

## Restrictions on Multi-Multi Claims

In Japan, in accordance with the revised ministerial ordinance promulgated on February 25, 2022, "multi-multi claims" will not be allowed in Patent and Utility Model applications of which filing date is on or after April 1, 2022. The "multi-multi claims" means claims that alternatively refer to two or more other claims (multi-claims) that alternatively refer to two or more other claims. The "filing date" in this case is an original filing date in case of divisional applications, an international filing date in case of PCT applications, and an actual filing date in Japan in case of priority-based applications.

This revision is in view of international harmonization as well as reduction of burden at examination process and reduction of burden for third party monitoring. This revision is essentially in line with the requirements in US, Korea and China, where multi-multi claims are not allowed.

If a patent application of which filing date is on or after April 1, 2022 includes multi-multi claims, the Applicant will be notified of reasons for refusal for violation of Article 36(6)(iv) of the Patent Act (the violation of the ministerial ordinance).

These multi-multi claims will not be examined as to requirements other than the violation of the ministerial ordinance. For instance, the multi-multi claims will not be examined as to novelty and/or inventive step requirements, etc.

When the multi-multi claims are amended in response to the notice of reasons for refusal including the violation of the ministerial ordinance and if only reasons for refusal required thereby are to be notified as a result, it will be a final notice, to which claim amendments are restricted.

In the case of a utility model application, an order to amend will be issued as the multi-multi claims do not meet the requirements (basic requirements) provided in Article 6bis of the Utility Model Act.