

Austria: Stromchiffrierung, Supreme Court of Justice of Austria, 4Ob94/16a, 25 August 2016

Kluwer Patent Blog
March 22, 2017

Manuel Wegrosteck (Gassauer-Fleissner Rechtsanwälte GmbH)

Please refer to this post as: Manuel Wegrosteck, 'Austria: Stromchiffrierung, Supreme Court of Justice of Austria, 4Ob94/16a, 25 August 2016', Kluwer Patent Blog, March 22 2017, <http://patentblog.kluwerplaw.com/2017/03/22/austria-stromchiffrierung-supreme-court-of-justice-of-austria-4-ob9416a-25-august-2016/>

According to sec. 1 para 3 no. 5 Austrian Patent Act, programs for computers are not patentable per se. However a computer program may be patentable if it fulfills the technical character requirement. The Supreme Court confirmed that the technical effect is to be determined from the content of the computer program in the context of the problem and solution approach under the teaching of the patent. The technical problem must go beyond the mere processing of data by means of a computer. The technical effect requirement is separate from novelty and inventive step.

A full summary of this case has been published on [Kluwer IP Law](#)