German Patent
and Trade Mark Office

Annual Report 2012



At a glance

Industrial property rights		2011	2012	Changes in %
Patents	Applications [1]	59,607	61,311	+ 2.9
	Concluded examination procedures (final)	26,944	29,306	+ 8.8
	- with patent grant [2]	11,922	11,526	- 3.3
	Stock [3]	125,112	124,142	- 0.8
Trade marks	Applications (national and international)	69,124	64,313	- 7.0
National marks	Applications	64,052	59,849	- 6.6
	Concluded examination procedures	71,321	64,860	- 9.1
	- with registration	51,330	46,099	- 10.2
	Stock	780,985	784,820	+ 0.5
International marks	Requests for grant of protection in Germany	5,072	4,464	- 12.0
	Grants of protection	4,406	3,872	- 12.1
Utility models	Applications	16,061	15,491	- 3.5
	Concluded examination procedures	17,044	16,531	- 3.0
	- with registration	14,230	13,978	- 1.8
	Stock	93,266	92,255	- 1.1
Designs	Designs applied for	53,081	53,862	+ 1.5
	Concluded examination procedures	50,790	51,993	+ 2.4
	- with registration	48,888	49,160	+ 0.6
	Stock	283,716	290,071	+ 2.2

[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] A total of 549,297 patents were valid in Germany in 2012 including patents granted by the European Patent Office with effect in the Federal Republic of Germany.

Budget **German Patent and Trade Mark Office and Federal Patent Court** (per million €)	**2011**	**2012**	**Changes in %**
Income	317.4	325.9	+ 2.7
Expenditure	245.5	259.6	+ 5.7
of which for personnel	143.3	143.3	± 0.0

Personnel of the German Patent and Trade Mark Office	**2011**	**2012**	**Changes in %**
Staff	2,699	2,527	- 6.4

Contents

Preface 2

Patents 4

Utility models 18

Trade marks 22

Interview with Barbara Preißner 32

Indications of geographical origin 34

Designs 36

Supervision of collecting societies 42

Patent attorneys and representatives 44

Arbitration boards at the German Patent and Trade Mark Office 46

Information services 50

National cooperation projects 54

Information technology 58

Staff 62

Finances 66

International cooperation 68

Events in 2012 76

Inventor and innovation awards 86

A glance at 2013 88

Statistics 92

Service 107

The German Patent and Trade Mark Office – your strong partner for the protection of innovations

In Germany, the economic upswing is inseparably connected with innovation. Our country may be relatively poor in natural resources, but we stand out due to our wealth of ideas, research spirit and creativity. The protection of intellectual property is an important stimulus to future innovations, not just in Germany but worldwide. The German Patent and Trade Mark Office (DPMA) contributes greatly to the protection of innovations.

We grant, register and administer industrial property rights – patents, trade marks, utility models and designs. We also provide information to the public about the advantages of IP rights and about ideas and inventions that are already protected.

"We" refers to a staff of more than 2,500 people in our central headquarters in Munich, in the Jena Sub-Office and in the Technical Information Centre Berlin.

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

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

↗ 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 about 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 350 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 (Department 4)

The staff of Department 4 manage the various administrative tasks necessary to run an organisation, for example, personnel and budgetary matters, facilities management and organisation of business processes.
Likewise, the staff deal with all fundamental legal affairs. These also include managing matters concerning patent attorneys, government supervision of collecting societies and international cooperation with other IP organisations.



Dear Reader,

In 2012 we tackled many tasks and challenges at the German Patent and Trade Mark Office:

The main focus was on optimising the electronic case file, which we introduced for patents and utility models in 2011. Your comments and inquiries have been very helpful for us to further develop and adjust the system and processes. We would therefore like to take this opportunity to sincerely thank you for your constructive feedback and your confidence.
After the successful introduction of the electronic case file, the path is now also clear for online file inspection, which we intend to activate for you in 2013.

So far the continuing tight financial situation in Europe has not had any significant impact on applications for IP rights at our organisation. Inventors and enterprises continue to be committed to innovation thus strengthening their competitiveness. Application numbers rose again in 2012, above all, in the patent area.

Small and medium-sized businesses in particular have great innovative potential and are an important engine of the German economy. Therefore, we aim to further expand our information and support services for small and medium enterprises and individual inventors. Our cooperation with the 23 patent information centres in Germany ensures that expert advice on industrial property rights is available locally where it is predominantly sought by these groups of applicants. For the first time we devote a whole chapter to our national cooperation partners.

Rules regarding patents on software and computer-implemented inventions have repeatedly been the subject of controversial discussions. Under what conditions can patents be granted for these inventions in Germany? Our answer to this exciting question gets its very own chapter in the section “In Focus” in this year‘s annual report.

We have frequently been asked whether the examination of a Community trade mark at the Office for Harmonization in the Internal Market is less rigorous than the examination of a national trade mark at our office. This and other questions will be answered in an interview with the Head of Department 3.

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 the past year we expanded the Patent Prosecution Highway network with various partner offices. Seize the opportunity to apply for fast-track examination also with regard to applications in China and the United Kingdom. We have evaluated the experience gained over the past few years and published new guidelines on the Patent Prosecution Highway programme. This will help to further harmonise procedures of the participating national patent offices at an international level. It will make participation in this programme in many ways easier for you, as a patent applicant.

The other subjects presented this year under the heading “In Focus” are again devoted to automotive technology and renewable energy due to their great importance.

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

Protection for technical inventions

As a country relatively poor in natural resources, Germany's economic success is based on its inventiveness and the innovations resulting from it. Its source of wealth lies in the heads of ingenious inventors and scientists. Patents can protect a great number of such innovations from imitation.

Patents may be applied for in any technical field. Our patent examiners grant a patent if the requirements novelty, inventive step and industrial applicability are met.

Patents provide protection for a limited period of time. The owner of the patent has the exclusive right to exploit the invention for a period of up to 20 years from the filing date. In return, the invention is disclosed to the public.

There are several options to protect an invention by a patent in Germany: either by filing an application for the grant of a national patent at the German Patent and Trade Mark Office (DPMA), by applying for a European patent at the European Patent Office (EPO) or by filing an international application under the Patent Cooperation Treaty (PCT) to request an IP right in some or all PCT contracting states. Applications under the PCT can also be filed directly at the DPMA.

Detailed information is available in our "Patents" information brochure and on our website.

www.dpma.de

Development of patent applications

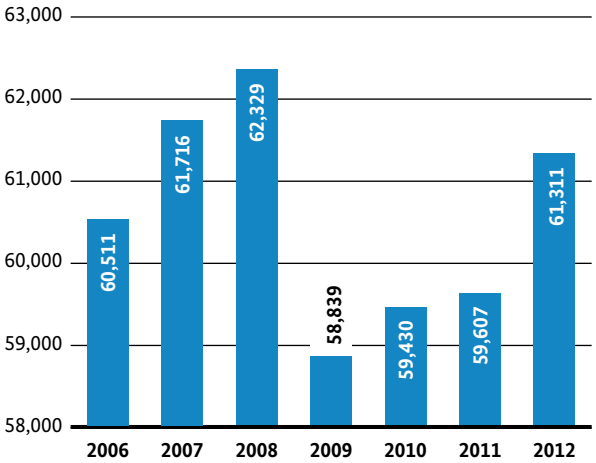
Creative minds and companies stay innovative and continue to rely on industrial property rights. For the first time in four years patent applications filed at the German Patent and Trade Mark Office (DPMA) rose again to over 61,000. This means a continuation of the level of filing activity witnessed in the years prior to the financial and economic crisis.

In 2012, 61,311 patent applications were filed at our office. Compared to the updated figure of 59,607 applications of the previous year, the number of applications increased by 1,704 applications (2.9 per cent). See Figure 1 for the development of filing figures over the past years.

The number of patent applications comprises 56,820 applications, filed directly at our office, and 4,491 applications filed under the international Patent Cooperation Treaty (PCT) which entered the national phase at our office. 61 per cent of the DPMA direct applications in the area of patents were filed electronically. For more information on electronic filing see page 60.

More data on patent applications are provided in Table 1.1 in the annex "Statistics" on page 93. Please also note the explanations on the statistical data.

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 529 applications to 46,586 applications in comparison to the updated figure of the preceding year.

Applicants having their residence or seat abroad filed 14,725 applications, a considerable increase of 2,233 (17.9 per cent). These applications now account for 24 per cent of the total. While applications from Europe remained static or even decreased slightly, some regions and countries increased their patent activity. Applicants from Asia in particular expanded their activity in Germany. South Korea increased its patent activity by 51.3 per cent, Japanese applicants by 22 per cent. We received 13.3 per cent more patent applications from the United States of America than in the previous year. For an overview on filings, please see Tables 1.1 and 1.6 in the "Statistics" part on pages 93 and 95.

	Applications	Proportional share in %
Germany	**46,586**	**76.0**
USA	**5,110**	**8.3**
Japan	**3,676**	**6.0**
Republic of Korea	**1,516**	**2.5**
Austria	**915**	**1.5**
Switzerland	**835**	**1.4**
Taiwan	**504**	**0.8**
Sweden	**259**	**0.4**
Others	**1,910**	**3.1**
Total	**61,311**	**100**

Table 1
Patent applications at the German Patent and Trade Mark Office in 2012 by countries of origin (patent applications filed at the DPMA and PCT applications that have entered the national phase at the DPMA)

Patent applications by German Länder

In the year 2012, German companies and inventors filed 46,586 patent applications at the German Patent and Trade Mark Office. 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 14,340 patent applications, Bavaria came top for the first time in several years. Patent applications from Bavaria accounted for 30.8 per cent of the total. With an increase of 4.5 per cent over the previous year Bavaria ousted Baden-Württemberg from the top position.

Baden-Württemberg – ranking top between 2008 and 2011 – came in a close second in 2012 with 14,225 applications (30.5 per cent). Despite the decline in patent activity by 4.8 per cent North-Rhine/Westphalia follows the two southern German Länder with 6,758 patent applications (14.5 per cent). With three-quarters of all domestic applications coming from these three German Länder (see Figure 2 and Table 2) the situation has remained unchanged. There is a close link between the economic power of individual regions and the filing activity.

With 180 patent applications Mecklenburg-Western Pomerania had the largest increase in filing activity (7.8 per cent) of all German Länder. Table 2 on the next page shows the comparison of the 2011 und 2012 data; for time series covering the preceding years, please refer to Table 1.5 in the annex “Statistics”.



Figure 2
Patent applications by German Länder in 2012

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 2012, 57 patent applications on average were filed per 100,000 inhabitants in Germany (see Table 2). With 132 and 114 applications per 100,000 inhabitants, respectively, Baden-Württemberg and Bavaria are in the lead as in the previous years and are considerably above the German average. Hamburg follows with 42 applications per 100,000 inhabitants. All other German Länder are clearly below the average.

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

	2011			2012		
German Länder	**Applications**	**Proportional share in %**	**Applications per 100 000 inhabitants**	**Applications**	**Proportional share in %**	**Applications per 100 000 inhabitants**
Bavaria	**13,722**	**29.1**	**109**	**14,340**	**30.8**	**114**
Baden-Württemberg	**14,593**	**31.0**	**136**	**14,225**	**30.5**	**132**
North-Rhine/Westphalia	**7,099**	**15.1**	**40**	**6,758**	**14.5**	**38**
Lower Saxony	**2,985**	**6.3**	**38**	**2,952**	**6.3**	**37**
Hesse	**2,373**	**5.0**	**39**	**2,293**	**4.9**	**38**
Rhineland-Palatinate	**1,183**	**2.5**	**30**	**1,122**	**2.4**	**28**
Saxony	**1,049**	**2.2**	**25**	**1,056**	**2.3**	**26**
Berlin	**812**	**1.7**	**23**	**855**	**1.8**	**24**
Hamburg	**1,013**	**2.2**	**57**	**758**	**1.6**	**42**
Thuringia	**567**	**1.2**	**25**	**590**	**1.3**	**27**
Schleswig-Holstein	**486**	**1.0**	**17**	**516**	**1.1**	**18**
Brandenburg	**352**	**0.7**	**14**	**296**	**0.6**	**12**
Saarland	**251**	**0.5**	**25**	**249**	**0.5**	**25**
Saxony-Anhalt	**310**	**0.7**	**13**	**246**	**0.5**	**11**
Mecklenburg-Western Pomerania	**167**	**0.4**	**10**	**180**	**0.4**	**11**
Bremen	**153**	**0.3**	**23**	**150**	**0.3**	**23**
Total	**47,115**	**100**	**Ø 58**	**46,586**	**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 2012.

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

With 3,972 applications – an increase of about 10 per cent – Robert Bosch GmbH is once again top of the list and extended its lead even further.

With 1,991 applications Daimler AG ranks second, closely followed by Siemens AG. More than 1,000 new applications were also filed by Schaeffler Technologies AG & Co. KG and by the US-based GM Global Technology Operations LLC. Bayerische Motoren Werke AG, Hyundai Motor Company, IBM, OSRAM GmbH, Knorr-Bremse Systeme für Nutzfahrzeuge GmbH, SB LiMotive, KIA Motors Corporation and Honda Motor Company filed markedly more applications at our office in 2012 whereas Airbus Operations GmbH and Evonik Degussa GmbH no longer are among the 50 most active applicants.

	Applicants	Seat		Applications
1	Robert Bosch GmbH	DE		**3,972**
2	Daimler AG	DE		**1,991**
3	Siemens AG	DE		**1,921**
4	Schaeffler Technologies AG & Co. KG	DE		**1,854**
5	GM Global Technology Operations LLC		US	**1,565**
6	Bayerische Motoren Werke AG	DE		**829**
7	Volkswagen AG	DE		**805**
8	Audi AG	DE		**787**
9	ZF Friedrichshafen AG	DE		**740**
10	BSH Bosch und Siemens Hausgeräte GmbH	DE		**719**
11	Hyundai Motor Company		KR	**533**
12	Ford Global Technologies LLC		US	**504**
13	Continental Automotive GmbH	DE		**435**
14	DENSO Corporation		JP	**428**
15	Fraunhofer-Gesellschaft e.V.	DE		**424**
16	Dr. Ing. h.c.F. Porsche AG	DE		**413**
17	Infineon Technologies AG	DE		**311**
18	OSRAM Opto Semiconductors GmbH	DE		**310**
19	Continental Teves AG & Co. OHG	DE		**306**
20	General Electric Company		US	**304**
21	Henkel AG & Co. KGaA	DE		**276**
22	International Business Machines Corporation (IBM)		US	**267**
23	Krones AG	DE		**248**
24	Voith Patent GmbH	DE		**230**
25	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		**226**
26	OSRAM GmbH	DE		**220**
27	Johnson Controls GmbH	DE		**197**
28	Carl Zeiss SMT GmbH	DE		**174**
29	Brose Fahrzeugteile GmbH & Co. KG	DE		**167**
30	Heidelberger Druckmaschinen AG	DE		**166**
31	Phoenix Contact GmbH & Co. KG	DE		**158**
32	Linde AG	DE		**149**
33	Giesecke & Devrient GmbH	DE		**147**
33	SEW-EURODRIVE GmbH & Co. KG	DE		**147**
35	XEROX Corporation		US	**143**
36	Hella KGaA Hueck & Co.	DE		**141**
37	Hilti AG		LI	**139**
38	MAHLE International GmbH	DE		**136**
38	Mitsubishi Electric Corporation		JP	**136**
40	Aktiebolaget SKF		SE	**133**
41	SB LiMotive Germany GmbH	DE		**125**
42	SB LiMotive Company		KR	**123**
43	Behr GmbH & Co. KG	DE		**122**
44	Knorr-Bremse Systeme für Nutzfahrzeuge GmbH	DE		**120**
45	Kia Motors Corporation		KR	**116**
46	VON ARDENNE Anlagentechnik GmbH	DE		**115**
46	MANN + HUMMEL GMBH	DE		**115**
48	Honda Motor Company		JP	**113**
48	IFM Electronic GmbH	DE		**113**
50	Continental Reifen Deutschland GmbH	DE		**112**
50	König & Bauer AG	DE		**112**

Table 3
The 50 most active patent applicants at the German Patent and Trade Mark Office (number of direct DPMA applications in 2012)

Inventors and applicants

In 2012, roughly 63 per cent 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. In recent years concentration in favour of large patent applicants has become even more pronounced. Presently, so-called large patent applicants make up 3.7 per cent of all applicants (see Table 1.8 in the annex "Statistics", page 96).
Since the inventor must be named in a patent application, in addition to the applicant, we can 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 2012, 6.8 per cent of the patent applications were filed by the respective inventors themselves. For applications from Germany the figure was 7.9 per cent, and for foreign applications 2.5 per cent (see Table 4). Thus the decline of applications by individual inventors has continued.

Selected data on patent examination

Patents continue to be interesting and attractive. In 2012 38,168 patent examination requests were filed, a slight increase over the previous year. Additionally, we reached a peak value of 11,662 search requests pursuant to Sec. 43 of the Patent Act. For the so-called "isolated" searches under Sec. 43 Patent Act output has kept up with the incoming requests.

Output increased also in the examining section. After the successful change-over to the electronic case file (ElSA Pat/Gbm) in 2011, we were able to reduce the mean processing times during the initial phase in 2012. 29,306 examination procedures were concluded in 2012. We will be making all efforts 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 in the Tables 1.2 and 1.3 in the annex "Statistics" on page 93.

Table 4
Patent applications for which the applicant is identical with the inventor by place of residence or seat of the applicant (in per cent)

Year	2006	2007	2008	2009	2010	2011	2012
National	11.3	11.5	10.3	11.0	10.4	9.1	7.9
Foreign	3.9	3.7	3.3	4.4	3.7	2.9	2.5
Total	**10.0**	**10.1**	**9.1**	**10.0**	**9.3**	**8.0**	**6.8**

Table 5
Selected data relating to patent procedures

Year	2006	2007	2008	2009	2010	2011	2012
Requests for examination	38,771	39,362	38,340	35,378	36,625	38,086	38,168
– including requests filed together with application	25,245	25,102	24,536	22,280	22,420	23,406	23,298
Search requests under Sec. 43 Patent Act	10,335	10,357	11,081	10,080	10,201	11,004	11,662
Concluded searches under Sec. 43 Patent Act	10,776	10,900	10,699	11,622	12,900	10,759	11,642
Examination procedures concluded (final)	38,515	34,757	32,793	31,545	32,719	26,944	29,306
Examination procedures not yet concluded in the patent divisions at end of year	123,334	128,178	135,491	139,408	143,963	155,388	161,937

Applications filed by universities

In 2012, German universities applied for patents for 640 inventions in their own name. In 2011 they had filed 41 applications more. Table 1.7 in the annex "Statistics", page 95, 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 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.

For many years, most of the patent applications have been attributed by our staff to the IPC area B60 "Vehicles in general" (see Table 1.10 in the annex "Statistics" on page 97).

In 2012, 6,084 patent applications were filed in this class (see Table 6). As before it was followed by class F16 "Engineering elements or units" with 5,090 applications and H01 "Basic electric elements" with 4,290 applications. In both classes application figures have been on the rise. For several years we have observed rising application figures in class H02 "Generation, conversion or distribution of electric power" (+ 5.8 per cent). More applications than in the previous year were also filed in the classes G06 "Computing, calculating, counting" (+ 9.5 per cent) and B62 "Land vehicles for travelling otherwise than on rails" (+ 15.6 per cent), whereas the applications dropped again compared to the previous year in the classes A61 "Medical or veterinary science; hygiene" (- 5.5 per cent) and F02 "Combustion engines" (- 5.0 per cent). Table 1.10 on page 97 shows the development in recent years.

Table 6
Patent applications in 2012 by classes of the International Patent Classification (IPC) that account for the majority of applications

IPC class		Applications in 2012	Percentage	Differences between 2011 and 2012 in %
B 60	Vehicles in general	**6,084**	**10.7**	**0.4**
F 16	Engineering elements or units	**5,090**	**9.0**	**4.8**
H 01	Basic electric elements	**4,290**	**7.6**	**3.3**
G 01	Measuring, testing	**3,670**	**6.5**	**-1.5**
A 61	Medical or veterinary science; hygiene	**2,370**	**4.2**	**-5.5**
H 02	Generation, conversion or distribution of electric power	**2,350**	**4.1**	**5.8**
F 02	Combustion engines	**2,117**	**3.7**	**-5.0**
G 06	Computing, calculating, counting	**1,458**	**2.6**	**9.5**
F 01	Machines or engines in general	**1,419**	**2.5**	**-6.2**
H 04	Electric communication technique	**1,370**	**2.4**	**4.8**
B 62	Land vehicles for travelling otherwise than on rails	**1,348**	**2.4**	**15.6**
B 65	Conveying, packing, storing, handling thin material	**1,326**	**2.3**	**-11.7**

IN BRIEF
Inventive step

Our patent examiners may grant a patent only if the invention is new compared to the global state of the art. It must not be obvious for a person skilled in the art and it must be industrially applicable.
A technical invention offers a technical solution to a technical problem. Such a solution may be patented only if it has been unknown so far and if it also involves an inventive step. If a solution is not the result of an inventive step, we cannot grant a patent, even if the invention is new. Whether there is an inventive step thus is a central question during the examination at our office.

According to the Patent Act, an invention shall be deemed to involve an inventive step, if it is not obvious to a person skilled in the art from the state of the art (Sec. 4(1) of the Patent Act).

What does the "state of the art" include?

In order to decide whether an invention is new and inventive, we compare it to the global state of the art. Therefore, the relevant examining section conducts a thorough and comprehensive search on the subject-matter of the patent application and assesses the documents found. In order to assess the inventive step, only information made available and known before the day relevant for the priority of the patent application is considered. This includes anything made available to the public by written or oral description, by use or by any other means, such as international patent specifications as well as articles from non-patent literature, including journals, proceedings or Internet sources. Even citations from specialist books, theses, handouts from trade fairs and notes of public lectures may form the relevant state of the art.

Who is the "person skilled in the art"?

The relevant person skilled in the art is not the respective patent examiner. He or she is a fictitious average person skilled in the art that is active in the field of the determined state of the art and is redefined for each examination. He or she is supposed to know the whole state of the art of his or her technical field and to use it together with his or her basic knowledge to perform routine work and research. In addition to his or her specialist knowledge, the person skilled in the art makes use of general principles of action and of his or her experience, such as the pursuit of efficiency.

When is an invention not obvious?

Any solution to a problem that the relevant person skilled in the art can find with the help of his or her knowledge is obvious and therefore not patentable. Only an accomplishment exceeding the average skills of the person skilled in the art warrants patent protection. It is thus not important how much effort or time the inventor invested to find a new solution. It is decisive that the solution was not obvious.

The central question during the examination of an inventive step at the German Patent and Trade Mark Office is whether the person skilled in the art had any reason to take up, change accordingly or supplement an embodiment known from the state of the art.

The role the reason plays is illustrated in Figure 3. The relevant state of the art is shown as some kind of a jigsaw puzzle whose pieces are taken from two publications. The question to answer now is whether there was a reason for the person skilled in the art to consider both sources (for example, in case of the same problem). Decisive is how close the pieces of the jigsaw puzzle are and whether they fit together. If there was no reason for the person skilled in the art, the invention is not obvious and a patent may be granted, if the invention is new and industrially applicable as well, as all requirements of the Patent Act are met.

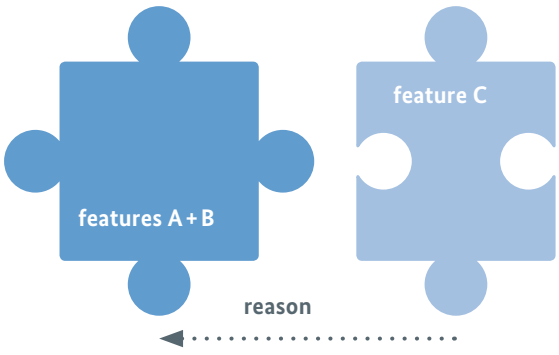


Figure 3
Reason to change or supplement the state of the art

IN FOCUS
Selected fields of technology

Automotive technology

For many years automotive technology has been the class with the largest number of applications in our patent statistics. The number of applications in the class for vehicles in general again increased in 2012 (see page 97). The majority of applicants in the area of automotive technology and engines are big car manufacturers and internationally active component suppliers. Remarkably, there is also a growing proportion of start-up companies. Intensive efforts are being made to improve energy efficiency of the different drive systems. Due to the great importance of automotive technology, the publication "Erfinderaktivitäten 2011" is dedicated to this topic. You can find our "Erfinderaktivitäten" on our website at **http://www.dpma.de/service/veroeffentlichungen/erfinderaktivitaeten/index.html**.
You are welcome to order a printed version from our Public Relations section (**presse@dpma.de**).

Internal combustion engine

The innovative strength of the automotive industry in the field of internal combustion engines shows no sign of waning. Compared to the previous year the number of patent applications increased in 2012 (the year of publication), even exceeding the high level of 2009.

Foreign applicants continue to be strongly represented and account for about 50 per cent of the applications. Developers focus on measures to further cut fuel consumption and CO_2 emissions of diesel engines and petrol engines. The so-called downsizing involves reduction of the cubic capacity and the number of combustion chambers. More and more car manufacturers opt for three-cylinder engines a fact that is also reflected by the key areas on which applications are focusing. Turbocharging and direct injection are used to compensate for the loss of engine performance involved with lower cubic capacity. Important technical approaches are: pressure wave charging and twincharging, variable spin control and valve control, multi-point injection and mass balancing. Applications in the field of exhaust technology deal as intensively as before with the urea-based SCR exhaust gas aftertreatment (SCR – Selective Catalytic Reduction) to effectively reduce nitrogen oxide emissions.

Hybrid drive

The hybrid drive combines different types of drive sources in a vehicle. Usually, these are an internal combustion engine and an electric motor, which are either used alternately or both together, depending on requirements.

The number of patent applications concerning the various hybrid drives increased by 30 per cent in 2012 (year of publication). Companies based in Germany and in the USA filed markedly more applications in this field than in 2011. The greatest increase of more than 60 per cent over the previous year is accounted for by applicants from Japan. Fields of activity range from simple start/stop systems, which automatically cut out the combustion engine when the car is stationary and restart the engine to drive on, to full hybrid electric vehicles, which can even run on electric power alone for a certain time.

The applications received at the DPMA frequently described how to optimise energy management and battery charging management for so-called plug-in hybrids which can be plugged directly into the mains to recharge their energy stores. The developing departments also continue to work on minimising the weight of the vehicle and the space required for hybrid parts. Furthermore, some patent applications deal with the subject of pressure accumulators. This technology translates kinetic energy that is lost when the brakes are applied into hydraulic energy that is stored in a pressure tank.

Electric drive

The number of applications for pure electric vehicles also grew considerably. The inventors from Japan and Korea more than doubled their number of applications in this field compared to the previous year. However, more applications were also filed by companies located in Germany, the USA or France. In addition to the specialised classes listed in Table 7, such patent applications can be found in the field of electricity storage technology, for example, if an invention deals with battery chargers or the storage capacity and storage safety of batteries. To counteract the problem of low energy densities of batteries, developers have designed intelligent battery management systems. In this context, electric double layer capacitors (SuperCaps) play an important role. Depending on the driving situation, a control device determines, in the driving mode, whether electric energy for the motor is supplied by the battery or the capacitor, and where the electric energy is stored during braking or in the coasting mode (recuperation).

