German Patent
and Trade Mark Office

Annual Report 2022

IP rights in f

INFO Patents

142,659
patents in force on 31/12/2022

45,498 (-6.2%)
examination procedures concluded

23,592 (+11.7%)
grants published

57,214
-2.3%
Applications in total and change in %

including applications from abroad
20,020
+6.8%

Online applications
90.8%
National patent applications

9,469
-10.5%
Applications in total and change in %

including applications from abroad
3,949
+11.3%

Online applications
73.4%
National utility model applications

INFO Utility models

70,253
utility models in force on 31/12/2022

9,848 (-13.1%)
registration procedures concluded

8,765 (-12.1%)
with registration

igures

INFO Trade marks

880,538
trade marks in force on 31/12/2022

75,053 (-18,1%)
registration procedures concluded

53,621 (-21,8%)
with registration

73,309
-16.4%
National applications in total and change in %

including applications from abroad
5,100
-12.6%

Online applications
81.2%
National trade mark applications

36,251
+16.6%
Registered designs in total and change in %

including applications from abroad
2,119
-23.2%

Online applications
89.7%
Design applications

INFO Designs

260,387
designs in force on 31/12/2022

4,840 (-13.7%)
procedures concluded
for a total of 39,866 designs*

4,213 (-11.8%)
with registration
for a total of 36,251 designs*

* A multiple application may contain up to 100 designs.

Contents

Dear readers,

"The German Patent and Trade Mark Office is a treasure that needs to be preserved." What a nice quote! Could appreciation be expressed any more clearly? My starting out with what seems like self-praise might leave you a bit puzzled. So let me clarify straightaway: The originator of this quote is not a member of our staff, but the President of the German Chamber of Patent Attorneys. The addressee was the Federal Minister of Justice, the occasion was the farewell-ceremony for my predecessor Cornelia Rudloff-Schäffer and my own inauguration.

I found this statement quite impressive. There is always something to criticise, is there not? Does the public not generally consider public authorities to be overly burdened by red tape? Are fees not by default perceived as too high? Official decisions as too bureaucratic? Of course, an inauguration is not exactly an occasion for rants. And of course, the patent attorney community voices criticism regularly. But nonetheless, I do not take such a heartfelt expression of general appreciation by the representation of a profession for granted.

Dear readers, as you might know, I have only been in office since February. I took over this position with delight and drive from day one, but naturally, I am not yet entirely familiar with the ins and outs of the system. Nevertheless, I believe that I understand what this statement refers to.

First of all, there is of course the considerable expertise of the DPMA: 146 years of experience and constant focus on quality have their effect. I believe the quality of the intellectual property rights granted and registered by our office to in general be undeniably up to the highest standards by international comparison. In my view, there is something else that adds to that: the spirit of partnership. The DPMA is not simply a higher federal authority, but also views itself as a service provider. We do not only have applicants; we also have customers. Along with the attorney community, inventors, companies, IP service providers and many other organisations, we are part of a big project that we all benefit from: commercial property rights and intellectual property rights assure progress, growth and wealth. That is worth cooperating for – and showing appreciation for each other.

Dear readers, I hope that this attitude is also reflected in this annual report, by the offers and services that are presented, but also by the different perspectives that we take into account. As your new DPMA President, I want to reach out to you for this kind of partnership. And concerning the opening quote, I would like to reassure you: We are quite aware of our actual role. We are not so much the treasure as we are the treasury for your technical innovations, trade marks and designs.

Enjoy reading and remain innovative!

Sincerely yours

Eva Schewior

In office since February 2023: President of the German Patent and Trade Mark Office (DPMA) Eva Schewior

Tasks and organisation

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

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

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

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

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

→ **Jena**
Sub-office with administrative and IT units as well as design division, an additional trade mark division and three patent divisions that are being established

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

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

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

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

Directorate General 2 – Information
- Information services for the public and internal information services: database search, library, classification systems, Customer Care and Services, Internet editorial office
- Support for the 19 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

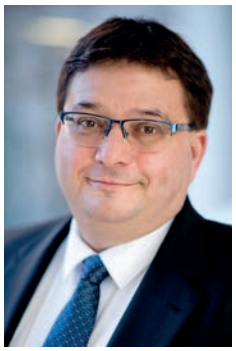
Directorate General 4 – Administration and Law
- 16 specialist areas in four divisions, occupational health management
- All administrative tasks, including personnel and facility management, organisation as well as budget and legal affairs
- Patent attorneys and other agents as well as supervision of 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
Eva Schewior



Vice-President
Bernd Maile

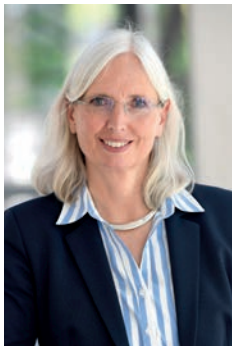
Vice-President
Ulrich Deffaa

Heads of the Directorates General

Directorate General 1
Patents and Utility Models
Dr Maria Skottke-Klein

Directorate General 2
Information
Dr Bernd Läßiger

Directorate General 3
Trade Marks and Designs
Barbara Preißner



Directorate General 4
Administration and Law
Katharina Mirbt

PATENTS

Performance figures in patent examination

Last year, the German Patent and Trade Mark Office (DPMA) concluded 45,498 patent procedures and, with 23,592 published grants, improved the previous year's figure by 11.7%. Consequently, the number of patent grants was the highest in more than 30 years. Granted patents make companies more attractive for investors and strengthen their competitiveness.

In 2022, the proportion of procedures concluded by the grant of a patent (grant rate) rose to 51.9% (2021: 43.5%). In 9,299 cases (previous year: 10,326), the application was refused – this corresponds to a proportion of 20.4% of concluded procedures (2021: 21.3%).

12,607 of the examination procedures were terminated because the applicant failed to pay the fees or withdrew the application, representing a proportion of 27.7% of concluded procedures (previous year: 35.2%).

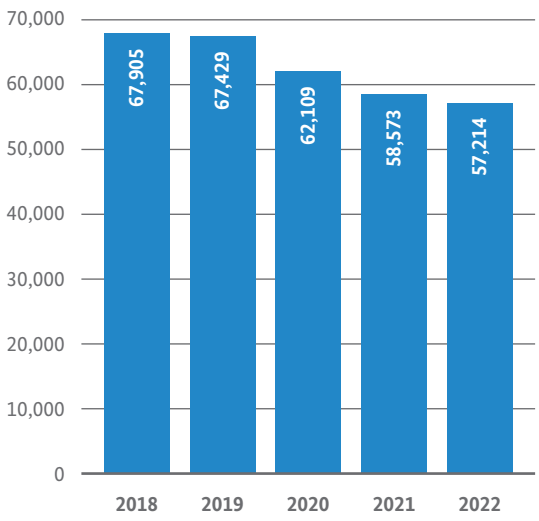
Development of patent applications

Compared to the decline during the coronavirus pandemic, the number of patent applications (applications with the DPMA and PCT applications in the national phase) stabilised slightly. With 57,214 applications in 2022, the number decreased only by a moderate 2.3%. These high application numbers show how important patents are for companies.

By far the largest part of the patent applications received, namely 50,209 applications, were filed directly with our office. 7,005 applications entered the national phase as PCT applications filed in accordance with the Patent Cooperation Treaty (PCT) through the World Intellectual Property Organization (WIPO) in Geneva.

A further increase in online applications by 2.3 percentage points shows that our electronic services are popular. The share of online applications thus increased to 90.8% of all national patent applications filed.

Patent applications at the DPMA



>> You will find our extensive statistics on patents in the chapter "Statistics" starting on page 73.

At the end of 2022, 142,659 national patents were in force, i.e. 5.9% more than in the previous year.

Origin of patent applications

In 2022, there was again a decrease in applications received from applicants having their domicile or principal place of business in Germany. In total, these applicants filed 37,194 applications for a patent (-6.6%). This means that the percentage of applications from Germany fell to 65.0%. This decrease might be explained by a structural change in innovation activity that particularly affects the German economy: While the number of patent applications from electrical engineering continued to increase, the number of patent applications from mechanical engineering and automotive decreased strongly. In these two fields, German applicants are traditionally very strong.

By contrast, the number of patent applications from abroad increased by 6.8% to 20,020 (2021: 18,746).

Last year, 3,502 applications came from European countries (2021: 3,372) and 16,518 from non-European countries (2021: 15,374).

Compared to the previous year, there was an increase of 22.4% in applications from Italy. The number of applications from Sweden (+12.5%), Austria (+10.9%) and France (+7.0%) also increased.

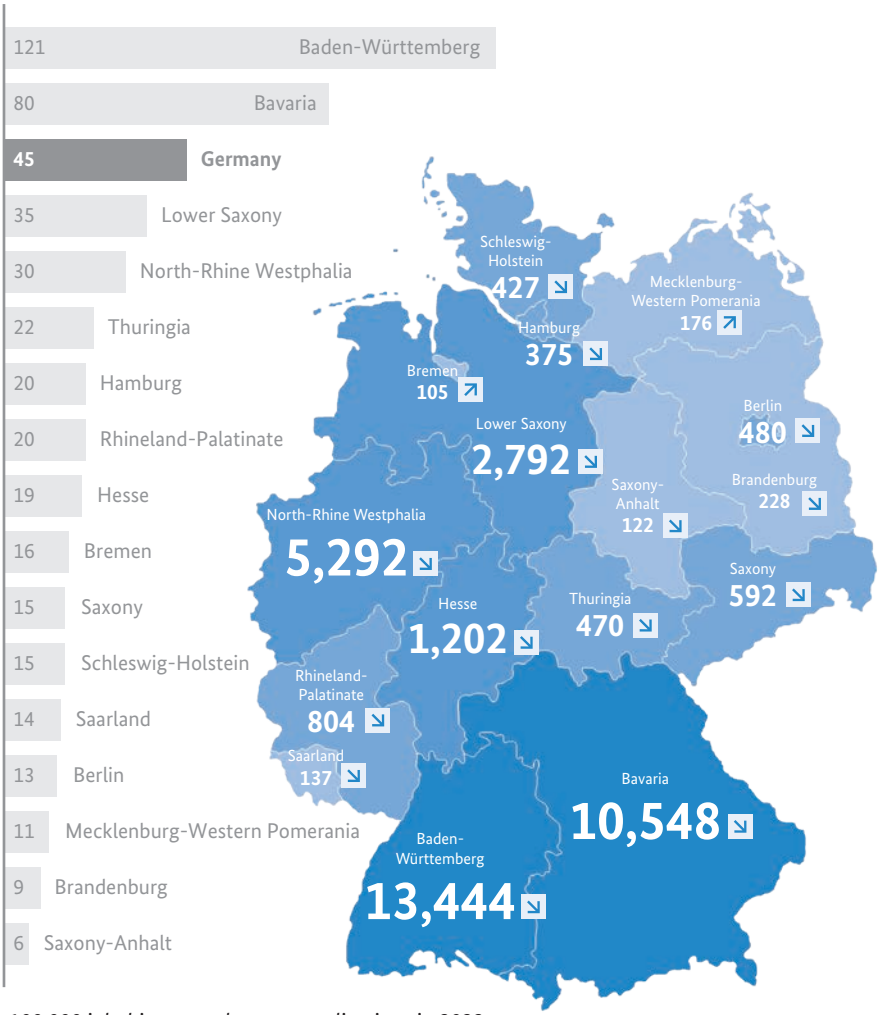
Patent applications in 2022 by country of origin (applicant's seat or place of residence) (Applications at the DPMA and PCT applications in the national phase)

	Applications	Percentage
Germany	37,194	65.0
United States	6,847	12.0
Japan	6,339	11.1
Republic of Korea	1,636	2.9
Austria	867	1.5
Switzerland	863	1.5
China	702	1.2
Taiwan	498	0.9
France	428	0.7
Sweden	360	0.6
Other	1,480	2.6
Total	57,214	100

The number of applications from China increased by 23.6%. Applications from the Republic of Korea (+5.0%) and Japan (+3.4%) slightly increased, too. The number of applications we received from the United States rose by 16.2% compared to the previous year.

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. Since 2019, the German *Länder* ranking had been led by Baden-Württemberg with 13,444 applications (-0.9%), followed by Bavaria with 10,548 applications (-11.2%), which again came second in the ranking. With 5,292 applications (-6.7%), North Rhine-Westphalia came third. With 2,792 applications (-6.5%), Lower Saxony took fourth place. Bremen (+2.9%) and Mecklenburg-Western Pomerania (+79.6%) were the only German *Länder* to achieve an increase in applications. As regards the remaining German *Länder*, there was a decrease in applications compared to the previous year.



Applications per 100,000 inhabitants and patent applications in 2022, broken down by German Länder (applicant's seat or place of residence)

If we compare the filing figures to the respective numbers of inhabitants, Baden-Württemberg and Bavaria were again in the lead with 121 applications and 80 applications respectively per 100,000 population. Lower Saxony (35) and North Rhine-Westphalia (30) came in third and fourth, respectively.

The most active companies and institutions

With 3,946 applications, Robert Bosch GmbH again led the ranking of the most active patent applicants in 2022. With 1,394 applications, ZF Friedrichshafen AG took third place, thus relegating Schaeffler Technologies AG & Co. KG, with 1,266 applications, from third place in the previous year to fourth place in 2022.

With 1,228 applications, Mercedes-Benz Group AG took fifth place, whereas Ford Global Technologies, LLC rose from seventh to sixth place (1,204 applications). With 1,109 applications, GM Global Technology Operations LLC, which came in nineth in the previous year, took seventh place in 2022, followed by VOLKSWAGEN AG on eight place (1,041 applications).

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

Inventors and applicants

Last year, 5.2% of our applicants filed more than ten applications each (2021: 4.5%). This means that 71.3% of all applications were filed by this group of applicants, referred to as large patent applicants.

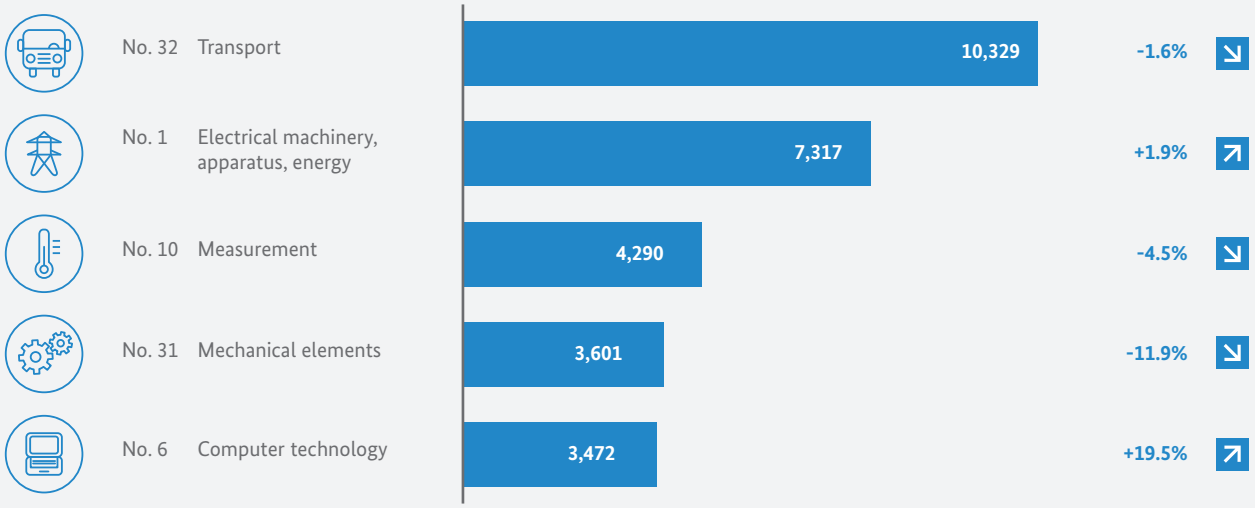
In the case of applications from companies and research institutions, a distinction is basically made between the organisation filing the application and the inventor as a natural person. However, in the case of employees with released inventions or in the case of independent inventors, the applicant and the inventor are usually identical. In 2022, the applicant and the inventor were identical in 4.7% of the applications (2021: 5.6%).

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 DPMA, every patent application is attributed to one or several IPC classes according to its technological content and forwarded to the examining section in charge at our office.

In 2022, despite a decrease by 1.6%, the technology field "Transport", with 10,329 applications, again ranked first among the top technology fields in terms of filing activity. A large proportion of applications came from the automotive industry.

TOP 5 Fields of technology[1]



Patent applications in 2022

Applications at the DPMA 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**.

Selected data on patent procedures

	2018	2019	2020	2021	2022
Examination requests received	47,135	47,347	43,351	43,346	43,126
- including requests filed together with applications	26,203	26,003	23,391	22,693	22,661
Search requests pursuant to section 43 Patent Act	15,680	15,843	14,244	14,967	14,592
Concluded searches pursuant to section 43 Patent Act	14,240	14,943	16,451	15,172	14,818
Examination procedures concluded	38,111	40,189	41,764	48,504	45,498
Examination procedures pending at the end of the year	220,490	227,262	228,442	222,962	220,174

With 7,317 applications (+1.9%), the technology field "Electrical machinery and apparatus, energy" again ranked second, once again followed by "Measurement", which came in third, with 4,290 applications (-4.5%).

In the electrical engineering sector, the field "Computer technology" experienced the biggest increase (+19.5%), which was certainly due to the increase in digitisation and in the use of artificial intelligence (AI) and machine learning. The strong technology field "Electrical machinery, apparatus, energy" also continued to increase (+1.9%), also because considerably more patent applications for batteries were received.

By contrast, there was a sharp decline in some technology fields in the mechanical engineering sector: Applications in the field "Engines, pumps, turbines" decreased by 17.9%. In this context, the foreseeable loss of significance of the internal combustion engine was certainly an important factor. Even in the traditionally very strong technology field "Mechanical elements", our office received significantly fewer patent applications (-11.9%). And there was a decline in applications relating to medical technology (-11.2%), which is part of the sector "Instruments".

Selected data on patent examination and search procedures

The number of filed requests for the examination of patentability pursuant to section 44 of the Patent Act (*Patentgesetz*) amounted to 43,126 and thus stabilised at the previous year's level.

Within the scope of such a request, the patent examiners identify the relevant state of the art by conducting a comprehensive search. Subsequently, an examination is conducted as to whether the subject matter of the application is new, involves an inventive step and is industrially applicable and whether exclusions from patentability possibly exist. Further criteria, for example sufficient disclosure, must also be met. The examining section can then decide whether and to what extent a patent can be granted or whether the application must be refused.

If an applicant wants to have the patentability of their application assessed without initiating an examination procedure, they can file a search request pursuant to section 43 of the Patent Act. The result of the search is often the basis for the decision of whether to file additional applications with other offices. In 2022, the number of search requests slightly decreased by 2.5% to 14,592.

In 2022, 2.3% fewer searches pursuant to section 43 of the Patent Act were concluded and 14,818 search reports were sent out.

Appeal proceedings at the Federal Patent Court

Parties can file an appeal against a decision – a patent granted not as requested, a refusal of the patent application or a decision in opposition proceedings. The Technical Boards of Appeal of the Federal Patent Court will then decide on such appeal. In 2022, contrary to the trend in the past years, we saw a considerable increase in appeal proceedings brought before the Technical Boards of Appeal: A total of 280 appeal proceedings were received, representing an increase of 127.6%. By contrast, the number of concluded appeal proceedings fell by 24.7% to 235. At the end of 2022, a total of 412 appeal proceedings were still pending at the Federal Patent Court.

IN FOCUS

Selected fields of technology

Digitisation

In 2022, the number of patent applications concerning digitisation again increased considerably in almost all sub-sectors. For our analysis, we took into account the applications published by the DPMA and the European Patent Office (EPO) with effect in Germany. Patent applications are published after 18 months. Compared to the previous year, the number of applications in the five selected fields of technology – audio-visual technology, digital communication, computer technology, IT methods for business management and semiconductors – once again rose by 7.4%. In particular, there was a significant increase in applications from the United States (+15.9%).

Computer technology

As in the previous year, the technology field "Computer technology" took first place. With 16,844 applications, this sub-sector once again saw the most considerable increase (+8.6%). Of great importance in this field are, especially, systems for image data processing, speech recognition and information and communication technology. The majority of applications concern innovations that use artificial intelligence or machine learning.

Digital communication

In 2022, applications concerning digital communication increased by 8.2% to 16,368 in total. Accordingly, this field of technology once again took second place. Many of the applications focus on wireless communications networks, the transmission of digital information or what is known as the Internet of Things (IoT). The digital communication field also includes inventions relating to the new 5G technology. Such innovations enable, for example, the communication of machines, control devices and sensors as well as remote control. In companies, the use such systems for intelligent process and production control ("smart factory") is now commonplace. In many households, too, these technologies are being used for the remote control of electrical appliances ("smart home").

Audio-visual technology

The audio-visual technology sector was the third largest, with 5,972 applications received (+6.8%). Location-independent working schemes are one reason why an increasing number of people use audio and video conferencing systems. The audio-visual technology field also covers applications concerning virtual reality. Thanks to virtual reality, simulations of surgical interventions can be carried out or driving lessons can be taken, for example for training purposes. With virtual reality glasses, users can immerse themselves in a virtual world and make journeys without having to physically leave their home.

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

Computer technology[2, 5]

Country	2021	2022	Change
United States	5,938	6,789	+14.3%
China	2,022	2,298	+13.6%
Germany	1,828	1,794	-1.9%
Japan	1,581	1,596	+0.9%
Republic of Korea	1,059	1,010	-4.6%
Other	3,077	3,357	+9.1%
Total[8]	**15,505**	**16,844**	**+8.6%**

Digital communication[2, 4]

Country	2021	2022	Change
United States	4,113	4,912	+19.4%
China	4,286	4,635	+8.1%
Republic of Korea	1,174	1,284	+9.4%
Sweden	1,266	1,260	-0.5%
Japan	1,338	1,258	-6.0%
Other	2,954	3,019	+2.2%
Total[8]	**15,132**	**16,368**	**+8.2%**

Audio-visual technology[2, 3]

Country	2021	2022	Change
United States	1,220	1,461	+19.8%
China	1,044	1,199	+14.8%
Japan	1,007	973	-3.4%
Republic of Korea	598	669	+11.9%
Germany	619	575	-7.1%
Other	1,102	1,095	-0.6%
Total[8]	**5,590**	**5,972**	**+6.8%**

[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, and considering IPC version 2023.01. IPC classes valid at the time of retrieval counted proportionately; without claim to completeness; results may be included that do not relate to digitisation.
[3] G09F, G09G, G11B, H04N 3, H04N 5, H04N 7, H04N 9, H04N 11, H04N 13, H04N 15, H04N 17, H04N 19, H04N 23; H04N 25, H04N 101, H04R, H04S, H05K.
[4] H04L, H04N 21, H04W.
[5] G06C, G06D, G06E, G06F, G06G, G06J, G06K, G06M, G06N, G06T, G10L, G11C, G16B, G16C, G16Y, G16Z.
[6] G06Q.
[7] H01L, H10B, H10K, H10N.
[8] Due to rounding differences, the values added together may deviate from the total.

The combination of digital and physical life is referred to as augmented reality. Special glasses or a smartphone camera are used to show users virtual information in their physical environment – for example virtual markers during the transmission of a football match to visualise the distance to the goal before a free kick is taken.

Semiconductors

Compared to the previous year, we also saw a considerable increase (+7.4%) in the technology field "semiconductors". Applications primarily focused on semiconductor components and solid state electrical components or assemblies of components. The use of semiconductors is crucial for making fast-progressing digitisation possible in all fields of application.

IT methods for business management

In this field of technology, there was again a slight decrease (-2.9%) in applications to 2,588. Innovations in this field describe services such as reservations and event bookings, for workflow control, for corporate or organisational planning and for materials or inventory management. Applications also concern networked mobility such as autonomous driving. The networking of an increasing number of end devices, control systems and machines generates very large amounts of data (big data). These data can be processed and stored in a decentralised way by using what is known as cloud computing. Many servers, storage media, databases and analysis options are made available via the Internet for this purpose.

Semiconductors [2, 7]

Country	2021	2022	Change
United States	879	1,095	+24.6%
Japan	1,006	1,071	+6.5%
Republic of Korea	782	770	-1.5%
Taiwan	683	611	-10.5%
Germany	644	585	-9.2%
Other	1,086	1,325	+22.0%
Total [8]	**5,080**	**5,457**	**+7.4%**

IT methods for business management [2, 6]

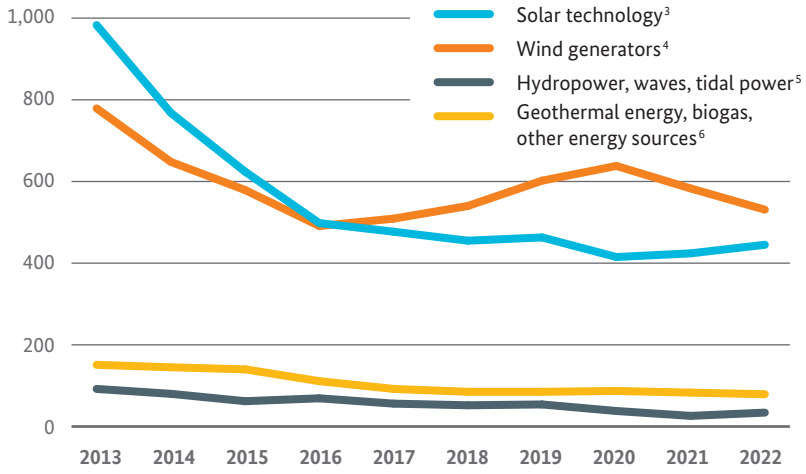
Country	2021	2022	Change
United States	984	960	-2.4%
Japan	361	403	+11.6%
Germany	375	338	-9.9%
China	131	142	+8.4%
Republic of Korea	102	124	+21.6%
Other	711	621	-12.7%
Total [8]	**2,665**	**2,588**	**-2.9%**

Renewable energy sources

The development of climate-friendly technologies is very important for German companies, in particular in the German market. For this reason, we have carried out an analysis of the patent applications with effect in Germany published by the DPMA and the EPO that concern renewable energy sources and battery technology as the central storage technology.

As regards solar technology and other regenerative energy sources such as geothermal energy and biogas, Germany took first place in the application number ranking. As in the previous year, Denmark leads the ranking for wind generators, which represent the field of technology with by far the most applications filed; Germany came in second. In the sub-sector "hydropower, waves and tidal power", the ranking was led by the United States, again followed by Germany. In 2022, as in previous years, we saw a slight decrease in published patent applications concerning renewable energy sources (-2.4%). Solar technology, however, continued its slight upward trend (+5.0%). The continuation of uncertain economic and political framework conditions could be one reason why there has been stagnation in the past seven years. Nevertheless, renewables are among the most important power sources in Germany; the federal government's aim is to develop renewables as a central pillar of the energy transition.

Development of patent applications effective in Germany [1] in selected fields of renewable energy [2]



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

BRIEFLY EXPLAINED ... The PCT System

One single application, international protection

Would you like to protect your invention internationally? Thanks to the Patent Cooperation Treaty, it is possible to obtain protection in up to 155 countries on the basis of one single patent application. New regulations make the PCT System even more appealing.

The Patent Cooperation Treaty or PCT is a treaty under international law with more than 155 Contracting States which is administered by the World Intellectual Property Organization (WIPO). Rather than filing several separate applications on national and regional levels, applicants can obtain patent protection in many countries with one single international patent application under the PCT System. The application procedure consists of two phases: The international phase starts with the filing of a PCT application with a "receiving Office". An International Searching Authority then carries out a search for the relevant prior art. During the subsequent national/regional phase, the patent eligibility is checked against the relevant national/regional regulations of the designated states and a patent is granted where appropriate. The German Patent and Trade Mark Office accepts PCT applications as a receiving Office and grants patents as a "designated Office" in the national Phase. The PCT System is of great importance to patent applicants from Germany, who have been among its top users for years.

In order to make the PCT System even more appealing to applicants in Germany, the legislator – with considerable contribution by the German Patent and Trade Mark Office – has adopted three changes in legislation that entered into force in the year 2022:

Extension of the time limit for entry into the national phase

The Second Act to Simplify and Modernise Patent Law (*Zweites Gesetz zur Vereinfachung und Modernisierung des Patentrechts, 2. PatMoG*), effective as of 1 May 2022, extends the time limit for entry into the national phase of a PCT application from 30 to 31 months after the application date or, where applicable, the priority date. Applicants now have one extra month to pay the fee for entry into the national phase to the German Patent and Trade Mark Office and, where applicable, to submit the German translation of the application (Article III sections 4 and 6 of the Act on International Patent Conventions – *Gesetz über internationale Patentübereinkommen, IntPatÜbkG*).

Signatureless PCT applications via "ePCT"

Since 1 July 2022, it has been possible for applicants to simply file applications with the German Patent and Trade Mark Office as the receiving Office online via the WIPO application system "ePCT". ePCT is a secure browser-based system offering a wide range of functions. Users can log in to ePCT using their WIPO Account to access the latest bibliographic data and documents on record at the International Bureau (IB). During this process, it is not necessary to apply a signature using a signature card. The Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office (*Verordnung über den elektronischen Rechtsverkehr beim Deutschen Patent- und Markenamt, ERVDPMAV*) has been changed in order to open this new and modern submission channel.

