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**Datasheet for the decision  
of 19 April 2013**

**Case Number:** T 1025/08 - 3.4.03

**Application Number:** 00917248.7

**Publication Number:** 1179206

**IPC:** G07F 7/00, G07F 19/00

**Language of the proceedings:** EN

**Title of invention:**

Person-to-person, person-to-business, business-to-person, and  
business-to-business financial transaction system

**Applicant:**

Orbis Patents Limited

**Headword:**

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**Relevant legal provisions (EPC 1973):**

EPC Art. 56

**Keyword:**

"Inventive step (no)"

**Decisions cited:**

T 0641/00, T 1901/08

**Catchword:**

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Case Number: T 1025/08 - 3.4.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.03  
of 19 April 2013

**Appellant:** Orbis Patents Limited  
(Applicant) Mountain View, Central Park  
Leopardstown, Dublin 18 (IE)

**Representative:** Harte, Seán Paul  
MasterCard Worldwide  
Mountainview  
Central Park  
Leopardstown  
Dublin 18 (IE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 16 January 2008  
refusing European patent application  
No. 00917248.7 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** R. Q. Bekkering  
**Members:** V. L. P. Frank  
T. Bokor

## **Summary of Facts and Submissions**

I. This is an appeal against the refusal of European patent application No. 00 917 248 for the reason of lack of inventive step.

II. At oral proceedings before the board the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of claims 1 to 15, filed with letter of 24 January 2007, under the title of main request, as sole request.

III. Claim 1 of the sole request reads as follows:

"A secure processing system (100), comprising a central processing station (102) including a central processing unit (120) having access to a database of numbers (124); characterised in that;

the central processing unit (120) is configured to allocate at least one number from the database of numbers (124) to be a personal payment number; and the system (100) further comprises:

a central database (122) configured to associate the allocated personal payment number with a credit or debit card account into which funds may be transferred via the personal payment number but from which funds may not be transferred via the personal payment number; and wherein

the personal payment number includes routing information (201) and a unique user identification (202) to direct financial transaction information to the account associated with the personal payment number within a particular institution among a plurality of institutions using a computer network."

IV. The examining division essentially argued that:

- The claimed system was a mixture of technical and non-technical features. The technical features were:
  - a secure processing system;
  - a central processing station;
  - a (central) database; and
  - a computer network;while the remaining features of the claim were non-technical and were part of a business method.
  
- Having regard to the technical aspects of the claimed invention, the closest prior art appeared to be a general purpose networked computer system. Such general purpose networked computer system formed part of the common general knowledge and as such did not require written evidence. The claimed invention was distinguished from this computer system by features that defined an aim to be achieved (the automation of the business method). The distinguishing features of the claim did not combine with the remaining features of the claim to cause a technical effect. Thus, these distinguishing features did not contribute to inventive step. According to decision T 641/00 (COMVIK) it was legitimate to include the non-technical features of the invention in the formulation of the technical problem. The technical problem to be solved could therefore be considered as how to automate the business method described in the claim. It was obvious to the person skilled in the art of data processing to implement the business method through

use of standard programming techniques. The claimed system thus did not involve an inventive step.

V. The appellant applicant essentially argued as follows:

- The examining division based its refusal upon a combination of a general purpose computing system and the common general knowledge of a person skilled in the art of payment systems. However, the claimed invention differed therefrom in the use of a central database to associate a personal payment number with an account into which funds could be transferred, but from which funds could not be transferred out. The objective technical problem addressed by the present invention was thus how to provide a simple, secure peer to peer payment system using an existing payment infrastructure.
  
- Decision T 1901/08 stated that the detection of a particular type of fraud of an ATM was a *"technical aim to be achieved in the field of terminal security and cannot fairly be held to be an administrative, non-technical requirement"*. Hence the provision of a secure peer to peer payment system was also, by direct corollary, a technical aim in the field of transaction security. It was fundamental to any payment system that users of the system were assured of the integrity and security of the payment transaction, just as it was fundamental to any financial transaction at an ATM that the user was assured of the security of the terminal they were using.

- It was the use of a correlation database to provide a one way linkage between the personal payment number (PPN), which was in effect a virtual payment card number, and cardholder's actual primary account number (PAN) that provided security of the transaction such that the PAN was not divulged to the party paying into the account associated with the PAN during a peer to peer transaction. Hence the use of a central database in the claimed manner was technical in nature and not merely an administrative feature.
  
- There were no payment systems that allowed the secure transfer of funds between peers, where the party paying into an account would not have access to the cardholder's PAN and could hence not remove funds from this account. The use of a PPN as an intermediate providing a one way linkage to the PAN provided an additional layer of security by which the integrity of the PAN was maintained.
  
- An alternative system for hiding the PAN details in a payment transaction would involve eg encryption and key management. The present system achieved a high level of security requiring however much less computational power. This indicated that a person having technical skills and not merely an administrator had to be involved in finding the claimed solution.
  
- The argument presented in writing that a different treatment should be given to applications that were drafted before the EPO changed its working practice on the features that were considered to contribute

to the technical character of an invention (as introduced by decision T 641/00 (COMVIK)) was withdrawn at the oral proceedings before the board.

## **Reasons for the Decision**

1. The appeal is admissible.
2. *Inventive step (Article 56 EPC 1973)*
  - 2.1 The board considers that the closest prior art is a conventional credit card payment system. Such a system is acknowledged in the present application, since it discloses that the proposed processing system may be integrated with existing payment services, eg an existing credit card system (page 21).

