

Graphical User Interfaces (GUIs), Icons and Fonts – practical comments from a European perspective

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WIPO, Geneva
31 October 2017

Overview

European patents vs EU registered designs

European patents for GUIs

EU registered designs for GUIs, icons and fonts

European patents vs EU registered designs

European patents

- Requirement for **novelty** and **inventive step**. No grace period.
- Scope of protection is determined by the **granted claims** (in words).
- Certain categories of inventions (including computer programs) are “excluded from patentability” in Europe – but not software that provides a “technical effect” / “technical contribution” (i.e. a **technical solution to a technical problem**).
- Some GUIs (if they provide a technical effect) can be patentable in Europe, but not icons or fonts.
- Relatively expensive.
- Relatively long and complex search and examination process (typically a few years).
- Maximum term: 20 years (if renewed).

European patents vs EU registered designs

EU registered designs

- Requirement for **novelty** and **individual character** (i.e. that it conveys a **different overall impression** on the informed user, relative to pre-existing designs). 1 year grace period.
- Scope of protection is determined by the **graphical representations** (drawings). Does a third party design “convey a different overall impression”? If yes, then it is not an infringement.
- How to ensure the scope is not unduly limited? Use broken lines/boundaries/blurring/separations.
- Can protect GUIs (regardless of technical effect), and things such as icons and fonts that are not protectable by patents.
- Can be used to protect a GUI, icon or font *per se*, without reference to the device on which it is provided.
- Relatively inexpensive (official fee is currently EUR 350 for a single design).
- Relatively quick and easy examination process (formal requirements only – typically a few weeks). Well suited for the fast-paced product life cycles associated with digital products.
- Can be used to protect a GUI, icon or font *per se*, without reference to the device on which the GUI is provided.
- Maximum term: 25 years (if renewed).

European patents for GUIs

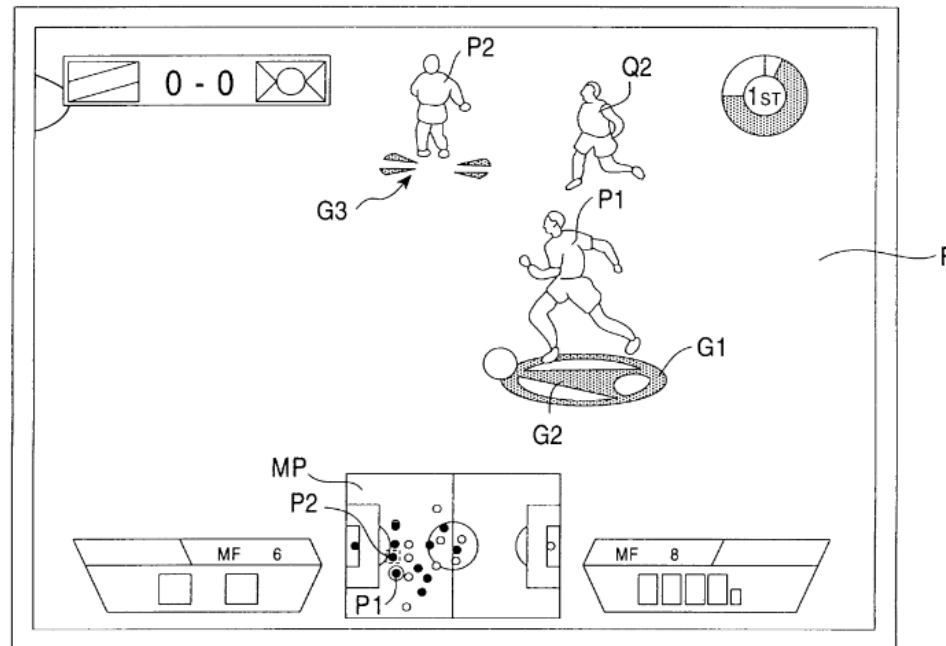
At the EPO, patent protection for GUIs is possible if the GUI invention provides a new and non-obvious “**technical contribution**” or “**technical effect**”

- i.e. a **technical solution** to a **technical problem**.

If achievable, a patent for a GUI can give a broader scope of protection than a registered design, as it protects the underlying technical function of the GUI, rather than just the visual aspects.

