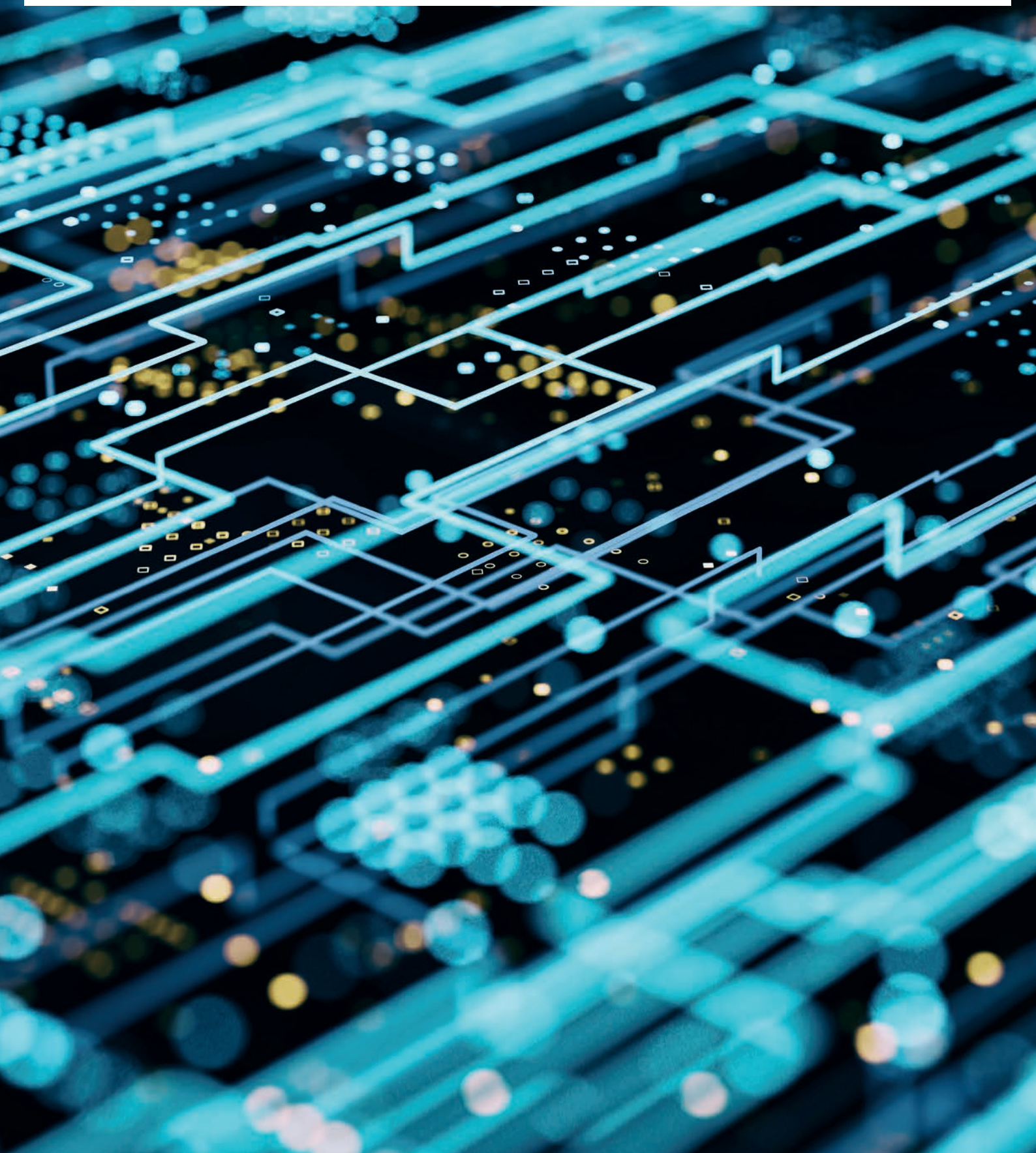
German Patent
and Trade Mark Office

Annual Report 2020



IP rights in f

INFO Patents

132,336
patents in force on 31/12/2020

41,723 (+3.8%)
examination procedures concluded

17,305 (-5.2%)
grants published

62,105
-7.9%
Applications in total and change in %

including applications from abroad
19,856

Online applications
86.9%
National patent applications

12,323
+5.6%
Applications in total and change in %

including applications from abroad
3,426

Online applications
59.4%
National utility model applications

INFO Utility models

74,900
utility models in force on 31/12/2020

12,232 (+3.4%)
registration procedures concluded

10,736 (+4.3%)
with registration

igures

INFO Trade marks

845,583
trade marks in force on 31/12/2020

79,582 (+6.1%)
registration procedures concluded

60,425 (+9.8%)
with registration

84,619
+14.9%
National applications in total and change in %

including applications from abroad
5,878

Online applications
77.1%
National trade mark applications

37,124
-9.8%
Registered designs in total and change in %

including applications from abroad
3,917

Online applications
88.3%
Design applications

INFO Designs

290,549
designs in force on 31/12/2020

6,059 (-5.7%)
procedures concluded
for a total of 41,350 designs*

5,119 (-8.5%)
with registration
for a total of 37,124 designs*

* A multiple application may contain up to 100 designs.

CONTENTS

Dear Reader,

In every crisis there is an opportunity – that is a much-quoted wisdom in these times. This is a rather trite remark, which is why it is, at best, of little consolation to those who are particularly suffering from the coronavirus pandemic. I prefer a somewhat less dramatic description: Most of the time, crises are – also – productive phases. In spite of all the suffering, something new also emerges. Many of you will share this observation.

We all look back on a challenging year. At the German Patent and Trade Mark Office (DPMA), for example, the coronavirus crisis resulted in a lower number of patent applications compared to the previous year. However, there were also glimmers of hope in our daily lives: All over the country, people have proved to be flexible and creative. Caterers, traders and other entrepreneurs have been making efforts to weather the crisis. They have made a virtue of necessity and developed new ideas to maintain their livelihoods. Just remember the "*Schanigärten*" (tables and chairs placed on the pavement outside of restaurants and cafés), which made cities so vibrant last summer. Then there were also countless business ideas for to-go items, online fitness courses and many other virtual forms of exchanging ideas and getting together.

People have been creative and inventive – and productive in new ways. This makes me confident, because inventions are an essential driving force in overcoming crises. This does not only apply to the particularly impressive research and development progress in fighting the pandemic. There is still a great demand for the services we, at the DPMA, provide to protect your innovations. Dear customers, I can assure you: There was a special productive atmosphere in our office as well. Thanks to the great commitment of our staff and our largely digital work processes, we have been able to attend to your needs almost without restrictions. We have significantly expanded our offer to work from home, so that now three quarters of our staff can use this option. We have also developed solutions to keep in touch with you: digital event formats such as our recent DPMAnutzerforum meeting or a virtual exhibition stand.

The effects of the coronavirus pandemic also affect the 2020 figures of the DPMA and, thus, the contents of this Annual Report. However, there are also some rays of hope and signs of new productivity in some areas: There was an increase of about 18% in the number of inventions in the computer technology field, which has great future potential. In the automotive industry, the technological change towards e-mobility is gaining momentum. And in the trade mark sector, we saw a veritable application boom in the crisis year of 2020.

Dear customers, the situation in the coronavirus pandemic remains tense for the time being. But we look to the future with confidence, courage and new ideas. The following pages of our 2020 Annual Report cover new and interesting topics from the past year.

I hope you find it an exciting read. Stay creative and healthy!

Yours sincerely,

Cornelia Rudloff-Schäffer

Cornelia Rudloff-Schäffer
President of the German Patent and Trade Mark Office

Tasks and organisation

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

Our staff are able to very closely witness the "Land of Ideas" on a daily basis. It is the ideas of our customers who consciously choose the German Patent and Trade Mark Office (DPMA) to protect their know-how. This is because effective action against plagiarism and counterfeiting is possible, above all, on the basis of IP rights: Patents, utility models, trade marks and designs effectively protect intellectual property – be it a technical invention, a creative trade mark or the colours and shapes of a new product.

The DPMA is the German centre of expertise for patents, trade marks and the like and operates within the portfolio of the Federal Ministry of Justice and Consumer Protection. We grant patents, register utility models, trade marks and designs and manage these rights. Furthermore, we inform the public about industrial property rights.

With just under 2,800 staff in more than 100 working entities, the DPMA is based at four locations:

→ **Munich**
DPMA headquarters including senior management, administration and legal divisions as well as patent, trade mark and utility model divisions, arbitration boards

→ **Jena**
Sub-office with administrative and IT units as well as design division and another trade mark division

→ **Berlin**
DPMA Information and Service Centre (DPMA-IDZ)

→ **Hauzenberg**
Branch office with several teams for provision of information and for Customer Care and Services

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

Directorate General 1 – Patents and Utility Models
- More than 1,000 patent examiners organised in five clusters (Mechanical Engineering, Mechanical Technology, Electrical Engineering, Chemistry and Medical Engineering as well as Physics) with 37 patent divisions in total
- Utility model and topography division
- Patent and utility model administration

Directorate General 2 – Information
- Information services for the public and internal information services: database search, library, classification systems, Customer Care and Services, Internet editorial office
- Support of the 20 German patent information centres
- Operation and further development of all information technologies of the DPMA

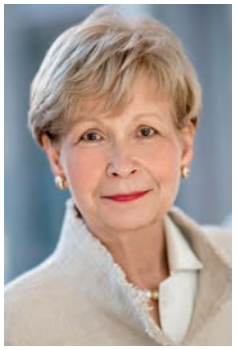
Directorate General 3 – Trade Marks and Designs
- 13 teams in three divisions for trade mark examination
- Trade mark cancellation division
- Design division with design unit

Directorate General 4 – Administration and Law
- 16 specialist areas in four divisions, occupational health management
- All administrative tasks, including personnel and facility management, organisation as well as budget and legal affairs
- Patent attorneys and other agents as well as supervision of collective management organisations under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*)

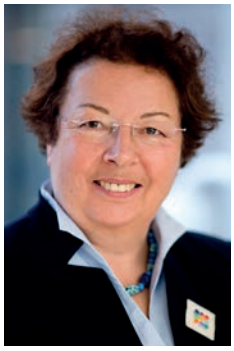
Organisation chart

https://www.dpma.de/english/our_office/about_us/organisation/index.html

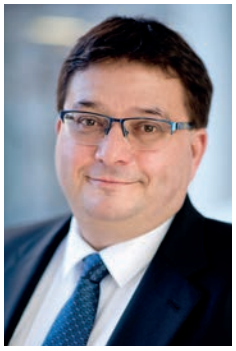
Senior management



President
Cornelia Rudloff-Schäffer



Vice-President
Christine Moosbauer
(until 31 May 2021)



Vice-President
Bernd Maile
(since 1 June 2021)

Vice-President
Ulrich Deffaa

Heads of the Directorates General

Directorate General 1
Patents and Utility Models
tba

Directorate General 2
Information
Dr Maria Skottke-Klein

Directorate General 3
Trade Marks and Designs
Barbara Preißner

Directorate General 4
Administration and Law
tba

PATENTS

Development of patent applications

Although the number of patent applications and requests for examination received was still high in 2020, we recorded a decline compared to the previous year. The number of registered patent applications fell by 7.9% compared to the updated figure for the previous year to amount to 62,105.

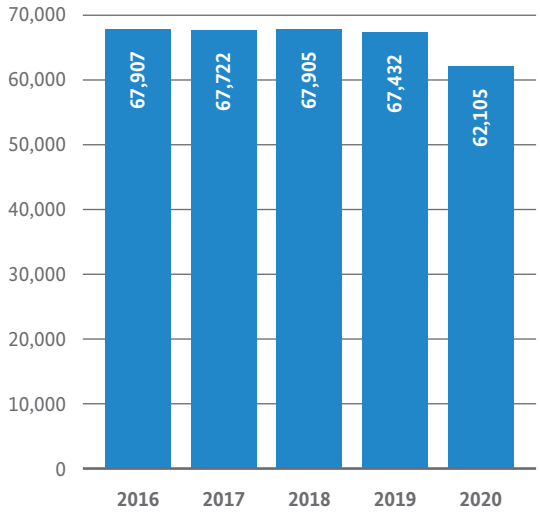
This decline in applications is probably mainly due to the coronavirus pandemic. Short-time work or difficulties with the necessary switch to new forms of cooperation have left their mark on research and development departments of enterprises and institutions, so it was not possible to push the technical development and the preparation of patent applications as before. Furthermore, we assume that, because of the hardly predictable financial effects of the pandemic, the enterprises also waived applications with less good prospects in order to save costs.

Of the 62,105 patent applications registered last year, 54,580 were filed directly with our office. 7,525 applications entered the national phase as PCT applications in accordance with the Patent Cooperation Treaty (PCT) through the World Intellectual Property Organization (WIPO) in Geneva.

The option of electronic filing is still very popular with our customers, as can be seen from a slight increase by 0.5 percentage points to a proportion of 86.9% of all filed patent applications.

At the end of 2020, 132,336 national patents were in force, i.e. 0.3% more than in the previous year.

Patent applications at the German Patent and Trade Mark Office



>> You will find our extensive statistics on patents in the chapter "Statistics" starting on page 69.

Origin of the patent applications

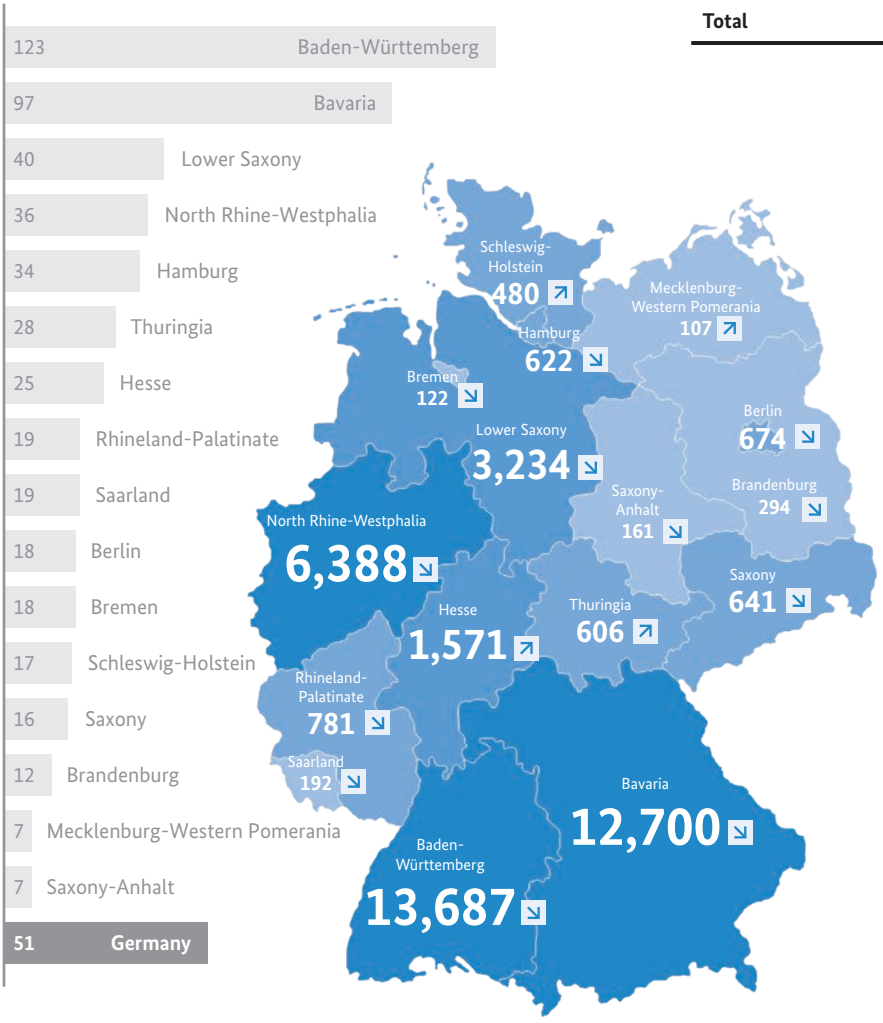
In 2020, 42,249 applications were filed by applicants having their domicile or principal place of business in Germany (-9.4%). This means that the percentage of applications from Germany fell slightly to 68% (2019: 69.2%). Likewise, the number of patent applications from abroad dropped to 19,856 (2019: 20,798).

Last year, 3,222 applications came from European countries (2019: 3,635) and 16,634 from non-European countries (2019: 17,163).

Applications from the Republic of Korea increased by 28.1%. The number of applications from Taiwan (26.6%) and from China (11.4%) also increased. By contrast, applications from the United States (-5.2%) and Japan (-8.9%) continued to decrease.

Patent aplications in 2020 by countries of origin (applicant's seat or place of residence) (national applications at the DPMA and PCT applications in the national phase)

	Applications	Percentage
Germany	42,249	68.0
Japan	7,247	11.7
USA	5,882	9.5
Republic of Korea	1,617	2.6
Taiwan	933	1.5
Switzerland	777	1.3
Austria	765	1.2
China	499	0.8
Sweden	321	0.5
France	301	0.5
Others	1,514	2.4
Total	**62,105**	**100**



Patent applications by German Länder in 2020 (applications per 100,000 inhabitants and number of applications)

Patent applications by German *Länder*

The patent applications from Germany can be allocated to individual German *Länder* according to the residence or the principal place of business of the applicant. The German *Länder* ranking is again led by Baden-Württemberg with 13,687 applications (-10.2%). 12,700 applications were received from Bavaria (-9.5%), which comes second in the ranking. North Rhine-Westphalia followed far behind with 6,388 applications (-9.0%) and again came in third just as in the previous year. Schleswig-Holstein recorded a slight increase by 2.3% to 480 applications in 2020. Hesse also saw an increase by 1.9% to 1,571 applications. Thuringia and Mecklenburg-West Pomerania increased the numbers of applications by 1.3% and 20.2%, respectively.

If we compare the filing figures to the respective numbers of inhabitants, Baden-Württemberg and Bavaria were again in the lead with 123 applications and 97 applications respectively per 100,000 population. As in the previous year, Lower Saxony came in third (40).

The most active companies and institutions

With 4,033 applications, Robert Bosch GmbH again led the ranking of the most active patent applicants in 2020. It was again followed by Schaeffler Technologies AG & Co. KG with 1,907 applications. Bayerische Motoren Werke AG again came in third with 1,874 applications. Daimler AG followed in the fourth place with 1,638 applications, relegating Ford Global Technologies, LLC (1,324 applications), which had taken fourth place in the previous year, to sixth place. Fifth and seventh places went to VOLKSWAGEN AG (1,493 applications) and AUDI AG (1,088 applications), respectively.

The individual companies and institutions are shown in the form in which they appear as patent applicants – possible intra-group affiliations are not taken into consideration.

Inventors and applicants

Last year, 4.2% of our applicants filed more than ten applications each (2019: 4.7%). In 2020, applications filed by this group of applicants, referred to as large patent applicants, accounted for 68% of the total of applications.

In the case of applications from commercial enterprises, a distinction is made between the company filing the application and the inventor as a natural person. In the case of independent inventors or employees with what are known as released inventions, however, the applicant and the inventor are usually identical. In 2020, the applicant and the inventor were identical in 5.9% of the applications (2019: 5.2%).

Main technical areas of patent activity

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

As in previous years, the technology field “Transport” ranks first among the top technology fields in terms of filing activity with 10,758 applications (which means, however, a decline by 16.6% compared to the figure for the previous year), with a large proportion of applications coming from the automotive industry.

With 6,992 applications (-2.9%), the technology field “Electrical machinery and apparatus, energy” again ranked second, followed by “Measurement”, which now comes in third, with 4,565 applications (-9.9%).

We saw a significant increase in the technology field “Medical technology”. With 2,383 filings, the number of applications was considerably higher than in the previous year (+10.1%). In the technical class for methods and devices for infection control, attributed to this technology field, the DPMA saw a massive increase of 175.8%. In classes that cover inventions concerning face masks and protective gear, applications increased as much as fivefold (+417.6%) – probably also because of the pandemic.

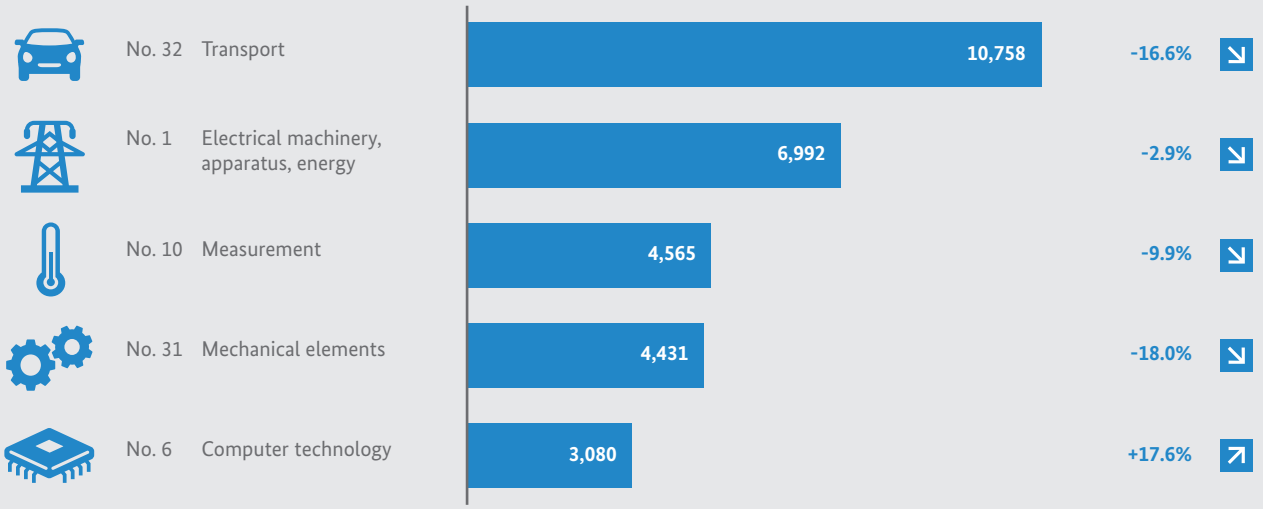
Selected data on patent procedures

	2016	2017	2018	2019	2020
Examination requests received	45,628	47,448	47,130	47,338	43,139
- including requests filed together with applications	26,390	26,540	26,199	25,998	23,365
Search requests pursuant to section 43 Patent Act	14,970	15,603	15,679	15,843	14,157
Concluded searches pursuant to section 43 Patent Act	13,277	14,574	14,240	14,943	16,451
Examination procedures concluded (final)	35,822	36,845	38,115	40,183	41,723
Examination procedures not yet concluded in the patent divisions at the end of the year	201,671	211,750	220,489	227,261	228,114

Selected data on patent examination

Last year, the number of requests received for the examination of patentability pursuant to section 44 of the Patent Act (*Patentgesetz*) decreased by 8.9% to 43,139. The number of search requests pursuant to section 43 of the Patent Act fell by 10.6% to 14,157. In the past year, 41,723 examination procedures were completed; this corresponds to an increase of 3.8% compared to the previous year. With regard to isolated searches pursuant to section 43 of the Patent Act, 16,451 search reports were sent, i.e. 10.1% more than in 2019.

TOP 5 Fields of technology[1]



Applications filed at the DPMA in 2020
National patent applications and PCT applications that have entered the national phase

[1] According to WIPO IPC concordance table, available at: **www.wipo.int/ipstats/en/index.html#resources**.

Patent applications in the examination procedure

In 2020, 42,228 examination procedures were validly initiated – a decrease of 9.3% compared to the previous year. By conducting a comprehensive and thorough search, the patent examiners identify the relevant state of the art during the examination procedure. The state of the art identified will be taken into consideration to examine whether the subject matter of the application is new and involves an inventive step. It is also examined whether the subject matter of the application meets the required criteria of "sufficient disclosure" and "industrial applicability". Subsequently, the examining section decides whether and to what extent a patent can be granted or whether the application must be refused.

Compared to the previous year, 17,305 patents were granted, i.e. a moderate decrease of 5.2%. The proportion of procedures completed by the grant of a patent (grant rate) decreased a bit to 41.5% (2019: 45.4%). In 8,454 cases, the application was refused – this corresponds to a proportion of 20.3% of completed procedures and a decrease of 1.7% compared to the previous year (2019: 8,603 refusals).

The slight decrease of procedures completed by grants of patents or by refusals is probably due to the fact that, due to the pandemic, hearings in which the parties were present were only possible to a limited extent. Such a hearing allows an oral discussion with the applicants and can often accelerate the examination procedure and bring the procedure to completion.

15,964 (38.3%) of the examination procedures were terminated because the applicant withdrew the request for examination or failed to pay the fees.

Appeal proceedings at the Federal Patent Court

If an applicant makes an appeal against a decision to one of our examining sections, i.e. when the patent is granted not as requested by the applicant or the application is refused, the Technical Boards of Appeal of the Federal Patent Court will decide on the further course of action.

In 2020, 217 appeal proceedings were received by the Technical Boards of Appeal: a significant decrease of more than 30% compared to the previous year. Due to the coronavirus pandemic, the number of concluded appeal proceedings fell by 13.5% to 396. At the end of 2020, a total of 556 appeal proceedings were still pending at the Federal Patent Court.

IN FOCUS

Selected fields of technology

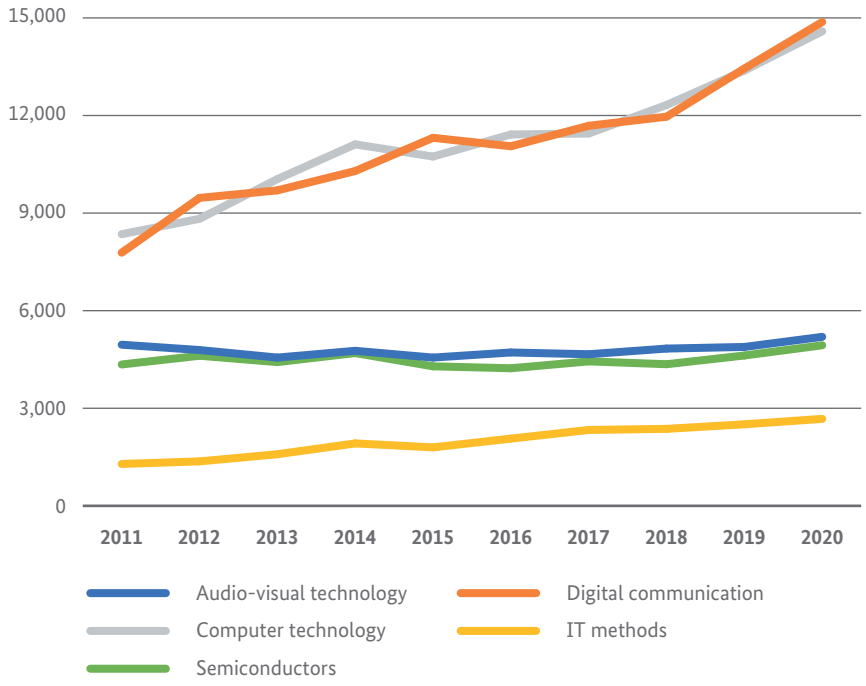
Digitisation

For almost ten years, the number of patent applications from the field of digitisation has markedly increased (+58.2%).

The present analysis takes into account applications published by the DPMA and by the European Patent Office in 2020. Since patent applications are not disclosed until after 18 months, the analysis does not yet reflect the development of applications affected by the coronavirus pandemic. However, current application figures – for example in the field of computer technology – suggest that the trend is supported by the coronavirus pandemic, which continues to drive digitisation further in all areas of daily life, industry and trade.

Published applications again increased significantly by 8.8% compared to the previous year in the five selected sub-sectors of digital technologies – audio-visual

Patent application development effective in Germany[1] in selected fields of digitisation



Technology field[2]	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Audio-visual technology[3]	4,954	4,790	4,558	4,766	4,558	4,715	4,661	4,835	4,885	5,195
Digital communication[4]	7,782	9,467	9,698	10,293	11,314	11,054	11,684	11,963	13,445	14,874
Computer technology[5]	8,352	8,824	10,045	11,113	10,738	11,417	11,445	12,324	13,383	14,589
IT methods for management[6]	1,288	1,367	1,587	1,919	1,798	2,067	2,333	2,367	2,507	2,674
Semiconductors[7]	4,346	4,614	4,419	4,697	4,289	4,230	4,441	4,354	4,622	4,936

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] According to WIPO IPC concordance table, available at: **www.wipo.int/ipstats/en/index.html#resources**. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] G09F, G09G, G11B, H04N 3, H04N 5, H04N 7, H04N 9, H04N 11, H04N 13, H04N 15, H04N 17, H04N 19, H04N 101, H04R, H04S, H05K.
[4] H04L, H04N 21, H04W.
[5] G06C, G06D, G06E, G06F, G06G, G06J, G06K, G06M, G06N, G06T, G10L, G11C, G16B, G16C, G16Z.
[6] G06Q.
[7] H01L.

technology, digital communication, computer technology, IT methods for management and semiconductors.

Applicants still include small and medium-sized enterprises, but also large companies operating at an international level.

Digital communication

With a total of 14,874 national and international patent applications, digital communication was again the largest of the five sub-sectors (+10.6%) in 2020, too. Since 2011, the number of applications in this field has risen by more than 90%. Most applications focus on the transmission of digital information, wireless communication networks or what has become known as the Internet of Things (IoT). These technologies are more important than ever for small and medium-sized enterprises, too, helping them to cope with the coronavirus crisis.
These technologies allow machines, control devices and sensors to communicate with each other. Such highly networked systems are used on an industrial scale for intelligent process and production control ("smart factory") or at home for remote-controlled coordination of air conditioning and lighting ("smart home").

Computer technology

Computer technology was the second largest sub-sector with a 9% increase in national and international patent applications to 14,589 applications.
For the first time since the collection of statistics started, this technology field appears in the top 5 technology fields (5th rank) of new applications at the DPMA in 2020, reflecting the growing importance of the technology sector "Electrical engineering".
Applications in this area focus on systems for image data processing, speech recognition or information and communication technology. Developments that use artificial intelligence or involve machine learning are playing an increasingly important role in this field.

Audio-visual technology

The audio-visual technology field ranks third with 5,195 applications (+6.3%). The use of audio and video systems has tremendously gained importance, specifically during the pandemic. Audio or video conferences enable direct but contact-free interactions. Thus, entire teams can talk in real time without being in the same place.
The audio-visual technology field also includes applications in an area known as virtual reality (VR). Computer-generated realities with three-dimensional images and sound generate a fully virtual reality or audio-visual information is superimposed on the physical world in what is known as augmented reality (AR). Its range of uses comprises information dissemination for entertainment in virtual worlds and simple computer games or complex simulations to be used by doctors.

