German Patent and Trade Mark Office



Annual Report 2007



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Dear Reader,

Technological products and innovative services are the pillars of the German economy. Economic success depends increasingly on knowledge and education, creativity and innovations. Industrial property rights play an ever greater role in the knowledge-based society. They are the best protection of intellectual property. Patents and utility models protect technical elements, whereas trade marks protect the "good name", and registered design rights the outward appearance of products. They give their owners the right to seek injunctive relief and, where applicable, to claim damages in case of infringement.

These facts are of course well known to professionals, but not to a wider public. The German Patent and Trade Mark Office is responsible for granting patents, registering trade marks, utility models and designs and for administering these industrial property rights. It also has the duty to provide information on industrial property rights to the public. Our annual report is certainly a suitable source of information. Few people, however, really like to read bare facts and figures.

If you have seen our annual reports of the past years, you will immediately notice that something has changed when flicking through this annual report: the former purely technical report for specialists is now an interesting, easy reading information brochure for everyone written in a more relaxed style. New features provide a closer look at our activities and present the people behind the figures.

For instance, interviews with some of our staff members will give you a closer insight into their duties. I am particularly pleased that we were able to obtain an interview with my colleague, Commissioner Tian Lipu of the State Intellectual Property Office of the People's Republic of China. Under the heading "In focus" we present topics that are now of particular interest to us, and the information boxes "Did you know...?" are meant to call your attention to less well known aspects of intellectual property. The topics are so varied that there should be something for every taste and interest.

I would be delighted if this annual report and its new features are to your liking. We welcome your feedback, comments and suggestions.

I hope you will enjoy reading this report.

Dr. Jürgen Schade

Mule

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



The Profile of the German Patent and Trade Mark Office – Who we are and what we do

The German Patent and Trade Mark Office (DPMA) operates within the portfolio of the Federal Ministry of Justice and is the central authority in the field of industrial property protection in Germany. We grant patents, register trade marks, utility models and designs, and administer these industrial property rights. In addition we provide information to the public on industrial property rights (IP rights).

The "we" refers to the approximately 2,500 staff at the DPMA offices in Munich, Jena and Berlin. The headquarters of the DPMA are located in Munich.

Organisational Structure

The DPMA is divided into five areas of activity, the so-called Departments (compare organisation chart on the inside back cover).

Patents (Department 1/I and 1/II)

The patents area covers such a large field of work that it is organised into two Departments: Department 1/I (general engineering and mechanical technology) and Department 1/II (electrical engineering, chemistry and physics).

About 700 patent examiners from the fields of engineering, physics, chemistry and other sciences work in Department 1. They examine the patentability of inventions contained in applications, grant patents and deal with oppositions.

Information (Department 2)

The staff of Department 2 provide information to the public on industrial property rights and the individual steps of a patent, utility model, trade mark or design application. They administer and update our databases and help

users in performing searches.
The staff of the Information
Department are also responsible for
cooperation with the more than 20
regional patent information centres
in Germany.

Trade Marks, Utility Models, Designs (Department 3)

The staff in the trade mark area examine national trade mark applications and enter these trade marks in the register, provided the requirements for registration are met. They also deal with oppositions of third parties against trade mark registrations and take decisions in trade mark cancellation procedures. They also fulfil a multitude of tasks regarding the international registration of trade marks.

In addition, the staff of Department 3 are also in charge of utility models, designs and topographies. They register those IP rights on request and decide on cancellation requests.

General Administration, Legal Affairs (Department 4)

The staff of Department 4 manage the types of administrative tasks

that are typical of all authorities or enterprises, including, for example, personnel, budget and legal affairs, administration and facilities maintenance and the organisation of administrative processes.

History of the DPMA

Together with its predecessors

– Kaiserliches Patentamt and
Reichspatentamt – the German
Patent and Trade Mark Office looks
back on 130 years of history.

On 2 July 1877, the first German patent was granted for a "process for manufacturing a red ultramarine colour". On 16 October 1894, the first trade mark "PERKÊO" was registered for lamps and lamp parts.

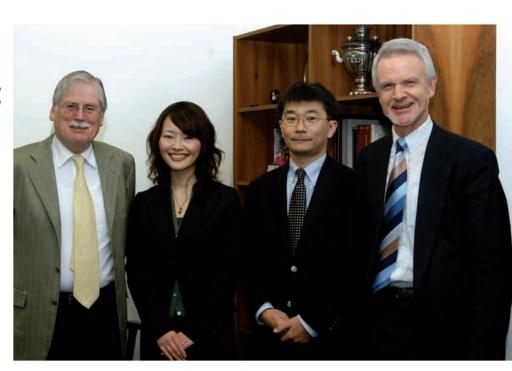
On 1 November 1998, the German Patent Office was renamed German Patent and Trade Mark Office to emphasise the growing importance of trade marks as a field of activity of the DPMA.

More information on the German Patent and Trade Mark Office is available at www.dpma.de.



2007 - A Review in Pictures

Delegates of the Japan Patent Office visited us in Munich on 22 January 2007.





Staff members of our health forum initiative at our annual summer party on 19 July 2007.

Dr. Jürgen Schade presented a patent certificate to the young inventor Veronika Hoffmann on 10 September 2007.







Mr. Li Dongsheng, Vice-Minister of the State Administration for Industry and Commerce of the People's Republic of China, SAIC (right), and Mr. Tian Lipu, Commissioner of the State Intellectual Property Office of the People's Republic of China, SIPO (left), and a Chinese delegation visited us on 28 September 2007.

"We value your health" was the motto of our health information day on 8 October 2007.



Talks with industry – a forum for exchanging views with representatives from business and industry, patent attorneys and attorneys-at-law, held on 17 October 2007 (see page 102).

In October 2007 Dr. Jürgen Schade travelled to Japan, China and India to sign cooperation agreements with the national patent authorities.









On 10 December 2007 we organised a colloquium together with the European Patent Office; specialists of SIPO explained the latest amendments to Chinese patent law.

Budget	2006	2007	Chang in	
DPMA and Federal Patent Court per million €				
Income	263.8	266.7	+ 1	1.1
Expenditure	220.9	221.6	+ 0	.3
of which for personnel	124.6	121.5	- 2	.5
Personnel DPMA				
Staff	2,556	2,501	- 2	.2

Industrial property r	2006	2007	Chang	es in %	
Patents	Applications ¹	60,585	60,992	7	+ 0.7
	Concluded examination procedures (final)	38,140	34,297	\	- 10.1
	- with patent grant ²	21,572	18,218	\	- 15.5
	Stock ³	467,166	501,199	7	+ 7.3

- patent applications with the DPMA and PCT patent applications after entering the national phase
 including patents in respect of which an opposition was filed under Section 59 Patent Law
 including patents granted by the European Patent Office (EPO) with effect in the Federal Republic of Germany

Trade marks					
National marks	Applications	72,321	76,165	7	+ 5.3
	Concluded registration procedures	71,942	76,750	7	+ 6.7
	- with registration	51,124	54,534	7	+ 6.7
	Stock	744,769	764,472	7	+ 2.6
International marks	Requests for grant of protection in Germany	7,998	7,508	\mathbf{Y}	- 6.1
	Grants of protection	7,574	7,346	Y	- 3.0

Utility models Applications	19,766	18,083	1	- 8.5
Concluded registration procedures	19,674	18,397	\sim	- 6.5
- with registration	16,638	15,469	\sim	- 7.0
Stock	104,117	102,559	\sim	- 1.5

Designs	Designs applied for	51,014	54,301	7	+ 6.4
	Concluded registration procedures	48,482	59,757	7	+ 23.3
	- with registration	46,557	56,208	7	+ 20.7
	Stock	302,202	304,388	7	+ 0.7



Statistics and Analyses

Development in patent application numbers

In 2007, 60,992 patent applications were filed at our office. In 2006, we received 60,585 applications. Compared to the previous year, the number of applications slightly increased by 0.7 %.

The number of patent applications comprises 57,394 direct applications in 2007 and 3,598 applications under the international Patent Cooperation Treaty (PCT) which entered the national phase at the German Patent and Trade Mark Office.

Due to the PCT revision in 2004, it is not possible to directly compare the current figures with those prior to 2004. Nevertheless, to show

the development, the effects of the PCT revision were eliminated in Figure 1. Consequently, the data reflect the actual application conditions since 2001. For more data on application activity, please refer to the Table 1.1 in the annex "Statistics" on page 109.

Origin of patent applications

In order to get a complete picture of the patent applications effective in Germany, we have added the number of applications – provisional for 2007 – filed with the European Patent Office, in which Germany is indicated as designated country, to the data of the German Patent and Trade Mark Office. Many foreign applicants use the European patent system to obtain patent protection in Germany ao (see Table 1).

62,000						
60,9	982				60	,992
60,000				60,222	60,58	85
	59,0	82 59,18	82 59,2	234		
58,000						
56,000						
2001	2002	2003	2004	2005	2006	2007

Figure 1: Patent applications at the German Patent and Trade Mark Office. Consolidated figures for the years 2001 to 2003 (see also text for explanations)

	Applications at the DPMA	Applications at the EPO (provisional data)
Germany	47,853	25,100
USA	3,835	35,350
Japan	3,782	22,672
France	272	8,217
Netherlands	82	6,982
Switzerland	1,127	5,830
Republic of Korea	a 723	4,894
United Kingdom	150	4,946
Italy	121	4,315
Sweden	267	2,724
Others	2,780	18,601
Total	60,992	139,631

Table 1: Patent applications with effect in the Federal Republic of Germany by countries of origin in 2007 (direct applications and PCT applications in the national or regional phase)

A timeline is provided in Table 1.6 in the annex "Statistics".

In 2007 the total number of patent applications effective in the Federal Republic of Germany amounted to about 175,500. This figure does not include the applications filed with the European Patent Office originating from the Federal Republic of Germany. These inventions are generally contained in the applications filed with the German Patent and Trade Mark Office, since a European application is usually preceded by a patent application in Germany.

Table 2: The 50 most active patent applicants at the German Patent and Trade Mark Office (irrespective of any possible interlinking of business enterprises). Published patent applications in 2007

	Applicants	Seat	Applications
1	Robert Bosch GmbH	DE	2,509
2	Siemens AG	DE	2,474
3	Daimler AG	DE	1,216
4	Denso Corp.	JP	757
5	Infineon Technologies AG	DE	702
6	GM Global Technology Operations Inc.	US	682
7	Bayerische Motoren Werke AG	DE	605
8	Volkswagen AG	DE	567
9	ZF Friedrichshafen AG	DE	551
10	BSH Bosch und Siemens Hausgeräte GmbH	DE	496
11	Schaeffler KG	DE	477
12	BASF AG	DE	472
13	Audi AG	DE	419
14	Fraunhofer-Gesellschaft e. V.	DE	359
15	Voith Patent GmbH	DE	354
16	Henkel KGaA	DE	328
17	Qimonda AG	DE	217
18	Behr GmbH & Co. KG	DE	213
19	Continental Teves AG & Co. oHG	DE	212
20	Airbus Deutschland GmbH	DE	210
20	MAN Roland Druckmaschinen AG	DE	210
22	Koenig & Bauer AG	DE	203
23	Samsung Electronics Co. Ltd.	KR	199
24	LuK Lamellen und Kupplungsbau Beteiligungs KG	DE	190
25	General Electric Co.	US	181
26	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE	179
27	Nokia Siemens Networks GmbH & Co. KG	DE	165
28	Dr.Ing.h.c. F. Porsche AG	DE	163
29	Linde AG	DE	162
29	Webasto AG	DE	162
31	Toyota Jidosha K.K.	JP	161
32	Ford Global Technologies LLC	US	153
33	Patent-Treuhand-Gesellschaft für elektrische Glühlampen mbH	DE	148
34	Hella KGaA Hueck & Co.	DE	144
35	Heidelberger Druckmaschinen AG	DE	143
36	Giesecke & Devrient GmbH	DE	136
37	Continental Aktiengesellschaft	DE	135
37	Evonik Degussa GmbH	DE	135
37	Honda Motor Co. Ltd.	JP	135
40	Merck Patent GmbH	DE	131
41	Hilti AG	LI	120
42	Bayer MaterialScience AG	DE	118
43	Schott AG	DE	113
44	Oerlikon Textile GmbH & Co. KG	DE	106
45	ABB Patent GmbH	DE	103
45	Bayer CropScience AG	DE	103
47	Mahle International GmbH	DE	102
48	Conti Temic microelectronic GmbH	DE	100
48	Knorr-Bremse Systeme für Nutzfahrzeuge GmbH	DE	100
48	ZF Lenksysteme GmbH	DE	100

Based on this method of counting the share of applications that are effective in Germany and filed by national applicants accounted for 27.3 % in 2007.

The most important countries of origin of foreign applicants and their share of patent applications in Germany are:

US	22.3 %
Japan	15.1 %
France	4.8 %
Netherlands	4.0 %
Switzerland	4.0 %
Republic of Korea	3.2 %
United Kingdom	2.9 %

The most active patent applicants

The list of the 50 most active patent applicants (see Table 2) shows how active applicants from Germany and abroad are on the German patent market. The list contains patent applications published by the German Patent and Trade Mark Office in 2007.

Irrespective of possible interlinking of business enterprises, the individual firms are recorded in their capacity as patent applicants. This means that the patent applications of the individual applicants are listed separately, even if the company is part of a group.

In the 2007 ranking, Robert Bosch GmbH replaced Siemens AG at the top position. Among the 50 most active applicants, 42 come from Germany, three from Japan, three from the US, one from the Republic of Korea and one from Liechtenstein.

Patent applications by German Laender

In the year 2007, 47,853 of the 60,992 patent applications received were of domestic origin. The number of national applications has remained at the high level of previous years proving that the German patent system remains highly attractive to the national industry. The breakdown of national

Schleswig Holstein 615 Mecklenburg Vorpommern 170 Hamburg 973 Brandenburg 389 Bremen 178 Niedersachsen 2 715 Sachsen Anhalt Nordrhein-Westfalen 8 190 Sachsen 923 Thüringen 598 Hessen 2 963 Rheinland-Pfalz 1 235 Saarland 331 Bayern 13 616 Baden-Württemberg 13 638 Figure 2: Patent applications by German Laender in 2007

Did you know that ...

... patent literature has one of the most extensive and refined classifications of all kinds of literature?

The International Patent Classification (IPC) classifies patent literature and organises the respective inventions in more than 70,000 groups. Hardly any other kind of literature is classified so systematically and in greater detail.

For more information on the **International Patent Classification** please see page 59.

Table 3: Patent applications, percentages and number of applications per 100,000 inhabitants by German Laender

		2006			2007				
German Laender	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants			
Baden-Württemberg	13,347	27.8	125	13,638	28.5	127			
Bavaria	14,010	29.2	113	13,616	28.5	109			
North-Rhine/Westphalia	8,195	17.1	45	8,190	17.1	45			
Hesse	3,202	6.7	53	2,963	6.2	49			
Lower Saxony	2,603	5.4	33	2,715	5.7	34			
Rhineland-Palatinate	1,311	2.7	32	1,235	2.6	30			
Berlin	943	2.0	28	992	2.1	29			
Hamburg	946	2.0	55	973	2.0	55			
Saxony	810	1.7	19	923	1.9	22			
Schleswig-Holstein	585	1.2	21	615	1.3	22			
Thuringia	646	1.3	27	598	1.2	26			
Brandenburg	428	0.9	17	389	0.8	15			
Saarland	318	0.7	30	331	0.7	32			
Saxony-Anhalt	343	0.7	14	327	0.7	13			
Bremen	142	0.3	21	178	0.4	27			
Mecklenburg-Western Pomerania	183	0.4	11	170	0.4	10			
Total	48,012	100	58	47,853	100	58			

Did you know that ...

... a patent application is filed at our office every 9 minutes on average?

We receive several hundred applications daily by mail, by fax or online. If all patent applications of 2007 alone were placed end-to-end, the files would stretch more than 20 kilometres.

In 2007, we administered far more than 1,300,000 patent files, 180,000 of which were in the preliminary procedure and just under 140,000 in the examination and opposition procedures. The collection of files has accumulated over the years until it stretches several hundred kilometres. To limit the continuously growing mountain of files, we will introduce electronic case files in the coming years.

patent applications by German Laender is based on the patent applicants' place of residence. In the Laender ranking, Bavaria lost its top position to Baden-Württemberg. With 13,638 patent applications (28.5%), Baden-Württemberg is now in the lead, followed by Bavaria, which had occupied the top position from 1996 to 2006, with 13,616 (28.5 %), and North-Rhine/ Westphalia with 8,190 patent applications (17.1%). Consequently, nearly three-fourths (74.1 %) of all national applications come from these three Laender (see Figure 2 and Table 3). For timelines covering the preceding years, please refer to Table 1.5 in the annex "Statistics". Due to the different sizes and population density of the individual Laender, however, the figures can only show an incomplete picture. However, when applications are considered in relation to the size of the population, the ranking changes partly. With 127 and 109 applications, respectively, Baden-Württemberg and Bavaria are considerably above the overall German average of 58 patent applications per 100,000 inhabitants, while all the other Federal Laender are below the average (see Table 3).

Table 4: Breakdown of domestic patent applicants according to filing activity (in percent)

	Percentage of applicants						Percentage of applications by applicant				its			
2001	2002	2003	2004	2005	2006	2007	having filed	2001	2002	2003	2004	2005	2006	2007
70.7	68.7	69.0	68.2	66.5	66.7	66.3	one application	22.1	20.7	19.9	19.0	16.6	16.7	16.4
26.6	28.5	28.1	28.8	29.9	29.5	30.1	2-10 applications	25.6	27.3	26.2	25.0	24.3	24.5	24.5
2.4	2.5	2.6	2.7	3.3	3.4	3.2	11-100 applications	19.0	18.5	19.3	19.0	22.7	22.2	22.4
0.3	0.3	0.3	0.3	0.3	0.4	0.4	more than 100 applications	33.3	33.5	34.6	37.0	36.4	36.6	36.7
100	100	100	100	100	100	100	Sum	100	100	100	100	100	100	100

Applicants grouped according to filing activity

Patent applicants can also be categorised according to their filing activity. The applicants are attributed to certain groups according to the number of their applications.

In 2007, two-thirds of the roughly 12,000 patent applicants from Germany filed only one application each, accounting for 16.4% of the total number of applications. 96.4% of all applicants filed between one and ten applications, ie about 40 % of all applications. The remaining applications, just under 60 %, were accounted for by 3.6% of all applicants (see Table 4). Thus, it can be concluded that more than 50 % of all patent applications were filed by a small group of applicants – mostly large enterprises. This concentration process in favour of large patent applicants is also reflected in the category "applicant is inventor" (see following paragraph).

The category "applicant is inventor"

Under German law the inventor must always be named in a patent application. By this means, it is possible to find out the number of cases where the applicant and inventor are identical or not identical. Applicant and inventor are not identical, for example, if the patent application is filed by an enterprise. On the other hand, the applicant is usually identical with the inventor, if the application is filed by an independent inventor or employee with a released invention.

Since 7 February 2002, patent applications by university lecturers no longer belong to this category, due to the amendment of employee invention law. This

amendment may be an explanation for the difference between 2001 and 2002.

The "applicant is inventor" category accounted for 9.5 % of total applications in 2007. The respective value for applications from Germany was 10.8 %, and for foreign applications 3.7 % (see Table 5).

Patent applications filed by German universities

In 2007, we received 616 patent applications filed in the name of German universities. This is a 4.5 % decrease against last year's figure of 645 patent applications. Table 6 shows the applications according to German Laender taking into account the situation in 2001, prior to the amendment of the Law on Employees' Inventions.

Table 5: Patent applications of the category "applicant is inventor" by origin (in percent)

	2001	2002	2003	2004	2005	2006	2007
National	13.1	11.2	10.7	10.9	10.7	10.6	10.8
Foreign	5.0	4.2	4.4	3.7	3.5	3.7	3.7
Total	11.0	10.0	9.6	9.7	9.4	9.3	9.5

Table 6: Patent applications filed by universities by Laender* (Applications from some Laender had to be combined for anonymisation purposes)

Main technical areas of patent activity

The patent applications filed are categorised by so-called IPC classes (IPC = International Patent Classification) (see page 59). This allows uniform international classification of patent documents. The International Patent Classification comprises roughly 70,000 entries, making it one of the most detailed technical classification systems.

German Laender	2001	2002	2003	2004	2005	2006	2007
Schleswig-Holstein, Hamburg	4	20	33	39	32	32	32
Lower Saxony, Bremen	39	47	43	27	51	58	52
North-Rhine/Westphalia	6	16	49	55	71	82	79
Hesse	8	30	35	31	49	35	46
Rhineland-Palatinate, Saarland	1	10	27	21	26	27	13
Baden-Württemberg	56	65	101	75	114	81	77
Bavaria	15	31	56	36	46	67	61
Berlin	11	44	36	26	25	27	40
Brandenburg, Mecklenburg-Western Pomerania	3	21	43	26	34	51	34
Saxony	48	55	83	114	89	106	111
Saxony-Anhalt	9	13	21	18	23	25	20
Thuringia	49	49	45	51	44	54	51
Sum	249	401	572	519	604	645	616

^{*} On 7 February 2002, the amendmend of the Law on Employees' Inventions took effect. The Table shows the situation before and after the abolishment of the so-called university lecturers' privilege.

Table 7: Patent applications by IPC classes (with over 1,000 applications in 2007)

	IPC class	Applications in 2007	Percentage	Differences between 2006 and 2007 in %
B60	Vehicles in general	5,522	9.6	2.0
F16	Engineering elements or units	4,519	7.9	- 1.0
G01	Measuring, testing	3,843	6.7	- 2.0
H01	Basic electric elements	3,709	6.5	5.4
A61	Medical or veterinary science; hygiene	2,791	4.9	- 4.7
F02	Combustion engines	1,933	3.4	5.4
H04	Electric communication technique	1,836	3.2	- 11.3
H02	Generation, conversion or distribution of electric power	1,711	3.0	- 1.8
B65	Conveying, packing, storing, handling thin material	1,569	2.7	- 11.4
G06	Computing, calculating, counting	1,281	2.2	- 10.4
A47	Furniture, domestic articles or appliances	1,088	1.9	9.5
F01	Machines or engines in general	1,067	1.9	- 3.8

Table 8: Selected data relating to patent procedures

Table 7 shows the 12 IPC classes most frequently used in patent applications received at our office.

At the same time it shows the development of application numbers within the individual classes in comparison to the past year and their class shares. Table 1.7 in the annex "Statistics" provides a corresponding timeline.

The applications from the IPC area B60 "Vehicles in general" have been in the lead for many years. In 2007, 5,522 patent applications were filed in this class. The next positions are occupied by the following classes: F16 "Engineering elements or units" with 4,519 applications and G01 "Measuring, testing" with 3,843 applications.

	2001	2002	2003	2004	2005	2006	2007
Requests for examination	38,376	37,561	37,071	36,575	37,387	38,696	39,228
- including requests filed together with application	27,040	25,945	25,479	25,444	25,082	25,452	24,972
Search requests	12,410	11,900	12,708	12,800	13,352	13,238	13,394
Examination procedures concluded (final)	27,443	29,971	33,515	33,862	36,064	38,140	34,297
Requests not yet concluded in the patent divisions at end of year	106,130	111,768	116,766	118,184	114,826	116,857	121,386

Selected data on patent examination

The demand for patents increased in the previous years. Despite a large package of organisational measures and the high commitment of our examiners it was not possible, under the

current staff situation, to cope with the excessive workload. Detailed data on applications received and concluded procedures are provided in Table 8 and in the annex "Statistics" in Tables 1.2 and 1.3.

Did you know that ...

... every patent examiner is specialised in at least one particular field of technology?

Our new patent examiner recruits must meet the job requirements for the posts. These include a university degree in a science, engineering or technical subject and relevant work experience of at least five years duration. After a selection procedure the new colleagues attend an 18-month patent examiner training.

An examiner is in charge of a specific technical field, for example, food technology. He or she keeps up to date in his or her specialist field to keep abreast of the latest developments. This ensures high quality of granted patents.

In focus

Renewable energies

Applications concerning environmentally relevant inventions can be found in almost all fields of technology. The innovative enthusiasm of industry regarding renewable energies is shown in Table 9. In the field of solar technology, comprising semiconductor elements and also generators, the number of applications by German as well as foreign applicants have been increasing for years, despite a largely mature technology. Manufacturers of wind generators continue to focus on wind farms

with large rotors and offshore wind farms. However, other renewable energy sources such as geothermal energy or biogas plants have meanwhile shown significant and growing numbers of applications.

Table 9: Patent applications effective in the Federal Republic of Germany in selected fields of renewable energies. Applications published by the DPMA and the EPO, avoiding double counts, by publication year and the applicant's place of residence.

	20	01	20	02	20	03	20	04	20	05	20	06	20	07
	Ger. 1	for. ²	Ger. ¹	for. ²	Ger. 1	for. ²								
Solar technology ³	91	61	108	62	90	64	82	94	85	80	101	108	149	98
Wind generators ⁴	57	29	75	28	72	54	82	67	89	75	92	100	91	72
Hydro power/wave and tidal power ⁵	16	10	18	12	10	13	9	15	14	12	11	21	13	1
Geothermal energy, biogas, other energy sources ⁶	31	20	22	17	25	11	29	22	25	19	26	17	59	13
Sum	195	120	223	119	197	142	202	198	213	186	230	246	312	184

¹ German applicants

² foreign applicants

³ IPC: F24J2, F03G6, H02N6, E04D13/18, C02F1/14, H01L31/04-31

⁴ IPC: F03D

⁵ IPC: F03B13/10-13; F03B7

⁶ IPC: F24J3, F03G4, F03G3, F03G7/0x, C12M1/107, C12M1/113

Automotive technology: exhaust technology and hybrid cars

The number of patent applications in the field of motor vehicle exhaust technology has further increased, above all, due to ever lower emission limits and the sensor systems that have to be installed in every vehicle to monitor emissions (on-board diagnostic system). The proportion accounted for by applicants having a place of residence or an establishment in Germany or USA stayed about the same; at the same time Japanese applicants have been catching up.

