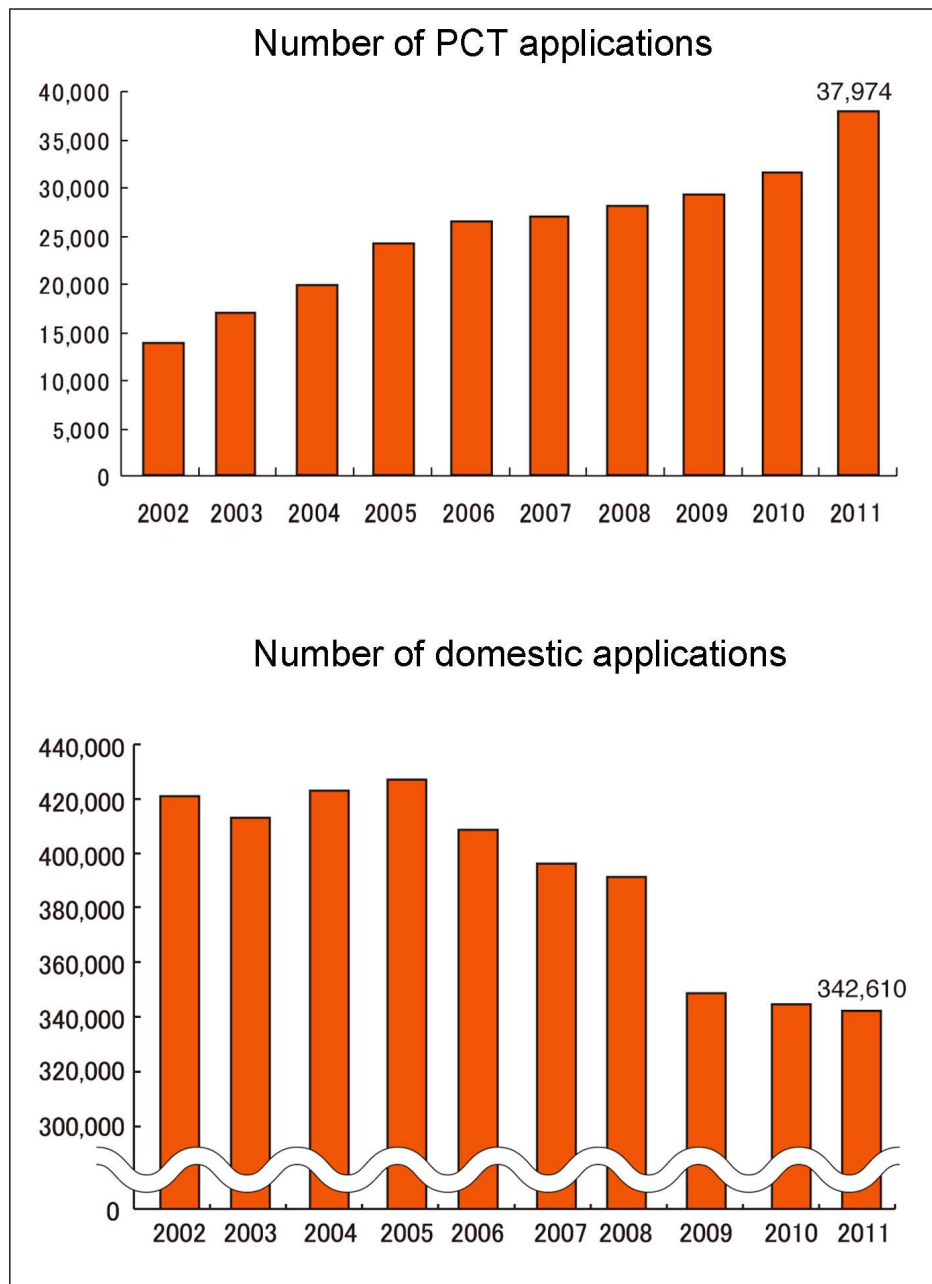


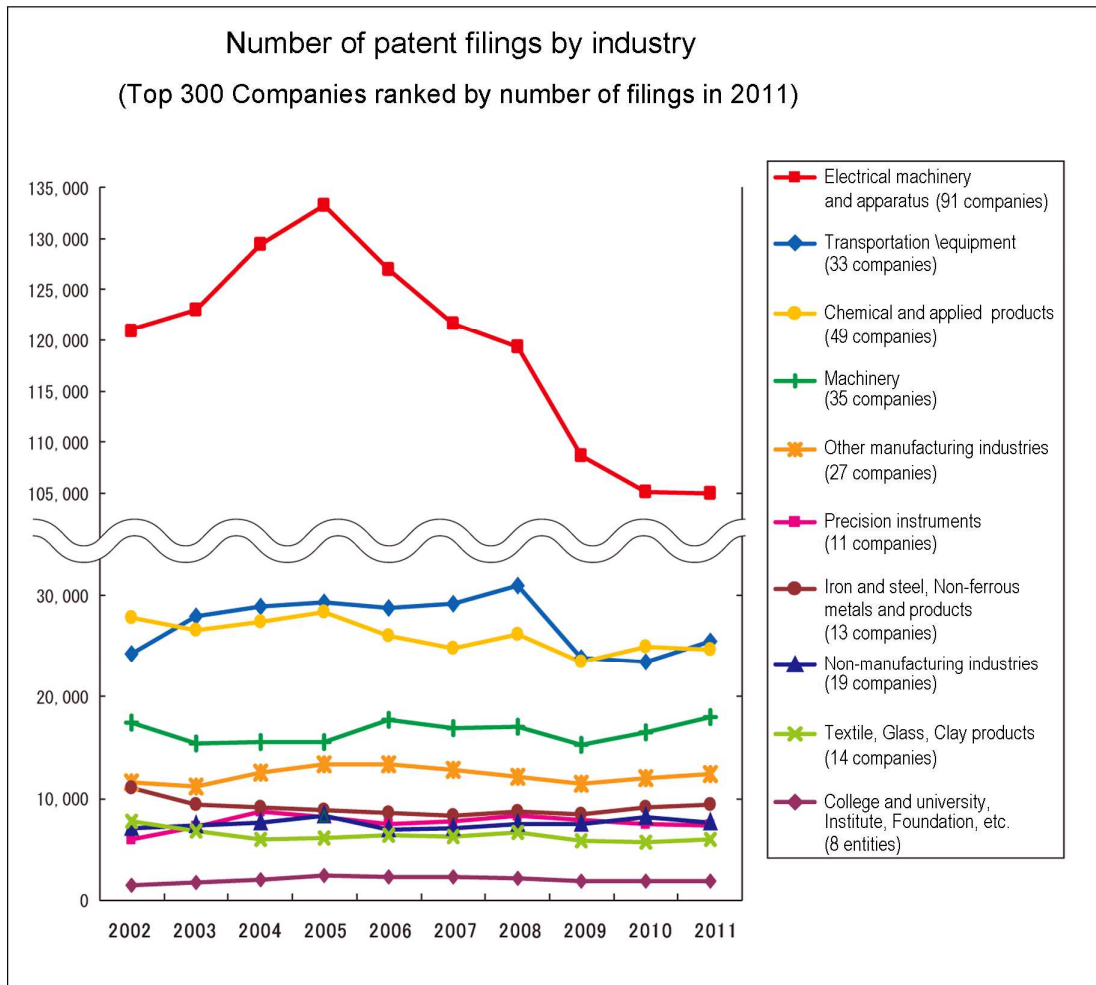
Newsletter / IP Japan

Current Situation of Patent In Japan

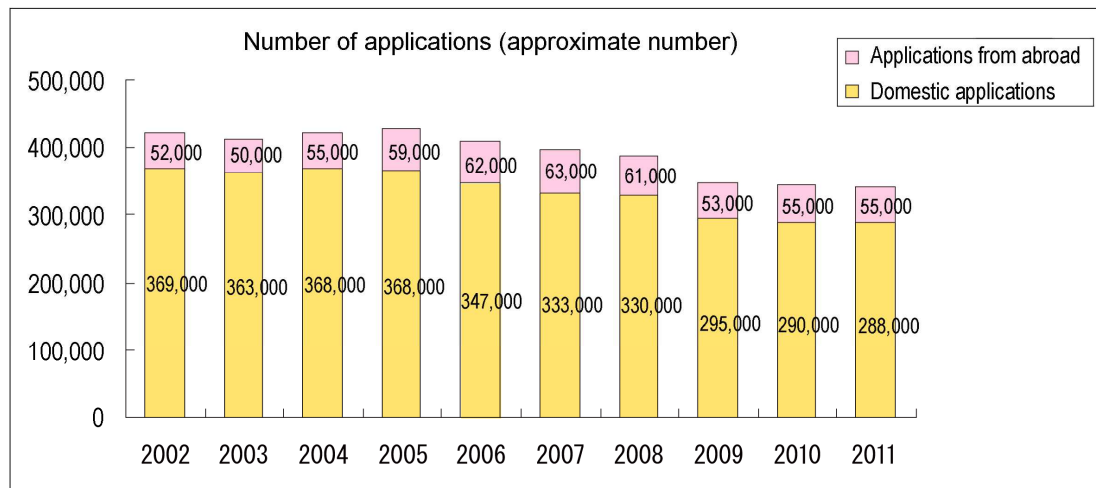
1. Statistics on applications in Japan



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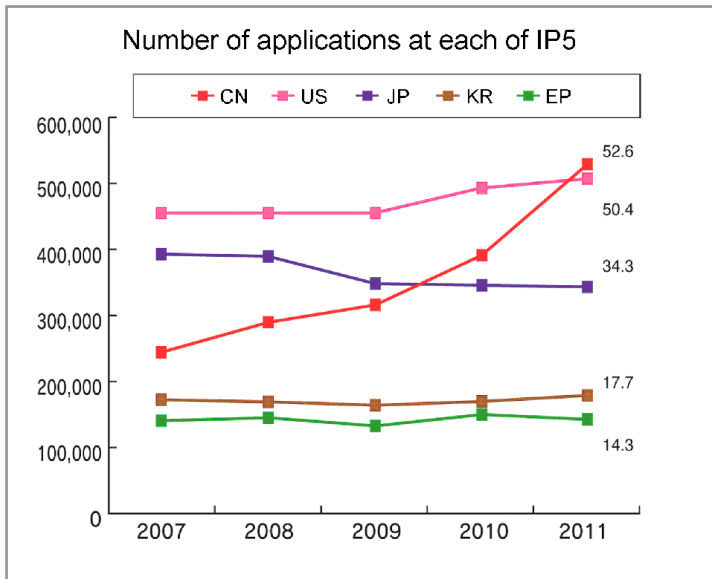
