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**Datasheet for the decision
of 16 December 2025**

Case Number: T 0418/21 - 3.5.01

Application Number: 13831929.8

Publication Number: 2926309

IPC: G06Q30/02

Language of the proceedings: EN

Title of invention:

DEVICE, METHOD AND SERVER FOR RETRIEVING INFORMATION USING A
MACHINE READABLE IMAGE

Applicant:

GSPI B.V.

Headword:

Retrieving information using a QR code/GSPI

Relevant legal provisions:

EPC Art. 84, 111(1), 123(2)
RPBA 2020 Art. 11

Keyword:

Technical character - using QR code orientation as additional
input parameter for information retrieval (yes)
Remittal - special reasons for remittal (further search)

Decisions cited:

T 2019/12, T 1958/13, T 0929/18



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Case Number: T 0418/21 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 16 December 2025

Appellant: GSPI B.V.
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 December 2020
refusing European patent application No.
13831929.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman I. Kürten
Members: R. Moser
C. Schmidt

Summary of Facts and Submissions

I. This case concerns the applicant's appeal against the decision of the examining division to refuse European patent application No. 13831929.8.

II. The examining division considered that the claimed method for retrieving information lacked technical character as it defined "an abstract idea (*information retrieval*) ... void of any technical consideration for the solution of a technical problem" (see decision, points 2.1.3 and 2.1.4).

They concluded that automating such a method on a known client-server system, such as the system of document D1 (CN 101930532 A), did not involve an inventive step.

III. In the statement setting out the grounds of appeal, the appellant requested that the decision to refuse the application be set aside and that a patent be granted on the basis of the refused main or first auxiliary request, or on the basis of a newly filed second auxiliary request, all (re-)filed with the statement of grounds of appeal.

Additionally, the appellant requested oral proceedings in case the Board found these requests not allowable.

The appellant argued that the invention's aim of accessing a wide range of information using a single QR code was achieved through technical means. Specifically, this involved determining the angle between a user input and the QR code and using this angle as an input parameter.

IV. In a communication under Rule 100(2) EPC dated 12 December 2023, the Board tended to agree with the appellant that the main features of the invention, namely using the orientation of a QR code to define an additional user input, were based on technical considerations.

However, the Board raised several clarity issues and noted that the case would probably need to be remitted to the examining division for further examination, as these features had not been previously considered technical.

V. In response to the Board's communication, dated 12 April 2024, the appellant filed a new main request and a first auxiliary request replacing the previous requests on file and addressing the Board's clarity objections.

The appellant requested that these requests be admitted and that the case be remitted to the examining division for further examination. The request for oral proceedings was maintained as an auxiliary measure in the event that the Board did not admit the amended requests and remit the case to the examining division for further prosecution.

VI. Claim 1 of the main request reads as follows:

A method for requesting information from an information providing server, the method comprising:

- providing a graphical representation of information, the graphical representation comprising a QR code and a plurality of icons, each icon representing one information item, and each icon being positioned at a relative position with respect to the QR code, wherein

said information providing server has information defining a relationship between said relative positions of the icons and the corresponding information items; in a user device, performing the steps of:

- capturing the graphical representation;
- displaying the captured graphical representation on a screen;
- decoding the QR code to obtain a URL;
- receiving user input that represents a relative position of a selected icon with respect to the QR code;
- detecting Position Detection Patterns within the QR code;
- determining a first line, the first line being defined by the Position Detection Patterns;
- determining a second line extending from the user input to a center of the QR code, the first line and the second line forming an angle at a vertex of the first line and the second line, the angle defining an angle coordinate which represents said user input;
- forwarding the angle coordinate and decoded URL to the information providing server defined by the URL; in the information providing server, performing the steps of:
 - receiving the URL;
 - receiving the angle coordinate from the user device;
 - on the basis of the received URL and the received angle coordinate and said relationship, selecting one information item;
 - transmitting the selected information item to the user device;

in the user device,

- receiving the selected information item from the information providing server.

- VII. Claim 1 of the first auxiliary request differs from claim 1 of the main request by specifying that the user input is a *touch location*.

Reasons for the Decision

The invention

1. The invention relates to mobile tagging. A user employs a mobile device to capture a QR code to retrieve information available on the Internet, such as a product web page or a social network profile.

In the conventional approach, accessing multiple information items requires users to capture multiple QR codes or, if directed to a web page associated with a single QR code, navigate manually to find the desired information - see published application, page 3, lines 1 to 7 and page 9, lines 15 to 16.

2. The core idea of the invention is to arrange icons that represent different types of information or web pages, such as a Facebook icon 11 and an information icon 9 in Figure 6, in close proximity to the QR code.

The spatial arrangement of these icons in relation to the QR code, such as a rotation angle relative to the QR code, defines an additional input parameter. If the user captures the arrangement shown in Figure 6 and selects the Facebook icon, the server returns the Facebook page instead of the web page (URL) encoded by the QR code.

The icons can be selected either by rotating the mobile device while capturing the QR code until the desired

icon is in an upright position, or by touching the captured icon on a touchscreen - see page 22, lines 5 to 13 and page 26, line 31 to page 27, line 5.

3. In both cases, the angle between the selected icon and the QR code is calculated ("determining ... [an] angle defining an angle coordinate ..." in claim 1) and sent to the server to retrieve the desired web page ("on the basis ... of the received angle coordinate and said relationship, selecting one information item").

Admittance of the amended claims

4. The decision is based on objections under Article 56 EPC. The appellant amended the refused main and first auxiliary requests in response to the Board's preliminary opinion.
5. The amendments are a legitimate reaction to issues raised by the Board for the first time in points 7 to 12 of its preliminary opinion. Moreover, they are a genuine attempt to overcome all objections raised. The Board therefore decides to admit these requests into the appeal proceedings (Article 13(1) RPBA).

