



IP Statistics 2018 in Japan

Seiwa Patent & Law

(Tokyo, JAPAN)

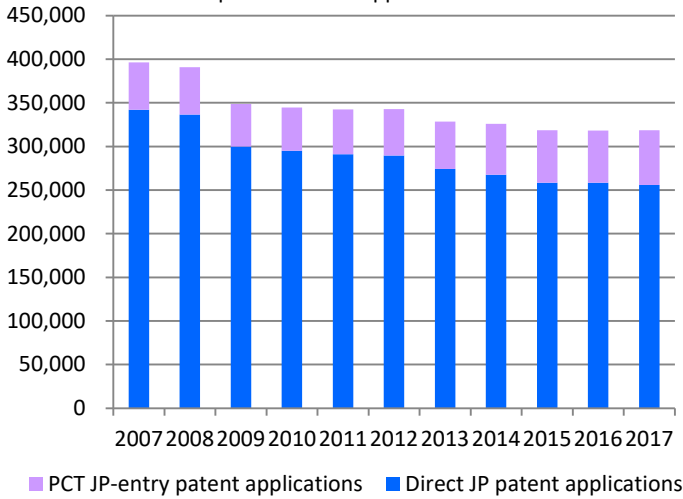
May 2018

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|--------------------------|--------------|
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| Statistics Utility Model | Page 5 |
| Statistics Design | Page 6 |
| Statistics Trademark | Page 8 |
| Statistics Legal | 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

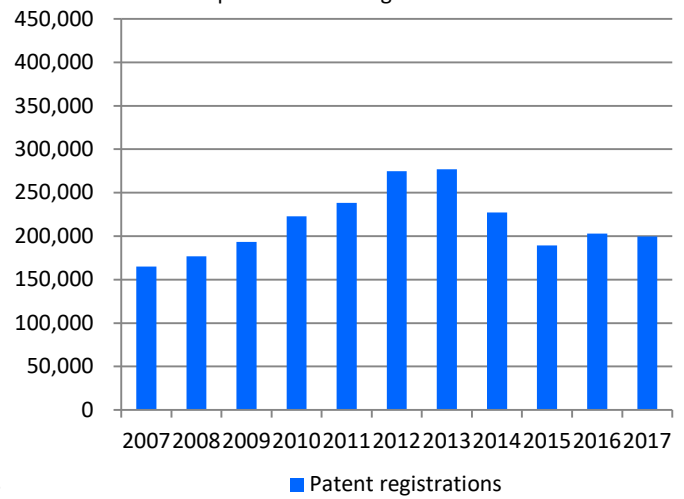
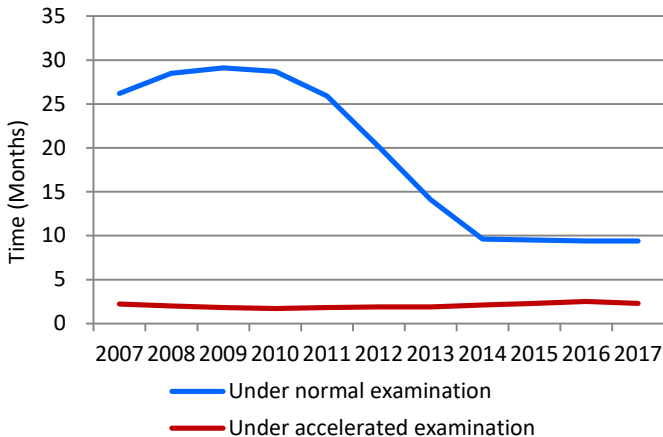


Table 1

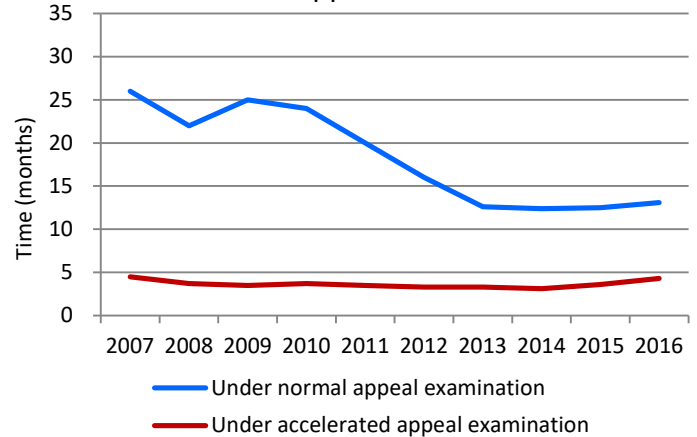
| Calendar Year | 2013 | 2014 | 2015 | 2016 | 2017 | |
|----------------------------------|---------|---------|---------|---------|---------|----------|
| JP patent applications in total | 328,436 | 325,989 | 318,721 | 318,381 | 318,479 | (+0.03%) |
| PCT JP-entry patent applications | 54,157 | 58,337 | 60,431 | 59,893 | 62,530 | (+4.40%) |
| Direct JP patent applications | 274,279 | 267,652 | 258,290 | 258,488 | 255,949 | (-0.98%) |
| Patent registrations | 277,079 | 227,142 | 189,358 | 203,087 | 199,577 | (-1.73%) |

Average time of pendency

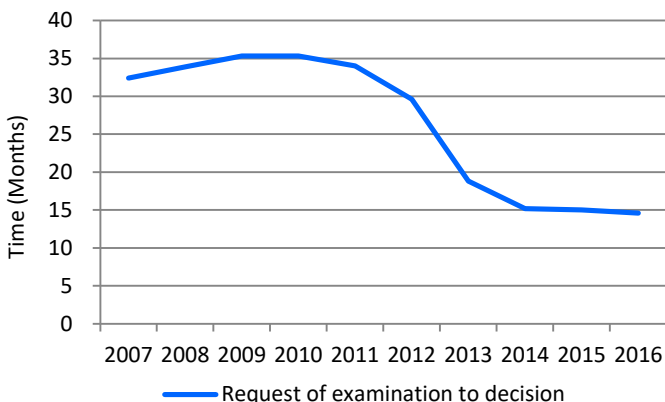
Graph 2-1: Request of examination to 1st OA



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



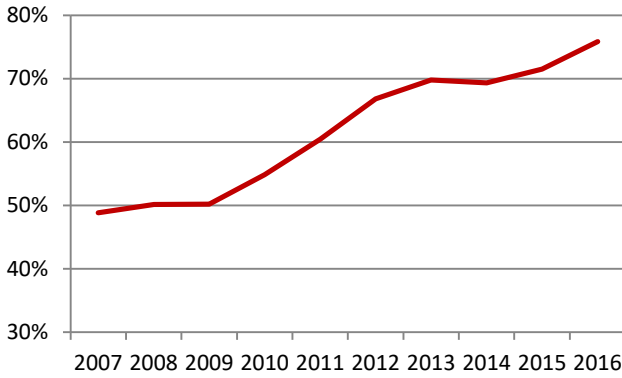
Graph 2-3: Request of examination to decision



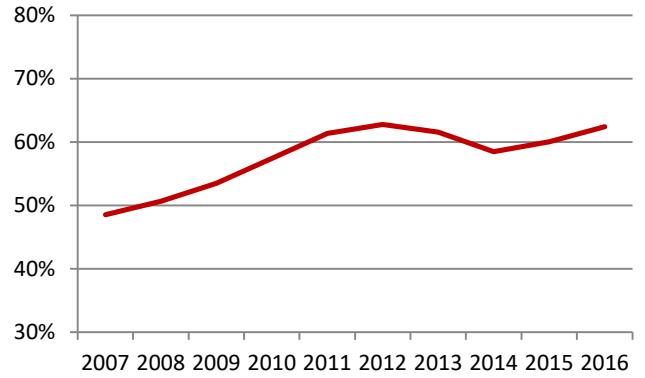
The JPO created “FA 11” campaign in 2004, aimed at reducing the average time of examination pendency to a first office action to less than 11 months. As a result, the time of pendency has dramatically decreased, and they achieved it in 2014. The JPO set the next decade goal in March 2014, which is further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

