

## **Inventive Step**

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

**National legislation, Article Forty Four: (b)** An invention is deemed to involve an inventive step if, with regard to prior art related to the patent application, it is not obvious to a person with ordinary skills in the art.

### **(ii) methodologies employed for evaluating an inventive step**

#### **Patent Examination Manual Guide 13.11** The “Person Skilled in the Art”

The person skilled in the art should be presumed to be a hypothetical person having ordinary skill in the art and being aware of what was common general knowledge in the art at the relevant date. He should also be presumed to have had access to everything in the “prior art,” in particular, the documents cited in the international search report, and to have had at his disposal the normal means and capacity for routine experimentation. If the problem on which the invention is based and which arises from the closest prior art prompts the person skilled in the art to seek its solution in another technical field, the person skilled in the art in that field is the person qualified to solve the problem. The assessment of whether the solution involves an inventive step must therefore be based on that specialist’s knowledge and ability. There may be instances where it is more appropriate to think in terms of a group of persons, for example, a research or production team, than a single person. This may apply, for example, in certain advanced technologies such as computers or telephone systems and in highly specialized processes such as the commercial production of integrated circuits or of complex chemical substances.

### **(iii) having regard to the prior art, the level of the inventiveness (obviousness) to meet the inventive step requirement**

#### **Patent Examination Manual Guide 13.01** Meaning of Inventive Step

A claimed invention is considered to involve an inventive step if, having regard to the prior art, it is not, at the relevant date obvious to a person skilled in the art. Novelty and inventive step are different criteria. A claim lacks novelty if every element or step is explicitly or inherently disclosed within the prior art. The condition of inventive step/non-obviousness is fulfilled if the invention as a whole, compared to the prior art as a whole, would not have been obvious to a person skilled in the art. Multiple items of prior art may be combined in the determination of whether the requirement of inventive step/non-obviousness is met. Therefore, the examiner should take into consideration the claim’s relation not only to individual documents or parts thereof taken separately but also to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

## **Sufficiency of Disclosure**

### **(i) the enabling disclosure requirement**

**National legislation, Article (14)(4)** "Detailed Description" the description shall be clear and adequate for an ordinary person in the art to execute, and a detailed explanation of all aspects of the invention and the method of its industrial application shall be given, disclosing the best way of implementing it at the filing date or the priority date. The explanation shall also include a reference to the drawings attached. If the application contains gene sequence, it shall be individually attached in electronic format. The above parts shall be sequentially ordered, under the following headings: "Background of the Invention", "General Description of the Invention", "Brief Explanation of the Drawings", "Detailed Description". The heading shall be given at the beginning of the line and shall be underlined. The beginning of the part does not require the beginning of a new page.

### **(i) support requirement And (iii) written description requirement.**

#### **National legislation Article (14): Conditions for the Full Description**

The full description shall include the following parts:

(1) "Background of the Invention" where the technical field of the invention shall be indicated and a description of the prior art is given, including any documents of which the inventor is aware, in addition to mentioning any problems relating to the prior art the invention may overcome.

(2) "General Description of the Invention" which shall indicate the merits of the invention compared to the prior art and how to overcome previous difficulties or problems. It shall also indicate the purpose of the invention. All that shall be in a clear manner understood by an average person in the field of technology. This part usually relates to the primary claim.

(3) "Brief Explanation of the Drawings" where a brief explanation of the figures and their sectors, if any, is given.

(4) "Detailed Description" the description shall be clear and adequate for an ordinary person in the art to execute, and a detailed explanation of all aspects of the invention and the method of its industrial application shall be given, disclosing the best way of implementing it at the filing date or the priority date. The explanation shall also include a reference to the drawings attached. If the application contains gene sequence, it shall be individually attached in electronic format. The above parts shall be sequentially ordered, under the following headings: "Background of the Invention", "General Description of the Invention", "Brief Explanation of the Drawings", "Detailed Description". The heading shall be given at the beginning of the line and shall be underlined. The beginning of the part does not require the beginning of a new page.