CERTAIN ASPECTS OF NATIONAL/REGIONAL PATENT LAWS*

(3) Inventive Step (Non-Obviousness)

Country/Region	Inventive Step (Non-Obviousness)
Albania	The invention is not obvious to a person skilled in the art at the priority date having regard to the state of the art. The state of the art consists of everything made available to the public by means of written or oral description, use or any other way before filing date (priority date) and contents of subsequently published Albanian patent applications with an earlier filing date (priority date).
Algeria	For a person skilled in the art, the invention does not obviously derive from the state of the art. The state of the art consists of everything made available to the public by a written or oral disclosure, use or other means before the filing date (priority date).
Andorra	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
Argentina	An inventive step exists where the creative process or its results are not obvious from the prior art to a person with average skills in the technical field concerned.
Armenia	The invention is not obvious to a person skilled in the art from the prior art. The prior art consists of all information available before the filing date (priority date) and the contents of subsequently published or granted Armenian applications for inventions and utility models with an earlier filing date (priority date).
Australia	The invention is not obvious to a person skilled in the relevant art in the light of the common general knowledge in Australia or elsewhere alone, or when combined with the prior art. The prior art consists of information from documents and acts publicly available before the filing date (priority date), whether in Australia or elsewhere.
Austria	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral description, use or other means before the filing date (priority date).
Azerbaijan	The invention is not obvious to a person skilled in the art having regard to the prior art.
Bahrain	The invention is not obvious to a person of ordinary skill in the art having regard to the state of art. The state of the art consists of everything disclosed to the public in or outside the Kingdom of Bahrain by means of written or oral disclosure, use, or any other way by which the subject matter of the invention is realized prior to the filing date (priority date).

Information is gathered from the primary legislation (for example, a patent law of an intellectual property code). The secondary legislation, such as Regulations under the primary legislation, has not been consulted.

Country/Region	Inventive Step (Non-Obviousness)
Barbados	The invention is not obvious to a person having ordinary skill in the art having regard to the prior art. The prior art consist of everything disclosed to the public in a tangible form, by oral description or other means before the filing date (priority date).
Belarus	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of any information made available to the public before the filing date (priority date).
Belgium	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
Belize	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of anything disclosed to the public by a written or oral description, use or other means before the filing date (priority date).
Bhutan	The invention is not obvious to a person having ordinary skill in the art in regard to the prior art relevant to the application claiming the invention. Prior art shall consist of everything disclosed to the public, anywhere in the world, by publication in tangible form or by oral disclosure, by use or in any other way, prior to the filing or, where appropriate, the priority date, of the application claiming the invention.
Bolivia (Plurinational State of)	The invention is neither obvious nor obviously derived from the prior art to a normal person skilled in the art. The prior art consists of everything made available to the public by a written or oral description, use, commercialization or any other means before the filing date (priority date).
Bosnia and Herzegovina	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public by a written or oral description, use or other means before the filing date (priority date).
Brazil	The invention is not derived from the state of the art in an evident or obvious way to a person skilled in the art from the state of the art. The state of the art consists of everything made accessible to the public by a written or oral description, use or by any other means before the filing date (priority date).
Bulgaria	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
Canada	The invention must not be obvious to a person skilled in the art having regard to information disclosed to the public: (a) more than one year before the filing date by the applicant or by a person who obtained knowledge from the applicant; and (b) before the filing date (priority date) by a person not mentioned in (a).
Chile	An invention shall be considered as involving an inventive step if it is neither obvious to a person skilled in the art nor obvious from the state of the art.
China	The invention has prominent substantive features and represents a notable progress as compared with the prior art; the

