

Update on Recent Developments

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Today's topics

- 1 Trends in trial and appeal statistics
- 2 Initiatives of the Japan Patent Office

1 Trends in trial and appeal statistics

Summary of Trials / Appeals and Pendency

- ✓ The number of appeals against an examiner's decision of refusal has decreased slightly from its peak for patents / utility models; for trademarks, the number had been on a downward trend in recent years but increased last year; and for designs, the number has remained largely flat.
- ✓ The number of patent oppositions has been decreasing year by year. The number of trademark oppositions and requests for a trial for rescission of trademark registration had been on a downward trend in recent years but saw a slight increase last year.
- ✓ The number of requests for a trial for invalidation for patents / utility models has decreased slightly from the previous year, which saw a sharp increase in the year before; for trademarks, the number is on a downward trend; and for designs, it has remained largely flat.
- ✓ The average pendency has been increasing in recent years for appeals against an examiner's decision of refusal for patents, while pendency for designs and trademarks has generally remained at the previous year's level or decreased.

Number of appeals, oppositions, requests in 2025

	P/UT	Designs	Trademarks
Appeals	19,818 (98.7%)	362 (129.3%)	994 (116.3%)
Oppositions	1,145 (90.6%)	—	308 (105.8%)
Trials for invalidation	188 (97.9%)	10 (125.0%)	77 (89.5%)
Trial for rescission	—	—	1,115 (102.5%)

Note: Figures in parentheses indicate year-over-year changes.

Average pendency (months) in 2025

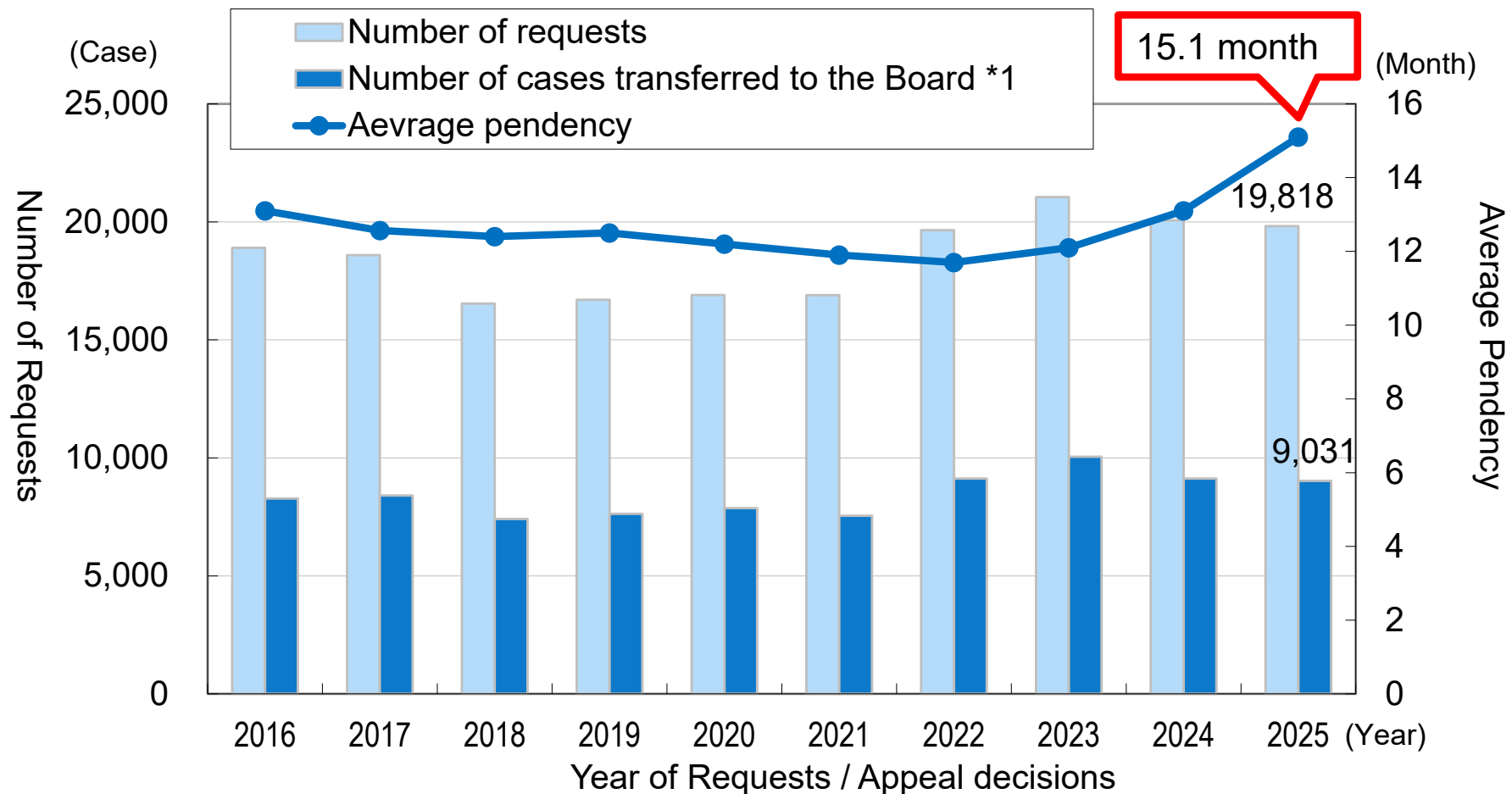
	P/UT	Designs	Trademarks
Appeals	15.1 (13.1)	8.0 (9.5)	10.0 (12.1)
Oppositions	8.3 (7.9)	—	9.1 (9.6)
Trials for invalidation	13.9 (15.1)	14.2 (16.0)	13.4 (14.2)
Trial for rescission	—	—	8.2 (8.0)

