Chapter 5 Trials and Appeals

審判の請求動向

Current Status of Requests for Trials and **Appeals**

※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 Appeal against examiner's decision to refuse

拒絶査定不服審判^{*2}請求件数の推移

Changes in the Number of Appeals Against Examiners' Decisions of Refusal*2

2014年における拒絶査定不服審判の請求件数は、特許に おいては、前年比4.3%増の25,710件であった。 意匠については、前年比7.2%増の389件であった。 商標については、前年比16.5%減の845件であった。

The number of appeals against decisions of refusal in patent examination increased by 4.3% year-on-year in 2014 to 25,710. The number for design increased by 7.2% to 389 year-on-year, while the number for trademark decreased by 16.5% to 845.

図表 39 ◎ 拒絶査定不服審判請求件数の推移(2005-2014)

Chart 39: Changes in the Number of Appeals against Examiners' Decisions of Refusal (2005-2014)



※3既に登録されている特許、実用 新案、意匠、商標に対して、その無効 を求めて特許庁に請求する審判

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

無効審判^{※3}請求件数の推移

2014年における無効審判の請求件数は、特許においては、 前年比13.0%減の215件であった。

実用新案については、2008年以降、10件以下で推移している。 意匠については、2006年以降、20件前後で推移している。 商標については、前年比20.0%増の115件であった。

Changes in the Number of Requests for Trials for Invalidation*3

The number of requests for trials for patent invalidation in 2014 was 215, decreased by 13.0% compared to the previous year.

Utility models had remained below 10 since 2008. Designs had remained around 20 since 2006. Trademarks increased by 20.0% to 115.

図表 40 ◎ 無効審判請求件数の推移(2005-2014)

Chart 40 : Changes in the Number of Requests for Trials for Invalidation (2005-2014)



訂正審判請求件数の推移

2014年における特許・旧実用新案**4の訂正審判の請求件 数は、前年比11.8%減の210件であった。

Changes in the Number of Requests for **Trials for Correction**

The number of trials for correction for patents and former utility models*4 was 210, decreased by 11.8% compared to the previous year.

※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 Amendment to the Utility Model Act.

(備考)

(Note) Total number of patents and utility models (examined)



JPO STATUS REPORT 2015

特許·旧実用新案計

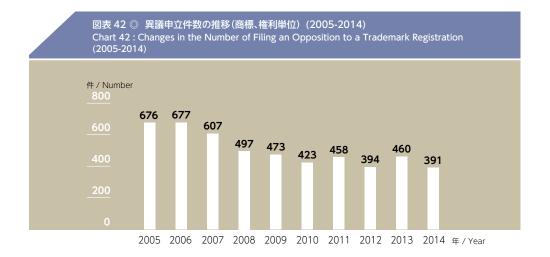
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異議申立件数の推移(商標、権利単位)

Changes in the Number of Filing an **Opposition to Trademark Registration**

2014年における商標異議申立件数は、前年比15.0%減の 391件であった。

The number of filing an opposition to trademark registration was 391, decreased by 15.0% compared to the previous year.



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

2014年における商標取消審判請求件数は、前年比7.6%減 の1,099件であった。

The number of requests for trial for rescission of trademark registration was 1,099, decreased by 7.6% compared to the previous year.



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出訴状況

The Number of Lawsuits

※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 A lawsuit filed to the IP High Court to reverse an appeal/trial decision made by the JPO, by a person who is dissatisfied with the appeal/trial decision. 2014年の審決取消訴訟*5の出訴件数について見ると、査定系 審判では、前年に比べ特許・実用新案及び商標が減少し、意匠が 増加した。

当事者系審判では、特許・実用新案及び商標が減少し、意匠は 前年同様に0件であった。 Looking at the number of lawsuits rescinding the appeal decision*5 filed in 2014, the numbers for patents, utility models and trademarks were all decreased, while the number of designs increased.

In inter-parties trials, the number for patents, utility models, and trademarks decreased from the previous year, while the number for designs was zero as in the previous year.

(備考)

- * 1: 表中括弧内は 2013 年
- * 2: 拒絕查定不服審判、 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 2013
- 2: Appeal against decision of refusal / appeal against ruling dismissing an amendment/ trial for correction
- * 3: Trial for invalidation/Trial of rescission

図表 44 ◎ 2014 年出訴件数 *1 Chart 44: Number of Lawsuits *1 (2014

	特許・実用新案 / Patent/Utility Model	意匠 / Design	商標 / Trademark
查定系審判*2 / Ex-parte Appeal*2	108(147)	11(8)	14(19)
当事者系審判*3 / Request for Trial*3	109(121)	0(0)	35(52)
異議申立て / Opposition	0(1)	_	1(1)

2

判決件数

The Number of Court Decisions

2014年における審決取消訴訟の判決件数を見ると、請求棄却となった件数について、査定系審判では、前年と比べ特許・実用新案及び商標は減少し、意匠は増加した。当事者系審判では、特許・実用新案及び商標は減少し、意匠は0件であった。

また、審決取消となった件数について、査定系審判では、前年と 比べ特許・実用新案は減少し、意匠は1件、商標は0件であった。当 事者系審判では、前年と比べ特許・実用新案は増加し、意匠は前 年同様に0件、商標は減少した。 As for the reverse of trials in 2014, the numbers of lawsuits against appeal which were subsequently dismissed decreased for patents, utility models and trademarks. On the other hand, the number for designs increased. In inter-parties trials, the numbers of dismissal for patents, utility models and trademarks decreased, and the number for designs was zero.

Also, the number of cases with a reverse appeal for patents and utility models decreased from the previous year, and the number for designs and trademarks remained almost the same. In inter-parties trials, the number for patents and utility models increased from the previous year, while the number for designs was zero as in the previous year, and the number for trademarks decreased from the previous year.

(備考)

- * 1:表中括弧内は 2013 年
- *2:特許法第181 条第2 項の 審決取消決定、訴訟中に訂 正が確定したことによる審決 取消判決は含まない。
- * 3:拒絕查定不服審判、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 2013
- *2: Exclude cases where corrections are decided after of during the ruling of Article 181, Clause 2
- *3: Appeal against decision of refusal/ appeal against ruling dismissing an amendment/ trial for correction
- *4: Trial for invalidation/Trial of rescission

図表 45 ◎ 2014 年判決件数*1*2 Chart 45: Number of Court Decisions *1**2(2014)

	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
查定系審判*³/ Ex-parte Appeal*³	84(104)	21(35)	13(2)	1(0)	15(16)	0(1)
当事者系審判* ⁴ / Request for Trial * ⁴	50(76)	37(28)	0(1)	0(0)	13(37)	5(15)
異議申立て / Opposition	_	_	_	_	1(0)	0(0)

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