



Notices of the President of the German Patent and Trade Mark Office 2023

Please note: The links in the notices no longer work.

Table of contents

Notice No. 1/23

of the President of the German Patent and Trade Mark Office of 2 August 2023
concerning the change in practice in case of insolvency of one of the parties to
adversarial inter partes proceedings 2

Notice No. 2/23

of the President of the German Patent and Trade Mark Office of 6 August 2023
concerning the publication of the Patent Gazette (Patentblatt), the Trade Mark Journal
(Markenblatt) and the Design Gazette (Designblatt) on the official Internet platform
DPMAregister in 2024 3

Notice No. 3/23

of the President of the German Patent and Trade Mark Office of 14 July 2023
concerning the revised version of the Guidelines for Opposition Proceedings Under
Trade Mark Law 4

Notice No. 4/23

of the President of the German Patent and Trade Mark Office of 2 October 2023
concerning the opening hours of the German Patent and Trade Mark Office from 24
December 2023 to 1 January 2024 5

Notice No. 5/23

of the President of the German Patent and Trade Mark Office of 22 November 2023
concerning the opening hours of the Munich office of the German Patent and Trade
Mark Office on 13 February 2024 (Shrove Tuesday/Mardi Gras)..... 6

Notice No. 6/23

of the President of the German Patent and Trade Mark Office of 7 December 2023
concerning the amount of the provision costs for the supply machine-readable data
(weekly publications on patents and utility models, trade marks and designs in the form
of data packages via DPMAconnectPlus) in 2024 7

Notice No. 1/23

of the President of the German Patent and Trade Mark Office of 2 August 2023 concerning the change in practice in case of insolvency of one of the parties to adversarial inter partes proceedings

By decision of 31 January 2019, the Federal Court of Justice ruled that the opening of domestic insolvency proceedings or foreign insolvency proceedings eligible for recognition in accordance with section 343 of the German Insolvency Code (Insolvenzordnung) concerning the assets of a party filing a request to the DPMA for cancellation of a trade mark due to absolute grounds for refusal leads to the interruption of the proceedings, if the party requesting cancellation and the proprietor of the trade mark are competitors.

Due to this ruling, Notice No. 20/08 of the President of the German Patent and Trade Mark Office, which states that section 240 of the German Code of Civil Procedure (Zivilprozessordnung) is generally not applicable to IP procedures before the DPMA and, therefore, proceedings and time limits are not interrupted, is repealed with regard to adversarial inter partes proceedings (zweiseitige, kontradiktorische Verfahren) before the DPMA.

The DPMA assumes that section 240 of the German Code of Civil Procedure is applicable to adversarial inter partes proceedings before the DPMA accordingly and that the opening of domestic insolvency proceedings or foreign insolvency proceedings eligible for recognition concerning the assets of one of the parties leads to an interruption of proceedings.

Where insolvency proceedings concerning the assets of the party filing the request have been opened, in revocation and invalidity proceedings under trade mark law due to absolute grounds for refusal, invalidity proceedings under design law in case of claimed absolute grounds for invalidity, opposition proceedings under patent law as well as cancellation proceedings under utility model law (in the two latter proceedings with the exception of cases where the request is based on usurpation as grounds for revocation), a condition for the application of section 240 of the German Code of Civil Procedure is for the party filing the request to be a competitor of the IP right holder.

The President of the German Patent and Trade Mark Office
Eva Schewior

3610 – 4.3.2 – Bd. III/9

Notice No. 2/23

of the President of the German Patent and Trade Mark Office of 6 August 2023 concerning the publication of the Patent Gazette (Patentblatt), the Trade Mark Journal (Markenblatt) and the Design Gazette (Designblatt) on the official Internet platform DPMAregister in 2024

In 2023, in accordance with the regulations, patents and utility models, trade marks and designs will be published for the last time on 28 December 2023.

Generally, publications take place on Thursdays (for patents and utility models) and on Fridays (for trade marks and designs).

If planned publication days coincide with public holidays in Bavaria, the publication days shall be brought forward by one day in each case. If the previous day is also a public holiday, the publication days shall be brought forward by another day to the previous working day.

