German Patent
and Trade Mark Office

Annual Report 2010



At a glance

Industrial property rights		2009	2010	Changes in %
Patents	Applications[1]	59,583	59,245	- 0.6
	Concluded examination procedures (final)	32,074	32,799	+ 2.3
	- with patent grant[2]	14,431	13,718	- 4.9
	Stock[3]	133,613	128,091	- 4.1
Trade marks	Applications (national and international)	74,822	74,297	- 0.7
National marks	Applications	69,069	69,072	+ 0.0
	Concluded examination procedures	73,054	70,962	- 2.9
	- with registration	49,817	48,794	- 2.1
	Stock	778,008	773,744	- 0.5
International marks	Requests for grant of protection in Germany	5,753	5,225	- 9.2
	Grants of protection	5,796	4,716	- 18.6
Utility models	Applications	17,306	17,005	- 1.7
	Concluded examination procedures	16,568	18,334	+ 10.7
	- with registration	13,916	15,476	+ 11.2
	Stock	96,909	95,598	- 1.4
Designs	Designs applied for	44,714	47,188	+ 5.5
	Concluded examination procedures	37,311	49,865	+ 33.6
	- with registration	35,431	47,951	+ 35.3
	Stock	279,916	280,085	+ 0.1

1 Patent applications at the German Patent and Trade Mark Office (DPMA) and PCT patent applications upon their entry into the national phase
2 Including patents in respect of which an opposition was filed under Section 59 Patent Act.
3 Including patents granted by the European Patent Office with effect in the Federal Republic of Germany, a total of 525,882 patents were valid in Germany in 2010.

Budget German Patent and Trade Mark Office and Federal Patent Court **per million €**	**2009**	**2010**		**Changes in %**
Income	293.3	301.7	↗	+2.9
Expenditure	244.6	236.7	↙	-3.2
of which for personnel	133.1	138.8	↗	+4.3

Personnel of the German Patent and Trade Mark Office	**2009**	**2010**		**Changes in %**
Staff	2,609	2,735	↗	+4.8

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The German Patent and Trade Mark Office – a reliable partner for creative minds

Creative people shape our everyday world. They develop products and designs that make our life easier and add beauty to it. As rewards they receive industrial property rights that means patents, trade marks, utility models and registered designs.

We grant, register and administer these IP rights. We also provide information to the public about the advantages offered by IP rights, and about ideas and inventions that are protected.

The 'we' refers to more than 2,700 staff of the German Patent and Trade Mark Office (DPMA) in Munich, Jena and Berlin.

The DPMA is divided into six areas of work, the departments (see organisation chart on the back cover):

Patents (Departments 1/I and 1/II)
The patent area covers a large field of work and is organised into two departments: Department 1/I (mechanical engineering and mechanical technology) and Department 1/II (electrical engineering, chemistry and physics). More than 800 patent examiners assess the patentability of inventions described in applications, grant patents and deal with oppositions.

Information (Department 2)
The staff of Department 2 provide information to the public on industrial property rights and the individual steps of the application procedure. They manage and update our databases and provide search support to users.

Trade Marks, Utility Models and Designs (Department 3)
In Department 3, more than 400 staff examine applications for trade marks, utility models, designs and topographies. They deal with registrations, third party oppositions and decide on the cancellation of individual registrations.

Administration and Law (Departments 4)
The staff of Department 4/Administration manage the various administrative tasks necessary to run an organisation, for example, personnel and budgetary matters, facilities management and organisation of business processes.

The staff of Department 4/Law deal with all fundamental legal affairs. These also include managing matters concerning patent attorneys, the government supervision of collecting societies and international cooperation with other IP organisations.

More information about us and our work is available at www.dpma.de.



Dear Reader,

Once again, we faced new challenges and changes at the German Patent and Trade Mark Office in 2010.

A change which you can see directly on the opposite page occurred at the chief executive level: on 1 September 2010, Günther Schmitz took over as Vice-President from the retiring Siegfried Dellinger.

When the financial and economic crisis had receded we found that the filing activities for IP rights stabilised in 2010. Inventors and enterprises continue to value the protection of their innovations and thus strengthen their competitiveness.

"Green technology" industries proved again to be growth sectors in 2010. We explored this trend at a panel discussion in July on "Climate change and 'green technology' – a challenge for the patent system".
The event was part of our "Talks on intellectual property" series. Together with the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger, we presented our new corporate design on this occasion. Featuring the Federal eagle and the German national colours, the logo shows our specific position of a Federal agency. We strengthen our national and international positioning by presenting our organisation in a modernised design.

In the interest of our customers we place high value on quality and short processing times. With these objectives in mind we recruited 62 additional junior patent examining staff in 2010. We will further pursue these objectives by introducing end-to-end electronic processing of patent and utility model files in 2011 and enhance the efficiency and transparency of our internal work processes.

As the world's fifth largest national patent and trade mark office we wish to give new impetus to the global development of IP protection and contribute to shaping international standards, in the interest of our customers. In 2010, we extended cooperation schemes with our partner offices in Brazil, China, Japan, South Korea and the United States of America, and took up a new project with the Canadian office.

The 20th anniversary of German reunification also marked the expiry of the last GDR patents that had been filed shortly before reunification. We were pleased to state on this occasion that integration had been successfully implemented in the area of IP protection. There is a lasting legacy: the many earlier GDR trade marks that have stood the test of time on the market or have even grown to become strong trade marks.

This annual report contains more detailed information on these topics and much more.

We hope you enjoy reading it.

Yours sincerely,



Cornelia Rudloff-Schäffer
President
German Patent and Trade Mark Office



Günther Schmitz
Vice-President
German Patent and Trade Mark Office

Patents

... protect your technical inventions

Patents can be granted for inventions of products and processes in all fields of technology. They offer protection against copying, on the one hand, and provide incentives for technological developments, on the other hand.

Patent applicants are awarded an IP right for a limited period of time in return for disclosing their invention to the public. The patent confers the exclusive right of exploitation for up to 20 years from the application date. No other person may use the invention without prior authorisation.

Our patent examiners may only grant patents for technical inventions which are new, involve a sufficient inventive step and are capable of industrial application.

Novelty:
An invention is deemed to be new if it does not form part of the state of the art. The state of the art comprises all knowledge made available to the public, anywhere in the world, by means of a written or oral description, by use, or in any other way, before the date of filing.

Inventive step:
Even if an invention is new it cannot be patented if it is obvious to a person skilled in the relevant field of technology. For this reason, the invention must sufficiently differ from prior art.

Industrial application:
An invention is deemed to be capable of industrial application if it can be produced or used in any field of industry. Ideas that cannot be carried out must not be patented, for example, a perpetual motion machine which deviates from currently recognised physical laws.

Applicants who wish to protect their invention by a patent on the German market have several options: they can file an application for the grant of a national patent at the German Patent and Trade Mark Office (DPMA), apply for a European patent at the European Patent Office (EPO) or file an international application under the Patent Cooperation Treaty (PCT) to request an IP right in several or all PCT Contracting states. The international application under the PCT can, on principle, be filed at the DPMA as well.



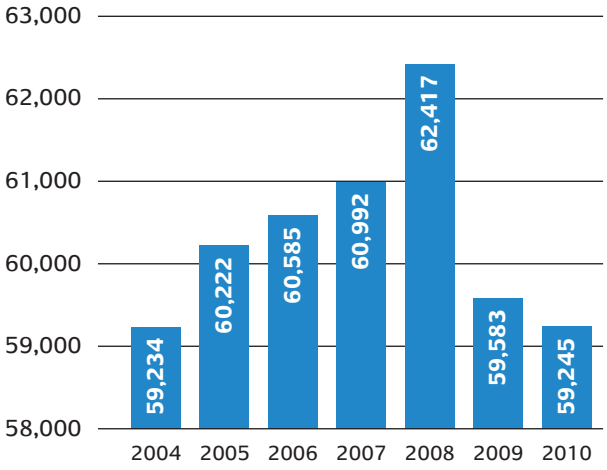
Development of patent applications

In 2010, 59,245 patent applications were filed at our office. Compared to the previous year the number of applications decreased slightly by 338 applications (0.6%).

The number of patent applications comprises 55,517 applications, filed directly at our office, and 3,728 applications under the international Patent Cooperation Treaty (PCT) which entered the national phase at our office. 36% of the direct applications in the area of patents were filed online (see page 54).

The development of filing figures over the past years is shown in Figure 1. For many years now, the number of patent applications has remained at a relatively stable level of about 60,000 applications per year. More data on patent applications are provided in Table 1.1 in the annex "Statistics" on page 89.

Figure 1: Patent applications at the German Patent and Trade Mark Office (patent applications filed at the DPMA and PCT applications that have entered the national phase at the DPMA)



Origin of patent applications

Table 1 shows the countries of origin of the patent applications received at the DPMA. In comparison to the preceding year, applications filed by applicants having their residence or seat in Germany decreased slightly by 812 applications to 47,047 applications. Applicants having their residence or seat abroad filed 12,198 applications, 474 more than in 2009. The share of these applications is now 20.6%. For an overview on filings, please see Tables 1.1 and 1.6 in the "Statistics" part on pages 89 and 91.

Table 1: Patent applications at the German Patent and Trade Mark Office in 2010 by countries of origin (patent applications filed at the DPMA and PCT applications that have entered the national phase at the DPMA)

	Applications at the DPMA	Proportional share in %
Germany	47,047	79.4
USA	4,228	7.1
Japan	2,970	5.0
Switzerland	944	1.6
Republic of Korea	684	1.2
France	209	0.4
United Kingdom	138	0.2
Netherlands	86	0.1
Others	2,939	5.0
Total	**59,245**	**100**

Patent applications by German Länder

In the year 2010, German companies and inventors filed 47,047 patent applications at the DPMA.

The breakdown of applications by German Länder is based on the place of residence or seat of the applicant, who can be an individual, a company or an institution. With 14,813 patent applications (31.5%), Baden-Württemberg came again top. 719 fewer applications were filed in comparison to the preceding year, a drop by 4.6%.

It was again followed by Bavaria – that had occupied the top position from 1996 to 2006 – with 12,969 applications (27.6%).

An increase of 328 applications shortened the distance to Baden-Württemberg. North-Rhine/Westphalia followed with 7,506 patent applications (16%) and was also able to increase its application figures by 98 applications. This means that three-quarters (75.1%) of all domestic applications came from these three Länder (see Figure 2 and Table 2). For time series covering the preceding years, please refer to Table 1.5 in the annex "Statistics".

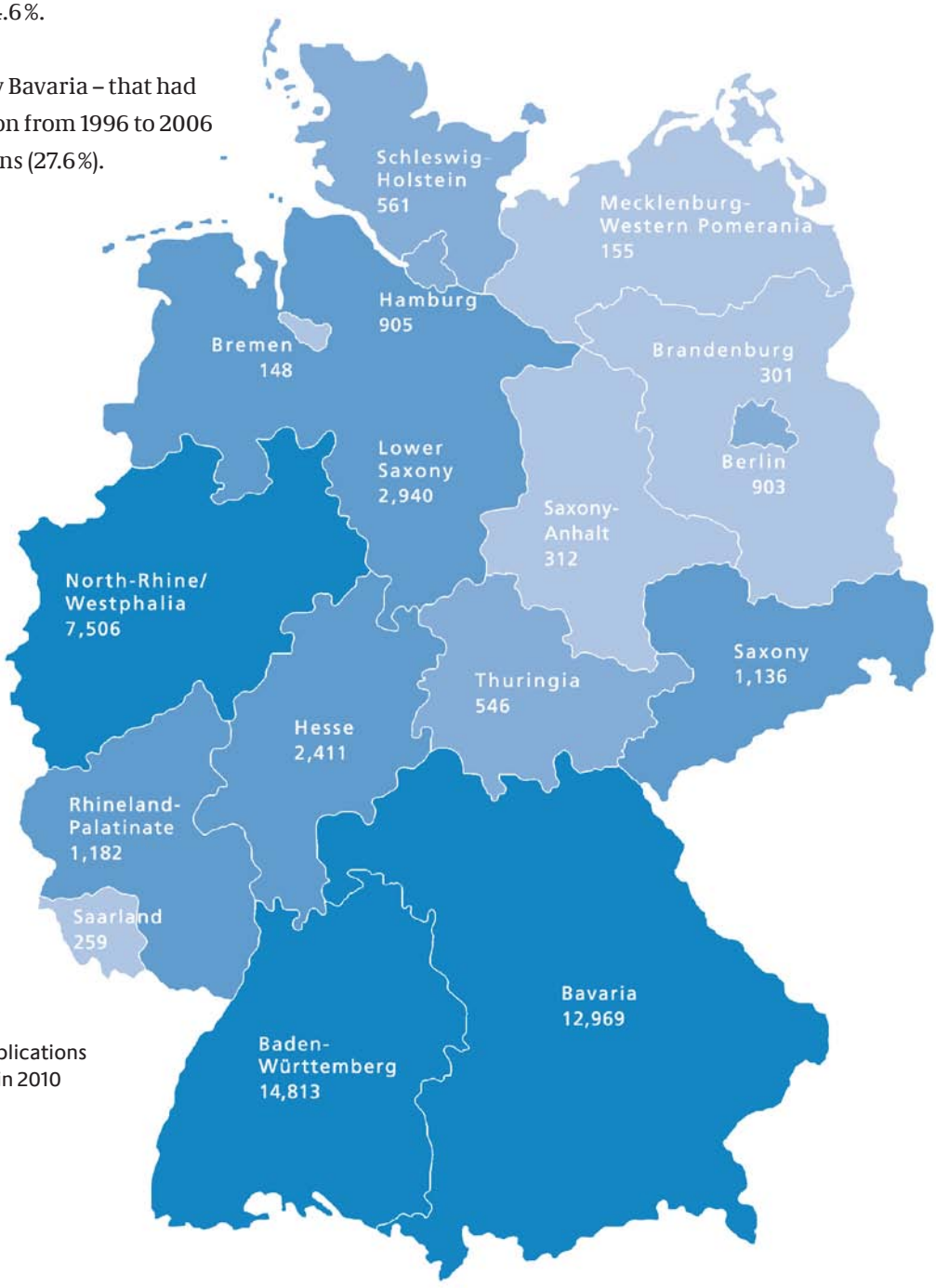


Figure 2: Patent applications by German Länder in 2010

The filing figures alone provide little information on how innovative the inhabitants of the individual German Länder of different sizes really are. The number of applications in relation to the size of the population of each German Land is more significant: In 2010, just as in 2009, 58 patent applications on average were filed per 100,000 inhabitants in Germany. With 138 and 104 applications per 100,000 inhabitants, respectively, Baden-Württemberg and Bavaria are in the lead; all other German Länder are below the average (see Table 2).

Table 2: Patent applications, percentages and applications per 100,000 inhabitants by German Länder

German Länder	2009			2010		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
Baden-Württemberg	15,532	32.5	144	14,813	31.5	138
Bavaria	12,641	26.4	101	12,969	27.6	104
North-Rhine/Westphalia	7,408	15.5	41	7,506	16.0	42
Lower Saxony	2,966	6.2	37	2,940	6.2	37
Hesse	2,486	5.2	41	2,411	5.1	40
Rhineland-Palatinate	1,263	2.6	31	1,182	2.5	29
Saxony	1,167	2.4	28	1,136	2.4	27
Hamburg	947	2.0	53	905	1.9	51
Berlin	965	2.0	28	903	1.9	26
Schleswig-Holstein	569	1.2	20	561	1.2	20
Thuringia	604	1.3	27	546	1.2	24
Saxony-Anhalt	298	0.6	13	312	0.7	13
Brandenburg	354	0.7	14	301	0.6	12
Saarland	312	0.7	30	259	0.6	25
Mecklenburg-Western Pomerania	191	0.4	11	155	0.3	9
Bremen	156	0.3	24	148	0.3	22
Total	**47,859**	**100**	**Ø 58**	**47,047**	**100**	**Ø 58**

The most active patent applicants

The most active domestic and foreign applicants on the German patent market are listed in Table 3. This list of the 50 top applicants is based on patent applications received in 2010.[1]

The individual applicants are recorded here in their capacity as patent applicants, irrespective of possible interlinking of business enterprises.

Robert Bosch GmbH once again tops the table with 3,477 applications and a clear lead. Daimler AG further increased its filing activity and ranks second, as before, with 1,917 applications. Siemens AG ranks third, closely followed by the US American GM Global Technology Operations Inc..

1 In former years, this overview had been based on the patent documents published by us in the relevant period.

Table 3: The 50 most active patent applicants at the German Patent and Trade Mark Office (number of direct applications in 2010)

	Applicants	Seat	Applications
1	Robert Bosch GmbH	DE	3,477
2	Daimler AG	DE	1,917
3	Siemens AG	DE	1,654
4	GM Global Technology Operations Inc.	US	1,540
5	Schaeffler Technologies GmbH & Co. KG	DE	1,249
6	BSH Bosch und Siemens Hausgeräte GmbH	DE	931
7	Volkswagen AG	DE	664
8	ZF Friedrichshafen AG	DE	629
9	Bayerische Motoren Werke AG	DE	602
10	Audi AG	DE	597
11	Denso Corp.	JP	489
12	Dr. Ing. h. c. F. Porsche AG	DE	443
13	LuK Lamellen und Kupplungsbau Beteiligungs KG	DE	392
14	Continental Automotive GmbH	DE	375
15	Fraunhofer-Gesellschaft e.V.	DE	368
16	Ford Global Technologies LLC	US	359
17	General Electric Company	US	321
18	Voith Patent GmbH	DE	294
19	Infineon Technologies AG	DE	266
20	Continental Teves AG & Co. OHG	DE	264
21	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE	241
22	Henkel AG & Co. KGaA	DE	239
23	Krones AG	DE	237
24	Osram GmbH	DE	221
25	Airbus Operations GmbH	DE	216
25	Johnson Controls GmbH	DE	216
27	Hyundai Motor Company	KR	195
28	OSRAM Opto Semiconductors GmbH	DE	191
29	Behr GmbH & Co. KG	DE	180
30	Giesecke & Devrient GmbH	DE	161
31	Merck Patent GmbH	DE	154
32	Heidelberger Druckmaschinen AG	DE	147
33	SEW-EURODRIVE GmbH & Co. KG	DE	140
34	Linde AG	DE	136
35	Hilti AG	LI	133
36	EPCOS AG	DE	131
37	Brose Fahrzeugteile GmbH & Co. KG	DE	130
38	SMS Siemag AG	DE	128
39	Phoenix Contact GmbH & Co. KG	DE	127
40	Benteler Automobiltechnik GmbH	DE	126
40	Evonik Degussa GmbH	DE	126
42	Continental Reifen Deutschland GmbH	DE	119
43	MAHLE International GmbH	DE	118
44	Hella KGaA Hueck & Co.	DE	115
45	Intel Corporation	US	106
46	ABB AG	DE	105
47	MTU Aero Engines GmbH	DE	99
48	Aktiebolaget SKF	SE	97
48	Globalfoundries Dresden Module One LLC & Co. KG	DE	97
48	SCHOTT AG	DE	97

Inventors and applicants

In 2010, just under 60 % of the applications received were again filed by a small group of applicants with more than ten patent applications each – mostly large enterprises (see Table 1.8 in the annex "Statistics", page 92). We have witnessed this marked concentration process in favour of large patent applicants for many years.

Since the inventor must be named in a patent application it is possible to find out the number of cases where the applicant and inventor are identical. Applicant and inventor are not identical, for example, if the patent application is filed by an enterprise. On the other hand, the applicant is usually identical with the inventor if the application is filed by an independent inventor or employee with a released invention. In 2010, 8.6 % of the patent applications were filed by the respective inventor. For applications from Germany the figure was 9.6 %, and for foreign applications 3.4 % (see Table 4).

Applications filed by universities

In 2010, German universities applied for patents for 661 inventions in their own name (2009: 672 applications). Table 1.7 in the annex "Statistics", page 91, shows the patent activity of the universities of the individual German Länder.

Selected data on patent examination

The demand for patents has remained at a consistently high level. The number of examination requests rose by 3.2 % in comparison to the preceding year. We were only partly able to cope with this increase despite our recruitment initiative (see page 58) and comprehensive organisational measures. The newly recruited examiners will first undergo a training of at least 18 months. On completion of this training we will work hard on continually reducing the number of files in the examination stage. Detailed data on applications received and concluded procedures are provided in Table 5 as well as Tables 1.2 and 1.3 in the "Statistics" part on page 89.

Table 4: Patent applications of the category "applicant is inventor" by place of residence or seat of the applicant (in percent)

	2004	2005	2006	2007	2008	2009	2010
National	10.9	10.7	10.6	10.8	9.6	10.1	9.6
Foreign	3.7	3.5	3.7	3.7	3.1	3.9	3.4
Total	**9.7**	**9.4**	**9.3**	**9.5**	**8.4**	**9.1**	**8.6**

Table 5: Selected data relating to patent procedures

	2004	2005	2006	2007	2008	2009	2010
Requests for examination	36,575	37,387	38,696	39,228	38,470	35,694	36,841
– including requests filed together with application	25,444	25,082	25,452	24,972	24,714	22,666	22,519
Search requests	12,800	13,352	13,238	13,394	14,176	13,250	13,315
Examination procedures concluded (final)	33,862	36,064	38,140	34,297	33,193	32,074	32,799
Examination procedures not yet concluded in the patent divisions at end of year	118,184	114,826	116,857	121,386	128,777	132,412	136,642

Main technical areas of patent activity

Our patent examiners attribute every patent application and the invention described in this application to one or several classes of the International Patent Classification (IPC). The IPC is a hierarchical system comprising more than 70,000 units which organises all fields of technology by means of a number and letter code (see also page 93).

For many years, most of the applications have been attributed to the IPC area B60 "Vehicles in general". In 2010, 5,600 patent applications were filed with us in this class (see Table 6). The second position is occupied by class F16 "Engineering elements or units" with 4,730 applications. Application figures have been on the rise for quite some time in class H02 "Generation, conversion or distribution of electric power", whereas the area H 04 "Electric communication technique" dropped again, by 7.3 %. Table 1.9 on page 93 in the "Statistics" part shows the development in recent years.

Table 6: Patent applications in 2010 by IPC classes that account for the majority of applications

IPC class		Applications in 2010	Percentage	Differences between 2009 and 2010 in %
B60	Vehicles in general	5,600	10.1	4.8
F16	Engineering elements or units	4,730	8.5	0.8
G01	Measuring, testing	3,597	6.5	- 0.2
H01	Basic electric elements	3,540	6.4	- 3.8
A61	Medical or veterinary science; hygiene	2,523	4.5	- 5.9
F02	Combustion engines	2,315	4.2	9.0
H02	Generation, conversion or distribution of electric power	1,991	3.6	8.7
F01	Machines or engines in general	1,463	2.6	6.2
B65	Conveying, packing, storing, handling thin material	1,456	2.6	- 3.8
H04	Electric communication technique	1,329	2.4	- 7.3
B62	Land vehicles for travelling otherwise than on rails	1,243	2.2	5.9
A47	Furniture, domestic articles or appliances	1,226	2.2	7.4

Quality management at the DPMA

Planning quality

Quality management and quality assurance are proven tools which we use to ensure and constantly enhance the preconditions for the legal validity of our IP rights. We are permanently caught between the conflicting demands of high quality vs. timely and efficient processing of IP rights. We attach great importance to striking the balance between quality and quantity. Furthermore it is our aim to be a customer-oriented service provider with satisfied and motivated staff.