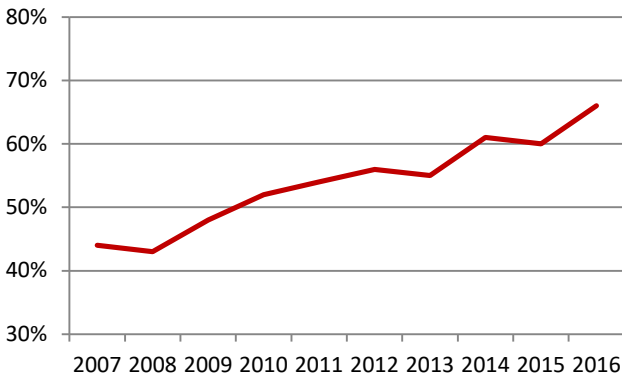
Graph 3-1: Grant rate at examination



Graph 3-2: Grant rate at preappeal reexamination



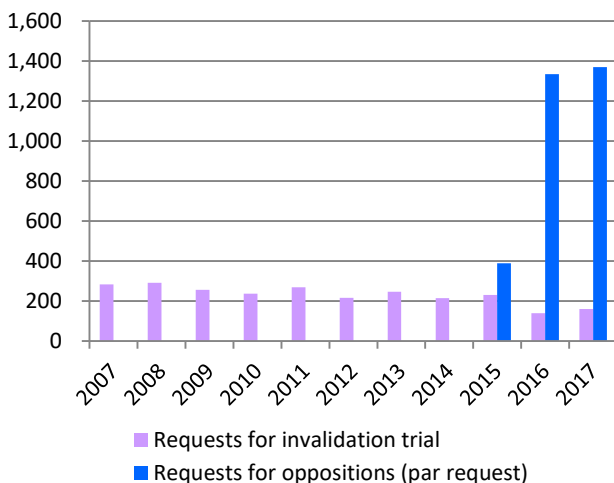
Graph 3-3: Grant rate at appeal



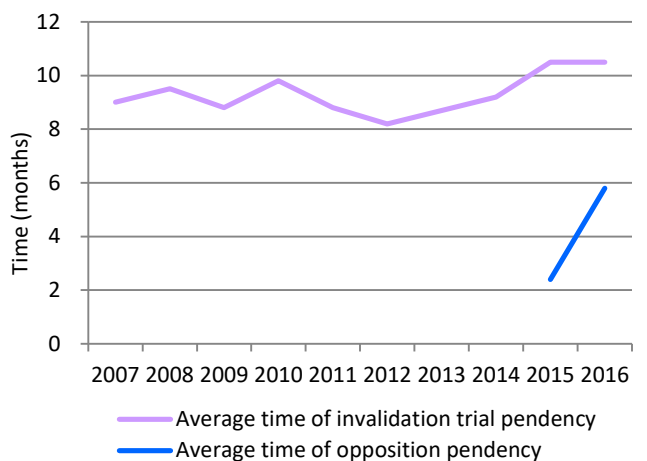
Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

Opposition & Invalidation Trial

Graph 4-1: Requests for opposition & invalidation trial



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



*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)

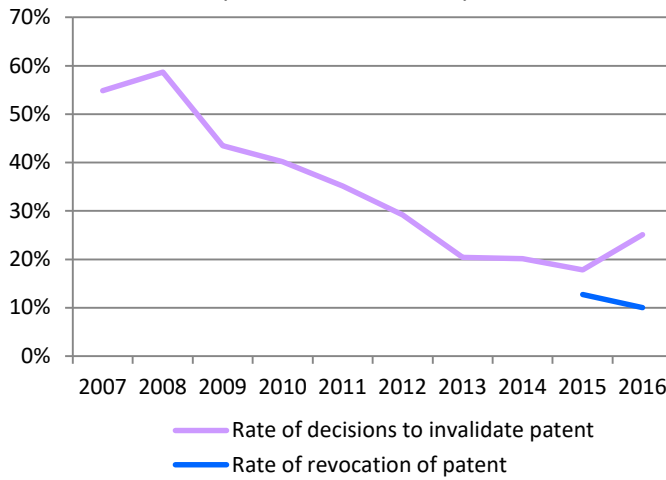
Grant rate at pretrial reexamination = decisions of grant at pretrial reexamination / (decisions of grant at pretrial reexamination + cases transferred to appeal)

Grant rate at appeal = appeal decisions of grant / (appeal decisions of grant + appeal decisions of rejection)

*2 Average time of pendency at invalidation trial = from demand to decision to maintain (or advance notice of decision to revoke), or dismissed/withdrawn

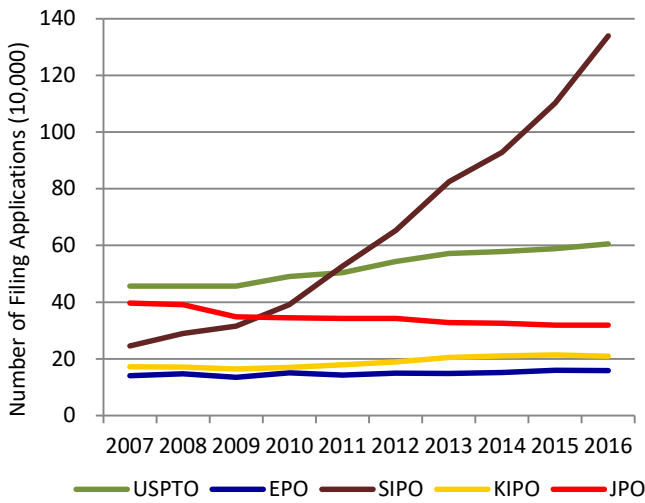
Average time of pendency at opposition = from request to decision, or dismissed/withdrawn

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

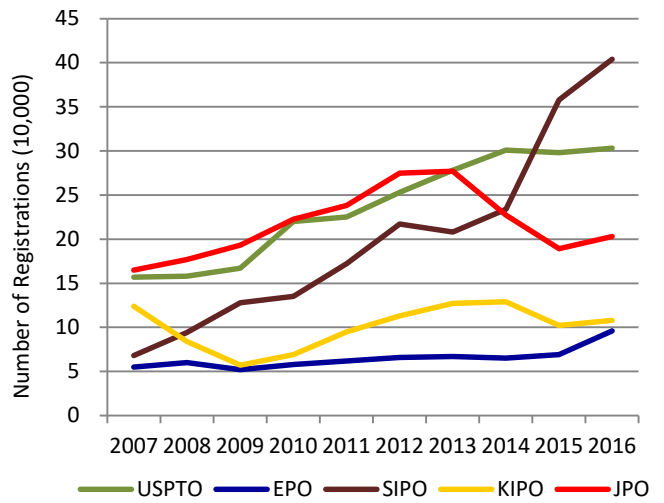


Comparison between the five IP offices

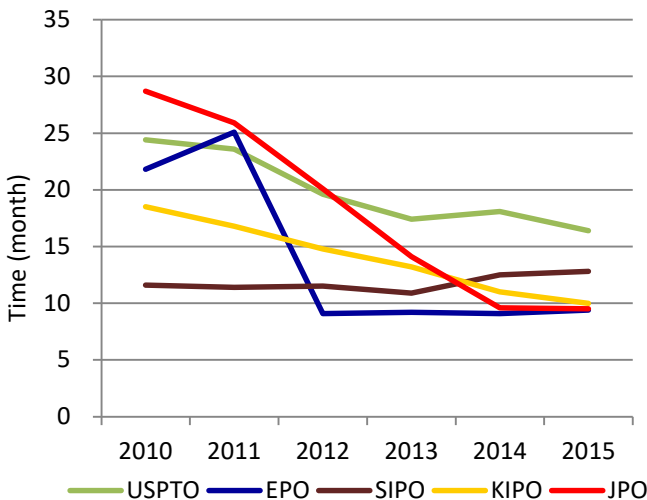
Graph 5-1: Patent applications at the five IP offices



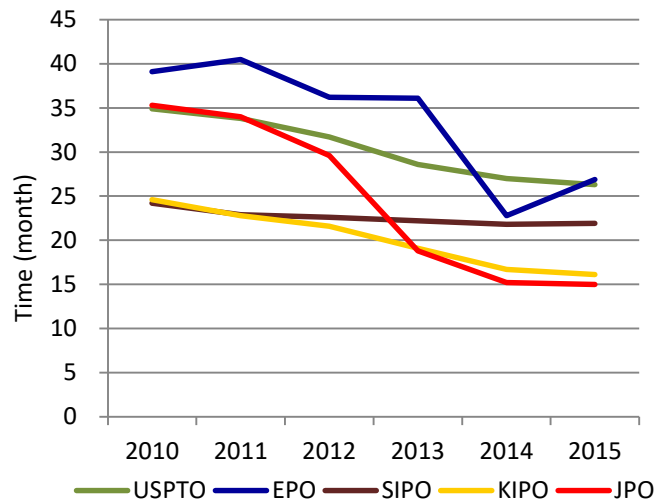
Graph 5-2: Patent registrations at the five IP offices



