



IP Statistics in Japan

Seiwa Patent & Law

(Tokyo, JAPAN)

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Abstract

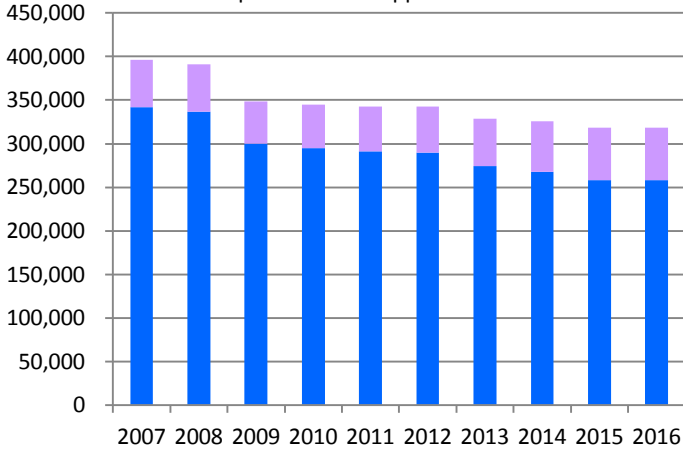
We regularly compile statistics about applications/prosecutions/litigations of intellectual property (IP) rights (patents, utility models, designs, and trademarks) in Japan, based on the data published by the Japan Patent Office (JPO) and the Supreme Court of Japan (SCJ). This article summarizes some of the latest IP statistics as of October 2017.

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Utility Model Statistics	Page	5
Design Statistics	Page	6
Trademark Statistics	Page	8
Litigation Statistics	Page	10

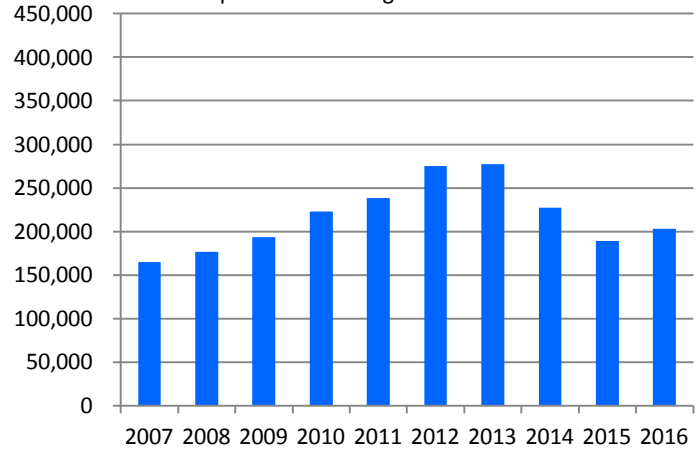
Statistics: Patents

Patent applications and registrations at the JPO

Graph 1-1: Patent applications at the JPO



Graph 1-2: Patent registrations at the JPO



■ Direct JP patent applications ■ PCT JP-entry patent applications

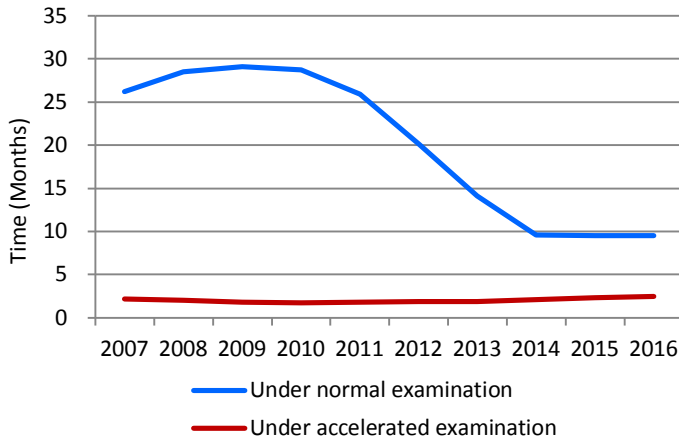
■ Patent registrations

Table 1

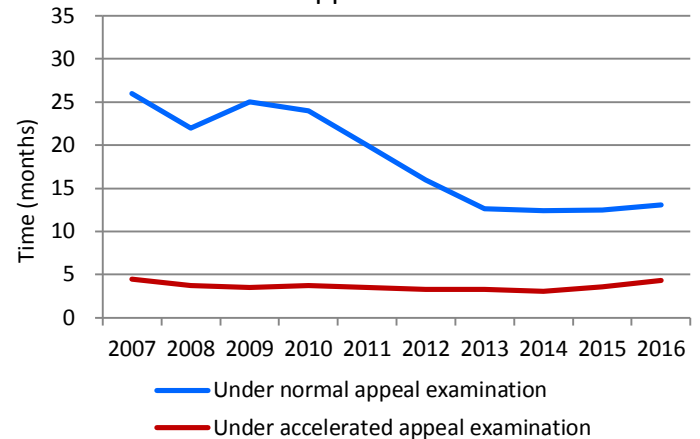
Calendar Year	2012	2013	2014	2015	2016	
JP patent applications in total	342,796	328,436	325,989	318,721	318,381	(-0.1%)
PCT JP-entry patent applications	53,058	54,157	58,337	60,431	59,893	(-0.9%)
Direct JP patent applications	289,738	274,279	267,652	258,290	258,488	(+0.1%)
Patent registrations	274,791	277,079	227,142	189,358	203,087	(+7.3%)

Average time of pendency

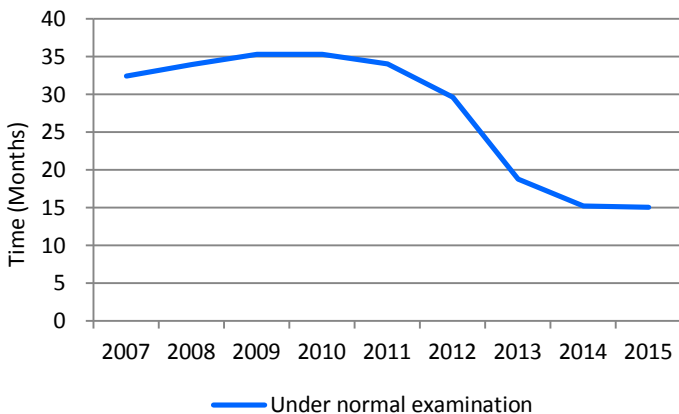
Graph 2-1: Request of examination to 1st OA



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



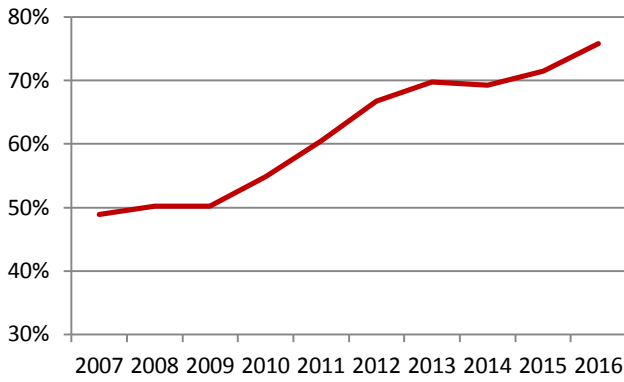
Graph 2-3: Request of examination to decision



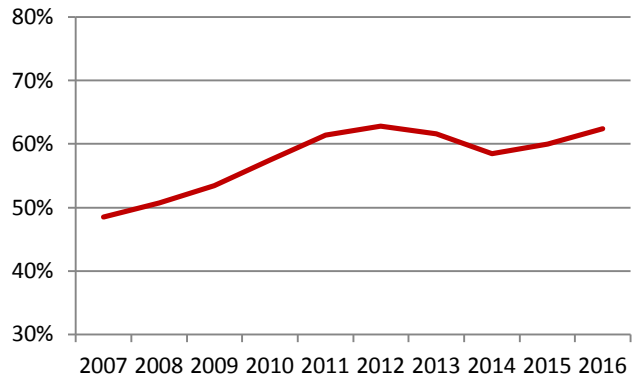
The JPO created “FA 11” campaign in 2004, aimed at reducing the average time of examination pendency to a first office action to less than 11 months. As a result, the time of pendency has dramatically decreased, and they achieved it in 2014. The JPO set the next decade goal in March 2014, which is further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

