

**Patents Registry**  
**Intellectual Property Department**  
**Hong Kong SAR Government**  
**Patents Examination Guidelines**

**Section 7: Kinds of claims**

**Product and process claims**

7.1 There are two basic kinds of claim, viz. claim to a physical entity (product, apparatus), aka "*product claim*" and claim to an activity (process, use), aka "*process claim*".

(a) The subject matter of a product claim includes a substance or composition (e.g. a chemical compound or a mixture of compounds) and any physical entity (e.g. a(n) object, article, apparatus, machine, or system of co-operating apparatus) which is produced by a person's technical skill.

*Examples:*

- "*a steering mechanism incorporating an automatic feedback circuit ...*";
- "*a woven garment comprising ...*";
- "*an insecticide consisting of X, Y, Z*";
- "*a communications system comprising a plurality of transmitting and receiving stations*"

(b) A process claim is applicable to all kinds of activities in which the use of some material products for effecting the process is implied. Such activities may be exercised upon material products, upon energy, upon other processes (as in control processes) or upon living things. The protection conferred by a process claim extends to products directly obtained by the process (see section 73(c) of the Ordinance).

7.6 A claim which has the form of a dependent claim is not necessarily a dependent claim in substance ~~where for~~ eExamples include:-

- ~~such a~~ claim refers-referring to another claim of a different category-

*Example 1: "An apparatus for carrying out the process of claim 1, ..."*

*Example 2: "A process for the manufacture of the product of claim 1, ..."*

- a claim to one part referring to another co-operating part

*Example-3: "A plug for co-operation with the socket of claim 1, ..."*

### **Omnibus claims**

7.7 Omnibus claims are those that contain a reference to the description or the drawings in respect of the technical features of the invention without providing any specific limitations.

*Example:*

- "A juice machine as shown in Figure 4."

7.8 Pursuant to sections 31S(9) (for standard patent (O) applications) and 64(5) (for short-term patent applications) of the Rules, omnibus claims are only allowable when they are absolutely necessary.

(a) More specifically, a claim containing references to, e.g. "as described in part...of the description", or "as illustrated in figure...of the drawings" is objectionable.

(b) Our examiners may raise an objection to omnibus claims for lack of clarity (see sections 8.1 to 8.9 of these Guidelines – "Clarity"). In that case, the onus is upon the applicant to show that it is "absolutely necessary" to rely on the relevant reference to the description or drawings in appropriate cases, e.g. the invention involves some peculiar shapes as illustrated in the relevant drawings that cannot be defined by words or a formula, the