Internal distribution code:

(A) [-] Publication in OJ
(B) [-] To Chairmen and Members
(C) [-] To Chairmen
(D) [X] No distribution

Datasheet for the decision of 26 April 2018

Case Number: T 1755/12 - 3.5.06

Application Number: 07107882.8

Publication Number: 1873670

IPC: G06F21/00

Language of the proceedings: EN

Title of invention:
Apparatus and method for controlling a digital rights object in portable terminal

Applicant:
Samsung Electronics Co., Ltd.

Headword:
Controlling a digital rights object in a portable terminal/ SAMSUNG

Relevant legal provisions:
EPC 1973 Art. 56

Keyword:
Inventive step - (no)

Decisions cited:

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1755/12 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 26 April 2018

Appellant: (Applicant)	Samsung Electronics Co., Ltd. 129, Samsung-ro Yeongtong-gu Suwon-si, Gyeonggi-do, 443-742 (KR)
Representative:	Grünecker Patent- und Rechtsanwälte PartG mbB Leopoldstraße 4 80802 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 5 April 2012 refusing European patent application No. 07107882.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	W. Sekretaruk
Members:	A. Teale
	S. Krischer

Summary of Facts and Submissions

I. This is an appeal against the decision, dispatched with reasons on 5 April 2012, to refuse European patent application No. 07 107 882.8 on the basis that the subject-matter of claim 1 according to a main and two auxiliary requests did not involve an inventive step, Article 56 EPC, in view of the combination of the documents

D1: US 2004/0243834 A1 and
D2: US 2004/0203848 A1.

II. A notice of appeal and the appeal fee were received on 14 June 2012. The appellant requested that the decision be set aside and that a patent be granted on the basis of the documents according to the main and first and second auxiliary requests set out in the decision.

III. A statement of grounds of appeal was received on 20 July 2012.

IV. With a letter received on 4 February 2013 the appellant submitted an amended description and drawings and amended claims according to a main and a first and second auxiliary requests.

V. In an annex to a summons to oral proceedings the board set out its preliminary opinion that, in view of D1 and D2, the claimed subject-matter did not to involve an inventive step, Article 56 EPC 1973. The board also expressed doubts as to clarity, Article 84 EPC 1973, and added subject-matter, Article 123(2) EPC.

VI. With a letter received on 26 March 2018 the appellant submitted amended claims according to a main and first and second auxiliary requests.

VII. At the oral proceedings, held on 26 April 2018, the appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request, the first auxiliary request or the second auxiliary request, all filed on 26 March 2018. At the end of the oral proceedings the board announced its decision.

VIII. The application is being considered in the following form:

Description (all requests):
pages 1 to 10, received on 4 February 2013.

Claims (all received on 26 March 2018):
Main request: 1 to 11.
First auxiliary request: 1 to 9.
Second auxiliary request: 1 to 4.

Drawings (all requests):
Pages 1/2 and 2/2, received on 4 February 2013.

IX. Claim 1 according to the main request reads as follows:

"A method for controlling a rights object in a digital rights management in a portable terminal, connected to a network from which mobile network code/mobile country code is received, comprising the steps of:

detecting (203) a first time zone information of network at the time that the rights object for content is provided;

detecting (207) a second time zone information of network at the time that the content is used;

computing (209,211) an absolute time difference between the time zone informations when the first time zone information is not equal to the second time zone information; and

managing (213,215,217) use authority for the content by controlling the rights object according to the absolute time difference, wherein the time zone informations are detected using mobile network code or mobile country code information."

The claims of this request also comprise an independent apparatus claim 6 and an independent claim 9 to a portable terminal.

X. Claim 1 according to the first auxiliary request differs from that according to the main request in that the following passage has been added at the end:

"wherein the method further comprises detecting a time zone information at the time that the content is downloaded if the rights object is a use time based rights object, a time zone information at the time the content is first accessed if the rights object is a use interval based rights object, and a time zone information at the time that the content is used."

The claims of this request also comprise an independent apparatus claim 5 and an independent claim 7 to a portable terminal.

XI. Claim 1 according to the second auxiliary request differs from that according to the first auxiliary request in that the following passage has been added at the end:

"and determining (213) whether the controlled rights object is completely consumed, and executing (215) the content if the controlled rights object is not consumed completely."

The claims of this request also comprise an independent apparatus claim 4.

Reasons for the Decision

1. The admissibility of the appeal

In view of the facts set out above at points I to III, the appeal satisfies the admissibility criteria under the EPC and is consequently admissible.

