

Information on the requirement of inventive step and sufficiency of disclosure

Inventive Step

- (i) The Intellectual Property Act (IP Act) No 36 of 2003 and relevant regulations do not provide any definitions for person having ordinary skill in the art.
- (ii) It has been a practice to refer to the Wikipedia and encyclopedia to understand the modern technology available in a given technical field.
- (iii) There are no definitions available on inventiveness having regard to the inventive step requirement. Only requirement is the claimed invention should not be obvious to a person skill in the art

Section 63 : An invention shall be considered as involving an inventive step if, having regard to the prior art relevant to the patent application claiming the invention, such inventive step would not have been obvious to a person having ordinary skill in the art

There are no court decisions available on the issue of inventiveness or obviousness in Sri Lanka.

Sufficiency of Disclosure

- (i) Section 71 (3) of the IP Act required disclosure of the best mode known to the applicant for carrying out the invention. The disclosure should be sufficiently clear manner for invention to be evaluated and to be carried out by a person having ordinary skill in the art.
- (ii) Section 71 (3) of the IP Act required disclosure of the best mode known to the applicant for carrying out the invention.

Section 71 (4) required claims to be clear and concise and support of the description

Section 71 (5) required the drawings when to understand the invention

- (iii) Section 71 (6) required the description and drawings for the interpretation of claims.

Section 71

(3) The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be evaluated, and to be carried out by a person having ordinary skill in the relevant technology and shall, in particular, indicate the best mode known to the applicant for carrying out the invention.

(4) The claim or claims shall be clear, concise and supported by the description.

(5) Drawings shall be required when they are necessary for the understanding of the invention.

(6) The terms of any claim shall determine the scope and extent of the protection afforded by the patent, and the description and drawings may be used to interpret such claim.

The Intellectual Property Act No 36 of 2003 is the National Legislature to Administer Intellectual Property matters in Sri Lanka.

Sections 62-100 have provided provisions to protect Patents and Patentable inventions for respective rights owners.

Novelty and Inventive Steps

Novelty and Inventive step are the main two requirement for patentability except Industrial Applicability of an Invention. Section Of the IP Act.

There are no clear definitions in the IP act to decide the inventiveness of an Invention. It is generally referred to the common definition of “should not be obvious to a person having skills in the art” as usual.

Examiners Manual in absent. However an examiner is required to complete a search report according to a given format which can be defined as a rule.

The claimed invention should be within the meaning of section 62 of the IP Act.

Title should be clear. In other words it must be described the invention in a proper manner

Claims should be clear and concice.

The claimed invention should not be anticipated by prior art. Any references should be clearly mentioned

Field of the invention

Interantional patent classification

