

IP Statistics 2022

Seiwa Patent & Law

(Tokyo, JAPAN)

August 2022

Abstract: This article summarizes recent statistical data in intellectual properties, such as 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 includes **updates based on the IPHC statistical data updated in June 2022, and the JPO Annual Report 2022 Edition published in July 2022, etc.**

- The patent grant rate in appeals against examiner's decision of final rejection has been increasing, and was 77% in 2021. (page 3, Graph P3-3)
- The revocation rate of patent post-grant oppositions in which all or part of the subject claims were revoked from 2015 to 2020 was low at 11.6%. However, the total rate of oppositions in which the scope of the subject claims was changed by being revoked or amended was 63.3%. (page 4, graph P4-4)

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

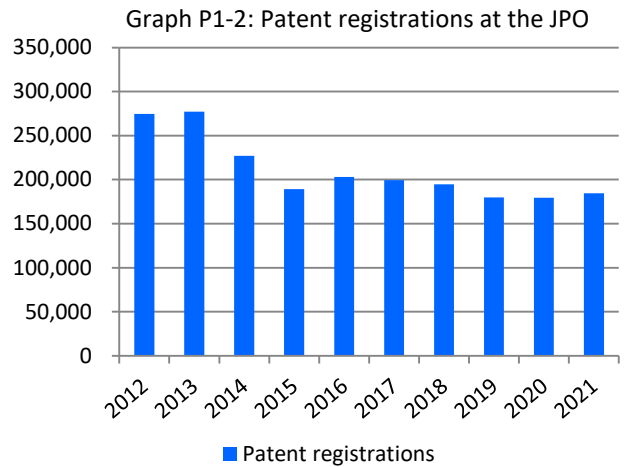
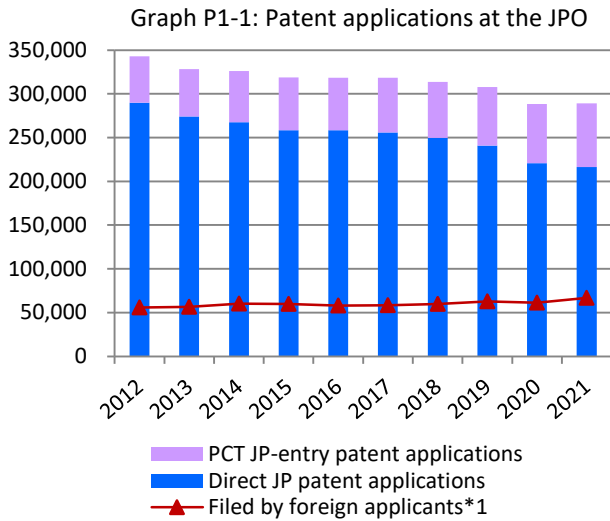
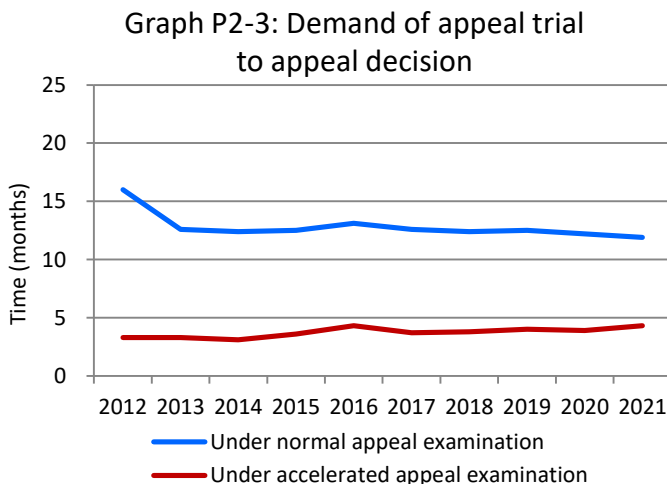
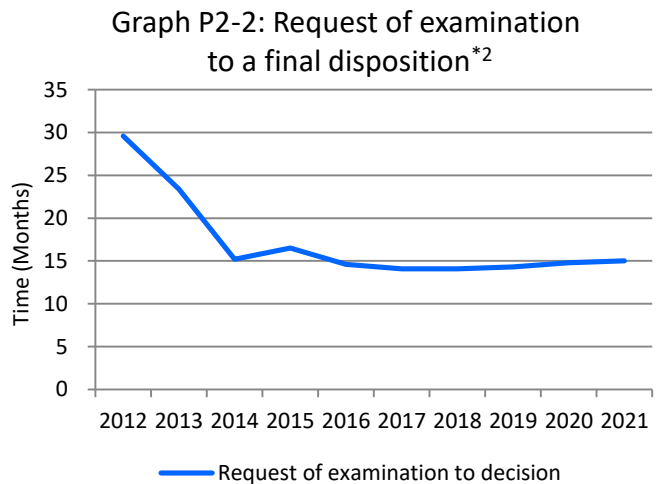
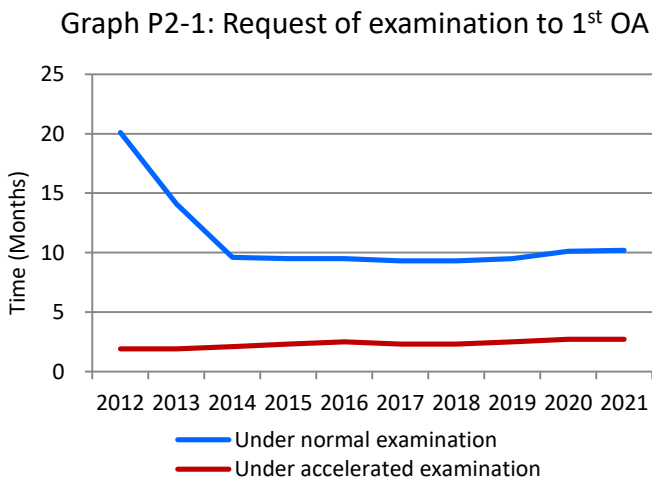


Table P1

Calendar Year	2017	2018	2019	2020	2021	y/y
JP patent applications in total	318,481	313,567	307,969	288,472	289,200	+0.3%
PCT JP-entry patent applications	62,530	64,013	66,968	67,634	72,782	+7.6%
Direct JP patent applications	255,951	249,554	241,001	220,838	216,418	-2.0%
Patent registrations	199,577	194,525	179,910	179,383	184,372	+2.8%

Average time of pendency



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.

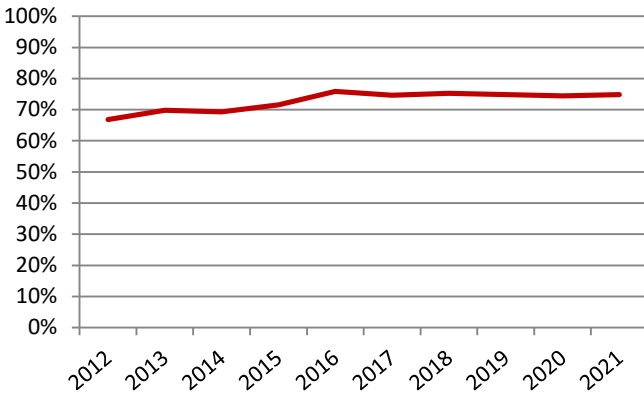
*1 Sum of PCT JP-entry and direct-JP patent applications filed by foreign applicants.

*2 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.

