German Patent
and Trade Mark Office

Annual Report 2014



At a glance

Industrial property rights		2013	2014	Changes in %
Patents	Applications [1]	63,173	65,958	+ 4.4
	Examination procedures concluded	33,271	34,830	+ 4.7
	- with decision to grant a patent	14,221	15,022	+ 5.6
	Newly opened examination procedures	39,212	42,040	+ 7.2
	Stock [2]	124,345	116,702	- 6.1
Trade marks	Applications (national and international)	64,988	70,678	+ 8.8
National marks	Applications	60,183	66,613	+ 10.7
	Registration procedures concluded	58,615	66,338	+ 13.2
	- *with registration*	43,510	47,980	+ 10.3
	Stock	789,636	793,704	+ 0.5
International marks	Requests for grant of protection in Germany	4,805	4,065	- 15.4
	Grants of protection	4,823	3,863	- 19.9
Utility models	Applications	15,470	14,748	- 4.7
	Registration procedures concluded	15,530	15,126	- 2.6
	- *with registration*	13,341	13,082	- 1.9
	Stock	90,252	87,770	- 2.8
Registered designs	Designs applied for	56,828	59,423	+ 4.6
	Registration procedures concluded	57,706	56,929	- 1.3
	- *with registration*	53,238	51,839	- 2.6
	Stock	297,194	305,522	+ 2.8

[1] Patent applications at the German Patent and Trade Mark Office (DPMA) and PCT patent applications upon their entry into the national phase
[2] Including patents granted by the European Patent Office with effect in the Federal Republic of Germany, a total of 574,744 patents were valid in Germany in 2014.

Budget German Patent and Trade Mark Office and Federal Patent Court (in million €)	**2013**	**2014**	**Changes in %**
Income	340.7	365.8	+ 7.4
Expenditure	268.2	254.4	- 5.1
of which for personnel	146.0	144.0	- 1.4

Personnel of the German Patent and Trade Mark Office

Staff	2,518	2,511	- 0.3

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The German Patent and Trade Mark Office – we are a strong partner for the protection of innovation

Whether patents, utility models, trade marks or registered designs: you can file applications for all these industrial property rights with the German Patent and Trade Mark Office (DPMA). They reflect a wealth of ideas, creativity and an enquiring spirit. For countries which are not rich in natural resources "inventiveness" is an essential resource; therefore protection of intellectual property is of great importance in Germany. We at the DPMA provide this protection by granting, registering and administering valid IP rights. In addition, we fulfil the statutory duty to provide information to the public about industrial property rights and about ideas and inventions that are already protected.

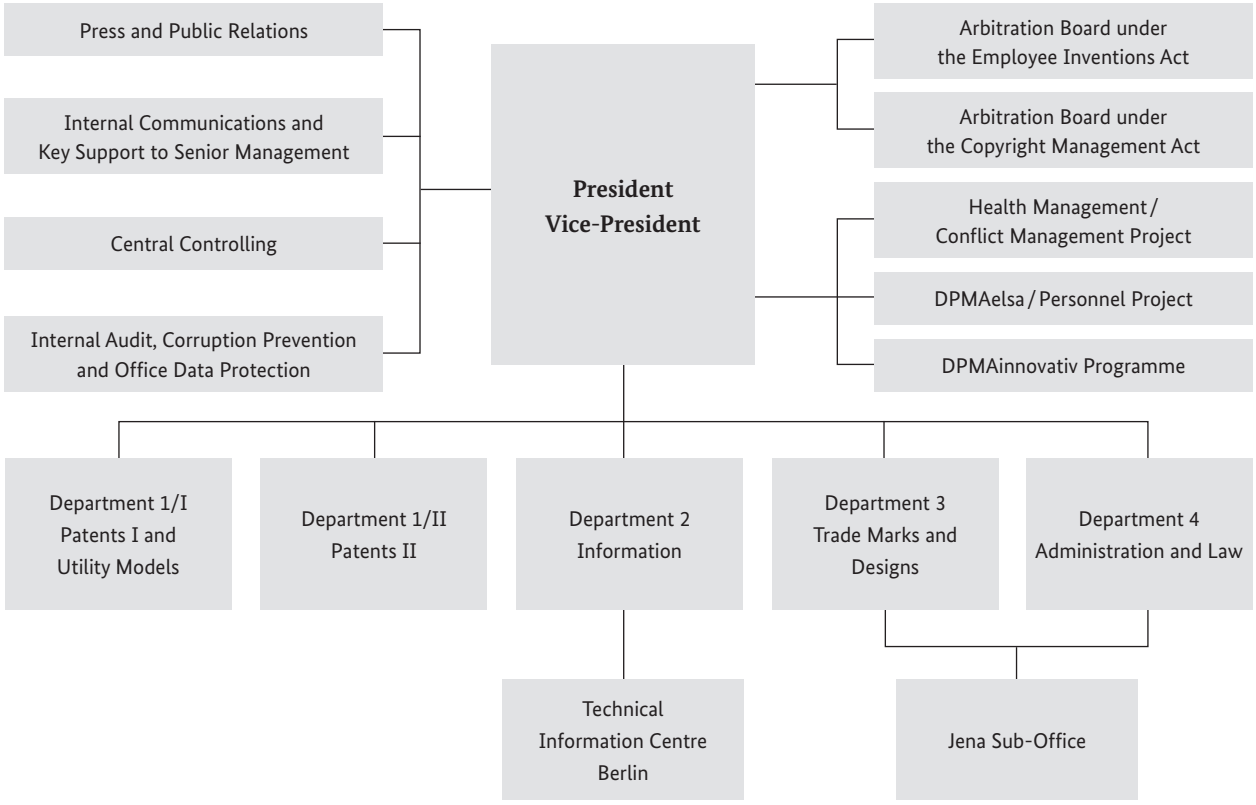
We have more than 2,500 staff at our headquarters in Munich, our Sub-Office in Jena and the Technical Information Centre Berlin, and five big departments (see organisation chart).

The patent area has over 800 patent examiners, who examine patent applications, grant patents and deal with oppositions, as well as roughly 240 staff responsible for the formal patent procedure. The patent area is divided into two departments: H1/I (general engineering and mechanical technology and patent administration) and H1/II (electrical engineering, chemistry and physics). In March 2015, the Utility Model Unit is moving from Department 3 to Department 1/I. The reason is that patents and utility models, the technical IP rights, have many things in common.

The staff of Department 2 provide information to the public, are responsible for our IT services, update the databases and provide search support to our customers.

Trade marks and designs are processed and registered at Department 3. Furthermore, third-party oppositions and cancellation requests are decided at this department.

On the one hand, Department 4 performs the typical administrative tasks, for example, personnel and budgetary matters. On the other hand, the range of duties of this department includes the qualifying training for patent attorney candidates, international cooperation with other IP organisations and government supervision of collecting societies.





Dear Reader,

Self-driving cars, robotics and Industry 4.0 – many media reports in the previous year told of great innovativeness. This is confirmed by our figures: thanks to the enormous innovative capacity of enterprises, patent applications filed at our office reached a new all-time high. There was not only an increase in the number of domestic applications but also a rise in applications from abroad. This is a sign of the great importance of Germany as a location for industry in the world market but also of the high quality of examination at our office.

The rapidly growing economies in Asia – and the increasing innovative capacity of that continent which is related to the economic growth – were at the centre of our many international activities in 2014. Read more about them in the chapter "International cooperation". In 2014, 233,000 invention patents alone were granted by our big partner office, the State Intellectual Property Office of the People's Republic of China (SIPO). We will continue our long-standing and broad partnership also with the new Commissioner of SIPO, Dr Shen Changyu. The Patent Prosecution Highway (PPH), the way to achieve faster patent grants, is an important instrument for us, the fifth biggest national patent office in the world, to speed up the grant of high-quality patents for our users from around the world.

A topic that has been very close to our hearts for years is the extension and optimisation of our IT infrastructure. In this respect, we made good progress again in the previous year: in January 2014, we launched online inspection of patent and utility model case files as a free service. Now, you can inspect case files comfortably from your own PC. It is also possible to subsequently submit many types of documents electronically. The number of online applications, which again rose considerably over the past year, shows how widely our digital services are accepted by our customers. The majority of all IP applications are now filed electronically at our office. In addition, simplified online applications for trade marks and designs without a digital signature, introduced in 2013, have also had an extremely positive effect on the development of these IP rights. Since then, the number of applications for these types of IP has continuously increased.

Our office has modern and efficient IT systems to provide all these IT solutions and cope with the ever-rising number of patent documents – the **DEPATISnet** search database alone is increasing by six to seven million documents annually. More about the IT developments and e-services of our office is available in the chapter with the same title.

Small and medium enterprises (SMEs) as well as individual inventors also contribute to technical progress in Germany. Our focus is particularly directed at them. An example is the extended search report which was introduced in April 2014. The extended search report makes it easier for these customers, who often do not have their own IP management, to reliably assess the patentability of the filed inventions. The scope of the services provided by us – and our cooperation partners – ranged from search workshops to lectures to free consultation for inventors. You can learn more about it in the chapters "Information services" and "National cooperation projects".

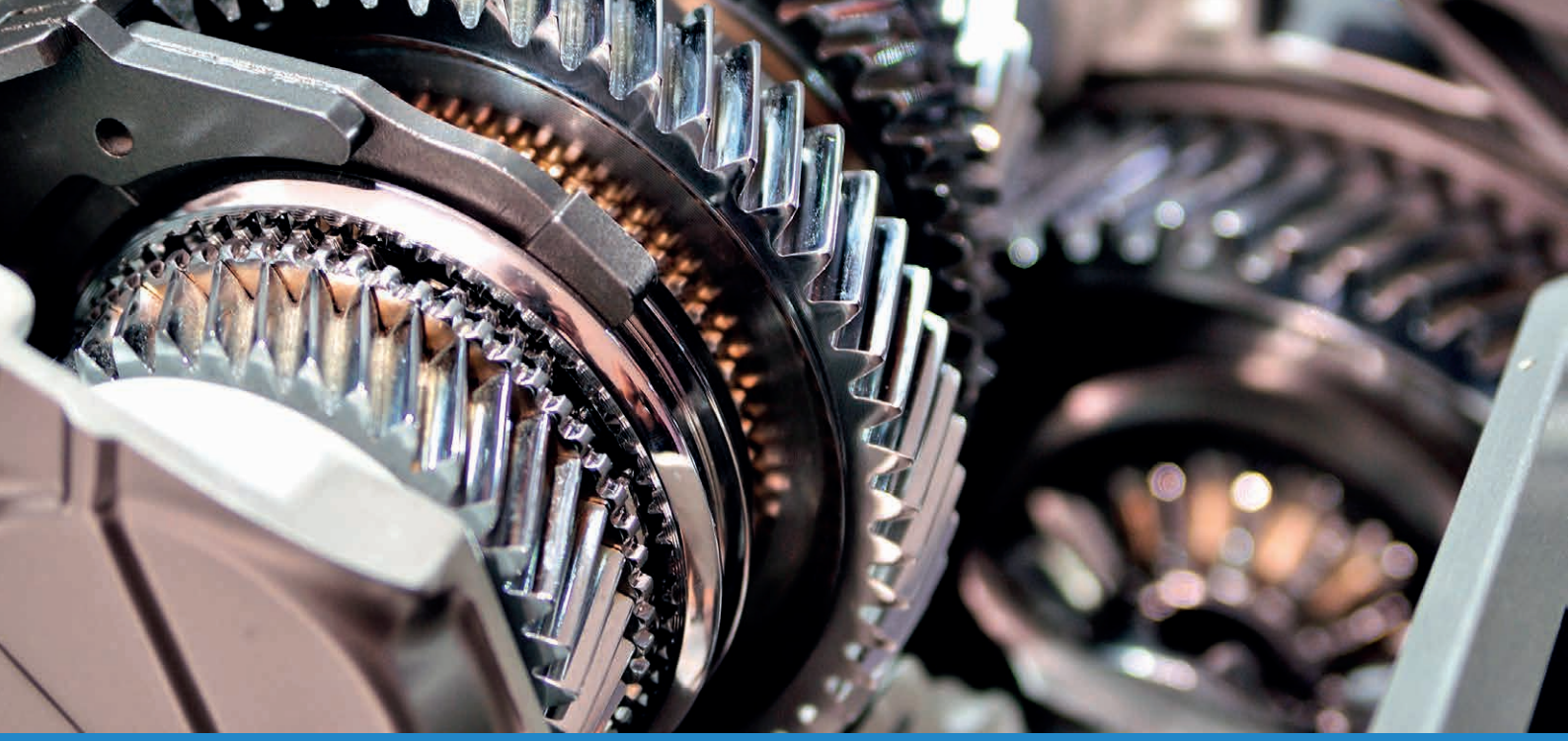
We do not only wish to present to you the state of business of industrial property rights and the services of the German Patent and Trade Mark Office in this annual report. We would also like to give you an interesting glimpse behind the scenes of our office and share with you some facts worth knowing about industrial property rights. Let us surprise you.

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

The key to more innovation

Seeking legal protection for their technical solutions remains important to companies and institutions as well as to individual inventors. In 2014, patent application figures have again increased considerably. Each new patent application creates an incentive for new technical developments.

By way of a patent, the proprietor receives an IP right for a maximum of 20 years and for a limited geographical area. However, patents can only be granted for technical inventions if they are new, involve an inventive step and are capable of industrial application.

In order to assess this, our patent examiners comprehensively search and compare already published patent applications, patent specifications and specialist literature from around the world. If an invention does not form part of the currently known state of the art, it is deemed to be new. For this reason, however, the invention must sufficiently differ from the state of the art. It must not be obvious to a person skilled in the art of the technological field of the invention.
After 18 months, the invention will be disclosed to the public and, from the day of the patent grant, the patent proprietor may enforce rights against others who use or copy the proprietor's invention.

Applicants can choose whether to obtain a national or an international IP right to protect their invention in 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 (EPO) or file an international application under the Patent Cooperation Treaty (PCT) to request an IP right in 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 also on our website.

www.dpma.de/english

Development of patent applications

With almost 66,000 patent applications in 2014, again a new record high was reached. Compared to the updated figure of 63,173 applications of the previous year, the number of patent applications filed with us increased by 2,785 (+ 4.4%) to a total of 65,958. This large increase reflects the high level of innovativeness of the companies and individual inventors. And this development also shows how important protection of their technical innovations in the German market is to the applicants.

The development of filing figures from 2008 to 2014 is shown in figure 1.

Of all applications, 59,916 were filed directly with our office, and 6,042 applications under the PCT entered the national phase at our office. In 2014, 71.1% of the national patent applications were filed online. In comparison to the previous year, this is a rise of 10.8%. The figures have shown an increasing popularity of e-filing in the past few years. For more information on e-filing, please see page 52 in the chapter "IT developments and e-services".

More information on patent applications is provided in table 1.1 in the annex "Statistics" on page 83.

Origin of patent applications

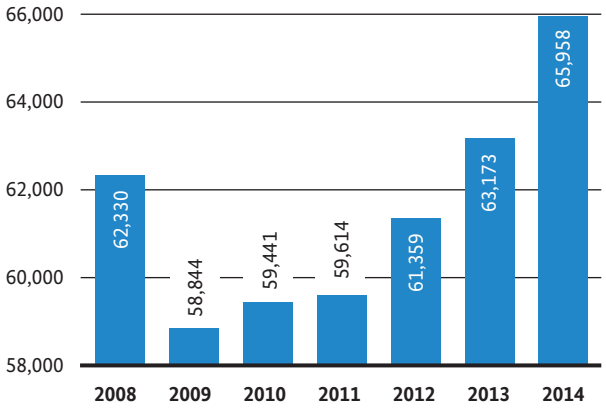
Table 1 gives an overview of the countries of origin of the patent applications received at the DPMA. The numbers shown are the sums of the DPMA direct applications and the PCT applications which entered the national phase at our office.

In 2014, we saw a slight increase in applications from Germany. Their number rose from 47,357 in the preceding year to 48,144 (73% of all applications).

Patent activity from abroad also increased: by 12.6% to 17,814 applications. Patent applications by individuals and companies having their residence or principal place of business abroad accounted for 27% in 2014.

While applications from the Republic of Korea increased only slightly, patent activity particularly from Japan, China and the USA further increased heavily in Germany. Japan stepped up its filing activity by 20.2% over the previous year, China even by 94.1% and the USA by 8.2%. For an overview on filings, please see the annex "Statistics" on pages 83 and 85 (tables 1.1 and 1.7).

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



	Applications	Proportional share in %
Germany	48,144	73.0
USA	6,056	9.2
Japan	5,336	8.1
Republic of Korea	1,383	2.1
Austria	1,044	1.6
Switzerland	814	1.2
Taiwan	577	0.9
China	524	0.8
Others	2,080	3.2
Total	**65,958**	**100**

Table 1
Patent applications at the German Patent and Trade Mark Office in 2014 by countries of origin (patent applications filed at the DPMA and PCT applications which entered the national phase at the DPMA)

Patent applications by German *Länder*

In 2014, German companies, institutions and individuals filed 48,144 patent applications with the German Patent and Trade Mark Office. The breakdown of applications by German *Länder* is based on the residence or principal place of business of the applicant, who can be an individual, a company or an institution. Bavaria again secured its top position with 15,533 patent applications (+ 4.7%). Baden-Württemberg came second with 14,533 applications (- 0.2%). With a slight increase (+ 0.6%) compared to the previous year, North Rhine-Westphalia followed in third place. As in the previous years, approximately three-quarters of all German applications came from these three *Länder* in 2014 (see figure 2 and table 1.5 in the annex "Statistics" on page 84).

