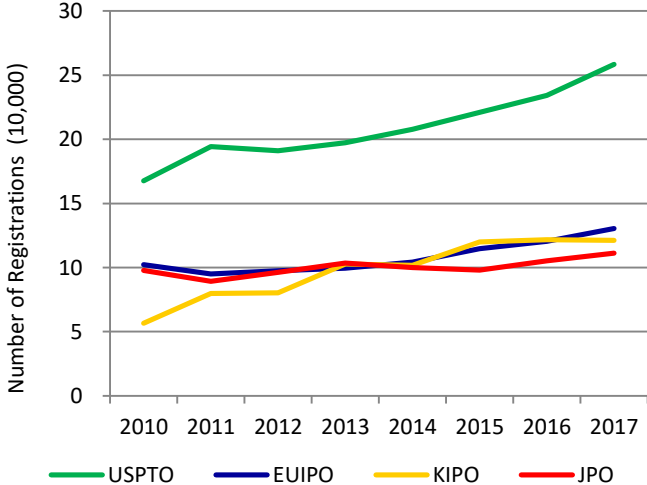
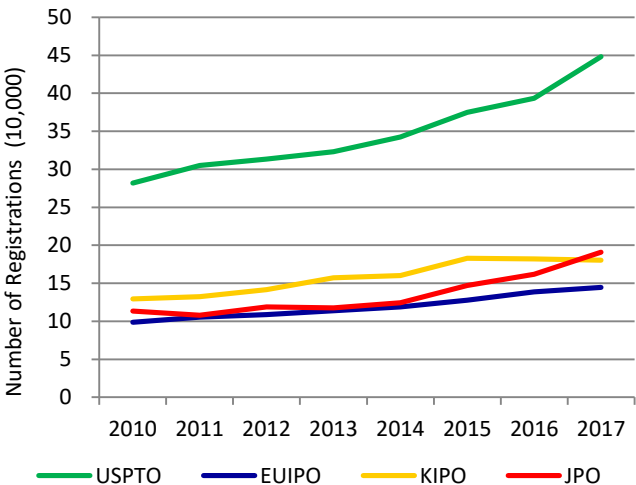
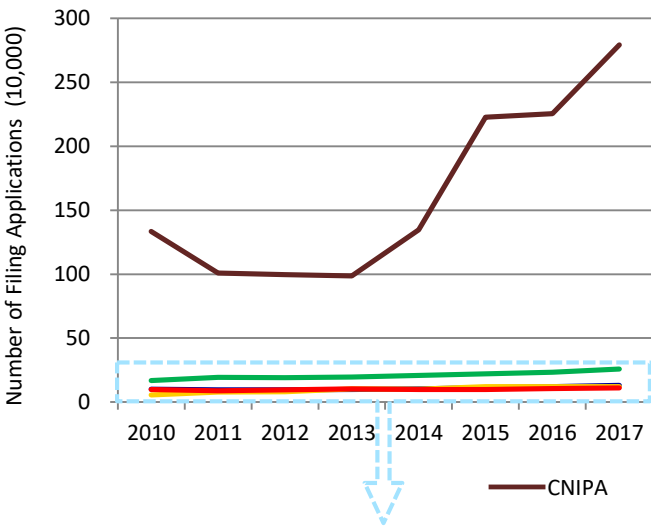


