German Patent
and Trade Mark Office

Annual Report 2011



At a glance

Industrial property rights		2010	2011	Changes in %
Patents	Applications[1]	59,435	58,997	- 0.7
	Concluded examination procedures (final)	32,728	26,467	- 19.1
	- with patent grant[2]	13,675	11,891	- 13.0
	Stock[3]	127,267	127,119	- 0.1
Trade marks	Applications (national and international)	74,362	69,117	- 7.1
National marks	Applications	69,137	64,042	- 7.4
	Concluded examination procedures	72,139	71,318	- 1.1
	- with registration	49,761	51,322	+ 3.1
	Stock	779,802	780,903	+ 0.1
International marks	Requests for grant of protection in Germany	5,225	5,075	- 2.9
	Grants of protection	4,416	4,411	- 0.1
Utility models	Applications	17,067	15,486	- 9.3
	Concluded examination procedures	17,990	17,007	- 5.5
	- with registration	15,237	14,230	- 6.6
	Stock	94,537	96,096	+ 1.6
Designs	Designs applied for	49,091	52,585	+ 7.1
	Concluded examination procedures	50,430	50,785	+ 0.7
	- with registration	48,453	48,887	+ 0.9
	Stock	280,997	283,591	+ 0.9

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 526,255 patents were valid in Germany in 2011.

Budget German Patent and Trade Mark Office and Federal Patent Court **per million €**	**2010**	**2011**		**Changes in %**
Income	301.7	317.4	↗	+5.2
Expenditure	236.7	245.5	↗	+3.7
of which for personnel	138.8	143.3	↗	+3.2

Personnel of the German Patent and Trade Mark Office	**2010**	**2011**		**Changes in %**
Staff	2,735	2,699	↙	-1

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The German Patent and Trade Mark Office – we protect innovations

It is true that Germany is relatively poor in natural resources. In return, we feature a wealth of ideas, research spirit and creativity. The economic upswing is inseparably connected with innovations. Creative minds 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 and provide information to the public about the advantages offered by IP rights, and about ideas and inventions that are protected.

The 'we' refers to the about 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 (general 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 the applications received, 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 your applications for trade marks, utility models, designs and topographies. They register these IP rights, deal with 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,

In the past year, 2011, we at the German Patent and Trade Mark Office had to tackle perhaps the biggest challenges that we have faced for a long time. In last year's annual report, we updated you on our preparations for the introduction of the electronic case file – called ElSA.

On 1 June 2011, the moment had finally arrived. ElSA was activated during a formal ceremony in the presence of the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger. Now, patent and utility model case files are processed and managed fully electronically through ElSA. The gap between paper-based processes and electronic processes has become a thing of the past. Now, we have an IP processing system that ranks among the most modern and efficient IT systems of the world's large patent offices. This makes us very proud. All in all we are very pleased with the introductory phase in the past year. The system runs smoothly and it is possible to handle all main and secondary procedures. However, we were perfectly aware, right from the beginning, that certain start-up problems would simply be a natural part of introducing such a complex system. Remaining software errors and bottlenecks will be identified, traced and fixed, one by one, by our internal expert teams. At this point, we would like to thank you very much for your understanding and cooperation. We would also like to extend our thanks to all of those colleagues who, through their untiring commitment and perseverance, made the introduction of the electronic case file possible and assist in further developing and optimising the system.

The tight financial situation in Europe so far has not had any significant impact on applications for IP rights at the German Patent and Trade Mark Office. Inventors and enterprises continue to be committed to innovation thus strengthening their competitiveness.

In 2011, the automotive world celebrated a special anniversary: 125 years ago the Imperial Patent Office in Berlin had granted the first patent on an automobile. For us this topic is still current today. For even today the car industry and car parts industry are our most active applicants.



As the world's fifth largest national patent and trade mark office we will continue to be involved in international activities. This is the only way for us to contribute to actively shaping international standards in the area of IP protection in the interest of our customers. In 2011, we took up new cooperation schemes with our partner offices in Australia, the United Kingdom and Vietnam. We would like to particularly highlight the successful cooperation with our Chinese partners which has existed for 30 years. Together with our Chinese partner organisation we held IP symposia in Beijing and Shanghai, last year, to mark this anniversary.

This year the topics presented under the heading "In focus" range from automotive engineering to biotechnology to perpetual motion machines. However, we have not forgotten our own organisation. By increasingly using renewable energy we significantly enhance energy efficiency.

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

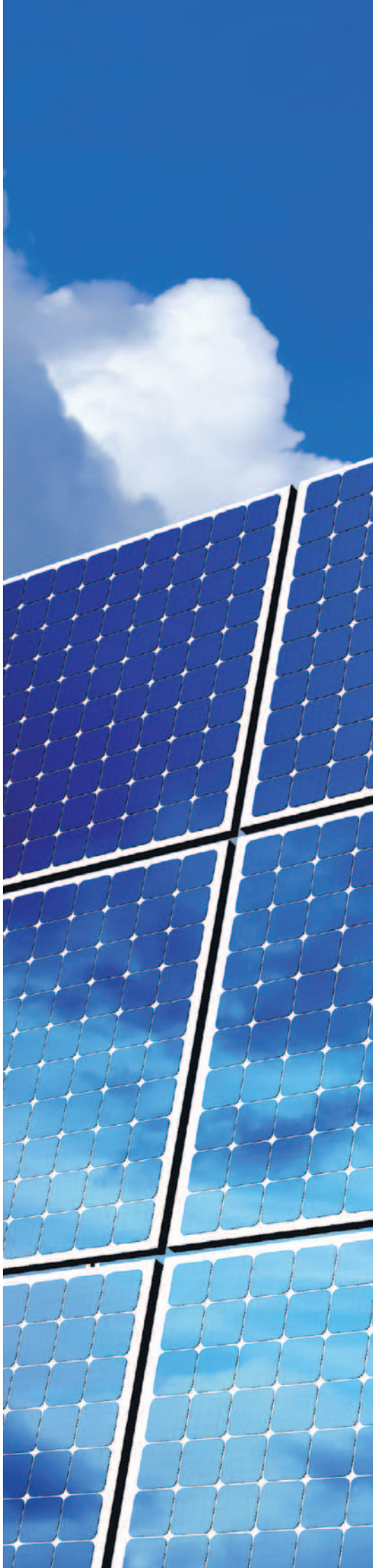
We hope you enjoy reading it.

Yours sincerely,

Cornelia Rudloff-Schäffer
President
German Patent and Trade Mark Office

Günther Schmitz
Vice-President
German Patent and Trade Mark Office

Patents



... provide competitive advantages for technical inventions

Commercially successful ideas are often copied and imitated - from everyday objects to sophisticated high-tech products. Patents can be granted for inventions of products and processes in any field of technology. They offer protection against copying and provide incentives for technological developments.

Patents provide protection for a limited period of time. The owner has the exclusive right to exploit the invention for a period of up to 20 years from the application date. No other person may use the invention without prior authorisation. In return, the invention is disclosed to the public.

Our patent examiners may grant patents only for inventions that meet three requirements: They must be new, compared to the state of the art known anywhere in the world, they must not be obvious to a person skilled in the art and they must be applicable in industry. Ideas that cannot be carried out must not be patented, for example, a perpetual motion device violating recognised laws of physics.

Inventors who wish to protect their invention by a patent in Germany 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. Applications under the PCT can also be filed directly at the DPMA.

Our information brochures and our website at www.dpma.de provide detailed information on many questions concerning patents.

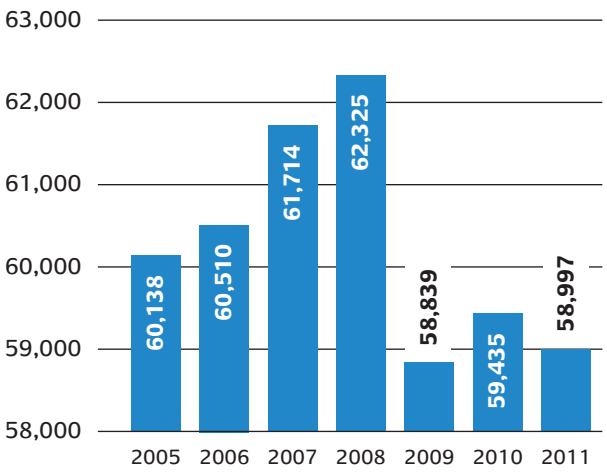
Development of patent applications

In 2011, 58,997 patent applications were filed at our office. Compared to the updated figures of the previous year, the number of applications decreased marginally by 438 applications (0.7%) (Figure 1). Explanations on the adjustment of statistical data are provided in the annex "Statistics".

The number of patent applications comprises 56,012 applications, filed directly at our Office, and 2,985 applications filed under the international Patent Cooperation Treaty (PCT) which entered the national phase at our Office. Almost half of the DPMA direct applications in the area of patents were filed online (49%, see page 54).

The development of filing figures over the past years is shown in Figure 1. After the economic crisis in 2008, the number of applications has levelled off at about 59,000 patent applications per year. More data on patent applications are provided in Table 1.1 in the annex "Statistics" on page 87.

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. The numbers shown are the sums of the direct applications and the PCT applications which entered the national phase at our Office. Applications filed by applicants having their residence or seat in Germany decreased slightly by 899 applications to 46,370 applications in comparison to the updated figure of the preceding year. Applicants having their residence or seat abroad filed 12,627 applications, 461 more than in 2010. The share of these applications is now 21.4%. While applications from Japan decreased slightly, South Korean applicants increased their patent activity by 37.2%.

For an overview on filings, please see Tables 1.1 and 1.6 in the "Statistics" part on pages 87 and 89.

Table 1: Patent applications at the German Patent and Trade Mark Office in 2011 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	46,370	78.6
USA	4,362	7.4
Japan	2,957	5.0
Switzerland	940	1.6
Republic of Korea	849	1.4
France	228	0.4
United Kingdom	110	0.2
Netherlands	65	0.1
Others	3,116	5.3
Total	**58,997**	**100**

Patent applications by German Länder

In the year 2011, German companies and inventors filed 46,370 patent applications at the DPMA.

The breakdown of applications by German Länder is based on the place of residence or the seat of the applicant, who can be an individual, a company or an institution. With 14,355 patent applications (31.0%), Baden-Württemberg came again top.
424 fewer applications were filed in comparison to the preceding year, a drop by 2.9%.

It was again followed by Bavaria, ranking second with 13,340 applications (28.8%) – which had occupied the top position from 1996 to 2007. An increase of 331 applications compared to 2010 again shortened the distance to Baden-Württemberg.
North-Rhine/Westphalia followed with 7,052 patent applications (15.2%). With three-quarters (75.0%) of all domestic applications coming from these three Länder (see Figure 2 and Table 2) the overall situation has remained unchanged.



Figure 2: Patent applications by German Länder in 2011

Hamburg increased its application activity (1,005) by almost ten per cent hence showing a stronger growth than all other Federal Länder. For time series covering the preceding years, please refer to Table 1.5 in the annex "Statistics".

The filing figures in absolute terms 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 2011, 57 patent applications on average were filed per 100,000 inhabitants in Germany.

With 133 and 106 applications per 100,000 inhabitants, respectively, Baden-Württemberg and Bavaria are in the lead as in the previous year; 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	2010			2011		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
Baden-Württemberg	14,779	31.3	138	14,355	31.0	133
Bavaria	13,009	27.5	104	13,340	28.8	106
North-Rhine / Westphalia	7,534	15.9	42	7,052	15.2	40
Lower Saxony	2,930	6.2	37	2,969	6.4	37
Hesse	2,431	5.1	40	2,366	5.1	39
Rhineland-Palatinate	1,231	2.6	31	1,164	2.5	29
Saxony	1,124	2.4	27	1,045	2.3	25
Hamburg	915	1.9	52	1,005	2.2	56
Berlin	918	1.9	27	805	1.7	23
Schleswig-Holstein	590	1.2	26	562	1.2	25
Thuringia	562	1.2	20	481	1.0	17
Saxony-Anhalt	322	0.7	13	354	0.8	14
Brandenburg	334	0.7	14	308	0.7	13
Saarland	258	0.5	25	251	0.5	25
Mecklenburg-Western Pomerania	169	0.4	10	164	0.4	10
Bremen	163	0.3	25	149	0.3	23
Total	**47,269**	**100**	**Ø 58**	**46,370**	**100**	**Ø 57**

The most active patent applicants

The most active domestic and foreign applicants on the German patent market are listed in the list of the 50 top applicants (see Table 3). This list is based on patent applications received at our Office in 2011.

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

With 3,602 applications Robert Bosch GmbH is once again undisputed top of the list and has a clear lead over the other applicants. With 2,014 applications Daimler AG ranks second, closely followed by Siemens AG.
More than 1,000 new applications were also filed by Schaeffler Technologies GmbH & Co. KG and by the US-based GM Global Technology Operations LLC.
The top ten applicants together account for more than a quarter of all DPMA direct applications (14,526 applications).

	Applicants	Seat		Applications
1	Robert Bosch GmbH	DE		3,602
2	Daimler AG	DE		2,014
3	Siemens AG	DE		1,910
4	Schaeffler Technologies GmbH & Co. KG	DE		1,832
5	GM Global Technology Operations LLC		US	1,566
6	BSH Bosch und Siemens Hausgeräte GmbH	DE		884
7	Volkswagen AG	DE		730
8	ZF Friedrichshafen AG	DE		669
9	Audi AG	DE		661
10	Bayerische Motoren Werke AG	DE		658
11	Denso Corp.		JP	512
12	Continental Automotive GmbH	DE		424
13	General Electric Company		US	418
14	Dr. Ing. h.c.F. Porsche AG	DE		405
15	Ford Global Technologies LLC		US	394
16	Fraunhofer-Gesellschaft e. V.	DE		364
17	Voith Patent GmbH	DE		331
18	Continental Teves AG & Co. OHG	DE		327
19	Henkel AG & Co. KGaA	DE		303
20	Hyundai Motor Company		KR	293
21	Infineon Technologies AG	DE		256
22	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		233
22	Krones AG	DE		233
24	Airbus Operations GmbH	DE		199
25	OSRAM Opto Semiconductors GmbH	DE		187
26	Giesecke & Devrient GmbH	DE		177
27	GM Global Technology Operations Inc.		US	174
28	Carl Zeiss SMT GmbH	DE		159
29	Johnson Controls GmbH	DE		158
30	Hilti AG		LI	157
31	Mitsubishi Electric Corporation		JP	154
32	Brose Fahrzeugteile GmbH & Co. KG	DE		150
33	SEW-EURODRIVE GmbH & Co. KG	DE		148
34	MAHLE International GmbH	DE		144
35	Heidelberger Druckmaschinen AG	DE		140
35	Behr GmbH & Co. KG	DE		140
37	Phoenix Contact GmbH & Co. KG	DE		138
38	Linde AG	DE		130
39	Aktiebolaget SKF		SE	129
40	Evonik Degussa GmbH	DE		116
40	XEROX Corporation		US	116
42	Hella KGaA Hueck & Co.	DE		114
43	MANN + HUMMEL GMBH	DE		111
44	Continental Reifen Deutschland GmbH	DE		107
44	Benteler Automobiltechnik GmbH	DE		107
46	König & Bauer AG	DE		104
46	Osram GmbH	DE		104
48	SMS SIEMAG AG	DE		103
49	VON ARDENNE Anlagentechnik GmbH	DE		101
50	Merck Patent GmbH	DE		98

Table 3: The 50 most active patent applicants at the German Patent and Trade Mark Office (number of direct applications in 2011)

Inventors and applicants

In 2011, roughly 62% of the applications received at the DPMA were again filed by a small group of applicants – mostly large enterprises with more than ten applications each. For many years we have been observing this marked concentration process in favour of large patent applicants. Presently, so-called large patent applicants make up 4% of all applicants (see Table 1.8 in the annex "Statistics", page 90).

Since the inventor must be named in a patent application, in addition to the applicant, 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, but the applicant is usually identical with the inventor if the application is filed by an independent inventor or an employee with a released invention. In 2011, 7.4% of the patent applications were filed by the respective inventor – this is a significant decrease compared to the previous years (in 2010: 9.3%). For applications from Germany the figure was 8.5%, and for foreign applications 2.9% (see Table 4).

Selected data on patent examination

The demand for patents has remained at a consistently high level. In 2011, 36,672 patent examination requests were filed. In addition, 10,868 search requests under Sec. 43 Patent Act were filed at our Office. For the so-called "isolated" searches under Sec. 43 Patent Act output has kept up with the incoming requests. The introduction of the electronic case file (ElSA, see page 52) required extensive training of staff in the two patent departments. Furthermore, a very large number of staff, released from their day-to-day duties, were tied up with the project on introducing ElSA. Regrettably this led to a reduced output in the patent area. As soon as the 18-month minimum training of the newly recruited examiners and the introductory phase of ElSA are concluded, we will work hard to continually reduce the number of files in the examination stage. Detailed data on applications received and procedures concluded are provided in Table 5 as well as Tables 1.2 and 1.3 on page 87.

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

	2005	2006	2007	2008	2009	2010	2011
National	11.5	11.3	11.5	10.3	11.0	10.4	8.5
Foreign	3.7	3.9	3.8	3.3	4.4	3.7	2.9
Total	**10.1**	**10.0**	**10.1**	**9.1**	**10.0**	**9.3**	**7.4**

Table 5: Selected data relating to patent procedures

	2005	2006	2007	2008	2009	2010	2011
Requests for examination	37,655	39,611	40,168	39,118	36,166	36,979	36,672
– including requests filed together with application	24,873	25,247	25,099	24,548	22,222	21,748	22,653
Search requests under Sec. 43 Patent Act	9,686	10,288	10,301	11,038	9,988	10,114	10,868
Concluded searches under Sec. 43 Patent Act	9,779	10,777	10,900	10,699	11,622	12,900	10,754
Examination procedures concluded (final)	36,015	38,522	34,798	32,856	31,603	32,728	26,467
Examination procedures not yet concluded in the patent divisions at end of year	120,657	123,499	128,362	135,654	139,644	144,184	154,477

Applications filed by universities

In 2011, German universities applied for patents for 672 inventions in their own name (2010: 713 applications). Table 1.7 in the annex "Statistics", page 89, shows the patent activity of the universities of the individual German Länder.

Main technical areas of patent activity

Our patent examiners attribute every patent application and the invention described therein 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 91).

For many years, most of the patent applications have been attributed by our staff to the IPC area B60 "Vehicles in general". In 2011, 5,993 patent applications were filed in this class (see Table 6). As before, the second position was occupied by class F16 "Engineering elements or units" with 4,809 applications. The IPC area H01 "Basic electric elements" (4,101 applications) and G06 "Computing, calculating, counting" experienced an increase in applications over the previous year. Application figures have also been on the rise for quite some time in class H02 "Generation, conversion or distribution of electric power" (+8.3%), whereas the area H04 "Electric communication technique" dropped again compared to the previous year (-6.8%). Table 1.10 on page 91 shows the development in recent years.

Table 6: Patent applications in 2011 by IPC classes that account for the majority of applications

IPC class		Applications in 2011	Percentage	Differences between 2010 and 2011 in %
B 60	Vehicles in general	5,993	10.7	5.7
F 16	Engineering elements or units	4,809	8.6	0.9
H 01	Basic electric elements	4,101	7.3	12.1
G 01	Measuring, testing	3,677	6.6	1.1
A 61	Medical or veterinary science; hygiene	2,485	4.4	- 1.3
F 02	Combustion engines	2,193	3.9	- 6.8
H 02	Generation, conversion or distribution of electric power	2,191	3.9	8.3
B 65	Conveying, packing, storing, handling thin material	1,497	2.7	3.2
F 01	Machines or engines in general	1,489	2.7	0.9
G 06	Computing, calculating, counting	1,306	2.3	11.6
H 04	Electric communication technique	1,277	2.3	- 6.8
B 62	Land vehicles for travelling otherwise than on rails	1,160	2.1	- 6.5

Patent quality – a wide scope

Our strategy aims at being a customer-oriented service provider with motivated staff who achieve high quality examination and search results on time. We are permanently caught between the conflicting demands of high quality versus timely and efficient processing of IP applications. For this reason we have an internal quality management system.

What is "patent quality"?

We have observed that patent quality is indeed a widely discussed issue but there is no universally accepted definition of this frequently used term.

For us at the German Patent and Trade Mark Office (DPMA) patent quality consists of different components for which both, the applicant as well as the examiner, are essentially responsible.
In our view, the perspectives

- of the applicant before the patent grant,
- of the patent office and
- the effect of the patent after grant

have to be taken into account.
Depending on the perspective, the term "patent quality" will be perceived differently.

The applicant is responsible for assessing the substance of the invention that means whether it constitutes an inventive achievement or "just" an improvement. The applicant is also responsible for clearly describing the invention allowing a sound and reasonable search.

The examining sections at the respective **patent Office** must thoroughly and comprehensively search the relevant prior art. In this context, efficient search databases are very important as well as examiners with a high level of proficiency in conducting searches and strong professional expertise.

Subsequently, the identified prior art must be expertly evaluated and the applicable legal provisions must be applied appropriately. In this context it must be carefully considered whether or not the subject matter of the application might be obvious to a person skilled in the art and whether the invention is sufficiently disclosed for it to be carried out.

It is important that the examining sections as well as the applicants are genuinely willing to work together. Furthermore, decisions of the Office must be well reasoned and transparent.

After the patent grant, the quality of a patent will be proved by confirmation of its legal validity in case of nullity proceedings or its enforceability in case of infringement disputes. Then the patent will prove just as profitable for the patent owner as valuable for the national economy.

At the DPMA we cannot directly influence all perspectives and components.
Our task is to enhance patent quality as seen from the Office's perspective. This requires bright minds in an intelligent and efficient work organisation.
In the Office's view, the qualifications of our staff is vital to ensure a high level of patent quality. They must have a strong scientific or technical educational background and a feeling for language. We provide solid training for new examiners and offer them ongoing sustained training. We also think that it is vital that the examiners can work with a high degree of responsibility and autonomy. This approach reflects a very old, tried and tested quality policy at our organisation: As technical members of the DPMA, our patent examiners put their own names under the patent decisions.

IN FOCUS

Selected fields of technology

Automotive technology

Automotive technology has maintained its top position in our patent statistics for many years; in this class applications again increased in 2011 (see page 91). The majority of applicants are big car manufacturers and internationally active component suppliers.



