

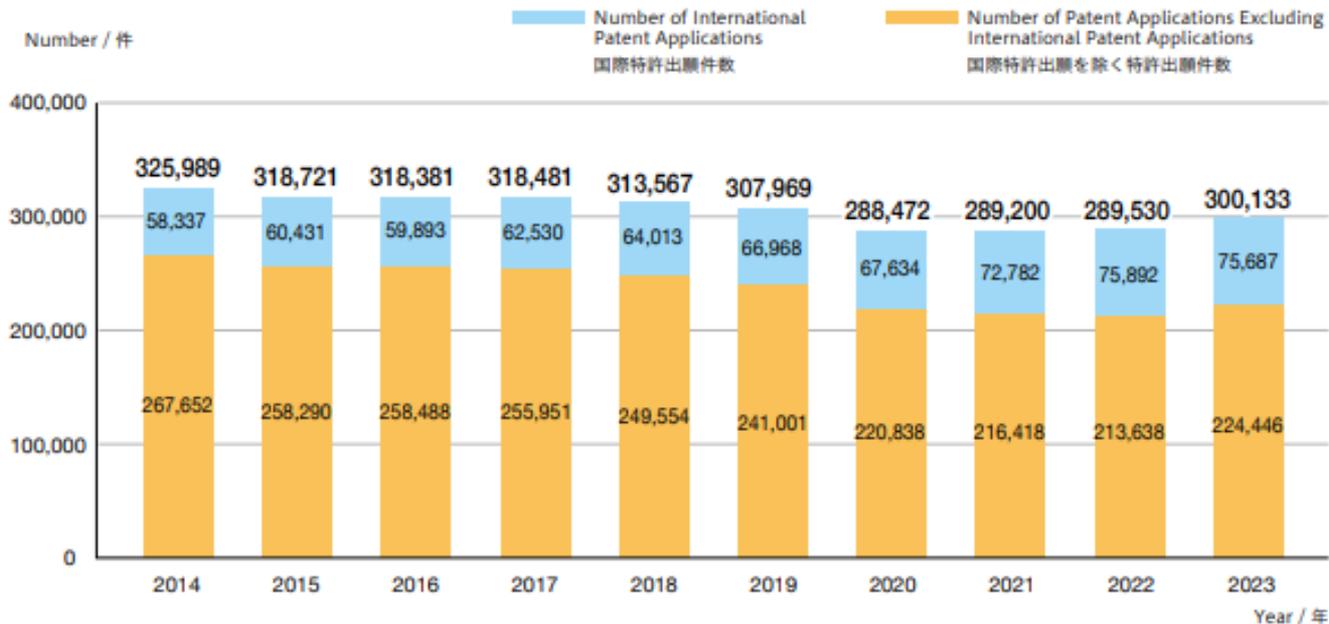
Overview of Japanese IP Trends 2024

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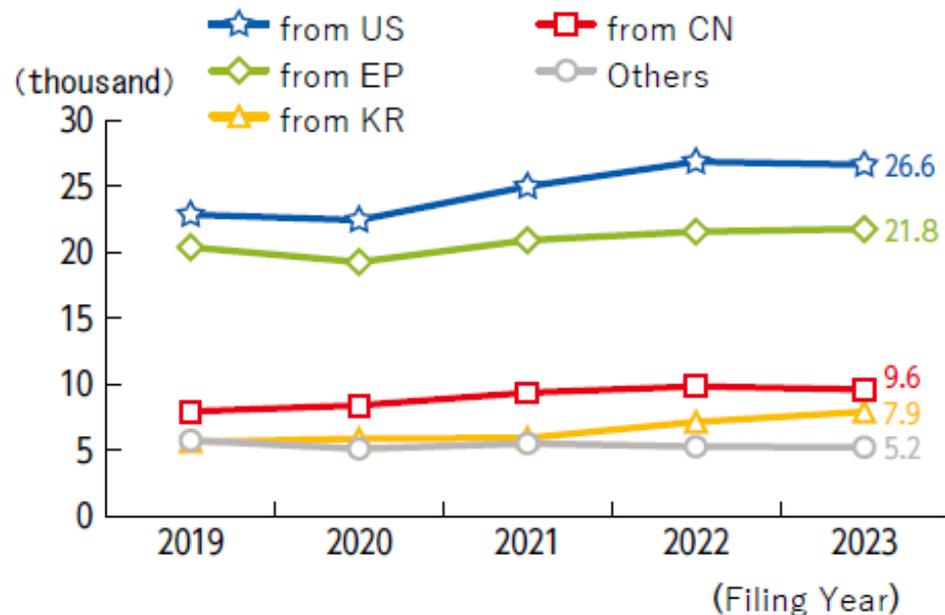
Number of Patent Applications

- The number of patent applications recovered to 300,000 for the first time since 2019.



