

IP Statistics 2023

Seiwa Patent & Law

(Tokyo, JAPAN)

September 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 IPHC statistical data updated in June 2023, and the JPO Annual Report 2023 Edition published in August 2023, etc.**

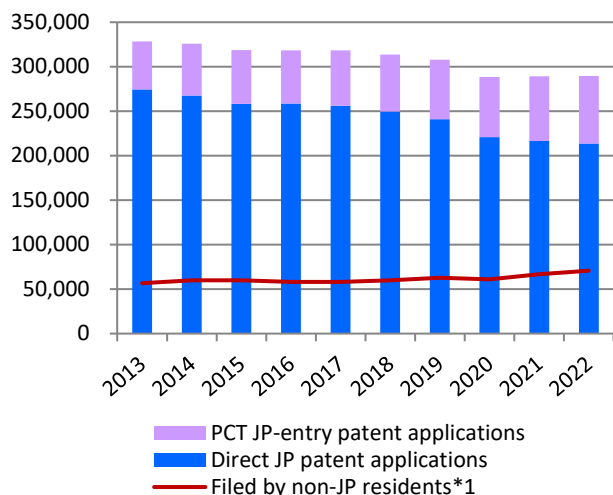
- The number of patent applications filed at the JPO in 2022 was about 290,000 (+0.1% y/y). Although the number of direct JP patent applications is decreasing, the total number has slightly increased in the last two years due to the increase in the number of PCT applications entered in the JP national phase, including both those filed by JP residents and those filed by non-JP residents. (p.2, Graph P1-1)
- 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.10, Graph D1-1)
- The average time of pendency at trademark examination has been significantly shortened in the last three years, and the average pendency from filing to 1stOA was about 6 months in 2022. (p.13, Graphs T2-1)

Patents Page 2
Utility Models Page 9
Designs Page 10
Trademarks Page 12
Litigation Page 14

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

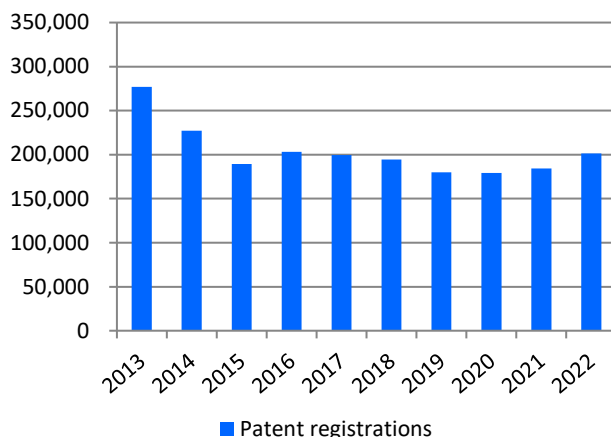
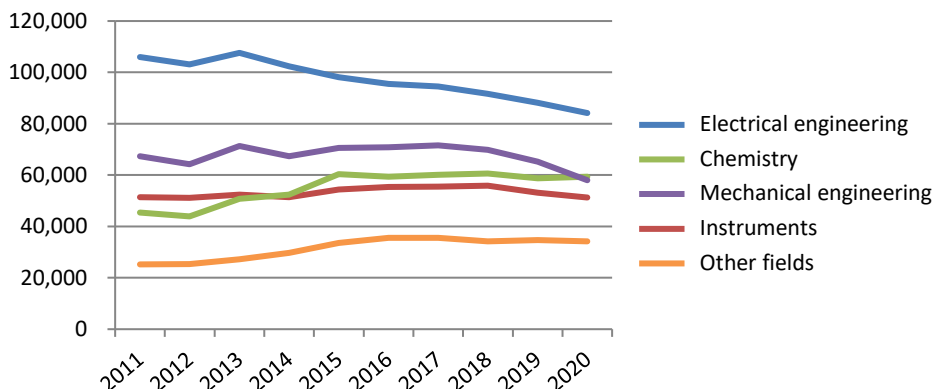


Table P1

Calendar Year	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%

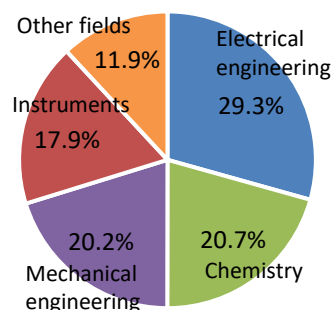
New

Graph P1-3: Patent applications at the JPO by sectors of technology*2



New

Graph P1-3: Proportions of patent applications at the JPO by sectors of technology in 2020



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

*2 The classification is based on the technology sectors according to the International Patent Classification (IPC and Technology Concordance Table) established by WIPO.

Electrical engineering: electrical machinery, electrical apparatus, electrical energy, audio-visual technology, telecommunications, digital communications, basic electronic elements, computer technology, IT methods for management, and semiconductors.

Chemistry: organic chemistry, agrochemicals, biotechnology, pharmaceuticals, macromolecular chemistry, polymers, food chemistry, basic materials chemistry, inorganic materials, metallurgy, surface processing, microstructure, nanotechnology, chemical engineering, and environmental chemistry.

Mechanical engineering: handling machinery, machining tools, engines, pumps, turbines, textiles, paper manufacturing, other special machinery, heat treatment mechanisms, machine components, and transportation.

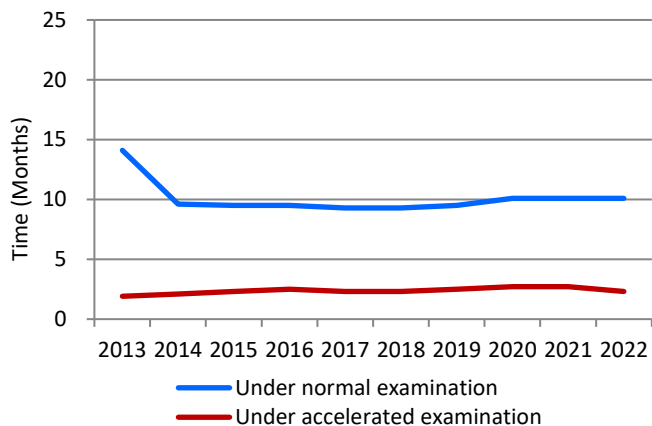
Instruments: optics, measurement, analysis of biological materials, control devices, and medical devices.

Other fields: furniture, gaming, other consumer goods, and civil engineering.

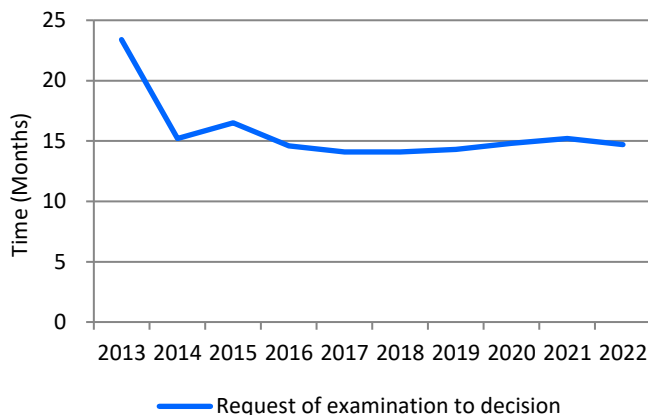
Updated

Average time of pendency

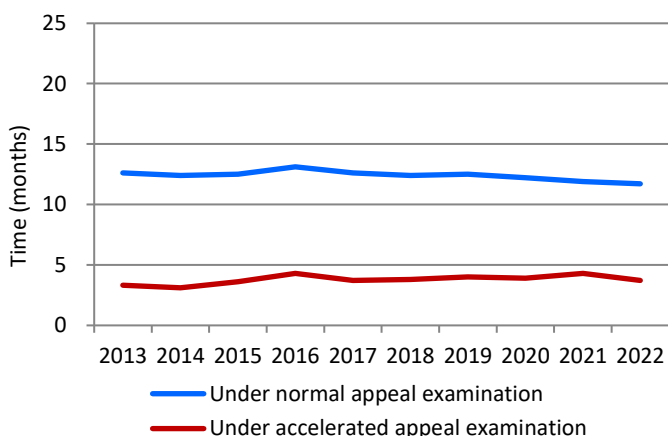
Graph P2-1: Pendency from request of examination to 1st OA



Graph P2-2: Pendency from request of examination to a final disposition *1



Graph P2-3: Pendency from demand of appeal trial to appeal decision

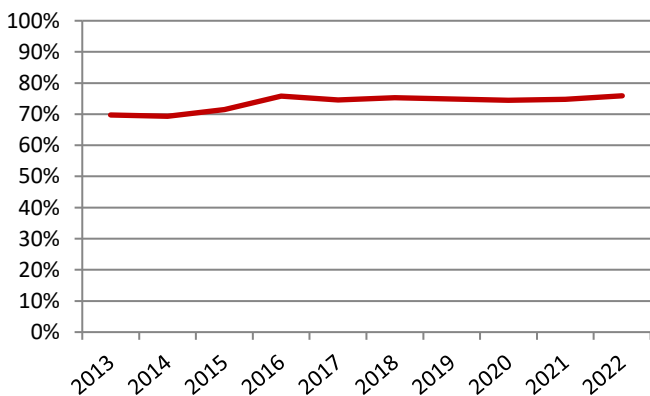


The JPO created “FA 11” campaign in 2004, aimed at reducing the time of pendency to a 1st OA to less than 11 months, and achieved it in 2014. The JPO set the next decade goal, which is further shortening the pendency to a 1st OA and the total pendency to a final disposition to less than 10 months and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

