

## Intellectual Property Rights at the JPO: Statistics (2016)

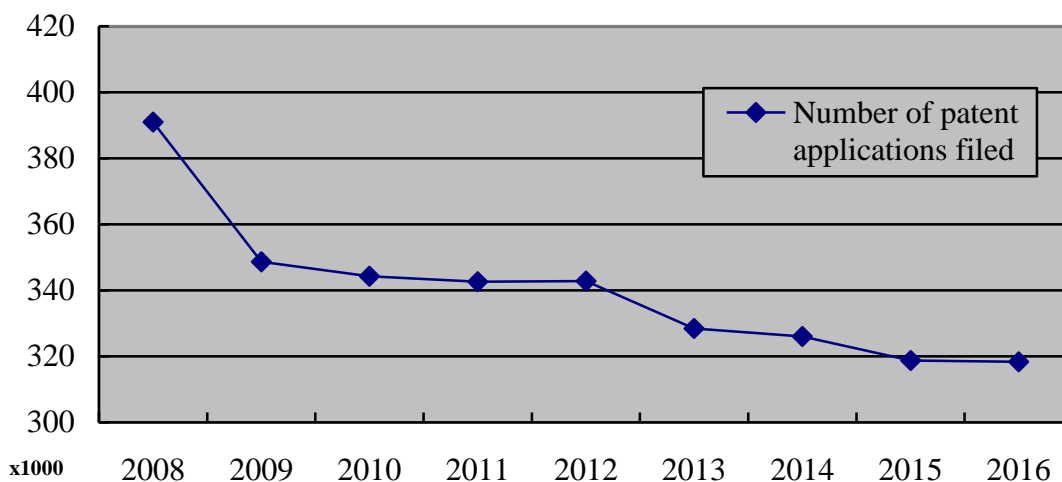


FIG. 1. Number of patent applications (in thousands) filed at the JPO per calendar year. Since 2013, there has been a 3% decrease in the number of patent applications filed at the JPO.

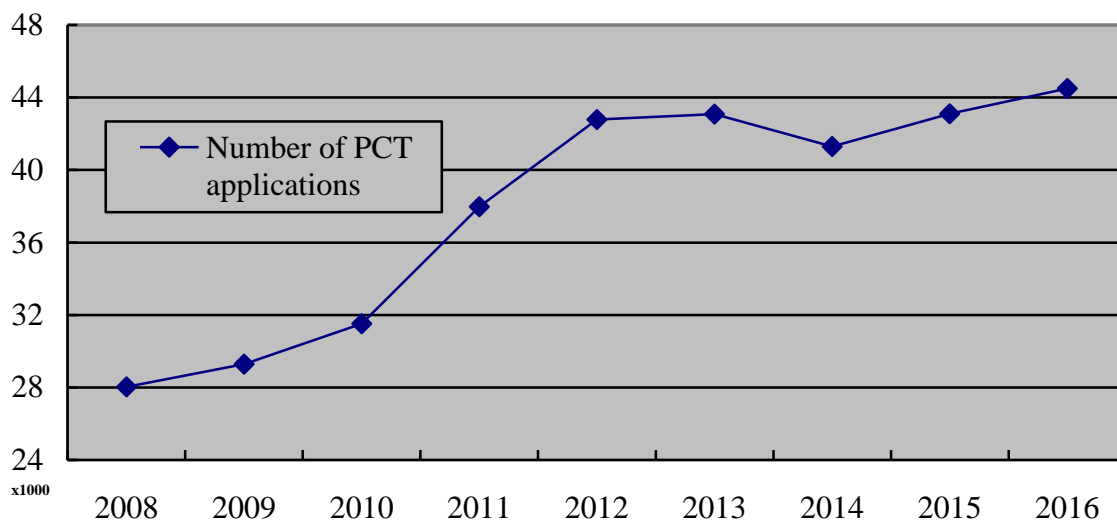


FIG. 2 Number of applications (in thousands) filed under the PCT at the JPO per calendar year

In 2016, the number of PCT applications filed with the JPO increased by 3.2% to 44,495 applications compared to 2015. The number of PCT applications filed at the JPO has steadily increased by over 65% since 2007.