Comparison between the five IP offices

Graph 14-1: Trademark applications at the five IP offices



Graph 14-2: Trademark registrations at the five IP offices

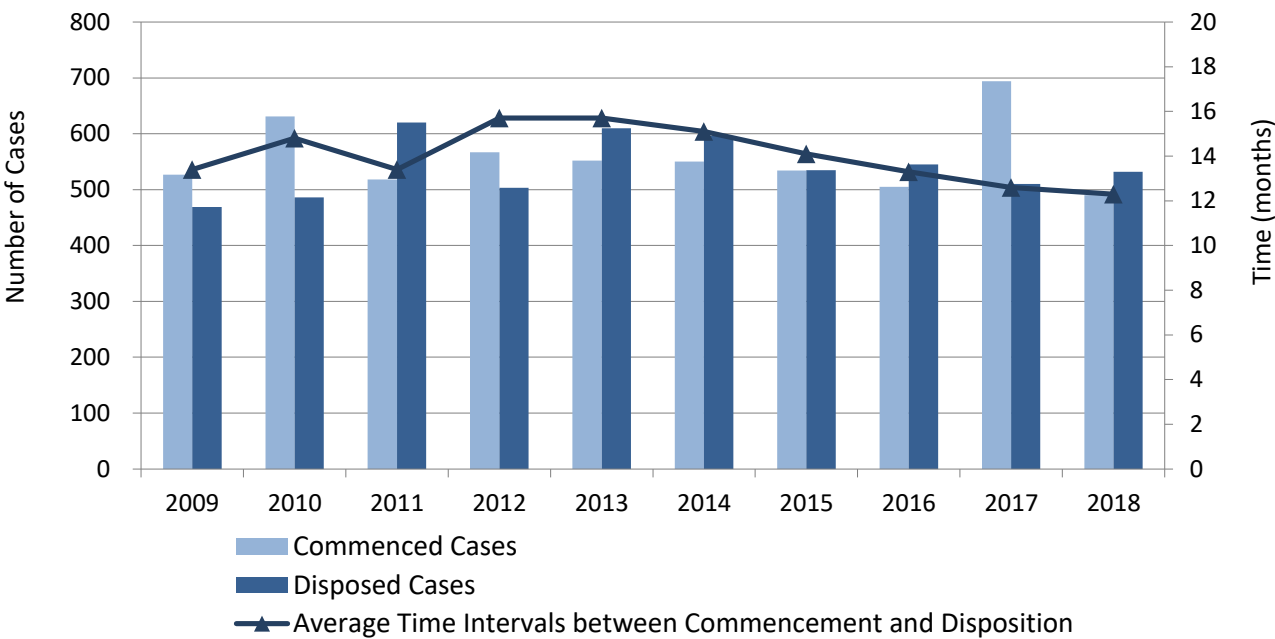


*2 The number of classifications.

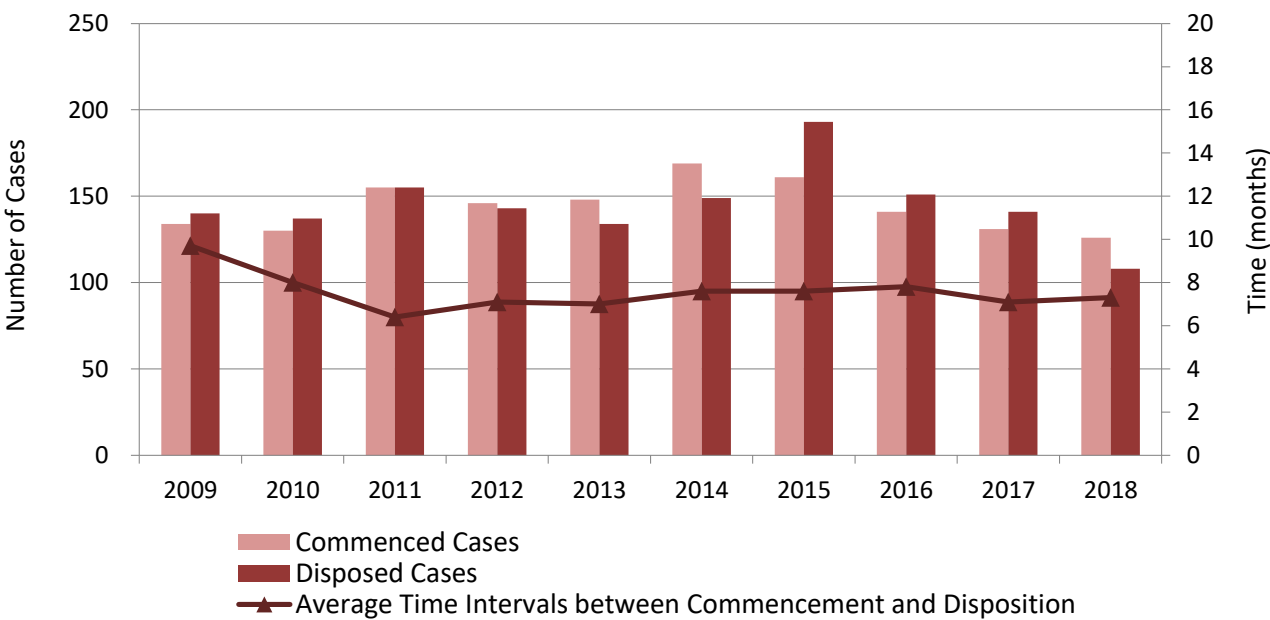
Statistics: Litigation

Infringement Suits and other IP-Related Civil Cases*¹

Graph 15-1: IP-Related Civil Cases at all District Courts (First Instances)

