近年、我が国のみならず世界的に見て、日々進展する技術革新とともに、各企業が海外展開を進める中、知的財産戦略についてもより一層グローバル化が進んでいます。

これに対応し、知的財産が世界中で切れ目なく保護されるよう、海外知財関係機関と連携して取り組んでいます。

2017年には、第57回世界知的所有権機関（WIPO）加盟国総会をはじめとした世界各国の特許庁との会合において、制度や運用の調和のために議論を進め、第10回五大特許庁長官会合では「質の高いタイムリーな審査」を含む新たな五庁ビジョンに合意し、B+会合では「制度調和パッケージ」についてユーザーを交えて検討を進めることに合意しました。

各国裁判所との情報交換や協力にも取り組んできました。東京で開催された国際知財司法シンポジウム2017では、中国、韓国、アセアン諸国の裁判官を迎え、特許訴訟の証拠収集手続に関する模擬裁判や、商標の類否判断に関するパネルディスカッションなどを実施しました。

特にアジアにおいては、知的財産制度の整備を精力的に支援しています。2017年には、インド、インドネシア、マレーシア、フィリピン、タイに特許審査官を派遣し、約370名の新人・若手特許審査官に対する現地研修を行うとともに、これまでの現地研修のフォローアップを目的とした新人審査官を研修生として受け入れました。

IoT（モノのインターネット）やAI、ビッグデータなどの技術革新に対しては、保護、活用の両面で新たな課題に取り組んでいます。

知的財産の保護の面では、IoT時代の新しい技術に対応するために、IoT審査チームを設置するとともに、特許・実用新案審査ハンドブックに審査事例を掲載し、IoT関連技術について

In recent years, innovation is evolving day by day, companies are striving to expand their businesses overseas, and intellectual property (IP) strategies are becoming increasingly more globalized.

The JPO is working with other IP offices and organizations to advance the seamless protection of IP worldwide.

In 2017, the JPO continued discussions to harmonize IP systems and operations at the Fifty-Seventh Series of Meetings of the Assemblies of the Member States of WIPO and other meetings with IP offices from all over the world. At the Tenth IP5 Heads Meeting, the JPO agreed a new IP5 vision that includes high-quality and timely examinations. And at the B+ meeting, the JPO agreed to review a patent harmonization package with user involvement.

The JPO has exchanged information and cooperated with courts around the world. We welcomed judges from China, South Korea, and the ASEAN countries at the 2017 Judicial Symposium on Intellectual Property held in Tokyo. At the Symposium, we conducted mock trials, which included procedures for collecting evidence in patent litigations; and held a panel discussion on determining the similarity of trademarks.

The JPO, especially in cooperation with IP offices in Asia, supports the development of IP systems in each country. In 2017, the JPO dispatched patent examiners to India, Indonesia, Malaysia, the Philippines, and Thailand, who provided training to approximately 370 new and junior examiners. In addition, we invited the examiners from Thailand to attend a follow-up training session in Japan.

In response to innovation such as the Internet of Things (IoT), Artificial Intelligence (AI), and big data, the JPO is tackling new issues in the aspects of protection and utilization of IP.

As for protection of IP, the JPO has launched several initiatives to deal with emerging technologies related to IoT, such as organizing an IoT examination team, adding case examples to the Examination Handbook for Patent and Utility Model, and developing patent classifications for IoT-related applications.
の特許分類を充実するなどの取り組みを行っています。

発明をイノベーションにつなげるための知的財産の活用の面では、中小・ベンチャー企業、大学を重点的に支援しています。2017年には、西日本の中小・ベンチャー企業、大学などの支援のため、INPIT近畿統括本部（INPIT-KANSAI）を開設しました。これにより、知的財産戦略の策定や知的財産を活用した海外展開について専門家が企業等に助言する、面接審査の場を提供し出願人と審査官との直接の対話を推進するなど、優れた技術のより適切な保護・活用に貢献しています。

さらに、中小企業等の特許料及び手数料が一律に半減される制度の実現に向けて取り組んでいます。

標準必須特許（標準規格の実施に必要となる特許）については、IoTの浸透により、ライセンス交渉が通信業界とそれ以外の異業種間で行われるようになり、クロスライセンスによる解決が困難になっています。このような問題は、5G（第5世代の移動通信システム）が本格的に実装されるこれから、さらに顕著化するものと予想されます。そこで、交渉の円滑化や紛争の早期解決のために、交渉の進め方やロイヤルティの算出方法などについて、権利者と実施者の利益のバランスを図る上で有益な考慮要素を示した「手引き」の作成に取り組んでいます。

このような私たちの取り組みや統計情報を国内外のユーザーの皆様にご紹介するため、この度、「特許庁ステータスポート2018」を発行いたします。皆様からの御意見をいただきながら、特許庁のサービスを日々改善してまいります。

特許庁長官

As for utilization of IP that bridges invention to innovation, the JPO continues to focus on supporting Small and Mid-size Enterprises (SMEs), start-ups, and universities. In 2017, we opened the INPIT-KANSAI office that supports SMEs, start-ups, and universities in western Japan. The office is working to ensure more appropriate protection and utilization of outstanding technology by offering experts’ advice to help companies develop IP strategies and go abroad while utilizing IP, and providing a venue to conduct interview examinations so as to promote face-to-face dialogue between applicants and examiners.

Moreover, we are working to initiate a new fee schedule that halves examination and maintenance fees for SMEs, etc.

As for Standard-Essential Patents (SEPs), the spread of the IoT has caused companies in telecommunications to conduct licensing negotiations with companies in other fields, making it difficult to resolve issues through cross-licensing. We expect these issues to become more prevalent in the future, as the 5th generation mobile telecommunications systems (5G) become mainstream. Therefore, with a view to facilitating negotiations and helping resolve disputes quickly, the JPO is working to develop a guide that identifies elements to be considered with respect to negotiation procedures and methods of calculating royalty rates in order to achieve a balance between the interests of rights holders and implementers.

We are pleased to publish this JPO Status Report 2018 and share with you our initiatives and statistical data. We will continue to improve our services based on your feedback.

Naoko Munakata
Commissioner
「特許庁ステータスレポート2018」は、2017年を中心に、知的財産を取り巻く状況や施策等の内容を紹介している。
(2) 本書における数字・データ等は、2018年2月23日から3月9日間に取得及び公開可能な最新の数字・データである。特記がない限りは、特許庁資料を利用して作成した。
(3) 「（資料）……」としてウェブサイトを用いている場合、情報取得後にその内容が更新されている場合がある。
(4) 図表の総数と内訳の数は、四捨五入により一致しない場合がある。
Message from the Commissioner

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085 Appendixes

General Notes
1) JPO Status Report 2018 reports on what was occurring around the intellectual property system in the world as well as initiatives and measures that the Japan Patent Office implemented, especially focusing in 2017.
2) Figures and data are the latest, which are obtainable and publishable from February 23 to March 9, 2018. The Figures and data were created by the Japan Patent Office unless otherwise noted.
3) In cases where the website name is inserted as the source of information, the contents may be renewed after the information was obtained to prepare this report.
4) There may be cases where the total number of tables or graphs is not the same as the sum of breakdown figures due to rounding.
### 様々な審査

#### 速度

<table>
<thead>
<tr>
<th>特許 (Patent)</th>
<th>一次審査通知までの期間（First Action Pendency）</th>
<th>9.4ヶ月 (9.4 months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>早期審査 (Accelerated Examination)</td>
<td>2.3ヶ月 (2.3 months)</td>
</tr>
<tr>
<td></td>
<td>権利化までの期間 (Total Pendency)</td>
<td>14.6ヶ月 (14.6 months)</td>
</tr>
</tbody>
</table>

#### 品質

| 特許 (Patent) | 満足または不満はいない Users are satisfied or have no complaint | 93.5% |

#### 意匠 (Design)

<table>
<thead>
<tr>
<th>意匠 (Design)</th>
<th>一次審査通知までの期間（First Action Pendency）</th>
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</tr>
</thead>
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<tr>
<td></td>
<td>早期審査 (Accelerated Examination)</td>
<td>1.9ヶ月 (1.9 months)</td>
</tr>
<tr>
<td></td>
<td>権利化までの期間 (Total Pendency)</td>
<td>7.0ヶ月 (7.0 months)</td>
</tr>
</tbody>
</table>

#### 品質

| 意匠 (Design) | 満足または不満はいない Users are satisfied or have no complaint | 96.8% |

#### 商標 (Trademark)

<table>
<thead>
<tr>
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<th>一次審査通知までの期間（First Action Pendency）</th>
<th>4.9ヶ月 (4.9 months)</th>
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</thead>
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<tr>
<td></td>
<td>早期審査 (Accelerated Examination)</td>
<td>1.8ヶ月 (1.8 months)</td>
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<td></td>
<td>権利化までの期間 (Total Pendency)</td>
<td>6.8ヶ月 (6.8 months)</td>
</tr>
</tbody>
</table>

#### 品質

| 商標 (Trademark) | 満足または不満はいない Users are satisfied or have no complaint | 92.8% |

### 国際出願

#### 国際出願

<table>
<thead>
<tr>
<th>国際出願 (International Applications)</th>
<th>PCT(Patent Cooperation Treaty)</th>
<th>+2,930件 (+6.6%)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2015 43,097</td>
<td>2016 44,495</td>
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<tr>
<td></td>
<td>2017 47,425</td>
<td></td>
</tr>
</tbody>
</table>

#### ハーグ協定のジュネーブ改正協定

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<tr>
<th>ハーグ協定のジュネーブ改正協定 (Geneva Act of the Hague Agreement)</th>
<th>累計829件</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015 128</td>
<td>2016 348</td>
</tr>
<tr>
<td>2017 353</td>
<td></td>
</tr>
</tbody>
</table>

#### マドリッド協定議定書

<table>
<thead>
<tr>
<th>マドリッド協定議定書 (Protocol Relating to the Madrid Agreement)</th>
<th>+126件 (+5.3%)</th>
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<tbody>
<tr>
<td>2015 2,157</td>
<td>2016 2,379</td>
</tr>
<tr>
<td>2017 2,505</td>
<td></td>
</tr>
</tbody>
</table>

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*2015年5月開始

Commenced May 2015

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<tr>
<th>年 / Year</th>
<th>数件</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>348</td>
</tr>
<tr>
<td>2016</td>
<td>353</td>
</tr>
<tr>
<td>2017</td>
<td>353</td>
</tr>
</tbody>
</table>

**829件**

Cumulative 829

※2015年5月開始

Commenced May 2015
2016

- 5月 May
  - ブルネイとのPPHプラスの開始
  - Commencement of the PPH Plus Program between Japan and Brunei Darussalam

- 6月 June
  - INPIT近畿統括本部の開設
  - Opening of INPIT-KANSAI office

- 7月 July
  - 第3回CFO会合
  - Third International IP CFO Forum

- 8月 August
  - 第57回WIPO加盟国総会
  - Assemblies of the Member States of WIPO: Fifty-Seventh Series of Meetings

2017

- 10月 October
  - 第57回WIPO加盟国総会
  - Assemblies of the Member States of WIPO: Fifty-Seventh Series of Meetings

- 11月 November
  - 国際知財司法シンポジウム2017
  - Judicial Symposium on Intellectual Property / TOKYO 2017

- 12月 December
  - 第17回日中韓特許庁長官会合
  - 17th Heads Meeting among the JPO, the KIPO and the SIPO

2018

- 5月 May
  - 第6回TM5年次会合
  - Sixth TM5 Annual Meeting

- 6月 June
  - 第3回ID5年次会合
  - Third ID5 Annual Meeting

- 7月 July
  - 日アセアン特許庁長官会合
  - ASEAN-Japan Heads of IP Offices Meeting

- 8月 August
  - 第10回IP5長官会合
  - Tenth IP5 Heads of Office Meeting

- 10月 October
  - 第3回ID5年次会合
  - Third ID5 Annual Meeting
Part 1

数値で見る知財動向
Facts and Figures on Trends in Intellectual Property

第1章 我が国の知財動向
Chapter 1 Trends in Intellectual Property in Japan

第2章 世界の知財動向
Chapter 2 Trends in Intellectual Property Worldwide

特許庁ステータスレポートの図表データについては、特許庁ウェブサイトに順次掲載しております。
日本語／Japanese
https://www.jpo.go.jp/shiryou/toukei/statusreport/graph_download.html

Figure data files on the JPO status report is being posted on the JPO’s website accordingly.
English
https://www.jpo.go.jp/english/reference_room/statusreport/graph_download_e.html
1章 我が国の知財動向
Chapter 1 Trends in Intellectual Property in Japan

1 特許 / Patents

Number of Patent Applications

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

(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が含まれる件数。
・国際特許出願は、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の限る）。
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。

Notes:
- 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.
2 審査請求件数
Number of Requests for Examination

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

2008: 347,836
2009: 254,368
2010: 255,192
2011: 253,754
2012: 245,004
2013: 240,188
2014: 245,535
2015: 241,412
2016: 240,455
2017: 240,118

備考:
2009〜2012年の審査請求件数は、審査請求料の納付縦延制度を利用していられるものが含まれる件数。
Note:
The numbers of the requests for examination from 2009 to 2012 include the numbers of requests that are subject to the fee payment deferral system.

3 特許登録件数
Number of Patent Registrations

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

2008: 176,950
2009: 193,349
2010: 222,693
2011: 238,323
2012: 274,791
2013: 277,079
2014: 227,142
2015: 189,358
2016: 203,087
2017: 199,577
出願年別特許登録件数等
Number of Patent Registrations, etc. by Filing Year

1-1-4図：出願年別特許登録件数等の推移
Figure 1-1-4: Number of Patent Registrations, etc. by Filing Year

出願年別特許登録件数等の推移
Number of Patent Registrations, etc. by Filing Year

Notes:
・出願年別特許登録件数等は、特許権の存続期間の延長登録の出願の件数を含まない事。
・出願年別特許登録件数は、2018年3月6日時点での暫定値。
・2015年から2017年の出願における出願年別審査請求件数は、2018年3月6日時点での暫定値。

（備考）
・The number of patent registrations, etc. by filing year does not include the number of applications for registration of extension of the duration of a right.
・The number of patent registrations by filing year is a provisional figure as of March 6, 2018.
・The numbers of requests for examination by filing year in applications from 2015 to 2017 are provisional figures as of March 6, 2018.
出願人国籍・地域別特許出願件数

Number of Patent Applications by Country/Region of Applicant

1-1-5図：2017年における出願人国籍・地域別特許出願件数（上位10か国・地域）

Figure 1-1-5: Number of Patent Applications by Country/Region of Applicant in 2017 (Top 10 Countries/Regions)

<table>
<thead>
<tr>
<th>国名</th>
<th>日本</th>
<th>米国</th>
<th>ドイツ</th>
<th>韓国</th>
<th>中国</th>
<th>フランス</th>
<th>スイス</th>
<th>スウェーデン</th>
<th>英国</th>
<th>台湾</th>
<th>瑞典</th>
<th>その他の国・地域</th>
</tr>
</thead>
<tbody>
<tr>
<td>件数</td>
<td>260,290</td>
<td>23,949</td>
<td>6,230</td>
<td>4,735</td>
<td>4,172</td>
<td>2,957</td>
<td>2,525</td>
<td>2,301</td>
<td>1,829</td>
<td>1,450</td>
<td>899</td>
<td>7,142</td>
</tr>
<tr>
<td>国際特許出願件数</td>
<td>24,074</td>
<td>14,947</td>
<td>4,334</td>
<td>2,610</td>
<td>3,364</td>
<td>2,295</td>
<td>1,623</td>
<td>1,933</td>
<td>1,373</td>
<td>164</td>
<td>701</td>
<td>5,112</td>
</tr>
<tr>
<td>外国語書面出願件数</td>
<td>278</td>
<td>5,071</td>
<td>1,171</td>
<td>98</td>
<td>226</td>
<td>479</td>
<td>558</td>
<td>237</td>
<td>247</td>
<td>284</td>
<td>111</td>
<td>1,078</td>
</tr>
<tr>
<td>国際特許出願及び外国語書面出願を除く特許出願件数</td>
<td>235,938</td>
<td>3,931</td>
<td>725</td>
<td>2,027</td>
<td>582</td>
<td>183</td>
<td>344</td>
<td>131</td>
<td>209</td>
<td>1,002</td>
<td>87</td>
<td>952</td>
</tr>
</tbody>
</table>

(備考) 共同出願については、筆頭出願人でカウント。

Note: In the case joint applicants filed, the number of patent applications were counted by country/region of a head applicant.
特許登録件数上位10社数
Top 10 Companies with the Most Number of Patent Registrations

1-1-6 図: 2017年における特許登録件数上位10社
Figure 1-1-6: Top 10 Companies with the Most Number of Patent Registrations in 2017

前年順位
Rank in 2016
順位
Rank in 2017
出願人
Applicant
登録件数
Number of Registrations
---
3 ➗ 1 三菱電機
Mitsubishi Electric Corporation
4,484 (4,042)
1 ➖ 2 キヤノン
Canon Inc.
3,931 (4,095)
4 ➗ 3 トヨタ自動車
TOYOTA MOTOR CORPORATION
3,378 (3,717)
2 ➖ 4 パナソニックIPマネジメント
Panasonic Intellectual Property Management Co., Ltd.
2,990 (4,046)
8 ➗ 5 本田技研工業
Honda Motor Co., Ltd.
2,502 (2,144)
9 ➗ 6 リコー
Ricoh Company, Ltd.
2,468 (2,142)
5 ➖ 7 富士通
FUJITSU LIMITED
2,431 (2,399)
6 ➖ 8 デンソー
DENSO CORPORATION
2,110 (2,374)
7 ➖ 9 セイコーエプソン
SEIKO EPSON CORPORATION
1,971 (2,281)
11 ➗ 10 東芝
TOSHIBA CORPORATION
1,753 (1,647)

(備考)
- 表中括弧内は2016年。
- 共同出願については、それぞれの出願人でカウント。

Notes:
- Numbers in parentheses are for 2016.
- Each applicant was counted in the case joint applicants filed.

我が国の大学等の特許出願件数
Number of Patent Applications Filed by Universities, etc., in Japan.