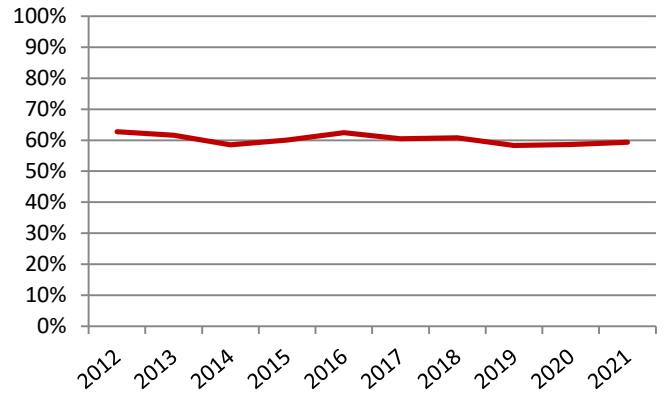
Updated

Grant rate at the JPO

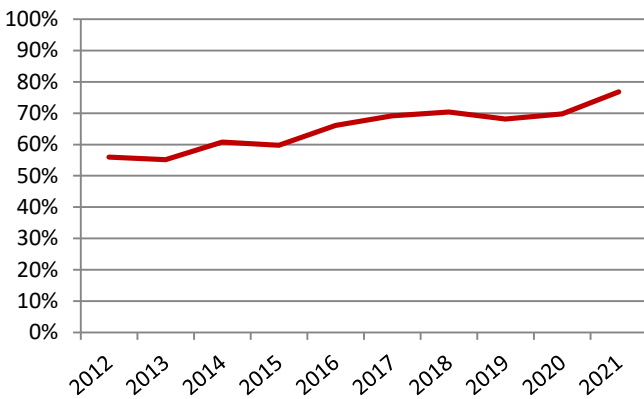
Graph P3-1: Grant rate at examination*1



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



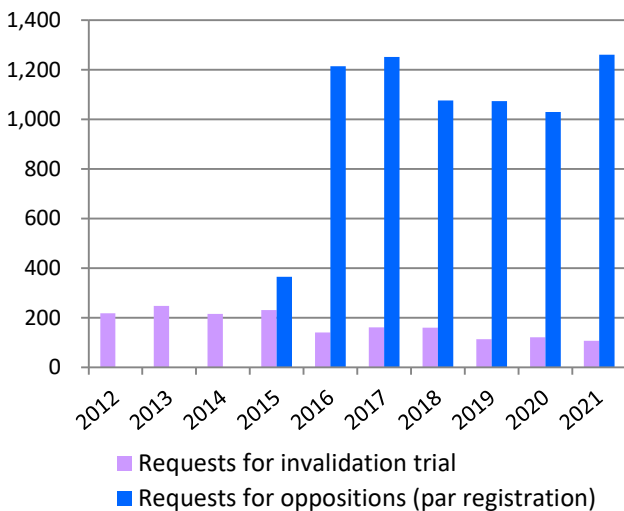
Graph P3-3: Grant rate at appeal*3



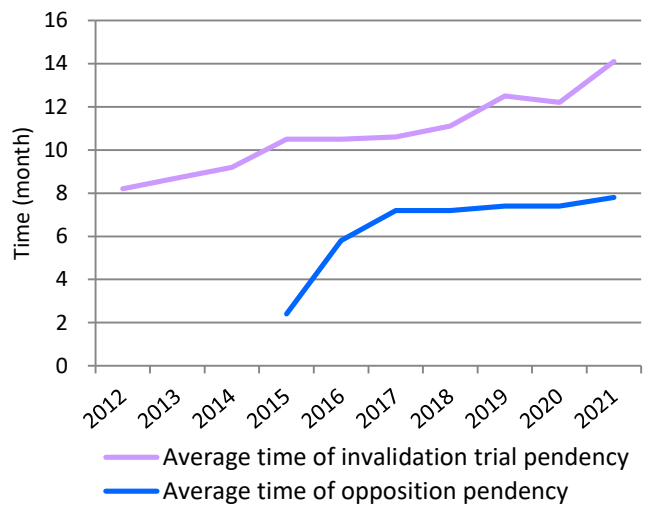
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

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)

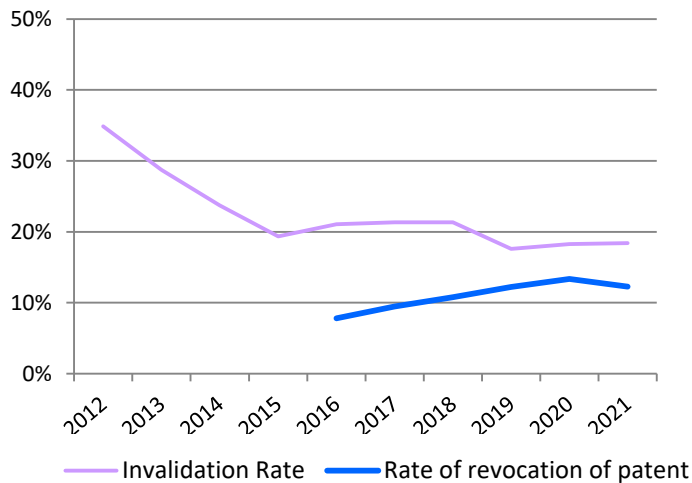
*2 Grant rate at pretrial reexamination = decisions of grant at pretrial reexamination / (decisions of grant at pretrial reexamination + cases transferred to appeal + withdrawal or abandonment at pretrial reexamination)

*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

Updated

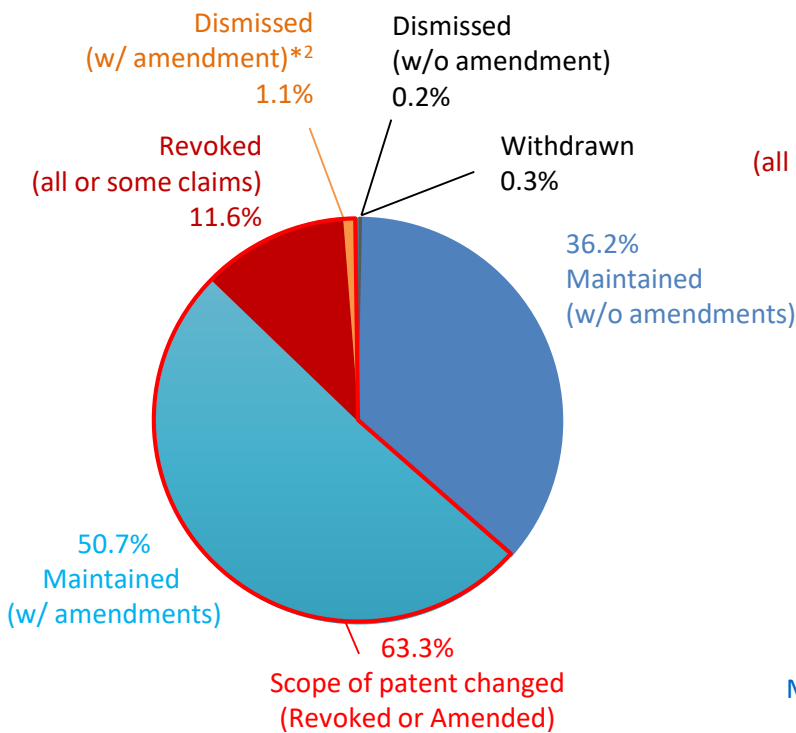
Graph P4-3: Rate of invalidation and revocation of patent (all or some claims)*1



Updated

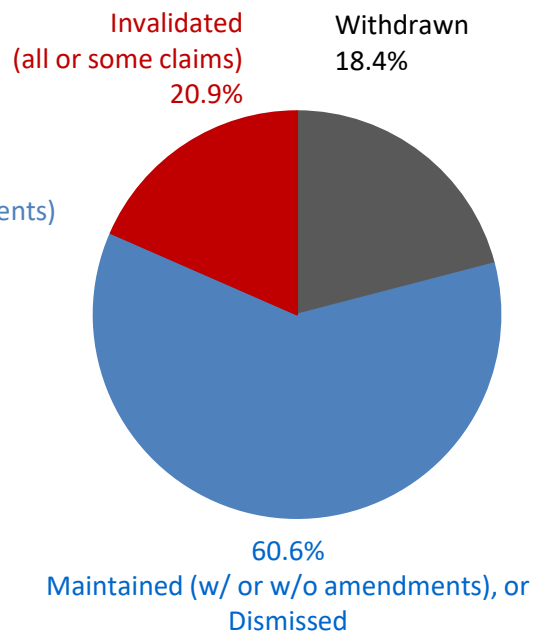
Breakdown of the Results of Oppositions & Invalidation Trials

Graph P4-4: The Results of Oppositions



Outcomes of Oppositions filed from Apr. 2015 to Dec. 2020, calculated at the end of Dec. 2020

Graph P4-5: The Results of Invalidation Trials



Outcomes of Invalidation Trials disposed from Jan. 2017 to Dec. 2021

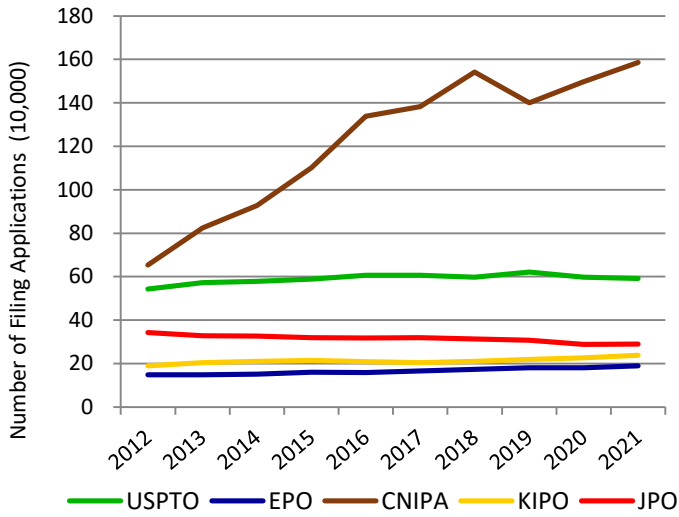
*1 Rate of Invalidation of Patent (all or some claims) = Trial Decisions to Invalidate all or some claims of Patent / (Trial Decisions to Invalidate all or some claims of Patent + Trial Decisions to Maintain Patent)
 Rate of Revocation of Patent (all or some claims) = Trial Decisions to Revoke all claims of Patent / (Trial Decisions to Revoke all or some claims of Patent + Trial Decisions to Maintain Patent)
 The rate of invalidation and rate of revocation are calculated as a three-year moving average.