2. Summary of the invention

2.1 The application relates to DRM (Digital Rights Management) and, in particular, to enforcing such rights on a portable terminal which can move between time zones. A rights object defines the activities that the user is permitted to carry out with a media object, such as playing, displaying, executing, printing, exporting and reading the digital work (termed the "content" in the claims) contained in the media object.

2.2 The rights object contains three reference values which restrict the use of the content in different ways. The "use count" (which is not set out in the claims) sets the number of available accesses to the content, the

"use time" defines a time limit from first downloading the content after which the content can no longer be used and the "use interval" defines a time limit from the first content access after which the content can no longer be used; see the paragraph bridging pages 1 and 2. As the application puts it, the rights object is "consumed" by performing the activities permitted by the rights object and, once the rights object has been completely consumed, the content becomes unuseable.

2.3 The application focuses on the fact that consumption of the "use time" and the "use interval" is affected by the mobile device moving between time zones. As the application puts it, this causes "the absolute time in the portable terminal [to] change[]". Page 5, lines 3 to 5, also refers to "the absolute time change due to time zone change". By "absolute time" the board understands the time-zone-dependent "local time". The change in local time caused by changing time zone poses the problems that, firstly, an unauthorized user may be temporarily granted access to content or that, secondly, an authorized user may be temporarily denied access to content; see page 2, line 12, to page 3, line 5.

2.4 To solve these problems, the mobile device according to the invention is connected to a mobile network from which a mobile network code (MNC) or a mobile country code (MCC) are received and used to derive local time zone information, i.e. the "absolute time"; see page 5, lines 6 to 9.

2.5 As illustrated in figure 1, the portable terminal comprises a time zone detection unit (103) which detects which time zone the terminal is currently in and supplies this information to a control unit (101)

which stores it in a storage unit (109). A "content use possibility judgement unit" (107) informs the control unit whether a particular use of the media object is allowed or whether the rights object has been consumed; see figure 2; steps 213 and 215 and page 6, lines 17 to 22.

2.6 In the case of a "use time"-based rights object, time zone information detected from the mobile network (see step 203 and page 5, lines 20 to 23) when the content is downloaded is stored in storage unit 109; see page 7, lines 2 to 5. In use, the current time zone information is detected; see step 207. If the time zone has changed since the content was downloaded, then the rights object is controlled based on the "absolute" time difference between the two time zones; see steps 209 and 211, page 6, lines 10 to 13, and page 8, lines 18 to 23. In the case of a "use interval"-based rights object, the time zone information detected from the mobile network when the content is first accessed is stored and used in an analogous way; see page 9, lines 12 to 17.

3. The prior art on file

3.1 Document D1

3.1.1 D1, which was cited as the closest prior art in the decision, relates to a system for controlling the use and distribution of digital works by means of "digital tickets" in a network of nodes, termed "repositories". The repositories, illustrated in figure 12, store digital works and their associated ("attached") usage rights and can act either as a "requestor" or as a "server", according to the client-server model. Some repositories can also "render" a work, i.e. display or

print it; see figures 4a and 4b and paragraph [51]. A repository acting as "requestor" requests a copy of the work for a specified purpose, for instance to read, print or distribute the work, from a repository acting as "server"; see figure 1 and paragraph [44]. If, depending on the attached usage rights, the request is granted, then the server provides the requester with a copy of the work together with a digital ticket setting out the ticket holder's usage rights regarding the work for a specified length of time; see the usage rights grammar in figure 15 and paragraph [15], right column, lines 10 to 13. The repositories are "trusted" (see paragraph [0078]) to enforce the usage rights set out in the digital ticket by checking that a particular digital ticket is present before allowing the ticket holder to use the work in the specified way. The usage right may, for instance, be the right to make five copies of a work; see paragraph [0016], lines 17 to 21. After every use the digital ticket is modified ("punched") and, once the five copies have been made, the ticket may no longer be used; see paragraph [0015], right column, lines 14 to 18.

3.1.2 According to paragraph [114] and figure 14, a right (1450) comprises a time element (1455) having a time zone indicator. This is the only reference in D1 to time zones.

