

IP Statistics 2023

Seiwa Patent & Law

(Tokyo, JAPAN)

April 2023

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 JPO Status Report 2023 Edition published in March 2023, etc.**

- The number of patent applications filed at the JPO in 2022 was about 290,000 (+0.1% y/y). With the recent increase in the number of PCT applications entered in the JP national phase (including both those filed by JP residents and those filed by non-JP residents), the total number of patent applications has been flattened in recent 3 years. (p.2, Graph P1-1)
- While the patent grant rate at the JPO has remained high in recent years, the number of Post-Grant Oppositions filed in 2022 was a record high of 1,322. (p.3, Graphs P3-1 to P3-3 and P4-1)
- The total number of design applications filed at the JPO has remained at the same level of about 31,000 to 32,000 in recent years, while the number filed by non-JP residents has been on the rise, and was about 10,000 (about 30% of the total) in 2022. (p.9, Graph D1-1)
- The number of trademark applications filed at the JPO has been on a downward trend in recent years, and was about 170,000 in 2022 (-7.8% y/y). On the other hand, the pendency of examination has begun to improve, and in 2021, the average time from filing to a first OA was 8.6 months. (p.11, Graph T1-1, p.12, Graph T2-1)

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

Statistics: Patents

Updated

Patent applications and registrations at the JPO

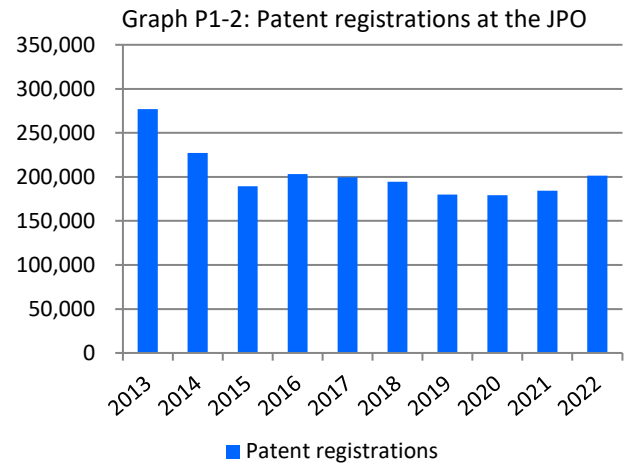
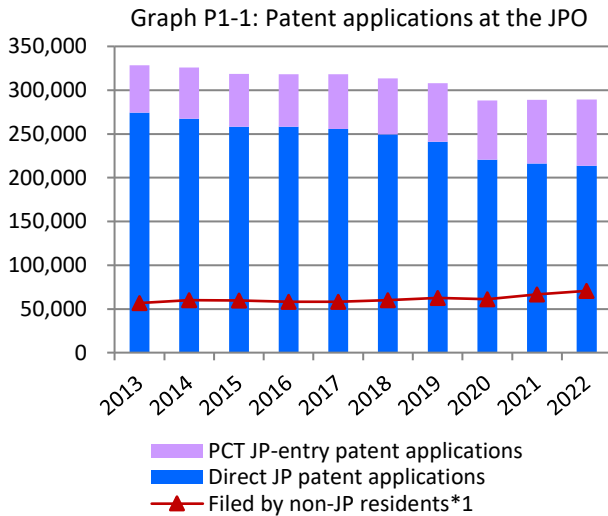
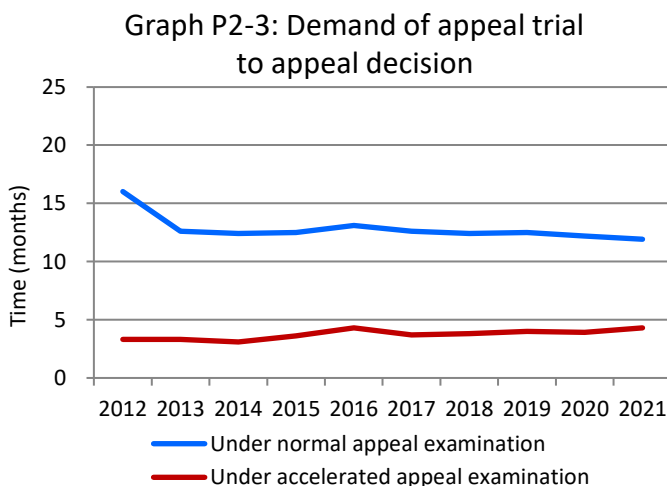
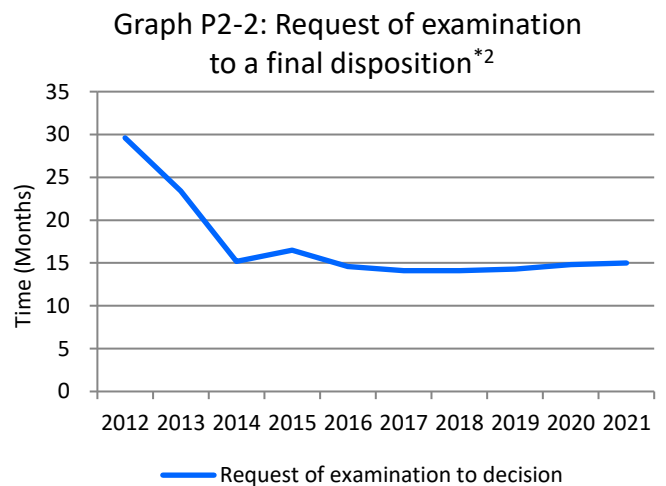
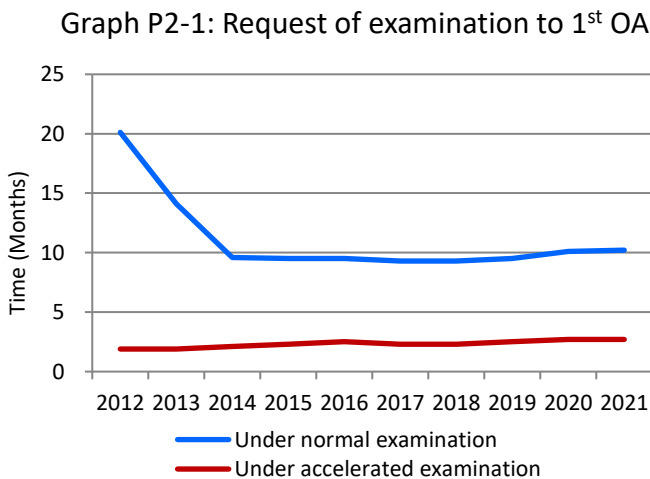


Table P1

| Calendar Year | 2018 | 2019 | 2020 | 2021 | 2022 | y/y |
|----------------------------------|---------|---------|---------|---------|---------|-------|
| JP patent applications in total | 313,567 | 307,969 | 288,472 | 289,200 | 289,530 | +0.1% |
| PCT JP-entry patent applications | 64,013 | 66,968 | 67,634 | 72,782 | 75,892 | +4.3% |
| Direct JP patent applications | 249,554 | 241,001 | 220,838 | 216,418 | 213,638 | -1.3% |
| Patent registrations | 194,525 | 179,910 | 179,383 | 184,372 | 201,420 | +9.2% |

Average time of pendency



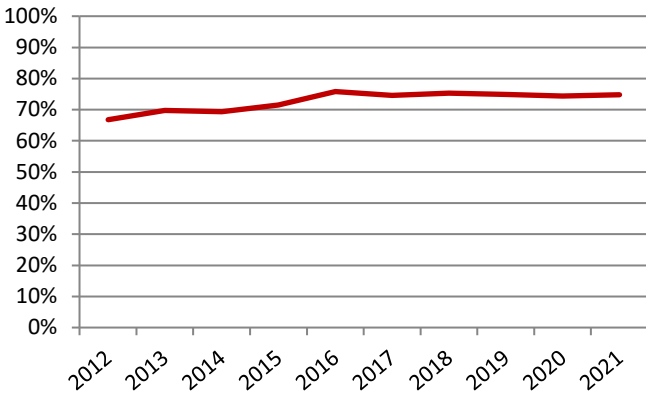
The JPO created “FA 11” campaign in 2004, aimed at reducing the time of pendency to a 1st OA to less than 11 months, and achieved it in 2014. The JPO set the next decade goal, which is further shortening the pendency to a 1st OA and the total pendency to a final disposition to less than 10 months and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

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

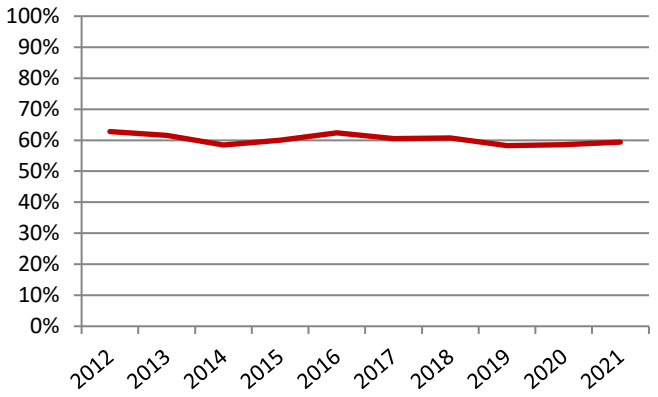
*2 Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