Grant rate at the JPO*1

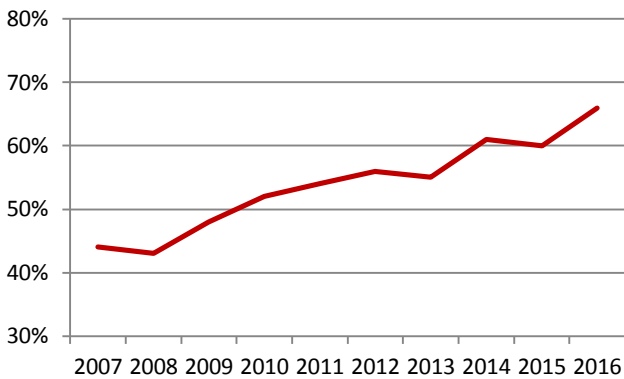
Graph 3-1: Grant rate at examination



Graph 3-2: Grant rate at preappeal reexamination



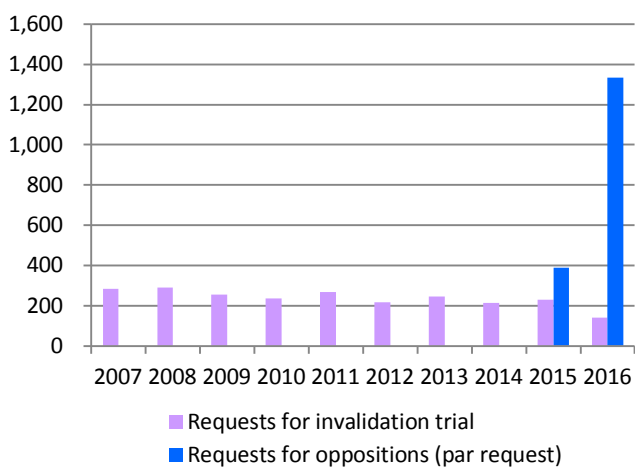
Graph 3-3: Grant rate at appeal



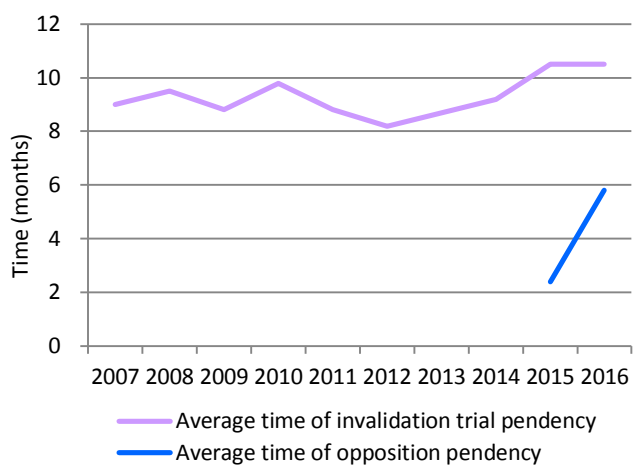
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Graph 4-1: Requests for opposition & invalidation trial



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

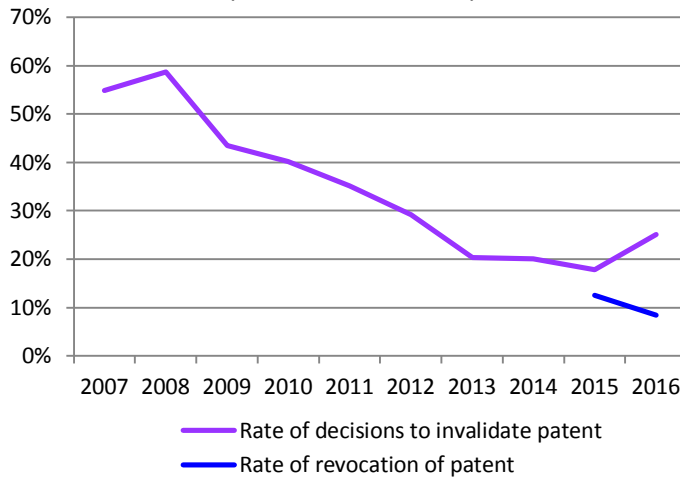


*1 Grant Rate at Examination = Decisions of Grant at Examination / (Decisions of Grant at Examination + Decisions of Rejection at Examination + Withdrawal or Abandonment after Request for Examination)

Grant Rate at Pretrial Reexamination = Decisions of Grant at Pretrial Reexamination / (Decisions of Grant at Pretrial Reexamination + Cases Transferred to Appeal)

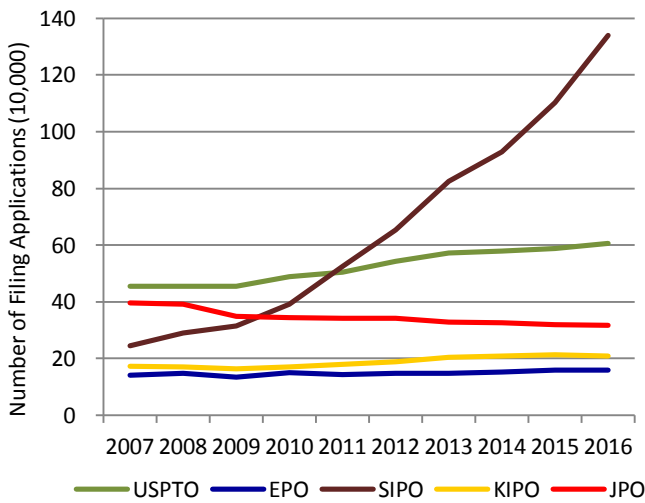
Grant Rate at Appeal = Appeal Decisions of Grant / (Appeal Decisions of Grant + Appeal Decisions of Rejection)

Graph 4-3: Rate of invalidation and revocation of patent (all or some claims)*²

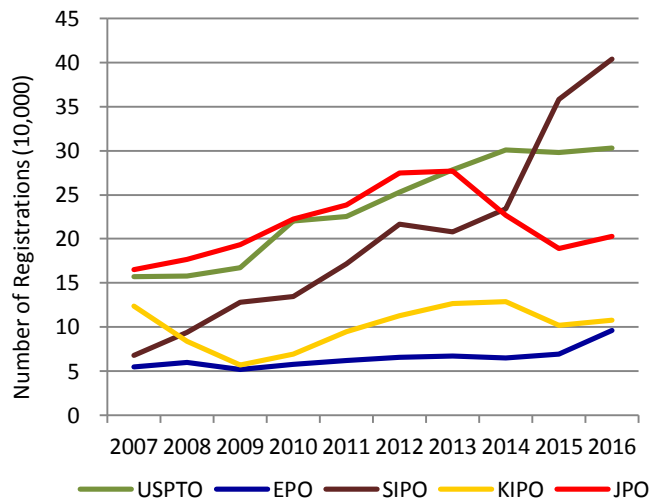


Comparison between the five IP offices

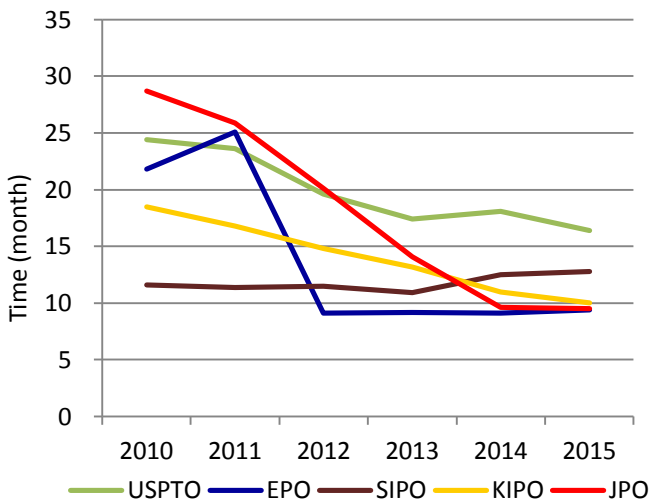
Graph 5-1: Patent applications at the five IP offices



