

between parties, may be signed at a notary's office. With this common general knowledge process as starting point, the board held that the skilled person would, as a result of a straightforward automation of this process, arrive at the subject-matter of the invention at hand without any inventive activity. The board further considered that the process as described contained sufficient detail to allow the skilled person to arrive at the claimed subject-matter using otherwise nothing more than conventional automation techniques.

In T.1461/12 the application related to a system and method for auditing software usage. Claim 1 specified that running of the copy of the soft-ware would be terminated after expiry of the limited unlock key. The board found that the differences to the prior art related primarily to the terms and conditions of the license in question. In the board's view, it was up to the rights owners whether they wanted to limit the number of "copies" made of a given piece of software and to grant one set of rights for the first number of copies and a different, limited set of rights subsequently for a second number of copies. Moreover, the board took the view that the rights owner would make that choice according to legal, economic and administrative considerations rather than technical ones. The board therefore considered that the content of the license did not contribute to the technical character of the invention.

The board in T.548/13 held that the only distinguishing feature, requiring the security features to show different views of the same image on the front and back of a value document, was non-technical. It conceded that it made the document more difficult to counterfeit, but two different motifs could just as easily be used.

In T.1749/14 the invention was in the field of mobile point-of-sale (POS) terminals for carrying out transactions, e.g. involving a credit card. The invention tried to avoid the customer's sensitive information becoming known if a merchant's device was tampered with by allowing a transaction to be carried out without the customer having to present account information and the PIN to the merchant. The board held that the invention required a new infrastructure, new devices and a new protocol involving technical considerations linked to modified devices and their capabilities as well as security relevant modifications of the transfer of sensitive information using new possibilities achieved by the modifications to the previously known mobile POS infrastructure. The board considered the security relevance of the modifications to contribute to the technical character of the present invention.

9.2.12 Discoveries

In T.1538/05 the applicant claimed to have discovered a magnetic force that was hitherto unknown, and as a consequence thereof, established a number of theories. The board held that the discovery of a new magnetic force was not patentable.

In T.2677/16 the board held that identifying a drug discovery target was not technical. It held that a drug target was not a therapy, but merely a promising direction for future research. The discovery of a drug target may well turn out to be a valuable scientific discovery, but neither discoveries nor science have technical character as such, as is