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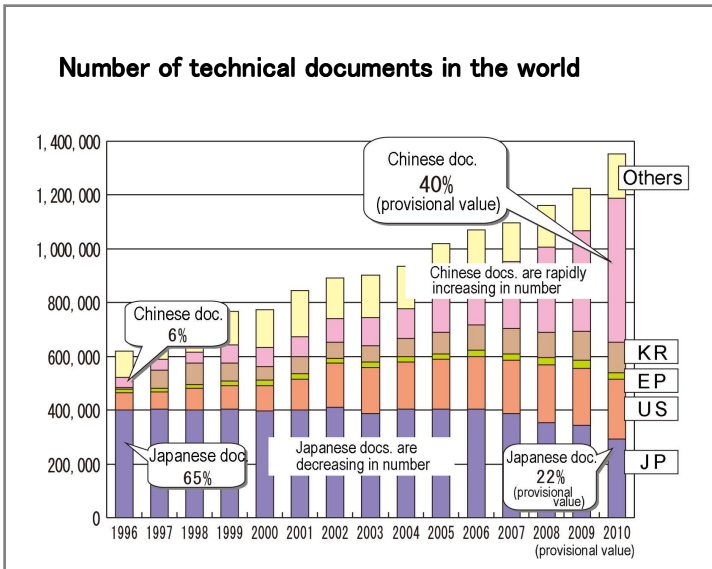
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The total number of JP applications has been decreasing, but it seems that such decreasing trend has stopped. It seems that the rapid decrease of number of applications relating to Electrical machinery and apparatus industry has also stopped. Other industries maintain constant application pace. On the other hand, PCT applications from Japan have been constantly increasing, indicating the shrinkage of Japanese market and global expansion of Japanese companies.