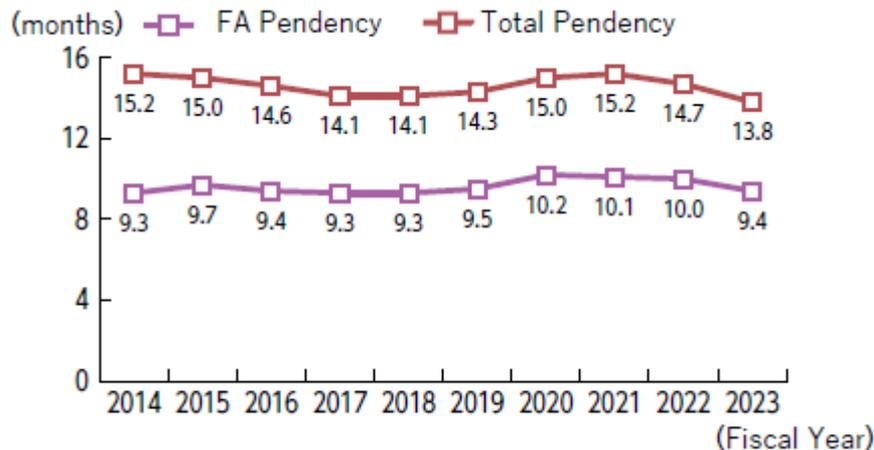
Patent Applications filed by Foreign Applicants

- The number of patent applications from foreign countries is on an upward trend.



First Action (FA) and Total Pendency (Patent)

- Average pendency from Request for Examination (RFE) to 1st OA was 9.4 months.
- Average pendency from RFE to Establishment of Right* was 13.8 months.

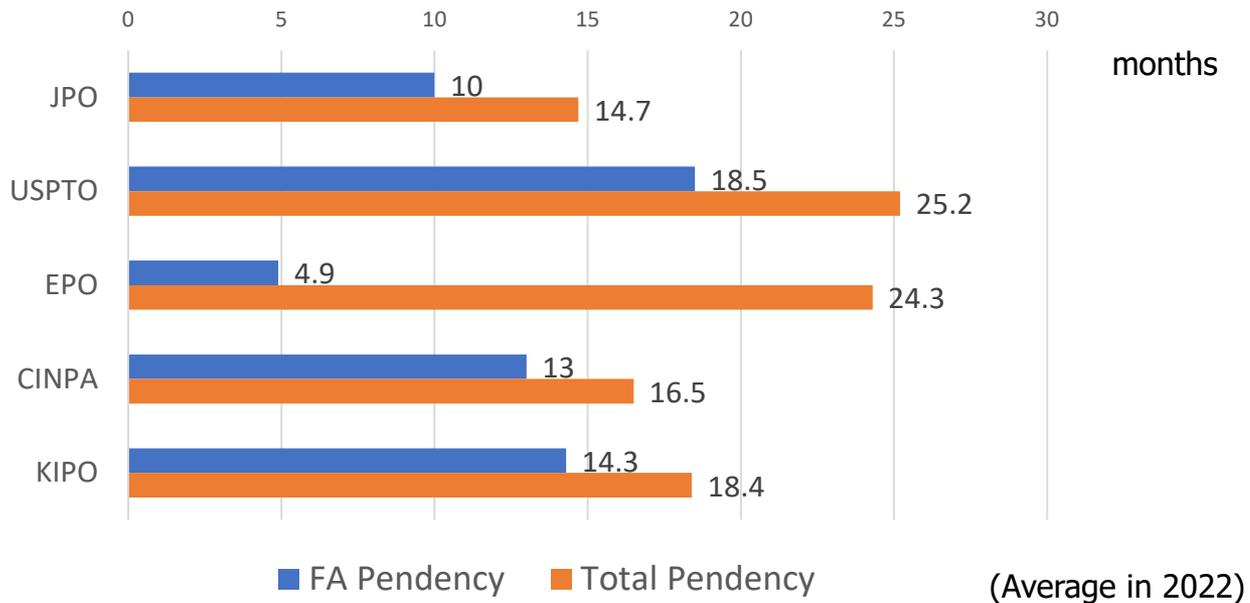


***Note:**

The total pendency is the period from the date of examination request to withdrawal or abandonment, or until a final disposition (excluding cases where the JPO requests an applicant to respond to the second notice of reasons for refusal due to the amendments submitted by the applicant, and where the applicant performs procedures they are allowed to use, such as requests to the JPO for an extension of the period of response, and for an accelerated examination).