Applications on the different aspects of hybrid cars also increased steeply. Formerly, Japanese applicants had been clearly in the lead in this field, but German and American applicants have discovered this market for themselves. In 2007, German and Japanese companies filed an almost equal number of applications, while applications from the USA accounted for roughly 20 % of the total.

Only a few applications in the field of exhaust technology and hybrid cars came from France and Korea, two countries with large car industries.

Table 10: Patent applications effective in the Federal Republic of Germany in selected fields of automotive technology. Applications published by the DPMA and the EPO, avoiding double-counts, by publication year and the applicant's place of residence.

Motor vehicle exhaust technology ^{1, 3}										
Country of origin	2001	2002	2003	2004	2005	2006	2007			
Total	773	742	847	1,117	1,052	1,139	1,314			
DE	354	362	330	471	458	495	563			
US	106	99	145	168	134	158	178			
JP	203	207	284	381	338	367	463			
KR	6	8	6	3	10	6	5			
FR	32	29	24	39	58	71	60			

Hybrid cars ^{2, 3}							
Country of origin	2001	2002	2003	2004	2005	2006	2007
Total	385	372	376	414	429	474	562
DE	75	73	104	95	92	131	219
US	29	76	53	40	94	101	110
JP	258	205	200	248	223	213	203
KR	1	2	0	4	5	11	20
FR	14	5	10	13	5	7	8

- 1 IPC: F01N3, F01N5, F02N9, F01N11, F02D4x
- 2 Data collected with a specified search profile due to the 2006 IPC reform
- 3 Applications filed by applicants having several seats are counted for each country

Interview

Dr Christian Aumüller and Dr Martin Tourneau are patent examiners. Dr Tourneau examines patentability of inventions in the area of control systems for internal combustion engines and Dr Aumüller in the area of control systems specially adapted for hybrid electric vehicles.

Dr Aumüller, Dr Tourneau, the topic "hybrid electric vehicles" is currently much discussed in connection with environmental sustainability. What makes these vehicles so special?

Tourneau: Hybrid electric vehicles have two power sources: an electric motor and an internal combustion engine. Furthermore, they have a generator, charging a battery eg when the car coasts to a stop or runs downhill. This battery powers the electric motor.

Aumüller: Suitable control of engine and motor allows the advantages of the two propulsion systems to be utilised and, at the same time, the drawbacks of the one by using the other to be compensated.

The automotive industry is increasingly investing in the development of hybrid vehicles – where are the main focal points, in your view?

Aumüller: The majority of patent applications in my examination area can be distinguished by the following main aspects: environmental friendliness, ie reduced fuel consumption, lower pollutant emissions, driving dynamics as well as driving comfort.

To reduce fuel consumption and pollutant emissions, many patent applications relate to coordinated control of the drive train components during regenerative braking, start/stop functionality in urban traffic or traffic jams and emission-free operation, when only the electric motor powers the hybrid electric vehicle. Inventions relating

to hybrid vehicles show further energy saving potential where the electric motor is controlled, so that the internal combustion engine is always running at its optimum operating point. As a result, hybrid vehicles can be equipped with a less powerful internal

combustion engine since the electric motor will compensate the associated lower output.

Applicants also file inventions concerning the specific application of the electric motor and the internal combustion engine. A sophisticated operating strategy in the vehicle analyses a variety of information, eg regarding the route, traffic situation and low emission zones to decide what mode of driving is to be used at what moment.

Despite smart and resource-saving power management, these vehicles provide attractive driving dynamics. In contrast to a conventional car powered by an internal combustion engine alone, a hybrid electric vehicle can be designed in such a manner that a powerful electric motor provides assisting power and significantly enhances the performance of the internal combustion engine. This so-called boosting operation will considerably accelerate the hybrid vehicle when it is started or during passing manoeuvres. For this reason, many patent applications relate to this aspect.

The developers of hybrid vehicles also attach great importance to the driving comfort. In this category, we get many patent applications relating to the so-called load change, aiming at reducing the shock that occurs when a propulsion system is activated or turned off, or when the gear is changed.

Furthermore engineers are working on the four-wheel drive for hybrid vehicles. We receive



Dr Christian Aumüller and Dr Martin Tourneau

Developments in the area of hybrid electric vehicles

many applications relating to this technology.

What kind of technology is utilised for small and mid-range cars?

Tourneau: The price of a car plays a decisive role for consumers buying small or mid-range cars, in particular. The number of additional components built into these cars will therefore depend on the price segment in which the car is offered. This is why small and mid-range cars mostly have so-called startstop-systems, shutting down the internal combustion engine when it is not needed, for example at traffic lights, in traffic jams or for downhill driving. The engine is automatically restarted when required. These systems are completed by a smart generator control. This means that the battery is mostly re-charged when the car is braked or coasted to a stop; if the state of charge of the battery charge is sufficient, the generator will be disconnected while the car runs. These measures allow fuel consumption to be reduced by up to 15% in urban traffic. More complex systems that provide for electrically assisted driving or electric propulsion alone are mainly found in the premium range and big SUVs. Only a few car models in the small and mid-range categories currently feature full hybrid propulsion systems.

In many areas of automotive technology, the component suppliers, above all, are the driving force behind innovations. Does this apply to hybrid vehicles as well? Aumüller: Only partly. The suppliers of vehicle components file only about one third of the applications in my examination area. The majority of applications are filed by the big well-known international vehicle manufacturers from Japan, the USA and Germany. Individual inventors hardly play any role in this highly demanding branch of technology.

For the public, "hybrid" is often synonym to "eco-friendly". What about the fuel consumption and emissions of hybrid vehicles?

Tourneau: The fuel consumption of hybrid vehicles is specifically low in city driving. The consumption of full hybrid vehicles is up to 30% lower than that of comparable conventional petrol engine vehicles. If you drive long distances at constant speed or use motorways, hybrid drive trains cannot match diesel engines, in particular. Pollutant emissions are closely connected to fuel consumption. In hybrid vehicles, targeted utilisation of the electric motor allows to operate the internal combustion engine in a highly efficient manner and thus minimises pollutant emissions. Full hybrid electric vehicles can even run on electric power alone for a certain time, eg within specific low-emission zones, and pollutant emissions are reduced to zero.

In your view, what good reasons are there for buying a hybrid car?

Tourneau: If economic and environmental aspects matter to you, you should think about hybrids

when buying a new car. However, you should check beforehand whether, considering your personal driving profile, advantages might be expected from using a hybrid vehicle. In some cases a smaller vehicle or a conventional car might be better suited than a hybrid car.

Aumüller: If a vehicle is mainly driven in town, eg a delivery vehicle, taxi, city bus or car used for daily commute, a hybrid vehicle is certainly an alternative to a conventional vehicle. Hybrid vehicles that can be switched to full electric drive have the advantage of running emission-free. This might come in useful considering the increasingly stringent rules on emissions in city centres. Such legal provisions but also toll exemptions and tax benefits might increase the interest in hybrid vehicles.

Tourneau: It should be noted that hybrid vehicles offer some advantages even to HP freaks: Since the electric motor provides temporary assistance to the internal combustion engine, hybrid vehicles achieve acceleration rates that correspond to those of significantly more powerful vehicles. Nevertheless, hybrid vehicles offer high comfort levels due to torque smoothing, continuously variable transmission, low noise level and auxiliary air conditioning when the internal combustion engine is shut-off. Bearing in mind the strong awareness of the public of environmental issues, many buyers of hybrid vehicles consider their vehicle also as a status symbol and expect a gain in prestige.

Quality management at the DPMA: quality is our trade mark

In the patent area, too, we attach particular importance to the quality of our work results. For this reason, a quality assurance system has been established that is well developed and adapted to our requirements.

Our patent examiners work in divisions under a Head of Division. The divisions are sub-divided in groups managed by group leaders. In a first supervisory step the group leaders scan the patent files and thus check the examination procedure for all applications. In addition the Head of Division spot-checks applications. Regular reporting allows deficiencies to be detected and gives patent examiners feedback. If required, the Head of the patent area will adopt measures for improvements, eg by amending and amplifying guidelines and procedural instructions.

In order to continually enhance the quality of our work, we analyse statistics on oppositions, decisions of the *Bundespatentgericht* (Federal Patent Court) and the *Bundesgerichtshof* (Federal Court of Justice), statistics on workloads and, not least, the regular meetings with customer representatives (eg the "talks with industry representatives" meetings).

Guaranteeing a high level of quality

The qualification, education and training requirements for patent examiners are high since these requirements are decisive for the high quality of our work results.

People applying for a patent examiner post must have a university degree and at least five years of post qualification experience in the fields of science or engineering. Candidates undergo a selection procedure. Successful candidates receive, as a rule, an 18-month training under the supervision of an experienced patent examiner. In this period, they work on current, concrete patent applications. In addition, new colleagues attend various courses, particularly on patent law and database searches.

In addition, our patent examiners constantly develop their skills. The DPMA offers, for example, advanced-level courses in patent law and database searches. Furthermore, the DPMA organises lectures and seminars, particularly, on current issues of patent law and case law, at regular intervals. Our patent examiners also visit companies, exhibitions and fairs that are related to their specific field of technology to gain information on current developments in industry.

Within the scope of the laws, ordinances and guidelines, our fully trained experts are independent and autonomous in their decisions. We can trust that our examiners will take well-founded decisions within the legal framework. This high level of responsibility of each individual examiner is an additional incentive for producing high quality work.

We benchmark our performance internationally

We set up a working group on quality management at the end of 2006. This group explores whether, and if so, how internationally recognised and standardised quality management procedures might be adopted for our quality management system. Furthermore, the members of the working group discuss these issues with the staff members in charge of quality management of other organisations.

Within the framework of the European patent network, consisting of the European Patent Office and the participating national patent offices of European countries, it was decided to set up a European Quality System (EQS). EQS provides a basis for continually improving the quality of products (such as patents and searches) and services of the participating offices.

Furthermore, we are actively engaged in the dialogue at the European working group set up for this project and explicitly support endeavours to ensure high quality of granted and registered IP rights across Europe. The task of the working group is to analyse the quality management systems established at the participating offices and to define common minimum standards.

In a first step, the Administrative Council of the European Patent Organisation adopted a standard for a European Quality Management System (EQMS) in March 2007. The standard was based on a proposal of the working group. Its main requirements are largely based on the international DIN EN ISO 9001 quality standard. Our current quality management system already meets the requirements of this standard to a high degree.

Quality takes time

We are aware that a quality management system does not automatically guarantee high product quality since this system focuses, in a first step, on processes. Our first priority, however, is the quality of our products.

In a second step, product quality standards (PQS) are currently being discussed within the scope of EQS. These discussions will probably take some time before the participating offices will reach a consensus.

In the discussions we take the following position:
Patent protection can only be provided for inventions that are truly innovative, the disclosure of which will enrich the present state of the art far beyond the obvious. If we were to grant protection in individual cases for

- trivial developments,
- inventions the technical teachings of which were not sufficiently disclosed,
- inventions, based on inappropriately broad patent claims,

such patents would impede rather than foster new developments. An inflation of IP rights would require increased monitoring and unnecessarily hinder competition.

It is extremely difficult to identify quality aspects for our work. In the international discussion we do not wish to settle for a compromise that would require us, and therefore our customers too, to accept a lower standard of decision than previously. We have a high responsibility towards our customers and the public when we take the decision to patent or not to patent an invention. Our decisions often have farreaching consequences. For this reason, the quality of our work

and appropriate decisions on patentability, in particular, are our highest priority.

In our view, a high product quality must be based on two pillars: a thorough search for the closest state of the art and the correct decision, as to whether the subject-matter of the application was obvious to a skilled person. This work must be carried out very carefully and takes time to produce high-quality results. Considering the complexity of the tasks we feel that it would not be appropriate to strictly regulate and quantify the workflow of our examiners.

Nevertheless it is possible to set general conditions for high quality. A measure which we have already implemented should be a core element: the careful selection and ongoing training of personnel, since our staff are the key to highquality work.

File allocation and first examination at the DPMA – examined and recommended by Ernst & Young

Ernst & Young business advisory service, engaged by the European Patent Office, analysed productivity of patent examination processes at the European Patent Office (EPO), the German Patent and Trade Mark Office (DPMA) and the UK Intellectual Property Office (UKIPO) for more than one year. The result of the benchmarking study is proof of the outstanding efficiency of our office and, consequently, all our staff. The benchmarking indicators (such as well-balanced grant rate, lowest share of direct grants) are proof of the high standard of our examination procedure. The evaluation expressly did not consider the criteria of cost and quality.

The final project report, available on the Internet at www.epo.org, was established to identify so-called leading practices. A very gratifying detail: the consultants expressly recommended the practice of the so-called DPMA "Börse" (literally: (stock exchange) and the associated subsequent first examination. These two business processes are carried out by experienced patent examiners. Under our procedure, 98 % of all applications are allocated directly to the patent examiner effectively in charge.

The "Börse" is a daily meeting of experienced examiners, where newly received patent and utility model applications are assigned to the

respective patent divisions in charge of first examination (this process is also referred as "coarse allocation"). It is very important to adequately allocate applications at the beginning of the examination procedure, since subsequent re-allocations delay the processing of applications.

What happens at the "Börse"?

When applicants or their agents have filed application documents at our office, we establish files which are passed on to the "Börse". Every morning, the approx 350 newly received patent and utility model applications are being laid out on tables. The staff member in charge distributes the files and arranges piles of documents, each pile ready at hand for a group of four to six examiners. At 9 a.m. sharp, 27 "allocation examiners", experienced examiners from the 27 patent divisions, meet for about 30 to 45 minutes. They get to business straight away. They have to allocate the new files quickly and accurately. The examiners identify the core subject of the application. If, for example, a physicist has taken an application from the pile that relates to a genetically engineered pharmaceutical, he briefly analyses the application and passes it on to the colleague from the chemistry division who also participates in the exchange. The competent examiner allocates the file to his/her patent division by marking the file wrapper with the number of that patent division. PCs are also available for searching.

Examiners are seated in a prearranged order. A seating plan shows the different fields of competence. Examiners just have to move a few steps within the room. Since the presence of 27 examiners means that many files are exchanged at the same time, it is a busy atmosphere. If the examiners do not agree on who is competent for a certain application, the exchange coordinator will take a decision. This can happen, for example, if the technical content of an application is not unequivocal. The examiners may leave the stock exchange only when all applications have been distributed and all file wrappers have been marked, by the competent examiner, with the number of the relevant patent division, and all files have thus been allocated.

Office clerks will then bring the files to the examiners in charge of first examination at the patent divisions. These patent examiners have several years of experience. They carry out the examination as to obvious defects, required under the Patent Law, and classify the applications.

The examination as to obvious defects is carried out to detect possible "obvious" deficiencies of content or form. If defects are found, the applicant will be informed and given the opportunity to remedy the defects. This will provide detailed and comprehensible information to the public on the invention filed, when the application is published 18 months after the application date. Deficiencies would

also impede the further search and examination procedure and should therefore be remedied as early as possible.

In order to classify the application, the examiner in charge of first examination analyses the application to identify its key subject matter. This key subject matter determines which main class and secondary classes, if any, of the International Patent Classification (IPC) apply. The IPC class(es) precisely define(s) the technical field to which the invention relates (see information box on page 59). Classification is very important for storing and retrieving patent documents, but also for search purposes and for providing information to the public. At the DPMA, the classification symbol attributed to an application also determines which examiner will be in charge of examining that application.

Future of the "Börse"

At present, the "Börse" is a daily meeting. With the introduction of the electronic case file in 2010, file allocation and first examination will be transferred to a virtual environment. The busy exchange will then take place within our IT network. The "real" meetings currently bring together colleagues from all technical fields, such as construction engineers, biologists, chemists, electrical engineers, mechanical engineers and physicists. Some people will certainly miss these gatherings.





Patent examiners at the daily "Börse" meeting, allocating new applications to the respective divisions

Electronic case file will create a virtual exchange environment with additional search tools. This will again increase precision and

efficiency of the allocation and first examination system of the DPMA that Ernst & Young had praised in their final report.

Opposition proceedings processed at the DPMA at turbo speed

Anybody who thinks that a patent was wrongly granted can file an opposition within three months from the publication of the patent grant. The objector must state in his/her view, the reasons opposing, the grant of the patent. For example, he/she might cite a publication that had been published before the filing date of the patent and had not been considered in the examination procedure and might oppose the grant of the patent. A panel of at least three of our colleagues will examine the arguments submitted. The patent will then be revoked by a decision of this panel, or it will be maintained in part or fully maintained.

The Bundespatentgericht (Federal Patent Court) had been in charge of processing oppositions for some time. Since 1 July 2006, opposition proceedings are again being conducted by us, due to an amendment of the Patent Law (published in Bundesgesetzblatt 2006, part I, page 1318). Oppositions filed in the previous years, which have not yet been

conclusively dealt with by the Federal Patent Court, will be further processed by that court.

The Law now requires us to conduct a hearing upon request; moreover, we undertake, within the scope of our strategic objectives, to conclude at least 75 % of the opposition proceedings within one year. We have certainly met this target.

The colleagues in the patent divisions were well prepared and embraced the new challenges; as early as in 2007, they conducted many hearings within the scope of opposition proceedings. From the outset, we processed oppositions

very quickly. If an opposition has been filed against a patent – as a rule these are patents having a particular commercial importance – we clarify the situation in a fast and reliable manner.

Another advantage of opposition proceedings is that the public checks the quality of our patent grant practice. This is highly welcome: We analyse oppositions very carefully and include the responsible patent unit in this process. This has created a new culture of discussion within the patent divisions. They thoroughly analyse each case under legal and technological aspects. Thus, the public and our office alike benefit considerably from the new scheme.



In focus

New provisions concerning patents for biotechnological inventions and for pharmaceuticals

Although the areas of biotechnology and pharmaceuticals are comparatively small they are very important economic and political fields. The core problem under patent law aspects is: What is the extent of patent protection for a chemical substance (or compound)?

As a rule, the so-called "absolute compound protection" applies to all chemical compounds. This means that a patent for a chemical compound covers any manufacturing method and any application of the compound, even those not yet known to the patent applicant at the time of filing. Things are different in the case of so-called "purpose-limited compound protection": In this case, the chemical compound is only patented for the specific use indicated in the patent application.

Such a purpose-limited compound protection for pharmaceuticals was newly established in the German Law that entered into force on 13 December 2007; this had to be done in transposition of the revision of the European Patent Convention of 2000 (EPC 2000) into national law. This amendment can be found in the new Sec. 3(4) of the German Patent Law (see *Bundesgesetzblatt* 2007, part I, page 2166).

An example: a drug is patented for the treatment of high blood pressure. Later it is found that the drug is also suitable for the treatment of headaches, which had not been described in the patent. This is referred to as different medical indication (or medical use) in the application of pharmaceuticals. The treatment of high blood pressure would be the first medical indication and the treatment of headaches the second medical indication. Since, in our example, the original patent did not mention the second medical indication, another compound patent can be granted for that drug to treat headaches. This is now possible due to new Sec. 3(4) Patent Law that provides – as already mentioned – a purpose-limited compound protection for a second and further medical indication. However, neither the German Patent Law nor the EPC 2000 define the scope of protection of the different medical indications in relation to each other.

As early as in 2005, the European biotechnology directive EC/98/44 was transposed into national law by the Law of 21 January 2005 (see *Bundesgesetzblatt* 2005, part I, page 146). Sec. 1a(4) Patent Law, in particular, caused a rather negative response from the interested public since compound protection relating to human gene sequences was clearly restricted to the indicated application related to the function of the compound.

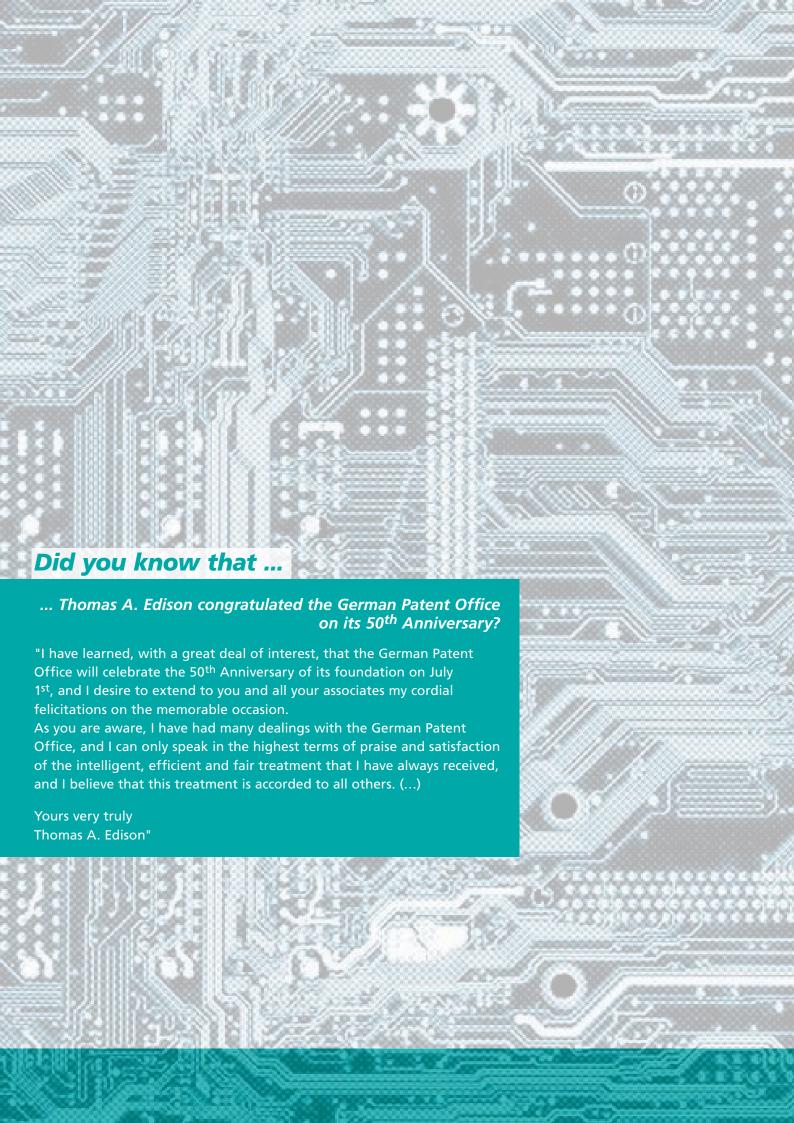
Staff members of the DPMA contributed to the discussion by delivering lectures and publishing articles on this topic. However, these papers do not constitute

official statements of the DPMA. According to these papers purpose-limited compound protection might be justified or even desirable. Absolute compound protection leads to an excessive reward if the compound has several, totally different functions – this phenomenon sometimes occurs in the field of chemistry, but is more frequently encountered in the fields of biotechnology and pharmacy, whereas it is virtually unknown in the other fields of technology.

At least purpose-limited compound protection in the field of pharmaceuticals, being introduced by the EPC 2000 Europe-wide, was unanimously welcomed.

Further reading on this topic:

- D. Walter, GRUR International 2007, page 284 "Harmonisierung und angemessene Anspruchsbreite bei der Gensequenzpatentierung"
- D. R. Schneider and D. Walter, GRUR 2007, page 831 "Ist der absolute Stoffschutz noch zu retten? – Zur Umsetzung der Richtlinie 98/44/EG (Biotechnologie-Richtlinie)"
- D. R. Schneider, International Review of Intellectual Property and Competition Law (IIC),
 "Patenting of Pharmaceuticals – still a challenge?", to be published soon



Utility Models and Topographies

Utility models

Utility model protection is available for all technical inventions (with the exception of processes and biotechnological inventions) which are new, inventive and capable of industrial application. The utility model is similar to the patent so that it is frequently also referred to as "petty patent" or "small patent". An important difference to the patent is that a utility model is registered without prior examination of novelty and inventiveness of the invention applied for. A detailed examination of all requirements for protection is only carried out if a third party claims that the registered invention is not new or does not have a sufficient level of inventiveness, and requests cancellation of the utility model. As a rule, the validity of a utility model will only be established by a cancellation procedure. The maximum term of protection for utility models is 10 years, for patents it is 20 years.

In 2007, 18,083 utility model applications were filed at the German Patent and Trade Mark Office (2006: 19,766), and 15,469 utility models were entered in the register.

The applicant may split off a utility model application from a patent application concerning the same invention. Splitting-off a utility model provides flanking protection, above all, in the period between patent application and grant, when there is no or only limited protection. In 2007, 1,737 utility model applications were split off from patent applications.

18% of the utility model applications filed came from foreign countries. Many of these foreign applications originate from countries which do not offer the utility model as a national IP right.

This shows that the German utility model system provides a welcome alternative or supplement to patent protection.

At the end of 2007, a total of 102,559 German utility models were in force.

In 2007, 193 requests for cancellation were filed (2006: 230). At the end of the year, 333 cancellation proceedings were still pending at the German Patent and Trade Mark Office.

To reduce the risk of cancellation, the applicant should carefully search the state of the art relating to his/her invention. Subject to a fee of € 250, one of our patent examiners will carry out a prior art search. Many customers used the option to have searches conducted by patent examiners

regarding utility model applications or registered utility models in 2007. We received 2,826 search requests for applications and 390 search requests for registered utility models (2006: 2,952 and 445, respectively). In 2007, the Utility Model Unit sent out 4,296 search reports (previous year: 4,366).

Topographies

Topography protection is available for the three-dimensional structures of microelectronic semiconductor products (eg of processors or memory chips).

The German Patent and Trade Mark Office received two topography applications in 2007 (previous year: two).



Trade mark examiners are graduates from public administration colleges or graduate court registrars' colleges. To provide the staff with the skills they need for the responsible task of examining and registering trade marks they rotate through a number of different trade mark sections during their five-year training and learn the trade mark procedure from scratch.

Trade Marks

Trade marks give a name and a "face" to goods and services. They help consumers to distinguish products of the same kind (eg different detergents). Customers associate a certain product with which they were satisfied or which was recommended to them with the trade mark. The trade mark thus guarantees that consumers get a product having a certain quality and remain faithful to that product and thus to the manufacturer. This constitutes the value of a trade mark.

We register and protect trade marks. Applicants who have their trade marks registered with us can enforce their rights more easily. In this way they secure the funds invested in developing and assuring the quality of products. The trade mark is the only IP right to have an "eternal life". It is initially valid for a period of ten years and can be renewed indefinitely.

