

Intellectual Property Rights at the JPO: Statistics (2019)

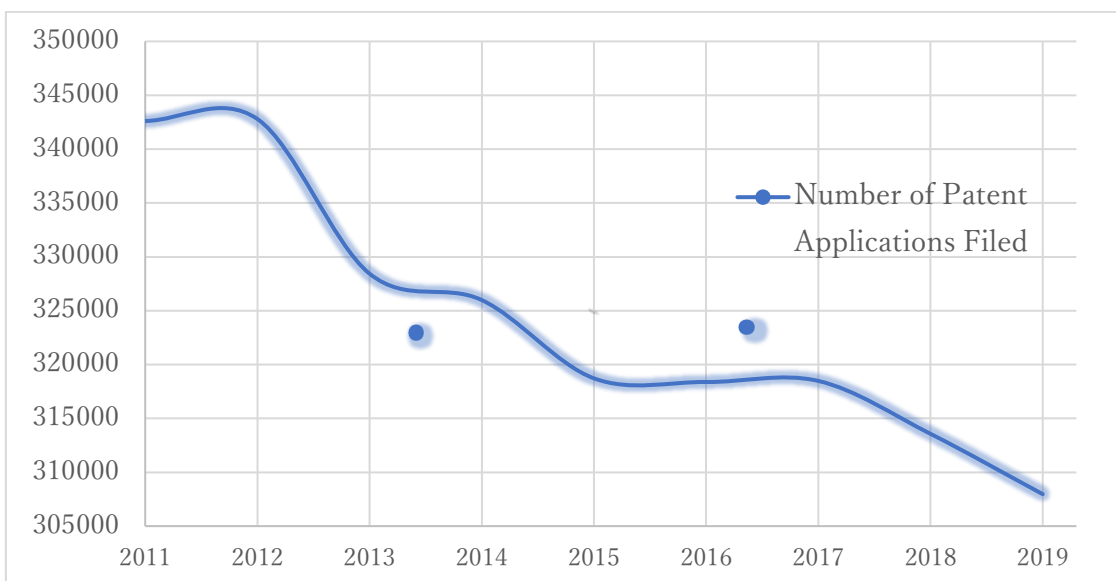


FIG. 1. Number of patent applications filed at the JPO per calendar year. Since 2011, there has been an 11% decrease in the number of patent applications filed at the JPO.

