This chapter examines the requirement that an invention is patentable if it involves an ‘inventive step’ or ‘non-obviousness’, that is, the invention is not obvious to a person skilled in the art, and the difficulty of deciding whether an invention is obvious (non-inventive) or non-obvious (inventive). It first considers the approach used by the European Patent Office to deal with the obviousness of a patent and compares it with that in the UK. It then explains the concept of the state of the art in an obviousness examination before concluding with an assessment of the way in which the inventive step has been addressed in a number of different circumstances.
19. Inventive step

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