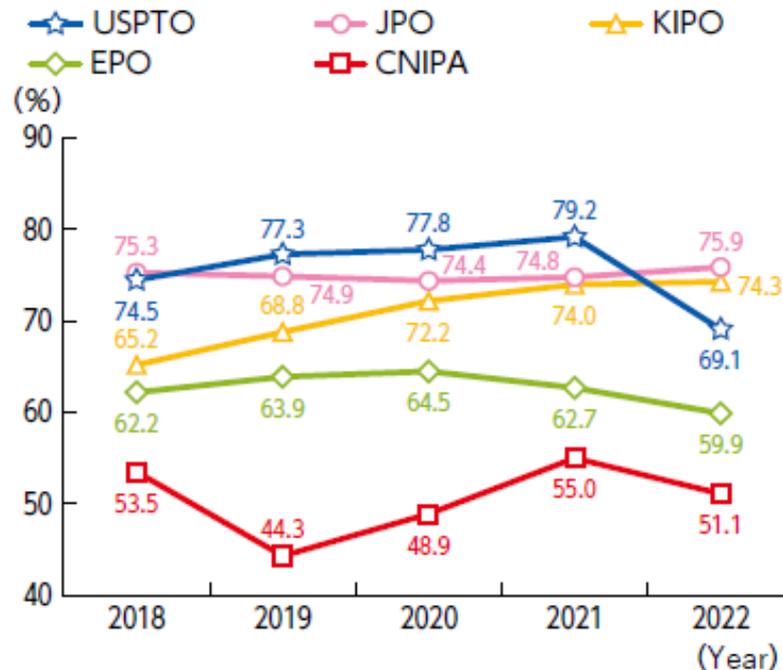
FA and Total Pendency among major Patent Offices (Patent)

- Among the major Patent Offices, the JPO maintains a short examination pendency.



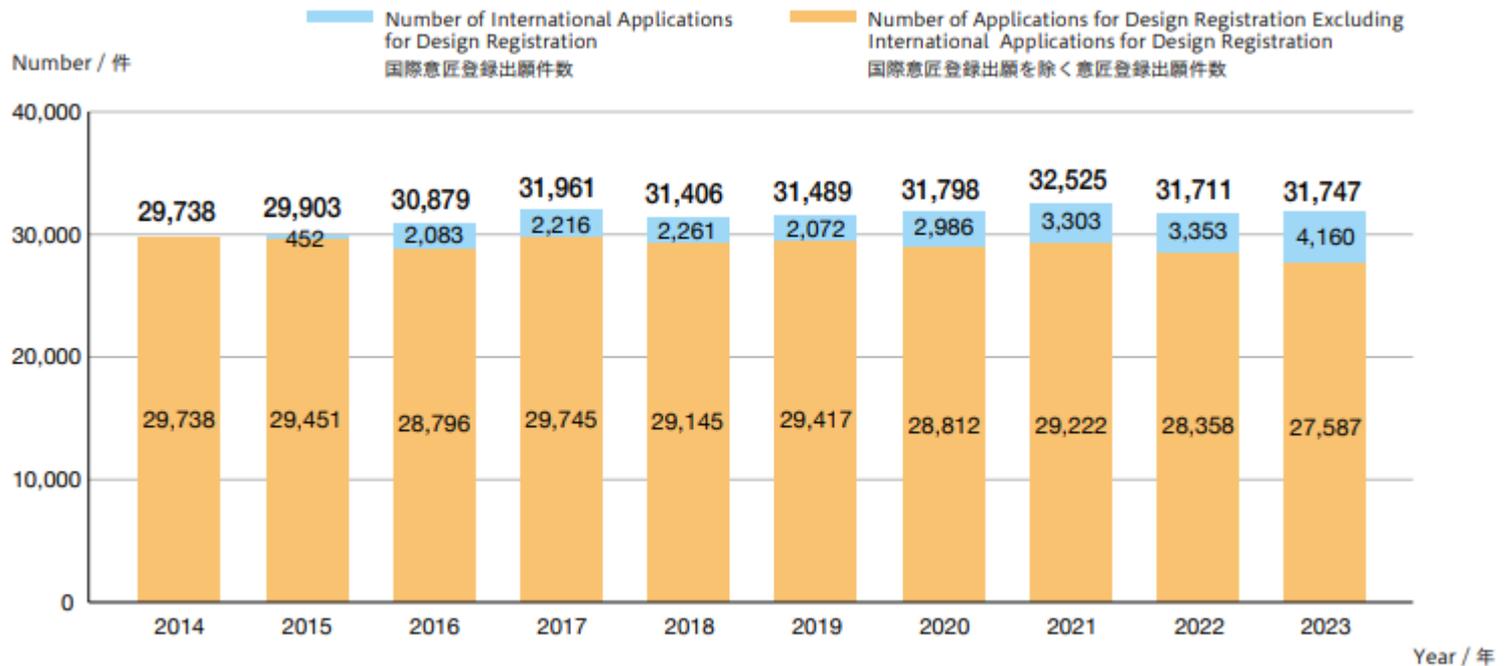
Grant Rate among major Patent Offices (Patent)

- Allowance rate at the JPO remains around 75% for the past five years.