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

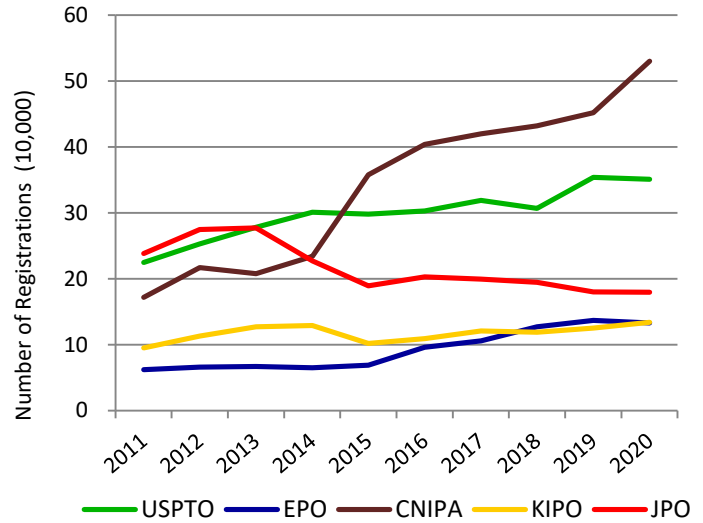
Comparison between the five IP offices

Updated

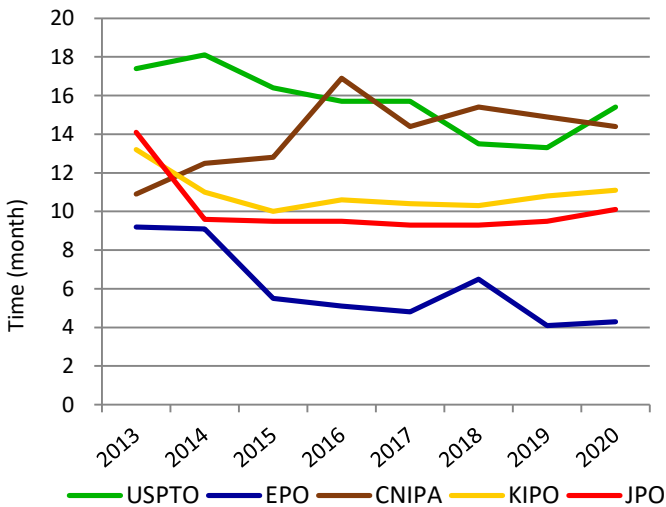
Graph P5-1: Patent applications at the five IP offices



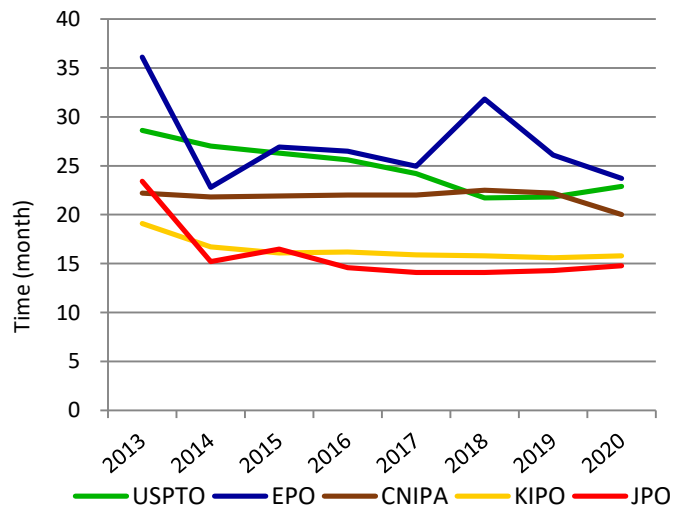
Graph P5-2: Patent registrations at the five IP offices



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



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:

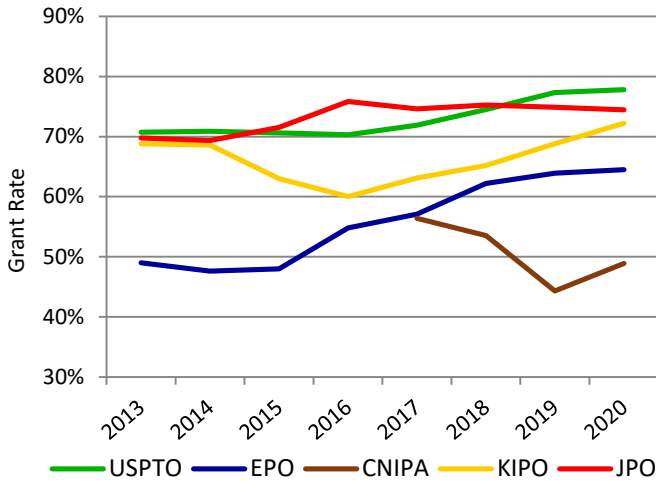
JPO = average time of from requesting examination to withdrawal, abandonment, or Decision of Allowance or Decision of Rejection

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)

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)

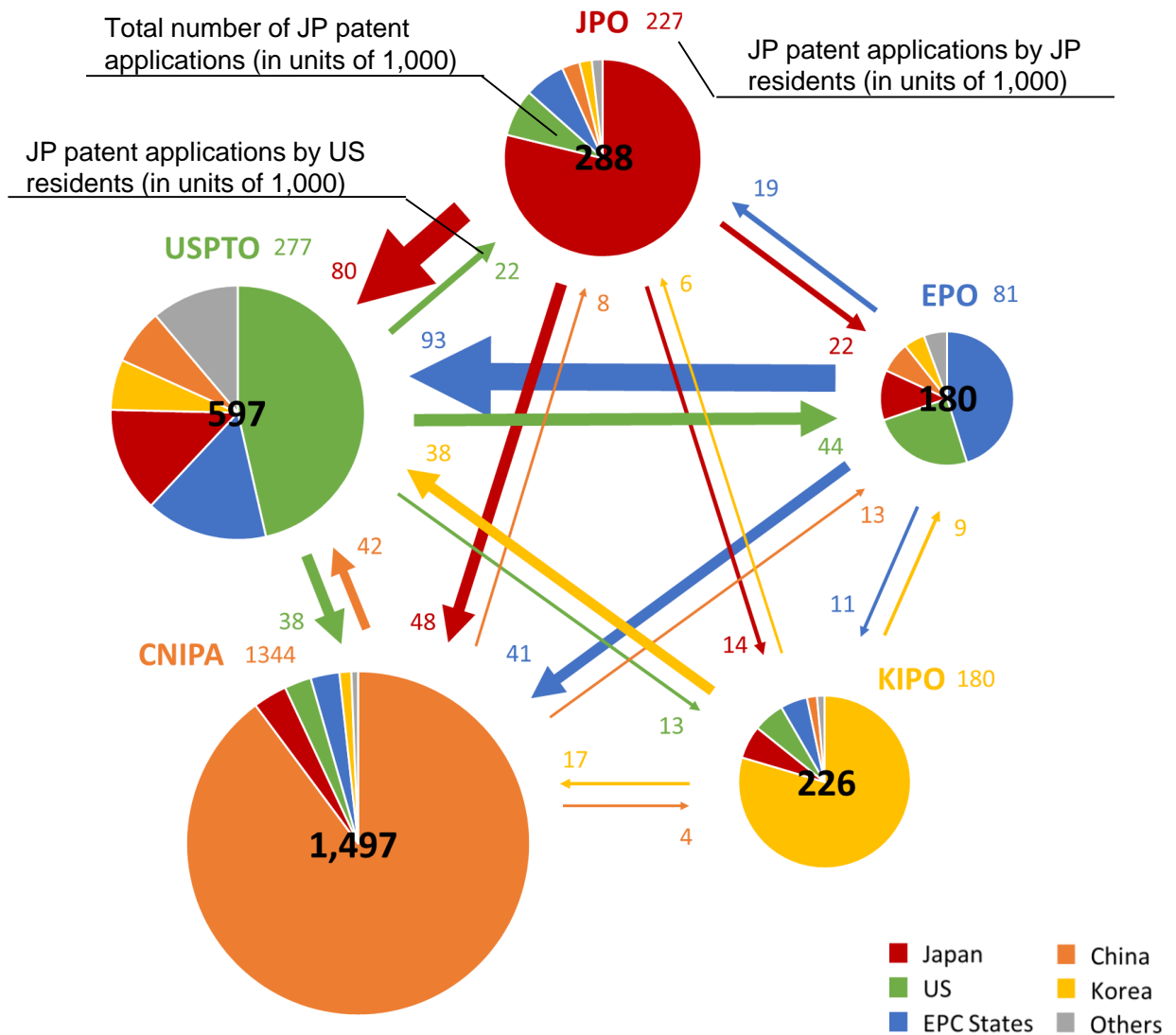
USPTO = Patent Grants / Patent Applications

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.

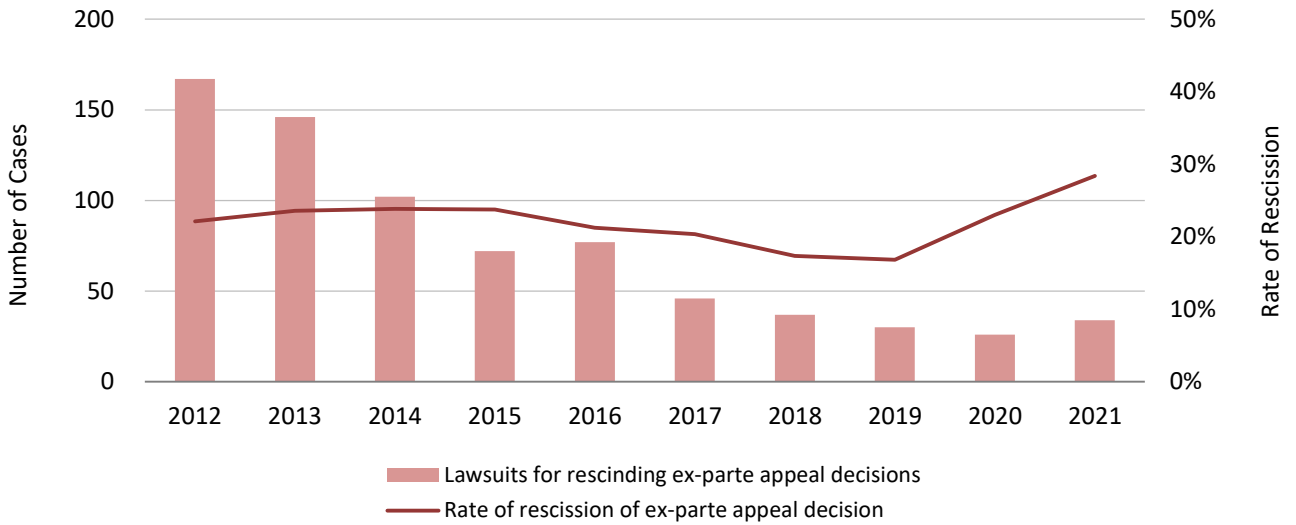
Graph P6: Patent applications filed at the five IP offices by origin*² (in 2020)