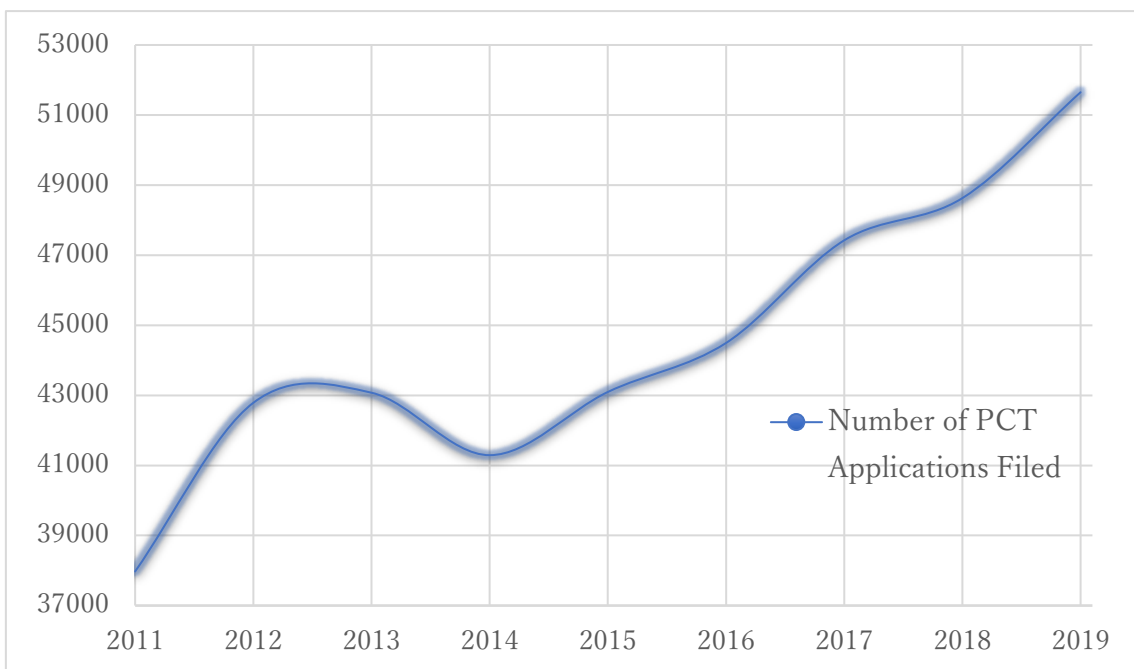


FIG. 2. Number of applications filed under the PCT at the JPO per calendar year.

In 2019, the number of PCT applications filed with the JPO increased by 6.2% to 51,652 applications compared to

2018. The number of PCT applications filed at the JPO has steadily increased by over 36% since 2011.

The average time until a First Action (FA) was issued (pendency) for a patent application at the JPO has remained relative stable over the past 5 years and was **9.3** months in 2019. The total pendency which is the time from the request for examination until the application reaches a final disposition (or is withdrawn, etc) was **14.1** months.

The number of International Search Reports (ISR) produced by the JPO increased from 40,529 in 2012 to 51,666 in 2019.

	2014	2015	2016	2017	2018	2019
Decision to Grant Patent	205,711	173,015	191,032	183,919	177,852	167,945
Number of FAs	255,001	235,809	246,879	239,236	232,701	227,293

Table 1: Number of granted patents and first office actions (FA) at the JPO. The number of granted patents and the number of FAs issued have dropped by about 18% and 11% respectively since 2014. This may be due to the general decline in applications filed at the JPO and the influx of new examiners at the JPO.

	2014	2015	2016	2017	2018	2019
Applications Filed by Foreign Applicants (%)	18.4	18.7	18.3	18.3	19.1	20.3
Number of Patent Registrations (x1000)	227	189	203	199	194	180

Table 2: Percent of patent applications filed by foreign applicants and total number of patent registrations (in thousands) at the JPO.