1-1-7 図: 我が国の大学等の特許出願件数の推移
Figure 1-1-7: Number of Patent Applications Filed by Universities, etc., in Japan

件 / Number
8,000
6,000
4,000
2,000
0

(備考)
- 出願人が大学長又は大学を有する学校法人名の出願及び承認TLOの出願をカウント。
- 企業等との共同出願もカウント。

Notes:
- Applications by a university president, university, or approved TLO were counted.
- The count includes joint applications with corporations, etc.
1-1-8図：2017年における特許登録件数上位10大学等
Figure 1-1-8: Top 10 Universities, etc., with the Most Number of Patent Registrations in 2017

<table>
<thead>
<tr>
<th>前年順位</th>
<th>備考</th>
<th>大学名</th>
<th>登録件数</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>→ 1</td>
<td>東京大学</td>
<td>284 (229)</td>
</tr>
<tr>
<td>2</td>
<td>→ 2</td>
<td>東北大学</td>
<td>227 (218)</td>
</tr>
<tr>
<td>3</td>
<td>→ 3</td>
<td>大阪大学</td>
<td>150 (183)</td>
</tr>
<tr>
<td>4</td>
<td>→ 4</td>
<td>京都大学</td>
<td>139 (171)</td>
</tr>
<tr>
<td>5</td>
<td>→ 5</td>
<td>東京工業大学</td>
<td>128 (139)</td>
</tr>
<tr>
<td>6</td>
<td>↓ 6</td>
<td>九州大学</td>
<td>122 (120)</td>
</tr>
<tr>
<td>7</td>
<td>▲ 7</td>
<td>名古屋大学</td>
<td>96 (125)</td>
</tr>
<tr>
<td>8</td>
<td>← 8</td>
<td>千葉大学</td>
<td>78 (64)</td>
</tr>
<tr>
<td>9</td>
<td>← 9</td>
<td>北海道大学</td>
<td>68 (113)</td>
</tr>
<tr>
<td>10</td>
<td>↑ 8</td>
<td>広島大学</td>
<td>68 (92)</td>
</tr>
</tbody>
</table>

（備考）
- 表中括弧内は2016年。
- 出願人が大学長又は大学を有する学校法人名の出願及び承認TLOの出願もカウント。
- 企業等との共同出願もカウント。
- 共同出願については、それぞれの出願人でカウント。

Notes:
- The numbers in parentheses are for 2016.
- Applications by a university president, university, or approved TLO were counted.
- The count includes joint applications with corporations, etc.
- In the case joint applicants filed, each applicant was counted.

PCT国際出願件数
Number of PCT International Applications

1-1-9図：日本特許庁受理官庁とするPCT国際出願件数の推移
Figure 1-1-9: Number of PCT International Applications Filed with the JPO as the Receiving Office

<table>
<thead>
<tr>
<th>年/Year</th>
<th>件/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>28,027</td>
</tr>
<tr>
<td>2009</td>
<td>29,291</td>
</tr>
<tr>
<td>2010</td>
<td>31,524</td>
</tr>
<tr>
<td>2011</td>
<td>37,974</td>
</tr>
<tr>
<td>2012</td>
<td>42,787</td>
</tr>
<tr>
<td>2013</td>
<td>43,075</td>
</tr>
<tr>
<td>2014</td>
<td>41,292</td>
</tr>
<tr>
<td>2015</td>
<td>43,097</td>
</tr>
<tr>
<td>2016</td>
<td>44,495</td>
</tr>
<tr>
<td>2017</td>
<td>47,425</td>
</tr>
</tbody>
</table>
実用新案 / Utility Models

1. 実用新案登録出願件数
Number of Utility Models Applications

![Figure 1-1-10: Number of Utility Model Applications](image)

(備考)
国際実用新案登録出願は、特許協力条約に基づく国際出願であって指定国に日本を含み、かつ日本特許庁が提出された出願（実用新案登録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。

Note:
An international utility model 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 (utility model applications only). The number of the applications were counted by the date when documents to enter the national phase were filed.

2. 実用新案登録件数
Number of Utility Model Registrations

![Figure 1-1-11: Number of Utility Model Registrations](image)
出願人国籍・地域別実用新案登録出願件数
Number of Utility Model Applications by Country/Region of Applicant

### 図1-1-12：実用新案技術評価請求件数の推移
Figure 1-1-12: Number of Requests for Technical Opinion as to Registrability of Utility Models

<table>
<thead>
<tr>
<th>年 / Year</th>
<th>件 / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>746</td>
</tr>
<tr>
<td>2009</td>
<td>677</td>
</tr>
<tr>
<td>2010</td>
<td>633</td>
</tr>
<tr>
<td>2011</td>
<td>491</td>
</tr>
<tr>
<td>2012</td>
<td>519</td>
</tr>
<tr>
<td>2013</td>
<td>437</td>
</tr>
<tr>
<td>2014</td>
<td>401</td>
</tr>
<tr>
<td>2015</td>
<td>422</td>
</tr>
<tr>
<td>2016</td>
<td>341</td>
</tr>
<tr>
<td>2017</td>
<td>295</td>
</tr>
</tbody>
</table>

### 図1-1-13：2017年における出願人国籍・地域別実用新案登録出願件数（上位5か国・地域）
Figure 1-1-13: Number of Utility Model Applications by Country/Region of Applicant in 2017 (Top 5 Countries/Regions)

<table>
<thead>
<tr>
<th>国籍/地域</th>
<th>日本 Japan</th>
<th>台湾 Taiwan</th>
<th>中国 China</th>
<th>米国 US</th>
<th>韓国 Korea</th>
<th>香港 Hongkong</th>
<th>その他の国・地域 Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>件 / Number</td>
<td>4,577</td>
<td>854</td>
<td>383</td>
<td>74</td>
<td>59</td>
<td>28</td>
<td>130</td>
</tr>
</tbody>
</table>

Note:  
出願人国籍・地域別実用新案登録出願件数は、筆頭出願人でカウント。

台湾、香港、その他の国・地域については、筆頭出願人でカウント。

(備考)：
共済出願については、筆頭出願人でカウント。
1.
意匠登録出願件数
Number of Design Applications

1-1-14図：意匠登録出願件数の推移
Figure 1-1-14: Number of Design Applications

Notes:
- The number of international applications for design registration is the number of international applications under the Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs (the Geneva Act) that designate Japan as a designated contracting party and that has been published by the International Bureau. The number of applications was counted by the international publication date.
- The JPO began to process international applications filed under to the Geneva Act on May 13, 2015.

2.
意匠登録件数
Number of Design Registrations

1-1-15図：意匠登録件数の推移
Figure 1-1-15: Number of Design Registrations
### 1-1-16図：2017年における出願人国籍・地域別意匠登録出願件数（上位10か国・地域）

<table>
<thead>
<tr>
<th>国家/地域</th>
<th>日本</th>
<th>米国</th>
<th>中国</th>
<th>ドイツ</th>
<th>韓国</th>
<th>英国</th>
<th>スイス</th>
<th>フランス</th>
<th>イタリア</th>
<th>オランダ</th>
<th>台湾</th>
<th>その他</th>
</tr>
</thead>
<tbody>
<tr>
<td>出願件数</td>
<td>24,432</td>
<td>2,072</td>
<td>815</td>
<td>763</td>
<td>583</td>
<td>572</td>
<td>527</td>
<td>305</td>
<td>294</td>
<td>204</td>
<td>817</td>
<td></td>
</tr>
<tr>
<td>国際意匠登録出願件数</td>
<td>73</td>
<td>359</td>
<td>29</td>
<td>390</td>
<td>123</td>
<td>36</td>
<td>288</td>
<td>419</td>
<td>133</td>
<td>119</td>
<td>0</td>
<td>247</td>
</tr>
<tr>
<td>国際意匠登録出願を除く意匠登録出願件数</td>
<td>23,439</td>
<td>1,713</td>
<td>786</td>
<td>373</td>
<td>460</td>
<td>541</td>
<td>284</td>
<td>108</td>
<td>172</td>
<td>175</td>
<td>204</td>
<td>570</td>
</tr>
</tbody>
</table>

(備考)
- 共同出願については、筆頭出願人と数をカウント。
- 国際意匠登録出願については、筆頭出願人の居住国・地域でカウント。

Notes:
- In the case joint applicants filed, the number of design applications were counted by country/region of a head applicant.
- The number of international applications for design registration was counted by the residence of a head applicant.
意匠登録件数上位10社

Top 10 Companies with the Most Number of Design Registrations

<table>
<thead>
<tr>
<th>Ranke in 2016</th>
<th>Rank in 2017</th>
<th>Applicant</th>
<th>Number of Registrations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1</td>
<td>Mitsubishi Electric Corporation</td>
<td>429 (415)</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>Panasonic Intellectual Property Management Co., Ltd.</td>
<td>413 (430)</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>Okamura Corporation</td>
<td>360 (335)</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>Dyson technology Ltd.</td>
<td>231 (34)</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>Sharp Corporation</td>
<td>201 (215)</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>Nippon Steel &amp; Sumitomo Metal Corporation</td>
<td>199 (70)</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>LXIL</td>
<td>167 (316)</td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td>Honda Motor Co., Ltd.</td>
<td>156 (233)</td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td>Dai Nippon Printing Co., Ltd.</td>
<td>132 (141)</td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>FP Corporation</td>
<td>131 (133)</td>
</tr>
</tbody>
</table>

Notes: The numbers in parentheses are for 2016.
- In the case joint applicants filed, each applicant was counted.

国際登録出願（意匠）件数等

Number of Applications for International registration (Design)

<table>
<thead>
<tr>
<th>Party</th>
<th>Registration through the JPO (件/Number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>21</td>
</tr>
<tr>
<td>2016</td>
<td>44</td>
</tr>
<tr>
<td>2017</td>
<td>33</td>
</tr>
</tbody>
</table>

Notes: The JPO began to process international applications filed under the Hague Agreement on May 13, 2015.
1 An international application filed through the JPO means an applications for international registration as set forth in Article 60-3 of the Design Act of Japan.
2 In international applications specifying Japan as the applicant's contracting party, the "applicant's contracting party" is the term defined in Article 109 of the Hague Agreement concerning the International Registration of Industrial Designs. *1

Source: WPI Intellectual Property Statistics

Japanese version

English version

※1 ※1 
日本語/英語
1. 商標登録出願件数

Number of Trademark Applications

![Figure 1-1-19: Number of Trademark Applications](image)

<table>
<thead>
<tr>
<th>件 / Number</th>
<th>国際商標登録出願件数</th>
<th>国際商標登録出願を除く商標登録出願件数</th>
</tr>
</thead>
<tbody>
<tr>
<td>210,000</td>
<td>119,185</td>
<td>96,639</td>
</tr>
<tr>
<td>180,000</td>
<td>110,841</td>
<td>93,884</td>
</tr>
<tr>
<td>150,000</td>
<td>113,519</td>
<td>96,639</td>
</tr>
<tr>
<td>120,000</td>
<td>108,060</td>
<td>102,202</td>
</tr>
<tr>
<td>90,000</td>
<td>119,010</td>
<td>103,222</td>
</tr>
<tr>
<td>60,000</td>
<td>117,675</td>
<td>107,779</td>
</tr>
<tr>
<td>30,000</td>
<td>114,442</td>
<td>103,979</td>
</tr>
<tr>
<td>0</td>
<td>124,442</td>
<td>111,770</td>
</tr>
<tr>
<td></td>
<td>147,283</td>
<td>131,299</td>
</tr>
<tr>
<td></td>
<td>161,859</td>
<td>148,024</td>
</tr>
<tr>
<td></td>
<td>190,939</td>
<td>173,611</td>
</tr>
</tbody>
</table>

(備考)
- 商標登録出願件数は、防護標章登録出願及び防護標章登録に基づく権利の存続期間の更新登録の出願が含まれる件数。
- 国際商標登録出願件数は、マドリッド協定議定書に基づく国際出願であって日本国を指定し、かつ領域指定の通知が日本国特許庁に提出された出願の件数。
- 当該件数については、領域指定の通知が日本国特許庁にされた日を基準にカウント。

Notes:
- The number of trademark applications includes applications for defensive mark registration and applications for renewal based on defensive mark registration.
- The number of international applications for trademark registration is the number of international applications under the Protocol Relating to the Madrid Agreement which designate Japan and for which their designated states were notified to the JPO. The number of the applications were counted by the date of the notification.

2. 商標登録件数

Number of Trademark Registrations

![Figure 1-1-20: Number of Trademark Registrations](image)

<table>
<thead>
<tr>
<th>件 / Number</th>
<th>国際商標登録出願件数</th>
</tr>
</thead>
<tbody>
<tr>
<td>120,000</td>
<td>100,000</td>
</tr>
<tr>
<td>100,000</td>
<td>108,717</td>
</tr>
<tr>
<td>80,000</td>
<td>97,780</td>
</tr>
<tr>
<td>60,000</td>
<td>89,279</td>
</tr>
<tr>
<td>40,000</td>
<td>96,359</td>
</tr>
<tr>
<td>20,000</td>
<td>99,896</td>
</tr>
<tr>
<td>0</td>
<td>98,085</td>
</tr>
<tr>
<td></td>
<td>105,207</td>
</tr>
<tr>
<td></td>
<td>111,180</td>
</tr>
</tbody>
</table>

(備考)
- 商標登録件数は、商標権の存続期間の更新登録の申請が含まれる件数。

Note:
- The number of trademark registrations includes applications for renewal.
### 1-1-21 図：2017年における出願人国籍・地域別商標登録出願件数（上位10か国・地域）

**Figure 1-1-21: Number of Trademark Applications by Country/Region of Applicant in 2017 (Top 10 Countries/Regions)**

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Total Number of Trademark Applications</th>
<th>International Applications for Trademark Registration</th>
<th>Excluding International Applications for Trademark Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>154,780</td>
<td>13</td>
<td>154,767</td>
</tr>
<tr>
<td>US</td>
<td>8,789</td>
<td>3,805</td>
<td>4,984</td>
</tr>
<tr>
<td>China</td>
<td>8,464</td>
<td>1,518</td>
<td>6,946</td>
</tr>
<tr>
<td>Germany</td>
<td>2,384</td>
<td>2,055</td>
<td>329</td>
</tr>
<tr>
<td>Korea</td>
<td>2,264</td>
<td>662</td>
<td>1,602</td>
</tr>
<tr>
<td>France</td>
<td>1,808</td>
<td>1,483</td>
<td>325</td>
</tr>
<tr>
<td>UK</td>
<td>1,597</td>
<td>1,097</td>
<td>500</td>
</tr>
<tr>
<td>Switzerland</td>
<td>1,451</td>
<td>1,127</td>
<td>324</td>
</tr>
<tr>
<td>Italy</td>
<td>1,346</td>
<td>1,204</td>
<td>142</td>
</tr>
<tr>
<td>Australia</td>
<td>760</td>
<td>619</td>
<td>141</td>
</tr>
<tr>
<td>Taiwan</td>
<td>730</td>
<td>0</td>
<td>730</td>
</tr>
<tr>
<td>Others</td>
<td>6,566</td>
<td>3,745</td>
<td>2,821</td>
</tr>
</tbody>
</table>

**Notes:**
- In the case joint applicants filed, the number of trademark applications were counted by country/region of a head applicant.
- The number of international applications for trademark registration was counted by the residence of a head applicant.

(備考)
- 共同出願については、筆頭出願人でカウント。
- 国際商標登録出願については、筆頭出願人の居住国・地域でカウント。
### 1-1-22図 Top 10 Companies with the Most Number of Trademark Registrations in 2017

<table>
<thead>
<tr>
<th>位順</th>
<th>2016年順位</th>
<th>2017年順位</th>
<th>出願人</th>
<th>登録件数</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>→ 1</td>
<td>→ 1</td>
<td>サンリオ、</td>
<td>553 (939)</td>
</tr>
<tr>
<td>2</td>
<td>→ 2</td>
<td>→ 2</td>
<td>資生堂</td>
<td>497 (539)</td>
</tr>
<tr>
<td>3</td>
<td>/ 3</td>
<td>/ 3</td>
<td>花王</td>
<td>326 (330)</td>
</tr>
<tr>
<td>4</td>
<td>/ 4</td>
<td>/ 4</td>
<td>小林製薬</td>
<td>212 (181)</td>
</tr>
<tr>
<td>5</td>
<td>/ 5</td>
<td>/ 5</td>
<td>明治</td>
<td>202 (206)</td>
</tr>
<tr>
<td>6</td>
<td>/ 6</td>
<td>/ 6</td>
<td>コーセー</td>
<td>201 (331)</td>
</tr>
<tr>
<td>7</td>
<td>/ 7</td>
<td>/ 7</td>
<td>パナソニック</td>
<td>194 (173)</td>
</tr>
<tr>
<td>8</td>
<td>/ 8</td>
<td>/ 8</td>
<td>富士通</td>
<td>183 (309)</td>
</tr>
<tr>
<td>9</td>
<td>/ 9</td>
<td>/ 9</td>
<td>NTTドコモ</td>
<td>179 (101)</td>
</tr>
<tr>
<td>10</td>
<td>/ 10</td>
<td>/ 10</td>
<td>森永製薬</td>
<td>169 (197)</td>
</tr>
</tbody>
</table>

（備考）
- 表中括弧内は2016年度。
- 共同出願については、それぞれの出願人でカウント。

**Notes:**
- The numbers in parentheses are for 2016.
- In the case joint applicants filed, each applicant was counted.

### 1-1-23図 日本国特許庁を本国官庁とするマドリッド協定議定書に基づく国際出願件数の推移

**Note:**
An international application filed through the JPO as the office of origin, under the Protocol Relating to the Madrid Agreement, means an application for international registration set forth in Article 68-2 of the Trademark Act of Japan.
1 拒絶査定不服審判請求件数
Number of Requests for Appeal against an Examiner’s Decision of Refusal

図1-1-24: 拒絶査定不服審判請求件数の推移
Figure 1-1-24: Number of Requests for Appeal against an Examiner’s Decision of Refusal

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

図1-1-25: 無効審判請求件数の推移
Figure 1-1-25: Number of Requests for Trial for Invalidation
### Number of Requests for Trial for Correction

**1-1-26図：訂正審判請求件数の推移**

*Figure 1-1-26: Number of Requests for Trial for Correction*

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>137</td>
</tr>
<tr>
<td>2009</td>
<td>159</td>
</tr>
<tr>
<td>2010</td>
<td>135</td>
</tr>
<tr>
<td>2011</td>
<td>146</td>
</tr>
<tr>
<td>2012</td>
<td>178</td>
</tr>
<tr>
<td>2013</td>
<td>238</td>
</tr>
<tr>
<td>2014</td>
<td>210</td>
</tr>
<tr>
<td>2015</td>
<td>151</td>
</tr>
<tr>
<td>2016</td>
<td>163</td>
</tr>
<tr>
<td>2017</td>
<td>160</td>
</tr>
</tbody>
</table>

*Notes:*
- The number of requests for a trial for correction is the total number of requests for both patents and former utility models (i.e., utility models filed prior to the enforcement date of the 1993 amendment of the Utility Model Act of Japan).
- No request for trial for correction has been filed for former utility models since 2013.

