German Patent
and Trade Mark Office

Important Notices

of the German Patent and Trade Mark Office 2019

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Notice of 1 January 2019

on the entry into force of the twelfth edition of the Locarno Classification (classification for registered designs)

On 1 January 2019, the twelfth edition of the international classification for industrial designs (Locarno Classification) entered into force.

The German Patent and Trade Mark Office has applied the twelfth edition of the Locarno Classification to all design registrations since 1 January 2019. In addition, registered designs will be re-classified ex officio during the course of renewal if the classification of the product terms which are registered with respect to them has changed.

The German translation of the product terms contained in the twelfth edition of the Locarno Classification is part of the alphabetical list of goods for designs, which is published by the German Patent and Trade Mark Office together with the list of the classes and subclasses in the Federal Gazette (Bundesanzeiger).

The current publication is also available on our webpage "Designs".

The German Patent and Trade Mark Office offers an online search engine (in German) for searching existing product terms.

For the electronic filing of design applications by means of DPMAdirektWeb, the current list of goods for designs is provided when selecting the product indication. The current version of the list of goods is also available for the DPMAdirektPro software, provided the update function of the software is used.

Notice of 1 January 2019

on the version 2019 of the eleventh edition of the international Nice Classification (valid from 1 January 2019) and on the publication of the lists of classes and the alphabetical lists of goods and services in the Bundesanzeiger

On 1 January 2019, version 2019 of the eleventh edition of the "International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)" (NCL 11-2019) entered into force.

In addition to the new editions of the Nice Classification, which are published every five years, there have been annual versions since 1 January 2013, which may provide for new entries or deletions and modifications of existing entries. They do not contain major structural amendments (changes of classes); these are reserved for the editions, which are issued every five years.

The version of the list of classes and the alphabetical lists of goods and services based on the Nice Classification to be applied from 1 January 2019 in procedures before the German Patent and Trade Mark Office (DPMA) pursuant to Section 19 of the Trade Mark Ordinance (Markenverordnung) has been published in the Bundesanzeiger (Federal Gazette – Bundesanzeiger).

The version of the list of classes and the alphabetical lists of goods and services published in the Bundesanzeiger is also available on our Trade Marks page "Goods and Services".

Notice of 20 March 2019

on organisational measures in the patent area of the German Patent and Trade Mark Office

The German Patent and Trade Mark Office (DPMA) intends to reorganise the patent examination area in order to increase efficiency and thus significantly reduce the duration of procedures for its customers in the long term. The long-term concept for Directorate General 1 (Patents and Utility Models) involves all IP areas operating there. Seven new patent divisions will also be established, among other things. "The restructuring is our way of responding to the greatly increased dynamism of our innovation landscape and to position the DPMA firmly for the future," said DPMA President Cornelia Rudloff-Schäffer. "In the interests of our customers, reducing processing times of procedures while maintaining a consistently high examination quality is a key priority for us."

The seven new patent divisions will be named as follows:

- Patent Division 18: Hybrid Drives, Valves, Vibration Mechanics
- Patent Division 28: Land Vehicles II
- Patent Division 38: Electric Elements and Systems, Signalling, Automotive Electrics
- Patent Division 41: Medical Engineering
- Patent Division 42: Batteries and Fuel Cells
- Patent Division 57: Information Technology and Data Processing II, Image Processing, Indicating Devices, Controlling
- Patent Division 58: Motor Vehicle Safety, Testing/Investigation of Materials

The reorganisation also partly changes the responsibilities of existing clusters and patent divisions, whose names are adapted accordingly. Thus Cluster 1.40 will be renamed "Chemistry, Medical Engineering, Patent Administration, Utility Models". The changes will take effect on 1 April 2019 and will be reflected in the organisation chart of the DPMA on the Internet from that date.

Notice of 26 March 2019

concerning the entry into force of the Ordinance Amending the DPMA Ordinance and the Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office of 10 December 2018

The Ordinance Amending the DPMA Ordinance and the Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office of 10 December 2018 (Federal Law Gazette I, p. 2444; *Blatt für Patent-, Muster- und Zeichenwesen* 2019, p. 37) entered into force on 1 April 2019.

The amendments to the Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office (Ordinance on Electronic Legal Transactions with the DPMA) will enable the DPMA beyond the existing possibilities to accept electronic documents with a signature and without a signature:

- Sec. 1 of the Ordinance on Electronic Legal Transactions with the DPMA provides – subject to substantive formal requirements – the possibility of submitting all documents in IP procedures electronically and with a signature.

- Sec. 2(1), no. 1b of the Ordinance on Electronic Legal Transactions with the DPMA enables an application for in-ternational registration in accordance with Article 3 of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks to be filed electronically and without a signature in trade mark procedures.

In the DPMA Ordinance, in addition to changes due to legal form and system, changes are made to the content which reflect the existing practice of the DPMA:

- Sec. 16 of the DPMA Ordinance clarifies that identification numbers shall only be used if the forms issued by the DPMA provide for this.

- The amendment to Sec. 28(4) of the DPMA Ordinance extends the obligation to use forms provided by the DPMA and clarifies in which cases the registered right holder is to be granted a right to be heard when a transfer of rights is registered.

The Ordinance is printed in the Federal Law Gazette.

1031 – 4.3.2/2018-3

Notice of 26 March 2019

on the entry into force of the Ordinance Amending the Patent Ordinance and other Ordinances in the Field of Industrial Property Protection (Verordnung zur Änderung der Patentverordnung und anderer Verordnungen des gewerblichen Rechtsschutzes)

On 1 April 2019, the Ordinance Amending the Patent Ordinance and other Ordinances in the Field of Industrial Property Protection of 12 December 2018 (Federal Law Gazette I p. 2446; BlPMZ 2019, p. 38) entered into force.