Exhaust technology

In the publication year 2011, the number of patent applications in the field of motor vehicle exhaust technology increased compared to the previous year, but remained below the high level of 2009. Particularly, companies based in the USA stepped up their filing activity whereas the number of applications from Japan again dropped slightly. Many new vehicles already meet the more stringent emission standards that will apply in the future. That is why developers continue to focus on system optimisation in the entire engine and exhaust system. Refined control processes are to improve the performance and reliability under changing operating conditions, for example, if different types of fuel are being used. In the field of diagnostic technology the focus is on more precise fault tracking and detailed display of trouble codes. Many applications deal with SCR exhaust gas aftertreatment (SCR – Selective Catalytic Reduction): Nitrogen oxide emissions can be reduced by feeding a urea solution to the exhaust gas flow – this is a well-established technology in commercial vehicles and is now also developed for passenger cars. Applicants from France and South Korea, two countries with strong car production figures, are not very active in the field of exhaust technology.

Table 7.1: 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	2005	2006	2007	2008	2009	2010	2011
Total	**1,052**	**1,139**	**1,314**	**1,297**	**1,540**	**1,305**	**1,375**
Germany	458	495	563	535	667	564	586
USA	134	158	178	247	274	239	334
Japan	338	367	463	401	433	355	332
Republic of Korea	10	6	5	2	9	17	21
France	58	71	60	57	72	59	34

1 The documents are published 18 months after the filing 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.

Hybrid electric vehicles and electric vehicles

The number of applications on the different aspects of hybrid electric vehicles again increased substantially, 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 and in the USA once again intensified their filing activity in this field of technology. The share of applicants from Japan has halved over the last five years, whereas South Korean applicants have greatly increased their activity in the field of hybrid electric vehicles. Most of the applications received by the DPMA deal with more cost-effective manufacturing methods and higher efficiency of the electromechanical powertrain. The developers work on further improving driving comfort, minimising the weight of the car and increasing the driving range.

Optimisation of energy management is achieved by using also data derived from route planning for actuating hybrid modules.

The number of applications for electric vehicles also grew significantly. In addition to the special classes listed in Table 7.2, such applications can also be found in the entire field of automotive technology and electricity storage technology, for example, if, in the field of body construction, the invention concerns a suitable vehicle floor for mounting a battery unit. To counteract the problem of low power and energy densities of the electricity storage units developers have designed sophisticated battery management processes which also take into account the on-board navigation system or driver habits. Many applications also deal with the design of the charging posts and the internal electrical circuits for charging the vehicle.

Table 7.2: 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].

Hybrid electric vehicles [3, 4]							
Country of origin / publication year	2005	2006	2007	2008	2009	2010	2011
Total	**429**	**474**	**562**	**887**	**1,295**	**1,397**	**1,727**
Germany	92	131	219	337	537	692	805
USA	94	101	110	193	323	238	331
Japan	223	213	203	304	346	353	367
Republic of Korea	5	11	20	16	23	29	149
France	5	7	8	11	37	23	22

Electric vehicles [2, 4]							
Country of origin / publication year	2005	2006	2007	2008	2009	2010	2010
Total	**119**	**96**	**98**	**126**	**153**	**163**	**249**
Germany	46	39	35	44	53	89	109
USA	20	15	20	24	36	32	38
Japan	44	35	32	47	44	27	51
Republic of Korea	2	0	1	3	0	0	7
France	4	4	1	1	11	4	18

1 The documents are published 18 months after the filing date in accordance with the time limit provided by law. The figures therefore mirror the status of 18 months previously.
2 Applications filed by applicants having several seats are counted for each country
3 Data collected with a specified search profile due to the 2006 IPC revision
4 IPC: B60L7/12, B60L7/14, B60L8, B60L11, B60L15/00 to B60L15/38, B60K1

Renewable energy

Patent applications involving environmental aspects are found in nearly all fields of technology. The innovative enthusiasm of industry regarding renewable energy has remained undiminished. In 2011 the total number of applications in this technological area amounted to 2,005 and accounted for more than 1% of all applications [1]. The current increase of patent applications with effect in Germany is primarily due to foreign applicants, while applications from Germany increased only slightly compared to the previous year.

Presently, most applicants in the field of solar technology are big companies. Despite a largely mature technology application numbers in this field again increased steeply. US applicants were able to double their share in the last five years, while German applicants, specifically in the photovoltaic sector, responded to the price decline. Many of the applications filed at the DPMA are aimed at reducing costs and simplifying production of solar photovoltaic panels. Developers also focus on solar cells with higher efficiency levels and solar thermal power plants.

Once again there was a surge of applications for wind generators. As before, most of the applicants are big companies from Germany and the USA, which continue to develop solutions for integrating wind generators and wind farms into the grid. Other renewable energy sources such as wave and tidal power generators, submerged units, geothermal energy or biogas plants show a significant growth in application figures. In case of biogas plants, inventions increasingly deal with the use of such plants to help balance electricity grids. In this sector, too, big companies forge ahead now.

1 Total number of patent applications (161,920) published for the first time in 2011 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].

	2005		2006		2007		2008		2009		2010		2011	
	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]	85	80	101	108	149	98	143	224	240	350	290	485	330	646
Wind generators [5]	89	75	92	100	91	72	123	151	191	291	233	342	273	453
Hydro power / wave and tidal power [6]	14	12	11	21	13	1	19	29	20	55	40	57	51	88
Geothermal energy, biogas, other energy sources [7]	25	19	26	17	59	13	78	33	86	51	72	44	77	87
Total	**213**	**186**	**230**	**246**	**312**	**184**	**363**	**437**	**537**	**747**	**635**	**928**	**731**	**1,274**

1 Table 8 contains published patent documents which are published 18 months after the filing date in accordance with the time limit provided by law. The figures therefore mirror the status of 18 months previously. Collected on 13 March 2012 in **DEPATIS**.
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

Patents in Biotechnology and Genetic Engineering

Recent decisions on patentability

Patenting biotechnological inventions has always been in the public focus because it raises ethical questions in some areas or involves basic human needs such as food production.

Our patent examination is based on the Patent Act and case law developed by the highest courts on this issue. In addition, we adhere to our examination guidelines.
The Patent Act excludes inventions from patent protection for ethical reasons if the commercial exploitation of these inventions would be contrary to public policy or morality.
Furthermore, special legal provisions are applicable in the field of biotechnology. Pursuant to these provisions the German Patent and Trade Mark Office is not allowed to grant patents for inventions which concern the following:

- processes for cloning human beings;
- processes for modifying the germ line genetic identity of human beings;
- uses of human embryos for industrial or commercial purposes;
- plant or animal varieties; and,
- essentially biological processes for the production of plants and animals.

Not least due to the fast-paced progress in biotechnological research there are a number of questions that arise in practice in individual cases concerning the appropriate interpretation of the legal provisions.

Two recent judgments on these issues, which have received much attention, will contribute to increasing legal certainty in this field in the future.

According to a ruling by the Court of Justice of the European Union (ECJ) any cell must be regarded as an embryo if it is capable of commencing the process of development of a human being. Hence, inventions comprising or using such cells are not patentable. The same applies to inventions which necessitate the prior destruction of human embryos.
The European Court of Justice had to take a decision on these questions in connection with a patent which related to the production of specific types of cells using embryonic stem cells. Bundesgerichtshof (Federal Court of Justice) had referred corresponding questions to the European Court of Justice for a preliminary ruling.
Embryonic stem cells can be obtained from animal or human embryos at a very early stage after the fertilisation of the ovum. Depending on the stage of development, they are capable of developing into very different types of cells and even into a complete organism. The transplantation of such cells is regarded as a promising treatment for a variety of diseases providing a method for regeneration of damaged organ systems.
With this decision the ECJ has given a binding interpretation of EU law for all member states. This ruling clearly restricts patentability of inventions in connection with human embryonic stem cells.

In another decision, the European Patent Office's Enlarged Board of Appeal held that classical breeding processes for the production of plants were excluded from patentability irrespective of whether or not they contained further technical steps. According to the Board only processes for producing plants by inserting or modifying a trait in the genome of the plant by using an additional step (for example genetic engineering) may be patentable. Consequently, conventional breeding processes essentially relying on crossing and selection are excluded from patenting. This fundamental decision of the Enlarged Board of Appeal will also play an important role in the decision making process in national procedures.

Perpetua mobilia and the laws of nature

Again and again we receive inquiries regarding the subject "perpetua mobilia". Perpetuum mobile (singular) is Latin and means "something in perpetual motion". It describes a device that – once set in motion – would run forever while producing useful work without consuming energy from an external source. Basically, this device would permanently generate work "from nothing". Such a device would produce energy virtually forever.



However, previous and present findings of physics show that a perpetuum mobile does not exist. In most cases, perpetual motion machines are classified into perpetual motion machines of the first kind and the second kind, depending on which of the laws of thermodynamics is being violated.

Is it possible to create more energy?

Perpetual motion machines of the first kind would solve this problem. These are devices which purport to produce more energy than they consume. They are contrary to the law of conservation of energy. This law is also called the first law of thermodynamics. The law of conservation of energy is an established law of physics, universally accepted and unrefuted by the whole of the scientific community. Energy can neither be created nor destroyed, only changed from one form to another.

Can hot tea heat up by itself?

Perpetual motion machines of the second kind are machines which convert heat into work, allegedly yielding a higher conversion efficiency in the process than would be possible according to the second law of thermodynamics. The second law of thermodynamics prohibits any processes, which, although they would be possible according to the law on conservation of energy, have never been observed in spite of that. For instance, a cup of hot tea cools by itself, but it has never been observed that a cup of hot tea heats up further without external influence, while at the same time cooling the colder surrounding environment.

For centuries innovators have made efforts to design a functioning perpetuum mobile. Inventors have tried again and again to beat the established laws of physics and to outwit nature so to say. Every year, they file about 100 patent applications for inventions dealing with perpetual motion machines at the German Patent and Trade Mark Office (DPMA).

However, pursuant to the Patent Act and court rulings, we are not allowed to grant patents for inventions that lack technical usefulness and cannot be turned into devices that actually work. This is true for perpetual motion machines, because they violate natural laws. Therefore, we will routinely reject such types of patent applications.

More detailed information regarding this topic is available (in German) in our publication "Erfinderaktivitäten 2010" and on our German website www.dpma.de in the section Service/Veröffentlichungen. You can order a paper copy of "Erfinderaktivitäten 2010" at (e-mail: presse@dpma.de, telephone +49 (0) 89 2195-3222).

125 years of the automobile

The automotive world celebrated a special anniversary in 2011: 125 years ago, the Imperial Patent Office in Berlin had granted patent no. 37435 with effect from 29 January 1886. The Benz & Co. company had received this patent on the first functioning motor vehicle integrating an engine with the chassis. Today, this date is considered as the date of birth of the automobile.

The patent document shows the construction drawings of the "vehicle with gas-engine drive", the Benz Patent-Motorwagen no. 1, built by Carl Friedrich Benz. Before getting on the vehicle, the driver had to start the engine by rotating the horizontal flywheel. Then he was able to set the tricycle in motion, brake or stop by means of a hand lever. Light gasoline such as ligroin was used as fuel. The working cylinder was water-cooled. Benz's patent also describes the surface carburettor with intake control which provided for the exact fuel/air mixture.

Benz presented his vehicle to the public in Mannheim in July 1886. The engine power of nearly 1 hp allowed to reach a top speed of 12 km/h.

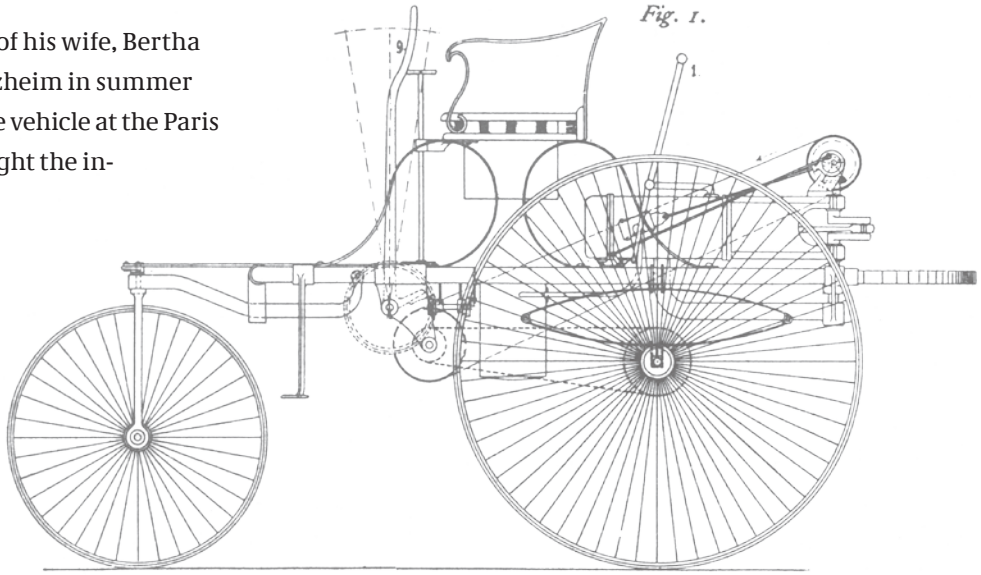
Yet neither the legendary trip of his wife, Bertha Benz, from Mannheim to Pforzheim in summer 1888 nor the presentation of the vehicle at the Paris World Exposition in 1889 brought the inventor financial success.

Benz had the car patented in the USA (US 385087 A) and other industrialised countries, too. However, he let the German patent lapse in 1891, even before the expiry of the maximum term of protection of then 15 years.

Three of the originally built 25 tricycles still exist. Motorwagen no. 1 is on display at the Deutsches Museum in Munich.

The patent was entered in UNESCO's "Memory of the World" register on 25 May 2011. The World Documentary Heritage [1] includes valuable collections of books, manuscripts, musical scores, unique documents, pictures, sound recordings and films from around the world and makes them accessible electronically. 13 documents originate from Germany, including the Gutenberg bible and the manuscript of Beethoven's Ninth Symphony. The Benz patent of 1886 was included as a testimony of industry history since it "paved the way for mobility and is still regarded as the birth certificate of the automobile" [2].

1 www.unesco.org/webworld/mow
2 www.unesco.de/5685.html, date of search: 20 December 2011



Drawing from patent specification no. 37435

Utility models



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

The utility model – the "little brother" of the patent – offers fast and low cost protection for technical inventions.

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.

The IP right can be obtained at low cost, because, apart from the application fee of 40 euros, no other fees are charged 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.

For detailed information on questions about utility models please see our "Utility model" information brochure and our website at www.dpma.de.

Development in utility model application figures

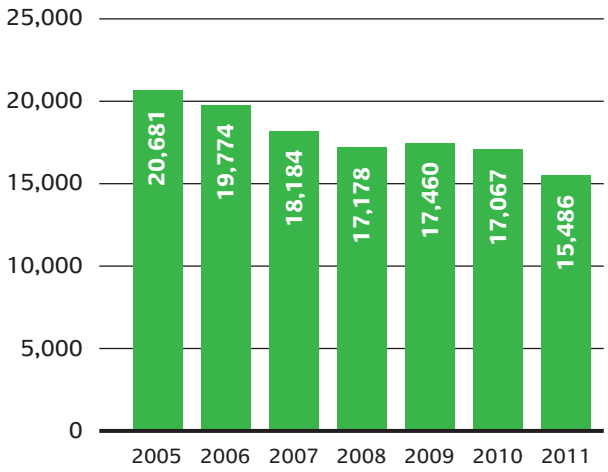
In 2011, we received 15,486 utility model applications (preceding year: 17,067). This means that the filing figures of utility models continued to drop. We entered 14,230 utility models in the Register. 2,777 applications were withdrawn, rejected or did not lead to registration for other reasons.

We renewed 21,107 utility model registrations. 12,361 utility models lapsed, for example, due to non-renewal or abandonment. 96,096 utility models were in force at the end of the year.

The development of the application figures of the last years is shown in Figure 3.

For further analyses of utility model applications please refer to the annex “Statistics” on page 92.

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



Origin of utility model applications

79.8% of the applications received originated from Germany. The utility model has remained very popular with applicants based abroad. Their share amounted to 20.2%.

As in the previous years, the majority of the foreign applications originated from Taiwan (6.8%), followed by Austria (2.3%) and Switzerland (1.7%) (see Table 9).

Table 9: Utility model applications at the German Patent and Trade Mark Office in 2011 by countries of origin

	Applications at the DPMA	Proportional share in %
Germany	12,359	79.8
Taiwan	1,056	6.8
Austria	350	2.3
Switzerland	259	1.7
USA	213	1.4
Others	1,249	8.1
Total	**15,486**	**100**

Utility model applications by German Länder

In 2011, 12,359 utility model applications came from Germany. The comparison of German Länder shows that North-Rhine/Westphalia again comes top with 3,182 applications (25.7%), followed by Bavaria with 2,746 (22.2%) and Baden-Württemberg with 2,265 applications (18.3%). Two thirds 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 92.

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.

The registered utility model can be used, for example, to take action against copying before a patent is granted by seeking injunctive relief or claiming damages.

In 2011, 739 utility model applications were so-called split-off applications.



Figure 4: Utility model applications by German Länder in 2011

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, we register the utility model very quickly.

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 check beforehand by means of a prior art search whether a comparable invention has already been made.

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 2011, we received 2,848 requests for conducting a search.

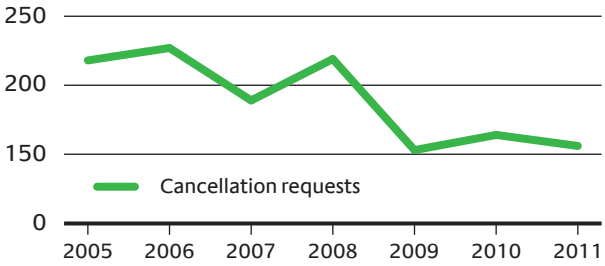
Utility model cancellation

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. Likewise, infringement proceedings need not be imminent. However, the request, which is subject to a fee of 300 euros, 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 divisions. We will examine in a first step whether the invention can be protected at all by a utility model right. We will then assess whether the invention is new, involves an inventive step and is industrially applicable.

In 2011, 156 utility model cancellation requests were filed.

Figure 5: Cancellation requests in utility model cancellation proceedings



Topography

Topography applications are handled by the same organisational unit as utility model applications. 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 2011, we received two topography applications.

Trade marks



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

Trade marks create values – they offer the promise of a consistent quality of a product or service, provide security and build trust. Trade marks help us to recognise products and distinguish them from products of other traders. To create this value and to prevent copying and confusion the name of a product or a service can be protected as trade mark at the German Patent and Trade Mark Office.

Trade marks may consist of one word or several 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 of the applicant need to use to describe product features cannot be protected as trade marks. For example, it would not be possible to register the word “streichzart” (easy to spread/soft) as a trade mark for butter.

The term of protection of a trade mark is ten years and can be renewed indefinitely.

There are three different 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. Protection in Germany can also be requested through the World Intellectual Property Organization (WIPO) in Geneva (Switzerland) for international marks, which have previously been registered abroad. Community trade marks are the third option to obtain trade mark protection in Germany. These trade marks will be examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain) and are valid throughout the whole of the European Union. The trade marks of the three filing routes are equally valid and consequently confer the same protection with regard to Germany. A general principle for all trade marks is that the earlier trade mark takes precedence over the later trade mark.

For detailed information on questions about trade marks please see our “Trade Marks” information brochure and our website at www.dpma.de.

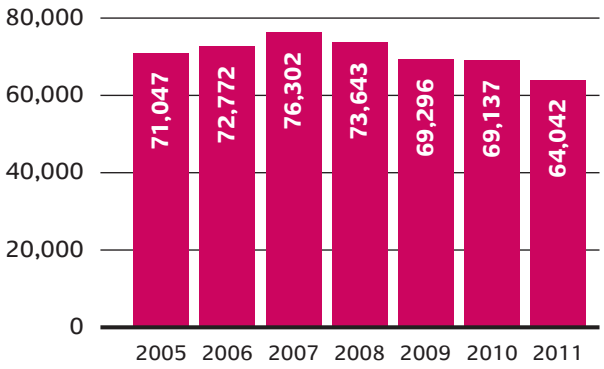
Development of trade mark applications und requests for the extension of protection based on international registrations

We received 69,117 applications for trade mark protection in 2011. These included 5,075 requests for the extension of protection based on international registrations, which were filed through the World Intellectual Property Organization (WIPO) in Geneva. The number of requests was again lower than in the preceding year (by 7.1%).

The drop in applications filed at the DPMA does not mean that trade mark protection is no longer requested in Germany. The Community trade mark, introduced 15 years ago, which provides protection throughout the European Union, is an alternative to the national trade mark. The number of applications filed by German applicants at the Office for Harmonization in the Internal Market (OHIM) in Alicante has been continually on the rise. This development is a consequence of the harmonisation of the European trade mark system and the international orientation of German trade and industry. German enterprises take full advantage of all options for obtaining trade mark protection, tailored to their individual business strategy. The German Patent and Trade Mark Office is the ideal first stop shop for all applicants who intend to use their trade mark – maybe in a first stage – on the national market, above all. They obtain a well examined IP right quickly at low cost.

The mentioned developments in the European trade mark system are reflected by the applicants' structure: whereas the share of foreign customers in national and international applications had amounted to 29% in 1996, it was only 12% in 2011. This means that our Office has become more important for German applicants and the German market. The national Offices and the OHIM have found their roles within the harmonised European trade marks framework. In this context, national and Community trade mark systems have various legal links. For example, about 36% of the German opposition proceedings are based on earlier Community trade marks.

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



Origin of national trade mark applications

94.3% of the 64,042 national trade mark applications, which we received directly, originated from Germany. The share of applicants based abroad was 5.7% (preceding year: 5.2%). The majority of foreign applications originated from Bulgaria, followed by Switzerland and the USA.

Table 10: Trade mark applications at the German Patent and Trade Mark Office in 2011 by countries of origin

	Applications at the DPMA	Proportional share in %
Germany	60,415	94.3
Bulgaria	723	1.1
Switzerland	519	0.8
USA	442	0.7
China	270	0.4
United Kingdom	203	0.3
Others	1,470	2.3
Total	**64,042**	**100**

Trade mark applications by German Länder

We received 60,415 trade mark applications from Germany. 13,058 applications (21.6%) originated from North-Rhine/Westphalia, which retained the top position. As in the preceding year, Bavaria followed with 10,823 applications (17.9%) and Baden-Württemberg with 8,085 applications (13.4%). If we consider the applications in relation to the number of inhabitants, the city states, Hamburg and Berlin, came top with 185 and 140 applications, respectively, per 100,000 inhabitants. The overview of trade mark applications by Federal Länder and the filing figures per 100,000 inhabitants are shown in Figure 7 and Table 3.5 in the annex "Statistics".