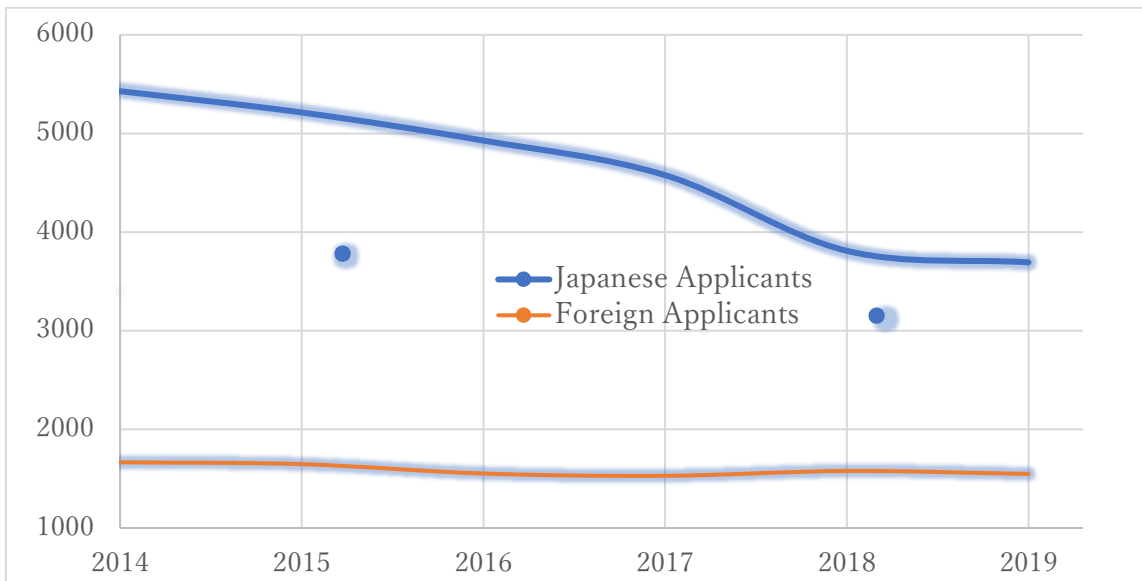


FIG. 3. Number of Utility Model applications filed at the JPO by Japanese and foreign applicants. Since 2014, the number of Utility Model applications filed by Japanese applicants has been gradually decreasing while the number of Utility Model applications filed by foreign applicants has remained relatively stable.

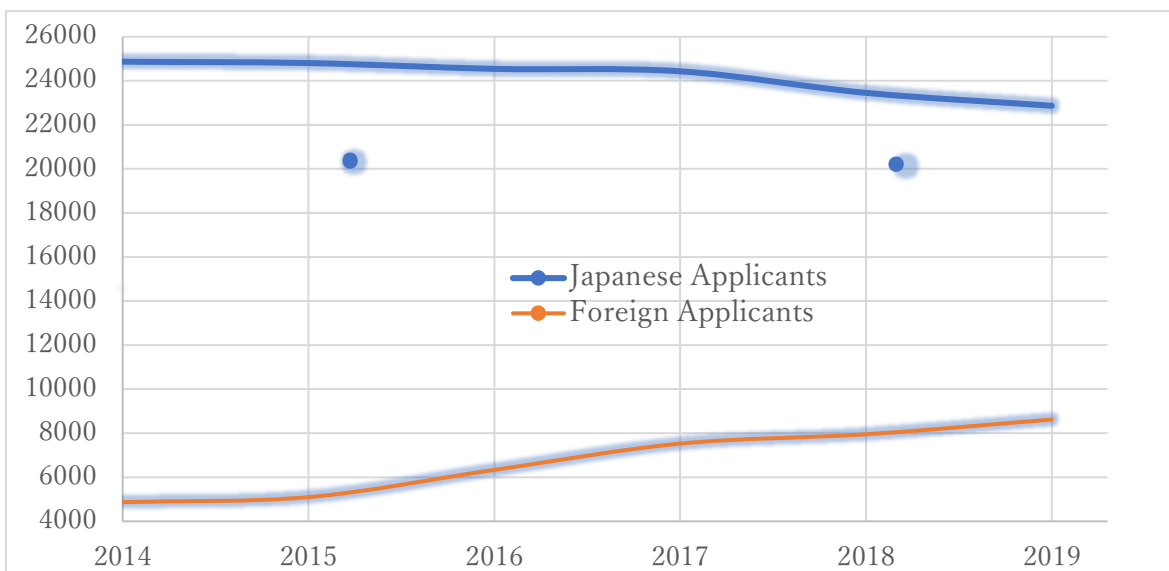


FIG. 4. Number of applications for Design Registration filed at the JPO by Japanese and foreign applicants. The percentage of foreign applicants filing for Design Registration at the JPO has been steadily increasing from 2014, particularly from 2015. As the JPO began to accept International Design

applications under the Hague Agreement in May 2015, this increase is not surprising.

The average time until a First Action (FA) was issued (pendency) for a design application at the JPO was **6.2** months in 2019. The total pendency which is the time from the request for examination until the design application reaches a final disposition (or is withdrawn, etc) was **7.0** months.

