

## Restriction of Multi-Multi Claims in Japan

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Due to amendments to the Ordinance for Enforcement of the Japanese Patent Act and the Japanese Utility Model Act that came into force on April 1, 2022, multi-multi claims are no longer allowed in patent and utility model applications filed in Japan on or after April 1, 2022. For the sake of brevity, the Patent Law is described below, but the same applies to utility models.

Previously, multi-multi claims were not allowed in the U.S., China, and Korea, while they were allowed in Japan and Europe. Now, from the viewpoint of international harmonization and reduction of the burden of examination and monitoring by third parties, multi-multi claims will be restricted in Japan as well.

Specifically, the restriction on multi-multi claims in Japan is due to the establishment of a new item 5 in Article 24-3 of the Ordinance for Enforcement of the Patent Law.

It should be noted that not only is the typical multi-multi claim description (Example 1) not allowed, but neither is an indirect multi-multi claim description (Example 2), nor is a description citing multi claim(s) of another category in an independent claim (Example 3).

### Example 1 (typical multi-multi claim description):

- claim 1. An apparatus comprising "A".
- claim 2. An apparatus as claimed in claim 1, further comprising "B".
- claim 3. An apparatus as claimed in claim 1 or 2, further comprising "C".
- claim 4. An apparatus as claimed in any one of claims 1-3, further comprising "D".

\* claim 4 is not allowed as it is a multi-multi claim.

### Example 2 (indirect multi-multi claim description):

- claim 5. An apparatus as claimed in claim 4, wherein "D" is "d1".
- claim 6. An apparatus as claimed in claim 4, wherein "D" is "d2".
- claim 7. An apparatus as claimed in claim 5 or 6, further comprising "E".

\* claim 7 is not allowed as it is an indirect multi-multi claim.

### Example 3 (an independent claim citing multi claim(s) of another category):

claim 8. A computer program for operating a computer as the apparatus as claimed in any one of claims 1 to 3.

\* claim 8 is not allowed as it is a claim citing multi claims of another category.

Violation of the multi-multi claim restriction will be rejected based on Article 36(6)(iv) of the Japanese Patent Law. The claim will not be examined with respect to requirements such as novelty and inventive step.

If the rejection reason based on Article 36(6)(iv) is resolved by amendments, the claim will consequently be examined with respect to patentability. However, further rejection will be the final rejection.

The above rule applies to Japanese patent applications filed on or after April 1, 2022; however, it does not apply to international applications filed prior to April 1, 2022 for entry into the national phase.

Finally, no additional fee will be imposed for multiple dependent claims. Regardless of single/multiple dependency, a claim is counted as one claim for fee calculation.

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