With 807 patent applications, Hamburg increased its filing activity by 8.8% and showed the largest growth of all *Länder* in 2014. For a comparison of the 2013 and 2014 data as well as time series covering the preceding years, please refer to tables 1.5 and 1.6 in the annex "Statistics" on pages 84 and 85.

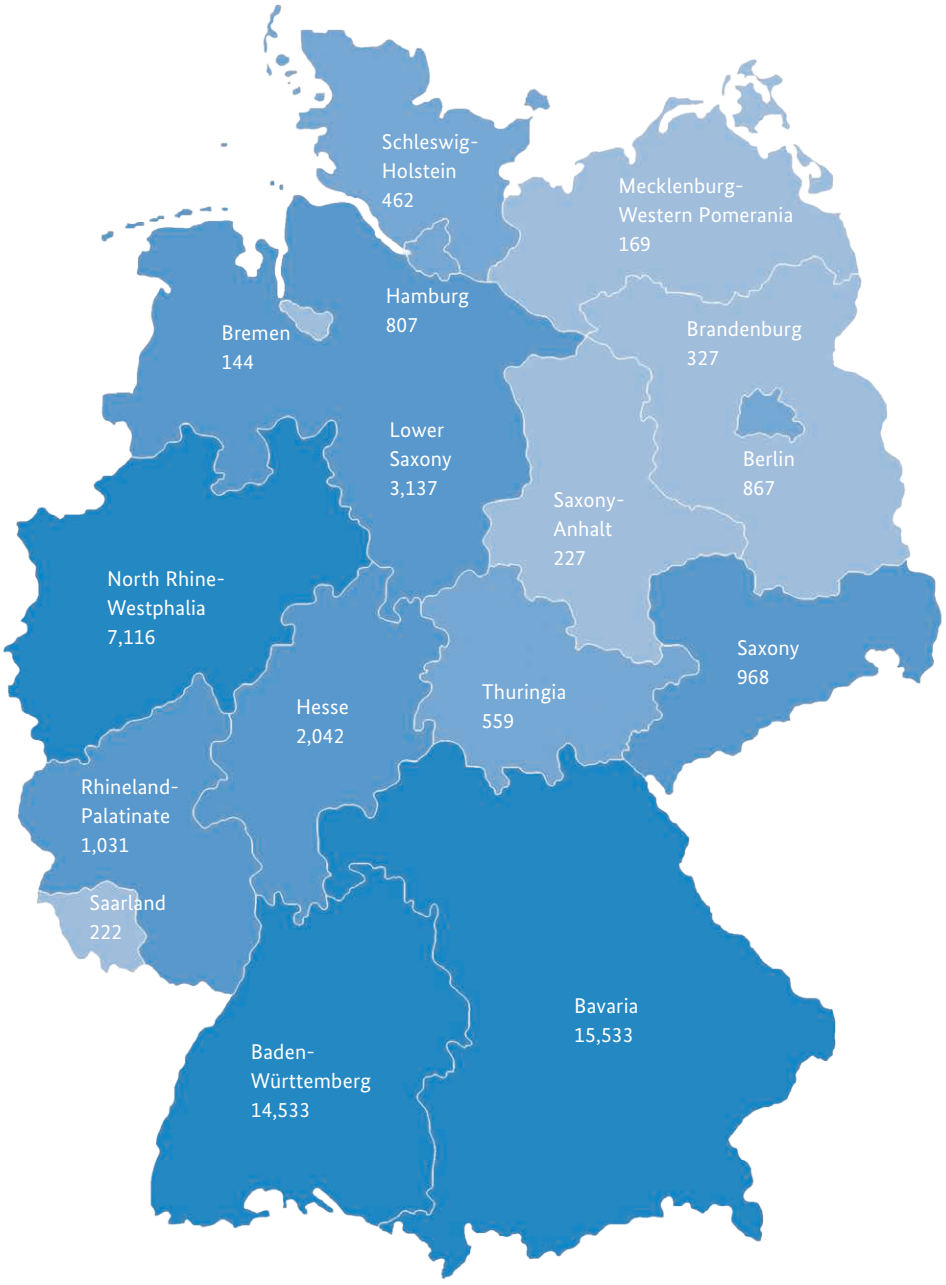


Figure 2
Patent applications by German *Länder* in 2014

However, the filing figures in absolute terms do not reveal how innovative the populations of the individual *Länder* of different sizes really are. To see the innovativeness, the filing figures have to be compared with the population size of a *Land*. On average, 60 patent applications were filed per 100,000 inhabitants in the Federal Republic of Germany in 2014. As in the previous years, Baden-Württemberg and Bavaria were clearly in the lead with 137 respectively 123 applications per 100,000 inhabitants. Hamburg follows with 46 applications per 100,000 inhabitants in third place.

The most active companies and institutions

The national and foreign companies and institutions that file very many applications with the DPMA are listed in table 2. This list shows the 25 most active companies and institutions in terms of patent applications received at our office in 2014.

The individual companies and institutions are indicated here the way they are recorded as patent applicants. Possible interlinking of business enterprises is not taken into consideration.

In spite of a slight decrease of 3.3% in application figures, Robert Bosch GmbH was again top of the list in 2014 with a clear lead (4,008 applications). Schaeffler Technologies GmbH & Co. KG remained in second place with 2,518 applications. Siemens AG and Daimler AG were third and fourth.

Table 2
The 25 most active companies and institutions at the DPMA (number of national patent applications filed in 2014)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**4,008**
2	Schaeffler Technologies GmbH & Co. KG	DE		**2,518**
3	Siemens AG	DE		**1,806**
4	Daimler AG	DE		**1,797**
5	Bayerische Motoren Werke AG	DE		**1,464**
6	Ford Global Technologies, LLC		US	**1,390**
7	GM Global Technologies Operations, LLC		US	**1,080**
8	AUDI AG	DE		**960**
9	VOLKSWAGEN AG	DE		**943**
10	ZF FRIEDRICHSHAFEN AG	DE		**909**
11	Hyundai Motor Company		KR	**659**
12	Infineon Technologies AG	DE		**642**
13	BSH Bosch und Siemens Hausgeräte GmbH	DE		**576**
14	Continental Automotive GmbH	DE		**493**
15	Fraunhofer-Gesellschaft e.V.	DE		**437**
16	Dr. Ing. h.c.F. Porsche AG	DE		**424**
17	DENSO Corporation		JP	**380**
18	Henkel AG & Co. KGaA	DE		**365**
19	Continental Teves AG & Co. OHG	DE		**335**
20	General Electric Company		US	**324**
21	Miele & Cie. KG	DE		**285**
22	MAHLE International GmbH	DE		**267**
23	FANUC Corporation		JP	**235**
24	Mann + Hummel GmbH	DE		**230**
25	OSRAM Opto Semiconductors GmbH	DE		**222**

Inventors and applicants

In addition to the applicant, the inventor has to be indicated in a patent application. So it is possible to find out in how many cases the applicant is identical with the inventor. They are, for example, not identical if a company files a patent application. Where the application is filed by an independent inventor or employee with released inventions, applicant and inventor are identical. Table 3 shows that 6.3% of the patent applications were filed by the respective inventors themselves in 2014. For applications from Germany, the proportion was 7.4%, and for foreign applications 2.2%. As in the past few years, the number of individual inventors continued to drop.

In 2014, the trend of concentration in favour of large patent applicants further intensified. Presently, large patent applicants make up 4.0% of all applicants (see table 1.9 in the annex "Statistics" on page 86). In 2014, 66.4% of the applications received at the DPMA were again filed by a small group of applicants – mostly large enterprises with more than ten applications each.

Selected data on patent examination

There is still great demand for patents. Compared to previous year's 40,266 examination requests, the number increased by 7.2% to 43,180. The number of search requests pursuant to Section 43 of the Patent Act *(Patentgesetz)* increased by 14.0% in comparison to the previous year. The number of concluded procedures relating to so-called "isolated" searches under Section 43 of the Patent Act slightly decreased (12,100; - 0.4%) compared to 2013 (12,150).

In 2014, a total of 34,830 examination procedures were concluded, and the average processing time was shortened. We will continue to strive to further reduce the number of pending examination procedures. Detailed data on applications received and concluded procedures are provided in table 4 as well as in tables 1.2 and 1.3 in the annex "Statistics" on page 83.

Table 3
Percentage of patent applications for which the applicant is identical with the inventor by residence or principal place of business of the applicant

Year	2008	2009	2010	2011	2012	2013	2014
National	10.3	11.0	10.4	9.0	8.3	7.9	7.4
Foreign	3.3	4.3	3.6	2.8	2.6	2.2	2.2
Total	**9.1**	**9.9**	**9.2**	**7.9**	**7.1**	**6.8**	**6.3**

Table 4
Selected data on patent procedures

Year	2008	2009	2010	2011	2012	2013	2014
Requests for examination	38,344	35,387	36,639	38,146	38,418	40,266	43,180
– including requests filed together with applications	24,538	22,283	22,428	23,411	23,334	24,347	24,477
Search requests under Sec. 43 Patent Act	11,081	10,084	10,202	11,032	11,745	11,971	13,652
Concluded searches under Sec. 43 Patent Act	10,693	11,591	12,842	10,759	11,642	12,150	12,100
Examination procedures concluded (final)	30,980	31,080	31,929	26,022	31,012	33,271	34,830
Examination procedures not yet concluded in the patent divisions at end of year	135,492	139,413	143,972	155,469	162,590	169,097	176,951

Main technical areas of patent activity

The International Patent Classification (IPC) classifies technological fields.

By means of a number-and-letter code, it organises all fields of technology in more than 70,000 units. Thereby, our patent examiners can attribute every patent application to one or several classes of the IPC.

In the past few years, most of the patent applications at the DPMA have been attributed to the IPC class B60 "Vehicles in general" (see table 1.11 in the annex „Statistics" on page 87). In 2014, 6,782 patent applications were filed in this class. This means that, again, a slight decrease of 10.5% can be observed over 2013 (see table 5). The two classes following, F16 "Engineering elements or units" with 5,680 applications (+ 4.1%) and H01 "Basic electric elements" with 4,594 applications (+ 0.7%), experienced a rise in the number of applications.

The class G01 "Measuring; testing" remained in fourth place despite an increase of 6.9% compared to 2013.
The number of applications in class F02 "Combustion engines" increased again (2,418 applications) in comparison to the previous year (+ 4.5%).

Class A61 "Medical or veterinary science; hygiene" saw a slight rise in application figures (+ 3.7%). Again, class H04 "Electric communication technique" had a considerable boost (+ 12.8%).

Table 1.11 on page 87 shows the development in recent years.

Table 5
Patent applications in 2014 by classes of the International Patent Classification (IPC) that account for the majority of applications

IPC class		Applications in 2014	Percentage	Differences between 2013 and 2014 in %
B 60	Vehicles in general	6,782	11.3	10.5
F 16	Engineering elements or units	5,680	9.5	4.1
H 01	Basic electric elements	4,594	7.7	0.7
G 01	Measuring; testing	4,074	6.8	6.9
F 02	Combustion engines	2,418	4.0	4.5
H 02	Generation, conversion, or distribution of electric power	2,323	3.9	-0.1
A 61	Medical or veterinary science; hygiene	2,301	3.8	3.7
H 04	Electric communication technique	1,678	2.8	12.8
G 06	Computing; calculating; counting	1,615	2.7	-11.1
F 01	Machines or engines in general	1,601	2.7	5.5
B 62	Land vehicles for travelling otherwise than on rails	1,434	2.4	-2.3
B 65	Conveying; packing; storing; handling thin material	1,389	2.3	-1.2

Patent applications in the examination procedure

In total, 42,040 examination procedures were opened with legal effect in 2014. This was an increase of 7.2% over the previous year.

The relevant examining section conducts a thorough and comprehensive search to identify the relevant state of the art for the application. The state of the art will be assessed in detail to examine whether the subject matter of the application is new to a person skilled in the art, whether it is based on an inventive step, whether the invention is disclosed in a manner that allows it to be carried out and whether it is susceptible of industrial application. Conclusively, the examining section will decide on the grant of the patent or the rejection of the application. In 2014, we concluded 34,830 patent examination procedures and thus 4.7% more than in the preceding year. 15 022 examination procedures (43.1% of the applications) were concluded with a decision to grant the patent. This is an increase of 5.6% in comparison to the previous year. In 2014, 11,783 examination procedures were closed due to withdrawal by the applicant or failure to pay fees, and 8,025 applications were rejected (23.0% of the applications).

Applications filed by universities

In 2014, German universities applied for patents for 635 inventions in their own name. This means that they filed 15 applications more than in 2013. As in the past few years, the *Länder* Saxony, Baden-Württemberg, Bavaria and North Rhine-Westphalia were in the lead. Table 1.8 in the annex "Statistics" on page 86 shows the patent activity of the universities of the individual *Länder*.

Appeal proceedings at the Federal Patent Court

The Federal Patent Court currently has 13 Technical Boards of Appeal. They, among other things, have jurisdiction for rulings on appeals against decisions of the examining sections of the DPMA (rejection of a patent application or grant of a patent).

In total, 492 appeal proceedings were received by the Technical Boards of Appeal of the Federal Patent Court in 2014. In comparison to the previous year, this is a rise of 2.3%. 738 appeal proceedings were concluded before the Technical Boards of Appeal of the Federal Patent Court (+ 11.5%). At the end of 2014, 1,469 appeal proceedings were still pending. The number of pending appeal proceedings have been continuously reduced in recent years.

DID YOU KNOW THAT ...

... a design of a Universal kitchen machine, which has been kept up to date over the years, was registered for protection as early as the end of the 70s?

About 40 years ago, a design was created by product designer Rolf Feil for the Bosch company which has been further developed by the product designers, Helmut Kaiser and Tobias Krüger, and is still a characteristic feature of today's kitchen equipments: the Universal kitchen machine with the prominent multi-functional arm. While the tool drive of former Bosch kitchen machines had been located at the bottom of the bowl, a new design was then created which has been honed to perfection over the years and won various design awards.



(M)UM4 1978



MUM5 today

BRIEFLY EXPLAINED
Impact of the patent law revision

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)*, short: patent law revision, of 24 October 2013 led to further noticeable improvements of procedures in the field of patents and utility models at the DPMA in 2014.

The patent law revision allows us to maintain the high level of quality that our customers expect from us – in a new way. The extended search report and file inspection via the Internet meet long-standing expectations of our users.

Online file inspection

With the patent law revision, a legal basis for file inspection via the Internet was created in the Patent Act *(Patentgesetz)* and Utility Model Act *(Gebrauchsmustergesetz)*. Online file inspection is available on the DPMA website via the **DPMAregister** service. This service has been offered since 7 January 2014 giving you access to the core documents of a file. We are particularly glad to be able to offer this service free of charge to you.

The core documents of all patent and utility model applications for which a request for file inspection has been filed since 21 January 2013 can be inspected online. For a large number of applications, you can request inspection via the Internet any time from your own PC via a separate link in **DPMAregister**. Also available are all granted patents and registered utility models published on or after 21 January 2013 as well as all patent applications filed with the DPMA on or after that date and published in the meantime.

By December 2014, about 100,000 files were available online – and the number is growing daily.

Extended search report

With a search under Section 43 of the Patent Act, the patent examiners ascertain the state of the art relevant for the invention filed and make a preliminary assessment of the general requirements for patent grant.

As of 1 April 2014, the search report includes a detailed preliminary assessment of protectability of the invention in addition to the familiar presentation of the search results, largely in tabular form. The search report thus gives a much more detailed and tangible picture of the prospects of success of the invention filed under patent law. This will give you a better basis for a decision on whether to continue the national or international procedure or not.

At the same time, the Guidelines for the Search under Section 43 of the Patent Act (Search Guidelines) have been revised. They serve to ensure consistent and uniform handling of search requests. You can download the current version of the Search Guidelines from our website.

http://www.dpma.de/english/patent/forms

130 YEARS AGO

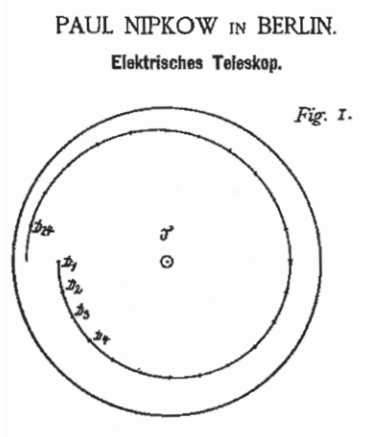
A Berlin student receives the first patent for television

Paul Nipkow (1860 – 1940) said about himself that he dreamed of things which did not exist and wondered why they did not exist. His motto in life and his technical ingenuity made the Berlin student a pioneer of television.

The installation of the first telephone in the post office of Neustadt (West Prussia), where Nipkow went to grammar school at that time, was a key experience for him. He borrowed this telephone to study it from a friend who was an apprentice at the post office. In a single night he succeeded in building an exact copy of the telephone. The following morning, the telephone was duly returned to the post office. The idea that it should be possible to transmit images electrically, similar to speech, first came to him when copying the telephone. He could not get this idea out of his mind.

After graduation from school in 1882, he moved to Berlin, where he began to study science with the famous physicist, Hermann von Helmholtz. Later he went to the Technical University in Charlottenburg to dedicate himself to studying electrical engineering under Professor Adolf Slaby.

In 1883, due to financial reasons, the student spent Christmas alone – and he succeeded in giving mankind a great Christmas present. He designed a device capable of making an object at point A visible at any arbitrary point B. He developed a scanning disk with a spiral pattern of holes (D1, D2, D3 ...) which was rotated rapidly and smoothly about its centre by a clockwork mechanism.


PAUL NIPKOW IN BERLIN.

Elektrisches Teleskop.

Fig. 1.