New Standard ST.26 for filing applications disclosing sequence listings

For patent and utility model applications filed on or after 1 July 2022, a requirement for the submission of any corresponding sequence listings as electronic document in XML format has been in place since 1 July 2022. The legal requirements of the Ordinance on Patent Procedures before the German Patent and Trade Mark Office (*Verordnung zum Verfahren in Patentsachen vor dem Deutschen Patent- und Markenamt, PatV*) and the Ordinance Implementing the Utility Model Act (*Verordnung zur Ausführung des Gebrauchsmustergesetzes, GebrMV*) have been amended accordingly. The reason for the revision is the new international WIPO Standard ST.26 for the presentation of nucleotide and amino acid sequence listings. Replacing the Standard ST.25, this new standard modernises and specifies the global requirements regarding content and form of sequence listings, aiming to enhance their usability. WIPO provides the software "WIPO Sequence" for the creation of sequence listing files complying with the ST.26 format.

Consult our websites on international patent applications for further information.

https://www.dpma.de/english/patents/protection_outside_germany/international_applications_pct/index.html

INTERVIEW

„We would be less innovative without immigration"

Dr Oliver Koppel, patent expert at the German Economic Institute (IW), on immigrants' contribution to innovation in Germany, a shift in awareness in labour market policies and the share of patent applications by women by international comparison.

Dr Koppel, for several years, you have been conducting a study on immigrants' contribution to innovation in Germany. Where would this country be without immigration?

According to our findings, at this point, at least one out of eight patent applications from Germany can be entirely attributed to inventors of foreign origin. This contribution has increased considerably over the years. Without these inventors' contribution, innovative capacity in Germany would even have been decreasing for a couple of years.

Why do immigrants contribute so substantially to innovation?

German immigration policy from 2010 onwards has been very successful. The groundwork was laid by embracing the obvious reality that Germany is a country of immigration. The rules authorising residence were simplified, labour market integration became easier. For example, young people coming from abroad who attend German universities have the perfect immigration potential. They are familiar with the culture; they usually speak our language quite well and they have already started networking. But we used to just send them away right after their graduation. Now we try to encourage them to also take up work in Germany.

Which countries bring us most inventors with foreign roots?

Inventors from the East and Southeast of Europe make up the largest share. They come from Poland, Hungary, Czech Republic and, for several years now, Bulgaria and Rumania. But we see the highest dynamic in the immigration of inventors from third countries, especially from the Chinese and Indian speaking regions. Speakers of the Arabic and Turkish languages are more and more present as well.

Are immigrants more inventive than locals?

I do not think so, and that is not what we are trying to show in the study. The decline in patent activity by Germans who have always been residents here is simply due to demography. There are fewer and fewer

Dr Oliver Koppel, German Economic Institute, Cologne

of us, and labour market policy is reflecting that. As companies are designed to make profit, they mainly go for diversity, because it is useful for them in practice. And this is also reflected in innovation activity. When it comes to immigrants, we are facing a challenge that is very similar to the stronger integration of women.

What share do patent applications by women make up by international comparison?

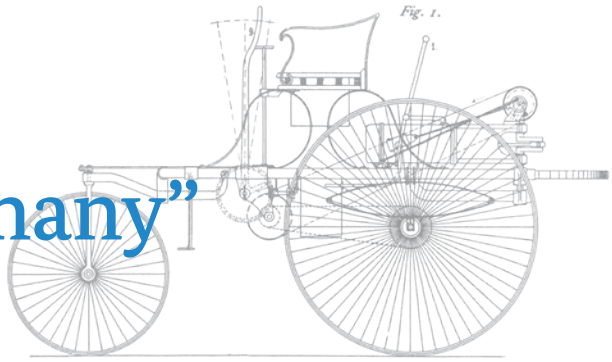
The result for Germany is very disillusioning. Less than four percent of patent applications from the German speaking regions can be attributed entirely to female inventors. By contrast, we see a share of 15 to 20 percent of female inventors in patent applications from speakers of Chinese and Indian languages. The share in applications from Eastern Europe is even as high as up to 25 percent. That really is surprising, as more and more women hold university degrees in the fields of technology and science. So, there is still a lot to be done in order to tap the potential of female inventors from the German speaking regions.

More information about the study by IW Köln e.V. under:

https://www.iwkoeln.de/en/studies/maike-haag-enno-kohlisch-oliver-koppel-migration-prevents-decline-in-patent-activity.html

PERSPECTIVE

Patents “made in Germany”



Dr Maria Skottke-Klein

Automobile, X-ray tube, computer: For almost 150 years, the German patent has not only protected outstanding innovations, its high degree of validity has also been an important success factor for Germany as an exporting nation. The introduction of the European Unitary Patent also gives applicants new options in the German system.

There was stuttering and shaking – and more than a few people probably expected the ride to end unhappily: On 5 August 1888, Bertha Benz drove with her sons in a “Motorwagen Nummer 3”, designed by her husband Carl Benz, approximately 100 kilometres from Mannheim to her hometown Pforzheim in order to see her mother. A daring journey. Never before had such a long ride been taken by motor vehicle. But Bertha Benz reached the destination unharmed, showing that motor vehicles can be used as means of transport in everyday life – and thus paving the way for the automotive industry in Germany.

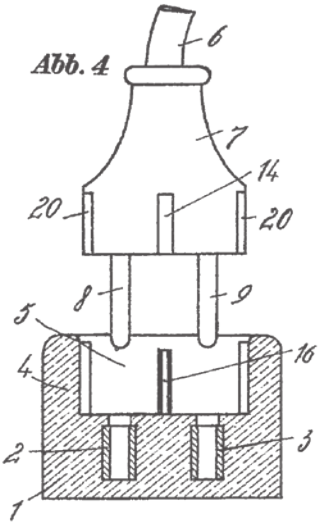
Engineering skills, courage and pioneering spirit – this combination has always strengthened German industry. Another factor that has also been crucial for the success of industry for almost 150 years often goes unmentioned. It was also relied on by Bertha and Carl Benz. For all audacity, the entrepreneurial couple counted on security from the outset: In 1886, they filed the automobile with the Imperial Patent Office and were granted a patent for their “Motorwagen Nummer 1”. They were aware that technological innovations need protection in the competition at national and international level. Only on this basis, such innovations can unfold their full economic potential and thus create growth, prosperity and jobs.

Refrigerator, X-ray tube, first freely programmable computer, MP3 process – the list of outstanding innovations protected by the Imperial Patent Office and its successor offices – now the German Patent and Trade Mark Office – is long. Increasing application numbers have expressed the great trust of industry in the German IP authorities. Engineering skills and entrepreneurial spirit on the one hand and excellent examination quality resulting in highly valid patent protection on the other hand have been the success factors of Germany as an exporting nation for many decades.

Engineering skills and strong patent protection are the success factors of our exporting nation.

Over the decades, the IP systems have continued to develop. In the context of European integration, it has been possible since the 1970s to apply for European patents at the European Patent Office (EPO) – as what are referred to as bundle patents

Dr Maria Skottke-Klein has been Head of Directorate General “Patents and Utility Models” since April 2022. After joining the DPMA in 1991, she initially worked as a patent examiner, then as Head of a patent division, as Head of a cluster and as Head of Directorate General 2 (Information). Dr Skottke-Klein studied chemistry at Ludwig-Maximilians-Universität München. She did a doctorate at the Fritz Haber Institute of the Max Planck Society in Berlin.



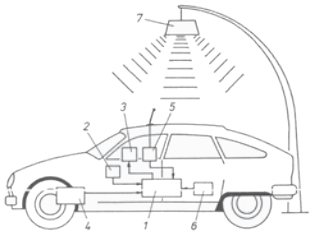
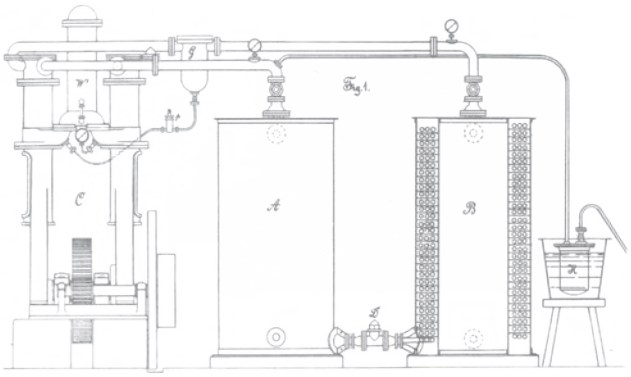


Fig. 2



for which applicants themselves can select the states of protection. This year, a new protection option will be introduced: the European Unitary Patent. If you select this option at the EPO, you will automatically obtain protection in the entire territory of the participating states, that is, initially 17 countries, including Germany. The DPMA congratulates the EPO as our partner office on the new option it offers! In the interest of our users, too, we appreciate the new protection option.

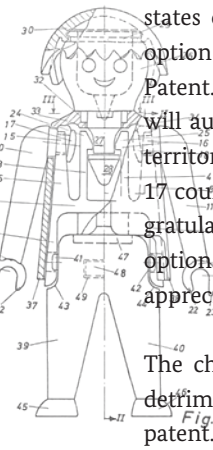
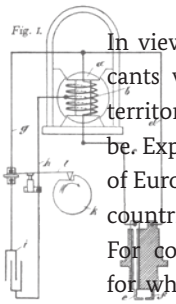


Fig.1

The changes of the past decades have not been detrimental to the attractiveness of the German patent. The national and European systems have complemented each other rather than competing with each other. Neither will the current development challenge our national IP right. I personally even believe that, in the future, the German patent might become even more attractive for many applicants.



In view of the new Unitary Patent, many applicants will carefully assess how large the actual territorial scope of protection of the patent has to be. Experience shows that a very large proportion of European patents claim protection in only a few countries – including Germany in almost all cases. For companies operating in a technology field for which the extraordinarily important German market and possibly one or two additional markets are strategically sufficient, selective patent strategies with national applications at the DPMA will remain attractive. Especially as, after Brexit, the United Kingdom is not covered by the Unitary Patent system. If you seek protection there, you need a national British patent anyway.

Costs and risks play an important role in making a decision on patent strategies: An application made in the Unitary Patent system causes higher costs than an application for one or two national patents. In addition, the Unitary Patent is more prone to challenges by competitors from abroad and can thus increase the risk of infringement and revocation proceedings.

Flexibility is a considerable asset to the German patent system. From the filing date, you have seven years to file an examination request. In the examination procedure, you can fully revert to the original disclosure in order to amend your patent claims and thus the requested scope of protection. Should you disagree with a decision made by the DPMA, there are low-cost options to lodge an opposition and make an appeal. Unlike the European system, the German system does not provide for an extinction of the exercise of a right.

> *You can count on our expertise, our experience and the quality of our examinations.*

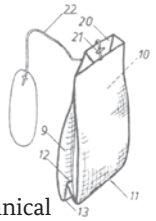
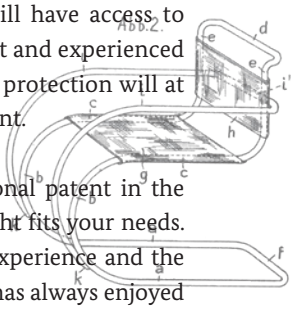


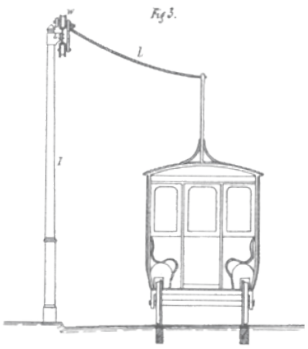
Fig.7

Moreover, the DPMA focuses its examinations largely on the technical content of an application. Formal aspects are of minor relevance to the examination of the patentability of the filed invention. Thanks to relevant decisions by the Federal Court of Justice, we are now also well prepared for the consistently growing number of computer-implemented inventions. If a technological problem is solved using technology, we will usually consider the related software to be patentable too.

And if you wish to use the European Unitary Patent, you will also have new options in the German system: The Unitary Patent can be combined with or complemented by a national patent with an identical scope of protection and the same priority. This double protection can offer applicants considerable advantages, especially in the case of a legal dispute. In addition to the new Unified Court system, you still have access to established national courts with their highly competent and experienced judges. If your patent is revoked at European level, the protection will at first continue in Germany because of the national patent.



This means that all signs speak in favour of the national patent in the future as well. It is for you to decide whether this IP right fits your needs. In any case, you can still count on our expertise, our experience and the quality of our examination. Technology from Germany has always enjoyed an excellent reputation worldwide. Our ambition is to live up to that reputation: We grant patents “made in Germany”!



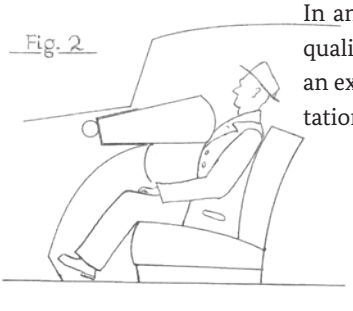


Fig. 2

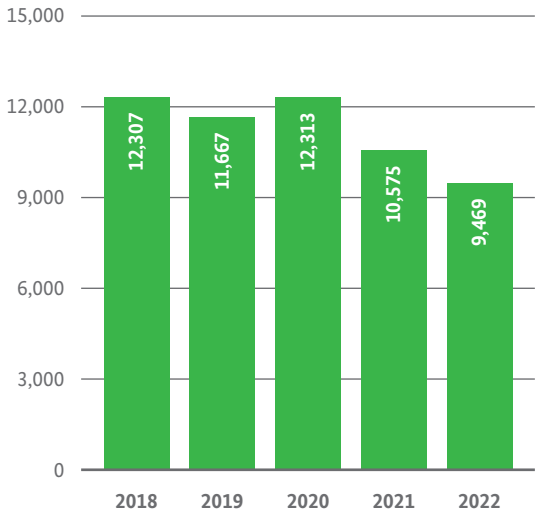
UTILITY MODELS

>> You will find our extensive statistics on utility models in the chapter “Statistics” starting on page 79.

Development of utility model applications

In 2022, the decline in utility model applications in the past years, which was interrupted as a result of a significant increase in the technology field “Other Consumer goods” (community masks, respirator masks, etc.) in the pandemic year 2020, continued. Only in the technology field “Electrical engineering”, there was an increase in applications compared to the previous year, whereas there was a decline in utility model applications in all other sectors. 73.4% of the utility model applications were filed via the electronic services of the DPMA, an increase of 8.5 percentage points compared to the previous year.

Utility model applications
at the German Patent and Trade Mark Office



Development of utility model applications in detail

After 10,575 utility model applications in the previous year, a total of 9,469 applications were received by the office in 2022; this corresponds to a decrease of 10.5%. During the same period, the number of utility model applications split off from patent applications fell to 983 (previous year: 1,225). The Utility Model Unit entered 8,765 utility models into the register; this means that 89.0% (previous year: 88.0%) of the concluded registration procedures in 2022 were successful for the applicants. 1,083 applications did not result in a registration because of withdrawals of applications or refusals or for other reasons.

In 2022, the term of protection was renewed for a total of 17,631 utility models (previous year: 18,176) after payment of the maintenance fee. The number of utility models which lapsed, for example due to the expiry of the maximum term of protection or because no request for renewal had been filed, dropped from 12,129 in the previous year to 11,270.

At the end of 2022, 70,253 valid utility models were registered at the DPMA (previous year: 72,738).

Origin of utility model applications

In 2022, foreign applicants kept up a strong interest in German utility models. The number of applications from abroad increased considerably, against the overall trend: from 33.5% (3,547 applications) in the previous year to 41.7% (3,949 applications). Compared to the previous year, there was a sharp decline in the number of PCT applications in the national phase; the number of these applications fell from 647 to 408. 5,520 utility model applications (58.3%; previous year: 66.5%) came from Germany. The majority of foreign applications came from non-European countries (2,939; previous year: 2,402), whereas the number of applications from European countries (excluding Germany) fell to a total of 1,010 (previous year: 1,145).

The People's Republic of China defended its leading position with 1,158 applications (previous year: 1,189) and a proportion of 12.2% of all applications. With a proportion of 6.8% of all applications, India took second place for the first time. In 2022, too, the remarkable upward trend of the numbers of applications from India continued with a stunning increase from 77 applications in the previous year to 644 applications. The two countries were followed by the United States with a proportion of 3.8%. There were 187 applications (2.0%) from Austria and 185 applications (2.0%) from Switzerland.

Utility model applications by German *Länder*

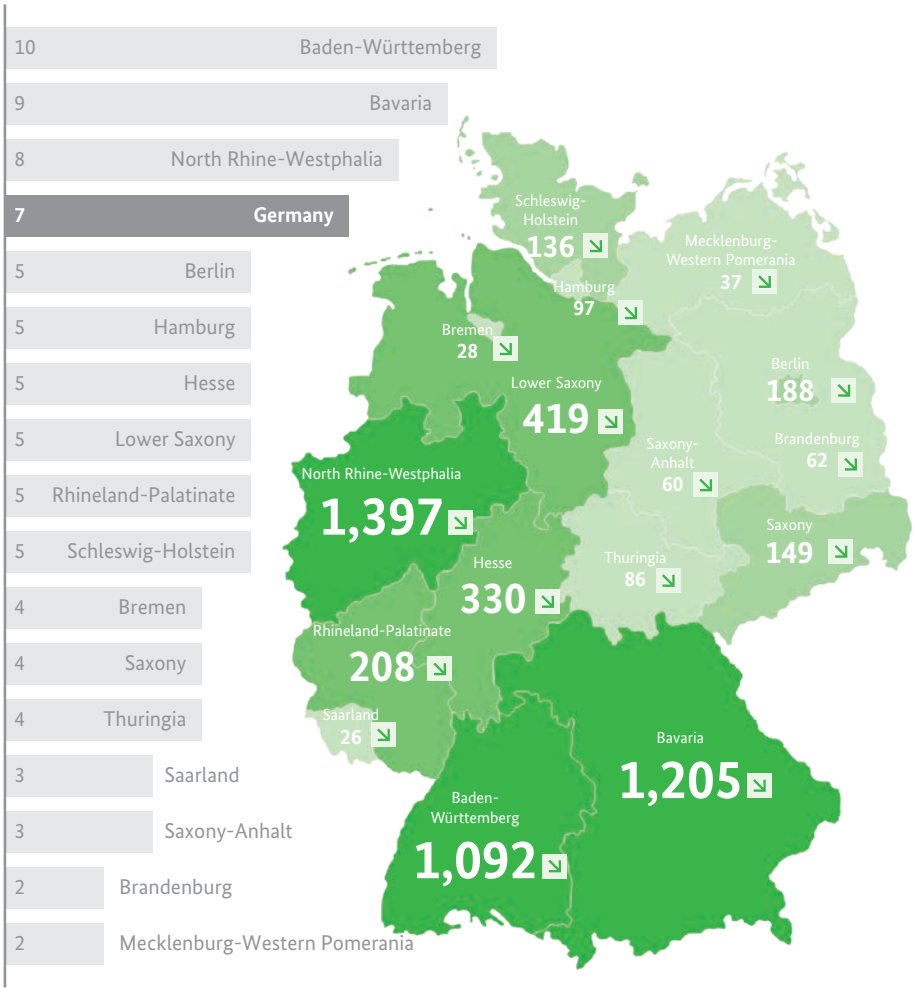
With 1,397 applications, North Rhine-Westphalia was still the undisputed leader in the *Länder* ranking (25.3% of all domestic applications), followed by Bavaria and Baden-Württemberg with 1,205 applications (21.8%) and 1,092 applications (19.8%), respectively. If you look at these figures in relation to the size of the population of each German Land, Baden-Württemberg leads the ranking with 10 applications per 100,000 inhabitants, followed by Bavaria and North Rhine-Westphalia with 9 and 8 applications, respectively.

Split-off option

Due to the decrease in split-offs by 242 to 983, the percentage of split-offs in relation to the total number of applications also fell from 11.6% of all applications in the previous year to 10.4%. This means that many patent applicants still use the low-cost and quickly effective utility model as an accompanying measure in order to be able to effectively take action against the copying of their innovation as long as the pursued patent protection has not yet been granted. If split off from a patent application, the utility model in many cases perfectly completes this IP right. In the case of a split-off, the filing date of the earlier patent application can also be claimed with respect to the (later) split-off utility model.

Utility model applications in 2022 by country of origin (national applications at the DPMA and PCT applications in the national phase)

	Applications	Percentage
Germany	5,520	58.3
China	1,158	12.2
India	644	6.8
USA	356	3.8
Taiwan	317	3.3
Austria	187	2.0
Switzerland	185	2.0
Republic of Korea	153	1.6
Italy	127	1.3
Japan	107	1.1
Other	715	7.6
Total	**9,469**	**100**



Applications per 100,000 inhabitants and utility model applications in 2022, broken down by German Länder (residence or principal place of business of the applicant)

TOP 5 Fields of technology[1]

Utility model applications in 2022
Applications at the DPMA 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**.

Search pursuant to section 7 of the Utility Model Act

Following the application, utility models are simply registered; there is no substantive examination of the invention. This is an essential difference from patents. The applicant can reduce the resulting higher risk that the utility model 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.

Last year, 1,272 effective search requests were received by the DPMA (previous year: 1,489) and 1,423 searches were concluded (previous year: 1,742).

Cancellation of utility models

Cancellation proceedings are an efficient instrument to subsequently clarify the protectability of an initially unexamined utility model. Compared to the large number of requests in the previous year (110), the number of requests for cancellation received in 2022 was 72 and thus significantly lower.

A utility model can be cancelled upon request only. Anyone can file a cancellation request; neither the looming risk of an infringement dispute nor an economic interest is necessary. A fee of 300 euros is due upon filing of the request. The request for cancellation must contain a sufficient statement of reasons. In particular, any conflicting prior art should be cited in the cancellation request.

2022 was mainly characterised by efforts to conclude those cancellation proceedings involving oral hearings that could not be concluded during the pandemic.

The most frequent reason for cancellation is that the invention protected under the utility model cannot be protected. An invention can be protected under a utility model if it is new compared to the state of the art and involves an inventive step. In cancellation proceedings, it is also possible to examine whether there has been an inadmissible extension of the subject matter or whether the utility model has been applied for by an unauthorised person (usurpation).

In the year under review, a total of 99 proceedings were finally concluded.

80 YEARS AGO

Paul McCartney: The Beatle and his bass

Sir Paul McCartney

Paul McCartney, maybe the greatest musical genius in the pop music world, celebrated his 80th birthday in 2022. It was a stroke of luck that, once upon a time, he started working with a few other fairly talented musicians from Liverpool. The Beatles became the most popular and, at that point, the most successful band of all time – also with a little help from technology that came from Bubenreuth.

We are approaching Sir Paul from an IP rights perspective. In order to do that, we are going to take a look at his main instrument: the bass guitar. Paul McCartney originally played the guitar as a member of the Beatles. But when Stuart Sutcliffe left the band in Hamburg in 1961, Paul McCartney had to replace him, taking up bass guitar. Paul McCartney looked for an instrument on Jungfernstieg boulevard. "There was this bass which was quite cheap," he recalled later on. The "Höfner 500/1", also referred to as the violin bass, cost affordable 287 deutsche mark at the time.

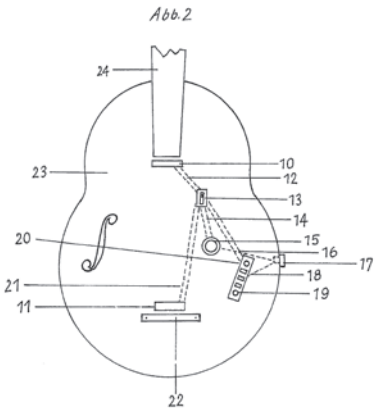
In contrast to Jimi Hendrix, for example, who simply played an upside-down right-handed guitar, Paul McCartney attached importance to the look: "I thought it looked better on me as a left-hander because of its symmetry." He was also enthusiastic about the instrument's low weight and good playability. The Höfner bass became his favourite instrument and world famous as the "Beatles bass".

Similar to the classic string instruments, the shape of which it is based on, the 500/1 bass guitar has a soundbox made from maple with a spruce top, although it lacks sound holes. One particularity of the electronic bass are the three sliders, which, in addition to the two potentiometers, serve as volume control for the pickup. The technical foundation is provided in utility model DE1788259U, applied for by Höfner in 1958:

"With the potentiometer, the electrical equipment can be completely switched off and set to the desired outermost volume at the start of playing, i.e., to that volume which the musician desires during solo playing. When playing rhythmically, i.e. with audible accompaniment, he operates one of the three slide switches inserted in the plate, which causes the set full volume to be reduced as required. In addition, the player, regardless of whether he is playing rhythm or solo, can change the timbre by setting one slide switch to bright and the next slide switch to dull. These two slide switches cut either the lower or the upper tone frequencies."

Höfner, a traditional company from Bubenreuth in Bavaria, advanced instrument making with a number of utility model applications during these years, such as a "tone vibration controller for plucked instruments" that allowed a vibrato effect to be switched on directly at the instrument (DE1806362U).

A "device for generating spatial auditory impressions on plucked instruments" provided for two pickups mounted as far apart as possible on the instrument's top and a tandem controller that mixes the audio frequency voltage in equal parts. Thus, "a spatial listening impression of very special effect is achieved" (DE1806844U).



DE1806844U

This innovation was also used on the violin bass. Paul McCartney bought another Höfner bass with this modification in 1963 – by which time the Beatles were already world famous. It became his new main instrument and has remained so (with interruptions) until today. You can still see both of them live on stage today.

However, the first bass, the one he had bought in Hamburg, disappeared in 1969 during the shooting of the "Get back" movie project. It is the most famous stolen instrument in the history of rock.

TRADE MARKS

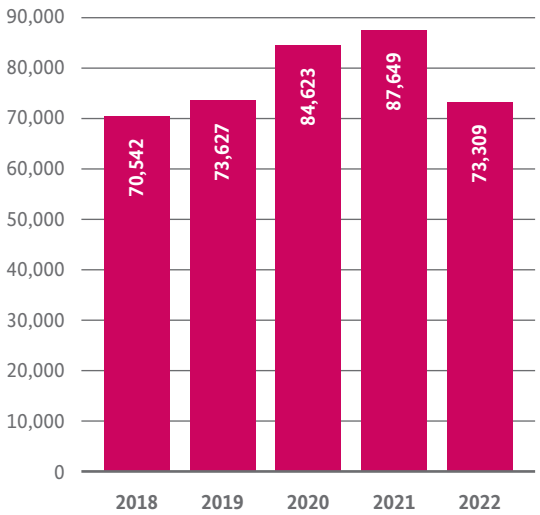
Development of trade mark applications

With 77,427 trade mark applications at the DPMA in 2022, the rapid increase seen during the years of the pandemic came to an end. The number of applications was about the same as in 2019 (78,823 applications). This means that, compared to the previous year (92,335 applications), there was a decrease of 16.1%. The 77,427 applications included 73,309 applications and 4,118 international requests for protection in Germany, which were transmitted to us by the World Intellectual Property Organization (WIPO). Accordingly, there was also a decline in registrations, from 68,609 in 2021 to 53,621 in 2022. Since about as many applications as in the previous year were withdrawn (13,326), the number of procedures pending at the end of the year fell from 23,349 to 21,862.

In 2022, the highest number of applications from abroad once again came from China (2,231), followed by the United States (476). For foreign applicants, obtaining trade mark protection in Germany is, in many cases, more attractive via WIPO or an EU trade mark at the European Union Intellectual Property Office (EUIPO). However, the number of applications at EUIPO also decreased, namely from 197,989 in 2021 to 174,152 in 2022 (-12.0%). This means that there were fewer applications than in the first year of the pandemic (177,251 in 2020) but more than in 2019 (160,568).

Last year, applicants from Germany filed 23,631 EU trade mark applications and were thus the largest group of applicants, just ahead of China with 21,827 applications.

