

第5章 審判

Chapter 5 Trials and Appeals

1

審判の請求動向 | Current Status of Requests for Trials and Appeals

1 拒絶査定不服審判^{※2}請求件数の推移

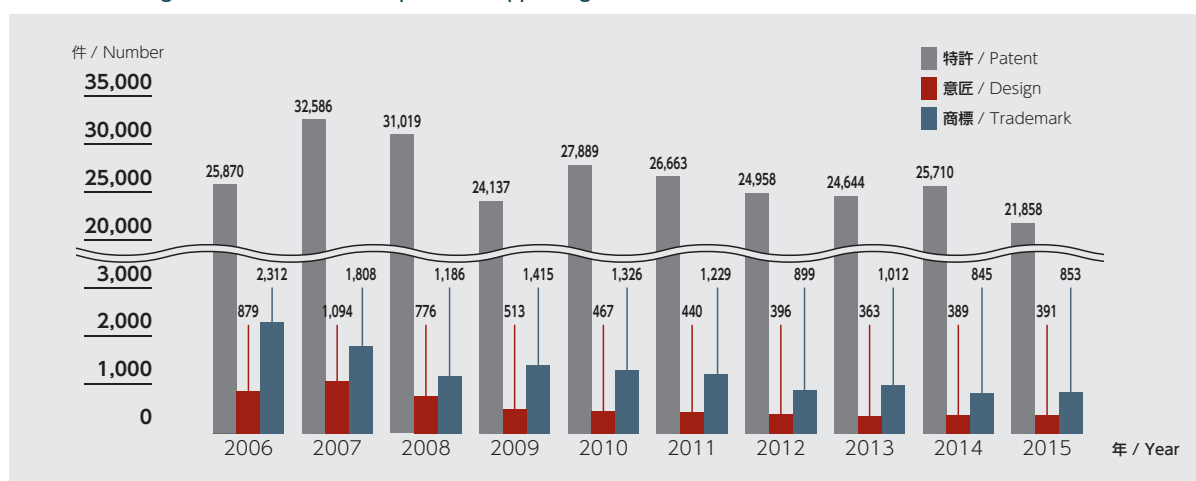
Changes in the Number of Requests for Appeal against Examiner's Decision of Refusal^{*2}

2015年における拒絶査定不服審判の請求件数は、特許が21,858件、意匠が391件、商標が853件であった。

As for the number of requests for appeal against examiner's decision of refusal filed in 2015, the number for patents was 21,858, the number for designs was 391, and the number for trademarks was 853.

図表36：拒絶査定不服審判請求件数の推移（2006-2015）

Chart 36 : Changes in the Number of Requests for Appeal against Examiner's Decision of Refusal (2006-2015)



※2 審査官の行った拒絶査定に対して不服を申し立てる審判

*2 Appeals filed to complain against an examiner's decision of refusal.

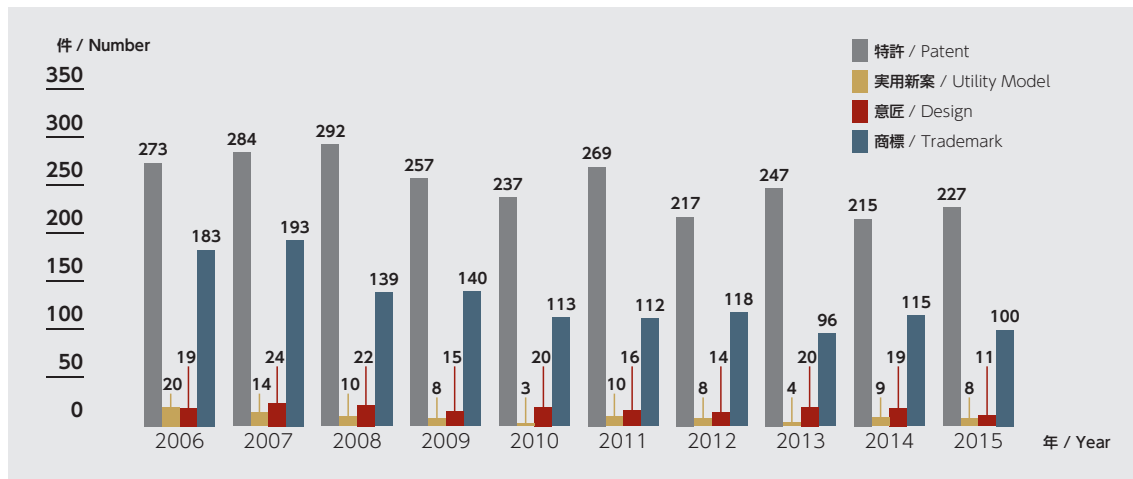
2 無効審判^{※3}請求件数の推移

Changes in the Number of Requests for Trial for Invalidation^{※3}

2015年における無効審判の請求件数は、特許が227件、実用新案が8件、意匠が11件、商標が100件であった。

As for the number of requests for trial for invalidation filed in 2015, the number for patents was 227, the number for utility models was 8, the number for designs was 11, and the number for trademarks was 100.

