



SONODA & KOBAYASHI
INTELLECTUAL PROPERTY LAW



April 2026

Contents

- **News about Sonoda & Kobayashi**

1. Sonoda & Kobayashi Beijing IP Group Celebrates Five Year Anniversary

- **JPO and CNIPA News**

1. JPO Published Updated Service by Publication List
2. JPO Announces EPO International Search Fee Increase from April 1, 2026
3. CNIPA Issues Guidance on Patent Applications Involving Standards

- **Latest IP News in Japan**

1. Kawasaki Heavy Industries Awarded \$48 million in Infringement Suit with Rorze
2. Patent Dispute Between Daiichi Sankyo and Seagen over Cancer Drug Concludes

- **Latest IP News in China**

1. China's Supreme People's Court Upholds Validity of Japanese Research Institution's Priority Right for LED Patent
2. Supreme People's Court Clarifies Handling of Paragraph I Declarations in Drug Patent Linkage Cases

- **IP Law Updates in Japan: Insights from Sonoda & Kobayashi**

1. 2026 JPO Status Report: Patterns and Changes from Previous Years

- News about Sonoda & Kobayashi -

- 1. Sonoda & Kobayashi Beijing IP Group Celebrates Five Year Anniversary**

This year marks the fifth anniversary of Sonoda & Kobayashi Beijing IP Group. Founded in 2021 by Chinese patent attorney and attorney-at-law [Ms. Yanhui Wang](#), the Beijing office was established with the goal of bringing the same level of quality, professionalism, and trust associated with Sonoda & Kobayashi's Tokyo office to clients in China.

Over the past five years, the Beijing office has steadily grown into an experienced team, now comprising four Chinese patent attorneys, four Chinese attorneys-at-law, one patent engineer, one Chinese trademark attorney, and two former CNIPA examiners.

We would like to express our gratitude to all of our clients and partner firms who have supported and trusted us in these past five years. We look forward to continuing our growth and collaboration as we move toward the next five years and beyond.

More information on Sonoda & Kobayashi Beijing IP Group can be found [here](#) (English).

- JPO and CNIPA News -

- 1. JPO Published Updated Service by Publication List**

On March 19th, 2026, the JPO updated its website which provides information regarding notice of service of process by publication.

By way of explanation, as a final resort in cases where documents could not be served by ordinary means, those documents are served through publication. Service by publication is deemed accomplished 20 days after the date of publication in the Official Gazette.

The documents that have been served by publication, along with identifying case information, can be found at this website: <https://www.jpo.go.jp/system/laws/koji/index.html>. In consideration of privacy, information regarding the matters served by publication are published on the website only for matters within one year from the effective date of such service (i.e., 20 days after the date of publication in the Official Gazette). Using publicly available service by publication information for any purpose other than verifying the information itself is strictly prohibited.

Accordingly, parties should be aware that, even if service of process upon them has not been accomplished by normal means, failure to receive documents does not prevent deadlines from operating beginning 20 days from the date of publication.

Specific information on this topic can be found [here](#) (Japanese).

2. JPO Announces EPO International Search Fee Increase from April 1, 2026

In March 2026, the JPO announced that from April 1, 2026, the international search fee applicable when the European Patent Office (EPO) is selected as the International Searching Authority (ISA) will be increased. Specifically, the EPO search fee will rise from 323,700 yen to 345,900 yen. The applicable fee is determined based on the date on which the international application is received, and applicants should ensure that the correct fee is applied accordingly.

Further information can be found [here](#). (Japanese)

3. CNIPA Issues Guidance on Patent Applications Involving Standards

On March 14, 2026, the China National Intellectual Property Administration (CNIPA) published the "Guidance on Invention Patent Applications Involving Standards." This document is designed to help both domestic and international applicants better understand patent examination policies and improve the quality of their patent filings, in line with the goals set out in the Intellectual Property Strong Country Construction Outline (2021–2035).

The Guidance focuses on invention patent applications intended to become Standard Essential Patents (SEPs), drawing primarily on practices in the telecommunications sector while also providing insights applicable to other technical fields. The Guidance is structured into four chapters:

- **Basic concepts of standards:** Introduces the definitions, classifications, and development procedures of standards.
- **Synergy between standards and patents:** Explains the concept of SEPs, provides methods for conducting "correspondence analysis" between patent claims and standard documents (e.g., using claim charts), and outlines patent strategies at different stages of standardization (proposal, drafting, revision, approval).
- **Application strategies:** Details how to leverage the priority system for early filing, use the grace period for novelty as a remedy for proposals disclosed in international meetings, and request delayed examination to align patent prosecution with the standard-setting timeline.
- **Drafting strategies:** Offers specific advice on claim drafting, including aligning claim language with standard terminology, using layered claim structures, and drafting from a single-side perspective. It also provides in-depth guidance on addressing challenges related to inventive step (especially for incremental or cross-generational improvements), the use of parallel technical solutions to cover potential standard options, and avoiding amendments beyond the scope or lack of clarity in claims.

