German Patent
and Trade Mark Office

Annual Report 2023

Contents

OVERVIEW

IP rights in figures

Patents

148,359
patents in force on 31/12/2023

42,634 (-6.3 %)
examination procedures concluded

22,363 (-5.2%)
grants published

58,656
+2.5%
Applications in total and change in %

20,187
+0.9%
including applications from abroad

90.4%
Online applications
(National patent applications)

Utility models

67,016
utility models in force on 31/12/2023

9,321 (-5.4%)
registration procedures concluded

8,325 (-5.0%)
with registration

9,709
+2.5%
Applications in total and change in %

4,200
+6.4%
including applications from abroad

75.1%
Online applications
(National utility model applications)

Trade marks

888,713
trade marks in force on 31/12/2023

70,732 (-5.8%)
registration procedures concluded

48,665 (-9.3%)
with registration

75,260
+2.7%
National applications in total and change in %

5,665
+10.6%
including applications from abroad

84.9%
Online applications
(National trade mark applications)

Designs

248,890
designs in force on 31/12/2023

3,782 (-21.8%)
procedures concluded for a total of 29,744 designs

3,390 (-19.5%)
with registration for a total of 27,011 designs

27,011
-25.5%
Registered designs in total and change in %

1,607
-24.2%
including applications from abroad

89.5%
Online applications
(Design applications)

PREFACE

Dear readers,

Will machines replace us at our workplaces? Will our children no longer learn anything because they have their homework written by computers? Will we lose our ability to make judgements by relying on non-transparent digital systems to make important decisions? When artificial intelligence (AI) is discussed in Germany, the risks often take centre stage. The general ethical concerns are usually accompanied by theories about the economic impact of the new technologies: Germany has long been left behind anyway! We are being deprived of our strengths! We are becoming dependent on technologies developed elsewhere!

President of the German Patent and Trade Mark Office (DPMA) Eva Schewior

Following the latest breakthroughs in generative tools, artificial intelligence is currently the top technological topic — and is therefore increasingly shaping our work as the office responsible for protecting innovation. It is important to keep an eye on potential risks. At the same time, it should finally be clear to everyone: AI is not going away. Rather, it is a key driver of digital transformation. The economy and society are in transition. And such times do not only bear risks, but also bring along enormous opportunities: for healthcare, research and development, industrial automation, for all areas of life in fact. Especially in this early phase, it is important not to let AI happen like a force of nature, but to actively engage with it and recognise the potential for yourself or for your own organisation. The DPMA is doing this very intensively and is already making use of artificial intelligence, for example, for means of classification, for translating Asian patent literature and for carrying out searches. It is an extremely helpful tool that frees up resources for other important tasks. Further possibilities for application will undoubtedly be added.

Anyone who needs further proof of the central importance of AI can take a look at this annual report and its figures relating to the immense increase in innovation activity in this and other digital technologies. Why is Germany finding the transformation process more difficult than other countries? We spoke to Professor Uwe Cantner, Chairman of the Commission of Experts for Research and Innovation, about this question. By the way, experts emphasise that Germany is by no means lagging behind in the development of AI, but has an excellent research landscape.

So let us get to work! This could also be the headline for other topics of the Annual Report 2023. In their interview, our Vice-Presidents will give you an insight into important strategic challenges for the DPMA, which we are tackling in dialogue with our customers despite the challenging budgetary situation. We will also keep you up to date on how we aim to raise awareness of small and medium-sized enterprises in particular to IP protection — and how we are pursuing the Federal Government‘s sustainability goals in our field of responsibility.

I hope you enjoy reading — and stay innovative!

Yours, Eva Schewior

TASKS AND ORGANISATION

The German Patent and Trade Mark Office: first-hand service and quality

Every day, our staff experience first-hand what it means to be part of the "Land of Ideas". It is the ideas of our customers who consciously choose the German Patent and Trade Mark Office (DPMA) to protect their know-how. This is because effective action against plagiarism and counterfeiting is possible, above all, on the basis of IP rights: Patents, utility models, trade marks and designs effectively protect intellectual property — be it a technical invention, a creative trade mark or the colours and shapes of a new product.

The DPMA is the German centre of expertise for the protection of intellectual property. A higher federal authority, it is subordinate to the Federal Ministry of Justice. With the examination of IP rights and the provision of services, our office promotes the innovative power and creativity of industry and plays an essential role in the international IP system. We examine inventions, grant patents, register trade marks, utility models and designs and manage, and inform the public of, IP rights. As the largest national patent office in Europe and the fifth largest national patent office in the world, our office stands for the future of Germany as a country of inventors in a globalised economy.

Its staff of approximately 2,800 at four locations provide services to inventors and companies.

- **Munich**
  DPMA headquarters including senior management, administration and legal divisions as well as patent, trade mark and utility model divisions, arbitration boards
- **Jena**
  Sub-office with administrative and IT units as well as design division, an additional trade mark division and three patent divisions that are being established
- **Berlin**
  DPMA Information and Service Centre (DPMA-IDZ)
- **Hauzenberg**
  Branch office with several teams for provision of information and for Customer Care and Services

In organisational terms, the DPMA is divided into four Directorates General:

Directorate General 1 — Patents and Utility Models

» More than 1,000 patent examiners organised in five clusters (Mechanical Engineering, Mechanical Technology, Electrical Engineering, Chemistry and Medical Engineering as well as Physics) with 40 patent divisions in total
» Utility model and topography division
» Patent and utility model administration

Directorate General 2 — Information

» Information services for the public and internal information services: database search, library, classification systems, Customer Care and Services, Internet editorial office
» Support for the 18 German patent information centres
» Operation and further development of all information technologies of the DPMA

Directorate General 3 — Trade Marks and Designs

» 13 teams in three divisions for trade mark examination
» Trade mark cancellation division
» Design division with design unit

Directorate General 4 — Administration and Law

» 16 specialist areas in four divisions, occupational health management
» All administrative tasks, including personnel and facility management, organisation as well as budget and legal affairs
» Patent attorneys and other agents as well as supervision of collective management organisations under the Act on Collective Management Organisations (Verwertungsgesellschaftengesetz)

Organisation chart

Senior management

President
Eva Schewior

Vice-President
Bernd Maile

Vice-President
Dr Maria Skottke-Klein

Heads of the Directorates General

Directorate General 1
Patents and Utility Models

Directorate General 2
Information

Dr Bernd Läßiger

Directorate General 3
Trade Marks and Designs

Katharina Mirbt

Directorate General 4
Administration and Law

Marion Kreß

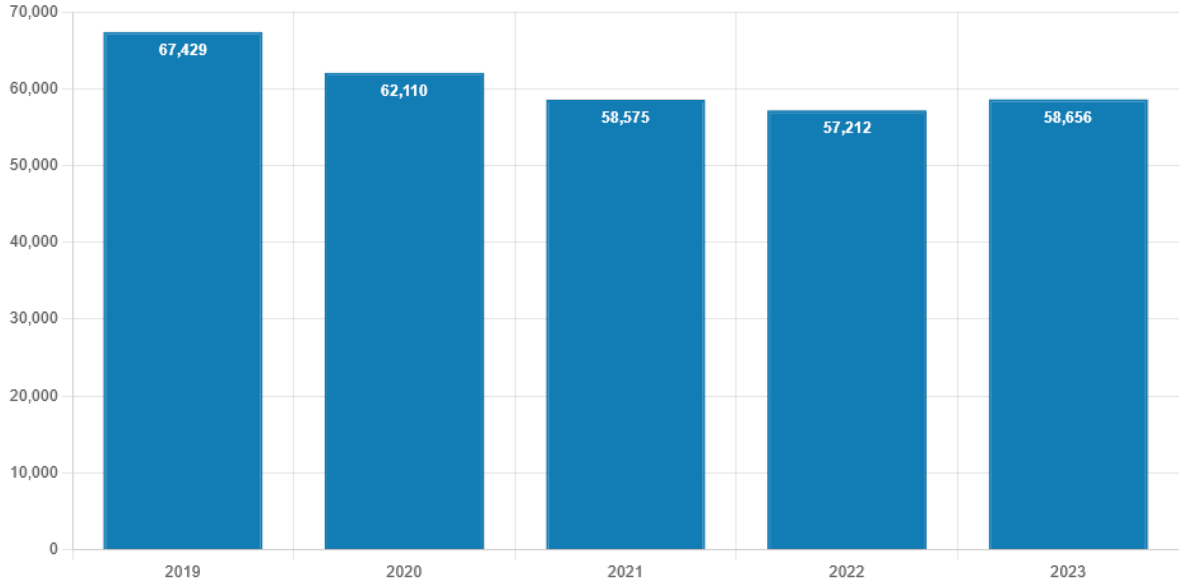
PATENTS

OVERVIEW

Development and origin of patent applications

Performance figures in patent examination

Patent applications at the German Patent and Trade Mark Office



The number of patent applications received by the German Patent and Trade Mark Office (DPMA) in 2023 once again increased considerably, namely by 2.5%. The decline experienced in the years following the coronavirus pandemic thus seems to have been stopped. In particular, the innovation activity of German companies increased again (+3.4%). In total, 58,656 patent applications were received (applications at the DPMA and PCT applications in the national phase) (2022: 57,212). The increase shows how important protected innovations are for industry and business in times of rapid technological change.

Along with the patent applications, there was also an increase in the number of requests for examination, which are an important indicator for innovation activity. At the DPMA, applicants have seven years to file a request for examination for their patent application and thus to have the examination procedure started. Last year, 44,489 requests for examination were filed with the DPMA (+2.4%).

As opposed to the large numbers of patent applications and requests for examination, however, there was a slight decline (-6.3%) in concluded patent procedures (42,634). One reason is that, compared to the previous year, the number of withdrawals by declaration or failure to pay annual fees fell by 9.7% to 11,393, representing a proportion of 26.7% of the concluded procedures (previous year: 27.7%). In this way, during the past pandemic years, many applicants had abandoned applications they deemed dispensable, thus adjusting their portfolio.

The concluded patent procedures included a total of 22,363 published grants, i.e. a decrease of 5.2% compared to the previous year's figure. Nonetheless, the number of patent grants, with a grant rate of 52.5% (2022: 51.8%), was still high. Granted patents make companies more attractive for investors and strengthen their competitiveness.

There were 8,878 refusals (previous year: 9,301) — a proportion of 20.8% of the concluded procedures (2022: 20.4%).

Development of patent applications

By far the largest part of the patent applications received, namely 51,213 applications, were filed directly with our office. 7,443 applications entered the national phase as PCT applications filed in accordance with the Patent Cooperation Treaty (PCT) through the World Intellectual Property Organization (WIPO) in Geneva.

In order to obtain a patent abroad, applicants must in principle file a separate application with the respective national patent office. As this would require a lot of effort and money, the Patent Cooperation Treaty provides the option to achieve the effect of a national application in all PCT contracting states by filing a single application. The PCT procedure starts with what is referred to as the international phase and subsequently transitions to what is referred to as the national phase.

The largest part by far of the applications at our office is filed electronically: The proportion of online applications was once again 90.4% of all national patent applications filed.

At the end of 2023, 148,359 national patents were in force, i.e. 4% more than in the previous year.

Origin of patent applications

Fortunately, we saw a considerable increase in applications received from applicants having their residence or principal place of business in Germany. In total, these applicants filed patent applications for 38,469 inventions (+3.4%). This means that the percentage of applications from Germany slightly increased to 65.6%. With 20,187 applications, the number of applications from abroad was once again slightly higher than in the previous year (2022: 20,008).

In the year under review, the DPMA received 16,595 applications from non-European countries (2022: 16,506) and 3,592 applications from European countries (2022: 3,502).

Switzerland increased its application figures by 15.5% compared to the previous year. The number of applications from the United Kingdom (+30.9%), Belgium (+39.6%) and Ireland (+39.2%) also increased.

The number of applications from China once again increased by 32.2%. We have received a very large number of applications from China for many years now. The innovative dynamism is enormous and apparently still gains impetus, especially in the field of digital technology. The DPMA received 88.3% more applications from Singapore than in the previous year. The number of applications from Taiwan once again increased by 12.3%, too.

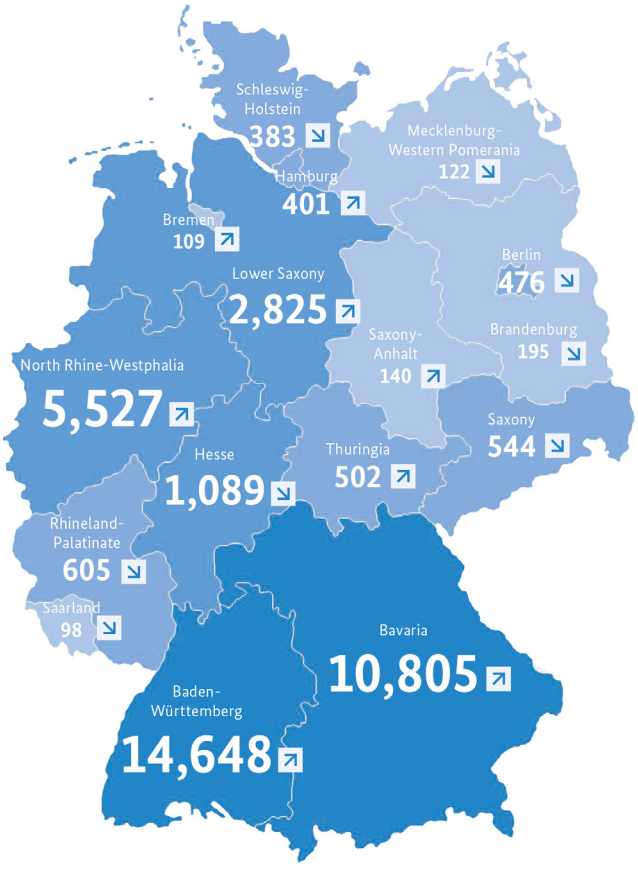
Patent aplications in 2023 by countries of origin (applicant's seat or place of residence) (national applications at the DPMA and PCT applications in the national phase)

Countries of origin	Applications	Percentage
Germany	38,469	65.6
United States	6,694	11.4
Japan	6,402	10.9
Republic of Korea	1,421	2.4
Switzerland	997	1.7
China	928	1.6
Austria	878	1.5
Taiwan	558	1.0
Sweden	319	0.5
France	315	0.5
Other	1,675	2.9
Total	58,656	100

Patent applications by German Länder and the most active companies and institutions

The automotive industry is still of vital importance to the innovative capacity of Germany: The ten top companies in terms of applications at the DPMA are carmakers and suppliers. In 2023, as

Patent applications by German Länder in 2023

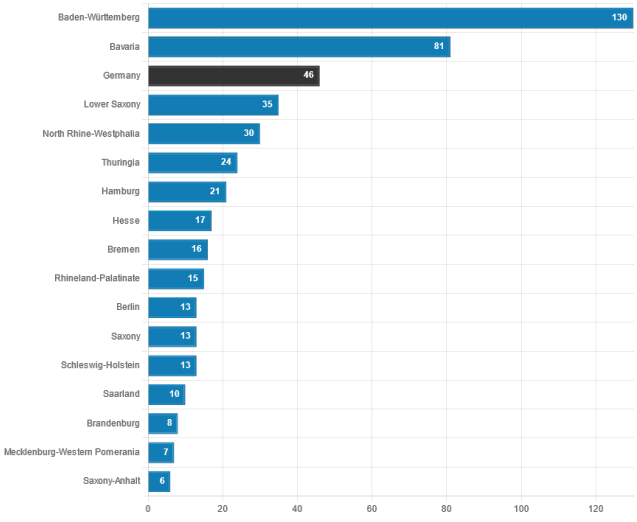


in the previous 16 years, first place went to Robert Bosch GmbH with 4,160 patent applications, followed by Mercedes-Benz Group AG (2,046 applications) and Bayerische Motoren Werke AG (1,963 applications). With GM Global Technology Operations LLC (1,640 applications) and Ford Global Technologies LLC (1,175 applications) in fourth and sixth places, respectively, there were even two US companies among the strongest applicants.

The individual companies and institutions are shown as they appear as patent applicants — without considering whether the companies are affiliated with each other.

Depending on the residence or principal place of business, patent applications from Germany can be attributed to the individual German Länder. In the ranking of German Länder, Baden-Württemberg was in first place with 14,648 patent applications (9% more than in the previous year), having a strong lead. Bavaria once again came in second with 10,805 applications (+2.4%), ahead of North Rhine-Westphalia with 5,527 applications (+4.4%). Most carmakers are located in the three leading German Länder. If the number of applications is compared to the respective population, the ranking is slightly different. With 130 patent applications per 100,000 population, Baden-Württemberg was ahead of Bavaria (81) in this ranking too. Third place, though, went to Lower Saxony (35).

Applications per 100,000 inhabitants, broken down by German Länder (applicant's seat or place of residence)



Inventors and applicants

If applications are filed by companies and research institutions, a distinction is basically made between the organisation filing the application and the inventor as a natural person. In the event of independent inventors or employees with released inventions, the applicant and the inventor are usually identical persons. In 2023, the applicant and the inventor were identical in 4.1% of the applications (2022: 4.7%).

The DPMA also tracks how many patent applications can be attributed to individual applicants. In 2023, 5.1% of our applicants filed more than ten applications each (2022: 5.2%). Accordingly, 73.0% of all applications came from what are referred to as major patent applicants.

One explanation for this trend might be that, as digitisation increases and the pace of technological change gets ever faster, innovation cycles become shorter and shorter. To develop an innovation and establish it in the market, more and more capital has to be invested. This might be the reason many small and medium-sized enterprises and independent inventors stop their innovative activity.

Main technical areas of patent activity

The International Patent Classification (IPC) is used worldwide as a standard for the classification of technological contents. A number-and-letter code organises the entire field of technology in more than 70,000 units. At the DPMA, every incoming patent application is attributed to one or several IPC classes according to its technological content and forwarded to the examining section in charge at our office.

With 17,659 patent applications, we saw a particularly significant increase in the "Electricity" sector (+6.1%) in 2023. Overall, the "Mechanical engineering" sector still accounted for most applications, with 40% of all applications filed with the DPMA in 2023. But the "Electricity" sector made up much ground and accounted for 30.1% of all patent applications, finishing in second place. In 2018 the share of mechanical engineering applications was 46.1%, whereas only 23.6% of all applications were attributable to the "Electricity" sector. One reason for this development arguably lay in the fast progress in digitisation and the related technologies, e.g. artificial intelligence. An important basis for digitisation, the technology field "Semiconductors" saw a particularly considerable increase with 2,179 applications last year (+16.6%). With an increase in application numbers by 9.9% in 2023, the technology field "Electrical machinery, apparatus, energy" was another significant driving force for the development of the "Electricity" sector. The growth in battery technology applications alone, classified in subclass H01M of the International Patent Classification, was almost 20% in 2023.

If we take a look at the applicants in this field, it becomes clear that the strong innovative activity was mainly based on the fast pace of the development of electric mobility. The top companies in terms of applications were carmakers and suppliers. In addition to the traditional IPC classes for vehicle manufacturing, subclass H01M, which covers battery technology, was among the top three fields of application of all major German carmakers. Research in

this respect focuses on becoming more sustainable, i.e. reducing the use of rare raw materials and lowering production costs, while achieving a high energy density in order to ensure the greatest possible range for electric vehicles.

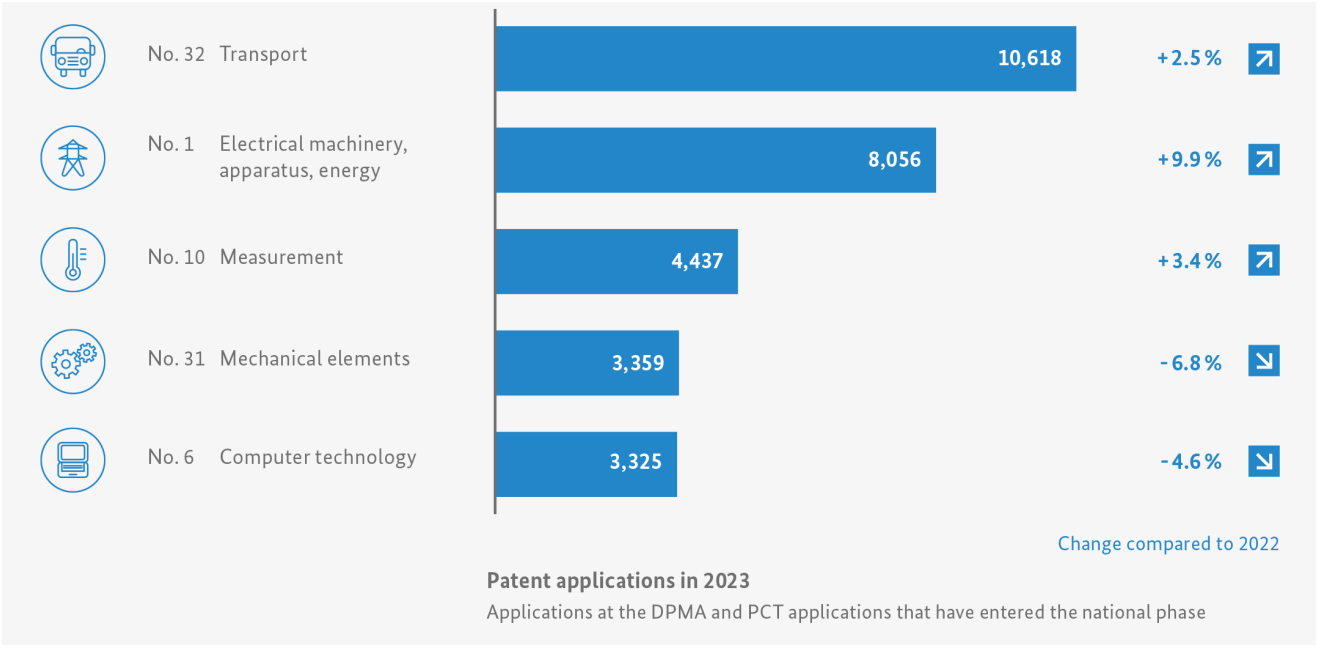
The trend in innovation was towards electric mobility. By contrast, there was once again a significant decrease with regard to internal combustion engines: In 2023, the number of inventions received in the technology field "Engines, pumps, turbines" was 4.6% lower than in the previous year.

In this context, the foreseeable loss of importance of the internal combustion engine certainly plays a major role.

In other technology fields of mechanical engineering, too, the DPMA saw considerable decreases, e.g. in the traditionally strong "Engineering elements" field (-6.8%), which covers hydraulic or pneumatic actuators, shafts, joints and bearings and tubes and vessels for storing gases or liquids. In the strongest technology field "Transport", however, the number of applications increased again (+2.5%). A total of 10,618 patent applications were received in this field.

In the "Instruments" sector, a considerable increase was seen mainly in the fields "Analysis of biological substances" (+15.6%) as well as "Optics" (+8.3%) and "Control or regulation" (+15.1%). By contrast, there was once again a slight decline in the "Chemistry" sector (-1.8%) and in applications in the "Building" field (-5.7%).

Top 5 Fields of technology
(According to WIPO IPC concordance table, available at: www.wipo.int/ipstats/en/index.html#resources)



Patent applications in 2023
Applications at the DPMA and PCT applications that have entered the national phase

Selected data on patent examination and search procedures

In 2023, the number of requests for the examination of patentability pursuant to section 44 of the Patent Act (Patentgesetz) filed with the DPMA increased by 2.4% to 44,489 in total. Within the scope of such a request, the examining sections identify the relevant state of the art by conducting a thorough and comprehensive search. On this basis, an examination is conducted as to whether the subject matter of the application is new, involves an inventive step and is industrially applicable and whether possible exclusions from patentability exist. In addition, the invention must be technical and its disclosure must allow the invention to be performed. The examiners can then decide whether and to what extent a patent can be granted or whether the application must be refused.

However, applicants can have the patentability of their application assessed even without an examination procedure by filing a search request pursuant to section 43 of the Patent Act. The result of the search is often the basis for the decision of whether to file additional applications with other offices. In 2023, the number of search requests rose by 6.0% to 15,548. In 2023, slightly fewer searches pursuant to section 43 of the Patent Act were concluded compared to the previous year, with 14,798 search reports being sent out (2022: 14,818).

Selected data on patent procedures

patent procedures	2019	2020	2021	2022	2023
Examination requests received	47,347	43,352	43,351	43,466	44,489
- including requests filed together with applications	26,003	23,392	22,693	22,681	23,977
Search requests pursuant to section 43 Patent Act	15,843	14,244	14,970	14,671	15,548
Concluded searches pursuant to section 43 Patent Act	14,941	16,451	15,171	14,818	14,798
Examination procedures concluded	40,188	41,766	48,508	45,513	42,634
Examination procedures pending at the end of the year	227,263	228,441	222,964	220,584	222,071

Appeal proceedings at the Federal Patent Court

Parties can file an appeal against a decision — a patent granted not as requested, a refusal of the patent application or a decision in opposition proceedings. The Technical Boards of Appeal of the Federal Patent Court will then decide on such appeal. In total, there are 23 boards that consist of legally and technically qualified judges. A particular feature of the Federal Patent Court is that its judges include not only lawyers but also experts from science and engineering. The latter are referred to as technically qualified judges and participate in all proceedings that concern, among other things, the properties of a technical invention, e.g. in proceedings regarding the grant of a patent or an action for revocation of a patent.

In 2023, we once again saw a slight decrease in appeal proceedings brought before the Technical Boards of Appeal: A total of 245 appeal proceedings were received, representing a 12.5% decrease. By contrast, the number of concluded appeal proceedings (233) was almost the same as in the previous year (2022: 235). At the end of 2023, a total of 424 appeal proceedings were pending at the Federal Patent Court.

IN FOCUS

Digitisation and renewable energy sources

Digitisation

The trend of the previous years continued. In 2023, the number of patent applications from the field of digitisation increased again significantly in almost all sub-sectors. One reason for this development is certainly the rapid progress in artificial intelligence, which is used in all sub-sectors of digital technologies now. For this analysis, we took into account the applications with effect in Germany published by the DPMA and the European Patent Office (EPO). Patent applications are usually published after 18 months.

Compared to the previous year, published applications in the five selected digital technology sub-sectors — digital communication, computer technology, semiconductors, audio-visual technology and IT methods for business management — once again rose significantly by 6.2% overall. We received a particularly large number of applications from the United States (+3.5%). In addition to small and medium-sized enterprises, applicants also included large, globally operating companies.

Digital communication

In 2023, applications concerning digital communication considerably increased by 12.2% to 18,364 national and international patent applications in total. Accordingly, this field took first place. Many of the applications focus on wireless communications networks, the transmission of digital information or what is known as the Internet of Things (IoT). The digital communication field also includes applications relating to the current 5G technology. Virtual communication, too, still plays a major role. For example, processes can also be controlled easily from home. Cross-linked systems for intelligent process and production control (“smart factory”) have become the standard in many companies. And they have found their way into the private domain, too: To improve living comfort, many places already use technical systems for the remote control of devices such as lights or heating in the individual rooms (“smart home”).

Digital communication[2,3]

Patent applications effective in Germany[1] *by country (residence or principal place of business of the first applicant)*

Country	2022	2023	Change compared
United States	4,948	5,822	+17.7 %
China	4,580	5,231	+14.2 %
Republic of Korea	1,286	1,671	+29.9 %
Sweden	1,261	1,310	+3.9 %
Japan	1,269	1,167	-8.0 %
Others	3,024	3,164	+4.6 %
Total[4]	16,367	18,364	+12.2 %

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] H04L, H04N 21, H04W.
[4] Due to rounding differences, the values added together deviate from the total.

Computer technology

In 2023, the computer technology field lost its top position to communication technology. Nonetheless, this sub-sector once again saw a marked increase (+4.9%). Of great importance in this field are, especially, systems for image data processing and generation, speech recognition and information and communication technology. In these fields, applications increasingly concerned artificial intelligence or machine learning.

Computer technology[2,3]

Patent applications effective in Germany[1] *by country (residence or principal place of business of the first applicant)*

Country	2022	2023	Change compared
United States	6,740	6,421	-4.7 %
China	2,290	2,645	+15.5 %
Germany	1,795	1,943	+8.2 %
Japan	1,637	1,699	+3.8 %
Republic of Korea	1,029	1,263	+22.7 %
Others	3,339	3,677	+10.1 %
Total[4]	16,830	17,648	+4.9 %

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to computer technologies.
[3] G06C, G06D, G06E, G06F, G06G, G06J, G06K, G06M, G06N, G06T, G06V, G10L, G11C, G16B, G16C, G16Y, G16Z.
[4] Due to rounding differences, the values added together deviate from the total.

Semiconductors

With an increase of 8.6% compared to the previous year, the semiconductors field was third. Applications primarily focus on solid-state electrical components or assemblies of components and on semiconductor components. The use of semiconductors is crucial for facilitating the strong and broad innovative dynamism of the digitisation of all fields of application. The sharp rise in semiconductor applications from China (+47.2%) was particularly remarkable. That rise could be due to the aid the Chinese state provides to the research and development of semiconductors.

Semiconductors[2,3]

Patent applications effective in Germany[1] *by country (residence or principal place of business of the first applicant)*

Country	2022	2023	Change compared
United States	1,078	1,272	+18.0 %
Japan	1,078	1,177	+9.2 %
Republic of Korea	773	889	+15.0 %
China	572	842	+47.2 %
Germany	586	587	+0.2 %
Others	1,388	1,180	-15.0 %
Total[4]	5,474	5,946	+8.6 %

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] H01L, H10B, H10K, H10N.
[4] Due to rounding differences, the values added together deviate from the total.

Audio-visual technology

With 5,744 applications, this sub-sector saw a slight decrease (-3.8%). One reason might be the end of the pandemic and the increased cancellation of schemes offering flexibility over where to work. People increasingly rely on direct and face-to-face communication again, both at work and in their private life. Consequently, the use of audio and video systems significantly decreases and the demand for innovations in this field remains static.

The audio-visual technology field includes applications concerning virtual reality (VR) and what is known as augmented reality (AR). Thanks to virtual reality, for instance, doctors can learn various surgical methods or driving lessons can be taken. With virtual reality glasses, users can immerse into a completely computer-generated world. This creates a new learning experience and improves the quality of training and professional development.

Augmented reality, by contrast, means the combination of digital and physical life. Users are shown additional virtual information about their physical environment by means of glasses or simply on a smartphone. In this context, augmented reality is not limited to visual elements, as other senses can also be stimulated. For example, intelligent audio glasses in museums can provide their wearers with relevant information. They have sensors to track the user's position in the museum and can thus access information appropriate to that position.

Audio-visual technology[2,3]
Patent applications effective in Germany[1] *by country (residence or principal place of business of the first applicant)*

Country	2022	2023	Change compared
United States	1,489	1,329	-10.7 %
China	1,163	1,203	+3.4 %
Japan	964	852	-11.6 %
Republic of Korea	668	706	+5.7 %
Germany	579	644	+11.2 %
Others	1,108	1,009	-8.9 %
Total[4]	5,971	5,744	-3.8 %

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources . IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] G09F, G09G, G11B, H04N 3, H04N 5, H04N 7, H04N 9, H04N 11, H04N 13, H04N 15, H04N 17, H04N 19, H04N 23; H04N 25, H04N 101, H04R, H04S, H05K.
[4] Due to rounding differences, the values added together deviate from the total.

IT methods for business management

In this sub-sector, there was again a decrease (-4.1%) in applications to 2,497. Patent applications in this field mainly concern IT methods, e.g. for business management, industrial production (4th Industrial Revolution) or autonomous delivery systems (robots or drones). This sub-sector also includes applications concerning networked mobility such as autonomous driving. Ever larger networks of end devices, control systems and machines are established that generate very large amounts of data (big data). These data are processed and stored in a decentralised way. For this purpose, use is made of what is known as cloud computing and servers, storage media, databases and analysis options are provided on the Internet.

IT methods for business management[2,3]
Patent applications effective in Germany[1] *by country (residence or principal place of business of the first applicant)*

Country	2022	2023	Change compared
United States	976	920	-5.7 %
Japan	401	438	+9.2 %
Germany	332	324	-2.4 %
China	147	154	+4.8 %
Republic of Korea	119	99	-16.8 %
Others	630	562	-10.8 %
Total[4]	2,605	2,497	-4.1 %

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] G06Q.
[4] Due to rounding differences, the values added together deviate from the total.

Renewable energies and batteries

German companies continue to work on the development of climate-friendly technologies and are very important to the German market. For this analysis, we considered the publications at the DPMA and the EPO of patent applications with effect in Germany in these fields. German companies, research institutions and independent inventors are among the top applicants when it comes to renewable energy sources and technologies that serve climate-smart mobility. Overall, there was a marked increase compared to the previous year (+18.6%).

Renewable energy sources

Geothermal energy, wind and solar energy, biomass and hydropower are renewable energy sources. Innovations are intended to use these natural sources for the human energy consumption — including in order to slow down man-made climate change. For this purpose, processes taking place in nature are used for the generation of energy and renewable raw materials are used to produce electricity, heat or fuel.

As in the previous years, Germany was among the leaders in this field. With respect to solar technology, Germany and China shared first place with 117 applications each; as for wind generators, Germany, with 105 applications, was second behind Denmark (197 applications), as in the previous year.

For the first time after the considerable decrease in applications in the past ten years, the number of applications climbed again in all sectors (+18.6%). The number of applications relating to solar technology rose by 32.7% compared to the previous year, the number of applications concerning wind generators increased by 2.3%.

The increase in all sectors might be due to various proposed energy bills and federal support programmes that aim to increase the share of renewable energy sources.