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

Internal combustion engines [1,2]

Country of origin/publication year	2006	2007	2008	2009	2010	2011	2012
Germany	1,751	1,654	1,570	1,888	1,907	1,874	2,070
USA	449	452	594	631	515	694	696
Japan	864	969	899	992	771	690	758
Republic of Korea	16	8	25	49	41	56	91
France	144	139	152	162	136	83	107
China	4	5	9	7	3	4	10
Total	3,459	3,468	3,497	3,987	3,633	3,646	4,038

Hybrid drives [1,3]

Country of origin/publication year	2006	2007	2008	2009	2010	2011	2012
Germany	131	219	337	537	692	805	915
USA	101	110	193	324	238	331	414
Japan	213	203	304	346	354	367	594
Republic of Korea	11	20	16	23	29	149	142
France	7	8	11	37	23	22	32
China	0	3	3	5	13	8	11
Total	474	562	887	1,298	1,398	1,727	2,246

Electric drives [1,4]

Country of origin/publication year	2006	2007	2008	2009	2010	2011	2012
Germany	39	35	44	53	89	109	147
USA	15	20	24	36	32	38	50
Japan	35	32	47	44	27	51	114
Republic of Korea	0	1	3	0	0	7	15
France	4	1	1	11	4	18	27
China	0	2	0	4	0	3	0
Total	96	98	126	153	163	249	389

[1] The Tables list 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. Source: DEPATIS
[2] IPC: F01N3, F01N5, F01N9, F01N11, F01L1, F02B, F02D, F02F, F02M, F02N, F02P, F16C3/18, F16C3/20, F16F15/24R, F16F15/31
[3] Data collected with a specified search profile due to the 2006 IPC revision in B60K, B60L, B60W, F01N, F01L, F02D, F02N, F16H, H01M, H02J
[4] IPC: B60L7/12, B60L7/14, B60L8, B60L11, B60L15/00 to B60L15/38, B60K1

Renewable energy

Energy policy in Germany is also reflected in the filing figures for patents. The number of patent applications in the field of renewable energy that were published for the first time increased by 41 per cent in the past two years.

In 2012 the total number of applications in the field of renewable energy amounted to 2,205 and accounted for more than one per cent of all applications.[a] The current increase is primarily driven by foreign applicants.
There was again a surge of applications for wind generators in particular. Most of the applicants are big companies from Germany and the USA, but there was also a not insignificant number of private inventors. In addition to the problems relating to the integration of wind generators into the grid, many applications deal with the production and development of rotor blades, offshore farms and the storage of wind energy.

Most applicants in the field of solar technology are medium-sized companies from Germany and big companies from Japan, Korea and the USA. Applicants from Japan were able to almost triple their share over the last five years, whereas German manufacturers responded to the sharp price decline for photovoltaic panels by filing fewer applications. Many of the patent applications aimed at improving efficiency levels of silicon solar cells while at the same time reducing production costs. Developers of German enterprises focused on solar thermal power stations which convert electromagnetic solar radiation primarily into thermal energy.

The number of applications for other renewable energy sources fell slightly. In case of biogas plants, an increasing number of inventions deal with feeding biogas into the mains gas grids or describe the combination with other renewable energy sources and electrolysis units for hydrogen generation.

[a] Total number of patent applications (169,384) published for the first time in 2012 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.

Renewable energy sources [1]

	2006		2007		2008		2009		2010		2011		2012	
	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]	103	109	157	134	143	231	240	350	290	485	330	646	280	753
Wind generators[5]	92	103	93	134	123	165	192	292	233	342	273	453	312	603
Hydro power/ wave and tidal power[6]	11	24	13	27	19	31	20	55	40	57	51	88	34	71
Geothermal energy, biogas, other energy sources[7]	26	17	61	24	78	35	86	51	72	44	77	87	76	76
Total	485		643		825		1,286		1,563		2,005		2,205	

[1] The Table lists 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. Source: 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

175 YEARS AGO

Thomas Davenport is granted the first patent for an electric motor

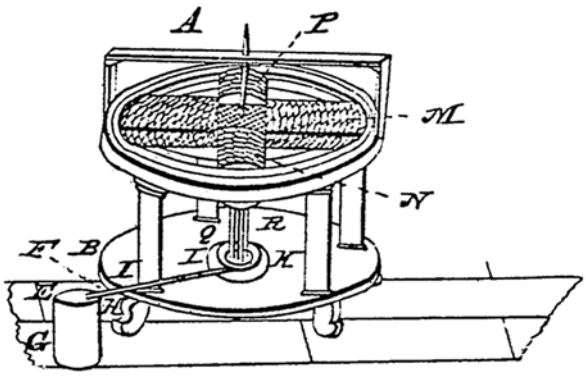
At the end of the 18th century, the Industrial Revolution led to the transition from an agrarian society to an industrial society. This development was enabled by many inventions at that time, which were mostly a reaction to the growing demands of factories and people.

The steam engine was one of the great inventions during the Industrial Revolution. This machine was always used when heavy things needed to be moved. The invention of the battery, the ability to generate a magnetic field produced by an electric current and the invention of the electromagnet provided the necessary basis for the invention of the electric motor at the beginning of the 19th century.

Inspired by the introduction of the first steam-powered locomotive in the United States, the Vermont blacksmith Thomas Davenport (1802 – 1851) had the vision of an electrically powered train. On 25 February 1837, he was granted the world's first patent for an electric motor by the United States Patent Office in Washington, D.C.

The history of the electric motor begins with the discovery made by the Englishman Michael Faraday in 1821. He demonstrated how a live conductor rotated round its own axis under the influence of a permanent magnet. A year later, the British physicist Peter Barlow developed the first motor with a rotating copper armature driven by electric magnetism, which was given his name, the Barlow's wheel. In the following years, several research scientists worked independently on the development of the electric motor. In Europe, the German engineer Hermann Jacobi built a practical DC motor in 1834.

At the same time, Thomas Davenport worked in the United States on the development of an electromagnetic drive. In 1834, he made a motor from electromagnets he built himself. As he had only non-insulated wire available, he sacrificed his wife's silk wedding dress to insulate the wound copper wire[1]. In the summer of 1835, he filed an application for a patent on his invention under the title "Improvement in Propelling Machinery by Magnetism and Electro-Magnetism" with the Unites States Patent Office in Washington. The responsible patent examiner first doubted the practicability of the machine described. Only when Davenport demonstrated a model train driven by the motor he developed at the Patent Office, he was able to convince the examiner and was granted the patent. Davenport's model is now an exhibit at the National Museum of American History in Washington. The small model locomotive is regarded as the world's first vehicle driven by electricity.



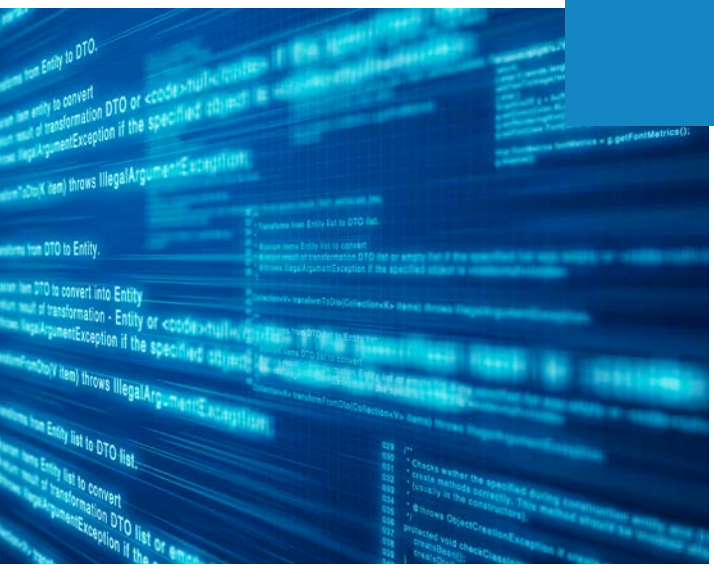
Drawing from patent specification US 132 A

Patent US 132 A of 25 February 1837 shows a drawing of the electric motor. Davenport's construction uses two rotating electromagnets (M, N, O, P) with a commutator (K, L) acting as their switch. The armature hinge-mounted on a drive shaft (R) is surrounded by a circular permanent magnet embedded in a wooden frame. A zinc battery (G) supplies electricity for the electromagnets.

However, Davenport's DC motor did not meet with success. The energy efficiency and effectivity of the galvanic power source were much too low. Only when Werner von Siemens discovered the dynamoelectric principles in 1866, it became possible to build effective electric motors. In 1879, Werner von Siemens achieved something Davenport could only dream of. At the Berlin Industrial Exposition, he presented the world's first electric locomotive to the public.

[1] Davenport, W.R.: Biography of Thomas Davenport, Kessinger, Montana 2010.

IN FOCUS
Patents on software and computer-implemented inventions



A mobile phone or a car without software?

This is hardly imaginable these days.

Today, software is being used in many products.
Time and again we have received questions about so-called software patents.

Is software patentable in Germany? What conditions must be fulfilled?

Software-related, so-called computer-implemented, inventions account for about ten per cent of the patent applications filed each year with the German Patent and Trade Mark Office.

Under the German Patent Act, computer programs (software) as such are excluded from patent protection. In this respect, our legal systems in Germany and Europe essentially differ from other legal systems, for example, that of the United States of America.

Without a technical contribution computer programs have an exclusively verbal function and are protected by copyright.

However, software often has a dual character.

Besides its verbal function it may often also influence or change technical features. This is referred to as a computer-implemented invention. More precisely, an invention is a computer-implemented invention if the performance of the invention involves the use of a computer, a computer network or other programmable apparatus and if it has at least one feature which is realised wholly or partly by means of a computer program.

The Patent Act and the rulings by the highest courts relating to patent law are the basis for patent examination by our office in all fields of technology. We examine whether an invention is of a technical nature, whether the invention as a whole or individual parts of it are specifically excluded from patent protection, whether it is new, non-obvious to a person skilled in the art and capable of industrial application.

Just because the subject-matter of the application contains software does not mean that we can simply refuse patent protection for the invention. If the invention (the claimed teaching) solves a technical problem by technical means nothing stands in the way of patent protection – provided the other patenting requirements are fulfilled.
For example, in one case, the patentable element of an anti-lock braking system was not the brakes as such but their software-based control.

How do we examine patent applications in the field of computer-implemented inventions?

When we examine these applications we are particularly evaluating questions regarding the technical problem solved by the invention and the inventive step.

Exclusion from patent protection

In a first step we examine whether the claimed computer-implemented teaching (software) merely constitutes a computer program as such, which is excluded from patent protection. The mere fact that the teaching requires the use of a technical data processing device – for example, a computer – does not suffice for that teaching to be eligible for patent protection. Instead, the claimed method must comprise instructions for the solution of a specific technical problem by technical means.

Whether the claimed teaching solves a specific technical problem with technical means should be objectively determined by what the invention actually achieves. In this context our examiners focus above all on the technical issues, for example, the control of the data processing systems as such, the control of a secondary technical system or the technical conditions, which are appropriately taken into account by the claimed teaching. A method constitutes the solution of a technical problem by technical means if device components are modified or addressed in a fundamentally different way by the claimed teaching. If the execution of a data processing program used to solve a problem is determined by technical factors outside the data processing system this is also regarded as a technical means for solving a technical problem.

Thus we consider the interaction of the technical components of the data processing system itself and also their interaction with other technical systems, each of which can be described by a computer-implemented process – that means software.

If the application merely describes the data processing steps without dealing with the technical implementation of these steps and if the measures described do not take into account the technical conditions that are inherent in the data processing system itself or exist outside the data processing system, this does not constitute the solution of a specific technical problem by technical means. In that case the claimed teaching describes a computer program "as such", which is excluded from patent protection, and/or the reproduction of information "as such".

Inventive step

Upon assessing whether the claimed teaching involves an inventive step it is exclusively the solution of the technical problem that is relevant. Usually the invention involves an inventive step if it is not obvious to a person skilled in the art, having regard to the state of the art. In this context the state of the art for computer-implemented inventions also comprises any information relevant for the field of technology at issue. Upon assessing whether the claimed teaching involves an inventive step only those instructions are to be considered that determine or at least influence the solution of the technical problem by technical means. However, other aspects not contributing to solving the technical problem will not be considered for assessing inventive step.

Consequently, when a patent is granted for a computer-implemented invention that does not mean that protection is granted to a concrete program code but that protection is granted to the solution of the underlying technical problem by technical means.



Utility models

The “little brother” of the patent

Did you know that you can also apply for a utility model for almost any technical invention? This IP right will achieve the same protective effect as a patent.

Utility model protection – a fast and low cost procedure: It is fast because the utility model can be entered 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 may take considerably longer 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, and it confers the same rights as a patent provided the unexamined substantive requirements for protection are fulfilled.

It is 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. It is only processes and biotechnological inventions that cannot be protected by a utility model; these inventions can only be protected by a patent.

Detailed information is available in our “Utility model” information brochure and on our website.

www.dpma.de

Development in utility model application figures

In 2012, we received 15,491 utility model applications. This means that the filing figures continued to drop (2011: 16,061, -3.5 per cent). In 2012, we entered 13,978 utility models in the Register. This amounts to 90 per cent of the applications. 2,553 applications were withdrawn, rejected or did not lead to registration for other reasons.

Over the year we renewed 22,001 utility model registrations. 15,041 utility models lapsed in 2012, for example, due to non-renewal or abandonment. 92,255 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 4. For further analyses of utility model applications please refer to the annex “Statistics” on page 98.

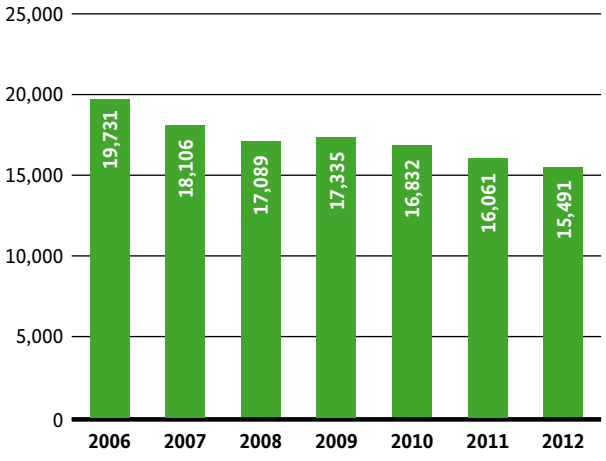


Figure 4
Utility model applications at the German Patent and Trade Mark Office

Origin of utility model applications

11,930 of the applications received by our office (77 per cent) originated from Germany. The utility model has remained very popular with applicants based abroad. A total of 3,561 applications were filed by applicants based abroad; this represents an increase of 8.7 per cent over the 2011 figure of 3,275. Their share amounted to 23 per cent in 2012. As in the previous year, the majority of the foreign applications originated from Taiwan (6.7 per cent), followed by Austria (2.6 per cent). The United States of America ranked third (2.4 per cent) (see Table 9).

	Applications	Proportional share in %
Germany	**11,930**	**77.0**
Taiwan	**1,036**	**6.7**
Austria	**399**	**2.6**
USA	**377**	**2.4**
Switzerland	**284**	**1.8**
China	**255**	**1.6**
Netherlands	**106**	**0.7**
Republic of Korea	**105**	**0.7**
Others	**999**	**6.4**
Total	**15,491**	**100**

Table 9
Utility model applications at the German Patent and Trade Mark Office in 2012 by countries of origin

Utility model applications by German Länder

In 2012, 11,930 utility model applications came from Germany. The comparison of German Länder shows that North-Rhine/Westphalia again comes top as in the previous years with 3,148 applications (26.4 per cent), followed by Bavaria with 2,558 (21.4 per cent) and Baden-Württemberg with 2,060 applications (17.3 per cent). This means that almost two thirds of all national applications come from these three German Länder (see Figure 5). The filing figures in relation to population of German Länder are shown in the annex “Statistics” on page 100.

Split-off option

In 2012, 1,484 utility model applications were so-called split-off applications resulting from patent applications. The split-off option 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 if the utility model application was actually filed later. The registration of the 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 is often an accompanying and low-cost measure to effectively take action against copying as long as the patent has not yet been granted.

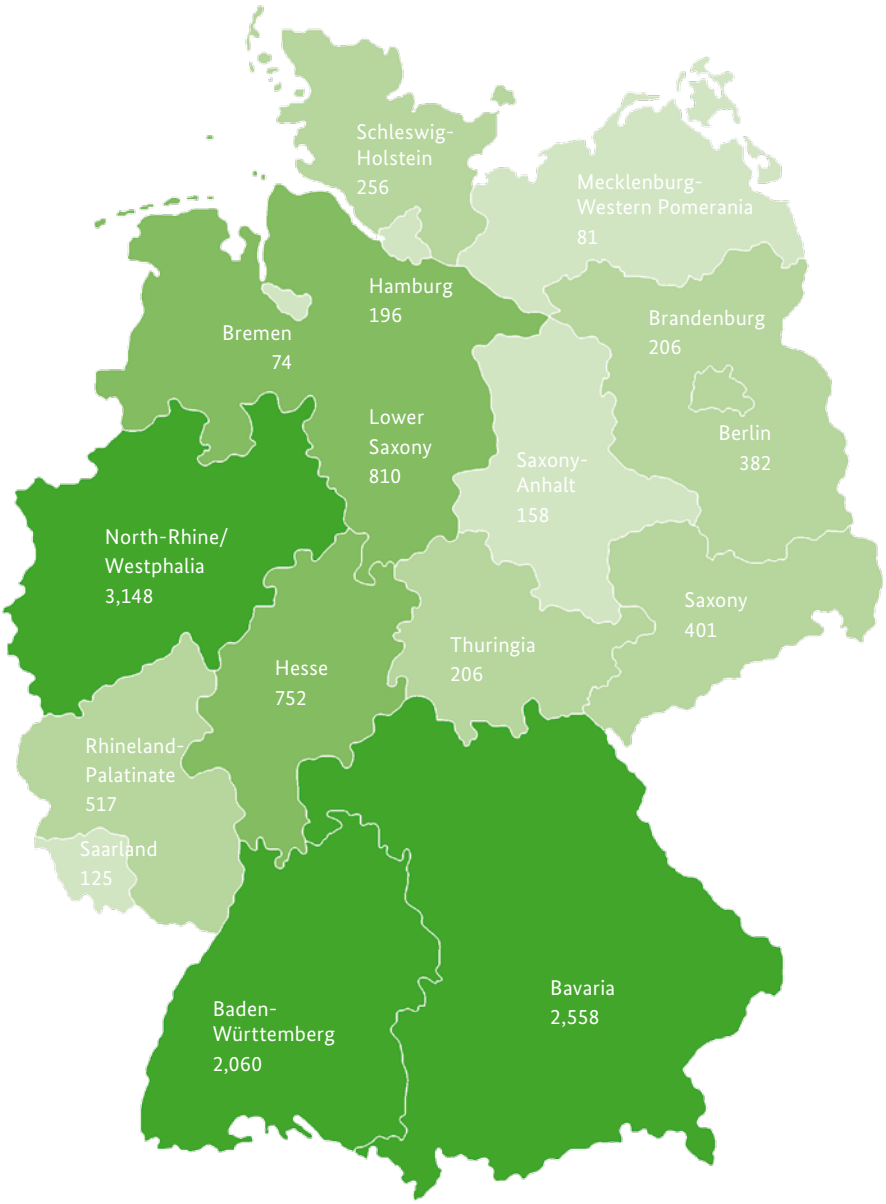


Figure 5
Utility model applications by German Länder in 2012

Search pursuant to Section 7 of the Utility Model Act

In contrast to the patent, the utility model will be registered without substantive examination of the invention. We merely examine whether the formal requirements are complied with. In that case, we register the utility model very quickly.

As we register the utility model without substantive examination as to the novelty of the invention 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. A search report lists the publications and documents identified that are relevant for assessing protectability of the utility model. This will help the applicant to assess whether his/her own claims will be enforceable against others or if an attack on the IP right could be successful.

In 2012, we received 2,729 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. The request, which is subject to a fee of 300 euros, must contain a sufficient statement of reasons, particularly, any conflicting prior art must be cited in the cancellation request.

Cancellation proceedings are handled by our utility model cancellation division. It will examine whether the grounds for cancellation stated in the request are relevant.

The cancellation proceedings are an efficient instrument for subsequently clarifying the protectability of an – initially unexamined – utility model. In 2012, 159 utility model cancellation requests were filed.

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

Topography

Topography applications and utility model applications are handled by the same organisational unit at our office. Three-dimensional structures of microelectronic semiconductor products are known as topography. The registration procedure corresponds to that of utility models. While the number of applications were initially high when the Semiconductor Protection Act was introduced in 1987, few topography applications were filed at the DPMA in the past few years. The number of applications increased again for the first time. In 2012, we received nine applications for topographies.

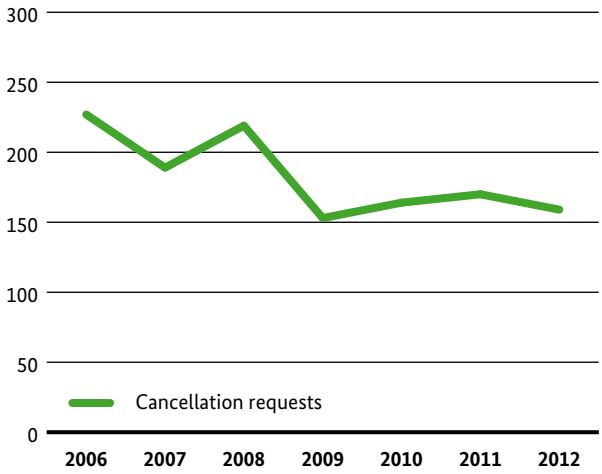


Figure 6
Cancellation requests in utility model cancellation proceedings



Trade marks

Badges of origin and labels of quality

Trade marks build trust. They make products recognisable. They help us remember a product or a service of a specific supplier and distinguish it from others.
Trade marks registered at the German Patent and Trade Mark Office are optimally protected by law from imitation and confusion. They do not only deserve the consumers' trust but suppliers can likewise trust that only their products are associated with their achievements. Trade marks are thus important values – for customers and producers.

Trade marks are often words, logos, images or combinations thereof. Under certain circumstances, three-dimensional shapes, colours, combinations of colours or jingles can be protected as trade marks. Trade marks cannot be protected, if they contain objective statements on the goods or services that they are supposed to be used for. For example, it would not be possible to register the word "rostfrei" (rustproof) for bicycles.

There are three ways to seek protection for a trade mark in Germany. The national trade marks are examined, registered and administered by the German Patent and Trade Mark Office. Protection in Germany can also be requested through the World Intellectual Property Organization (WIPO) for international trade marks which have previously been registered abroad. They are examined for eligibility for protection by us as well. Community trade marks are the third option to obtain trade mark protection. These trade marks are examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain) and are valid throughout the whole of the European Union. Irrespective of the filing route, all of these trade marks are equally valid and 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. In this context, it is irrelevant whether it is a national trade mark, an international trade mark or a Community trade mark.

Detailed information is available in our "Trade Marks" information brochure and on our website.

www.dpma.de

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

We received a total of 64,313 applications for trade mark protection in 2012, a decline of 7.0 per cent over 2011. The applications comprise 59,849 national applications (-6.6 per cent) and 4,464 requests for the extension of protection based on international registrations (-12.0 per cent), which were filed through the World Intellectual Property Organization (WIPO).

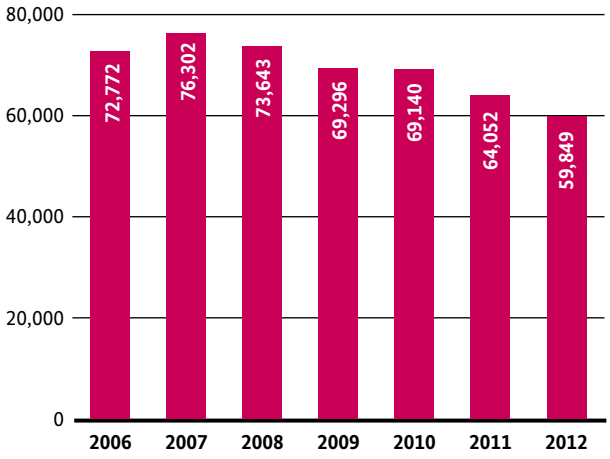
The German applications for Community trade marks, which are examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante, grew only very moderately by 0.6 per cent in 2012 and fell short of the total rise in applications filed at OHIM of 1.9 per cent. With 20,098 Community trade mark applications Germany is still the biggest applicant at OHIM but the interest in trade marks seems to have noticeably cooled in Germany. As the German economy is in a robust shape when compared to other European economies, this development can only be explained by cyclic variations in trade mark applications, which are largely disconnected from external factors such as the economic cycle.

A German national trade mark application, which is examined and registered by us at the German Patent and Trade Mark Office (DPMA), is first and foremost of interest to applicants who are predominantly active in Germany and, possibly, some individual neighbouring countries. A German national trade mark is an examined high-quality IP right which gives you fast and low-cost protection. If some years later business activities are expanded, the German national trade mark may be used as a basis to obtain protection in the whole European Union and beyond by way of international registration. Moreover, comprehensive international trade mark protection with a German national trade mark as a basic mark for international registration is in many cases clearly cheaper than choosing the route via registration of a Community trade mark with subsequent international registration. For example, the fees for the most extensive international protection available amount to roughly 14,000 euros with a German national trade mark as basic mark but to 17,000 euros with a Community trade mark as basic mark. The alternative with a German basic mark also provides protection for the whole of the European Union.

Origin of national trade mark applications

94.8 per cent of the 59,849 national trade mark applications, which we received directly, originated from Germany. The share of applicants based abroad was 5.2 per cent (preceding year: 5.4 per cent). The majority of foreign applications originated from Switzerland, followed by the USA and Bulgaria.

Figure 7
National trade mark applications at the German Patent and Trade Mark Office



	Applications	Proportional share in %
Germany	**56,724**	**94.8**
Switzerland	**461**	**0.8**
USA	**407**	**0.7**
Bulgaria	**405**	**0.7**
China	**261**	**0.4**
Austria	**191**	**0.3**
United Kingdom	**188**	**0.3**
Netherlands	**124**	**0.2**
Others	**1,088**	**1.8**
Total	**59,849**	**100**

Table 10
Trade mark applications at the German Patent and Trade Mark Office in 2012 by countries of origin

Trade mark applications by German Länder

With 12,568 applications North-Rhine/Westphalia accounted for 22.2 per cent of the total 56,724 German applications and was top of the list of the most active German Länder. It was followed – almost traditionally – by Bavaria and Baden-Württemberg with 10,072 applications (17.8 per cent) and with 7,413 applications (13.1 per cent), respectively. If we consider the applications in relation to the number of inhabitants the city states, Hamburg and Berlin, come top as in the previous year with 173 and 125 applications, respectively, per 100,000 inhabitants.

The overview of trade mark applications by German Länder and the filing figures per 100,000 inhabitants are shown in Figure 8 and Table 11. For time series covering the preceding years, please refer to Table 3.5 in the annex "Statistics" on page 103.