Note: Figures in parentheses are from the previous year

Appeal against Examiner's Decision of Refusal (Patents)

Number of Requests and Pendency

- ✓ The number of requests for patents decreased slightly from its peak of 21,047 in 2023, but remains at a high level, reaching 19,818 in 2025.
- ✓ The average pendency^{*2} for patents was 15.1 months in 2025.



*1 Number of cases transferred to the Board: Cases transferred to the board in charge after reconsideration by examiners before appeal proceedings.

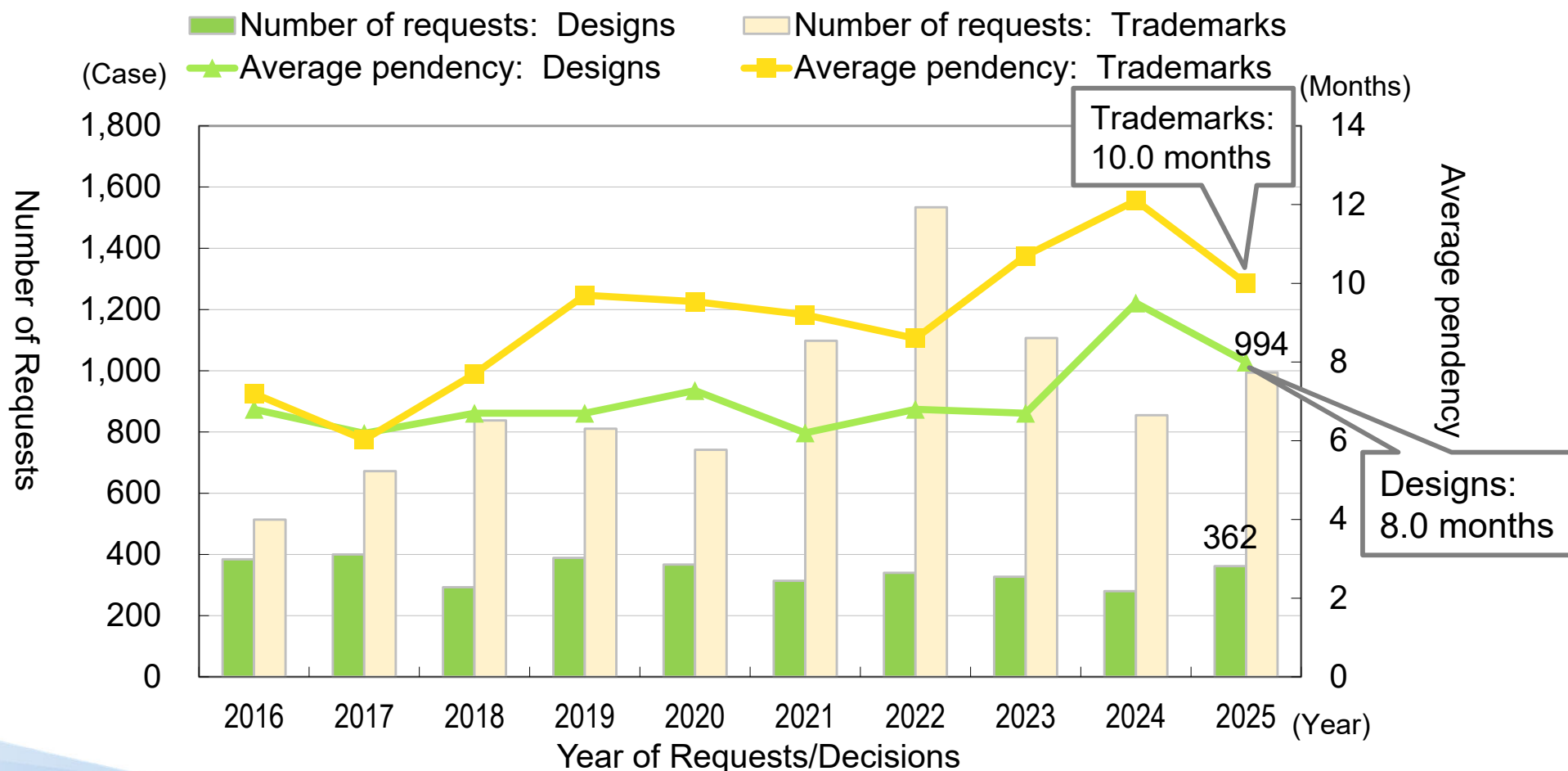
*2 Average pendency: Average Calendar Year period from the date a request is filed (*3), to the date an appeal decision is dispatched, to the date a withdrawal or abandonment becomes final and binding, or to the date a dismissal is dispatched.

