

Intellectual Property Rights at the JPO: Statistics (2014)

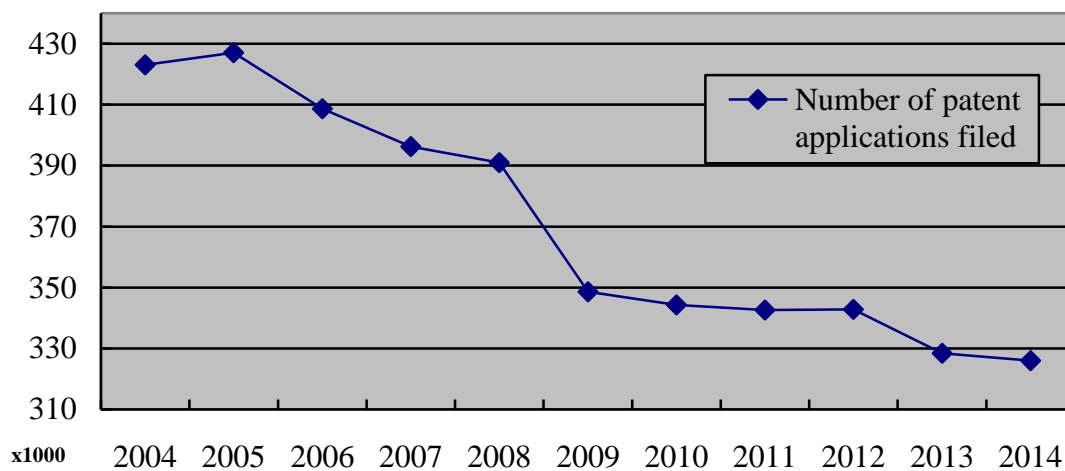


FIG. 1. Number of patent applications (in thousands) filed at the JPO per calendar year

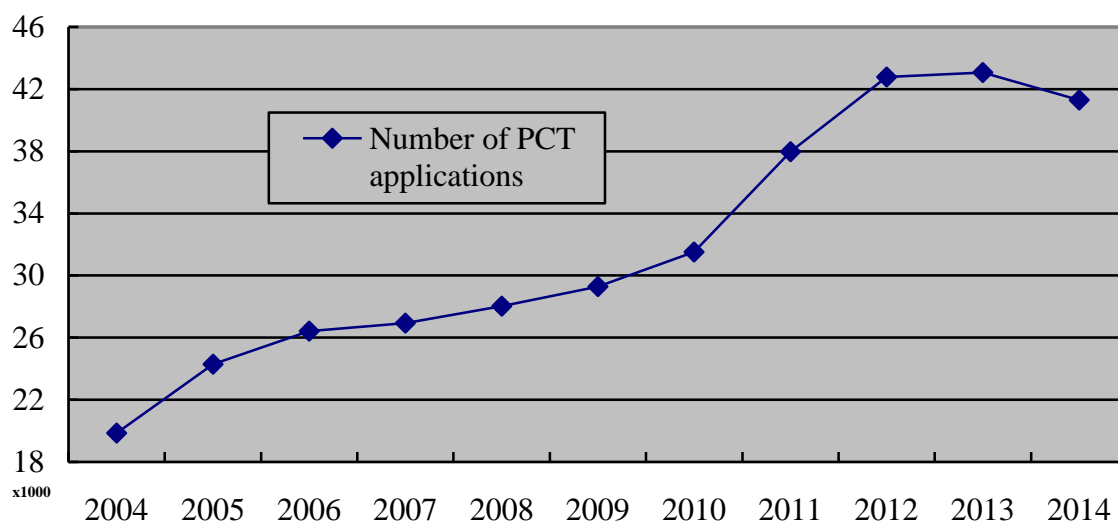


FIG. 2 Number of applications (in thousands) filed under the PCT at the JPO per calendar year

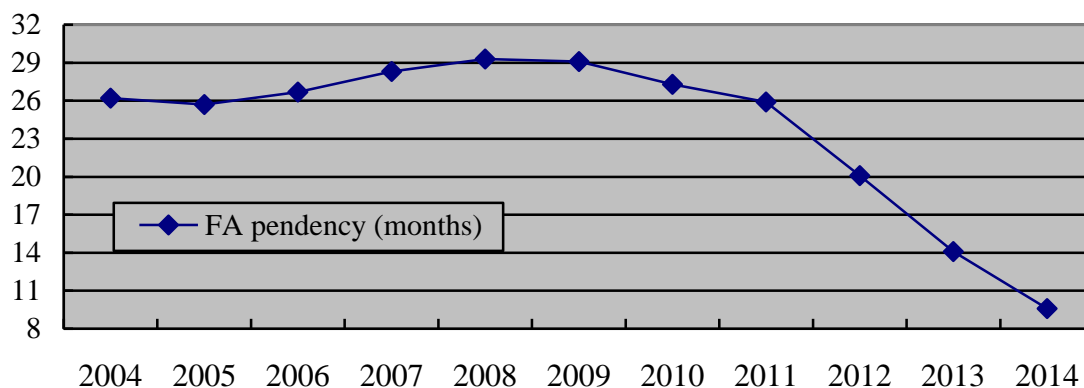


FIG. 3 Average time until First Action (FA) issued for a patent application at the JPO per calendar year

The average number of applications processed per examiner at the JPO per year is 3.1 greater than for an examiner at the USPTO and 4.7 times greater than an examiner at the EPO.