Figure from the patent specification DE30105

The scanning disk rotated over an image surface scanning it line by line. The different light intensities of the individual portions of an image were converted into electrical signals and transmitted to a receiver. In the receiver, another rotating disk synchronised to the scanning disk was used for the accurate reproduction of the image. Paul Nipkow was granted the patent no. 30105, which was effective as of 6 January 1884, for an "electric telescope".

Unfortunately, Paul Nipkow did not have the money to exploit his invention technically and commercially. Furthermore, his invention was so much ahead of the state of the art at that time that nobody succeeded in developing Nipkow's invention further in the following decades. It was not before the 1920s that experiments were conducted to improve television – with the support of the postal authorities.

The Hungarian physicist Dénes Mihály first succeeded in transmitting an image by means of the Nipkow method using a 2.5 km line. In 1928, he presented the first television pictures of a size of roughly 4cm x 4 cm to the public at the fifth Berlin Radio Show *(Große Deutsche Funkausstellung)*.

Further improvements of picture quality and, since 1931, also accompanying sound recordings advanced the development of television. At the eighth Berlin Radio Show in 1931, Manfred von Ardenne gave the first demonstration of an all-electronic experimental set-up for transmitting moving images using a cathode ray tube (Braun tube), developed by Ferdinand Braun.

In 1936, television made its real breakthrough with live broadcasts from the Olympic Games in Berlin. At that time, 150,000 people watched the broadcasts in the television rooms in Berlin and Leipzig. In 1954, people met in pubs to watch the FIFA World Cup on the screens and Germany winning its first World Cup title. The dream to have their own television sets came true for more and more people during the years of the economic miracle. Today, 95% of households in the Federal Republic of Germany have at least one television set. Within 60 years television evolved from a luxury item to a standard product and Paul Nipkow has become immortal as the "father of television".

IN FOCUS
Selected fields of technology

Automotive technology

In 2014, the area of vehicles in general has again occupied a top position in our office's patent statistics with regard to the number of patent applications. After a slight decline in the number of applications in 2013, the class of vehicles in general again saw a rise in applications in 2014 (10.5%) and is still the undisputed top class (see page 87).

We are still receiving applications filed, above all, by big car manufacturers and internationally active component suppliers. Work has continued to intensely focus on optimising exhaust technologies and improving energy efficiency of the various drive systems.

Internal combustion engine

Compared to the previous year, the number of patent applications in the area of internal combustion engines slightly increased (3.3%) in 2014 (the year of publication). Roughly 47% of the applications, which is the largest share in this field, are accounted for by Germany. However, foreign applicants continue to be strongly represented, particularly from the USA and Japan, which account for about 40% of the applications.

In 2014, the developers' work again focused on measures to even further cut fuel consumption and CO_2 emissions of internal combustion engines. This is accomplished by the reduction of the cubic capacity and the number of combustion chambers among other measures. Since smaller cubic capacity also involves a loss of power, turbocharging or direct injection are used to compensate for the power loss. Here, we mainly receive patent applications dealing primarily with pressure wave charging and twincharging, multi-point injection and mass balancing as well as variable spin control and valve control.

Many car manufacturers count on the development of smaller internal combustion engines, as for example, three- or two-cylinder engines. The latter are often used in electric vehicles to extend the range.

Applicants are working in the field of exhaust technology of internal combustion engines with unabated activity. In this context, an increasing number of applications deal with the urea-based SCR exhaust gas aftertreatment (SCR – Selective Catalytic Reduction) to effectively reduce nitrogen oxide emissions.

Hybrid drive

If different drive systems are combined in a motor vehicle, this is called a hybrid drive. It, for example, makes use of at least an electric motor and an internal combustion engine to drive a vehicle, which are either used both together or alternately, depending on requirements. The number of patent applications covering the various aspects of hybrid drives increased compared to the previous year. A large part of the applications in this field are filed by companies based in Germany and companies based in Japan and Korea. Applications from the Republic of Korea again saw a marked increase; the filing activity again rose by roughly 37%. There is a very broad variety of applications ranging from simple start/stop systems to full hybrids, which can run on electric power alone for a certain time. However, most of the applications 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. Intensive development work also continues to go into reducing the weight of the vehicle and the space required for hybrid parts. The development departments of companies increasingly give attention to the integration of additional information, such as GPS data, elevation profile of the route or traffic-related influences to achieve an energy-optimised control of the drive.

Electric drive

The number of applications for purely electric vehicles also saw a slight increase in the publication year 2014. There was a rise, above all, in the number of applications by companies based in Japan. Inventors from Germany and the USA were slightly less active in this field than in the previous year. In addition to the specialised classes listed in table 6, such patent applications can also be found in the field of electricity storage technology. This involves, for example, the development of battery chargers or the improved storage capacity, the storage safety of batteries or the improved cooling of the means of electrical storage.

To solve the problem of low energy densities of batteries, companies aim at designing intelligent battery management systems. In this context, a possible solution focuses on electric double layer capacitors (SuperCaps). In the driving mode, a control device determines whether the 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 6
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	2008	2009	2010	2011	2012	2013	2014
Germany	1,570	1,888	1,907	1,874	2,070	1,781	1,880
USA	594	631	515	694	696	651	788
Japan	899	992	771	690	758	891	816
Republic of Korea	25	49	41	56	91	100	95
France	152	162	136	83	107	123	113
China	9	7	3	4	10	8	13
Total	**3,497**	**3,987**	**3,633**	**3,646**	**4,038**	**3,888**	**4,018**

Hybrid drives [1,3]

Country of origin / publication year	2008	2009	2010	2011	2012	2013	2014
Germany	342	544	695	814	930	1,091	1,153
USA	213	351	266	371	482	493	511
Japan	352	371	388	402	632	741	837
Republic of Korea	42	36	48	158	247	451	617
France	26	59	46	43	57	68	65
China	3	7	25	13	13	8	3
Total	**1,008**	**1,397**	**1,528**	**1,855**	**2,422**	**2,813**	**3,114**

Electric drives [1,4]

Country of origin / publication year	2008	2009	2010	2011	2012	2013	2014
Germany	44	53	89	109	147	139	116
USA	24	36	32	38	50	64	50
Japan	47	44	27	51	114	113	135
Republic of Korea	3	0	0	7	15	20	32
France	1	11	4	18	27	21	31
China	0	4	0	3	0	3	2
Total	**126**	**153**	**163**	**249**	**389**	**405**	**411**

[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] IPC: 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

Research and development in innovative energy technologies played an important role worldwide also in 2014. This is very well reflected by the filing figures for patents. Although there was a slight drop in the number of patent applications in the field of renewable energy, as in the previous year, this field is still of very great importance.

The majority of applications in 2014, roughly 68%, were accounted for by foreign applicants. In the year under review, most of the applications in the field of solar technology were again filed by medium-sized companies from Germany and big companies from Japan, Korea and the USA.

Developers continue to increasingly aim at improving efficiency levels of silicon solar cells while at the same time keeping production costs low. As witnessed in the previous years, the number of applications by German enterprises in the field of solar technology declined even further. The reason for this is the sharp price decline of photovoltaic panels and the reduction of government subsidies. The current development activities of German companies mainly focus on solar thermal power stations which convert electromagnetic solar radiation primarily into thermal energy.

There was a further drop in applications for wind generators by foreign enterprises. We mostly receive the applications of big companies from Germany and the USA in addition to a not insignificant number of private inventors. Our office primarily receives applications for 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 filed by German enterprises in the field of other renewable energy sources rose slightly from the previous year. The quality of biogas generated in biogas plants continues to be a research focus and biogas plants are being combined with other renewable energy sources, for example, solar technology.

Table 7

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

	2008		2009		2010		2011		2012		2013		2014	
Renewable energy sources[1]	**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]	143	231	240	350	290	485	329	646	280	753	254	664	157	533
Wind generators[5]	123	162	190	292	234	341	273	453	312	603	322	474	267	423
Hydro power/ wave and tidal power[6]	19	31	20	55	40	57	51	88	35	71	31	75	25	68
Geothermal energy, biogas, other energy sources[7]	78	35	86	51	72	44	77	87	76	76	65	67	72	64
Total	**822**		**1,284**		**1,563**		**2,004**		**2,206**		**1,952**		**1,609**	

[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



Utility models

Fast protection for technical inventions

Not only a patent application but also a utility model application can be filed for almost any technical invention. The protective effect is largely equivalent to that of a patent. The registration of a utility model is comparatively 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 will, under ideal conditions, be registered after only a few days. Contrary to the patent, compliance with substantive requirements for protection, that is novelty, inventive step and industrial applicability, will not be examined. Utility model protection can last for up to ten years if the respective fees are paid after three, six and eight years. The initial three years after filing the application are covered by the application fee.

For technical inventions, the utility model, which is also called the "little brother" of the patent, is a real alternative or addition to the patent. It is also a valuable IP right, particularly when combined with a search making the risk of cancellation at a later date relatively small. Optimal protection of the invention can also be achieved by combining both IP rights. Patent protection and utility model protection complement each other. However, so far, processes and biotechnological inventions cannot be protected by utility models but only by patents.

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

www.dpma.de/english

Development in utility model application figures

In 2014, 14,748 utility model applications were filed at our office, of which 1,398 were split off from patent applications. This means that the filing figures continued to drop (2013: 15,470; - 4.7%). In the previous year, we entered 13,082 utility models in the Register. This amounts to 88.7% of the applications. 2,044 applications were withdrawn, rejected or did not lead to registration for other reasons.

Over the year, we renewed 20,337 utility model registrations. In 2014, 15,596 utility models lapsed, for example, due to non-renewal or abandonment. 87,770 utility models were in force at the end of 2014.

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 89.

Origin of utility model applications

As in the previous years, the majority of utility model applications originated from Germany: 10,948 of all applications came from Germany (74.2%). However, the utility model has also remained popular with applicants based abroad. With 3,800 applications compared to 3,824 in 2013, the number of applications filed by applicants located abroad decreased slightly. Their share amounted to 25.8% in 2014. A large part of the foreign applications originated from Taiwan (22.0%), followed by the United States of America (17.3%) and China (14.4%) (see table 8).

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

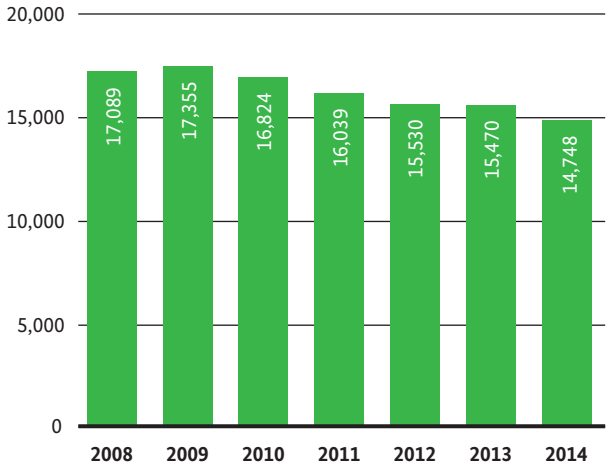


Table 8
Utility model applications at the German Patent and Trade Mark Office in 2014 by countries of origin

	Applications	Proportional share in %
Germany	10,948	74.2
Taiwan	837	5.7
USA	659	4.5
China	547	3.7
Austria	374	2.5
Switzerland	271	1.8
Japan	144	1.0
Italy	101	0.7
Others	867	5.9
Total	**14,748**	**100**

Utility model applications by German *Länder*

The comparison of German *Länder* shows that North Rhine-Westphalia again came top with 2,866 applications in 2014 as in the previous years. This accounted for 26.2% of the total number of domestic applications of 10,948. Bavaria followed with 2,436 applications (22.3%) and Baden-Württemberg with 1,936 applications (17.7%). The filing figures in relation to the size of the population of each German *Land* are shown in the annex "Statistics" on page 91.

Split-off option

The utility model can be an ideal complement to the patent if it is "split off" from a patent or a patent application. As a utility model is a low-cost and rapidly effective IP right, you can use it as an accompanying measure to effectively take action against copying as long as the patent has not yet been granted. The split-off option allows you 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. The registration of the utility

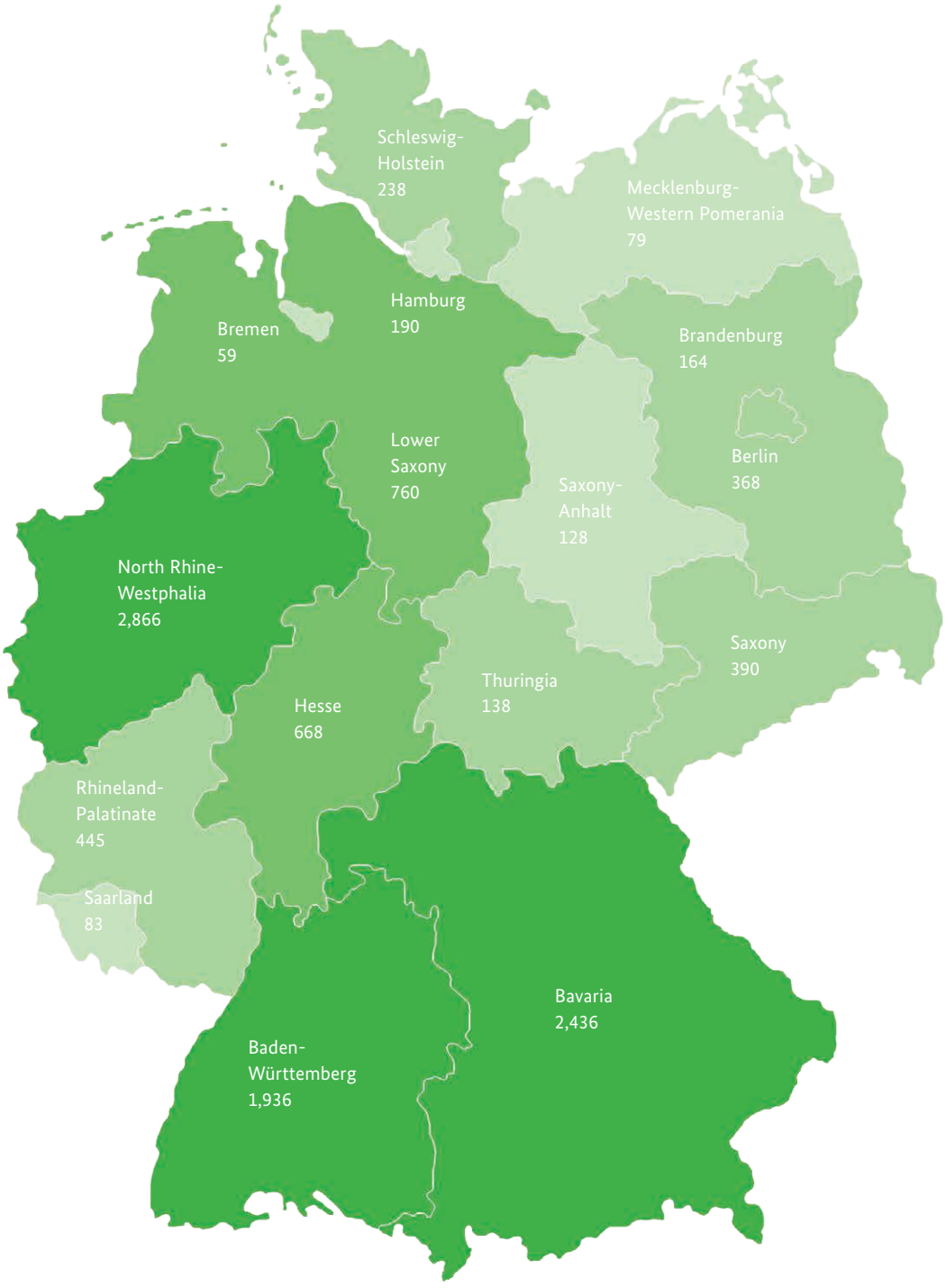


Figure 4
Utility model applications by German *Länder* in 2014

model provides protection for your invention during the otherwise almost unprotected period between the filing of the patent application and the patent grant.
In 2014, 1,398 utility model applications were split off from patent applications.

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. In order to minimise the risk of cancellation at a later date, you can check beforehand by a prior art search whether a comparable invention has already been made. You may choose to have the prior art search performed by patent examiners for a fee of 250 euros. A search report lists the publications and documents identified that are relevant for assessing protectability of the utility model. This will help you to assess whether your own claims will be enforceable against others or if an attack on your IP right could be successful. The guidelines for establishing a search report were revised in 2014.

In 2014, 2,608 search requests were received by our office.

Utility model cancellation

The purpose of cancellation proceedings is to eliminate any fictitious rights since the utility model is an IP right that is registered without substantive examination.
Any person may request a post-registration examination of the subject matter of a registered utility model. The person filing the request does not need to have an economic interest. A fee of 300 euros is payable for the request upon filing. The request must contain the facts on which the cancellation request is based. Mostly, these are statements about the non-protectability of the subject matter of the utility model. Then, we serve the cancellation request upon the owner of the utility model. If he or she does not object to it within a period of one month, the utility model registration is cancelled by the DPMA. Otherwise, we initiate adversarial proceedings with procedures that are similar to judicial proceedings. A panel of three consisting of a chairperson, who is a lawyer, and two patent examiners as assessors decide on the validity of the utility model in oral proceedings at the DPMA.

They examine above all whether the subject matter of the utility model is new and involves an inventive step. It can also be examined whether the invention was extended in an inadmissible way.

In 2014, we received 14,748 utility model applications but only 130 cancellation requests. In the past few years the numbers were similar. That means that the “challenge rate” is very low. Hence, the utility model provides very reliable IP protection.

Topographies

Topographies are three-dimensional structures of micro-electronic semiconductor products.

The registration procedure hardly differs from that of utility models. Topography applications are also processed by the Utility Model Unit at our office, but only few topography applications were filed in the past few years.