Semiconductors

With an increase of 6.8%, the semiconductors sub-sector is also a growing technology field. Applications primarily focus on semiconductor components and solid state electrical components or assemblies of components. These small functional components are an absolutely essential basis for making fast-progressing digitisation possible in all fields of application. Semiconductor-based technologies are used to continue to further develop, for example, systems for automatic driving support or autonomous driving and to enhance the safety of these systems.

IT methods for management

The number of applications in this sub-sector also grew substantially (+6.7%) and amounted to 2,674 applications in 2020. A large proportion of the applications deal with IT methods, for example for business management purposes, for industrial manufacturing (4IR), autonomous delivery systems (robots, drones and the like) and mobility (autonomous driving, car sharing).
The networking of an increasing number of terminal devices, control systems and machines generates ever larger amounts of data (big data). In order to transfer, process and store these data smoothly, a form of decentralised data processing is used, known as cloud computing. Services such as servers, storage media, databases or analysis options are made available via the Internet for this purpose.

Automotive technology/ transport

Automotive technology is a top field of technology in terms of applications in Germany. The technological change from the internal combustion engine to electric mobility has continued. For this special analysis, too, we examined patent applications, effective in Germany, published in 2020 by the DPMA and by the European Patent Office for internal combustion engines and electric motors, and the most frequently discussed drive technologies in this context: battery and fuel cell.
Patent applications are published after 18 months in accordance with statutory requirements.

While there was a marked increase in technology classes covering inventions related to batteries and electric drives (+20.1% and +7.8%, respectively), the number of inventions related to classic internal combustion engines declined year-on-year (-15.0%).

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

Electric drive[2,3]

Country	2019	2020	Change compared
Germany	309	364	+17.8%
Japan	110	112	+1.8%
USA	89	87	-2.2%
China	31	32	+3.2%
Republic of Korea	23	28	+21.7%
Others	87	78	-10.3%
Total[8]	**650**	**701**	**+7.8%**

Internal combustion engine[2,4]

Country	2019	2020	Change compared
Germany	1,612	1,405	-12.8%
Japan	773	679	-12.2%
USA	678	501	-26.1%
Republic of Korea	111	122	+9.9%
France	90	75	-16.7%
Others	414	347	-16.2%
Total[8]	**3,679**	**3,128**	**-15.0%**

Batteries[5,6]

Country	2019	2020	Change compared
Germany	794	849	+6.9%
Republic of Korea	541	778	+43.8%
Japan	572	672	+17.5%
China	232	321	+38.4%
USA	321	313	-2.5%
Others	218	282	+29.4%
Total[8]	**2,677**	**3,214**	**+20.1%**

Fuel cells[5,7]

Country	2019	2020	Change compared
Germany	253	241	-4.7%
Japan	321	199	-38.0%
USA	110	72	-34.5%
Republic of Korea	64	55	-14.1%
France	35	25	-28.6%
Others	63	76	+20.6%
Total	**846**	**668**	**-21.0%**

Electric drive/internal combustion engine

In 2020, the number of published applications for purely electric vehicles saw an increase of 7.8% compared to 2019. For quite some time, we have observed this clear upward trend. In most cases, the technical focus of applications is still on a simple, cost-effective and space-saving arrangement of the electric drive unit. Above all, this contributes to significantly increasing driving comfort by means of smaller batteries and space-saving arrangements of batteries that allow more space in the car interior. With 364 applications, Germany is again clearly in the lead in the international ranking.

Germany accounted for more than half of all applications (51.9%) in this field of technology, followed by Japan and the US with 16.0% and 12.4%, respectively.

For internal combustion engines, the situation is the same. 44.9% of patent applications in this technological field were accounted for by Germany. Japan and the US follow with 21.7% and 16.0%, respectively.

However, the number of applications for internal combustion engines fell by an overall 15.0% compared to 2019. The development departments continue to focus on designing engines that are cost-effective and operate at optimum efficiency and on removing nitric oxides from diesel exhaust gases.

Batteries/fuel cells

We observed an opposing development in the field of alternative energy sources for electric motors. The number of applications in the field of batteries increased substantially by 20.1%, whereas the number of applications in the field of fuel cells fell sharply by 21.0% year-on-year. However, there has also been an overall upward trend in fuel cells over recent years.

In the field of batteries, 26.4% of the applications were accounted for by Germany, followed by the Republic of Korea (24.2%), Japan (20.9%), China (10.0%) and the US (9.7%).

In the field of fuel cells, the ranking was also led by Germany accounting for 36.1% of the applications, followed by Japan (29.8%), the US (10.8%) and the Republic of Korea (8.2%). Fuel cells are needed for hydrogen-powered vehicles. The gaseous hydrogen contained therein reacts with oxygen in a chemical process producing water and releasing the energy stored in the hydrogen as electricity. This powers the electric motor without producing any harmful emissions. The steep decline in the field of fuel cells as a drive system for electric cars is probably related to the high costs and low efficiency of hydrogen-powered vehicles. Currently, there are also only few hydrogen filling stations in Germany, whereas the network of charging stations for battery-powered electric vehicles is constantly expanding.

[1] Applications published by the DPMA and the EPO avoiding double counts.
[2] IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to automotive drive technologies.
[3] B60L 7/12, B60L 7/14, B60L 8, B60L 11, B60L 15/00 - B60L 15/38, B60L 50, B60L 58, B60K 1.
[4] F01N 3, F01N 5, F01N 9, F01N 11, F01L 1, F02B, F02D, F02F, F02M, F02N, F02P, F16C 3/18, F16C 3/20, F16F 15/24, F16F 15/31.
[5] IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; Results do not relate solely to automotive drive technologies.
[6] H01M 2, H01M 4/02, H01M 4/04, H01M 4/13 - H01M 4/84, H01M 10, H01M 50.
[7] H01M 4/86 - H01M 4/98, H01M 8.
[8] Due to rounding differences, the values added together deviate from the total.

150 YEARS AGO

The reinvention of breathing

On 14 June 1870, Bernhard Dräger was born in Kirchwerder near Hamburg, who was to write a chapter in technical and corporate history in Germany. Thanks to his inventions, the small company of his father Johann Heinrich (1847–1917) has developed into an enterprise that is still globally successful today – now in the pandemic, Dräger technology is particularly in demand.

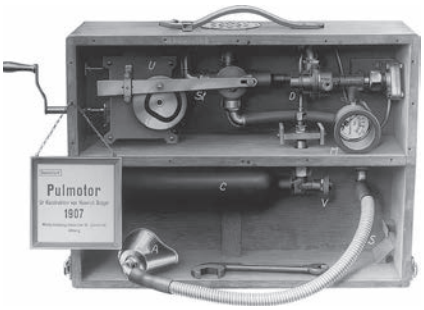
Bernhard Dräger recognised the potential of compressed oxygen as a fundamental technology. "Drägerwerk" became primarily known for its breathing apparatus for the mining industry. From 1901 onwards, Dräger concentrated his development efforts on respiratory protection. The actual breakthrough came with the successful rescue apparatus model 1904. These devices, constantly improved by him, were soon being used in underground mining all over the world. In 1907, Dräger opened a branch in New York. Even today, rescue workers in the US mining industry are known as "draegermen" because of their breathing apparatus.

Bernhard Dräger in the office of "Drägerwerk, Heinr. & Bernh. Dräger" in Lübeck in 1904

"Pulmotor" for ventilation

The Drägers and Otto Roth, a surgeon, developed the first anaesthesia machine, in which chloroform or ether was nebulised in a pressurised oxygen stream and inhaled together with pure oxygen by the patient. In 1902, the problem of dosage, which was a major problem at that time, was solved by the "Roth-Dräger" mixed anaesthetic apparatus.

However, the father Heinrich made one of the most important inventions of the company: the first ventilator in the world, the "Pulmotor" (see, for example, DE211138, DE384245). It operated with oxygen under pressure and alternatively produced positive and negative airway pressure. The ventilator supplied breathing gas until a certain pressure was reached in the lungs; then it switched to exhalation. In 1907, it was first used by the Berlin fire brigade. It became a great success and, essentially unchanged, remained in use for decades.



"Pulmotor" prototype

Escape sets and gas masks

In 1907, Bernhard Dräger also developed the escape sets for submarine crews called *"Tauchretter"* (diving rescuer) (see DE529399). He also designed air purification systems and tubeless oxygen underwater breathing apparatus for depths of up to 80 metres (see, for example, DE331363). For the emergent aircraft technology (balloons and airplanes) he designed high-altitude breathing apparatus for flights in atmospheric layers that are low in oxygen. At the outbreak of World War I, the Drägerwerk factory was converted to wartime production and delivered millions of gas masks (see e.g. DE401706).

Between 1900 and 1928, 261 German and 443 foreign patents as well as 912 utility models were granted to Bernhard Dräger and his father, according to corporate information. On 12 January 1928, Bernhard Dräger died at just 57.

Today, the Dräger company, now headed by his great-grandson Stefan, is still considered one of the leading manufacturers of medical and safety equipment. In 2020, due to the coronavirus pandemic, there was a steep rise in the demand for ventilators and breathing apparatuses, which the company is still producing.

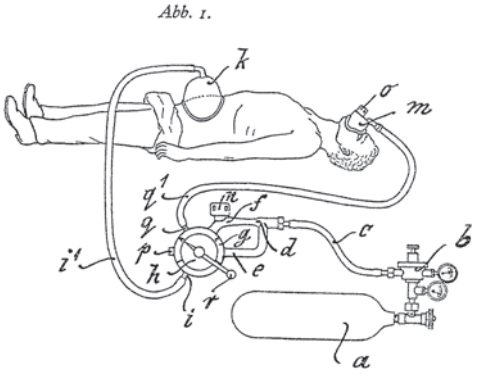


Figure of patent specification no. 384245

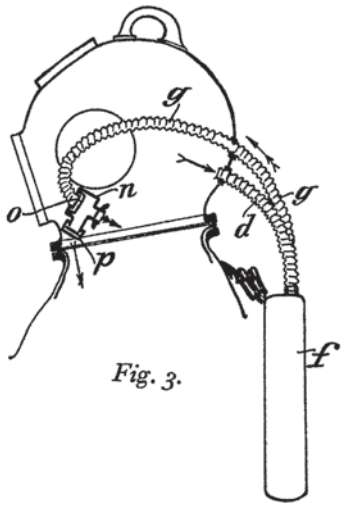


Figure of patent specification no. 331363

UTILITY MODELS

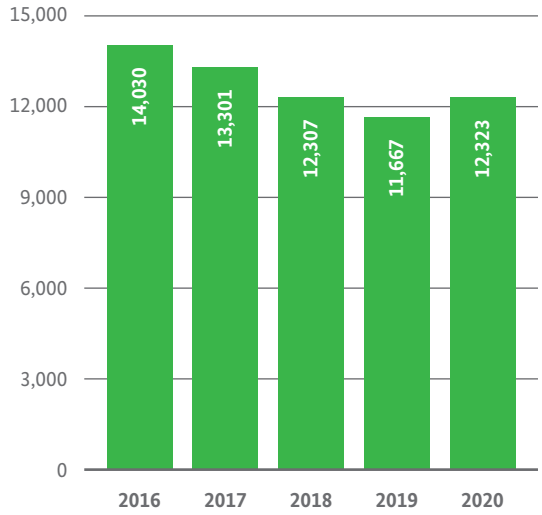
>> You will find our extensive statistics on utility models in the chapter “Statistics” starting on page 75.

Development of utility model applications

The continued decline in utility model applications, a trend that had been seen for more than ten years, stopped in 2020, the coronavirus year, of all years. On the contrary: Due to an enormous increase especially in the technology field "Other consumer goods" by 84.0% compared to the previous year, the total number of applications was higher than in 2019 and even in 2018. In view of the pandemic, it comes as little surprise that applicants focused on what are known as community masks and respirator masks. A significant increase of 11.4% was seen in the field of civil engineering too.

Fortunately, the coronavirus pandemic hardly affected the activities of the Utility Model Unit, so the increase was easy to handle. Like patent procedures, utility model procedures have been processed fully electronically since 2011; more than three quarters of the staff of the Utility Model Unit had teleworking posts before the pandemic and were able to work entirely from home without any problems. It is thus possible to ensure secure and flexible working conditions for the few colleagues who are still working in the office, especially with regard to the applicable social distancing and hygiene requirements.

Utility model applications
at the German Patent and Trade Mark Office



Development of utility model applications in detail

After 11,667 applications in the previous year, a total of 12,323 new applications were received by the office in 2020; this corresponds to an increase of 5.6%. The German Patent and Trade Mark Office (DPMA) received 59.4% of the applications electronically. The Utility Model Unit entered 10,736 utility models into the register; this means that 87.8% (previous year: 87.0%) of the concluded procedures resulted in a registration. 1,496 applications did not result in a registration because of withdrawals of applications or refusals or for other reasons.

In 2020, the term of protection was renewed for a total of 18,166 utility models (2019: 18,831) after payment of the maintenance fee. The number of utility models lapsed for example due to the expiry of the longest possible term of protection or because no request for renewal had been filed increased slightly from 12,628 in the previous year to now 12,796.

At the end of 2020, 74,900 valid utility models were registered at our office.

Origin of utility model applications

In 2020, too, foreign applicants had a strong interest in German utility models, as can be seen from the slight increase of the proportion of applications from abroad from 27.7% (3,231 applications) in the previous year to 27.8% (3,426 applications). The trend towards PCT applications in the national phase, which had already been observed in the previous years, was reinforced; with 651, the number of these applications was considerably higher than in 2019 (430). 8,897 utility model applications (72.2%; 2019: 72.3%) came from Germany. The majority of foreign applications came from non-European countries (2,267; 2019: 1,980),

Utility model applications in 2020 by countries of origin (national applications at the DPMA and PCT applications in the national phase)

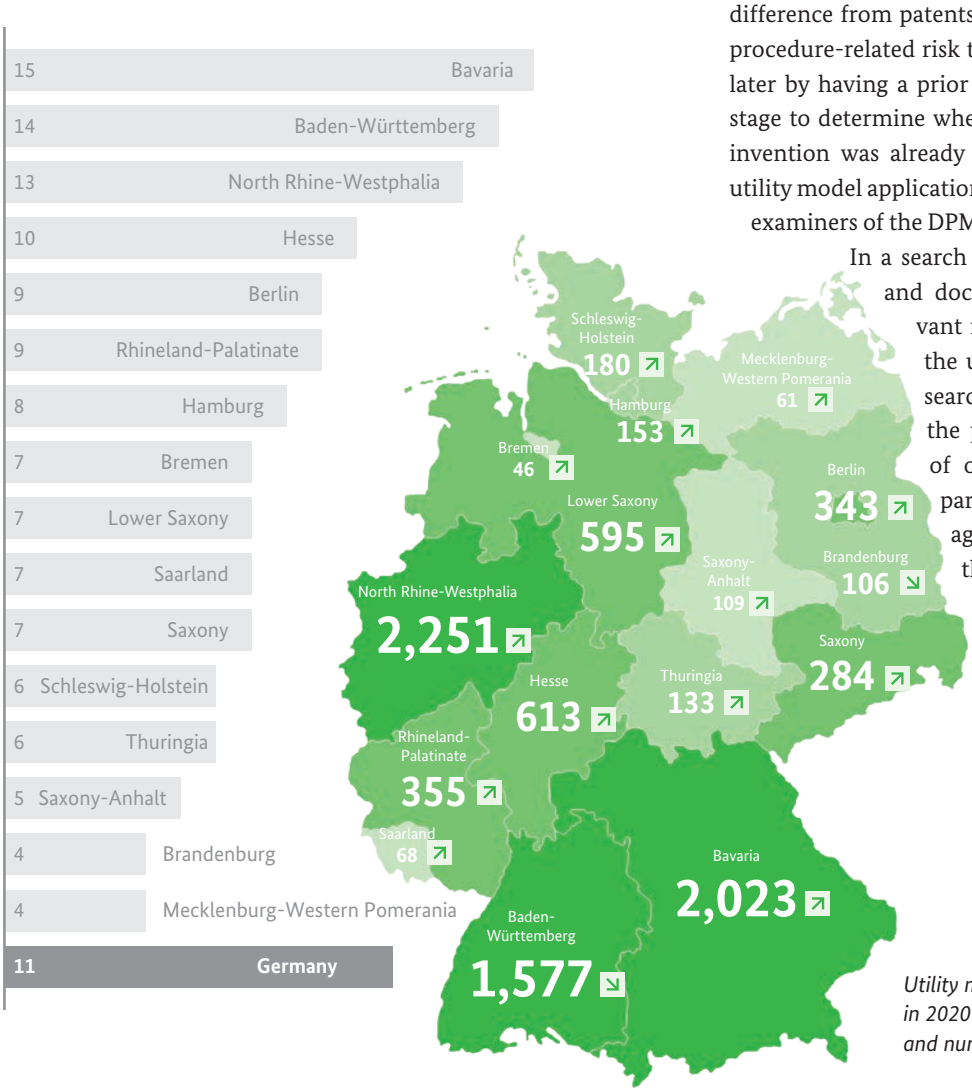
	Applications	Percentage
Germany	8,897	72.2
China	1,052	8.5
Taiwan	403	3.3
USA	347	2.8
Switzerland	200	1.6
Austria	194	1.6
Japan	179	1.5
Italy	147	1.2
Republic of Korea	131	1.1
France	98	0.8
Others	675	5.5
Total	**12,323**	**100**

whereas the number of applications from other countries in Europe decreased further to 1,159 (2019: 1,251).

The People's Republic of China considerably strengthened its leading position with 1,052 applications (2019: 720) and a proportion of 8.5% of all applications, followed by Taiwan with 3.3% and the US with 2.8%. Applicants from Switzerland filed 200 applications (just over 1.6%) and those from Austria filed 194 applications (just under 1.6%).

Utility model applications by German *Länder*

With 2,251 applications, North Rhine-Westphalia is still the undisputed leader in the *Länder* ranking (25.3% of all domestic applications), followed by Bavaria and Baden-Württemberg with 2,023 applications (22.7%) and 1,577 applications (17.7%), respectively. However, seen in relation to the size of the population of each German *Land*, Bavaria leads the ranking with 15 applications per 100,000 inhabitants, followed by Baden-Württemberg with 14 applications and North Rhine-Westphalia with 13 applications.



Utility model applications by German Länder in 2020 (applications per 100,000 inhabitants and number of applications)

Split-off option

In 2020, the absolute number of split-offs from patent applications fell by 26 compared to the previous year to 1,205; at the same time, the percentage of split-off utility models in relation to the total number of applications decreased from 10.6% of all applications in the previous year to 9.8% of the applications in 2020. This means that, despite a decline in split-off utility models, many patent applicants still use the application for a low-cost and quickly effective utility model as an accompanying measure to effectively take action against the copying of their innovation as long as the patent sought after has not yet been granted. The utility model is suitable as an ideal complement to this IP right if it is "split off" from a patent application. The split-off option allows you to claim the filing date of the earlier patent application for the utility model application. That day is then deemed the filing date of both applications.

Search pursuant to section 7 of the Utility Model Act

Utility models are registered after an essentially formal examination following the filing of the application; there is no examination of the invention as to novelty, inventive step and industrial application. This is an essential difference from patents. The applicant can minimise the procedure-related risk that the IP right may be cancelled later by having a prior art search conducted at an early stage to determine whether anything comparable to the invention was already known at the filing date of the utility model application. For a fee of 250 euros, the patent examiners of the DPMA conduct such a prior art search. In a search report, they list the publications and documents identified that are relevant for assessing the protectability of the utility model. On the basis of the search results, it is easier to assess what the prospects are of an enforcement of one's own claims vis-à-vis third parties or of a defence of the IP right against attacks by others. In view of this, the search pursuant to section 7 of the Utility Model Act is an important part of the system of utility model protection.

Last year, 1,812 effective search requests were received by the DPMA (previous year: 1,895) and, as in the previous year, 1,984 searches were concluded. The DPMA thus reduced the number of pending search procedures in utility model matters further.

Cancellation of utility models

Cancellation proceedings are an efficient instrument for subsequently clarifying the protectability of an initially unexamined utility model. After a decrease in the past years, the number of requests for cancellation received in 2020 amounted to 104 and thus increased compared to the previous year (2019: 98).

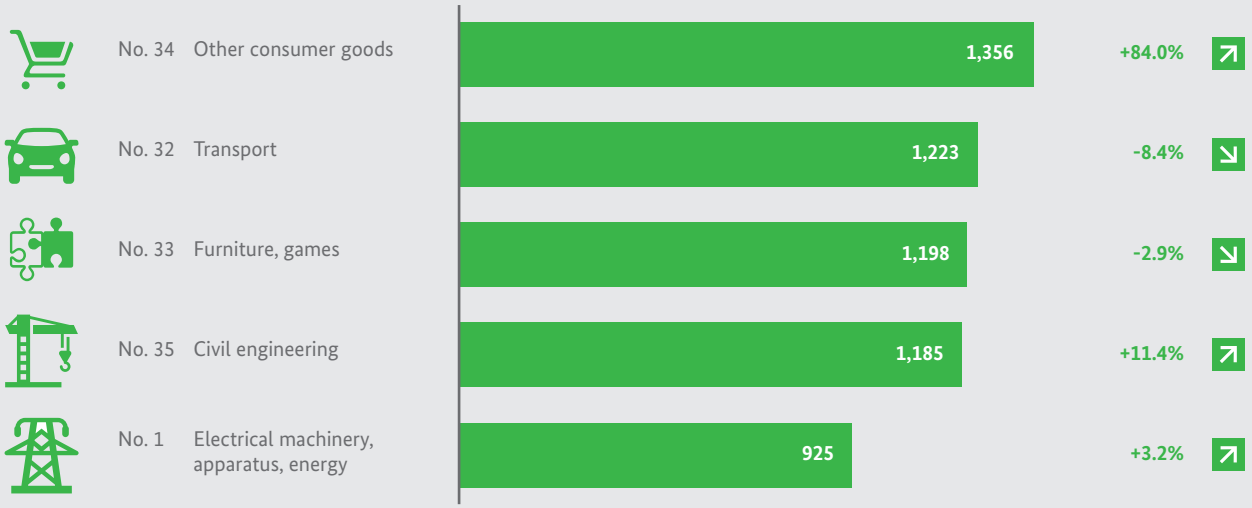
A utility model can be cancelled upon request only. Anyone can make a cancellation request, the looming risk of an infringement dispute or an individual's economic interest is not necessary. The request is subject to a fee of 300 euros upon filing. The request for cancellation must contain a sufficient statement of reasons. In particular, any conflicting prior art should be cited in the cancellation request.

While the Utility Model Unit is responsible for the registration of a utility model, the Utility Model Division is responsible for handling the cancellation proceedings and deciding on the cancellation request. The panel of the Utility Model Division consists of three members. A lawyer acts as the chair and two patent examiners responsible for the technical field are reporting and associate judges. Normally, oral proceedings are held. The pandemic affected the year under review as it was only possible to a limited extent to hold oral proceedings from March 2020.

In most cases, utility models are cancelled because the subject matter of a utility model cannot be protected. An invention is protectable if it is new compared to the state of the art and involves an inventive step. The examination can also check for any inadmissible extension of the subject matter of the utility model, a usurpation or whether the subject matter of the utility model has already been protected on the basis of an earlier patent or utility model application.

In the year under review, a total of 118 cancellation proceedings were concluded.

TOP 5 Fields of technology[1]



Applications filed at the DPMA in 2020

National utility model applications and PCT applications that have entered the national phase

[1] According to WIPO IPC concordance table, available at: **www.wipo.int/ipstats/en/index.html#resources**.

30 YEARS AGO

"A time of major changes"

On 3 October 1990, the German Patent Office (DPA), now the German Patent and Trade Mark Office (DPMA), took on the tasks of the Office for Inventions and Patents (AfEP) of the German Democratic Republic, integrating 13.5 million patent documents. This made the German Patent Office the centre of intellectual property protection in Germany. Data and files were merged, and it was an eventful time especially for the AfEP's employees. Of the approximately 600 employees of the GDR's patent office, 450 employees, including 105 patent examiners, transferred to the German Patent Office in Munich and Berlin. In 1998, another office was opened in Jena, which now has about 220 staff. Monika Gerstmann, an automation engineer, was a patent examiner at the AfEP when the Wall fell. She transferred to the DPA too. We asked her about the reunification process in 1989/90.

What memories do you have of the reunification process in 1989/90?

When it became clear that monetary union and reunification were on the horizon, a period began that was marked by major changes, in my private and professional life. It was also clear to us that the collapse of the GDR did not mean the simultaneous abolition of GDR patents and trade marks. Rather, it meant that they would have to be further processed under transitional legal provisions. What we did not know was whether we were to become a thing of the past or whether we would be taken on by the German Patent Office. New rumours were circulating every day. During that time, we lived with a degree of professional insecurity unknown to us before. This also meant a feeling of great insecurity for our families.

Monika Gerstmann

How do you get through such a time?

By facing the new realities: In the summer of 1990, the rumours intensified suggesting that a major part of the GDR patent examiners would be taken on by the DPA. It is said that the good understanding between the two presidents and the lack of specialist examiners in the DPA played a role. After all, qualified patent examiners were delivered straight to the office.

How did your transfer to the DPA take place? When did you move to Munich?

We had to overcome some hurdles: We were interviewed by the Office for the Protection of the Constitution. Staff of the Munich office also asked us about our job specifications and qualifications. We had to fill in countless forms and provide documents, such as proof of citizenship to confirm that we were actually German. I had to get health insurance and apply for child benefit. All the things that were automatically handled in the GDR. I learned a lot.

However, I did not receive my transfer contract until 1 October 1990. It contained the provision "if required by the work assignment, the place of work is in Munich". So I had to get used to leaving my familiar surroundings, my circle of friends and family to move to Munich sooner or later. In return, it meant security for those who were taken on during this very eventful time.
In terms of work, everything was running as usual at that time. We continued to deal with the GDR IP rights.

What had to be organised for the transfer by the DPA?

The DPA had to clarify with other federal authorities which grades the AfEP staff should be assigned to under civil service law and in terms of salaries and whether the Berlin examiners should possibly stay in Berlin. The case files would have been sent to them from Munich.
Although some examiners were interested in a quick transfer to Munich, we had to wait until all the details were clarified in early 1993. The transfer to Munich then proceeded in a very accommodating manner with regard to the date of transfer and also the field of work or division to which we were to be assigned.

Logo "30th Anniversary of the Peaceful Revolution and German Reunification"

And how did you know what kind of work would actually lie in store for you?

In 1992, all patent examiners were given the opportunity to participate in what was referred to as a taster week in a patent division in Munich. That helped to alleviate some of the fear of the future in Munich. In addition, we were trained by Munich examiners in Berlin on "Western" patent law matters. We welcomed that very much.

How did the work at the DPA differ from the work at the AfEP?

On the whole, there was no difference between the examiner's work at the two patent offices. Both patent acts (East and West) were derived from the *Reichspatentgesetz* (Imperial Patent Act) at that time. Due to this reason alone, there were many common features.
Having come to Munich with fears and certain prejudices, I quickly realised that they did not have any magic formula either and I was well able to fulfil my tasks. I was made very welcome by the colleagues of my new division. Until my retirement, I had a good, open, cooperative relationship with all colleagues. It was quite common to discuss a technical problem in the division with colleagues from the division, no one was left alone with technical problems.
From 1993 until my retirement in 2017, I worked as a patent examiner at the DPMA and was also in charge of searches. I also participated as a reporting or associate judge in utility model cancellations and opposition proceedings.

What surprised you about the West German examiners?

That there were hardly any women among the examiners, except in chemistry. Of course, this was quite different in the GDR. However, following reunification and the transfer of the Berliners to Munich, this also changed fundamentally at the DPMA.

PATENTS IN THE GDR

After 3 October 1990, the DPA had to ensure the processing of the existing IP rights and IP applications in the GDR.
Owing to the GDR's membership in international IP organisations, the statutory provisions concerning the protection of intellectual property were almost identical in both German states. However, there were differences in the provisions concerning IP right exploitation: German patents confer their holders the right to exclusive use of their invention for a limited period of time. In the GDR, such right of use was referred to as an exclusive patent (*Ausschließungspatent*). Only a small number of patents were exclusive patents. More frequent were patents referred to as economic patents (*Wirtschaftspatente*), the underlying invention of which was made during the inventor's activity in a state-owned enterprise, a state research institute or other state organisations with state aid. State-owned enterprises were allowed to use these patents for a fee.
After reunification, 111,000 GDR patents, namely 97,000 economic patents and 14,000 exclusive patents, were integrated into a common register.

Further oral history interviews are available on our website.

https://www.dpma.de/english/our_office/about_us/history/30yearsofgermanunity/index.html

TRADE MARKS

Development of trade mark applications

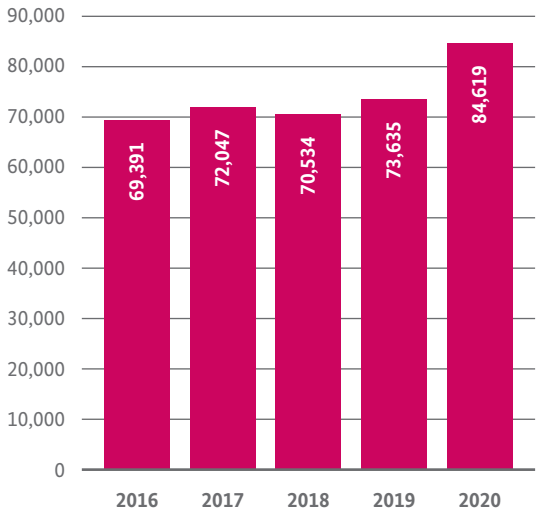
In 2020, 89,438 trade mark applications were filed with the DPMA, representing an increase of 13.5% over the previous year (78,831 applications). National applications even grew by 14.9%, from 73,635 applications to 84,619 applications. Only the applications for international registrations of marks, transmitted to us by the World Intellectual Property Organization (WIPO), dropped from 5,196 to 4,819 (-7.3%).

In the middle of the coronavirus pandemic, trade mark applications reached the highest level in 20 years. With 60,425 registrations in the electronic register, the DPMA even reached an all-time high.