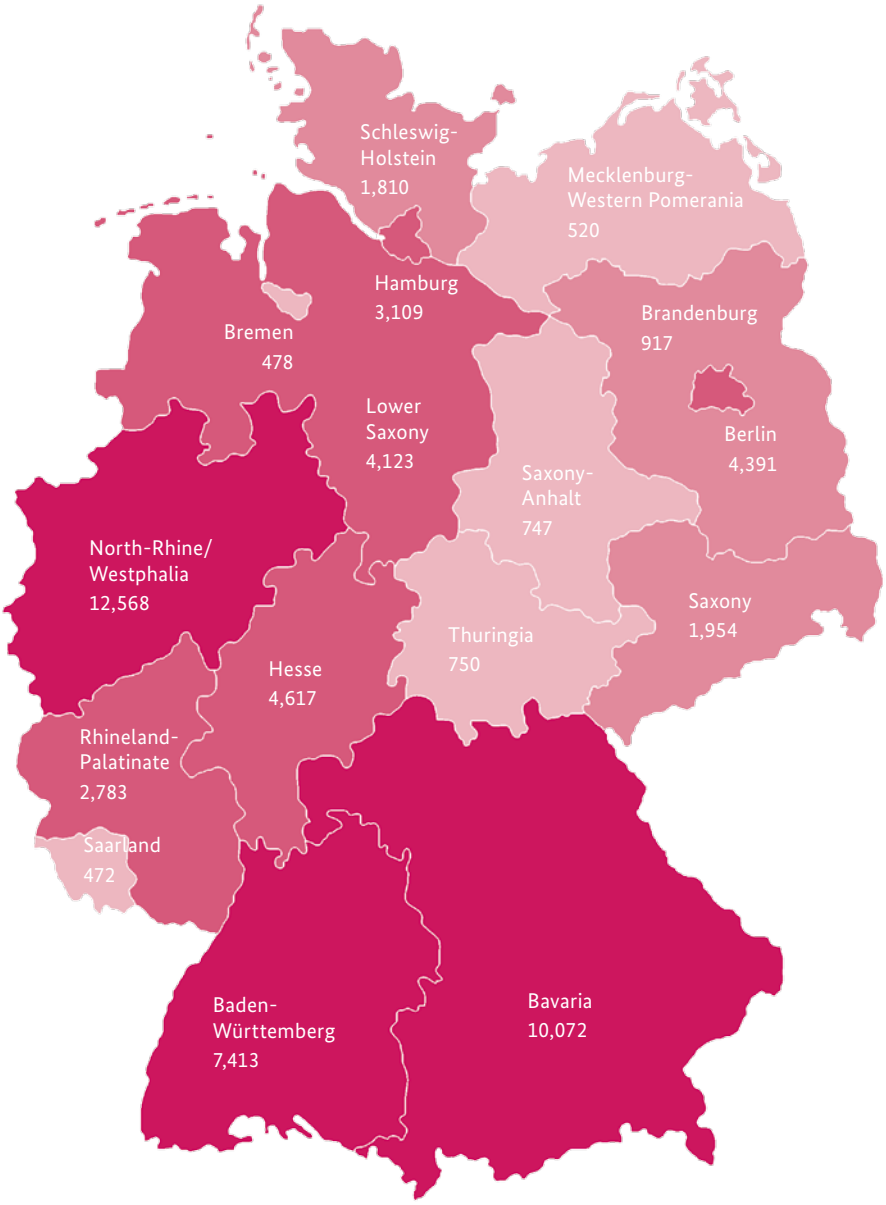


Figure 8
Trade mark applications by German Länder in 2012

Table 11
Trade mark applications, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2011			2012		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/Westphalia	13,091	21.6	73	12,568	22.2	70
Bavaria	10,855	17.9	87	10,072	17.8	80
Baden-Württemberg	8,105	13.4	75	7,413	13.1	69
Hesse	5,000	8.2	82	4,617	8.1	76
Berlin	4,842	8.0	140	4,391	7.7	125
Lower Saxony	4,254	7.0	54	4,123	7.3	52
Hamburg	3,318	5.5	186	3,109	5.5	173
Rhineland-Palatinate	2,605	4.3	65	2,783	4.9	70
Saxony	2,119	3.5	51	1,954	3.4	47
Schleswig-Holstein	1,964	3.2	69	1,810	3.2	64
Brandenburg	1,072	1.8	43	917	1.6	37
Thuringia	1,102	1.8	49	750	1.3	34
Saxony-Anhalt	751	1.2	32	747	1.3	32
Mecklenburg-Western Pomerania	511	0.8	31	520	0.9	32
Bremen	512	0.8	77	478	0.8	72
Saarland	509	0.8	50	472	0.8	47
Total	60,610	100	Ø 74	56,724	100	Ø 69

Trade mark procedures

In 2012, 46,099 trade marks were registered. In contrast, only 6,505 applications did not lead to registration. Statistically, there is an overwhelming chance that a trade mark applied for will be registered.

Trade mark applications by classes of goods and services

In 2012, 51.8 per cent of the trade mark applications (by leading classes) related to classes of goods and 48.2 per cent to service classes. This means that the percentages of trade mark applications for goods and for services are exactly the same as in the previous year.

Trade mark applications by leading classes

In the last three years, the top trio of leading classes with the largest number of trade mark applications has remained unchanged: In 2012, class 35 (advertising, business management) was again the top leading class with 7,007 applications, followed by class 41 (education; providing of training; sporting and cultural activities) with 6,712 applications and class 9 (electrical apparatus and instruments) with 4,355 applications. Consequently, class 9 is not only the most requested class of goods but also the only leading class among the top five which increased in number – albeit only very slightly.

Table 12
Data on trade mark procedures

Year	2006	2007	2008	2009	2010	2011	2012
New applications	72,772	76,302	73,643	69,296	69,140	64,052	59,849
Registrations	51,369	54,566	50,282	49,838	49,763	51,330	46,099
Refusals	5,193	7,043	7,395	8,420	8,353	7,772	6,505

Table 13
The top ten leading classes

Leading class		Applications in 2012	Proportional share in %	Difference between 2011 and 2012 in %
35	Advertising, business management	7,007	11.7	-7.5
41	Education, sporting and cultural activities	6,712	11.2	-2.8
9	Electrical apparatus and instruments	4,355	7.3	0.2
42	Scientific and technological services	2,973	5.0	-16.5
25	Clothing, footwear	2,717	4.5	-4.5
44	Medical services	2,575	4.3	-5.0
36	Insurance	2,529	4.2	-3.0
5	Pharmaceutical preparations	2,271	3.8	5.5
30	Food of plant origin	1,956	3.3	-0.7
43	Providing food and drink, temporary accommodation	1,828	3.1	-8.2

	Proprietor	Seat		Number
1	Boehringer Ingelheim International GmbH	DE		136
2	MIP METRO Group Intellectual Property GmbH & Co. KG	DE		103
3	Vodafone D2 GmbH	DE		87
4	FormMed Healthcare AG	DE		77
5	FKW Keller GmbH	DE		70
6	Volkswagen AG	DE		68
7	Deutsche Telekom AG	DE		63
8	Daimler AG	DE		58
9	E Bike Advanced Technologies GmbH	DE		55
9	Henkel AG & Co. KGaA	DE		55
11	Netto Marken-Discount AG & Co. KG	DE		52
12	BSH Bosch und Siemens Hausgeräte GmbH	DE		50
12	Fraunhofer-Gesellschaft e. V.	DE		50
14	Continental Reifen Deutschland GmbH	DE		45
15	Eckes-Granini Deutschland GmbH	DE		41
16	Kaufland-Warenhandel GmbH & Co. KG	DE		39
17	Bally Wulff Games & Entertainment GmbH	DE		38
17	STADA Arzneimittel AG	DE		38
19	Merck KGaA	DE		36
20	Bayerische Motoren Werke AG	DE		34
20	Griesson - De Beukelaer GmbH & Co. KG	DE		34
22	GEZE GmbH	DE		32
23	ORTHOMOL pharmazeutische Vertriebs GmbH	DE		31
24	Bayer AG	DE		30
24	Bayer Intellectual Property GmbH	DE		30
24	Dermapharm AG	DE		30
24	innomark GmbH	DE		30
24	Medatixx GmbH & Co. KG	DE		30
24	Société des Produits Nestlé S.A.		CH	30
30	Aristo Pharma GmbH	DE		29
31	August Storck KG	DE		28
31	Beem Blitz-Elektro-Erzeugnisse Manufaktur Handels-GmbH	DE		28
33	Desmoid Pharma Holding AG	DE		27
33	André Geske	DE		27
33	Medi GmbH & Co. KG	DE		27
36	Katjes Fassin GmbH & Co. KG	DE		26
36	Underberg GmbH & Co. KG	DE		26
36	Unilever N.V.		NL	26
39	Audi AG	DE		24
39	Deutsche Amphibolin-Werke	DE		24
39	Karl Storz GmbH & Co. KG	DE		24
39	Masterhorse Vertriebs-GmbH	DE		24
43	Bäuerliche Erzeugergemeinschaft Schwäbisch Hall	DE		23
43	EDEKA Zentrale AG & Co. KG	DE		23
45	Clean Energy GmbH	DE		22
45	FERRERO Deutschland GmbH	DE		22
45	Markus Olberts	DE		22
45	Pyro-Partner GmbH	DE		22
45	Marco Seitz	DE		22
45	Tchibo GmbH	DE		22
45	ZF Friedrichshafen AG	DE		22

Top trade mark proprietors in terms of registrations

With 136 registrations in 2012 Boehringer Ingelheim International GmbH was the applicant with the highest number of registrations as in the previous year. METRO GROUP, a retailing company, was on the second place, followed by the telecommunications company Vodafone ranking third.

In contrast to the previous year, when three car manufacturers were among the top five, no car manufacturer made it into the top five this time: Volkswagen AG, ranking sixth, is the car manufacturer with the largest number of registrations in 2012. The food companies Nestlé (24th position) and Unilever (36th position) are the only two foreign enterprises among the top 40.

Table 14
Top trade mark proprietors in terms of registration in 2012 (registration of trade marks under Sec. 41 of the Trade Mark Act)

Cancellations

Anybody may file a cancellation request without having to prove a particular interest. The requests are subject to a fee. The request can either be based on grounds for refusal of the trade mark or on the fact that the trade mark has not been put to use within a certain period of time (revocation). A request to cancel the trade mark because of revocation will only lead to the cancellation of the trade mark registration by the DPMA if the proprietor of the trade mark does not object to the cancellation within a certain period of time. If the proprietor objects, the question relating to non-use will be clarified by the civil courts. However, cancellation proceedings before the DPMA will always be implemented if the proprietor of the trade mark objects to a request for cancellation based on absolute grounds for refusal. During the proceedings it will be examined whether the grounds exist to cancel the trade mark as stated by the applicant in the cancellation request. For example, a reason for cancellation indicated in the request may be that the trade mark constitutes a descriptive indication or that it lacks distinctiveness. Acting in bad faith when filing the trade mark application often is another reason for cancellation. The parties (the applicant filing the cancellation request and the trade mark proprietor) have the opportunity to define their positions and exchange their legal viewpoints. As a rule, proceedings are conducted in writing. Hearings will be held, if necessary, to clarify the facts of the case. The cancellation division with three legal members will decide on the cancellation request. These decisions may be appealed to the Federal Patent Court.

In 2012, 304 requests for cancellation of a trade mark registration were filed based on absolute grounds for refusal. In addition, 380 requests for cancellation of a trade mark were based on revocation.

In addition to the option of cancelling a trade mark upon request by a third party, the Trade Mark Act also provides for the option to cancel a trade mark ex officio if certain grounds for refusal apply that are in the public interest (for example, violation of accepted principles of morality). However, these proceedings must be initiated within two years after registration of the trade mark. The grounds for refusal must have been "evident" at the time of registration. The trade mark department receives up to 20 suggestions for ex officio cancellations on average per year, but in certain cases it is also possible that the DPMA acts on its own initiative. It is on rare occasions that a trade mark registration is actually cancelled ex officio. An example is the cancellation of the trade mark "Reconquista". It was cancelled because in today's language this term is associated with anti-Islam and xenophobic messages and therefore is contrary to accepted principles of morality.

Trade mark administration

In 2012, the number of trade mark registrations in force remained stable. That means that new registrations and renewals, on the one side, and cancellations and cases of expiry of the term of protection without renewal, on the other side, roughly balanced each other out. At the end of the year, the register contained 784,820 trade mark registrations, a new seven-year record high.

On 1 January 2012 the 10th edition of the Nice Classification entered into force. The lists of the goods and services of older trade marks will be brought into line with this edition of the Nice Classification on occasion of trade mark renewal, at the latest. The number of reclassification processes considerably dropped to 3,267 in contrast to the record level of 10,358 in 2010. The decline can be explained, above all, by the fact that, after ten years, it was possible to finally conclude the revision of lists of goods and services of older trade marks, caused by the splitting of service class 42 into classes 42 to 45 as a result of the entry into force of the 8th edition of the Nice Classification on 1 January 2002.

As in the previous years the number of the changes recorded was high; it amounted to 98,489.

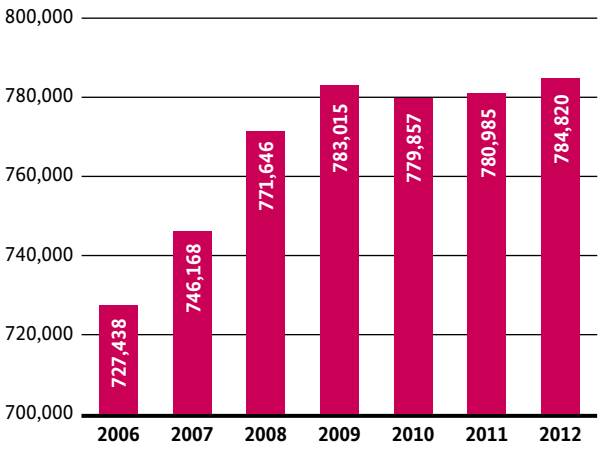


Figure 9
Trade marks in force at the end of the year, at the German Patent and Trade Mark Office

IN FOCUS
International Convergence Programme

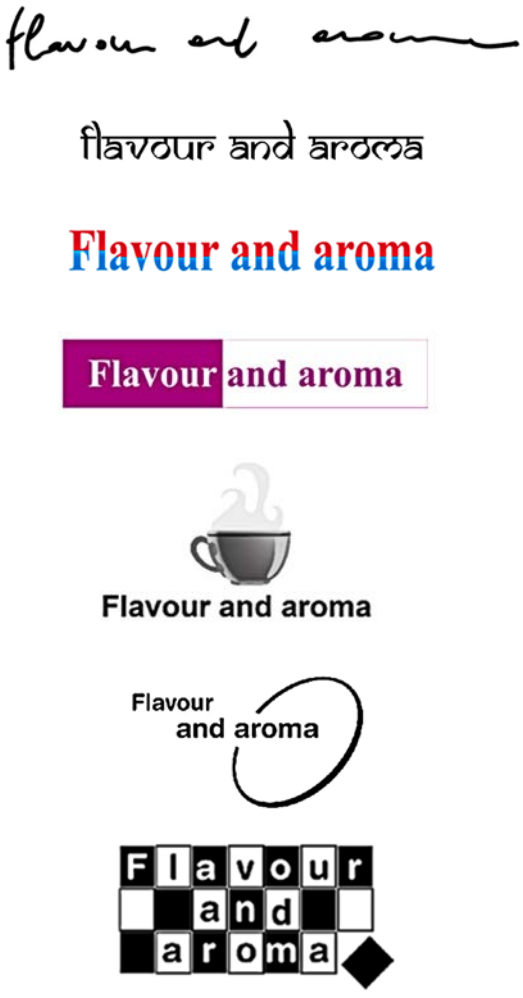
A trade mark registered by the German Patent and Trade Mark Office (DPMA) is equally valid as one granted by the Office for Harmonization in the Internal Market (OHIM) for the whole of the European Union. In order not to reach different results after the respective examination, it is necessary that the offices in Europe agree on the questions of eligibility for protection of trade marks and of a common examination procedure beyond the harmonised legal provisions.

Together with 26 other trade mark offices, we take part in the international Convergence Programme by OHIM. The aim is to develop a common approach to the major questions of trade mark examination. This is to harmonise the practice in the individual national offices and OHIM. The topics the exchange is currently about are absolute grounds for refusal of word/figurative marks, danger of confusion with parts of trade marks that are not distinctive or of limited distinctiveness and the scope of protection for black-and-white trade marks.

When does a pictorial or graphical element provide the basis for overall eligibility for protection of a word/figurative mark?
This is one of the questions regarding the assessment of the absolute grounds for refusal. As many of the trade marks registered with us are word/figurative marks, this is of great practical importance. The offices exchanged their decision practices by means of concrete scenarios. One of the items was the indication "Flavour and aroma" for coffee in different typefaces and colours in combination with simple geometrical shapes and figures and additional graphical elements. In view of the different traditions and understanding of the law in the individual national states, major differences in details regarding the assessment have been found. The first results have been analysed in the working groups and will be now discussed in order to agree on common principles.

The second topic concerns questions of assessment of the danger of confusion in opposition proceedings. Trade marks often consist of multiple elements that, in part, are not eligible for protection or are of less distinctiveness. If oppositions are based on the similarity of these trade mark elements, the decisive question is how these non-distinctive, weak elements of the trade marks are to be treated concerning the assessment of the danger of confusion. In view of the increasing number of trade marks with weak elements, it is of great importance to the trade mark proprietors that the offices agree on this matter. Our common aim is to prevent detrimental obstacles in competition through weak elements of trade marks.

The third topic concerns the scope of protection of black-and-white trade marks. The first exchange of information on the individual practices was about whether priority or use of a trade mark registered in black and white is to be recognised, even if protection for a coloured version of the trade mark is applied for or if such a coloured trade mark is used thereafter.



Possible representations of the indication "Flavour and aroma"

INSIDE THE DPMA
Trade mark protection – monopolies for free competition



In certain respects, a registered trade mark gives the owner a monopoly on the use of the registered sign. This includes the right to prohibit others from using the trade mark. There is great public interest in case the protected words are generally known and used (buzz) words.

Registrations of words such as "Weltuntergang" (end of the world) or the "@ sign" make the headlines and spark controversial debate on Internet forums.

Can it really be right that monopolies on words and other signs are granted to individuals?

Yes, under certain conditions. Under trade mark law we can grant trade mark protection within clearly defined limits thereby, on the one hand, assisting the applicants who wish to become economically active and, on the other hand, avoiding adverse effects on the general public and competitors of the applicant.

Requirements for trade mark protection

Trade marks do not apply in an absolute sense but only in relation to specific goods and services. Trade marks designate goods or services.

Therefore each applicant must indicate in his/her application the goods and services for which the trade mark is intended to be used. When the trade mark is registered it only applies in relation to those goods and services. A trade mark can only be registered if it does not merely contain a factual statement about the goods and services. If a word for which protection is sought, for example, "streichzart" (easy to spread/soft) describes the nature or properties of the product "butter", for which the trade mark is intended to be used, we assume that there is a need for the general public and all other producers of butter to make free use of the word. That means that trade mark protection is impossible.

In this case the word "streichzart" would not be suitable at all as a trade mark. A person reading the word "streichzart" (easy to spread/soft) on a packet of butter would not assume that this is the trade mark. Likewise, a trade mark cannot be registered if, for different reasons, the sign for which protection is sought is not perceived as a reference to the producer even though it contains no direct factual statement about the goods and services.

For example, we refused protection to the phrase "Guter Start" (good start) as a trade mark for tea, a decision that was confirmed by the Federal Patent Court.

Trade marks with a meaning? Yes, a trade mark may have a meaning.

However, whether it can be registered depends on various factors.

The limits of use of a trade mark

The owner of a registered trade mark may use the trade mark for the protected goods and services and prohibit others from doing that. This right to prohibit the use of the trade mark only applies to the trade mark in the form registered.

Frequently, the trade mark consists of words combined with images or graphics. Then, trade mark protection only covers this precise combination. If images are left out, the word alone does not enjoy trade mark protection. Adding something is also problematic.

The word “Panzer” (tank) could absolutely be registered as a trade mark for bicycles because a bicycle is not a tank. However, “Robust wie ein Panzer” (solid like a tank) for bicycles contains a descriptive statement regarding the quality of the bicycles on offer and hence would not be eligible for protection. The registration of “Panzer” would not cover the use of “Robust wie ein Panzer”.

Cease and desist letters – justified?

Not everybody who claims that he is in the right – actually is right. It cannot be ruled out that trade mark owners write to others to warn them against an alleged trade mark infringement although they are not entitled to do so.

First of all, rights conferred by a trade mark can only be invoked vis-à-vis those who use the sign in trade (that means those who do not act in a purely private capacity).

Furthermore, protection only applies to trade marks used in the form in which they were registered and to the goods and services for which they were registered. It is true that it is possible to demand that others desist from using a similar trade mark but only if there is a risk of confusion between the trade mark used and the registered trade mark. It is advisable not to rashly sign a cease and desist declaration. In that case it may be very helpful to consult a lawyer.

Trade marks as barriers to competition?

When trade mark law is applied correctly it will foster competition rather than stifling it. The rights conferred by a registered trade mark allow applicants to protect their investment in the trade mark and in the goods and services for which it is registered.

It is trade mark protection that makes investment possible in the first place, thus encouraging economic competition. When trade mark law is applied with the aim to hinder competition, legal provisions will ensure that nobody is successful in achieving this aim in the long run. We will cancel trade marks registered by us, upon request, if they should not have been registered or if it emerges that the trade mark applications were filed, from the outset, with the sole intention of hindering competition. Anybody can file this cancellation request for which a fee is payable.

INTERVIEWS
Interview with Barbara Preißner

Head of Department 3, Trade Marks, Utility Models and Designs



Ms. Preißner, how happy are you with the year 2012 from your department's point of view?

Very, very happy. We have been confronted by a growing competition from the European trade mark office, the Office for Harmonization in the Internal Market (OHIM) in Alicante, for a few years now. This has been a new situation for all of us, including the examiners. But as the saying goes, competition is good for business. The decreasing numbers in applications in the field of trade marks showed us that we have to constantly improve our services in the interest of our customers. And this is where we have achieved a lot in the past year.

In what respect?

For example, in the field of IT services for our applicants. Soon, we would like to give our customers the possibility to file online applications without the need for signature. This is very important to us. Trade marks are not only attractive and important to large enterprises but also to the self-employed. Installing application software first, then obtaining a signature card often appears too inconvenient to them.

Likewise, the classification database developed with other European offices and OHIM leads to great advantages for the applicants. There are 80,000 terms in this database, which are accepted by all European offices without any further explanation. In general, it is possible to create a differentiated list of goods and services with these terms. As a result, the examination of the application becomes faster.

What do you think of the view that the examination of a Community trade mark at OHIM is less rigorous than that of a national trade mark at the DPMA, thus a Community trade mark is less difficult to obtain than a German trade mark? At least, this is what some law firms claim.

In my opinion, it would be fatal for the applicants in the first place but, of course, also – in the long run – for the German office, if a national trade mark were harder to obtain than a Community trade mark. An applicant that opts for a national trade mark – because it is the appropriate IP right for the applicant – must not be in a worse position than an applicant of a Community trade mark. The applicable law is the same after all. Therefore, the criteria for the examination of a trade mark application should not be different from those at OHIM or other national offices.

We work in various rounds with examiners as well as in team meetings on achieving an appropriate and acceptable assessment of the eligibility for protection without being lax with regard to registration. We aim to continue to provide a thoroughly examined IP right. Per our legal mission, we are not only committed to the applicants as our customers but also to the public that we need to protect from undue monopolisation of individual terms.

Maybe a few more words on our relationship with OHIM. In some ways, we regard OHIM as a competitor, of course. After all, OHIM is also offering trade marks that are valid in Germany. However, we work for the same thing in the first place: the European system of trade mark protection. In this context, OHIM is an important cooperation partner to us.

An important project concerning the cooperation is, for example, the Convergence Programme. Thereby, we want to harmonise the legal practice in the member states and at OHIM itself. I think that this is a good thing. The mere intensive legal discussions in this programme lead to a better understanding of the views of the participating offices and thus to a convergence of the decision practice on both sides. We do not want different criteria, and, if there are, we want to do everything to achieve convergence.

Will the decisions by trade mark units thereby become more predictable?

The decisions are particularly predictable and, in some ways, can be planned, if they are made as uniformly as possible. This is something very important to our customers but also to me. We work hard on this.

Let me give a few examples. We have developed common decision principles for borderline cases. For special cases, such as the so-called new types of trade marks, there are expert contact persons for my colleagues in the field of trade marks. Also important to me are our examiners' meetings and particularly the intensive coordination between our individual trade mark teams. So, there is a lot going on. Many things have changed for the better thanks to the measures we have taken. However, I need to admit that it is not that easy to constantly make uniform decisions on a large scale. This is why we put much emphasis on the training of the examiners. But you need not forget that with over 46,000 registrations, about 7,800 rejections and 1,300 cancellations due to oppositions each year, it is mandatory for the examiners to decide independently and autonomously. This also creates a better working atmosphere. And so it is natural that two persons will reach different results in similar cases.



It would be fatal, if a national trade mark at the DPMA were harder to obtain than a Community trade mark.

In this context, I would like to point out a project with OHIM. Regarding the assessment of similarity of goods and services, we work on a database with OHIM, the so-called Similarity Tool, which includes information on how to assess similarity between circa 10,000 pairs of goods and services. As opposed to the registration of a trade mark or the assessment of similarity of two trade marks, which is always an individual case, the question of similarity between goods and services needs to be treated uniformly in all cases. For example, the question whether croissants and marmalade are similar within the meaning of the trade mark law can be answered irrespective of which trade marks are opposing each other. This question needs to be answered uniformly in all cases.

The utility model and design divisions are also part of your department. Which new developments are there?

In the field of utility models, we already work with the fully electronic file that was introduced here as well as in the field of patents in 2011. Thereby, we were able to shorten the period from order for registration to registration from six weeks to one day.

There is also a minor reform planned for designs. As the meaning of the German word "Geschmacksmuster" for "design" is often not understood per se, this IP right will be renamed to "eingetragenes Design" (registered design). In addition to bringing an action against a registered design due to a counterclaim in infringement proceedings, it is planned to allow filing a request for cancellation at the DPMA at the same time. We have had positive experience with this in the field of trade marks.

What are your wishes for 2013?

In the first place, to be able to fulfil our duties to the satisfaction of our customers. This is only possible with a motivated staff. This is why I hope that we do not let us be affected by changes due to the preparations for the fully electronic file and that we continue to be as committed and responsible as in the past years. With competence and commitment, we are well-equipped for 2013 and beyond.

Thank you very much for this interview, Ms. Preißner!

Indications of geographical origin

Protection of products from your region

Products that have acquired a reputation beyond the border of their region of origin will frequently attract imitators who offer lower-quality products or products of a different origin 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. In 2012, the legal basis was provided by Council Regulation (EC) No. 510/2006 of 20 March 2006. Since 3 January 2013, Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 applies.





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 produces 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 speciality product will be entered into the register of the European Commission as PDO or as PGI. The registration provides for protection against imitation throughout the European Union. The requirements for a product to qualify for the label "protected designation of origin" are stricter than for "protected geographical indication". All production steps of PDO products must be performed in the region of origin. In addition, the product characteristics must be largely due to the geographical origin.

There are 66 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 current legislation, mineral waters can no longer be registered as PDOs. Protection of mineral waters will run out at the end of 2013 upon expiry of a period of transition. So far, a total of 1,100 names of foodstuffs and agricultural products have been protected. The number of PDOs is about the same as that of PGIs. The top-ranking countries are those known for highly valuing food, namely Italy, France and Spain. Germany ranks sixth behind Portugal and Greece. Since this system of protection is now largely available to non-EU member states, too, 13 designations of origin from third countries have been registered, among them ten from China. The range of protected products includes cheese, meat and meat products, fish and shellfisch, fruit, vegetables, vinegar and oil as well as pastries and beer.