In 2014, we received only one topography application.



Trade marks

Signs providing orientation

Trade marks are names for goods or services. They make products recognisable and provide orientation for us. Registered trade marks protect products or services from being copied or confused. Consumers can trust them; and suppliers can likewise be sure that only their products are associated with their achievements.

Trade marks are mostly words, logos, images or combinations thereof. But three-dimensional shapes, colours, combinations of colours or jingles can also be protected as trade marks under certain circumstances. However, application does not guarantee registration. It is the duty of the German Patent and Trade Mark Office (DPMA) to examine whether a trade mark applied for may be hindering others – particularly the public or competitors. For instance, words describing the goods or services for which they are intended to be used cannot be registered. For example, the word "violet" would not be registrable for the goods "dried bouquets of flowers". It might be different if the word "violet" were applied for in relation to, for example, the "services of a management consultancy firm".
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 DPMA. Second, 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, with the general principle that the earlier trade mark takes precedence over the later trade mark. In this context, it is irrelevant whether the trade mark is a national trade mark, an international trade mark or a Community trade mark.

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

www.dpma.de/english

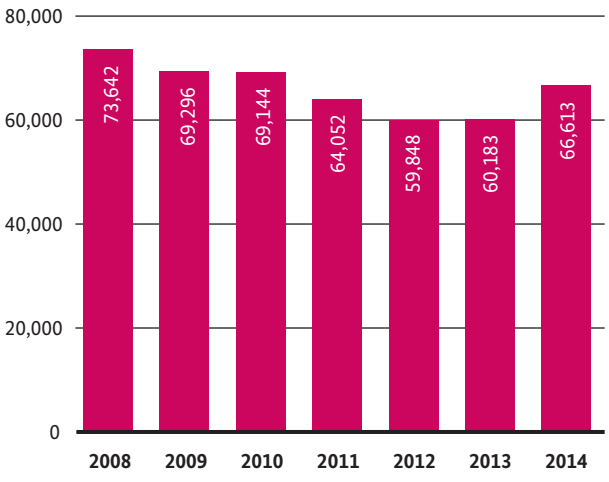
Development of trade mark applications

With 70,678 requests for trade mark protection, which we received in 2014, we have seen a considerable increase compared to the previous year (2013: 64,988). The figure includes 66,613 national applications (2013: 60,183) and 4,065 requests for the extension of protection (2013: 4,805) based on international registrations which were sent to us through WIPO.

In parallel to the increasing application figures in Germany, we have seen a drop in German application figures for Community trade marks at OHIM in Alicante (Spain). In 2014, 18,699 applications filed at OHIM originated from Germany, compared to 19,981 in 2013. Since the overall application figures at OHIM continued to rise in 2014, there seems to have been a – even if moderate – shift in applications from Germany from the European to the German office. Certainly, the option of filing national trade mark applications online without digital signature with the DPMA, introduced at the end of 2013, has contributed to this development. In 2014, already 52.5% of all trade mark applications received made use of that option. In addition, for persons primarily doing business in Germany and a few other countries, a German trade mark is usually less expensive and also associated with less legal risks than an application for a Community trade mark.

While a German trade mark is only valid in Germany and protection for other countries must be extended via WIPO, a Community trade mark is *per se* valid in all 28 member states of the European Union (EU). It is therefore a very powerful and comprehensive IP right. However, an application for a Community trade mark may be challenged with grounds for refusal from all 28 member states of the EU. Since opposition may be lodged due to rights that are not recorded in the trade mark registers, a comprehensive and absolutely secure search for prior rights is almost impossible. After registration, it is likewise difficult to keep track of potential infringement of the registered trade mark in all member states of the EU. Additionally, there are requirements as to the genuine use of the Community trade mark whose impact, at this time, cannot be fully assessed. The Community trade mark is thus an IP right which has a lot of advantages for those active in large parts of the EU and many of its member states. For persons with focus of activity on Germany and maybe a few other countries, a German trade mark is still the gold standard.

Figure 5
National trade mark applications at the German Patent and Trade Mark Office



Trade mark procedures

There were 66,613 national applications and 47,980 registrations in 2014. Only 6,069 trade marks were refused due to formal or substantive grounds for refusal (see table 9). 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. In 2014, trade marks were normally registered about three months after filing the application, or even considerably faster in case of a request for acceleration or electronic filing. However, if, for example, the drafting of the list of goods and services caused problems, registration might also haven taken 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 60,000 terms of this database have been harmonised and reviewed 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 enforce their rights against a newly registered trade mark by giving notice of opposition. In 2014, 3,501 opposition proceedings were concluded by the DPMA. In 2,155 cases (that is, about 62%), 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 German *Länder*

With 96%, again almost all trade mark applications came from Germany in 2014. Most of the 63,008 German trade mark applications were from the populous territorial states North Rhine-Westphalia and Bavaria: 13,767 from North Rhine-Westphalia (21.8%) and 11,587 from Bavaria (18.4%). 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 192 applications and 148 applications, respectively, per 100,000 inhabitants. For further statistical data on trade mark applications, please refer to the annex "Statistics" on page 92.

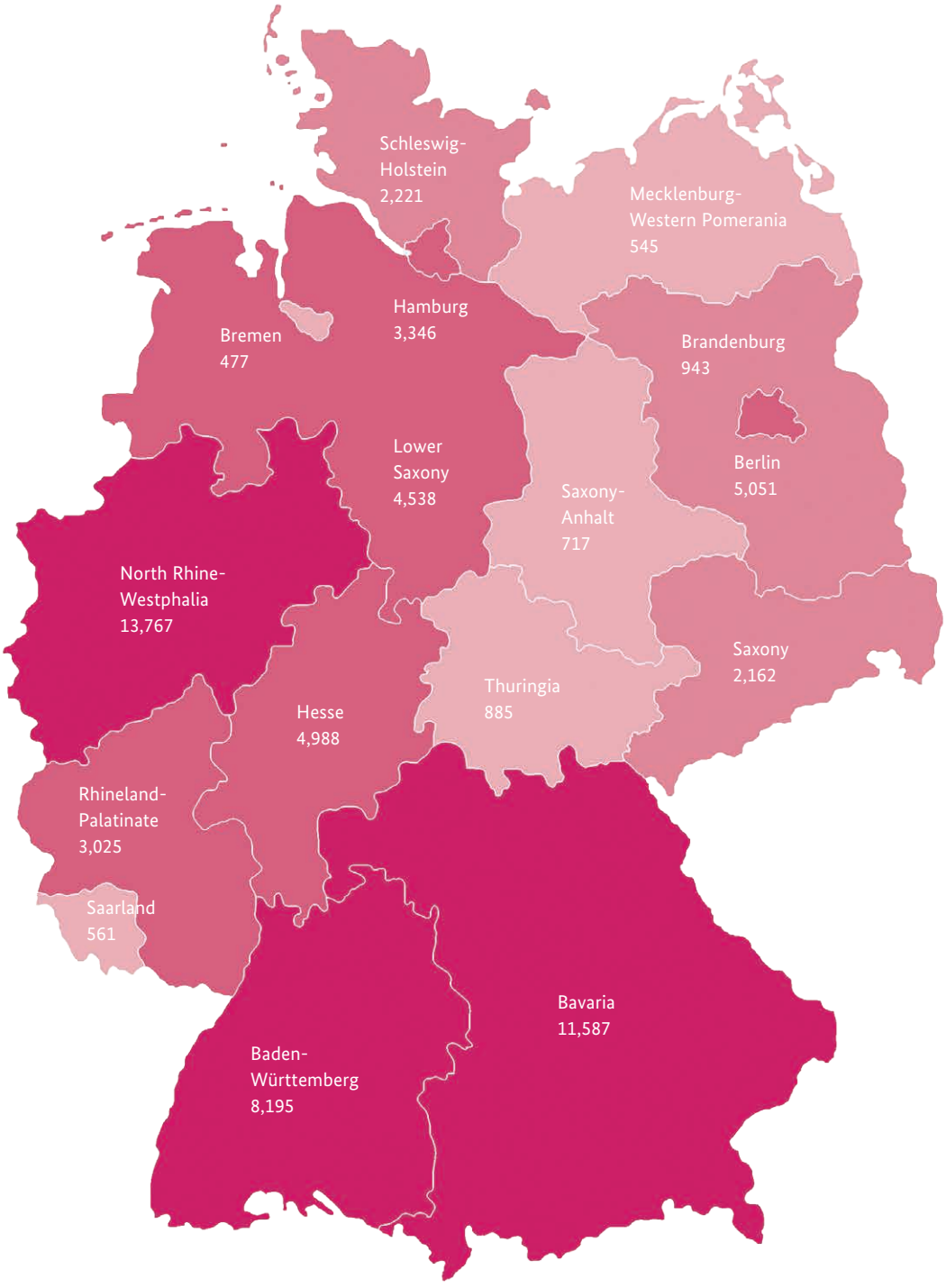


Figure 6
Trade mark applications by German *Länder* in 2014

Top companies in terms of registrations

With 93 registrations each, Boehringer Ingelheim International GmbH and Daimler AG shared the top position as the companies and institutions with the most trade mark registrations in 2014. Netto Marken-Discount AG & Co. KG followed in third place with 62 registrations. The top foreign applicant was a pharmaceutical company from Switzerland: Novartis AG (see table 10).

Trade mark applications by leading classes

The service class 41 (education; sporting and cultural activities) remained the top of the leading classes in 2014 (8,098 applications) ahead of the former top leading class of many years, class 35 (advertising, business management), which was again in second place (7,636 applications). As in the year before, leading class 9 (electrical apparatus and instruments; 4,731 applications) ranked third as the most requested class of goods. The smallest leading class is class 23 (yarns and threads) with only 28 applications, a decrease of 20.0% over 2013 when 35 applications were filed (see table 11).

Table 9
Selected data on trade mark procedures

Year	2008	2009	2010	2011	2012	2013	2014
New applications	73,642	69,296	69,144	64,052	59,848	60,183	66,613
Registrations	50,284	49,840	49,766	51,335	46,096	43,510	47,980
Refusals	7,395	8,419	8,353	7,772	6,505	5,008	6,069

Table 10
Top companies and institutions in terms of trade mark registrations in 2014 (registrations of trade marks under Section 41 of the Trade Mark Act *[Markengesetz]*)

	Applicant	Principal place of business		Number
1	Boehringer Ingelheim International GmbH	DE		**93**
1	Daimler AG	DE		**93**
3	Netto Marken-Discount AG & Co. KG	DE		**62**
4	FERRERO Deutschland GmbH	DE		**56**
5	Henkel AG & Co. KGaA	DE		**52**
6	Fraunhofer-Gesellschaft e.V.	DE		**49**
7	Bayerische Motoren Werke AG	DE		**47**
8	Novartis AG		CH	**42**
9	Lidl Stiftung & Co. KG	DE		**40**
10	Coty Germany GmbH	DE		**39**
10	Deutsche Telekom AG	DE		**39**
12	DS Produkte GmbH	DE		**38**
12	STEVENS Vertriebs GmbH	DE		**38**
12	VOLKSWAGEN AG	DE		**38**
15	Bayer Intellectual Property GmbH	DE		**35**
16	Nordbrand Nordhausen GmbH	DE		**33**
17	Vodafone GmbH	DE		**31**
17	ZEG Zweirad-Einkaufs-Genossenschaft e.G.	DE		**31**
19	Bally Wulff Games & Entertainment GmbH	DE		**30**
19	KAESER KOMPRESSOREN SE	DE		**30**
19	Kaufland Warenhandel GmbH & Co. KG	DE		**30**

Cancellation of trade marks

There can be many reasons for cancelling a trade mark. Owners of trade marks may any time surrender their trade marks in full or for individual goods or services for which the trade mark is protected. A trade mark will also be cancelled from the Register if the renewal fee is not paid or not paid in time. Cancellations *ex officio* only come into consideration for certain grounds for refusal in the public interest. For example, if the trade mark is against the moral law or contains national emblems. However, this is only rarely the case.

Then, there are also cancellation requests by third parties, of which 662 were filed with the DPMA in 2014. Such a cancellation request is a *Popularantrag*, a request which is subject to a fee and which may be made by any legal person without showing a specific interest. The person making the request may invoke grounds that a trade mark is not eligible for protection and, for example, claim that a trade mark is descriptive or is not able to be registered as an indication of origin. Due to absolute grounds for refusal, 314 requests were filed in the year under review.

Cancellation requests may also be based on the fact that the trade mark was not used within a specific period. There were 348 such requests on grounds of revocation in 2014.

A reason particularly often given for cancellation in 2014 (134 requests) 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 some cases, the Cancellation Division must deal with the question whether a sign which, as a descriptive indication, is not protectable has still established itself as a trade mark in the course of trade. In order to answer this question, surveys must be conducted and legally complicated questions must be solved in many cases. Processing times are therefore often long; and, for the most part, the case goes through all instances. Acquired distinctiveness is frequently claimed for three-dimensional trade marks or colour marks. A famous example is the colour mark "red" by Deutscher Sparkassen- und Giroverband e.V. (German Savings Banks Association). Two cases are pending before the Federal Patent Court; the decision is eagerly anticipated by the interested circles.

Table 11
The top ten leading classes

Leading class		Applications in 2014	Proportional share in %	Differences between 2013 and 2014 in %
41	Education; sporting and cultural activities	8,098	12.2	20.4
35	Advertising; business management	7,636	11.5	14.4
9	Electrical apparatus and instruments	4,731	7.1	13.1
42	Scientific and technological services	3,677	5.5	22.3
25	Clothing; footwear	3,397	5.1	15.7
44	Medical services	2,667	4.0	- 0.1
43	Providing food and drink; temporary accommodation	2,396	3.6	18.0
5	Pharmaceutical preparations	2,317	3.5	11.4
36	Insurance	2,317	3.5	- 3.5
30	Food of plant origin	2,174	3.3	5.2

Trade mark administration

About 45 staff from the area of trade mark administration deal with transfers of rights, renewals, reclassifications and cancellations after registration of a trade mark and during potential subsequent opposition proceedings. Furthermore, they answer enquiries as to the Trade Mark Register, make register extracts and process requests for priority documents and certifications of origin.

The stock of trade marks in force slightly increased compared to the previous year. On 31 December 2014, the Register contained 793,704 trade mark registrations (see figure 7). The number of renewals has remained very stable since 2011, with approximately 30,000 each year (2014: 32,226). The number of cancellations has increased again. In 2014, 44,316 (2013: 39,226) trade marks were cancelled. For more statistical data relating to trade mark administration, please refer to the annex "Statistics" on page 92.

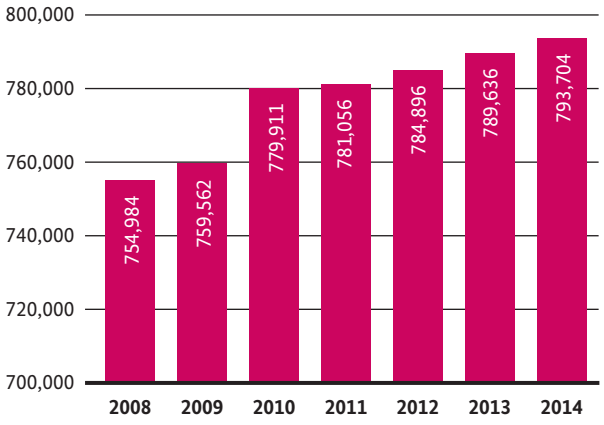


Figure 7
Trade marks in force at the end of the year, at the German Patent and Trade Mark Office

Harmonised examination practice of the European offices

In 2014, we continued our active participation in the Convergence Programme on harmonised examination practice of the European offices. This programme initiated by OHIM is intended to develop common principles for the examination practice of the national offices as well as of OHIM. The working groups consist of most European offices as well as user groups.

In 2014, the results of the convergence project on likelihood of confusion (non-distinctive/weak components) were first agreed on within the working group. In this project, OHIM and the national offices developed common principles for the assessment of likelihood of confusion of trade marks which have coinciding non-distinctive or weak components.

According to the results of the project, a coincidence in a non-distinctive component does not result in likelihood of confusion. A coincidence in a weak component will normally not lead on its own to likelihood of confusion. OHIM's Administrative Board approved the results in its meeting in May 2014. Then, the results were summarised in a document that was published on the websites of all European offices involved and OHIM on 2 October 2014. The results of this project correspond to the long-standing practice of the DPMA and German case law. However, they are a matter of dispute in European case law.

Within the framework of the convergence project on the distinctiveness of word/figurative marks containing descriptive or non-distinctive word elements, the DPMA was involved in the working group in the further development and formulation of the common principles. That project will determine for different types when a word/figurative mark whose word element is not distinctive is protectable due to its figurative element. Conclusion of this project is planned for 2015.

Reform of European trade mark law

The fundamental reform of European trade mark law planned by the European Commission was not finally passed in 2014. Following the elections for the European Parliament in May 2014, the responsible *rapporteurs* in the Committee on Legal Affairs had to be newly appointed. There were a number of consultations between the Commission, the Parliament and the representatives of the member states, in which Germany intensively participated. Within this context, the member states underlined that they preferred a clearer separation between the national trade mark law systems and the Community trade mark system than provided for by the Commission's draft.

It becomes apparent that the examination criteria for a national trade mark will probably remain limited to its area of protection and that – in contrast to the first draft – grounds for refusal in other member states will probably play no role in the assessment of protectability. It is also possible that the Community trade mark regulations, thus the law on the examination of Community trade marks, will be more extensively amended than the Community trade mark directive, which serves as a binding framework for national legislators for their national trade mark laws.