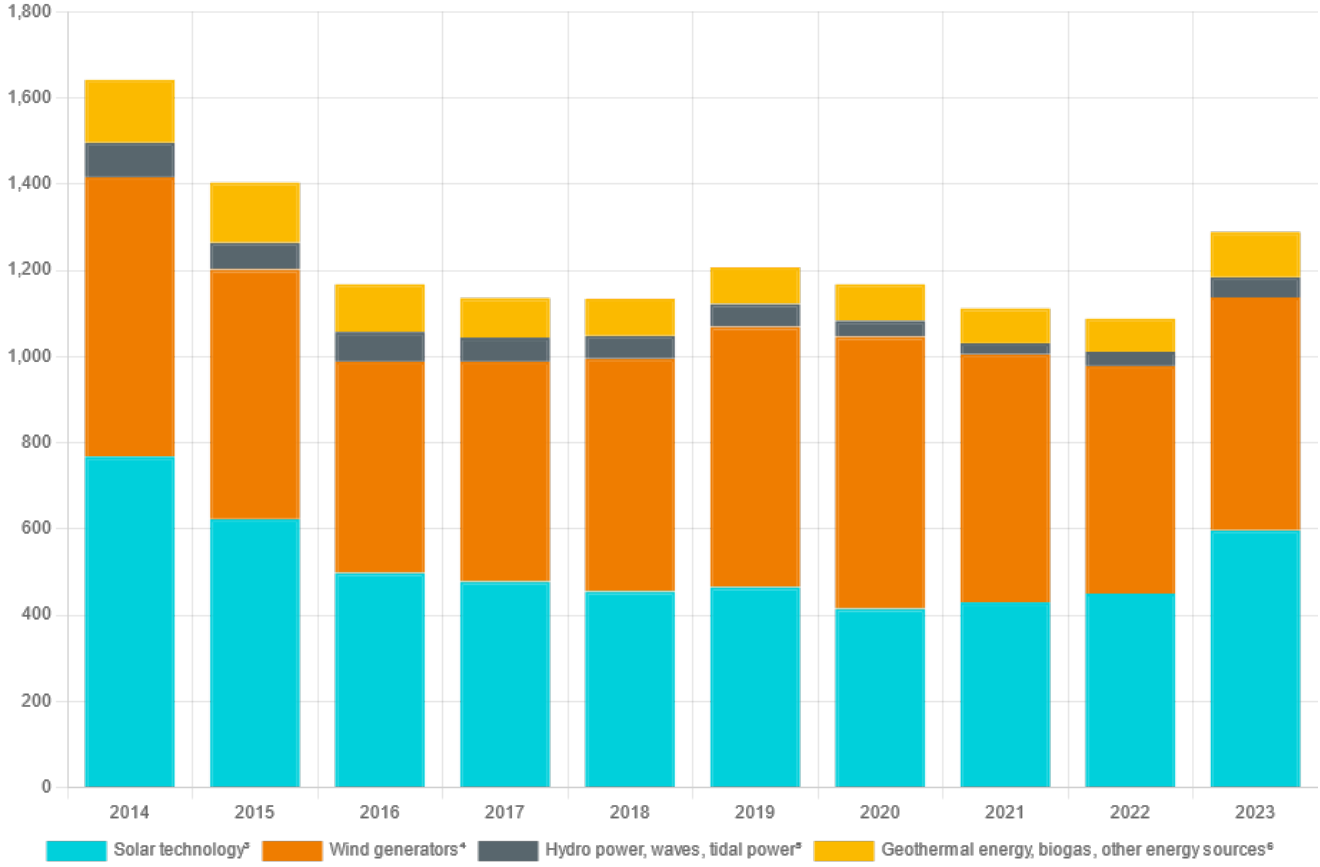
With respect to wind generators, Siemens Gamesa Renewable Energy A/S led the ranking of applicants with 79 applications. As regards solar technology, the French Alternative Energies and Atomic Energy Commission led the ranking of applicants with 24 applications.

Batteries

The strong innovative activity seen especially in the field of electric mobility results in a continuing upward trend in battery technology. The number of applications once again rose by 30.8% compared to the previous year. The strongest companies in this field were carmakers and suppliers.

In particular, the number of applications from China increased significantly compared to the previous year (+78.8%). Nonetheless, the Republic of Korea still accounted for most applications (1,638) in this field. Second place went to China (1,313), ahead of Germany, which again came in third with 1,091 applications. In this field, innovations focus on sustainable and environmentally friendly batteries that can be produced at low cost and have a great energy efficiency and a great capacity.

Development of patent applications effective in Germany[1] in selected fields of renewable energy

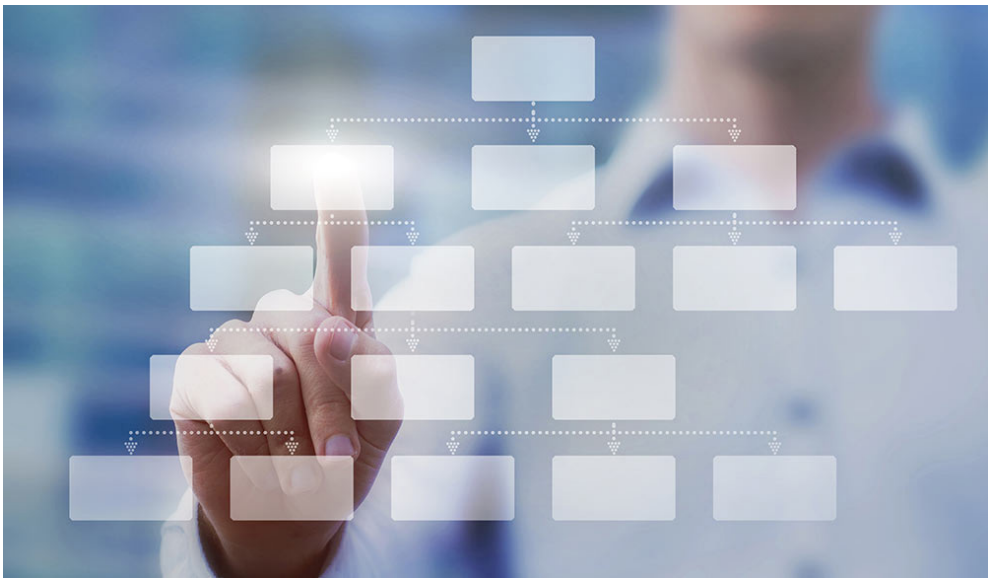


[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] IPC classes valid at the time of retrieval counted proportionately. Without claim to completeness. Results may also include other uses.
[3] B60L 53/51, C02F 1/14, E04D 13/18, F03G 6, F24J 2, F24S, G05F 1/67, H01L 31/04 to H01L 31/078, H02J 7/35, H02N 6, H02S, H10K 30/50 to H10K 30/57, H10K 39/10 to H10K 39/18.
[4] B60L 53/52, F03D.
[5] F03B 7, F03B 13/10 to F03B 13/26.
[6] C02F 11/00, C12M 1/107, C12M 1/113, C12P 5/02, F03G 3, F03G 4, F03G 7/00 to F03G 7/08, F24J 3, F24T 10, F24T 50, F24V 40, F24V 50, F24V 99.

BRIEFLY EXPLAINED — THE INTERNATIONAL PATENT CLASSIFICATION (IPC)

The whole world of technology in a classification system

Domestic appliances, chemical processes, applications of artificial intelligence: Patent applications come from all fields of science and technology. In order to ensure their consistent and comprehensible classification and processing, there is a consistent International Patent Classification (IPC). It continuously develops as the world of technology does.



An instrument for the internationally consistent classification of patent documents, the International Patent Classification (IPC) is used by more than 100 patent offices worldwide.

It is the basis for a language-independent systematic search for the state of the art and the allocation of patent applications to technically competent examining sections. It allows patent information to be selectively disseminated to all users and is the basis for the preparation of statistics on IP rights and the assessment of technological innovations and the detection of trends.

Strasbourg Agreement

The Strasbourg Agreement Concerning the International Patent Classification, which entered into force on 7 October 1975, provides the basis for the IPC. In accordance with Article 1 of the Agreement, the IPC Union was established, which has so far been joined by 65 countries. The international (previously European) classification of patents for invention effective from 24 March 1971, which was published on 1 September 1968, is considered the first edition of the IPC.

Structure of the IPC

The IPC is a hierarchical classification system that divides the whole body of technological knowledge proper to the area to which the patents for invention pertain into eight sections. These sections are the highest level of hierarchy of the classification. The subjacent levels of hierarchy are, in descending order, classes, subclasses, main groups and subgroups. The contents of the lower hierarchical levels are subdivisions of the contents of the higher hierarchical levels and subordinated to them. The hierarchy among subgroups is determined solely by the number of dots preceding their titles and not by the numbering of the subgroups. According to the IPC, patents and utility models can currently be classified into approximately 78,000 main groups or subgroups.

IPC revisions

The IPC Union continuously updates the IPC in order to include the latest developments of science and technology in the classification. The changes are published every year with a new version indicator and reflected in the IPC concordance table. The version indicator at the end of a title indicates the version of the classification in which the relevant entry has been changed, e.g. [2023.01].

Use of the IPC

Published patent documents have the corresponding IPC symbols. The IPC can thus be used for patent monitoring and various types of searches in databases, such as prior art search, patentability search or novelty search.

The World Intellectual Property Organization provides the mandatory publication of the IPC on its IPC pages. These pages contain the full text of the current edition or version and of the earlier editions or versions of the classification in English and French. The IPC in German is prepared by the DPMA in consultation with the Austrian Patent Office and the Swiss Federal Institute of Intellectual Property. The German text, along with the English and French

texts and the earlier editions/versions, is available to the public in DEPATISnet.

Further information on the International Patent Classification is available on our website.

INTERVIEW

"The DPMA is a central pillar of the innovation system"

Germany is one of the most innovative countries in the world — but for how much longer? Uwe Cantner, Chairman of the Federal Government's Commission of Experts for Research and Innovation, on the necessary transformation towards future technologies, successful policy advice and the importance of IP rights for the economy

Professor Cantner, you could be described as the chief caretaker of the German innovation system. What can you tell us about the balance and performance of the system?

Our innovation system has developed well over the last 20 years, and Germany is certainly one of the best innovation centres in the world. Germany has been able to rely on its traditional strengths, such as car manufacturing, mechanical engineering and chemicals.

However, the world has changed in the meantime and completely new key technologies are coming to the fore, although these are not being driven to any great extent by Germany or Europe. Artificial intelligence, biotechnology, but also new materials; in all of these areas, other countries are already further ahead and also in the lead. This means that we in Germany now urgently need to shift innovation activities to these new fields of technology and make a change of direction.

Professor Uwe Cantner has been a member of the Commission of Experts for Research and Innovation (EFI) appointed by the German government since December 2015 and took over the chairmanship of the commission in spring 2019. He holds the Chair of Economics/Microeconomics at Friedrich Schiller University Jena, where he is also Vice President for Young Researchers and Diversity Management. Professor Cantner is also Professor of Economics at the University of Southern Denmark/Odense.
He studied at the Universities of Augsburg and Detroit, completed his doctorate at LMU Munich and habilitated at the University of Augsburg.
He teaches as a visiting professor at universities in Italy and France and is active in national and European economic institutions as an advisor and consultant.

Professor Dr Uwe Cantner, Photo: DPMA

Are we ready for this change of direction?

It doesn't seem to be easy for us in Germany. Not only do we have to change the fields of innovation and production structures, we also have to change the available knowledge and expertise and mentally refocus ourselves. In Germany, we actually have everything we need to remain a successful centre of innovation in the future — the basic requirements are good, we "simply" have to embrace new paths, i.e. technologies.

Where do you see the strengths and weaknesses in the German innovation system?

Our strength is perfection. Once we Germans have arrived at a technology, we can develop it to the point of perfection. Be it in automotive engineering, mechanical engineering or optics, once we have got to grips with the technology, we are generally world leaders. However, we find it difficult to rethink — because it has worked well so far. Why should I change my innovation activities and technology if my order books are full? The urge to fundamentally reorient ourselves has simply not been there until now. However, this is increasingly changing.

The EFI advises the Federal Government on topics such as research, innovation and Germany's techological performance. How do you see your mission?

We are an independent commission and regularly analyse the strengths and weaknesses of the German research and innovation system. We define the weaknesses and make recommendations to the Federal Government on how these weaknesses could be remedied by policy. We also evaluate the Federal Government's research and innovation policy with regard to the selection and effectiveness of the measures implemented.

What does this look like in practice? How does the EFI work?

The Commission of the EFI consists of a team of six experts: three female university professors and three male university professors from the field of economics. In addition, there is an office with academic staff and an administration department, as well as academic staff at our six chairs. In addition to a large number of online meetings, there are seven meetings a year, each lasting three days, at which the research results and texts are discussed, from which the expert report is then ultimately produced. Our work is essentially evidence-based and we have extensive scientific studies carried out for which we are provided with appropriate funding.

Six university professors who all agree immediately?

When six professors sit around a table, you can be sure that you also have six opinions. But thanks to a constructive culture of discussion and our consensus principle, everyone can always support the result in the end.

You then present your report to the Federal Government once a year. To what extent do politicians take your recommendations to heart?

In my opinion, the track record is quite respectable. Many recommendations for action are being implemented. And very successfully, such as the research allowance, the establishment of the Federal Agency for Disruptive Innovation or the mission-orientation of research and innovation policy.

However, there are also topics and recommendations that receive far less attention — if any at all — or that are only implemented very slowly, such as the digitisation of administration. We never assume a one-to-one implementation anyway. Our recommendations are based on a conceptual and scientific approach. However, they must then be weighed up by politicians and made capable of gaining majority support. Of course, some things also depend on the overall political situation.

Die Mitglieder der EFI bei der Übergabe ihres Gutachtens an die Bundesministerin für Bildung und Forschung, Bettina Stark-Watzinger, und Bundeskanzler Olaf Scholz

What significance do IP rights have in the innovation system?

IP rights are a very important legal institution. However, their importance depends somewhat on the sector. Empirical studies show that the pharmaceutical industry utilises IP rights more intensively than the mechanical engineering sector.

There is no doubt, however, that the securitised right to IP is a very important asset for a company to trade and do business with. This is because the returns on high investments in research and development need to be secured.

And what role do you see for the DPMA in this system?

The DPMA guarantees that new technological ideas are assessed systematically, uniformly and legally correctly. The office fulfils this task very effectively. However, we could well imagine the DPMA taking on other tasks as well: for example, it could enter the technology markets even further and create forums so that inventors and companies that want to licence and market inventions can come together more effectively. We have not got that far yet, but it is something we should aim to do. With its current tasks, the DPMA is in any case a central pillar of the German research and innovation system. Without the DPMA, the system would not be as good as it is today!

In your most recent report, you made two recommendations directly related to IP utilisation. One recommendation concerns the transfer of IP rights, which should be made easier for university spin-offs. Why is this so important?

In order for an idea that has been developed at a research institution and patented by it to be used commercially, it is often sold to a company, in many cases to start-ups. A fair and appropriate price must be determined for the value of the intellectual property. However, if the development of the idea was financed by taxpayers‘ money, the question arises as to why a (high) price still has to be charged for passing on the patent. European state aid law does not allow such a patent to be given away, so to speak. A price must be set, and it must not be a marginal price, it must be a certain amount. The associated expenses for acquiring a patent are often too high for start-ups with limited financial resources and can virtually strangle the company in its initial phase.

What is your proposal?

Our idea would be for the intellectual property to be valued accordingly, but for the research organisation to place the patent in the company as a virtual shareholding and initially waive all returns from the company. Only when the commercialisation of the idea becomes profitable should returns also be made to the research institution holding the patent. This gives the company greater financial leeway during the difficult start-up phase and can make a significant contribution to successful commercialisation.

Your second recommendation relates to the use of Standard Essential Patents (SEPs)? Why should anything change here?

SEPs are patents that are crucial for new technology developments. Anyone who does not have them and is not allowed to use them is left out in the cold. The possibility of utilising such important patents should therefore be provided despite the existing patent protection. There should be clear regulations for these utilisation options, such as the obligation of patent holders to grant licences under fair conditions. This could also reduce the number of disputes in court and bring about quick consensus solutions in arbitration proceedings. Patent disputes can sometimes drag on for years and would therefore block the development of technology. This must not be allowed to happen. We therefore support the EU‘s proposal to formulate voluntary guidelines for SEP licensing and the introduction of an arbitration procedure before legal disputes are initiated. The Commission of Experts is also in favour of setting up an SEP register and introducing an assessment procedure to check whether a patent is actually necessary for the use of a particular standard.

50 YEARS AGO

European Patent Convention – A vision turns into reality

On 5 October 1973, the signing of the European Patent Convention in Munich made reality of a vision pursued in Europe since the end of the 19th century: the adoption of a European legislation on the protection of innovations. Since the establishment of the European Patent Organisation, a lot has happened and the vision has turned into active European collaboration. In addition to the national IP systems, the European Patent Organisation has become established as an important stakeholder in the IP landscape – and has faced new challenges since last year.

Flags of the contracting states in front of the European Patent Office in Munich

The European Patent Convention (EPC) laid the foundations for a patent system that considerably eased the path to patent protection in Europe. Instead of filing an application for an invention in several countries and having to follow the respective national grant procedure, applicants can obtain a bundle of patents by filing a single patent application with the European Patent Office (EPO), thanks to a uniform grant procedure. After being granted, the European patent has the same effect in every EPC contracting state for which it has been granted and is governed by the same provisions as a national patent granted in that state, thus extending the strategic options of applicants.

Since it started its activities in 1977, the European Patent Organisation (EPOrg) has grown to become a globally recognised international organisation with now 39 member states that aim to offer patent protection for inventions in all fields of technology in all contracting states. “The signing of the European Patent Convention 50 years ago was an important tent pole. Today, we can say that it was the beginning of a real success story,” DPMA President Eva Schewior says. “The European Patent Organisation,” she adds, “has become established alongside the national IP systems and has become an important stakeholder in the international IP ecosystem.”

Over the years, their close collaboration under the EPC has made the contracting states continuously grow together. The collaboration between the EPO and the national patent offices, too, is an important contribution to efficiently supporting and informing the users of both systems as well as a strong commitment to patent protection in Europe. The combination of national and European protection options allows users to choose from a varied offer of high-quality patent protection services, according to their individual needs.

Introduction of the Unitary Patent system as of 1 June 2023

The EPC has substantially pushed the protection of intellectual property in Europe and makes an important contribution to the dialogue and friendship among the contracting states. At the 50th anniversary of this European collaboration, the achievements are underscored by another historic milestone: the introduction of the European patent with unitary effect.

Since 1 June 2023, applicants have been able to use what is referred to as the Unitary Patent as another protection option for their inventions alongside the national patent and the European patent. The Unitary Patent provides, upon request, a patent proprietor with uniform protection in all EU member states that have ratified the Agreement on a Unified Patent Court (UPCA), including Germany.

In the past 50 years, there have been historic changes to national and international patent laws – let us see what the next 50 years will bring for patent law.

Further information on the European Unitary Patent is available on our website.

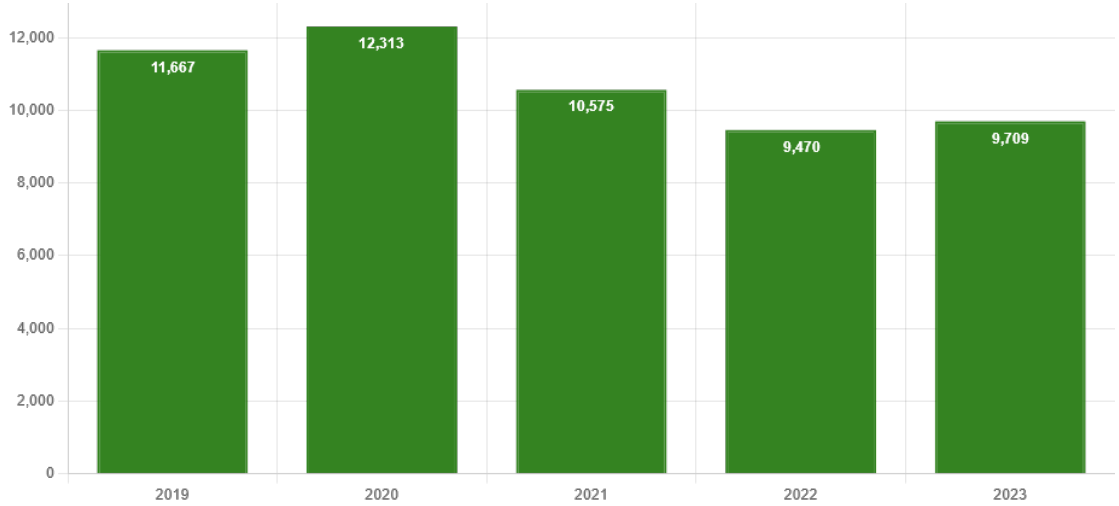
UTILITY MODELS

OVERVIEW

Development and origin of utility model applications

Development of utility model applications

Utility model applications at the German Patent and Trade Mark Office



Fortunately, in 2023, the decline in utility model applications was interrupted: With 9,709 applications, there was a 2.5% increase in applications received by the DPMA compared to 2022. The increase was a result of the higher demand from abroad, especially from China. Just as patents, utility models protect technological inventions. Unlike patents, though, utility models are not examined for novelty and inventive step prior to registration. For this reason, utility model protection can be obtained more easily, faster and at lower cost than patent protection. This makes it attractive for many applicants.

There were rising application numbers in almost all technology fields. In the sector “Other fields”, applications declined with respect to furniture and games (-4.8%) and with respect to civil engineering (-3.2%). 75.1% of the utility model applications were filed via the electronic services of the DPMA, an increase of 1.7 percentage points compared to the previous year.

Development of utility model applications in detail

In 2023, a total of 9,709 utility model applications were received by the DPMA (2022: 9,470), representing an increase of 2.5%. The number of utility model applications split off from patent applications was 966. A splitting-off application means an independent utility model application for which the date of filing of an earlier patent application is claimed.

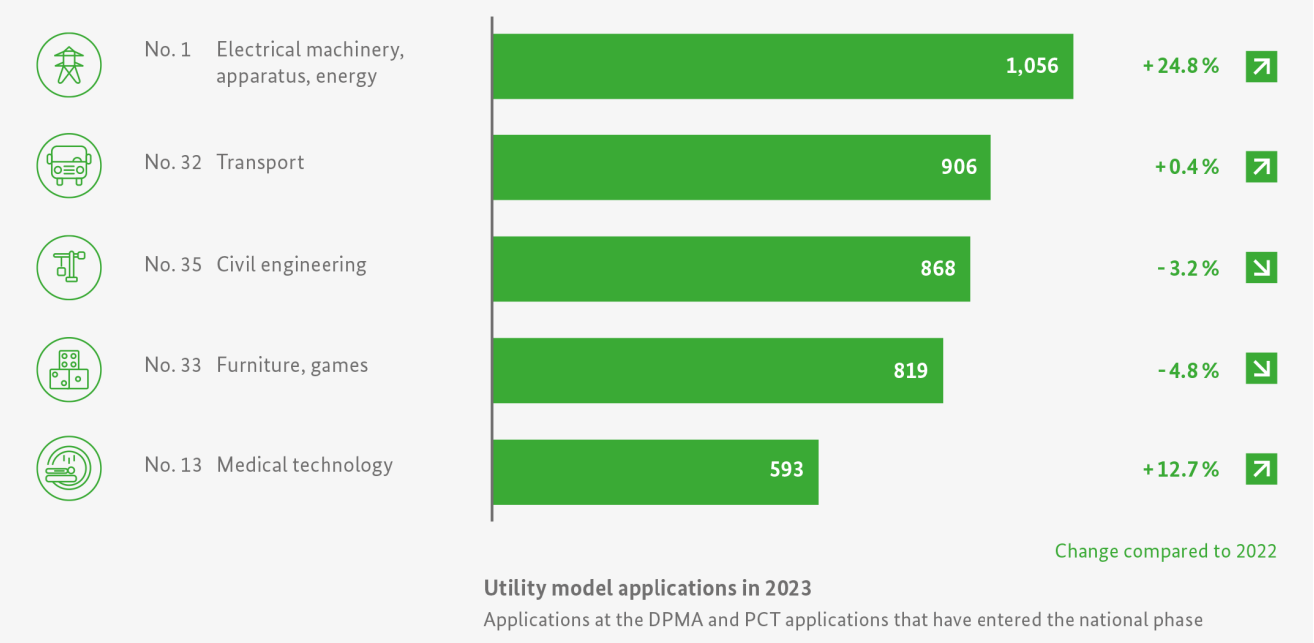
As with patents, the technology field “Electrical machinery, apparatus, energy (electrical engineering)”, with 1,056 applications, saw a particularly significant increase (+24.8%) in 2023. The continuing progress of digitisation most certainly drove up the application numbers. In the second strongest field of technology, “Transport”, 906 applications were filed. In the field of medical technology (“Instruments”), we saw a considerable 12.7% increase, too. Basically, it should be kept in mind that technical, chemical and biological processes can be patented, whereas utility model protection does not cover processes (manufacturing and working processes).

The Utility Model Unit entered a total of 8,325 utility models into the register. This means that 89.3% (previous year: 89.0%) of the concluded registration procedures handled in 2023 were successfully concluded for the applicants. 996 applications were not registered because of withdrawals of applications or refusals or for other reasons (2022: 1,083).

The term of protection was renewed for a total of 16,817 utility models (previous year: 17,632) after payment of the maintenance fee. The number of utility models which lapsed, for example because no request for renewal had been filed or due to the expiry of the maximum term of protection, increased by 2.8% to 11,590.

At the end of 2023, 67,016 valid utility models were registered at the DPMA (previous year: 70,254).

Top 5 Fields of technology,
Utility model applications in 2023, Applications at the DPMA and PCT applications that have entered the national phase
(According to WIPO IPC concordance table, available here: www.wipo.int/ipstats/en/index.html#resources)



Utility model applications in 2023
Applications at the DPMA and PCT applications that have entered the national phase

Origin of utility model applications

Foreign applicants were as interested in German utility models as before. In 2023, the percentage of applications from abroad increased once again, from 41.7% (3,946 applications) in the previous year to 43.3% (4,200 applications). Compared to the previous year, there was again a sharp decline in the number of PCT applications in the national phase; the number of these applications fell by 13.0% to 355. 5,509 utility model applications came from Germany, which corresponds to 56.7% of all applications (previous year: 58.3%).

Foreign applications largely came from non-European countries; compared to the previous year, their number again increased significantly to 3,238 (2022: 2,936). The smaller share of foreign applications came from European countries (excluding Germany). The number of these applications decreased by 4.8 percentage points to a total of 962 in the year under review.

As in the past years, the People's Republic of China held the top position with 1,558 applications (previous year: 1,159) and a proportion of 16.0% of all applications. Chinese companies use utility models to have many possible embodiments of a product protected and to ensure they have much room for the future development of the product. Despite a 20.7% decrease to 511 applications (5.3%), India once again took second place. It was followed by the United States with a proportion of 3.6%, just ahead of fourth-placed Taiwan with 343 applications (3.5%). Among the European countries, Switzerland and Austria led the ranking with 182 applications (1.9%) and 174 applications (1.8%), respectively.

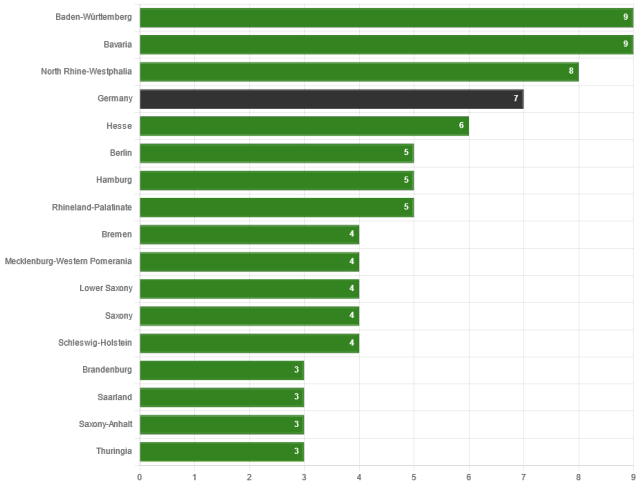
Utility model applications in 2023 by countries of origin (national applications at the DPMA and PCT applications in the national phase)

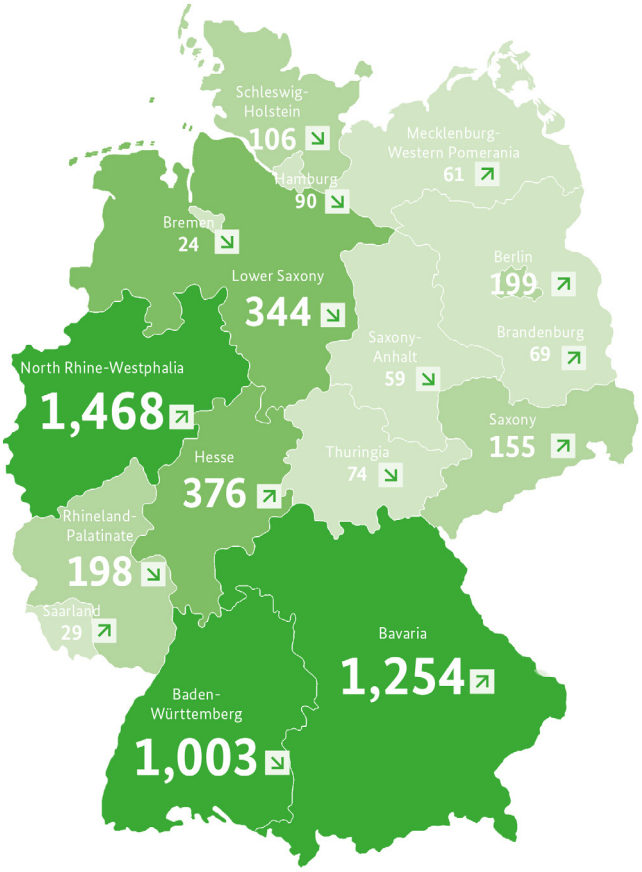
Herkunftsländer	Anmeldungen	Anteil in %
Deutschland	5.509	56,7
China	1.558	16,0
Indien	511	5,3
Vereinigte Staaten	352	3,6
Taiwan	343	3,5
Schweiz	182	1,9
Österreich	174	1,8
Republik Korea	134	1,4
Italien	121	1,2
Japan	89	0,9
Sonstige	736	7,6
Insgesamt	9.709	100

Utility model applications by German Länder

In a comparison of the German Länder, North Rhine-Westphalia is also the clear leader in 2023 with 1,468 registrations (26.6% of all domestic registrations); Bavaria and Baden-Württemberg follow with 1,254 registrations (22.8%) and 1,003 registrations (18.2%), respectively. Looking at these data in relation to the size of the population of each German Länder, Baden-Württemberg and Bavaria top the list with nine applications per 100,000 inhabitants each, followed by North Rhine-Westphalia with eight applications.

Utility model applications per 100,000 inhabitants in 2023, broken down by German Land (residence or principal place of business of the applicant)





Split-off option

A split-off utility model provides supplementary protection during the period between the filing of the patent application and the grant of the patent. Many patent applicants use it as a low-cost and quickly effective measure in order to be able to effectively take action against the copying of their innovation. Upon registration of the split-off utility model, an invention enjoys full protection, irrespective of the course of the patent procedure. In the case of a split-off, the date of filing of the earlier patent application can also be claimed with respect to the (later) split-off utility model. Compared to the previous year, there was only a slight decline in split-off utility models; the percentage of split-off utility models was 9.9% of all applications (2022: 10.4%).

Search pursuant to section 7 of the Utility Model Act

A major difference between a utility model and a patent is that a utility model is simply registered, without an examination of the protection requirements by the DPMA. For this reason, a utility model is considerably faster and cheaper to obtain than a patent, but it offers less legal security. Any third party may at any time file a request for the cancellation of a registered utility model. Such a request must be accompanied by a statement of reasons. To avoid a later cancellation of the utility model, the applicant can file an early search request with the DPMA. The patent examiners

will then determine the state of the art that must be considered to evaluate the protectability of the subject matter of the utility model application.

The number of effective search requests received by the DPMA last year slightly decreased to 1,186 (previous year: 1,274), and 1,154 searches were concluded (previous year: 1,423).

Cancellation of utility models

Cancellation proceedings are an efficient instrument to subsequently clarify the protectability of an initially unexamined utility model. Compared to the previous year (72), the number of requests for cancellation increased again; in 2023, the DPMA received 84 new requests for cancellation.

A utility model can be cancelled upon request only. Anyone can file a cancellation request; neither the looming risk of an infringement dispute nor an economic interest is necessary, for instance. A fee of 300 euros is due upon filing of the request. The request for cancellation must contain a sufficient statement of reasons. The most frequent reason for cancellation is that the subject matter of the utility model cannot be protected. An invention can be protected if it is new compared to the state of the art and involves an inventive step. If a lack of protectability is submitted as the reason for cancellation, any conflicting prior art should be cited in the request for cancellation. Other reasons for cancellation that can be submitted are an inadmissible extension of the subject matter, usurpation or that the subject matter of the utility model has been protected on the basis of an earlier patent or utility model application.

Cancellation proceedings are bilateral proceedings in which the party making the request and the proprietor of the disputed utility model as the opponent are involved. The Utility Model Division decides on the request for cancellation. Its panel consists of three persons: a lawyer as the chairperson and two patent examiners responsible for the technical field in question as reporting and associate judges. As in civil cases, the losing party must usually bear the costs of the proceedings.

In most cases, a decision on the request for cancellation is based on oral proceedings. Oral proceedings take place in the offices of the DPMA in Munich. In the year under review, parties made hardly any use of the option to obtain a decision in written proceedings or, in the case of appropriate proceedings, of the option to file a request for participation (from Germany) using image and sound transmission.

In the year under review, a total of 88 proceedings were concluded.

150 YEARS AGO

Melitta Bentz and the reinvention of coffee

Sometimes, simple ideas can pave the way for great stories. In 1908, with the Imperial Patent Office (Kaiserliches Patentamt) in Berlin, a utility model was filed which was to become important in many respects. First, the applicant was one of the first women to have their own inventions protected. Second, the invention became such a success that it can be found in nearly every household today and that it laid the foundations for a company that is flourishing even a century later.

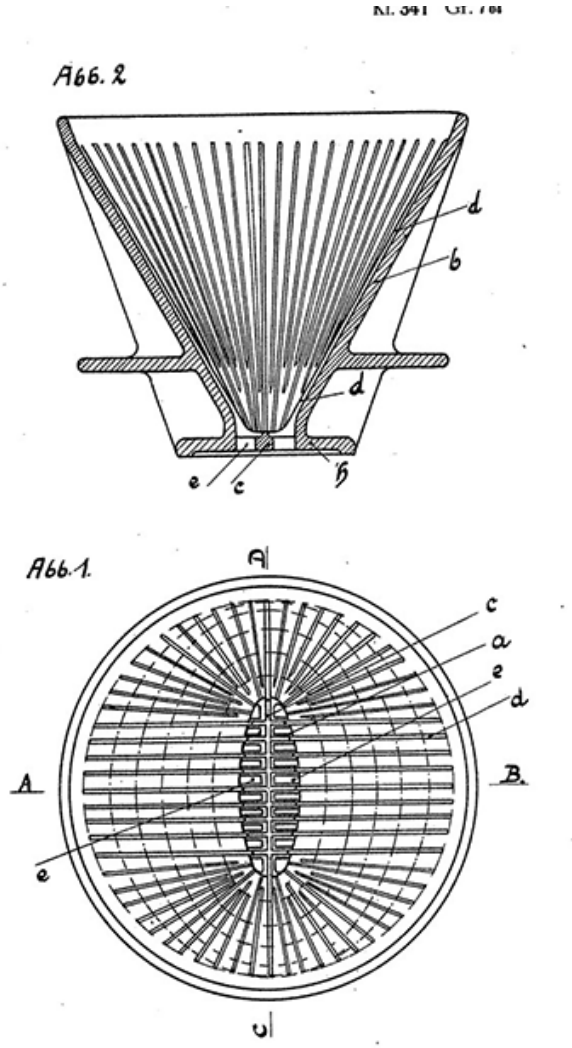
Amalie Auguste Melitta Liebscher was born as the daughter of a bookseller in Dresden 150 years ago, that is on 31 January 1873. She married the salesman Emil Hugo Bentz and had two sons with him: Willy and Horst. As every housewife, Melitta Bentz was constantly looking for new solutions to the various challenges of everyday life. In principle, this is no different in a company — and Melitta's household was to become a company very soon.

