

3.4 Further cases of broadening of claims

The examiner should apply the guidelines of section H-V. 3.4. in the Guidelines for Examination in the EPO *mutatis mutandis*.

3.5 Disclaimer disclosed in the application as originally filed

GL/ISPE 20.21

The examiner should apply the guidelines of section H-V. 3.5. in the Guidelines for Examination in the EPO *mutatis mutandis*.

4. Disclaimers not disclosed in the application as originally filed

4.1 The subject-matter to be excluded is not disclosed in the application as originally filed (so-called undisclosed disclaimers)

The examiner should apply the guidelines of section H-V. 4.1. in the Guidelines for Examination in the EPO *mutatis mutandis*.

The EPO applies option A20.21[2] of the Appendix to Chapter 20 of the ISPE Guidelines.

4.2 The subject-matter to be excluded is disclosed in the application as originally filed

The examiner should apply the guidelines of section H-V. 4.2. in the Guidelines for Examination in the EPO *mutatis mutandis*.

5. Amendments to drawings

It is normally not possible under Art. 34(2)(b) to add completely new drawings to an application, since in most cases a new drawing cannot be unambiguously derivable from the mere text of the description. For the same reasons amendments to drawings should be carefully checked for compliance with Art. 34(2)(b).

For drawings based on the priority document, see GL/PCT-EPO H-II, 2.2.2 and subsections.

6. Amendments derived from drawings

The examiner should apply the guidelines of section H-V. 6. in the Guidelines for Examination in the EPO *mutatis mutandis*.

7. Amendments to the title

Rule 5.1, 37

GL/ISPE 16.35-16.38

The sole purpose of the title is to inform the public about the technical information disclosed in the application. If the examiner composes or amends the title, he is not required to gain the approval of the applicant.

Under Rule 5.1, the title is considered to be a part of the description. Under Rule 37.2, in the absence of a title, or when the title does not comply with Rule 4.3 (i.e. it is too long or not precise enough), the search examiner can compose a title or amend the existing one. On the basis of these two rules taken in conjunction, the EPO as ISA may accept amendments of the title proposed by the applicant, provided that any such amendments do not go beyond the disclosure in the international application as filed.