

IP Statistics 2021

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. This edition mainly includes **updates based on the IPHC Annual Report 2021 Edition and the IP5 Statistics Report 2019 Edition.**

Highlights:

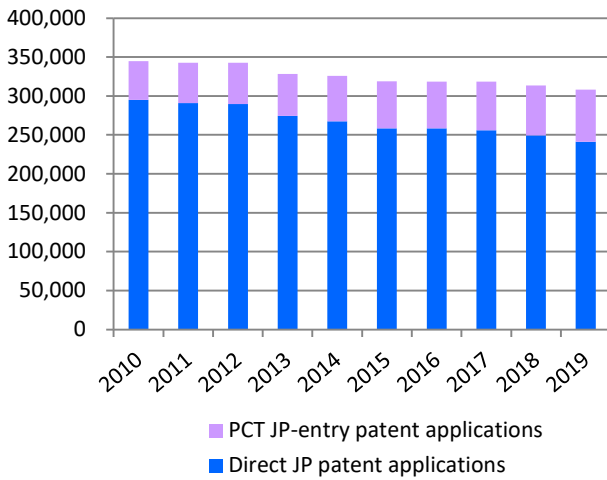
- The patent grant rate in recent years remains high in Japan (75% in 2019), and continues to increase in US, Europe and Korea (77%, 64% and 69%, respectively, in 2019). On the other hand, it largely decreased in China (44% in 2019, -9% y/y). (Pages 5-6)
- The number of design applications for new types of design as of January 4, 2020, was reported. (Page 9)
- The results of patent infringement suits in favor of patentees was 44.6% in 2014 to 2019 (+1.2% from the previous report in 2014 to 2018). (Page 15)

Patents Page 2
Utility Models Page 8
Designs Page 9
Trademarks Page 11
Litigation Page 13

Statistics: Patents

Patent applications and registrations at the JPO

Graph P1-1: Patent applications at the JPO



Graph P1-2: Patent registrations at the JPO

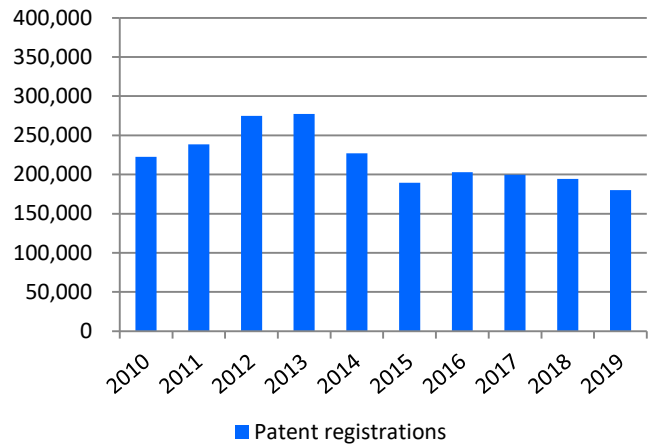
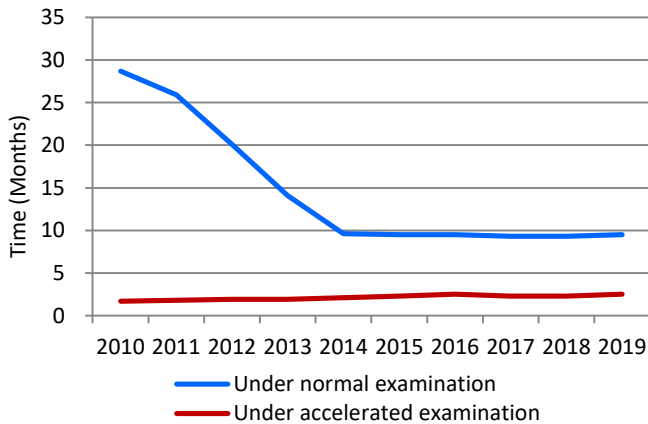


Table P1

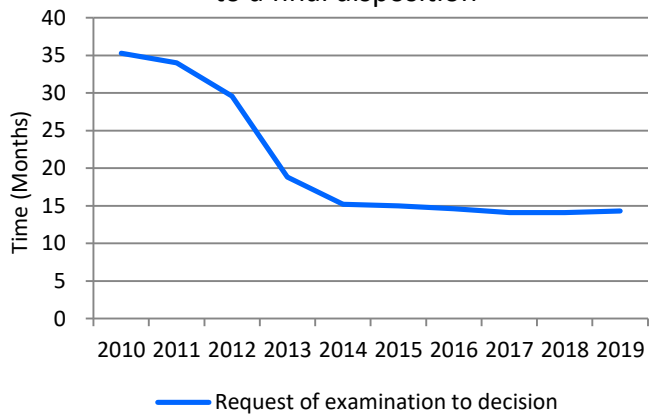
Calendar Year	2015	2016	2017	2018	2019	y/y
JP patent applications in total	318,721	318,381	318,479	313,567	307,969	-1.8%
PCT JP-entry patent applications	60,591	60,024	62,764	64,212	66,968	+4.6%
Direct JP patent applications	258,130	258,357	255,805	249,355	241,001	-3.4%
Patent registrations	189,358	203,087	199,577	194,525	179,910	-7.5%

Average time of pendency

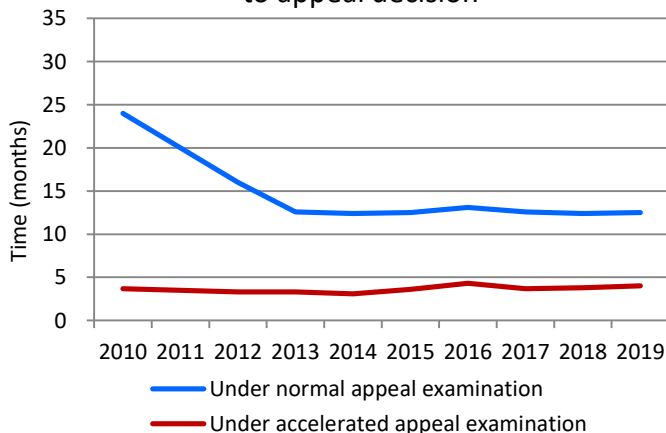
Graph P2-1: Request of examination to 1st OA



Graph P2-2: Request of examination to a final disposition^{*1}



Graph P2-3: Demand of appeal trial to appeal decision

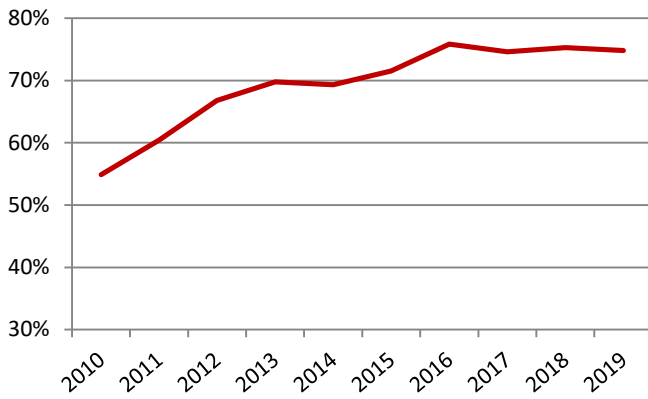


The JPO created “FA 11” campaign in 2004, aimed at reducing the time of pendency to a 1st OA to less than 11 mths, and achieved it in 2014. The JPO set the next decade goal in March 2014, which is further shortening the pendency to the first office action and the total pendency to a final disposition to less than 10 mths and less than 14 mths, respectively, by 2023.

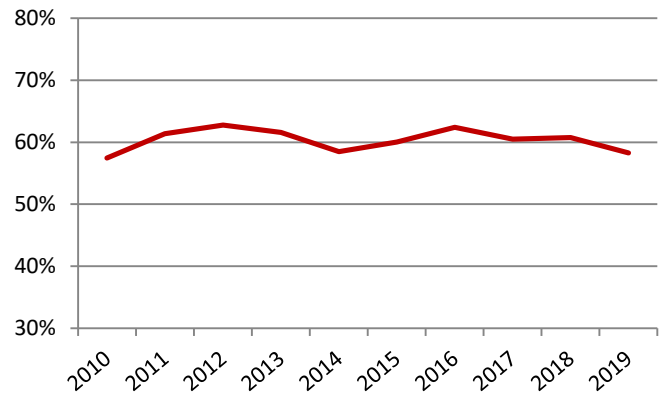
^{*1} Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