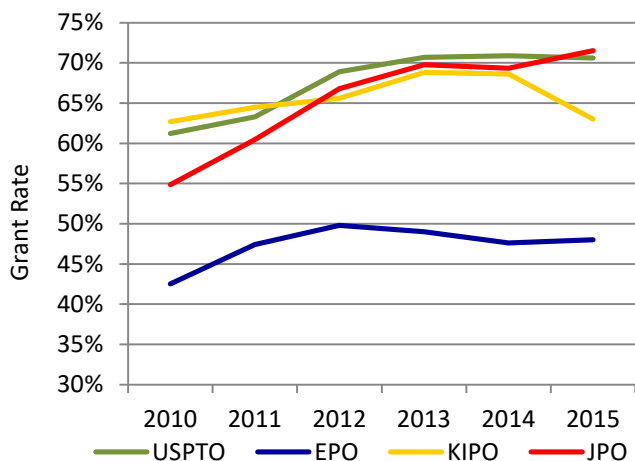
Graph 5-3: Average time of examination pendency to 1st OA



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



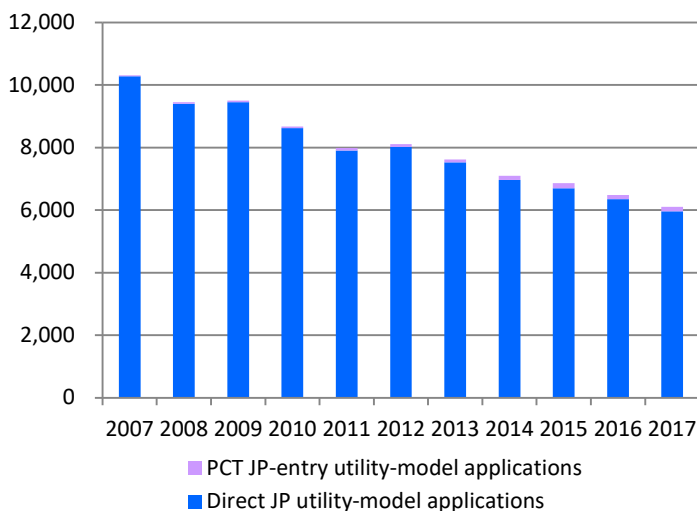
Graph 5-5: Grant rate at the four IP offices*3



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

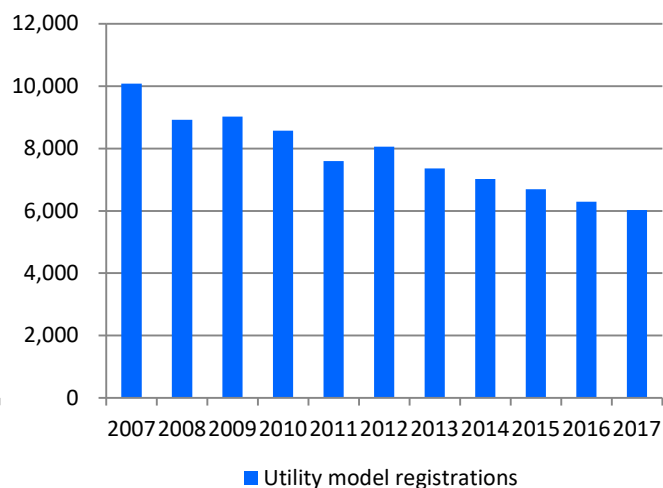


Table 2

| Calendar Year | 2013 | 2014 | 2015 | 2016 | 2017 | |
|---|-------|-------|-------|-------|-------|----------|
| JP utility-model applications in total | 7,622 | 7,095 | 6,860 | 6,480 | 6,105 | (-0.06%) |
| PCT JP-entry utility-model applications | 97 | 127 | 160 | 131 | 144 | (-0.10%) |
| Direct JP utility-model applications | 7,525 | 6,968 | 6,700 | 6,349 | 5,961 | (-0.06%) |
| Utility model registrations | 7,363 | 7,017 | 6,695 | 6,297 | 6,024 | (-0.04%) |

*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)

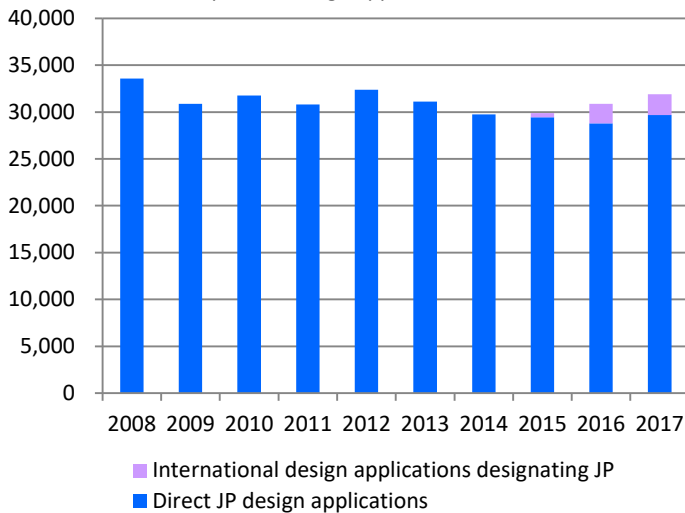
KIPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal after Request for Examination)

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

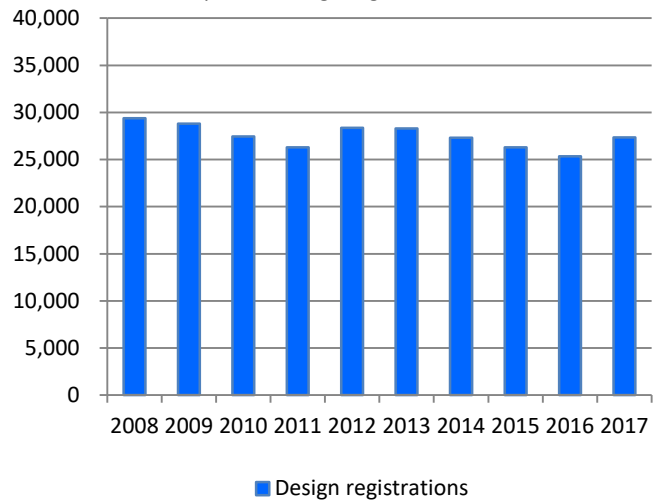
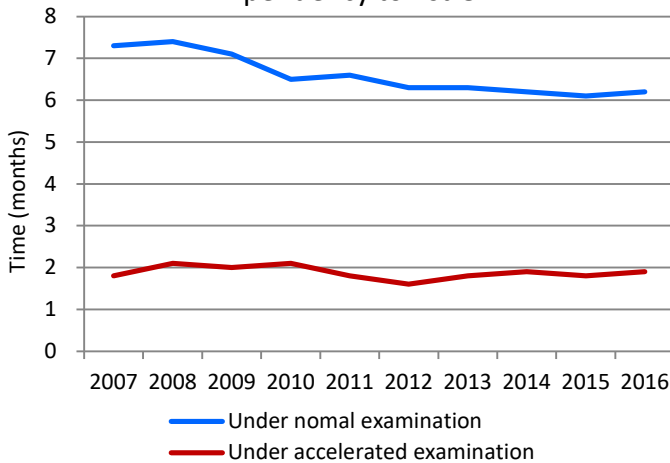