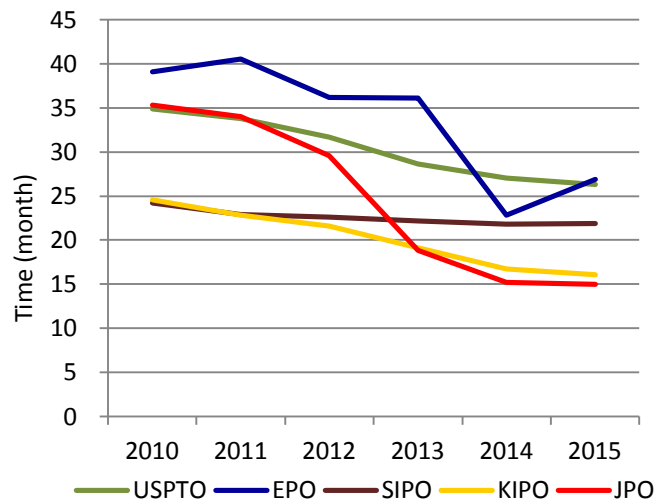
Graph 5-2: Patent registrations at the five IP offices



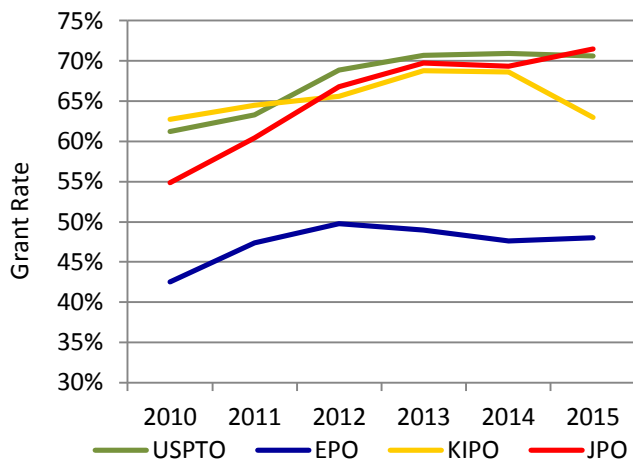
Graph 5-3: Average time of examination pendency to 1st OA



Graph 5-4: Average time of examination pendency to decision



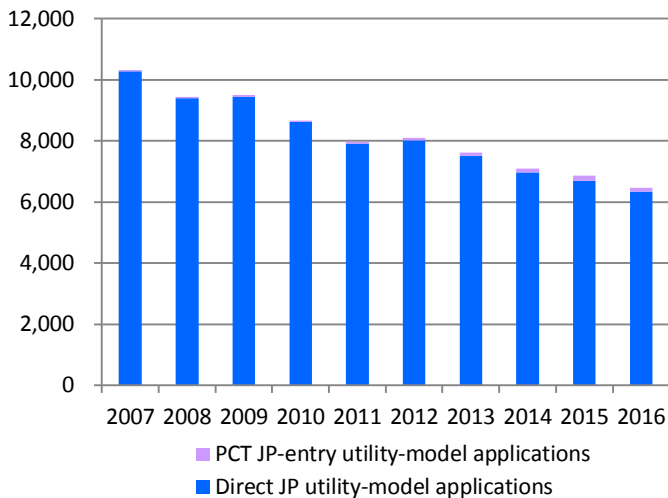
Graph 5-5: Grant rate at the four IP offices*3



2. Statistics: Utility Models

Utility model applications and registrations at the JPO

Graph 6-1: Utility model applications at the JPO



Graph 6-2: Utility model registrations at the JPO

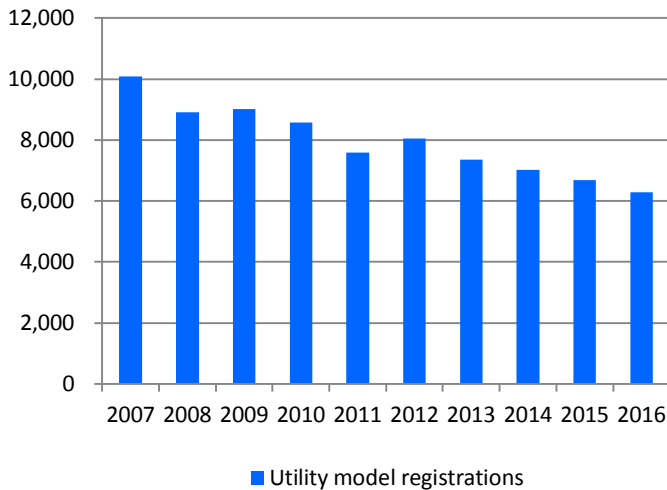


Table 2

Calendar Year	2012	2013	2014	2015	2016	
JP utility-model applications in total	8,112	7,622	7,095	6,860	6,480	(-0.06%)
PCT JP-entry utility-model applications	88	97	127	160	131	(-0.18%)
Direct JP utility-model applications	8,024	7,525	6,968	6,700	6,349	(-0.05%)
Utility model registrations	8,054	7,363	7,017	6,695	6,297	(-0.06%)

*2 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)

*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)

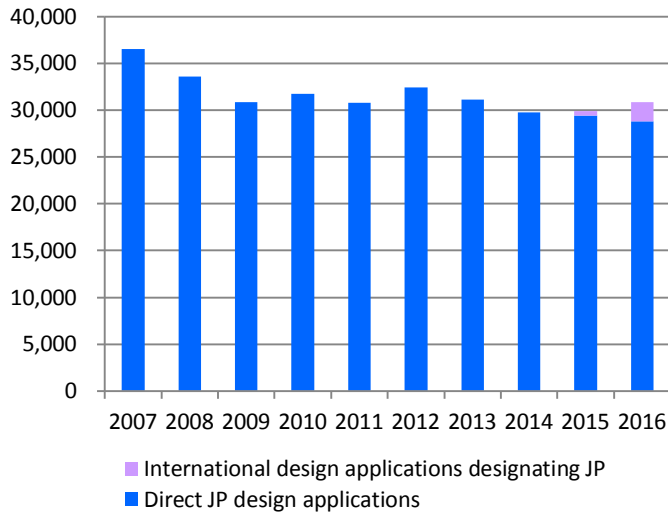
KIPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal after Request for Examination)

SIPO does not disclose the Grant Rate at Examination.

Statistics: Designs

Design applications and registrations at the JPO

Graph 7-1: Design applications at the JPO



Graph 7-2: Design registrations at the JPO

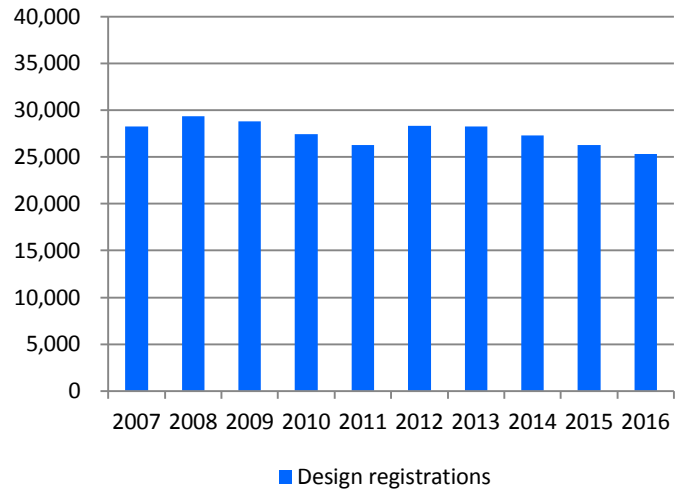
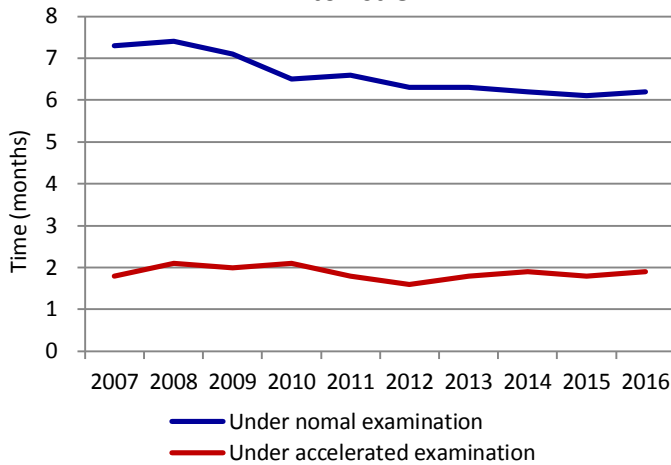


