

Inventive step

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Japanese Patents Act – Art. 29 (2)

Where, **prior to the filing of the patent application**, a person ordinarily skilled in the art of the invention **would have been able to easily make the invention** based on an invention prescribed in any of the items of the preceding paragraph, a patent shall not be granted for such an invention notwithstanding the preceding paragraph.

US Patent Law 35 USC 103

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, **if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains.**

EPC Art. 56

An invention shall be considered as involving an inventive step if, **having regard to the state of the art, it is not obvious** to a person skilled in the art.

EPC Art. 54 (2):

The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, **before the date of filing** of the European patent application.