### Number of Requests for Trial for Rescission

**1-1-27図：取消審判（商標）請求件数の推移**

*Figure 1-1-27: Number of Requests for Trial for Rescission of Trademark Registration*

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>1,621</td>
</tr>
<tr>
<td>2009</td>
<td>1,429</td>
</tr>
<tr>
<td>2010</td>
<td>1,396</td>
</tr>
<tr>
<td>2011</td>
<td>1,193</td>
</tr>
<tr>
<td>2012</td>
<td>1,050</td>
</tr>
<tr>
<td>2013</td>
<td>1,190</td>
</tr>
<tr>
<td>2014</td>
<td>1,099</td>
</tr>
<tr>
<td>2015</td>
<td>973</td>
</tr>
<tr>
<td>2016</td>
<td>958</td>
</tr>
<tr>
<td>2017</td>
<td>1,001</td>
</tr>
</tbody>
</table>

*Notes:*
- The number of requests for a trial for rescission is the total number of requests for both trademark and former utility models (i.e., utility models filed prior to the enforcement date of the 1993 amendment of the Utility Model Act of Japan).
- No request for trial for rescission has been filed for former utility models since 2013.
5 異議申立件数
Number of Oppositions

1-1-28図：異議申立件数（権利単位）の推移
Figure 1-1-28: Number of Oppositions (based on the number of rights opposed)

![Graph showing the number of oppositions over years]

（備考）
特許の異議申立制度は、2015年4月1日開始。

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

6 判定請求件数
Number of Requests for Hantei (Advisory Opinion)

1-1-29図：判定請求件数の推移
Figure 1-1-29: Number of Requests for Hantei (Advisory Opinion)

![Graph showing the number of requests for advisory opinion over years]

（備考）
「判定」とは、特許庁が権利の範囲等に対し、判定対象の権利侵害の可能性について判断を示す制度。

Note:
Hantei (Advisory Opinion) system is a system that the JPO determines the possibility of infringement of the subject article concerning the scope of rights.
### 出訴件数

#### Number of Actions against Trial/Appeal Decisions

**1-1-30図：2017年における審決取消訴訟出訴件数**

<table>
<thead>
<tr>
<th></th>
<th>特許・実用新案 Patent and Utility Model</th>
<th>商標 Trademark</th>
</tr>
</thead>
<tbody>
<tr>
<td>異議審判</td>
<td>46 (77)</td>
<td>15 (11)</td>
</tr>
<tr>
<td>当事者系審判</td>
<td>110 (115)</td>
<td>45 (39)</td>
</tr>
<tr>
<td>委託申立</td>
<td>11 (3)</td>
<td>2 (8)</td>
</tr>
</tbody>
</table>

備考: 表中括弧内は、2016年の件数。
1. 拒絶査定不服審判、補正却下不服審判
2. 無効審判、取消審判、訂正審判

#### Notes:

- The numbers in parentheses are for 2016.
- 1 This includes appeals against examiner’s decision of refusal, and appeals against examiner’s decision to dismiss amendments.
- 2 This includes trials for invalidation, trials for rescission, and trials for correction.

### 判決件数

#### Number of Court Decisions

**1-1-31図：2017年における審決取消訴訟判決件数**

<table>
<thead>
<tr>
<th></th>
<th>特許・実用新案 Patent and Utility Model</th>
<th>商標 Trademark</th>
</tr>
</thead>
<tbody>
<tr>
<td>異議審判</td>
<td>8 (11)</td>
<td>4 (13)</td>
</tr>
<tr>
<td>当事者系審判</td>
<td>36 (23)</td>
<td>27 (23)</td>
</tr>
<tr>
<td>委託申立</td>
<td>2 (0)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>

備考: 表中括弧内は、2016年の件数。
1. 拒絶査定不服審判、補正却下不服審判
2. 無効審判、取消審判、訂正審判

#### Notes:

- The numbers in parentheses are for 2016.
- 1 This includes appeals against examiner’s decision of refusal, and appeals against examiner’s decision to dismiss amendments.
- 2 This includes trials for invalidation, trials for rescission, and trials for correction.
第2章 世界の知財動向

Chapter 2  Trends in Intellectual Property Worldwide

特許 / Patents

1 世界の特許出願

Worldwide Patent Applications

1-2-1図 世界の特許出願件数の推移

Figure 1-2-1: Number of Patent Applications in the World

1,874 1,930 1,856 1,997 2,158 2,357 2,565 2,681 2,887 3,128

年 / Year

1,000 1,500 2,000 2,500 3,000 3,500

非居住者 / Non-Resident

居住者 / Resident

1-2-2図 五大特許庁（IP5）の特許出願件数の推移

Figure 1-2-2: Number of Patent Applications Filed with the IP5 Offices

SIPPO (中国 / China)

USPTO (米国 / US)

KPO (韓国 / Korea)

EPO (欧州 / Europe)

JPO (日本 / Japan)

(千件 / Thousand)


0 500 1,000 1,500 2,000 2,500 3,000 3,500
世界の特許登録

Worldwide Patent Registrations

1-2-3図：日本居住者の海外への特許出願件数の推移

Figure 1-2-3: Number of Patent Applications Filed Abroad by Residents of Japan.

年 / Year

非居住者 / Non-Resident
居住者 / Resident

1,400
1,200
1,000
800
600
400
200
0


千件 / Thousand

(資料) WIPO Intellectual Property Statisticsを基に特許庁作成
Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.
1-2-5図：IP5の特許登録件数の推移
Figure 1-2-5: Number of Patent Registrations in the IP5 Offices

1-2-6図：日本居住者の海外での特許登録件数の推移
Figure 1-2-6: Number of Patent Registrations in Foreign IP Offices by Residents of Japan
世界の意匠登録出願

Worldwide Design Applications

1-2-7図：世界の意匠登録出願件数の推移
Figure 1-2-7: Number of Design Applications in the World

1-2-8図：世界の意匠登録出願の意匠数の推移
Figure 1-2-8: Number of Designs in Design Applications in the World
（備考）SIPOの件数は、右軸で示す。
（資料）EUIPO, KIPO, SIPO, USPTO: WIPO Intellectual Property Statisticsを基に特許庁作成

Note: See the right axis for SIPO numbers.
Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics for EUIPO, KIPO, SIPO, and USPTO.
1-2-11図：日本居住者の海外への意匠登録出願件数の推移

Figure 1-2-11: Number of Design Applications Filed Abroad by Residents of Japan

1-2-12図：日本居住者の海外への意匠登録出願の意匠数の推移

Figure 1-2-12: Number of Designs in Design Applications Filed Abroad by Residents of Japan
1-2-13図: 世界の意匠登録件数の推移
Figure 1-2-13: Number of Design Registrations in the World

千件 / Thousand

非居住者 / Non-Resident
居住者 / Resident


(資料)
WIPO Intellectual Property Statisticsを基に特許庁作成

Source:
This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.

1-2-14図: 世界の意匠登録の意匠数の推移
Figure 1-2-14: Number of Designs in Design Registrations in the World

千件 / Thousand

非居住者 / Non-Resident
居住者 / Resident


(資料)
WIPO Intellectual Property Statisticsを基に特許庁作成

Source:
This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.
1-2-15図：ID5の意匠登録件数の推移

Figure 1-2-15: Number of Design Registrations in ID5 Offices

千件 / Thousand

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>SIPO</td>
<td>134</td>
<td>142</td>
<td>250</td>
<td>335</td>
<td>380</td>
<td>467</td>
<td>412</td>
<td>362</td>
<td>483</td>
<td>446</td>
</tr>
<tr>
<td>KIPO</td>
<td>41</td>
<td>40</td>
<td>32</td>
<td>34</td>
<td>42</td>
<td>46</td>
<td>47</td>
<td>54</td>
<td>54</td>
<td>55</td>
</tr>
<tr>
<td>USPTO</td>
<td>24</td>
<td>26</td>
<td>23</td>
<td>23</td>
<td>21</td>
<td>22</td>
<td>23</td>
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<td>25</td>
<td>30</td>
</tr>
<tr>
<td>EUIPO</td>
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<td>19</td>
<td>21</td>
<td>23</td>
<td>23</td>
<td>24</td>
<td>24</td>
<td>25</td>
<td>28</td>
</tr>
<tr>
<td>JPO</td>
<td>28</td>
<td>29</td>
<td>29</td>
<td>27</td>
<td>28</td>
<td>28</td>
<td>27</td>
<td>26</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

備考:
SIPOの件数は、右軸で示す。

資料:
EUIPO, KIPO, SIPO, USPTO: WIPO Intellectual Property Statisticsを基に特許庁作成

1-2-16図：ID5の意匠登録の意匠数の推移

Figure 1-2-16: Number of Designs in Design Registrations in ID5 Offices

千件 / Thousand

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<td>SIPO</td>
<td>134</td>
<td>142</td>
<td>250</td>
<td>335</td>
<td>380</td>
<td>467</td>
<td>412</td>
<td>362</td>
<td>483</td>
<td>446</td>
</tr>
<tr>
<td>KIPO</td>
<td>41</td>
<td>40</td>
<td>32</td>
<td>34</td>
<td>42</td>
<td>46</td>
<td>47</td>
<td>54</td>
<td>54</td>
<td>55</td>
</tr>
<tr>
<td>USPTO</td>
<td>24</td>
<td>26</td>
<td>23</td>
<td>23</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>EUIPO</td>
<td>18</td>
<td>19</td>
<td>19</td>
<td>21</td>
<td>23</td>
<td>23</td>
<td>24</td>
<td>24</td>
<td>25</td>
<td>28</td>
</tr>
<tr>
<td>JPO</td>
<td>28</td>
<td>29</td>
<td>29</td>
<td>27</td>
<td>28</td>
<td>28</td>
<td>27</td>
<td>26</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

備考:
SIPOの件数は、右軸で示す。

資料:
EUIPO, KIPO, SIPO, USPTO: WIPO Intellectual Property Statisticsを基に特許庁作成

Note:
See the right axis for SIPO numbers.
Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics for EUIPO, KIPO, SIPO, and USPTO.
1-2-17図：日本居住者の海外での意匠登録件数の推移

Figure 1-2-17: Number of Design Registrations in Foreign IP Offices by Residents of Japan

Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.

1-2-18図：日本居住者の海外での意匠登録の意匠数の推移

Figure 1-2-18: Number of Designs in Design Registrations in Foreign IP Offices by Residents of Japan

Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.
3 商 標 / Trademarks

1 世界の商標登録出願

Worldwide Trademark Applications

1-2-19図: 世界の商標登録出願件数の推移

Figure 1-2-19: Number of Trademark Applications in the World

1-2-20図: 商標五庁(TM5)の商標登録出願件数の推移

Figure 1-2-20: Number of Trademark Applications Filed with the TM5 Offices
1-2-21図：日本居住者の海外への商標登録出願件数の推移
Figure 1-2-21: Number of Trademark Applications Filed Abroad by Residents of Japan

![Graph showing the number of trademark applications filed abroad by residents of Japan from 2007 to 2016.](image)

Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.

1-2-22図：世界の商標登録件数の推移
Figure 1-2-22: Number of Trademark Registrations in the World

![Graph showing the number of trademark registrations worldwide from 2007 to 2016, distinguishing between non-residents and residents.](image)

Source: This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.
1-2-23図：TM5の商標登録件数の推移
Figure 1-2-23: Number of Trademark Registrations in the TM5 Offices

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>中国国家工商行政管理総局/SAIC</td>
<td>263</td>
<td>403</td>
<td>838</td>
<td>1,349</td>
<td>1,023</td>
<td>1,005</td>
<td>977</td>
<td>1,375</td>
<td>2,226</td>
<td>2,255</td>
</tr>
<tr>
<td>米国特許商標庁/USPTO</td>
<td>185</td>
<td>197</td>
<td>190</td>
<td>179</td>
<td>196</td>
<td>191</td>
<td>197</td>
<td>208</td>
<td>221</td>
<td>234</td>
</tr>
<tr>
<td>韓国特許庁/KIPO</td>
<td>69</td>
<td>68</td>
<td>53</td>
<td>61</td>
<td>81</td>
<td>80</td>
<td>103</td>
<td>120</td>
<td>112</td>
<td></td>
</tr>
<tr>
<td>欧州連合知的財産庁/EUIPO</td>
<td>70</td>
<td>84</td>
<td>89</td>
<td>93</td>
<td>96</td>
<td>92</td>
<td>104</td>
<td>115</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>日本国特許庁/JPO</td>
<td>97</td>
<td>100</td>
<td>109</td>
<td>98</td>
<td>89</td>
<td>98</td>
<td>103</td>
<td>100</td>
<td>98</td>
<td>105</td>
</tr>
</tbody>
</table>

備考:
SAICの件数は、右軸で示す。
資料:
SAIC: CTMO Annual Report
EUIPO, KIPO, SAIC, USPTO: WIPO Intellectual Property Statisticsを基に特許庁作成

1-2-24図：日本居住者の海外での商標登録件数の推移
Figure 1-2-24: Number of Trademark Registrations in Foreign IP Offices by Residents of Japan

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>千件 / Thousand</td>
<td>77</td>
<td>91</td>
<td>100</td>
<td>109</td>
<td>100</td>
<td>106</td>
<td>116</td>
<td>117</td>
<td>112</td>
<td>102</td>
</tr>
</tbody>
</table>

備考:
WIPO Intellectual Property Statisticsを基に特許庁作成
資料:
This figure was prepared by the JPO based on the WIPO Intellectual Property Statistics.
第1章 審査・審判
Chapter 1 Examinations/Trials and Appeals

第2章 国際的取組
Chapter 2 International Initiatives

第3章 支援施策、法改正等
Chapter 3 Support Measures, Law Amendments, etc.

2017年の施策成果
2017 Policy Outcomes

審判廷における審判長席
Chief Administrative Judge’s Chair in Trial / Appeal Court
The JPO has been aiming to achieve the “world’s fastest and utmost quality patent examinations” so that once applicants obtain patents in Japan, they may also be able to obtain patents abroad, even smoothly on the ground that the JPO’s examination results are used as trustworthy judgements when foreign IP offices conduct examinations. To this end, the JPO has been implementing various measures focused on “maintaining speed”, “granting high quality rights”, and “cooperating and collaborating with foreign IP offices”.

1) Examination Performance
With the acceleration of the intellectual property creation cycle, which comprises of intellectual property creation, the establishment of rights, and utilization of rights, there is a growing need to reduce the time of total pendency. To do so, the JPO has been focusing on speeding up examinations with the next decade goal established in March 2014.

- The next decade goal is to bring the “total pendency” and the “first action pendency” (“FA pendency”) to an average of 14 months or less and an average of 10 months or less by 2023 respectively.
- In FY2016 (April 2016 – March 2017), the JPO achieved the periods shown in Figure 2-1-1.

**Notes:**
- The total pendency (also called the “standard pendency”) is the period from the request for examination 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 and where the applicant performs procedures they are allowed to use, such as requests for extension of the period of response and for an accelerated examination.
- The FA pendency is the period from the request for examination to issuing the first notice of examination (which are mainly notices of patent grants or reasons for refusal for a patent application) by an examiner to the applicant.
### 2) Initiatives to Speed up Examinations

#### (i) Securing the Necessary Number of Examiners

In order to maintain and strengthen the patent examination system, the JPO is working to secure the necessary number of patent examiners and to rehire some of the fixed-term examiners whose term of employment had expired.

- For FY2017, the JPO secured a capacity of 1,696 examiners (including fixed-term examiners).

#### (ii) Outsourcing of Prior Art Searches

By outsourcing prior art searches to registered search organizations, the JPO promotes the speeding up of examinations through utilization of the private sector.

- As of December 2017, there were ten registered search organizations.
- In FY2017, the number of search outsourced was approximately 153,000, and of those, approximately three-quarters (or approximately 114,000 searches) also involved searches of foreign patent documents in addition to patent documents in Japanese.

---

#### Table 2-1-2: Number of Patent Examination FAs, Number of Patents Granted, and Number of International Search Reports Established

<table>
<thead>
<tr>
<th>(年/Year)</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>FA件数1</td>
<td>356,179</td>
<td>255,001</td>
<td>235,809</td>
<td>246,879</td>
<td>239,236</td>
</tr>
<tr>
<td>特許査定件数2</td>
<td>260,046</td>
<td>205,711</td>
<td>173,015</td>
<td>191,032</td>
<td>183,919</td>
</tr>
<tr>
<td>国際調査報告作成件数3</td>
<td>42,384</td>
<td>40,079</td>
<td>43,571</td>
<td>44,321</td>
<td>45,948</td>
</tr>
</tbody>
</table>

Notes:
1. The number of first actions in patent examination is the number of first notice of examination results (which are mainly notices of patent grants or reasons for refusal) issued by examiners to applicants.
2. The number of patents grants excludes the number of patents granted after a request for appeals against an examiner’s decision of refusal was filed (including patents granted through reconsideration by examiners before appeal proceedings).
3. The number of international search reports prepared is the number by year of issuance of international search reports prepared and issued by the JPO as the International Searching Authority (ISA) under the PCT (the number of international search reports includes that of “decisions of not preparing an international search report”)

---

2) 審査の迅速化に関する取組

(1) 審査官の確保

特許審査体制の整備・強化のため、任期満了を迎えた任期付審査官の一部を再採用、必要な審査官の確保などに努めている。
- 2017年度は、審査官1,696名（任期付審査官を含む）の定員を確保。

(ii) 行先技術文献調査の外注

審査官の行先技術文献調査を登録調査機関へ外注し、民間活力の利用による審査迅速化の推進を図っている。
- 登録調査機関の数は、2017年12月現在で10機関。
- 2017年度の発注件数は、約15,3万件であり、その内約4分の3約11,4万件については日本語特許文献に加え外国語特許文献も調査対象。

A searcher from a registered search organization reports search results to an examiner.
3) Accelerated Examination

Under certain conditions, the JPO offers an accelerated examination system that expedites the commencement of an examination, upon the request of an applicant.

- The accelerated examination system for patent applications may be allowed in the following conditions: (i) applications for inventions that have already been put into practice; (ii) applications that are also filed in one more other countries; (iii) applications by small and medium-size enterprises, etc.; (iv) applications by businesses, etc. that have suffered damage due to an earthquake; or (v) applications involving environment-related technologies (pilot program).

- In 2017, there was 2.3 months on average from a request for accelerated examination to the first action.

4) Further Improvement of Examination Quality

(i) Quality Management Initiatives

The JPO has published its “Quality Policy on Patent Examination”, which constitutes the JPO’s fundamental principles of quality management, and its “Quality Management Manual for Patent Examination” (Quality Management Manual), which documents quality management and its implementation system. Under the Quality Policy and the Quality Management Manual, the JPO has been engaging in the following initiatives towards realizing the utmost quality of patent examinations in the world. Moreover, in March 2017, the JPO established quantitative goals for the quality of patent examinations to be achieved in FY2017. For more details, please see the JPO’s website.

Note: The number of requests for accelerated examinations is the number of Explanations of Circumstances Concerning Accelerated Examination that were submitted.

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3) 早期審査

一定の要件の下で、出願人からの申出を受けて審査の着手時期を通常に比べて早める早期審査制度を実施している。

- 特許出願に関する早期審査制度の対象は、(i) 既に実施している発明に係る出願、(ii) 外国にも出願している出願、(iii) 中小企業等の出願、(iv) 震災による被害を受けた企業等の出願、(v) 環境関連技術に関わる出願（試行）。

- 2017年は、早期審査の申出から一次審査通知までの期間は平均2.3か月。

4) 審査品質の更なる向上

( i ) 品質管理に関する取組

品質管理の基本原則となる「特許審査に関する品質ポリシー」、及び、品質管理及びその実施体制について文書化した「特許審査の品質管理に関するマニュアル」（品質マニュアル）を公表している。この品質ポリシーと品質マニュアルの下、世界最高品質の特許審査の実現に向けて以下の取組を行っている。また、2017年3月には、2017年度に達成すべき、特許審査の質に関する定量目標を設定した。

更なる詳細については、特許庁ウェブサイトを参照されたい。

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Notes:

1. Japanese
2. English

Japanese

English

日本語

英語
Part 2

Chapter 1  Examinations/Trials and Appeals

2017 Policy Outcomes

a. Quality Assurance
   - Before sending applicants and agents documents by examiners regarding notices and decisions, etc., managers in the examination office check substantive and formal aspects of such documents for all cases.
   - Examiners consult with other examiners to share search know-how and knowledge, etc., in order to curb search and decision discrepancies among examiners.
   - In FY2017, it became a requirement for examiners to conduct a consultation with other examiners in cases of a PCT international application that has been filed in English with foreign IP offices as a receiving office, and in cases of issuing a third or later notice of reasons for refusal for a patent application.

b. Quality Verification
   - The JPO randomly selects notices and decisions, etc. prepared by examiners and quality management officers audit them as to the appropriateness of examiners’ judgements including notices and decisions, etc. and official notices drafted as a result of such judgements.
   - Since July 2015, quality management officers have conducted audits prior to sending documents. Therefore, it became possible to send documents to applicants or agents after resolving mistakes that are discovered through the audit.
   - The JPO conducts interviews at informal meetings with businesses and accepts the provision of information concerning individual cases.