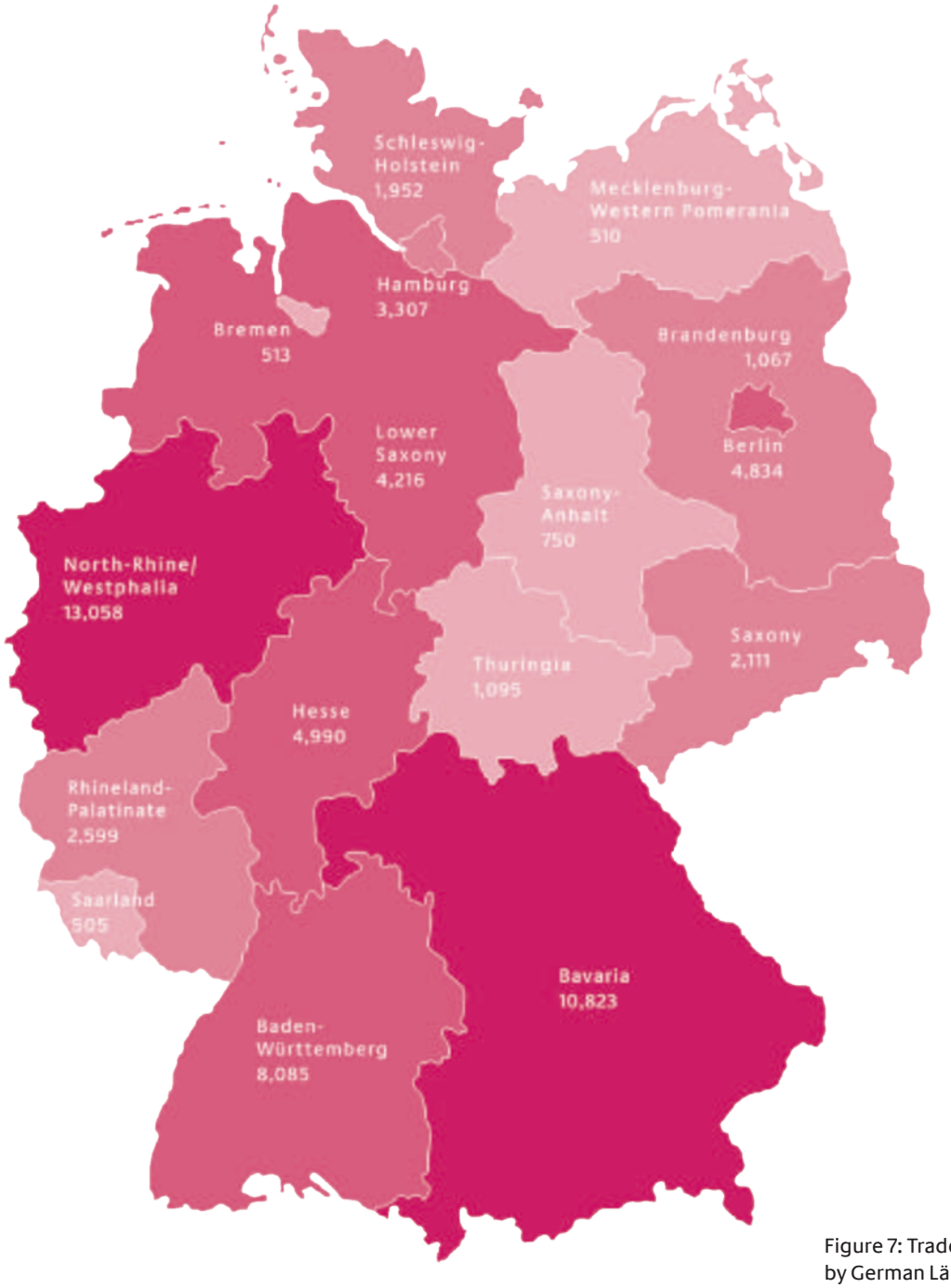


Figure 7: Trade mark applications by German Länder in 2011

Trade mark procedures

There were 64,042 national trade mark applications in comparison with 51,322 registrations and 7,772 refusals. This shows that the vast majority of trade marks applied for will be registered.

Trade mark applications by classes of goods and services

As in the previous years the numbers of trade mark applications for classes of goods (51.8%) and of trade mark applications for service classes (48.2%) are roughly equal. This means that service marks and trade marks for goods are equally important – this is an amazing career, when considering that service marks have only been allowed since 1979.

Trade mark applications by leading classes

Class 35 (advertising, business management) was again the top class (by leading classes) of national trade mark applications, followed by class 41 (education; providing of training; sporting and cultural activities) and class 9 (electrical apparatus and instruments). As in the preceding year, the most requested class of goods ranked only third, the top positions being held by service classes. The fourth place was again occupied by a service class, namely class 42 (scientific and technological services). This is the only class among the top ten which showed an increase (2.0%).

Table 11: Data on trade mark procedures

	2005	2006	2007	2008	2009	2010	2011
New applications	71,047	72,772	76,302	73,643	69,296	69,137	64,042
Registrations	50,823	51,368	54,564	50,271	49,833	49,761	51,322
Refusals	6,193	5,193	7,043	7,395	8,420	8,353	7,772

Table 12: The top ten leading classes

Class	Class headings	Applications in 2011	Proportional share in %	Difference between 2010 and 2011 in %
35	Advertising, business management	7,565	11.8	- 4.3
41	Education, sporting and cultural activities	6,926	10.8	- 4.3
9	Electrical apparatus and instruments	4,342	6.8	- 4.9
42	Scientific and technological services	3,555	5.6	2.0
25	Clothing, footwear	2,844	4.4	- 5.3
44	Medical services	2,712	4.2	- 4.4
36	Insurance	2,606	4.1	- 10.6
5	Pharmaceutical preparations	2,158	3.4	- 17.1
16	Office requisites, stationery	2,132	3.3	- 5.9
43	Providing food and drink, temporary accommodation	1,996	3.1	- 0.3

Top trade mark proprietors in terms of registrations

In 2011 Boehringer Ingelheim International GmbH was the applicant with the most registrations. Daimler AG was on the second place, followed by BMW AG ranking third. Bayer AG, another pharmaceutical company, took fourth place and another car manufacturer, Volkswagen AG, ranked fifth. That means that three car manufacturers were among the top five. In the previous year none of them had made it into the top five and only BMW AG holding the ninth position had actually been among the top ten.

A comparison between the list of top trade mark proprietors in terms of registrations and the list of the most active patent applicants reveals (see page 8) that the most active patent applicants file several thousand patent applications per year but the most successful trade mark applicants only register about one hundred trade marks annually. This illustrates the differences between patents and trade marks despite the fact that these types of IP have much in common. Trade marks are names of products: The annual number of newly designed and protected names for new products rarely reaches double digits. Patents protect technical innovation. In this context it is not unusual that a new product contains several new technical features. Therefore it is not uncommon that innovative companies apply for several thousand patents annually.

Tabelle 13: Top trade mark proprietors in terms of registrations in 2011 (registration of trade marks under Sec. 41 of the Trade Mark Act)

	Proprietor	Seat		Number
1	Boehringer Ingelheim International GmbH	DE		110
2	Daimler AG	DE		85
3	Bayerische Motoren Werke AG	DE		75
4	Bayer AG	DE		73
5	Volkswagen AG	DE		71
5	Weco Pyrotechnische Fabrik GmbH	DE		71
7	BSH Bosch und Siemens Hausgeräte GmbH	DE		66
7	Fraunhofer-Gesellschaft e. V.	DE		66
9	MIP METRO Group Intellectual Property GmbH & Co. KG	DE		59
10	STADA Arzneimittel AG	DE		57
11	Netto Marken-Discount AG & Co. KG	DE		55
12	Henkel AG & Co. KGaA	DE		54
13	FKW Keller GmbH	DE		53
14	Deutsche Telekom AG	DE		49
14	dm-drogerie markt GmbH + Co. KG	DE		49
16	FERRERO Deutschland GmbH	DE		48
16	Merck KGaA	DE		48
18	AUDI AG	DE		45
19	Vodafone D2 GmbH	DE		43
20	Merz Pharma GmbH & Co. KGaA	DE		42
21	Intenso GmbH	DE		41
22	biomo pharma GmbH	DE		39
22	NICO Feuerwerk GmbH	DE		39
24	betapharm Arzneimittel GmbH	DE		38
24	Siemens AG	DE		38
26	Bally Wulff Entertainment GmbH	DE		35
27	Soldan Holding + Bonbonspezialitäten GmbH	DE		34
28	Coty Germany GmbH	DE		33
29	artec GmbH	DE		32
29	August Storck KG	DE		32
29	BASF SE	DE		32
29	SILAG Handel AG	DE		32
33	Adelheid S.A.R.L.		LU	31
33	J.P. Sauer & Sohn Maschinenbau	DE		31
33	Jurasoft AG	DE		31
33	Unilever N.V.		NL	31
37	Hubert Burda Media Holding KG	DE		30
38	medac Gesellschaft für klinische Spezialpräparate mbH	DE		29
38	ORTHOMOL pharmazeutische Vertriebs GmbH	DE		29
40	BILD digital GmbH & Co. KG	DE		28
40	Gepepharm GmbH	DE		28
40	innomark GmbH	DE		28
40	Koenig & Bauer AG	DE		28
40	Mibe GmbH Arzneimittel	DE		28
45	OSYPKA AG	DE		27
46	Osram GmbH	DE		26
46	Rücker GmbH	DE		26
48	biosyn Arzneimittel GmbH	DE		25
48	CT Arzneimittel GmbH	DE		25
48	Dr. Willmar Schwabe GmbH & Co. KG	DE		25
48	Milchwerke Berchtesgadener Land Chiemgau eG	DE		25

Cancellations

In 2011, 433 requests for cancellation of a trade mark registration were filed based on absolute grounds for refusal. This was a clear increase over last year's figures of 394 requests.

Many cancellation requests are based on the alleged descriptiveness of the registered trade mark. Acting in bad faith when filing the application is another reason for cancellation. 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. The number of cancellation requests in this group increased too. In 2010, 65 cancellation requests were based on bad faith, but in 2011 those requests amounted to 78.

Anybody may file a cancellation request, however, the request is subject to a fee. Cancellation proceedings often involve substantial time and effort. Usually, the parties submit extensive statements of reasons on protectability; written submissions consisting of over 50 pages are not uncommon. A panel consisting of three legal examiners will decide on the cancellation.

Our decision to cancel the trade mark "Neuschwanstein" was confirmed by the Federal Patent Court in February 2011. The case dealt with the question whether the name of a famous tourist attraction can serve as an indication for the origin of a specific enterprise. Only then is the name eligible for protection as a trade mark. This was denied by the court as well as by the DPMA. It held that the name "Neuschwanstein" did not only refer to a tourist sight but also to a building that constituted an outstanding element of the national cultural heritage. The court also stated that names of cultural assets of outstanding significance, which were part of the national cultural heritage or the world's cultural heritage, were common property and should therefore not be subject to trade mark monopolisation and commercialisation. It pointed out that as a rule such names had no distinctiveness even without reference to the claimed goods and services. Due to the essential importance of this decision for legal relations the Federal Patent Court granted leave to appeal on points of law to Bundesgerichtshof (Federal Court of Justice). Thereupon an appeal on points of law was lodged, but the decision is still pending.

Did you know that ...

... "Kaiserliches Patentamt", the first central German authority for intellectual property, founded in 1877, accepted trade mark applications only from 1 October 1894 onwards?

However, business people were able to apply for the registration of their trade marks in the commercial register of their principle place of business under the "Act on the protection of trade marks", which had entered into force on 1 May 1875. Subsequently, it was possible to apply for the registration of these trade marks in the trade mark register of Kaiserliches Patentamt, maintaining the original filing date. Some of these trade marks are still in force.

Trade mark administration

As successor organisation of Kaiserliches Patentamt and Reichspatentamt we administer all German trade marks still in force. The oldest effective German trade marks have now reached an age of 136 years. The trade mark administration is located at the Jena Sub-Office. It is integrated in the Jena trade mark division. About 45 staff members process all requests and other processes which occur after the registration of a trade mark and opposition proceedings, if any. These processes include transfers of rights, renewals, reclassification and cancellations, above all.

On 31 December 2011, the trade mark register comprised 780,903 trade marks. The number of trade marks, which had reached a record level of 782,963 trade marks in 2009, has slightly decreased since 2010. In reversal of a long-time trend, the number of cancellations currently exceeds the number of registrations.

The number of processes to be handled by the trade mark administration has grown in parallel with the increase in trade marks registered. In the past ten years, we had a particularly strong increase in reclassification processes. Upon request, or ex officio on occasion of the renewal of a trade mark, at the latest, the classes attributed to the goods and services claimed are checked for compliance with the respective edition of the Nice Classification in force. If required, they will be adapted. The number of reclassification cases had increased significantly and reached a record level of 9,966 cases in 2010 (2002: 1,488 cases), above all, due to the strong filing activities in the years around the millennium, which made a large number of trade marks due for renewal around 2010, and the splitting of service class 42 into classes 42 to 45 along with the entry into force of the 8th edition of the Nice Classification on 1 January 2002. Recording of transfers, renewals and cancellations due to non-renewal have been at a high level for many years. If we compare renewals and cancellations we note that the percentage of trade marks renewed after the first ten-year period of protection has been decreasing. Nearly half of the registered trade marks filed in 1991 were renewed in 2001. By contrast, less than one third of the trade marks applied for in 2001 were renewed in 2011. For more statistical analyses please refer to Table 3.3 in the annex “Statistics”.

Figure 8: Trade marks in force at the end of the year, at the German Patent and Trade Mark Office

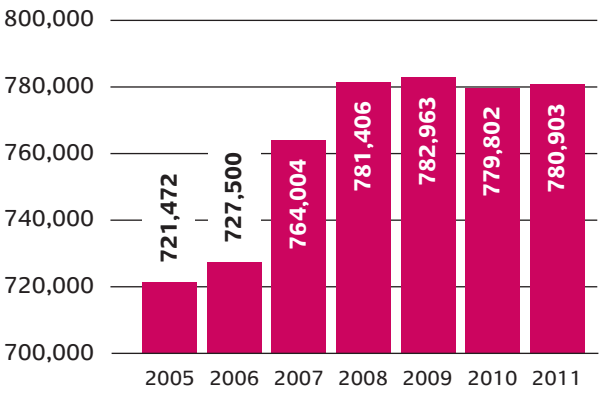
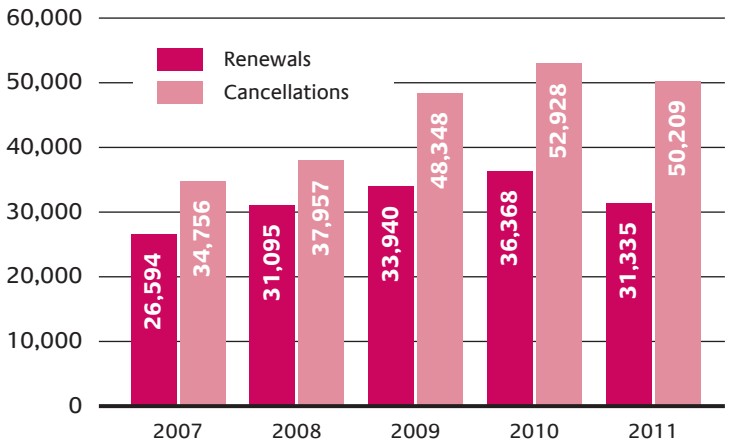


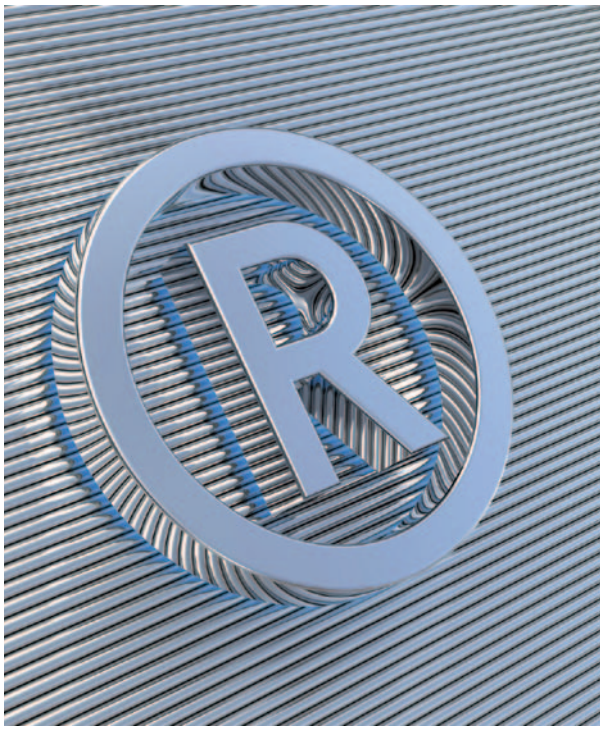
Figure 9: Renewals and cancellations in trade mark procedures at the German Patent and Trade Mark Office



Congratulations on the 100th birthday – a century of trade mark life

The trade mark is the only IP right for which the term of protection can be renewed as many times as required. This is the reason why more than 780,000 case files of "live" trade marks are administered by our Sub-Office in Jena. Placed side by side the files would stretch over about 280 kilometres.

Some of the trade marks which were filed by applicants more than 100 years ago are still of enormous economic importance. They were often the foundation stone for a successful future. None of the applicants probably had guessed how much their ideas would change the world and could have foreseen the extent of their success.



Some of the trade marks are well known to all of us. They have been familiar to us since childhood. Managing these trade mark files is always something special for our staff at the trade mark administration department. Many interesting stories are hidden behind some of these trade marks.

Did you know that the trade mark application **"Plus"** was already filed in 1911? The trade mark, applied for by Hamburger Kaffee-Import-Geschäft/Gesellschaft Emil Tengelmann, located in Mühlheim/Ruhr, still belongs to the Tengelmann Group. Many successful enterprises founded in those days were named after their founders. However, Mr. Tengelmann himself had never founded an enterprise. The company was founded by two sons of the grocer Wilhelm Schmitz-Scholl. They wanted to open their first retail store in Düsseldorf and distinguish themselves from their father's name. That is why they were quick to revert to the name of their long-term employee, the Managing Director Emil Tengelmann.

Another famous trade mark of the year 1911 owes its existence to the words delivered by a father in a Berlin accent: "Ick koof euch keene Puppen. Ick find se scheißlich. Macht euch selber welche." (I won't buy you any dolls. I find them ugly. Make your own dolls.) For her first doll Käthe Kruse used a potato for the head and a big square piece of fabric. The four corners of the fabric became the arms and legs. She filled it with sand thus creating the soft and cuddly body of a toy doll. Her dolls did not look like little adults – they looked exactly like children. Adults were enthusiastic about **"Käthe Kruse"** dolls because they looked so childlike and stimulated parental care instincts. Children loved these dolls because they were so much like themselves. This was the recipe for a success story that would go around the world.

In 1911, Käthe Kruse received her first order and began serial production of hand-made dolls in her Berlin apartment. In 1912, the fast increasing demand prompted Käthe Kruse to move her doll workshop to Bad Kösen about 30 kilometres northwest of Jena. At that town she began her professional career as an entrepreneur, built up her first doll factory and

developed more than fifteen different types of dolls. In 1950, she moved production to Donauwörth where her family continued her work until 1990. Even today Käthe Kruse dolls are still being produced in Donauwörth.

For many of us fresh coffee is an early morning pick-me-up. Those who do not go for espresso or cappuccino will mostly make use of an invention that was born 103 years ago: the coffee filter. It was a woman who came up with this idea. For many years Melitta Bentz from Dresden had been annoyed with the crumbs of coffee grounds in her cup, which put her off enjoying her coffee. But she was quick to think of a solution using two simply things: She punched holes in the bottom of a tin can, covered them with a piece of blotting paper from her son's notebook and placed the can over a coffee pot. Then she filled the can with ground coffee and poured hot water over it. Now she was able to enjoy the first aromatic grounds-free filter coffee. This method quickly developed into a profitable business idea.
On 20 June 1908, Melitta Bentz filed a successful application for the invention of a coffee filter at the Imperial Patent Office in Berlin. The Office granted utility model protection (No. 347895) for a "coffee filter with curved bottom perforated by slanting extraction holes". The blotting paper was referred to as "filtration paper" in officialese. Until today only the Melitta company is allowed to call this product "Filtertüte" (filter bag) – everything else is "Filterpapier" (filter paper). At that time, filter coffee had come into the world, followed three years later by the application for registration of the trade mark **"Melitta"** for coffee filters and boil over preventers made of metal.

The production of filter paper started in a room of eight square metres in the Dresden five-room family apartment. When the subsequent production building in Dresden was bursting at the seams the company moved to Minden in Westphalia in 1929 because no adequate production facilities were found in Dresden. Since that time the company headquarters have been in Minden.

When, in 1917, Franz Kafka rewrote the adventures of Odysseus and the Sirens, in which Odysseus ties himself and additionally plugs his ears with beeswax, Kafka had already had two years' experience with OHROPAX. It was generally known that Franz Kafka had a strong need for quiet and peace, and in 1922, he admitted to his friend Robert Klopstock that he needed more peace and quiet than could be found anywhere above the ground and that he would not be able to get along without OHROPAX at day and night.

In 1901, the pharmacist and chemist Maximilian Negwer, a native of Silesia, started his own business as a chemist. Later he sold his shop and, in October 1907, founded the "factory for pharmaceutical and cosmetic specialities Max Negwer". Right from the beginning, Negwer was fascinated by the issues of noise and hearing protection. He assumed that there would be a great demand. It was allegedly around 1903 that friends called his attention to Greek mythology and to Homer's Odyssey. It is said that Odysseus had all his sailors plug their ears with wax and tied himself to the mast when they passed by the islands of the enchanting Sirens. On 27 December 1911, Max Negwer applied for the trade mark **"Ohropax"**.

After many experiments with different fats, oils and types of animal tallow, Negwer finally achieved a breakthrough when he took cotton wool as a carrier substance saturating it with a special mixture of vaseline and paraffin waxes. In the autumn of 1908, the very first retail pack of OHROPAX hearing protectors was put on the market for the price of one mark: the first six-pair box. The name OHROPAX is derived from the Latin word "pax" for peace and roughly translates to "peace for the ears". After the introduction of the new currency in 1923 the sales price for a six-pair box was fixed at two marks. Today, OHROPAX GmbH is a medium-sized enterprise employing 35 staff. More than 25 million OHROPAX earplugs are being produced each year.