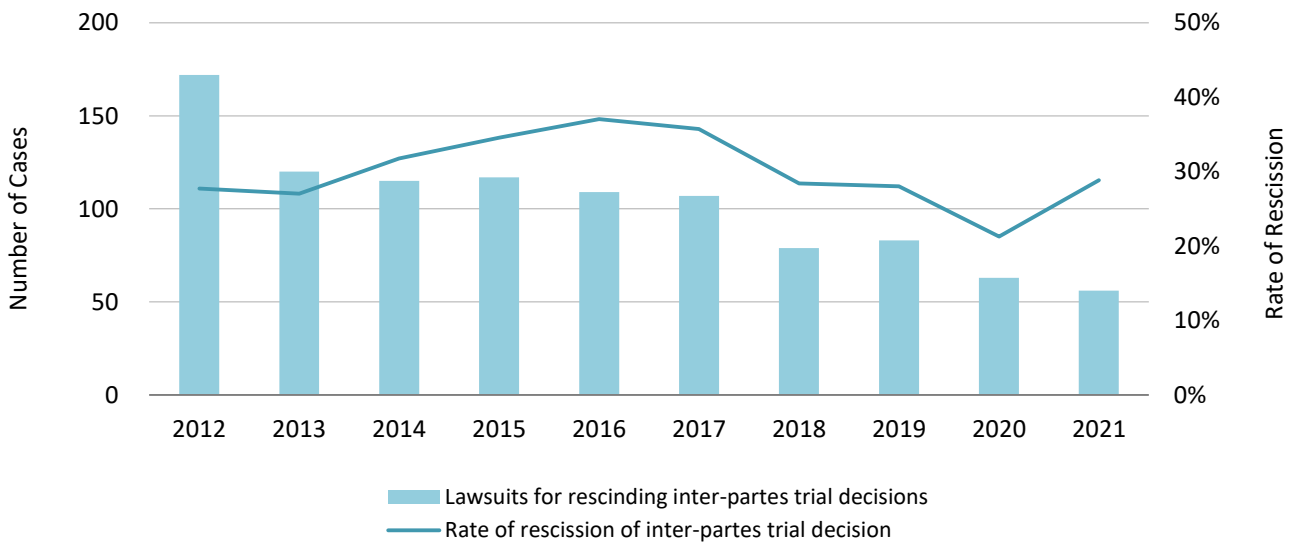
*2 The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

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



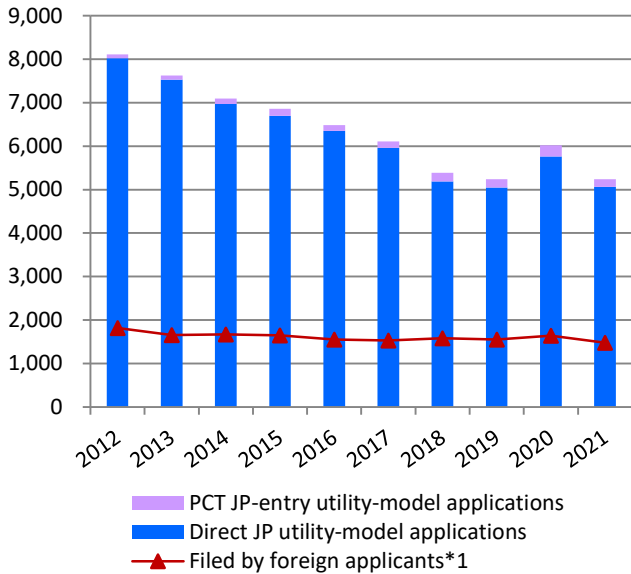
*1 These data include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment in relation to patent applications. Rate of rescission is a three-year moving average.

*2 These data include lawsuits against Trial Decisions of Invalidation and Correction Trials in relation to patent rights. Rate of rescission is a three-year moving average.

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

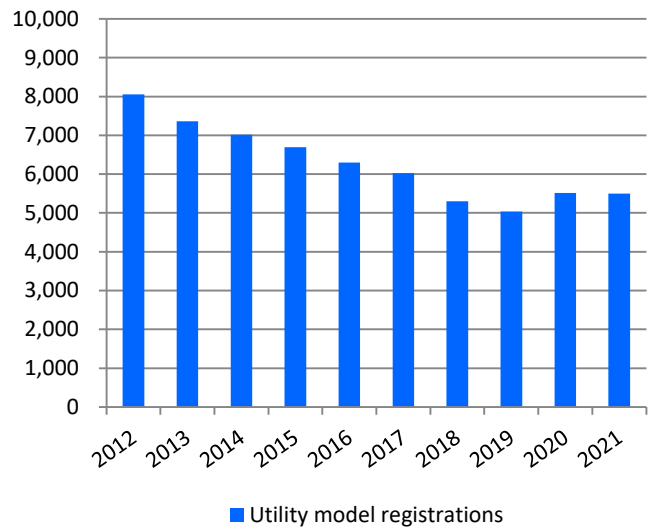
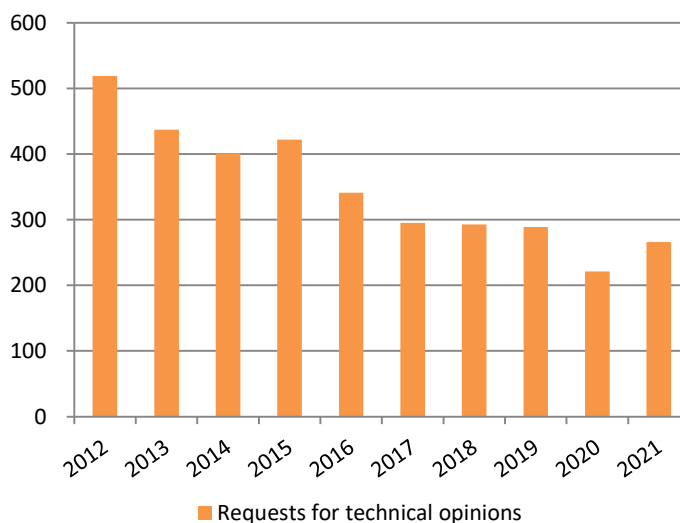


Table U1

Calendar Year	2017	2018	2019	2020	2021	y/y
JP utility-model applications in total	6,106	5,388	5,241	6,018	5,239	-12.9%
PCT JP-entry utility-model applications	144	199	191	253	180	-28.9%
Direct JP utility-model applications	5,962	5,189	5,050	5,765	5,059	-12.2%
Utility model registrations	6,024	5,303	5,033	5,518	5,499	-0.3%
Requests for technical opinions	295	293	289	221	266	+20.4%

Requests for Technical Opinions*2

Graph U2



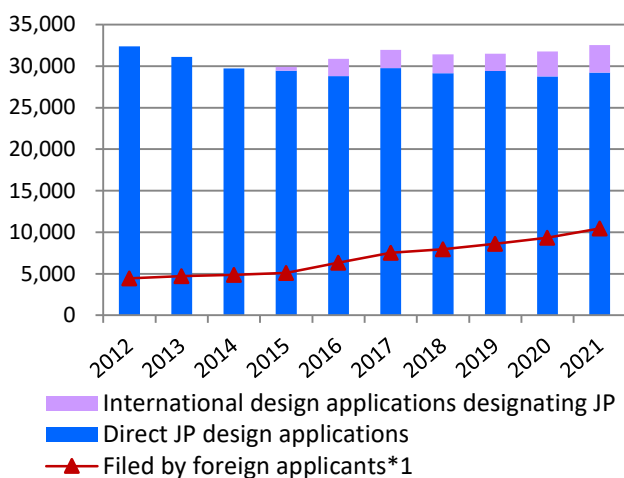
*1 Sum of PCT JP-entry and direct-JP utility-model applications filed by foreign applicants.