*3 For cases concerning "reconsideration by examiner before appeal proceedings" is the date it becomes ready to conduct proceedings (the date the case has been transferred to the board in charge).

Appeal against Examiner's Decision of Refusal (Designs / Trademarks)

Number of Requests and Pendency

- ✓ The number of appeals for designs has remained largely flat, with 362 appeals in 2025.
- ✓ the number of appeals for trademarks had been on a downward trend in recent years but increased to 994 in 2025.
- ✓ The average pendency in 2025 was 8.0 months for designs and 10.0 months for trademarks.

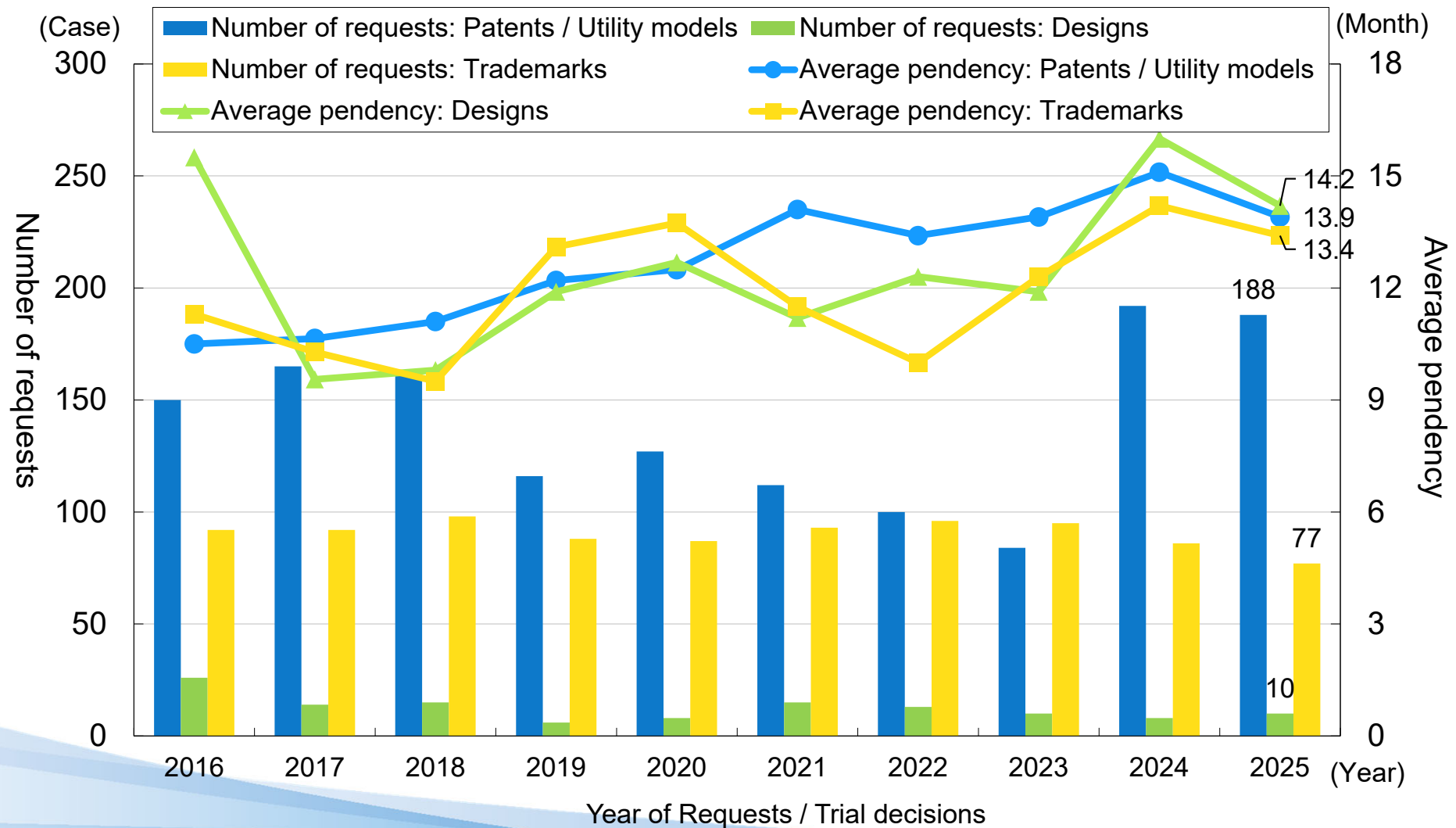