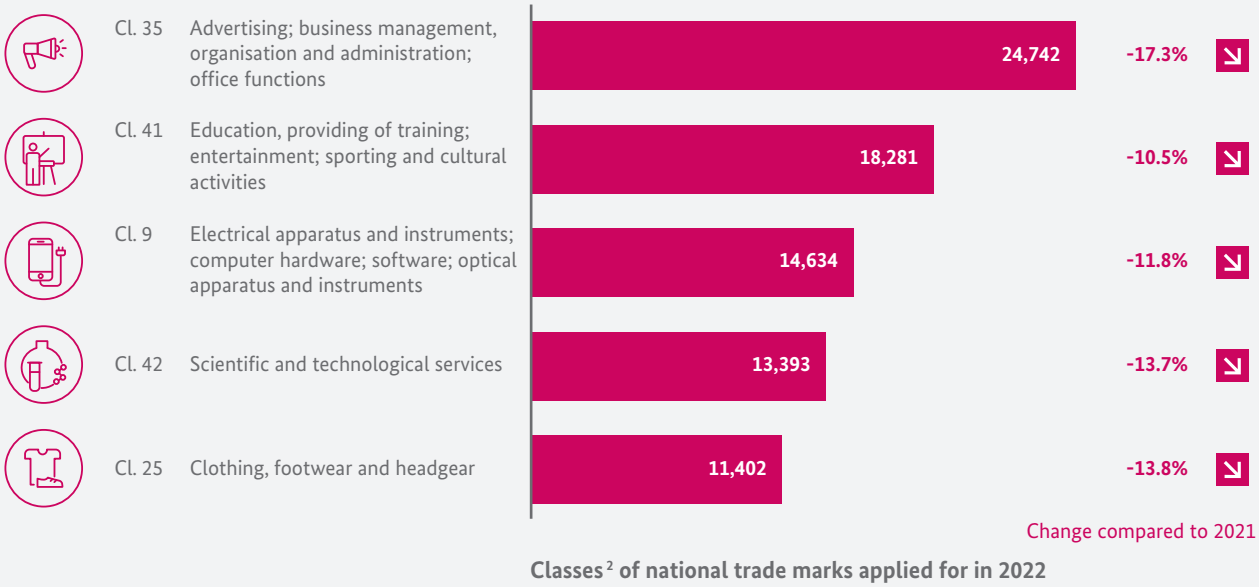
National trade mark applications
at the German Patent and Trade Mark Office



>> You will find our extensive statistics on trade marks in the chapter "Statistics" starting on page 82.

Despite the high number of applications at EUIPO, the situation was the same as in the previous years: Only around 25% of the applicants from Germany file EU trade mark applications, while 75% of the applicants file national trade mark applications at the DPMA. Many small and medium-sized enterprises (SMEs) often operate in a limited market, so a national IP right is sufficient.

TOP 5 Classes of goods and services [1]



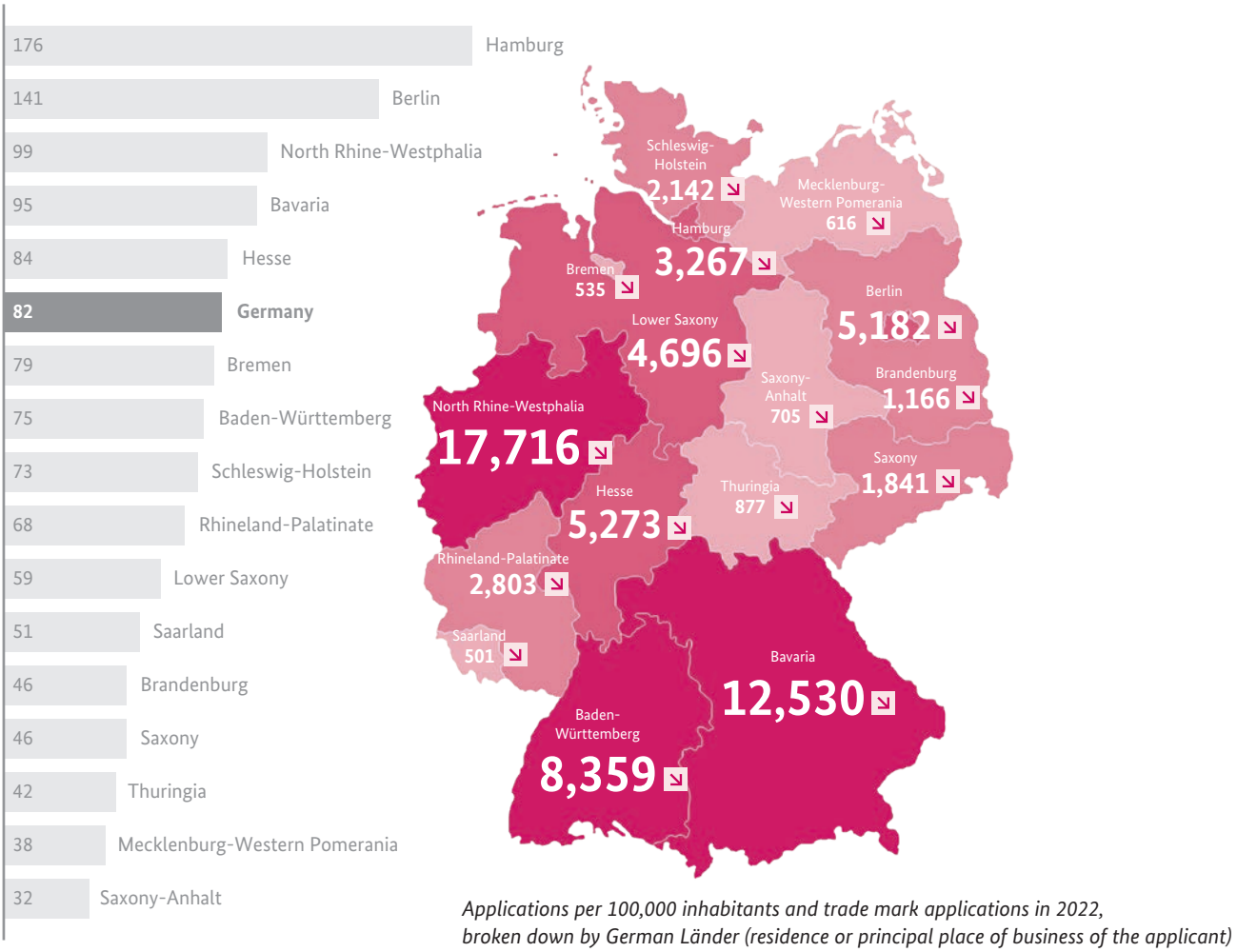
[1] Class heading according to current version of the Nice Classification, available at: **www.dpma.de/english/trade_marks/classification/goods_and_services/nice_classification/index.html**.
[2] A trade mark application can be attributed to several classes.

Trade mark applications by class

As in the previous year, class 35 (advertising; business management, organisation and administration; office functions), class 41 (providing of training; entertainment; sporting and cultural activities) and class 9 (electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments) were the classes most frequently indicated in applications. Class 35 was indicated in 24,742 trade mark applications, i.e. in one out of three trade mark applications. The situation was a bit different with regard to the EU trade mark applications at EUIPO, as class 9 was the class most frequently indicated, followed by class 35. Taking a look at the changes in the individual classes, the significant decreases with respect to foodstuffs and beverages are striking. After a strong increase during the pandemic, there was a 25% decrease in applications in food classes 29 and 30 compared to the previous year. Decreases were less significant in class 2 (paints; varnishes; lacquers; inks for printing) (-3.0%), 34 (tobacco; smokers' articles) (-4.2%) and 4 (industrial oils and greases; fuels) (-4.8%).

Applications by German *Länder*

Most applications per 100,000 inhabitants once again came from the city states of Hamburg and Berlin, both cities where many companies are based. The territorial states North Rhine-Westphalia, Bavaria and Hesse with their high proportion of manufacturing industries followed, with Nord Rhine-Westphalia overtaking Bavaria and taking third place. Hesse overtook the city state of Bremen and thus also ranked among the top 5 *Länder*.



Applications per 100,000 inhabitants and trade mark applications in 2022, broken down by German Länder (residence or principal place of business of the applicant)

Selected data on trade mark procedures

In 2022, the three millionth trade mark since 1 October 1948 was applied for at the DPMA. From this date onwards, filing trade marks at the receiving units for patent, utility model and trade mark applications in Darmstadt and Berlin was possible again after the fall of the German Reich. The new applications and registrations since then amounted to 3,048,485 and 2,066,462, respectively. A trade mark category created in 2019, the certification mark has so far been applied for 330 times; there have so far been 284 applications for collective marks. Both trade mark categories are not suitable for all applicants, but only for certain applicants such as certifying bodies or associations; one of the requirements is the submission of regulations governing use of the mark. The word mark is by far the most sought-after type of trade mark. Out of the 73,309 national trade mark applications, 43,705 applications were word marks. By contrast, new types of trade marks such as sound marks, three-dimensional marks in new formats and other types of trade marks accounted for a total of only 169 applications.

Top companies in terms of registrations

The top companies and institutions in terms of registrations usually vary considerably. An adjustment of the marketing strategy or new products lead to new trade mark applications. 2022 clearly brought a lot of innovation in the pharmaceutical industry. For example, BERLIN-CHEMIE AG, a company of the Italian MENARINI Group, took the lead with 103 registrations, followed by the consulting firm Apo-E Consulting GmbH with 94 registrations and the long-established pharmaceutical company Merck KGaA with 86 registrations.

Trade mark administration

About 40 staff of the trade mark administration at the Jena location deal with the secondary procedures after the definitive registration of a trade mark. These include, in particular, renewals, the recording of changes, restrictions on disposal, divisions, licensing procedures and cancellations. As another horizontal task, the trade mark administration staff issue priority documents, certifications of origin and other register extracts and provide internal services, e.g. quality assurance tasks, including corrections of the trade mark register.

In 2022, the trade mark administration staff achieved stable results. The high number of priority documents for pharmaceutical companies doing research, especially BioNTech SE in Mainz (in January 2022 alone, 396 requests for a priority document), was particularly remarkable. At the end of 2022, the register contained 880,538 trade marks. Since 2016 (804,800), there has been a constant increase in trade marks. With 74,160, the number of recorded changes concerning the proprietor, representative or address for service was somewhat below the previous year's figure (80,739). With 40,616, the number of trade mark cancellations due to the non-renewal of the term of protection or a surrender also decreased compared to the previous year (45,452). With 34,369, the number of renewals was about the same as in the previous year (35,945). Licences were entered in the register for 8 trade marks. The declarations of willingness to license or sell/transfer continued to gain importance. The German Patent and Trade Mark Office received non-binding declarations of willingness to grant licences from the respective registered proprietors concerning 23,604 trade marks (previous year: 18,526). It also received non-binding declarations of willingness to sell/transfer from the respective trade mark proprietors with respect to 12,121 trade marks (previous year: 9,435). The option to make such a declaration of willingness to license or sell/transfer has been provided since the trade mark law reform at the beginning of 2019 and is becoming established in the application practice.

For further statistical data on trade mark administration, please see the "Statistics" chapter on page 82.

Revocation and invalidity proceedings

Although a request for the cancellation of a registration because of the existence of absolute grounds for refusal at the time of filing of the application has been possible since the entry into force of the Trade Mark Act in 1995, the only way to cancel a trade mark due to the existence of earlier rights (declaration of invalidity) or in the case of non-use (revocation) was, for a long time, to bring an action before the ordinary courts. Since 1 May 2020, there has been the option to file an application for a declaration of invalidity due to the existence of earlier rights or an application for revocation with the DPMA and to have the proceedings fully conducted at the DPMA. This means that, since then, there have been two ways to seek legal protection. In 2022, the DPMA received 141 applications for a declaration of invalidity due to the existence of earlier rights (previous year: 128) and 145 applications for revocation intended to have a substantive decision made (previous year: 229). In addition, 154 applications (previous years: 144) for a declaration of invalidity due to the existence of absolute grounds for refusal were filed, 84 of which concerned the ground for refusal that a trade mark had been filed in bad faith.

Selected data on trade mark procedures

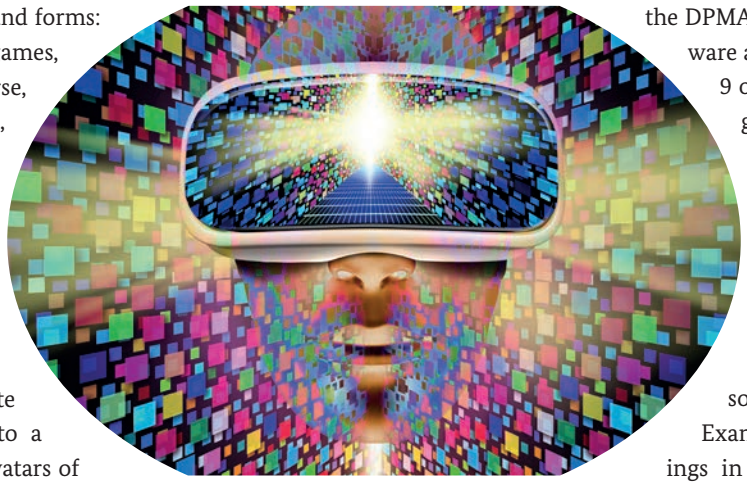
	2018	2019	2020	2021	2022
New applications	70,542	73,627	84,623	87,649	73,309
Registrations	50,588	55,030	60,436	68,609	53,621
Refusals	7,081	6,883	6,606	9,634	7,793

IN FOCUS

Trade mark protection in the Metaverse

Sneakers, handbags, sports cars – we can all think of well-known trade marks associated with these products. But what if such products turn up in the virtual space? Trade mark protection also works in the digital world. However, a lot of uncertainty remains on the path to an established practice.

The Metaverse is the digital space that we are part of in many shapes and forms: virtual meetings, computer games, virtual concerts. The Metaverse, in contrast to the real world, is a digital parallel universe, where we are all active, to a greater or lesser extent.



As in the real world, trade marks are to be found all over the digital world. Soccer fans wear their favourite club's jersey, a band gets to a gig in a luxury limousine, avatars of participants in the chatroom of an online presentation meet wearing clothes and accessories chosen by the participants. A designer handbag is proudly presented in the virtual world almost like at a real night at the opera.

For trade mark holders, for instance sellers of luxury handbags, the Metaverse raises questions concerning the protection of their trade marks. In the luxury segment especially, a trade mark is of considerable value. A handbag for 3,000 euros is not bought merely for its aesthetic appeal, but also and in particular because it is associated with a well-known trade mark. At the same time, the trade mark guarantees the reliability of the production quality as a well as the durability of the design. Such trade marks are typically protected for the merchandise classes that made them become well-established, for instance handbags, clothes or sports cars. Given the fact that real things are not used in the Metaverse, because the digital world consists solely of program codes, trade mark holders were quick to realise that their products were not protected in the Metaverse. This is how an urgent need arose to transfer trade mark protection from the real world to the digital world.

So far, there has been no established legal practice for this relatively new need to protect trade marks in the Metaverse. The future dynamics of the Metaverse being almost impossible to predict, trade mark holders are very keen to keep any gaps in protection from occurring or persisting. Given that digital versions of real products are essentially program codes, most trade mark offices in the world, including the DPMA, consider them to be software and classify them into class 9 of the Nice Classification of goods and services.

The digital version of an article is often secured by means of a Non-Fungible Token (NFT), a non-exchangeable data section of a blockchain, also used in cryptocurrencies. Examples for possible wordings in lists of goods are therefore, among others, "virtual sneakers authenticated by NFT" or "computer software for blockchain technology".

This way of trade mark protection is currently chosen by many applicants. After all, the German trade mark register already has almost 50 entries mentioning "NFT" in the respective lists of goods. Additionally, just under 1,000 applications and entries include the term "blockchain".

However, other questions remain unanswered. For instance, in order for any claims to have merit, resemblance between the goods of the opposing trade marks concerned is essential. But is there a resemblance between a digital perfume and a real one? The answer to this question can have considerable consequences, beyond the specific case, on the scope of protection of the many registered trade marks in the areas of software, clothing or other goods.

So, the future of trade marks is shaping up to bring suspense!

BRIEFLY EXPLAINED ... Repeat filings

The thin line between cleverness and bad faith

Repeat filings are often used as a trick to dodge a basic condition of trade mark protection: In many cases, these filings are intended to avoid the requirement to use registered trade marks. But what is assumed to be a clever move is risky – and can easily become an own goal.

The requirement of use is closely tied to the registration of a trade mark. A registered trade mark must be used (for all goods and services for which it has been registered) in order to permanently maintain the rights from that trade mark. If a trade mark is not used for a period of five years, it is no longer possible to derive any rights from the trade mark. Upon request, the trade mark can even be cancelled because of revocation.

As trade marks do not only promote economic competition by protecting investments but also constitute monopoly rights for the benefit of individual parties and thus constrain other market participants, only trade marks that are actually used enjoy full protection pursuant to European trade mark law. It is provided that only trade mark proprietors that actually use their trade marks and conduct business are entitled to the rights from the trade marks.

Requirement to give evidence of use

For trade mark proprietors, however, the requirement of use can sometimes be a nuisance, as the trade mark has to be used with respect to all registered goods and services and such use has to be proven. Especially giving evidence of use is often difficult and tedious. In many proceedings, it seems that a trade mark is used, but the required documentation to give objective evidence is not available. For example, with respect to each good or service, specific sales figures must be provided and it has to be demonstrated how the trade mark is used on the product.

That is why, to avoid the tedious provision of evidence, trade mark proprietors sometimes make a repeat filing for the trade mark concerned after five years, so it will be granted another grace period for non-use of five years – as with every newly registered trade mark. This seems to be an easy option to avoid issues associated with the requirement of use, not least because of the low filing fees.

However, making a repeat filing entails certain legal risks because the new filing also involves a loss of priority. If, in the meantime, a similar trade mark has been filed, the new filing can be challenged on the basis of this trade mark. This can result in the complete loss of the new filing.

When does a trade mark filing have to be considered made in bad faith?

If the new filing is identical to the earlier application and thus is a real repeat filing made only to avoid the evidence of use, the filing could be considered made in bad faith within the meaning of section 8 (2) no. 14 of the Trade Mark Act. In this case, the purpose of the filing is not to use the trade mark (as one would be entitled to use the trade mark anyway because of the existing registration) but to benefit from the non-applicability of the requirement of use. Accordingly, there is no intention to use the new filing. The filing is made for illegitimate purposes and thus in bad faith. In this case, the newly filed trade mark may not be registered or be cancelled at a later date.

It can be difficult to distinguish between a new filing made to adjust the list of goods and services to new developments and a new filling made only to avoid the evidence of use. For example, we believe that the new filing of a trade mark in order to maintain protection for new goods in the metaverse (see article on page 22) is basically unproblematic. However, if the goods or services already protected are also included in the new filing and this gives rise to a new grace period for non-use even for protected goods and services, this part of the filing may turn out to be problematic.

Further information on trade mark protection is available on our website.

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

Geographical indications of origin

"Oktoberfestbier" (Oktoberfest beer), "Spreewälder Gurkensülze" (porc product), "Peitzer Karpfen" (carp) – these names do not only designate culinary specialities, they are also protected geographical indications of origin. The corresponding European IP right has been in place for 30 years, shielding producers from imitation and misuse.

"Oktoberfestbier" is delicious, even outside the Oktoberfest season. However, not just any beer can be called "Oktoberfestbier". Indeed, this name is a protected geographical indication of origin, included in the register for protected geographical indications of origin by the European Commission on 28 October 2022.

It was an occasion covered thoroughly by the media. This great interest might also have something to do with the fact that Oktoberfest was back on in 2022 after a two-year break due to COVID-19.

In any case, it drew public awareness to an IP right that has been in place since 14 July 1992, that is, for more than 30 years, safeguarding certain agricultural products and foodstuffs against misuse and imitation in all of Europe.

During this time period, 95 such designations have been registered for Germany. Some examples: "Bayerische Breze" (soft pretzel), "Beelitzer Spargel" (asparagus), "Westfälischer Pumpernickel" (dark sourdough bread).

Conditions for protection

An essential condition for the protection of a geographical indication of origin is the existence of a link between the characteristics of the product in question and its production in the respective area of origin.

There are two types of protection. The protection as a protected designation of origin (PDO) on the one hand and the protection as a protected geographical indication (PGI) on the other. The link to the area of origin has to be particularly strong for a PDO. All production steps must take place in the respective area. For a PGI, it is enough for one production step, like processing, to be carried out in the area of origin.

Legal basis

The current legal basis is Regulation (EU) No 1151/2012 of 21 November 2012.

This European IP right is granted by the European Commission, who registers the IP rights in the eAmbrosia database (💻).

The difference between geographical indications of origin and trade marks is that the latter can only be used by the holder, while the former can be used by all producers established in the area, provided that the product is produced as stipulated in the product specification.

Examination procedure

The registration as a "protected designation of origin" or a "protected geographical indication" is possible only after the competent national authority as well as the European Commission have given a positive assessment of the application for registration. The competent national authority in Germany is the DPMA. All applications are published in the national as well as in the European examination procedure. This gives people with a legitimate interest, in particular producers of the product in question, the possibility to lodge an opposition.

Applications and decisions in 2022

In 2022, the European Commission established protection for three designations for Germany: "Spreewälder Gurkensülze" (PGI), "Peitzer Karpfen" (PGI) and, as mentioned previously, "Oktoberfestbier" (PGI).

The entry "Holsteiner Karpfen" (PGI) (carp) was deleted from the register following a request by the protection association.

💻 https://ec.europa.eu/agriculture/eambrosia/geographical-indications-register/

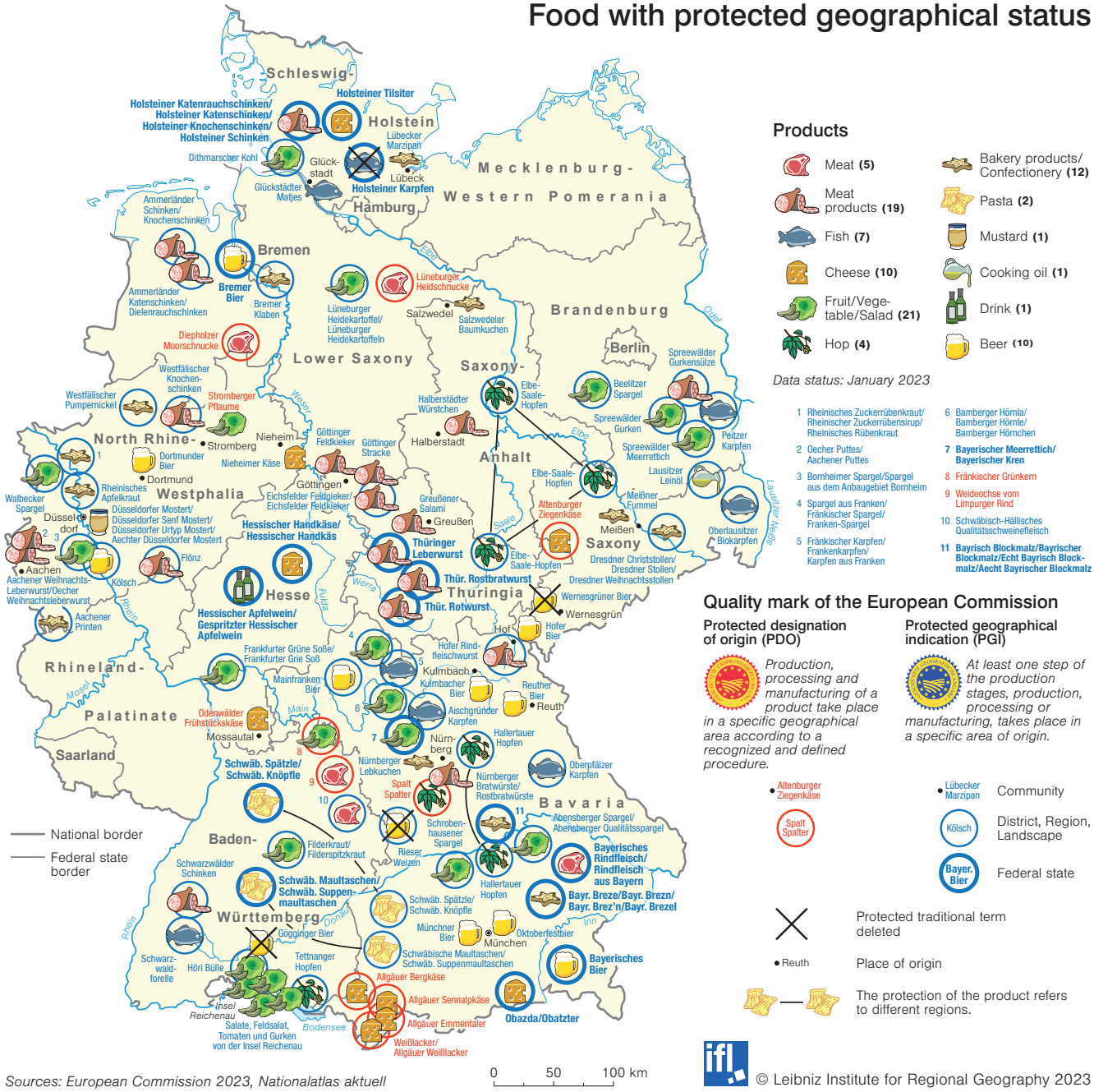
The requests for amendments concerning “Meißner Fummel” (PGI) (pastry), “Glückstädter Matjes” (PGI) (soused herrings) and “Fränkischer Karpfen” (PGI) (carp), seeking to change the respective specifications, were assessed by the DPMA with positive results and subsequently transmitted to the European Commission.

The proceedings concerning “Spreewälder Gurke”, and in particular the amendment of the existing specification, were reopened before the Federal Patent Court *Bundespatentgericht* after remittal by the Federal Court of Justice *Bundesgerichtshof* (BGH I ZB 78/18). The opposing party withdrew their complaint during the hearing on 21 April 2022, so the request for amendment can now be passed on to the European Commission.

Protection for artisanal and industrial products

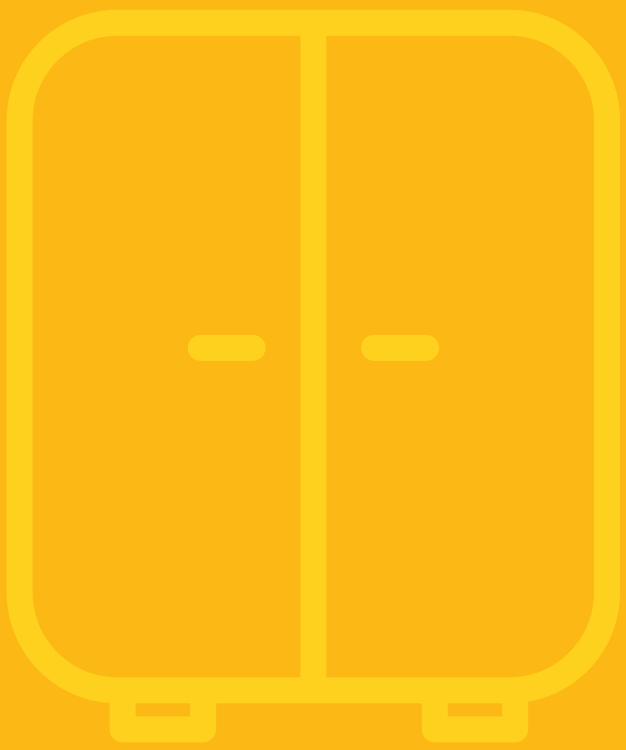
In the future, it will also be possible to have artisanal and industrial products protected with a geographical indication of origin. This will considerably extend the scope of protection, which in Europe is currently limited to agricultural products and foodstuffs, to products like clocks, cutlery, textiles or porcelain from a specific region.

There already is a corresponding draft regulation concerning the projected EU protection scheme. The registration of those products is also intended to consist of two phases: During phase one, an examination is conducted by the respective national authority and, in phase two, the subsequent examination is carried out at EU level, the competent authority being EUIPO.



Sources: European Commission 2023, Nationalatlas aktuell

DESIGNS



>> You will find our extensive statistics on registered designs in the chapter “Statistics” starting on page 89.

Development of design applications

Last year, there was again a decline in design applications.

In 2022, 33,652 designs were applied for at the DPMA, in 3,833 individual and multiple applications. This means that, compared to the previous year, the number of designs applied for and the number of applications dropped by 9.6% and 33.2%, respectively. By contrast, the number of registrations increased considerably: The Design Unit entered 36,251 designs in the design register (+16.6%); this amounts to 90.9% of the completed procedures (2021: 90.2%). Last year, we conclusively processed a total of 39,866 requests for entry in the register.

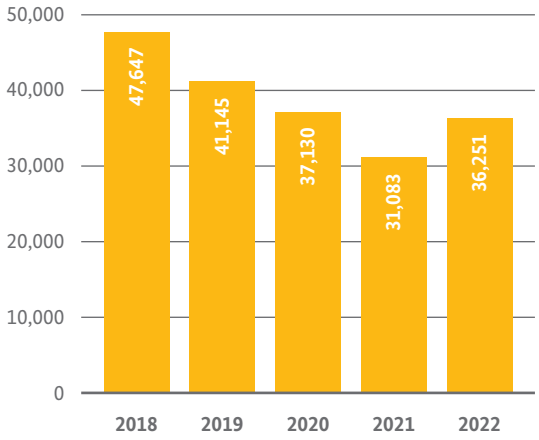
Our applicants again made extensive use of the option to combine up to 100 designs in a multiple application: In 2022, well over half of the applicants (68.8%) took up this offer. On average, about twelve designs were filed in a multiple application. Since 2 November 2021, it has been possible to combine up to 20 designs in multiple applications filed electronically via **DPMAdirektWeb** (previously up to 10 designs). In total, this option was used for 531 applications.

