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## BLOCKCHAIN AND 4TH INDUSTRIAL REVOLUTION - A HOT TOPIC AT THE EPO

In December 2018 the European Patent Office (EPO) held its first conference on patenting blockchain. The conference was attended by over 300 participants and addressed the implications of blockchain technology both for patent applicants and for other stakeholders, given that this technology is now applied to more and more technical fields as time goes by.

At the conference, the EPO President stated that that "technologies of the fourth industrial revolution are gaining ever more momentum - and everyone in IP has to get to grips with technical developments that are driving this period of great change - and to understand their impact."

In fact, the field of blockchain technology is now rapidly developing and is tied to other digital technologies such as artificial intelligence. Since 2015 there has been a fast rise in patent applications for blockchain, as well as in the field of artificial intelligence and self-driving vehicles. The top filer in the field of blockchain at the EPO is Visa (US), followed by Mastercard (US), Siemens (DE), Accenture (IE), and Nokia (FI). The top technologies in which blockchain-related patent applications are filed are:

- payment architectures, schemes or protocols;
- cryptographic mechanisms or cryptographic arrangements for secret or secure communication;
- network architectures or network communication protocols for network security;
- security arrangements for protecting computers; and
- finance, insurance and tax strategies.

The conference analysed the rising challenges of searching blockchain, where the EPO also relies on the Cooperative Patent Classification, Open Source libraries, blogs and forums in order to obtain the most relevant results.

The EPO examines blockchain patent applications in line with established criteria based on the EPO case law related to computer implemented inventions (CII). The EPO Guidelines are regularly reviewed and updated, also based on user comments and feedback, so as to ensure that those criteria are transparent and that the EPO practice remains predictable, both for the users of the EPO system and for the examiners. Specifically, the EPO applies two consecutive legal requirements to blockchain inventions, as it does to any other CII. First, it checks whether the invention is excluded from patentability altogether based on the relevant provisions of the European Patent Convention; if there is no such exclusion, then - and only then - it examines whether the invention is novel and inventive. As for the latter requirement, only features with a technical character can contribute to inventive step. Features with a non-technical character include mental acts, business methods, games, mathematical methods and simulation, etc.

The legal issues connected with that technology and how the examination of blockchain patent applications by the EPO were also addressed during the conference.

This conference clearly shows the great care the EPO is putting into ensuring that its search and examination practice meet the latest technology development challenges, and also how much the EPO values hearing from users of the system so as to increase their satisfaction with that system. In fact, the more than 35 countries covered by the EPO system represent a very significant market for CII and blockchain inventions, and it appears that the EPO is taking all the right steps to ensure that those inventions are given the protection they deserve in those countries as well.