

C. Novelty

1.	General	78
2.	State of the art	78
2.1.	General	78
2.2.	Applications with same filing or priority date	79
2.3.	Relevant date of documents	79
2.4.	Prior rights – Article 54(3) EPC	79
2.4.1.	European prior rights	79
2.4.2.	Applicability of Article 54(3) EPC in cases of potentially colliding European parent and divisional applications	80
2.4.3.	Excluded national prior rights	81
2.4.4.	PCT applications as state of the art	81
2.5.	Non-prejudicial disclosures under Article 55 EPC	82
2.6.	In-house knowledge not published before the priority date	83
2.7.	Prior art acknowledged in a patent application	83
2.8.	Common general knowledge	84
2.8.1.	Definition of "common general knowledge"	84
2.8.2.	Patent specifications as common general knowledge	85
2.8.3.	Specialist journals as common general knowledge	85
2.8.4.	Databases as common general knowledge	86
2.8.5.	Proof of common general knowledge	86
3.	Availability to the public	88
3.1.	General	88
3.2.	Ways of making information available to the public	88
3.2.1.	Publications and other printed documents	88
a)	General	88
b)	Company papers	88
c)	Advertising brochure	89
d)	Report available in the specialist field	90
e)	Books	90
f)	Instruction manual	91
g)	Patent and utility models	91
h)	Trade names	92
i)	Abstracts of documents	92
3.2.2.	Lectures and oral disclosure	93
3.2.3.	Internet disclosures	94
a)	General	94
b)	Public availability of a document stored on the World Wide Web	94
c)	Publication date	95
3.2.4.	Public prior use	98
a)	General	98
b)	Public prior use occurred	98
c)	No public prior use	99
d)	Internal structure or composition of a product	101
3.2.5.	Biological material	105
3.3.	The concept of "the public"	105