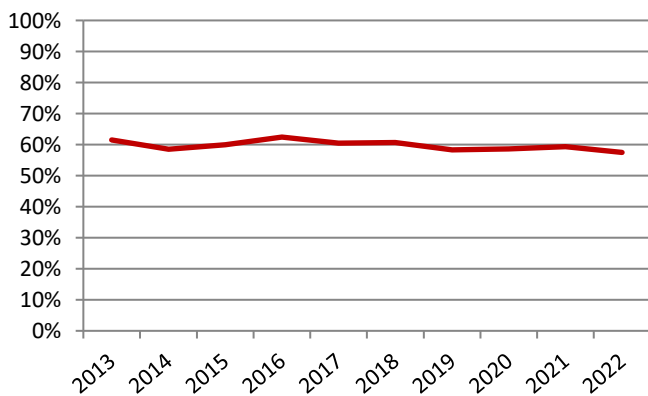
Updated

Grant rate at the JPO

Graph P3-1: Grant rate at examination *2



Graph P3-2: Grant rate at preappeal reexamination *3

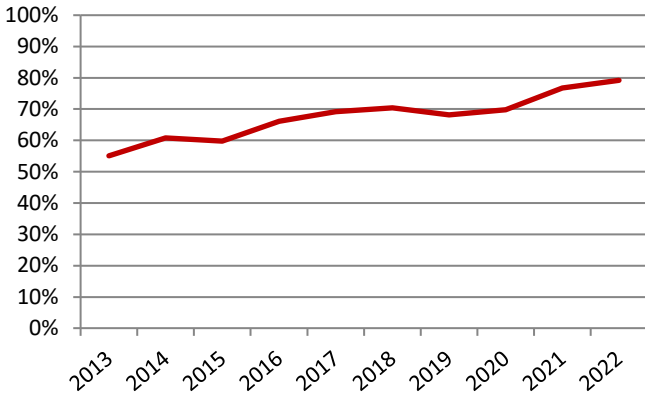


*1 Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

*2 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)

*3 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)

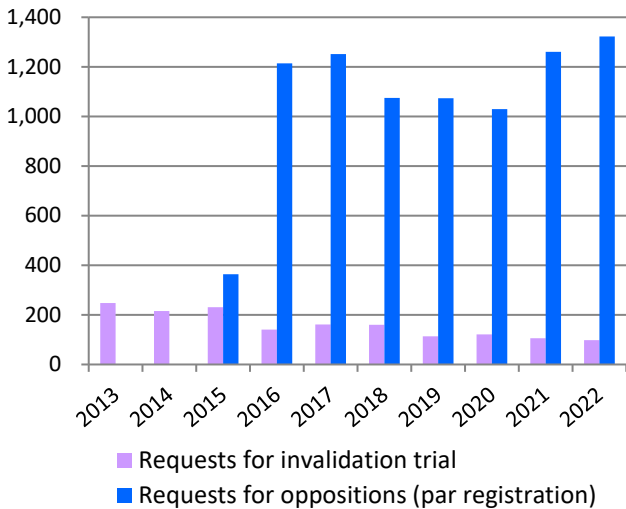
Graph P3-3: Grant rate at appeal*1



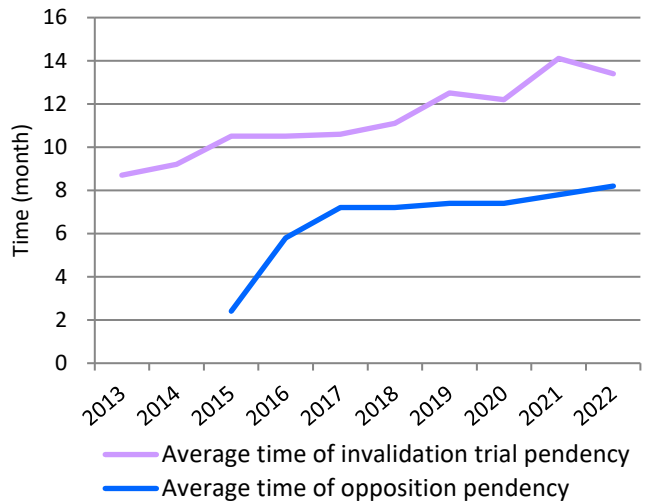
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is very high. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Graph P4-1: Requests for opposition & invalidation trial

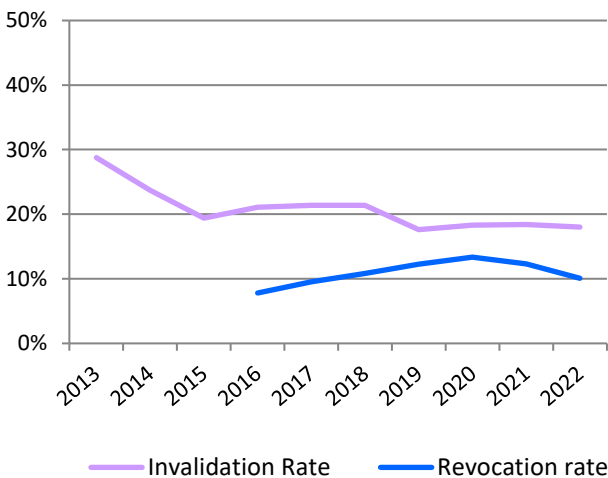


Graph P4-2: Average time of pendency at opposition & invalidation trial*2



Updated

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

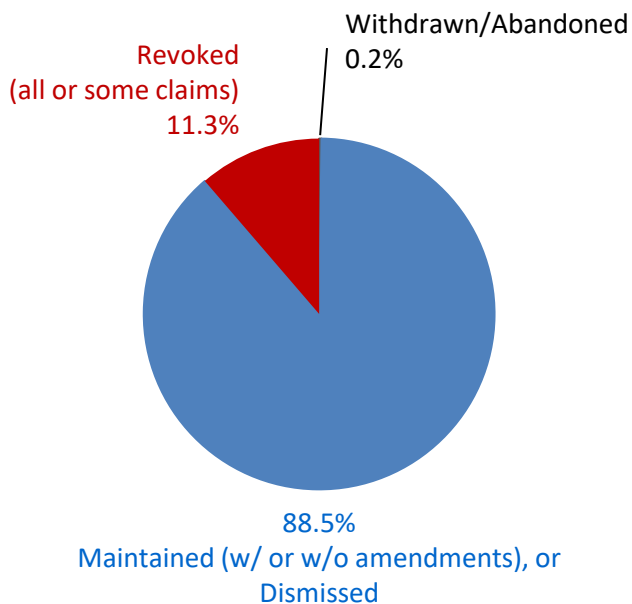


*1 Grant rate at appeal = appeal decisions of grant / (appeal decisions of grant + appeal decisions of rejection)
 *2 Opposition: from request to Notice of Reasons for Revocation (Advance Notice of Decision) or Decision Invalidation Trial: from request to Advance notice of Decision or Decision
 *3 Rate 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.

Updated

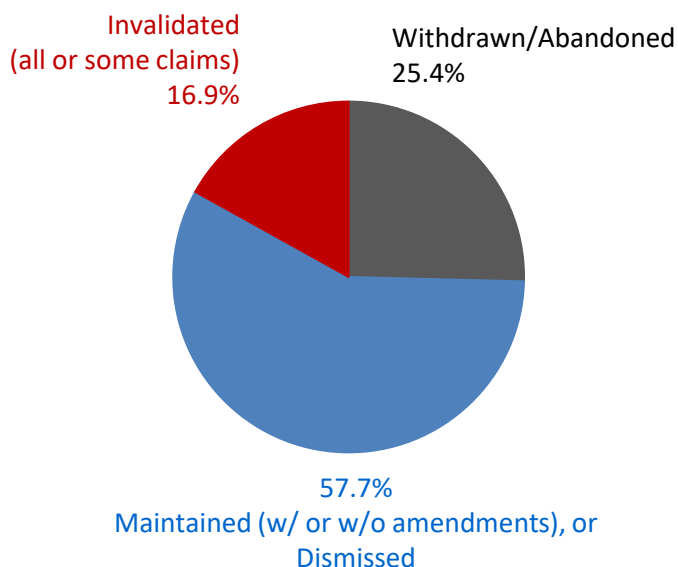
Breakdown of Oppositions & Invalidation Trials Results