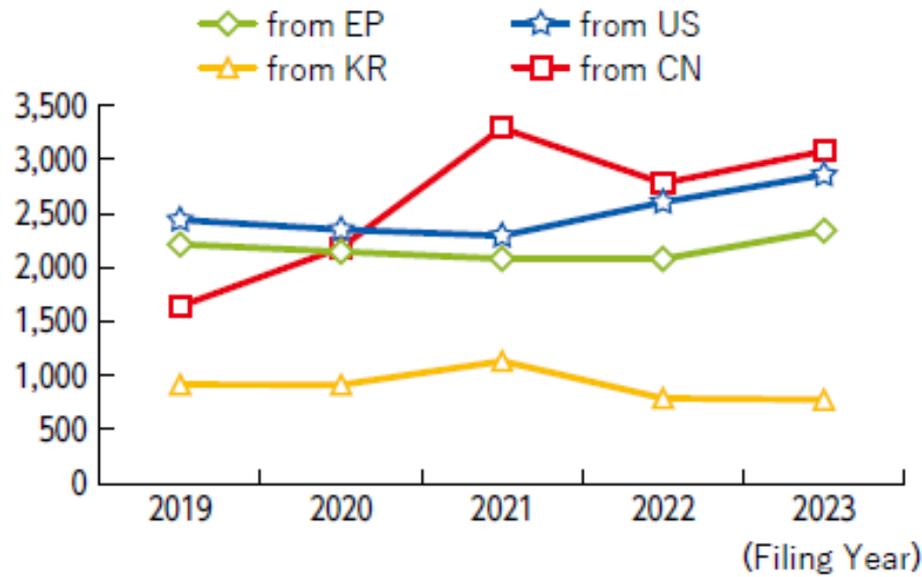
Number of Design Applications

- The number of design applications filed has increased slightly from the previous year, and has remained almost flat for the last decade.



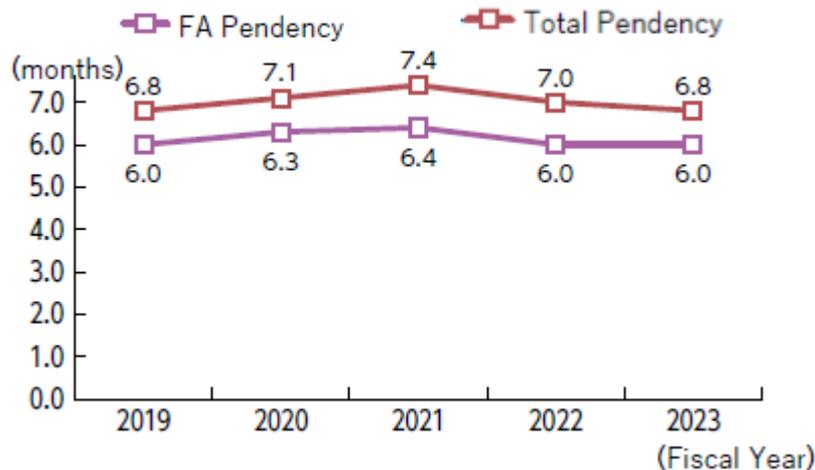
Design Applications filed by Foreign Applicants

- The number of design applications filed from China to Japan once decreased in 2022, but increased again in 2023.



First Action (FA) and Total Pendency (Design)

- Average pendency from Application Filing to 1st OA was 6.0 months.
- Average pendency from Application Filing to Establishment of Right* was 6.8 months.

