

Inventive step		
Definition of person skilled in the art	<p>It is a concept of the person who undertakes the patentability analysis for the purposes of conducting an objective assessment of inventive step. The person skilled in the art is vested with the following characteristics:</p> <ul style="list-style-type: none"> (a) This is a fictitious person, so he is naturally not the same as the person charged with the expert examination or the inventor. (b) He has the knowledge to understand all that has been disclosed or made available to the public on the state of the art prior to the filing of the application or the priority claimed, if applicable. (c) He has the normal skills of a professional in the art or science in question. <p>While he does not perform any inventive step, he is has the ordinary creativity expected of every person skilled in the relevant technical field, otherwise he would be an automaton unrelated to a normal professional. Ordinary creativity may refer to his ability to be motivated by the teachings of the prior art to combine them and advance, without adding knowledge to what was known when the invention was conceived.</p>	<p>See "Guidelines for Patent Examinations and Registration Procedures"</p> <p>http://www.inapi.cl/portal/publicaciones/608/articles-4090_recurso_1.pdf</p> <p>Part XVIII: Inventive Step</p>
Methods used to evaluate inventiveness	<p>The methodology used to examine the inventiveness of a patent application is the Problem Solution Method (MPS, for its abbreviation in Spanish). It indicates that the analysis of the background, reasoning and findings regarding inventiveness must be clear, objective, consistent and expressly stated.</p>	<p>See "Guidelines for Patent Examinations and Registration Procedures"</p> <p>http://www.inapi.cl/portal/publicaciones/608/articles-4090_recurso_1.pdf</p> <p>Part XVIII: Level of Inventiveness</p>
Regarding prior art, level of inventiveness (obviousness) needed to meet the inventiveness requirement	<p>The evidence needed to meet the inventive step requirement is derived from the requirements and MPS methodology regarding the technical effect resulting from any difference between what protection is sought for in the statement of claim and the closest state of the art, taking the claim as a whole. This is summarized by analyzing whether a</p>	<p>See "Guidelines for Patent Examinations and Registration Procedures"</p> <p>http://www.inapi.cl/portal/publicaciones/608/</p>

	<p>person skilled in the art would recognize the technical problem posed in the request from the closest prior art and/or if the lessons of the prior art would had led the person skilled in the art to solve the same objective technical problem as indicated in the application. In addition, there must be a direct link between the technical problem to be addressed with the invention and the proposed solution to this problem. Thus if the claimed invention cannot show or provide evidence that it meets the requirements for the proposed solution to the technical problem, it cannot be considered an inventive step.</p>	<p>articles-4090 recurso 1.pdf Part XVIII: Level of Inventiveness</p>
<p>Sufficiency of disclosure</p>		
<p>Enabling disclosure requirements, support and written description</p>	<p>A patent must describe the technology for which a patent is sought using the appropriate technical description of the invention that enables its execution in order to promote technological progress. Also, the disclosure in the application must enable a person skilled in the relevant art to reproduce the invention without any inventive effort in relation to the ordinary skills of that person. Thus, where an applicant does not properly describe the invention in terms that allow its replication and the omitted information cannot be supplemented by the general knowledge of a person skilled in the art, it shall be deemed that the invention was not sufficiently described. This occurs if the disclosure made in the application lacks any of the qualities such as clarity, essential features, concision, reproducibility or all of these. In short, the application would lack the technical support required to constitute an invention.</p>	<p>See "Guidelines for Patent Examinations and Registration Procedures" http://www.inapi.cl/porta/publicaciones/608/articles-4090 recurso 1.pdf Part X: Sufficiency of Description</p>