Grant rate at the JPO

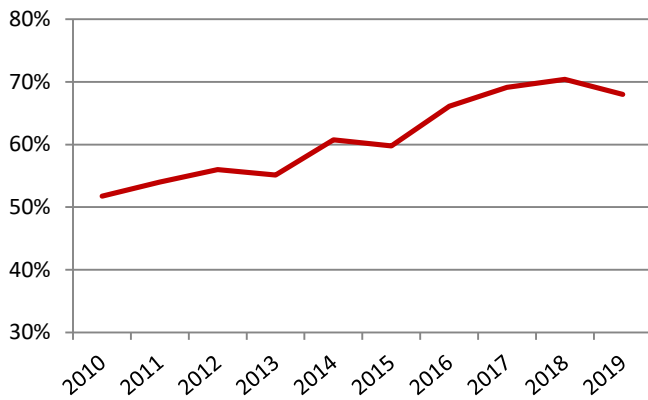
Graph P3-1: Grant rate at examination*¹



Graph P3-2: Grant rate at preappeal reexamination*²



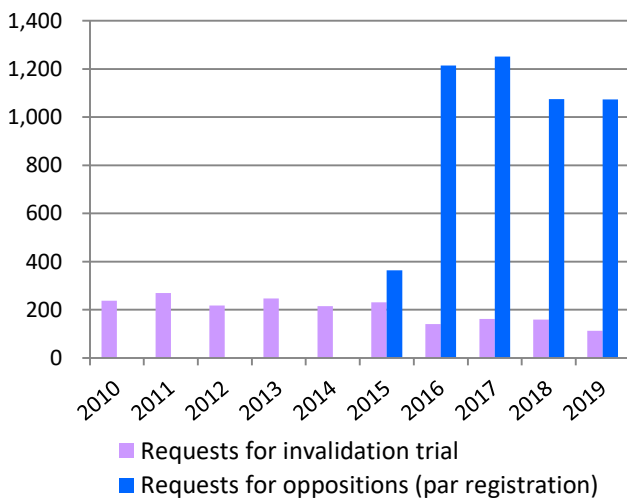
Graph P3-3: Grant rate at appeal*³



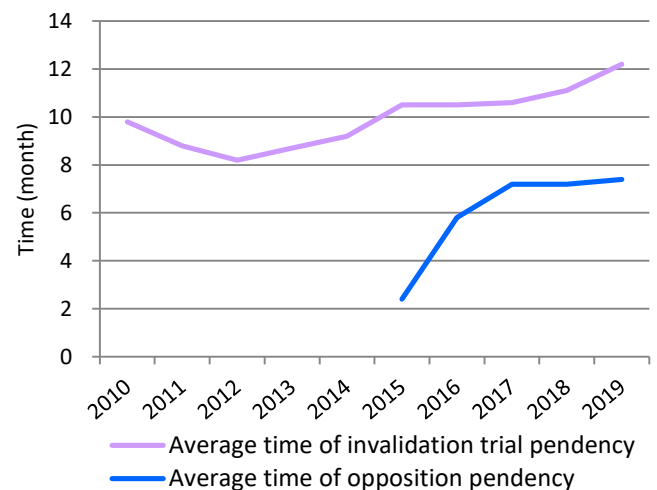
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Graph P4-1: Requests for opposition & invalidation trial



Graph P4-2: Average time of pendency at opposition & invalidation trial*⁴



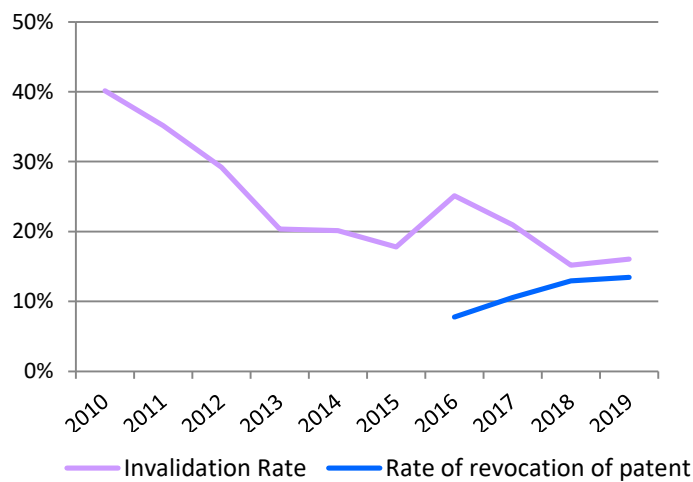
*1 Grant rate at examination = decisions of grant at examination / (decisions of grant at examination + decisions of rejection at examination + withdrawal or abandonment after request for examination)

*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)

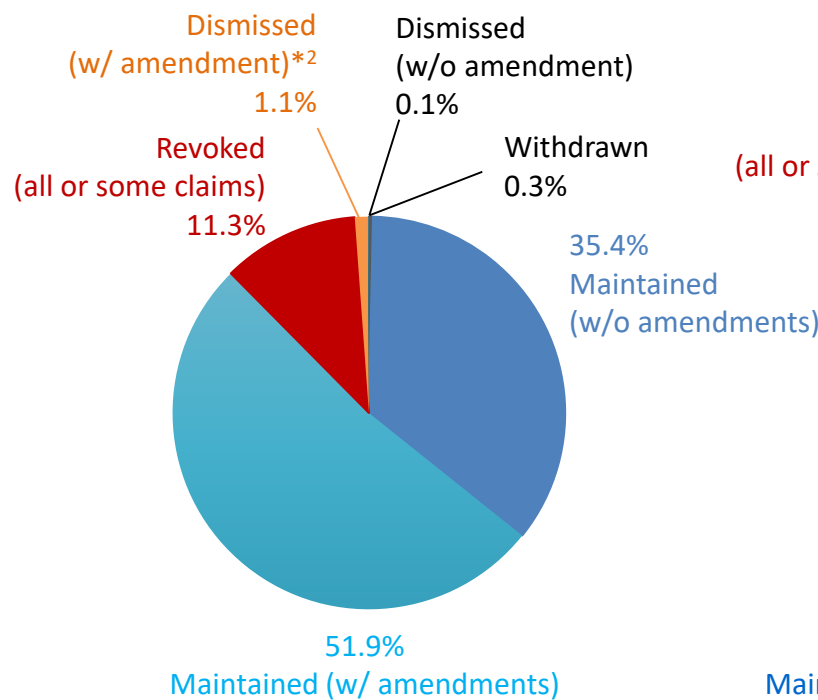
*4 Opposition: from request to Notice of Reasons for Revocation (Advance Notice of Decision) or Decision
Invalidation Trial: from request to Advance notice of Decision or Decision

Graph P4-3: Rate of invalidation and revocation of patent (all or some claims)*1



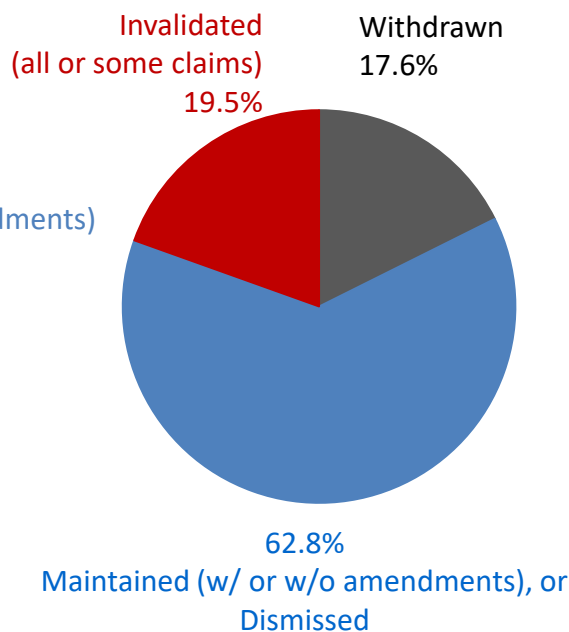
Breakdown of the Results of Oppositions & Invalidation Trials

Graph P4-4: The Results of Oppositions



Outcomes of Oppositions filed from Apr. 2015 to Mar. 2018, calculated at the end of June, 2019

Graph P4-5: The Results of Invalidation Trials



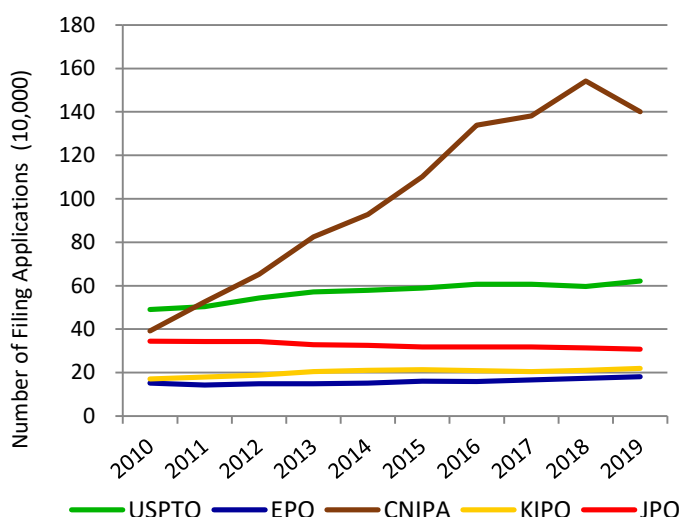
Outcomes of Invalidation Trials disposed from Jan. 2015 to Dec. 2019

*1 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)

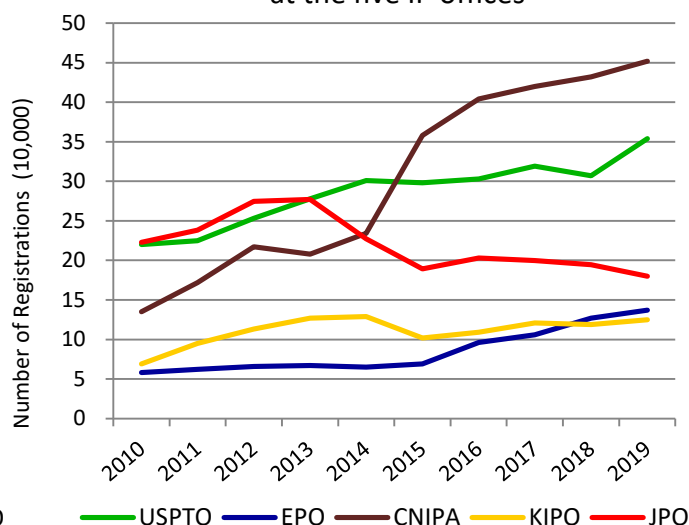
*2 Cases in which all of the claims in question were cancelled and thus which were dismissed.