Networking with international partners

The Administrative Council of the European Patent Organisation adopted a "Standard for a European Quality Management System" (EQMS) in 2007. We had been heavily involved in preparing this standard. The main requirements are drafted along the lines of the international DIN EN ISO 9001 quality standard. At present, the national patent offices of the Member States of the European Patent Organisation and the European Patent Office (EPO) are working on implementing the standard within the scope of the so-called European Patent Network (EPN). We are actively involved in the work of the relevant bodies of the European Patent Organisation. The common work focuses on identifying so-called "best practices".

Ongoing development

Our quality management system, grown over the years, largely meets the requirements of these standards. Even so, we wish to further develop our quality management. A project group is currently working on a detailed concept aimed at meeting all requirements of the standard for an EQMS and, at the same time, DIN EN ISO 9001. The focus is on the patent examination and opposition procedures but we also include and consider all procedures and processes that have a direct impact on these core processes.

In addition we will further organise and refine our current quality management system. The quality management manual is core to this process. It is a basic document that describes the general rules applicable to all procedures. Here we can largely draw on previously established, well-documented procedures and rules.

Quality is our hallmark

A quality management system does not necessarily lead to good work results. It is our firm belief that the skills and experience of our staff are key cornerstones of the quality of our work results and our long term success. Our quality management system is targeted to assist our staff members in performing their duties with the highest possible degree of efficiency, in the interest of the applicants and the public.

We attach great importance to the following key elements in this context:

- A thorough prior education of our patent examiners in a scientific or technical field enables them to carry out high-quality patent examination.
- We scrupulously select our staff members who are to guarantee a high quality level and offer them sustainable training.
- High independence and personal responsibility of our patent examiners are prerequisites of good work results.

We will work on further enhancing our quality management system in order to ensure that high quality will continue to be our hallmark in the future.

IN FOCUS

Selected fields of technology

Automotive technology: exhaust technology and hybrid electric vehicles

Automotive technology has maintained its top position in patent statistics for many years (see page 93). Nevertheless, the economic crisis of 2009 forced even the car manufacturers to devise more targeted filing policies.

The number of patent applications dropped to the 2008 level in publication year 2010. The drop was most marked in applications filed by companies based in Japan. Since the latest vehicle generation meets the prospective, more stringent, emission standards, developers continue to focus on system optimisation, in particular: refined control and diagnosis processes are to improve the performance and reliability under changing operating conditions, for example, if different types of fuel are being used. Ever more complex systems are developed with the aim to achieve a most efficient heat and energy recovery within the exhaust system.

Applications on the different aspects of hybrid electric vehicles increased again, ranging from simple start/stop systems, which cut out the combustion engine when the car is stationary and then automatically restart the engine, to full hybrid electric vehicles, which can even run on electric power alone for a certain time. Companies based in Germany, in particular, once again intensified their filing activity in this field of technology.

The majority of applicants are big car manufacturers and internationally active component suppliers. The developers work on minimising the space required and the weight of the individual modules of hybrid electric vehicles in order to save fuel and to increase the driving range. Driving dynamics and driving comfort are other focal issues in the ongoing development of drive components.

France and Korea, two countries with large car industries, have again filed only few applications in the areas of exhaust technology and hybrid electric vehicles at the DPMA and the European Patent Office (EPO).

Table 7: Patent applications effective in the Federal Republic of Germany in selected fields of automotive technology. Applications published by the DPMA and the EPO, avoiding double counts, by publication year and the applicant's place of residence or business.[1]

Motor vehicle exhaust technology[2,3] Country of origin / publication year	2004	2005	2006	2007	2008	2009	2010
Total	**1,117**	**1,052**	**1,139**	**1,314**	**1,297**	**1,540**	**1,305**
DE	471	458	495	563	535	667	564
US	168	134	158	178	247	274	239
JP	381	338	367	463	401	433	355
KR	3	10	6	5	2	9	17
FR	39	58	71	60	57	72	59

Hybrid electric vehicles[3,4] Country of origin / publication year	2004	2005	2006	2007	2008	2009	2010
Total	**414**	**429**	**474**	**562**	**887**	**1,295**	**1,397**
DE	95	92	131	219	337	537	692
US	40	94	101	110	193	323	238
JP	248	223	213	203	304	346	353
KR	4	5	11	20	16	23	29
FR	13	5	7	8	11	37	23

1 Publication takes place 18 months after the application date in accordance with the time limit provided by law. The figures therefore mirror the status of 18 months previously.
2 IPC: F01N3, F01N5, F01N9, F01N11, F02D41 to F02D45
3 Applications filed by applicants having several seats are counted for each country.
4 Data collected with a specified search profile due to the 2006 IPC revision

Renewable energy

Applications involving environmental aspects are found in nearly all fields of technology. The innovative enthusiasm of industry regarding renewable energy has remained undiminished: in 2010, applications in this technological area accounted for as much as nearly 1% of all applications[1].
Applications in the field of solar technology have been increasing for many years despite a largely mature technology. The current increase in applications with effect in Germany is largely due to foreign applicants. Many applications filed at the German Patent and Trade Mark Office (DPMA) are aimed at reducing costs. They often concern solar cells with increased efficiency or the simplified production of photovoltaic modules. The applicants are increasingly big companies entering the market by acquiring smaller firms. The application figures in the field of wind generators, wave and tidal power generators and submerged units have again greatly increased. In this area, the applicants are mostly big companies from Germany and the USA. Many applications are about integrating wind generators and wind farms into the grid. Other renewable energy sources such as geothermal energy or biogas plants continue to show significant application figures, hardly affected by the economic crisis of 2009.

1 Total number of patent applications (156,757) published for the first time in 2010 by the German Patent and Trade Mark Office and the European Patent Office, avoiding double counts

Table 8: Patent applications effective in the Federal Republic of Germany in selected fields of renewable energy. Applications published by the DPMA and the EPO, avoiding double-counts, by publication year and the applicant's place of residence or seat.[1]

	2004		2005		2006		2007		2008		2009		2010	
	Ga[2]	fa[3]	Ga[2]	fa[3]	Ga[2]	fa[3]	Ga[2]	fa[3]	Ga[2]	fa[3]	Ga[2]	fa[3]	Ga[2]	fa[3]
Solar technology[4]	82	94	85	80	101	108	149	98	143	224	240	350	290	485
Wind generators[5]	82	67	89	75	92	100	91	72	123	151	191	291	233	342
Hydro power / wave and tidal power[6]	9	15	14	12	11	21	13	1	19	29	20	55	40	57
Geothermal energy, biogas, other energy sources[7]	29	22	25	19	26	17	59	13	78	33	86	51	72	44
Total	**202**	**198**	**213**	**186**	**230**	**246**	**312**	**184**	**363**	**437**	**537**	**747**	**635**	**928**

1 Table 8 contains published patent documents which are published 18 months after the application date in accordance with the time limit provided by law. The figures therefore mirror the status of 18 months previously.
2 German applicants
3 foreign applicants
4 IPC: F24J2, F03G6, H02N6, E04D13/18, C02F1/14, H01L31/04 to H01L31/078
5 IPC: F03D
6 IPC: F03B13/10 to F03B13/26; F03B7
7 IPC: F24J3, F03G4, F03G3, F03G7/00 to F03G7/08; C12M1/107, C12M1/113

Medical technology

For many years class A61 "Medical or veterinary science; hygiene" has been among the classes with the largest number of applications (see Table 1.9 in the annex "Statistics" on page 93) at the DPMA. It comprises inventions in completely different fields – from ordinary dressing material to pharmaceuticals to sophisticated diagnostic methods.

Application numbers in the area "medical science in general" (class 61 excluding hygiene and cosmetics) have continued at a high level (see Table 9.1). The number of US applications is more than double the number of applications from Germany; Japan ranks third. 1,861 of the 14,916 applications in 2010 were filed directly at the DPMA.



The composition of the applicants varies widely in the area of medical technology:

In 2010, 229 applications were received in the field of magnetic resonance imaging (MRI). In this field German applicants come top with 61.5 %. With 130 applications Siemens AG is top of the list for DPMA direct applications[1]. In this field, the focus is on detail improvements, for example, in coil and magnet design, the mechanical parts, enhanced image interpretation or an intuitive operator interface.
In the last few years, however, groundbreaking technological developments were made, for example, the so-called hybrid PET / MRI systems, which combine magnetic resonance imaging and positron emission tomography. Further examples are high-field MRI systems with magnetic fields of over seven Tesla, enabling coverage of increasingly larger body regions, up to whole-body high-field MRI. The first of these recently developed scanners are currently being tested in clinical trials.

In the field of computed tomography – medical imaging using x-ray images – the majority of applications also came from Germany in 2010. In this field, too, Siemens AG tops the list of applicants with 86 direct applications. Here, developments focus on ways to scan moving organs, such as the heart, to capture sharp images by using so-called 4D scans (moving three-dimensional images), or by motion correction at short scan times.
In this way, the doctor obtains accurate reliable images while the patient is only exposed to a low dose of radiation.

1 Applications received directly by the DPMA in contrast to those which enter the national phase at the DPMA under the international Patent Cooperation Treaty (PCT).

The recent trend in surgery is towards minimally invasive procedures. The navigation systems required for this type of surgery are categorised in class A61B 19 (111 DPMA direct applications in 2010). The total numbers of applications in this class have more than doubled since 2004. The applications regarding surgical robots, in contrast, have declined – possibly, due to lack of acceptance by patients. Now, the emphasis is on the navigation of capsule endoscopes.

Filing figures have remained high in the area of electrotherapy, magnetic, ultrasound and radiation therapy. Most of the 94 direct applications received in 2010 covered electrotherapy. In addition to easier handling of therapeutic equipment and more effective high-frequency generators, inventions often focused on a new and broader spectrum of applications. Besides nerve stimulation, developers also worked on the stimulation of other parts of the body and the so-called deep brain stimulation.

Table 9.1: Patent applications effective in the Federal Republic of Germany in medical science and selected fields of medical technology[1]

Medical science in general[2] Country of origin / publication year	2004	2005	2006	2007	2008	2009	2010
Total	**14,087**	**14,509**	**14,607**	**15,236**	**16,541**	**15,271**	**14,916**
Germany	2,191	2,482	2,378	2,544	2,539	2,581	2,487
USA	5,845	6,106	6,121	6,376	6,732	6,033	5,936
Japan	1,238	1,240	1,334	1,459	1,495	1,349	1,192
China	640	677	805	872	1,082	932	959
France	827	805	508	444	575	558	610

Magnetic resonance imaging (MRI)[3] Country of origin / publication year	2004	2005	2006	2007	2008	2009	2010
Total	**214**	**234**	**231**	**223**	**226**	**206**	**229**
Germany	73	100	88	92	125	108	141
USA	70	59	46	50	34	35	31
Japan	17	15	19	29	20	9	9
China	2	4	5	5	3	2	9
France	2	2	2	0	5	5	6

1 Applications published by the DPMA and the EPO, avoiding double-counts, by publication year and the applicant's place of residence.
2 IPC: A61 except for A61Q and A61K8
3 IPC: A61B5/055, G01R33/32 to G01R33/422, G01R33/48 to G01R33/567

Table 9.2: Patent applications effective in the Federal Republic of Germany in medical science and selected fields of medical technology[1]

Computed tomography[4]							
Country of origin/ publication year	2004	2005	2006	2007	2008	2009	2010
Total	**80**	**92**	**137**	**144**	**117**	**130**	**119**
Germany	21	36	90	91	70	100	91
USA	41	35	22	24	17	5	10
Japan	12	10	11	18	19	13	8
China	0	0	0	0	0	0	1
France	0	0	0	0	0	0	2

Surgery, navigation etc.[5]							
Country of origin/ publication year	2004	2005	2006	2007	2008	2009	2010
Total	**106**	**177**	**189**	**259**	**286**	**277**	**240**
Germany	31	82	104	150	148	149	118
USA	39	57	56	70	78	75	65
Japan	6	10	7	16	11	21	8
China	5	5	3	5	9	6	4
France	2	1	1	0	2	3	7

Electrotherapy, magnetic, radiation and ultrasound therapy[6]							
Country of origin/ publication year	2004	2005	2006	2007	2008	2009	2010
Total	**603**	**664**	**750**	**778**	**933**	**913**	**795**
Germany	86	97	105	104	88	114	94
USA	287	364	382	368	485	475	420
Japan	45	23	39	47	72	49	25
China	26	36	49	61	61	43	42
France	22	11	18	23	18	14	21

4 IPC: A61B6/03
5 IPC: A61B19/00
6 IPC: A61N, A61B18/12 to A61B18/16

IN FOCUS

Supplementary Protection Certificates – a special scheme of high economic importance

The development of active ingredients authorised as medicinal or plant protection products involves comparably high research and development costs and long authorisation and regulatory approval procedures. The maximum term of protection of patents, which is 20 years, is a relatively short period for companies doing research. Supplementary protection certificates allow to extend the duration of protection of these substances for up to five years, and even up to 5.5 years for medicinal products tested for paediatric use.

Three regulations of the European Union constitute the legal basis of supplementary protection certificates; German patent law contains additional rules. The examination guidelines in respect of supplementary protection certificates provide for a uniform interpretation of the legal provisions at the German Patent and Trade Mark Office (DPMA).



A supplementary protection certificate does not enlarge the patent on which it is based. Rather, it extends the term of protection of the active ingredient or combination of active ingredients protected under the so-called basic patent. The supplementary protection certificate provides the same rights as the basic patent in respect of the active ingredient or combination of active ingredients. On the other hand, it is subject to the same restrictions and obligations.

Supplementary protection certificates are of considerable economic importance even if the DPMA has received only about 1,000 SPC applications since 1 April 1993, when this type of IP protection was introduced in Germany. Supplementary protection certificates extend the exclusive protection at a moment of the life cycle of an active ingredient when profitable sales volumes are being achieved.

In the past years, important court rulings on patent protection in the area of chemistry related almost exclusively to supplementary protection certificates. This underscores the high economic importance of this fairly young and still developing branch of patent law and the need of legal clarification and has prompted us to address this issue within the scope of a symposium to take place at the DPMA in 2011.

Utility models



... low-cost and fast protection for technical inventions

Technical inventions can also be protected by a utility model. The "little brother" of the patent offers the same protective effect as a patent, fast and at low cost:

Fast, because we will register the utility model in the register within a few weeks after receiving the application provided the documents filed comply with the formal provisions of the Utility Model Act. In contrast, it usually takes several years to examine and grant a patent. Contrary to patents, we will not examine whether the utility model complies with the substantive requirements (novelty, inventive step, industrial applicability). The IP right becomes effective upon registration of the utility model. The utility model confers the same rights as a patent provided the unexamined substantive requirements for protection are fulfilled.

Low cost, because apart from the application fee of 40 euros we do not charge any other fees for the registration procedure and the first three years after the filing of the application. The utility model can last for up to ten years, if the respective fees are paid after three, six and eight years.

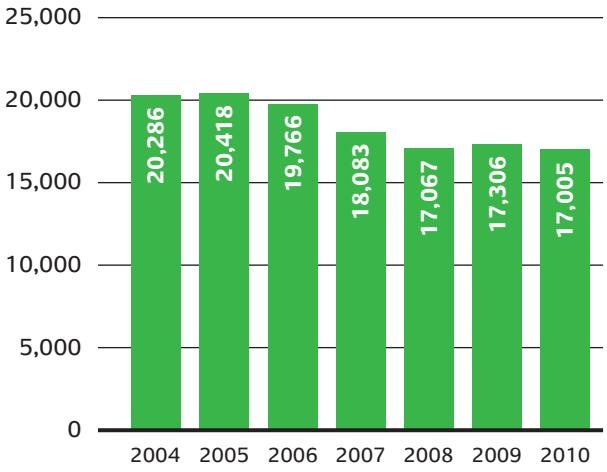
For technical inventions the utility model is indeed a good alternative or complement to the patent application. However, unlike patents, utility models cannot be used to protect processes and biotechnological inventions.

Development in utility model application numbers

In 2010, we found again that applicants saw the utility model as an attractive means of protection for technical inventions. The application figures continued at the same level as in the past two years. 17,005 new utility model applications were filed. In 2010 we recorded 15,476 utility models in the register. 2,858 applications were withdrawn, rejected or did not lead to registration for other reasons.

Within the course of 2010, 22,546 utility model registrations were renewed, 16,787 utility models lapsed, for example, due to non-renewal or abandonment. At the end of the year, 95,598 utility models were in force.

Figure 3: Utility model applications at the German Patent and Trade Mark Office



Origin of utility model applications

19.5% of the applicants were based in foreign countries in 2010. The majority of the foreign applications again originated from Taiwan (6.5%), followed by Austria (2.4%) and Switzerland (1.9%) (see Table 10).

Table 10: Utility model applications at the German Patent and Trade Mark Office in 2010 by countries of origin

	Applications at the DPMA	Proportional share in %
Germany	13,694	80.5
Taiwan	1,108	6.5
Austria	410	2.4
Switzerland	327	1.9
USA	219	1.3
Others	1,247	7.3
Total	**17,005**	**100**

Utility model applications by German Länder

In 2010, 13,694 of the utility model applications came from Germany. The comparison of German Länder shows that North-Rhine/Westphalia again comes top with 3,441 applications (25.1%), followed by Bavaria with 3,055 (22.3%) and Baden-Württemberg with 2,592 applications (18.9%). 66.4% of all national applications come from these three German Länder (see Figure 4).

For more statistical data please refer to the annex "Statistics" on page 94.

Split-off option

A split-off declaration allows the applicant to claim the filing date of an earlier patent application for the utility model application. That day is then deemed the filing date of both applications, even when the utility model application was actually filed later. A registered utility model confers protection to an invention during the otherwise almost unprotected period between the patent application and the patent grant. This flanking measure may be used, for example, to take appropriate action against unauthorised copying before a patent is granted by seeking injunctive relief or claiming damages.

In 2010, 1,498 utility model applications were so-called split-off applications.



Figure 4: Utility model applications by German Länder in 2010

Search pursuant to Section 7 of the Utility Model Act

The most important difference between the patent and the utility model is that the utility model will be registered without substantive examination. We merely examine whether the formal requirements are complied with. In that case, the applicant very quickly receives a utility model.

However, just as with patents, it is only possible to claim the rights to the invention if the requirements of valid protection are fulfilled that means if

- the invention is new,
- involves an inventive step and
- is industrially applicable.

This is why the applicant should do a search beforehand to find out whether a comparable invention has already been made (prior art search).
Upon request and for a fee of 250 euros our patent examiners will conduct a prior art search. They will establish a search report listing the publications and documents identified that are relevant for assessing protectability of the utility model. This will help the applicant to better assess whether his/her own claims will be enforceable against others or if an attack on the IP right could be successful.

In 2010, 3,253 search requests were filed.

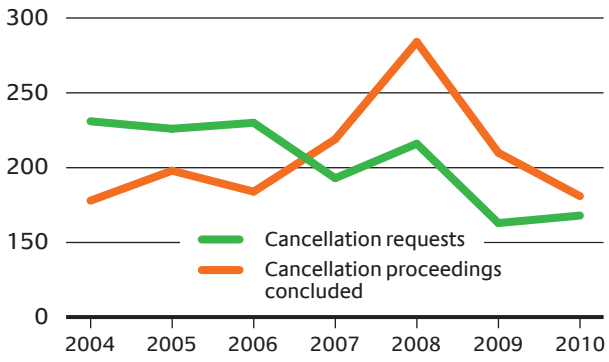
Utility model cancellation

The utility model can only be cancelled upon filing a request. Any person may file a cancellation request. There is no need for that person to have an economic interest. However, the request is also subject to a fee of 300 euros and must contain a sufficient statement of reasons, particularly, the relevant prior art must be cited in the cancellation request. Cancellation proceedings are handled by our utility model cancellation division. We will examine whether the invention can be protected at all by a utility model. We will assess whether the invention is new, involves an inventive step and is industrially applicable. The cancellation proceedings are indeed an important and effective instrument for clarifying the protectability of a utility model.

In 2010, 168 utility model cancellation requests were filed and 181 cancellation proceedings were concluded.

In contrast to patents, it is also possible to go to the regular courts to clarify whether any rights may be derived from the utility model at all, precisely because, for utility models, there is no substantive examination before registration.

Figure 5: Cancellation requests and concluded proceedings in utility model cancellation proceedings



Topography

Topography applications and utility model applications are handled by the same organisational unit at our Office. Three-dimensional structures of microelectronic semiconductor products are known as topography. The registration procedure corresponds to that of utility models. While the number of applications were initially high when the Semiconductor Protection Act was introduced in 1987, very few topography applications were filed at our Office in the past few years. In 2010, we received no application for a topography.

Trade marks

... badges of origin, labels of quality, advertising signs

Trade marks are part of our everyday life: Trade marks give names to the products we buy and the services we use. Trade marks help us to recognise products and distinguish them from products of other traders. To prevent copying and confusion, companies can obtain protection for the chosen name by registering it as a trade mark at the German Patent and Trade Mark Office (DPMA). The trade mark ensures customers that they will always get the familiar product of the same trader. Trade marks will turn just about any product into a unique article.

Trade marks may consist of words, symbols, images or a combination of these. Under certain circumstances, three-dimensional shapes, colours, combinations of colours or jingles can be registered as trade marks. Words that the general public or competitors need to use to describe product features cannot be protected as trade marks. For example, it would not be possible to register the word “süß” (sweet) as a trade mark for popcorn. Likewise, it is not possible to register signs which for some reason will not be perceived as trade marks (for example, long sequences of words). However, for registration it does not matter if a similar trade mark has already been registered.

There are three ways to seek protection for a trade mark in Germany. One way is to file a national trade mark application at the German Patent and Trade Mark Office, which will be examined, registered and administered by us. For international marks, which have previously been registered abroad, protection in Germany can be requested through the World Intellectual Property Organization (WIPO). These trade marks, too, are examined by us for compliance with requirements for protection. The third route to obtain trade mark protection in Germany is through filing an application for a Community trade mark. This application will be examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain). It is valid throughout the whole of the European Union. The three trade mark systems are equally valid. Their trade marks confer the same protection. As a general principle, the earlier trade mark takes precedence over the later trade mark, irrespective of the system of origin.