Table 3

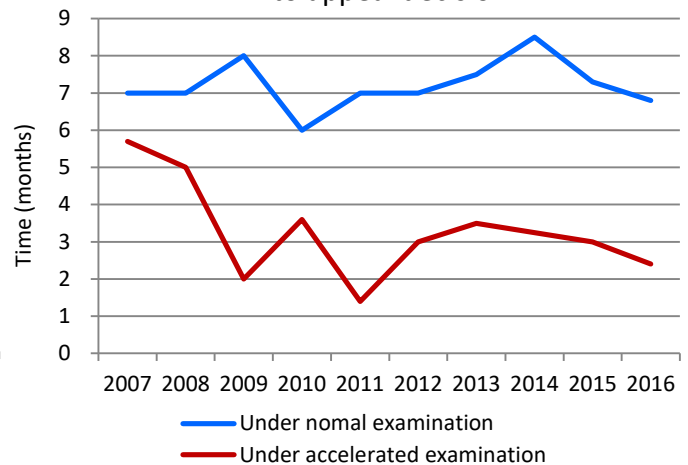
| Calendar Year | 2013 | 2014 | 2015 | 2016 | 2017 |
|--|--------|--------|--------|--------|-----------------|
| JP design applications in total | 31,125 | 29,738 | 29,903 | 30,879 | 31,905 (+0.03%) |
| International design applications designating JP | - | - | 452 | 2,083 | 2,216 (+0.06%) |
| Direct JP design applications | 31,125 | 29,738 | 29,451 | 28,796 | 29,689 (+0.03%) |
| Design registrations | 28,288 | 27,306 | 26,297 | 25,344 | 27,335 (+0.08%) |

Average time of pendency

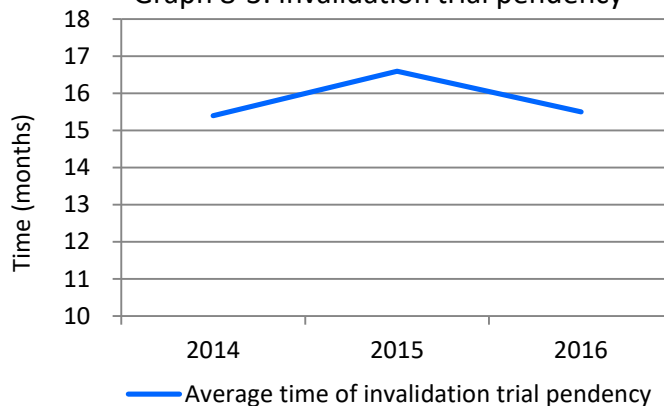
Graph 8-1: Design examination pendency to 1st OA



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

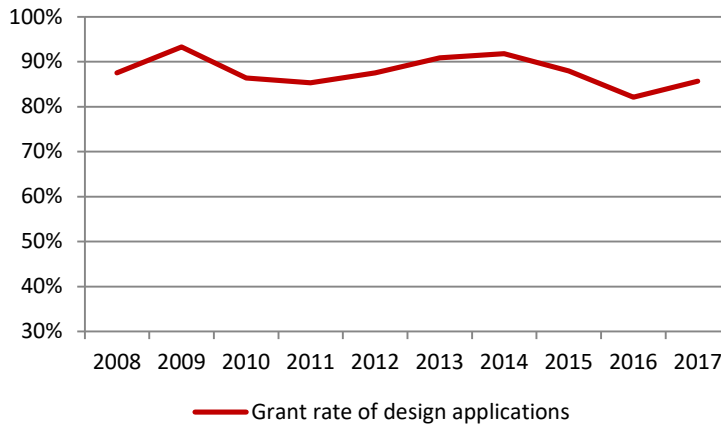


Graph 8-3: Invalidation trial pendency



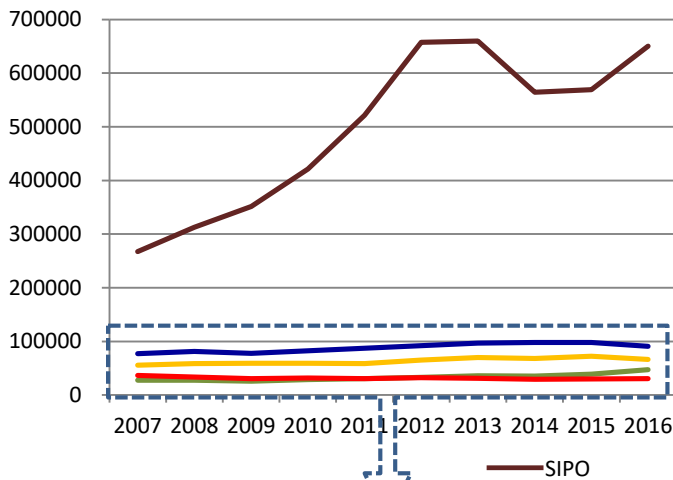
Grant rate at examination of design applications*1

Graph 9: Design grant rate

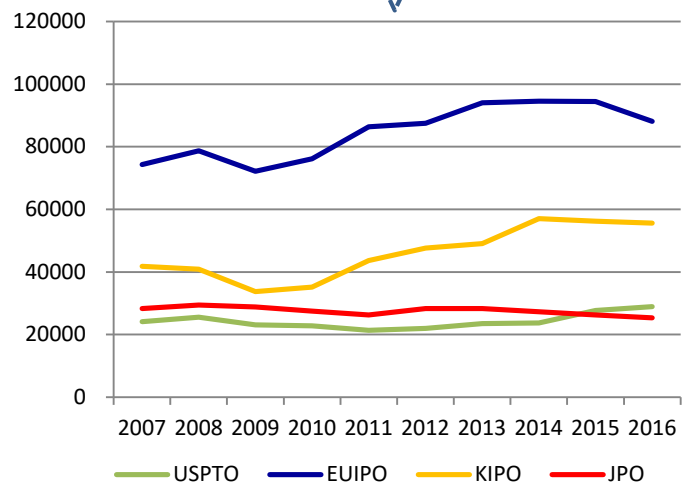
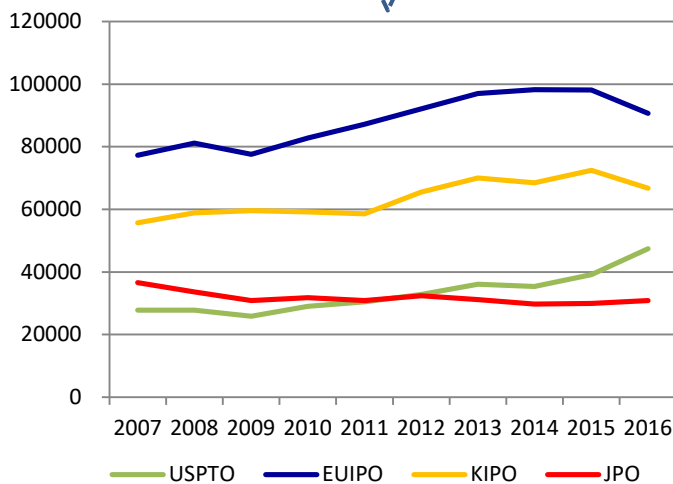
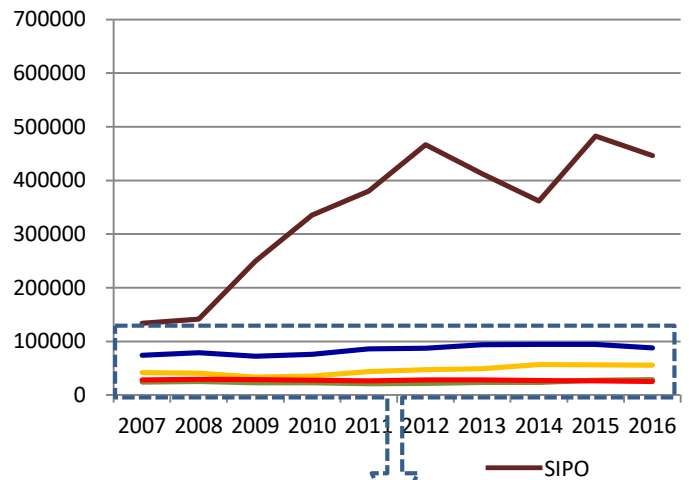


Comparison between the five IP offices

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



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

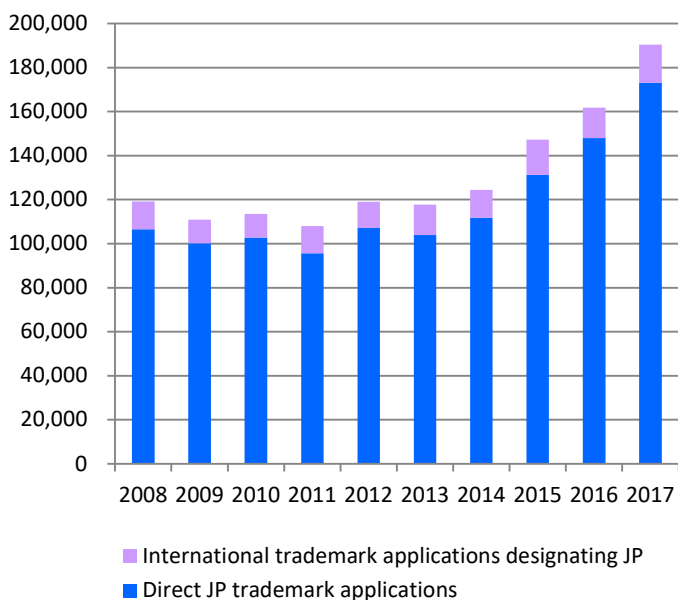


*1 Grant Rate of Design Applications = Design Registrations / Design Applications