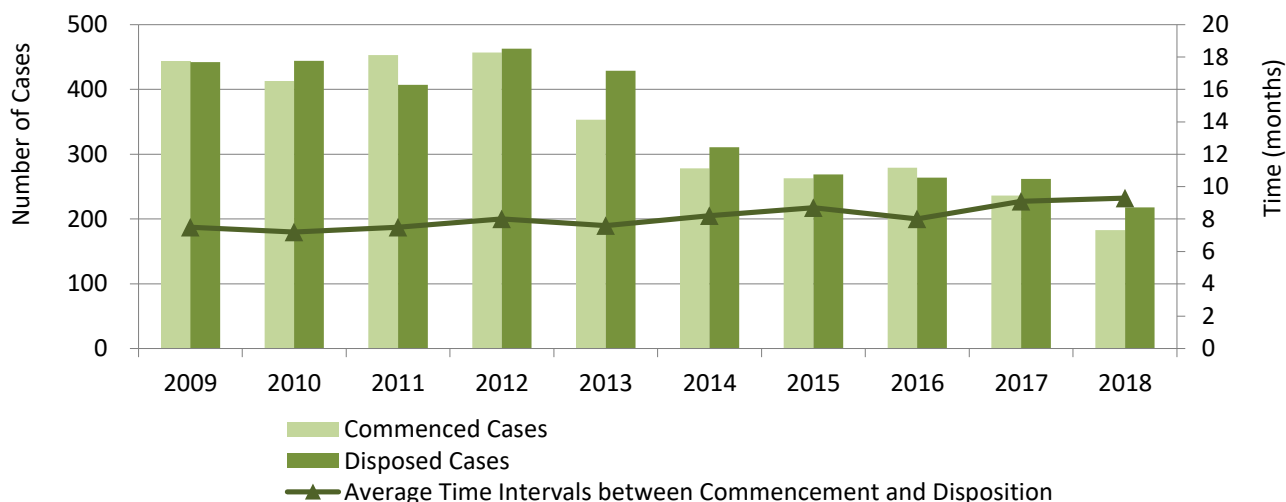


Graph 15-2: IP-Related Civil Cases at all High Courts (Second Instances)

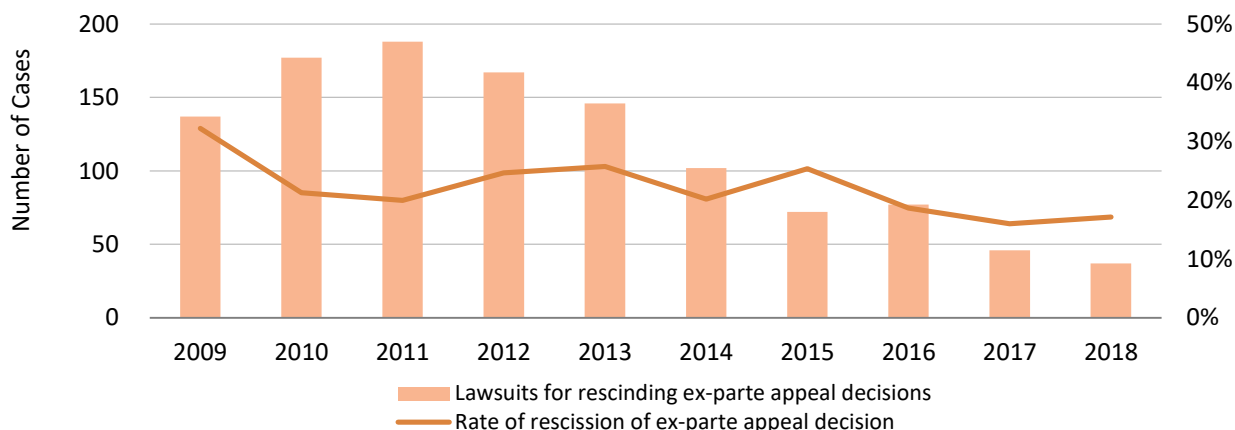


*¹ These data are based on the report in 2020 by the Intellectual Property High Court (IPHC), and include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