The Ordinance amends provisions of the Patent Ordinance (Patentverordnung), the Ordinance on the Translations of the Claims of European Patent Applications (Verordnung über die Übersetzungen der Ansprüche europäischer Patentanmeldungen), the Utility Model Ordinance (Gebrauchsmusterverordnung), the Trade Mark Ordinance (Markenverordnung), the Ordinance on the Performance of Particular Tasks (Wahrnehmungsverordnung), the Semiconductor Protection Ordinance (Halbleiterschutzverordnung) and the Design Ordinance (Designverordnung).

The focus of this Ordinance is the standardisation of provisions which have so far been shaped differently in the various IP ordinances. This applies in particular to the provisions on translations and the required information on applicants and representatives.

In addition, now, after expiry of the transitional period under Section 147(3) of the Patent Act (Patentgesetz), the Ordinance implements the deletion of the provisions concerning the patent of addition also in the Patent Ordinance, implemented in the Patent Act by the Act Revising Certain Provisions of Patent Law and Other Acts in the Field of Industrial Property Protection of 19 October 2013 (Gesetz zur Novellierung patentrechtlicher Vorschriften und anderer Gesetze des gewerblichen Rechtsschutzes) (Federal Law Gazette I p. 3830; BlPMZ 2013, p. 362 et seq.).

The Ordinance is published in the Federal Law Gazette (in German).

1031 – 4.3.2/2015-1

Notice of 1 April 2019

on the international registration of marks

From 1 April 2019, it will be possible to file applications for international registration of trade marks also electronically and without signature at the German Patent and Trade Mark Office (DPMA).

With such an application, trade mark proprietors can also apply for protection of their trade mark in other countries – on the basis of a German trade mark or trade mark application – via the World Intellectual Property Organization (WIPO). Applications can only be filed via the DPMA. Further information on international registration of marks is available on our website "Trade Mark Protection Abroad".

For the application for international registration of a registered trade mark or a trade mark application, please use the WIPO form (MM2). As from now, you can fill in this form online, save it in PDF/A format and send it electronically to the DPMA via our DPMAdirekt service.

In addition, you can now also submit the request for subsequent designation electronically at the DPMA. With this application you can extend an already existing international registration of a mark to other countries or, for an already designated country, add other goods and services to the already existing international registration. Please also use the corresponding WIPO form (MM4) for this purpose, which you can now also fill in online, save in PDF/A format and send to the DPMA via the DPMAdirekt service.

Notice of 8 August 2019

concerning licences for international registrations of marks with protection in the Federal Republic of Germany

Licences for the German part of the IP rights of international registrations of marks can now be recorded in the International Register maintained by WIPO (World Intellectual Property Organization). Such a recording was previously invalid on the basis of a declaration made by the Federal Republic of Germany to WIPO because German legislation did not provide for the recording of trade mark licences. It has now been possible to withdraw this declaration because the Trade Mark Law Modernisation Act (Markenrechtsmodernisierungsgesetz) provides for the recording of licences.

Please note that the German Patent and Trade Mark Office does not accept nor forward any requests for recording, amendment or cancellation of licences. Such requests may only be submitted directly to WIPO by the holder of the international registration. For this purpose, the forms provided by WIPO must be used for the recording (MM13), the amendment of the recording (MM14) or the cancellation of the recording (MM15) of a licence.

9330/1-3.3.6-Bd.II/13

Notice of 25 September 2019

concerning the Regulation (EU) 2019/933 of the European Parliament and the Council of 20 May 2019 amending Regulation (EC) no. 469/2009 concerning the supplementary protection certificate for medicinal products

On 1 July 2019, the Regulation (EU) 2019/933 of the European Parliament and the Council of 20 May 2019 amending Regulation (EC) no. 469/2009 concerning the supplementary protection certificate for medicinal products entered into force (OJ no. L 153 of 11 June 2019, p. 1 = Official Gazette (Blatt f. Patent-, Muster- und Zeichenwesen) 2019, 317).

The Regulation provides for an exception from the protection conferred by supplementary protection certificates for medicinal products, which allows makers who are established in the European Union, for example,

- to make products protected by supplementary protection certificates, or medicinal products containing those products for the purpose of export to third countries and
- to make, no earlier than six months before the expiry of the certificate, products protected by supplementary protection certificates or medicinal products containing those products, for the purpose of storing them in the Member State of making, in order to place them on the market of Member States after the expiry of the certificate (Art. 5(2) (a) Regulation (EC) no. 469/2009).

Precondition for the exception from the protection conferred by supplementary protection certificates is that the competent industrial property authority of the Member State in which that making is to take place is notified in good time (Art. 5(2) (b) and (c), (5) Regulation (EC) no. 469/2009), among other things.

If the making is to take place in the Federal Republic of Germany, the relevant information must be notified to the German Patent and Trade Mark Office (DPMA). For this purpose, form P 2041 is to be used; a free copy of the form can be obtained from the DPMA or downloaded from the DPMA website on the page "Forms and more", clicking "Patents" and "Forms concerning supplementary protection certificates".

The DPMA will publish the information notified in the DPMAregister publication and register database for the file number of the respective supplementary protection certificate. In addition, a mention of the notification is published in the Patent Gazette (Patentblatt) (Art. 11(4) Regulation (EC) no. 469/2009).