European patents for GUIs – example 1

Board of Appeal decision T928/03 (Konami Co., Ltd.)



European patents for GUIs – example 1

Board of Appeal decision T928/03 (Konami Co., Ltd.)

Claims

1. A **guide display device** for use in a video game system of the type in which a couple of teams, each having a plurality of **player characters** (P1, P2, P3) **displayed on a monitor screen** (13), compete with each other on a **single game medium (B)**, at least one of said teams being under the control of a game player through a **controller (8)** said guide display device comprising:

monitoring means for identifying the player character (P1) which keeps said **game medium (B)**, and

guide displaying means for displaying a **guide mark (G1, G2)** which accompanies the player character (P1, P2, P3) identified by said monitoring means and which indicates that said **game medium (B)** is kept by said player character (P1) identified by said monitoring means, **characterized in that**

[a] said **guide mark (G1, G2)** is **ring-shaped** and displayed on the image of the field plane (F) around the player character (P1, P2, P3) at a **location near foot of said player character** (P1, P2, P3),

[b] said guide displaying means further displays a **pass guide mark (G3)** accompanying another player character (P2) which belongs to the same team as said player character (P1) keeping said game medium (B) and to which said game medium (B) can most easily be passed from said player character (P1) keeping said game medium (B), and

[c] said **guide displaying means** displays said **pass guide mark (G3) accompanying another player character (P2) such said a portion of the pass guide mark (G3) is displayed on the end of the display area even when said another player character (P2) and said pass guide mark (G3) come out of the display area of the monitor screen so as to properly indicate the direction in which the game medium (B) is to be passed by the player character (P1).**

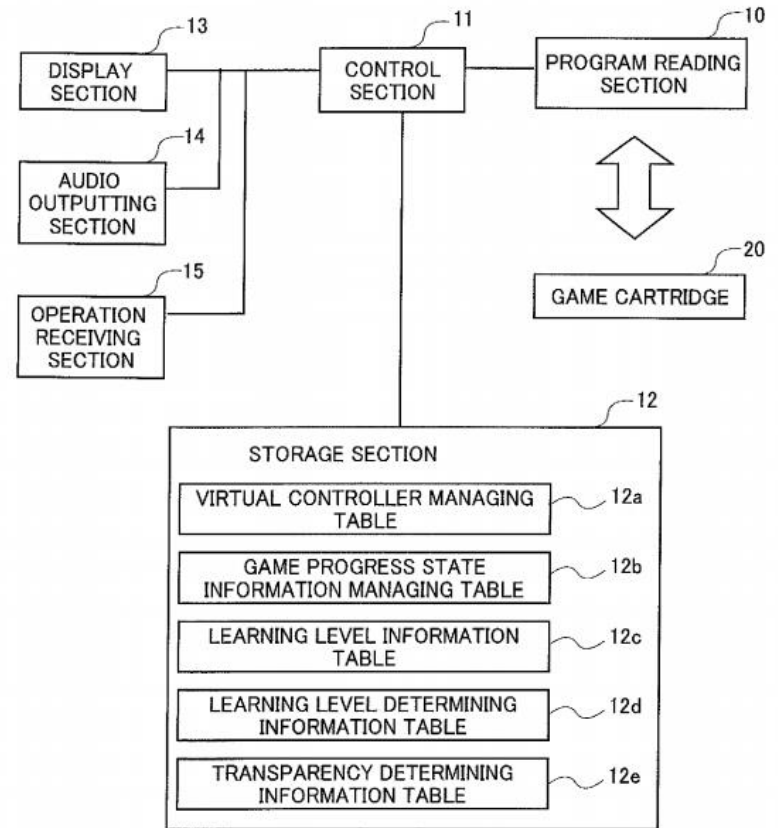
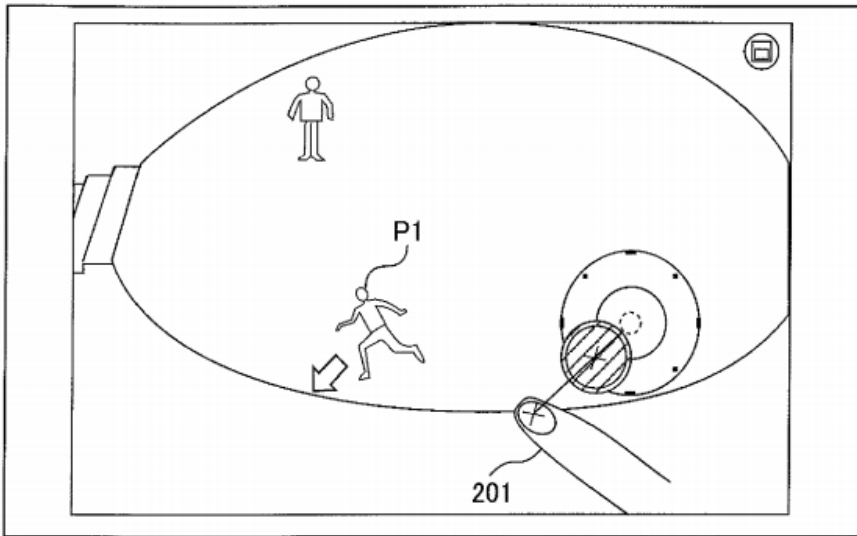
European patents for GUIs – example 1