The year 2020 was also a good year for the European Union Intellectual Property Office (EUIPO). The number of applications filed with the EUIPO rose by 10.2% to a total of 176,961. The number of applications from Germany amounted to 24,990, an increase of a good 10%.

China again stood out among the foreign direct applicants in Germany with 2,253 applications (previous year: 2,102). China applied for almost three times as many trade marks in Germany as the second-ranking US, with 778 applications (previous year: 625).

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



>> You will find our extensive statistics on trade marks in the chapter "Statistics" starting on page 78.

Trade mark applications by classes

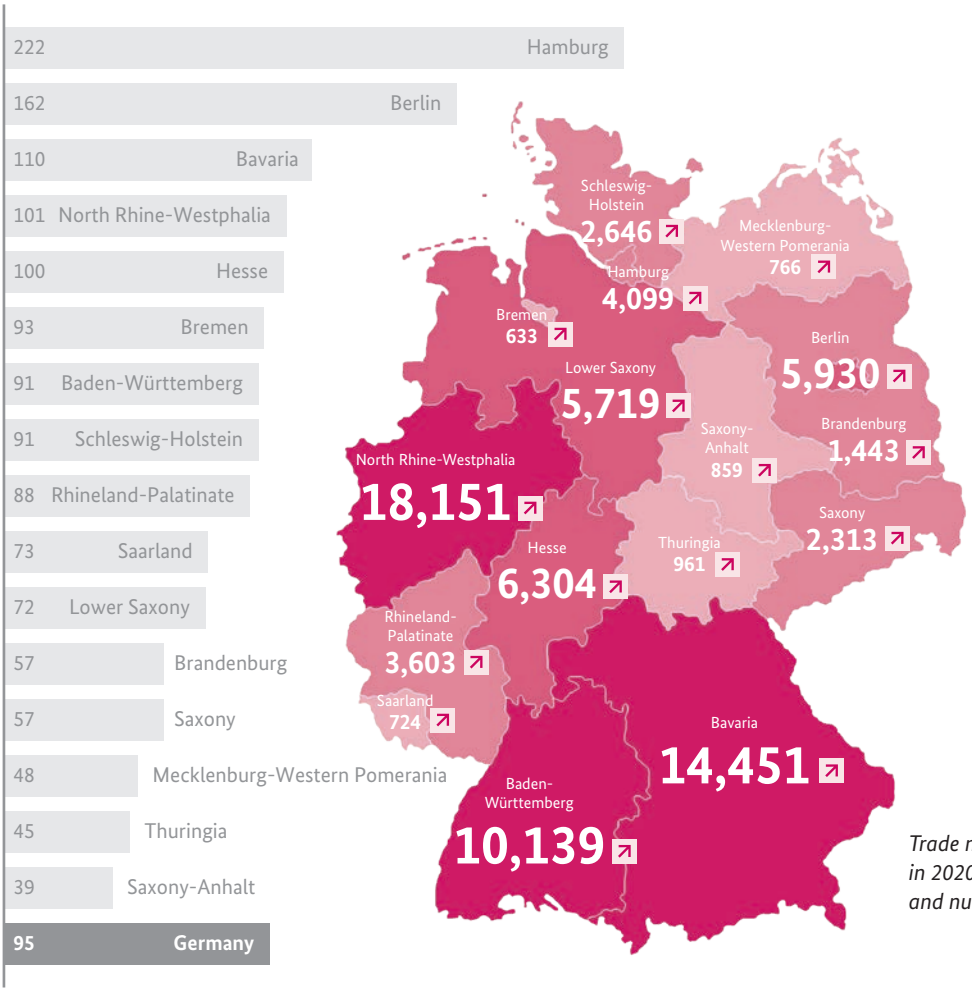
In 2020, the service class 35 (advertising; business management, organisation and administration; office functions) was the class most frequently indicated, namely in 29,378 applications, an increase of 11.6% compared to 26,332 applications in the previous year. It is followed by class 41 (providing of training; entertainment; sporting and cultural activities) in the second place, which was indicated in 20,728 applications (+7.9%) and class 9 (electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments), ranking third, which was indicated in 16,338 applications (+15.0%). With 48.3%, large increases were recorded in class 10 (medical apparatus and instruments; orthopaedic articles) and in class 5 (pharmaceuticals; plasters, materials for dressings; disinfectants; dietary supplements) with 30.6%. This is not entirely unexpected, as these classes include medical face masks and medicines as well as vaccines. Due to the infection prevention and control measures prescribed during the pandemic, it is easy to explain why class 43 (services for providing food and drink; temporary accommodation) stagnated (+0.1%), while almost all other classes showed increases in line with the overall trend.

TOP 5 Classes of goods and services [1]

[1] Class heading according to current version of Nice Classiffication, available at: **www.dpma.de/english/trade_marks/classification/goods_and_services/nice_classification/index.html**.
[2] A trade mark application can be attributed to several classes.

Trade mark applications by German *Länder*

The city states of Hamburg and Berlin came top in terms of trade mark applications per 100,000 inhabitants. Thus – statistically speaking – 222 out of 100,000 citizens in Hamburg and 162 out of 100,000 citizens in Berlin applied for a trade mark in 2020. Since many companies are based in large cities, this result is not entirely unexpected and also corresponds to that of previous years. Of the large territorial states among the German *Länder*, Bavaria, North Rhine-Westphalia and Hesse were the ones with most applications per 100,000 population. Again, there have been no changes in recent years.



Trade mark applications by German Länder in 2020 (applications per 100,000 inhabitants and number of applications)

Top companies and institutions in terms of registrations

In 2020, the two top companies in terms of trade mark registrations were Henkel AG & Co. KGaA and Bayerische Motoren Werke AG (BMW), with 92 and 90 registrations, respectively. DFO Global Performance Commerce Ltd., an international company active in the field of e-commerce, ranked third with 59 trade mark registrations.

Selected data on trade mark procedures

As mentioned above, more than 60,000 applications (60,425) were registered in 2020. This is not only a substantial increase over the previous year (55,025 registrations), but the highest number of registrations ever recorded by our office in one year.

As the number of withdrawals and refusals remained fairly stable at a good 12,000 withdrawals and a good 6,000 refusals, the number of pending cases rose significantly. Due to the sharp rise in applications, more than 27,000 procedures were still pending at the end of 2020, compared to just over 21,000 procedures in the previous year.

Certainly also due to the pandemic situation, the proportion of online applications rose further: 77.1% of all applications for national trade marks were received via the two online filing routes, DPMA**direktPro** (20.4%) and DPMA**direktWeb** (56.7%) (in absolute terms: 65,264). In 2019, the proportion was 72.5% (in absolute terms: 53,365).

Selected data on trade mark procedures

	2016	2017	2018	2019	2020
New applications	69,391	72,047	70,534	73,635	84,619
Registrations	52,199	50,953	50,576	55,025	60,425
Refusals	7,542	6,682	7,081	6,883	6,606

Thanks to a clever design of the user navigation in the electronic application process, it has been possible to avoid numerous formal errors in applications. This has made examination of applications easier for the trade mark divisions. However, the simplicity of electronic filing can also tempt people to file overhasty trade mark applications. Although it is possible to file a formally correct application without considering whether or not it can be protected and without conducting a search for earlier rights, it is not very useful if the trade mark cannot be registered later or has to be cancelled after an opposition has been successful.

On our website you will find a lot of information on assessing protectability and on the online tools for searching for earlier rights.

https://www.dpma.de/english/trade_marks/trade_mark_protection/index.html

Trade mark administration

About 40 staff at the trade mark administration at the Jena location deal with all post-registration and secondary procedures after the definitive registration of a trade mark. These include, in particular, renewals, the recording of changes, restrictions on disposal, licensing procedures and cancellations. Furthermore, the trade mark administration staff issue priority documents, certifications of origin or other register extracts.

At the end of 2020, the register contained 845,583 trade marks. The number of 39,491 renewals remained at the high level of the previous year (39,834), while there was a marked increase in the number of trade mark cancellations due to non-renewal of the trade mark (44,799) compared to the previous year (39,964). With 68,944, the number of recorded post-registration changes concerning the proprietor, representative or the address for service was slightly above last year's figure (68,944). Licences were entered in the register for 32 trade marks. The cases in which the proprietors made a declaration about their willingness to license the trade marks gained considerable importance (at the end of 2020, 12,258 trade marks compared to 4,956 at the end of 2019). For 6,195 trade marks, a willingness to sell/transfer was declared until the end of 2020 (2,428 in the previous year). For further statistical data on trade mark administration, please see the "Statistics" chapter on page 78.

Trade mark cancellation proceedings

According to the Trade Mark Act (*Markengesetz*), anybody may request cancellation of a registered trade mark. A reason for cancellation must be stated in the request, which is subject to a fee. A reason for cancellation may be the non-use of a trade mark, called "revocation" in the Trade Mark Act. For applications for revocation filed on 1 May 2020 or later, revocation proceedings can now also be fully conducted before the DPMA if the trade mark proprietor objects to the application for revocation and cancellation of his trade mark and if the person filing such an application pays a fee of 300 euros for pursuing the application further. Previously, the person filing the application had to further pursue his application before the ordinary courts.
In 2020, 440 applications for revocation or invalidation were received (previous year: 325). Requests to further pursue revocation proceedings before the DPMA were filed in 111 cases.

Since 1 May 2020, it has been possible to file an application for a declaration of invalidity and cancellation of a registered trade mark with the DPMA – or an application for invalidation of the part of an international registration of a mark extended to Germany – due to the existence of conflicting earlier rights within the meaning of sections 9 to 13 of the Trade Mark Act. Previously, such proceedings were only possible before the ordinary courts. In 2020, 89 such applications were received.

Another reason for cancellation is the existence of absolute grounds for refusal at the time of filing the application. In 2020, 240 requests (previous year: 214) were based on this reason. Absolute grounds for refusal may exist if the challenged trade mark lacked distinctiveness at the time of filing the application or if it was descriptive. Another absolute ground for refusal is filing a trade mark application in bad faith; this reason was given for 107 applications for cancellation (previous year: 85) and thus for roughly 45% of all applications for cancellation based on absolute grounds for refusal. A trade mark application is filed in bad faith if the trade mark proprietor filed the application with the intention to impede others in an anti-competitive manner.

Due to the new responsibilities of the DPMA in revocation and invalidity proceedings, the number of applications requiring a substantive decision thus increased from 214 in 2019 to 440 in 2020. According to the conception of these proceedings, prescribed by law, the decision must always be taken by a trade mark division composed of three lawyers. This poses a considerable challenge, which we will meet by increasing our staff.

BRIEFLY EXPLAINED

When everyone just says “wedges”

Whether for potato wedges or other everyday products: Names of trade marks that are being used in common everyday language may become generic – and thus lose their protection.

Kornspitz, Tempo, Walkman, Flip-Flop – registered trade mark or already generic? All these examples are protected names of trade marks.
However, over time, registered trade marks may become generic names or common names. This is the case if the trade mark is understood in the relevant trade sector only as a common name generally used to designate all goods or services of a particular kind, irrespective of their commercial origin, and does no longer fulfil the actual primary function of a trade mark that is indicating the origin of a product or service from a particular company.

It is obvious that trade marks may no longer enjoy legal protection if they can no longer fulfil their purpose of distinguishing products as coming from a particular origin. For this reason, section 49 (2) no. 1 of the Trade Mark Act (*Markengesetz*) provides for a possible cancellation of such trade marks upon request. This is called “cancellation due to revocation” in legislation.

Since it is of course very unpleasant for the trade mark proprietors and often even damaging to business if their trade mark is taken away again, there are strict requirements for such a “cancellation due to revocation”. For example, a legal requirement is that the trade mark has developed into a common name in trade because of the conduct or inactivity of its proprietor. If the proprietors themselves use the trade mark as a generic name, they naturally merit less protection than if they are uninvolved. Trade mark proprietors who passively watch the development of their trade mark into a generic name cannot necessarily expect to retain protection for their trade mark. Rather, the trade mark proprietors have the obligation to actively take countermeasures to prevent losing the trade mark. For example, they should systematically use the R in a circle symbol “®” and warn those people to cease and desist who use the trade mark as a generic name.

Another requirement for “cancellation due to revocation” is that the trade mark must have become a common name only after its registration. If the trade mark had already been generic before its registration, it may possibly be cancelled due to invalidity due to the existence of a ground for refusal at the time of registration under section 50 of the Trade Mark Act. For the assessment, the perception of the relevant public at the time of the decision on the application for revocation is crucial. The relevant public are the consumers and end users of the goods and services for which the trade mark is registered and usually also the manufacturers, traders, intermediaries or suppliers and providers of these goods and services. The assumption that the mark has become a common name can only be accepted if almost the entire relevant public perceives the trade mark as a generic name. According to the case law, “almost the entire” means that the trade mark is perceived as an indication of origin only by a totally insignificant part of the relevant public.

Therefore, cancellations due to conversion into a generic name are rather rare but do occur. For example, the *Landgericht (LG) München* (Munich Regional Court) has found that the trade mark “Wedges”, registered for goods including also “frozen or prepared potatoes”, has become a generic name for those goods, namely a synonym for the word “*Kartoffelspalten*” (potato wedges/steak fries) (*LG München* I, judgment of 9 May 2001, HKO 12/01, InstGE 2, 32, 37).

INSIDE

Trade mark boom during the corona-virus crisis

Barbara Preißner, Head of Directorate General "Trade Marks and Designs", explains why the number of trade mark applications has increased significantly.

Barbara Preißner

When the coronavirus pandemic was spreading with all its economic consequences last year, experts quickly expected it to have an impact on the trade mark area too. According to an analysis by the Director General of the World Intellectual Property Organization in April, a recession is usually expected to entail declining trade mark applications. This was in line with the experience we had gained from the financial crisis. Trade marks are IP rights that have always been very closely linked to economic development. One year later, we can draw a preliminary conclusion. According to the Federal Statistical Office, the economy shrank by more than five per cent in 2020. The development of the number of trade mark applications, however, was different from what could have been expected: Last year saw considerably more rather than fewer trade mark applications. With an increase of 13.5%, there was even a veritable boom. Obviously, there were effects that mitigated the recession in this area and that I will address below.

At the beginning of the pandemic, our first thought was: How can we ensure our areas remain operational? Fortunately, the new situation did not catch us completely unprepared: At the DPMA and especially in the trade mark area, working from home has been common practice for years. The electronic case file for trade mark procedures, introduced six years ago, helps us work efficiently when everybody is working from different locations. A number of mobile workstations, i.e. notebooks, have been added to the available teleworking positions within a relatively short period of time. Very important to us was to be quick and consistent in ensuring the trade mark area's ability to operate. The personnel situation in the trade mark area is already tense. And in this situation, as already mentioned, an increase in applications became apparent after some time.

But what is the cause of this boom? In our view, there are several reasons: For example, the pandemic has turned out to be a driver of digitisation and computer technology that has led to a big increase in e-commerce. As a consequence, ever more vendors have apparently been forced to seek trade mark protection for their products and services – not least also because of the requirements of trading platforms such as Amazon and Ebay.

Also very strong was the need for IP rights in the product and service classes "Pharmaceuticals", "Medical apparatus and instruments" and "Clothing and footwear". Finally, the increase in trade mark applications for Germany from China, which we have been registering for years, has probably contributed considerably to the total result too. Personally, I think that the possibility to apply for registration of a trade mark via the internet has also contributed to the boom. Such an online application is very easy to file while working from home even during the pandemic. In line with the long-standing trend and particularly significant was the further increase in online filings.

In any case, we are proud that, on the whole, we have handled the situation very well. The number of concluded procedures increased less than the number of applications. Of course, this also means that we have a backlog because of the increased number of applications. Currently, we therefore cannot guarantee that a trade mark will be registered very shortly after the application has been filed. It remains to be seen whether these trends will continue in the current year. What is certain, however, is that we will continue doing our best to offer our customers the best possible services.

IN FOCUS

Traditional trade marks from the East – so much more than a 40-year history of the GDR

The GDR has been history for 30 years, but it lives on: There are almost 4,000 "Ostmarken" (trade marks from Eastern Germany), which were recorded in the trade mark register even before the fall of the Berlin Wall. Some of these trade marks have a long tradition. The "crossed swords" of Meissen porcelain are said to be the oldest German brand. We present some stories of these brands here and you can find even more on our website (💻).

Diamant: Clever bikes labelled with a head

On 1 January 1885, the brothers Friedrich and Wilhelm Nevoigt founded their first joint enterprise – they started to produce bikes specifically developed under the trade mark "Diamant". In 1898, the Nevoigts introduced the twin roller chain they had developed themselves; bicycle chains still work that way today. In 1911, the well-known mark "Kopf über Fahrradlenker" ("head over bicycle handlebars") was entered in the trade mark register.

Trade mark "Kopf über Fahrradlenker" ("head over bicycle handlebars") of 1911; Diamant Fahrradwerke GmbH

The invention of "Meissen porcelain"

August the Strong (1670–1733), the "King of Saxony", relied on the art of alchemists and summoned the young Johann Friedrich Böttger to Dresden. At first Böttger tried in vain to make gold from base metals. In 1707, together with the councillor of the Elector of Saxony and scientist Ehrenfried Walther von Tschirnhaus he finally succeeded in producing a red porcelain stoneware – *"Böttgersteinzeug"* (Böttger ware) – still registered today as a word mark DD231494.

A laboratory protocol of 15 January 1708 documents the birth of Meissen porcelain: White "Colditzer clay" and alabaster were added to the original mixture, the "white gold" was created. In 1710, August the Strong founded the first European porcelain manufactory, which was initially based at Albrechtsburg castle in Meissen.

The recipe for Meissen porcelain was initially kept secret. Although the staff was supervised in a prison-like manner, the arcanist Samuel Stöltzel succeeded in deciphering the recipe and fleeing with it to Vienna. In 1718, the second porcelain manufactory in Europe was established there.

In order to identify the authentic Meissen Porcelain beyond doubt, the manufactory immediately marked all manufactured goods with two crossed swords.

Apart from the crossed pair of swords, sequences of letters were also common until 1730, for example

K.P.M. = Königliche Porzellan Manufaktur (Royal Porcelain Manufactory)
M.P.M. = Meissener Porzellan-Manufaktur (Meissen Porcelain Manufactory)
K.P.F. = Königliche Porzellan-Fabrik (Royal Porcelain Factory)

Decorative wall plate with current and former trade marks of the Meissen porcelain manufactory, Staatliche Porzellan Manufaktur Meissen

From 1731 onwards, the "crossed swords" had become generally established. After the Imperial Act on the Protection of Trade Marks (*Reichsgesetz zum Markenschutz*) came into force, the Meissen Porcelain Manufactory had its trade marks registered on 20 May 1875. From 1948 onwards, a year sign was stamped into the base of each piece of Meissen porcelain as an additional marking. Thus the year of production of each piece of porcelain can be proved beyond doubt.

Registered word/figurative mark "Filinchen" DE30156584, WHG Weißenfelder Handelsgesellschaft mbH

Filinchen – the waffle bread from Apolda

"Filinchen" is a thin waffle bread from Thuringia, which was very well known

💻 https://www.dpma.de/english/our_office/about_us/history/30yearsofgermanunity/eastbrands/index.html

and popular in the GDR. Even today it is still being produced in Apolda and is available all over Germany.
"Filinchen" dates back to the master baker Oskar Kompa, who had opened a small business in Apolda in 1946. In 1956, the crunchy bread was produced for the first time. Oskar Kompa wanted to bake something very special for his childhood friend Felicitas (nickname "Filinchen") and so the name "Filinchen" was born. On 19 June 1958, he applied for the word mark DD624275 "Filinchen" with the Office for Inventions and Patents of the GDR and the trade mark was registered on 2 September 1958. Oskar Kompa also invented a special baking tin for his crunchy bread, which is characterised by irregular dot-like elevations and depressions, thus diverging from a waffle-like impression.


PATENTSCHRIFT 21253

Patent 21253 from 1957, WHG Weißenfelder Handelsgesellschaft mbH

Halloren – Germany's oldest chocolate factory

The history of the "Halloren" chocolate factory dates back to 1804: In Halle an der Saale, the gingerbread maker Friedrich August Miethe founded a small pastry shop and gingerbread bakery. It was taken over by a certain Friedrich David in 1851. At the turn of the century, the company gained a reputation as a producer of high-quality chocolates under the name of "David und Söhne".
During the second world war, aircrafts were produced in the factory halls instead of chocolate. However, shortly after the end of the war, the company resumed chocolate production. In 1950, the company was expropriated and merged with the companies Most and Diamalt to form the confectionery combine "Kombinat Süßwaren". As a result of an internal name competition, the new factory was named "VEB Schokoladenfabrik Halloren" from 1952 onwards. The name derives from the members of the salt maker fraternity, which still exists today. The members of this fraternity are called "Halloren". The buttons on the salt makers' festive dresses are the model for the world-famous and popular "Halloren-Kugeln" (round chocolates).

Registered word/figurative mark DE30324429 "Halloren-Kugeln", Halloren Schokoladenfabrik AG

The Moravian star – the origin of Christmas stars

The Moravian star (*Herrnhuter Stern*) was invented at the castle of the Unity of Brethren of Herrnhut in Upper Lusatia more than 160 years ago, and is considered the origin of all Christmas stars.
At the beginning of the 19th century, the first star made of paper and cardboard in the colours red and white was shining in the rooms of the Moravian boarding school. Built by a tutor in mathematics class, it was intended to help pupils obtain a better understanding of geometry.
The foundation of the star manufactory is closely linked with the name of the book and music publisher Pieter Henrik Verbeek, who sold the first stars in his bookstore. At the end of the 19th century, he invented the first stable star that could be assembled from parts. The new thing about it: It was possible to assemble the star by sliding the metal frames of the paper points into rails fitted to an openwork metal body base. Thus it was possible for the first time to fold the star and ship it. Today, 140 staff produce around 700,000 stars a year in Herrnhut, which are sold all over the world.

HERRNHUTER®

Registered word/figurative mark DE302012005113, Herrnhuter Sterne GmbH

Carl Zeiss Jena – a lens as logo

On 17 November 1846, Carl Zeiss founded an optical workshop in Jena. Only one year later, he started to build simple microscopes. It soon became clear to the young mechanic that he would only be successful in further developing his devices in cooperation with science. In 1863, he therefore persuaded the physicist Ernst Abbe, professor at the university of Jena, to join the company. The company quickly became a globally operating manufacturer of optical devices, such as binoculars, planetarium projectors or surgical microscopes.
The first trade mark application was filed with the Imperial Patent Office (*Reichspatentamt*) on 11 May 1904 and registered on 24 June 1904. Since 1906, the trade mark has been on almost all devices and printed matter. At the beginning, they were experimenting with the size and form of individual letters. A standard form would very soon become accepted. The lens frame became the logo for optical and precision mechanical excellence – until today.

CARL ZEISS
JENA

The original sign from the trade mark application of 1904, Carl Zeiss AG

Indications of geographical origin

Culinary specialities often bear the name of their geographical origin; this is widely known. Consumers frequently come across such product names, such as "Bayerisches Bier" (beer), "Thüringer Rostbratwurst" (sausage), "Allgäuer Emmentaler" (cheese), "Aceto Balsamico di Modena" (vinegar), "Schrobenhausener Spargel" (asparagus), "San Daniele Schinken" (ham) or "Südtiroler Schüttelbrot" (bread).

It is probably less well known that all these product names are protected at the European level as what is known as "indications of geographical origin". The legal basis is Regulation (EU) No. 1151/2012. The prerequisite is that the quality or reputation of a product is essentially attributable to its geographical origin. Protection applies to food and agricultural products and covers various product categories such as meat products, fish, cheese, fruit, vegetables, vinegar, oil, bread, pastry or beer. For each product there is a product specification with a detailed description of the product. Only products that comply with these requirements may be marketed under the protected name. Applicants can apply for PDO (protected designation of origin) status or PGI (protected geographical indication) status. To qualify for PDO status, all stages of production must take place in the region of origin. For PGI status, it is sufficient if (at least) one of the stages (production, processing or preparation) takes place in the region concerned.

Examination procedure

The examination procedure is conducted in two stages. First, the application for registration is examined by the competent national authority. In Germany, this is the German Patent and Trade Mark Office (DPMA). After positive assessment, the application is forwarded to the European Commission for examination. The application will be published under both assessment procedures. This gives other persons the opportunity to notify their opposition if their legitimate interests are affected – in particular other producers of the relevant product. If the European Commission also considers that the conditions for protection are met, the IP right will be registered and an entry is made in the eAmbrosia database.

Protection also for third countries

The protection system is not limited to the member states of the European Union, but also allows third countries to have such geographical indications registered in Brussels that are protected in their home countries. Currently, 102 such geographical indications from third countries are registered, now, after UK's withdrawal from the European Union, also including the 73 geographical indications protected for the United Kingdom.

Applications and decisions in 2020

In 2020, the DPMA received two new applications for registration. After positive conclusion of the examination, the DPMA forwarded the application for registration of "Spreewälder Gurkensülze" (cucumber aspic) as PGI, the request for cancellation of "Holsteiner Karpfen" (fish) (PGI) as well as the applications for the amendment of the specifications of the PGIs "Hofer Rindfleischwurst" (sausage) and "Salzwedeler Baumkuchen" (cake) to the European Commission. In 2020, the European Commission published the two amendment applications relating to the PGIs "Münchener Bier" (beer) and "Rheinisches Zuckerrübenkraut" (syrup), for which it considers the conditions to be fulfilled. The application for the amendment of the specification of the PGI "Rheinisches Apfelkraut" (apple butter) was approved by the European Commission.

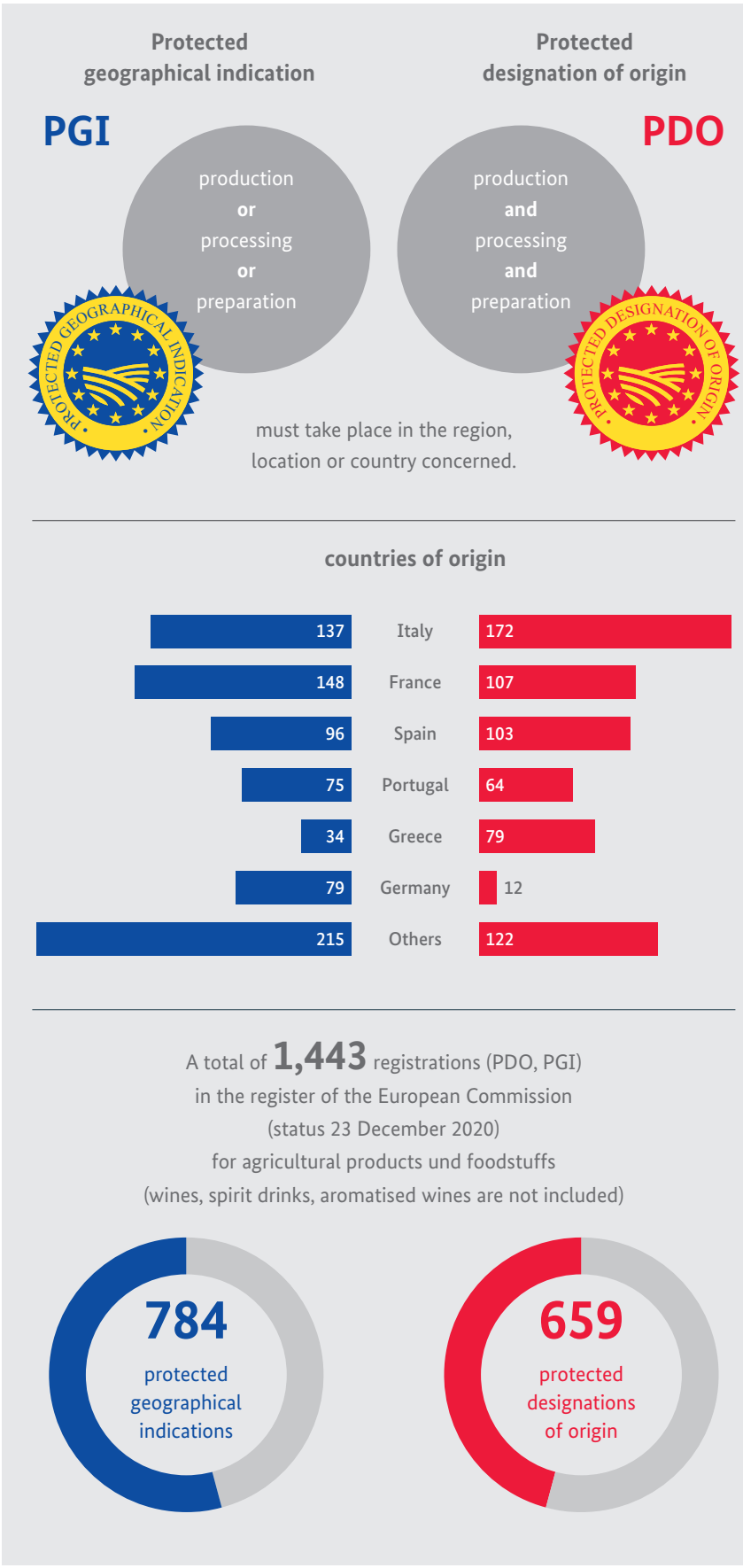
New GIview database

In addition to eAmbrosia, GIview is another database for searching geographical indications. This database, developed by the Commission and EUIPO, contains indications on food, agricultural products, wine, aromatised wine and spirit drinks as well as geographical indications protected under bilateral or multilateral agreements at EU level. In addition, it provides a similarity search as well as translation options and examples. (💻)

💻 https://www.tmdn.org/giview/

Workshop of the Max Planck Institute

In February 2020, a two-day workshop of the Max Planck Institute for Innovation and Competition on "Geographical Indications" was held in Munich, which was also attended by representatives of WIPO, the WTO, the European Commission and EUIPO. The DPMA was represented by two staff members from the trade mark division. The workshop presented the current research project of the Max Planck Institute, which comprehensively analysed the GI system within the EU and beyond. Other topics covered the possibility of expanding protection to non-agricultural products as well as the relationship between trade marks and geographical indications. (💻)



💻 https://www.ip.mpg.de/en/nc/the-institute/institute-news/gi-workshop-two-days-in-the-sign-of-geographical-indications.html

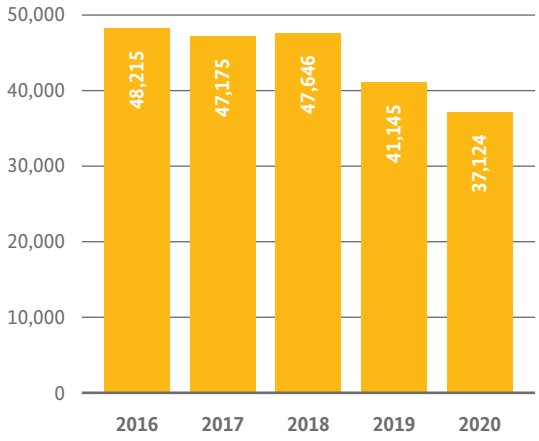
DESIGNS

Development of design applications

Compared to the previous year, a slight increase in the number of design applications can be observed. In 2020, 39,450 designs in 6,113 single and multiple applications were filed with the DPMA. This means that the number of applications rose by 2.7%, while the total number of designs applied for fell by 8.5% compared to the previous year. An application can contain up to 100 individual designs.