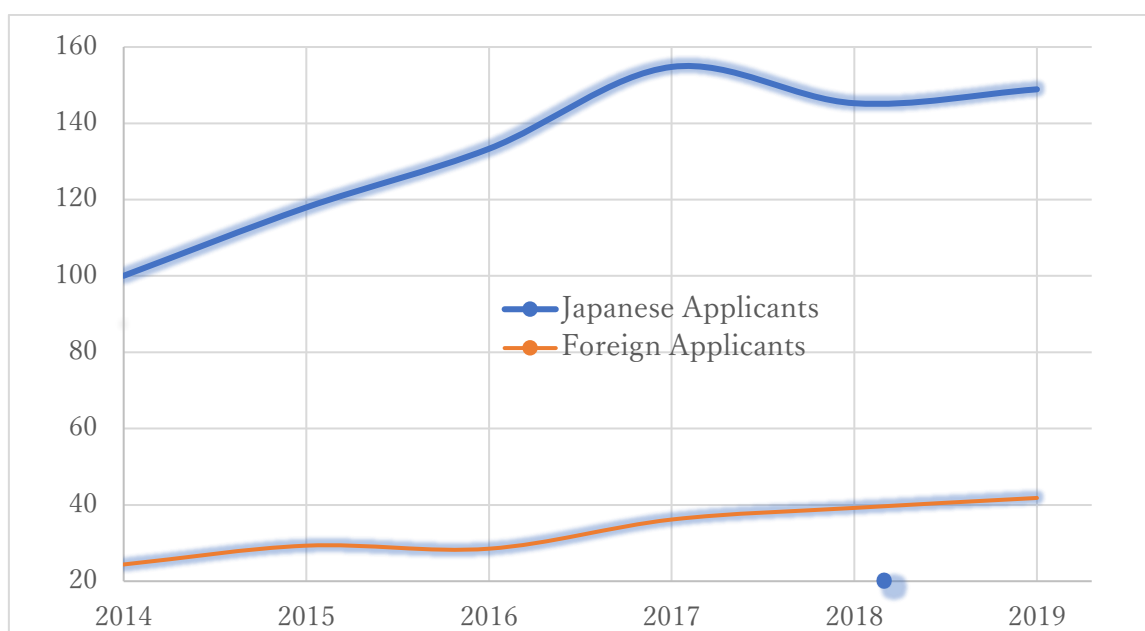


FIG. 5. Number of Trademark applications filed at the JPO by Japanese and foreign applicants and the average pendency of the application. The number of applications is displayed in units of 1,000. The number of Trademark applications filed by Japanese applicants has been steadily increasing in recent years. The number of Trademark applications filed by foreign applicants has steadily increased from about 24,389 in 2014 to 41,820 in 2019.

The average time until a First Action (FA) was issued (pendency) for a trademark application at the JPO was **7.9** months in 2019. The total pendency which is the time from the request for examination until the trademark application reaches a final disposition (or is withdrawn, etc) was **9.3** months.

Trials and Appeals

The number of appeals against an examiner's decision of refusal for a patent application has declined from 25,709 requests in 2014 to 16,699 requests in 2019. Since 2014, the number of requests for appeal against an examiner's decision of refusal for a trademark application has been between 514 and 855 cases. The number of requests for an appeal against an examiner's decision of refusal for a design application has remained between 300-400 cases per year since 2012.

Requests for Trials for Invalidation and Oppositions

Between 2006-2015, the number of requests for a trial for invalidation of a patent had remained within the range of 217 and 292 cases per year, however since 2016, the number of requests has fallen to between 112 to 161 such requests. Since 2011, approximately 50% of the appeals against an examiner's decision of refusal have been accepted.

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 88 to 140 per year since 2014.

Since 2010, approximately 430 oppositions to a trademark registration have been filed each year. In 2015, accompanying the adoption of a new patent opposition system by the JPO, opposition filings have soared from 364 in 2015 to between 1,073 and 1,251 cases per year. Additionally, after a surge in 2015, the number of Advisory Opinions (Hantei) requested has decreased to 36 in 2016 and only 21 Hantei requests were made in 2019.

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 appeals decreased to 4 for trademarks, remained at 4 for designs, and remained relatively unchanged for patents and utility models (23 cases).

Inter-partes trials include trials for invalidation and trials for rescission. Inter-partes trials for patent and utility models decreased by 23% compared to 2018, and 2 inter-partes trials for designs and 28 inter-partes trials for trademarks were conducted in 2019.