Board of Appeal decision T928/03 (Konami Co., Ltd.)

5.3 The technical contribution by feature [c] addresses the conflicting technical requirements of displaying an enlarged portion of an image (into which the user may have zoomed) and keeping an overview of a zone of interest which is larger than the display area. Conventional video game GUIs (as acknowledged by the appellant, see point V, last paragraph *supra*) compromise by superimposing a down-scaled map of the zone of interest on the enlarged portion of the image (covering a considerable part of that portion), or by zooming out (losing detail), or by shifting the viewing perspective (losing focus).

European patents for GUIs – example 2

European patent EP2383027 (Square Enix Co., Ltd.)

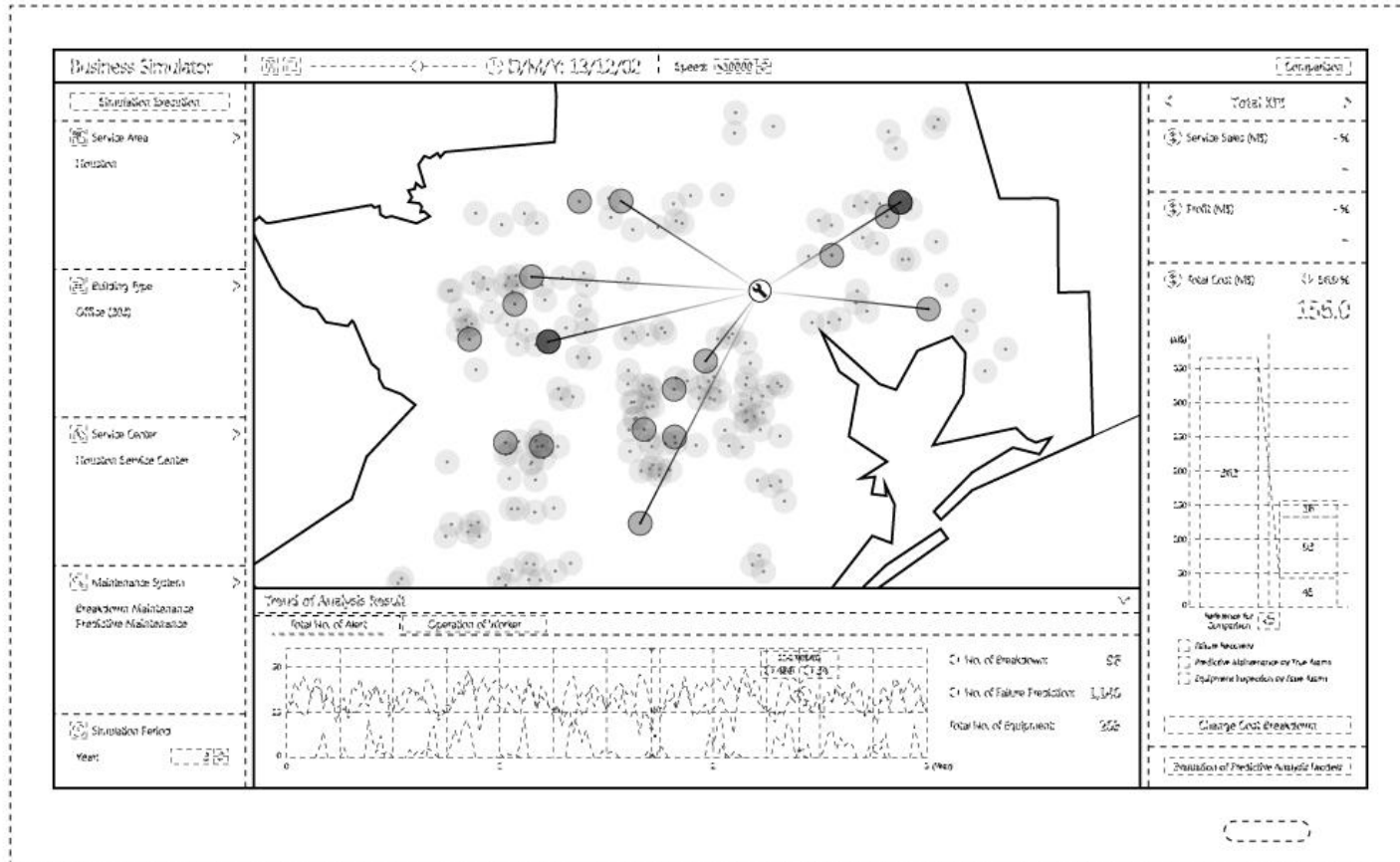


100: VIDEO GAME PROCESSING APPARATUS

EU registered designs for GUIs, icons and fonts