Table 3

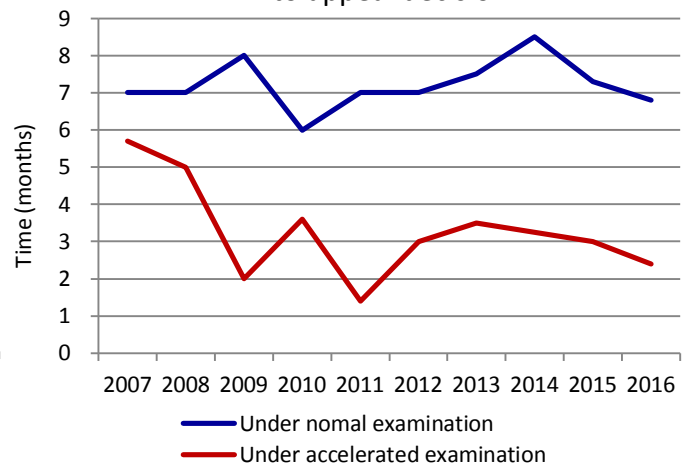
Calendar Year	2012	2013	2014	2015	2016
JP design applications in total	32,391	31,125	29,738	29,903	30,879 (+0.03%)
International design applications designating JP	-	-	-	452	2,083 (+3.61%)
Direct JP design applications	32,391	31,125	29,738	29,451	28,796 (-0.02%)
Design registrations	28,349	28,288	27,306	26,297	25,344 (-0.04%)

Average time of pendency

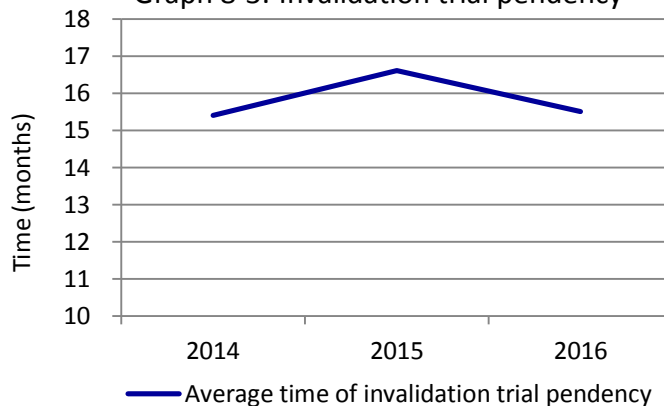
Graph 8-1: Request of examination to 1st OA



Graph 8-2: Demand of ex-parte appeal to appeal decision

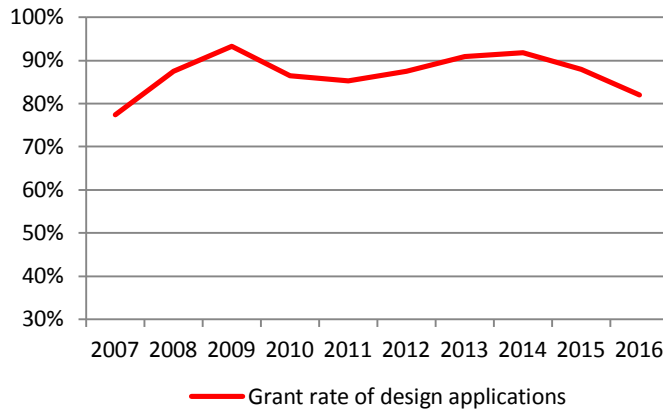


Graph 8-3: Invalidation trial pendency



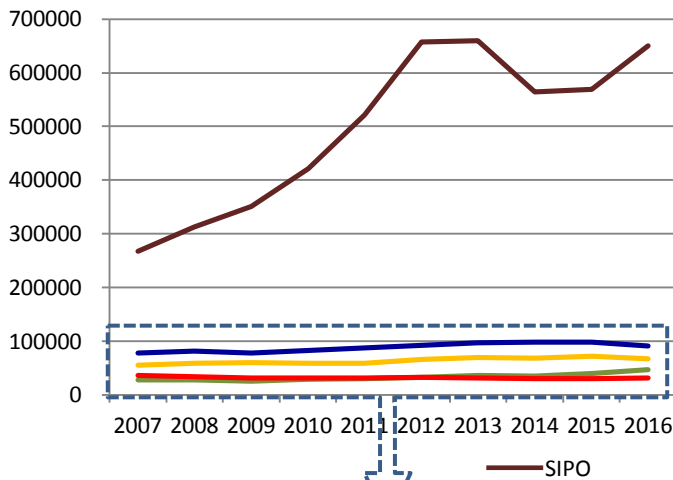
Grant rate at examination of design applications*1

Graph 9: Design grant rate

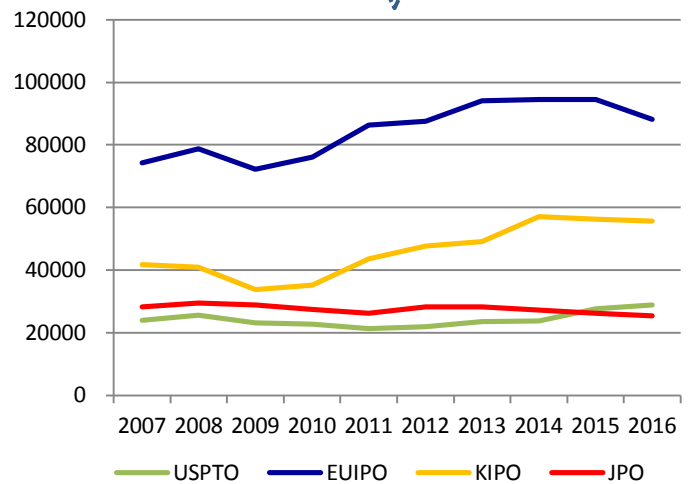
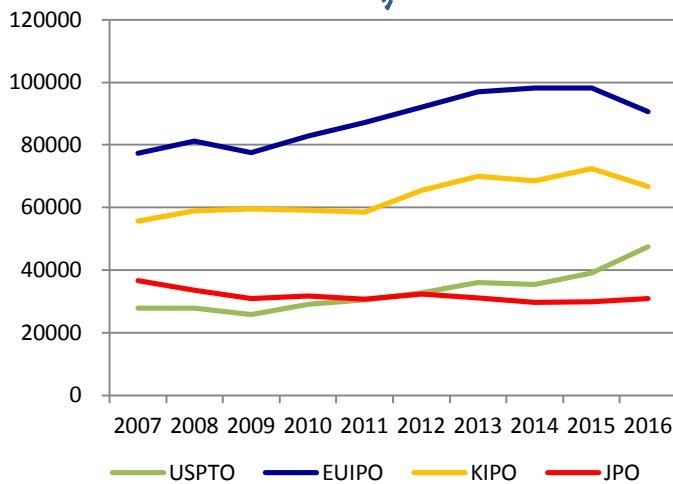
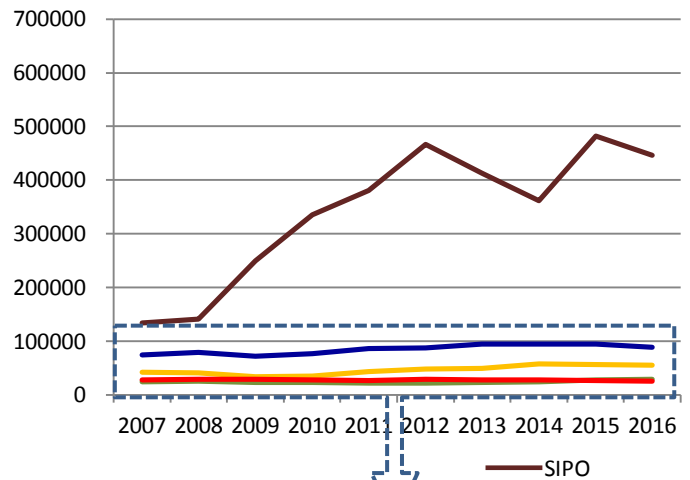