IN FOCUS
Trade mark protection and trade mark infringement



We examine whether trade marks are eligible for protection and enter them in the Trade Mark Register if they are. Proprietors of earlier trade marks may file opposition against the registration of a later trade mark if they believe that the registration of the later trade mark adversely affects their earlier trade mark. We examine then whether this is really true and, if so, cancel the registration of the later trade mark in the Register in full or in part.

Scope of trade mark protection

Registration of a trade mark in the Register confers on the trade mark proprietors the exclusive right to use the trade mark for the claimed goods and services. You can take action against others using an identical or similar sign and request them to stop doing so. As a rule, a person infringing a trade mark right will first receive a warning by a lawyer before an action for injunction before a court will be initiated. Such cases deal with actual acts, which may show many aspects that need to be proved. Our register procedure mainly in written form and based on certificates is not appropriate for the examination of claims for injunction. Such proceedings are therefore conducted before courts – in the first instance, before Regional Courts.

Legal enforcement of trade mark protection

The person holding the trade mark must quickly react to trade mark infringement. The person's trade mark and business activity are at risk if an infringement lasts for months. Therefore, court proceedings must be short. For such cases, legislation has provided the courts with the option of issuing an interlocutory injunction. In such proceedings, courts may examine and assess evidence more easily and may usually decide within some days or few weeks. It is therefore probable that disputes over trade mark infringement go before the courts, and that, if the requirements are met, the courts just as fast issue interlocutory injunctions against the persons that have infringed the trade marks. For the enforcement of such injunctions, authorities such as the customs authorities may be involved. In almost all cases, the injunctions state that a coercive fine must be paid if infringement is repeated.

The role of registration of the trade mark

When examining whether an interlocutory injunction may be issued, the court relies on the trade mark whose infringement is claimed being registered in accordance with law. The court does not examine in such fast proceedings whether the requirements for the registration of the trade mark have been correctly assessed by our staff. If the losing party is of the opinion that the trade mark was not able to be registered for the plaintiff, it must object to the registration of the trade mark. In such case, the DPMA will become involved again. A cancellation request may be filed against the registration of a trade mark, which will be examined by a board of three legally qualified persons. The examination will then be exact and comprehensive, and will lead to a reliable decision regarding the eligibility for protection of a trade mark.

Impact on the court proceedings

If the registered trade mark is indeed cancelled, the interlocutory injunction can be revoked, a coercive fine does not need to be paid either. If the court proceedings are on the merits, thus the regular proceedings, for example, concerning the examination of claims for damages, the court is bound by the cancellation of the trade mark performed meanwhile.

Official proceedings and court proceedings

The official proceedings dealing with the grant and maintenance of the registration of a trade mark and the court proceedings establishing whether a trade mark has been infringed are carried out in parallel. Depending on the situation and interest, the parties involved must therefore either apply to a court or to us if they want to enforce their views and their interests. In such case, there are defined roles for both the DPMA and the court.

MORE THAN 100 YEARS OLD

Trade marks are potentially immortal – the oldest ones have been applied for more than 100 years ago

The application for the German trade mark with the register number 1, the trade mark „Perkêo“, had its 120th anniversary in 2014. The word mark for lamps and lamp parts was the first trade mark registered under the Act on the Protection of Trade Names *(Gesetz zum Schutz der Warenbezeichnungen)* of 12 May 1894. On the basis of this act, it was, for the first time, possible to seek protection for word marks. The Act on the Protection of Trade Marks *(Gesetz über Markenschutz)* of 30 November 1874 had already introduced protection for figurative marks much earlier. It came into force on 1 May 1875. Trade marks successfully applied for then have their 140th anniversary in 2015. Under Section 47 of the Trade Mark Act *(Markengesetz)*, the duration of protection of a trade mark may be extended an unlimited number of times. Trade marks are thus indeed potentially immortal.

A search in the DPMA's Trade Mark Register, which is freely available at **https://register.dpma.de**, shows that some of the German trade marks are still valid. These include a foreign application from the textile company J. & P. Coats Limited from Glasgow (United Kingdom) with the earliest possible filing date of 1 May 1875. On 5 May 1875, Epernay (France) was the place of origin of the trade mark application for "Monopole" from the Champagne producer Heidsieck & Co. Monopole S.A. The application for a picture of a cock of 6 July 1875 filed by the metal factory Tokosha from Tokyo (Japan) shows that globalisation is not a new concept of the 21st century.

The fact that trade marks may be renewed an unlimited number of times is due to legal as well as to economic reasons. A trade mark is usually the name of a product. The person offering the product may seek registration of this name as a trade mark if this does not lead to any limitations in relation to another person. Only that former person may then use the trade mark. If the product is successful, there will be no reason, neither for that person nor for the public, to cancel the trade mark. Rather, the public even benefits from the renewal, since the renewal fee is double the application fee.

Another trade mark having its anniversary in 2014 is the emblem of the Munich Spaten brewery. The picture of a spade (*Spaten* in German) including the initials "G S",

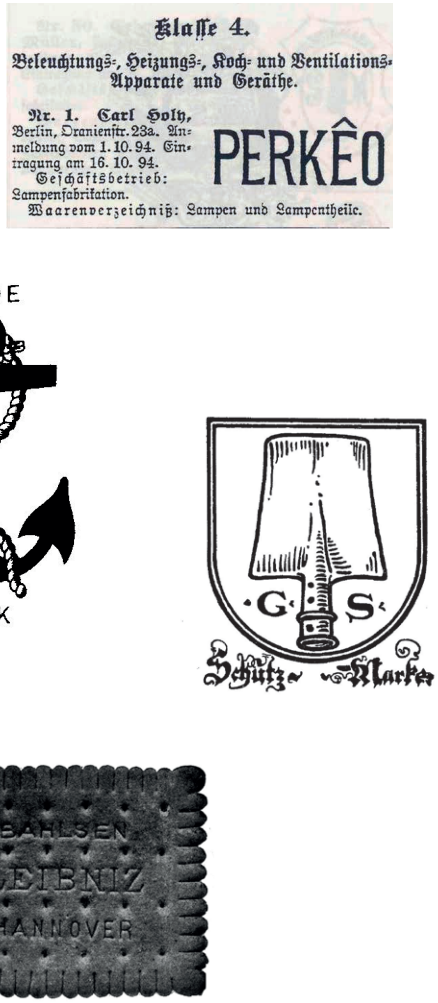


Figure showing the word mark Perkêo and the word/figurative marks of J. & P. Coats Limited, of the Munich Spaten brewery and of Leibniz

for which protection was sought and granted in 1884, is already 130 years old. The trade mark is still owned by the brewery, Spaten-Franziskaner-Bräu from Munich. The German trade mark Sarotti, which has a long tradition and which was applied for and registered in 1894, making it 120 years old, is now owned by Chocolat Alprose SA from Lugano in Switzerland. Sarotti was founded in the German empire. Its predecessor was a patisserie in the Friedrichstraße in Berlin. Today, it is a significant European trade mark in the internal market of the European Union.

In 2014, other famous trade marks such as Osram, Johnnie Walker, Idee-Kaffee and the Leibniz butter biscuit also turned 100 years old and thus have lived through the past century. All of these trade marks have one thing in common: they are surprisingly old on the one hand and surprisingly young on the other hand. **So: congratulations!**

Indications of geographical origin

Protection of products from your region against imitation

Whether *Nürnberger Lebkuchen* (ginger bread), *Tiroler Bergkäse* (cheese) or *Parmaschinken* (ham): products that have acquired a reputation beyond the borders of their regions of origin will frequently attract imitators who offer products under the same name and pretend that these products are authentic. However, mostly those products are of a different origin and of lower quality. 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. Regulation (EU) no. 1151/2012 forms the current legal basis for this type of protection.





Contrary to the trade mark, the use of an indication of geographical origin is not reserved to a specific enterprise or association as owner. Therefore, 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.

At the annual PATINFO conference in Ilmenau, indications of geographical origin, for the first time, was the subject of a lecture in 2014. Two members of staff of the DPMA delivered a paper on the topic: "Indications of geographical origin – an alternative to trade mark protection?" More information on our participation in trade fairs and events is available in the chapter "Information services" on pages 46 and 47.



Registration in Brussels

Depending on its degree of connection with the region of origin, a regional speciality product will be entered into the register of the European Commission as PDO or as PGI and thus be given protection against imitation throughout Europe. The requirements for a product to qualify for the label "protected designation of origin" are stricter than for a 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 79 names of German products currently registered in Brussels; for example, *Hessischer Handkäse* (cheese), *Spreewälder Gurken* (gherkins) and *Kulmbacher Bier* (beer). A total of 1,201 names of foodstuffs and agricultural products were protected at the end of 2014. 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. The range of protected products includes cheese, meat products, fish and shellfish, fruit, vegetables, vinegar and oil as well as pastries and beer. After this system of protection became available to non-EU member states, 16 designations of origin/geographical indications from third countries have also been registered, the most famous among them are: *Café de Colombia* (Colombia) and *Darjeeling* (India).

Legal requirements

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 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.

On 22 June 2014, the Delegated Regulation (EU) no. 664/2014 and the Implementing Regulation (EU) no. 668/2014 entered into force, which contain supplementing provisions and rules for the application, respectively, of Regulation (EU) no. 1151/2012. Both describe the special procedural requirements for amendments to a product specification among other things.

Requests and decisions in 2014

In 2014, we received three new applications for registration for the designations *Schwäbisches Bier* (beer), *Beelitzer Spargel* (asparagus) and *Bayerisches Ei* (egg). In the year under review, there were also four applications for amendment



of the specification of registered designations of origin/geographical indications. In total, we have forwarded one application for registration and four applications for amendment to the European Commission in Brussels after favourable conclusion of the national examination.

Against the application for registration of *Havarti*, a cheese from Denmark, published in January 2014, opposition was lodged by producers in Germany, giving as a reason among others that the name proposed for registration was generic. We also forwarded the two oppositions to Brussels.

The European Commission published three applications from Germany in 2014 which met the conditions of registration to the satisfaction of the Commission. Furthermore, it registered six German designations of origin/geographical indications as protected geographical indications, namely *Bayerische Breze* (pretzel), *Bornheimer Spargel* (asparagus), *Dithmarscher Kohl* (cabbage), *Elbe-Saale Hopfen* (hops), *Höri Bülle* (onion) and *Westfälischer Pumpernickel* (bread).

In its decision of 21 November 2013, published in 2014, the Federal Patent Court emphasises that a designation can only be regarded as a generic name, which is excluded from protection, if there is no doubt about its generic character. This is denied by the court for the designation *Bayerisch Blockmalz* (sweets). Furthermore, the Federal Patent Court states that the DPMA must commission a survey if the view of consumers is important for examining whether or not a designation is generic.



Designs

New name for an established IP right

Since 1 January 2014, a design, which was previously named *„Geschmacksmuster“* in German, is called registered design (*„eingetragenes Design”*) in accordance with the internationally used term. The new name also accommodates language developments.

Since 2014 a new rule has been applicable that allows a multiple application to include several designs even if they fall within different classes of goods.

The Design Division with the Design Unit is located at the Jena Sub-Office of the German Patent and Trade Mark Office (DPMA). All design applications and subsequent procedures are processed there.

If you want to protect the visual appearance of a product, registered designs are the way to go. Registered designs do not only offer protection against counterfeiting. They give the owner the exclusive right to use the design and to prohibit third parties from using it without authorisation.

The design plays a great role above all in trade and marketing strategies. Companies can use attractive colours and shapes to appeal to the emotions of customers and influence purchasing decisions accordingly.

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

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

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

www.dpma.de/english

Development of design applications

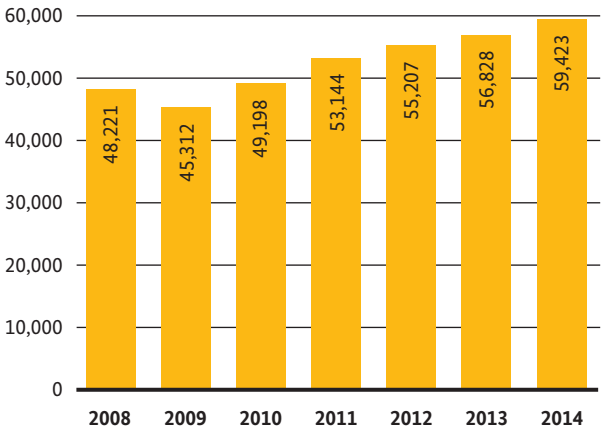
The development of application numbers of registered designs continued to be positive: in 2014, 7,207 applications covering 59,423 designs were filed at the DPMA. This means that the number of designs applied for increased by 4.6% compared to the previous year, and the number of applications by 12.2%. (2013: 6,422 applications covering 56,828 designs). In the past year, we conclusively dealt with requests for the registration of 56,929 designs (2013: 57,706 designs). Our Jena Sub-Office entered 51,839 of the designs (2013: 53,238) in the Design Register.

Many applicants used the option of multiple applications, by which up to 100 designs can be grouped in a single application: In 2014, 57.9% of the applicants used this option (2013: 64.0%). On average, 13.5 designs were filed per multiple application (2013: 13.3).

Upon request by the applicants, publication of the images of a design can be deferred for up to 30 months (deferment of publication of the representation). Applicants can save costs with such an application since this reduces the filing fee. The proportion of designs for which this was requested increased to 30.8% (2013: 25.4%).

More statistical data on design applications and on the top companies and institutions in terms of design applications are provided in the annex "Statistics" from page 97.

Figure 8
Designs applied for at the German Patent and Trade Mark Office



Origin of design applications

Most of the design applications (77.3%) were accounted for by applicants based in Germany. However, as in the previous year, we again witnessed a slight increase in the applications from abroad, which accounted for 22.7% of the applications (2013: 17.8%). For the first time, the majority of designs filed by foreign applicants, namely 7,604 designs (56.3%) came from Italy, followed by Austria and Switzerland with 2,305 and 1,471 designs, respectively (see table 12).

Design applications by German *Länder*

In 2014, most of the 45,916 designs filed by applicants from Germany were filed by people or companies based in North Rhine-Westphalia. With 13,378 designs filed for registration (29.1%), North Rhine-Westphalia ranked again top on the list of German *Länder* in 2014, followed again by Bavaria (19.1%) and Baden-Württemberg (15.9%), again taking second and third place, respectively. Approximately 64% of the designs filed originated 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. The table 4.4 on page 98 in the annex "Statistics" also shows the number of designs filed per 100,000 inhabitants.

	Designs applied for	Proportional share in %
Germay	45,916	77.3
Italy	7,604	12.8
Austria	2,305	3.9
Switzerland	1,471	2.5
China	590	1.0
USA	500	0.8
Hong Kong	317	0.5
Japan	163	0.3
Others	557	0.9
Total	**59,423**	**100**

Table 12
Designs applied for at the German Patent and Trade Mark Office in 2014 by countries of origin

The number of designs filed for registration in relation 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 led the ranks with 83 designs filed per 100,000 inhabitants, followed by North Rhine-Westphalia (76) and Bavaria (70).

Design applications by classes of goods

With 13,415 (16.7%) class 6 (furnishing) again accounted for most of the designs filed for registration in 2014. With 12.5 % class 32 (graphic symbols and logos) took the second place, followed by class 2 (articles of clothing) with 10.4%. A total of 51,839 registered designs were registered in 80,090 classes of goods in total (2013: 78,940). The percentage of the individual classes of goods is shown in table 13.



Figure 9
Designs applied for by German *Länder* in 2014

Electronic applications and applications with electronic data carriers

Since 12 November 2013, you can file electronic applications for trade marks and designs through the new **DPMAdirektWeb** service on our Internet site (without a signature card). This service is very popular: in 2014, it was used for 51% of all design applications – the trend continues upwards. 16.2% of all design applications were filed via the **DPMAdirekt** software (2013: 18.5%).

Post-registration procedures

A registered design may enjoy protection for a maximum period of 25 years – counted from the filing date. During that period various procedures may follow: renewals and cancellations, but also extensions and recording of changes in the Register, if necessary.

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 registered design may pay a fee to extend the period of protection to five years after the filing date. We will record a change in the Register if the IP right is transferred from the owner to another person or if there is a change of representative. Table 14 shows the development of procedures from 2008 to 2014.

Table 13
Registered designs in 2014 by classes of goods

Class of goods		Registration 2014	Percentage	Differences between 2013 and 2014 in %
6	Furnishing	13,415	16.7	- 0.4
32	Graphic symbols and logos, surface patterns, ornamentation	10,026	12.5	23.9
2	Articles of clothing and haberdashery	8,298	10.4	14.1
5	Textile piecegoods, artificial and natural sheet material	8,203	10.2	- 1.5
11	Articles of adornment	5,919	7.4	- 7.0
26	Light apparatus	5,842	7.3	4.6
19	Stationery and office equipment, artists' and teaching materials	3,625	4.5	- 0.4
25	Building units and construction elements	3,118	3.9	- 7.6
14	Recording, communication or information retrieval equipment	2,912	3.6	1.7
3	Travel goods, cases, parasols and personal belongings, not elsewhere specified	2,660	3.3	3.9

Table 14
Data on design procedures

Year	2008	2009	2010	2011	2012	2013	2014
Cancellations	56,484	52,800	48,470	46,271	43,442	46,584	43,511
Renewals	16,800	15,482	17,116	15,660	15,850	14,442	14,254
Extensions	2,543	1,800	2,664	3,382	3,308	2,538	2,756
Recording of changes	17,838	17,202	19,185	13,322	17,701	13,277	16,883

INTERVIEWS

Interview with Ursula Seyfarth and Marcus Kühne

Head of the Design Division, Head of the Design Unit



Ms Seyfarth, Mr Kühne, when the revised Design Act *(Designgesetz)* entered into force on 1 January 2014, the design which was previously named *"Geschmacksmuster"* in German was renamed *"eingetragenes Design"* – meaning "registered design". Did you find it hard to say farewell to the familiar terminology?

