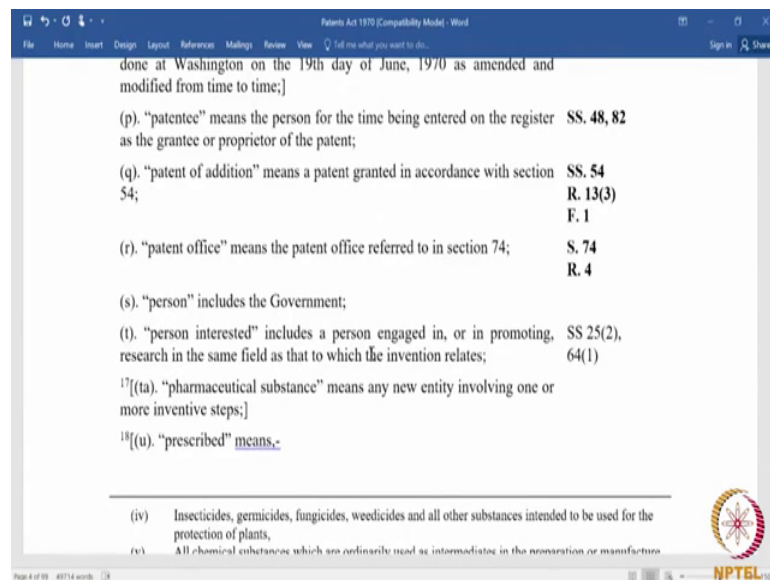


**Patent Law for Engineers and Scientists**  
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**Lecture – 13**  
**Patentability of Inventions**  
**Person Skilled in the Art**

Person Skilled in the Art, we had seen that in the definition of inventive step we had seen that the invention to involve in inventive step, it should not be obvious to a person skilled in the art. The person skilled in the art is not defined in the patents act.

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The word person is defined; a person interested is defined, but the person skilled in the art is not defined under the act. In fact, there are various other phrases in patent law which do not find a definition in the patents act for instance infringement is not defined under the act.

Now, the phrases or the words that are not defined under the act will take the meaning of what is generally understood and if there is a specific meaning then we will ascertain that meaning from case laws and we know that patent law has rich case law history which pertains to cases that we are decided not only in this country, but also in England because

we inherited the 1911 Act was a British Act. So, all the cases decided under the 1911 Act will also form a part of the patent law of this country.

So, the person skilled in the art is a concept in patent law which we had already explained when we are dealt with the inventive step requirement a person skilled in the art is a notional person or a hypothetical construct who is construed or who is created to construe the invention to see whether the invention would be obvious or not.

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## Person Skilled in the Art

- Notional person
- Standard by which inventiveness is ascertained
- Common general knowledge to his field



So, the it is the standard by which the inventiveness of an invention is ascertained, it is a notional construct it is created by the court in cases where there are multiple technologies interfacing together then the person skilled in the art will be a person who is attributed with all the knowledge in that particular domains a person skilled in the art need not be a person it could be a group of persons. And in modern times we understand a person skilled in the art as a person who is attributable with the knowledge of the invention and all the fields of technology that converge to form an invention as we had mentioned art refers to technology and art can change from invention to invention.

So, if an invention has three different types of technology coming together say technology on organic chemistry technology on biotechnology and technology pertaining

to nanotechnology then the person skilled in the art will be attributed knowledge of all these three technologies a person skilled in the art will be attributed of all the knowledge in the public domain and all the knowledge that he is entitle to know in patent law we use the phrase common general knowledge. So, the person skilled in the art will not only know every published material that is there in his domain, but he will also have common general knowledge that is a general to his field for in some cases tacit knowledge will be a knowledge a skilled person has which is not codified or which need not be codified or documented.

A person skilled in the art will also be attributed this knowledge which need not necessarily be in a documented manner. So, an inventive step analysis because it brings in a person skilled in the art it is different from a novelty analysis because the person skilled in the art brings the mental component he is able to read documents together. So, mosaiquing is permitted because the person skilled in the art is the person from whose view point inventive step is determined, whereas in novelty analysis it is not permissible to do mosaiquing a person skilled in the art is attributed the common general knowledge which could be knowledge beyond what is in published document. So, to that extent and analysis of inventive step will have the mental element what is attributable to a person skilled in the art.