Graph P4-4: Results of Oppositions



Outcomes of oppositions disposed from Jan. 2018 to Dec. 2022

Graph P4-5: Results of Invalidation Trials

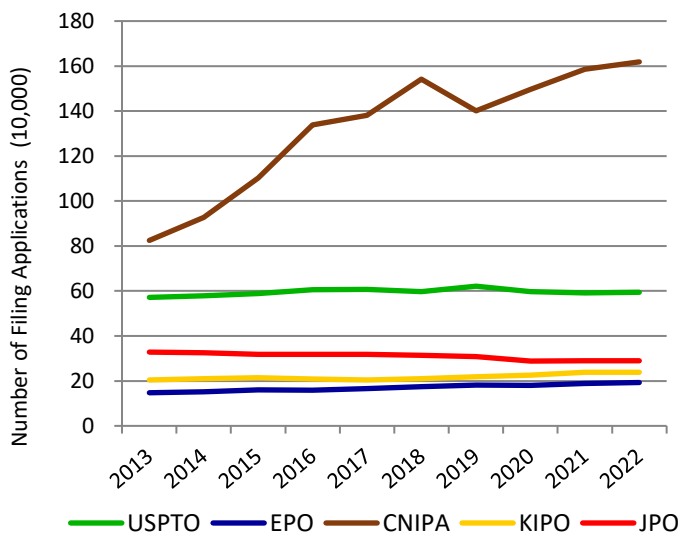


Outcomes of Invalidation trials disposed from Jan. 2018 to Dec. 2022

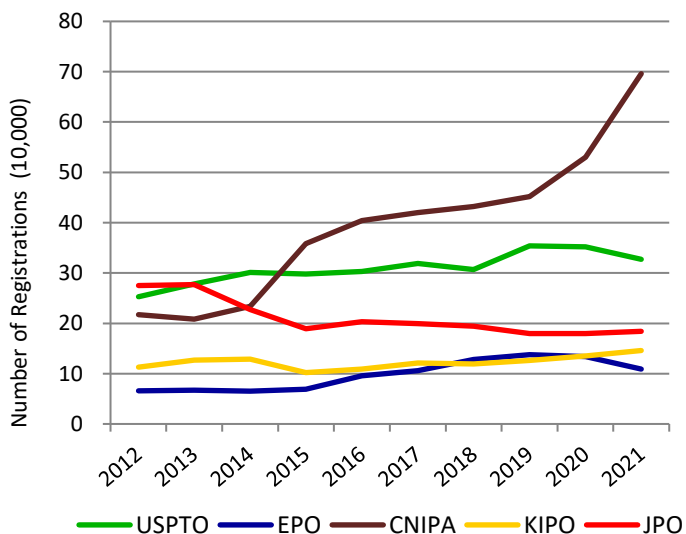
Comparison between the five IP offices

Updated

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

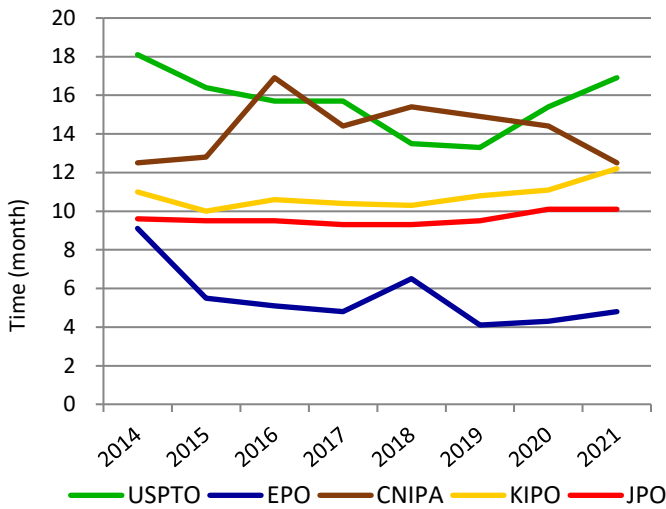


Graph P5-2: Patent registrations at the five IP offices



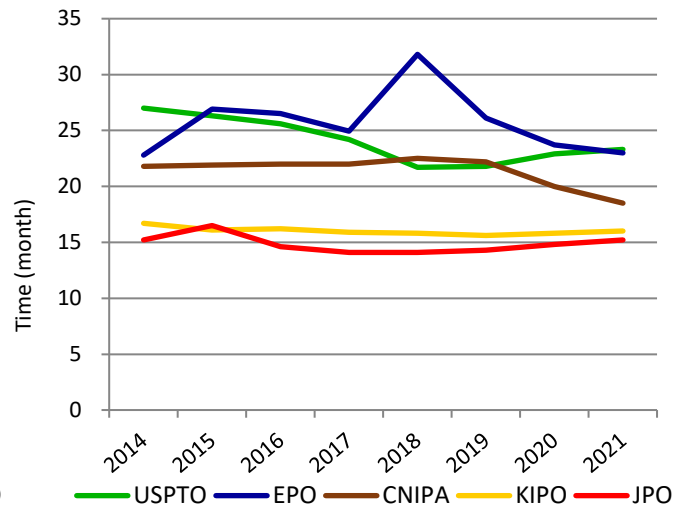
Updated

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



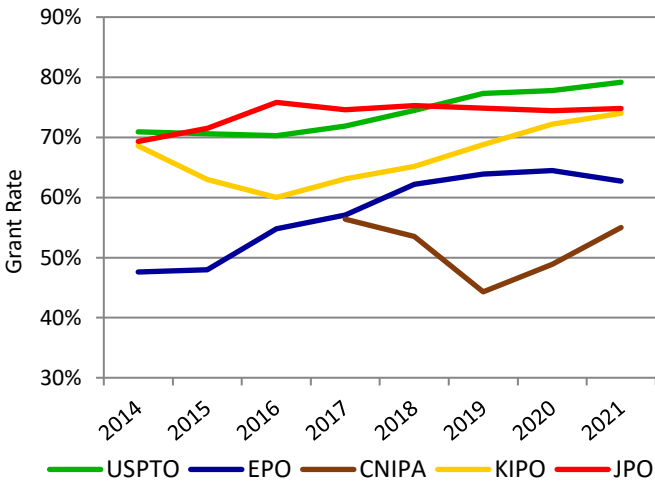
Updated

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



Updated

Graph P5-5: Patent grant rate at the five IP offices*³



*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)

*3 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)

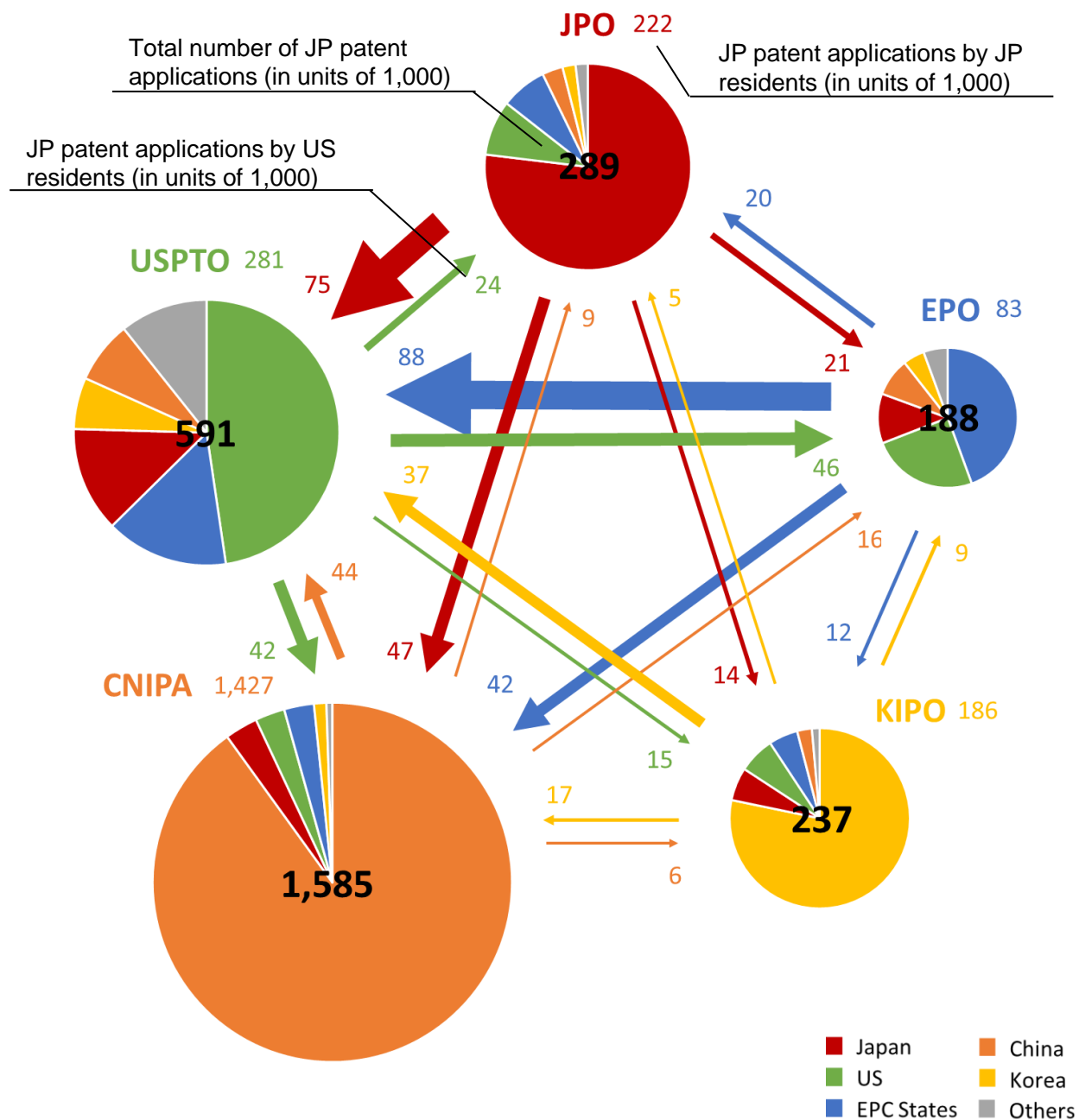
USPTO = Patent Grants / Patent Applications

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.