IN FOCUS

Common European classification database

The scope of protection of a trade mark is determined by the claimed goods and services. Obviously, they must be clearly identified.
The international Nice Classification currently provides assistance in choosing the right terms. It has a list available that contains about 8,000 entries for the uniform wording of specific items. Practice has shown, however, that the entries included in this list are frequently not sufficient. It is not always easy to identify the goods and services in a clear and unequivocal manner: each observer will interpret a wording in his own way and have slightly different associations. It takes many resources on both the applicants' and the examiners' sides to find wordings that are objectively precise and sufficiently determined.

For this reason, the trade mark offices of 23 countries of the European Union have joined a project of the Office for Harmonization in the Internal Market (OHIM) in Alicante for establishing a common classification database. The aim is to create a common, sufficiently large database of internationally accepted terms within the Nice Classification system allowing for fast and non-bureaucratic change processes. Each Office translates the English basic terms into the respective national language und checks the class attributed. This is to create a database containing English basic terms and associated class numbers which will be accepted by all participating countries.

This classification database is designed to make things easier for Offices and applicants alike. Repeated discussions on the same terms will no longer occur. In addition, the database will assume a kind of "shopping basket function" when the application forms are filled in on our website. It will of course still be possible to specify goods and services not contained in the database. The database will be available to the public in the course of 2012.

Goods & Services Manager of WIPO

We also participate in establishing the Goods & Services Manager of the World Intellectual Property Organization (WIPO). This database contains about 30,000 terms of goods and services in several languages, which are accepted by WIPO. The German language terms are agreed between Austria, Germany and Switzerland and are also integrated in the uniform classification database of OHIM.

Class headings

The Goods & Services Manager of WIPO and the uniform classification database of OHIM will have a uniform structure going beyond the mere class system of the Nice Classification. The structure has been established with a view to largely group the individual terms of goods and services by means of general indications, the so-called "class headings". Ultimately, it should be possible to define the goods and services of a class by means of a few general indications. This does not mean that the general indications will, per definition, always include all goods or services of a class. This attribution will only be acceptable if the contents of the general indication does in fact comprise the respective goods and services under terminological aspects.

Indications of geographical origin



… protection of products from your region

Products that have acquired a reputation beyond the borders of their region of origin will frequently attract copycats who offer lower quality products under the same name and pretend that these products are authentic. In order to protect producers of foodstuffs from this kind of 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 is now provided by Council Regulation (EC) No. 510/2006 of 20 March 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 region who manufactures the product in the traditional, customary way, as set out in a product specification.

It depends on the degree of connection with the region of origin whether a regional specialty product will be entered in the register of the European Commission as PDO or as PGI. 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" are stricter than for protected geographical indications. All manufacturing steps of PDO products must be performed in the region of origin. In addition, the product characteristics must be largely based on the geographical origin.

There are 57 names of German products currently registered in Brussels, for example, Allgäuer Emmentaler (cheese), Thüringer Rostbratwurst (sausage) and Lübecker Marzipan. In addition, 23 mineral waters are labelled "protected designation of origin". Under the legislation now in force, mineral waters can no longer be registered as PDOs. Protection of mineral waters will run out at the end of 2013, upon expiry of the period of transition. So far, more than 1,000 names of foodstuffs and agricultural products from EU member states have been protected. The top-ranking countries are those known for highly valuing food, namely Italy, France and Spain.
Since these systems of protection are now largely available to third countries, too, five designations of origin from China have been registered in 2011, and the geographical indication "Darjeeling" from India. The range of protected products includes cheese, meat and meat products, fish and shellfish, fruit, vegetables, olives, vinegar and oil, as well as pastries and beer.

Registration as "protected geographical indication" or "protected designation of origin" is subject to a favourable decision on the application by both the competent national authority and the European Commission. The German Patent and Trade Mark Office (DPMA) is the competent national authority in Germany. The application will be published under both the national and the European assessment procedures. This gives other persons the opportunity to lodge objections if they deem that their legitimate interests are affected, such as other manufacturers of the relevant product, in particular.

In 2011 we received four applications for registration, the same number as in the preceding year. The applications related to the names "Dithmarscher Kohl" (cabbage), "Elbe-Saale Hopfen" (hops), "Höri Bülle" (onion) and "Holsteiner Mettwurst" (sausage). We have forwarded eight applications for registration to the European Commission in Brussels upon a positive conclusion of the national examination.

The European Commission published five applications from Germany in 2011 where it considered that the requirements for registration were fulfilled. Furthermore, it registered five German names of origin, namely the geographical indications "Bayerisches Rindfleisch" (beef), "Göttinger Feldkieker" (sausage), "Göttinger Stracke" (sausage), "Hofer Rindfleischwurst" (sausage) and "Rheinisches Apfelkraut" (apple butter).

In appeal proceedings on the name "(Fränkisches) Hiffenmark" (jam), the Federal Patent Court (BPatG) confirmed that a single producer was entitled to file an application under Article 2 of the Implementing Regulation (EC) No. 1898/2006. In deviation of its previous interpretation of the law the court held that the reputation of a product as such constituted an origin-related characteristic within the meaning of Article 2(1)(b) of Council Regulation (EC) No. 510/2006 and therefore could establish an individual applicant's entitlement to file an application.

Furthermore the Federal Patent Court confirmed our opinion that the names "Obazda" and "Bayerischer Obazda" (cheese preparation) were not generic and that they were, on principle, eligible for Europewide protection as geographical indications. A firm not based in Bavaria had filed an appeal to the registration of these names. The court, however, did not consider it appropriate to stipulate the thermisation process as the sole measure of preservation. In the opinion of the Federal Patent Court, such a stipulation might unfairly prejudice producers based in Bavaria wishing to use other methods of preservation.

In another case, the Federal Patent Court ruled that the authenticity of sliced and packaged "Schwarzwälder Schinken" (Black Forest ham) was only sufficiently guaranteed if the ham was sliced and packaged in the Black Forest and if this could be inspected on the spot. For this reason the Federal Patent Court considered a relevant application for amending the specification of the PGI to be well founded.

Designs



... protection of the visual features of a product

Now more than ever, the design plays a considerable role in influencing purchase decisions. Companies can use attractive colours and shapes to appeal to the emotions of customers and build customer loyalty.

Design rights can be registered in respect of the outer appearance – the design – of two-dimensional or three-dimensional objects. They provide protection against copying and are an important economic factor. A registered design gives the owner the exclusive right to use the design and to prohibit third parties from using it without authorisation.

Design rights are time-limited IP rights. The maximum term of protection is 25 years from the application date.

We can only register designs which are new at the time of filing the application. New means that no design that is identical or differing only in immaterial details has been published, exhibited or otherwise put on the market before the date of filing the application. Furthermore, the design must have individual character. This means that the overall impression must differ from that of previous 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.
The reproductions of the design submitted with the application for registration 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.

For detailed information on questions about designs please see our “Designs” information brochure and our website at www.dpma.de.

Development in design application figures

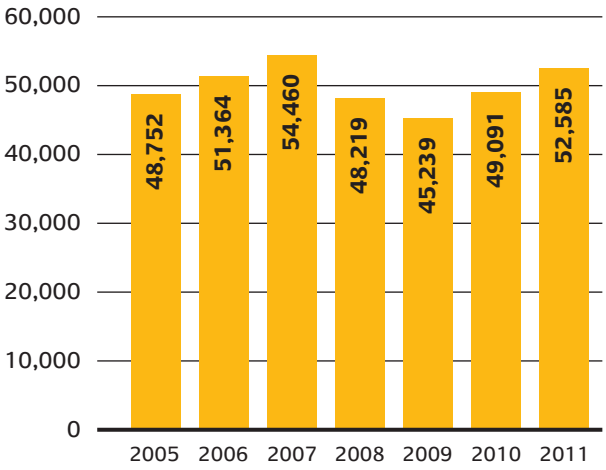
In 2011, we received 6,124 applications covering 52,585 designs. This was again a significant increase on the previous year (49,091 designs in 6,192 applications). The number of applications dropped by 1.1%, but the number of designs applied for increased by 7.1%.

We conclusively dealt with requests for the registration of 50,785 designs (2010: 50,430). 48,887 of the designs (2010: 48,453) were entered in the designs register.

Up to 100 designs can be grouped in a multiple application. 60.3% of the applicants chose this option (2010: 57.6%). 13.6 designs on average were filed per multiple application (2010: 13 designs).

Publication of the images of a design can be deferred for up to 30 months upon request (deferment of publication of the representation). The proportion of designs for which deferred publication was requested increased slightly to 35.4% (2010: 31%).

Figure 10: Designs applied for at the German Patent and Trade Mark Office



Origin of design applications

The proportional share of designs filed by applicants based in foreign countries increased slightly to 22.2% (2010: 18.6%). The majority of the designs applied for by foreign applicants originated again from Austria (10.1%), followed by Italy (8.5%) and Switzerland (0.9%). An overview is provided in Table 14.

Table 14: Designs applied for the German Patent and Trade Mark Office in 2011 by countries of origin

	Designs applied for at the DPMA	Proportional share in %
Germany	40,919	77.8
Austria	5,313	10.1
Italy	4,463	8.5
Switzerland	490	0.9
USA	203	0.4
Taiwan	183	0.3
China	138	0.3
Spain	137	0.3
Others	739	1.4
Total	**52,585**	**100**

Design applications by German Länder

In 2011, 40,919 designs were filed by applicants from Germany. North-Rhine/Westphalia ranked again top among the German Länder (11,590 designs filed, corresponding to 28.3%), followed by Bavaria (18.3%) and Baden-Württemberg (13.7%). More than 60% of the designs filed originate from these three Federal Länder. These figures clearly show that there is a close connection between the economic power of a specific region and the filing activity of enterprises and people based in this region (see Figure 11 and Table 15). Table 15 lists the number of designs filed per 100,000 inhabitants.

The relation of the designs applied for and the number of inhabitants is more significant since the population density of the Federal Länder is taken into account. In this analysis, Rhineland-Palatinate (70 designs filed per 100,000 inhabitants), Hamburg (67) and Berlin (66) lead the ranks.

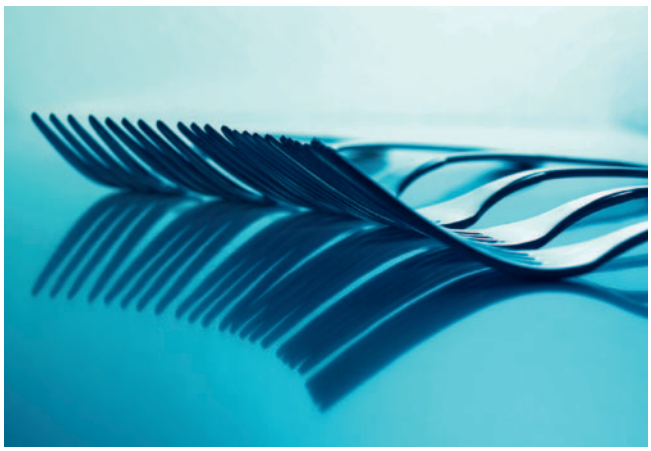


Figure 11: Design applications by German Länder in 2011

Table 15: Designs applied for, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2010			2011		
	Designs applied for	Proportional share in %	Applications per 100,000 inhabitants	Designs applied for	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/ Westphalia	11,090	27.7	62	11,590	28.3	65
Bavaria	7,592	19.0	61	7,494	18.3	60
Baden-Württemberg	6,564	16.4	61	5,616	13.7	52
Rhineland-Palatinate	2,280	5.7	57	2,802	6.8	70
Lower Saxony	2,875	7.2	36	2,679	6.5	34
Hesse	2,591	6.5	43	2,569	6.3	42
Berlin	1,871	4.7	54	2,294	5.6	66
Schleswig-Holstein	869	2.2	31	1,322	3.2	47
Hamburg	1,486	3.7	84	1,199	2.9	67
Saxony	960	2.4	23	1,176	2,9	28
Thuringia	359	0.9	16	675	1.6	30
Brandenburg	455	1.1	18	427	1.0	17
Saxony-Anhalt	326	0.8	14	367	0.9	16
Bremen	162	0.4	24	253	0.6	38
Saarland	267	0.7	26	241	0.6	24
Mecklenburg-Western Pomerania	228	0.6	14	215	0.5	13
Total	**39,975**	**100**	**Ø 49**	**40,919**	**100**	**Ø 50**





Design applications by classes of goods

The 48,887 registered designs were registered in 71,144 classes of goods in total (2010: 82,487). The distribution of the designs to the classes of goods in 2011 shows that, contrary to the previous year, the largest number of designs (15.3%) were filed in class 06 (furniture). Class 05 (textile piecegoods, artificial and natural sheet material) ranked second with 13.4%, followed by class 02 (articles of clothing and haberdashery), accounting for 11.2%. The percentage of the individual classes of goods is shown in Table 16.

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 % of all design applications (2010: 19%). Since 1 March 2010, the DPMAdirekt online service has provided the option to file design applications electronically. This filing route was used for 11% of all design applications (2010: 5%).

Table 16: Designs applied for by classes of goods in 2011

Class	Class headings	Registrations of classes of goods in 2011	Percentage	Differences between 2010 and 2011 in %
06	Furniture	10,915	15.3	- 12.6
05	Textile piecegoods, artificial and natural sheet material	9,554	13.4	- 29.4
02	Articles of clothing and haberdashery	7,964	11.2	- 46.2
11	Articles of adornment	6,807	9,6	34.4
32	Graphic symbols and logos, surface patterns, ornamentation	6,212	8.7	- 2.0
25	Building units and construction elements	5,010	7.0	82.0
26	Light apparatus	3,761	5.3	- 1.8
19	Stationery and office equipment, artists' and teaching materials	2,575	3.6	- 29.3
14	Recording, communication or information retrieval equipment	2,092	2.9	68.0
21	Games, toys, tents, sports goods	1,996	2.8	- 18.4

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, protection will initially be limited to 30 months. During that time the owner of the design may pay an extension fee to extend the period of protection to five years after the filing date (extension).

We will record a transfer if the IP right is transferred from the owner to another person, or if there is a change of representative.

Table 17 shows the development of procedures. The extension rate, although still at a low level, has slightly increased in comparison to the preceding year. 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 (15,657) dropped by 8.5% in comparison to the preceding year (17,116). We think that this development is due to the reduced application figures in the years between 2000 and 2005 (drop by about 10% each in comparison to the preceding year). In 2011 changes were recorded for 13,337 designs, a drop by 30.5% (2010: 19,188).

Table 17: Data on designs procedures

	2005	2006	2007	2008	2009	2010	2011
Cancellations	53,199	55,167	54,066	56,484	52,800	48,479	46,293
Renewals	18,609	15,752	18,342	16,800	15,487	17,116	15,657
Extensions	1,439	1,986	2,261	2,543	1,800	2,664	3,381
Recording of changes	20,565	13,637	20,547	17,838	17,201	19,188	13,337

Did you know that ...

... the hole punch was patented 125 years ago?

We owe the invention of the hole punch, which you are likely to find in any office, to Friedrich Soennecken. The paper hole punch for folders, patented in November 1886 by the Imperial Patent Office, has made it easier to punch holes in sheets of paper and collect properly punched papers in folders. This invention put many mountains of paper and files in order.

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. The German Patent and Trade Mark Office exercises this supervision (Section 18 et seq. Copyright Administration Act).

As the supervisory authority we grant authorisations to conduct business to collecting societies in agreement with the Federal Cartel Office and constantly monitor whether the relevant conditions of grant continue to be met. Furthermore, we make sure that the collecting societies fulfil their duties, which are laid down 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 authorised to conduct business. In 2010, the collecting societies obtained roughly 1.43 bn euros (the 2011 figures were not yet available at the copy deadline). The income of each collecting society is listed in Table 18.

News of the activities of the state supervisory authority:

GEMA, the biggest collecting society, decided to modify its internal structure in June 2011. This raises the number of delegates representing the interests of the associated and extraordinary members at member meetings from previously 34 to up to 64. GEMA had discussed the new rules in advance with the supervisory authority.

We asked the collecting society VG WORT to completely separate the future distributions of royalties in the areas of press review and press reprography. The reprography royalties are collected for copies of copyrighted works for the private and personal use, paid by producers of appliances and storage media. The royalties for press reviews are collected for the compilation of articles of press products. Up to now the right holders had received only the respective higher payment of the two areas. The new distribution plan provides for participation in both payments.

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 2011, the register contained 731 works by 395 authors. Further statistical data are provided in the table "Register of Anonymous and Pseudonymous Works" on page 99, in the annex "Statistics".

Table 18: Income of the collecting societies in 2010

Collecting societies[1]		Total budget[2] 2010 in million euros
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	862.961
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	182.915
VG Wort	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	135.329
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	3.027
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	57.983
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	9.865
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	38.664
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	24.282
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	49.604
AGICOA GmbH	AGICOA Urheberrechtsschutz Gesellschaft mbH	24.922
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	42.819
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	0.018
Total		**1 432.389**

1 The authorisation to conduct business issued to VG Werbung + Musik mbH was withdrawn in 2010.
2 The total budget includes income from licenses and claims to remuneration, income from interest and securities as well as other operating income.

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 submits settlement proposals to the parties which may have similar effects as court decisions.

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. The employee-inventor has a claim to reasonable compensation against the employer in return for the loss of rights. 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 2011

In 2011, the Arbitration Board received 72 requests for conducting arbitration proceedings. The Arbitration Board concluded 76 proceedings in the period under review. The settlement proposals of the Arbitration Board continue to be widely accepted. The parties accepted the settlement proposals in 69% of the cases.

The Arbitration Board had again to consider a wide range of legal problems in 2011.

The Arbitration Board holds the view that subjective aspects cannot preclude the allegation of inequity of a remuneration agreement.

In another case, the Arbitration Board determined that an alteration of the subject-matter of the proceedings by a party, and the other party's consent to this alteration, must be clear and specific.

In a further settlement proposal, the Arbitration Board recognised the legal institute of single employment, developed by the Federal Labour Court, in employee inventions law too. If an employee has a single employment relationship with two employers, the rights and obligations arising from the Employee Inventions Act have to be assumed in a uniform way by the employers. Under invention law aspects, both employers are joint and several creditors and are liable as joint and several debtors.

If an employer does not wish to maintain an IP right granted in respect of a service invention, he has to transfer this right to the employee at the latter's request. In such a case, the employer can reserve a non-exclusive right to use the service invention against reasonable remuneration. In the opinion of the Arbitration Board, it is irrelevant for the amount of the remuneration whether the employee must observe IP rights of the employer in order to commercially exploit the invention. The Employee Inventions Act does not include an obligation of the employer to enable the employee to fully exploit the service invention transferred to him.

The Arbitration Board determined the value of an invention, which had been used in an intermediate product and not in an independent commercial product, on the basis of the manufacturing costs, which had to be extrapolated to fictitious net sales using a conversion factor.

Another arbitration case dealt with the step by step prescription of the inventor's claim to remuneration.

The Arbitration Board under the Copyright Administration Act

The authors of musical, literary, artistic or similar works are entitled to receive payment for the use of their works by others. Since individual authors often cannot track down every use of their works, they usually rely on collecting societies to represent them to enforce their rights and collect royalties for the use of the works.

The Copyright Arbitration Board mainly mediates disputes about the amount of royalties. These disputes frequently concern so-called inclusive contracts. Inclusive contracts are concluded between a collecting society and users of works who have joined up to form an association.

The Arbitration Board in 2011



In 2011, 122 disputes were brought before the Arbitration Board. 258 proceedings were concluded, including one inclusive contract case. In 166 cases, a decision is yet to be taken; among them is one inclusive contract case.

This means that the number of new requests received decreased over the preceding year (234 requests received), but is still at a high level compared to previous years. The majority of the new proceedings are disputes with manufacturers or importers of copying devices, such as mobile phones, MP3 players, PCs and of data storage devices, such as USB flash drives, memory cards and hard disks.

In 2011, the Arbitration Board took a decision on the fees for the use of music in dancing schools. Parties to the arbitration proceedings were, on the one hand, the collecting societies, Gesellschaft



für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA) and Gesellschaft zur Verwertung von Leistungsschutzrechten mbH (GVL), and, on the other hand, the association of dance teachers. The Arbitration Board determined the amount payable by the members of this association for the use of copyrighted musical works in dancing classes, to the two collecting societies. The amount of royalties that the collecting societies intended to demand from dancing schools was reduced to a reasonable amount by the Arbitration Board. In addition, the Board made a proposal on the distribution of the collected royalties to the two collecting societies.

In 2011, Bundesgerichtshof (Federal Court of Justice) confirmed several decisions of the Arbitration Board regarding a new levy scheme proposed to GEMA and organisers of street fairs and town festivals where music is played. The court decided, in the last instance, that the calculation of copyright royalties payable should, as a rule, be based on the size of the venue where the event took place. That means the larger the space used by the organiser the higher the royalties payable for the use of the music, since this means that a larger number of people will hear the music.

Statistics of the Arbitration Boards at the German Patent and Trade Mark Office

Table 19: Arbitration Board under the Employees Inventions Act at the DPMA

Year	Requests received	Cases concluded					Arbitration proceedings pending at the end of the year
		Settlement proposals accepted	Objections to settlement proposals	Refusals to participate in arbitration proceedings	Proceedings concluded in other ways	**Total proceedings concluded**	
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
2011	72	24	11	20	21	**76**	96

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 20: Arbitration Board under the Copyright Administration Act at the DPMA

Year	Requests received	Including 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**	
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
2011	122	0	45	0	213	**258**	166

INTERVIEWS

Interview with the President of the German Patent and Trade Mark Office (DPMA), Cornelia Rudloff-Schäffer



Ms. Rudloff-Schäffer, what was the biggest challenge for you in 2011?

By far the biggest challenge was the introduction of our electronic case file – called ElSA – for patents and utility models on 1 June 2011. This date marks a historic turning point for our Office. Of course we have worked with IT supported systems for a long time. However, in spite of IT support, we had kept our case files on paper for over 130 years. Since 1 June 2011, everything has changed. We said goodbye to paper case files for patents and utility models, and changed over to full electronic processing.

A project of such dimensions always requires large-scale adjustment of existing structures and also a loss of duties and tasks. This normally also produces anxiety and resistance. Have you been successful in taking your staff along with you in this process of change?

