

Your webshop is patented

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Foundation for a Free Information Infrastructure



<http://eu.ffii.org>

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Introduction

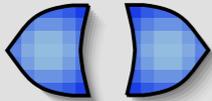
- Quote from the Commission's memorandum:
 - “By **codifying** the requirement for a **technical contribution**, the Directive should ensure that patents for “pure” business methods or more generally social processes will not be granted”

Practice

- “Technical contribution” is already required today by the EPO
- Use: separate “technical” from “non-technical” business methods
- Cfr. Council (rec. 13a): “Accordingly, a computer-implemented **business method**, [...] in which the only **contribution** to the state of the art is **non-technical cannot** constitute a **patentable** invention.”

Practice

The European E-Commerce Emergency



Your webshop is **PATENTED!**

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 **Ladybugs are very useful insects. They dispose of parasites. However, software patent litigators are far too large for them in general.**

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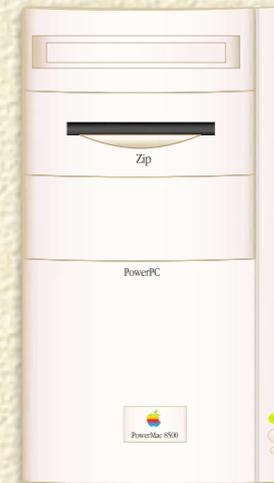
Detail: webshop



□ EP803105:



Merchant



Payment Processor

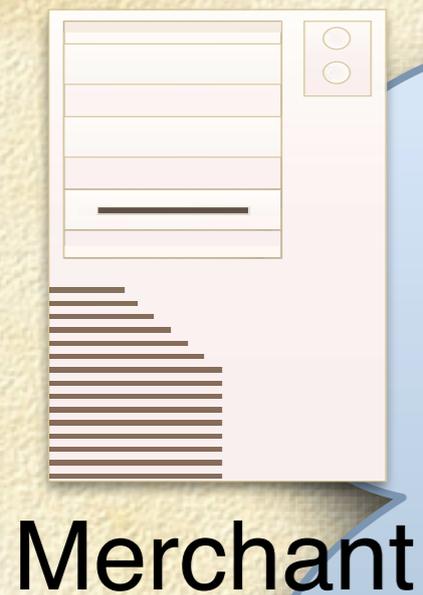


Buyer

Detail: webshop



□ EP803105:

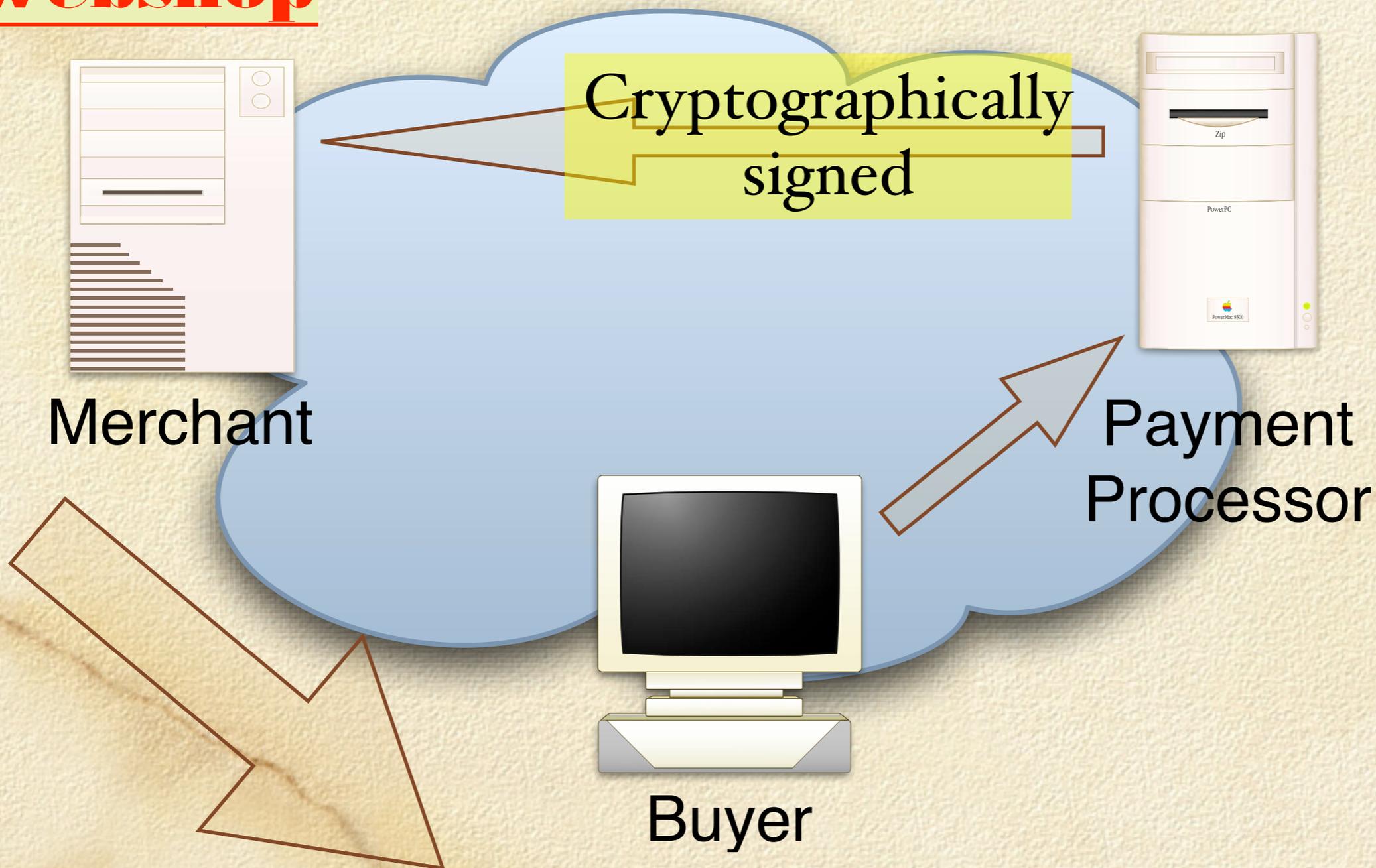


Buyer

Detail: webshop



EP803105:



Detail: webshop

http://webshop

1

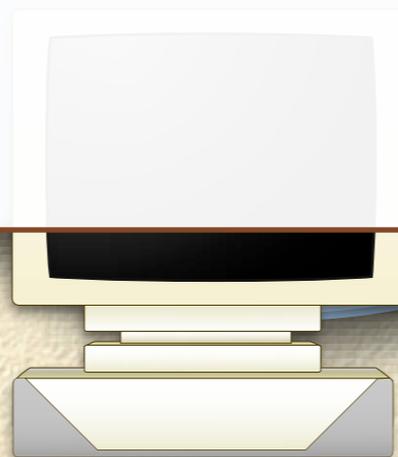
webshop



Merchant

Technical Contribution:

Settling the payment happens directly between the buyer and the payment processor.

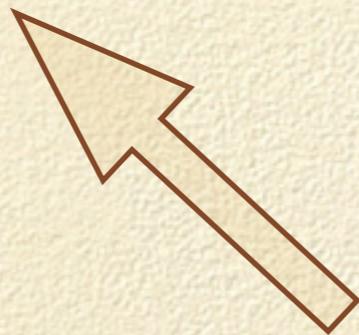
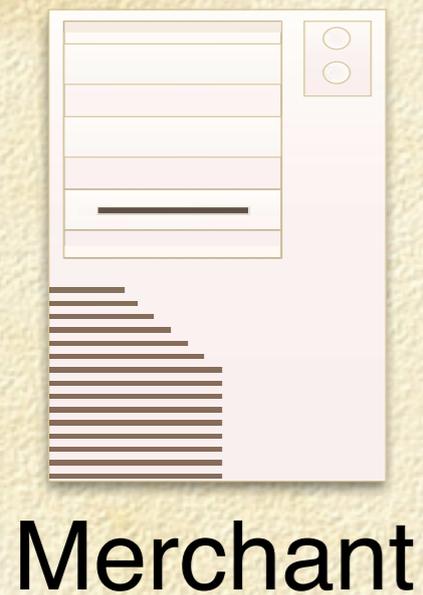