Registration as "protected designation of origin" or "protected geographical indication" is subject to a favourable decision on the application by both the competent national authority 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, in particular other producers of the relevant product, the opportunity to lodge objections, if they deem their legitimate interests to be affected.

In 2012, we received five (2011: four) new applications for registration for the designations "Westfälischer Pumpernickel" (bread), "Glückstädter Matjes" (soused herring), "Kölsche Flönz" (blood pudding), "Thüringer Majoran" (marjoram) and "Bayerische Knödel" (dumplings). This year, there have also been five applications for changing the specification of indications of origin already registered. In many cases, the original definition of the product characteristics and the production parameters proved



to be not sufficiently precise in practice or the current conditions did no longer correspond to the specification. We have forwarded eleven applications for registration to the European Commission in Brussels upon a positive conclusion of the national examination.

The European Commission published 14 applications from Germany in 2012 where it considered that the requirements for registration were fulfilled. Furthermore, it registered nine German names of origin, namely the designation of origin "Spalt Spalter" (hop) and the geographical indications "Abensberger Spargel" (asparagus), "Aischgründer Karpfen" (carp), "Düsseldorfer Mostert" (mustard), "Filderkraut" (cabbage), "Fränkischer Karpfen" (carp), "Holsteiner Katenschinken" (ham), "Rheinisches Zuckerrübenkraut" (syrup) and "Schwäbische Spätzle" (noodles).

In September 2012, a delegation from Estonia together with representatives of the German Federal Ministry of Food, Agriculture and Consumer Protection paid us a visit. Six members of the Estonian Ministry of Agriculture and the Estonian Veterinary and Food Board seized the opportunity to learn about the national examination procedure for indications of geographical origin and problems arising in practice.



Designs

Protection of the visual features of a product

You want to protect the appearance of your product? The design of your product is important for you? Then, a registered design is the appropriate type of IP protection for you.

Design rights can be registered in respect of the outer appearance – the design of two-dimensional or three-dimensional objects.

On the one hand, registered designs provide protection against copying. They give the owner the exclusive right to use the design and to prohibit third parties from using it without authorisation. On the other hand, 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 influence purchase decisions accordingly.

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

Rights conferred by the registered design may only be invoked if the design is new at the time of filing the application. A design is new if no design that is identical or differing only in immaterial details has been published 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.

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

Detailed information is available in our “Designs” information brochure and on our website.

www.dpma.de

Development of design applications

In 2012, we received 6,201 applications covering 53,862 designs. This was again an increase compared to the previous year with 6,175 applications covering 53,081 designs. The number of designs applied for increased by 1.5 per cent, that of the applications by 0.4 per cent.

We conclusively dealt with requests for registration of 51,993 designs (2011: 50,790). 49,160 of the designs (2011: 48,888) were entered into the designs register.

62.9 per cent of the applicants used multiple applications, by which up to 100 designs can be grouped in a single application (2011: 60.8 per cent). 13.2 designs on average were filed per multiple application (2011: 13.5).

Upon request, publication of the images of a design can be deferred for up to 30 months (deferment of publication of the representation). Since this reduces the filing fee, you can save costs with such an application. The proportion of designs for which deferred publication was requested decreased to 28.6 per cent (2011: 35.1 per cent).

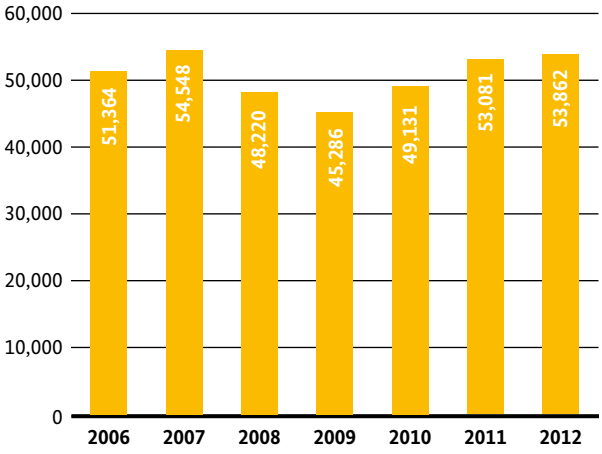
You can find further figures concerning design applications in the annex “Statistics” beginning on page 105. Please also note the explanations for the statistics.

Origin of design applications

The proportional share of designs filed by applicants based in foreign countries decreased slightly to 21.6 per cent (2011: 21.8 per cent).

The majority of the designs applied for by foreign applicants, namely 5,182 applications (9.6 per cent), originated again from Austria, followed by Italy and China with 2,630 and 1,410 applications respectively. Chinese applications increased more than tenfold compared to 2011, thereby taking over the number 3 position previously held by applications from Switzerland. An overview is available in Table 15.

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



	Designs applied for	Proportional share in %
Germany	**42,219**	**78.4**
Austria	**5,182**	**9.6**
Italy	**2,630**	**4.9**
China	**1,410**	**2.6**
Switzerland	**833**	**1.5**
USA	**313**	**0.6**
France	**237**	**0.4**
Taiwan	**117**	**0.2**
Others	**921**	**1.7**
Total	**53,862**	**100**

Table 15
Designs applied for at the German Patent and Trade Mark Office in 2012 by countries of origin

Design applications by German Länder

42,219 designs were filed with us by applicants from Germany. North-Rhine/Westphalia ranked again top among the German Länder in 2012 (12,355 designs filed, corresponding to 29.3 per cent), followed by Bavaria (21.2 per cent) and Baden-Württemberg (14.0 per cent). More than 64 per cent of the designs filed originate from these three 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 that region (see Figure 11 and Table 16). Table 16 also lists the number of designs filed per 100,000 inhabitants. The proportion of the designs applied for to the number of inhabitants in each of the Länder is more significant, since the respective size and population density are taken into account. In this analysis, Hamburg leads the ranks with 96 designs filed per 100,000 inhabitants, followed by Bavaria (71), North-Rhine/Westphalia (69) and Baden-Württemberg (55).

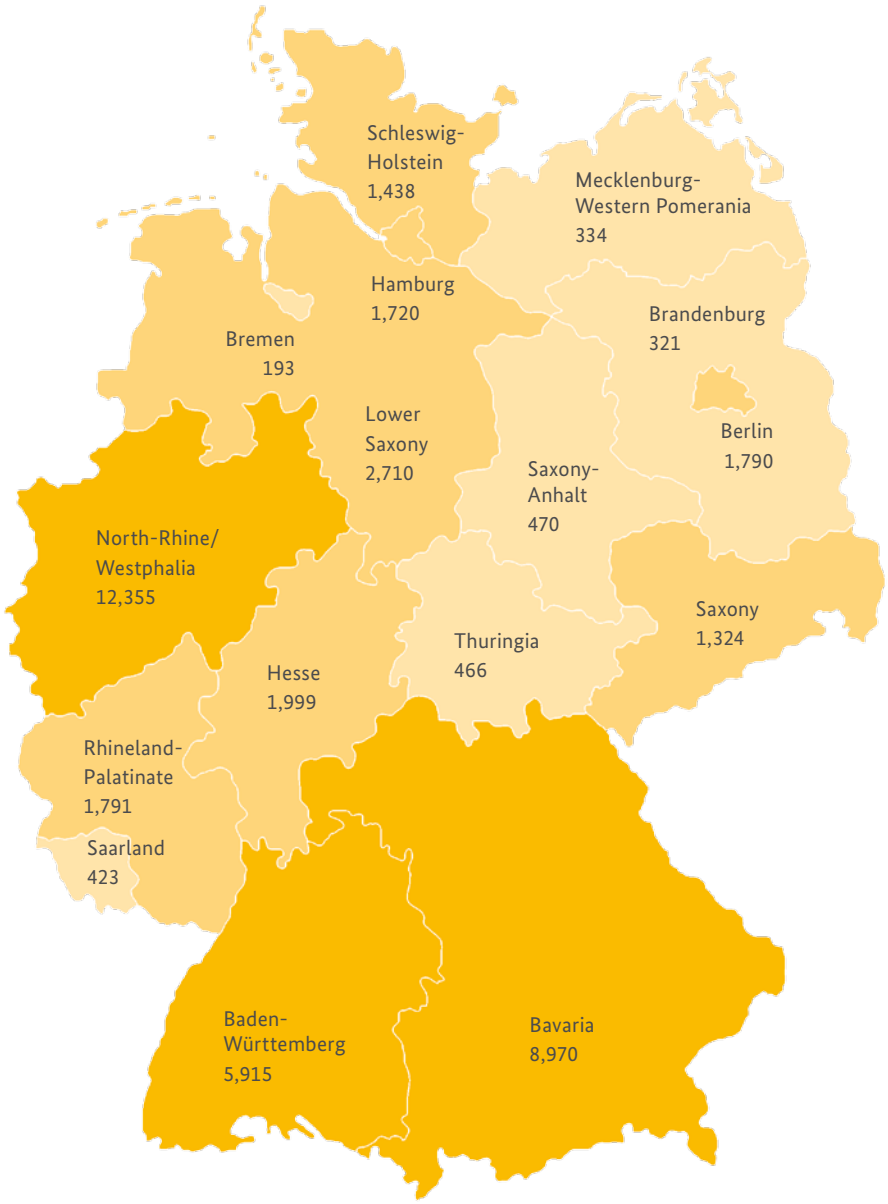


Figure 11
Design applications by German Länder in 2012

Table 16
Designs applied for, percentages and number of applications per 100,000 inhabitants by German Länder

German Länder	2011			2012		
	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	11,808	28.5	66	12,355	29.3	69
Bavaria	7,576	18.3	60	8,970	21.2	71
Baden-Württemberg	5,625	13.6	52	5,915	14.0	55
Lower Saxony	2,696	6.5	34	2,710	6.4	34
Hesse	2,652	6.4	44	1,999	4.7	33
Rhineland-Palatinate	2,820	6.8	70	1,791	4.2	45
Berlin	2,319	5.6	67	1,790	4.2	51
Hamburg	1,280	3.1	72	1,720	4.1	96
Schleswig-Holstein	1,324	3.2	47	1,438	3.4	51
Saxony	1,193	2.9	29	1,324	3.1	32
Saxony-Anhalt	365	0.9	16	470	1.1	20
Thuringia	698	1.7	31	466	1.1	21
Saarland	239	0.6	23	423	1.0	42
Mecklenburg-Western Pomerania	214	0.5	13	334	0.8	20
Brandenburg	424	1.0	17	321	0.8	13
Bremen	259	0.6	39	193	0.5	29
Total	41,492	100	Ø 51	42,219	100	Ø 52

Design applications by classes of goods

The 49,160 registered designs were registered in 71,172 classes of goods in total (2011: 71,145). The distribution of the designs to the classes of goods in 2012 shows that the largest number of designs (18.5 per cent) were again registered in class 06 (furnishing). Class 05 (textile piece-goods) ranks second with 14.0 per cent, followed, for the first time, by class 32 (graphic symbols and logos) with 9.8 per cent. The percentage of the individual classes of goods is shown in Table 17.

Filing reproductions on electronic data carriers and via DPMAdirekt

Since November 2008, it has been permissible to file reproductions of designs for which protection is sought as JPEG files on a CD or DVD. The applicants used this option for 16.8 per cent of all design applications (2011: 17.0 per cent). Since 1 March 2010, the **DPMAdirekt** online service has provided the option to file design applications electronically. This filing route was used for 16.4 per cent of all design applications in 2012 (2011: 10.8 per cent) – an upward trend.

Table 17
Designs applied for by classes of goods in 2012

	Class of goods	Registration 2012	Proportional share in %	Difference between 2011 and 2012 in %
6	Furniture	**13,138**	**18.5**	**20.4**
5	Textile piecegoods, artificial and natural sheet material	**9,992**	**14.0**	**4.6**
32	Graphic symbols and logos, surface patterns, ornamentation	**6,951**	**9.8**	**11.9**
11	Articles of adornment	**6,757**	**9.5**	**-0.7**
2	Articles of clothing and haberdashery	**6,320**	**8.9**	**-20.6**
26	Light apparatus	**4,369**	**6.1**	**16.2**
25	Building units and construction elements	**3,398**	**4.8**	**-32.2**
19	Stationery and office equipment, artists' and teaching materials	**3,102**	**4.4**	**20.5**
7	Household goods, not elsewhere specified	**1,977**	**2.8**	**16.8**
3	Travel goods, cases, parasols and personal belongings, not elsewhere specified	**1,951**	**2.7**	**2.6**

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 various procedures. In addition to renewals and cancellations, we also process extensions and the recording of transfers.

The term of protection is five years. Renewal fees must be paid at the end of each term to renew protection. If protection is not maintained, we will cancel the design in the register.

If a design is to be kept secret provisionally, a request for deferment of publication can be made. In case of deferment of publication of the representation, protection will initially be limited to 30 months, during which time the owner of the design may pay a 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 18 shows the development of procedures. The extension rate is still at a low level. This can be explained by the fact that the majority of applicants requesting deferment of publication are textiles manufacturers, who refrain from extending designs protection in view of short product life cycles.

The number of designs renewed (15,430) slightly dropped by 1.5 per cent in comparison to the previous year (15,664). In 2012, transfers were recorded for 17,415 designs, a significant increase by 29.7 per cent compared to 2011 (13,428).

Table 18
Data on designs procedures

Year	2006	2007	2008	2009	2010	2011	2012
Cancellations	**55,167**	**54,066**	**56,484**	**52,800**	**48,479**	**46,293**	**42,805**
Renewals	**15,752**	**18,361**	**16,800**	**15,487**	**17,116**	**15,664**	**15,430**
Extensions	**1,986**	**2,261**	**2,543**	**1,800**	**2,763**	**3,404**	**3,290**
Recording of changes	**13,637**	**20,547**	**17,838**	**17,201**	**19,192**	**13,428**	**17,415**

DID YOU KNOW THAT ...

... Emile Berliner presented the record and the gramophone to the public as early as 1887?

Emile Berliner is considered the inventor of the sound disc (record) and the forefather of the recording industry. In 1887 he presented the record to the public and also the necessary device to play records, the gramophone. On 8 November 1887, he was granted the US patent 372786 for the gramophone.





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 to 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.

Such associations under private law are organisations of creative people – such as composers, lyricists, writers, visual artists, photographers, screen actors, producers of phonograms and film producers. Collecting societies issue licenses authorising the utilisation of works and collect remuneration 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 (DPMA) 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 Bundeskartellamt (German competition authority) 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 detailed information and to attend the meetings of the various boards of the collecting societies, which helps us fulfil our supervisory duties.

At present, twelve collecting societies are authorised to conduct business. In 2011, the collecting societies obtained roughly 1.31 billion euros (the 2012 figures were not yet available at the copy deadline). The income of each collecting society is listed in Table 19.

Current examples of the activities of the government supervisory authority:

Since spring 2012, we have been intensively concerned with the tariff reform of the Association for Music Performance Rights and Mechanical Reproduction Rights (GEMA), which was originally expected to come into force on 1 April 2013. In March of the past year, GEMA presented the tariff reform for music events. From then on, this reform has been discussed controversially by the concerned music event organisers and by the public. As the supervisory authority, we are assessing whether the new tariffs are appropriate according to the Copyright Administration Act. On 26 October 2012, a hearing on this matter took place in our office. A great number of user associations and the GEMA's executive board were invited to this hearing. The participants commented on the actual consequences of the reform – particularly on audience rates of events, on the proportion of the GEMA royalties to the total revenues of the users as well as on the duration of music use at events.

In December 2012, the GEMA and the Bundesvereinigung der Musikveranstalter (German association of music event organisers) agreed on an interim solution for 2013. By its own account, the GEMA would like to await the settlement proposal of the Board of Arbitration under the Copyright Administration Act (see page 48). Negotiations on the tariff reform will then be resumed based on the settlement proposal.

Furthermore, another application for authorisation to conduct business as a collecting society has been filed with us.

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 have been published anonymously or under a pseudonym, copyright expires 70 years after publication or already 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. However, the register does not record all works protected by copyright. It is only relevant for the term of protection of works published anonymously or under a pseudonym.

At the end of 2012, the register contained 733 works by 397 authors. Further statistical data are provided in the table "Register of anonymous and pseudonymous works" on page 106 in the annex "Statistics".

Table 19
Income of the collecting societies in 2011

Collecting societies		Total budget[1] 2011
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€825.494 m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€128.310 m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€124.899 m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€3.540 m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€64.732 m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€7.137 m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€30.580 m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€11.457 m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€38.185 m
AGICOA GmbH	AGICOA Urheberrechtsschutz Gesellschaft mbH	€21.165 m
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	€48.053 m
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	€2.436 m
Total		**€1 305.988 m**

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



Patent attorneys and representatives

Patent attorneys

Patent attorneys work at the interface between technology or natural science and law.

Contrary to what the professional title may suggest, patent attorneys are not only working in the field of patent law. They act on behalf of their clients filing national and international applications, defending, exploiting and enforcing not only all technical IP rights, such as patents or utility models, but also all other IP rights, such as designs, trade marks or plant varieties. They represent their clients before national and international authorities and courts, and they offer advice on all related contractual matters, such as licence agreements.

Besides the understanding of technology and natural science and of the client's economic goal, an important part of the work as a patent attorney is also the legal assessment. What is eligible for protection, and what can be enforced, in particular, against third parties, such as imitators?

Patent attorneys thus play a decisive role in the success of an innovation, a design or a trade mark.

Becoming a patent attorney

Therefore, there are high demands on prospective patent attorneys. In addition to a university degree in natural science or in a technical subject, they need to have worked in a technical practical position for one year. This qualification in a technical field or natural science is complemented by legal expertise acquired during the training as a patent attorney candidate, which lasts approximately three years. The training is carried out in a patent law firm or the patent division of a company, at the German Patent and Trade Mark Office (DPMA) and at the Federal Patent Court. The training is concluded with written and oral patent attorney examinations. Persons having worked in the field of IP protection for at least ten years may be directly admitted to the patent attorney examination.

The DPMA's duties regarding the training of patent attorneys

We are responsible for all matters concerning the training and examination of prospective patent attorneys.

We decide whether an applicant may be admitted to the training or the examination because of a specific academic degree or occupation of many years. The consequences of the changeover from previous degree programmes to the bachelor-master(-doctorate) system due to the Bologna reform of the higher education system and the growing enquiries of college graduates qualified per the new system on the admission to the patent attorney training must be handled and assessed by our staff. The admission requirements are adjusted accordingly to the current conditions and are newly defined in close cooperation with the Federal Ministry of Justice and the German chamber of patent attorneys (Patentanwaltskammer).

We also organise the eight-month training at the DPMA and at the Federal Patent Court, the so-called "office year in Munich". This includes the admission to the training period beginning three times a year, the organisation of introductory sessions, the assignment of the candidates to patent and trade mark examiners and the formation of work groups. For this part of the training, the candidates may be granted a loan for maintenance, which we are also responsible for.

The DPMA holds the patent attorney examination three times a year. On average, about 180 candidates take the examinations each year.

Admission to practise as a patent attorney

After passing the patent attorney examination, the successful candidate may be sworn in and granted admission to work as a patent attorney by the German chamber of patent attorneys. Only then, they are allowed to practise under the professional title "Patentanwalt" or "Patentanwältin" (patent attorney). Any successful candidate that does not want to practise as a patent attorney may assume the title of "Patentassesor" or "Patentassessorin" (patent agent) and work without any further prerequisites as an employed expert consultant and representative for an employer, usually in industry.

Patent attorneys from member states of the European Union and other contracting states of the European Economic Area may be granted the permission to practise as German patent attorneys, if they pass a special qualifying examination.

More detailed and regularly updated information on the patent attorney training is available on the following websites of the DPMA and the chamber of patent attorneys in German:

www.dpma.de/amt/ausbildung/patentanwaltsausbildung

and

www.patentanwalt.de

The year 2012

In 2012, 180 out of 186 examinees passed the regular patent attorney examination.

The number of newly admitted patent attorneys (164) was somewhat lower than in the preceding year but still at a high level. After more than 3,000 admitted patent attorneys for the first time in 2011, the number reached a new record high of 3,197 taking into account 56 deletions by the end of 2012.



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. It submits settlement proposals to the parties, which can have similar effects as court decisions.

The Arbitration Board under the Employee Inventions Act

Employee-inventors initially acquire all rights to their service inventions – the so-called 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 2012

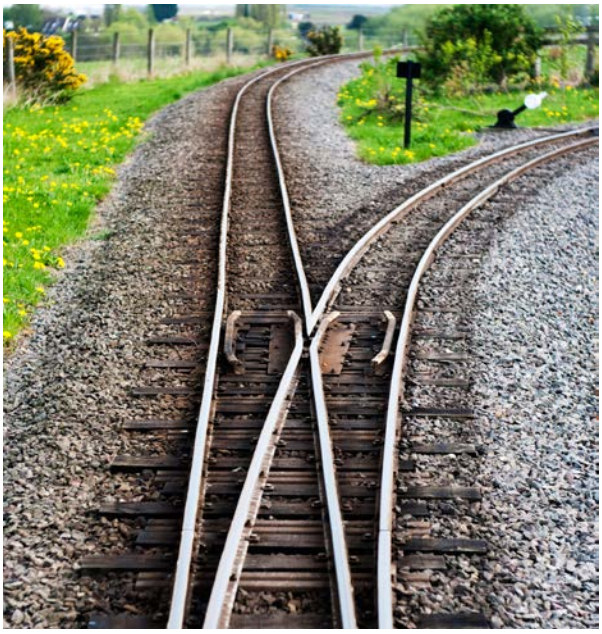
In 2012 the Arbitration Board received 69 requests for conducting arbitration proceedings. The Arbitration Board concluded 90 proceedings in the period under review. The acceptance level of the settlement proposals of the Arbitration Board is very high. The parties accepted the settlement proposals in just under 42 per cent of the cases.

The Arbitration Board again considered a very diverse range of legal problems in 2012.

The Arbitration Board has found that the declaration claiming the invention is ineffective on one condition. If claiming of a service invention has been unlimited, the employee-inventor is entitled to receive reasonable compensation for the use of the invention. The employee is also entitled to obtain compensation for the use of the invention in the period between the receipt of the report on the invention duly provided by the employee and the receipt of the declaration on the unlimited claiming of the invention. Where a matter is submitted to arbitration in respect of inventions that have to be treated as a trade secret, the Arbitration Board would fall short of its purpose if it limited itself to the formal content of the report on the invention. It is true that the employers are free to apply their own internal compensation guidelines, however, the application of these guidelines must always lead to reasonable compensation for inventors within the meaning of the German Employee Inventions Act. Waiver declarations by which the employee waives compliance with obligations imposed on the employer under the Employee Inventions Act, are not unfair per se, but their effectiveness must rather be measured by the yardstick of 'inequity' in the individual case.

Where the co-owner of a patent supplies another co-owner of the patent with objects which relate to the invention, this does not result in the exhaustion of the patent right. Therefore, the inventors employed by the patent co-owner who is supplied with the objects are entitled to inventor's compensation. Where the employer transfers the full right of ownership of the service invention to a purchaser and where the purchaser accepts the obligation to grant back a licence in favour of the employer against payment, the employee may only have a share in the purchasing price for the transfer of the right. However, he is not entitled to compensation for the employer's own use of the invention on the basis of grant back licensing. However, if the grant back licence is comparable to a reserved right of use, the employee is also entitled to compensation for the employer's own use of the invention. The applicability of the prohibition on claiming back payment pursuant to Sec. 12(6), second sentence, Employee Inventions Act depends on whether there were legal grounds for the payment of the inventor's compensation to the employee or whether the payment was legally groundless.

Where IP rights for inventions from two different fields of technology are used in a product, sensible parties to the licensing contract would form two problem areas for the evaluation of the inventions and establish specific maximum licensing charges for several IP rights effective in the problem areas. The relevant date for assessing the amount of risk deduction is the date when the compensation claim is due, not the date when the employer offers the employee-inventor's compensation.



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 every use of their works, they usually rely on collecting societies to represent them. The collecting societies enforce the authors' rights and collect royalties for the use of the works. Subsequently, they distribute the royalties received to the authors.

The Copyright Arbitration Board mainly mediates disputes between collecting societies and users 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 2012

In 2012, 92 disputes were brought before the Arbitration Board. 48 proceedings were concluded, including one inclusive contract case. In 210 cases, a decision is yet to be taken; among them are eleven inclusive contract cases. The number of new requests received decreased slightly compared to the preceding year (122 requests received). The majority of the new proceedings are – as in the year before – disputes between collecting societies and manufacturers or importers of copying devices, such as mobile phones, PCs, and of data storage devices, such as USB flash drives, memory cards and hard disks.

In 2012, the Association for Music Performance Rights and Mechanical Reproduction Rights (GEMA) conducted negotiations on a tariff reform for the public playback of popular music that garnered a lot of attention and criticism. On 19 December 2012, there was a hearing before the Arbitration Board to find out whether an amicable settlement is possible. A settlement proposal in writing by the Arbitration Board is expected in the first half of 2013.

In the past year, the Arbitration Board was, for example, concerned with the amount of the copyright levy for PCs. According to legislation, such a levy shall be paid with the purchase price by the end buyer. In return, end buyers are allowed to make private copies with the purchased PCs. As per the settlement proposal by the Arbitration Board, this levy amounts to 10.08 euros per PC taking into account inclusive contract discounts.

Another settlement proposal concerned licensing of so-called online video recorders. Providers of online video recorders tape free-to-air TV content for their customers. This content can then be watched worldwide via an Internet connection at any time. The Arbitration Board deems such services to be a new type of use. The rights for this use have not been transferred to collecting societies yet and must therefore be obtained from the respective broadcasting companies.



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

Table 20
Arbitration Board under the Employees Inventions Act at the DPMA

Year	Requests received	Cases concluded					Arbitration proceedings pending at the end of the year [2]
		Settlement proposals accepted and compromises	Objections to settlement proposals	Refusals to participate in arbitration proceedings	Proceedings concluded in other ways [1]	Total proceedings concluded	
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	92	86
2011	72	24	11	20	21	76	96
2012	69	16	22	24	28	90	94

[1] Since 2010, the Board's decisions and notifications on notices of opposition have also been included. For this reason, the 2010 numbers cannot be directly compared with those of the preceding years.
[2] Figure corrected for 2006

Table 21
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	
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
2012	92	11	25	0	23	48	210



Information services

We keep you informed.

We want to be your first contact point for information about IP rights.

In 2012, the enquiry units and search rooms of the German Patent and Trade Mark Office (DPMA) registered nearly 235,000 customer contacts.

We have also maintained a regular presence at trade fairs and events.

↗ Our enquiry units

You wish to apply for a patent, a utility model, a trade mark or a design right? Our three enquiry units in Munich, Jena and Berlin 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.

↗ Initial consultation for inventors

You seek legal advice? As a service in cooperation with the German chamber of patent attorneys (Patentanwaltskammer), patent attorneys offer free consultation in the rooms of the Munich enquiry unit and in the Technical Information Centre Berlin (TIZ Berlin) on any questions relating to intellectual property. The 30-minute one-to-one interviews are much in demand – so appointments should be made well in advance.

↗ Our search rooms

Almost 10,000 visitors used the two search rooms in Munich and Berlin in 2012. 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 84 million patent documents contained in different collections, for example, using the in-office DEPATIS database. The TIZ Berlin has also 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 in the reading room free of charge. You can also always contact us via phone on +49 89 2195-3435 or via e-mail at **datenbanken@dpma.de**.

↗ Our website at www.dpma.de

You are interested in IP protection? 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. Our latest news in German is available by RSS feed.