Comparison between the five IP offices

Graph P5-1: Patent applications at the five IP offices

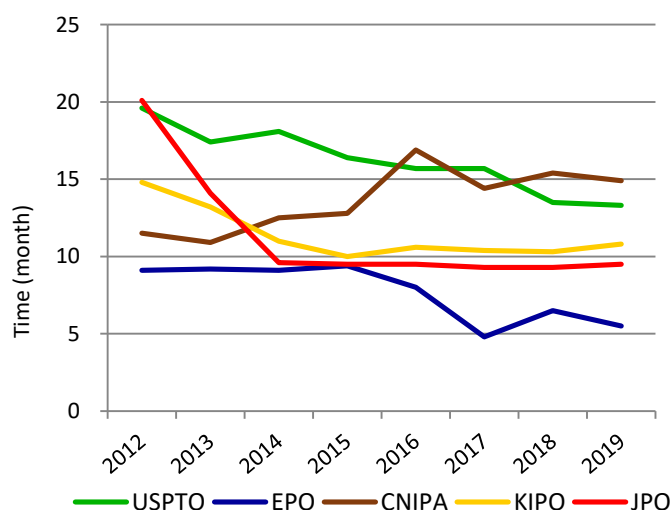


Updated Graph P5-2: Patent registrations at the five IP offices



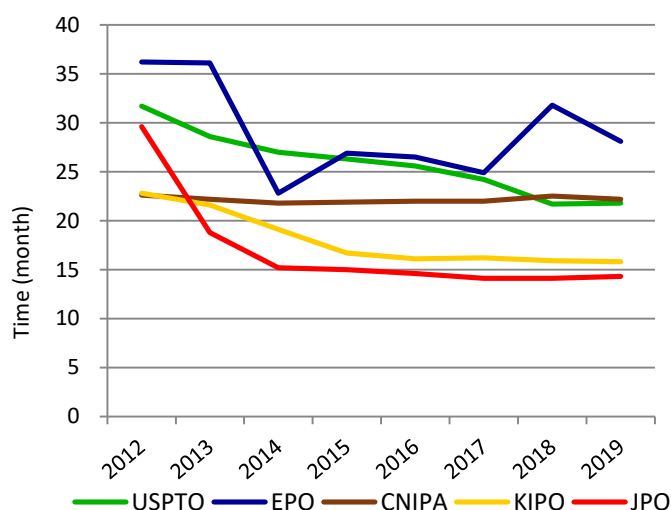
Updated

Graph P5-3: Average time of examination pendency to 1st OA*¹



Updated

Graph P5-4: Average time of examination pendency to disposition*²



*1 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

*2 Average time of examination pendency to decision:

JPO = average time of from requesting examination to withdrawal, abandonment, or Decision of Allowance or Decision of Rejection

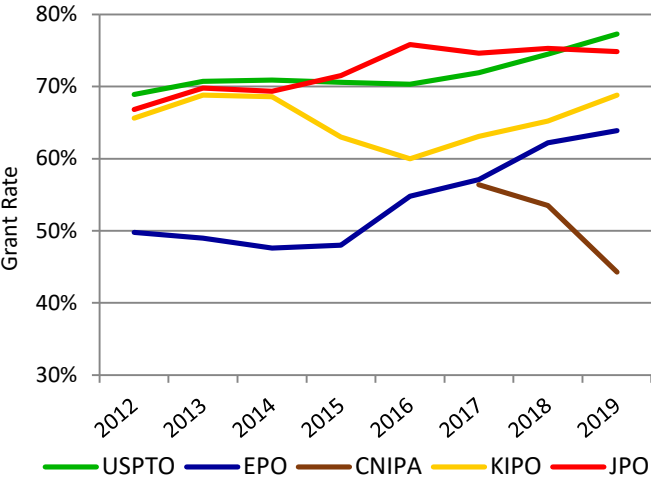
USPTO = average time of from filing date to abandonment or a final disposal (including reexamination)

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)

Updated

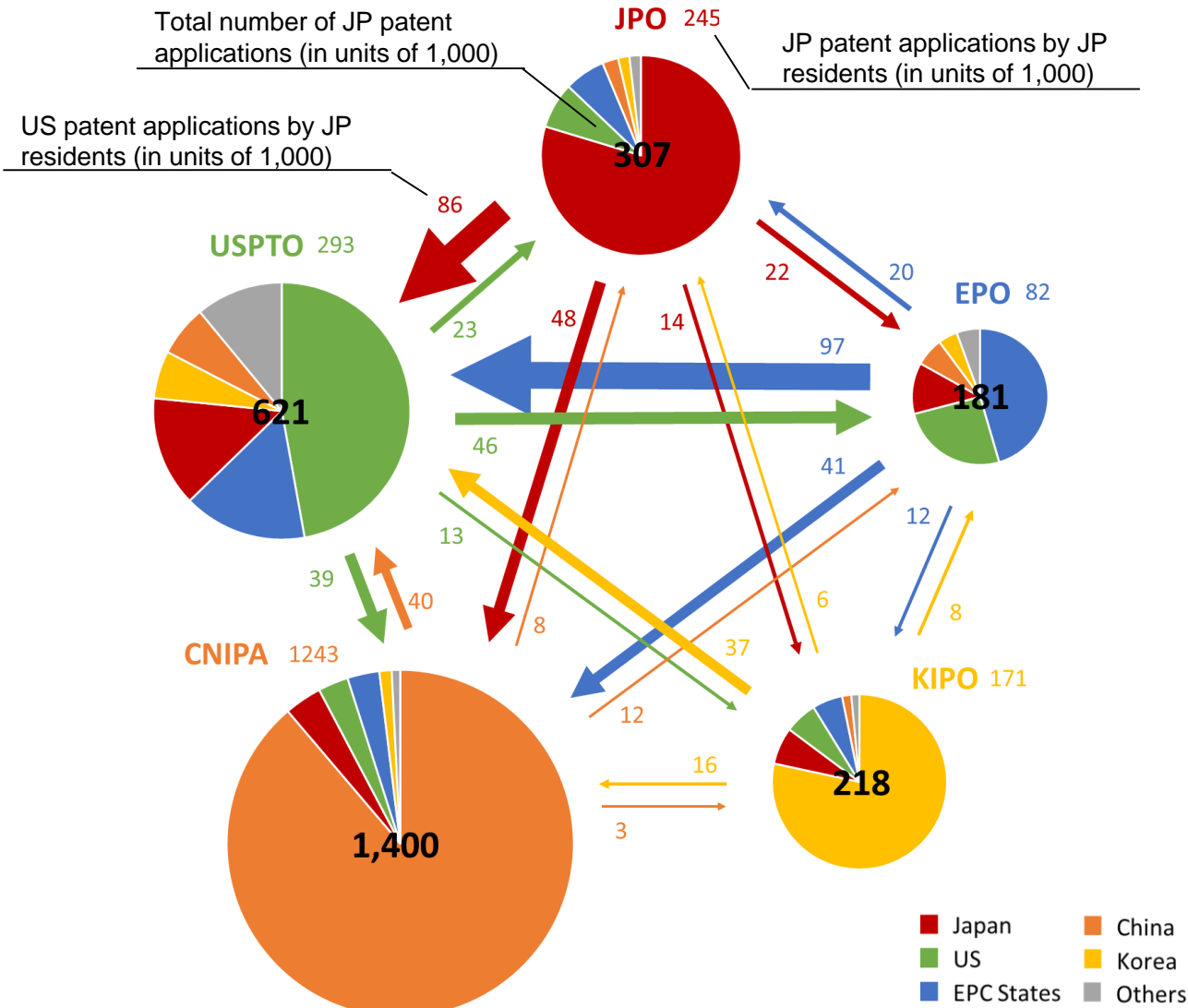
Graph P5-5: Patent grant rate at the five IP offices*¹



*1 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.