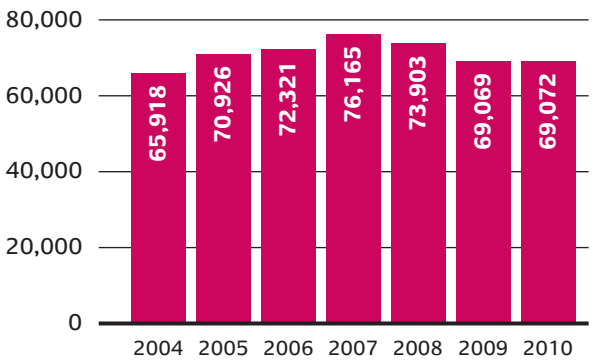


Development of trade mark applications and requests for the extension of protection based on international registrations

We received 74,297 new trade mark applications (including 5,225 requests for the extension of protection based on international registrations) in 2010. This figure is at the 2009 level (74,822). The economic recovery over the year 2010 had a stabilising effect on the number of trade mark applications. The 2010 figure of national applications is slightly above the average of the past 10 years, which was 68,419 per year.

The trade mark continues to be a very attractive IP right in Germany. When the current Trade Marks Act entered into force in 1995, the number of trade mark applications amounted to about 46,250. The number of filings at the OHIM, originating from Germany, has also been on the rise over the years (2010: 18,448 applications). Applicants from Germany are now the top filers at the OHIM and have taken the place of U.S. applicants. Trade marks are particularly valued in German commerce and industry. We are pleased that the vast majority of applications, which we receive, are applications for national trade marks.

Figure 6: National trade mark applications at the German Patent and Trade Mark Office



Origin of national trade mark applications

We received 69,072 direct national applications in 2010. 5.2% of these applications were filed by applicants based abroad. The majority of foreign applications originated from Bulgaria, Switzerland and the USA.

Table 11: Trade mark applications at the German Patent and Trade Mark Office in 2010 by countries of origin

	Applications at the DPMA	Proportional share in %
Germany	65,505	94.8
Bulgaria	599	0.9
Switzerland	548	0.8
USA	477	0.7
China	241	0.3
United Kingdom	203	0.3
Others	1,499	2.2
Total	**69,072**	**100**

Trade mark applications by German Länder

In 2010, we received 65,505 trade mark applications from Germany. North-Rhine/Westphalia came top with 14,772 applications (22.6%), followed by Bavaria with 11,796 applications (18%) and Baden-Württemberg with 8,559 applications (13.1%), see Figure 7 and Table 12.

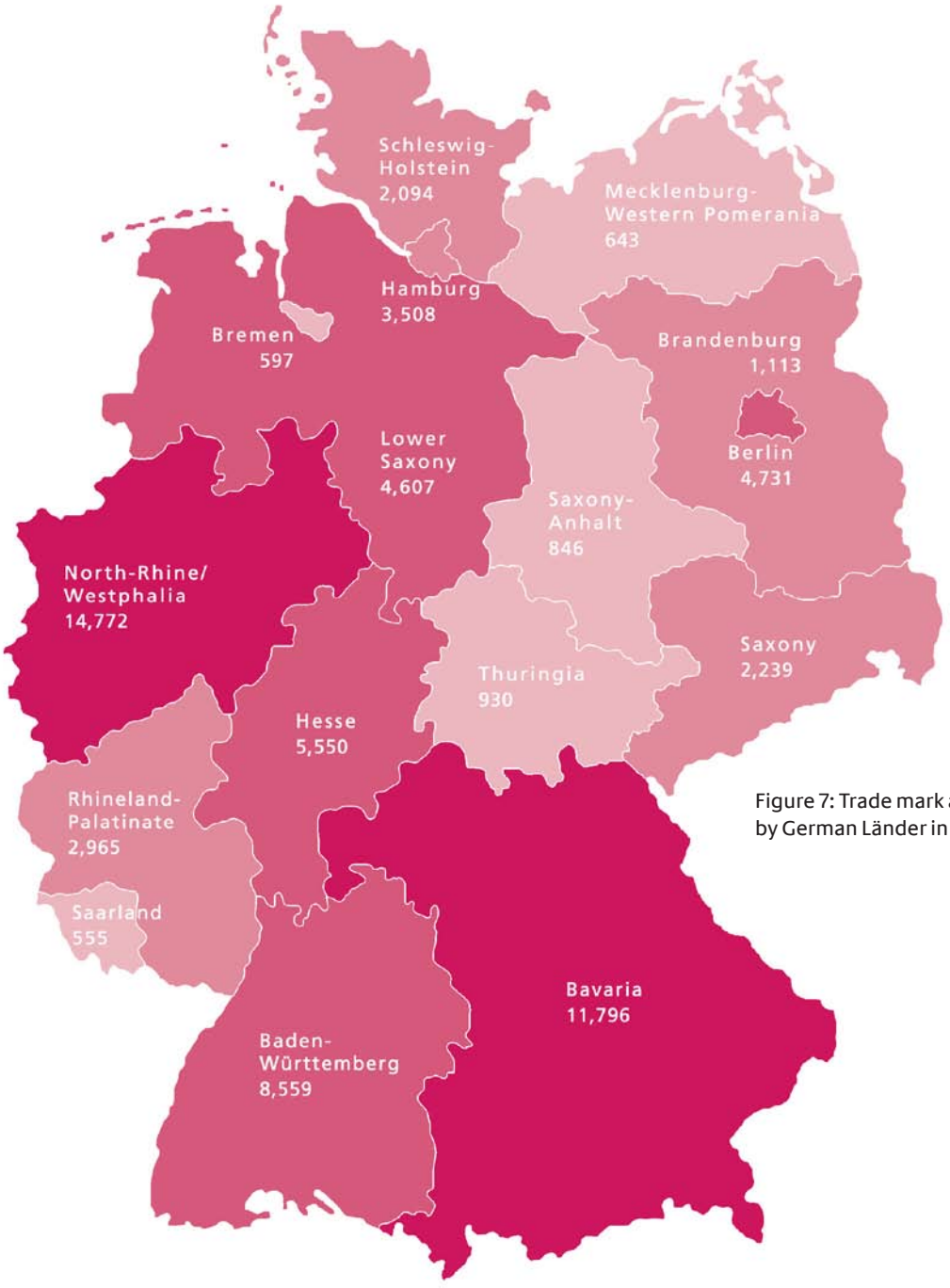


Figure 7: Trade mark applications by German Länder in 2010

Table 12: Trade mark applications, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2009			2010		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/Westphalia	15,450	23.5	86	14,772	22.6	83
Bavaria	11,836	18.0	95	11,796	18.0	94
Baden-Württemberg	8,234	12.5	77	8,559	13.1	80
Hesse	5,584	8.5	92	5,550	8.5	92
Berlin	4,697	7.1	137	4,731	7.2	137
Lower Saxony	4,548	6.9	57	4,607	7.0	58
Hamburg	3,448	5.2	195	3,508	5.4	198
Rhineland-Palatinate	2,955	4.5	73	2,965	4.5	74
Saxony	2,260	3.4	54	2,239	3.4	54
Schleswig-Holstein	2,066	3.1	73	2,094	3.2	74
Brandenburg	1,074	1.6	43	1,113	1.7	44
Thuringia	987	1.5	44	930	1.4	41
Saxony-Anhalt	825	1.3	35	846	1.3	36
Mecklenburg-Western Pomerania	651	1.0	39	643	1.0	39
Bremen	519	0.8	78	597	0.9	90
Saarland	580	0.9	56	555	0.8	54
Total	**65,714**	**100**	**Ø 80**	**65,505**	**100**	**Ø 80**

Table 13: Development of new national trade mark applications in 2010 – month-by-month comparison

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2009	5,002	5,814	6,676	5,708	5,426	5,709	6,456	5,526	5,733	5,707	5,543	5,769
2010	5,944	6,337	7,815	5,940	5,339	5,649	5,369	6,031	5,226	6,112	5,922	5,654

Trade mark procedures

The vast majority of trade mark applications will be recorded by us in the register. For many years, the rate of trade marks not accepted for registration due to a decision (refusals) has been at about 10%.

Trade mark applications by classes of goods and services

The long-term trend in the ratio of goods to services has continued. In 2010, 49.5% of trade mark applications related to service classes (2009: 49.3%). Germany's transformation into a service economy is also reflected in the trade mark area.

Table 14: Data on trade mark procedures

	2004	2005	2006	2007	2008	2009	2010
New applications	65,918	70,926	72,321	76,165	73,903	69,069	69,072
Registrations	48,401	50,798	51,124	54,534	50,259	49,817	48,794
Refusals	7,885	6,141	6,538	7,039	7,410	8,379	8,326

Did you know that ...

... Albert Einstein's professional career began in a "Patent Office"?

When in 1902 Albert Einstein could not find a teaching post after concluding a mathematics and physics teaching programme, he first worked as a technical examiner at the Federal Intellectual Property Office in Berne, Switzerland (today: Swiss Federal Institute of Intellectual Property, the Swiss central authority in charge of all intellectual property issues). Even then, the later Nobel Prize winner published important scientific papers.

Trade mark applications by leading classes

Class 35 (advertising, business management) is now the top class of national trade mark applications (by leading classes), followed by class 41 (education; providing of training; sporting and cultural activities). These classes have again switched their ranks. With regard to classes of goods, most of the applications were filed in class 9 (electrical apparatus and instruments), still ranking third, followed by class 42 (scientific and technological services), which came fourth as in the previous year. Class 25 (clothing, footwear) ousted class 36 (insurance; financial affairs; monetary affairs; real estate affairs) from fifth place on the list of the top ten leading classes in 2010. It is worth noting that classes 35 and 9 had increases of more than 400 applications each from last year.

Class 30 (food of plant origin) is no longer among the top ten high volume classes. It was replaced by class 43 (providing food and drink, temporary accommodation).

Wit respect to the numbers of applications in absolute terms (compare table 3.5 on page 97), the high volume classes 12 (vehicles), 14 (jewellery, clocks and watches) and 28 (games and playthings) show clear increases over the previous year. In contrast, classes 29 and 30 (food) have seen a slight decline and class 37 (building construction; repair) a steep decline - apparently for cyclical reasons.

Table 15: The top ten leading classes

Class	Class headings	Applications in 2010	Proportional share in %	Difference between 2009 and 2010 in %
35	Advertising, business management	7,886	11.4	5.5
41	Education, sporting and cultural activities	7,244	10.5	- 5.2
9	Electrical apparatus and instruments	4,559	6.6	10.6
42	Scientific and technological services	3,486	5.0	- 6.9
25	Clothing, footwear	2,985	4.3	1.1
36	Insurance	2,909	4.2	- 5.3
44	Medical services	2,833	4.1	- 6.4
5	Pharmaceutical preparations	2,607	3.8	3.3
16	Office requisites, stationery	2,243	3.2	- 9.1
43	Providing food and drink, temporary accommodation	2,005	2.9	- 0.6

Top trade mark proprietors in terms of registrations

With 147 registered trade marks, MIP METRO Group Intellectual Property GmbH & Co. KG headed the ranking of trade mark proprietors listed by numbers of registrations in 2010. It was followed by Bayer AG (109 registrations) and Boehringer Ingelheim International GmbH (108 registrations).

Table 16: Top trade mark proprietors in terms of registrations in 2010 (registration of trade marks under Sec. 41 of the Trade Mark Act)

	Proprietor	Seat	Number
1	MIP METRO Group Intellectual Property GmbH & Co. KG	DE	147
2	Bayer AG	DE	109
3	Boehringer Ingelheim International GmbH	DE	108
4	Weco Pyrotechnische Fabrik GmbH	DE	91
5	Vodafone D2 GmbH	DE	85
6	BSH Bosch und Siemens Hausgeräte GmbH	DE	84
7	Henkel AG & Co. KGaA	DE	67
8	REWE-Zentral AG	DE	64
9	Bayerische Motoren Werke AG	DE	62
10	GEZE GmbH	DE	59
11	Merck KGaA	DE	57
11	Merz Pharma GmbH & Co. KGaA	DE	57
13	Mibe GmbH Arzneimittel	DE	53
14	Daimler AG	DE	48
14	STADA Arzneimittel AG	DE	48
16	Fraunhofer-Gesellschaft e. V.	DE	45
17	Bristol-Myers Squibb Co.	US	40
18	TAD Pharma GmbH	DE	39
19	Boehringer Ingelheim Vetmedica GmbH	DE	37
19	FERRERO Deutschland GmbH	DE	37
19	Wella AG	DE	37
22	Deutsche Telekom AG	DE	36
23	Beauty Power UG	DE	35
24	BASF SE	DE	34
24	Hubert Burda Media Holding KG	DE	34
24	Karl Storz GmbH & Co. KG	DE	34
27	Mäurer & Wirtz GmbH & Co. KG	DE	32
28	biomo pharma GmbH	DE	31
28	Novartis AG	CH	31

Cancellations

There are various ways to cancel a trade mark. The owner may any time surrender his/her trade mark or individual classes of goods or services. We can also cancel a trade mark ex officio, if the renewal fees are not paid in time or if certain grounds for refusal emerge retrospectively. Furthermore, anybody may file a cancellation request without having to prove a particular interest. However, the request is subject to a fee. The request can be based on grounds for revocation if the trade mark has not been put to use within a period of five years.

Cancellation proceedings often involve substantial time and effort. Usually, the parties submit extensive statements of reasons; written submissions consisting of over 50 pages are not uncommon. The cancellation division with three legal members will decide on the cancellation request.

In 2010, 330 requests (2009: 317) for cancellation of a trade mark registration were filed. We also received another 457 requests for cancellation on grounds of revocation. In these cases, we will cancel the trade mark only if the trade mark owner does not oppose cancellation. Otherwise the regular courts will decide on cancellation.

Another important group of cancellation requests deals with applications made in bad faith. Such requests assert that the applicant has applied for registration of the trade mark with the intention to impede others in an anti-competitive way. 65 of the 330 cancellation requests were based on an allegation of bad faith (previous year: 59). The remainder of the requests gave other reasons for challenging the registered trade mark. In most cases, it was argued that the registered trade mark was descriptive.

At the end of 2010, the decision of the DPMA to cancel the trade mark "Post" was repealed by the Federal Patent Court. It was debated whether or not the word "Post" had acquired distinctiveness through use as a trade mark for a specific enterprise. Even a descriptive sign like the word "Post" can be registered as a trade mark, if it is attributed to a specific trader by the majority of prospective customers. In the "Post" case, an assessment had to be made as to whether or not a degree of trade acceptance of 75% was sufficient. Our cancellation division held that this was not enough in view of the very descriptive statement of the word "Post", but the Federal Patent Court decided otherwise.

First experiences with the new grounds of opposition

The Act on Streamlining and Modernising Patent Law (Gesetz zur Vereinfachung und Modernisierung des Patentrechts) entered into force on 1 October 2009. It has brought about important legal changes in trade mark law, too. Oppositions against trade marks applied for after that date cannot only be based on earlier registered trade marks but also on trade marks acquired by use, business signs and work titles, and on the dilution and the exploitation of the reputation of a trade mark. In 2010 we received the first notices of opposition invoking these new grounds of opposition. In most cases, the opposition was based on business signs. These grounds were often invoked in addition to oppositions based on earlier registered trade marks. Many oppositions filed were inadmissible since they concerned trade marks applied for prior to 1 October 2009. Decisions on cases based on the new grounds of opposition are taken by legal examiners. Due to the small number of procedures ready for decision we cannot yet provide any reliable information about the success rate of these oppositions.

Modified interpretation of terms of goods and services

We will modify our classification practice from 1 January 2011 onwards. Up to now, any good or service had been required to be, per se, attributable to a specific class. From 2011 we will take the class number into account ex officio for interpretation purposes. For example, if the product "coffee grinder" is filed in class 7, this indication will now be accepted without problem. Previously, the term had to be explained, namely, that it was an electric coffee grinder, since only this type of coffee grinder was attributed to class 7. The application for the product "coffee grinder" in class 7 is, however, even now limited to electric coffee grinders. An extension to cover hand-operated coffee grinders is no longer admissible. Previously, this might have resulted from the process of clarifying the list of goods or services. We have thus brought our classification practice in line with that of WIPO, OHIM and many other national trade mark offices.

Legal amendment in the procedure on the international registration of trade marks

An amendment of Sec. 115(2) of the Act on the Protection of Trade Marks and other Signs entered into force on 28 December 2010. Under the new provision we will, upon a positive decision on the extension of protection of an international registration to Germany, forward a communication on this decision to the trade mark owner through WIPO, from 1 January 2011 onwards. Trade mark owners will now be informed directly upon the extension of protection. Previously, this information had been issued much later. On the other hand, the time limit specified for the commencement of using the trade mark will now start earlier.

Misleading requests for payment

Trade mark applicants and owners are increasingly receiving allegedly official invitations to pay fees that have not been issued by the DPMA and are not related to procedures before our Office. We expressly warn customers not to accept such offers. For more detailed information please see page 65.

Did you know that ...

... Thomas Jefferson was responsible for examining incoming patent applications?

In 1790, the "Patent Commission", formed by the then Secretary of State Thomas Jefferson, Secretary of War Henry Knox and Attorney General Edmund Randolph, began to examine incoming patent applications. Thomas Jefferson, who initially started out as a lawyer, later became the third President of the United States of America.

IN FOCUS

National trade mark or Community trade mark?

When we register a national trade mark the applicant obtains a reliable IP right that has been examined in a speedy, transparent and high-quality procedure. Experienced and qualified staff of the DPMA are helpful contact partners throughout the registration process. Trade mark owners can be very confident about the legal certainty of their IP title.



Registration confers an exclusive right which can be used to challenge later Community trade marks applied for at the OHIM.

Furthermore, a German trade mark can be the basic mark of an international registration. It is therefore a good choice for applicants who intend to operate in Germany, above all, and in some selected other countries.

The Community trade mark, by contrast, is equally effective in all 27 Member States of the European Union (EU). It is useful for companies operating transnationally in the European area. This explains the high demand for Community trade marks by German applicants, in particular. Since the Community trade mark is valid throughout the European Union, it can be the appropriate IP right for enterprises that are active on the European internal market. This advantage, however, comes with some drawbacks: The application for a Community trade mark can be opposed on the basis of an earlier Community trade mark and any earlier national trade mark originating from one of the Member States. For this reason it is very difficult to anticipate possible conflicts with earlier trade marks. It is not clear at present to what extent a Community trade mark must be put to use in order to maintain the owner's rights conferred by the trade mark. Since the EU comprises 27 Member States and has about 500 million inhabitants it can be expected that the requirements to be applied to the use of Community trade marks will be more stringent than those applied to the use of national trade marks. The European Court of Justice has not yet rendered a final decision on this issue.

Indications of geographical origin



... protection for your regional products

Producers of products which have a link with a specific region and have acquired a reputation beyond the borders of their region of origin are frequently faced with counterfeiters who offer products of different quality under the same name pretending that these products are authentic. In order to protect producers of foodstuffs from unfair competition and consumers from being misled, the European Communities introduced the labels “protected geographical indication” (PGI) and “protected designation of origin” (PDO) in 1992. The legal basis for the protection of geographical indications and designations of origin is now provided by Regulation (EC) 510/2006.

Contrary to trade marks, the use of an indication of geographical origin is not reserved to a specific enterprise or association. Rather, it can be used by any producer based in the area who manufactures the product in the traditional way, as set out in a product specification.

It depends on the extent of the link between the product and the region of origin whether a regional specialty product will be entered in the register of the European Commission as “protected geographical indication” or as “protected designation of origin”. The registration provides for protection against copying throughout the European Union. The requirements for a product to qualify for the label “protected designation of origin” (PDO) are more stringent since all manufacturing steps must be performed in the region of origin. Furthermore, the product characteristics must be largely based on the geographical origin.





At present, 54 German products are registered in Brussels, including six designations of origin, for example, “Allgäuer Emmentaler” (cheese). Examples of “protected geographical indications” are “Thüringer Rostbratwurst” (sausage) and “Lübecker Marzipan”. In addition, 24 mineral waters have protected designations of origin. So far, about 950 foodstuffs and agricultural products from 21 member states of the European Union have been protected. Since Regulation (EC) 510/2006 has widely opened the system of protection to third countries, registration of an increasing number of designations of origin from all over the world is to be expected in the future. Protected products in the range include cheese, meat and meat products, fish and shellfish, fruit, vegetables, vinegar and oil as well as pastries and beer.

Registration as “protected designation of origin” or “protected geographical indication” is subject to a favourable decision on the application by both the competent national authority (in Germany: the German Patent and Trade Mark Office) and the European Commission. The application will be published under both the national and the European examination procedures to give any person with a legitimate interest the opportunity to lodge an objection, in particular, other manufacturers of the relevant product.

In 2010, we received four (2009: six) applications for registration, namely for “Leipziger Gose” (beer), “Alblinse – Linsen von der Schwäbischen Alb” (lentils), “Oberlausitzer Biokarpfen” (fish) and “Oktoberfestbier” (beer). Amendments to the specifications were requested for six registered geographical indications to take into account the modified conditions of production. After a positive conclusion of the examination we forwarded seven applications for registration to the European Commission.

New registrations of German indications of origin by the Commission reached a record high of ten in 2010. The following names were registered as “protected geographical indications”: “Halberstädter Würstchen” (sausage), “Nieheimer Käse” (cheese), “Dresdner Christstollen” (cake), “Salzwedeler Baumkuchen” (cake), “Hessischer Apfelwein” (cider), “Hessischer Handkäse” (cheese), “Schrobenhausener Spargel” (asparagus), “Lüneburger Heidekartoffeln” (potatoes), “Hopfen aus der Hallertau” (hops) and “Tettnanger Hopfen” (hops).



In an appeal case on the name “Bayerischer Süßer Senf” (mustard), the Federal Patent Court (BPatG) confirmed that the German Patent and Trade Mark Office, as advocate of the public interest, had to make sure within the scope of the examination that the product specification contained only objectively justified conditions and that the essential information of the specification could not be changed arbitrarily, without providing reasons. The appeal against an amendment to the specification of the protected geographical indication “Nürnberger Rostbratwurst” (sausage), brought by an opponent not residing in the geographical area, was dismissed by the Federal Patent Court (BPatG) on the grounds that the opponent did not have a legitimate interest.

Designs

... protection of the visual features of a product

Today, the design plays a considerable role in influencing purchase decisions. Since there are very few functional differences between various products and life cycles become shorter, the visual appearance of a product is often the only noticeable difference for consumers. Offering products with attractive colours and shapes that appeal to the emotions of customers will help companies build customer loyalty.

A registered design grants a monopoly right on the shape and colour of a product for a limited period of time.

A design right protects the two-dimensional or three-dimensional appearance of the whole or a part of a product. It may also protect the design of a flat surface – for example, a textile or wallpaper – or the design of a three-dimensional object, for example, a tool.

The reproductions (illustrations) of the design submitted with the design application determine the subject-matter and scope of protection and are therefore of prime importance. Protection extends only to those features that are visible in the illustrations.

A design must be new on the date of filing the application. This means no design that is identical or differing only in immaterial details from the design applied for has been published, exhibited or put on the market in any other way, before the date of filing the application. Furthermore, the design must have individual character. To fulfil this requirement its overall impression must differ from that of already existing designs. In this context, neither the view of a layman nor the opinion of a product designer is decisive. Rather it is the overall impression produced by the design on the so-called “informed user” that is relevant. However, only in case of a dispute, novelty and individual character will be examined by the civil courts.