↗ Inventions and patents by Nobel laureates – our new online presentation

Each year, the Nobel Prize is awarded in the categories Physiology/Medicine, Physics, Chemistry, Literature and Peace. It was established by Alfred Nobel's will, which specified that his fortune should be used to create a foundation to award the best scientists on an annual basis. Our online presentation informs about inventions and patents from several Nobel laureates. With the presentation, we would like to demonstrate the versatility of the selected laureates whose research results are also reflected in the patent literature.

Our presentation is available in German at

www.dpma.de/service/galerie/nobel

↗ Lectures, guided tours and training courses

We provide an extensive range of lectures and guided tours at all three locations of the DPMA. Our Berlin office alone informed almost 1,500 students, teachers, scientists as well as new and established entrepreneurs at 71 events about different aspects of IP protection.

We offer workshops on the patent, trade mark and design searches in Berlin and Munich. In 2012, there were 16 workshops on search with more than 360 participants.

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

↗ Patent information centres in your region

We cooperate with 23 patent information centres all over Germany. These are the contact points for questions on IP rights in the German Länder, particularly for small and medium enterprises, universities and colleges as well as research institutes. Twelve patent information centres accept applications for all IP rights in accordance with the time limits and forward them to us. You will find additional information in our new chapter "National cooperation projects – services for small and medium enterprises" on page 54 et seq.

↗ Trade fairs

Trade fairs are a good opportunity for us to sensitise the public to the effective protection of technical inventions, trade marks and product designs. In 2012, the DPMA was present at 23 expert conferences and trade fairs in Germany and abroad. We benefit from established cooperation projects – for example, with

- Koelnmesse GmbH ("No Copy!" initiative),
- Messe Frankfurt ("Messe Frankfurt against Copying" initiative),
- Messe München GmbH,
- Messe Düsseldorf GmbH (cooperation during Medica) and with
- NürnbergMesse GmbH since 2012.

In 2012, the central IP department of the customs authorities continued to support us at selected fairs.

The new trade fair cooperation with the Federal Ministry of Economics and Technology (BMWi) during CeBIT 2012 was very successful. CeBIT as the "heart of the digital world" is the biggest leading fair for digital solutions in the field of information and communication technology. There were more than 312,000 guests from 110 nations and more than 4,200 exhibitors in Hanover. In particular, many small and medium enterprises as well as individual applicants had the chance to get information on the protection of their newest inventions from us at CeBIT.

Exhibitors have questions, too!

Do exhibitors have the time to get information about IP rights at a trade fair? We noticed that they are often interested but have no time. We found a solution to this problem. With our new "mobile team at trade fairs", we visit you at your stand.

We mostly visit smaller exhibitors. In particular, small and medium enterprises are often highly interested in our services. Our visits mainly focus on general information on IP rights and our services.

In 2012, we had first experience with active trade fair information work. Our "mobile team" was present at ISPO, IFAT ENTSORGA and electronica in Munich as well as at fensterbau frontale and CHILLVENTA in Nuremberg. In 2013, we will expand this service for the exhibitors due to the many positive conversations we had.

If you wish to have us visit you at your stand as well, please contact us at **messe@dpma.de**. Our trade fair calendar is available on page 91.



Our stand at CeBIT 2012

In 2012, we participated in the following fairs and events:

January	
11.01. – 13.01.	PSI-Messe (Düsseldorf)
February	
10.02. – 14.02.	Ambiente (Frankfurt/Main)
28.02. – 01.03.	embedded world (Nuremberg)
March	
04.03. – 07.03.	Internationale Eisenwarenmesse (Cologne)
06.03. – 10.03.	CeBIT (Hanover)
16.03. – 17.03.	azubi- & studientage (Munich)
April	
15.04. – 20.04.	Light and Building (Frankfurt/Main)
17.04. – 20.04.	analytica (Munich)
18.04. – 22.04.	Messe für Erfindungen (Geneva/CH)
23.04. – 27.04.	HANNOVER MESSE (Hanover)
May	
10.05. – 11.05.	VPP (Halle)
June	
14.06. – 15.06.	PATINFO (Ilmenau)
July	
19.07.	Firmenlauf B2Run (Munich)
September	
02.09. – 04.09.	spoga + gafa (Cologne)
11.09. – 16.09.	automechanika (Frankfurt/Main)
October	
17.10.	Bayerischer Patenttag (Munich)
23.10. – 27.10.	ORGATEC (Cologne)
23.10. – 27.10.	EuroBLECH (Hanover)
26.10. – 27.10.	deGUT (Berlin)
November	
01.11. – 04.11.	iENA (Nuremberg)
06.11. – 08.11.	EPO Patent Information Conference (Hamburg)
14.11. – 17.11.	MEDICA (Düsseldorf)
December	
05.12. – 07.12.	Markenforum (Munich)

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.



National cooperation projects

Services for small and medium enterprises

Small and medium-sized businesses have great innovative potential and are an important engine of the German economy. Many small and medium enterprises (SMEs) from Germany are among the global market leaders in their respective product sectors. In Germany we have a comparatively extensive infrastructure of information and support services for those enterprises.

Traditionally, SMEs have been important applicants for the German Patent and Trade Mark Office. Therefore we are constantly expanding and improving our support and information services, focusing on SMEs and individual inventors in particular.

We present our services in our chapter on information services, starting on page 50. However, our services do not end with our Internet pages, enquiry units and trade fair stands. We also cooperate with 23 regional patent information centres (PIZ). Together with these partners we ensure that small and medium enterprises, universities, research institutions and individual inventors will receive support in IP matters by qualified contact partners in all regions of Germany. Moreover, we are participating in other national cooperation projects.

Our cooperation with patent information centres

The more than 100 staff of the patent information centres (PIZ) have a vast wealth of experience, a high degree of professionalism and extensive expertise in all matters concerning industrial property protection. In addition to our own services (see page 51) this cooperation helps us to expand the services offered to SMEs, in particular. We offer our services at our office locations and online, while the patent information centres (PIZ) are active at a regional level. This allows us to reach potential applicants locally and to be more responsive to applicants' needs. At the same time this type of cooperation contributes to strengthening intellectual property protection in the individual regions.

We organise regular training sessions for PIZ staff and seminars on special topics to provide opportunities for an exchange of experience between the partners. In 2012 two introductory courses were held for new staff of patent information centres and five follow-up courses. Furthermore, two workshops on patents and patent searches as well as on anti-piracy measures took place. The events attracted a total of 105 attendees.

We also assist the patent information centres in organising and running events on IP protection. In 2012, 15 joint events with lectures and workshops were held, which were attended by 840 participants. The main topics were: the protection of technical innovation, the use of online patent databases, quality and quantity in IP protection, the protection of trade marks and designs, and e-filing of IP applications.

The patent information centres (PIZ) also benefit from our other cooperation projects. The PIZ also participate in programmes of the following organisations

- the European Patent Academy,
- the World Intellectual Property Organization (WIPO),
- the Office for Harmonization in the Internal Market (OHIM),
- the European Commission and
- the network of European patent information centres (PATLIB).

Integration of the patent information centres (PIZ) into our cooperation schemes at the European level – for example, within the framework of the INNOVACCESS project of the European Union – gives patent information centres access to Europe-wide knowledge transfer, special working groups and training measures. This helps to improve existing services for SMEs and contributes to developing and implementing new services.

More information on the services offered by the patent information centres (PIZ) is available in our interview with Rudolf Nickels (see page 56), chairman of Arbeitsgemeinschaft Deutscher Patentinformationszentren e.V. (federation of German patent information centres).

Further national cooperation projects

A complex, regional infrastructure of private and public service providers and funding bodies in the field IP protection has developed in Germany.

So far there is no nationwide offer of information services tailored to the special needs of SMEs. SMEs need a great variety of diverse information about industrial property protection. In addition to protecting their own innovations they are also concerned with economic aspects. Often the focus is on the development of IP strategies, information about informal practices of protection, about IP management and about the enforcement of IP rights. The high-tech strategy of the Federal Government aims to enable Germany to assume a leading role in the solution of the global challenges of our times. With the support of the Federal Ministry of Justice (BMJ), we work together with other institutions and Federal Ministries to better coordinate and concentrate services to be able to meet the great information demand of SMEs. The objective of many projects is to make it easier for SMEs to gain access to IP rights. These measures are focusing, above all, on the early phases of the innovative process – that means the search and the filing of an IP application.

Important partners are the Federal Ministry of Economics and Technology (BMWi), the Federal Ministry of Education and Research (BMBF), the Association of German Chambers of Commerce and Industry (DIHK), the central IP department of the customs authorities, the chambers of crafts and trades, the SIGNO network, the Enterprise Europe Network, patent exploitation agencies, universities, trade fair corporations and trade associations.

For more information visit our website at

www.dpma.de/amt/kooperation

INTERVIEWS
Interview with Rudolf Nickels (Dipl.-Soz.)

Chairman of the board of Arbeitsgemeinschaft Deutscher Patentinformationszentren e.V. (federation of German patent information centres)



Mr. Nickels, you are the chairman of Arbeitsgemeinschaft Deutscher Patentinformationszentren. What actually is a patent information centre?

A patent information centre (PIZ) is an institution with qualified staff ready to answer any questions about industrial property protection in the region. The difference to the DPMA is: The DPMA is the central, national centre of expertise for industrial property protection in Germany. In contrast, we are the regional local points-of-contact. Our institutions are run by different supporting bodies, for example, universities and chambers of commerce and industry. Nationwide, there are 23 patent information centres in total, all of which are members of Arbeitsgemeinschaft Deutscher Patentinformationszentren PIZnet e.V.

What are the tasks of the 23 patent information centres? What goals do they have?

In recent years the patent information centres (PIZ) have developed into efficient institutions with expertise in protecting innovation, from the idea through to the exploitation of an invention on the basis of patents, trade mark, utility models and registered designs. We focus on small and medium enterprises (SME), start-up businesses and universities. Naturally, depending on the supporting bodies, each patent information centre puts the focus on its own key areas, but in general our institutions are open to anybody interested in IP rights. We aim at being close to the customer.

What services are offered by patent information centres?

We provide a broad range of services and offer, for example, IP consultation for first-time inventors, in cooperation with local patent attorneys, and individual informative interviews with PIZ experts. In addition, we accept national, European and international applications for patents and national applications for utility models, trade marks and designs, allowing applicants to secure a filing date to establish priority. This service is much sought after. The patent information centre in Stuttgart, for example, accepted the 20,000th IP application in 2012.

Furthermore, we assist our customers in conducting searches. We have a remarkable number of customer contacts every year: 61,000 in the past year. 15,000 of the customers contacted us in writing, 27,000 by telephone and 17,000 in person.

You assist your customers, above all, in performing IP searches. What is the service like, exactly?

Yes, we provide active support in carrying out searches for information on patents, trade marks, utility models and designs. The DPMA offers the online search tools, DEPATISnet and DPMAregister, on the Internet. The customers themselves can use these tools to access all electronically available documents on patents, trade marks, utility models and designs, and to find out the current legal and procedural statuses. We provide tips and tricks about how to efficiently use these online tools for the search. All customers who directly look for information at a computer in the search room of a patent information centre will get on-the-spot support from our staff who will explain to customers, for example, how to use the “assisted search mode” of the search tools for a search query. In 2012, these assisted searches amounted to over 11,000. PIZ experts are available to provide support to customers who wish to carry out searches in commercial databases from their own computers at home. That means the PIZ experts provide information online and interactive help to customers performing a search from their own desks. We call this our interactive “Info-Lotse” service. This online search support was used by 447 customers last year.

Moreover, the patent information centres offer a wide range of searches that can be commissioned by customers. Novelty searches to prepare a patent application play an important role in this context. Several patent information centres also have freedom-to-operate searches and trend analyses on offer. Over 2,000 orders for such premium analysis services were placed with patent information centres (PIZ) in 2012. Such services are also available for trade marks. In the past year, 1,236 trade mark analyses were carried out via the patent information centres.

Our PIZ centres also offer regular monitoring of patents, utility models, trade marks and designs. When subscribing to the service, the customer will continuously receive the latest publications on technical developments in their field of expertise, on competitors or information on colliding trade marks. Several thousand monitoring profiles are managed and supplied by the patent information centres per year. This constitutes a central support for the innovative activities of many SMEs all over Germany. The map and search options available at **www.piznet.de** allow anybody to quickly find out which of the nearby patent information centre provides the service required. Patent exploitation, one of the most demanding tasks that a patent information centre may face, is also on offer there.

In order to find suitable partners it is necessary to make a clear assessment of the patent on the basis of an analysis of the situation with regard to the market, competitors and technology, and it also requires trust of the partner company and a certain willingness to take risks that is often hard to find in Germany. For it is important that inventions do not "migrate" to other countries, if possible, but have success in the domestic market.

Which services are most in demand?

Many different customer groups come to the patent information centres. Newcomers to intellectual property from small enterprises or universities make up the majority of attendees at one-to-one search sessions or training courses. But the services of patent information centres are also valued by companies well-versed in this field. They essentially use commissioned searches or the monitoring of different types of IP on a regular basis.

You also offer many training courses and seminars. What training is on offer for those interested? How can they register for the training?

Well-prepared basic information is as important as detailed factual information. Those who talk about an invention too early and wish to apply for a patent at a later date, might run the risk of no longer being able to apply for a patent for their invention at all. That is why we run basic seminars and training courses for beginners and provide advanced training to participants from industry and the science community. We even offer training to qualify participants as certified patent engineers, patent investigators and patent managers. Anybody may register for the training at **www.piznet.de**. In 2012, training courses, lectures and seminars of patent information centres had an attendance of 3,380.

How do you inform your customers about all your activities?

To make the work of the patent information centres and the services they offer more transparent to a broad public, PIZnet has launched **www.piznet.de**, a new system of web pages, in 2012. The central feature of these pages is the PIZ map of Germany. The visitor can directly choose the required service on the map and see which of the patent information centres offers the service. Links refer interested customers to the relevant websites of the individual patent information centre. The customer may choose current training courses and events on patents, trade marks, utility models and designs in the seminar calendar for Germany.

We also advertise our service products in numerous lectures, presentations and guided tours. In the previous year we reached 7,394 attendees at 374 events.

Furthermore, we organise our presence at trade fairs where our focus is on measures to combat product piracy. For this purpose, the patent information centres participated for example in the "Messe Frankfurt against Copying" initiative as well as in the "No Copy! Pro Original" initiative of Messe Köln. In 2012 the patent information centres participated almost 60 times in trade fair and exhibition activities. With support of the DPMA we run joint workshops on measures to fight piracy, and support or initiate anti-piracy networks.

What are your wishes for 2013?

There are still too many creative companies and inventors that are unaware of the need to protect their ideas. However, knowledge is an important competitive edge in the global economy and should not simply be left to chance. It should go without saying that it is essential for businesses or scientific institutions, no matter what size they are, to have basic knowledge on the ways to protect innovation and on the activities of competitors. The colleagues at the patent information centres will be happy to share their knowledge.



IT developments and information services

The electronic case file

Since 2011, we have managed and processed our patent and utility model files with our electronic case file. The gap between paper-based processes and electronic processes up to the publication has become a thing of the past.

The advantages of a fully electronic file processing system are obvious. Documents are sent out much earlier than before, and patent specifications are published sooner. We are now able to conclude our procedures quickly, and, starting in 2013, constantly updated information on the file and the procedural status will be available through electronic file inspection.

Since launching the fully electronic **DPMApatente/gebrauchsmuster** system, we have constantly enhanced the software in cooperation with our partner IBM. Thereby, we are increasing the quality of our work and fulfilling our customers' demands.

This chapter contains further information on IT developments and IT-based information services. For a complete overview of our E-Services, please go to our website.

www.dpma.de/english/service

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

Since 2006 and 2010 respectively, the staff of the trade mark department have processed the national and international trade mark procedures using the electronic **DPMAmarken** system. Fully electronic processing is not possible yet. We are already adding relevant procedural communications and data to the computer system in order to use them for electronic processing. Notifications, notices of defects and data on international registrations of trade marks are transmitted electronically from the World Intellectual Property Organization (WIPO) into the **DPMAmarken** system for integration as well.

At present, we still keep a paper file for incoming communications from applicants, representatives and third parties. **DPMAmarken** is a "procedure-assisting" system, which requires processing of a procedure in **DPMAmarken** on the one hand and in the paper file on the other at the same time.

In order to process the trade mark procedures – including the procedures concerning indications of geographical origin – more efficiently, we are going to introduce fully electronic processing. Therefore, we need to develop the existing **DPMAmarken** system into a "procedure-leading", thus a fully electronic file processing system. Furthermore, **DPMAmarken** needs to be connected with our existing IT systems, such as the digitising centre and the document management system. Another goal, in addition to the electronic communication with our customers, is to intensify the electronic data exchange with WIPO.

In June 2010, we started the **ElSA Marke** (electronic case file for trade marks) project. Following a Europe-wide tender, the IT company Hewlett Packard has been chosen to develop and implement the technical structures.

Since then, 20 staff of the DPMA have been working together with Hewlett Packard on the development of the existing **DPMAmarken** system. In 2012, we were able to complete the required technical specification. Moreover, we developed a concept for digitising the existing paper files and their electronic integration into **DPMAmarken** (scanning of existing files). We have also already created the first test cases and scenarios to check the future functions of **DPMAmarken** in detail.

With the introduction of the fully electronic file for trade marks, we will create the basis for future electronic file inspection via **DPMAregister** and electronic communication channels. Likewise, it will be possible to provide the content of the electronic trade mark file electronically to the Federal Patent Court.

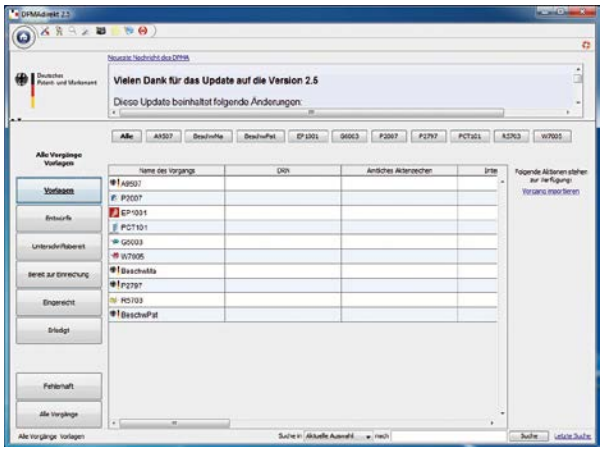


↗ DPMAdirekt
online filing of IP applications

DPMAdirekt continues its road of success. In 2012, the number of applications filed online increased again by 13,000 requests to now 53,000. Currently, more than 60 per cent of the patent applications are filed online with us. Another positive development is the increasing number of online direct debit authorisations, now almost twice as high as in the preceding year.

For 2013, it is planned to enable electronic applications in two ways. First, we will introduce more functions to our **DPMAdirekt** software. In the first quarter of 2013, a complete redesign of the **DPMAdirekt** interface will provide the basis for subsequent filings. From version 3.0 on, which is expected to be released in 2013, our customers will be able to file examination and search requests online and to subsequently submit missing application documents. Second, we aim to provide the option of signature-free trade mark and design applications via our website at **www.dpma.de** for individual applicants also in 2013.

Test DPMAdirekt!
Filing of trial applications is possible even without a signature card. The software and further information on **DPMAdirekt** is available via our website. In addition, we organise training days on **DPMAdirekt** on a regular basis.



DPMAdirekt 2.5 screenshot

↗ DPMAregister
our national service is now also connected with Europe

DPMAregister is our online service for publishing official publications and register data with current legal and procedural status information on an IP right. In the Beginner's, Monitoring, Expert or Assisted mode, you can search for bibliographical data as well as for legal and procedural status data.

The integration of **DPMAregister** into the services of the Office for Harmonization in the Internal Market (TMview) as well as into the European Patent Register of the European Patent Office was the most significant innovation in 2012. With these two services, users can now go directly to **DPMAregister** and query for the legal and procedural status in Germany in a reliable and very quick way.

Published documents are available as original documents and as searchable text in **DPMAregister**. In addition to citations, our customers get an overview of the bibliographical data, the legal and procedural status data and publications on a specific IP right by using this service.

At the end of February 2012, we expanded the content of our database by the WIPO data of marks for which protection for Germany was requested. Thereby, we can give our customers an overview of the current legal situation as complete as possible.

↗ DEPATISnet
Our electronic patent document archive

DEPATISnet can be used for initial searches on the state of the art. You will find here the universal technical knowledge contained in more than 70 million patent documents.

In the past year, we introduced some new database functions to enhance user experience for this online service. For example, family members can be removed from the search results now. This filter depends on the user interface language the user chooses. Furthermore, we redesigned the home page and made it user-friendlier.

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





DID YOU KNOW THAT ...

... the forerunner of the modern escalator was patented as early as 1892?

120 years ago, the US citizen Jesse Reno was granted a patent for an inclined rubber conveyor belt with mounted seats made of wooden slats. People enjoyed a ride on this invention particularly at amusement parks. Five months after Reno, in August 1892, the New Yorker George A. Wheeler obtained a patent for his version of a "new und useful elevator". Wheeler had described a continuous loop of steps as well as a moving handrail. He is considered the father of the moving stairway. After initial difficulties this invention has been widely used in many areas of everyday life. It would be hard to imagine big railway stations, airports and department stores without escalators.

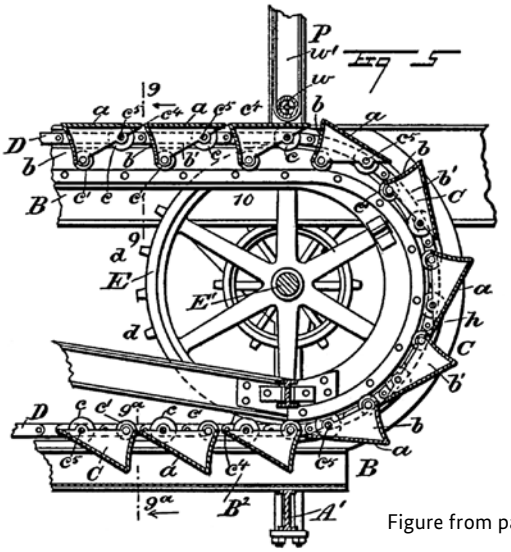




Figure from patent specification no. US 479 864



A strong team

Staff

At the end of 2012, 2,527 staff in total worked at the German Patent and Trade Mark Office (DPMA). 2,214 staff were based in Munich and 313 in the Jena Sub-Office and in the Technical Information Centre Berlin. The overall head-count dropped compared to the previous year. There are almost equal numbers of women (1,265) and men (1,262).

Staff recruitment

The DPMA is constantly recruiting qualified staff.
We are looking for patent examiners, lawyers, IT experts and civil servants of the higher intermediate non-technical service to join our team.

In 2012 we recruited a total of 93 new staff for a variety of positions.

Our vacancies are also advertised on our website at

www.dpma.de/amt/stellenanzeigen

Incentives

In 2012, very committed and high-performing civil servants received incentive bonuses. 351 civil servants received incentive bonuses amounting to 309,130 euros in total.
In future we will also provide financial incentives for employees. As a necessary step for this purpose, we entered into a works agreement on performance-based payment with the staff council in 2012.

Balancing work and family life

As a family-friendly employer we are committed to promoting work-family balance. We help staff to reconcile the demands of work and family life.

For example, our flexitime scheme gives staff comparatively more freedom to arrange their working hours and the option to build up hours in credit to allow them to take whole days off later.



Furthermore, we have constantly expanded the teleworking scheme in recent years. The numerous teleworking positions offer opportunities for our staff to work from home several days a week.

Our organisation offers different part time work options to accommodate the family responsibilities of our staff.

In 2012 we laid the foundations for extending our on-site nursery. This means that there will soon be three day care groups for young children.

In November 2012 our Jena Sub-Office was admitted to the "Jenaer Bündnis für Familie" alliance. Meanwhile the alliance for the family has 59 partners who are jointly committed to maintaining and even further improving the – already exemplary – favourable general conditions for children and families at the Jena location.

Training at the DPMA

"There is no end to learning."
Robert Schumann (1810 to 1856)

Sound vocational training is essential for a successful start to working life. As an organisation providing apprenticeships under the Vocational Training Act (BBiG), we offered 78 young people the opportunity to train for a skilled occupation within the dual system of vocational training in 2012. The DPMA provides the initial vocational training in seven skilled occupations.

In 2012, we again offered employment in our organisation to all apprenticeship graduates. For more information see our feature article on page 65.

In addition, many pupils, students and trainee lawyers undertook internships at our office in 2012.

Nowadays, the work environment and the overall working conditions are changing faster and faster. Our staff must adapt to the new situation and constantly develop and intensify their knowledge. This is the only way to comply with the ever growing demands of the workplace. This is a great challenge for us as a modern employer. Well-trained staff are key to the competitiveness and future success of our office. We provide a broad variety of training measures to our staff. Our ambition is that all staff receive on-going qualified training. They have the opportunity to attend internal and external training programmes. Training courses offered by the Federal Academy of Public Administration (BAköV) are supplemented by training measures at other institutions, if necessary.

Changing living and working conditions also change the demands on training. This is why we are increasingly using modern multimedia-based forms of learning, for example, electronically supported learning (e-learning). The first pilot projects have met with positive feedback by our staff.

Workplace health management

The DPMA places high priority on workplace health management which we intend to develop further constantly. 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.

In early 2012, we commissioned TÜV Süd Life Service GmbH to undertake a status analysis of the workplace health management. The analysis revealed that workplace health management at the DPMA has already reached a high level, particularly with regard to occupational health and safety, and internal communication. Our workplace health promotion and our staff-oriented personnel management also yielded good results in the study by TÜV SÜD Life Service GmbH. We will act on the recommendations for creating more efficient workplace health management structures and will press ahead with a project to develop and introduce a structured system for occupational health and safety management in 2013.

We organised the 4th health action day for the DPMA staff in Munich with an extensive and varied programme, which was themed "Exercise and relaxation – equilibrium for body and mind". It comprised medical check-ups, advice on ergonomics at the workplace, workshops on coping with stress as well as relaxation and fitness classes.

In May 2012, the new works agreement on addiction prevention entered into force at the DPMA. It focuses on the prevention of addictive disorders and help for staff who are addicted or at risk of dependency. An important element of prevention is our "health representatives for addiction", staff members of the DPMA who are specifically trained for this task. As early as December 2012, the certified seminar "stop-n-go – it's easy to become smoke-free" took place at the DPMA which aimed to help staff to put their resolutions for the new year to stop smoking into action.

An important component of workplace health management is to encourage physical activity and exercise in addition to providing psychosocial support. Therefore we have constantly increased our range of free exercise sessions and fitness classes on offer at the office. Some of our staff even qualified as fitness instructors.

130 runners of the DPMA took part in the 9th Munich corporate run at Olympia Park, which was themed "Get off the office chair, put on your running shoes". The staff of the Jena Sub-Office also became physically active. As in previous years two volleyball teams and a football team of our office participated in the judicial sports day in Jena. Staff also participated in the Jena corporate run. All these events are not so much about athletic excellence but about team spirit and the enjoyment of physical activity.



Workplace
health management
at the DPMA

INSIDE THE DPMA
We offer apprenticeships.

What career should I choose?

Where can I find an employer that offers career prospects?

Is the training exciting and varied?



These are questions that many young people are asking themselves.
Have you ever thought about an apprenticeship at the German Patent and Trade Mark Office?

