

Point Managing Method Case
(Statutory subject matter of a computer-implemented invention)
IP High Court
Case H17 (Gyoke) No. 10698 (September 26, 2006)

FACTS

Japanese Patent Application No. 2000-319884 titled "Point managing device and method" filed by the applicant was rejected and refused.

The applicant filed a request for an appeal against the refusal, and subsequently filed first and second amendments to the claims.

However, both amendments were dismissed. Further, an appeal decision to refuse the patent application was rendered for the reason that the present invention is not statutory subject matter pursuant to Article 29(1) because it cannot be recognized as "a highly advanced creation of technical ideas utilizing the laws of nature".

The applicant appealed to the IP High Court. Claim 11 is representative at suit and is as follows:

Claim 11. A point managing method of managing points in reference to a point account database which records accumulated points for each of point campaigns using point accounts for each of users and each of the point campaigns, the point managing method comprising:
a step of receiving identification information of the users and transmission information including symbol strings input by the users via a network; and
a step of adding predetermined points to the accumulated points in the point account database, the accumulated points corresponding to the point accounts for the users identified based on the received identification information and the point campaigns determined based on the received symbol strings when the transmission information is received.

The applicant argued, among other things, that:

i) Although the appeal decision to refuse the patent application did not admit the patentability of the claimed invention by using as an example a case where a person operates various means to manage the points, it is not conceivable for the person to directly transmit the transmission information described herein, including the user identification information and the symbol string input by the user via a network in the present invention.

ii) Without regard for whether an invention is implemented as a computer or a machine not using a computer, such as a sequential machine using a combinational logic circuit, the invention can be basically established as is.

ISSUE

Does a computer-implemented method for managing points in a point campaign constitute statutory subject matter where the steps of the method could be performed by a person and where there is no recitation of hardware resources in the claim?

HOLDING AND REASONING

1. In claim 11, the agent of actions such as "recording (accumulated points)", "receiving", and "adding" is not limited to a computer. Therefore, it is possible for persons to do these actions. Although means such as "network" and "point account database" are used in the present invention, the means are merely tools used by the persons. Since it is possible for the persons to do the actions of the present invention, the present invention shall be an anthropogenic rule for managing the points.

Accordingly, the present invention cannot be recognized as "a highly advanced creation of technical ideas utilizing the laws of nature".

2. It is not recited in claim 11 that the subject of the actions described in the steps of the point managing method is a computer or computers. In claim 11, nothing directly indicating a hardware resource, i.e. a constituent element of a computer, is recited. There is insufficient disclosure in claim 11 to enable embodiment of an operational method of an information processing apparatus unique to an intended purpose by realizing calculation or processing of information in response to the intended purpose by concrete means in which a hardware resource and a software resource collaborate.

Accordingly, the present invention cannot be recognized as "a highly advanced creation of technical ideas utilizing the laws of nature".