*1 Average pendency: Average processing period in Calendar Year from the date a request is filed, to the date a decision is dispatched, to the date a withdrawal or abandonment is finalized and concluded, or to the date a dismissal is dispatched.

Trial for Invalidation

Number of Requests and Pendency

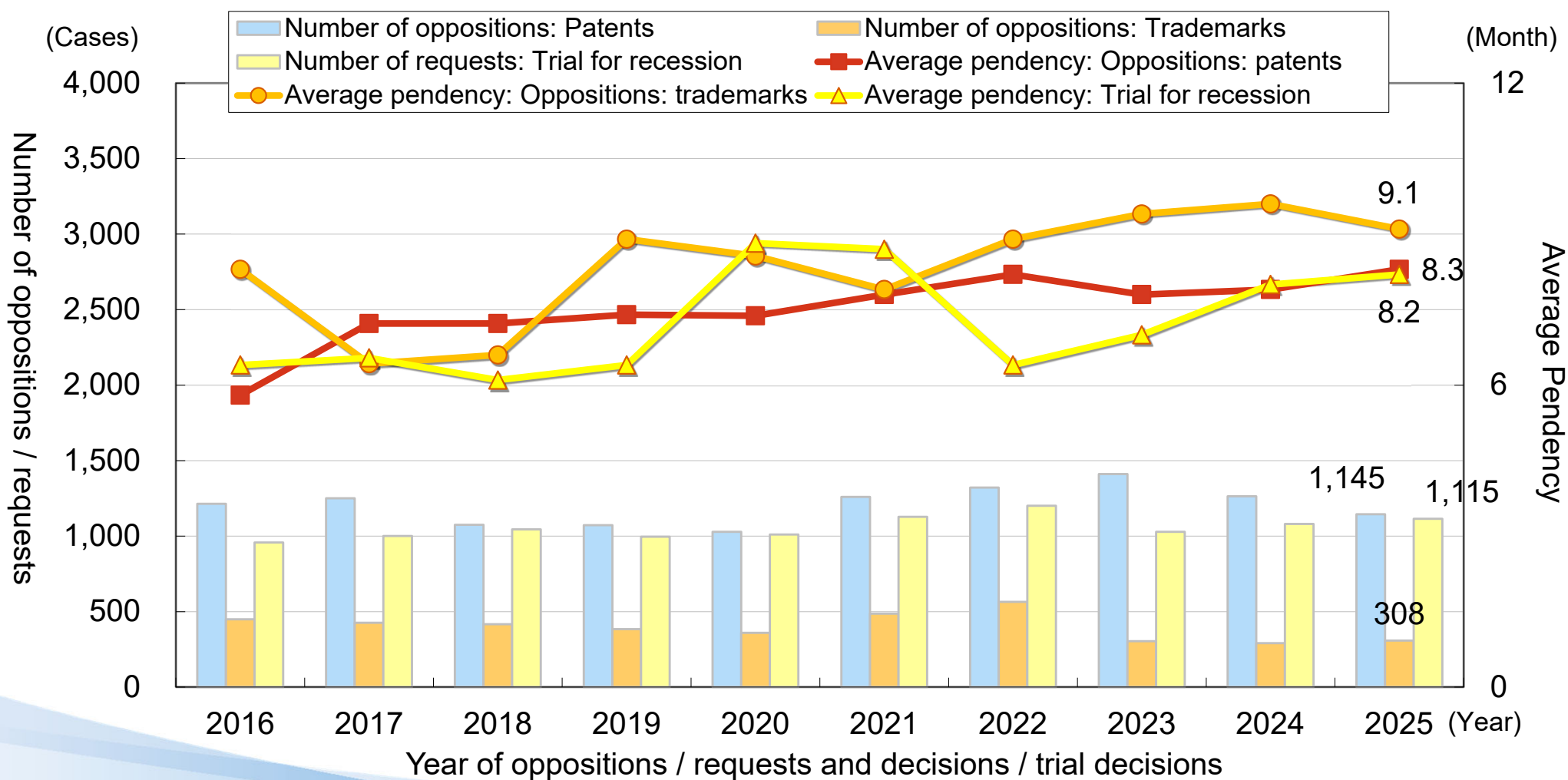
- ✓ The number of requests for patents and utility models had been decreasing since 2016, but increased in 2024 and reached 188 requests in 2025
- ✓ The average pendency in 2025 was 13.9 months for patents and utility models, 14.2 months for designs and 13.4 months for trademarks.