For more than 30 years our office has been offering training programmes. During that time we have constantly expanded these programmes. In Munich and Jena we provide opportunities in many different occupational fields – also aside from the typical clerical tasks. During the whole apprenticeship programme you will be supervised and assisted by our own training officers. They provide their expertise and are always willing to listen to the trainees' concerns. This creates a pleasant atmosphere to ensure thorough and comprehensive training. A successful vocational training for a good start to working life – that is our goal. We would be happy to offer this to you too.

Currently we provide apprenticeships in the following skilled occupations:

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

As of 2013, we will offer apprenticeships for IT business management assistants. We will expand the range of available options by a training programme for business office management assistants as of 2014.

In 2012, 78 young people took part in our vocational training programmes. During introductory week our 24 new trainees met their co-trainees and gained an insight into our office with its varied tasks. The theoretical classroom training in vocational schools is combined with the on-the-job training in the respective divisions of our organisation, organised in a dual system. Apprenticeship projects and placements outside the DPMA provide other interesting tasks and give our trainees insights into the world of work.

Are you interested in information about the skilled occupations?
Our website provides comprehensive information, at a glance, about skilled occupations **www.dpma.de/amt/ausbildung/berufsausbildung**.

Our training officers will be glad to advise you at training and study fairs or information days. We also visit schools to provide information about the DPMA and our apprenticeship programmes. If you are interested please contact **ausbildung@dpma.de**.

Our apprenticeship training positions are advertised on our website about ten months before the training starts. The training usually starts on 1 September each year.

For current job vacancies at the DPMA visit:

www.dpma.de/amt/stellenanzeigen



Our finances

A solid basis

The development of the fee income of the German Patent and Trade Mark Office (DPMA) was again very positive in 2012. Despite the turmoil in the financial markets and the tight global economic climate our income remained stable.

The overall income exceeded our expectations. With 325.9 million euros and an increase of 2.7 per cent we again achieved a very good result.

As in the preceding years, the overall expenditure of 259.6 million euros was by far lower than the income. The not insignificant increase in expenditure of 5.7 per cent over the previous budget year is essentially due to the annually rising contributions to the pension fund.

The aim of the special assets "Federal pension fund" is to put public sector pensions for civil servants on a sound footing to ensure sustainability and intergenerational equity. Therefore, since 1 January 2007, we have made regular contributions to this fund for civil servants whose service relationships began after 31 December 2006, which we will continue to pay during their entire time of service.

Fortunately, it was possible to keep the current personnel costs at exactly the same level as in the budget year 2011.

Thanks to higher budgetary allocations from the Federal Ministry of Justice at the end of the budgetary year we were able to carry out necessary measures to modernise the general equipment of our office and to implement further IT measures.

Table 22
Income and expenditure of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)

	2011	2012	Change
Income	317.4	325.9	+2.7 %
Expenditure	245.5	259.6	+5.7 %
including personnel	143.3	143.3	+- 0.0 %

A NOTE TO OUR READERS
Warning against potentially misleading requests for payment

Many owners of IP rights have received communications from companies requesting payments concerning IP rights. These communications resemble the communications and forms of the German Patent and Trade Mark Office (DPMA) or other authorities to some extent. An even greater danger of confusion is caused by the official-sounding names and logos similar to state emblems of the companies.

Increasingly, we receive enquiries from confused customers. Therefore, we would like to point out again the risks of answering such communications (offers, requests for payment and invoices concerning applications for or renewals of IP rights).
In our experience, this happens particularly with the registration or renewal of IP rights.

In both cases, the concerned IP right is given in detail, even though the senders of the communications have not even submitted the first filings of the IP rights, etc. The senders find all relevant details on the IP rights and the applicants or owners of the IP rights in official registers. These registers may be inspected by anyone due to legal provisions. Missing information, such as the complete addresses of the applicants or owners, is extracted from telephone directories or other publicly available sources.

Entry in a private register

Shortly after the publication of the respective IP rights, many owners of IP rights are contacted by companies offering them the entry in their registers. These registers are not associated with the official DPMA register or registers of other patent and trade mark offices. That these communications are merely offers only becomes clear from the small print in most cases. Often, such “offers” look like invoices with a pre-filled bank transfer form enclosed. Accepting this offer, for example, by signature or response via fax, may lead to an obligation of the owner of the IP right to make an annual payment. The obligation to pay will become void, only if a termination is effectuated within the prescribed period. Many persons concerned only notice in the second or third year that they have assumed an obligation to make recurrent payments.

Renewal of IP rights

Other companies send communications to owners of IP rights whose IP rights are due for renewal shortly. Some time before the expiration of the term of protection – in some cases, one year in advance (!), they send “reminders”. The companies offer to manage the renewal of the IP rights against payment of a specific amount. However, the senders of these communications do not mention the amount of the official fees of the respective authorities but only give a fixed amount. This fixed amount is often higher than the official fees of the respective authorities.

There are warnings on the websites of the Office for Harmonization in the Internal Market, of the European Patent Office, of the World Intellectual Property Organization and of many national patent offices.

For a list of companies sending such offers concerning applications for or renewals of IP rights, please refer to our website.

---

http://www.dpma.de/english/service/warning/index.html

Decisions by the criminal or civil courts on this matter are inconsistent. While some courts deem such a business to be deception and fraud, others note that, on closer reading, these communications can be identified as private offers.

Therefore, you should always examine communications containing requests for payment for IP rights closely. Should you not be sure whether a communication is really from us, please call us or send us a copy. Contact details of our enquiry units can be found in the service section of the annual report.



International cooperation

As the fifth biggest national patent office in the world, the German Patent and Trade Mark Office (DPMA) is an important international partner. International cooperation in the field of industrial property protection is essential in the face of globalisation because the growing importance of new economic areas and the rising numbers of patent applications worldwide are posing new challenges to you as applicants and to us. Bilateral cooperation projects contribute to increasing the value of intellectual property all over the world and to reaching agreement on making international applications easier for our customers. Together with our partner offices we pursue strategic aims thus providing important impetus to the development of the international patent system.

International cooperation projects

We have strengthened our bilateral relationships with the IP offices in Australia, Canada, China, Japan, Russia, South Korea, Turkey, the United Kingdom (UK) and the United States of America (USA). Two cooperation projects played again an important role within the scope of cooperation projects in 2012: the so-called Patent Prosecution Highway and the patent examiner exchange.

Patent Prosecution Highway (PPH)

The Patent Prosecution Highway – the "fast-track patent examination procedure" – is one of our most important projects. In recent years there have been many developments and improvements, above all for you as applicants. You can read more about this in our feature article on page 73.

Patent examiner exchange programmes

The patent examiner exchange between two offices is an important and useful tool to gain an insight into the working practice of a partner office. Of particular interest in this context is the exchange of experiences between participating examiners within the scope of the examiner exchange programme. The examiners discuss essentially identical patent applications pending at the two offices within the scope of priority applications. This enables the two offices to gain information on the examination procedure and the 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 the exchange. We organise regular patent examiner exchanges with our partner offices in Australia, China, Japan, Russia, South Korea, the United Kingdom and the USA.

Cooperation with national offices

↗ Australia

After the start in 2011, the patent examiner exchange programme with IP Australia was continued in 2012. Two patent examiners of IP Australia visited their colleagues in Munich in September 2012.



Vice-President Schmitz with examiners of IP Australia at the DPMA

↗ China

In 2012 we again strengthened our long standing cooperation with the State Intellectual Property Office of the People's Republic of China (SIPO).

This close cooperation between the DPMA and SIPO started as early as 30 years ago. In the 1980s, priority was initially given to establishing the Chinese office and continuously developing a system of protection of patents, utility models and designs in China. The offices focused, above all, on technical cooperation, the development of binding standards and the training of patent examiners at the Chinese office. Working together for many years the DPMA and SIPO have developed a relationship of trust and close mutual understanding.

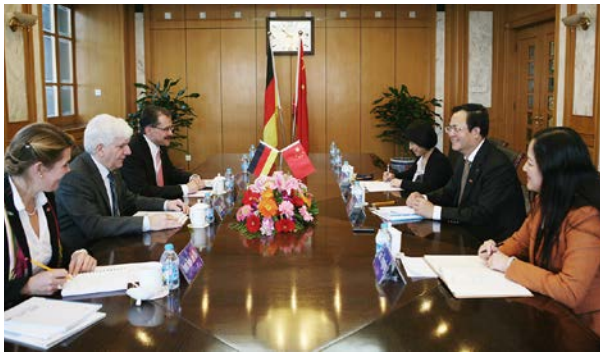
In the summer of 2012 we welcomed a high-ranking delegation of SIPO at the DPMA, headed by the Commissioner, Professor TIAN Lipu. President Rudloff-Schäffer and Professor TIAN agreed to continue intensive cooperation in the field of the exchange of documents. In future, patent examiners will be given access to the extensive collections of patent documents of the respective other office for their search or examination.

The rising number of patent applications in China have led to a considerable increase in Chinese prior art. In order to later provide legal certainty with regard to our granted patents it is particularly important to consider Chinese prior art when we examine applications for worldwide novelty. English abstracts and drawings of Chinese patent specifications will help patent examiners of the DPMA to faster identify Chinese prior art relevant for search or examination.



SIPO Commissioner Professor TIAN Lipu, President Cornelia Rudloff-Schäffer and delegations

The exchange of documents was also an issue of discussion when Vice-President Schmitz and a DPMA delegation visited SIPO Deputy Commissioner Dr. LI in Beijing in November 2012. Internal quality management and other aspects of bilateral cooperation were also discussed. Furthermore, Vice-President Schmitz was a speaker at the 9th Shanghai International IP Forum where he talked about the challenges to the international IP system from the view of the DPMA.



Deputy Commissioner Dr. LI, Vice-President Schmitz and delegations

In autumn 2012 a SIPO training seminar took place in Beijing and Shanghai. SIPO provided an in-depth presentation of the Chinese IP system to the attendees. Two DPMA examiners participated in the training seminar.

↗ Japan

The DPMA has maintained intensive bilateral cooperation with the Japan Patent Office (JPO) for many years. The PPH pilot programme and the patent examiner exchange programme between the DPMA and the JPO are particularly important.

As early as March 2008, we launched a PPH pilot programme with the JPO, which has existed ever since. This pilot is our longest running project of bilateral cooperation in this field.

Since as early as 2000 we have been meeting our Japanese colleagues within the scope of the examiner exchange programme. Japan was the first partner country to participate in this valuable exchange of experience. In June 2012 five of our patent examiners visited the JPO.



German examiners at the JPO

↗ Canada

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

↗ Russia

Since 2010 the DPMA has had an examiner exchange scheme with the Federal Service for Intellectual Property (ROSPATENT). In November 2012, two patent examiners of ROSPATENT visited their examiner colleagues at the DPMA.

South Korea

In June 2010 the DPMA and the Korean Intellectual Property Office (KIPO) concluded an agreement on a PPH pilot programme. In June 2012 KIPO and the DPMA extended the pilot programme by a further two years. The examiner exchange has been running since 2006. In May 2012 four patent examiners of the DPMA visited their counterparts at KIPO.



German examiners at KIPO

United Kingdom

The Intellectual Property Office of the United Kingdom (UK IPO) and the DPMA have developed a strong working relationship. As early as 2002 the two offices started a programme to exchange examiners on a regular basis. In October 2012 three examiners of the UK IPO visited their colleagues at the DPMA. Earlier, in March 2012, the PPH pilot programme was launched. This is a means to intensify cooperation between the UK IPO and our office.



Examiners of the UK IPO visiting the DPMA

United States of America

Since 2009 the DPMA and the United States Patent and Trademark Office (USPTO) have been working closely together, for example, by launching the joint PPH pilot programme. Meanwhile the pilot programme was extended for a further two years until 2013. In November 2012 a joint memorandum of understanding on bilateral cooperation was concluded. The memorandum focuses, among other things, on the continuation of the exchange of examiners and a close exchange of information between the offices in the key areas of activity, for example, quality management. Here again, the declared aim of the DPMA and the USPTO is to learn from the experience of the other office and to jointly develop best practices.

International developments

European patent and unified patent jurisdiction

At the end of 2012, the so-called "EU patent package" was approved in Brussels. It consists of the Regulation on the unitary patent, the Regulation on language arrangements and the Agreement on setting up a Unified Patent Court.

After the Council of the European Union had given its political consent on 10 December 2012, the European Parliament approved the Regulation on the unitary patent on 11 December 2012, and a great majority endorsed the Regulation regarding the language regime and the draft Agreement on a Unified Patent Court. On 17 December 2012 the Council of the European Union formally adopted the two Regulations, which entered into force on 20 January 2013. Presently, Spain and Italy do not participate in the enhanced cooperation on creation of a unitary patent, but may any time join the "EU patent package".

However, a Unified Patent Court to decide on legal disputes must be set up before it is possible to apply for European patents with unitary effect for 25 Member States at the European Patent Office. This is based on an agreement under international law, the Agreement on the Unified Patent Court, which will be open for signature in spring 2013. It must be ratified by at least 13 Member States, including France, Germany and the United Kingdom. The Agreement provides for 1 January 2014 as the earliest date for the entry into force. However, the 13 ratification processes would have to be concluded by that date. In addition, prior to this, the Regulation (EU) No 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be amended to bring it into line with the new legislation.

The adoption of the "EU patent package" marks the end of a negotiation process that has lasted several decades and had been resumed in 2007. In 2010 the course was set for the solution of the so-called language regime. However, the consensual agreement on using the slim language regime of the European Patent Office also for the European unitary patent fell through due to opposition from Spain and Italy. Thereupon the EU Commission made a proposal for enhanced cooperation under Article 326 et seq. TFEU (Treaty on the Functioning of the European Union) in December 2010. In March 2011, this proposal was approved by the Competitiveness Council with a majority of 25 of the 27 EU Member States. Only Spain and Italy did not accept this solution.

In April 2011, the Commission presented proposals for two regulations implementing enhanced cooperation to create a unitary patent system and to specify the applicable translation arrangements to the Council of the European Union and the European Parliament. These regulations have now come into force. Under the new regulations, the European patent granted by the European Patent Office, upon request, will be given unitary effect for the currently 25 participating EU Member States. After a long transitional period, no post-grant translations will be required for a European patent to take effect in the Member States. European patent specifications will only be published in one of the three languages (English, French or German) of the proceedings before the European Patent Office. High-quality machine translations into all official languages of the European Union, without legal effect, will be made available for information purposes only.

The new Unified Patent Court will have jurisdiction with regard to the enforcement of European patents as well as in respect of legal disputes about the known European bundle patents. The Court of First Instance will have a decentralised structure with local or regional divisions (focusing on infringement proceedings) in the Member States as well as a central division (focusing on revocation proceedings) based in Paris with specialised sections in London and in Munich. Proceedings of the central division regarding section F of the IPC (mechanical engineering; lighting; heating; weapons; blasting) will be heard in Munich. The seat of the Court of Appeal will be in Luxembourg.

Cooperation with the European Patent Organisation (EPO)/European Patent Office

The European Patent Office located in Munich, The Hague, Berlin, Vienna and Brussels is the executive arm of the European Patent Organisation (EPO). It is controlled by the Administrative Council. The European Patent Office provides patent protection for inventors in up to 40 European countries on the basis of a single patent application procedure.

In 2012 the DPMA worked again closely together with the European Patent Office and actively participated in decision making processes in the various EPO committees.

Cooperation with the 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. The DPMA participated again in the decision making processes in various WIPO committees in 2012.

IN FOCUS

Patent Prosecution Highway – faster and easier way to obtain patent protection

One of our major concerns is to improve the efficiency of the patent examination process through close international cooperation – while at the same time ensuring high quality patents. To achieve this aim we pursue different strategic projects.

Global players often file parallel applications for an invention at different patent offices. As a result several patent offices examine the same subject-matter of the application. This is where many projects between patent offices begin: They share their knowledge and experience with each other.

One of these projects is the so-called Patent Prosecution Highway, PPH for short.

The PPH aims at making the patent examination process more efficient thereby rendering it more user-friendly. This is achieved by a possible, but non-compulsory, sharing of work results among the participating offices. The advantages are faster examination and higher international patent quality.

Participation in a PPH programme provides many benefits for our internationally active customers.

It makes it easier and faster for them to be granted a patent by our partner offices abroad. The PPH request filed with our partner office will speed up examination of their application at that office because it can use our work results. Therefore the PPH programmes are also of particular advantage to German applicants who are interested in fast-track examination abroad.

Normally the PPH programmes are bilateral agreements between partner offices. The advantage of this structure is that the offices can respond fast and flexibly to suggestions of users.

In 2006 the first PPH pilot programme between the Japan Patent Office (JPO) and the US Patent and Trade Mark Office (USPTO) was launched. The basis for that programme was an initiative of the JPO. In the following years many PPH agreements were concluded at the international level. We started our first PPH pilot programme with the JPO as early as the beginning of 2008.

In 2012 there were PPH programmes between 25 offices worldwide.

The German Patent and Trade Mark Office (DPMA) currently runs PPH pilot programmes with six partner offices, namely with the offices of Canada, China, Japan, South Korea, the United Kingdom and the United States.



In recent years we have gained extensive experience with our PPH programmes, particularly with Japan and the United States. We have developed best practices in cooperation with our PPH partner offices worldwide, also based on the feedback of our customers.
It is envisaged to internationally harmonise the procedures in the future. This is particularly important for applicants. They will not have to adapt to different PPH procedures and requirements at each office.

At present only bilateral agreements are in place between us and our partner offices. However, as the majority of our partner offices is also interconnected through a network of bilateral links, almost all reforms are de facto also applicable for PPH requests filed at our partner offices and not only for requests at the DPMA. In the individual case, we recommend that you make enquiries at all participating offices before implementing a certain application strategy. Links to the PPH web pages of our partner offices are available on our website.

What improvements have been implemented at the DPMA in 2012?

In 2012 we enhanced the PPH programme together with our partner offices for the benefit of the applicants.

An essential amendment is the introduction of the earlier examination principle (the so-called MOTTAINAI model).

While the former system allowed the filing of a PPH request only on the basis of the examination results of the Office of First Filing (so-called principle of first filing) we have now introduced the earlier examination principle. See example on the next page.

What is the difference to the former procedure?

Until autumn 2012 an applicant could not use any work results other than those of the Office of First Filing as a basis for the PPH request. In the example mentioned, this is office A. The consequence was that the processing time of the Office of First Filing alone was decisive as to whether filing of a PPH request was possible at all. Even if another office was faster in producing an examination result, the result could not be used for a PPH request. It would have been crucial that the result of the examination was available at the Office of First Filing that means office A. Under the new regulations the applicant can file a PPH request as soon as either office A or office B has produced an examination result.
For you as a user this means that now you can file a PPH request on the basis of the first examination result. It is no longer necessary for the applicants to apply tactical considerations about which office works the fastest when first filing an application. Plus, you have more options of filing a PPH request because the new model increases the number of work results on which to base a PPH request.

Furthermore we have simplified the PPH procedure, in the interest of our customers, as follows.

Together with several partner offices we have developed a consistent definition of claim correspondence.

Additionally we now accept the submission of documents in German, English and French, and to the extent possible also machine translations for all PPH programmes. It is also important that you do not have to furnish the examination results of our partner offices if these are available through the databases of the partner offices.

Moreover we now provide a standardised request form for all PPH partner offices.

Another new feature is that the applicant must only provide a claim correspondence table showing how the claims correspond ("self certification"). This certification by you – as the applicant – is sufficient. The Office of Later Examination will not normally check whether the claims correspond according to the guidelines.

We have integrated all mentioned improvements in our guidelines which we republished in November 2012.

Combined examination – a special procedure at the DPMA

The combination of the examination of the PPH request and the substantive examination at our office is, in our view, a means to further enhance procedural efficiency. At our organisation, the case file will be examined as to contents by the same person who examined the PPH request. This helps to avoid misunderstandings or differing evaluations, for example, regarding compliance with the criterion of claim correspondence.

In other offices, these processes fall within the competence of different units.

For more information and the current guidelines visit our website at

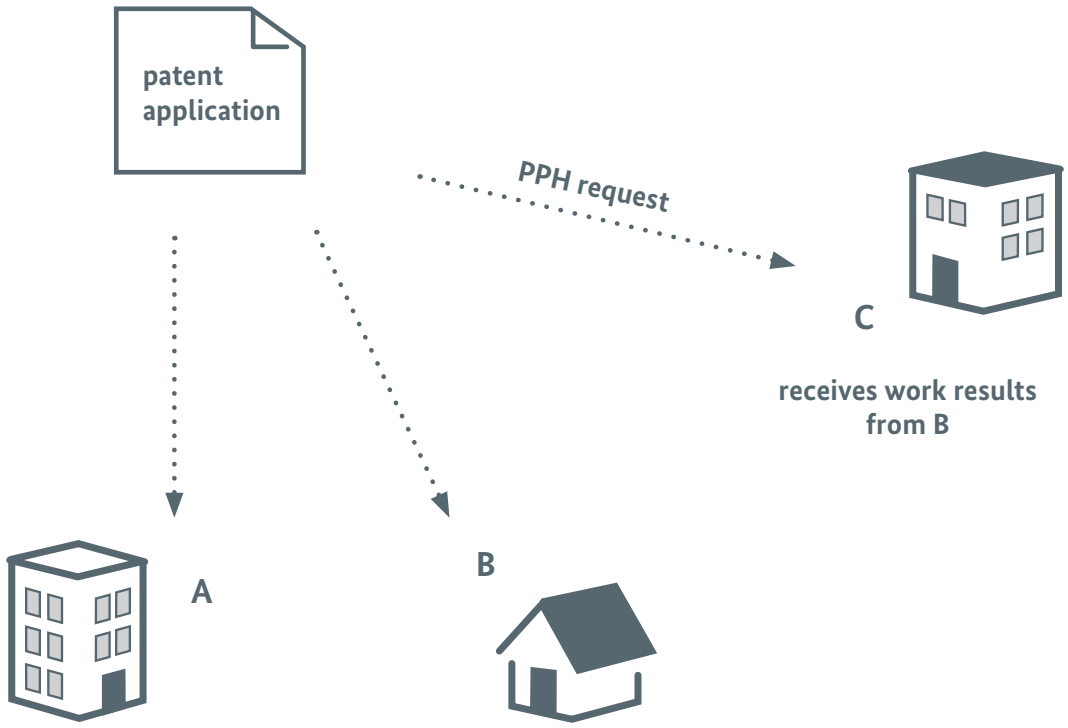
www.dpma.de/english/patent/procedures/pph/index.html

An example to explain the MOTTAINAI model

Under the MOTTAINAI model it is no longer mandatory that the office which provides the examination results to be used as the basis for a PPH request be the Office of First Filing. As a result the following configuration is possible:

Applications for the same invention were filed at office A and office B. Meanwhile at least one claim has been determined to be patentable by office B. In this situation the applicant may file a PPH request at another office (compare office C in the Figure below) as soon as there are work results of office B and if examination has not yet begun in office C. C, the so-called "Office of Later Examination", receives the work results from B, the so-called "Office of Earlier Examination". Upon receipt of a corresponding PPH request, office C will accelerate examination. The "Office of Later Examination" – office C in the Figure – is not bound by the work results of B. The use is entirely optional. It is always at the discretion of the examining section whether and to what extent it uses the work results of the PPH partner office.

The advantages of the MOTTAINAI model also apply if only two offices are involved.
The applicant may also file a PPH request if he has filed the application at office A and office B, at least one claim has meanwhile been determined to be patentable by office B and examination has not yet begun in office A. In this case, office A is the "Office of Later Examination" and office B the "Office of Earlier Examination". It is irrelevant which of the two offices is the Office of First Filing. For example, a PPH request may also be filed at the office at which the applicant has filed the application first, in case a later filing at the PPH partner office has already led to a positive examination result.





Events in 2012

A visit to the German Patent and Trade Mark Office (DPMA)

What are IP rights?
How does the DPMA work?
How can I file an application for an IP right in Germany?

The interest in our office remained high in 2012. We welcomed 77 national and 20 international visitor groups in our three locations Munich, Jena and Berlin – in total, over 1,800 visitors.

The programmes we offer are just as individual as the groups themselves: from guided tours on different topics to basic presentations on IP rights to specific presentations and workshops to the guided art tour "Kunst am Bau". Thereby, we can offer interesting visits to inexperienced visitors just as to experts. In the past year, we have extended our programmes to school groups and will increasingly offer them to this target group beginning in 2013.

If you are interested in visiting our office, please contact our Public Relations unit by e-mail **presse@dpma.de** or phone +49 89 2195-3222.

↗ 12 January, 19 January, 29 June und 19 July 2012
Jena lectures

The Jena lectures on industrial property and copyright were launched by our Jena Sub-Office in cooperation with Professor Dr. Volker Michael Jänich (Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection, Friedrich-Schiller-Universität, Jena) in 2001. Since then, this lecture series has dealt with intellectual property issues several times a year. The centre-east district group of the Association of Intellectual Property Experts (VPP) supports the lecture series as co-organiser. In 2012, four Jena lectures took place that dealt with the following topics:

- **"Trade mark dilution from an interdisciplinary and comparative law perspective"**
  Angus Lang, practising barrister in Sydney, Australia
- **"Federal Patent Court – quo vadis in Europe?"**
  Beate Schmidt, President of the Federal Patent Court, Munich
- **"U.S. patent reform and the effects on European enterprises"**
  Thomas P. Canty, Leydig, Voit & Mayer, IP law firm, Chicago
- **"Identity of the search file in patent and utility model law?"**
  Prof. Dr. jur. Paul Schrader, Augsburg University

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

↗ 14 February 2012
Visit from Mr. Stephan Thomae, Member of the German Bundestag

Mr. Stephan Thomae, Member of the German Bundestag (MdB), visited the German Patent and Trade Mark Office on 14 February 2012. Mr. Thomae is, among other things, a member of the Committee on Legal Affairs and the Budget Committee of the Bundestag.
Mr. Thomae was informed about the patent examination procedure in detail and also got to know the practical work with the electronic case file at an examiner's workplace. He was particularly interested in the DPMA's IT projects. As the founding member of the Indo-German Lawyers Association, he paid close attention to Ms. President Rudloff-Schäffer's comments on the diverse international cooperation programmes of the German Patent and Trade Mark Office in the field of intellectual property.

↗ March 2012
INNOVACCESS – the European network of national intellectual property (IP) offices

IPeuropaware, an initiative run by the EU under the participation of the DPMA, which had ended in 2011, was replaced by the EU ACCESSIBLE INTELLECTUAL PROPERTY project in 2012.

The project seeks to assist small and medium enterprises (SMEs) in issues relating to industrial property protection. Networking of national patent offices is meant to offer an improved service portfolio for SMEs by developing and enhancing IP (intellectual property) services tailored to suit SMEs. A network of national IP information centres are being set up or expanded, optimising the Europe-wide IP webportal **www.innovaccess.eu** in the course of the process. The information platform will be re-launched with a new and re-designed layout in 2013.

In March 2012, 26 representatives of national patent and trade mark offices of 15 European countries attended the kick-off event of the project module "network of national offices helpdesks" hosted by the Technical Information Centre (TIZ) Berlin. The results of the meeting were presented and further coordinated at a second project workshop in Lille, France, in October 2012. Among other things the participating patent and trade mark offices agreed a project plan on how to enhance networking of IP stakeholders at the national level. The participants also agreed upon a newsletter for the helpdesks of the national offices and the introduction to the topic "customer relationship management" (CRM).