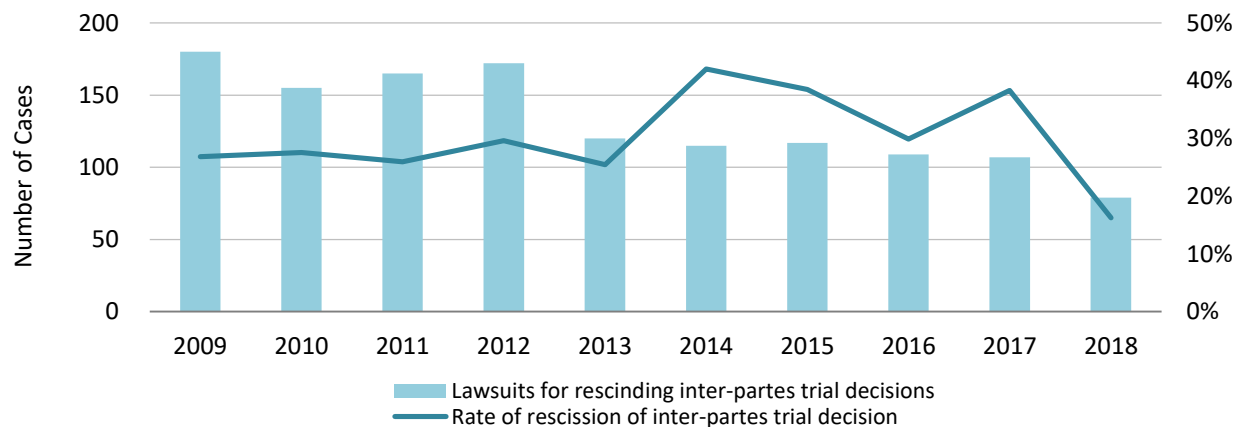
Graph 16: Appeal Suits at the IP High Court against the JPO's Appeal/Trial Decisions ^{*2}



Graph 17-1: Lawsuits against *Ex-Parte* Appeal/Trial Decisions in relation to Patent Applications and their Total Rate of Rescission ^{*3}



Graph 17-2: Lawsuits against *Inter-Partes* Appeal/Trial Decisions in relation to Patent Rights and their Total Rate of Rescission ^{*4}



*1 These data are based on the report in 2020 by the IPHC, and include all the cases relating to patents, utility model registrations, design registrations and trademark registrations.

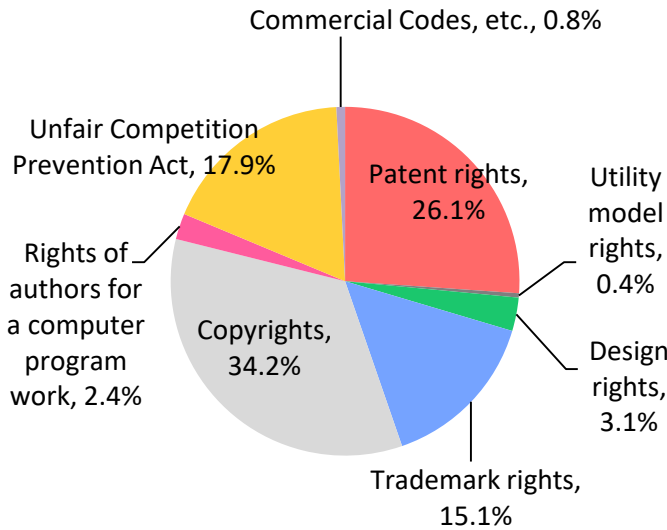
*2 These data are based on the report in 2019 by the JPO, and include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment in relation to patent applications.

*3 These data are based on the report in 2019 by the JPO, and include lawsuits against Trial Decisions of Invalidation and Correction Trials in relation to patent rights.

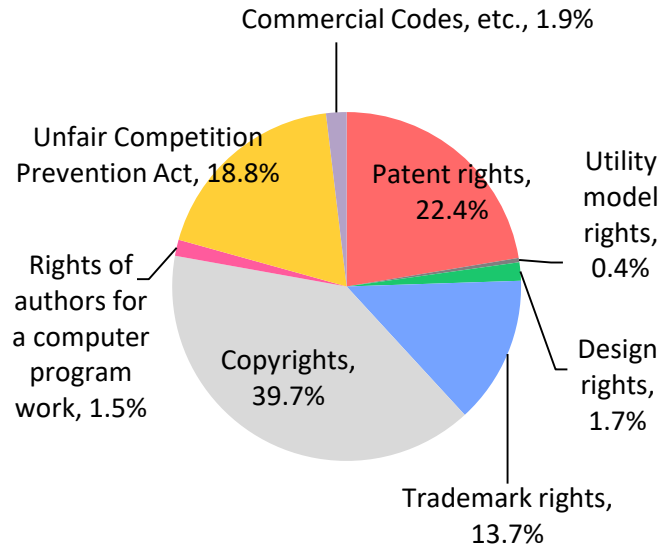
Breakdown of IP-Related Civil Cases by IP Rights*⁵ (2018)