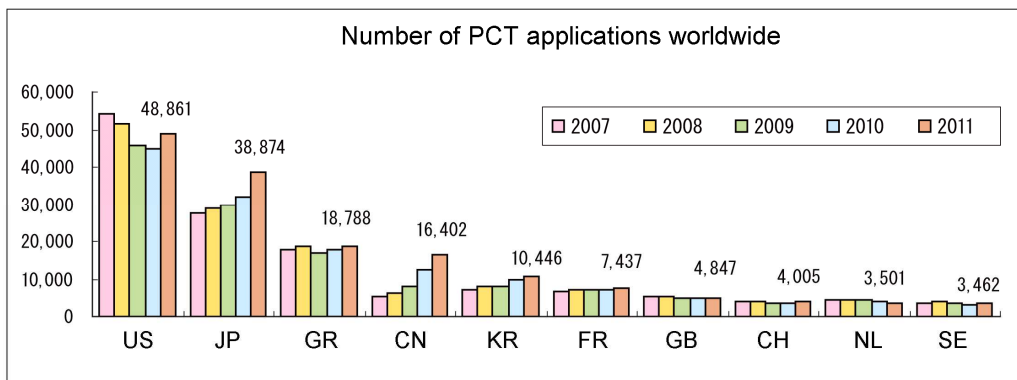
2. Statistics on applications worldwide



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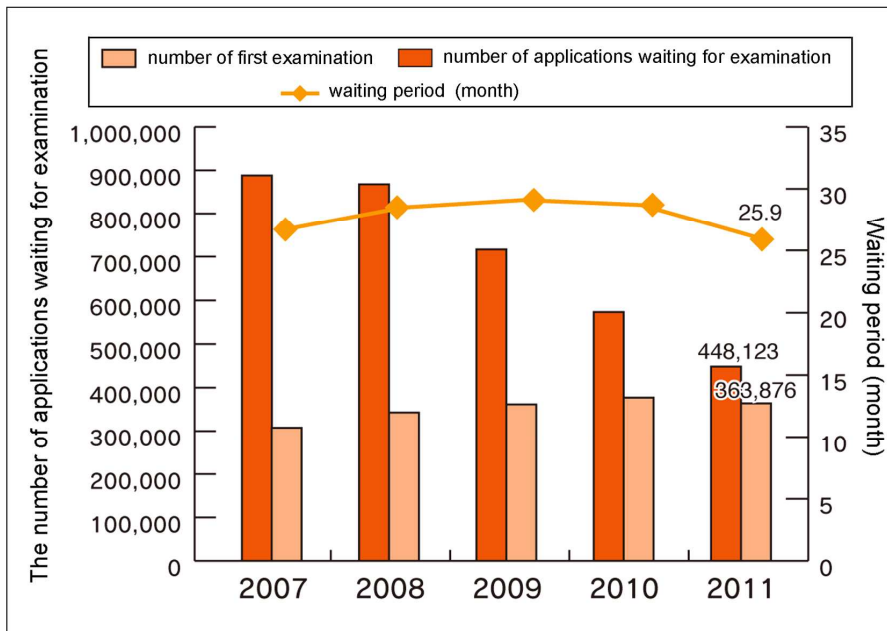
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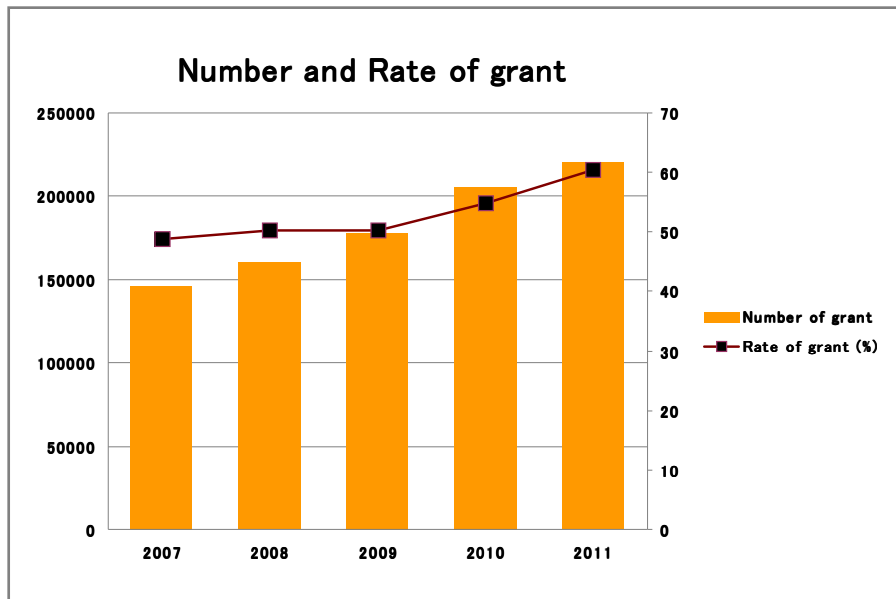
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Chinese applications and Chinese technical documents have been rapidly increasing in number. PCT applications from China have been also increasing in number, though the number (PCT) has not yet reached the top of the world.