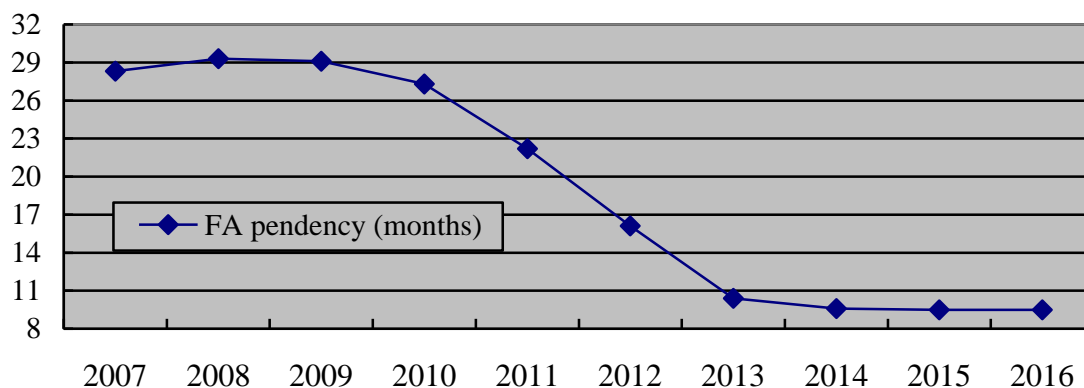


FIG. 3 Average time until First Action (FA) issued for an application at the JPO per calendar year

The number of International Search Reports (ISR) produced by the JPO increased from 40,529 in 2012 to 44,321 in 2016.

	2011	2012	2013	2014	2015	2016
Decision to Grant Patent	220,49 5	254,50 2	260,04 6	205,71 1	173,0 15	191,0 32
Number of FAs	363,87 6	369,67 9	356,17 9	255,00 1	235,8 09	246,8 79

Table 1: Number of granted patents and first office actions at the JPO. The number of FAs issued have dropped by over 30% since 2011. This may be due to the general decline in applications filed at the JPO and the influx of new examiners at the JPO.

	2011	2012	2013	2014	2015	2016
Applications Filed by Foreign Applicants (%)	16.0	16.3	17.3	18.4	18.7	18.3
Patent Registrations by Foreign Applicants (%)	17.1	18.2	19.0	21.8	22.5	*

Table 2: Applications filed and patent registrations made by foreign applicants at the JPO. Values are percent relative to those

filed or registered by Japanese nationals.

\*Data was incomplete as of March 2018.

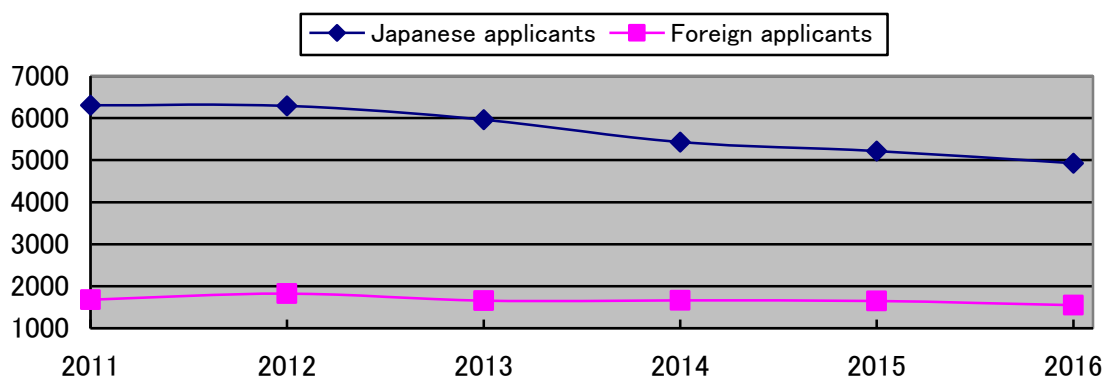


FIG. 4. Number of Utility Model applications filed at the JPO by Japanese and foreign applicants. Since 2011, the number of Utility Model applications by Japanese applicants has been gradually decreasing while the number of Utility Model applications by foreign applicants has remained relatively stable.