The average time from the filing of an application until rights are acquired is 29.6 months for the JPO, 31.7 months for the USPTO, and 36.2 months for the EPO.

In 2014, over 17,000 requests for accelerated examination were made at the JPO, and the FA pendency in these cases averages a little over 2 months. Accelerated examination is available for applications which meet certain criteria summarized here.

The number of International Search Reports (ISR) produced by the JPO have increased by 300% from 2004 to 2014. The number of International Preliminary Examination Reports (IPER) produced by the JPO have decreased by a little over half from the 2004 level (approximately 5,700).

	2010	2011	2012	2013	2014
Decision to Grant Patent	205,632	220,495	254,502	260,046	205,711
Number of FAs	377,089	363,876	369,679	356,179	255,001

Table 1: Number of granted patents and first office actions at the

JPO. As is clear from the table, there has been a 9% increase in the ratio of patents granted relative to the number of FAs issued compared to 2010.

	2010	2011	2012	2013	2014
Applications Filed by Foreign Applicants (%)	15.9	16.0	16.3	17.3	18.4
Patent Registration by Foreign Applicants (%)	15.6	17.1	18.2	19.0	21.8

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.

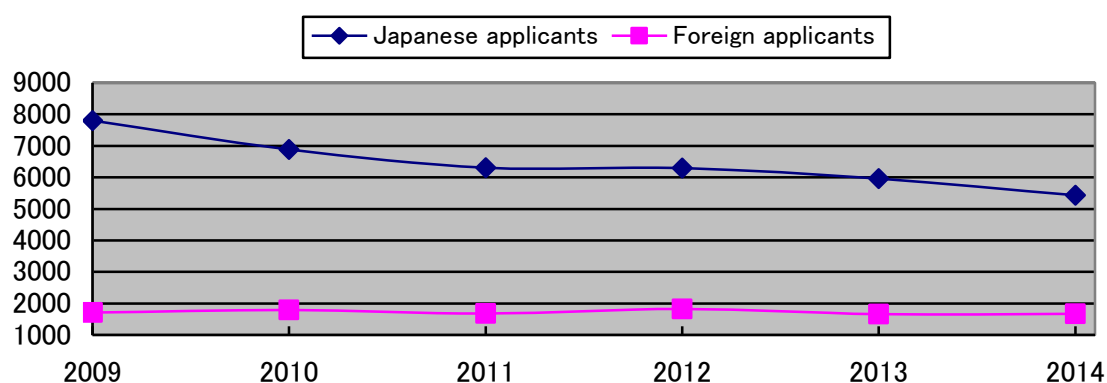


FIG. 4. Number of Utility Models applications filed at the JPO by Japanese and foreign applicants. The number of Utility Model applications by Japanese applicants has been gradually decreasing while the number of Utility Model applications by foreign applicants has remained relatively stable.

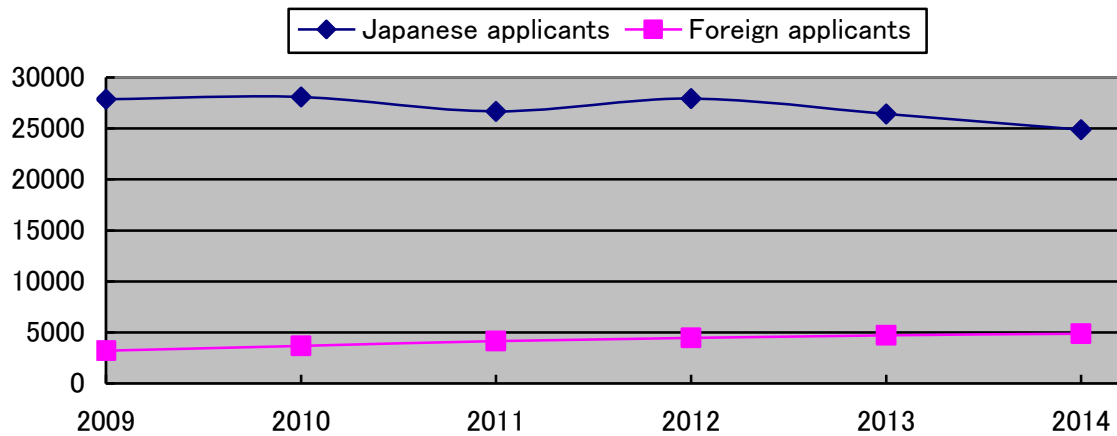


FIG. 5. Number of applications for Design Registration filed at the JPO by Japanese and foreign applicants. The percentage of foreign applicants for Design Registration filed at the JPO has steadily increased from 10.4% of all applications in 2009 to 16.3% of all applications in 2014.