Marcus Kühne: Quite to the contrary, we were happy that the legislator decided to take that step. In contrast to the term *"Geschmacksmuster"* formerly used in German, the term *"Design"* is also found in everyday ordinary language. Now everybody instantly knows what is meant. With regard to the old term *"Geschmacksmuster"* this was often not the case. Many people rather thought of food than of the visual features of a product. In our view, the modern name contributes to a better understanding and a growing interest of the public in this type of IP.

> The number of electronic design applications will certainly rise even further in the future.
> – Marcus Kühne –

The year 2014 saw the entry into force of the Design Act and the Design Ordinance *(Designverordnung)* and with it many other amendments. How do you assess the developments?

Ursula Seyfarth: The past year was a really positive year for the design area. The first thing that must be mentioned here, of course, is the introduction of invalidity proceedings for designs. Since 1 January 2014, the DPMA now also has a panel for design invalidity proceedings in addition to the Design Unit. This panel is in charge of deciding on the validity of a registered design. Thus an important harmonisation was implemented in the design area, bringing

designs into line with the other types of IP for which such proceedings on the revocation or cancellation of an IP right have already existed for a long time. This primarily benefits litigants. They are no longer compelled to pursue arduous and expensive legal action before the regional court to establish invalidity. The great number of requests received also confirm that there was a need for the new proceedings. In 2014, a total of 92 invalidity requests were filed. This has far exceeded our estimate.

Marcus Kühne: Important, customer-friendly legal amendments were also introduced in the application procedure: it is no longer required that the designs of a multiple application belong to the same class of goods. For example, companies and designers offering a wide range of products may now also pool designs of different classes of goods in a single application and thus save costs.

Furthermore, we introduced an improvement regarding registration: since 1 September 2014, we have digitised all reproductions as of 1988 which have not yet been published in **DPMAregister** or have only been published in black and white. This makes registered designs better searchable.

In addition to legal amendments of the application procedure for designs there was also a technical improvement. Since November 2013, it has been possible to file the application via the Internet without a signature card. How have the design applicants responded to this new option?



Marcus Kühne: The response of the applicants was very positive. This is also shown by the rate of applications that were filed online through **DPMAdirektWeb**. Meanwhile, applicants have been using this filing route for more than half of all design applications. A great advantage of electronic filing is that it provides plausibility checks and help text. This allows to eliminate many error sources, which usually results in faster processing of applications and speedy registration. Moreover, the application fee was reduced from 70 euros to 60 euros. The number of electronic filings will certainly rise even further in the future.

> The new invalidity proceedings marked an important step towards harmonisation in this area, bringing designs into line with the other types of IP.
> – Ursula Seyfarth –

Ms Seyfarth, since early 2014 you have also been the chair of the Design Division, which is the deciding panel in invalidity proceedings. What did you expect when you took up your new post and what has your experience been so far?

Ursula Seyfarth: I had been looking very much forward to the new exciting task. With design invalidity proceedings I am exploring uncharted terrain and the same is true for the DPMA. This offers the opportunity for us to fundamentally shape the individual procedural steps and processes regarding organisational and legal aspects. In order to build trust in the new proceedings it is important, above all, to establish an office's practice which is reliable and a consistent decision-making process. In some cases, of course, I can use my experience gained from trade mark cancellation proceedings. However, the invalidity requests received so far have shown that the design invalidity proceedings have many special characteristics and that there is wide variety of case scenarios. Currently, that is constantly providing us with new interesting challenges.

Let me now take this opportunity to again thank all colleagues who participated in introducing invalidity proceedings and in conducting the first proceedings for their outstanding commitment.

Ms Seyfarth, Mr Kühne, thank you very much for this interview.



Supervision of collecting societies

The author alone has the right to use a work protected by copyright – such as a text or a piece of music. This means that, strictly speaking, anybody who intends to copy a work, perform it in public or make it available to the public on the Internet must have the prior permission of the author. In practice, above all with the mass use of works, this is virtually impossible. That is why collecting societies manage the rights of creative people collectively, for example, for the initiator of an event, who wishes to perform works of numerous different authors.

These associations organised under private law specialise in certain creative fields and hence are able to monitor the use of the works managed by them, issue licenses and collect royalties for the utilisation of the works. They distribute the revenues to the right holders according to a distribution scheme.

The collecting societies act in a fiduciary capacity for their right holders and virtually have a monopoly position. Due to this reason, collecting societies are subject to government supervision exercised by the German Patent and Trade Mark Office (DPMA), Sec. 18 et seq. Copyright Management Act *(Urheberrechtswahrnehmungsgesetz)*.

We grant authorisations to conduct business to collecting societies in agreement with the German competition authority *(Bundeskartellamt)* and constantly monitor whether the relevant conditions for conducting business continue to be met. Furthermore, we make sure that the collecting societies fulfil their duties, which are laid down in the Copyright Management Act. The DPMA has also a right to demand comprehensive information and to attend the meetings of the various boards of the collecting societies. This helps us to fulfil our supervisory duties. We do not only conduct *ex officio* examinations but the suggestions and complaints by users and right holders also prompt us to investigate.

In 2013, the collecting societies obtained roughly 1.32 billion euros in total. The income of each collecting society is listed in table 15.

Current issues in the field of government supervision

After the DPMA issued the authorisation to operate as a collecting society to *Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH* (GWVR) in September 2014, 13 collecting societies are currently authorised to conduct business in Germany. The new collecting society GWVR collectively manages the related rights of event organisers granted to them for their entrepreneurial efforts pursuant to Section 81 of the German Copyright Act *(Urheberrechtsgesetz)*. These cover, for example, the right to make live recordings of festivals or concerts publicly available on the Internet or to broadcast formerly unpublished recordings on the radio.

Register of out-of-commerce works

In April 2014, our office launched the register of out-of-commerce works. This is a new electronic register which is freely accessible through the DPMA website. However, it does not contain a documentation of all works out of commerce in Germany. Rather, only those works will be recorded, at the request of collecting societies, that are intended to be copied and made available to the public within the scope of digitisation projects, on the basis of licensing agreements with non-profit organisations. The new provisions of the Sections 13d and 13e of the Copyright Management Act, which entered into force on 1 April 2014, form the background. At the end of 2014, no requests for registration had been submitted. The register of out-of-commerce works should not be confused with the European database for orphan works, which was launched by the Office for Harmonization in the Internal Market (OHIM) in October 2014. The publicly accessible database contains information on works protected by copyright whose right holders cannot be identified despite a diligent search.

Register of anonymous and pseudonymous works

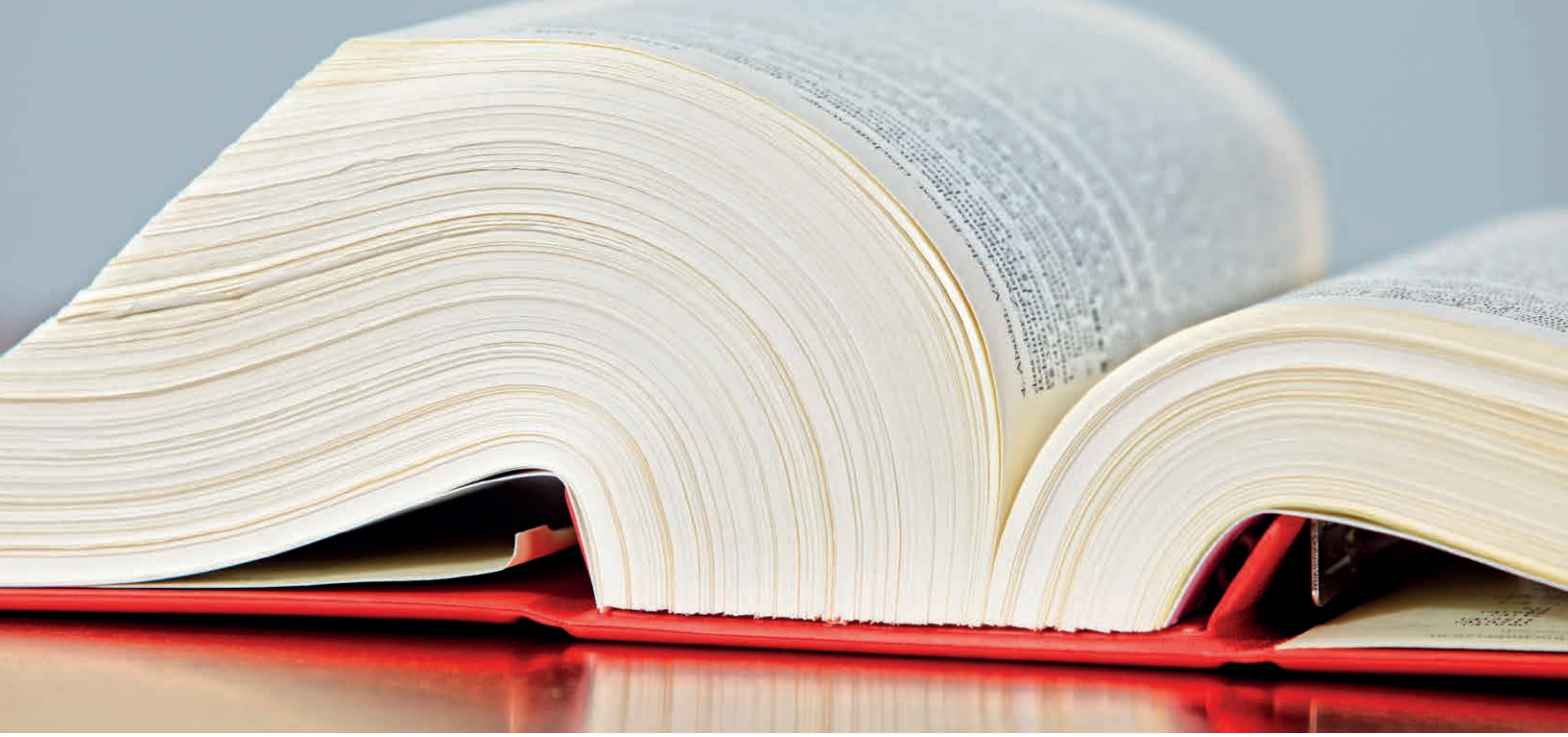
Persons who have published their works anonymously or under a pseudonym may have them registered under their real names in this register kept by us. For works that have been published anonymously or under a pseudonym, copyright expires 70 years after publication. However, copyright expires 70 years after creation of the work if the work was never published during that period of time. In contrast, if the true name of the author is recorded in the register at the DPMA, copyright expires 70 years after the death of the author.

At the end of 2014, 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 15
Revenues of the collecting societies in 2013

Collecting societies		Total budget[1] 2013
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€852.389m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€150.506m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€131.097m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€5.757m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€62.866m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€6.352m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€25.397m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€5.229m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€18.821m
AGICOA GmbH	AGICOA Urheberrechtsschutz GmbH	€23.862m
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	€33.996m
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	€0.526m
Total		**€1,316.798m**

[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

Technically well-versed legal advisers

There are high demands placed on prospective patent attorneys. They must hold a university degree in an area of engineering or natural science, and they need to have worked in a technical practical position for at least one year. They obtain the required legal skills in the field of law in the course of a three-year supplementary training at a patent law firm or patent department of an enterprise. During the training, they complete two months at the German Patent and Trade Mark Office (DPMA) and six months at the Federal Patent Court.

Patent attorneys advise inventors and enterprises seeking protection for their latest developments or their know-how, or wishing to register a trade mark or a design. They act on behalf of their clients with regard to national and international applications for all IP rights as well as their defence, exploitation and implementation. They also represent their clients before national and international authorities and courts. In addition, they offer advice on all related contractual matters, such as licence agreements. Their assistance is key to setting the course for the success of an innovation, a design or a trade mark.

There are also patent agents (*Patentassessor* or *Patentassessorin* in German) which, after passing the patent attorney examinations, work as employed expert advisers and representatives for an employer, mostly from industry. They complete the same training as patent attorneys, however, they do not need be sworn in and admitted by the German chamber of patent attorneys *(Patentanwaltskammer)*.

The year 2014

In the past ten years, the number of admitted patent attorneys has increased from 2,255 to 3,818, thus by 69.31%.

The number of patent attorney candidates admitted to the training has been relatively constant for years. In 2014, we admitted 176 persons to the patent attorney training.

In the same year, 178 out of 185 candidates passed the regular patent attorney examinations. Furthermore, three out of four candidates successfully passed the qualifying examination for patent attorneys from other European states.

New chair of the examination board for patent attorneys

Elisabeth Klante, Presiding Judge at the Federal Patent Court, was appointed the new chair of the examination board for patent attorneys on 1 August 2014. The preceding chair of the examination board, Dr Georg Fuchs-Wissemann, former Presiding Judge at the Federal Patent Court, left the post of chair due to retirement on 31 July 2014.

The examination board consists of the chair and four deputies, 20 judges of the Federal Patent Court and members of the DPMA as well as 40 patent attorneys or patent agents authorised to train candidates. The examination board examines the patent attorney candidates in smaller examination committees. Each examination committee consists of five examiners. Three members of the examination board per committee attend the qualifying examinations for patent attorneys from other European states.



Cornelia Rudloff-Schäffer and Elisabeth Klante at inaugural visit

Requirements for patent attorney training

To be admitted to the patent attorney training on request, one must have completed a university degree in an area of technology or natural science. At the end of 2013, the Federal Court of Justice decided that universities of applied sciences *(Fachhochschulen)* are not universities within the meaning of Section 6(1), first sentence, of the Patent Attorney Code *(Patentanwaltsordnung)*. Therefore, graduates from universities of applied sciences still cannot be admitted to the patent attorney training. However, a degree in an area of technology or natural science at a university of applied sciences combined with a doctorate in a study area of technology or natural science may, in an individual case, be sufficient to be admitted to patent attorney training – depending on the course of studies and examinations passed.

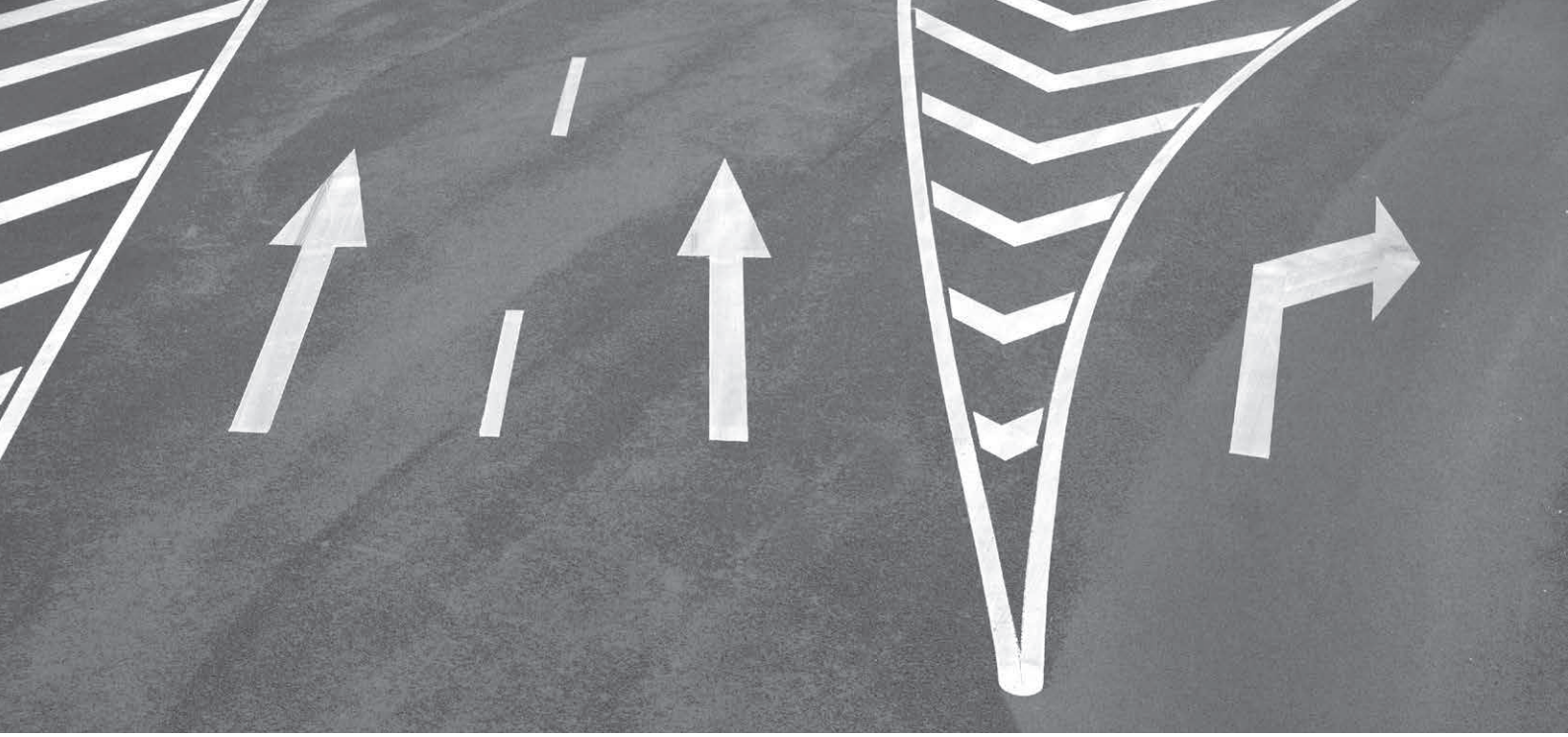
Patent attorney training not possible in parallel to a law clerkship

Another judgment from the Federal Court of Justice related to patent attorney training in parallel to a law clerkship. According to this judgment, patent attorney training under Section 7(1) of the Patent Attorney Code in conjunction with Section 7(1) no. 1 of the Ordinance Concerning Patent Attorney Training and Examination *(Patentanwaltsausbildungs- und -prüfungsverordnung)* must take significantly more time than a sideline. This is because the required skills and familiarity with practical work of a patent attorney can only be acquired by intensively dealing with cases. Training as patent attorney is therefore not feasible during and in parallel to a law clerkship as a sideline of only 50 hours per month.