Buyer

Detail: Webshop

Add to shopping cart

□ EP784279 and EP807891



Buyer

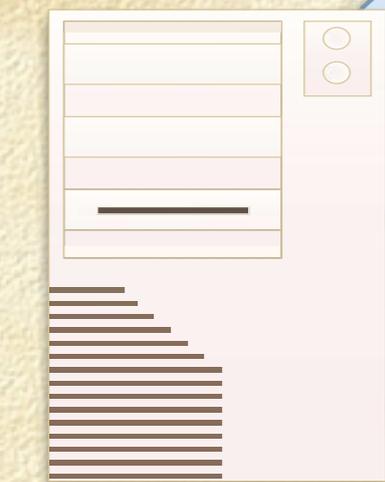
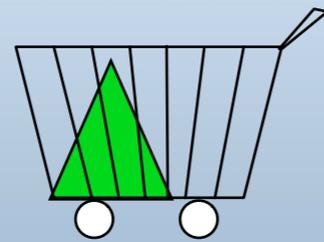


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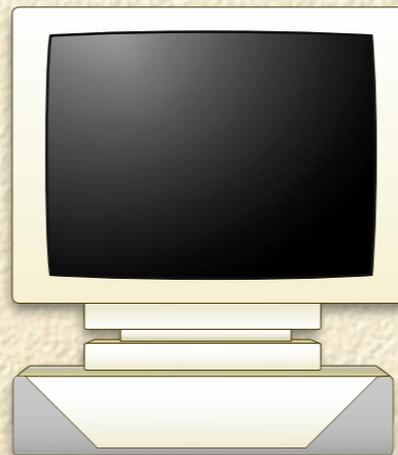
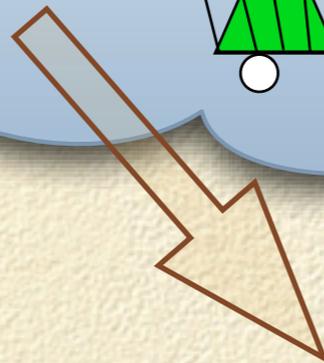
Add to shopping cart

□ EP784279 and EP807891

This is you cart:



Merchant

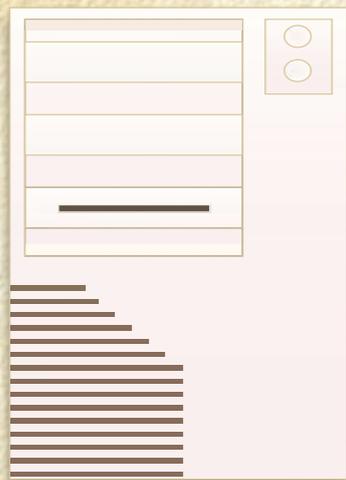


Buyer

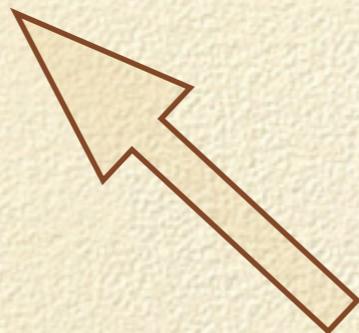
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Add to shopping cart