C. Subcommittee on Examination Quality Management
   - In August 2014, the JPO established the Subcommittee on Examination Quality Management, which consists of external experts, under the Intellectual Property Committee of the Industrial Structure Council of the Ministry of Economy, Trade and Industry, for the purpose of receiving objective validation and evaluation regarding the implementation system of the quality management implementation system and its implementation status, and reflecting them in the quality management system.
   - The JPO implements initiatives in the quality management of patent, design, and trademark examinations based on reports by the Subcommittee on Examination Quality Management.

※2 Japanese
http://www.jpo.go.jp/seido/hinshitsukanri/hinshitsukanri.htm

※2 English
http://www.jpo.go.jp/seido_e/quality_mgt/quality_mgt.htm
(ii) Initiatives to Respond to New Technologies such as IoT and AI

In the "fourth industrial revolution", there is a trend towards patent applications for inventions relating to businesses that connect services and things and inventions of trained models and data structures and the like, amidst active study into the utilization of the Internet of things (IoT), artificial intelligence (AI), big data and the like.

Under these circumstances, the JPO is implementing initiatives to maintain and improve the quality of patent application examinations.

a. Initiatives Related to the Examination Handbook for Patent and Utility Model

- In March 2017, in order to clearly show the practice of examination to the users, the JPO added 11 case examples to the Examination Handbook, including the cases of trained AI models and the cases of data, data structures and the like, related technologies, and published it in Japanese and English.

English http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/handbook_sinsa_e.htm

英語 http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/handbook_sinsa_e.htm
b. Initiatives Related to Improvement of Patent Classifications

- The JPO assigns the broad facet classification code ZIT for cross-sectional extraction of patent documents that concern IoT-related technologies.
- In April 2017, to make extraction of IoT-related technologies possible according to classified by use, the JPO established new classifications entries by subdividing ZIT by use, such as healthcare use and manufacturing use.
- As of March 8, 2018, there were 1,424 official gazettes for which the JPO assigned the broad facet classification codes ZIT-ZJX, and the breakdown of the number of assignments of each broad facet classification code is as shown in Figure 2-1-5.
- The JPO has proposed to foreign IP offices that such classification entry by use be made into an international patent classification (IPC) so as to make it possible to extract not only Japanese patent documents, but also patent documents in foreign languages from the same perspective.

<table>
<thead>
<tr>
<th>Classification Code</th>
<th>Example Use</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZIT</td>
<td>Internet of Things</td>
<td>379</td>
</tr>
<tr>
<td>ZJX</td>
<td>for amusements; for sports; for games</td>
<td>86</td>
</tr>
<tr>
<td>ZJY</td>
<td>for communication</td>
<td>94</td>
</tr>
<tr>
<td>ZJZ</td>
<td>for transportation</td>
<td>153</td>
</tr>
<tr>
<td>ZJA</td>
<td>for health care; for social work</td>
<td>146</td>
</tr>
<tr>
<td>ZJB</td>
<td>for manufacturing</td>
<td>37</td>
</tr>
<tr>
<td>ZJC</td>
<td>for home and building; for home electric appliances</td>
<td>179</td>
</tr>
<tr>
<td>ZJD</td>
<td>for construction</td>
<td>15</td>
</tr>
<tr>
<td>ZJE</td>
<td>for supplying electricity, gas or water</td>
<td>80</td>
</tr>
<tr>
<td>ZJJ</td>
<td>for mining</td>
<td>16</td>
</tr>
<tr>
<td>ZJK</td>
<td>for fishing</td>
<td>19</td>
</tr>
<tr>
<td>ZJL</td>
<td>for transportation</td>
<td>15</td>
</tr>
<tr>
<td>ZJL</td>
<td>for communication</td>
<td>94</td>
</tr>
<tr>
<td>ZJM</td>
<td>for health care; for social work</td>
<td>146</td>
</tr>
<tr>
<td>ZJN</td>
<td>for manufacturing</td>
<td>37</td>
</tr>
<tr>
<td>ZJQ</td>
<td>for home and building; for home electric appliances</td>
<td>179</td>
</tr>
<tr>
<td>ZJR</td>
<td>for construction</td>
<td>15</td>
</tr>
<tr>
<td>ZJS</td>
<td>for supplying electricity, gas or water</td>
<td>80</td>
</tr>
<tr>
<td>ZJT</td>
<td>for mining</td>
<td>16</td>
</tr>
<tr>
<td>ZJU</td>
<td>for fishing</td>
<td>19</td>
</tr>
<tr>
<td>ZJV</td>
<td>for transportation</td>
<td>15</td>
</tr>
<tr>
<td>ZJV</td>
<td>for communication</td>
<td>94</td>
</tr>
<tr>
<td>ZJW</td>
<td>for manufacturing</td>
<td>37</td>
</tr>
<tr>
<td>ZJX</td>
<td>for home and building; for home electric appliances</td>
<td>179</td>
</tr>
<tr>
<td>ZJY</td>
<td>for communication</td>
<td>94</td>
</tr>
<tr>
<td>ZJZ</td>
<td>for transportation</td>
<td>153</td>
</tr>
<tr>
<td>ZJA</td>
<td>for health care; for social work</td>
<td>146</td>
</tr>
<tr>
<td>ZJB</td>
<td>for manufacturing</td>
<td>37</td>
</tr>
<tr>
<td>ZJC</td>
<td>for home and building; for home electric appliances</td>
<td>179</td>
</tr>
<tr>
<td>ZJD</td>
<td>for construction</td>
<td>15</td>
</tr>
<tr>
<td>ZJE</td>
<td>for supplying electricity, gas or water</td>
<td>80</td>
</tr>
<tr>
<td>ZJJ</td>
<td>for mining</td>
<td>16</td>
</tr>
<tr>
<td>ZJK</td>
<td>for fishing</td>
<td>19</td>
</tr>
<tr>
<td>ZJL</td>
<td>for transportation</td>
<td>15</td>
</tr>
<tr>
<td>ZJL</td>
<td>for communication</td>
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</tr>
<tr>
<td>ZJM</td>
<td>for health care; for social work</td>
<td>146</td>
</tr>
<tr>
<td>ZJN</td>
<td>for manufacturing</td>
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</tr>
<tr>
<td>ZJQ</td>
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<td>179</td>
</tr>
<tr>
<td>ZJR</td>
<td>for construction</td>
<td>15</td>
</tr>
<tr>
<td>ZJS</td>
<td>for supplying electricity, gas or water</td>
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</tr>
<tr>
<td>ZJT</td>
<td>for mining</td>
<td>16</td>
</tr>
<tr>
<td>ZJU</td>
<td>for fishing</td>
<td>19</td>
</tr>
<tr>
<td>ZJV</td>
<td>for transportation</td>
<td>15</td>
</tr>
<tr>
<td>ZJW</td>
<td>for communication</td>
<td>94</td>
</tr>
<tr>
<td>ZJX</td>
<td>for manufacturing</td>
<td>37</td>
</tr>
<tr>
<td>ZJY</td>
<td>for home and building; for home electric appliances</td>
<td>179</td>
</tr>
<tr>
<td>ZJZ</td>
<td>for construction</td>
<td>15</td>
</tr>
</tbody>
</table>

※4 A broad facet classification code means a classification that is assigned from a cross-sectional perspective spanning multiple fields.
※5 Refer to the following website for the specific subdivided classification entries.
Subdivision of Patent Classification for IoT-Related Technologies:
Japanese https://www.jpo.go.jp/shiryou/s_sonota/iot_bunrui_sabunka.htm
※6 Since there may be multiple broad facet classification codes assigned to one official gazette, the total number of official gazettes in Figure 2-1-5 exceeds 1,424.
5) Examination Measures for Addressing Various User Needs

(i) Interview Examinations

The JPO conducts interview examinations to facilitate communication between examiners and agents, etc.

- In 2017 there were 4,239 interview examinations (of these, 1,168 were conducted on-site and 52 were conducted by video conference).
- A video conferencing interview system is employed to meet user needs such as greater convenience in on-site interview examinations. This system allows inventors and patent attorneys, etc. who are in remote areas to participate.
- In April 2017, the JPO newly established the Regional Innovation Promotion Office. This office develops robust interview examination support systems in conjunction with the expansion of interview examinations.
- At INPIT-KANSAI (see Part 2, Chapter 3, 1.3), which was opened in July 2017, on-site interview examinations are given especially on certain days (the first and third Fridays of the month as of the end of December 2017).

(ii) Collective Examination for IP Portfolio Supporting Business Strategy

The Collective Examination for IP Portfolio Supporting Business Strategy is a measure that supports the acquisition of rights in time with operations of businesses by having examiners for multiple applications related to the business (patent, design, and trademark applications) coordinate with each other to conduct their respective examinations.

- In 2017, there were 42 applications for IP Portfolio Collective Examinations to Support Business Strategy.
- Of these, there were 471 patent applications, 4 applications for design registration, and 13 applications for trademark registration.

6) Improvement of the Foundation for Prior Art Searches

Prior art searches are one of the important pillars for maintaining and improving examination quality, and a constant improvement of the foundation for prior art searches for both patent documents and non-patent literature is therefore crucial.

- As part of improving the foundation for prior art searches, the JPO actively proposes to revise International Patent Classification (IPC) so as to make the superior classification entries of FI*7 and F-Term*8 the IPCs.
- In FY2017, the JPO made IPC revision proposals for eight broad technical fields in mechanical, chemical, and electrical areas.
- As part of improving the search environment for standards-related documents, in FY2017 the JPO made a formal agreement with the International Telecommunication Union (ITU) to provide standards-related documents to the JPO.
- The JPO is beginning to assign further subdivided CS Terms*9 in order to search for computer software-related non-patent literature efficiently.

※7 FI (File Index) means an original classification by the JPO that is a further development of the IPC.
※8 F-Term (File Forming Term) means an original classification by the JPO expanded to various technical aspects (e.g., purpose, use, structure, material, manufacturing method, processing and operational method, and means of control) by technical area (theme).
※9 A CS Term (Computer Software Term) means a classification developed for use in searching for computer software literature. CS term searches can be made in the CSDB (Computer Software Database), where computer software-related technical literature, including software manuals and non-technical magazines, etc., are accumulated.
2 Designs

The JPO has been implementing various initiatives including accelerated examinations, quality management, and revision of the Examination Guidelines for Design in order to appropriately protect designs and to improve convenience for users.

1) Examination Performance

The JPO is working to make examinations more efficient for user convenience. In FY2016 (April 2016-March 2017), the JPO achieved the “total pendency” and “first action pendency” (“FA pendency”) periods shown in Figure 2-1-6.

2-1-6图：2016年度における意匠審査の権利化までの期間及びFA期間
Figure 2-1-6: Total Pendency and FA Pendency for Design Examinations in FY2016

<table>
<thead>
<tr>
<th>FA期間</th>
<th>提出</th>
</tr>
</thead>
<tbody>
<tr>
<td>平均6.1か月</td>
<td>6.1 months on average</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>権利化までの期間</th>
</tr>
</thead>
<tbody>
<tr>
<td>平均7.0か月</td>
</tr>
</tbody>
</table>

Notes:
The total pendency is the period from the application filing to a final disposition (excluding international applications filed to register designs under the Hague Agreement, as well as cases in which applicants are required to respond to the second notices from the JPO for amendments submitted by the applicants within a certain period of time). The FA pendency is the period from the application filing until the JPO sends the first notice of examination results to the applicant, etc. (for the most part, either a decision to grant a registration or a notice of reasons for refusal).

2-1-7图：意匠審査のFA件数及び登録査定件数の推移
Figure 2-1-7: Number of FAs and Registration Decisions for Design Examinations

<table>
<thead>
<tr>
<th>(年／Year)</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>FA件数</td>
<td>The Number of FAs</td>
<td>31,268</td>
<td>30,581</td>
<td>29,752</td>
<td>30,448</td>
</tr>
<tr>
<td>登録査定件数</td>
<td>The Number of Registration Decisions</td>
<td>28,208</td>
<td>27,358</td>
<td>26,286</td>
<td>26,156</td>
</tr>
</tbody>
</table>

Notes:
The number of first actions is the number of first notices of examination results sent by examiners to applicants, etc. (for the most part, either decisions to grant a registration or notices of reasons for refusal).
2) Accelerated Examination

Under certain conditions, the JPO offers an accelerated examination system that, upon the request of an applicant, expedites the commencement of an examination.

- The accelerated examination system may be allowed in the following conditions: (i) applications for design registration related to implementations with an urgent need for registration; (ii) applications for design registration that are concurrently filed in one more other countries; or (iii) applications by businesses, etc. that have suffered damage due to an earthquake.

- In 2017, the period from an application for accelerated examination to the first action was 1.9 months on average.

- Among the applications under (i) above, the JPO is implementing an initiative to commence examination even earlier for applications where there are counterfeits already in existence and there are no problems in the application procedure. In 2017, the above period was 0.7 months on average.

3) Further Improvement of Examination Quality

(i) Quality Management Initiatives

The JPO has published its “Quality Policy on Design Examination”, which constitutes the JPO’s fundamental principles of quality management, and its “Quality Management Manual for Design Examination” (Quality Management Manual), which documents quality management and its implementation system. Under the Quality Policy and the Quality Management Manual, the JPO has been engaging in the following initiatives towards realizing the utmost quality of design examinations in the world. Moreover, in March 2017, the JPO established quantitative goals for the quality of design examinations to be achieved in FY2017. For more details, please see the JPO’s website.

Note: The number of requests for accelerated examinations is the number of Explanations of Circumstances Concerning Accelerated Examination that were submitted.
a. Quality Assurance
- Before sending applicants and agents documents by examiners regarding notices and decisions, etc., managers of the examination office check substantive and formal aspects of such documents for all cases.
- Examiners consult with supervisors about cases that meet certain conditions in order to curb search and decision discrepancies among examiners.

b. Quality Verification
- The JPO randomly selects notices and decisions, etc. prepared by examiners and quality management officers audit them as to whether those notices and decisions, etc. follow laws and regulations, examination guidelines and other guidelines.
- In April 2017, quality management officers began to conduct audits prior to sending documents. With this, it became possible to send documents to applicants or agents after resolving mistakes that are discovered through the audit.
- The JPO conducts user satisfaction surveys targeting Japanese businesses and agents of foreign businesses in order to ascertain user needs.
- The JPO conducts interviews at informal meetings with businesses and accepts the provision of information concerning individual cases.

2-1-9図:意匠審査の質に関するユーザ評価調査の結果
Figure 2-1-9: Results of User Satisfaction Survey on Quality of Design Examinations

<table>
<thead>
<tr>
<th>年度 / FY</th>
<th>満足</th>
<th>比較的満足</th>
<th>普通</th>
<th>比較的不満</th>
<th>不満</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>10.6</td>
<td>41.1</td>
<td>42.7</td>
<td>4.9</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>14.6</td>
<td>46.4</td>
<td>36.0</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>11.5</td>
<td>46.5</td>
<td>38.8</td>
<td>2.9</td>
<td></td>
</tr>
</tbody>
</table>

m/s http://www.jpo.go.jp/seido/hinshitsukanri/hinshitsukanri.htm
英語 http://www.jpo.go.jp/seido_e/quality_mgt/quality_mgt.htm

c. Subcommittee on Examination Quality Management
- The JPO implements initiatives in the quality management of patent, design, and trademark examinations based on reports by the Subcommittee on Examination Quality Management (see Part 2, Chapter 1, 1.4 (j)c.).
4）制度の利便性向上のための意匠審査基準改訂
企業活動のグローバル化やハーグ協定への加入を背景に、意匠制度の利便性を向上させるべく、手続きの簡素化・明確化等に向けた検討を行い、下記の点について意匠審査基準の改訂を行い、2017年4月1日から審査される意匠登録出願に適用している。
● 意匠の新規性喪失の例外規定の適用に係る運用の簡素化・明確化
● 請書及び図面の記載要件の緩和
● 参考図の取扱いの明確化

4) Revision of the Examination Guidelines for Design to Improve the User-friendliness of System
Under the circumstances of the globalization of corporate business activities, and in line with Japan’s accession to the Hague Agreement, in order for the design system to improve its user-friendliness, the JPO revised the Examination Guidelines for Design with respect to the following points based on the results of studies and deliberations to simplify and clarify filing procedures, etc. The revised version of the Examination Guidelines for Design has been applied to applications for design registration to be examined on April 1st, 2017 and after.
● Simplification and clarification of the operational standards for application of the provisions on the exception to the lack of novelty of design
● Relaxation of requirements for the statements in the application and drawings
● Clarification of handling of a reference view

英語 http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/design_es.htm
2-1-10図：2016年度における商標審査の「権利化までの期間」及び「一次審査通知までの期間」

Figure 2-1-10: Total Pendency and FA Pendency for Trademark Examinations in FY2016

出願 Application Filing 一次審査通知 First Action 権利化までの期間 Total Pendency FA期間 FA Pendency 平均4.9か月 4.9 months on average 権利化までの期間 Total Pendency 6.8 months on average

Notes:
- The total pendency is the period from application filing to final disposition (excluding non-traditional trademarks (see Part 2, Chapter 1, 3.5)); also, excluding cases such as where the JPO asks the applicant to make a second response or the like as a result of the applicant taking advantage of the period allowed under the system to make an amendment, etc.
- The FA pendency is the period from the application filing until the JPO sends the first notice of examination results to the applicant, etc. (for the most part, either a decision to grant a registration or a notice of reasons for refusal).