Grant rate at the JPO

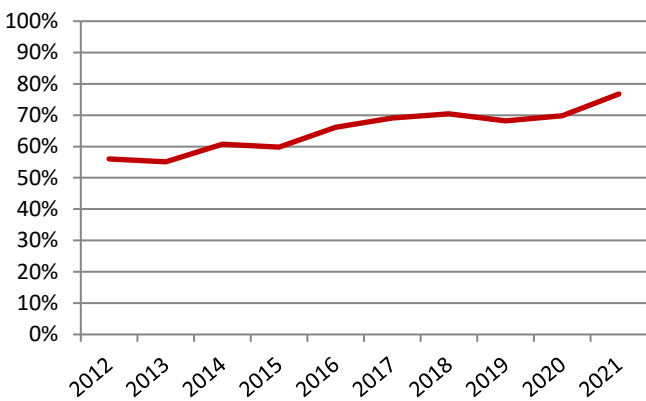
Graph P3-1: Grant rate at examination*1



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



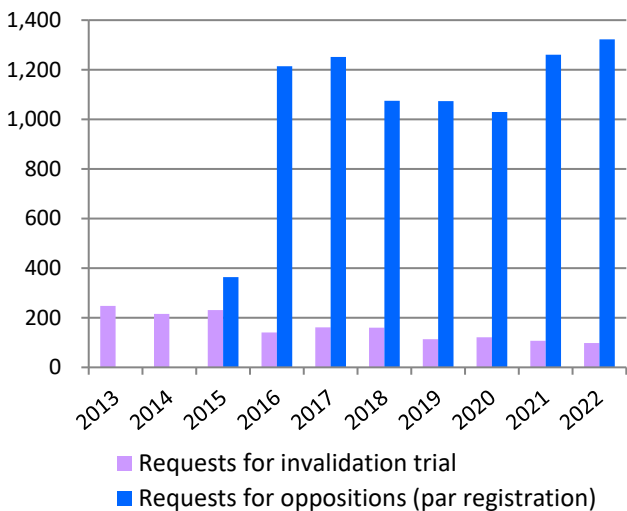
Graph P3-3: Grant rate at appeal*3



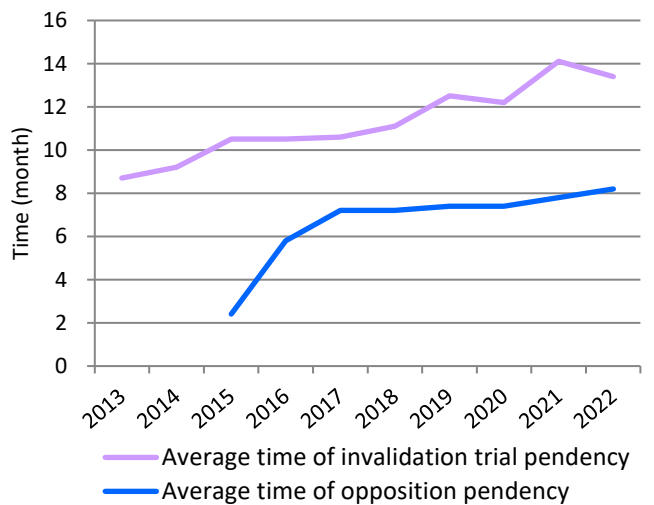
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is very high. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Updated Graph P4-1: Requests for opposition & invalidation trial



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



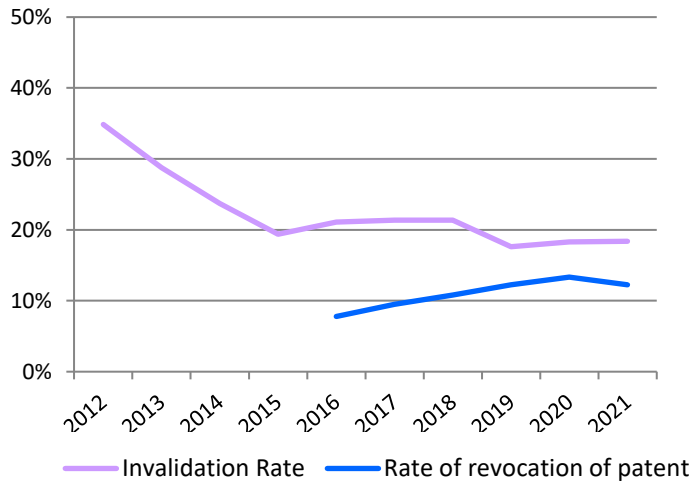
*1 Grant rate at examination = decisions of grant at examination / (decisions of grant at examination + decisions of rejection at examination + withdrawal or abandonment after request for examination)

*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)

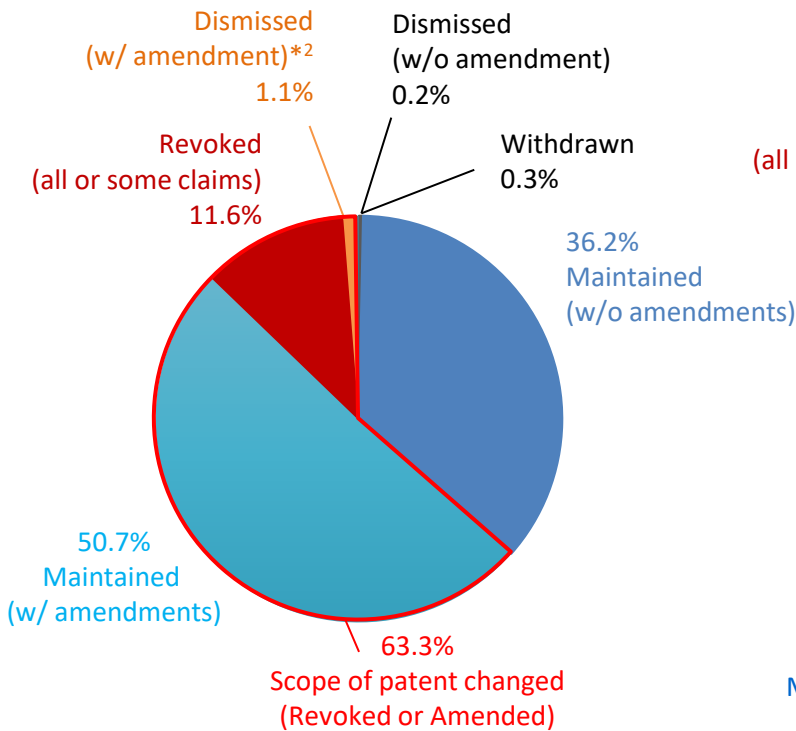
*4 Opposition: from request to Notice of Reasons for Revocation (Advance Notice of Decision) or Decision
Invalidation Trial: from request to Advance notice of Decision or Decision

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



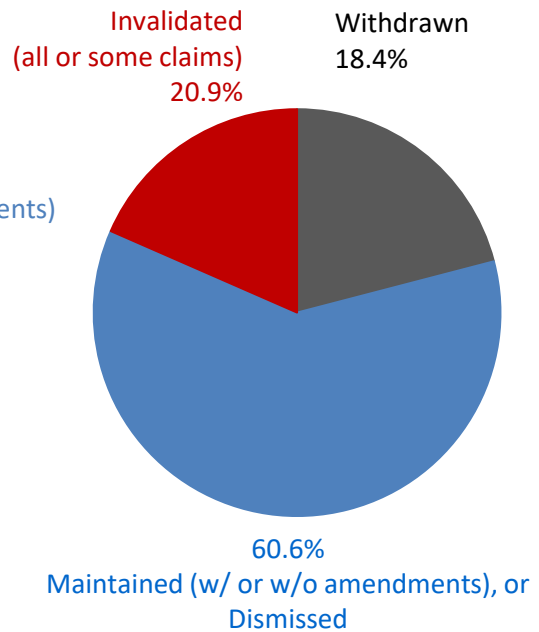
Breakdown of the Results of Oppositions & Invalidation Trials

Graph P4-4: The Results of Oppositions



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

Graph P4-5: The Results of Invalidation Trials



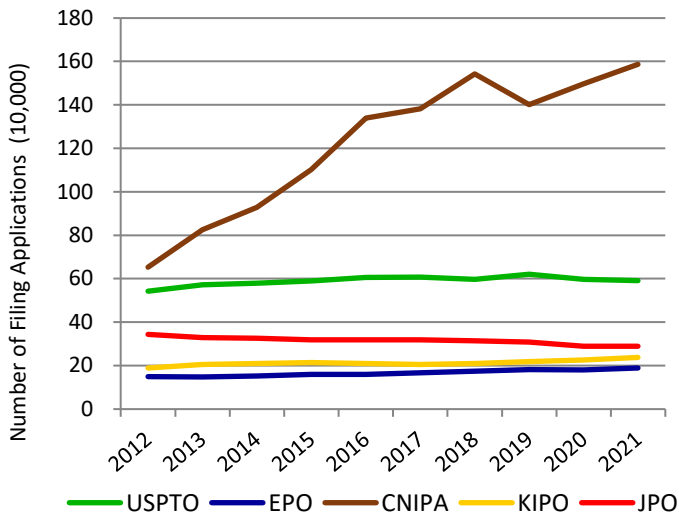
Outcomes of Invalidation Trials disposed from Jan. 2017 to Dec. 2021

*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.

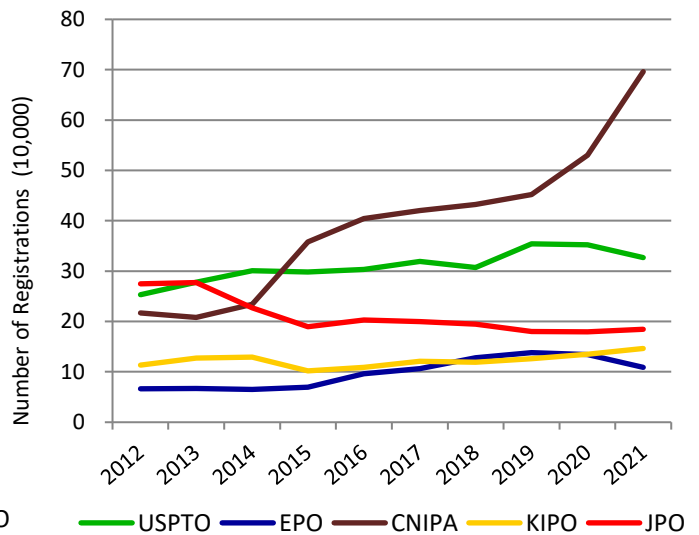
*2 Cases in which all of the claims in question were cancelled and thus which were dismissed.

