

See also GL/PCT-EPO G-II, 4.2.

#### **4.22 Broad claims**

GL/ISPE 5.42, 15.25

The PCT Regulations do not explicitly mention overly broad claims. However, objections to such claims may arise for various reasons.

Where there are discrepancies between the claims and the description, the claims are not sufficiently supported by the description (Art. 6) and also, in most cases, the invention is not sufficiently disclosed (Art. 5, see GL/PCT-EPO F-IV, 6.1).

Sometimes an objection of lack of novelty arises, for example if the claim is formulated in such broad terms that it also covers known subject-matter from other technical fields. Broad claims may also cover embodiments for which a purported effect has not been achieved. On raising an objection of lack of inventive step in such cases, see GL/PCT-EPO G-VII, 5.2.

#### **4.23 Order of claims**

There is no legal requirement that the first claim should be the broadest. However, Art. 6 requires that the claims must be clear not only individually but also as a whole. Therefore, where there are a large number of claims, they should be arranged with the broadest claim first. If the broadest of a large number of claims is a long way down, so that it could easily be overlooked, the applicant should be required either to re-arrange the claims in a more logical way or to direct attention to the broadest claim in the introductory part or in the summary of the description.

Furthermore, if the broadest claim is not the first one, the later broader claim must also be an independent claim. Consequently, where these independent claims are of the same category, an objection may also arise under Rule 6 if they result in a lack of clarity and conciseness (see GL/PCT-EPO F-IV, 3.2).

### **5. Conciseness, number of claims**

Rule 6.1(a)

See ISPE Guidelines 5.42.

The EPO applies option GL/ISPE A5.42[2] of the Appendix to Chapter 5 of the ISPE Guidelines.

Where it is found that the claims lack conciseness under Art. 6, it may be appropriate for the examiner to first invite the applicant to provide informal clarification before the search is carried out (see GL/PCT-EPO B-VIII, 3.3 to GL/PCT-EPO B-VIII, 3.6).

### **6. Support in description**

#### **6.1 General remarks**

Art. 6

See ISPE Guidelines 5.43.

Regarding support for dependent claims by the description, see GL/PCT-EPO F-IV, 6.6.