

2 Designs

The JPO has been implementing a variety of initiatives including accelerated examinations, quality management, and the revision of the Examination Guidelines, in order to appropriately protect designs, improve convenience for users, and strengthen the competitiveness of Japan's companies.

1) Examination Performance

The JPO is working to make examinations more efficient for user convenience. In FY2018 (April 2018–March 2019), the JPO achieved the “first action pendency” (FA pendency) and “total pendency” periods shown in Figure 2-1-7. [Figure 2-1-7] [Figure 2-1-8]

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*1. [Figure 2-1-9]

- The accelerated examination system may be applied under the following conditions: (i) applications for design registration related to implementations with an urgent need for registration*2; (ii) applications for design registration that are concurrently filed in one or more other countries; or (iii) applications for design registration by businesses, etc. that have suffered earthquake damage.
- In 2019, first action pendency from request for accelerated examination was 1.7 months on average.

2 意匠

特許庁では、適切な意匠の保護やユーザーの利便性向上、また我が国企業の競争力強化のため、早期審査、品質管理、審査基準の改訂等、種々の取組を実施している。


1) 審査実績

ユーザーの利便性を念頭に審査の効率化を進めており、2018年度（2018年4月2019年3月）は、2-1-7図の「一次審査通知までの期間」（FA期間）及び「権利化までの期間」を達成した。[2-1-7図][2-1-8図]

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*1。 [2-1-9図]

- 早期審査制度の対象は、(i) 権利化について緊急性を要する実施関連の意匠登録出願*2、(ii) 外国にも出願している意匠登録出願、(iii) 震災による被害を受けた企業等の意匠登録出願。
- 2019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1.7か月。

*1  English
https://www.jpo.go.jp/e/system/design/shinsa/soki-isyou_soukisinri.html

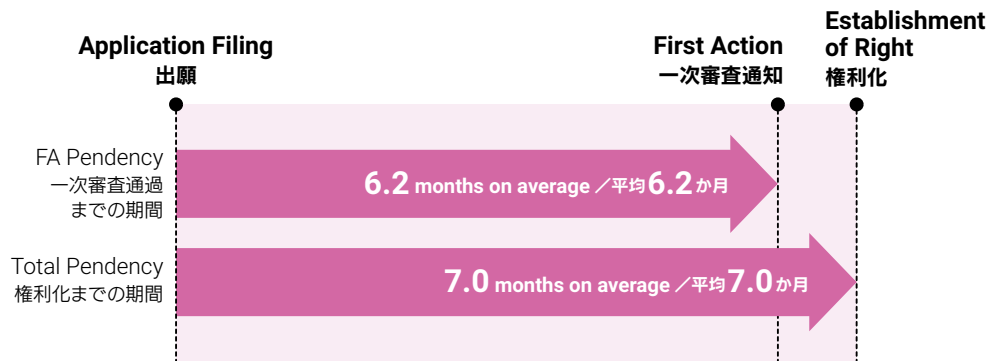
 日本語
https://www.jpo.go.jp/system/design/shinsa/soki/isyou_soukisinri.html

*2 Among (i), the JPO is implementing an initiative to commence examinations even earlier for applications where there are counterfeits already in existence and there are no problems in the application procedure. In 2019, the above period was 0.5 months on average. (i)のうち、実際に模倣品が発生したものであって、出願手続に不備のない出願については、より一層早期に着手する取組を実施しており、2019年の前記期間は平均0.5か月。

Figure 2-1-7 | 2-1-7 図

FA Pendency and Total Pendency for Design Examinations in FY2018

2018年度における意匠審査のFA期間及び権利化までの期間



Note: • 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 of registration or a notice of reasons for refusal).
• 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).

備考: • FA期間は、出願から審査官による審査結果の最初の通知（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るまでの期間。
• 権利化までの期間は、出願から最終処分までの期間（国際意匠出願を除く。また、出願人が制度上認められている期間を使い補正等を行うことによって、特許庁から再度の応答を求められる場合等を除く。）。

Figure 2-1-8 | 2-1-8 図

Number of FAs and Decisions of Registration for Design Examinations

意匠審査のFA件数及び登録査定件数の推移

Year / 年	2015	2016	2017	2018	2019
Number of FAs FA件数	29,752	30,448	31,600	31,266	31,749
Number of Decisions of Registration 登録査定件数	26,286	26,156	27,976	27,301	27,909

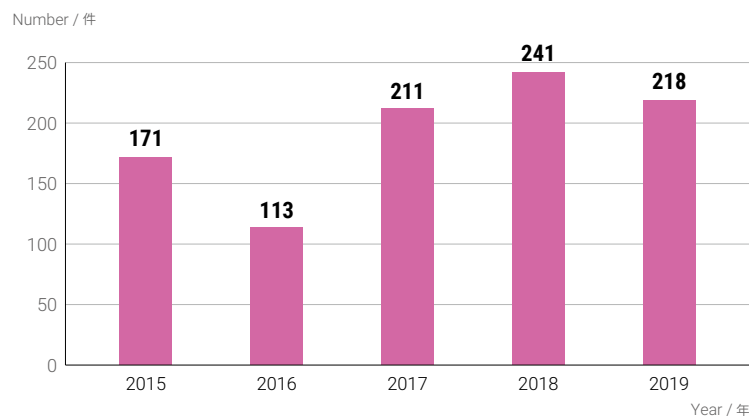
Note: The number of first actions is the number of first notices of examination results sent by examiners to applicants, etc. (for the most part, either a decision of registration or notices of reasons for refusal).

備考: FA件数は、審査官による審査結果の最初の通知（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。

Figure 2-1-9 | 2-1-9 図

Number of Requests for Accelerated Examinations for Design

意匠早期審査の申出件数の推移



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

備考: 早期審査の申出件数は、「早期審査に関する事情説明書」が提出された案件数。