In **T 2825/19**, the board considered that opinion **G 3/08**, when compared to decision **T 1173/97**, reframed the interpretation of technicality with respect to computer programs. **G 3/08** (point 13.5 and 13.5.1 of the Reasons), explicitly rejected the position that any technical considerations are sufficient to confer technical character on claimed subject-matter. Such a narrower interpretation of the term "technical" with respect to computer programs is a normal development for the interpretation of a legal provision open to interpretation (see opinion **G 3/19**), and this was the case for "programs for computers" "as such" in Art. 52(2)(c) and (3) EPC. The board understood opinion **G 3/08** as taking a negative view on the technical character of the activity of programming a computer. Computer hardware is without any doubt a field of technology within the meaning of Art. 52(1) EPC. Consequently, the board saw no reason why considerations that specifically exploit technical properties of the computer system hardware to solve a technical problem related to the internal operation of the computer system, such as storing data in main memory instead of on a hard disk to be able to read the stored data with less delay, should not be viewed as "further technical considerations" in accordance with opinion **G 3/08**. Such considerations (and associated "further" technical effects) were not present in all computer programs. By contrast, the board saw no support for the appellant's view that the concept "further technical considerations" should be interpreted with a broader meaning that would also cover considerations aiming to solve problems "merely" relating to programming.

g) Technical considerations: implementation of a function on a computer system

In **T 1177/97** claim 1 was directed to a method for translation between natural languages; accordingly, it used various linguistic terms and involved linguistic aspects of the translation process. The board raised the question whether such linguistic concepts and methods could form part of a technical invention at all. It referred to EPO case law which provided various examples showing that even the automation of such methods did not make good a lack of technical character (e.g. **T 52/85**). On the other hand, coded information had been considered, on a case-by-case basis, as a patentable entity, i.a. **T 163/85**, OJ 1990, 379; **T 769/92**, OJ 1995, 525 and **T 1194/97**, OJ 2000, 525. The board confirmed that, in accordance with this case law, it seemed to be common ground that the use of a piece of information in a technical system, or its usability for that purpose, could confer a technical character on the information itself, in that it reflected the properties of the technical system, for instance by being specifically formatted and/or processed. When used in or processed by the technical system, such information could be part of a technical solution to a technical problem and thus form the basis for a technical contribution of the invention to the prior art.

In so far as technical character was concerned, the board stressed that it should be irrelevant that the piece of information was used or processed by a conventional computer, or any other conventional information processing apparatus, since the circumstance that such an apparatus had become a conventional article for everyday use did not deprive it of its technical character, just as a hammer still had to be regarded as a technical tool even though its use had been known for millennia. The board thus came to the conclusion that information and methods related to linguistics could in principle assume a technical character if they were used in a computer system and formed part of a technical problem