At the beginning of the coronavirus pandemic in March 2020, the figures initially dropped but, by the end of the year, this trend was offset by further filing activity.

Registered designs
at the German Patent and Trade Mark Office



Many applications relating to the coronavirus pandemic

An increased number of design applications were received for specific products in connection with the coronavirus pandemic. The most frequently filed designs concerned the areas “mouth and nose protection”, “spit screens” or “disinfection equipment”.

In the past year, we conclusively dealt with requests for the registration in the register for a total of 41,350 designs. Our Jena sub-office entered 37,124 of these designs in the Design Register; this corresponds to 89.8% (2019: 91.5%). Our applicants again frequently made use of the option of combining up to 100 designs in a multiple application: In 2020, this option was used for well over half of the applications (57.1%). About eleven designs on average were filed per multiple application. The applicants may file a request not to publish the images of a registered design (deferment

>> You will find our extensive statistics on registered designs in the chapter “Statistics” starting on page 85.

of publication of the representation). This way they can save money on fees because this results in a reduction of the filing fee. However, in that case, design protection ends after 30 months from the filing or priority date if it is not extended by payment of the extension fee. The proportion of designs applied for for which deferment of publication of the representation was requested dropped to 24.4% (2019: 27.8%).

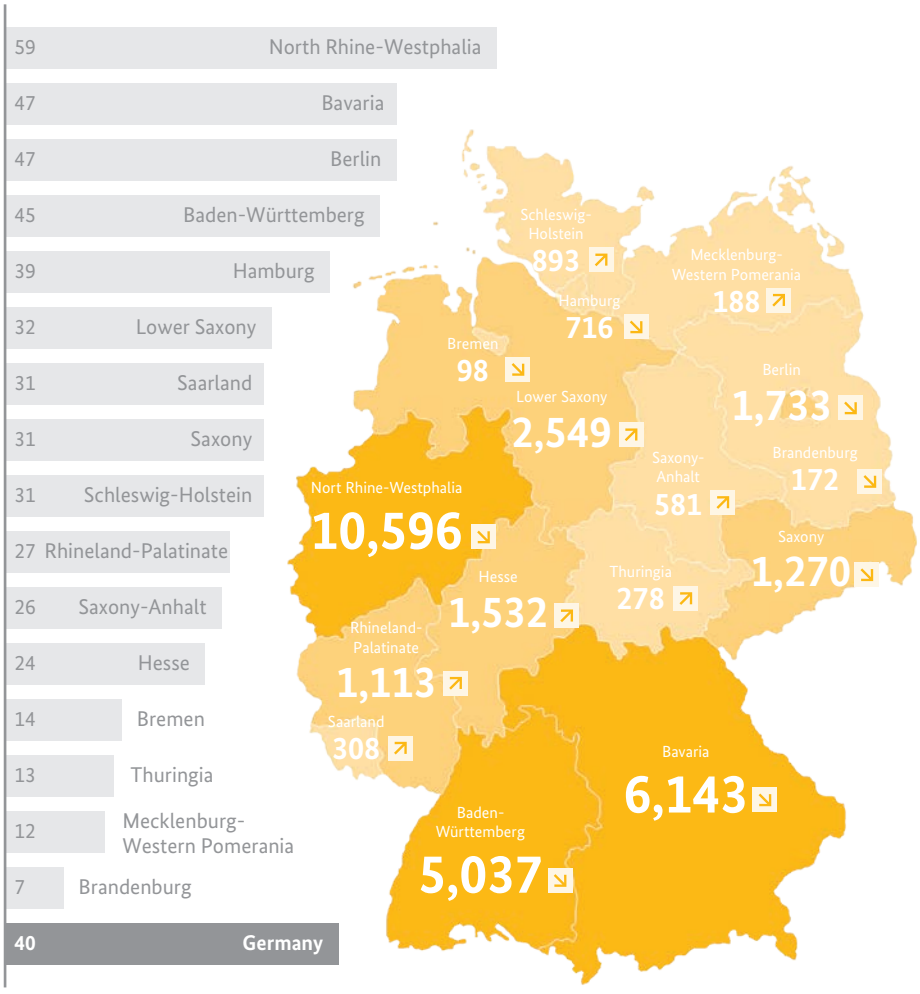
290,549 designs were registered at our office at the end of 2020.

Origin of the registered designs

With 89.4%, a large proportion of the registered designs originated again from Germany. The number of registered designs from abroad further declined. A total of 3,507 registered designs came from other European countries (2019: 4,128), 410 from non-European countries (2019: 831). In 2020, the clear majority of registered designs from abroad again originated from Italy.

Registered designs in 2020 by countries of origin

	Registered designs	Percentage
Germany	33,207	89.4
Italy	1,913	5.2
Switzerland	884	2.4
Austria	192	0.5
USA	151	0.4
Czech Republic	136	0.4
Japan	118	0.3
Poland	113	0.3
Netherlands	94	0.3
China	69	0.2
Others	247	0.7
Total	**37,124**	**100**



Registered designs by German Länder in 2020
(registered designs per 100,000 inhabitants and number of applications)

Registered designs by German *Länder*

In 2020, most of the 33,207 domestic registered designs (31.9%) were filed by individuals or companies based in North Rhine-Westphalia (10,596 registered designs). For thirteen years in a row, North Rhine-Westphalia has been at the top of the list of the German *Länder*. It was once again followed by Bavaria with 6,143 registered designs (18.5%) and Baden-Württemberg with 5,037 registered designs (15.2%) in 2020.

Registered designs by classes of goods

With 9,337, most designs (14.4%) were again registered in the class of goods 6 (furnishing) in 2020.

The class of goods 32 (graphic symbols and logos, surface patterns, ornamentation) came second with 10.7%, followed by class 2 (articles of clothing and haberdashery) with 9.1%.

The largest growth compared to 2019 (+88.2%) was achieved by class 25 (building units and construction elements). Due to the continuing construction boom, despite the coronavirus pandemic, this class made it into the top 5 classes of goods for the first time since 2004.

In total, the 37,124 registered designs were registered in 64,639 classes of goods.

Post-registration procedures

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

» Renewal or cancellation
A term of protection is five years. Renewal fees must be paid at the end of each term to renew protection. If protection is not renewed, we will cancel the registered design in the register.

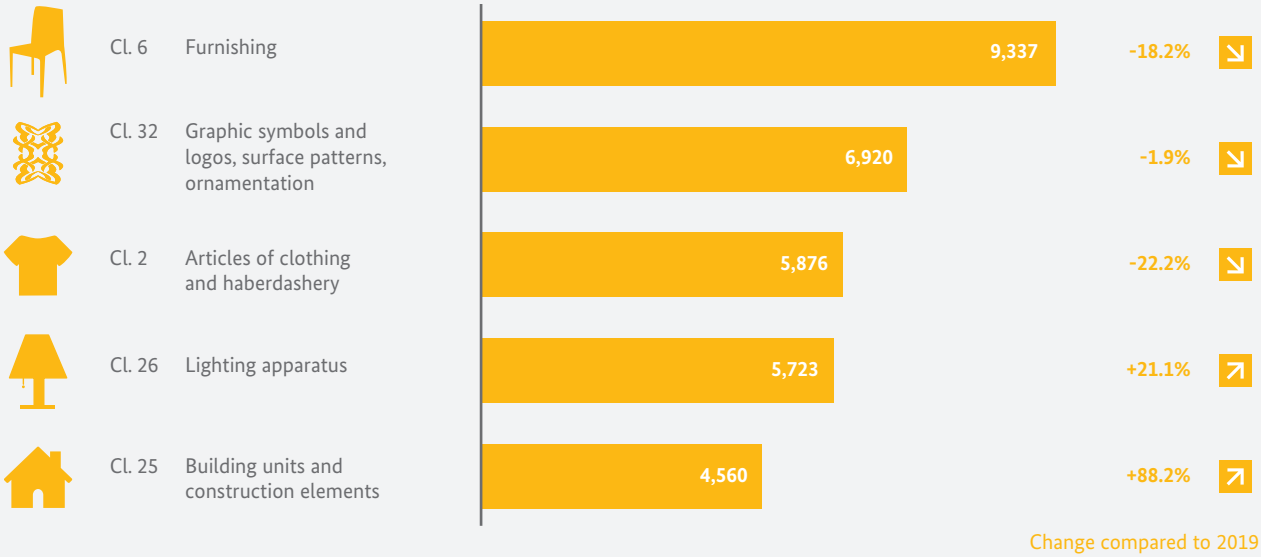
» Extension
If a design was initially registered only for a 30-month period of protection from the filing or priority date, deferring publication of the representation, the owner of the registered design may pay a fee to extend the period of protection to the first five years after the filing date.

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

Design invalidity proceedings

In 2020, 56 applications for determination or declaration of invalidity were filed (2019: 29). The application for determination or declaration of invalidity will be served on the owner after examination of the admissibility requirements. If the application is not contested within one month, invalidity shall be determined or declared by decision of the Design Division without further substantive examination and the design in question will be cancelled in the Design Register after the decision has become final. However, if the application is contested in due time, an official examination will be conducted of the grounds of invalidity (the appearance of the product does not constitute a design, lack of novelty or individual character; exclusion from design protection; earlier conflicting rights). Subsequently, the Design Division will take a decision in proceedings that – also with regard to the costs to be borne – are essentially based on the Code of Civil Procedure (*Zivilprozessordnung*). In 2020, a total of 63 design invalidity proceedings were concluded.

TOP 5 Classes of goods



Classes of goods of registered designs * at the DPMA in 2020

* A design can be attributed to several classes of goods.

50 YEARS AGO

The wild guitar god: virtuoso, innovator, trade mark

Half a century ago, one of the most influential guitarists of all time died: Jimi Hendrix. No one else's electric guitar playing was as innovative and revolutionary as his – many IP rights are related to the artist.

Until his early death on 18 September 1970, he would be changing the history of the instrument and of rock music forever. Jimi Hendrix became a trade mark long ago – literally: His name is protected at the DPMA (DE30232623).
Hendrix's unique guitar playing was based not only on virtuosic skills but also on a lot of then new technologies he either was the first to use or he used like no one else. The guitarist was also experimenting with sounds: He used and combined all available effects in the recording studio and on the stage and created new ones.

Whammy bar and wah effect

His preferred e-guitar was the Fender Stratocaster (see for example US4803906A), which he did not mind smashing or setting aflame on the stage. One of its technical features was the vibrato bar (DE1297970A). Hendrix was the first to max out the sounds made possible by the whammy bar and to make this an important element of his guitar playing style. His famous rendition of the national anthem of the United States at the Woodstock festival – unthinkable without this patent! By the way, the vibrato bar is still being further improved today (see for example DE202019000687U1).
Hendrix also made the wah-wah pedal popular (DE1264225A, "Tone regulator for the creation of the wah effect" (*Klangreglerschaltung zur Darstellung des Jauleffekts*). The effect can be heard in the intro of "Voodoo Chile", for example.

Hendrix's legacy

To copy his complex sound, Hendrix's countless imitators used to have to face the arduous task of buying his line-up – guitar, effects units, amp, speakers – from different sources. Thanks to technical innovations, it is possible today to copy his analogue sound digitally. Modelling allows digital signal processors to be used for the creation of the typical sound characteristics of certain amplifiers, effects pedals and guitars at the push of a button with one device.
Hendrix's guitar maker Fender presented a digital module for the versatile use of e-guitars and receiving devices long ago (US7678985B2). Other manufacturers offer, for example, a programmable amp pedalboard that provides the guitarist with freely selectable digital effects and switching functions on the stage (US8957297B2). Even the audio feedback effect, excessively used by Hendrix, can be generated by synthesisers today (DE102015002381B4).
These and all other technical innovations in rock music are easy to search in **DEPATISnet** (💻), the electronic document archive of the DPMA.

💻 **https://depatisnet.dpma.de/DepatisNet/depatisnet?window=1&space=menu&content=index&action=index&switchToLang=en**

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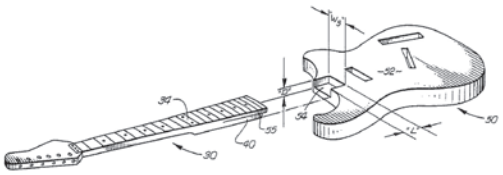
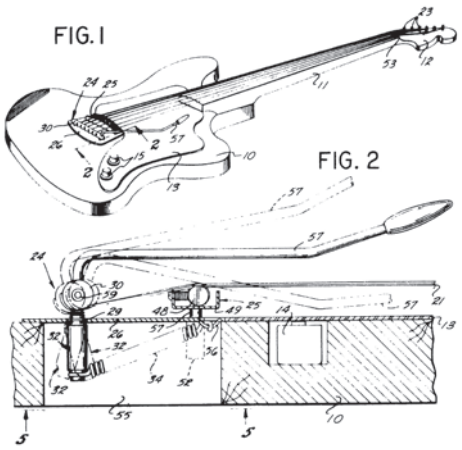
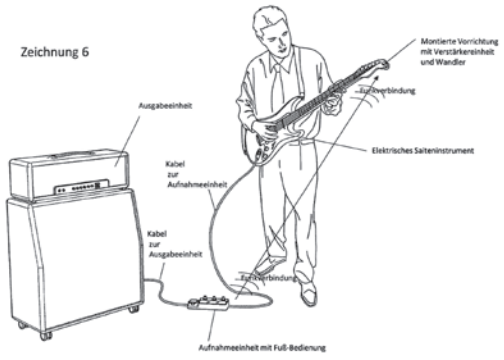


Picture from patent specification US4803906A, a patent held by Fender, Hendrix's preferred guitar manufacturer



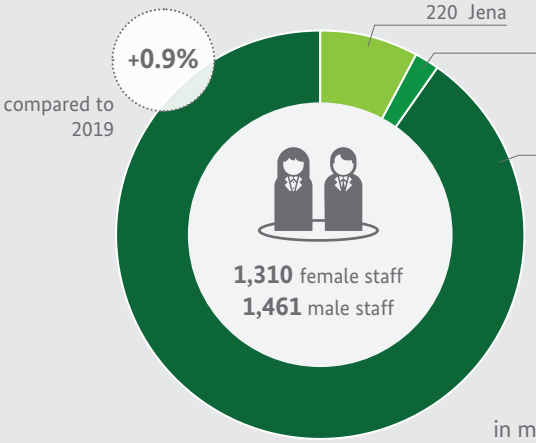
Picture from patent specification DE1297970A, vibrato bar or tremolo arm



"Device for creating harmonic audio feedback effects with electronically amplified string instruments" (picture from patent specification DE102015002381B4)

At a Glance

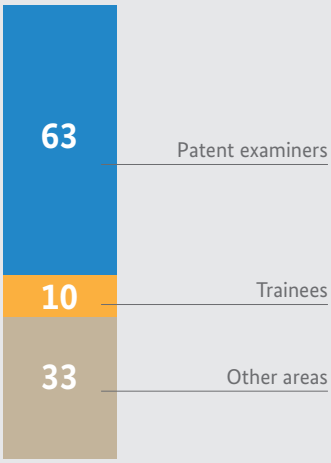
Number of staff and recruiting



33% women in management positions

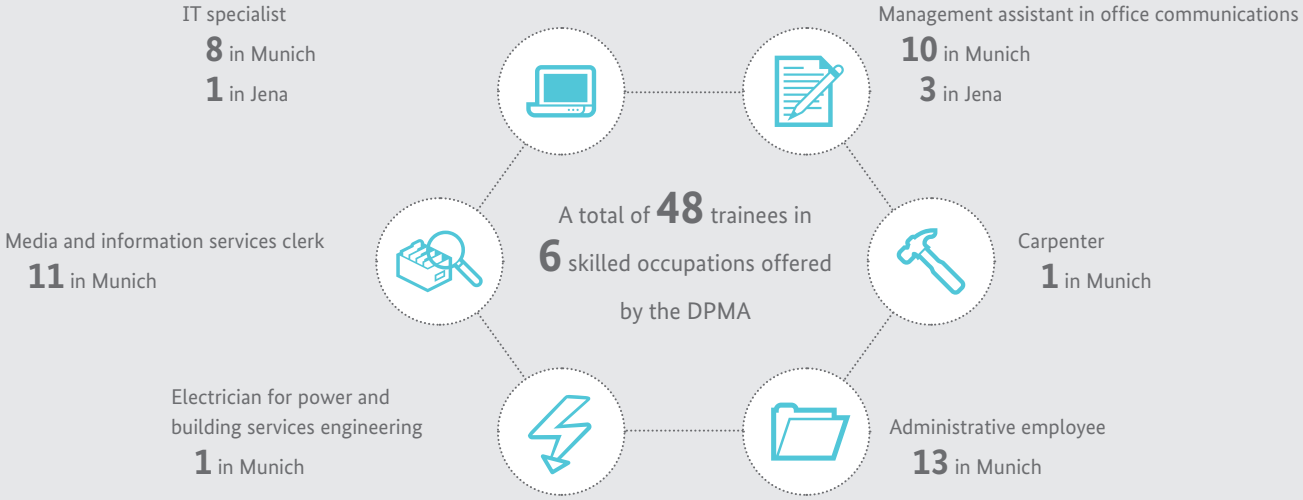
The DPMA had a total of **2,771** staff at the end of 2020

In 2020 we hired **106** new staff



Incentive bonuses for **775** very committed and high-performing staff members

Vocational training



Further training

2.5 training days on average were used by staff for personal further training.

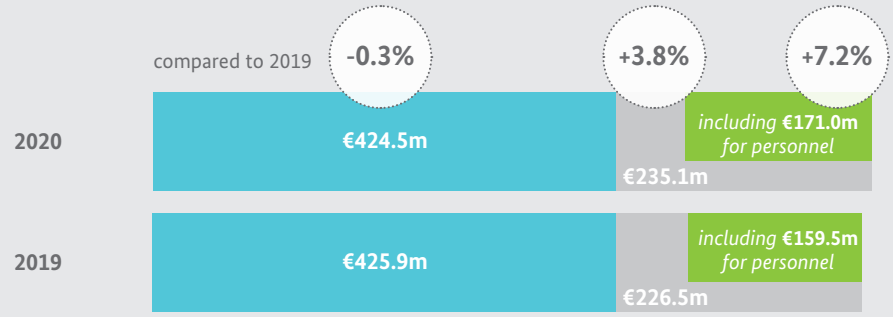
219 in-house training courses and language courses and lectures were held for our staff in 2020.

Career at the DPMA

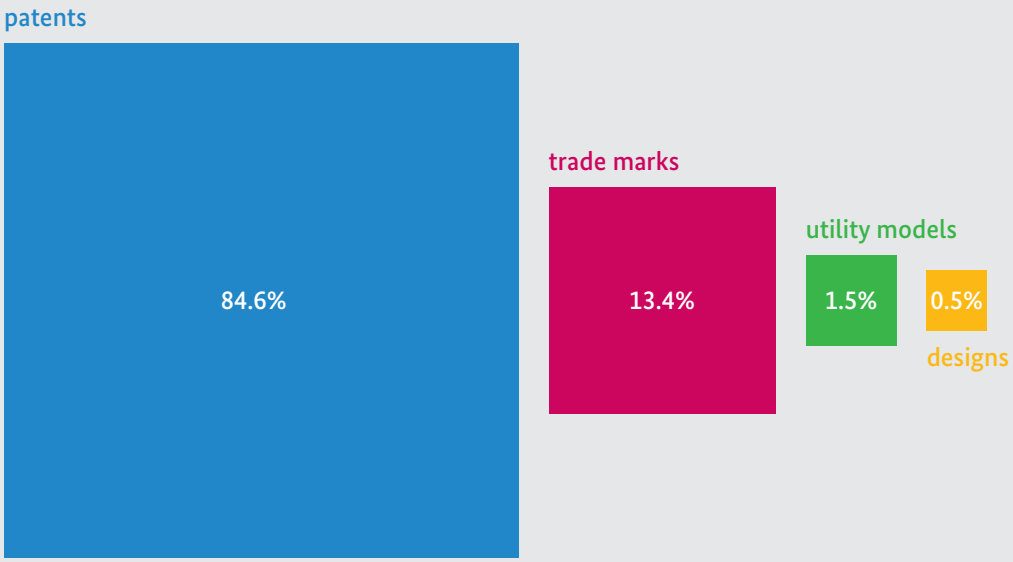
https://www.dpma.de/english/our_office/career/index.html

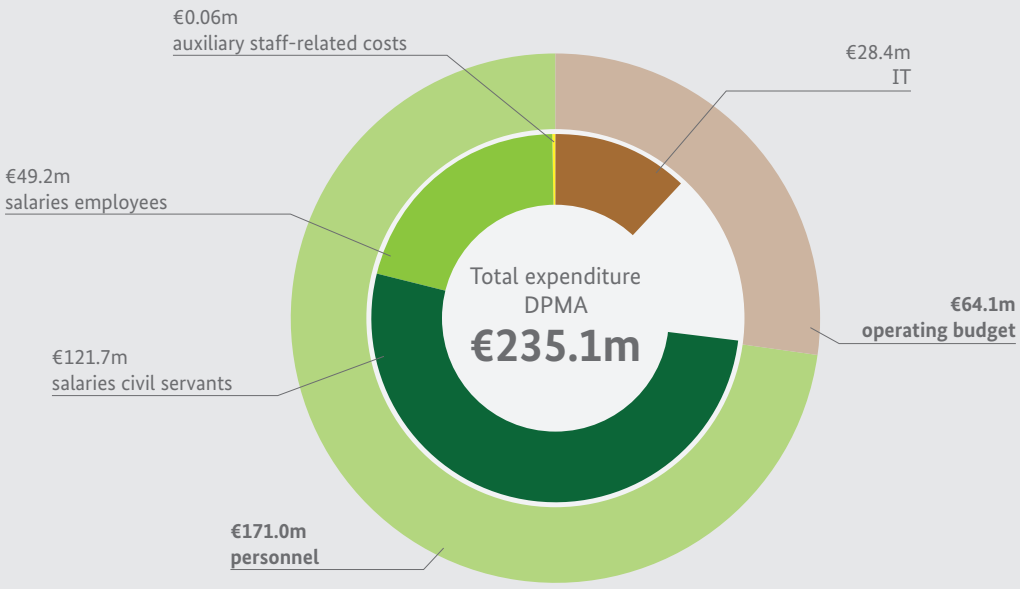
Finances

Income and expenditure



Breakdown of income by types of IP





INTERVIEWS

"A constant juggling act"

Working from home, distance learning, 24/7 family togetherness: Due to the pandemic, three quarters of the DPMA staff are currently working from home. Patent examiner Dr Veronika Kleißl and trade mark examiner Markus Niemann talk about how they reconcile work and family life – and how they are still here for their customers.

Dr Kleißl, Mr Niemann, working from home, distance learning and often, at the same time, full-time childcare: How much has the pandemic affected your everyday working life?

Dr Kleißl: During the first lockdown from March 2020, it was indeed exhausting sometimes: my husband and I, both working, two small children – and all of us at home all the time. It's hard to cope with everything: work, the children, the household. Suddenly, I had to cook at lunchtime and put something on the table because the children were home every day. That was a challenge. Luckily, at the moment the children are again going to their institutions.

Niemann: For us, things were functioning quite well during the first lockdown. But as time passed, the everyday burden became more noticeable. Running the household, providing lunch – as my wife didn't have the opportunity to work from home for a long time, I managed most of this alone. And of course there was distance learning too. Our daughter is 14, she coped well with it. Initially, it was somewhat more difficult for our son. According to the motto: We don't have school, so I don't have to do anything.

Distance learning – a difficult topic for many parents during the pandemic. What was your experience?

Niemann: At the beginning, the school's digital tools did not work so well – and of course the teachers had no experience in managing distance learning. Without school, it was not so easy for us to develop an effective daily routine for the children. However, over time, they have settled into a good routine. The assignments arrived reliably and the children participated well. At some point, they realised that they couldn't avoid it.

Dr Kleißl, your children are even younger. What challenges did you face at home?

Dr Kleißl: For example, there was the question of who can work best where. My husband set up his office in the basement, I in the attic room. At first, the children were at home all day long and had to be looked after and kept busy. However, my husband has many conferences and appointments and his schedule is very tight. I can work more flexibly, so I looked after the children during the day.

Dr Veronika Kleißl, patent examiner at the DPMA, lives with her husband and two children (2 and 5 years) near Munich

And work?

Dr Kleißl: We got up, then I played with the children, but at the same time I was reading e-mails to see what needed to be done. However, the only time I was actually able to work in peace was when my son was asleep at lunchtime and then in the evenings or sometimes at the weekend when my husband had time to take over. All in all, we managed well, but needed to be very well organised. The fact that the external childcare provision is now available again has eased the situation dramatically. We now have time in the afternoons to really be there for the children. I am glad that this constant juggling act and inability to meet everyone's needs is over for the time being.

How have colleagues and superiors understood the problem of reconciling work and family?

Dr Kleißl: In our division, there was a lot of understanding from all sides. I am a group leader myself and also have a young mom in my team. We frequently conferred with each other in the evenings because we had similar daily routines. My direct supervisor was also very understanding and repeatedly reminded me to take rest periods.

Niemann: My team leader is also the father of children of a similar age. For that reason alone, I met with understanding from him. But the colleagues too showed a lot of consideration for each other.

Despite the pandemic, the DPMA presented a very good performance record for 2020. Does that match your personal impressions at work?

Dr Kleißl: Indeed, I don't think our efficiency has suffered – on the contrary. We just had to reorganise. But overall, the output was the same as before.

Niemann: We keep monthly statistics, and there was no sign of a drop. For me it has even been more efficient, because of course I save on commutes and I can squeeze in a lot of things that need to be done.

How much has the DPMA's digital working method in the digital IP case files helped in this situation?

Dr Kleißl: Of course, that was the crucial advantage. It worked perfectly with our system. I can communicate digitally, work digitally, sign digitally. If our work was still paper-based, we wouldn't have managed to get through the crisis nearly as well. I would have had to go to the office again and again to get more files.

Niemann: I think that if a pandemic had broken out 10 or 15 years ago, we would almost have had to give up. It might have been possible to send decisions back and forth using USB sticks. However, sometimes we would have had to conduct searches at the library. Everything is much easier with our electronic databases and systems. In terms of equipment, my workspace at home is no different from my office at the DPMA. Equipment like we have is hard to find, at least anywhere else in the public service sector. That is fantastic!

And communication with applicants?

Niemann: The communication options were not limited while working from home. During the lockdown, I noticed that many applicants were working from home as well – for example, because there were children's voices or cooking sounds in the background. This actually created a very friendly atmosphere.

Dr Kleißl: That is something I can confirm. Contact with patent attorneys was very good and scheduling was very flexible. There was also a lot of mutual understanding. I am also very glad that we in the public sector, despite the additional burden, at least do not have to worry about our livelihoods in the pandemic situation like people in other jobs.

Markus Niemann, trade mark examiner at the DPMA, lives with his wife and two children (14 and 12 years) near Weimar

You are talking about the sectors affected by the pandemic?

Dr Kleißl: Yes, it is indeed a matter of concern when you see that business people in the hospitality and catering industry have not had any income for months. Or that people working in the cultural sector, musicians, actors and many others cannot work in their métier at all due to restrictions or only to a very limited extent. In comparison, we have always had it very good.

Many surveys show that people would like to work more from home, even after the pandemic. So do you think it is best to work from home full time?

Dr Kleißl: The DPMA has had very flexible working time schemes for a long time. Even in the past, I worked 80% of the time from home. Since I became group leader, I have worked 50% of the time at the office and 50% at home – under normal circumstances. This flexibility could be further expanded. We can see that working from home is also very efficient. However, working from home for 100% of the time would not be the right scheme for me. Actually, I think it's nice and also helpful to see colleagues in person and to be able to meet face to face, which makes it easier to perceive their moods.

Niemann: In the first months of the lockdown, I could have imagined working 100% of the time from home even post-pandemic. Now I wouldn't want that any more. After a while, the attraction is fading a bit. Direct contact with the team is very important. I think it's like many other things in life: it's the variety and the mix that matter.

Between ergonomics and pandemic

Distribution of face masks, new hygiene standards, information about infection risks: In times of the coronavirus pandemic, our occupational health management is more important than ever. The team also continues to focus on other health topics.

The Central Unit 4.0.1 Health and Safety is responsible for implementing occupational health management, aiming at promoting and maintaining the health of staff in the workplace. Specifically, this means the creation of safe working conditions through effective occupational health and safety measures, a health-conscious design of the working environment, work organisation and work processes at the DPMA and the promotion of the health competence of executives and staff. As a result of the arrival of COVID-19, the work of the Central Unit 4.0.1 gained even more importance, as it defined the framework conditions for working during the pandemic.

Since the onset of the pandemic, the focus of occupational health management has completely shifted to fighting the virus. Protection against infection was and continues to be the primary concern which was addressed by taking appropriate measures to prevent COVID-19 from entering the premises of the DPMA as far as possible and to minimise the risk of transmission.