*2 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

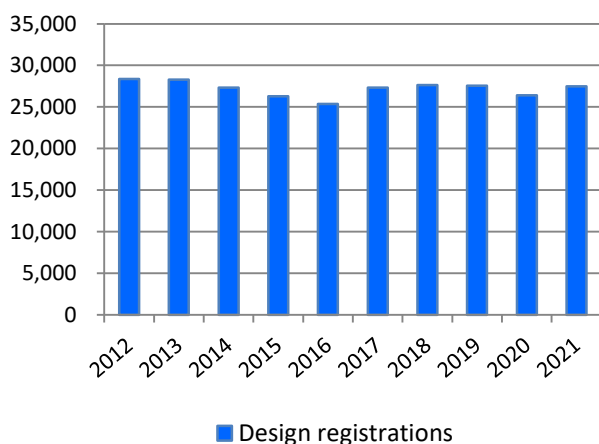


Table D1-1

	Calendar Year	2017	2018	2019	2020	2021	y/y
JP design applications in total		31,961	31,406	31,489	31,752	32,525	+2.4%
International design applications designating JP		2,216	2,261	2,072	2,986	3,303	+10.6%
Direct JP design applications		29,745	29,145	29,417	28,766	29,222	+1.6%
Design registrations		27,335	27,618	27,556	26,417	27,490	+4.1%

The number of applications and registrations for new types of design (from April 1, 2020 to March 1, 2022)

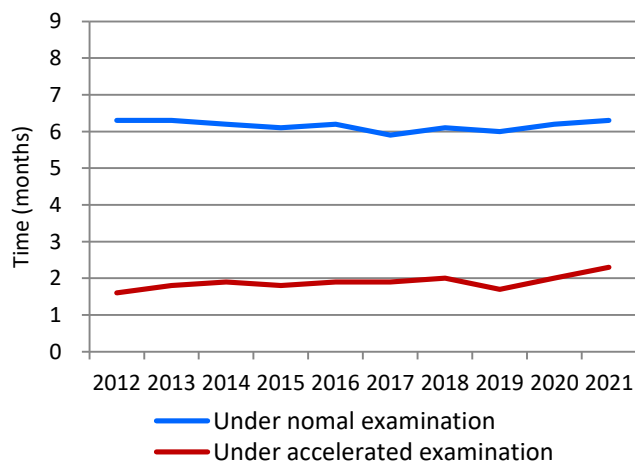
Table D1-2

	Applications	Registrations
Graphic Images	2,304	838
Buildings	667	319
Interior Designs	461	169

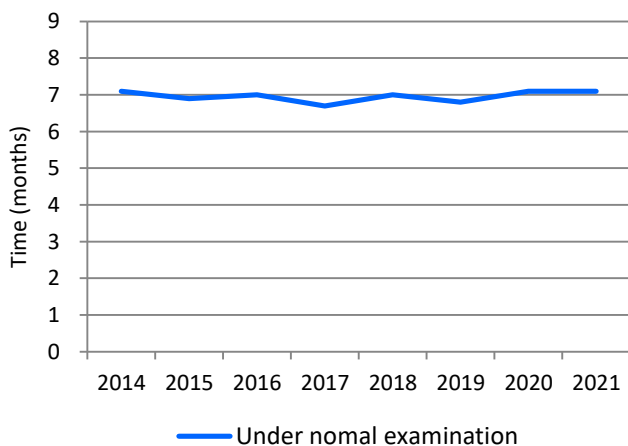
It became possible to protect graphic images, buildings and interior designs from April 1, 2020. This table shows the number of applications and registrations for these new types of design from April 1, 2020 to March 1, 2022.

Average time of pendency

Graph D2-1: Examination pendency to 1st OA



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

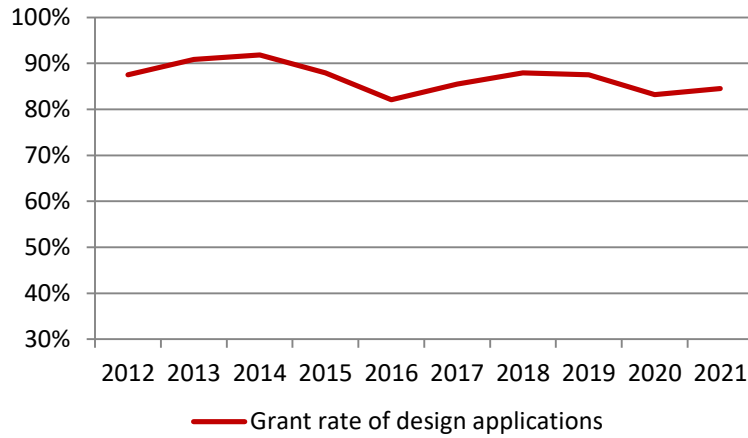


*1 Sum of international design applications designating JP and direct-JP design applications filed by foreign applicants.

*2 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

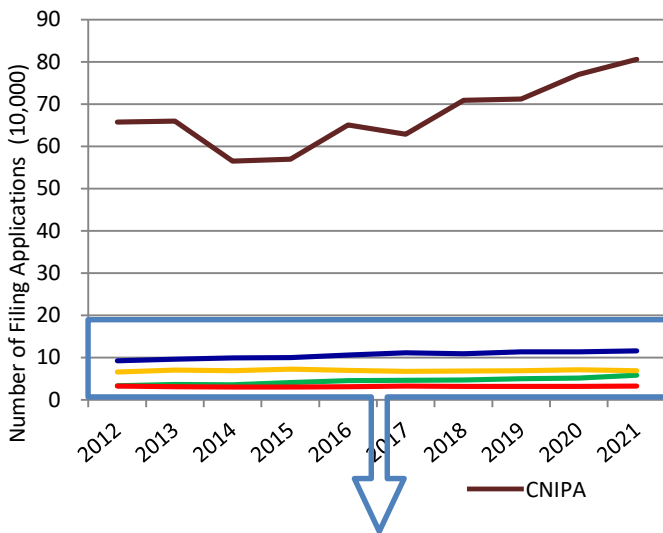
Graph D3: Design grant rate



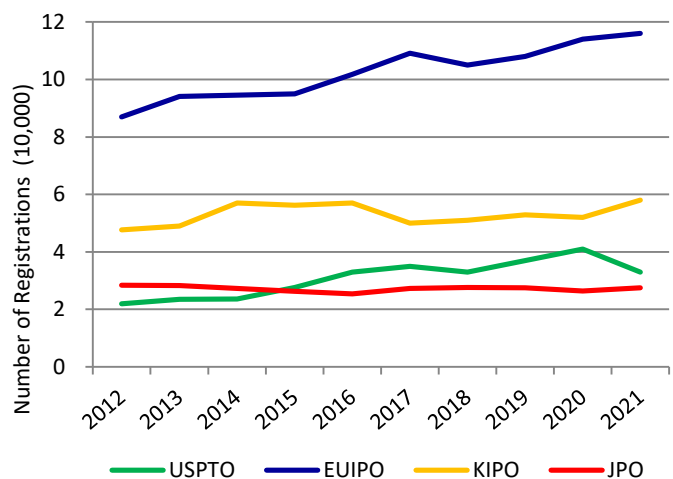
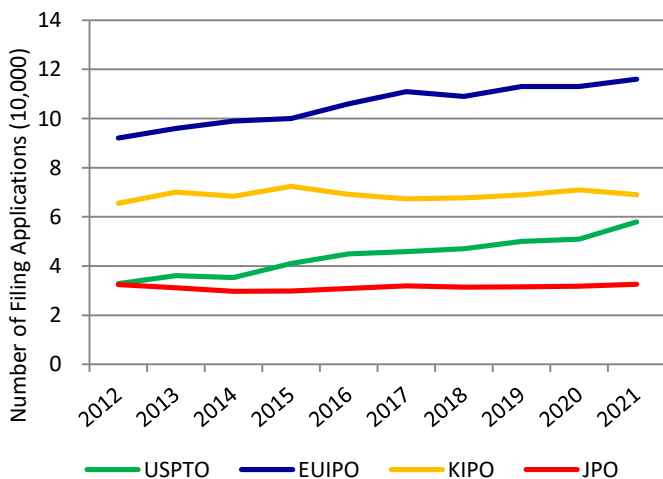
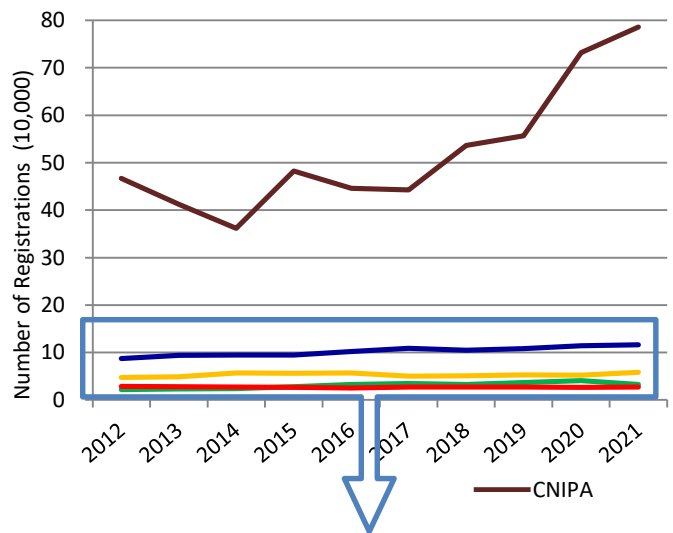
Updated

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

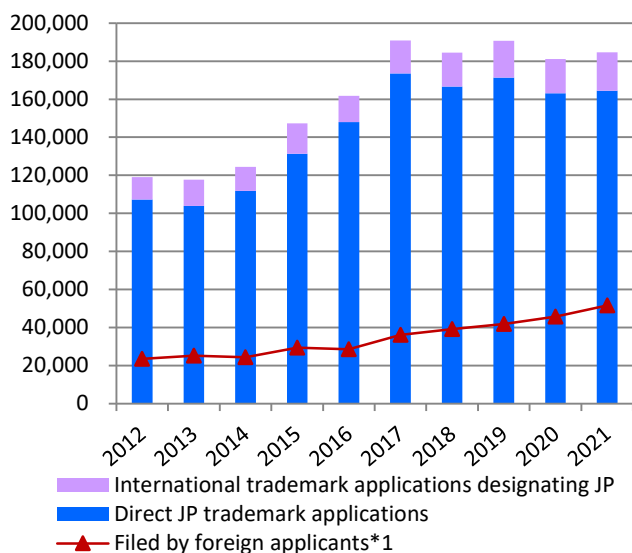


*1 Grant Rate of Design Applications = Design Registrations / Design Applications

