

## **Patently obvious? Understanding the tests for inventive step**

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Inventions can arise from progress made by incremental improvements or great leaps in technological advance. Where there has been prior work in a technology field, the question of whether the new development is obvious in light of what has been done before is fundamental to the process of gaining patent protection.

Most countries require a claimed invention to demonstrate an “inventive step” before a patent can be granted for that invention. However, the assessment of inventive step is often quite difficult, as inventiveness is a subjective concept that relies on the ability to view the improvement through the eyes of a person skilled in the relevant art.

This talk will provide an overview of some of the tests used to assess whether an invention is obvious and suggest some practical tips to help your invention meet the inventive step requirements.