In 2024, the following publication dates will be affected by this regulation:

- 29 March 2024 (trade marks and designs) - rescheduled to 28 March 2024
- 9 May 2024 (patents and utility models) – rescheduled to 8 May 2024
- 30 May 2024 (patents and utility models) – rescheduled to 29 May 2024
- 15 August 2024 (patents and utility models) – rescheduled to 14 August 2024
- 3 October 2024 (patents and utility models) - rescheduled to 2 October 2024
- 1 November 2024 (trade marks and designs) - rescheduled to 31 October 2024
- 25/26 December 2024 (patents and utility models) - rescheduled to 24 December 2024

The President of the German Patent and Trade Mark Office
Eva Schewior

544 E 9 – 2.1.2

Notice No. 3/23**of the President of the German Patent and Trade Mark Office of 14 July 2023 concerning the revised version of the Guidelines for Opposition Proceedings Under Trade Mark Law**

The Guidelines for Opposition Proceedings Under Trade Mark Law (Richtlinie für das markenrechtliche Widerspruchsverfahren) have been revised, implementing in particular extensive legal amendments, such as, most recently, the ones made by the Trade Mark Law Modernisation Act (Markenrechtsmodernisierungsgesetz). In addition, the Guidelines take into account and reflect the continuing development of court decisions on fundamental questions.

The revised version of the Guidelines for Opposition Proceedings Under Trade Mark Law will enter into force on 13 September 2023. The Guidelines are addressed to parties to proceedings, the IP community and the trade mark sections of the German Patent and Trade Mark Office.

The text of the Guidelines can be accessed in the table of "ordinances and guidelines governing the trade mark procedure", available on the "Forms and more" page in the "Services" section of the DPMA website.

The President of the German Patent and Trade Mark Office
Eva Schewior

1031/1-4.3.3/2023-1

Notice No. 4/23**of the President of the German Patent and Trade Mark Office of 2 October 2023 concerning the opening hours of the German Patent and Trade Mark Office from 24 December 2023 to 1 January 2024**

Opening hours of the German Patent and Trade Mark Office for the offices in Munich, Jena and Berlin – Information and Service Centre – from 24 December 2023 to 1 January 2024.

The German Patent and Trade Mark Office will be closed from 24 December 2023 to 1 January 2024.

Cash payments will not be possible during that period. The search rooms will be closed. The enquiry units will not be staffed.

Furthermore, the desk of the Document Receiving Service in the Munich office will be closed from Sunday, 24 December 2023 to Monday, 1 January 2024.

Please note that the Document Receiving Service cannot accept business documents during that period.

As an alternative, to ensure we receive business documents (especially applications) within the applicable time limits, you can hand them in at the reception desk of the Zweibrückenstraße office in Munich and use the night letterboxes of the offices in Jena and Berlin.

The DPMAdirekt services (Pro and Web) for online filing of IP applications as well as the DPMAreger service will be available during the closure period of the office.

The President of the German Patent and Trade Mark Office
Eva Schewior

2049 E 9 – 4.1.2

Notice No. 5/23**of the President of the German Patent and Trade Mark Office of 22 November 2023 concerning the opening hours of the Munich office of the German Patent and Trade Mark Office on 13 February 2024 (Shrove Tuesday/Mardi Gras)**

On 13 February 2024 (Shrove Tuesday/Mardi Gras), the Munich office of the German Patent and Trade Mark Office will be closed all day. However, you can contact Customer Care and Services by phone as usual for general enquiries about IP rights (+49 89/2195-1000) and for questions regarding the DPMA databases (+49 89/2195-3435) during service hours from 8:00 to 16:00.

Cash payments will not be possible on 13 February 2024. The enquiry unit, the search room and the document reseiving service will be closed to visitors on this day.

On 13 February 2024 (Shrove Tuesday/Mardi Gras), to ensure we receive business documents (especially applications) within the applicable time limits, you can hand them in at the reception desk of the Zweibrückenstraße office in Munich. The DPMAdirektPro and DPMAdirektWeb services for electronic applications and the DPMAregister will be available throughout the day.

The one-day closure will not affect the offices in Jena and in Berlin – Information and Service Centre. Furthermore, in the cases permitted by law, IP applications can also be filed with legal effect at the patent information centres.

The President of the German Patent and Trade Mark Office
Eva Schewior

2043 E12 – 4.1.2

Notice No. 6/23**of the President of the German Patent and Trade Mark Office of 7 December 2023 concerning the amount of the provision costs for the supply machine-readable data (weekly publications on patents and utility models, trade marks and designs in the form of data packages via DPMAconnectPlus) in 2024**

Within the scope of fulfilling its statutory duties in connection with the different types of IP rights, the German Patent and Trade Mark Office produces machine-readable data which can be supplied to third parties for setting up, development and updating their own IP databases and other information systems and services. This requires the conclusion of a contract and the payment of the provision costs. These costs are determined on an annual basis and communicated to the public.

The costs for the provision of weekly publications on patents and utility models, trademarks and designs in the form of data packages remain unchanged from 2023 at Euro 8 per data type and delivery date for 2024.

The President of the German Patent and Trade Mark Office
Eva Schewior

1519/2-001 – 2.1.2