

## **Announcement: Revision of the Examination Guidelines related to Multi-Multi Claims Restriction**

As of April 1, 2022, “multi-multi claims” as they are called are no longer accepted in the patent applications filed on or after given date. A multi-multi claim is a multiple dependent claim that is dependent on at least one other multiple dependent claim.

- JP National Phase entry applications

The new rules on “multi-multi claim” restrictions apply to national phase entry applications **with an international filing date of April 1, 2022 or later.**

In matters meant for national phase entry, and where the new rule is to be applied, it is recommended to **make appropriate amendments eliminating the multiple-multiple dependent relation in claims, after the entry into the national phase, but prior to or at the time of requesting substantive examination.** Since it is necessary to submit a translation of the original claim set of the PCT application, the claim set cannot be modified in the translation.

- Direct JP application with or without a priority claim under the Paris Convention

For applications claiming Paris Convention priority, determination will be made based on the actual filing date in Japan (not the priority date). *In other words, this rule applies to all of the future applications.*

It is recommended to **modify the claims set at the time of filing so that the application does not include multi-multi claims.** Alternatively, after filing the application, amendments may be submitted to eliminate the multiple-multiple dependent relationship.

Japanese Patent Office defines the purpose of this change in legal framework to be foremost encouraging international harmonization, and to reduce the burden of examination workload.

All multi-multi dependent claims will be subject to rejection without exception, for lack of clarity as a reason. Multi-multi claims are not to be examined in terms of requirements other than the ministerial ordinance requirements on multi-multi claims. **That is, for multi-multi claims, no examination is performed in terms of other patent requirements, such as unity of invention, novelty, and inventive step.**

A reason for rejection based on the multi-multi claims restrictions can be avoided by changing a dependent claim so that it depends on a single claim. An invention that was excluded to resolve the multi-multi dependent claim can be claimed with an additional independent or dependent claim.

Since there are no restrictions on the total number of claims or the number of independent claims in Japan, it is possible to significantly increase the number of claims as long as the requirements for the unity of invention are fulfilled.

Please see more details in the example:

**Example Claim set:**

- Claim 1 A device comprising \_\_\_\_.  
Claim 2 The device according to claim 1, wherein \_\_\_\_.  
Claim 3 The device according to claim 2, wherein \_\_\_\_.  
Claim 4 The device according to any one of claims 1 to 3, wherein \_\_\_\_.  
**Claim 5 The device according to any one of claims 1 to 4, wherein \_\_\_\_.**

In this example claim 5 corresponds to a multi-multi claim. Claim 5 should be amended to something similar to “according to any one of claims 1 to 3” or “according to claim 4”.

However, although there is no restriction on the number of claims that could be filed, it is important to note that as the number of claims increases, the burden of examination fee and patent fee increases. The reason behind this is that the examination fees and patent fees in Japan are determined by the number of claims to be examined, and number of claims to be registered with the JPO.

The limitation on multi-multi claims also applies to **utility models**, and is added to the basic requirements.

For more details regarding this matter, we recommend referring to the official site of JPO at:

[https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/kaitei/rev\\_202204.html](https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/kaitei/rev_202204.html)

If you have any additional questions, please do not hesitate to contact us.

*Sincerely,*

**HIROE AND ASSOCIATES**  
*patent professional corporation*

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