

I) Check list for drafting polymer claims (polymer claim specific checkpoints)

Check list for drafting polymer claims	YES	NO	NOTES
Is there a possibility for a structural definition of the polymer?			
Are there relevant parameters characterizing the polymer?			
<p>Are all parameters mentioned in the application (not only in the claims) clearly and sufficiently described (standard norm, further measuring conditions if the standard norm is not sufficient, detailed description of measuring in the case of unusual parameters, detailed description of unusual equipment for measuring the parameter)?</p> <p>It should be considered that it may be necessary to add a parameter mentioned in the description into a claim during examination/ opposition proceedings. Said parameter has also to fulfill the patentability requirements (especially the clarity and sufficiency requirements mentioned above).</p>			
<p>Are the characterizing properties of the polymer based on its (specific) preparation process?</p> <p>It should be considered to add a description of the polymer by product-by-process features into the description (as a precautionary measure), in case that the claimed parameters are not sufficient to distinguish the polymer over the prior art.⁵ It is then possible to add said product-by-process feature into the claim during examination and/or opposition.</p>			
The present article concerns claims directed to polymers itself, however, ideally, we want protection of all suitable types of claims (e.g. product, process, composition, use).			
In the case that the polymer itself is not novel/inventive over the prior art, you may consider to file a claim relating to a composition and/or a device comprising the polymer and any further component(s) making the composition particularly suitable for an intended use.			
In EP, use claims are allowable. You may consider to include sufficient disclosure for drafting a use claim at least into the description of the application.			

⁵ Vice versa: In case of a product-by-process claim, it is recommendable to add parameters which may be suitable for a further characterization of the polymer into the description if a further distinction over the prior art becomes necessary (during examination and/or opposition).