

cognitive data are not regarded as presentations of information in the sense of Art. 52(2)(d) EPC (T. 1194/97; Guidelines G-II, 3.7 – March 2022 version).

In T. 1194/97 (OJ 2000, 525) the board held that a record carrier characterised by having functional data recorded thereon is not a presentation of information as such and hence not excluded from patentability by Art. 52(2)(d) and (3) EPC 1973. In this context functional data includes a data structure defined in terms (here coded picture line synchronisations, line numbers, and addresses) which inherently comprise the technical features of the system (here read device plus record carrier) in which the record carrier is operative (extending T. 163/85, OJ 1990, 379). In order to lend additional support to its view in relation to a data structure product, the board also referred to decision T. 1173/97 (OJ 1999, 609) and, in particular, to the observation made in that decision at point 9.4 of the Reasons to the effect that the predetermined potential technical effect of a program recorded on a carrier could endow such a product with technical character sufficient to overcome the exclusions under Art. 52(2) and (3) EPC 1973 (see also T. 858/02).

In T. 1749/06 the board agreed with the finding of T. 1194/97. Presentation of information arises when "what is displayed" is claimed without specifying "how it is displayed". Claim 1 comprised the feature of an icon formed of dark and white stripes having thus a three-dimensional effect, but did not comprise the icon's cognitive content, i.e. its specific shape. The latter feature, i.e. the icon representing e.g. a butterfly, was a presentation of information, but not the former. The board found for these reasons that the features of the characterizing portion of claim 1 did not fall under the category of presentation of information within the meaning of Art. 52(2)(d) EPC.

In T. 125/04 the board was of the opinion that, in general, the task of designing diagrams was non-technical (see T. 244/00 of 15 November 2001). This was so even if the diagrams arguably conveyed information in a way which a viewer might intuitively regard as particularly appealing, lucid or logical.

In T. 599/93 a configuration for simultaneously displaying several images on one (computer) screen was claimed. The screen was divided into four sections, for example by means of one horizontal and one vertical demarcation line. The board was of the view that imparting information on events in a screen window by changing the colour of the relevant surface of the setting mark was not of a technical nature (no information was given, for example, on the operating status of the claimed configuration), but merely drew the user's attention to particular contents of the relevant images and thus served to present information within the meaning of Art. 52(2)(d) EPC 1973 (T. 1704/06).

In T. 1086/07 the board considered that, in general, the idea of displaying and placing an indicator at a position to identify a location has no technical character. It is a presentation of information, namely the results of the summarising process, and has no interaction with the possibly technical function of producing it. A similar conclusion was reached in decision T. 603/89 (OJ 1992, 230) in connection with a kind of template that displayed numbers on a card to represent notes on a keyboard instrument. The board noted that although the jurisprudence on Art. 52(2) EPC 1973 was somewhat different at the time, the judgment of technical character was essentially the same.