

## NEPAL

### Inventive step:

- i) There is no definition of a person skilled in the art
- ii) There is no specific methodology employed for evaluating the inventive step
- iii) Prior art: Distinct between pre-existing and what the invention contribution a new matter

It is because of lack of policy, insufficient legislation, well established institution, guidelines, competent human resources and basic facilities.

### Sufficiency of disclosure:

The invention must involve an inventive step which could not be obviously deduced by a person with average knowledge of the technical field. They are to be understood as searches for identifying companies/inventors who are active in a specific field of technology.

### Process:

1. Receipt of an application with the fees of NRs. 2000/-
2. Investigation
  - a. Formality Examination
  - b. Substantive Search and Examination
  - c. Technical Committee  
Department of Industry forms a Technical Committee comprising of experts from related government bodies, academic institutions (NAST, RECAST, College, etc.) and expert from private institution to examine patent document and other necessary steps.
  - d. The finding of the technical committee is communicated to the applicant who may amend the patent document accordingly.
  - e. Technical Committee may review, search and examination based on amended document.
  - f. On the recommendation by the Technical Committee the final decision on patent registration is taken by the Department of Industry.
  - g. The applicant shall pay the registration fee of NRs 10000/- for seven years.
  - h. The patent registration shall be published by the government of Nepal in the Nepal Gazette under the Patent, Design and Trademark Act 1965.
  - i. The patent shall be valid for a period of 7 years from the date of registration. The patent could be renewed in every seven years for two times.

### Information on:

- National/Regional legislation: Nepal has the Patent, design and Trademark Act 1965 (2022 B.S.) – Accessed at [www.lawcommission.gov.np](http://www.lawcommission.gov.np)
- Patent examination manuals and guidelines – The manuals and guidelines are not prepared to date
- Court Decisions: The Nepalese judiciary including Supreme Court has not made a decision or precedent/s up to now so far
- Other information: The Government of Nepal is drafting to new comprehensive policy and legislation to cover the prevailing contemporary issues on intellectual property

including patent rights based on the Paris Convention, the TRIPS agreement and other international practices