The amendments aim to promote the integrated development of technology, patents, and standards, helping innovators secure more robust and enforceable SEP rights.

Further information can be found [here](#). (Chinese)

- Latest IP News in Japan -

1. Kawasaki Heavy Industries Awarded \$48 million in Infringement Suit with Rorze

Various, March 16, 2026

On March 16, 2026, Rorze Corporation, a Japanese semiconductor manufacturer, published a press release regarding a decision in a patent infringement dispute between the company and Kawasaki Heavy Industries by a jury in the United States District Court for the Northern District of California. The case concerned semiconductor wafer transfer equipment allegedly infringing a U.S. patent held by Kawasaki. The lawsuit was originally filed in August 2022. The jury found in favor of Kawasaki and awarded damages of \$48 million. The verdict represents a preliminary outcome rather than a final judgment. Rorze has maintained that there is no infringement and that the patent is invalid. The company also stated that it will pursue post-trial motions and an appeal.

Further information can be found [here](#) (English), [here](#) (Japanese), and [here](#) (English).

2. Patent Dispute Between Daiichi Sankyo and Seagen over Cancer Drug Concludes

Various, March 10, 2026

On March 10, 2026, as reported in a press release from Daiichi Sankyo, the patent dispute between the company and Seagen Inc. concerning antibody-drug conjugate (ADC) technology concluded following appellate proceedings in the U.S. Court of Appeals for the Federal Circuit. The case involved Seagen's U.S. Patent No. 10,808,039 and its alleged infringement by Daiichi Sankyo's cancer treatments, including Enhertu.

In December 2025, the Federal Circuit reversed an earlier decision by the U.S. District Court for the Eastern District of Texas that had upheld the patent and awarded damages and royalties against Daiichi Sankyo. The appellate court found the patent invalid, vacated the prior infringement judgment, and dismissed related appeals as moot, including proceedings before the USPTO. After the deadline to seek further review passed on March 2, 2026, the litigation was formally concluded.

Further information can be found [here](#) (English), [here](#) (Japanese), and [here](#) (English).

- Latest IP News in China -

1. China's Supreme People's Court Upholds Validity of Japanese Research Institution's Priority Right for LED Patent

China Intellectual Property Lawyers Network, January 20, 2026

On December 25, 2025, the Supreme People's Court of China issued a final judgment in a patent invalidation administrative dispute involving a Japanese research institution, overturning both a prior decision of the China National Intellectual Property Administration (CNIPA) and a first-instance court ruling. The Court confirmed that the invention patent titled "Light-Emitting Element and Lighting Device" (Patent No. ZL200580005112.5) is entitled to its claimed priority right, significantly affecting the evaluation of prior art in the case.

The dispute began when a Jiangsu-based company filed a request with the CNIPA to invalidate the patent held by the Japanese institution. The CNIPA, supported by the Beijing Intellectual Property Court in a first-instance judgment, found that an earlier Japanese patent application (JP2003-394855, filed November 26, 2003) disclosed the same technical solution as the challenged patent's claims 1-6. The CNIPA concluded that this earlier application constituted the "first filing" of the subject matter, thereby depriving the Chinese patent of its claimed priority right (based on JP2004-041502, filed February 18, 2004). Consequently, the CNIPA used another reference (JP2003-124527A and a 2004 academic paper) to find claims 1-6 lacked inventive step and declared them invalid. The Japanese institution appealed to the Supreme People's Court. The core legal issue was whether the subject matter of claims 1-6 was the "same" as that disclosed in the earlier JP2003-394855 application, which would negate the priority claim. The Supreme Court conducted a detailed analysis and reached a different conclusion. The Court focused on the definition of the "YAG-based phosphor" in the patent's claim 1. While the CNIPA and first-instance court viewed the term as synonymous with the specific phosphor $(Y,Gd)_3(Al,Ga)_5O_{12}:Ce$ disclosed in the earlier application, the Supreme Court disagreed. It found that:

(1) **Scope of the Claim is Broader:** The patent's claim 1 defines a YAG-based phosphor capable of emitting green, yellow-green, or yellow light. Technically, YAG-based phosphors encompass a large class of materials where different dopants (not just Ce, but also Tb, Ho, etc.) can produce various colors. The specific formula $(Y,Gd)_3(Al,Ga)_5O_{12}:Ce$ is merely one common example within this broader category.