Graphs 18-1: All District Courts

Commenced

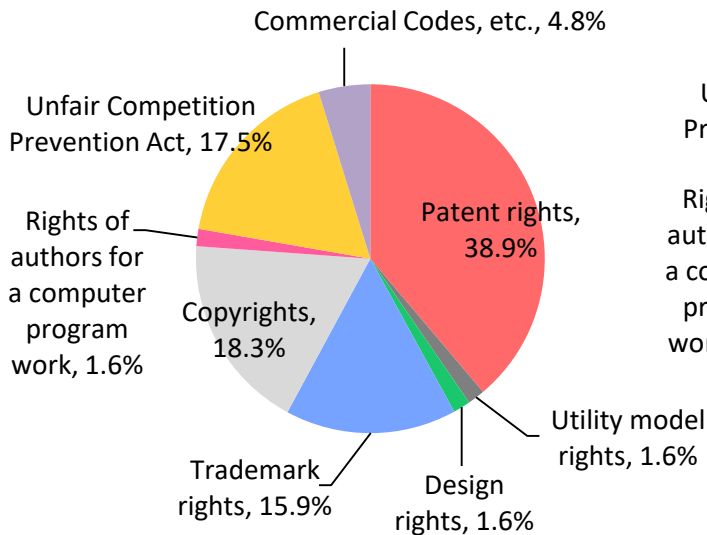


Disposed

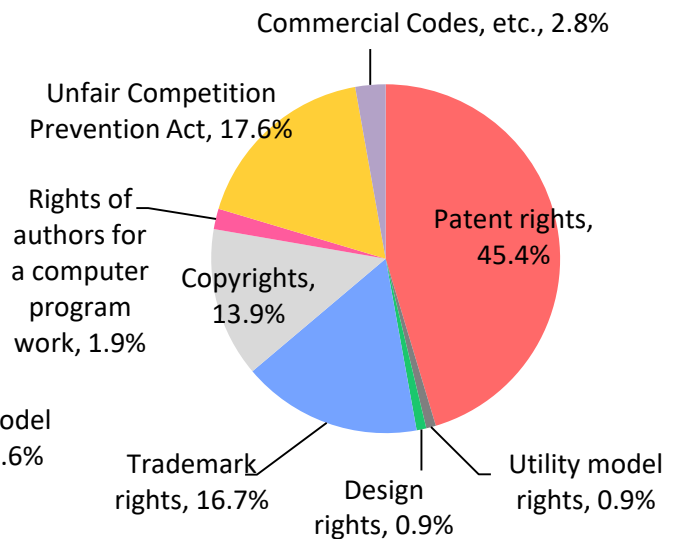


Graphs 18-2: All High Courts

Commenced

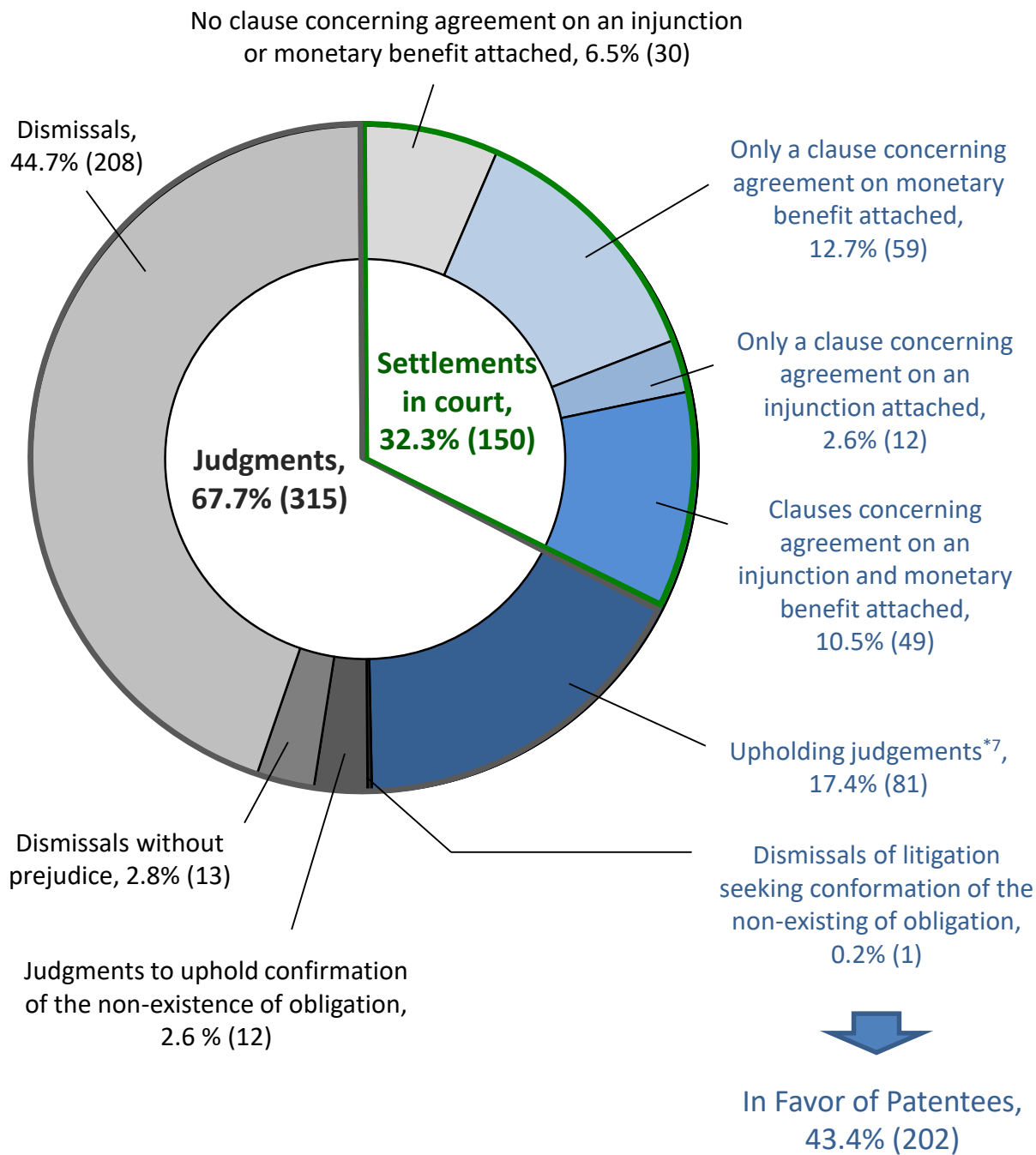


Disposed