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

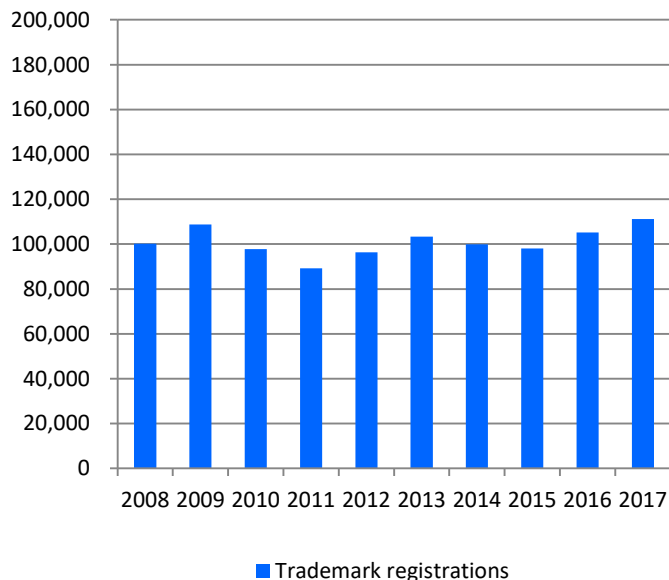


Table 4

| Calendar Year | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---------|---------|---------|---------|------------------|
| JP trademark applications in total | 117,674 | 124,442 | 147,283 | 161,859 | 190,412 (+0.18%) |
| International trademark applications designating JP | 13,696 | 12,672 | 15,984 | 13,835 | 17,329 (+0.25%) |
| Direct JP trademark applications | 103,978 | 111,770 | 131,299 | 148,024 | 173,083 (+0.17%) |
| Trademark registrations | 103,399 | 99,896 | 98,085 | 105,207 | 111,180 (+0.06%) |

Trademark applications by different types of trademark*¹

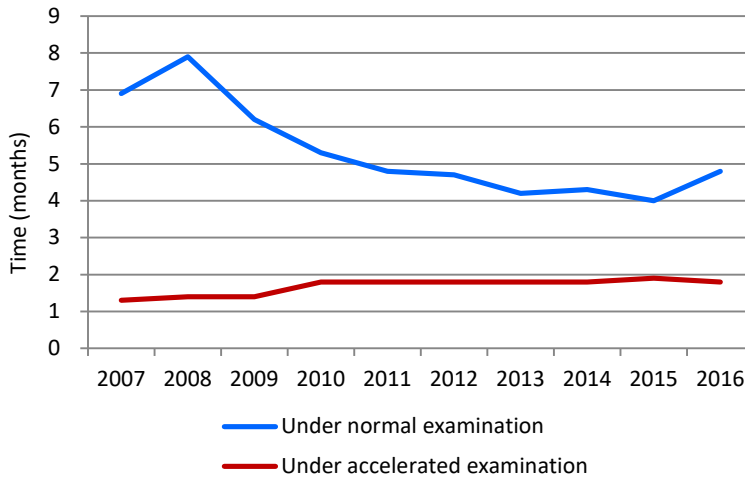
Table 5

| 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.

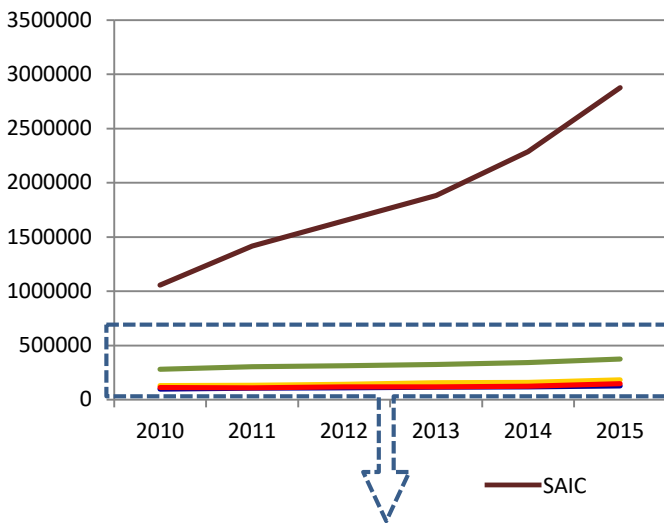
Average time of examination pendency to 1st OA

Graph 12: Trademark examination pendency to 1st OA

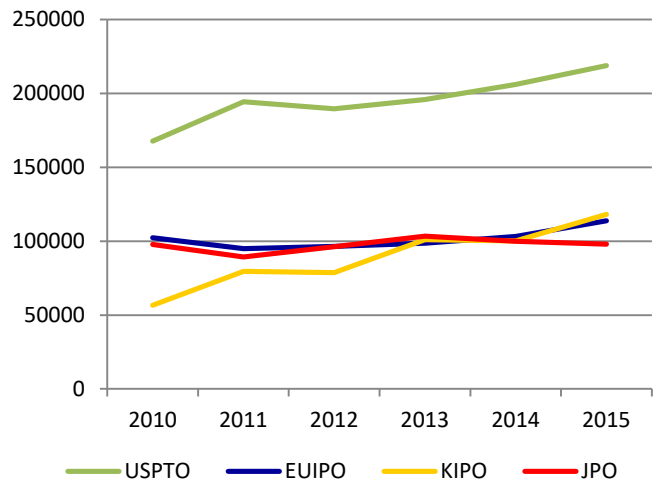
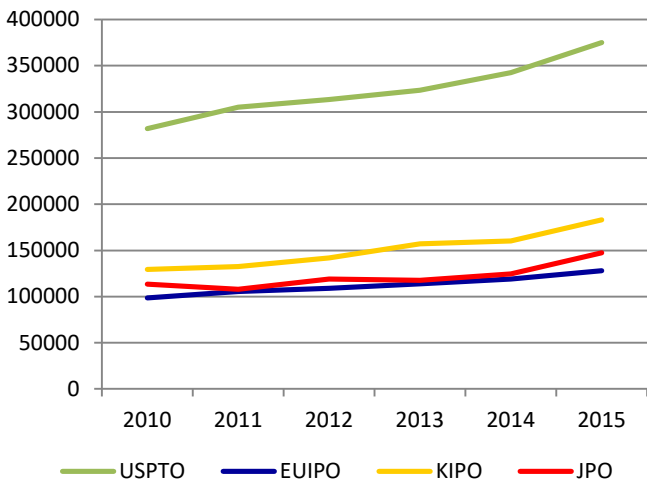
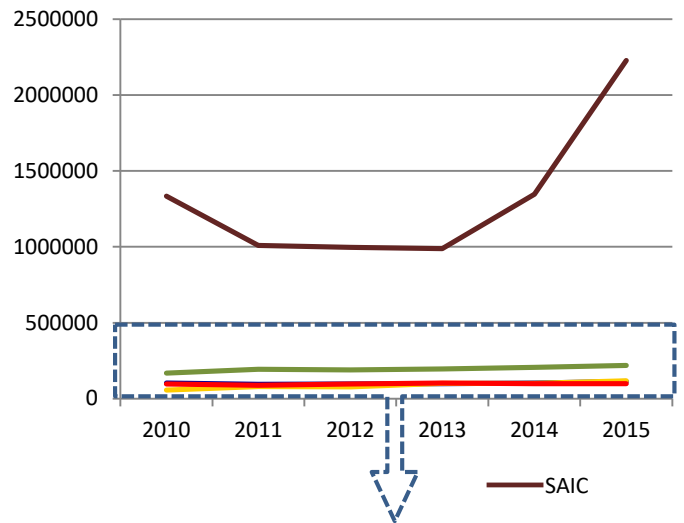