Ingeniously simple — simply ingenious

Melitta Bentz was looking for new ways to brew better coffee. Until then, in order to brew coffee, you would pour hot water over ground coffee beans and wait until the powder grounded, to some degree, at the bottom of the pot (that is why coffeepots have their nozzle at the top – unlike teapots, in which the leaves float at the surface). Alternatively, there was the possibility of sieving the mixture. However, this rarely resulted in clean coffee, as the holes in the sieve were usually either too small and blocked or too large so that most of the grounds floated back into the cup. The coffee was often only lukewarm after this procedure. And the coffee grounds left an unpleasant aftertaste.

Melitta Bentz experimented in her kitchen using a roughly perforated brass cup as a sieve. Then she had the idea of inserting an additional filter into the cup and looked for a suitable material, which she found in her son's exercise book. She took a sheet of blotting paper, cut it to size and placed it in the cup. This simple but ingenious idea revolutionised coffee preparation and paved the way for a company that is still successful today.

Melitta Bentz continued to work on optimising her invention for which she filed a utility model application with the Imperial Patent Office on 20 June 1908: “Coffee filter with curved bottom perforated by slanting extraction holes”. The IP right was registered on 8 July 1908 on page 1145 of the Patent Gazette of the Imperial Patent Office in Berlin (unfortunately this and other utility model documents of Melitta were lost during the Second World War).



Shape of the filter as used until now according to DE652010 of 1936

Building up a family business

It was at an early stage of her career that Melitta Bentz became aware of her invention’s commercial potential and took first steps towards bringing the new filter to market. Together with her husband, who soon gave up his job in favour of their joint business idea, she founded a company. The new company was entered in the commercial register on 15 December 1908. The headquarters of this “commercial agency and commission business” with the title “M. Bentz, Marschallstraße 31” and a registered starting capital of 72 pennies initially was a room in the Bentz family's Dresden flat.

Melitta Bentz had the first 50 filter bodies manufactured in a metal goods factory in Westphalia, while the first filter paper was supplied by a paper factory in Saxony. The married couple also proved to be highly inventive when it came to bringing their products to market. Hugo Bentz started canvassing the local shops and presenting their invention. Then he made product demonstrations with the filter in the shop windows. There had never been anything like this before, so this created quite a furore. Later, specially hired “demonstration ladies” were recruited for this task. Meanwhile, Melitta Bentz practically invented structured sales and demonstrated her filter at private coffee parties — a sales model that is still successfully used by some companies today.

The two sons of Melitta and Huge Bentz were also employed in the young family business. Using a handcart, they delivered the goods to the first customers. In 1909, the filters were presented at the Leipzig trade fair. With over 1,200 units sold, they were a great success. In 1910, the “filtering apparatus” was awarded diverse medals at the international hygiene exhibition in Dresden.The married couple continuously expanded their small company and had some trade marks registered in order to protect it. In 1911, they had the word mark “Melitta” registered for “coffee filters” (Ref. 156 696/21, filed on 13 September 1911). In 1913, they had a homonymous word mark registered for “household and kitchen appliances, filter paper, cooking and heating appliances” (Ref. 180 819/07, filed on 27 March 1913). Both are still valid today.

Leading a company in difficult times

The First World War set Melitta back considerably. Coffee imports came to a standstill, paper became scarce and Melitta's husband and son had to go to the front. Almost single-handedly, she got the small company through the war years and the troubled times that followed. In 1923, her eldest son Willy became co-owner and boosted sales. The upswing of the company, now called "Bentz & Sohn OHG", began.

In 1925, Melitta introduced the iconic red and green filter paper packs in order to provide protection against imitators and had this colour combination, which is still common today, protected with a trade mark. In 1929, the company ran out of space in Dresden and moved to Minden in Westphalia, where it is still based today. It was renamed “Melitta-Werke AG” in 1932.

The filter takes on its shape known today

Between 1932 and 1937, the Bentz family’s company further developed the metal round filter into a quick filter made of porcelain. Initially, flat filter paper was used, which was pressed into the correct shape using an aluminium indenter. In 1936, the porcelain filter was given a new shape. From then on, the base was oval and tapered, as can be seen from patent specification DE 652010. The company also developed matching filter bags that adapted better to the shape of the filter vessel, as the filter paper rested on the ribs of the inner wall. The company has practically retained this shape of the filter and the filter bags to this day. The filter bag was patented with the number DE 640946.

Over time, the family business developed into a very successful and innovative group of companies with hundreds of patents registered worldwide. In 1962, for example, Melitta was the first supplier to launch ground coffee in vacuum packaging on the German market and in 1965, the company group presented one of the first electric coffee machines.

Melitta Bentz died on 29 June 1950 in Holzhausen near Minden. Her company once founded with only a few pennies of capital with its headquarters in a living room now produces around 50 million coffee filters per day. This is probably due to the fact that despite the current trend towards coffee pads and capsules, the classic filter coffee is still very popular (but Melitta now also caters for fans of fully automatic machines and pads). The group, which now comprises several dozen companies and thousands of employees, is currently managed by the fourth generation of the Melitta Bentz family.

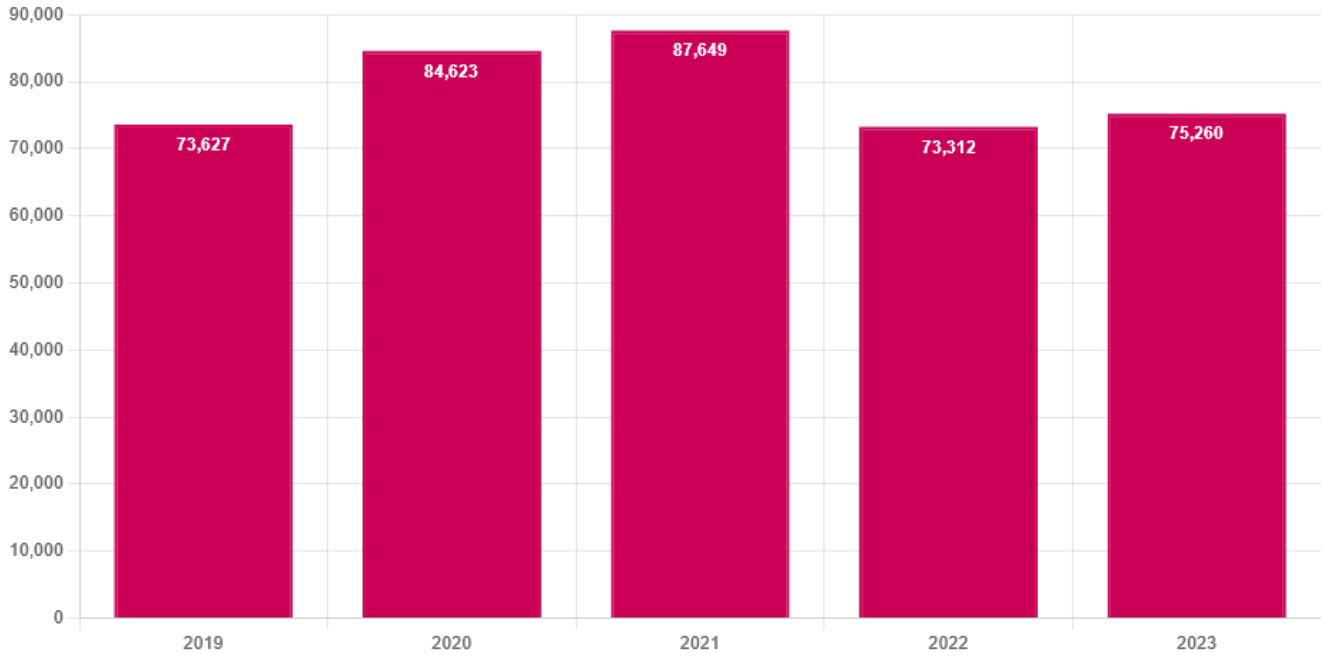
TRADE MARKS

OVERVIEW

Development and origin of trade mark applications

Development of trade mark applications

National trade mark applications at the German Patent and Trade Mark Office



In 2023, the German Patent and Trade Mark Office (DPMA) received 78,695 trade mark applications, an increase of 1.6% compared to the previous year. The number of applications filed directly with the DPMA rose from 73,312 to 75,260 (+2.7%). By contrast, the international requests for protection in Germany filed via the World Intellectual Property Organization (WIPO) fell by 16.6%. Out of the 75,260 applications filed directly with our office, 92.5% came from persons or entities having their residence or principal place of business in Germany.

In 2023, the number of EU trade mark applications filed by applicants in Germany with the European Union Intellectual Property Office (EUIPO) decreased by 5.7% to 22,234. Apparently, there was a slight tendency for applicants from Germany to move their activities to the German market.

Some years ago, China replaced Germany as the country of origin of most EU trade mark applications. But Germany still came in second, far ahead of the United States of America.

Overall, the EUIPO saw a slight increase in EU trade mark applications from 174,180 in 2022 to 175,689 in 2023 (+0.9%). This means that, after the spikes during the pandemic, the number of trade mark applications was quite stable.

Current trends

Current societal issues are reflected in trade mark applications. For example, there were many trade mark applications relating to artificial intelligence, vegan and vegetarian diets and energy transition. Innovations concerning all aspects of the metaverse with its virtual rooms also have an impact on the filing of applications. In addition to physical goods, trade mark protection is also increasingly sought for virtual products, such as equipment

for avatars (fashion, furnishings, etc.) and for services related to the metaverse or services for virtual environments.

Such trends cannot be seen from the statistical data concerning the classes of goods and services indicated in the trade mark applications, as too many different goods or services are contained in the respective classes. The increase in certain goods or services in a field is often offset by the decrease in other goods or services in the same class, so a statistical effect cannot be determined. For example, current software developments related to artificial intelligence are covered by class 9, which also includes classic electrical engineering goods including mobile telephony and Internet and a lot of other goods. Accordingly, an increase in AI-based products does not necessarily result in an increase in the number of applications in the relevant class of goods.

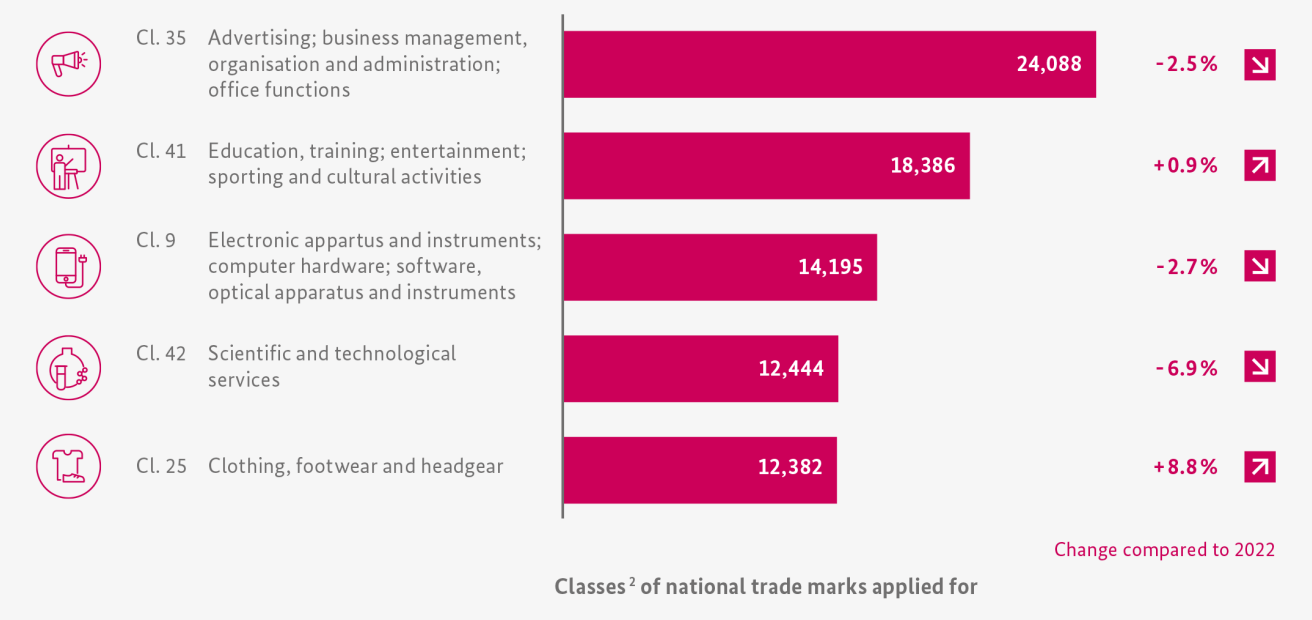
Trade mark applications by class

The classes most frequently indicated in applications were very constant. As in the previous year, trade mark applications mainly concerned the following: class 35 (advertising; business management, organisation and administration; office functions), ahead of class 41 (providing of training; entertainment; sporting and cultural activities) and class 9 (electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments). Class 35 was (one of the classes) indicated in 24,088 applications, i.e. for one out of three trade marks.

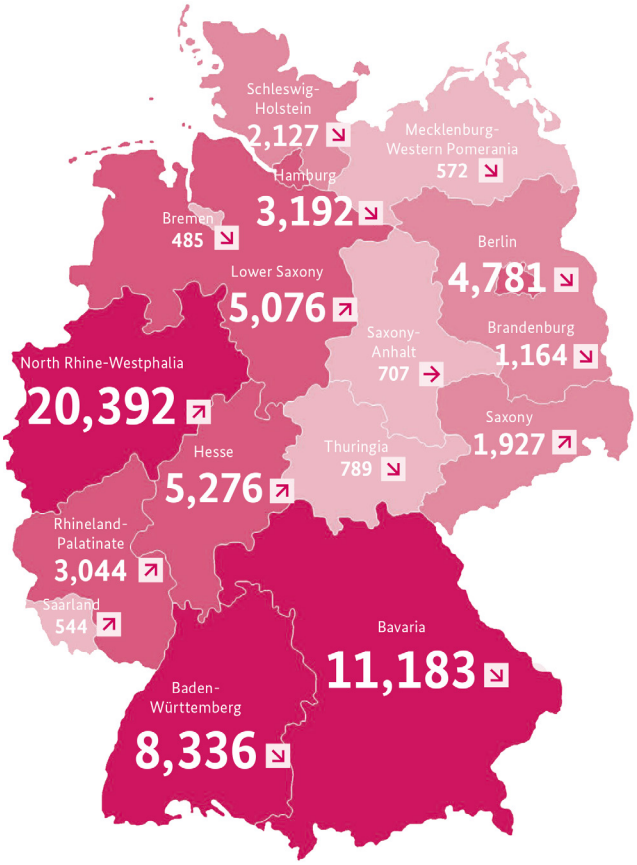
The situation was a bit different with regard to the EU trade mark applications at the EUIPO, where class 9 was the class most frequently indicated, followed by class 35.

Overall, the figures show that trade mark applications at the DPMA often indicate three classes – probably because of the schedule of fees, according to which the basic fee for a trade mark application (290 euros for electronic filing) includes three classes of goods/services. However, where indicating one class provides sufficient protection for a product or service, it is not always advisable to indicate additional classes: Indicating a class that is not needed enlarges the scope of protection of the trade mark, just as indicating goods/services that are not needed does, but there may also be more conflicting trade marks. If an opposition based on an earlier trade mark is only provoked because the third class has been indicated, the applicant usually does not achieve the desired objective: quick and effective trade mark protection for their business activities.

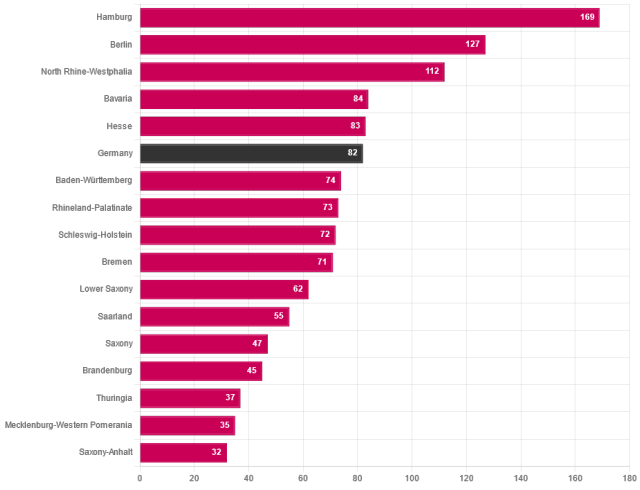
Top 5[1] Classes[2] of goods and services)



[1] Class heading according to current version of Nice Classiffication, available here.
[2] A trade mark application can be attributed to several classes.



Trade mark applications per 100,000 inhabitants in 2023, broken down by German Länder (residence or principal place of business of the applicant)



Applications by German Länder

Most applications per 100,000 inhabitants once again came from the city states of Hamburg and Berlin, both cities where many companies are based. The territorial states North Rhine-Westphalia, Bavaria and Hesse with their high proportion of manufacturing industries followed. Nord Rhine-Westphalia was able to hold its third position, ahead of Bavaria. Hesse remained among the top 5 German Länder.

The chart shows the trade mark applications in 2023 and the applications per 100,000 inhabitants as well as the change in percent per German Länder (residence or principal place of business of the applicant).

Selected data on trade mark procedures

68.8% of completed application procedures led to entries in the register, only 9.4% were refused. Applications that were not registered or refused were otherwise concluded (especially because of a lack of payment of fees).

In 2019, the certification mark was introduced which a certifying body can use to certify specific characteristics of products or services of other manufacturers or suppliers. For the registration of a certification mark, the applicant must demonstrate its neutrality. In addition, a trade mark must show that specific characteristics are to be certified. In 2023, 71 certification mark applications were filed.

Furthermore, during the same period, 26 collective marks were applied for. Collective marks serve to distinguish goods and services of the members of an association from the goods and services of companies that are not members of that association.

Selected data on trade mark procedures

Selected data	2019	2020	2021	2022	2023
New applications	73,627	84,623	87,649	73,312	75,260
Registrations	55,034	60,444	68,632	53,631	48,665
Refusals	6,883	6,606	9,634	7,793	6,629

Top companies in terms of registrations

In 2023, the Bayerische Motoren Werke AG (BMW AG), with 108 registrations, led the ranking of top companies in terms of trade mark registrations. Boehringer Ingelheim International GmbH finished in second place with 94 registrations, followed by Brillux GmbH & Co. KG with 43 registrations.

Trade mark administration

At the Jena location, 40 staff of the trade mark administration deal with all secondary procedures after the definitive registration of a trade mark. These include, in particular, renewals, the recording of changes, restrictions on disposal, divisions, licensing procedures and cancellations. Other horizontal tasks the trade mark administration staff perform are issuing priority documents, certifications of origin and other register extracts and providing internal services, e.g. quality assurance tasks, including corrections of the trade mark register.

At the end of 2023, the register at the DPMA contained 888,713 trade marks.

There were 78,031 changes concerning proprietors, representatives or addresses for service — 5.2% more than in the previous year. With 40,123, the number of trade mark cancellations due to the non-renewal of the term of protection or a surrender slightly decreased compared to the previous year (41,101). With 34,269, the number of renewals was about similar to the previous year's figure (34,369).

Declarations of willingness to license or sell/transfer continued to gain importance. The DPMA received non-binding declarations of willingness to grant licences from the respective registered proprietors with respect to 28,128 trade marks (previous year: 23,604); yet a licence was entered in the register for only 106 trade marks. It also received declarations of willingness to sell/transfer with respect to 14,396 trade marks (previous year: 12,121).

For further statistical data on trade mark administration, please see the "Statistics".

Revocation and invalidity proceedings

Although it has been possible to file a request for the cancellation of a registration because of the existence of absolute grounds for refusal at the date of registration since the entry into force of the Trade Mark Act in 1995, the only way to cancel a trade mark due to the existence of earlier rights (declaration of invalidity) or for non-use (revocation) was, for a long time, to bring an action before the ordinary courts. Since 1 May 2020, there has been the option to file an application for a declaration of invalidity due to the existence of earlier rights or an application for revocation with the DPMA and to have the proceedings fully conducted at the DPMA. This means that, in this respect, there have since been two ways to seek legal protection.

In 2023, the DPMA received 105 applications for a declaration of invalidity due to the existence of earlier rights (previous year: 141) and 169 applications for revocation intended to have a substantive decision made (previous year: 145). In addition, 151 applications (previous year: 154) for a declaration of invalidity due to the existence of absolute grounds for refusal were filed, 73 of which (previous year: 84) concerned the ground for refusal that a trade mark had been filed in bad faith.

PERSPECTIVE

The German trade mark – a permanent fixture in Europe

Highly competent examiners, good search options, intensive service: Katharina Mirbt, Head of Directorate General 3 (Trade Marks and Designs), explains why the German trade mark has stood its ground alongside European and international protection options over the past decades — and where the three different protection options have their respective benefits.

Since 1 June 2023, it has been possible to obtain patent protection in all EU member states that have ratified the Agreement on a Unified Patent Court (currently 17 states) by filing a single application with the European Patent Office. The effects of this development, in particular on national patent applications, have been followed with great interest ever since. Even though the procedures are very different, it is worth taking a look at trade mark procedures in which it has been possible for many years to obtain protection in all EU member states with a single procedure.

This option has been available for trade marks since 1996: with a single registration procedure at the European Union Intellectual Property Office (EUIPO), trade mark protection can be obtained in all EU member states, if necessary. After 28 years, it can be stated that the national German trade mark has held up very well alongside this European option and still has a firm place in the IP strategies of companies. Small and medium-sized companies, in particular, are using it to strengthen the economic basis of their business models.

Registration protection for a trade mark in Germany can be obtained by applicants in three different ways:

» by having a European Union (EU) trade mark entered in the register of the European Union Intellectual Property Office (EUIPO)
» by having an international registration of a mark (international registration) entered in the register of the World Intellectual Property Organisation (WIPO) with extension to Germany
» by having a trade mark entered in the national register of the German Patent and Trade Mark Office (DPMA)

Katharina Mirbt

All three options for trade mark protection in Germany have advantages and disadvantages, which businesses use or are willing to accept depending on their focus. Large companies that want to offer and sell their goods or services labelled with the trade mark all across the wide European area seek the uniform European trade mark protection of the EU trade mark despite the risk of being challenged by a confusingly similar, earlier trade mark from one of the 27 EU member states. At the same time, they also regularly claim national protection in their home country for strategic reasons.

Companies that are primarily active in German-speaking countries — but not exclusively in Germany — use the German basic mark and extend it to Austria and Switzerland via the international registration with WIPO; in such a case, a European Union trade mark is less suitable because Switzerland, as a non-EU member state, is not covered by its protection.

In contrast, companies operating primarily in Germany are often satisfied with the faster, cheaper and more legally valid registration of a German trade mark. The large number of trade mark applications filed with the DPMA is an expression of its attractiveness. And we are constantly working on further enhancing our services. Among other things, we have focused on the following aspects in recent years:

» Thanks to technical developments in our electronic filing channels, we are able to increasingly support applicants with the formal requirements for trade mark registration, thus avoiding the need for time-consuming clarification.
» Our improved search features in DPMAregister as well as a lot of helpful information on our website support the intensive assessment of existing trade marks before the filing of a trade mark application and thus help to avoid conflicts.
» By intensively qualifying our trade mark examiners, we create the basis for a uniform decision-making practice in accordance with the requirements of case law with a high degree of legal validity of registered German trade marks.
» Last but not least, we will continue to be the local and easily accessible office, which is also happy to provide its applicants with competent advice and assistance over the phone.

Consistent rules, low bureaucratic hurdles and transparent procedures across all three systems mentioned are important for all parties involved — offices and users. To this end, in 2023, the DPMA continued to work intensively with the EUIPO and WIPO in various projects and working groups on the harmonisation of trade mark procedural practice.

In this respect, technical cooperation is crucial. The use of shared databases, low-threshold online access options and the efficient data exchange will mean that procedures can be carried out more efficiently and with an even higher quality. Last but not least, these factors will also provide us with a good basis for the development of further technologies.

As Head of Directorate General 3 (Trade Marks and Designs), I am committed to pursuing these forward-looking developments.

Katharina Mirbt has been Head of Directorate General 3 (Trade Marks and Designs) since October 2023. She joined the DPMA in 1995. Initially, she worked in human resources and as a legal trade mark examiner, later as Head of Section, Head of Division and Head of Directorate General 4 (Administration and Law). Katharina Mirbt studied law at the University of Göttingen. Before joining the DPMA, she worked as a lawyer.

BRIEFLY EXPLAINED

Opposition proceedings

The entry of a trade mark in the register means a big step forward for the applicant. Yet this does not ensure that the protection is of a permanent nature. Proprietors of identical or similar trade marks have the option to file a notice of opposition. New guidelines have recently become applicable to opposition proceedings.

Prior to the registration of a trade mark application, the DPMA examines whether absolute grounds for refusal pursuant to the Trade Mark Act (Markengesetz) exist. For example, an absolute ground for refusal exists if a trade mark is not distinctive, if it contains descriptive indications to be kept available for general use, if it includes an emblem of state or if it is contrary to accepted principles of morality or to public policy. If an application meets the statutory requirements and such a ground for refusal does not exist, the DPMA will enter the trade mark in the register. At the time of its publication, though, the question is still open as to whether the registration conflicts with earlier rights, i.e. whether an identical or very similar trade mark has been registered earlier.

A notice of opposition needs to be filed

The essential principle for all IP rights that earlier rights prevail over later ones is known as the principle of priority. However, these earlier rights need to be asserted. The proprietor of an earlier right can give notice of opposition to the registration of a trade mark within three months of the publication of its registration. If notice of opposition is given, an examination of what are referred to as relative grounds for refusal is carried out. Most cases concern the likelihood of confusion between the trade marks or the accusation that the reputation of the earlier sign is used. These grounds for refusal are termed “relative” because they only exist in relation to a specific earlier right and need to be invoked by its proprietor. Opposition proceedings can be terminated by a rejection of the opposition or by a full or partial cancellation of the newly registered trade mark. Upon termination of the opposition proceedings, the registration procedure is concluded and, basically, the trade mark will permanently remain in the register.

A number of aspects must be considered in the examination of a notice of opposition. For example, a formal examination ensures that notice of opposition has been given properly and the fees have been paid; it also addresses questions concerning representation and the course of proceedings. An examination for substance (substantive examination) clarifies whether the earlier trade mark right conflicts with the later trade mark right, considering under several aspects whether there is a likelihood of confusion. Moreover, the examination is to establish how the trade mark is used or whether special protection for a well-known trade mark applies.

All these issues are comprehensively explained in the scholarly commentaries on the Trade Mark Act, and they have of course been dealt with in countless court decisions. To ensure the parties can rely on a consistent and reliable decision-making practice that is as predictable as possible, the guidelines for opposition proceedings under trade mark law (Richtlinie für das markenrechtliche Widerspruchsverfahren) (in German) address, explain and present the key structural and practical questions of opposition proceedings.

New guidelines in force

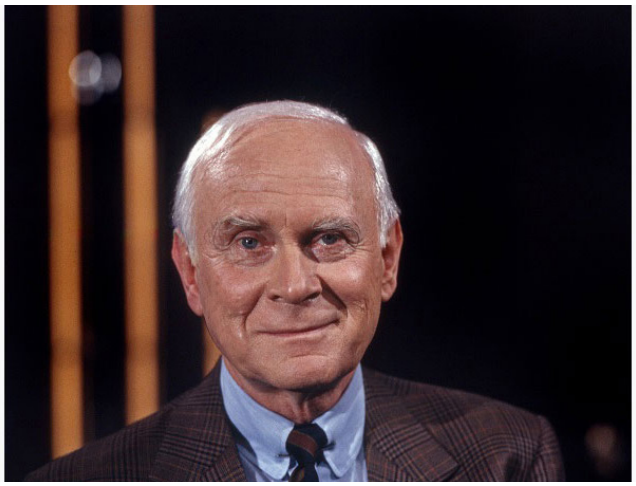
On 13 September 2023, a comprehensively amended version of the guidelines entered into force that took into account the experience gained after the trade mark law reform of 2019 and the further development of rulings with respect to fundamental questions. On 85 pages, the guidelines deal with all aspects of opposition proceedings in an understandable way, with the footnotes containing references to court decisions and commentaries. The guidelines (in German) are available and can be downloaded on our website.

Further information on opposition proceedings is available on our website.

100 YEARS AGO

Happy 100th birthday, dear Loriot!

„Dear God, have fun!“ — this is how an obituary for Vicco von Bülow read, who died on 22 August 2011. On the occasion of the 100th birthday of the undoubtedly great comedian, author, actor, illustrator and private person, we ask ourselves: Is there an afterlife and if so, who has fun with whom? The good Lord with Loriot or vice versa? And is there a God at all and if so, can he do anything with Loriot‘s bon mots at all? Of course, we will also deal with the question of all questions: What does Loriot have to do with the German Patent and Trade Mark Office?



Linguistic virtuoso, humourist, caricaturist, actor and music lover: Loriot, whose civil name was Bernhard-Viktor Christoph-Carl von Bülow (1923-2011)

Well, Loriot was born on 12 November 1923 at 21:50 in Brandenburg an der Havel. He weighed 6 ¾ pounds, was 50 cm long and was baptised Bernhard-Viktor, but called Vicco.

The great humourist lives on not only in his sketches, films, drawings and in common parlance, but also in the trade mark register. First and foremost, of course, he is remembered as „Loriot“ (see for example EM 009137746). From 1949 onwards, he used this trade mark for his caricatures. It is based on the French oriole or „Bülow bird“, which is the family‘s heraldic animal.

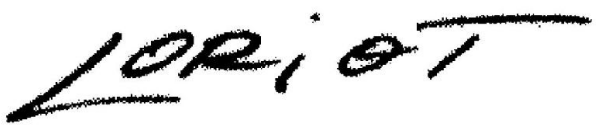
Further evidence of his creative work can be found in the register. Let us take for example DE 302016100031 „Hoppenstedt“ — the name of a family which has secured a place in our collective memory above all through its „unpeaceful“ Christmas celebrations.

The „Kosakenzipfel“ (DE 302012008912) has also become legendary. It is a popular sketch by Loriot, but also the name of a fictive dessert argued about and described in the sketch as „mocha truffle parfait with a lemon cream ball“. The reunion sketch Kosakenzipfel shows the married couples Hoppenstedt and Pröhl, with Ms Hoppenstedt (played by the unforgotten Evelyn Hamann) talking about her „yodelling diploma“, the completion of which made her (in her view) more independent and gave her „something of her own“.

And, last but not least, there is Loriot’s „Waldmops“ (DE 302020100197) (forest pug). As the comedian so aptly put it: „Life without a pug is possible, but pointless.“ Since then, the „forest pugs“ have been „released into the wild“ in Brandenburg an der Havel. According to reports from Loriot‘s birthplace, more than 25 released forest pugs have so far been spotted in the three historic town centres.

A comprehensive overview of his life‘s work can be found at the Caricatura Museum Frankfurt (in German). The exhibition was on display until 12 May 2024. The 705 exhibits include drawings, cartoons, animated films, photographs, script pages, set designs and excerpts from television and cinema films. For example, visitors can see the drawings for animated films, such as the legendary men in the bathtub („The duck stays out!“), alongside the handwritten dialogue sequence and the typed dialogue direction. There is also a model of the nuclear power plant of the sketch „Christmas at the Hoppenstedts‘ place.“

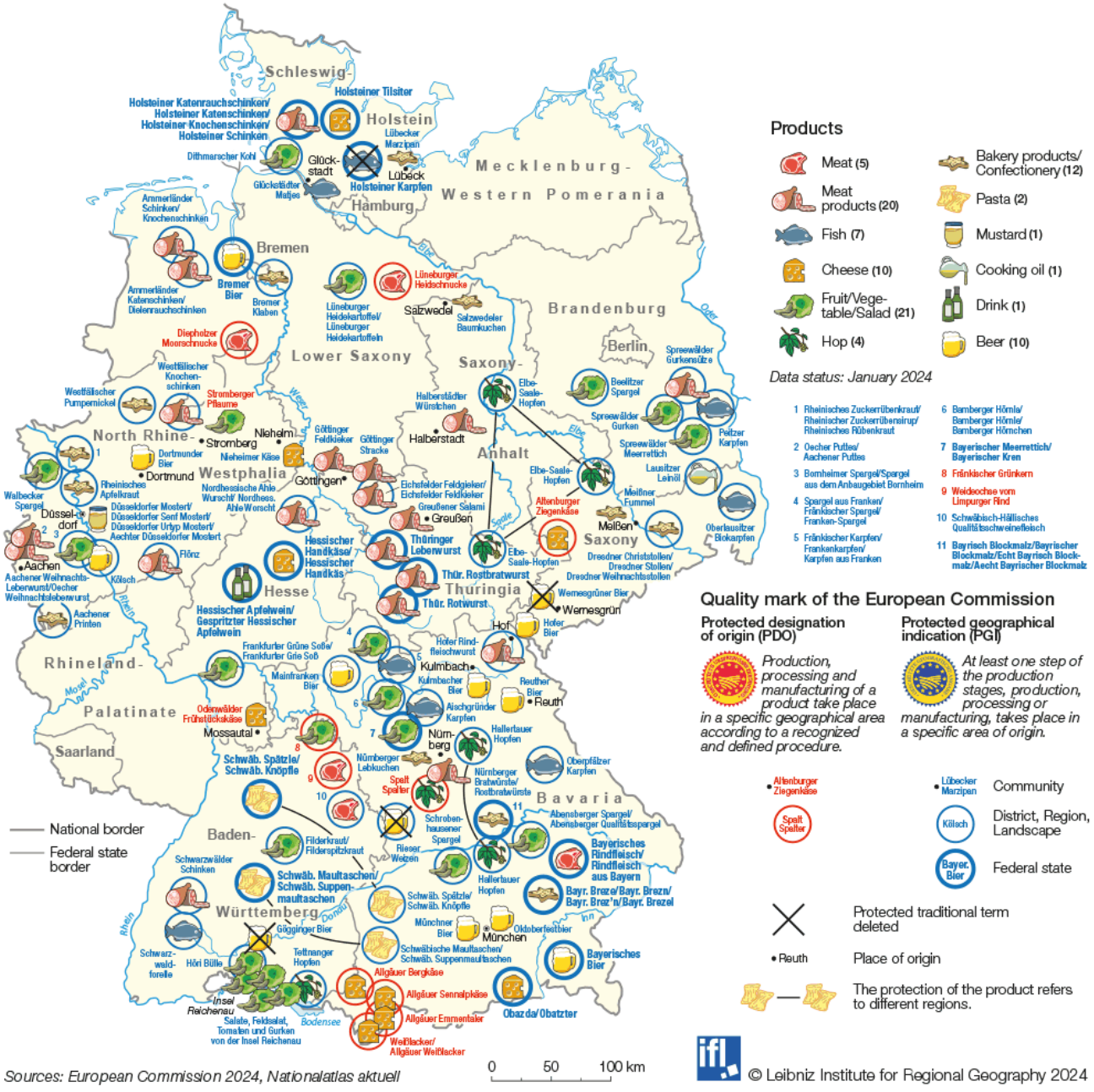
On 22 August 2011, the great German comedian „embarked on his last journey“. The question is how the „comedian of the century“ introduced himself at the gates to heaven: „Hello, my name is Vicco von Bülow and I would like to spend eternity here.“ Or did he actually check in under his pseudonym „Loriot“? Unfortunately, we cannot tell. We will probably not find out until we embark on the “ewige Reise“ (eternal journey) ourselves (trade mark for the words “ewige Reise” filed [DE3020172344470] but not registered for lack of distinctiveness and because of the need to be kept available for funeral services). Let us wait and see how much fun the whole thing will be.



