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Move towards Using AI in Patent Examinations 人工知能を特許審査に活用へ

From fiscal 2016, the JPO will begin a demonstrative project for the purpose of utilizing artificial intelligence (AI) in patent application procedures and examinations. The demonstrative project will make use of AI in detecting errors in application procedures, as well as collecting materials that would likely be necessary for examinations, etc.

The JPO has stated that if it is able to use AI in procedures, the time required for searching past inventions etc. would be reduced, allowing more time and effort to be used in work that can only be done by humans, such as deciding whether or not a patent should be granted.

特許庁は2016年度から、特許の出願手続きや審査で人工知能（A I）を活用するための実証事業を始める。実証事業では、出願手続きでの不備の発見のほか、審査に必要になりそうな文献を集める作業などにA Iを活用する。

特許庁は「A I が活用できれば過去の発明の検索などの時間が短縮でき、特許として認められるかどうかの判断など人間にしかできない仕事に労力を割くことができる」としている。

National Application Figures for 2015 2015年の国内出願件数

According to a status report published by the JPO, in 2015 the total number of national patent applications was 318,721. This is a decrease of 2.3% compared to 2014. In recent years there has been a trend of gently decreasing numbers of applications; however there has also been a trend of increasing numbers of registered patents. Therefore it can be surmised that there is a strong trend for focusing less on the number of applications and more on the quality of applications. In contrast with national applications, the number of international applications made from Japan in 2015 was the highest it has ever been at 43,097, suggesting a strengthening of overseas business strategy.

The figures on trademarks show a large increase of 18.4% in the number of applications over 2014, with 147,283 total applications filed (including 15,984 international applications for which designated notifications were made to the JPO). The JPO began taking applications for new types of trademarks, such as movement and sound, in April 2015, which likely contributed to this increase. In contrast with the number of patent registrations, however, the number of trademark registrations overall remains stable, with a repeating cycle of increase and decrease.

The figures on designs show an increase of 0.6% in the number of applications over 2014, with 29,903 total applications filed (including 452 international design applications published with Japan as the designated country). The number of design registrations has not changed considerably compares with 2015, but there has been a slight decrease overall in the number of registrations since 2013.

特許庁が公表したステータスレポートによれば、2015年の国内特許出願件数は31万8721件と、2014年と比べて2.3%減少した。近年の国内特許出願件数は緩やかな減少傾向にある一方、特許登録率が増加傾向にあることからすれば、出願量よりも質を重視する傾向が強いと推察される。これに対し、日本の国際特許出願件数は4万3097件と過去最高となり、海外戦略が強化されていることが窺われる。

商標についてみると、出願件数は14年比18.4%増の14万7283件（日本特許庁へ指定通報された国際商標登録出願1万5984件を含む）と、大きく伸びた。動きや音など新しい商標の受け付けが2015年4月から始まったことが伸びに貢献したと考えられる。登録件数は、特許と異なり、安定した推移で増減を繰り返している。

意匠では、出願件数は14年比0.6%増の2万9903件（日本を指定国として国際公表された国際意匠登録出願件数452件を含む）であった。登録件数は、大きな増減はないものの、2013年以降はやや減少傾向である。

Slogans and Catchphrases to become Eligible for Trademark Registration

標語・キャッチフレーズも商標登録へ

For the first time in 45 years, the trademark examinations guidelines have undergone a major revision. The revised guidelines are applied to examinations from April 1, 2016 onwards.

In order to increase the chance of foresight in and the consistency of trademark examinations, the examination guidelines have been revised with the aim of making them clearer and easier to understand, based on changes within society and trends in judgements and trial decisions. For example, guidelines have been added that relate to enterprises' mottos or slogans etc. and to catchphrases (succinct phrases used in marketing to capture people's attention). In the previous examination guidelines, such items are as a rule not regarded as having distinctiveness. However, there have been multiple cases where decision of refusal made by examiners have been overturned at appeal, and in consideration of the needs etc. of enterprises, the revised guidelines state clearly that in certain cases such phrases will be deemed eligible for registration, and also indicate the necessary circumstances in concrete terms.

Introduction to Our Firm's Service

当所のサービス紹介

Trademark Support Station 商標支援室

We offer high-quality service, combining know-how cultivated in a long years of experience and analyzes competence unique to international patent firms.