Applicants can request not to publish the representations of a registered design (known as the deferment of publication of the representation). Thanks to a reduced application fee, they save costs. However, during that time, they only enjoy protection against copying of a design that has been put on the market by somebody who had knowledge of the design concerned. Additionally, in that case, design protection ends after 30 months from the filing or priority date, unless it is extended to full protection by payment of the extension fee, which implies a request for publication of the representation. The proportion of designs applied for with a request for deferment of publication of the representation increased slightly to 20.9% (2021: 19.2%).

Last year, we conclusively processed a total of 39,866 requests for entry in the register. The Design Unit entered 36,251 of these designs in the design register; this amounts to 90.9% of the completed procedures (2021: 90.2%).

At the end of 2022, 260,387 designs were registered in our design register.

Registered designs
at the German Patent and Trade Mark Office



Origin of registered designs

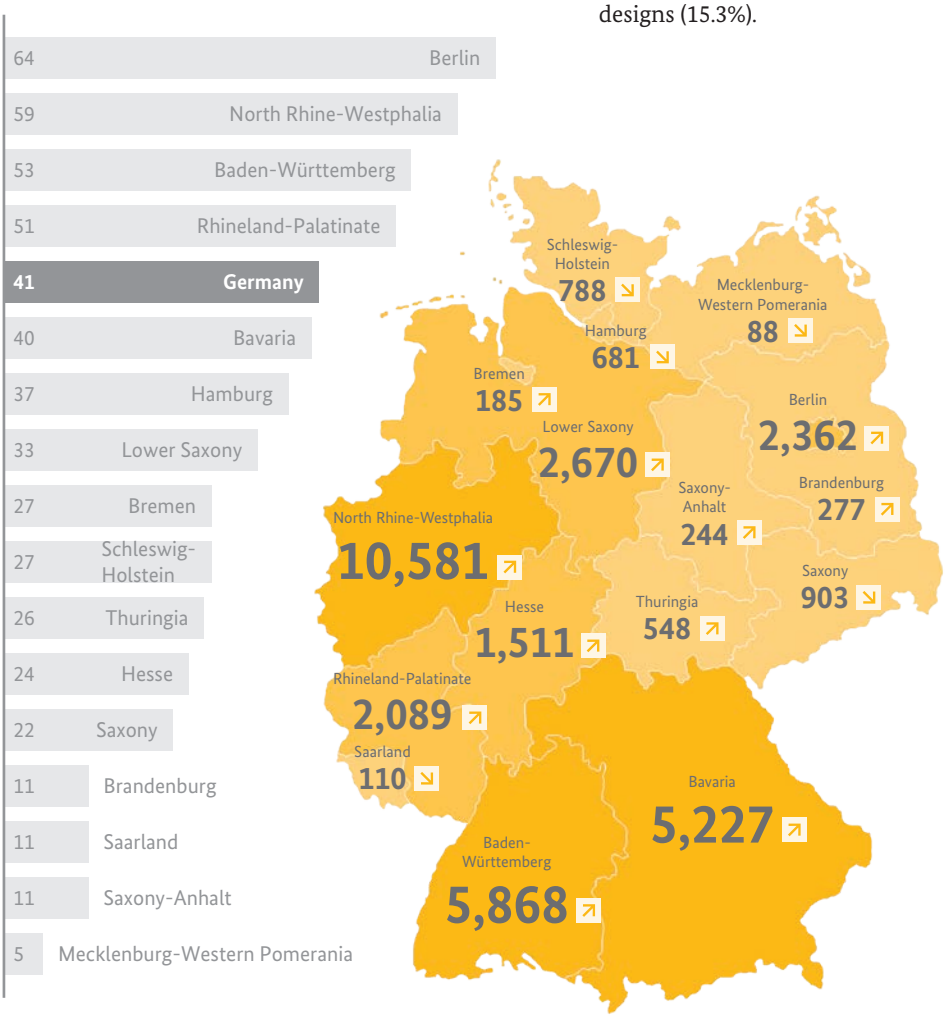
With 94.2%, most of the designs registered at the DPMA last year originated again from Germany. They were filed by applicants having a domicile or principal place of business in Germany. That means that the total proportion of applications filed by applicants from abroad continued to decrease. A total of 1,785 designs applied for came from other European countries (2021: 2,385), 334 from non-European countries (2021: 375). In 2022, most foreign registered designs originated once again from Switzerland (923 registered designs).

Registered designs in 2022 by country of origin

	Registered designs	Percentage
Germany	34,132	94.2
Switzerland	923	2.5
Austria	210	0.6
Italy	201	0.6
USA	135	0.4
Poland	124	0.3
China	109	0.3
Czech Republic	101	0.3
Cyprus	87	0.2
Taiwan	42	0.1
Other	187	0.5
Total	**36,251**	**100**

Registered designs by German *Länder*

With 31.0%, most of the 34,132 domestic designs registered in 2022 came from North Rhine-Westphalia (10,581 registered designs). For 14 years in a row, North Rhine-Westphalia has been at the top of the list of the German *Länder*. In 2022, it was followed by Baden-Württemberg with 5,868 registered designs (17.2%) and Bavaria with 5,227 registered designs (15.3%).



Registered designs per 100,000 and registered designs in 2022, broken down by German Länder (residence or principal place of business of the owner)

Registered designs by classes of goods

In 2022, most designs (9,047 designs, i.e. 15.0%) were again registered in the class of goods 6 (furnishing). The class of goods 2 (articles of clothing and haberdashery) came in second with 12.3%, followed by the class of goods 32 (graphic symbols and logos, surface patterns, ornamentation) with 10.6%. In total, the 36,251 designs were registered in 60,459 classes of goods. The top classes of goods are shown in the figure "Top 5 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. Unless renewed, design protection will lapse. An appropriate comment concerning the registered design will then be made in the register.

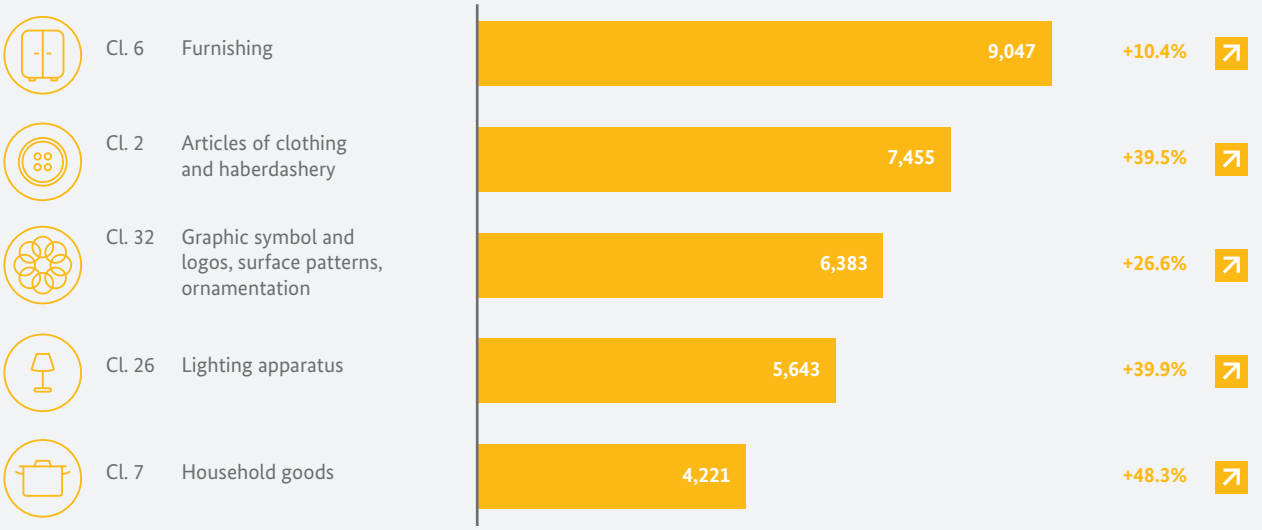
» Extension
If a design was initially registered only for a 30-month period of protection from the filing or priority date, deferring publication of the representation, the owner of the registered design may pay a fee to extend the period of protection to the first five years after the filing date. In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

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

Design invalidity proceedings

In 2022, 36 applications for determination or declaration of invalidity were filed (2021: 19). The application for determination or declaration of invalidity will be served on the owner of the challenged design after receipt of a fee of 300 euros and examination of further admissibility requirements. If the application is not contested within one month, invalidity 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. If the application is contested in due time, the Design Division will conduct an official examination of the grounds of invalidity (the appearance of the product does not constitute a design, lack of novelty or individual character; exclusion from design protection; earlier conflicting rights). Subsequently, the Design Division will take a decision in proceedings that – also with regard to the costs to be borne – are essentially based on the Code of Civil Procedure (*Zivilprozessordnung*). In 2022, a total of 23 design invalidity proceedings were concluded (2021: 28).

TOP 5 Classes of goods



Classes of goods of registered designs[1] at the DPMA in 2022

[1] A design can be attributed to several classes of goods.

50 YEARS AGO

“Cheerful” Games: Otl Aicher’s iconic pictograms for the 1972 Summer Olympics

In 1972, Munich hosted the Olympic Summer Games. The buildings for this major event still shape the cityscape of Munich today. Several congenial contributions transformed the Olympics into a unique synthesis of the arts.

When Munich was selected as the host city for the Olympic Games in 1966, one thing was clear from the very beginning: The event was supposed to be completely different from the last Olympics in Germany. The 1936 Games in Berlin had been used by the Nazi regime for propagandistic self-staging purposes. Now, a new democratic, cosmopolitan (West) Germany was to be presented to the world in order to host “cheerful” Games full of ease and light-heartedness.

His pictograms became world famous: Otl Aicher in his office.

In this context, it was a great moment on 13 October 1967, when the committee, including young mayor Hans-Jochen Vogel, decided in favour of the courageous design of architect Günther Behnisch’s team. The core element, a huge tent roof made of acrylic glass, was a sensation because of its stable and aesthetic structure. Frei Otto, the mastermind behind this construction, was the pioneer of a biomorphic structural form of curved, airy roofs. Thanks not least to the Olympic site, he is considered one of the most influential architects of the 20th century.

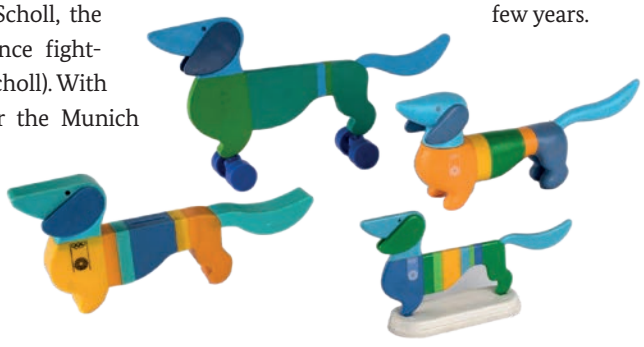
In order to make it easier for the athletes from all over the world to find their way to the sports facilities, a unique guidance system featuring a colour code and pictograms was created. Graphic designer Otto “Otl” Aicher was responsible for the overall appearance of the Olympics.

Otl Aicher (1922–1991) played a key role at the influential Ulm School of Design. His pictograms, which became the actual symbol of the 1972 Olympic Games, are easily understandable to the general public. They are considered a universal design classic transcending language and cultural boundaries. Otl Aicher’s sign language became world-famous and, for a long time, has been part of mankind’s collective visual memory (see, for example, the pictogram “Swimming”, which is available under the number M8800646-0006 in the design register).

Otl Aicher, too, wanted to clearly distance himself and his design from the aesthetics of 1936 (by the way, he was married to Inge Scholl, the older sister of resistance fighters Hans and Sophie Scholl). With his colour scheme for the Munich Games, he avoided the colours preferred by the Nazi regime (black, brown and red). Instead, he chose light blue as the main colour, complemented by silver, white, orange and light green. From the posters to the guidance system to the helpers’ clothing – the colour scheme was applied to all materials in use. Otl Aicher wisely chose Univers as the overall font. Later, he developed his own font, Rotis, named after his place of residence.

Otl Aicher’s main poster for the 1972 Olympic Games

To this day, the Olympic facilities reflect the spirit of light-heartedness and cheerfulness of the time when they were designed. According to the Munich-based German newspaper *Süddeutsche Zeitung*, they represent “the actual landmark of the Federal Republic of Germany”. Munich is committed to having the venue selected by UNESCO as a World Heritage Site. This could become a reality in a few years.



Variants of Olympic mascot “Waldi” (IR 1612192), design for the 1972 Summer Olympics; design: Aicher’s office. Photo: HfG archive

PERSPECTIVE

Good design: link and sales machine

Only getting started: Carolin Kunert and her "Knister Grill"

With her sustainable, high-quality grill (*Knister Grill*), she was a finalist of the DesignEuropa Awards 2021: Industrial designer and entrepreneur Carolin Kunert talks to us about the importance of design for the business model, the advantages of registered IP rights and the challenges small businesses face in claiming them.

Today more than ever, design is a decisive factor in any business model across sectors. It has long become much more than a clever and appealing layout of digital and analogue "surfaces". Designers communicate between users and developers as well as producers. If used properly, design is, above all else, a sales machine.

Design covers much more than pure functionality or the brand representation of a product. It can add values and emotions to a product. Design is communication with buyers, creating links. Long-term and scalable sales of a product or service are impossible without a global approach to design. Therefore, reducing a designers' activities to making products prettier means to waste precious know how and resources of the company.

During my studies in industrial design, I learned, first and foremost, to perceive and understand people, the environment and by extension the clients in depth. To question what is established, to find new solutions step by step, time and again, to test prototypes on users. Designers' work, i.e., the value of design in the business model, is a crucial factor for the success of a company.

The benefits of IP rights in meetings with investors

In my opinion, design is also underestimated when it comes to the valuation of IP rights. My company holds a patent, a design and an EU trade mark. But externally, the patent is always considered more valuable than the registered design. Taking into account the sometimes very limited scopes of protection for specific inventions, I do not think that is accurate.

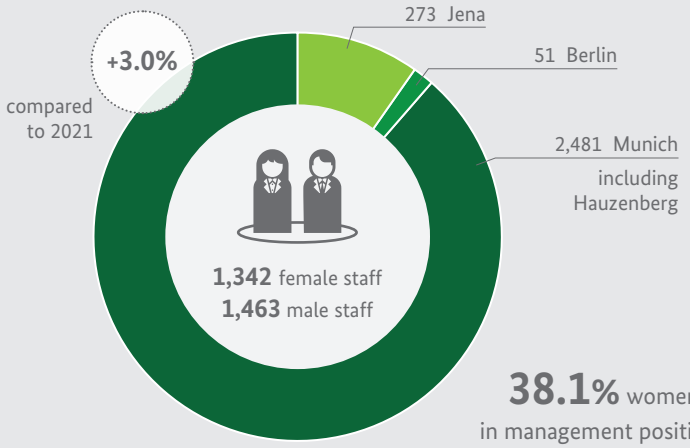
In our day-to-day business, we benefit from our three registered IP rights mainly when we are in touch with investors, potential licensees and corporate clients. Even though the scope of protection of a patent is rarely questioned, it is referred to as a seal of quality: Without a patent, there will be no meetings with investors, and therefore no further growth.
IP rights are also important for online trade. Big online platforms require proof of a registered trade mark, and the registration ensures that no other merchant can place advertisements using the name of our trade mark. But despite all chances that IP rights entail, they also come with a challenge, in particular for young companies: claiming them.

Luckily, we have not had any problems with product or trade mark copying or anything in that vein since our company was founded. But I did wonder how I, as managing director, would be able to claim our rights as a relatively small company, if, for instance, a big discounter chain was to launch a copy of the "Knister Grill". IP right procedures can often go on for years and entail substantial costs. That can quickly destabilize a young company.

It is risky business to rely only on the value of registered IP rights. For us, too, it is most likely only a matter of time until a copy shows up. That is why we also invest a lot of resources to make our trade mark and product widely known in order to prevent that a low-cost copy will become established at all.
But at the same time, we are already taking strategic preventive action today. We are working on launching a reduced version of the grill as white-label product in order to tap into another market segment. If you are clever about it, then achieving a high turnover in the low-price range segment and making the main product of the trade mark more widely known are possible at the same time. In other words, our means of self-protection is also copying ourselves before anyone else does it.

At a glance

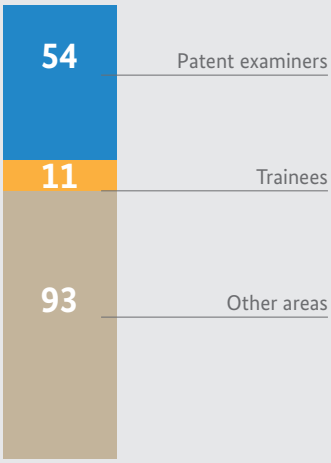
Staff and recruiting numbers



38.1% women in management positions

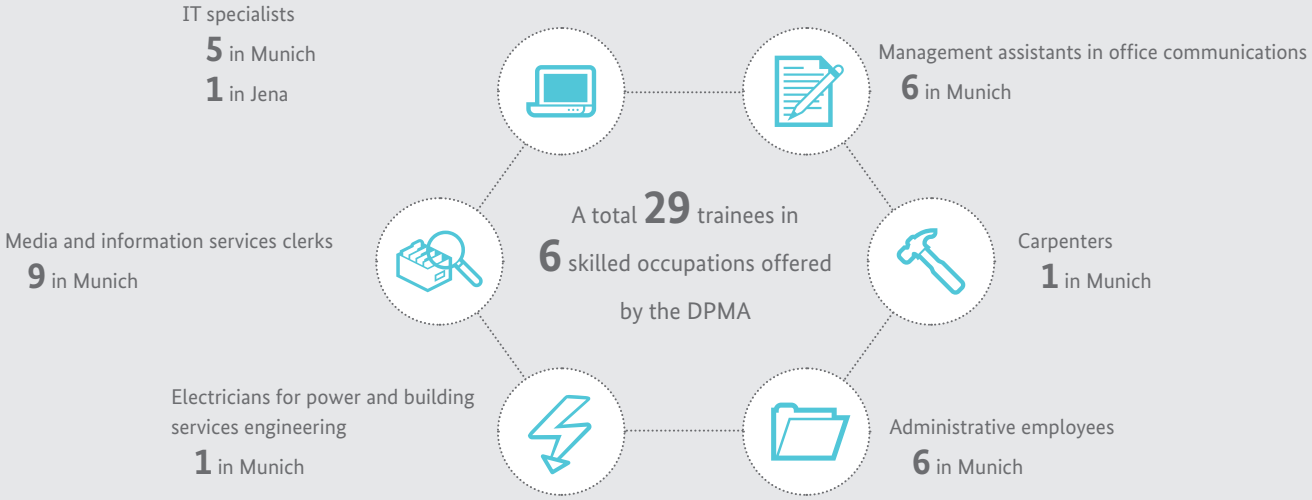
The DPMA had a total of **2,805** staff at the end of 2022.

In 2022 we hired **158** new staff.



Incentive bonuses for **727** very committed and high-performing staff members were granted in the period from July 2021 to June 2022.

Vocational training



Further training

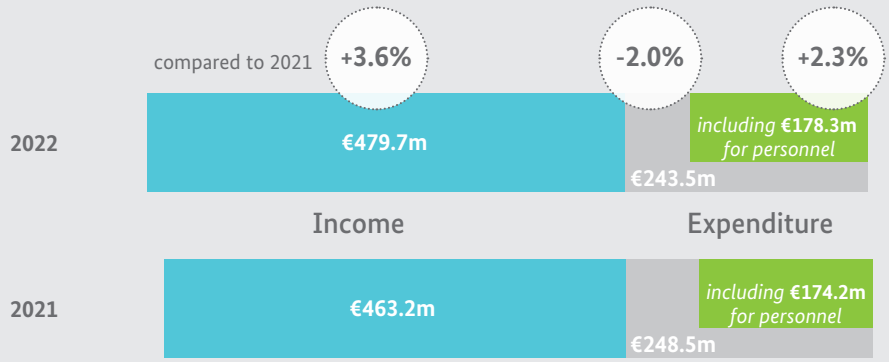
5.3 training days were used on average by staff for personal further training.

387 in-house training courses and language courses were held for our staff in 2022.

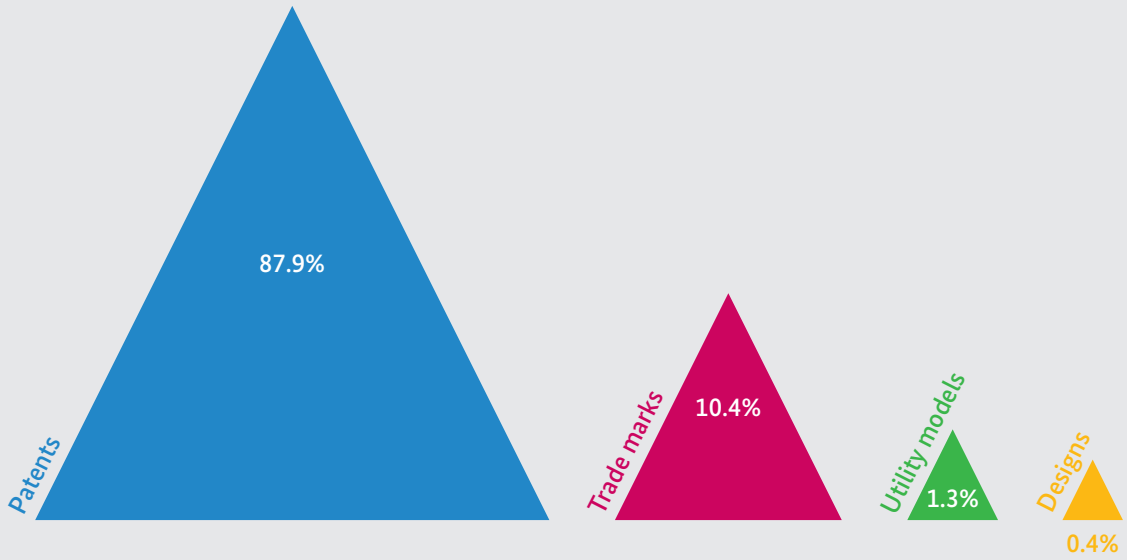
Career at the DPMA

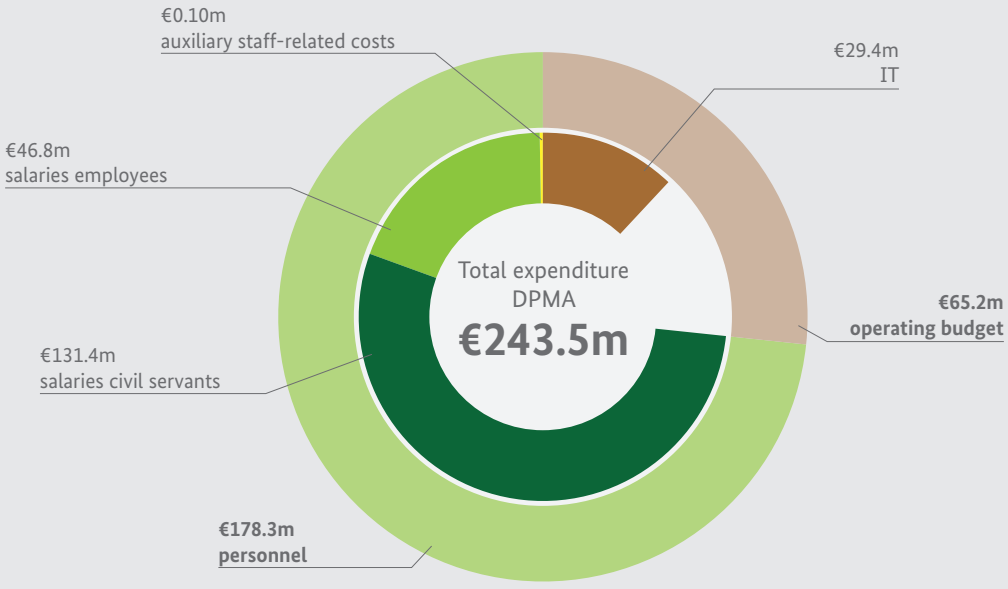
https://www.dpma.de/english/our_office/career/index.html

Finances



Breakdown of income by **type of IP**





INTERVIEW

"Examination quality is always our highest priority"

Eva Schewior has been DPMA President since February 2023. In this interview, she talks about the strategic challenges for the office in the next years, women in leadership positions and the crucial importance of IP rights for growth and prosperity in our society.

Ms Schewior, you have been DPMA President since February 2023. In your opinion, what are the big strategic challenges the office is facing?

The DPMA is the largest national patent office in Europe and the fifth largest national patent office in the world. This leadership position is based on the strength of our innovation site on the one hand and on the quality of our examinations on the other hand. This year, the European Unitary Patent will be introduced (see page 12). This means that applicants have a new option for protection, which we are also pleased about. But still, we strive to highlight even more the advantages and benefits of the German patent as well as of our utility model in the international IP system. And of course, we are working on making them even more attractive. Last year, for the second time in a row, we were able to reduce the backlog in patent examination procedures…

…and thus made an immediate impact on the duration of procedures.

That is right. If we can manage to permanently clear the backlog in procedures, we will be able to gradually reduce the time it takes to complete a procedure. However, examination quality always has top priority at the DPMA. This is what our applicants can rely on. And that is equally valid, by the way, for the other IP rights. In the fields of trade marks and designs, we are of course also working on making our procedures even more attractive. For all those tasks, which serve our economy, we continue to need political support, above all, so that we will also have sufficient staff available in the future.

Having enough permanent posts is one aspect. Being able to fill them in times of lack of skilled staff is an entirely different story. How confident are you in that regard?

That is another and absolutely crucial challenge. We are constantly looking not only for engineers and natural scientists, but also for a lot of skilled IT staff. The DPMA is a highly digitised public authority, and our IT systems are the key element of our working capacity. When trying to recruit experts for our tasks, we are competing with international technology companies at our locations in Munich and Jena. The positioning as an attractive employer will therefore become an almost existential task in the next years. But I am very optimistic. The DPMA has recently been doing quite well in filling positions in these fields with outstanding staff.

> *We offer our colleagues a maximum of flexibility.*

What makes the DPMA an attractive employer?

I do not think that I exaggerate when I say: We offer our colleagues a maximum of flexibility for the completion of their tasks. Our experience gained from the COVID-19 pandemic, during which many of our investments in digitisation already paid off, has confirmed that as a target. This year, we adopted a new work agreement (*Dienstvereinbarung*) on workplace flexibility (see page 38). Our colleagues are supposed to be able to choose their working model in terms of place and time as individually as possible.

At the same time, of course, we strive to maintain the face-to-face exchange of our staff. We want our staff to be able to reconcile their personal life and their professional tasks as well as possible. A target close to my heart is for us to recruit more qualified women. The DPMA as a technical authority might sometimes be more in the focus of men. But several awards proof that we are a very attractive employer, especially for women. We will continue to stand out with these benefits.

Does your personal experience as a woman and as a mother play a role in all of this?

It does play a role, for sure. I am quite familiar with the challenges we can be faced with at the personal or family level when we take on professional responsibility, maybe even a leadership role. We want highly qualified women to work for us, also in leadership positions. I am glad that work-life-balance is already an inherent part of our organisational culture. And we are going to foster and expand this culture.

You are the second woman leading the DPMA, an office with 146 years of history. Does that mean anything to you?

First and foremost, I am glad and proud on a personal level that the Federal Minster of Justice trusted me with such an important task. From the point of view of society as a whole, I take this as normalisation, which is why I am also pleased in this regard. My much-valued predecessor Cornelia Rudloff-Schäffer was in office for a long time, during which she made quite an impact, and that is now no longer a historic exception. It is clearer than ever that, of course, women can lead a national authority active in the fields of technology and natural sciences.

> *Commercial IP rights play a crucial role for growth and prosperity in our society and are therefore also of outstanding importance from a strategic point of view.*

What intrigues you about the new position?

The variety of tasks, and the cooperation with many different people working in the big organisation that the DPMA is. The international relations and the impact of our office on the international discussions around intellectual property are an exciting challenge to me as well. And of course, there is the importance of our statutory mandate as a whole:

Commercial IP rights play a crucial role for growth and prosperity in our society. Studies show that industrial sectors with high numbers of applications for IP rights create much more value and jobs and offer higher salaries compared to other sectors. That says a lot about the importance of our tasks.

How important is the new statutory mandate to provide information according to section 26a of the Patent Act (see page 37) in this regard?

That is an extremely important task that we are excited to take on. Big companies know how essential commercial IP rights are and how to navigate them. But the new mandate to provide information gives us the possibility to raise awareness among the general public and in particular among small and medium-sized enterprises. However, the topic of awareness of how to protect innovation using IP rights is not limited to the industry. It should also be considered in the federal governments' innovation strategies from the very beginning. After all, we can see how much strategic importance China, for example, attaches to patents. In Germany, too, we should take a clear stance in this regard.

IP rights make us happy!

Patents, utility models, trade marks and designs protect intellectual property. They are assets and make companies more competitive. Sometimes, they even make us happy! On our social media channels, we have collected pictures of applicants joyfully presenting their IP rights certificates. Social media help us make the great importance of IP rights visible. Clearly, our channels are also a good place for our customers to share their delight once they hold the much sought-after DPMA certificate in their own hands.