Comparison between the five IP offices

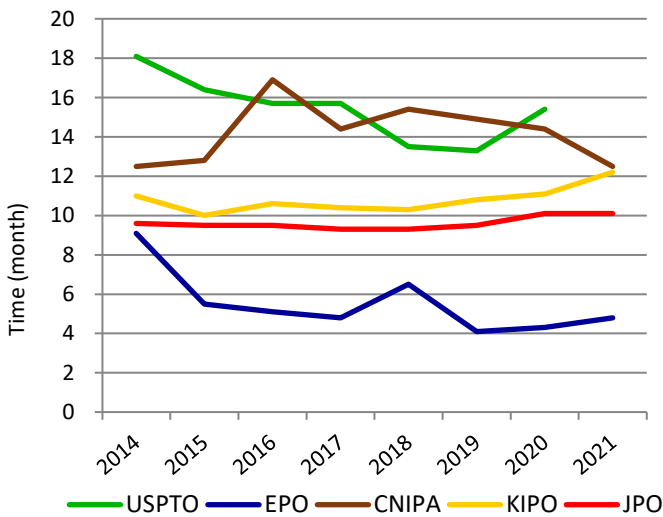
Graph P5-1: Patent applications at the five IP offices



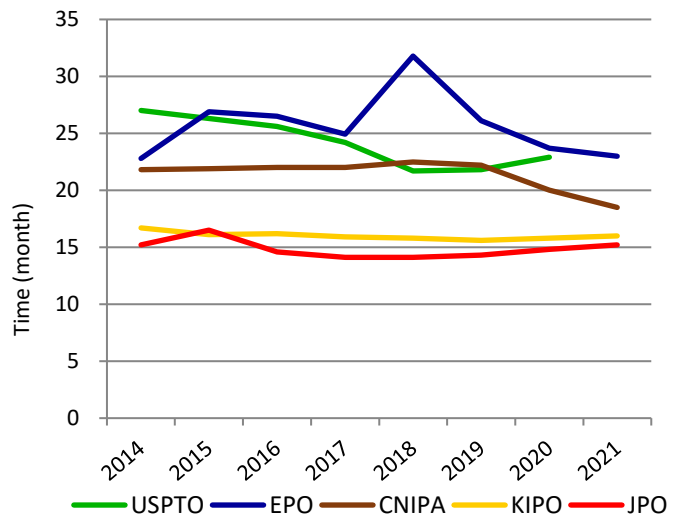
Updated Graph P5-2: Patent registrations at the five IP offices



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

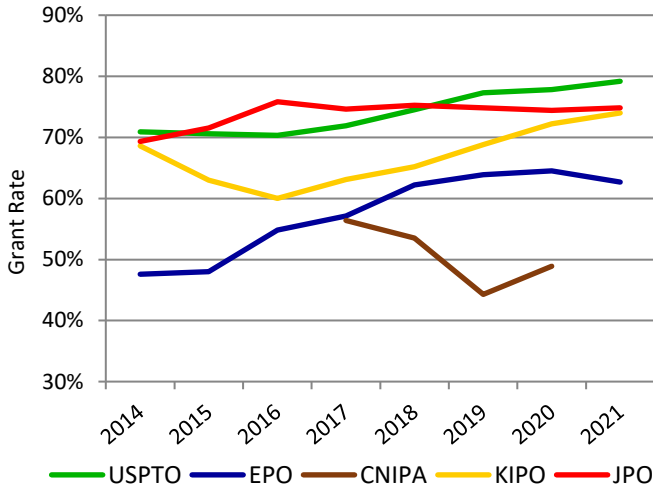
USPTO = average time of from filing date to abandonment or a final disposal (including reexamination)

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

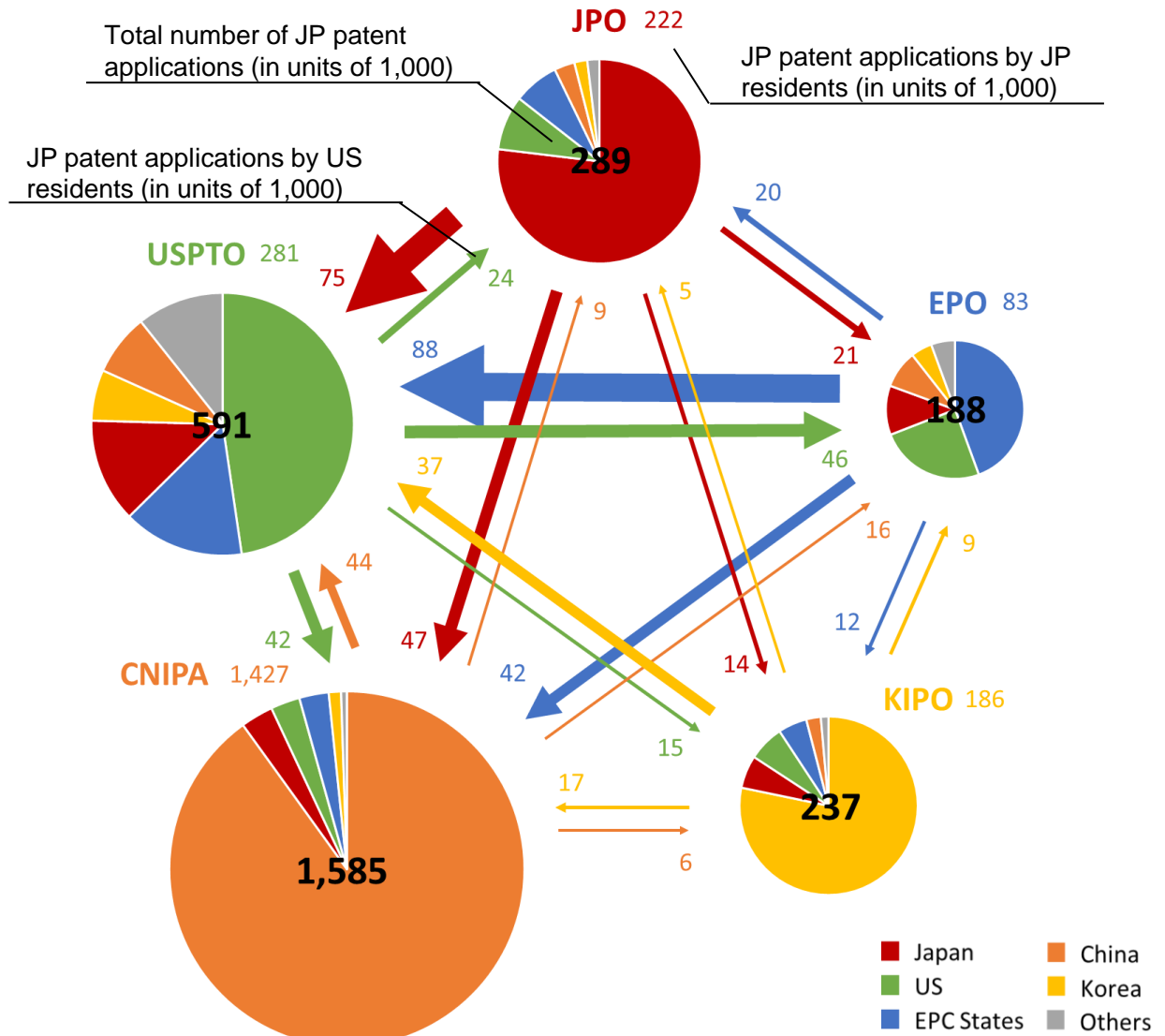
EPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Abandonment)

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 2021)