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

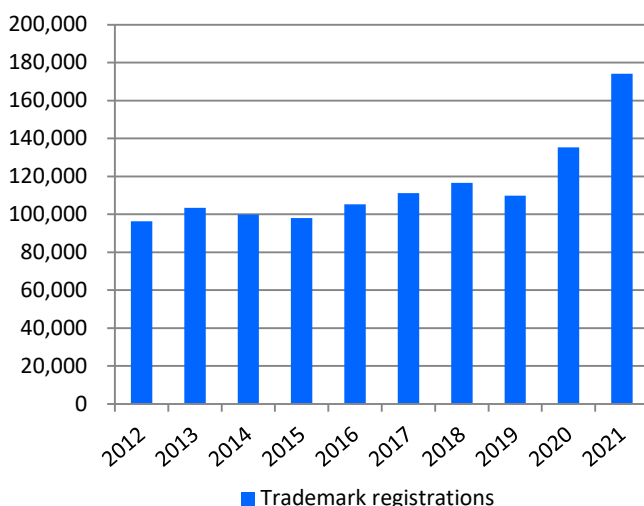


Table T1-1

	Calendar Year	2017	2018	2019	2020	2021	y/y
JP trademark applications in total		190,939	184,483	190,773	181,072	184,631	+2.0%
International trademark applications designating JP		17,328	17,802	19,450	17,924	20,094	+12.1%
Direct JP trademark applications		173,611	166,681	171,323	163,148	164,537	+0.9%
Trademark registrations		111,180	116,547	109,859	135,313	174,098	+28.7%

Updated

Trademark applications by different types of trademark*2

Table T1-2

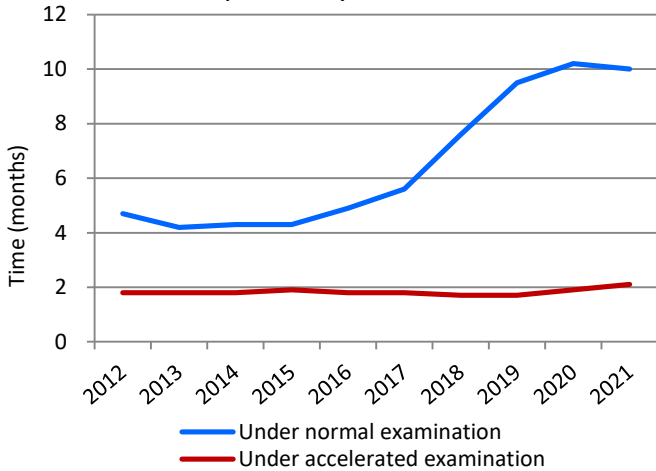
Calendar Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
3D / Applications	230	243	265	308	267	295	276	254	285	337
Registrations	130	150	146	174	150	141	137	125	155	160
Sound / Applications	-	-	-	365	133	80	51	37	20	22
Registrations	-	-	-	21	74	113	49	32	28	18
Movement / Applications	-	-	-	80	38	8	26	24	18	22
Registrations	-	-	-	13	47	31	8	17	20	16
Position / Applications	-	-	-	243	80	51	41	44	40	44
Registrations	-	-	-	5	14	21	19	16	15	13
Color / Applications	-	-	-	448	42	22	19	6	5	8
Registrations	-	-	-	0	0	2	5	1	0	0
Hologram / Applications	-	-	-	14	3	0	2	1	0	0
Registrations	-	-	-	1	8	2	1	2	1	0

*1 Sum of international trademark applications designating JP and direct-JP trademark applications filed by foreign applicants.

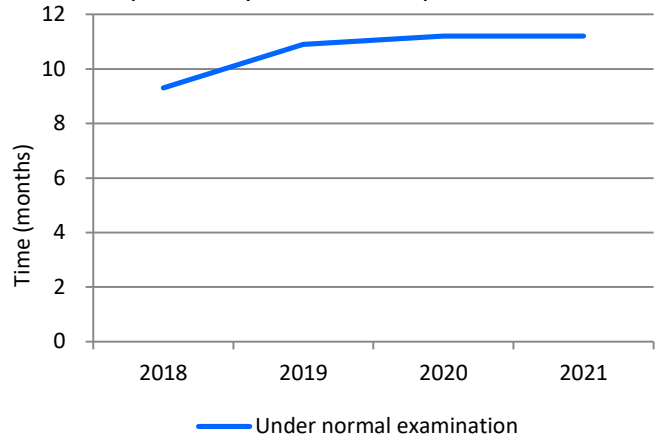
*2 These data do not include the numbers of international trademark applications designating JP.

Average time of pendency

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

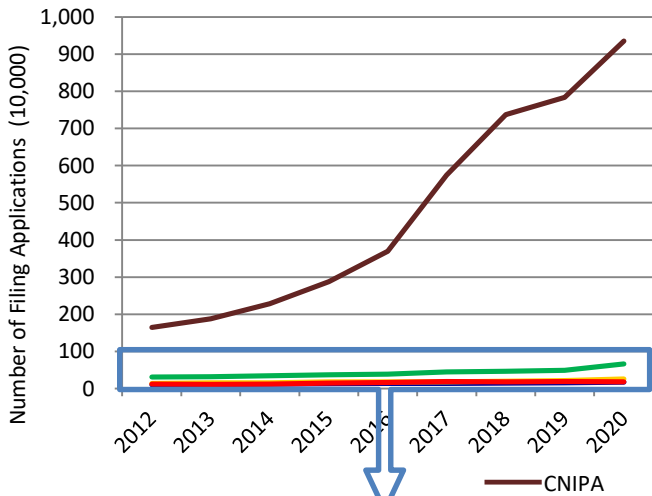


Graph T2-2: Trademark examination pendency to a final disposition*2

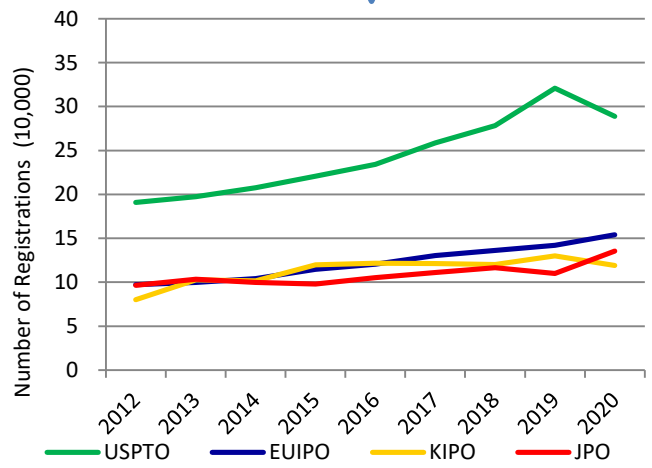
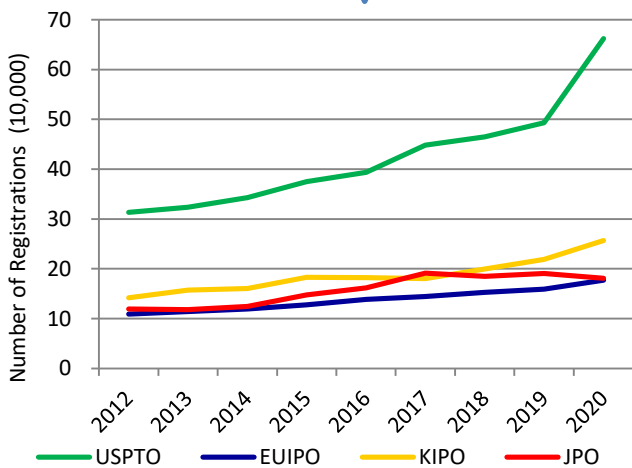
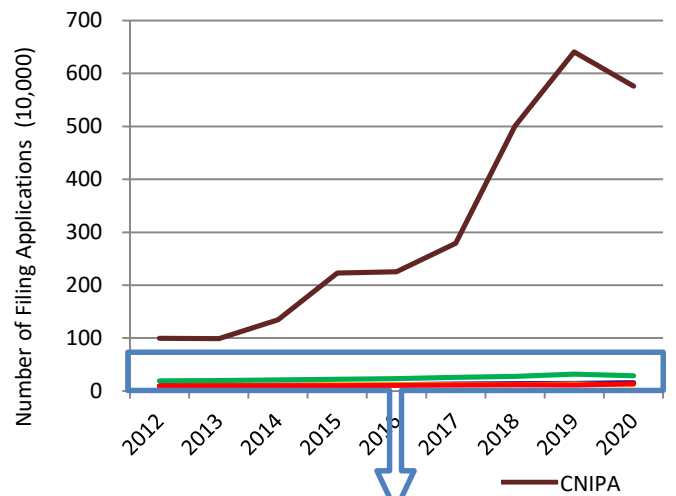


Comparison between the five IP offices

Graph T3-1: Trademark applications at the five IP offices*3



Graph T3-2: Trademark registrations at the five IP offices*3



*1 Applications that were 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.

