
Kluwer Patent Blog

JPO publishes the Status Report 2022

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Every year the Japan Patent Office (JPO) publishes a status report in spring, and this year's report (the "Status Report 2022") was published on March 30, 2022. The Status Report 2022 contains statistics on Japanese and worldwide IP trends, and information on the JPO's initiatives to protect industrial property rights and to promote innovation. The report is in both English and Japanese and can be found [here](#).

Below are some statistics related to patents in Japan, which we picked up from the Status Report 2022.

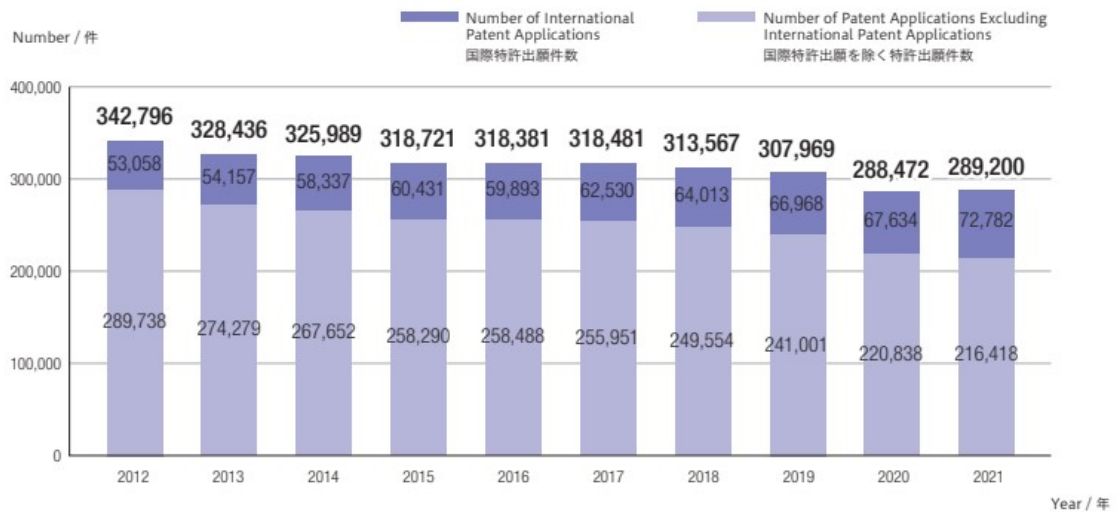
1. Number of patent applications, requests for examination, and patent registrations

Overall, the number of patent applications, requests for examination, and patent registrations have decreased in Japan over the past ten years^[1].

The number of patent applications dropped in 2020 and the trend continued in 2021. We will have to carefully watch the number of patent applications in 2022 in order to assess whether the decrease was due to the Covid-19 situation or for any other reason.

1 | Number of Patent Applications / 特許出願件数

Figure 1-1-1 Number of Patent Applications / 特許出願件数の推移



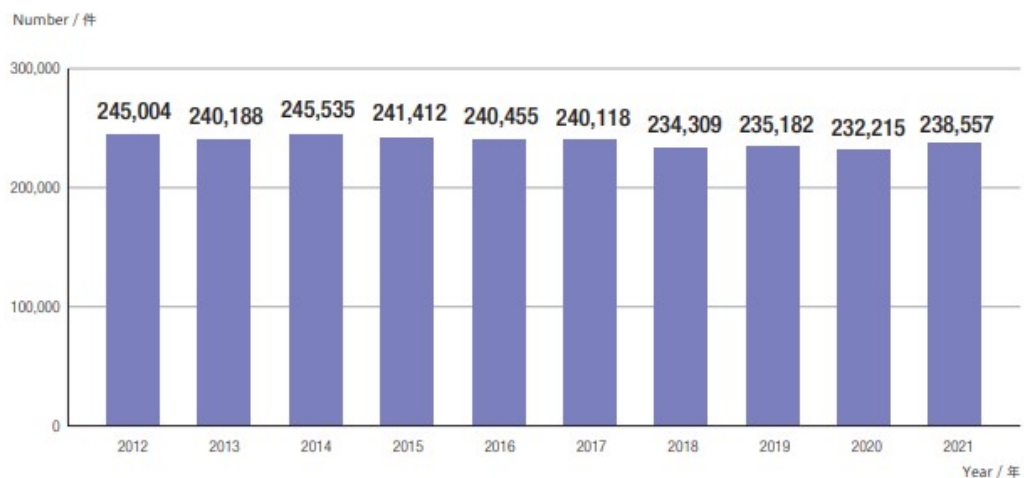
Note: - The number of patent applications includes the number of applications for registration of extension of the duration of a right.
 - An international patent application is an international application under the Patent Cooperation Treaty (PCT) that includes Japan as one of the designated countries and for which documents to enter the national phase were submitted to the JPO (patent applications only). The number of the applications was counted by the date when documents to enter the national phase were filed.