*5 These data are based on the report in 2020 by the Intellectual Property High Court. These data relate to IP-related civil cases, and thus do not include administrative litigations.

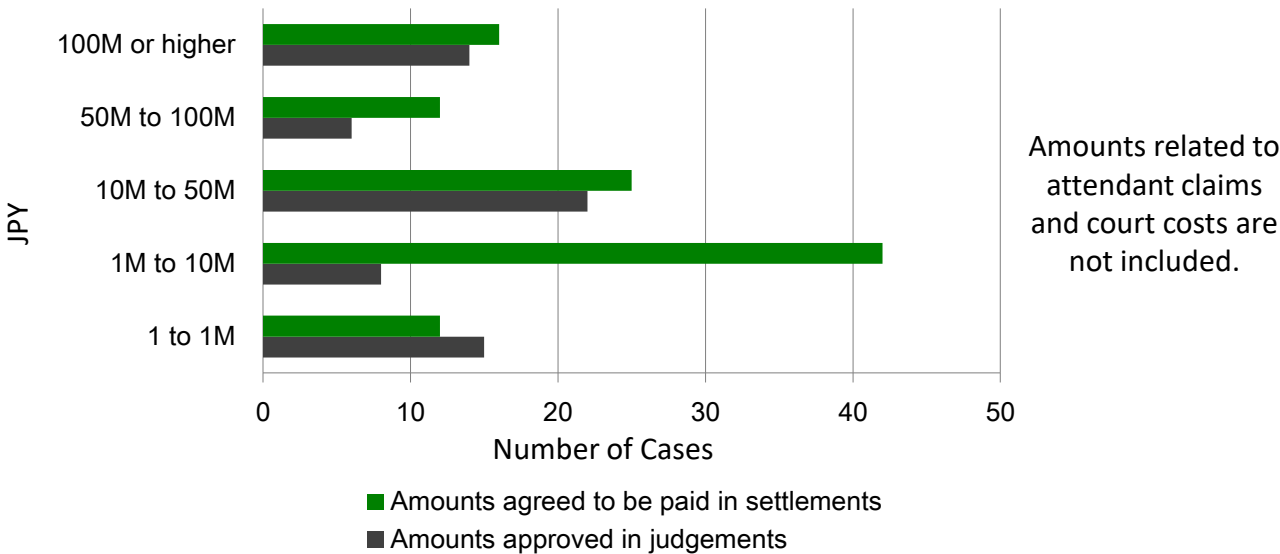
Graph 19: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts*⁶ (2014 to 2018)