Follow us on our social media channels and get inspired!

https://www.xing.com/pages/dpma

https://www.linkedin.com/company/dpma

https://www.youtube.com/c/DeutschesPatentundMarkenamtDPMA

BRIEFLY EXPLAINED ... Expansion of responsibilities of the DPMA

We now provide you with even more comprehensive information

Economic success, social progress: Intellectual property is a key factor for the sustainability of industry. Yet, small and medium-sized enterprises, in particular, still know too little about IP rights. New statutory duties of the DPMA are to change this.

In an increasingly digitised world, intangible assets play an ever more important role. They are often the basis for economic and social progress. That's why it is also becoming more important to manage and protect intellectual property (IP) rights. These rights are vital to innovative companies, since they protect the value of their ideas and thus enable even risky investments.

Our team at the DPMA-IDZ Berlin will be in charge of the new area of responsibility.

Yet, small and medium-sized enterprises (SMEs), in particular, currently do not fully make use of the possibilities provided. Within the European Union, only around 9% of SMEs have applied for IP rights. They often know too little about, or have a mistaken view of, the costs, duration and scope of IP protection and its strategic benefits. In an effort to change this situation, the new section 26a of the Patent Act, in force since January 2022, gives the DPMA the mandate to inform the public, especially SMEs, about IP rights and the related limitations and about the exercise and enforcement of such rights. In addition, our mandate now includes cooperating with IP offices of other countries and with the international IP organisations in the fulfilment of our duties.

Against this backdrop, we have created a new unit, called "Promotion of the use of IP", at the Information und Service Centre Berlin (DPMA-IDZ Berlin). After an establishment phase, the new unit focuses especially on the following tasks:

- acting as a central coordination and contact partner for all regional and national stakeholders, the European Union Intellectual Property Office (EUIPO), especially the EUIPO Observatory, the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO) with respect to intellectual property in the context of various SME-related activities;
- raising awareness of IP rights and related support programmes in cooperation with IP offices of other countries and regions, the European Patent Organisation (EPOrg), the EUIPO and WIPO;
- developing concepts, offers of information and communication strategies;
- coordinating regional, national and international events and IP support programmes;
- identifying, maintaining and organising a network of relevant national and international stakeholders in the field of IP;
- providing assistance in connection with the implementation of support programmes offered by the EUIPO, the EPOrg and WIPO.

Our aim is to develop the new unit in the years to come and make it the central agency for the provision and development of information about how SMEs in particular can effectively use IP rights in Germany. As the Federal Government's centre of expertise for the protection of intellectual property, we also aim to strategically complete our customer orientation.

Further information on the many services we provide to SMEs is available on our website.

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

IN FOCUS

A new working world is underway

Development of digitisation, working schemes flexible as to the place of work, new formats for exchange: By shaping and developing the DPMAworking world, we offer our staff a modern working environment adapted to their individual living situations – while at the same time guaranteeing the quality of our services.

Efficient work processes, fully electronic procedures, responsible staff: Thanks to a high degree of digitisation and flexible working schemes, the DPMA proved to be particularly adaptable during the Covid-19 pandemic. And our staff used the leeway resulting from the pandemic with great work ethic. Consequently, there is no reason to completely return to the "old", pre-Covid-19 working world. For this reason, and to remain an attractive employer for highly qualified specialists, we will develop and future-proof our working world, so the workplace and working time can be adapted even better to the individual needs of our staff. At the same time, we have to maintain both the digital and especially the face-to-face exchange. Yet, ensuring the quality of our services and being available to our customers have priority.

Flexibility as to the place of work: regular presence days at the office

Our new work agreement (*Dienstvereinbarung*) on workplace flexibility, which entered into force on 1 February 2023, provides that our staff have the possibility of teleworking and, in certain cases, mobile working, to the extent their posts or current duties do not require presence in the office. A minimum of hours must be worked in the office each month. In addition, there may be other reasons for working in the office, e.g. the participation in workshops, regular team gathering days or appraisal interviews. The respective organisational units are given a high degree of flexibility within the scope of the work agreement. In this respect, we rely on the staff members' sense of responsibility and ability to self-organise, like we were able to do during the pandemic.

Before the new work agreement was entered into, intense consultations with colleagues from our specialist departments, the Equal Opportunities Officer and the representative bodies for the personnel and severely disabled staff members had been held in a dedicated working group. The results of a staff survey and an exchange of experience with other patent offices and authorities were also taken into consideration. We are currently filling the new work agreement with life, and we will evaluate it in two years' time.

New exchange formats

In order to foster face-to-face exchange and bonds among colleagues even under flexible working schemes, we are also testing new exchange formats. We are developing recommendations on which format of exchange (face-to-face, virtual or hybrid) is best for what situations. For example, it is already becoming apparent that formats requiring presence in the office are particularly suitable for issues that involve being creative or holding discussions. By contrast, digital formats that allow screen content to be shared are particularly efficient in the case of a spontaneous or technically thorough exchange. In the future, hybrid meetings participants can also join virtually will probably be normal. It is planned that the arrangement of our rooms will follow the need for exchange in accordance with the statutory requirements and that functional rooms will be made available to accommodate the various exchange formats.

With these modern concepts, we establish ourselves as an attractive employer in a highly competitive market. At high-tech hubs such as Munich and Jena, the DPMA competes with large companies in its effort to recruit new staff; due to the demographic change, the competition for skilled labour can even be expected to intensify. A modern working culture adapted to the individual living situations of our staff is vital to a promising position in this competition.

Do you want to make a career change or to further your career? If the answer is yes, the DPMA is the place. The DPMA is a modern employer offering interesting duties, great variety and secure prospects. Our exciting jobs cover many areas.
Further information is available on our career pages.

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

20 YEARS AGO

From MIPEX to DPMAdirekt – the success story of digital filing at the DPMA

Two anniversaries at one stroke: July 2022 marked 20 years of paperless patent applications at the DPMA, shortly after the DPMA had received the two millionth IP document. Today, it is common practice to use DPMAdirektPro and DPMAdirektWeb for making digital filings and communicating with the DPMA. But it has not always been this way.

In the late 1990s when legally secure online transaction systems were just being discussed and tested and no commercial, ready-to-use software was available for these tasks, several European patent offices started the MIPEX project (Message based Industrial Property information Exchange) in 1996. In addition to the creation of a secure network of these patent offices, the development of more secure online application procedures was one of the key tasks.

Ultimately, the patent offices of Germany, the United Kingdom, Sweden, Denmark and Switzerland jointly commissioned a software package ("PaTrAS – Patent and Trademark Application System") that was intended to be applicable at the international level. In 2001, PaTrAS was ready for use and in test operation. The first electronic application was filed by Siemens AG (patent specification DE 102 30 170 B3). The DPMA received it on 4 July 2002.

The system was unique at the time: It could be used to process a complete, signed document package including the application form, full texts and images. The DPMA had thus assumed a pioneering role in e-government. PaTrAS was not an immediate success: The high standards for the data to be submitted and the complex procurement of the required signature cards were initially an obstacle for applicants.

DPMAdirekt – a one-stop program

The original idea that IP management systems used by customers create the required data and use PaTrAS to validate and transmit them was not taken up as positively as expected at that time. For this reason, the DPMA developed the **DPMAdirekt** application, which customers could use to take all necessary steps for an application with a single program. Since November 2013, **DPMAdirektWeb** has offered an easy and uncomplicated option to file both trade mark and design applications via the user interface of a web browser. As a result, the majority of trade marks and designs are now filed with the DPMA by using this low-threshold e-filing service.

Seamless communication in both directions

For a long time, communication via the **DPMAdirektPro** and **DPMAdirektWeb** services was only possible in one direction. Only since the introduction of a new version of **DPMAdirektPro** in 2017 has the DPMA too been able to send electronic letters and communications to users. After registration for electronic letters and communications, customers can receive data in **DPMAdirektPro**, automatically import them into their own systems and thus exchange all correspondence seamlessly.

The benefits of **DPMAdirektPro** both sides enjoy are obvious: Pay lower fees to apply for IP rights and immediately receive a confirmation of receipt. Customers receive step-by-step guidance to navigate through the application and the subsequent filing of additional documents in the procedure, and the data are subjected to extensive plausibility checks. In this way, inconsistencies can be remedied immediately. At the DPMA, this pre-processing of digital data results in fewer mistakes and thus complaints. At the same time, the examining sections benefit from improved data quality.

In constant dialogue with our customers

The first million documents submitted to the DPMA were reached 17 years after the project had been launched. Only two and a half years later, in July 2022, the two millionth document was received. And we can assure you that we will continue to develop our electronic services and make them even more customer-friendly for you.

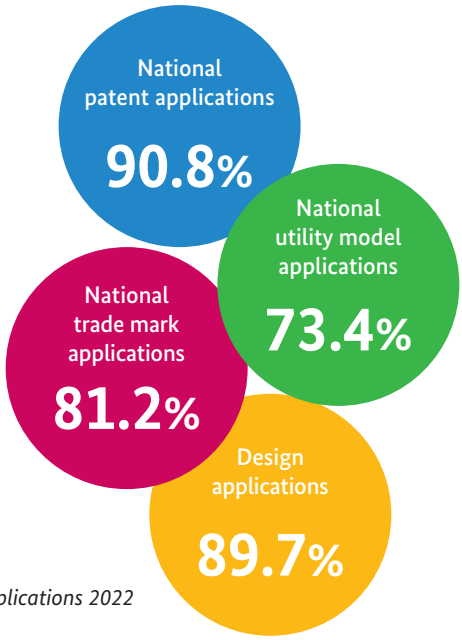
Further information on E-filing of IP applications can be found on our website.

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

Customer care and electronic services

Our services – to keep you well informed at all times

Our customer service is your competent and reliable partner providing you around the clock with "help to help yourself".
We offer valuable assistance for preparing the filing procedure for all IP rights and thus make an essential contribution to ensuring the quality of your applications. In addition, we provide services for conducting IP searches and monitoring competitors. We make our IP data available to private information providers and grant easy automated access to our databases (**DPMAconnectPlus**).



Online applications 2022

You can make use of the following services:

↗ Our Central Customer Care and Services

You can contact the staff of 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 general information but also advice on the correct way to file an IP application and answers to questions on the course of procedures concerning filed applications.

↗ Our search support

Searches can be carried out online any time via our **DPMAregister** and **DEPATISnet** databases. You can also take a look at our case files online using our **DPMAregister** service. For search support, please contact us by telephone or e-mail.
Our search rooms in Munich and Berlin, which were temporarily closed during the pandemic, have been re-opened for visitors since 1 June 2022. Prior to your visit, it is usually wise to clarify your concerns by telephone. Please use our central ways to contact us.

↗ Initial consultation for inventors

In cooperation with the Chamber of Patent Attorneys, free initial consultations for inventors are performed by patent attorneys and offered at various institutions in many towns across Germany. Since 1 July 2022, these consultations have taken place in the rooms of the DPMA in Munich and in Berlin, as was customary in the past. Experienced patent attorneys will advise you on your application. If you have any questions about non-technical IP rights, lawyers are also available to help you. The Central Customer Care and Services will be pleased to arrange a suitable appointment for you.

↗ Our workshops and seminars

For a general introduction to industrial property protection or, specifically, to searches in our databases, we regularly offer various workshops and seminars. The training offered is particularly aimed at small and medium-sized enterprises (SMEs). In addition to face-to-face workshops and seminars we have several new digital events on offer. We were able to hold numerous events for many target groups at the proven high-quality level. The response was very positive, as interested parties from all over Germany were able to attend these seminars and workshops without having to invest a great deal of time and effort. In German-speaking foreign countries, the workshops and seminars offered by the DPMA are also increasingly noticed and see a rising number of participants.
For our workshops and seminars, please refer to our website at ↗ **https://www.dpma.de/dpma/veranstaltungen/index.html** (in German).

↗ Our print and online publications

We provide information using different channels and various output formats in order to inform the public about the services of the DPMA. This information is for the most part available in two languages: German and English. Our services include comprehensive webpages, concise information leaflets as well as brochures containing information on patents, utility models, trade marks and designs, searches, electronic services and our annual report. Many brochures are available both online and as a print version. Our annual report is not only available in a print version and in PDF format, but also as an innovative digital version. The digital version offers a high level of reading comfort on both desktop and mobile devices and includes additional features and information which go beyond the print version.
You can also find us on the social media channels. Since 2022, you have been able to get to know the DPMA via LinkedIn. On this channel, you will receive current information about our office and interesting brief news on IP protection. Or follow us on YouTube! On our channel you will find tutorials and valuable background information on IP rights, searches and events. Feel free to drop by, it is worth it!

In addition to our usual news – announcements, important notices and notices of the President – and the classical information on our IP rights, we also publish specific information on IP protection and interesting facts from research and technology. For this purpose, we publish various newsletters and special publications, such as "Inventors' Activities", the series of publications "DPMAinformativ" dealing with special topics for patent information and, last but not least, our monthly gazette "*Blatt für Patent-, Muster- und Zeichenwesen*" (BlPMZ). The gazette is devoted to legal matters and above all to selected decisions of the courts and communications on representation. On our website, you can access these free publications, but also the current issue of BlPMZ, which is published in cooperation with Carl Heymanns Verlag. The monthly issue is free of charge; the annual subscription is subject to a charge.

↗ Our e-services

Our two databases, **DPMAregister** and **DEPATISnet**, continue to be accessible publicly and free of charge on our website. Users are enabled to 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 of the DPMA; **DEPATISnet** gives you an overview of the global state of the art. This year we made the interface of both services even clearer and introduced a new search mode. You can use our **DPMAkurier** alert service to monitor IP rights and will receive the results in automated e-mails. The **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.

↗ Patent information centres – our local partners

Our services are supplemented by a network of 18 patent information centres (PIZ) all across Germany. The patent information centres are recognised cooperation partners of the DPMA focusing on small and medium-sized enterprises, members of universities and research institutions as well as independent inventors. This way, they demonstrate their importance as an all-round service provider in the field of IP protection. If you would like to know if there is a patent information centre near you or which further information and services are provided by the patent information centres, please refer to **www.piznet.de** (in German). For more information about our cooperation with the patent information centres, please refer to the chapter "National cooperation partners" on page 54.

↗ Our activities at trade fairs

Last year finally we were able to present the DPMA once again as modern service provider and federal centre of expertise for intellectual property at various trade fairs and events. The focus of our trade fair presence is to raise public awareness of industrial property rights and to provide IP information to the public. The great demand for information in this field is shown by the high number of people visiting our stand who frequently raise questions about the importance of intellectual property, various IP procedures and search options, but also about ways to combat trade mark and product piracy.
Our trade fair calendar for 2023 is available at ↗ **https://www.dpma.de/dpma/veranstaltungen/messen/index.html** (in German).
We look forward to seeing you at our stand and talking to you face-to-face!

↗ Our complaints management

Several years ago, we introduced a central complaints management at the DPMA. We accept your general written complaints, analyse your requests and respond in close cooperation with the division involved. The analysis keeps on revealing potential for improvement, which is then discussed and, if applicable, implemented. The share of complaints in our customer contacts is very low and we are very pleased about that.
However, if you have not been entirely satisfied with the services of the DPMA, please write to us and explain your request. You can contact us by e-mail at **info@dpma.de** or by post.
Appeals, that is formal legal remedies, are different. They are subject to the rules and procedures of the respective IP rights.

News from the IT services

Continued expansion of electronic IP filing

Along with a number of small improvements, we have added additional features to **DPMAdirektPro**. Since July 2022, it has been possible to submit sequence listings pursuant to the new international standard ST.26 (in this respect, see article on page 10). In addition, we have created the possibility to digitally send the DPMA subsequent submissions concerning supplementary protection certificates. This is a first step towards the full integration of the last IP right not yet offered in **DPMAdirektPro** At the beginning of the year, **DPMAdirektWeb** was affected by the Log4j vulnerability, which made noise all over the world. Thanks to the fast response of our development departments, potential risks were eliminated very quickly and professionally. Last year, we improved **DPMAdirektWeb** in technological terms too. However, most changes were backend and are thus hardly visible for users. In May 2022, we were able to fulfil a very frequent customer request: SEPA mandates have since been operational in **DPMAdirektWeb**. This allows our customers to make payments relating to a trade mark or design application not only by transfer but also by SEPA direct debit.
In addition to the improvements to our own digital communication channels, we have been able to offer our customers another digital filing option since July 2022. Users can now also use ePCT, the system provided by the World Intellectual Property Organization (WIPO), to make PCT applications and subsequent filings in the PCT procedure with Germany as the filing country. For further details on the ePCT procedure and background information on the PCT system, please see the "Patents" chapter on page 10.

Completion of the measure "Access to Asian patent literature"

In the 2021 Annual Report, we reported on our plan to make English translations of Asian patent literature available for patent search.
The goal of this measure is to translate all Chinese-language, Japanese-language and Korean-language patent literature available as original source in the document archive of **DEPATIS** or at the respective offices into English by means of an AI-based software in order to facilitate access to patent literature in these languages. The IT solution is based on a translation software WIPO has developed and provided to the DPMA.
In the course of 2022, we were able to continue this measure according to schedule, so the translation process was almost completed at the end of the year. Since the end of January 2023, all available data have been translated. Moreover, we promptly and continuously translate all new documents.
Since March 2021, almost 70 million documents have been translated: 39 million Chinese documents, 25 million Japanese documents and 6.5 million Korean documents.
These facsimile documents account for a total data volume of approximately 850 million pages.
In 2022, these translations were available only to the examiners of the DPMA in the internal DEPATIS system. Since March 2023, they have also been publicly available via **DEPATISnet**.

Both WIPO and the DPMA keep improving the software used for the translation. Furthermore, we intend to add other languages to the translation process and do new translations of already translated documents when an improved version of the translation software is available. Thus, we can continuously improve the quality of the translations.

Smart search and image similarity search in DPMAregister

Recently, the option to do what is referred to as a smart search has been implemented in **DPMAregister**. Smart search offers you a simple, easy-to-use way to search all four types of IP rights kept in **DPMAregister** by making just one entry. The relevant search field is in the top right corner of the **DPMAregister** homepage. After submitting a search term, all IP rights are searched. Accepted submissions in the search field are the file number, publication number, title (including the trade mark name), owner/proprietor or inventor. The results are then displayed separately in several tabs for patents, trade marks and designs, with the Patents tab displaying both patents and utility models. By clicking on the respective tab, you can go to the corresponding result list.

The "Trade marks" section of **DPMAregister** now offers the possibility of an image similarity search. Select "Image" in the "Trade marks" menu to upload an image and select additional search criteria such as the class or class of figurative elements. You can devise a search strategy by defining the concept, shape, colour and a combination of these parameters. The search will show a maximum of 50 results.
The search uses WIPO's AI-based image search tool for trade marks. The DPMA does not assume any responsibility for the accuracy, completeness and usability of the search results.

Electronic services

The following e-services are available to our customers:

DPMAregister

- Online search in the bibliographic data as well as in the legal and procedural status data
- You can produce an uncertified excerpt from the register yourself.
- You can inspect the various parts of a patent case file online.
- You can choose between three different search modes: basic, advanced or expert.

- ***NEW:*** *new layout and context help*
- ***NEW:*** *hit list configuration extended (tables or matrix view for all IP rights, gallery for trademarks and designs)*
- ***NEW:*** *Search link and search form can be saved*
- ***NEW:*** *up to 100 search queries can be saved in the history can be saved*
- ***NEW:*** *Image similarity search for trademarks*
- ***NEW:*** *Smart search (search field in header and at* ***www.dpma.de***

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:*** *Hit list configuration extended (tables or matrix view)*
- ***NEW:*** *improved document display and context help*
- ***NEW:*** *1st drawing page can be displayed in hit list*
- ***NEW:*** *Smart search (search field in header and at* ***www.dpma.de****)*

DPMAdirektPro/ DPMAdirektWeb

DPMAdirektPro

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

- ***NEW:*** *PCT filings via ePCT*
- ***NEW:*** *Filing of sequence listings pursuant to international standard ST.26*
- ***NEW:*** *Subsequent submissions concerning supplementary protection certificates*

DPMAdirektWeb

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

- ***NEW:*** *SEPA direct debit for trade-mark and design applications*

DPMAkurier

- Legal status monitoring of certain IP rights
- You can subscribe to receive IP gazettes/journals by e-mail.
- You can submit combinations of applicant/inventor/owner as well as of classification symbols.

- ***NEW:*** *New user interface*
- ***NEW:*** *No limitation on the number of monitoring*

DPMAconnectPlus

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

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

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

Our strategy, our projects

In 2022, too, we intensely worked on our strategy process. We completed some important measures with success, coming closer to the achievement of our strategic goals.

For example, in our fields of action “Products and services” and “Staff”, we made great progress with regard to the following measures:

Electronic administrative work: This project paves the way for the introduction of the federal e-file (*E-Akte Bund*) at the DPMA as the basis for electronic administrative work not relating to the IP areas. We will implement our cloud-based approach to electronic file keeping and case management in a pilot project and then successively roll out electronic administrative work across the DPMA. This means that, in the future, the fulfilment of our administrative tasks will also be almost completely paperless and digital.

Electronic IP case file for designs: Based on the long positive experience gained with respect to patents, utility models and trade marks, we are currently working on the provision of a fully electronic process-oriented case file processing system for designs as well. In the design area, we will then offer our customers digital interfaces, e.g. for applications and the submission of additional documents. We use the existing horizontal services on the basis of the existing service-oriented architecture.

Electronic communication with external parties: In the future, we will provide an electronic communication platform as part of a web conference with external participants. The platform will enable quick and efficient communication both with customers and with our cooperation partners. There are particular challenges to data protection and data security. In the patent area, video hearings have been possible since mid-2022.
For a detailed report on this project, please see page 45.

We were also able to develop our process and quality management systems. We will continue building on an intense dialogue with our users in order to continuously improve our services and processes. Alongside established boards such as our User Advisory Council, we also conduct customer surveys and exchange information and views directly with our customers in order to identify their needs and respond to them.

The field of action “Staff” focused, among other things, on shaping an attractive and modern working environment. With the possibility of fully electronic case file processing, we can offer our staff a considerable degree of flexibility in doing telework and mobile work. Additionally, we are testing ways to ensure that our staff are regularly present in the office in order to continue the traditionally strong bonds among DPMA staff. For a detailed report on the DPMAworking world, please see page 38.

In view of the demographic change, the DPMA still focuses on knowledge management. We have set up a coordination unit to organise the work on knowledge management at the DPMA.

As a customer-oriented, process-oriented and digital authority, we will continue providing our applicants and our partners with modern and efficient high-quality services in the future.

OUR PROJECT

We are there for you – on all channels

Video conference exchange: Hearings can now take place digitally too.

Cooperation through secure and efficient digital communication: As a modern service provider, our aim is to offer our customers and our partners the best possible services in this area too. By providing an electronic communication platform, we have extended our range of services – bringing varied benefits to all parties involved.

With the project "Electronic Communication and Collaboration with External Parties", the DPMA meets the goals of the Second Act to Simplify and Modernise Patent Law (*Zweites Gesetz zur Vereinfachung und Modernisierung des Patentrechts*), according to which video and sound transmission has been permitted for hearings since 1 May 2022. Following our strategy to provide the best possible services and offer our customers the greatest possible benefit and according to our digital roadmap, we have introduced modern formats for communication and proceedings in the context of this project, thus creating another important element for comprehensive and secure digital communication with our customers.

Electronic communication platform: web conferences and secure exchange of data

An electronic communication platform for web conferences with external participants allows multimedia communication not only with our customers but also with our cooperation partners. Using contemporary work methods and continuously working on the initiation of the required amendments to laws and ordinances together with the Federal Ministry of Justice correspond to our guiding principle of a digital service provider. For example, the DPMA continues its work on enabling the legally secure electronic submission of documents in a digital hearing via the established data exchange platform.

Due to the COVID-19 pandemic, the measure "Electronic Communication and Collaboration with External Parties", originally scheduled for 2021 in the digital roadmap of the DPMA, was started earlier, namely in July 2020.

We were able to complete the two-stage overall project in October 2022. With the first part, which was finished as early as February 2021, we initially established an emergency solution for dealing with emergency cases that met the minimum standards of the DPMA and that allowed the virtual DPMA-nutzerforum or online job interviews to be held, for instance.

With the second part, we additionally enabled digital hearings in the Directorates General "Patents and Utility Models" and "Trade Marks and Designs" and the participation in virtual events of external service providers. In addition to the technical concept, the project included the clarification of complex legal issues, e.g. concerning the use of a data exchange platform and the provision of WLAN access to physical participants.

Timely and successful project completion

The project team had to face ever new challenges, e.g. various measures for buying video conferencing equipment including related licences and an adequate licensing concept, the selection of hearing rooms and the installation of equipment in these rooms, the selection and configuration of the web conference platform and extensive consultations with the data protection and IT security teams. But final tests with different partners from the DPMAnutzerforum and the necessary training were ultimately successful, so the system could start to operate on time in October 2022.

Digital hearings save our customers time and cost and are another component in the constantly growing range of the digital services we offer.

Patent attorney training

Patent attorneys help create and enforce protection for the latest technical and scientific innovations. Where technology and law overlap, their expert knowledge is a key factor in the success of a technical innovation, a trade mark or a design. Therefore, the legislator and inventors as well as companies place high demands on future patent attorneys.

How to become a patent attorney

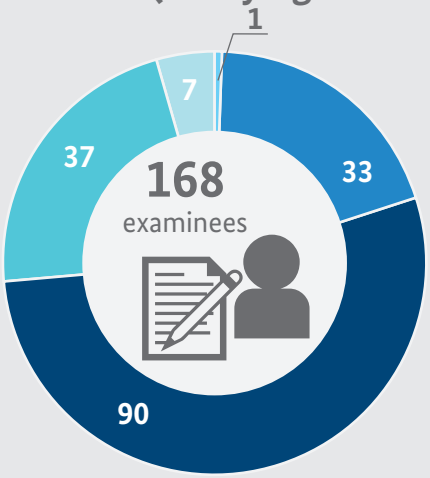
First of all, the aspiring patent attorney has to complete technical or scientific university studies and, for one year, do practical technical work. Subsequently, there is an approximately three-year IP training. Alternatively, the qualifying examination can be taken directly after long-standing relevant advisory or representation activity. In both cases, the basic knowledge of law required to act as a patent attorney is imparted in mandatory studies in general law at the FernUniversität in Hagen.

Training and qualifying examination for patent attorneys

The patent attorney training is divided into three phases and starts with the admission as a patent attorney candidate by the DPMA. The candidates complete the initial and longest training phase of at least 26 months in a patent law firm or the patent department of a company (first phase of training). Then, they spend the two following training phases, known as the office year, in the patent and trade mark divisions of the DPMA (second phase of training) and on the Boards of Appeal for Trade Marks and the Technical Boards of Appeal of the Federal Patent Court (third phase of training). At the end of their training, the candidates take their qualifying examination, which comprises four written tests and an oral examination.

The DPMA is responsible for all matters relating to the training and examination of future patent attorneys. We assess who is qualified for admission to patent attorney training or the qualifying examination. Moreover, we support the candidates during their training and organise the office year, which begins every year in February, June and October, and the examinations, which also take place three times a year.

Qualifying examinations for patent attorneys in 2022



Grade	Participants (in %)
excellent	0.0%
good	0.6%
above satisfactory	19.6%
satisfactory	53.6%
sufficient	22.0%
fail	4.2%
Total	**100%**

Increasingly complex examination of the admission requirements

In recent years, it has been increasingly complex to examine the requirements for admission to patent attorney training or the qualifying examination. There is constant change in tertiary education, the variety of courses of studies is increasing. Interdisciplinary courses of studies are popular: We regularly receive applications from graduates in business administration and engineering, sales engineering or computational linguistics. In view of the legal requirement of a technical or scientific course of studies, we therefore have to decide on more and more borderline cases that require a particularly thorough examination.

Examination board for patent attorneys

The examination board for patent attorneys is established at the DPMA in order to administer the qualifying examination. In addition to the chairperson and at least four deputy chairpersons, the board consists of at least 20 judges of the Federal Patent Court and members of the DPMA and at least 40 patent attorneys or patent agents.

As of 1 January 2022, the Federal Office of Justice appointed for the last time a new examination board. The three-year term of this examination board will expire at the end of 2024. Effective 1 August 2022, the DPMA became responsible for appointing and dismissing the members of the examination board. From 2025, the term of office of the examination board members will be five years.

The numbers for 2022

In 2022, the number of persons admitted to training decreased for the first time. The DPMA admitted a total of 110 candidates to patent attorney training. In 2021, the number was 138.
At the three examination dates, 161 out of 168 examinees passed the qualifying examination.

Additional information

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

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

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)

>> For detailed statistical data on patent attorneys and representatives, please see the "Statistics" chapter on page 92.

Supervision under the CMO Act

Composers, painters, directors – they are entitled to fair royalties for the use of their works. Collective management organisations ensure that the authors receive the royalties. The DPMA, too, plays an important role in this system.

