European Initiatives

• EPC articles 52(2) and 52(3) prevent patenting of “methods of doing business” “as such”
  – Case law: BMs with a “technical aspect” or that solve a “technical problem” are patentable
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    • In the underlying problem solved by the claimed invention,
    • In the means constituting the solution of the underlying problem, or
    • In the effects achieved by the solution
  – Computer software is not inherently technical
European Initiatives

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• Fall 2000: Member countries decline to revise EPC as applied to software or BMs
  – Power of EuroLinux Alliance

• Individual country “consultations”
  – March 2001: British government recommends no change

• 8/31/2001: EPO revises guidelines: BMs are patentable only if they are of a “technical nature” or implicate a “concrete apparatus”
Examples of European BMPs

- **System for determining the queue sequence for serving customers at a plurality of service points**
  - A system that determines which customers are to be served at which counter. The system takes user preferences for particular counters into account. Solves the problem of how to provide an apparatus that can pool counters so that one common customer queue can be employed.

- **Credit management for electronic brokerage system**
  - An automated trading system for stocks and shares, which can correlate bids and offers from anonymized counterparties, and filter out undesirable ones.
  - **EP 625 275, filed 03.02.1992, granted 16.04.1997.**

- **Factory network having a plurality of factories and method of coordinating same**
  - A factory chain in which a factory tailors its production plan based on a planning received from a factory further in the chain. Solves the problem of how to coordinate demand and supply part relationships in such a chain.

- Source: engelfriet2001