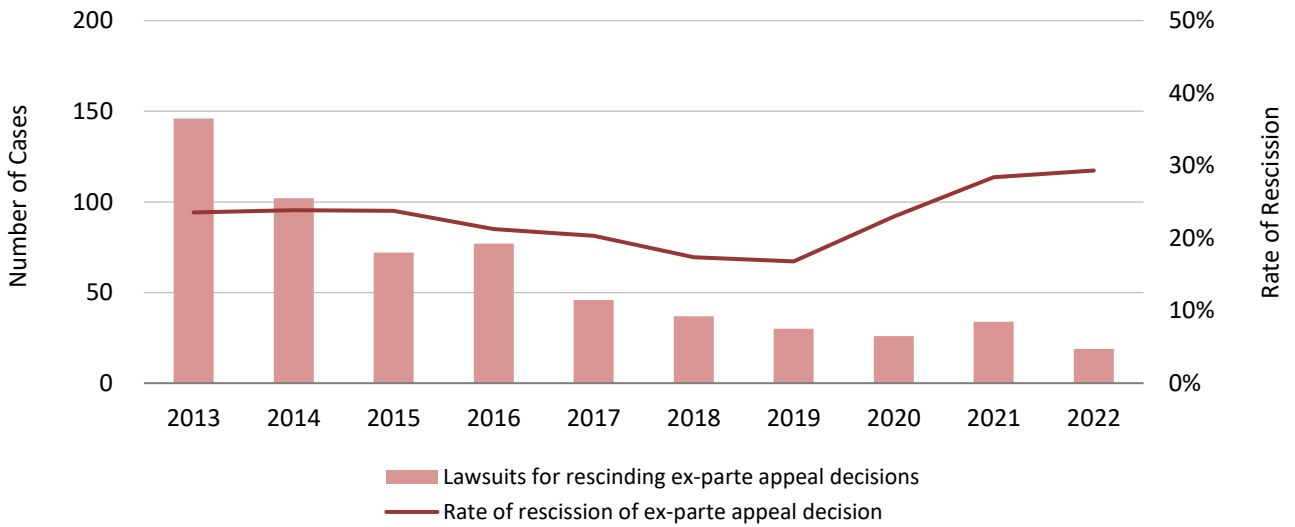


*2 The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

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

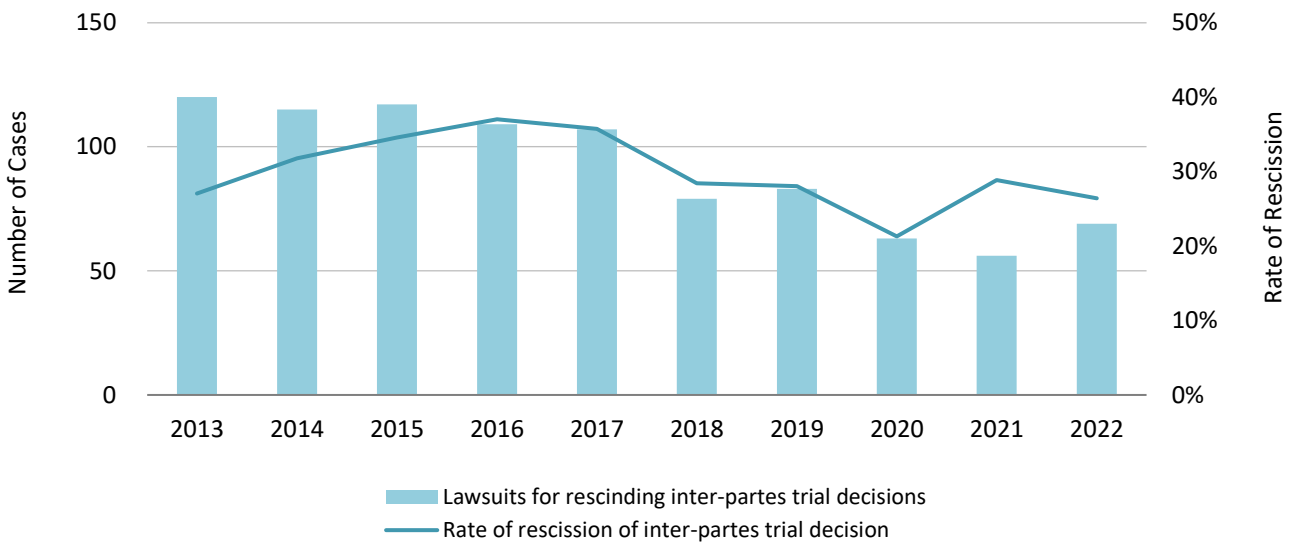
Updated

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



Updated

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. The rate of rescission is a three-year moving average.

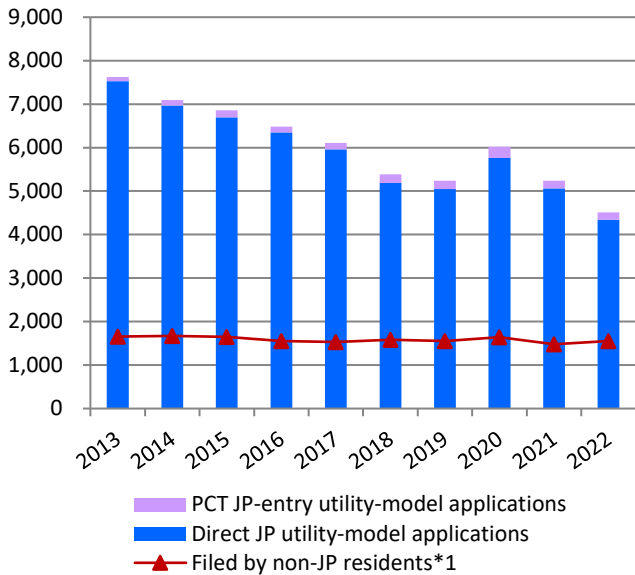
*2 These data include lawsuits against Trial Decisions of Invalidation and Correction Trials in relation to patent rights. The rate of rescission is a three-year moving average.

Statistics: Utility Models

Updated

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

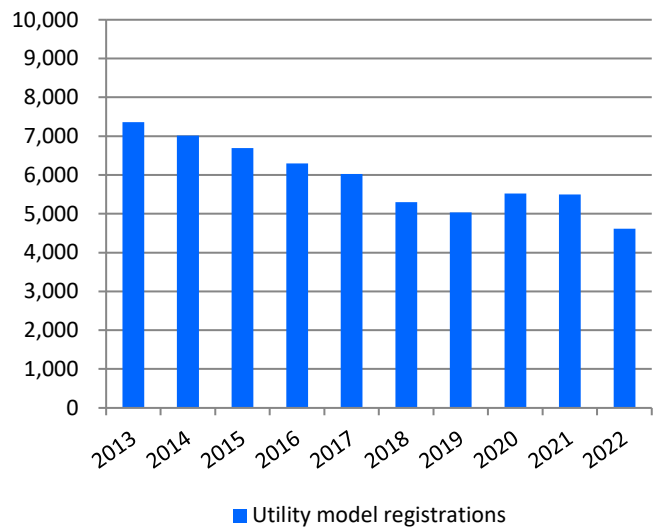


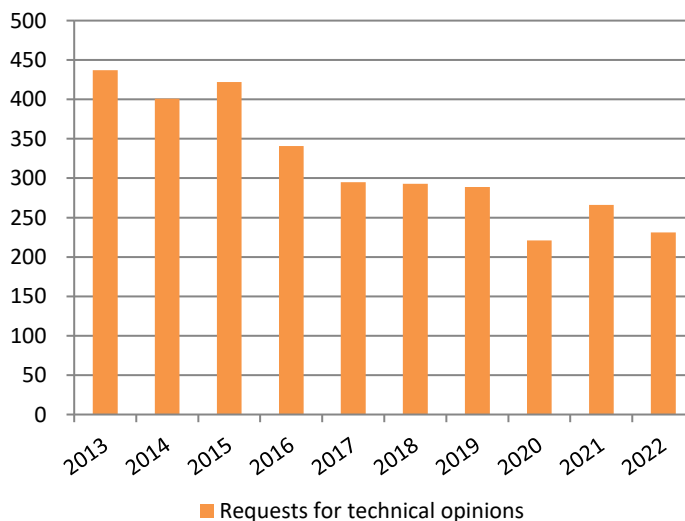
Table U1

| Calendar Year | 2018 | 2019 | 2020 | 2021 | 2022 | y/y |
|---|-------|-------|-------|-------|-------|--------|
| JP utility-model applications in total | 5,388 | 5,241 | 6,018 | 5,239 | 4,513 | -13.9% |
| PCT JP-entry utility-model applications | 199 | 191 | 253 | 180 | 173 | -3.9% |
| Direct JP utility-model applications | 5,189 | 5,050 | 5,765 | 5,059 | 4,340 | -14.2% |
| Utility model registrations | 5,303 | 5,033 | 5,518 | 5,499 | 4,615 | -16.1% |
| Requests for technical opinions | 293 | 289 | 221 | 266 | 231 | -13.2% |

Updated

Requests for Technical Opinions*2

Graph U2



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

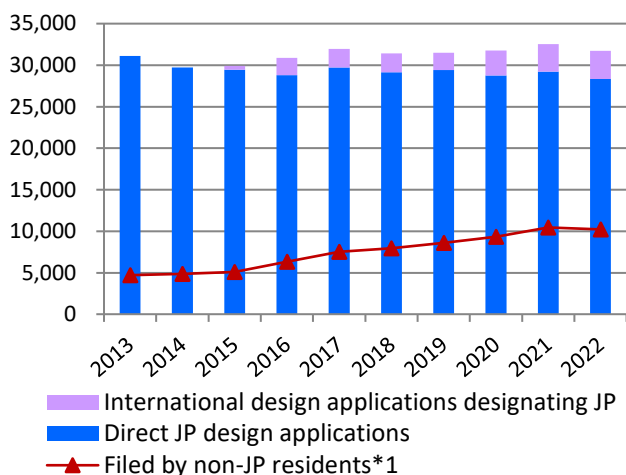
*2 A utility model right owner cannot enforce its utility model right without warning an opposing party in advance with indicating a technical opinion by the examiner.