EM 009137795

Geographical indications of origin

What do “Meißner Fummel” (pastry), “Höri Bülle” (red onion) and “Oecher Puttes” (black pudding) have in common? These names do not only designate culinary specialities from Germany, they are also protected geographical indications of origin. The corresponding European IP right protects producers from imitation and misuse. A new EU regulation even extends the protection to cover craft and industrial products.



Food with protected geographical status

Natural stones, products made of wood, jewellery, textiles, lace, cutting tools, glass, porcelain, skins, hides — it will be possible to obtain the protection of geographical indications for such products throughout the EU in the future.

This means that the scope of geographical indications, which has so far been limited to agricultural products, foodstuffs, aromatised wines, wines and spirit drinks (known as AGRI-GIs), will be extended to craft and industrial products (known as non-AGRI-GIs or CIGIs [craft and industrial products]). The European Commission assumes that the introduction of such a system will have a general positive impact on employment, development and tourism in rural and less-developed regions.

The legal basis for the new IP rights is EU Regulation 2023/2411, which entered into force on 18 October 2023 and will apply from 1 December 2025.

As with AGRI-GIs, the examination procedure is a two-stage process. First, the protectability is examined by the competent national authority. After a positive assessment, the application is forwarded to the European Union Intellectual Property Office (EUIPO), which is competent at the EU level. The substance of the new IP right is based on the EU legislation on the protection of geographical indications for agricultural products. Under the new regulation, too, it is decisive that the quality, reputation or other characteristics of a product are substantially linked to its geographical origin.

Changes to the EU legislation on the protection of geographical indications for agricultural products ("AGRI-GIs")

There will be changes to the EU legislation on the protection of geographical indications for agricultural products. The current procedural provisions laid down in three separate EU regulations according to product groups will be merged in one regulation in the future (proposal for a new regulation, see document 2022/0089 (COD)). To this end, the current Regulation (EU) No 1151/2012, which concerns the competence of the DPMA for agricultural products, foodstuffs and aromatised wines, is repealed.

Protection requirements

The current legal basis for the protection of agricultural products, foodstuffs and aromatised wines is Regulation (EU) No 1151/2012. It is important for the protection that the quality or reputation of the relevant product is mainly or essentially due to its geographical origin. Applicants can apply for PDO (protected designation of origin) status or PGI (protected geographical indication) status. The requirements for the protection as a designation of origin (PDO) are stricter than those for the protection as a geographical indication (PGI). For a PDO, all production steps must take place in the region of origin; for a PGI, it is sufficient if one of the production steps (production, processing or preparation) is carried out in the region of origin.

Examination procedure

The procedure for this European IP right, which is granted by the European Commission and which is registered in the eAmbrosia database, is a two-stage process. After the application has been examined and a positive assessment has been made by the competent national authority, the application is forwarded to the European Commission for final examination. All applications are published both in the national and in the European examination procedure in order to give persons whose legitimate interests are affected the opportunity to lodge an opposition.

Applications and decisions in 2023

In 2023, three applications for the amendment of geographical indications were filed at the DPMA. They concerned the following indications of origin: the PGI "Tettnanger Hopfen" (hop), the PGI "Nürnberger Glühwein" (mulled wine) and the PDO "Weideochse vom Limpurger Rind" (ox).

The applications for the registration of the PGI "Berliner Currywurst ohne Darm" (sausage) and the PGI "Dithmarscher Gans" (goose) were assessed by the DPMA with positive results and subsequently transmitted to the European Commission.

In 2023, the PGI "Nordhessische Ahle Wurscht/Nordhessische Ahle Worscht" was registered by the European Commission. Accordingly, 96 designations of agricultural products and foodstuffs are now protected for Germany.

The applications for the amendment of the PGIs "Glückstädter Matjes" (fish), "Meißner Fummel" (pastry), "Fränkischer Karpfen" (fish) and "Hofer Rindfleischwurst" (sausage) were approved by the European Commission.

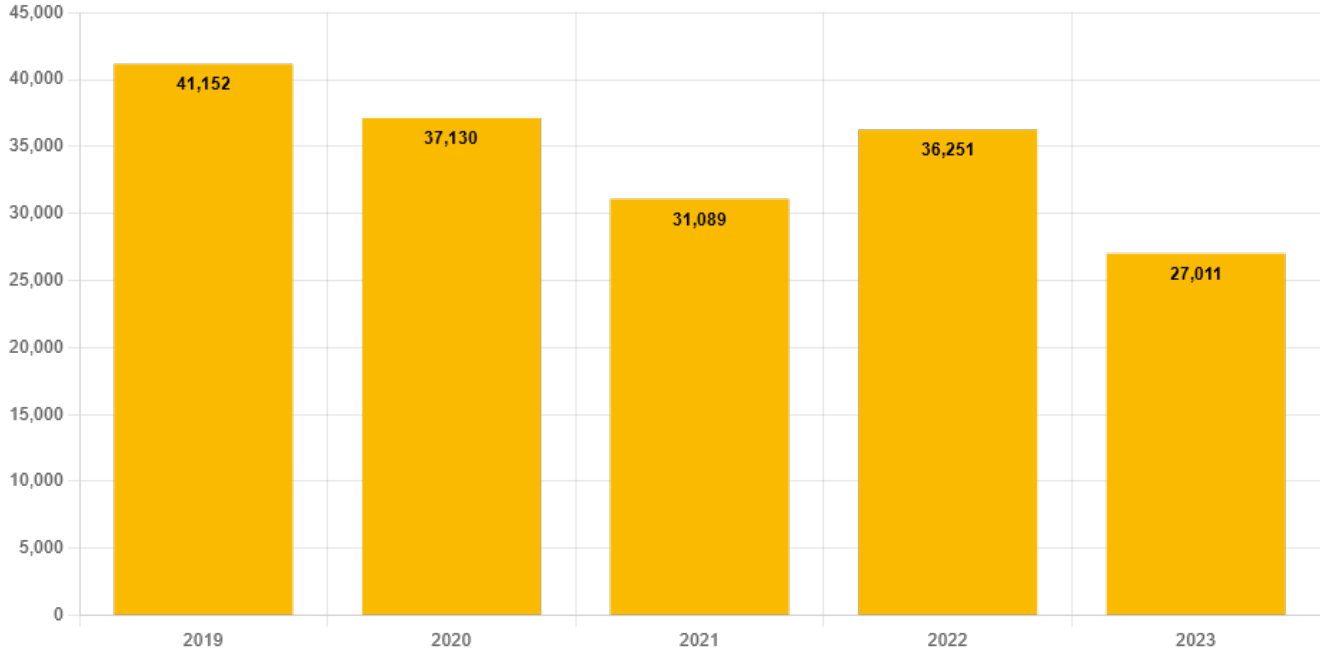
DESIGNS

OVERVIEW

Development and origin of design applications

Development of design applications

Registered designs at the German Patent and Trade Mark Office



The number of design applications filed with the DPMA in 2023 (3,774 in total) saw a slight decline (-1.5%) compared to the previous year. Nevertheless, the DPMA was the national office in the European Union with the highest number of design applications and was still among the top 10 offices worldwide. Applicants once again made extensive use of the option to combine designs in a multiple application. It is possible to combine up to a total of 100 designs in multiple applications filed via DPMAdirektPro, an e-filing software, or on paper. A web-based filing platform, DPMAdirektWeb allows multiple applications comprising up to 20 designs to be filed. In 2023, around two thirds of applications used DPMAdirekt Web (66.4%).

It is remarkable, though, that on average fewer designs than in the previous year were combined in the multiple applications. In 2023, eleven designs were filed on average in a multiple application (2022: 12 designs), so a total of 28,934 designs (-14.4%) were filed (2022: 33,817). The reasons can be various. One reason might be that, of the four IP rights at the DPMA, the design is the one most subject to business fluctuations, since applicants make a more targeted selection of the types of reproductions and variants of their designs and, accordingly, make only selected filings. This is particularly noticeable in very design-intensive industries with seasonally dependent designs, such as the fashion and textile industry.

Last year, we conclusively processed requests for entry in the register for a total of 29,744 designs. Compared to the previous years, the Design Unit considerably reduced the duration of design registration procedures. The number of designs entered in the design register was 27,011; this corresponds to 90.8% of the completed procedures (2022: 91.0%).

At the end of 2023, 248,890 designs were registered in our design register.

Origin of registered designs

With 94.1%, most of the designs registered at the DPMA last year originated again from Germany, i.e. they were filed by proprietors having their residence or principal place of business in Germany. This means that the total proportion of registered designs from abroad remained almost constant compared to the previous year. A total of 1,230 registered designs came from other European countries (2022: 1,785), 377 from non-European countries (2022: 334). In 2023, most foreign registered designs originated once again from Switzerland (513 registered designs).

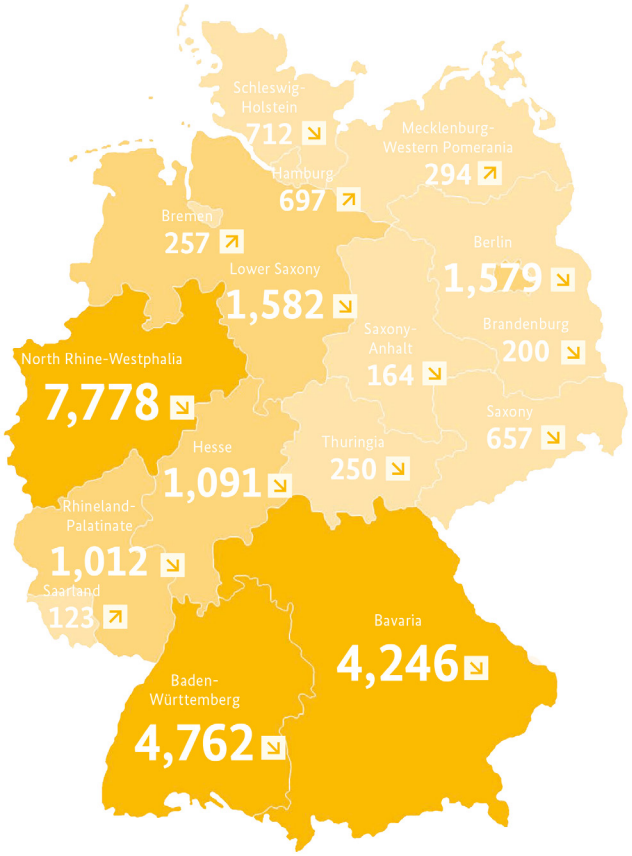
Registered designs in 2023 by countries of origin

countries of origin	Registered designs	Percentage
Germany	25,404	94.1
Switzerland	513	1.9
Austria	243	0.9
Poland	227	0.8
Czech Republic	140	0.5
USA	134	0.5
China	79	0.3
Japan	65	0.2
Taiwan	45	0.2
Luxemburg	25	0.1
Others	136	0.5
Total	27,011	100

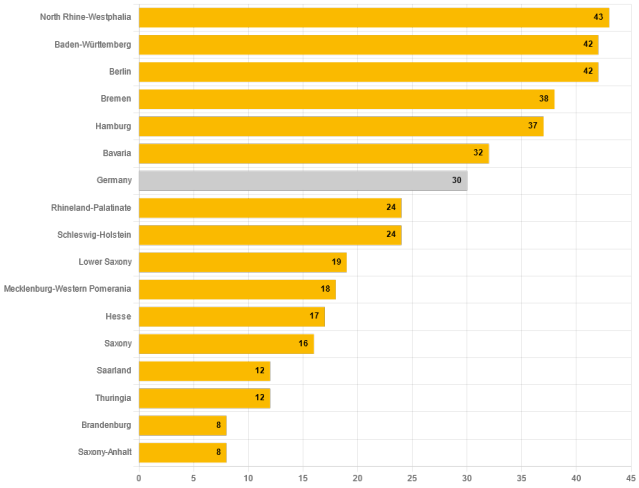
Registered designs by German Länder

With 30.6%, most of the 25,404 domestic designs registered in 2023 came from North Rhine-Westphalia (7,778 registered designs). For 15 years in a row, North Rhine-Westphalia has been at the top of the list of the German Länder. In 2023, it was followed by Baden-Württemberg with 4,762 registered designs (18.7%) and Bavaria with 4,246 registered designs (16.7%).

If the cursor is moved over the chart, it shows the registered designs in 2023 and the registered designs per 100,000 inhabitants as well as the change in percent per German Länder (residence or principal place of business of the applicant).



Registered designs per 100,000 in 2023, broken down by German Länder (residence or principal place of business of the owner)

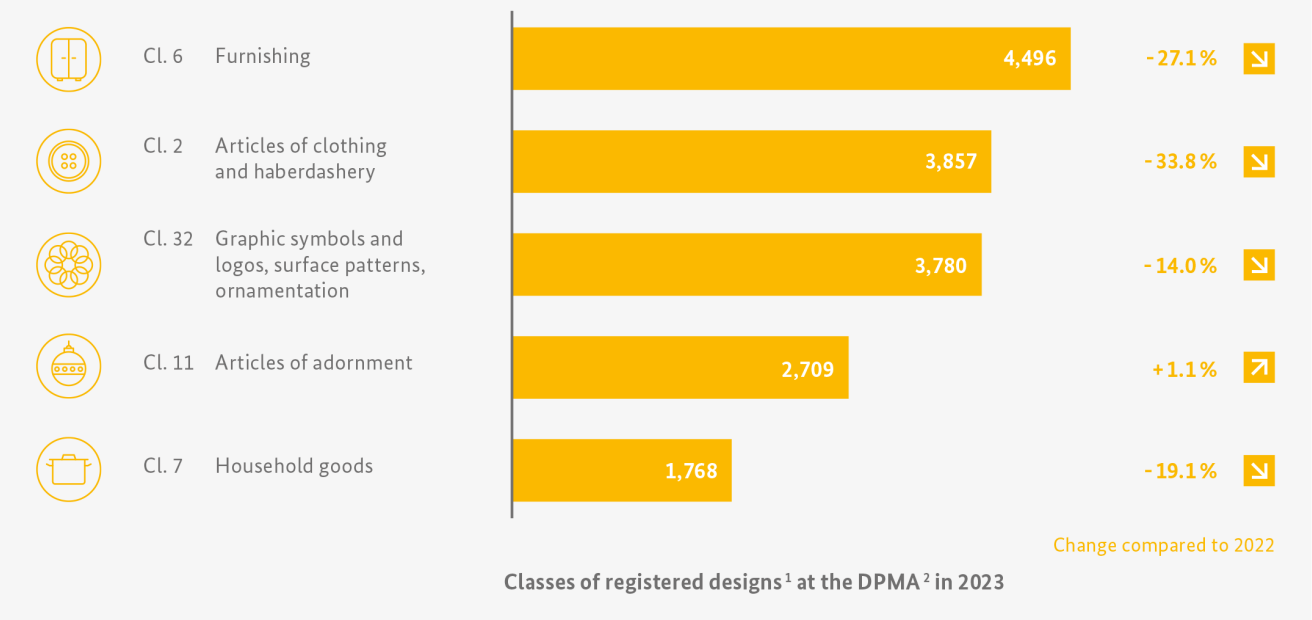


Registered designs by classes of goods

In 2023, most designs (4,496 designs, i.e. 14.4%) were once again registered in the class of goods 6 (furnishing). The class of goods 2 (articles of clothing and haberdashery) came in second with 12.4%, followed by the class of goods 32 (graphic symbols and logos, surface patterns, ornamentation, arrangement of interiors and exteriors) with 12.1%.

Top 5 Classes of goods

Classes of goods of registered designs[1] at the DPMA[2] in 2023



[1] A design can be attributed to several classes of goods.
[2] Unlike previous statistics, this table indicates the number of the unique classes of registered designs and not the number of products.

Post-registration procedures

A registered design may enjoy protection for a maximum period of 25 years from the filing date. Changes to the register entry may be made by various procedures during that period:

» Renewal or cancellation
A term of protection is five years. Renewal fees must be paid at the end of each term to renew protection. Unless renewed, design protection will lapse. An appropriate comment concerning the registered design will then be made in the register.

» Extension
If a design was initially registered only for a 30-month period of protection from the filing or priority date, deferring the publication of the representation, the holder of the registered design may pay a fee to extend the period of protection to the first five years after the filing date. In this case, a comment concerning the extension will be made in the design register and the reproductions of the design will be published.

» Recording of changes
We will record a change to an IP right in the register, for example, if it is transferred from the owner to another person or if there is a change of representative.

Design invalidity proceedings

In 2023, 15 applications for determination or declaration of invalidity were filed (2022: 36). The application for determination or declaration of invalidity will be served on the holder of the challenged design after receipt of a fee of 300 euros and examination of further admissibility requirements. If the application is not contested within one month, invalidity will be determined or declared by decision of the Design Division without further substantive examination and the design in question will be cancelled in the design register after the decision has become final. If the application is contested in due time, the Design Division will conduct an official examination of the grounds of invalidity (the appearance of the product does not constitute a design, lack of novelty or individual character; exclusion from design protection; earlier conflicting rights). Subsequently, the Design Division will take a decision in proceedings that — also with regard to the costs to be borne — are essentially based on the Code of Civil Procedure (Zivilprozessordnung). In 2023, a total of 21 design invalidity proceedings were concluded (2022: 26).

IN FOCUS

Spotlight on outstanding design

An integrated electric outboard motor, a fully automatic espresso coffee machine and a woman who has changed the world — these were the highlights of the DesignEuropa Awards 2023 in Berlin. For the first time, the European Union Intellectual Property Office (EUIPO) organised its awards ceremony in the German capital. The award raises awareness of the economic importance of design — because it is becoming increasingly important.

Design is much more than just beautiful to look at. It changes the way we look at products, makes them more accessible, arouses emotions — and plays a significant role in the purchasing decisions of consumers. Now that functional differences between products have become rarer and life cycles shorter, design is often the only distinguishing feature that consumers can recognise.

The EUIPO's Design EuropaAward recognises the great importance of design for the economy and society. It honours outstanding registered and thus protected designs and recognises influential personalities in this field. Prizes are awarded in three categories: for small and medium companies, larger companies and lifetime achievement. The Lifetime Achievement Award category is reserved for individual designers with a significant body of work of aesthetic value, created over the course of a career, which has also had a demonstrable impact on the design industry.

The DesignEuropa Awards were presented for the fourth time in 2023 – and for the first time in Germany. The award ceremony in Berlin was organised by the EUIPO and the Federal Ministry of Justice. As always, the winners were chosen by a high-calibre jury from the fields of design, industry and IP law.

Vittorio Bertazzoni, Matteo Bazzicalupo and Raffaella Mangiarotti (SMEG Spa) were honoured in the Larger Companies category for their Full Automatic Espresso Coffee Machine. With professional preparation of a wide range of coffee drinks, intuitive functions and a modern and elegant design, the product won over the jury.

In the Small and Medium Companies category, Ajda Bertok (Remigo d.o.o.) received the award for its integrated electric outboard motor. The RemigoOne is the world's first fully integrated, lightweight electric outboard motor suitable for all boat types up to 1,500 kg.

DPMA President Eva Schewior and Lifetime Achievement Award winner Maria Benktzon

One notable innovation was the "Lifetime Achievement Award". It was awarded for the first time and went to Maria Benktzon. Her work is particularly characterised by the combination of design and ergonomics as well as inclusive designs.

DPMA President Eva Schewior congratulated the award winners: "Congratulations to all nominees and especially to the winners of this year's DesignEuropa Awards. Maria Benktzon is the first designer ever to receive the Lifetime Achievement Award. In view of the fact that only around a quarter of designers in the EU are female and that the proportion of female inventors in Germany was only 7.6 per cent, I call on the many female inventors and designers to better protect their intellectual property. This is particularly important in view of the upcoming challenges to a more inclusive, fairer and more sustainable world."

DPMA President: DesignEuropa Awards emphasise the great importance of design as an IP right for the entire economy

Designs are an important driver of economic growth and job creation. DPMA President Eva Schewior emphasised on the occasion of the award ceremony: "The presentation of the DesignEuropa Awards underlines the great importance of design as an IP right for the entire economy. Design enriches our everyday lives and can have an emotional impact. It gives things — from drinking glasses to electric cars — a new face and makes products unmistakable.

It is therefore important to protect innovative designs. Creative minds in small and medium enterprises invest a lot of development work in their products and should protect their intellectual property. For this purpose, the DPMA offers the registered design as a favourable, fast and effective IP right at the national level."

In the last ten years, Germany has taken a leading role in the filing of registered designs. In 2022, Germany was the second most active country after China in the field of design protection with the EUIPO.

Further information on the DesignEuropa Awards and the winners can be found on the EUIPO website.

BRIEFLY EXPLAINED — DEFERMENT OF PUBLICATION

It is all about the right timing!

As the holder of a registered design, you have the exclusive right to use the design. However, when it is recorded in the design register, the design is also published. The date of publication can play an important role in the marketing of a product. Design law offers an interesting solution for the perfect timing of publication.

As the applicant of a design, you can request that the representations of your registered design not be published for the time being (deferment of publication of the representation). If you file a request for deferment of publication, only the bibliographic data of the design application will be published at first. The publication of the illustrations (reproductions) of the design, that means the „representation of the design", will be deferred for 30 months from the date of filing.

As long as the publication is deferred, you can check whether your design is accepted on the market at all, further develop market strategies or take final preparations for production. During the deferment period, the registered design is kept secret. This is very important in the fashion and car industries, among other things. In these sectors of industry, an early publication of a registered design might jeopardise the commercial success of the product, for example if the public is to be surprised by the new design when it enters the market (automotive industry), or if a quick copy of the product has to be expected after the announcement (fashion industry).

By means of deferment of publication, you can keep the design secret from competitors while securing the filing date as the start of design protection.

No absolute protection!

However, there is no absolute design protection during the deferment period – the design is only protected against copying. This means that you can only take action against designs that were produced and placed on the market despite having knowledge of your registered design. In the event of an infringement of your design, you therefore have to demonstrate and prove that the design challenged by you is a copy of your registered design. Independent parallel creations cannot be challenged. And it is difficult to prove knowledge of your design.

If you have filed a request for deferment of publication, protection is initially limited to 30 months. The deferment period begins on the date of filing the application. If you claim priority, the deferment period begins as early as the priority date.

As in the case of deferment of publication, only the bibliographic data are published at first, lower application fees are initially incurred. Within the deferment period of 30 months, you can decide whether to extend protection to five years from the filing date. You do not have to furnish a separate request for extension. It is sufficient if you pay the extension fee within the deferment period.

In the case of an extension, the representation of the design is subsequently published after the expiry of the 30-month deferment period. By filing a separate request, the subsequent publication of the representation may be initiated at an earlier date.

Further information on design protection can also be found on our web pages.

INTERVIEW
VICE-PRESIDENT DR MARIA SKOTTKE-KLEIN AND VICE-PRESIDENT BERND MAILE

“Our big opportunity is the dialogue with our customers”

Side by side with the President, they shape the strategy of the German Patent and Trade Mark Office: Vice-President Dr Maria Skottke-Klein and Vice-President Bernd Maile on new exchange formats with industry, challenges in digitisation and staff recruitment — and good teamwork in senior management

Interview with Vice-President Bernd Maile and Vice-President Dr Maria Skottke-Klein

Bernd Maile has been Vice-President of the DPMA since 1 June 2021. After studying physics at the Eberhard Karls University in Tübingen and at the University of Stuttgart, he worked for several years as a development engineer, project manager and head of a manufacturing division at several German and US companies in the telecommunications and semiconductor industries. In 2000, he joined the DPMA and worked as a patent examiner for seven years. This was followed by seven years as a judge at the Federal Patent Court until he returned to the DPMA in 2013 as Head of Division and later Head of Directorate General 1 (Patents and Utility Models).

Dr Maria Skottke-Klein has been Vice-President of the DPMA since 1 December 2023. She joined the DPMA in 1991. Initially, she worked as a patent examiner, later as Head of Division, Head of Division Group and Head of Directorate General 2 (Information). Before being appointed Vice Presindetn, she headed Directorate General 1 (Patents and Utility Models) for one year. Skottke-Klein studied chemistry at the Ludwig Maximilian University in Munich and completed her doctorate at the Fritz Haber Institute of the Max Planck Society in Berlin.

Dr Skottke-Klein, Mr Maile, the role of a Vice-President is difficult for outsiders to grasp: Deputy? Representative? Second among equals? How do you perceive your role at the DPMA?

Dr Maria Skottke-Klein: It really is a special position. On days when the President is in the office, you are number two. You endeavour to do what she needs so that she can run the office. On days when she is not in the office, you have overall responsibility and you fulfil it. Nevertheless, there are also agreed routines for these cases. Of course, if there are issues on which the President wishes to be consulted, we will of course try to contact her — wherever she may be.

Bernd Maile: And of course the three of us are also a leading team. It is very important to us that we exchange ideas frequently. In our daily meeting, we discuss important issues that need to be addressed and inform the President from our respective areas of responsibility. We often have a certain filter function. The trick is to separate what needs to be decided ourselves and what — prepared as comprehensively as possible — needs to be passed on to the President for a decision.How do you divide up the tasks in the team?

Maile: Dr Skottke-Klein is responsible for Directorates General 1 (Patents and Utility Models) and 2 (Information), and I am responsible for Directorates General 3 (Trade Marks and Designs) and 4 (Administration and Law). But of course, there are many interdisciplinary issues and almost everything is interconnected. It is therefore extremely important to keep the information flowing between us. We do this as best we can.

"The most important strategic challenge is the quality of our services."

In your roles as Vice-Presidents, compared to your previous leading positions, you now play an even greater role in determining the strategic direction of the DPMA. What strategic challenges do you currently see?

Dr Skottke-Klein: In my view, the most important strategic challenge is the quality of our services, especially in IP procedures. In this regard, we also see ourselves in fruitful competition with the European IP authorities. After all, you can also obtain protection for Germany with a European patent, a European trade mark or a European design. In contrast to our European partners, we can only offer national protection — a competitive disadvantage that we can only compensate for if we score highly in terms of quality. Digitisation is also an important strategic issue. We have already made great progress with our electronic IP files and digital workflows. We are also already using artificial intelligence in some areas — for example, when searching and classifying applications. However, we still see a lot of potential for development. In the medium term, we are therefore planning to invest in further AI support for the work of our staff.

Maile: I would agree with that. I think we are on the right track. We have recently done a lot to be able to offer formally standardised first office actions in patent examination. And we have significantly optimised our search tools. We have set an important course here. And we are in intensive dialogue with the industry …

… where there currently is a lot of discussion on the topic of patent quality.

Maile: Yes. The debate has picked up speed over the past year. After all, patent quality is of crucial importance to companies. Only legally valid patents secure investments and create competitive advantages. We receive very positive feedback from our applicants. This motivates us, but it does not mean that we cannot get even better. We are working on this, and this is also a very important strategic issue, in very close dialogue with our users.

What does the DPMA have to offer in terms of dialogue?

Dr Skottke-Klein: We see dialogue as a great opportunity — for us and our customers. At our annual DPMAnutzerforum meeting, we engage in dialogue with the entire range of our users — using lectures, panel discussions, chats and workshops. For some years now, we have also had the User Advisory Council on Patents/Utility Models, in which the user groups for these IP rights are represented. The User Advisory Council has developed excellently and has become a central and indispensable advisory committee. We will also establish a similar committee for trade marks and designs. In order to be even closer to the pulse of the economy, we also established DPMAimpuls, a new dialogue format, last year.

What is DPMAimpuls and what do you want to achieve with it?

Dr Skottke-Klein: DPMAimpuls is an annual meeting with representatives of leading companies in Germany — i.e. large-scale

industry — and some medium-sized companies with a high filing volume. Of course, the Chamber of Patent Attorneys and the university sector are also invited. Based on what I consider to be a very fruitful discussion at the first plenary session last year, specific working groups on very topical issues were soon formed.

For example, on the topic of software patenting. In a workshop, experts from the companies and our examiners worked on a common understanding of how patent claims for such inventions can be formulated in such a way that they are technical and therefore patentable. Another example: For decades, the chemical industry has been filing its inventions predominantly in Europe. Recently, however, we have realised that national patent applications are no longer completely outside the IP strategy of some companies. We are now discussing what the DPMA can do to become more attractive for the chemical industry and to receive more applications from this sector.

“We see considerable economic potential in sensitising SMEs.”

What is the DPMA doing for small and medium-sized enterprises (SMEs)?

Dr Skottke-Klein: SMEs play a very vital role for us. For two years, we have had an explicit legal mandate to sensitise the general public and SMEs in particular to the opportunities and enforcement of IP rights. In a survey conducted for us by a major research institute, only four out of ten SME representatives stated that they had knowledge of IP rights. And we know from studies that only around ten per cent of SMEs in Europe have IP rights. Conversely, it has been proven that those SMEs that protect their intellectual property generate considerably more turnover than those that do not. We therefore see considerable economic potential in this context. Among other things, we help SMEs to access EU funding, for example as part of the SME Fund. The DPMA is the “contact office” for the implementation of this funding programme for innovation and arranges so-called “IP audits”, which give SMEs an overview of their individual options.

Mr Maile, what strategic topics are there in Directorate General 3?

Maile: One of the fundamental challenges in the trade mark and design sector is that we are also competing in Europe. Our objective must be to offer high-quality national procedures. And the trade mark registration procedures, but also the other types of procedure — special motion procedures, opposition or cancellation proceedings — must of course be completed reliably within a reasonable period of time. Everything is based on precisely defined, transparent in-house processes. And of course — or above all — well-trained staff. We therefore attach great importance to training in all areas of IP rights, especially in the field of trade marks. However, good training takes time. A certain lead time is required before we have qualified a first examiner in the trade mark area. We are usually talking about a period of three years. The same applies to legal examinations in Directorate General 3, which means that if there is an acute need for personnel, we cannot change the situation overnight. If the process of recruitment, qualification and work in the field of IP rights comes to a standstill because nobody can be recruited or has been recruited for years, this will be problematic in terms of quality and duration of procedures for all national procedures offered.

You mean because of the current difficult budgetary situation?

Maile: That is right. We are preparing ourselves for the fact that we will not be able to hire as much as we think is necessary in the next two years. Of course, we understand this necessity and are facing up to the situation. But one thing is clear: the budgetary situation is a major challenge — and not just in terms of personnel. We will do everything we can to maintain and, if possible, improve our quality. At the same time, we ask for your understanding if not every project can be realised as quickly as we would wish in the near future.

"We have a very good offer in terms of work-life balance."

Even with a good budgetary situation and sufficient posts, the DPMA as a technical office is in competition with the largest national and international high-tech companies when it comes to recruiting staff. What speaks in favour of the DPMA?

Dr Skottke-Klein: I receive answers to this question time and again from applicants for the position of patent examiner in job interviews. People who have worked in industry often work on projects that are characterised by a great deal of pressure, travelling and heteronomy. After a few years, many long for a job where they can work more independently. Where they are not driven by deadlines set by others and have enough time left to delve deeper into technical matters. This predictable, regulated, self-determined work is of such high importance to many people that they are willing to accept a drop in remuneration compared to their previous job in industry.

Maile: That is also what I hear. In addition, of course, we have a very good offer in terms of work-life balance. Partly due to our high degree of digitisation, we offer excellent flexibility in terms of location. Colleagues generally only have to come into the office one day a week. In Munich in particular, this is very attractive because you can then afford not to live in the expensive city, but to move to attractive cheaper locations. The loss of remuneration is then comparatively less serious.

Can you tell us about flexibility in working hours?

Maile: We also offer the greatest possible freedom of choice. Many colleagues often do not want to work full-time due to family circumstances and are looking for part-time models that are very individually tailored to them so that they can plan their lives well. We make this possible wherever it is compatible with the tasks to be performed. And there are no disadvantages in terms of career options. Leading positions are also available as part-time jobs. Incidentally, flexibility also applies in the other direction: if the family situation eases, we can usually increase the number of working hours again without any problems. This model of flexible working hours is well received by our staff.

Dr Skottke-Klein: What I am particularly pleased about is that this is also leading to more and more men taking the opportunity to work part-time or take parental leave for longer than just one month. I believe that these working conditions are a great benefit for all sides.

25 YEARS AGO

25 years in Jena: The DPMA celebrates — and expands

Jena. Around 110,000 inhabitants. Almost a fifth of them students. With universities and high-tech companies, a high-performance innovation ecosystem has been established: an ideal location for the German Patent and Trade Mark Office (DPMA). The Jena sub-office has been in existence for a quarter of a century and the DPMA continues to expand near the Saale river.

From left to right: Prof Uwe Cantner, Vice-President of the Friedrich Schiller University Jena, DPMA President Eva Schewior, State Secretary Dr Angelika Schlunck of the Federal Ministry of Justice and Dr Thomas Nitzsche, Lord Mayor of Jena, at the ceremony marking the 25th anniversary of the Jena sub-office

With the DPMA, a higher federal authority was established in Jena in 1992. This establishment had resulted from a decision made by the Federalism Commission (a commission composed of members of the federal legislative bodies Bundestag and Bundesrat). Until then, the DPMA had been represented at the headquarters in Munich and in Berlin. After the reunification of Germany, the German Patent Office and the Office for Inventions and Patents of the GDR were merged. Initially, the Berlin office was to be relocated to Jena, but then remained in place. Jena was added as a third location.

Since its opening on 1 September 1998, the Jena sub-office of the DPMA has become a constant fixture for the protection of innovation in Germany. It is a centre of excellence for IP protection throughout Germany.

The office is “a prime example of a successful partial relocation of a federal authority to another Land”, Dr Angelika Schlunck, State Secretary of the Federal Ministry of Justice, said at the anniversary ceremony in September 2023. “The cooperation between science and industry is exemplary. Jena is therefore one of the most dynamic cities in eastern Germany,” Schlunck emphasised.

Constant fixture in dynamic Jena

Utilising IP rights as valuable resources; providing impetus for industry, science, politics and society. The authority is optimally networked in the innovation city of Jena. A lively dialogue with Friedrich Schiller University, with innovation promotion in Thuringia and high-tech companies is part of this.