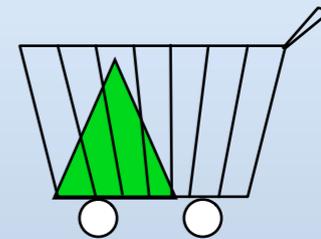
□ EP784279 and EP807891



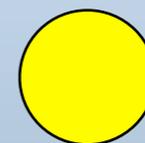
Merchant



This is my cart:



Add this to it:



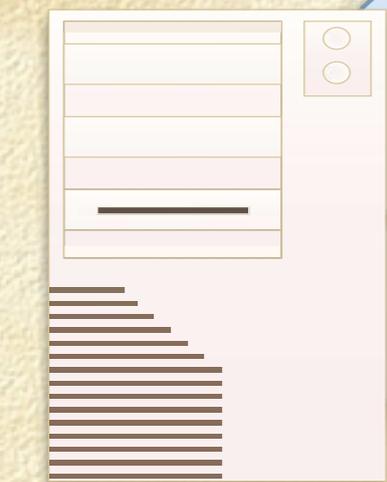
Buyer

Detail: Webshop

Add to shopping cart

□ EP784279 and EP807891

This is you cart:



Merchant



Buyer

Detail: Webshop

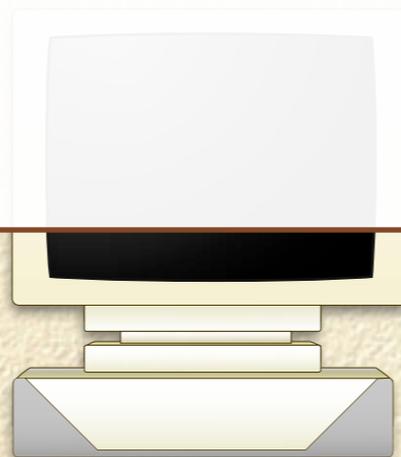
Add to shopping cart



Merchant

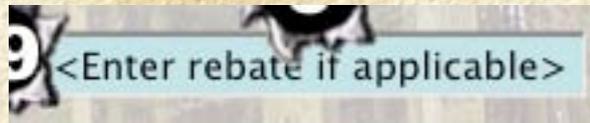
Technical Contribution:

The buyer keeps track of what is in his shopping cart, instead of the merchant.