Updated

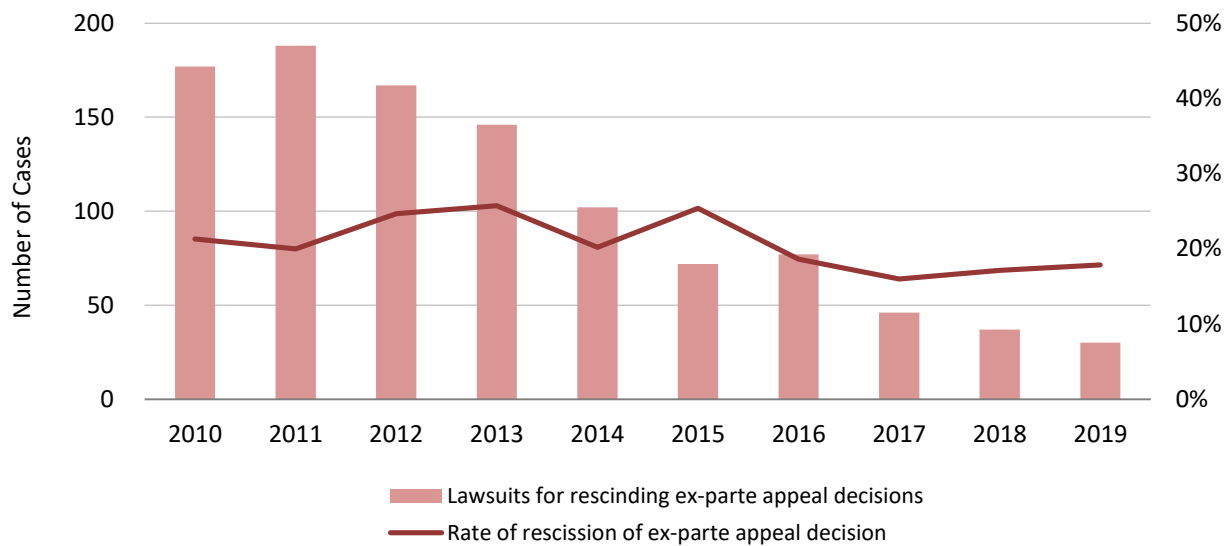
Graph P6: Patent applications filed at the five IP offices by origin*² (in 2019)



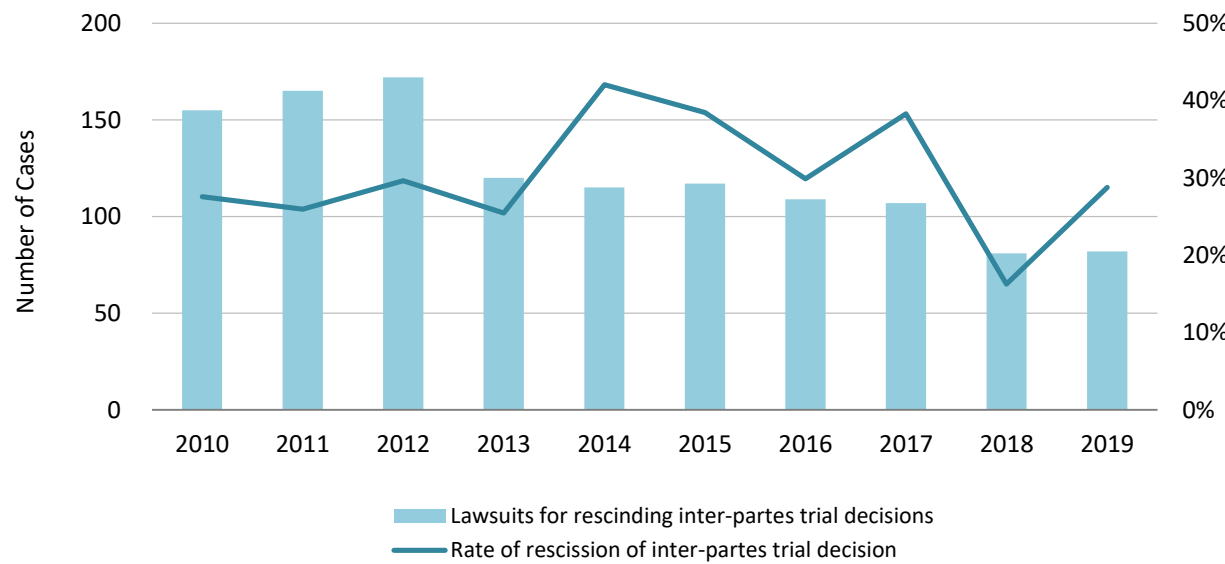
*2 The data is based on the IP5 Statistics Report 2019 Edition by five IP offices. The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

Lawsuits against the JPO’s Appeal/Trial Decisions in relation to Patent

Graph P7-1: Lawsuits against *Ex-Parte* Appeal/Trial Decisions in relation to Patent Applications and their Total Rate of Rescission*¹



Graph P7-2: Lawsuits against *Inter-Partes* Appeal/Trial Decisions in relation to Patent Rights and their Total Rate of Rescission*²

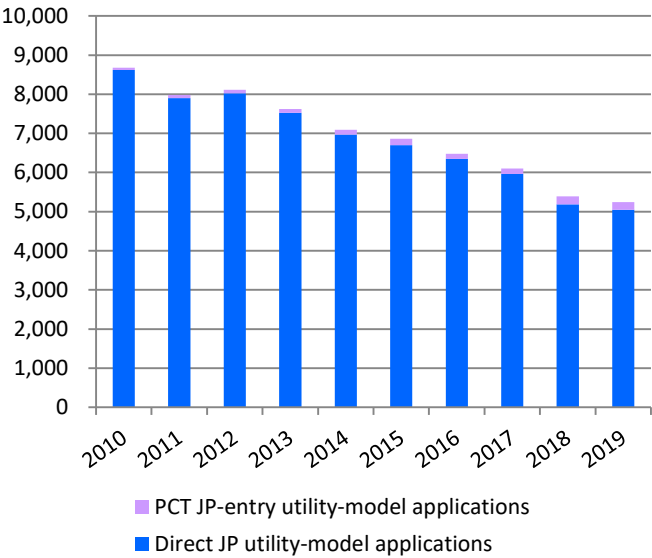


*1 These data are based on the annual report 2020 by the JPO, and include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment in relation to patent applications.
*2 These data are based on the annual report 2020 by the JPO, and include lawsuits against Trial Decisions of Invalidation and Correction Trials in relation to patent rights.

Statistics: Utility Models

Utility model applications and registrations at the JPO

Graph U1-1: Utility model applications at the JPO



Graph U1-2: Utility model registrations at the JPO

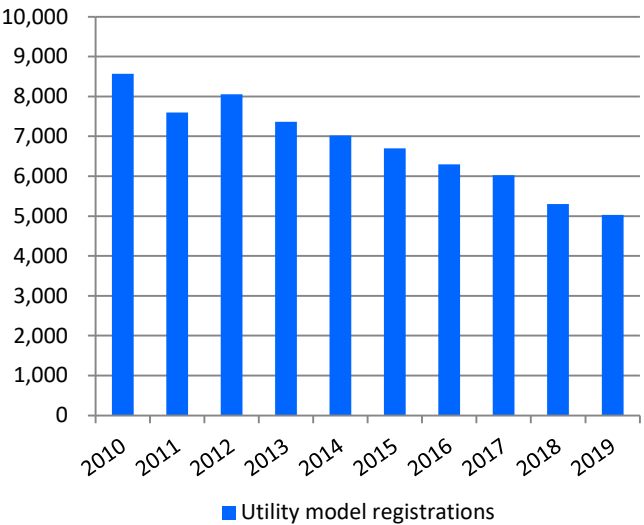
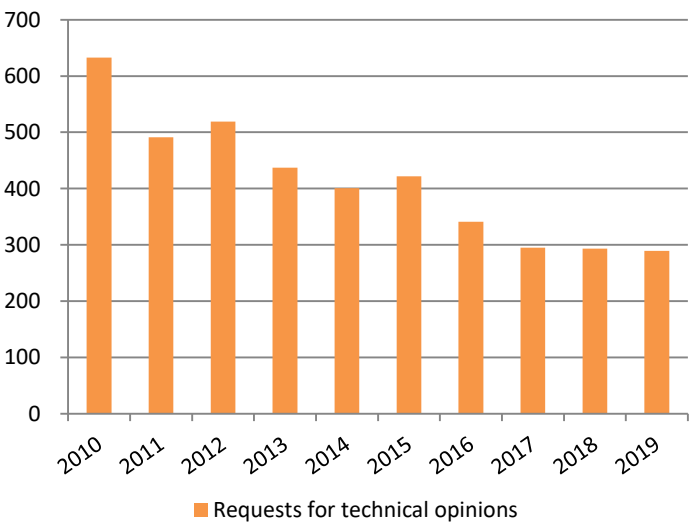


Table U1

Calendar Year	2015	2016	2017	2018	2019	y/y
JP utility-model applications in total	6,860	6,480	6,105	5,388	5,241	-2.7%
PCT JP-entry utility-model applications	160	131	144	199	191	-4.0%
Direct JP utility-model applications	6,700	6,349	5,961	5,189	5,050	-2.7%
Utility model registrations	6,695	6,297	6,024	5,303	5,033	-5.1%
Requests for technical opinions	422	341	295	293	289	-1.4%

Graph U2: 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 D1-1: Design applications at the JPO



Graph D2-2: Design registrations at the JPO

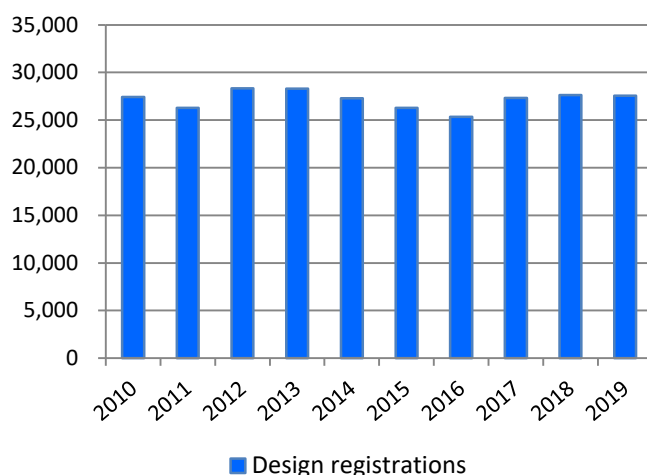


Table D1-1

Calendar Year	2015	2016	2017	2018	2019	y/y
JP design applications in total	29,903	30,879	31,961	31,406	31,489	+0.3%
International design applications designating JP	452	2,083	2,216	2,261	2,072	-8.4%
Direct JP design applications	29,451	28,796	29,745	29,145	29,417	+0.9%
Design registrations	26,297	25,344	27,335	27,618	27,556	-0.2%