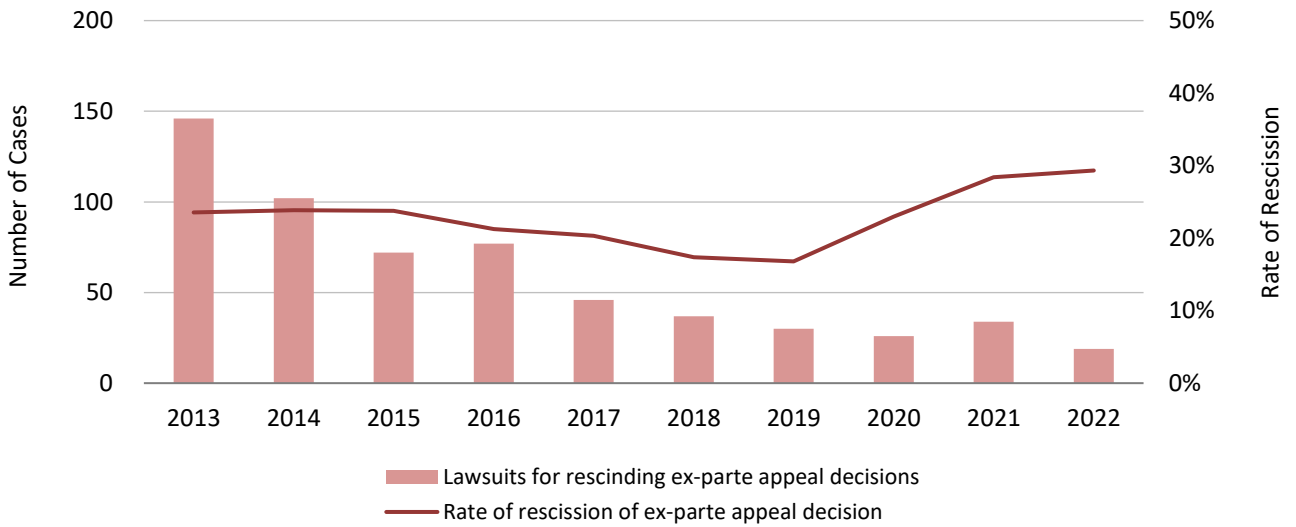
Graph P6: Patent applications filed at the five IP offices by origin*1 (in 2021)



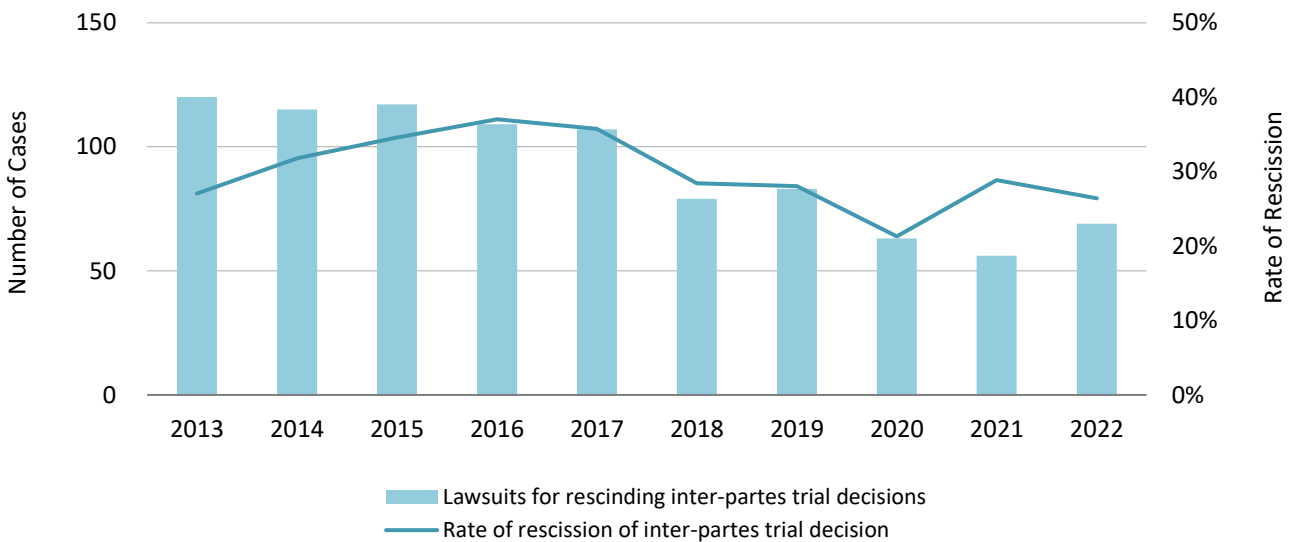
*1 The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

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



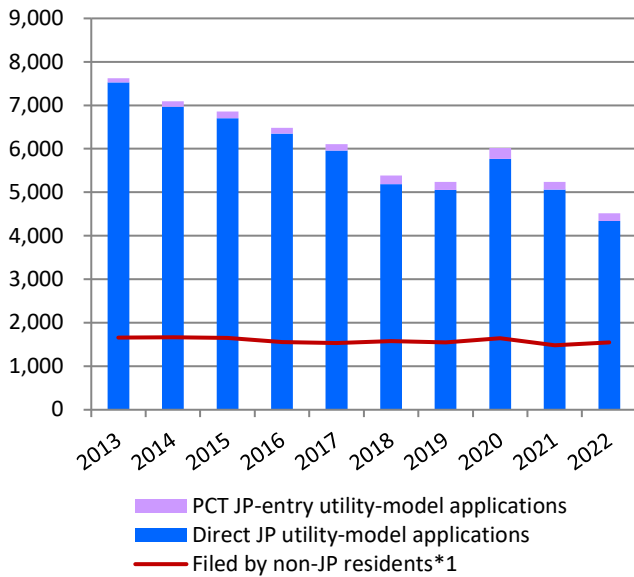
*1 These data include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment in relation to patent applications. The rate of rescission is a three-year moving average.

*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

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

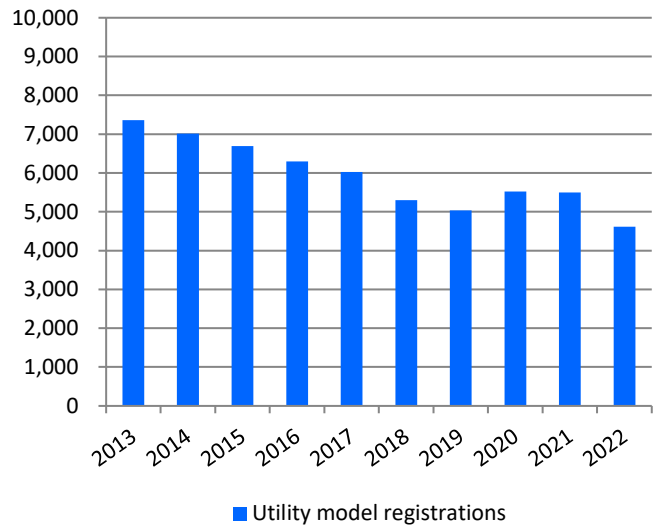
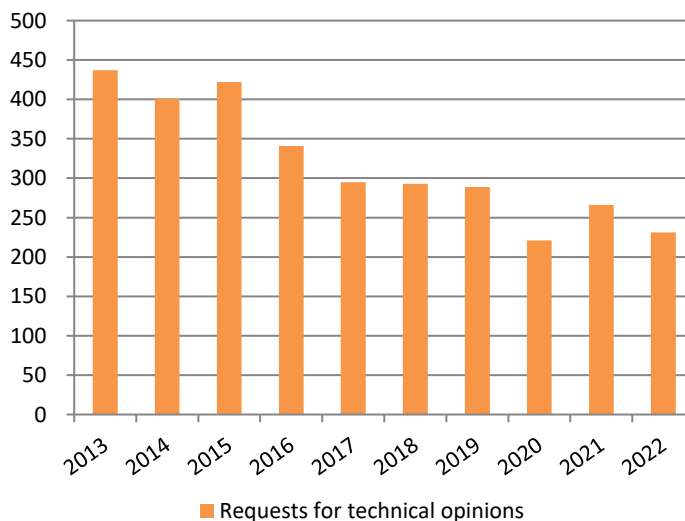


Table U1

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%

Requests for Technical Opinions*2

Graph U2



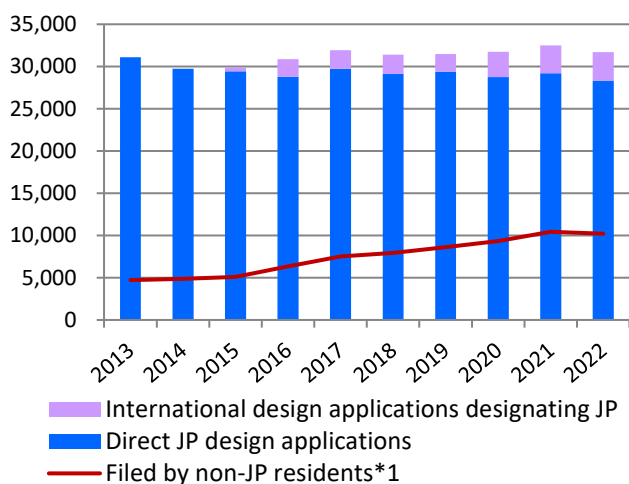
*1 Sum of PCT JP-entry and direct-JP utility-model applications filed by foreign applicants.