Collective management organisations (CMOs) are associations under private law in which authors have joined who are active in the area of composition or fine arts, for example, and/or holders of related rights (*Leistungsschutzrechte*), such as participants in a theatrical performance or a film production. Every use of a work protected by copyright basically requires the prior permission of the rightholder. Yet, especially where works are used abundantly, it is actually impossible to obtain such a permission in any individual case. In addition, the authors often do not have knowledge of the respective uses and thus cannot assert any claim to the royalties to which they are entitled. For this reason, collective management organisations manage the rights of creative people collectively. To do so, they grant licences for the works managed by them, monitor their use and collect royalties that are subsequently distributed to the rightholders on the basis of distribution schemes.

As the collective management organisations are mostly specialised in one sector (for example, GEMA is specialised in musical works, 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 rightholders, CMOs are subject to government supervision by the DPMA pursuant to the Collective Management Organisations Act (CMO Act – *Verwertungsgesellschaftengesetz*). In Germany, 13 collective management organisations are currently authorised by the DPMA to conduct business. In 2021, they generated total revenues of 1,731.503 million euros. The amount accounted for by each collective management organisation is listed in the table on page 49.

New provisions for the digital market

In 2021, to also adjust copyright law to increasing digitisation, the legislator reformed a number of fields of law of the collective management organisations by implementing the Digital Single Market Directive (Directive (EU) 2019/790 of 17 April 2019). Since then, there has been the option to grant collective licences with extended effect (extended collective licensing – ECL) based on the model of the Scandinavian countries. In accordance with sections 51 et seq. of the CMO Act, collective management organisations can thus grant rights of what are referred to as external rightholders, i.e. creative people who have not entered into a management agreement with any collective management organisation so far. Compared to the provisions in most Scandinavian countries, the German legislator has decided not to provide for a special authorisation or other approval procedure at the DPMA. Accordingly, collective management organisations can grant ECLs on the basis of their original management authorisation. Some collective management organisations already use the new licensing option; they have provided information on the internet and have published tariffs.

Supervision over authorised entities under the Copyright Act

The DPMA is also responsible for the supervision over authorised entities under the Copyright Act (*Urheberrechtsgesetz*). Authorised entities are institutions which offer educational material or provide information products and texts in an accessible format to people with a visual impairment or reading disability on a non-profit basis (for example, libraries for the blind). Pursuant to the statutory permission under section 45c of the Copyright Act, such entities may convert published literary works and sheet music into an accessible format and make them available to other authorised entities or to people with a visual impairment or reading disability. Authorised entities are required to notify the DPMA of their activities. For this purpose, the DPMA provides a notification form on its website (💻). An accessible list of all 24 authorised entities currently notified (in German) and FAQ providing further information on authorised entities (in German) are also available.

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

Register of anonymous and pseudonymous works

The DPMA also keeps the register of anonymous and pseudonymous works. In this register, authors of works published anonymously or under a pseudonym can register their real name and thus have copyright protection extended to the general term of protection of 70 years after the author's death (section 66 of the Copyright Act). The only purpose of the register of anonymous and pseudonymous works is to extend the term of protection. Yet it does not contain a documentation of all works protected by copyright. For current statistical data, please see the table in the "Statistics" chapter on page 92.

Revenues of the collective management organisations in 2021

	Collective management organisations	Revenues[1] in 2021
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€1,038.904m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€248.604m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€161.881m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€9.093m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€70.174m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€5.793m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€40.571m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€10.040m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€56.097m
AGICOA GmbH	AGICOA Urheberrechtsschutz-Gesellschaft mbH	€29.305m
Corint Media	Corint Media GmbH	€55.698m
TWF	Treuhandgesellschaft Werbefilm mbH	€5.311m
GWVR	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€31,514
Total		**€1,731.503m**

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

Arbitration Boards at the German Patent and Trade Mark Office

Is it impossible to resolve a dispute? Then, independent arbitrators are often helpful. Two arbitration boards are located at the DPMA: the Arbitration Board under the Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*) and the Arbitration Board under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*). Their task is to mediate an out-of-court settlement. There is a large variety of contentious issues in practice.

Arbitration Board under the Act on Collective Management Organisations

Those who want to make use of works protected by copyright must obtain permission from the rightholders. As it would take considerable effort for users on the one hand and authors on the other hand to enter into an agreement in each individual case, the rights are managed in many areas by collective management organisations. Users can thus acquire the rights from these "one-stop shops". For example, owners of public houses and discotheques as well as radio stations or streaming providers can centrally acquire the required copyright for playing music from GEMA. Even though this facilitates the acquisition of rights for both sides, there are risks as with any other monopoly. For this reason, collective management organisations are required to grant rights on fair terms. The parties can apply to the Arbitration Board especially in disputes over the amount of the appropriate remuneration or to determine an inclusive contract under which an association of users agrees the licensing framework with the collective management organisation.

In 2022, as in previous years, the Arbitration Board was able to reduce the number of pending proceedings. There were 61 new requests – including, for the first time, a request for the carrying out of an independent empirical study pursuant to section 93 of the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*) and a request for the determination of an inclusive contract – as against 111 concluded proceedings, including two inclusive contract proceedings.

For example, in the period under review, the Arbitration Board proposed in a case (Sch-Urh 5/22) concerning the use of the related right for press publishers, newly introduced in June 2021, a provisional settlement that facilitated a legally secure use against payment of remuneration until the decision on the merits.

In another case (Sch-Urh 15/19), the Arbitration Board proposed an inclusive contract for advertising-funded on-demand music streaming such as offered by YouTube. It did not agree with the argument presented by the collective management organisation that entering into such an inclusive contract could not be expected from it because it was likely that only few member companies of the association would join the contract. As regards content, the Arbitration Board referred to an inclusive contract entered into by the parties in the past and – depending on the specification of the service – proposed remuneration rates between 8.25% and 10.25% of the revenues generated by the use of music, however at least between 0.00025 euros and 0.00375 euros per stream.

In case Sch-Urh 129/18, the disputed question as to whether collective management organisations can demand remuneration even if university libraries make copies of articles in response to individual orders and the university sends them exclusively to students enrolled at that university was affirmed by the Arbitration Board. However, with respect to the net remuneration provided in the proposed inclusive contract,

the Arbitration Board reduced the amount to 0.35 euros per article taking into account that the articles are not provided to students of other universities but to the students enrolled at the university concerned who usually have physical access to copies of the required works anyway and can also make copies thereof themselves.

In case Sch-Urh 23/19, the Arbitration Board dealt with the fair remuneration for the streaming of music in movies via what are known as on-board entertainment systems in coaches.

The settlement proposals mentioned above, as well as additional ones, are provided in an anonymised manner on our website (💻).

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

Arbitration Board under the Employee Inventions Act

Did you know that more than 90% of the patent and utility model applications at the DPMA are based on inventions made by employees and that it is not the company but the inventor that is initially entitled to the right to the patent?

Even though labour law provides that work results are always the property of the employer, the inventor principle applies. This means that, pursuant to section 6 of the Patent Act (*Patentgesetz*), the inventor has the right to the patent, regardless of whether or not the invention has been made within the scope of an employment relationship.

Consequently, rights in employee inventions are conferred in two opposing directions. This situation is resolved in the Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*).
Employees are required to notify their employer of inventions made within the scope of the employment relationship, whereas the employer is basically required to obtain patent protection for such an invention in Germany but also entitled to become the proprietor of the patent. In return, the employee's right to the patent is changed to a claim to remuneration against the employer.
Pursuant to section 9 of the Employee Inventions Act, the amount of the claim to remuneration is based 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". It is intended to have the employee get a fair share in the financial benefits (share factor) accruing to the employer from the right to the patent (value of the invention).

The amount of the claim to remuneration is determined by these vague legal terms: this can easily lead to different assessments between companies and inventors that should preferably not harm the employment relationship.

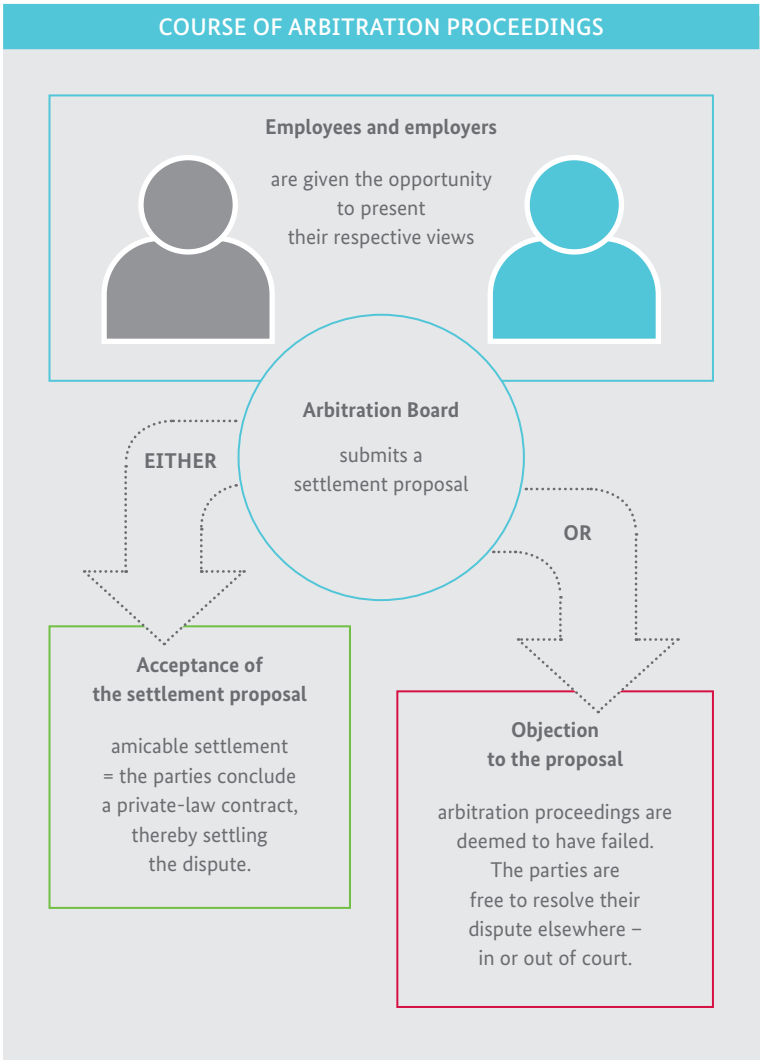
For this reason, the legislator has set up the Arbitration Board under the Employee Inventions Act at the German Patent and Trade Mark Office. The Arbitration Board usually consists of a chairperson, namely a lawyer qualified to hold the office of a judge, and two patent examiners. While the chairperson exercises the activity permanently, the patent examiners are appointed according to their particular technical expertise for the respective arbitration proceedings. This ensures that the Arbitration Board is always equipped with the best possible legal and technical expertise.
First, the Arbitration Board gives employees and employers involved in the dispute the opportunity to present their views and then submits a settlement proposal to them. If the parties involved accept this proposal, they enter into a private-law contract, thereby resolving the dispute. If they object to the settlement proposal, the arbitration proceedings are legally considered failed; the parties involved can then decide whether to otherwise resolve their dispute, be it in court or out of court. Despite the objection, they often reach a resolution on the basis of the settlement proposal, whereas court proceedings are rare.

Consequently, the Arbitration Board is where to go first if, due to the dynamic technical and economic development, new issues under employee inventions law arise. Therefore, the Arbitration Board regularly publishes selected settlement proposals in an anonymised form.

The following is a selection of issues dealt with by the Arbitration Board in 2022:

- Adjustment of the scale of licence fees, which had not been changed since 1983 – Arb.Erf. 64/20
- Proposal for operational improvement and claim to remuneration under employee inventions law – Arb.Erf. 16/21
- Involvement of the inventor in the application procedure – Arb.Erf. 32/19
- The use of an invention is not reflected in the sale of products – Arb.Erf. 13/21
- Patent licence agreement in force when the patent has been transferred to the inventor and scope of a right of use reserved by the employer when the IP right has been transferred – Arb.Erf. 42/20

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



💻 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)

	2018	2019	2020	2021	2022
Requests					
Total requests received	159	143	96	58	61
including inclusive contracts under sec. 92(1) no. 3 CMO Act	5	2	5	1	1
Cases concluded by					
Settlement proposals of the Arbitration Board	69	67	81	95	56
Partial settlement proposal of the Arbitration Board[1]	2	0	20	13	0
Order	107	135	126	111	55
Total (without partial settlement proposals)	176	202	207	206	111
Requests pending at the end of the year	566	507	396	248	198
Payment of security/provisional settlement					
Requests	19	25	3	4	12
Orders	7	5	32	37	6

[1] Recorded for the first time in 2018.

Arbitration Board under the Employee Inventions Act

	2018	2019	2020	2021	2022
Receipt of requests	71	61	66	53	60
Arbitration proceedings concluded by					
Settlement proposals and compromises	47	43	44	44	43
Proposals accepted (%)	68.0	76.7	50.0	65.9	67.4
Refusals to participate in arbitration proceedings	15	9	19	16	6
Other cases concluded, in particular, by withdrawal of request, order, provisional proposals, etc.	5	6	9	8	2
Total of cases concluded	67	58	72	68	51
Arbitration proceedings pending at the end of the year	91	94	88	73	82

National cooperation partners

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

Successful team work: National cooperation

The patent information centres are present at 19 locations all over Germany and are an essential part of this network. A cooperation partner of the DPMA for many years, they have become an irreplaceable local point of contact for our customers.

One of the main tasks of the patent information centres is the support of SME. Counselling for business founders and research institutions regarding all questions around IP protection is also part of their services on offer. Not only do they provide exhaustive information on commercial legal protection, the patent information centres also show the way from an idea to an IP right and they offer support in avoiding infringements of the rights of third parties. They propose tailor-made solutions for the customers and take a global look at their issues. At the same time, they guarantee strict confidentiality and secrecy.

In order to fulfil those tasks, the patent information centres offer different types of services: Support of the customers' own research is one of them. Other services in the broad range of offers are commissioned research and counselling concerning the strategic management of IP rights, the enforcement of IP rights and the fight against product piracy.

Furthermore, they organise free-of-charge initial counselling for inventors that is carried out by the patent attorney community or the Chamber of Patent Attorneys.

Regular events, trainings and workshops on different topics concerning commercial legal protection, often organised in cooperation with the DPMA or local institutions such as the chambers of industry and commerce, complete the broad range of services offered by the patent information centres.

All patent information centres were able to open their doors to visitors again in the course of the year 2022. While the now well-expanded offer in online services – such as virtual counselling options, webinars or web-based research – is met with great response, confidential private counselling as well as on-site research with guidance by staff of the patent information centres became, once again, popular offers with direct costumer contact once the patent information centres were opened. Visitors also took up participation in face-to-face events again.

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

The yearly patent information centres conference, a well-established element of cooperation between the DPMA and the patent information centres, took place in Munich in December 2022.

Among the matters covered were current affairs, but also the establishment of common marketing activities. Experience and examples for best practice in the area were exchanged in a social media workshop. Colleagues from the DPMA in Jena gave a talk about current developments in design protection, news concerning the Locarno classification and new ways to research designs in databases.

The patent information centres continue to be neutral service providers and important cooperation partners of the DPMA. They make a decisive contribution to sustainably strengthening the awareness of intellectual property in the public, the economy and science.

User Advisory Council on Patents/Utility Models

The User Advisory Council on Patents and Utility Models at the DPMA has now successfully completed the first half of its second term of office.

The prolongation of the term of office from two to four years has contributed to a positive development: Even though, during this prolongation of the term of office, the DPMA User Advisory Council convened in online meetings only, all participants have managed to get to know each other better and to intensify their exchange of views and experiences.

Time and again, the feedback provided by the members of the User Advisory Council yields valuable new findings about our customers' needs and provides direct insights into our users' practical experience. The members of the advisory body decide on the subjects to focus on, which fortunately gives rise to discussions going beyond the classic main focus areas, such as patent quality or examination procedures. For instance, the DPMA User Advisory Council has decided unanimously that efforts across portfolios should be made in order to establish a national innovation strategy. A national IP strategy across portfolios would make an essential contribution to creating more awareness of topics concerning the protection of intellectual property among the general public and to highlighting the opportunities stemming from the strategic use of commercial IP rights to guarantee investments in research and development.

The evaluation of the DPMA User Advisory Council, scheduled for the second term of office, will come with a detailed interim balance. The evaluation is also supposed to examine the direction and functioning of the body and, where appropriate, show ways of optimisation.

The DPMA would like to thank all members and stand-ins for their great commitment and is looking forward to upcoming meetings with delight and interest.

INTERVIEW

"We prepare business founders for their journey"

Dr Susanne Ruffert, Head of the Patent and Standards Information Centre (PNZ) in Aachen, talks about new forms of European cooperation, fundamental work for business decisions and future target groups for her Patent Information Centre (PIZ).

Dr Susanne Ruffert (second from the right) and her team at the PNZ Aachen

You are at a location where Europe is particularly palpable. How European is the PNZ Aachen?

We are passionate Europeans at heart! We put the European spirit into practice with our cooperation with the Patent Information Centres in the European PATLIB Network. For a few years now, we have been active as speakers at conferences and trainings of the European Patent Office (EPO). In addition, I have been representing the German-speaking Patent Information Centres in the PATLIB committee, EPO's advisory board, since the fall of 2020. I had the chance to accompany the implementation of the project PATLIB 2.0, initiated in 2019, from a front row seat in this office. The project, which ends in May 2023, as does my term of office in the committee, has taken the cooperation of the European Centres with each other and with the EPO to a new level. I am certain that the momentum created by PATLIB 2.0 will have a lasting effect and I am excited to see the further development.

In public relations, what is your strategy to gain even more public awareness and work even more efficiently for the protection of intellectual property?

Surveys among our customers have shown that 30 percent of the respondents come to us via the DPMA. That shows how important the cooperation with the DPMA is! One third finds us via the internet and no less than 20 percent thanks to a tip from our university staff.

Your good reputation brings you more customer contacts?

That is one way to put it. We try to use our direct contacts. The PNZ team is well connected in the Aachen business founders' scene due to our work as experts at the AC2 competition for business foundation and growth of the Cities Region (*StädteRegion Aachen*). But we also cooperate closely with other institutions.

We regularly hold patent consultation days in cooperation with AGIT, the Aachen association for innovation and technology transfer, and participate in information events on the subject of commercial legal protection. In addition, we have been organising events on the occasion of the World IP Day with AGIT, the chamber of commerce and industry and the chamber of crafts Aachen for almost ten years. This year, we were represented once again, this time with the subject women and IP. We are delighted that we are now back to face-to-face events. Even though we were able to reach many participants with virtual formats, the personal, informal exchange is particularly important – and that works best over a drink. In a nutshell, the strategy for our public relations is: network as much as possible and stay dynamic!

You are part of RWTH Aachen University, one of the most important technical universities in the country. What role do technology transfers and spin-offs play in your work?

Indeed, the region of Aachen is an ideal environment for foundations of technology-based businesses, with its local universities as well as numerous innovative companies and research institutions. At the RWTH, technology transfer and entrepreneurship are advanced by RWTH Innovation GmbH. The PNZ is organisationally detached and therefore not engaged in implementing research results in the market. Our services and our activity in this regard start sooner. What we do is create awareness of and provide information about the protection of intellectual property and carry out the corresponding IP researches which enhance legal security. With our services, we prepare researchers and business founders for their future endeavours, which usually lead to technology transfers and to the patent attorney. We create the basis for well-founded business decisions by informing our customers about the opportunities and risks of IP protection. This task comes natural to us, as we are neutral towards all projects.

140 YEARS OF PNZ AACHEN!

We would like to congratulate our cooperation partner on 140 years of support to North Rhine-Westphalia's inventors and look forward to continuing our good cooperation.

You can find a post on the anniversary and a short film of the PNZ Aachen on our website.

https://www.dpma.de/dpma/wir_ueber_uns/kooperation/patentinformationszentren/140jahrepnzaachen/index.html

How does the DPMA support you?

During the development of the German patent information centres (PIZ) from consultation sites to comprehensive information service providers for technology transfer, the DPMA has been and still is a reliable driving power, not only for us, but for the entire PIZ network. On the one hand, we benefit from the many training events organised by the DPMA for the PIZ. On the other hand, the good cooperation between the PIZ, consolidated by the regular meetings, is precious.
The DPMA supports this, for instance, by hosting the yearly PIZ conference. As I have said before, we also benefit from the DPMA in a very tangible manner, because many requests reach us via the DPMA. And finally, the expertise of the speakers from the DPMA at our workshops and information events are a great offer! They make valuable contributions to our events with convincing technical knowledge and interesting presentations and are met with great response in the region, time and again.

What are the focus points and projects that you want to take on in the year to come?

This year, we are working on developing new information formats or revising existing formats. For example, we are planning to also hold our two-day workshop for PhD students and postdocs in a hybrid format in order to offer participants a maximum of flexibility. Furthermore, we are planning on reworking our website and, in this context, we intend to present our series "Patent of the month" in a more appealing way, or rather, make older posts available in bundles. We are also excited about plans for cooperation of the central library of the Jülich Research Centre and the university library of the RWTH, which the PNZ is part of. We see potential synergies in the area of "Information transfer and counselling". And finally, we would like to focus more on pupils, who are very important to the RWTH. That way, we can create awareness of intellectual property among future researchers at an early stage. A similar offer is already being implemented at a large scale in Poland. That is another example of how we can learn and benefit from each other in Europe.

https://www.piznet.de/de/

International cooperation

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

Albania (DPPI)

For many years, the DPMA has been working in close partnership with the World Intellectual Property Organization (WIPO) in order to implement initiatives to strengthen intellectual property around the world. As part of this cooperation, the General Director of the Albanian Intellectual Property Office Ms Rudina Bollano and her delegation visited the DPMA in Munich in July. During their study visit, which lasted for several days, the guests were given comprehensive insights into the practical processing of the applications for supplementary protection certificates at the DPMA.

Poland (PPO)

The Director in charge of international cooperation of the Patent Office of the Republic of Poland, Ms Anna Dachowska, as well as a representative of the Organisation for Economic Cooperation and Development (OECD) also visited the DPMA in July. This study visit was part of an OECD project on the subject of the role of commercial property in fostering innovation in Poland. The European Commission supports that project in an effort to foster structural reforms in order to, for instance, develop a long-term strategy for commercial legal protection in Poland.

The participants took up an intense exchange on the possibilities and tools available to promote the protection of intellectual property in both countries. The DPMA also informed the colleagues from Poland about the extension of tasks according to section 26a of the Patent Act (report on page 37). The DPMA will from now on coordinate programs supporting IP for small and medium-sized enterprises in harmonization with regional, national and international institutions and agents.

Both delegations highlighted the importance of the cooperation between Germany and Poland when it comes to meeting the needs of applicants in both countries as well as the enforcement of IP rights.

Republic of Korea (KIPO)

A high-ranking delegation led by Mr Jisu Kim, Director General for Patents and Utility Models, of the Korean Intellectual Property Office (KIPO) from South Korea visited the DPMA in early December for consultations with the heads of two Directorates General, Dr Maria Skottke-Klein (Patents and Utility Models) and Katharina Mirbt (Administration and Law).

The representatives of both offices exchanged information about the efforts being made in order to ensure and further improve the high quality of patent examination. Both sides agreed that the latter is essential for the acceptance of the IP system.

The delegations also talked about Artificial Intelligence (AI) as well as the current legal framework concerning the protection of AI based inventions. The most important question in this regard is to what extent AI could be considered as a legal entity. Both offices presented a detailed analysis of the applicable law in their respective country and the case law available on the matter so far.

Both delegations also discussed the challenges that the national patent offices are going to be facing in view of the introduction of the Unitary Patent and the Unified Patent Court. Both offices explicitly highlighted the need to regularly keep each other posted on the most current affairs in commercial legal protection. The meeting on the directors' level was accompanied by two operational level meetings. In addition, the delegation visited the Federal Patent Court, which is also based in Munich.

Japan
Heads Meeting DPMA – JPO (virtual)

During a bilateral meeting in January 2022, DPMA President Cornelia Rudloff-Schäffer (retired since February 2023) and Vice-President Bernd Maile briefed Commissioner Kiyoshi Mori and Deputy Commissioner Susumu Iwasaki of the Japan Patent Office (JPO) on the amendments to the German Patent Act and the possible impact of the Unified Patent Court on the national patent system. The heads of the offices highlighted the general need to intensify cooperation on current affairs in commercial legal protection.

Furthermore, the parties compared notes on subjects in an effort to prepare for the meeting of the Heads of Intellectual Property Offices of the seven major industrialized countries (G7).

G7 – Joint Declaration on fighting counterfeiting and product piracy

In December 2022, the Federal Ministry of Justice, in cooperation with the DPMA, organised a virtual meeting with the Heads of the Intellectual Property Offices of the seven major industrialized countries (G7) as well as the Director General of WIPO.
The participants talked about creating a positive culture for intellectual property and the fight against counterfeiting and product piracy. In a joint declaration, they encouraged all public and private players active in the fight against IP infringements to join efforts. That is the only way to ensure that counterfeiters do not benefit from the new technological developments which make prosecution in cross-border trade even more complicated.
It is necessary to protect intellectual property around the world in order to foster innovation and creativity around the world. That is the only way to protect society against infringements of IP rights and their significant social and economic consequences. The creation of a positive awareness of intellectual property and the fight against counterfeiting and product piracy are equally important.
The Heads of Offices of the G7 States and WIPO agreed to foster the awareness and understanding of the importance of intellectual property in taking up global challenges, such as global health, climate change and sustainable development.
DPMA President Rudloff-Schäffer stressed that this target can only be reached, if the public is informed about and made aware of the positive impact of intellectual property across borders.
The participants agreed that there is a need to develop a strategy for fighting counterfeiting and product piracy. Both are international phenomena requiring an international response.
DPMA President Rudloff-Schäffer also highlighted that counterfeit goods put the health and safety of consumers at risk, undermine the rights of employees as well as the reputation of the holders of intellectual property rights and facilitate criminal activity. The rise in counterfeit goods in relation to COVID-19, such as testing sets, protective equipment and vaccines, had shown how counterfeiters implement fraudulent methods in a short time. Strategies for fighting counterfeiting must also be adapted in order to put a stop to such criminal activity. Existing multilateral forums such as WIPO's Advisory Committee on Enforcement should therefore be expanded.

EUIPO

The European Union Intellectual Property Office (EUIPO) works with the EU member states' national Intellectual Property Offices on providing harmonised application procedures for trade marks and designs in Europe. DPMA experts are represented in working groups on convergence projects that work towards harmonising the examination practice of all trade mark offices in the EU. In the course of last year, two working group meetings, each lasting several days, and in which the DPMA participated, were held in an effort to develop a common practice for trade marks applied for in bad faith. Convergence projects already completed in the last years concerned matters including the new forms of trade marks and their examination regarding formal requirements and grounds for refusal (in 2022, the DPMA also organised a webinar on some aspects of this subject in cooperation with the EUIPO), the use of a trade mark in ways differing from the registration and criteria for assessing design disclosure on the internet.
DPMA experts also participate in the evaluation of the efforts made so far to harmonise the practice and in the planning of new convergence projects during a convergence analysis.
In addition, the DPMA contributes to various research and classification tools, including TMClass (single classification database for goods and services) as well as TMView and DesignView (research tools for trade mark and designs).
The European cooperation continues to focus on support for small and medium-sized enterprises (SME) in the effective use of commercial IP rights. The DPMA participates in various projects in that field.

Inventor and innovation awards

Whether they relate to medical technology, new vaccines or resource-saving industrial processes, innovations create solutions to many challenges. Innovation awards recognise the creativity of the people behind these innovations. The DPMA actively supports some renowned awards.

Inventor and innovation awards promote the development of inventiveness, innovation drive and progress. The prizes awarded impressively show how important the protection of innovations made by individuals or teams is, e.g., in order to support further research or create new jobs.

Last year, the President and other senior executives of the DPMA were once again members of juries or boards of trustees. In addition, our patent examiners proposed outstanding innovations for recognition.

In 2022, the DPMA was involved in the following awards:

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

www.deutscher-zukunftspreis.de/en

The *Deutscher Zukunftspreis* award is the badge for excellent inventions; it recognises the level of scientific and technological innovation, successful commercialization and the creation of sustainable jobs. Furthermore, it aims to encourage young people to choose scientific and technical subjects. This award comes with a prize money of 250,000 euros and is presented by the Federal President in person. The DPMA President is a member of the board of trustees, which determines the direction of selection decisions. The DPMA is entitled to make promising proposals to the jury which will then be considered in the procedure for deciding on the nominations or the prize winners.

If you are a team of scientists and developers, please draw our attention to your innovation and submit your engineering or scientific ideas and projects. Proposals for nominations for the 2024 *Deutscher Zukunftspreis* award can be submitted at any time until the beginning of November 2023. For more information, visit our websites.

The 26th *Deutscher Zukunftspreis* was presented by Federal President Frank-Walter Steinmeier on 17 November 2022 at an evening event at Kraftwerk Berlin, an event location. The ceremony was broadcast via live stream and subsequently shown on the German TV channel ZDF. The DPMA had proposed two of the three nominated teams. "The nominated teams are tackling pressing problems of humankind and are offering impressive solutions in their respective fields. With a visionary eye, all three of them have been pushing their innovations forward for a long time. Their success is the result of hard and persistent research work," DPMA President Cornelia Rudloff-Schäffer (retired since February 2023) said.