Updated The number of applications for new types of design (as of Jan. 4, 2021)

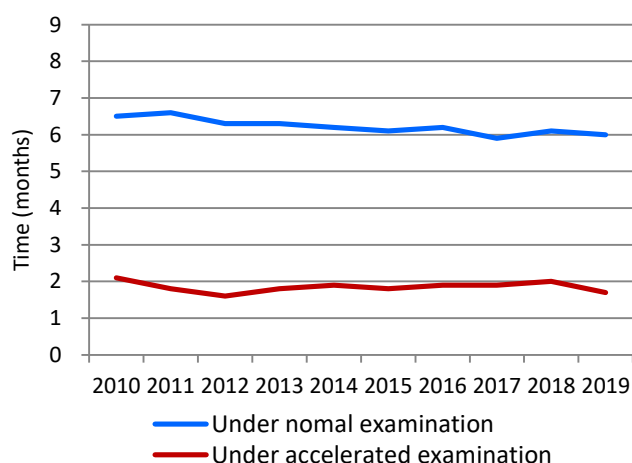
Table D1-2

	Applications
Graphic Images	685
Buildings	294
Interior Designs	172

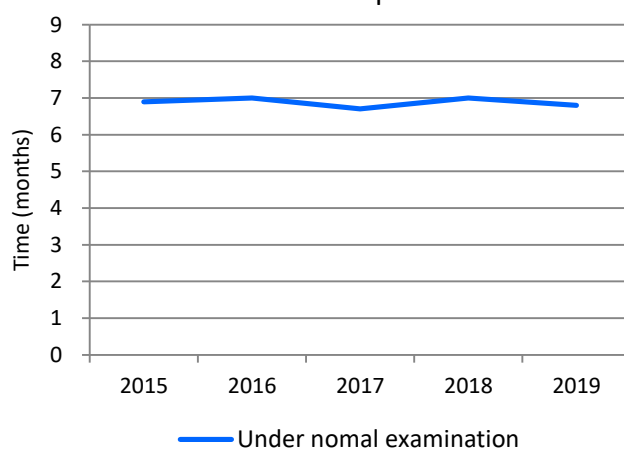
It became possible to protect graphic images, buildings and interior designs from April 1, 2020. This table shows the number of applications for these new types of design filed at the JPO from April 1, 2020 to January 4, 2021.

Average time of pendency

Graph D2-1: Examination pendency to 1st OA



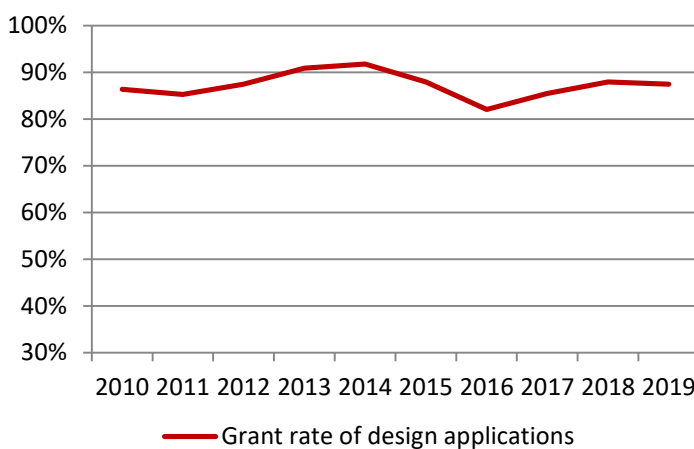
Graph D2-2: Design examination pendency to a final disposition*1



*1 Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

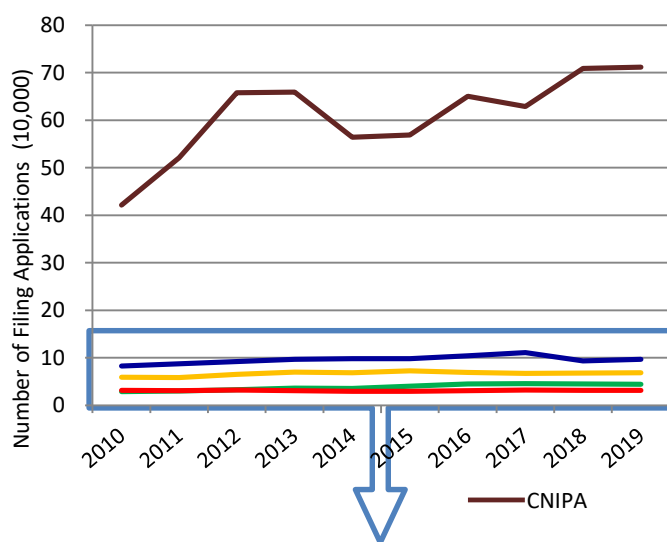
Grant rate at examination of design applications*¹

Graph D3: Design grant rate

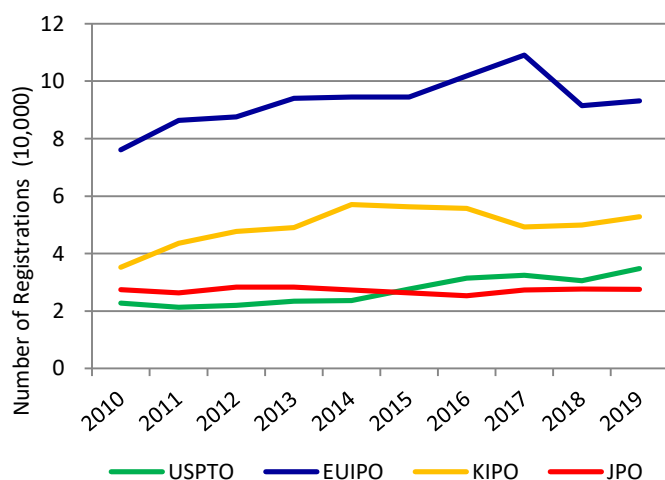
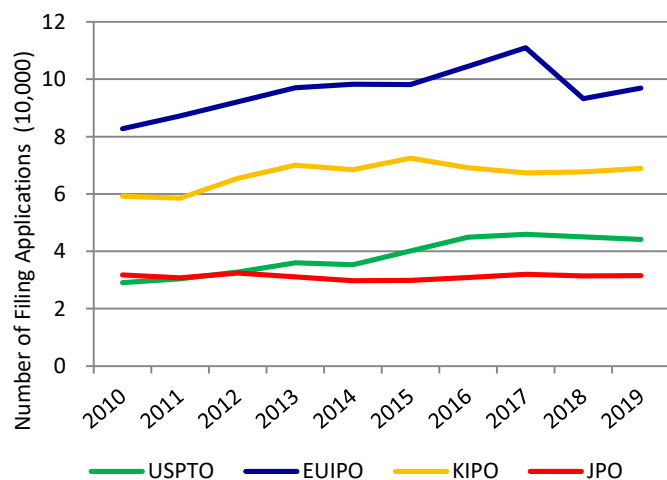
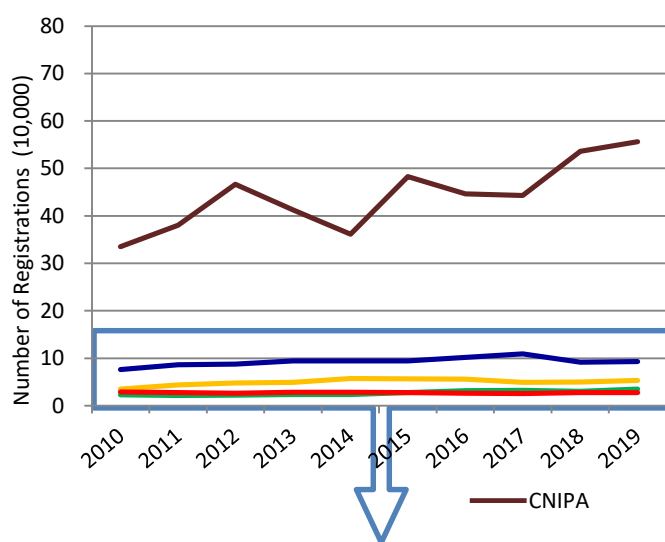


Comparison between the five IP offices

Graph D4-1: Design applications at the five IP offices



Graph D4-2: 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 T1-1: Trademark applications at the JPO



Graph T1-2: Trademark registrations at the JPO

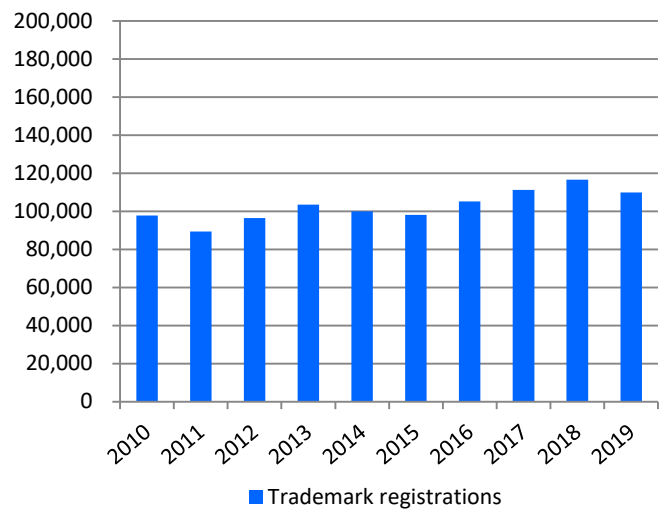


Table T1-1

Calendar Year	2015	2016	2017	2018	2019	y/y
JP trademark applications in total	147,283	161,859	190,939	184,483	190,773	+3.4%
International trademark applications designating JP	15,984	13,835	17,328	17,803	19,450	+9.3%
Direct JP trademark applications	131,299	148,024	173,611	166,680	171,323	+2.8%
Trademark registrations	98,085	105,207	111,180	116,547	109,859	-5.7%

