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**Datasheet for the decision
of 6 March 2018**

Case Number: T 1903/15 - 3.5.06

Application Number: 04811253.6

Publication Number: 1829270

IPC: G06F1/00, H04L29/00

Language of the proceedings: EN

Title of invention:

METHOD, SYSTEM, AND DEVICE FOR LICENSE-CENTRIC CONTENT
CONSUMPTION

Applicant:

ContentGuard Holdings, Inc.

Headword:

Licence-centric content consumption/CONTENTGUARD

Relevant legal provisions:

EPC 1973 Art. 84

Keyword:

Claims - clarity (no)

Decisions cited:

Catchword:



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Case Number: T 1903/15 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 6 March 2018

Appellant:
(Applicant)

ContentGuard Holdings, Inc.
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Representative:

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 23 April 2015
refusing European patent application No.
04811253.6 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Sekretaruk
Members: M. Müller
A. Teale

Summary of Facts and Submissions

- I. The appeal lies against the decision of the examining division, with reasons dispatched on 23 April 2015, to refuse European patent application No. 04 811 253. It was found that claim 1 of the main and first auxiliary requests lacked inventive over
- D1: EP 1 316 900 A2,
- and that claim 1 of auxiliary request 2 was unclear. Auxiliary requests 3 to 5 were not admitted.
- II. Notice of appeal was filed on 2 July 2015, the appeal fee being paid on the same day. A statement of grounds of appeal was received on 3 September 2015. The appellant requested that the decision be set aside and a patent be granted according to a main or one of five auxiliary requests as identified in the decision under appeal.
- III. In an annex to a summons to oral proceedings, the board informed the appellant of its preliminary opinion that all claims lacked clarity and an inventive step, Articles 84 and 56 EPC 1973.
- IV. In response to the summons, by letters dated 6 February 2018, the appellant filed a new set of claims 1-11 as a new and sole (main) request, which was based on the previous auxiliary request 2.
- V. Claim 1 of the sole request reads as follows:
- "A shared license repository device (142) configured to manage and store licenses for content and to enable use of said stored licenses to use said content by a

plurality of different DRM systems (136, 138, 140)
regardless of a consuming application used,

said plurality of different DRM systems being
incompatible DRM systems that use different
mechanisms to specify usage rules assigned to said
content,

said plurality of different DRM systems comprise
proprietary DRM systems that maintain licenses in a
proprietary format,

said shared license repository device being usable
by said plurality of different DRM systems,

the shared license repository device comprising:
one or more interfaces (110, 112, 114) for:

receiving an authorization associated with said
content, the authorization indicating that a user is
permitted to use said content by a first of said
plurality of DRM systems, and

transmitting a license to a second of said plurality
of DRM systems, wherein the license, when
transmitted to said second DRM system, is usable by
and in a format for said second DRM system to allow
consumption of said content;

a license management user interface (104) for a user to
perform lifecycle functions on said licenses, said
lifecycle functions comprise converting and providing
said licenses in the necessary format of said plurality
of DRM systems, said converting and providing comprises
providing the license in the format for said second DRM

system; and wherein

the shared license repository is configured to built content usage rules based on a DRM system of said plurality of DRM systems, wherein

the content usage rules are based on an understanding by the shared license repository of the DRM system;

the content usage rules are associated with a content consumption software, which govern use of the corresponding content;

the content usage rules change with an update or new version of the content consumption software; and

the shared license repository is configured to:

interpret the rights of the license to understand what the content usage rules are at a given time, and

record the content usage rules in a DRM expression associated with the shared license repository."

The sole request also contains corresponding independent claims to a method (claim 5) and a computer program product (claim 10).

VI. Oral proceedings were held on 6 March 2018. At their end, the chairman announced the board's decision.

Reasons for the Decision

The invention

1. The application relates to interoperability between digital rights management (DRM) systems (see e.g. paragraph 10 of the description as published).
- 1.1 It is explained that, in traditional DRM systems, the consumption of content (e.g. the playing of a video) is tied to particular combinations of "consumption application, consumption device and/or DRM system" (see paragraph 5). This fact and the multitude of DRM systems in use is inconvenient for customers, *inter alia* because the DRM systems and/or their formats may change over time, and because customers may not be able to play the content purchased for one device on another one or only get an overview of all the content they may have purchased on different devices (see paragraphs 6 to 8).
- 1.2 As a solution, the application proposes what is called a "license-centric" approach to digital content distribution - as opposed to the known "application-centric" or "content-centric" consumer views (see paragraphs 2, 3, 21 and 30 to 31). In practical terms, the user wanting to play a piece of content, for instance a video, will not click on the player (application-centric) nor on the video (content-centric) but on the license (hence: license-centric; see *loc. cit.*).
- 1.3 Structurally, the application proposes a DRM architecture, as depicted in figure 1. Its central component is a "shared license repository device" (142) which stores and manages all of a customer's licenses

and which also provides interfaces (110, 112, 114) to individual DRM systems (136, 138, 140). Via these interfaces, the repository may receive licenses from and transmit them to the DRM systems (see e.g. paragraphs 47 and 48).