3. Statistics on prosecution in Japan



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The waiting period for examination has been gradually decreasing while the number of applications waiting for examination has been rapidly decreasing. It is expected that the waiting period will also decrease sharply when there is no more application waiting for examination.

Number and rate of grant has been increasing, indicating the acceleration of examination and the trend in favor of applicants.

4. How to accelerate examination?

(1) Expedited examination

Applications can enjoy expedited examination system provided that the applications relate to Foreign-related applications^{*1}, Practice-related applications^{*2} or Green-related applications^{*3}. Applications enjoying the system are examined about 2 months after the petition of expedited examination on average.

***1 Foreign-related application: a Japanese application having a corresponding application to Patent Office other than JPO or an intergovernmental organization.**

***2 Practice-related application: an application relating to an invention which has been already carried out or will be carried out within 2 years.**

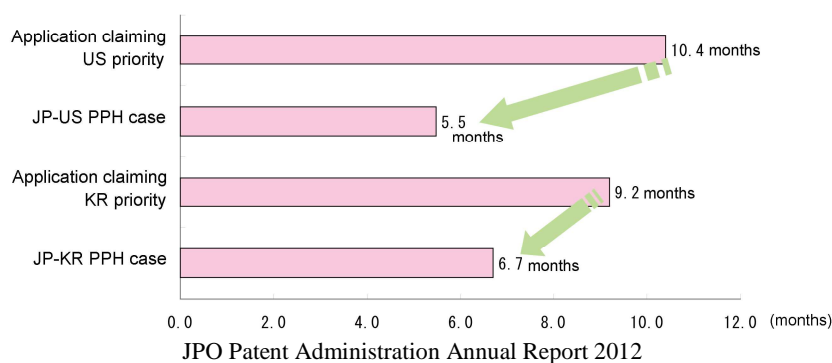
***3 Green-related application: an application relating to an invention with effect of saving energies, reducing CO₂, etc.**

(2) Super expedited examination

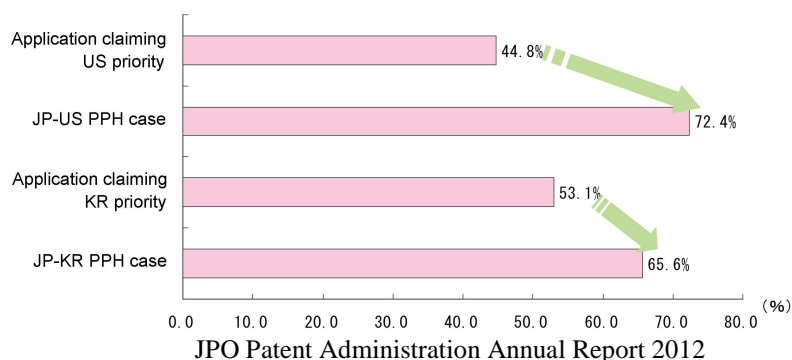
Applications satisfying both the requirements of Practice-related application and Foreign-related application can enjoy super expedited examination system. The examination is conducted within 1 month (regarding PCT applications which have entered the national phase in Japan, 2 months) from the petition of super expedited examination. The applicant must take all the procedures on-line and file a response within 30 days (regarding residents abroad, 2 months) from the dispatch date of OA. Next examination on the response is conducted within 1 month from the filing date of the response.

(3) Patent Prosecution Highway (PPH)

Period from first examination to final decision (2011)



Rate of Grant (2011)



5. Outcome of trials for patent invalidation and judgment on the decisions of the trials

The number of trial for patent invalidation				
Year	Number of request filed	Successful request*	Unsuccessful request**	Withdrawn/ Abandoned
2006	273	194	88	34
2007	284	142	82	35
2008	292	182	92	36
2009	257	123	123	37
2010	237	102	129	23
2011	269	91	140	28

* Patent is invalidated. Including success-in-part request

** Patent is maintained. Including request which is dismissed without prejudice

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Outcome of action for cancelation of trial*1 decisions in IP high court		
Year	Dismissal with prejudice on the merits	Judgment to uphold a claim
2009	78	29
2010	68	25
2011	75	26

*1 Trial for patent invalidation

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It seems Japan takes pro-patent attitude and it might usually be difficult to overturn the decision of a trial.

(end)

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This newsletter should not be interpreted as a legal/technical opinion for a specific case and the contents should not be taken as complete statements. Should you require more advice or information, please contact us without reserve. Your feedback would be always appreciated.