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長年の経験で培ったノウハウと、国際特許事務所ならではの能力を組み合わせた質の高いサービスを提供致します。

[詳細はこちらへ](#)

商標審査基準が45年ぶりに大幅に改訂され、2016年4月1日以降の審査に適用されている。

商標審査の予見可能性と一貫性を向上させるため、社会環境の変化や裁判例・審決例の動向を踏まえて、より明確化し分かりやすい審査基準にする目的で改訂された。例えば、企業のコピーやスローガン等の「標語」や人の注意をひくように工夫した簡潔な宣伝文句である「キャッチフレーズ」に関するものである。改訂前審査基準では、これらは原則として識別力がないものとされていた。しかし、審査官の拒絶判断が審判で覆る事例が多数存在していたことや企業のニーズ等を背景に、一定の場合には登録が認められること及びその具体的事情が審査基準に明記された。

International Patent Application Figures – First Ever Reduction for No.1 Applicant USA 国際特許出願件数 首位の米国が初の減少

For the first time since WIPO was founded in 1978, the USA, which has maintained the highest number of international applications each year, has recorded a reduction in the number of applications filed. According to figures published by WIPO for international patent applications, there were 57,385 USA-based applications in 2015, a reduction of 6.7% from the previous year. Despite this, the USA maintained its position as the country with the highest number of applications. One reason for the reduction in US applications may be the change in the US patent system from “first to invent” to “first to file.” As a result of the change to “first to file”, in 2014 a large number of applications were filed – 61,477 in total. This may have had an effect on the number of applications filed in 2015.

The total number of international patent applications filed in 2015 was 218,000, and increase of 1.7% over the previous year, the highest number on record. By country, the USA had the most applications, followed by Japan (44,235 cases – 4.4% increase) and China (29,846 cases – 16.8% increase).

世界知的所有権機関（WIPO）が発足した1978年から最多年間出願件数を維持してきた米国が初の減少を記録した。WIPOにより公表された2015年の国際特許出願件数によれば、前年比6.7%減の5万7385件であった。もっとも、減少してもなお米国は首位を維持している。米国が減少した要因の一つに、米国特許制度が先発明主義から先願主義へ移行したことが挙げられる。先願主義への移行により、2014年に6万1477件もの多数の出願がされた結果、2015年の出願件数に影響を与えたのではないかと推察されるからである。

2015年に出願された国際特許出願件数は1.7%増の約21万8000件（速報値）と過去最多を更新。国別では、上記のとおり米国が1位、2位は4万4235件（4.4%増）の日本、3位は2万9846件（16.8%増）の中国となっている。

Damage to Japan's Industrial Sector by Counterfeits at Home and Abroad, and Relevant Countermeasures 日本の産業界が受けた国内外での模倣被害およびその対策

The 2015 Counterfeit Damage Research Report has been published by the JPO, and contains information on the status of damages caused by counterfeits to the Japanese industrial sector at home and abroad in fiscal 2014.

According to the report, in fiscal 2014, 896 enterprises (21.9% of the total) suffered damages due to counterfeits. Broken down by type of goods, damages caused in the categories of miscellaneous goods, electronic/electrical devices, and foodstuffs increased compared to the previous year. When examining the countries where damages took place (via manufacture, shipping or sale), 64.1% of enterprises suffered the most in China, followed by 18.9% that suffered the most in Korea, and 18% that suffered the most in Taiwan.

Measures against damages caused by counterfeits include, as well as obtaining and exercising IP rights in Japan and abroad: consulting with experts, exposing production facilities, and informing consumers. Also, as consumers often cannot tell the difference between counterfeit goods and the genuine article, from the point of view of protecting consumers, some enterprises engage in anti-counterfeiting measures.

2014年度に日本の産業界が受けた国内外での模倣被害の状況について取りまとめられた2015年度模倣被害調査報告書が特許庁より公表されている。

報告書によると、2014年度における模倣被害率は被害企業数896社（全体の21.9%）であり、模倣被害の商品別では雑貨、電子・電気機器、食品が前年度より増加した。製造、経由、販売提供のいずれかの被害を受けた国は、被害社率が64.1%である中国が最も高く、次に韓国18.9%、台湾18%となっている。

模倣被害の対策として、国内外での知的財産権の取得及び権利行使はもちろん、専門家への相談、製造工場の摘発、消費者への注意喚起等が行われている。また、消費者側は模倣品の見分けがつかないことが多いため、消費者を保護する観点からも模倣対策が必要であるとして対策に取り組んでいる企業もある。



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

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