Buyer

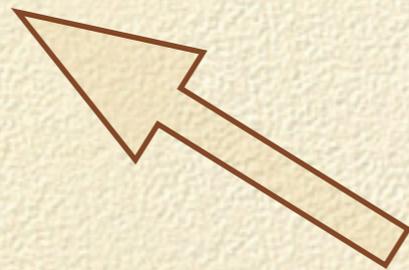
Detail: Rebate codes



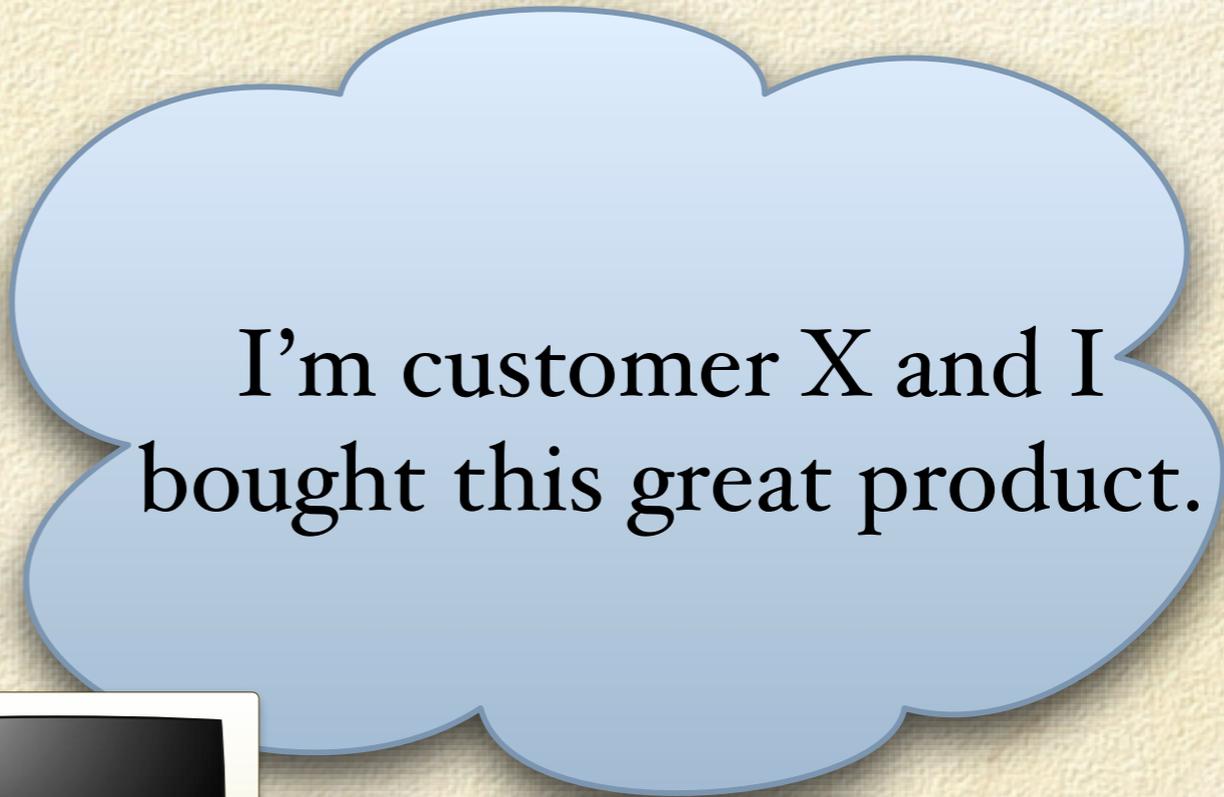
□ **EP370847:**



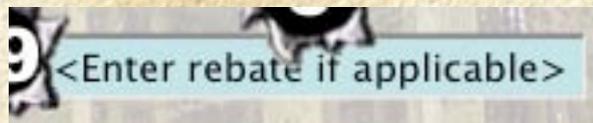
Merchant



Buyer



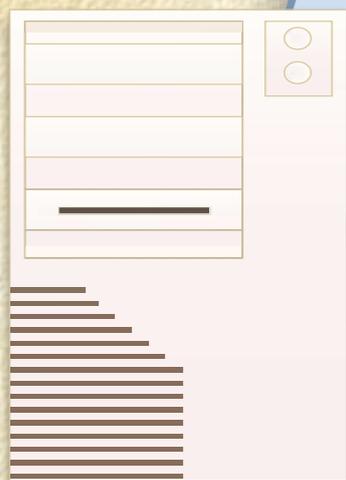
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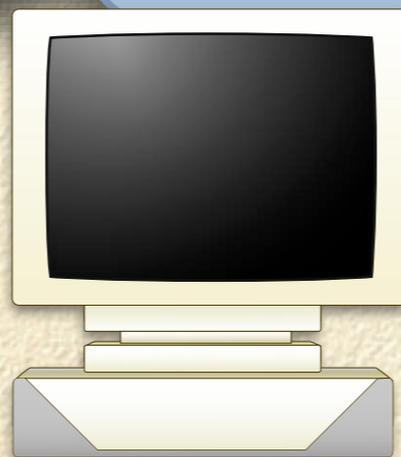
■ **EP370847:**

Hi, customer X. You have to pay EUR 50.23 are eligible for a rebate of EUR 25.63.

How much of it do you want to use now?