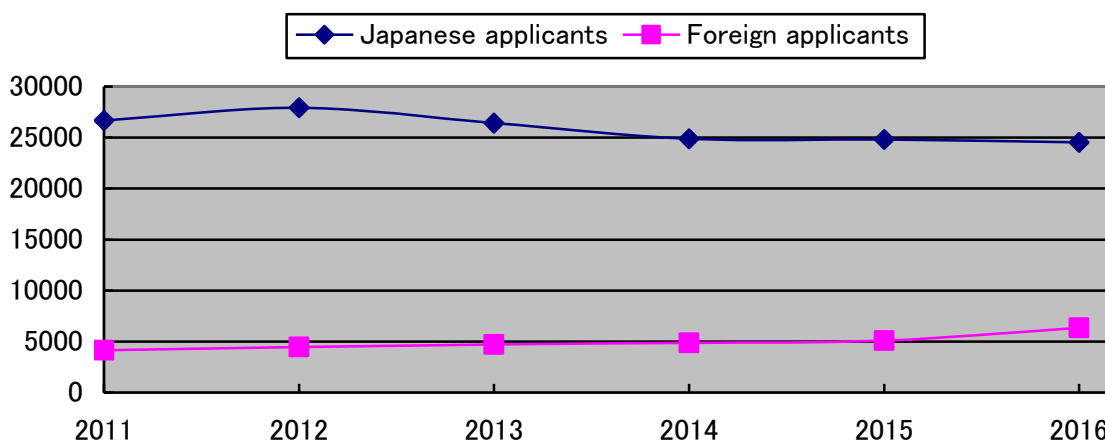


FIG. 5. Number of applications for Design Registration filed at the JPO by Japanese and foreign applicants. The percentage of foreign applicants for Design Registration filed at the JPO has steadily increased from 13.5% of all applications in 2011 to 20.5% of all applications in 2016 and represents a 3% increase from 2015. As the JPO began to accept International Design applications under the Hague Agreement in May 2015, this increase is not surprising.

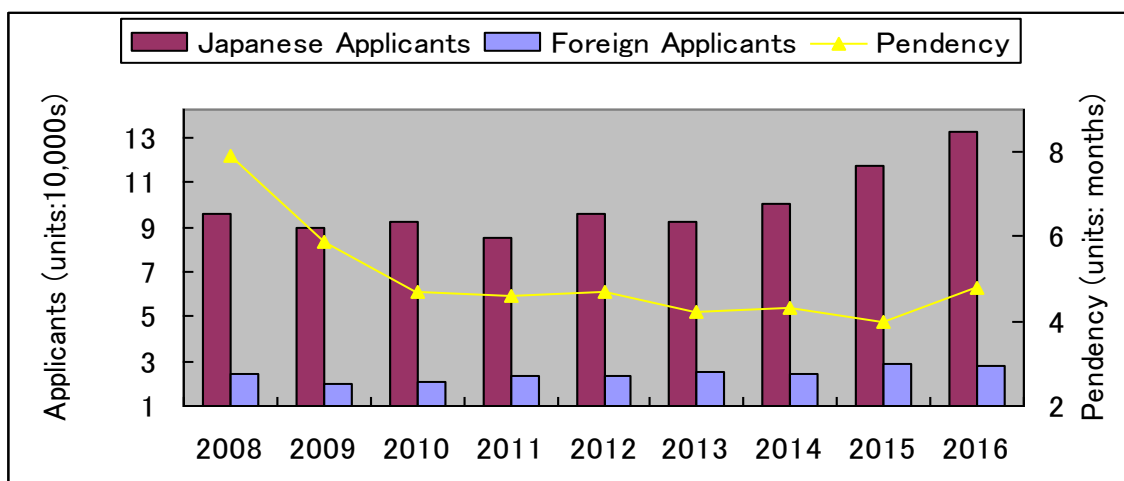


FIG. 6. Number of Trademark applications (excluding International applications for trademark registration) filed at the JPO by Japanese and foreign applicants and the average pendency of the application. The number of applications is displayed in units of 10,000, whereas the pendency is displayed in months. The number of Trademark applications by Japanese applicants has been steadily increasing in recent years. The number of Trademark applications by foreign applicants has steadily increased from about 23,000 in 2011 to 28,522 in 2016, while the average pendency has decreased from 7.9 months in 2008 and tends to fluctuate between 4 and 5 months.

### Trials and Appeals

The number of appeals against an examiner's decision of refusal for a patent application had remained within the range of 24,000 to 28,000 per year since 2009. However, in 2016, the number of requests for appeal against an examiner's decision of refusal for a patent application and utility model fell to 11,562 cases. In 2016, the number of requests for appeal against an examiner's decision of refusal for a trademark application was 741 which represent a significant decrease from the number of requests filed in 2009 (1,415). There has been a generally steady decline in the number of requests for appeal against an examiner's decision of refusal for a design application from 2009 (513 cases) to 2016 (462 cases).

