



Topic 9: **Specific requirements for patentability**

Lutz Mailänder
Head, Patent Information Section
Global IP Infrastructure Sector

Harare
10-12 July 2012

Requirements of patentability

■ Lack of

- Technical nature
- Unity
- No case of exemption
- Industrial applicability
- Novelty
- Inventive step
- Sufficient disclosure
- Legal certainty of claims (clarity)
- Additions to initial disclosure

Should be
checked before
prior art search

Requires prior art search

Requirements for patentability

- Basic categories of requirements are the same in most jurisdictions (unity, novelty, inventive step, technical nature)
- Differences exist mostly in terms of exemptions, e.g.
 - US do grant business methods, software patents,...
 - DE grants new use of known compound, PK does not
 - See e.g. SCP studies on WIPO website:
http://www.wipo.int/edocs/mdocs/scp/en/scp_13/scp_13_3.pdf
- Important differences exist in case law, e.g.
 - Technical nature of software related patents
 - Inventive step