2-1-11図：商標審査のFA件数及び登録査定件数の推移

Figure 2-1-11: Number of FAs and Registration Decisions for Trademark Examinations

<table>
<thead>
<tr>
<th>年／Year</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>FA件数</td>
<td>The Number of FAs</td>
<td>121,254</td>
<td>122,048</td>
<td>111,831</td>
<td>131,624</td>
</tr>
<tr>
<td>登録査定件数</td>
<td>The Number of Registration Decisions</td>
<td>106,885</td>
<td>105,637</td>
<td>100,244</td>
<td>113,025</td>
</tr>
</tbody>
</table>

Notes:
- FA件数は、審査官による審査結果の最期の通知（主に登録査定又は拒絶理由通知書）が出願人等へ発送された件数。

The JPO is working to make examinations more efficient for user convenience. In FY2016 (April 2016-March 2017), the JPO achieved the “total pendency” and the “first action pendency” (“FA pendency”) shown in Figure 2-1-10.
2) 早期審査
一定の要件の下で、出願人からの申出を受けて審査の着手時期を通常に比べて早める早期審査制度を実施している。
● 早期審査制度の対象は下記のとおり※13。
① 出願商標を指定商品・指定役務に既に使用している又は使用の準備を相当程度進めていて、かつ、権利化について緊急性を要する出願
② 出願商標を既に使用している商品・役務又は使用の準備を相当程度進めている商品・役務のみを指定した出願
③ 出願商標を指定商品・指定役務に既に使用している又は使用の準備を相当程度進めていて、かつ、商標法施行規則別表や類似商品・役務審査基準等に掲載されている商品・役務のみを指定した出願
④ 震災による被害を受けた企業等の出願
● 2017年は、早期審査の申出から一次審査結果の通知までの期間は平均1.8か月。

3) 審査品質の更なる向上
（i）品質管理に関する取組
品質管理の基本原則となる「商標審査に関する品質ポリシー」及び、品質管理及びその実施体制について文書化した「商標審査の品質管理に関するマニュアル」（品質マニュアル）を公表している。この品質ポリシーと品質マニュアルの下、商標審査の質の維持・向上を図るため、以下の取組を行っている。また、2017年3月には、

2) Accelerated Examination
Under certain conditions, the JPO offers an accelerated examination system that, upon the request of an applicant, expedites the commencement of an examination.
● The accelerated examination system may be allowed in the following conditions.*13
① applications that the trademark is already used in designated goods or designated services, or preparations for use of the trademark are considerably advanced, and that there is an urgent need for registering the trademark;
② applications that designate only goods or services in which the trademark is already used or goods or services for which preparations for use are considerably advanced;
③ applications that the trademark is already used in designated goods or designated services, or preparations for use of the trademark are considerably advanced, and that only goods or services listed on the Examination Guidelines for Similar Goods and Services or the like are designated; or
④ applications by businesses, etc. that have suffered damage due to natural disasters.
● In 2017, the period from an application for accelerated examination to the first action was 1.8 months on average.

3) Further Improvement of Examination Quality
(i) Quality Management Initiatives
The JPO has published its “Quality Policy on Trademark Examinations”, which constitutes the JPO’s fundamental principles of quality management, and its “Quality Management Manual for Trademark Examination” (Quality Management Manual), which documents quality management and its implementation system. Under the Quality Policy and the Quality Management Manual, the JPO has been engaging in the following initiatives...
2017年度に達成すべき、商標審査の質に関する定量目標を設定した。更なる詳細については、特許庁ウェブサイトを参照された。

a. 質量保証

- 審査官による通知・査定等に係る書面について、出願人・代理人に送られる前に、審査室の管理職が実体面・形式面にわたり全件チェック。
- 審査官の知見を共有し、迅速・的確な判断を行うため、審査官の間で協議を実施。

b. 質量検証

- 審査官による通知・査定等に係る書面を対象に（対象は無作為に抽出）、品質管理官がその通知・査定等が法令、審査基準等の指針のとおりに実行されているかといった観点から監査を実施。
- ユーザーニーズ把握のため、日本企業、外国企業の代理人を対象としたユーザー評価調査を実施。
- 企業との意見交換会でのヒアリングや個別案件に関する情報提供の受付を実施。

c. 審査品質管理小委員会

- 審査品質管理小委員会の報告を踏まえ、特許・意匠・商標の審査の品質管理における取組を実施（第2部第1章1.4）(i) c.参照）。

d. Subcommittee on Examination Quality Management

- The JPO implements initiatives in the quality management of patent, design, and trademark examinations based on reports by the Subcommittee on Examination Quality Management (see Part 2, Chapter 1, 1.4) (i) c.).

Figure 2-1-13: Results of User Satisfaction Survey on Quality of Trademark Examinations

<table>
<thead>
<tr>
<th>年度 / FY</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>満足</td>
<td>5.6</td>
<td>6.7</td>
<td>5.6</td>
</tr>
<tr>
<td>比較的満足</td>
<td>42.1</td>
<td>43.8</td>
<td>42.7</td>
</tr>
<tr>
<td>普通</td>
<td>38.3</td>
<td>43.5</td>
<td>44.5</td>
</tr>
<tr>
<td>比較的不満</td>
<td>11.7</td>
<td>4.6</td>
<td>0.8</td>
</tr>
<tr>
<td>不満</td>
<td>2.3</td>
<td>1.5</td>
<td>6.4</td>
</tr>
</tbody>
</table>

英語 http://www.jpo.go.jp/seido_e/quality_mgt/quality_mgt.htm

※14, *15 Japanese
in order to maintain and improve the quality of trademark examinations. Moreover, in March 2017, the JPO established quantitative goals for the quality of trademark examinations to be achieved in FY2017. For more details, please see the JPO’s website.
4）商標審査基準の全面改訂
2015年度及び2016年度の2か年で、商標審査基準の全面改訂を行った。下記の両項目について、商標の識別力（主に商標法第3条）（2016年4月1日から適用）。
● 2015年度は、商標の不登録事由（主に商標法第4条）（2017年4月1日から適用）。
● 2016年度は、主に商標の不登録事由（主に商標法第4条）（2017年4月1日から適用）。

5）新しいタイプの商標
2015年4月1日より、新しいタイプの商標についても商標登録が可能となった。これらの商標は、言語を超えたブランドの発信手段として、ブランド戦略に大きな役割を果たすことが期待される。
● 新しいタイプの商標とは、(i) 運動商標、(ii) ホログラム商標、(iii) 色彩のみからなる商標、(iv) 音商標及び(v)位置商標。
● 全体の出願件数は1,607件で、あり登録件数は352件 (2017年12月末)。

6）地域団体商標
(i) 地域団体商標制度の概要
地域団体商標制度は、地域名と商品（サービス）名を組み合わせた地域ブランドを、商標権としてより適切に保護するために、2006年4月に導入された制度である。
● 導入前は全国的な知名度がなければ登録が認められなかったが、導入により一定範囲の需要者に認識されていれば登録可能となったことで、より早い段階で商標登録を受けすることが可能。
● 2017年12月末までに1,192件が出願され、そのうち617件が登録。

4) Complete Revision of Examination Guidelines for Trademark
Over the two years in FY2015 and FY2016, the JPO completely revised the Examination Guidelines for Trademark. Along with making revisions to the Guidelines' contents with respect to the following two aspects in view of changes in the environment surrounding commercial transactions and trends in user needs and recent judicial precedents, etc., the JPO also made structural revisions to reorganize the overall structure and to standardize terms among other things.
● In FY2015, trademark distinctiveness (primarily Article 3 of the Trademark Act) (applied from April 1, 2016)
● In FY2016, primarily grounds for unregistrable trademarks (primarily Article 4 of the Trademark Act) (applied from April 1, 2017)

5) Non-Traditional Trademarks
Non-traditional trademarks also became registrable from April 1, 2015. These types of trademarks are expected to play an important role in branding strategies as a means of brand delivery that extends beyond words.
● A non-traditional trademark means a (i) motion mark, (ii) hologram mark, (iii) color per se mark, (iv) sound mark, or (v) position mark.
● Overall there have been 1,607 applications filed, and 352 trademarks have been registered (as of the end of December 2017).

6) Regional Collective Trademarks
(i) Outline of Regional Collective Trademark System
The regional collective trademark system was introduced in April 2006 in order to more appropriately protect as trademarks regional brands that combine the name of a region and the name of the goods (or service).
● Prior to the introduction of the system, registration of the regional brand was not allowed unless it had national recognition. However, with the introduction of this system, registration became allowed as long as there is recognition by consumers within a certain range. This makes it possible to obtain a trademark registration at an earlier stage.
● As of the end of December 2017 there were 1,192 applications filed, and of those, 617 were registered.

※16 日本語 https://www.jpo.go.jp/shiryoukijun/kijun2/syouhyou_kijun.htm
English http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/tt1302-002.htm

※17 登録件数を地域別に見ると、北海道28件、東北48件、関東・甲信越94件、北陸54件、東海83件、近畿144件、中国40件、四国28件、九州80件、沖縄17件に加え、外国からの出願も3件登録（複数都道府県にまたがるものはそれぞれカウント）。

English http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/tt1302-002.htm
(ii) Activities to Publicize the Regional Collective Trademark System

The JPO is undertaking various initiatives to further spread and to promote the use of the regional collective trademark system.

- In 2017, the JPO held regional brand seminars in five locations nationwide through the Circuit Japan Patent Office that is held in areas throughout Japan.
- In order to also publicize the regional collective trademark system internationally, the JPO conducted seminars at the WIPO SCT held in Taiwan in February and in Geneva in March 2017. In addition, the JPO displayed panels and distributed brochures at the INTA annual meeting held in Barcelona in May.
- The JPO created the “Regional Collective Trademark System Guidebook” and distributed it to participants in seminars to explain the system.
- The “The mark of Regional Collective Trademark” was devised as the symbol mark for the system. Going forward, the JPO aims to promote the spread and use of the regional collective trademark system through the use of this symbol mark by the JPO and the holders of regional collective trademark.

地域団体商標マーク

The mark of Regional Collective Trademark
Trials and Appeals

Trials and Appeals play roles in reviewing examiner’s decision of refusal as the upper instance of examination, and in contributing to early resolution of disputes over the validity of IP rights. To fulfill these roles, various initiatives have been taken toward expeditious proceedings and improvement of the contents of proceedings.

1) Performance of Trials and Appeals

The JPO has been working on expeditious and precise proceedings for trial and appeal cases. The status of the proceedings in 2017 is as shown in Figure 2-1-14.

- In response to the needs for early determination, the JPO conducts accelerated appeal proceedings under which the appeal against an examiner’s decision of refusal case is prioritized in proceedings upon request, if the case satisfies the specific requirements.
- In 2017, the number of requests for accelerated appeal proceedings was 173 for patents, 3 for designs, and 7 for trademarks. The average pendency period was 3.7 months for patents, 2.9 months for designs, and 2.7 months for trademarks.
- Inter-parties trial cases, including trial for invalidation, where the validity of granted rights is disputed, are prioritized over ex-par-appeal cases in principle.

### Figure 2-1-14: Status of Proceedings in 2017

<table>
<thead>
<tr>
<th></th>
<th>Number of Dispositions</th>
<th>Number of Dispositions</th>
<th>Number of Dispositions</th>
<th>Number of Dispositions</th>
<th>Number of Dispositions</th>
<th>Number of Dispositions</th>
</tr>
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<td>Disposi-</td>
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<td>tions</td>
<td>tions</td>
<td>tions</td>
<td>tions</td>
</tr>
<tr>
<td><strong>Trial for invalidation</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patents &amp; Utility Models</td>
<td>9,622</td>
<td>12.6</td>
<td>171</td>
<td>10.6</td>
<td>139</td>
<td>2.7</td>
</tr>
<tr>
<td>Designs</td>
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<td>6.2</td>
<td>24</td>
<td>9.6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Trademarks</td>
<td>464</td>
<td>6.0</td>
<td>89</td>
<td>10.3</td>
<td>463</td>
<td>6.4</td>
</tr>
</tbody>
</table>

Notes:
1. The total number of requests granted (including requests partly granted), requests not granted (including dismissals), and withdrawals/abandonments. The number of oppositions is counted by opposed patent.
2. Average processing period in a calendar year from the date a request is filed (*1), to the date a trial/appeal decision is dispatched (*2), to the date a withdrawal or abandonment is finalized and concluded, or to the date a dismissal is dispatched. The unit is a month.
3. The date for opposition is the date an opposition is requested. The date for cases concerning “reconsiderations by examiners as one of appeal proceedings” in “appeal against examiner’s decision of refusal” is the date it becomes ready to conduct proceedings (the date the case has been transferred to the board in charge).
4. In patent opposition cases, if a “notification of reasons for revocation” advance notice of a trial decision is to be made, it is the date the notice is dispatched. In trial for patent invalidation cases, if an “advance notice of a trial decision” is to be made, it is the date the decision is dispatched.

※18 "The number of cases where the “the Written Explanation of Circumstances Concerning Accelerated Appeal Proceedings” was submitted and the cases were transferred to the board in charge. When the cases that were not transferred to the board in charge (including cases that involve decision to grant a patent upon reconsideration by examiner before appeal proceeding) are included, the number of requests for accelerated appeal proceedings made in 2017 was 181 for patents, 3 for designs, and 7 for trademarks.

### 1）審判実績

審判においても迅速かつ的確な審理に取り組んでおり、2017年の審理の状況は2-1-14図のとおりである。

- 早期の判断を求めるニーズに応えるため、特定の要件を満たす拒絶決定不服審判事件について、申出により審理を優先的に行う早期審理を実施。
- 2017年における早期審理の申出件数は特許で173件、意匠で3件、商標で7件であり、審理期間は特許で平均3.7か月、意匠で平均2.9か月、商標で平均2.7か月。
- 無効審判等、権利付与後にその権利の有効性を争う審判事件については、紛争の早期解決を図るため、原則として査定系の審判事件より優先的に着手する。

Figure 2-1-14：2017年 審理の状況
2）外部知見を活用した審理の一層の適正化
外部知見を活用して審理の一層の適正化を図るために、以下の取組を実施している。

(i) 審判実務者研究会
審判官に加えて、企業の知的財産部員、弁理士、弁護士等の実務者から構成される「審判実務者研究会」を例年開催。
2016年から裁判官がオブザーバーとして参加。
実例を題材に、審決・決判における判断手法について検討を行い、その結果を取りまとめた報告書を公表。
2017年は、特許14事例、意匠2事例、商標4事例の計20事例を検討。

(ii) 審判参与
知的財産分野における経験が豊富な元裁判官や学識経験者を審判参与として採用。
高度な法律問題に対する助言を与える役割のほか、研修等の講師も担当。

(iii) 審・判決調査員
審理指揮の一層の向上に資するべく、法曹資格等を有する者を審・判決調査員として採用。
民事法的側面に関する助言を与えるとともに、口頭審理、審理事項通知書及び調書の内容について参考意見を作成・フィードバックを実施。

3）審理内容の充実
審理内容をより一層充実させるため、以下の取組を実施している。

(i) 口頭審理の活用
無効審判や取消審判等の当事者系審判事件においては、的確な争点の把握・整理や当事者の納得感の向上のため、合議体と当事者双方が口頭でやりとりする口頭審理を積極的に活用。
特実部門及び意匠部門では、無効審判事件のうち当事者の全てが書面審理を申し立てている場合等を除いて、原則全件口頭審理を実施。
商標部門では、取消審判事件のうち答弁書及び弁駁書

2) Improving Proceedings Utilizing External Knowledge
The JPO is implementing the following initiatives in order to further improve proceedings by utilizing external knowledge:

(i) Trial and Appeal Practitioner Study Group
The Trial and Appeal Practitioner Study Group, which is comprised of practitioners such as corporate IP personnel, patent attorneys, and lawyers, etc., in addition to JPO administrative judges, is convened every year.
The Study Group has welcomed the judges as observers since 2016.
The Study Group deliberates on the method of determination in making trial/appeal decisions or court decisions in actual cases, and publishes a report that summarizes the results of its studies.
In 2017, the Study Group studied a total of 20 cases: 14 patent cases, 2 design cases, and 4 trademark cases.

(ii) Executive Legal Advisors on Trials and Appeals
The JPO has invited former judges and academic experts who have sufficient experience in the IP field as Executive Legal Advisers on Trials and Appeals.
Executive Legal Advisers play a role in giving advice on advanced legal issues as well as teaching at training sessions, etc.

(iii) Consultants on Trial/Appeal Decisions and Court Judgements
In order to contribute to further improvement in the proceedings, the JPO has appointed those who have judicial qualification, etc., as Consultants on Trial/Appeal Decisions and Court Judgements.
Consultants on Trial/Appeal Decisions and Court Judgements provide advice on the aspect of civil law, and prepare and provide feedback on the contents of oral proceedings as well as written notice of proceeding matters and trial record.

3) Improving the Contents of Proceedings
The JPO is implementing the following initiatives in order to further improve the contents of proceedings:

(i) Utilization of Oral Proceedings
In inter-parties trial cases (including trials for invalidation and trials for rescission), oral proceedings, where the panel and the parties orally communicate with each other, are proactively utilized in order to accurately grasp and sort out the points of dispute and to increase the parties’ acceptance of the results.
As for trials for invalidation for patents, utility models and designs, oral proceedings are conducted for all cases in principle except for those cases where all parties concerned request documentary proceedings.

※19早期審理の対象となった事件について、申出がなされ審理可能となってから審決が発送されるまでの期間の暦年平均。
※20日本語 https://www.jpo.go.jp/shiryou/toushin/kenyukai/sinposei_kentoukai.htm
英語 https://www.jpo.go.jp/english/reference_room/reports/itsumusya_kenkyukai_e.htm

English https://www.jpo.go.jp/english/reference_room/reports/itsumusya_kenkyukai_e.htm

※20, 20
が提出されたものについては、当事者の全てが書面審理を申し立てている場合等を除いて、原則全件口頭審理を実施。 ●当事者が提出した資料や証拠物品、審判書記官が作成した調書案等の内容を、参加者全員が迅速かつ的確に把握して、口頭審理をより円滑にするために、モニター等のIT機器を審判廷に導入。
2017年は、233件の口頭審理を実施。

(ii) 巡回審判・出張面接等の推進
地方の企業・大学等が審判事件の当事者である場合には、当事者の希望に応じて合議体が全国各地に赴き、巡回審判（無効審判の口頭審理）や、出張面接（審理に関して意思疎通を図るための面接）を実施。
テレビ会議システムを用いて合議体が当事者と意思疎通を図るテレビ面接も行い、地方ユーザーを支援。
2017年は、35件の巡回審判、19件の出張面接、4件のテレビ面接を実施。

(iii) 裁判所の動向の把握・分析
的確な審理の遂行のため、審決取消訴訟判決や侵害訴訟判決における権利の有効性に関する判示内容を分析・共有。
無効審判等においては、裁判所との情報交換や当事者への確認を通じて、侵害訴訟で提出された無効の抗弁の主張に関する証拠資料を入手し、審理に活用。

(iv) 審査の品質の維持・向上への貢献
審査部は、審査の品質の維持・向上に貢献すべく、審査部への審査結果のフィードバックや、審査部との定期的な意見交換を実施。

As for trials for rescission of trademark registration for which a written reply and a written refutation have been submitted, oral proceedings are conducted for all cases in principle except for those where all parties concerned request documentary proceedings.
The trial/appeal court is equipped with IT apparatuses including monitors, etc., so that all the participants can grasp, in a prompt and accurate manner, materials and evidence brought by the parties concerned, as well as the contents of draft trial records prepared by the trial clerks, etc. and so that oral proceedings are more smoothly conducted.

(ii) Promotion of Circuit Trials and Appeals On-Site Interviews, etc.
When companies, universities, etc. in the local regions are the parties concerned, the panel may visit their regions at their request to conduct circuit trials and appeals (oral proceedings conducted for trials for invalidation) or on-site interviews (interviews aimed at facilitating communication on trial and appeal proceedings).
The JPO also offers video conference interviews to facilitate communications between the panel and the parties concerned using a video conference system to support regional users.
In 2017, 35 circuit trials and appeals, 19 on-site interviews, and 4 video conference interviews were conducted.

(iii) Understanding and Analyzing the Trends in Court Decisions
To conduct accurate and appropriate proceedings, the JPO analyzes and shares court decisions regarding the validity of rights in revocation actions against trial/appeal decisions and infringement lawsuits.
Regarding trials for invalidation, etc., the JPO obtains evidence submitted for invalidity defense in patent infringement lawsuits, through exchange of information with the court and confirmation to the parties concerned, and utilizes them for proceedings.

