

4 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 200807-202212					
The Sustained Rate of Invalidity Defenses in the Patent Litigation of Civil First Instance Cases by the Tribunal of Intellectual Property (Jul. 2008~Dec. 2022)					
單位：件；% (Unit: case ; %)					
期別 Season, Year	提抗辯件數 The Number of Raising Invalidity Defenses	權利無效 Invalid Cases	權利有效 Valid Cases	未判斷 Without Disposition	成立比率 Sustained Rate
Jul. 2008~Dec. 2022	869	434.7	149.3	285.0	50.0
Jul.~Dec. 2008	5	2.0	1.0	2.0	40.0
Jan.~Dec. 2009	46	29.5	7.5	9.0	64.1
Jan.~Dec. 2010	66	46.0	6.0	14.0	69.7
Jan.~Dec. 2011	62	36.0	13.0	13.0	58.1
Jan.~Dec. 2012	60	40.0	10.0	10.0	66.7
Jan.~Dec. 2013	70	43.0	12.0	15.0	61.4
Jan.~Dec. 2014	64	26.0	15.0	23.0	40.6
Jan.~Dec. 2015	86	47.5	11.0	27.5	55.2
Jan.~Dec. 2016	59	20.0	14.0	25.0	33.9
Jan.~Dec. 2017	66	19.0	12.5	34.5	28.8
Jan.~Dec. 2018	61	28.5	6.5	26.0	46.7
Jan.~Dec. 2019	68	35.8	9.3	23.0	52.6
Jan.~Dec. 2020	66	27.0	11.0	28.1	40.9
Jan.~Dec. 2021	52	20.8	10.7	20.5	40.1
Jan.~Dec. 2022	38	13.6	9.9	14.5	35.7