*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

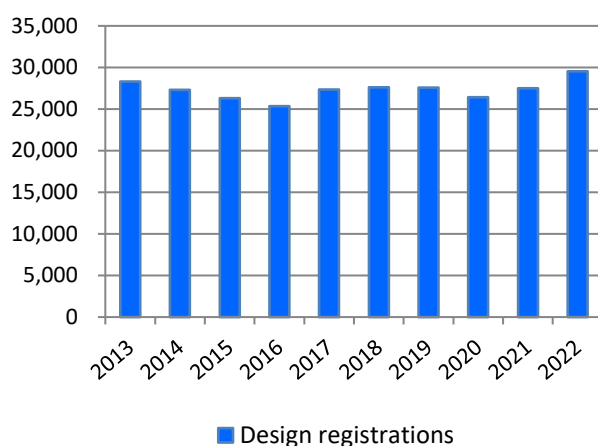


Table D1-1

	Calendar Year	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 August 1, 2023)

Table D1-2

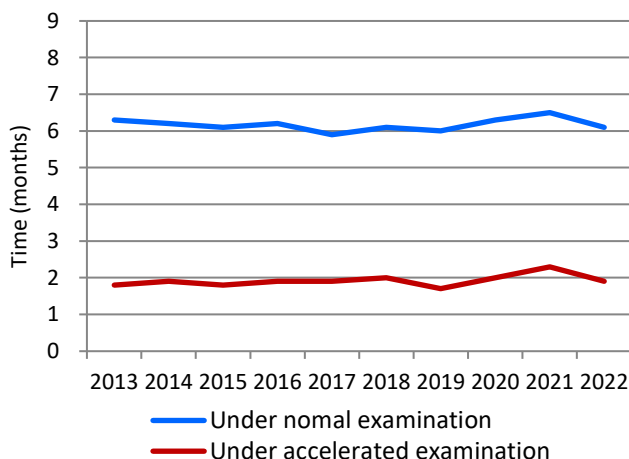
	Applications	Registrations
Graphic Images	4,597	2,948
Buildings	1,293	839
Interior Designs	868	525

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 August 1, 2023.

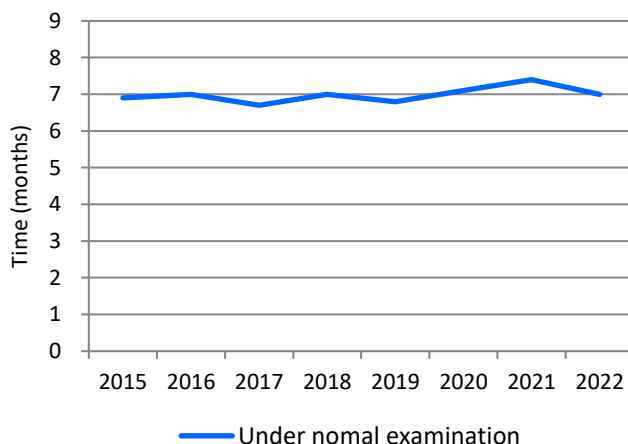
Updated

Average time of pendency

Graph D2-1: Examination pendency to 1st OA



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

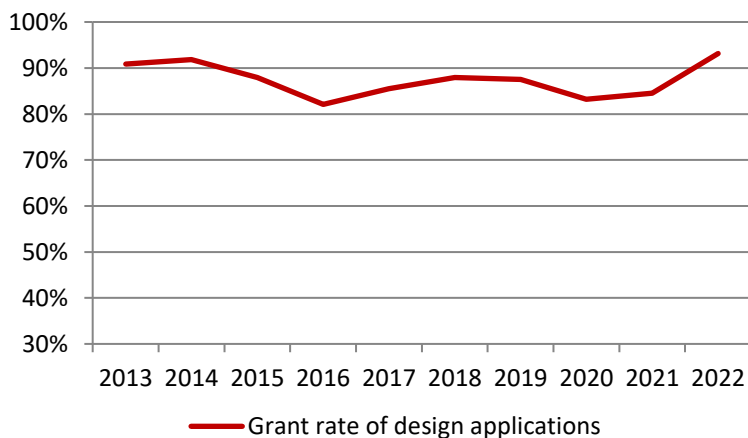


*1 Sum of international design applications designating JP and direct-JP design applications filed by foreign applicants.

*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

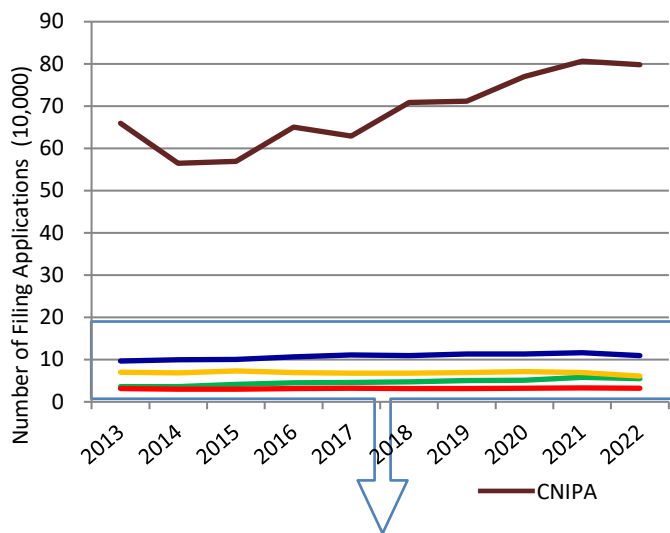
Graph D3: Design grant rate



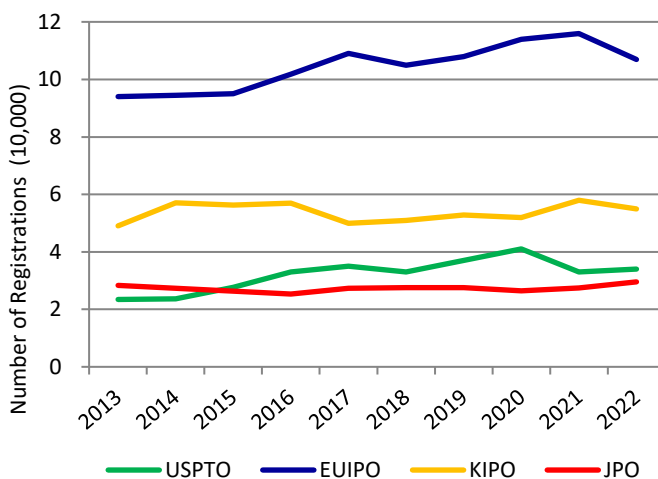
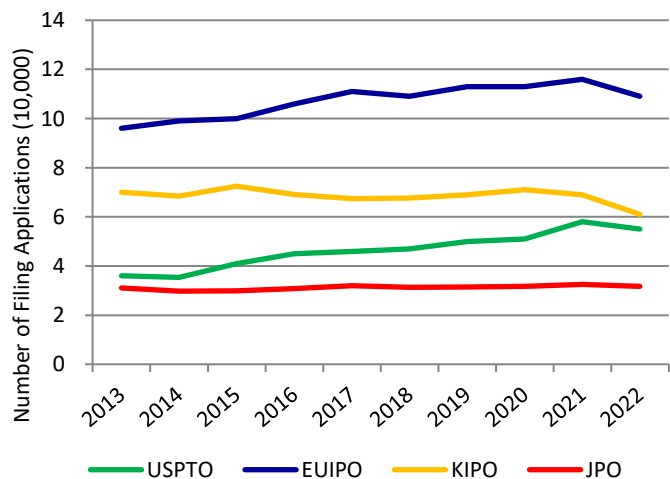
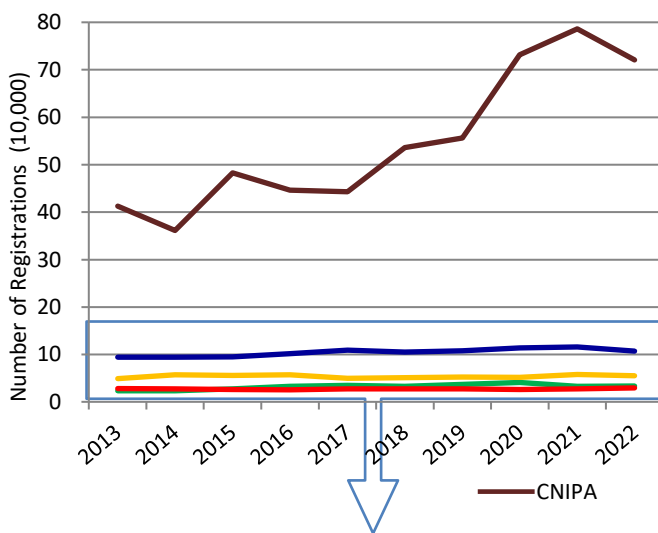
Updated

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

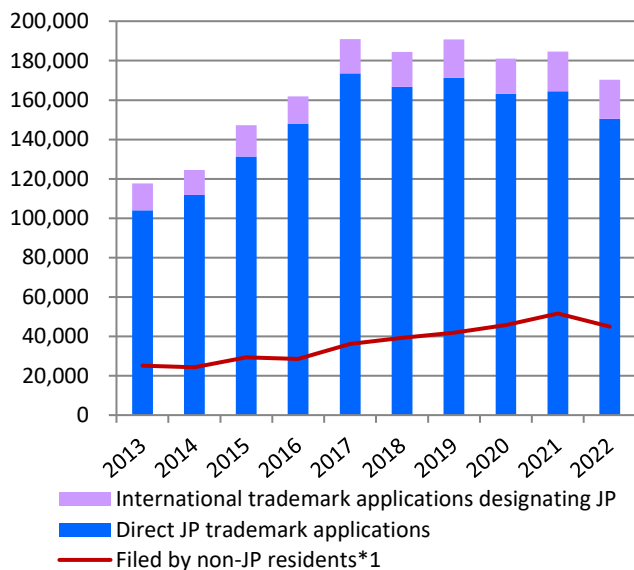


*1 Grant Rate of Design Applications = Design Registrations / Design Applications

