

PATENTS ACT 1977

APPLICANT Reliance Industries Limited

ISSUE Whether patent application GB1900618.8 is
 excluded under section 1(2) of the Act

HEARING OFFICER H Jones

DECISION

Background

- 1 GB1900618.8 is the national phase of a PCT application filed on 18 July 2017 in the name of Reliance Industries Limited. It was republished as GB2566644 on 20 March 2019.
- 2 The examiner is firmly of the view that the application relates entirely to excluded subject matter. Consideration of all other issues has been deferred. There have been several rounds of correspondence in which observations and amendments have been provided, but these have not persuaded the examiner to change his initial view.
- 3 The applicant has waived their right to attend a hearing in person but has instead requested a decision based on the papers. I confirm that I have taken full account of correspondence on file which can viewed [here](#).

The invention

- 4 This application relates to recruiting and integrating new employees into an organisation. I need say no more, as the claims are self-explanatory. The most recent version of the claims, filed on 15 July 2022, contains independent claims to a system and to a method. These are on all fours with one another and will stand or fall together. The system claim reads as follows:
 1. A computer-implemented automated system (100) for onboarding, said system comprising:
 - a. a memory (102) configured to store a plurality of pre-defined system processing rules and a plurality of test cases, wherein the test cases are of different domains;
 - b. a processor (104) configured to cooperate with the memory (102) to receive the pre-defined system processing rules and further configured to generate system processing commands to control the modules of the system (100);
 - c. a database (106) configured to store details of existing employees;
 - d. a vacancy repository (108) configured to store details related to vacant positions within an organization;

- e. a recruitment module (110) configured to receive and store candidate application details with respect to a plurality of candidates, corresponding to the vacant positions;
- f. a test module (112) configured to receive the candidate application details, and further configured to provide a test case to each of the candidates in accordance with the candidate's domain and the details related to the vacant positions;
- g. an assessment module (114) configured to receive test responses for the test cases provided to each of the candidates and candidate application details, and further configured to compute an assessment score for each of the candidates, from the received test response for each candidate;
- h. a selection module (116) configured to receive the assessment score corresponding to each of the candidates and further configured to select the candidates having assessment scores within a predefined range;
- i. a pre-boarding module (118) configured to cooperate with the recruitment module (110) and the selection module (116) to receive the candidate application details of the selected candidates, and further configured to identify and receive missing details of the selected candidates, from the corresponding selected candidates to obtain complete details;
- j. a verifier module (120) configured to receive and verify the complete details of the selected candidates, and rejecting candidates with discrepancies in their candidate details, to obtain the verified details; and
- k. an onboarding module (122) configured to receive the verified details, and facilitate onboarding of the selected candidates, said onboarding module (122) comprising:
 - i. an asset repository (124) configured to store details relating to occupied and unoccupied assets;
 - ii. a cubicle repository (126) configured to store details relating to occupied and unoccupied cubicles;
 - iii. an employee identification number generator (128) configured to generate a unique employee identification number;
 - iv. an allotment module (130) configured to cooperate with the asset repository (124), the cubicle repository (126), and the employee identification number generator (128), and further configured to allot assets, cubicle and the employee identification number to the selected candidates based on the verified details; and
 - v. an updater module (132) configured to update the details relating to allotted assets, cubicle and the employee identification number of the selected candidates in the database (106).

The law

- 5 The relevant provision is section 1(2)(c) of the Patents Act 1977, which says that methods of doing business or computer programs, as such, cannot be protected by a patent. The examiner has based their objections on well-established case-law¹ which

¹ Aerotel Ltd v Telco Holdings Ltd & Ors Rev 1 [2006] EWCA Civ 1371, [2007] RPC 7; Symbian Ltd's Application [2008] EWCA Civ 1066, [2009] RPC 1; AT&T v CVON [2009] EWHC 343 (Pat); HTC/Apple [2013] EWCA Civ 451

provides guidance on determining whether an invention falls within this exclusion. There is no disagreement between the examiner and the applicant as to the relevant law, only on how it should be applied in this instance.

Arguments and analysis

- 6 I do not consider there to be any disagreement of substance between the examiner and the applicant over how to construe the claims. The claims are straightforward to understand.
- 7 The examiner has set out in detail his assessment of the contribution in the pre-hearing report, and concludes his considerations as follows:

I consider the actual contribution provided by the invention as defined in independent claims to be a computer programme product as defined in claim 1, such that an onboarding process is simplified and automated across verticals of an organisation to increase efficiency, speed, standardisation / uniformity across different locations, and reliability of the onboarding process, removing subjectivity from the onboarding process, improvement in ease of candidate participation, and minimisation of resources and cost requirements, overcoming issues with manual processing, lack of uniformity, subjective hiring, high consumption of time and resources in organisation onboarding and limiting the risk of allotting assets and providing network access to fraudulent candidates through automating administrative decisions.
- 8 I am conscious that this assessment of the contribution focusses rather more on the problems alleged to be solved and the consequential advantages than the manner in which the system works, but it does not appear to me that the applicant takes a substantially different view of the contribution. Indeed, the most recent correspondence from the applicant, which accompanied the amended claims, does not set out any alternative formulation of the contribution. I am content to adopt the contribution as the examiner has defined it.
- 9 The point of disagreement is whether there is any contribution beyond the excluded fields of section 1(2), and this is where the applicant has largely directed their observations. Paragraphs 26-29 of the examiner's pre-hearing report provide an accurate summary of the extensive arguments presented by the applicant. The examiner has comprehensively and in my view correctly dealt with these arguments in his various reports. I see no need to repeat the examiner's careful analysis, but I will briefly deal with the key points.
- 10 A number of the applicant's arguments share the assertion that recruitment and onboarding involve technical processes, for instance remotely receiving candidate applications, assessment and selection of candidates, allocating resources to the selected candidates. Similarly, the applicant's view is that there are a number of technical problems to be solved. For instance, a conventional process is slow, involves lots of paperwork, is open to the risks of proxy recruitment (i.e. one person passes the interview/test but another reports for work) and ghost employees (i.e. an employee is recruited but never reports for work), and may be unable to prevent backdated joining (i.e. where a selected candidate reports for work prior to their start date). The examiner was not persuaded by such arguments, and neither am I. The claimed system simply does not address nor solve any problems of a technical

nature. The recruitment and onboarding of staff is merely an administrative activity falling squarely within the business method exclusion.

- 11 The system and method is computer-implemented and so it should come as no surprise that the applicant has sought to rely upon the *AT&T* signposts to point towards a technical contribution.
- 12 With reference to signpost (i) the applicant's argument is that the allocation of assets (e.g. laptop, mobile phone) is a technical action outside of the computer. However, the system does no more than to associate an available asset with an employee in a database; this is plainly not an effect outside of a computer. For the sake of completeness, I can see no other effect outside of a computer.
- 13 Signpost (iii) is also said to be met since the invention requires an interaction between a user's handheld device and a centralised system not known in the prior art, and thus the computer operates in a new way. Notwithstanding that the claims say nothing of the interaction between handheld devices and a centralised system, there is absolutely no hint here that a computer works in a new way other than in the sense that it is programmed to perform a new task. It is well understood that the third signpost requires more than this.
- 14 The applicant also argues that signpost (v) is met. I have no difficulty in accepting that the applicant has overcome some of the problems of conventional recruitment and onboarding processes, but as I have already said those problems are simply not technical.
- 15 The applicant's arguments include references to several previous hearing officers' decisions² and they have asked me to take account of one further recently issued decision - [BL O/961/22](#) (*Motorola Solutions, Inc*). The applicant has drawn my attention to paragraph 34 of this decision which makes the point that one must always be cautious of making an assumption about a case in question based on apparently similar previously decided cases. If that is the only point the applicant is making then I am in full agreement.
- 16 While it can be very helpful to consider the reasoning of hearing officers in earlier decisions, it certainly does not help to fix attention upon a solitary aspect of an earlier case which can otherwise be quite easily distinguished on the facts and conclude that the cases must be analogous. That is clearly the examiner's view of what the applicant has done here, and I endorse his detailed reasoning on this point. It may well have formed part of the hearing officers' reasoning in the earlier decisions that data was obtained in real time from multiple users, that such data was used to provide an identification of a person, and that an action in the real world took place in response, but the context for those features in each of those earlier cases was entirely different. Likewise, I suspect that the applicant is drawing a parallel between their case and [BL O/961/22](#), but I can see nothing in the hearing officer's reasoning which necessarily extends to the current case. The invention in [BL O/961/22](#) is about maintaining a chain of custody for digital assets, such as image files, by verifying the transfer of the assets from a portable electronic device to a data warehouse. I

² In particular, [BL O/461/19](#) (Suunto OY), [BL O/375/19](#) (Motorla Solutions, Inc), [BL O/611/19](#) (Google LLC), [BL O/701/21](#) (Lookout Inc)

appreciate that there is an element of verification in the applicant's system/method, but beyond that the two cases share little else.

- 17 The applicant has produced a start-to-end automated solution for recruitment, assessment and onboarding. I have no doubt that the claimed system and method provides numerous useful advantages and efficiencies over the labour-intensive letter-writing, form-filling and data-entry processes that many organisations routinely utilise, but these are matters of a purely administrative nature which unequivocally fall within the business method exclusion of section 1(2), and the applicant's solution relies upon a suitably programmed computer which is plainly no more than that.

Conclusion

- 18 Since the application relates to a computer-implemented business method, it is refused under section 18(3).

Appeal

- 19 Any appeal must be lodged within 28 days after the date of this decision.

Huw Jones

Deputy Director, acting for the Comptroller