Statistics: Designs

Updated

Design applications and registrations at the JPO

Graph D1-1: Design applications at the JPO



Graph D2-2: Design registrations at the JPO

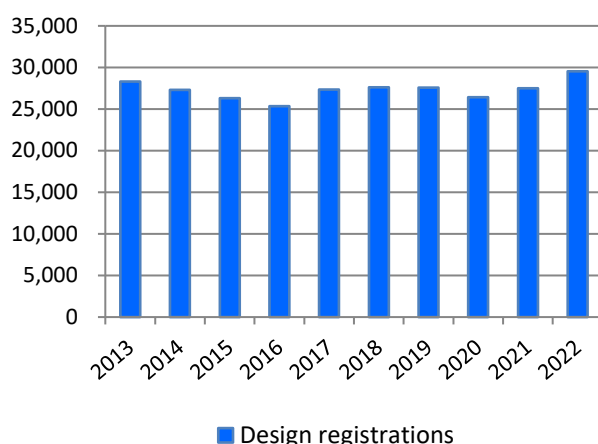


Table D1-1

| | Calendar Year | 2018 | 2019 | 2020 | 2021 | 2022 | y/y |
|--|---------------|--------|--------|--------|--------|--------|-------|
| JP design applications in total | | 31,406 | 31,489 | 31,752 | 32,525 | 31,711 | -2.5% |
| International design applications designating JP | | 2,261 | 2,072 | 2,986 | 3,303 | 3,353 | +1.5% |
| Direct JP design applications | | 29,145 | 29,417 | 28,766 | 29,222 | 28,358 | -3.0% |
| Design registrations | | 27,618 | 27,556 | 26,417 | 27,490 | 29,540 | +7.5% |

Updated

The number of applications and registrations for new types of design (from April 1, 2020 to March 1, 2023)

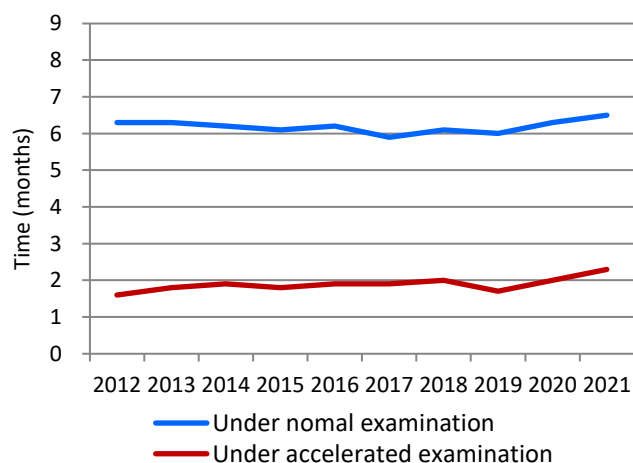
Table D1-2

| | Applications | Registrations |
|------------------|--------------|---------------|
| Graphic Images | 3,904 | 2,210 |
| Buildings | 1,030 | 647 |
| Interior Designs | 743 | 415 |

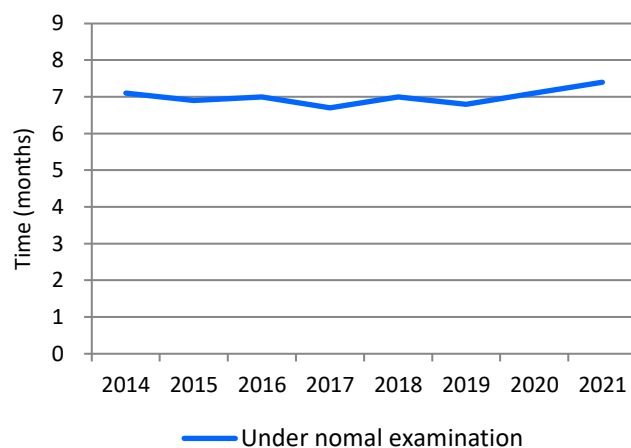
It became possible to protect graphic images, buildings and interior designs from April 1, 2020. This table shows the number of applications and registrations for these new types of design from April 1, 2020 to March 1, 2023.

Average time of pendency

Graph D2-1: Examination pendency to 1st OA



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



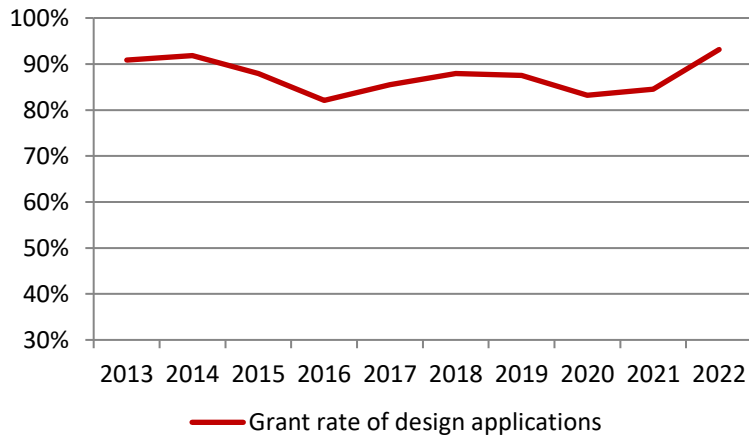
*1 Sum of international design applications designating JP and direct-JP design applications filed by foreign applicants.

*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.

Updated

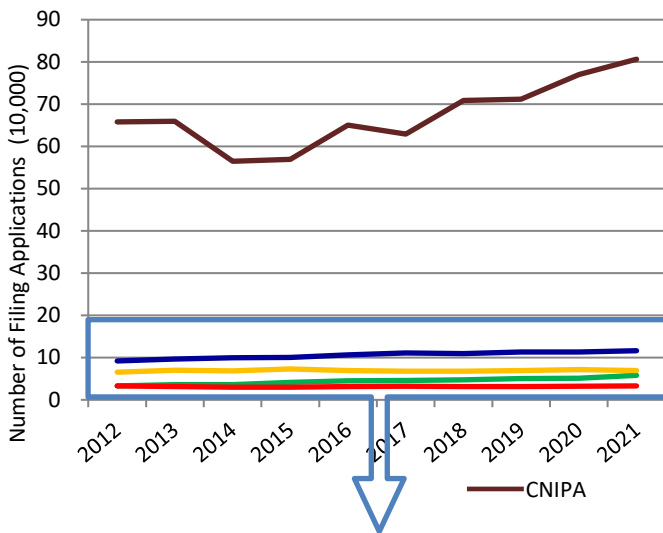
Grant rate at examination of design applications*1

Graph D3: Design grant rate

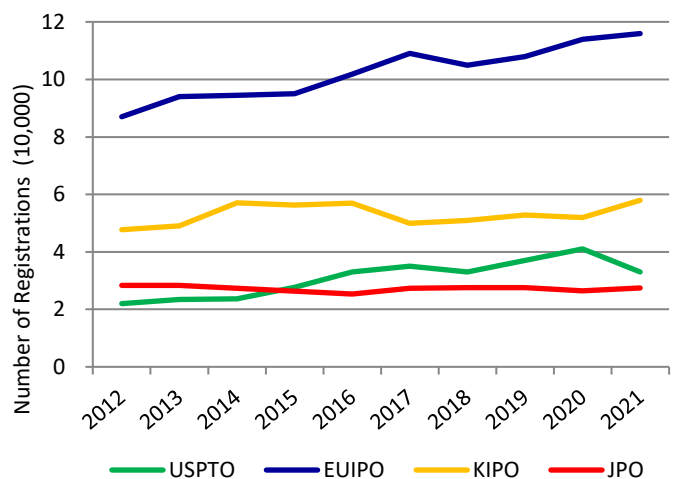
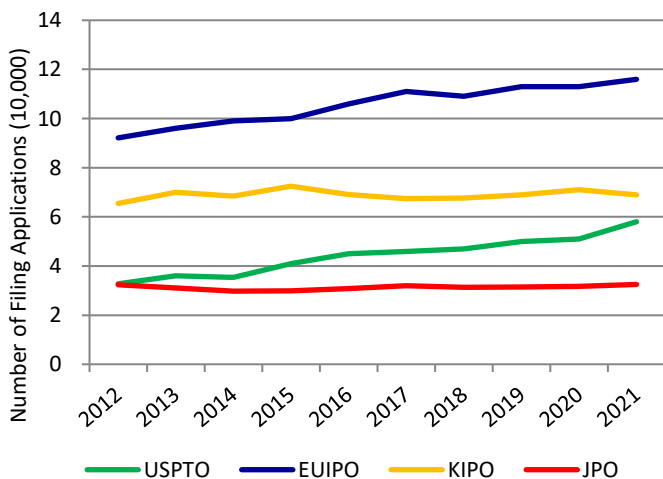
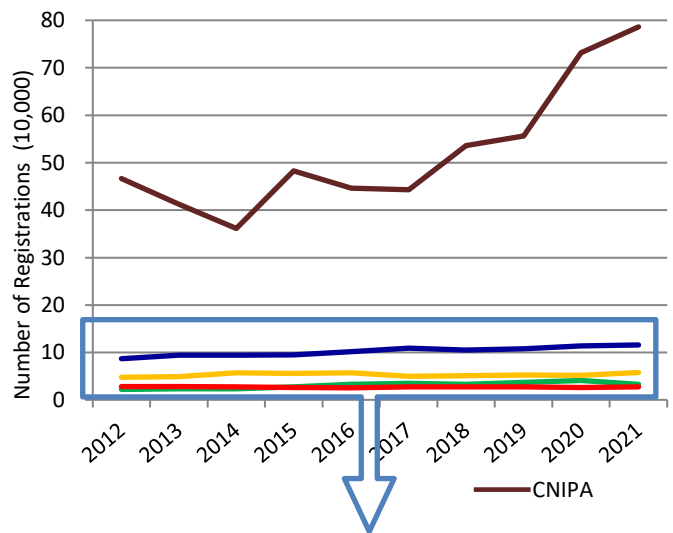