Comparison between the five IP offices

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



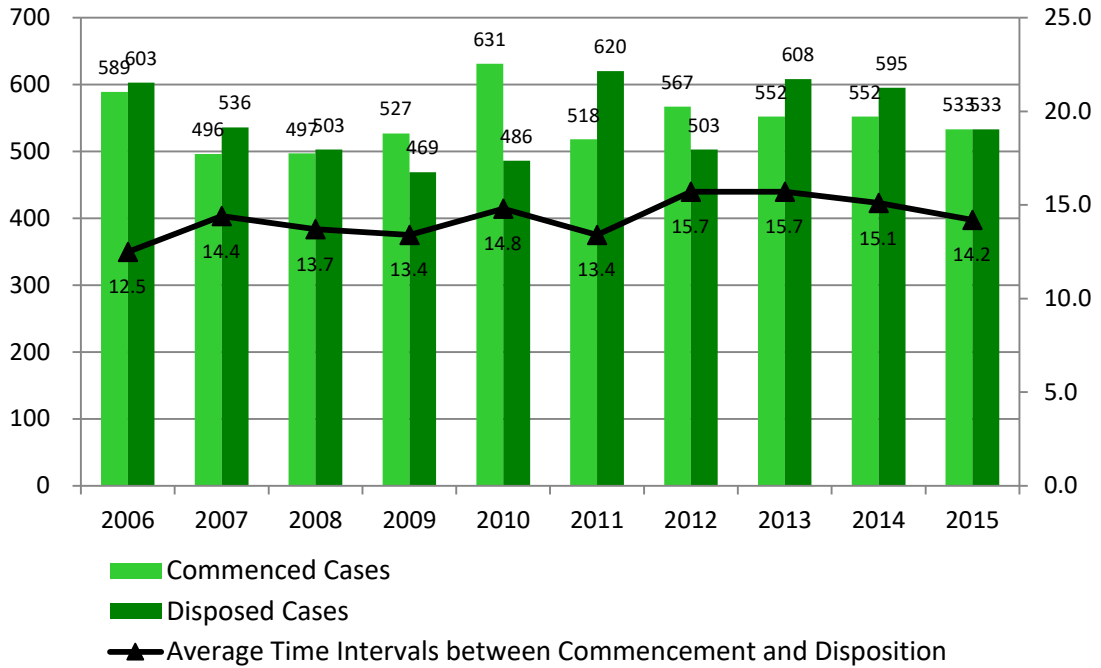
Graph 13-2: Trademark registrations at the five IP offices



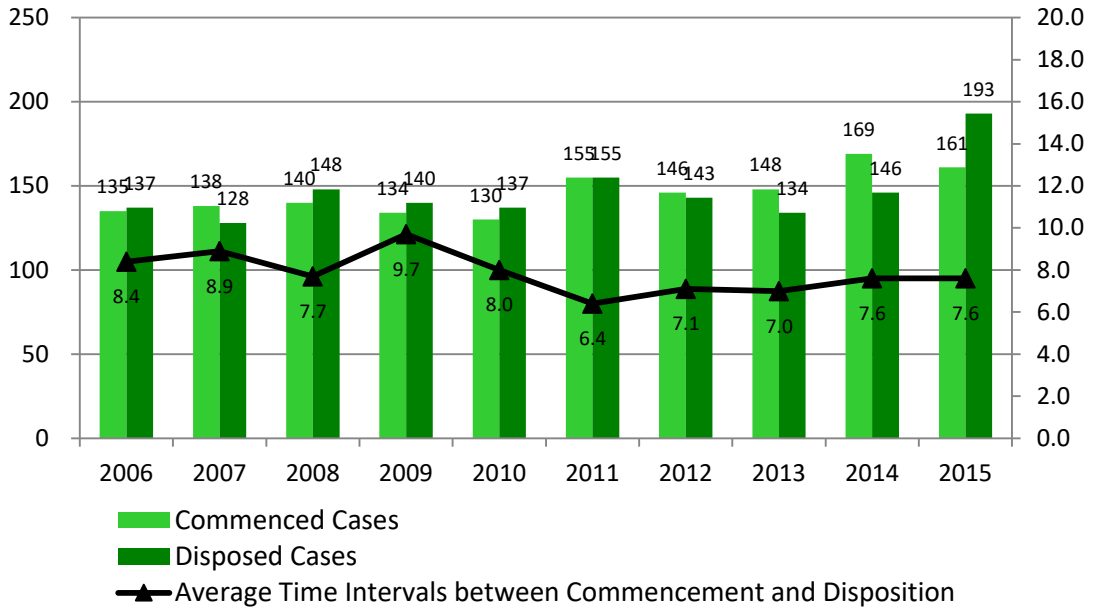
Statistics: Litigation

Infringement Suits and other IP-Related Suits*1

Graph 14-1: At the District Courts

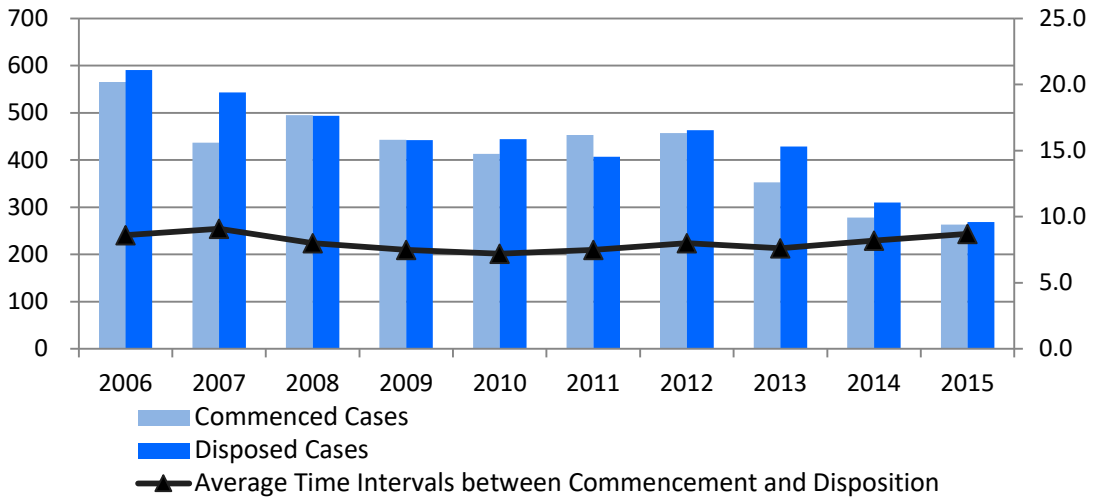


Graph 14-2: At the High Courts

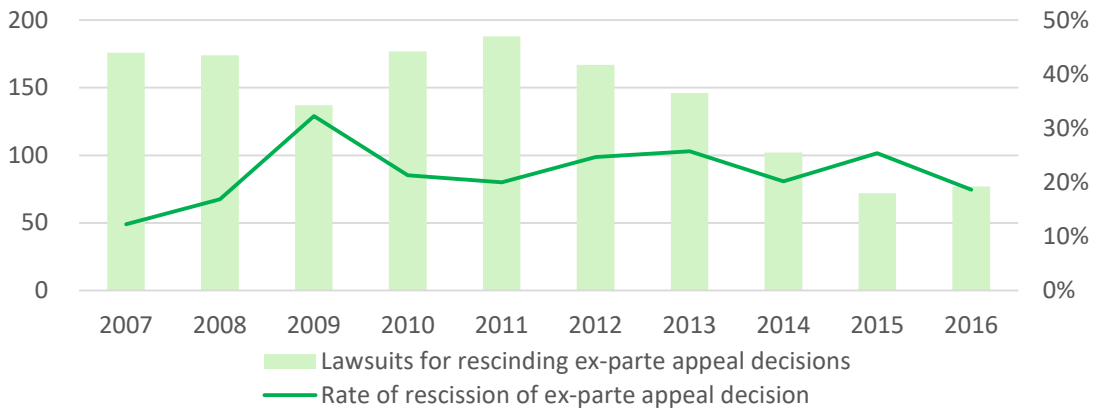


*1 These data are based on the report by the Administrative Bureau of the Supreme Court of Japan, and include all the cases relating to patents, utility model registrations, design registrations and trademark registrations.