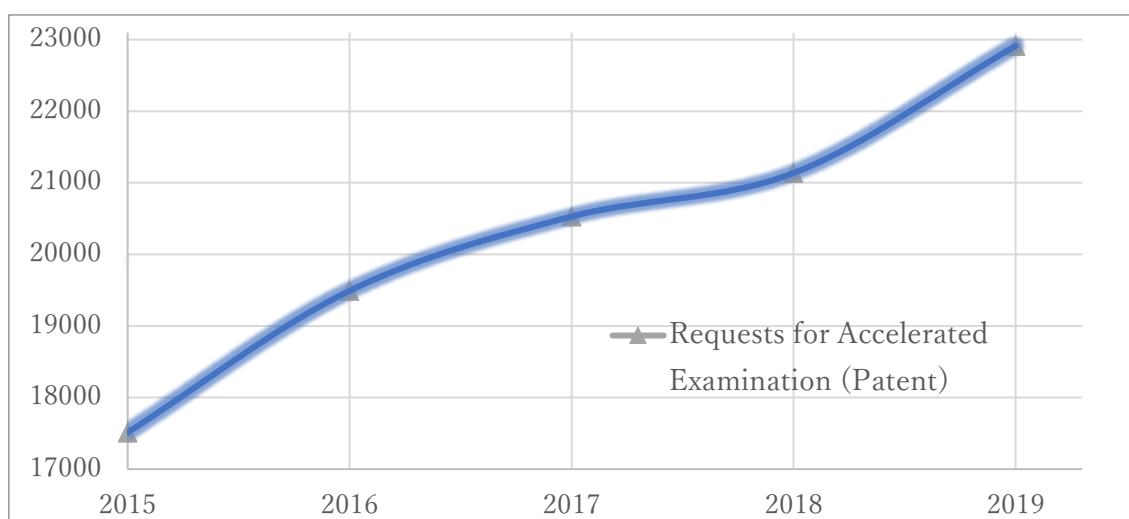


Fig. 6. Change in the number of requests for accelerated examination. There has been a continuous upward trend in the number of accelerated examinations requested since 2015. Patent applications, trademark applications (8110 cases, a 54% increase from 2018) and design model applications (218 cases) for which accelerated examination was requested had an average first action pendency of 2.5, 1.7, and 1.7 months respectively in 2019. Super-accelerated patent examinations (1125 such requests in 2019) had an average first action pendency of 0.6 months (1.3 months for DO applications) in 2019. Accelerated examination is available for applications which meet certain criteria summarized [here](#).

July - December 2019	All Applications	National PPH	PCT PPH
Patent Grant (%)	75	81	92.7

First Action Allowance (months)	14.2	19.8	43.4
Pendency PPH request to First Action (months)	9.4	2.6	2.8
Pendency PPH request to Final Decision (months)	14.3	7.3	5.3
Number of Office Actions	1	1	0.7

Table 3: Patent Prosecution High Requests and Examination Results.

For the 6-month period from July 2019 until December 2019, comparative data regarding national phase PPH applications, PTC-PPH applications, and all applications submitted to the Japan Patent Office

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. Since the start of the program over 2000 non-traditional trademark applications have been submitted to the JPO and more than 500 non-traditional trademarks have been registered. More than 1,300 applications for regional collective trademarks were filed by the end of 2019. More information regarding non-traditional trademarks and regional collective trademarks can be found [here](#).

Collective Examinations for IP Portfolios (summarized in detail [here](#))

In 2019, 39 applications for collective examination (including applications for patents, trademarks, and designs filed together) were filed at the JPO.

Utilization of New Broad Classification Codes

In order to better classify inventions related to IoT which may span multiple fields, the JPO created a series of

new classifications (Steps taken by the JPO as well as the Japanese government, organizations and industry to prepare for the influx of IoT-related applications can be found [here](#)). In July 2019, the IPC classification code G06N was assigned to inventions deemed to be AI-core inventions and a new IPC classification code G16Y for IoT-technology entered into force in January 2020.

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.