Country/Region	Inventive Step (Non-Obviousness)
China (cont'd)	utility model has substantive features and represents progress. The prior art is defined as technology known to the public before the filing date (priority date) in China or abroad.
Hong Kong, China	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by means of a written or oral description, by use or in any other way before the filing date (priority date).
Colombia	The invention is not obvious if for an ex officio person with average skills in the technical field concerned, the invention would not have been obvious nor would have been obviously dereived from the state of the art. The state of the art consists of everything made available to the public by a written or oral description, use, marketing or other means before the filing date (priority date).
Costa Rica	Inventions shall be considered to involve an inventive step if, for a person skilled in the art, they are not obvious from the relevant prior art. Prior art shall consist of everything disclosed or made available to the public anywhere in the world and by any means, prior to the date of filing of the patent application in Costa Rica or, as the case may be, prior to the applicable date of priority.
Côte d'Ivoire	An invention shall be regarded as resulting from an inventive step if, having regard to the prior art, it would not have been obvious to a person having ordinary knowledge and skill in the art on the filing date (priority date). The prior art shall consist of anything made available to the public, anywhere and by any means or method, before the filing date (priority date).
Croatia	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by means of a written or oral description, use or in any other way before the filing date (priority date).
Cyprus	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public in a written or other graphic form, or by oral description, use or in any other way before the filing date (priority date).
Czech Republic	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date), and the contents of certain Czech, European and international patent applications with an earlier filing date (priority date) made available to the public on or after that date.
Denmark	The invention differs essentially from the state of the art. The state of the art consists of everything made available to the public by a written description, use or in any other way before the filing date (priority date).
Dominica	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything disclosed to the public by oral or written description, use or in any other way before the filing date (priority date).
Dominican Republic	The invention is not obvious or does not obviously result from relevant prior art to a specialist or person skilled in the corresponding art. The prior art consists of everything disclosed or made accessible to the public by means of publication in tangible form, oral disclosure, use or any other means before the filing date (priority date), and the contents of published ONAPI applications with an earlier filing date (priority date). It also falls within the state of the art

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Dominican Republic (cont'd)	the disclosure resulting from a publication by an Intellectual Property Office as part of the procedure for granting a patent save where the application was filed by a person not entitled to the patent, or that the publication had been improperly effected.
Ecuador	The invention is not obvious nor obviously derived from the prior art to a person with average skills in the technical field concerned. The state of the art consists of everything made available to the public by a written or oral description, use, marketing or other means before the filing date (priority date).
Egypt	Inventive step is not defined.
El Salvador	For a person having ordinary skill in the technical field concerned, the invention would not have been obvious or could not obviously have been derived from the prior art. The prior art consists of everything disclosed or made available to the public by publication in tangible form, oral disclosure, sale or marketing, use or any other means before the filing date (priority date), and the contents of subsequently published El Salvador patent applications with an earlier filing date (priority date).
Estonia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Finland	The invention differs essentially from the state of the art. The state of the art consists of everything made available to the public in writing, in lectures, by public use or otherwise before the filing date (priority date).
France	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public by a written or oral description, public use, or in any other way before the filing date (priority date).
Georgia	The invention is not obvious to a person skilled in the art from the state of the art. The state of the art consists of data made available to the public from a written or verbal description, public use or other source before the filing date (priority date).
Germany	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of anything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Ghana	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral disclosure, use, exhibition or other non-written means before the filing date (priority date).
Greece	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of anything made available to the public by a written or oral disclosure or any other way before the filing date (priority date).
Guatemala	For a person skilled in the art, the invention is not obvious or obviously deduced from the state of the art. The prior art consists of anything disclosed or made available to the public anywhere in the world and by whatever medium before the

Country/Region	Inventive Step (Non-Obviousness)
Guatemala (cont'd)	filing date (priority date) and contents of previous patent applications filed with the Registry with an earlier filing date (priority date) provided that the patent applications were published.
Honduras	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written description, oral communication, use or in any other way before the filing date (priority date).
Hungary	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written description, oral communication, use or in any other way before the filing date (priority date),
Iceland	The invention differs essentially from the state of the art. The state of the art consists of everything made available to the public in writing, in lectures, by public use or otherwise before the filing date (priority date).
India	A feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the are.
Indonesia	The invention is not obvious to a person skilled in the art taking into account the state of the art at the time of the filing date (priority date).
Ireland	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Israel	The invention does not appear obvious to an average skilled person in the light of information published before the filing date (priority date).
Italy	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Japan	The invention could not easily have been made by a person with ordinary skill in the art on the basis of the prior art. The prior art consists of anything which, before the filing date (priority date), was publicly known or worked, published, or made available to the public through electric telecommunication lines.
Jordan	The invention is not obvious to a person having ordinary skill in the art having regard to the prior art. The prior art consists of everything disclosed to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Kazakhstan	An invention shall involve an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.
Kenya	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral disclosure, use, exhibition or other non-written means before the filing date (priority date).
Kyrgyz Republic	An invention shall involve an inventive level, if having regard to the state of the art, it is not obvious to a person skilled in the art.