Trademark applications by different types of trademark^{*1}

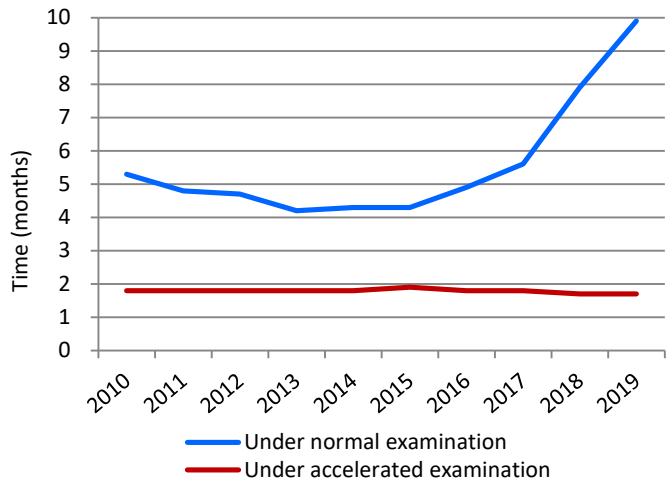
Table T1-2

Calendar Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
3D / Applications	192	196	230	243	265	308	267	295	276	254
Registrations	114	93	130	150	146	174	150	141	137	125
Sound / Applications	-	-	-	-	-	365	133	80	51	37
Registrations	-	-	-	-	-	21	74	113	49	32
Movement / Applications	-	-	-	-	-	80	38	8	26	24
Registrations	-	-	-	-	-	13	47	31	8	17
Position / Applications	-	-	-	-	-	243	80	51	41	44
Registrations	-	-	-	-	-	5	14	21	19	16
Color / Applications	-	-	-	-	-	448	42	22	19	6
Registrations	-	-	-	-	-	0	0	2	5	1
Hologram / Applications	-	-	-	-	-	14	3	0	2	1
Registrations	-	-	-	-	-	1	8	2	1	2

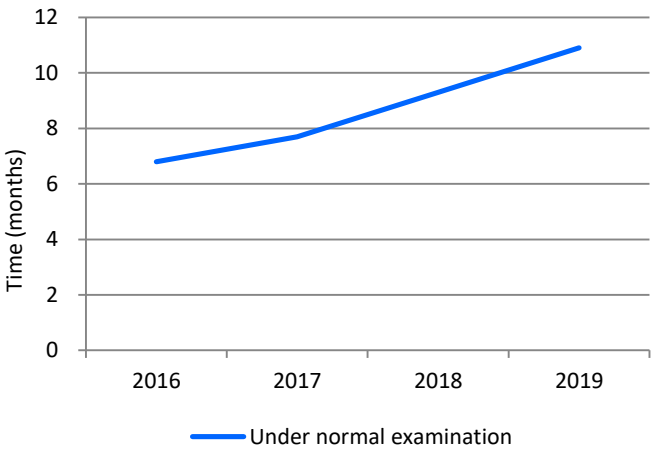
*1 These data do not include the numbers of international trademark applications designating JP.

Average time of pendency

Graph T2-1: Trademark examination pendency to 1st OA*¹

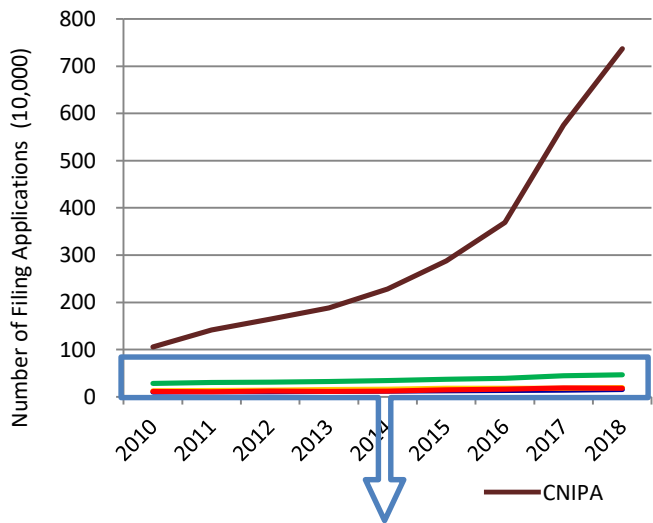


Graph T2-2: Trademark examination pendency to a final disposition*²

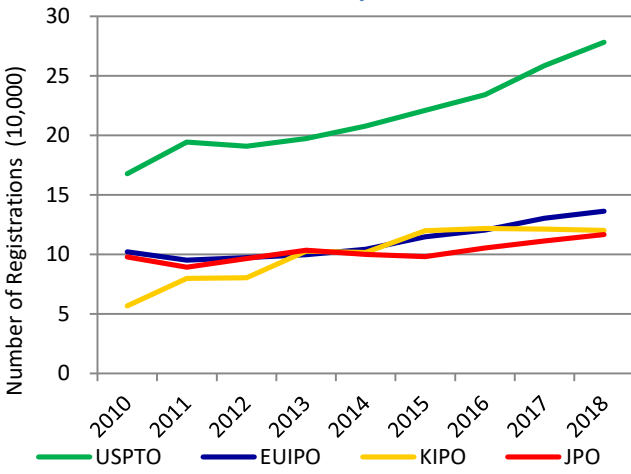
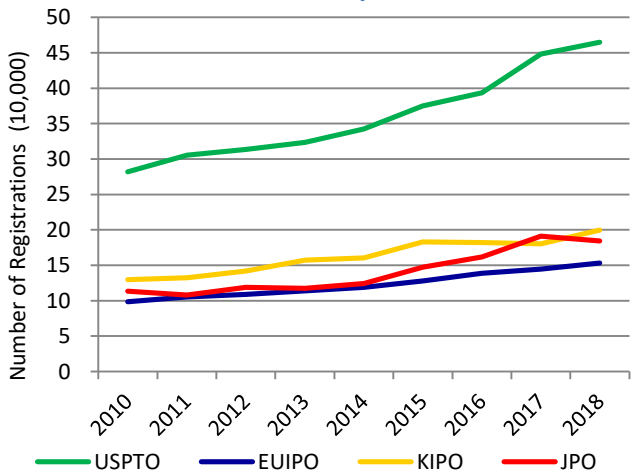
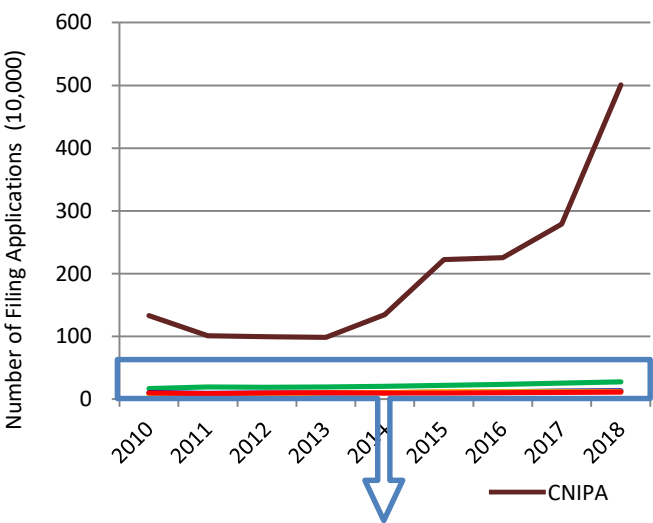


Comparison between the five IP offices

Graph T3-1: Trademark applications at the five IP offices



Graph T3-2: Trademark registrations at the five IP offices



*1 Applications filed on or after February 1, 2020, and satisfy certain requirements, shall be automatically subject to Fast Track Examination, and a first action will be issued within about six months from the filing date.