- EU registered designs are commonly used to protect GUIs, icons and fonts.
- Can have up to 7 views per design. Multiple design applications are possible.
- Can depict animation using a multiple design application.
- Can **disclaim** features for which no protection is required:
 - **Broken lines** for indicating elements for which no protection is required.
 - **Boundaries** for outlining features of the design for which no protection is required.
 - **Colour shading and blurring** for excluding a number of features from protection.
 - **Separations** for indicating that the precise length of the design is not claimed.
- No explanatory text, wording or additional symbols may be used in the design views.
- Any accompanying description text is not taken into account in determining the scope of protection.

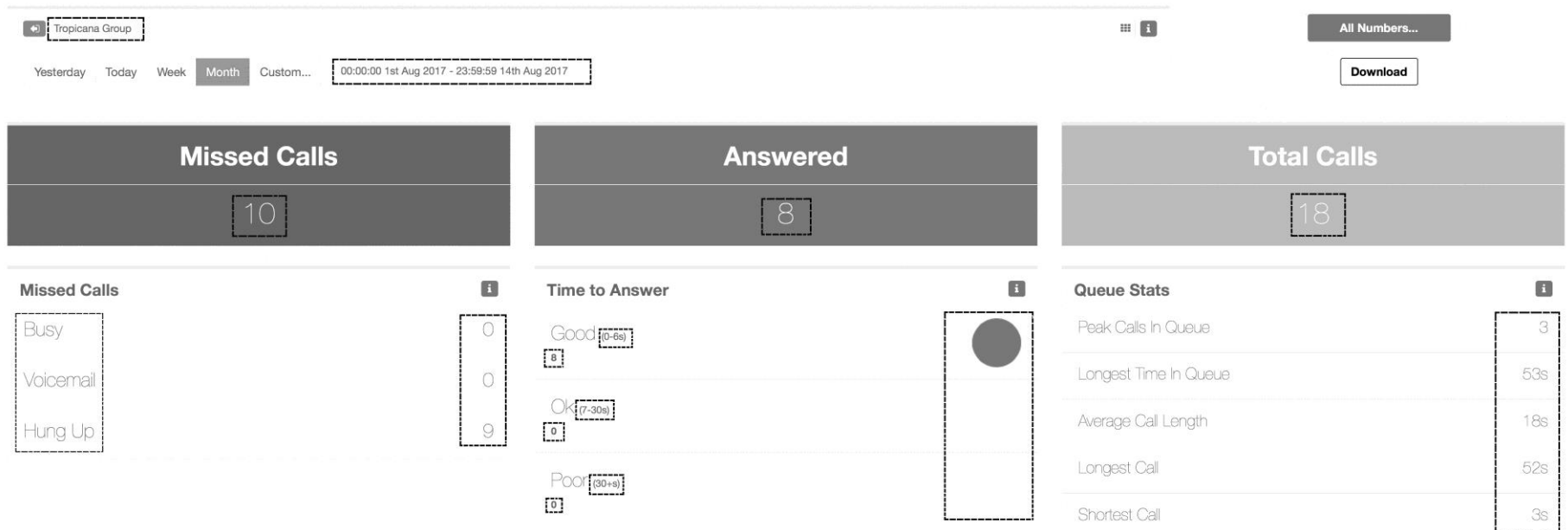
EU registered designs for GUIs – example 1