Jena plays a prominent role in the strategy of the German Patent and Trade Mark Office. The location has been successively expanded since 1998 — since the anniversary, there has been another location in Löbderstraße in addition to the rooms at the Goethe Galerie.

The colleagues in Jena are responsible for the entire design area of the DPMA. In addition, large parts of trade mark examination and the entire trade mark administration of the office are located at this location.

Since 2021, the DPMA has relocated parts of patent examination to Jena, where about 50 colleagues currently work in three patent divisions. This way, the three locations Jena, Berlin and Munich form a strong unity for IP protection.

PERSPECTIVE

Patent examiner at the cutting edge of technology — and a man "with family responsibilities"

"We consider our office a family-friendly employer and therefore also welcome applications from persons with family responsibilities". This is how our job advertisements read. But what exactly does such a sentence mean? Is it just a flowery recruiting phrase or is such a family-friendly work culture really practised at the DPMA? Patent examiner Moritz Kayser reports on his experiences in the daily routine of a part-time father.

A patent examiner through children's eyes, or simply Dad.

I am a patent examiner in the booming technical field of electromobility. At the DPMA, technical trends are first and foremost on my desk and I experience first-hand the neck-and-neck race for innovations and their protection. Protection that I decide on every day, thus influencing technical topics of the future. I enjoy this exciting job, which also brings along great responsibility.

Plus, I belong to those persons having family responsibilities. More precisely, I am a man "with family responsibilities". It is a pity that I have to write this, but apparently there are not that many of this species — at least not of such working part-time. Traditionally, it is still predominantly women who are seen as the "persons with family responsibilities".

In fact, there are still far fewer men working part-time than women. At the DPMA, the figure has only been around 7.6 % for several years. Fewer men are also taking parental leave, and if so, it is often for no more than two months.

Personally, I'm surprised. Why shouldn't you take advantage of the opportunities offered to staff in the public sector in order to reconcile work and family life? And if you want to, it works out well — or even very well as is the case with the DPMA.

Parental leave — the ultimate soft skills seminar

I took longer parental leave myself and would not want to have missed this time with my children. Parental leave is a wonderful and unique experience. Or to put it another way: Do you want the

ultimate soft skills seminar? Are you looking for new insights and exciting challenges that you could never have imagined before? Do you want to take your multitasking skills, negotiation skills and stress resistance to a new level? Take parental leave!

Planning parental leave with my superiors at the DPMA was no problem at all. Substitution arrangements were worked out unbureaucratically and nothing stood in the way of my parental leave. When I came back from my parental leave, my files were already waiting for me. There were no problems at all. During my absence, my colleagues had looked very well after my department and after a short period of familiarisation, it was as if I had never been away.

When I talk about my positive experiences with parental leave and the relaxed approach to it here at the DPMA, I often hear answers such as "I would have done that too, but …". The "but" is often followed by fear of career setbacks, fear of losing touch or being side-lined professionally. It is a few years ago that I was employed in industry too, but I recall having had the feeling of "Yes, but …" very well myself. Taking parental leave? Working part-time? Well, you can do it, but …

Customised working time models for every situation

Here is another counter-example from the DPMA. Even after parental leave, I did not want to give up my time with the children and applied for part-time work during my patent examiner training. This was implemented quickly and without any problems. Plus, I was given advice on how to organise part-time work in the most sensible way and about which working time models were available. It is even possible to create completely individualised working time models for (almost) every situation.

My job as a patent examiner can generally be very well suited to the small and large imponderables you encounter in your life with family responsibilities. Even without parental leave and part-time work. Whether it is a paediatrician's appointment or a school trip, the unplanned closure of a kindergarten or a sick child — everything can be easily reconciled. There are not too many appointments and meetings, and there is no colleague in the department depending on my work progress. I work independently on my files — from the initial registration to the final decision — which means that I can organise my work myself. And not only the date, but also the location is flexible. I can organise whether I work at home or in the office largely as I wish. This is made possible thanks to digitised search and digital files. This also means that I myself am primarily responsible for the stringent processing of my files. Despite all flexibility, the work has to be done, of course.

And if one day, I absolutely have to go to the office and all childcare arrangements break down at the same time, I can book a parent-child office, where everything from a changing table to toys for different age groups is provided for. At internal events, there are at least as many attractions for children as there are for adults. Not to forget the crèche integrated into the main building. For a great number of my colleagues, having childcare so close to the workplace is an important part of their "work-life balance".

DPMA also supports caregiving relatives

Well, as a "person with family responsibilities", I have talked a lot about children. However, that is only one side of the story. Especially at workshops and events on the topic of "family and career" at the DPMA, it became clear time and again that it is not only about the children. For many "persons with family responsibilities", following the children, the duties often continue, but then often with caring for their parents. I am sure that all the persons who care for or look after someone can also relate to the examples mentioned above. Flexibility and, above all, great support from superiors and colleagues are very important. A feeling of "We can do it" for (almost) every situation in life.

I have always been given this feeling. And with this feeling in mind, it is much easier to successfully reconcile work and family duties. Sometimes, after concentrated searching and abstract thoughts about a tricky application, there is nothing better than simply going outside and joining the kids in marvelling at squirrels or answering important questions such as "Which one is your favourite foot, by the way?".

Finally, I have one more concern: I would like to direct a small appeal especially at men. Maybe you also want to become a "man with family responsibilities". Take your time — preferably take parental leave — and give it a try! Take a few months alone with the children and give it a try! As already mentioned, no "soft skills seminar" can match what these exciting months have to offer.

At the DPMA, inviting "persons with family responsibilities" is not just an empty phrase — a family-friendly work culture is really practised at our office!

Do you want to make a career change or to further your career?

If the answer is yes, the DPMA is the place. The DPMA is a modern employer offering interesting duties, great variety and secure prospects. Our exciting jobs cover many areas.

Further information is available on our career pages.

IN FOCUS

Initial consultation for inventors as an opportunity for your ideas

Do you want to protect an invention, a design or a trade mark, but do not know how? During initial consultations for inventors at the German Patent and Trade Mark Office in Munich and Berlin, patent attorneys provide free general information and personalised advice on how to proceed. Berlin-based patent attorney and initial consultant Dr Ulrich Dirks introduces the service and reports on how those seeking advice can gain new perspectives as a result.

Dr Ulrich Dirks, patent attorney, has provided initial consultations for inventors at the DPMA's Information and Service Centre Berlin for many years.

Mrs T. explained to me during the session of initial consultation for inventors that she had developed a game based on positioning and moving small wooden objects that could be used for therapeutic purposes, especially with older people. She enthusiastically showed the wooden game elements she had brought with her, which she had obviously designed very creatively herself. She had been advised by acquaintances to patent the game idea, or rather the rules of the game. How was she to proceed, as she was not at all familiar with such issues?

In 2023, as before, at the DPMA in Munich (main office building) and at the Information and Service Centre in Berlin (DPMA-IDZ), the above-mentioned initial consultation for inventors was provided in cooperation with patent attorneys. Within the context of this long-standing, highly popular format, patent attorneys provide free advice on basic questions on the protection of inventions as well as on other topics of IP protection on fixed days of the week. In short individual appointments, those seeking advice can receive legal explanations, strategic guidance and practical tips relating to their individual case, particularly with regard to filing, obtaining and enforcing patents, utility models, trade marks and designs.

On the one hand, due to the fact that some issues are not yet mapped to DPMA case types and owing to some legally complex issues or problems involving international aspects on the part of those seeking advice, but above all due to the legal advisory character, the initial consultation for inventors goes beyond what the Central Customer Care and Services of the DPMA can and may provide. On the other hand, it provides the possibility of receiving free basic advice aside from the legal services offered by patent law firms, which are — rightly or wrongly — perceived as having a higher threshold. Once the issues have been clarified, those seeking advice are typically put in a position in which they can decide for themselves what specific actions they should take at the DPMA, to what extent they should seek the help of a patent attorney in their case and what else they can do in favour of their IP situation. This is often accompanied by the correction of astonishingly erroneous prior opinions.

In 2023, solo self-employed persons, prospective business founders, university graduates, founders of start-ups and managers of small companies were again strongly represented in the rather mixed group of people who make use of initial consultation for inventors. In particular, it is regularly found that numerous independent inventors — who are themselves applicants for patents — have a considerable need for initial consultation. Furthermore, the voluntary commitment of the many patent attorneys involved helps to ensure that even low-income private individuals and start-up companies that are not yet profitable can obtain adequate access to IP rights.

Many of those involved see it as a particular advantage that the average of around 15 appointments per week (in Munich and Berlin combined), which require registration, are conducted in person rather than on screen. In 2023, as before, those seeking advice sometimes caused a surprise with design drafts, logo graphics or

models and prototypes of their inventions they had brought with them.

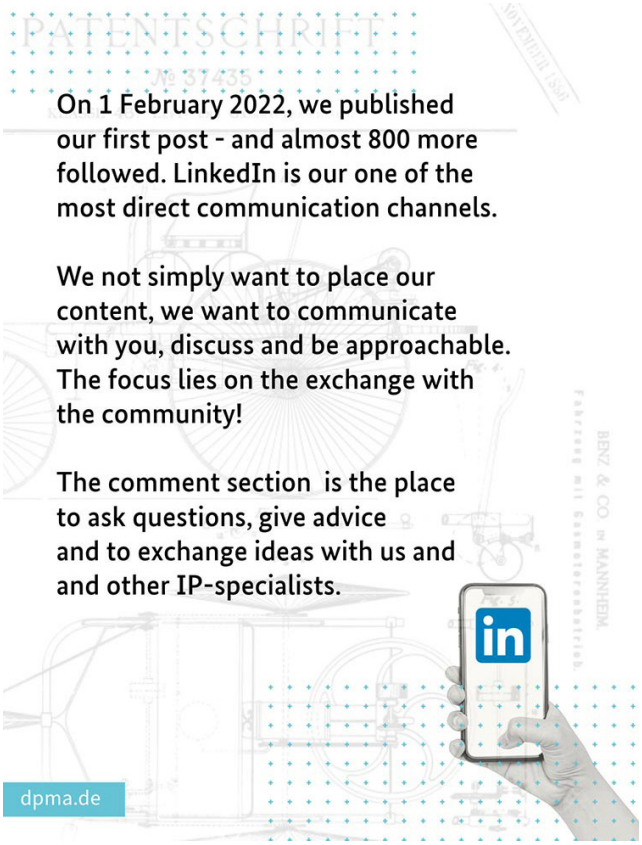
The journey made in order to receive initial consultation for inventors was probably also worthwhile for Mrs T. She will probably not invest any time or money in preparing a patent application after she has been informed about the legal restrictions regarding the patentability of game rules and therapeutic methods and as no new technical solution for the material realisation of her game could be found during the conversation. However, she was grateful for my advice and wanted to consider filing a design application with the DPMA for her wooden game elements. Her questions about the relevant criteria, search options and any desired patent attorney services were answered with certainty. There was even enough time in the consultation to briefly inform her about copyright aspects and draw her attention to the topic of “trade marks” for a later marketing phase of her therapeutic game.

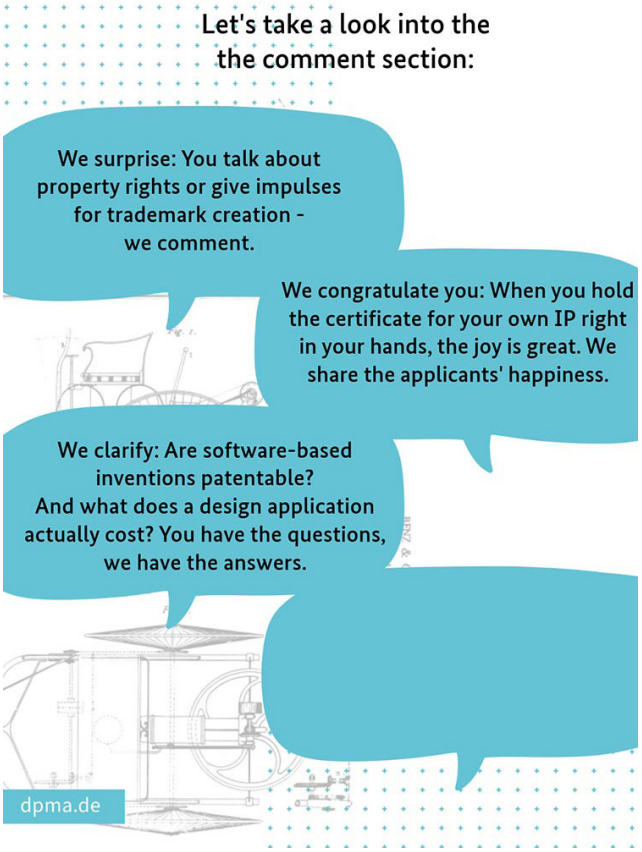
You can find further information on the initial consultations for inventors on our website.

IN FOCUS

Our LinkedIn channel

Fast, direct and unbureaucratic communication with our customers and partners is important to us. Our LinkedIn channel offers us an ideal platform for personal interaction and direct feedback. A lot has happened there since our first post two years ago.





Our reach is growing every day — we started with 200 followers and now 10,000 people follow us. And we are part of a network: the patent information centres and international patent offices also provide information about IP rights and give an insight into their work. Together we stand for more IP awareness!

You are not following us on LinkedIn yet? Take a look at our channel and become part of our community, it’s worth it!

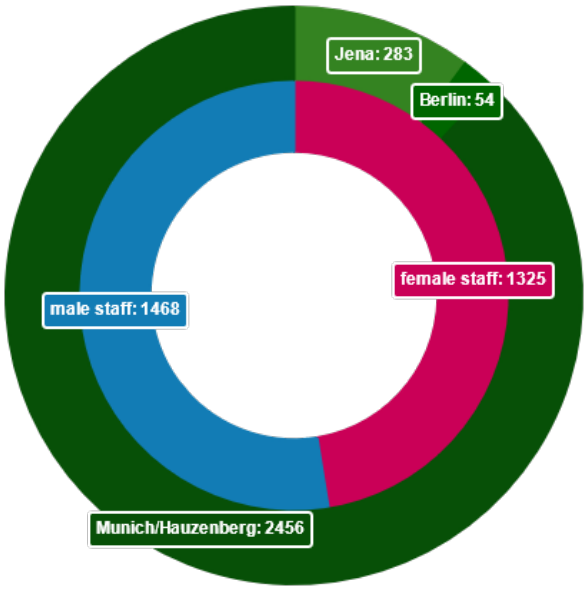
We look forward to meeting you and exchanging ideas with you!

AT A GLANCE

Personnel and finances

Staff and recruiting numbers

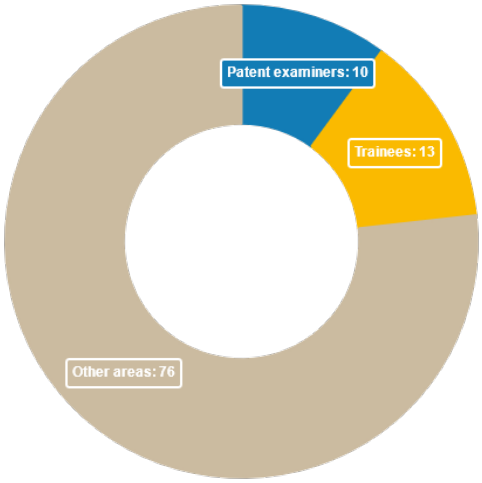
The DPMA had a total of 2,793 staff at the end of 2023. (- 0.4% compared to 2022).



1,325 femal staff and 1,468 male staff: 283 in Jena, 54 in Berlin and 2,456 in Munich and Hauzenberg

In 2023, 39.2% of management positions at the DPMA were held by women. The proportion of part-time employees in management positions was 15.6 %.

In 2023 we hired 99 new staff.

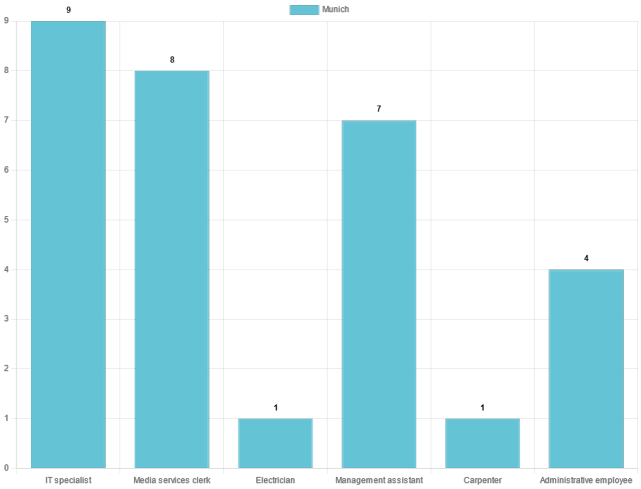


10 patent examiners, 13 trainees and 76 in other areas

Incentive bonuses for 762 very committed and high-performing staff members were granted in the period from July 2022 to June 2023.

Vocational and further training

A total of 30 trainees in 6 skilled occupations offered by the DPMA in Munich.

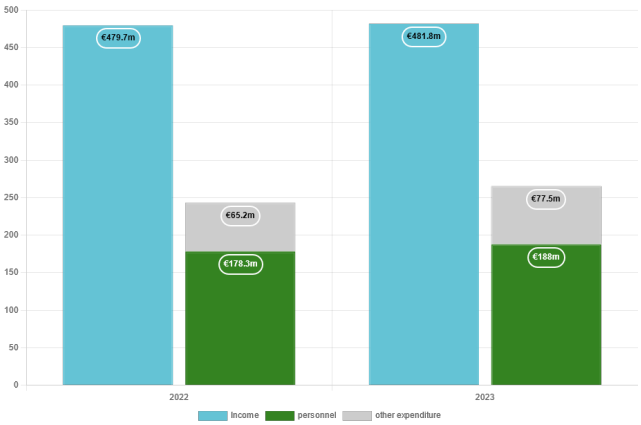


IT specialist: 9 in Munich,Media services clerk: 8 in Munich, Electrician: 1 in Munich, Management assistant: 7 in Munich,Carpenter: 1 in Munich, Administrative employee: 4 in Munich

Further training

5.1 training days were used on average by staff for personal further training in 2023.

Finances



Income and expenditure 2022 compared to 2023

CAREER AT THE DPMA

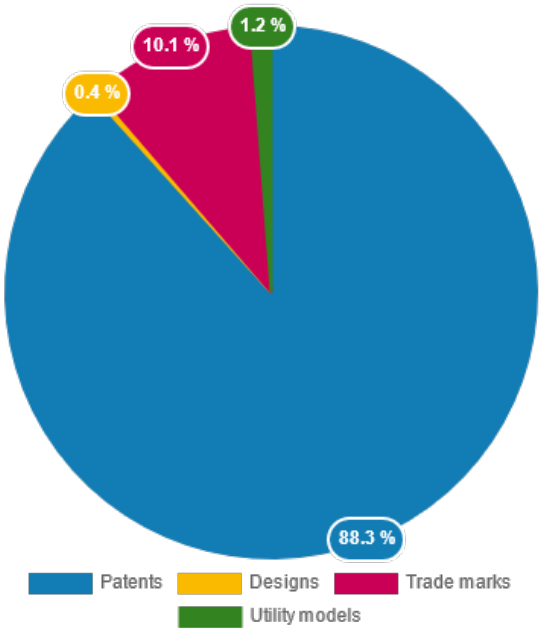
Are you looking for a new career venture? Are you interested in a varied job with a wide range of development opportunities at the cutting edge of technology? At the same time, you would like to be able to balance work and personal life?

As a federal authority, we have a lot to offer to you — both as a central provider of IP services and as a family-friendly employer with flexible working hours.

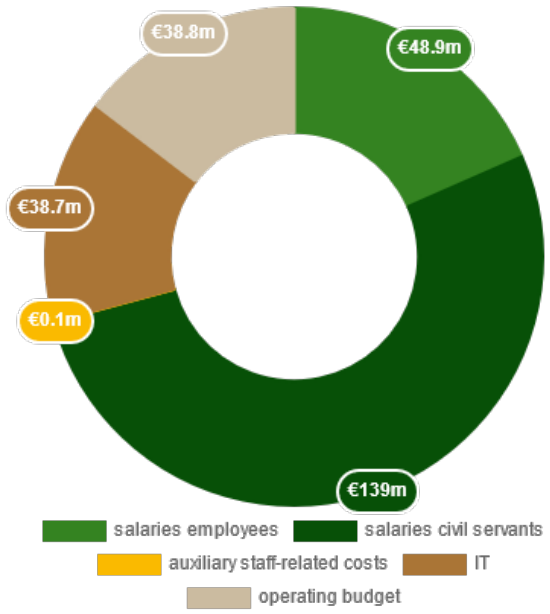
Information on job vacancies for the Jena location as well as on other interesting employment opportunities at the DPMA is available on our website under “Career”. Subscribe to our RSS feed so that you won’t miss out on any advertised job vacancies.

Follow us on XING. Follow us on Linkedin.

Breakdown of income by type of IP



Total expenditure[1] DPMA €265.5m in 2023



[1] Due to rounding, the sum of the rounded positions differs from the total expenditure shown in the income statement.

OUR SERVICES —

Information for you, exchange with you

Do you have any questions about the registration process, the costs or would you like to know more about the search options? Do you offer information yourself and would like to have access to our databases? Under the motto ‘Helping people to help themselves’, the DPMA offers you a varied and comprehensive range of information on its website. In addition, you can also contact the Customer Care and Services of the DPMA directly with questions and concerns relating to intellectual property.

CUSTOMER CARE AND SERVICES

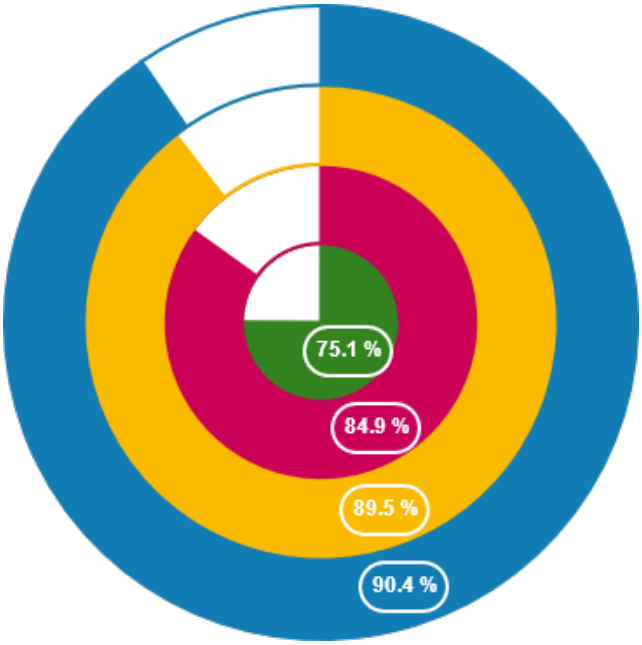
Telephone: +49 892195-1000
(Monday to Thursday 8:00-16:00,
Friday from 8:00-14:00)

E-mail: info@dpma.de

Contact to the Central Customer Care and Services

If you would like to receive general information, make an appointment on site, give us a call, send us an e-mail or, in the traditional way, send us a letter. The Customer Care and Services team will be happy to provide you with information on correct IP applications or on the progress of applications that have already been filed.

Online applications 2023

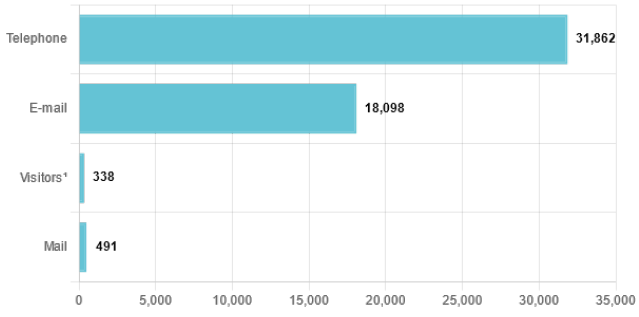


National patent applications (90.4%); Design applications (89.5%); National trade mark applications (84.9%); National utility model applications (75.1%)

Customer enquiries in 2023

We provided information and assistance over 50,000 times in 2023:

Customer contacts by communication channel in 2023



[1] Customer contacts at trade fairs and at the research workshops and WebEx training courses offered were not consistently recorded in the Omnitracker ticket system in 2023. A higher number of visitors can therefore be assumed overall.

Search: We provide you with information and support

You can search the DPMAregister and DEPATISnet databases online at any time. File inspection is also possible online via DPMAregister. Search assistance is available by telephone or e-mail. In Berlin and Munich, you can also receive on-site search assistance if you consider the telephone exchange to be insufficient. Our Customer Care and Services will be pleased to arrange an appointment with you.

Initial consultation for inventors

Free initial consultations for inventors provided by patent attorneys are offered nationwide by various institutions in many cities in cooperation with the Chamber of Patent Attorneys. Experienced patent attorneys will advise you on your application. In Munich and Berlin, these consultations take place in rooms of the DPMA. Attorneys-at-law are also available to answer your questions on non-technical IP rights.

To make an appointment, please contact the Central Customer Care and Services at +49 89 2195-1000 or by e-mail at info@dpma.de with the subject “Appointment — consultation for inventors in Munich or consultation for inventors in Berlin” in good time.

This issue includes an interview with a patent attorney who has been supporting us for many years with initial consultations for inventors in Berlin and who will share his experiences with the readers.

Workshops and seminars

In order to provide you with a good basis and detailed insights into the search options of the DPMA databases, you can participate in a series of workshops and seminars organised by us. In particular, small and medium-sized enterprises, but also interested individuals, lawyer’s offices or chambers of industry and commerce should be given the opportunity to find uncomplicated access to the search in the DPMA databases and to effectively use the corresponding options and features — in particular, the DPMAregister and DEPATISnet databases. In 2023, the focus of our efforts in this regard was on the online services of DPMAregister. The workshops on our search options will also be presented at events such as PATINFO or the DPMAnutzerforum. Are you interested? Then you will find our current range of seminars on our website.

Our print and online publications

In addition to good services and products, up-to-date, easily accessible information channels are the essence of any company. This also applies to the German Patent and Trade Mark Office. If you want to find out more about the services of the DPMA, you can obtain information on IP protection through various channels and in various output formats – almost completely in two languages (German and English). We offer you comprehensive in-

formation on patents, utility models, trade marks and designs, on searches, our electronic services and various events on our website, on our social media channels or via various print formats. We are increasingly focussing on digital services, but are still keeping an eye on the print world.

A number of brochures are available both online and in printed, bound versions; the annual report is available as a PDF and in a completely digital version. On our LinkedIn channel, you will find current information about the DPMA as well as interesting short news items of a more general nature. And on YouTube we provide tutorials and valuable background information on IP rights, searches and events. Feel free to follow us!

In addition to our usual news — Announcements, Important Notices and Notices of the President — and the traditional information on our IP rights, we also publish special information on IP protection and interesting facts from research and technology. For this purpose, we issue various newsletters and special publications, such as our Erfinderaktivitäten (inventor activities), the DPMAinformativ series for special topics on patent information and, last but not least, our monthly journal Blatt für Patent-, Muster- und Zeichenwesen (BlPMZ), which is dedicated to legal issues, but above all, selected decisions of the courts and notices on the representative system. Our website gives you access to these free publications as well as to the latest issue of BlPMZ, which is published in co-operation with Carl Heymanns Verlag. The monthly issue is free of charge, the annual subscription is subject to a charge.

e-services: take advantage of the wide range of services

The DPMAregister and DEPATISnet databases are freely accessible and can be used free of charge. You can search patents, utility models, trade marks and designs in these databases: DPMAregister enables you to view the DPMA's register of legal and procedural status information; DEPATISnet provides you with an overview of the state of the art worldwide. With DPMAkurier you can monitor IP rights and receive the results automatically by e-mail. DPMAconnectPlus enables you to automatically retrieve all official register and publication data from DPMAregister online and to download patent and utility model specifications from the DEPATIS document archive.

Trade fair activities

Trade fairs are hotspots for innovation and development. But how well do people understand IP rights and their limits? At trade fairs, we realise that the need for information is high. What are IP rights, what do they have to do with me and my product and how is an IP right filed at all? The questions are many and varied, and regardless of whether we are on site with an exhibition stand or travelling with mobile teams, there are always interesting discussions where we can provide people and companies with helpful information. At the same time, we have a preventive effect against product piracy and raise awareness of how to deal with counterfeiting: a win-win situation for everyone. In 2023, at a total of 19 national trade fairs, we were able to realise our mission, that is to bring information, experience and knowledge about intellectual property and IP rights to those who benefit from it. We look forward to meeting you at a trade fair. You can find our current trade fair planning for 2024 in our trade fair calendar.

Our cooperation with the patent information centres

We know that together we are strong. For many years, our cooperation with the patent information centres (PIZ) has proven its worth. As our exclusive regional partners, the patent information centres are located throughout Germany and provide a wealth of valuable information on IP rights and how to search for them. They also provide advice on IP strategies and exploitation options. You can read about the entire service portfolio, which is primarily aimed at SMEs, start-ups, founders and the university sector, here.

Moreover, you can read the interesting interview with Ms Gerlach, Head of PIZ Chemnitz, and find out more about our joint activities in 2023.

Complaints management: Let us know!

Are you not satisfied with our services? Please let us know. Describe your concerns and send them to info@dpma.de or by post. Please note: This does not apply to complaints in the sense of a formal legal remedy; in this case, the rules and procedures of the respective property rights apply.

Your general written complaints will be analysed and your request will be answered in close cooperation with all departments involved. This always reveals potential for improvement. Thank you for drawing our attention to this.

OVERVIEW

News from the IT services

Introduction of a legally secure scanning service at the DPMA

In February 2023, there was a change of the digitisation centre of the electronic IP case file processing to introduce legally secure scanning as a replacement service, so the retention of paper documents for evidentiary purposes is no longer unnecessary.

This was made possible by an amendment to the Ordinance on the Keeping of Electronic Files at the Patent Office, the Patent Court and the Federal Court of Justice (Verordnung über die elektronische Aktenführung bei dem Patentamt, dem Patentgericht und dem Bundesgerichtshof), which entered into force on 1 May 2022 with the Second Act to Simplify and Modernise Patent Law (Zweites Gesetz zur Vereinfachung und Modernisierung des Patentrechts). The amendment provides that, with respect to all files kept electronically, the DPMA is required to keep the electronic reproductions of documents received on paper and to destroy or return the paper documents.

To ensure the consistency between the paper document and its digital version when a paper document is converted into a digital document according to the state of the art, the technical guidelines for legally secure scanning as a replacement service (Technische Richtlinie Rechtssicheres ersetzendes Scannen) of the Federal Office for Information Security (BSI) were applied. If adhered to, these guidelines facilitate the preparation and application of legally secure scanning solutions.

Subsequently, various technical, organisational and spatial measures were implemented to fulfil the requirements of the guidelines. In the following months, large volumes of paper documents were already destroyed and large amounts of storage space at the DPMA were cleared.

Unitary Patent and European patent court

With the Agreement on a Unified Patent Court, another amendment to be reflected in the IT systems of the DPMA entered into force on 1 June 2023. The conception of necessary IT adjustments had been started well in advance, but the date on which the adjustments were to be made available had not yet been known — the decisive date was to be the date the Agreement would be ratified by the Federal Republic of Germany.

Extensive adjustments in the IT system concerned were necessary for the change. For example, the regular use of the publication information of the EPO now also provides information on Unitary Patents and their procedural status that has to be processed and presented. Furthermore, an IT solution had to be implemented that examines the correctness of the quarterly statement of account of the annual fees for Unitary Patents (and thus the proportionate payment transmitted by the EPA to the DPMA).

All adjustments to the IT systems were completed at the beginning of 2023. The agreement was ratified on February 17th. Accordingly, the DPMA was ready in time for the introduction of the Unitary Patent in the summer of 2023, and this great improvement for applicants of patents in Europe could become a reality.

Electronic IP filing

In 2023, extensive changes to the DPMAdirektPro and DPMAdirektWeb services were prepared in order to update the applications to the latest technology. An improvement that has become visible for users in the user interface is the option to subsequently optimise graphic trade mark representations in the application process. The cutting tool (frame adjustment) integrated into DPMAdirekt allows images to be adjusted to show their essential content and allows their file size to be reduced. Thanks to this additional function, the need for clarification following the filing of an application is reduced considerably.

OVERVIEW

Electronic services

The following e-services are available to our customers:

DPMAregister

- Online search in the bibliographic data as well as in the legal and procedural status data
- You can produce an uncertified excerpt from the register yourself
- You can inspect the various parts of a patent case file online
- You can choose between three different search modes: basic, advanced or expert
- **NEW**: Filter for result lists concerning all IP rights
- **NEW**: Leave restriction of search results according to IP classes or other criteria
- **NEW**: Statistical analysis of results by using the filter

DEPATISnet

- Document archive with clearly more than 100 million data records from about 100 countries; you will receive almost 60% of these data records directly as PDF
- You can conduct online searches for prior art published in patent literature from all over the world
- **NEW**: IPC ranking for result list
- **NEW**: Analysis of search results with regard to IPC classes after a search
- **NEW**: Convenient export of the new IPC ranking to a CSV file

DPMAdirektPro / DPMAdirektWeb

DPMAdirektPro

- Legally valid online filing of applications for all IP rights
- You need a special software, which we provide to you free of charge, as well as a qualified signature card
- You can register for the electronic document mailing service

DPMAdirektWeb

- Legally valid online filing of applications for trade marks and designs as well as international registration of marks
- Contrary to DPMAdirektPro, no signature card or special software is required
- **NEW**: Automatic cropping function of graphic trade mark representations

DPMAkurier

- Legal status monitoring of certain IP rights
- You can subscribe to receive IP gazettes/journals by e-mail
- You can submit combinations of applicant/inventor/owner as well as of classification symbols
- **NEW**: Export of a monitoring profile
- **NEW**: Backup of DPMAkurier monitoring in a file or transfer to other DPMAkurier accounts

DPMAconnectPlus

- Establishment of an interface, which provides automated access to all official register and publication data from DPMAregister
- You can download patent and utility model documents from the DEPATIS document archive through an interface
- Facsimile documents of DE, DD, EP and WO documents as well as optionally the corresponding bibliographic data
- We provide you weekly with the current data and documents of the German IP rights in the form of data packages

Detailed information on our IT developments and e-services is available on our website.

E-filing of IP applications and Search

INSIGHT

Our Strategy

As part of our strategy process, we are continuously implementing future-oriented measures so that we can offer our applicants efficient, modern and high-quality services.

Most subject areas affect several departments of the DPMA. For this reason, we have further interlinked intersections by making appropriate organisational adjustments in order to ensure smooth further development.

We have also revised and significantly streamlined our strategy process.

We have linked one of our future-related topics, “Sustainability at the German Patent and Trade Mark Office” (see “Our project” in this chapter), with our inhouse strategy, thus focussing even more on this topic and making it transparent.

