

4-2. 智慧財產法庭民事第一審專利訴訟事件有效性抗辯成立比率---按專利型態分 200807-202603

The Sustained Rate of Validity Defenses in the Patent Litigation of Civil First Instance Cases by the Tribunal of Intellectual Property – by Patent Type

單位：件；% (Unit: case ; %)

| 專利型態 Patent Type | | (1)提出有效性抗辯件數 Number of Cases Raising Invalidation Defenses | 權利有效性抗辯成立與否 Outcome of Invalidation Defenses | | | 判斷是否落入專利權範圍 Claim Scope Determination | | | (3)提出有效性抗辯成立比率 Rate of Success of Invalidation Defenses |
|---|--|---|---|---------------|-----------------------|--|-----------------------|-----------------------|--|
| | | | (2)權利無效 Invalid | 權利有效 Valid | 未判斷 Not Determined | 落入 Infringing | 未落入 Non-Infringing | 未判斷 Not Determined | (3)=(2)/(1) *100 |
| 民事一審 專利判決 Civil First-Instance Judgment in Patent Cases | 件數 Number of Cases | 989 | 478.7 | 170.8 | 339.5 | 191.6 | 363.8 | 433.6 | 48.4 |
| | 發明專利(件次) Invention Patent (Case-Based Patent Count) | 440 | 207.9 | 59.1 | 173.0 | 74.8 | 183.3 | 181.8 | 47.3 |
| | 新型專利(件次) Utility Model Patent (Case-Based Patent Count) | 461 | 243.8 | 79.8 | 137.5 | 88.8 | 149.0 | 223.3 | 52.9 |
| | 設計專利(件次) Design Patent (Case-Based Patent Count) | 106 | 32.1 | 35.9 | 38.0 | 30.8 | 43.3 | 31.8 | 30.3 |

備註：1. 提出權利有效性抗辯，法院「未判斷」原因為認定未侵害已成立或有其他原告之訴應予駁回情形而無庸再論專利是否有效。

2. 自 2021 年 7 月起審判三代上線，一案若涉及數種專利型態，本表資料分別列計，以件次計數，故專利型態細項合計大於或等於件數。

Remark: 1. For the circumstance where validity defense is raised but not determined, the cases are not determined because the court has determined non-infringement or otherwise dismissed other plaintiffs' claims, and therefore, rendering a determination of patent validity defense unnecessary.

2. Since July 2021, the Third-Generation Judicial System has been in operation. Where a single case involves multiple patent types, the data in this table is listed separately and counted by case-based patent count; therefore, the total of patent-type subcategories may be greater than or equal to the total number of cases.

資料來源：智慧財產及商業法院 (Source: Intellectual Property and Commercial Court)