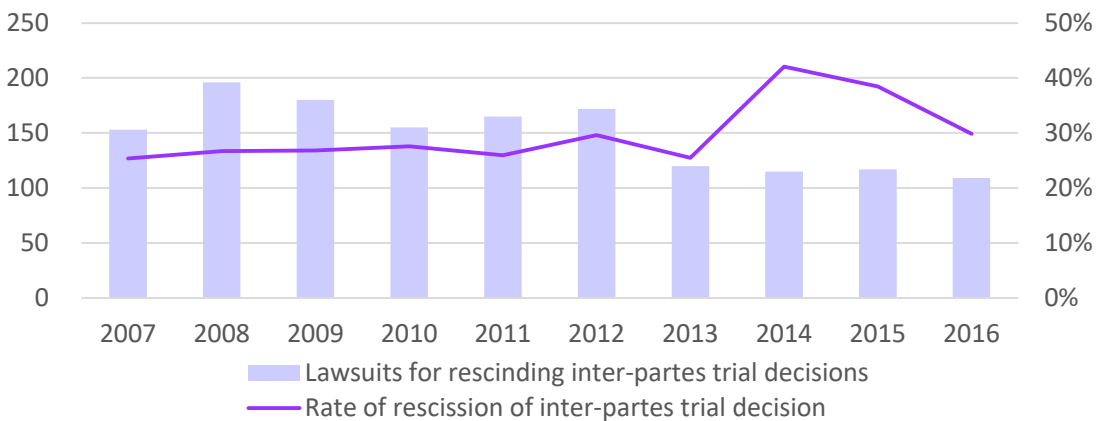
Graph 15: Appeal Suits at the IP High Court against the JPO's Appeal/Trial Decisions *1



Graph 16-1: Lawsuits against *Ex-Parte* Appeal/Trial Decisions in relation to Patent Applications and their Total Rate of Rescission *2



Graph 16-2: Lawsuits against *Inter-Partes* Appeal/Trial Decisions in relation to Patent Rights and their Total Rate of Rescission *3



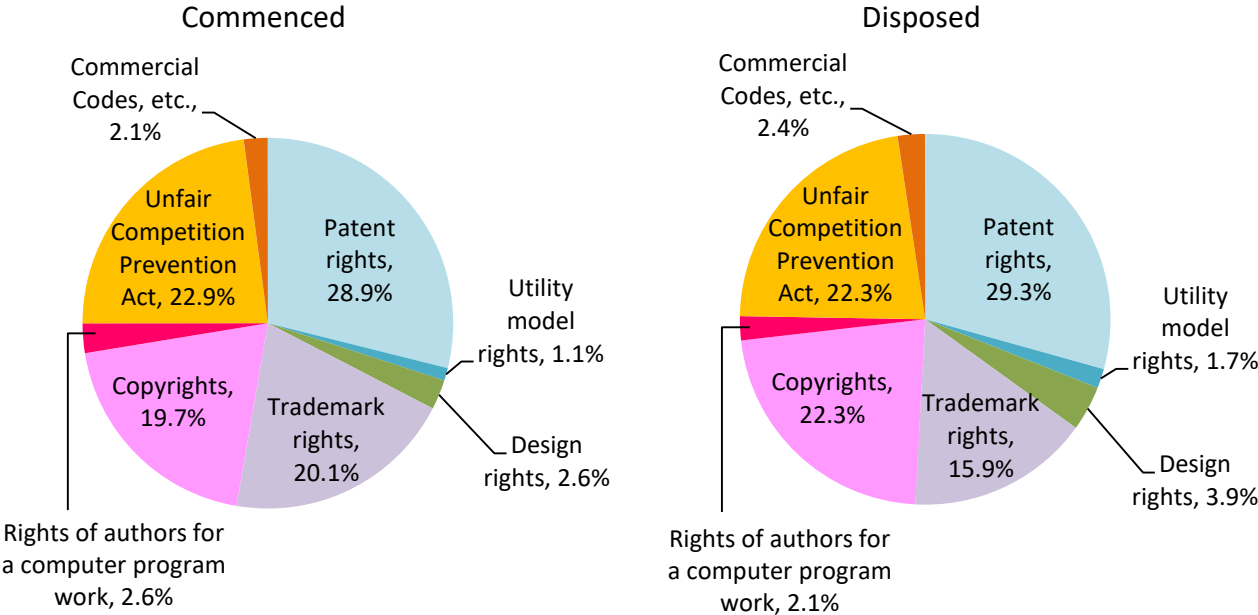
*1 These data are based on the report by the Administrative Bureau of the Supreme Court of Japan, and include all the cases relating to patents, utility model registrations, design registrations and trademark registrations.

*2 These data include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment, and are based on the annual report by the JPO.

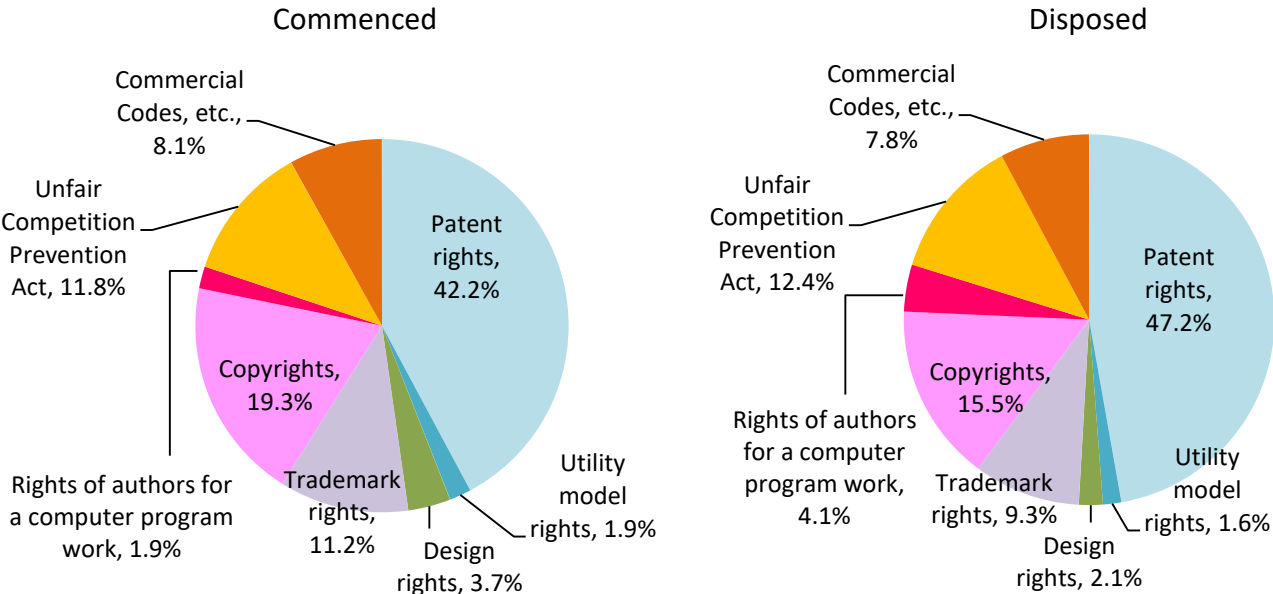
*3 These data include lawsuits against Trial Decisions of Invalidation and Correction Trials, and are based on the annual report by the JPO.

