

**Report on inventive step and sufficiency of disclosure**

The answers are provided on behalf of:

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**Inventive step**

**(i) definition of person skilled in the art**

Law No. 24,481 (consolidated text of 1996) on Patents and Utility Models, amended by Laws No. 24,572 and No. 25,859

Article 4(d): *“An inventive step shall exist where the creative process or its results cannot be obviously be deduced from the prior art by a person skilled in the relevant art.”*

Patenting Guidelines: PART C. Chapter IV. Sub-paragraph 9.4.

<http://www.inpi.gov.ar/word/directrices2013.doc>

**(ii) method used for assessing inventive step**

Patenting Guidelines: PART C. Chapter IV. Item 9.3.

<http://www.inpi.gov.ar/word/directrices2013.doc>

**(iii) regarding prior art, inventive level (evidence) needed to meet the requirement of inventive step**

Patenting Guidelines: PART C. Chapter IV. Item 9.

<http://www.inpi.gov.ar/word/directrices2013.doc>

Joint Resolution No. 118 MI/MS No. 546/INPI No. 107 dated May 2, 2012.

<http://www.infoleg.gov.ar/infolegInternet/anexos/195000-199999/196991/norma.htm>

## Sufficiency of Disclosure

### (i) enabling disclosure requirement

Law No. 24,481 (consolidated text of 1996) on Patents and Utility Models, amended by Laws No. 24,572 and No. 25,859

Article 20: *“The invention shall be described in the application in a sufficiently clear and complete manner for an expert with ordinary skill in the art to implement it. It must also include the best known method to execute and implement the invention and describe the elements that are used in a clear and precise manner.*

*The methods and procedures described must be directly applicable in production.*

*For applications involving microorganisms, the product to be obtained with a claimed process shall be described together with that in the corresponding application, and the strain shall be deposited with an institution authorized to receive it, in accordance with the standards set forth in the regulations.*

*The public shall have access to the microorganism culture at the depositary institution, from the day of publication of the patent application under the conditions established by regulation.”*

Decree No. 260/96. Article 20: *“Where the subject of a patent application is a microorganism or where its execution requires a microorganism which is neither known nor publicly available, the applicant shall deposit the strain in an institution authorized to receive it and recognized by the NATIONAL INDUSTRIAL PROPERTY INSTITUTE. This obligation shall be satisfied if the microorganism is deposited on or before the date of filing of the application.*

*The NATIONAL INDUSTRIAL PROPERTY INSTITUTE shall recognize as being authorized to receive microorganisms, for the purposes prescribed in Article 21 of the Law, institutions recognized by the World Intellectual Property Organization or those institutions which:*

*(a) are permanent;*

*(b) not dependent on the control of depositors;*

*(c) have staff and adequate facilities for verifying the relevance of the deposit and ensuring its safe storage without risk of contamination; and*

*(d) provide necessary security measures to minimize the risk of loss of the deposited material.*

*At any time after the date of publication of the patent application, the public may obtain samples of the microorganism in the depositary institution under the usual conditions governing such procedures.”*

Patenting Guidelines: PART C Chapter II. Points 3 and 6.

<http://www.inpi.gov.ar/word/directrices2013.doc>

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### (ii) support requirement

The terminology used is not understood.

**(iii) written description requirement**

Law No. 24,481 (consolidated text of 1996) on Patents and Utility Models, amended by Laws No. 24,572 and No. 25,859. Article 12: “To obtain a patent a written application shall be filed with the NATIONAL PATENT OFFICE of the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY, with the characteristics and other particulars specified in this law and its regulations.”

Decree no. 260/96. Article 12: “In order to obtain a patent, the applicant shall include the following information and documentation, within the DEADLINES specified in the Law or these Regulations in each case:

*[...]*

*(b) A technical description of the invention, headed by the title of the patent, which shall be consistent with that given in the application, which should contain:*

*(1) a description of the technical field of the invention;*

*(2) a description of the state of the art in this domain, known to the inventor, preferably indicating the documents that disclosed it;*

*(3) a detailed and complete description of the invention, highlighting the advantages over the known art, understandable to a person skilled in the art; and*

*(4) a brief description of the figures included in the drawings, if any.*

*(c) one or more claims;*

*(d) the technical drawings necessary for understanding the invention referenced in the specification;*

*(e) a summary of the description of the invention;*

*(f) reproductions of drawings scaled down to serve for the publication of the application;*

*(g) a certificate of deposit of the microorganism issued by the depositary institution, where appropriate;*

*(h) proof of payment of the filing fee; and*

*(i) certified copies of the priority or priorities cited in the application.”*

Patenting Guidelines: PART C Chapter II. Item 3 and Item 6.2.

<http://www.inpi.gov.ar/word/directrices2013.doc>

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