

3. Kinds of claim

3.1 Categories

See ISPE Guidelines 5.12.

For activities practised upon living things, see GL/PCT-EPO G-II, 4.2 and GL/PCT-EPO G-II, 5.4, which relate to subject-matter that may be excluded from search or preliminary examination.

3.2 Number of independent claims

GL/ISPE 5.13-5.14

The PCT has no provision equivalent to Rule 43(2) EPC. However, plural independent claims in one category which comply with the requirement of unity of invention (see GL/PCT-EPO F-V, 2) may be objected to under Art. 6 if they result in a lack of clarity and conciseness (see also GL/PCT-EPO B-VIII, 4).

When assessing whether to raise an objection of lack of clarity or conciseness for such claims, the examiner will take examples (i) to (iv) in GL/EPO F-IV, 3.2, into account.

3.3 Independent and dependent claims

Rules 6.4(a), 13.4
GL/ISPE 5.15-5.16
and A5.16[2]

Section F-IV, 3.4, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

3.4 Arrangement of claims

GL/ISPE 5.17

Section F-IV, 3.5, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

Rules 6.4(a), (b)
and (c)

The EPO allows multiple dependent claims, provided that they do not detract from the clarity of the claims as a whole and that their arrangement does not create obscurity in the definition of the subject-matter to be protected. The EPO applies option GL/ISPE A5.16[2] of the Appendix to Chapter 5 of the ISPE Guidelines.

In case of unclarity, 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, 3.3-3.6).

See GL/PCT-EPO F-IV, 3.7 for claims referring to a claim in a different category.

3.5 Subject-matter of a dependent claim

Section F-IV, 3.6, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

3.6 Alternatives in a claim

GL/ISPE 5.18

Section F-IV, 3.7, in the Guidelines for Examination in the EPO applies *mutatis mutandis*.

For the assessment of unity of invention of claims referring to alternatives, see GL/PCT-EPO F-V, 4, 5 and 9.