(2) **No "Direct and Unambiguously Derivable" Link:** The specification of the Japanese institution's patent does not limit "YAG-based phosphor" to only the specific formula. Therefore, a person skilled in the art reading the earlier JP2003-394855 application, which only mentions the specific formula, could not directly and unambiguously derive the full scope of the broader YAG-based phosphor class now claimed.

(3) **Not the "Same Subject Matter":** Because the subject matter of the challenged claims (a broad class) is not directly and unambiguously derivable from the earlier application (a specific compound), the two applications do not constitute the "same subject matter." Consequently, the earlier JP2003-394855 application is not the "first filing" for the subject matter of claims 1-6.

On this basis, the Supreme People's Court ruled that the Japanese institution's patent is entitled to its claimed priority date of February 18, 2004. This finding invalidated the CNIPA's reliance on the 2004 academic paper, which was published after the now-confirmed priority date, in assessing inventive step. The Court annulled the portions of the CNIPA decision invalidating claims 1-6 and ordered the CNIPA to re-examine the invalidation request based on the correct priority date.

This ruling provides important guidance on the strict criteria for determining "same subject matter" in priority disputes, emphasizing in particular that the disclosure of a specific example does not automatically defeat the priority of a later-filed claim directed to a broader, but properly supported, technical concept.

Further information can be found [here](#). (Chinese)

2. Supreme People's Court Clarifies Handling of Paragraph I Declarations in Drug Patent Linkage Cases

Supreme People's Court Intellectual Property Court, March 19, 2026

On March 19, 2026, the Supreme People's Court Intellectual Property Court published a ruling concerning the treatment of Paragraph I declarations made by generic drug applicants before patent information is registered on the China Listed Drug Patent Information Platform (the Patent Information Platform).

The case involved Swiss company Amgen, the patentee of the original drug apremilast, and a Chinese generic applicant, Shi Yao Pharmaceuticals. The generic applicant submitted its marketing authorization application on September 10, 2021, and made a Paragraph I declaration on the Patent Information Platform, certifying that no relevant patent information for the original drug had been registered. However, Amgen registered the relevant patent information on the Platform on September 13, 2021 - three days after the generic application was filed. Amgen subsequently filed a patent linkage lawsuit seeking a determination that the generic product fell within the scope of its patent rights.

The generic applicant argued that its Paragraph I declaration was correct at the time it was made, as the patent information had not yet been registered. The first-instance court dismissed Amgen's lawsuit, and Amgen appealed.

The Supreme People's Court clarified the following principles:

- **Systemic interpretation is required:** The Patent Linkage Mechanism should be understood holistically, balancing the rights of patentees (who have a reasonable period to register patents) and generic applicants (who must make truthful declarations based on the Patent Information Platform).
- **Correcting erroneous declarations:** Where a patentee timely registers patent information after obtaining marketing approval, but a generic applicant has already made a Paragraph I declaration due to the timing gap, the patentee should have an opportunity to request the generic applicant to change its declaration type within a reasonable period.
- **Right to sue preserved:** If the generic applicant either changes its declaration to a Paragraph IV declaration (challenging the patent's validity or non-infringement), refuses to change, or changes to another incorrect declaration, the patentee's lawsuit should be accepted and heard on the merits.

In this specific case, however, the Supreme People's Court upheld the dismissal of Amgen's lawsuit because the patent at issue had expired during the first-instance proceedings. As a result, the generic applicant could no longer change its declaration to a Paragraph IV declaration, and there was no longer an enforceable patent right. The Court noted that the patentee could still pursue separate infringement actions for conduct occurring before the patent expired.

This ruling provides important guidance on procedural fairness in China's evolving drug patent linkage system, ensuring that patentees are not deprived of their right to sue due to timing discrepancies in patent registration.

Further information can be found [here](#) (Chinese).