004419497-0001 (Hitachi, Ltd.).

Note use of broken lines and dashed text to disclaim various features.

EU registered designs for GUIs – example 2



004355212-0004 (Magenta Bay Ltd.).

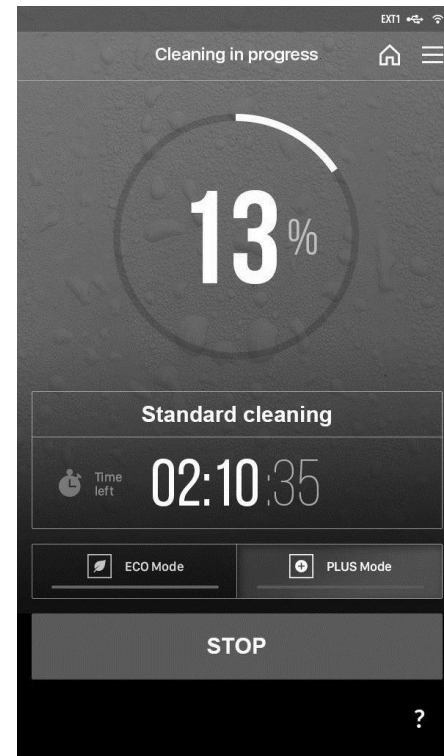
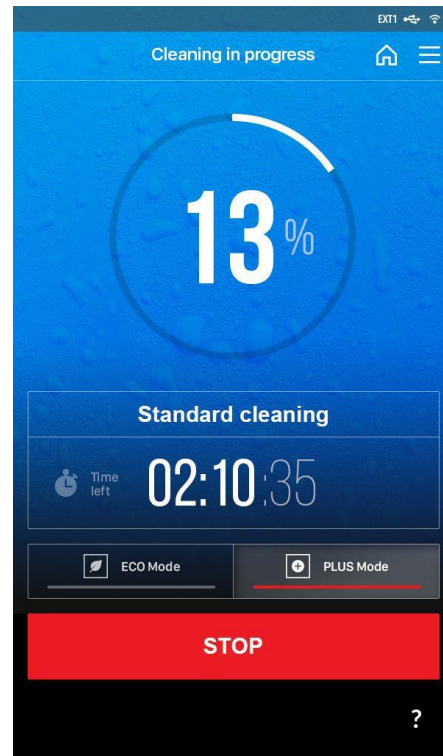
Note use of broken lines and dashed text to disclaim various words and numbers.

EU registered designs for GUIs – example 3



004139491-0001 to 0006 (F. Hoffmann-La Roche AG, Roche Diabetes Care GmbH).
Multiple design application to show animation.
Note use of broken lines and dashed text to disclaim outline box and words.

EU registered designs for GUIs – example 4



004411379-0001 and 0002 (ANGELO PO GRANDI CUCINE-SOCIETÀ PER AZIONI).
Note use of colour and black-and-white.

EU registered designs for icons – examples



004370443-0015, 0016 and 0018 (Uniflex-Hydraulik GmbH).
Various icons protected using a multiple design application.

EU registered designs for fonts – example 2

ABCDEFGHIJKLM
NOPQRSTUVWXYZ
0123456789!@#€
\$%^&*~:?!@TM()

004173250-0002, UEFA.

Thank you – any questions?

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