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

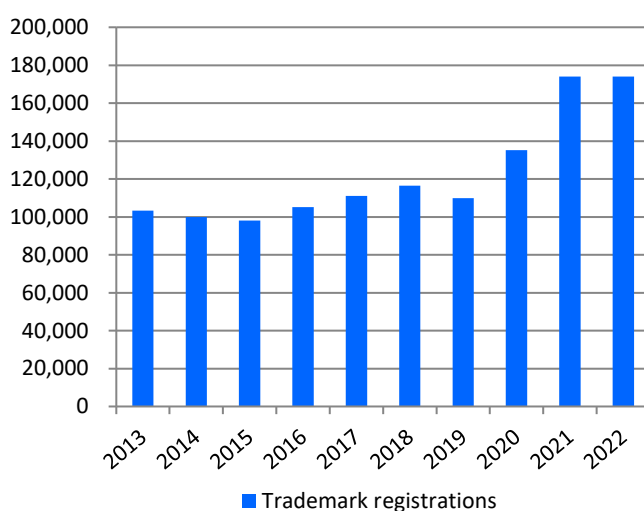


Table T1-1

Calendar Year	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%

Updated

Trademark applications for non-traditional marks*2

Table T1-2

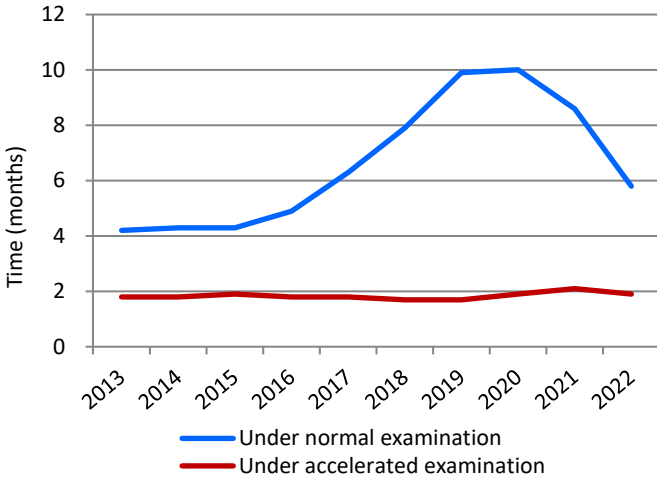
Calendar Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
3D / Applications	243	265	308	267	295	276	254	285	337	311
Registrations	150	146	174	150	141	137	125	155	160	202
Sound / Applications	-	-	365	133	80	51	37	20	22	19
Registrations	-	-	21	74	113	49	32	28	18	11
Motion / Applications	-	-	80	38	8	26	24	18	22	18
Registrations	-	-	13	47	31	8	17	20	16	27
Position / Applications	-	-	243	80	51	41	44	40	44	30
Registrations	-	-	5	14	21	19	16	15	13	28
Color / Applications	-	-	448	42	22	19	6	5	8	7
Registrations	-	-	0	0	2	5	1	0	0	1
Hologram / Applications	-	-	14	3	0	2	1	0	0	1
Registrations	-	-	1	8	2	1	2	1	0	1

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

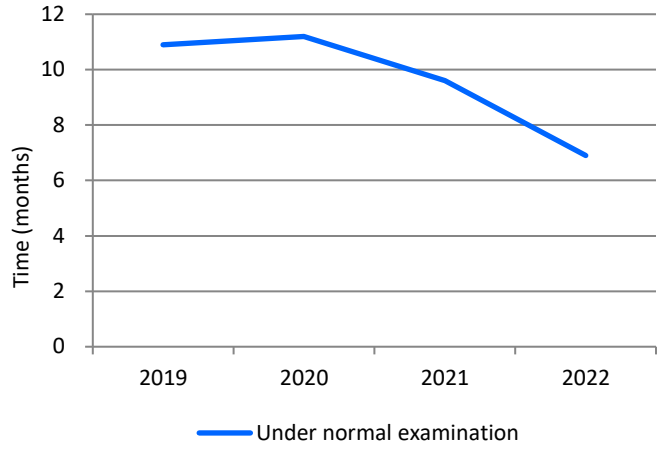
*2 These data do not include the numbers of international trademark applications designating JP.

Average time of pendency

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

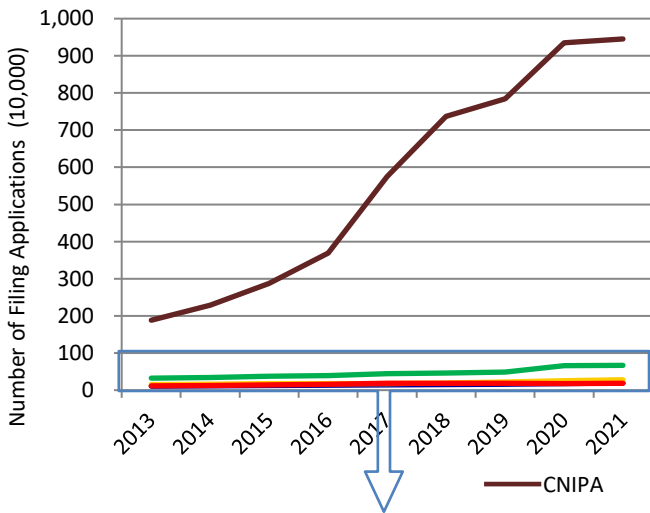


Graph T2-2: Trademark examination pendency from filing to a final disposition*2

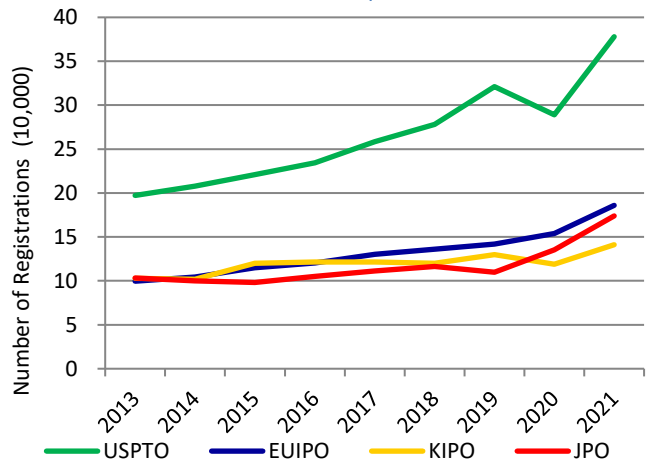
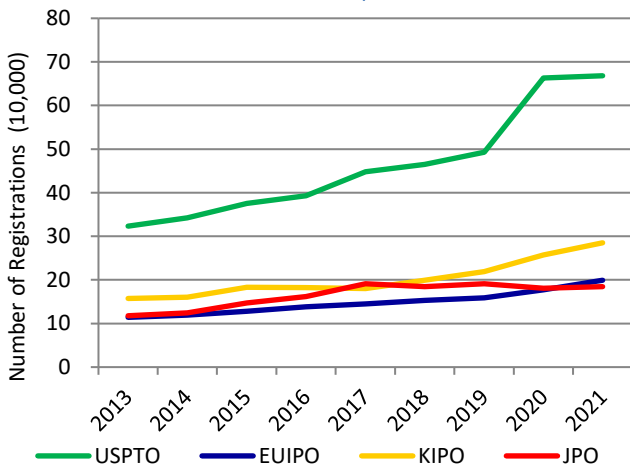
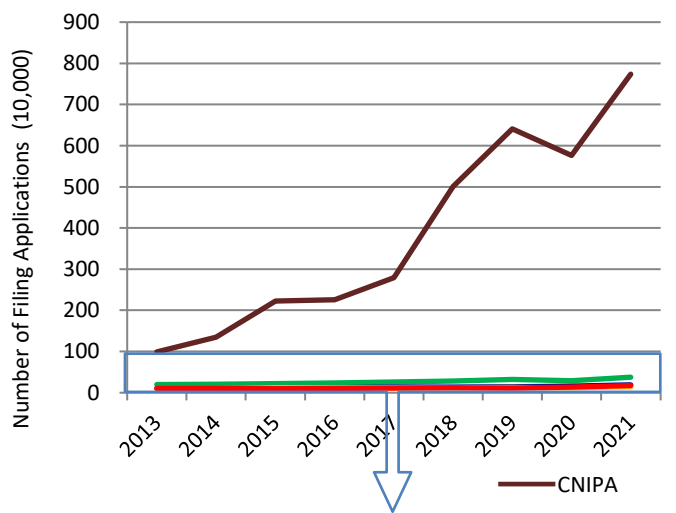


Comparison between the five IP offices

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.