The conventional credit card system comprises a central processing unit which allocates an account number to a principal credit card which is issued to the holder of the account. Secondary credit cards may be issued to relatives of the holder of the principal credit card. These secondary credit cards are associated through a central database with the account. The conventional credit card numbers include routing information and a unique user identification to direct financial transaction information to the account associated with the credit cards within a particular institution.

- 2.2 In the conventional credit card system a spending limit or other limitations on the use of the credit cards may be associated to each card or globally to the principal account. For example, the spending limit for the credit

card issued to a child may be lower than the one of the parents' card, while a global spending limit may be associated to the account. In other cases currency limitations may be imposed, so that international payments are not allowed or only up to a certain amount.

2.3 The claimed secure processing system of claim 1 differs thus from the conventional credit card system in that

(a) a personal payment number is associated with the credit card account, and in that

(b) funds may be transferred via the personal payment number into the credit card account, but funds may not be transferred from the credit card account via the personal payment number.

2.4 The appellant applicant argued that the technical problem addressed by the invention was how to provide a simple, secure peer to peer payment system using an existing payment infrastructure.

2.5 The application however does not disclose how such a "peer to peer" system may be implemented, since it is not disclosed how a private person can send funds to another private person holding a personal payment number by using the existing payment infrastructure, such as the existing credit card system. Using the existing credit card system only merchants associated to the system, and not private persons, can order a refund to a conventional credit card number or to the new personal payment number. Such a refund is however not a "peer to peer" transfer, since it involves on one side a merchant and on the other a private person.



Hence the "peer to peer" feature of the above cited technical problem is not solved by the present invention.

2.6 It is undisputed that the claimed system is a mixture of technical and non-technical features. Hence the approach developed in decision T 641/00 (OJ EPO 2003, 352) for dealing with such mixed type inventions is appropriate.

2.7 The board considers in particular that feature (b) mentioned under point 2.3 does not contribute to the technical character of the invention. The type of financial transactions an account can perform is an administrative decision. It is taken by a financial manager, and not by the computer programmer who is charged with the implementation of this decision. Thus the feature that funds may only be transferred into an account through a given number, but that this number may not be used to transfer funds out from the account, is an administrative feature having the same character as setting a spending limit. This feature does not contribute to the technical character of the invention and may therefore be included in the formulation of the technical problem addressed by the invention (T 641/00, Headnote 2)

2.8 The board considers therefore that the technical problem addressed by the invention should be formulated as how to provide a simple, secure payment system using a credit or debit card account which allows receiving payments but prevents funds from being transferred out from said account.

2.9 The skilled person, a computer programmer dealing with database design and maintenance, is aware that the conventional credit card numbers associated with a credit card account serve to make payments. He would thus associate a further number, ie the personal payment number, with the account in the same way as secondary credit cards are associated with the credit card account. The personal payment number acts only in one direction so that funds may be transferred into the account only. This may be achieved eg by associating a flag with the personal payment number which forbids this number from being used for making payments.

2.10 It could be argued that the posing of the problem underlying the present invention, ie using a credit card account for receiving funds, already involves an inventive step, since the aim of a credit card system is to make payments and not to receive funds. The present invention would thus be what is usually called a "problem invention" in which the inventive step lies in identifying the problem. However, the creation of new financial instruments has administrative character and involves technical considerations only when implementing them. Thus any inventiveness in identifying the present problem does not involve technical considerations and cannot be taken into account for the assessment of inventive step.

2.11 The appellant applicant also pointed out that in decision T 1901/08 the present board in a different composition found that the requirement of detecting a particular type of fraud was not an administrative requirement but involved a technical aspect (reasons 3.1.4). He argued that the present system also

prevented the fraudulent withdrawal of funds from a credit or debit card account and should therefore also be considered having technical character. The difference between the present invention and that underlying decision T 1901/08 was that the former was implemented in software and the latter in hardware.

2.12 The board is not persuaded by this argument.

Decision T 1901/08 states that although fraud detection could in certain cases involve non-technical aspects, this was not the case for the claimed solution, since it relied on a technical understanding of the operation of the terminal and its respective components (reasons 3.1.3, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs). Hence the board explicitly acknowledged in that decision that solutions preventing fraud detection could involve features not having a technical character.

Moreover, in the present case the claimed implementation of the system involves technical considerations which are however obvious to a person skilled in the art of database management. Firstly, the association between the PPN and the credit card account is the same kind of association as the one used for associating secondary credit cards, ie a link in a database. Secondly, the provision of a software control that prevents funds from being withdrawn from the account by using the PPN would be straightforward for a person skilled in database management. Hence the technical considerations necessary for implementing the system do not involve an inventive step.

2.13 The appellant applicant also argued that other solutions to the posed problem could be envisaged that clearly involved technical considerations. He cited as example the encryption of the credit card number and the corresponding key management issues. However, the fact that solutions to a problem can be found that involve technical considerations does not imply that every solution to the problem has technical character. The technical character of an invention has to be evaluated on the basis of the specific features defining it.

2.14 The board finds for these reasons that the secure processing system of claim 1 does not involve an inventive step within the meaning of Article 56 EPC 1973.

## **Order**

### **For these reasons it is decided that:**

The appeal is dismissed.

Registrar:

Chair:

S. Sánchez Chiquero

R. Q. Bekkering