An emergency team was immediately set up at the DPMA in order to make informed decisions on the necessary measures of infection control during the pandemic. The Central Unit 4.0.1 is represented in the emergency team providing support with regard to the following topics:

- Advising on occupational health and safety, e.g. occupational health and safety standards/rules during the pandemic, dealing with at-risk groups at the DPMA, course of action in the event of COVID infections/after contact with COVID-infected persons, policy regarding returning travellers, access authorisation for external visitors

Distribution of face masks at the DPMA

- Continuous update on the tracking of the suspected and confirmed cases of COVID-19 at the DPMA and monitoring of the pandemic at all DPMA locations
- Developing a key figure management system as a basis for taking decisions on further measures
- Information on the latest scientific findings on COVID-19

The following specific measures have been taken by the Central Unit 4.0.1 to help our staff to fare well during the pandemic:

- Implementation of the applicable occupational health and safety standards during the pandemic, e.g. maximum occupancy of the (office) rooms at the DPMA, policy for returning travellers or granting leave of absence to persons in the vulnerable groups
- Information about COVID-19 through regular publications (e.g. general information about the coronavirus, about modes of transmission, hygiene rules and behavioural guidelines, mental health, etc.)
- For reporting all suspected and positive cases, a COVID mailbox was established. In this regard, the Central Unit 4.0.1 then initiated the necessary measures, such as contact tracing within the DPMA
- Providing protective equipment (e.g. masks, cleaning cloths, disinfectants)
- Influenza and pneumococcal vaccinations
- Offering programmes to promote physical and mental health also for staff working from home

Since the beginning of the pandemic, the everyday working routine at the DPMA has changed rapidly: A large proportion of the staff work from home. On the one hand, this helps to protect their health, on the other hand, it also allows staff to fulfil their personal duties (e.g. home schooling, caring for relatives, etc.) and thus to better reconcile work and private life during this special time.

The pandemic will also have a lasting impact on the world of work and consequently also change the need for occupational health management services. We hope that, in addition to corona-related health measures, we will again be able to have a broader focus on promoting health and creating healthy working conditions in 2021.

The DPMA as a five-star employer

The further improvement of the work-life balance is an important strategic goal for the German Patent and Trade Mark Office. This is shown by, for example, awards for family-friendliness and the special contribution to the empowerment of women.

The German Patent and Trade Mark Office (DPMA) was again recognised as a flexible and family-friendly employer in 2020.

With the successful audit workandfamily (*audit berufundfamilie*) audit, the DPMA has proven that it particularly champions the work-life balance. "The certificate and the rating we scored in the study show that we vigorously pursue our strategic goal to promote the work-life balance," says DPMA President Cornelia Rudloff-Schäffer, adding that this also benefits the office as an employer. "Good and flexible working conditions are one of the most important advantages in recruiting qualified staff today," the President emphasises.

The audit workandfamily (*audit berufundfamilie*) certificate is awarded by berufundfamilie Service GmbH (💻). The company sees itself as a service provider and think tank concerning the reconcilability of work, family and private life. It advises companies, institutions and universities on the implementation of a sustainable personnel policy that is family-friendly and takes into account the phases of life. The audit was carried out in several steps: In addition to a review of the status quo, workshops were held for the executive and non-executive staff of the office to address the reconcilability of work, family and private life in more detail.

To take a broad range of experiences into consideration, staff with different schemes as to when and where they work as well as staff with and without duties to care for children and/or elderly persons were involved in these workshops. Based on the workshop results, new targets were agreed, which the DPMA will now implement. The implementation will be examined each year.

Last year, in a study by Brigitte, a women's magazine in Germany, the DPMA received five out of five stars and is thus one of the 182 best employers for women in Germany. This was the third time Brigitte, together with the HR marketing agency Territory Embrace, honoured the best employers for their excellent contribution to the empowerment of women. The study covered 257 organisations, examining their commitment to the four areas important for equal opportunities for women: reconcilability of work and family, flexibility of work, career advancement measures and the value attached to transparency and equal opportunities in the organisation. The percentage of women in executive positions and the self-imposed women's quotas also increased the score (woman power criterion).

Working from home: The DPMA offers flexibility!

In the group of organisations with 2,001 to 10,000 staff, the DPMA is one of 12 employers with a five-star rating and is thus a prime player in the ranking of the 182 best employers for women in Germany. The DPMA scored particularly well in the following categories: flexibility of work, value attached to transparency and equal opportunities in the organisation and woman power.

The study is a useful guide for women looking for female-friendly employers – throughout Germany and across all industries. An overview of all 182 organisations with top ratings, i.e. four- or five-star ratings, and further results and information are provided in the Brigitte magazine, issue 21/2020 (💻, picture at the bottom).

💻 https://www.berufundfamilie.de/english-info

💻 https://www.brigitte.de/academy/karriere/die-besten-arbeitgeber-fuer-frauen---brigitte-studie-klaert-auf-12184992.html

INTERVIEWS

"Our digital operation is now paying off"

High productivity despite the coronavirus crisis: DPMA President Cornelia Rudloff-Schäffer on the pandemic management of her office, the challenge of working from home and the opportunities for the DPMA as an employer in the "new normal" after the crisis

Cornelia Rudloff-Schäffer

Ms Rudloff-Schäffer, working from home, health protection, customer communication: The coronavirus pandemic has put the ability to operate of many companies and organisations to the test. How has the German Patent and Trade Mark Office got through the crisis so far?

I would say: The stress test has been passed! The DPMA has proven to be a crisis-proof service provider during the coronavirus pandemic. Our productivity has not been reduced by the difficult situation. In the patent and trade mark areas, our performance figures even improved significantly compared to the previous year. We concluded more procedures than in 2019, conducted more searches and registered more trade marks than ever before. Accordingly, we can tell our customers with strong conviction: We were, are and remain fully operational at all times despite the pandemic. That we were so productive despite the difficult situation is due to our staff's really great commitment.

The lockdown in 2020 certainly had a serious impact on the DPMA too.

Of course, it had a serious impact. But our response was rapid and strong and we quickly established a pandemic management system. At the beginning of the pandemic, our Covid-19 response team held daily meetings to discuss and immediately decide all currently important issues; these meetings now take place twice a week. From the outset, considerations centred on two goals: to protect our staff's health in the best possible way, but also to ensure the protective measures would not interfere with the office's ability to operate and thus the interests of our customers. Furthermore, our aim was to provide applicants with the best possible support in this difficult situation – e.g. by extending deadlines where possible. And of course, the most important issue was: What must be done to quickly enable as many staff as possible to work from home?

"We were, are and will remain fully operational at all times despite the pandemic."

What is your attitude towards working from home – there were controversial discussions in politics and industry. How was the change of the work processes at the DPMA?

Surprisingly smooth! We now benefit from our highly digital operation. Unlike many other public service areas, we consistently process our IP procedures – currently, except design procedures – in electronic files from receipt to conclusion. Our customers can rely on electronically secure communication with us. Accordingly, a large number of our staff have had practice in and appreciated working from home for years. It is now paying off particularly that we started to consistently pursue digitisation as early as 20 years ago. Since the beginning of

the pandemic, we have worked very hard to further extend the technical possibilities to work from home – with more mobile end devices and with client software solutions. At present, more than 75% of our staff are working largely from home.

Does that mean there are no more obstacles to working full-time from home?

This is something most of the staff do not want. In a survey on the working environment at the DPMA during and after the coronavirus pandemic, only few of our staff expressed the wish to work 100% from home. Most of them prefer a good mix of working in the office and working from home, especially because they like to sometimes meet their colleagues face to face. Exchanging creative ideas and views in a team or with experienced colleagues and meeting for lunch or a quick cup of coffee are things that are very important to most of the staff – in order to strengthen the sense of belonging and the solidarity with the DPMA as an employer, to discuss upcoming work topics, but also to talk about personal issues. Nonetheless, there will surely be no return to business as usual, but a "new normal".

What will the "new normal" look like at the DPMA?

It is too early to describe this in detail. For a start, we have to overcome the challenges the pandemic creates as fully as possible. However, some changes for the time after the pandemic are obvious: The desire for more flexible schemes as to when and where to work, i.e. less rigid rules for the division between working from home and working in the office, has become apparent. In the past year, we and many companies have learnt: Working from home works well! Many major companies have announced that they are planning to continue applying their current rules in the future. We, too, are thinking about the lessons and conclusions we can draw. We created a project group with staff from all directorates general. Its name is **DPMAarbeitswelt** (DPMA working world) and it examines the effects of the working conditions, which changed due to the coronavirus pandemic, and, given this impact, how we want to design our future working environment. The suggestions of the group will be the basis for the future plans.

"A project group is looking at how we want to design our future working environment."

Which topics are being debated in this context?

We want to develop more flexible working schemes, giving our staff more say when and where they work – from home or in the office. It goes without saying that we must still comply with health and safety requirements and perform the work expected from us. If we grant more flexibility, we need modern forms of cooperation: better digital possibilities to exchange information and views, but possibly also new ways to do so face to face when we are in the office, as it is very important to all of us that cooperativeness does not suffer from more flexible working schemes. In addition, the question arises as to how to arrange and use our office spaces. In this context, we have to check the requirements and framework conditions in public service. And despite the transition to more flexibility, the lines between working time and leisure time must not become blurred beyond recognition.

"We are an attractive employer. An application for a post at the DPMA is worthwhile."

Are these new schemes also an opportunity in the competition for the best talent in the labour market?

Yes, they are. Last year, investigations found again that we were a very attractive employer – especially with regard to the reconciliation of work and family (see page 37), job security and the modern technical equipment. These are important arguments we successfully put forward to recruit staff for our office. In 2021, we want to attract again more than 100 qualified experts. We are looking for roughly 40 IT experts and even more experts for our patent examination divisions. Our great recruitment campaign in spring has just encouraged several hundreds of engineers and scientists to apply for a patent examination position at the DPMA. And in the years to come, we will start for the first time to establish patent divisions in our Jena sub-office. To apply for a job at the DPMA pays off. You become acquainted not only with the technology of the future. We also want to provide the best possible conditions in the working environment of tomorrow.

International cooperation

Worldwide quality standards and legal certainty remain central aims of the international IP system. As the largest national patent office in Europe and the fifth largest national patent office in the world, we are specifically committed to the active continuation of our international cooperation projects even after the conditions have changed. The protection of intellectual property is economically necessary, even in this special year of a pandemic. Many of the bilateral or international events could not take place as usual due to the special situation. We have successfully chosen new ways – with virtual meetings and conferences. This allowed us to intensify global cooperation for the benefit of our customers in 2020 too.

European Patent Office

The European Patent Office (EPO) is the executive arm of the European Patent Organisation, an international organisation with 38 member states, which include all 27 EU member states. The aim is to promote and protect innovation and to support trade and economic growth.

The German Patent and Trade Mark Office (DPMA) supports the EPO's endeavours to reduce differences in procedures in the interest of applicants through the ambitious convergence programmes with the member states. The agreed practices of a harmonised procedure can be implemented voluntarily.

The working groups of the convergence programme include experts of the DPMA.

» Designation of inventor:
The aim is to develop a recommendation for a common practice on the designation of the inventor and the publication of inventor data (completed in December 2020).

» Unity of invention:
The aim is to harmonise the practical procedure for the examination of unity of invention by developing minimum reasoning (completed in December 2020).

» Accordance of priority date:
The aim is to reduce differences in the accordance of a priority date.

» Re-establishment of rights:
The aim is to harmonise the practice on the examination of a request for re-establishment of rights.

Further information on our cooperation with the EPO is available on our website (💻).

European Union Intellectual Property Office (EUIPO)

The European Union Intellectual Property Office (EUIPO) is responsible for the registration and management of EU trade marks and Community designs. EU trade marks and Community designs confer an IP right consistently valid in all member states of the European Union on their holders.

We work with EUIPO and the other national intellectual property offices of the EU member states to provide harmonised registration procedures for trade marks and designs in Europe. In this context, too, working groups concerning convergence projects that work towards harmonising the examination practices of all trade mark offices in the European Union include experts of the DPMA. The common practice on new trade mark forms – examination of formal requirements and grounds for refusal – has been published recently. Previous convergence projects in the past years addressed issues such as the use of a trade mark in a form differing from the one registered and criteria for the evaluation of the disclosure of designs on the Internet. Experts of the DPMA are also involved in evaluating the current convergence projects and in planning new convergence projects within the framework of a convergence analysis.

Furthermore, we take part in certain search and classification tools (including TMClass, the harmonised classification database for goods and services, and the search tools for trade marks, TMview, and designs, DesignView).

European cooperation also focuses particularly on providing support to small and medium-sized enterprises in using intellectual property effectively; in this context, we are involved in different projects.

💻 https://www.dpma.de/english/our_office/about_us/cooperation/european_cooperation/index.html

World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO) is the global forum for information and cooperation in the field of intellectual property. It is a specialised agency of the United Nations with 193 member states and its headquarters in Geneva.

Since 2013, the DPMA has held annual WIPO's roving seminars in cooperation with WIPO. In the light of the COVID-19 pandemic, the seminar was postponed to February 2021. The WIPO's roving seminar informs IP experts about services and initiatives of WIPO.

Working groups of WIPO in which experts of the DPMA work include, for example:

- PCT Working Group
- Standing Committee on the Law of Patents
- Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications
- Working Group on the Legal Development of the Madrid System
- Working Group on the Legal Development of the Hague System

Further information on our cooperation with WIPO is available on our website (💻).

Bilateral relations

The DPMA works closely not only with the most important international organisations in the field of intellectual property, such as WIPO, the EPO and EUIPO, but also with national offices. The aim is to protect and strengthen the global IP systems. The content and measures of cooperation are governed by bilateral agreements, known as Memoranda of Understanding (MoU). For example, agreements have been entered into with the most important Asian offices, such as the **China National Intellectual Property Administration** (CNIPA), the **Japan Patent Office** (JPO), the **Korean Intellectual Property Office** (KIPO) and the **Intellectual Property Office of Singapore** (IPOS). Furthermore, an agreement exists with the **United States Patent and Trademark Office** (USPTO).

The bilateral relations we maintain focus on providing training to staff, offering exchange programmes for patent examiners and exchanging patent data.

By following best practices, the DPMA has maintained the exchange of patent examiners with the large national patent offices, such as the CNIPA, the JPO, KIPO and the **UK Intellectual Property Office** (UK IPO) for almost 20 years. An essential component of these programmes are mutual visits to discuss search strategies, the use of search systems and the optimisation of the procedures.

In the digital world, the access to information and the speed of transactions are key elements to successful working. On the basis of bilateral data exchange agreements with the large offices, it is ensured that data and documents can quickly be provided to the relevant patent office. The partner offices are also entitled to use the full text documents for machine translation. Subsequently, the documents are searchable as translated full texts in the relevant national search systems. This improves the quality of the search and the entire examination procedure.

Global Patent Prosecution Highway

The Global Patent Prosecution Highway (GPPH) programme allows patent applicants to file a request for an accelerated examination when a GPPH partner office considers at least one patent claim patentable. On the basis of the work results of the partner office, the DPMA then conducts an independent search. In addition to accelerated processing, applicants benefit from the fact that the patent offices can share their respective work results and that the prior art search may even be extended.

In addition to the DPMA, another 26 patent authorities worldwide take part in the GPPH.

Since 2012, the DPMA has maintained a bilateral PPH project with the China National Intellectual Property Administration (CNIPA), which does not participate in the GPPH. Patent applicants can request an accelerated examination of their application with the DPMA and the CNIPA. This option still exists.

Further information on the accelerated application procedure under the GPPH programme is available on our website (💻).

💻 https://www.dpma.de/english/our_office/about_us/cooperation/international_cooperation/index.html

Patent attorney training

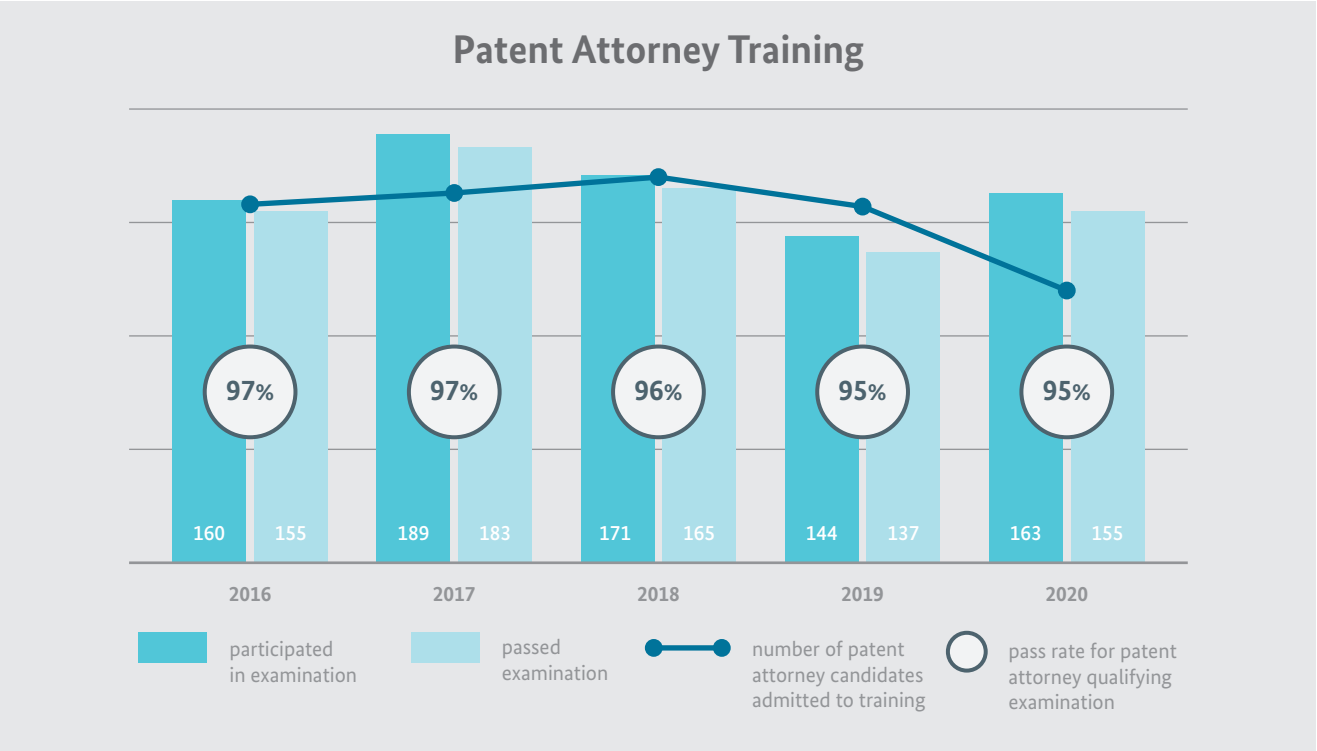
Patent attorneys work at the interface between technology or natural science and law. They have the technological or scientific expertise and legal knowledge to advise inventors and companies that want to protect their latest developments or know-how or apply for registration of a trade mark or design.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

The year 2020 in numbers

In 2020, we admitted 120 candidates to the patent attorney training; 37 fewer than in 2019. However, the number of examinees was more than ten per cent higher than in the previous year. Out of 163 examinees, 155 successfully passed the German qualifying examination in 2020. As in the previous year, the pass rate was 95.1%.

Patent attorney training during the coronavirus pandemic

In 2020, we faced major challenges in organising and conducting the patent attorney training and qualifying examination due to the coronavirus pandemic. With a minimum of 26 months to a maximum duration of three years, the first and longest training phase for candidates that have been admitted to patent attorney training by the DPMA takes place in a patent law firm or in the patent department of a company. The candidates spend the following second and third training phases at the DPMA (two months) and at the Federal Patent Court (*Bundespatentgericht*) (six months). This training phase, known as the "office year", begins every year in February, June or October and is intended to give future patent attorneys an insight into the working methods of the DPMA and the Federal Patent Court. During that time, the candidates come to Munich from all over Germany. The candidates are supervised by an examiner and a judge as instructor in the second and third training phase, respectively.



Numerous teaching and information events take place in parallel to the practical training. That is why the coronavirus pandemic posed great challenges to us. For how should we manage to organise the training in the "office year", which had hitherto been held and attended exclusively in person? Within a very short time, solutions had to be found and options created to be able to deliver the courses and information sessions digitally. Creativity was required from the examiners providing training at the DPMA in order to give the greatest possible insight into their work despite numerous restrictions and to be able to continue to deliver the training. Thanks to the great commitment and flexibility of our colleagues at the DPMA, we have managed to achieve this goal. Since June 2020, we have held almost all events within the scope of patent attorney training as video conferences. Even though the limits of the means of digital communication became apparent, all candidates were able to successfully complete their training phases at the DPMA in 2020 despite the exceptional circumstances.

Qualifying examination for patent attorneys under coronavirus conditions

At the end of their training, the candidates take their qualifying examination. It takes place three times a year. The written examinations are held at the beginning of February, June and October. For the written examination, candidates have to sit four written tests. If a candidate passes the written examination, the oral examination follows a few weeks later. Candidates are examined in groups during the oral examination that is conducted by an examination board consisting of the chairperson and four other members of the examination board. Whereas it was still possible to hold the written examination in February 2020 without being affected by the coronavirus pandemic, the oral examination scheduled for the end of March had to be deferred and took place in June. Until that date, hygiene measures had to be developed and a large number of questions had to be clarified in close coordination with the emergency response team set up at the DPMA because of the coronavirus pandemic. Rooms had to be measured and the maximum number of examinees allowed had to be determined so that it was possible to comply with the applicable physical distancing requirements. Finally, all further 2020 examinations took place as planned under strict hygiene conditions.

New chairperson of the examination board for patent attorneys

Since 1 April 2020, Ms Ingrid Kopacek, judge at the Federal Patent Court, has chaired the examination board for patent attorneys. She succeeds Ms Elisabeth Klante, former presiding judge at the Federal Patent Court, who stepped down as chairperson of the examination board for patent attorneys on 31 March 2020, after going into retirement.

Further information

The following websites offer detailed information on the patent attorney training and qualifying examination (💻).

>> For detailed statistical data on patent attorneys and representatives, please see the "Statistics" chapter on page 88.

COURSE OF TRAINING

START

University degree
in science or engineering

+ one year of (work) **experience** in a field of technology

almost **three years** of **training**
at a patent attorney's office, at the DPMA and the Federal Patent Court

patent attorney qualifying examination
written component (four exams)
oral component

after passing the qualifying examination
you may call yourself ***"Patentassessorin"*** or ***"Patentassessor"*** (patent agent)

💻 https://www.dpma.de/english/our_office/about_us/further_duties/patent_attorney_training/index.html
💻 https://www.patentanwalt.de/en/

Supervision under the CMO Act

Collective management organisations (CMOs) are associations under private law in which authors have joined together. CMOs collect royalties for the use of the works created by their members and right holders and they distribute the revenues to creative people according to fixed distribution schemes. Without CMOs, creative people would have to individually find out about when and where their works are being used and grant their own licences for the uses. However, since the uses are very diverse and take place on such a massive scale, it would be an extremely arduous task or an almost impossible one for an individual. This is why many creative people have their rights managed by CMOs.

As the CMOs are mostly specialised in one sector – GEMA, for example, in musical works and VG Wort in literary works – they usually have a de facto monopoly position in their sector. For this reason and because they act in a fiduciary capacity for their right holders, CMOs are subject to government supervision by the DPMA under the Collective Management Organisations Act (CMO Act – *Verwertungsgesellschaftengesetz*). As supervisory authority we act in the public interest. Requests and complaints from right holders or users also prompt us to carry out an investigation. We ensure that the organisation of CMOs complies with the statutory requirements. Furthermore, we monitor compliance by CMOs with the obligations towards their members and right holders, on the one hand, and the users, on the other hand. In this respect, we check, among other things, whether they comply with the requirements for setting tariffs. The amount to be paid for a particular use is specified in the tariffs set by the CMOs. The Federal Administrative Court (*Bundesverwaltungsgericht*) has clarified our scope of competence in this respect. On 17 June 2020, it confirmed that the supervisory authority is entitled to carry out a comprehensive examination of CMO tariffs. The court also held that CMOs had an obligation to identify to the extent necessary the rights managed by them prior to setting a tariff.

A comprehensive collection of protected works: Duchess Anna Amalia Library in Weimar

In agreement with the Federal Cartel Office (*Bundeskartellamt*), the DPMA has so far granted authorisation to conduct business to 13 CMOs. In 2019, the total revenues generated by CMOs amounted to about 1.68 billion euros. The amount of each individual CMO is listed in the table on page 45.

People working in the creative industries, in particular, have been hit hard by the coronavirus pandemic. They suffered great losses due to the cancellation of concerts and other events. In order to support the particularly affected members and right holders as quickly and with as little bureaucracy as possible, many CMOs have launched measures to support them and paid out financial support through the existing social funds.

The revenues of the CMOs for 2020 are expected to be significantly lower in many areas than in previous years. For example, CMOs lost revenues from royalties for music, television and radio programmes often played in public at restaurants, gyms and numerous other establishments because these venues were closed.

The pandemic made the work of the CMOs more difficult: Meetings of the supervisory bodies and their committees as well as general meetings had often to be postponed or held online.

Register of anonymous and pseudonymous works

We also keep the register of anonymous and pseudonymous works. The purpose of this register is to grant the regular period of protection under the Copyright Act (*Urheberrechtsgesetz*) to those authors who published their work anonymously or under a pseudonym. It prescribes that copyright in a work normally expires 70 years after the death of the author. However, for anonymous works or works published under a pseudonym, the author is often unknown so that copyright in those works expires 70 years after creation or publication of the work. By registering the real name of the author in the register, copyright protection can be extended to the general period of protection. Statistical data are provided in the table on page 88.

Register of out-of-commerce works

Under certain conditions, CMOs may also license rights to certain out-of-commerce works, i.e. works that are no longer available. This allows non-profit organisations (e.g. museums, libraries, archives) to make them available to the public in a digitised format. Through the entry in the register of out-of-commerce works, the author of the work (and thus the right holder) learns of the CMO's intention to license the work and can object to the management of the rights by the CMO. The register is freely accessible via our website. By the end of 2020, 33,000 works were registered.

Revenues of the collective management organisations in 2019

	Collective Management Organisations	Total budget[1] in 2019
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€1,069.377m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€215.451m
VG Wort	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€158.191m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€61.952m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€8.578m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€5.887m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€31.152m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€9.352m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€47.168m
AGICOA GmbH	AGICOA Urheberrechtsschutz-Gesellschaft mbH	€24.522m
VG Media	Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Sendeunternehmen und Presseverlegern mbH	€54.399m
TWF	Treuhandgesellschaft Werbefilm mbH	€2.988m
GWVR	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€1,200
Total		**€1,683.132m**

[1] The total budget includes income from licenses, claims to remuneration, income from interest and securities as well as other operating income.

Arbitration boards at the German Patent and Trade Mark Office

The Arbitration Board under the Act on Collective Management Organisations

Those who want to make use of literary, artistic or similar works have the obligation to pay remuneration to the authors and holders of related rights. The Arbitration Board under the Act on Collective Management Organisations (CMO Act – *Verwertungsgesellschaftengesetz*) mainly mediates disputes between collective management organisations and users about the amount of royalties. These include also disputes about what is referred to as inclusive contracts. Inclusive contracts are concluded between a collective management organisation or collection agency and users of works who have joined up to form an association.

Review

In 2020, the Arbitration Board continued its consolidation course in terms of open proceedings: On the one hand, there are 96 requests received and on the other hand there are 207 concluded proceedings. This means that the total number of open proceedings was reduced by 111 compared to the previous year.

Cable retransmission at IPTV

The Arbitration Board has further developed its settlement practice on cable retransmission in the "IP" transmission standard by several settlement proposals. In contrast to pure "Over the Top Content Services" (OTT), IPTV involves the delivery of broadcasting signals via proprietary or at least controlled networks of the cable company to the end user. In this context, VG Media had established a tariff, in 2018, whose tariff rates differentiate between cable retransmission where "data are collected" and cable retransmission where this is not the case. According to the Arbitration Board's findings, the economic assessment of the monetary value of "data" is currently still in its infancy.

Accordingly, within the framework of a cost-oriented data evaluation approach, one way to assess the monetary value of "data" is to consider the costs for their acquisition. Those who collect the data themselves save the corresponding purchase costs, which could consequently be used to assess the monetary value of the data. In the case of self-collected data, the associated costs accruing for producing, updating, keeping the data available, quality assurance and making the data available can also be factored in. Data cannot be assigned an actual market value within the framework of a market price-based approach, at least not at present, because there is no market for data and no procedure that could determine their value for the buyer in a comparable and plausible way.

In this context, the Arbitration Board found that, insofar as the data are used to optimise one's own services, they constitute pecuniary benefits that were not obtained directly through the act of use but through the efforts of the applicants' member companies. Consequently, insofar as the costs for saved expenses were used to assess these pecuniary benefits, there would be a lack of the necessary causality to the act of use. However, in the view of the Arbitration Board, such measures to improve one's own market position can be regarded as "benefits" within the meaning of section 39 (1) sentence 2 of the CMO Act and be taken into account in an evaluative form, insofar as they are attributable to data collected through the act of use. However, a prerequisite would be a change in the tariff of cable retransmission in the form of IP-TV compared to the existing tariffs.

https://www.dpma.de/english/our_office/about_us/further_duties/cmos_copyright/arbitration_board_under_the_cmo_act/index.html

Copyright levy on devices

In 2020, the Arbitration Board continued to develop its settlement practice regarding copyright levies on devices. In this context, it is worth mentioning that, as far as can be seen, the Arbitration Board for the first time took a position on the question of whether intermediaries like traders or importers have the obligation to pay remuneration. The Arbitration Board denies this question. However, since the question was assessed in proceedings on the payment of security, this only applies provisionally and does not decide the issue conclusively.

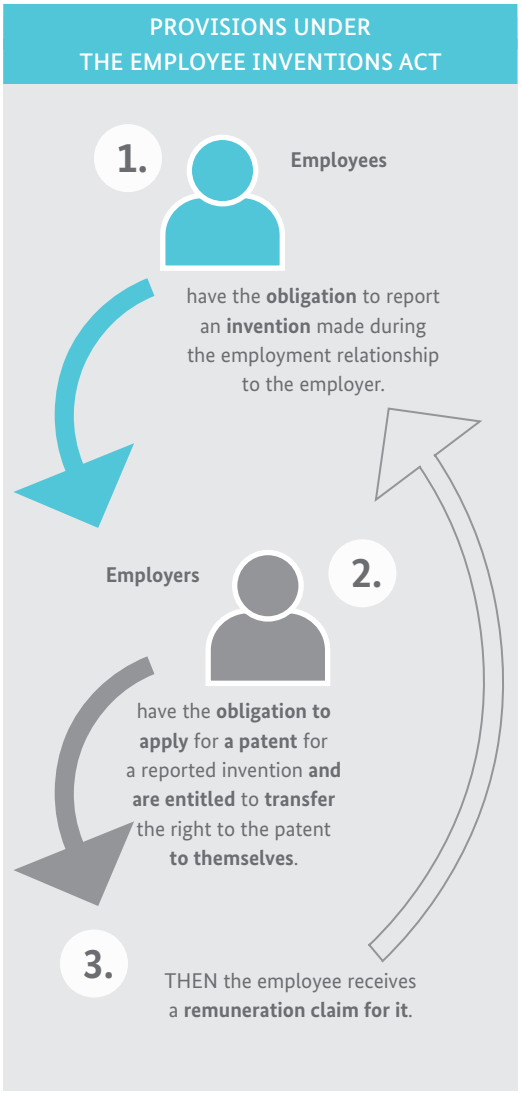
Arbitration Board under the Employee Inventions Act

Who invented it? In almost all cases it has been an employee, even if he or she has benefited substantially from having been involved in corporate processes!