3.1.3 Before a work is transferred from a server to a requestor, the registration transaction, shown in figure 16, is carried out; see paragraph [0236]. As part of this, registry 1, which registers its identity with repository 2, generates and sends to repository 2 an identification certificate containing a date stamp indicating a time after which the certificate is no longer valid. This is followed by the transaction shown

in figure 17 relating to exchanging session information, such as encryption keys, and clock synchronization; see paragraphs [241-242]. There then follows the usage transaction (figure 18 and paragraph [255]) between the requestor, i.e. a repository in the requestor mode, and the server, i.e. a repository in the server mode, it being stated that "In many cases such as requests to print or view a work, the requestor and server may be the same device ..." In the light of figures 4a (printing) and 4b (displaying), the board understands this to mean that the transaction is between two repositories, namely 402 and 404 in figure 4a and 415 and 411 in figure 4b, each pair of repositories being considered as belonging to the same "device". During the usage transaction the **server** carries out step 1805, checking whether the "Time Based Condition" is satisfied (see paragraph [259], last sentence), and step 1818, "For Metered Use, Subtract Elapsed Time From Remaining Use Time For Right"; see paragraph [267]. Since these two steps are carried out by the server, the board understands them to relate to the usage rights attached to the original work on the server (see figure 1, step 105) rather than to the enforcement of the usage rights acquired by the requestor. Figure 19 illustrates the transmission protocol for subsequently transferring the work from the server to the requestor; see paragraphs [272-277].

3.1.4 The appellant has argued that figure 19 shows that the requestor and server are constantly in communication. The board does not agree, since, according to paragraph [35], figure 109 only shows communication between the requestor and server during transfer of the work and its attached usage rights to the requestor. No communication is disclosed once the transfer is complete.

3.1.5 The appellant has also disputed whether D1 discloses a "portable terminal", arguing that, although paragraph [94] refers to a repository being "handheld", paragraph [100] qualifies this disclosure in stating that " ... the repository could be embedded in a "card" that is inserted into an available slot in a computer system", the user interface to the repository being provided by the computer system. The board does not accept that paragraph [100] in D1 qualifies the disclosure of paragraph [94] and, instead takes the view that the two paragraphs relate to different embodiments.

3.1.6 The board agrees with the appellant that paragraph [100] discloses an embodiment in which a repository on a "card" is inserted into a computer system, the computer system providing the user interface to the repository. In the board's view, such a repository, lacking a user interface, does not qualify as a "portable terminal". Nevertheless the board finds that the skilled person would understand the reference in paragraph [94] to "handheld repositories and network-based workstations [being] suitable repositories" to mean that a "handheld repository" could have the functionality of a "network-based workstation" and, for instance, manage content access within the device, thus qualifying as a "portable terminal".

3.1.7 Hence the board finds that the digital ticket and the work in D1 correspond to the rights object and the content, respectively, in the application. The "Fixed-Internal" timing option (1513; see paragraph [154]) and the "Sliding-Interval" timing option (1514; see paragraph [155]) defined in the time specification (1512) in the grammar of figure 15 correspond to the "use time" and "use interval" reference values,

respectively, according to the application; see page 1, line 21, to page 2, line 1.

3.1.8 Thus, in terms of claim 1 of the main request, D1 discloses a method for controlling a rights object in a digital rights management in a portable terminal.

3.2 Document D2

D2 was cited in the decision (point 2.3) as evidence that it was common general knowledge at the priority date to derive the mobile country code (MCC) or the mobile network code (MNC) from the LAI (Location Area Identity) information in a wireless network; see paragraphs [3] and [27]. This has not been disputed by the appellant. The appellant has however disputed whether D2 discloses using time zone information derived in this way for the purposes set out in the present claims.

4. Inventive step, Article 56 EPC 1973, main request

4.1 The appealed decision

4.1.1 According to the reasons for the decision, the subject-matter of claim 1 according to the then main request differed from the disclosure of D1 in the following features:

a. the means for managing the access rights across different time zones and

b. the access rights being specified as the time elapsed between the purchase and a time limit.

4.1.2 Difference feature "a" was obvious, since D1 stated in paragraph [114] that the time information included time zone information, thus already contemplating the possibility of the device being in different time zones. D1 also emphasizing calculating remaining usage time and usage duration, which depended on time zone information; see paragraphs [151-160]. Considering time zone information in the time calculations of D1 was obvious in order to avoid errors when interpreting the access rights. Automatic methods of acquiring such time zone information were well known. For instance, D2 disclosed the mobile country code (MCC) and the mobile network code (MNC) being derived from the LAI (Location Area Identity) information in a wireless network.

4.1.3 Difference feature "b" was non-technical, since it related to the definition of access rights for a given content. The usage right defined on page 2, lines 17 to 20, of the description was a limited usage time from the content acquisition. As this derived from a contractual relationship between the user and the content provider, it lacked technical character.