The maximum term of protection of a design is 25 years from the filing date.

The owner of a registered design has the exclusive right to use the design and to prohibit others from using it without his/her consent. That means the owner can take action against any design that produces the same overall impression on the informed user as the registered design.



Development in design application figures

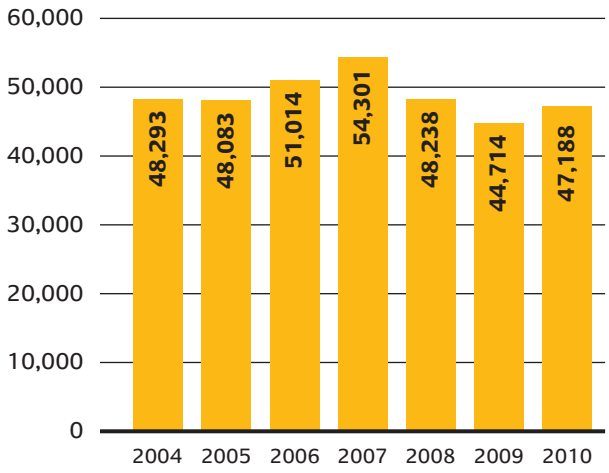
In 2010, we received 6,141 applications covering 47,188 designs. This is an increase of 5.5% regarding designs and an increase of 6.6% regarding applications on the previous year (44,714 designs in 5,760 applications).

We conclusively dealt with requests for the registration of 49,865 designs (2009: 37,311). 47,951 of the designs (2009: 35,431) were entered in the designs register.

55.8% of the applicants opted for grouping up to 100 designs in one multiple application (2009: 57.5%). As in the previous year, 13 designs on average were filed per multiple application.

Upon request, publication of the images of a design will be deferred for up to 30 months (deferment of publication of the representation). The proportion of designs for which deferred publication was requested upon filing fell to 32.4% (2009: 42.5%).

Figure 8: Design applications at the German Patent and Trade Mark Office



Origin of design applications

The proportional share of designs filed by applicants based in foreign countries dropped slightly to 20% (2009: 21.4%). The majority of the designs applied for by foreign applicants originated again from Austria (9.6%), followed by Italy (5.7%) and Switzerland (1.4%) (see Table 17).

Table 17: Design applications at the German Patent and Trade Mark Office in 2010 by countries of origin

	Applications at the DPMA	Proportional share in %
Germany	37,737	80.0
Austria	4,550	9.6
Italy	2,679	5.7
Switzerland	638	1.4
USA	316	0.7
Taiwan	101	0.2
China	95	0.2
Spain	83	0.2
Others	989	2.1
Total	**47,188**	**100**

Design applications by German Länder

28.6% of the domestic designs had been filed by applicants from North-Rhine/Westphalia (2009: 27.2%), 19.2% by applicants from Bavaria (2009: 21.8%) and 16.1% by applicants from Baden-Württemberg (2009: 15.8%). These figures clearly show again that there is a close connection between the economic power of a specific region and the filing activity of enterprises based in this region (see Figure 9 and Table 18).



Figure 9: Design applications by German Länder in 2010

Table 18: Design applications, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2009			2010		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/Westphalia	9,565	27.2	53	10,792	28.6	60
Bavaria	7,668	21.8	61	7,259	19.2	58
Baden-Württemberg	5,561	15.8	52	6,081	16.1	57
Lower Saxony	2,520	7.2	32	2,742	7.3	35
Hesse	1,468	4.2	24	2,325	6.2	38
Rhineland-Palatinate	2,638	7.5	65	2,132	5.6	53
Berlin	1,369	3.9	40	1,564	4.1	45
Hamburg	1,188	3.4	67	1,394	3.7	79
Saxony	1,036	2.9	25	899	2.4	22
Schleswig-Holstein	773	2.2	27	847	2.2	30
Brandenburg	220	0.6	9	505	1.3	20
Thuringia	241	0.7	11	354	0.9	16
Saxony-Anhalt	272	0.8	11	321	0.9	14
Saarland	313	0.9	30	227	0.6	22
Mecklenburg-Western Pomerania	138	0.4	8	157	0.4	10
Bremen	194	0.6	29	138	0.4	21
Total	**35,164**	**100**	**Ø 43**	**37,737**	**100**	**Ø 46**

Design applications by classes of goods

The 47,951 registered designs were registered in 82,474 classes of goods in total (2009: 65,968). The distribution of the designs to the classes of goods in 2010 shows that the largest number of designs (18.0%) were again filed in class 02 (articles of clothing and haberdashery). Class 05 (textile piecegoods, artificial and natural sheet material) ranked second with 16.4%, followed by class 06 (furniture), accounting for 15.1%.

Filing reproductions on electronic data carriers and via DPMAdirekt

Since November 2008 it has been admissible to file reproductions of designs, for which protection is sought, as JPEG files on CD or DVD. The applicants used this option for 22.2% of all design applications (2009: 15.2%). Since 1 March 2010, the DPMAdirekt online service has provided the option to file design applications electronically (see page 54) at the DPMA. The filing route was used for 4.7% of all design applications.

Post-registration procedures

After registration in the designs register, until the end of the term of protection – 25 years after the filing date at the latest – we manage a range of procedures: renewals and cancellations, but also extensions and recording of changes.

Renewal fees must be paid at the end of each (five-year) term to renew protection. If protection is not maintained we will cancel the design in the register.

In case of deferment of publication (see page 35) protection will initially be limited to 30 months. During that time the applicant may pay an extension fee to extend the period of protection to five years after the filing date (extension).

Table 19: Designs applied for by classes of goods in 2010

Class	Class headings	Registrations of classes of goods in 2010	Percentage	Differences between 2009 and 2010 in %
02	Clothing	14,814	18.0	- 4.3
05	Textile piecegoods, artificial and natural sheet material	13,525	16.4	61.5
06	Furniture	12,494	15.1	20.8
32	Graphic symbols and logos[1]	6,342	7.7	237.2
11	Articles of adornment	5,056	6.1	5.9
26	Light apparatus	3,825	4.6	74.1
19	Stationery and office equipment, artists' and teaching materials	3,642	4.4	- 19.7
25	Building units and construction elements	2,743	3.3	- 2.7
21	Games, toys, tents, sports goods	2,446	3.0	29.8
07	Household goods, not elsewhere specified	2,244	2.7	41.7
03	Travel goods, cases, parasols and personal belongings, not elsewhere specified	2,066	2.5	80.1
	Others	13,277	16.1	21.2

1 Class 32-00 not classified before the entry into force of the 9th edition of the Locarno Classification on 1 January 2009.

A change will be recorded if the IP right is transferred from the owner to another person, or if there is a change of representative.

Table 20 shows the development of procedures. The extension rate has stayed at a low level. This can be explained by the fact that the majority of applicants requesting deferment of publication are textiles manufacturers who refrain from extending designs protection in view of short product life cycles.

The number of designs renewed (17,058) increased by 10.3% in comparison to the preceding year (15,467 designs). In 2010 changes were recorded for 19,073 designs, that is 11.3% more than in the preceding year (2009: 17,130).

Common Assessment Framework (CAF) – self-assessment as a quality management pilot project in the designs area

The Common Assessment Framework (CAF) is the common quality management model for the public sector in Europe. The CAF self-assessment gives organisations the opportunity to perform an analysis of internal strengths and weaknesses. After evaluation and prioritisation, concrete improvement actions can be derived from the results.

The results can also be used to identify resources and objectives or as a basis for comprehensive reviews of organisations. Consistent implementation of the improvement measures agreed after each assessment will gradually lead to a quality management system specifically tailored to the needs of each organisation.

On 25 February 2010, we started "CAF self-assessment as a quality management pilot project in the designs area" with the assistance of the Federal Office of Administration (BVA). By developing an action plan we successfully completed the pilot project in the autumn of 2010.

DPMAregister – official publication and register of designs

On 22 February 2010, we integrated the data of all designs registered at the DPMA into the **DPMAregister** publication and register database (see page 55). Furthermore, it is possible to download the complete designs gazette (Geschmacksmusterblatt) or individual parts of it.

The IPR information published in **DPMAregister** constitute the official publications of register data and publication data.

Table 20: Data on designs procedures

	2004	2005	2006	2007	2008	2009	2010
Cancellations	61,233	53,154	55,054	54,022	56,328	52,721	47,782
Renewals	15,329	18,541	15,720	18,136	16,703[1]	15,467	17,058
Extensions	3,021	1,440	1,983	2,260	2,541	1,793	2,663
Recording of changes	12,447	20,664	14,019	22,949	19,258	17,130	19,073

1 The figure of the extensions has been corrected; concerning renewals, the figures include, from 2008 onwards, renewals for the 21st to the 25th year.

Supervision of collecting societies



Strictly speaking, anybody who intends to copy a work which is an intellectual creation – such as a text or a piece of music – or perform it in public must seek the permission of the respective author and pay for it. As this is virtually impossible, collecting societies manage the rights of creative people collectively.

Collecting societies are associations of creative people under private law (composers, writers, visual artists, photographers, screen actors, producers of phonograms and film producers). They issue licences authorising the utilisation of the works and collect royalties in return. The collecting societies then distribute the revenues to the right holders according to a distribution scheme.

Since collecting societies perform their tasks in a fiduciary capacity and often have a monopoly position, they are subject to government supervision. This supervision is exercised by the German Patent and Trade Mark Office (Section 18 et seq. Copyright Administration Act).

Our duties as supervisory authority include granting authorisations to conduct business to collecting societies in agreement with the Federal Cartel Office. We constantly monitor whether the relevant conditions of grant continue to be met and make sure that the collecting societies fulfil their duties as set out explicitly in the Copyright Administration Act. We are entitled to demand ample information and to attend the meetings of the various boards of the collecting societies. This helps us to fulfil our supervisory duties.

At present, 12 collecting societies are entitled to conduct business. The authorisation granted to VG Werbung + Musik was withdrawn in 2010. In 2009, the collecting societies had a total income of roughly 1.77 bn euros (the 2010 figures were not yet available at the copy deadline). The income of each collecting society is listed in table 21.

Register of anonymous and pseudonymous works

Authors who have published their works anonymously or under a pseudonym may have them registered under their real names in the "Register of Anonymous and Pseudonymous Works". For works that were published anonymously or under a pseudonym copyright expires 70 years after publication and 70 years after creation of the work, if it was never published during this period of time. By contrast, copyright expires 70 years after the death of the author if the true name of the author is recorded in the register kept at the DPMA. The register does not record all works protected by copyright. It is only relevant for the term of protection of works published anonymously or pseudonymously.

At the end of 2010, the register contained 730 works by 394 authors. Further statistical data are provided in the table 5 "Register of Anonymous and Pseudonymous Works" on page 99, in the annex "Statistics".

Table 21: Income of the collecting societies in 2009

Collecting Societies		Total Budget[1] 2009 in million €
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	841.055
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	177.917
VG Wort	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	442.565
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	2.646
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	128.187
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	6.958
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	57.192
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	13.374
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	21.251
AGICOA GmbH	AGICOA Urheberrechtsschutz-Gesellschaft mbH	46.512
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	31.796
VG Werbung	VG Werbung + Musik mbH	0
VG TWF	Verwertungsgesellschaft Treuhand-Gesellschaft Werbefilm mbH	0.024
Total		**1 769.477**

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

Patent attorneys and representatives



Patent attorneys

The field of IP law is extremely complex. Inventors, generally highly specialised in their respective technical field, are often at a loss when they face legal matters. Even enterprises often lack an overall view of all legal and economic aspects of IP protection.

Patent attorneys operate at the interface between technology and law and provide valuable assistance in this area. The IP experts advise inventors and enterprises seeking protection for their latest developments or their know-how, or wishing to register a trade mark or a design. They file national and international applications for all IP rights on behalf of their clients, draw up licence agreements and represent their clients before national and international authorities and courts. Their assistance is key to setting the course for the success of an innovation, a design or a trade mark.

Prospective patent attorneys must meet demanding standards: They must hold a university degree in a science or technical subject and have one year practical experience in the relevant field of technology. They obtain the required qualification in the field of law in the course of a three-year supplementary training at a patent law firm or patent department of an enterprise. A 10-year primary occupation in the field of IP protection is accepted instead of the three-year supplementary training.

The German Patent and Trade Mark Office (DPMA) is in charge of all matters relating to the training and examination of prospective patent attorneys. We decide which candidates will be admitted to the training and the examination based on their prior education and experience.
The adoption of the three-stage bachelor-master-doctorate system instead of the former uniform university graduation system requires us to review our conditions for admission in close cooperation with the Federal Ministry of Justice and the German chamber of patent attorneys.

We also organise the so-called "office year", an eight-month training at the DPMA and the Federal Patent Court, which is part of the three-year supplementary training.

Furthermore we organise the examination which takes place three times a year and consists of a written and an oral part. Successful candidates may bear the title "Patentassessor" or "Patentassessorin" (patent agent). They are entitled to work as advisors and representatives in fixed employment, as a rule in industrial enterprises. If they wish to work as independent patent attorneys, they must gain express admission to the Patent Bar by the German chamber of patent attorneys and be sworn in. The admission including the swearing-in is one of the duties transferred to the chamber of patent attorneys on 1 September 2009 under the Act on modernising procedures under the law of patent attorneys (Gesetz zur Modernisierung von Verfahren im patentanwaltlichen Berufsrecht).

Patent attorneys of other European countries can gain admission as German patent attorneys if they have passed a special qualifying examination.

More detailed and permanently updated information on patent attorney training and examination is available at www.dpma.de/dasamt/ausbildung/patentanwaltsausbildung and www.patentanwalt.de (in German).

Our annual report 2009, too, provides ample information on the profession of patent attorneys.

The year 2010

In 2010, 195 out of 196 candidates gained a pass in the regular patent attorney examination.

177 patent attorneys were newly admitted in 2010. This number clearly exceeds the 2009 level. Since the number of cancellations (59) was lower than in the preceding year (64), the overall number of authorised patent attorneys reached a new all time high of 2,956 at the end of 2010.

Arbitration boards at the German Patent and Trade Mark Office



Two arbitration boards are established at the German Patent and Trade Mark Office (DPMA). They submit settlement proposals to the parties. The parties can accept these proposals as binding, but they can also object to them or reach agreements on their own. Although the arbitration boards are integrated in the organisation of the DPMA, they are autonomous bodies.

The Arbitration Board under the Employee Inventions Act (ArbEG) mediates disputes between employees, who have made an invention within the scope of their employment, and their employers.

The Arbitration Board under the Copyright Administration Act mediates disputes between copyright collecting societies and users of copyrighted works.

The Arbitration Board under the Employee Inventions Act

Employee-inventors initially acquire all rights to their service inventions (inventor principle). They have the duty to report any invention to their employer. All property rights with respect to the service invention are transferred to the employer when the employer claims the invention. Under the legal fiction of Sec. 6(2) of the German Employee Inventions Act (new version since 2009) the claiming of the service invention is deemed to have been declared on principle. In return for the loss of rights the employee-inventor has a claim to reasonable compensation against the employer. Disputes before the Arbitration Board mainly deal with the equitability of that compensation.

The Arbitration Board regularly consists of a three-member panel: the chairman, who is a lawyer, and two patent examiners of the DPMA specialised in the relevant technological field.

The Arbitration Board in 2010

In 2010, the Arbitration Board received 65 requests for conducting arbitration proceedings. The Arbitration Board was again able to raise the number of cases dealt with and concluded 92 proceedings. The settlement proposals of the Arbitration Board continue to be widely accepted. The parties accepted the settlement proposals in 68 % of the cases.

The Arbitration Board had again to consider a wide range of legal problems in 2010. In one settlement proposal accepted by the parties the Arbitration Board held that the employee had expressed the intention to fully transfer the rights in the service invention to the employer by signing a US assignment (explicit declaration of assignment under US law). In another settlement proposal the Arbitration Board specified that the employee's general right to information in respect of the claim to compensation did not include an obligation of the employer to produce supporting evidence. An employer is only obliged to render accounts if there is a reason to assume that the employer did not exercise due diligence in providing information. Several settlement proposals concerned the graduation within a complex of IP rights. In a number of other cases, the Arbitration Board had to examine whether remuneration agreements were invalid due to marked unfairness or whether there was a claim to consent to a different compensation scheme resulting from a substantial modification of relevant circumstances.

Against the background of growing globalisation of economic relations and technology markets, the issue of employee inventions within groups of companies plays an increasingly important role in the rulings of the Arbitration Board. Likewise, questions of prescription have become more and more important in employee invention matters due to the new German Act on obligations which entered into force on 1 January 2002. The Arbitration Board is dealing with these questions in many proceedings. Up to now, proceedings only concerned inventions reported before 1 October 2009. Proceedings have not yet covered employee inventions governed by the Employee Inventions Act as revised by the Act on Streamlining and Modernising Patent Law of 31 July 2009.

The Arbitration Board under the Copyright Administration Act

Any person who wants to use literary, artistic or similar works is obliged to pay royalties to the authors. The authors mostly rely on collecting societies (see also page 41) to represent them to enforce their rights. The business of collecting societies is to issue licences, collect royalties and distribute the royalties to the authors of the works.

The Copyright Arbitration Board mainly mediates disputes about the amount of royalties. These disputes frequently concern so-called inclusive con-

tracts. Inclusive contracts are concluded between a collecting society and associations of users of works.

The Arbitration Board in 2010

In 2010, 234 disputes were brought before the Arbitration Board. 134 proceedings were concluded, including eight inclusive contract cases. In 302 cases, a decision is yet to be taken. Among these are two inclusive contract proceedings.

The number of new requests received increased again over the preceding year (191 requests received). The majority of the new proceedings are disputes between manufacturers or importers of copying devices, such as PCs, MP3 players or mobile phones with music function.

Some inclusive contract proceedings, concluded in 2010, were of particular importance because, due to a change in legislation regarding storage media and copying devices, an entirely new levy scheme had to be designed. Since 1 January 2008, the rates of levies have depended on the actual, relevant extent of use of the protected rights with the respective copying device or storage media. For this purpose, the Arbitration Board had commissioned some recognised opinion research institutes to conduct extensive consumer surveys. On the basis of these surveys a levy scheme has been developed which, on the one hand, guarantees that right owners receive reasonable remuneration and, on the other hand, does not unfairly prevent manufacturers and/or importers from freely conducting business.



Table 22: Arbitration Board under the Law on Employees' Inventions at the DPMA

Year	Requests received	Cases concluded					Arbitration proceedings pending at the end of the year
		Settlement proposals accepted and compromises	Objections to settlement proposals	Refusals to participate in arbitration proceedings	Proceedings concluded in other ways	**Total proceedings concluded**	
2004	98	27	16	10	24	**77**	151
2005	61	43	24	10	17	**94**	118
2006	52	25	21	13	8	**67**	68
2007	59	10	6	6	16	**38**	89
2008	66	24	18	12	4	**58**	97
2009	65	19	25	15	8	**67**	95
2010	65	30	14	14	34[1]	**92**	86

1 Since 2010, the Board's decisions and notifications on notices of opposition are included as well. For this reason, the 2010 values cannot be directly compared with those of the preceding years.

Table 23: Copyright Arbitration Board at the DPMA

Year	Requests received	Inclusive contracts under Section 14 (1) no. 1 (c) Copyright Administration Act	Cases concluded				Requests pending at the end of the year
			Settlement proposals of the Arbitration Board	Conciliations after proposal by the Board	Discontinued proceedings and other decisions	**Total**	
2004	53	0	57	1	26	**84**	80
2005	87	4	32	4	20	**56**	111
2006	75	1	43	1	24	**68**	118
2007	83	2	64	1	30	**95**	106
2008	61	6	83	1	13	**97**	70
2009	191	4	45	0	14	**59**	202
2010	234	0	27	0	107	**134**	302

We keep you informed ...



We want to be your first port of call for information about IP rights. So we are all the more pleased that you have maintained an active interest in IP: The enquiry units and search rooms of the German Patent and Trade Mark Office (DPMA) registered more than 247,000[1] customer contacts in 2010. We have also maintained a regular presence at trade fairs and events.

... through our enquiry units' services

You wish to apply for a patent, a utility model, a trade mark or a design right? Our three enquiry units at our Munich, Jena and Berlin locations offer expert advice in particular to small and medium enterprises and individual inventors on questions about industrial property rights and the corresponding national, European and international procedures. Fact sheets and forms can be downloaded from our website. We are also happy to send them to you by post.

1 Since 2010 the questions answered conclusively and independently by the staff of the telephone switchboard are also counted as customer contacts.

… by counselling inventors

You seek legal advice? As a service in cooperation with the Chamber of Patent Attorneys, patent attorneys offer consultations on any questions relating to intellectual property. The 30-minute one-to-one interviews are much requested – so appointments should be made well in advance with the enquiry service in Munich and the search room in Berlin.

… in our search rooms

More than 11,000 visitors used the facilities of the two search rooms in Munich and Berlin in 2010. We offer a wide range of services, from online searches to legal status searches and file inspection. To determine the state of the art for a patent application you can access more than 73 million patent documents contained in different collections, for example, the in-office **DEPATIS** database. In addition, the Technical Information Centre (TIZ Berlin) in Berlin has archived historical patents and patents from Eastern Europe.

There is no need to worry about how to carry out searches: Our search room teams will explain the many information options in the field of industrial property protection and will help you with your search or give you advice over the phone (+49 (0) 89 2195-3435) or by e-mail (datenbanken@dpma.de).

… by lectures, guided tours and training courses

We provide an extensive range of lectures and guided tours at all three locations of the DPMA. We offer workshops on patent, trade mark and design searches in Berlin and Munich. 15 search workshops with more than 190 participants were held in 2010. Are you interested in attending a workshop?

For dates of current workshops see www.dpma.de and our newsletter on online services.

For the first time, TIZ Berlin in cooperation with the European Patent Office in Berlin participated in "Lange Nacht der Wissenschaften" (science night) – an event which attracted almost 850 visitors.

… at trade fairs

Trade fairs give us the opportunity to present information about industrial property rights directly to an interested audience of experts and to raise public awareness of IP matters.

In the year 2010, the DPMA participated in 27 expert conferences and trade fairs in Germany and abroad (see page 51).

The longstanding cooperation schemes with several trade fair companies again proved beneficial in 2010; these included the "No Copy!" initiative of Koelnmesse GmbH, the "Messe Frankfurt against Copying" initiative of Messe Frankfurt GmbH, Messe München GmbH and Messe Düsseldorf GmbH. Likewise, we have successfully worked together with the industrial property rights department of the customs authorities. Cooperation has focused on the fight against product piracy and trade mark counterfeiting.
The Office for Harmonization in the Internal Market (OHIM) has also helped us in managing our trade show presence.

In 2010, we participated for the first time in "START-Messe" in Essen, the leading trade show for business start-ups, franchising and company development. It became evident that demand for IP information was high amongst start-up businesses and young entrepreneurs.