備註:1. 成立比率=權利無效件數/ 提出有效性抗辯件數 (權利無效+權利有效+未判斷)*100%

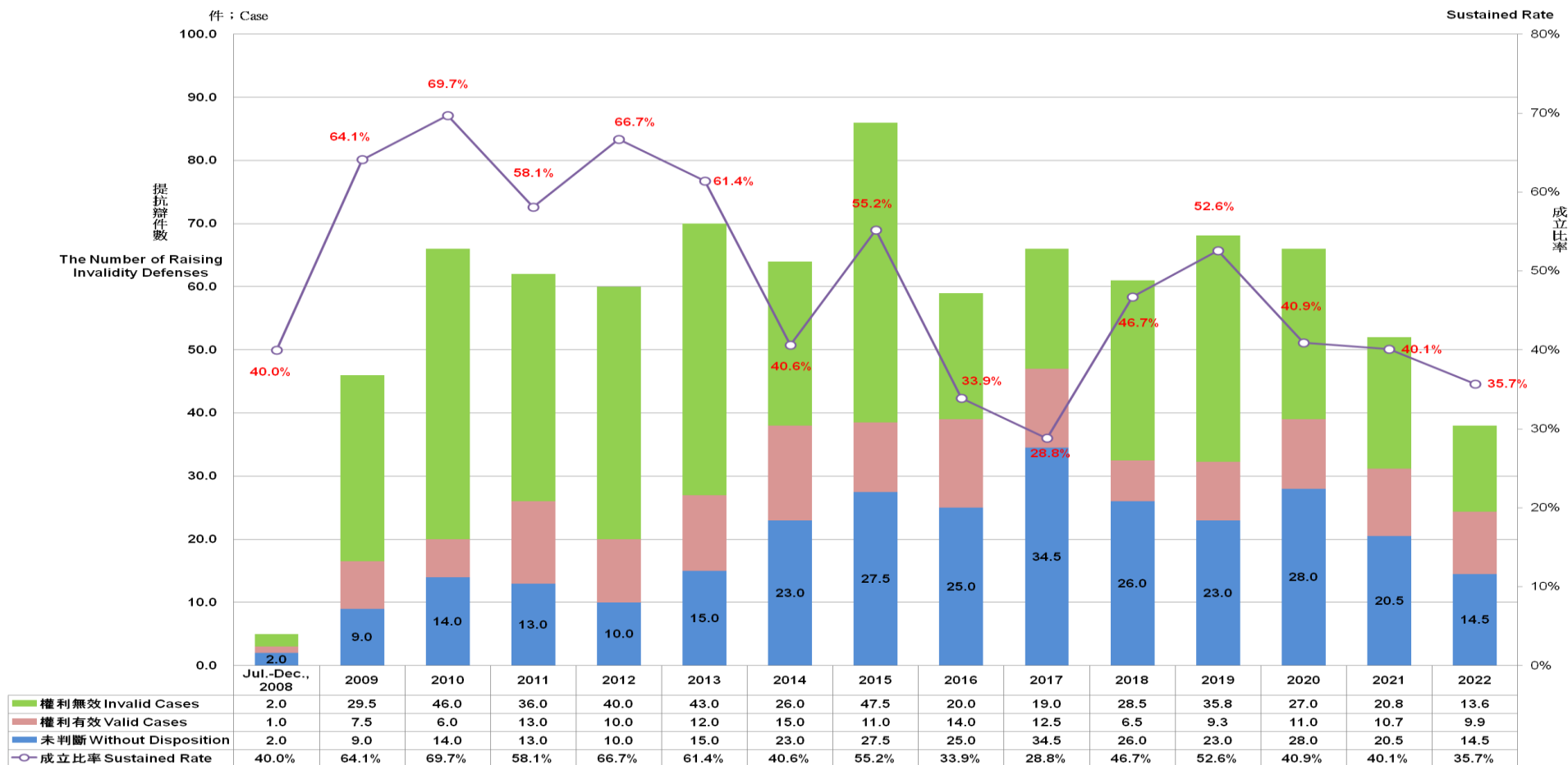
2. 若 1 件專利事件之訴訟聲明主張有多個請求項，而判決認定其請求部分有效、部分無效，則於權利有效及權利無效各計 0.5 件。若有數項專利多個請求，判決情形各異，則有計 0.25 件情事。

Note: 1. Sustained Rate= Invalid Cases/ Number of Raising Invalidity Defenses (Valid Cases + Invalid Cases + Without Disposition) *100%

Note: 2. If a patent litigation case involves multiple claims of the patent at issue and the claims challenged are held partly invalid and partly valid by a judgment, the case will be counted as 0.5 case to the number of valid cases and invalid ones each. If a patent litigation case involves several patents at issue and multiple claims thereof and the validity of these patents at issue and challenged claims thereof are determined separately in a judgment, the case will be counted as 0.25 case to the number of valid cases and invalid ones each.

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

4. 智慧財產法院民事第一審專利訴訟事件有效性抗辯成立比率 (2008.07-2022.12)
The Sustained Rate of Invalidity Defenses in the Patent Litigation of Civil First Instance Cases
by the Tribunal of Intellectual Property
(Jul. 2008~Dec. 2022)



備註: 1. 成立比率=權利無效件數/提出有效性抗辯件數(權利無效+權利有效+未判斷)*100%

2. 若1件專利事件之訴訟聲明主張有多個請求項，而判決認定其請求部分有效、部分無效，則於權利有效及權利無效各計0.5件。若有數項專利多個請求，判決情形各異，則有計0.25件情事。

Note: 1. Sustained Rate= Invalid Cases/ Number of Raising Invalidity Defenses(Valid Cases+Invalid Cases+Without Disposition)*100%

Note: 2. If a patent litigation case involves multiple claims of the patent at issue and the claims challenged are held partly invalid and partly valid by a judgment, the case will be counted as 0.5 case to the number of valid cases and invalid ones each. If a patent litigation case involves several patents at issue and multiple claims thereof and the validity of these patents at issue and challenged claims thereof are determined separately in a judgment, the case will be counted as 0.25 case to the number of valid cases and invalid ones each.

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