

Reply from LATVIA to the WIPO Note C.8403 concerning requirements of inventive step and sufficiency of disclosure

Latvian Patent Law does not provide for a full examination of patent applications (S. 37.1 of the Patent Law <http://www.lrpv.gov.lv/en/inventions/law>).

The Patent Law provides for a possibility of a court to ask an opinion of the Office (S. 66) concerning patentability requirements during court proceedings. The Office has delivered about 10 such opinions.

Replying to your specific questions we can inform the following:

Inventive step:

(I) Definition of a person skilled in the art is provided for in the Regulation of the Cabinet of Ministers No. 224, point 7.

(II) methodology applied by the Office is so-called “problem-solution approach” elaborated and employed by the European Patent Office.

(III) see answer to the (II).

Sufficiency of disclosure

(I) Enabling disclosure requirement is provided for in S. 30.1 of the Patent Law.

(II) Support requirement is provided for in S. 30.2 of the Patent Law.

(III) Written description requirement is provided for in S. 30 of the Patent Law and points 5-8 (details of the information in a description) of the Regulation No. 224 of the Cabinet of Ministers.

The Latvian Patent Office mostly applies methodology and guidelines elaborated by the EPO.

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