↗ 13 April 2012

Visit from members of the Executive Board of the Federal Association of German Patent Attorneys

On 13 April 2012, the new president of the Federal Association of German Patent Attorneys, Mr. Dietrich Tergau, visited the DPMA. He was accompanied by Dr. Thomas Eder and Ms. Iris-Anne Markfort as representatives of the Executive Board of the Federal Association of German Patent Attorneys. For the DPMA, the President and the Vice-President as well as the Head of a patent department and the Deputy Head of the information department and others took part in the discussion which focussed on the electronic file inspection and its consequences for the applicants.

↗ 19 and 20 April 2012, October 2012

Meeting of the "Tegernsee Group"



Tegernsee Group

The Heads of offices and representatives of the ministries of Denmark, France, Germany, Japan, the UK and the USA met at lake Tegernsee on 19 and 20 April 2012, at the invitation of the European Patent Office, for an exchange of views on the harmonisation of the respective patent systems. In October 2012, in the margins of the General Assemblies of the World Intellectual Property Organization (WIPO) in Geneva, this group met again at the invitation of the USPTO. On the agenda were comparative studies on individual patent law issues. The "Tegernsee Group" had commissioned experts of the respective countries to carry out comparative analyses.

Based on these studies, the participating countries and ministries will now conduct user consultations in their own countries.

↗ 26 April 2012

Girls'Day at the DPMA

In 2012 we participated again in the Girls'Day initiative. The theme of the annual nationwide action day was "Girls discover careers in engineering, technology, IT, craft trades and science". This day is meant to contribute to providing early career guidance to girls. As a technically oriented organisation we had an interesting programme about these issues on offer.

26 girls in the seventh and eighth grades of secondary schools came to the Girls'Day at our headquarters located in the centre of Munich. After an initial welcome and an introductory lecture on industrial property rights, the girls had the opportunity to attend a patent workshop to "invent" their own new technical solution for everyday applications. Afterwards they tested their invention to see if it actually worked in practice. The major part of the participants did not know what the job of a patent examiner involved. An accessible presentation by two patent examiners of our office gave the group a first insight into this demanding job.

Our trainees presented to the participants the skilled occupations for which apprenticeship training is available at the DPMA. So the girls received first hand information on how the apprenticeship training in skilled trades and IT jobs is delivered at the DPMA.

↗ 31 May 2012

Visit by Federal Minister of Justice Sabine Leutheusser-Schnarrenberger to the Jena Sub-Office



Ms. Leutheusser-Schnarrenberger and the President of the DPMA visiting the Jena Sub-Office

After a press briefing and a lecture at Friedrich-Schiller-Universität, the Federal Minister of Justice visited our sub-office in Jena, on 31 May 2012. The Federal Minister received information on the sub-office during discussions with President Cornelia Rudloff-Schäffer and other high-ranking representatives of the DPMA.

↗ 14 June 2012
Mittelstand innovation day

"Making the most of technology": spurring progress, stimulating growth, shaping the future" is the theme of the technology-neutral Central Innovation Programme for SMEs (ZIM) of the Federal Ministry of Economics and Technology (BMWi). Once a year, the results of the funding policy are presented at the "Mittelstand innovation day" in Berlin. This show has increasingly developed into a platform for providing public funding, information and support to strengthen the innovative capacity of small and medium-sized enterprises (SMEs). In 2012 we, as the DPMA, have for the first time participated in this event. More than 300 companies and research institutions presented their products and research results, developed in cooperation with ZIM, showing the great diversity of innovative products that received funding. These range from the ammonia sensor for biogas plants to the PTO generator to produce electricity. The innovation show attracted over 1,500 visitors. Many of them took up our offer to find out more about industrial property rights.

↗ 20 July 2012
Lectures on "Recent Developments and Trends in US Patent Law"

The signing into law of the America Invents Act by the President of the United States of America, Barack Obama, on 16 September 2011, marked the end of a long legislative process aimed at reforming US patent law.

The most significant reform of the US Patent Act since 1952 is an important contribution to international harmonisation of patent law. In the past few years, the United States Court of Appeals for the Federal Circuit (CAFC) as well as the Supreme Court of the United States issued a series of groundbreaking decisions on patent cases which have had a great influence on the legal practice in the USA. These decisions are also of great interest to patent practitioners in Germany and Europe.



Speaker Professor John M. Whealan, speaker Chief Judge Randall R. Rader and moderator Dr. Dieter Schneider during the discussion

On 20 July 2012 two renowned experts of the US patent system, Chief Judge Randall R. Rader of the United States Court of Appeals for the Federal Circuit (CAFC) and Professor John M. Whealan, Dean at George Washington University Law School, spoke about the recent developments and trends in US patent law. The speakers examined and discussed the latest developments in case law and legislation. The audience consisted of numerous stakeholders from industry, representatives of the judiciary and the DPMA as well as interest groups. Throughout the event there was plenty of opportunity for questions and an intensive exchange of views on the reforms.

↗ 1 August 2012
Visit from Ms. Nadja Hirsch, Member of the European Parliament

On 1 August 2012, Ms. Nadja Hirsch visited the DPMA. Ms. Hirsch is a Member of the European Parliament (MEP) and is concerned, for example, with the European aspects of the collective rights management in the Culture and Education committee. She was accompanied by representatives of the Federal Ministry of Justice. Ms. Hirsch learned about the duties and field of activity of the Government Supervision of Collecting Societies division. In addition, there was a constructive exchange on the most recent developments regarding the collecting societies law.

↗ 7 and 9 September 2012

Open Monument Day in Berlin – a visit to the historical examiner's office

"Open Monument Day" takes place on the second weekend in September. The Technical Information Centre Berlin (TIZ) participates in this traditional Berlin event.

The historical building of the patent office on Gitschiner Straße, which has been a listed building since 1995, opens its doors for two days to the general public. In 2012 IP experts and interested lay people again seized the opportunity to get a glimpse into the interior of the patent office.

TIZ staff gave visitors guided tours of the impressive architectural features of the building and provided information on the eventful history of the building. On a tour through the office the visitors did not only marvel at the giant safe in the former cash office but also visited the photographic exhibition about the more than a century long history of the building. Highlights of the tour also included the search room with modern technology, old archives bursting with patent literature and documents, the office reading room with antique furniture and the historical examiner's office.

The guests also learned everything worth knowing about important pioneer patents, which had formerly been examined and granted in this building, and heard quite a few things about patents whose inventors are little known to the public.



The historical examiner's office at TIZ Berlin

↗ 12 September 2012

Workshop with the VPP

The traditional workshop with representatives of the Association of Intellectual Property Experts (VPP) and representatives of the DPMA senior management took place at the DPMA on 12 September 2012.
The major topics of the workshops were the Asian patent documentation in light of the steadily growing state of the art in that region, the electronic case file at the DPMA, electronic file inspection as well as patent attorney training. In an animated discussion of several hours, the representatives of the applicants had the opportunity to discuss current topics and to make proposals.

↗ 13 and 14 September 2012

8th Jena Trade Mark Law Day

The German Patent and Trade Mark Office organised the 8th Jena Trade Mark Law Day in cooperation with the FORUM Institut für Management GmbH and Friedrich-Schiller-Universität Jena. For the first time the conference was held at two venues: at our sub-office in Jena and in the rooms of Friedrich-Schiller-Universität Jena, at Altes Schloss (old castle) in Dornburg. The event featured presentations on trade mark law and an interactive workshop on opposition proceedings at the DPMA. The presentations explored current national and European court rulings, IP infringement on the Internet and the prosecution of such infringement actions in practice, and the significance of numerals and numbers for trade mark applications. One paper dealt with the current issue of mediation before OHIM in trade mark disputes.

↗ 26 and 27 October 2012

deGUT – the German entrepreneurship days 2012

A minor anniversary for the DPMA: We participated for the 10th time in deGUT, the German entrepreneurship days, in Berlin Tempelhof. Since 1998 deGUT has been Germany's leading national trade fair for young entrepreneurship and business start-ups. The organisers counted over 6,000 visitors at hangar 2 of the Berlin Tempelhof airport. The seminar and workshop programme, organised by the Berlin-Brandenburg Business Plan Competition, also aroused much interest from visitors. Speed dating with the Business Angels, the social network lounge and the app lounge also attracted much attention.

Our fair stand was again much frequented. More than 700 visitors sought information on our range of services on offer. For interested young entrepreneurs and people starting up in business we offered a workshop and lectures.



Visitors at the deGUT in Berlin

↗ 6 to 8 November 2012

Patent information Conference in Hamburg

As national office in the host country, the DPMA supported the Patent Information Conference of the European Patent Office (EPO), which took place in Hamburg from 6 to 8 November 2012. The EPO has organised this conference since 1991 in close cooperation with the various host countries.



Participants at the patent information conference

For the second time, the DPMA co-organised the event with the EPO. The first Patent Information Conference in Germany took place in Jena in 1998. With about 450 attendees the 2012 event again provided an attractive forum for an exchange of views on current developments and trends in the field of patent information. Among the conference delegates were representatives from industry and staff of various patent offices.

Plenary speeches, discussion rounds in various working groups and plenty of opportunity to talk with exhibitors offered participants the chance to gain comprehensive information on the latest developments in the field of patent information.

A highlight of the conference was the "national evening" in the evening of the first conference day, traditionally organised by the host country. President Rudloff-Schäffer and President of the Hamburg Chamber of Commerce Fritz Horst Melsheimer, as national partner in the field of patent information, jointly invited the attendees to a festive evening reception in the neo-classical halls of the Hamburg Chamber of Commerce.

↗ 12 to 19 November 2012

German Start-Up and Entrepreneurship Days

The Federal Ministry for Economics and Technology annually organises the Entrepreneur Week in Germany, held in November. In 2012, more than 900 partners participated in over 1,500 events, showcasing the diversity of opportunities and challenges for entrepreneurs, encouraging the creative entrepreneurial spirit and providing inspiration to business start-ups. For the first time we participated in this initiative by hosting three events in Berlin and Jena.

The first event was an evening, organised in cooperation with LONEX e.V., a local network for start-ups. The evening, which took place at the Technical Information Centre Berlin (TIZ Berlin) on 12 November 2012, was dedicated to the theme: "Protection is useful. Trade mark and design protection for start-ups and young entrepreneurs".

On 14 November 2012, the Jena Sub-Office and K1, the service for start-ups of Friedrich-Schiller-Universität Jena (FSU), jointly held an event entitled "Industrial property rights & research transfer – relevance and recommended actions for scientists and entrepreneurs". This event provided information about industrial property rights, IP requirements and possible uses of IP in practice to anyone interested in starting up a business.

There is also a long-standing tradition of cooperation with Humboldt-Universität zu Berlin.

Within the scope of Entrepreneur Week, the "IP Day Mitte" took place at the Grimm Center at the heart of Humboldt-Universität, on 12 November 2012. The event was directed at scientists, PhD students and people considering starting up a business. One paper at the event dealt with the importance of patents using the example of a successful spin-off from the Department of Physics.

↗ 15 November 2012

Talks with representatives from business and industry

The "Industriebesprechung" meeting is the forum of the German Patent and Trade Mark Office for exchanging views on the latest developments in the field of industrial property protection. In autumn, more than 200 guests from business, industry, the legal profession and professional associations met in Munich. We were happy to welcome many new participants who attended this meeting for the first time.

President Rudloff-Schäffer, Vice-President Schmitz, Ministerialrat Dr. Walz of the Federal Ministry of Justice, and other leading representatives of the DPMA talked about current projects and developments at our office and in the field of IP protection.

The presentations and discussions focused on the experiences with the electronic case file, introduced in 2011, which were largely positive. The attendees were very interested in information about online file inspection, which is planned to be activated for patents and utility models in the course of 2013.

Other important issues were: the current filing figures for the different types of IP, current legal developments in the field of industrial property protection and the project status of the electronic case file in the trade mark area.

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 (in German)



Cornelia Rudloff-Schäffer opening the Industriebesprechung meeting at the DPMA

↗ 20 November 2012

In the Efficiency Factory

The Efficiency Factory is an innovation platform which brings together partners from industry, science, politics and the public. It received funding by the Federal Ministry for Education and Research (BMBF) under the framework programme "Research for Tomorrow's Production". It supports the development of innovative and resource-efficient production technologies. In November 2012 the initiators of the Efficiency Factory organised an open day in Berlin where they presented the results derived from a total of 31 joint projects on "resource-efficient production" carried out by 200 companies and research institutions between 2009 and 2012. We used the event as a showcase for our information products on offer.

↗ 30 November 2012

Workshop "Protection and enforcement of design rights"

On 30 November 2012 a workshop entitled "Protection and enforcement of design rights" took place at our office. The event was part of a Europe-wide workshop series, which we organised in cooperation with the European Communities Trade Mark Association (ECTA) and the World Intellectual Property Organization (WIPO).

More than 180 attendees from the legal profession, industry and stakeholder groups gathered information on electronic filing of international applications with WIPO (E-filing)

and received practical experience-based advice on the protection and enforcement of design rights in the European Union. The lively discussion focused on the filing strategies of a big German company and on the optimum reproduction of designs. Questions about the protectability of spare parts and accessories and the latest court decisions on infringement issues regarding registered designs also met with great interest. The participants used the discussion rounds for an intensive exchange of experience.

The last conference day's focus was on the so-called "Täterhaftung" (liability for having committed an infringement oneself) and "Störerhaftung" (liability of a disturber) as they regularly occur on auction sites on the Internet in particular. The event with a scientific and practical approach attracted more than two hundred participants: lawyers, representatives of manufacturers of branded goods as well as members of the German Patent and Trade Mark Office and the Federal Patent Court.

↗ 5 to 7 December 2012
Markenforum

Visitors of the Markenforum (trade mark forum) were welcomed with a Lindt chocolate Santa Claus placed on each seat in the ballroom of the Munich hotel Bayerischer Hof in the morning of 6 December. This was not only a nice gift by a member of the German Brands Association but was also directly connected with one of the central topics of the symposium. Several of the presentations treated trade-mark-law-related issues concerning the protection of three-dimensional product shapes.

The German Brands Association organised the event in cooperation with the Federal Patent Court and our office. Among the speakers were professors, judges, lawyers and representatives of the trade mark offices, not only from Germany but from all over Europe. In addition to the legal issues with respect to three-dimensional trade marks, topics included questions of cooperation between national offices and the Office for Harmonization in the Internal Market (OHIM) as well as adjudication by the European Court of Justice, the Federal Court of Justice and the Federal Patent Court.



Ms. Preißner, Head of the Trade Marks, Utility Models and Designs Department of the DPMA, gave a lecture on the collision of complex signs – experiences of the DPMA



Ms. Rudloff-Schäffer, President of the DPMA, among group of speakers (third from the right)

Twelfth symposium of the German-Chinese dialogue on the rule of law

Since 2000, there has been a German-Chinese dialogue on the rule of law at minister level. The symposia are alternately organised in one of the two countries. In 2012, our office was chosen to be home to a symposium of the German-Chinese dialogue on the rule of law for the second time. Federal Minister of Justice Sabine Leutheusser-Schnarrenberger hosted the two-day specialised forum on the topic of civil rights and legislation in the digital age in Munich on 16 and 17 July 2012. She welcomed a prominent delegation with more than 30 legal experts and practitioners led by the Minister of the Legislative Affairs Office of the State Council of the People's Republic of China, Song Dahan. Ms. Rudloff-Schäffer, President of the German Patent and Trade Mark Office (DPMA), acted as the chair of the event with about 100 Chinese and German participants, including politicians and officials, business representatives, scientists, members of the judiciary and lawyers.

After opening remarks and introductory specialised lectures in a plenary session, the conference continued in three working groups meeting in parallel, where the topics of the symposium were treated – with different focuses – in intensive, small-circle specialised discussions. The symposium was concluded with the results of the three working groups on the infringement and implementation of rights on the Internet, on the protection of personal data on the Internet and on the public participation in the legislation on the Internet being presented by speakers to all participants of the conference.

In addition to this intensive specialised programme, the minister's delegation was introduced to the landscape, cultural and economic diversity of Bavaria.

The Four Greys Room in the Munich Residenz provided a festive ambience for the banquet given by Federal Minister of Justice Sabine Leutheusser-Schnarrenberger on 16 July 2012.







top left: Planning discussion between the two ministers

top: Concluding speech of Ms. Sabine Leutheusser-Schnarrenberger, Member of the German Bundestag, Federal Minister of Justice of the Federal Republic of Germany

bottom left: The two ministers leaving

INSIDE THE DPMA

European Inventor Award for German inventors

The European Inventor Award is a prestigious European prize for inventions.

Since 2006, the European Patent Office (EPO) presents the annual European Inventor Award in cooperation with the European Commission and the country holding the Presidency of the Council of the European Union – which was Denmark in the first half of 2012.



Prize-giving ceremony from left: Dr. Manfred Stefener, Dr. Oliver Freitag and Cornelia Rudloff-Schäffer

The European Inventor Award 2012 prize-giving ceremony took place in Copenhagen on 14 June 2012. German inventors were awarded in two out of five categories.

In the category "SMEs" (small and medium-sized enterprises), the award went to the team of Dr. Manfred Stefener, which was proposed by a patent examiner from our office. The German scientists earned the award for the invention of the first network-independent portable fuel cell, the so-called direct methanol fuel cell or DMFC. The environmentally friendly fuel cells are used, for example, in electric vehicles, motorhomes, yachts as well as in security and surveillance systems. As early as 1999, a patent application for the basis of the award-winning fuel cell had been filed with our office.

Professor Josef Bille of the Heidelberg University received the European Inventor Award in the category "Lifetime Achievement". He filed more than 100 patent applications relating to eye surgery and is therefore regarded as the "father" of today's laser eye surgery.

Both fields of technology are among the IPC classes with the most applications at the DPMA. Table 6 on page 10 shows patent applications by IPC classes with the most filings; developments over the past years are presented in Table 1.10 on page 97.

More information is available under "Inventor and innovation awards" beginning on page 86.



All winners of 2012 on a stage with Crown Prince Frederik of Denmark (10th from left)

Inventor and innovation awards

"Many of the award-winning innovative solutions are indispensable in everyday life. All prize-winning projects are based on scientific excellence and, at the same time, have great economic potential. It is precisely this combination that constitutes the innovative power of our country and secures our prosperity and well-being."

– German President Joachim Gauck on occasion of the presentation of the Deutscher Zukunftspreis 2012 award –

Innovation awards recognise outstanding innovation thus promoting research and inventiveness. Cornelia Rudloff-Schäffer, President of the German Patent and Trade Mark Office (DPMA), and Günther Schmitz, Vice-President of the DPMA, participated in selecting the prize winners of many inventor and innovation awards as members of the board of trustees and as members of the jury. Our patent examiners assisted them in this task by providing expert assessments of the projects.



In 2012, the DPMA was involved in the following awards:

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

www.deutscher-zukunftspreis.de

In 2012, Deutscher Zukunftspreis was awarded for the 16th time. The German Federal President's Award for Technology and Innovation is endowed with 250,000 euros in prize money and honours both, the development of compelling products as well as successful market implementation. Ms. Rudloff-Schäffer is a member of the board of trustees that determines the final criteria for the selection process. Furthermore, as organisation entitled to submit nominations, the DPMA proposes projects for Deutscher Zukunftspreis to the jury. You are welcome to contact us with your projects.

European Inventor Award

www.epo.org/learning-events/european-inventor.html

The European Inventor Award has been awarded annually by the European Patent Office (EPO) since 2006 in the categories: Industry, SMEs, Research, Lifetime Achievement, and Non-European Countries. The EPO considers inventors who have been granted at least one European patent for their invention. Our examiners submit entries for this award. One of these proposals was awarded a prize in 2012. Read more about it in our feature article on page 85.

Innovation award of the German industry

www.innovationspreis.com

Since 1980 the first innovation award in the world has annually recognised outstanding technical, scientific and intellectual achievements. The judging panel, of which the President of the DPMA is a member, finally selects the award winners in the categories: Large Enterprises, Innovative Staff Models, Medium-Sized Enterprises and Start-Ups.

Innovation award of Bavaria

www.innovationspreis-bayern.de

The innovation award of Bavaria was launched in 2012 on the joint initiative of the Bavarian Ministry of Economic Affairs, the association of Bavarian chambers of commerce and industry and the association of Bavarian chambers of crafts and trades. It pays tribute to outstanding innovative achievements. Vice-President Schmitz was a member of the high-profile jury, which selected the winners of the three first prizes and four special awards from among more than 180 entries. These awards are recognition awards which are meant to be presented biennially. There is no financial prize with the awards.

The German innovation prize

www.der-deutsche-innovationspreis.de

The German innovation prize initiative is an annual award that recognises outstanding pioneering ideas by German enterprises that have the innovative capacity to change business and markets. In 2012, for the third time, the winners in the categories Large Enterprises, Medium-Sized Enterprises and Start-Ups were chosen by the jury panel of which Ms. Rudloff-Schäffer was a member.

Innovation award of Berlin-Brandenburg

www.innovationspreis.de

Since 1992 this innovation award has been jointly presented by the German Länder of Berlin and Brandenburg, and business enterprises. The award aims at promoting and paying tribute to forward-looking and marketable developments in the greater Berlin area. Here, too, Ms. Rudloff-Schäffer is a member of the selection panel.

Innovation award of the Bavarian Volksbanken and Raiffeisenbanken

Every year since 1991 medium-sized enterprises have been awarded the accolade of "Bavaria's medium-sized company of the year" in recognition of outstanding innovation. Ms. Rudloff-Schäffer is the chair of the jury of the innovation award of the Bavarian Volksbanken and Raiffeisenbanken.

Jugend forscht

www.jugend-forscht.de

"Jugend forscht" is Germany's most famous youth competition. The aim is to enthuse young people about science, technology, engineering, mathematics and computer science, and to find and foster talents. The competition is open to young people ranging from pupils attending year four to young adults up to the age of 21. Our office has been active in the jury of the regional competition of "Jugend forscht" in Bavaria.

FOCUS competition for pupils

www.focus.de/schuelerwettbewerb

"In die Netze, fertig, los!" (ready, steady, go on the net!) was the motto of the 16th FOCUS competition for pupils entitled "Schule macht Zukunft" (schools: shaping the future). More than 1,500 pupils explored many diverse innovative developments in the technological, economic, social and scientific domains. The focus of the competition is on enthusing young people to act autonomously and on promoting a dialogue between schools and industry. The DPMA has been involved in the judging panel for this competition right from the start.



A glance at 2013

A new design for our publications

At the beginning of 2012, the German Federal Government modified its corporate design.

It features a new layout and new typefaces. The texts appear clearer and thus underline the transparency of the Federal Government's publications. We will gradually implement the modifications as well. The new design has already been applied to the Annual Report 2012; other publications will be redesigned in 2013.

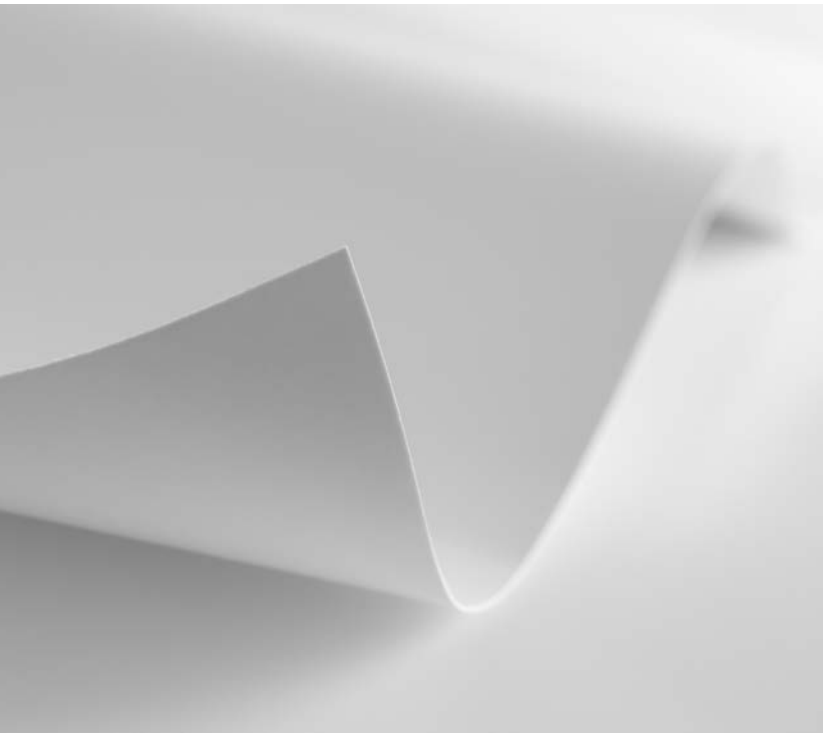
Our new information brochures and flyers are something to look forward to.

Direct way to get in contact with the DPMA

It is important to us to handle your information requests and enquiries effectively.

Therefore, we would like to further optimise our service through central customer support. At present, we are developing or rather designing a central unit at our office in the context of a project. Thereby, we hope to make it easier for you to contact us, no matter which communication channel you choose. The future staff will be trained so as to be able to provide comprehensive information, thereby increasing quality and effectiveness of our information provision.

However, we will still not be able to offer legal advice due to legal provisions.



Patent law revision act

The patent law revision act is expected to be adopted in summer 2013. It aims to optimise our procedures for business as well as to improve our customers' position in the grant procedure.

In particular, this affects the following central points:

›› The provisions regarding the translation of applications in a foreign language will be changed for the applicants' benefit. The time limit for submitting the translation of an application in English or French will now be twelve months from the filing date, 15 months maximum from the priority date.

›› The search report will be amended by a preliminary assessment of the patentability of the application's subject-matter. This will give the applicant a better basis for a decision on whether to continue the procedure or not. As this means additional work for the DPMA, the search fee will increase from 250 euros to 300 euros.

›› The examining sections will hold a hearing on request during the examination procedure without having to take into account the question of relevance.

›› The period for giving notice of opposition will be extended to nine months. As a rule, hearings during the opposition procedure will be public in future.

›› Due to reasons of data protection, an explicit legal basis will be created for the online file inspection in the field of patents and utility models.

With the patent law revision act coming into force, online file inspection will be available to the public. Thereby, we will fulfil a long-held wish by our applicants. All other changes requiring programming or reprogramming of our electronic case file or of other software will come into force six months after the promulgation of the act.

Jointly organised event series for Intellectual Property Day on 26 April 2013

Every year since 2000, the World Intellectual Property Organization (WIPO) has celebrated World Intellectual Property Day in order to emphatically underline the importance and value of creativity and intellectual property. On World IP Day, which is held annually on 26 April, numerous events take place around the globe. To mark this day an event is organised in Berlin by the Federation of German Industry (BDI), the Association of German Chambers of Commerce and Industry (DIHK), the German Brands Association and the German Anti-Counterfeiting Association (APM), which has become firmly established in recent years as the leading event in Germany. It is targeted at representatives from politics, the legal profession, government agencies, associations and industry.

In 2013, for the first time, we will organise a number of regional events and activities for World Intellectual Property Day in cooperation with the patent information centres (PIZ) and other institutions. We plan to hold seminars, lectures, workshops, information days and a panel discussion, and to run information stands. For the whole programme and detailed information visit our website at

www.dpma.de

The project for integration of FIAT patent information

After the Second World War, American specialists of the "Field Information Agency, Technical" (FIAT) microfilmed selected patent applications that were unpublished and pending at the end of the war.

In 2012, we began editing the data of the so-called "FIAT films" for integration into the data pool of the DEPATIS database. Furthermore, so-called "extracts of German patent applications" were published in book form, containing information on the applicant in addition to the classification and an abstract produced by intellectual techniques. The project covered roughly 146,000 patent applications in total. These documents will now also be electronically indexed.