Amended claims, clarity and basis in the application as filed

6. Claim 1 of the main request is based on claim 1 of the refused main request and includes amendments addressing the Board's objections under Article 84 EPC. Most of the amendments relate to the objection that the claim did not adequately define the determination of an angle based on the QR code and user input. The remaining amendments concern the steps of decoding/transmitting the URL encoded by the QR code and the consistent use

of the term "information providing server".

Specifically, the amendments are as follows (additions indicated in *italics* by the Board):

- *decoding the QR code to obtain a URL;*
- receiving user input that represents a relative position of a selected icon ...;
- ...
- *detecting Position Detection Patterns within the QR code;*
- *determining a first line, the first line being defined by the Position Detection Patterns;*
- *determining a second line extending from the user input to a center of the QR code, the first line and the second line forming an angle at a vertex of the first line and the second line, the angle defining an angle coordinate which represents said user input;*
- ...
- *forwarding the angle coordinate and decoded URL to the information providing server defined by the URL; in the information providing server ...*
- *receiving the URL;*
- *on the basis of the received URL and ...;*
- *receiving ... from the information providing server.*

The appellant cited page 36, lines 6 to 20, page 37, lines 15 to 24 and Figures 12 to 14 as the basis for the amendments. In the Board's view, page 37, line 27 to page 38, line 2 and Figure 17 provide a basis for the features relating to the angle determination. The remaining features related to decoding/transmitting a URL are, for example, disclosed on page 6, lines 11 to 18.

7. The Board notes that, in light of Figure 17 and the accompanying description on page 37, line 27 to page 38, line 2, "forming an angle at a vertex of the first line and the second line" must be understood as forming an angle at the intersection of these two lines.

Additionally, the term "URL" in claim 1 appears to refer to the URL encoded in the QR code, not the URL that includes the obtained angle, which is received by the information providing server.

Subject to these clarifications, the Board concludes that claim 1 addresses the previously raised objections and fulfils the requirements of Article 123(2) EPC.

8. The Board, however, notes that independent claims 7 and 12 need to be aligned with independent claim 1.

Moreover, the dependent claims are not consistent, or are redundant - see for example dependent claim 6 - and possibly not clear.

Technicality and inventive step

9. As set out in points 14 to 19 of the preliminary opinion, the Board considers that using a rotational angle between a QR code and a user selected graphical element as an additional input parameter involves technical considerations, as it affects the way user input is captured and interpreted by the device.

In particular, the rotational angle provides an additional machine-readable parameter derived from the spatial relationship between visual elements detected by the device. This additional input parameter enables users to access multiple information items or web pages

via a single QR code, only using the inherent properties of QR codes. Assisting users in performing a technical task - specifically, retrieving information - via this input mechanism is based on technical considerations.

10. This effect is independent of cognitive information, such as the graphical arrangement or presentation of the icons. Furthermore, it extends beyond conventional input mechanisms, such as a touch or mouse input, which are merely adapted to user preferences (see e.g. T 1958/13 - *Single-drag gesture/LG*, reasons, points 2.2.5 and 2.2.6) or to business requirements (see e.g. T 2019/12 - *Abgabe einer Order/Lacqua*, reasons, point 26).
11. In summary, the Board concludes that claim 1 defines a method leveraging technical means to obtain a user input for information retrieval. Contrary to the findings of the examining division, such a user input cannot be regarded as an "abstract, administrative information processing" scheme devoid of any technical effect. Consequently, it cannot be treated as a non-technical requirement to be included in the formulation of the objective technical problem under the Comvik approach.
12. In view of the above, the Board considers that the examining division's inventive step analysis is flawed. Moreover, deriving an input parameter from the orientation of a QR code, which is typically only used internally for QR code decoding, is neither known from D1 nor part of the common general knowledge.

The Board, however, cannot establish that the invention has been comprehensively searched, in particular in

view of the fact that the written opinion of the EPO acting as International Search Authority (ISA) considered the features relating to the use of the orientation of a QR code for determining a further user input parameter to be of a non-technical nature. Furthermore, the International Search Report indicates that the search did not cover the technical field of information retrieval, which may be relevant in the present case.

The Board, thus, is not in a position to take a decision on inventive step without these features having been properly searched (see T 0929/18 - *Mobile location data sharing/BLACKBERRY*, reasons, point 3.13).

Remittal

13. Article 111(1) EPC gives the Board the discretion to either exercise any power within the competence of the department whose decision is appealed, i.e. in this case the examining division, or to remit the case to that department for further prosecution. According to Article 11 RPBA, the Board shall not remit a case unless special reasons present themselves for doing so.
14. For the reasons set out above, the Board is not in a position to examine inventive step of amended claim 1 according to the main request without a further search being carried out. Furthermore, since the purpose of appeal proceedings is to review the decision, it would not be appropriate to carry out a complete examination of novelty and inventive step on the basis of the pertinent documented prior art for the first time at appeal stage. These circumstances constitute special reasons according to Article 11 RPBA, justifying a remittal of the case to the department of first

instance.

15. The Board therefore exercises its discretion under Article 111(1) EPC and Article 11 RPBA and remits the case to the examining division for further prosecution on the basis of the main and auxiliary requests, including an additional search for the aspects identified above.
16. Thus, the Board can follow the appellant's request for remitting the case on the basis of the main and first auxiliary requests filed with the letter dated 12 April 2024.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the examining division for further prosecution.

The Registrar:

The Chairwoman:



T. Buschek

I. Kürten

Decision electronically authenticated