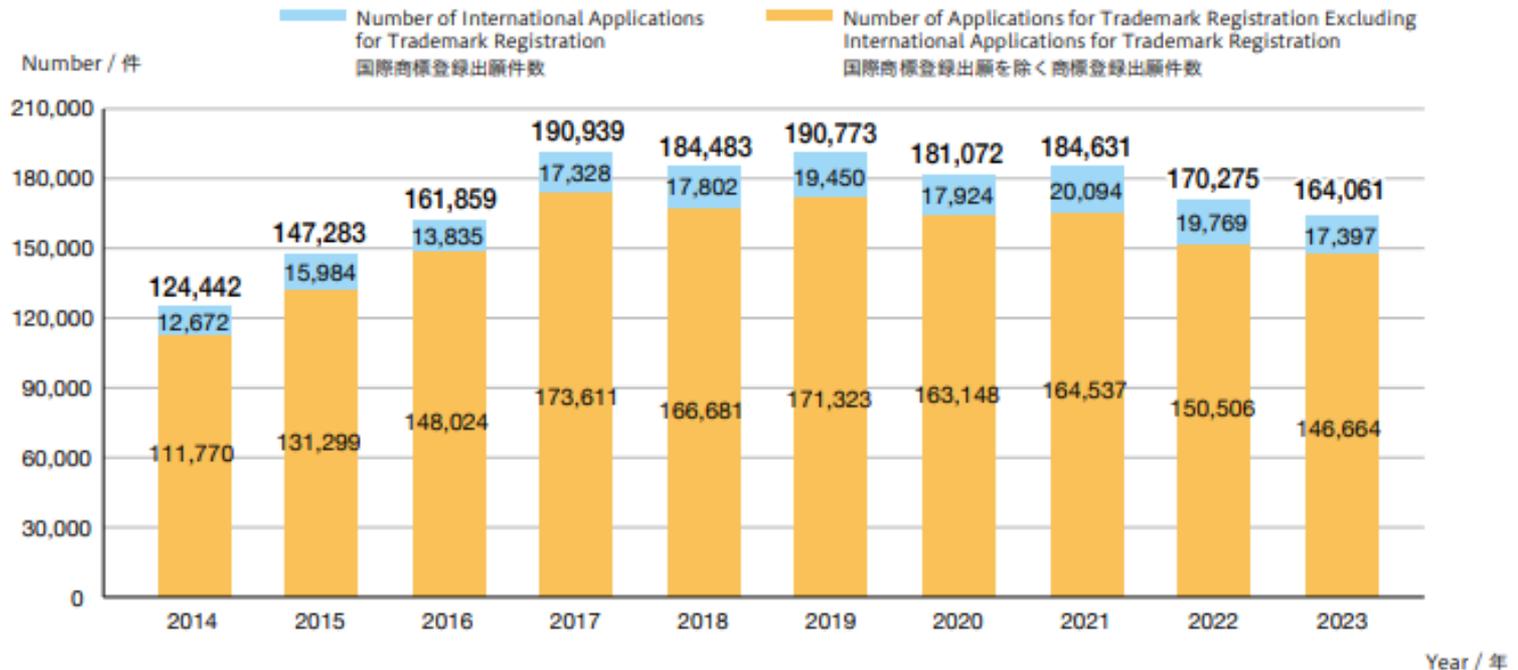


Note:

The total pendency (also called the “standard pendency”) is the period from the application filing to the establishment of right (excluding international applications filed to register designs under the Hague Agreement, as well as cases in which applicants are required to respond to the second notices from the JPO for amendments submitted by the applicants within a certain period of time).

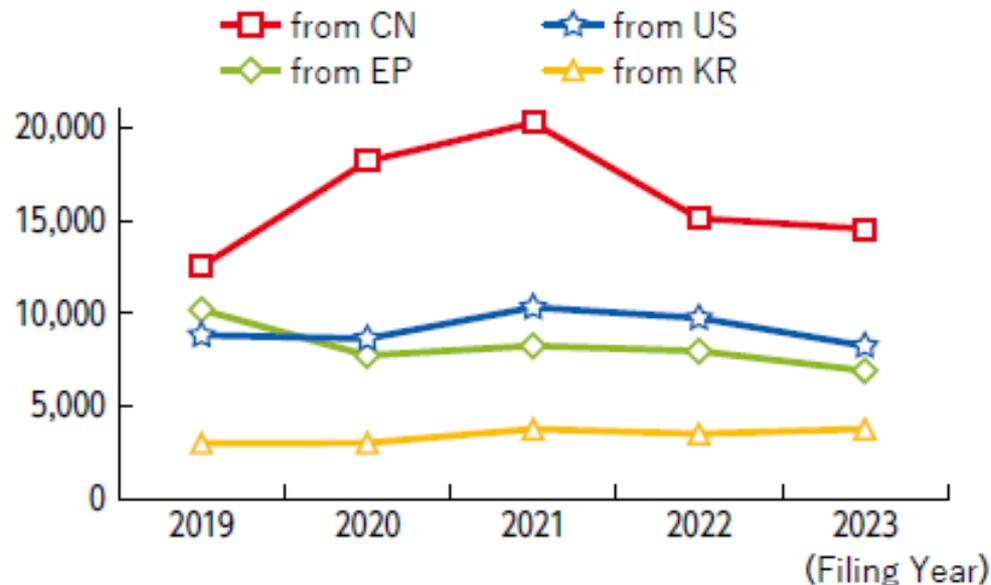
Number of Trademark Applications

- The number of trademark applications peaked in 2017 and is gradually declining.