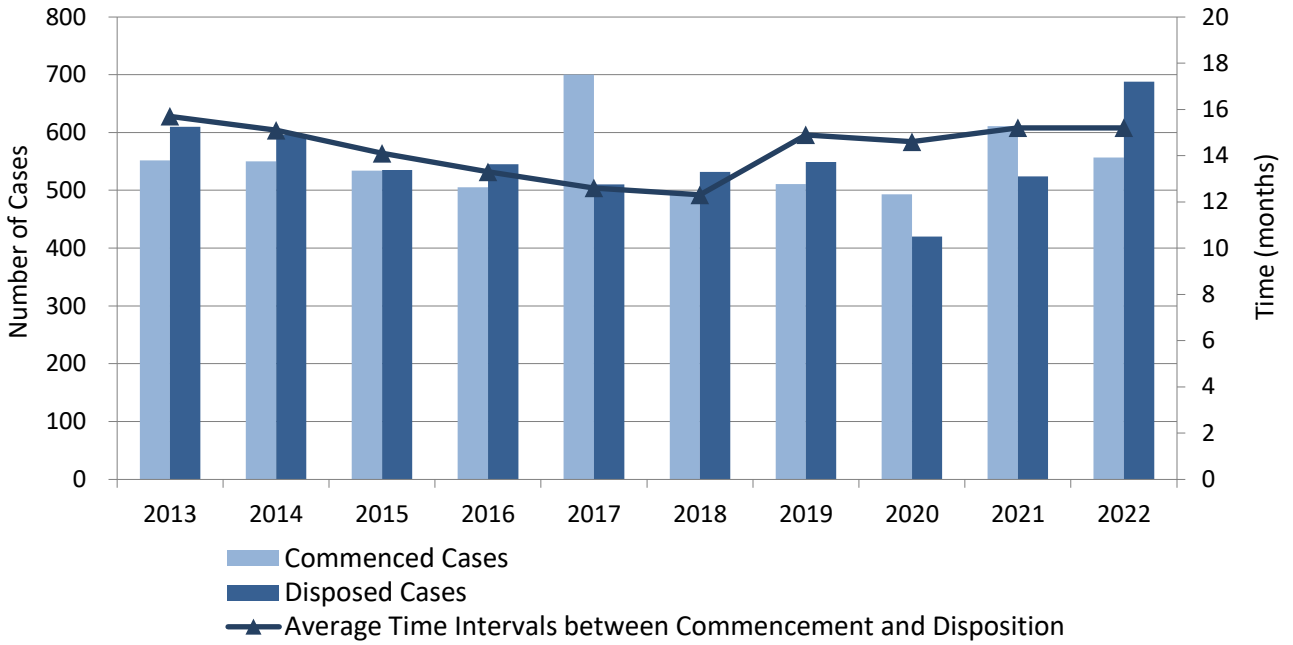
*3 Since CNIPA does not publish the number of trademark applications, the values are based on the number of trademark classes.

Statistics: Litigation

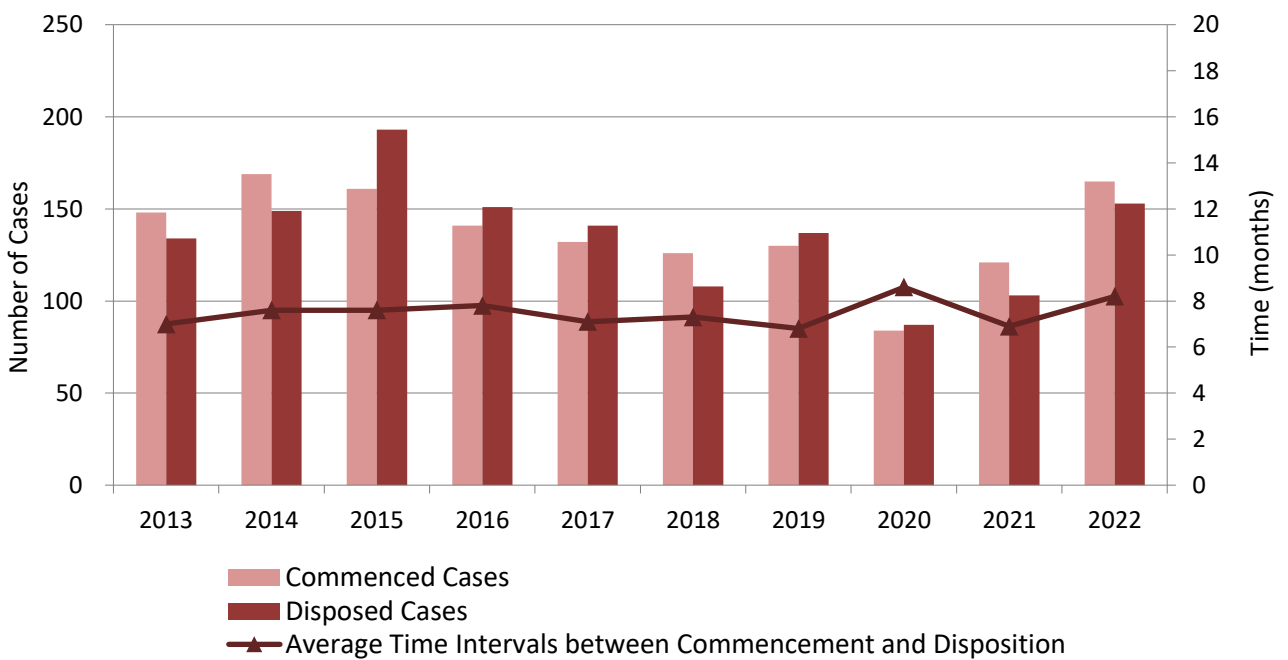
Updated

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)

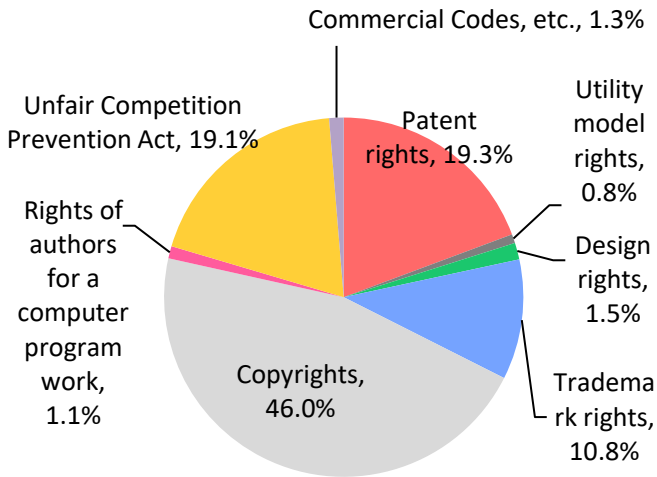


*¹ These data include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

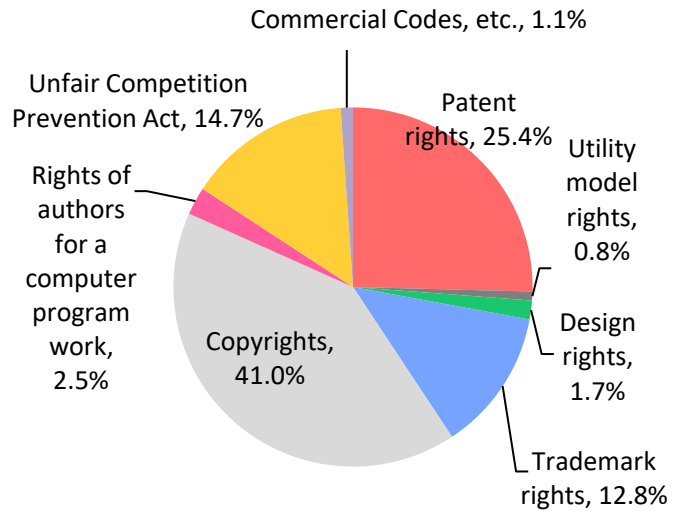
Breakdown of IP-Related Civil Cases by IP Rights*1 (2021)

Graphs L2-1: All District Courts

Commenced

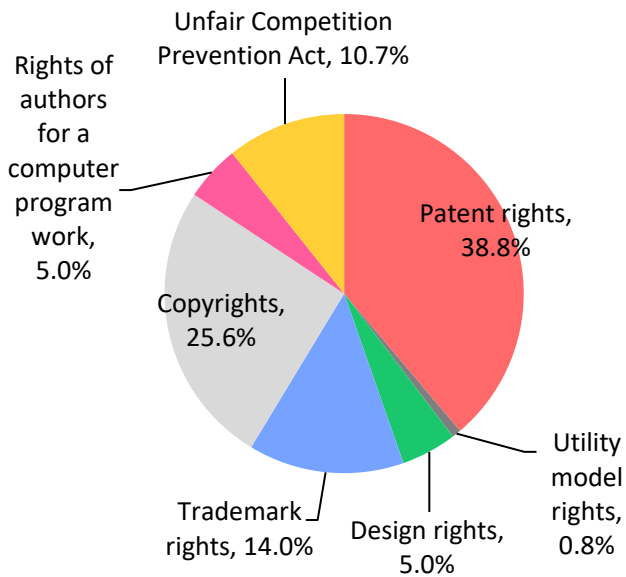


Disposed

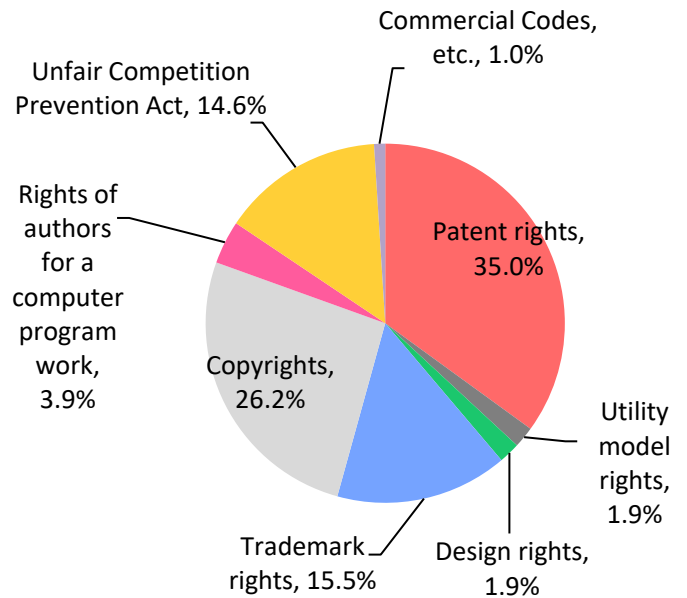


Graphs L2-2: All High Courts

Commenced



Disposed



*1 These data relate to IP-related civil cases, and thus do not include administrative litigations.

