

# ***Patent Opposition System in Japan***

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# Opposition to Grant of Patent (Started in 2015)

Two systems for patent invalidation

Only within **six months** from the date of publication of the Gazette of the patent

Opposition  
to Grant  
of Patent

Within 6 months

Newly Established  
in 2015

Trial for  
Patent  
Invalidation

Anytime after the rights are registered

Anytime

## ◆ Objectives of the opposition system

To provide opportunities for third parties to review patent rights within a certain period after the grant

→ Establishing **stable patent rights at an early stage**

# Comparing the Two Systems

- ◆ The opposition system can be used with simpler and more expeditious procedures compared to the trial for patent invalidation.

	Opposition to Grant of Patent	Trial for Patent Invalidation
Purpose of the system	To grant stable patent rights in a prompt manner	To resolve disputes between parties concerned regarding the validity of patents
Person(s) eligible to file a request	Any persons	Interested persons only
Period of time to file	Within 6 months from the publication date of the Gazette of the patent	Any time after the registration of the patent
Procedures	Ex Parte (Conducted between JPO and the patentee)	Inter Partes (Conducted between the demandant and patentee)
Examined by	Documentary proceedings	Oral proceedings
Fees	16,500 yen + (the number of filed claims x 2,400 yen)	49,500 yen + (the number of requested claims x 5,500 yen)

- ◆ Opportunities will be provided for patent holders to make corrections to their patents.

- ◆ When a panel of administrative judges determined that patent rights filed in oppositions should be cancelled based on the results of the trial examinations:
  - ➔ **Notices of reasons for cancellations** will be sent to the patent rights holders.
  - ➔ Opportunities will be provided for them to submit their written opinions as well as to make **appropriate corrections** within a designated period. (60 days for residents in Japan; 90 days for residents overseas)
- ◆ Corrections can be made to descriptions, claims or drawings under the following conditions:

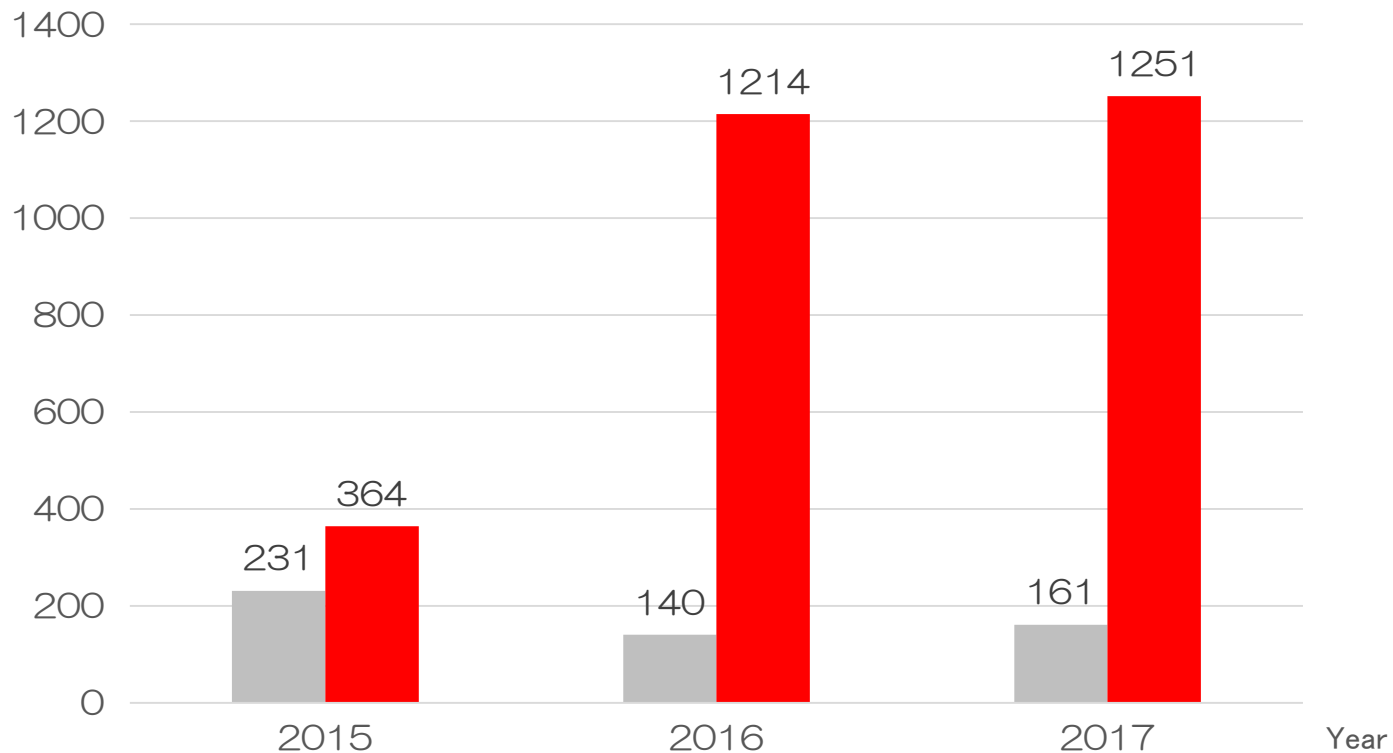
## Limitation to correction

- Corrections are limited to one of the following purposes.
  - Narrowing the scope of claims
  - Correcting errors or incorrect translations
  - Clarifying ambiguous descriptions
- New matters may not be added.
- Corrections shall not substantially enlarge or alter the scope of claims.
- The corrected patent must be independently patentable.

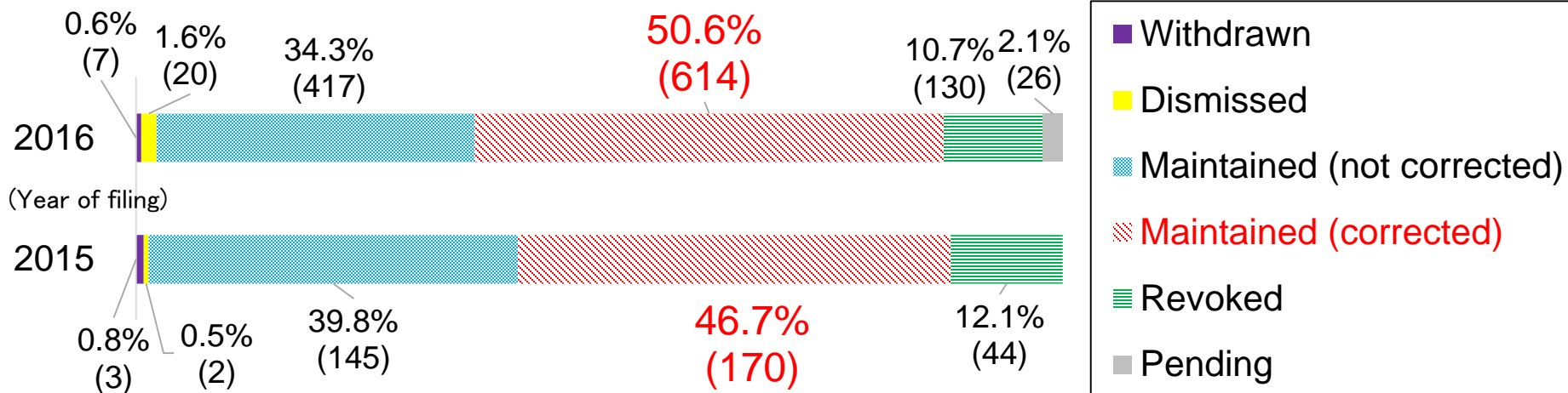
# Number of Oppositions Filed at the JPO

◆ More than 1,200 oppositions filed in a year

- Requests for trial for patent invalidation
- Filings of opposition to patents



# Results of Oppositions



- Decisions to revoke granted patents (in green) : about 10%.
  - Decisions to maintain granted patents based on corrections (in red) : 50%  
→ Corrected to have appropriately-scoped claims.
- ◆ **The opposition system contributes to enhancing quality of patents.**

***Thank you !***