Germany

“Encryption Process” (Verschlüsselungsverfahren)

European Patent Convention, Art. 138(1)(c)

Decision of the Federal Supreme Court (Bundesgerichtshof)

9 April 2013 – Case No. X ZR 130/11

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- a) The mere fact that from a technical point of view the use of a method disclosed in the patent application (here an encryption process) must be followed by a further process (here a decryption process) in order to achieve a technically and commercially practical result does not, as a rule, necessarily lead to the conclusion that the further process is disclosed as being part of the invention filed for patent even without being mentioned.
- b) This also applies if the description of the first process gives the person skilled in the art all the information he needs in order to be able to use his specialist knowledge to execute the further process.