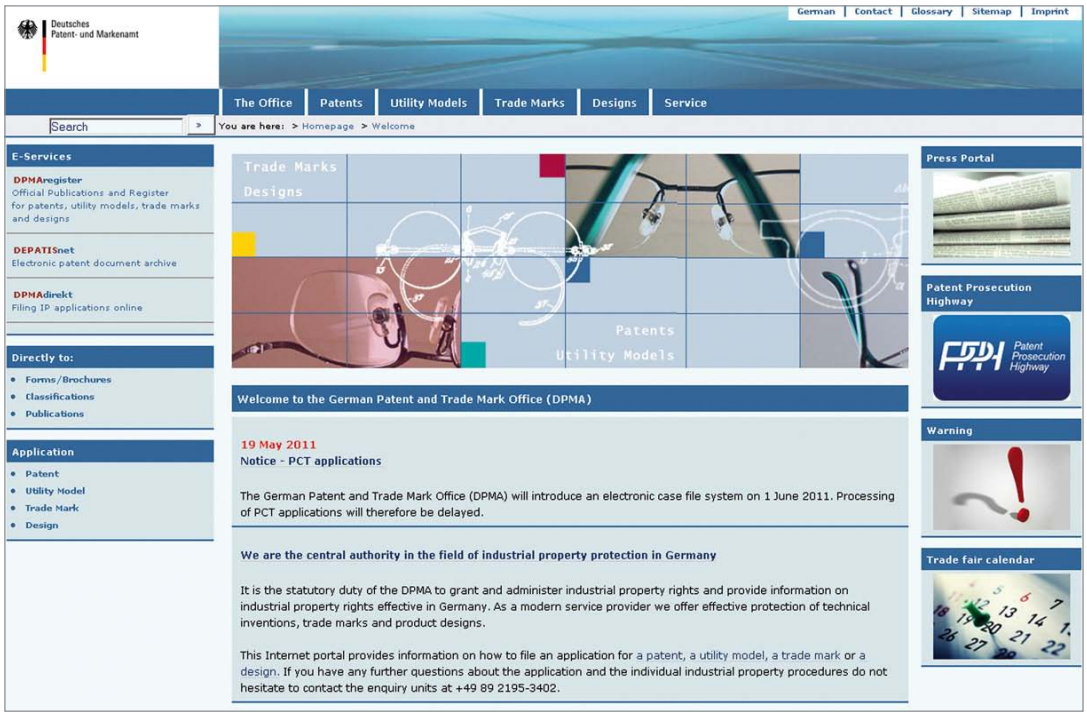
… online at www.dpma.de

Our website provides a wide range of information about industrial property protection. Here you will find interesting facts about patents, trade marks, utility models and designs, and of course, also about the DPMA and its web services. In the "Service" section you can register for our workshops and training courses, access the publications of the DPMA and download forms and information brochures. Latest news are available as RSS feed.

We welcome your comments and suggestions about our website (e-mail: internetredaktion@dpma.de).

… with the help of the regional patent information centres

We cooperate with 23 regional patent information centres (PIZ) in Germany. TIZ Berlin coordinates cooperation with the patent information centres. The patent information centres are your contacts at the regional level in Germany for questions concerning industrial property rights. The main target groups are small and medium enterprises (SMEs), universities and research institutions. In addition, the centres provide a wide range of information on industrial property protection to the public and raise public awareness of IP. To secure a filing date applicants can also file applications for all types of IP at twelve patent information centres in Germany for transmittal to our Office.



2010 trade fair calendar

Trade fair	
January	
13.01.–16.01.	Heimtextil (Frankfurt/Main)
18.01.–24.01.	imm cologne (Cologne)
February	
04.02.–09.02.	Spielwarenmesse (Nuremberg)
12.02.–16.02.	Ambiente (Frankfurt/Main)
March	
19.03.–20.03.	azubi- & studientage München 2010 (M,O,C Munich)
23.03.–26.03.	analytica (Munich)
24.03.–27.03.	Musikmesse (Frankfurt/Main)
April	
11.04.–16.04.	Light + Building (Frankfurt/Main)
19.04.–23.04.	HANNOVER MESSE (Hanover)
19.04.–25.04.	bauma (Munich)
21.04.–25.04.	Messe für Erfindungen (Geneva [CH])
June	
09.06.–11.06.	Intersolar (Munich)
10.06.–11.06.	PATINFO (Ilmenau)

Trade fair	
July	
08.07.	Tag der gewerblichen Schutzrechte (Stuttgart)
August	
27.08.–31.08.	Tendence (Frankfurt/Main)
September	
14.09.–19.09.	Automechanika (Frankfurt/Main)
15.09.–18.09.	GRUR-Jahrestagung (Hamburg)
24.09.–25.09.	START-Messe (Essen)
October	
26.10.–30.10.	ORGATEC (Cologne)
28.10.–31.10.	iENA (Nuremberg)
29.10.–30.10.	deGUT (Berlin)
November	
09.11.–12.11.	electronica (Munich)
17.11.–20.11.	MEDICA (Düsseldorf)

The trade fairs in Frankfurt are part of the “Messe Frankfurt against Copying” initiative.
The trade fairs in Cologne are part of our cooperation scheme with Koelnmesse within the scope of the the “No Copy! – Pro Original!” initiative.

Modern information technology – we keep up with the times



Electronic case file to be introduced shortly

Our electronic case file (ElSA) is a unique system for processing all steps of IPR procedures electronically, from the application to the publication. This system will allow us to significantly increase the efficiency of our processes and services for the benefit of our applicants.

New IP administration systems, **DPMApatente** and **DPMAgebrauchsmuster**, will replace the legacy systems for patent and utility model administration in June 2011. The new systems will implement end-to-end electronic file processing and administration of patents and utility models, avoiding discontinuity of media. Online file inspection will be available to you from 2012 onwards.

A team of up to 150 people composed of staff members of IBM Deutschland GmbH and our Office have worked on designing, developing and implementing this complex system since September 2004.

DPMAmarken, ElSA Marke – electronic processing and registration of trade marks

Our trade mark staff use **DPMAmarken** for trade mark processing. **DPMAmarken** is a complex IT system which has been operational since May 2006. All trade mark processes are IT supported and carried out by electronic means using this system.

In early 2010 we included the last missing component: the international registration (IR) processes were successfully integrated into **DPMAmarken**. The system now provides full IT support for processing all IR procedures just as national trade mark procedures. In addition, procedural data transmitted electronically by the World Intellectual Property Organization (WIPO) and partly even documents such as notifications and notices of defects are integrated in the data file of **DPMAmarken** on a same day basis in order to make data available for searching to the fullest possible extent.

DPMAmarken contributes significantly to harmonising processes and consequently the work results of the trade mark staff since it covers all national and international trade mark procedures. This allows us to improve legal certainty and clarity of decisions in trade mark matters. In addition the system allows to make the publications and the register on trade marks available exclusively in electronic form. National trade mark data had been successfully integrated into our **DPMAregister** system as early as 2009 (see page 55).

In the interest of our customers our Office aims to register and administer trade mark applications faster and with increased efficiency and to establish largely homogenous IT systems for all types of IP rights managed by our Office.

With this objective in mind we initiated a new project – **ElSA Marke** – in the trade mark area in 2010, based on a Europe-wide public procurement procedure. Our contract partner is Hewlett Packard. The project's aim is to introduce fully electronic case files in the trade mark area of our Office and to expand the current **DPMAmarken** system accordingly. Paper files are to be completely abandoned. The project is scheduled to run for two and a half years.

The project will largely build upon results developed within the scope of the **ElSA Pat / Gbm** project (see page 56). This includes digitizing incoming mail and storing documents in a document management system for secure, tamper-proof and accessible archiving of procedural documents. We strive to set up a fully electronic data and document exchange with WIPO concerning IR processes. Furthermore we wish to offer our customers a fully electronic communication channel through the **DPMAdirekt** system (see page 54). We also intend to offer electronic file inspection of trade mark files to the public under **DPMAregister** und to make a specific client available to the federal and state judicial authorities for file inspection purposes.

Scanning all trade mark paper files and migrating them into a digital environment is a big challenge. This operation is scheduled to take several years. It will be carried out under a specific work package outside the **ElSA Marke** project.

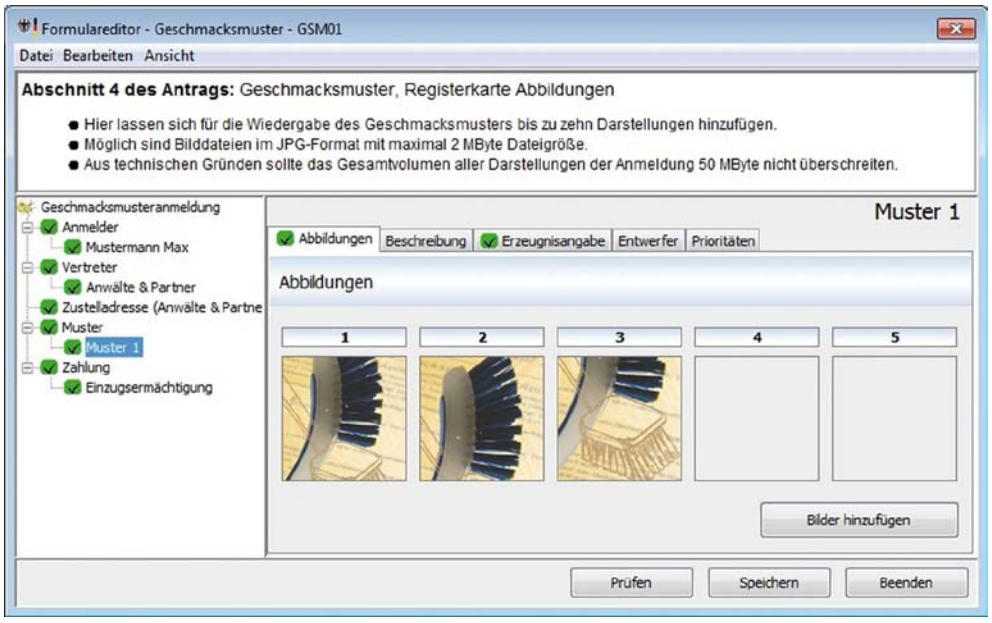
DPMAdirekt – online filing of IP applications

Online filing of IP applications became even more straightforward in 2010. This is, on the one hand, due to the new, much more comfortable user interface of the DPMAdirekt filing software: the new form editor organises the filing of IP applications in five clear steps.

Furthermore, we have accepted applications provided with an enhanced electronic signature since March 2010 if the signature has been issued by an international organisation for IP protection (Sec. 2(4) of the Ordinance on Electronic Legal Transactions at the German Patent and Trade Mark Office). Specifically, holders of Online Services smart cards of the European Patent Office can use their signature cards with DPMAdirekt.

We received about 27,000 applications online in 2010. These were partly for designs, for which DPMAdirekt has been available for the first time in 2010. DPMAdirekt will be further enlarged in 2011.

Test DPMAdirekt! You can draw up demo applications even without a signature card. The software and further information on DPMAdirekt are available at www.dpma.de.



Application for the registration of a design

DPMAregister – the all-rounder among our online services

Our register and publication service, **DPMAregister**, which has been available since April 2009, has received considerable positive feedback. Many users are pleased, above all, that we make IP data available free of charge so that they can carry out searches for IP rights quickly and easily. In addition to the pure publication data, users have access to the many data of our Office's registers and can get an overview of the legal and procedural status of applications and registered IP rights any time. Trade mark data had been integrated first, followed by designs data in February 2010, so that the advantages of **DPMAregister** are available in relation to a further type of IP right. The integration of patent and utility model data will complete the service in 2011.

We wish to make IP searching still more comfortable for our users. For this reason we intend to enhance the search functions and expand the data file. We will include the international trade marks, effective in Germany, in a next step.

For more information on **DPMAregister** please go to www.dpma.de or http://register.dpma.de.



Did you know that ...

... 2010 marked the birthdays of two pioneers of data processing?

Herman Hollerith, the inventor of the punch-card was born 150 years ago, on 29 February, in Buffalo, New York. His prototype of a punch-card tabulating system, presented at the World Exposition in Paris in 1889, proved effective at the 1890 United States census. By the way, before his groundbreaking invention Hollerith worked for the US Patent Office for a short time.

50 years later, on 22 June 1910, Konrad Zuse was born in Berlin. In 1941 he developed the Z3, which is now regarded as the world's first operational, freely programmable computer. After fighting for a long time for the recognition of his patent – also with our Office – Zuse is now considered the German inventor of the computer.

IN FOCUS

The electronic case file for patents, utility models, topographies and supplementary protection certificates

The year 2010 was marked by the preparation of the new system, scheduled to be introduced in 2011.

We completed most development processes in 2010. These had been preceded by extensive and intensive tests carried out to offer our staff a comfortable and (largely) bug-free system right from the start.

In parallel to programming we developed methods and documentations for the office-wide training of staff scheduled to start in March 2011. We opted for the "problem based learning" approach. In particular, it must be ensured that the data of the legacy system have the latest status and correspond entirely to the paper file before the new system goes live.

Valuable horizontal services

In addition to the core systems, DPMA**patente** and DPMA**gebrauchsmuster**, we have implemented various IT programmes in the past years to provide so-called "horizontal services". They are required for all categories of IP rights and essential for the later operation of the overall system. Two such applications were successfully launched as early as 2007:

Our new payment management system, DPMA**zahlungsverkehr**, manages the fee payments for all IP rights at our Office. Incoming payments are processed, attributed to the IP rights and automatically recorded in the respective files.

The new address management system, DPMA**adressen**, implements the specific requirements of the individual IP areas on capturing and managing address data of our applicants. DPMA**adressen** is a central system that makes these address data available to the IT systems of the individual office sections.

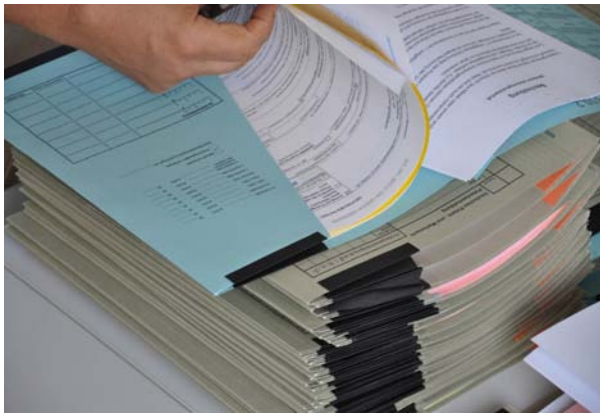
Challenges for the IT system and the personnel

Our staff members got a first impression of the electronic case file in 2008 when we included the electronic file view in the trial operation. They were able to carry out searches within the electronic data of our paper files.

Full electronic file processing requires digitization of the documents contained in the files such as application documents, office actions or customer communications, and integration into the electronic case file. Our digitizing centre has edited, scanned and stored our paper files in a central document archive since the end of 2008. Upon the introduction of the electronic case file for patents and utility models (**EISA Pat/Gbm**) in mid-2011, all incoming procedural documents will be digitized in the centre and forwarded electronically to the relevant processes. In-house delivery of paper documents will be completely abandoned. Since there is no need to transport paper files and documents,







Former system: the entire correspondence is kept in paper file wrappers.



New system: all information is now contained in electronic files accessible to all processing staff.

files will be processed more efficiently and in less time. Automatic workflow control allows parallel processing of files by several staff members.

The year 2011 will bring about big changes for more than 1,000 staff members in the patent and utility model area. Many will use DPMA**patente/gebrauchsmuster**, a new, albeit complex work tool. Others prepare for totally new duties, for example, in the digitizing centre or the electronic processing of incoming applications.

A strong team



Staff

In 2010, 2,735 staff worked at the German Patent and Trade Mark Office (DPMA). 2,424 staff were based in Munich and 311 in the Jena Sub-Office and in the Technical Information Centre Berlin. The overall headcount was higher than in the previous year having increased by 126. For the first time, more women (1,380) than men (1,355) worked at the DPMA.

Staff recruitment for patent divisions

In 2010, we again focused on recruiting new qualified staff for the patent divisions. Over the year, we hired a total of 62 qualified new recruits for the patent examination posts: 19 female and 43 male patent examiners.

Successful aptitude assessment

The forthcoming introduction of the electronic IP case file (ElSA) in 2011 will affect the jobs of 153 staff in the patent and utility model divisions. Between July and October 2010 all staff affected and their supervisors were interviewed as part of an aptitude assessment. Thanks to the commitment of the affected staff, the human resources division, the supervisors and the staff council we succeeded in assigning suitable new tasks to all staff. Most of these are computer-based ElSA jobs, which ensures that they will be safe in the future.

Family-friendly working patterns

To allow staff to better reconcile work and family life, we offer individual flexible working options to our staff. In 2010, more than one eighth of our staff were working part time. 354 staff took part in the teleworking scheme that allows staff to work from home for up to 60 % of their working hours.

Incentives

In 2010, 295 very committed and high-performing civil servants received incentive bonuses amounting to 299,706 euros in total.

Fitness and health

The physical well-being and health of our staff is a top priority for us. This is why we motivate our staff to take the initiative to keep fit. We won the special "Fittest Company" award in the Munich 2010 corporate run. 119 runners from our organisation took part in the 6.5 kilometre footrace.

In November 2010, the health forum initiative and the in-house medical service organised the third health information day at the DPMA, based on the motto: computer and health. We offered medical check-ups and workshops on back-friendly work habits, vision training and relaxation techniques.

Training at the DPMA

Technological progress and the changing regulatory framework place high demands on our staff. So we are committed to providing ongoing training for staff to develop and improve their skills and knowledge. In 2010, many staff members and trainees completed training that qualified them for their future jobs.

We offer training for 76 young people in the following skilled occupations in Munich, Jena or Berlin:

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

In 2010, we again offered (at first, temporary) employment at the DPMA to all 31 successful trainees after completion of their qualifying training.

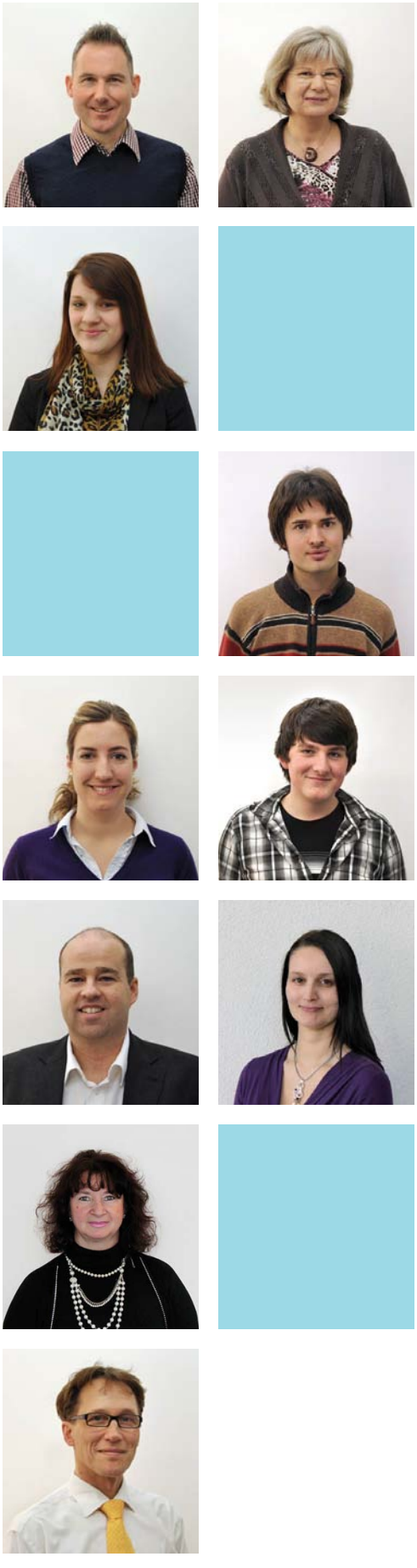
In addition, 38 pupils had the opportunity to gain an initial insight into the duties and activities of the German Patent and Trade Mark Office during pre-vocational training placements at our organisation.

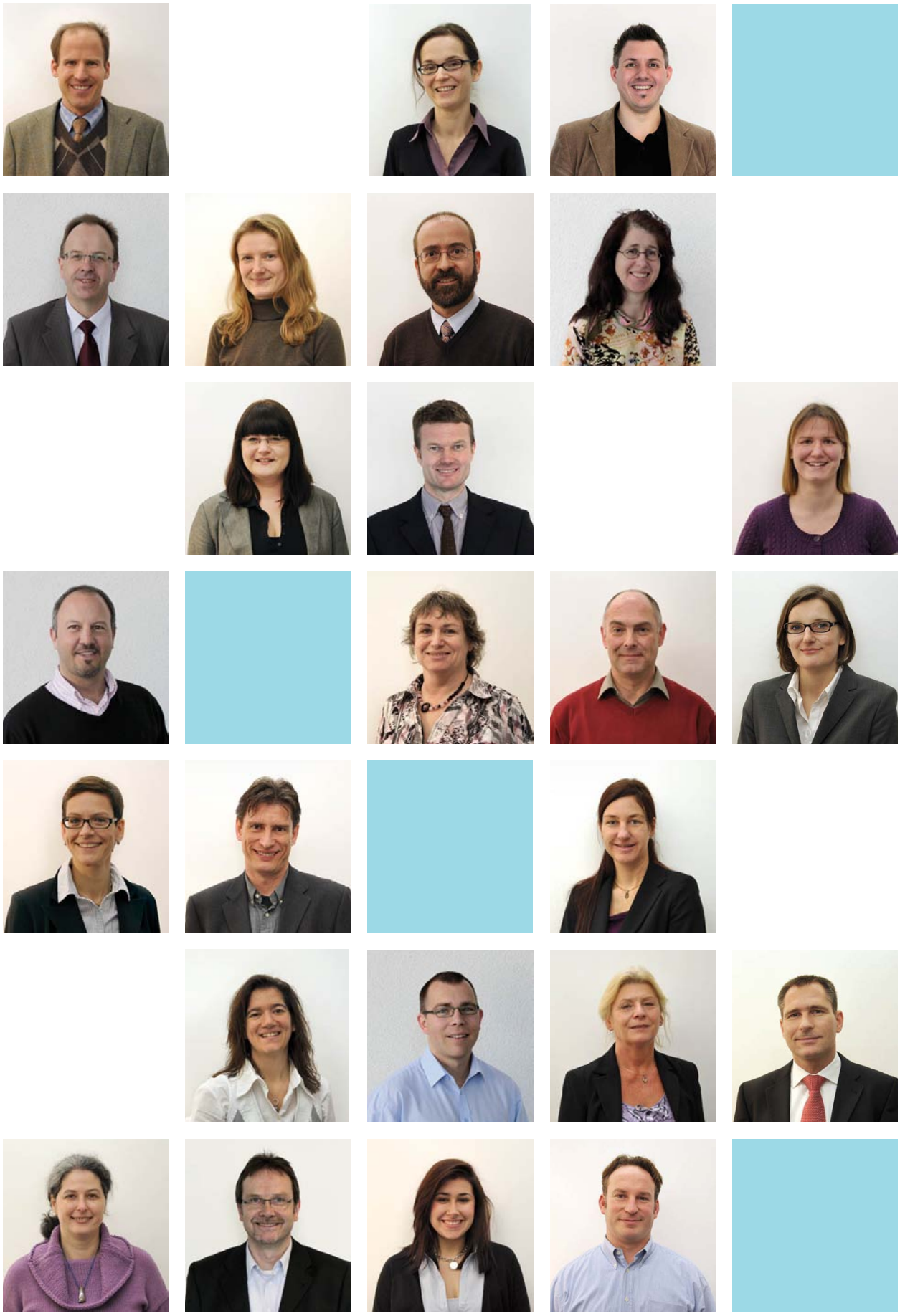
In 2010, in the run-up to the introduction of ElSA, scheduled for mid-2011, we organised many subject specific or interdisciplinary seminars and training courses, as well as special courses for staff at management level.