Comparison between the five IP offices

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



Graph D4-2: Design registrations at the five IP offices



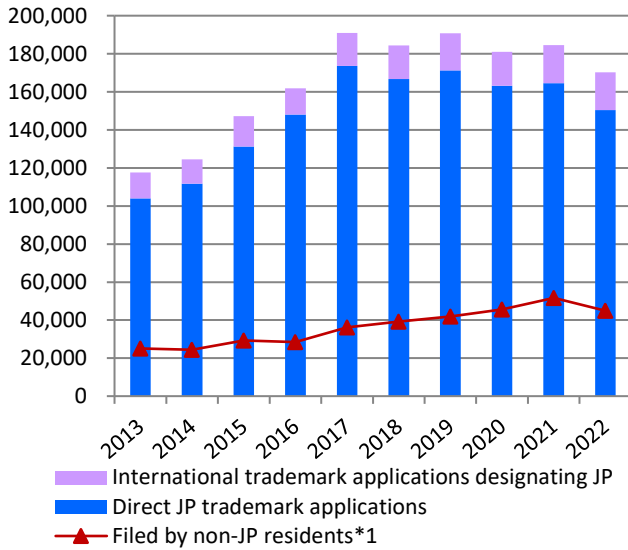
*1 Grant Rate of Design Applications = Design Registrations / Design Applications

Statistics: Trademarks

Updated

Trademark applications and registrations at the JPO

Graph T1-1: Trademark applications at the JPO



Graph T1-2: Trademark registrations at the JPO

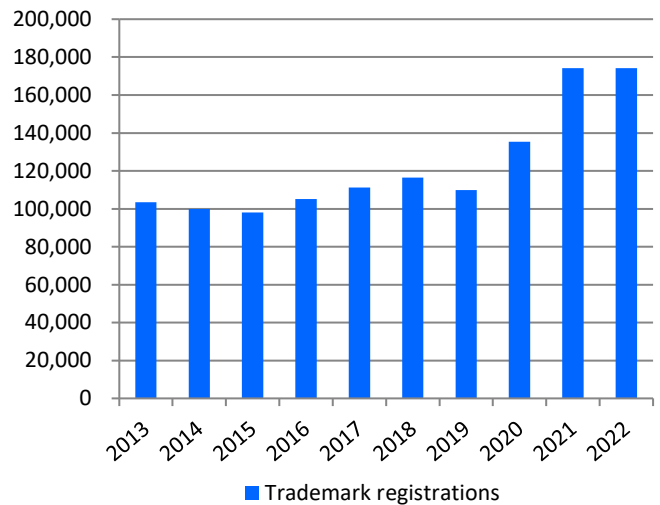


Table T1-1

| Calendar Year | 2018 | 2019 | 2020 | 2021 | 2022 | y/y |
|---|---------|---------|---------|---------|---------|---------|
| JP trademark applications in total | 184,483 | 190,773 | 181,072 | 184,631 | 170,275 | -7.8% |
| International trademark applications designating JP | 17,802 | 19,450 | 17,924 | 20,094 | 19,769 | -1.6% |
| Direct JP trademark applications | 166,681 | 171,323 | 163,148 | 164,537 | 150,506 | -8.5% |
| Trademark registrations | 116,547 | 109,859 | 135,313 | 174,098 | 174,098 | +/-0.0% |

Trademark applications for non-traditional marks*2

Table T1-2

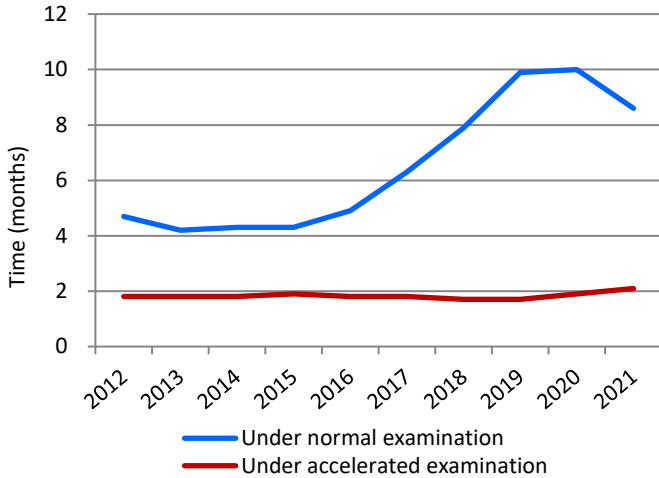
| Calendar Year | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|-------------------------|------|------|------|------|------|------|------|------|------|------|
| 3D / Applications | 230 | 243 | 265 | 308 | 267 | 295 | 276 | 254 | 285 | 337 |
| Registrations | 130 | 150 | 146 | 174 | 150 | 141 | 137 | 125 | 155 | 160 |
| Sound / Applications | - | - | - | 365 | 133 | 80 | 51 | 37 | 20 | 22 |
| Registrations | - | - | - | 21 | 74 | 113 | 49 | 32 | 28 | 18 |
| Motion / 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.

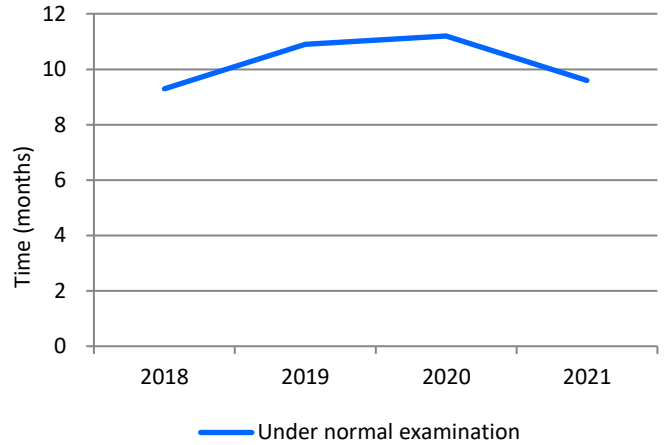
*2 These data do not include the numbers of international trademark applications designating JP.

Average time of pendency

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



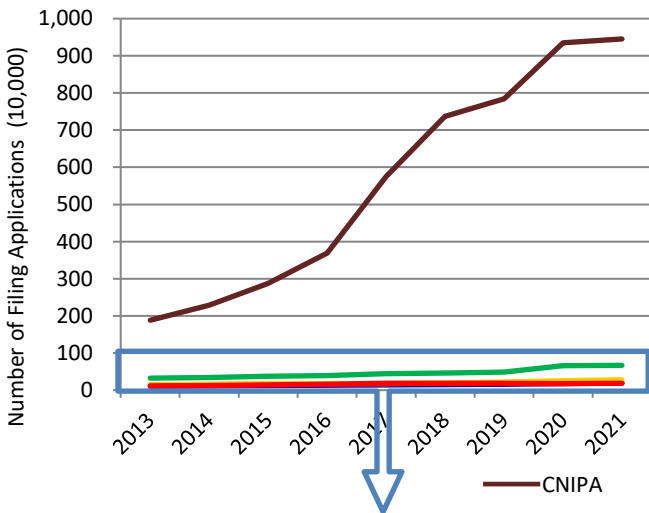
Graph T2-2: Trademark examination pendency to a final disposition*2



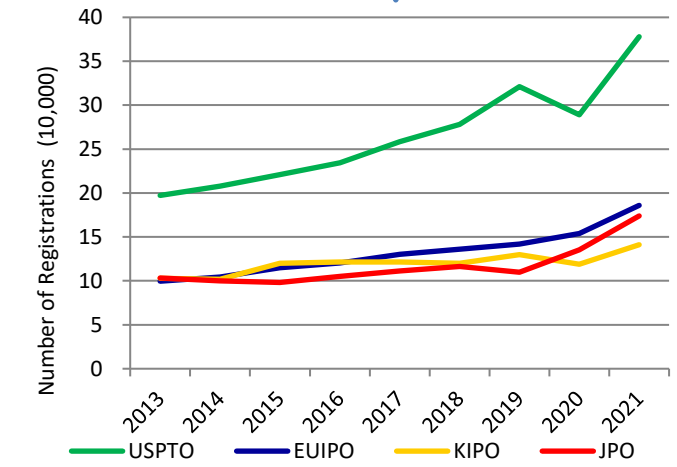
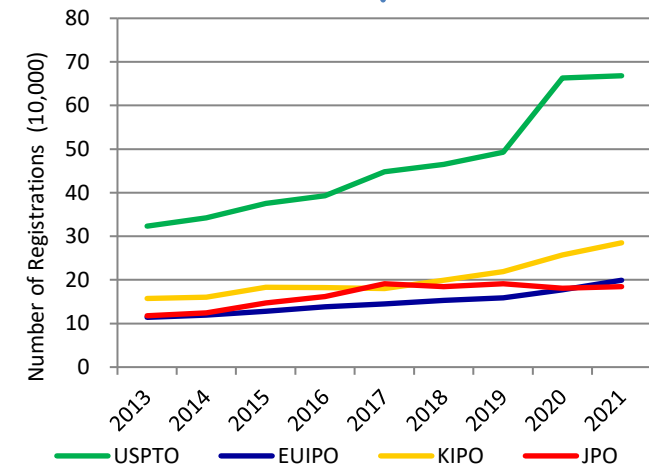
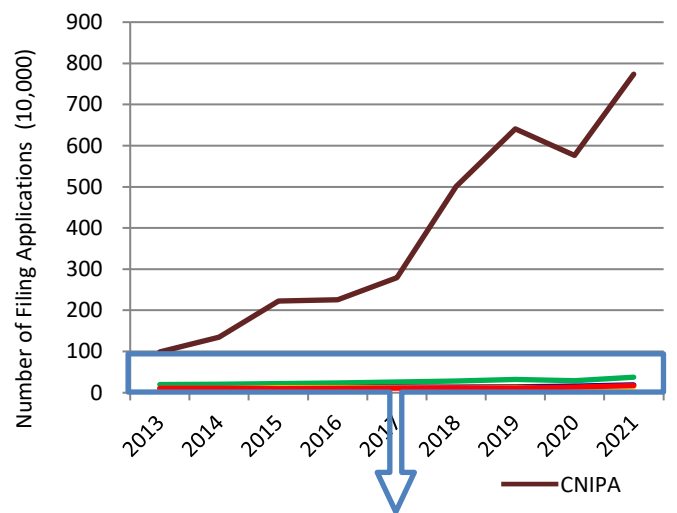
Updated

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.