Opposition / Trial for Rescission

Number of Oppositions / Requests and Pendency

- ✓ The number of oppositions to grant of patent has been decreasing since 2023, reaching 1,145 in 2025.
- ✓ While the number of oppositions to registration of trademark and trials for rescission both had increased between 2021 and 2022, in 2025, there were 308 trademark oppositions and 1,115 trials for rescission, which is roughly the same as the 2020 figures.
- ✓ The average pendency in 2025: 8.3 months for oppositions to grant of patent, 9.1 months for oppositions to registration of trademark, and 8.2 months for trials for rescission.



* The number of oppositions is counted on a per-right basis.

Revocation Actions against Trial / Appeal Decisions: Trends in the Number of Revocation Actions

- ✓ The total number of revocation actions against appeal/trial decisions fell to 110 in 2024 but rose slightly to 118 in 2025.
- ✓ In 2025, 48 revocation actions were filed in ex-parte appeals and 70 in inter-partes trials.

**Revocation actions against
appeal decisions in 2025**

	Patents	Designs	Trademarks
Number of revocation actions	19 (17)	5 (2)	24 (24)
Number of Court decision	9 (21)	1 (1)	20 (25)
Rate of reversing appeal decisions	11.1% (19.0%)	0.0% (0.0%)	15.8% (12.0%)

**Revocation actions against
trial decisions in 2025**

	Patents/ UT	Designs	Trademarks
Number of revocation actions	47 (24)	2 (1)	21 (42)
Number of Court decision	24 (37)	3 (1)	44 (23)
Rate of reversing appeal decisions	25.0% (40.5%)	0.0% (0.0%)	31.8% (17.4%)

Note: Figures in parentheses for the number of revocation actions and judgments are those of the previous year.
Figures in parentheses for the rate of reversing appeal/trial decisions are the percentage of the previous year.

2 Initiatives of Japan Patent Office

Information Dissemination to Trial / Appeal System Users

- ✓ To enable trial/appeal system users deepen their understanding and utilize the system in practice, efforts are made to identify user needs as well as organize and publish relevant information.

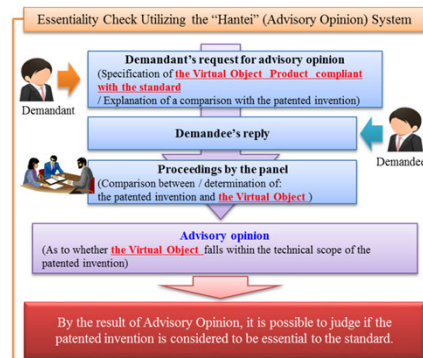
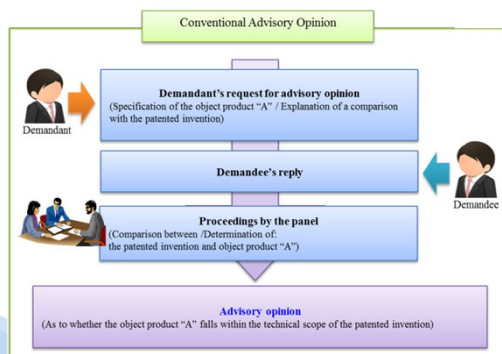
Reference materials for alleging and proving distinctiveness through use of trademarks

- ✓ Reference materials were prepared for users to assist them in alleging and proving in trial and appeal cases regarding the acquisition of distinctiveness through use of trademarks. Going forward, these materials will be utilized to help users effectively make allegation and present evidence.