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Latvia	A specialist in the corresponding field could establish that the invention has not obviously arisen from a prior technical level, consisting of everything made available to the public by a written or oral disclosure or use before the filing date (priority date).
Liechtenstein	The invention does not derive in an obvious manner from the state of the art. The state of the art consists of everything made available to the public by a written or oral disclosure, use or any other means before the filing date (priority date). (in accordance with the agreements with Switzerland and the European Economic Area (EEA))
Lithuania	The invention is not obvious to a person skilled in the art.
Luxembourg	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral disclosure, use or in any other way before the filing date.
Madagascar	The invention is not obvious from the state of the art or from the normal skill of a person of the art, whether in its means, its application, the combination of means or the product that is the object thereof, or in the industrial result it provides.
Malaysia	The invention would not have been obvious to a person having ordinary skill in the art having regard to the prior art. The prior art consists of everything made available to the public by a written publication, oral disclosure, use or in any other way before the filing date (priority date).
Malta	The invention is not obvious to a person skilled in the art having regard to the prior art. The prior art consists of everything made available to the public in a written or other graphic form, oral description, use or in any other way before the filing date (priority date).
Mauritius	The invention is not obvious to a person having ordinary skill in the art having regard to the prior art. The prior art consists of everything disclosed to the public by publication in tangible form, oral disclosure, use or in any other way before the filing date (priority date).
Mexico	The invention shall result from an inventive activity. The inventive activity means the creative process the results of which are not obviously deducible from the state of the art by a person skilled in the art.
Republic of Moldova	An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. The state of the art consists of everything made available to the public by means of a written or oral description, by use, or in any other way before the date of filing of the patent application or of the acknowledged priority.
Mongolia	The invention is not obvious to a person skilled in the relevant field.
Morocco	The invention is not obvious to a person skilled in the art from the state of the art. The state of the art consists of everything made accessible to the public by means of a written or oral description, use or any other means before the filing date of a patent application in Morocco or of a patent application filed abroad and with a valid priority claim.
Mozambique	The invention is not obvious to a person skilled in the art from the state of the art. The state of the art consists of everything made available to the public by verbal description, use or any other way before the filing date (priority date).
Netherlands	The invention is the result of inventive activity which does not derive in an obvious manner from the state of the art. The