### Requests for Trials for Invalidation and Oppositions

Since 2006, the number of requests for a trial for invalidation of a patent has remained within the range of 217 and 292 cases per year. Since 2011, approximately 54% of the appeals against an examiner's decision of refusal have been accepted. In 2016, the processing period during such a trial is approximately 10.5 months.

The number of requests for a trial for invalidation of a utility model has been ten or fewer per year since 2008. The number of requests for a trial for invalidation of a design registration has been less than 30 since 2008. Lastly, the number of requests for a trial for invalidation of a trademark registration has remained within a range of 92 to 140 per year since 2008.

In the case of trademarks, oppositions have gradually fallen from 615 in 2007 to 449 in 2016. In 2015, accompanying the adoption of a new patent opposition system by the JPO, opposition filings have soared from 364 in 2015 to 707 in 2016. Additionally, the number of Advisory Opinions (Hantei) requested for patents has increased by over 300% since 2015.

	Ex-parte appeals		Inter-partes trials	
	Appeal accepted (revocation)	Appeal denied (dismissed)	Appeal accepted (revocation)	Appeal denied (dismissed)
Patent & Utility Model	11	48	23	54
Design	13	1	0	3
Trademark	3	12	9	23

Table 3. Trial and Appeal results at the JPO in 2016.

Ex-parte appeals include appeals against an examiner's decision of refusal, appeals against an examiner's ruling to dismiss amendments, and trials for correction. The number of ex-parte lawsuits decreased to 11 for trademarks compared to the previous year, increased to 22 for designs compared to the previous year, and remained relatively unchanged for patents and utility models (77 cases).

Inter-partes trials include trials for invalidation and trials for rescission. The number of inter-partes trials remained

relatively unchanged for patent and utility models (115 cases), designs (4 cases), and trademarks (39 cases) compared to the previous year.

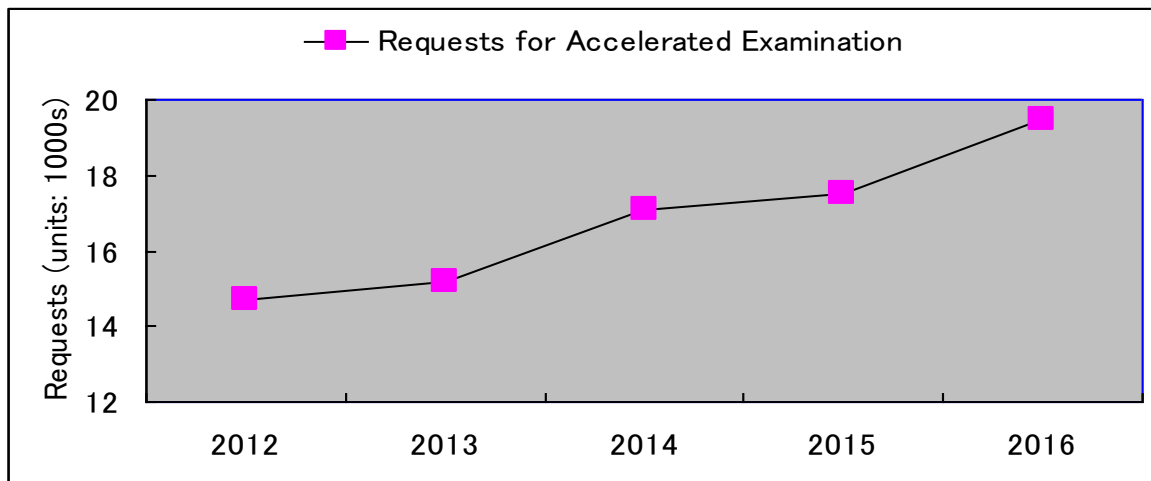


Fig. 7. Change in the number of requests for accelerated examination. There has been a continuous upward trend in the number of accelerated examinations requested since 2011. Patent applications for which accelerated examination was requested had an average first action pendency of 2.5 months in 2016. Accelerated examination is available for applications which meet certain criteria summarized [here](#).

#### Non-Traditional Trademarks

In April 2015, the Japan Patent Office began to accept non-traditional trademark applications. These applications include color, sound, position, motion, and holograms, as well as regional collective trademarks. The number of non-traditional trademark applications submitted to the JPO in 2016 was 1,446, which represents an increase of 25% from the previous year. 1,156 applications for regional collective trademarks were filed in 2016. More information regarding each type of non-traditional trademark and for regional collective trademarks can be found [here](#).

All of the above statistical information was obtained from the JPO and WIPO and was culled from numerous reports on the state of Intellectual Property at various patent offices throughout the world.