

# Inventive Step

Japan Patent Office

- I. Overview of Inventive Step
- II. Procedure of Evaluating Inventive Step
- III. Examination Guidelines in JPO

## **I. Overview of Inventive Step**

II. Procedure of Evaluating Inventive Step

III. Examination Guidelines in JPO

A claimed invention is considered to involve an inventive step if, having regard to the prior art, it is not obvious to a person skilled in the art. (PCT guidelines 13.01)

## Who is “a person skilled in the art”?

A hypothetical person having ordinary skill in the art, who is aware of common general knowledge in the art at the relevant date, and has access to everything in the prior art. (PCT guidelines 13.11)



## What is “obvious”?

The claimed invention is obvious if the person skilled in the art on the relevant date would have been motivated or prompted to realize the claimed invention by substituting, combining, or modifying one or more of those items of prior art with a reasonable likelihood of success. (PCT guidelines 13.03, 13.09)