It has been beyond question for me that, in addition to the technical introduction, we need to also keep an eye on the impact of this project on the working environment of staff. Such a large-scale IT project cannot succeed without acceptance by and guidance to staff. For it is true that IT provides assistance to us, but it does not work in isolation. In addition to the technical project group we also established a project group dealing with changes in the staff structure and with restructuring of existing jobs. We have also developed an extensive training programme. Nevertheless, the move to end-to-end IT-based processing meant a huge change for staff. In the outcome, despite some obstacles, the staff actively joined us on this road and see ElSA also as a chance for professional development. I am very grateful for that.

Why have you introduced the electronic case file at all?

As the German Patent and Trade Mark Office we do not have a monopoly position. Just think of the European Patent Office or the Office for Harmonization in the Internal Market in Alicante. Our electronic case file is a very important strategic instrument to strengthen our future competitiveness as a national office. We now have an IP processing system that ranks among the most modern and efficient IT systems of the world's large patent offices.

Ms. Rudloff-Schäffer, let us now turn to another issue. The creation of the EU patent has recently developed dynamically. As President of a national office, do you not view this development with scepticism?

Not at all. However, I am aware that such European developments give rise to questions and also concerns. Important IP rights have already been Europeanised under the European Patent Convention, the Community Trade Mark Regulation and the Community Design Regulation. So far, these developments have hardly had any impact on the volume of work at the DPMA. I see it as proof of the attractiveness of the DPMA. We have built a good reputation and are well prepared. What are the issues that are most important to applicants? Again and again I hear: quality, speedy processing and cost. With regard to these criteria, I am confident that we will be able to continue to hold our own internationally.

» As the German Patent and Trade Mark Office we do not have a monopoly position. «



What are your priorities in the next few years?

My aim is to strengthen the competitiveness and future of our organisation in the interest of our customers.



We have invested much time and resources in introducing our electronic case file. In the past few years, a very large number of staff were tied up with this project. Regrettably this also led to longer processing times. In this respect, we intend to again clearly shorten the duration of procedures in the future.

Furthermore, we plan to introduce full electronic processing also for trade marks and designs. Work is already underway in the trade mark area.

As the fifth largest national patent and trade mark office in the world we will continue to be involved in international activities. With regard to the increasing patent activity in Asia, for example in Japan, South Korea and China, we particularly think of an improved exchange of data. Work sharing and effective cooperation between patent and trade mark offices for the benefit of our customers are also among the issues high on the agenda.

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 with your continued interest: The enquiry units and search rooms of the German Patent and Trade Mark Office (DPMA) registered nearly 252,000 customer contacts in 2011. 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.

We have participated in the "D115" project since March 2011. Anybody seeking information can call the public administration's standardised services line at 115 to get many questions answered, for example, about the new national identity card, pension awards or how to file a patent application. If a question cannot be answered conclusively, the call will be directed to the competent agency. This project provides citizens and enterprises with a new access to IP information.

… 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.

… in our search rooms

More than 10,000 visitors used the facilities of the two search rooms in Munich and Berlin in 2011. 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 77 million patent documents contained in different collections, for example, using the in-office **DEPATIS** database.
The Technical Information Centre (TIZ) 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 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.
16 search workshops with more than 160 participants were held in 2011.

Are you interested in attending a workshop? For dates of current workshops see www.dpma.de and our newsletter on online services.

… online at www.dpma.de

You are interested in IP? Our website provides a wide range of useful information about patents, utility models, trade marks and designs. You can find information on IP rights and the application procedures at the DPMA, search our databases, download forms, flyers and information brochures and register for workshops and training courses. You can receive our latest news by RSS feed.

… at trade fairs

Trade fairs offer an opportunity to raise awareness among the public for an efficient protection of technical inventions, trade marks and product designs.

In 2011, the DPMA participated in 21 trade fairs and expert conferences in Germany and abroad. The DPMA benefits from cooperation schemes with:

- Koelnmesse GmbH (“No Copy!” initiative)
- Messe Frankfurt GmbH (“Messe Frankfurt against Copying” initiative)
- Messe München GmbH
- Messe Düsseldorf GmbH
- VDW Verein Deutscher Werkzeugmaschinenfabriken e.V., Hanover.

At selected fairs, we set up a joint stand with the central IP department of the customs authorities and present our organisation as a networking partner of national IP systems.

The new cooperation with VDW, the German machine-tool builders’ association, was very successful at EMO in Hanover, the world’s leading trade fair of the machinetool industry. EMO showcases the innovations of this branch of industry. The DPMA had a very attractive stand at this fair.

In 2011, we participated in the following fairs (see next page).

2011 trade fair calendar

Trade fair	
January	
28.01.–01.02.	CBP (Christmas-, Beauty-, Paperworld) (Frankfurt/Main)
February	
11.02.–15.02.	Ambiente (Frankfurt/Main)
March	
01.03.–03.03.	embedded world (Nuremberg)
15.03.–19.03.	ISH (Frankfurt/Main)
25.03.–26.03.	azubi- & studientage München 2011 (Munich)
April	
04.04.–08.04.	HANNOVER MESSE (Hanover)
06.04.–10.04.	Messe für Erfindungen (Geneva [CH])
May	
05.05.–06.05.	VPP (Berlin)
23.05.–26.05.	LASER World of PHOTONICS (Munich)
June	
08.06.–10.06.	Intersolar (Munich)
09.06.–10.06.	PATINFO (Ilmenau)

Trade fair	
July	
06.07.	Tag der gewerblichen Schutzrechte (Stuttgart)
August	
26.08.–30.08.	Tendence (Frankfurt/Main)
September	
04.09.–06.09.	spoga + gafa (Cologne)
14.09.–17.09.	GRUR-Jahrestagung (Berlin)
19.09.–24.09.	EMO (Hanover)
23.09.–24.09.	START-Messe (Essen)
October	
11.10.–13.10.	BIOTECHNICA (Hanover)
17.10.–20.10.	EPO Patent Information Conference (Kilkenny [Ireland])
19.10.	Bayerischer Patenttag (Munich)
21.10.–22.10.	deGUT (Berlin)
27.10.–30.10.	iENA (Nuremberg)
November	
16.11.–19.11.	MEDICA (Düsseldorf)
24.11.	Innovationstag Thüringen (Erfurt)

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 "No Copy! – Pro Original!" initiative.

Cooperation with the patent information centres

We cooperate with 23 patent information centres all over Germany. We thus ensure that qualified contact partners offer assistance in IP matters in all regions of Germany.
This service is very important for small and medium enterprises, universities, research institutions and individual inventors.

We organise training events for staff of patent information centres in order to guarantee a high level of service quality. In 2011, we organised four events attended by 47 participants in total from patent information centres, including two-day advanced seminars on designs and anti-piracy measures.

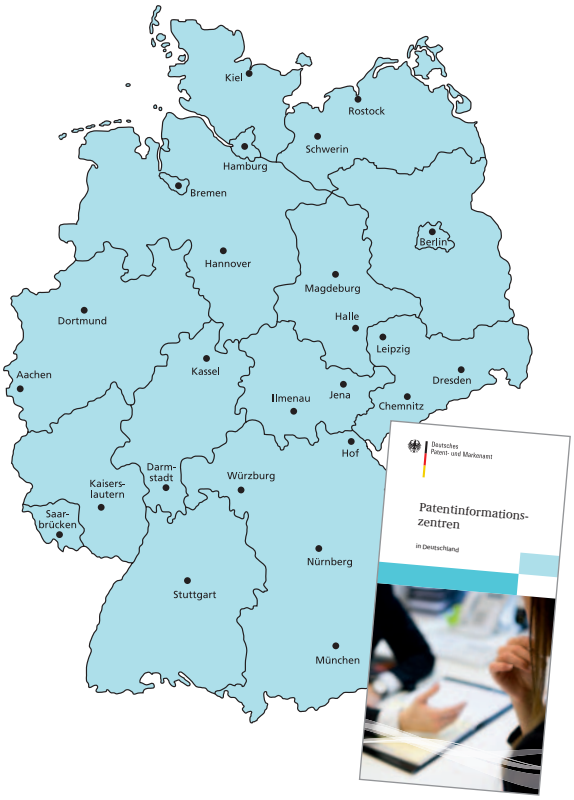
In addition, we assist the patent information centres in organising and running events on IP protection. In 2011, we jointly carried out 18 events offering lectures and workshops, which were attended by nearly 800 participants from small and medium enterprises, above all. The main topics were: the development of patent strategies in medium enterprises, the utilisation of online patent databases, the protection of trade marks and e-filing of IP applications.

Twelve patent information centres accept applications for all types of IP rights, securing the filing date, and transmit them to our Office.
In 2011, these patent information centres have adapted their internal processes to the introduction of the electronic case file at the DPMA.

The Technical Information Centre (TIZ) in Berlin coordinates cooperation with the patent information centres. We also assist the patent information centres in their cooperation with other regional and natio-nal institutions such as the SIGNO partners (www.signo-deutschland.de), the chambers of industry and commerce and patent exploitation agencies. Furthermore we arrange contacts for the patent information centres to participate in international programmes of the European Patent Academy, the World Intellectual Property Organization (WIPO) in Geneva, the Office for Harmonization in the Internal Market (OHIM) in Alicante, the European Commission and the PATLIB network.

The contact details of patent information centres in Germany are listed in the “Patentinformationszentren” flyer accessible at http://www.dpma.de/docs/dpma/kooperation/piz_dt.pdf (in German).

Information on the patent information centres is also available at: http://www.dpma.de/english/the_office/cooperation/patentinformationcentres/index.html



IT developments and information services



The electronic case file (ElSA)

On 1 June 2011, after an almost seven-year preparatory phase we activated our fully electronic case file processing system with electronic workflow management for patents, utility models, topographies and supplementary protection certificates.

A team of up to 350 people composed of staff members of our project partner, IBM Deutschland GmbH, and our Office have been designing, developing and implementing this new and complex system since September 2004.

ElSA has completely changed the IT landscape of the German Patent and Trade Mark Office (DPMA).

More information on this topic is available in the chapter “First experiences with ElSA” on page 56.

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

Our trade mark staff has used the electronic DPMA**marken** system for national trade mark procedures since as early as 2006.
Since 2010 we have also used this system for processing applications for international registration of marks (IR) and requests for extension of protection to Germany and all associated secondary procedures. We are constantly enhancing DPMA**marken**, bringing it into line with current court rulings to ensure a consistent working practice and high-level performance in the trade mark area.

All trade mark procedures are being processed electronically by means of the DPMA**marken** system. At present, we still keep a paper file for incoming requests and communications. Only the relevant procedural data are entered into the computer system to make them available for electronic processing. Some documents, for example, notifications, notices of defects and data on international registrations of marks are already transmitted electronically from the World Intellectual Property Organization (WIPO) for integration into DPMA**marken**.

Two years ago we started the project **ElSA Marke** to also be able to work without paper case files in the trade mark area in the future. Our contract partner for this project is Hewlett Packard.

In 2011, the project team **"ElSA Marke"**, consisting of staff from the IT department, the trade mark departments and our contracting partner, prepared the functional and technical specification of the electronic case file. For this purpose the project team took into account the interfaces and results gained from the project in the patent and utility model area for the introduction of the electronic case file. For example, it will be possible to re-use the digitising centre and also the document management system for the trade mark project.

The electronic case file for trade marks also aims at offering our customers an electronic communication channel through the DPMA**direkt** system. At the same time we strive to extend the electronic exchange of data with WIPO. We also plan to provide electronic file inspection under DPMA**register** for trade marks, just like for patents and utility models.

It is our objective to implement paperless processes for all trade mark procedures by 2014. To achieve this objective we have to digitise the existing paper files and migrate the data into DPMA**marken**. In 2011, we began our project by setting up a concept for scanning and migrating the existing paper files.



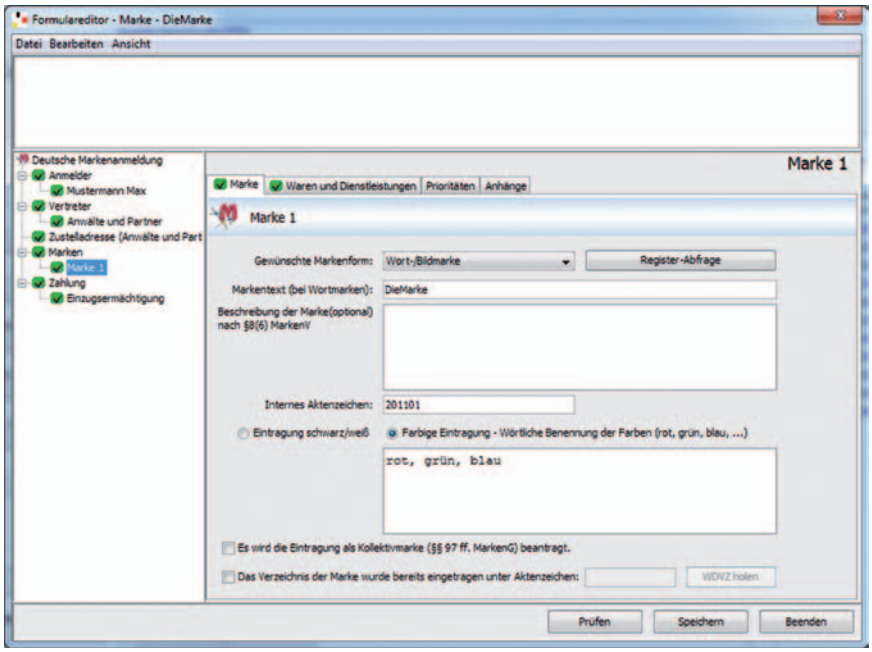
DPMAdirekt – online filing of IP applications

The number of applications filed online using our DPMAdirekt application software increased again considerably in 2011. Our DPMAdirekt servers processed roughly 40,000 electronically transmitted requests. The option to file design applications online was very well received by applicants.

In 2011, we again organised training days on DPMAdirekt. In our offices in Munich and Berlin as well as in the patent information centres of Dortmund, Dresden and Stuttgart our applicants had the opportunity to gain detailed information on DPMAdirekt. The attendees received tips on how to install and configure the DPMAdirekt software and were invited to try their hands at filing trial applications for the individual types of IP during a demo session.

We will further develop DPMAdirekt in 2012. For trade mark applications we will integrate the new editor, which has been adapted to the new design. In the medium term it is planned to provide an option to submit selected subsequent filings via DPMAdirekt.

Test DPMAdirekt! Filing of trial applications is possible even without a signature card! The software and further information on DPMAdirekt is available at www.dpma.de.



Trade mark application

Did you know that ...

... Johannes Kepler was also an inventor?

The German mathematician, astronomer, astrologer and optician invented the astronomical telescope. Kepler described a method for building a telescope in his treatise “Dioptrice”, which was published 400 years ago, in 1611. The telescope built by Kepler resembles a microscope. The specific design produces images rotated by 180 degrees, that means upside down and reversed.

DPMAregister – a proven service has been extended

The year 2011 was marked by the electronic case file (ElSA) which we successfully introduced for patents and utility models on 1 June 2011. At the same time, we extended our register and publication service **DPMAregister** by patents and utility models. From then on you can also use **DPMAregister** to conduct searches for patents and utility models in addition to searches for legal status information on trade marks and designs.

We aim to constantly enhance our service for you. For this purpose we have integrated the data of other institutions which offer IP rights that are valid in Germany. In August 2011, we integrated the Community trade mark data of the Office for Harmonization in the Internal Market (OHIM) in Alicante in **DPMAregister**. The data of international registrations of marks of the World Intellectual Property Organization (WIPO), in respect of which protection was requested for Germany, will be integrated in the first half of 2012.

For more information on **DPMAregister** please go to www.dpma.de.



DPMAconnect – the interface to DPMAregister

We have developed **DPMAconnect** for database hosts. You can use this web service interface to **DPMAregister** to directly and comfortably download our IP data in XML format. Initially, we have offered this free service for trade mark data and, within the course 2012, we will extend the service to the other IP data (patents, utility models and designs).

New database functionalities in DEPATISnet

DEPATISnet is our electronic patent document archive. In 2011, we introduced some new database functionalities to offer you a more comfortable use of our online services. The new features are based on your ideas and suggestions.

Due to changes in the captcha mode for the download of the complete document in **DEPATISnet**, the security code to be entered is now case insensitive. Furthermore, after performing a successful search, it is now possible to filter the family members of a patent family, returned by the search, in the result list. The highlighting of the search words in the searchable full text is another new feature. In the beginner's search mode, you can now enter IPC symbols in a global field to conduct a search.

If you have any other suggestions please write us at datenbanken@dpma.de. We are always pleased to receive your comments and suggestions.

IN FOCUS

First experiences with ElSA

On 1 June 2011 we activated our electronic case file (ElSA).

In the past, managing and processing of case files took a lot of time and effort. New IP applications were often submitted on paper. The application documents were then filed away in a folder and registered. Our staff handled the various administrative procedures, patent procedures and utility model procedures by means of such paper case files. They recorded work results in the paper files and transferred individual pieces of information regarding the procedure from the paper file to a central administration computer. This kind of case file management was time-consuming, prone to errors and not user-friendly.

ElSA enables us to process and manage patent and utility model case files fully electronically. The gap between paper-based processes and electronic processes has become a thing of the past. We now have an IP processing system that ranks among the most modern and efficient IT systems of the world's large patent offices.
The end-to-end electronic processing of case files provides benefits to our applicants but also to our staff.

Benefits for our customers:

- For example, your telephone inquiries will be answered faster since we can access the respective case file any time immediately.
- The total processing times have been reduced. For example, now the dispatch of office actions and decisions only takes two days; formerly it sometimes took two weeks.
- The period between the grant of the patent and the publication of the patent specification was also reduced. It now only takes seven weeks.
- In addition it is no longer necessary for you to submit multiple paper copies, and
- you have better search options through daily publication of procedural information.

Furthermore, ElSA is the prerequisite for the introduction of the online file inspection for patents and utility models. Online file inspection will be available in the second half of 2012.

There are also some other essential advantages regarding internal processing:

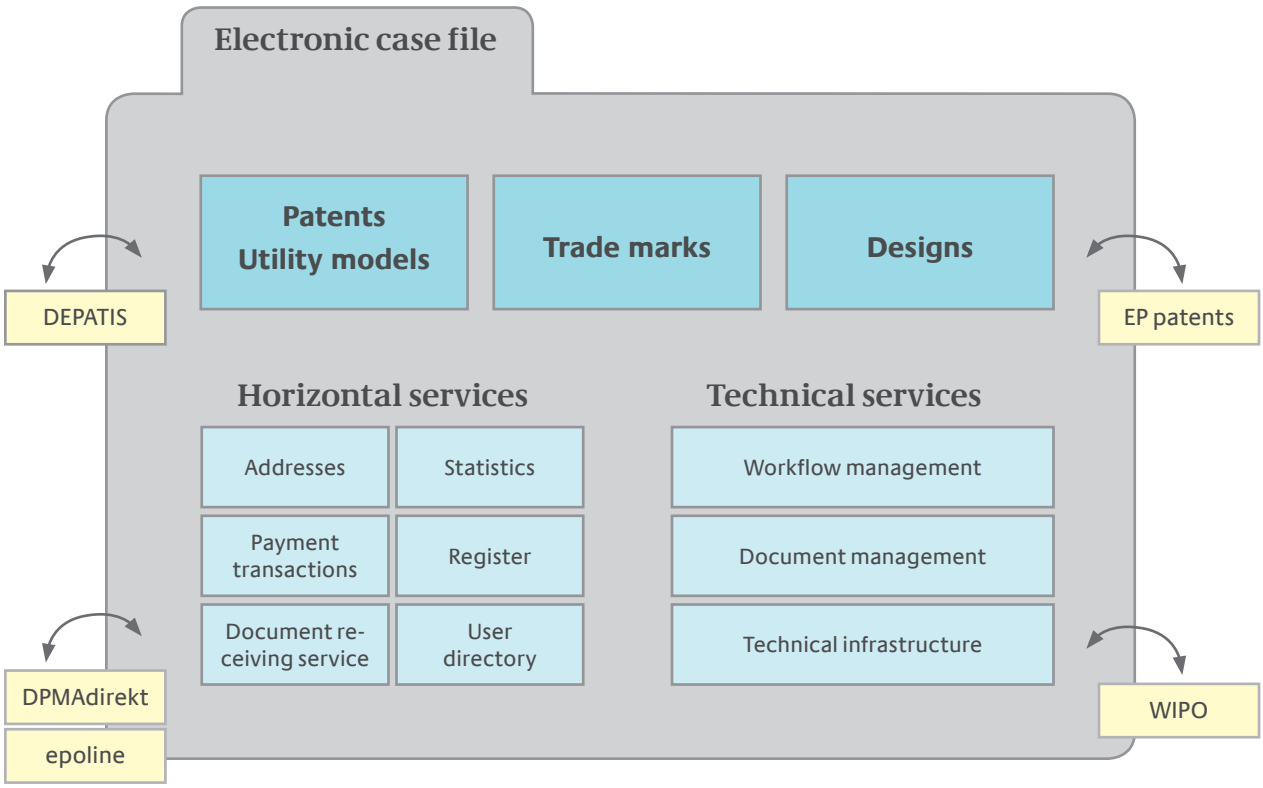
- The case files are available any time and
- several staff can simultaneously handle different processes relating to the same case file.
- The system displays the work steps that need to be performed in the current processing stage. It also provides the documents necessary for processing. This considerably simplifies and expedites processing.
- Archiving too has become easier, facilitating access to file information.

Taking stock of our experiences

All in all we are pleased with the introductory phase. The system generally runs reliably and it is possible to handle all main and secondary procedures without problems. For example, the first search reports of the DPMA drawn up using the new system were already sent out on 1 June 2011.

Of course, large-scale projects like ElSA never go perfectly smoothly. We were fully aware, right from the beginning, that certain start-up problems would be a natural part of introducing such a complex system. Even minor errors in individual workflows may have a big impact due to the high volume of transactions in our organisation.

The whole electronic case file project at the German Patent and Trade Mark Office can be illustrated as follows:



In the introductory phase there were indeed some inconsistencies which were traced back to the migration of legacy data into the new IT system. Furthermore, when we use ElSA in our daily business we still discover software errors which have not been recognised in the test phase.