図表37：無効審判請求件数の推移（2006-2015）
Chart 37 : Changes in the Number of Requests for Trial for Invalidation (2006-2015)



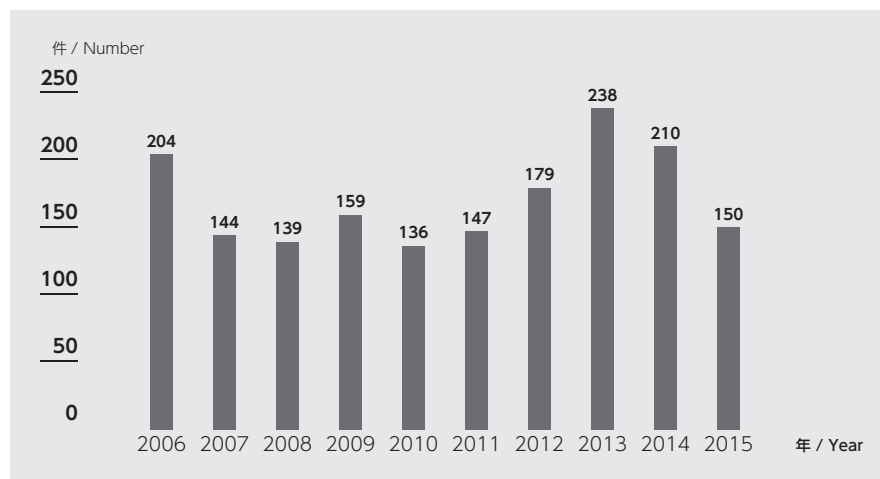
3 訂正審判請求件数の推移

Changes in the Number of Requests for Trial for Correction

2015年における特許・旧実用新案^{※4}の訂正審判の請求件数は、150件であった。

The number of requests for trial for correction for patents and former utility models^{※4} filed in 2015 was 150.

図表38：訂正審判請求件数の推移（2006-2015）
Chart 38 : Changes in the Number of Requests for Trial for Correction (2006-2015)



(備考)
特許・旧実用新案計

(Notes)
Total number of patents and former utility models

※3 既に登録されている特許、実用新案、意匠、商標を無効にすることを特許庁に求める審判

※3 Trials requested to the JPO for the invalidation of already registered patents, utility models, designs, and trademarks

※4 平成5年改正実用新案法の施行日前（1993年以前）に出願された実用新案

※4 Utility model applications filed before the effective date of 1993 Revision to the Utility Model Act

4 異議申立件数の推移（権利単位）

Changes in the Number of Opposition Filings (Counted by Right)

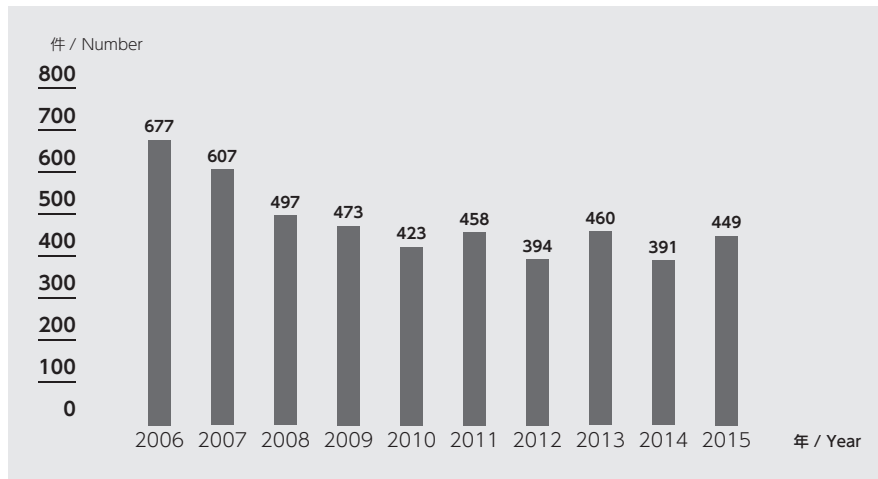
2015年における異議申立件数は、商標が449件であった。
2015年4月1日に開始された特許の異議申立制度について、2015年末までの申立件数は364件であった。

The number of oppositions to trademark registration filed in 2015 was 449.

As for the patent opposition system that started on April 1, 2015, the number of its filings was 364, as of the end of 2015.

