

If appropriate, an objection as to clarity and conciseness under Article 6 may be made under Box VIII (see GL/PCT-EPO F-IV, 3.2). As an alternative, for cases where multiple independent claims in one category do not affect the clarity of the definition of the invention, a minor objection may be raised under Box VII.

### 3.2.3 Dependent claims – WO-ISA

Dependent claims should be indicated as complying or not with the requirements of novelty, inventive step and industrial applicability. Short statements of the reasons why the claims do not comply with these requirements should be given on the separate sheet. At the discretion of the examiner, more detailed comments may be made about selected dependent claims. If any claims are found to be novel and inventive, brief reasons for this too should be given on the separate sheet.

### 3.2.4 Clarity, conciseness, support and formal defects – WO-ISA

Major clarity, conciseness or support issues will be mentioned under Box VIII, unless they result in a meaningful search being impossible, in which case they will be treated under Section III.

Formal defects (e.g. reference signs, two-part form, acknowledgment of prior-art documents, etc.) as well as minor clarity issues will be dealt with under Box VII.

If the application is severely deficient and it is clear that the claims will have to be drastically redrafted anyway, it is not necessary to make objections with respect to minor clarity issues and/or formal issues.

## 3.3 Making suggestions

It is possible to make suggestions in the written opinion as to how certain objections raised may be overcome. However, the examiner must not actually, of his own volition, make any final amendments to the application documents, however minor, for the reason that only amendments submitted by the applicant may be taken into consideration for the IPER. In no circumstances should the impression be given that compliance with the suggestions would lead to an allowable application under the EPC or any national law.

GL/ISPE 3.05, 17.71

If no demand for Chapter II is filed, the WO-ISA will automatically be converted into an IPRP Chapter I. Therefore, the WO-ISA should not contain formulations suggesting to the applicant to actively file submissions.

## 3.4 Positive or negative WO-ISA

The examiner needs to indicate whether the WO-ISA is to be considered positive or negative for further prosecution. The reason for this is that when entering the European phase the applicant is required to respond to the WO-ISA if it is negative, but not if it is positive (see GL/EPO E-IX, 3.3.2).

As a general rule, a WO-ISA is considered positive if it contains no objections at all or only minor objections which would not hinder a direct grant in the EP phase (see also GL/EPO C-V, 1.1).