(iv) Contributing to the Maintenance and Improvement of Quality of Examination
In order to contribute to maintaining and improving quality of examination, the Trial and Appeal Department provides the results of proceedings to the examination departments and exchanges opinions with the examination departments on a regular basis.
4) Disseminating and Raising Awareness of the Trial and Appeal System

The JPO is engaged in the following initiatives to disseminate and raise awareness of the trial and appeal system:

(i) Providing English Translations of Trial/Appeal Decisions

- In order to improve international dissemination of information on trials and appeals of the JPO, the JPO has been providing manually-translated English edition of trial/appeal decisions, decisions on opposition, and Hantei (advisory opinions on the scope of industrial property rights), at the JPO’s website, http://www.jpo.go.jp/torikumi_e/t_torikumi_e/decisions.htm, that would help users with the understanding of the law interpretation and its practices in Japan.
- In 2017, the JPO provided English translations for 97 trial/appeal decisions.

(ii) Demonstrating Mock Oral Proceedings

- The JPO holds mock oral proceedings in order to improve oral proceedings, to further promote the use of circuit trials and appeals and to disseminate and raise awareness of the trial/appeal system.
- In 2017, the JPO demonstrated mock oral proceedings at the Circuit JPO sessions and at JPO IP seminars.
Globalization of corporate activities is advancing with expansion export destination, overseas advancement of production plants and R&D centers as the growth of emerging markets. The protection and utilization of intellectual property in emerging countries, etc., are critical both to companies in order to develop their business in such countries, and to emerging countries in order to attract investment by foreign companies. The JPO is promoting initiatives to further harmonize intellectual property systems and their operations in various countries and regions, and to improve and strengthen intellectual property systems in emerging countries, etc.

1) Assemblies of the Member States of WIPO
The Assemblies of the Member States of WIPO are a series of meetings held annually to decide matters related to the entire organization, such as the formulation of budgets, appointment of the Director General, and approval of amendments to regulations under the Patent Cooperation Treaty (PCT) and the Madrid Protocol.

(i) Assemblies of the Member States of WIPO: Fifty-Seventh Series of Meetings (October 2017, Switzerland)
In addition to the FY2018/19 proposed program and budget, other critical matters such as the opening of new WIPO external offices and the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) were discussed.
2）特許制度調和に関する先進国会合（B+会合）

B+会合は、WIPO・Bグループ（先進国）メンバー、EUメンバー国、欧州特許条約（EPC）メンバー国、欧州特許庁（EPO）、欧州委員会及び韓国の46か国の特許庁及び2機関で構成する会合である。本会合は、特許の実体的側面での制度調和に向けた議論の方向性を見いだすことを目的とするもので、毎年開催されている。

（i）特許制度調和に関する先進国会合（B+会合）（2017年6月ドイツ、10月スイス）

6月には、制度調和に関するユーザーシンポジウムをミュンヘンで開催し、日米欧のユーザーのみならず、カナダ、オーストラリア、ニュージーランド等のユーザーも交え議論を促進。

10月には、来年の会合において制度調和パッケージ（セットで調和すべき項目）を提案すべく、ユーザー主導で議論を進めていくことに合意。

3) 五大特許庁（IP5）会合

IP5会合は、日米欧中韓の特許庁によって2007年に創設された枠組みであり、審査結果の相互利用・手続きの簡素化・審査の質の向上等の課題について、幅広い協力を行っている。

（i）第10回IP5長官会合（2017年6月、マルタ）

これまでの五庁ビジョンを見直し、(i)制度運用調和、(ii)ワークシェアの更なる推進、(iii)質の高いタイムリーな審査、(iv)特許情報へのシームレスなアクセス提供、を含む新たな五庁ビジョンに合意。

今後のIP5協力の目指すべき方向性（制度運用調和、品質管理、ワークシェア、特許情報サービス）を掲げた「五庁共同声明2017」に合意。

五庁プロジェクトの評価・再編については2018年のIP5長官会合において新たな協力体制の承認を受ける

2) Meeting of Developed Countries Concerning Patent Law Harmonization (B+ Meeting)

The B+ Meeting is a meeting of IP offices of 46 countries and two organizations, including WIPO’s Group B members (developed countries), EU member countries, European Patent Convention (EPC) member countries, the European Patent Office (EPO), the European Commission, and South Korea. This meeting is held every year to decide the direction of discussions to move toward the harmonization of substantive aspects of patent law.

(i) Meeting of Developed Countries Concerning Patent Law Harmonization (B+ Meeting) (Germany in June and in Switzerland in October 2017)

In June, a Users’ Symposium on substantive patent law harmonization was held in Munich. Discussions were promoted not only among users from Japan, the U.S., and Europe, but also users from Canada, Australia, and New Zealand, etc.

In October, it was agreed to advance user-led discussions in order to propose a patent harmonization package (i.e., items to be harmonized as a package) at the next year’s meeting.

3) IP5 Meeting

The IP5 was established in 2007 by the five IP offices of Japan, the U.S., Europe, China, and South Korea. The IP5 offices cooperate broadly on issues such as mutually utilizing examination results, simplifying procedures, and enhancing the quality of patent examinations.

(i) Tenth IP5 Heads of Office Meeting (June 2017, Malta)

The IP5 offices reviewed the existing IP5 vision and agreed on a new IP5 vision that includes (i) patent harmonization of practices and procedures, (ii) enhanced work-sharing, (iii) high-quality and timely search and examination results, and (iv) seamless access to patent information.

The IP5 offices agreed on the “IP5 Joint Statement 2017”, which states the direction that future IP5 cooperation should take (i.e., harmonization of practices and procedures, quality management, work-sharing, and patent information services).

With respect to IP5 project evaluation and restructuring, it was agreed to
obtain an approval for a new cooperative structure at the 2018 IP5 Heads of Office Meeting. With respect to the PCT Collaborative Search and Examination Pilot program, it was agreed that the operational phase should commence tentatively on May 1, 2018.

● At the meeting with industry from the five regions the day before the IP5 Heads of Office Meeting, there was an exchange of opinions about the five strategic topics and others, namely “Evaluation and restructuring of the IP5 projects,” “Thorough searches: access to data in the information age,” “IP protection in the era of the fourth Industrial Revolution,” “Improvement of efficiency and quality of patent systems,” and “New stage of work-sharing.”

4) ID5 Meeting
The ID5 Meeting is a framework established in 2015 to promote international cooperation in the field of industrial design by the IP offices responsible for industrial design of Japan, the U.S., Europe, China, and South Korea.

(i) The Third ID5 Annual Meeting (December 2017, Spain)
• The ID5 agreed to compile the results of comparative studies by the five offices on requirements for disclosure of an industrial design on drawings for design applications, design classifications for retrieving designs, and statistics on design applications and examinations, and agreed to disclose these results to users in the future.
• The ID5 agreed to compile the results of comparative studies of their systems with respect to requirements for design protection, the practices on priority rights and the like.
• The ID5 confirmed that they will continue to advance studies and researches into the protection of new technological designs (e.g., new designs such as GUI) and the practices on partial designs and grace periods.
• The ID5 agreed to establish an ID5 website in order to share information with users concerning the ID5’s cooperation activities.
• The JPO officially announced to participate in “Design View,” a centralized access point to view the registered design information around the world that can be accessed in multiple languages, for the purpose of promoting Japan’s designs to the world.

※1 English http://www.id-five.org
※2 As of December 2017, Design View contains information on over 13 million registered designs from 54 IP offices from around the world.
5) TM5 Meeting

The TM5 Meeting is a framework established in 2011 to promote international cooperation in the field of trademarks by the trademark offices of Japan, the U.S., Europe, China, and South Korea.

(i) TM5 Mid Term Meeting 2017 (May 2017, Spain)

- "Case Examples of Bad-Faith Trademark Filings", which comprise of examples from the TM5, were completed under the leadership of the JPO and were widely publicized to users through a joint workshop cosponsored by the International Trademark Association (INTA) and posted on the TM5 website.*3

(ii) The Sixth TM5 Annual Meeting (November 2017, Spain)

- It was agreed that the TM5 offices would cooperate on the Quality Management Project, which was co-proposed by the JPO and the European Union Intellectual Property Office (EUIPO), as a new TM5 project.
- The TM5 offices agreed to expand the "Case Examples of Bad-Faith Trademark Filings" and hold a second joint workshop.
- The JPO reported on the results of the Image Search Project Experts Meeting held in Tokyo in November 2017.

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*3 英語 http://tmfive.org/

※3 English http://tmfive.org/
6) Meetings with China and South Korea

Meetings among the heads of the JPO, the Korean Intellectual Property Office (KIPO), and the State Intellectual Property Office of the P.R.C. (SIPO) have been held continuously: since 1994 between Japan and China, since 1983 between Japan and Korea, and since 2001 among Japan, China and Korea, in the fields of patents, designs, trademarks.

(i) The 24th Heads Meeting between the JPO and the SIPO (November 2017, China)
- The JPO and the SIPO confirmed the results of their cooperation thus far and that they will continue and strengthen cooperation in the fields of patents, designs, automation, trials and appeals, and human resources development.
- In particular, it was agreed to expand cooperation including strengthening interactions with users at the Japan-China Patent System Seminar, and to share information on initiatives to introduce artificial intelligence into operations at both offices.

(ii) The 29th Heads Meeting between the JPO and the KIPO (December 2017, South Korea)
- The JPO and the KIPO confirmed the results of their cooperation thus far and that they will continue and strengthen cooperation in the fields of patents, designs, trademarks, automation, trials and appeals, and human resources development.
- The JPO and the KIPO agreed to share information on initiatives for addressing the fourth industrial revolution, such as the introduction of artificial intelligence into operations at both offices.

(iii) The 17th Heads Meeting among the JPO, the KIPO and the SIPO (December 2017, South Korea)
- The JPO, the KIPO and the SIPO approved the results of comparative research on administrative systems for solving disputes over the scope of patent rights in Japan, China, and South Korea (comparing Japan’s Hantei (advisory opinions) system (a system for advisory opinions on the technical scope of patented inventions), Korea’s appeals and trials for confirmation of IP rights, and China’s administrative control) and agreed to publish the results.
- As for how to advance the JPO-KIPO-SIPO cooperation, the three offices agreed to an annual review of the framework for advancing cooperation through consolidation of resources from important fields.
7) International IP CFO Forum

The International IP CFO Forum is a framework established in 2015. In this Forum, CFO’s and the financial officers of various IP offices gather to exchange information and opinions on their finances, fee systems (fee structure and fee revisions), etc., and their future directions.

(i) Third International IP CFO Forum (October 2017, Australia)

- Participants shared information and discussed on trends in the annual expenditures and revenues and the fee systems of each IP office, as well as the latest status of system-related investments, small and medium-size enterprise support systems, measures for securing personnel, and the workplace environment, etc., in each country. The forum also aims at making improvements to each country’s IP-related systems and their operations through the discussion.
- The JPO led a discussion on the ideal fee reduction system offered to small and medium-size enterprises, start-ups and universities, etc., and the role of the government in IP valuation by private financial institutions.
新興国・途上国における知的財産制度整備の支援

アセアン諸国やインド等の新興国は、各国企業から事業展開先として有望視されている。これら新興国においては、投資環境の整備等の観点から、知的財産制度の整備・強化が急務となっている。

1) アセアン
日本国特許庁は、それぞれの国のニーズに基づいたパワの支援だけでなく、日アセアン特許庁長官会合などマルチの場を活用して、アセアン諸国の知的財産制度への協力を行っている。

(i) 日アセアン特許庁長官会合（2017年5月、日本（金沢））等
・アセアン諸国における特許審査基準の策定・改訂に向けた協力、国際条約加盟及び運用の支援、審査官育成・審査業務管理に関する知見の共有、知的財産の商業化・エンフォースメント強化に関する支援を含む「日アセアン知的財産権行動計画2017-2018」に合意。
・アセアンの設立50周年を迎え、中長期の日アセアン知財協力の方向性を議論し、「日アセアン知財共同声明」を採択。
・2017年5月、アセアン特許庁シンポジウムを開催し、アセアンにおける「迅速、的確な権利設定」、「知財情報の提供」、「エンフォースメントに関する取組」の観点から、将来の知財ビジネス環境について議論。
・2017年11月の日アセアン首脳会議では、これまでの日アセアン特許庁長官会合を通じた知財協力の成果を賞賛する議長声明が採択。

(ii) ハイレベル交流の促進
・2017年10月に、マレーシアの国内商業・協同組合・消費者省から大臣が日本国特許庁を訪れ、更なる知財活用について意見交換を実施。また、シンガポール、ブルネイ、タイ、ベトナム、フィリピン、ミャンマー

Support for Improvement of IP Systems in Emerging and Developing Countries

Companies from around the world regard emerging countries such as the ASEAN countries and India as promising locations for business development. In these emerging countries, there is a pressing need to improve and strengthen their IP systems to develop their investment environment.

1) ASEAN
The JPO is advancing cooperation with the IP offices of the ASEAN countries, not only through bilateral support based on the needs of the individual countries, but also by utilizing multilateral platforms such as the ASEAN-Japan Heads of Intellectual Property Offices Meeting.

(ii) ASEAN-Japan Heads of Intellectual Property Offices Meeting (May 2017, Kanazawa in Japan) and Other Meetings
• The participants agreed on the “2017-2018 Japan-ASEAN IP Rights Action Plan”, which includes cooperation towards formulating and revising patent examination guidelines in each ASEAN country, support for accession to and operation of international treaty, sharing of knowledge on cultivation of examiners and management of examination operations, and support for commercialization and enforcement of IP.
• On the occasion of ASEAN’s 50th anniversary, the participants discussed the direction of Japan-ASEAN IP cooperation in the mid- to long-term, and adopted the “Japan-ASEAN IP Joint Statement”.
• The ASEAN Patent Office Symposium was held in May 2017, and the future of the IP business environment was discussed from the “perspective of prompt and appropriate rights creation”, “provision of IP information”, and “enforcement initiatives” in ASEAN.
• At the November 2017 Japan-ASEAN summit meeting, a chairman’s statement was adopted lauding the advances made in cooperation on intellectual property through the past ASEAN-Japan Heads of Intellectual Property Offices Meetings.

(ii) Promotion of High Level Interactions
In October 2017 Malaysia’s minister of the Ministry of Domestic Trade, Cooperatives and Consumerism visited the JPO and exchanged ideas with the JPO about further utilization of IP. Furthermore, the JPO Commissioner continued to engage in dialogue with the heads of the IP offices of Singapore,
(iii) Sending Experts to Various IP Offices

The JPO continued to send its experts on a long-term basis to provide support to various countries according to each country’s circumstances and needs. In 2017, one expert was sent to Myanmar to support the establishment of its IP office, another to Singapore to support the improvement of its patent examination quality, and still another to Indonesia to support the development of its legal system.

In 2017, the JPO sent patent examiners to Thailand, Indonesia, Malaysia, and the Philippines, where they gave guidance on examination practices.

2) India

Through a deepening of cooperative relations in the field of IP, the JPO is supporting the expansion of investments and business by Japanese companies in India, which is attracting attention as an emerging market.

In May 2017, the Action Plan was revised and an agreement was reached on follow-up training and the sending of experts on the patent prosecution highway (PPH).

In September 2017, the JPO and the Department of Industrial Policy and Promotion (DIPP) of the Ministry of Commerce and Industry of India held the 1st JPO-DIPP Review Meeting with the aim of maintaining and enhancing cooperative relations. At the meeting, the two offices discussed the implementation of the PPH that industries demand and expanding the grounds for requesting expedited examination, etc., and a joint statement was adopted.

In October 2017, based on the agreement reached at the 1st JPO-DIPP Review Meeting, a working group meeting was held to study the feasibility of the PPH between Japan and India.

3) Russia

In December 2016, the JPO and the Russian Federal Service for Intellectual Property executed a Memorandum of Cooperation that includes the promotion of understanding of the two countries’ IP systems and the promotion of interaction with users by holding seminars to provide information, etc. This is in effort to deepen the cooperative relations between the two offices.
4) Brazil

The JPO has been building a close cooperative relations with Brazil’s National Institute of Industrial Property (INPI) through ongoing human resources development and examiner exchange programs, etc.

In June 2017, an Action Plan was executed for a steady implementation of cooperative activities under the Memorandum of Cooperation. As part of the Action Plan, the offices implemented a Japan-Russia examiner exchange program and participated in various conferences conducted by the two offices, etc.

In April 2017, the PPH was launched between the two offices. In August and December 2017, PPH practitioners exchanged opinions aimed at expanding the technical fields covered by the PPH.

The president of INPI visited Japan in August 2017, and the Memorandum of Cooperation was revised to cooperate on substantive examinations including the PPH and examiner interactions, cooperation to strengthen industrial property protection in collaboration with relevant agencies, and expansion of sharing user evaluations on the industrial property rights systems and practices of the two offices. In addition, a Brazil IP Seminar was held.

In December 2017, in response to a request from INPI, the JPO held a seminar for Brazilian examiners about the JPO’s outsourcing of prior art searches.
5）その他（中東、アフリカ等）

日本国特許庁は中東諸国との間で、人材育成や審査協力の継続的実施など、密接な協力関係を築いている。また、アフリカ支援は、日本国特許庁の予算に加えて、我が国からWIPOに対して毎年拠出しているWIPOジャパン・トラスト・ファンド（任意拠出金）※4を活用して実施している。

(i) 中東

2017年9月、湾岸協力理事会（GCC）に日本国特許庁の職員を派遣し、特許審査実務に関する知見を共有すべく、研修を実施。

(ii) アフリカ

2017年7月、ボツワナにて開催されたWIPOジャパン・トラスト・ファンド事業「商標審査官のためのIPAS※5に関する地域トレーニングワークショップ」に日本国特許庁の職員を派遣。

2017年9月、ジンバブエにて開催されたWIPOジャパン・トラスト・ファンド事業「ARIPO加盟国及びオブザーバー国の特許代理入を対象としたWIPO特許明細書作成講座」「PCT国内移行審査及び他の国内移行段階から生じる作業成果物の活用に関するWIPOサブリジョナルワークショップ」それぞれに知財専門家を派遣。

2017年10月、エジプト商標意匠局との間で、意匠・商標分野における、審査の迅速化及び質的向上、統計

5) Other Regions (Middle East, Africa, etc.)

The JPO is building close cooperative relations with countries in the Middle East through such measures as ongoing human resources development and examiner exchange programs. The JPO’s support offered to Africa is funded utilizing the WIPO/Japan Funds-in-Trust (voluntary contributions)※4 that Japan contributes to WIPO every year, in addition to the JPO’s budget.

(i) Middle East

In September 2017, JPO staff was sent to the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office), and training was conducted to share knowledge about patent examination practices.

(ii) Africa

In July 2017, JPO staff was sent to the “WIPO Regional Training Workshop on the Industrial Property Administration System (IPAS)” for Trademark Examiners”, a WIPO/Japan Funds-in-Trust project held in Botswana.

In September 2017, the JPO sent IP experts to the “WIPO Patent Drafting Course for Patent Agents from ARIPO Member States and Observer States” and the “WIPO Sub-regional PCT National Phase Examination Workshop for Examiners from ARIPO Member States and Observer States,” both of which are WIPO/Japan Funds-in-Trust projects held in Zimbabwe.

