

Intermediary AS
Innovation Dock
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Att.: Morten Ims

Oslo, 9th May 2023

Our ref.: 143050/LMA

PATENTABILITY REVIEW: Automated process of creating a company

Summary of Patentability Review

Our main conclusion of the herein described Intermediary concept is that no novelty destroying material was found and thus, at least some features appear novel. However, the Intermediary concept (with the features as described below) would be unlikely to lead to a granted patent on inventive step and excluded subject matter grounds.

Enclosed with this report is:

- Excel sheet comprising patent results from search

Short explanation of the inventive concept

The Intermediary concept relates to an automated process of creating a company.

The concept comprises an automated, hassle-free method of setting up a business (in particular in Norway) by accessing a single online interface, entering information and filling out required information (preferably in one sitting). The method enables the governmental regulatory official process steps to be completed in a user-friendly, streamed-lined method.

The online interface, which presents fields to be entered by a user seeking to set up a business, collects all the relevant data required to set up a business for that user. It is particularly useful for foreigners (without a D-number). The method includes a logical user interface for easy navigation by the user and ensures all necessary data is inputted. Further, there is a section for linking an attorney to the company setup when legal services are required, as well as a section for linking a financial professional to the company setup for when finance professional sign off is required. The process of setting up a company using the online platform is design to take between 5 to 10 minutes. Information provided is used to populate the fields of the required forms for setting up a

business in the relevant jurisdiction (i.e., Norway). Ideally the forms are auto-populated based on AI to reduce time. The forms may need to be manually checked to ensure the correct information has been carried through. Once all the forms are complete, they can be submitted to the relevant government body.

Fields to be filled in by the user are assigning a CEO, division of company shares, etc.

The user will also enter a deposit to cover official fees and a service fee (preferably in the same sitting as the main data gathering process). Share capital is also paid to same place and transferred directly into the service account.

Summary of retrieved closest prior art

Patent Literature

Various searching methods were carried out to retrieve relevant patent documentation to the above-described concept using our patent searching software Patsnap®.

The attached excel sheet provides 5 relevant patent documents. The sheet provides a link to the document on Patsnap viewer, and provides a brief abstract of the document.

These five patent documents are discussed below.

[SG10201802615TA](#)

This document describes an automated system for business entity formation and has a questionnaire module, a signature module and a financial/tax module. The questionnaire module collects data such as the type of business entity. Based on the information provided by a user (customer), the system generates a set of relevant documents.

It appears that the “set of documents” is transmitted back to the customer to be filled out by them. Thus, a difference in your concept is that the customer fills out their information in one flow and the rest is handled by you/the system. Furthermore, the process is focussed on incorporation in Bermuda not Norway.

[WO2002101607A3](#)

This document also describes online creation of enterprises. Paragraphs [0070] and [0081] in particular disclose a series of online applications aimed at (virtually) starting a business, such as legal forms and an automatically edited business plan. Furthermore, online legal forms are provided allowing the creation of all documents required to incorporate a business legally. Shares can be computed automatically.

It is not immediately clear how the information enter by a user translates into the proper business incorporation forms. If the user simply fills out the online application forms from the online platform, then, a difference between your concept and this patent application is that in your concept the customer fills out the information in predefined fields and this information is then

later manipulated to complete the legal business incorporation forms. Furthermore, the process is focussed on incorporation in France not Norway.

[US20080082431A1](#)

This document discusses a process for managing foreign investment tax refunds. It therefore has a different purpose to your concept. However, it has been included because it could be cited by an Examiner for inventive step purposes. This is because, although it provides a different result, the mechanism behind achieving that result is similar to your invention i.e., providing an online information gathering interface and then using this information to curate a particular official legal document. Paragraph [0026] recites that once all information required to file a tax return has been acquired for foreign investors, the tax return is prepared.

Your invention has novelty over this patent application since your invention relates to business incorporation and not to tax returns.

[EP1305729A2](#)

This document also relates to the start of the new company incorporation process (see figure 6 and associated description). A user is invited to move to a first of six steps of incorporation. The six steps are name reservation; business information; share capital; owners; directors and officers; and organisation details. To access these areas the user may click on each hypertext link on the questionnaire home page and will be taken through to name reservation review; business information introduction; share capital introduction; owners introduction; directors and officers introduction; and organisation introduction, respectively.

This document goes on to describe that an intranet-based document creation tool could use the information gathered in the online questionnaire to pre-populate the necessary Microsoft Word incorporation documents.

[IN3481MUM2013A](#)

This document does not describe a method of starting a new company incorporation process. Instead, it describes an online platform where people in need of legal aid are connected with verified legal professionals. This has been included since an aspect of your concept is to have a legal/financial professionals' area.


Your concept is clearly different to this document since it is not directed to a method/system for new business incorporation. However, it could be cited by an Examiner for inventive step purposes.

Non-Patent Material

A non-patent search was also carried out.