The Patent Act also applies to these inventions. It confers the right to the patent on the inventor, even though the invention is usually a work product and these work products belong to the employer under labour law. This is where the Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*) comes into play, which resolves this conflict in favour of the employer and obliges employees to report an invention made during the employment relationship to the employer. In return, the employer has the obligation to apply for the grant of a patent for a reported invention, but is also entitled to obtain the right to the patent.

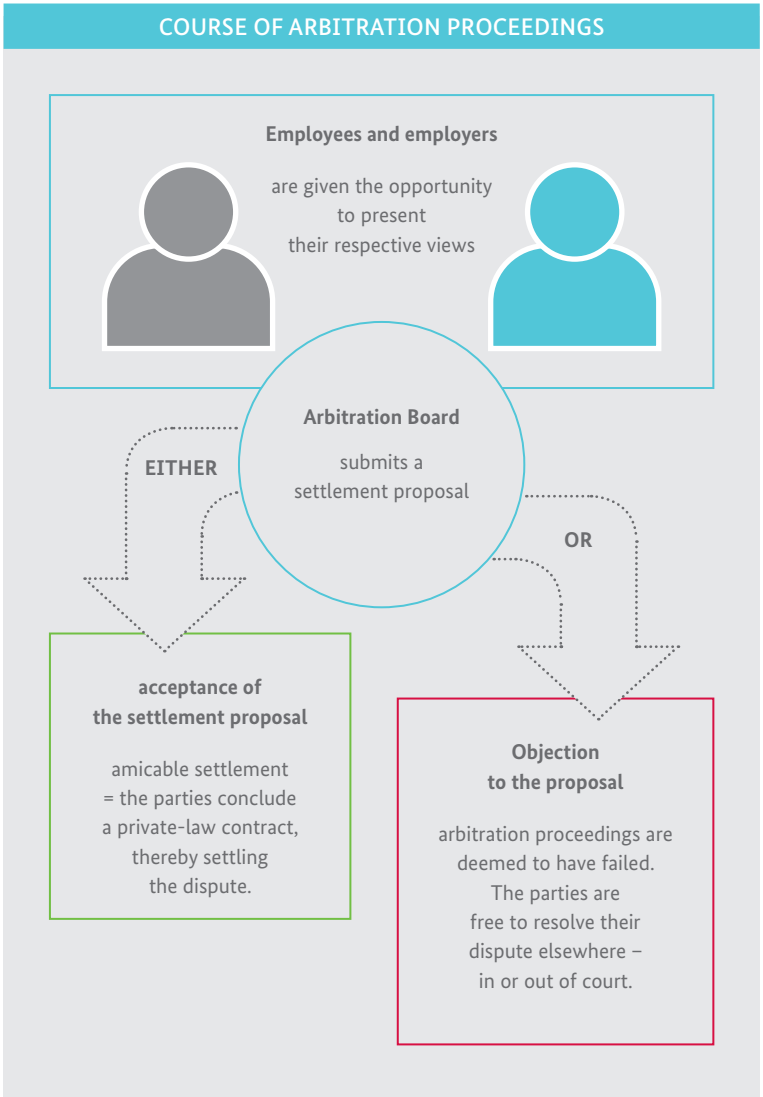
Normally, the employer makes use of this option. As a result, the employee loses the right to the patent, but receives an additional claim to remuneration – independent of the salary – which is intended to encourage further innovation.

According to the law, the amount of the remuneration depends on the commercial applicability of the invention, the duties and position of the employee in the enterprise, and the enterprise's contribution to making the invention. These are all vague legal terms that can easily lead to different assessments and consequently sometimes even to disputes between the parties to the employment contract. But that would not be a good basis for a working environment that is supposed to generate further innovations.



That is why the legislature has provided for the Arbitration Board as a dispute mediator in the Employee Inventions Act. The Arbitration Board is equipped with legal and technical expertise. The chairperson of the Arbitration Board is a lawyer qualified to hold judicial office and the two assessors are chosen from among patent examiners according to their particular technical expertise for the respective arbitration proceedings.

First, the Arbitration Board gives employees and employers involved in the dispute the opportunity to present their respective views and then submits a proposal for an amicable settlement to them. If the parties involved accept the settlement proposal, they conclude a private-law contract, thereby settling the dispute. In 2020, the Arbitration Board concluded 72 such proceedings; the acceptance rate of the proposals was 50%.



The Arbitration Board dealt with the following questions, among others:

- Abandonment of monopoly position in order to be able to use the technical teaching of the invention – Arb.Erf. 06/19
- Value of a software function of a controller integrated in the product, which is only used during manufacture – Arb.Erf. 49/18
- Value of an invention that does not only shape product characteristics but also saves manufacturing costs – Arb.Erf. 48/17
- Value of an invention, if the component according to the invention is very low-cost, but substantially improves the product – Arb.Erf. 07/17
- Value of an invention if the product makes use of a large number of inventions – Arb.Erf. 19/18
- Interpretation of a remuneration statement, practised by the employee and the employer after the end of the employment relationship without express written or oral agreement – Arb. Erf. 57/18
- Interpretation of a payment on account agreed in the cancellation agreement on remuneration claims – Arb.Erf. 31/16
- Inventorship when drawing up specifications – Arb.Erf. 41/18
- Influence of a business trip on making an invention – Arb.Erf. 47/14

For more detailed information about these and other selected decisions of the Arbitration Board (in German) please visit the DPMA website (💻).

💻 https://www.dpma.de/english/our_office/about_us/further_duties/arbitration_board_employee_inventions/index.html

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

	2016	2017	2018	2019	2020
Requests					
Total requests received	162	164	159	143	96
including inclusive contracts under Sec. 92(1), no. 3 CMO Act	1	5	5	2	5
Cases concluded by					
Settlement proposals of the Arbitration Board	28	15	69	67	81
Partial settlement proposal of the Arbitration Board[1]			2	0	20
Order	62	21	107	135	126
Total (without partial settlement proposals)	90	36	176	202	207
Requests pending at the end of the year	455	583	566	507	396
Payment of security[2]/provisional settlement					
Requests	10	16	19	25	3
Orders	0	3	7	5	32

[1] Recorded for the first time in 2018.
[2] Introduced by the CMO Act; first-time filing of requests in December 2016.

Arbitration Board under the Employee Inventions Act

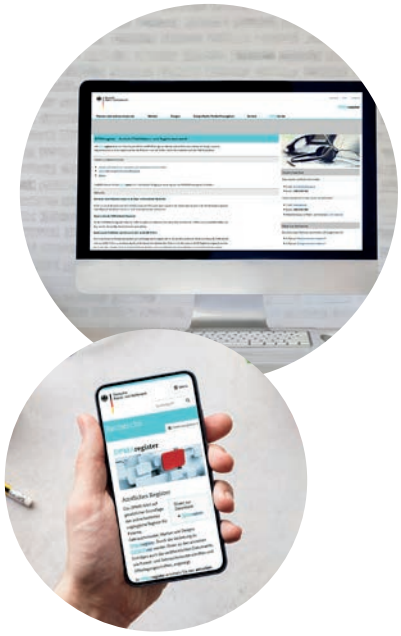
	2016	2017	2018	2019	2020
Receipt of requests	72	54	71	61	66
Arbitration proceedings concluded by					
Settlement proposals and compromises	44	55	47	43	44
Proposals accepted (%)[1]	69.8	60.0	68.0	76.7	50.0
Refusals to participate in arbitration proceedings	12	16	15	9	19
Other cases concluded, in particular, by withdrawal of request, order, provisional proposals, etc.	15	8	5	6	9
Total of cases concluded	71	79	67	58	72
Arbitration proceedings pending at the end of the year	112	87	91	94	88

[1] Provisional figure for 2020.

Customer care and electronic services

To keep you well informed at all times

Despite all the restrictions caused by the coronavirus pandemic, we have been and will continue to be there for you. The primary goal of the customer service is to "help you to help yourself". Such assistance is important when preparing for the application procedure for all types of IP rights and contributes essentially to the quality of applications. In addition, the German Patent and Trade Mark Office (DPMA) offers services for conducting searches and monitoring competitors.
We make our IP data available to information providers and grant direct automated access to our services (**DPMAconnectPlus**).



Our electronic services

You can use the following services:

↗ Our Central Customer Care and Services

You can contact our Central Customer Care and Services by telephone at +49 89 2195-1000, by e-mail at **info@dpma.de** and by post. You will not only receive information of a general nature but also advice on the correct way to file an IP application and answers to questions on filed applications. We regret that we are currently unable to meet you face-to-face at our enquiry units in Munich, Jena and Berlin due to the pandemic, but we hope that this will be possible again soon.

↗ Our search rooms

Regrettably, our search rooms in Munich and Berlin are also closed to the public at the moment due to the pandemic. As soon as they can open again to the public, you will receive more detailed information and support for all IP searches there – in addition to the services provided by the Central Customer Care and Services. In the search rooms, you can also inspect case files; our **DPMAregister** service provides online file inspection. In addition, we are also working to provide contact-free services to meet the pandemic-related requirements.

↗ Initial consultation for inventors

In "normal" times, free initial consultations for inventors performed by patent attorneys are offered by various institutions, in cooperation with the Chamber of Patent Attorneys, in many cities nationwide. However, in the past months, this service had to be considerably reduced or cancelled completely due to the pandemic. The Central Customer Care and Services will aim to again provide and arrange free consultations at the premises of the DPMA, as soon as the situation allows.

↗ Our workshops and seminars

For a general introduction to the subject area of industrial property protection or specific searches on our databases, we offer various workshops and seminars. Due to the coronavirus pandemic, no face-to-face search workshops were held in 2020. Instead, numerous online seminars were being developed. For our workshops and seminars offered, please refer to our website at **https://www.dpma.de/dpma/veranstaltungen/index.html** (in German).

↗ Our print and online publications

We have compiled everything you need to know about patents, utility models, trade marks and designs on our website. There, you also find compact leaflets with information on IP rights, searches and our electronic services as well as extensive brochures containing information on all types of IP rights, our annual reports and the publication "*Erfinderaktivitäten*". Via our websites, you have free access to the most recent issue of the publication "*Blatt für Patent-, Muster-und Zeichenwesen*", published once a month by Carl Heymanns Verlag. This gazette covers acts, ordinances and official notifications on IP protection, including selected court decisions and notifications about patent agents and representatives. In our series **DPMAinformativ**, we go deeper into specific topics, especially concerning patent information. We always keep you up to date with current news and our newsletter. The background information and milestones regarding our projects are also an exciting read. You find all our publications on our websites at: **https://www.dpma.de/english/our_office/publications/index.html**.

↗ Our e-services

In our two databases **DPMAregister** and **DEPATISnet**, publicly accessible on our website, you can carry out free searches on patents, utility models, trade marks and designs: You can use **DPMAregister** to consult the register of legal and procedural status information; **DEPATISnet** gives you an overview of the global state of the art. Last year we introduced a new search mode that allows you to conveniently compile your own search queries. We also introduced responsive design so that you get the best possible view regardless of the device you are using.

You can use our **DPMAkurier** alert service to monitor IP rights. You will receive the results through automated e-mails.

Our **DPMAconnectPlus** service offers you automated online access to all official register and publication data from **DPMAregister** and the opportunity to download patent and utility model documents from the **DEPATIS** document archive.

↗ The network of local patent information centres

Our information and support services are supplemented by a network of 20 local patent information centres (PIZ) across Germany. The individual PIZ offer a large variety of services in the area of industrial property protection, especially for small and medium-sized enterprises, members of universities and research institutions as well as independent inventors. Please note, however, that the PIZ or the DPMA cannot give legal advice. Legal advice is exclusively provided by patent attorneys and lawyers. You can find out more about our cooperation with the PIZ in our chapter "National cooperation partners" on page 54. You can reach the PIZ online at **www.piznet.de** (in German).

↗ Our activities at trade fairs

In 2020, contrary to the original plan, we were able to participate in only very few trade fairs. The pandemic situation also posed new challenges to us in this respect. We are constantly expanding our capacity to host and participate in digital specialist events. Furthermore, we are developing a virtual trade fair stand. Its aim is to present the DPMA as a modern service provider and a federal centre of expertise for intellectual property at various trade fairs and events in 2021. The focus of the trade fair stand is to raise public awareness of industrial property rights and provide IP information to the public. Visitors can take an interactive 360° tour of the DPMA and learn about IP rights and search options at the "info points" integrated into the tour. We also place a special focus on information for small and medium-sized enterprises and start-ups.

↗ Our complaints management

We accept general written complaints – however, no complaints in the legal sense – at a central unit, analyse the requests and respond in close cooperation with the division involved. The analysis repeatedly reveals potential for improvement which is then discussed and implemented. Please write to us and explain your request if you have not been entirely satisfied with the services of the DPMA. You can contact us by e-mail at **info@dpma.de** or by post.

CONTACT

You can contact our staff at Central Customer Care and Services by telephone or by e-mail at:

Phone	+49 89 2195-1000
E-mail	**info@dpma.de**

Hotline for database users

Phone	+49 89 2195-3435
E-mail	**datenbanken@dpma.de**

News from the IT services

In 2020, too, we worked continuously on improving and expanding the electronic case file processing systems.

By adapting the IT system for patents and utility models, the DPMA has been able to participate in the "WIPO Fee Transfer Service" of the World Intellectual Property Organization (WIPO) since February, resulting in a reduction of the administrative effort for transferring fees collected for international applications to WIPO and the EPO.
Furthermore, we made improvements in case file processing and clarity. We also revised and improved the processing of final decisions in opposition proceedings and their presentation in the case file and in the register of the DPMA.

The option of blackening incoming documents was integrated in the initial processing stage and a new general request process was launched, which allows DPMA staff consistent and system-based processing of various infrequent requests, some of which had previously been handled outside the system.

In 2020, we adapted the case file processing system for trade marks to comply with the requirements resulting from the EU trade mark law reform. The technical requirements for revocation and invalidity proceedings were already implemented. We have not yet completed transferring the term structures (group title) of TMclass terms for goods and services, delivered by EUIPO, to provide structural functionalities with broad terms and group titles in the online filing services (**DPMAdirektPro** and **DPMAdirektWeb**) as well as in **DPMAmarken**.

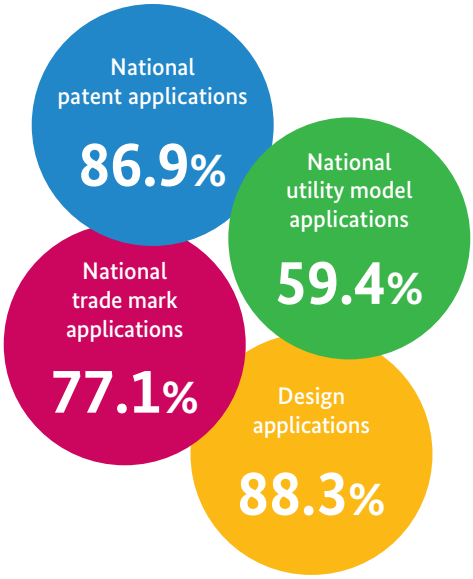
We also worked intensively on developing the electronic case file system for registered designs. For this purpose, we reused further technical components of the IT system for patents and utility models in **DPMAdesign**. We completed developments to create an electronic file view for registered designs as a supplement to the initially still "predominant" paper-based case file and concluded the necessary modifications in horizontal systems such as the digitisation centre of the DPMA. In a next step, we will now supplement electronic case management and thus also enable fully electronic processing of design files.

We also expanded the register of out-of-commerce works to include "periodicals" and continued to review our specialist systems for compliance with the accessibility standards as part of the implementation of the EU Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies.

The coronavirus pandemic also had an impact on our IT systems. For example, in the lockdown in spring 2020, internal processing periods were temporarily adjusted as a precautionary measure to ensure that longer internal processing, if necessary, would not have a negative impact on our customers. In addition, new information leaflets were incorporated for summonses to hearings or to rescheduled hearings at the DPMA.

In 2020, the way we work at our office radically changed – more staff worked from home, fewer staff were present at the office, there were rapidly changing demands on the IT systems, while security and data protection requirements continued to be stringent.
In April, we additionally invested in notebooks for a further 400 workstations to supplement the more than 1,000 existing established home workstations and roughly 300 mobile workstations, in an accelerated procedure. Since October, another 400 devices have been added. Now, more than 2,100 colleagues can safely and securely work from home. For the surging demand for telephony, teleconferencing, video conferencing and screen sharing, we expanded the existing telephone system with additional functions. Additional voice channels to and from the outside improve our telephone accessibility. In addition, new equipment for the use of video-conferencing tools was tested, procured and made available, and the existing video-conferencing facilities were upgraded to also access internet services of other manufacturers.

Online applications 2020



Electronic services

The following e-services are available to our customers:

DPMAregister

- Online search in the bibliographic data as well as in the legal and procedural status data
- You can produce an uncertified excerpt from the register yourself
- You can inspect the various parts of a patent case file online

- ***NEW:*** *Advanced search mode for all types of IP*
- ***NEW:*** *In the trade mark section, you can search for "invalidity proceedings", "revocation proceedings" and "FG invalidation proceedings"*
- ***NEW:*** *In the expert mode, you can save older search queries within the current session*
- ***NEW:*** *In the monitoring mode, you can perform combined search queries*

DEPATISnet

- Document archive with clearly more than 100 million data records from about 100 countries; you will receive almost 60% of these data records directly as PDF
- You can conduct online searches for prior art published in patent literature from all over the world

- ***NEW:*** *Display of INPADOC data possible*
- ***NEW:*** *Full text search now also in US documents (as already possible for DE, EP and WO documents)*
- ***NEW:*** *The help pages of **DEPATISnet** have been revamped completely. The help text is now combined in one PDF document, enabling a search in the entire help pages*
- ***NEW:*** *You can save older search queries in the expert and IKOFAX modes within the current session*

DPMAdirektPro/ DPMAdirektWeb

DPMAdirektPro

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

DPMAdirektWeb

- Legally valid online filing of applications for trade marks and designs as well as for the international registration of marks
- Contrary to **DPMAdirektPro**, no signature card or special software is required

DPMAkurier

- Legal status monitoring of certain IP rights
- You can subscribe to receive IP gazettes/journals by e-mail

- ***NEW:*** *You can submit combinations of applicant/inventor/owner as well as of classification symbols*
- ***NEW:*** *You can specify multiple recipients for the receipt of e-mails*

DPMAconnectPlus

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

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

https://www.dpma.de/english/services/efiling/index.html
https://www.dpma.de/english/search/index.html

National cooperation partners

National cooperation projects

With competent partners throughout Germany, the German Patent and Trade Mark Office (DPMA) forms a network for intellectual property rights. Trade associations, chambers of industry and commerce, innovation-promoting universities and the customs authorities are active locally wherever companies – in particular small and medium-sized enterprises (SMEs) – and inventors have questions on the protection of their intellectual property.
The patent information centres (PIZ) also make an extremely important contribution to this cooperation. They play an important role especially in supporting small and medium-sized enterprises. They offer services such as search support, commissioned searches, initial consultations for inventors and advice on strategic IP management, on IP portfolio analysis, on IP enforcement and on the defence against product piracy and provide information on intellectual property rights.

In view of the coronavirus pandemic, 2020 was not an easy year for the PIZ either. That the PIZ were closed to visitors meant that services and advice were initially not offered at all or only to a very limited extent.
Where technically feasible, more and more advice was provided via the Internet. However, experience has showed that the online communication possibilities are not always an adequate replacement for close consultations and on-site searches supported by PIZ staff.
However, the PIZ are also constantly working to extend the online services they offer and to provide as many services as possible in a digital format.

The following changes were made to the PIZ last year:

» As of 31 December 2020, the PIZ Kassel ceased its activities.

» On 1 January 2021, the tasks of the former PIZ at the Hochschule Bremen (City University of Applied Sciences) were assumed by InnoWi GmbH. An interview with Dr Lieselotte Riegger, managing director of InnoWi GmbH, can be found on pages 56 to 57.

User Advisory Council on Patents/Utility Models

The User Advisory Council, established as a central advisory committee at the beginning of 2019, looks back on a successful first term of appointment. The committee, which is intended to define, bundle and discuss user needs concerning patents and utility models, held a total of four meetings. The fourth meeting, held in October 2020, was the first to be held in a virtual format due to the pandemic. In August 2020, we evaluated the concept and structure of the activities of the committee and the way the committee was working in order to know about the participants' experience from the first term of appointment and derive guidance as to how to shape the second term of appointment. In this context, the non-DPMA members emphasised the open, interactive dialogue on an equal footing with the staff of the DPMA, the direct communication with the office and the quick implementation of the results by qualified experts at the DPMA. The positive results of the evaluation encourage us to continue this form of dialogue with our customers. This has helped us move a step closer to our goal of having a better understanding of user needs and intensifying the dialogue with users.

We thank all those involved for the close and constructive cooperation in the past two years and are looking forward to further interesting discussions and suggestions in the second term of appointment.

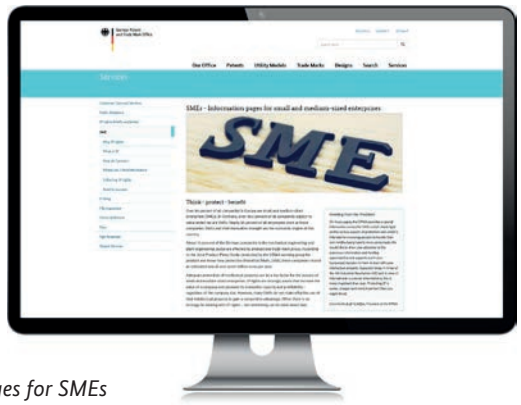
Further information on our national cooperation partners can be found on our website.

https://www.dpma.de/english/our_office/about_us/cooperation/index.html

BRIEFLY EXPLAINED

Attractive funding programmes for small and medium-sized enterprises

An important task of the patent information centres (PIZ), supported by the German Patent and Trade Mark Office (DPMA), is to provide small and medium-sized enterprises (SMEs) with advice within the framework of funding programmes. Due to the coronavirus pandemic, funding becomes particularly important.



Our information pages for SMEs

European small and medium-sized enterprises (EU SMEs) are of vital importance for the European economy because they account for more than 99% of all European businesses and for 67% of the aggregate employment in the European Union. Innovation plays a key role in the EU SMEs, and intellectual property rights are an important tool to promote innovation.

Attractive grant schemes for the protection of intellectual property are provided by the German *Länder*, the federal government and at the European level. In a first step, many grant schemes support businesses in evaluating their specific IP situation. Accordingly, these subsidised IP scan services are suitable primarily for businesses that are just starting to deal with IP rights. Furthermore, grants for patent, utility model, trade mark and design applications and, in some cases, even for legal advice are available to SMEs that have experience of dealing with IP.

The President of the DPMA, Cornelia Rudloff-Schäffer, encourages SMEs to make use of grant schemes for the protection of intellectual property. “Intellectual property does not only represent innovative power, but it is also an asset small and medium-sized enterprises can benefit from strategically. Grant schemes are available. Make use of them, seek advice and apply for patents, utility models, trade marks and designs!”

The coronavirus pandemic has made support for SMEs even more important, as it has an impact on the competitive position of SMEs throughout Europe. To strengthen the competitiveness of the EU SMEs, the European Commission adopted an intellectual property action plan with the theme “Making the most of the EU’s innovative potential” (IP action plan) to support the EU’s recovery and resilience at the end of 2020. With this IP action plan, the Commission wants to improve the system for the protection of intellectual property and create incentives for the use and deployment of intellectual property, especially by SMEs.

In view of this, the European Commission, together with the European Union Intellectual Property Office (EUIPO), created an SME fund with a budget of 20 million euros for 2021 under Europe’s programme for the competitiveness of enterprises and SMEs (COSME). A number of EU SMEs that make use of IP pre-diagnostic services (IP scan) and/or want to protect their trade marks and designs directly by the national, regional and EU IP systems have already been provided financial support. The grant consists of a partial reimbursement of the costs for SMEs up to a maximum amount of 1,500 euros.

Information on this grant scheme is available on the website of EUIPO.

https://euipo.europa.eu/ohimportal/en/online-services/sme-fund

The German Patent and Trade Mark Office promotes this grant scheme in order to make it easier for German SMEs to access the available information and financial aid. For this purpose, we work closely with our regional partners.

Additional services to support SMEs in the field of intellectual property will successively be implemented under the EU programme for research and innovation (Horizon Europe) from 2021.

Further information on possible support for SMEs is available on the website of the DPMA.

https://www.dpma.de/english/services/sme/index.html

INTERVIEWS

"We raise awareness and provide advice – from the idea to the product."

Dr Lieselotte Riegger, managing director of InnoWi GmbH and head of the patent information centre PIZ Bremen on the innovative potential in the Hanseatic city, the service of patent information centres and cooperation with the DPMA

The InnoWi GmbH team (from left to right): Dr.-Ing. Jens Hoheisel, Birgit Funk, Dr Lieselotte Riegger, Natalia Tepe

At the end of 2020, InnoWi GmbH took over the patent information centre PIZ Bremen. What plans do you have?

As the central IP advisory centre in the federal *Land* of Bremen, we want to help all those who have good ideas and want to put them into practice. These are primarily enterprises, start-ups, scientists, but also independent inventors. We aim to provide each target group with the support they need to protect their ideas and products. My co-managing director, Dr Jens Hoheisel, and the entire InnoWi team have specialised in IP rights as well as invention matters and patent exploitation for years. Based on this experience, we want to work together with the various institutions in the federal *Land* of Bremen to protect and promote innovations in the region. Our support options are still little known among companies as we have so far mainly provided services to universities. Therefore, an important step is the expansion of cooperation projects and joint activities with the economic institutions and supporters in the federal *Land* and the region. Bremen is known for its short distances and we want to make use of that. The aim is to support those seeking advice as quickly, effectively and efficiently as possible.

Screw studs, decaffeination, vehicle construction – well-known inventions come from Bremen. What do you think of the innovative capacity in your region today?

Industry in the federal *Land* of Bremen is shaped by its Hanseatic history. But the picture has changed. While the shipbuilding and the steel industry have declined substantially, new companies have emerged, especially in the aerospace, wind technology and high-tech sectors. Bremen is the fifth largest industrial location in Germany; its innovative capacity is enormous and will continue to increase. A contributing factor is also the high concentration of universities and science institutes and their proximity to enterprises.

In relation to its population, Bremen is in the midfield among the federal *Länder* in terms of patent applications. If you consider that companies such as Daimler, Airbus, etc. have a large site in Bremen but not their headquarters and that therefore their patents are not counted, then the situation looks even better. And in terms of trade mark applications, Bremen can also keep up well, ranking fifth in relation to the size of the population.

Nevertheless, much potential remains to be tapped – especially in the start-up scene, which is very active and successful in Bremen.

You are a *GmbH* (limited liability company) with the Bremen universities as shareholders. What does that mean for your work?

InnoWi is a university company (*Hochschulgesellschaft*) of the four Bremen universities with the federal *Land* of Bremen as founding shareholder and funding body. Founded in 2001, its primary task has been to tap, protect and exploit the inventive potential of Bremen universities. Since then, our innovation managers have assessed and advised on more than 1,000 inventions and 400 patent applications. Our work has contributed to achieving that more than one third of the patent applications in the federal *Land* of Bremen is accounted for by universities and institutes. Now, our many years of experience form the basis of the advisory service for enterprises. By concentrating expertise and authority in one organisation, the shareholders and the federal *Land* of Bremen expect to produce synergistic effects that will stimulate the development of innovations in science and industry.

What specific services do you have to offer your customers?

One of our most important tasks is to provide IP information. Regular events and face-to-face consultations are the cornerstones of the services we offer. For companies, we provide in-house training as well as introductory courses on patent searches.
If someone has a concrete idea, we assist in the search and evaluation of the search results. This applies to trade marks, designs as well as patents. If someone has applied for a patent, we offer patent and cost management. As regards university inventions, patenting is followed by the marketing of patents, ranging from looking for suitable licensees to concluding the contract. We also assist in applying for funding for IP applications, for example with the federal WIPANO programme. In short, we provide information, raise awareness, give advice and support – from the idea to the product.

How does the DPMA assist you in your work?

The DPMA provides the basis for our work. The information and services concerning IP rights are very comprehensive and well edited and we use them on a daily basis. Through this cooperation, we also have access to specific training courses and seminars. It is particularly important for us to communicate with the other patent information centres. Without this support, we would probably not have managed to set up a new patent and trade mark centre during the coronavirus pandemic. At any rate, we are looking forward to further cooperation.

What projects are planned for the near future?

One of the most important projects in the near future is the expansion of our information system, ranging from information on IP rights to "how to" videos to our support services. Since we are not yet able to open our search room, we intend to increasingly rely on online consultation. This is already working very well and even has advantages. Together with the person seeking advice we can conduct a joint search on a shared screen and the results are available immediately. However, we also look forward to meeting people face to face again soon!
This year we will also strengthen the field of trade marks. We have some further training courses scheduled in this field.
We are planning to participate in the World IP Day on 26 April 2021, with its theme of "IP & SMEs: Taking your ideas to market", by organising activities in Bremen. The DPMA and WIPO have made very good preparations for that event. These include an app, among other things, showing dates and training opportunities for SMEs and videos presenting our centre and our services. As a new patent information centre, this is a good opportunity for us to become more visible.

OUR STRATEGY, OUR PROJECTS

In 2020, too, we have pushed ahead with the digitisation of our office. Our digital roadmap provides an overview of the current measures. While some measures are still in the concept stage, others are already being implemented or have been implemented successfully.
We use new technologies, such as artificial intelligence, to eliminate any remaining format discontinuities, for example. We are improving and expanding our existing digital services.

All measures of the digital roadmap support our strategic goals in the four fields of action "Products and services", "Customers", "Staff" and "Cooperation projects".

In the field of action "Products and services", we are further developing the search options. In particular, we want to make the Asian search file to a large extent easily accessible for patent searches and introduce a cognitive search option.