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

Federal President Frank-Walter Steinmeier presented the team around Dr Thomas Kalkbrenner, Dr Jörg Siebenmorgen and Ralf Wolleschensky, of ZEISS Research Microscopy Solutions in Jena, with the 2022 *Deutscher Zukunftspreis* award for the development of a high-resolution 3D fluorescence microscope for the long-term examination of biological samples. The team was proposed by the DPMA.

The new fluorescence microscope minimises phototoxicity, that is, the damage inflicted on living organisms by the absolutely necessary light. Cells can thus be observed over longer periods of time without results being distorted. The device can also be easily operated by non-academic staff and enables the continued use of established sample preparations. It also allows high-throughput screening, that is, the rapid analysis of a large number of samples.

"We are very pleased that the jury has selected the innovation proposed by our office for this prestigious award," the DPMA President said and added: "More than almost any other instrument, the microscope has contributed to promoting research and innovation. With their new technology, the scientists have improved microscopy to a level never seen before. This allows new, ground-breaking findings and innovations to be made which benefit people, including a lot of very sick people."

Two other innovations were also nominated for the 2022 *Deutscher Zukunftspreis* award:

Stefan Vilsmeier and Claus Promberger of Munich-based Brainlab AG and Prof Cordula Petersen of the University Medical Center Hamburg-Eppendorf have developed a system for high-precision patient positioning and monitoring for radiotherapy – such as for lung cancer. The new "ExacTrac Dynamic" system monitors the patient's movement and the respiration-induced tumour motion. For this purpose, measurement data from a 3D surface camera and a thermal sensor are combined with stereoscopic real-time X-ray data. Software calculates a correlation model of the internal and surface movement. This allows the system to position the X-ray beam precisely at the tumour. Damage to the surrounding healthy tissue is thus minimised. This innovation was also proposed to the jury by the DPMA.

Federal President Frank-Walter Steinmeier, presenter Mai Thi Nguyen-Kim and the team of Brainlab AG

DPMA President Cornelia Rudloff-Schäffer with this year's prize winners Dr Thomas Kalkbrenner, Dr Jörg Siebenmorgen and Ralf Wolleschensky of ZEISS Research Microscopy Solutions

Thomas Speidel and Dr Thorsten Ochs of ads-tec Energy GmbH in Nürtingen and Stefan Reichert of the Fraunhofer-Institute for Solar Energy Systems ISE in Freiburg were also nominated. They use their "ChargeBox" to enable nationwide ultra-fast charging of electric vehicles (EV) even in the existing, often power-limited grid. For this purpose, battery systems are used as buffer storage between the low-voltage grid and the vehicle. EV charging is thus possible even in city centres and remote rural areas with low-power grid connections.

European Inventor Award

https://new.epo.org/en/news-events/european-inventor-award

Every year, the European Patent Office (EPO) awards the European Inventor Prize, which recognises inventors from Europe and all over the world who have contributed extraordinarily to social development, technological progress and economic growth. The awards are presented in the categories "Industry", "Research", "Small and medium-sized enterprises (SMEs)", "Non-EPO countries" and "Lifetime achievement". In 2022, "Young Inventors" were also specifically recognised for the first time. A "Popular Prize", in which the winner is selected by a public vote rather than the jury, was also awarded once again. The examiners of the DPMA submit nomination proposals. A nomination requires at least one finally granted European patent.

"The European Inventor Award honours the most outstanding international innovators," DPMA President Cornelia Rudloff-Schäffer said on the occasion of the award ceremony on 21 June 2022. Two German teams of researchers were nominated for the award, too.

In the "Industry" category, the German engineers Frank Herre, Hans-Georg Fritz, Timo Beyl, Marcus Kleiner and Benjamin Wöhr, of Dürr Systems AG, were among the three nominated teams. Their automated automotive paint system applies paint in such a manner that it is possible to reduce the amount of paint and energy needed by 20% and 30%, respectively, and to better respond to individual customer requests.

In the "SMEs" category, Joachim Fiedler (of Fidlock GmbH), a German inventor and cellist, was nominated. He has developed innovative fasteners that combine magnets with a mechanical closing device, so they can easily be opened with one hand.

Moreover, DPMA President Cornelia Rudloff-Schäffer warmly congratulated Katalin Karikó, biochemist and mRNA pioneer, on receiving the award in the "Lifetime achievement" category. "Katalin Karikó's outstanding innovations in mRNA technology are a phenomenal lifetime achievement. She has showed that scientific excellence combined with tenaciousness and conviction can lead to great things," the DPMA President said, and added: "The COVID-19 vaccine co-developed by Ms Karikó on this basis at BioNTech in Mainz is a key instrument for mitigating the COVID-19 pandemic. And it is quite possible that the mRNA technology will make further ground-breaking progress in medicine possible."

Katalin Karikó, mRNA pioneer, was recognised for her lifetime achievement

Bavarian Innovation Prize

www.innovationspreis-bayern.de (in German)

The Bavarian Innovation Prize is awarded every two years by the Bavarian Ministry of Economic Affairs, Regional Development and Energy, the Federation of Bavarian Chambers of Crafts (*Arbeitsgemeinschaft der bayerischen Handwerkskammern*) and the Federation of Bavarian Chambers of Industry and Commerce (*Bayerischer Industrie- und Handelskammertag*). It honours Bavarian companies whose product and process innovations as well as innovative technology-oriented services have been successfully established in the market or whose market success is foreseeable.

"The Bavarian Innovation Prize is an impressive example of how small and medium-sized enterprises, in particular, also contribute highly creative technical solutions to our innovative capacity," DPMA President Cornelia Rudloff-Schäffer said and added: "The prize winners from all over Bavaria represent a broad range of innovation activity – from highly specialised industrial manufacturing processes to applications that are a direct help to people."

Left to right: Dr Ulrike Wolf (Bavarian Ministry of Economic Affairs), Franz Xaver Peteranderl (President of the Federation of Bavarian Chambers of Craft), Lea Sauerwein, Dr Elfriede Eberl, Frank Brunnecker, Dr Robert Schmidt (representatives of Evosys Laser GmbH) and Prof Klaus Josef Lutz (President of the Federation of Bavarian Chambers of Industry and Commerce

The DPMA President paid particular tribute to the innovation made by Erlangen-based Evosys Laser GmbH, the winner of the main prize. In this innovative process, plastic workpieces are welded by sequential irradiation with two laser beam sources. The use of two different wavelengths that alternate according to a certain time pattern allows better control of the energy introduced and the entire welding process: "The new process of Evosys GmbH takes an established technology to a higher level. It allows manufacturers worldwide to increase the efficiency of their production and offer their customers better products," Cornelia Rudloff-Schäffer said.

The other prize winners are mentioned on the websites of the Bavarian Innovation Prize.

Thuringia Innovation Award

www.innovationspreis-thueringen.de (in German)

On 30 November 2022, the four categories of the "XXV Thuringia Innovation Award 2022" as well as the Special Award for Young Enterprises and the Ernst Abbe Award for Innovative Entrepreneurship were presented jointly 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 in Weimar. The prize money, which is one of the highest for innovation awards in Germany, amounted to a total of 100,000 euros for the five former individual prizes.

DPMA President Cornelia Rudloff-Schäffer warmly congratulated the winners of the Thuringia Innovation Award: "The award-winning inventions show the extraordinarily high innovative capacity of Thuringia," the DPMA President emphasised, and added: "We are pleased that innovative activity is not limited to the well-established successful major companies, but SMEs also put excellent innovations on the market."

DPMA President Rudloff-Schäffer emphasised that, with 25 patent applications per 100,000 population last year, Thuringia kept its top position among the Central and Eastern German *Länder*. Even in the relevant ranking of all German *Länder*, Thuringia came in 5th, a remarkable position.

Markus Ortlieb, head of the Jena sub-office, once again represented the DPMA in the 19-member jury, particularly clarifying questions relating to the state of the art and IP rights across all categories. The criteria for the jury's decision to grant the award include the degree of innovation, entrepreneurial achievement, functionality, practical value and economic success. Furthermore, the competition entries must already be on the market or be about to be launched. Another requirement is that the development and production of the submitted innovation has predominantly taken place in Thuringia.

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

The prize winners in 2022

Falling Walls Science Summit

https://falling-walls.com/science-summit/

Every year, the Falling Walls Foundation honours groundbreaking innovations in the categories "Life Sciences", "Physical Sciences", "Engineering and Technology", "Social Sciences and Humanity", "Art and Science", "Future Learning", "Science and Innovation Management", "Emerging Talents", "Science Start-ups" and "Science Engagement". The foundation is supported by the Federal Ministry of Education and Research, the foundation *Robert Bosch Stiftung*, the Helmholtz Association, the Berlin Senate and a number of renowned scientific institutions, foundations, companies and non-governmental organisations.

Involved for the first time in this award, the DPMA proposed five projects. Information on the many winners is available on the websites of the Falling Walls Science Summit.

Jugend forscht contest

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

"Jugend forscht is a fitting youth contest for Germany, since we are a nation of developers, tinkerers and inventors," Federal Minister of Education and Research Bettina Stark-Watzinger said. This year, this was reflected once again by the creativity, the variety of problems tackled and the strong perseverance of the young scientists in getting from the idea to an item or process that works. At the national finals in Lübeck in May 2022, 168 young scientists presented their 108 very different projects.

For example, in the "Working World" field, Vincent Nack was able to convince the federal jury of the emergency brake assist system for bicycles he had developed himself. His "Bike Emergency Braking System" consists of a sensor system with ultrasonic sensors, a gyro stabiliser and an autonomous braking system. The sensor system can be fixed to the handlebar. In case of emergency, the system brakes for a controlled stop of the bicycle.

This year's award of the Federal President for extraordinary work was bestowed on Hendrik Rider. He has developed a 2.5-metre-long water rocket that can fly up to 270 metres high. At its top, meteorological data such as temperature and air quality as well as position data are collected and transmitted to the ground station. The rocket is launched from a specially designed launch pad where the rocket is also fully automatically fuelled and controlled.

The winners of the individual categories are mentioned on the websites of the *Jugend forscht* contest.

We wish all prize winners continued success in the future!

Events in 2022

Inauguration visit of Federal Minister of Justice Dr Marco Buschmann

During his inauguration visit at the DPMA in Munich, Federal Minister of Justice Dr Marco Buschmann highlighted the great importance of the DPMA for the work of the federal government. "We, the federal government, wish to further expand the undisputable competence of the DPMA," the Minister said. He added that he appreciated the technical competence and the commitment of the many patent examiners, as did the industry, referring to the DPMA and its employees as an "important pillar" of the government's work. Federal Minister Buschmann was accompanied on his visit by Parliamentary State Secretary Benjamin Strasser and State Secretary Dr Angelika Schlunck.

DPMA President Cornelia Rudloff-Schäffer (retired since February 2023) and Federal Minister of Justice Dr Marco Buschmann

Federal Minister of Justice Dr Marco Buschmann signing the DPMA guest book

Guests from the Federal Parliament

Dr Thorsten Lieb (FDP) and Esther Dilcher (SPD), budget rapporteurs in charge of the DPMA of the parliamentary groups of the governing parties, visited Munich and gained a broad overview of the office, its mandate and its services. Philipp Hartewig (FDP), member of the legal committee, accompanied the delegation.

„During our intense talks, the great interest in our tasks and challenges was palpable, as was the willingness to support us at the best possible with the financial means to optimise our services for the industry," DPMA President Rudloff-Schäffer stated after the meeting.

Left to right: Dr Ivo Thiemrodt, Federal Ministry of Justice, Members of Parliament Philipp Hartewig (FDP), Esther Dilcher (SPD) and Dr Thorsten Lieb (FDP), DPMA President Cornelia Rudloff-Schäffer

President Cornelia Rudloff-Schäffer participated in the IP Day via a video message

IP Day

DPMA President Cornelia Rudloff-Schäffer participated in the IP Day in Stuttgart via a video message. In her speech, she pointed out the major advantages of the German patent. She highlighted that, especially against the backdrop of the introduction of the European Unitary Patent, German patents and utility models could play a crucial role in IP rights strategies. President Rudloff-Schäffer stressed not only the advantages related to costs, but also the high quality and flexibility of the German system: "Whatever the changes, it is particularly important to us that you can continue to rely on the outstanding quality of our examination and services."

BayernInnovativ symposium

Artificial Intelligence (AI) and the form of its protectability is a topic under much discussion between industry and lawyers. This became clear once more during the symposium "Patents for software and business models" in November 2022 at the DPMA, where experts from industry, research and administration exchanged views and information on the related topics. AI, software solutions and digital business models are blossoming and keep finding their way, to a steadily growing extent, into technology and daily life. The symposium offered space for a cross-technological and cross-sectoral assessment of the current situation.

DPMA President Cornelia Rudloff-Schäffer

DPMAnutzerforum conference

Innovations in energy production, trade marks booming due to the pandemic, new tasks for the DPMA, the Unitary Patent about to be launched: Those are only some of the subjects around intellectual property that the DPMAnutzerforum 2022 focused on.

The biggest symposium of the DPMA took place under the motto "Virtual. Interconnected. Diverse." and, for the second time, as an online event. Due to the pandemic, participants once more had to do without face-to-face exchange on site. However, the symposium reached a range never seen before. The registered guests from industry, law firms, research

institutions and universities as well as IP rights service providers were able to follow the presentations, discussions and seminars via a live-stream on the DPMA's YouTube channel.

In her speech, DPMA President Cornelia Rudloff-Schäffer pointed out the importance of innovations in renewable energy, which do not only strengthen Germany's energy independence, but are also key in tackling climate change. She also gave comprehensive insights into trends in the different types of IP rights.

The DPMA's new statutory mandate regarding information of the public about intellectual property as well as the cooperation with other international public authorities was also discussed at the conference.

During the panel discussion, experts subsequently debated the "mobility of the future".

Another highlight of the symposium was the contribution of the Federal Ministry of Justice. Host Ulrich Walter interviewed Dr Christian Wichard, Head of subdivision III B on current affairs in the IP world. He talked about the European Unitary Patent and the Unified Patent Court.

The PIZnet Action Week

In September 2022, the sixth edition of the patent information centres' (PIZ) nationwide action week took place. The motto was "IP strategies for SME". During that week, the PIZ offered counselling for SME on adding value and avoiding risks in the field of IP. All counselling was free of charge, neutral and confidential. Here, you can find out more about this series of events that is going to be organised again in September 2023 as a cooperation between the PIZ and the DPMA.

The DPMA is buzzing and humming

Recently, about 120,000 new staff have joined the DPMA. At its Munich locations in Schwere-Reiter-Straße and Cincinnatistraße, the DPMA has had beehives installed on the green spaces of the office buildings, thus setting another example in terms of sustainability.

A professional beekeeper who adopts an ecological approach and takes the bees' rhythm of life as orientation has arranged their new home in a way appropriate to the species. In this video, you can watch the bees move in.

Welcome to the DPMA: The "new colleagues" bees are moving in.

The DPMA turns 145

In 2022, the DPMA celebrated its 145th anniversary: "The German Patent and Trade Mark Office has a long tradition and it shapes the future," DPMA President Cornelia Rudloff-Schäffer said. "Today's patents highlight tomorrow's technology. The protection of intellectual property creates values, makes the German industry competitive and robust, and is thus the basis for growth and wealth." We have re-edited the article on our office's history on our website. Moreover, we have summarized the DPMA's eventful history in a video. Take a look and experience 145 years of the DPMA in an entertaining time lapse.

Third Jena Design Law Day

In collaboration with Friedrich Schiller University Jena and the German Brands Association (Markenverband e.V.), the DPMA organised the third Jena Design Law Day on 1 September 2022. The programme of the symposium included presentations and discussions on the reform of the German design legislation, the current German and European case law in design cases and the DPMA's decision policy as well as the Federal Patent Court's national jurisdiction.
The Jena Design Law Day taking place in yearly alternation with the Jena Trade Mark Law Day, the latter's 14th edition will be organised next year, while the next Design Law Day is scheduled for the year 2024.

Speaker Elisabeth Fink, EUIPO, and participants at the Third Jena Design Law Day

Jena lectures

The very popular Jena lectures on industrial property and copyright have been held since 2001. They were launched by our Jena sub-office in cooperation with Professor Dr Volker Michael Jänich (Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection, Friedrich Schiller University, Jena). Since then, IP experts have presented and discussed current intellectual property issues during this lecture series several times a year.
With the technical support of the Friedrich Schiller University, it was possible to organise a total of four events in 2021 online or in a hybrid format for the numerous interested guests, despite the restrictions due to the coronavirus pandemic. In 2022, this was, unfortunately, not feasible, for different reasons. However, the presentation series will be continued in 2023.
The centre-east district groups of the Association of Intellectual Property Experts (VPP) and the German Association for the Protection of Intellectual Property (GRUR) support the public series of lectures, for which admission is free, as co-organisers.

Would you like to be invited to the Jena lectures? Please contact Ms Daniela Wagner (telephone: +49 3641 405501, e-mail: **daniela.wagner@dpma.de**).

Long Night of the Sciences in Jena

Visitors were invited to observe "squaring the circle" and other optical illusions at our hands-on booth at the Long Night of the Sciences in Jena.
In addition to optical illusions, visitors of our booth were able to catch up on protection against other types of deceit. Industrial IP rights protect against copies and deceits based on plagiarism and imitation. A quiz at our booth provided information on this subject in a playful manner. The numerous participating companies and research institutions welcomed a total of around 10,000 guests at the Long Night of the Sciences.

The small visitors as well were amazed by the optical illusions at our hands-on booth.

Our press releases

2022

March

3

9 March 2022

Patent grants at a record level

3

29 March 2022

Germany is leading in the field of climate-friendly innovations

April

4

25 April 2022

World Intellectual Property Day 2022: DPMA President praises young inventors' innovative spirit

May

5

5 May 2022

Federal Minister of Justice: "Maintain and extend the competences of the DPMA"

June

6

2 June 2022

DPMA Annual Report 2021: China ever more innovative in digital technologies

6

21 June 2022

European Inventor Award for "phenomenal lifetime achievement"

6

30 June 2022

Long tradition and a guarantee for the future

July

7

13 July 2022

Serious case of fraud: German Patent and Trade Mark Office firmly warns of misleading payment requests

August

8

24 August 2022

Free consultations providing guidance and orientation to small and medium-sized enterprises and start-ups

September

9 14 September 2022

Deutscher Zukunftspreis: two DPMA proposals among the nominated innovations

9 20 September 2022

Another serious case of fraud: German Patent and Trade Mark Office warns again of misleading payment requests

9 29 September 2022

Global Innovation Index 2022: Germany moves up to 8th place in the ranking

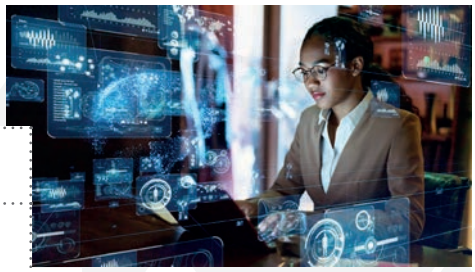
October

10 24 October 2022

Expansion plug, airbag, stud boots: Independent inventors are still an "important part of the innovation landscape"

10 26 October 2022

"Level never seen before": 2022 Deutscher Zukunftspreis award for high-tech microscope



November

11 8 November 2022

Women's innovation potential is not exploited (in German)

11 21 November 2022

Impressive and highly innovative technical solutions

11 30 November 2022

Extraordinary innovative capacity, excellent innovations

December

12 9 December 2022

Fight against product piracy: G7 IP leaders intend to intensify cooperation

A glance at 2023

Historical research project on the history of the *Reichspatentamt*

In order to comprehensively review the history of its predecessor institution, the *Reichspatentamt* (Patent Office of the German *Reich*), in the period from 1933 to 1945, the DPMA has invited tenders for a historical research project. Furthermore, research is to be done on the period without a patent office, from 1945 to 1949, and on the new beginning of the German Patent Office in the period from 1949 to about 1965. A comprehensive examination of the history of the Patent Office in the above-mentioned period has so far not been conducted. In the past years, historical research has often dealt with the involvement of the German administrative machinery in the Nazi crimes and the continuance of people involved in those crimes in their positions in the early years of the Federal Republic of Germany. The aim of the project "Review of the History of the *Reichspatentamt* in the Nazi Era and of the New Start in the Post-War Period" is to review this period for the Patent Office as well. The main study of the project is expected to be completed by October 2026.

Creativity is female

On the occasion of World IP Day, we started a series of articles about successful female inventors, designers and trade mark proprietors active in Germany on our websites. Join us on our journey through Germany to meet interesting female scientists, entrepreneurs and founders in the course of the year and learn about their ground-breaking work, which sets standards for innovation and creativity in their respective areas. The series is accompanied by a social media campaign.

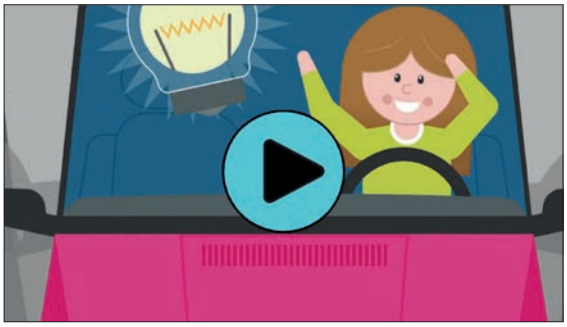
https://www.dpma.de/english/our_office/publications/ingeniouswomen/womeninip/index.html

How to... – New video tutorials on our YouTube channel

We continue developing our social media channels!

New videos with useful information about the filing of IP applications will soon be available on our YouTube channel. And almost every day, there is something new to discover on Xing and LinkedIn.

Stop by. It's worth it!



https://www.youtube.com/c/DeutschesPatentundMarkenamtDPMA

DPMA trade fair and event calendar 2023

	Trade fair	Venue	Information
May			
6 to 7 May 2023	VELOBERLIN	Berlin	Mobile IP experts
9 to 12 May 2023	TRANSPORT LOGISTIC	Munich	Booth
12 May 2023	IP CAREER	Munich	Booth
25 May 2023	BECK BEWERBERTAG JURA	Munich	Booth
June			
4 to 7 June 2023	imm cologne	Cologne	At the “No Copy!” booth
14 to 16 June 2023	PATINFO	Ilmenau	Booth
15 June 2023	Innovationstag Mittelstand BMWK	Berlin	Booth
21 to 25 June 2023	Eurobike	Frankfurt	Mobile IP experts
July			
12 July 2023	Tag der gewerblichen Schutzrechte	Stuttgart	Booth
September			
14 September 2023	IT-Jobtag	Munich	Booth
27 to 28 September 2023	all about automation	Chemnitz	Mobile IP experts
October			
13 to 14 October 2023	deGUT	Berlin	Booth
18 October 2023	Karrieretag.org	Munich	Booth
28 to 30 October 2023	iENA	Nuremberg	Booth
November			
5 to 7 November 2023	ISS GUT	Leipzig	Mobile IP experts
11 to 12 November 2023	VeggieWorld München	Munich	Mobile IP experts
14 to 17 November 2023	productronica	Munich	Mobile IP experts
16 November 2023	Potsdamer Gründertag	Potsdam	Booth
24 to 25 November 2023	Future of Festivals	Berlin	Mobile IP experts

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

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

Statistics

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

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

💻 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 effective in Germany

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
2018	45,624	15,254	60,878	1,006	6,021	7,027	46,630	21,275	67,905
2019	45,532	14,390	59,922	1,101	6,406	7,507	46,633	20,796	67,429
2020	41,097	13,487	54,584	1,171	6,354	7,525	42,268	19,841	62,109
2021	38,984	12,689	51,673	843	6,057	6,900	39,827	18,746	58,573
2022	36,507	13,702	50,209	687	6,318	7,005	37,194	20,020	57,214

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

1.2 Patent applications at the DPMA before entry into the examination procedure

Year	Total applications received[1]	Procedures concluded before filing of examination request[2]	Patent applications pending at the end of the year	
			Total	Applications for which formal examination has been concluded
2018	61,020	21,413	151,421	143,969
2019	60,012	20,800	150,727	144,449
2020	54,709	20,891	149,035	143,202
2021	51,765	21,410	143,791	138,745
2022	50,277	18,398	140,181	134,450

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

1.3 Patent applications in the examination procedure

Year	Examination requests received		Examination procedures concluded	Patent grants published
	Total	Examination requests received along with application		
2018	47,135	26,203	38,111	16,369
2019	47,347	26,003	40,189	18,255
2020	43,351	23,391	41,764	17,305
2021	43,346	22,693	48,504	21,113
2022	43,126	22,661	45,498	23,592

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
2018	16,418	15,854	129,479
2019	18,299	15,746	132,011
2020	17,336	17,002	132,329
2021	21,143	18,732	134,727
2022	23,615	15,656	142,659

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

	2018	2019	2020	2021	2022
National	6.6	6.4	7.3	6.9	6.0
Foreign	1.8	1.4	1.7	1.7	1.5
Total	**5.4**	**5.2**	**5.9**	**5.6**	**4.7**

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

German *Land*	2018	2019	2020	2021	2022
Baden-Württemberg	14,607	15,239	13,686	13,571	13,444
Bavaria	14,903	14,035	12,702	11,879	10,548
Berlin	719	678	675	526	480
Brandenburg	292	297	295	257	228
Bremen	136	142	121	102	105
Hamburg	882	762	622	463	375
Hesse	1,615	1,542	1,568	1,479	1,202
Mecklenburg-Western Pomerania	145	89	107	98	176
Lower Saxony	3,605	3,852	3,233	2,985	2,792
North-Rhine Westphalia	6,846	7,019	6,398	5,675	5,292
Rhineland-Palatinate	911	834	781	856	804
Saarland	175	215	192	178	137
Saxony	595	668	642	604	592
Saxony-Anhalt	204	194	159	154	122
Schleswig-Holstein	452	469	481	475	427
Thuringia	543	598	606	525	470
Germany	**46,630**	**46,633**	**42,268**	**39,827**	**37,194**

1.7 Patent applications, shares and applications per 100,000 inhabitants by German Land (residence or principal place of business of the applicant)

German *Land*	2021			2022			Change from 2021 to 2022 (%)
	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	
Baden-Württemberg	13,571	34.1	122	13,444	36.1	121	-0.9
Bavaria	11,879	29.8	90	10,548	28.4	80	-11.2
North-Rhine Westphalia	5,675	14.2	32	5,292	14.2	30	-6.7
Lower Saxony	2,985	7.5	37	2,792	7.5	35	-6.5
Hesse	1,479	3.7	23	1,202	3.2	19	-18.7
Rhineland-Palatinate	856	2.1	21	804	2.2	20	-6.1
Saxony	604	1.5	15	592	1.6	15	-2.0
Berlin	526	1.3	14	480	1.3	13	-8.7
Thuringia	525	1.3	25	470	1.3	22	-10.5
Schleswig-Holstein	475	1.2	16	427	1.1	15	-10.1
Hamburg	463	1.2	25	375	1.0	20	-19.0
Brandenburg	257	0.6	10	228	0.6	9	-11.3
Mecklenburg-Western Pomerania	98	0.2	6	176	0.5	11	+79.6
Saarland	178	0.4	18	137	0.4	14	-23.0
Saxony-Anhalt	154	0.4	7	122	0.3	6	-20.8
Bremen	102	0.3	15	105	0.3	16	+2.9
Germany	**39,827**	**100**	**48**	**37,194**	**100**	**45**	**-6.6**

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

	2018	2019	2020	2021	2022
Germany	46,630	46,633	42,268	39,827	37,194
United States	6,669	6,207	5,880	5,893	6,847
Japan	8,013	7,956	7,248	6,129	6,339
Republic of Korea	1,313	1,262	1,617	1,558	1,636
Austria	778	713	765	782	867
Switzerland	814	808	777	867	863
China	492	449	499	568	702
Taiwan	686	737	933	753	498
France	345	460	303	400	428
Sweden	393	380	321	320	360
Other	1,772	1,824	1,498	1,476	1,480
Total	**67,905**	**67,429**	**62,109**	**58,573**	**57,214**

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

German *Land*	2018	2019	2020	2021	2022
Baden-Württemberg	75	72	66	72	49
Bavaria	59	61	59	44	57
Berlin	19	22	16	12	15
Brandenburg	9	13	14	15	12
Bremen	16	12	12	8	12
Hamburg	17	15	17	16	7
Hesse	54	42	45	44	22
Mecklenburg-Western Pomerania	29	14	19	20	11
Lower Saxony	55	45	43	29	29
North-Rhine Westphalia	129	141	131	131	114
Rhineland-Palatinate	16	11	10	15	13
Saarland	6	13	5	7	2
Saxony	81	120	118	109	105
Saxony-Anhalt	34	26	27	26	10
Schleswig-Holstein	22	19	22	17	15
Thuringia	40	30	26	24	28
Germany[1]	**658**	**655**	**629**	**587**	**501**