“Guide to *Hantei* (Advisory Opinion) System”

- ✓ A “*Hantei* (advisory opinion)” is useful when assessing whether another party’s (or your own) products fall within the scope of another party’s (or your own) patented inventions, etc. “*Hantei* (advisory opinion)” can also be used for essentiality check. Information on how to request “*Hantei* (advisory opinion)” and when to use it is summarized and published in the “Guide to *Hantei* (Advisory Opinion) System” as follows:

https://www.jpo.go.jp/e/system/trial_appeal/shubetu-hantei/document/index/guide.pdf



Guide to *Hantei* (Advisory Opinion) System

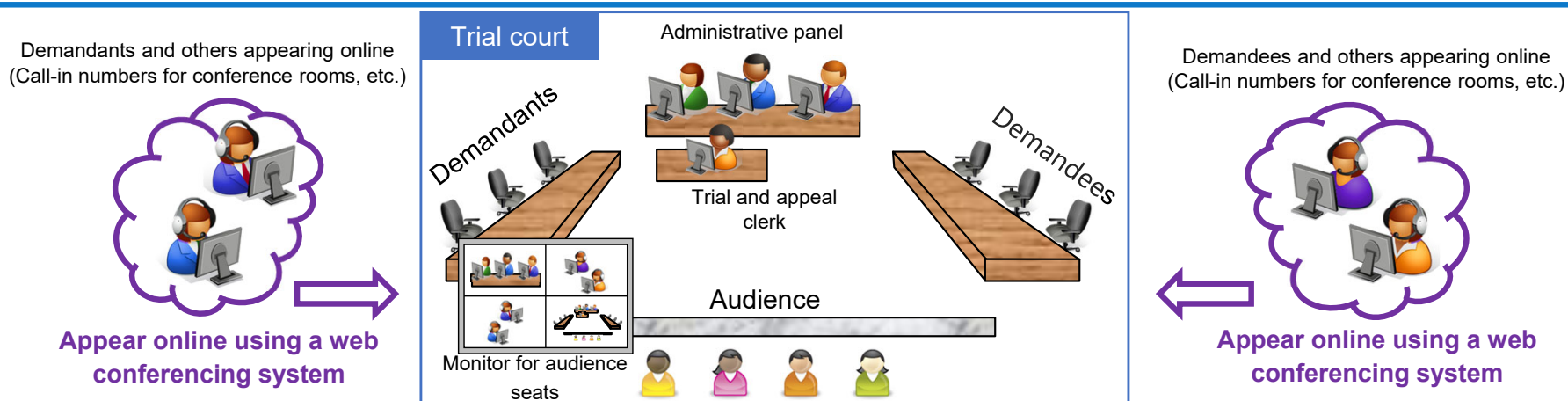
- For those who have problems with infringement or non-infringement of rights -

May 2020
Revised December 2020

Trial and Appeal Department, Japan Patent Office

Online Oral Proceedings

- ✓ Proceedings for a trial for invalidation (including trial for patent invalidation concerning the registration of a patent term extension) and a trial for rescission of trademark registration are, in principle, conducted through oral proceedings.
- ✓ Chief administrative judge shall set the date and place for the oral proceedings, summon the parties and other interested parties. Those who are summoned must appear at the designated location (the trial court) on the scheduled date.
- ✓ At the discretion of the chief administrative judge, the parties and other interested parties may participate in oral proceedings using a web conferencing system.



Note: In online oral proceedings, the panel, the trial and appeal clerk, and audience will appear in the trial court.

- Chief administrative judge may also allow video transmission (online distribution) to the parties and other interested parties, subject to the consent of all parties and other interested parties.
- From October 2021 (start of operation) to December 2025, 227 online oral proceedings were conducted (based on cases; 56.2% of all oral proceedings).

Video of Mock Oral Proceedings Now Available

- ✓ The JPO website features a video explaining how oral proceedings are conducted, using a demonstration of mock oral proceedings:

https://www.jpo.go.jp/toppage/movie/mogi_koto/index.html

Judicial Symposium on Intellectual Property / TOKYO (JSIP)

- ✓ Co-hosted by the JPO, the Supreme Court of Japan, the Intellectual Property High Court, the Ministry of Justice, the Japan Federation of Bar Associations, and the IP Lawyers Network Japan, this event aims to promote mutual understanding among countries and regions in the field of intellectual property justice and to provide information to users in Japan, etc.
- ✓ Practitioners such as judges and administrative judges from various countries and regions are invited to deliver lectures and participate in panel discussions on intellectual property judicial system and administration.
- ✓ **It is scheduled to take place on October 22–23 in FY2026. A session commemorating the 10th anniversary of JSIP is also planned.**

<JSIP2026 Event Overview (Tentative)>

Dates and Time: Thursday, October 22, and Friday, October 23.

Venue: “Creo” Auditorium, 2nd Floor, Bar Associations Building
(Simultaneous online streaming available).