In the "Customers" field of action we will further develop the "**DPMAdirekt**" and "**DPMAregister**" databases.

As regards the field "Staff", we also want to work in a paperless and process-oriented way in our general administrative areas in the future, as is already our practice in the examination areas. To this end, we are pressing ahead with the development of electronic administrative work.

In the field of action "Cooperation projects", an important focus is on the measure "WIPO communication", a detailed description of which follows on the next page. A future topic is the provision of an electronic communication platform, which gives legal certainty, for cooperation with applicants as well as with our cooperation partners.

By focusing on these digital solutions, we provide both our applicants and our partner organisations with high-quality and efficient services and tools.

OUR PROJECT

WIPO communication

With the WIPO communication project, the DPMA meets the request made by many customers for a connection to the World Intellectual Property Organization's system for the exchange of electronic priority documents (WIPO Digital Access Service). In addition, we intend to optimise the exchange of data with WIPO under the PCT (Patent Cooperation Treaty) procedure.

After the related preliminary study had been completed successfully, we internally assigned the project in November 2020 and thus paved the way for another important element of the development of secure digital communication with our customers. In line with the strategic fields of action "Products and services" and "Cooperation projects" and the digital roadmap, this will make the DPMA a part of the international network for the exchange of priority documents. Apart from avoiding format discontinuity and adjusting the exchange of data to the current state of the art, the measure essentially aims to implement an applicant-friendly and cost- and time-saving process for the application and examination of patents.

In addition to the purely technical tasks to be fulfilled, the project also has to establish the legal framework for the electronic transfer of priority documents. Our legal division has been involved in the project since early 2020 in order to initiate, together with the Federal Ministry of Justice and Consumer Protection, the necessary amendments to laws and ordinances in the years to come.

To establish the connection to WIPO DAS, a new horizontal service for all IP systems is being developed, which initially is primarily intended for patents and utility models. This allows both the DPMA and the applicants a fully electronic exchange without format discontinuity with other international offices via the WIPO interface. For this purpose, the DPMA will store the required priority documents in the DAS library. Applicants receive an access code generated by the DPMA and decide themselves which office they provide with this code and the priority file number and thus grant access to the priority documents. If they subsequently want to claim priority rights from this earlier application in a subsequent application, only the access code has to be provided to the office with which the subsequent application is filed. With a combination of the code and some additional information, such as the priority file number and priority date, the relevant office can retrieve the priority document from the DAS library.

For the purpose of the fastest possible implementation, the connection to WIPO DAS will initially rely on the technical basis of the interface already existing at WIPO. We assume that the service will be available to users in the course of 2022, provided that the legal basis has been established until then. On this basis, in a second step, it is planned to make the conversion into a future-oriented web service interface that is sustainable in the long term.

Another important element of the measure is to fundamentally revise and modernise the exchange of data with WIPO in connection with PCT applications. For example, this concerns the download of WIPO publications, the exchange of payment information and status data or the transmission of file elements and documents. For the purpose of comprehensive process optimisation, the existing individual solutions are combined, aligned with the specifications of WIPO and also converted into modern web services on a step-by-step basis.

The implementation of the entire project is expected to take five years and to be completed by the end of 2025.

OTHER ONGOING PROJECTS AND STRATEGIC MEASURES

Electronic administrative work
From 2022, we want to start electronic file processing in our administrative areas. To this end, we are optimising our processes and the administration of our records. This will allow, for example, the staff in our human resources, organisation and legal divisions to work more flexibly and efficiently, regardless of where they are located.

Electronic IP case file for designs
We are working on implementing **DPMAdesigns**, because we also want to introduce a process-oriented electronic case file for design procedures. For this purpose, we combine the already existing horizontal services with individual solutions.

New search
We are introducing a new IT horizontal service that enables searches in our databases with the help of an up-to-date search engine. We also make available an electronic IPC (International Patent Classification) classifier. In the long term, this will continue to ensure high-quality, widely accepted search results in the case files, in patent literature and in documents from many other data sources.

Inventor and innovation awards

"The corona crisis has made many people in our country realise once more just how much we need scientific findings, good ideas but also the courage to change course if we want to tackle the major challenges we face and leave a planet behind for our children and grandchildren where they can lead self-determined lives worth living."

– Federal President Frank-Walter Steinmeier
on the occasion of the 2020 *Deutscher Zukunftspreis* award ceremony

Inventor or innovation awards are primarily intended to give recognition to people who have ideas and the courage to create forward-looking solutions in the technical field. At the same time, these awards encourage inventiveness, innovative spirit and progress.
The prizes awarded to individuals or teams also impressively demonstrate how important it is to protect these innovations, for example in order to support further research or create new jobs.

This is why the German Patent and Trade Mark Office (DPMA) is supporting prestigious inventor and innovation awards. President Cornelia Rudloff-Schäffer and other senior executives of the DPMA are members of the juries or boards of trustees. In addition, our patent examiners regularly propose outstanding innovations for nomination.

In 2020, the DPMA was again involved in the following innovation awards:

Deutscher Zukunftspreis – the Federal President's Award for Innovation in Science and Technology

www.deutscher-zukunftspreis.de/en

The *Deutscher Zukunftspreis* award is the badge for excellent inventions and comes with prize money of 250,000 euros. With this award, the Federal President personally recognises the level of scientific and technical innovation, successful marketing and the creation of sustainable jobs.
President Cornelia Rudloff-Schäffer, who is a member of the board of trustees, which determines the direction of selection decisions, stated on the occasion of the award ceremony, which was broadcast via live stream: "With their development, the prize winners achieve what distinguishes good inventors: They expand the limits of what is technically possible."

The DPMA is entitled to propose projects for the *Deutscher Zukunftspreis* award to the jury: Please draw our attention to your projects! Proposals for nominations for the 2022 *Deutscher Zukunftspreis* award can be submitted at any time until the beginning of November 2021. For more information, visit our website.

The winning team in 2020 is **Carl Zeiss SMT GmbH, Oberkochen,** together with **TRUMPF Lasersystems for Semiconductors Manufacturing GmbH, Ditzingen,** and the **Fraunhofer Institute for Applied Optics and Precision Engineering IOF, Jena.** Their development of EUV lithography allows more powerful, more energy-efficient and more cost-efficient microchips to be produced. These microchips are necessary to run digital networks that require the exchange of large amounts of data (e.g. smart home and smart factory applications, adaptive robots and autonomous driving).

https://www.dpma.de/english/our_office/about_us/inventor_and_innovation_awards/deutscher_zukunftspreis_award/index.html

The team of **Carl Zeiss Meditec AG, Oberkochen,** and the university hospital **Inselspital Bern,** which had been proposed by the German Patent and Trade Mark Office, was nominated as a finalist for the *Deutscher Zukunftspreis* award for its robotic surgery system KINEVO 900. Thanks to robotics, digital imaging and microinspection, the system is a big help to surgeons in long, complex brain or spine operations and leads to better surgery results.

The **building material producer Franken Maxit Mauermörtel GmbH & Co, Kasendorf, Dyneon GmbH, Burgkirchen,** and **Keylab Glass Technology at the University of Bayreuth** were also nominated. They have developed a new, sprayable insulating material for facades to provide energy-efficient building insulation. Tiny glass bubbles enhance the insulation capacity of buildings and thus considerably contribute to the fight against climate change.

Federal President Frank-Walter Steinmeier and the award winners 2020 Peter Kürz (Carl Zeiss SMT), Dr Michael Kösters (TRUMPF) and Dr Sergiy Yulin (Fraunhofer), (from left to right)

Innovation Award of Bavaria

www.innovationspreis-bayern.de (in German)

The Innovation Award of Bavaria is awarded for excellent innovations every two years by the Bavarian Ministry of Economic Affairs, Regional Development and Energy, the Federation of Bavarian Chambers of Industry and Commerce (*Bayerischer Industrie- und Handelskammertag*) and the Federation of Bavarian Chambers of Crafts (*Arbeitsgemeinschaft der bayerischen Handwerkskammern*). At the time the application for their nomination for the award is submitted, the nominated products, processes or services should not have been on the market for more than four years.

On the occasion of the virtual award ceremony, President Cornelia Rudloff-Schäffer said: "The range of intelligent technical solutions is impressive. The prize winners show that, in Bavaria, innovative and marketable products are developed not only by big corporations in Munich, but also by many SMEs in all regions of Bavaria. There is creativity and inventive talent all over Bavaria."

From the 189 applications submitted, the selection committee, including Ms Rudloff-Schäffer, selected the following prize winners:

» The multi-organ support system of **ADVITOS GmbH, Munich,** won the first main prize. It combines liver, kidney and lung support and extracorporeal blood pH correction in one device. The device is also used to treat COVID-19 patients with promising results.

23 November 2020: Award ceremony for the Bavarian Innovation Award 2020. Due to the corona pandemic, the award ceremony took place only as an online event.

» The second main prize was awarded to **pro-micron GmbH, Kaufbeuren,** for its sensing spindle, which is equipped with a special sensor technology that indicates the cutting forces of the individual cutting edges, so intelligent machine tools can be offered.

» The third main prize was awarded to **LEONHARD KURZ Stiftung & Co. KG, Fürth,** for its IMD Varioform® process, a sensor system integrated into 3D-deformed plastic components.

» The "Companies with fewer than 50 employees" special prize was awarded to **Solukon Maschinenbau GmbH, Augsburg,** for its system for sustainable powder recuperation in 3D printing.

» The "Start-ups up to 5 years of age" special prize went to **presize GmbH, Munich.** Its virtual body scan process to find out the exact size of clothes helps avoid wrong size orders.

» The winner in the "Business-science cooperation" category was **STABILO International GmbH, Heroldsberg.** The intelligent ballpoint pen can measure data such as pressure, speed, rhythm and readability and use them to make suggestions for the individual improvement of the motor writing skills.

» The Special Prize of the Selection Committee went to **Müller Mechanik GmbH & Co. KG, Lichtenfels,** which has developed recyclable, easily cleanable coffee capsules for capsule coffee machines. This helps avoid waste.

Thuringia Innovation Award

www.innovationspreis-thueringen.de (in German)

On 25 November 2020, the four categories of the "XXIII Thuringia Innovation Award 2020" and three special awards with a total of 100,000 euros in prize money were presented at a ceremony in Weimar by the Thuringian Minister of Economic Affairs, Science and the Digital Society, Wolfgang Tiefensee, the Foundation for Technology, Innovation and Research of Thuringia (STIFT), TÜV Thüringen and the Ernst Abbe Foundation.

Markus Ortlieb, head of the Jena suboffice, once again represented the DPMA in the 18-member jury; he also dealt with questions relating to the state of the art and intellectual property rights across all categories.

The following innovations were honoured with the 2020 Thuringia Innovation Award

- in the "TRADITION & FUTURE" category: the high-precision star sensor ASTRO XP of **Jena-Optronik GmbH** for the autonomous attitude and orbit control of satellites and probes – smaller, less costly and ten times more precise than the currently usual technology,
- in the "INDUSTRY & MATERIAL" category: the comprehensive solution NOVION of **VACOM Vakuum Komponenten und Messtechnik GmbH** for vacuum monitoring and vacuum control. It combines two different measuring technologies and is easy to operate,
- in the "DIGITAL & MEDIA" category: the EXPO-X platform of **rooom AG** for virtual and hybrid events, especially for trade fairs,
- in the "LIGHT & LIFE" category: the low-cost and space-saving freeform metal optical component of **SPACEOPTIX GmbH** for new space applications. The solution offered by SPACEOPTIX GmbH allows conventional object lenses in satellites to be replaced by a single metallic material.
- The "SPECIAL AWARD FOR YOUNG ENTERPRISES" went to **WTA TECHNOLOGIES GmbH** (Gotha) for its water filter "Hybrid Ultrafiltration Module", which uses a new non-woven fabric to filter even the tiniest insoluble substances out of water.
- The "ERNST ABBE AWARD FOR INNOVATIVE ENTREPRENEURSHIP 2020" was awarded to **Cathrin Wilhelm, the managing director of BINZ Ambulance- und Umwelttechnik GmbH,** in recognition of her merits for Thuringia as a centre of scientific and technological innovation.

European Inventor Award

www.epo.org/learning-events/european-inventor.html

The European Patent Office (EPO) has postponed the European Inventor Award ceremony by one year. As a consequence, an award for 2021 alone will not be bestowed.
It will thus remain open for some time whether the four proposals submitted by the DPMA for 2020 will be among the winners in the categories "Industry", "Research", "Non-EPO countries", "Small and medium-sized enterprises" or "Lifetime achievement".

Jugend forscht

www.jugend-forscht.de/information-in-english.html

Like many other things, the "*Jugend forscht*" contests were cancelled due to the coronavirus pandemic. Only the regional contests and the contest in Mecklenburg-West Pomerania were held in early March; the award ceremony of the contest in Mecklenburg-West Pomerania was already non-public. A total of 5,262 scientists with 2,984 projects had applied for the respective regional contests. This shows the great interest of young scientists in the contest as a platform for their great creativity, their continued commitment and their intention to achieve improvements and progress.

In 2020, they were unfortunately prevented from advancing in the contest and thus from receiving an increasing recognition of their work. We are looking forward to the 2021 contest with the theme "*LASS ZUKUNFT DA.*", encouraging young people to shape a sustainable future.

women&work award for female inventors

www.erfinderinnenpreis.de (in German)

Since 2017, women&work, Europe's leading career fair for women, has been honouring female inventors. The prize was not awarded in 2020.

Events in 2020

Last year, there were only few physical events due to the coronavirus pandemic. Before the beginning of the pandemic, some physical events were held in early 2020. Due to the spread of the coronavirus, however, the majority of the planned events, visits and meetings had to be cancelled.
While it was possible to change some events to take place in virtual formats, some of last year's events had to be cancelled as the lead time was too short.

From 7 to 9 January 2020, the German Patent and Trade Mark Office (DPMA) had an information booth at the PSI Show, the trade show of the promotional product industry, in Düsseldorf. The exhibition stand focused on raising public awareness of and providing information on intellectual property rights.

As many trade fairs were only held in a digital format due to the coronavirus pandemic, we also developed a virtual exhibition stand. An interactive 360° tour of the office with integrated information points provides visitors with information on IP rights and search options. Further information is available on page 66.

On 21 February 2020, the UNION-IP Round Table was held at the DPMA in Munich. UNION-IP is an international and independent association of persons active in intellectual property and industrial property rights.

DPMA President Cornelia Rudloff-Schäffer welcomed the guests, who exchanged their views on the issue "Inventive step is not so obvious – How to deal with differences across Europe", discussing the different approaches to assessing the inventive step in the examination of patent applications in Europe.

With a road show in eight big cities in Germany, the DPMA wanted to provide information about its first experience with the provisions of the Trade Mark Law Modernisation Act. After the great success of the 2019 road show, it was planned to continue this format in 2020.

The kick-off event at the DPMA in Munich on 4 March 2020 took place, but the following planned events unfortunately had to be cancelled due to the coronavirus pandemic.

Group photograph taken during the visit of Mr Ingmar Jung, MP

On 11 August 2020, Ingmar Jung, member of parliament (parliamentary group of the Christian Democratic Union/Christian Social Union) and reporting member responsible for intellectual property on the Committee on Legal Affairs and Consumer Protection of the German Bundestag, exchanged views on the discussion draft of the 2nd Patent Law Modernisation Act with the senior management of the office, also addressing the challenges of the Directorate General Patents and Utility Models as well as the personnel growth since 2018, the presentation of the qualification phases and the development of the concluded procedures in the patent and trade mark areas. The guest from Berlin got an idea of the reorganisation and establishment of new divisions. Ultimately, Mr Jung was impressed in particular with the nearly unrestricted ability to operate of the IP areas during the coronavirus pandemic.

For the fourth time, the Association of German Patent Information Centres (*Arbeitsgemeinschaft Deutscher Patentinformationszentren PIZnet e.V.* – PIZnet) organised a nationwide PIZnet campaign week for small and medium-sized enterprises (SMEs) and start-ups with the theme “IP strategies for SMEs”.

During the campaign week from 21 to 25 September 2020, IP guidance was offered in 17 German cities, providing companies with neutral and confidential advice free of charge on value creation and risk avoidance in connection with intellectual property. During these two-hour consultations, experts of the patent information centres analysed the company-specific economic opportunities and risks in the field of intellectual property.

In particular, the consultations addressed the IP rights (patents, utility models, trade marks and designs), but also aspects of what is known as soft IP, which comprises business secrets and copyright. On this basis, the companies were given initial recommendations for action – from individual suggestions for the best use of intellectual property in the company to approaches to developing strategic competitive advantages.

Due to the special situation of the coronavirus pandemic, the consultations were held via video and audio transmission.

Link to the PIZnet web pages (in German)

http://www.piznet.de/

Jena lectures

Since 2001, 53 very popular Jena lectures on intellectual property protection and copyright have been presented. They were initiated by our Jena sub-office together with Prof Volker Michael Jänich (Gerd Bucerius Chair in Civil Law including German and International Intellectual Property, Friedrich Schiller University Jena). Current issues concerning all aspects of intellectual property have since been presented and discussed by experts in a series of lectures several times per year.

As a co-organiser, the centre-east district group of the Association of Intellectual Property Experts (VPP) supports the public series of lectures, for which admission is free.

Unfortunately, in 2020, the Jena lectures could not take place as physical events due to the coronavirus pandemic.

On 14 January 2021 for the first time, a purely virtual lecture on the 2020 amendment to the Act against Unfair Competition was presented by Prof Volker Michael Jänich.

Are you interested in attending the Jena lectures? Then, please contact Ines Rösel (telephone: +49 3641 40-5501, e-mail: **ines.roesel@dpma.de**).

In 2020, many important meetings were held as video conferences. DPMA President Cornelia Rudloff-Schäffer (top), Vice-President Christine Moosbauer and Vice-President Ulrich Deffaa met top-ranking representatives of the World Intellectual Property Organization (WIPO), the European Patent Office (EPO), the European Union Intellectual Property Office (EUIPO) as well as national partner offices and other authorities and companies.

Our press releases

02 **28 February 2020**
German Patent and Trade Mark Office more productive than ever before

04 **24 April 2020**
Inventions for a green future

04 **29 April 2020**
"Efficient, fast and low-cost": law amendments strengthen rights of trade mark proprietors

05 **19 May 2020**
Sharp increase in innovations in e-mobility and autonomous driving

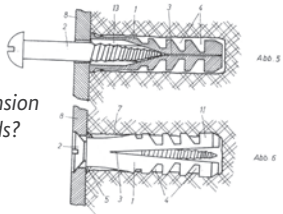
05 **22 May 2020**
DPMA – Annual Report 2019: Technology Trends around Digitisation and the Automotive Industry (in German)

06 **18 June 2020**
Federal Administrative Court strengthens competences of the German Patent and Trade Mark Office

08 **26 August 2020**
PIZnet campaign week: "IP strategies for SMEs"

09 **9 September 2020**
Prizeworthy surgical robotics

10 **30 October 2020**
What comes after expansion plugs and screw-in studs?



11 **23 November 2020**
"There is inventive talent all over Bavaria"

11 **25 November 2020**
New generation of microchips: DPMA President congratulates winners of the Deutscher Zukunftspreis award

12 **17 December 2020**
Open to good ideas – InnoWi becomes an official patent and trade mark centre in the federal Land of Bremen

A glance at 2021

From 2021, we will also help contribute to pressing ahead with the recommendations of the PATLIB Summit 2019 and the vision of a successful international network of patent information centres (PATLIB centres), described in the Strategic Plan 2023 of the European Patent Office (EPO). This is intended to facilitate access to intellectual property for small and medium-sized enterprises (SMEs) and technology pioneers, and further raise awareness of the value of patents for the economy and society.

In collaboration with the national offices, the **"PATLIB 2.0"** project aims at strengthening the visibility and reach of the PATLIB centres by 2023, for example by

- expanding and improving the overall visibility and reach of the PATLIB network and its services,
- creating synergy with other networks in neighbouring fields; and
- ensuring that information and training relating to patent information are available where there are currently still gaps.

https://www.epo.org/searching-for-patents/helpful-resources/patlib.html

Participation in trade fairs in 2021 – The virtual exhibition stand of the DPMA

Last year, our plans were frustrated and we presented ourselves only at a few trade fairs and events. The pandemic situation created new challenges for the entire trade fair industry as well as the German Patent and Trade Mark Office (DPMA). To appear at digital trade fairs and events too, we have developed a virtual exhibition stand. This allows us to present ourselves as a modern service provider and centre of expertise for intellectual property at virtual trade fairs and events. The primary aim of our exhibition stand is to raise public awareness of the importance of intellectual property and provide information on its protection.

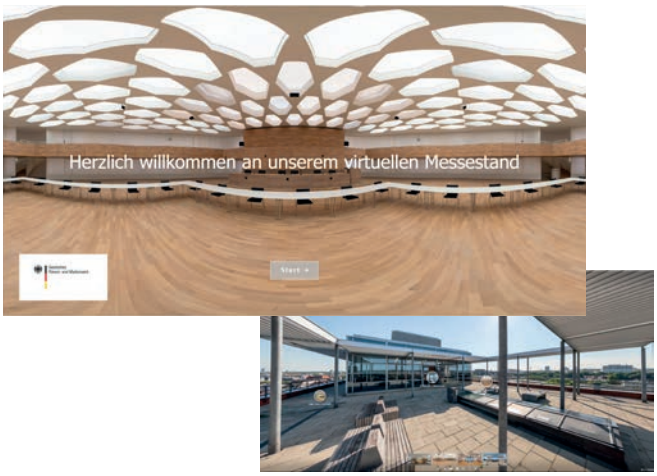
Developed as a 360° tour of the DPMA, the virtual exhibition stand is an interactive tool for visitors to gather information about our products and services.

It is planned to participate in more virtual trade fairs and digital events with our virtual exhibition stand in the 2021 trade fair season.

For current dates and trade fair participations of the DPMA, please refer to our website. Since trade fair organisers can only make short-term plans depending on the number of infections, this report cannot provide a reliable trade fair calendar.

This is also a new experience for the trade fair team at the DPMA. We are curious to see how the work at trade fairs will develop this year, as the trade fair organisers have also worked very hard to develop new concepts.

Welcome to our virtual exhibition stand



Link to the virtual exhibition stand

https://www.dpma.de/messe

IN FOCUS

DPMA is massively expanding its Jena location

Sub-office of the DPMA in Jena

It is a far-reaching decision: The German Patent and Trade Mark Office (DPMA) will substantially expand its Jena location in the coming years. At least 110 additional attractive jobs will gradually be created at the Thuringian office – for the first time also in the field of patent examination.

In consultation with the Federal Ministry of Justice and Consumer Protection the DPMA senior management developed plans for the expansion of the Jena location. This is linked to an important strategic decision: the establishment of three additional patent divisions at the location in Thuringia. As a result, the headcount of the Jena office will grow from 220 to about 340 (including part-time staff).

According to current plans, the new patent divisions will formally be set up at the end of 2021 with assistance from experienced colleagues from Munich and then expanded in several stages. 93 examiners in total including executives will work in Jena in the future. Expansion is scheduled to be completed by the end of 2024. In autumn 2021, a first recruitment drive will be launched for 15 new patent examiners to be hired for the Jena location.

"Jena is an extremely high-profile location in the east of Germany, both economically and technologically. As the cradle of the European optics and photonics industry with its university, science institutes and strong, innovative companies, Jena has developed into the leading high-tech centre in Thuringia and central Germany. We want to present ourselves as an attractive and secure employer there and thus attract further highly qualified staff for our important duties," emphasises DPMA President Cornelia Rudloff-Schäffer, adding: "I am convinced that our customers will also benefit from the DPMA having an even stronger foothold in Jena."

At present, the Jena office is still in charge of trade marks and designs only as well as of horizontal services of the DPMA. The examination of about 40% of the overall German trade mark application volume takes place at that location as well as the administration of all trade mark rights, also those examined in Munich, for what are referred to as post-registration procedures. This means that all renewals, cancellation procedures and the recording of changes for the approximately 850,000 trade marks in force are performed in Jena. The office in Jena is solely in charge of the examination and administration of designs. Almost 300,000 registered designs in force are managed there.

The trade mark area at the Thuringia location will also be strengthened by additional colleagues from mid-year 2021; the external recruitment process has already been concluded. Further jobs in the trade mark area could be added from 2022 because of the increase in the number of applications. Six to eight new experts are to be hired for IT operations by the beginning of 2022.

The Jena office of the DPMA has existed for more than 20 years. It owes its establishment in 1998 to a decision by the Commission on Federalism of 27 May 1992 after German unification.

CAREER AT THE DPMA

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

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

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

Follow us on XING:
www.xing.com/company/dpma

Zertifikat seit 2020
audit berufundfamilie
www.berufundfamilie.de

https://www.dpma.de/english/our_office/career/index.html

Statistics

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

The following statistics are based on data retrieved in February 2021. To facilitate comparison with the statistical data of other offices, Table 3.7 now shows the classes claimed for national trade mark applications and international registrations of marks instead of the leading class.

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

💻 **https://www.blatt-pmz.de/startseite/** (in German)

1. Patent applications and patents

1.1 National patent applications at the DPMA and international patent applications with effect in Germany (PCT applications in the national phase)

Year	National applications [1]			PCT applications in the national phase			Applications (national and PCT national phase)		
	Domestic [2]	Foreign [2]	Total	Domestic [2]	Foreign [2]	Total	Domestic [2]	Foreign [2]	Total
2016	47,318	14,264	61,582	1,174	5,151	6,325	48,492	19,415	67,907
2017	46,740	14,744	61,484	1,047	5,191	6,238	47,787	19,935	67,722
2018	45,627	15,251	60,878	1,006	6,021	7,027	46,633	21,272	67,905
2019	45,533	14,392	59,925	1,101	6,406	7,507	46,634	20,798	67,432
2020	41,078	13,502	54,580	1,171	6,354	7,525	42,249	19,856	62,105

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

1.2 Patent applications before entry into the examination procedure

Year	Total applications received [1]	Procedures concluded before filing of examination request [2]	Patent applications pending at the end of the year	
			National applications	including applications for which formal examination was concluded
2016	61,770	20,158	150,838	143,471
2017	61,616	20,771	151,488	144,114
2018	61,021	21,408	151,430	143,978
2019	60,015	20,794	150,744	144,467
2020	54,681	20,869	149,198	143,238

[1] New applications and cases referred back by the Federal Patent Court, allowed appeals, reinstatements.
[2] Withdrawals, non-payment of application or annual renewal fees, examination request not filed and refusals.

1.3 Patent applications in the examination procedure

Year	Examination requests received		Examination procedures concluded	Patent grants published
	Total	(of which) together with applications		
2016	45,628	26,390	35,822	15,652
2017	47,448	26,540	36,845	15,649
2018	47,130	26,199	38,115	16,369
2019	47,338	25,998	40,183	18,255
2020	43,139	23,365	41,723	17,305

https://www.dpma.de/english/our_office/publications/statistics/patents/index.html

1.4 Patents in force (granted by the DPMA)

Year	Patents entered into force	Patents no longer in force	Patents in force at the end of the year
2016	15,705	15,670	129,199
2017	15,693	16,273	128,700
2018	16,419	15,847	129,335
2019	18,299	15,735	131,987
2020	17,333	16,985	132,336

1.5 Percentage of patent applications in which the applicant is identical with the inventor, broken down by residence or principal place of business of the applicant

	2016	2017	2018	2019	2020
National	7.7	7.1	6.7	6.4	7.4
Foreign	2.1	2.0	1.8	1.4	1.7
Total	**6.3**	**5.8**	**5.4**	**5.2**	**5.9**

1.6 Patent applications (applications at the DPMA and PCT applications in the national phase) by German Länder (residence or principal place of business of the applicant)

German *Länder*	2016	2017	2018	2019	2020[1]
Baden-Württemberg	14,417	14,530	14,607	15,241	13,687
Bavaria	15,835	15,456	14,904	14,037	12,700
Berlin	829	715	721	680	674
Brandenburg	333	329	290	296	294
Bremen	141	129	136	142	122
Hamburg	816	790	883	760	622
Hesse	1,932	1,929	1,615	1,541	1,571
Mecklenburg-Western Pomerania	104	135	145	89	107
Lower Saxony	3,703	3,514	3,604	3,851	3,234
North Rhine-Westphalia	7,077	7,208	6,847	7,019	6,388
Rhineland-Palatinate	1,076	922	911	833	781
Saarland	196	197	175	215	192
Saxony	811	719	595	668	641
Saxony-Anhalt	228	186	205	194	161
Schleswig-Holstein	475	490	452	469	480
Thuringia	519	538	543	599	606
Germany	**48,492**	**47,787**	**46,633**	**46,634**	**42,260**

[1] Due to a data correction, the values for 2020 were retrieved in April 2021 and are not comparable with the corresponding data in other tables and already published statistics.

1.7 Patent applications, percentages and applications per 100,000 inhabitants by German Länder (residence or prinicpal place of business of the applicant)

German *Länder*	2019			2020[1]			Change from 2019 to 2020 (%)
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
Baden-Württemberg	15,241	32.7	137	13,687	32.4	123	-10.2
Bavaria	14,037	30.1	107	12,700	30.1	97	-9.5
North Rhine-Westphalia	7,019	15.1	39	6,388	15.1	36	-9.0
Lower Saxony	3,851	8.3	48	3,234	7.7	40	-16.0
Hesse	1,541	3.3	25	1,571	3.7	25	+1.9
Rhineland-Palatinate	833	1.8	20	781	1.8	19	-6.2
Berlin	680	1.5	19	674	1.6	18	-0.9
Saxony	668	1.4	16	641	1.5	16	-4.0
Hamburg	760	1.6	41	622	1.5	34	-18.2
Thuringia	599	1.3	28	606	1.4	28	+1.3
Schleswig-Holstein	469	1.0	16	480	1.1	17	+2.3
Brandenburg	296	0.6	12	294	0.7	12	-0.7
Saarland	215	0.5	22	192	0.5	19	-10.7
Saxony-Anhalt	194	0.4	9	161	0.4	7	-17.0
Bremen	142	0.3	21	122	0.3	18	-14.1
Mecklenburg-Western Pomerania	89	0.2	6	107	0.3	7	+20.2
Germany	**46,634**	**100**	**56**	**42,260**	**100**	**51**	**-9.4**

[1] Due to a data correction, the values for 2020 were retrieved in April 2021 and are not comparable with the corresponding data in other tables and already published statistics.