備考: - 特許出願件数は、特許権の存続期間の延長登録の出願を含む。
 - 国際特許出願とは、特許協力条約に基づく国際出願であって指定国に日本国を含み、かつ日本国特許庁に国内書面が提出された出願（特許出願に係るものに限る）。当該出願の件数は、国内書面の提出の日を基準にカウント。

Despite the decrease in the number of patent applications, the number of requests for examination remained stable. Companies may be carefully choosing the inventions for which they will file patent applications. The number of patent registrations also remained steady after seeing a significant drop in 2014 and further down in 2015.

2 | Number of Requests for Examination / 審査請求件数

Figure 1-1-2 Number of Requests for Examination / 審査請求件数の推移

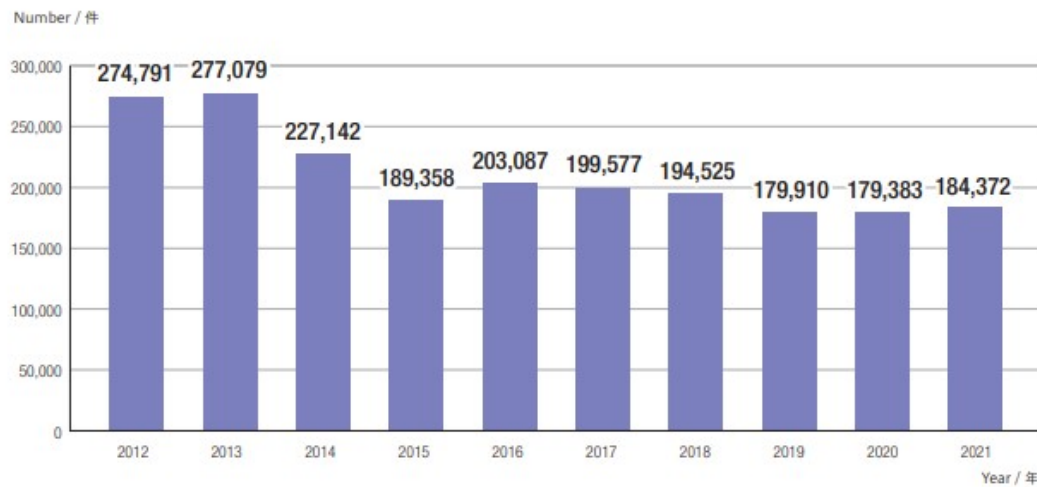


Note: The number of the requests for examination in 2012 include the numbers of requests that is subject to the feepayment deferral system.

備考: 2012年の審査請求件数は、審査請求料の納付を繰り延べた審査請求を含む。

3 | Number of Patent Registrations / 特許登録件数

Figure 1-1-3 Number of Patent Registrations / 特許登録件数の推移



2. Number of appeals against an examiner's decision of refusal and the rate of success in such appeal

The number of appeals against an examiner's decision of refusal has decreased^[2], but on the other hand, the rate of appeals succeeded has increased^[3] over the past ten years. The rate was as high as 77% in 2021, marking a large increase by 7% from the figure 70% in 2020. The increase might be attributed to the fact that companies carefully selected inventions for patent applications and the JPO's recent user-friendly attitude. At any rate, it is clear that an applicant should not be pessimistic even if he/she received a decision of refusal as to his/her patent application.

1 | Statistics Related to Appeal against an Examiner's Decision of Refusal 拒絶査定不服審判関連統計

Figure 1-1-27 Number of Requests for Appeal against an Examiner's Decision of Refusal
拒絶査定不服審判請求件数の推移