There was a high demand for the tried and tested IT and language courses but also for the training courses offered by the Federal Academy of Public Administration (BAköV), the central training institution of the federal authorities.

As a local partner of the Federal Academy of Public Administration, our organisation was again responsible for organising and running local cross-institutional seminars in southern Germany.

By launching a pilot project to introduce the so-called e-learning (DPMAlernen), we aim to ensure that all staff of our Office will soon have the opportunity to use computer-assisted learning at their workplace or possibly in separate study rooms – to complement conventional forms of teaching and learning.





INTERVIEW

20 years of unity of industrial property protection – “a successful integration”

In October 2010 Germany celebrated its 20th anniversary of unification. Unification also left a significant mark on the German Patent and Trade Mark Office (DPMA).

On 31 October 2010 protection expired for the last patents which had been filed in the GDR (German Democratic Republic) before unification and were maintained for the maximum period of protection of 20 years.

Eva Franke, head of the Technical Information Centre Berlin (TIZ Berlin) and Sabine Schmidt, responsible for the administration of GDR patents at TIZ Berlin, among other things, talk about their personal experiences and explain what specific impact German unification had on the area of industrial property protection.

Ms. Franke, why was 3 October 2010 a special date for industrial property protection?
On that day, exactly 20 years ago, the German Patent Office (DPA) – later renamed DPMA – took over the duties of the “Office for Inventions and Patents” of the GDR with 13.5 million patent documents. As a result, the DPA became the sole central authority in the field of industrial property protection in Germany.

Ms. Franke, what was the statutory framework for patents in the GDR?
Since the GDR was constantly eager to gain international recognition it was a member of international organisations in the field of industrial property protection. The legal frameworks for the protection of intellectual property in the two Germanys before unification were almost identical.
However, there were differences regarding the provisions for exploitation: Federal German patents give the owner an exclusive right to use his/her invention for a limited period of time. That right was termed an “exclusive patent” in the GDR and accounted for only a small proportion of the GDR patents. The majority of patents were so-called economic patents, which any people’s enterprise (VEB) was allowed to use, subject to the payment of a fee.

Ms. Schmidt, what challenges did the staff have to face after German unification?
In 1990, the DPA staff had to take on the enormous job of ensuring processing of all existing IP rights and IP applications of the GDR. That meant that they were confronted with the challenge to incorporate 111,000 GDR patents (97,000 economic patents and 14,000 exclusive patents) into a joint register. Almost 80 % of those were unexamined patents. Subsequently, over 19,000 requests for conversion of an economic patent into an exclusive patent had to be dealt with. The conversion was provided for by the last amendment of the GDR Patent Act of July 1990.
It was very advantageous that 450 of the 650 staff of the GDR Patent Office, including 105 patent examiners, transferred to the DPA since the new colleagues helped to manage this task.

Ms. Schmidt, what were your personal experiences with the unification of the Patent Offices?
After the GDR Patent Office was taken over by the DPA I, too, was initially unsure and wondered what would happen next. Then, I was head of department at the GDR Patent Office, responsible for initial processing of incoming patent applications. However, from October 1990 all incoming applications were centrally managed in Munich. For this reason I initially transferred to another position in the trade mark area in Berlin. When the Jena Sub-Office was opened as the third branch of the DPMA in 1998, some services of the Berlin Sub-Office were moved to Jena. Consequently, a move to Jena was necessary for me too.

In 2001 I returned to the Berlin Sub-Office of the DPMA. As head of unit at TIZ Berlin, I was responsible for the GDR patents. At the end of October 2010, when patent protection of GDR patents expired, my job changed again. My current duties involve public relations, for example, trade fairs and the organisation of seminars and guided tours of our Sub-Office. Thus, I have worked in many positions, at a variety of locations, in government agencies of two different states. Since, by their nature, IP rights imply a certain degree of rationality and ideology does not play a role, it has always been easy for me to accept new challenges.

Ms. Franke, who was the very last patent applicant in the GDR?
The last invention of the GDR was filed on 2 October 1990, one day before unification. The application, which was assigned the patent number DD 298536 later, was filed by the Dieter Mosemann, engineer and head of the compressor development department at VEB Kühlautomat Berlin. The invention described a rotary screw compressor for refrigeration systems used, for example, in air conditioning systems for airports and in breweries. However, no request for examination was filed for this invention. Consequently, we could not carry out the examination of the application necessary for granting a patent.

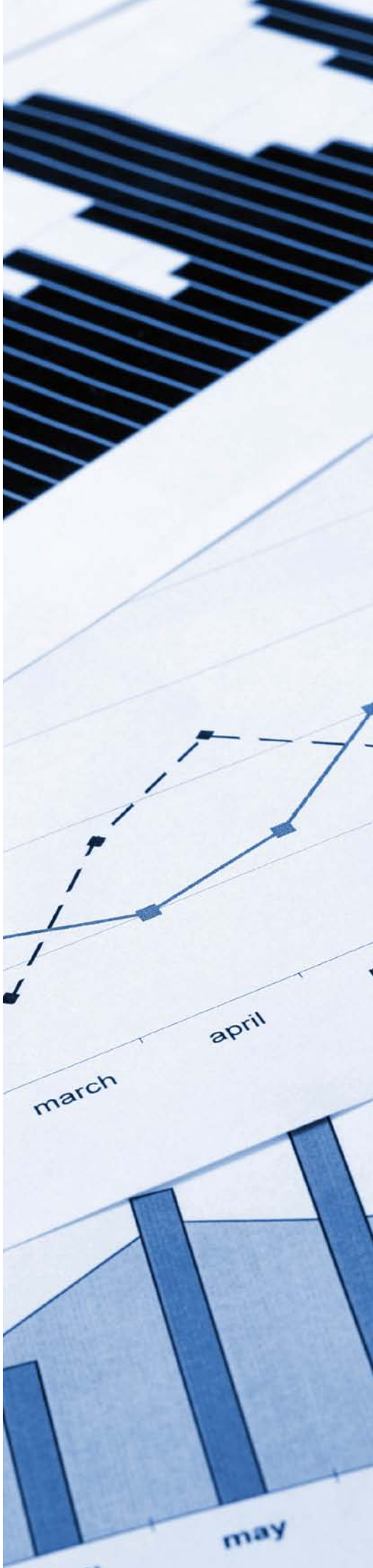
Ms. Schmidt, are GDR patents still important today?
Even though protection of the last GDR patents expired on 31 October 2010 they are still important today. Just like any other patent they form part of the current state of the art and can be cited against new patent applications. Our DEPATIS search system contains 325,660 GDR patents in total.

Ms. Franke, did the protection of GDR trade marks also expire at the end of October 2010?
No, in contrast to other industrial property rights, trade marks can be renewed infinitely, provided the respective renewal fees are paid. Many GDR trade marks were able to stand their ground against competition or enhance their position in the market as strong trade marks. 20 years after unification, 6,800 of over 42,000 GDR trade marks have survived.

Ms. Franke, Ms. Schmidt, seen in retrospect: What do you think about the "unification of industrial property protection"?
The take over of the GDR Patent Office by the DPA brought many changes and challenges to the staff of both Offices. We managed them superbly thanks to strongly committed and highly motivated colleagues.

The DPMA is not only the centre of excellence in the field of industrial property protection in Germany. At the three locations of the DPMA in unified Germany – Munich, Berlin and Jena – there is a team spirit which is not affected by former dividing lines.

Emerging stronger from the financial and economic crisis



Our finances 2010

The worldwide financial and economic crisis had a negative impact on the financial situation of the German Patent and Trade Mark Office (DPMA), but only during the first months of the year. As early as in May 2010 the fee income increased again. The overall income in the budget year 2010 finally exceeded all expectations in reaching 301.7 million euros, a new record high. Fortunately, as in previous years, the overall expenditure was by far lower than the income. Expenditure fell by 7.9 million euros on the previous year to 236.7 million euros in total. The increase in personnel expenditure of 4.3% compared to the budget year 2009 was above all due to the successfully completed recruitment campaign, the hiring of additional temporary staff to assist with the introduction of the electronic IP case file and rising contributions to the federal pension fund. This fund has been established to finance a pension scheme for civil servants, judges and career soldiers whose employment or service relationships started in 2007 or later.

In the budget year 2010, our importance and performance was again recognised and rewarded by the Federal Ministry of Justice, the Federal Ministry of Finance and the parliament so that we were little affected by the general cuts in the federal budget and continued to benefit from a high level of funding allocated for personnel, construction measures and IT projects.

Fortunately, and contrary to all expectations, the overall financial position of the DPMA remained strong and stable in the budget year 2010.

Table 24: Income and expenditure of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)

	2009	2010	Change (in %)
Income	293.3	301.7	+ 2.9
Expenditure	244.6	236.7	- 3.3
including personnel	133.1	138.8	+ 4.3

A NOTE TO OUR READERS

Warning against potentially misleading requests for payment

Many owners of IP rights have lately received communications from companies requesting payments. These communications look similar to invoices and sometimes resemble the forms and communications of the German Patent and Trade Mark Office (DPMA) or other authorities. The companies frequently use official-sounding names and logos that are similar to State emblems. They indicate details on the type of IP, and the names and contact data of the IP owners to enhance the purported official character of the letter. They use data found in public registers or, in case of contact details not published by the DPMA, telephone directories and other publicly available sources.

The senders expect that the recipients may not notice on superficial reading that the letter is just an offer to conclude a contract with a private company and that they will pay the requested amount. Such companies are often based abroad so that they are extremely difficult to sue.

We found two strategies, above all:

- **Entry in a private register**
  Many companies write to owners of IP rights shortly after the publication of the IP right and request payment of a certain amount for the entry of the IP title in a register. In most cases this a completely unknown register kept by the sender.

- **Renewal of IP rights**
  Other companies send out communications to owners of IP rights (mostly trade marks) whose IP rights are due for renewal shortly. They offer to manage the renewal against payment of a certain amount – as a rule about twice the official fee. The contract is concluded by returning the signed form or paying the requested amount to the company.

We have taken the following steps in the interest of our customers:

- We issue warnings and provide information for this purpose on our website at http://www.dpma.de/english/service/warning/index.html

- We have filed complaints against several companies. As a result, several persons were convicted of fraud (attempt) in a criminal proceeding.

If you receive a letter and are in doubt whether it was in fact sent by us, please give us a call or send us a copy. You will find the contact information of our enquiry unit in the service part of this annual report.

International cooperation



Against the backdrop of ever increasing globalisation, international cooperation in the field of industrial property protection is indispensable to the German Patent and Trade Mark Office (DPMA) as the fifth biggest national patent and trade mark Office in the world. This is impressively emphasised by the rising number of German applications abroad and foreign applications for which protection is sought in Germany. We give new impulses to the development of international patent systems and pursue important strategic goals together with our cooperation partners.

Bilateral cooperation

Within the scope of bilateral cooperation there were again two cooperation projects that played a particular role in 2010: the so-called Patent Prosecution Highway and the exchange of examiners. In addition, we intensified or developed bilateral contacts with the IP Offices in Brazil, Canada, China, India, Japan, Romania, Russia, South Korea, Turkey and the United States of America (USA).

Patent Prosecution Highway (PPH)

The aim of the Patent Prosecution Highway (PPH) is to enhance efficiency of the patent examination process through mutual utilisation of work results and to improve international patent quality. Applicants who file essentially identical patent applications in at least two patent Offices in the world will obtain faster patent protection. The PPH programme allows applicants to request accelerated examination with the DPMA and the respective foreign patent authority provided that the patent application was previously filed at the respective other Office and at least one patent claim was determined to be allowable by that Office. In this case, the two Offices can exchange and mutually use work results. Neither we nor our partners are bound by the decisions of the respective other authority.



Exchange of patent examiners with Japan

In addition to the PPH pilots with the Japan Patent Office (2008) and the US Patent and Trademark Office (2009), we have launched PPH pilots with the Korean Intellectual Property Office and the Canadian Intellectual Property Office in 2010.

Exchange of patent examiners

The exchange of examiners between two Offices is a very important instrument to gain an insight into the working practices of a partner Office and an effective tool for the participating examiners to exchange experiences. During the examiner exchange visit, essentially identical patent applications pending at the two Offices within the scope of priority applications are jointly discussed by the competent patent examiners. This enables the two Offices to gain information on the patent examination procedure and the examination environment of the partner Office, and allows both partners to learn from each other and to identify best practices.

Usually, two to four patent examiners per organisation visit the partner Office.
For years we have participated in regular patent examiner exchanges with our partner Offices in Japan and South Korea. We also organise patent examiner exchange programmes with our partner organisations in China, the USA and launched a new exchange programme with Russia in 2010. An exchange programme with Australia is scheduled for 2011.

Brazil

Since 2005, we have closely worked together with the Brazilian patent authority (Instituto Nacional da Propriedade Industrial [INPI]). In the margins of the General Assembly of the World Intellectual Property Organization (WIPO) in Geneva in September 2010, President Cornelia Rudloff-Schäffer and President Jorge de Paula Costa Ávila signed a new memorandum of understanding on bilateral coop-

eration. On this occasion, the presidents of the two organisations agreed to continue the successful cooperation programme for a further three years. Future cooperation will centre on the following issues: patent administration, training and development of human resources, and data exchange. Enhanced cooperation will also focus on the optimisation of mutual search options and an intensified exchange of information on general management issues.



President Jorge de Paula Costa Ávila (INPI) and President Cornelia Rudloff-Schäffer (DPMA)

China

We have worked together with the State Intellectual Property Office of the People's Republic of China (SIPO) for almost 30 years. On 27 September 2010, President Rudloff-Schäffer and Professor Tian Lipu, Commissioner of SIPO, signed a new partnership agreement. Until 2012, cooperation will mainly focus on the extension of search options for patent examiners. The well-established exchange of patent examiners will be continued. Additionally, we intend to exchange views on current national and international issues concerning the patent procedure, classification and the use of information technology and services. The agenda also includes methods of raising public awareness of effective protection of intellectual property and staff training and development programmes. A joint symposium marking the 30th anniversary of cooperation between the Chinese and German patent organisations is planned to take place in China in the autumn of 2011.



President Cornelia Rudloff-Schäffer (DPMA) and Commissioner Professor Tian Lipu (SIPO)

In 2010, for the first time, we entered into cooperation with our Chinese partners in the trade mark area. President Rudloff-Schäffer and Mr. An Qinghu, Director General of the State Administration for Industry and Commerce (SAIC), signed a joint memorandum of understanding on bilateral cooperation in trade mark matters in Munich on 18 April 2010, in the presence of Minister Zhou Bohua. Activities focus on the exchange of information about current trade mark law issues including IP aspects of unfair competition as well as on administrative matters and joint activities regarding international matters of industrial property protection. We also intend to jointly raise public awareness of trade mark law.



Director General An Qinghu (SAIC) and President Cornelia Rudloff-Schäffer (DPMA)

Furthermore, the DPMA plays an active part in the EU-China project on the protection of intellectual property rights (IPR II), set up jointly by the European Union (EU) and the People's Republic of China. The project is run by the European Patent Office (EPO) in cooperation with the Office for Harmonization in the Internal Market (OHIM) in Alicante and the contracting states of the European Patent Organisation. The aim is to foster integration of China in the world trade system and to support the country's transition to a market economy. One of the main project targets is to improve the effectiveness of IPR enforcement in China.



Attendees at the symposium on Chinese trade mark law

The DPMA is the coordinating body for Germany and represented in the project committee.
On 11 June 2010, we held a symposium on Chinese trade mark law at the DPMA in Munich in cooperation with the OHIM, which was organised in the framework of this project. Experts of the Chinese Trade Mark Office and of SAIC as well as a Chinese patent attorney explained the Chinese trade mark procedure and offered practical tips. 80 representatives from business, industry, science and the legal profession attended the event.

In October 2010, within the framework of the IPR II project, a DPMA trade mark expert attended a workshop in China where four European experts met with representatives of the State Council Legislative Affairs Office and SAIC to discuss the planned amendment of Chinese trade mark law.

Japan

We have a long-standing intensive bilateral relationship with the Japan Patent Office (JPO). In March 2008, we started the first Patent Prosecution Highway (PPH) pilot programme with the JPO. In 2010, the pilot phase of this PPH programme was extended for a further two years until March 2012.

We have run an exchange of examiners with the JPO for ten years in succession: In October 2010 four JPO patent examiners visited our organisation for two weeks.

Canada

In September 2010 President Rudloff-Schäffer and Ms. Mary Carman, Commissioner of Patents, Registrar of Trade-marks and Chief Executive Officer of the Canadian Intellectual Property Office (CIPO) met in Geneva and signed a common understanding on a PPH pilot. The pilot phase started on 1 October 2010. This is also the first bilateral agreement between the DPMA and the CIPO.



Ms. Mary Carman, Commissioner of Patents, Registrar of Trade-marks and Chief Executive Officer, (CIPO) and President Rudloff-Schäffer (DPMA)

Romania

For many years, since the late 1990s, the DPMA and the State Office for Inventions and Trademarks of Romania (OSIM) have a bilateral relationship. In 2010 we continued bilateral cooperation set out in the memorandum of understanding on bilateral co-operation, signed in Bucharest in 2008.

Russia

After the first bilateral talks at senior management level with the Russian Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT) in 2009, we launched the first exchange of examiners with ROSPATENT in 2010: Two patent examiners of our Office visited their colleagues at ROSPATENT in October 2010.



Patent examiners of the DPMA with their examiner colleagues of ROSPATENT

Republic of Korea

In March 2010, President Rudloff-Schäffer and Dr. Jung-Sik Koh, Commissioner of the Korean Intellectual Property Office (KIPO) signed a memorandum of understanding on a joint PPH pilot programme. The pilot phase started on 1 July 2010.



President Rudloff-Schäffer (DPMA) and Commissioner Dr. Jung-Sik Koh (KIPO)

Turkey

In 2010, DPMA patent examiners ran training courses at the Turkish Patent Institute (Türk Patent Enstitüsü). We have offered support in the patents and designs areas also for the coming year within the EU twinning project which aims to help candidate countries and potential candidates to develop modern and efficient administrations.

United States of America

Since 2009, the DPMA and the United States Patent and Trademark Office (USPTO) have intensively worked together in the field of intellectual property. President Rudloff-Schäffer and Mr. David J. Kappos, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, signed a joint memorandum of understanding to continue bilateral cooperation between the two Offices in Geneva, in September 2010. The focus of the memorandum is to continue the successful cooperation in the patent area. The joint PPH pilot programme is planned to be extended for a further two years in the spring of 2011. Cooperation will also be extended to the

trade mark area: The two organisations plan to hold a joint workshop on the trade mark systems at the INTA's Annual Meeting (International Trademark Association) in San Francisco, in May 2011.
In November 2010 a senior DPMA patent examiner attended a one-week PPH workshop at the USPTO Global Intellectual Property Academy.



Under Secretary of Commerce for Intellectual Property and Director of the USPTO David J. Kappos and President Rudloff-Schäffer (DPMA)

Developments in the European patent system

Reform of the European patent system

Although the Council of the European Union (EU) had unanimously agreed on key elements for a reform of the European patent system and a general approach on a regulation for an EU patent in December 2009, it was not possible to reach agreement on a unitary EU patent (formerly: Community patent) in November 2010.

In June 2010, the European Commission had presented a proposal on the language rules of the future EU patent, which require a specific agreement under the Lisbon Treaty. According to this proposal, the three-language regime (English, French, German) of the European Patent Office (EPO) should apply to the EU patent as well, since this solution is well functioning for European patents. Although a vast majority of the Member States supported this proposal in the Council of the European Union, and despite the intensive efforts of the Belgian Council Presidency to find a compromise, it was not possible to reach a unanimous solution on the language issue as required under Article 188(2) of the Treaty on the Functioning of the European Union (TFEU).

Some governments still maintain the project to introduce a unitary EU patent, at least for a part of the EU. Early in December 2010, twelve Member States (Denmark, Estonia, Finland, France, Germany, Lithuania, Luxembourg, The Netherlands, Poland, Slovenia, Sweden and the United Kingdom) requested the EU Commission to open the way for "enhanced cooperation" in this area according to Article 329 TFEU. The EU Commission is in favour of an enhanced cooperation. Against this background it submitted, still in December 2010, a proposal for a Council Decision to authorise enhanced cooperation of the group of Member States wishing to create unitary patent protection. We cannot tell at present at what time the enhanced cooperation mechanism will lead to the creation of an EU patent in a limited territory of the EU.

The draft of an agreement for the establishment of a European patent court, prepared by the Council of Ministers, was submitted to the European Court of Justice in summer 2009. The Court is to examine whether this draft is compatible with EU legislation. The Court is expected to deliver an opinion in spring 2011.

European Patent Network

The current European patent system can only achieve the objective to promote economic growth if the national patent offices and the European Patent Office (EPO) work in close cooperation. Against this background, the Administrative Council of the European Patent Organisation created the European Patent Network (EPN). One of the key elements of the EPN is a project on the common utilisation of work results (Utilisation Project – UP). In a first step,

a pilot project was carried out to explore to what extent the EPO was able to utilise work results of national patent offices of the contracting states of the European Patent Organisation in cases where a national application had been filed prior to an EP application for the same invention. The pilot showed that the utilisation of work results of national patent offices by the EPO might enhance the efficiency and quality of the European patent grant procedure. The Administrative Council of the European Patent Organisation therefore decided to expand the utilisation of work results in a phased approach. The project is currently in the implementation phase and therefore called Utilisation Implementation Project (UIP).

IPeuropAware – a success story for European cooperation

For more than three years we participated in the IPeuropAware project, funded by the European Commission under the competitiveness and innovation framework programme, which came to a close in February 2011. The programme aimed at raising awareness of IP among small and medium enterprises (SMEs) to enable them to actively utilise and, above all, enforce their IP rights.



Vice-President Günther Schmitz in Nuremberg on 14 October 2010

Our project team at our Technical Information Centre (TIZ) in Berlin continued the project work from previous years by running several important information events on “enforcement of industrial property rights”. These events helped us to consolidate and expand existing networks with stakeholder of IP protection at the national, European and international level.

Working together with Messe Frankfurt GmbH and the Enterprise Europe Network Hessen at two trade fair events was a successful example of cooperation in early 2010. On those occasions, we had the opportunity to present our project results jointly with the OHIM, the patent information centres and various trade associations.