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

	2016	2017	2018	2019	2020
Germany	48,492	47,787	46,633	46,634	42,249
Japan	6,840	7,282	8,013	7,956	7,247
USA	5,860	6,084	6,669	6,207	5,882
Republic of Korea	1,203	1,173	1,313	1,262	1,617
Taiwan	599	618	686	737	933
Switzerland	951	922	814	810	777
Austria	977	907	777	713	765
China	550	646	492	448	499
Sweden	517	464	393	380	321
France	270	248	345	460	301
Others	1,648	1,591	1,770	1,825	1,514
Total	**67,907**	**67,722**	**67,905**	**67,432**	**62,105**

1.9 Patent applications filed by universities by German Länder (applications at the DPMA and PCT applications in the national phase)

German *Länder*	2016	2017	2018	2019	2020
Baden-Württemberg	80	67	75	71	67
Bavaria	75	67	59	60	56
Berlin	20	28	19	22	16
Brandenburg	6	19	9	13	14
Bremen	9	20	16	12	12
Hamburg	21	26	17	15	17
Hesse	60	61	54	42	45
Mecklenburg-Western Pomerania	22	19	29	14	19
Lower Saxony	50	62	55	45	43
North Rhine-Westphalia	106	124	129	141	129
Rhineland-Palatinate	7	7	16	11	10
Saarland	7	4	6	13	5
Saxony	135	97	81	120	115
Saxony-Anhalt	40	32	34	26	27
Schleswig-Holstein	19	22	22	19	22
Thuringia	43	46	40	30	26
Germany[1]	**699**	**699**	**658**	**653**	**622**

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

1.10 Breakdown of domestic patent applicants by filing activity (%)[1]

Percentage of applicants having filed	2016	2017	2018	2019	2020
one application	66.1	65.7	64.7	64.8	67.0
2 to 10 applications	29.6	29.7	30.6	30.5	28.8
11 to 100 applications	3.9	4.0	4.2	4.2	3.8
more than 100 applications	0.5	0.5	0.5	0.5	0.4
Total	**100**	**100**	**100**	**100**	**100**

Percentage of applications by appplicants having filed	2016	2017	2018	2019	2020
one application	12.5	12.2	11.4	11.3	13.2
2 to 10 applications	18.7	18.4	18.0	17.9	18.8
11 to 100 applications	19.9	20.0	20.5	21.4	21.3
more than 100 applications	48.9	49.3	50.1	49.4	46.7
Total	**100**	**100**	**100**	**100**	**100**

[1] Due to a change in the calculation logic, the data in the table cannot be directly compared with the published figures from previous years.

1.11 Opposition proceedings

Year	Oppositions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year [2]
		Total [1]	(of which) patent revoked	(of which) patent maintained or patent maintained in amended form	
2016	416	464	127	262	1,570
2017	376	442	142	235	1,504
2018	338	453	130	253	1,386
2019	294	415	142	218	1,266
2020	259	298	99	145	1,228

[1] Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form.
[2] Including a substantial part of the proceedings pending before the Federal Patent Court.

1.12 Patent applications by technology fields [1] with the largest number of applications in 2020 (applications at the DPMA and PCT applications in the national phase)

[1] According to WIPO IPC concordance table, available at: www.wipo.int/ipstats/en/index.html#resources.

1.13 Companies and institutions with the highest number of patent applications in 2020 (applications at the DPMA and PCT applications in the national phase)

	Applicant[1]	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**4,033**
2	Schaeffler Technologies AG & Co. KG	DE		**1,907**
3	Bayerische Motoren Werke AG	DE		**1,874**
4	Daimler AG	DE		**1,638**
5	VOLKSWAGEN AG	DE		**1,493**
6	Ford Global Technologies, LLC		US	**1,324**
7	AUDI AG	DE		**1,088**
8	ZF Friedrichshafen AG	DE		**987**
9	Intel Corporation		US	**975**
10	Mitsubishi Electric Corporation		JP	**661**
11	Taiwan Semiconductor Manufacturing Co., Ltd.		TW	**627**
12	FANUC Corporation		JP	**601**
13	Dr. Ing. h.c. F. Porsche AG	DE		**591**
14	DENSO Corporation		JP	**542**
15	GM Global Technology Operations LLC		US	**534**
16	Toyota Jidosha K.K.		JP	**404**
17	BSH Hausgeräte GmbH	DE		**403**
17	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**403**
19	Infineon Technologies AG	DE		**373**
20	Miele & Cie. KG	DE		**351**
21	Hyundai Motor Company		KR	**350**
22	Kia Motors Corporation		KR	**348**
23	International Business Machines Corporation		US	**306**
24	Siemens AG	DE		**301**
25	Siemens Healthcare GmbH	DE		**271**
26	Hitachi Automotive Systems, Ltd.		JP	**249**
27	Deere & Company		US	**248**
28	MAHLE International GmbH	DE		**227**
29	Samsung Electronics Co. Ltd.		KR	**226**
30	Honda Motor Co., Ltd.		JP	**224**
31	SEW-EURODRIVE GmbH & Co KG	DE		**222**
32	Carl Zeiss SMT GmbH	DE		**213**
33	Continental Reifen Deutschland GmbH	DE		**206**
34	Phoenix Contact GmbH & Co. KG	DE		**196**
35	OSRAM Opto Semiconductors GmbH	DE		**192**
36	Continental Automotive GmbH	DE		**190**
37	KRONES AG	DE		**188**
38	Siemens Mobility GmbH	DE		**183**
39	HELLA GmbH & Co. KGaA	DE		**176**
40	Continental Teves AG & Co. oHG	DE		**174**
41	Sony Corporation		JP	**170**
42	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		**168**
43	Henkel AG & Co. KGaA	DE		**152**
44	DISCO Corporation		JP	**151**
44	Voith Patent GmbH	DE		**151**
46	Valeo Schalter und Sensoren GmbH	DE		**147**
47	Vitesco Technologies GmbH	DE		**145**
48	Hyundai Mobis Co., Ltd.		KR	**142**
49	FEV Group GmbH	DE		**140**
50	Aktiebolaget SKF		SE	**139**

[1] Without taking into account any business intra-group affiliations.

2. Utility models and topographies

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

Year	Filings				Procedures concluded		
	New applications	Domestic applications	Others [1]	Total	by registration	without registration	Total
2016	14,030	10,100	25	14,055	12,442	1,890	14,332
2017	13,301	9,481	30	13,331	11,882	1,761	13,643
2018	12,307	8,800	21	12,328	11,295	1,619	12,914
2019	11,667	8,436	14	11,681	10,295	1,539	11,834
2020	12,323	8,897	15	12,338	10,736	1,496	12,232

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

Year	Pending registration procedures at the end of the year	Utility models in force at the end of the year	Renewals	Lapsed utility models
2016	4,875	83,152	20,206	14,444
2017	4,561	81,037	18,822	14,032
2018	3,972	79,299	20,554	13,072
2019	3,818	76,930	18,831	12,682
2020	3,921	74,900	18,166	12,796

2.2 Topographies under the Semiconductor Protection Act (Halbleiterschutzgesetz)

Year	New applications received	Procedures concluded			Pending applications at the end of the year	Lapsed due to expiry of time	Registrations in force at the end of the year
		by registration	without registration	Total			
2016	9	7	2	9	0	1	26
2017	1	0	1	1	0	2	24
2018	0	0	0	0	0	1	23
2019	0	0	0	0	0	2	21
2020	0	0	0	0	0	1	20

https://www.dpma.de/english/our_office/publications/statistics/utility_models/index.html

2.3 Utility model applications (applications at the DPMA and PCT applications in the national phase) by German Länder (residence or principal place of business of the applicant)

German *Länder*	2016	2017	2018	2019	2020
Baden-Württemberg	1,883	1,734	1,624	1,580	1,577
Bavaria	2,273	2,054	1,982	1,902	2,023
Berlin	300	322	307	342	343
Brandenburg	150	134	98	164	106
Bremen	52	52	44	34	46
Hamburg	159	156	177	140	153
Hesse	622	628	616	479	613
Mecklenburg-Western Pomerania	71	54	56	43	61
Lower Saxony	699	652	618	563	595
North Rhine-Westphalia	2,647	2,529	2,182	2,176	2,251
Rhineland-Palatinate	402	390	303	351	355
Saarland	72	72	65	49	68
Saxony	300	258	294	222	284
Saxony-Anhalt	128	102	116	98	109
Schleswig-Holstein	192	202	183	167	180
Thuringia	150	142	135	126	133
Germany	**10,100**	**9,481**	**8,800**	**8,436**	**8,897**

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

German *Länder*	2019			2020			Change from 2019 to 2020 (%)
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North Rhine-Westphalia	2,176	25.8	12	2,251	25.3	13	+3.4
Bavaria	1,902	22.5	14	2,023	22.7	15	+6.4
Baden-Württemberg	1,580	18.7	14	1,577	17.7	14	-0.2
Hesse	479	5.7	8	613	6.9	10	+28.0
Lower Saxony	563	6.7	7	595	6.7	7	+5.7
Rhineland-Palatinate	351	4.2	9	355	4.0	9	+1.1
Berlin	342	4.1	9	343	3.9	9	+0.3
Saxony	222	2.6	5	284	3.2	7	+27.9
Schleswig-Holstein	167	2.0	6	180	2.0	6	+7.8
Hamburg	140	1.7	8	153	1.7	8	+9.3
Thuringia	126	1.5	6	133	1.5	6	+5.6
Saxony-Anhalt	98	1.2	4	109	1.2	5	+11.2
Brandenburg	164	1.9	7	106	1.2	4	-35.4
Saarland	49	0.6	5	68	0.8	7	+38.8
Mecklenburg-Western Pomerania	43	0.5	3	61	0.7	4	+41.9
Bremen	34	0.4	5	46	0.5	7	+35.3
Germany	**8,436**	**100**	**10**	**8,897**	**100**	**11**	**+5.5**

3. National trade marks

3.1 Applications and registrations

Year	Filings					Registration under section 41 Trade Mark Act (*Markengesetz*)
	New applications			Others [2]	Total	
	Total	Domestic applications	Proportion of service marks (%) [1]			
2016	69,391	65,321	49.0	393	69,784	52,199
2017	72,047	67,440	47.1	364	72,411	50,953
2018	70,534	65,662	47.3	328	70,862	50,576
2019	73,635	68,261	46.1	385	74,020	55,025
2020	84,619	78,741	44.8	339	84,958	60,425

[1] Proportion of claimed service classes in all claimed classes in national trade mark applications, as a trade mark application may be assigned to several classes.
[2] In particular, cases returned by the Federal Patent Court.

3.2 Opposition proceedings

Year	Oppositions received			Opposition proceedings concluded		
	Trade marks challenged by oppositions	Number of oppositions	Number of opposing signs [1]	without affecting the trade mark	Cancellation in full or in part	Procedure obsolete [2]
2016	3,227	4,793	4,793	2,048	445	585
2017	2,855	4,229	4,229	2,118	616	613
2018	2,792	4,148	4,148	1,798	445	596
2019	2,952	3,398	5,046	1,827	438	607
2020	2,743	2,967	4,613	1,818	521	633

[1] Since 14 January 2019 an opposition can be based on several earlier rights (opposing signs) if they belong to the same proprietor.
[2] (Partial) cancellations in particular due to the surrender of the proprietor.

3.3 Cancellations, renewals, trade marks in force

Year	Cancellations as well as other disposals	Renewals	Trade marks in force at the end of the year
2016	44,892	34,127	804,758
2017	44,117	35,215	811,582
2018	46,495	39,940	815,657
2019	40,311	39,834	830,364
2020	45,172	39,491	845,583

https://www.dpma.de/english/our_office/publications/statistics/trade_marks/index.html

3.4 Procedures for the international registration of marks

Year	Applications for international registration of marks originating from Germany			
	Applications received	Procedures concluded		Cases pending at the end of the year
		Applications transmitted to WIPO [1]	Applications withdrawn or refused	
2016	4,929	4,835	121	337
2017	4,713	4,636	114	302
2018	4,697	4,513	89	397
2019	4,638	4,651	116	271
2020	4,416	4,256	139	293

[1] Not including requests for the extension of protection under Art. 3ter(2) Madrid Agreement; 125 requests for the extension of protection were received in 2020, and 101 requests were transmitted to the World Intellectual Property Organization (WIPO).

Year	Extension of protection of international registrations of marks originating from Madrid Union countries to Germany						
	Requests received [2]	Procedures concluded			Cases pending at the end of the year	Requests received	
		Full grant of protection	Grant of protection in part	Refusal, surrender or cancellation in the International Register		Oppositions	Appeals
2016	3,467	3,043	380	415	2,578	192	14
2017	4,678	3,426	311	512	3,004	280	23
2018	4,828	3,590	264	710	3,267	361	17
2019	5,196	4,123	355	701	3,276	215	14
2020	4,819	3,646	336	772	3,339	171	23

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

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

German *Länder*	2016	2017	2018	2019	2020
Baden-Württemberg	8,241	8,764	8,339	8,539	10,139
Bavaria	11,831	12,503	12,310	12,281	14,451
Berlin	5,245	5,335	5,458	5,459	5,930
Brandenburg	1,121	1,178	1,074	1,207	1,443
Bremen	521	587	535	604	633
Hamburg	3,569	3,378	3,501	3,444	4,099
Hesse	5,343	5,513	5,215	5,554	6,304
Mecklenburg-Western Pomerania	651	628	578	671	766
Lower Saxony	4,557	4,827	4,672	5,120	5,719
North Rhine-Westphalia	14,881	15,137	14,557	15,552	18,151
Rhineland-Palatinate	3,052	3,085	3,042	3,153	3,603
Saarland	563	616	548	581	724
Saxony	2,078	2,110	2,048	2,066	2,313
Saxony-Anhalt	690	644	766	814	859
Schleswig-Holstein	2,181	2,196	2,208	2,276	2,646
Thuringia	797	939	811	940	961
Germany	**65,321**	**67,440**	**65,662**	**68,261**	**78,741**

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

German *Länder*	2019			2020			Change from 2019 to 2020 (%)
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North Rhine-Westphalia	15,552	22.8	87	18,151	23.1	101	+16.7
Bavaria	12,281	18.0	94	14,451	18.4	110	+17.7
Baden-Württemberg	8,539	12.5	77	10,139	12.9	91	+18.7
Hesse	5,554	8.1	88	6,304	8.0	100	+13.5
Berlin	5,459	8.0	149	5,930	7.5	162	+8.6
Lower Saxony	5,120	7.5	64	5,719	7.3	72	+11.7
Hamburg	3,444	5.0	186	4,099	5.2	222	+19.0
Rhineland-Palatinate	3,153	4.6	77	3,603	4.6	88	+14.3
Schleswig-Holstein	2,276	3.3	78	2,646	3.4	91	+16.3
Saxony	2,066	3.0	51	2,313	2.9	57	+12.0
Brandenburg	1,207	1.8	48	1,443	1.8	57	+19.6
Thuringia	940	1.4	44	961	1.2	45	+2.2
Saxony-Anhalt	814	1.2	37	859	1.1	39	+5.5
Mecklenburg-Western Pomerania	671	1.0	42	766	1.0	48	+14.2
Saarland	581	0.9	59	724	0.9	73	+24.6
Bremen	604	0.9	89	633	0.8	93	+4.8
Germany	**68,261**	**100**	**82**	**78,741**	**100**	**95**	**+15.4**

3.7 Classes of national trade marks applied for[1]

Ranking	Class	Class essentially includes[2]	2019	2020	Change (%)
1	35	Advertising; business management, organisation and administration; office functions	26,332	29,378	+ 11.6
2	41	Education; providing of training; entertainment; sporting and cultural activities	19,203	20,728	+ 7.9
3	9	Electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments	14,211	16,338	+ 15.0
4	42	Scientific and technological services	13,918	15,281	+ 9.8
5	25	Clothing, footwear and headgear	10,419	12,834	+ 23.2
6	16	Office requisites; stationery	8,967	10,429	+ 16.3
7	44	Medical services; hygienic and beauty care; agriculture, horticulture and forestry services	6,736	7,203	+ 6.9
8	5	Pharmaceuticals; materials for dressings; disinfectants; dietary supplements	5,368	7,013	+ 30.6
9	21	Household and kitchen utensils and containers; articles for cleaning purposes; tableware, dishes; glassware	5,509	7,005	+ 27.2
10	37	Building, construction and repair services; installation services	5,894	6,919	+ 17.4
11	36	Insurance and financial services; real estate affairs	6,226	6,896	+ 10.8
12	43	Services for providing food and drink; temporary accommodation	6,702	6,710	+ 0.1
13	38	Telecommunications services	5,917	6,658	+ 12.5
14	30	Foodstuffs of plant origin; pastries, pasta and confectionery; seasonings, condiments; coffee, tea and cocoa; sugar	5,861	6,497	+ 10.9
15	3	Cleaning preparations; cosmetics; perfumery	5,400	6,350	+ 17.6
16	28	Games, sports articles	4,674	5,557	+ 18.9
17	20	Furniture and home decorations	4,378	5,438	+ 24.2
18	18	Leather products; luggage and carrying bags	4,730	5,351	+ 13.1
19	39	Transport and travel arrangement; packaging and storage of goods	4,625	5,104	+ 10.4
20	11	Heating; ventilation; apparatus and installations for sanitary purposes	4,092	4,769	+ 16.5
21	32	Non-alcoholic beverages; beers	4,499	4,653	+ 3.4
22	45	Legal services; security services for the physical protection of individuals	4,147	4,561	+ 10.0
23	40	Treatment of materials; printing services	3,819	4,268	+ 11.8
24	29	Foodstuffs of animal origin; milk products; processed fruits and vegetables	3,788	4,264	+ 12.6

Ranking	Class	Class essentially includes[2]	2019	2020	Change (%)
25	33	Alcoholic beverages	3,793	4,178	+ 10.2
26	10	Medical apparatus and instruments; orthopaedic articles	2,531	3,753	+ 48.3
27	7	Machines, motors and engines	3,400	3,734	+ 9.8
28	14	Jewellery, clocks and watches	2,997	3,353	+ 11.9
29	24	Woven material and blankets; household linen	2,775	3,293	+ 18.7
30	12	Vehicles	3,196	3,244	+ 1.5
31	6	Common metals and goods made thereof for building and construction; small items of metal hardware	2,313	2,793	+ 20.8
32	1	Chemicals; fertilizers; unprocessed plastics and artificial resins	2,542	2,658	+ 4.6
33	31	Agricultural, horticultural and forestry products; foodstuffs for animals	2,462	2,652	+ 7.7
34	8	Hand tools; cutlery	1,758	2,222	+ 26.4
35	19	Non-metallic building and construction materials	1,956	2,055	+ 5.1
36	26	Haberdashery; decorative articles for the hair	1,466	1,615	+ 10.2
37	4	Industrial oils and lubricants; fuels	1,530	1,525	- 0.3
38	17	Insulating materials; semi-processed goods; flexible pipes, tubes and hoses, not of metal	1,256	1,321	+ 5.2
39	34	Tobacco, smokers' articles	1,192	1,157	- 2.9
40	2	Paints; varnishes; lacquers; printing inks	1,241	1,137	- 8.4
41	27	Floor coverings and mats; wall coverings and ceiling lining	818	1,111	+ 35.8
42	22	Ropes; tents, tarpaulins and sails	825	977	+ 18.4
43	15	Musical instruments	680	491	- 27.8
44	13	Firearms	274	290	+ 5.8
45	23	Yarns and threads	210	241	+ 14.8
Not classified			71	69	
Total			224,701	254,073	+ 13.1

[1] A trade mark application may be assigned to several classes.
[2] Class headings in accordance with the current version of the Nice Classification are available at: **https://www.dpma.de/english/trade_marks/classification/goods_and_services/nice_classification/index.html**.

3.8 Top companies and institutions in terms of trade mark registrations in 2020 (registrations of trade marks pursuant to section 41 Trade Mark Act)

	Proprietor[1]	Principal place of business		Registrations
1	Henkel AG & Co. KGaA	DE		**92**
2	Bayerische Motoren Werke AG	DE		**90**
3	DFO Global Performance Commerce Ltd.		US	**59**
4	adp Gauselmann GmbH	DE		**50**
4	Make Great Sales Ltd.		US	**50**
4	VOLKSWAGEN AG	DE		**50**
7	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**41**
7	HARIBO Holding GmbH & Co. KG	DE		**41**
9	Daimler AG	DE		**39**
9	Private Mark GmbH	DE		**39**
11	BASF SE	DE		**37**
11	Boehringer Ingelheim International GmbH	DE		**37**
11	Dermapharm Aktiengesellschaft	DE		**37**
11	Nordbrand Nordhausen GmbH	DE		**37**
15	hagebau Handelsgesellschaft für Baustoffe mbH & Co. KG	DE		**35**
16	August Storck KG	DE		**34**
16	EDEKA ZENTRALE AG & Co. KG	DE		**34**
16	kitzVenture GmbH		AT	**34**
19	Katjes Fassin GmbH + Co. KG	DE		**33**
19	Peppler GmbH	DE		**33**

[1] Without taking into account any business intra-group affiliations.

4. Designs

4.1 Applications and procedures concluded

Year	Filings[1]				Procedures concluded			
	Designs in		Total	Designs in domestic applications	by registration	domestic	without registration	Total
	applications with multiple designs	applications with one design						
2016	54,535	2,774	57,309	48,040	48,215	40,727	4,756	52,971
2017	44,066	2,677	46,743	40,476	47,175	39,840	5,803	52,978
2018	41,652	2,416	44,068	39,025	47,646	42,463	5,569	53,215
2019	40,843	2,256	43,099	36,398	41,145	36,186	3,841	44,986
2020	36,825	2,625	39,450	35,166	37,124	33,207	4,226	41,350

[1] Provisional for 2020, as the actual number of designs applied for is not known before completion of the registration procedure.

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

German *Länder*	2016	2017	2018	2019	2020
Baden-Württemberg	5,748	6,276	6,664	6,726	5,037
Bavaria	10,547	8,402	8,451	7,932	6,143
Berlin	1,925	1,638	1,965	1,780	1,733
Brandenburg	392	510	319	297	172
Bremen	167	273	133	110	98
Hamburg	928	1,214	919	845	716
Hesse	1,966	1,824	1,574	1,363	1,532
Mecklenburg-Western Pomerania	258	165	143	92	188
Lower Saxony	3,008	3,040	2,754	2,420	2,549
North Rhine-Westphalia	10,949	11,011	13,324	10,966	10,596
Rhineland-Palatinate	1,180	1,435	1,598	1,021	1,113
Saarland	309	244	211	163	308
Saxony	1,669	1,271	1,830	1,299	1,270
Saxony-Anhalt	247	327	458	274	581
Schleswig-Holstein	1,112	1,880	1,730	659	893
Thuringia	322	330	390	239	278
Germany	**40,727**	**39,840**	**42,463**	**36,186**	**33,207**

https://www.dpma.de/english/our_office/publications/statistics/designs/index.html

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

Year	Pending designs (applied for) at the end of the year	Extensions of registered designs	Designs maintained/ renewed	Cancellations	Registered and in force at the end of the year	Invalidity proceedings	
						Applications filed	Proceedings concluded
2016	32,070	2,929	15,290	48,603	313,092	70	30
2017	25,787	3,552	15,937	47,716	312,551	63	90
2018	16,597	3,599	14,563	46,454	313,743	31	71
2019	14,708	3,386	15,032	51,458	303,430	29	48
2020	12,799	3,405	15,451	50,005	290,549	56	63

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

German *Länder*	2019			2020			Change from 2019 to 2020 (%)
	Registered designs	Percentage	Registered designs per 100,000 inhabitants	Registered designs	Percentage	Registered designs per 100,000 inhabitants	
North Rhine-Westphalia	10,966	30.3	61	10,596	31.9	59	-3.4
Bavaria	7,932	21.9	60	6,143	18.5	47	-22.6
Baden-Württemberg	6,726	18.6	61	5,037	15.2	45	-25.1
Lower Saxony	2,420	6.7	30	2,549	7.7	32	+5.3
Berlin	1,780	4.9	49	1,733	5.2	47	-2.6
Hesse	1,363	3.8	22	1,532	4.6	24	+12.4
Saxony	1,299	3.6	32	1,270	3.8	31	-2.2
Rhineland-Palatinate	1,021	2.8	25	1,113	3.4	27	+9.0
Schleswig-Holstein	659	1.8	23	893	2.7	31	+35.5
Hamburg	845	2.3	46	716	2.2	39	-15.3
Saxony-Anhalt	274	0.8	12	581	1.7	26	+112.0
Saarland	163	0.5	17	308	0.9	31	+89.0
Thuringia	239	0.7	11	278	0.8	13	+16.3
Mecklenburg-Western Pomerania	92	0.3	6	188	0.6	12	+104.3
Brandenburg	297	0.8	12	172	0.5	7	-42.1
Bremen	110	0.3	16	98	0.3	14	-10.9
Germany	**36,186**	**100**	**44**	**33,207**	**100**	**40**	**-8.2**

4.5 Top companies and institutions in terms of registered designs at the DPMA in 2020 (without partnerships organised under the Civil Code)

	Proprietor[1]	Principal place of business		Registered designs
1	Miroglio Textile S.r.l.		IT	1,800
2	Betty Barclay Group GmbH & Co. KG	DE		1,181
3	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbh & Co.KG	DE		847
4	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		675
5	AstorMueller AG		CH	641
6	monari GmbH	DE		559
7	SWING Collections GmbH	DE		494
8	VOLKSWAGEN AG	DE		418
9	Goebel Porzellan GmbH	DE		339
10	The House of Art GmbH	DE		243
11	CoachHub GmbH	DE		242
12	OLYMP Bezner KG	DE		237
13	Alfons Venjakob GmbH & Co. KG	DE		213
14	Koinor Polstermöbel GmbH & Co. KG	DE		208
15	Albani Group GmbH & Co. KG	DE		200
16	Godelmann Pflasterstein - GmbH & Co. KG.	DE		199
17	BRE-Light GmbH	DE		195
18	GEMINI Schuhproduktions- und Vertriebs GmbH	DE		191
19	INDEX LIVING GmbH	DE		190
20	Räder GmbH	DE		187
21	REHAU AG + Co	DE		172
22	Wepa Professional GmbH	DE		162
23	AVB UG	DE		160
23	Grubenhelden GmbH	DE		160
25	Wolf Möbel GmbH & Co. KG	DE		158
26	Paul Green GmbH		AT	157
27	SHOE CONZEPT Handels GmbH	DE		148
28	Innostyle-Möbelvertriebs GmbH & Co. KG	DE		145
29	Wohnmanufactur Grünberger s.r.o.		CZ	136
30	Best Light Production Ltd.	DE		134
31	Fehn GmbH & Co. KG	DE		133
32	seltra Natursteinhandel GmbH	DE		129
33	CAWÖ Textil GmbH & Co. KG	DE		120
33	TO-DO Design - Kreative Produkte GmbH	DE		120
35	Flato Interior GmbH	DE		114
36	moll Funktionsmöbel GmbH	DE		112
37	chemprox GmbH	DE		110
38	Bayerische Motoren Werke AG	DE		108
39	REALITY Import GmbH	DE		106
40	Daimler AG	DE		103
41	DOMO Collection GmbH	DE		100
41	GRADA-TEXTIL GmbH - European Textile Contor	DE		100
43	Niemöller & Abel GmbH & Co. KG	DE		98
44	Gollnest & Kiesel GmbH & Co. KG	DE		96
45	SKP Italian Style GmbH & Co. KG	DE		93
46	Seidl Confiserie GmbH	DE		89
47	Mascot GmbH	DE		88
47	Nova Via Polstermöbel GmbH	DE		88
49	Authentic Style Vertriebs GmbH & Co. KG	DE		87
50	Bluespoon GmbH	DE		86
50	De Zuylenkamp B.V.		NL	86

[1] Without taking into account any business intra-group affiliations.

5. Register of anonymous and pseudonymous works

Year	Works in respect of which the author's true name was filed for registration	Applicants[1]	Procedures concluded		Pending applications at the end of the year
			by registration	without registration	
2016	3	3	1	2	0
2017	0	0	0	0	0
2018	3	2	2	1	0
2019	4	3	4	0	0
2020	5	2	0	0	5

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

6. Patent attorneys and representatives

Year	Patent attorneys[1]			Foreign patent attorneys as members of the German Chamber of Patent Attorneys (section 20 Act on the Activities of European Patent Attorneys in Germany)[1]	Patent attorney companies[1]
	entered in register	Cancellations	registered at the end of the year		
2016	146	59	3,630	21	19
2017	183	51	3,762	29	21
2018	153	62	3,853	32	26
2019	156	78	3,931	36	29
2020	157	66	4,022	37	32

[1] Source: German Chamber of Patent Attorneys.

Year	Qualifying examination for patent attorneys		General powers of attorney		
	Number of examinees	Sucessful candidates	entered in the register	cancelled	registered at the end of the year
2016	160	155	792	88	32,824
2017	189	183	847	683	32,988
2018	171	165	702	70	33,620
2019	144	137	767	293	34,094
2020	163	155	573	318	34,349

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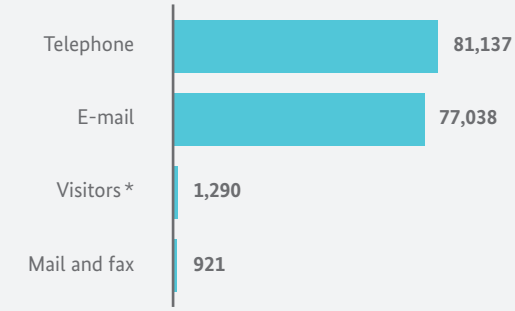

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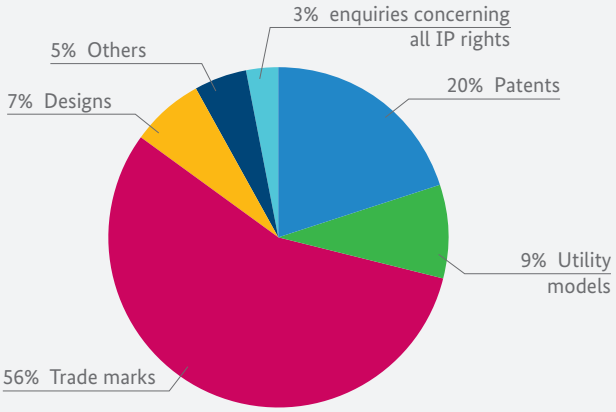

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