

03 March 2015

Mr. Francis Gurry
Director General
World Intellectual Property Organization
34, Chemin des Colombettes
1211 Geneva 20
Switzerland
Fax: (+41 22) 3387160

Dear Director General Francis Gurry,

I have the pleasure to refer to the Circular C.8403 dated December 15, 2014, requesting the member states to provide the International Bureau information of its inventive step and sufficiency of disclosure and would like to enclose herewith our information on the relevant issues.

Please do not hesitate to contact us if any further information or clarification is required.

Yours sincerely,



PHAM PHI ANH
Deputy Director General

VIET NAM: INFORMATIVE PAPER ON INVENTIVE STEP AND SUFFICIENCY OF DISCLOSURE

1. Inventive Step

(i) Definition of a person skilled in the art:

Person with average skill in the art means a person who has ordinary technical practice skills and is acquainted with publicly available general knowledge in the art. *(Point 23.6.a - Circular No. 01/2007/TT-BKHCN of February 14, 2007 of the Ministry of Science and Technology guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006)*

(ii) Methodologies employed for evaluating the inventive step:

Method for evaluating the inventive step called the problem and solution approach. *(Point 23.7 – the Patent Examination Guidelines)*

(iii) The level of inventiveness (obviousness) to meet the inventive step requirement

The subject-matter of the claim may be inventive if it's features are a combination of features of more than one document from the prior art. In this case, it should have regard to the following:

- Whether the content of that documents is such as to make it likely or unlikely that the person with average skill, when faced with the problem solved by the invention, would combine them, if two documents considered as a whole could not be readily combined because of inherent incompatibility in disclosed features essential to the invention, the combining of these documents should not normally be regarded as obvious; *(Point 23.8(i) – the Patent Examination Guidelines)*

- Whether the documents come from similar, neighboring or remote technical fields; *(Point 23.8 (ii) – the Patent Examination Guidelines)*

- The combining of two or more parts of the same disclosure would be obvious if there is a reasonable basis for the person with average skill to associate these parts with one another. It would normally be obvious to combine with a prior-art document a well-known textbook or standard dictionary. It is also obvious to combine the teaching of one or more documents with the common general knowledge in the same art. It would, generally speaking, also be obvious to combine two documents one of which contains a clear and unmistakable reference to the other. In determining whether it is permissible to combine a document with an another document made public in some other way, e.g. by use, similar considerations apply. *(Point 23.8 (iii) – the Patent Examination Guidelines)*

2. Sufficiency of Disclosure

(i) Enabling disclosure requirements

The description section must completely disclose the nature of the technical solution sought to be registered. It must contain sufficient information based on which any person

with average skill in the art can deduce the solution. (*Point 23.6.a - Circular No. 01/2007/TT-BKHHCN of February 14, 2007 of the Ministry of Science and Technology guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006*)

(ii) Support requirements

- The claims must be presented briefly and clearly in conformity with the description and drawings, making clear features of novelty of the subject-matter sought to be protected. (*Point 23.6.c - Circular No. 01/2007/TT-BKHHCN of February 14, 2007 of the Ministry of Science and Technology guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006*)

- The claims must be adequately demonstrated by the description, including prerequisite and sufficient essential technical features to identify the subject-matter, achieve the set object of the invention and distinguish the subject-matter of the invention from a known subject-matter. (*Point 23.6.d - Circular No. 01/2007/TT-BKHHCN of February 14, 2007 of the Ministry of Science and Technology guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006*)

(iii) Written description requirements

The description section must contain the following:

(i) Title of the invention, which briefly expresses the object or objects sought to be registered (hereinafter collectively referred to as the object). The title of the invention must be brief and must not be of a promoting or advertising nature;

(ii) Use field of the invention: The field in which the object is utilized or to which the object is relevant;

(iii) Technical state of the use field of the invention: The technical level in this field at the time of filing (known similar objects, if any);

(iv) Technical nature of the invention: The nature of the object, with signs (characteristics) featuring the object as well as those considered novel compared to those of known similar technical solutions clearly indicated;

(v) Brief description of accompanied drawings (if any);

(vi) Detailed description of invention realization variations;

(vii) Examples of invention realization;

(viii) Benefits (effects) expected to be achieved.

(Point 23.6(b) - Circular No. 01/2007/TT-BKHHCN of February 14, 2007 of the Ministry of Science and Technology guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006).