“Quality” also remains a key topic. We continue to expand our process and quality management in order to constantly improve our products and services and we optimise our processes step by step with the help of continuous improvement loops. After all, they form the basis for high-quality work results. At the same time, we intensify the dialogue with our users in order to focus even more closely on their needs. Positive feedback shows us that we are on the right track.

We also continue to expand our digital infrastructure. This year, we introduced the federal e-file (E-Akte Bund) at the DPMA. It will enable us to gradually digitise administrative work. This way, we will further reduce our paper consumption and create additional flexibility for teleworking and mobile working.

In addition to our proven fully electronic specialist systems for patents, utility models and trade marks, the introduction of the digital IP file for our design area is also approaching, even though the exact date of introduction is yet to be determined.

With the WIPO Digital Access Service (DAS) measure, which is expected to be completed by mid-2024, we can offer our applicants a WIPO exchange service for electronic priority documents based on state-of-the-art technology. The DPMA will be one of the first offices worldwide to provide the service for patents and utility models via a web service interface.

OUR PROJECT

Sustainability at the DPMA

With the Federal Climate Protection Act, the federal government has set itself the goal of making the federal administration climate-neutral by 2030. To achieve this, it is essential to strengthen and enhance the sustainability in the day-to-day activities of the authorities. The DPMA, too, contributes to this goal by taking various measures.

Digital work helps us avoid unnecessary travels.

Based on the United Nations 2030 Agenda with its 17 Sustainable Development Goals, the federal government has adopted, as part of its sustainability strategy, an amendment to the programme of measures for sustainability in 2021. The amended programme focuses on the implementation of sustainability in administrative actions.

In view of the exemplary role of the federal administration, all federal authorities are called upon to implement the stipulations of the programme of measures in ten fields of action.

The fields of action mentioned above encompass the three pillars of sustainability: ecology, economy and social affairs.

In order to achieve the federal government's goals, the DPMA has linked the topic with its in-house strategy and has set up a measure with the aim of identifying the need for action and coordinating and implementing customised, key figure-based initiatives for this purpose in good time. Our sustainability management has the task of continuously developing these initiatives.

We have long been aware of our responsibility and of our role model function as a federal authority. Accordingly, we have been successfully implementing initiatives for many years:

Fields of action ecology and economic affairs:

» Since 2018, all DPMA office buildings have been supplied exclusively with green electricity from renewable energy sources.
» We have been using solar energy and geothermal energy in our main building in Zweibrückenstraße since 2011.
» The potential for saving energy and increasing space efficiency will be taken into account in the exploratory measures for the upcoming refurbishment of our office buildings.
» In line with the principle of travel avoidance, we aim to avoid non-essential business trips and make use of modern video conferencing and communication technology.
» Through a service agreement on flexible working, we avoid travelling to work for our staff.
» The DPMA offers its staff financial support for purchasing a commuter ticket and promotes the use of bicycles by its staff.
» By developing digitised work processes, paper consumption can be reduced significantly.

Field of action social affairs:

» For many years, the DPMA has been promoting the compatibility of work and family life. For this commitment, the DPMA was once more awarded the "audit berufundfamilie" certificate in 2023.
» A service agreement on flexible working came into force in 2023.
» Management positions at the DPMA are also offered on a part-time basis or in a "dual leadership team".
» The DPMA offers its staff an active occupational health management programme and regularly conducts surveys on pressure at the workplace.

Further information can also be found on our website.

In this way, we aim to make a contribution to better protect our valuable natural resources and to offer our staff a healthy and attractive working environment.

Further information:
https://www.bundesregierung.de/breg-en/issues/sustainability
The United Nations' 17 Goals for Sustainable Development

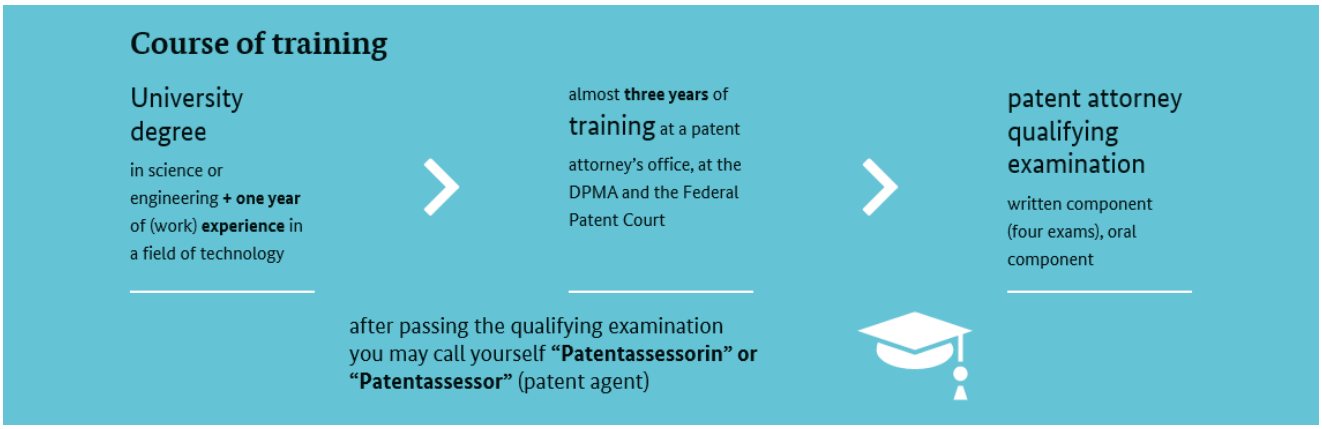
FURTHER DUTIES

Patent attorney training

Patent attorneys work at the interface between technology or natural science and law. They have the technological or scientific expertise and legal knowledge to advise inventors and companies that want to protect their latest developments or know-how or to apply for the registration of a trade mark or design. They play a decisive role in contributing to the success of innovations, trade marks or designs. The DPMA is responsible for the training and examination of future patent attorneys.

How to become a patent attorney

To ensure the quality of the services provided by patent attorneys, aspiring patent attorneys usually complete an approximately three-year IP training divided into three phases: The candidates complete the initial training phase, which is the longest with a duration of at least 26 months, with a patent attorney at a patent law firm or with a patent agent in the patent department of a company (first phase of training). What follows is known as the office year. The office year is divided into a phase of two months in the patent and trade mark divisions of the DPMA (second phase of training) and a phase of six months on the Boards of Appeal for Trade Marks and the Technical Boards of Appeal at the Federal Patent Court (third phase of training). The qualification is completed by law studies the candidates usually do at the Fernuniversität in Hagen concurrently with the training.



Course of training

Acquisition of the technical qualification as an admission requirement

Yet before they start their training, the candidates must be admitted by the DPMA. Pursuant to the Patent Attorney Code (Patentanwaltsordnung), the admission to training is subject to the acquisition of what is referred to as the technical qualification. The technical qualification means the successful completion of scientific or technical studies at a university, including courses of studies at a university that have a major scientific or technical focus. In addition to a degree, the candidates must have at least one year of practical technical experience.

Qualifying examination before the examination board for patent attorneys

At the end of their training, the candidates take the qualifying examination before the examination board for patent attorneys established at the DPMA. The examination includes four written tests and an oral test.

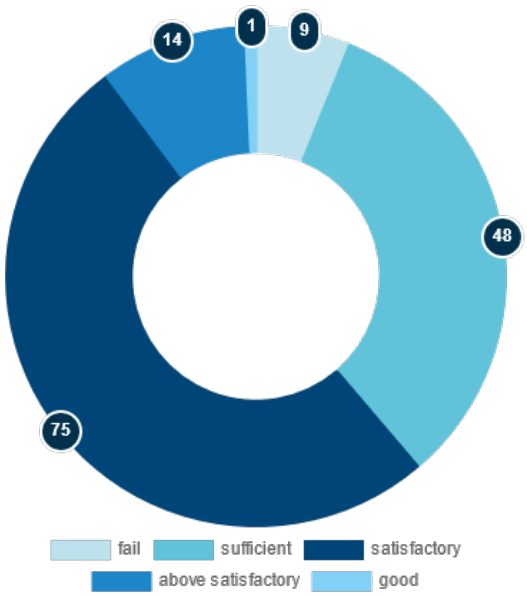
It is possible to be admitted to the qualifying examination even without having done the training. In that case, a degree in scientific or technical studies and a degree in law must have been obtained. In addition, such candidates must have worked as advisers or representatives in the IP area prior to the admission to the qualifying examination, usually for a period of at least ten years. The minimum duration of the activity is reduced to eight years if the candidate has passed the European qualifying examination for professional representatives before the European Patent Office.

After passing the examination, the examinees are entitled to bear the title “Patentassessor/in” (patent agent). Subsequently, the path is clear for an activity in industry or as a patent attorney.

Qualifying examinations for patent attorneys in 2023

Grade	Participants (in %)
excellent	0.0%
good	0.7%
above satisfactory	9.5%
satisfactory	51.0%
sufficient	32.7%
fail	6.1%
Total	**100%**

Qualifying examinations for patent attorneys in 2023



German Chamber of Patent Attorneys

The German Chamber of Patent Attorneys is responsible for patent attorney matters, including the swearing-in and admission to practice. It is a corporation under public law in which the patent attorneys in Germany are organised. The DPMA exercises the government supervision of and works closely with the German Chamber of Patent Attorneys. In May 2023, a successful workshop between the German Chamber of Patent Attorneys and the DPMA was held for the first time again after an interruption caused by the pandemic.

The numbers for 2023

In 2023, the number of persons admitted to training once again decreased. The DPMA admitted a total of 95 candidates to patent attorney training. In 2022, the number was 110.

At the three examination dates in the spring, summer and autumn of last year, 138 out of 147 examinees passed the qualifying examination.

Detailed information

Detailed information on the patent attorney training and qualifying examination is available on our website.

For detailed statistical data on patent attorneys and representatives, please see the “Statistics” chapter.

Supervision under the CMO Act

Be it music, films, words or pictures — works are often protected and, if so, entitle the author to appropriate remuneration. Collective management organisations regularly ensure creative people receive this remuneration. The DPMA acts as the supervisory authority for these collective management organisations.

A comprehensive collection of protected works: the gallery hall of the Stuttgart Public Library

Many authors, such as of literature, music, art or photography, have joined collective management organisations, which are associations under private law. The reason is that creative people are statutorily entitled to receive appropriate remuneration for each use of their works. Especially in an increasingly digitised world, works can be used copiously and in multiple ways. In individual cases, it is almost impossible to obtain the required licences from each rightholder prior to the use of a work, the more so as the rightholders are not known in many cases. For example, participants in a concert as holders of related rights (Leistungsschutzberechtigte) would also have a corresponding claim for remuneration. It would be complex and hardly possible to identify these individuals. Conversely, creative people often do not know when and how use is made of their work.

Collective management organisations solve this problem. They collectively grant the licences for the rights of their rightholders to users and distribute the royalties from the licences to the rightholders according to a specific scheme. In Germany, 13 collective management organisations currently conduct business with an authorisation from the DPMA. In 2022, they generated total revenues of 1,866.222 million euros. The amount accounted for by each collective management organisation is listed in the table below.

Each collective management organisation acts as a trustee for their rightholders and often has a de facto monopoly position, as collective management organisations are usually specialised in a certain area of creative working (for example, GEMA is specialised in musical works, VG Wort in literary works). For this reason, collective management organisations are subject to government supervision by the DPMA pursuant to the Collective Management Organisations Act (CMO Act — Verwertungsgesellschaftengesetz). As supervisory authority, we act solely in the public interest. In this

context, we also make assessments on the basis of submissions made by rightholders or users. We ensure that the organisation of the collective management organisations complies with the statutory provisions. Furthermore, we monitor whether the collective management organisations fulfil their obligations pursuant to the CMO Act both towards rightholders and towards users, examining the rules of the distribution schemes according to which the revenues are distributed to the rightholders and whether the collective management organisations fulfil the requirements for setting tariffs that determine which amount must be paid for which use. To fulfil our supervisory duties, we have, among other things, a comprehensive right to obtain information and can participate in the meetings of the various bodies of the collective management organisations.

During the COVID-19 pandemic, the collective management organisations had started to hold meetings of the supervisory bodies and their committees and meetings of members and partners in a virtual form. In 2023, too, meetings of the bodies were often held in a virtual form or, such as the annual meetings of members, in a hybrid form. This makes it easier for members to participate in the meetings, allowing them to be more involved in the decisions of the collective management organisations.

Revenues of the collective management organisations in 2022

Collective Management Organisations		Total budget[1] in 2022
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€1,173.604m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€235.669m
VG Wort	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€175.994m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€72.608m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€10.240m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€4.764m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€38.305m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€11.133m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€40.331m
AGICOA GmbH	AGICOA Urheberrechtsschutz-Gesellschaft mbH	€31.772m
Corint Media	Corint Media GmbH	€67.840m
TWF	Treuhandgesellschaft Werbefilm mbH	€4.027m
GWVR	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€235,314.00
Total	**€1,866.222m**	**1.866,222 Mio. €**

[1] Revenues include income from licences and claims to remuneration, income from interest and securities and other operating income.

A new challenge: artificial intelligence

The rapid development of artificial intelligence (AI), especially generative AI, also creates new challenges for collective management organisations, raising various copyright questions. For example, the use of protected training data for AI might affect copyright. In addition, it has not been finally resolved to what extent the result generated by AI is in itself an edited work or reproduction of protected works that requires a licence. These questions play an important role for the collective management organisations because they also grant licences for works that can be used for training purposes or be copied by the AI product. The handling of notifications of results not protected by copyright that have been generated using AI is another challenge for the collective management organisations, as they are required to ensure that only rightholders receive revenues from the exploitation of rights. It remains to be seen what impact the European law on artificial intelligence (Artificial Intelligence Act), politically agreed by the European Parliament and the European Council at the beginning of December 2023, will have.

Supervision over authorised entities under the Copyright Act

The DPMA acts as the supervisory authority for authorised entities under the Copyright Act (Urheberrechtsgesetz). We provide a form for notification as an authorised entity on our website. An accessible list of all 24 authorised entities currently notified (in German) and FAQ providing further information on this (in German) are also available.

Register of anonymous and pseudonymous works

The register of anonymous and pseudonymous works ensures the maximum term of copyright protection of 70 years after the author's death. For this purpose, authors of works published anonymously or under a pseudonym can have their real name registered.

Keeping this register is one of the duties of the DPMA. Yet the register does not contain a documentation of all works protected by copyright. Please see the table below for current statistical data.

ARBITRATION BOARDS AT THE GERMAN PATENT AND TRADE MARK OFFICE

Where a dispute is not resolvable, independent arbitrators can often be helpful. Two of such independent arbitration boards are located at the DPMA: the Arbitration Board under the Employee Inventions Act (Gesetz über Arbeitnehmererfindungen) and the Arbitration Board under the Act on Collective Management Organisations (Verwertungsgesellschaftengesetz).

Their task is to mediate an out-of-court settlement in the case of disputes. There is a large variety of contentious issues in practice.

Arbitration Board under the Employee Inventions Act

Provisions under the Employee Inventions Act

- 1.) Employees have the obligation to report an invention made during the employment relationship to the employer.
- 2.) Employers have the obligation to apply for a patent for a reported invention and are entitled to transfer the right to the patent to themselves.
- 3.) THEN the employee receives a remuneration claim for it.

Where in Germany are most inventions made? The answer is clear! In the Arbitration Board's experience, more than 90% of inventions are made in companies. Accordingly, a large majority of patent applications are based on a work result achieved by an employee.

From a legal point of view, this means that although a technological innovation is owned by the company under labour law, an asset attributed to the employee has been created under patent law.

Employee inventions law as a recipe for success

Yet the right to the patent for the results of development is subject to a right of the employer to claim the invention from the outset, since the company's internal framework conditions contribute to making the creation of inventions possible in the first place.

If the employer exercises its right to claim the invention, the right to the patent will be transferred to the employer, so the result of development in itself and the right to a patent for the technological innovation developed are held by a single entity again.

However, the asset pertaining to the right to the patent is not taken from the inventor, but its content is changed. Pursuant to section 9 of the Employee Inventions Act (Arbeitnehmererfindungsgesetz), employees are entitled to a remuneration claim in the form of a participation in the benefits gained from the IP right.

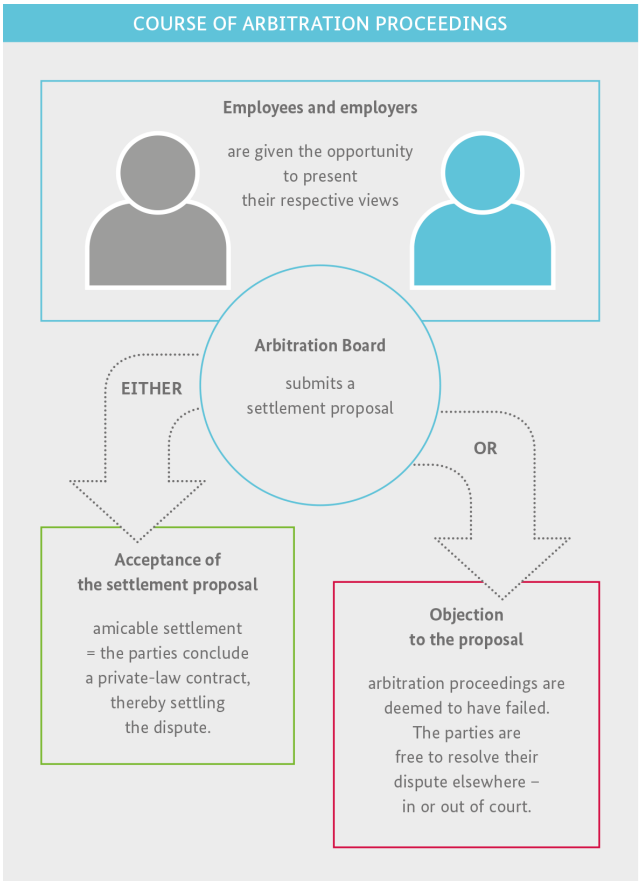
From an economic policy perspective, this approach of employee inventions law, consistently pursued in Germany since the beginning of the 20th century, has thus relied on the innovative power of employees for almost 120 years — a German success story!

How to determine the amount of compensation

The exact amount of the remuneration claim depends on the commercial applicability of the invention, the duties and position of the employee in the enterprise and the enterprise's contribution to the invention. This means that the Act relies on vague legal terms for the determination of the amount of compensation in order to take into account the ever-changing economic framework conditions and business models. The advantage is a timeless regulatory system, the disadvantage is that the views of employees on the one side and companies on the other sometimes differ on how important the financial benefits gained by the company have been in the individual case.

Statistics

With disputes being prejudicial to a working atmosphere focused on innovation, the legislature has established the Arbitration Board under the Employee Inventions Act as a mediator in disputes, equipping it with legal and technical expertise. The Arbitration Board consists of a chairperson, namely a lawyer qualified to hold the office of a judge, and two assessors appointed for the respective arbitration proceedings from among the patent examiners according to their specific technical knowledge.



Course of arbitration proceedings

First, the Arbitration Board gives the parties the opportunity to present their views and then submits to them a proposal for an amicable settlement. The parties can object to this proposal without giving reasons. If the parties involved accept this settlement proposal, they enter into a private-law contract, thereby resolving the dispute. In 2023, the Arbitration Board concluded 51 such proceedings, with more than 60% of the settlement proposals accepted within the objection period.

The following is a selection of issues dealt with by the Arbitration Board in these proceedings:

- Claim for adjustment to a lump-sum remuneration agreement — Arb.Erf. 29/20
- Commencement of the obligation to pay remuneration where an invention has not been notified — Arb.Erf. 12/21
- Binding effect of remuneration agreements — Arb.Erf. 04/22
- Licence fee, specific or abstract licence analogy — Arb.Erf. 20/21
- Value of an invention in a mixed purchase contract between three parties — Arb.Erf. 40/21
- Party liable for remuneration and basis for the amount of the remuneration in the case of company reorganisations after the end of the employment contract — Arb.Erf. 23/21
- Remuneration for a proposal for operational improvement — Arb.Erf. 25/22
- Scope of application of the Employee Inventions Act — Arb. Erf. 47/19
- Remuneration for inventions at universities — Arb.Erf. 56/22

For details on these and other selected decisions of the Arbitration Board (in German) and for additional information on the Arbitration Board and on employee inventions law, please visit our website.

Requests	2019	2020	2021	2022	2023
Receipt of requests	**61**	**66**	**53**	**60**	**53**
Arbitration proceedings concluded by					
Settlement proposals and compromises	43	44	44	43	36
Proposals accepted (%)	76.7	50.0	65.9	67.4	61.1
Refusals to participate in arbitration proceedings	9	19	16	6	9
Other cases concluded, in particular, by withdrawal of request, order, provisional proposals, etc.	6	9	8	2	6
Total of cases concluded	58	72	68	51	51
Arbitration proceedings pending at the end of the year	**94**	**88**	**73**	**82**	**84**

Arbitration Board under the Employee Inventions Act

Arbitration Board under the Act on Collective Management Organisations

Every day, extensive use is made of works protected by copyright, e.g. as background music at the restaurant or on television and the radio. It is obvious that the entry into individual licensing contracts with the respective rightholders would in practice result in an administration effort the parties involved would not be able to handle. Collective management organisations such as GEMA contribute to a reduction of that effort, as they are assigned by entitled persons to manage their rights and centrally grant licences to users. Moreover, collective management organisations collect the remuneration claims granted by the legislator to rightholders as compensation for statutory limitations to their rights. Collective management organisations are required to grant the rights managed by them on fair terms and set tariffs for the remuneration they claim. A dispute between a collective management organisation and a user about the applicability or the appropriateness of a tariff cannot be resolved in court until it has been brought to the Arbitration Board under the Act on Collective Management Organisations.

Current proceedings of the Arbitration Board

In 2023, we were once again able to further reduce the number of proceedings pending at the Arbitration Board — at the end of the year, 151 proceedings were pending. There were 102 concluded proceedings as against 55 new proceedings, including one set of inclusive contract proceedings. In the period under review, 13 requests for ordering the provision of security were filed, nine of which concerned proceedings that had been instituted in the previous years.

In case no. Sch-Urh 09/22, the Arbitration Board proposed to the parties a provisional settlement for the licensing of and remuneration for rights related to copyright held by press publishers.

In proceedings against parties liable for remuneration that are resident or established in other European countries, the Arbitration Board affirmed its international jurisdiction (Sch-Urh 38/21-SL).

In several proceedings (e.g. in the related proceedings Sch-Urh 31/21-SL and 37/22-SL), the Arbitration Board ordered that a bank guarantee be provided as security. The guarantee will not become due until a final or legally binding decision on the secured remuneration claim has been made by the Arbitration Board or a court, the remuneration claim has been recognised by the party liable for remuneration or the established remuneration claim has been included in the schedule of claims. The determination of a due date helps avoid the guarantee claim becoming time-barred prior to the final decision on the secured claim.

Selected settlement proposals and decisions by the Arbitration Board are provided in an anonymised form on our website.

Statistics

Arbitration Board under the Act on Collective Management Organisations (CMO Act)

Requests / Cases concluded	2019	2020	2021	2022	2023
Requests					
Total requests received	143	96	58	61	55
including inclusive contracts under Sec. 92(1), no. 3 CMO Act	2	5	1	1	1
Cases concluded by					
Settlement proposals of the Arbitration Board	67	81	95	56	43
Partial settlement proposal of the Arbitration Board[1]	0	20	13	0	0
Order	135	126	111	55	59
Total (without partial settlement proposals)	202	207	206	111	102
Requests pending at the end of the year	**507**	**396**	**248**	**198**	**151**
Payment of security / provisional settlement					
Requests	25	3	4	12	14
Orders	**5**	**32**	**37**	**6**	**16**

[1] Recorded for the first time in 2018.

Our statutory information duty

In Germany and the European Union, 99% of all companies are what are known as small and medium-sized enterprises (SMEs). Not only do they have a workforce of around 100 million people in Europe, they are a source of entrepreneurial spirit and innovation. By offering a comprehensive range of information and advice on IP rights and their exercise and enforcement, the DPMA aims to strengthen the competitiveness of these companies.

In the past years, the economic environment of most SMEs has become considerably more complex. Wars, climate change, the demographic trend and a rapidly advancing digitisation including artificial intelligence have an impact on the business development of companies.

The competitiveness increasingly depends on the possibility to establish intelligent strategies to use and enforce of IP rights.

Current economic studies show a positive association between the ownership of IP rights and economic performance, in particular for SMEs. Companies that own IP rights generate 68% more revenues per employee than SMEs without such rights (source: EUIPO: “Intellectual property rights and firm performance in the European Union, Firm-level analysis report, February 2021”).

As a result of the extension of the DPMA’s duties, which entered into force in 2022 (§ 26a PatG), we make increased efforts to actively inform the public, especially SMEs, about the advantages, opportunities and potential risks of the use and enforcement of IP rights.

We are glad that last year we were able to find additional staff for the unit newly established for this purpose.

Our aim is to provide our customers with tailored and application-oriented measures and instruments. To this end, we acquire profound knowledge of the target groups and a solid data basis, thus creating an appropriate methodological framework for the problem. This often makes it necessary to take new angles and find new ways in the collaboration with our partners and customers as well as colleagues.

First, in various working groups, we closely collaborate with European and international organisations that have gained reliable experience regarding these issues and target groups in order to benefit from examples of good practices. Second, we continue to develop our knowledge of the raising of awareness and the provision of information in order to plan and implement tailored services on the basis of our own data.

The strategic aim of the DPMA is to act even more as an advocate of the interests of industry in connection with intellectual property and to expand its role as the largest national IP office in Europe.

Information for the public — new topics, new channels, new target groups

In addition to the information about patents, utility models, trade marks and designs, the DPMA is now also competent for the provision of information on copyright. Digitisation and e-commerce have considerably increased the relevance of copyright. Our new brochure "Urheberrecht — Ihr Text, Ihr Bild, Ihre Musik — Welche Rechte Sie haben, wenn Sie ein Werk schaffen" (in German) can be downloaded from our website.

For the second quarter of 2024, we plan a social media campaign, with financial support from the European Union Intellectual Property Office (EUIPO) under the European Cooperation Programme. Follow our social media channels for the latest news and updates!

The new issues have also produced new event concepts: At the IPAwareness and Enforcement conference with representatives of the customs and police authorities, the first platform in Germany for the discussion of trends and developments concerning product counterfeiting and trade mark piracy with investigative authorities was created.

Likewise, we have extended the cooperation with associations and institutions and have launched new training courses for new target groups. At the end of 2023, in two expert seminars held in cooperation with the EUIPO, we raised the awareness of many members of the German Tax Advisers Association about intellectual property.

Successful international cooperation: the SME Fund

Another good example of successful European cooperation is the SME Fund of the EUIPO.

The EUIPO and the European Commission launched a grant scheme of up to 47 million euros for a period of three years (2022-2024), which helps EU-based SMEs exercise and use their IP rights.

The DPMA as a contact office supports the execution of this fund scheme in Germany. By arranging what are referred to as IP pre-diagnostic services, among other things, it has enabled a number of SMEs to identify their intellectual property assets. More information is available on our website or the EUIPO website.

OUR PARTNERS

OVERVIEW

National cooperation projects and User Advisory Council on Patents/Utility Models

Different organisations, one common goal: The DPMA fosters the expansion of a strong and competent network for the protection of intellectual property. Our partners are important agents in the field of commercial IP rights, such as chambers of industry and commerce, trade associations, innovation-promoting universities, but also the customs authorities. In cooperation with the patent information centres, we provide local expert support, in particular to small and medium-sized enterprises (SME).

Successful team work: National cooperation

Germany is known as the country of poets and thinkers, which is expressed in the popular German saying "Deutschland — das Land der Dichter und Denker". What most people probably do not know is that this saying and the DPMA as well as the patent information centres (PIZ) have a similarly long history. There have been patent information centres for more than 150 years. In cooperation with the DPMA, they provide today's thinkers with the knowledge they need to protect their intellectual property. After all, achieving commercial realisation requires more than just being creative and having an idea. Knowledge of IP rights and their potential utilisation is essential in order to achieve an optimum of economic and financial benefits.

The patent information centres form a network of highly competent, neutral and regional partners providing local information and giving advice on IP rights to inventors, small and medium-sized enterprises (SMEs), start-ups, colleges and universities. The PIZ make a decisive contribution to raising awareness of intellectual property among the public, industry and science. The DPMA supports the PIZ with privileged database access and staff training.

The patent information centres are represented at 19 locations in almost all lands and provide a comprehensive range of information and services — from the idea to the IP right and its exploitation. In addition, they offer free and on-site initial consultations for inventors as well as extensive search options in the various IP databases. The extensive range of services is supplemented by IP monitoring, events, training courses and workshops. Some patent information centres also accept IP applications. An informative overview of the PIZ and their services can be found here.

Locations of the patent information centres
Locations of the German Patent and Trade Mark Office

PIZnet Action Week

A highlight in the information portfolio of the patent information centres is the annual nationwide PIZnet Action Week, which took place under the motto “IP strategies for SMEs” in September 2023. All interested parties, especially teams of founders and start-ups, were able to obtain free local advice. As part of the approximately two-hour initial consultations (where no legal advice is given), advisors conduct an individual audit. Based on this audit, they discuss with the companies how to commercially exploit patents, utility models, trade marks, designs and copyrights. The concept of the Action Week was developed by the DPMA together with the PIZ and has already been implemented with great success in the past seven years.

We were happy to support the PIZ in promoting this Action Week, for example by means of a takeover of our DPMA LinkedIn account by selected patent information centres during this period. Some PIZ also make very active use of their own social media channels. Take a look and discover interesting information or ideas for exchanging views and experiences with the staff of the patent information centres — it‘s worth it!

PIZ Conference 2023

In September 2023, our annual PIZ conference with the representatives of all 18 regional patent information centres (PIZ) and the competent specialist areas of the DPMA took place in Berlin.

On two eventful days, there was an intense exchange with the PIZ to discuss current topics such as the developments concerning the European patent with unitary effect and support programmes for small and medium-sized enterprises. The focus was once again on the joint activities of the DPMA and the PIZ that aim to promote the IP awareness among industry, the public and the research and higher education sector. The direct contact we have with the PIZ within the scope of this long-standing and trusted partnership regularly results in many new and interesting options to enhance this exclusive cooperation in the future.

The venue of the conference in 2023 was a particular highlight: the Federal Ministry of Justice on Mohrenstraße in Berlin, a place where you can delve deep into the history of German architecture and of Germany itself. Furthermore, Katja Behr, the head of the section for patent law at the Federal Ministry of Justice, took the opportunity to have a face-to-face discussion with the attendees to inform about the current developments at the Federal Ministry of Justice that were relevant to the PIZ. To conclude the event, which was fruitful for all attendees, a group photograph with the Federal Minister of Justice, Dr Marco Buschmann, was taken.

Group photograph with the Federal Minister of Justice, Dr Marco Buschmann

DPMA User Advisory Council on Patents/Utility Models

Since 2019, the DPMA User Advisory Council on Patents/Utility Models has been our central advisory body for the formulation and discussion of user needs and for the ongoing development of procedural processes at the DPMA. Due to its representative character, it is an essential part of the systematic dialogue with our user groups.

In 2023, the 15 external members (which ensure a representation of all relevant customer groups of the DPMA) exchanged views with the Senior Management and the colleagues of the DPMA. The discussions mainly dealt with the topic of “patent and procedure quality”.

Ensuring patent quality is our top priority. For this reason, we have dealt in detail with a wide range of issues relating to streamlining patent procedures. Our applicants and our office have a common interest in high patent quality. The comprehensive consultations and the wide range of substantial contributions from the advisory councils made it clear that we have taken a major step towards our goal of placing user needs even more firmly at the centre of our strategic considerations.

The DPMA presented initial steps to improve the quality of procedures. In particular, the focus was on ways to improve searches for examiners. For example, the office has included a course on search strategies in the training programme for all examiners. Among other things, this involves the most effective possible use of various search tools, which are also based on artificial intelligence. In addition, the DPMA has integrated new features for search documentation into its central IT processing system for patent procedures. This will facilitate the work of examiners within the context of future proceedings. Other measures related to the quality and standardisation of first office actions.

The DPMA would like to thank all members and representatives for their great commitment and looks forward to further cooperation.

INTERVIEW

“Basic IP knowledge is best taught as early as in school”

Dr Carina Gerlach, Head of the Chemnitz Patent Information Centre, talks about her traditional location, support for inventors at universities, female role models — and the benefits of cooperating with the German Patent and Trade Mark Office.

Dr Carina Gerlach (second from right) and the team of the PIZ Chemnitz

The PIZ Chemnitz originates from one of the first German patent issuing centres. What does this long tradition mean to you?

Chemnitz has been closely associated with the German patent system almost since its inception. The city played certain role in the creation of the first German Patent Act. At the time, Chemnitz was a world-class industrial city in which numerous inventions were made that needed to be protected from imitators. In view of this long history of the patent system in Chemnitz, we are particularly proud to preserve this tradition here in Chemnitz and to offer our clients high-quality services to protect their intellectual property. The exciting and motivating thing about our daily work is gaining an insight into the innovative strength of the region and being available to inventors and founders as a partner and point of contact on the subject of IP rights.

How do you support your customers?

We raise awareness and provide information on IP protection, carry out patent and trade mark searches on behalf of our clients or support them with their own searches, hold seminars, arrange free initial consultations for inventors with local attorneys and act as a receiving centre for IP applications. We support independent inventors, founders, companies, research institutes, law firms and, of course, the employees of Chemnitz University of Technology as our supporting organisation. As staff of a PIZ, we keep ourselves up to date on current topics and on the needs of our customers through continuous further training and by making use of the programmes offered by the DPMA, the EPO and the PATONakademie, among others. We pass this knowledge on to our customers through consultations, training courses and by organising events. For example, we organise an annual series of lectures on current

topics to mark World IP Day, such as last year on the unitary patent or this year, at the request of customers in our region, on IP strategies for SMEs.

What topics will the PIZ be dealing with in the near future?

Following the closure of some German patent information centres in recent years, we as member of the PIZnet network are particularly concerned with maintaining and strengthening the patent information centres so that we can continue to guarantee a network of regional IP contacts and close any regional gaps that have arisen. In addition, many PIZs, especially those that work closely with universities, are concerned with the question of how the WIPANO funding can be continued for universities. A new edition of the funding programme for companies has been launched. However, comparable support for university inventions from the federal or state governments is still lacking across the board.

You are one of these PIZs. Are there any other special concerns? What concerns you in Chemnitz?

Yes, we would like to see a more intensive integration of knowledge about IP rights in university education, or even better in school lessons. This would lay the foundations for future inventors — whether they later work for companies, universities, research institutes, start-ups or as independent inventors.

Another topic we are working on in Chemnitz is intensifying support for scientists at our university in the utilisation of their IP rights. And we are already looking forward to 2025, when Chemnitz will be the European Capital of Culture and we will be able to host the PIZnet annual conference that year of all years. We want to use this opportunity to show our guests the innovative strength and inventor culture in Chemnitz and the region.