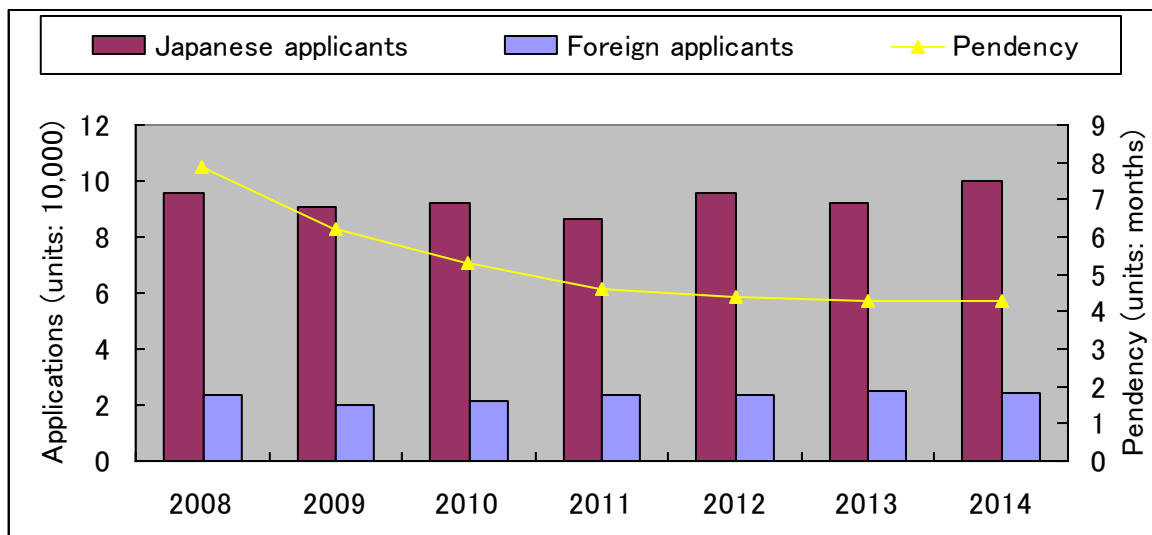


FIG. 6. Number of Trademark applications (both International applications for trademark registration and all other trademark applications) filed at the JPO by Japanese and foreign applicants and the average pendency of the application. The number of applications is displayed in units of 10,000, whereas the pendency is displayed in months. The number of Trademark applications by foreign applicants tends to fluctuate, but has increased from about 18.2% in 2009 to 19.6% in 2014, while the average pendency has decreased from 5.9 months in 2009 to 4.3 months in 2014

Trials and Appeals

The number of appeals against an examiner's decisions of refusal for a patent application has remained within the range of 24,000 to 28,000 per year since 2009. In 2014, the number of appeals against an examiner's decisions of refusal for a trademark application was 845 which is less than half of the number of cases in 2007.

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 215 and 292 cases per year. Since 2011, approximately 54% of the appeals against an examiner's decision of refusal have been accepted. The first action pendency during such a trial is approximately 5.3 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 remained within the range of 14 to 28 per year since 2007. The first action pendency during such a trial is approximately 14.2 months.

Lastly, the number of requests for a trial for invalidation of a trademark registration has fallen from a high of 193 cases in 2007 to 115 cases in 2014. The first action pendency during such a trial is approximately 5.8 months.

Oppositions have gradually fallen from a high of 795 in 2004 to 396 in 2014. In 2014, a decision of revocation was issued in 74 cases and a decision of maintenance was issued in 302 cases.

	Ex-parte appeals		Inter-partes trials	
	Appeal accepted	Appeal denied	Appeal accepted	Appeal denied
Patent	21	84	37	50
Design	1	13	0	0
Trademark	0	15	5	13

Table 3. Trial and Appeal results at the JPO in 2014.

Ex-parte appeals include appeals against an examiner's decision of refusal, appeals against an examiner's rulings to dismiss amendments, and trials for correction. The number of ex-parte appeals was unchanged only for trademarks, and has decreased for patents and designs relative to 2012.

Inter-partes trials include trials for invalidation and trials for cancellation. The number of inter-partes trials has decreased for patents, utility models, designs, and trademarks relative to 2012 with the number of inter-partes trials for trademarks falling by 50% from the number of cases in 2012.

Court Decisions

In 2014, regarding ex-parte appeals, the number of dismissals of a claim decreased for patents, increased slightly for designs and trademarks relative to 2012. Inter-partes trials for design remained unchanged from 2012, while such trials for patents and trademarks decreased from 2012.

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.