4.2 The grounds of appeal

The appellant has stressed that the invention involves controlling the rights object in a portable terminal, meaning that access management takes place within the device. In contrast, D1 referred to a server repository and a receiver repository; see paragraphs [44] and [77]. In contrast to the invention, in which the mobile device only communicated when downloading content, figure 19 of D1 showed that there was always communication between a server in a client. The appellant accepts that D1 (paragraph [114]) mentions a time zone indicator (in the example: PDT, "Pacific

Daylight Time") forming part of the usage rights language at the server repository, but disputes whether D1 discloses using a network to obtain time zone information or even taking changes of time zone into account in the claimed manner. The appellant also accepts that D1 discloses a repository acting as a server and a repository acting as a requestor being the same device, but disputes whether D1 discloses a device having two distinct repositories, one acting as a server and the other as a requestor; see paragraph [255]. The appellant has accepted that D1 mentions examining "time based conditions" and subtracting "Elapsed Time From Remaining Use Time For Right" (see figure 18; steps 1806 and 1818, paragraph [259], last sentence, and paragraph [267], penultimate sentence), but disputes whether D1 discloses a comparison of the time when content was downloaded with the time when the content is used. In D1 a change of time zone is not taken into account when subtracting the elapsed time from the remaining use time for a right; see step 1818. The appellant has also pointed out that, although D1 (see, for instance paragraph [0236] with respect to figures 16 and 17) discloses a "timestamp", this is part of the registration protocol between two repositories and does not relate to controlling access to the content. According to the appellant, the requestor's clock is synchronized with that of the server when content is downloaded; see paragraph [0242], first sentence, and step 1714. The requestor's clock is then unchanged and is used to meter the usage of rights; see the entry for the property "Remaining Time" in table 1 on page 6. This approach was in contrast to the invention in which the mobile terminal downloaded time information from the network before calculating the time of usage. D2 concerned a wireless

device which adapted its displayed time, but not its internal clock, when the time zone changed.

4.3 In the board's view, the subject-matter of claim 1 of the main request differs from the disclosure of D1 in the steps of:

a. the portable terminal being connected to a network from which a mobile network code/mobile country code is received,

b. detecting a first time zone information of the network at the time that the rights object for content is provided,

c. detecting a second time zone information of the network at the time that the content is used,

d. computing an absolute time difference between the time zone informations when the first time zone information is not equal to the second time zone information and

e. managing use authority for the content by controlling the rights object according to the absolute time difference, wherein the time zone informations are detected using the mobile network code or mobile country code information.

4.3.1 The board regards the objective technical problem as modifying the method known from D1 to achieve the non-technical, business aim of managing the use authority for the content when the user's time zone changes. This has not been disputed by the appellant. Regarding difference feature "a", D2 shows that it was known at the priority date to derive time zone information from

a mobile network. Features "b" to "e" relate to computations which would have been obvious matters of implementation for the skilled person, given the non-technical aim to be achieved.

4.3.2 Hence the subject-matter of claim 1 according to the main request does not involve an inventive step, Article 56 EPC 1973.

5. Inventive step, Article 56 EPC 1973, first auxiliary request

5.1 Claim 1 according to the first auxiliary request differs from that according to the main request in that the following passage has been added at the end:

"wherein the method further comprises detecting a time zone information at the time that the content is downloaded if the rights object is a use time based rights object, a time zone information at the time the content is first accessed if the rights object is a use interval based rights object, and a time zone information at the time that the content is used."

5.2 As stated above, the "Fixed-Internal" timing option (1513; see paragraph [154]) and the "Sliding-Interval" timing option (1514; see paragraph [155]) known from D1 correspond to the "use time" and "use interval" reference values, respectively, set out in the claims. Hence these additional features merely specify in more detail the use of local time zone information for the purposes set out in D1 and are unable to lend inventive step to claim 1.

5.3 The board finds that the subject-matter of claim 1 according to the first auxiliary request does not involve an inventive step, Article 56 EPC 1973.

6. Inventive step, Article 56 EPC 1973, second auxiliary request

6.1 Claim 1 according to the second auxiliary request differs from that according to the first auxiliary request in that the following passage has been added at the end:

"and determining (213) whether the controlled rights object is completely consumed, and executing (215) the content if the controlled rights object is not consumed completely."

As the added features are known from D1 (see paragraph [15], right column, lines 14 to 18), they are unable to lend inventive step to claim 1.

6.2 Hence the subject-matter of claim 1 according to the second auxiliary request does not involve an inventive step, Article 56 EPC 1973.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

S. Sánchez Chiquero W. Sekretaruk

Decision electronically authenticated