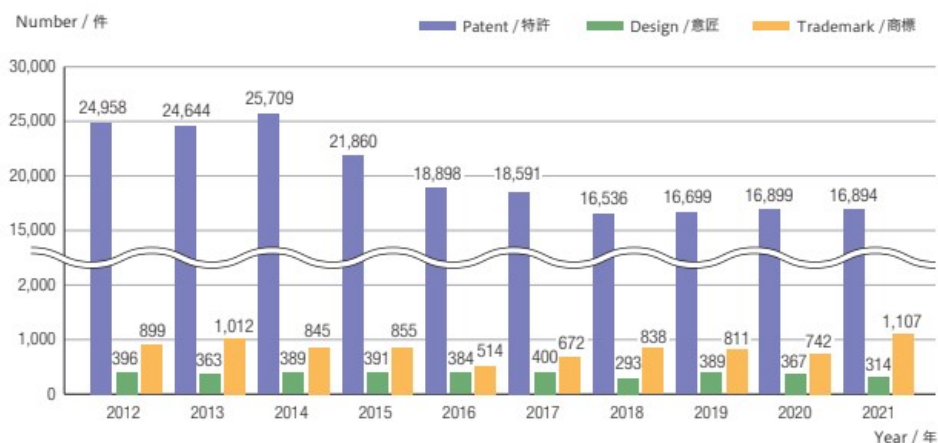
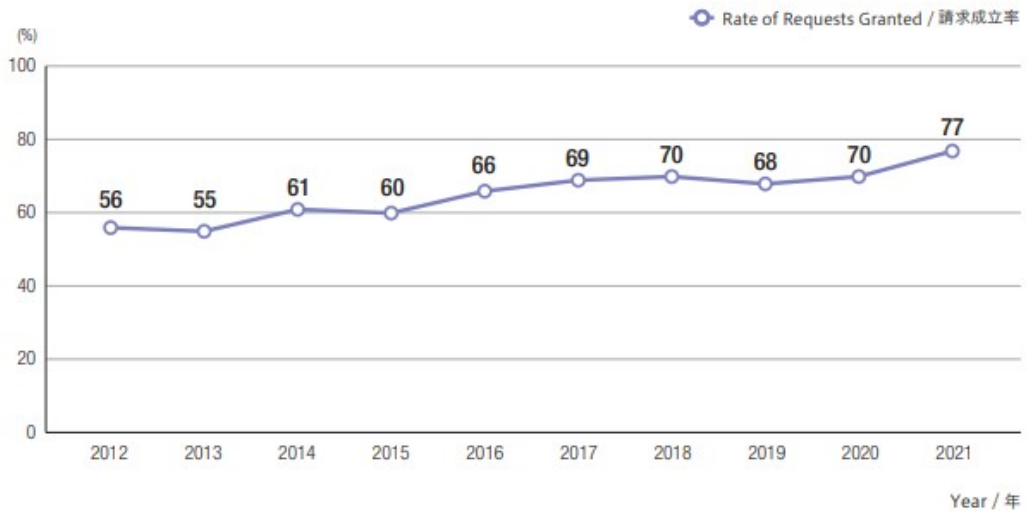


Figure 1-1-29 Rate of Requests Granted in Appeal Against an Examiner's Decision of Refusal Cases (Patents)
拒絶査定不服審判事件における請求成立率の推移（特許）



Note: Rate of Requests Granted = Number of requests granted / (number of requests granted + number of requests not granted)
"Number of request 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."

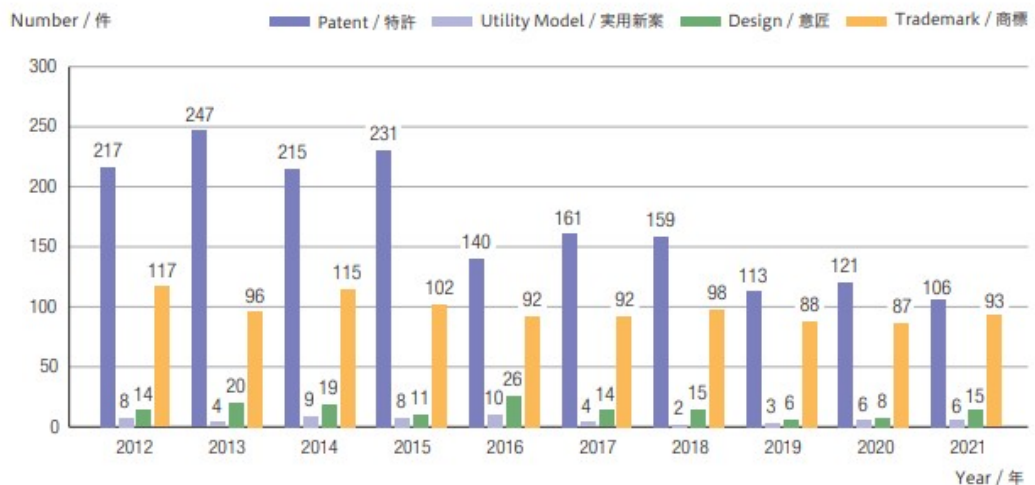
備考： 請求成立率 = 請求成立件数 / (請求成立件数 + 請求不成立件数)
「請求成立件数」は、前置登録件数を含まない。「請求不成立件数」は却下件数を含む。

3. Number of requests for invalidation trials

The number of requests for invalidation trials has decreased significantly over the past ten years, and is now less than half compared to the figure in 2012^[4]. At least some part of the decrease may be attributed to the re-introduction of post grant opposition proceedings in 2015.