We thank our customers for their quick comments and inquiries; they have been very helpful in assisting us to respond to shortcomings as fast as possible. We greatly appreciate your patience and understanding. Our staff are very committed to correcting errors. Errors and bottlenecks are being analysed, traced and fixed, one by one, by our internal expert teams. Already, many limitations were lifted and many errors corrected, and good progress is being made on the transition to a fully operational system.

During the first six months after the electronic case file system went live, we already processed several tens of thousands of cases in main and secondary procedures exclusively by electronic means.

The electronic workflow management has been implemented using the BPEL process manager (BPEL – Business Process Execution Language, a technical language to describe technical workflows). In 2011, roughly 10 million BPEL processes were performed in the system.

A strong team



Staff

In 2011, 2,699 staff in total worked at the German Patent and Trade Mark Office (DPMA). 2,386 staff were based in Munich and 313 in the Jena Sub-Office and in the Technical Information Centre Berlin. The overall headcount was a little lower than in the previous year. The number of women (1,363) and men (1,336) is fairly evenly balanced.

Staff recruitment

The DPMA is constantly recruiting qualified staff. In 2011, we hired 101 new recruits to fill positions at all career levels.

Incentives

In 2011, 289 very committed and high-performing civil servants received incentive bonuses amounting to 306,970 euros in total.

Training at the DPMA

Technological and social change leads to changes in all areas of life and work. Progress and the changing regulatory framework place high demands on our staff who have to take up the challenge to develop and constantly update their knowledge.

We provide a broad variety of training measures to our trainees and our staff members to help them strengthen and extend their skills and to further their professional development.
In this context, we also use modern multimedia-based forms of learning, for example, electronically supported learning (e-learning).

The year 2011 was a special year. It was marked by introductory courses on the electronic case file (ElSA) in the areas patents and utility models. On 7,000 training days, more than 1,000 staff attended qualifying courses concerning this new work environment. Besides training measures for users of the system, we offered training on data security and ergonomics as well as fitness classes and vision training.

In addition, members of staff attended 1,273 internal and 56 external training measures in different fields or training courses offered by the Federal Academy of Public Administration (BAköV).

Vocational training is a means to shape the future: As an organisation providing training under the Vocational Training Act (BBiG), the DPMA offers the framework for the initial vocational training for 81 young people in Munich, Jena or Berlin in the following skilled occupations:

- 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

As in the previous years, we again offered employment to all successful trainees after completion of their qualifying training.

In addition, many pupils seized the opportunity to attend prevocational training placements at our organisation.



Workplace health management

The health forum is the core of the workplace health management at the DPMA. Staff are the most valuable assets of a successfully operating organisation. Holistic health management is the cornerstone of our approach to promoting the health of our staff as well as to improving job satisfaction and strengthening motivation.

To achieve our objectives, the health forum is subdivided into four fields of activity:

- psycho-social support
- ergonomics, work safety
- sport and exercise
- nutrition

From these fields of activity we continually choose core topics, which we discuss with the competent people in our organisation and, if necessary, with external advisers. The results are turned into an action plan which we put into practice together with staff.

We offer a wide range of different health promotion measures to our staff. In addition to regular exercise programmes and relaxation techniques, we run health information days, flu vaccinations and also blood donation sessions. The range of options on offer are rounded off by office exercises under the guidance of a qualified fitness instructor, running groups, Nordic walking classes, company sports teams and presentations on nutrition.

In 2011, for example, for the fourth time, more than 100 runners and Nordic walkers of the DPMA successfully took part in the Munich corporate run at Olympia Park.

Our in-house health representatives for addiction issues organised an action day for the staff in Munich, which was themed “Alcohol? Less is better!” Our Jena Sub-Office ran a health promotion day focusing on the subject “nutrition and physical activity”.

The introduction of the electronic case file lead to a considerable increase in the number of staff working at computer screens. In the past year, we placed great priority on ergonomically redesigning workplaces and providing the relevant guidance.



At present, staff can contact 64 specifically trained ergonomics consultants at the DPMA to help them adjust tables, chairs, screens and software, following ergonomic principles. Besides questions regarding ergonomics, tips on what to do during the necessary screen breaks were much sought after.





These measures are complemented by ergonomics training for our staff, special courses on vision training, but also by starting to equip offices with height-adjustable desks.

INSIDE THE DPMA

The German Patent and Trade Mark Office – an attractive employer

The German Patent and Trade Mark Office (DPMA) has much to offer – not only as central service provider in the field of industrial property protection but also as employer.

The DPMA is a modern and open-minded employer, which offers its staff – civil servants or employees – secure jobs in stormy times. Our staff perform diverse duties involving the exercise of State authority in the public interest.



» Every day I see that progress is being made! «



Dr. Johannes Freudenreich
Diplom-Chemiker, patent examiner in the fields of polymer chemistry, fine chemistry and chemical process engineering

As a family-friendly employer the DPMA is committed to promoting work-life balance. We help staff to reconcile the demands of work and family life. Staff enjoy the benefits of flexible working hours. They have the option to build up hours in credit to allow them to take whole days off later under the flexitime scheme. Furthermore, we run a teleworking scheme, offering opportunities to work from home for many posts.
We provide various patterns of part time working to staff, which are tailored to suit their individual needs and fit in with their family responsibilities. We also have an on-site nursery for young children.

Promoting and maintaining the physical and mental well being of our staff and enhancing performance and job satisfaction is a primary objective for us, which we support by suitable measures.

The DPMA offers jobs in a modern working environment, based in the centre of Munich. Staff benefit from excellent public transport links and from the wealth of leisure opportunities offered by Munich, “the cosmopolitan city with a heart”, and its attractive surrounding area.

Curious? We are always looking for patent examiners, lawyers, IT specialists and civil servants of the higher intermediate non-technical administrative service. Furthermore, we offer vocational training in seven different skilled occupations.

For more information visit our website at www.dpma.de.

Stable in the crisis



The development of the budget situation of the German Patent and Trade Mark Office (DPMA) was entirely positive despite the world-wide financial crisis. The DPMA achieved an overall income of 317.4 million euros in budget year 2011.

As in the preceding years, the overall expenditure of 245.5 million euros was considerably lower than the income. However, the expenditure for personnel was 3.2% higher than in the previous year. This was due to the again increased number of additional temporary staff hired in connection with the introduction of the electronic case file, the employment of seconded staff of Deutsche Post AG and Vivento and the contributions to the Federal pension fund which continued to rise.

The DPMA was able to carry out construction measures and IT projects in 2011 thanks to good funding. So we are well equipped for the years ahead, which will be marked by scarcer funding. Energy-efficient fundamental reconstruction of the so-called high-rise in Munich was finished and settled in 2011. The DPMA had received funds amounting to nearly 5.8 million euros from the Federal government's second economic stimulation package for this project.

The overall financial situation of the DPMA in budget year 2011 was very satisfactory indeed.

Table 21: Income and expenditure of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)

	2010	2011	Change (in %)
Income	301.7	317.4	+ 5.2
Expenditure	236.7	245.5	+ 3.7
including personnel	138.8	143.3	+ 3.2

INSIDE THE DPMA

We are getting greener

The German Patent and Trade Mark Office (DPMA) is increasingly using renewable energy sources thus considerably improving its energy efficiency. We want to make an effective contribution to climate protection.

We received budgetary funds under the partial programme "fundamental reconstruction and energy-efficient renovation of buildings" of the second economic stimulation package (KPII) of the Federal government to undertake an energy-efficient refurbishment of our headquarters on Zweibrückenstraße in Munich.



Between 2010 and the end of 2011, we used these funds to install solar panels, vertical ground heat exchangers with a geothermal heat pump, a CHP unit and energy-saving ceiling lights in the building. Thanks to the combined use of geothermal and solar energy, we can meet 60% of the energy demand of our main building by renewable energy and reduce annual CO_2 emissions by about 1,380 tonnes. Since this helps to greatly reduce running costs for heating and cooling, we expect that the new system will pay for itself within five to seven years. The whole system will become fully operational in 2012.

In 2011, the office building of the Technical Information centre in Berlin (TIZ Berlin) was also retrofitted by optimising the heating system and upgrading the thermal insulation to help minimise energy waste. Furthermore, we replaced single glazed windows on the street front of the building by insulated glass windows.

This will provide better protection against excessive heat in the summer and yield energy savings in winter of roughly 60,000 kilowatt hours per year. In 2012, we will also upgrade the glazing of the windows to the inner courtyard.



In the field of information technology, we replaced many low-performance and energy-hungry servers by fewer but more powerful and, at the same time, more energy-efficient server models in the last few years. This aims to implement the two objectives of the "Green IT Initiative" of the Federal government. On the one hand, this initiative is meant to help reduce energy consumption resulting from operating IT systems. On the other hand, it intends to include energy efficiency as a criterion to consider in the procurement process for large new investments in the IT area.

For the next few years we also plan to optimise the cooling system of our data centre in terms of energy efficiency. Air conditioning consumes a great part of the total energy required for the data centre.

International cooperation



The German Patent and Trade Mark Office (DPMA), being the fifth largest national patent Office in the world, attaches great importance to international cooperation in the field of industrial property protection. The DPMA thus gives new impetus to the world-wide development of the patent system and pursues common strategic objectives together with its partner Offices.

Bilateral cooperation

Two cooperation projects played again a particular role within the scope of bilateral cooperation in 2011: the so-called Patent Prosecution Highway and the patent examiner exchange programmes. In addition, we intensified our bilateral contacts with the IP authorities in Brazil, Canada, China, India, Japan, Romania, Russia, South Korea, Turkey, the United Kingdom and the United States of America and started cooperation with the IP Offices of Australia and Vietnam.

Patent Prosecution Highway (PPH)

The purpose of the Patent Prosecution Highway (PPH) is to enhance the efficiency of the patent examining process through a mutual utilisation of work results.

By filing a PPH request, applicants can request accelerated examination at the DPMA and the respective foreign partner organisation provided that an essentially identical patent application had previously been filed at the respective other Office and that at least one patent claim had been determined to be allowable by that Office. In this case, the work results of the two Offices can be exchanged and mutually used. The possibility of mutual use expands the search options for the state of the art, further enhancing the quality of examination. It should be noted that neither we nor the respective partner Office are bound by the decisions of the other authority.

The DPMA currently runs PPH pilot programmes with six partner Offices: the Japan Patent Office (2008), the United States Patent and Trademark Office (2009), the Korean Intellectual Property Office (2010) and the Canadian Intellectual Property Office (2010). In 2012, we will launch PPH pilot programmes with the State Intellectual Property Office of the People's Republic of China and the Intellectual Property Office of the United Kingdom.

Patent examiner exchange programmes

The patent examiner exchange between two Offices is an important and valuable tool to gain an insight into the working practice of a partner Office. It allows the participating examiners to exchange experiences. They select essentially identical patent applications pending at the two Offices within the scope of priority applications and discuss these applications together. This enables the two Offices to gain information on the examination procedure and the patent examination environment of the partner Office, and allows the two partner Offices to learn from each other and to identify best practices.

Usually, two to four patent examiners from either Office take part in an exchange. We organise regular patent examiner exchanges with the partner Offices in Japan, South Korea, China, the USA and Russia. In 2011, an exchange programme was initiated with Australia. The patent examiner exchange programme with the United Kingdom will be continued in 2012.

Australia

The DPMA carried out a first patent examiner exchange programme with IP Australia in 2011. Two DPMA patent examiners visited their colleagues in Canberra in October 2011.



Director General Philip Noonan (IP Australia) welcomes German patent examiners

Brazil

We have been working together with the IP authority of Brazil (Instituto Nacional da Propriedade Industrial [INPI]) in various areas since 2005.

China

Our cooperation with the State Intellectual Property Office of the People's Republic of China (SIPO) held again a prominent place within the bilateral cooperation activities.

In spring 2011, we welcomed a high-ranking delegation of SIPO at the DPMA, headed by Deputy-Commissioner BAO Hong. On occasion of this visit, our Office management discussed the traditionally close cooperation of the DPMA and SIPO with Deputy-Commissioner BAO Hong.



Deputy-Commissioner BAO Hong (SIPO) and President Rudloff-Schäffer (DPMA)

From 10 to 15 October 2011, the DPMA and SIPO held two symposia in Beijing and Shanghai on IP issues to mark 30 years of successful cooperation.



Participants of the German-Chinese symposium in Beijing

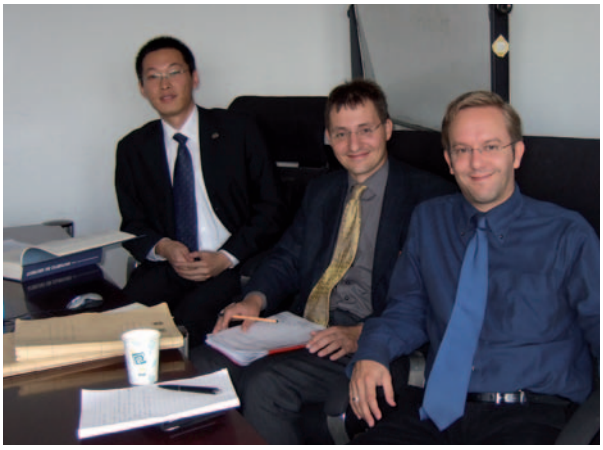
The DPMA delegation included the former President of the DPMA, Professor Dr. Jürgen Schade, the President of the Federal Patent Court, Ms. Beate Schmidt, and the President of the Chamber of Patent Attorneys, Dr. Brigitte Böhm, as well as other high-ranking representatives of German patent attorneys and German business and industry. The signing of a new memorandum of understanding (MoU) was a further milestone in the partnership cooperation between the DPMA and SIPO. President Rudloff-Schäffer and the Commissioner of the Chinese Office, Professor TIAN Lipu, signed a memorandum on a common PPH pilot programme on 10 October 2011. The PPH pilot programme with China will start in early 2012.



Professor TIAN Lipu (SIPO) and Ms. Rudloff-Schäffer (DPMA) signing the memorandum of understanding

In addition, Ms. Rudloff-Schäffer and Professor TIAN Lipu signed the work programme for 2011 and 2012, which sets out the further details of cooperation. One focus of cooperation will be on intensifying the exchanges of data and documents. These exchanges facilitate searches for Chinese and German prior art which is to be taken into account within the scope of patent examination. They will contribute to enhancing the quality of examination.

The patent examiner exchange programme is to be continued, too. Two DPMA examiners stayed at SIPO in October 2011.



Patent examiner exchange with China

Within the scope of the symposium in Shanghai, President Rudloff-Schäffer was awarded the title of "Honorary Professor" of Tongji University on 14 October 2011. The event was rounded off by lectures on patent quality, the patent systems in China and Germany and the patent attorney system in China.

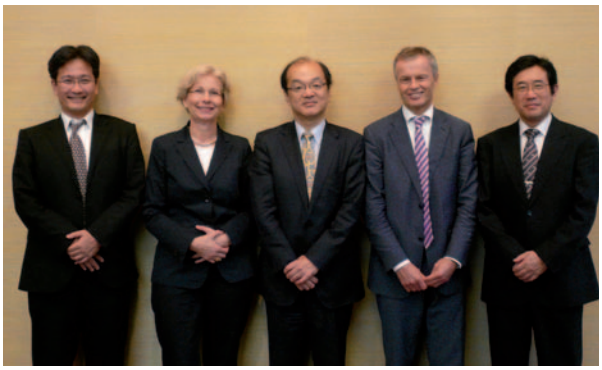


Professor ZHOU, Chairman of the University Council of Tongji University, presenting certificate

The long-standing strategic partnership between the DPMA and SIPO has contributed to the establishment of the Chinese Office and to the ongoing further development of a system for the protection of patents, utility models and designs in China. SIPO is now one of the five biggest patent Offices in the world. In the early phase of cooperation, during the 1980s, the Offices focused, above all, on technical cooperation, the establishment of binding standards and the training of examiners at the Chinese Office. This developed into mutual understanding and a close, trustful collaborative relationship.

Japan

The DPMA has maintained an intensive bilateral cooperation with the Japan Patent Office (JPO) for many years. In March 2008, we started the first PPH pilot programme with the JPO.
The patent examiner exchange programme has been an important element of cooperation since March 2000. The most recent visit took place in autumn 2011 when four JPO patent examiners stayed at the DPMA.



The participants of the Heads meeting in Geneva

President Rudloff-Schäffer and JPO Commissioner Yoshiyuki IWAI met in September 2011 in the margins of the General Assemblies of the World Intellectual Property Organization (WIPO) in Geneva and confirmed the continuation of the successful cooperation. The meeting was also attended by Dr. Ernst, Head of Directorate Commercial and Economic Law at the Federal Ministry of Justice.

Canada

The DPMA and the Canadian Intellectual Property Office (CIPO) have been carrying out a PPH pilot programme since 2010.

Romania

The DPMA has maintained bilateral relations with the State Office for Inventions and Trademarks of Romania (OSIM) since 1999. In September 2011, President Rudloff-Schäffer and OSIM Director General Gabór Varga met in the margins of the General Assemblies of WIPO in Geneva and agreed to continue the successful cooperation. President Rudloff-Schäffer will visit OSIM in Bucharest in summer 2012.

Russia

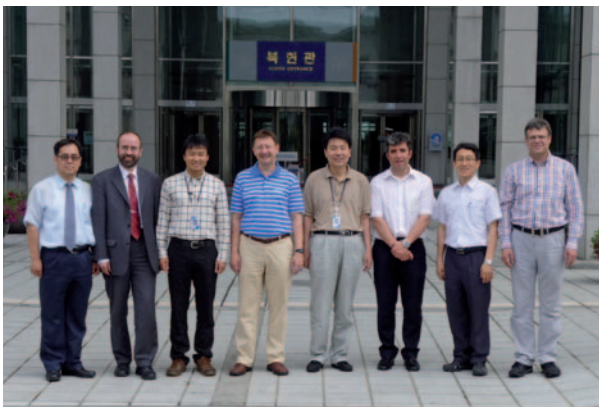
The second examiner exchange with the Federal Service for Intellectual Property (ROSPATENT) took place in 2011. Two patent examiners of ROSPATENT visited their examiner colleagues at the DPMA in November 2011.



Patent examiners of ROSPATENT with their examiner colleagues of the DPMA

South Korea

The DPMA and the Korean Intellectual Property Office (KIPO) concluded an agreement on a PPH pilot programme in 2010. The examiner exchange took place for the sixth consecutive time. In summer 2011, four patent examiners of the DPMA visited their colleagues at KIPO.



Patent examiners of the DPMA with their colleagues at KIPO

President Rudloff-Schäffer and KIPO Commissioner LEE Soowon discussed the successful cooperation at a meeting in the margins of the General Assemblies of WIPO in Geneva in September 2011.

Turkey

The DPMA provided input to an EU Twinning project in the area of patents in 2011. Based on this project, DPMA patent examiners carried out training courses in Munich and at the Turkish Patent Institute (Türk Patent Enstitüsü – TPE) in April 2011.

United Kingdom

At a meeting in December 2011, President Rudloff-Schäffer and John Alty, Chief Executive and Comptroller General of the UK Intellectual Property

Office, agreed to intensify the cooperation of the two Offices with a focus on meetings at executive and working level, a resumption of the patent examiner exchanges and quality management in the patents area.



President Rudloff-Schäffer (DPMA) and John Alty, Chief Executive and Comptroller General of the UK Intellectual Property Office

United States of America

The DPMA and the United States Patent and Trademark Office (USPTO) have been working closely together since 2009. A key element of cooperation is the common PPH pilot programme, established in April 2009. The Heads of the DPMA and of the USPTO agreed in May 2011 to extend the PPH pilot programme until the end of April 2013 and to improve the conditions of use for applicants at the same time. Applicants now have an additional request option at the DPMA: under the previous guidelines, processing under the PPH had only been available in respect of PCT applications (national or international applications under the Patent Cooperation Treaty [PCT]) claiming a U.S. priority. The extended programme allows applicants to file a PPH request also in respect of PCT applications not claiming a U.S. priority. This option is called the "direct PCT route".

President Rudloff-Schäffer and David J. Kappos, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, met in the margins of the General Assemblies of WIPO in Geneva in September 2011. They affirmed their commitment to further pursuing the bilateral cooperation in a close and trustful way.

In addition, we organised a German-American user seminar on the PPH in Munich, in 2011, and a joint workshop at the 133rd Annual Meeting of the International Trademark Association (INTA) in San Francisco. Read more about these events in our "A look back" section at page 72.



Participants of the German-American PPH user seminar in Munich

Vietnam

In cooperation with WIPO, the DPMA carried out training courses in Vietnam in March 2011 to provide support to the training of patent examiners of the National Office of Intellectual Property (NOIP) of Vietnam.

Developments in the European patent system

Developments in the area of the EU patent and the European patent judiciary

Since a unanimous agreement on a language regime for the EU patent was not reached despite intensive efforts, the European Commission had presented, still in December 2010, a proposal for an enhanced cooperation in this area pursuant to Article 326 et seq. TFEU. The European Parliament had given its consent to this proposal in February 2011. In March 2011, the Competitiveness Council adopted the decision authorising the 25 requesting Member States to establish an enhanced cooperation by a large majority of 25 of the 27 Member States. Only Spain and Italy did not approve the decision.

In mid-April 2011, the European Commission submitted two new proposals for regulations implementing this enhanced cooperation to the European Parliament and the Council. The two drafts contain provisions on the application for and the administration of a "European patent with unitary effect", on the one hand, and on its language regime, on the other hand. The proposal for the language regime draws on the three-language regime of the European Patent Office. With the exception of transitional provisions, a patent is to become effective after grant in the 25 participating Member States without requiring any further translations. Machine translations are to be provided without legal effect, for information purposes.

The European Court of Justice (ECJ) presented its Opinion A 1/09 on the compatibility of the draft agreement on the creation of a European patent judiciary with European Union law in March 2011. The court requested corrections on the grounds that the guarantees of EU law applying to national courts were not sufficiently observed due to the international character of the court. The European patent court is now to be created as a common court of the participating EU Member States and not – as originally intended – as a court open to third countries for participation.

By contrast, the ECJ has not yet rendered a decision on the complaint to the creation of unitary EU patent protection lodged by Italy and Spain.

Big steps were then made towards the creation of a unitary EU patent and a European patent judiciary. The Polish EU Council presidency just missed the objective to achieve an overall political consensus by the end of 2011. After the Council had adopted a general approach in June 2011, a consensus on the wording of the EU patent regulation was reached in the so-called "trialogue talks" of the Council Presidency, the European Parliament and the European Commission. The draft for an agreement creating a European patent court was adapted to the requirements set out by the ECJ in Opinion A 1/09 on the compatibility of the agreement with EU law. Finally, the Council Presidency identified a number of remaining questions which, however, could not yet be solved conclusively. These unsolved issues include, in particular, the seat of the central division of the European patent court. Germany advocates for choosing Munich as the seat of the central division. Other applications have been submitted proposing Paris, London, The Hague and Budapest.