- IP Law Updates in Japan: Insights from Sonoda & Kobayashi -

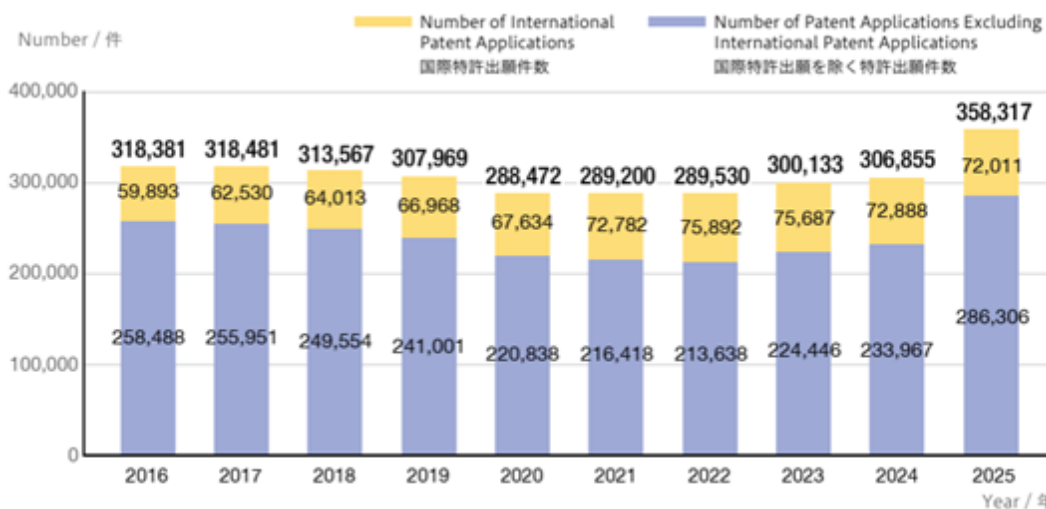
1. 2026 JPO Status Report: Patterns and Changes from Previous Years

March 23, 2026

On March 26, 2026, the JPO released their annual status report for 2026. Last March, we reported on the five-year and ten-year trends shown by the previous year's report. We now continue our analysis with a comparison of statistics for 2024 and 2025.

General Filing Trends

Despite stagnation in application numbers over the past ten years, 2025 saw the highest number of applications by a significant margin, reaching 358,317 applications. The number of applications increased by 51,462 from 2024 to 2025, representing a 16.8% increase. By contrast, the number of international patent applications decreased slightly from 2024, falling by 877 applications.



Source: JPO

This increase in application numbers is attributable to a dramatic rise in domestic applications. The total number of patent applications originating from Japan increased by 50,413, from 237,169 in 2024 to 287,582 in 2025 (*not shown in the above graph*).

Country Level Filing Trends

At the individual country level, applications from South Korea saw the largest increase, rising by nearly 19% in 2025 compared to 2024. This increase was substantially higher than the growth from 2023 to 2024, which was 2.92%. Applications from China and Taiwan

also continued to rise, with filings from China increasing by 8.39% and those from Taiwan by 9.19%.

Conversely, applications from the United States, Germany, France, the United Kingdom, and the Netherlands declined from 2024 to 2025, continuing the downward trend observed in the previous year's data. The Netherlands experienced the largest decline, with nearly 200 fewer applications filed in 2025 than in 2024, representing a decrease of 9.86%.

Although applications declined from 2023 to 2024, Switzerland and Sweden recorded increases in filings in 2025 compared to the previous year. The increase from Sweden was more pronounced, at 3.93%.

Country	2024	%Change (2023-2024)	2025
U.S.	25228	-2.49%	24601
China	9986	8.39%	10824
Germany	5788	-8.81%	5278
South Korea	8151	18.84%	9687
Switzerland	3695	0.14%	3700
France	2495	-8.70%	2278
U.K.	2334	-2.78%	2269
The Netherlands	1703	-9.86%	1535
Taiwan	1556	9.19%	1699
Sweden	993	3.93%	1032
Others	7757	0.97%	7832
Total	69686	1.51%	70735

Overall, the number of non-domestic patent applications increased by 1.51% from 2024 to 2025, reversing the negative trend seen from 2023 to 2024.

In summary, the 2026 JPO report shows a dramatic increase in the number of applications filed with the JPO in 2025, with a 16.8% rise compared to 2024. While this growth was driven primarily by domestic applications, overseas filings also increased by 1.51%, with particularly strong growth from China and South Korea.

The 2026 JPO annual report can be found [here](#).

SONODA & KOBAYASHI is a law firm offering dependable legal services for intellectual property. Our multinational team of about 120 experts in technology, law, languages and international communication has served companies worldwide and gained a reputation for thoroughness and reliability.

Tokyo:

Shinjuku Mitsui Building, 34F
2-1-1 Nishi-Shinjuku, Shinjuku-ku,
Tokyo 163-0434, Japan

Main Line: +81-3-5339-1093

newsletter@patents.jp

Kyushu:

15F, Fukuoka Tenjin Fukoku Seimei Building,
1-9-17 Tenjin, Chuo-ku, Fukuoka, Japan

Main Line: +81-92-717-3916

Beijing:

Beijing Fortune Bldg., Suite 804-805
5 Dong San Huan Bei Lu Chaoyang District
Beijing 100027, China

Main Line: +86-10-6592-4958



Copyright © 2016-2026 Sonoda & Kobayashi Intellectual Property Law. All rights reserved.

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).