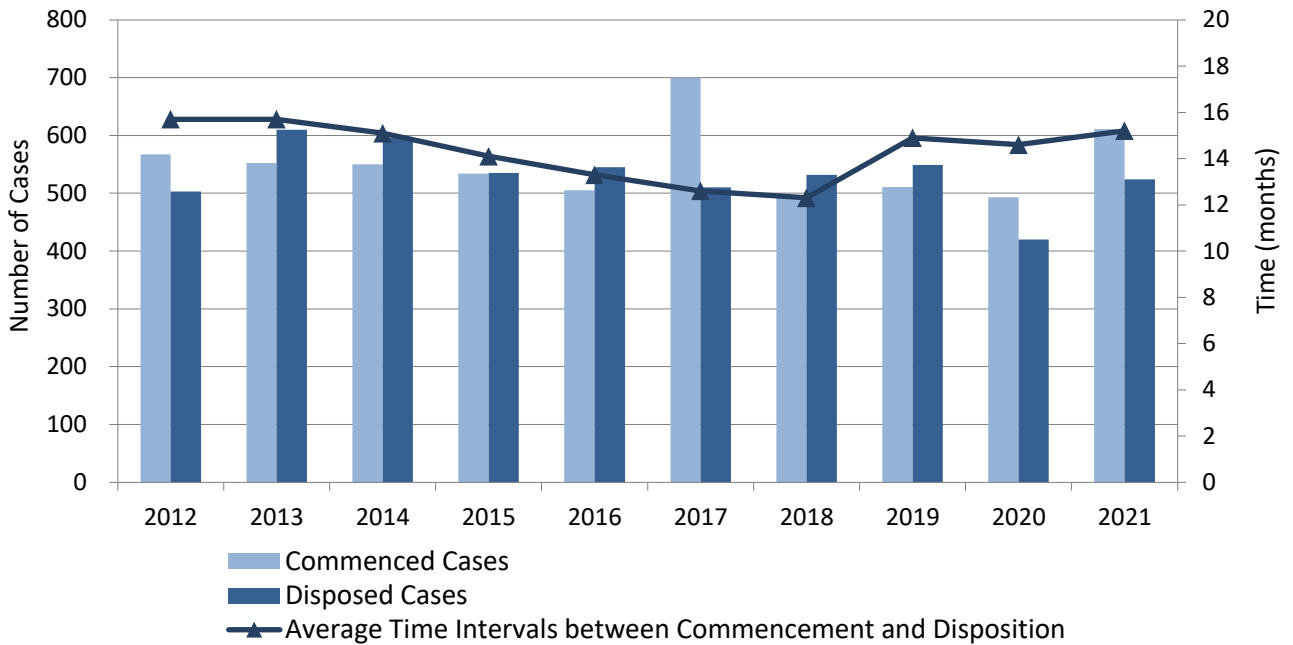
*2 Withdrawal/Abandonment or Decision of Allowance or Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

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

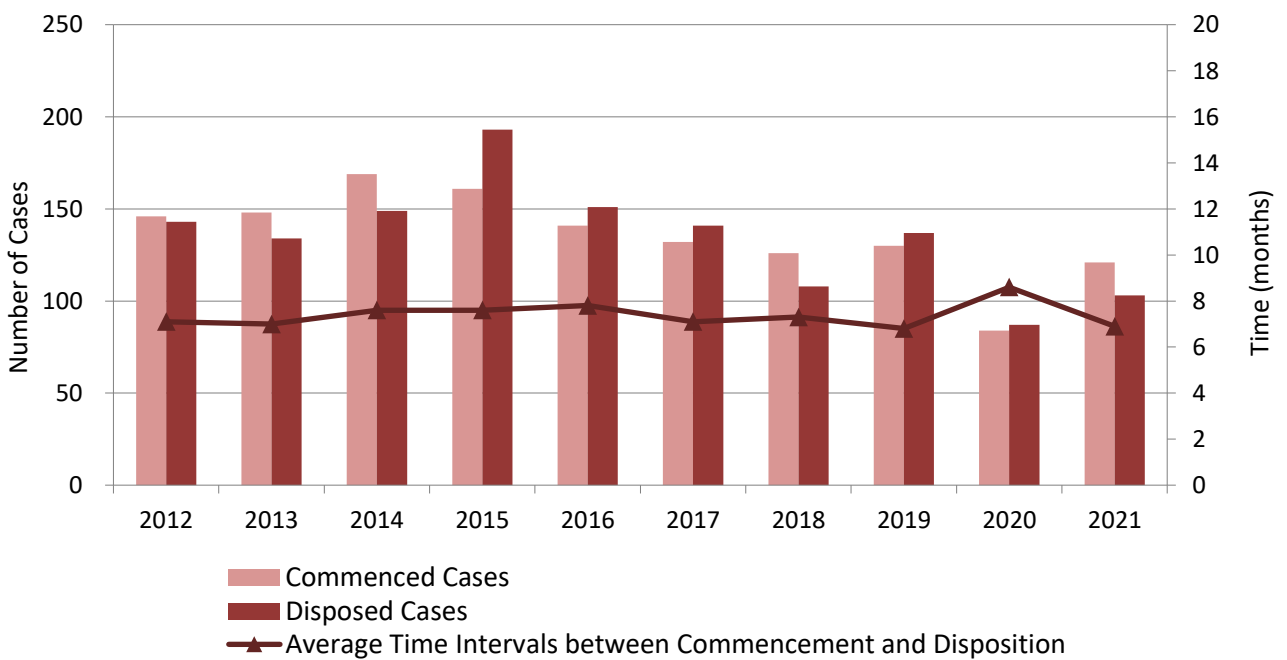
Statistics: Litigation

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)

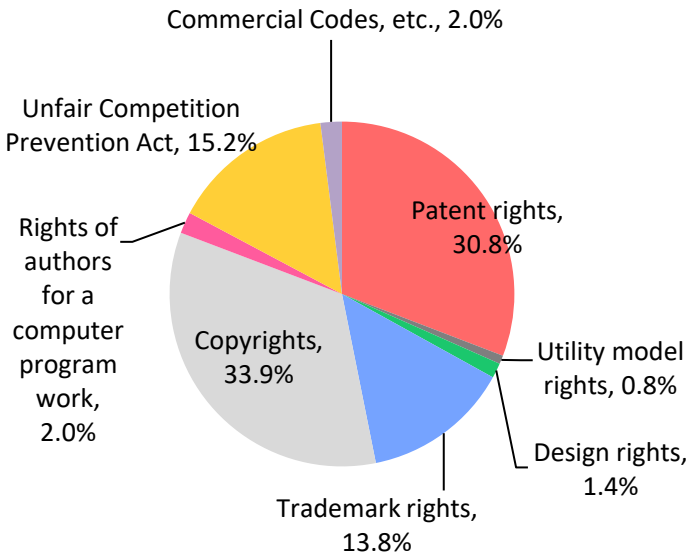


*1 These data include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

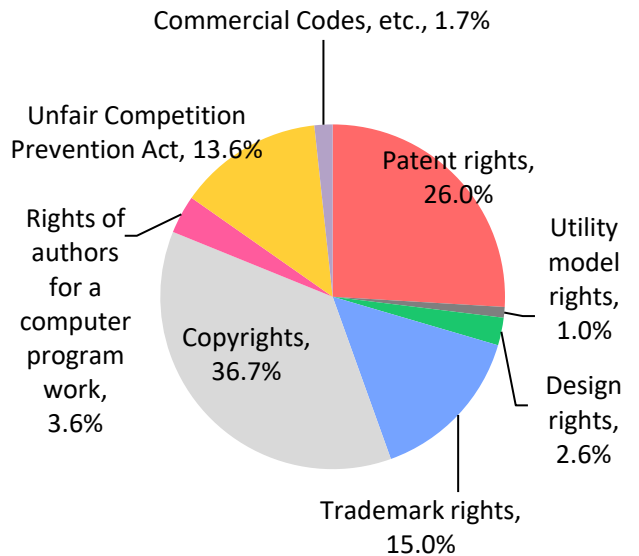
Breakdown of IP-Related Civil Cases by IP Rights*1 (2020)