In October 2017, the JPO and the Central Administration of Trademarks and Industrial Designs of Egypt signed a memorandum of cooperation in the fields of designs and trademarks with emphasis on the acceleration

※4 1987年に我が国は産業財産権分野の途上国支援のため、国連アジア太平洋経済社会委員会（ESCAP）地域のWIPO加盟の途上国を対象としたWIPOへの信託基金「WIPOジャパン・トラスト・ファンド」を創設。2008年度には、アフリカの立憲的経済発展支援のためのファンドを創設。ワークショップ等の開催。研修生及び長期研修生受入れ。専門家派遣、知的財産権庁の情報化等の事業を実施。

※5 Industrial Property Administration System (IPAS): WIPOが開発した特許、意匠、商標の事務処理を自動化するための統合されたシステム。
データ・法令等に関する情報共有、産業財産エンフォースメントに係る人材育成等を主とした協力覚書に署名。

6) 新興国・途上国との間における専門家派遣・研修生受け入れ等

日本国特許庁は、新興国・途上国における知的財産制度の整備・強化のため、専門家の派遣や研修生の受け入れを実施している。

● 2017年、アジア太平洋地域を中心とする国々から審査官等の知財関係者を日本に招へいし、21の研修コースを実施。
● 2017年10月、日本国特許庁の国際研修指導教官による現地研修に対するフォローアップとして、タイの新人審査官を対象とした特許審査実務コースを日本で実施。
● 2017年、各国政府関係者等を対象とした国際出願制度の活用、IT、エンフォースメントに関するワークショップ等に短期専門家を派遣し、インドネシア・ミャンマーに引き続き長期専門家を派遣。

7) 国際研修指導教官

日本国特許庁では、日本企業の新興国等へのグローバルな事業展開を支援するため、国際研修指導教官を中心として、インド・アセアン諸国をはじめとする新興国審査官に対する特許審査実務面での協力を行っている。

● 国際研修指導教官は、特許審査の実務経験が豊富な審査官13名（2017年12月時点）から構成。
● 2017年、国際研修指導教官を中心とする特許審査官延べ12名をインド、インドネシア、マレーシア、フィリピン、タイへ派遣し、約370名の新人・若手審査官に研修を実施。

7) International Training Instructors

The JPO provides cooperation, mainly through the international training instructors, on the practical aspects of patent examination to examiners from emerging countries including India and the ASEAN countries in order to provide support to the global expansion of business by Japanese companies to emerging and other countries.

● The international training instructors are comprised of 13 examiners (as of December 2017) with extensive practical experience in patent examinations.
● In 2017, the JPO dispatched a total of 12 patent examiners (mainly international training instructors) to India, Indonesia, Malaysia, the Philippines, and Thailand, and provided training on examination practices to approximately 370 new and junior examiners.

An instructor trains India’s new examiners.
海外特許庁・関係機関との連携・協力

1）特許審査ハイウェイ（PPH）

PPHとは、第一庁で特許可能と判断された出願について、出願人の申請により、第一庁とこの取組を実施している第二庁において簡易な手続きで早期審査が受けられるようにする枠組みである。世界初のPPHは、日本国特許庁の提唱により、2006年7月に日米間で試行開始された。

- 2017年12月現在、PPH参加庁の数は47に拡大。
- 日本国特許庁は、2017年4月にブラジル、アルゼンチン、7月にニュージーランド、8月にチリ、11月にペルーとの間で新たにPPHを開始し、2017年12月現在、40の庁とPPHを実施。
- 各庁のPPH実施状況や統計情報等は、PPHポータルサイト※6からワンストップで取得可能。

また、日本国特許庁は、2014年1月に開始された多国間の枠組みである「グローバル特許審査ハイウェイ（GPPH）」の事務局を務めている。

GPPHでは、参加庁間においてPPH-MOTTAINAIやPCT-PPHを含む全てのPPHが利用可能※7。

2017年7月には、コロンビア、ニュージーランドがGPPHに参加し、GPPH参加庁の数は24に拡大。

コラム2-2-1図:特許審査ハイウェイ（PPH）の概要

Figure 2-2-1: Outline of the Patent Prosecution Highway (PPH)

※7 PPH-MOTTAINAI（モッタイナイ）とは、どの庁に先に特許出願をしたかにかかわらず、先行審査庁による特許可能との判断に基づき、PPHの申請を可能とする枠組みであり、PCT-PPHとは、PCT国際段階において見解書又は国際予備審査報告で特許可能と判断された見解に基づき、早期審査を申請することができるとの枠組み。

※6,※7 English http://www.jpo.go.jp/ppph-portal/index.htm

1) Patent Prosecution Highway (PPH)
The PPH is a framework that allows an application that is determined to be patentable by the Office of First Filing (OFF) to undergo, at the request of the applicant, an accelerated examination with simplified procedures at the Office of Second Filing (OSF) that participates in the PPH with the OFF. The world’s first PPH advocated by the JPO was launched between Japan and the US in July 2006 as a pilot program.

- As of December 2017, the number of IP offices participating in the PPH has increased to 47.
- As of December 2017, the JPO has been implementing the PPH with 40 IP offices, including new PPH collaboration with Brazil and Argentina in April, with New Zealand in July, with Chile in August, and with Peru in November 2017.
- The PPH Portal Site※6 allows one-stop access to the PPH implementation status and statistical information for participating IP offices.

The JPO serves as the secretariat of the “Global Patent Prosecution Highway” (GPPH), which is a multinational framework launched in January 2014.

- In the GPPH, all types of PPH including PPH-Mottainai and PCT-PPH※7 are available among the participating IP offices.
- Colombia and New Zealand newly participated in this framework in July 2017 and, as a result, the number of the offices participating in the GPPH has expanded to 24.
PPH参加庁

INPI（AR: Argentina） INPI（BR: Brazil） INAPI（CL: Chile） SIPO（CN: China） IPO CZ（CZ: Czech） EPO（EP: Europe）

DGIP（ID: Indonesia） OMPIC*（MA: Morocco） IMPI（MX: Mexico） MYIPO（MY: Malaysia） NRIP*（NI: Nicaragua） INDECOPI（PE: Peru）


IP Australia（AU: Australia） CIPO（CA: Canada） SIC（CO: Colombia） DMM（DE: Germany） DKPTO（DK: Denmark） EPA（EE: Estonia）


IP Australia（NZ: New Zealand） IPO（PL: Poland） INPI（PT: Portugal） ROSPATENT（RU: Russia） PRV（SE: Sweden） USPTO（US: USA）

DINAPI*（PY: Paraguay） OSIM（RO: Romania） DIP（TH: Thailand） TPI*（TR: Turkey） TIPO（TW: Taiwan） DNPI*（UY: Uruguay）

GPPH参加庁

APO（AT: Austria） IP Australia（AU: Australia） CIPO（CA: Canada） SIC（CO: Colombia） DMM（DE: Germany） DKPTO（DK: Denmark） EPA（EE: Estonia）


IP Australia（NZ: New Zealand） IPO（PL: Poland） INPI（PT: Portugal） ROSPATENT（RU: Russia） PRV（SE: Sweden） USPTO（US: USA）

DINAPI*（PY: Paraguay） OSIM（RO: Romania） DIP（TH: Thailand） TPI*（TR: Turkey） TIPO（TW: Taiwan） DNPI*（UY: Uruguay）

*：2017年12月現在、同国特許庁との間ではPPH未実施の庁

Asterisks show the IP offices that had not commenced PPH with the JPO as of December 2017 regardless the color of asterisks.

2-2-2図：特許審査ハイウェイ（PPH）参加庁

Figure 2-2-2: Offices Participating in the Patent Prosecution Highway (PPH)

2-2-3図：世界の特許審査ハイウェイ（PPH）申請件数の推移

Figure 2-2-3: Number of Worldwide Patent Prosecution Highway (PPH) Applications

(備考)2017年の申請件数は、2018年3月8日時点集計。

(Notes)The number of applications for 2017 is a total as of March 8, 2018.
2) Patent Prosecution Highway Plus (PPH Plus)

PPH Plus is a framework based on an agreement between the JPO and a specific country’s IP office that allows an applicant whose application was granted a patent in Japan to quickly acquire, by applying to the other country’s IP office, rights with the same contents as the application in Japan for a patent application with the same contents in that other country based on the Japanese examination results.

- In August 2017, the JPO agreed to commence the PPH Plus with Brunei’s IP office, and operations began October 1.

2-2-4図: 特許審査ハイウェイ・プラス（PPHプラス）概要
Figure 2-2-4: Outline of the Patent Prosecution Highway Plus (PPH Plus)
3) Cooperation for Facilitating Patent Grant (CPG)
CPG is a framework that allows, at the request of an applicant, an application that corresponds to an application that has been examined and granted a patent in Japan to be quickly granted a patent, effectively without examination, by the IP office of a specific country that is implementing CPG. Through this, patents can be quickly granted using the JPO’s examination results even in countries whose examination system is not fully developed.
- The JPO is implementing CPG with the Ministry of Industry and Handicraft of Cambodia and the Department of Intellectual Property of Laos.

The JPO launched US-JP Collaborative Search Pilot Program (US-JP CSP) with the USPTO from August 1, 2015 with the aim of improving the predictability of the timing of examination and patent granting in the U.S. and Japan and supporting the acquisition of stronger and more stable patent rights by users. In this program, the JPO and the USPTO examiners independently conduct their own prior art searches for an invention for which a patent application has been filed in both Japan and the U.S., and after sharing with each other the search results and their opinions, the two offices respectively send their first examination results to the applicant early and around the same time.
- The first phase of US-JP CSP, which lasted two years, ended on July 31, 2017, and the second phase of US-JP CSP, which will last for three years, commenced with new operations on November 1, 2017.
5) Increased Competency over International Search/International Preliminary Examination for PCT International Application

The JPO has expanded its competency as the International Searching Authority (ISA) and the International Preliminary Examining Authority (IPEA) under the PCT so that the JPO can prepare International Search Reports and International Preliminary Examination Reports for PCT international applications filed from other members states, mainly those of the ASEAN countries.

- As of December 2017, eleven countries specify the JPO as a competent ISA/IPEA.
6) International Examiner Exchange Program

The international examiner exchange program is an initiative through which the JPO examiners directly discuss with or provide training on examination practices with examiners from foreign IP offices, primarily for the following purposes:

- To promote work-sharing of patent examinations among the IP offices based on a mutual understanding of prior art searches and examination practices;
- To disseminate the JPO’s examination practices and examination results to other IP offices;
- To harmonize examinations at a higher level of quality;
- To harmonize patent classifications; and
- To advance the JPO’s policies.

In recent years, in addition to dispatching examiners to and receiving examiners from developed countries, the JPO has also been striving to

- To promote work-sharing of patent examinations among the IP offices based on a mutual understanding of prior art searches and examination practices;
- To disseminate the JPO’s examination practices and examination results to other IP offices;
- To harmonize examinations at a higher level of quality;
- To harmonize patent classifications; and
- To advance the JPO’s policies.

In recent years, in addition to dispatching examiners to and receiving examiners from developed countries, the JPO has also been striving to
7) International Cooperation in the Field of Trials and Appeals

The JPO promotes international cooperation in order to deepen mutual understanding by exchanging information about trials and appeals with foreign IP offices. Key initiatives in 2017 were the following:

- In February, the JPO exchanged views in Japan with the Intellectual Property Corporation of Malaysia;
- In March, the JPO attended the inaugural conference of the Patent Trial and Appeal Board (PTAB) Bar Association in the U.S. and held discussions with the USPTO’s PTAB;
- In March, the JPO held a discussion with Indonesia’s Directorate General of Intellectual Property Rights in Japan;
- In May, the JPO exchanged opinions in Germany with the Boards of Appeal of the European Patent Office and the German Federal Patent Court;
- In June, the JPO held discussions with the USPTO’s PTAB in the U.S.;
- In July, the 3rd JPO-SIPO Trial and Appeal Experts Meeting and the 8th JPO-KIPO Trial and Appeal Experts Meeting were held in Japan;
- In July, the Japan-Korea-China IP User Seminar was held in Japan;
- In September, the 5th JPO-KIPO-SIPO Joint Experts Group for Trial and Appeal and the 3rd JPO-KIPO-SIPO Administrative Judge Exchange Program were held in Korea;
- In October, the JPO exchanged opinions in Australia with the IP Australia;
- In November, the JPO held discussions in Taiwan with the Taiwan Intellectual Property Office;
- In November, the JPO attended Boards of Appeal and Key Decisions 2017 in Germany and exchanged views with the European Patent Office; and
- In November, the JPO participated in a workshop held by the Indonesia Trademark Appeal Commission in Indonesia.

8) Cooperation in the Area of IP Judicial Systems

The JPO is engaged in various initiatives to cooperate with concerned institutions both in Japan and internationally in the area of IP judicial systems for greater mutual understanding, to provide information to users, etc.

(i) Judicial Symposium on Intellectual Property / TOKYO 2017 (October to November 2017, Tokyo in Japan)

The Symposium was co-hosted by the JPO, the Supreme Court of Japan, the Intellectual Property High Court of Japan, the Ministry of Justice of...
de 开催。
-弁護士・弁理士・産業界等の知財関係者のべ約1300
人に参加。
-特許訴訟における証拠収集手続をテーマとして、日中
韓シンガポールの裁判官による模擬裁判を実施。
-商標の類否判断について難しい判断を迫られる事例につ
いて、アセアン各国の裁判官によるパネルディスカッションを実施。
-知的財産制度上の課題の解決に向けた特許庁の取組に
関する基調講演、産業界・学界による「アジアにおける
ビジネスと知財労争」をテーマとした講演、特許の
進歩性判断、商標の類否判断、及び、他国でよく知ら
れた商標について、悪意のある者が権利を取得した場
合の救済措置についてのパネルディスカッションを実施。

(ii) 日中韓特許庁シンポジウム（2017年12月、韓国）
-日本国特許庁、中国国家知識産権局、韓国特許庁の共
催で開催。
-日中韓各国から弁理士や学識経験者が参加。
-日中韓における第4次産業革命に対応した知財戦略に
関する講演やパネルディスカッションを実施。

9) 模倣品対策に関する取組
模倣品への対策として以下の取組を実施している。
-国内での模倣品取締りのため、産業財産権侵害に関す
る警察・税関からの照会への逐次対応。
-知的財産権の執行強化に向けて、税関職員向けの知的
財産に関する研修に特許・意匠・商標の専門職員を講
師として派遣するなど、取締機関との連携強化。
-消費者の意識の更なる改善のため、知的財産権の重要
性や模倣品の弊害を周知する「模倣品・海賊版撲滅キャ
ンペーン」を毎年実施。

9) Initiatives on Anti-Counterfeiting Measures
The JPO is implementing the following initiatives as measures against counterfeit goods:
- Responding to each inquiry from the police and customs concerning infringements of industrial property rights in order to crack down on counterfeit goods in Japan;
- Strengthening cooperation with enforcement agencies, such as by sending experts on patents, designs, and trademarks to act as instructors in IP training for customs officers in order to strengthen the enforcement of IP rights; and
- Annually implementing the “Campaign to Eradicate Counterfeit and Pirated Goods”, which publicizes the importance of IP rights and the harmful effects of counterfeit goods to further increase consumer awareness.
10) Development of Global Dossier

The “Global Dossier” concept aims for building up a virtual common system by mutually linking the information technology (IT) systems of IP offices so that the information concerning patent application procedures and examinations (dossier information) held by IP offices can be shared and that IT-based new service can be provided. The IP5 offices and their industries have been working together to promote various initiatives through the Global Dossier Task Force.

- Public service of “One Portal Dossier (OPD)” which allows comprehensive access to the dossier information is now provided to the users (see Part 2, Chapter 3, 1.1 (i)).

- The dossier information sharing network has been expanding beyond the framework of the IP5 offices through the linkage between the OPD system and the WIPO-CASE*, which is a dossier information sharing system developed by the WIPO.

- In 2017, Costa Rica joined the WIPO-CASE in January, Egypt in February, and Georgia in October. As of December 2017, in addition to the IP5 offices, 25 countries and organizations have joined the WIPO-CASE.

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*World Intellectual Property Organization - Centralized Access to Search and Examination
The JPO has adopted a variety of measures from diverse perspectives, such as providing information, consultation services, and fee reduction/exemption, in order to support IP activities by users such as businesses (including small and medium-size businesses), universities, and local regions. Based on the “Action Plan for Regional Intellectual Property Revitalization” formulated in September 2016, the JPO seeks to further promote regional and small and medium-size enterprise support in IP matters. Based on the Action Plan, quantitative goals until FY2019 for each prefecture have been set, relating to IP support in consideration of regional characteristics and industrial policies of the prefectures. To achieve these goals, the JPO is working to construct a comprehensive and integrated support structure in coordination with various regional support institutions.

1) Japan Platform for Patent Information (J-PlatPat)

J-PlatPat is a patent information providing service equipped with the functions of gazette retrieval for patents, utility models, designs and trademarks, and others.

(i) Providing Various Countries’ Patent Application and Examination Information to Users

- A service that allows users to view information on various countries’ patent application procedures and examinations (dossier information) is provided.
- This service displays in real time and in an easy-to-see summary form the latest dossier information of the IP5 offices and IP offices that participate in WIPO-CASE. It also provides English translation of information displayed.
- The service features a function to filter information by document type and a function to display a list of assigned classifications and cited documents.
- In March 2017, detailed information of cited documents became available. The service displays the “document number,” “category” (X, Y, etc.), “claim,” and “citation location” for documents referenced in a notice for reasons of refusal, etc.
2.3.1図：ドシエ情報のユーザー提供サービス
Figure 2-3-1: Service to Provide Dossier Information to Users

(ii) 特許・実用新案検索機能の刷新

特許庁内のシステムとの連携により、データベースの共通化と検索機能の追加・改善を2018年3月に実施。

具体的には、外国公報（米国・欧州・国際出願）の英語テキスト検索、分類とキーワードを掛け合わせた検索、及び近傍検索が可能となるとともに、国内の公開特許公報等のテキスト検索が可能な年範囲の拡大、検索結果表示件数の上限拡大を実施。

2) ユーザーの利便性向上のためのシステム開発

特許庁は、2013年度から2022年度までの計画である「特許庁業務・システム最適化計画」を2013年3月に策定した。現在、本計画に沿ってシステム開発を進めている。本計画では、システム構造の見直しと、優先的に対応すべき政策事項のシステム対応の実現とを、同時並行で進めることとしている。2017年の主な成果は、(i) (ii)のとおりである。

※6 使用されるカテゴリは以下のとおり。
X: 単独で使用された場合に、本願発明が新規性又は進歩性を有すると認められないこととなる文献
Y: 他の一以上の文献と組み合わせて使用された場合に、本願発明が新規性又は進歩性を有すると認められないこととなる文献
A: XとYに該当しないが、一般的技術水準を示す文献
E: 出願日（該当する場合は、その主張する優先日）が、新規性及び進歩性の判断の基準日より前の出願又は特許を公表する特許文献であって、基準日以後に公表された特許文献。常に、X、Y又はAと併せて付与。

※7 日本語 https://www.jpo.go.jp/sesaku/sesaku/gyomu/index.html

※6 The following are the categories used:
X: a document such that when taken alone, a claimed invention cannot be considered novel or cannot be considered to involve an inventive step
Y: document such that a claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents
A: a document which is not considered to be of particular relevance requiring the use of categories “X” and/or “Y” but defines the general state of the art
E: This category is given to any published application or any patent whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date, is earlier than the relevant date. This category is always accompanied by a symbol indicating the relevance of the document (X, Y or A).

achievements in 2017 were as described in (i) and (ii) below. Furthermore, as described in (iii), the JPO is studying the utilization of Artificial Intelligence (AI) with the goal of achieving better service for users through greater sophistication and efficiency in patent administrative work.

(i) Review of System Structure
a. Modifying the Patent and Utility Model Filing Systems (Completion of real-time system for part of business)

With the aim of dissolving operational delay within the JPO and speeding up provision of information to users through on-line inspection, in January 2017 the JPO modified the data transfer processing among the receiving system the formality check system for patents and utility models, the peripheral examination assistance systems for patents and utility models, and the record copy management system, and it was shifted from “batch processing” to “real-time processing”.

(ii) System Responding to Policies with Higher Priorities
a. Integrated Managing and Upgrading of Data Provided (Search function)

In February 2018, the JPO provided an environment in the search system for patents and utility models that allowed users and examiners to search in an unified database.

b. Modifying Trademark Related Systems for Using Standard Characters Permanently

In January 2017, trademark related systems were improved so that the JPO can issue registration certificates using the granted font independently of changes to shape of letters and characters that can occur depending on the software environment.

(iii) Utilization of AI Technology in operations at the JPO

The JPO began to study the possibility of using AI technology in 2016 and formulated and published an action plan towards utilization of AI in April 2017.

In 2017, the JPO verified the feasibility of using AI in six separate operations: (i) responding to questions from users, (ii) digitization filing procedures, (iii) assigning patent classifications, (iv) prior art searches (support for formulating search terms and queries), (v) prior figure trademark searches, and (vi) assigning classification to designated goods and services.
3) Opening of INPIT-KANSAI office

In July 2017, the JPO and the National Center for Industrial Property Information and Training (INPIT) opened the "INPIT-KANSAI office" in Osaka to provide better support in IP protection and utilization by small and medium-size enterprises, etc. located in the Kansai region of Japan.

INPIT-KANSAI office offers the following multifaceted functions and systems to provide detailed support while closely coordinating with local governments and related agencies, etc. in the region:

- Sophisticated and specialized support for IP matters by experts;
- Providing a setting for on-site interview examinations and video conference interview examinations;
- Providing industrial property rights information by advanced search terminal; and
- Providing support information and co-sponsoring various seminars utilizing a network of related agencies in the region.

3）INPIT近畿統括本部（INPIT-KANSAI）の開設

特許庁・INPITは、近畿地方に所在する中小企業等の知的財産の保護・活用に対する支援の充実を図るため、2017年7月に「INPIT近畿統括本部」（INPIT－KANSAI）を大阪に開設した。

INPIT-KANSAIでは、地元自治体や地域の関係機関等と密接に連携しながらきめ細かい支援を実施するため、以下のような多面的な機能や体制を整備している。

- 専門家による知的財産に関する高度・専門的な支援。
- 出張面接審査・テレビ面接審査の場の提供。
- 高度検索用端末による産業財産権情報の提供。
- 地域の関係機関のネットワークを活用した支援情報の提供や各種セミナーの共同開催。
4) Information on Support Measures for Small and Medium-Size Enterprises

The JPO compiles information on various support measures offered by the JPO and INPIT in an easy-to-understand manner for small and medium-size enterprises and posts this information on the JPO’s website.※8

(i) Overall Support Measures

a. Seminar on IP rights systems
b. Personal visits by Industrial Property Right Specialists and sending lecturers to give seminars
c. Reduction and exemption of patent fees, etc. (see Part 2, Chapter 3, 2(iii))
d. Patent information analysis and utilization support
e. Consultation about trade secrets and IP strategies
f. IP Comprehensive Support Counters
g. Accelerated examination and proceedings systems (see Part 2, Chapter 1, 1.3),2.2),3.2),4.1))
h. Interview examination system
i. System for interviews in trial and appeal proceedings

(ii) Support Measures for Overseas Expansion

a. Global intellectual property producers
b. Fee reduction and exemption for PCT international applications (see Part 2, Chapter 3, 2(iii))
c. Fee grant system for PCT international applications
d. Subsidy for filing foreign applications
e. Subsidy for overseas infringement countermeasures
f. Insurance program for overseas IP litigation costs

(iii) Other

a. IP Finance Portal Site※9

This site introduces initiatives for visualizing the value of IP held by small and medium-size enterprises and leading to financing by financial institutions.

※9 Japanese http://chizai-kinyu.go.jp/
第5章 支援施策、法改正等

5) 大学・研究機関向け支援施策情報

特許庁・INPITでは、大学等における知的財産活動を推進するため、発明の創出から権利活用・事業化までの網羅的な支援策を展開している。詳細については、特許庁ウェブサイト※10を参照されたい。

(一) アドバイザーの活用

以下の事業において、知的財産に精通した専門人材を大学等に派遣し、各機関を支援している。

a. 知的財産プロデューサー派遣事業
b. 産学連携知的財産アドバイザー派遣事業

(二) 特許情報の活用促進

大学等が特許公報等に関するものを中心とする特許情報を利用することで、研究開発の推進、無用な競争の回避等を図ることがもてる。特許情報の活用促進のため、以下ののようなサービスを提供している。

a. 特許情報プラットフォーム（J-PlatPat）(第2部第3章1.参照)
b. 大学等向け公報固定アドレスサービス
c. 中小企業等特許情報分析活用支援事業

(三) 特許出願・審査における支援

a. 特許料・審査請求料の減免
b. 国際調査手数料の一部返還
c. 早期審査制度（第2部第1章1.3）参照）
d. 発明の新規性喪失の例外規定

(四) 権利の活用

a. 開放特許情報データベース
b. リサーチツール特許データベース
c. 知的財産権取引業者データベース

(五) 知的財産に関する研究・開発・人材育成

a. 産業財産権制度問題調査研究報告書
b. 大学知財研究推進事業研究報告書
c. IP-eラーニング

※10日本語 http://www.jpo.go.jp/sesaku/daigaku/index.html

5) Information on Support Measures for Universities and Research Institutions

The JPO and INPIT are developing comprehensive support measures, from the creation of inventions to utilization of rights and commercialization, in order to promote IP activities at universities, etc. For details, please see the JPO's website※10.

(ii) Utilization of Advisors

In the following projects, the JPO sends experts well-versed in IP to universities, etc. to support various institutions:

a. Project to dispatch IP Producers; and
b. Project to dispatch IP Advisors for University-Industry Collaboration.

(ii) Promoting Utilization of Patent Information

When universities, etc. effectively utilize patent information (primarily information about patent official gazettes, etc.), they can prevent redundant research and development, advance research and development utilizing existing technology, avoid unnecessary disputes, etc. The JPO provides the following services to promote utilization of patent information:

a. Patent information platform (J-PlatPat) (see Part 2, Chapter 3, 1.);

b. Official gazette static URL service for universities; and

c. Patent information analysis and utilization support project for small and medium-size enterprises, etc.

(iv) Utilization of Rights

a. Licensable Patent Information Database
b. Research Tool Patent Database
c. Intellectual Property Transaction Specialists Database

(v) Research, Development, and Human Resource Development for IP Rights

b. Research Report on University IP Research Promotion Project
c. IP-e learning
d. Study materials on intellectual property

e. Project to develop the power to create, the power to put into practice, and the power to utilize intellectual property

f. Patent contest / design patent contest

法改正

昨今、IoTの普及により、様々なインフラや機器がインターネットを通じてつながり合っている「第4次産業革命」と称される変化が国内外において急速に進展しており、企業の特許戦略を巡る環境は、大きな変化に晒されている。具体的には、既存の製品にソフトウェアによる情報処理・ネットワーク技術を組み合わせた発明や、AIに代表される技術横断的な発明が増加し、1つの製品に膨大な件数の特許が関与するようになっていることから、特許を巡る権利関係が複雑化している。これにより、ライセンス交渉に要する手間と労力が増大するとともに、知らぬうちに他者の特許権を侵害するおそれが高まっている。また、オープン・イノベーションによる共同研究や産学連携が活発化する中、発明が公募にによって、特許権化の要件である新規性を喪失するリスクも高まっている。

こうした状況を受け、特許庁は、2017年12月の産業構造審議会特許制度小委員会において報告書案「第四次産業革命等への対応のための知的財産制度の見直しについて」を提示し、2018年2月に以下の法改正に関する内容を含む報告書を取りまとめた。これら内容を含む法律案が2018年2月27日に閣議決定され、第196回通常国会へ提出された。

(i) 証拠収集手続の強化

- 書類提出命令・検証物提示命令に際し、裁判所がインカメラ手続（裁判所のみが書類を見ることにより行う手続）で書類・検証物の提出の必要性の有無の判断を可能とするよう措置。
- インカメラ手続により提出させた書類について、裁判所が必要と認めるときは、当事者等、訴訟代理人、補佐人に加え、当事者の同意を得て、公正・中立な第三者の技術専門家である専門委員に開示することを可能とするよう措置。

(ii) 新規性喪失の例外期間の延長

- 特許を巡る権利を有する者の意に反して、又は本人の行為に起因して発明の新規性が喪失された場合、6か月以内に特許出願を行うべきであるが、本人の同意を得て、公正・中立な第三者の技術専門家である専門委員に開示することを可能とするよう措置。

(iii) 中小企業者等の特許料及び手数料の一律半減制度の導入

- 中小企業者等を一律に対象とし、審査請求料及び特許料（1〜10年分）、国際出願手数料の軽減制度を特許法で措置。

Law Amendments

Recently, with the spread of the Internet of Things, the changes called the “Fourth Industrial Revolution”, in which the connection of various kinds of infrastructure and equipment through the Internet, are rapidly advancing not only in Japan but also abroad, and the environment surrounding corporate IP strategy is being exposed to great changes. Specifically, there are more and more inventions that combine information processing by software and networking technology in existing products and inventions that feature cross-sectional technologies, the most famous one being AI. And a single product may involve a massive number of patents, and the relationships over patents are becoming increasingly complicated. This situation is causing an increase in time and labor required for negotiation of licenses, as well as an increase in the risk of unknowingly infringing upon another’s patent.

Further, with greater activities in joint research through open innovation and university-industry collaborations, there is increasing risk of losing novelty of invention, which is a requirement for patentability, through disclosure by a person other than the person having the right to obtain a patent.

In view of these circumstances, the JPO presented the draft report “Review of the Intellectual Property System to Respond to the Fourth Industrial Revolution” at the December 2017 Patent System Subcommittee meeting of the Industrial Structure Council, Minister of Economy, Trade and Industry, and in February 2018 the JPO compiled a report that includes contents addressing the following law amendments. On February 27, 2018, the Cabinet approved the bill including these issues and it was submitted to the 196th ordinary session of the Diet.

(i) Strengthening of Evidence Collection Procedures

- The JPO proposes to amend laws so that, when ordering to produce documents or to present evidence, courts can use an in camera procedure (a procedure by which only the court can see the documents) to determine whether the submission of documents or evidence is necessary.
- If the court deems it to be necessary, in addition to disclosing documents previously presented through an in camera procedure to the parties, etc., their attorneys, and assistants in court, the JPO proposes to amend laws to allow, with the parties’ consent, disclosure also to a technical advisor who is a fair and impartial technical expert.

(ii) Extension of the Exception Period for Lack of Novelty

- If an invention’s novelty is lost against the will of the person having the right to obtain a patent or result of an act by such person, currently there is a six-month grace period during which an applicant may file a patent application as an exceptional relief. The JPO proposes to amend laws to extend the grace period from six months to one year.

(iii) Introduction of Across-the-Board System for a 50% Reduction in Patent Fees and Charges for Small and Medium-Size Enterprises, etc.

- The JPO proposes to amend laws to establish a program to uniformly reduce request for examination fees, patent fees (for years one through ten), and international application fees for small and medium-size enterprises, etc., by 50%.
3 Initiatives on Standard Essential Patents

1) Guide to Licensing Negotiations involving Standard Essential Patents

As the need for companies in various industries to use telecommunications standards grows with the spread of IoT, the environment surrounding Standard Essential Patents (SEPs) (i.e. patents that are required to put standards to practice) is changing drastically. First, the parties to license negotiations are changing, so that negotiations that were heretofore chiefly between telecommunications companies are now also held between telecommunications companies and non-telecommunications manufacturing or service companies. Second, as the parties involved in licensing negotiations change, so do various aspects of such negotiations. As noted above, with the growing frequency of licensing negotiations between telecommunications companies and companies in other industries, it is getting more difficult to resolve disputes by cross-licensing (where the companies allow each other to use the patents they own). In addition, perspectives on essentiality and royalty rates are becoming increasingly divergent, resulting in more serious SEP disputes. In view of these circumstances, the JPO decided to create the voluntary guide with international credibility that addresses elements what should be taken into consideration to achieve balance between the interests of rights holders and implementers.

In creating the guide, the JPO issued an invitation for comments to be submitted to make use of domestic and international knowledge, experience, and expertise. The final version of the guide is scheduled to be published around the spring of 2018. The JPO is planning to include the following topics in the guide.

- Purpose of the Guide
- Licensing Negotiation Methods
  (1) Good Faith
  (2) Efficiency
- Royalty Calculation Methods
  (1) Reasonable Royalties
  (2) Non-discriminatory Royalties

2) Operation of Essentiality Check Utilizing the JPO Hantei (Advisory Opinion) System

For the purpose of achieving smooth licensing negotiations for Standard Essential Patents (SEPs) and efficient SEP dispute resolution, the JPO has decided to consider utilizing the existing JPO Hantei (advisory opinion) system based on its technical expertise to determine whether a specific patented invention is a SEP (Essentiality Check).

The JPO clarifies the operation of the system which allows parties concerned to request Hantei (advisory opinion) for essentiality check and considers how to implement this at an early stage.

By publishing the results of the Hantei (advisory opinion), transparency of information related to SEPs will be improved.
Appendixes

付録

- 审査・審判の流れ
  Examination, Appeals, Trials, and Opposition Flow Chart

- 産業財産権関係料金一覧（2016年4月1日時点）
  Schedule of Fees (as of April 1, 2016)

- 組織図
  Organizational Chart

- 連絡先等情報
  Contact information
（2）実用新案 / Utility Model

出願 (Application)

基礎的要件審査 (Examination of Basic Requirements)

方式審査 (Formality Examination)

補正書 (Written Amendment)

設定登録 (Registration of Establishment)

公報発行 (Publication of Gazettes)

実用新案技術評価の請求 (Request for Utility Model Technical Opinion)

公簿登録 (Registration in the Registry)

補正命令 (Invitation to Amendment)

訂正書 (Statement of Correction)

方式審査 (Formality Examination)

基礎的要件審査 (Examination of Basic Requirements)

出願却下 (Dismissal of Application)

訂正書却下 (Dismissal of Correction)
（4）商標 / Trademark

出願
Application

方式審査
Formality Examination

審査
Substantive Examination

登録査定
Decision of Registration

設定登録
Registration of Establishment

公開公報
Publication of Gazettes

意見書
Written Opinion

商標出願
Trademark Application

意見書・補正書
Written Opinion/Amendment

異議申立期間（2か月以内）
Opposition Period (within 2 Months)

異議申立
Opposition

審理
Opposition Proceedings

取消理由通知
Notice of Reasons for Revocation

意見書
Written Opinion

異議申立期間（3か月以内）
Appeal Period (within 3 Months)

審理
Appeal Proceedings

撤回理由通知
Notice of Reasons for Revocation

意見書・補正書
Written Opinion/Amendment

審理
Trial Proceedings

維持決定
Decision to Maintain

無効審決
Trial Decision to Invalidate

取消決定
Decision to Revoke

無効審決・取消審決
Trial Decision to Invalidate/Rescind

登録審決
Appeal Decision of Registration

拒絶審決
Appeal Decision of Refusal

・意見書・補正書提出後の審査
の場合のみ
*Only in the case of the examination conducted upon the submission of the written opinion or amendment
# 産業財産権関係料金一覧
（2016年4月1日時点）

## 1. 出願料／Application

### (1) 特許／Patents

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<thead>
<tr>
<th>出願料</th>
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<tr>
<td>特許出願/Patent application</td>
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<tr>
<td>外国語書面出願/Application in foreign language</td>
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<td>特許法第184条の5の第1項の規定による手続/Entry into the national phase in Japan (under the PCT)</td>
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</table>

### (2) 実用新案(実用新案については、出願料と併せて第1年から第3年の実用新案登録料を出願時に納付する必要があります。)／Utility Models (Note: Applicants are required to pay registration fees for the 1st-3rd years in a lump sum at the time of filing)

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### (3) 意匠／Designs

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### (4) 商標／Trademarks

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<td>商標登録出願/Trademark application</td>
<td>¥3,400+ (¥8,600×区分数)</td>
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## 2. 審査請求料等／Request for Examination

### (1) 特許／Patents

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<td>-where the search report has been established by a designated searching organization</td>
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### (2) 実用新案／Utility Models

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<td>実用新案技術評価請求/Request for Registrability Report</td>
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## 3. 特許料・登録料／Annual fee Registration fee

### (1) 特許／Patents

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<td>平成16年3月31日までに審査請求をした出願/For patent applications requested for examination on or before March 31, 2004</td>
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### (2) 実用新案登録料／Utility Models

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### (3) 意匠登録料／Designs

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### (4) 商標登録料／Trademarks

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上記以外の料金・手数料等については、特許庁ウェブサイトで御確認ください。
http://www.jpo.go.jp/tetuzuki/ryoukin/hyou.htm

For details, see JPO website.
http://www.jpo.go.jp/tetuzuki_e/ryoukin_e/ryokine.htm
The JPO’s address and a map showing its location are as follows. Please see the following website for detailed directions and information on how to enter the JPO building.

Address: 3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

If you have any inquiries about industrial property rights in Japan, please contact us at the following e-mail address or fax number.

E-mail address for inquiries to the JPO: PA0842@jpo.go.jp
Fax number: +81 3 3581 0762

For more information, please visit the following websites:

- English: http://www.jpo.go.jp/shoukai_e/soshiki_e/tizue.htm

Additional contact details:
- Address: 3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan
- E-mail address for inquiries to the JPO: PA0842@jpo.go.jp
- Fax number: +81 3 3581 0762

More information is also available at the following URLs:

- Toiawase Soshiki E: http://www.jpo.go.jp/toiawase/toiawase1.htm
- Cabinet Office: http://www.jpo.go.jp/shoukai_e/soshiki_e/tizue.htm
INPIT・地方拠点

The National Center for Industrial Property Information and Training (INPIT) provides various services such as the provision of information on IP rights, the provision of information and support through consultation desks, etc., and support for the strategic utilization of IP and development of human resources specializing in IP.

IP Offices at the Bureaus of Economy, Trade and Industry support, according to regional needs, wider use of IP system and utilization of rights, and introduce support systems.

INPIT・Regional Locations

The JPO stations IP experts (consultants), who are well versed in IP rights systems, at the offices of groups and organizations that have offices in major countries and regions. Our experts collect a wide range of information on each country or region’s IP rights system and their operations and research them, and they also provide advice on legal systems to Japanese businesses in each country or region, by utilizing law firms in the country or region.
JPO status report is posted on the JPO’s website.

English

日本語／Japanese

Japan Patent Office
March 2018