As a rule, a trade mark will not be registered in a comprehensive form. Rather, the applicant requests protection for specific goods or services (see page 35).

A trade mark will not be registered if there are so-called general grounds for refusal. For example, a trade mark has to be distinctive but must not be descriptive. General customary terms providing information on the type of goods and services offered may not be registered as a trade mark. These must be kept free for general use. For this reason, the word "sunflower" will not be registered as a trade mark for flowers, but it might be acceptable eg for prefabricated houses or heaters. Furthermore, "sunflower" would not be associated with a specific florist. Consequently, it is not distinctive. This is another reason why "sunflower" cannot be registered as a trade mark in relation to flowers and the like. Likewise, a trade mark will not be registered if the applicant only files an application for registration in order to deliberately impede competitors (so-called bad faith).

European and international marks

Applicants who wish to have their trade marks registered in other countries as well can file applications for the registration of their trade marks at other national offices for IP protection, the World Intellectual Property Organization (WIPO) in Geneva (Switzerland) or the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain). Trade marks registered by the Office for Harmonization in the Internal Market are effective in the entire European Union. International registrations by WIPO can be effective in nearly all countries around the world.

Applicants for or proprietors of German trade marks who wish to obtain international registration of their trade marks can file the respective requests with us. We transmit such requests to WIPO. Vice versa, we accept and examine requests for registration transmitted by WIPO, which were filed by applicants seeking to obtain trade mark protection in Germany.

Current developments

The increase of filing figures since 2003 continued in 2007. 76,165 trade mark applications represented a rise of 5.3 % against the preceding year.

In the area of foreign trade marks (international registrations), which can be filed for registration in Germany through WIPO, the previous slight downward trend persisted. On the other hand, there was a slight increase in cases where

an applicant who had already registered a trade mark in Germany wished to obtain protection in other countries (for detailed figures see chapter "Statistics" on page 114). The goods to services applications ratio shifted again towards service

Table 11: Applications by classes

Class	Class headings	2006	2007	+/- in %
0	not classifiable	664	277	- 58.3
1	Chemicals	1,001	1,023	2.2
2	Paints, varnishes, lacquers	286	226	- 21.0
3	Cleaning preparations	2,088	2,184	4.6
4	Industrial oils and greases, fuels	318	344	8.2
5	Pharmaceutical preparations	2,907	3,153	8.5
6	Common metals and goods of common metal	761	850	11.7
7	Machines, motors and engines	1,508	1,741	15.5
8	Hand tools	245	291	18.8
9	Electrical apparatus and instruments	5,056	5,249	3.8
10	Medical apparatus and instruments	1,069	1,071	0.2
11	Heating, ventilation, sanitary installations	1,317	1,260	- 4.3
12	Vehicles	1,766	1,841	4.2
13	Firearms	116	112	- 3.4
14	Jewellery, clocks and watches	829	867	4.6
15	Musical instruments	136	131	- 3.7
16	Office requisites, stationery	2,428	2,720	12.0
17	Insulating materials, semi-finished goods	359	372	3.6
18	Goods made of leather	577	639	10.7
19	Building materials (non-metallic)	754	784	4.0
20	Furniture	1,200	1,178	- 1.8
21	Household or kitchen utensils	663	575	- 13.3
22	Ropes, string, sails	100	78	- 22.0
23	Yarns and threads	25	27	8.0
24	Textiles, bed and table covers	415	479	15.4
25	Clothing, footwear	3,352	3,043	- 9.2
26	Lace, ribbon, buttons, trimmings	50	75	50.0
27	Materials for covering floors, wall hangings	108	184	70.4
28	Games, sporting articles	1,234	1,362	10.4
29	Food of animal origin	1,929	1,797	- 6.8
30	Food of plant origin	2,269	2,310	1.8
31	Agricultural and forestry products	753	737	- 2.1
32	Beers, non-alcoholic drinks	1,391	1,614	16.0
33 34	Alcoholic beverages Tobacco, smokers' articles	1,320 163	1,270 219	- 3.8 34.4
35	Advertising, business management	7,033		17.0
36	Insurance	3,363	8,232 3,392	0.9
37	Building construction, repair	1,335	1,307	- 2.1
38	Telecommunications	2,143	2,470	15.3
39	Transport	2,143	1,763	- 14.5
40	Treatment of materials	466	514	10.3
41	Education; sporting and cultural activities	8,038	8,248	2.6
42	Scientific and technological services	4,020	3,973	- 1.2
43	Providing food & drink, temp. accommodation	1,605	1,862	16.0
43	Medical services	2,487	3,094	24.4
45	Legal services, security services	612	1,227	100.5
40	Legar services, security services	UIZ	1,221	100.5

applications by 1.5 percentage points. They now account for 47.4 % (preceding year: 45.9 %) of all applications. The strongest increase of an individual class occurred in class 45 (legal services, security services) by 100.5 %. Even the highest volume class 9 (electric apparatus and instruments) increased again, whereas fewer applications related to classes 25 (clothing, footwear) and 39 (transport) – (see table to the left). For a list of the top trade mark proprietors regarding registrations in 2007 please see Table 3.4 on page 115.

More than 1.4 million trade marks were protected in Germany at the end of 2007. This figure comprises 764,472 national trade marks registered at the DPMA, about 426,000 Community marks registered at the Office for Harmonization in the Internal Market (OHIM) and 230,000 international registrations at WIPO for which protection was requested for Germany.

In the years following the entry into force of the revised Trade Mark Law in 1995, we have had a real trade mark boom. Since a trade mark is initially valid for 10 years, the effects of this boom have now surfaced again: both the number of renewals and the number of cancellations in the register have increased. When renewing the registration, many applicants adapted their trade marks to the current ninth edition

of the Nice Classification, so that the number of reclassification notifications rose considerably. Despite this extra workload we processed all requests as quickly as before and partly even reduced processing times. Furthermore we introduced a new service in 2007: When we have processed a request, an information notice on the current amendments in the register entries will not only be sent out to the applicant but to all parties concerned.

News from the trade mark department

International registrations to be processed now exclusively at Munich branch

From 1 January 2008 onwards, the examining team "International Registration (IR)" in Munich will be solely in charge of processing international registrations of marks (under the Madrid Agreement and Protocol). The reorganisation of business processes has two objectives: Formerly, several teams of our Jena office and the IR examining team in Munich processed applications for international registrations. The files were distributed according to the classes applied for. The examiners at the Jena office processed, above all, national applications in addition to international applications. By separating these two business processes and relocating IR matters to Munich, the staff members

Table 12: Where do the applications come from?

	2006	2007	+/- in %
Foreign countries	3,511	3,377	- 3.8
Baden-Württemberg	9,111	9,207	1.1
Bavaria	12,502	12,895	3.1
Berlin	4,728	5,028	6.3
Brandenburg	974	1,108	13.8
Bremen	629	701	11.4
Hamburg	3,795	4,088	7.7
Hesse	5,899	6,056	2.7
Mecklenburg-Western Pomerania	606	623	2.8
Lower Saxony	4,793	4,935	3.0
North Rhine-Westphalia	16,383	17,250	5.3
Rhineland-Palatinate	2,788	3,424	22.8
Saarland	685	748	9.2
Saxony	2,158	2,704	25.3
Saxony-Anhalt	769	834	8.5
Schleswig-Holstein	2,104	2,168	3.0
Thuringia	886	1,019	15.0

involved will specialise in one type of procedure and will be able to process applications even more quickly and efficiently.

In addition, bundling of IR processing makes it easier to integrate the area of international registrations into our internal IT system DPMAmarken.

DPMAmarken is our core tool in

the national trade mark area. It allows all required working steps to be processed by electronic means. For example, we use it for capturing and processing trade mark applications, registering trade marks and monitoring payments of application fees. This system went live in May 2006 for the national trade mark area. The staff members of the international area will be able to use the system from January 2008. For further information on DPMAmarken please see page 69.

Drawing up lists of goods and services

When filing a trade mark application, our customers indicate the goods and services in respect of which registration is requested. Errors in the lists of goods and services are the most frequent cause for delayed processing of trade mark applications. In these cases, our examiners contact the applicant to clarify matters. In order to avoid this extra work and be able to register trade marks faster in the interest of our customers, we offer a variety of tools that help customers to draw up lists of goods and services. At www.dpma.de/suche/ wdsuche/suchen.html you will find admissible terms for lists of goods and services. If applicants use these terms in their applications,

we can register the trade marks immediately – provided that there are no legal bars.

Since 2006 we offer a special service to large applicants: They can draw up a list of goods and services in cooperation with our staff before filing. These "approved" lists can be adopted as they stand for further applications. Our customers appreciate this service. Further information is available at www.dpma.de.

Quality assurance

We do not only attach great importance to the mentioned fast registration of trade marks but also to the quality of our decisions. This means that our decisions to either register a trade mark or reject an application should be largely consistent across similar cases.

We place high value on the consistency of our decision practice. For this reason, teams often meet with their supervisors to discuss cases which are difficult to judge. New or frequently occurring legal questions are discussed between the teams. We have developed general guidelines to provide guidance to examiners in order to ensure that the provisions of the Trade Mark Law are interpreted and applied consistently to the largest possible extent.

However, our decisions must always consider the details of

a trade mark application in the specific case. Even minor differences may have a large effect. Slight variations in the word formation, a graphical design or a modified choice of goods and services in relation to which the trade mark is to be registered – all these are elements that can require a different examination result. Even if an applicant thinks, at first sight, that other registered trade marks are similar to his/her application and that they supposedly provide proof that the applicant's trade mark is registrable, they are in most cases not really comparable.

The majority of applicants acknowledge this fact and accept the delimitations, which are not always easy to make, but which result from the very aim and object of trade mark protection. The number of objections submitted to the Trade Mark Department or DPMA management has declined considerably in the past years. Our decision practice has been confirmed by many decisions of the *Bundespatentgericht* (Federal Patent Court).

In the light of the generally fairly good reputation of our work, it is all the more astonishing that an individual senate of the Federal Patent Court qualifies our decision practice as contradictory or even as arbitrary in general and considers the basic right of applicants to equal treatment to be violated. Although a consistent and correct registration practice in the trade mark area is desirable in the

interest of applicants, it cannot have the legally binding effect of the Trade Mark Law. The Law alone is the supreme guideline for our decisions.

A claim to registration cannot only be derived from supposedly analogue previous registrations with reference to the principle of equal treatment laid down in the Basic Law. We are currently discussing with customer enterprises and attorneys this astonishing decision, which in our view does not take the particularities of trade mark law sufficiently into account.

Registration and cancellation practice in 2007

WM 2010

After the disputes concerning the trade marks "WM 2006" and "Fußball WM 2006" filed by the International Federation of Association Football (FIFA) on occasion of the 2006 World Cup, that had been declared not to be eligible for protection by decisions of the Bundespatentgericht (Federal Patent Court) and the Bundesgerichtshof (Federal Court of Justice), further applications were filed for other major sports events. We received applications for the terms "EM 2008" (UEFA championship 2008) "Fußballweltmeisterschaft der Frauen" (women's football world cup) and above all, "WM 2010", "Fußball WM 2010" and "Südafrika WM 2010", referring to the FIFA

World Cup 2010 in South-Africa. We are of the view that decisions on these applications must be based on the criteria applied by the Federal Court of Justice in relation to the applications "WM 2006" and "Fußball WM 2006". In the decisions on these applications, the Federal Court of Justice had explained that trade marks naming a sports event must be treated just like any other trade mark. This means that there are no specific criteria for examining these so-called "event marks". For assessing distinctiveness it must be determined - just as in all other cases – whether the trade mark will be perceived as such for the individual goods and services claimed.

The little polar bear Knut

Shortly after the excitement created by the brown bear "Bruno" that was shot in Bavaria another bear made the headlines: Knut, the polar bear cub at the Berlin zoo.

In the weeks following the official presentation of the little bear to the public on 23 March 2007 we received nearly fifty applications containing its name or making allusion to it.

The applicants were very imaginative. They not only filed the name "Knut" as such or trade marks making reference to the polar bear Knut as a "concrete animal personality", but also slogans partly containing fanciful variations of the name ("... und das ist auch Knut so.", "!Färbt Knut ein!", "Knut, der Elch", "alles wird gut – Knut", "Knutzen").

All trade marks were registered (except for applications that were refused for formal reasons such as non-payment of the application fee). Like any name, "Knut" has an individualising character and is, on principle, suitable to function as a trade mark (name) of a product. It can serve to distinguish identical goods or services of specific manufacturers so that consumers

will assume that the products have a particular origin, ie originate from a certain manufacturer.

Applications filed in bad faith

Since the entry into force of the Trade Mark Law in 1995, a registered trade mark can be cancelled if the application was made in bad faith. Since 1 June 2004, trade marks filed in bad faith are excluded from registration (Sec. 8 (2) no. 10 Trade Mark Law). This means that the registration of the trade mark must be refused from the outset.

In contrast to the cancellation procedure, an application will only be rejected in the course of the application procedure if it was obviously filed in bad faith. These cases are very rare. Examiners are breaking new ground with the assessment whether an applicant has filed a trade mark application in bad faith and the selection of suitable evidence or information sources.

Bad faith can be assumed, for example, if the application relates to a well-known name or designation and the application does not provide evidence that the applicant is entitled to apply for the trade mark. The filing of many completely different trade marks for completely different goods and services that are at least very similar to already known marks might constitute another possible case of bad faith. The trade mark examiners had to deal with several such cases in 2007.

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Polar bear Knut



The participants of the 3rd German Day in front of the Office for Harmonization in the Internal Market (OHIM)

Activities in 2007

Third German Day at the OHIM

The 3rd German Day at the Office for Harmonization in the Internal Market (OHIM) was organised in Alicante (Spain) on 8 November 2007. The annual "German Day at the OHIM" is a gathering of representatives of the OHIM, the DPMA and associations concerned with IP protection for discussing the latest developments in the field of trade mark law in Europe. The large number of participants from among manufacturers of branded goods, attorneys and public administration demonstrated the important place that Germany has within the European trade mark system. German applicants filed 15,300 applications at the OHIM in 2007 and hold the top

position of filings statistics, even ahead of the USA. As on the previous German Days in 2005 and 2006, the event was attended by high-ranking representatives of several IP associations. The Federal Ministry of Justice was represented by Dr Johannes Christian Wichard (Head at the Directorate for Commercial & Economic Law), and the DPMA was represented by Cornelia Rudloff-Schäffer (Head of Department 3 – Trade Marks, Utility Models and Designs).

The meeting, chaired by
Beate Schmidt (Director of the
Trade Marks and Cancellation
Department of the OHIM), was
attended by OHIM President
Wubbo de Boer and, for the
first time, by the President of
the Boards of Appeal, Paul
Maier. In addition to general

matters such as conducting of hearings or electronic filing, discussions focused on specific questions of trade mark law such as the OHIM's handling of applications for colour marks, the requirements for furnishing proof of use in opposition proceedings, and harmonisation of formal examination of lists of goods and services. Quality assurance was another topic that was thoroughly discussed.

All participants agreed that events like the German Day helped to clarify questions from a practical view and thus contributed to avoiding misunderstandings. The German Day has become a well-established event that is to take place in the coming years too.

News concerning the Madrid system

International marks are registered under the so-called Madrid system governed by two international agreements, the Madrid Agreement and the Madrid Protocol. The community of states that are party to the Madrid system is called the Madrid Union.

After negotiations at the international level that took place at the World Intellectual Property Organization (WIPO), the member states of the Madrid Union adopted an important amendment in September 2007: the so-called "Safeguard Clause" of the Madrid system will be repealed with effect from 1 September 2008. As a consequence, only the Madrid Protocol will be applicable in relation to states that are party to both the Madrid Agreement and the Madrid Protocol. Since the Federal Republic of Germany is party to both treaties, applications by German applicants will, in future, in most cases be governed by the Protocol.

The application of the Madrid Protocol is an advantage for German applicants since they may file applications not only in French – as required under the Agreement – but also in English. The subsequent procedure will then be conducted in the English language too. Furthermore, it will be possible to obtain international registration based not only on a

trade mark that has already been registered but also on the basis of a trade mark application.

INTA 129th Annual Meeting

The Annual Meeting of the International Trademark Association (INTA) is the largest meeting of company representatives and attorneys involved in trade mark law and IP protection. Together with a number of other patent and trade mark offices, the DPMA has for many years taken part in this mega event. Traditionally, most of these events have taken place in the USA or Canada.

INTA's 129th Annual Meeting was held in Chicago from 29 April to 3 May 2007. More than 8,500 attending experts (3,600 among them from the USA) demonstrated that the interest and the presence of the trade mark community were even stronger than before. As in the preceding years, the DPMA was represented at a joint stand of national European patent and trade mark offices, organised by the UKIPO. We shared the stand with the offices of Denmark, France. Ireland, Sweden and the United Kingdom. Office representatives at the stand provided information to the many visitors that came mainly from the USA and Canada, but also from Asia (China and India, above all), South America and Europe. The visitors highly welcomed the presence of the national European IP offices. The meeting provided

great networking opportunities and lively exchanges of views about the advantages of national, European and international systems for IP protection.

On occasion of the upcoming 130th Annual Meeting in May 2008, INTA will jump across the pond for the second time in its history: the venue will be Berlin – a German first! The national European IP offices expect increased interest from the European area concerning issues that are important for Europe. The number of participating national European offices will be even higher than in 2007, since Austria, the Benelux countries, the Czech Republic, Finland, Hungary and Portugal are expected to participate as well. We will be pleased to meet visitors at our joint stand and answer their questions, together with our colleagues from the other national IP offices.



Protected Geographical Indications and Protected Designations of Origin

Protected geographical indications and protected designations of origin

Products that have acquired a reputation beyond the borders of their region of origin frequently attract imitators who offer lower quality products under the same name and pretend that these products are authentic. In order to protect producers of foodstuffs from this kind of unfair competition and consumers from being misled, the European Communities introduced the labels "protected geographical indication (PGI)" and "protected designation of origin (PDO)" in 1992. The legal basis is now provided by Regulation (EC) 510/2006.

Indications of geographical origin, such as "Nürnberger Rostbratwürste" (sausages) not only provide information on the provenance of a product (in this case: the town of Nürnberg). Consumers associate the name with certain properties of the product and a certain guaranteed quality. This constitutes the value of indications of geographical origin. Under economic and legal aspects they come fairly close to trade marks. In contrast to a trade mark, however, no enterprise or association has the exclusive right to use an indication of geographical origin. Rather, it can be used by any producer based in the region who manufactures the product in the traditional, customary way.

Depending on the degree of connection with the region of origin, special regional products can be entered in the register of the European Commission either as "protected designation of origin" or as "protected geographical indication". This registration provides for protection against copying.



The label "protected geographical indication (PGI)" protects products that have been either produced, processed or prepared in a defined geographical area.

The requirements for a product to qualify for the label "protected designation of origin (PDO)" are stricter than for protected geographical indications. In this case, all manufacturing steps must be performed in the region of origin.



38 German products are at present registered in Brussels. These include, apart from the mentioned Nürnberger Rostbratwurst products such as Allgäuer Emmentaler (cheese), Lübecker Marzipan, Nürnberger Lebkuchen (gingerbread spiced cakes), Thüringer Rostbratwurst (sausage) and Schwarzwälder Schinken (ham). Famous products from neighbouring countries, entered in the Register of the European Union (EU Register), are Speck dell'Alto Adige (ham from Italy), Budweis beer from the Czech Republic or Greek Kalamata Olives. 750 foodstuffs and agricultural products from 18 EU member states have been protected until now. The range of protected products includes cheese, meat and meat products, fish and shellfish, fruit, vegetables, olives, vinegar and oil, as well as pastries and beer.

Many of the products that are protected throughout Europe are manufactured according to traditional recipes. For example, Lübecker Marzipan has a particularly high almond content. Independent control bodies regularly check compliance with the specified recipe. Consumers can be sure that Lübecker Marzipan will always be equally tasty, irrespective of where it is bought. Apart from the recipe, the taste of a product can be due to specific climatic and geographical factors of the region of origin. This applies eg to Schwarzwälder Schinken: The dry air, in connection with the climatic environment of the Black Forest, plays an important role in the three week maturation of the ham. Cold smoking over fir brush and local conifers yields the typical taste.

The registration procedure consists of a national and a European part

An application for registration from Germany must be filed with us. The application must precisely specify the properties, the manufacturing process and the region of origin of the product (specification). We examine the application under formal and substantive aspects and ask expert Laender or Federal agencies and commercial associations and organisations to issue opinions. German residents having a legitimate interest, such as other manufacturers of the relevant product, can lodge objections within four months from the publication of the application in the *Markenblatt* (trade mark journal). The opinions and objections received will be considered in the examination process. If the application complies with the legal requirements, we transmit it to the European Commission, via the Federal Ministry of Justice.

The European Commission examines if the application is justified and publishes the main details in the Official Journal of the European Union. Objections can be lodged within six months by persons established or residing in other member states of the EU or third countries. If objections were not successful or not lodged at all, the Commission enters the name in the register. Community-wide protection accrues from this registration only.

The indications "protected geographical indication (PGI)" and "protected designation of origin (PDO)" and the corresponding logos of the European Union guarantee consumers that the relevant foodstuffs are authentic products, manufactured in a specific region according to specific production methods.

For further information and a list of protected products please go to http://ec.europa.eu/agriculture/foodqual/quali1_en.htm.

In 2007, we received 12 applications for registration (2006: 14) including "Abensberger Spargel" (asparagus), "Düsseldorfer Senf" (mustard), "Berliner Currywurst" (sausage), "Nordhessische Ahle Worscht" (sausage) and "Schwäbische Spätzle" (pasta).

The national examination procedures relating to the indications of origin "Lüneburger Heide-Kartoffel" (potatoes), "Hessischer Apfelwein" (cider), "Hessischer Handkäs" (cheese), "Halberstädter Würstchen" (sausage) and "Schrobenhauser Spargel" (asparagus) were concluded in 2007 and the applications were forwarded to the European Commission. In the

two last-mentioned cases, the delimitation of the geographical area – which is important for the circle of authorised producers or manufacturers – was a contentious issue. In both cases, the *Bundespatentgericht* (Federal Patent Court) confirmed the definition of the region of origin, which is part of the specification, as approved by us.

In October 2007, the European Commission registered the following geographical indications for German products: "Bayerischer Meerrettich/Bayerischer Kren" (horseradish) and "Holsteiner Karpfen" (fish).

Enterprises and associations from Germany lodged objections

to the applications for the registration of "Aceto Balsamico Di Modena" (vinegar) from Italy and "Karlovarske Oplatky" (wafers), "Marianskolazenske Oplatky" (wafers) and "Olomoucke Tvaruzky" (cheese) from the Czech Republic in 2007. The objecting parties considered the Czech designations to be generic names. We have transmitted the objections to the Commission.

Modified national procedure

The national procedure was modified in 2007 due to legal Community requirements. Under the new provisions, persons having a legitimate interest (other producers of the relevant product, in particular) can file an objection to an application within four months from the publication of the application in the Markenblatt (trade mark journal). Furthermore, we now publish additional documents in part 7 of this journal: if we are of the view that an application complies with the legal requirements, our complete decision and, if the decision is final, the corresponding specification, will be published at http://publikationen.dpma.de in the trade mark section. Previously, we had published only applications for the registration or requests for the cancellation of a geographical indication or designation of origin and applications for amending the specification.



Label of the European Union for protected geographical indications



Label of the European Union for protected designations of origin

Lively foreign interest in protected designations of origin

The protection of agricultural products and typical regional foodstuffs is of growing

importance. Our foreign visitors showed great interest in this issue: for example, it was top on the agenda of Professor Tian Lipu (Commissioner of the State Intellectual Property Office of the People's Republic of China) and Li Dongsheng (Vice-Minister of the State Administration for Industry and Commerce of the People's Republic of China) on occasion of their visit on 27 September 2007.

As we not only wished to provide detailed technical information to our guests, but also a practical example, we organised a visit to Schutzverband Nürnberger Bratwürste e. V., an association for the protection of the original Nürnberg sausages. After a lecture on the activities of the association, we were invited to sample the renowned Nürnberg specialty at a traditional inn.

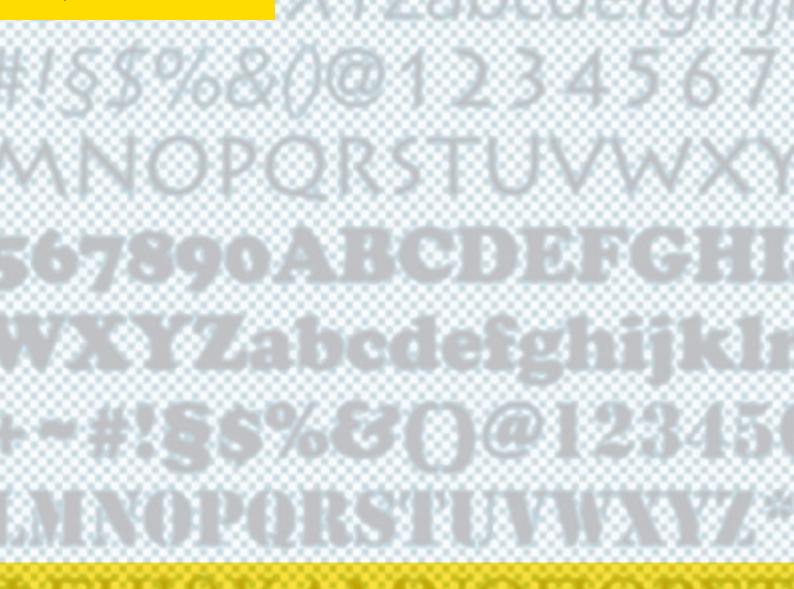


Left to right: Professor Tian Lipu (Commissioner of the State Intellectual Property Office of the People's Republic of China), Li Dongsheng (Vice-Minister of the State Administration for Industry and Commerce of the People's Republic of China), Dr Hartmund Frommer (Chairman of Schutzverband Nürnberger Bratwürste e.V.), Knut Engelbrecht (Schutzverband Nürnberger Bratwürste e.V.).

Did you know that ...

... the term 'plagiarism' derives from the Latin word for kidnapping (plagium)?

