

An Additional Hurdle? How the Patentability of Simulation Method (G1/19) Could Impact Innovation in Emerging Technologies

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Abstract

Should simulating noise to test the performance of a circuit and simulating pedestrian movement to test the design of a building be considered differently for patentability?

The Board of Appeal thought it should, and thus referred three questions to the Enlarged Board of Appeal on the patentability of computer-implemented simulation method (G 1/19). But why is this referral important?

In emerging technologies, development in simulation methods plays an important role in innovation. However, it is not always possible to provide a direct link between such numerical simulation and physical reality. The Board acknowledged the significance of the numerical simulation tools in technological advancement but was hesitant to base its decision on policy considerations.

Will this referral impact the well-established “two hurdles” approach currently used to assess the patentability of computer-implemented inventions? More importantly, how will it impact innovation in emerging technologies?

The presentation will try to understand the importance of these innovations and examine the technical and policy consideration for the patentability of computer-implemented simulation methods.