

The Enlarged Board in G. 1/19 also referred to T. 1265/09. The case concerned computer-implemented methods of determining an efficient schedule for a plurality of scheduled agents in a telephone call centre. The effect of an efficient schedule was found to be a business aim which did not necessarily imply any technical effects. The Enlarged Board stated that in T. 1265/09, as well as in T. 531/09, the negative assessment under Art. 56 EPC was (or could have been) based on the lack of a technical effect by the simulation rather than on the non-technical nature of the simulated system.

## **2.5. Schemes, rules and methods for performing mental acts, playing games or doing business**

According to Art. 52(2)(c) EPC, schemes, rules and methods for performing mental acts, playing games or doing business are not to be regarded as inventions.

### **2.5.1 Methods for doing business**

In accordance with Art. 52(2)(c) EPC, in particular methods for doing business shall not be regarded inventions within the meaning of Art. 52(1) EPC. According to Art. 52(3) EPC the patentability of such methods shall only be excluded to the extent that the application, and indeed the claimed subject-matter as this defines the matter for which protection is sought, relates to methods for doing business as such. However, where the claimed method involves technical means, it does not relate to a method for doing business as such and its patentability is therefore not excluded (see also T. 258/03, OJ 2004, 575).

Pure business methods as such are not patentable (Art. 52(2) and (3) EPC 1973). Methods only involving economic concepts and practices of doing business are not inventions within the meaning of Art. 52(1) EPC 1973. A feature of a method which concerns the use of technical means for a purely non-technical purpose and/or for processing purely non-technical information does not necessarily confer a technical character on such a method (see e.g. T. 931/95, OJ 2001, 441).

In T. 931/95 (OJ 2001, 441) the board addressed the patentability of inventions relating to business methods. Claim 1 of the main request was directed to a **method** for controlling a pension benefits program by administering at least one subscriber employer account. The board stated that if the method was technical or, in other words, had a technical character, it still might be a method for doing business, but not a method for doing business as such. However, all the features of claim 1, i.e. the individual steps defining the claimed method, were steps of processing and producing information having purely administrative, actuarial and/or financial character. Processing and producing such information were typical steps of business and economic methods. Thus the invention as claimed did not go beyond a method of doing business as such and was excluded from patentability under Art. 52(2)(c) EPC 1973 in conjunction with Art. 52(3) EPC 1973.

In T. 854/90 (OJ 1993, 669), a computer manufacturer applied to patent a method for operating an electronic self-service machine (e.g. cash dispenser) which could be accessed using any machine-readable card. A prospective user first had to insert such a card to enable its identification data to be stored; he then keyed in credit information about