Comparison between the five IP offices

Graph 10-1: Design applications at the five IP offices



Graph 10-2: Design registrations at the five IP offices

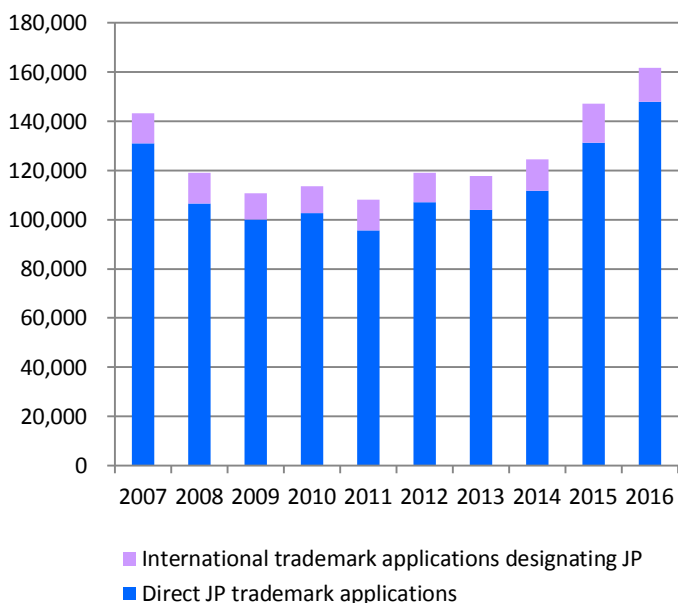


*1 Grant Rate of Design Applications = Design Registrations / Design Applications

Statistics: Trademarks

Trademark applications and registrations at the JPO

Graph 11-1: Trademark applications at the JPO



Graph 11-2: Trademark registrations at the JPO

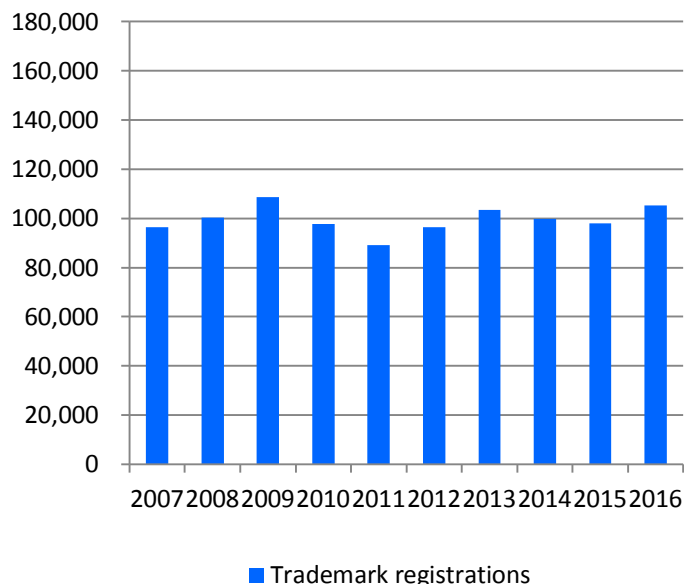


Table 4

Calendar Year	2012	2013	2014	2015	2016
JP trademark applications in total	119,010	117,674	124,442	147,283	161,859 (+0.10%)
International trademark applications designating JP	11,788	13,696	12,672	15,984	13,835 (-0.13%)
Direct JP trademark applications	107,222	103,978	111,770	131,299	148,024 (+0.13%)
Trademark registrations	96,359	103,399	99,896	98,085	105,207 (+0.07%)

Trademark applications by different types of trademark*¹

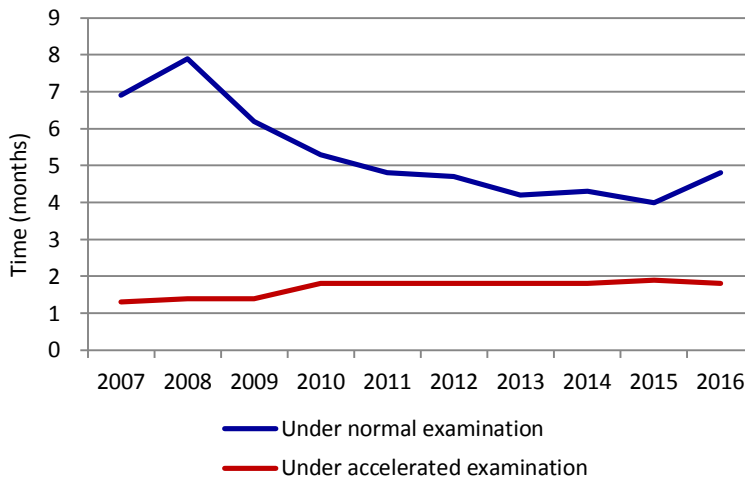
Table 5

Calendar Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3D / Applications	212	216	214	192	196	230	243	265	308	267
Registrations	126	108	116	114	93	130	150	146	174	150
Sound / Applications	-	-	-	-	-	-	-	-	365	133
Registrations	-	-	-	-	-	-	-	-	21	74
Movement / Applications	-	-	-	-	-	-	-	-	80	38
Registrations	-	-	-	-	-	-	-	-	13	47
Position / Applications	-	-	-	-	-	-	-	-	243	80
Registrations	-	-	-	-	-	-	-	-	5	14
Color / Applications	-	-	-	-	-	-	-	-	448	42
Registrations	-	-	-	-	-	-	-	-	0	0
Hologram / Applications	-	-	-	-	-	-	-	-	14	3
Registrations	-	-	-	-	-	-	-	-	1	8

*1 This graph does not include the numbers of international trademark applications designating JP.

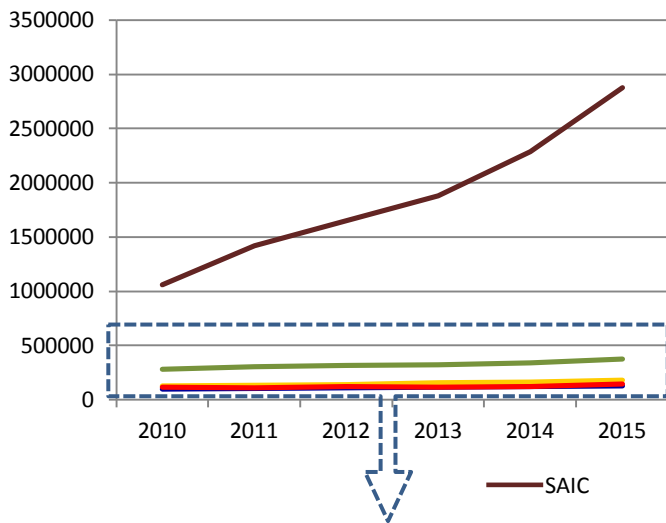
Average time of examination pendency to 1st OA