European Patent Network

The national patent offices and the EPO must work in close cooperation if the current European patent system is to achieve the objective to promote economic growth in the best possible way.

With this in mind, the Administrative Council of the European Patent Organisation has 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 has shown that the utilisation of work results of national patent offices by the EPO helps to avoid duplication of work and enhances the efficiency 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).

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 185 members. Our Office participated again in the decision-making processes in various WIPO committees in 2011.

A look back – events in 2011



20 January, 31 March, 3 November and 17 November 2011
Jena lectures

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) in 2001. Since then, experts have explored intellectual property issues several times a year within the scope of our lecture series.

The centre-east district group of the Association of Intellectual Property Experts (VPP) supports the lectures as co-organiser.

In 2011, four lectures took place that dealt with the following topics:

- "Patent strategies in the biotech and pharmaceutical industry" by Dr. Christoph Hoock, Head of the state patent centre of Thuringia;
- "News on the abuse of rights in law against unfair competition" (Act Against Unfair Competition) by Dr. Jochen Schlingloff, judge at Oberlandesgericht Jena (higher regional court and court of appeal);
- "The road to the trade mark" by Professor Rayan Abdullah, Professor at Hochschule für Grafik und Buchkunst Leipzig – Academy of Visual Arts, Leipzig and managing director of Markenbau agency for corporate identity/corporate design;
- "Death of the Author" and the unconventional discussion on the "romantic author" in the Anglo-American copyright system by Dr. Andreas Rahmatian, Senior Lecturer, University of Glasgow.

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

4 March 2011
German Day at the Office for Harmonization in the Internal Market (OHIM) in Alicante

In early 2011, German Day at Alicante took place for the sixth time. Almost 30 attendees from industry, the legal profession and IP associations discussed problems regarding Community trade marks with OHIM representatives.

First, the OHIM presented the latest data and developments in the Office and in the Boards of Appeal. Details of the decision practice regarding absolute proceedings and opposition proceedings were debated. The following discussions offered the opportunity to exchange ideas and opinions.

Furthermore, the participants discussed the results and effects of the study on the European trade mark system undertaken by Max Planck Institute, the future role of the OHIM within the scope of the European Observatory on Counterfeiting and Piracy, and the present and future measures of quality assurance and enhancement.

The regularly held German Days are intended as an opportunity for interested German circles to exchange views and to openly discuss problems concerning Community trade marks with OHIM representatives.

17 March 2011
Symposium on supplementary protection certificates at the German Patent and Trade Mark Office

Representatives of national and international organisations as well as experts of industry and the legal profession met at the German Patent and Trade Mark Office (DPMA) in Munich to discuss economic and legal issues regarding supplementary protection certificates. The symposium was held under the slogan "Supplementary protection certificates – few applications, great economic importance".

These IP rights provide the option to extend the maximum term of protection for patents (20 years) by up to a further five years period for certain substances, for which authorisation as medicinal or plant protection products may be obtained, and even by up to a further 5.5 years period for medicinal products tested for paediatric use.

Research-based companies face comparably high research and development costs and long authorisation and regulatory approval procedures. Supplementary protection certificates extend the exclusive protection of a patent precisely at a moment in the life cycle of an active ingredient when profitable sales volumes are being achieved. Thus, these IP rights are of considerable economic importance.

24 March 2011
German-American user seminar on the Patent Prosecution Highway

On 24 March 2011, the DPMA organised a German-American user seminar on the so-called Patent Prosecution Highway (PPH) in Munich together with the United States Patent and Trademark Office (USPTO). The purpose of the event was to inform users about the PPH.



From left:
Charles Eloshway (USPTO), Commissioner Stoll (USPTO), President Rudloff-Schäffer and Vice-President Schmitz

Specialists from business and industry, patent attorneys and lawyers discussed current PPH issues and problems with Patent Commissioner Robert L. Stoll and colleagues from the USPTO and the DPMA. The participants of the seminar, many of whom work at enterprises with a high patent filing activity at both Offices, had the opportunity to discuss aspects of the PPH, which are relevant for applicants, in detail with specialists of both Offices.

14 to 18 May 2011
133rd Annual Meeting of INTA in San Francisco, USA

The 133rd Annual Meeting of the International Trademark Association (INTA) took place in San Francisco from 14 to 18 May 2011. This conference, the largest meeting worldwide of business representatives and lawyers specialising in IP and trade mark law, attracted more than 9,000 visitors.

The attendees from around the world, many of whom were from the USA, Canada, the People's Republic of China, Japan, India and South America, also used this important information platform for networking. The DPMA organised a workshop on "Trademark Procedures at the Patent and Trademark Offices in the United States and Germany" together with the USPTO. The US and German trade mark law systems were presented at this workshop and differences were explained, which are of relevance in practice.

28 May 2011
Science Night

On 28 May 2011, the 11th "Science Night" took place in the Berlin and Potsdam region. The participants in the project comprised universities, universities of applied sciences, non-university research institutes and research-based companies. For the second time, the Technical Information Centre Berlin (TIZ Berlin) took part in this event together with the Berlin branch of the European Patent Office.

The number of visitors reflected the great interest of the public in information about science and research. Visitors had the opportunity to browse many stands offering information on IP rights and to marvel at an exact replica of the Benz Patent-Motorwagen vehicle.

1 June 2011
Introduction of the electronic case file at the German Patent and Trade Mark Office

On 1 June 2011, we gave a demonstration of the electronic case file and launched this new system in the presence of the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger, and Gregor Pillen, Member of the IBM Management Board and General Manager of the consulting division IBM Global Business Services.



From left: President Cornelia Rudloff-Schäffer, Gregor Pillen, IBM Deutschland GmbH, Sabine Leutheusser-Schnarrenberger, Federal Minister of Justice

The electronic case file for patents, utility models, topographies and supplementary protection certificates ensures end-to-end electronic processing, from application to publication.

In her speech, the Federal Minister of Justice stressed that the go-live of the system marked an important milestone in the move towards a fully digital age for Federal administration.

More information on the electronic case file is available in the chapter "Information Technology/In Focus" (page 56).

1 June 2011
Opening of the entrance area of the DPMA headquarters

On 1 June 2011, after several months of construction, we celebrated with our staff the reopening of the newly designed entrance area of the headquarters.



President Cornelia Rudloff-Schäffer, Vice-President Günther Schmitz with the architects, Manns and Dellinger (3rd and 2nd from right), at the opening of the entrance

During the renovation process, we completely removed all existing interior fittings and components which had been added in the 70s. With the all glass construction of the entrance and the automatic sliding doors we have created a bright and friendly reception area for our customers and staff. We chose an open reception desk incorporating a natural stone from the time when the DPMA was built.

Located at this central point the reception desk is now the first port of call for our visitors. We converted the area of the former document receiving unit into a lounge with new seating furniture and a coffee vending machine. The colour, shape and materials of the new interior features and surfaces reflect the design of the time when the building was erected.

23 and 24 June 2011
7th Jena Trade Mark Law Day

FORUM Institute for Management GmbH held the 7th Jena Trade Mark Law Day in cooperation with Friedrich-Schiller-Universität, Jena and the DPMA.

The opening presentation by Ms. Barbara Preißner, Head of the Department Trade Marks, Utility Models and Designs of the DPMA, was followed by workshops and lectures on trade mark law held by notable speakers. A highlight of the conference was the guest lecture on "How brands work: latest findings in neuroeconomics" delivered by Professor Dr. Peter Kenning, Holder of Chair in Marketing, Zeppelin University Friedrichshafen.

5 and 6 July 2011
Heads of Offices meeting at Tegernsee

The Heads of Offices and representatives of the competent ministries of Denmark, France, Germany, Japan, the UK, the USA and of the European Patent Office (EPO) met at Tegernsee on 5 and 6 July 2011 at the invitation of the EPO for an exchange of views on a harmonisation of the respective patent systems.

The participants agreed at this meeting to set up a working group of specialists of the respective Offices for exchanging information on topical issues relating to patent law harmonisation.



Participants of the Heads meeting at lake Tegernsee

26 July and 3 November 2011
PATENT in Bavaria

"PATENT in Bavaria – patent strategies for small and medium-sized businesses" – was the title of a new event series launched by the Bavarian State Ministry of Economic Affairs, Infrastructure, Transport and Technology. On 26 July 2011, roughly 160 people attended the kick-off session at the education centre at Banz monastery.

The Vice-President of the DPMA, Günther Schmitz, held a lecture on "The use of the patent system by small and medium-sized enterprises from the DPMA's perspective".



Attendees listening to the presentation on methods of patent analysis

Cooperation partners of this event series are: the chambers of industry and commerce and the chamber of crafts of the Bavarian administrative districts, the University of Applied Sciences Amberg-Weiden, TÜV Rheinland Consulting GmbH and the German Patent and Trade Mark Office. The events are geared towards small and medium-sized enterprises (SMEs) in Bavaria.

The aim is to assist SMEs in developing their own patent strategies. Lectures were delivered by experienced experts from companies, associations, science and research organisations as well as from the DPMA. On 3 November 2011, the series "PATENT in Bavaria" was continued in Regensburg. Follow-up events in other administrative districts in Bavaria are planned for 2012.

25 August 2011
Reopening of the Inventors Gallery

On 25 August 2011 President Rudloff-Schäffer inaugurated the Inventors Gallery at its new location. The newly framed works of art are now displayed in the first floor of the foyer of our headquarters on Zweibrückenstraße. The gallery honours German inventors who have had a decisive influence on essential fields of modern technology. It was opened in 1984, extended in 1987 and in 1999, and now comprises 17 portraits of outstanding inventors.

The German Patent and Trade Mark Office established the Inventors Gallery to express its gratitude to all German researchers and inventors, and to pay tribute to their achievements.

10 September 2011
Open Monument Day

In 2011, TIZ Berlin participated for the 11th time in the "Open Monument Day", a traditional Berlin event. On that occasion, we opened our historical building to a large number of visitors. Our office building in Berlin has been a listed historical building since 1995. In the entrance hall, a photographic exhibition was on display, showing the more than a century long history of our organisation. Guided tours gave the visitors a glimpse behind the scenes of the historical building. The visit offered an opportunity to see the giant safe in the former cash office, the search room with modern technology, old archives full of documents, the historical reading room and our historical examiner's office. We also used the guided tours to explain to our visitors important pioneer patents, which were formerly processed and granted in this building.

14 September 2011
Visit of the Parliamentary State Secretary to our Hauzenberg branch office

On 14 September 2011, Parliamentary State Secretary to the Federal Minister of Justice Dr. Max Stadler, Member of the Bundestag, visited our branch office in Hauzenberg. We have maintained a typing office there since 1993, currently employing 16 staff. The introduction of the electronic case file for patents and utility models provides new technical options for fast, uncomplicated, smooth and fully electronic integration of the Hauzenberg-based typing pool into our business processes. During a guided tour of the branch office Vice-President Schmitz gave State Secretary Dr. Stadler an insight into the advanced working processes based on the electronic case file and the facilities for storing digitised paper records, based in Hauzenberg. Dr. Stadler emphasised his interest in the latest developments at the Hauzenberg branch and promised his support in retaining the jobs in Hauzenberg. After the visit, State Secretary Dr. Stadler and Vice-President Schmitz seized the opportunity to talk with Mr. Federhofer, the mayor of Hauzenberg, at the town hall.



Parliamentary State Secretary Dr. Max Stadler (centre) visiting the Hauzenberg branch office

8 November 2011
Talks with representatives from business and industry

In autumn, almost 100 representatives from business, industry, the legal profession and professional associations 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 initial experiences with the electronic case file, on current application figures for the different types of IP and current legal developments in the field of industrial property protection.



Panelists at the talks with representatives from business and industry

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 89 2195-3222.

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

24 November 2011
Innovation Day and 2011 Thuringia Innovation Award

On 24 November 2011, the 2011 Thuringia Innovation Day took place at the fair site in Erfurt. Among the numerous exhibitors were companies, research institutes and universities.

We also participated in this event in addition to other institutions concerned with the topic of innovation. Companies from Thuringia presented their innovative ideas at a fair. Innovation Day is also gaining importance as an information fair for education, training and career choices. Consequently, we did not only provide information on industrial property rights at our stand but also on training and career opportunities at the DPMA.

The final highlight of Innovation Day was the presentation of the 14th Thuringia Innovation Award. This prize is awarded in four categories. There is also a special award for young companies. The Ernst Abbe Prize for innovative entrepreneurship was also awarded within the scope of this event.

25 November 2011
Science Night in Jena

The fourth Science Night in Jena took place on 25 November 2011. More than 10,000 visitors let themselves be whisked away into the world of science in Jena and visited over 280 events held at venues all over the town. There was so much to explore: Science night offered something for all ages. For example, visitors got the chance to create their own cosmetics from the sea, to age by decades in minutes and to find out who has the most beautiful eyes in Jena.

We had a joint stand with Friedrich-Schiller-Universität Jena, the research transfer centre, the patent information centre and the Chair of Civil Law and Industrial Property Protection of Professor Dr. Volker Michael Jänich, where we presented 15 posters on "football and technology".

6 December 2011
National IT summit in Munich

At the 6th national IT summit in Munich, Federal Chancellor Dr. Angela Merkel was the first to inspect patent files online at the DPMA in the presence of the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger.

This was made technically possible by the electronic case file, which we successfully introduced on 1 June 2011.

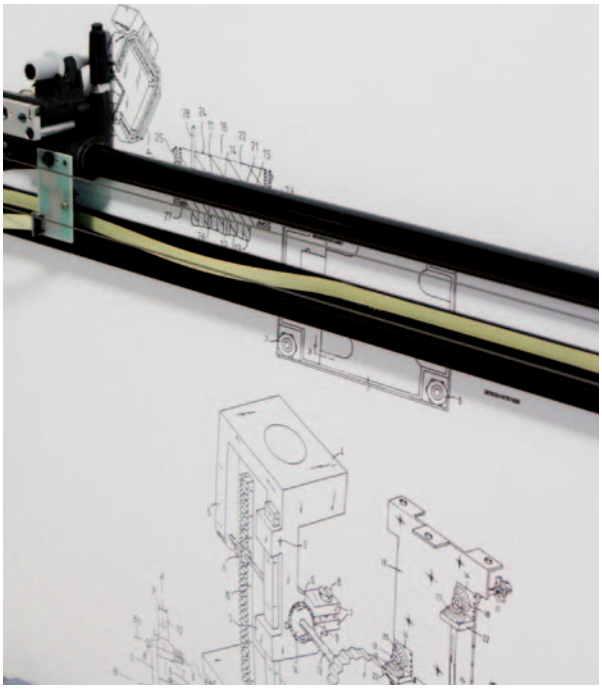
Public online file inspection is anticipated to be available from 2012. This will enable the public to inspect the legal status and the contents of published patent and utility model case files anytime.



First online file inspection with Federal Chancellor Dr. Angela Merkel

December 2011
Modern art installation

Another work of art has graced the newly designed lounge in the entrance hall of the German Patent and Trade Mark Office since December 2011. It is a drawing machine which tells continuous stories. By using patent drawings, a randomly chosen book is reproduced graphically. In the process, the text of the book is "translated" into patent drawings; the patent specifications of our DEPATIS document archive serve as a vocabulary.



Art installation – reproducing a patent drawing

The two Berlin artists,Julius von Bismarck and Benjamin Maus, have found a unique and successful way to build a bridge between the abstract concept of art and the matter-of-fact technical world of patents.

Inventor and innovation awards

Innovation provide an incentive for efforts and serve as a reward for outstanding innovation. The opinion of the German Patent and Trade Mark Office (DPMA) is in demand for the selection of the prize winners. In 2011, the patent examiners assessed more than 150 projects. As a member of the board of trustees and as a member of the jury Cornelia Rudloff-Schäffer, President of the DPMA, participated in choosing the winners of many inventor and innovation awards. In 2011, we were involved in the decisions for the following awards:

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. Furthermore, we examine projects and nominate them for the Deutscher Zunkunftspreis award to the board of trustees as the DPMA is an organisation entitled to make proposals. You are welcome to contact us with your projects.

European Inventor Award

http://www.epo.org/news-issues/european-inventor.html

Examiners of various national patent offices of the European Patent Organisation and the European Patent Office (EPO) submit nominations for this award. The winners of the European Inventor Award will be selected from these nominations. The award is presented to inventors in the categories Industry, SMEs, Research, Lifetime Achievement, and Non-European Countries. The European Inventor Award has been awarded annually by the EPO since 2006.



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 the President of the DPMA takes a prominent part in selecting the award winners.

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 enterprises that have the innovative power to change markets. In May 2011, for the second time, the winners of the categories, "large enterprises", "medium enterprises" and "start-ups" were chosen by the jury panel of which Ms. Rudloff-Schäffer was a member.

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. Here too, Ms. Rudloff-Schäffer is a member of the jury.

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. Our patent examiners assist her with their expertise.

Jugend forscht

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

"Jugend forscht" is the biggest youth competition in the fields of science and technology in Europe, which acknowledges outstanding achievements and talents in these fields. The young competitors themselves choose the subjects of the technological/scientific research projects. As a member of the jury our Office accompanies the regional competition of "Jugend forscht" in Bavaria.



Pupils conducting experiments
(picture credit: Stiftung Jugend forscht e. V.)

FOCUS competition for pupils

http://www.focus.de/schuelerwettbewerb

For 15 years members of the DPMA have been on the jury panel of the competition "Schule macht Zukunft" (schools: shaping the future) of the FOCUS news magazine. "Full speed ahead" was the motto of the 2010/2011 competition. More than 2,000 pupils in the 8th to 13th form were invited to work in teams to explore innovative developments and visions of the future. It is the achievement of this sustainable competition to enthuse students every year anew about future-oriented social, economic, scientific and technological issues.

A glance at 2012



Our promotional video

Our promotional video will help us to present our organisation to a broader audience. What does the German Patent and Trade Mark Office stand for? What are our duties? This short film uses emotional images to portray our organisation. The result is something to look forward to with anticipation.

The promotional video will not only be shown in the lounge of our headquarters in Munich but also at trade fairs and conferences.

Our website at www.dpma.de provides further information.

Patent Information Conference in Hamburg

From 6 to 8 November 2012 the Patent Information Conference will take place in Hamburg. The European Patent Office has organised this conference every year since 1991 in cooperation with the respective host country. This event is intended as a platform for discussion for national and international IP experts and IP professionals. Attendees include representatives from business and industry as well as the staff of various patent offices. The conference provides a well frequented international forum for the exchange of views on current developments, opinions and trends in the field of intellectual property.

We will support this event of the EPO this year. As a metropolis and one of Germany's economic hubs, Hamburg will also present itself as the gateway to the world of patents.

IPORTA

To continue and expand on the results of the EU project "IPeuropAware" (1997-2011) the EU Commission has meanwhile approved the follow-up project "IPorta". In our 2010 Annual Report we gave an account of the IPeuropAware project.

26 national patent and trade mark offices work together under the IPorta roof. The IPorta project focuses on the continuation of the INNOVACCESS website, the extension of services of national patent and trade mark offices for small and medium-sized enterprises (SMEs) and cooperation of enquiry services of national offices.

Extension of the nursery

In the autumn of 2012, the on-site nursery in our headquarters in Munich will be extended. Due to the positive response of parents and the great demand for nursery places we decided to extend the nursery. The third group will accommodate twelve children. The nursery will provide all day care to 36 children in total, aged between eight weeks and three years. As before, half of the places will be exclusively available to the children of staff and the rest of the places will be open to children living in Munich. With the extension of the day nursery we are making an important contribution to helping staff achieve a better work life balance.

Further development of the workplace health management

In 2012, we want to further develop the workplace health management. The company TÜV Süd Life Service GmbH was commissioned to undertake a status analysis of our workplace health management and provide recommendations to us. Within the scope of this study all pillars of the workplace health management will be intensively investigated. We are very keen to learn about the findings and suggestions. We hope to receive recommendations for making optimum use of the workplace health potential and for strengthening our resources.

Development of training courses

Training courses too are keeping up with the times and developing further. Electronically supported learning (e-learning) gives us the opportunity to offer our staff flexible training solutions. In the field of training too, this will help us to cater to changing work and life situations of our staff. With regard to language training, we now offer online language courses to our staff, in addition to the traditional face-to-face instruction, to help them to continually improve their language skills. We intend to make use of this type of training also for other subjects. E-learning will allow us to usefully complement our wide range of training opportunities .

2012 trade fair calendar

	Trade fair	Location	Hall / stand	
January				
11. 01. – 13. 01.	PSI-Messe	Düsseldorf	Hall 13, E 24 + F 23	http://www.psi-messe.com/
February				
10.02. – 14.02.	Ambiente	Frankfurt / Main	Foyer of hall 4.1	http://www.ambiente.messefrankfurt.com
28.02. – 01.03.	embedded world	Nuremberg	Hall 1, stand 406	http://www.embedded-world.de
March				
04.03. – 07.03.	Internationale Eisenwarenmesse	Cologne	Hall 10.1, stand A4 / B5	http://www.eisenwarenmesse.de
06.03. – 10.03.	CeBIT	Hanover	Hall 26, stand G 50	http://www.cebit.de/
16. 03. – 17. 03.	azubi- & studientage	Munich	M,O,C, hall 3, stand 171	http://www.azubitage.de
April				
15.04. – 20.04.	Light and Building	Frankfurt / Main	Foyer of hall 4.1	http://light-building.messefrankfurt.com
17. 04. – 20.04.	analytica	Munich	Hall B2, stand 415	http://www.analytica.de/
18.04. – 22.04.	Messe für Erfindungen	Geneva (CH)	Joint stand	http://www.inventions-geneva.ch
23.04. – 27.04.	HANNOVER MESSE	Hanover	Hall 2, stand A 35	http://www.hannovermesse.de
May				
10.05. – 11.05.	VPP	Halle	Foyer	http://www.vpp-patent.de
June				
14.06. – 15.06.	PATINFO	Ilmenau		http://www.paton.tu-ilmenau.de

	Trade fair	Location	Hall / stand	
July				
19. 07.	Firmenlauf	Munich		http://www.b2run.de/
September				
02.09. – 04.09.	spoga + gafa	Cologne		http://www.spogagafa.com
11. 09. – 16. 09.	automechanika	Frankfurt / Main	Foyer of hall 4.1	http://automechanika.messefrankfurt.com
26.09. – 28.09.	GRUR-Jahrestagung	Frankfurt / Main	Foyer	http://www.grur.de
October				
17.10.	Bayerischer Patenttag	Munich		
23.10. – 27.10.	ORGATEC	Cologne		http://www.orgatec.de
23.10. – 27.10.	EuroBLECH	Hanover		http://www.euroblech.com
26.10. – 27.10.	deGUT	Berlin		http://www.degut.de/
November				
01.11. – 04.11.	iENA	Nuremberg	Hall 12, stand 01	http://www.iena.de
06.11. – 08.11.	EPO Patent Information Conference	Hamburg		http://www.epo.org/learning-events/events/conferences/pi-conference.html
14.11. – 17.11.	MEDICA	Düsseldorf		http://www.medica.de
December				
05.12. – 07.12.	Markenforum	Munich		

Statistics



We have modified the statistics system of all IP rights along with the introduction of the electronic case file. We now use a dynamic statistics system called "**DPMAstatistik**".