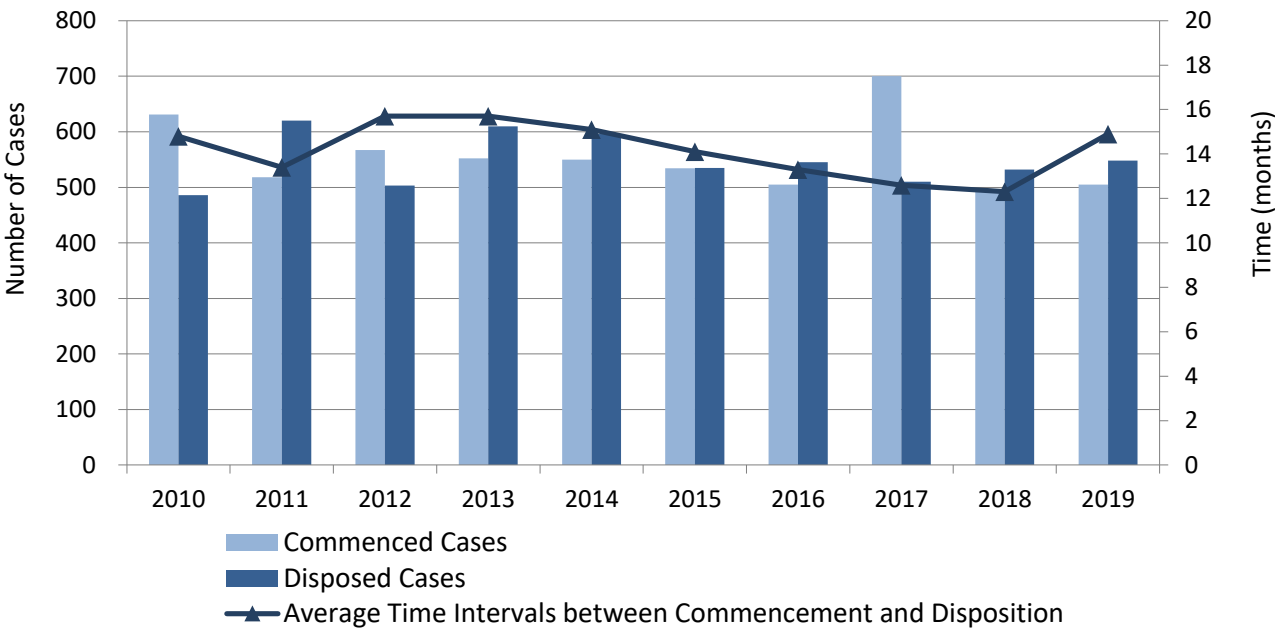
*2 Withdrawal/Abandonment or Decision of Allowance or Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

Statistics: Litigation

Infringement Suits and other IP-Related Civil Cases*¹

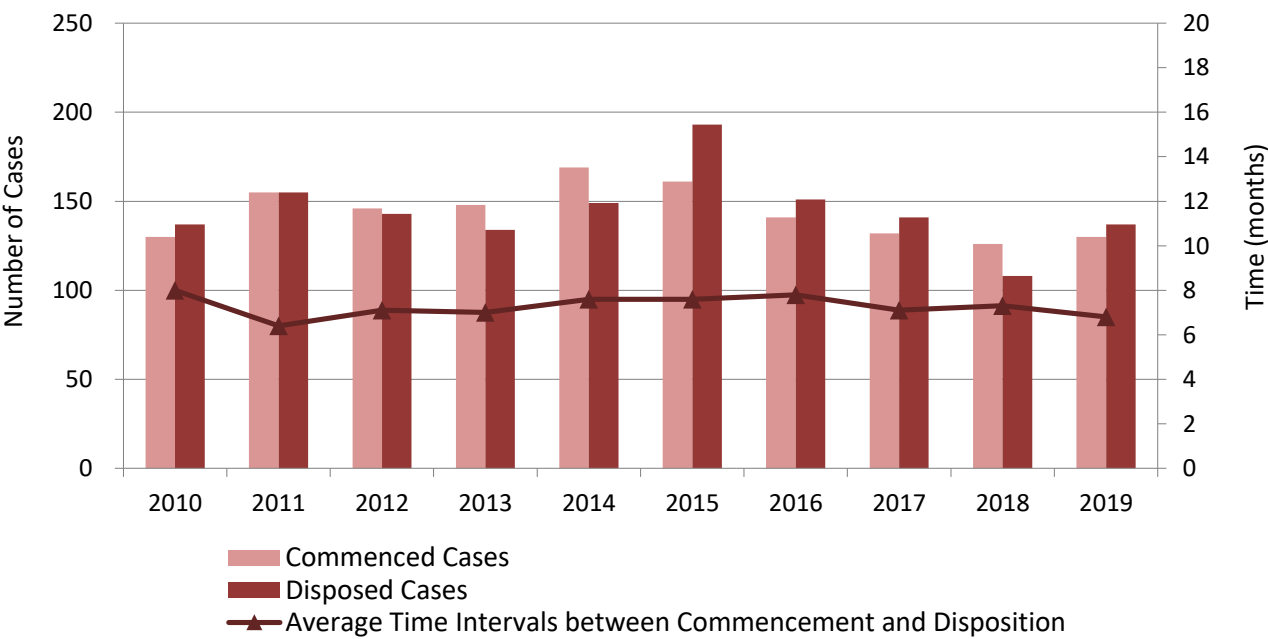
Updated

Graph L1-1: IP-Related Civil Cases at all District Courts (First Instances)



Updated

Graph L1-2: IP-Related Civil Cases at all High Courts (Second Instances)



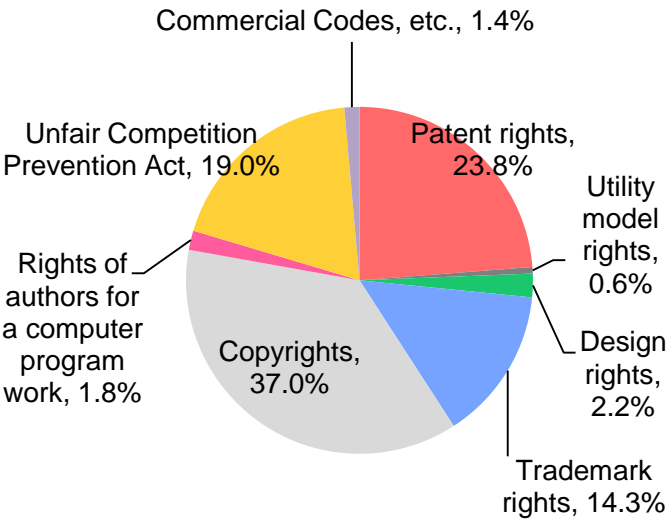
*¹ These data are based on the annual report 2021 by the Intellectual Property High Court (IPHC), and include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

Breakdown of IP-Related Civil Cases by IP Rights*¹ (2019)