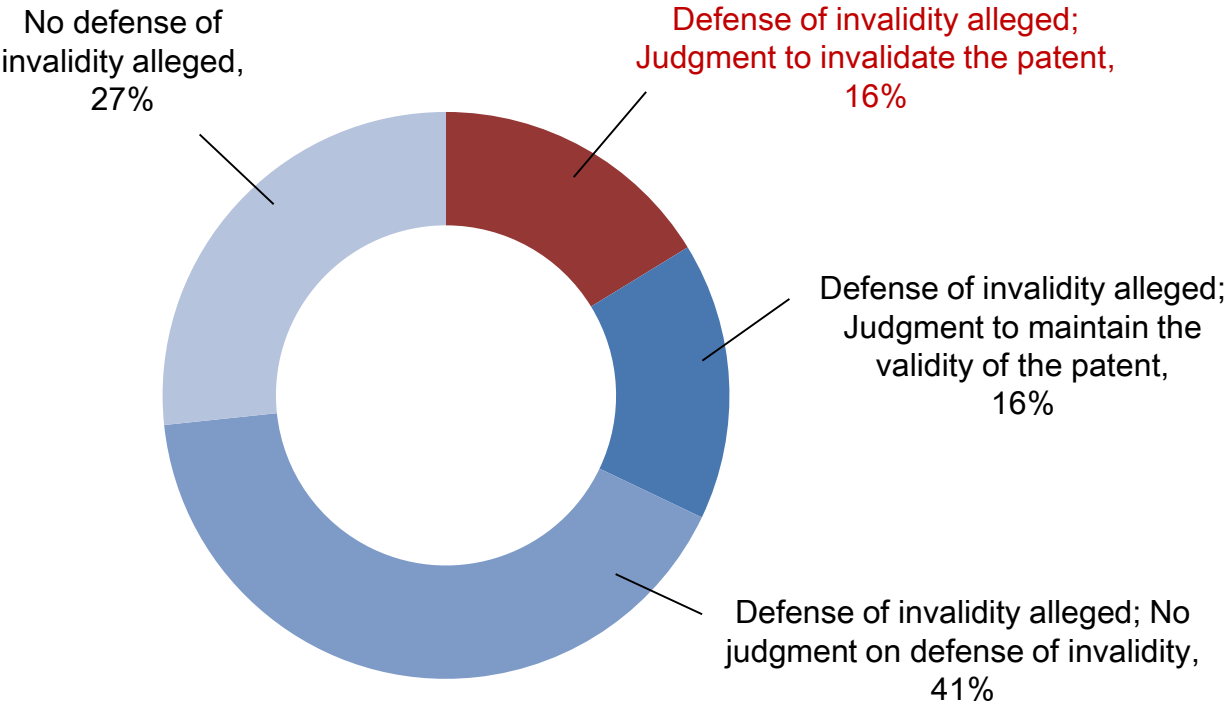
*⁶ These data are based on the report in 2020 by the Intellectual Property High Court.

*⁷ Upholding judgements include judgements that partially uphold the claim.

Graph 20: Amounts Approved in Judgements and
agreed to be paid in settlements in court*⁸ (2014-2018)



Graph 21: Whether defense of invalidity was judged and how
it was judged in patent infringement cases*⁹ (2014 to 2018)



Each number indicated presents the total number of patent rights claimed in cases concluded by final judgments. For example, if two patent rights were claimed in one patent infringement case, the number of patent rights is counted as two.

*8, 9 These data are based on the report in 2020 by the Intellectual Property High Court.