Graph 12: Trademark examination pendency to 1st OA

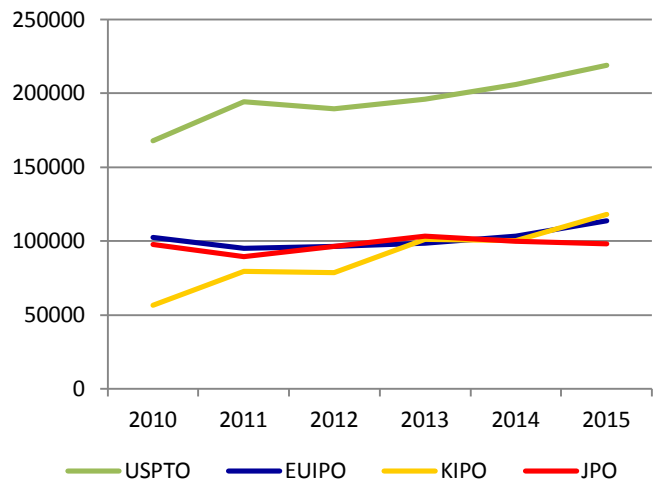
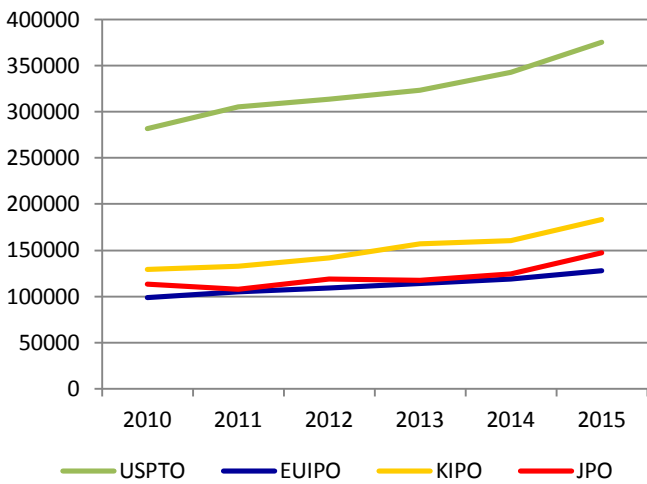
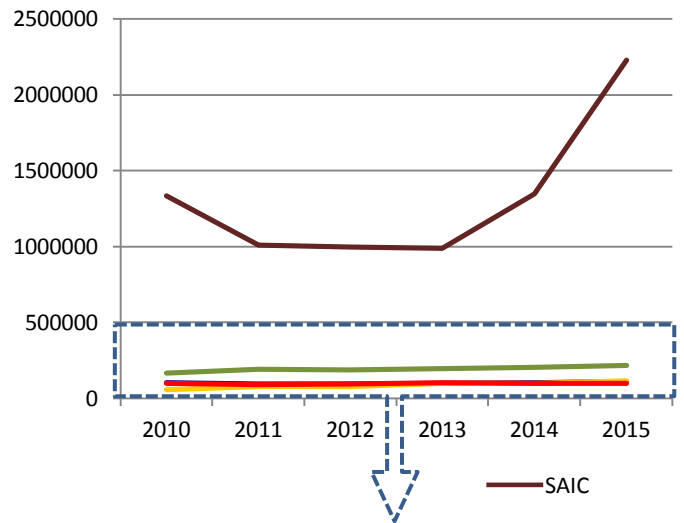


Comparison between the five IP offices

Graph 13-1: Trademark applications at the five IP offices



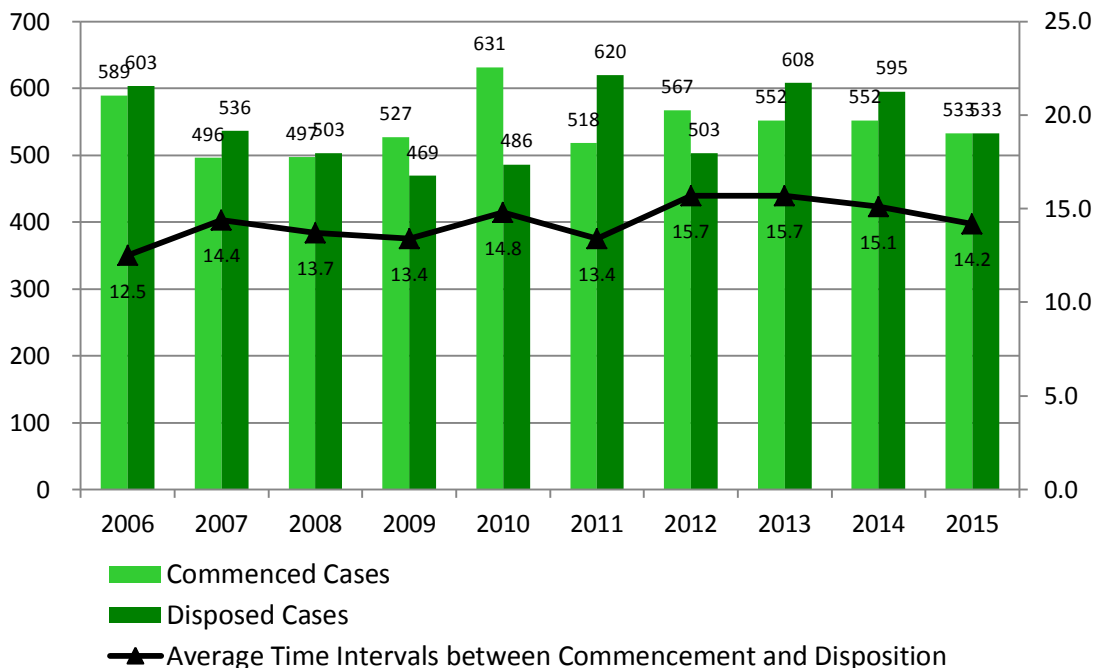
Graph 13-2: Trademark registrations at the five IP offices