Registration: Free of charge for both in-person attendance and online viewing); advance registration required.

Program:

Thursday, October 22, 1:30 PM – 6:00 PM

- Court Session

Friday, October 23, 1:30 PM – 6:00 PM

- Japan Patent Office Session

Panel discussions planned on patent (finding/determination of publicly worked invention) and trademark (trial for rescission of registered trademark not in use)

- Joint program by co-host organizers

Panel discussion planned to commemorate the 10th anniversary of JSIP



JSIP2025

Detailed information on the program, materials, and registration procedures will be made available on the dedicated website, which is scheduled to be launched in early September. Please be sure to visit the site for further details.

Archived Videos: YouTube (The Supreme Court of Japan, Administrative Affairs Bureau Channel)



Trial and Appeal Practitioner Study Group

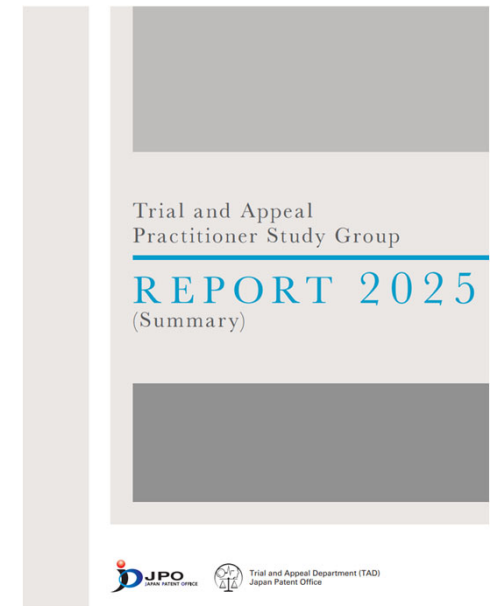
- ✓ The practitioners both within and outside the JPO conduct studies on trial/appeal decisions considered important for trial and appeal practice. The results of the studies are widely disseminated domestically and internationally.
- ✓ The results of the analysis are fed back into the future trial and appeal practice.
- ✓ Understanding of trial and appeal practice is shared with system users.

Summary of Trial and Appeal Practitioner Study Group 2025

- ✓ **Five field-specific** subcommittees established (four patent fields and one trademark field), and **a total of 10 case studies** were conducted (two for each subcommittee).
- ✓ Participants: About **40 members** participated in the entire group. (7~9 members per subcommittee)
 - The group consists of practitioners from the Japan Intellectual Property Association, the Japan Patent Attorneys Association, and the Japan Federation of Bar Associations, as well as the JPO's chief administrative judges, administrative judges, and consultants on trial/appeal decisions and court judgements.
 - Judges from the Intellectual Property High Court and the Tokyo District Court participate as observers (since 2016).
- ✓ **Report** summarizing the results of the studies was published on the JPO website (in Japanese and English).

Schedule for the Trial and Appeal Practitioner Study Group 2026

- ✓ Subcommittees by technical field will establish to conduct studies in FY2026.



Trial and Appeal Practitioner Study Group 2025

(Reference) History of This Study Group

2006: "Case Studies on Inventive Step" established to examine the criteria for determining inventive step within the Trial Division.

2008: The group renamed to the "Patentability Study Group," expanding the scope of study to include requirements for patentability other than novelty.

2011: The group renamed to the "Trial and Appeal Practitioner Study Group," expanding the scope to include design and trademark cases, as well as inter-partes trial practices.

Click here for the Report of the results of the studies:

https://www.jpo.go.jp/resources/shingikai/kenkyukai/sinposei_kentoukai.html



Purpose of utilizing AI technology and previous initiatives

Purpose of utilizing AI technology

Improve and streamline patent administration to address complex IP environment and enhance user services.

Previous initiatives

FY2014 : Began piloting AI technologies in machine translation

FY2016 : Assessed AI applicability across all JPO operations.

FY2017 : **Launched AI Verification Project Team**,
started PoC and published the action plan (regularly updated.)

FY2019 : **Established an agile in-house development team**

FY2025 : Published the latest revised action plan

FY2026 : **Launched an office to lead AI utilization**

- Completed AI PoC for some operations and launched pilot use through agile in-house development.
- Conducting agile in-house development with teams of JPO staff and programmers.
- Initiated examination of generative-AI applicability as AI technologies advance.

- The JPO has developed an **AI Vision** outlining its policy direction and key considerations for AI use, in response to rapid technological advances.
- After internal discussions and consultations with stakeholders, the **AI Vision** will be published soon on the JPO website.