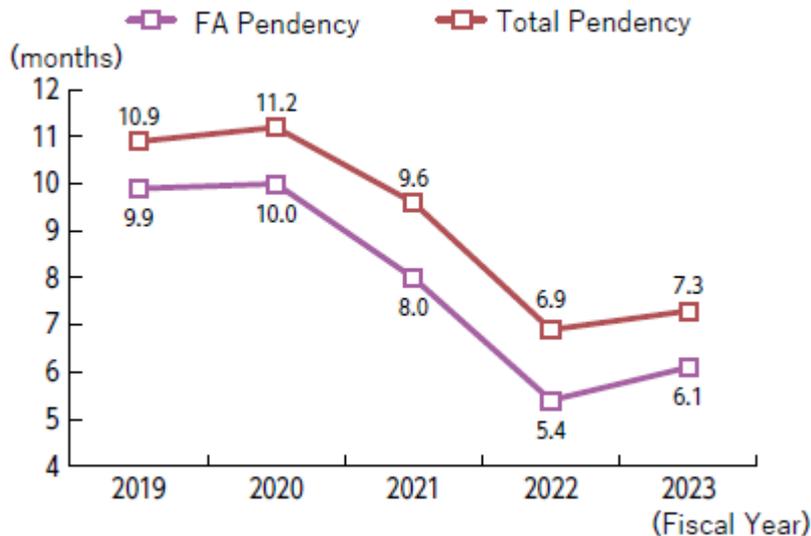
Trademark Applications filed by Foreign Applicants

- The number of applications filed from China peaked in 2021 and has been declining significantly since then.



First Action (FA) and Total Pendency (Trademark)

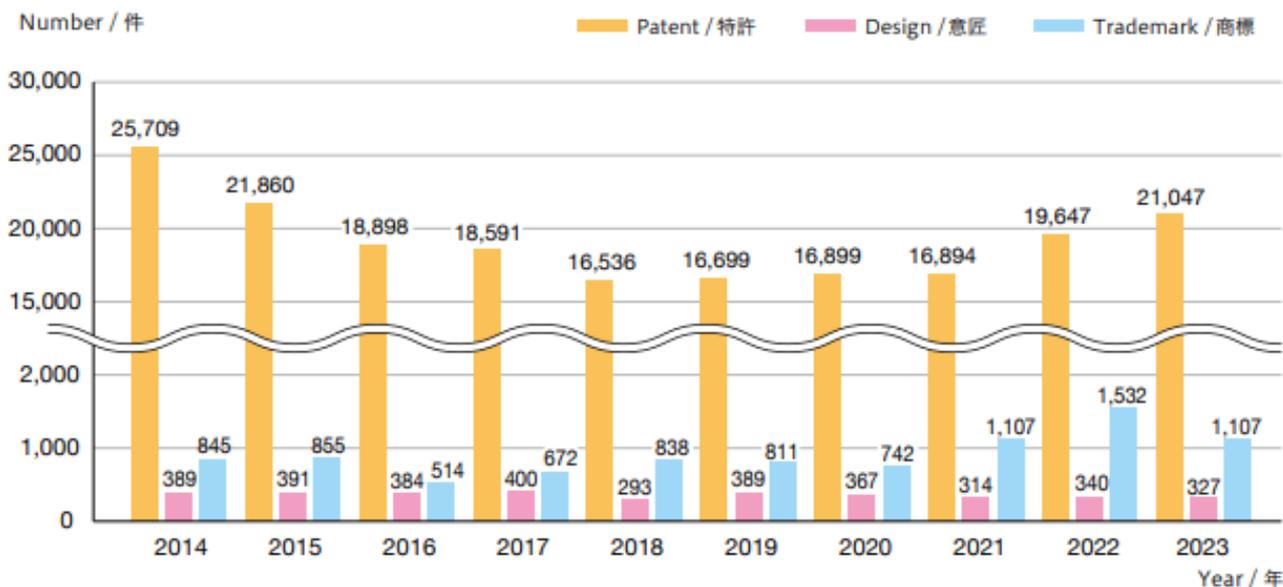
- Average pendency from Application Filing to 1st OA was 6.1 months.
- Average pendency from Application Filing to Establishment of Right* was 7.3 months.