You have actively participated in the DPMA's "Women in IP" series. Why is the topic of „women and IP rights" so important to you?

I found this campaign to be very suitable to make both female inventors and female entrepreneurs even more visible, but also to showcase innovations from our region to the public. The DPMA has given these women a prominent stage not only to present their inventions and business ideas, but also to be a role model for young people and those interested in starting a business. I think you can never do enough both to raise awareness of IP protection and to use the opportunities to inspire women for STEM subjects.

How does the DPMA support you in your work?

As a cooperation partner, the DPMA is our most important partner. It is very valuable for us to advertise us as a patent information centre as well as our services and events via the various communication channels of the DPMA with their wide reach, such as the website, the newsletter and on social networks. In addition, the DPMA supports us in organising training courses with demand-oriented topics specifically for our PIZnet network and provides us with speakers for regional PIZ events — for example, on World IP Day.

How useful is the contractual membership of the PIZ network?

This is very valuable for us. By fulfilling the cooperation agreement with the DPMA, we are a recognised patent information centre. This means that we are also a member of the German PIZnet network, which creates enormous added value for our daily work through the now weekly exchange of expertise and experience and the long-standing, trusting cooperation. Furthermore, as a patent information centre in the European context, we are one of over 300 PATLIBs (PATent LIBrary) and can therefore take advantage of many other support services from the European Patent Office and exchange information with other European PATLIBs.

Chemnitz and the German patent system — closely linked for a long time

At the suggestion of Dr Werner von Siemens and the first mayor of Chemnitz and lawyer Heinrich Friedrich Wilhelm André, the first German patent protection association was founded. Siemens commissioned André, among others, to draw up a draft for a patent act. This resulted in the first German Patent Act (Reichspatentgesetz) in 1877. One year later, the first patents, starting with patent specification no. 1, were published in the library of the Technical State Teaching Institutes in Chemnitz, today's university library.

The Imperial Patent Office promised to send all future patents in order for them to be stored in the patent display centre and made accessible to everyone. This makes the Chemnitz Patent Information Centre one of the first German patent issuing offices.

The paper collection is still available at the Chemnitz site from the very first patent.

The outstanding importance of Chemnitz as a business location also became clear in the following years: 14 years after the German Patent Act had come into force, the number of patent applications from Chemnitz exceeded the national average by a factor of six.

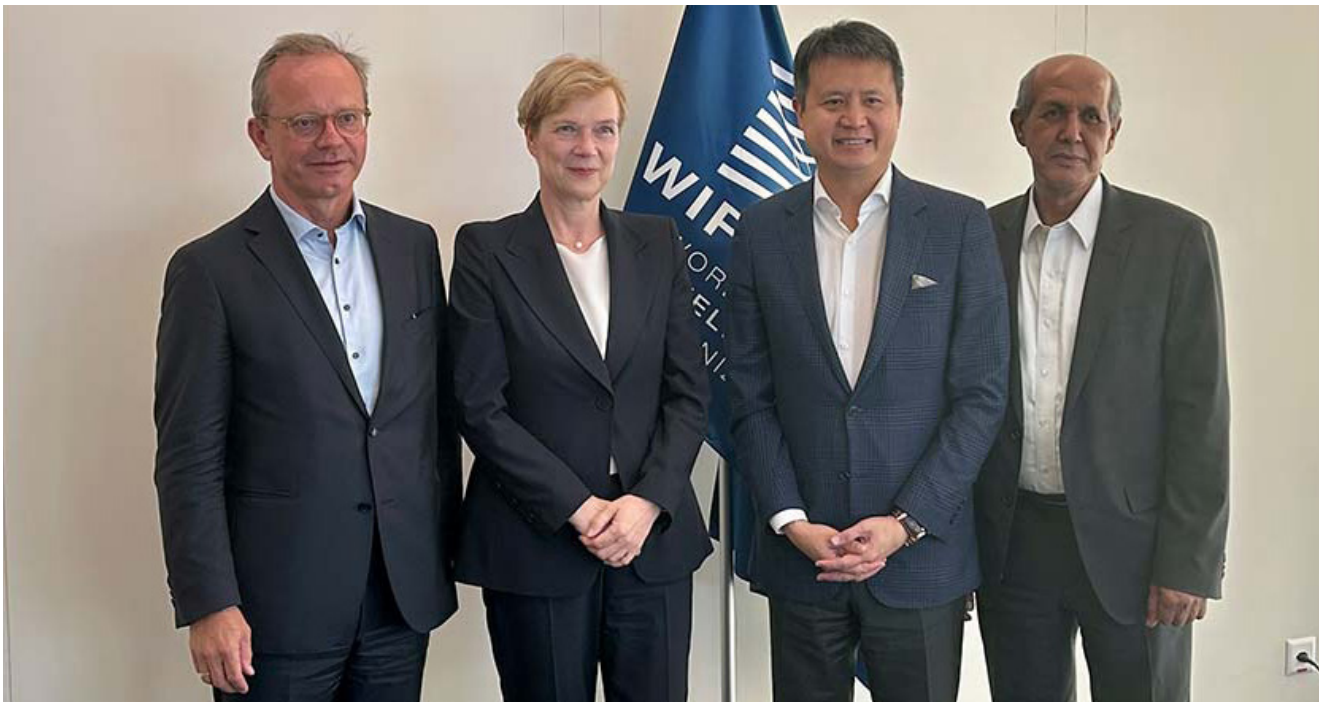
Further information on the history can be found on the website of the PIZ Chemnitz

International cooperation

In a world that is globally interconnected, cooperation with other national and international organisations is an essential part of the DPMA's work. The biggest national patent office in Europe and the fifth biggest national patent office in the world, we contribute substantially to developing the international IP rights systems by keeping up intense exchange, in particular with the other national and international offices and organisations. In addition to many other contacts and ongoing cooperation activities, the following high-level meetings took place last year:

General Assembly of the World Intellectual Property Organisation (WIPO) in Genf

During the General Assembly of the World Intellectual Property Organisation (WIPO), DPMA President Schewior had the opportunity to hold numerous bilateral talks with counterparts from all over the world.

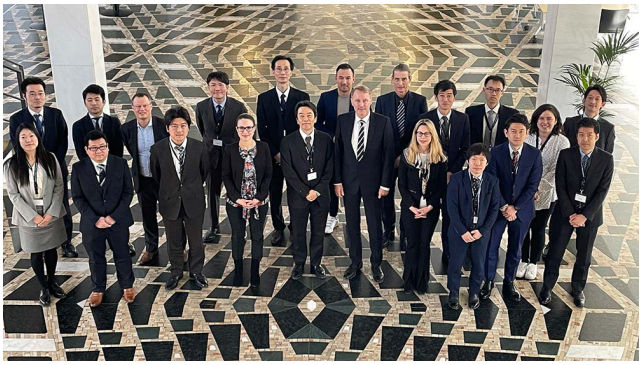


Reception in Geneva: Ms Schewior is welcomed by WIPO Director General Tang to the General Assembly.

Japanese industry representatives at the DPMA

There was particularly close cooperation with the Japan Patent Office (JPO) in the year under review. In bilateral meetings at working and management level, we were able to discuss important topics and developments and to further intensify our cooperation.

On 16 March, the DPMA welcomed a delegation of representatives of Japanese industry and the Japan External Trade Organisation (JETRO) in Munich. The delegation included representatives of renowned Japanese companies operating worldwide. Lectures were given followed by a round of discussions, in which the Japanese delegation exchanged views with DPMA experts on topics important to them, such as the duration of patent examination procedures and the European Unitary Patent.



The DPMA receives a delegation of representatives of Japanese industry and the Japan External Trade Organisation (JETRO)

Patent examiner exchange with the JPO

In spring, another patent examiner exchange programme took place in video format with the JPO. Three DPMA examiners and six JPO examiners took part in this programme. They successfully processed parallel applications from innovative fields of technology, such as image processing or hybrid vehicles. In the course of the virtual meeting, the progress of the examination procedures at both offices was discussed and analysed.

The successful patent examiner exchange, which has existed since 2000, is to be continued in the coming years.

DPMA President welcomes high-ranking delegation of the JPO in Munich

At the beginning of October, DPMA President Eva Schewior welcomed the JPO Commissioner Koichi Hamano and his delegation at the DPMA. Representatives of the Japanese Consulate General and JETRO also took part in the discussions, which focussed on further intensifying the exchange of views and experience between the two offices.

On the visit, the Japanese delegation was impressed by the DMPA's digital search programmes. The two offices intend to cooperate closely in this area in the future.

During the meeting, DPMA President Schewior and JPO Commissioner Hamano decided to also continue the patent examiner exchange by making mutual personal visits.

Koichi Hamano, Commissioner of the Japan Patent Office (JPO), and his delegation at the DPMA

WIPO Master Class on "Judicial Perspectives"

A highlight of the year was undoubtedly the organisation of the three-day WIPO Master Class at the DPMA. After the annual meeting had already taken place in Washington and Beijing, the DPMA in Munich, as the "European patent capital", hosted this top-class congress of the World Intellectual Property Organisation (WIPO) for the first time.

The event, which took place at the DPMAforum from 31 May to 2 June, was attended by international IP experts from different countries such as the United States, Australia, India and Brazil.

The main topic of the meeting was legal perspectives, which were discussed in numerous lectures and panel discussions. In the plenary session, there was a great need for discussing the new European patent with unitary effect introduced on 1 June.

In addition to the discussions at the DPMA, the participants also visited the Federal Patent Court in Munich.

Leading judges from all over the world meet for the WIPO Master Class at the DPMA

"Metaverse is not a legal vacuum" — Virtual G7 meeting on intellectual property

At the beginning of December, the heads of the patent offices of the leading industrialised nations (G7) met in a digital space, the metaverse. It was the first time that such a meeting took place in the metaverse, where participants and artificial characters (refer-

red to as avatars) can appear and interact with each other. Equipped with virtual reality glasses, the heads of the patent offices, the World Intellectual Property Organisation (WIPO) and a leading representative of the Federal Ministry of Justice (BMJ) were able to take part in the online conference led by the JPO.

Dealing with IP rights in the virtual world was one of the main topics of the meeting.

The consensus at the event was that joint efforts should be made at national and international level to enforce and protect IP rights and to take action against the infringement of IP rights that can also occur in the metaverse.

G7 meeting on intellectual property: „Metaverse is not an area outside the law“

Intellectual Property Office of Singapore (IPOS)

During a two-day meeting, visitors of the Intellectual Property Office of Singapore (IPOS) were provided with an overview of the organisation of the DPMA and of the working methods at the patent examination department. Moreover, they were given insight into the training of a patent examiner at the DPMA. This was illustrated by means of numerous presentations and a visit to a patent examiner‘s workplace, where the visitors were given a practical demonstration of the search and the procedures of patent examination in Germany.

Convergence of practice programme of the European Patent Office (EPO)

The convergence of practice programme launched by the EPO aims to bring together and standardise the different procedures in the European patent offices/EPO member states.

In 2023, the staff of the DPMA took part once more in meetings of the EPO‘s convergence of practice programme on the topics of “Allowable features in drawings” and “Issuing and accepting electronic priority documents”.

European Union Intellectual Property Office (EUIPO)

The EUIPO cooperates with the national IP offices of the EU Member States to provide converged registration procedures for trade marks and designs in Europe. DPMA experts are represented in working groups on Convergence Projects that aim to harmonise the examination practices of all trade mark offices in the EU. The project to develop a Common Practice on trade mark applications made in bad faith was completed last year and the result was published as a Common Practice at the beginning of 2024. The DPMA is currently involved in the working group on the similarity of goods and services. Other successful Convergence Projects in recent years have included topics such as

» new types of marks: examination of formal requirements and grounds for refusal
» use of a trade mark in a form differing from the one registered and
» criteria for assessing disclosure of designs on the internet

DPMA experts are also involved in the evaluation of previous Convergence Projects and the planning of new Convergence Projects as part of a convergence analysis.

The DPMA is involved in various search and classification tools, including

» the uniform classification database for goods and services, available at TMClass and
» search tools for trade marks and designs in the TMView and DesignView register databases

European cooperation also continues to focus in particular on supporting small and medium-sized enterprises in the effective use of IP rights. The DPMA is also involved in various projects in this area.

Inventor and innovation awards

Without inquisitiveness and richness of ideas, there would be no progress. Whether they relate to medical technology, ideas to fight climate change or adaptable industrial processes, innovations provide solutions to many challenges. Innovation awards recognise the creativity of the people behind these innovations. The German Patent and Trade Mark Office (DPMA) actively supports some renowned awards.

DPMA President Eva Schewior with prize winners 2023

Last year, DPMA President Eva Schewior and other senior executives of the DPMA were once again members of juries or boards of trustees. In addition, our patent examiners proposed outstanding innovations for recognition. In 2023, the DPMA was involved in the following awards:

Deutscher Zukunftspreis — the Federal President's Award for Technology and Innovation

www.deutscher-zukunftspreis.de/en

The Deutscher Zukunftspreis award is the badge for the inventive creativity and innovative capacity of Germany. Alongside the high level of innovation, the successful commercialisation and the creation of sustainable jobs are conditions for the nomination. This award comes with prize money of 250,000 euros and has been presented by the respective federal presidents in person since 1997.

The DPMA President is a member of the board of trustees, which determines the direction of selection decisions.

Moreover, the DPMA is entitled to submit promising proposals to the jury which will then be considered in the procedure selecting the nominations or prize winners.

The 27th Deutscher Zukunftspreis award was presented on 22 November 2023 by Federal President Frank-Walter Steinmeier to the team of Siemens Healthineers AG, which had been proposed by the DPMA, for the development of a new magnetic resonance imaging system.

DPMA President Eva Schewior congratulated the winners of the Deutscher Zukunftspreis award. "We are very pleased that the top-class jury of the Deutscher Zukunftspreis award followed our proposal," the DPMA President said. "The development of the magnetic resonance imaging system," she recognised the achievement of the award-winning team, "intelligently combines existing high technology with additional innovations, opening up new fields of applications. This will benefit people in rural regions and poor countries where precise diagnostics has so far not been possible because of the expense."

Compared to current magnetic resonance imaging systems, the innovation of Dr Stephan Biber and Dr David M Grodzki of Siemens Healthineers AG and Prof Michael Uder of Universitätsklinikum Erlangen offers several improvements: The patient bore has a width of 80 cm and is considerably more spacious, so even bariatric patients or patients with a tendency to claustrophobia can be treated with more comfort.

Thanks to the use of artificial intelligence, sharp images can be generated even at low field strengths. The weight of the devices and the amount of helium needed for cooling can thus also be reduced considerably. This means that, compared to current devices, using the MAGNETOM Free.Max makes imaging considerably more cost-efficient and much easier. As a consequence, MRI can also be offered in doctor's surgeries in rural areas with relatively few treatments or in countries where only limited funds are available for health care.

Antje Bulmann, Viktor Fetter and Tobias Horn of Airbus Operations GmbH presented their direct air capture (DAC) innovation. DAC technologies extract climate-damaging CO2 from the atmosphere. A large fan draws air over specially developed amine filters, thereby binding CO2 as a solid. The separated, pure CO2 can then be stored underground. Alternatively, it can be used in finishing processes, e.g. for the production of fuels or as a fuel additive or as a fertiliser in greenhouses.

Jens te Kaat, Bernd-Henning Feller and Dan-Adrian Moldovan of Kueppers Solutions GmbH presented their new recuperative burner from a 3D printer. This burner is not dependent on a specific fuel. The recuperation of waste heat from the emissions of energy-intensive industrial furnaces and incinerators is an effective method for saving energy. The waste heat is used by the recuperator integrated into the burner. 3D printing is used to customise the system of Kueppers Solution GmbH to the application of the respective customer, so existing systems can be retrofitted at any time. Compared to conventional burners, companies can achieve substantial additional energy savings.

In 2023, there were two impressive examples of how important innovations recognised with the Deutscher Zukunftspreis award can be:

» Katalin Karikó and Drew Weissman were awarded the Nobel Prize in Physiology or Medicine 2023 for their mRNA research. As early as 2008, at the University of Pennsylvania, they jointly succeeded in stabilising mRNA by replacing a nucleoside and making additional modifications. This is the basis for other research approaches to cancer treatment and for the successful use of mRNA for the first COVID-19 vaccine, developed essentially by the researcher couple Sahin/Türeci. The very quick and effective implementation of the COVID vaccine won Prof Katalin Karikó, together with Prof Uğur Şahin, Prof Özlem Türeci and Prof Christoph Huber, the 2021 Deutscher Zukunftspreis award.
» As early as 2000, Prof Karlheinz Brandenburg and his team of the Fraunhofer-Gesellschaft won the Deutscher Zukunftspreis award for the development of MP3 compression. In 2023, he was honoured by the Society of Motion Picture and Television Engineers (SMPTE) in Hollywood for his visionary work on the development of the MP3 technology. The recognition underscores the sustained impact of Prof Brandenburg's work on the media industry. "I have always enjoyed the combination of electronics and music. When the opportunity came, I was all for it," Prof Karlheinz Brandenburg stated with regard to this further recognition.

The DPMA is entitled to nominate projects for the Deutscher Zukunftspreis award to the jury: Please draw our attention to your projects! Proposals for nominations for the 2025 Deutscher Zukunftspreis award can be submitted at any time until the beginning of November 2024. For more information, visit our website.

European Inventor Award

www.epo.org

The European Inventor Award of the European Patent Office (EPO) recognises inventors from all over the world who translate their ideas into technological progress, economic growth or improvements to everyday life. In 2023, more than 600 candidates from 12 countries were proposed who were indicated as inventors in at least one European patent granted.

"The European Inventor Award once again shows the entire range of European innovative capacity," DPMA President Schewior said. "Special congratulations to all winners! Well done to the other finalists for their outstanding achievements too." In particular, she stressed the achievements of German inventors in the past years. "The large number of inventions recognised with the Award in the past years shows how substantially German inventors contribute to innovation in Europe and underscores the immense importance of Germany as a country of innovation." In the last 17 years, about 40 finalists and 17 winners of the European Inventor Award have had German roots.

The Finnish team of Pia Bergström, Annika Malm, Jukka Myllyoja, Jukka-Pekka Pasanen and Blanka Toukoniitty won the Award in the "Industry" category for the transformation of waste into renewable fuels. They convert wastes and residues such as animal fat waste and used cooking oil into high-quality renewable fuels. According to the company of the winners, their renewable diesel reduces greenhouse gas emissions by 75% to 95% compared to fossil diesel.

Chinese inventor Kai Wu and his team were able to reduce the fire and explosion risks of lithium-ion batteries in cars. They have developed a safety short circuit device (SSD) integrated into the battery. When triggered, this protection device stops the charging of the battery, thus eliminating the risks resulting from overcharging. The team received the Award in the Non-EPO Countries category.

The French team of Patricia de Rango, Daniel Fruchart, Albin Chaise, Michel Jehan and Nataliya Skryabina won the Award in the Research category and the Popular Prize for finding a safe and efficient way to store hydrogen. The atomic structure developed by the team and an innovative process open up a new possibility to increase the safety, sustainability and efficiency of hydrogen storage.

Irish physicists Rhona Togher and Eimear O'Carroll have invented a new, acoustic insulating material that helps avoid hearing damage caused by noise. Their adaptable material can be integrated into household appliances. There are also promising applications in the automotive, building and aerospace industries. The team was recognised in the small and medium-sized enterprises (SMEs) category.

Spanish chemist Avelino Corma Canós is a pioneer in synthetic catalysts. He was recognised in the Lifetime Achievement category. His great legacy is the Institute of Chemical Technology (ITQ, UPV-CSIC), which he co-founded and which advances chemical research in the following areas: energy, sustainability, health and water.

The Young Inventors Prize, created in 2022, recognises the initiative and creativity of young people. First place went to 22-year-old Kenyan inventor Richard Turere, a member of the Maasai tribe. His concern was to protect his family's livestock without endangering the local lion population. To address this issue, he developed Lion Lights™, a system that uses light sequences to deter predators from approaching livestock. The system has been successfully adopted in several African countries and in India and Latin America.

The prize winners in 2023

Thuringia Innovation Award

www.innovationspreis-thueringen.de (in German)

On 29 November 2023, the Thuringia Innovation Award 2023 was presented in Weimar by the Thuringian Minister for Economic Affairs, Science and Digital Society, Wolfgang Tiefensee, together with the Foundation for Technology, Innovation and Research of Thuringia (STIFT), TÜV Thüringen and the Ernst Abbe Foundation. The prize was awarded for the 26th time.

Five top innovations were recognised. Furthermore, special awards were given to an entrepreneur and a young enterprise. The Thuringian Ministry for Economic Affairs, Science and Digital Society provides the prize money amounting to a total of 100,000 euros, one of the highest for innovation awards in Germany. In addition, the Ernst Abbe Foundation provides the Special Award for Innovative Entrepreneurship and FUNKE Medien Thüringen provides the Special Award for Young Enterprises, which comes with prize money of 10,000 euros.

The award-winning inventions and innovations reflect the great innovative capacity of Thuringia and the traditional strengths of Thuringian companies, especially precision, lighting technology and health care. It is pleasing that the successful innovative activity is not limited to the well-established major companies, but that SMEs also put excellent innovations on the market. With 22 patent applications per 100,000 population last year, Thuringia kept its top position among the Central and Eastern German Länder. Even in the national ranking, Thuringia was 5th, a remarkable position.

Markus Ortlieb, head of the Jena sub-office, once again represented the DPMA in the 18-member jury, particularly clarifying questions relating to the state of the art and IP rights concerning the 50 submissions across all categories. The criteria for the jury's decision to grant the award include the degree of innovation, ent-

repreneurial achievement, functionality, practical value and commercial success. Furthermore, the competition entries must have been launched or be about to be launched on the market. Another requirement is that the development and production of the submitted innovation have predominantly taken place in Thuringia.

The winners of the individual categories can be found on the website of the Thuringia Innovation Award.

The prize winners in 2023

Jugend forscht

www.jugend-forscht.de

A youth contest, Jugend forscht is a unique network to foster talent in STEM subjects. Its track record is excellent. At the national finals in Bremen in mid-May 2023, there were 173 young scientists aged 12 to 21 to present 108 innovative research projects to an expert jury and the public and, of course, to win one of the coveted prizes.

Charlotte Klar and Katharina Austermann are two of these young scientists. They addressed the physical phenomenon that pyrolytic graphite can float above magnets arranged like a chessboard, investigating the effect of adding cold or heat on floating. After several experimental trials, they were able to prove that the force of repulsion increased as the graphite cooled down, thereby proving the temperature dependence of the magnetic characteristics.

They were awarded the Federal Chancellor's Special Award for the Most Original Entry.

Inspired by his rescue service activity, Bastian Auer also did successful research, developing a comfortable electrocardiogram (ECG) system that uses only four instead of ten electrodes in an acute emergency situation. Neural networks reconstruct the lacking signals of the six electrodes that would be difficult to place to do a complete ECG for the detection of cardiac arrythmia. In recognition of this outstanding work, the expert jury presented him with the Federal President's Award.

Charlotte Klar and Katharina Austermann, winners of the Federal Chancellor's Special Award for the Most Original Entry, with Bettina Stark-Watzinger, Federal Minister of Education and Research

Moreover, it is remarkable that this 58th Jugend forscht contest saw a record proportion of girls. For the first time in the history of Germany's best-known youth contest, the national proportion of submissions by girls was above 41 % (41.1 % to be precise). Keep it up, girls!

We wish all prize winners continued success in the future!

EVENTS/OUTLOOK

WHAT WAS PARTICULARLY IMPORTANT TO US

Press releases 2023

DPMA President Eva Schewior, Federal Minister of Justice Dr Marco Buschmann and the outgoing DPMA President Cornelia Rudloff-Schäffer

» 30 January 2023
Handover of office at the DPMA: Cornelia Rudloff-Schäffer is succeeded by Eva Schewior

» 09 March 2023
Patent grants at a record level again

» 27 March 2023
Considerable increase in innovations in battery technology

» 25 April 2023
More and more women inventors in Germany

» 09 May 2023
European Inventor Award 2023: DPMA President congratulates LiFi pioneer Harald Haas on being selected as a finalist

» 10 July 2023
President of the German Patent and Trade Mark Office meets with heads of offices at the margins of the WIPO Assemblies

» 24 July2023
A “stroke of luck” for the Federal Ministry of Justice and the DPMA

» 26 July 2023
Connecting with the innovative industry: kick-off for the exchange format DPMAimpuls

» 10 August 2023
How to benefit from patents, trade marks and other IP rights: Free consultations for SMEs, start-ups and founder teams

» 29 August 2023
Exhibition: “We protect innovations — 25 years of the DPMA in Jena”

» 29 August 2023
25 years in Jena: DPMA keeps expanding patent examination in the city of innovation

Dr Angelika Schlunck, State Secretary at the Federal Ministry of Justice, with Ulrich Deffaa and DPMA President Eva Schewior

Kick-off for the exchange format DPMAimpuls

» 13 September 2023
2023 Deutscher Zukunftspreis award: Highly advanced medical technology and technologies for climate protection
» 21 September 2023
“German Patent and Trade Mark Office counts on Jena”
» 27 September 2023
Germany ranks 8th in World Intellectual Property Organization‘s list of most innovative states — DPMA President: innovation system is stable, productive and efficient, yet there are risks due to digitisation deficit
» 26 October 2023
Independent inventors in Germany: Where do they come from and what do they file patent applications for?
» 28 November 2023
“The quality of patent examination is top priority”
» 01 December 2023
Dr Maria Skottke-Klein is new Vice-President of the DPMA
» 15 December 2023
G7 meeting on intellectual property: “Metaverse is not an area outside the law”

You can find out which topics, events and anniversaries have been on our agenda in 2023 on our website.

A glance at 2024

New office building in the Werksviertel district

The DPMA will move into a new office building in Munich, probably in late 2024/early 2025. The building is located on Anzinger Straße near the Ostbahnhof railway station. In addition to our main building on Zweibrückenstraße, we will thus establish a second large office in Munich and leave the other offices in Munich.

„Work still in progress“. Patent drawings will adorn the walls of the entrance lobby.

Directorate General 1 (Patents and Utility Models) will move into the building. This means that staff from patent examination and patent administration will share a place for work and encounter in Munich. The new building will also offer hearing rooms, library services and a hall, e.g. for events of Directorate General 1 such as qualifying examinations for patent attorneys. We look forward to our new office in the agile and innovative Werksviertel, a growing and constantly changing district of Munich!

Quality assurance measures in the examination procedure

The quality of the products and services is an important reason for the great trust applicants have in the DPMA. Consequently, the quality of patent examination is our main priority; at the same time, we focus on the intensive technical and substantive examination — without too many formalities. In view of this, we have introduced several quality assurance measures in the examination procedure, effective immediately. To improve the quality and consistency of first office actions, we had previously prepared a template that is now regularly used as a basis for the review of first office actions. Furthermore, we have developed a new training course relating to search strategies that uses AI to teach how to use certain search tools in the most effective possible way, and we have integrated new functions to document searches in the electronic IP case file.

To identify and define options for additional future improvements, we aim to conduct customer surveys on the satisfaction with first office actions.

Cooperation with Technische Hochschule Ingolstadt

Industry, technology, teaching and intellectual property (IP) become more and more interconnected: For a short time, Technische Hochschule Ingolstadt (THI) has offered the master’s course Patent Engineering (M.Sc.), the only one of its kind in Germany. The special thing about that programme is the combination of technical contents and IP knowledge — a novelty in Germany’s higher education landscape.

The DPMA appreciates and promotes this development. Within the scope of a cooperation agreement with the THI, the DPMA provides the THI with information or guest contributions of its staff and intensely promotes the comprehensive IP offering of the THI, e.g. the Ingolstadt Patent Day or the regularly held Ingolstadt Patent Talks, on its social media channels.

In this way, we make an important contribution to raising awareness of IP already at higher education establishments and universities. Information about what else we do for educational establishments can be found here (in German). Feel free to contact us!

OVERVIEW

DPMA Trade fair calendar 2024

DPMA Trade fair calendar 2024

Date	Trade fair	Venue	Info
January			
12 to 14 January 2024	opti	Munich	Mobile IP experts
26 to 30 January 2024	Ambiente	Frankfurt	Booth
February			
19 to 23 February 2024	R+T	Stuttgart	Mobile IP experts
March			
19 to 21 March 2024	LogiMAT	Stuttgart	Mobile IP experts
May			
13 to 17 May 2024	IFAT	Munich	Mobile IP experts
June			
5 to 7 June 2024	PATINFO	Ilmenau	Booth
19 to 21 June 2024	Power2Drive Europe	Munich	Mobile IP experts
19 to 21 June 2024	Intersolar Europe	Munich	Mobile IP experts
19 to 21 June 2024	EM Europe	Munich	Mobile IP experts
19 to 21 June 2024	ees Europe	Munich	Mobile IP experts
October			
15 to 17 October 2024	eMove360	Munich	Mobile IP experts
26 to 28 October 2024	iENA	Nuremberg	Booth
November			
12 to 15 November 2024	electronica	Munich	Mobile IP experts
December			
3 to 5 December 2024	ISPO	Munich	Mobile IP experts

An up-to-date version of our trade fair and event calendar is available on our website.

Statistics

To generate the statistical data, we use the dynamic statistics system DPMAstatistik. Due to this dynamic, the values can change over time, for example, when a legal status change has a retrospective effect. For this reason, the values depend on the respective date of retrieval.

More detailed statistics are available in the March edition of the gazette Blatt für Patent-, Muster- und Zeichenwesen (Blatt für PMZ), published by Carl Heymanns Verlag.

Funded by the European Union
NextGenerationEU

The DPMA has received funding from the European Union's NextGenerationEU programme to improve the technical infrastructure and the data basis of the in-house statistical system.

PATENT APPLICATIONS AND PATENTS

- 1.1 National patent applications at the DPMA and international patent applications effective in Germany
- 1.2 Patent applications before entry into the examination procedure
- 1.3 Patent applications in the examination procedure
- 1.4 Patents in force (granted by the DPMA)
- 1.5 Opposition proceedings
- 1.6 Percentage of patent applications where the applicant is identical with the inventor, broken down by residence or principal place of business of the applicant
- 1.7 Breakdown of domestic patent applicants by filing activity
- 1.8 Patent applications by country of origin
- 1.9 Patent applications (applications at DPMA and PCT applications in the national phase) by German Länder (residence or principal place of business of the applicant)
- 1.10 Patent applications, shares and applications per 100,000 inhabitants by German Länder
- 1.11 Leading fields of technology in the individual German Länder in 2023
- 1.12 Patent applications filed by universities by German Länder
- 1.13 Patent applications by technology fields with the largest number of applications in 2023
- 1.14 Companies and institutions with the highest numbers of patent applications in 2023

1.1 National patent applications at the DPMA and international patent applications effective in Germany

Year	National applications[1]			PCT applications in the national phase			Applications		
	Domestic[2]	Foreign[2]	Total	Domestic[2]	Foreign[2]	Total	Domestic[2]	Foreign[2]	Total
2019	45,530	14,392	59,922	1,101	6,406	7,507	46,631	20,798	67,429
2020	41,098	13,487	54,585	1,171	6,354	7,525	42,269	19,841	62,110
2021	38,986	12,689	51,675	843	6,057	6,900	39,829	18,746	58,575
2022	36,517	13,690	50,207	687	6,318	7,005	37,204	20,008	57,212
2023	37,732	13,481	51,213	737	6,706	7,443	38,469	20,187	58,656

[1] Applications for a German patent filed with the DPMA. / [2] Residence or principal place of business of the applicant..

1.2 Patent applications before entry into the examination procedure

Year	Total applications received[1]	Procedures concluded before filing of examination request[2]	Patent applications pending at the end of the year	
			Total	Applications for which formal examination has been concluded
2019	60,012	20,799	150,728	144,447
2020	54,710	20,891	149,039	143,201
2021	51,768	21,412	143,796	138,745
2022	50,292	18,404	140,121	134,450
2023	51,307	16,775	137,982	132,128

[1] New applications and cases referred back by the Federal Patent Court, allowed appeals, reinstatements.

[2] Withdrawals, non-payment of application or annual renewal fees, examination request not filed and refusals.