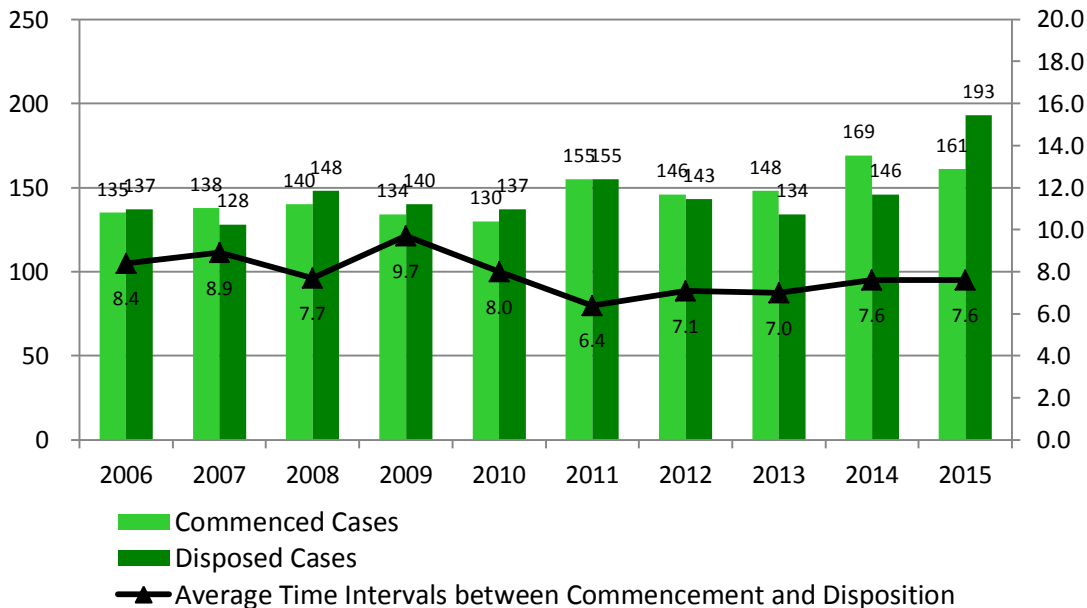
Statistics: Litigation

Infringement Suits and other IP-Related Suits

Graph 14-1: At the District Courts

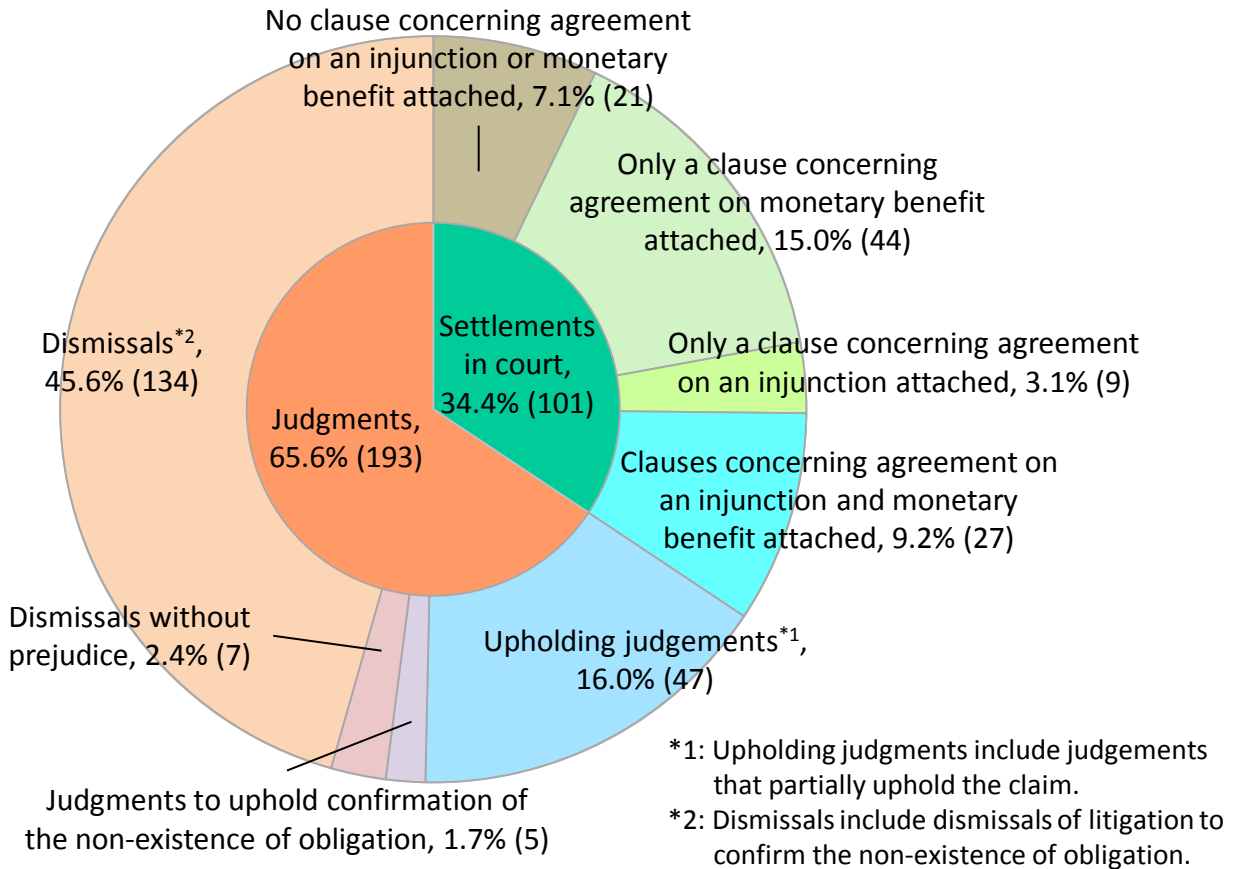


Graph 14-2: At the High Courts

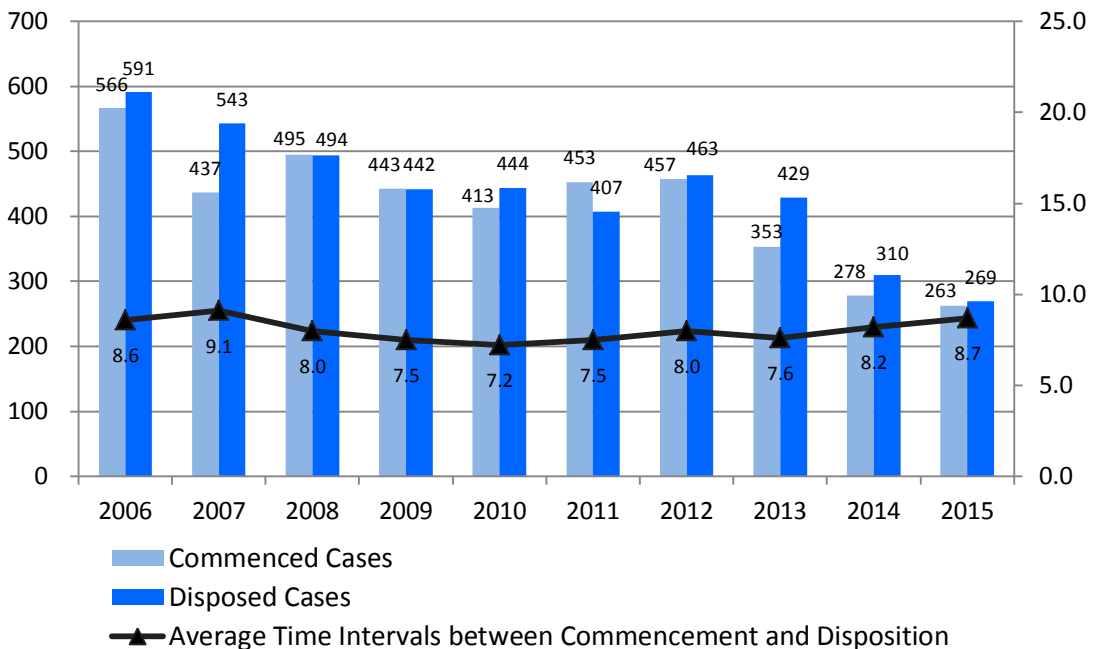


*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan, and include all the cases relating to patents, utility model registrations, design registrations and trademark registrations.

Graph 15: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts (2014 to 2016)



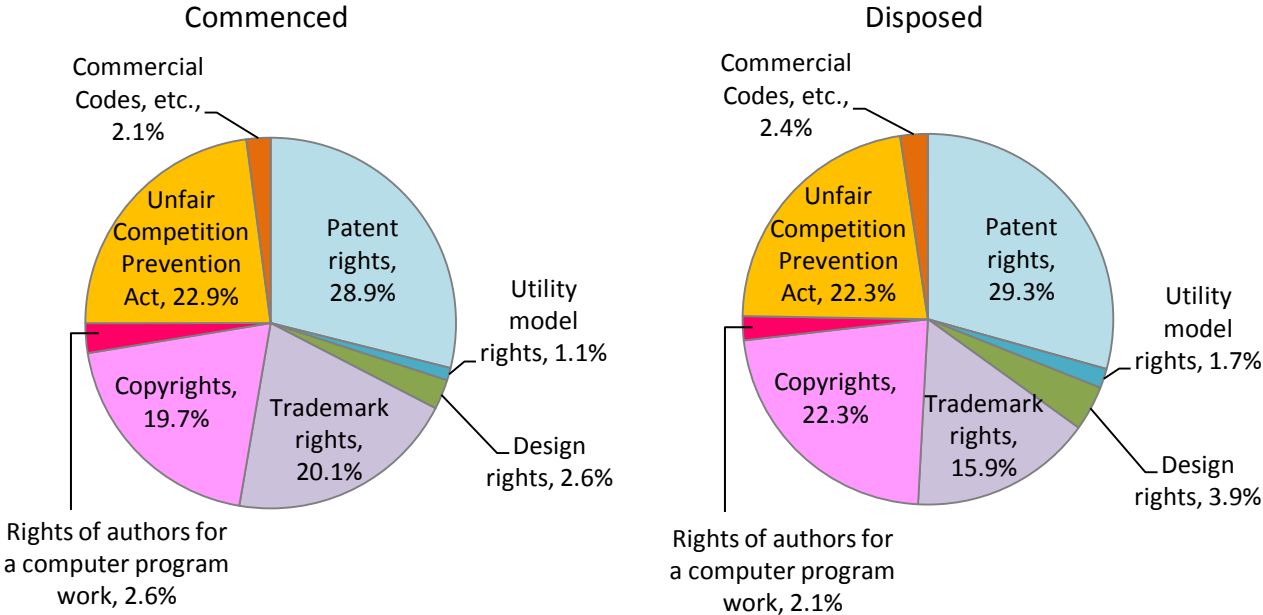
Graph 16: Appeal Suits at the IP High Court against the JPO's Appeal/Trial Decisions



