

# NOVELTY

## INTELLECTUAL PROPERTY RIGHTS

Novelty

Invention

Prior Art

Disclosure

Person skilled in the art

29.04.2013

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# Novelty

- Patentability requirement
- Quality of being new, original.

# Novelty

- An invention is not patentable if the claimed matter was disclosed the before date of filling or before the date of priority is claimed.

# Invention

- unique or novel
- device, method, composition, process etc.
- may be an improvement upon a machine or product, or a new process for creating an object

# Prior art

- systems of patent law
- constitutes all information available on public
- products, process; written or oral description.

# During Prior art

- No geographical limitation
- No restriction on the mode of disclosure
- Potential rather than disclosure
- Priority date

# During Prior art

- Included materials
  - All materials before priority date of invention.
- Excluded materials
  1. Unlawfully or breach of confidence
  2. “International exhibition”

# Disclosure

- Article 83, of the European Patent Convention states that *“an application must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.”*



# Person skilled in the art

- Article 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."
- fictional person
- have the normal skills and knowledge
- determining, evaluating

# Person skilled in the art o

- an invention is non-obvious
- does involve an inventive step or not
- This person come up with the invention while starting from the prior art, the invention will not patentable.

# Information is disclosed by prior art

1. Interpreting documents
2. Interpreting products

# Is the invention novel?

- Problematic
  - Same things may be known by public differently...
  - What they look like...
  - How much they cost...
  - What they do...

29.04.2013 Istanbul