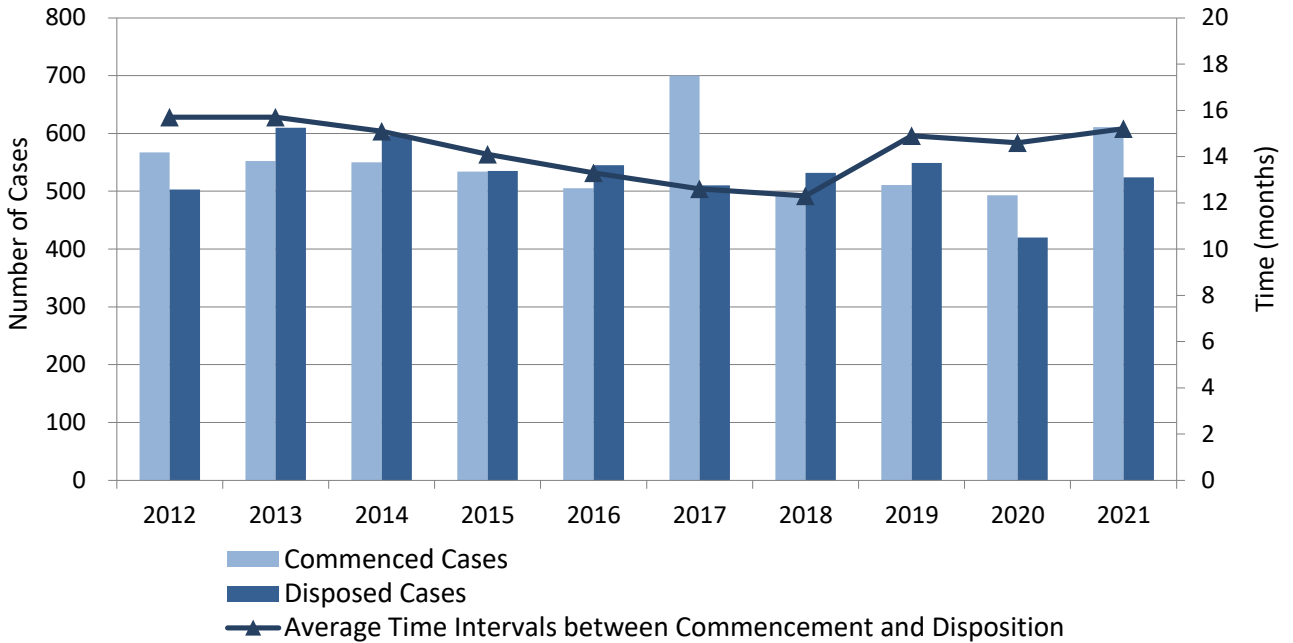
*2 Withdrawal/Abandonment or Decision of Allowance or Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

*3 Since CNIPA does not publish the number of trademark applications, the values are based on the number of trademark classes.

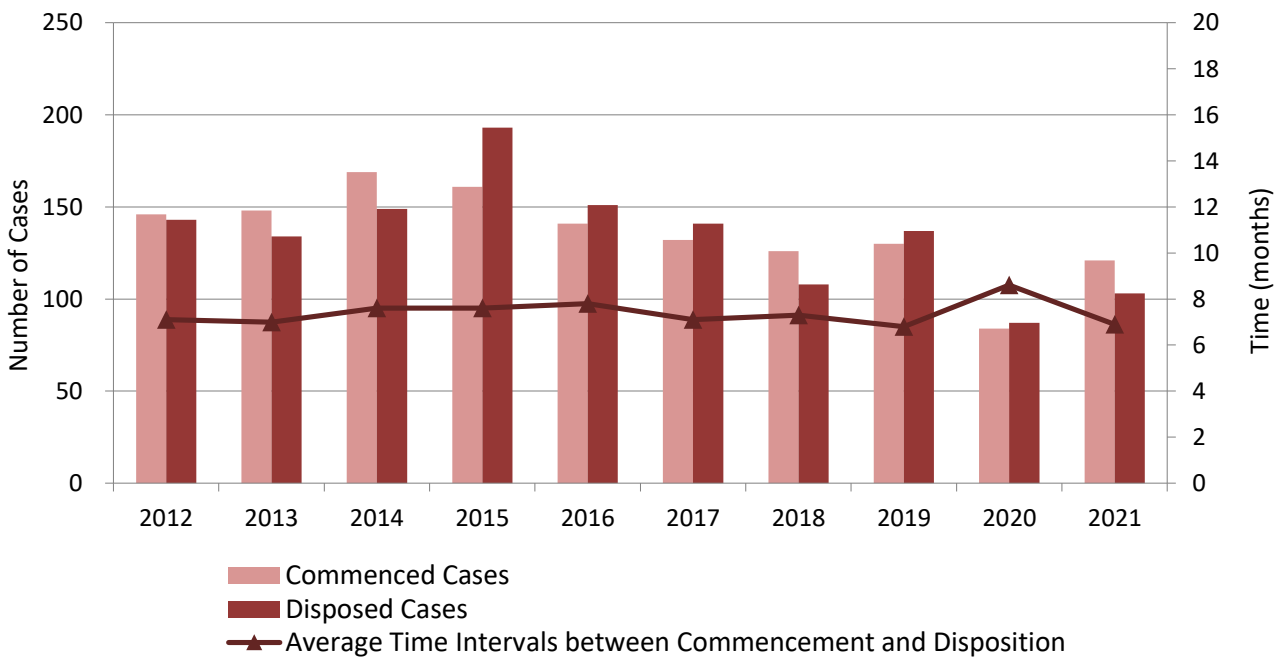
Statistics: Litigation

Updated Infringement Suits and other IP-Related Civil Cases*¹

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



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

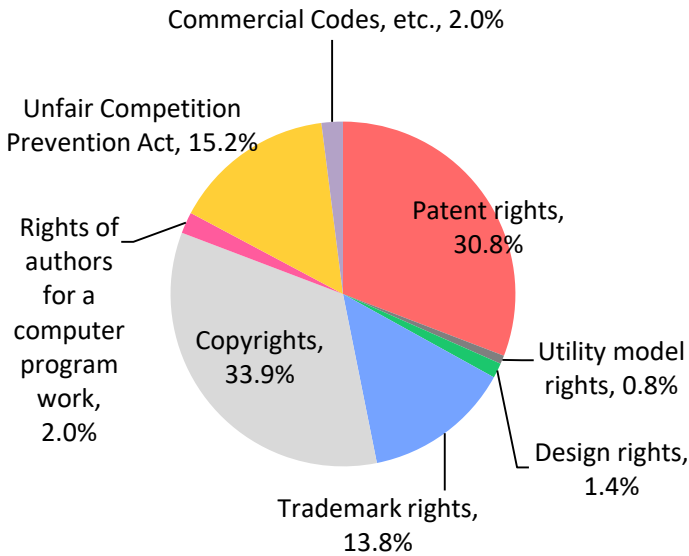


*¹ These data include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

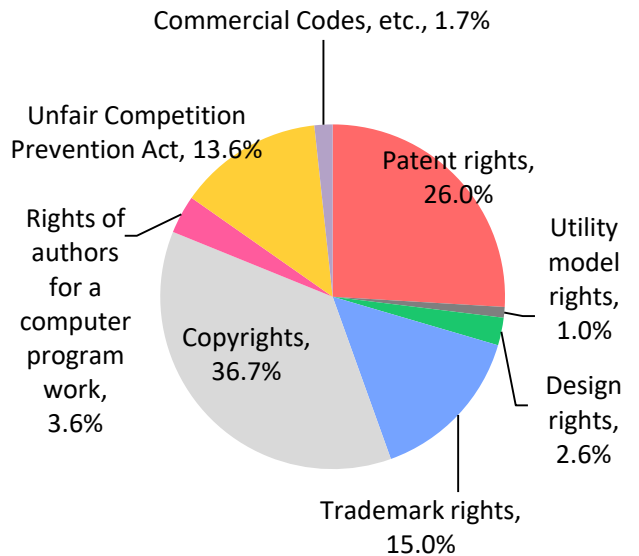
Breakdown of IP-Related Civil Cases by IP Rights*1 (2020)

Graphs L2-1: All District Courts

Commenced

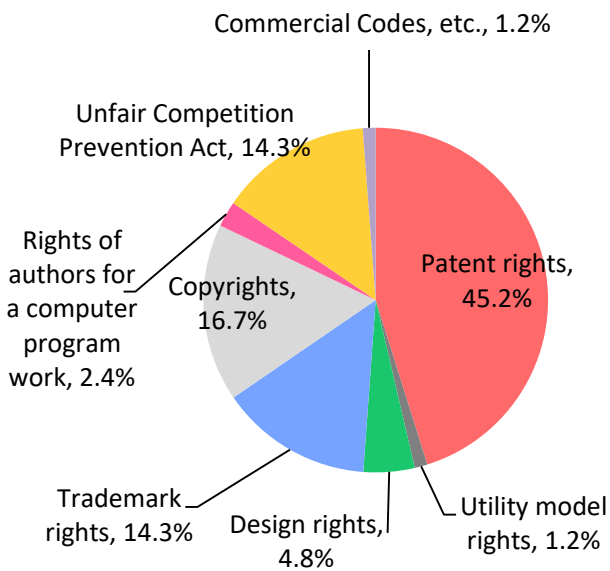


Disposed

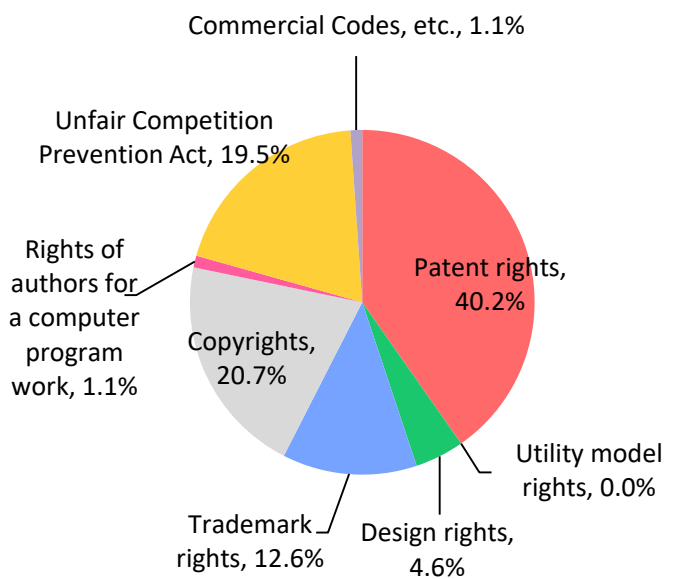


Graphs L2-2: All High Courts

Commenced



Disposed



*1 These data 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 2021)