In 2010, for the first time, we presented the practical IP guides for specific trade sectors (sectoral handbooks) on the trade shows “Heimtextil” and “Ambiente”. The handbooks, which were compiled during the project, offer practical advice on enforcement of IP rights.

In October 2010, we welcomed SMEs to another practice-oriented information event on IPR enforcement, which took place in Nuremberg and was organised in cooperation with EU-Beratungsstelle Nürnberg and the patents and standards department of LGA Training & Consulting GmbH, a company of TÜV Rheinland LGA Beteiligungs GmbH and a member of the network of regional patent information centres in Germany. The SMEs showed a keen interest in the subject of the event.

The 20 regional patent information centres in Germany are important contact points with a special focus on SMEs (see page 50). Within the scope of the project, a workshop on “Soft IP and Enforcement” was held especially for these enterprises. It was part of the training programme of the EU ip4inno project, coordinated by the European Patent Academy. In July 2010 staff of the patent information centres came together at TIZ Berlin to attend a training course on these topics.

“Setting up and networking of NPO helpdesks” was a key component of the project, for which our Office



ip4inno training with representatives of the patent information centres at TIZ Berlin on 6 July 2010

had overall responsibility at European level. For this purpose, we compiled a list of frequently asked questions (FAQ) on enforcement of industrial property rights (Enforcement FAQ). It offers detailed information on enforcement in 19 European countries and has been available since December 2010 on the Internet at: http://www.innovaccess.eu/enforcement_faqs.html.

On 9 September 2010 representatives of several national Offices laid the foundation for sustainable cooperation in an international project workshop at TIZ Berlin. They agreed on common goals and fields of work after the end of the project. Effective coordination by our project team made it possible to draft a letter of intent even before the end of the project. It aims to further promote cooperation between national Offices by describing the possible contents of future cooperation in addition to common goals. Many European partner organisations have already announced that they plan to sign the letter of intent.



IPeuropAware workshop with European visitors at TIZ Berlin on 9 September 2010

It is starting to emerge that, owing to the great success of the project, the European Commission develops plans for a concrete follow-up project, based on the general letter of intent, which will take into account the results of the project workshop.

World Intellectual Property Organization (WIPO) in Geneva

WIPO is a specialised agency of the United Nations and an umbrella organisation responsible for the administration of several worldwide treaties on the protection of intellectual property. Its headquarters are in Geneva. At present, WIPO has 184 members. Our Office again actively participated in the decision-making processes in various WIPO committees in 2010.

A look back – events in 2010



18 March, 26 April and 19 August 2010
Jena lectures

In 2001, the lecture series on industrial property and copyright was 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-Universität, Jena). Since then, experts have explored intellectual property issues, several times a year, within the scope of our lecture series.

The centre-east district groups of the German Association for Industrial Property and Copyright (GRUR) and the Association of Intellectual Property Experts (VPP) supported the lectures as co-organisers.

In 2010, the lectures dealt with the following topics: developments in the patent area of the German Patent and Trade Mark Office (DPMA), the challenges for copyright in the digital age and current issues of trade mark law, above all, the obligation to use a trade mark.

If you wish to attend future Jena lectures please contact Ms. Lüders (phone: +49 (0) 3641 40-5501; e-mail: carmen.lueders@dpma.de).

26 April 2010
Innovative technology to reduce our energy costs

On 26 April 2010, Andreas Scheuer, Parliamentary State Secretary to the Federal Minister of Transport, Building and Urban Affairs, presented a symbolic cheque for 4.64 million euros towards the energy-efficient renovation of our main building in Munich, funding awarded under the second economic stimulus package.

These funds will enable us to implement a combination of complex energy saving measures: a solar and geothermal system combined with a CHP unit and an absorption chiller as well as radiant cooling panels for very hot rooms. With these measures we will drastically reduce the energy consumption for heating and cooling our rooms, enabling us to turn our building into a model of energy efficiency.

We do not only grant patents for cutting edge inventions relating to renewable energy, but we also use these innovative processes ourselves and, at the same time, set an example for the intensified use of renewable energy.



From the left: Dr. Andreas Scheuer (Federal Ministry of Transport, Building and Urban Affairs – BMVBS), Cornelia Rudloff-Schäffer (DPMA), Dr. Wolfgang Schmitt-Wellbrock

31 May to 2 June 2010
21st PATLIB "Patent information – a business tool"

The 21st international conference of patent information centres (PIZ) in Europe (PATLIB) took place from 31 May to 2 June 2010. The event held under the slogan "Patent information – a business tool" was attended by about 250 participants from the contracting states of the European Patent Organisation. Our President, Cornelia Rudloff-Schäffer, opened the conference together with the Vice-President of the European Patent Office, Wim van der Eijk. Among the topics covered at the three-day conference were, for example, the exchange of experience on best practices of patent information centres, questions regarding technology transfer from universities to industry, funding measures for small and medium enterprises as well as the latest international developments.

Representatives of the Technical Information Centre in Berlin and of the patent information centre at Technische Universität Dresden formed the preparation teams that significantly contributed to the success of the conference.

6 June 2010
5th children's and family festival

On 6 June 2010, we co-organised the 5th children's and family festival at Rasenmühleninsel, Jenaer Paradies, a park on the banks of the river Saale. "Jena gets moving" was the theme of the festival and, faithful to this motto, children were offered a range of physical activities at our stand, for example, Viking chess, a penalty shoot-out game and giant pick-up sticks. At the summer biathlon children and their parents raced on skis along a course and threw balls on tin cans. Our IT trainees designed participation certificates with the photographs of the little winners for the children to take home with them.

14 to 25 June 2010
WIPO-DPMA interregional seminar on industrial property

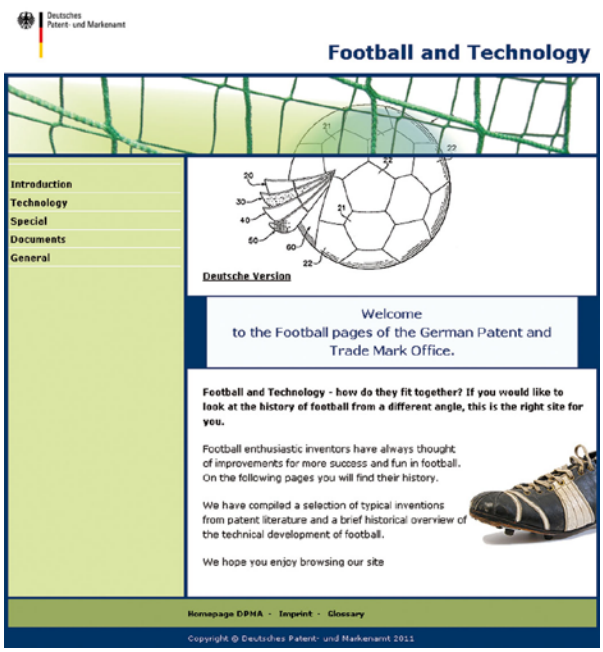
Within the framework of the two-week "WIPO-DPMA interregional seminar on industrial property", organised in cooperation with the World Intellectual Property Organization (WIPO), twelve foreign patent and trade mark examiners attended training at the DPMA in June 2010. The participants came from Croatia, Indonesia, Iraq, Malaysia, Oman, Papua New Guinea, the Philippines, Russia, Thailand, Ukraine, Viet Nam and Zimbabwe. First, we provided the international guests with a general overview of the duties of our organisation and an introduction to our information services for the public. After that introduction our experts from the Patent and Trade Mark Departments ran in-depth training courses and a multi-day on-the-job-training. Further agenda items of the seminar included visits to other IP institutions in Munich, for example, Max Planck Institute for Intellectual Property and Competition Law, the Munich Intellectual Property Law Center and the Federal Patent Court (BPatG).



President Rudloff-Schäffer and the WIPO trainees at the DPMA

17 and 18 June 2010
6th Jena Trade Mark Law Day

FORUM Institute for Management GmbH held the 6th Jena Trade Mark Law Day in cooperation with Friedrich-Schiller-Universität, Jena and the DPMA. Professor Dr. Volker Michael Jänich of Friedrich-Schiller-Universität, Jena opened the event with the topic: "Trade mark law in focus". Lectures and workshops on trade mark law, some of which were held by staff of our Office, covered a broad range of topics, for example, national trade mark and design procedures. Notable speakers from the Federal Patent Court (BPatG), the Office for Harmonization in the Internal Market (OHIM), the legal profession and the judiciary presented papers on national and European court rulings on trade mark matters.



20 to 22 June 2010
Third Intellectual Property Business Congress

For the first time the "Intellectual Property Business Congress" took place in Germany and was supported by the DPMA. Introductory remarks were delivered by former DPMA Vice-President Siegfried Dellinger. More than 450 delegates from all over the world attended the meeting. In plenary sessions and workshops, high-level representatives from business and industry, politics and science discussed issues relating to the promotion and exploitation of intellectual property. Particular focus was given to the specific needs of small and medium-sized enterprises. A highlight of the event was the "IP Hall of Fame gala dinner" organised by Intellectual Asset Magazine (IAM) to honour those individuals who made an outstanding contribution to the intellectual property system.

June 2010
Online presentation "Football & Technology"

In June, on occasion of the 2010 FIFA World Cup in South Africa, we updated our online presentation "Football & Technology" (http://www.dpma.de/service/galerie/fussballundtechnik/de/index.html), available on the Internet since the 2006 FIFA World Cup.

Football enthusiastic inventors have always provided ideas to get more fun and success out of playing football. Our presentation shows a survey of the history of technical developments related to football and a selection of typical inventions described in patent documents.

It is a quick and thorough source of information on football inventions for experts and interested amateurs and provides easy access to the world of patents.

22 July 2010
Panel discussion on "Climate change and 'green technologies' – challenges for the patent system" in our lecture series "Talks about Intellectual Property"

On 22 July 2010, notable experts of politics and industry, associations and international patent organisations talked at our Munich Office about climate change and green technologies, and the challenges for the patent system, and addressed the question whether and how the patent system was able to promote the worldwide distribution of environmentally friendly technologies.

In their opening speeches, the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger, and the President of the European Patent Office, Benoît Battistelli, underlined the importance of protecting innovation by patents for "green technologies".

The discussion focused on the problems of defining "green technologies" and the evaluation of the "fast-track procedure", offered by some Offices in these fields of technology, to accelerate patent examination. Other issues included the possibility of an increased use of licensing of rights, and the creation and use of voluntary patent pools to enhance technology transfer of the new climate change mitigation technologies. The participants also raised the question on how to assess the demands of some developing countries to relax or abolish patent protection for "green technologies" and what impacts this might have on the international patent system, and on German and other European enterprises.

22 July 2010
Introduction of our new corporate design

On occasion of the visit of the Federal Minister of Justice, we presented our new corporate design to the public.

The new logo featuring the federal eagle and the national colours clearly emphasises the special status of the German Patent and Trade Mark Office as a federal agency.

With the new logo, we have also adopted the corporate design of the federal government which has already been used by numerous federal ministries and federal agencies. It allows us to contribute to presenting a consistent image of public institutions at the federal level.



Federal Minister of Justice Leutheusser-Schnarrenberger and President Rudloff-Schäffer presenting the new logo



Panelists at the event "Talks about Intellectual Property"

8 October 2010
Days of Taste 2010

In 2010, we participated for the first time in the "Days of Taste", a nationwide project initiated by the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV) and the Michelin-starred chef Johann Lafer. Our presentation combined the topics of conscious cultivation of the gustatory sense and high quality nutrition with the technical topic of electronic sensor systems and the various applications of these patented systems.

We presented the "electronic nose" and "electronic tongue" that can be used, in particular, in the restaurant industry and the food retail trade to ensure food quality. Visitors were also interested in the other possible applications of electronic sensor systems in medical diagnostics and safety devices.

During the event it became clear that innovation can play an important role even beyond its original field of use and that applying for IP protection for innovative products is an important requirement for economic success.

18 November 2010
Visit by Minister of Justice Sabine Leutheusser-Schnarrenberger

After an earlier visit by Dr. Birgit Grundmann, State Secretary to the Federal Minister of Justice, to the general staff assembly in May 2010, Federal Minister of Justice Sabine Leutheusser-Schnarrenberger attended the general staff assembly of the Munich Office, held at the Gasteig cultural centre, on 18 November 2010. After the meeting, the Federal Minister of Justice talked with President Cornelia Rudloff-Schäffer and the staff council.

Her visit was concluded by a tour of our on-site nursery, managed in cooperation with the City of Munich. The nursery is one of many measures of our Office as an employer to better reconcile work and family life.



Federal Minister of Justice Leutheusser-Schnarrenberger and President Rudloff-Schäffer visiting the nursery of the DPMA

18 and 19 November 2010
Trade mark seminar for patent information centres

From 18 to 19 November 2010, a two-day trade mark seminar for patent information centres took place at our Sub-Office in Jena. It was attended by 22 participants from 16 patent information centres. In addition to basic principles and the increased economic importance of the trade mark, the seminar also provided extensive information on the registration procedure and opposition proceedings.

On the second day the participants simulated the end-to-end processing of a trade mark application with the help of realistic sample applications. On a guided tour of the Sub-Office participants were shown the various processing stages of "their" trade mark application, thus providing a practical learning experience for participants about the various phases a trade mark file goes through. Due to the positive feedback and the many questions raised, specifically on the differences between trade marks and designs, we plan to run another seminar on design rights.

24 November 2010
Talks with representatives from business and industry

In autumn, more than 100 representatives from business, industry, professional associations, the legal profession and patent attorneys met in Munich for our annual meeting called "Industriebesprechung".

President Rudloff-Schäffer, Vice-President Schmitz, Dr. Ernst, Head of Directorate at the Federal Ministry of Justice, and other leading representatives of the DPMA provided information about current projects and developments at our Office and in the field of IP protection.

The presentations and discussions focused on the current application figures of the different types of IP rights, our strategic cooperation with other IP Offices and the introduction of the electronic case file for patents and utility models in summer 2011.

Please contact us, if you too deal with IP aspects in your company or law firm and wish to attend the next "Industriebesprechung" meeting or other events organised by our Office. You can e-mail us at presse@dpma.de or call us on +49 (0) 89 2195-3222.

More information on the "Industriebesprechung" meeting is available at: http://presse.dpma.de/presseservice/industriebesprechung/index.html (in German).



Panelists at the talks with representatives from business and industry

8 December 2010
Visit by the rapporteurs of the budget committee

On 8 December 2010, Ewald Schurer (SPD) and Alexander Funk (CDU/CSU), Members of the German Bundestag, visited us. Both are rapporteurs of the budget committee in charge of the DPMA. Senior management gave the two visitors a general outline of our Office and an insight into our work, and talked with them about current topics, for instance, the introduction of the electronic case file (ElSA) in the summer of 2011. A visit to the IT test centre of Department 2 gave the Members of the Bundestag a first insight into that project. A tour of the newly refurbished DPMAforum hall completed the visit. The visitors showed great interest in our wide range of tasks and will continue to observe our progress attentively.



Working session with the rapporteurs of the budget committee



The rapporteurs of the budget committee visiting the DPMA

9 December 2010
Second Trade Mark User Day in the Jena Sub-Office

At the second Trade Mark User Day, on 9 December 2010, the representatives of small and medium enterprises seized the opportunity to discuss questions, problems and suggestions directly with the staff of our Jena Sub-Office. A general introduction to trade marks and our Office as a big national trade mark Office in Europe, was followed by a presentation on the recent developments in the trade mark registration procedure, specifically explaining the revised application form, the extended search engine for goods and services, and the conversion to the principle of precedence of "number over word", intended to be applied to classification as of 1 January 2011. In the afternoon, the focus was on opposition and cancellation proceedings. Afterwards we presented our enhanced trade mark online services to the attendees.

Encouraged by the positive feedback we plan to organise a third Trade Mark User Day in 2011.

20 December 2011
Visit of the Parliamentary State Secretary, Dr. Max Stadler

At the end of the year, on 20 December 2010, Dr. Max Stadler visited us. Dr. Stadler is Parliamentary State Secretary to the Federal Minister of Justice and Member of the Bundestag. He was particularly interested in the latest developments in all departments of our Office, above all, the forthcoming introduction of the electronic case file.

Inventor and innovation awards



"Germany must continue its efforts to open up promising lead markets through innovation, develop these markets through social changes, and thus secure material, cultural and social wellbeing." This is the description of the initial situation, given in the brochure "High-Tech Strategy 2020 for Germany. Ideas. Innovation. Prosperity", published by the Federal Ministry of Education and Research (http://www.bmbf.de/pub/hts_2020.pdf, retrieved on 13 January 2011).

Innovation awards serve as an incentive for these efforts and as a reward for outstanding innovation. We took part in the selection of the winners for the following institutions:

Deutscher Zukunftspreis – The Federal President's Award for Technology and Innovation
http://www.deutscher-zukunftspreis.de

Deutscher Zukunftspreis is awarded by the Federal President for outstanding innovative achievements in the areas of technology, science and engineering. Ms. Rudloff-Schäffer, President of the German Patent and Trade Mark Office, is a member of the Board of Trustees that determines the final criteria for the selection process. Our organisation is entitled to nominate projects for the Deutscher Zunkunftspreis award. As inventor you are welcome to contact us with your projects.

European Inventor Award
http://www.epo.org/topics/innovation-and-economy/european-inventor_de.html

Since 2006, the European Patent Office has honoured inventors with the European Inventor Award. The award is presented annually to inventors with a European patent in the categories Industry, SMEs / Research, Non-European Countries, and Lifetime Achievement. Our examiners have submitted nominations for the award.

Innovation award of the German industry

http://www.innovationspreis.com

Since 1980, the innovation award of the German industry has annually recognised outstanding technical, scientific and intellectual achievements. As a member of the judging panel Ms. Rudloff-Schäffer took a prominent part in selecting the winners, drawing on the technical expertise of our patent examiners to help her in this task.

The German innovation prize

http://www.der-deutsche-innovationspreis.de/

The German innovation prize was established in 2009. It is awarded to recognise outstanding pioneering ideas by German entrepreneurs who have the innovative power to change markets. In 2010, for the first time, the jury panel chose the winners of the categories: large enterprises, medium enterprises and start-ups.

Innovation award of Berlin-Brandenburg

http://www.innovationspreis-bb.de

The innovation award of Berlin-Brandenburg is jointly presented by the German Länder of Berlin and Brandenburg and the business enterprises of the greater Berlin area. The award aims at supporting enterprises and innovators in the regions of Berlin and Brandenburg. Ms. Rudloff-Schäffer is a member of the jury, assisted in this role by our patent examiners who provide advice and expertise.

Innovation award of the Bavarian Volksbanken and Raiffeisenbanken

For many years the innovation award of the Bavarian Volksbanken and Raiffeisenbanken (cooperative banks) has been a tribute to medium-sized enterprises in Bavaria for outstanding technological innovation. Ms. Rudloff-Schäffer is the chair of the jury.

Jugend forscht

https://www.jugend-forscht.de/

"Jugend forscht" is the biggest European youth competition in the fields of science and technology. Our Office is a member of the jury in the regional competition of "Jugend forscht" in Bavaria.



Young people conducting experiments;
picture credit: Stiftung Jugend forscht e. V.

FOCUS competition for pupils

http://www.focus.de/schuelerwettbewerb

For more than ten years our Heads of Office have been members of the jury of the competition "Schule macht Zukunft" (schools: shaping the future) of the FOCUS news magazine. "Where will we be in 2020 – thinking about the future – assuming responsibility" was the motto of the 14th FOCUS competition for pupils in 2010. The teams of contestants explored what responsibility for the future meant in relation to social, economic, scientific and technological issues.

A glance at 2011



The single government service telephone number 115

Since 1 March 2011 we have participated in the project "The single government service telephone number 115" (www.d115.de).

The aim of the project is to give private individuals and businesses an easy way to contact government agencies by providing a direct line to public administration. There is a single telephone number (115) for all kinds of enquiries, ranging from questions on the new national identity card to pension award information or to questions on the patent application procedure. If it is not possible to conclusively resolve the enquiry on the first call, the caller will be put through to the agency responsible for dealing with the matter in question, for example, our enquiry service.

Our participation in this project offers a new service to those people in particular who seek information on industrial property rights but do not yet know that they can contact us directly.

International cooperation to provide fast and reliable protection of intellectual property

In the interest of our customers, we advocate reliable, fast and easily available protection of intellectual property also at the international level.

In this context, we are persistently expanding the Patent Prosecution Highway (PPH) network. This and other projects are essential to improve international patent quality and boost efficiency of patent examination procedures. It is likely that the ongoing PPH pilot with the US Patent and Trademark Office (USPTO) will be extended in 2011.

At the bilateral level, we are able to refer to three events scheduled for 2011:

In March 2011, the DPMA and the USPTO jointly organised a PPH workshop in Munich for representatives from industry.

In May 2011, a workshop on trade mark systems, jointly run by the USPTO and the DPMA, took place at the INTA's Annual Meeting (International Trademark Association) in San Francisco.

In October 2011, the 30th anniversary of cooperation between the Chinese and German patent Offices will be celebrated in China.

DPMAregister – a single service for all types of IP

In May 2011, we complete our well-established and popular DPMA**register** online service (see also 55) by adding patent, utility model and topography data. The trade mark and design data were integrated into DPMA**register** at an earlier date.

This means that all national publication events and legal statuses for all IP rights are provided in a single database. This makes it easier for our users to search, for example, for trade mark registrations or patent applications or obtain an excerpt from the respective register. Furthermore, they can still use the automated monitoring service regarding all IP rights and IP owners.

Energy-efficient refurbishment of Munich headquarters

In 2010 und 2011, we have used the budgetary funds allocated under the second economic stimulation package (KPII) (see also page 75) to conduct an energy-efficient refurbishment of our headquarters in Munich. A solar and geothermal system (renewable energy sources) combined with a CHP unit and an absorption chiller will enable us to considerably reduce our primary energy demand. At the same time, this will help us to make a major contribution to reducing CO_2 emissions. Geothermal drilling will be completed by early summer 2011.

At the same time, the installation of radiant cooling panels in the office tower will effectively deal with the stifling summer heat in offices, which has been affecting our staff. Conclusion of installation works is scheduled for autumn 2011.

We look forward to seeing the whole system becoming fully operational in late 2011.

International cooperation within the scope of the Cooperation Fund

The Cooperation Fund is designed to promote further harmonisation of trade marks and designs in cooperation with the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain) and the national patent and trade mark Offices of the European Union. A further aim is to modernise national IP Offices, and provide easier access to the European trade mark and design systems for users.

Our Office is actively involved in a variety of work groups and projects:

TMview (trade mark) and DesignView (design) allow users to search the databases of various Offices via a single search tool. This constitutes a considerable additional benefit particularly for all those who use several trade mark systems (community trade mark and national applications) and design systems.

The "common tool on similarity of goods and services" is a database meant to provide an option to users and participating Offices alike to conduct an online search for the decision-making practice and court rulings on the similarity of goods and services, valid in the chosen country.