When a poet in the first century A.D. had passed off a poem of the famous epigrammist Marcus Valerius Martialis as his own, Martialis compared the publication of that poem to the kidnapping of children. So Martialis coined the term "plagiarism" as we know it today.



Imagine the following situation:

You have presented your products featuring a new design at a fair. Because of the positive feedback, you are fairly optimistic about sales prospects. Shortly afterwards you receive a telephone call.

One of your customers informs you that he is cancelling his order. "I have found a manufacturer producing something very similar, at about half the price". When you look for this manufacturer on the Internet, you find a page advertising products that look exactly like your new products. They have been copied with such precision that the average consumer will not be able to distinguish the high-quality original and the cheap copy.

Product piracy and counterfeiting are among the most serious types of economic crimes of the 21st century. Globalisation and technological development are the main causes for the rapid proliferation of the problem. All over the world, manufacturers, traders and consumers are confronted with partly inferior imitations and counterfeited products. Faced with increasing price pressure, manufacturers disregard ethical principles and fair play. It is an established fact that more and more counterfeited goods are being offered on the European market. Partly, copies are even being deliberately commissioned by domestic competitors.

Designs protection concerns specifically the legal instruments available for protecting your product from being copied.

Designs law plays the most important role in designs

protection in Germany. If you are the owner of a registered design that has been published in the electronic *Geschmacksmusterblatt* (designs journal) at www.dpma.de, you have the exclusive right of use of that design.

Third parties may not use the design without your consent. In particular, they are not entitled to manufacture, offer, put on the

market, import, export, utilise or possess the design. It is not only prohibited to copy the design. Even the production and dissemination of independently developed products is not admissible. Should someone use your design illegally, you are entitled to claim injunction and the destruction of the counterfeited goods. If the counterfeiter acted intentionally, you can claim damages.

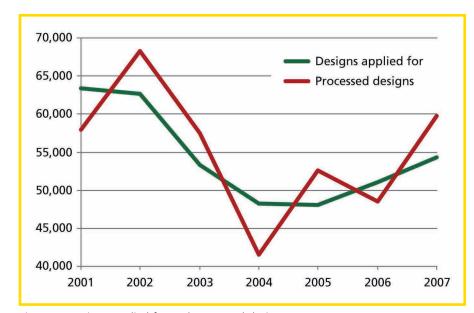


Figure 3: Designs applied for and processed designs

Business situation

Our staff of the Designs Unit of the German Patent and Trade Mark Office in Jena are in charge of the central processing of designs applications, and the registration and administration of these IP rights.

In 2007, 54,301 designs were filed for registration. This is again a marked increase of 6.4% over the 51,014 designs filed in 2006.

Requests for the registration of a total of 59,757 designs (2006: 48,482) were conclusively

processed, and 56,208 designs (2006: 46,557) were entered in the designs register (see Figure 3).

Individual statistical analyses

60.1% of the applicants opted for grouping up to 100 designs in one multiple application (2006: 57.3%).

On the average, 15 designs were filed per multiple application (2006: 14 designs).

Deferred publication was requested for 49.8 % of the designs applied for (2006: 46.3 %).

The proportional share of designs filed by foreign applicants rose to 28.5 % (2006: 23.1 %). 71.5 % of the designs were filed by applicants from Germany (2006: 76.9 %).

70.3 % of the designs applied for by foreign applicants came from Austria, 15.2 % from Italy and 5.2 % from Bulgaria (see Figure 4.1).

The largest share of domestic designs (25.7 %) were filed by applicants from Bavaria (2006: 22.6 %), followed by 25 % from North-Rhine/Westphalia (2006: 29.7 %) and 19.3 % from Baden-Württemberg (2006: 19.4 %; see Figure 4.2).

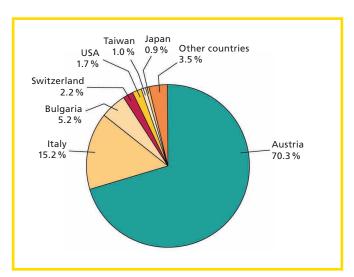


Figure 4.1: Distribution of designs filed by foreign applicants

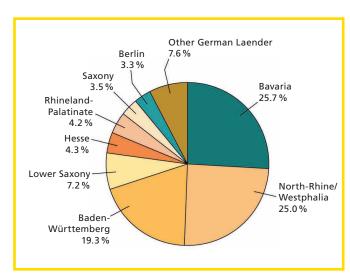


Figure 4.2: Distribution of designs filed by domestic applicants

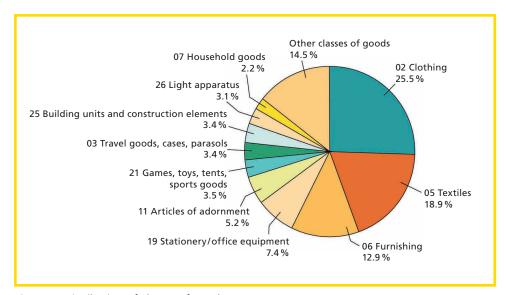


Figure 5: Distribution of classes of goods

Due to the possibility of multiple classification, introduced on 1 June 2004, the 56,208 designs registered in 2007 (2006: 46,557) resulted in 102,711 class entries (2006: 81,642). The percentages of the registrations in the various classes of goods are shown in Figure 5.

"Thought is only a flash between two long nights, but this flash is everything."

> Henri Poincaré (1854–1912)

The development of the figures for procedures after registration in the designs register (renewals and cancellations, but also extensions of protection and assignments) is shown in Figure 6.

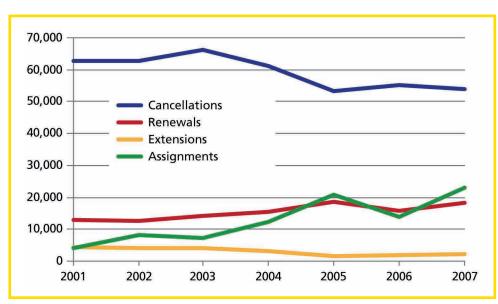


Figure 6: Development of renewals, cancellations, extensions, assignments



Government Supervision of Collecting Societies

Copyright

What would our lives be like without music, literature, movies and art? How would we spend our free time and week-ends without theatres, books, discos, movie theatres or television?

It is quite plainly obvious that artists should be suitably rewarded for enriching our lives. This principle is key to copyright law. In contrast to the industrial property rights (patents, trade marks and designs) copyright accrues automatically upon the creation of the work (of art) and gives the author the exclusive right to his/her works: no other person may use the works without his/her consent. Similar to owners of industrial property rights, however, authors themselves have to be watchful that their rights are being respected, eg that they get a suitable reward for the use of their works. This means, for example, that a musician would have to check when and where his/her music was played and claim payment for this use – a nearly impossible task. This was why the collecting societies were founded. They fulfil this task for the artists. At the same time, users or consumers of works know to whom they must apply if they wish to use works of artists

Collecting societies are associations organised under private law to whom the artists assign their user rights and their claims to remuneration by concluding so-called administration and authorisation contracts. The fees which the collecting societies collect from users are based on tariffs fixed for specific types of use, such as the reproduction of music in pubs or at concerts. The collecting societies distribute the income to the artists according to fixed rules.

In 2007, the following twelve collecting societies had an authorisation to conduct business in Germany: GEMA (Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte), GVL (Gesellschaft zur Verwertung von Leistungsschutzrechten mbH), VG Wort (Verwertungsgesellschaft WORT), VG Musikedition (Verwertungsgesellschaft Musikedition), VG Bild-Kunst (Verwertungsgesellschaft Bild-Kunst), GÜFA (Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH), VFF (Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH), VGF (Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH), GWFF (Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH), AGICOA GmbH (AGICOA Urheberrechtsschutz-Gesellschaft mbH), VG Media (VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH) and VG Werbung (VG Werbung + Musik mbH). The overall income in 2006 amounted to € 1,334,959,649.37.

The German Patent and Trade Mark Office is the supervisory authority of the copyright collecting societies.

Collecting Societies	Total Budget ¹ 2006
GEMA	874,377,611.78 €
GVL	163,018,426.71 €
VG WORT	90,163,403.14 €
VG Musikedition	2,531,424.99 €
VG Bild-Kunst	46,292,706.53 €
GÜFA	8,563,851.76 €
VFF	12,985,404.62 €
VGF	15,059,358.12 €
GWFF	66,934,865.15 €
AGICOA GmbH	21,480,130.88 €
VG Media	33,552,465.69 €
VG Werbung	_
Total	1,334,959,649.37 €

¹ The total budget includes income from licenses and claims to remuneration, income from interests and securities as well as other operating revenues.

Interview

Dr Senta Bingener is the Head of Government Supervision of Collecting Societies.

Dr Bingener, you have been Head of Government Supervision of Collecting Societies since 2007. Why supervise collecting societies?

Collecting societies hold rights in trust that are granted by the authors. Since the collecting societies represent many authors they frequently obtain an (actual) monopoly for a large number of similar rights. This is desirable in the interest of an efficient, above all, profitable administration of rights. At the same time, however, the collecting societies gain power

over authors and users that has to be controlled. This is our duty: the government supervision of collecting societies.

What are the duties of the German Patent and Trade Mark Office as supervisory authority in detail?

In a first step, we authorise the collecting societies to conduct business. We can revoke this authorisation later if the conditions for admission cease to apply. Our main task consists in controlling whether the collecting societies fulfil their duties under the Copyright Administration Law. The key issue is whether the conditions set by the collecting societies are equitable and not arbitrary.

How do you actually check whether collecting societies comply with their duties?

Above all, we make use of our comprehensive right to information. For example, we can request information on management matters and the submission of account books and other business papers, such as agreements. Moreover, the collecting societies must regularly provide comprehensive information to us.

In addition, we attend the sessions and meetings of the collecting societies all over Germany in order to recognise developments at the earliest possible stage and maintain direct lively contacts with the collecting societies. On the other hand authors, users or third parties often contact us, and this will prompt us to look into certain matters.

Collecting societies coordinate projects with us, informally, at the planning stage. This enables them to plan and act efficiently within the legal framework.

In the event of a violation of legal duties we immediately contact the collecting societies and induce changes by giving informal advice. We usually need not issue a formal warning or revoke the authorisation.

Where lies the specific challenge of your duties?

We deal with highly complex matters, specifically since European law and the fast-paced development in the field of information technology have key roles to play. As different interest groups with often contrasting interests are involved, our work requires much sensitivity to find solutions.



Dr Senta Bingener

Register of anonymous and pseudonymous works

The German Patent and Trade Mark Office keeps a register of anonymous works. Due to this register, authors of anonymous and pseudonymous works can obtain a term of protection of his/her works that is equivalent to that of other authors: normally copyright to a work expires 70 years after the author's death. If works have been published anonymously or under a pseudonym, copyright expires 70 years after publication. If an author has his true name entered in our register, the general term of protection of 70 years from the author's death applies.

The register does not constitute a documentation of all works protected by copyright. The entry in the register only extends the term of protection to the usual period of 70 years.

In 2007, entry in the register was requested in respect of 12 works. One work was registered. On 31 December 2007 the register of anonymous and pseudonymous works contained 711 works by 381 authors. Further statistical data for the years 2000 to 2007 are provided in the table "Register of Anonymous and Pseudonymous Works" on page 117.

Did you know that ...

... not even two hundred years ago authors had to ask for copyright protection of their works?

Johann Wolfgang von Goethe approached the Bundesversammlung (Federal Assembly) for assistance in 1825. At that time, authors had to ask the sovereign of each state to issue a special privilege so that they were able to protect their works against unauthorised reprints. Goethe applied to the Federal Assembly for a privilege, valid for all the German states, for protection of the new complete edition of his works against reprinting. He pleaded that copyists should be threatened with confiscation and other penalties to be fixed by the Federal Assembly for the crime of reprinting.

In 1837, the Federal Assembly introduced a general term of protection of ten years after the date of publication of the work. In 1845, the length of copyright was extended to the life of the author plus 30 years. Today, copyright in a work normally expires 70 years after an author's death

The Arbitration Board under the Copyright Administration Law (Law on the Administration of Copyright and Neighboring Rights) mainly mediates disputes between collecting societies and users of copyright works. For example, the Board deals with disagreements between Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA) and concert organisers or discotheque operators. Since 1998, the Board also deals with disputes between broadcasting organisations and cable network operators. Proceedings usually relate to individual applicability and equitability of tariffs set up by collecting societies.

The Arbitration Board contributes to reaching amicable arrangements between disputing parties. Where this goal is not achieved in the course of the proceedings, for example by way of an amicable settlement, the Arbitration Board submits a settlement proposal to the parties. If this proposal is not contested, its effect is similar to a court judgement. The Arbitration Board is integrated in the organisation of the German Patent and Trade Mark Office (DPMA). Yet it is an independent body and not identical with the DPMA as supervisory authority of the collecting societies.

Copyright Arbitration Board

In 2007, 83 new disputes were submitted to the Board. The Board concluded 95 proceedings including two inclusive contract cases. An inclusive contract is a contract between a collecting society and an association whose members exploit works or performances in a way that is relevant under copyright law. GEMA has concluded inclusive contracts with associations of producers of phonograms, setting out, for example, the copyright remuneration to be paid for each CD produced by an association member.

The number of proceedings pending at the end of the year amounted to 106 including three inclusive contract proceedings. In 2007, the Board was able to substantially lower the number of pending proceedings in comparison to the previous years. The average duration of proceedings is currently about one year.

The conciliation and settlement proposals were accepted in about 50 % of the cases. The actual settlement rate is likely to be even higher since parties sometimes formally object to settlement

proposals, although they use the proposals subsequently as a basis for settlements under civil law concluded outside arbitration proceedings.

In 2007, 22 proceedings involving PC manufacturers and suppliers were of particular importance. The disputes related to the flatrate remuneration to be paid per device to the rightholders. In a first step it had to be clarified whether it was the purpose of a PC to produce and copy video and sound recordings; in other words, whether users who bought a PC did so to produce ao video and sound recordings. Since, considering advertisements of many PC suppliers, the Board held this to be the case, it proposed to the parties to fix a levy of € 15 per PC sold in Germany as a flatrate remuneration for rightholders. According to the legislator this levy is to be added to the sales price of any PC, ie it must be paid by the user. The parties objected to the proposals.

In 2007, the Arbitration Board also settled a dispute between collecting societies and 16 firms manufacturing or selling MP3 players. The dispute was about an equitable levy on MP3 players requiring a PC to store music files. The Board proposed to adopt a remuneration corresponding to the legal provisions in relation to storage media. This settlement proposal was accepted by all parties.

Another case involved a collecting society and an association of cable network operators retransmitting radio and TV programmes against payment of a fee. Under the parties' previous inclusive contract, the cable network operators had used internal organisational structures for lowering the remuneration payable to the rightholders in a way that was not equitable. The Board proposed to conclude a new inclusive contract that had no such loophole. The parties accepted the settlement proposal.

The dispute between a collecting society and several webcasters concerning the tariff for non-commercial use of phonograms was settled in 2007. The Board proposed some modifications to the tariff which the parties then accepted as equitable.

The Arbitration Board under the Law on Employees' Inventions deals with disputes between an employee who has made an invention within the scope of his employment and his employer. It is true that the employee inventor originally acquires all rights to the service invention (inventor principle), but all rights in the invention pass to the employer as soon as the latter has made an unlimited claim to the invention. In return for the forfeiture of rights, the employee has a right to reasonable compensation. The subject of arbitration proceedings is, above all, the equitability of the compensation for the employee, if the employer has filed a patent or utility model application for the employee's invention and exploits the invention. In many cases, the parties to a dispute on compensation for the inventor must appeal to the Arbitration Board before bringing the case before the court. The Board submits settlement proposals to the parties. The parties may accept them as binding, but they may also object to the proposals or conclude a settlement outside the office. The Arbitration Board consists of a three-member panel: a legal expert, who is the chairman, and two DPMA patent examiners specialised in the relevant technological field.

Arbitration Board under the Law on Employees' Inventions

After former long-time chairman of the Arbitration Board Dr. Roland Vogel von Falckenstein left to become presiding judge at Bundespatentgericht (Federal Patent Court) the chair of the Arbitration Board was vacant for some months, before the new chairman, Dr. Ulrich Himmelmann, was appointed. Due to this vacancy, processing of arbitration proceedings was delayed. By the end of the year, the number of proceedings concluded and settlement proposals made by the Arbitration Board was relatively small compared to the previous years. In 2008, the Arbitration Board will clear the backlogs.

In 2007, the Arbitration Board received 59 requests for performing arbitration proceedings. The reason for this comparatively small number of requests might be the increased use of the so-called incentive systems. After the failure of the fundamental revision of the Law on Employees' Inventions, more and more companies free themselves from the burden of bureaucracy under the Law on Employees' Inventions by entering into agreements with the employee on buying their way out of legal obligations. In such cases, the employment contract parties waive formal statutory provisions by making an agreement on a single lump payment. At the same time, incentive systems help employers to create incentives for inventions.

This development, which might be responsible for a reduction of the number of requests, will possibly continue if the so-called "small solution" for revising the Law on Employees' Inventions is implemented. The reform approach is based on a proposal by the committee for inventors' law of Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht (German association of industrial property and copyright) (see Zeitschrift Gewerblicher Rechtsschutz und Urheberrecht [GRUR] 2007, p. 494 et seq.). According to the proposal, the written form will be replaced by the text form and the claim of a service invention will be made easier by fiction of law. Formalities, irrelevant in practice, concerning the release of the invention in foreign countries (Sec. 14 Law on Employees' Inventions) and the surrender of an industrial property right (Sec. 16 Law on Employees' Inventions) will be abolished.

The Arbitration Board dealt again with a large variety of issues of employee invention law in the previous year. One issue, for example, concerned the legal requirements for reporting an invention under Sec. 5 of the Law on Employees' Inventions. Based on the "Haftetikett" decision of 4 April 2006 by Bundesgerichtshof (Federal Court of Justice) the requirements were reinterpreted (see Zeitschrift Gewerblicher Rechtsschutz und Urheberrecht [GRUR] 2006, p. 754).

Great problems arose and still arise in particular with regard to determining the inventive value that is necessary to fix equitable compensation to be awarded to the inventor. It is particularly difficult if the industrial property right is sold together with a part of the enterprise or an entire enterprise without having an agreement on a separate price for the patent or utility model.

The Arbitration Board also dealt with the difficult assessment of the inventive value with regard to research and development contracts and the use of the invention by cooperation partners. Furthermore, it made a comment on the compensation for a foreign patent granted for a service invention not patentable in Germany, from the perspective of a patent for future use.

In several arbitration proceedings the Arbitration Board investigated whether an employer was entitled to require an employee to consent to a different compensation arrangement, because a substantial change had occurred in the circumstances essential to ascertaining or fixing the compensation. The Arbitration Board also commented on the competing bonus systems for improvement proposals and compensations for employees' inventions under the Law on Employees' Inventions. Finally, the Arbitration Board looked into the limitation of action in respect of compensation claims with regard to the transitional provisions of the statute of limitations under the law to modernise the law of obligations.



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Patent Attorneys and Representatives

Patent attorneys

Patent attorneys work at the interface between technology and the law. The IP experts, for example, advise and represent inventors seeking protection for their latest developments or their know-how, or enterprises wishing to register a trade mark or a design. Patent attorneys file applications for all industrial property rights on behalf of their clients, at the national and international level, draw up licence agreements and represent their clients before national and international authorities and courts. They are key in helping to set the course for future success of an innovation, a design or a trade mark.

In order to meet these challenges, prospective patent attorneys must have a university degree in a science, engineering or technical subject and complete a one-year technical training before undergoing a three-year training usually under supervision of a patent attorney and attending simultaneous training courses at the DPMA and *Bundespatentgericht* (Federal Patent Court) to gain the required qualification in the field of law. The DPMA admits candidates to the training, and organises, coordinates and supports the training and the qualifying examination. Successful candidates may bear the title "Patentassessorin" or "Patentassessor" (patent agent). University graduates who hold a degree in a science, engineering or technical subject and have worked for a long time in the field of industrial property protection may also be admitted to the qualifying examination.

Patent agents not only work as advisors in industrial enterprises but also as patent attorneys: A qualified patent agent who wants to work (free-lance) as patent attorney – similar to a lawyer – must be admitted to the Patent Bar. The DPMA decides on the admission of patent agents to the profession or the revocation of the admission. The DPMA is thus the central admission authority for German patent attorneys.

The number of patent attorney candidates remained constantly high at 162 admissions to the training, in 2007. 169 out of 179 candidates gained a pass in the 2007 examination conducted by the four examination boards, established at the DPMA (each consisting of a chair and further members of Bundespatentgericht, the DPMA and the patent attorney profession). At the end of the year 2007, there were 1,108 patent agents (230 of them were women) in Germany. In addition, two candidates passed the qualifying examination for admission to the Patent Bar.

In 2007, newly admitted patent attorneys by far outnumbered patent attorneys cancelled from the register; 162 new admissions as opposed to 63 cancellations. The number of patent attorneys registered at the end of the year reached a new all time high of 2,576 (283 of them were women). This is an increase of more than 30 % compared to the number in 2001 (1,996 patent attorneys).

Furthermore, three patent attorney companies were admitted in 2007.

Powers of attorney and employees' powers of attorney

The DPMA provides another important service relating to patent attorneys and representatives. We register general powers of attorney and employees' powers of attorney for the applicants and their representatives. 993 new general powers of attorney were registered under the new simplified and modernised registration procedure, and 152 powers of attorney were cancelled in 2007.



More than 20 patent information centres (PIZ) act as contact points for interested people in all regions of Germany. One of them is bound

to be near you. Patent information centres offer comprehensive information and literature on industrial property rights and arrange access to electronic databases. More information is available at:

www.piznet.de.

Our Information Services –

We will keep you informed

International Patent Classification (IPC)

The International Patent Classification (IPC) is an indispensable tool for searching patent literature. The IPC organises all fields of technology in more than 70,000 units, using a hierarchical structure. All inventions applied for can be attributed to at least one of these units, and the relevant documents can be found in our databases, irrespective of the description of the invention and the language of filing.

The IPC has eight sections:

A Human Necessities

B Performing Operations; Transporting

C Chemistry; Metallurgy

D Textiles; Paper

E Fixed Constructions

F Mechanical Engineering; Lighting; Heating; Weapons; Blasting

G Physics

H Electricity

Each section is then sub-divided in several steps. Example:

G – Physics
G10 – Musical instruments; Acoustics
G10D – Musical instruments
G10D 13/00 – Percussive musical instruments
G10D 13/02 – Drums; Tambourines

More than 100 patent authorities around the world use the IPC.

In order to adapt the IPC to ongoing technological development, the classification system is revised at regular intervals. The current and all previous editions/versions are available at http://depatisnet.dpma.de/ipc.

Vienna Classification for trade marks

Trade marks can contain or consist of figurative elements. The Vienna Classification organises these images and figurative elements in 29 categories, sub-divided into nearly 2,000 units, for example:

1. Celestial Bodies, Natural Phenomena, Geographical Maps

1.1 Stars, Comets

1.1.1 Stars

1.1.10 Stars with more than four points

This trade mark classification system makes it much easier to search our databases. The Vienna Classification in German is available at http://publikationen.dpma.de.

Patent information centres and Technical Information Centre Berlin

22 patent information centres (PIZ) are established in the Federal Republic of Germany that closely cooperate with the German Patent and Trade Mark Office. Since 2004, the Technical Information Centre (TIZ) in Berlin manages relations

with the patent information centres

The patent information centres are the contacts at Laender level for questions concerning industrial property rights. The most important target groups are small and medium enterprises (SMEs), universities and representatives of research institutions. In addition the centres provide information

on issues and aspects relating to industrial property protection for the public and thus raise awareness for intellectual property in Germany. Eleven centres accept applications of all types of industrial property rights and transmit them to the DPMA. The DPMA assists the patent information centres in organising and carrying out information events

In 2007, we participated in the following trade fairs:

Heimtextil

Paperworld, Christmasworld, Beautyworld 2007

ISPO - International trade show for sports fashion and equipment

Ambiente

Embedded World

ISH — world's leading trade fair: bathroom, building, energy, air-conditioning technology, renewable energies

Musikmesse & Prolight + Sound

HannoverMesse

International Exhibition – Inventions, New Techniques and Products, Geneva

DEGUT – Deutsche Gründer- und Unternehmertage

BAUMA

Intertech

IFFA

interzum – International fair of suppliers of the furniture industry and interior construction

Techtextil and Avantex – Trade Fair for Technical Textiles and Nonwovens

Collectione

Tendence Lifestyle

SYSTEMS

IENA

Productronica

Material Vision

on industrial property protection, which have seen growing interest. In 2007, the number of attendees to these events increased again compared to the previous years. 29 information events were organised at the Technical Information Centre Berlin and the patent information centres in 2007. The lectures and computer-assisted workshops were attended by more than 800 participants. The main topics were electronic filing of IP applications,

patent databases on the Internet and trade mark protection.

Since 1 November 2007, the DPMA, mainly TIZ staff, have participated in a three-year IPR awareness and enforcement project funded by the European Union. Within the scope of this project the DPMA intends to cooperate with the patent information centres and other institutions in Germany such as the customs services, chambers

of industry and commerce and industrial and trade associations.

Classification systems

Trade marks

The 6th edition of the International Classification of the Figurative Elements of Marks (Vienna Classification) entered into force on 1 January 2008. The classification makes it easier to search for trade mark applications containing signs or images. The 6th edition of the Vienna Classification was translated into German under the overall control of the Austrian patent office. It contains only few changes in relation to the previous edition.

The 6th edition of the Vienna Classification is available free of charge at www.dpma.de/service/klassifikationen/wienerklassifikation/index.html.

Patents and utility models

The International Patent
Classification (IPC) was twice
revised in 2007. The DPMA was
involved in the revision work.
Version 2007.01 entered into force
on 1 January 2007. In this version,
the following main groups were
further divided:

 A62D 3/00 (Processes for making harmful chemical substances harmless, or less harmful, by effecting a chemical change in the substances) H02M 1/00 (Details of apparatus for conversion) to H02M 7/00 (Conversion of ac power input into dc power output; Conversion of dc power input into ac power output)

Version 2007.10 of the advanced level IPC with restructured main group B60K 6/00 (hybrid propulsion systems) was issued on 1 October 2007.

