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**Datasheet for the decision
of 19 March 2018**

Case Number: T 1498/12 - 3.5.01

Application Number: 07849151.1

Publication Number: 2097859

IPC: G06Q20/00, G07G1/12, G07F7/10,
G06K9/00

Language of the proceedings: EN

Title of invention:
VERIFICATION OF A TRANSACTOR'S IDENTITY

Applicant:
Net 1 Ueps Technologies, INC.

Headword:
Verification of transactor's identity/NET1UEPS

Relevant legal provisions:
EPC Art. 52(1), 56

Keyword:
Inventive step - (no) - mixture of technical and non-technical
features

Decisions cited:
T 0258/03, T 0641/00



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1498/12 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 19 March 2018

Appellant: Net 1 Ueps Technologies, INC.
(Applicant) 4th Floor, Presidents Place
Cnr Jan Smuts and Bolton Road Rosebank
Johannesburg
2196 (ZA)

Representative: Gill Jennings & Every LLP
The Broadgate Tower
20 Primrose Street
London EC2A 2ES (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 15 February
2012 refusing European patent application No.
07849151.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Chandler
Members: M. Höhn
I. Beckedorf

Summary of Facts and Submissions

- I. This appeal is against the decision of the examining division, refusing European patent application No. 07849151.1 pursuant to Article 97(2) EPC on the ground of lack of inventive step (Article 56 EPC).
- II. In this decision reference is made to the following prior-art publications:
- D1: WO 00/45320 A1 and
D3: WO 00/46710 A1.
- III. In the statement setting out the grounds of appeal, the appellant requested that the appealed decision be set aside and that a patent be granted on the basis of the main request on which the decision was based. Oral proceedings were requested on an auxiliary basis.
- IV. In its annex to the summons to oral proceedings, the Board expressed its preliminary opinion that the request lacked inventive step (Article 56 EPC).
- V. In a reply, the appellant withdrew the request for oral proceedings and requested a final decision based on the current state of the file.
- VI. Independent claim 1 according to the sole request reads as follows:

"1. A system for facilitating a financial transaction between a prospective transactor and a transactee which includes
an identity and account verifying facility for verifying the identity of the prospective transactor and an account that the prospective transactor has with

a financial institution, the identity and account verifying facility being operated by an independent verifier, the identity and account verifying facility having

a storage means in which is stored a biometric identifier of the prospective transactor and details of at least one account held by the transactor at the financial institution, the details of the or each account having been checked with the financial institution;

a receiving means for receiving a biometric identifier and account details of a prospective transactor from a transactee;

in which the received biometric identifier is verified by comparison with the corresponding stored biometric identifier stored against the account details;

and the identity and account verifying facility further having

a communicating means for communicating with the financial institution to confirm details of the or each account with the relevant financial institution; and

a replying means for replying to a transactee in response to a request to verify the biometric identifier and account details of the prospective transactor."

- VII. The appellant argued essentially on the basis of D1 referred to in the contested decision and particularly criticised that not all technical features of claim 1 had been considered when assessing inventive step.

Reasons for the Decision

1. Independent claim 1 is directed to a mix of technical and non-technical features. The Board does not dispute that the system according to claim 1 appears in a technical context. The system involves a computer with means for storing data, means for processing data and means for transmitting and receiving data, and, therefore, has technical character. Accordingly, the claimed subject-matter is an invention in the sense of Article 52(1) EPC (see T 258/03 "Auction method/HITACHI").
2. However, the question of inventive step requires an assessment of whether the invention makes a technical contribution over the prior art. Features which do not make such a contribution cannot support the presence of an inventive step (see T 641/00 "Two identities/COMVIK", Headnote I).
3. The Board agrees with the appellant that the analysis in the contested decision (see page 3) of which technical features of claim 1 are technical is not correct. In particular, the following features are technical and also need to be considered:
 - a storage means storing a biometric identifier,
 - a receiving means for receiving a biometric identifier and
 - the received biometric identifier is verified by comparison with the corresponding biometric identifier stored against an index (here the account details).

4. The Board agrees that a centralised system has to be considered to be the closest prior art (as the appellant referred to with regard to D1).

However, in the Board's view publication D3 is more pertinent than D1 and is therefore regarded as closest prior art on record. D3 discloses a tokenless centralised system for an ATM (automated teller machine) with biometric access which involves accessing financial transactions only when a forwarded account access request message with a biometric sample is in accord with details registered for each user in a central database.

In particular, D3 also suggests using an account index code in order to access the stored biometric samples. D3 therefore also achieves the alleged advantages argued by the appellant (see page 4 of the statement setting out the grounds of appeal).

5. Using the wording of claim 1 (with corresponding references in brackets), D3 discloses (see in particular pages 14, 35 and claims 18, 22, 25 and 26 with corresponding parts of the description and the drawings):

a system (see figure 1 and claim 22) for facilitating a financial transaction between a prospective transactor and a transactee which includes an identity and account verifying facility (see figure 1), for verifying the identity of the prospective transactor and an account that the prospective transactor has with a financial institution (see page 14, BIA-equipped ATM), the identity and account verifying facility being operated by an independent verifier (see figure 1 and page 15, DPC/

data processing center), the identity and account verifying facility having
a storage means (see page 35, Individual Biometric Database IBD and claim 18, step a) in which is stored a biometric identifier of the prospective transactor and details of at least one account (see page 35, first paragraph of section "Individual Biometric Database"; see also claims 25 and 26) held by the transactor at the financial institution, the details of the or each account having been checked with the financial institution;
a receiving means for receiving a biometric identifier and account details of a prospective transactor from a transactee (see claim 18, step d; biometric data and the account index code are forwarded from the ATM to the electronic identifier);
in which the received biometric identifier (see e.g. claim 18, step b) is verified by comparison with the corresponding stored biometric identifier (see e.g. claim 18, step e) stored against the account details (see e.g. claim 18, step d; see also claims 25 and 26); and the identity and account verifying facility further having
a communicating means (see figure 1; claims 25 and 26) for communicating with the financial institution to confirm details of the or each account with the relevant financial institution; and
a replying means for replying to a transactee in response to a request to verify the biometric identifier and account details of the prospective transactor (see e.g. claim 18, step g).

6. D3 therefore discloses all the technical features of claim 1. Any differences are minor and non-technical so that they do not contribute to the technical character or inventive step of the claim.

Accordingly, claim 1 lacks inventive step over the disclosure of D3 (Article 56 EPC).

7. All the above mentioned reasons were communicated to the appellant in a written communication. The appellant's right to be heard (Article 113 EPC) was therefore respected. In view of the appellant's withdrawal of its request for oral proceedings and the request for a final decision based on the current state of the file, the Board was in a position to directly issue a decision in writing.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



T. Buschek

W. Chandler

Decision electronically authenticated