図表39：異議申立件数の推移（商標、権利単位）（2006-2015）

Chart 39 : Changes in the Number of Opposition Filings (Trademarks, counted by trademark right) (2006-2015)



5 取消審判請求件数の推移（商標）

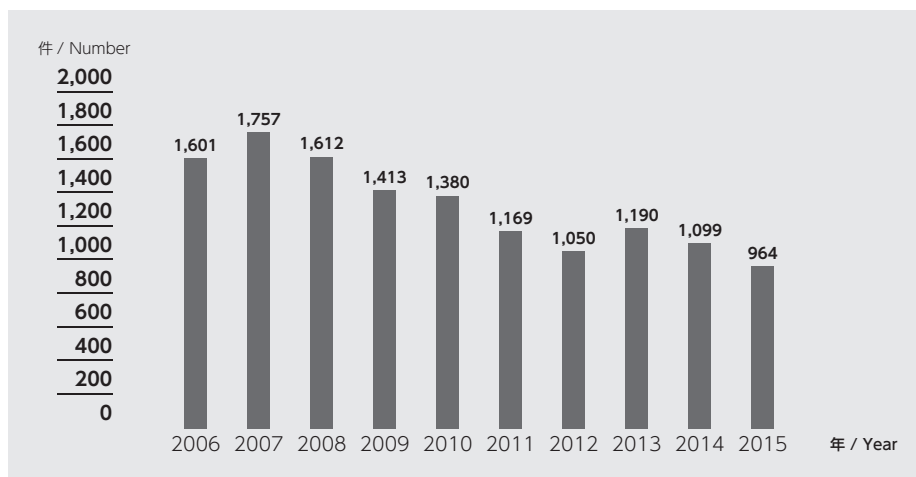
Changes in the Number of Requests for Trial for Rescission of Trademark Registration

2015年における商標取消審判請求件数は964件であった。

The number of requests for trial for rescission of trademark registration filed in 2015 was 964.

図表40：取消審判請求件数の推移（商標）（2006-2015）

Chart 40 : Changes in the Number of Requests for Trial for Rescission of Trademark Registration (2006-2015)



2

審決取消訴訟の出訴状況 | Current Status of Lawsuits against Trial/Appeal Decisions

1 出訴状況

The Number of Lawsuits

2015年における審決取消訴訟^{*5}の出訴内訳は、図表41のとおりである。

The breakdown of lawsuits against trial/appeal decisions^{*5} filed in 2015 is as follows in Chart 41 below.

図表41：2015年出訴件数^{*1}
Chart 41 : Number of Lawsuits^{*1} (2015)

	特許・実用新案 Patent/Utility Model	意匠 Design	商標 Trademark
査定系審判 ^{*2} Ex-Parte Appeal ^{*2}	73 (108)	2 (11)	26 (14)
当事者系審判 ^{*3} Inter-Partes Trial ^{*3}	118 (109)	2 (0)	41 (35)
異議申立 Opposition	0 (0)		1 (1)

(備考)
* 1 : 表中括弧内は2014年
* 2 : 拒絶査定不服審判、補正却下不服審判、訂正審判
* 3 : 無効審判、取消審判

(Notes)
* 1: Numbers in () are those of 2014
* 2: Appeal against examiner's decision of refusal / Appeal against examiner's decision to dismiss amendment / Trial for correction
* 3: Trial for invalidation / Trial for rescission

2 判決件数

The Number of Court Judgements

2015年における審決取消訴訟の判決内訳は、図表42のとおりである。

The breakdown of court judgements for lawsuit against the JPO for reverse of trial/appeal decision made in 2015 is as follows in Chart 42 below.

図表42：2015年判決件数^{*1*2}
Chart 42 : Number of Court Judgements^{*1*2} (2015)

	特許・実用新案 Patent/Utility Model		意匠 Design		商標 Trademark	
	請求棄却 Dismissal	審決取消 Reverse	請求棄却 Dismissal	審決取消 Reverse	請求棄却 Dismissal	審決取消 Reverse
査定系審判 ^{*3} Ex-Parte Appeal ^{*3}	49(84)	18(21)	4(13)	0(1)	17(15)	1(0)
当事者系審判 ^{*4} Inter-Partes Trial ^{*4}	46(50)	27(37)	1(0)	0(0)	17(13)	14(5)
異議申立 Opposition	0(-)	0(-)			1(1)	0(0)

(備考)
* 1 : 表中括弧内は2014年
* 2 : 旧特許法第181条第2項の審決取消決定は含まない。
* 3 : 拒絶査定不服審判、補正却下不服審判、訂正審判
* 4 : 無効審判、取消審判

(Notes)
* 1: Numbers in () are those of 2014
* 2: The data excludes decisions to revoke trial decisions under Article 181, Clause 2 of the Patent Act prior to the latest revision.
* 3: Appeal against examiner's decision of refusal / Appeal against examiner's decision to dismiss amendment / Trial for correction
* 4: Trial for invalidation / Trial for rescission

*5 特許庁の審決等に不服のある者がその取消しを求め、知的財産高等裁判所に提訴する訴訟

*5 Lawsuits that those who are dissatisfied with JPO's trial/appeal decisions have filed with the IP High Court to reverse such decisions