The International Patent Classification (IPC) is available free of charge in three languages (English, French, German) with a wide variety of search options at http://depatisnet.dpma.de/ipc.

Trade fair activities 2007

Until recently, we had concentrated our activities entirely on selected technology fairs like Hannover Messe, but in 2007, for the first time, we also participated in trade fairs for consumer goods. The trade fairs provided a useful forum for informing the visitors and exhibitors about industrial property

rights, above all about trade marks

and designs.

Would you like to visit us at our stand? We will be participating in a number of trade fairs in 2008: a list of trade fairs is available on page 107 and on our Internet site at: http://www.dpma.de/service/messekalender/index.html.

We will be pleased to send you further information or answer your enquiries regarding fair dates and venues by e-mail (messe@dpma.de).

Messe Frankfurt against Copying

The German Patent and Trade Mark Office is a cooperation partner of the immensely successful campaign "Messe Frankfurt against Copying" of Messe Frankfurt.

At trade fairs held in Frankfurt, exhibitors and visitors learn first hand how to protect their ideas, designs and products and how to enforce their rights. The following authorities and organisations in the field of industrial property protection will also be present at a (joint) stand:

- Aktionskreis Deutsche
 Wirtschaft gegen Produkt- und
 Markenpiraterie e. V. (APM),
 (anti-product piracy campaign
 committee of German industry)
- Aktion Plagiarius e. V. (Plagiarius campaign)
- Zentralstelle Gewerblicher Rechtsschutz des Zolls (ZGR) (industrial property rights department of German customs authorities)

Did you know that ...

... we provide you with access to information 24 hours a day?

Information about all types of IP rights and about us is available any time at: www.dpma.de.

You can contact us personally by phone, fax or e-mail during our service hours. You can also visit us in Munich, Jena or Berlin.

You can find our contact details and opening hours on the Internet at: www.dpma.de/amt/kontakt/ index.html.

• Euro Info Centres of the European Commission (EIC).

The "Messe Frankfurt against Copying" is so successful and popular that the US Department of Commerce has started a "Stop Trade in Fakes" programme which is modelled on the Frankfurt campaign. A similar concept was also adopted in China. That shows very clearly that Chinese authorities



Messe Frankfurt against Copying

too are pursuing a systematic intellectual property protection policy.

Further information on the "Messe Frankfurt against Copying" campaign is available at: www.
messefrankfurt.com.

DPMA and customs authorities jointly inform fair visitors in Munich

We started to work with our new cooperation partners, the customs authorities and Messe München International, to organise our presence at trade fairs. On some Munich trade fairs we worked together with the Industrial Property Rights Department of German Customs Authorities (ZGR) to give advice to fair visitors. In 2007, we had joint stands at 12 of the 21 trade fairs that we attended. We look forward to extending cooperation in the coming year.

Thuringian Innovation Award 2007

Within the framework of the Thuringian Innovation Day, the annual innovation fair and the presentation of the Thuringian Innovation Award 2007 took place in Erfurt, on 14 November 2007. The German Patent and Trade Mark Office had a stand at the fair manned by staff of the Jena Sub-Office. The stand was very popular

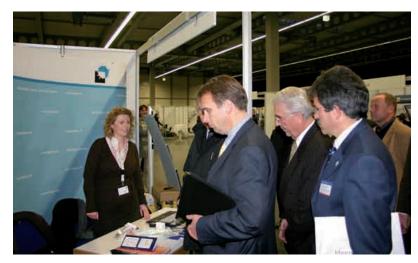


Joint stand of the DPMA and the ZGR (Zentralstelle Gewerblicher Rechtsschutz des Zolls/industrial property rights department of German customs authorities)

among pupils within the scope of the guided tour "Technology is cool".

After the fair, the Thuringian Innovation Award 2007 was

presented to the winners in the categories "cooperation" and "design" as well as "products, processes and services". In addition, an innovation received an audience award.



Prime Minister of the Free State of Thuringia Dieter Althaus and Prof Dr Werner Bornkessel (managing director of the Thuringia foundation for technology, innovation and research) visiting the stand of the DPMA at the Thuringian Innovation Day

Interview

Hildegard Schmoeckel is the Head of the Enquiry Unit and the Search Room in Munich.

Ms Schmoeckel, the enquiry unit is the first contact point for many customers who wish to obtain protection for an invention, a trade mark or a design. What kind of information do you provide exactly?

We provide general information on filing routes, procedures and requirements to applicants, specifically from small and medium enterprises and to individual inventors. Many people, who request information, are quite unfamiliar with industrial property rights. For this reason we often have to identify at first what kind of products or ideas have been developed and what type of industrial property right might be appropriate. We then forward applicants the required application forms and advise on search options. We are not authorised to give legal advice. Under the Law on legal counselling, only attorneysat-law and patent attorneys may provide this type of service.

You are not authorised to give legal advice. Where can applicants get free legal advice?

In close cooperation with the chamber of patent attorneys we organise free initial consultations for inventors at the premises of the DPMA in Munich and Berlin. Patent attorneys offer free 30minute individual interviews and provide information on all matters related to intellectual property. Likewise, at the regional level, the patent information centres, many chambers of commerce and industry and comparable service organisations offer free initial consultations for inventors. There is a large variety of consultation services in Germany. The enquiry units are pleased to provide information on the individual options. Appointments should be made well in advance.

How many staff members handled how many enquiries in 2007?

36 staff at our three enquiry units in Munich, Berlin and Jena and the two search rooms in Munich and Berlin dealt with nearly 160,000 customer enquiries of any kind in 2007.

You mentioned search options. What services do you offer to visitors of the search rooms in Munich and Berlin?

Please note that all our official publications are now exclusively published online. Computers with Internet access are available for the public in the search rooms in Munich and Berlin. The search room staff advise customers free of charge on the many information options in the field of industrial property. For identifying the state of the art, which is important for patent applications, access is available to more than 60 million patent documents of various collections, mostly within the inoffice database of **DEPATIS** or, via the Internet, within **DEPATISnet**. We help customers to find the appropriate classes of the International Patent Classification (IPC) for targeted searches.



Hildegard Schmoeckel

At the Technical Information
Centre in Berlin visitors can also
find historical patents and patents
from Eastern Europe and the
USSR/Russia from 1924 onwards.
Legal status registers, such as
DPINFO, are much used as well.

Apart from patent document collections, visitors of the search rooms can use our vast library. I would also like to mention file inspection. Mainly local attorneys and patent search firms use the option to inspect and copy files, made available upon written request. We received more than 4,100 requests for file inspection in 2007.

Is it possible to search for trade marks and designs at your search rooms, besides the socalled prior art search, ie patent search?

Many customers look for registered names, logos or designs. We assist them in our search rooms, but also by phone or e-mail, and emphasise the importance of searches, since novelty of trade marks and designs applied for is not examined by the German Patent and Trade Mark Office in the course of the registration procedure. Applicants must investigate this issue very thoroughly, and our help is much requested and appreciated. In the past year we updated and

redesigned the flyers "Online Searches for Trade Marks" and "Online Searches for Designs" covering this topic.

There is a large and complex variety of databases on industrial property rights available on the Internet. Do you offer training courses and quided tours?

In Munich, in particular, we offer half-day workshops on patent search within **DEPATISnet** and searches within the **DPINFO** and **DPMApublikationen** databases to interested persons, above all, from the Munich region. In 2007 we organised eight workshops and presented the main e-services of the DPMA to 75 persons against a small fee. We will continue this workshop series.

The Technical Information Centre in Berlin organises similar workshops in close cooperation with the patent information centres. It is always useful to look up the workshop schedule at the DPMA website, in the DPMA Newsletter or on the notice boards at the information centre.

Enquiry unit staff run guided tours of the office premises for visitor groups from companies, law firms, universities or schools and present our database services. These tours allowed us to reach nearly 3,500 interested people in the past year.

You come into contact with many people who are interested in patent information. How do you draw on your experience?

The staff of our "search assistance" hotline, above all, receive many enquiries by phone at +49 (0) 89/2195-3435 or by e-mail at datenbanken@dpma.de.
They work in close cooperation with the IT development division.
Our service team tests new database applications – recently, the extension of the DPMAkurier supply service. The know-how gained in this process will benefit, in turn, each individual customer of our service hotline.



Opening hours of the enquiry units:

- Munich: Monday through Thursday 8:00 a.m. to 4:00 p.m.,

Friday until 2:00 p.m.

- Berlin: Monday through Thursday 7:30 a.m. to 3:30 p.m.,

Friday until 2:00 p.m.

- Jena: Monday through Thursday 9:00 a.m. to 3:30 p.m.,

Friday until 2:00 p.m.

Opening hours of the search rooms:

- Munich: Monday through Wednesday 7:30 a.m. to 5:00 p.m.,

Thursday until 6:00 p.m., Friday until 3:00 p.m.

- Berlin: Monday through Wednesday 7:30 a.m. to 3:30 p.m.,

Thursday until 7:00 p.m., Friday until 2:00 p.m.

Central telephone number of the enquiry services: +49 (0) 89/21 95-34 02

German Patent and Trade Mark Office (Deutsches Patent- und Markenamt) Zweibrückenstraße 12 80331 München Germany

Search room +49 (0) 89/2195-2504

or -3403

Technical Information Centre Berlin (Technisches Informationszentrum Berlin) Gitschiner Straße 97 10969 Berlin Germany

Search room +49 (0) 30/25992-230

or -231

Jena Sub-Office (Dienststelle Jena) Goethestr. 1 07743 Jena Germany

Enquiry unit and search rooms in figures

	Staff
Enquiry unit Munich	14
Enquiry unit Berlin	8
Enquiry unit Jena	2
Search room Munich	6
Search room Berlin	6
Customer contacts in 2007, total	159,524
including	
telephone calls (without switchboard operator)	107,007
enquiries by e-mail	16,305
enquiries by mail / fax	4,116
Advice by e-mail / mail / fax (incl. written answers to telephone enquiries)	20,324
Sets of forms sent out	62,236
Personal counselling at the enquiry units	12,173
Visitors to the search rooms	15,860
Visitors attending guided tours / workshops	3,472

Did you know that

... our databases are the most important sources of technical literature?

Roughly 60 million patent documents are available in our **DEPATIS** database at: http://depatisnet.dpma.de. In **DEPATIS** you can conduct free searches for patent publications from all over the world. Our **DPINFO** database is available at: https://dpinfo.dpma.de. It offers you an overview of all current legal status data of IP rights applied for at our office. Our official publications are available in the **DPMApublikationen** database at: http://publikationen.dpma.de. All our databases are free.

Our Information Technology

Electronic case file

The project

In the interest of our customers we are continually working towards the improvement of our business processes and services. To be able to process applications as fast as possible and disseminate information as best as possible we rely, above all, on information technology (IT), particularly on the Internet.

For some time it has been possible to file IPR applications online and to view published applications or registered or granted IP rights on our website. Between these two steps, the "input" of the application at the DPMA and the "output" that means the publication at www.dpma.de, there is a discontinuity of data media. The electronic application is printed out and a paper file is established. That means a high investment of time and money, because over the years the files have covered kilometres and kilometres of shelves, requiring a huge logistic effort.

Our solution: end-to-end electronic processing – the "electronic case file". It enables us to use fully IT-supported processing for all types of IPR applications, that means

patents, trade marks, designs and utility models. Then, our customers will also be able to inspect our files electronically.

The path to implementation

The introduction of the electronic case file requires a thorough investigation of the present work processes and meticulous planning and preparation. For example, software programs have to be specifically designed to our needs and adapted to be compatible with existing programs. Applications filed on paper must be scanned first. All staff that will work with the electronic case file must be equipped and trained to use the necessary technology.

Furthermore, certain horizontal functions, used by staff of all divisions, must be revised

Our IT projects with mainly internal effects

Electronic case file

DEPATIS redesign

Integration of international registrations into **DPMAmarken**

Our IT projects with mainly external effects

DPMAdirekt online filing

Replacement of **DPINFO** by **DPMAregister**

DPMAconnect webservice

and re-established. These include for example a central database to manage addresses (DPMAadressen) or to monitor the payment of fees (DPMAzahlungsverkehr).

The successful implementation of the project "introduction of the electronic case file" will take several years.

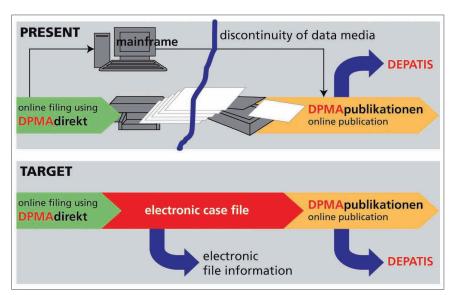


Figure 7: Electronic case file processing

In focus

The introduction of the electronic case file in detail

Conditions for the successful implementation of the electronic case file are the introduction of new horizontal functions and the adaptation of the existing ones that are used by a major part of our staff. In 2007, the following three horizontal functions were introduced:

DPMAzahlungsverkehr

The new **DPMAzahlungsverkehr** program has been used by us since 16 April 2007. It allows us to manage fees more easily and to assign them to the individual IP applications.

DPMAadressen

The new **DPMA**adressen system enables us to manage the addresses of applicants and their representatives. The new system was launched successfully on 23 July 2007. Now, staff of the trade mark and design divisions may access address details faster and more comfortably.

DPMAnutzerverzeichnis

Since 18 June 2007, **DPMAnutzerverzeichnis** has made registration for our IT systems easier. The henceforth central administration of the user data reduces data maintenance.

DPMApatente and **DPMA**gebrauchsmuster

The introduction of the electronic management of case files in the patent and utility model areas is very complex and error-prone. To minimise risks, the development, tests and introduction in the technical divisions will be implemented in several steps, in so-called releases.

In 2007, individual task clusters of **Release 1** were implemented. The internal DPMA information system was developed and will enter the test phase in 2008. Scanning facilities were installed in our document

receiving service. All incoming applications will be scanned here so that they can then be further processed electronically. Tests of the new process will go on in 2008.

In addition, the entire new hardware for development, test and production of the new systems was provided with the necessary software in 2007. Release 1 will most likely be concluded by May 2008.

In 2007, we started development works for subsequent Release 2 in parallel with the works on Release 1. Release 2 establishes the conditions for the initial entry of data to the new system. In addition, the internal information system will be completed and the central printing component for documents will be implemented. Furthermore, external systems will also be incorporated. This applies to, for example, our publication platform or data imported from the World Intellectual Property Organization (WIPO).

Furthermore, we will implement the services which predominantly fulfil horizontal functions. Horizontal functions are functions fulfilled for several of our divisions. These include, for example, distribution of documents or cancellation of file numbers. Furthermore, we will conclude the establishment of the scanning facilities in Release 2 so that it will be possible to scan not only incoming applications but also existing files. Completion of Release 2 is scheduled for February 2009.

In Release 3 we will introduce the electronic case file for patent and utility models with all procedures in 2010.

DPMAgeschmacksmuster

After the patent and the utility model areas, electronic case files will also be introduced in our designs area. We have started preparatory work on this project in 2007, by analysing some business processes in this area. This analysis will be continued in 2008.

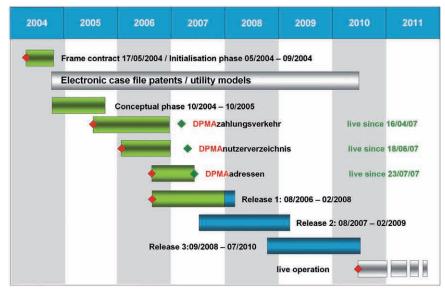


Figure 8: Project timescale "Introduction of the electronic case file"

Advantages for our customers

As soon as we have introduced the electronic case file, applications for patents, trade marks, utility models and designs will be processed without the need to change over from one data media to the other. All divisions will then use the same program creating great synergy effects, which will also provide noticeable benefits to our customers. The applications can be processed quickly because no paper file will circulate through the office. Almost immediately after filing, the application will be routed to the examiner in charge provided the examination request has been filed too. Parallel handling by several staff members will also be possible. That way we can process incoming applications for patents, trade marks, utility models

and designs faster, or make faster decisions on registration or grant.

From 2011, customers will be able to inspect the files of their patent and utility model applications online. At present, the files can only be inspected at our search rooms in Munich or Berlin, or copies of the files may be ordered.

DPMAmarken

For over 18 months, more precisely since May 2006, the new electronic trade mark file management system has been available to over 400 staff members of the trade mark area. The system runs smoothly and has become an indispensable component for processing and managing trade mark applications.

The features of **DPMA**marken

DPMAmarken is a very complex and integrated "umbrella" system that reproduces all processes relevant under trade mark law. It is a fully electronic end-to-end trade mark processing system, from the input of the application data to the examination and registration, to the managing of trade mark procedures. Moreover, **DPMAmarken** is connected to the horizontal functions, **DPMAadressen** and **DPMAzahlungsverkehr**, thus allowing the automatic management of complete business processes, for example, checking whether the renewal fees for a trade mark have been paid. Entering the trade mark in the register and publishing the trade mark are also electronic operations.

Objectives of **DPMA**marken

DPMAmarken not only allows our staff to work more comfortably. The use of DPMAmarken for handling trade mark procedures also ensures that applications are processed faster and leads to a consistent decision practice – for all procedures – in the trade mark area. Consequently, DPMAmarken contributes essentially to increasing customer satisfaction with our services.

Integration of international registrations (IR area) into DPMAmarken

Presently, **DPMAmarken** can be used for national trade marks only. Therefore, a new project was started to integrate the IR area into the **DPMAmarken** system.

The IR area of the DPMA transmits requests for the international registration of trade marks, applied for or registered in Germany, to the World Intellectual Property Organization (WIPO). Vice versa, the IR area receives requests by applicants wishing to register their (foreign) trade marks in Germany.

Our aim is to use the **DPMAmarken** system also to manage and process international trade mark applications. By this means, we can achieve faster processing and greater customer satisfaction also for international registrations. The integration of the IR area will presumably be completed in 2009.

Improvement of our Internet services

Information about industrial property rights and filing routes is available at www.dpma.de. You can also file an application for an industrial property right online or search our databases for patents, trade marks, utility models and designs that have already been

applied for. In 2007, we again extended these services to provide you with comfortable, fast and easy search and filing options.

DPMAdirekt - online filing

With our **DPMAdirekt** service you can quickly and comfortably file applications for trade marks, patents and utility models online at the DPMA. To use this service applicants need the free **PaTrAS** software, which can be downloaded from our Internet site at: www.dpma.de.



In the middle of the year, we extended our PaTrAS software (Patent and Trade Mark Application System). On request of many of our applicants the texts of a patent application or utility model application can now be submitted not only in XML format but also as a PDF file. The abstract, the description and the claims may be filed as individual PDF files but may also be submitted as a joint file.

The electronic IP application is essentially compatible with the epoline® software of the European Patent Office (EPO). This means that the national application, the European application and the international application (PCT) can be filed at both offices, the DPMA and the EPO, using PaTrAS. An XML or PDF description generated for the national application can also be used for a European or an international application.

The online filing of applications is appealing to our customers. The number of applications filed online greatly increased again in 2007. The online filing of patent applications is most popular.

In mid-2008, the user interface of **DPMAdirekt** will be redesigned on the request of our customers.

More information on **DPMAdirekt** and the **PaTrAS** software is available at www.dpma.de.

DEPATISnet

Users can search for patent publications from all over the world in the **DEPATISnet** database. In 2007, we extended the full text search. Full text search is now available for German documents since 1945 (publication year).

Documents cited (from patent literature and non-patent literature)

are now also included on the bibliographic data screen. The cited patent specifications are linked.

DPMApublikationen

All our official publications on IP rights are available via the **DPMApublikationen** service. Due to a legislative change we added the publication of geographical indications and designations of origin in 2007 (more information on this issue is available on page 41).

Furthermore, we improved search logic for combined searches and integrated the new A5 documents (these are references to international publications in German).

DPMAkurier

Our free **DPMAkurier** service regularly provides current information on the legal status of industrial property rights by e-mail. Since 2007, you can submit a maximum of 50 file numbers instead of the former five for subscription. From early 2008, monitoring by classes of the classifications or by names of owners and applicants will also be available.





Personnel and Budget

Personnel

In 2007, 2,501 staff worked at the German Patent and Trade Mark Office (DPMA). 2,201 staff worked at the Munich location and 300 at the Jena Sub-Office and at the Technical Information Centre in Berlin. There was another slight reduction of staff compared to previous years. This is due to further reduction of temporary employment contracts, but also to the changed conditions on the job market that resulted in higher employee turnover.

Staff incentive scheme

In 2007, a total of 199 civil servants received incentive bonuses. These include also 15 team bonuses for 57 civil servants. The incentive bonuses paid amounted to roughly € 166,000. At the same time, a flat rate bonus was paid to every employee together with the July salary.

Training at the DPMA

In the year under review, we had 83 trainees. This means that we again exceeded the training quota fixed by the Federal German government. In the past year, we offered training for the following skilled occupations:

- administrative employees
- office communication clerks
- media and information services clerks
- IT specialists
- carpenters
- electricians for building services engineering

In addition, 37 students and pupils completed internships at our office in the year under review.

Also in 2007, we placed great importance on the thorough qualification of our staff. We offered general PC courses, database courses for examiners, special training courses in the field of information services and courses tailored to the specific needs of particular staff groups. Within the scope of personnel development, managers attended special training courses. Altogether this amounted to 3,100 days of training.

We closely work together with Bundesakademie für öffentliche Verwaltung (Federal academy of public administration), the central training institution of the Federal administration. We act as a regional branch of Bundesakademie. Within this framework, our training section organises training courses for 21 affiliated authorities (Federal authorities and government-funded institutions) in southern Germany. The training courses are run on our premises. In addition, we organise training events in the field of industrial property protection also for the public.

We also offer 17 weekly language courses in English and French which have proved very popular among staff.

In 2007, four staff members attended qualifying courses for



Learning in a team: our trainees jointly solving an exercise

employees at the Bavarian School for Administration. Training course I for employees is equivalent to the training for civil servants of the non-technical intermediate civil service, training course II for employees is equivalent to the training for civil servants of the non-technical higher intermediate civil service. Both training courses are career development measures. Graduates of the training course II qualify for higher-level positions.

Equal opportunities

People with disabilities

As a public employer we take our responsibility towards disabled people very seriously. Also in 2007, the share of disabled staff increased slightly and again significantly exceeded the legal quota. In cooperation with the representatives of disabled employees, we intensified the efforts to provide barrier-free access to the office buildings, barrier-free software and barrierfree access to our Internet and Intranet presentations. With the assistance of the integration office we further improved the working conditions of staff with disabilities in 2007. Lectures were held to call attention to the life of people with physical and emotional disabilities and to raise the awareness of coworkers of the restrictions imposed by a disability.

Women at the German Patent and Trade Mark Office

In 2007, 1,241 of the staff of the DPMA were women and 1,260 men. The percentages of both groups remained nearly the same.

We do not only aim to ensure equal representation of men and women, but we also promote equal opportunities by providing flexible working conditions to allow staff to better balance work life and family life.

Teleworking

Since 2003, teleworking has been introduced step-by-step to better reconcile family life and work life. Last year, an evaluation survey was carried out among teleworkers, their office-based colleagues, superiors and patent attorneys. The result emphasises the successful introduction of teleworking and teleworking practice at the DPMA. Teleworkers produced the same quality of work and it improved their job satisfaction and

Family-friendly employment: we support work-life balance policies

Flexi time

A few years ago we introduced a flexi time scheme that allows our staff to work flexible hours. In 2007, the service agreement on flexi time, concluded with the (general) staff council, was amended and further extended the options to work flexible hours for mothers and fathers.

Part time employment and teleworking

In addition, we offer our staff part time and teleworking schemes contributing to a better work-life balance of our staff. motivation, and even increased productivity. The different demands imposed on staff and employer alike by teleworking (availability, communication, adjustment of business processes, technical equipment, etc) were fully met by the participants.

After this very positive outcome, teleworking has been further extended by additional 50 teleworking positions to a total of 350. From the beginning of 2008, the additional places will be allocated in several stages so that almost 350 staff will be able to take part in the teleworking scheme. This means that teleworking has become a highly



Our on-site nursery helps to better reconcile family life and work life

successful model of employment, with nearly 14 % of staff participating in the scheme.

Teleworking takes into account the personal situation of staff, for example, caring responsibilities for children or close relatives and makes the situation easier for staff to handle through greater flexibility at work and at home.

Nursery

The DPMA made another contribution to a better work-life balance by establishing an on-site nursery at its Munich headquarters. After a long planning and coordination phase the conversion of office rooms in the headquarters in Zweibrückenstraße started in early 2007. Through the concentrated efforts of all people

involved, the construction work had progressed well so that, after final acceptance and grant of the operating licence, the nursery welcomed the first children of staff and helped them to settle in, as early as September 2007. The nursery for 24 children aged between eight weeks and three years is managed in cooperation with the City of Munich. The workplace nursery is run by Verein für Sozialarbeit e.V. that also operates other nursery and childcare facilities in Munich and has the necessary experience to select qualified nurses. 12 nursery places are available for the children of staff and the other 12 places are allocated by our cooperation partner. At our Doors Open Day in September many interested staff members gained a positive impression of the premises of the nursery and had the opportunity to meet the nursery manager and the nurses. The applications of staff for childcare places in the initial year show that we did right to support the nursery.

Part time

About one eighth of our staff are working part time. It is possible to submit a request to work part time to accommodate family responsibilities. Part time workers can choose a part time working pattern according to their individual needs.



Baking together at our nursery

Health

We pursue an active health promotion policy. In 2004, "Forum Gesundheit" was founded which coordinates health promotion at the workplace. For many years, Sozialwerk der Patentbehörden e. V. (social club) has offered diverse sport activities like running, tennis, table tennis and basketball.

In 2007, the DPMA offered weekly back exercise sessions in the former public search room of the Munich headquarters during the lunch period. The back fitness sessions are very popular among staff. The weekly training units are compiled and supervised by two staff members who are also qualified fitness instructors. The preventive back pain training programme is also available on our Intranet allowing staff to workout directly at their desks.