***Note:**
The total pendency is the period from the application filing to the registration (excluding applications related to non-traditional trademarks and regional collective trademarks, as well as cases where the JPO requests an applicant to respond to the second notice of reasons for refusal due to the amendments submitted by the applicant, and where the applicant performs procedures they are allowed to use, such as requests to the JPO for an extension of the period for response).

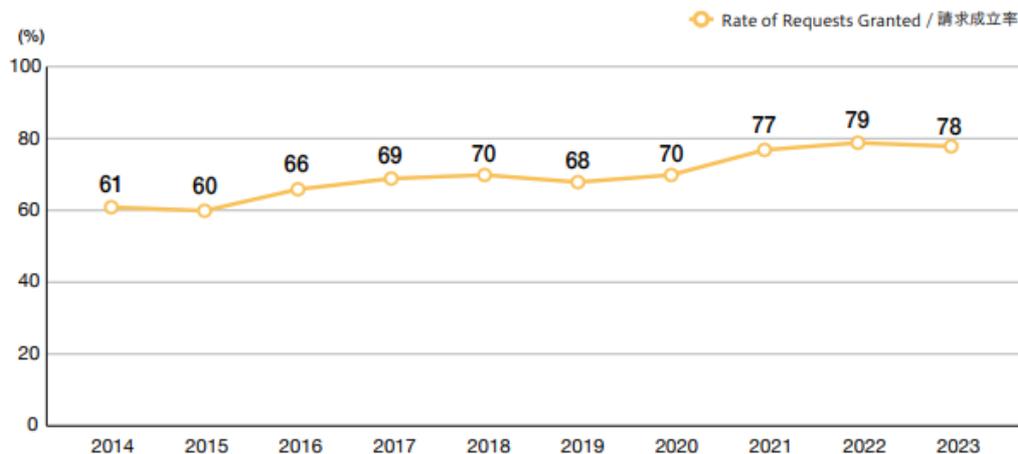
Trials and Appeals (1)

- Number of Requests filed for Appeal against Examiner's Decision of Refusal increased in patents compared to the previous year.



Trials and Appeals (2)

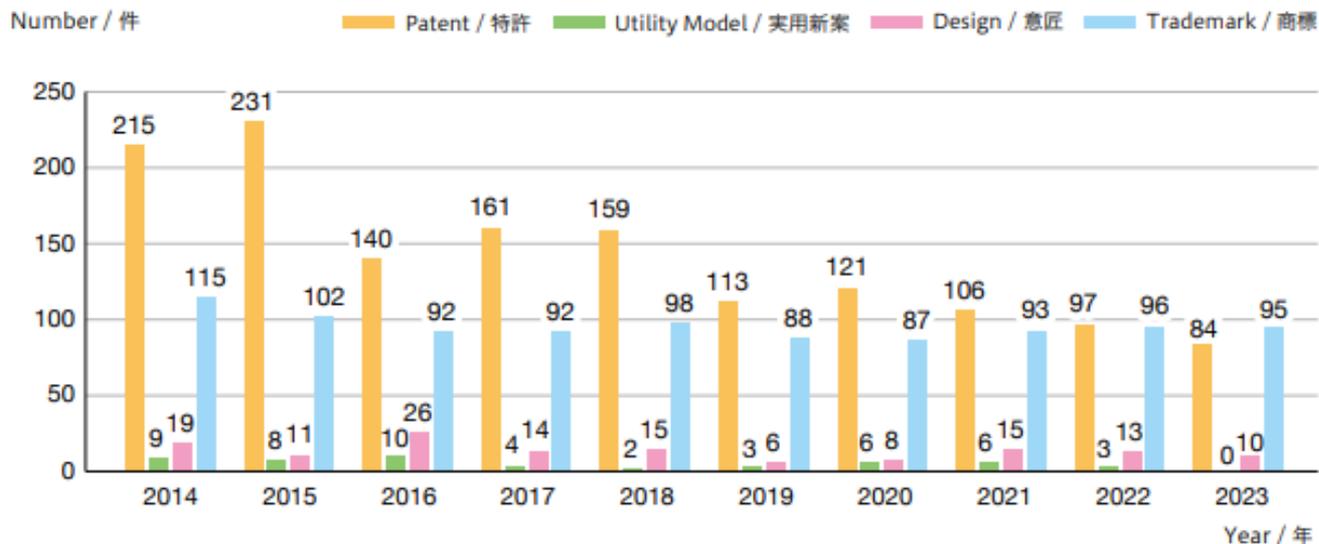
- Rate of Requests Granted in Appeal Against Examiner's Decision of Refusal (Patents) has generally been on an upward trend and is almost 80%.



Note: • Rate of Requests Granted = Number of requests granted / (number of requests granted + number of requests not granted)
"Number of requests granted" does not include the number of "decision to grant a patent upon reconsideration by examiners." "Number of requests not granted" includes the number of "dismissals."