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Netherlands (cont'd)	state of the art consists of everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
New Zealand	An invention, as far as claimed in a claim involves an inventive step if it would not be obvious to a person skilled in the art having regard to the prior art base. The prior art base for inventive step consists of: Everything made available to the public before the priority date of the claim, whether in New Zealand or elsewhere.
Nicaragua	The invention is not obvious to a person skilled in the corresponding technical field and cannot obviously be deduced from the current state of the art. The state of the art consists of everything disclosed or made accessible to the public in any form before the filing date (priority date).
Nigeria	The invention does not obviously follow from the state of the art. The state of the art comprises everything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
Norway	The invention differs essentially from the prior art. The prior art consists of everything made available to the public in writing, in lectures, by use or otherwise before the filing date (priority date). However, with respect to certain earlier applications (secret prior art), it is sufficient that the new application shows novelty.
Republic of North Macedonia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date), and the contents of Macedonian, European and international patent applications with an earlier filing date (priority date).
Oman	The claimed invention as a whole would not have been obvious to a person skilled in the art at the filing date (priority date) having regard to the differences and similarities between the claimed invention and the prior art.
Pakistan	An invention is considered as involving an inventive step if it has not been obvious to a person, prior to the date of application for a patent, skilled in the art, having regard to any matter which forms part of the state of art. The state of the art consists of everything disclosed to the public anywhere in the world, by publication in tangible form or oral disclosure, by use or in any other way before the filing date (priority date), the contents of complete specifications and priority documents filed in Pakistan published in the official Gazette, on the acceptance of patent applications and traditionally developed or existing knowledge available or in possession of a local or indigenous community.
Panama	To a person of average skill in the technical field concerned, the invention is neither obvious nor obviously derived from the prior art. The prior art consists of everything disclosed or made accessible to the public by tangible publication, oral disclosure, sale or marketing, use or any other means before the filing date (priority date), and the contents of subsequently published Panama patent applications with an earlier filing date (priority date).
Papua New Guinea	The invention is the result of inventive activity which, in the light of common general knowledge, does not derive in an obvious manner from the state of the art. The state of the art consists of everything disclosed to the public by tangible publication, oral disclosure, use or any other way before the filing date (priority date).
Paraguay	The invention is not derived from the state of the art in an evident or obvious manner for a person skilled in the technical field. The prior art consists of everything disclosed or made accessible to the public anywhere in the world by means of publication in tangible form, oral disclosure, marketing, use or any other means before the filing date (priority date), and

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Paraguay (cont'd)	the contents of subsequently published Paraguayan patent applications with an earlier filing date (priority date).
Peru	The invention is not obvious from the state of the art to a person with average skills in the technical field concerned. The state of the art consists of everything made available to the public by a written or oral description, use, marketing or other means before the filing date (priority date).
Philippines	An invention involves an inventive step if, having regard to prior art, it is not obvious to a person skilled in the art at the time of the filing date or priority date of the application claiming the invention.
Poland	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by a written or oral description, use, displaying or disclosure in any other way before the filing date (priority date).
Portugal	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of everything made available to the public by written or oral description, use, displaying or disclosure in any other way before the filing date (priority date). In order to assess the inventive step the contents of non-published patent and utility model applications with earlier filing date than that of the patent application with effect in Portugal shall not be taken into consideration.
Republic of Korea	The invention would easily have been made by a person having ordinary skill in the art on the basis of the prior art. The prior art consists of inventions publicly known, worked, described in a publication or made available to the public through electric telecommunication lines before the filing date (priority date).
Romania	The invention shall be considered as involving an inventive step if it is not obvoius to a person skilled in the art having regard to the state of the art. The state of the art consists of all knowledge made available to the public by means of a written or oral description, by use or any other means, before the filing date (priority date).
Russian Federation	An invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of any information made available to the public before the filing date (priority date).
Saint Lucia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).
Saudi Arabia	An invention is deemed to involve an inventive step if, with regard to prior art related to the patent application, it is not
Saudi Arabia (cont'd)	obvious to a person with ordinary skills in the art. Prior art means all that is disclosed to the public anywhere by means of written or oral disclosure, by use or by any other way through which knowledge of the invention is realized. This has to be prior to the filing date of the patent application or the priority application.
Serbia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).

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Singapore	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).
Slovak Republic	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by any means of disclosure before the filing date (priority date).
Slovenia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made available to the public by means of an oral or written description, use or in any other way before the filing date (priority date), and the contents of Slovenian, European and international patent applications with an earlier filing date (priority date) published on or after that date.
South Africa	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).
Spain	The invention does not result from the state of the art in a manner obvious to a person skilled in the art. The state of the art consists of everything made available to the public in Spain or abroad by means of a written or oral description, by use, or by any other way, before the filing date (priority date).
Sri Lanka	The invention would not have been obvious to a person having ordinary skill in the art having regard to the prior art. The prior art consists of everything made accessible to the public by a written publication to the public anywhere in the world, or in Sri Lanka by oral disclosure, use or in any other way, before the filing date (priority date), and the contents of subsequently granted Sri Lankan patent applications with an earlier filing date (priority date).
Sweden	The invention differs essentially from the state of the art. The state of the art consists of everything made accessible to the public before the filing date (priority date) in writing, in lectures, use or otherwise.
Switzerland	The invention does not follow in an evident manner from the state of the art. The state of the art consists of everything made accessible to the public by a written or oral description, use or any other means before the filing date (priority date).
Syrian Arab Republic	The invention is not obvious from the state of the art to a person with average skills in the technical field concerned. The state of the art consists of everything made available to the public by a written or oral description, use, marketing or other means before the filing date (priority date).
Tajikistan	The invention is not obvious to a person skilled in the art having regard to the state of the art. The state of the art consists of any information generally available to the public before the filing date (priority date).
Thailand	The invention is not obvious to a person ordinary skilled in the art.
Trinidad and Tobago	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).
Tunisia	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).