One of our staff is a qualified yoga teacher who runs a yoga class in Munich for interested staff. The yoga training focuses on breathing techniques and physical exercises tailored to the needs of the participants. Another of our staff offers Nordic walking classes after work to interested staff. This class is also very popular among our staff.

Besides campaigns and lectures promoting a healthy diet, medical services (office doctor and nurse), psychological counselling and conflict management by conflict



Our popular Nordic walking classes

advisors in all branches of the DPMA, stop smoking courses were organised and run.

A systematic active rehabilitation programme for staff returning to the workplace after long-term illness was launched in 2007. The health promoting activities were completed by the well-attended health information days in the Munich and Jena branches.

Protection of non-smokers

As early as at the end of 2006, an absolute smoking ban in all our office buildings was introduced. After initial difficulties, non-smoker protection has become well established over the last year. Stop smoking courses, run by the office psychologists, have helped staff to give up smoking successfully.







DPMA - Annual Report 2007











Budget 2007

In the budget year 2007, the income trend of the previous years prevailed: our total income amounted to € 266.7 m, a plus of € 3 m against the preceding year. Expenditures amounted to € 221.6 m. This means that the DPMA is one of the few Federal agencies that are self-supporting.

servants and employees and the annual extra contribution for consolidating the Federal budget.

The extra funds required for our central IT projects, in particular the introduction of the electronic case file, were made available despite these difficult outline conditions.

a technological location. The Minister mentioned in particular that a speedy and legally valid examination of IP applications was subject to sufficient staff at the German Patent and Trade Mark Office and that the DPMA required about 180 additional posts.

Thanks to the support provided by Brigitte Zypries, seconded by budget rapporteur Dr Ole Schröder, funds to create 58 new posts were earmarked in the 2008 budget. After deduction of the posts to be cut in 2007 (38.5) this is an actual increase of 19.5 posts at the German Patent and Trade Mark Office.

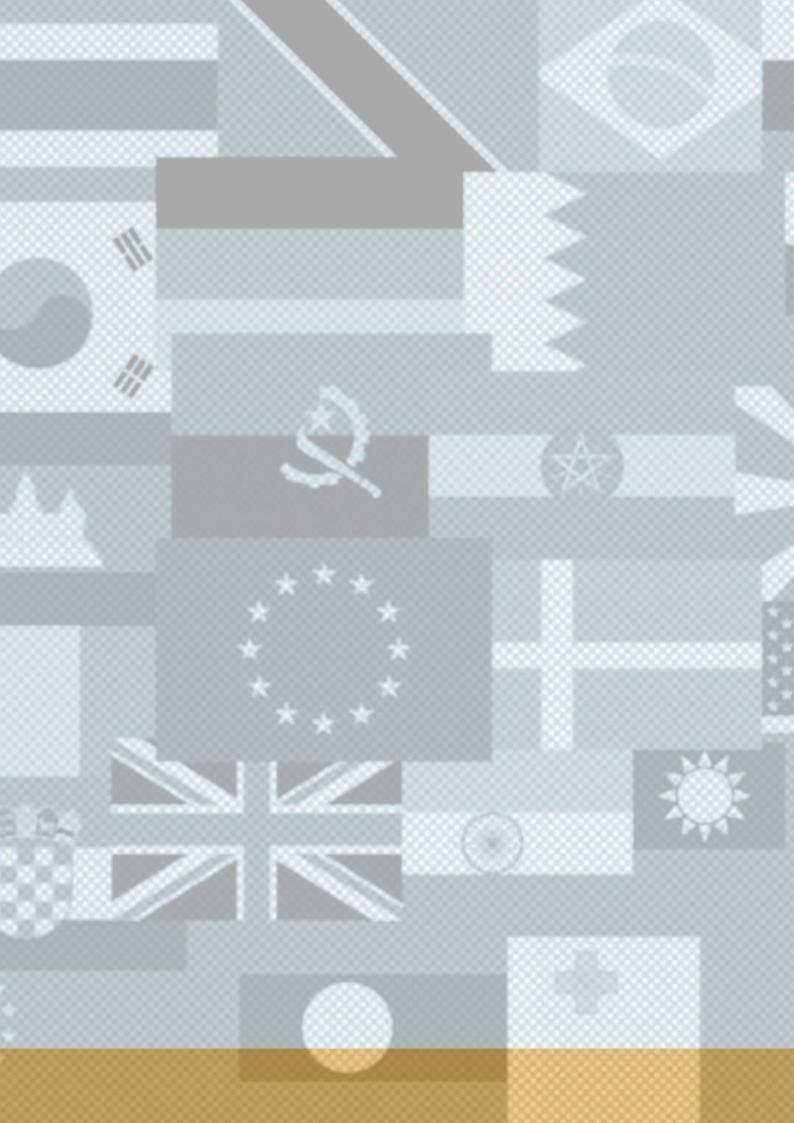
We have again been self-supporting

Against the background of many economy measures and extra charges, this good result is all the more remarkable. The VAT increase, for example, constituted an extra charge. Other economy measures were due to financing of the pension scheme for civil

On occasion of the discussions on the budget act 2008 at the *Bundestag* (Federal parliament) on 11 September 2007, Federal Minister of Justice Brigitte Zypries emphasised the importance of the German Patent and Trade Mark Office for Germany as

Table 13: German Patent and Trade Mark Office including Federal Patent Court and pension charges € m

	2006	2007	Change in %
Income	263.8	266.7	+ 1.1
Expenditure	220.9	221.6	+ 0.3
incl. personnel	124.6	121.5	- 2.5



International Cooperation

Asia

For years the Asian economic area has been steadily growing in importance. Intellectual property protection plays an important role in this context and is a daily topic in the newspapers, in Asia as well as in Europe. The increasing number of German applicants seeking protection for their inventions in Asia and of Asian applicants claiming protection in Germany impressively emphasises the need to cooperate with the Asian countries. For years we have intensively worked together with the authorities in China, Japan and South Korea to ensure industrial property protection and to raise public awareness of the importance of intellectual property protection. The Federal government too attaches great importance to international intellectual property protection and consequently, made it a key issue of Germany's presidency of the G8 group of industrialised nations and of the EU Council Presidency in the first half of 2007.

Against this background, we intensively continued and extended cooperation with our Asian cooperation partners in 2007. In May and October of that year, President Dr Schade travelled to Asia for bilateral talks and conclusion of memorandums of co-operation with the patent authorities of the individual countries. Particularly worth mentioning is the first-time signing of a memorandum of understanding on bilateral co-operation between the DPMA and the Office of the Controller General of Patents, Designs and Trade Marks – CGPDTM, Government of India.

China

In May 2007, we organised a "Sino-German symposium in the field of intellectual property" in cooperation with the State Intellectual Property Office of the People's Republic of China (SIPO) in Beijing, which was attended by many representatives of business, industry and the legal profession. At the symposium, discussions focused on the latest developments of both offices and current intellectual property issues.

Within the scope of workshops, the following topics were thoroughly discussed with Chinese and German specialists: "protection of biotechnological inventions", "patent management in international industrial enterprises" and "infringement proceedings in the IP field".



Dr Jürgen Schade and Commissioner Tian Lipu (SIPO)

In October 2007, the heads of the two offices met in Shanghai to sign a partnership agreement for the years 2008 to 2010 to extend the almost 30-year long cooperation. It provides for intensive cooperation in the following key areas: patent procedure, search options, classification, information services,

IT systems, training of staff, general administration, raising awareness of the protection of intellectual property and global patent issues. In addition, it is planned to hold regular symposiums and management level meetings on intellectual property aspects.



Besides close cooperation with the State Intellectual Property Office, we were able to intensify bilateral contacts with the Chinese Trade

Dr Jürgen Schade and An Qinghu (CTMO)

Mark Office (CTMO) and the State Administration for Industry and Commerce (SAIC) in 2007. Both sides reinforced their wish to extend the exchange of experience in the field of trade mark law and protection of indications of geographical origin.

In recognition of his personal commitment to Sino-German cooperation in the field of industrial property protection, President Dr



Jürgen Schade was awarded an honourable professorship from Tongji University, Shanghai, in May 2007. The award of the honorary professorship was presented by Prof Wan Gang, the former President of Tongji University and Minister of Science and Technology.

Japan

In 2007, the German Patent and Trade Mark Office and the Japan Patent Office (JPO) laid the foundation for the joint Patent Prosecution Highway (PPH) pilot programme. Under this pilot programme the DPMA and JPO will exchange and mutually use work results.



Signing ceremony at the Japan Patent Office

After the USPTO, KIPO and UKIPO, we also decided to conduct such a pilot programme with the Japan Patent Office. Since spring 2007, intensive talks have been held with the JPO on the issue. The talks were successfully concluded by signing the respective agreement in Tokyo in October. The pilot programme will start in March 2008 and is scheduled to run for two years with an option to extend this period.

India

In autumn 2007, we opened a completely new chapter of international cooperation. For the first time, we started bilateral cooperation with the Indian Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM). On occasion of the state visit by Federal Chancellor Dr Angela Merkel to India, President Dr Jürgen Schade signed a memorandum of understanding on bilateral co-operation with the CGPDTM, in presence of the Federal Chancellor. It is planned to work together in the following areas: capacity building, human resources development, public awareness programmes, including also patent data exchange, cooperation in the training of personnel and joint organisation of events.



Dr Schade and Ajay Shankar signing the memorandum of co-operation

World Intellectual Property Organization (WIPO) in Geneva

It is the duty of the World Intellectual Property Organization (WIPO) in Geneva to promote the intergovernmental exchange of experience and international cooperation to enable further development of the system of industrial property protection at European and international levels. Representatives of the DPMA actively participated in the decision-making processes in various WIPO committees in Geneva in 2007. At present, WIPO has 184 members.

International harmonisation of patent law

Against the background of increasing globalisation, the international community of states has, for some years, made efforts to internationally harmonise substantive patent law. Also in 2007, negotiations were continued on basic questions of the Draft Substantive Patent Law Treaty (SPLT). On the basis of a first-to-file system, the participants discussed questions of novelty, inventive step, grace period and prior art. However, despite intensive efforts, it has not been possible so far, even among EU member states, to adopt a common negotiation guideline on all key points. Consequently, no significant progress can be expected in the short or medium term.

Reform of the Patent Cooperation Treaty

The Patent Cooperation Treaty (PCT) allows applicants to achieve the effects of a national application in all PCT contracting states by filing a single international application. Consequently, the PCT system is a considerable procedural simplification for applicants because they can obtain a multitude of national patents by filing a single application. In 2007 some further countries acceded to the treaty. The following member states were welcomed:

- Malta (since 01 March 2007)
- Bahrain (since 18 March 2007)
- Dominican Republic (since 28 May 2007)
- Angola (since 27 December 2007)

Hence, 138 countries are party to the PCT.

The extensive PCT reform process, which started in 2001, was concluded in 2007. The latest amendments of the treaty as, for example, the consideration of former work results in the international search report, the introduction of additional international searches and the addition of Korean and Portuguese as languages of publication will enter into force on 1 July 2008 and 1 January 2009, respectively.



European cooperation

Within the scope of the German EU Council Presidency in the first half of 2007, numerous events took place on the improvement of protection of intellectual property rights and enforcement of these rights. In March 2007, the Federal Ministry of Justice and Bundesverband der Deutschen Industrie (Federation of German Industries) jointly organised an international conference on "A Europe of Innovation – Fit for the Future?", which was attended by over 250 participants from government, industry, the justice sector, patent institutions and non-governmental organisations. "We must provide innovative companies in Europe with a patent system that offers streamlined structures, appropriate costs and efficient procedures. Only in this way will we be able to tap the full innovative potential of our economies", Federal Minister of Justice Brigitte Zypries stated.

The establishment of a uniform European patent litigation system was the focus of an international symposium on "The Future of European Patent Jurisdiction in Europe", organised by the Federal Patent Court in coordination with the Federal Ministry of Justice, in June 2007. More than 300 guests attended this international symposium in Munich. The attendees were judges, lawyers and other experts concerned with patent litigation in industry, the academic world and governments of the EU member states and in the EU Commission, from all over Europe, but also from Asia and the USA.

The events held within the framework of the German EU Council Presidency provided German and international decision-makers and experts in the field of patent policy with a forum to discuss urgently needed reforms to the patent system in Europe.

EPC 2000

On 13 December 2007, the revised European Patent Convention (EPC) entered into force. The EPC governs the grant of European patents by the European Patent Office and is applicable to all member states of the European Patent Organisation. The revised convention will change several existing procedures, but also introduce new approaches. Part of it will be the introduction of a new central limitation procedure before the European Patent Office and the option of filing a petition for limited review of decisions of the Boards of Appeal by the Enlarged Board of Appeal. Now, many changes can be decided directly by the Administrative

Council of the European Patent Organisation removing the need to convene a diplomatic conference of the member states.

London Agreement

The London Agreement was already concluded in London, on 17 October 2000. It provides for a cost-effective translation scheme for European patents after grant. The parties to the agreement undertake to waive, entirely or largely, the requirement for translations of European patents to be filed in their national languages. The agreement marked a breakthrough in the language issue, significantly reducing the cost

of European patents in future. The London Agreement will enter into force on 1 May 2008, after having been ratified by 13 contracting states so far, including France, Germany and the United Kingdom.

European Patent Litigation Agreement (EPLA)

The European Patent Litigation
Agreement (EPLA) is designed
as an independent international
agreement to set up a new
organisation, the European Patent
Judiciary (EPJ), comprising regional
divisions of the court of first
instance and a central court of
appeal. In this way the EPLA allows
the integration of the different

judicial systems for national and European patents and also for future Community patents. Although business, industry and science in Germany favour and support the EPLA, no breakthrough has been achieved at the European level so far. Under the Portuguese EU Council Presidency in the second half of 2007 the Council of the European Union submitted alternative compromise proposals, which are being discussed presently. No significant progress can be expected in the short or medium term.

EU-China project for the protection of intellectual property rights (IPR II)

The European Union and the People's Republic of China jointly launched a project on intellectual property protection, managed by the European Patent Office (EPO) in cooperation with the Office for Harmonization in the Internal Market (OHIM) and the member states of the European Patent Organisation. The objective of IPR II is to support China's smooth integration into the world trading system and assist its transition to market economy. In September 2007, a six-month preparatory phase began during which six core teams set out the extent of the project. In this context, Germany is represented by three recognised IP experts. We provide the coordination function for the

member state Germany in the project and are represented in the project committee.

European Quality System

In 2007, the Administrative Council of the European Patent Organisation adopted a standard for a European Quality Management System (EQMS) which aims to provide a foundation for the patent offices participating in the European Patent Network (EPN) – the European Patent Office (EPO) and National Patent Offices of the Member States of the European Patent Organisation (NPOs) – to achieve convergence and continuous improvement in the quality of their products and services. This standard defines the minimum requirements of the EQMS that each participating office shall implement within the framework of the EPN as a first

step to a European Quality System (EQS). At present, a product standard is being developed as a further necessary step towards EQS. Further information on EQS is available on page 24.

Pilot project on the utilisation of work results

The Administrative Council of the European Patent Organisation has initiated a pilot project to utilise the work of national patent offices for the examination of respective later European applications filed at the European Patent Office. This utilisation pilot is intended to improve efficiency of the patent grant procedure, by avoiding duplication of work. The European Patent Office and four pilot offices (Austria, Denmark, Germany and the United Kingdom) currently conduct the pilot project.



Interview

As Commissioner of the State Intellectual Property Office of the People's Republic of China, Professor Tian Lipu actively advocates Sino-German cooperation in the field of intellectual property. Due to his study visits to the German Patent and Trade Mark Office, the Federal Patent Court and Max-Planck-Institute in the 1980s, he is an expert who has profound knowledge in this field. In an interview, he talks about current developments of the Chinese patent system and the relationship between Chinese and German enterprises.

The Chinese patent system was set up highly successfully, in a remarkably short period of time. Within a few years the State Intellectual Property Office of the People's Republic of China has become one of the world's major patent offices. What is your opinion on the current status of the Chinese patent system and where do you see a potential for future development?

Since the Chinese Patent System was founded in 1980s, it has been developed to a relatively comprehensive system which is up to the international standard. We have a complete patent law system, a patent application approval system, as well as judicial and administration systems for patent protection. These systems not only protect and stimulate economic development, but also enhance international communication and cooperation.

Implementation of the National IPR Strategy and the 3rd Revision of Chinese Patent Law are two of the important tasks of the Chinese Government. By the end of 2007, we received more than 4 million applications for patents, utility models and designs. This means that we achieved the fourth million in 1 year and 6 months. Meanwhile, the examination and approval capacity of my office is improving. The average examination term for patent applications is 26 months, while it is 7 months for utility model and design applications. In my office, we have set up examination quality monitoring system, evaluation system as well as a mechanism which links quality, standard, academic studies and training.

In the near future, the National IPR Strategy will be implemented. In this process, there will be extensive improvement in the field of patent legal framework, examination capacity and law enforcement. Besides, more international cooperation might be envisaged.

As we know, the relations of China and Germany in the field of intellectual property have been characterised by longstanding close and trustful cooperation and good understanding.



Professor Tian Lipu, Commissioner of the SIPO

In the 1980s, the German government and the German Patent and Trade Mark Office, in particular, provided valuable assistance in setting up our office, specifically regarding the training of personnel and the examination process. Currently, the IP system in China is developing at a fast pace. In 2007, Dr Jürgen Schade paid two visits to China. The two offices signed a partnership agreement. Bilateral cooperation in this field enters a new stage. I am convinced that the current cooperation of our two countries in the field of intellectual property enhances mutual understanding and makes it easier to learn from the other side. It is my firm belief that this will eventually deepen our mutual friendship.

Due to ongoing globalisation of markets, the Asian economic area has been in the focus of international attention for many years. Technology transfer by German enterprises to the People's Republic of China runs at a high level.

Regrettably, they often face the problem of product piracy and infringement of their IP rights. What options are there, in your view, to help German firms to enjoy greater legal certainty and safety for their investments in China?

First, it should be noted that the Chinese government has put great efforts in to IPR law enforcement, with determination and powerful measures, and achieved notable results.

Second, I believe that our government is able to provide domestic and foreign stakeholders in China, including German investors, with effective IPR protection. For instance, there is a small city in Jiangsu Province of China called "Taicang". It is also known as the German Village in China, with more than 100 SMEs from Germany. All these companies have their unique patented technologies and they are very concerned about IPR. Without the local administrative and judicial bodies strictly implementing the

IPR protection policies, the SMEs in Taicang could not have prospered so quickly in the last decade and become what they are now. There are so many German inhabitants in Taicang that a German sausage factory was founded there to meet the local needs. This is a perfect example to show that the Chinese IPR policies are functioning and have achieved good results.

However, no matter how much effort we put in to enforcement, infringement may occur, especially when it is becoming internationalized. The efforts of one country alone may not be powerful enough to fight infringement.

As I have mentioned before, we have a comprehensive IPR system in China. When having IPR disputes, it is possible protect to one's lawful rights via proper channels, either administrative or judicial. The Chinese government will continue to improve its ability in handling IPR affairs. Suggestions and comments from German industries are always invited.

Successful economic cooperation between Chinese and German enterprises should be based on business relations built on trust and on the mutual respect of intellectual property. What advice would you give Chinese and German firms for jointly establishing sound and promising cooperation?

The two sides should first sit down to settle the existing disputes, then set a practical and win-win cooperation policy, which balances competence and lawful interests of each side. It is also important to

bear in mind that while respecting and protecting IPR, we should also pay attention to public interests on energy, public health and environmental protection.

Besides, I would wish the Chinese and German enterprises that they respect their partners as well as their competitors. More communication and less condemnation; more trust and less suspicion; more cooperation and less confrontation. I am convinced that honesty and positive attitudes could lead to successful cooperation between the two sides.



Professor Tian Lipu, Commissioner of the SIPO

Bilateral cooperation and international exchange of examiners

In 2007, we successfully continued cooperation and the exchange of patent examiners with other national patent offices. The exchange programme with the United Kingdom Intellectual Property Office was suspended for that time and will be restarted in 2008. In 2008, we will also run an exchange programme for patent examiners with the State Intellectual Property Office of the People's Republic of China.

Brazil

Since 2005 we have cooperated with the Instituto Nacional da Propriedade Industrial (INPI) of Brazil. Our cooperation project was extended for two more years to 3 December 2009. Also in 2007, Brazilian patent and trade mark examiners attended training in Brazil and in Munich within the scope of the project.

Training courses in Brazil

In April 2007, four of our patent examiners from the areas physics, biotechnology, pharmacy and polymer chemistry visited the INPI for two weeks. After general presentations on the patent system in the two countries, several lectures, workshops and discussions were held at the working level for newly recruited and experienced examiners. The contents of the workshops for experienced examiners were based on the questions sent to us beforehand. A total of over 100 newly recruited and experienced Brazilian examiners attended training.

Training courses and exchange of information in Munich

In April 2007, two senior IT executives of INPI attended a one-week exchange of experience in Munich. Our experts gave them a thorough insight into our information systems, particularly, into the **DEPATIS** patent information system.

From 15 to 26 October 2007, four Brazilian trade mark examiners and one head of department of INPI visited us. During the two-week stay, our trade mark staff provided an extensive overview of trade mark law and examination practice to the guests. Key issues were the procedural steps of the absolute registration procedure, from filing to trade mark registration or refusal of the application, and the opposition procedure. Among other

topics discussed were the trade mark cancellation procedure, the duties of the DPMA regarding the international registration of trade marks and cooperation

in the field of trade marks with the World Intellectual Property Organization (WIPO), Geneva. The guests were given hands-on experience of **DPMAmarken**, the new data processing system, on which they remarked very favourably. Cooperation measures with the World Intellectual Property Organization (WIPO) were also presented. An extremely informative lecture on trade mark examination at the INPI by the Brazilian visitors rounded off the programme.

The goal of the exchange is that the Brazilian exchange partners should disseminate the knowledge gained to their newly recruited colleagues in the trade mark area. The feedback of the cooperation measure implemented so far has been very positive indeed. Meanwhile there has been active correspondence by e-mail with INPI at the working level.





INPI examiners at the workshop run by our experts

Exchange with the Japan Patent Office (JPO)

Four patent examiners of the Japan Patent Office (JPO) specialised in various fields of technology, visited us in March 2007. Together with their German colleagues they examined patent applications which were first filed in Germany and then in Japan or vice versa. The applications came from the following fields:

- Control of air-conditioning (F24F 11/00-11/08 of the International Patent Classification)
- Measuring fluid pressure (G01L 7/00-27/02 of the International Patent Classification)
- Casting of metals (B22D 11/00-11/22 and 17/00-17/32 of the International Patent Classification)
- Digital output to record carriers or to print unit (G06F 3/06-3/12 of the International Patent Classification)

In addition, the Japanese guests also visited several other working areas during their two-week stay, such as initial examination of incoming applications, patent administration and the computer centre. We also presented our information services to the guests.

Furthermore, the exchange programme also included attendance of a session of Bundespatentgericht (Federal Patent Court) and visits to some industrial enterprises in the Greater Munich area.

In autumn 2007, four patent examiners from Germany visited their colleagues of the JPO for two weeks to continue the joint examination of patent applications. The examiners gained a valuable insight into the classification and examination procedure of the Japan Patent Office. They also visited Japanese industrial enterprises. In 2008, the exchange programme will be continued.

Exchange with the Korean Intellectual Property Office (KIPO)

The exchange of examiners with the Korean Intellectual Property Office (KIPO) was continued with the visit of two German patent examiners in Daejeon (Republic of Korea), in May 2007. In autumn 2006, the Korean colleagues had already visited us. During the exchange programme the German and Korean examiners jointly handled patent applications in the field of electric digital data processing (class G06F of the International Patent Classification) and control of indicating devices (class G09G of the International Patent Classification). By this means the German patent examiners gained an insight into the Korean search and examination procedure for patent and utility model applications. Furthermore, they visited the South Korean patent court and various industrial enterprises. Finally, the visitors



JPO Vice-President Toshimichi Moriya (centre) personally welcoming the German quests

had the opportunity to attend a common conference of KIPO and the World Intellectual Property Organization (WIPO) on innovation of administration in the area of intellectual property. The conference took place on occasion of the 30th anniversary of KIPO in Seoul.

In November 2007, two other Korean patent examiners visited us for two weeks to work together with their German colleagues in the fields of semiconductor devices (class H01L of the International Patent Classification) and liquid crystal displays (class G02F of the International Patent Classification). We introduced our work processes to these guests as well. The German exchange partners will visit their colleagues in the Republic of Korea in 2008.

The participants of the examiner exchange programme with KIPO in November 2007

Study visits

Besides participants of the patent examiner exchanges we were pleased to welcome a number of other visitors to study visits of several days' duration in 2007.

From 23 to 27 April 2007, three members of the Russian Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT) visited us. Our staff held lectures and provided extensive information on our budget management and our information services.

In November, two patent examiners from Jordan came for a successful two-week study visit. One of the guests jointly examined patent applications with a patent examiner in the field of chemistry and the other guest with a patent examiner in the field of mechanical technology.

In December we organised a oneweek workshop on "Protection

certificates" for three patent examiners from the Romanian State Office for Inventions and Trademarks (OSIM). Our staff provided extensive and detailed information on this issue to their Romanian colleagues.

Also in 2007, our experts ran a training course in the trade mark area, at the request of the World Intellectual Property Organization (WIPO), for participants

from Croatia, Ethiopia, Macedonia, Malaysia, and Trinidad and Tobago. We also organised visits for them to other industrial property institutions in Munich.

In 2007, we again assisted the European Patent Office in the training of Croatian colleagues from the State Intellectual Property Office Croatia (SIPO). The ten patent examiners received "on the job training" for two weeks at the DPMA supervised by our staff, with whom they jointly processed files that had been exchanged beforehand.

One-day visits

Numerous delegations of various industrial property institutions and industrial enterprises, above all, from Asia visited us in 2007. Altogether we were pleased to welcome 19 foreign delegations. The visitors came from China, India, Japan, Poland, South Korea, Taiwan, the USA and Vietnam. Our experts gave the delegations introductions to the structure and organisation of our office and provided insights into the information services, the patent examination procedure in Germany and into other specific subjects.