More information on patent attorney training and examinations is available in German on our website (under *"Das Amt" > "Aufgaben"*) and on the website of the chamber of patent attorneys.

www.dpma.de

www.patentanwalt.de



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 serve to avoid court disputes. They submit settlement proposals to the parties. If the parties do not object to the settlement proposals, the settlement proposals become binding.

The arbitration boards are assigned to the DPMA due to the special expertise the office has in the concerned fields. However, their members are not bound by instructions and are comparable with judges.

↗ The **Arbitration Board under the Employee Inventions Act** ***(Gesetz über Arbeitnehmererfindungen)*** is responsible for disputes between employees and employers about inventions within the scope of the employment. The arbitration proceedings aim at maintaining or restoring good relations between the employees and the employers and at preventing or solving legal disputes, avoiding court proceedings.

↗ The **Arbitration Board under the Copyright Management Act** ***(Urheberrechtswahrnehmungsgesetz)*** mediates disputes between copyright collecting societies and users of copyrighted works. Its settlement proposals can have similar effects as court decisions.

The Arbitration Board under the Employee Inventions Act

The Arbitration Board has the duty to mediate between employees and employers under the Employee Inventions Act. If an employee makes an invention within the scope of their employment (service invention), this will first lead to two conflicting legal positions. On the one hand, work results including inventions of employees always belong to their employers under the common principles of labour law. On the other hand, the right to a patent belongs to the inventor under Section 6 of the Patent Act *(Patentgesetz)*. The Employee Inventions Act resolves this conflict. It allows employers to transfer the rights of their employees to an invention and thus to a patent to themselves. In return, the employee receives reasonable compensation in addition to their regular remuneration. The exact amount of compensation depends on the economic value of the invention and the employee's share in making the invention.

In this context, questions of assessment are decisive. This is why, even if the parties involved are willing to find a good solution, disagreements may easily arise. In such cases, the Arbitration Board has the function of settling disputes. The Arbitration Board consists of a chairperson and, usually, two assessors. The chairperson is qualified to hold judicial office and is appointed by the Federal Ministry of Justice and Consumer Protection for a period of four years. The assessors are patent examiners of the DPMA and are appointed by the President of the DPMA according to their specific technical qualification for the individual arbitration proceedings.

In case of a dispute, the Arbitration Board gives the parties involved the opportunity to present their points of view and makes a settlement proposal in a written procedure that is duly taking into consideration the interests of both parties and is aimed at reaching an amicable settlement. If the parties involved accept the settlement proposal, a contract governed by private law is concluded between them.

The Arbitration Board in 2014

The Arbitration Board concluded 41 proceedings in 2014. Of the settlement proposals made by the Arbitration Board, 78% were accepted. The Arbitration Board took a position on the following questions in their settlement proposals:

In one case, the question to be dealt with was the relation between the use of a service invention in a corporate group under a licence agreement and a non-exclusive right of use under Section 16(3) of the Employee Inventions Act. The Arbitration Board was of the opinion that a use under the licence agreement would lead to the non-exclusive right of use under Section 16(3) of the Employee Inventions Act not needing to be made use of. The result is that, in the case of a use under the licence agreement, employee-inventor compensation would not have to be paid. Although, in accordance with Section 28 of the Employee Inventions Act, the Arbitration Board is only competent for claims arising from the Employee Inventions Act, it confirmed its competence for the interpretation of the licence agreements provided for by Section 15(2) of the Patent Act. Otherwise, it would not have been able to take a decision on whether a person is entitled to employee-inventor compensation.

In another case, the Arbitration Board assumed that the production of the invention in a factory specifically built for this purpose but with its own legal form in the corporate group is to be considered an in-house production in the employee's company with regard to compensation. Therefore, employee-inventor compensation had to be calculated the same way as for an in-house production.

In proceedings before the Arbitration Board relating to the establishment of the value of a employee invention that was sold by the employer together with the enterprise, the Arbitration Board estimated the turnover for the remaining term of the patent with the buyer of the sold enterprise before the enterprise was sold.

In 2014, the Arbitration Board introduced the option of a hearing for suitable disputes, primarily before a settlement proposal is made in the written proceedings, in order to reach an agreement able to conclude the proceedings.

In future, the Arbitration Board plans to publish selected settlement proposals and decisions fundamental to the application of the Employee Inventions Act anonymised on the DPMA website. Thereby, employers and employees as well as their representatives will have the same free access to its decisions.

The Arbitration Board under the Copyright Management Act

The authors of musical, literary, artistic or similar works are entitled to receive payment for the use of their works by others. Authors and holders of related rights usually rely on collecting societies to represent them in order to enforce their rights (see page 36).

The Arbitration Board under the Copyright Management Act mainly mediates disputes between collecting societies and users about the amount of royalties. These disputes also include such concerning inclusive contracts. Inclusive contracts are concluded between a copyright collecting society or a debt collection agency and users of works who have joined up to form an association.

The Arbitration Board in 2014

In 2014, 167 disputes were brought before the Arbitration Board. Four cases concerned ancillary copyright for press publishers which was controversially discussed in the press and on the Internet. Sixty-three cases were concluded; a total of 329 cases are still pending decision.

The focus of the concluded cases was on disputes between the collection agency of the ZPÜ, the German central organisation for private copying rights, or VG WORT, a collecting society representing authors and publishers, and manufacturers or importers of copying devices and storage media. The review of the tariffs must take into consideration the more and more differentiating requirements set by the case law of the Court of Justice of the European Union (CJEU) and the Federal Court of Justice.

Decisions had to be primarily taken on questions of retrospective effect of tariffs, on the obligation to pay remuneration for appliances delivered to business customers as end customers as well as on requirements for establishing when a levy has to be reimbursed for copying devices and storage media delivered to business customers. Many questions are still open in this regard:

Following the revision of the Copyright Act *(Urheberrechtsgesetz)* and the Copyright Management Act in 2008, collecting societies may only then draw up tariffs if they have conducted negotiations with the associations of the manufacturers affected about the obligation to pay reasonable remuneration and the conclusion of inclusive contracts. If such negotiations are unsuccessful, the parties may apply to the Arbitration Board, which has to carry out empirical studies. Due to these legal requirements, the collecting societies cannot draw up tariffs at the time when new appliances or storage media used for copying are put on the market but only retrospectively. On the other hand, the CJEU has decided multiple times that imposing a levy for private copies on the manufacturers (or importers) complies with law. They have the possibility of passing on the levy to the end buyer. Many purchases have thus been already made before the tariff was drawn up. So it is left to decide whether the levy for private copies may be imposed on the manufacturers or importers also for appliances already sold.

Under the current provision of the Copyright Management Act and the case law of the Federal Court of Justice, deliveries of a manufacturer or importer to a business customer who is not also an end customer probably do not give rise to a right for reimbursement. The manufacturers or importers, on the other hand, face the problem of how to provide proof if appliances or storage media were delivered to the end buyer via a multi-stage distribution chain. The CJEU has decided in that matter that claims for the return of remuneration must be effective and must not make it excessively difficult to repay the levy paid.

Another inclusive contract case concluded in 2014 related to the forwarding of broadcast signals via a distribution system to receivers in hotel rooms. The Arbitration Board proposed to raise the amount, which last increased in 2010, from 5.00 euros by 18% to 5.90 euros.

In 2015, the Arbitration Board will decide on the requests by VG Media, a collecting society representing media enterprises, dealing with copyright-related rights of press publishers and the obligation to pay remuneration for USB flash drives, tablets and external hard disks for the period starting in 2012.

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

Table 16
Arbitration Board under the Employee Inventions Act at the DPMA

Year	Requests received	Settlement proposals	Proposals accepted (percentage)	Orders	Provisional proposals concluding the proceedings[2]	Refusals to participate in arbitration proceedings	Request withdrawals	Total of cases concluded	Arbitration proceedings pending at the end of the year
2010	65	44	68%	25	(1)	14	9	92	86
2011	72	35	69%	12	(0)	20	9	76	96
2012	69	38	42%	15	(1)	24	13	90	94
2013	73	40	60%	13	(1)	15	14	82	99
2014	67	13	78%	6[1]	1	11	11	41	125[1]

[1] In one case, there was a settlement proposal as well as an order.
[2] Due to a changed consideration of provisional decisions, the 2014 numbers cannot be directly compared with those of the preceding years.

Table 17
Arbitration Board under the Copyright Management Act at the DPMA

Year	Requests			Cases concluded				Requests pending at the end of the year
	Requests received		Total of cases to be concluded and pending at the beginning of the year	Settlement proposals of the Arbitration Board	Conciliations after proposals by the Board	Discontinued proceedings and other decisions	Total	
	Total	Including inclusive contracts under Section 14(1) no. 1(c) Copyright Management Act						
2010	234	0	436	27	0	107	134	302
2011	122	0	424	45	0	213	258	166
2012	92	11	258	25	0	23	48	210
2013	61	3	271	28	0	18	46	225
2014	167	0	392	35	0	28	63	329



Information services

Good to know

Today, the website of the German Patent and Trade Mark Office (DPMA) is certainly our customers' first source of information about industrial property rights. Here you will find everything you need to know about patents, utility models, trade marks and designs. You can search in our databases, download forms, flyers and information brochures, or register for training courses and workshops. Furthermore, we offer RSS feeds with our latest news and updated forms.

You can also get in contact with us directly via our enquiry units, our search rooms and at various trade fairs. In 2014, we had more than 220,000 direct customer contacts in our enquiry units and search rooms.

www.dpma.de/english

↗ Our enquiry units and initial consultation for inventors

You need information about IP rights? Our colleagues in Munich, Berlin and Jena will provide you with basic information about all industrial property rights such as patents, utility models, trade marks or registered designs. Whether you are a large firm, a small or medium enterprise or an individual inventor – call us on the central phone number +49 89 2195-3402 or write us an e-mail to **info@dpma.de** if you need assistance. Beginning in May 2015, you will also be able to make requests on your IP procedures as well as suggestions and complaints via those contact details. This will be part of the modernisation of our customer services.

For more on the modernisation of the customer services, please go to chapter "A glance at 2015" on page 80.

We put particular focus on initial consultation for inventors. Therefore, patent attorneys provide consultation on all topics dealing with intellectual property in the rooms of the enquiry unit in Munich and of our Technical Information Centre Berlin. The 30-minute consultation is free of charge. Since these one-to-ones are much in demand, appointments by calling us on the above-mentioned phone number should be made well in advance.

↗ Our search rooms

In our two search rooms in Munich and Berlin, we offer a wide range of information services, from online searches to legal status searches to file inspection. Since 2014, it has been possible to also inspect patent and utility model files online via **DPMAregister**. If you want to search for the state of the art relevant for a patent application, there are more than 89 million patent documents from over 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.

You will find three flyers on IP search on our website at

www.dpma.de/english/service/publication

- "**DEPATISnet** – Worldwide Patent Search for the State of the Art"
- "Trade Mark Searches Online"
- "Design Searches Online"

If you need assistance with your search: 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**.

↗ Patent information in your region

In order to ensure that you have contacts for questions on industrial property protection in your region, we are cooperating nationwide with patent information centres. There are 23 such institutions all over Germany.

Their services are 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 on patent information centres in the "National cooperation projects – services for small and medium enterprises" chapter starting on page 48.



↗ Trade fairs

Raising public awareness and providing information to the public about IP rights is the focus of our trade fair activities. At a total of 33 expert conferences and trade fairs in Germany and abroad, we were able to present ourselves as a modern provider of services. The importance of intellectual property, the German and European IP systems and anti-counterfeiting measures are central topics at the trade fair stand. In 2014, we were, as usual, supported by various cooperation partners, for example by

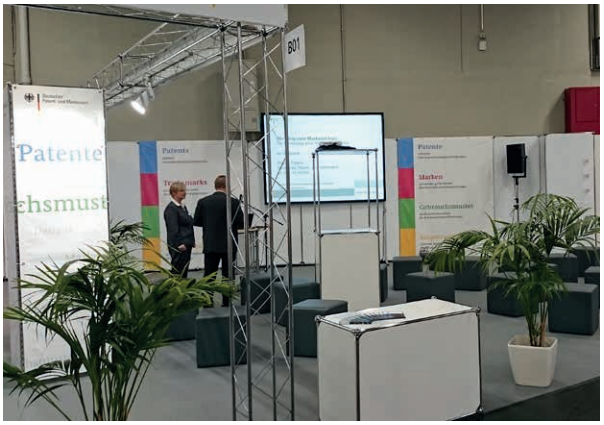
- Koelnmesse GmbH ("No Copy!" initiative)
- Messe Frankfurt ("Messe Frankfurt against Copying" initiative)
- Messe München GmbH
- Messe Düsseldorf GmbH
- NürnbergMesse GmbH

The cooperation with the central unit for IP protection of the customs services *(Zentralstelle Gewerblicher Rechtsschutz)* was continued in the trade fair year 2014, among others, at Medica in Düsseldorf. Medica is the world's largest trade fair in the medical sector with more than 4,800 exhibitors from over 67 countries and with almost 130,000 trade visitors from Germany, Europe and around the world. For the DPMA, Medica was one of the most important trade fairs at which we had a joint stand with the customs services. A special attraction at the stand was the exhibition of the customs services on originals and confiscated counterfeit products. In 2014, the year of the World Cup, football was at the centre of attention.



Our joint stand with the customs services at Medica 2014

Another highlight in 2014 was the DPMA's trade fair presence at iENA in Nuremberg. At the most important national trade fair for inventors, iENA, creative minds from more than 30 countries present 700 inventions and new products: from the bizarre idea to the practical invention. Visitors had the chance of talking to international, national and regional IP experts at the DPMA's trade fair stand. Also available directly at the stand was a free-of-charge initial consultation for inventors by a patent attorney. There were interesting lectures and specialised discussions around the topic of industrial property rights at the lecture forum of the fair stand.



Our stand at iENA 2014

We successfully continued our active trade fair work with "mobile expert teams at trade fairs" in 2014. Our mobile teams were very effective at the trade fairs Automatica, Intersolar, Materialica and Electronica in Munich as well as at Kind + Jugend in Cologne.

In 2014, we participated in the following fairs and events:

January	
08 – 10/01	PSI-Messe (Düsseldorf)
February	
07 – 11/02	Ambiente (Frankfurt)
March	
09 – 12/03	International Hardware Fair (Cologne)
10 – 14/03	CeBIT (Hanover)
21 – 22/03	azubi- & studientage (Munich)
29 – 30/03	azubi- & studientage (Chemnitz)
April	
01 – 04/04	analytica (Munich)
June	
03 – 06/06	AUTOMATICA (Munich)
04 – 06/06	Intersolar (Munich)

September	
11 – 14/09	Kind + Jugend (Cologne)
16 – 20/09	Automechanika (Frankfurt)
October	
08 – 12/10	Frankfurt Book Fair (Frankfurt)
17 – 18/10	deGUT (Berlin)
21 – 23/10	eCarTec (Munich)
21 – 23/10	MATERIALICA (Munich)
30/10 – 02/11	iENA (Nuremberg)
November	
11 – 14/11	electronica (Munich)
12 – 15/11	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!” initiative.



National cooperation projects

Services for small and medium enterprises

Small and medium enterprises (SMEs) form the backbone of the European economy. They are top performers when it comes to job creation and an inexhaustible source of innovative products and services. That is why SMEs are at the centre of our efforts to tailor our information activities about how important IP is for the development of a company, even more than before, to the specific needs of target groups. Patents which a company developed itself play an ever greater role in its balance sheet.

Since the German Patent and Trade Mark Office (DPMA) does not have offices all over Germany, it alone cannot manage the task of providing information in all regions of the country. Therefore, it is enormously important for us to work together with national IP stakeholders that provide the widest variety of services in this field. In this context, the 23 regional patent information centres located all over Germany play an important role as disseminators and network partners. For a long time we have had an intensive and constructive exchange with them to be able to offer the broad public – particularly SMEs – more and better services for identifying, managing and enforcing intellectual property rights.

With over 590 events and roughly 13,800 participants in 2014 (see table 19 on page 51), the patent information centres have remained our most important partners. In the previous year, they essentially contributed again to clearly raising public awareness of intellectual property at the national and European level. This network is increasingly complemented by partners from technology transfer institutions, universities, colleges and business development agencies which also provide top-quality and cost-effective services for the protection of intellectual property.

Cooperation with patent information centres

The DPMA informs the public about valid IP rights in Germany. However, we do not commercially evaluate this information to make it directly usable for business purposes. Nevertheless, in practice, we have often been approached in training courses and at information events by people from among our clientele – above all by representatives of SMEs – who intended to develop business operating guidelines based on IP information.

This is where patent information centres (PIZ), which are present in all German *Länder*, come into play. Their extensive expertise in all matters concerning industrial property protection, particularly with regard to economic aspects, is exactly tailored to these needs. Thus, they make an important contribution to promoting regional economic development. As regional stakeholders and disseminators they help to extend our geographically limited range of action and field of activity. In times of rapid change of the overall conditions of IP policy, the patent information centres are able to fast adapt to the current needs of enterprises.