The following online service was discovered: [Start ditt eget AS – enkelt og gratis – Fiken](#)

Some screen shots of the online service are provided below:



Selskapsregistrering og signering av stiftelsesdokumenter

→ Om deg

2 Om selskapet

3 Eierskap

4 Drift

5 Innspurt

Om deg

Vi må vite hvem som fyller ut skjemaet

Fullt navn

Fødselsnummer eller d-nummer


Adresse

Postnummer

E-post

Mobilnummer

Fortsett



Selskapsregistrering og signering av stiftelsesdokumenter

1 Om deg

→ Om selskapet

3 Eierskap

4 Drift

5 Innspurt

Om selskapet

Hva skal selskapet hete?

Navnet du velger må være minst tre bokstaver og inneholde bokstavene AS.
[Flere regler >](#)

Hva skal selskapet drive med?

Finn din bransje eller aktivitet

Populære:

IT-konsulent

Holdingselskap

Restaurant

Frisør

Fotograf

Bedriftsrådgiving

Snekker

Fortsett

fiken

Selskapsregistrering og signering av stiftelsesdokumenter

- 1 Om deg
- 2 Om selskapet
- Eierskap**
- 4 Drift
- 5 Innspurt

Eierskap

Pengene du starter med

Selskapet må ha aksjekapital for å starte. Dette blir penger selskapet kan bruke av etterpå. Vi oppretter automatisk likt antall aksjer som det er kroner i aksjekapitalen.

30 000 kr

Hvem skal eie selskapet?

☒ Kun meg

☐ Flere eiere / selskap

Fortsett

Thus, this online service provides a similar process to your concept. Although its utility for foreigners is unclear since it requests a D-number.

In view of all of the above publicly known material, your concept appears to comprise some novel features.

The novel features of your concept appear to be:

- how the forms are populated by information entered into the online fields i.e., the forms may be auto-populated based on AI then manually checked to ensure the correct information
- the incorporation being specific to Norway/to foreign entities

Therefore, the above-described Intermediary concept does appear to be novel.

Inventive step

Beyond requiring novelty, an additional hurdle to obtaining a patent is inventive step. This means that the novel aspects of your invention should not be an obvious modification of publicly known material/ideas/processes. Inventive step assessment is somewhat subjective; however, it is my opinion that your concept as it stands would not overcome the inventive step bar since it would probably be deemed obvious to use AI to auto-populate the forms. Furthermore, non-technical novel features cannot be utilised for inventive step and since the feature of being specific to Norway and to foreign entities is non-technical this would not help in overcoming the inventive step hurdle.

Excluded Subject Matter

A further hurdle to obtaining a patent is that it does not fall within excluded subject matter.

The following subject matter relevant to your concept is excluded from patentability:

- computer programs (as such)
- presentation of information (as such)
- method of doing business (as such)

This doesn't mean that inventions that comprise this subject matter are unallowable, but it does mean that features that fall within these categories cannot be used in the assessment of inventive step. The assessment of inventive step is calculated on technical features only.

In general, computer programs are only allowable if they provide a specific technical purpose such as controlling a physical entity, or they allow the computer itself to achieve a non-technical (excluded) process more efficiently such as requiring less computer processing power.

A technical feature of your concept may be automated population of identified correct, governmental forms using AI. However, this may not be deemed inventive as described above since the use of AI to automate known human tasks is likely to be deemed obvious.

Note: Due to the type of subject matter it pertains, Fintech inventions are often challenging to obtain patents for. Furthermore, the success of Fintech patents is often location dependent. Some Asian countries are more favourable towards Fintech than other jurisdictions such as Europe. This is demonstrated by the legal status of the patent documents in the Excel file. All of the patent documents are withdrawn or abandoned except for SG10201802615TA which is granted in Singapore.

Conclusion and Next Steps

Based on the documentation provided, some of the features of your concept appears to be novel, and thus the first hurdle to patentability may be overcome. However, I think it will be unlikely to clear the second and third hurdles of inventive step and excluded subject matter in order to obtain a patent at this stage in the development of your concept. This is because, of the novel features, many of them fall within the scope of excluded subject matter and those that fall outside of excluded subject matter are likely to be deemed non-inventive.

The following suggested ways forward will depend on your particular budget and business plan:

A first way forward may be not to file a patent application at this stage and instead keep as much information as possible undisclosed in the form of trade secrets. We can provide further assistance in the best ways to effectively protect trade secrets. You could focus on the look and feel of the service e.g., seamless user-friendly interface, along with strong branding: memorable and registered name, memorable and registered GUI. You should however keep us up to date with developments for ongoing patentability harvesting. There may eventually be some patentable

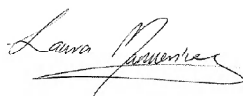
feature as your technology develops, such as in authentication methods, how your system communicates with Brønnøysund, or even how the system handles foreign language text. However these features would need to go beyond including already known techniques into your method/system.

A second way forward may be to file a patent application to obtain patent pending status – which can be valuable in itself – at the 12-month stage more detail into technical aspects of your concept may be added which could help it overcome excluded subject matter/inventive step hurdles.

Final comments

We recommend that you review this patentability analysis, including the cited documents, carefully. If you have any questions regarding elements of this patentability review, please do not hesitate to contact me.

Yours sincerely,
Bryn Aarflot AS

A handwritten signature in black ink, appearing to read 'Laura Mannering', with a stylized flourish at the end.

Laura Mannering
European Patent Attorney