Workshops

In December 2007, we organised in cooperation with the European Patent Office a half-day workshop on the planned changes of Chinese patent law. This event was chaired by our President Dr Jürgen Schade.

Three lawyers of the State Intellectual Property Office of

the People's Republic of China (SIPO) presented the planned amendment of the Chinese Patent Law to a broad audience – consisting of patent attorneys and representatives of industry and other industrial property institutions – and answered questions about this subject.

place in Sao Paulo and Brasilia, was "Brazil – emerging economic super power or leader of developing countries?"

Dr Martin Jäger, patent examiner of

> the DPMA, helped to implement the patent system in

Cambodia within the scope of the ECAP II project of the European Union (EC-ASEAN Intellectual Property Rights Co-operations Programme) run by the European Patent Office. In two workshops of several days' duration, held in Phnom Penh, he explained

the patent examining practice and the opposition procedure of the German Patent and Trade Mark Office.



From left: Dr Reiner Spieker, Geoffrey Yu (Foreign Ministry of Singapore), Friedrich Prot von Kunow (German Ambassador in Brasilia) and Dr Gert Egon Dannemann (Dannemann Siemsen institute, Rio de Janeiro)

invention to the patent, focusing

substantive examination, including

on classification, formal and

legal backgrounds. Due to the

planned to repeat this course in

the summer terms of the coming

extremely great success, it is

vears.

President Dr Jürgen Schade with experts of the State Intellectual Property Office of the People's Republic of China and the European Patent Office

Lectures of our experts

Upon invitation of several national and international organisations, our experts held lectures on conferences, which attracted international audiences, for example, in Cambodia, Laos, Korea, Poland, Romania, Singapore, Slovenia and Thailand in 2007.

For example, Dr Reiner Spieker, a patent examiner of the DPMA, held a lecture in Brazil on 16 and 18 October 2007, explaining the benefit of the patent system to the development of the pharmaceutical industry and German society. The topic of the events, which took

On request of the Department of Chemistry and Pharmacy of Ludwig Maximilian University, Munich, Dr Martin Jäger lectured on "Patent examination at the German Patent and Trade Mark Office" to students of the bachelor degree programme in Pharmaceutical Sciences, in the summer term of 2007. He described the path from the



From left: Ngeth Vibol (Director of the Department of Industrial Property, Ministry of Industry, Mines and Energy) and Dr Martin Jäger with Cambodian patent examiners

"Ideas are like tunes: there are the short, inferior ones – and the long, beautiful ones; but the best are like ball lightnings and contain the whole world."

Hugo von Hofmannsthal (1874–1929)



Inventors' and Innovation Awards

On 6 December 2007, on occasion of presenting the Future Award, German President Prof Dr Horst Köhler said that an innovation meant progress for people if it gave them more freedom:

- more freedom from illness and misery,
- more independence from ever dwindling resources,
- more freedom to live a full life, for example, by meaningful work.

Inventors' and innovation awards promote innovation. They recognise achievements and those researchers, who not only have good ideas, but put them into practice with courage and perseverance. Professor Grünberg, who was awarded the 2007 Nobel Prize for physics for the discovery of giant magnetoresistance, is an example. He was awarded the German Future Award in 1998.

President of the German Patent and Trade Mark Office Dr Jürgen Schade was again a member of the selection boards and committees, entitled to propose candidates, and involved in the selection processes of the innovation awards in 2007. Our staff gave him qualified assistance in fulfilling these duties by providing technical assessments of the projects.

The "German Future Award" and the "Innovation Award of German Industry" are among the most prestigious national innovation awards.

German Future Award 2007

The German Future Award – Award of the German President for Technology and Innovation – not only recognises outstanding innovation, but aims at informing the public of the great scientific and technological innovation potential existing in Germany. The award wants to help encourage curiosity and interest, and promote the understanding of technological achievements in our society.

The following teams and projects were nominated for the German Future Award in 2007:

- Dr Niels Fertig, Dr Andrea
 Brüggemann, Professor Dr Jan C.

 Behrends Nanion Technologies
 GmbH and Albert-Ludwigs Universität: Small holes, big
 impact cellular physiology in chip format
- Dr Andreas Gutsch, Dr Gerhard Hörpel, Professor Dr Paul Roth

 Evonik Industries AG and Universität Duisburg-Essen:
 Nanolayer with megapower – flexible ceramic separator creates breakthrough in large lithium-ion batteries
- Dr Peter Kürz, Winfried Kaiser, Dr Martin Lowisch – Carl Zeiss SMT AG: Revolutionary optics for the production of the computer chip of the future
- Dr Klaus Streubel, Dr Andreas
 Bräuer, Dr Stefan Illek Osram
 Opto Semiconductors GmbH and
 Fraunhofer Institute for Applied
 Optics and Precision Engineering
 IOF: Light from crystals lightemitting diodes invade our everyday lives.



German President Prof Dr Horst Köhler presenting the German Future Award 2007

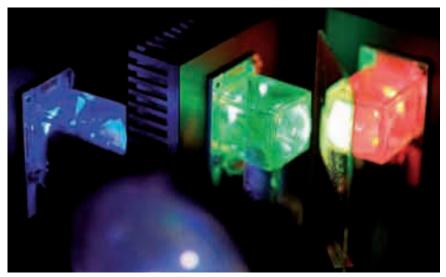
On 6 December 2007, in the presence of many guests from science, industry and politics, the 11th German Future Award was presented by German President Prof Dr Horst Köhler to the prize winners. Dr Klaus Streubel, Dr Andreas Bräuer and Dr Stefan Illek were awarded the € 250,000 award for technology and innovation for the project "Light from crystals – light-emitting diodes invade our everyday lives."

Light-emitting diodes (LEDs) have considerable advantages in comparison to conventional incandescent bulbs: They have a long life and low energy consumption. Initially, however, use of these small and low-luminosity light sources was limited.

Dr Klaus Streubel, Dr Stefan Illek and Dr Andreas Bräuer discovered a way to produce considerably brighter LEDs than was formerly possible. The achievement of the researchers consists of three innovations.

The team of Dr Klaus Streubel and Dr Stefan Illek succeeded in clearly increasing the efficiency of LEDs by means of thin-film technology. A metal reflector incorporated into the chip leads not only leads to noticeably higher efficiency but also to unique properties.

New powerful LED packages were developed, also allowing chips to be combined in different colours to generate high-efficiency LEDs.



High-efficiency LEDs

These can be combined to produce any desired colour or white light.

Dr Andreas Bräuer and his team developed tailor-made special optics which shape the generated light to a beam profile according to the needs of the application. These designs yield higher efficiency. LEDs equipped with the above innovations can replace conventional lamps, for example, in TV screens, street lighting, projectors and car headlamps. Due to their low energy consumption, they help to save energy and reduce climate-threatening carbon dioxide emissions.



Challenge cup of the Innovation Award of German Industry – major enterprises category

Innovation Award of German Industry

On 19 January 2008, the 28th Innovation Award of German Industry 2007 was conferred to one candidate each from the categories "major enterprises", "medium enterprises" and "start-ups" at a great gala night at Alte Oper in Frankfurt/Main. The three prize winners were chosen from the nominated five finalists for each category.

MAN Diesel SE won the Innovation Award 2007 in the major enterprises category for the project: "The PGI engine by MAN Diesel – gas engine with novel ignition system". The PGI (performance gas injection) engine is an Otto engine without spark plugs that combines the high performance and high degree of efficiency of a diesel engine with the advantages of a low-emission gas engine. With power ranges extending from 5 MW to 8 MW the engine could be used for generating electricity, for example, in combined heat and power plants.

Lissotschenko Mikrooptik GmbH (LIMO) received the award in the medium enterprises category for their pioneering work in "Beamshaping micro-optics". Beamshaping optics by LIMO allow the transformation of circular laser beams into any geometry, for example, square, rectangular, triangular or also linear laser beams, to remove and transform material.

Beam-shaping systems for high-performance lasers are used in micro-lithography, flat screen production, mechanical engineering and photo voltaics. The use of LIMO's innovative optical systems offers a technical and economic advantage for these applications and can also be experienced in our daily lives through high-performance microprocessors and flat screens.

Concentrix Solar GmbH was the winner of this year's Innovation Award of German Industry in the start-up category. The award paid tribute to Concentrix's innovative concentrator photovoltaic technology, which is almost twice as efficient as conventional PV technology and 10-20% cheaper, depending on the location. By means of so-called Fresnel lenses the sunlight is concentrated onto a small high-efficiency solar cell. The light, which is concentrated almost 500 fold, is directly converted into electricity by these solar cells.

Additionally, Wirtschaftsclub Rhein-Main e.V. presented the sustainability award for the last decade to ifm electronic GmbH and Infineon Technologies AG.



Innovation Award of German Industry: Presentation of the sustainability award for the last decade to Infineon Technologies AG and ifm electronic GmbH



Meeting the parliament

On 3 December 2007, the Members of the Bundestag (Federal parliament), Sabine Leutheusser-Schnarrenberger (FDP party), and her parliamentary party colleague, Mechthild Dyckmans, visited us. Both are also members of the judicial committee of the German parliament.

They discussed the following subjects with us: the staffing situation at the DPMA, the state of IT projects, the various IPR procedures, the relationship with the European Patent Office and the present situation of the Copyright Arbitration Board. Dr Wilfried Bernhardt, Head at the Directorate of Administration of the Federal Ministry of Justice, took part in the discussion on behalf of the Ministry.

After having lunch with the DPMA management and Dr Bernhardt, the Members of the Bundestag seized the opportunity to visit the workplace of a patent examiner.

From the Invention to the Patent

In our workshop series "From the Invention to the Patent", we provide all kinds of knowledge about patents. Specific workshops are offered for beginners, advanced learners and prospective experts, depending on the prior knowledge of the participants.

Working on an exercise, Leipzig 2007

In 2007, there was again a high demand for competent information on the patent system: a total of 13 events were held for 290 participants, often at regional

Sabine Leutheusser-Schnarrenberger and Mechthild Dyckmans with the other participants of the discussion group

patent information centres. The Technical Information Centre (TIZ) in Berlin assisted in organising the workshops.

The workshops combined theory with many hands-on exercises which helped to illustrate the complex issues of patent law and the procedural flow

regarding a patent application. One key area is first-hand information about patent examining practice, which can be conveyed by the DPMA only. Many participants found the insight into examining practice of the office particularly valuable.

Jena Talks

In 2001, a lecture series on industrial property and copyright was launched by the Jena Sub-Office of the DPMA in cooperation with Prof Dr Volker Michael Jänich, Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection, Friedrich Schiller University Jena. Since then experts have explored intellectual property in lectures several times a year.

In 2007, the lecture series was continued with three events. The centre-east district group of GRUR (German Association for Industrial Property and Copyright) and the Association of Intellectual Property Experts (VPP) supported the lectures as co-organisers.

In February 2007, Dr Volker Bugdahl, the long-time head of the trade mark division of DEGUSSA AG and now owner of the at10tion trade mark agency, held a lecture on "The success factor trade mark – can the basic laws of human stupidity also be applied to trade marks?"

In June 2007, Dr Roland von Falckenstein, presiding judge at Bundespatentgericht (Federal Patent Court) talked about "The German law on employees' inventions in practice".

In October 2007, Prof Dr Willi Erdmann, former presiding judge at Bundesgerichtshof (Federal Court of Justice) presented a lecture on the topic of "What will the Enforcement Directive bring?"

If you wish to receive an invitation to future lectures please contact Ms. Lüders at the Jena Sub-Office (phone: +49 (0) 3641/40-5501; e-mail: carmen.lüders@dpma.de).

3rd Jena Trade Mark Law Day

On 12 and 13 July 2007, FORUM Institute for Management GmbH held the 3rd Jena Trade Mark Law Day in cooperation with Friedrich Schiller University Jena and the

Jena Sub-Office of the German Patent and Trade Mark Office (DPMA); 44 participants attended the event.

President of the German Patent and Trade Mark Office Dr Jürgen Schade opened the 3rd Jena Trade Mark Law Day with an assessment of the trade mark from the DPMA's point of view.

That opening lecture was followed by other papers on trade mark law. The following were the topics and lecturers of the first day:

- Current questions on formal and procedural law from the registration and administration practice of the DPMA – Markus Ortlieb, Head of the Jena Sub-Office.
- Recent rulings on trade mark law – Dr Paul Ströbele, presiding judge at Bundespatentgericht
- Current developments of international registrations – Dr Martin Senftleben, World Intellectual Property Organization (WIPO)
- Trade mark practice and trade mark history of Schott AG – Dr Michael Heinricht, law firm Heinricht & Partner

After the lectures, the attendees had the opportunity to join a guided tour of the Jena Sub-Office of the DPMA and of Carl-Zeiss-Werke in Jena to gain insights into the key activities of these institutions in Jena.

The following lectures were held on the second day:

- The opposition and cancellation procedures – Philipp von Kapff, member of the First Board of Appeal of the Office for Harmonization in the Internal Market (OHIM),
- Liability for trade mark infringement on the Internet – Dr Andreas Lubberger, law firm Lubberger & Lehment
- Finding successful trade mark names with consideration to trade mark law – Dr Volker Bugdahl, at10tion trade mark agency
- Trade mark decisions by courts of first instance and second instance – Dr Jochen Schlingloff, judge at Oberlandesgericht Jena (higher regional court and court of appeal)

The 4th Jena Trade Mark Law Day will take place on 3 and 4 July 2008.

Information and registration forms are available at: http://www.dpma.de/service/seminare_veranstaltungen/index.html or at www.forum-institut.de.

Science Night in Jena

On 16 November 2007, the second "Science Night" took place in Jena with roughly 45 organisers and 264 events. Science Night attracted a total of 11,000 visitors.

Under the motto "Invent or vanish – patent or perish", the staff of the DPMA organised a joint information stand in cooperation with the information units of Friedrich Schiller University on sciences, the patent information centre of Friedrich Schiller University and the research transfer unit of Friedrich Schiller University.

The 2007 Science Night was at the same time the kick-off event for the beginning of the Year of Science 2008 which will be designed and organised by the city of Jena as the "City of Science 2008" and – according to Thuringian Minister of Economic Affairs Jürgen Reinholz – "Core of the Thuringia Think Tank".

the achievements of science and research to the public.

The German Patent and Trade Mark Office actively supported Jena's candidature and emphasised that industrial property rights were a sign of excellent cooperation between science and industry.



Hands-on inventions

Children and teens were given a first hand experience of the effect of superconductivity; they were able to levitate by means of a spinning magnetic disk above a superconductor. The lecture "Basic instinct" also inspired fascination with sciences. In contrast to the thriller with the same title, the lecture dealt with the purpose of life of a male butterfly (here too, it is about finding a mate).

Jena chosen as "City of Science"

On 21 March 2007, Jena was appointed "City of Science 2008" by Stifterverband für die Deutsche Wissenschaft in Braunschweig. Jena won the title, beating shortlisted Postdam, the capital of Brandenburg, in the final round and received € 250,000 to promote projects aiming at presenting

New poster gallery

Our poster gallery presents inventions that have or had a tremendous impact on our everyday life. The gallery was founded in the 1960s and has comprised, up to now, the following motives:

• the Linde refrigerator (patent specification no. DE 1250 A)



The mayor of Jena, Dr Albrecht Schröter (right), being presented the certificate by the President of Stifterverband für die Deutsche Wissenschaft, Dr Arend Oetker (centre), and receiving the congratulations of the mayor of Braunschweig, Dr Gert Hoffmann (left).

- the Edison phonograph (patent specification no. DE 12631 A)
- the Nipkow disk (patent specification no. DE 30105 A)
- the first motor vehicle by Benz (patent specification no. DE 37435 A)
- the diesel engine (patent specification no. DE 67207 A)
- the crown cap by William Painter (patent specification no. DE 68350 A)
- Lilienthal's flying machine (patent specification no. DE 77916)
- Hülsmeyer's telemobiloscope, better known as radar (patent specification no. DE 165546 A)
- the three point safety belt by Niels Bohlin (patent specification no. DE 1101987 B)

This year, we have not only redesigned our poster gallery but have added three posters:

Sauer's mini relay

(patent specification no. DE 1243271 B) In the 1960s, the new semiconductor transistors allowed the miniaturisation of electronics components. Conventional relay technology seemed to be at an end. At that time, Hans Sauer invented a very compact R relay. The striking feature of this electromagnetic switch is that the contact tongue is located safely in the interior of the coil body. The size was only one tenth of that of customary precursor relays. Furthermore Sauer's relay featured very low power requirement.

Thus it could be fitted easily on the modern circuit boards together with the semiconductor components.

Safety plug by Albert Büttner (patent specification no. DE 489 003 A) What do Germany, Lithuania, Armenia and Iceland have in common?

The next new poster provides the answer. It shows an object which we handle nearly every day: a plug with earthing contact, known as safety plug or Schuko plug. Albert Büttner developed a three-pole plug with corresponding socket. The most important component is the plug housing that establishes spring contact with the earth clips provided in the socket. The advantages of this system are the protective earth connection, established in advance, and high mechanical safety.

Hans Haupt's "Knirps" umbrella (patent specification no. DE 606015 A)

Necessity is the mother of invention, goes the proverb. The folding umbrella – shown on our third new poster – is an epitome for this saying. Hans Haupt, the inventor, needed a cane to walk; it was cumbersome for him to carry a conventional umbrella as well. For this reason Haupt designed – at first for his personal use – an umbrella with extendable shaft. He obtained a patent for the world's first folding umbrella in 1930. It featured a telescopic shaft and

telescopic ribs. "Knirps" is a trade mark registered all over the world. In the German language area it is synonym for folding umbrellas.

To get the poster gallery free of charge, e-mail us at presse@dpma.de or phone us at +49 (0) 89/2195-3222.

Talks with representatives from business and industry – 2007 meeting

We organise a yearly meeting called "Industriebesprechung" to which we invite representatives from business and industry, professional associations as well as attorneys-at-law and patent attorneys. The meeting provides a forum for attendees to gain information on the latest developments at the German Patent and Trade Mark Office (DPMA). Our guests are welcome to offer suggestions on the further development of industrial property protection and our services.

The 2007 meeting took place on 17 October. DPMA President Dr Jürgen Schade opened the meeting by presenting current developments regarding trade marks, patents, utility models and designs. Dr Klaus Strößner, Head of the Information Department, gave an overview of our e-services. Dr Wichard of the Federal Ministry of Justice presented current legal

developments in the field of industrial property protection.
DPMA Vice-President Dellinger then presented the newly designed poster gallery.

During lunch break, information on the **DPMAmarken** IT system, electronic filing of IP applications and the e-services was available at information stands; our guests were free to stroll along the poster gallery.

In an open discussion round, the interested circles addressed both national and international issues of interest. The top topics were electronic filing, electronic case file and online file inspection, and international IP protection.

Girls' Day at the DPMA on 26 April 2007

On 26 April 2007 the DPMA participated for the second time in the "Girls' Day" initiative. The nationwide action day aims at giving young girls an insight into technical jobs to spark their interest in later qualifying for a career in traditionally male-dominated fields. 30 girls in the seventh and eighth grades of secondary schools were invited. After an introductory lecture on industrial property protection and a guided tour of the computer centre, the girls had the opportunity to make their own invention in a "patent workshop" and to learn what happens to the invention in practice.



Young visitors at the patent workshop on Girls' Day

In the afternoon, they visited staff working in technological, technical and craft occupations at their workplaces. During the visits the girls gained information on the spot about those jobs and the training positions offered, getting first hand experience of what it was like to work as a patent examiner, IT specialist, carpenter, electrician, printer or bookbinder.

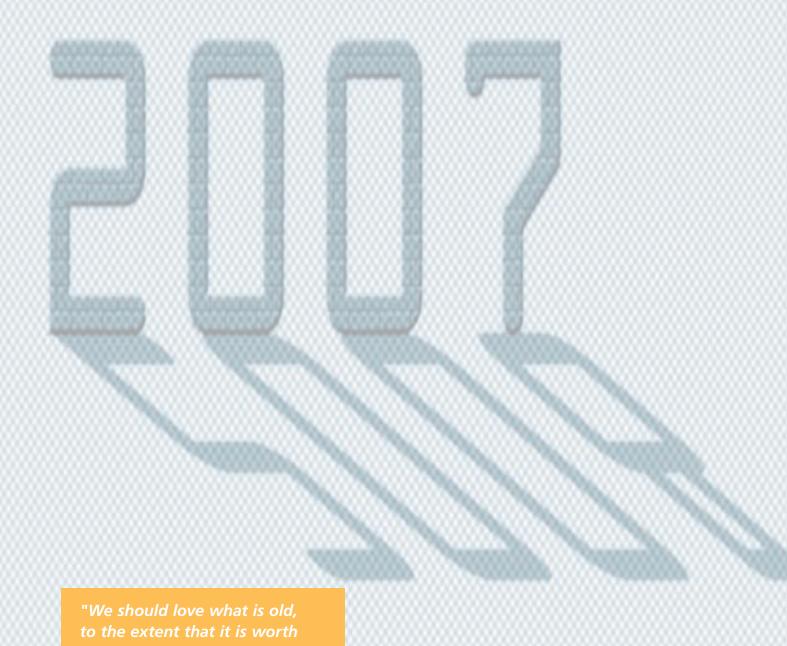
The feedback of the girls was overwhelmingly positive and we plan to again participate in the Girls' Day 2008 activities in the next year.

"Staff art" exhibition at the DPMA

From 19 July to 31 August 2007, a "staff art" exhibition took place at the DPMA. The artists of our office showed their works in a multifaceted exhibition featuring paintings using various techniques, photographs and also other arts and crafts items. All objects were also for sale during the exhibition period. Part of the proceeds were donated to charity. In October 2007, donations were handed over to the ambulatory Munich children's hospice. On behalf of all artists who took part in the "staff art" exhibition, some artists presented a symbolic cheque for € 500 to the chair of the foundation.



Presentation of donations in the form of a symbolic cheque to the ambulatory Munich children's hospice.



Strategic objectives

In the coming years we aim at reducing processing times while maintaining the same high quality level to ensure legal certainty in the interest of our customers. For this reason, we make efforts to achieve a maximum level of efficiency in organising our work processes and regularly monitor work results. This great objective and the high demands we place on our work essentially determine our strategic planning for the coming year and beyond.

By 2010, we intend to send 80 % of the first official communications containing the first results of our examination of the patent within 10 months to our applicants, while maintaining the same quality level. The 2007 figures regarding these strategic objective are encouraging. Even now, performance already reaches almost the target level mentioned.

We have the very ambitious plan to conclude 75% of the patent examination procedures within 24 months, from 2010 onwards, while maintaining the usual high quality level. At present, we are still "a big step away" from achieving this aim. That is why, we will optimise the organisation of work processes in the patent examiner area, in

2008 and 2009. Furthermore, we do not cease in our efforts to increase staffing levels of patent examiners from all fields of engineering, physics, chemistry and other natural sciences to more evenly distribute the work load. In 2008, we will presumably recruit 32 more patent examiners.

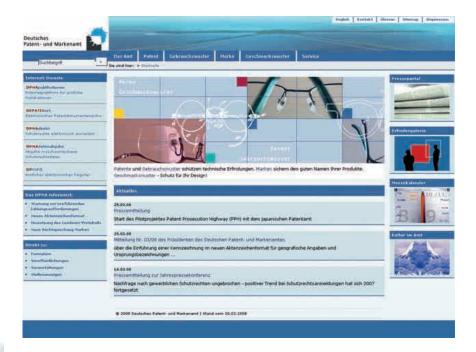
In the trade mark examination area, we have succeeded in conclusively processing trade mark applications within six months, while maintaining the same level of quality. In order to keep up the high processing speed, despite the growing number of applications, we will recruit about three to five new trade mark examiners in the coming year. In future, it is also important to sustain and further improve the current performance level for trade mark examination.

Redesigned website

The new web pages of the DPMA will go live in 2008. Clicking on www.dpma.de will open a completely redesigned Internet site.

The redesigning process focused on target group oriented presentation of information, user-friendly structure and modern web design. The aim is above all to provide barrier-free access to the website. The majority of the web pages are designed to be accessible to people with disabilities.

The top bar of the homepage contains six menu items: "The Office", "Patent", "Utility Model", Trade Mark", "Design" and "Service". "The Office" menu item will provide essential information on the DPMA and its tasks.



The section on the respective industrial property right (patent, utility model, trade mark, design) contains detailed information on the application, procedures and search. Information on events and seminars, DPMA publications, laws and ordinances, etc are available on the service pages, as well as a collection of links on industrial property protection issues. Furthermore, users may log in to the DPMA search databases directly from the homepage.

At http://presse.dpma.de you will find an extensive information portal for journalists, providing comprehensive information on IP rights and on the DPMA (in German language). The portal now includes online services, such as an order service for photos, the option to register for our press mailing list and much more.

From autumn 2008, the contents of the Internet pages will also be available in English.

The design of the Internet site is based on the guidelines of the online style guides of the Federal Government. So the screen is split into several blocks: a logo area, an ID area with the first level navigation, a service area with the permanently visible service functions and a content area for texts and images.

We modernise our buildings

We have occupied our headquarters in Munich, in Zweibrückenstraße, since 1959. As requirements of office buildings have changed over the time, specific renovation measures will be carried out in 2008.

Entrance area

When our customers submit applications they entrust us with their inventions and innovative products. In addition, patent applications must be kept secret for 18 months after filing. We must have specific regard to the protection of these business secrets and, for example, carefully watch that no unauthorised persons enter the office.

At present, the entrance is designed as a so-called closable passage. This entrance can no longer cope with the rising number of visitors and must be altered for technical reasons as well. For these reasons, the entrance area will be completely redesigned in 2008. An up-to-date technical system will satisfy safety requirements and at the same time be designed as an entrance space creating an open and welcoming atmosphere.

Former "Auslegehalle"

For some years now, most of our official publications have been published exclusively in electronic form. The "Auslegehalle", the hall where patent specifications and other documents had formerly been laid out for public inspection has lost its original purpose. For two years we have used this hall for events and meetings. Currently, it is only provisionally equipped for such events. Extensive modernisation measures will be required to make it suitable for running large events professionally: Lighting, sound equipment, emergency escape routes and furnishings must be adapted to the new purpose. The renovated hall will also get a new name.