Graphs L2-1: All District Courts

Commenced

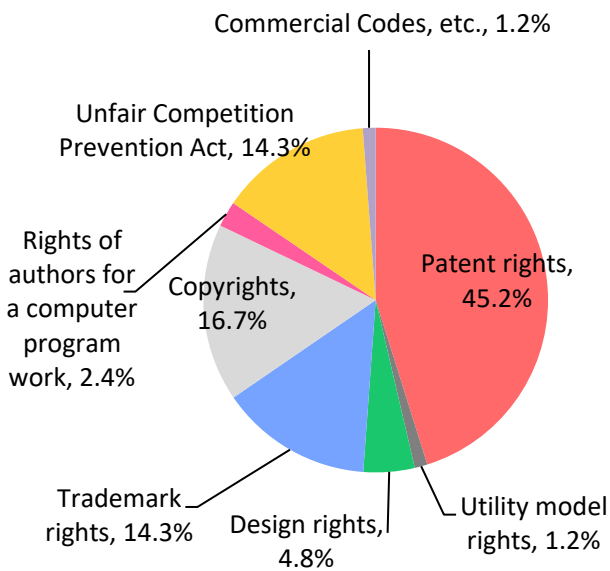


Disposed

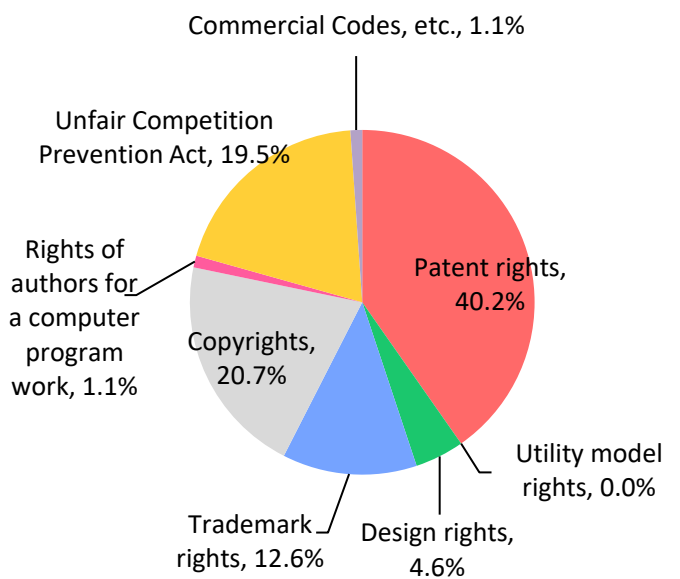


Graphs L2-2: All High Courts

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)

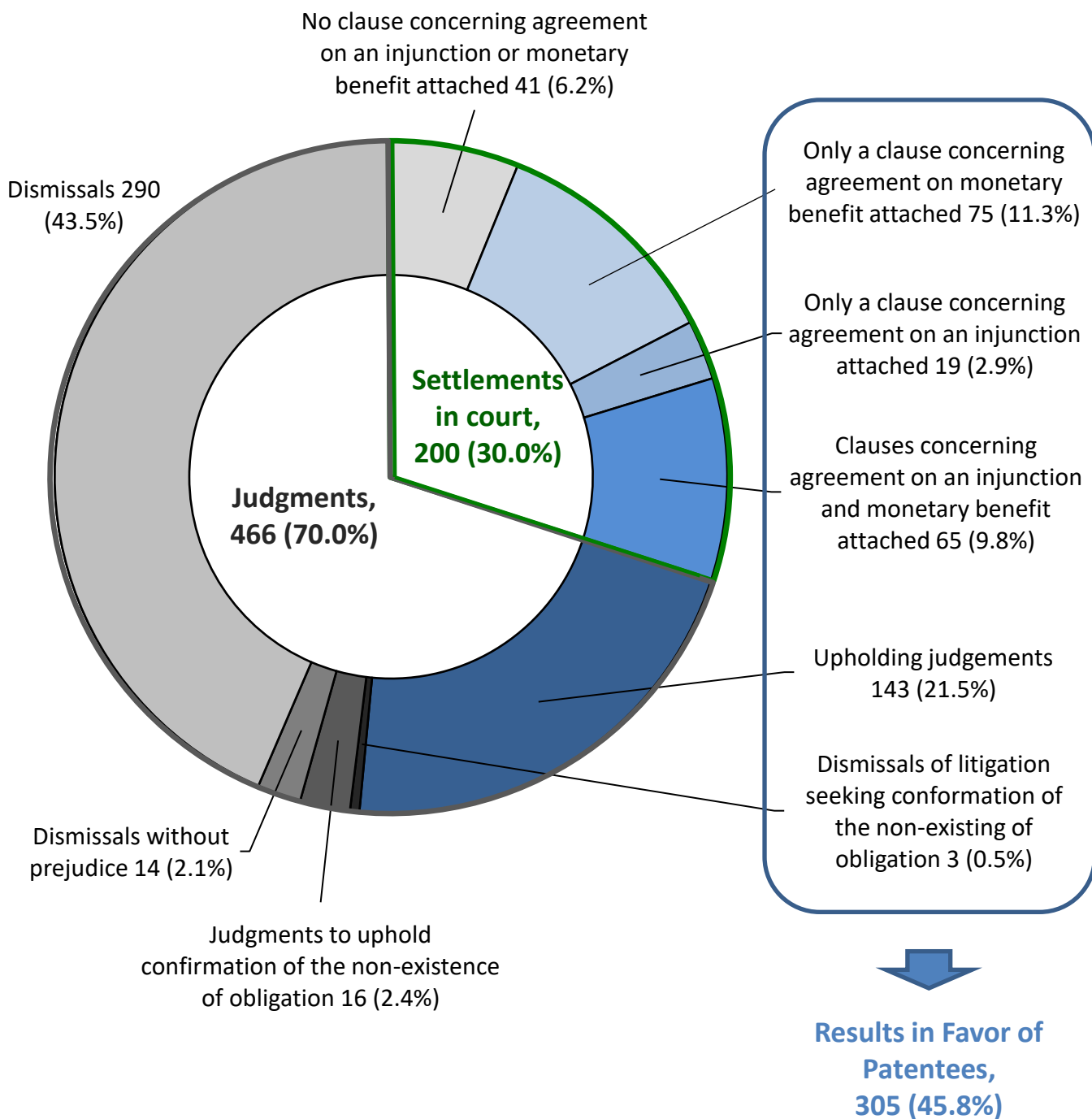


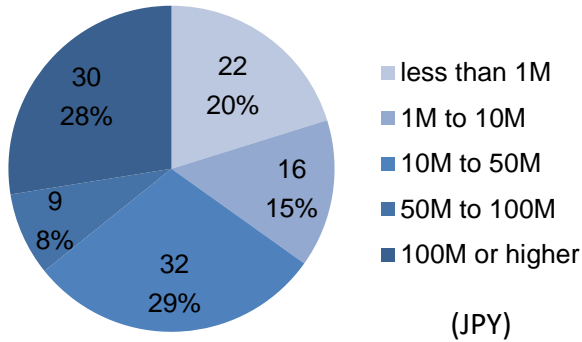
Table L1

| | 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% |

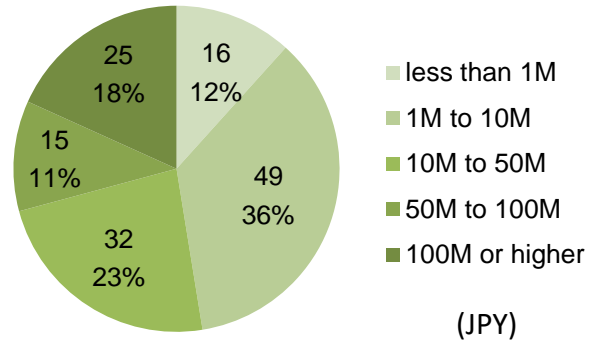
*1 Upholding judgments include judgments that partially uphold the claim.

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

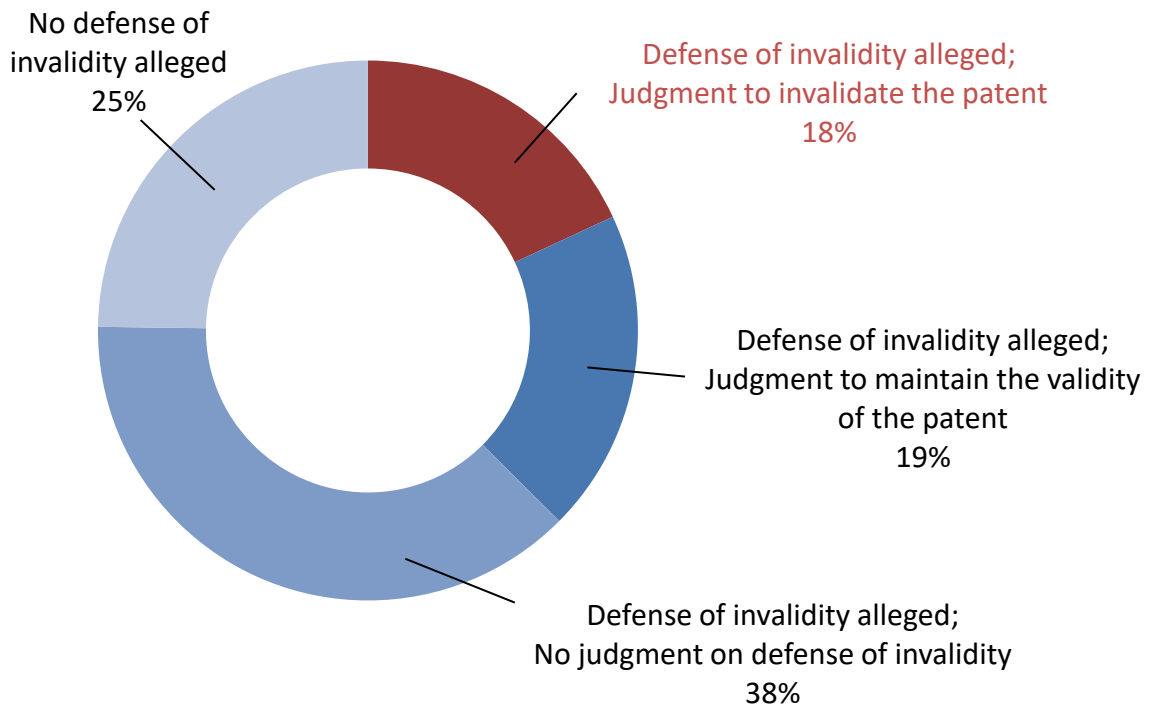
Graph L4: Amounts approved in judgments



Graph L5: Amounts agreed to be paid in settlements



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.