Objectives

- Providing high-quality and timely administrative services
- Ensuring responsible use of AI
- Strengthening the foundation of the AI utilization ecosystem

JPO AI Vision - Key Concepts

■ Promoting AI Utilization:

Proactively advancing AI use while flexibly updating plans based on technological trends.

■ Human-Centered AI:

Ensuring staff accountability for AI outputs and maintaining transparency in AI use.

■ Risk Management:

Implementing strong preventive measures, including confidentiality safeguards, and minimizing impact in case of incidents.

■ Stakeholder Collaboration:

Working with diverse stakeholders and leveraging expert insights to optimize AI utilization.

■ Organizational Development:

Advancing organizational reforms, governance, and human resource development to support effective AI use.

Utilization of Generative AI at the Trial and Appeal Department

- ✓ At the JPO, all employees - including examiners and administrative judges - have access to generative AI, and its use is being promoted in proceedings to enhance both efficiency and quality.
- ✓ The TAD is also testing a system that uses AI-OCR to extract and structure information from PDFs, with the aim of improving the efficiency of document intake operations and advancing the digitalization of trial and appeal operation.

Utilization of generative AI in the proceedings

- ✓ All employees of the JPO have access to generative AI tools, including “METI-LLM,” a generative AI developed and implemented by the Ministry of Economy, Trade and Industry(METI).
- ✓ Generative AI is also utilized in proceedings to support tasks such as understanding case documents, organizing key issues, and drafting documents, enabling administrative judges to focus on more substantive considerations.
- ✓ With the premise that administrative judges verify AI-generated outputs, this initiative aims to enhance the operational efficiency and quality in trial and appeal operations.

Digitization of filing documents using AI-OCR

- ✓ In inter partes trials, some application documents are still submitted in paper form. These are converted into PDFs, after which staff manually verify them to create master data. In addition, document formats are non-standardized, and even documents with the same title may be filled out differently, making it difficult to structure the data using simple rule-based methods.
- ✓ A system is being tested that utilizes AI-OCR to read information from PDF-converted application documents that do not contain text data, and to extract and structure the necessary data.
- ✓ The introduction of AI-OCR is expected to promote streamlined document intake operations and the digitization of trial/appeal operations.

Digital and AI-driven Trial and Appeal Pilot Team – D-TAT –

- ✓ To achieve the efficiency and higher quality of proceedings, it is necessary to appropriately utilize various applications - including generative AI such as METI-LLM and communication tools such as Microsoft Teams - within the proceedings process.
- ✓ The Digital and AI-driven Trial and Appeal Pilot Team (Digital Trial and Appeal Team, D-TAT) will implement advanced proceedings in which chief administrative judges and administrative judges fully leverage those applications and IT infrastructure, verify their effectiveness, and propose optimal methods for integrating them into the trial and appeal process. methods for their utilization in the trial and appeal process.

Digital and AI-driven Trial and Appeal Pilot Team – D-TAT –

Implementing advanced proceedings utilizing digital technology and AI.



Utilization of Generative AI:

Improving the quality of draft documents; enhancing operational efficiency.

Utilization of IT Infrastructure:
Leveraging existing infrastructure; proposing the introduction of new tools.

Operational Process Improvement:

Preparation and conduct of panel consultation; data creation and management.

Sharing Results and Organization-Wide Rollout:
Aimed at enhancing quality and efficiency across the entire Trial and Appeal Department.

The JPO disseminates information to overseas users

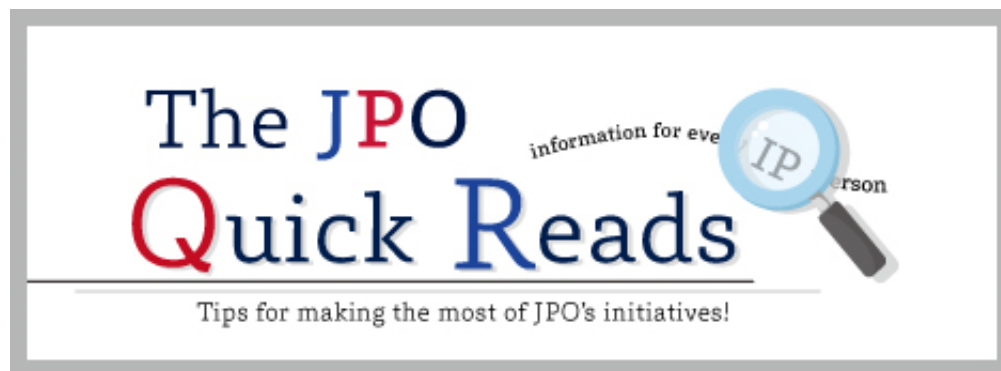
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Thank you