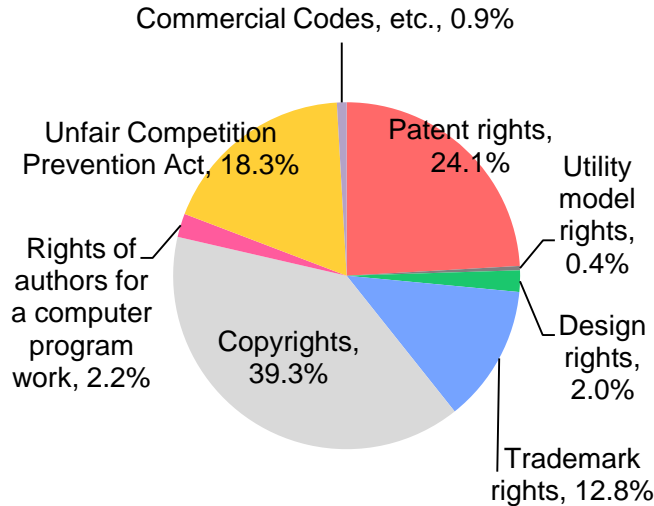
Updated

Graphs L2-1: All District Courts

Commenced



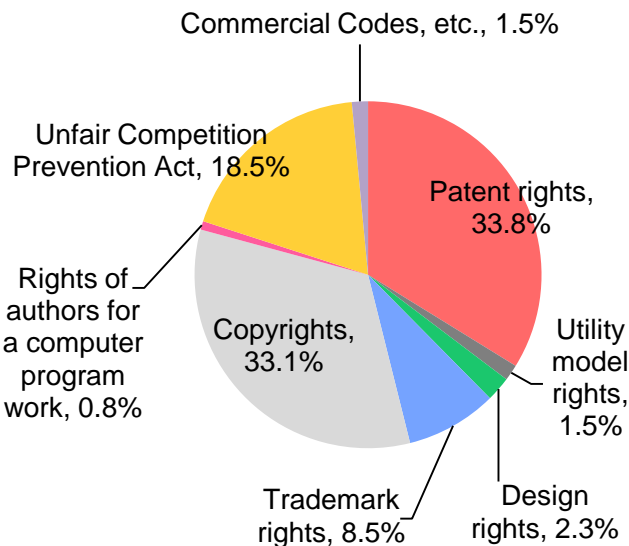
Disposed



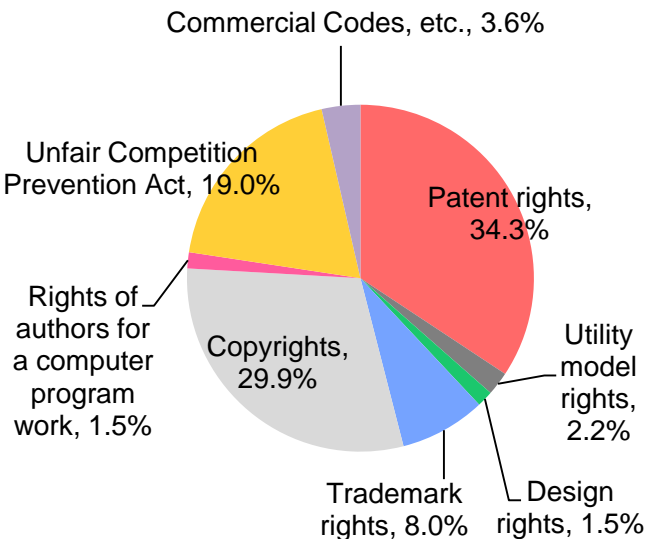
Updated

Graphs L2-2: All High Courts

Commenced

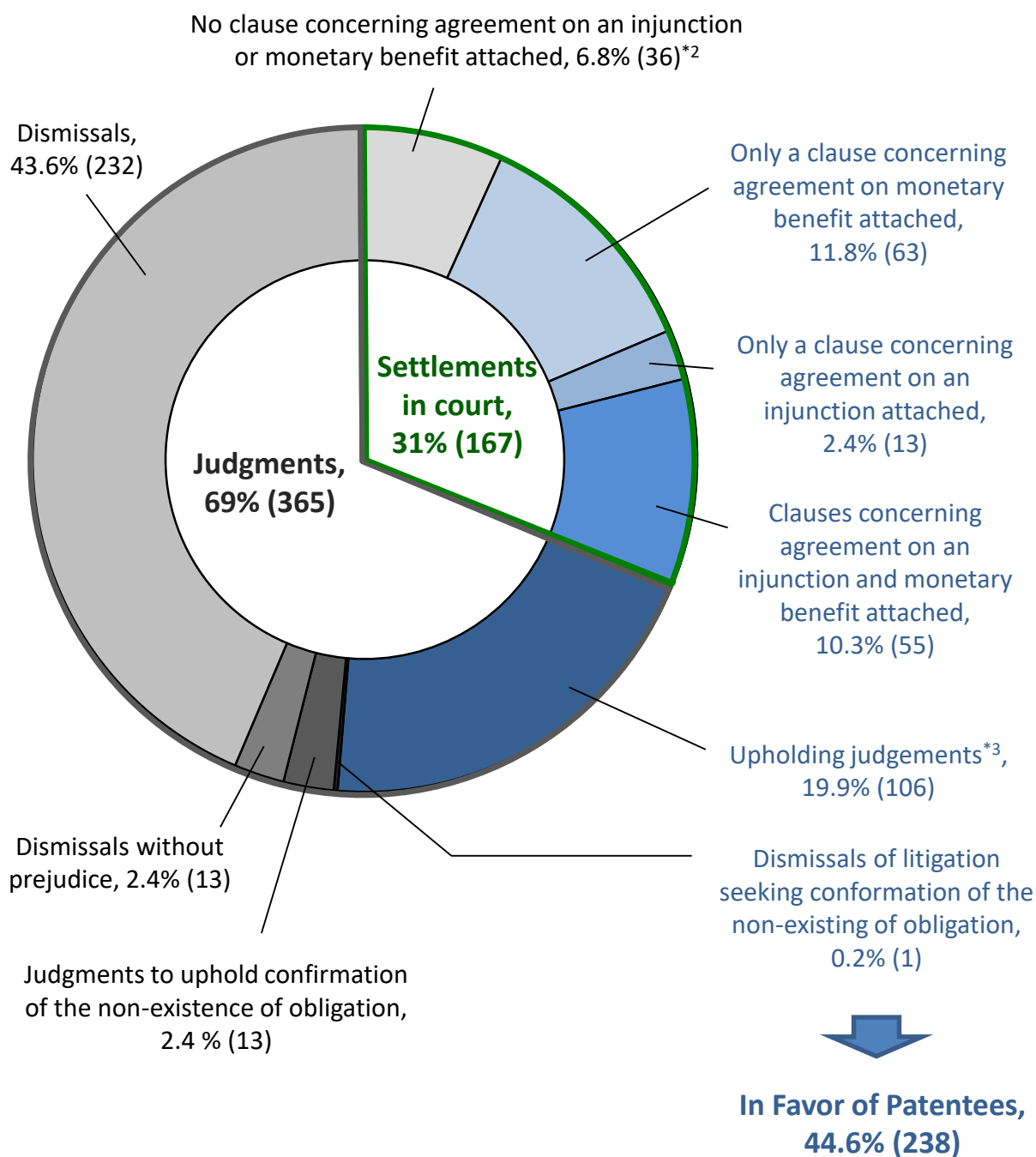


Disposed



*1 These data are based on the report in 2021 by the IPHC, and relate to IP-related civil cases, and thus do not include administrative litigations.

Graph L3: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts*¹ (2014 to 2019)



NEW

Table L1

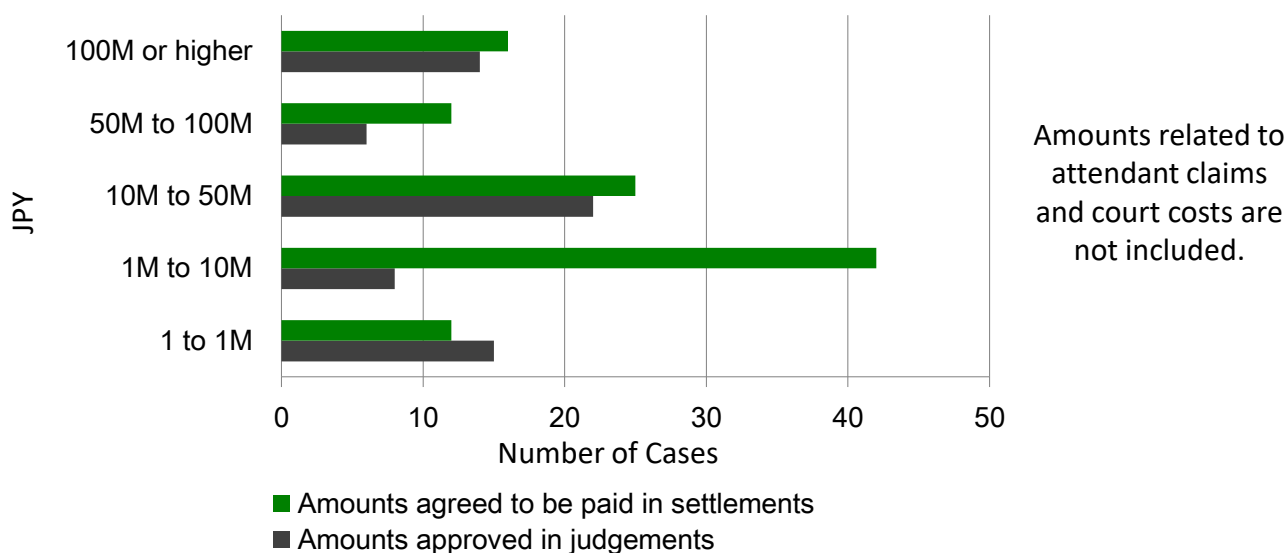
	From 2014 to 2016	2017	2018	2019
Results in favor of patentees	43.3%	43.8%	43.4%	44.6%

*1 These data are based on the annual report 2021 by the IPHC.

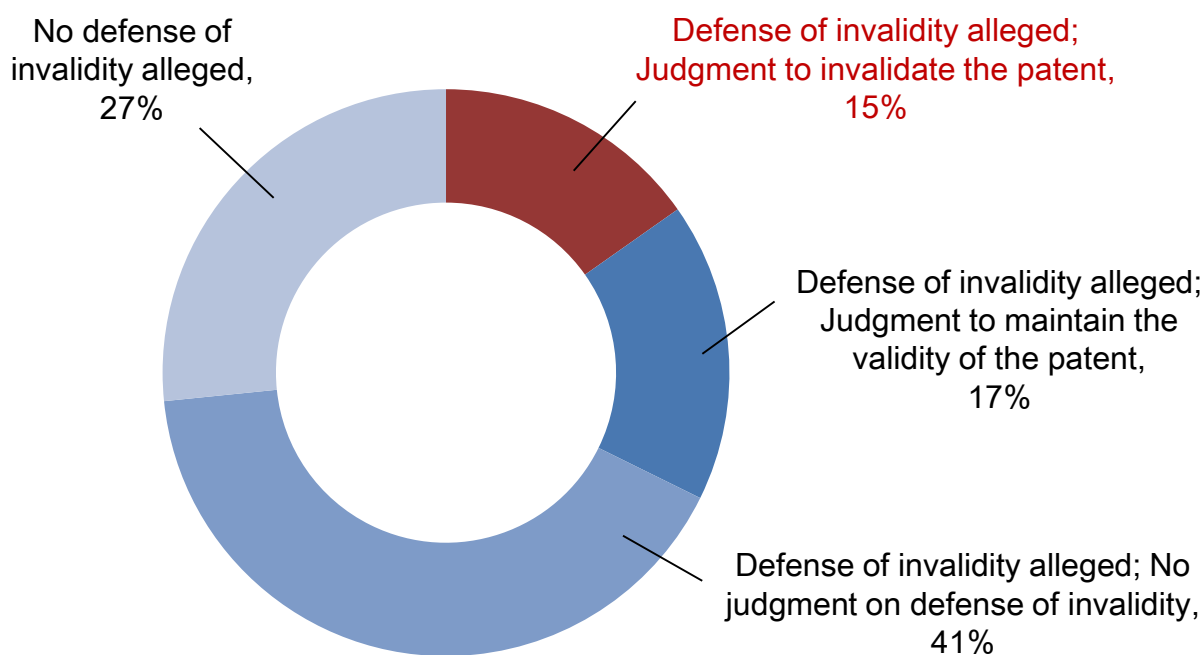
*2 The numbers in parentheses refer to the total number of cases.

*3 Upholding judgments include judgements that partially uphold the claim.

Graph L4: Amounts Approved in Judgements and agreed to be paid in settlements in court in patent infringement cases*¹ (2014-2019)



Graph L5: Whether defense of invalidity was judged and how it was judged in patent infringement cases*¹ (2014 to 2019)



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.

*1 These data are based on the annual report 2021 by the IPHC.