DID YOU KNOW THAT ...

... the medical plaster was invented 130 years ago?

In 1882, the pharmacist Paul Carl Beiersdorf from Brandenburg was granted the patent No. 20057 for the method to produce a gutta-percha plaster.

This invention for the first time allowed for precise dosing of medication to ensure accurate treatment of the affected skin. Over many decades, the medical plaster has been developed further by the company founded by the inventor.

Today's sticking plaster can be found in every household.



2013 trade fair calendar

	Trade fair	Location	Hall/stand	Internet
January				
09. – 11.01.2013	PSI-Messe	Düsseldorf	H13/D12	www.psi-messe.com
February				
15. – 19.02.2013	Ambiente	Frankfurt/Main	Foyer of hall 4.1	www.ambiente.messefrankfurt.com
March				
05. – 09.03.2013	CeBIT	Hanover		www.cebit.de
12. – 16.03.2013	ISH	Frankfurt/Main	Foyer of hall 4.1	www.ish2013.com
15. – 16.03.2013	azubi- & studientage	Munich		www.azubitage.de
April				
08. – 12.04.2013	HANNOVER MESSE	Hanover		www.hannovermesse.de
10. – 14.04.2013	Erfindersalon	Geneva (Switzerland)		www.inventions-geneva.ch
15. – 21.04.2013	Bauma	Munich	EW/28	www.bauma.de
23. – 25.04.2013	PowTech im Verbund mit der TechnoPharm	Nuremberg		www.powtech.de
25. – 26.04.2013	VPP-Tagung	Kassel		www.vpp-patent.de
May				
13. – 16.05.2013	Interzum	Cologne		www.interzum.de
June				
05. – 07.06.2013	PATINFO	Ilmenau		www.paton.tu-ilmenau.de
11. – 13.06.2013	Techtextil/Avantex	Frankfurt	Foyer of hall 4.1	http://techtextil.messefrankfurt.com
September				
08. – 10.09.2013	spoga + gafa	Cologne		www.spogagafa.com
16. – 21.09.2013	EMO	Hanover		www.emo-hannover.de
25. – 27.09.2013	GRUR	Erfurt/Weimar		www.grur.de
October				
08. – 10.10.2013	BIOTECHNICA	Hanover		www.biotechnica.de
16.10.2013	Bayerischer Patenttag	Munich		www.baypat.de/de/veranstaltungen/bayerischer-patenttag.html
22. – 24.10.13	EPO Patent Conference	Bologna (Italy)		www.epo.org/learning-events/events/conferences/pi-conference.html
25. – 26.10.2013	deGUT	Berlin		www.degut.de
November				
31.10. – 03.11.2013	iENA (mit Consumenta)	Nuremberg	H12/01	www.iena.de
20. – 23.11.2013	MEDICA	Düsseldorf		www.medica.de



Statistics

With the introduction of the electronic case file, we have adapted a new statistics system for all IP rights. We now use a dynamic statistics system called "**DPMAstatistik**".

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 a retrospective effect.
For this reason, the values depend on the respective date of retrieval.

The following statistics are based on data retrieved in February 2013.

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**).

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
2006	47,284	10,205	57,489	817	2,205	3,022	48,101	12,410	60,511
2007	47,813	10,241	58,054	840	2,822	3,662	48,653	13,063	61,716
2008	48,419	10,327	58,746	886	2,697	3,583	49,305	13,024	62,329
2009	46,407	8,931	55,338	917	2,584	3,501	47,324	11,515	58,839
2010	46,374	9,295	55,669	895	2,866	3,761	47,269	12,161	59,430
2011	46,422	10,240	56,662	693	2,252	2,945	47,115	12,492	59,607
2012	45,651	11,169	56,820	935	3,556	4,491	46,586	14,725	61,311

[1] Applications for a German patent filed with the DPMA (DPMA Direct) / [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
2006	57,992	21,445	124,936	113,162
2007	58,594	21,621	126,667	114,393
2008	59,168	20,785	130,881	119,198
2009	55,731	20,571	134,926	123,119
2010	56,090	23,024	135,931	122,619
2011	57,384	20,707	139,505	123,850
2012	57,129	20,413	143,871	134,427

[1] DPMA direct applications / [2] New applications and remissions by the Federal Patent Court, allowed appeals, reinstatements / [3] Withdrawals, non-payment of application or annual fees, examination request not filed and rejections

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		
2006	38,771	25,245	38,515	21,159
2007	39,362	25,102	34,757	18,068
2008	38,340	24,536	32,793	16,749
2009	35,378	22,280	31,545	13,897
2010	36,625	22,420	32,719	13,616
2011	38,086	23,406	26,944	11,728
2012	38,168	23,298	29,306	11,324

[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
2006	**21,317**	**14,627**	**127,216**
2007	**18,183**	**13,912**	**131,485**
2008	**16,856**	**13,483**	**134,864**
2009	**13,996**	**16,357**	**132,501**
2010	**13,701**	**18,947**	**127,254**
2011	**12,036**	**14,170**	**125,112**
2012	**11,441**	**12,369**	**124,142**

[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	2006	2007	2008	2009	2010	2011	2012
Baden-Württemberg	**13,304**	**13,764**	**15,008**	**15,227**	**14,778**	**14,593**	**14,225**
Bavaria	**14,068**	**13,903**	**13,572**	**12,601**	**13,008**	**13,722**	**14,340**
Berlin	**963**	**1,025**	**932**	**975**	**918**	**812**	**855**
Brandenburg	**428**	**393**	**362**	**365**	**323**	**352**	**296**
Bremen	**147**	**183**	**146**	**162**	**163**	**153**	**150**
Hamburg	**948**	**1,008**	**1,093**	**932**	**914**	**1,013**	**758**
Hesse	**3,237**	**3,008**	**2,669**	**2,448**	**2,431**	**2,373**	**2,293**
Mecklenburg-W. Pomerania	**182**	**175**	**184**	**196**	**170**	**167**	**180**
Lower Saxony	**2,600**	**2,749**	**3,336**	**2,910**	**2,928**	**2,985**	**2,952**
North-Rhine/Westphalia	**8,189**	**8,324**	**7,813**	**7,333**	**7,534**	**7,099**	**6,758**
Rhineland-Palatinate	**1,331**	**1,262**	**1,296**	**1,259**	**1,233**	**1,183**	**1,122**
Saarland	**311**	**331**	**295**	**304**	**258**	**251**	**249**
Saxony	**814**	**950**	**1,013**	**1,115**	**1,124**	**1,049**	**1,056**
Saxony-Anhalt	**344**	**338**	**367**	**310**	**335**	**310**	**246**
Schleswig-Holstein	**585**	**624**	**594**	**564**	**562**	**486**	**516**
Thuringia	**650**	**616**	**625**	**623**	**590**	**567**	**590**
Total	**48,101**	**48,653**	**49,305**	**47,324**	**47,269**	**47,115**	**46,586**

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)

	2006	2007	2008	2009	2010	2011	2012
Germany	48,101	48,653	49,305	47,324	47,269	47,115	46,586
USA	3,281	3,861	4,254	3,622	4,241	4,511	5,110
Japan	3,628	3,871	3,512	3,143	3,006	3,014	3,676
Republic of Korea	889	747	929	610	684	1,002	1,516
Austria	757	750	775	895	839	836	915
Switzerland	1,154	1,155	1,107	950	958	857	835
Taiwan	720	588	522	397	376	376	504
Sweden	287	271	255	277	268	232	259
Liechtenstein	195	191	160	146	193	205	210
France	260	232	207	177	195	234	201
Others	1,239	1,397	1,303	1,298	1,401	1,225	1,499
Total	60,511	61,716	62,329	58,839	59,430	59,607	61,311

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	2006	2007	2008	2009	2010	2011	2012
Schleswig-Holstein, Hamburg	33	33	30	31	45	30	22
Lower Saxony, Bremen	58	49	57	62	79	65	46
North-Rhine/Westphalia	93	96	80	117	99	90	81
Hesse	37	51	48	46	44	47	35
Rhineland-Palatinate, Saarland	30	15	21	13	21	12	14
Baden-Württemberg	79	80	81	75	79	84	76
Bavaria	71	71	69	77	91	84	71
Berlin	30	47	34	35	31	37	39
Brandenburg, Mecklenburg-W. Pomerania	50	39	31	46	32	29	43
Saxony	110	119	108	142	115	128	144
Saxony-Anhalt	26	22	28	25	25	31	24
Thuringia	51	51	54	55	52	45	46
Total	668	673	641	723	713	681	640

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

	Percentage of applicants having filed						
	2006	2007	2008	2009	2010	2011	2012
one application	66.2	65.6	66.0	66.3	65.8	65.4	66.6
2-10 applications	29.9	30.7	30.0	30.1	30.7	30.7	29.7
11-100 applications	3.5	3.3	3.5	3.3	3.1	3.6	3.3
more than 100 applications	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Total	100	100	100	100	100	100	100

	Percentage of applications by applicants having filed						
	2006	2007	2008	2009	2010	2011	2012
one application	16.2	15.7	15.1	16.3	15.9	15.0	14.9
2-10 applications	24.2	24.1	22.5	23.7	24.1	23.0	21.8
11-100 applications	21.5	21.8	21.7	21.4	21.1	22.8	21.2
more than 100 applications	38.2	38.5	40.7	38.6	38.9	39.3	42.1
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]
2006	927	898	289	388	3,246	2,120
2007	803	789	264	332	3,258	1,693
2008	750	972	282	465	3,035	1,270
2009	506	986	312	532	2,551	825
2010	538	890	260	479	2,194	460
2011	417	507	152	219	2,093	209
2012	435	552	183	232	2,011	34

[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 2012



	2006	2007	2008	2009	2010	2011	2012	IPC class	
1	5,418	5,641	5,706	5,267	5,668	6,059	6,084	B 60	Vehicles in general
2	4,567	4,557	5,084	4,605	4,771	4,857	5,090	F 16	Engineering elements
3	3,913	3,932	4,123	3,693	3,660	4,151	4,290	H 01	Basic electric elements
4	3,627	3,900	3,771	3,541	3,637	3,725	3,670	G 01	Measuring, testing
5	2,936	2,831	2,730	2,645	2,517	2,509	2,370	A 61	Medical or veterinary science; hygiene
6	2,110	1,980	2,307	2,094	2,354	2,228	2,350	H 02	Generation, conversion or distribution of electric power
7	1,830	1,906	1,835	1,816	2,023	2,222	2,117	F 02	Combustion engines
8	1,754	1,744	1,687	1,476	1,475	1,512	1,458	G 06	Computing, calculating, counting
9	1,729	1,573	1,595	1,443	1,451	1,501	1,419	F 01	Machines or engines in general
10	1,452	1,348	1,514	1,363	1,367	1,331	1,370	H 04	Electric communication technique
11	1,122	1,085	1,288	1,225	1,241	1,307	1,348	B 62	Land vehicles for travelling otherwise than on rails
12	1,108	1,078	1,218	1,150	1,219	1,166	1,326	B 65	Conveying, packing, storing, handling thin material
13	1,046	1,032	1,051	1,112	1,170	1,111	1,002	B 23	Machine tools; metal-working
14	979	1,003	1,021	1,065	1,052	1,090	957	A 47	Furniture, domestic articles or appliances

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
2006	19,731	16,458	73	19,804	17,089	3,067	20,156
2007	18,106	14,945	81	18,187	15,653	2,981	18,634
2008	17,089	14,150	94	17,183	14,223	2,873	17,096
2009	17,355	14,404	85	17,440	14,152	2,759	16,911
2010	16,832	13,664	103	16,935	15,237	2,750	17,987
2011	16,061	12,786	187	16,248	14,230	2,814	17,044
2012	15,491	11,930	84	15,575	13,978	2,553	16,531

[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
2006	8,075	102,526	22,306	17,548
2007	7,651	100,804	22,604	17,358
2008	7,668	98,291	22,827	16,685
2009	8,130	95,253	21,826	17,163
2010	7,091	93,984	22,544	16,479
2011	6,328	93,266	21,112	14,992
2012	5,412	92,255	22,001	15,041

2.2 Topographies under the Semiconductor Protection Act

Year	New applications received	Procedures concluded			Pending applications at the end of the year[1]	Lapse due to expiry of time	Registrations in force at the end of the year[1]
		by registration	without registraion	Total			
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
2012	9	9	0	9	2	6	29

[1] Figure corrected for 2009

2.3 Utility model applications by German Länder (place of residence or seat of the applicant)

German Länder	2006	2007	2008	2009	2010	2011	2012
Baden-Württemberg	3,267	2,851	2,695	2,654	2,580	2,373	2,060
Bavaria	3,638	3,209	2,975	3,127	3,051	2,862	2,558
Berlin	583	453	402	465	464	416	382
Brandenburg	204	195	198	213	230	220	206
Bremen	126	76	66	74	64	72	74
Hamburg	367	302	285	323	235	190	196
Hesse	1,082	927	843	890	845	751	752
Mecklenburg-W. Pomerania	107	126	139	82	87	98	81
Lower Saxony	1,089	997	947	941	892	872	810
North-Rhine/Westphalia	4,001	3,937	3,801	3,717	3,432	3,243	3,148
Rhineland-Palatinate	679	625	552	647	588	512	517
Saarland	156	142	102	122	98	122	125
Saxony	457	462	462	441	446	386	401
Saxony-Anhalt	166	162	201	159	143	171	158
Schleswig-Holstein	329	297	301	350	290	296	256
Thuringia	207	184	181	199	219	202	206
Total	16,458	14,945	14,150	14,404	13,664	12,786	11,930

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

German Länder	2011			2012		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North-Rhine/Westphalia	3,243	25.4	18	3,148	26.4	18
Bavaria	2,862	22.4	23	2,558	21.4	20
Baden-Württemberg	2,373	18.6	22	2,060	17.3	19
Lower Saxony	872	6.8	11	810	6.8	10
Hesse	751	5.9	12	752	6.3	12
Rhineland-Palatinate	512	4.0	13	517	4.3	13
Saxony	386	3.0	9	401	3.4	10
Berlin	416	3.3	12	382	3.2	11
Schleswig-Holstein	296	2.3	10	256	2.1	9
Brandenburg	220	1.7	9	206	1.7	8
Thuringia	202	1.6	9	206	1.7	9
Hamburg	190	1.5	11	196	1.6	11
Saxony-Anhalt	171	1.3	7	158	1.3	7
Saarland	122	1.0	12	125	1.0	12
Mecklenburg-W. Pomerania	98	0.8	6	81	0.7	5
Bremen	72	0.6	11	74	0.6	11
Total	12,786	100	Ø 16	11,930	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			
2006	72,772	69,078	33,419	651	73,423	51,369
2007	76,302	72,833	36,101	576	76,878	54,566
2008	73,643	69,868	35,178	478	74,121	50,282
2009	69,296	65,913	34,149	554	69,850	49,838
2010	69,140	65,546	32,464	586	69,726	49,763
2011	64,052	60,610	30,854	576	64,628	51,330
2012	59,849	56,724	28,854	716	60,565	46,099

[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
2006	4,256	6,226	3,057	880	662
2007	5,175	7,482	3,448	907	841
2008	4,840	6,959	3,671	999	859
2009	3,977	5,553	3,542	902	749
2010	3,911	5,616	3,100	803	676
2011	3,810	5,692	2,858	633	679
2012	3,177	4,767	2,715	698	663

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
2006	33,913	26,426	727,438
2007	35,448	26,594	746,168
2008	38,644	31,095	771,646
2009	49,008	33,940	783,015
2010	53,443	36,368	779,857
2011	50,837	31,335	780,985
2012	42,865	29,970	784,820

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	
2006	5,750	5,721	38	941
2007	6,100	6,092	35	1,020
2008	6,193	6,189	38	569
2009	4,880	4,794	49	978
2010	5,013	4,977	129	486
2011	5,021	4,975	67	438
2012	4,612	4,437	91	480

[1] Not including requests for the extension of protection under Art. 3ter(2) of the Madrid Agreement; 1,204 requests for the extension of protection were received in 2012, and 1,198 requests were transmitted to the World Intellectual Property Organization (WIPO).

Year	Extension of protection of international registrations of marks originating from Madrid Union countries to the Federal Republic of Germany						
	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			
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	4,324	88	758	3,782	407	29
2011	5,072	4,315	91	693	3,743	342	51
2012	4,464	3,561	311	656	3,674	307	61

[1] Not including other requests and not including renewals

3.5 National trade mark applications by German Länder (place of residence or seat of the applicant)

German Länder	2006	2007	2008	2009	2010	2011	2012
Baden-Württemberg	9,167	9,226	9,119	8,256	8,554	8,105	7,413
Bavaria	12,460	12,902	12,961	11,890	11,801	10,855	10,072
Berlin	4,803	5,053	5,090	4,731	4,723	4,842	4,391
Brandenburg	996	1,099	1,021	1,075	1,134	1,072	917
Bremen	622	710	597	519	611	512	478
Hamburg	3,792	4,114	3,832	3,452	3,497	3,318	3,109
Hesse	5,918	6,044	5,622	5,593	5,564	5,000	4,617
Mecklenburg-W. Pomerania	629	622	653	654	646	511	520
Lower Saxony	4,868	4,924	4,828	4,565	4,599	4,254	4,123
North-Rhine/Westphalia	16,353	17,221	15,685	15,477	14,769	13,091	12,568
Rhineland-Palatinate	2,822	3,409	3,230	2,977	2,959	2,605	2,783
Saarland	688	743	593	583	553	509	472
Saxony	2,180	2,733	2,537	2,276	2,254	2,119	1,954
Saxony-Anhalt	756	841	986	824	847	751	747
Schleswig-Holstein	2,114	2,164	2,191	2,058	2,107	1,964	1,810
Thuringia	910	1,028	923	983	928	1,102	750
Total	69,078	72,833	69,868	65,913	65,546	60,610	56,724

3.6 National trade mark applications by leading classes

Class		2011	2012	+/- in %
0	not classifiable	136	148	8.8
1	Chemicals	744	672	-9.7
2	Paints, varnishes, lacquers	168	167	-0.6
3	Cleaning preparations	1,492	1,276	-14.5
4	Industrial oils and greases, fuels	199	235	18.1
5	Pharmaceutical preparations	2,153	2,271	5.5
6	Common metals and goods of common metal	713	701	-1.7
7	Machines, motors and engines	1,448	1,301	-10.2
8	Hand tools	221	221	0.0
9	Electrical apparatus and instruments	4,345	4,355	0.2
10	Medical apparatus and instruments	889	760	-14.5
11	Heating, ventilation, sanitary installations	1,143	1,209	5.8
12	Vehicles	1,442	1,253	-13.1
13	Firearms	268	244	-9.0
14	Jewellery, clocks and watches	750	774	3.2
15	Musical instruments	79	104	31.6
16	Office requisites, stationery	2,149	1,702	-20.8
17	Insulating materials, semi-finished goods	250	315	26.0
18	Goods made of leather	651	580	-10.9
19	Building materials (non-metallic)	583	551	-5.5
20	Furniture	972	1,109	14.1
21	Household or kitchen utensils	518	462	-10.8
22	Ropes, string, sails	49	55	12.2
23	Yarns and threads	80	33	-58.8
24	Textiles, bed and table covers	299	257	-14.0
25	Clothing, footwear	2,845	2,717	-4.5
26	Lace, ribbon, buttons, trimmings	59	61	3.4
27	Materials for covering floors, wall hangings	109	81	-25.7
28	Games, sporting articles	1,413	1,056	-25.3
29	Food of animal origin	1,703	1,246	-26.8
30	Food of plant origin	1,969	1,956	-0.7
31	Agricultural and forestry products	623	566	-9.1
32	Beers, non-alcoholic drinks	1,245	1,084	-12.9
33	Alcoholic beverages	1,275	1,223	-4.1
34	Tobacco, smokers' articles	216	250	15.7
35	Advertising, business management	7,578	7,007	-7.5
36	Insurance	2,607	2,529	-3.0
37	Building construction, repair	1,291	1,101	-14.7
38	Telecommunications	1,327	1,255	-5.4
39	Transport	1,532	1,416	-7.6
40	Treatment of materials	470	514	9.4
41	Education; sporting and cultural activities	6,902	6,712	-2.8
42	Scientific and technological services	3,560	2,973	-16.5
43	Providing food & drink, temp. accommodation	1,992	1,828	-8.2
44	Medical services	2,711	2,575	-5.0
45	Legal services, security services	884	944	6.8

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
2006	48,801	2,563	51,364	39,658	46,588	35,805	2,038	48,626
2007	52,222	2,326	54,548	39,047	56,366	41,619	3,673	60,039
2008	45,870	2,350	48,220	36,835	49,202	36,378	1,999	51,201
2009	42,842	2,444	45,286	35,880	35,439	29,255	2,041	37,480
2010	46,505	2,626	49,131	39,954	48,466	36,192	1,973	50,439
2011	50,661	2,420	53,081	41,492	48,888	39,335	1,902	50,790
2012	51,559	2,303	53,862	42,219	49,160	37,905	2,833	51,993

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
2006	18,799	1,986	15,752	55,167	303,477
2007	13,308	2,261	18,361	54,066	305,777
2008	10,327	2,543	16,800	56,484	298,495
2009	18,133	1,800	15,487	52,800	281,134
2010	16,825	2,763	17,116	48,479	281,121
2011	19,116	3,404	15,664	46,293	283,716
2012	20,975	3,290	15,430	42,805	290,071

4.3 Designs (applied for) by German Länder

German Länder	2006	2007	2008	2009	2010	2011	2012
Baden-Württemberg	7,360	7,564	5,935	5,541	6,535	5,625	5,915
Bavaria	9,200	10,130	8,855	7,761	7,590	7,576	8,970
Berlin	1,292	1,410	1,284	1,368	1,855	2,319	1,790
Brandenburg	305	203	201	302	453	424	321
Bremen	166	302	221	200	161	259	193
Hamburg	701	727	1,078	1,241	1,554	1,280	1,720
Hesse	1,959	1,791	1,453	1,700	2,578	2,652	1,999
Mecklenburg-W. Pomerania	122	91	247	140	215	214	334
Lower Saxony	2,783	2,622	2,884	2,515	2,858	2,696	2,710
North-Rhine/Westphalia	11,674	9,600	9,733	9,913	11,092	11,808	12,355
Rhineland-Palatinate	1,166	1,577	1,965	2,573	2,276	2,820	1,791
Saarland	301	240	406	275	266	239	423
Saxony	846	1,352	1,059	1,105	971	1,193	1,324
Saxony-Anhalt	386	294	351	286	325	365	470
Schleswig-Holstein	865	778	849	707	866	1,324	1,438
Thuringia	532	366	314	253	359	698	466
Total	39,658	39,047	36,835	35,880	39,954	41,492	42,219

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	
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
2012	7	6	2	2	4

[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]		
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	3,081	16	13
2012	164	56	3,197	18	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
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
2012	186	180	662	436	30,042

Contact us
We will be pleased to help you

We will be pleased to answer your questions and provide information on the steps of an application for an industrial property right. Visit us in Munich, Jena or Berlin. You can also contact us by phone, fax or e-mail.

Further information and all necessary application forms are available at: **www.dpma.de**.

How to reach us

Munich
German Patent and Trade Mark Office
(Deutsches Patent- und Markenamt)
Zweibrückenstraße 12
80331 München, Germany

Opening hours of the enquiry unit
Monday through Thursday 8:00 a.m. to 4:00 p.m.
Friday 8:00 a.m. to 2:00 p.m.

Berlin
Technical Information Centre Berlin
(Technisches Informationszentrum Berlin)
Gitschiner Straße 97
10969 Berlin, Germany

Opening hours of the enquiry unit
Monday through Thursday 7:30 a.m. to 3:30 p.m.
Friday 7:30 a.m. to 2:00 p.m.

Jena
Jena Sub-Office
(Dienststelle Jena)
Goethestraße 1
07743 Jena, Germany

Opening hours of the enquiry unit
Monday through Thursday 9:00 a.m. to 3:30 p.m.
Friday 9:00 a.m. to 2:00 p.m.

↗ Central enquiry units
Phone +49 89 2195-3402
E-mail **info@dpma.de**

↗ Search
Munich search room
Monday through Wednesday 7:30 a.m. to 5:00 p.m.
Thursday 7:30 a.m. to 6:00 p.m.
Friday 7:30 a.m. to 3:00 p.m.
Phone +49 89 2195-2504 and -3403

Berlin search room
Monday through Wednesday 7:30 a.m. to 3:30 p.m.
Thursday 7:30 a.m. to 7:00 p.m.
Friday 7:30 a.m. to 2:00 p.m.
Phone +49 30 25992-230 and -231

↗ Database hotline search support
Phone +49 89 2195-3435
E-mail **datenbanken@dpma.de**

↗ Questions concerning DPMAdirekt
Peter Klemm +49 89 2195-3779
Uwe Gebauer +49 89 2195-2625
E-mail **DPMAdirekt@dpma.de**

↗ Press and public relations
Phone +49 89 2195-3222
E-mail **presse@dpma.de**
http://presse.dpma.de

↗ Data protection at the DPMA
Phone +49 89 2195-3333
E-mail **Datenschutz@dpma.de**

↗ Patent information centres
A list of the addresses of the more than twenty patent information centres is available at: **www.piznet.de**.



President
Cornelia Rudloff-Schäffer



Vice-President
Günther Schmitz



Department 1 / I – Patents
Dr. Christel Schuster

- General Engineering
- Mechanical Technology
- Patent Files Administration

Department 1 / II – Patents
N.N.

- Electrical Engineering
- Chemistry
- Physics



Department 2 – Information
Michael Ganzenmüller

- Information Services for the Public
- Internal Information Services
- IT Operation and IT User Support
- Planning and Development
- Technical Information Centre Berlin



Department 3 –
Trade Marks, Utility Models, Designs
Barbara Preißner

- Trade Marks
- Utility Models, Topographies
- Designs



Department 4 – Administration and Law
Dr. Regina Hock

- Personnel
- Budget
- Organisation
- In-House Service
- Legal Division
- International Relations
- Government Supervision of Collecting Societies

A detailed organisation chart is available at www.dpma.de

Published by
Deutsches Patent- und Markenamt
Zweibrückenstraße 12
80331 München

Last update
May 2013

Printing
Weber Offset GmbH
80993 München

Picture credit
Ingo Dumreicher and Barbara Gandenheimer (portrait pictures of the office management and some staff members of the DPMA) / page 81: Daniel Shalloe, EPA; page 83: Markenverband e.V. / iStockphoto.com: title and page 92: Kohlerphoto; page 4: Chris Fertnig; page 16: SoulArt; page 18: Nataliya Hora; page 22: Brian Brown; page 30: jason salmon; page 34: Jon Larson, LarsonImages; page 35: Dimitar Gorgev; page 41: vm; page 42: Hedda Gjerpen; page 47: Ann Taylor-Hughes; page 50: TommL; page 54: Danish Khan; page 58: Mike R. Manzano, 0816 Studios; page 59: Michael Klee; page 61: Candice Cusack (top right); page 61: Mlenny Photography (bottom right); page 62: ROBERTO CAUCINO; page 63: Jacob Wackerhausen; page 65: Jodi Jacobson; page 66: Tim Hester Photography; page 76: kyoshino; page 86: hsihsiang Liu; page 88: Björn Kindler; page 89: ian nixon; page 90: stocksnapper / fotolia.com: page 36: diego cervo; page 44: Corgarashu; page 46: Fineas; page 48: Eisenhans; page 61: david@engel.ac (top left); page 68: Binkski

© German Patent and Trade Mark Office