Updated

Graph L3: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts*¹ (2014 to 2022)

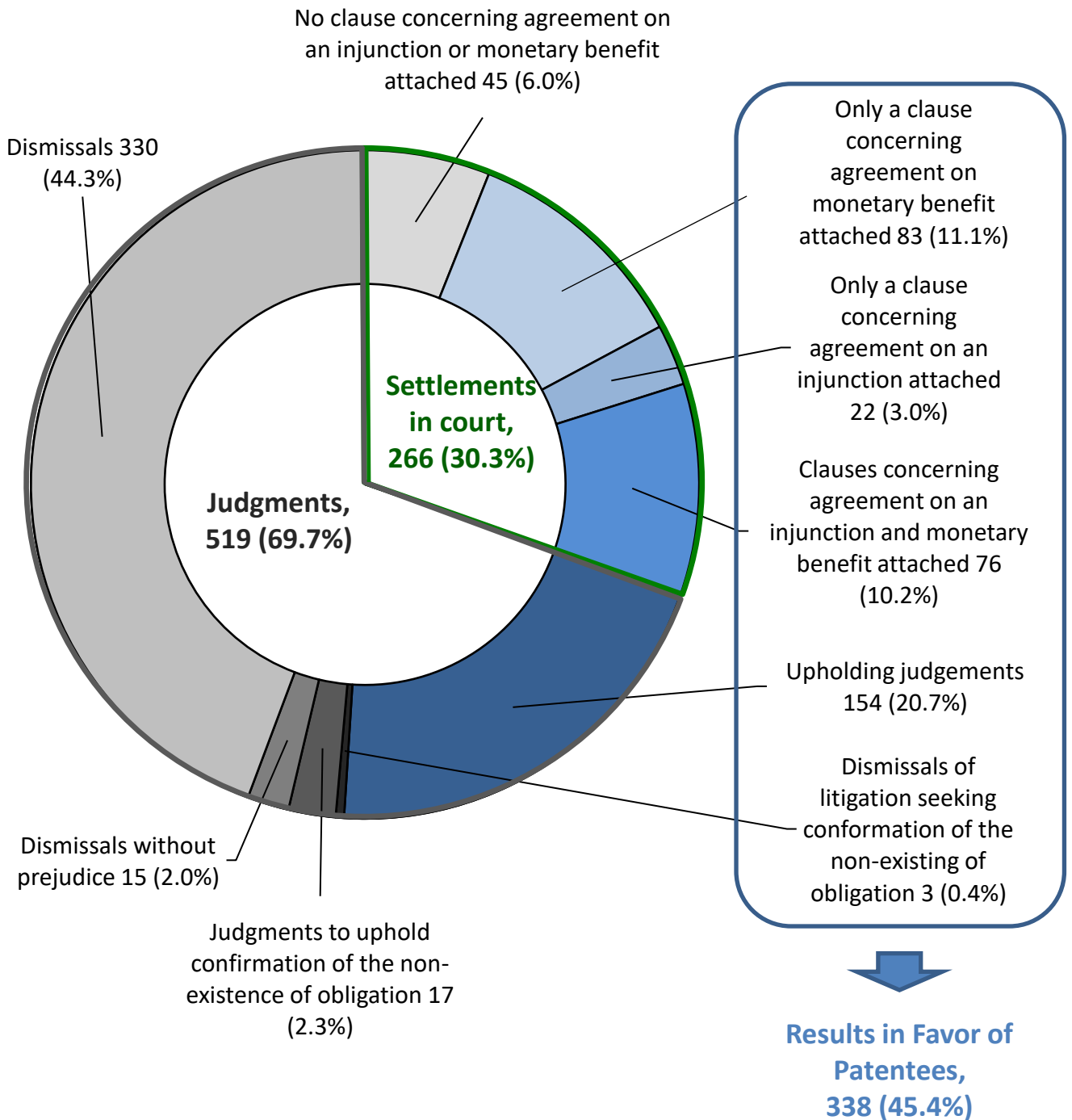


Table L1

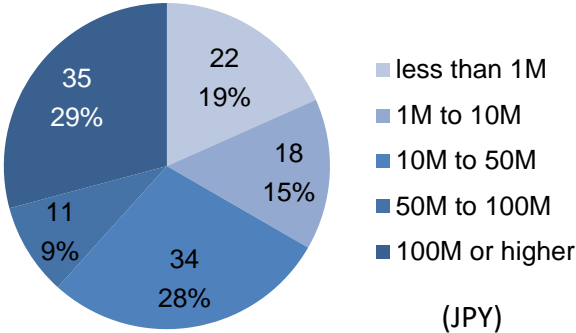
	From 2014 to 2017	2018	2019	2020	2021	2022
Results in favor of patentees	43.8%	43.4%	44.6%	45.8%	45.8%	45.4%

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

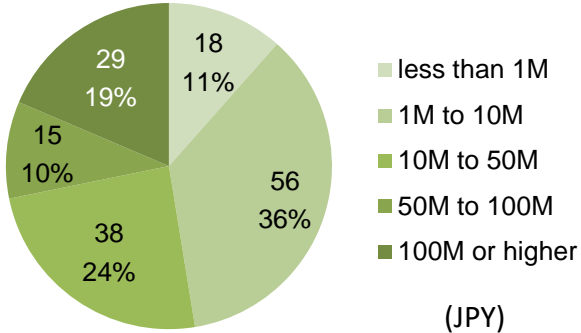
Updated

Amounts Approved in Judgments and agreed to be paid in settlements in court in patent infringement cases (2014-2022)*¹

Graph L4: Number and proportion of amounts approved in judgments

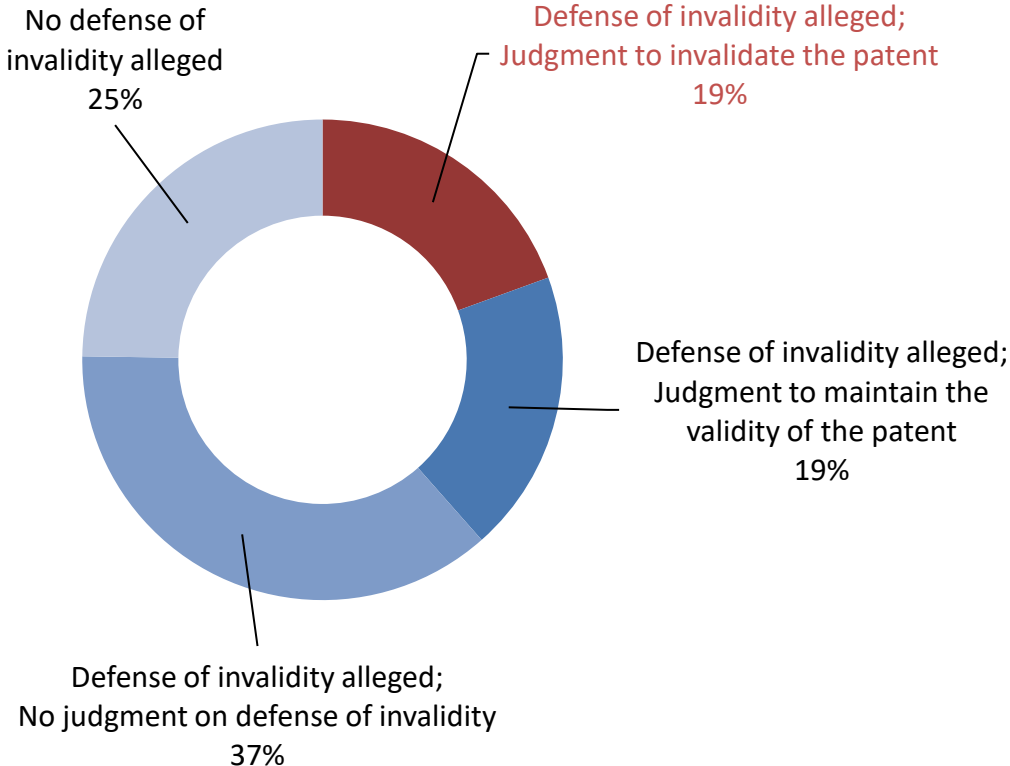


Graph L5: Number and proportion of amounts agreed to be paid in settlements



Updated

Graph L6: Whether defense of invalidity was judged and how it was judged in patent infringement cases (2014 to 2022)*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.