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Turkey	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of anything made available to the public by a written or oral description, use, or in any other way before the filing date (priority date).
Uganda	An invention shall be considered as involving an inventive step if, having regard to the prior art relevant to the application claiming the inventions, it would not have been obvious to a person skilled in the art to which the invention relates on the date of the filing of the application or, if priority is claimed on the date validly claimed in respect of the invention.
Ukraine	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public before the filing date (priority date).
United Kingdom	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of everything made accessible to the public by a written or oral description, use or in any other way before the filing date (priority date).
United States of America	1. The differences between the invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. The prior art consists of: (a) an invention which was known or used by others in US, or patented or described in a printed publication in US or a foreign country, before the invention by the applicant; (b) an invention which was patented or described in a printed publication in US or a foreign country or in public use or on sale in US, more than one year before the filling date; (c) an invention abandoned by the applicant; (d) an invention which was patented, or was the subject of an inventor's certificate filed by applicant or his legal representatives or assignees in a foreign country more than 12 months prior to the filling date; (e) an invention which was described in a published US patent application by another or in a patent filed by another before the invention by the applicant (for the PCT international applications, only if they designate US and are published in English language); (f) during the course of interference, another inventor establishes that, before the invention date, he/she invented the invention and not abandoned, suppressed or concealed the invention; or another inventor made the invention in US before the invention date and he/she had not abandoned, suppressed or concealed the invention. 2. Subject matter developed by another person as referred to in 1.(e) and (f).does not preclude patentability where the relevant prior art is owned by, or subject to an obligation of assignment to, the same person.
Uruguay	The invention does not result from the state of the art in a manner obvious to a person skilled in the art. The state of the art consists of anything made available to the public by a written or oral description, use or any other method of dissemination or information before the filing date (priority date), and the contents of subsequently published Uruguay patent applications with an earlier filing date (priority date).

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Uzbekistan	The invention is not obvious from the prior art. The prior art consists of any information generally accessible before the filing date (priority date).
Zambia	The invention is not obvious to a person skilled in the art having regard to the state of the art. The prior art consists of everything made accessible to the public by way or written or oral disclosure before the relevant filing or effective date of a patent application.
Zimbabwe	The invention, or any new and useful improvement thereof, is not obvious from the prior art.

Regional Offices	Inventive Step (Non-Obviousness)
African Intellectual Property Organization (OAPI)	An invention shall be regarded as resulting from an inventive step if, having regard to the prior art, it would not have been obvious to a person having ordinary knowledge and skill in the art on the filing date (priority date). The prior art shall consist of anything made available to the public, anywhere and by any means or method, before the filing date (priority date).
African Regional Intellectual Property Organization (ARIPO)	The invention is not obvious to a person skilled in the art having regard to the state of art. The prior art consists of everything made available to the public by means of written disclosure, use or exhibition before the filing date (priority date).
Eurasian Patent Organization (EAPO)	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of any information made available in the world before the filing date (priority date).
European Patent Organisation (EPO)	The invention is not obvious to a person skilled in the art having regard to the state of art. The state of the art consists of anything made available to the public by a written or oral description, use or in any other way before the filing date (priority date).
Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC)	The invention is not obvious to a person having ordinary skill in the art having regard to the relevant prior art. Prior art consists of everything disclosed to the public anywhere by means of written or oral disclosure, by use, or by any other way by which the invention is realized before the filing date (priority date).