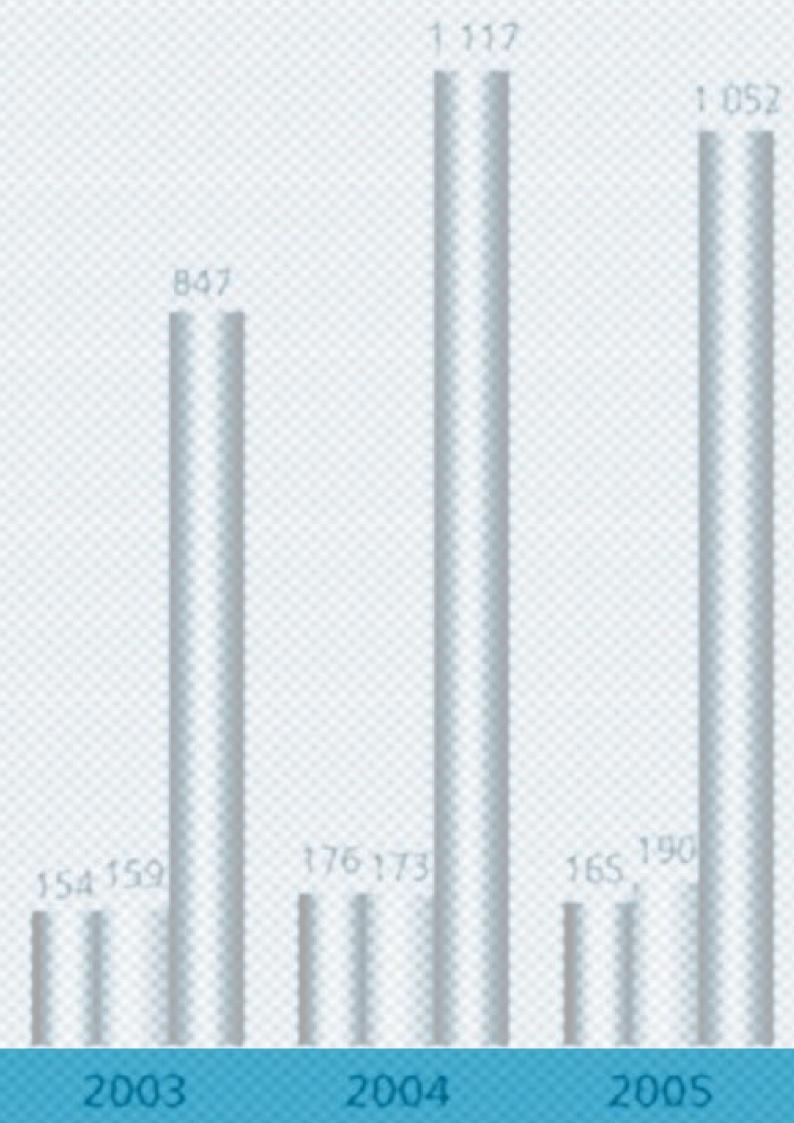
Trade fair activities in 2008

We will be pleased to welcome you at our stand and answer your questions on filing applications for patents, utility models, trade marks or designs. Furthermore, we will provide information on our online services to you.

We will be pleased to send you further information or answer your enquiries regarding fair dates and venues by e-mail (messe@dpma. de). Further information is also available on our Internet site at www.dpma.de.

In 2008, we will participate in the following trade fairs:

	Trade fair	Date	Location	Hall/Stand
January				
	Heimtextil	09-12 Jan 2008	Frankfurt	Foyer of Hall 4.1
	Paperworld, Christmasworld, Beautyworld 2008	23-27 Jan 2008	Frankfurt	Foyer of Hall 4.1
	ISPO — International trade show for sports fashion and equipment	27-30 Jan 2008	Munich	
February				
	Ambiente	08-12 Feb 2008	Frankfurt	Foyer of Hall 4.1
March				
	Musikmesse / Prolight + Sound	12-15 Mar 2008	Frankfurt	Foyer of Hall 4.1
April				
	Analytica	01-04 Apr 2008	Munich	B2 / 167
	International Exhibition — Inventions, New Techniques and Products	02-06 Apr 2008	Geneva, Switzerland	
	Light + Building	06-11 Apr 2008	Frankfurt	Foyer of Hall 4.1
	DEGUT – Deutsche Gründer- und Unternehmertage	20-21 Apr 2008	Berlin	
	HannoverMesse	21-25 Apr 2008	Hanover	2 – C30/1
May				
	IFAT	05-09 May 2008	Munich	
June				
	Intertech	05-07 Jun 2008	St Gallen, Switzerland	
	Intersolar	12-14 Jun 2008	Munich	
July				
	Tendence Lifestyle	04-08 Jul 2008	Frankfurt	Foyer of Hall 4.1
September				
	Automechanica	16-21 Sep 2008	Frankfurt	Foyer of Hall 4.1
October				
	Materialica	14-16 Oct 2008	Munich	
	SYSTEMS	21–24 Oct 2008	Munich	
	IENA	30 Oct-2 Nov 2008	Nuremberg	
November				
	Electronica	11 – 14 Nov 2008	Munich	



1. Patent applications and patents

1.1 National patent applications and international patent applications with effect in the Federal Republic of Germany

Year	National applications ¹ (DPMA direct applications)		which ent	ational applic ered the natio at the DPMA ² PCT national	onal phase ?	Applications DPMA direct applications and DPMA PCT national phase ²			
	National	Foreign	Total	National	Foreign	Total	National	Foreign	Total
2001	49,502	9,465	58,967	3,148	2,036	5,184	52,650	11,501	64,151
2002	47,352	9,557	56,909	4,161	2,374	6,535	51,513	11,931	63,444
2003	47,328	9,610	56,938	5,097	2,483	7,580	52,425	12,093	64,518
2004	48,329	9,455	57,784	119	1,331	1,450	48,448	10,786	59,234
2005	47,537	10,214	57,751	830	1,641	2,471	48,367	11,855	60,222
2006	47,213	10,364	57,577	799	2,209	3,008	48,012	12,573	60,585
2007	47,012	10,382	57,394	841	2,757	3,598	47,853	13,139	60,992

1.2 Patent applications before entry into the examination procedure ¹

V	Total applications	Procedures concluded	Patent applications before entry into the examination procedure			
Year	received ²	before filing of examination request	Total	including applications for which formal examination was concluded		
2001	59,753	20,594	122,499	104,019		
2002	58,594	23,759	120,984	104,722		
2003	58,602	22,316	122,104	108,843		
2004	59,223	23,303	124,169	110,387		
2005	58,720	22,006	126,540	113,491		
2006	58,251	21,227	129,938	115,078		
2007	58,177	21,685	131,488	116,621		

¹ DPMA direct applications

1.3 Patent applications in the examination procedure

Vasu	Examination r	equests received	Concluded in the	Patents granted by the
Year	Total	together with applications	examination procedure, total	ĎPMA ¹
2001	38,376	27,040	27,443	14,351
2002	37,561	25,945	29,971	14,887
2003	37,071	25,479	33,515	17,432
2004	36,575	25,444	33,862	16,661
2005	37,387	25,082	36,064	17,063
2006	38,696	25,452	38,140	21,034
2007	39,228	24,972	34,297	17,739

¹ patents granted without opposition and patents maintained after opposition.

 ¹ Applications for a German patent filed with the DPMA.
 2 Due to the 2004 PCT revision, the figures since 2004 cannot be directly compared with those of the previous years.

² including remissions by the Federal Patent Court, allowed appeals, reinstatements.

1.4 Patents in force

1.4.1 granted by the DPMA

1.4.2 granted by the EPO

1.4.3 Total

Year	New grants	Lapsed patents ¹	Patents in force at the end of the year	New grants	Lapsed patents	Patents in force at the end of the year	Patents in force at the end of the year
2001	14,542	17,168	119,072	20,911	23,383	252,831	371,903
2002	15,180	18,267	115,985	32,481	24,553	260,759	376,744
2003	17,911	16,433	117,463	43,052	31,370	272,441	389,904
2004	17,016	16,075	118,404	54,306	33,336	293,411	411,815
2005	17,377	14,877	120,904	52,325	31,917	313,819	434,723
2006	21,193	14,661	127,436	56,918	31,007	339,730	467,166
2007	17,884	13,958	131,362	60,966	30,859	369,837	501,199

¹ Lapsed patents due to abandonment, non-payment of annual fees, expiry of the term of protection and declaration of nullity.

1.5 Patent applications ¹ (DPMA direct applications and DPMA PCT national phase) by German Laender (seat of applicant)

German Laender	2001	2002	2003	2004	2005	2006	2007
Baden-Württemberg	11,884	12,822	13,888	12,856	12,828	13,347	13,638
Bavaria	14,511	14,144	14,279	13,449	13,688	14,010	13,616
Berlin	1,197	1,146	1,101	905	866	943	992
Brandenburg	384	367	386	347	311	428	389
Bremen	197	150	164	172	173	142	178
Hamburg	1,459	1,213	998	994	919	946	973
Hesse	4,176	4,133	3,981	3,783	3,402	3,202	2,963
Mecklenburg-W. Pomerania	179	190	231	205	197	183	170
Lower Saxony	3,234	2,959	2,983	2,813	2,738	2,603	2,715
North-Rhine/Westphalia	9,880	9,025	8,796	7,830	8,151	8,195	8,190
Rhineland-Palatinate	2,440	2,459	2,531	2,139	2,218	1,311	1,235
Saarland	357	340	330	347	360	318	331
Saxony	902	848	824	834	847	810	923
Saxony-Anhalt	397	361	455	398	366	343	327
Schleswig-Holstein	661	629	647	624	600	585	615
Thuringia	792	727	831	752	703	646	598
Total	52,650	51,513	52,425	48,448	48,367	48,012	47,853

 $^{1 \ \ \}text{Due to the 2004 PCT revision, the figures since 2004 cannot be directly compared with those of the previous years.}$

1.6 Patent applications with effect in the Federal Republic of Germany by countries of origin (Direct applications and PCT applications in the national or regional phase)

			Applicat	tions filed at the	e DPMA ¹		
	2001	2002	2003	2004	2005	2006	2007
Germany	52,650	51,513	52,425	48,448	48,367	48,012	47,853
USA	2,580	2,829	2,955	2,702	3,245	3,283	3,835
Japan	3,551	3,426	3,422	3,407	3,449	3,618	3,782
France	382	299	289	280	312	268	272
Netherlands	256	154	107	118	104	142	82
Switzerland	1,405	1,505	1,543	976	943	1,157	1,127
Republic of Korea	482	590	603	726	777	915	723
United Kingdom	107	114	190	100	120	116	150
Italy	158	148	122	89	85	97	121
Sweden	216	255	314	313	338	285	267
Others	2,364	2,611	2,548	2,075	2,482	2,692	2,780
Total	64,151	63,444	64,518	59,234	60,222	60,585	60,992

¹ Due to the 2004 PCT revision, the figures since 2004 cannot be directly compared with those of the previous years.

			Applic	ations filed at t	the EPA		
	2001	2002	2003	2004	2005	2006	20071
Germany	21,258	20,974	22,616	22,968	23,709	24,793	25,100
USA	30,394	29,970	31,718	32,481	32,598	34,655	35,350
Japan	19,796	15,838	18,402	20,392	21,298	21,948	22,672
France	6,784	6,824	7,390	8,039	8,004	7,991	8,217
Netherlands	5,369	5,033	6,449	6,957	7,789	7,317	6,982
Switzerland	3,803	3,876	4,175	4,655	5,019	5,410	5,830
Republic of Korea	1,165	1,408	2,075	2,871	3,853	4,595	4,894
United Kingdom	4,846	4,696	4,832	4,775	4,641	4,709	4,946
Italy	3,327	3,327	3,673	3,991	4,196	4,193	4,315
Sweden	2,542	2,554	2,554	2,425	2,483	2,547	2,724
Others	10,508	11,315	12,232	13,580	14,574	16,473	18,601
Total	109,792	105,815	116,116	123,134	128,164	134,631	139,631

¹ provisional data.

1.7 Patent applications by IPC classes (with over 1,000 applications in 2007)

	2001	2002	2003	2004	2005	2006	2007	IPC cl	ass
1-	4,027	4,252	4,953	5,118	5,276	5,415	5,522	– B60	Vehicles in general
2-	3,338	3,473	3,784	3,829	4,007	4,566	4,519	– F16	Engineering elements or units
3-	3,328	3,414	3,568	3,663	3,916	3,920	3,843	– G01	Measuring, testing
4-	3,304	3,261	3,500	3,612	3,425	3,520	3,709	– H01	Basic electric elements
5-	2,823	2,567	2,594	2,760	3,063	2,928	2,791	– A61	Medical or veterinary science; hygiene
6-	2,479	2,102	2,166	2,157	2,163	2,069	1,933	– F02	Combustion engines
7-	2,081	1,835	1,853	1,851	1,787	1,834	1,836	– H04	Electric communication technique
8-	1,466	1,722	1,696	1,737	1,759	1,770	1,711	– H02	Generation, conversion or distribution of electric power
9-	1,465	1,437	1,674	1,672	1,538	1743	1,569	– B65	Conveying, packing, storing, handling thin material
10-	1,367	1,378	1,479	1,521	1,506	1,429	1,281	– G06	Computing, calculating, counting
11-	1,284 ¹	1,320 ¹	1,1841	1,125 ¹	1,0872	1,130 ²	1,088	– A47	Furniture, domestic articles or appliances
12-	1,0282	1,075 ²	1,1142	1,108 ²	1,058	1,109	1,067	– F01	Machines or engines in general

C07 Organic Chemistry B62 Land vehicles for travelling otherwise than on rails.

2. Utility models and topographies

2.1 Utility models

		Filing	gs		Procedures concluded			
Year	New applications ¹	Applications from Germany	Others ²	Total	by registration	without registration	Total	
2001	20,285	17,126	90	20,375	18,556	3,389	21,945	
2002	23,428	17,363	182	23,610	17,188	3,898	21,086	
2003	23,408	16,945	151	23,559	17,114	4,324	21,438	
2004	20,286	17,053	144	20,430	17,357	7,898	25,255	
2005	20,418	17,021	85	20,503	17,138	3,632	20,770	
2006	19,766	16,406	80	19,846	16,638	3,036	19,674	
2007	18,083	14,834	82	18,165	15,469	2,928	18,397	

¹ including PCT applications: in the international phase until 2003, since 2004 in the national phase. The figures since 2004 cannot be directly compared with those of the previous years.
2 remissions by the Federal Patent Court, allowed appeals, reinstatements.

Year	Pending applications at the end of the year	Utility models in force at the end of the year	Renewals	Cancellations
2001	7,542	115,196	22,542	18,895
2002	10,068	110,962	24,592	21,422
2003	12,189	108,175	22,233	19,901
2004	7,364	106,096	20,428	19,436
2005	7,097	104,976	25,108	18,258
2006	7,269	104,117	22,333	17,497
2007	7,037	102,559	22,604	17,027

2.2 Topographies under the Semiconductor Protection Law

	New	Pr	ocedure conclude	d	Pending applications		Registrations in force at
Year	applications received	by registration	without registraion	Total	at the end of the year	Lapse due to expiry of time	the end of the year
2001	59	58	0	58	35	216	643
2002	41	69	1	70	6	152	560
2003	12	0	1	1	17	116	444
2004	4	8	1	9	12	120	332
2005	6	0	0	0	18	99	233
2006	2	10	0	10	10	76	167
2007	2	1	0	1	11	59	109

3. National trade marks*

3.1 Applications and registrations

			Filin	igs			
Year		New applications		Others ¹	Total	Registrations under Sec. 41	
	Total Applications from Germany		for service marks			Trade Mark Law	
2001	67,361	63,645	29,744	752	68,113	59,274	
2002	57,416	53,817	23,923	718	58,134	51,730	
2003	62,041	58,731	25,728	1,097	63,138	51,295	
2004	65,918	62,576	27,650	998	66,916	48,401	
2005	70,926	67,208	30,181	1,019	71,945	50,798	
2006	72,321	68,810	33,164	896	73,217	51,124	
2007	76,165	72,788	36,082	817	76,982	54,534	

¹ in particular, cases returned by the Federal Patent Court.

3.2 Oppositions

	Opposition	s received	Opposition procedures concluded				
Year	trade marks challenged by oppositions	number of oppositions	without affecting the trade mark	cancellation in full or in part	surrender by the proprietor		
2001	7,837	11,416	5,415	1,042	965		
2002	6,407	9,538	5,822	1,449	951		
2003	5,377	7,365	6,393	1,931	888		
2004	5 290	7,301	5,294	1,712	781		
2005	4,697	6,873	4,124	1,255	500		
2006	4,679	6,965	3,215	929	698		
2007	5,132	7,642	3,477	920	1,200		

3.3 Cancellations, renewals, trade marks in force

Year	Cancellations and other disposals	Renewals	Trade marks in force at the end of the year
2001	32,319	24,040	665,000
2002	36,876	23,559	680,027
2003	36,356	23,840	695,060
2004	27,425	26,335	716,123
2005	35,955	29,104	731,039
2006	37,458	26,131	744,769
2007	34,899	26,614	764,472

^{*} The updating of the chapter on national marks in 2002, in particular enhanced harmonisation with the procedures under the Trade Mark Law, has resulted in modifications of quantity and quality in comparison to previous publications.

3.4 Top trade mark proprietors regarding registrations in 2007

	Proprietor	Town	Country	Number
4				
1	Deutsche Telekom AG	Bonn	DE	317
2	Henkel KGaA	Düsseldorf	DE	159
3	BSH Bosch und Siemens Hausgeräte GmbH	München	DE	94
4	Merz Pharma GmbH & Co. KGaA	Frankfurt	DE	80
4	MIP METRO Group Intellectual Property GmbH & Co. KG	Düsseldorf	DE	80
6	Vodafone D2 GmbH	Düsseldorf	DE	76
7	Hubert Burda Media Holding GmbH & Co. KG	Offenburg	DE	68
8	TAD Pharma GmbH	Cuxhaven	DE	67
9	Volkswagen AG	Wolfsburg	DE	65
10	Bayerische Motoren Werke AG	München	DE	63
11	Merck KGaA	Darmstadt	DE	61
12	Boehringer Ingelheim International GmbH	Ingelheim	DE	60
13	Bayer AG	Leverkusen	DE	56
14	Siemens AG	München	DE	55
15	FERRERO Deutschland GmbH	Frankfurt	DE	54
16	Beiersdorf AG	Hamburg	DE	50
16	dm-drogerie markt GmbH + Co. KG	Karlsruhe	DE	50
16	GEZE GmbH	Leonberg	DE	50
19	Daimler AG	Stuttgart	DE	49
19	WÖRWAG PHARMA GmbH & Co. KG	Böblingen	DE	49
21	Bayer Schering Pharma AG	Berlin	DE	48
22	AOK Baden-Württemberg	Stuttgart	DE	47
23	Fraunhofer-Gesellschaft e.V.	München	DE	45
23	Société des Produits Nestlé S.A.	Vevey	CH	45
25	Mediatex GmbH	Zeesen	DE	44
26	Coty Deutschland GmbH	Mainz	DE	42
26	NSM-LÖWEN ENTERTAINMENT GMBH	Bingen	DE	42
28	Otto GmbH & Co KG	Hamburg	DE	40
29	Tchibo GmbH	Hamburg	DE	38
29	TUI AG	Hannover	DE	38
31	Mibe GmbH Arzneimittel	Brehna	DE	37
32	DORMA GmbH + Co. KG	Ennepetal	DE	35
32	Plus Warenhandelsgesellschaft mbH	Mülheim	DE	35
32	REWE-Zentral AG	Köln	DE	35
35	Continental Aktiengesellschaft	Hannover	DE	34
36	Ampelmann GmbH	Berlin	DE	32
36	Roche Diagnostics GmbH	Mannheim	DE	32
38	Netto Marken-Discount GmbH & Co. oHG	Maxhütte-Haidhof	DE	31
38	PRIMAVERA Life GmbH	Sulzberg	DE	31
38	R. Seelig & Hille oHG	Düsseldorf	DE	31
38	Tendance GmbH	Rüsselsheim	DE	31
42	Boehringer Ingelheim Pharma GmbH & Co. KG	Ingelheim	DE	30
42	Deutsche Amphibolin-Werke von Robert Murjahn Stift	Ober-Ramstadt	DE	30
42	ECE Projektmanagement GmbH & Co. KG	Hamburg	DE	30
42	HS Heim-Service GmbH	Halle	DE	30
42	Kaufland Warenhandel GmbH & Co. KG	Neckarsulm	DE	30
42	Weinprolog Verwaltungsgesellschaft mbH	Tornesch	DE	30
48	Dr. August Oetker Nahrungsmittel KG	Bielefeld	DE	29
48	Saturn Petfood GmbH	Bremen	DE	29
50	EDEKA Südwest eG	Offenburg	DE	28
50	STADA Arzneimittel AG	Bad Vilbel	DE	28

4. Designs

4.1 Designs filed for registration and design procedures concluded

	Applications filed			Procedures concluded				
Year	Designs in multiple applications	Applications with one design	Total	including national applications	by registration	including national applications	without registration	Total
2001	58,110	5,234	63,344	52,834	55,621	46,003	2,315	57,936
2002	57,723	4,944	62,677	50,567	65,068	52,358	3,194	68,262
2003	49,985	3,346	53,331	44,372	54,669	45,106	2,794	57,463
2004	45,272	3,021	48,293	39,565	39,982	31,756	1,585	41,567
2005	45,459	2,624	48,083	36,989	50,070	38,502	2,502	52,572
2006	48,460	2,554	51,014	39,207	46,557	35,619	1,925	48,482
2007	51,974	2,327	54,301	38,834	56,208	41,478	3,549	59,757

4.2 Pending designs (applied for) and registered designs in force

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
2001	24,111	4,423	12,788	62,601	344,181
2002	18,516	3,986	12,628	62,687	346,562
2003	14,384	3,962	14,136	66,197	335,034
2004	21,143	3,021	15,329	61,233	313,783
2005	16,654	1,163	18,541	53,154	310,699
2006	19,186	1,983	15,720	55,054	302,202
2007	13,730	2,260	18,136	54,022	304,388

4.3 Designs (applied for) by Federal German Laender

German Laender	2001	2002	2003	2004	2005	2006	2007
Baden-Württemberg	9,289	8,229	8,133	8,525	7,094	7,623	7,503
Bavaria	14,543	14,252	12,822	11,779	10,074	8,864	9,993
Berlin	1,589	953	1,004	997	992	1,233	1,266
Brandenburg	136	189	438	193	147	342	203
Bremen	325	164	121	123	63	172	297
Hamburg	872	730	1,126	983	268	763	783
Hesse	3,590	4,173	2,482	1,499	2,277	1,855	1,659
Mecklenburg-W. Pomerania	67	183	79	458	101	127	95
Lower Saxony	3,256	2,360	2,528	1,804	2,648	2,631	2,787
North-Rhine/Westphalia	13,514	14,199	10,584	9,787	8,614	11,637	9,690
Rhineland-Palatinate	1,829	1,545	1,535	1,068	1,725	1,033	1,629
Saarland	264	208	212	226	176	302	246
Saxony	1,334	1,031	919	1,232	1,039	845	1,358
Saxony-Anhalt	283	141	345	126	248	395	299
Schleswig-Holstein	1,494	1,568	1,390	463	896	826	700
Thuringia	449	642	654	302	627	559	326
Total	52,834	50,567	44,372	39,565	36,989	39,207	38,834

5. Register of anonymous and pseudonymous works

Year	Number of works in respect of which the author's true name was filed for registration in the year under review	Other registrations, in particular, works furnished subsequently	Number of applicants ¹	Number of works the author was registered	Number of works in respect of which the author's true name was registered was not registered	
2001	23	0	18	8	14	20
2002	18	0	13	15	18	5
2003	31	8	11	5	19	20
2004	29	0	8	12	23	14
2005	17	1	8	7	9	16
2006	18	0	15	7	8	19
2007	12	3	12	1	13	20

¹ Several requests or requests relating to several works may possibly be attributed to one applicant.

6. Copyright Arbitration Board at the DPMA

		Inclusive contracts		Cases concluded					
Year	Requests received	under Sec. 14(1) no. 2 Copyright Administration Law	Settlement proposals of the Arbitration Board	Conciliations after proposal by the Board ¹	Discontinued proceedings and other decisions	Total	Requests pending at the end of the year		
2001	28	1	6		4	10	63		
2002	40	3	21	6	6	33	70		
2003	67	6	18	0	8	26	111		
2004	53	0	57	1	26	84	80		
2005	87	4	32	4	20	56	111		
2006	75	1	43	1	24	68	118		
2007	83	2	64	1	30	95	106		

¹ not recorded separately before 2001

7. Arbitration Board under the Law on Employees' Inventions at the DPMA

Year	Requests received	Settlement proposals accepted	Objections to settlement proposals	Cases concluded Refusals to participate in the arbitration proceedings	Proceedings concluded in other ways	Total proceedings concluded	Arbitration proceedings pending at the end of the year
2001	81	38	27	17	33	115	148
2002	87	27	35	18	16	96	139
2003	102	43	28	19	21	111	130
2004	98	27	16	10	24	77	151
2005	61	43	24	10	17	94	118
2006	52	25	21	13	8	67	68
2007	59	10	6	6	16	38	89

8. Patent attorneys and representatives

Year	Patent attorneys		Qualifying examination		Permit holders	Patent agents	General powers of attorney
	Entered in register	Registered at the end of the year	Number of candidates	Successful candidates	Registe	ered at the end of t	the year
2001	140	1,996	111	103	291	1,069	23,024
2002	125	2,073	168	163	288	1,107	23,880
2003	141	2,151	168	157	284	1,123	24,541
2004	147	2,255	165	163	284	1,136	25,091
2005	178	2,389	162	151	283	1,054	25,912
2006	131	2,477	186	171	277	1,081	26,666
2007	162	2,576	179	169	273	1,108	27,557

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Patent information centres

A list of the addresses of the more than twenty patent information centres is available at: www.piznet.de.

Thank you.

Many busy helpers contributed to the production of this Annual Report. We depend on the expertise and commitment of our colleagues. We would like to thank all those who helped us.

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Copyright Arbitration Board



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