[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 (%)

Percentage of applicants having filed	2018	2019	2020	2021	2022
one application	64.7	64.8	66.9	66.7	65.3
2 to 10 applications	30.6	30.4	28.9	28.8	29.6
11 to 100 applications	4.2	4.2	3.8	4.0	4.5
more than 100 applications	0.5	0.5	0.4	0.5	0.7
Total	**100**	**100**	**100**	**100**	**100**

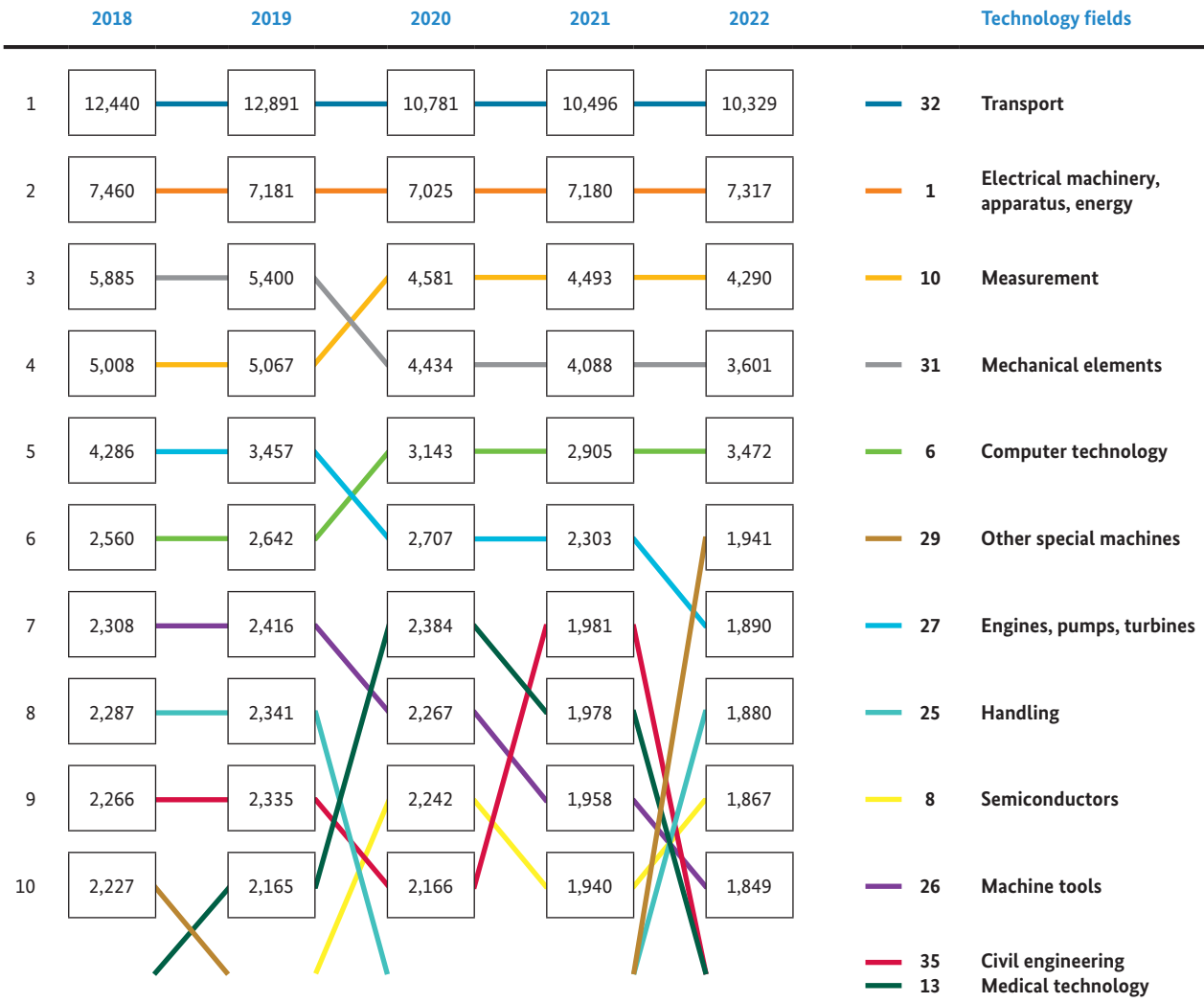
Percentage of applications by applicants having filed	2018	2019	2020	2021	2022
one application	11.4	11.3	13.2	12.7	11.2
2 to 10 applications	18.0	17.9	18.9	18.3	17.6
11 to 100 applications	20.5	21.5	21.3	19.7	21.1
more than 100 applications	50.1	49.4	46.7	49.3	50.2
Total	**100**	**100**	**100**	**100**	**100**

1.11 Opposition proceedings

Year	Oppositions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year [2]
		Total [1]	Patent revoked	Patent maintained or patent maintained in amended form	
2018	338	453	130	256	1,302
2019	294	415	142	222	1,182
2020	259	304	102	148	1,138
2021	252	249	79	117	1,141
2022	230	301	92	155	1,070

[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 2022 (applications at the DPMA and PCT applications in the national phase)



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

1.13 Companies and institutions with the highest numbers of patent applications in 2022 (applications at the DPMA and PCT applications in the national phase)

Rank	Applicant[1]	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**3,946**
2	Bayerische Motoren Werke AG	DE		**1,867**
3	ZF Friedrichshafen AG	DE		**1,394**
4	Schaeffler Technologies AG & Co. KG	DE		**1,266**
5	Mercedes-Benz Group AG	DE		**1,228**
6	Ford Global Technologies, LLC		US	**1,204**
7	GM Global Technology Operations LLC		US	**1,109**
8	VOLKSWAGEN AG	DE		**1,041**
9	AUDI AG	DE		**749**
10	Dr. Ing. h.c. F. Porsche AG	DE		**701**
11	Mitsubishi Electric Corporation		JP	**650**
12	Intel Corporation		US	**522**
13	Carl Zeiss SMT GmbH	DE		**388**
14	DENSO Corporation		JP	**352**
15	NVIDIA Corporation		US	**351**
16	International Business Machines Corporation		US	**350**
17	Infineon Technologies AG	DE		**318**
18	Miele & Cie. KG	DE		**316**
19	Toyota Jidosha K.K.		JP	**308**
20	BSH Hausgeräte GmbH	DE		**293**
21	MAHLE International GmbH	DE		**290**
22	Hyundai Motor Company		KR	**289**
23	Kia Corporation		KR	**288**
24	ams-OSRAM International GmbH	DE		**273**
25	Continental Reifen Deutschland GmbH	DE		**241**
26	SEW-EURODRIVE GmbH & Co KG	DE		**233**
27	Hitachi Astemo, Ltd.		JP	**232**
28	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**230**
29	Continental Automotive GmbH	DE		**223**
30	KRONES AG	DE		**220**
31	Taiwan Semiconductor Manufacturing Co., Ltd.		TW	**212**
32	Shimano Inc.		JP	**207**
32	Siemens Mobility GmbH	DE		**207**
32	Valeo Schalter und Sensoren GmbH	DE		**207**
35	FANUC Corporation		JP	**205**
36	Deere & Company		US	**199**
37	Makita Corporation		JP	**197**
38	HL Mando Corp.		KR	**191**
39	PSA Automobiles SA		FR	**187**
39	Vitesco Technologies GmbH	DE		**187**
41	Siemens Healthcare GmbH	DE		**184**
42	Aktiebolaget SKF		SE	**183**
42	HELLA GmbH & Co. KGaA	DE		**183**
44	Hewlett Packard Enterprise Development LP		US	**180**
45	Voith Patent GmbH	DE		**176**
46	Micron Technology, Inc.		US	**169**
47	Apple Inc.		US	**166**
48	Nidec Corporation		JP	**164**
49	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		**159**
50	Webasto SE	DE		**154**

[1] Without taking into account any 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	Other[1]	Total	By registration	Without registration	Total
2018	12,307	8,799	21	12,328	11,295	1,619	12,914
2019	11,667	8,435	14	11,681	10,295	1,540	11,835
2020	12,313	8,894	15	12,328	10,736	1,496	12,232
2021	10,575	7,028	15	10,590	9,972	1,364	11,336
2022	9,469	5,520	14	9,483	8,765	1,083	9,848

[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
2018	3,972	79,274	20,631	13,074
2019	3,817	76,905	18,953	12,682
2020	3,913	74,869	18,308	12,806
2021	3,165	72,738	18,176	12,129
2022	2,793	70,253	17,631	11,270

2.2 Topographies under the Semiconductor Protection Act (Halbleiterschutzgesetz)

Year	New applications received	Procedures concluded			Pending applications at the end of the year	Lapsed due to expiry	Registrations in force at the end of the year
		By registration	Without registration	Total			
2018	0	0	0	0	0	1	23
2019	0	0	0	0	0	2	21
2020	0	0	0	0	0	1	20
2021	3	1	2	3	0	1	20
2022	2	1	0	1	1	2	19

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 Land (residence or principal place of business)

German *Land*	2018	2019	2020	2021	2022
Baden-Württemberg	1,624	1,580	1,578	1,292	1,092
Bavaria	1,983	1,902	2,020	1,535	1,205
Berlin	308	342	343	254	188
Brandenburg	98	164	106	97	62
Bremen	44	34	46	32	28
Hamburg	177	140	154	128	97
Hesse	614	479	615	493	330
Mecklenburg-Western Pomerania	56	43	61	55	37
Lower Saxony	618	563	595	541	419
North-Rhine Westphalia	2,181	2,174	2,250	1,699	1,397
Rhineland-Palatinate	303	352	352	283	208
Saarland	65	49	68	49	26
Saxony	294	222	286	198	149
Saxony-Anhalt	116	98	109	69	60
Schleswig-Holstein	183	167	180	175	136
Thuringia	135	126	131	128	86
Germany	**8,799**	**8,435**	**8,894**	**7,028**	**5,520**

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

German *Land*	2021			2022			Change from 2021 to 2022 (%)
	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	
North-Rhine Westphalia	1,699	24.2	9	1,397	25.3	8	-17.8
Bavaria	1,535	21.8	12	1,205	21.8	9	-21.5
Baden-Württemberg	1,292	18.4	12	1,092	19.8	10	-15.5
Lower Saxony	541	7.7	7	419	7.6	5	-22.6
Hesse	493	7.0	8	330	6.0	5	-33.1
Rhineland-Palatinate	283	4.0	7	208	3.8	5	-26.5
Berlin	254	3.6	7	188	3.4	5	-26.0
Saxony	198	2.8	5	149	2.7	4	-24.7
Schleswig-Holstein	175	2.5	6	136	2.5	5	-22.3
Hamburg	128	1.8	7	97	1.8	5	-24.2
Thuringia	128	1.8	6	86	1.6	4	-32.8
Brandenburg	97	1.4	4	62	1.1	2	-36.1
Saxony-Anhalt	69	1.0	3	60	1.1	3	-13.0
Mecklenburg-Western Pomerania	55	0.8	3	37	0.7	2	-32.7
Bremen	32	0.5	5	28	0.5	4	-12.5
Saarland	49	0.7	5	26	0.5	3	-46.9
Germany	**7,028**	**100**	**8**	**5,520**	**100**	**7**	**-21,5**

3. National trade marks

3.1 Applications and registrations

Year	Filings					Registration pursuant to section 41 Trade Mark Act (*Markengesetz*)
	New applications			After being concluded by the Federal Patent Court	Total	
	Total	Domestic applications	Proportion of services (%)[1]			
2018	70,542	65,669	47.3	354	70,896	50,588
2019	73,627	68,252	46.1	386	74,013	55,030
2020	84,623	78,713	44.8	335	84,958	60,436
2021	87,649	81,816	44.0	289	87,938	68,609
2022	73,309	68,209	44.3	290	73,599	53,621

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

3.2 Opposition proceedings[1]

Year	Oppositions received			Opposition proceedings concluded		
	Trade marks challenged by oppositions	Number of oppositions	Number of opposing signs[2]	Without affecting the trade mark	Cancellation in full or in part	Procedure obsolete[3]
2018	2,903	4,269	4,276	1,876	445	639
2019	2,994	3,289	5,194	1,909	438	636
2020	2,842	3,063	4,816	1,893	521	662
2021	3,305	3,565	5,697	1,784	428	680
2022	2,764	2,981	4,952	1,750	530	638

[1] Contrary to the previous statistical data, the beginning of the proceedings is defined by the date the first opposition is received. It is no longer defined by the date of publication of the oppositions lodged following expiry of the opposition period.
[2] Since 14 January 2019, an opposition can be based on several earlier rights (opposing signs) if they belong to the same proprietor.
[3] (Partial) cancellations especially 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
2018	46,495	39,940	815,729
2019	40,312	39,834	830,441
2020	45,181	39,491	845,674
2021	45,817	35,945	868,455
2022	41,520	34,369	880,538

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

3.4 Procedures for the international registration of trade marks

Year	Applications for international registration of trade 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	
2018	4,697	4,513	89	397
2019	4,638	4,651	116	271
2020	4,415	4,255	137	294
2021	4,958	4,779	125	351
2022	4,385	4,386	120	230

[1] Not including requests for the extension of protection under Art. 3ter(2) Madrid Agreement; 89 requests for the extension of protection were received in 2022, and 91 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
2018	4,828	3,590	264	710	3,267	361	17
2019	5,196	4,069	355	701	3,330	215	14
2020	4,819	3,583	336	772	3,456	172	23
2021	4,686	2,969	371	1,222	3,577	171	26
2022	4,118	3,560	287	712	3,134	145	34

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

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

German *Land*	2018	2019	2020	2021	2022
Baden-Württemberg	8,340	8,539	10,141	9,991	8,359
Bavaria	12,310	12,280	14,470	14,843	12,530
Berlin	5,459	5,459	5,929	6,010	5,182
Brandenburg	1,075	1,208	1,440	1,388	1,166
Bremen	535	604	633	749	535
Hamburg	3,501	3,442	4,090	4,189	3,267
Hesse	5,215	5,552	6,311	6,445	5,273
Mecklenburg-Western Pomerania	578	670	765	852	616
Lower Saxony	4,673	5,118	5,709	6,084	4,696
North-Rhine Westphalia	14,559	15,547	18,123	19,859	17,716
Rhineland-Palatinate	3,043	3,155	3,606	3,808	2,803
Saarland	548	581	723	638	501
Saxony	2,049	2,067	2,314	2,276	1,841
Saxony-Anhalt	766	814	851	818	705
Schleswig-Holstein	2,208	2,275	2,649	2,789	2,142
Thuringia	810	941	959	1,077	877
Germany	**65,669**	**68,252**	**78,713**	**81,816**	**68,209**

3.6 Trade mark applications, shares and applications per 100,000 inhabitants by German Land (residence or place of principal business of the applicant)

German *Land*	2021			2022			Change from 2021 to 2022 (%)
	Applications	Share	Applications per 100,000 inhabitants	Applications	Share	Applications per 100,000 inhabitants	
North-Rhine Westphalia	19,859	24.3	111	17,716	26.0	99	-10.8
Bavaria	14,843	18.1	113	12,530	18.4	95	-15.6
Baden-Württemberg	9,991	12.2	90	8,359	12.3	75	-16.3
Hesse	6,445	7.9	102	5,273	7.7	84	-18.2
Berlin	6,010	7.3	163	5,182	7.6	141	-13.8
Lower Saxony	6,084	7.4	76	4,696	6.9	59	-22.8
Hamburg	4,189	5.1	226	3,267	4.8	176	-22.0
Rhineland-Palatinate	3,808	4.7	93	2,803	4.1	68	-26.4
Schleswig-Holstein	2,789	3.4	95	2,142	3.1	73	-23.2
Saxony	2,276	2.8	56	1,841	2.7	46	-19.1
Brandenburg	1,388	1.7	55	1,166	1.7	46	-16.0
Thuringia	1,077	1.3	51	877	1.3	42	-18.6
Saxony-Anhalt	818	1.0	38	705	1.0	32	-13.8
Mecklenburg-Western Pomerania	852	1.0	53	616	0.9	38	-27.7
Bremen	749	0.9	111	535	0.8	79	-28.6
Saarland	638	0.8	65	501	0.7	51	-21.5
Germany	**81,816**	**100**	**98**	**68,209**	**100**	**82**	**-16.6**

3.7 Classes of national trade marks applied for[1]

Rank	Class	Class essentially includes[2]	2021	2022	Change (%)
1	35	Advertising; business management, organisation and administration; office functions	29,935	24,742	-17.3
2	41	Education; providing of training; entertainment, sporting and cultural activities	20,429	18,281	-10.5
3	9	Electrical apparatus and instruments; computer hardware; software; optical apparatus and instruments	16,584	14,634	-11.8
4	42	Scientific and technological services	15,517	13,393	-13.7
5	25	Clothing, footwear and headgear	13,233	11,402	-13.8
6	16	Office requisites; stationery	10,621	8,992	-15.3
7	21	Household and kitchen utensils and containers; articles for cleaning purposes; tableware, dishes; glassware	8,250	6,962	-15.6
8	36	Insurance and financial services; real estate affairs	7,637	6,645	-13.0
9	44	Medical services; hygienic and beauty care; agriculture, horticulture and forestry services	7,518	6,602	-12.2
10	37	Building, construction and repair services; installation services	6,477	6,050	-6.6
11	43	Services for providing food and drink; temporary accommodation	6,950	5,612	-19.3
12	28	Games, sports articles	6,459	5,581	-13.6
13	30	Foodstuffs of plant origin; pastries, pasta and confectionery; seasonings, condiments; coffee, tea and cocoa; sugar	7,397	5,572	-24.7
14	38	Telecommunications services	6,693	5,375	-19.7
15	18	Leather products; luggage and carrying bags	5,716	5,122	-10.4
16	5	Pharmaceuticals; materials for dressings; disinfectants; dietary supplements	6,451	5,096	-21.0
17	20	Furniture and home decorations	6,021	4,976	-17.4
18	3	Cleaning preparations; cosmetics; perfumery	5,953	4,923	-17.3
19	39	Transport and travel arrangement; packaging and storage of goods	4,983	4,568	-8.3
20	32	Non-alcoholic beverages; beers	5,318	4,174	-21.5
21	40	Treatment of materials; printing services	4,245	3,973	-6.4
22	45	Legal services, security services for the physical protection of individuals	4,367	3,873	-11.3
23	33	Alcoholic beverages	4,773	3,698	-22.5
24	29	Foodstuffs of animal origin; milk products; processed fruits and vegetables	4,863	3,591	-26.2

Rank	Class	Class essentially includes [2]	2021	2022	Change (%)
25	11	Heating; ventilation; apparatus and installations for sanitary purposes	4,488	3,586	-20.1
26	24	Woven material and blankets; household linen	3,854	3,557	-7.7
27	7	Machines, motors and engines	3,828	3,483	-9.0
28	12	Vehicles	3,222	3,254	+1.0
29	14	Jewellery, clocks and watches	3,505	3,008	-14.2
30	6	Common metals and goods made thereof for building and construction; small items of metal hardware	2,771	2,611	-5.8
31	31	Agricultural, horticultural and forestry products; foodstuffs for animals	3,178	2,544	-19.9
32	10	Medical apparatus and instruments; orthopaedic articles	2,979	2,401	-19.4
33	1	Chemicals; fertilizers; unprocessed plastics and artificial resins	2,565	2,266	-11.7
34	8	Hand tools; cutlery	2,185	1,908	-12.7
35	19	Non-metallic building and construction materials	2,114	1,850	-12.5
36	4	Industrial oils and lubricants; fuels	1,736	1,658	-4.5
37	26	Haberdashery; decorative articles for the hair	1,641	1,481	-9.8
38	17	Insulating materials; semi-processed goods; flexible pipes, tubes and hoses, not of metal	1,246	1,280	+2.7
39	34	Tobacco, smokers' articles	1,221	1,170	-4.2
40	2	Paints; varnishes; lacquers; printing inks	1,007	977	-3.0
41	22	Ropes; tents, tarpaulins and sails	878	945	+7.6
42	27	Floor coverings and mats; wall coverings and ceiling lining	1,122	941	-16.1
43	15	Musical instruments	503	479	-4.8
44	23	Yarns and threads	213	368	+72.8
45	13	Firearms	184	231	+25.5
Not classified			83	45	
Total			260,913	223,880	-14.2

[1] A trade mark application can be attributed to several classes.
[2] Class headings in accordance with the current version of the Nice Classification, 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 2022 (registrations of trade marks pursuant to section 41 of the Trade Mark Act)

Rank	Proprietor[1]	Principal place of business		Registrations
1	BERLIN-CHEMIE AG	DE		**103**
2	ApoE Consulting GmbH	DE		**94**
3	MERCK KGaA	DE		**86**
4	MIP METRO Group Intellectual Property GmbH & Co. KG	DE		**71**
4	NaturaFit Diätetische Lebensmittelproduktions GmbH	DE		**71**
6	Boehringer Ingelheim International GmbH	DE		**59**
7	Bayerische Motoren Werke AG	DE		**57**
8	Brillux GmbH & Co. KG	DE		**42**
9	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**39**
10	Löwen Entertainment GmbH	DE		**38**
11	August Storck KG	DE		**37**
12	RM Vermögensverwaltungs GmbH & Co. KG	DE		**31**
12	VOLKSWAGEN AG	DE		**31**
14	BayWa AG	DE		**29**
15	Nordbrand Nordhausen GmbH	DE		**24**
16	BASF SE	DE		**23**
16	Godelmann GmbH & Co. KG	DE		**23**
16	Rotkäppchen - Mumm Sektkellereien GmbH	DE		**23**
19	Henkel AG & Co. KGaA	DE		**22**
20	Bahlsen GmbH & Co. KG	DE		**21**
20	FERRERO Deutschland GmbH	DE		**21**
20	Rudolf GmbH	DE		**21**

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

4. Designs

4.1 Applications and procedures concluded

Year	Filings[1]				Procedures concluded			
	Designs in		Total	Domestic	By registration	Domestic	Without registration	Total
	Applications with multiple designs	Applications with one design						
2018	41,643	2,416	44,059	39,016	47,647	42,464	5,569	53,216
2019	40,843	2,256	43,099	36,398	41,145	36,186	3,841	44,986
2020	37,651	2,494	40,145	35,860	37,130	33,213	4,210	41,340
2021	34,973	2,263	37,236	33,972	31,083	28,323	3,390	34,473
2022	32,455	1,197	33,652	31,619	36,251	34,132	3,615	39,866

[1] Provisional for 2022, as the actual number of designs applied for is not known before completion of the registration procedure.

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

German *Land*	2018	2019	2020	2021	2022
Baden-Württemberg	6,645	6,726	5,056	4,869	5,868
Bavaria	8,521	7,950	6,139	4,853	5,227
Berlin	1,960	1,778	1,731	1,875	2,362
Brandenburg	321	297	172	150	277
Bremen	133	110	98	135	185
Hamburg	916	844	715	719	681
Hesse	1,590	1,362	1,544	1,351	1,511
Mecklenburg-Western Pomerania	143	92	188	134	88
Lower Saxony	2,747	2,418	2,546	1,729	2,670
North-Rhine Westphalia	13,287	10,957	10,584	9,172	10,581
Rhineland-Palatinate	1,595	1,020	1,114	930	2,089
Saarland	210	163	308	115	110
Saxony	1,825	1,298	1,268	953	903
Saxony-Anhalt	458	274	580	220	244
Schleswig-Holstein	1,725	658	892	925	788
Thuringia	388	239	278	193	548
Germany	**42,464**	**36,186**	**33,213**	**28,323**	**34,132**

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
2018	16,597	3,599	14,567	46,440	313,781	31	71
2019	14,708	3,386	15,034	51,458	303,468	29	48
2020	13,511	3,405	15,451	50,005	290,593	59	63
2021	16,254	3,215	16,412	51,200	270,476	19	28
2022	10,030	2,522	15,603	46,340	260,387	36	23

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

German *Land*	2021			2022			Change from 2021 to 2022 (%)
	Registered designs	Share	Registered designs per 100,000 inhabitants	Registered designs	Share	Registered designs per 100,000 inhabitants	
North-Rhine Westphalia	9,172	32.4	51	10,581	31.0	59	+15.4
Baden-Württemberg	4,869	17.2	44	5,868	17.2	53	+20.5
Bavaria	4,853	17.1	37	5,227	15.3	40	+7.7
Lower Saxony	1,729	6.1	22	2,670	7.8	33	+54.4
Berlin	1,875	6.6	51	2,362	6.9	64	+26.0
Rhineland-Palatinate	930	3.3	23	2,089	6.1	51	+124.6
Hesse	1,351	4.8	21	1,511	4.4	24	+11.8
Saxony	953	3.4	24	903	2.6	22	-5.2
Schleswig-Holstein	925	3.3	32	788	2.3	27	-14.8
Hamburg	719	2.5	39	681	2.0	37	-5.3
Thuringia	193	0.7	9	548	1.6	26	+183.9
Brandenburg	150	0.5	6	277	0.8	11	+84.7
Saxony-Anhalt	220	0.8	10	244	0.7	11	+10.9
Bremen	135	0.5	20	185	0.5	27	+37.0
Saarland	115	0.4	12	110	0.3	11	-4.3
Mecklenburg-Western Pomerania	134	0.5	8	88	0.3	5	-34.3
Germany	**28,323**	**100**	**34**	**34,132**	**100**	**41**	**+20.5**

4.5 Top companies and institutions in terms of registered designs at the DPMA in 2022 (excluding partnerships under the German Civil Code)

Rank	Proprietor[1]	Principal place of business		Registered designs
1	Betty Barclay Group GmbH & Co. KG	DE		1,365
2	EveMotion GmbH	DE		932
3	SHOE CONZEPT Handels GmbH	DE		910
4	The House of Art GmbH	DE		905
5	AstorMueller AG		CH	802
6	monari GmbH	DE		698
7	OLYMP Bezner KG	DE		664
8	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbh & Co.KG	DE		575
9	Tassenbrennerei GmbH	DE		492
10	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		484
11	Brilliant AG	DE		440
12	GEMINI Schuhproduktions- und Vertriebs GmbH	DE		432
13	Albani Group GmbH & Co. KG	DE		399
14	Goebel Porzellan GmbH	DE		323
15	„Durable“ Hunke & Jochheim GmbH & Co. KG	DE		320
16	Alfons Venjakob GmbH & Co. KG	DE		291
17	Concept S Ladenbau u. Objekt GmbH	DE		252
18	Neofashion GmbH	DE		243
19	Mercedes-Benz Group AG	DE		234
19	VOLKSWAGEN AG	DE		234

[1] Without taking into account any 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	
2018	3	2	2	1	0
2019	4	3	4	0	0
2020	5	2	0	0	5
2021	2	2	6	1	0
2022	6	5	4	1	1

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

6. Patent attorneys and representatives

Year	Patent attorneys[1]			European and foreign patent attorneys as members of the German Chamber of Patent Attorneys (section 20 Act on the Activities of European Patent Attorneys in Germany, section 157 Patent Attorney Code)[1]	Berufsausbildungs-gesellschaften[1, 2]
	Entered in the register	Cancellations	Registered at the end of the year		
2018	153	62	3,853	32	26
2019	156	78	3,931	36	29
2020	157	66	4,022	37	32
2021	158	81	4,099	40	35
2022	199	93	4,205	44	184

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

Year	Qualifying examination for patent attorneys		General powers of attorney		
	Number of examinees	Successful candidates	Entered in the register	Cancelled	Registered at the end of the year
2018	171	165	702	70	33,620
2019	144	137	767	293	34,094
2020	163	155	573	318	34,349
2021	174	166	707	369	34,687
2022	168	161	545	558	34,674

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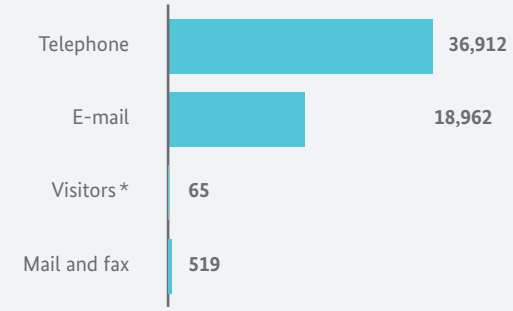

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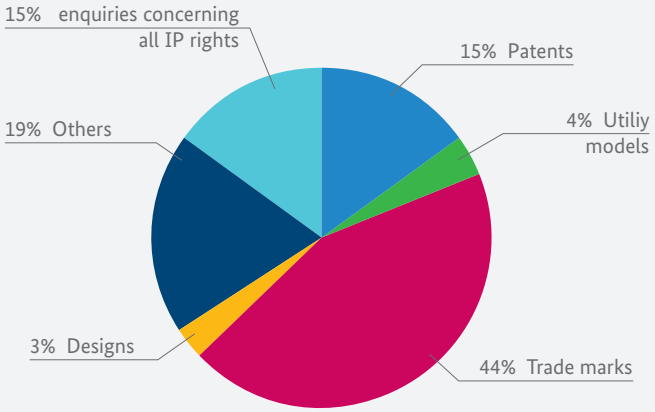

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