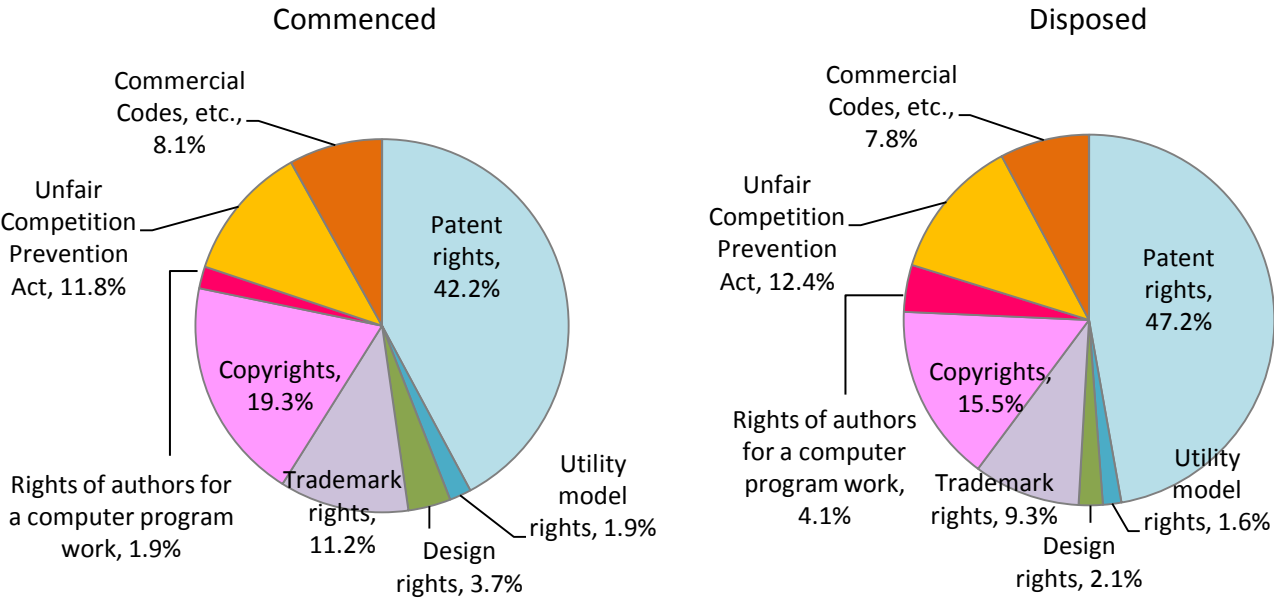
*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan. The data in the lower graph include all the cases relating to patents, utility model registrations, design registrations and trademark registrations.

Breakdown of IP-Related Suits by IP Rights (2015)

Graphs 17-1: All District Courts



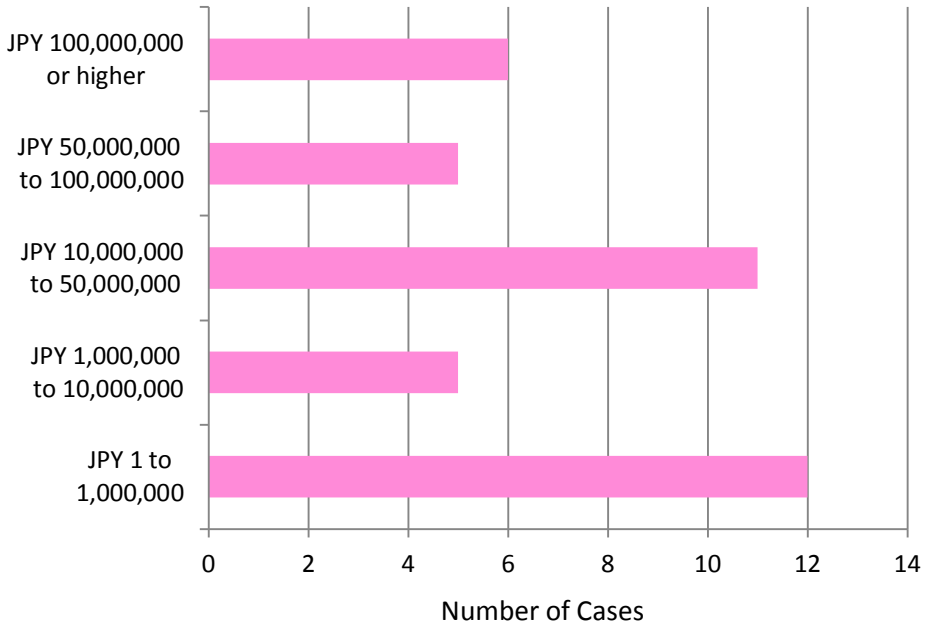
Graphs 17-2: All High Courts



*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan.

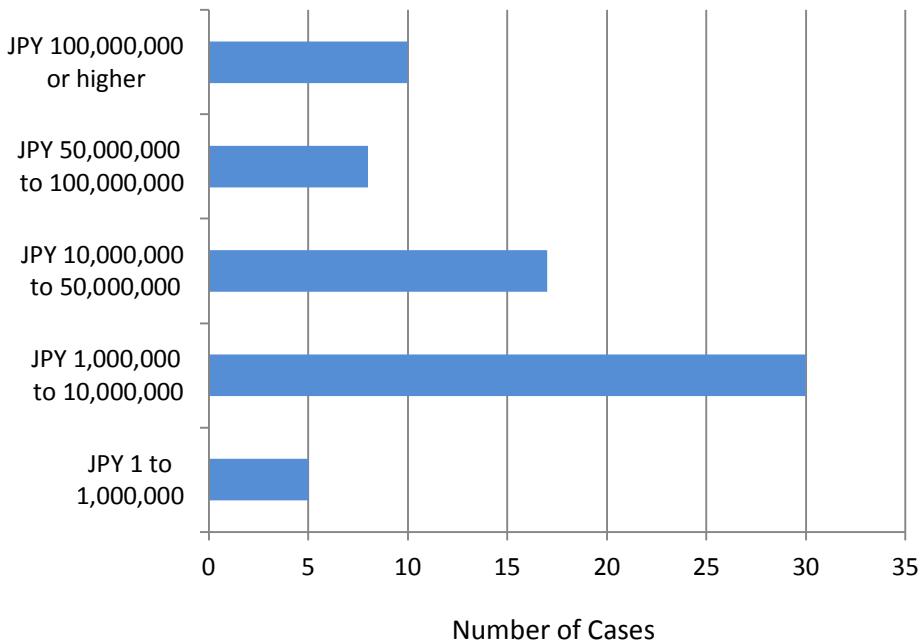
Amounts of Damages Approved/Agreed in Patent Infringement Cases

Graph 18-1: Amounts Approved in Judgements (2014-2016)



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

Graph 18-2: Amounts agreed to be paid in settlements (2014-2016)

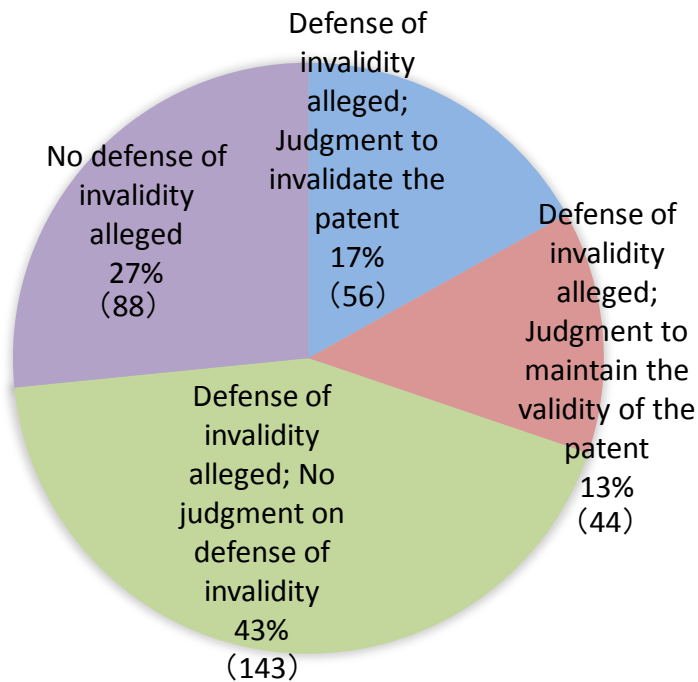


Amounts related to court costs and settlement costs are not included.

*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan.

Defense of Invalidity Alleged/Judged in Patent Infringement Cases

Graph 19: Whether defense of invalidity was judged and how it was judged in patent infringement cases (2014 to 2016)



Each number in parentheses represents 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.

*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan.