German Patent
and Trade Mark Office

Annual Report 2013



At a glance

Industrial property rights		2012	2013	Changes in %
Patents	Applications [1]	61,356	63,158	+ 2.9
	Concluded examination procedures (final)	29,379	33,088	+ 12.6
	- with patent grant [2]	11,531	14,083	+ 22.1
	Stock [3]	124,120	124,432	+ 0.3
Trade marks	Applications (national and international)	64,314	64,966	+ 1.0
National marks	Applications	59,850	60,161	+ 0.5
	Concluded examination procedures	64,856	58,602	- 9.6
	- with registration	46,094	43,507	- 5.6
	Stock	784,857	789,589	+ 0.6
International marks	Requests for grant of protection in Germany	4,464	4,805	+ 7.6
	Grants of protection	3,872	4,824	+ 24.6
Utility models	Applications	15,528	15,472	- 0.4
	Concluded examination procedures	16,529	15,521	- 6.1
	- with registration	13,978	13,341	- 4.6
	Stock	92,132	90,450	- 1.8
Registered designs	Designs applied for	55,133	55,829	+ 1.3
	Concluded examination procedures	53,052	57,704	+ 8.8
	- with registration	50,229	53,232	+ 6.0
	Stock	290,537	297,132	+ 2.3

[1] Patent applications at the German Patent and Trade Mark Office (DPMA) and PCT patent applications upon entry into the national phase
[2] Including patents in respect of which an opposition was filed under Section 59 Patent Act (*Patentgesetz*).
[3] A total of 569,196 patents were valid in Germany in 2013 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 (in million euros)	**2012**	**2013**	**Changes in %**
Income	325.9	340.7	+ 4.5
Expenditure	259.6	268.2	+ 3.3
of which for personnel	143.3	146.0	+ 1.9

Personnel of the German Patent and Trade Mark Office	**2012**	**2013**	**Changes in %**
Staff	2,527	2,518	- 0.4

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

Creative minds invent, develop and design things for everyday life as well as high-tech devices. Such products and objects are meant to make our lives easier or better. In Germany, protection of intellectual property is of high importance. The German Patent and Trade Mark Office (DPMA) contributes greatly to the protection of technical and industrial innovations.

We grant, register and administer the industrial property rights patents, utility models, trade marks and designs. We also provide information to the public about the advantages of IP rights as well as 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 also 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.

Trade Marks, Utility Models and Designs (Department 3)

In Department 3, more than 350 staff process 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.

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.

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 2013, the number of patent applications reached a new ten-year high – despite the very low economic growth in Germany and the still tough financial situation in Europe. Patents made in Germany are also very popular with foreign applicants, as can be seen by the rise in applications. From this we can conclude how attractive Germany is as a location for investment.

We are also pleased about an increase in application figures in the areas "trade mark" and "registered design" – this type of IP was given a new German name on 1 January 2014 (more in the chapter "Designs").

These positive developments are not least due the fact that we are offering good value for money, which is much appreciated by applicants.

To uphold our strong commitment to being customer-friendly and keeping up-to-date as well as to continuously improve our services, the patent law revision was passed by the German parliament *(Bundestag)* last October. It originates from an initiative launched by our organisation in 2010 and brings notable improvements for our customers: procedures – particularly in patent matters – will become more transparent, efficient and flexible. Since November 2013, for example, online applications without a digital signature have been accepted for trade marks and designs and, in January 2014, electronic file inspection was activated for patent and utility model case files. You can read more detailed information about these subjects in the sections "Effects of the patent law revision" and "A new name for an established IP right" in our annual report under the heading "In Focus". There you can learn even more about the advantages for applicants.

We are putting a particular focus on small and medium enterprises (SMEs) and individual inventors. It is to a considerable extent thanks to them that Germany possesses a distinctive innovative capacity in many areas. However, due to their small size, these target groups often cannot afford their own IP (intellectual property) management. Together with the 23 local patent information centres all over Germany we offer support services for SMEs and individual inventors; read more in the chapter "National cooperation projects".

Everywhere in the world, patent offices are facing great challenges: the wheel of innovation is turning faster and faster in the globalised world and the surge of patents – above all from the Far East – leads to a dramatically growing search file. This poses a great challenge to the examination staff and the technology used. Therefore, we have had a lively international exchange and close cooperation with patent offices of other nations for many years, which is essential to us as the world's fifth largest national patent and trade mark office. The Patent Prosecution Highway (PPH) – a bilateral and plurilateral network of now seven partner offices – provides accelerated application and examination for our customers. Read more interesting facts about this subject in the chapter "International cooperation".

The varied topics in this annual report reflect the diversity of our organisation: we will be pleased if the articles about automotive engineering and renewable technologies will attract your interest just like the chapter on the latest developments regarding the supervision of collecting societies, the reports of our arbitration boards or our informative article about the DPMA as an employer.

This annual report contains 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

Incentive for innovation

More and more creative developers and scientists are applying for patents for their inventions. This trend has also continued in 2013 and shows how important it is for companies and institutions worldwide, but also for individual inventors, to obtain legal protection for their inventions.

The basic idea of the patent is remarkably simple: On the one hand, to provide motivation for new technical developments and, on the other hand, to protect the invention against misuse or copying. A patent is an IP right for inventions of products and processes in all fields of technology that can be granted for up to 20 years. The invention is disclosed to the public and, from the day of the patent grant, the patent owners may enforce rights against others who use or copy their invention.

After extensive and thorough search, a patent is granted by our patent examiners for a technical invention that is new, involves an inventive step and is capable of industrial application.

A large number of innovations can be protected by patents. An invention is deemed to be new if it does not form part of the currently known state of the art. However, the invention must also sufficiently differ from this state of the art that means that it must not be obvious to a person skilled in the field of the invention, having regard to the state of the art. Moreover, it must be possible to make or use the invention in a sector of industry. For example, a perpetual motion machine cannot be patented as it violates recognised laws of physics.

Applicants can choose whether to obtain a national or an international IP right to protect their invention on the German market. They can file an application for the grant of a national patent at the German Patent and Trade Mark Office (DPMA), apply for a European patent at the European Patent Office or file an international application under the Patent Cooperation Treaty (PCT) to request an IP right for individual or all PCT contracting states. Applications under the PCT can also be filed directly at the DPMA.

Detailed information on patent protection is available in our “Patents” information brochure and on our website.

www.dpma.de

Development of patent applications

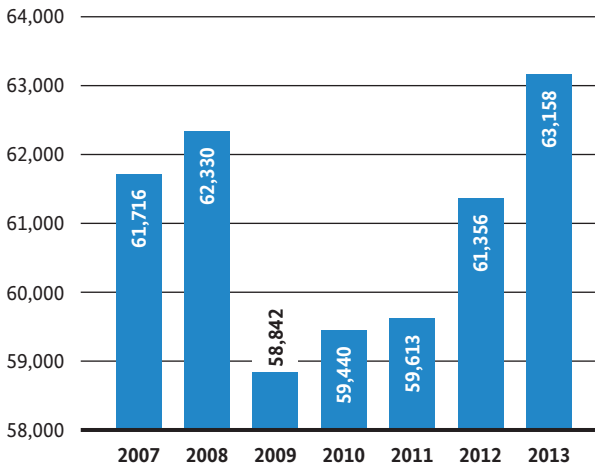
Patents continue to be much sought after and the applications filed at the German Patent and Trade Mark Office increased to more than 63,000 in 2013. This means that, after the decline in applications during and after the financial crisis, we again reached a very high level of filing activity.

In 2013, 63,158 patent applications were filed at our office so that the number of applications increased by 1,802 applications (+ 2.9%) compared to the updated figure of 61,356 applications of the previous year. These figures show that researchers and companies have stayed creative and innovative and that industrial property rights are still very important for them. The development of filing figures from 2007 to 2013 is shown in figure 1.

The number of patent applications comprises 57,905 applications filed directly at our office and 5,253 applications filed under the international Patent Cooperation Treaty which entered the national phase at our office. In 2013, 66.5% of the DPMA direct applications in the area of patents were filed online. Compared to the previous year 5.5% more applications were filed online. We have witnessed a continued growth in this area in recent years. For information on electronic filing please see page 59.

More data on patent applications are provided in table 1.1 in the annex "Statistics" on page 87. Please also note the explanations on the statistical data.

Figure 1
Patent applications at the DPMA
(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 German Patent and Trade Mark Office. The numbers shown are the sums of the DPMA direct applications and the PCT applications which entered the national phase at our office.

The number of applications filed by applicants having their residence or seat in Germany increased slightly to 47,336 applications (74.9% of applications) in comparison to the preceding year.
We also witnessed an increase in applications by applicants having their residence or seat abroad by 4.6% to 15,822. Applications by applicants having their residence or seat abroad now account for 25.1%.

While applications from the Republic of Korea dropped slightly, Japan and the USA expanded their filing activity in Germany. Japan stepped up its filing activity by 20.7% and the USA by 9.5% over the previous year. For an overview on filings, please see tables 1.1 and 1.6 in the "Statistics" part on pages 87 and 89.

Table 1
Patent applications at the DPMA in 2013 by countries of origin (patent applications filed at the DPMA and PCT applications that have entered the national phase at the DPMA)

	Applications	Proportional share in %
Germany	**47,336**	**74.9**
USA	**5,596**	**8.9**
Japan	**4,440**	**7.0**
Republic of Korea	**1,373**	**2.2**
Austria	**923**	**1.5**
Switzerland	**801**	**1.3**
Taiwan	**558**	**0.9**
Sweden	**305**	**0.5**
Others	**1,826**	**2.9**
Total	**63,158**	**100**

Patent applications by German *Länder*

In 2013, German companies and inventors filed 47,336 patent applications at the DPMA. The breakdown of applications by German *Länder* is based on the place of residence or seat of the applicant, who can be an individual, a company or an institution. With 14,829 patent applications (+ 3.3%), Bavaria came top as in the previous year. Baden-Württemberg came in a close second with 14,564 applications (+ 2.3%). With a slight increase (+ 4.6%) compared to the previous year, North Rhine-Westphalia followed on the third place. As in the past years, three-quarters of all German applications came from these three *Länder* (see figure 2 and table 2).

With 322 patent applications, Brandenburg increased its filing activity by 7.7% and showed the largest growth of all German *Länder* in 2013. Table 2 shows the comparison of the 2012 und 2013 data; for time series covering the preceding years, please refer to table 1.5 in the annex "Statistics".

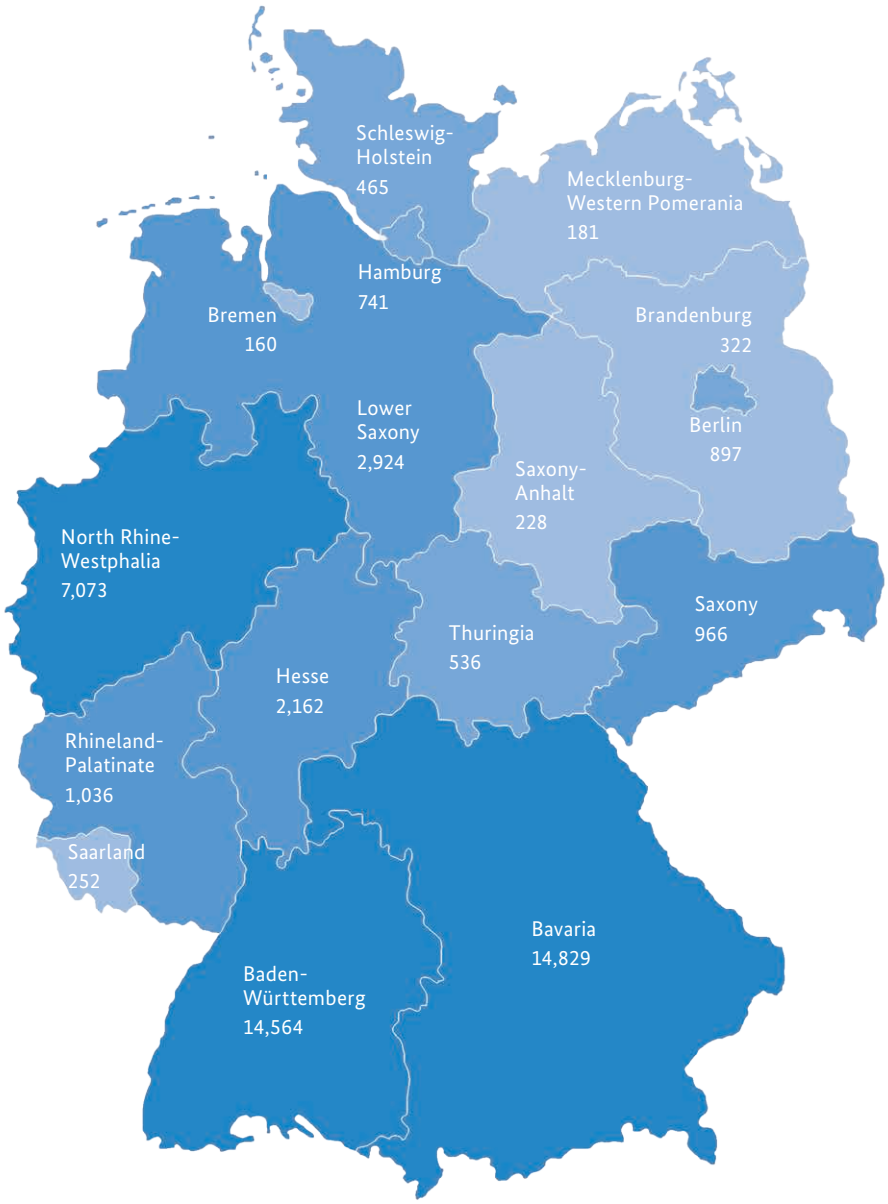


Figure 2
Patent applications by German *Länder* in 2013

The filing figures in absolute terms do not reveal how innovative the populations of the individual German *Länder* of different sizes really are. It is more interesting to look at the number of applications in relation to the number of inhabitants of each German *Land*: Table 2 shows that 59 patent applications on average were filed per 100,000 inhabitants in the Federal Republic of Germany in 2013. With 138 applications per 100,000 inhabitants, Baden-Württemberg was clearly in the lead, followed by Bavaria with 118 applications per 100,000 inhabitants. Hamburg came third with 43 applications per 100,000 inhabitants, followed by North Rhine-Westphalia, ranking fourth, with 40 applications per 100,000 inhabitants. All other German *Länder* are even further below the average.

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

German *Länder*	2012			2013		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
Bavaria	14,355	30.8	115	14,829	31.3	118
Baden-Württemberg	14,242	30.5	135	14,564	30.8	138
North Rhine-Westphalia	6,762	14.5	39	7,073	14.9	40
Lower Saxony	2,958	6.3	38	2,924	6.2	38
Hesse	2,294	4.9	38	2,162	4.6	36
Rhineland-Palatinate	1,129	2.4	28	1,036	2.2	26
Saxony	1,057	2.3	26	966	2.0	24
Berlin	856	1.8	26	897	1.9	27
Hamburg	761	1.6	44	741	1.6	43
Thuringia	594	1.3	27	536	1.1	25
Schleswig-Holstein	516	1.1	18	465	1.0	17
Brandenburg	299	0.6	12	322	0.7	13
Saarland	249	0.5	25	252	0.5	25
Saxony-Anhalt	247	0.5	11	228	0.5	10
Mecklenburg-Western Pomerania	180	0.4	11	181	0.4	11
Bremen	150	0.3	23	160	0.3	24
Total	46,649	100	Ø 58	47,336	100	Ø 59

The most active companies and institutions

Table 3 contains a list showing which national and foreign companies and institutions file very many applications in the German patent market. This list of the 50 most active companies and institutions shows the patent applications received at our office in 2013.

The individual companies and institutions are recorded here as patent applicants. This means that possible interlinking of business enterprises are not taken into account.

In the reporting year, Robert Bosch GmbH is once again top of the list with 4,144 applications – an increase of 4.3% – and has a clear lead. With an increase of 13%, Schaeffler Technologies AG & Co. KG was able to move up from fourth to second on the list. Daimler AG and Siemens AG rank third and fourth. Both, Ford Global Technologies LLC and MANN + HUMMEL GmbH clearly increased their filing activity, more than doubling their applications. In 2013, we again received over 1,000 new applications from GM Global Technology Operations LLC. Bayerische Motoren Werke AG (+ 42.6%) and Audi AG (+ 30.5%) filed markedly more applications at our office. Infineon Technologies AG filed 41.2% more applications than in the previous year whereas Linde AG no longer is among the 50 most active companies and institutions.

	Applicants	Seat		Applications
1	Robert Bosch GmbH	DE		4,144
2	Schaeffler Technologies AG & Co. KG	DE		2,100
3	Daimler AG	DE		1,854
4	Siemens AG	DE		1,784
5	GM Global Technology Operations LLC		US	1,289
6	Bayerische Motoren Werke AG	DE		1,182
7	Ford Global Technologies LLC		US	1,060
8	Audi AG	DE		1,027
9	Volkswagen AG	DE		836
10	ZF Friedrichshafen AG	DE		708
11	Hyundai Motor Company		KR	511
12	BSH Bosch und Siemens Hausgeräte GmbH	DE		509
13	Continental Automotive GmbH	DE		465
14	Fraunhofer-Gesellschaft e.V.	DE		459
15	Infineon Technologies AG	DE		439
16	Dr. Ing. h.c. F. Porsche AG	DE		431
17	DENSO Corporation		JP	423
18	Continental Teves AG & Co. OHG	DE		313
19	NVIDIA Corporation		US	310
20	OSRAM Opto Semiconductors GmbH	DE		303
21	Henkel AG & Co. KGaA	DE		287
22	Krones AG	DE		258
23	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		253
24	Voith Patent GmbH	DE		251
25	MANN + HUMMEL GMBH	DE		231
26	MIELE & CIE. KG	DE		225
27	General Electric Company		US	196
28	FANUC Corporation		JP	171
29	Carl Zeiss SMT GmbH	DE		166
30	Aktiebolaget SKF		SE	163
31	MAHLE International GmbH	DE		162
32	International Business Machines Corporation (IBM)		US	156
33	Evonik Industries AG	DE		154
33	Giesecke & Devrient GmbH	DE		154
35	Phoenix Contact GmbH & Co. KG	DE		152
36	SEW-EURODRIVE GmbH & Co. KG	DE		150
36	Brose Fahrzeugteile GmbH & Co. KG	DE		150
36	Honda Motor Company		JP	150
39	Intel Mobile Communications GmbH (IMC)	DE		147
40	Hella KGaA Hueck & Co.	DE		146
41	Continental Reifen Deutschland GmbH	DE		142
42	VON ARDENNE Anlagentechnik GmbH	DE		131
43	Conti Temic microelectronic GmbH	DE		127
43	MAN Truck & Bus AG	DE		127
43	Mitsubishi Electric Corporation		JP	127
46	Samsung SDI		KR	124
46	König & Bauer AG	DE		124
48	Johnson Controls GmbH	DE		123
49	Heidelberger Druckmaschinen AG	DE		120
50	Osram GmbH	DE		118

Table 3
The 50 most active companies and institutions (number of direct applications filed at the DPMA in 2013)

Inventors and applicants

A small group of applicants with more than ten patent applications each, mostly large enterprises, filed 65.4% of the applications received by our office; their share of the total slightly increased in 2013 (2012: 63.3%). In 2013, concentration in favour of large patent applicants intensified even further. Large patent applicants make up 3.9% of all applicants (see table 1.8 in the annex "Statistics", page 90).

The inventor must be named in a patent application in addition to the applicant. This way it is possible to find out in how many cases the applicant is identical with the inventor. Applicant and inventor are not identical, for example, if an enterprise applies for a patent. However, where the application is filed by independent inventors or employees with released inventions, the applicant is usually identical with the inventor. Table 4 shows that 6.5% of the patent applications were filed by the respective inventors themselves in 2013. For applications from Germany the proportion was 7.6%, and for foreign applications 2.2%. The number of individual inventors continued to drop as in the past few years.

Selected data on patent examination

There is still a great demand for patents. There was an increase of roughly 4% in the number of patent examination requests over the previous year. The number of search requests pursuant to Section 43 of the Patent Act *(Patentgesetz)* also grew slightly. There was a slight rise in output for what is known as "isolated" searches under Section 43 Patent Act. The mean processing times were further reduced and a total of 33,088 examination procedures (+ 12.6%) were concluded in 2013. 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 87.

Table 4
Percentage of patent applications for which the applicant is identical with the inventor by place of residence or seat of the applicant

Year	2007	2008	2009	2010	2011	2012	2013
National	11.5	10.3	11.0	10.4	9.1	8.3	7.6
Foreign	3.7	3.3	4.3	3.6	2.8	2.6	2.2
Total	10.1	9.1	9.9	9.3	8.0	7.2	6.5

Table 5
Selected data relating to patent procedures

Year	2007	2008	2009	2010	2011	2012	2013
Requests for examination	39,363	38,343	35,383	36,631	38,139	38,358	40,050
– including requests filed together with applications	25,102	24,537	22,280	22,425	23,411	23,329	24,305
Search requests under Sec. 43 Patent Act	10,358	11,081	10,081	10,202	11,026	11,744	11,890
Concluded searches under Sec. 43 Patent Act	10,900	10,699	11,622	12,900	10,759	11,642	12,153
Examination procedures concluded (final)	34,757	32,794	31,544	32,723	26,963	29,379	33,088
Examination procedures not yet concluded in the patent divisions at end of year	128,176	135,492	139,415	143,982	155,469	162,540	168,317

Applications filed by universities

In 2013, German universities applied for patents for 620 inventions in their own name. The number of applications again fell slightly compared to the previous year. Table 1.7 in the annex "Statistics" on page 89 shows the patent activity of the universities of the individual German *Länder*.

Main technical areas of patent activity

The International Patent Classification (IPC) consists of a number and letter code and organises all fields of technology in a hierarchical system of more than 70,000 units. Our patent examiners attribute every patent application to one or several classes of the IPC.

In the past few years, most of the patent applications at the German Patent and Trade Mark Office were attributed to the IPC area B60 "Vehicles in general" (see table 1.10 in the annex "Statistics" on page 91). In 2013, 6,013 patent applications were filed in this class.

Hence, a slight decrease of 2.7% can be observed over the previous year (see table 6). The following classes F16 "Engineering elements or units" with 5,420 applications (+ 5.6%) and H01 "Basic electric elements" with 4,478 applications (+ 2.6%) experienced a rise in the number of applications.

For the first time in many years, we observed a decline of 5.2% in application figures in class H02 "Generation, conversion or distribution of electric power". We also saw another drop (- 7.2%) in class A61 "Medical or veterinary science; hygiene". In contrast, there was a marked increase in the classes G06 "Computing, calculating, counting" (+ 11.9%) and F02 "Combustion engines" (+ 6.4%). Table 1.10 (page 91) shows the development in recent years.

Table 6
Patent applications in 2013 by classes of the International Patent Classification (IPC) that account for the majority of applications

IPC class		Applications in 2013	Percentage	Differences between 2012 and 2013 in %
B 60	Vehicles in general	**6,013**	**10.4**	**- 2.7**
F 16	Engineering elements or units	**5,420**	**9.4**	**5.6**
H 01	Basic electric elements	**4,478**	**7.7**	**2.6**
G 01	Measuring, testing	**3,771**	**6.5**	**2.1**
F 02	Combustion engines	**2,282**	**3.9**	**6.4**
H 02	Generation, conversion or distribution of electric power	**2,260**	**3.9**	**- 5.2**
A 61	Medical or veterinary science; hygiene	**2,214**	**3.8**	**- 7.2**
G 06	Computing, calculating, counting	**1,694**	**2.9**	**11.9**
F 01	Machines or engines in general	**1,496**	**2.6**	**4.5**
B 62	Land vehicles for travelling otherwise than on rails	**1,449**	**2.5**	**5.5**
H 04	Electric communication technique	**1,410**	**2.4**	**1.1**
B 65	Conveying, packing, storing, handling thin material	**1,405**	**2.4**	**5.5**

Patent applications in the examination procedure

In 2013, 38,912 examination procedures were opened with legal effect. There was a slight increase of 2.7% over the previous year.

The relevant examining section conducts a thorough and comprehensive search to identify the relevant prior art for the application. Subsequently, the state of the art will be expertly assessed and it will be examined whether the subject matter of the application is new to a person skilled in the art, is based on an inventive step, whether the invention is disclosed in a way that allows it to be carried out and whether it is capable of industrial application. Conclusively, the examining section will decide on the grant of the patent or the rejection of the application.

In 2013, patents were granted for 14,083 applications (42.6% of the applications). A total of 33,088 patent examination procedures were concluded, which is an increase of 22.1% compared to the previous year. 8,107 applications (24.5% of the applications) were rejected in 2013 and 10,898 examination procedures were closed due to withdrawal by the applicant or failure to pay fees.

Appeal proceedings at the Federal Patent Court

The 13 Technical Boards of Appeal of the Federal Patent Court (6th to 9th, 11th, 12th, 14th, 15th, 17th, 19th to 21st and 23rd Board) have jurisdiction to give rulings on appeals against decisions of the examining sections of the DPMA (rejection of a patent application or grant of a patent). In 2013, 481 appeal proceedings were received by the Technical Boards of Appeal of the Federal Patent Court.

While the number of appeals received had almost doubled from 2011 to 2012, there was a decline of about 10% in 2013. A total of 662 appeal proceedings before the Technical Boards of Appeal of the Federal Patent Court were concluded (+ 12.5%).

At the end of 2013, 1,715 appeal proceedings were still pending. The number of the pending appeal proceedings has continually been reduced in recent years.



Did you know that ...

... the first looping coaster was presented at the Frascati Gardens in Paris as early as 1846?

John A. Miller is often referred to as the “Thomas Edison of the roller coaster”. As an American inventor and designer of roller coasters, he received more than 100 patents in the field of roller coaster technology and safety.

His most important invention were the “underfriction wheels” patented in 1919. The cars of the roller coaster are kept firmly on the tracks because of the wheels that run underneath them.

The invention helped pave the way for the development of high-speed trains.

IN FOCUS

Selected fields of technology

Automotive technology

For many years the area of vehicles in general has maintained its top position in the DPMA patent statistics with regard to the number of applications. Despite a slight drop of 2.7% in the number of applications in the class of vehicles in general in 2013, it is still the undisputed top class (see page 91).

The majority of applications that we receive are filed by big car manufacturers and internationally active component suppliers. Due to the introduction of new emission standards many applications focus on optimising exhaust technologies and improving energy efficiency of the various drive systems.

Internal combustion engine

Compared to the previous years the number of patent applications in the area of internal combustion engines slightly decreased (- 3.7%) in 2013 (the year of publication). Foreign applicants, particularly from the USA and Japan, continue to be strongly represented and account for about 54% of the applications.

In 2013, the developers again focused on measures to even further cut fuel consumption and CO2 emissions of diesel engines and petrol engines. Many of the applications deal with the reduction of the cubic capacity and the number of combustion chambers.
There is a significant trend towards smaller internal combustion engines. Turbocharging and direct injection are used to compensate for lower cubic capacity. Important approaches in this field are: pressure wave charging and twincharging, variable spin control and valve control, multi-point injection and mass balancing.
Two-cylinder engines are increasingly being used in electric vehicles to alternatively generate electricity via a generator to extend the range.

Applications in the field of exhaust technology of internal combustion engines continue to intensively deal with the urea-based SCR exhaust gas aftertreatment (SCR – Selective Catalytic Reduction) to effectively reduce nitrogen oxide emissions.

Hybrid drive

Hybrid drives are vehicle drives that combine at least an electric motor and an internal combustion engine to drive a vehicle. Depending on requirements, the drives are either used both together or alternately.
Compared to the previous year, the number of patent applications concerning the various aspects of hybrid drives increased by another 18%. Companies based in Germany as well as in Japan and Korea filed considerably more applications in this field than in 2012.
The greatest increase in the field of hybrid drives is accounted for by the Republic of Korea, which more than tripled its filing activity.
Frequently, the applications received at the DPMA concentrate on how to optimise energy management and battery charging management for what is referred to as plug-in hybrids which can be plugged directly into the mains to recharge their energy stores. The research and developing departments also intensively work on minimising the weight of the vehicle and the space required for hybrid parts. An increasing part of applications also involve the integration of additional information, such as GPS data, elevation profile of the route or traffic-related influences to achieve an energy-efficient drive control.

Electric drive

The number of applications for pure electric vehicles also saw a slight increase of about 4% in the publication year 2013. Whereas the number of applications by companies based in Japan remained static, the inventors from Korea slightly increased applications in this field. In addition to the specialised classes listed in table 7, such patent applications can also be found in the field of electricity storage technology. The areas of activity in this class comprise the development of battery chargers or the improved storage capacity and storage safety of batteries.
Double layer capacitors (SuperCaps) continue to play an important role in the area of energy management. 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	2007	2008	2009	2010	2011	2012	2013
Germany	1,654	1,570	1,888	1,907	1,874	2,070	1,781
USA	452	594	631	515	694	696	651
Japan	969	899	992	771	690	758	891
Republic of Korea	8	25	49	41	56	91	100
France	139	152	162	136	83	107	123
China	5	9	7	3	4	10	8
Total	3,468	3,497	3,987	3,633	3,646	4,038	3,888

Hybrid drives [1, 3]

Country of origin/publication year	2007	2008	2009	2010	2011	2012	2013
Germany	220	337	537	692	804	916	1,072
USA	120	194	324	239	331	414	456
Japan	258	305	346	354	367	594	690
Republic of Korea	28	20	23	29	149	143	446
France	17	16	37	24	24	33	30
China	3	3	6	13	8	11	7
Total	649	894	1,299	1,400	1,728	2,248	2,655

Electric drives [1, 4]

Country of origin/publication year	2007	2008	2009	2010	2011	2012	2013
Germany	35	44	53	89	109	147	139
USA	20	24	36	32	38	50	64
Japan	32	47	44	27	51	114	113
Republic of Korea	1	3	0	0	7	15	20
France	1	1	11	4	18	27	21
China	2	0	4	0	3	0	3
Total	98	126	153	163	249	389	405

[1] The tables list published patent documents which are published 18 months after the filing date in accordance with the statutory time limit. 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

Intensifying research and development in innovative energy technologies is an important global issue and a great technical challenge. This is also reflected in the filing figures for patents. It is true that there was a slight drop in the number of patent applications in the field of renewable energy compared to the previous year but nevertheless this field is still of very great importance.

That is why we dedicated the publication *"Erfinderaktivitäten 2012"* to the topic of renewable energy. You can find our *"Erfinderaktivitäten"* on our website at **www.dpma.de** in the section **Service – Veröffentlichungen – Erfinderaktivitäten**. You are welcome to order a printed version from our Public Relations section (**presse@dpma.de**).

As in the previous year, the majority of applications, roughly 66% of the inventions, were accounted for by foreign applicants in 2013.
Most of the applications in the field of solar technology are filed by medium-sized companies from Germany and big companies from Japan, Korea and the USA.
Many of the patent applications aim at improving efficiency levels of silicon solar cells while at the same time reducing production costs. Due to the sharp price decline of photovoltaic panels and the reduction of government subsidies, the number of applications by German enterprises in the field of solar technology declined even further. Currently, the developers of German companies mainly focus on solar thermal power stations which convert electromagnetic solar radiation primarily into thermal energy.

There was a sharp drop in applications for wind generators by foreign applicants, in particular. Most of the applicants are big companies from Germany and the USA in addition to a not insignificant number of private inventors. In the field of wind generators, we observe a large number of the applications that involve the production and design of rotor blades, offshore farms and the storage of wind energy as well as the integration of wind generators into the grid.

The number of applications for other renewable energy sources again fell slightly. In the case of biogas plants, the quality of the generated biogas has been brought to the fore and an increasing number of inventions deal with the combination with other renewable energy sources, for example, solar technology.

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]

	2007		2008		2009		2010		2011		2012		2013	
	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]	157	140	143	231	240	350	290	485	329	646	280	753	254	664
Wind generators[5]	93	134	123	162	190	292	234	341	273	453	312	603	322	474
Hydro power/ wave and tidal power[6]	13	27	19	31	20	55	40	57	51	88	35	71	31	75
Geothermal energy, biogas, other energy sources[7]	61	24	78	35	86	51	72	44	77	87	76	76	65	67
Total	649		822		1,284		1,563		2,004		2,206		1,952	

[1] The table lists published patent documents which are published 18 months after the filing date in accordance with the statutory time limit. 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

100 YEARS AGO

… Rudolf Diesel died, but his legacy lives on

Rudolf Diesel invented the so-called "diesel engine" to replace the steam engine. He died under mysterious circumstances in September 1913.

In the 18th and 19th century, the steam engine was regarded as one of the most significant inventions. By converting steam into power, it became possible to move work machines or means of transport without human power. However, steam engines were very expensive and only had low energy efficiency (about 10%). They were mainly used in large factories.

In 1878, the German student Rudolf Christian Karl Diesel (1858–1913) learned about the said low energy efficiency of the steam engine during a lecture by his professor Carl von Linde, the founder of the self-named refrigeration firm, at the Munich polytechnic school. Furthermore, he heard of the Carnot cycle, a theory by the French physicist Sadi Carnot, that promised higher energy efficiency. This all lead to Rudolf Diesel thinking about building a heat engine that could be used by everyone and have higher energy efficiency and as low fuel consumption as possible. At that time, there have also been other developments: Gottlieb Daimler and Wilhelm Maybach invented the first fast combustion engine in 1883, and Karl Friedrich Benz drove a self-developed automobile using a combustion engine through the streets of Mannheim for the first time in July 1886. Inspired by this, Rudolf Diesel developed and described his idea of a rational heat engine[1]. He filed a patent application for the corresponding invention on 27 February 1892. On 23 February 1893, the patent for a working process and realisation method for combustion engines (*Arbeitsverfahren und Ausführungsart für Verbrennungskraftmaschinen*; publication number: DE 67207 A) was granted by the *Kaiserliches Patentamt* (Imperial Patent Office).

Financially sponsored by the Friedrich Krupp firm, Rudolf Diesel further developed his concept at the *Maschinenfabrik Augsburg* (renamed *Maschinenfabrik Augsburg-Nürnberg [MAN]* AG in 1908). In November 1893, he was granted another patent, this time for a combustion engine whose length of fuel injection under high pressure may be adjusted (*Verbrennungskraftmaschine mit veränderlicher Dauer der unter wechselndem Überdruck stattfindenden Brennstoffeinführung*; publication number: DE 82168 A).

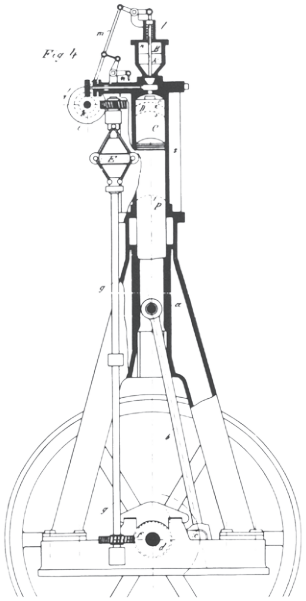
The principle of this engine, later named "diesel engine" after Rudolf Diesel, is simple. Instead of a spark plug, which was used in combustion engines known at that time, air is heavily compressed in a cylinder through a piston. Thereby, the air's temperature in the cylinder increases up to 900° Celsius. When the compression is at its peak, a droplet of fuel is injected into the hot air. The air-fuel mixture immediately explodes, which pushes the piston downward and drives the engine.

However, it was only in 1897 after intensive research and development that Rudolf Diesel finished the first diesel engine with a constant output. This engine consumed significantly more fuel than all other engines of that time and had an energy efficiency of 26%, that is, 14.7 kilowatts. However, this engine did not exactly correspond to the invention for which Rudolf Diesel had filed a patent application. Therefore, other engineers claimed to have invented something similar. This lead to gruelling patent disputes, which affected Rudolf Diesel very much.

Since his engines did not sell well, his economic situation also affected his health. He was seen on board the mail steamer *Dresden* while travelling from Belgium to England for the last time on 29 September 1913. Three days later, his corpse was found in the North Sea. Until now, it is still not clear whether Rudolf Diesel committed suicide by jumping overboard, died in a tragic accident or was even killed.

After his death, the diesel engine spread more and more around the world and is still the heat engine with the highest efficiency.

Illustration of the first diesel engine of 1897
(from patent specification DE 67207 A)



[1] Rudolf Diesel: *Theorie und Konstruktion eines rationellen Wärmemotors zum Ersatz der Dampfmaschine und der heute bekannten Verbrennungsmotoren.* Springer, Berlin, 1893

BRIEFLY EXPLAINED

Effects of the patent law revision

The Federal Republic of Germany is the top location for innovation in Europe. A customer-friendly and modern patent system is essential to ensure that it remains that way in the future. The German Patent and Trade Mark Office (DPMA) strongly advocated the creation of an improved regulatory framework to further optimise business processes and services. The Act Revising Certain Provisions of Patent Law and Other Acts in the Field of Industrial Property Protection *(Gesetz zur Novellierung patentrechtlicher Vorschriften und anderer Gesetze des gewerblichen Rechtsschutzes)* was passed last year and promulgated on 24 October 2013 in the Federal Law Gazette (*Bundesgesetzblatt* I p. 3830, hereinafter "Patent Law Revision Act" *[Patentrechtsnovellierungsgesetz]*). The revision brings noticeable improvements for the applicants seeking industrial property protection as well as for processing at the DPMA: it helps to make more efficient use of the advantages of electronic processing in the patent and utility model areas and to expand the services provided by the office. It cuts the bureaucratic burden and results in a reduction of costs for both the users and the office. At the same time it strengthens the competitiveness of the DPMA.

Just one day after the promulgation of the Patent Law Revision Act, a provision entered into force which had been long awaited by many applicants, enterprises and patent practitioners: we can now provide an online file inspection service for electronic IP case files via the Internet (Sec. 31 (3a) and (3b) Patent Act *(Patentgesetz)*, Sec. 8 (6) and (7) Utility Model Act *(Gebrauchsmustergesetz)*, Sec. 62 (3) and (4) Trade Mark Act *(Markengesetz)*, Sec. 22 (2) and (3) Designs Act *(Designgesetz)*. Since June 2011 the DPMA has processed its patent and utility model case files fully electronically. In particular for reasons of data protection, an explicit legal basis was necessary to enable users to view these case files in a time- and cost-saving way over the Internet. This user-friendly service was created by the Patent Law Revision Act. To protect personal data and copyrighted documents certain parts of the case files are excluded from inspection. Since 7 January 2014, the case files of published patent applications as well as granted patents and registered utility models have gradually been made available for online inspection.

On 1 April 2014, the following other provisions entered into force, which make the patent procedure more efficient and customer-oriented.

- As a rule, translations of patent applications drafted in English or French may now be filed within twelve months from the filing date, but no later than 15 months from the priority date (Sec. 35a (2) Patent Act). English and French have become established as the languages of science in many areas of technology. The costs of a translation usually exceed the application fees many times over. The translation requirement may thus constitute an obstacle to filing a national patent application. Particularly small and medium enterprises that wish to draft their application documents in one of these languages can reduce costs thanks to the law revision. If an applicant files an examination request or a request for an isolated search together with the initial application in English or French, the applicant receives a first office action on the examination or the search report (in German) based on the foreign language application and can then decide whether to provide a translation to continue the grant procedure. This revision not only contributes to minimising costs for the applicant but also helps to reduce bureaucracy.

Information on electronic file inspection of patent and utility model files

Download of several elements of the file in one PDF document now possible

Tick the box(es) next to the document titles to select one or several documents for download. A click on the "Show selection" button will make the documents available to you in a single PDF file that you can open or save.

- The second important change in this context relates to the legal consequence of filing the translation late or of the failure to file the translation (Sec. 35a(1) Patent Act). Formerly, in such cases, the patent application was deemed not to have been filed which rendered it impossible to claim priority from this application. This severe consequence has been mitigated. If a translation is not submitted in due time, the application is now deemed withdrawn. So the filing date for giving rise to a right of priority will be retained.

- There is also a major change in the search procedure of patent applications (Sec. 43 Patent Act): the search report has been brought into line with international search standards and clearly enhanced in status. Since 1 April 2014, it contains a provisional assessment as to whether the subject matter of the application is patentable. This will give the applicant a significantly better basis for a decision on whether or not to continue the examination procedure and possibly save the cost of an examination request. As the amount of work has increased as a result of enhancing the contents of the search report, the search fee has been raised moderately by 50 euros.

- Now, a hearing must be held during the examination procedure if a party requests a hearing (Sec. 46 (1) Patent Act). In a hearing, questions concerning the factual and legal position that need to be clarified can be discussed quickly and comprehensively, with the participation of all interested parties. If this is successful, a decision on grant or rejection can be delivered at the end of the hearing. This significantly streamlines and speeds up the examination procedure. At the same time it aims at increasing acceptance and transparency of the decisions taken by the patent office. It is intended to create more transparency in opposition proceedings, too, so hearings in opposition proceedings are now public (Sec. 59 (3) Patent Act).

- Finally, following a request by IP practitioners, the period for giving notice of opposition was extended to nine months (Sec. 59 (1), first sentence, Patent Act). The former period of three months was not always sufficient to thoroughly assess whether to give notice of opposition, above all, in case of technically complex patents or time-intensive coordination processes in companies that are active on a global scale. This is why a longer time frame for preparing qualified notices of opposition was introduced by the patent law revision.



INTERVIEWS

Interview with Dr Christel Schuster, Head of Department 1/I Patents, and Dr Christian Heinz, Head of Department 1/II Patents



Meanwhile, almost 70% of the patent applications are filed electronically.

Dr Schuster, Dr Heinz, how happy are you with the year 2013 from your departments' point of view?

For several reasons the year 2013 was a very good one for the patent departments. The patent application figures grew again, which confirms the importance of the German Patent and Trade Mark Office (DPMA). After all, this again proves that the applicants trust in the national patent and in the grant procedure.

Furthermore, we are happy with the high level of performance and commitment of our patent examiners. This is shown by a rise in the number of patent procedures concluded. At the same time, it was possible to increase over the previous year the proportion of first office actions prepared clearly before the expiry of the priority year. This meets the requests of our applicants to be given an early basis for taking a decision on subsequent applications in other countries.

It must by no means be forgotten that the staff at patent administration have also achieved an impressive level of performance.

More than two years have passed since the introduction of* DPMApatente*, the electronic IP case file for patents at the DPMA. How have you fared since? What experiences do you associate with that time?

It has really been a turbulent time. Very many changes have taken place. We have been pleased to observe how our examiners and staff at patent administration have now fully embraced the world of electronic case file processing, after some initial reluctance.

We strive to further enhance processing times and technical application. This would not be possible without the tireless commitment of all people involved.

What special aspects come to your mind in this context?

Well, on the one hand, the joint effort to develop **DPMApatente** further created a great team spirit between patent administration and examining units. And, the great willingness to constructively contribute to develop the system further shows how well all staff have adapted to managing electronic case files.

In your opinion, was the DPMA successful in identifying trends in 2013 to strengthen the importance of national patent applications?

The number of patent applications filed electronically has steadily increased over the years and reached another all-time high in 2013. Meanwhile, almost 70% of the patent applications are filed electronically. Furthermore, since November 2013, our **DPMAdirekt** software has provided the opportunity to file many other documents online during the ongoing examination procedure, for example, the responses to office actions or fair copies of documents as text-based PDF files.

We assume that this constitutes an important added value in the national application procedure. Online filing, for example, facilitates prompt conclusion of a grant procedure in the final stages because it speedily transfers documents to the case file.

In your opinion, what important events, if any, happened regarding international cooperation with other patent organisations?

An important event took place in November 2013 at the **DPMAforum**: the "Roundtable Discussion on Supplementary Protection Certificates". Representatives of the European Commission, other patent offices in Europe, industry, associations and the legal profession discussed current issues in the field of supplementary protection certificates. This event is organised annually by a national patent office within the European Union. We were very pleased that the DPMA had the opportunity to host the event in November 2013.

In the same month, during the visit of a DPMA delegation to Brazil, the "Joint Memorandum of Understanding on Bilateral Cooperation" between the IP office of Brazil (*Instituto Nacional da Propriedade Industrial* [INPI]) and the DPMA was extended by a further two years.

The new search reports give applicants the opportunity to receive the relevant bases for further decisions in a particularly suitable form.

Another agreement on a PPH pilot with the National Board of Patents and Registrations of Finland (NBPR) (now Finnish Patent and Registration Office (PRH)) was signed in December 2013 so that the DPMA now has in place seven PPH agreements with other patent offices.

What special opportunities for the DPMA do you associate with the patent law revision?

Patent law revision brings a great number of changes. However, they cannot all be discussed here as this would go beyond the scope of this interview.

Certainly, the introduction of the new search report is of particularly great importance. It contains, among other things, a provisional assessment by the examining units about the patentability of the subject matter of the

application under Sections 1 to 5 Patent Act *(Patentgesetz)*. As all patent divisions have made very constructive contributions to designing the search report we assume that it will achieve good compliance with the legal requirements.

The new search reports give applicants the opportunity to receive the relevant bases for further decisions in a particularly suitable form. By taking the search results into account applicants will be able to streamline a subsequent examination procedure. For example, they can submit, right from the start, patent claims that are revised accordingly.

It will be interesting to see to what extent applicants will seize the opportunity to file translations of English or French applications later than formerly, that is twelve months after filing the application or 15 months from a priority date, as the case may be.

It was with great anticipation that the applicants and agents awaited online file inspection. Patent law revision created the legal basis for granting this form of file inspection. We were pleased that all DPMA staff involved showed great commitment and worked well together to implement the necessary measures to enable us to offer this service as of 7 January 2014. It is gratifying to see that the initial feedback is positive.



Can applicants contribute to further improving processing in your area?

Actually, there are some areas where we would welcome the support of the applicants. As just mentioned, a great issue in 2013 were the preparations for launching electronic file inspection via the Internet. We cannot show certain information on the Internet due to reasons of data protection. Preparing a large number of incoming documents for online file inspection is work-intensive and time-consuming; passages must be blackened out and individual documents must even be excluded altogether from online file inspection. With regard to information that is subject to data protection regulations, it would help us enormously if such information, provided by our applicants, was confined to what is strictly necessary. It would also facilitate processing if such information was clearly marked.

You mentioned that there was a further rise in application figures. Can you tell us about the measures taken to attract young talent to the examiner area?

Well, the DPMA must compete with industry for suitable candidates. In 2013, we were able to refill 49 vacant examiner posts despite the tough competition.

For this purpose, the DPMA also explored new paths of staff recruitment by advertising positions for patent examiners on the Munich suburban trains and by accepting online job applications. We think that placing the focus on the DPMA in that way will have a positive impact on job applications in the long run.

Since January 2014 we have provided online file inspection.



In your view, what special issues will have a significant impact on the patent procedure in the future?

On the one hand, the procedures are becoming more consistently transparent for the public. Online file inspection is an excellent way to promote the idea of transparency. On the other hand, hearings in opposition proceedings will be public in the future as a consistent move towards greater transparency. Our participation as Heads of department in the meetings of the patent divisions is also an important contribution towards more transparency because it establishes direct contact between the Heads of department and the examiners.

As mentioned before, we are very pleased that the applicants put such great trust in the patent procedure at the DPMA and that the number of applications has risen. However, this also results in a large number of examination procedures, which must be conducted. For this reason, both sides, the applicants and the DPMA, should ensure that procedures are carried out in a focused and streamlined manner. Efficient cooperation between applicants and the office is the only way to help reach a higher degree of reliability with respect to concluding procedures in the shortest time possible. In this context, we expect that the number of questions about the state of affairs will drop even further.

The hearings in opposition proceedings will be public in the future as a consistent move towards greater transparency.

What are your expectations for 2014?

We wait with excitement for the conclusion of the final preparations for bringing **DPMApatente** into line with the changes of the patent law revision in April 2014. We are confident that the constructive cooperation of all people involved, as often practised before, will further strengthen the good position of the DPMA. We assume that our plans for further optimising **DPMApatente** will contribute to further improving our services. Adequate staffing at all levels would be an equally valuable contribution.

Dr Schuster, Dr Heinz, thank you very much for this interview.



Utility models

A real alternative to patents

A utility model application can be filed for almost any technical invention. This IP right will achieve the same protective effect as a patent.

The procedure to achieve utility model protection is fast and low in cost.

If the documents provided meet the formal requirements of the Utility Model Act *(Gebrauchsmustergesetz)* and the application fee has been paid, the utility model can be entered in the Register only a few days after filing the application thanks to the electronic file processing system. In contrast, it may take considerably longer to examine and grant a patent. Contrary to patents, it will not be examined whether the utility model complies with the requirements for protection (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.

Registration – also by international comparison – is low in cost because, apart from the application fee of 40 euros (electronic application: 30 euros), no other fees are charged for the registration procedure and the first three years after the filing of the application. A utility model can be maintained for a period of up to ten years (patent: 20 years maximum). The respective fees are due after three, six and eight years.

A utility model is an attractive alternative or addition to a patent application for a technical invention because of its fast and low-cost registration. It is also a valuable IP right, particularly when combined with a search making the risk of cancellation relatively small. It is only processes and biotechnological inventions that cannot be protected by a utility model; these inventions can only be protected by a patent.

Patent protection and utility model protection complement each other so that the utility model can be called the “little brother” of the patent. Optimal protection can also be achieved by combining both IP rights.
Detailed information is available in our “Utility Models” information brochure and on our website.

www.dpma.de

Development in utility model application figures

In 2013, we received 15,472 utility model applications. This means that the filing figures continued to drop but only slightly (minus 0.4%, 2012: 15,522). We entered 13,341 utility models in the Register. This amounts to 86.2% of the applications. A total of 2,180 applications were withdrawn, rejected or did not lead to registration for other reasons.

Over the year, we renewed 21,678 utility model registrations. In 2013, 15,071 utility models lapsed, for example, due to non-renewal or abandonment. At the end of the year, 90,450 utility models were in force.

The development of the application figures over the past years is shown in figure 3. For further analyses of utility model applications, please refer to the annex “Statistics” on page 92.

Origin of utility model applications

A total of 75% (11,641) of all applications received by our office originated from Germany. The utility model has remained very popular with applicants based abroad. They filed 3,831 applications; this represents an increase of 7.6% over the 2012 figure of 3,561. Their share amounted to 25% in 2013.

As in the previous year, the majority of the foreign applications originated from Taiwan (25.2%), followed by the United States of America (14.1%). China ranked third (13.8%) (see table 9).

Figure 3
Utility model applications at the DPMA

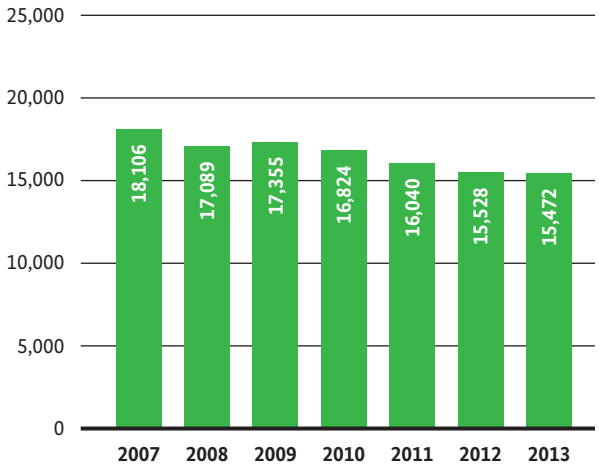


Table 9
Utility model applications at the DPMA in 2013 by countries of origin

	Applications	Proportional share in %
Germany	**11,641**	**75.2**
Taiwan	**964**	**6.2**
USA	**539**	**3.5**
China	**527**	**3.4**
Austria	**365**	**2.4**
Switzerland	**258**	**1.7**
Japan	**113**	**0.7**
Italy	**109**	**0.7**
Others	**956**	**6.2**
Total	**15,472**	**100**

Utility model applications by German *Länder*

Out of the 11,641 domestic applications, 3,067 (26.3%) were from North Rhine-Westphalia, putting it in the lead in the *Länder* ranking. Bavaria followed with 2,530 applications (21.7%) and Baden-Württemberg with 2,070 applications (17.8%). This means that almost two-thirds of all national applications came from these three German *Länder* (see figure 4). The filing figures in relation to the size of the population of each German *Land* are shown in the annex "Statistics" on page 94.



Figure 4
Utility model applications by German *Länder* in 2013

Split-off option

In 2013, 1,357 utility model applications were split off 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 filed later. The registration of the utility model leads to protection for an invention filed by the applicant during the otherwise almost unprotected period between the patent application and the patent grant. The registered utility model can thus be used as an accompanying and low-cost measure to effectively take action against copying as long as the patent has not yet been granted.

Search pursuant to Section 7 of the Utility Model Act

Unlike the patent, the utility model will be registered without substantive examination of the invention. If the formal requirements are met and the application fee has been paid, the utility model will be registered fast.

In order to reduce the risk of cancellation, a search for prior art can check whether a comparable invention has already been made.

Upon request and for a fee of 250 euros, our patent examiners will carry out a search for prior art. 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 better assess whether their own claims will be enforceable against others or if an attack on the IP right could be successful.

In 2013, 2,810 search requests were filed.

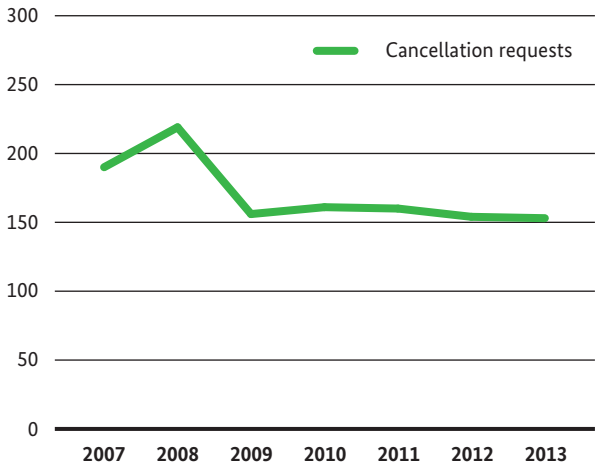
Utility model cancellation

There were 153 utility model cancellation requests filed in 2013. Such a cancellation request can be filed by anybody against a fee of 300 euros. The request must contain the facts on which it is based. The request will be carried out and decided about by the Utility Model Division, which – if requested – must examine whether the subject matter of the utility model is new and involves an inventive step. It can also be examined whether the subject matter is industrially applicable and whether the invention was extended in an inadmissible way.

Topographies

Topography applications are also processed by the Utility Model Unit at our office. Topographies are three-dimensional structures of microelectronic semiconductor products. The registration procedure is pretty much the same as for utility models. Currently, only few topography applications are filed with the German Patent and Trade Mark Office. In 2013, three applications were received.

Figure 5
Cancellation requests in utility model cancellation proceedings





Trade marks

Signs that you can trust

Trade marks make products recognisable. They are names for goods or services. They help us to recognise a product with specific properties and a certain quality and distinguish it from other products. Trade marks registered at the German Patent and Trade Mark Office (DPMA) are optimally protected by law from being copied or confused. They do not only deserve the consumers' trust but suppliers can likewise trust that their achievements are associated with their products only. Trade marks are thus important values – for customers and producers.

In most cases, trade marks are words, logos, images or combinations thereof. Under certain circumstances, three-dimensional shapes, colours or combinations of colours and jingles can be protected as trade marks. However, not every trade mark applied for is capable of being protected. It is the duty of the DPMA to examine whether a trade mark applied for may impede competition. For instance, words describing the goods or services for which they are used cannot be registered. It is not possible to register the word *"tragbar"* (portable) for example for computers. It might be different if the word *"tragbar"* was applied for in relation to the services of a restaurant.

There are three ways to seek protection for a trade mark in Germany. First, there are national trade marks that are examined, registered and administered by the German Patent and Trade Mark Office. For international trade marks which are already registered abroad, protection in Germany can also be requested through the World Intellectual Property Organization (WIPO). These trade marks, too, are examined by our office for compliance with requirements for protection. Community trade marks are the third pillar of trade mark protection in Germany. These are trade marks which 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. All of these trade marks are equally valid in Germany and confer the same protection. 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.

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www.dpma.de

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

In 2013, we received 64,966 applications for trade mark protection. This is a slight increase over the previous year (64,314 applications). The applications comprise 60,161 national applications (previous year: 59,850 applications) and 4,805 requests for the extension of protection (previous year: 4,464) based on international registrations which were sent to us through the World Intellectual Property Organization (WIPO).

A similar picture is shown for German applications for Community trade marks, which are examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain). In 2013, 20,035 applications filed at OHIM originated from Germany, compared to 20,050 in the previous year. Thus, the ratio of German trade marks to Community trade marks filed by German applicants was 75:25. This suggests a strong export orientation of German companies towards the European Union (EU). Among the big European countries (Germany, France, the UK, Italy and Spain) only the UK has a similar ratio of national applications to applications for Community trade marks. In the other countries, the ratio is leaning more strongly towards national applications. For example, in France, 86,000 national applications were received but only 7,500 applications for Community trade marks came from France.

While a German trade mark is valid in the whole territory of the Federal Republic of Germany, a Community trade mark is effective in the entire territory of the EU. However, there are also some disadvantages to the extended area of protection. Earlier trade marks from all member states of the EU can be cited in opposition to the application for a Community trade mark. After registration, the trade mark must be used in the European Union. This usually means that the use required in order not to lose rights conferred by the Community trade mark has to be more extensive than for a German trade mark. The Community trade mark is suitable particularly for those companies that intend to be active in several countries on a permanent basis. The German trade mark, in turn, is ideal for such persons who want to do business predominantly in Germany or, possibly, even only in a limited area of Germany. But then, a German trade mark may also be extended to other countries or the EU by means of an international registration.

Origin of national trade mark applications

57,031 of the 60,161 directly received trade mark applications originated from Germany. This is 94.8% as in the previous year. In 2013, most of the foreign applications came from the United Kingdom, followed by Switzerland and China.

Figure 6
National trade mark applications at the DPMA

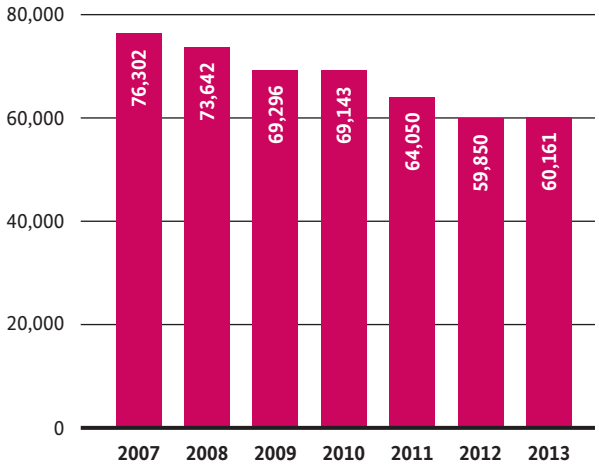


Table 10
Trade mark applications at the DPMA in 2013 by countries of origin

	Applications	Proportional share in %
Germany	**57,031**	**94.8**
United Kingdom	**540**	**0.9**
Switzerland	**429**	**0.7**
China	**367**	**0.6**
USA	**365**	**0.6**
Austria	**233**	**0.4**
Japan	**148**	**0.2**
Hong Kong	**115**	**0.2**
Others	**933**	**1.6**
Total	**60,161**	**100**

Trade mark applications by German *Länder*

Most of the 57,031 German trade mark applications come from the populous territorial states North Rhine-Westphalia and Bavaria, that is 12,726 from North Rhine-Westphalia and (22.3%) and 10,215 from Bavaria (17.9%). The figures show a different picture if the applications are considered in relation to the size of the population. Then, the city states Hamburg and Berlin are in the lead with 183 applications and 126 applications, respectively, per 100,000 inhabitants.

Trade mark procedures

There were 60,161 national applications and 43,507 registrations. Only 5,007 trade marks were refused due to formal or substantive grounds for refusal. The reasons why some applications were not registered were in particular that the fees were not paid or not paid in time or the applications were withdrawn. Normally, trade marks are registered about three months after filing the application; in case of a request for acceleration or electronic filing, registration may be considerably faster. However, if, for example, the drafting of the list of goods and services causes problems, registration may also take much longer.

Since 12 November 2013, it has been possible to file applications via our **DPMAdirektWeb** Internet service without signature card. The goods and services for which protection is sought in these applications are selected by means of an electronic shopping basket from the European harmonised classification database. The roughly

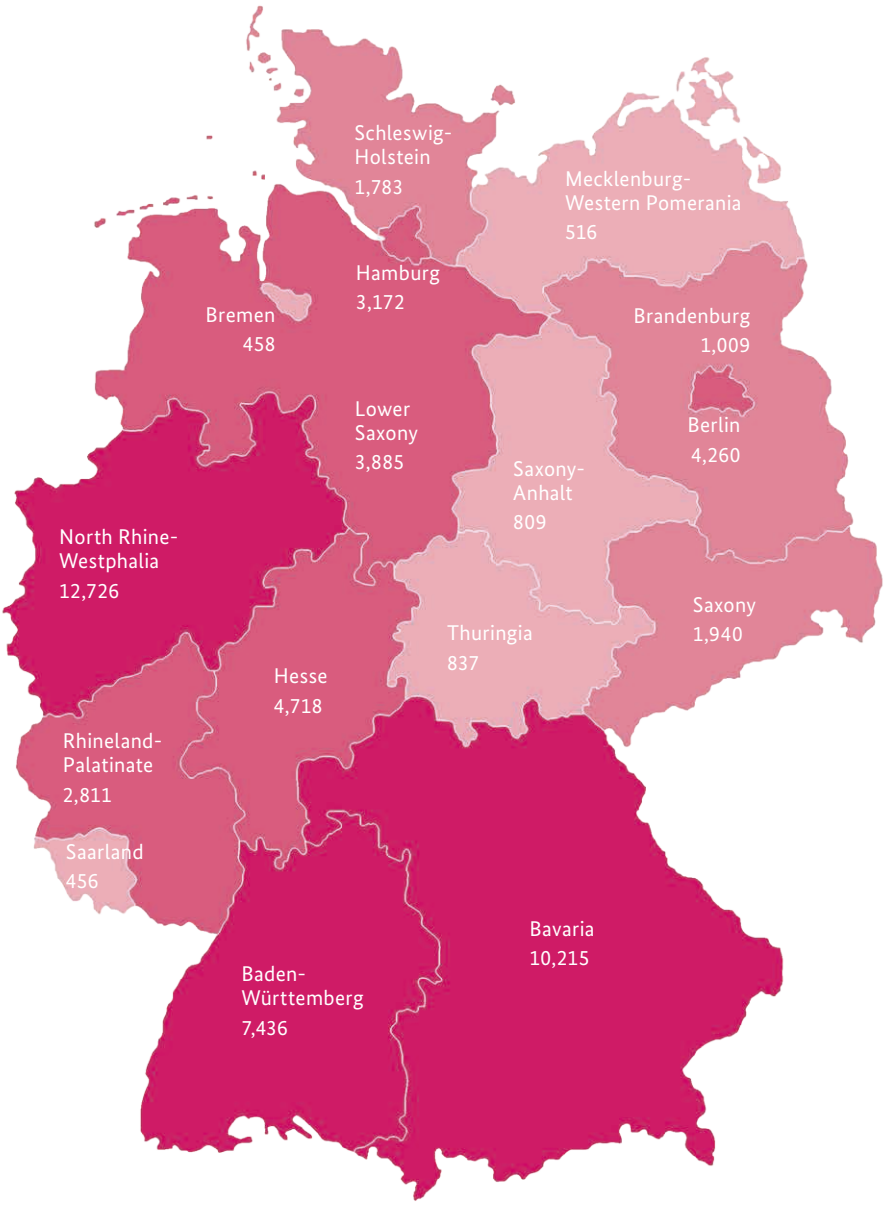


Figure 7
Trade mark applications by German *Länder* in 2013

60,000 terms of this database have been harmonised and reviewed virtually all over Europe and will be accepted, without any further explanation, by us as well as by all other participating trade mark offices, in particular also by OHIM and WIPO.

Proprietors of an earlier trade mark may defend their rights by opposing the registration of a new trade mark. In 2013, 3,511 opposition proceedings were concluded. In 2,398 cases (that is about 68%), the proceedings were closed without impact on the registered trade mark. In 17% of the cases, the trade mark proprietors themselves surrendered the trade mark in full or in part, in 8% of the cases we ordered to cancel the trade mark in part and in 7% of the cases we ordered the full cancellation of the trade mark.

Trade mark applications by classes of goods and services

For 31,130 applications, a class of goods was indicated as the leading class and for 29,031 applications a service class. The percentages resulting therefrom (51.7% classes of goods, 48.3% service classes) are almost exactly the same as in the previous year.

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

German *Länder*	2012			2013		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North Rhine-Westphalia	12,521	22.1	71	12,726	22.3	72
Bavaria	10,075	17.8	81	10,215	17.9	82
Baden-Württemberg	7,408	13.1	70	7,436	13.0	70
Hesse	4,612	8.1	77	4,718	8.3	78
Berlin	4,401	7.8	132	4,260	7.5	126
Lower Saxony	4,111	7.2	53	3,885	6.8	50
Hamburg	3,102	5.5	181	3,172	5.6	183
Rhineland-Palatinate	2,779	4.9	70	2,811	4.9	70
Saxony	1,953	3.4	48	1,940	3.4	48
Schleswig-Holstein	1,811	3.2	65	1,783	3.1	64
Brandenburg	918	1.6	37	1,009	1.8	41
Thuringia	748	1.3	34	837	1.5	39
Saxony-Anhalt	754	1.3	33	809	1.4	36
Mecklenburg-Western Pomerania	517	0.9	32	516	0.9	32
Bremen	522	0.9	80	458	0.8	70
Saarland	475	0.8	48	456	0.8	46
Total	56,707	100	Ø 71	57,031	100	Ø 71

Trade mark applications by leading classes

The service class 41 (education; sporting and cultural activities) was the top of the leading classes in 2013 (with 6,755 applications) and the former top leading class of many years, class 35 (advertising, business management), was ousted into second place (with 6,662 applications). As in the year before, leading class 9 (electrical apparatus and instruments; with 4,181 applications) ranked third as the most requested class of goods. The smallest leading class is class 23 (yarns and threads) with only 35 applications; there was an increase of 9.4% over 2012 when 32 applications were filed.

Top trade mark proprietors in terms of registrations

With 138 registrations, Boehringer Ingelheim International GmbH was the company with the highest number of registrations as in the previous years. The two telecommunications companies, Deutsche Telekom AG and Vodafone GmbH, were ranked second and third with 84 and 67 registrations, respectively. In addition to the top applicant, three other chemical and pharmaceutical companies, Henkel AG & Co. KGaA, Merck KGaA and Bayer Intellectual Property GmbH were among the top ten (places seven to nine). The top foreign applicant is also a pharmaceutical company: Takeda Pharmaceutical Company Ltd from Osaka in Japan.

Cancellations

In 2013, requests for cancellation received by our office totalled 690, of which 336 requests were based on absolute grounds for refusal and 354 requests were based on revocation.

Table 12
Data on trade mark procedures

Year	2007	2008	2009	2010	2011	2012	2013
New applications	76,302	73,642	69,296	69,143	64,050	59,850	60,161
Registrations	54,567	50,283	49,840	49,765	51,333	46,094	43,507
Refusals	7,043	7,395	8,419	8,353	7,772	6,505	5,007

Table 13
The top ten leading classes

	Leading class	Applications in 2013	Proportional share in %	Differences between 2012 and 2013 in %
41	Education; sporting and cultural activities	6,755	11.2	1.1
35	Advertising; business management	6,662	11.1	- 5.2
9	Electrical apparatus and instruments	4,181	6.9	- 4.0
42	Scientific and technological services	3,002	5.0	0.8
25	Clothing; footwear	2,921	4.9	7.2
44	Medical services	2,670	4.4	3.9
36	Insurance	2,401	4.0	- 4.8
5	Pharmaceutical preparations	2,074	3.4	- 8.6
30	Food of plant origin	2,065	3.4	5.7
43	Providing food and drink; temporary accommodation	2,034	3.4	11.1

	Proprietor	Seat		Number
1	Boehringer Ingelheim International GmbH	DE		138
2	Deutsche Telekom AG	DE		84
3	Vodafone GmbH	DE		67
4	VOLKSWAGEN AG	DE		60
5	Daimler AG	DE		59
6	Fraunhofer-Gesellschaft e.V.	DE		58
6	Henkel AG & Co. KGaA	DE		58
8	Merck KGaA	DE		55
9	Bayer Intellectual Property GmbH	DE		44
9	MIP METRO Group Intellectual Property GmbH & Co. KG	DE		44
11	Eckes-Granini Deutschland GmbH	DE		43
11	NKD Vertriebs GmbH	DE		43
13	Netto Marken-Discount AG & Co. KG	DE		40
14	BASF SE	DE		38
15	Takeda Pharmaceutical Company Ltd		JP	35
16	Coty Germany GmbH	DE		34
16	Griesson - de Beukelaer GmbH & Co. KG	DE		34
16	Private Brauereien Bayern e.V.	DE		34
19	Weidmüller Interface GmbH & Co. KG	DE		33
20	Bayerische Motoren Werke AG	DE		32
20	FERRERO Deutschland GmbH	DE		32
20	Merz Pharma GmbH & Co. KGaA	DE		32
23	FKW Keller GmbH	DE		30
24	DF World of Spices GmbH	DE		29
25	Mibe GmbH Arzneimittel	DE		28
26	DS Produkte GmbH	DE		27
26	Jokey Plastik Sohland GmbH	DE		27
28	August Storck KG	DE		26
28	Kaufland Warenhandel GmbH & Co. KG	DE		26
28	Nordbrand Nordhausen GmbH	DE		26
31	BEEM Blitz-Elektro-Erzeugnisse Manufaktur Handels-GmbH	DE		25
31	Karl Storz GmbH & Co. KG	DE		25
31	The House of Art GmbH	DE		25
34	Deutsche Börse AG	DE		24
35	Lidl Stiftung & Co. KG	DE		23
35	ORTHOMOL pharmazeutische Vertriebs GmbH	DE		23
37	BSH Bosch und Siemens Hausgeräte GmbH	DE		22
37	MÄURER & WIRTZ GmbH & Co. KG	DE		22
39	CompuGroup Medical AG	DE		21
39	EDEKA ZENTRALE AG & Co. KG	DE		21
39	Mitsubishi Electric Corporation		JP	21
42	Deutscher Steuerberaterverband e.V.	DE		20
42	Société des Produits Nestlé S.A.		CH	20
42	Volmary GmbH	DE		20
45	DF Deutsche Finance AG	DE		19
45	EADS Deutschland GmbH	DE		19
45	Emmi Deutschland GmbH	DE		19
45	R. Seelig & Hille oHG	DE		19
45	Technische Universität Dresden	DE		19

Table 14
Top companies and institutions in terms of trade mark registrations at the DPMA in 2013 (registrations of trade marks under Section 41 of the Trade Mark Act *[Markengesetz]*)

Anybody may file a cancellation request without having to prove a particular interest. The requests are subject to a fee. For example, a reason for cancellation may be that the trade mark constitutes a factual statement about the goods or services or is not suitable as an indication of origin.

Another reason often given for cancellation is that the applicant acted in bad faith when filing the trade mark application. The question in this context is whether the applicant has applied for registration of the trade mark solely with the intention to impede others in an anti-competitive way or whether the applicant's own interests were really the predominant reason for the application. In 2013, the cancellation division decided on the questions of bad faith in 42 cases. These proceedings are particularly time-consuming and complex because the parties usually submit very extensive pleadings and the clarification of the facts is often difficult.

On 24 December 2013, a trade mark was cancelled due to absolute grounds for refusal (lack of distinctiveness), following the decision by the cancellation division. The trade mark, which had attracted great public interest, was *"Wir sind das Volk WSDV"*.

The slogan *"Wir sind das Volk"* (We are the people) is inseparably linked to the political changes in Germany, that is the end of the German Democratic Republic (GDR) and German unification. The Monday demonstrations in Leipzig, which had begun in October 1989, are famous all over the world. On some Mondays, hundreds of thousands took to the streets chanting "We are the people", protesting against the GDR state apparatus. German unification is an essential part of the recent German history and inseparable from the rallying cry *"Wir sind das Volk"*. Therefore, this sequence of words is not suitable as an indication of origin. The letters "WSDV" placed behind the slogan are only understood as an abbreviation for that word sequence and do not make the trade mark as a whole eligible for protection. The trade mark proprietors did not lodge an appeal against the decision.

Reform of European trade mark law

The German Trade Mark Act *(Markengesetz)* is based on European requirements. The trade mark directive of 1988 of the then European Economic Community (EEC) created binding rules for a single European trade mark law. The underlying idea is that a single European market can only work if there are common market rules for the entire area. The Community trade mark, applicable to the whole of the EU, was specifically created for this market. It is an important element of the single market in addition to national trade marks.

The Munich-based Max Planck Institute for Intellectual Property and Competition Law was commissioned by the Commission of the European Union to undertake a study to find out to what extent this system has proved successful. Based on the findings of the study, the Commission published a proposal for reform in 2013. This proposal aims at making EU procedures more effective, fostering the harmonic coexistence and interrelation of Community trade marks and national trade marks, enhancing cooperation between national trade mark offices and the European office and achieving even greater harmonisation of legal provisions.

The proposals for reform were intensively discussed within and outside our office. At the European level too, representatives of the member states were heard on the individual new provisions. Among the participants were a representative of the Federal Ministry of Justice and Consumer Protection and a representative of our office. Contrary to the original plans of the EU, it was not possible to adopt the reform proposals before the European elections in May 2014.

Trade mark administration

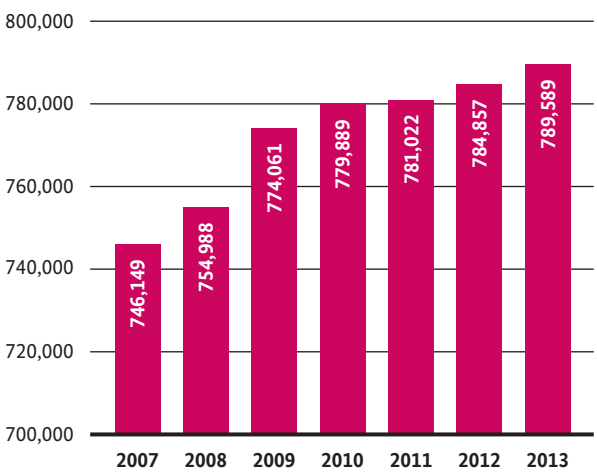
Trade mark administration is part of the trade mark division located at the Jena Sub-Office. About 45 staff deal with all requests and other business processes after registration of a trade mark and potential subsequent opposition proceedings. These include above all the recording of changes, renewals, reclassifications and cancellations. With 324,562, the total number of all procedures was almost the same as in the previous year (325,585).

The number of trade marks in force even surpassed the all-time high of 2012. On 31 December 2013, the register contained 789,589 trade mark registrations. New registrations and renewals, on the one side, and cancellations, on the other side, roughly balanced each other out. With more than 30,000 per year, the number of renewals has remained very stable since 2008.

77,956 changes of the proprietor, the representative and the address for service of registered trade marks were recorded; this is a slight decrease compared to 2012. However, a comparison of the last three years shows a stable level.

The trend in the number of reclassifying processes experienced during the past years was consolidated. Compared to the record level of 10,357 reclassification processes in 2010, only 2,841 trade marks were reclassified on occasion of trade mark renewal or upon request of the trade mark proprietor. The constant decline can be explained, above all, by the fact that, after more than ten years, it was possible to 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 eighth edition of the Nice Classification on 1 January 2002.

Figure 8
Trade marks in force at the end of the year, at the DPMA



150 YEARS AGO

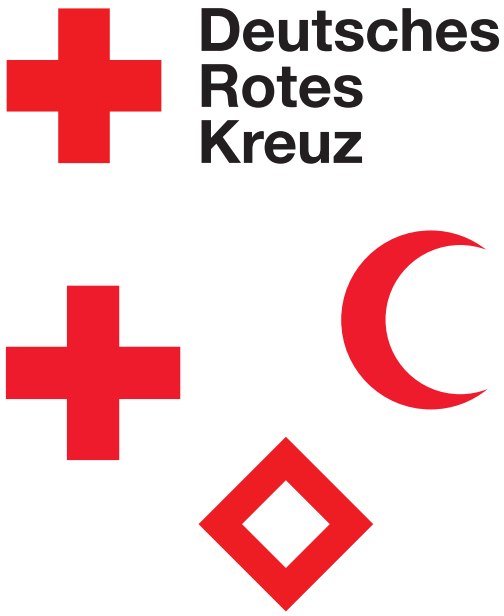
… Henry Dunant founded the Red Cross – a trade mark for humanity

Henry Dunant, born in Geneva on 8 May 1828, was the son of a Swiss business family. Together with four other citizens he founded the International Committee of the Red Cross (ICRC) as the "International Committee for the Relief of the Military Wounded" in Geneva on 17 February 1863.
Four years earlier, he accidentally had witnessed the Battle of Solferino (Italy), when in a single day, about 6,000 soldiers had been killed and 25,000 wounded. Without having been ordered to do so, he had immediately devoted himself to the treatment of the wounded, organised the local villagers to provide care and ensured that the final words of the dying were transmitted to their families. Thereafter, it became his mission to form voluntary relief societies intended to prepare assistance for the wounded in the war. As early as October 1863, an international conference in Geneva decided on the introduction of an armlet bearing a red cross as distinctive protection symbol for medical personnel in the field. The first Red Cross Society in the world, *Württembergischer Sanitätsverein*, was founded in Stuttgart at the end of 1863.

In 1901, Henry Dunant was awarded the first Nobel Peace Prize for his work. He died on 30 October 1910 but even today his idea "to comfort and to rescue" and his maxim that "all men are brothers" are the guiding principles of the Red Cross.
Since then, the Red Cross and Red Crescent Societies have cared for the victims of natural disasters and conflicts everywhere in the world; many national societies are organisations which also support public welfare in general. The seven fundamental principles of the international Red Cross and Red Crescent movement are humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

The original distinctive protection symbol, a red cross on a white background, constitutes a colour reversal of the Swiss flag. It was chosen in honour of Switzerland. As early as in the Russo-Ottoman war (1877–1878), the Red Crescent emblem was used instead of the Red Cross-emblem: the Ottoman government was of the opinion that the red cross would offend the religious feelings of its soldiers. For a long time, it was not possible to reach agreement over the recognition of diverse other symbols, including the Red Star of David, used in Israel. It was only in 2005 that agreement was reached and the Red Crystal emblem was introduced as an additional protected sign.

In Germany, Section 3 of the Act on the German Red Cross and Other Voluntary Aid Societies Pursuant to the Geneva Conventions *(Gesetz über das Deutsche Rote Kreuz und andere freiwillige Hilfsgesellschaften im Sinne der Genfer Rotkreuz-Abkommen)* prescribes that the German Red Cross Society *(Deutsches Rotes Kreuz e. V.)* alone is entitled to use the sign of a "red cross against a white background". Section 125 of the Act on Regulatory Offences *(Ordnungswidrigkeitengesetz)* stipulates that whoever, without authorisation, uses the insignia of the Red Cross, Red Crescent and Red Crystal is deemed to have committed a regulatory offence. Trade marks containing one of these symbols are excluded from registration under Section 8(2) of the Trade Mark Act *(Markengesetz)* unless the applicant is entitled to apply for the trade mark. Again and again, trade mark applications have been refused for this reason. In the majority of cases, the applicants want to use the red cross to refer to medical and pharmaceutical services. However, the purpose of the red cross as a protection symbol is to protect those bearing it from attacks by warring parties in armed conflicts. Precisely this purpose requires the exclusion of the sign from being used commercially.



Various symbols of the Red Cross

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. Since 3 January 2013, the Regulation (EU) no. 1151/2012 of the European Parliament and of the Council of 21 November 2012 has formed the legal basis for protection.





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 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 essentially due to the geographical origin.



There are 73 names of German products currently registered in Brussels; for example, *Allgäuer Emmentaler* (cheese), *Thüringer Rostbratwurst* (sausage) and *Lübecker Marzipan*. The protection of 23 mineral waters with protected designation of origin ran out at the end of 2013. Under current legislation, mineral waters can no longer be registered. A total of 1,154 names of foodstuffs and agricultural products were protected at the end of 2013. 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. After this system of protection became largely available to non-EU member states, 16 designations of origin/geographical indications from third countries have also been registered, among them ten from China. The range of protected products includes cheese, meat products, fish and shellfish, fruit, vegetables, vinegar and oil as well as pastries and beer.

Registration as "protected designation of origin" or "protected geographical indication" is subject to a favourable decision on the application by both the competent national authority 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 examination procedures. This gives other persons, in particular other producers of the relevant product, the opportunity to notify their opposition if their legitimate interests are affected.

The Regulation (EU) no. 1151/2012, which entered into force in 2013, essentially aimed at speeding up the procedure. For example, the period for scrutiny of the application by the EU Commission was reduced from twelve months to six months. Furthermore, the reduction of the time limits in the opposition procedure is of essential importance. For example, the period for lodging cross-national notices of opposition with the European Commission was reduced from six to three months from the date of publication of the application in the Official Journal of the European Union. This made it necessary to shorten also the prior national period for lodging notices of opposition with the DPMA by persons established or resident in Germany: now, the notices of opposition must be received by the DPMA within two months from the date of publication of the application in the Official Journal of the European Union (Sec. 131(1) Trade Mark Act *[Markengesetz]*). In order to also streamline the national examination procedure, the national period for lodging opposition was also reduced (from four months) to two months (Sec. 130(4) Trade Mark Act).

A new provision (fourth subparagraph of Article 49(4) of the Regulation (EU) no. 1151/2012) increases transparency on the conditions required for the use of a protected designation of origin or geographical indication. Pursuant to this provision, the member state concerned must now also publish the version of the product specification on which the registration, by the Commission, of a PDO or a PGI is based and which also forms the basis of official controls. The DPMA publishes these updated specifications in part 7 e-aa of the Trade Mark Journal *(Markenblatt)*.

In 2013, we received three (2012: five) new applications for registration for the designations *Treuchtlinger/Altmühlfränkische Bratwurst* (sausage), *Paartaler Schinken* (ham) and *Obst vom Bodensee* (fruit). In the year under review, there were also five applications for amendment of the specification of registered designations of origin/geographical indications. In total, we have forwarded five applications for registration, two applications for amendment and one request for cancellation to the European Commission in Brussels after favourable conclusion of the national examination.

The European Commission published six applications from Germany in 2013 which met the conditions of registration to the satisfaction of the Commission. Furthermore, it registered eight new German designations of origin/geographical indications, namely the designations of origin *Stromberger Pflaume* (plum) and *Weideochse vom Limpurger Rind* (beef) and the geographical indications *Bamberger Hörnchen* (potato), *Eichsfelder Feldgieker* (sausage), *Holsteiner Tilsiter* (cheese), *Fränkischer Spargel* (asparagus), *Walbecker Spargel* (asparagus) and *Westfälischer Knochenschinken* (ham).





Designs

Protection of the visual features of a product

The year 2013 is over, and so is the use of German terms such as *Muster, Modelle* and *Geschmacksmuster*, all meaning designs. Since 1 January 2014, the new German term for "(registered) design" is *"(eingetragenes) Design"*. The corresponding Designs Act has been renamed *Designgesetz*.

On 11 January 1876, the Act Concerning Copyright in Designs *(Gesetz betreffend das Urheberrecht an Mustern und Modellen)* was promulgated. This was when the IP term *"Geschmacksmuster"*, as valid until 31 December 2013, was born.

Today, all design applications and subsequent procedures are centrally processed at the Jena Sub-Office of the German Patent and Trade Mark Office (DPMA). With a staff of 30, including two legal professionals, this division is responsible for the registration and administration of national designs.

If you want to protect the visual appearance of a product, registered designs are the way to go. Registered designs offer protection against counterfeiting. This means that they give the owner the exclusive right to use the design and to prohibit third parties from using it without authorisation. The design in particular 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 reproductions.

For detailed information on questions about designs please see our "Designs" information brochure and our website.

www.dpma.de

Development in design application figures

In 2013, we received 6,388 applications covering 55,829 designs. This was again an increase compared to the previous year, with 6,330 applications covering 53,133 designs. The number of designs filed increased by 1.3%, that of the applications by 0.9%.

We conclusively dealt with requests for the registration of 57,704 designs (2012: 53,052), entering 53,232 of the designs (2012: 50,229) in the Designs Register.

Multiple applications, by which up to 100 designs can be grouped in a single application, were used by 62.2% of the applicants (2012: 64.2%). On average, 13.4 designs were filed per multiple application (2012: 13.0).

Upon request, publication of the images of a design can be deferred for up to 30 months (deferment of publication of the representation). You can save costs with such an application since this reduces the filing fee. The proportion of designs for which this was requested decreased slightly to 25.6% (2012: 28.3%).

More data on design model applications are provided in the annex “Statistics” beginning on page 99. Please also note the explanations on the statistical data.

Origin of design applications

The proportional share of designs filed by applicants based abroad decreased to 17.9% (2012: 20.9%).

Most design applications filed by foreign applicants, namely 3,649 applications (6.5%), originated again from Austria, followed by Italy and China with 3,073 and 1,510 applications respectively. An overview is available in table 15.

Figure 9
Designs applied for at the DPMA

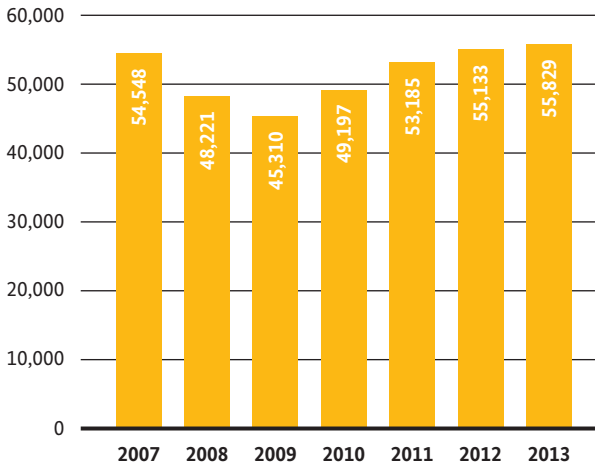


Table 15
Designs applied for at the DPMA in 2013 by countries of origin

	Designs applied for	Proportional share in %
Germany	**45,809**	**82.1**
Austria	**3,649**	**6.5**
Italy	**3,073**	**5.5**
China	**1,510**	**2.7**
Switzerland	**933**	**1.7**
USA	**186**	**0.3**
Belgium	**126**	**0.2**
Hong Kong	**105**	**0.2**
Others	**438**	**0.8**
Total	**55,829**	**100**

Design applications by German *Länder*

Applicants from Germany filed 45,809 designs with our office. In 2013, North Rhine-Westphalia ranked again top among the German *Länder* (12,883 designs filed, corresponding to 28.1%), followed by Bavaria (20.2%) and Baden-Württemberg (13.6%). Approximately 62% of the designs filed originate from these three *Länder*.

These figures clearly show that there is a close correlation between the economic power of a specific region and the filing activity of companies and people based in that region (see figure 10 and table 16). Table 16 also lists the number of designs filed per 100,000 inhabitants.
The proportion of the designs in respect of which an application was filed 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 78 designs filed per 100,000 inhabitants, followed by Bavaria (74) and North Rhine-Westphalia (73).

Design applications by classes of goods

The 53,232 registered designs were registered in 78,934 classes of goods in total (2012: 72,466). The distribution of the designs to the classes of goods shows that the largest number of designs (13,472 or 17.1%) were once again filed in class 6 (furnishing) in 2013. Class 5 (textile piecegoods) ranks second with 10.6%, followed by class 32 (graphic symbols and logos) with 10.3%. The percentage of the individual classes of goods is shown in table 17.

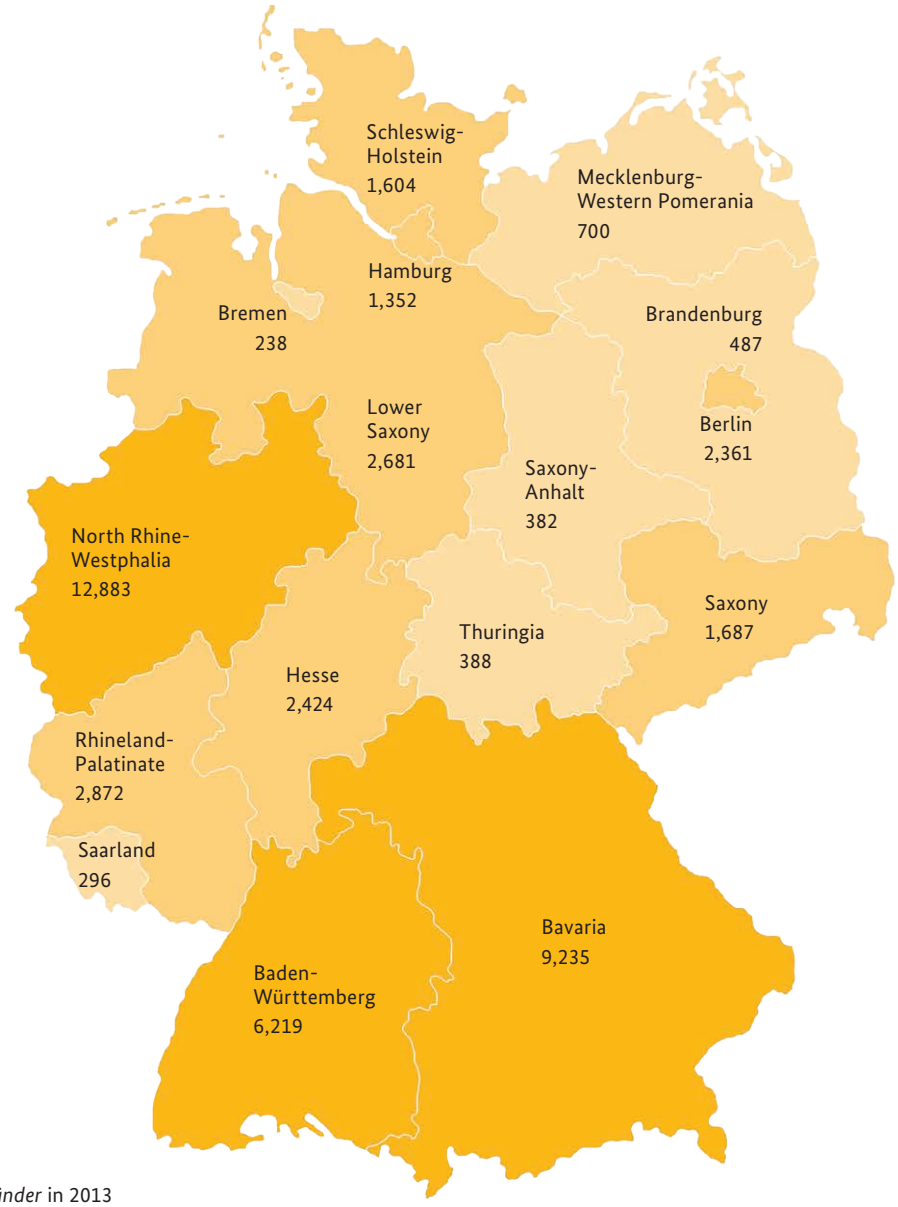


Figure 10
Design applications by German *Länder* in 2013

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. This option was used by the applicants for 13.6% of all design applications (2012: 16.5%). Since 2010, it has been possible to file electronic applications for designs via the **DPMAdirekt** software (using a signature card). In 2013, this option was used for 18.5% of all design applications (2012: 16.2%). Since 12 November 2013, it has been possible to file electronic applications for designs via the DPMA website (without a signature card). In November 2013, 25% of the applications were filed this way; in December 2013, even 43%.

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, various procedures follow. In addition to renewals and cancellations, we also process extensions and record 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 renewed, we will cancel the registered design in the Register.

If the design has been registered with deferment of publication of the representation, the owner of the design may pay a fee to extend the period of protection to five years after the filing date.

Table 16

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

German *Länder*	2012			2013		
	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	12,579	28.9	72	12,883	28.1	73
Bavaria	9,239	21.2	74	9,235	20.2	74
Baden-Württemberg	5,989	13.7	57	6,219	13.6	59
Rhineland-Palatinate	1,873	4.3	47	2,872	6.3	72
Lower Saxony	2,895	6.6	37	2,681	5.9	34
Hesse	2,114	4.8	35	2,424	5.3	40
Berlin	1,896	4.3	57	2,361	5.2	70
Saxony	1,390	3.2	34	1,687	3.7	42
Schleswig-Holstein	1,484	3.4	53	1,604	3.5	57
Hamburg	1,850	4.2	108	1,352	3.0	78
Mecklenburg-Western Pomerania	335	0.8	21	700	1.5	44
Brandenburg	364	0.8	15	487	1.1	20
Thuringia	476	1.1	22	388	0.8	18
Saxony-Anhalt	471	1.1	21	382	0.8	17
Saarland	453	1.0	45	296	0.6	30
Bremen	192	0.4	29	238	0.5	36
Total	43,600	100	Ø 54	45,809	100	Ø 57

Table 18 shows the development of procedures. The extension rate has slightly decreased in comparison to the preceding year. This can be explained by the fact that the majority of applicants requesting deferment of publication are textiles manufacturers who often refrain from extending protection in view of short product life cycles.

The number of registered designs renewed (14,442) slightly dropped by 8.9% in comparison to 2012 (15,848).

In 2013, transfers were recorded for 13,271 designs, a significant decrease by 25% compared to 17,701 in 2012.

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

Table 17
Registered designs in 2013 by classes of goods

	Class of goods	Registration 2013	Proportional share in %	Differences between 2012 and 2013 in %
06	Furnishing	**13,472**	**17.1**	**2.7**
05	Textile piecegoods, artificial and natural sheet material	**8,331**	**10.6**	**- 18.2**
32	Graphic symbols and logos, surface patterns, ornamentation	**8,095**	**10.3**	**16.2**
02	Articles of clothing and haberdashery	**7,267**	**9.2**	**8.0**
11	Articles of adornment	**6,365**	**8.1**	**- 7.6**
26	Light apparatus	**5,586**	**7.1**	**21.7**
19	Stationery and office equipment, artists' and teaching materials	**3,639**	**4.6**	**17.1**
25	Building units and construction elements	**3,376**	**4.3**	**- 0.7**
14	Recording, communication or information retrieval equipment	**2,864**	**3.6**	**62.2**
03	Travel goods, cases, parasols and personal belongings, not elsewhere specified	**2,561**	**3.2**	**23.1**

Table 18
Selected data on design procedures

Year	2007	2008	2009	2010	2011	2012	2013
Cancellations	**54,066**	**56,484**	**52,800**	**48,470**	**46,271**	**43,443**	**46,637**
Renewalls	**18,361**	**16,800**	**15,482**	**17,116**	**15,655**	**15,848**	**14,442**
Extensions	**2,261**	**2,543**	**1,800**	**2,664**	**3,382**	**3,308**	**2,538**
Recording of changes	**20,547**	**17,838**	**17,202**	**19,185**	**13,322**	**17,701**	**13,271**

IN FOCUS

A new name for an established IP right

The old German term *"Geschmacksmuster"* dates back to the year 1876. Most people did not unterstand the term and since it includes the German word *"Geschmack"* for "taste", it was often necessary to explain to them that it has got nothing to do with food.

In order to make it easier to understand what it stands for, the IP right was renamed and adapted to the English term "design".

As for the new Designs Act *(Designgesetz)*, it does not only have a modern name (previously: *Geschmacksmustergesetz*), it is also modern in its content. The new name adjusted to international standards is just one of the changes entered into force on 1 January 2014 with the Designs Act. Invalidity proceedings for registered designs as well as facilitations relating to filing applications such as multiple applications have been introduced as well.

Therefore, the second half of 2013 at the Designs Unit was dedicated to diverse preparatory and adjustment work relating to the introduction of the Designs Act and the Designs Ordinance *(Designverordnung)* at the beginning of 2014.

Official invalidity proceedings

With the newly introduced option of official invalidity proceedings, invalidity of a registered design can already be established by the DPMA. Before, invalidity of a design could only be established by bringing an action before the competent regional court. Now, the newly created Designs Division of the DPMA can also decide about requests to establish or declare invalidity of a registered design. Such a request can be based on absolute grounds for invalidity such as grounds for refusal and other grounds for exclusion from protection. It can also be based on relative grounds for invalidity due to collisions with earlier IP rights, for example, trade marks, copyright and registered designs whose applications have been filed at an earlier date. In infringement proceedings or proceedings for damages before a regional court, objection of invalidity of the registered design is no longer permissible. If the defendant in such proceedings aims at claiming invalidity, they must bring countercharges to establish or declare invalidity or file a corresponding request with the DPMA.

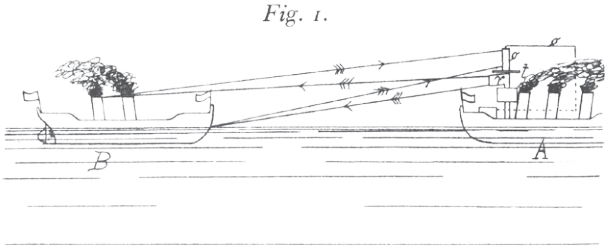
Multiple applications

Previously, the designs had to belong to the same class of goods in order to summarise a number of designs in one multiple application. This requirement has become obsolete so that designs of different classes of goods can be part of a multiple application.

Did you know that …

… the predecessor of the radar system was invented as early as 110 years ago?

The German radio frequency engineer Christian Hülsmeyer found out that electric waves reflected by metallic surfaces can be used to detect distant metallic objects.
His *"Telemobiloskop"* (viewer of distant movements) to detect ships was granted a patent (no. 165 546) by the Imperial Patent Office *(Kaiserliches Patentamt)* in Berlin in 1905.



Drawing from patent specification DE 165 546 A



Supervision of collecting societies

Pieces of music are not only played in discotheques and on the radio but they can also be heard as ringtones or on the phone while on hold. 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, given the many diverse and widespread uses, collecting societies manage the rights of creative people collectively.

Such associations under private law are organisations of creative people such as composers, writers, artists, actors and singers as well as producers of phonograms and film producers. Each individual collecting society specialises in a certain creative field, as shown in table 19. Collecting societies issue licenses for the works managed by them and collect royalties for the utilisation of the works. Then they distribute the revenues to the right holders according to a distribution scheme.

An essential feature of collecting societies is their fiduciary position. They act in a fiduciary capacity for their right holders and also often have a monopoly position. Because of these two aspects, collecting societies are subject to government supervision exercised by the German Patent and Trade Mark Office (DPMA), Section 18 et seqq. of the Copyright Administration Act *(Urheberrechtswahrnehmungsgesetz)*.

As supervisory authority, we grant authorisations to conduct business to collecting societies in agreement with the German competition authority *(Bundeskartellamt)* 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 2012, the collecting societies obtained roughly 1.27 billion euros (the 2013 figures were not yet available at the copy deadline). The income of each collecting society is listed in table 19.

Current issues in the field of government supervision

Throughout the reporting year and beyond, we have been 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. After the tariff reform had already been discussed controversially in 2012, GEMA and the German Association of Music Event Organisers *(Bundesvereinigung der Musikveranstalter)* reached an agreement on the basis of the settlement proposal of the Arbitration Board under the Copyright Administration Act at the end of 2013 (for information on the Copyright Arbitration Board see page 48). It is our duty to assess whether the new tariffs are appropriate.
In addition, the judgements by civil courts dealing with the distribution schemes of collecting societies have intensively occupied our attention.

Furthermore, an application for authorisation to conduct business of another collecting society has been received, which is under examination.

We do not only examine *ex officio* whether the collecting societies fulfil the statutory duties but the suggestions and complaints by users and right holders also prompt us to investigate. In the reporting year, we again investigated and dealt with many petitions and complaints.

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. Copyright expires 70 years after creation of the work if the work was never published during that period of time. If the true name of the author is recorded in the register kept at the DPMA, copyright expires 70 years after the death of the author. However, the register does not record all works protected by copyright but is only relevant for the works published anonymously or under a pseudonym during their term of protection.

At the end of 2013, the register contained 738 works by 401 authors. Further statistical data are provided in the table "Register of anonymous and pseudonymous works" on page 100 in the annex "Statistics".

Table 19
Income of the collecting societies in 2012 (in million euros)

	Collecting societies	Total budget[1] 2012
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	820.200
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	146.963
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	118.940
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	5.134
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	60.447
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	6.208
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	22.470
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	8.177
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	30.068
AGICOA GmbH	AGICOA Urheberrechtsschutz-Gesellschaft mbH	23.627
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	33.540
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	0.491
Total		**1,276.265**

[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 other agents

Patent attorneys

Patents, utility models, trade marks and registered designs. Just from the list of the most important IP rights, one can see what a wide and complex topic industrial property protection is. Increasingly more inventors as well as companies call on assistance by patent attorneys with the protection of intellectual property.

As an interface between technology or science on the one hand and law on the other, patent attorneys do not only have an understanding of the technological and scientific background, they are also familiar with the legal component of industrial property protection. For example, they advise inventors on the eligibility for protection of their latest developments and the options of effective protection against copying. They file national and international applications for all technical and non-technical IP rights and prepare licence agreements for their clients. They also represent their clients before national and international authorities and courts. Thanks to their specialist knowledge, patent attorneys thus set the course for the success of an innovation, a design or a trade mark.

Patent attorney training

There are high demands placed on prospective patent attorneys. They must hold a university degree in an area of technology or science, and they need to have worked in a technical practical position for one year. During the training as a patent attorney candidate, which lasts approximately three years, they acquire the required legal expertise. 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 examinations.

The DPMA's duties relating to the training of patent attorneys

The DPMA is 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 examinations because of a specific academic degree or occupation of many years. The changeover from previous degree programmes to the three-degree system (bachelor, master, doctorate) due to the Bologna reform of the higher education system and, as a consequence, the restructuring of the universities of applied sciences has made the programmes of study much more varied. Accordingly, it has become more time-consuming to check whether the admission requirements are fulfilled. They are checked in close cooperation with the Federal Ministry of Justice and Consumer Protection 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 office year. This training can be started at three different dates every year. The DPMA assigns the candidates to the patent and trade mark examiners and forms work groups. Furthermore, candidates can apply for a loan for maintenance. Granting this loan is also part of our duties.

The patent attorney examinations are held three times a year by the DPMA. On average, about 200 candidates take the examinations each year.

Admission to practise as a patent attorney

After passing the patent attorney examinations, the successful candidates have two options.

They can be sworn in by the German chamber of patent attorneys to practise under the professional title *"Patentanwalt"* or *"Patentanwältin"* (patent attorney).
Alternatively after passing the examinations, they may assume the title of *"Patentassesor"* or *"Patentassessorin"* (patent agent) and work as an 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 Agreement on the European Economic Area may also be granted permission to practise as German patent attorneys if they pass a special qualifying examination.

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

http://www.dpma.de/amt/ausbildung/patentanwaltsausbildung/

and

www.patentanwalt.de

The year 2013

In 2013, 200 out of 205 examinees passed the regular patent attorney examinations.

At the same time, 202 patent attorneys were admitted. This is a significant increase compared to the year before. In 2013, the number of admitted patent attorneys thus reached a new record high of 3,349 taking into account 50 deletions.



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** ***(Gesetz über Arbeitnehmererfindungen)*** 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** ***(Urheberrechtswahrnehmungsgesetz)*** 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 under the so-called "inventor principle". They are obliged 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 Section 6(2) of the Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*; new version since 2009), the claiming of the service invention is generally deemed to have been declared. In return for the loss of rights, the employee-inventor has a claim to reasonable compensation against the employer. Disputes before the Arbitration Board mainly deal with the equitability of that compensation.
The Arbitration Board regularly consists of a three-member panel: a legal professional acting as the chair and two patent examiners of the DPMA specialised in the relevant technological field.

The Arbitration Board in 2013

In 2013, 73 requests for conducting arbitration proceedings were filed with the Arbitration Board. In the same period, the Arbitration Board concluded 82 proceedings. The parties involved accepted 60% of the settlement proposals made by the Arbitration Board. This shows that the Arbitration Board's work continued to be very widely accepted. As in the years before, the Arbitration Board was concerned with a broad range of legal issues in 2013. Among others, it came to the following conclusions:

- If there are already free licence agreements relating to the invention or its field of technology, they are to be considered first for the assessment of the value of the invention. This is because the value of the invention has already been assessed on the free market if the employer has already concluded licence agreements relating to the service invention which is to be compensated in a specific case. This type of assessment of the value of the invention is, as a rule, more significant than an abstract one. Such cases are referred to with the term "concrete licence analogy". Licence agreements for a forerunner invention cannot be used for the assessment of the further developed invention under the concrete licence analogy.

- Under Section 9(1) of the Employee Inventions Act, an employee-inventor can only make a claim to reasonable compensation against their concrete employer. This is true even if the invention of the employee is used within a corporate group to which the employer belongs. In such a case, the employee may only have a share in the (fictitious) licence revenue or the (fictitious) purchase price of their employer. If, however, it is determined from an economic point of view that the corporate group is a unity, it may be appropriate to base the assessment of the value of the invention on the turnover of the individual corporations using the invention instead of the (fictitious) purchase price or (fictitious) licence revenue. This may be particularly appropriate if the development, production and marketing processes are split based on the job-sharing principle within the corporate group, for example, if development is not part of the individual corporation. Two affiliated corporations are, from an economic point of view, not a unity if the corporations have their own respective departments. This means that the development, production and marketing processes are not split within the corporate group based on the job-sharing principle.

- The employee has no right to claim release of a service invention not used by the employer. An employee-inventor has a regular share of about 15% (share factor) in the process leading to the service invention. More than 80% of the value of an employee invention is based on efforts of the employer. Therefore, it is legal and fair that the Employee Inventions Act does not oblige the employer to transfer a right in a service invention not used to the employee-inventor in full.

- Customary licence rates for pharmaceuticals reach values of 8% to 10% and even more. The share of inventions of active agents in such licence rates, however, amounts to 3% maximum. It will be considered in such a case that the licensor has to bear the costs of the pharmaceutical formulation as well as of clinical trials and their requirements for the finished pharmaceutical. The licence rate for a pharmaceutical is therefore to be divided into a proportion that is causally related to the invention(s) of (an) active agent(s) used in the pharmaceutical and a proportion where this is not the case.

- The employee of an institution of higher education shall receive a share in the revenue from exploitation under Section 42, no. 4 of the Employee Inventions Act. Such revenue must be causally related to the service invention to be compensated. Research funds provided by the state, third-party funds related to development within the meaning of Section 25 of the Framework Act for Higher Education *(Hochschulrahmengesetz)* as well as private and public funds for the promotion of research are not deemed to be revenue due to lack of causality within the meaning of Section 42, no. 4 of the Employee Inventions Act. Such funds are intended to cover costs in full or in part.

The Arbitration Board under the Copyright Administration Act

Users of literary, artistic or similar works are obliged to pay their authors. For the authors, it is not always possible to track every use of their works. Therefore, they are usually represented by collecting societies to enforce their rights (see page 42). The societies issue licences, collect royalties for the use of the works and distribute these among the authors.

The Copyright Arbitration Board mainly mediates disputes about the amount of royalties. Some of the disputes relate to 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 2013

In 2013, 61 disputes were brought before the Arbitration Board; 46 proceedings were concluded, including four inclusive contract cases. In 225 cases, a decision is yet to be taken; among them are ten inclusive contract cases. The number of new requests received decreased slightly compared to the preceding year (92 requests received). The majority of the new proceedings are – as in the years before – disputes between collecting societies and manufacturers or importers of copying devices (for example, tablets and mobile phones), burners or data storage media.

An inclusive contract case concluded in 2013 was of particular importance. It concerned the tariff reform of the Association for Music Performance Rights and Mechanical Reproduction Rights (GEMA) for the public playback of popular music that garnered a lot of attention and led to controversial discussions. The Arbitration Board basically followed the linear tariff system of GEMA in its settlement proposal. This system provided for a significant increase in remuneration for events with high ticket prices and large event or dance areas. However, the Arbitration Board suggested to differentiate more between different event types and to take into account whether the music is used once or on a regular basis, such as in discotheques. Furthermore, it held a transition period of five years with step-by-step increases necessary in order to make it possible for organisers of music events to adapt their cost estimations. Based on the Arbitration Board's recommendations, GEMA and the German association of music event organisers *(Bundesvereinigung der Musikveranstalter)* agreed on an inclusive contract in December, following intensive negotiations.

In 2013, the Arbitration Board was concerned with the amount of the copyright levy for mobile phones among other topics. According to legislation, the amount of such a levy is subject to the scope of use of devices for private copying of copyright-protected works. In return, end buyers are allowed to make copies, for example, of music or video files, with the purchased mobile phones. According to the Arbitration Board's settlement proposal, this amount is based on previously determined remuneration for MP3 and MP4 players, amounting to 1.63 euros or 5.51 euros per mobile phone.

Remuneration for the use of texts and pictures relating to TV shows for so-called "electronic programme guides" was the subject of another settlement proposal. Providers of electronic programme guides offer free-to-use information about the current TV programme on the Internet, financed by advertising. The Arbitration Board does not hold a tariff that is subject to the number of page views alone to be appropriate. From the Arbitration Board's point of view, remuneration depending on the turnover from advertising may be used as the basis for a settlement.



Statistics of the arbitration boards at the German Patent and Trade Mark Office

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

Year	Requests received	Cases concluded					Arbitration proceedings pending at the end of the year
		Settlement proposals accepted and compromises	Objections to settlement proposals	Refusals to participate in arbitration proceedings	Proceedings concluded in other ways[1]	Total proceedings concluded	
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
2013	73	24	16	15	27	82	99

[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.

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 proposals by the Board	Discontinued proceedings and other decisions	Total	
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
2013	61	3	28	0	18	46	225



Information services

The best way to be up to date

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

In 2013, the enquiry units and search rooms of the German Patent and Trade Mark Office (DPMA) registered nearly 196,500 customer contacts.

We are also regularly present at trade fairs and events.

Our enquiry units

You need information about IP rights? Our enquiry units will be happy to answer your questions. You will receive information about all industrial property rights such as patents, utility models, trade marks or registered designs. Whether large firms, small and medium enterprises or individual inventors – we answer each customer question personally and competently. By the way, enquiries can also be made by phone or e-mail.

Our search rooms

More than 9,900 visitors used the two search rooms in Munich and Berlin in 2013. We offer a wide range of services, from online searches to legal status searches to file inspection. If you want to search for the state of the art relevant for a patent application, there are more than 88 million patent documents from more than 100 countries available to you. You can use the internal **DEPATIS** database free of charge for your search. The Berlin archives also include historical patents from the *Reichspatentamt* and the *Kaiserliches Patentamt* (Imperial Patent Office) as well as patents from Eastern Europe. Our most recent service offer: from January 2014 on, electronic file inspection has been possible via the **DPMAregister** web service.

There is no need to worry about how to carry out searches. The search room teams will explain the many information options in the field of industrial property protection and will help you with your search free of charge. You can also always contact us via phone on +49 89 2195-3435 or via e-mail at **datenbanken@dpma.de**.

Initial consultation for inventors

We put particular focus on initial consultation for inventors. In cooperation with the chamber of patent attorneys *(Patentanwaltskammer)*, patent attorneys offer consultations on any questions relating to intellectual property. The 30-minute consultation is free of charge and takes place in the rooms of our enquiry unit in Munich or at the Technical Information Centre Berlin (TIZ Berlin). Since these one-to-ones are much in demand, appointments should be made well in advance.

Our website at www.dpma.de

We also provide information via the Internet. You will find everything you need to know about patents, utility models, trade marks and designs on our website, for example, information on what can be protected and how to apply for an IP right. Furthermore, you can also search in our databases, download forms, flyers and information brochures, or register for training courses and workshops. In addition, you can also subscribe to our RSS feed for the latest news.

Patent information in your region

There are 23 patent information centres nationwide, which will be your regional contact points for questions about industrial property protection in cooperation with us. The service of the patent information centres is specifically targeted at small and medium enterprises, institutions of higher education as well as research institutions. Twelve patent information centres also accept applications for all types of IP rights, securing the filing date, and transmit them to the DPMA. You will find additional information in the “National cooperation projects – services for small and medium enterprises” chapter starting on page 54.

Trade fairs

Why is it important to protect intellectual property?
What German and European IP systems are there?
What can be done against counterfeiting?

These are the most frequent questions that customers and visitors ask us at trade fairs. There is a high demand for information. Therefore, we were present at 29 expert conferences and trade fairs in Germany and abroad in 2013. Furthermore, we cooperate with different trade fair corporations such as:

- Koelnmesse GmbH
  (“No Copy!” initiative)
- Messe Frankfurt
  (“Messe Frankfurt against Copying” initiative)
- Messe München GmbH
- Messe Düsseldorf GmbH
- NürnbergMesse GmbH

One of the most recent trade fair cooperation projects was started with the Federal Ministry of Economics and Technology (BMWi) at CeBIT 2012. We were able to extend this cooperation to the *Hannover Messe* in 2013. In order to attract attention to our services at the world's most important industry fair with about 6,400 exhibitors from 62 countries and 217,000 specialist visitors, a pantomime dressed as a robot gave life to innovations in a playful manner.

Another highlight in the 2013 trade fair season was our participation in bauma, the international expert trade fair for construction machinery, building material machines, mining machines, construction vehicles and construction equipment in Munich. Like around 530,000 visitors and 3,400 exhibitors from 57 countries, we did not miss the opportunity to be there. In cooperation with the central unit for IP protection of the customs services *(Zentralstelle Gewerblicher Rechtsschutz)*, we informed about our electronic services and raised awareness of counterfeiting. A special attraction at the stand was the exhibition of the customs services on originals and confiscated counterfeit products.

Trade fair exhibitors in focus

The project of mobile expert teams at trade fairs is another contribution to active trade fair work. In this project, the exhibitors themselves are the focus of our information service. Right at the trade fair stand of the exhibitors, we offer information on protection for their newest developments. In 2013, our mobile teams were present at POWTECH in Nuremberg, Kind + Jugend in Cologne, the trade fair for inventors iENA combined with START in Nuremberg as well as productronica in Munich.



HANNOVER MESSE 2013



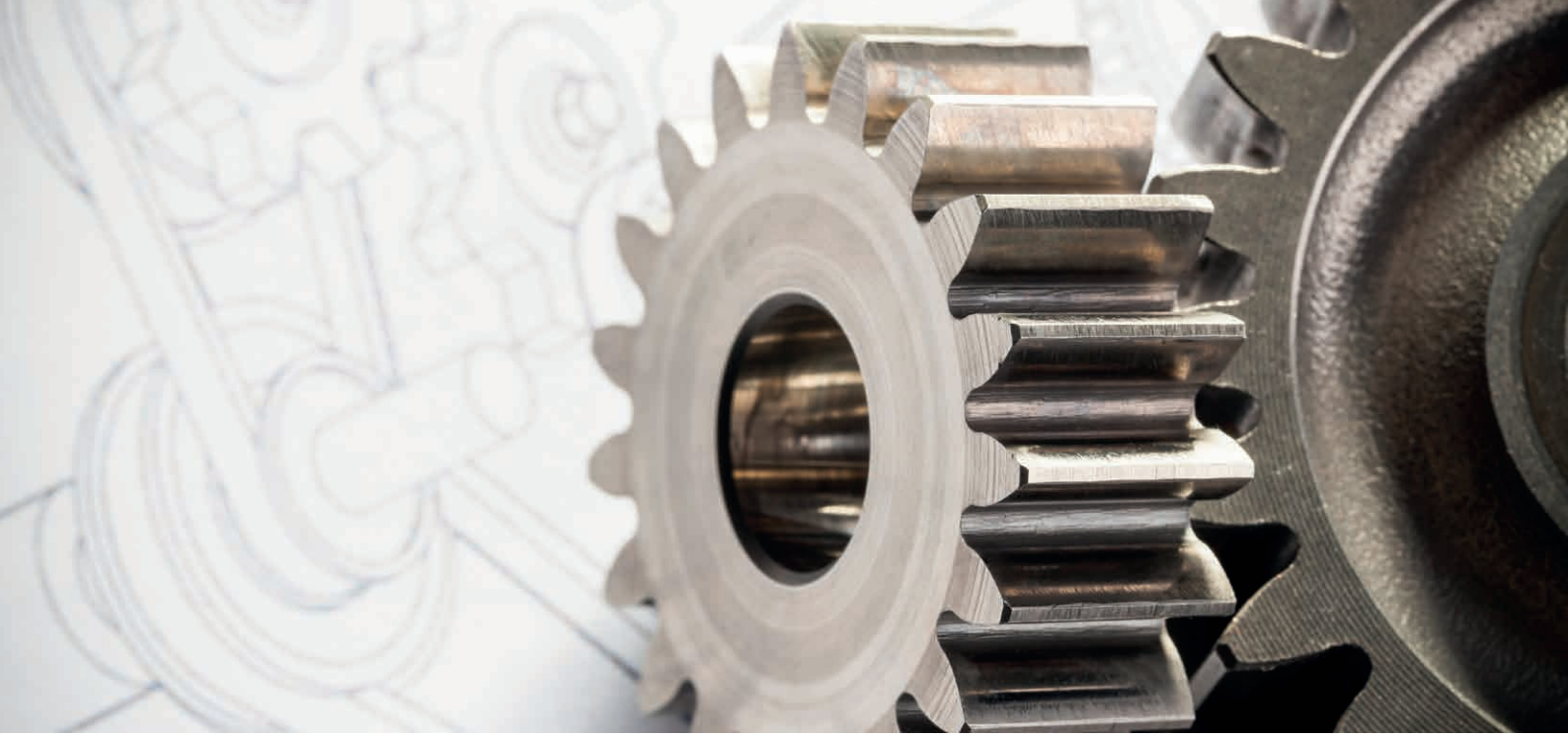
bauma in Munich 2013

In 2013, we participated in the following fairs and events:

January	
09–11/01	PSI-Messe (Düsseldorf)
February	
15–19/02	Ambiente (Frankfurt/Main)
March	
05–09/03	CeBIT (Hanover)
12–16/03	ISH (Frankfurt/Main)
15–16/03	azubi- & studientage (Munich)
April	
08–12/04	HANNOVER MESSE (Hanover)
10–14/04	International Exhibition of Inventions (Geneva/CH)
15–21/04	bauma (Munich)
23–25/04	PowTech combined with TechnoPharm (Nuremberg)
25–26/04	VPP congress (Kassel)
May	
13–16/05	Interzum (Cologne)
16/05	Innovationstag Mittelstand – SME Innovation Day (Berlin)

June	
05–07/06	PATINFO (Ilmenau)
11–13/06	Techtextil/Avantex (Frankfurt/Main)
September	
08–10/09	spoga + gafa (Cologne)
16–21/09	EMO (Hanover)
25–27/09	GRUR Annual Meeting (Erfurt/Weimar)
October	
08–10/10	Biotechnica (Hanover)
10/10	MUT – Mittelständischer Unternehmertag (Leipzig)
22/10	Bavarian Patent Congress (Munich)
25–26/10	deGUT (Berlin)
November	
31/10–03/11	iENA (togehter with Consumenta) (Nuremberg)
20–23/11	MEDICA (Düsseldorf)

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



National cooperation projects

Services for small and medium enterprises

Innovations by small and medium enterprises (SMEs) contribute greatly to Germany's performance in the field of technology. Many SMEs from Germany are global market leaders with their respective products. At the same time, we have a comparatively extensive infrastructure of information and support services for those enterprises in Germany.

Traditionally, SMEs have been important applicants for the German Patent and Trade Mark Office (DPMA). Therefore, our goal is to constantly expand and improve our support and information services, focusing on SMEs and individual inventors in particular. Together with other partners in Germany such as the patent information centres, we ensure that SMEs, institutions of higher education, research institutions and individual inventors will receive support in IP matters by qualified contact partners in all regions of Germany.

These target groups in particular do not have the financial and time resources to employ their own experts in the field of industrial property protection. In order to increase quality and efficiency of innovation efforts in Germany, professional local support is essential. It is of great importance to us, as the central authority for industrial property protection in Germany, to provide effective (information) services that are adjusted to these target groups' needs. Therefore, we regard cooperation with national and regional institutions in the field of intellectual property protection as particularly important and give new impetus to the development of a national network of service providers relating to all matters of industrial property protection.

Our cooperation with patent information centres

Potential applicants can use our services directly in Munich, Berlin and Jena or refer to the information available online and file applications via the Internet. The cooperation with the patent information centres active in all German *Länder* makes sure that applicants receive local support that is competent, neutral and free of moral values or organisational interest.

Another goal of ours we try to achieve with this cooperation is to develop and further extend services, particularly for SMEs, beyond our statutorily limited range of services. In parallel, it strengthens cooperation between the different providers of services for the protection of intellectual property in the individual regions.

The more than 100 staff of the patent information centres have experience, a high degree of professionalism and extensive expertise in all matters concerning industrial property protection. They also have specialist knowledge relating to information management and business. We organise free-of-charge training events for staff of patent information centres within the scope of our cooperation projects. The range of seminars goes from beginners' courses for newly employed staff to training courses on specific topics for existing staff. In 2013, newly employed staff of the patent information centres visited the DPMA for several days to learn about our work. In addition, the DPMA offered two two-day advanced seminars and one further lecture. These offers were used by a total of 65 participants from the patent information centres. In relation to the total number of staff at the patent information centres, this is a training rate of 65%. We benefit from this type of cooperation in two ways. First, skilled staff of the patent information centres inform and provide services to applicants in a way that is in our interest. Second, we can use the comments and insight the staff of the patent information centres gain by direct contact with the customers to reconsider our own business processes such as database functions and to make them customer-friendlier.

We also assist the patent information centres in organising and running events on IP protection by

- finding lecturers for lectures on specialised topics,
- information stands,
- providing informative material of the DPMA.

For example, we have taken part in the Stuttgart day of IP rights *(Tag der gewerblichen Schutzrechte)*, in PATINFO in Ilmenau and in the Hamburg patent meeting for many years. In 2013, a total of 14 joint events with lectures and workshops were held. More than 700 participants, particularly from SMEs, attended the training courses. The main topics were: the protection of technical innovations, the use of online patent databases, the protection of trade marks and designs, and e-filing of IP applications.

The cooperation with the patent information centres is coordinated by our Technical Information Centre Berlin (TIZ Berlin). We thereby create the basis for an intensive exchange between the patent information centres, SIGNO (network for the protection of ideas for commercial use) partners, chambers of commerce and industry, chambers of skilled crafts, institutions of higher education and patent exploitation agencies also involving institutions for economic promotion in the *Länder* and municipalities.

Cooperation with the patent information centres goes beyond Germany. We coordinate the participation of the patent information centres in transnational programmes with

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

We also involve the patent information centres in our activities at the European level – for example, in the EU project INNOVACCESS. This gives patent information centres access to Europe-wide knowledge transfer, special working groups and training measures. Thereby, they can better deliver existing local services for SMEs and develop new impetus and ideas to integrate them into existing business processes.

What the patent information centres do

In recent years, the patent information centres have developed into 23 efficient institutions all over Germany with expertise in protecting innovation with patents, utility models, trade marks and registered designs. The patent information centres are open to everyone desiring to find out more about the protection of intellectual property and industrial property rights.

Accordingly, the public in the regions perceives the patent information centres as the first contact point regarding questions about industrial property protection. This can also be seen from the statistics: out of 64,130 customer contacts in 2013, a total of 15,555 customer contacts were direct contacts at the local patent information centres; 48,575 customers contacted the experts of the patent information centres by phone or e-mail.

The patent information centres offer a broad range of services to their customers. This range spans from individual information talks with staff of the patent information centres to information about promotion schemes and assistance with conducting IP searches, acceptance of IP applications, conducting training courses to services relating to IP strategies and exploitation of IP rights.

Skilled staff help inventors and applicants to conduct searches. In cooperation with our office, the patent information centres also offer an online Assisted search mode for the **DEPATISnet** and **DPMAregister** databases. Additionally, customers can log in to commercial databases via the *"Info-Lotse"* remote support service to conduct searches. They will receive professional support by experts of the patent information centres. The numbers of the different types of searches are listed in table 22.

Table 22
Assisted searches

	2013
Simple customer searches	**6,064**
Searches with IP information	**4,634**
Info-Lotse	**429**
Assisted mode	**409**
Total	**11,536**

The development of new services of the patent information services is becoming more and more the focus of attention as a means to sensitise SMEs to the protection of intellectual property and to support them with implementing and exploiting IP rights. In view of the pace of technological progress in a globalised world, instruments such as IP analyses and statistics or the evaluation of IP rights are becoming increasingly important. As elements of a strategic IP management system, they provide insights that can decisively influence a company's success. We help the patent information centres with meeting these challenges as well as developing and rendering new services that are adjusted to the changed demands of the target groups.

Initial consultation is another attractive free-of-charge service provided by patent attorneys. Neither we nor the staff of the patent information centres are allowed to give legal advice. Under the Act on Legal Counselling *(Rechtsdienstleistungsgesetz)*, only patent attorneys and lawyers are allowed to provide this type of advice. Therefore, most of the patent information centres and we (in our locations in Munich and Berlin) provide rooms where the consultations can take place. The following information can be given: answers to basic questions relating to industrial property rights, requirements and procedures for filing applications, answers to questions relating to employee inventions and licensing.

The regional information events on industrial property protection that the patent information centres offer as our cooperation partner have been received well by the public (see table 23). Adjusted to the respective target group, the range covers seminars, workshops and lectures in order to impart basic and advanced knowledge relating to the protection of intellectual property and search options on the Internet. Information stands at trade fairs, exhibitions, open days as well as information about current events are also available in German on the **PIZnet.de** website.

Eight patent information centres contributed to our joint campaign to celebrate the World Intellectual Property Day in 2013.

Further national cooperation projects

A complex, regional infrastructure of private and public service providers in the IP protection field has developed in Germany. The services offered vary from region to region. There are institutions that cooperate well with others and such that work completely on their own.

We are an institution that cooperates with other institutions and federal ministries, supported by the Federal Ministry of Justice and Consumer Protection, within the scope of the Federal Government's High-Tech Strategy. This improves coordination and combination of the IP services offered to the SMEs. We systematically record regional providers of IP services listing what kind of information and services they offer, their target groups and what kind of cooperation they wish to have. This enables us to have the whole picture. From this list, we can see any overlapping or gaps in the regions.
Thereby, long-term cooperation at the regional level can be achieved combining the effects of, attracting attention to and completing the services offered.

Important partners are the Federal Ministry for Economic Affairs and Energy (BMWi), the Federal Ministry of Education and Research (BMBF), the Association of German Chambers of Commerce and Industry (DIHK), the central unit for IP protection of the customs services *(Zentralstelle Gewerblicher Rechtsschutz)*, the chambers of skilled crafts, the SIGNO network, the Enterprise Europe Network, patent exploitation agencies, institutions of higher education, trade fair corporations and trade associations.

For more information, visit our website at

www.dpma.de/english/the_office/cooperation

Table 23
Events

	2013
Events	**620**
including presentations/lectures/guided tours	**352**
including workshops/seminars/in-house training courses	**196**
including events of more than six hours	**94**
Trade fairs/exhibitions	**92**
exhibition days	**179**
Participants	**13,682**
including presentations/lectures/guided tours	**7,509**
including workshops/seminars/in-house training courses	**4,012**
including events of more than six hours	**2,843**



IT developments and information services

↗ The electronic case file

For more than two years, we have administered and processed our patent and utility model files in a fully electronic way and without gaps between receipt of documents and publication. Since the go-live of the **DPMApatente** and **DPMAgebrauchsmuster** programs, they along with the respective horizontal services have been available without restriction and interruption to our staff to help them perform their daily work.

Still, good things can get even better. Therefore, we focused on the further development of our IT systems in 2013. In order to make the processing and conclusion of procedures even more efficient, the systems were enhanced in many ways. Noteworthy are the introduction of the options to file trade mark applications and electronic requests without a digital signature as well as to file documents subsequently via the **DPMAdirekt** service. The preparations necessary to launch electronic file inspection of patent and utility model files via **DPMAregister** were concluded in 2013. This new service was launched on 7 January 2014.

A special challenge was the introduction of SEPA (Single Euro Payments Area) for payment transactions with our office. In addition to the implementation of SEPA standards for credit transfers, the option of payment by direct debit authorisation according to German law had to be replaced with the new SEPA core direct debit scheme. In order to achieve this, changes and additions were made to all specialised IT systems and horizontal services. Thanks to the very good work of all persons involved, the SEPA scheme went live successfully on 1 December 2013.

In this chapter, we would like to introduce to you some IT-based information services. You will find a complete overview of our e-services on our website **www.dpma.de/english/service**.

↗ DPMAdirekt – DPMAdirektWeb
E- filing of IP applications

It has become even easier to file electronic applications for IP rights. The known **DPMAdirekt** software for professionals has been extended by many new functions. In the field of patents, examination and search requests as well as replies to office actions during the examination procedure including attachments can be filed online. Documents provided with a digital signature will be transmitted to the DPMA secured and encrypted. A full list of options is available on our website at **www.dpma.de**.

Additionally, our customers can use **DPMAdirektWeb**, a new fast online service, to file applications for trade marks and designs without a digital signature.

The application figures speak for themselves. In 2013, more than two-thirds of all patent applications and almost one-third of all utility model applications have been filed online with the DPMA.

As in previous years, we again organised training days on **DPMAdirekt**. We plan to carry out more training courses in Munich, Berlin, Dortmund, Dresden and Bremen in 2014.

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

↗ DPMAregister
Our national service connected to Europe

Our online service for publishing official publications and register data with current legal and procedural status information on IP rights is called **DPMAregister**. You can search for bibliographic data as well as for legal and procedural status data in the Beginner's, Monitoring, Expert or Assisted mode.

We have further extended this service for our users in 2013. For example, the stock of data was extended by topographies and patents from the former German Democratic Republic (GDR) as well as by Community trade marks and international trade mark applications (international registrations).

Register data can be displayed in the respective WIPO standards in XML format in order to enable further machine processing.

Furthermore, the essential preparations to implement online file inspection, which was launched on 7 January 2014, have been carried out in 2013. Online file inspection enables the user to view the respective file and its documents directly on the computer.

The electronic **DPMAconnect** service is the web service of **DPMAregister** and enables client implementation in your own software application.

This service first started with trade mark data in 2011. Since July 2013, patent and utility model data have been available too. Thereby, a gap was closed, thus making the **DPMAregister** service even more attractive to the users.

↗ DEPATISnet
Our electronic patent document archive

In **DEPATISnet**, you will find the universal technical knowledge contained in currently more than 88 million data records. It can therefore be used for initial searches on the state of the art.

In the past year, we again introduced some new database functions to enhance user experience for this online service. For example, we have introduced the option of replacing family members in addition to removing family members. All documents of the respective patent family are taken as the basis for this option irrespective of the search query. This filter also depends on the user interface language the user chooses. This enables the user to reasonably reduce the number of search results without affecting the quality and makes it even easier to conduct a competent search.

Another improvement is the inclusion of the INID codes in the Expert search and in the display of search results. The INID codes are international designations of bibliographic data that particularly facilitate reading foreign or foreign-language patent data. This additional information is a significant increase in quality particularly for foreign users of the service.

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



A strong team

Staff

At the end of 2013, the German Patent and Trade Mark Office (DPMA) had a total staff of 2,518. The vast majority of personnel were based in Munich. 233 staff worked at the Jena Sub-Office and 71 staff at the Technical Information Centre Berlin. Compared to the previous year staff numbers have remained static with equal numbers of women and men (1,259).

Staff recruitment

The DPMA is constantly recruiting qualified staff. We invite individuals with an engineering and science background and work experience to apply any time for the posts of patent examiners. We are also looking for IT experts, lawyers and civil servants of the higher intermediate non-technical service to fill a wide range of jobs at our organisation.

In 2013, we recruited 34 patent examiners, four lawyers and 19 civil servants of the higher intermediate non-technical service. Ten additional IT experts have strengthened our IT team since last year and, among other things, have provided support for the operation of the electronic IP systems: **DPMApatente** and **DPMAgebrauchsmuster**.
In 2013, we welcomed exactly 100 new staff and trainees to our ranks.

In the reporting year, the DPMA ran its first recruitment advertising campaign on the trains of the Munich suburban railway network. Our vacancies are regularly advertised in the print media and online journals, the daily press and of course also on our website. Why not visit our career pages (in German)?

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www.dpma.de/amt/karriere

Incentives

In 2013, 336 very committed and high-performing civil servants received incentive bonuses for outstanding individual or team performances. The total budget at our disposal for this purpose amounted to 322,050 euros.

For employees, the year 2013 was the first period of performance for performance-based payment. In 2012, we had entered into a work agreement with the staff council necessary for this purpose. The distribution of funds will take place in the course of 2014.

Balancing work and family life

As a family-friendly employer we place great emphasis on family-oriented personnel policy and the promotion of work-family balance at our office. In 2013, we took further steps to strengthen our commitment in this area.

Based on the successful partnership with the City of Munich and the Association for Social Work *(Verein für Sozialarbeit)*, which operates our on-site nursery, we extended the number of available childcare places for young children to 36 in total in 2013. Within the scope of this cooperation, the construction work carried out was funded by the DPMA. All children of our staff for whom a childcare place had been applied for were offered a place at our nursery.

Furthermore, we offer a large range of different part-time work options that can be arranged to suit individual needs. More than one sixth of staff currently make use of this offer.

Under our flexitime scheme, staff can manage their working time flexibly. In addition, staff have the option to build up hours in credit to allow them to take whole days off later, helping them to reconcile the demands of work and family life.

Thanks to the continuous extension of the teleworking scheme, 420 staff have made use of this family-friendly offer since 2013 and have carried out part of their work from home.

Since 2013, another parent and child room has been available for staff to bring their child to work in case of gaps in childcare or an unexpected breakdown in childcare arrangements.



Workplace health management – staying healthy at the DPMA

For us, the health of our staff is a crucial success factor of particular strategic importance. In this context, our main aims are to create a healthy working environment, work organisation and work processes and to promote health competencies of executives and staff.

In 2012, TÜV Süd Life Service GmbH undertook a status analysis of the workplace health management. In 2013, we launched a project to act on the recommendations for creating more efficient workplace health management structures. By this means, the necessary organisational basis for a holistic health management also comprising work safety will be developed. We want to enshrine health in our vision, strategy and governance. In future, we aim to take a more targeted approach to identifying health risks and health chances from which we seek to derive, jointly with staff, appropriate measures, which are verifiable.

We are pleased that many of our staff are interested and take part in the various activities which we already offer within the framework of workplace health promotion. On occasion of the fifth health action day, the health forum invited all staff to continuously collect health points on a fitness sheet. Many activities have become established over the years within the framework of workplace health promotion. The activities range from fitness classes for different target groups run by qualified fitness instructors to physical exercises during lunch break or on the way to work to big events such as participation in the Munich corporate run. Once again, 130 runners of the DPMA successfully completed the course through the Olympic Park, cheered on and supported by many colleagues. Staff also collected points on their fitness sheets by regularly taking the stairs, attending vision training and receiving guidance by one of the 65 ergonomics consultants. It was also possible to attend blood donation sessions, a one-day event dedicated to the prevention of addiction and a range of lectures covering many facets of health. Finally, on the 2013 health action day, which was themed “Look after your back”, the participants were awarded prizes for their commitment. And it is not only on the annual health action day that we want to remind our staff that a balanced diet is a very important part of staying healthy and productive: our cafeteria also ran several campaign weeks to raise awareness of healthy eating.

The staff of the Jena Sub-Office also had the opportunity to find out more about a healthy life(style) at the local health action day, for example, to learn about nutrition at the workplace or to attend medical check-ups.

With these initiatives, we want to strengthen motivation of our staff at different levels to keep themselves fit and productive.



INSIDE THE DPMA

Change management – challenge posed by restructuring

For a good decade, the German Patent and Trade Mark Office (DPMA) has been going through a profound restructuring process. In the IP areas of patents, utility models and trade marks, paper-based tasks have been replaced to a large extent by electronic work processes. Most of the staff affected by this process took up work at the DPMA in the 80s and 90s when there were no personal computers and computer technology hardly played a role in everyday life.

As a government agency our human resources strategy has always adhered to the principle of not making any staff redundant due to operational reasons – unlike in industry where that personnel measure is used by companies when faced with comparable challenges. Furthermore, the staff concerned should neither suffer financial loss nor have to move to another location.

It was only possible to achieve these goals by following our personnel policy with a sense of proportion. On the one hand, we have gradually filled positions vacated through retirement-related turnover in other areas of the DPMA with staff whose jobs were eliminated through restructuring. On the other hand, it was necessary to retrain our staff for the newly created IT-based jobs.

Over the course of the years the approach adopted by HR officers to fulfil this highly challenging task has significantly changed and further developed.

During the first great restructuring process, when the **DEPATIS** database (German patent information system) was introduced, jobs disappeared in the administration of what is commonly termed search file. Roughly 100 staff were affected. As the tasks were eliminated step by step, it was possible to master this challenge by direct cooperation between the line managers of the affected staff and the responsible HR managers. Gradually, the staff were redeployed to posts in other areas of our organisation that matched their personal skills.

The next extensive restructuring process was the introduction of the electronic IP case file **DPMApatente/gebrauchsmuster**. That however did not take place step by step. Rather the whole system change had to be concluded by 1 June 2011 and the paper-based management of patent and utility model documents had to be fully maintained until that date. It had to be ensured that the electronic processing system was fully operational from 1 June 2011. Virtually overnight, over 200 jobs were eliminated. With a view to that event, we took care for many years that staff leaving the office due to retirement were only replaced by staff with temporary employment contracts. In spite of that policy, about 160 permanent staff were still affected.

To overcome the challenges we have launched a project to accompany changes. The key staff of the DPMA working in the areas personnel, organisation, communication and training were entrusted with change management tasks in addition to their line functions and worked together in a core project.

We worked out the details of the necessary measures in several sub-projects and implemented the measures in the projects or in the respective line structure. In this context, we have occasionally developed completely new tailor-made solutions. For example, in a large-scale aptitude assessment, we compared the knowledge, skills and work preferences of the affected staff with the requirement profiles of the newly created positions (digitising incoming mail, subsequent processing of incoming mail, digitising of paper files and remaining paper-based work). We transparently communicated all measures and provided equal opportunities of access to new jobs to all staff affected.

Several months before the launch of the project, the affected staff were released from the conventional paper-based tasks and received training to upgrade their skills for the new tasks. In the meantime, paper-based operations were maintained by employing temporary staff, for example, civil servants of the successor companies to the former state-owned post office.

Currently, we change over to full electronic case files in the trade mark area, too. For this purpose, we have retained the project structure. We will again rely on the well-tried instruments and are fully committed to the new challenges ahead, for example, the introduction of the system at two locations, Munich and Jena.



Finances

A thoroughly sound budget

The German Patent and Trade Mark Office (DPMA) concluded the financial year 2013 once again with an increase in fee income and exceedingly positive financial results. The DPMA thus has continued its sound financial policy, which has been pursued for years. With an overall income of 340.7 million euros (increase by 4.54% compared to 2012), a new record high was reached.

The overall expenditure of 268.2 million euros was lower than the income. The increase in expenditure (3.31%) over the previous budget year is due to the rising contributions to the pension fund. Personnel expenditure increased moderately by 2%.

Table 24
Income and expenditure of the DPMA and the Federal Patent Court (in million euros)

	2012	2013	Changes in %
Income	**325.9**	**340.7**	**+ 4.54**
Expenditure	**259.6**	**268.2**	**+ 3.31**
including personnel	**143.3**	**146.0**	**+ 1.88**

IN FOCUS

Introduction of the SEPA direct debit scheme

The Budget Section – within which the Payment Transactions Unit in particular – successfully met the challenge of SEPA (Single Euro Payments Area) in 2013. SEPA has introduced a uniform scheme for cashless payment transactions (credit transfers, direct debiting) in Europe, including Germany. It is valid for payments in euro in the 28 EU member states as well as in Iceland, Liechtenstein, Monaco, Norway, San Marino and Switzerland.

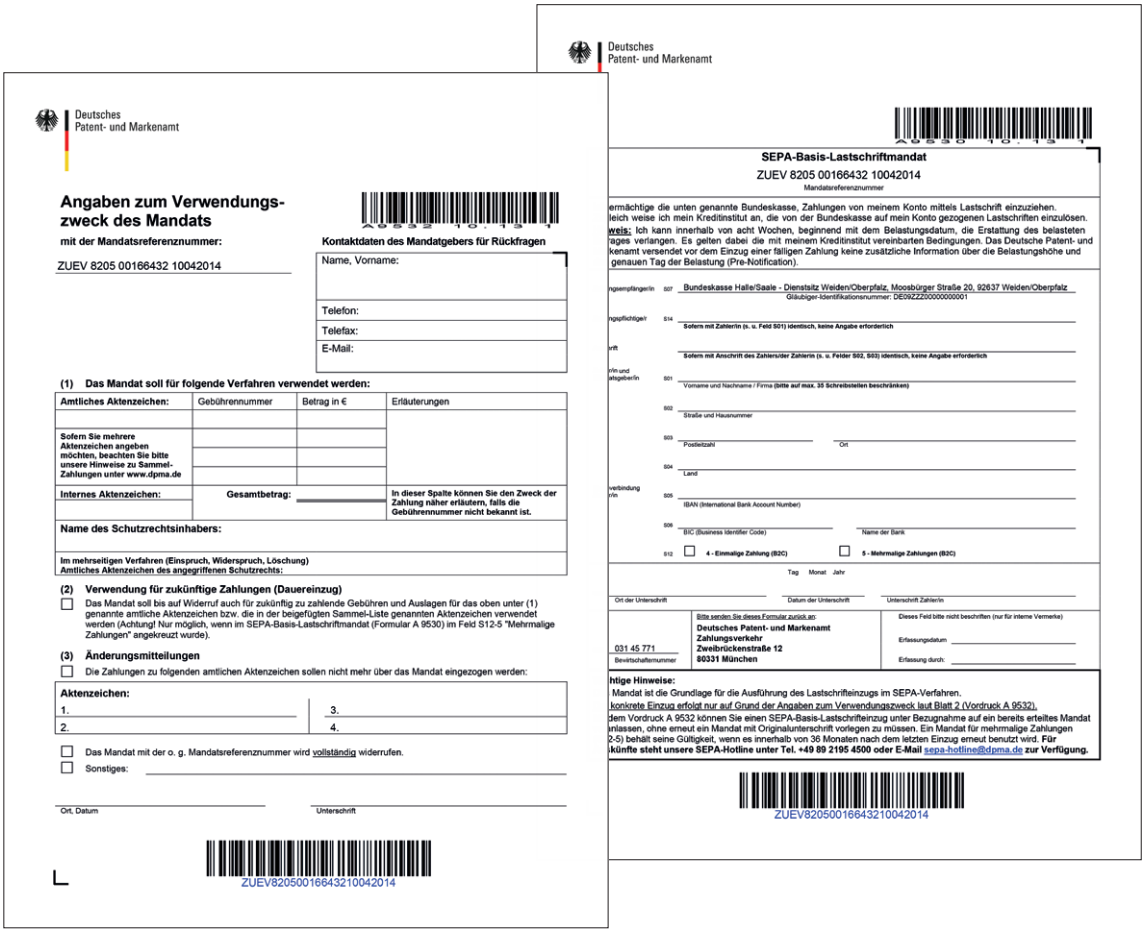
Due to the close cooperation with the Information Department, the units dealing with the respective IP rights, the Legal Division and the responsible divisions at the Federal Ministry of Justice, near-perfect transition from the old proven direct debit authorisation scheme to SEPA was possible as early as 1 December 2013.

There are some new procedures relating to the direct debit scheme that need to be noted. For example, it is required to fill in a "SEPA Core Direct Debit" form. Our website has a web service to comfortably download this form with automatic assignment of a mandate reference number, thereby making it absolutely easy to use this new scheme.

The customers who have already authorised a mandate can submit the new "Specification of the purpose of use of the mandate" form to use the direct debit scheme without additional effort.

An identifying mandate reference number was assigned to customers who had already authorised direct debiting. In addition, almost 26,000 customers received detailed information around the introduction of the new scheme.

www.dpma.de/english/service/notice_no_8_13/



Deutsches Patent- und Markenamt

Angaben zum Verwendungszweck des Mandats

mit der Mandatsreferenznummer:

ZUEV 8205 00166432 10042014

Kontaktdaten des Mandatgebers für Rückfragen

Name, Vorname:

Telefon:

Telefax:

E-Mail:

(1) Das Mandat soll für folgende Verfahren verwendet werden:

Amtliches Aktenzeichen:	Gebührennummer	Betrag in €	Erläuterungen
Sofern Sie mehrere Aktenzeichen angeben möchten, beachten Sie bitte unsere Hinweise zu Sammel-Zahlungen unter www.dpma.de			
Internes Aktenzeichen:	Gesamtbetrag:		In dieser Spalte können Sie den Zweck der Zahlung näher erläutern, falls die Gebührennummer nicht bekannt ist.

Name des Schutzrechtsinhabers:

Im mehrseitigen Verfahren (Einspruch, Widerspruch, Löschung) Amtliches Aktenzeichen des angegriffenen Schutzrechts:

(2) Verwendung für zukünftige Zahlungen (Dauereinzug)

☐ Das Mandat soll bis auf Widerruf auch für zukünftig zu zahlende Gebühren und Auslagen für das oben unter (1) genannte amtliche Aktenzeichen bzw. die in der beigefügten Sammel-Liste genannten Aktenzeichen verwendet werden (Achtung! Nur möglich, wenn im SEPA-Basis-Lastschriftmandat (Formular A 9530) im Feld S12-5 "Mehrmalige Zahlungen" angekreuzt wurde).

(3) Änderungsmitteilungen

☐ Die Zahlungen zu folgenden amtlichen Aktenzeichen sollen nicht mehr über das Mandat eingezogen werden:

Aktenzeichen:

1. 3.

2. 4.

☐ Das Mandat mit der o. g. Mandatsreferenznummer wird vollständig widerrufen.

☐ Sonstiges:

Ort, Datum Unterschrift

ZUEV8205001664321004 2014

Deutsches Patent- und Markenamt

SEPA-Basis-Lastschriftmandat

ZUEV 8205 00166432 10042014

Mandatsreferenznummer

ermächtige die unten genannte Bundeskasse, Zahlungen von meinem Konto mittels Lastschrift einzuziehen. leich weise ich mein Kreditinstitut an, die von der Bundeskasse auf mein Konto gezogenen Lastschriften einzulösen. weis: Ich kann innerhalb von acht Wochen, beginnend mit dem Belastungsdatum, die Erstattung des belasteten tages verlangen. Es gelten dabei die mit meinem Kreditinstitut vereinbarten Bedingungen. Das Deutsche Patent- und kenamt versendet vor dem Einzug einer fälligen Zahlung keine zusätzliche Information über die Belastungshöhe und genauen Tag der Belastung (Pre-Notification).

ngsempfänger/in S07 Bundeskasse Halle/Saale - Dienstsitz Weiden/Oberpfalz, Moosbürger Straße 20, 92637 Weiden/Oberpfalz
Gläubiger-Identifikationsnummer: DE09ZZZ00000000001

ngspflichtige/r S14 Sofern mit Zahlerin (s. u. Feld S01) identisch, keine Angabe erforderlich

yrft Sofern mit Anschrift des Zahlers/der Zahlerin (s. u. Felder S02, S03) identisch, keine Angabe erforderlich

r/in und ahlgeber/in S01 Vorname und Nachname / Firma (bitte auf max. 35 Schreibstellen beschränken)

S02 Straße und Hausnummer

S03 Postleitzahl Ort

S04 Land

verbindung r/in S05 IBAN (International Bank Account Number)

S06 BIC (Business Identifier Code) Name der Bank

S12 ☐ 4 - Einmalige Zahlung (B2C) ☐ 5 - Mehrmalige Zahlungen (B2C)

Tag Monat Jahr

Ort der Unterschrift Datum der Unterschrift Unterschrift Zahler/in

031 45 771
Bewirtschafternummer

Bitte senden Sie dieses Formular zurück an:
Deutsches Patent- und Markenamt
Zahlungsverkehr
Zweibrückenstraße 12
80331 München

Dieses Feld bitte nicht beschriften (nur für interne Vermerke)
Erfassungsdatum
Erfassung durch:

htige Hinweise:
Mandat ist die Grundlage für die Ausführung des Lastschrifteinzugs im SEPA-Verfahren.
konkrete Einzug erfolgt nur auf Grund der Angaben zum Verwendungszweck laut Blatt 2 (Vordruck A 9532).
dem Vordruck A 9532 können Sie einen SEPA-Basis-Lastschrifteinzug unter Bezugnahme auf ein bereits erteiltes Mandat nlassen, ohne erneut ein Mandat mit Originalunterschrift vorlegen zu müssen. Ein Mandat für mehrmalige Zahlungen 2-5) behält seine Gültigkeit, wenn es innerhalb von 36 Monaten nach dem letzten Einzug erneut benutzt wird. Für künfte steht unsere SEPA-Hotline unter Tel. +49 89 2195 4500 oder E-Mail sepa-hotline@dpma.de zur Verfügung.

ZUEV8205001664321004 2014



International cooperation

In the age of globalisation, contact with IP institutions abroad and an active exchange of information and experience is of growing importance to the German Patent and Trade Mark Office (DPMA). We are aware of the significant role the DPMA plays in the international system as one of the biggest national patent offices and want to live up to the responsibility. Due to new emerging economic areas and a rising demand for IP rights, the efforts to make international applications easier for customers of the DPMA has become a continuing focus of attention of our work.

www.dpma.de

International cooperation projects

We have strengthened and further developed our bilateral contacts with the IP offices in Australia, Brazil, Canada, China, Finland, Japan, Singapore, South Korea, the United Kingdom (UK) and the United States of America (USA) in 2013. Two cooperation projects are at the centre of cooperation with our international partners: the Patent Prosecution Highway (PPH) and the patent examiner exchange.

Patent Prosecution Highway (PPH)

The aim of the Patent Prosecution Highway (PPH) is to enhance the efficiency of the patent examining process and to improve examination quality. This is achieved through sharing of work results by participating offices.

A successful PPH request allows applicants to benefit from accelerated examination of their patent application at the DPMA or another foreign patent office without additional cost. Applicants can benefit from this scheme if a bilateral PPH agreement is in place with the partner office. Fast-track examination is possible if a corresponding patent application was filed at the respective other office and at least one patent claim was determined to be allowable by that office. Using the search results of the office of earlier examination will enable the office of later examination to grant corresponding patents faster and more efficiently. However, neither we nor the respective partner office is bound by the decisions of the other authority.

Although the first PPH pilot programme between the US Patent and Trademark Office (USPTO) and the Japan Patent Office (JPO) was launched not before 2006, bilateral PPH agreements were in place between as many as 30 offices in 2013.

We, too, are expanding our bilateral PPH agreements. In 2013, the DPMA ran six PPH pilot programmes with the offices of Japan (since 2008), the United States of America (since 2009), South Korea and Canada (both since 2010), China and the United Kingdom (both since 2012). On 1 January 2014, a new PPH pilot with the National Board of Patents and Registration of Finland (NBPR) (now Finnish Patent and Registration Office [PRH]) was launched. Moreover, we plan to conclude further agreements on PPH pilots with the Intellectual Property Office of Singapore and the Austrian Patent Office in 2014.

The PPH is constantly developing also at the international level: at the beginning of 2014, for the first time, we will start two plurilateral PPH pilot programmes. One of them was initiated by the five biggest patent offices, referred to as IP5 (the United States of America, Japan, South Korea, China and the European Patent Office). A total of 13 patent offices will participate in the other plurilateral PPH pilot, among them the US Patent and Trademark Office, the Japan Patent Office and the Russian Federal Service for Intellectual Property as well as the UK Intellectual Property Office.

Patent examiner exchange

Great importance is placed on cooperation between the DPMA and national patent offices of other countries. In this context, personal contacts and the exchange of experience are indispensable. Since 2000, we have run examiner exchange programmes with partner offices worldwide. It enables our patent examiners to get an insight into patent examination and practice at another national patent office.

In 2013, DPMA patent examiners visited the IP offices in the United Kingdom, Japan, China and Australia. We were pleased to welcome examiner colleagues from Japan and Korea for a return visit in the reporting year.

Cooperation with national offices

Within the framework of cooperation with other national offices, we intensified our bilateral contacts with the IP offices of Australia, Brazil, China, Finland, Japan, Singapore, South Korea, the United Kingdom and the United States of America in 2013.

↗ Australia

The exchange of experience, agreed upon with IP Australia in 2011, was continued in 2013, too. Two patent examiners of the DPMA visited their colleagues in Canberra for two weeks in December 2013. A return visit by Australian patent examiners to the DPMA is scheduled for autumn 2014.



DPMA patent examiners at IP Australia

↗ Brazil

It was possible to intensify our long-standing cooperation with the IP office of Brazil (*Instituto Nacional da Propriedade Industrial* [INPI]) in the year under review. In November 2013, a DPMA delegation headed by Dr Christian Heinz, Head of Department 1 Patents II, visited INPI. During the visit, the "Joint Memorandum of Understanding on Bilateral Cooperation" between the two offices of 2010 was extended by a further two years. At the same time, DPMA examiners held a training course on patent search and examination in the field of metallurgy for their Brazilian colleagues at INPI, which was jointly organised by both offices.



Deputy Commissioner Yang and Vice-President Schmitz signing a data exchange agreement

↗ China

For almost 30 years we have had a close partnership with the State Intellectual Property Office of the People's Republic of China (SIPO). In 2013, cooperation with SIPO again held a prominent position among our bilateral cooperation projects.

The visit of a high-ranking delegation headed by SIPO Deputy Commissioner Yang Tiejun to our office in June 2013 marked a significant milestone in the cooperative partnership between the DPMA and SIPO. A focal point of the visit was the signing of a data exchange agreement. On the one hand, this exchange of data helps to promote searches and make them easier for examiners of both offices. On the other hand, data exchange will enable the public to gain access to IP information of both offices for the purpose of identifying, managing and monitoring IP rights.

Future cooperation between the DPMA and SIPO was also the subject of discussion when Vice-President Günther Schmitz and a DPMA delegation visited Deputy Commissioner Dr Li Yuguang in September 2013.



Deputy Commissioner Dr Li, Vice-President Schmitz and delegations

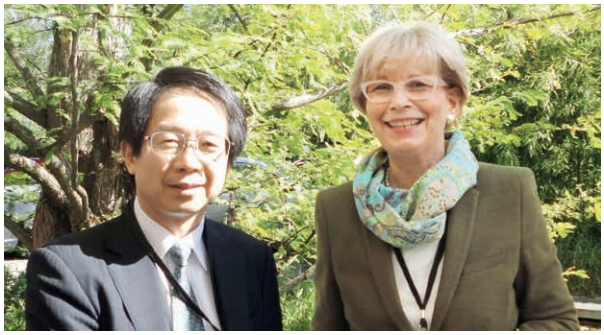
In December 2013, a seminar on utility model law took place at SIPO in Beijing. The seminar was attended by representatives of SIPO, the United States Patent and Trademark Office (USPTO), the Korean Intellectual Property Office (KIPO), the Japan Patent Office (JPO) and also by one DPMA representative. The group of participants also comprised patent attorneys, inventors as well as company representatives from China and many other countries. In addition to presentations on the history, development and significance of utility model law in the individual countries, the seminar offered extensive opportunities to exchange experience and share best practices among attendees.

In December 2013, Dr Christian Heinz, Head of Department 1/II welcomed another high-ranking SIPO delegation, headed by Zeng Wuzong, Deputy Commissioner of SIPO. The key themes of the visit to our office were the current developments at SIPO and the current developments at the DPMA, presented by Dr Christian Heinz.



Deputy Commissioner Zeng, Dr Heinz and delegations

Since 2008, the exchange of patent examiners with SIPO has been a regular component of our cooperation. In December 2013, three DPMA patent examiners visited their counterparts at SIPO. A return visit by SIPO examiners to the DPMA is intended for 2014.



Commissioner Hato and President Rudloff-Schäffer

↗ Finland

Cooperation with the Finnish Patent and Registration Office (PRH) (formerly, National Board of Patents and Registration of Finland [NBPR]) began in 2013. In December 2013, President Cornelia Rudloff-Schäffer and PRH Director General Rauni Hagman signed a Memorandum of Understanding on the Patent Prosecution Highway.

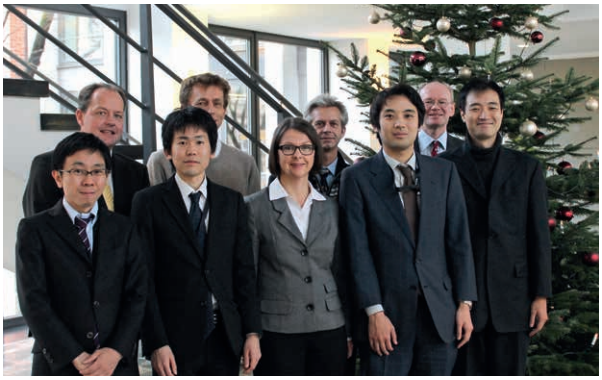


DPMA President Rudloff-Schäffer and PRH Director General Hagman signing the PPH agreement

↗ Japan

Annual examiner exchange programmes with Japan and its patent office (JPO) have been in place for more than 13 years – and hence longer than with any other partner country. In April 2013, four of our patent examiners visited the JPO within the scope of a return visit following a visit by four JPO patent examiners to the DPMA in November 2012. In December 2013, we again had the opportunity to host a visit by four examiner colleagues of the JPO. A return visit to the JPO is planned for 2014.

Apart from the examiner exchange programmes, the JPO also holds a prominent position with regard to PPH pilots of the DPMA. In March 2008, the JPO was the first office to launch a PPH pilot programme with the DPMA.



JPO examiners visiting the DPMA

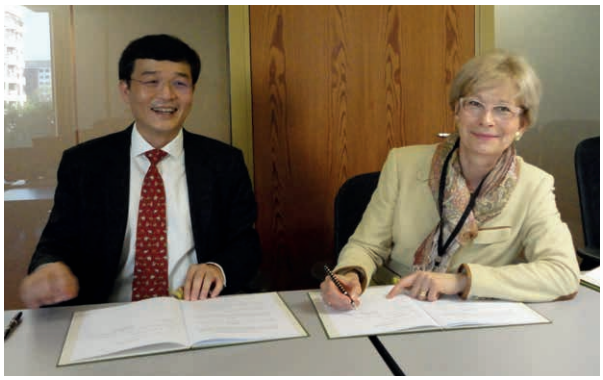
At a meeting in Geneva, in September 2013, President Cornelia Rudloff-Schäffer and JPO Commissioner Hideo Hato emphasised the importance of the existing PPH agreement for the two offices. Further international issues, such as the introduction of the standard patent classification at the JPO and the attitude to plurilateral PPH programmes, were subjects of these intensive discussions.

↗ Canada

A PPH pilot programme with the Canadian Intellectual Property Office (CIPO) has existed since 2010.
In September 2013, President Cornelia Rudloff-Schäffer and Sylvain Laporte, Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer of CIPO, talked about the measures taken by both offices to raise public awareness for effective protection of intellectual property in a meeting in the margins of the WIPO Assemblies in Geneva. In this context, President Rudloff-Schäffer explained cooperation of the DPMA with the patent information centres (PIZ) and the role of the DPMA in the training of German patent attorneys.

↗ Singapore

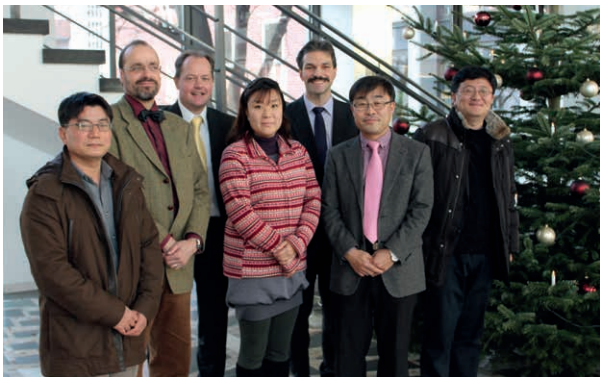
In 2013, we also started working together with the Intellectual Property Office of Singapore (IPOS). On 24 September 2013, President Cornelia Rudloff-Schäffer and her Singaporean counterpart, Tan Yih San, signed a Joint Memorandum of Understanding on Bilateral Cooperation in Geneva. The main areas of future cooperation will include the patent examination procedure, training and development of staff and data exchange. Enhanced cooperation also focuses on the optimisation of mutual search options and an intensive exchange of information on the patent procedure. The signing of an agreement on a PPH pilot is scheduled for 2014.



Commissioner Tan and President Rudloff-Schäffer

↗ South Korea

Bilateral cooperation between the DPMA and its Korean partner office, the Korean Intellectual Property Office (KIPO), is based on two successful cooperation programmes: a PPH pilot programme, running since June 2010, and the examiner exchange, which was launched as early as 2006.
In December 2013, four patent examiners of KIPO visited our office for a week. A return visit to KIPO is planned to take place in 2014.



KIPO examiners visiting the DPMA

↗ United Kingdom

As early as 2002, the Intellectual Property Office of the United Kingdom (UK IPO) and the DPMA started a regular examiner exchange programme. In April 2013, three examiners visited the UK IPO. Quality management issues at both offices were discussed in addition to an exchange of results in the patent examination procedure. Also in April 2013, the existing PPH agreement was extended by two years.



Patent examiners at the UK IPO

↗ United States of America

Cooperation between the DPMA and the United States Patent and Trademark Office (USPTO) was strengthened by a PPH pilot programme in 2009 and by a Joint Memorandum of Understanding on Bilateral Cooperation in 2012. In December 2013, President Cornelia Rudloff-Schäffer met the Commissioner for Patents, Margaret A. Focarino, at the DPMA in Munich. The talks focused on intensifying future cooperation. It is intended to jointly organise a PPH user symposium and revive the exchange programme for patent examiners.



Commissioner of Patents Focarino and President Rudloff-Schäffer

International developments

European patent and unified patent jurisdiction

On 20 January 2013, the regulation creating a European patent with unitary effect, approved by the European Parliament and the Council of the European Union, and the related regulation establishing a language regime entered into force. However, they will only be applicable from the day when the Agreement on a Unified Patent Court enters into force. The regulations will apply to the 25 EU member states participating in the enhanced cooperation to create a unitary patent system. Spain, Italy and Croatia do not participate in the cooperation scheme; therefore, the scope of protection of the European unitary patent will not yet extend to the territory of these countries.

The new European unitary patent must be distinguished from the existing European patent. Currently, applicants can apply to the European Patent Office for the classical European patent for 38 contracting states of the European Patent Convention (EPC), however, after grant, the European patent is not uniformly valid in the designated contracting states but splits into individual national patents. The unitary European patent now introduces the possibility of unitary protection. In future a European patent granted by the European Patent Office pursuant to EPC provisions and procedures, upon request by the patent owner, will be given unitary effect for the territory of the 25 member states participating in the enhanced cooperation. Therefore, in contrast to the classical European patent, the unitary patent is no bundle of patents but a patent with unitary effect.

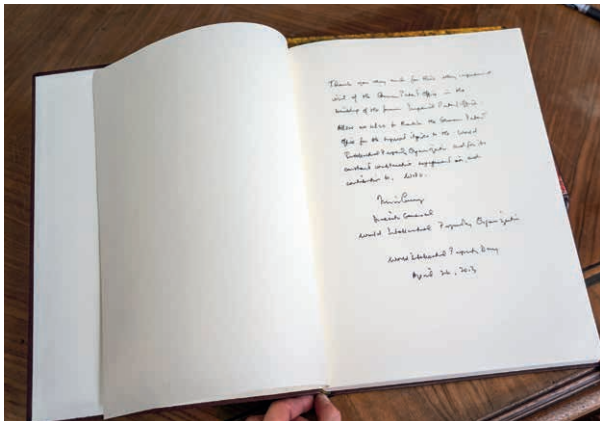
However, before the first European unitary patent can be granted the third component of what is known as the “unitary patent package”, the agreement on setting up a Unified Patent Court, must also enter into force. On 19 February 2013, 25 member states including Italy signed this agreement. Poland was the only participant in the enhanced cooperation that did not sign the agreement, but may later accede to the agreement like all other EU member states that have not yet signed.

The agreement will enter into force when it has been ratified by at least 13 EU member states that must include France, Germany and the United Kingdom and when the “Brussels I Regulation” of 12 December 2012 (Regulation (EU) no. 1215/2012) has been amended to bring it into line with the new legislation. On 6 August 2013, Austria was the first contracting state that deposited an instrument of

ratification, followed by France on 14 March 2014. In Malta, the Members of Parliament unanimously accepted the agreement on 21 January 2014, however the instrument of ratification has not yet been deposited. 2015 is generally expected to be the earliest date for entry into force.

The Unified Patent Court will have jurisdiction with regard to legal disputes about European unitary patents as well as in respect of the classical European patents. It will be possible to opt out of the Unified Patent Court system during an (extendable) transitional period of seven years: during that time actions for infringement or for revocation of a classical European patent may still be brought before the national courts or other national authorities having jurisdiction.

Currently, the Rules of Procedure for the Unified Patent Court are being prepared. Between June and early October 2013, the draft Rules of Procedure were the subject of broad public consultations. The pre-selection procedure for candidates both for the position of legally as well as technically qualified judge of the new court has already begun. A call for expression of interest of candidate judges was launched, for which applications had to be submitted by 15 November 2013.



Guest book entry by Dr Gurry

Cooperation with the World Intellectual Property Organization (WIPO)

A highlight of the year 2013 was the visit of Dr Francis Gurry, the Director General of the World Intellectual Property Organization (WIPO), to the Berlin Sub-Office of the DPMA on 26 April 2013. WIPO is a specialised agency of the United Nations with headquarters in Geneva and an umbrella organisation responsible for the administration of numerous worldwide treaties on the protection of intellectual property.
The visit to the Technical Information Centre Berlin (TIZ) on World Intellectual Property Day was dedicated to development cooperation in the field of intellectual property. The question of how to effectively support and promote the protection of intellectual property in developing countries was discussed by Dr Francis Gurry, WIPO Deputy Director General Dr Christian Wichard and Dr Thomas Fitschen, the ambassador of the Permanent Mission of Germany to the United Nations in Geneva, representatives of the Federal Ministry of Justice, the Federal Ministry for Economic Cooperation and Development, the IRZ Foundation *(Deutsche Stiftung für internationale rechtliche Zusammenarbeit)* and the DPMA. The visit was rounded off by a tour of the more than 100-year-old Berlin office building. During his visit to the historical examiner's office Dr Francis Gurry signed the guest book of the DPMA.

In October 2013, an opportunity opened to organise, in cooperation with WIPO, a training course on patent examination in the area of biotechnological inventions. The training course at the DPMA in Munich was attended by 14 patent examiners from the following countries: Belarus, Egypt, Georgia, Kenya, the former Yugoslav Republic of Macedonia, Malaysia, Pakistan, the Philippines, Saudi Arabia, the Slovak Republic, Ukraine and Viet Nam.
Furthermore, the DPMA again actively participated in the decision-making processes in various WIPO committees in 2013.



Dr Gurry and President Rudloff-Schäffer at the TIZ



Participants in the WIPO training on the roof deck

Cooperation with the European Patent Office

The DPMA has a long-standing and close working relationship with the European Patent Office, which celebrated the 40th anniversary of its establishment in 2013. The European Patent Office located in Munich, The Hague, Berlin, Vienna and Brussels is the executive arm of the European Patent Organisation (EPOrg). 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 2013, the DPMA was again represented in the various EPO committees and also continued cooperation with the European Patent Office within the scope of bilateral projects.





Events in 2013

5 February 2013

Anniversary of the Hauzenberg branch office

On 5 February 2013, we celebrated the 20th anniversary of the Hauzenberg typing office in the Hauzenberg town hall.

In addition to the staff of the branch office, the Vice-President of the DPMA, Günther Schmitz, the Mayor of Hauzenberg, Gudrun Donaubauer, as well as the late Parliamentary State Secretary of the Federal Ministry of Justice, Dr Max Stadler, and the Head of Division Z A 1 of the Federal Ministry of Justice, Rainer Ettel, attended the ceremony.

Vice-President Schmitz praised the performance of the typing office for their quality and significance for our office and thus our customers. Mayor Donaubauer pointed out the relevance of the DPMA as a federal authority with special duties and many secure jobs to her town. Dr Max Stadler also emphasised the DPMA's role as an important employer for the region of Lower Bavaria/Bavarian Forest.



Vice-President Schmitz, the Head of the typing office Helga Fischer, Dr Stadler and Mayor Donaubauer celebrate the anniversary of the Hauzenberg typing office.

7 February, 11 July and 7 November 2013

Jena lectures

The Jena lectures on industrial property and copyright, launched as early as 2001, have been very popular ever since. They were initiated by our Jena Sub-Office in co-operation with Professor Dr Volker Michael Jänich (Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection, Friedrich Schiller University Jena). Since then, IP experts have discussed current intellectual property issues within the scope of this lecture series several times a year.
The centre-east district group of the Association of Intellectual Property Experts (VPP) have supported the free lecture series as co-organiser.

In 2013, three Jena lectures were offered on the following topics:

- **"Recent developments regarding the concept of 'work' in copyright law and its impact on applied arts"**
  Professor Axel Nordemann (Dr. jur.),
  BOEHMERT & BOEHMERT

- **"Employee inventions law in practice at the Arbitration Board of the German Patent and Trade Mark Office"**
  Ulrich Himmelmann (Dr. jur.),
  DPMA

- **"Mediation between copyright holders and users of copyright works as practised by the Arbitration Board of the German Patent and Trade Mark Office"**
  Jörg Portmann, DPMA

If you are interested in the Jena lectures
please contact Carmen Lüders (phone: +49 3641 40-5501, e-mail: **carmen.lueders@dpma.de**).



Panelists at the seminar on "The European 'Patent Package'"

6 March 2013

Seminar "The European 'Patent Package'"

On 6 March 2013, a seminar exploring the theme "The European 'Patent Package'" took place at the **DPMAforum**. The event co-organised by the German Association for the Protection of Intellectual Property (GRUR) and the DPMA was part of a series of events that marked the launch of the publishing partnership of the legal journals, GRUR-International (GRUR-Int.) and the Journal of Intellectual Property Law and Practice (JIPLP).

Various lectures presented what is commonly termed as the "unitary patent package" to the roughly 200 attendees. This package consists of the regulation on the unitary patent, the regulation regarding the language regime and the agreement on setting up a Unified Patent Court. The unitary patent offers the possibility to be granted protection in 25 member states of the European Union (except for Spain, Croatia and Italy) by filing a patent application at the European Patent Office. The issue was thoroughly analysed in the subsequent panel discussion, which also provided the opportunity to address and debate questions raised by the audience of experts.

8 April 2013

Participation of the DPMA in the "witelo" cooperation union

How to get an egg into a bottle? An experiment will quickly bring light into the dark. The objective of the common platform "witelo – scientific/technical learning locations in Jena" is to familiarise teachers, pupils and parents with extra-curricular learning opportunities. The Jena network of administrative bodies, business and science, which is referred to as "alliance for knowledge and growth", is behind this platform. Together with other partners the network aims to support new projects and to provide information about existing out-of-class learning activities in addition to the Jena opportunities.

We contributed to this initiative by holding lectures on intellectual property protection followed by guided tours of the Jena Sub-Office.

24 April 2013

Trade Mark Day – "Trade mark and domain" in Erfurt

In the year 2000, 26 April was declared World Intellectual Property Day by the World Intellectual Property Organization (WIPO) and has been celebrated on this day ever since. Trade mark and domain was the theme of Trade Mark Day, which took place on occasion of the 2013 World IP Day at the Erfurt Chamber of Commerce and Industry (IHK) on 24 April 2013. This day offered new insights and ideas for many interested participants thanks to the joint initiative in cooperation with the patent centre of Thuringia (PATON), the Erfurt Chamber of Commerce and Industry (IHK), the German Association for Small and Medium-sized Businesses (BVMW), the Foundation for Technology, Innovation and Research Thuringia (STIFT) and the Enterprise Europe Network.

25 April 2013

Girls´Day at the DPMA

On 25 April 2013, the DPMA participated for the eighth time already in the nationwide action day "Girls'Day". Female pupils of ten years or older have the chance to discover the professional world of technology, craft trades, engineering and science or to get to know female role models in executive positions in business and politics.

This year, 27 girls between the ages of twelve and fourteen took part in our event. After some words of welcome and an introductory presentation on IP rights, the girls tried to invent something technologically new themselves. The participants performed this task with a lot of commitment and creativity. Afterwards, the girls had a lot of fun testing the inventions practically.

Following a joint lunch, the young inventors gained insight into the work of a patent examiner. The girls also had the chance to learn about the skilled occupations for which apprenticeship training is available at the DPMA.

26 April 2013

Series of events on the World Intellectual Property Day of the World Intellectual Property Organization (WIPO)

The World Intellectual Property Day has been observed on 26 April since 2000. Many events worldwide demonstrate the value and significance of creativity and intellectual property and show how important it is to protect these ideas. To mark this day, an event is organised in Berlin by the Federation of German Industries (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 as the leading event in Germany. It is targeted at representatives from politics, the legal profession, government agencies, associations and industry.

16 May 2013

SME Innovation Day in Berlin

In 2008, the Federal Ministry of Economics and Technology (BMWi) launched a Central Innovation Programme SME (*Zentrales Innovationsprogramm Mittelstand* – ZIM) to boost the innovative capacity of small and medium-sized enterprises (SMEs). The ZIM programme will run until the end of 2014. It provides funding for outstanding research and development projects of SMEs, research institutes and cooperation networks from all over Germany. Once a year, the results are presented at the SME Innovation Day of the BMWi, which took place for the 20th time on 16 May 2013. More than 1,500 guests visited the industrial exhibition held on a green open space at the corporate grounds of AiF Projekt GmbH. The visitors were able to see for themselves the impressive products showcased by the 300 exhibitors, which provided evidence of the innovative strength of SMEs.

The event was opened by Ernst Burgbacher, Member of the German *Bundestag*, Parliamentary State Secretary at the BMWi and Federal Government Commissioner for SMEs and Tourism, who presented the ZIM award to this year's prize winners.

The information services of the DPMA were met with great interest. During the discussions with visitors it became evident that many of them had a general knowledge about industrial property rights and the importance of IP for the success of innovations but nevertheless welcomed the opportunity to learn more about specific types of IP.

18 June 2013

Visit from Sabine Leutheusser-Schnarrenberger, Federal Minister of Justice

On 18 June 2013, the then Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger, visited the German Patent and Trade Mark Office. From 1979 to 1990, she worked at the DPMA in several positions. From 1992 to 1996 and from 2009 to 2013, she was Federal Minister of Justice.

Sabine Leutheusser-Schnarrenberger was accompanied by the now-retired Head of Directorate-General Z of the Federal Ministry of Justice, Dr Wolfgang Schmitt-Wellbrock, and the Head of Directorate III B of the Federal Ministry of Justice, Dr Christoph Ernst.



Group photo with Federal Minister Leutheusser-Schnarrenberger

The EU patent law revision and the possible consequences for our office associated with it were a focus at the meeting. Other topics included the latest developments in the field of the law on collecting societies. Finally, the Federal Minister of Justice learned about the current status of the project for the further development of the electronic trade mark system. Like with the introduction of the electronic case file in the area of patents and utility models, the success up to now is due to the very good cooperation of all persons involved at the DPMA and the support by the Federal Ministry of Justice.

26 June 2013

Visit from Cecilia Wikström,
Member of the European Parliament

On 26 June 2013, Cecilia Wikström visited the DPMA. She is a Member of the European Parliament (MEP) and the *rapporteur* of the European Parliament's Committee on Legal Affairs on the EU trade mark law revision.



Group photo with Cecilia Wikström

Cornelia Rudloff-Schäffer and Barbara Preißner, Head of the Trade Marks, Utility Models and Designs Department, welcomed MEP Wikström and her Policy Advisor Daniel Sjöberg and provided an overview of the office and the IP areas, particularly the Trade Marks, Utility Models and Designs Department. The meeting was also attended by the Head of Directorate III B of the Federal Ministry of Justice, Dr Christoph Ernst.

The hosts informed MEP Wikström about possible consequences of the envisaged EU trade mark law revision for the national offices, particularly for our office. There was a mutual consent that the goals of the European internal market and the EU trade mark law revision could only be achieved through a cooperation of the national offices with the Office for Harmonization in the Internal Market (OHIM) and that, in addition to the European trade mark system, national IP rights should continue to be attractive for small and medium enterprises.

23 July 2013

Working-level meeting with the German chamber of patent attorneys

This year's working-level meeting with the German chamber of patent attorneys *(Patentanwaltskammer)* was hosted by the latter on 23 July 2013. President Rudloff-Schäffer and Vice-President Schmitz as well as the Heads of the departments were engaged in a discussion with nine members of the executive board and management about matters of patent attorney training and examination as well as details of the patent law revision and the consequences of the electronic case file. The participants found the exchange to be insightful and constructive.

25 July 2013

Visit from Bernhard Rapkay,
Member of the European Parliament

Bernhard Rapkay, member of the Committee on Legal Affairs of the European Parliament, was a guest at our office on 25 July 2013. Cornelia Rudloff-Schäffer, President of the DPMA, and Barbara Preißner, Head of the Trade Marks, Utility Models and Designs Department, gave him an overview of our office and duties. They also discussed possible consequences of the EU trade mark law revision for the national trade mark offices.



Cornelia Rudloff-Schäffer and Barbara Preißner giving an overview of the DPMA to Bernhard Rapkay

1 September 2013

15th anniversary of the Jena Sub-Office

On 1 September 1998, the Jena Sub-Office was officially established. The decision of the Independent Commission on Federalism of 27 May 1992 aimed at strengthening federalism in Germany by asking for proposals to set up federal institutions in the new eastern German *Länder*. Jena was chosen as an additional location for the DPMA.

By assigning work to Jena, particularly in the trade mark area, the originally planned 189 jobs have grown to 235 in the following years, including ten positions for trainees. Apart from the Designs Unit and a trade mark division, our Jena Sub-Office today houses an administrative section and other organisational units, for example, an enquiry unit and a unit in charge of all direct debit mandates.

7 and 8 September 2013

Open Monument Day in Berlin

In 2013, the Technical Information Centre Berlin (TIZ Berlin) again participated in Open Monument Day, which traditionally takes place on the second weekend in September. 175 visitors were able to explore our historical office building in Berlin.

On both days, guests took part in 90-minute guided tours. They received information on the importance of industrial property rights, the history of the patent office in Berlin and about the building which is a listed monument.

Many visitors have left positive comments in the guest book:

"How nice that we had such an ingenious guide to show us around the patent office. Many thanks!"

"An exciting house – finally seen from inside! And inside, archived history! It was great!"

"Not only the size of the house is impressive but also the guided tour covering the history in detail."

These comments show us that we have much to offer to the public, an architecturally impressive house and, on top of that, interesting insights into our history.

24 September 2013

Meeting of the "Tegernsee Group" in Geneva

On 24 September 2013, the members of the Tegernsee Group met in Geneva, in the margins of the Series of Meetings of the Assemblies of the World Intellectual Property Office (WIPO). The group consists of Heads of offices and representatives of ministries from Denmark, France, Germany, Japan, the UK and the USA as well as the European Patent Office. The aim is to harmonise procedural and substantive provisions in the participating countries. In this context, user consultations had been conducted in the participating countries and regions, at the beginning of 2013, on four key issues identified by the group (grace period, mandatory publication of patent applications after 18 months from the priority date or filing date, treatment of conflicting applications (prior rights pursuant to Section 3(2) Patent Act *(Patentgesetz)*), the availability and form of prior user rights). The results of the national/regional user consultations were presented and discussed in depth in Geneva.



Cornelia Rudloff-Schäffer with members of the "Tegernsee Group"

10 October 2013

Ninth edition of MUT – the German entrepreneurs' day for medium-sized enterprises

On 10 October 2013, the ninth edition of MUT *(Mittelständischer Unternehmertag)*, the German entrepreneurs' day for medium-sized enterprises, took place in the Congress Center Leipzig under the auspices of the German Association for Small and Medium-sized Businesses (BVMW). This forum for medium-sized enterprises has been visited by around 4,000 representatives from industry, science and politics and garnered nationwide attention. MUT offered the opportunity to participate in numerous lectures, seminars, workshops as well as presentations of products and companies.

As in the previous year, we had an information stand and presented our services in our capacity as the national centre of competence in the field of industrial property rights together with the Leipzig patent information centre. The high level of interest and the range of questions from visitors to our stand showed that the protection of intellectual property is of particular relevance for medium-sized enterprises. If people receive professional advice on how to protect innovative ideas, there is a high probability that they really use IP rights.

17 October 2013

9th Jena Trade Mark Law Day

In 2013, the DPMA organised the 9th Jena Trade Mark Law Day at our Jena Sub-Office in collaboration with Friedrich Schiller University Jena and the German Brands Association *(Markenverband e.V.)* as a new cooperation partner.

Lectures on a variety of current topics, for example, the current developments and trends in various patent and trade mark offices and in international agreements attracted the interest of a large audience. The upcoming introduction of the common database on classification, the large number of legal changes to the procedure as well as examples of the decision practice of the DPMA were topics covered by the papers. A paper on the enforcement of trade mark rights in legal practice focused on issues concerning injunctive relief and likelihood of confusion. Furthermore, an experienced trade mark lawyer of our office talked about the intentions to revise EU trade mark law and about the negotiations in the Council Working Party on Intellectual Property in Brussels.

23 – 25 October 2013

IPorta workshop

In 2013, an international workshop to exchange experience between high-ranking officials took place in Tallinn (Estonia). The event was hosted by the Estonian Chamber of Commerce and Industry and was part of the EU project IPorta, the Europe-wide network of national IP offices.

Representatives from 17 European states came together to discuss how to further strengthen and coordinate the already existing cooperation. High-quality services on the topics of industrial property rights and intellectual property are to be provided particularly for small and medium enterprises (SMEs).

The TIZ Berlin of the DPMA with its successful coordination of national IP stakeholders was presented as an example to follow. Other presentations by representatives from the Office for Harmonization in the Internal Market (OHIM), the European Patent Office (EPO) as well as the China IPR SME Helpdesk dealing with a strategy to improve customer satisfaction rounded off this project workshop. More information is available at

www.innovaccess.eu

14 November 2013

Talks with representatives from business and industry *(Industriebesprechung)*

In 2013, we were pleased to welcome far more than 200 representatives from business, industry and professional associations as well as lawyers and patent attorneys to the annual DPMA user forum at our office.

President Rudloff-Schäffer, Vice-President Schmitz, Ministerialdirigent Dr Ernst of the Federal Ministry of Justice and Heads of the DPMA departments talked about current projects and developments at our office. The main focus of interest was on the consequences of the patent law revision adopted in 2013. Other key topics were online file inspection activated for patents and utility models at the beginning of 2014 and online application without digital signature for trade marks and designs.

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 in German at

http://presse.dpma.de/presseservice/industriebesprechung/index.html



Panelists at the talks with representatives from business and industry

18 – 24 November 2013

Entrepreneurship Week Germany

Within the framework of Global Entrepreneurship Week, a worldwide campaign in over 130 countries, more than 900 registered partners participated in the Entrepreneurship Week Germany, which took place in November. In 2013, we co-organised for the first time workshops, competitions and events focusing on the theme of self-employment together with other partners of Entrepreneurship Week. In our workshops we explained about the importance of intellectual property protection in this context.

Our information stand at the German Entrepreneurship Days (deGUT) in the former Berlin Tempelhof airport attracted great interest with start-ups and budding entrepreneurs. Our three lectures on the services offered by the DMPA and the importance of industrial property rights for young entrepreneurs and people starting up in business were well attended just like the following events:

- 19 November 2013 beginners workshop on intellectual property for students, people starting a business and start-ups at the TIZ Berlin,
- 21 November 2013 information session, hosted by TIZ Berlin, for people who start a business and participate in the Berlin-Brandenburg Business Plan Competition,
- 21 November 2013 full-day workshop “From invention to patent” at the DPMA in Munich,
- 21 November 2013 presentation of the information services offered by the DPMA at an event on intellectual property protection in the European context, organised by Berlin Partner,
- 23 November 2013 workshop “Protection is useful” as part of the accompanying programme of the Brandenburg Design Days in Potsdam.

28 November 2013

Lecture “Roundtable Discussion on Supplementary Protection Certificates”

On 28 November 2013, the “Roundtable Discussion on Supplementary Protection Certificates” took place at our office. This annual event is hosted by a different national patent office within the European Union every year. Supplementary protection certificates were introduced as an independent type of IP, 20 years ago. They provide the option to extend the maximum term of protection for patents on certain substances for which authorisation as medicinal or plant protection products has been obtained by a maximum of five years – or by a maximum of five-and-a-half years in case of medicinal products tested for paediatric use.

In November 2013, representatives of the European Commission as well as of associations and the legal profession presented papers on current issues in this field at the DPMA. The roughly 100 attendees from patent offices in Europe, national and international organisations, the European Commission, the Federal Ministry of Justice, the Federal Patent Court, regulatory agencies as well as industry and the legal profession seized the opportunity to discuss questions and current decisions of the European Court of Justice and for an exchange of opinions.

INSIDE THE DPMA

Artur Fischer inventor prize

Presumably, many people will instantly think of the Fischer wall plug when they hear the name Artur Fischer. However, Artur Fischer had countless other brilliant ideas and applied for more than 1,200 patents and utility models in Germany alone in the past 60 years. With more than 6,000 IP applications in total, he is deemed one of the most successful inventors in the world.

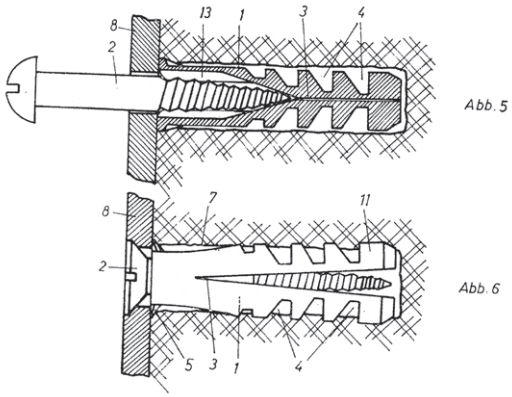


Figure of the expanding wall plug from patent specification DE 1 097 117 B

In 2001, the Artur Fischer inventor prize was set up by Professor Dr Artur Fischer and *Baden-Württemberg-Stiftung*. It is not the technical implementation but the creative inspiration when seeking a solution of every-day problems that stands at the beginning of most inventions.

"Every invention must serve man" – this guiding principle has accompanied Dr Artur Fischer through his life. To ensure that the prize complies with this principle, technical innovation but also initiative in implementation and the benefit for society are being assessed in the competition.

On 17 July 2013, the award ceremony for the Artur Fischer inventor prize took place for the seventh time in Stuttgart. The prizes totalling 37,000 euros were presented to the award winners by the founders, Dr Artur Fischer and Christoph Dahl, Managing Director of *Baden-Württemberg-Stiftung*, as well as by the President of the German Patent and Trade Mark Office, Cornelia Rudloff-Schäffer.

Dr Lothar Saiger was awarded the inventor prize for "private inventors" for an automatic disinfection machine for medical devices. A process for producing the "miracle material" graphene was one of the inventions that was awarded a prize in the pupil category. Graphene consists of a single layer of atoms and has a wide range of applications, from flexible displays to high-performance solar cells.

More information is available in the chapter "Inventor and innovation awards" on page 82.



The 2013 award winners and Dr Artur Fischer (eighth from left)

Inventor and innovation awards

"Many of these prime innovations have become commonplace, enhancing our daily lives and making them more exciting. All the award-winning projects are the product of cutting-edge science yet have great commercial value as well. It is precisely this combination that makes Germany a strong country and assures our prosperity and well-being."

– German President Joachim Gauck on occasion of the presentation of the *Deutscher Zukunftspreis* 2013 award –
(Source: **http://www.deutscher-zukunftspreis.de/en/the-prize/message-from-the-federal-president**)

Innovation awards recognise outstanding innovation thus promoting research and inventiveness. The President of the German Patent and Trade Mark Office (DPMA), Cornelia Rudloff-Schäffer, and the Vice-President of the DPMA, Günther Schmitz, participated in selecting the prize winners of many inventor and innovation awards as members of the board of trustees, as members of the jury and, for the first time, as experts with regard to the award of funding. Over 60 patent examiners assisted them in this task by providing expert assessments of the projects.

In 2013, the DPMA was involved in the following awards:

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

http://www.deutscher-zukunftspreis.de/en

In 2013, *Deutscher Zukunftspreis* was awarded for the 17th time by the German President. The prize is endowed with 250,000 euros in prize money and honours both, the development of strong products as well as successful market implementation. The award is a showcase for excellent inventions and developments and, at the same time, an encouragement to do even better in this field. Cornelia Rudloff-Schäffer is a member of the Board of Trustees that lays down the direction for the selection process. Furthermore, as organisation entitled to submit nominations, our office proposes up to three projects for Deutscher Zukunftspreis to the jury. Your proposals for projects are welcome at any time (**http://www.dpma.de/service/galerie/erfinderpreis/zukunftspreis/index.html**).

European Inventor Award

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

The European Inventor Award has been awarded annually by the European Patent Office since 2006 in the categories:



Industry, SMEs, Research, Lifetime Achievement, and Non-European Countries. The European Patent Office considers inventors who have been granted at least one European patent for their invention. In 2013, our examiners again nominated several inventors for this award.

Innovation award of the German industry

http://www.innovationspreis.com

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

The German innovation prize

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

In 2013, for the fourth time, the German innovation prize initiative recognised outstanding pioneering ideas by German enterprises that have the innovative capacity to change business and markets. The prize has been awarded since 2010 in the categories Large Enterprises, Medium-Sized Enterprises as well as Small Enterprises and Start-Ups by the jury panel of which Cornelia Rudloff-Schäffer was also a member.

Innovation award of the Bavarian Volksbanken and Raiffeisenbanken

https://www.gv-bayern.de/

Traditionally, this prize has been awarded on occasion of the annual business forum of the Bavarian Volksbanken and Raiffeisenbanken. Every year since 1991 small and medium-sized enterprises have been awarded the accolade of "Bavaria's medium-sized company of the year" in recognition of outstanding innovation. Cornelia Rudloff-Schäffer is the chair of the jury of this innovation award.

Innovation award of Berlin-Brandenburg

http://www.innovationspreis.de

Since 1992, this innovation award of the capital region has been jointly presented by the German *Länder* of Berlin and Brandenburg as well as business enterprises. The award aims at promoting and paying tribute to forward-looking and marketable developments in the capital region. Here, too, the President of the DPMA is a member of the selection panel. In 2013, we essentially contributed to the selection of the prize winners from more than 130 applications.

Fifth programme phase of the national aeronautical research programme

http://www.dlr.de/pt-lf/en/

The Federal Ministry for Economic Affairs and Energy runs the fifth civil aeronautical research programme to support civil aviation research and technology projects in Germany between 2014 and 2017. In 2013, Vice-President Günther Schmitz for the first time sat on the expert committee of this support programme.

Innovation contest for students in the European Patent Organisation's member states

http://www.epo.org/learning-events/events/conferences/2013/40epc/competition.html

As part of the celebrations to mark the 40th anniversary of the European Patent Convention (EPC), the European Patent Office staged an innovation contest for university students.

The contest focused on defining various research projects in five categories. In cooperation with German universities the DPMA organised the selection of the German contesting teams.

Jugend forscht

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

"Jugend forscht" is the biggest youth competition in the fields of science and technology in Europe and Germany's most famous youth competition. It aims to enthuse young people about science, technology, engineering, mathematics and computer science, and to find and foster talent. 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 regularly active in the jury of the regional competition of *"Jugend forscht"* in Bavaria.

FOCUS competition for pupils

http://www.focus.de/schuelerwettbewerb

What will the future of our towns and cities look like? "The future of towns and cities" was the motto of the 17th FOCUS competition for pupils entitled *"Schule macht Zukunft"* (schools: shaping the future). More than 1,500 pupils explored all – demographic, social, economic and environmental – aspects of life in the towns and cities of tomorrow. In this process, it was vital to develop and critically evaluate intelligent solutions, for example, innovative energy systems or strategies for the food supply in megacities. The objective of the competition is on enthusing young people to act autonomously and on promoting a dialogue between schools and industry. Our office has been involved in the judging panel for this competition right from the start.

Artur Fischer inventor prize

http://www.erfinderpreis-bw.de

The Artur Fischer inventor prize Baden-Württemberg, set up by Professor Dr Artur Fischer and the *Baden-Württemberg-Stiftung*, was awarded for the seventh time. Since 2001 the prize has been awarded every two years to private inventors who have already applied for a patent or a utility model for their invention. In addition, pupils and working groups of pupils have received awards for inventions within the framework of a competition for pupils.

More information is available in the feature article on page 81.



A glance at 2014

Project for an electronic case file for trade marks (ElSA Marke)

With the fully electronic case file for trade marks (**ElSA Marke**), we will create the basis for future electronic file inspection via DPMA**register** and for the electronic communication channels in trade mark procedures too. It is planned to conclude the **ElSA Marke** project by the end of 2014. This will make the advantages of a fully electronic file processing also available for the processing of trade mark applications and the administration of trade mark files. It will then be possible to provide the contents of the electronic trade mark file electronically to the Federal Patent Court.

New name for the *"Industriebesprechung"* meeting

The talks with representatives from business and industry, referred to in German as *Industriebesprechung* and traditionally taking place in November, will be renamed DPMA**nutzerforum** as of 2014. The name is new – but the time frame and the scope of topics will stay the same as well as November as the date for the event.

We are looking forward to welcoming you again at the DPMA**forum** in autumn, this time to the DPMA**nutzerforum** meeting.

Series of events on the World Intellectual Property Day of the World Intellectual Property Organization (WIPO)

In order to reach small and medium enterprises as well as start-ups, we organised a number of regional events and activities for World Intellectual Property Day in cooperation with the patent information centres (PIZ) and other institutions for the first time in 2013. In view of the great success of this series of events, there will again be seminars, workshops, lectures, information days, information stands and panel discussions taking place around 26 April 2014. You will find the complete programme on our website.

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www.dpma.de

Continuation of examiners exchange programmes

In the meantime, the DPMA has examiner exchange programmes with seven national patent offices all over the world, which will continue also in 2014. For example, a return visit by three patent examiners of the UK IPO to our office is scheduled for May.

Cooperation with the World Intellectual Property Organization (WIPO): joint training course

The training courses at our office, organised jointly with the WIPO Academy, are a part of our good working relationship with WIPO. The courses are aimed at employees of patent offices and other IP institutions abroad, above all, in developing countries. The next training course will take place in Munich at the end of October 2014 and – in view of the positive feedback to the event in 2013 – will again deal with patent examination and patent search in the field of biotechnology.

International-related cooperation events

We maintain contacts with institutions and organisations worldwide that deal with intellectual property protection. The rooms in the office building in Munich – above all the modern **DPMAforum** conference hall – are excellent venues for cooperation events at our organisation that can stimulate path-breaking ideas. The preparations are already underway for several such international-related cooperation events in 2014.

PPH user seminar with all patent offices

The steady rise of the number of patent offices participating in the Patent Prosecution Highway (PPH) programme has resulted in a noticeable increase in interest in this topic and the demand for "customised" information events for experts. That is why we plan to hold an international PPH user seminar in 2014 and intend to involve all offices in the event that participate in bilateral PPH pilots with the DPMA.

2014 trade fair calendar

	Trade fair	Location	Hall/stand	Internet
January				
08–10/01/2014	PSI-Messe	Düsseldorf	Hall 12/stand D56	www.psi-messe.com
February				
07–11/02/2014	Ambiente	Frankfurt/Main	Foyer of hall 4.1	www.ambiente.messefrankfurt.com
March				
09–12/03/2014	EISENWARENMESSE – International Hardware Fair	Cologne	Hall 5.2/stand D-041a hall 10.1/stand A-004/B-005	www.eisenwarenmesse.de
10–14/03/2014	CeBIT	Hanover	Hall 9/stand E24	www.cebit.de
21–22/03/2014	azubi- & studientage	Munich	Hall 3/stand 178	www.azubitage.de
29–30/03/2014	azubi- & studientage	Chemnitz	Hall 1/stand 104	www.azubitage.de
April				
01–04/04/2014	analytica	Munich	Hall B1/stand 134	www.analytica.de
June				
03–06/06/2014	AUTOMATICA	Munich	Mobile experts for IP rights	www.automatica-munich.com
September				
11–14/09/2014	Kind + Jugend	Cologne	Mobile experts for IP rights	www.kindundjugend.de
October				
17–18/10/2014	deGUT	Berlin	Hangar 2	www.degut.de
30/10–02/11/2014	iENA	Nuremberg		www.iena.de
November				
12–15/11/2014	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 2014.

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.

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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
2007	47,813	10,241	58,054	846	2,816	3,662	48,659	13,057	61,716
2008	48,419	10,328	58,747	888	2,695	3,583	49,307	13,023	62,330
2009	46,410	8,931	55,341	920	2,581	3,501	47,330	11,512	58,842
2010	46,384	9,295	55,679	895	2,866	3,761	47,279	12,161	59,440
2011	46,421	10,247	56,668	696	2,249	2,945	47,117	12,496	59,613
2012	45,707	11,159	56,866	942	3,548	4,490	46,649	14,707	61,356
2013	46,295	11,610	57,905	1,041	4,212	5,253	47,336	15,822	63,158

[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
2007	58,592	21,628	126,678	114,390
2008	59,171	20,793	130,898	119,198
2009	55,732	20,583	134,937	123,115
2010	56,101	23,025	135,948	122,617
2011	57,390	20,811	139,384	123,748
2012	57,221	20,386	143,428	134,321
2013	58,112	21,000	146,557	138,197

[1] DPMA direct applications / [2] New applications and cases referred back 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		
2007	39,363	25,102	34,757	18,068
2008	38,343	24,537	32,794	16,748
2009	35,383	22,280	31,544	13,896
2010	36,631	22,425	32,723	13,615
2011	38,139	23,411	26,963	11,724
2012	38,358	23,329	29,379	11,295
2013	40,050	24,305	33,088	13,854

[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
2007	18,183	13,915	131,461
2008	16,855	13,486	134,834
2009	13,996	16,361	132,468
2010	13,701	18,948	127,223
2011	12,036	14,161	125,097
2012	11,459	12,436	124,120
2013	13,936	13,624	124,432

[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*	2007	2008	2009	2010	2011	2012	2013
Baden-Württemberg	13,767	15,008	15,231	14,783	14,593	14,242	14,564
Bavaria	13,904	13,572	12,600	13,011	13,722	14,355	14,829
Berlin	1,027	932	975	919	812	856	897
Brandenburg	393	362	365	323	351	299	322
Bremen	183	146	162	163	153	150	160
Hamburg	1,008	1,093	932	914	1,012	761	741
Hesse	3,008	2,669	2,448	2,431	2,374	2,294	2,162
Mecklenburg-Western Pomerania	175	184	196	170	167	180	181
Lower Saxony	2,749	3,337	2,910	2,927	2,987	2,958	2,924
North Rhine-Westphalia	8,324	7,814	7,333	7,536	7,102	6,762	7,073
Rhineland-Palatinate	1,262	1,296	1,259	1,233	1,183	1,129	1,036
Saarland	331	295	304	258	251	249	252
Saxony	950	1,013	1,115	1,124	1,049	1,057	966
Saxony-Anhalt	338	367	310	335	310	247	228
Schleswig-Holstein	624	594	567	562	486	516	465
Thuringia	616	625	623	590	565	594	536
Total	48,659	49,307	47,330	47,279	47,117	46,649	47,336

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)

	2007	2008	2009	2010	2011	2012	2013
Germany	48,659	49,307	47,330	47,279	47,117	46,649	47,336
USA	3,864	4,258	3,626	4,242	4,516	5,110	5,596
Japan	3,869	3,509	3,136	3,006	3,015	3,679	4,440
Republic of Korea	747	929	608	684	1,002	1,513	1,373
Austria	750	774	895	839	836	915	923
Switzerland	1,154	1,107	950	958	856	843	801
Taiwan	587	522	397	376	376	502	558
Sweden	272	255	277	268	232	257	305
China	123	112	103	95	91	170	270
France	232	207	177	195	234	204	205
Others	1,459	1,350	1,343	1,498	1,338	1,514	1,351
Total	61,716	62,330	58,842	59,440	59,613	61,356	63,158

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*	2007	2008	2009	2010	2011	2012	2013
Schleswig-Holstein, Hamburg	33	30	31	45	31	22	18
Lower Saxony, Bremen	49	57	62	79	65	46	50
North Rhine-Westphalia	96	80	117	99	90	81	77
Hesse	51	48	46	44	46	35	42
Rhineland-Palatinate, Saarland	15	21	13	21	12	14	17
Baden-Württemberg	80	81	75	79	84	77	79
Bavaria	71	69	77	91	84	71	70
Berlin	47	34	35	31	37	39	24
Brandenburg, Mecklenburg-Western Pomerania	39	31	46	32	29	43	47
Saxony	119	108	142	115	128	144	134
Saxony-Anhalt	22	28	25	25	31	24	23
Thuringia	51	54	55	52	45	46	39
Total	673	641	724	713	682	642	620

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

	Percentage of applicants having filed						
	2007	2008	2009	2010	2011	2012	2013
one application	65.5	66.1	66.2	65.8	65.4	66.6	66.3
2–10 applications	30.7	30.0	30.2	30.7	30.7	29.7	29.7
11–100 applications	3.4	3.5	3.2	3.1	3.5	3.3	3.5
more than 100 applications	0.4	0.5	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						
	2007	2008	2009	2010	2011	2012	2013
one application	15.6	15.1	16.3	15.8	15.0	14.9	14.1
2–10 applications	24.0	22.5	23.8	24.1	23.0	21.9	20.5
11–100 applications	21.8	21.5	21.5	21.1	22.8	21.2	21.1
more than 100 applications	38.5	40.9	38.5	38.9	39.3	42.1	44.3
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]
2007	803	789	264	332	3,257	1,551
2008	748	971	282	464	3,037	1,142
2009	505	986	312	532	2,557	738
2010	533	889	259	479	2,219	420
2011	413	432	162	134	2,189	239
2012	434	460	189	135	2,167	115
2013	487	529	169	248	2,127	72

[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 *(Patentgesetz)* (meanwhile repealed)

1.10 Classes of the International Patent Classification (IPC) with the largest number of patent applications (DPMA direct applications) in 2013



	2007	2008	2009	2010	2011	2012	2013	IPC class	
1	5,641	5,706	5,267	5,669	6,063	6,178	6,013	B 60	Vehicles in general
2	4,557	5,084	4,605	4,772	4,858	5,133	5,420	F 16	Engineering elements or units
3	3,932	4,123	3,693	3,661	4,154	4,364	4,478	H 01	Basic electric elements
4	3,900	3,772	3,541	3,637	3,725	3,695	3,771	G 01	Measuring; testing
5	2,831	2,730	2,645	2,517	2,511	2,385	2,282	F 02	Combustion engines
6	1,980	2,307	2,094	2,354	2,232	2,385	2,260	H 02	Generation, conversion or distribution of electric power
7	1,906	1,835	1,816	2,023	2,225	2,144	2,214	A 61	Medical or veterinary science; hygiene
8	1,744	1,687	1,476	1,476	1,512	1,514	1,694	G 06	Computing; calculating; counting
9	1,573	1,595	1,443	1,451	1,501	1,432	1,496	F 01	Machines or engines in general
10	1,348	1,514	1,363	1,369	1,331	1,394	1,449	B 62	Land vehicles for travelling otherwise than on rails
11	1,085	1,289	1,225	1,241	1,310	1,374	1,410	H 04	Electric communication technique
12	1,078	1,218	1,150	1,220	1,167	1,332	1,405	B 65	Conveying; packing; storing; handling thin material
13	1,032	1,051	1,112	1,170	1,111	1,008	1,087	B 23	Machine tools; metal-working
14	1,003	1,021	1,065	1,053	1,090	957	1,002	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
2007	18,106	14,945	81	18,187	15,653	2,981	18,634
2008	17,089	14,150	95	17,184	14,223	2,873	17,096
2009	17,355	14,404	86	17,441	14,152	2,759	16,911
2010	16,824	13,657	104	16,928	15,237	2,744	17,981
2011	16,040	12,766	185	16,225	14,230	2,811	17,041
2012	15,528	11,973	86	15,614	13,978	2,551	16,529
2013	15,472	11,641	51	15,523	13,341	2,180	15,521

[1] Cases referred back 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
2007	7,659	100,803	22,604	17,358
2008	7,674	98,292	22,827	16,687
2009	8,134	95,256	21,826	17,163
2010	7,099	93,989	22,544	16,478
2011	6,310	93,253	21,091	15,007
2012	5,415	92,132	21,926	15,167
2013	5,416	90,450	21,678	15,071

2.2 Topographies under the Semiconductor Protection Act *(Halbleiterschutzgesetz)*

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 registration	Total			
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	1	6	29
2013	3	4	0	4	1	8	25

[1] Figure corrected for 2009

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

German *Länder*	2007	2008	2009	2010	2011	2012	2013
Baden-Württemberg	2,851	2,695	2,654	2,577	2,374	2,070	2,070
Bavaria	3,209	2,975	3,127	3,050	2,855	2,566	2,530
Berlin	453	402	465	464	415	384	399
Brandenburg	195	198	213	230	219	207	162
Bremen	76	66	74	64	72	74	60
Hamburg	302	285	323	235	190	197	195
Hesse	927	843	890	844	745	758	685
Mecklenburg-Western Pomerania	126	139	82	87	97	82	97
Lower Saxony	997	947	941	890	870	814	861
North Rhine-Westphalia	3,937	3,801	3,717	3,432	3,242	3,152	3,067
Rhineland-Palatinate	625	552	647	588	512	520	474
Saarland	142	102	122	98	122	126	104
Saxony	462	462	441	446	385	402	386
Saxony-Anhalt	162	201	159	143	171	159	110
Schleswig-Holstein	297	301	350	290	295	257	256
Thuringia	184	181	199	219	202	205	185
Total	14,945	14,150	14,404	13,657	12,766	11,973	11,641

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

German *Länder*	2012			2013		
	Applications	Proportional share in %	Applications per 100,000 inhabitants	Applications	Proportional share in %	Applications per 100,000 inhabitants
North Rhine-Westphalia	3,152	26.3	18	3,067	26.3	17
Bavaria	2,566	21.4	21	2,530	21.7	20
Baden-Württemberg	2,070	17.3	20	2,070	17.8	20
Lower Saxony	814	6.8	10	861	7.4	11
Hesse	758	6.3	13	685	5.9	11
Rhineland-Palatinate	520	4.3	13	474	4.1	12
Berlin	384	3.2	12	399	3.4	12
Saxony	402	3.4	10	386	3.3	10
Schleswig-Holstein	257	2.1	9	256	2.2	9
Hamburg	197	1.6	11	195	1.7	11
Thuringia	205	1.7	9	185	1.6	8
Brandenburg	207	1.7	8	162	1.4	7
Saxony-Anhalt	159	1.3	7	110	0.9	5
Saarland	126	1.1	13	104	0.9	10
Mecklenburg-Western Pomerania	82	0.7	5	97	0.8	6
Bremen	74	0.6	11	60	0.5	9
Total	11,973	100	Ø 15	11,641	100	Ø 14

3. National trade marks
3.1 Applications and registrations

Year	Filings					Registrations under Section 41 Trade Mark Act *(Markengesetz)*
	New applications			Others[1]	Total	
	Total	Applications from Germany	for service marks			
2007	76,302	72,833	36,100	576	76,878	54,567
2008	73,642	69,867	35,178	478	74,120	50,283
2009	69,296	65,913	34,150	555	69,851	49,840
2010	69,143	65,549	32,468	586	69,729	49,765
2011	64,050	60,609	30,852	576	64,626	51,333
2012	59,850	56,707	28,848	750	60,600	46,094
2013	60,161	57,031	29,031	517	60,678	43,507

[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
2007	5,176	7,483	3,448	907	841
2008	4,840	6,960	3,671	999	859
2009	3,977	5,554	3,542	902	749
2010	3,911	5,617	3,099	803	676
2011	3,809	5,691	2,858	633	678
2012	3,178	4,775	2,714	698	662
2013	3,119	4,646	2,398	526	601

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
2007	35,448	26,594	746,149
2008	38,644	31,095	754,988
2009	49,008	33,940	774,061
2010	53,443	36,368	779,889
2011	50,835	31,335	781,022
2012	42,862	29,970	784,857
2013	39,226	30,394	789,589

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	
2007	6,100	6,092	35	1,020
2008	6,193	6,189	38	957
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
2013	4,523	4,473	84	396

[1] Not including requests for the extension of protection under Art. 3ter(2) Madrid Agreement; 1,104 requests for the extension of protection were received in 2013, and 1,124 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	Grants of protection in part	Refusal, withdrawal or cancellation in the International Register			
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	3,788	407	29
2011	5,073	4,315	91	693	3,750	343	51
2012	4,464	3,561	311	656	3,681	308	61
2013	4,805	4,218	606	604	3,047	412	31

[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*	2007	2008	2009	2010	2011	2012	2013
Baden-Württemberg	9,226	9,119	8,255	8,556	8,105	7,408	7,436
Bavaria	12,902	12,961	11,890	11,801	10,854	10,075	10,215
Berlin	5,053	5,090	4,731	4,723	4,839	4,401	4,260
Brandenburg	1,099	1,021	1,076	1,134	1,072	918	1,009
Bremen	710	597	520	611	512	522	458
Hamburg	4,114	3,832	3,452	3,497	3,320	3,102	3,172
Hesse	6,044	5,622	5,593	5,565	4,999	4,612	4,718
Mecklenburg-Western Pomerania	622	653	654	646	511	517	516
Lower Saxony	4,924	4,828	4,565	4,599	4,255	4,111	3,885
North Rhine-Westphalia	17,221	15,684	15,476	14,769	13,092	12,521	12,726
Rhineland-Palatinate	3,409	3,231	2,977	2,959	2,606	2,779	2,811
Saarland	743	593	583	553	509	475	456
Saxony	2,733	2,537	2,276	2,254	2,119	1,953	1,940
Saxony-Anhalt	841	986	824	847	751	754	809
Schleswig-Holstein	2,164	2,190	2,058	2,107	1,963	1,811	1,783
Thuringia	1,028	923	983	928	1,102	748	837
Total	72,833	69,867	65,913	65,549	60,609	56,707	57,031

3.6 National trade mark applications by leading classes

Class		2012	2013	+/- in %
0	not classifiable	146	135	- 7.5
1	Chemicals	668	674	0.9
2	Paints, varnishes, lacquers	166	140	- 15.7
3	Cleaning preparations	1,274	1,399	9.8
4	Industrial oils and greases, fuels	234	223	- 4.7
5	Pharmaceutical preparations	2,270	2,074	- 8.6
6	Common metals and goods of common metal	701	712	1.6
7	Machines, motors and engines	1,299	1,288	- 0.8
8	Hand tools	219	164	- 25.1
9	Electrical apparatus and instruments	4,353	4,181	- 4.0
10	Medical apparatus and instruments	759	984	29.6
11	Heating, ventilation, sanitary installations	1,209	1,174	- 2.9
12	Vehicles	1,255	1,179	- 6.1
13	Firearms	244	68	- 72.1
14	Jewellery, clocks and watches	774	842	8.8
15	Musical instruments	104	86	- 17.3
16	Office requisites, stationery	1,717	1,825	6.3
17	Insulating materials, semi-finished goods	313	265	- 15.3
18	Goods made of leather	582	741	27.3
19	Building materials (non-metallic)	552	532	- 3.6
20	Furniture	1,108	1,007	- 9.1
21	Household or kitchen utensils	463	496	7.1
22	Ropes, string, sails	56	59	5.4
23	Yarns and threads	32	35	9.4
24	Textiles, bed and table covers	256	298	16.4
25	Clothing, footwear	2,725	2,921	7.2
26	Lace, ribbon, buttons,trimmings	61	66	8.2
27	Materials for covering floors, wall hangings	81	84	3.7
28	Games, sporting articles	1,056	762	- 27.8
29	Food of animal origin	1,244	1,379	10.9
30	Food of plant origin	1,953	2,065	5.7
31	Agricultural and forestry products	570	557	- 2.3
32	Beers, non-alcoholic drinks	1,083	1,280	18.2
33	Alcoholic beverages	1,225	1,226	0.1
34	Tobacco, smoker's articles	250	209	- 16.4
35	Advertising, business management	7,031	6,662	- 5.2
36	Insurance	2,523	2,401	- 4.8
37	Building construction, repair	1,102	1,269	15.2
38	Telecommunications	1,257	1,248	- 0.7
39	Transport	1,413	1,475	4.4
40	Treatment of materials	515	594	15.3
41	Education; sporting and cultural activities	6,680	6,755	1.1
42	Scientific and technological services	2,977	3,002	0.8
43	Providing food & drink, temp. accommodation	1,830	2,034	11.1
44	Medical services	2,570	2,670	3.9
45	Legal services, security services	950	921	- 3.1

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
2007	52,222	2,326	54,548	39,043	56,366	41,605	3,673	60,039
2008	45,870	2,351	48,221	36,823	49,202	36,365	1,999	51,201
2009	42,866	2,444	45,310	35,906	35,441	29,259	2,041	37,482
2010	46,572	2,625	49,197	40,017	48,467	36,193	1,973	50,440
2011	50,777	2,408	53,185	41,587	48,888	39,321	1,899	50,787
2012	52,869	2,264	55,133	43,600	50,229	38,656	2,823	53,052
2013	53,415	2,414	55,829	45,809	53,232	43,207	4,472	57,704

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
2007	13,316	2,261	18,361	54,066	305,778
2008	10,330	2,543	16,800	56,484	298,496
2009	18,158	1,800	15,482	52,800	281,137
2010	16,915	2,664	17,116	48,470	281,134
2011	19,313	3,382	15,655	46,271	283,751
2012	21,394	3,308	15,848	43,443	290,537
2013	19,521	2,538	14,442	46,637	297,132

4.3 Designs (applied for) by German *Länder*

German *Länder*	2007	2008	2009	2010	2011	2012	2013
Baden-Württemberg	7,563	5,940	5,545	6,547	5,617	5,989	6,219
Bavaria	10,148	8,853	7,812	7,626	7,625	9,239	9,235
Berlin	1,410	1,284	1,366	1,858	2,342	1,896	2,361
Brandenburg	205	201	303	446	449	364	487
Bremen	302	221	202	161	263	192	238
Hamburg	728	1,078	1,242	1,554	1,278	1,850	1,352
Hesse	1,794	1,452	1,685	2,577	2,654	2,114	2,424
Mecklenburg-Western Pomerania	86	247	137	215	215	335	700
Lower Saxony	2,622	2,882	2,501	2,859	2,694	2,895	2,681
North Rhine-Westphalia	9,604	9,732	9,890	11,085	11,827	12,579	12,883
Rhineland-Palatinate	1,572	1,966	2,575	2,276	2,804	1,873	2,872
Saarland	218	396	275	264	239	453	296
Saxony	1,352	1,052	1,107	980	1,193	1,390	1,687
Saxony-Anhalt	294	350	286	332	367	471	382
Schleswig-Holstein	780	849	710	866	1,325	1,484	1,604
Thuringia	365	320	270	371	695	476	388
Total	39,043	36,823	35,906	40,017	41,587	43,600	45,809

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	
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
2013	7	3	5	5	1

[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 Regulations *(Patentanwaltsordnung)*) [1, 3]	Patent attorney companies [1, 3]
	Entered in register	Cancellations	Registered at the end of the year [2]		
2007	162	63	2,576	–	–
2008	159	42	2,693	–	–
2009	156	64	2,838	–	–
2010	177	59	2,956	14	14
2011	189	56	3,089	16	13
2012	164	56	3,197	18	13
2013	202	50	3,349	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	Succesful candidates	entered in the register	cancelled	registered at the end of the year
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
2013	205	200	974	233	30,783

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Published by
Deutsches Patent- und Markenamt
Zweibrückenstraße 12
80331 München
Germany

Last update
April 2014

Printing
Lex Lingua GmbH
13597 Berlin

Picture credit
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