1.4 The license repository device also provides a number of "lifecycle" functions, in particular the "conversion from DRM to DRM", if necessary (see paragraph 49, and also paragraphs 21, 34 to 35 and 41 to 43).

1.5 It is disclosed that "the licenses can be represented in a form unique to the repository 142" (see paragraph 40) or in a "DRM-neutral way" wherein the repository "interprets" the rights "instead of converting [...] license[s] to a form that [a] DRM system can understand" (see paragraph 111). It is also disclosed that the repository is configured to build "content usage rules"; in order to do this, it is stated that the repository "understands" the content usage rules (see original claims 32 to 36; paragraph 40). It is also disclosed that the repository may "interpret" the rights instead of converting the license" (paragraph 111).

The prior art

2. D1 discloses a system for the transfer, and possible conversion, of rights from one repository to another one via what is called a "right gateway" (see figures 2 and 3a to 3d). More specifically, D1 discloses that in known DRM systems "the format of description or right information pertaining to content varies", that systems were known to convert between such formats (see

paragraphs 10 and 11), and that the right gateway itself converts formats (paragraphs 101 and 102).

Clarity, Article 84 EPC 1973, and claim construction

3. In the annex to the summons (see in particular points 7.1 and 7.3), the board dealt with a number of features of claim 1, the clarity of which deserved closer consideration in view of the requirements of Article 84 EPC 1973. For this decision, it is sufficient to focus on one of them (see point 7.3 (f) of the summons).
 - 3.1 The shared license repository device, as claimed, stores licenses and converts them so that they are "usable by and in a format for" one of several DRM systems (see claim 1, lines 16 and 17).
 - 3.2 In addition to conversion of "content usage rules", however, it is also claimed that the repository "is configured to buil[d] content usage rules [...] based on an understanding by the shared license repository" (lines 22, 24 and 25) and that, "to understand what the content usage rules are at a given time", it "interprets the rights of the license" (claims page 2, lines 7 and 8).
 - 3.3 The examining division found that the requirement that the repository "understand" the rights was unclear (see the decision under appeal, point 3.3 of the reasons). The board agrees.
 - 3.4 The appellant argued during oral proceedings that this "understanding" went beyond a mere syntactic conversion between rule formats - and for this reason, in particular, also beyond the disclosure of D1. The board

understands that a mere rule conversion component would take a set of predefined conversion rules and apply it blindly to a rule. Although it is apparently desirable that the conversion maintain, as far as possible, the "meaning" of the content usage rules, this constancy must be guaranteed by the developer of the conversion component.

3.5 According to the invention, however, so the appellant's argument, the claimed repository was itself able to "build" content usage rules, based on its own "understanding" separate from the developer's. The appellant explained that this feature could be construed as some sort of "artificial intelligence" operating in the repository. Alternatively, it covered the option that the repository did not directly convert one set of content rules into another one but indirectly via some representation of "meaning".

3.6 The board is not convinced by the appellant's arguments. An "understanding" of the content rules by the repository is only mentioned in a few paragraphs of the description. Paragraph 40 mentions that the "repository [...] can store, searches for, and understand licenses" so that the DRM "agents [...] need not understand" them or "each other's proprietary rights expressions" (see paragraphs 41 and 43). Paragraph 111 specifies that "the repository [...] interprets the rights instead of converting the license to a form that the [target] DRM system can understand". Also original claims 36 and 146 mention an "understanding". None of these passages however explains what "understanding" should mean in the given context.

3.7 A computer does not "understand" what it is doing in the conventional sense of that word. Rather, it is

limited to carrying out instructions. Even if a computer behaves in a way which appears to a human observer to indicate "understanding", the fact remains that the computer must ultimately follow a predefined program. Therefore, the expression that the repository "understands" or "interprets" certain rules may have a colloquial meaning but does not imply, in the board's view, any specific repository feature.

- 3.8 One might say that the representation of the content usage rules in the repository is tantamount to their "meaning" which is converted into the formats of the individual DRM systems.
- 3.9 The description does not however disclose any detail that would allow the skilled person to decide whether the reference to the repository "interpreting" or "understanding" is more than a figure of speech and, if so, what it is meant to imply for the repository.
- 3.10 Therefore, the board finds that the pertinent features (see point 3.2 above) render claim 1 unclear, so that it does not comply with Article 84 EPC 1973.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



B. Atienza Vivancos

W. Sekretaruk

Decision electronically authenticated