Common European database on classification

Since early 2010, we have worked together with the OHIM and other European trade mark Offices to establish a common classification database within the scope of the Cooperation Fund. This database is intended to help to apply uniform European standards for the acceptance of lists of goods/services. We aim to reduce the efforts required to classify and clarify the lists of goods/services for all those involved.

Meanwhile the translations for the database have been concluded. The original database is in English and currently comprises about 80,000 terms. Presently, it is intended to reach agreement on the classification of those terms which were classified or worded differently by the participating national Offices.

Public availability of the database is scheduled for the end of 2011. The database provides the option to translate terms into other languages insofar as translations have already been provided by the respective Offices. In the future, new terms will constantly be added to the database, if necessary. The OHIM works on a web-based harmonisation programme to be able to quickly decide on proposals for new terms.

Did you know that ...

... Mark Twain was also an inventor?

The American author Samuel Langhorne Clemens (1835-1910), who became world famous under the pen name of Mark Twain, patented three inventions: elastic straps for garments, a self-pasting scrapbook and a board game.

2011 trade fair calendar

	Trade fair	Location	Hall / stand	
January				
28. 01. – 01. 02.	CBP (Christmas-, Beauty-, Paperworld)	Frankfurt / Main	Foyer of hall 4.1	http://www.christmasworld.messe frankfurt.com
February				
11. 02. – 15. 02.	Ambiente	Frankfurt / Main	Foyer of hall 4.1.	http://www.ambiente.messefrankfurt.com
March				
01. 03. – 03. 03.	embedded world	Nuremberg	Hall 9, stand 128	http://www.embedded-world.de
15. 03. – 19. 03.	ISH	Frankfurt / Main	Foyer of hall 4.1.	http://www.ish.messefrankfurt.com
25. 03. – 26. 03.	azubi- & studientage	Munich	M, O, C, Stand 183	http://www.azubitage.de
April				
04. 04. – 08. 04.	HANNOVER MESSE	Hanover	Hall 2, stand A 35	http://www.hannovermesse.de
06. 04. – 10. 04.	Messe für Erfindungen	Geneva (CH)		http://www.inventions-geneva.ch
May				
05. 05. – 06. 05.	VPP	Berlin		http://www.vpp-patent.de
23. 05. – 26. 05.	LASER World of PHOTONICS	Munich	Hall C1, stand 653	http://www.world-of-photonics.net
June				
08. 06. – 10. 06.	Intersolar	Munich	B3.536	http://www.intersolar.de
09. 06. – 10. 06.	PATINFO	Ilmenau		http://www.paton.tu-ilmenau.de
July				
06. 07.	Tag der gewerblichen Schutzrechte	Stuttgart		http://www.patente-stuttgart.de
August				
26. 08. – 30. 08.	Tendence	Frankfurt / Main	Foyer of hall 4.1.	http://www.tendence.messefrankfurt.com
September				
04. 09. – 06. 09.	spoga + gafa	Cologne		http://www.spogagafa.com
14. 09. – 17. 09.	GRUR-Jahrestagung	Berlin		http://www.grur.de
19. 09. – 24. 09.	EMO	Hanover		http://www.emo-hannover.de
23. 09. – 24. 09.	START-Messe	Essen		http://www.start-messe.de
October				
11. 10. – 13. 10.	BIOTECHNICA	Hanover		http://www.biotechnica.de
17. 10. – 20. 10.	EPO Patent Information Conference	Kilkenny (Ireland)		http://www.epo.org
21. 10. – 22. 10.	deGUT	Berlin		http://www.degut.de
27. 10. – 30. 10.	iENA	Nuremberg		http://www.iena.de
November				
16. 11. – 19. 11.	MEDICA	Düsseldorf		http://www.medica.de
24. 11.	Innovationstag Thüringen	Erfurt		http://www.innovationstag-thueringen.de

Statistics



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

1. Patent applications and patents

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

Year	National applications (DPMA direct applications)[1]			International applications which entered the national phase at the DPMA (DPMA PCT national phase)			Applications DPMA direct applications and DPMA PCT national phase		
	National[2]	Foreign[2]	**Total**	National[2]	Foreign[2]	**Total**	National[2]	Foreign[2]	**Total**
2004	48,329	9,455	**57,784**	119	1,331	**1,450**	48,448	10,786	**59,234**
2005	47,537	10,214	**57,751**	830	1,641	**2,471**	48,367	11,855	**60,222**
2006	47,213	10,364	**57,577**	799	2,209	**3,008**	48,012	12,573	**60,585**
2007	47,012	10,382	**57,394**	841	2,757	**3,598**	47,853	13,139	**60,992**
2008	48,348	10,407	**58,755**	892	2,770	**3,662**	49,240	13,177	**62,417**
2009	46,844	9,094	**55,938**	1,015	2,630	**3,645**	47,859	11,724	**59,583**
2010	46,142	9,375	**55,517**	905	2,823	**3,728**	47,047	12,198	**59,245**

1 Applications for a German patent filed with the DPMA
2 Place of residence or seat of the applicant

1.2 Patent applications before entry into the examination procedure[1]

Year	Total applications received[2]	Procedures concluded before filing of examination request[3]	Patent applications before entry into the examination procedure	
			Total	including applications for which formal examination was concluded
2004	59,223	23,303	**124,169**	110,387
2005	58,720	22,006	**126,540**	113,491
2006	58,251	21,227	**129,938**	115,078
2007	58,177	21,685	**131,488**	116,621
2008	59,383	21,263	**135,382**	121,253
2009	56,506	21,271	**133,783**	125,096
2010	56,205	24,036	**133,788**	124,186

1 DPMA direct applications
2 New applications and remissions by the Federal Patent Court, allowed appeals, reinstatements
3 For example, due to withdrawal, non-payment of application or renewal fees, examination request not filed

1.3 Patent applications in the examination procedure

Year	Examination requests received		Concluded in the examination procedure, total	Patents granted by the DPMA[1]
	Total	together with applications		
2004	**36,575**	25,444	33,862	16,661
2005	**37,387**	25,082	36,064	17,063
2006	**38,696**	25,452	38,140	21,034
2007	**39,228**	24,972	34,297	17,739
2008	**38,470**	24,714	33,193	17,308
2009	**35,694**	22,666	32,074	14,435
2010	**36,841**	22,519	32,799	13,678

1 Patents granted without opposition and patents maintained after opposition

1.4 Patents in force (granted by the DPMA)

Year	New grants	Lapsed patents[1]	Patents in force at the end of the year
2004	17,016	16,075	118,404
2005	17,377	14,877	120,904
2006	21,193	14,661	127,436
2007	17,884	13,958	131,362
2008	17,421	13,474	135,309
2009	14,577	16,273	133,613
2010	13,747	19,269	128,091

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

1.5 Patent applications (DPMA direct applications and DPMA PCT national phase) by German Länder (place of residence or seat of the applicant)

German Länder	2004	2005	2006	2007	2008	2009	2010
Baden-Württemberg	12,856	12,828	13,347	13,638	15,081	15,532	14,813
Bavaria	13,449	13,688	14,010	13,616	13,528	12,641	12,969
Berlin	905	866	943	992	891	965	903
Brandenburg	347	311	428	389	366	354	301
Bremen	172	173	142	178	144	156	148
Hamburg	994	919	946	973	1,100	947	905
Hesse	3,783	3,402	3,202	2,963	2,678	2,486	2,411
Mecklenburg-W. Pomerania	205	197	183	170	186	191	155
Lower Saxony	2,813	2,738	2,603	2,715	3,351	2,966	2,940
North-Rhine/Westphalia	7,830	8,151	8,195	8,190	7,797	7,408	7,506
Rhineland-Palatinate	2,139	2,218	1,311	1,235	1,274	1,263	1,182
Saarland	347	360	318	331	295	312	259
Saxony	834	847	810	923	998	1,167	1,136
Saxony-Anhalt	398	366	343	327	356	298	312
Schleswig-Holstein	624	600	585	615	590	569	561
Thuringia	752	703	646	598	605	604	546
Total	**48,448**	**48,367**	**48,012**	**47,853**	**49,240**	**47,859**	**47,047**

1.6 Patent applications by countries of origin (place of residence or seat of the applicant)
(DPMA direct applications and PCT applications in the national phase)

	Applications filed at the DPMA						
	2004	2005	2006	2007	2008	2009	2010
Germany	48,448	48,367	48,012	47,853	49,240	47,859	47,047
USA	2,702	3,245	3,283	3,835	4,279	3,648	4,228
Japan	3,407	3,449	3,618	3,782	3,511	3,157	2,970
France	280	312	268	272	210	195	209
Netherlands	118	104	142	82	97	87	86
Switzerland	976	943	1,157	1,127	1,103	973	944
Republic of Korea	726	777	915	723	904	615	684
United Kingdom	100	120	116	150	76	87	138
Italy	89	85	97	121	104	58	91
Sweden	313	338	285	267	261	281	269
Others	2,075	2,482	2,692	2,780	2,632	2,623	2,579
Total	**59,234**	**60,222**	**60,585**	**60,992**	**62,417**	**59,583**	**59,245**

1.7 Patent applications filed by universities by German Länder
(place of residence or seat of the applicant, applications from some Länder had to be combined for anonymisation purposes)

German Länder	2004	2005	2006	2007	2008	2009	2010
Schleswig-Holstein, Hamburg	39	32	32	32	28	28	38
Lower Saxony, Bremen	27	51	58	52	58	59	77
North-Rhine/Westphalia	55	71	82	79	67	97	81
Hesse	31	49	35	46	44	44	39
Rhineland-Palatinate, Saarland	21	26	27	13	18	10	20
Baden-Württemberg	75	114	81	77	77	72	77
Bavaria	36	46	67	61	68	72	86
Berlin	26	25	27	40	34	29	25
Brandenburg, Mecklenburg-W. Pomerania	26	34	51	34	28	44	31
Saxony	114	89	106	111	97	138	108
Saxony-Anhalt	18	23	25	20	27	25	23
Thuringia	51	44	54	51	52	54	56
Total	**519**	**604**	**645**	**616**	**598**	**672**	**661**

1.8 Breakdown of domestic patent applicants according to filing activity (in %)

	Percentage of applicants having filed						
	2004	2005	2006	2007	2008	2009	2010
one application	68.2	66.5	66.7	66.3	67.3	67.4	66.8
2–10 applications	28.8	29.9	29.5	30.1	29.1	29.1	29.8
11–100 applications	2.7	3.3	3.4	3.2	3.2	3.2	3.1
more than 100 applications	0.3	0.3	0.4	0.4	0.4	0.3	0.3
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

	Percentage of applications by applicants having filed						
	2004	2005	2006	2007	2008	2009	2010
one application	19.0	16.6	16.7	16.4	16.1	17.0	16.5
2–10 applications	25.0	24.3	24.5	24.5	23.2	23.8	24.3
11–100 applications	19.0	22.7	22.2	22.4	21.5	22.9	22.6
more than 100 applications	37.0	36.4	36.6	36.7	39.2	36.3	36.6
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

1.9 Classes of the International Patent Classification (IPC) with the largest number of patent applications (DPMA direct applications) in 2010



2. Utility models and topographies

2.1 Utility models

Year	Filings				Procedures concluded		
	New applications	Applications from Germany	Others[1]	**Total**	by registration	without registration	**Total**
2004	20,286	17,053	144	**20,430**	17,357	7,898	**25,255**
2005	20,418	17,021	85	**20,503**	17,138	3,632	**20,770**
2006	19,766	16,406	80	**19,846**	16,638	3,036	**19,674**
2007	18,083	14,834	82	**18,165**	15,469	2,928	**18,397**
2008	17,067	14,047	86	**17,153**	14,347	2,916	**17,263**
2009	17,306	14,242	70	**17,376**	13,916	2,652	**16,568**
2010	17,005	13,694	116	**17,121**	15,476	2,858	**18,334**

1 Remissions by the Federal Patent Court, allowed appeals, reinstatements

Year	Pending applications at the end of the year	Utility models in force at the end of the year	Renewals	Cancellations
2004	7,364	106,096	20,428	19,436
2005	7,097	104,976	25,108	18,258
2006	7,269	104,117	22,333	17,497
2007	7,037	102,559	22,604	17,027
2008	6,927	100,093	22,839	16,813
2009	7,735	96,909	21,821	17,100
2010	6,522	95,598	22,546	16,787

2.2 Topographies under the Semiconductor Protection Act

Year	New applications received	Procedures concluded			Pending applications at the end of the year	Lapse due to expiry of time	Registrations in force at the end of the year
		by registration	without registraion	**Total**			
2004	4	8	1	**9**	12	120	332
2005	6	0	0	**0**	18	99	233
2006	2	10	0	**10**	10	76	167
2007	2	1	0	**1**	11	59	109
2008	1	5	0	**5**	7	59	55
2009	4	0	1	**1**	3	62	81
2010	0	3	0	**3**	0	38	46

3. National trade marks

3.1 Applications and registrations

Year	Filings					Registrations under Section 41 Trade Mark Act
	New applications			Others[1]	**Total**	
	Total	Applications from Germany	for service marks			
2004	**65,918**	62,576	27,650	998	**66,916**	48,401
2005	**70,926**	67,208	30,181	1,019	**71,945**	50,798
2006	**72,321**	68,810	33,164	896	**73,217**	51,124
2007	**76,165**	72,788	36,082	817	**76,982**	54,534
2008	**73,903**	70,074	35,349	777	**74,680**	50,259
2009	**69,069**	65,714	34,071	626	**69,695**	49,817
2010	**69,072**	65,505	32,441	706	**69,778**	48,794

1 In particular, cases returned by the Federal Patent Court

3.2 Oppositions

Year	Oppositions received		Opposition procedures concluded		
	trade marks challenged by oppositions	number of oppositions	without affecting the trade mark	cancellation in full or in part	surrender by the proprietor
2004	5,290	7,301	5,294	1,712	781
2005	4,697	6,873	4,124	1,255	500
2006	4,679	6,965	3,215	929	698
2007	5,132	7,642	3,477	920	1,200
2008	4,784	7,612	3,691	1,008	1,271
2009	4,011	8,482	3,553	903	1,150
2010	3,988	5,698	3,075	787	1,049

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
2004	27,425	26,335	716,123
2005	35,955	29,104	731,039
2006	37,458	26,131	744,769
2007	34,899	26,614	764,472
2008	38,173	31,113	776,628
2009	48,510	33,943	778,008
2010	53,110	36,366	773,744

3.4 Procedures for the international registration of marks

Year	Requests for international registration of marks originating from the Federal Republic of Germany			
	Requests received	Procedures concluded		Cases pending at the end of the year
		Requests transmitted to WIPO[1]	Requests withdrawn or refused	
2004	5,581	5,472	58	574[2]
2005	5,734	5,639	36	633
2006	5,735	5,712	38	618
2007	6,153	6,136	35	600
2008	5,997	6,122	44	431
2009	4,896	4,819	72	436
2010	4,969	4,805	130	470

1 Not including requests for the extension of protection under Art. 3ter(2) of the Madrid Agreement Concerning the International Registration of Marks; 1,690 requests for the extension of protection were received in 2010, and 1,680 requests were transmitted to the World Intellectual Property Organization (WIPO).
2 Figure corrected in column "Cases pending at the end of the year"

Year	Requests for the grant of protection in the Federal Republic of Germany relating to international registrations of marks originating from Madrid Union countries						
	Requests received[1]	Procedures concluded			Cases pending at the end of the year	Oppositions received	Appeals received
		Full grant of protection	Grant of protection in part	Refusal, withdrawal or cancellation in the International Register			
2004	8,015	7,302	396	996	5,865[2]	857	124
2005	9,306	7,176	311	948	6,800	749	49
2006	7,998	7,273	301	931	6,331	805	34
2007	7,508	7,015	331	1,094	5,429	778	40
2008	6,869	5,933	310	898	5,186	617	35
2009	5,753	5,374	422	1,049	4,110	442	30
2010	5,225	4,595	121	820	3,798	407	15

1 Not including other requests and not including renewals
2 Figure corrected in column "Cases pending at the end of the year"

3.5 National trade mark applications by classes

Class	Class headings	2009	2010	+/- in %
0	not classifiable	218	173	- 20.6
1	Chemicals	883	893	1.1
2	Paints, varnishes, lacquers	210	275	31.0
3	Cleaning preparations	1,700	1,866	9.8
4	Industrial oils and greases, fuels	247	284	15.0
5	Pharmaceutical preparations	2,523	2,607	3.3
6	Common metals and goods of common metal	802	835	4.1
7	Machines, motors and engines	1,514	1,459	- 3.6
8	Hand tools	259	269	3.9
9	Electrical apparatus and instruments	4,121	4,559	10.6
10	Medical apparatus and instruments	915	967	5.7
11	Heating, ventilation, sanitary installations	1,276	1,235	- 3.2
12	Vehicles	1,286	1,472	14.5
13	Firearms	66	435	559.1
14	Jewellery, clocks and watches	754	1,125	49.2
15	Musical instruments	95	98	3.2
16	Office requisites, stationery	2,468	2,243	- 9.1
17	Insulating materials, semi-finished goods	312	380	21.8
18	Goods made of leather	583	670	14.9
19	Building materials (non-metallic)	782	777	- 0.6
20	Furniture	1,109	1,229	10.8
21	Household or kitchen utensils	616	656	6.5
22	Ropes, string, sails	59	46	- 22.0
23	Yarns and threads	20	41	105.0
24	Textiles, bed and table covers	380	366	- 3.7
25	Clothing, footwear	2,952	2,985	1.1
26	Lace, ribbon, buttons, trimmings	61	51	- 16.4
27	Materials for covering floors, wall hangings	83	102	22.9
28	Games, sporting articles	1,274	1,478	16.0
29	Food of animal origin	1,918	1,783	-7.0
30	Food of plant origin	2,200	1,895	- 13.9
31	Agricultural and forestry products	692	684	- 1.2
32	Beers, non-alcoholic drinks	1,203	1,230	2.2
33	Alcoholic beverages	1,273	1,275	0.2
34	Tobacco, smokers' articles	144	188	30.6
35	Advertising, business management	7,476	7,886	5.5
36	Insurance	3,072	2,909	- 5.3
37	Building construction, repair	1,972	1,282	- 35.0
38	Telecommunications	2,102	1,581	- 24.8
39	Transport	1,554	1,790	15.2
40	Treatment of materials	428	436	1.9
41	Education; sporting and cultural activities	7,645	7,244	- 5.2
42	Scientific and technological services	3,743	3,486	- 6.9
43	Providing food & drink, temp. accommodation	2,017	2,005	- 0.6
44	Medical services	3,028	2,833	- 6.4
45	Legal services, security services	1,034	989	- 4.4

4. Designs

4.1 Designs filed for registration and design procedures concluded

Year	Applications filed				Procedures concluded			
	Designs in multiple applications	Applications with one design	**Total**	including national applications	by registration	including national applications	without registration	**Total**
2004	45,272	3,021	**48,293**	39,565	39,982	31,756	1,585	**41,567**
2005	45,459	2,624	**48,083**	36,989	50,070	38,502	2,502	**52,572**
2006	48,460	2,554	**51,014**	39,207	46,557	35,619	1,925	**48,482**
2007	51,974	2,327	**54,301**	38,834	56,208	41,478	3,549	**59,757**
2008	45,909	2,329	**48,238**	36,659	49,146	36,130	2,322	**51,468**
2009	42,267	2,447	**44,714**	35,164	35,431	28,983	1,880	**37,311**
2010	44,474	2,714	**47,188**	37,737	47,951	35,455	1,914	**49,865**

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

Year	Pending designs (applied for) at the end of the year	Extensions of registered designs	Designs maintained / renewed	Cancellations	Registered and in force at the end of the year
2004	21,143	3,021	15,329	61,233	313,783
2005	16,654	1,440	18,541	53,154	310,699
2006	19,186	1,983	15,720	55,054	302,202
2007	13,730	2,260	18,136	54,022	304,388
2008	10,500	2,541	16,703 [1]	56,328	297,206
2009	17,903	1,793	15,467	52,721	279,916
2010	15,226	2,663	17,058	47,782	280,085

1 The figure of the extensions has been corrected; concerning designs maintained, the figures include, from 2008 onwards, the designs maintained for the 21st to 25th year.

4.3 Designs (applied for) by German Länder

German Länder	2004	2005	2006	2007	2008	2009	2010
Baden-Württemberg	8,525	7,094	7,623	7,503	5,633	5,561	6,081
Bavaria	11,779	10,074	8,864	9,993	8,750	7,668	7,259
Berlin	997	992	1,233	1,266	1,245	1,369	1,564
Brandenburg	193	147	342	203	254	220	505
Bremen	123	63	172	297	201	194	138
Hamburg	983	268	763	783	1,030	1,188	1,394
Hesse	1,499	2,277	1,855	1,659	1,267	1,468	2,325
Mecklenburg-W. Pomerania	458	101	127	95	247	138	157
Lower Saxony	1,804	2,648	2,631	2,787	3,258	2,520	2,742
North-Rhine / Westphalia	9,787	8,614	11,637	9,690	9,648	9,565	10,792
Rhineland-Palatinate	1,068	1,725	1,033	1,629	1,968	2,638	2,132
Saarland	226	176	302	246	409	313	227
Saxony	1,232	1,039	845	1,358	1,156	1,036	899
Saxony-Anhalt	126	248	395	299	374	272	321
Schleswig-Holstein	463	896	826	700	846	773	847
Thuringia	302	627	559	326	373	241	354
Total	**39,565**	**36,989**	**39,207**	**38,834**	**36,659**	**35,164**	**37,737**

5. Register of anonymous and pseudonymous works

Year	Works in respect of which the author's true name was filed for registration	Applicants[1]	Works in respect of which the author's true name		Works in respect of which an application procedure was still pending at the end of the year
			was registered	was not registered	
2004	29	8	12	23	14
2005	17	8	7	9	16
2006	18	15	7	8	19
2007	12	12	1	13	20
2008	18	11	9	26	3
2009	8	7	6	4	1
2010	7	5	3	5	0

1 Some applicants furnished several works so that the number of applicants is smaller than the number of works submitted.

6. Patent attorneys and representatives

Year	Patent attorneys[1]			Foreign patent attorneys who are members of the German chamber of patent attorneys (Sec. 154a Patent Attorney Code)[1,3]	Patent attorney companies[1,3]
	Entered in register	Cancellations	Registered at the end of the year		
2004	147	43	2,255		
2005	178	44	2,389		
2006	131	43	2,477		
2007	162	63	2,576		
2008	159	42	2,693		
2009	156	64	2,838[2]		
2010	177	59	2,956	14	14

1 Figures from 2010 supplied courtesy of the German chamber of patent attorneys
2 Figure corrected in 2009
3 Figures not available prior to 2010

Year	Qualifying examination		General powers of attorney		
	Number of candidates	Successful candidates	Entered in the register	Cancelled	Registered at the end of the year
2004	165	163	1,014	464	25,091
2005	162	151	971	150	25,912
2006	186	171	904	150	26,666
2007	179	169	993	102	27,557
2008	158	154	914	187	28,284
2009	168	163	963	155	29,092
2010	196	195	805	160	29,737

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