Under the new system, data are no longer captured in so-called "counting jars", which are definitely established at the conclusion of a year. Rather, the values are dynamic and can change over time, for example, when a legal status change has an effect on the past.

For this reason, the values depend on the respective date of retrieval. The below statistics are based on data retrieved in February 2012.

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

Due to the change-over to electronic case files in the patent and utility model areas in 2011, the publication of 2011 statistical data of the German Patent and Trade Mark Office was delayed by some weeks. Detailed statistics for 2011 are available in the April edition of the gazette "Blatt für PMZ".

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**
2005	47,602	10,114	**57,716**	805	1,617	**2,422**	48,407	11,731	**60,138**
2006	47,284	10,205	**57,489**	817	2,204	**3,021**	48,101	12,409	**60,510**
2007	47,812	10,240	**58,052**	840	2,822	**3,662**	48,652	13,062	**61,714**
2008	48,417	10,326	**58,743**	885	2,697	**3,582**	49,302	13,023	**62,325**
2009	46,414	8,924	**55,338**	918	2,583	**3,501**	47,332	11,507	**58,839**
2010	46,372	9,293	**55,665**	897	2,873	**3,770**	47,269	12,166	**59,435**
2011	45,602	10,410	**56,012**	768	2,217	**2,985**	46,370	12,627	**58,997**

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
2005	58,262	21,582	**123,246**	111,829
2006	57,993	21,489	**124,906**	113,143
2007	58,597	21,655	**126,626**	114,374
2008	59,167	20,803	**130,842**	119,183
2009	55,732	20,684	**134,877**	123,111
2010	56,122	23,179	**135,885**	122,577
2011	56,663	20,230	**139,809**	124,354

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 annual 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		
2005	**37,655**	24,873	36,015	17,103
2006	**39,611**	25,247	38,522	21,158
2007	**40,168**	25,099	34,798	18,068
2008	**39,118**	24,548	32,856	16,752
2009	**36,166**	22,222	31,603	13,900
2010	**36,979**	21,748	32,728	13,625
2011	**36,672**	22,653	26,467	11,687

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
2005	17,303	14,818	120,560
2006	21,318	14,625	127,248
2007	18,185	13,911	131,518
2008	16,861	13,479	134,900
2009	14,004	16,359	132,536
2010	13,713	18,849	127,267
2011	11,875	12,007	127,119

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	2005	2006	2007	2008	2009	2010	2011
Baden-Württemberg	12,812	13,305	13,763	15,009	15,229	14,779	14,355
Bavaria	13,699	14,067	13,902	13,570	12,604	13,009	13,340
Berlin	878	963	1,025	932	977	918	805
Brandenburg	315	428	393	362	365	322	354
Bremen	178	147	183	146	162	163	149
Hamburg	917	948	1,008	1,093	933	915	1,005
Hesse	3,436	3,237	3,009	2,668	2,449	2,431	2,366
Mecklenburg-W. Pomerania	200	182	175	184	198	169	164
Lower Saxony	2,710	2,600	2,749	3,335	2,911	2,930	2,969
North-Rhine/Westphalia	8,151	8,189	8,324	7,813	7,334	7,534	7,052
Rhineland-Palatinate	2,218	1,331	1,262	1,296	1,258	1,231	1,164
Saarland	360	311	331	295	303	258	251
Saxony	856	814	950	1,013	1,115	1,124	1,045
Sachsen-Anhalt	368	344	338	367	310	334	308
Schleswig-Holstein	598	585	624	594	563	562	481
Thuringia	711	650	616	625	621	590	562
Total	**48,407**	**48,101**	**48,652**	**49,302**	**47,332**	**47,269**	**46,370**

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						
	2005	2006	2007	2008	2009	2010	2011
Germany	48,407	48,101	48,652	49,302	47,332	47,269	46,370
USA	3,226	3,281	3,860	4,254	3,622	4,246	4,362
Japan	3,472	3,628	3,871	3,512	3,142	3,005	2,957
France	318	260	232	207	177	197	228
Netherlands	104	143	86	94	90	89	65
Switzerland	968	1,154	1,155	1,107	949	958	849
Republic of Korea	776	889	747	929	608	685	940
United Kingdom	95	117	94	76	78	138	110
Italy	88	99	123	103	57	91	109
Sweden	340	287	271	255	277	268	229
Others	2,344	2,551	2,623	2,486	2,507	2,489	2,778
Total	**60,138**	**60,510**	**61,714**	**62,325**	**58,839**	**59,435**	**58,997**

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	2005	2006	2007	2008	2009	2010	2011
Schleswig-Holstein, Hamburg	32	33	33	30	31	45	29
Lower Saxony, Bremen	55	58	49	57	62	79	65
North-Rhine/Westphalia	72	93	96	80	117	99	87
Hesse	50	37	51	48	46	44	46
Rhineland-Palatinate, Saarland	27	28	14	20	11	21	12
Baden-Württemberg	115	83	82	84	77	82	84
Bavaria	52	69	69	66	75	88	84
Berlin	26	30	47	34	35	31	36
Brandenburg, Mecklenburg-W. Pomerania	37	50	39	31	46	32	27
Saxony	88	109	119	108	142	115	126
Saxony-Anhalt	23	26	22	28	25	25	31
Thuringia	45	51	51	54	55	52	45
Total	**621**	**665**	**672**	**640**	**721**	**713**	**672**

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

	Percentage of applicants having filed						
	2005	2006	2007	2008	2009	2010	2011
one application	66.8	66.2	65.6	66.1	66.3	65.8	65.5
2–10 applications	29.5	29.9	30.7	30.0	30.1	30.7	30.5
11–100 applications	3.3	3.5	3.3	3.5	3.3	3.1	3.6
more than 100 applications	0.3	0.4	0.4	0.5	0.4	0.4	0.4
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

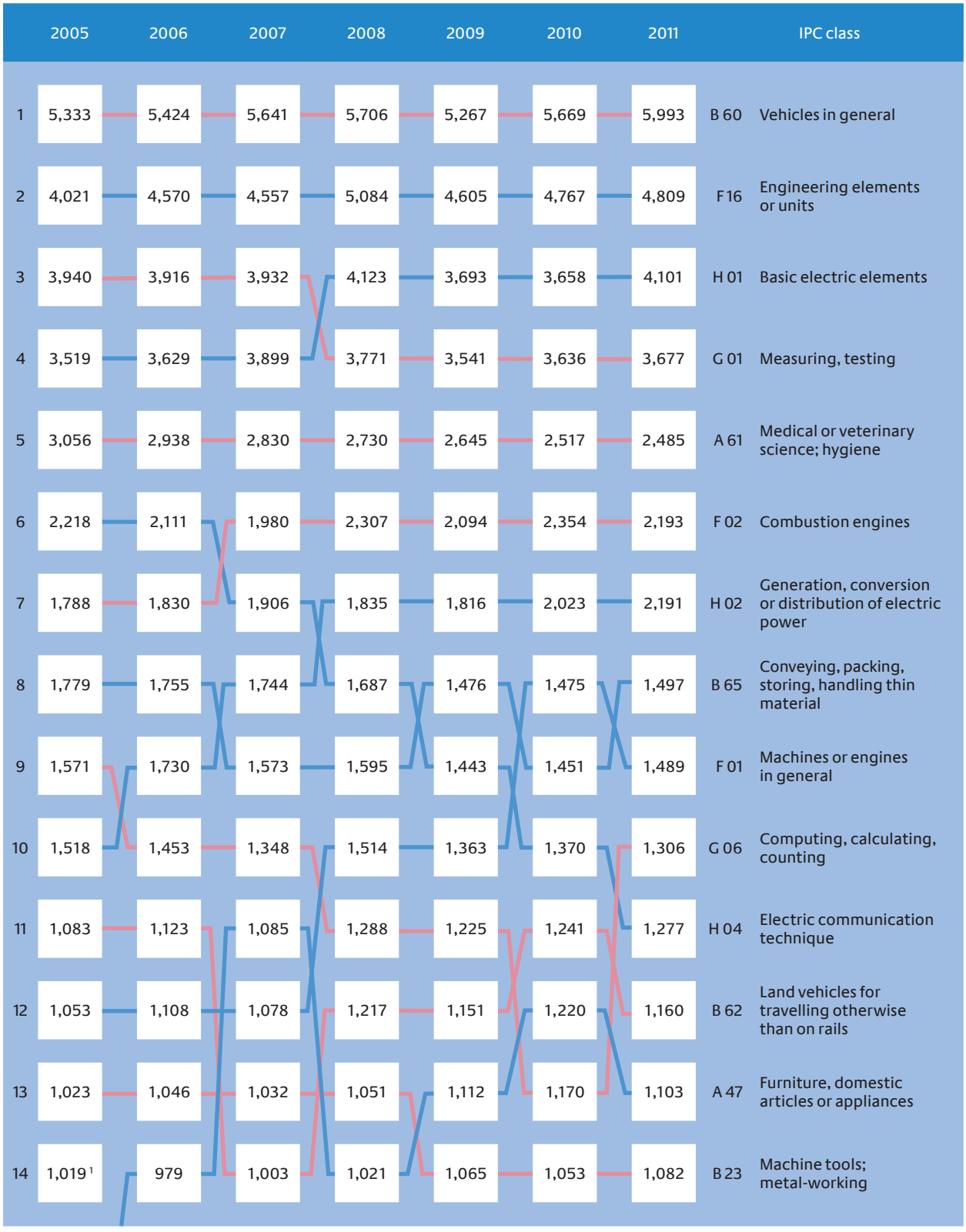
	Percentage of applications by applicants having filed						
	2005	2006	2007	2008	2009	2010	2011
one application	16.7	16.2	15.7	15.1	16.3	15.9	15.0
2–10 applications	23.9	24.2	24.0	22.5	23.7	24.2	22.8
11–100 applications	22.5	21.5	21.8	21.7	21.5	21.1	22.8
more than 100 applications	36.8	38.2	38.5	40.7	38.5	38.9	39.4
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

1.9 Opposition proceedings

Year	Oppositions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year	
		Total [1]	(of which) patent revoked	(of which) patent maintained or patent maintained in amended form	**Total**	(of which) pending before the Federal Patent Court[2]
2005	871	**969**	296	482	**2,557**	1,933
2006	929	**794**	264	349	**2,695**	2,142
2007	803	**748**	238	349	**2,749**	1,717
2008	751	**1,095**	319	580	**2,401**	1,298
2009	507	**1,059**	347	592	**1,850**	859
2010	537	**929**	272	528	**1,460**	499
2011	420	**435**	118	210	**1,441**	301

1 Opposition proceedings concluded by surrender, non-payment of the annual fee, revocation, maintenance, maintenance in amended form
2 Opposition proceedings dealt with by the Federal Patent Court under Sec. 147(3) Patent Act (meanwhile repealed).

1.10 Classes of the International Patent Classification (IPC) with the largest number of patent applications (DPMA direct applications) in 2011



1 C 07 Organic chemistry

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**
2005	20,681	17,207	102	**20,783**	16,952	3,480	**20,432**
2006	19,774	16,489	75	**19,849**	17,089	3,066	**20,155**
2007	18,184	14,993	84	**18,268**	15,654	2,980	**18,634**
2008	17,178	14,215	95	**17,273**	14,223	2,873	**17,096**
2009	17,460	14,469	90	**17,550**	14,152	2,759	**16,911**
2010	17,067	13,842	108	**17,175**	15,237	2,753	**17,990**
2011	15,486	12,359	180	**15,666**	14,230	2,777	**17,007**

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
2005	8,511	103,020	25,077	17,584
2006	8,218	102,529	22,306	17,544
2007	7,871	100,813	22,604	17,350
2008	7,977	98,307	22,827	16,677
2009	8,543	95,277	21,827	17,156
2010	7,728	94,537	22,534	15,950
2011	6,416	96,096	21,107	12,361

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**			
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
2011	2	0	0	**0**	2	20	26

2.3 Utility model applications, percentages and applications per 100,000 inhabitants by German Länder

German Länder	2010			2011		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/ Westphalia	3,462	25.0	19	3,182	25.7	18
Bavaria	3,098	22.4	25	2,746	22.2	22
Baden-Württemberg	2,629	19.0	24	2,265	18.3	21
Lower Saxony	905	6.5	11	847	6.9	11
Hesse	858	6.2	14	715	5.8	12
Rhineland-Palatinate	593	4.3	15	492	4.0	12
Berlin	466	3.4	14	402	3.3	12
Saxony	448	3.2	11	376	3.0	9
Schleswig-Holstein	295	2.1	10	287	2.3	10
Brandenburg	231	1.7	9	216	1.7	9
Thuringia	224	1.6	10	195	1.6	9
Hamburg	235	1.7	13	185	1.5	10
Sachsen-Anhalt	146	1.1	6	165	1.3	7
Saarland	100	0.7	10	119	1.0	12
Mecklenburg-Western Pomerania	88	0.6	5	96	0.8	6
Bremen	64	0.5	10	71	0.6	11
Total	**13,842**	**100**	**Ø 17**	**12,359**	**100**	**Ø 15**

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			
2005	**71,047**	67,269	30,254	722	**71, 769**	50,823
2006	**72,772**	69,078	33,419	651	**73, 423**	51,368
2007	**76,302**	72,834	36,101	576	**76,878**	54,564
2008	**73,643**	69,868	35,180	478	**74,121**	50,271
2009	**69,296**	65,913	34,156	553	**69,849**	49,833
2010	**69,137**	65,542	32,474	581	**69,718**	49,761
2011	**64,042**	60,415	30,854	461	**64,503**	51,322

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
2005	4,777	6,774	3,987	1,228	810
2006	4,248	6,214	3,057	880	662
2007	5,176	7,483	3,448	907	841
2008	4,841	6,966	3,671	999	859
2009	3,976	5,551	3,542	902	749
2010	3,910	5,615	3,100	803	676
2011	3,809	5,677	2,853	632	679

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
2005	35,951	29,013	721,472
2006	33,913	26,426	727,500
2007	35,448	26,594	764,004
2008	38,644	31,095	781,406
2009	49,008	33,940	782,963
2010	53,443	36,368	779,802
2011	50,840	31,335	780,903

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	
2005	5,594	5,574	36	764
2006	5,750	5,721	38	945
2007	6,100	6,093	35	761
2008	6,193	6,189	38	989
2009	4,880	4,794	49	1,112
2010	5,013	4,977	129	816
2011	4,945	4,940	67	638

1 Not including requests for the extension of protection under Art. 3ter(2) of the Madrid Agreement Concerning the International Registration of Marks; 1,420 requests for the extension of protection were received in 2011, and 1,404 requests were transmitted to the World Intellectual Property Organization (WIPO).

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			
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	4,325	91	758	3,694	464	35
2011	5,075	4,317	94	693	3,946	424	53

1 Not including other requests and not including renewals

3.5 Trade mark applications, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2010			2011		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/ Westphalia	14,769	22.5	83	13,058	21.6	73
Bavaria	11,800	18.0	94	10,823	17.9	86
Baden-Württemberg	8,553	13.0	80	8,085	13.4	75
Hesse	5,565	8.5	92	4,990	8.3	82
Berlin	4,720	7.2	137	4,834	8.0	140
Lower Saxony	4,598	7.0	58	4,216	7.0	53
Hamburg	3,497	5.3	197	3,307	5.5	185
Rhineland-Palatinate	2,959	4.5	74	2,599	4.3	65
Saxony	2,255	3.4	54	2,111	3.5	51
Schleswig-Holstein	2,107	3.2	74	1,952	3.2	69
Thuringia	928	1.4	41	1,095	1.8	49
Brandenburg	1,134	1.7	45	1,067	1.8	43
Saxony-Anhalt	848	1.3	36	750	1.2	32
Bremen	611	0.9	92	513	0.8	78
Mecklenburg-Western Pomerania	645	1.0	39	510	0.8	31
Saarland	553	0.8	54	505	0.8	50
Total	**65,542**	**100**	**Ø 80**	**60,415**	**100**	**Ø 74**

3.6 National trade mark applications by leading classes

Class	Class headings	2010	2011	+/- in %
0	not classifiable	149	147	-1.3
1	Chemicals	890	745	-16.3
2	Paints, varnishes, lacquers	271	168	-38.0
3	Cleaning preparations	1,869	1,489	-20.3
4	Industrial oils and greases, fuels	286	200	-30.1
5	Pharmaceutical preparations	2,603	2,158	-17.1
6	Common metals and goods of common metal	833	714	-14.3
7	Machines, motors and engines	1,452	1,449	-0.2
8	Hand tools	273	221	-19.0
9	Electrical apparatus and instruments	4,566	4,342	-4.9
10	Medical apparatus and instruments	967	885	-8.5
11	Heating, ventilation, sanitary installations	1,241	1,144	-7.8
12	Vehicles	1,471	1,444	-1.8
13	Firearms	435	267	-38.6
14	Jewellery, clocks and watches	1,123	746	-33.6
15	Musical instruments	98	79	-19.4
16	Office requisites, stationery	2,266	2,132	-5.9
17	Insulating materials, semi-finished goods	381	250	-34.4
18	Goods made of leather	674	651	-3.4
19	Building materials (non-metallic)	782	583	-25.4
20	Furniture	1,237	970	-21.6
21	Household or kitchen utensils	653	516	-21.0
22	Ropes, string, sails	47	48	2.1
23	Yarns and threads	41	80	95.1
24	Textiles, bed and table covers	366	298	-18.6
25	Clothing, footwear	3,002	2,844	-5.3
26	Lace, ribbon, buttons, trimmings	51	59	15.7
27	Materials for covering floors, wall hangings	100	109	9.0
28	Games, sporting articles	1,479	1,413	-4.5
29	Food of animal origin	1,785	1,705	-4.5
30	Food of plant origin	1,899	1,969	3.7
31	Agricultural and forestry products	682	625	-8.4
32	Beers, non-alcoholic drinks	1,227	1,247	1.6
33	Alcoholic beverages	1,276	1,275	-0.1
34	Tobacco, smokers' articles	188	216	14.9
35	Advertising, business management	7,905	7,565	-4.3
36	Insurance	2,916	2,606	-10.6
37	Building construction, repair	1,286	1,289	0.2
38	Telecommunications	1,580	1,325	-16.1
39	Transport	1,789	1,531	-14.4
40	Treatment of materials	440	466	5.9
41	Education; sporting and cultural activities	7,234	6,926	-4.3
42	Scientific and technological services	3,485	3,555	2.0
43	Providing food & drink, temp. accommodation	2,002	1,996	-0.3
44	Medical services	2,836	2,712	-4.4
45	Legal services, security services	1,001	883	-11.8

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**
2005	46,134	2,618	**48,752**	38,085	50,035	38,894	2,868	**52,903**
2006	48,801	2,563	**51,364**	39,666	46, 588	35,819	2,038	**48,626**
2007	52,134	2,326	**54,460**	38,985	56,278	41,536	3,673	**59,951**
2008	45,870	2,349	**48,219**	36,848	49,202	36,414	1,999	**51,201**
2009	42,793	2,446	**45,239**	35,867	35,435	29,262	2,041	**37,476**
2010	46,466	2,625	**49,091**	39,975	48,453	36,228	1,923	**50,430**
2011	50,156	2,429	**52,585**	40,919	48,887	39,258	1,756	**50,785**

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
2005	16,061	1,439	18,609	53,199	312,037
2006	18,799	1,986	15,752	55,167	303,458
2007	13,308	2,261	18,342	54,066	305,670
2008	10,326	2,543	16,800	56,484	298,388
2009	18,089	1,800	15,487	52,800	281,023
2010	16,750	2,664	17,116	48,479	280,997
2011	18,550	3,381	15,657	46,293	283,591

4.3 Designs (applied for) by German Länder

German Länder	2005	2006	2007	2008	2009	2010	2011
Baden-Württemberg	8,278	7,376	7,585	5,937	5,560	6,564	5,616
Bavaria	10,031	9,200	10,146	8,846	7,757	7,592	7,494
Berlin	1,036	1,292	1,413	1,289	1,368	1,871	2,294
Brandenburg	174	305	201	203	302	455	427
Bremen	82	174	304	221	200	162	253
Hamburg	592	701	754	1,078	1,234	1,486	1,199
Hesse	1,949	1,959	1,807	1,461	1,694	2,591	2,569
Mecklenburg-W. Pomerania	99	122	91	247	142	228	215
Lower Saxony	2,163	2,783	2,625	2,885	2,538	2,875	2,679
North-Rhine/Westphalia	8,889	11,659	9,472	9,736	9,878	11,090	11,590
Rhineland-Palatinate	1,699	1,167	1,579	1,966	2,577	2,280	2,802
Saarland	229	301	240	407	275	267	241
Saxony	1,022	846	1,352	1,060	1,105	960	1,176
Saxony-Anhalt	296	386	294	351	282	326	367
Schleswig-Holstein	891	865	758	849	703	869	1,322
Thuringia	655	530	364	312	252	359	675
Total	**38,085**	**39,666**	**38,985**	**36,848**	**35,867**	**39,975**	**40,919**

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	
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
2011	7	2	1	6	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[2]		
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	–	–
2010	177	59	2 956	14	14
2011	189	56	3 089	16	13

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
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
2011	196	189	745	666	29,816

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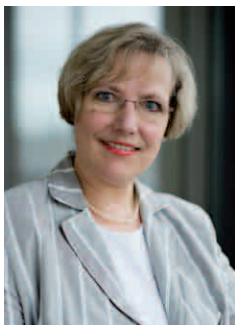
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