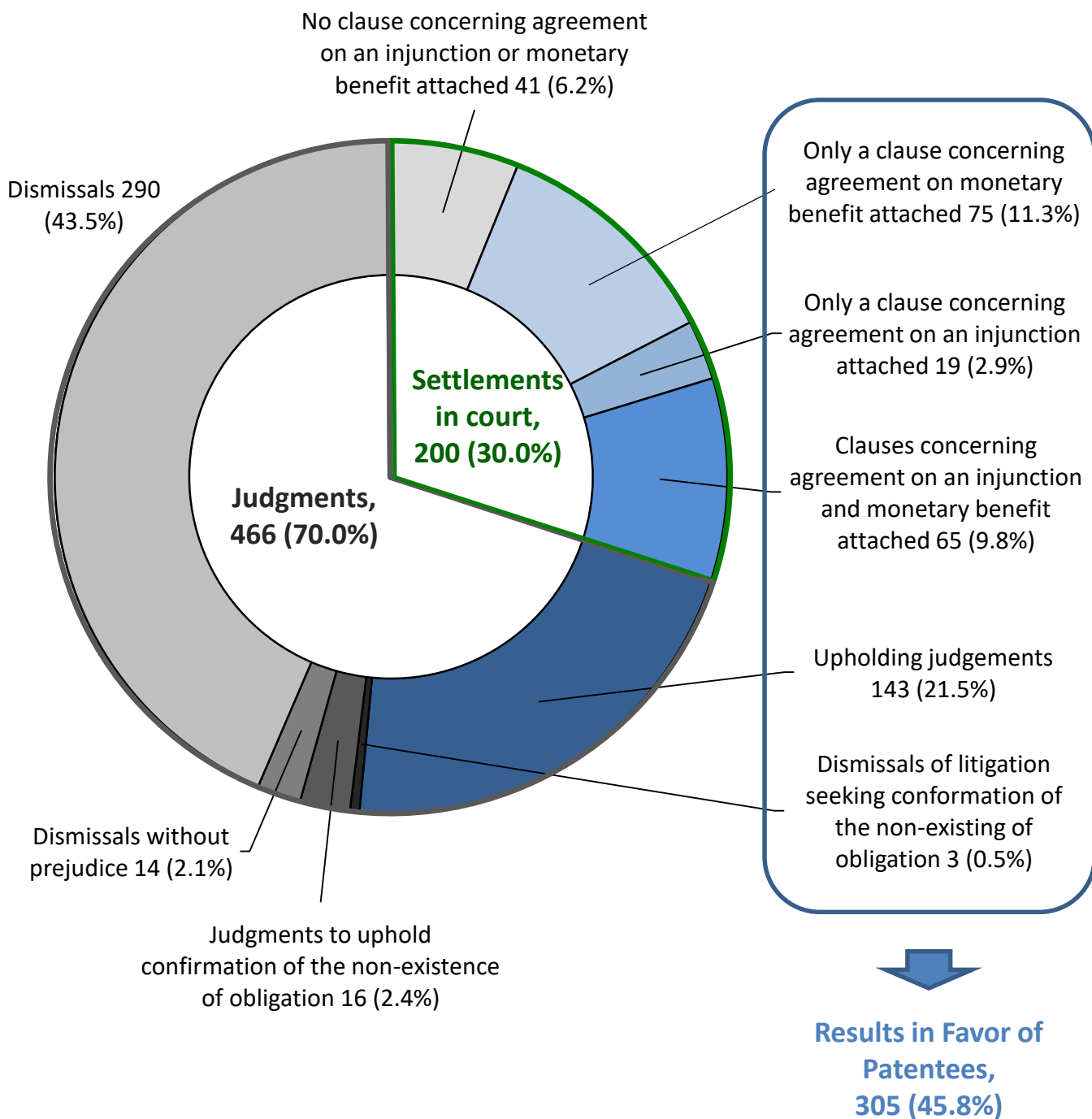


Table L1

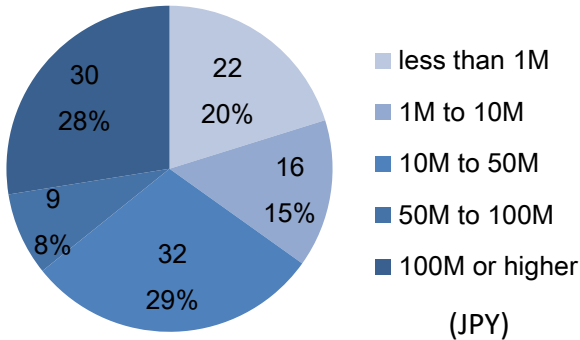
	From 2014 to 2016	2017	2018	2019	2020	2021
Results in favor of patentees	43.3%	43.8%	43.4%	44.6%	45.8%	45.8%

*1 Upholding judgments include judgments that partially uphold the claim.

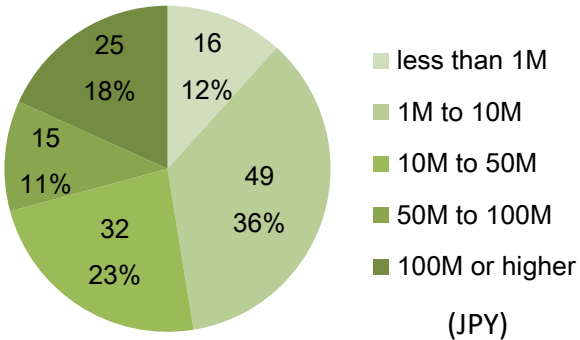
Updated

Amounts Approved in Judgments and agreed to be paid in settlements in court in patent infringement cases (2014-2021)*1

Graph L4: Amounts approved in judgments

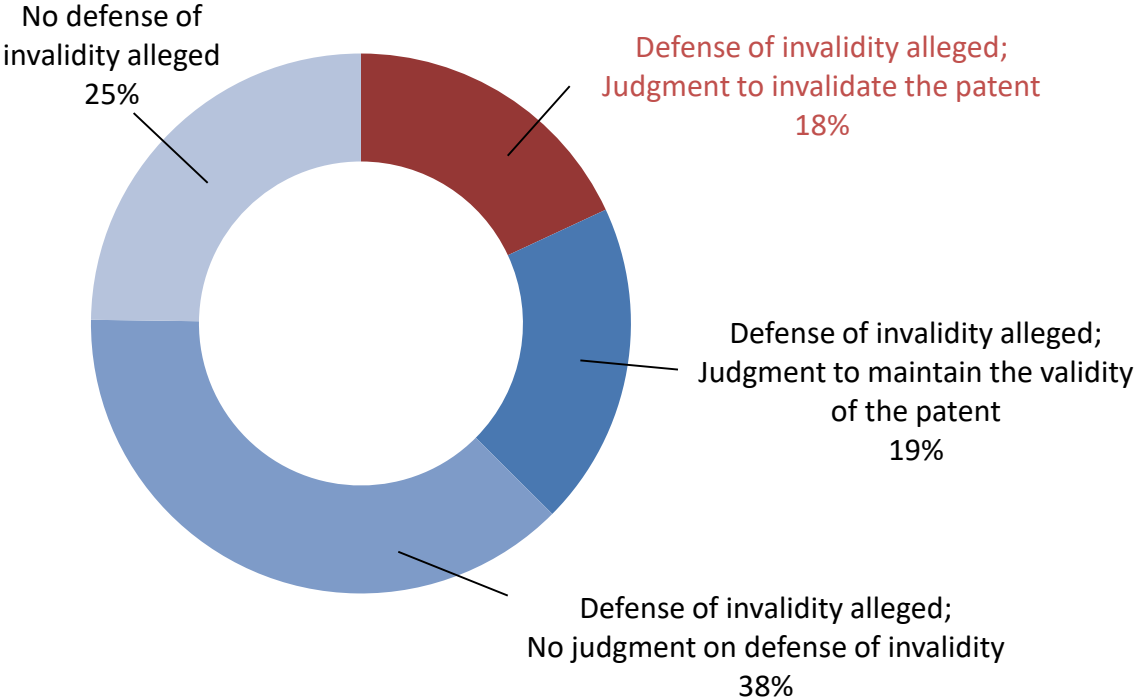


Graph L5: Amounts agreed to be paid in settlements



Updated

Graph L6: Whether defense of invalidity was judged and how it was judged in patent infringement cases (2014 to 2021)*2



*1 Amounts related to attendant claims and court costs are not included.

*2 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.