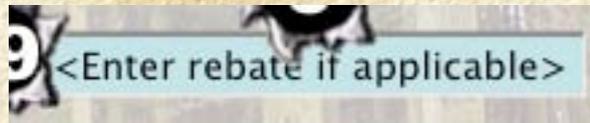


Merchant

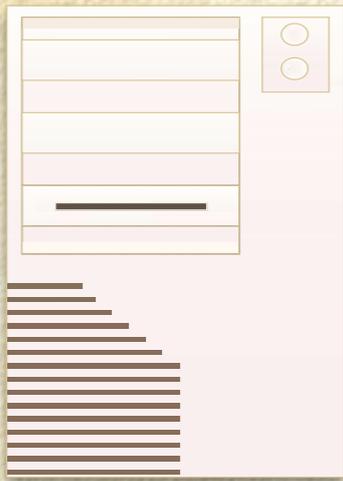


Buyer

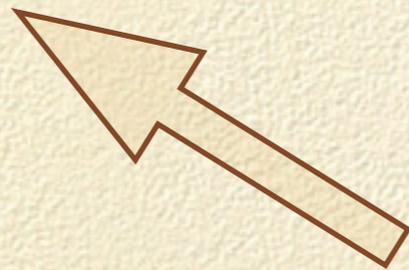
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□ **EP370847:**



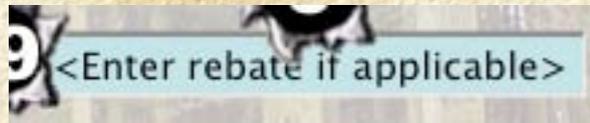
Merchant



Buyer



Detail: Rebate codes

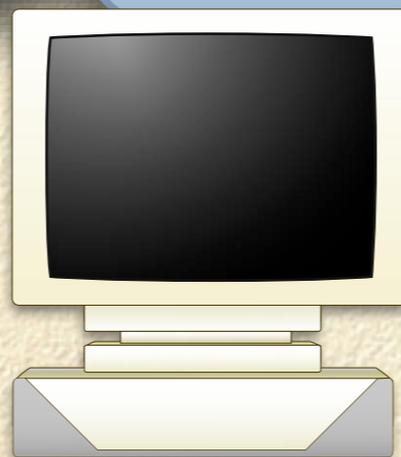


■ **EP370847:**

Ok, then you still have to pay 25 EUR and have 40 cents rebate left for the next time.

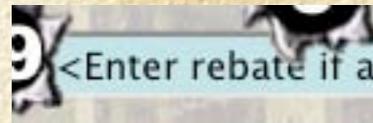


Merchant



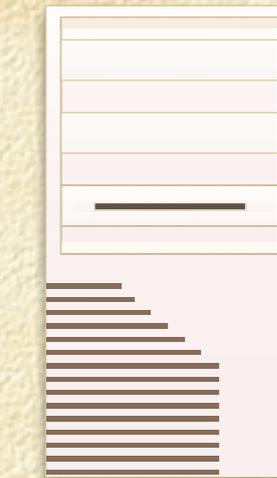
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Detail: Rebate codes

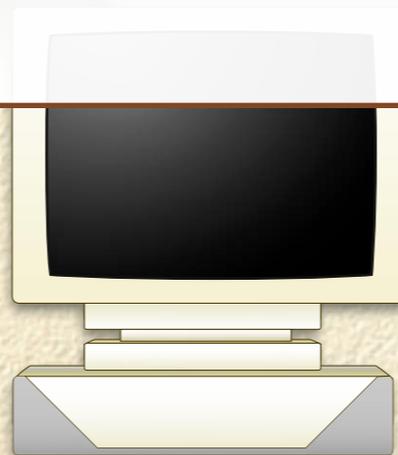


EP370847: Technical Contributions:

- You can use fractions of your rebate
- You can save left-overs of your rebate for later



Merchant



Buyer

Conclusion

- ❑ The requirement for a “technical contribution” does not prevent business method patents
- ❑ Many business method patents have already been granted in Europe
- ❑ Those patents are similar in scope to their US counterparts