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

Graphs 17-1: All District Courts

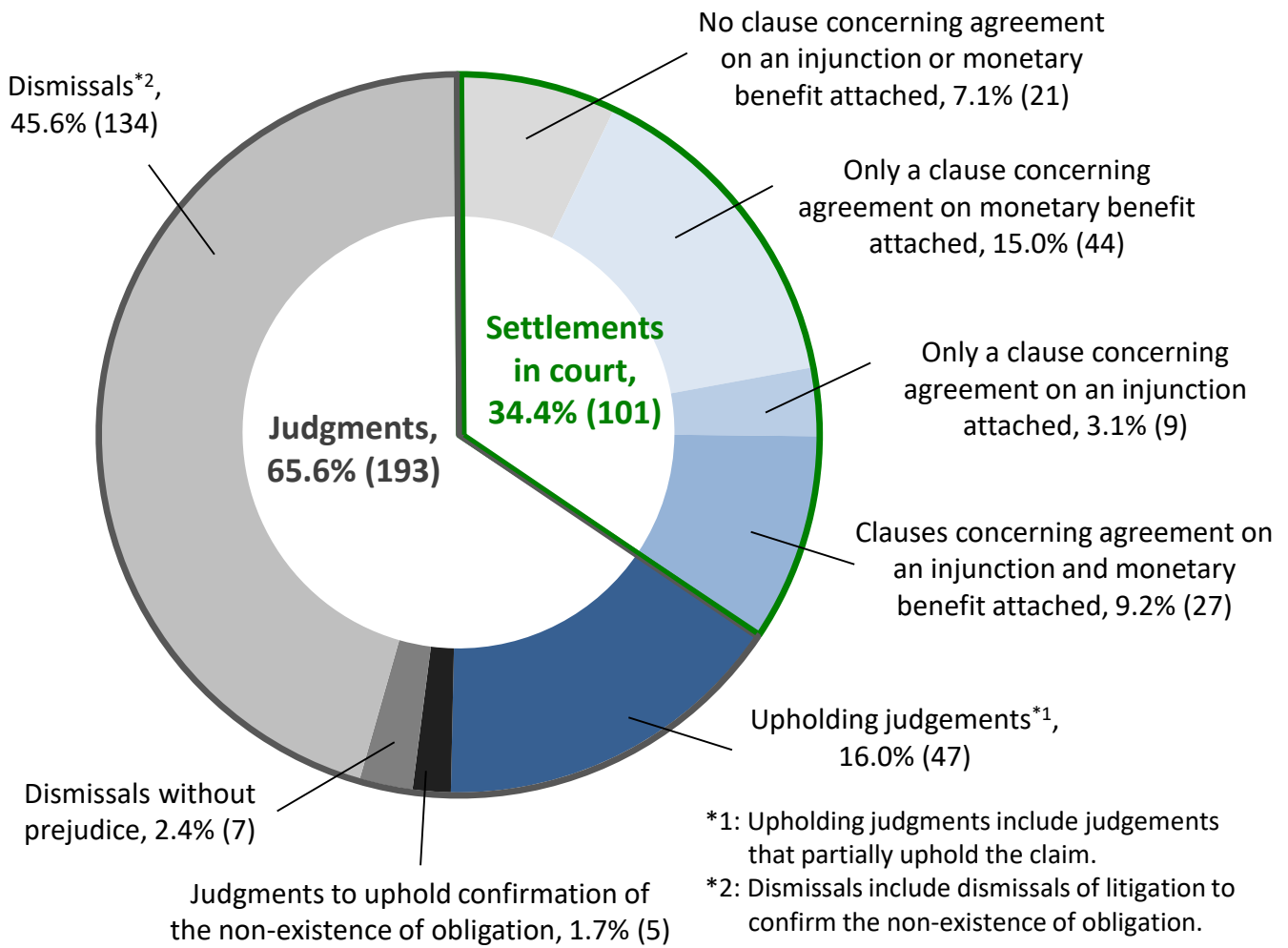


Graphs 17-2: All High Courts

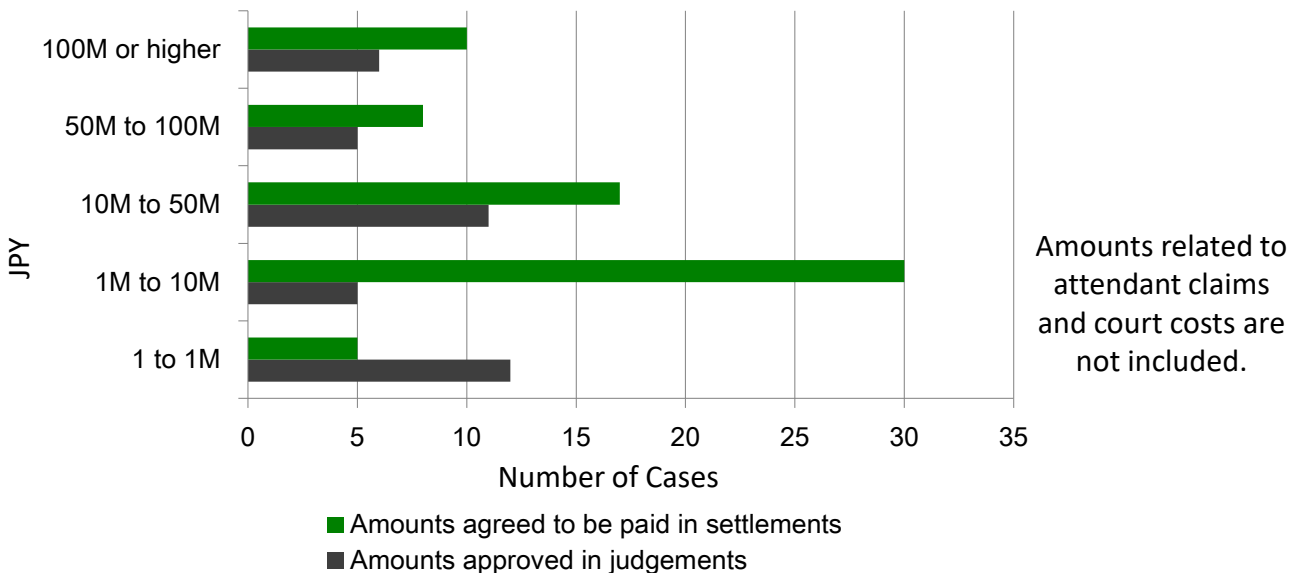


*These data are based on the report by the Administrative Bureau of the Supreme Court of Japan.

Graph 18: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts (2014 to 2016)



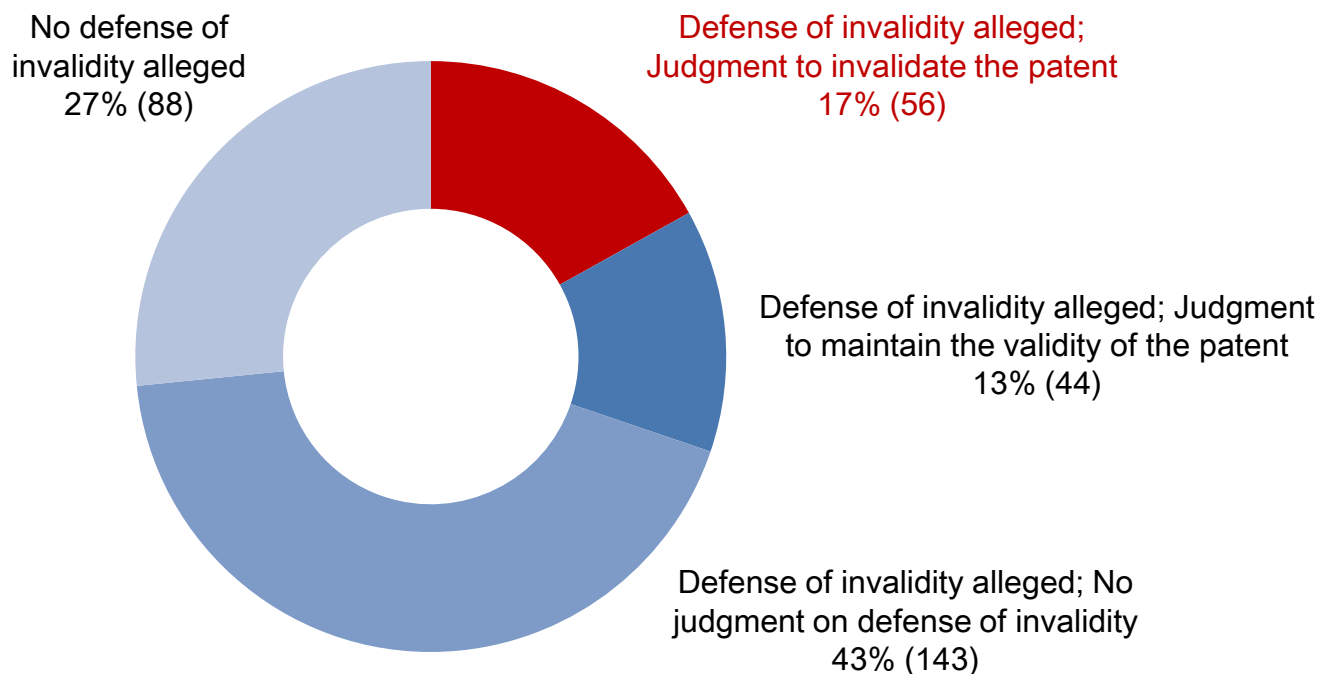
Graph 19: Amounts Approved in Judgements and agreed to be paid in settlements in court (2014-2016)



*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.

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.