



Introduction to the Revision of the Examination Guidelines for Computer Software-Related Inventions

Ver. 2021

CHINESE TAIPEI
APEC IPEG AUG., 2021



History of the Examination Guidelines of Computer Software-Related Inventions

- First announced that a computer readable recording medium is a patentable subject matter

1999

2008

2014

2021

- Business Methods consisted of merely general computer software and hardware deemed ineligible
- Consider features that contribute to technical character when determining existence of the inventive step

- Computer program and data structure products defined as patentable

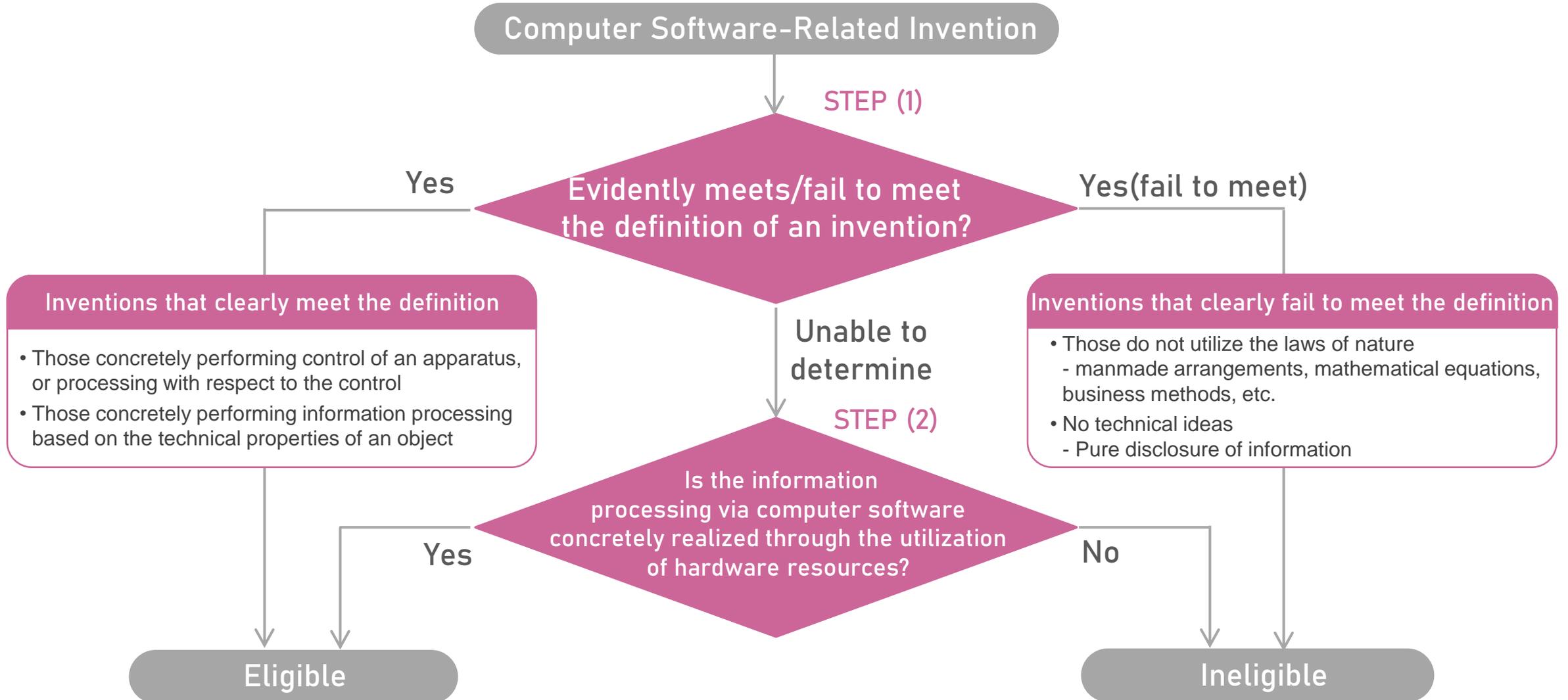
Points of revision

- 1 Clarify the flowchart for determining eligibility
- 2 Clarify the factors for determining the inventive step
- 3 Add AI-related case examples



Point 1 Clarify the flowchart for determining eligibility

Computer Software-Related Invention





Point ② Clarify the factors for determining the inventive step

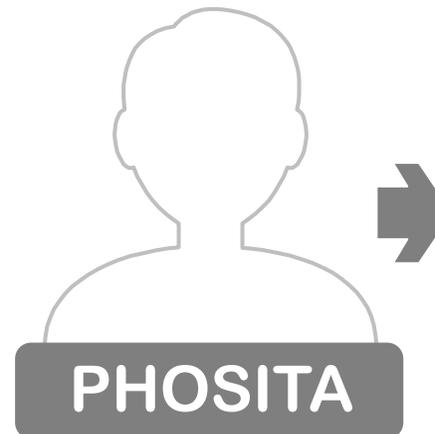
Factors denying existence of inventive step

- Motivation for combining multiple prior arts
 - Similarity in the problems to be solved
 - Similarity in functions or effects
- Simple variation
 - Conversion between technical fields
 - Systemization of human operations
 - Software achieving the functions of prior hardware technology
 - Recreating a common knowledge at the time of application in a computer-generated virtual space
 - Design application or modification based on a publicly known fact or custom
 - Features that poses no contribution to technical effects

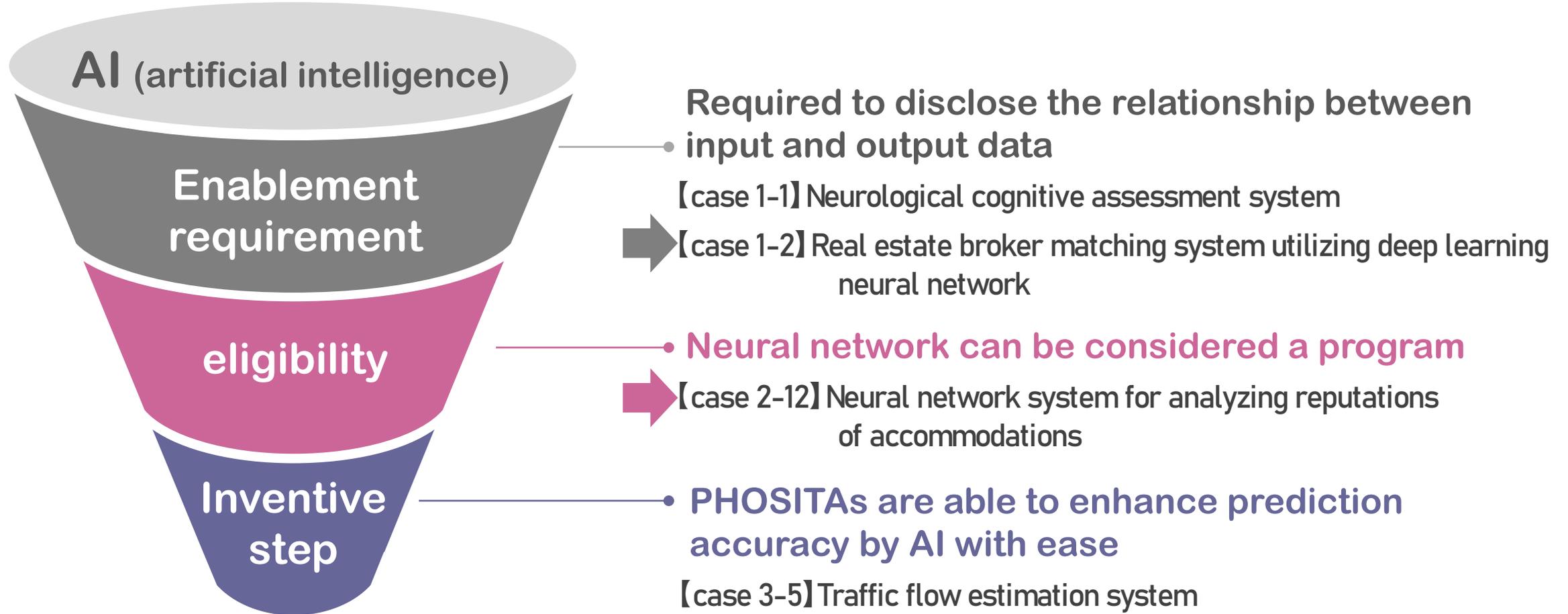


Factors determining existence of inventive step

- advantageous effects
- the invention has unpredictable effects
- teaching away

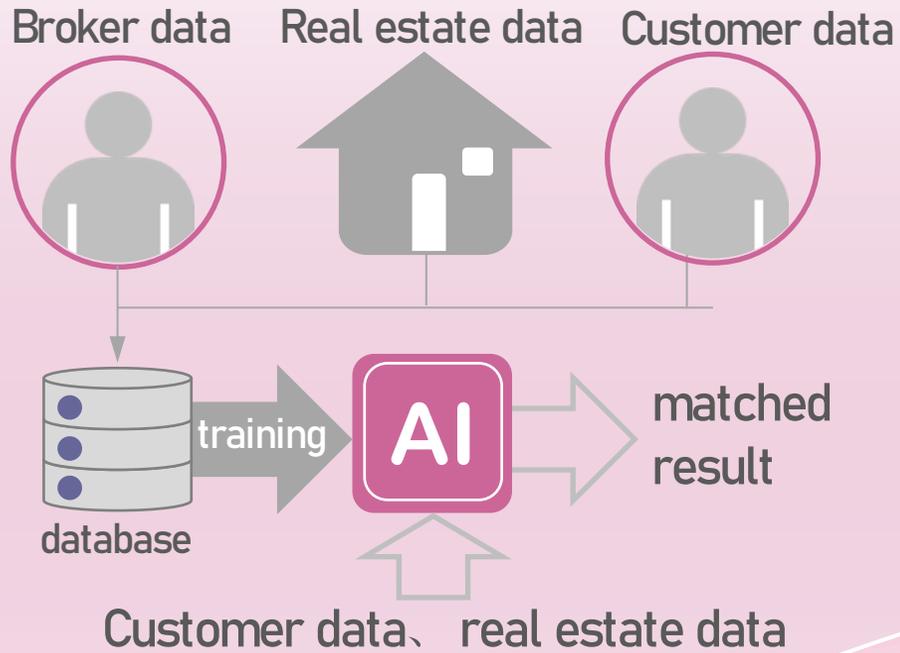


A person who is able to comprehend and utilize prior art, general knowledge, and skills in the field of computer software technology and the technical field applied to the invention at the time of application





【Case 1-2】Real estate broker matching system using deep learning neural network



description

does not meet the enablement requirement

①

Unable to perceive the correlations between the 3 types of from the description and general knowledge at the time of filing

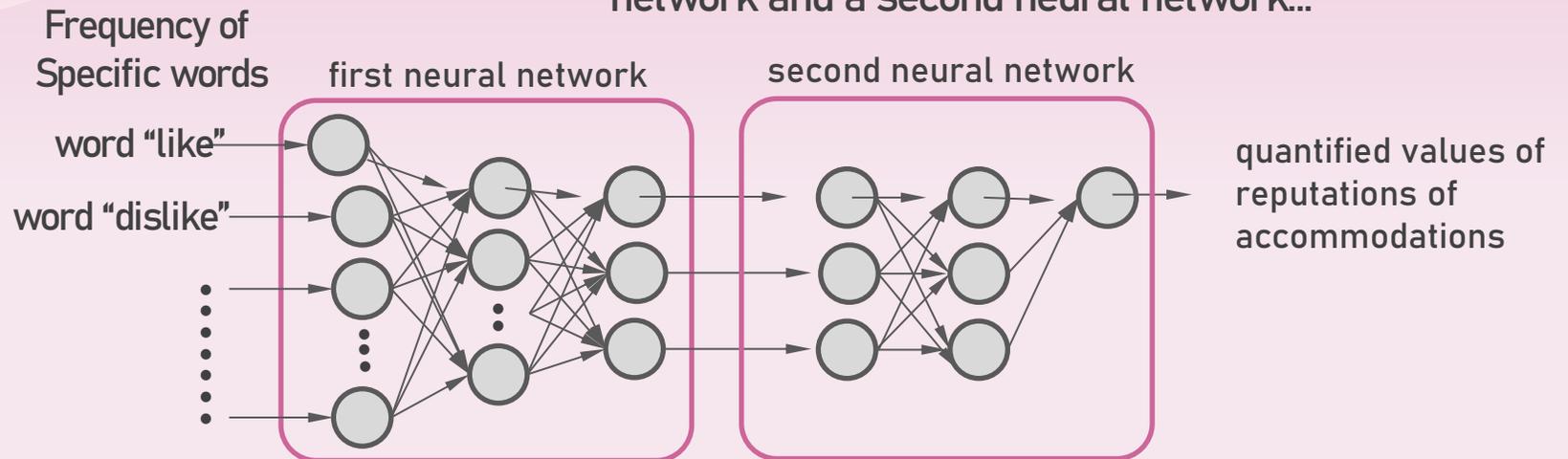
②

the concrete technical content of machine learning for obtaining the best matched result is not disclosed

【Case 2-12】

Neural network system for analyzing reputations of accommodations

[Claim] A neural network system, ..., including... a first neural network and a second neural network...



Even though the claimed subject matter is a "neural network", the claimed invention is considered a "program."



**Thank you for
your attention**