2 | Number of Requests for Trial for Invalidation / 無効審判請求件数

Figure 1-1-30 Number of Requests for Trial for Invalidation / 無効審判請求件数の推移

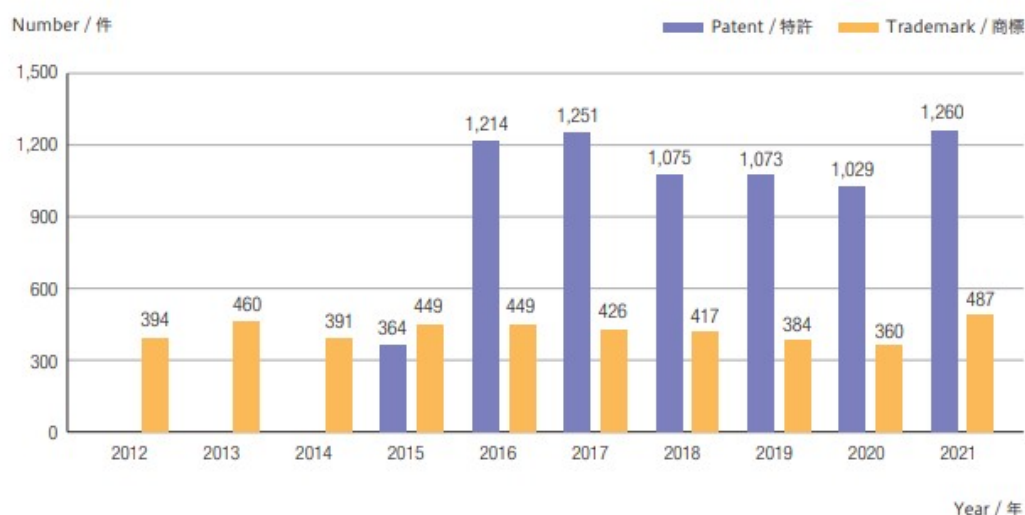


4. Number of post grant oppositions

The number of post grant oppositions against patent grants, which was re-introduced from April 2015, seemed to be in decline in the past few years but suddenly increased in 2021^[5]. We do not know yet whether this increase will be a continued trend or a mere isolated phenomenon.

5 | Number of Oppositions / 異議申立件数

Figure 1-1-33 Number of Oppositions (based on the number of rights opposed) / 異議申立件数（権利単位）の推移



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

備考：特許の異議申立制度は、2015年4月1日開始。

5. First action pendency and total pendency

The first action pendency (the period from the date of examination request until the JPO issues the first Office Action on the merit) was on average 10.2 months in 2020. The total pendency (the period from the date of examination request to withdrawal or abandonment or a final disposition, excluding cases where the JPO sends a second office action with respect to amendments submitted by the applicant, and where the applicant takes procedures such as requesting an extension of time to file the response, requesting an accelerated examination, etc.) was on average 15.0 months in 2020^[6]. The short FA pendency and short total pendency are in line with JPO's aim to achieve the "world's fastest and utmost quality patent examinations."

Figure 2-1-1 FA Pendency and Total Pendency for Patent Examinations in FY2020
2020年度における特許審査のFA期間及び権利化までの期間



Note: ・ The first action pendency (FA pendency) is the period from the date of examination request until the JPO sends the first notice of examination results to the applicant, etc. (for the most part, either a notice of patent grant or a notice of reasons for refusal).
 ・ The total pendency (also called the "standard 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 extension of the period of response and for an accelerated examination).

備考: ・ 一次審査通知までの期間 (FA 期間) は、審査請求日から審査官による審査結果の最初の通知 (主に特許査定又は拒絶理由通知書) が出願人等へ発送されるまでの期間。
 ・ 権利化までの期間 (「標準審査期間」ともいう。) は、審査請求日から取下げ・放棄又は最終処分を受けるまでの期間 (出願人が補正等を行うことに起因して特許庁から再度の応答等を出願人に求めるような場合や、特許庁に応答期間の延長や早期の審査を求める場合等の、出願人に認められている手続を利用した場合を除く。)

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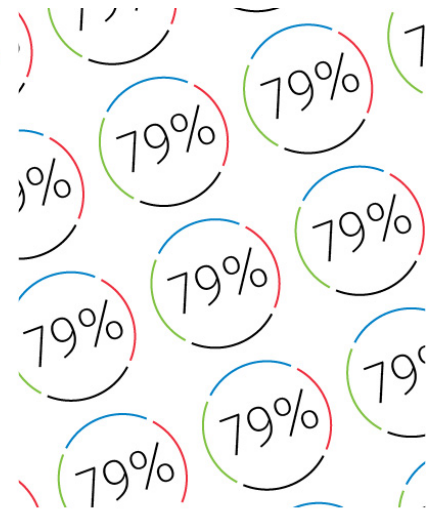
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References[+]

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