1.3 Patent applications in the examination procedure

Year	Examination requests received		Examination procedures concluded	Patent grants published
	Total	Examination requests received along with application		
2019	47,347	26,003	40,188	18,255
2020	43,352	23,392	41,766	17,305
2021	43,351	22,693	48,508	21,113
2022	43,466	22,681	45,513	23,591
2023	44,489	23,977	42,634	22,363

1.4 Patents in force (granted by the DPMA)

Year	Patents entered into force	Patents no longer in force	Patents in force at the end of the year
2019	18,299	15,745	132,014
2020	17,336	17,004	132,333
2021	21,145	18,733	134,732
2022	23,622	15,676	142,671
2023	22,383	16,675	148,359

1.5 Opposition proceedings

Year	Oppo-sitions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year[2]
		Total[1]	Patent revoked	Patent maintained or patent maintained in amended form	
2019	294	415	141	223	1,183
2020	259	304	102	148	1,139
2021	252	249	80	117	1,141
2022	230	307	93	162	1,064
2023	276	288	89	157	1,054

[1] *Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form.*

[2] *Including a substantial part of the proceedings pending before the Federal Patent Court.*

1.6 Percentage of patent applications where the applicant is identical with the inventor, broken down by residence or principal place of business of the applicant

Origin	2019	2020	2021	2022	2023
National	6.4	7.2	6.9	5.9	5.2
Foreign	1.4	1.7	1.7	1.5	1.2
Total	**5.1**	**5.8**	**5.6**	**4.7**	**4.1**

1.7 Breakdown of domestic patent applicants by filing activity (%)

Percentage of applicants having filed	2019	2020	2021	2022	2023
one application	64.8	66.9	66.7	65.3	63.4
2 to 10 applications	30.4	28.9	28.8	29.6	31.4
11 to 100 applications	4.2	3.8	4.0	4.5	4.5
more then 100 applications	0.5	0.4	0.5	0.7	0.6
Total	**100**	**100**	**100**	**100**	**100**

Percentage of applications by appplicants having filed	2019	2020	2021	2022	2023
one application	11.3	13.2	12.7	11.2	10.0
2 to 10 applications	17.9	18.9	18.3	17.6	17.0
11 to 100 applications	21.5	21.3	19.7	21.1	20.9
more then 100 applications	49.4	46.7	49.3	50.2	52.1
Total	100	100	100	100	100

1.8 Patent applications by country of origin (residence or principal place of business of the applicant, applications at the DPMA and PCT applications in the national phase)

Country	2019	2020	2021	2022	2023
Germany	46,631	42,269	39,829	37,204	38,469
United States	6,207	5,880	5,893	6,850	6,694
Japan	7,957	7,248	6,130	6,339	6,402
Republic of Korea	1,262	1,617	1,558	1,636	1,421
Switzerland	809	777	867	863	997
China	449	499	568	702	928
Austria	713	765	782	867	878
Taiwan	737	933	753	497	558
Sweden	380	321	320	360	319
France	460	303	400	428	315
Other	1,824	1,498	1,475	1,466	1,675
Total	**67,429**	**62,110**	**58,575**	**57,212**	**58,656**

1.9 Patent applications (applications at DPMA and PCT applications in the national phase) broken down by German Land (residence or principal place of business of the applicant)

German Länder	2019	2020	2021	2022	2023
Baden-Württemberg	15,239	13,686	13,573	13,444	14,648
Bavaria	14,034	12,702	11,879	10,549	10,805
Berlin	677	675	526	484	476
Brandenburg	297	295	257	229	195
Bremen	142	121	102	104	109
Hamburg	762	622	463	377	401
Hesse	1,542	1,568	1,479	1,202	1,089
Mecklenburg-Western Pomerania	89	107	98	177	122
Lower Saxony	3,852	3,233	2,985	2,792	2,825
North Rhine-Westphalia	7,019	6,398	5,675	5,293	5,527
Rhineland-Palatinate	834	781	856	805	605
Saarland	215	192	178	137	98
Saxony	668	642	604	592	544
Saxony-Anhalt	194	159	154	122	140
Schleswig-Holstein	469	481	475	426	383
Thuringia	598	607	525	471	502
Germany	**46,631**	**42,269**	**39,829**	**37,204**	**38,469**

1.10 Patent applications, shares and applications per 100,000 inhabitants by German Länder

German Länder	2022			2023			Change from 2022 to 2023 (%)
	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	
Baden-Württemberg	13,444	36.1	119	14,648	38.1	130	+9.0
Bavaria	10,549	28.4	79	10,805	28.1	81	+2.4
North Rhine-Westphalia	5,293	14.2	29	5,527	14.4	30	+4.4
Lower Saxony	2,792	7.5	34	2,825	7.3	35	+1.2
Hesse	1,202	3.2	19	1,089	2.8	17	-9.4
Rhineland-Palatinate	805	2.2	19	605	1.6	15	-24.8
Saxony	592	1.6	14	544	1.4	13	-8.1
Thuringia	471	1.3	22	502	1.3	24	+6.6
Berlin	484	1.3	13	476	1.2	13	-1.7
Hamburg	377	1.0	20	401	1.0	21	+6.4
Schleswig-Holstein	426	1.1	14	383	1.0	13	-10.1
Brandenburg	229	0.6	9	195	0.5	8	-14.8
Saxony-Anhalt	122	0.3	6	140	0.4	6	+14.8
Mecklenburg-Western Pomerania	177	0.5	11	122	0.3	7	-31.1
Bremen	104	0.3	15	109	0.3	16	+4.8
Saarland	137	0.4	14	98	0.3	10	-28.5
Germany	**37,204**	**100**	**44**	**38,469**	**100**	**46**	**+3.4**

1.11 Leading fields of technology[1] in the individual German Länder in 2023

German Länder	Nr.	Fields of technology	Patent applications	Change from 2022 to 2023 (%)
Baden-Württemberg	32	Transport	3,264	+19.0
	1	Electrical machinery, apparatus, energy	2,272	+18.1
	10	Measurement	1,327	+4.2
Bavaria	32	Transport	2,313	+0.9
	1	Electrical machinery, apparatus, energy	1,750	+13.2
	31	Mechanical elements	728	-20.8
Berlin	32	Transport	54	+17.4
	6	Computer technology	37	+19.4
	13	Medical technology	34	+3.0
Brandenburg	1	Electrical machinery, apparatus, energy	24	-53.8
	32	Transport	24	+26.3
	27	Engines, pumps, turbines	15	-50.0
Bremen	10	Measurement	20	+33.3
	1	Electrical machinery, apparatus, energy	19	-13.6
	32	Transport	17	-15.0
Hamburg	13	Medical technology	64	+10.3
	25	Handling	59	-18.1
	14	Organic fine chemistry	38	+40.7
Hesse	13	Medical technology	91	+31.9
	31	Mechanical elements	89	-27.6
	10	Measurement	86	-13.1
Mecklenburg-Western Pomerania	33	Furniture, games	12	+100.0
	32	Transport	11	-66.7
	34	Other consumer goods	10	+100.0
Lower Saxony	32	Transport	832	+1.1
	29	Other special machines	253	+0.8
	1	Electrical machinery, apparatus, energy	233	-24.6
North Rhine-Westphalia	1	Electrical machinery, apparatus, energy	640	-3.5
	35	Civil engineering	493	+1.6
	10	Measurement	434	+31.1
Rhineland-Palatinate	1	Electrical machinery, apparatus, energy	64	+25.5
	35	Civil engineering	64	+36.2
	31	Mechanical elements	57	-8.1
Saarland	31	Mechanical elements	15	-31.8
	23	Chemical engineering	13	-7.1
	1	Electrical machinery, apparatus, energy	10	+25.0
Saxony	1	Electrical machinery, apparatus, energy	69	-19.8
	10	Measurement	54	+28.6
	6	Computer technology	36	+12.5
Saxony-Anhalt	1	Electrical machinery, apparatus, energy	18	+12.5
	8	Semiconductors	17	+88.9
	13	Medical technology	12	+50.0
Schleswig-Holstein	10	Measurement	45	+25.0
	13	Medical technology	39	-20.4
	19	Basic materials chemistry	26	-29.7
Thuringia	13	Medical technology	94	+6.8
	9	Optics	82	+17.1
	1	Electrical machinery, apparatus, energy	61	+69.4

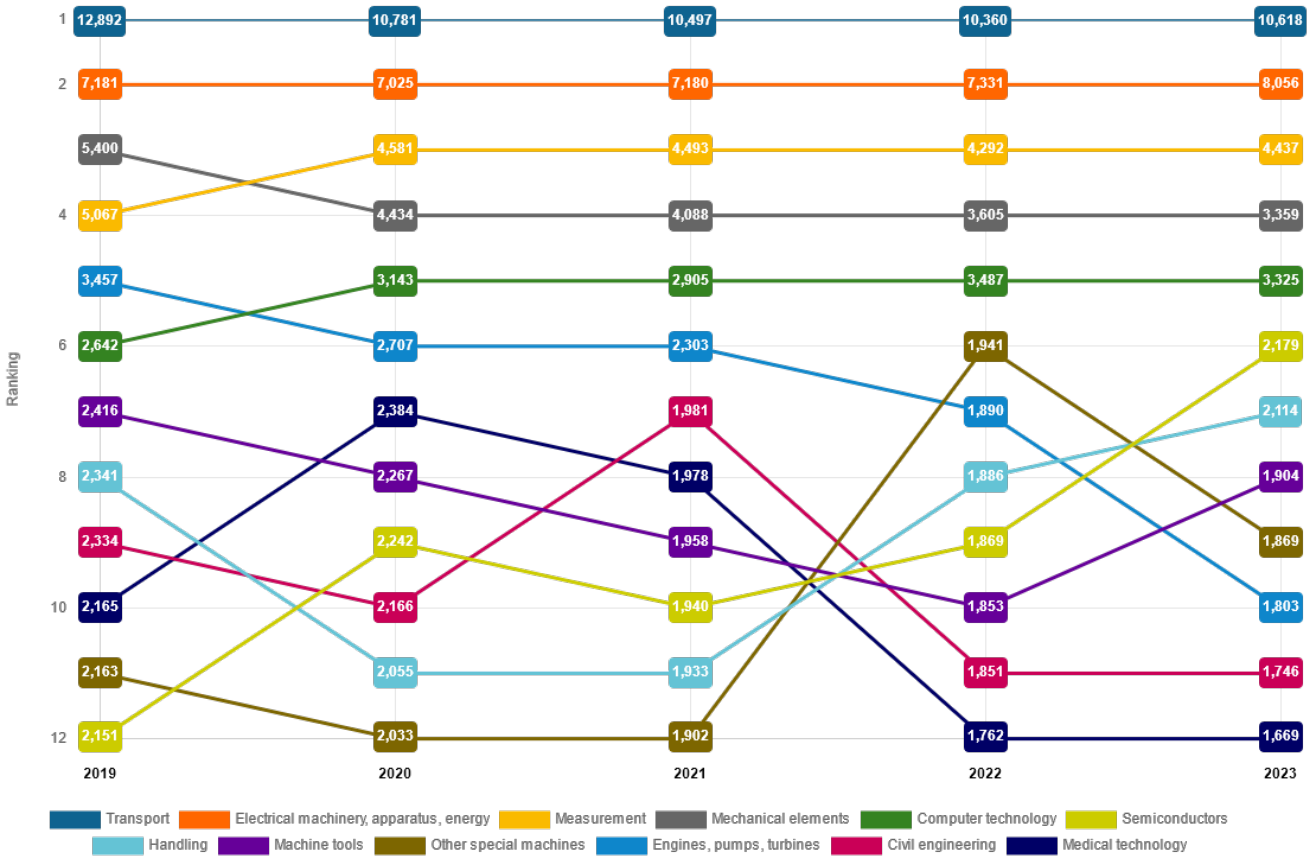
[1] *According to the WIPO IPC-Technology Concordance Table: www.wipo.int/ipstats/en/index.html#resources.*

1.12 Patent applications filed by universities by German Länder

German Länder	2019	2020	2021	2022	2023
Baden-Württemberg	72	66	72	49	39
Bavaria	61	59	44	58	41
Berlin	22	16	12	15	9
Brandenburg	13	14	15	12	5
Bremen	12	12	8	12	3
Hamburg	15	17	16	7	8
Hesse	42	45	44	22	32
Mecklenburg-Western Pomerania	14	19	20	11	8
Lower Saxony	45	43	29	29	26
North Rhine-Westphalia	141	131	131	114	111
Rhineland-Palatinate	11	10	15	13	13
Saarland	13	5	7	2	1
Saxony	120	118	109	105	93
Saxony-Anhalt	26	27	26	10	16
Schleswig-Holstein	19	22	17	15	20
Thuringia	30	26	24	28	26
Germany[1]	**655**	**629**	**587**	**502**	**449**

[1] *Due to rounding differences the sum of the figures may differ from the figure for Germany.*

1.13 Patent applications by technology fields[1] with the largest number of applications in 2023



[1] *According to the WIPO IPC-Technology Concordance Table: www.wipo.int/ipstats/en/index.html#resources.*

1.14 Companies and institutions with the highest numbers of patent applications in 2023 (applications at DPMA and PCT applications in the national phase)

Rank	Applicant[1]	Principal place of business		Applications
1	Robert Bosch GmbH	DE		4,160
2	Mercedes-Benz Group AG	DE		2,046
3	Bayerische Motoren Werke AG	DE		1,963
4	GM Global Technology Operations LLC		US	1,640
5	ZF Friedrichshafen AG	DE		1,309
6	Ford Global Technologies, LLC		US	1,175
7	Schaeffler Technologies AG & Co. KG	DE		1,040
8	VOLKSWAGEN AG	DE		1,031
9	Dr. Ing. h.c. F. Porsche AG	DE		913
10	AUDI AG	DE		865
11	Mitsubishi Electric Corporation		JP	686
12	FANUC Corporation		JP	507
13	Carl Zeiss SMT GmbH	DE		420
14	International Business Machines Corporation		US	388
15	Continental Automotive GmbH	DE		372
16	Infineon Technologies AG	DE		363
17	Miele & Cie. KG	DE		356
18	ams-OSRAM International GmbH	DE		321
19	BSH Hausgeräte GmbH	DE		310
19	NVIDIA Corporation		US	310
21	Toyota Jidosha K.K.		JP	309
22	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		286
23	Hitachi Astemo, Ltd.		JP	267
24	Taiwan Semiconductor Manufacturing Co., Ltd.		TW	264
25	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e. V.	DE		263
26	Continental Reifen Deutschland GmbH	DE		262
27	DENSO Corporation		JP	249
28	Intel Corporation		US	244
29	MAHLE International GmbH	DE		241
30	Hyundai Motor Company		KR	221
31	Siemens Healthcare GmbH	DE		218
32	Kia Corporation		KR	217
33	Valeo Schalter und Sensoren GmbH	DE		216
34	KRONES AG	DE		215
35	SEW-EURODRIVE GmbH & Co KG	DE		210
36	LG Display Co. Ltd.		KR	209
37	Daimler Truck AG	DE		206
38	Siemens AG	DE		203
39	Siemens Mobility GmbH	DE		190
40	Deere & Company		US	188
41	HELLA GmbH & Co. KGaA	DE		181
42	CARIAD SE	DE		179
43	Shimano Inc.		JP	172
44	Apple Inc.		US	171
44	ROHM Co., Ltd.		JP	171
46	Voith Patent GmbH	DE		170
47	Henkel AG & Co. KGaA	DE		167
48	Vitesco Technologies GmbH	DE		163
49	Phoenix Contact GmbH & Co. KG	DE		156
50	Aktiebolaget SKF		SE	150
50	ZF CV Systems Global GmbH		CH	150

[1] *Proportional counting in the case of several applicants; without taking into account any business intra-group affiliations.*

UTILITY MODELS AND TOPOGRAPHIES

2.1 Utility models (applications at DPMA and PCT applications in the national phase)

Year	Filings				Procedures concluded		
	New applications	Domestic applications	Other[1]	Total	By registration	Without registration	Total
2019	11,667	8,435	14	11,681	10,295	1,540	11,835
2020	12,313	8,894	15	12,328	10,736	1,496	12,232
2021	10,575	7,028	16	10,591	9,972	1,364	11,336
2022	9,470	5,524	14	9,484	8,765	1,083	9,848
2023	9,709	5,509	9	9,718	8,325	996	9,321

Year	Pending registration procedures at the end of the year	Utility models in force at the end of the year	Renewals	Lapsed utility models
2019	3,817	76,905	18,953	12,682
2020	3,913	74,869	18,308	12,805
2021	3,165	72,738	18,178	12,129
2022	2,794	70,254	17,632	11,272
2023	3,189	67,016	16,817	11,590

[1] *Cases referred back by the Federal Patent Court, allowed appeals, reinstatements.*

2.2 Topographies under the Semiconductor Protection Act (*Halbleiterschutzgesetz*)

Year	New applications received	Procedures concluded			Pending applications at the end of the year	Lapsed due to expiry	Registrations in force at the end of the year
		By registration	Without registration	Total			
2019	0	0	0	0	0	2	21
2020	0	0	0	0	0	1	20
2021	3	1	2	3	0	1	20
2022	2	1	0	1	1	2	19
2023	1	1	0	1	1	8	12

2.3 Utility model applications (applications at DPMA and PCT applications in the national phase) by German *Länder*

German Länder	2019	2020	2021	2022	2023
Baden-Württemberg	1,580	1,578	1,292	1,092	1,003
Bavaria	1,902	2,019	1,535	1,205	1,254
Berlin	342	343	254	189	199
Brandenburg	164	106	97	62	69
Bremen	34	46	32	28	24
Hamburg	140	154	128	97	90
Hesse	479	615	493	330	376
Mecklenburg-Western Pomerania	43	61	55	37	61
Lower Saxony	563	596	541	419	344
North Rhine-Westphalia	2,174	2,250	1,699	1,399	1,468
Rhineland-Palatinate	352	352	283	208	198
Saarland	49	68	49	26	29
Saxony	222	286	198	150	155
Saxony-Anhalt	98	109	69	60	59
Schleswig-Holstein	167	180	175	136	106
Thuringia	126	131	128	86	74
Germany	**8,435**	**8,894**	**7,028**	**5,524**	**5,509**

2.4 Utility model applications, shares and applications per 100,000 inhabitants by German *Länder* (residence or principal place of business of the applicant)

	2022			2023			
German Länder	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	Change from 2022 to 2023 (%)
North Rhine-Westphalia	1,399	25.3	8	1,468	26.6	8	+4.9
Bavaria	1,205	21.8	9	1,254	22.8	9	+4.1
Baden-Württemberg	1,092	19.8	10	1,003	18.2	9	-8.2
Hesse	330	6.0	5	376	6.8	6	+13.9
Lower Saxony	419	7.6	5	344	6.2	4	-17.9
Berlin	189	3.4	5	199	3.6	5	+5.3
Rhineland-Palatinate	208	3.8	5	198	3.6	5	-4.8
Saxony	150	2.7	4	155	2.8	4	+3.3
Schleswig-Holstein	136	2.5	5	106	1.9	4	-22.1
Hamburg	97	1.8	5	90	1.6	5	-7.2
Thuringia	86	1.6	4	74	1.3	3	-14.0
Brandenburg	62	1.1	2	69	1.3	3	+11.3
Mecklenburg-Western Pomerania	37	0.7	2	61	1.1	4	+64.9
Saxony-Anhalt	60	1.1	3	59	1.1	3	-1.7
Saarland	26	0.5	3	29	0.5	3	+11.5
Bremen	28	0.5	4	24	0.4	4	-14.3
Germany	**5,524**	**100**	**7**	**5,509**	**100**	**7**	**-0.3**

NATIONAL TRADE MARKS

3.1 Applications and registrations

Year	Filings					Registration pursuant to section 41 Trade Mark Act (Markengesetz)
	New applications			After being concluded by the Federal Patent Court	Total	
	Total	Domestic applications	Proportion of services (%)[1]			
2019	73,627	68,252	46.1	396	74,023	55,034
2020	84,623	78,713	44.8	336	84,959	60,444
2021	87,649	81,816	44.0	282	87,931	68,632
2022	73,312	68,192	44.3	284	73,596	53,631
2023	75,260	69,595	42.6	253	75,513	48,665

[1] *Proportion of claimed service classes in all claimed classes in national trade mark applications, as a trade mark application may be assigned to several classes.*

3.2 Opposition proceedings

Year	Oppositions received			Opposition proceedings concluded		
	Trade marks challenged by oppositions	Number of oppositions	Number of opposing signs	Without affecting the trade mark	Cancellation in full or in part	Procedure obsolete[1]
2019	2,994	3,289	5,195	1,909	438	636
2020	2,842	3,063	4,816	1,893	521	662
2021	3,305	3,565	5,699	1,784	428	680
2022	2,764	2,982	4,955	1,750	530	638
2023	2,161	2,294	3,833	1,738	590	548

[1] *(Partial) cancellations in particular due to the surrender of the proprietor.*

3.3 Cancellations, renewals, trade marks in force

Year	Cancellations as well as other disposals	Renewals	Trade marks in force at the end of the year
2019	40,312	39,834	830,465
2020	45,181	39,491	845,707
2021	45,818	35,945	868,512
2022	41,521	34,369	880,608
2023	40,535	34,296	888,713

3.4 Procedures for the international registration of marks

Year	Applications for international registration of trade marks originating from Germany			
		Procedures concluded		
	Applications received	Applications transmitted to WIPO [1]	Applications withdrawn or refused	Cases pending at the end of the year
2019	4,638	4,651	116	271
2020	4,415	4,255	137	294
2021	4,958	4,779	125	351
2022	4,385	4,386	120	230
2023	3.612	3.529	105	209

Year	Extension of protection of international registrations of marks originating from Madrid Union countries to Germany						
		Procedures concluded				Requests received	
	Requests received [2]	Full grant of protection	Grant of protection in part	Refusal, surrender or cancellation in the International Register	Cases pending at the end of the year	Oppositions	Appeals
2019	5,196	4,069	355	701	3,330	215	14
2020	4,819	3,583	336	772	3,456	172	23
2021	4,686	2,969	371	1,222	3,577	171	26
2022	4,118	3,559	287	712	3,134	145	34
2023	3,435	3,274	262	728	2,305	115	23

[1] *Not including requests for the extension of protection under Art. 3ter(2) Madrid Agreement; 68 requests for the extension of protection were received in 2023, and 65 requests were transmitted to the World Intellectual Property Organization (WIPO).*

[2] *Not including other requests and not including renewals.*

3.5 National trade mark applications by German *Länder* (residence or principal place of business of the applicant)

German Länder	2019	2020	2021	2022	2023
Baden-Württemberg	8,539	10,141	9,992	8,362	8,336
Bavaria	12,280	14,470	14,846	12,522	11,183
Berlin	5,459	5,929	6,009	5,190	4,781
Brandenburg	1,208	1,440	1,388	1,168	1,164
Bremen	604	633	749	533	485
Hamburg	3,442	4,090	4,188	3,257	3,192
Hesse	5,552	6,311	6,445	5,272	5,276
Mecklenburg-Western Pomerania	670	765	852	615	572
Lower Saxony	5,118	5,709	6,085	4,691	5,076
North Rhine-Westphalia	15,547	18,124	19,858	17,710	20,392
Rhineland-Palatinate	3,155	3,606	3,805	2,801	3,044
Saarland	581	723	639	499	544
Saxony	2,067	2,314	2,275	1,841	1,927
Saxony-Anhalt	814	851	818	707	707
Schleswig-Holstein	2,275	2,648	2,789	2,145	2,127
Thuringia	941	959	1,078	879	789
Germany	**68,252**	**78,713**	**81,816**	**68,192**	**69,595**

3.6 Trade mark applications, shares and number of applications per 100,000 inhabitants by German *Länder* (residence or principal place of business of the proprietor)

German *Länder*	2022			2023			Change from 2022 to 2023 (%)
	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	
North Rhine-Westphalia	17,710	26.0	98	20,392	29.3	112	+15.1
Bavaria	12,522	18.4	94	11,183	16.1	84	-10.7
Baden-Württemberg	8,362	12.3	74	8,336	12.0	74	-0.3
Hesse	5,272	7.7	82	5,276	7.6	83	+0.1
Lower Saxony	4,691	6.9	58	5,076	7.3	62	+8.2
Berlin	5,190	7.6	138	4,781	6.9	127	-7.9
Hamburg	3,257	4.8	172	3,192	4.6	169	-2.0
Rhineland-Palatinate	2,801	4.1	67	3,044	4.4	73	+8.7
Schleswig-Holstein	2,145	3.1	73	2,127	3.1	72	-0.8
Saxony	1,841	2.7	45	1,927	2.8	47	+4.7
Brandenburg	1,168	1.7	45	1,164	1.7	45	-0.3
Thuringia	879	1.3	41	789	1.1	37	-10.2
Saxony-Anhalt	707	1.0	32	707	1.0	32	0.0
Mecklenburg-Western Pomerania	615	0.9	38	572	0.8	35	-7.0
Bremen	499	0.7	50	544	0.8	55	9.0
Saarland	533	0.8	78	485	0.7	71	-9.0
Germany	**68,192**	**100**	**81**	**69,595**	**100**	**82**	**+2.1**

3.7 Classes of national trade marks applied for[1]

Rank	Class	Class essentially includes[2]	2022	2023	Change (%)
1	35	Advertising; business management, organisation and administration; office functions	24,704	24,088	-2.5
2	41	Education; providing of training; entertainment; sporting and cultural activities	18,222	18,386	+0.9
3	9	Electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments	14,596	14,195	-2.7
4	42	Scientific and technological services	13,370	12,444	-6.9
5	25	Clothing, footwear and headgear	11,376	12,382	+8.8
6	16	Office requisites; stationery	8,966	9,893	+10.3
7	21	Household and kitchen utensils and containers; articles for cleaning purposes; tableware, dishes; glassware	6,954	7,806	+12.3
8	44	Medical services; hygienic and beauty care; agriculture, horticulture and forestry services	6,570	6,572	0.0
9	28	Games, sports articles	5,566	6,226	+11.9
10	36	Insurance and financial services; real estate affairs	6,636	5,789	-12.8
11	30	Foodstuffs of plant origin; pastries, pasta and confectionery; seasonings, condiments; coffee, tea and cocoa; sugar	5,557	5,772	+3.9
12	18	Leather products; luggage and carrying bags	5,115	5,744	+12.3
13	43	Services for providing food and drink; temporary accommodation	5,585	5,691	+1.9
14	37	Building, construction and repair services; installation services	6,038	5,605	-7.2
15	20	Furniture and home decorations	4,966	5,097	+2.6
16	3	Cleaning preparations; cosmetics; perfumery	4,907	5,044	+2.8
17	5	Pharmaceuticals; materials for dressings; disinfectants; dietary supplements	5,083	4,721	-7.1
18	38	Telecommunications services	5,358	4,603	-14.1
19	39	Transport and travel arrangement; packaging and storage of goods	4,571	4,136	-9.5
20	32	Non-alcoholic beverages; beers	4,161	4,071	-2.2
21	24	Woven material and blankets; household linen	3,546	3,904	+10.1
22	11	Heating; ventilation; apparatus and installations for sanitary purposes	3,582	3,884	+8.4
23	45	Legal services; security services for the physical protection of individuals	3,867	3,877	+0.3
24	33	Alcoholic beverages	3,683	3,420	-7.1
25	29	Foodstuffs of animal origin; milk products; processed fruits and vegetables	3,573	3,353	-6.2
26	40	Treatment of materials; printing services	3,971	3,342	-15.8
27	14	Jewellery, clocks and watches	3,002	3,307	+10.2
28	7	Machines, motors and engines	3,476	3,199	-8.0
29	12	Vehicles	3,245	3,151	-2.9
30	6	Common metals and goods made thereof for building and construction; small items of metal hardware	2,610	2,656	+1.8
31	10	Medical apparatus and instruments; orthopaedic articles	2,396	2,322	-3.1
32	31	Agricultural, horticultural and forestry products; foodstuffs for animals	2,535	2,300	-9.3
33	1	Chemicals; fertilizers; unprocessed plastics and artificial resins	2,257	1,981	-12.2
34	8	Hand tools; cutlery	1,905	1,933	+1.5
35	19	Non-metallic building and construction materials	1,844	1,929	+4.6
36	4	Industrial oils and lubricants; fuels	1,652	1,542	-6.7
37	26	Haberdashery; decorative articles for the hair	1,478	1,500	+1.5
38	27	Floor coverings and mats; wall coverings and ceiling lining	936	1,150	+22.9
39	17	Insulating materials; semi-processed goods; flexible pipes, tubes and hoses, not of metal	1,274	1,074	-15.7
40	34	Tobacco, smokers' articles	1,162	931	-19.9
41	22	Ropes; tents, tarpaulins and sails	939	908	-3.3
42	2	Paints; varnishes; lacquers; printing inks	975	866	-11.2
43	15	Musical instruments	477	389	-18.4
44	23	Yarns and threads	365	233	-36.2
45	13	Firearms	230	200	-13.0
Not classified			31	63	
Total			**223,312**	**221,679**	**-0.7**

[1] *A trade mark application can be attributed to several classes.*

[2] *Class headings in accordance with the current version of the* Nice Classification.

3.8 Top companies and institutions in terms of trade mark registrations in 2023 (registrations of trade marks pursuant to section 41 of the Trade Mark Act)

Rank	Proprietor[1]	Principal place of business		Registrations
1	Bayerische Motoren Werke AG	DE		108
2	Boehringer Ingelheim International GmbH	DE		94
3	Brillux GmbH & Co. KG	DE		43
4	Hallingers Genuss Manufaktur GmbH	DE		34
5	Evonik Operations GmbH	DE		30
6	Bothmer Pyrotechnik GmbH	DE		29
7	BioNTech SE	DE		28
8	OmniVision GmbH	DE		27
9	VOLKSWAGEN AG	DE		26
10	Pony Party (Chongqing) International Trade Group Co., Ltd.		CN	25
11	MayProducts Europe UAB		LT	24
12	Heiko Blume GmbH & Co. KG	DE		22
13	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		21
13	Henkel AG & Co. KGaA	DE		21
15	MIP METRO Group Intellectual Property GmbH & Co. KG	DE		20
15	Rotkäppchen - Mumm Sektkellereien GmbH	DE		20
17	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		19
17	MERCK KGaA	DE		19
17	NaturaFit Diätetische Lebensmittelproduktions GmbH	DE		19
20	NORDWEST Handel AG	DE		18

[1] *Proportional counting in the case of several proprietors; without taking into account any business intra-group affiliations.*

DESIGNS

4.1 Applications and procedures concluded

Year	Filings[1]				Procedures concluded			
	Designs in							
	Applications with multiple designs	Applications with one design	Total	Designs in domestic applications	By registration	Domestic	Without registration	Total
2019	40,843	2,256	43,099	36,398	41,152	36,193	3,841	44,993
2020	37,659	2,493	40,152	35,867	37,130	33,213	4,210	41,340
2021	34,988	2,261	37,249	33,985	31,089	28,329	3,390	34,479
2022	32,637	1,180	33,817	31,777	36,251	34,132	3,602	39,853
2023	27,750	1,184	28,934	27,245	27,011	25,404	2,733	29,744

[1] *Provisional for 2023, as the actual number of designs applied for is not known before completion of the registration procedure.*

4.2 Registered designs by German *Länder* (residence or principal place of business of the proprietor)

German Länder	2019	2020	2021	2022	2023
Baden-Württemberg	6,726	5,056	4,869	5,868	4,762
Bavaria	7,950	6,139	4,853	5,227	4,246
Berlin	1,778	1,731	1,875	2,362	1,579
Brandenburg	297	172	150	277	200
Bremen	110	98	135	185	257
Hamburg	844	715	719	681	697
Hesse	1,362	1,544	1,351	1,511	1,091
Mecklenburg-Western Pomerania	92	188	134	88	294
Lower Saxony	2,425	2,546	1,729	2,670	1,582
North Rhine-Westphalia	10,957	10,584	9,178	10,581	7,778
Rhineland-Palatinate	1,020	1,114	930	2,089	1,012
Saarland	163	308	115	110	123
Saxony	1,298	1,268	953	903	657
Saxony-Anhalt	274	580	220	244	164
Schleswig-Holstein	658	892	925	788	712
Thuringia	239	278	193	548	250
Germany	**36,193**	**33,213**	**28,329**	**34,132**	**25,404**

4.3 Pending designs (applied for) and registered designs in force; invalidity proceedings

Year	Pending designs (applied for) at the end of the year	Extensions of registered designs	Designs maintained / renewed	Cancellations	Registered and in force at the end of the year	Invalidity proceedings	
						Applications filed	Proceedings concluded
2019	14,707	3,386	15,034	51,458	303,474	29	48
2020	13,517	3,405	15,451	50,005	290,599	59	63
2021	16,273	3,215	16,412	51,200	270,488	19	28
2022	10,227	2,522	15,603	46,340	260,399	36	23
2023	9,393	2,322	13,560	38,520	248,890	15	21

4.4 Registered designs, percentages and designs per 100,000 inhabitants by German *Länder* (residence or principal place of business of the proprietor)

German Länder	2022			2023			Change from 2022 to 2023 (%)
	Registered designs	Share	Registered designs per 100,000 inhabitants	Registered designs	Share	Registered designs per 100,000 inhabitants	
North Rhine-Westphalia	10,581	31.0	58	7,778	30.6	43	-26.5
Baden-Württemberg	5,868	17.2	52	4,762	18.7	42	-18.8
Bavaria	5,227	15.3	39	4,246	16.7	32	-18.8
Lower Saxony	2,670	7.8	33	1,582	6.2	19	-40.7
Berlin	2,362	6.9	63	1,579	6.2	42	-33.1
Hesse	1,511	4.4	24	1,091	4.3	17	-27.8
Rhineland-Palatinate	2,089	6.1	50	1,012	4.0	24	-51.6
Schleswig-Holstein	788	2.3	27	712	2.8	24	-9.6
Hamburg	681	2.0	36	697	2.7	37	+2.3
Saxony	903	2.6	22	657	2.6	16	-27.2
Mecklenburg-Western Pomerania	88	0.3	5	294	1.2	18	+234.1
Bremen	185	0.5	27	257	1.0	38	+38.9
Thuringia	548	1.6	26	250	1.0	12	-54.4
Brandenburg	277	0.8	11	200	0.8	8	-27.8
Saxony-Anhalt	244	0.7	11	164	0.6	8	-32.8
Saarland	110	0.3	11	123	0.5	12	+11.8
Germany	**34,132**	**100**	**40**	**25,404**	**100**	**30**	**-25.6**

4.5 Top companies and institutions in terms of registered designs at the DPMA in 2023 (excluding partnerships organised under the German Civil Code)

Rank	Proprietor[1]	Principal place of business		Registered designs
1	Betty Barclay Group GmbH & Co. KG	DE		1,023
2	SWING Collections GmbH	DE		753
3	The House of Art GmbH	DE		684
4	Tassenbrennerei GmbH	DE		461
5	AstorMueller AG		CH	371
6	SHOE CONZEPT Handels GmbH	DE		351
7	GEMINI Schuhproduktions- und Vertriebs GmbH	DE		*349*
8	monari GmbH	DE		348
9	OLYMP Bezner KG	DE		345
10	VISUAL STATEMENTS GmbH	DE		300
11	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbh & Co.KG	DE		288
12	VOLKSWAGEN AG	DE		246
13	Goebel Porzellan GmbH	DE		242
14	Innostyle-Möbelvertriebs GmbH & Co. KG	DE		218
15	Räder GmbH	DE		200
16	MB Brand Collection UG (haftungsbeschränkt)	DE		198
16	Trendteam GmbH & Co. KG	DE		198
18	Urban Products Sacha GmbH	DE		180
19	Stolkom Sp. z o.o.		PL	169
20	Wolf Möbel GmbH & Co. KG	DE		168

[1] *Proportional counting in the case of several proprietors; without taking into account any business intra-group affiliations.*

OTHER TOPICS

» 5. Register of anonymous and pseudonymous works
» 6. Patent attorneys and representatives

5. Register of anonymous and pseudonymous works

Year	Works in respect of which the author's true name was filed for registration	Applicants [1]	Procedures concluded		Pending applications at the end of the year
			By registration	Without registration	
2019	4	3	4	0	0
2020	5	2	0	0	5
2021	2	2	6	1	0
2022	6	5	4	1	1
2023	0	0	1	0	0

[1] *Some applicants may have submitted several applications or applications for several works.*

6. Patent attorneys and representatives

Year	Patent attorneys [1]			European and foreign patent attorneys as members of the German Chamber of Patent Attorneys (section 20 Act on the Activities of European Patent Attorneys in Germany, section 157 Patent Attorney Code) [1]	Patent attorney companies [1, 2]
	Entered in register	Cancellations	Registered at the end of the year		
2019	156	78	3,931	36	29
2020	157	66	4,022	37	32
2021	158	81	4,099	40	35
2022	199	93	4,205	44	184
2023	161	120	4,246	49	328

Year	Qualifying examination for patent attorneys		General powers of attorney		
	Number of examinees	Sucessful candidates	Entered in the register	Cancelled	Registered at the end of the year
2019	144	137	767	293	34,094
2020	163	155	573	318	34,349
2021	174	166	707	369	34,687
2022	168	161	545	558	34,674
2023	147	138	426	389	34,711

[1] *Source: German Chamber of Patent Attorneys.*
[2] *As a rule, all professional practice companies (Berufsausübungsgesellschaften) have been required to obtain admission by the German Chamber of Patent Attorneys (section 52f (1) Patent Attorney Code) since 1 August 2022.*

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