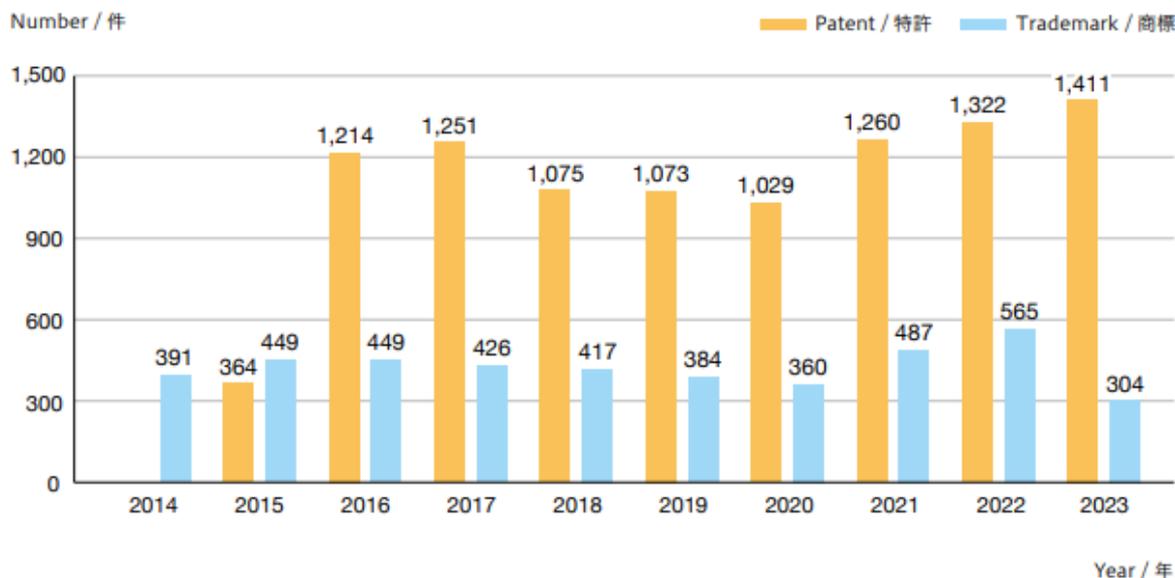
Trials and Appeals (3)

- Number of Requests for Trial for Invalidation is trending downward for patents and flat for trademarks.



Trials and Appeals (4)

- Number of Oppositions (based on the number of rights opposed) filed is the largest ever for patents .



Note: • The system of opposition to grant of patent entered into force on April 1, 2015.

Number of Revocation Actions against Trial/Appeal Decisions in 2023

	Patent and Utility Model 特許・実用新案	Design 意匠	Trademark 商標
Ex-parte appeal 査定系審判	23 (19)	2 (0)	33 (17)
Inter-partes trial 当事者系審判	50 (69)	6 (2)	24 (18)
Opposition 異議申立	9 (6)	—	2 (2)

Note

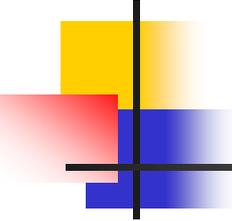
- The figures in parentheses are for 2022.
- Ex-parte appeal includes appeal against an examiner's decision of refusal and appeal against an examiner's decision to dismiss an amendment.
- Inter-partes trial includes trial for invalidation, trial for rescission, and trial for correction.

Number of Court Decisions on Revocation Actions against Trial/Appeal Decisions in 2023

	Patent and Utility Model 特許・実用新案		Design 意匠		Trademark 商標	
	Dismissal of Request 請求棄却	Revocation of Decision 審決取消	Dismissal of Request 請求棄却	Revocation of Decision 審決取消	Dismissal of Request 請求棄却	Revocation of Decision 審決取消
Ex-parte appeal 査定系審判	18 (18)	1 (4)	2 (2)	0 (1)	24 (10)	2 (0)
Inter-partes trial 当事者系審判	27 (40)	7 (10)	2 (1)	4 (0)	6 (17)	5 (6)
Opposition 異議申立	3 (4)	4 (0)	—	—	1 (2)	0 (1)

Note

- The figures in parentheses are for 2022.
- Ex-parte appeal includes appeal against an examiner's decision of refusal and appeal against an examiner's decision to dismiss an amendment.
- Inter-partes trial includes trial for invalidation, trial for rescission, and trial for correction.



Thank you!

Should you have any question regarding any Japanese IP practice issue, please do not hesitate to contact us (itohpat@itohpat.co.jp). ITOH is always pleased to assist our clients!