IP services are highly specialised, knowledge-based services. Experts have to keep themselves up to date with the latest developments and network with each other to cover a broad range of issues. This increase in importance has prompted the DPMA to amend the existing cooperation agreements which form the basis of this special cooperation. They include the criteria of SME-relevant IP services, newly defined in partnership with the patent information centres and sustainably linked with the quality of the institution. On the basis of binding quality standards, the regional network, which has been used by the working group of German patent information centres (*Arbeitsgemeinschaft Deutscher Patentinformationszentren e.V.* – PIZnet e.V.) for several years, helps to provide support during this process. Within the cooperative framework between patent information centres, the patent information centres and the SIGNO innovation network (protection of ideas for commercial use) have committed themselves to using a common search standard. The standard relates to assisted IP searches and defines the different types of searches as well as the quality characteristics of the search report. The SIGNO-PIZnet search quality standard also sets out the technical qualifications required of the searchers and how to carry out the searches.

In 2014, we again organised free-of-charge training events for staff of patent information centres on special topics, which were also attended by colleagues of our enquiry units.

85 staff of patent information centres attended a total of seven training events. The training focused on the following topics among others:

- **DPMAdirekt**
- **DEPATIS**
- further development of the Locarno Classification at the international level
- differences and differentiation between design right and copyright
- development of the case law of German and European courts concerning design decisions

At the training events there is an intensive exchange between the DPMA and the patent information centres. This allows to continually improve our services as well as those of patent information centres and adapt them to the needs of our customers.

To continuously strengthen and enhance the service quality of the centres in the long term, the DPMA also assists them in organising and running events on IP protection. We organise internal speakers for the events and provide information material and information stands.

In 2014, a total of 24 joint events with lectures and workshops were held. The main topics were: the protection of technical innovation, the use of online patent databases, the protection of trade marks and designs and e-filing of IP applications. The varied range also included tailor-made offers for the different target groups, for example, seminars, workshops and lecture events at basic and advanced level on the protection of technical innovation. Information about current events are also available in German on the PIZnet.de website.

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www.piznet.de

Our Technical Information Centre (TIZ) in Berlin plans and coordinates the large number of events and seminars. It closely works together with business institutions, for example, the SIGNO partners or chambers of commerce and industry, universities, colleges and patent exploitation agencies.

At the European and international level, too, the DPMA is involving the PIZ partners.

In the previous year, we coordinated 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 and the network of European patent information centres (PATLIB).

Through the DPMA's participation in the INNOVACCESS project, funded by the European Commission, the PIZ staff were enabled to directly attend specialised training measures of European partners.

The range of services of patent information centres

The public perceives the regional patent information centres as the first personal point of contact regarding questions about industrial property protection. This can also be seen from the statistics: in 2014, there was a total number of 61,989 customer contacts. 18,393 of these were direct contacts at the local patent information centres; 43,596 customers contacted the experts of the patent information centres by phone or e-mail.

The patent information centres having different approaches depending on their funding bodies, sizes and local conditions offer a broad range of services to their customers. This range spans from face-to-face information from experts of patent information centres to information about promotion schemes and assistance with conducting IP searches, the receipt of IP applications, the organisation of training courses to services relating to IP strategies and the exploitation of IP rights.

The emphasis of the services of the patent information centres is on assisted searches (see table 18). This service enables SMEs whose own IP resources are insufficient to take informed business decisions on the basis of sound and reliable information on the relevant IP rights.

Skilled staff assist customers in conducting their own searches, a service that is extensively used by the public. In cooperation with our office, the patent information centres also offer an online assisted search, which is called "assisted mode", for our **DEPATISnet** and **DPMAregister** databases. Additionally, customers have the option to conduct searches in commercial databases from their own desk with professional help of a PIZ expert via the "Info-Lotse" remote support service.

Another attractive service provided at most patent information centres, but also at our locations in Munich and Berlin, is the initial consultation for inventors offered by a patent attorney. These consultations are a free service of the German chamber of patent attorneys *(Patentanwaltskammer)*. Neither the DPMA 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. The purpose of initial consultation for inventors by patent attorneys is to clarify basic questions relating to all types of industrial property rights, requirements and procedures for filing applications but also questions relating to employee inventions and licensing.

Table 18
Assisted searches conducted by patent information centres

	2014
Simple customer searches	6,600
Searches with IP information	3,339
Info-Lotse	487
Assisted mode	396
Total	**10,822**





There is one near to you – the 23 regional patent information centres in Germany

Table 19
Events and trade fairs with the participation of patent information centres and attendance

	2014
Events (total)	**591**
presentations/lectures/ guided tours	302
workshops/seminars/ in-house training courses	222
events of more than six hours	82
Trade fairs/exhibitions	**81**
exhibition days	155
Participants (total)	**13,796**
of whom attended presentations/ lectures/guided tours	8,552
of whom attended workshops/seminars/ in-house training courses	3,214
of whom attended events of more than six hours	2,487

Further national cooperation projects

Apart from the DPMA as the central authority for industrial property protection and the patent information centres that work in close cooperation with it, there is a complex infrastructure of private and public service providers and funding organisations in the field of IP protection in Germany. However, these services and funding programmes are not available everywhere nor are they transparent and tailored to the special situation of SMEs. Furthermore, the services offered in Germany vary considerably from region to region. In addition to well-established cooperation projects there are also stakeholders who work completely independently.

We aim at attracting attention to the IP services for SMEs. We do this by systematically identifying regional providers of IP services, getting in touch with them and finding out what kind of information and services they offer, their target groups and what kind of cooperation they wish to have.

Under the umbrella of the Federal Ministry of Justice and Consumer Protection, we do not only work together with the patent information centres but also with other stakeholders, institutions and federal ministries. In this context, 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, universities and other institutions of higher education, trade fair corporations and trade associations. We work together with these partners in the following areas: raising awareness and providing information, for example, at trade fairs and joint events, and also mutual assistance in organising speakers.

For more information on our cooperation partners, please visit our website

www.dpma.de/english/the_office/cooperation/index.html



IT developments and e-services

The introduction of many e-services continuously extended the range of IT services of the German Patent and Trade Mark Office (DPMA). The central data centre in Munich is at the core of this development. It currently comprises about 350 hardware servers and more than 350 virtual servers. The most important ones are redundant and split among two engine rooms, which are separated for fire protection reasons.

The largest hardware servers, four search and database servers for the patent document archive **DEPATISnet** and the electronic file processing system **DPMAmarken** each have two terabytes of main memory and 96 cores. More than 3,500 desktop computers are connected to the system, of which 450 are those of staff taking part in the teleworking scheme.

Roughly 89 million patent documents are currently available in the **DEPATISnet** archive. Per year, approximately five million documents are added. The electronic file processing system **DPMApat/gbm** currently has a stock of documents of about 29 million – with six to seven million documents added each year. Due to this considerable number of newly added documents, the storage systems of the data centre have to be exchanged or extended usually after three years at the latest. The data centre currently has a total storage capacity of over 700 terabytes. In addition, there is another storage system at another location in Munich, where a complete copy of the entire data is constantly kept up to date.

This chapter contains further information on IT developments and selected e-services. A complete overview of our e-services is available on our website.

www.dpma.de/english/service/e-services

↗ DPMAdirekt
E-filing of IP applications

DPMAdirekt continues its road of success. More than 70% of our customers use the easy way of filing patent applications online, and more than half of the trade mark applications are received online. Due to the use of qualified encoding and digital signature technologies, electronic transmission of documents is faster and more secure than sending them the conventional way by post. You will immediately receive a confirmation of the receipt of your application and can retrieve the official file number some time later.

Since version 3.0 of **DPMAdirekt**, you can start the national phase of a PCT application for the grant of a patent or registration of a utility model online. Additionally, you can use the **DPMAdirektWeb** online service to file applications for trade marks and designs without a digital signature.

Together with the option of subsequently filing documents pertaining to a patent or utility model application online, introduced in 2014, you now have a broad range of electronic procedures available. A full list of possible procedures, the **DPMAdirekt** software and further information are available on our website.

↗ DPMAregister
A proven service extended

DPMAregister is our online service for publishing official publications and register data with current legal and procedural status information on IP rights. Since January 2014, you have been able to electronically inspect patent and utility model files via this service. Since April 2014, such documents have also been available for download in one single PDF document. This makes working with it much easier. You also have the option of requesting the provision of files online and of receiving information about the provision of files over the Internet via the **DPMAkurier** service.

Other important changes relate to the extensive redesign of the Expert search mode and of the home page, which makes the service now even user-friendlier.

Furthermore, **DPMAconnect**, the **DPMAregister** web service, allows setting up your own client implementation in your application.

↗ DEPATISnet
Our electronic patent document archive

In **DEPATISnet**, you can currently search for the state of the art in more than 89 million documents. In 2014, we continued working on **DEPATISnet** in order to enhance user experience for this online service.

One of the most important changes in 2014 was the provision of character-coded PDF documents. Since mid-June 2014, we have been offering patent and utility model documents as searchable PDF documents. The major advantage for you – in addition to the better layout – is the possibility of searching within the document.

The visual and functional improvements of the **DEPATISnet** home page (two-column design), bringing it into line with **DPMAregister**, facilitate use of the archive.

Important advice and notes on **DEPATISnet** are available in the "**DEPATISnet** – Worldwide Patent Search for the State of the Art" leaflet and on our website.

Our tip:
You have the option of subscribing to an RSS feed for **DPMAregister** or **DEPATISnet**, if you go to the respective service via **www.dpma.de/english**, in order to be updated about all current and relevant news relating to the services.

INTERVIEWS

Interview with Michael Ganzenmüller

Head of Department 2, responsible for external and internal information services, IT developments and e-services



Mr Ganzenmüller, you are in charge of both the information of the public about IP rights as well for IT operation at the DPMA. What were the biggest challenges in Department 2 in 2014?
In the past year, particular focus was on making progress with existing projects, further developing applications and fundamentally renewing basic components. For example, the fully electronic file processing system in the area of trade marks has been prepared and goes live in the first quarter of 2015.

Furthermore, we have introduced online file inspection for patents and utility models in April 2014, fulfilling a long-held wish of our applicants. Since then, the number of files available to the public has very rapidly increased. Before any case file is published, it will be checked by us. Personal data requiring protection are blacked out or excluded from release so as to safeguard the interests of our customers. In addition, we have introduced two important changes: the whole field of payment transactions of the DPMA had to be adjusted to the SEPA (Single Euro Payments Area) requirements. The changes by the patent law revision in 2013 have also been implemented in the IT systems.

Besides that, there were a number of other technical topics. For example, we had to replace central technical components in the already running IT system for the fully electronic file processing in the field of patents and utility models. The reason for this was that the developers stopped providing support. For the very same reason, the Windows and Office installations were updated on all desktop computers.

As demanding and labour-intensive these technical topics might have been, how do our customers benefit from them?
Use of developer-supported software is not an end in itself but is compelling to ensure operational reliability, particularly for IT security reasons.

IT security and data protection are therefore important topics at the DPMA?
Yes, the security of all data, personal as well as IP data, is of top priority at our office. IP rights are of immensely high economic value; they must be handled carefully. We need to comply with the requirements by the Federal Office for Information Security as well as with the Federal Data Protection Act *(Bundesdatenschutzgesetz)*. I do not see this as a disadvantage, it is rather a significant competitive advantage over other patent offices.

Could you please name a concrete example of how you practically reach a maximum level of security in day-to-day business?
Let us take the translation of foreign-language documents as an example. At our office, it is not done by any of the foreign cloud translation services, which are, for example, offered by known American search engines. We save and process data of IP applications in our own data centre.

Maintaining your own high level of security requires continuous effort. Therefore, we need to develop further security systems as well as enforce strict rules of conduct. The aim is to exclude any residual risk of invasion by malware as best one can.

In addition to the technical measures, the DPMA is intending to use its own IT staff particularly in sensitive areas. We hope for advantages in respect of IT security and data protection. Therefore, we have introduced training positions in the IT field with different specialisations some years ago. Furthermore, we support suitable staff in improving their qualifications, for example, by way of IT studies. We have had positive experience with this approach.

Mr Ganzenmüller, what is actually behind the DPMAinnovativ programme?
The aim of DPMAinnovativ is to change the whole administration at our office to fully electronic file processing. The project which led to the IT system of **DPMApat/gbm** started in 2004. The important units such as Document Receiving Service, Statistics and Payment Transactions were implemented as horizontal services during the project execution. These services will thus be also available to other applications, for example, the **DPMAmarken** system to be introduced in March 2015 or the planned **DPMAdesign** system.

However, not only technical challenges have to be met. New technology can only then be efficient if the processes associated with it are efficient themselves. Therefore, the introduction of **DPMApat/gbm** in 2011 did not only mean that a new IT system went live. Large parts of our internal organisation were also put to the test and optimised within the framework of independent projects.

We observe the highest security standards.

What is new regarding the e-services of the DPMA? Was it possible to make any improvements in 2014?
More and more services are planned to be also provided over the Internet. I have already mentioned online file inspection. As for the **DPMAdirekt** application software, its functionalities go far beyond electronic first filing of IP applications. In 2014, it also became possible to subsequently submit documents electronically, observing the highest security standards.

In the **DEPATISnet** Internet search tool, new German patent and utility model documents have been provided as character-coded PDF files since mid-2014. In addition to the considerably improved graphical presentation, the user benefits from the possibility of using the search option of the PDF viewer.

And what can our customers expect in near future?
A central issue in 2015 will certainly be the introduction of the fully electronic file processing system for trade marks. Then the IP right 'design' will be last to switch to fully electronic processing. Digitisation of files is a necessary precondition to offer as many services as possible electronically in future. In parallel, all our IT system are being continuously further developed.

In the **DPMAdirekt** application, subsequent filing of documents will be further extended – also to trade marks and designs. And we aim at an electronic communication channel from the DPMA to our applicants in order to enable transmission of documents in both directions.

Will there be benefits for persons who do not want to communicate with us via electronic means, too?
Our goal is to constantly increase internal efficiency, of course. For example, our examiners have been supported by additional staff within the framework of a pilot project for a part of the files for some time now. The support staff assigns all documents cited in a file to that file electronically. So the examiners can concentrate even more on their core tasks.

It is planned to add semantic search, which is able to take into account context, to the full-text search of our search systems in the next few years.

In order to improve service in dialogue with our customers, we are working on establishing central customer services, which will be centrally responsible for all enquiries from our customers. The customer services teams will immediately answer most enquiries themselves. Remaining questions will be dealt with at the responsible unit, and the answers will be forwarded to the customers. For more information on the topic of central customer services, see the "A glance at 2015" chapter on page 80.

Thank you very much for this interview, Mr Ganzenmüller!



Staff

A strong team

The German Patent and Trade Mark Office (DPMA) had a total staff of 2,511 at the end of 2014. This total number is made up of 2,211 staff working at the Munich office, 235 staff at the Jena Sub-Office and 65 staff at the Technical Information Centre Berlin. This means that the number of staff is at a similar level as in the previous year. The ratio of female and male staff was almost even (1,246 female and 1,265 male staff).

Staff recruitment

The DPMA is regularly recruiting qualified staff. For our diverse activities, we mainly look for experienced experts from the fields of engineering and natural science, legal professionals, IT specialists as well as civil servants of the higher intermediate non-technical service.

In 2014, we recruited 41 patent examiners. A total of 21 trainees began their training in six different skilled occupations. In total, we were able to recruit 85 new staff of all classes of service in 2014.

Our vacancies are also advertised in the print and online media, in the daily press and, of course, also on our website.

www.dpma.de/amt/stellenanzeigen (in German only)

Incentives

In the year under review, 348 very committed and high-performing civil servants received incentive bonuses for outstanding individual or team performances.

On the employees' side, 951 received incentive bonuses in 2014 according to the agreement concluded between the staff council and the DPMA on performance-related pay. They received the bonuses for the first time for the year of 2013.

Safe and secure – workplace health management at the DPMA

It is our goal to have staff that stay healthy. Therefore, health and security are important elements of our strategy. Establishing a systematic health and work safety management system at the DPMA is one of our central tasks. We are running a project to create the basis required for this by the end of 2015. We will, among other things, determine our goals and standards in the field of health and work safety. By way of future staff surveys and health circles, we will aim to take a more targeted approach to identifying health risks and health chances and find appropriate measures.

Managers significantly contribute with their behaviour towards their staff to the staff's health. We therefore offer a training course on the topic of healthy leadership guided by performance orientation and leadership responsibility, targeted especially at managers.

A diverse programme in the field of health promotion is available to our staff. In 2014, means of prevention, such as flu vaccination or skin cancer screenings, as well as fitness courses, corporate run, health action days, vision training and courses on coping with stress were received with a lot of interest. In addition to the legally prescribed personnel, such as an occupational safety specialist *(Fachkraft für Arbeitssicherheit)* and an occupational physician, other competent contact persons with regard to questions of health are also available to our staff. They include our occupational psychologist, external mediators and welfare advisers. Internal contact points for the topics of addiction, conflict management and ergonomics complete our range of services offered.



Ten years of training initiative at the DPMA

Since autumn 2004, we have increasingly provided dual apprenticeship programmes for young people in skilled occupations within the scope of the training initiative; since then, the number of training positions has accounted for seven per cent of our total staff number. The training initiative is based on an order of the Federal Government for the federal ministries and the subordinate authorities. The shortage of apprenticeship positions in the then difficult economic times in Germany, above all in the new German *Länder*, had prompted this initiative. Even though the situation on the apprenticeship market eased long ago, we have maintained the tried and proven structures at our office and continue to run apprenticeships for young people under the guidance of four training managers. Later, our apprentices will be specialists much sought after not only by our office but also by other employers. For, in addition to the well-established training programme for administrative employees – which has been in operation for more than 30 years at our office – we have several vocational training programmes in our portfolio since 2004 which lead to very good career opportunities in business and industry for apprenticeship graduates. Currently, young people can complete vocational training at the DPMA in Munich or in Jena for the following skilled occupations:

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

In 2014, a total of 21 teenagers and young adults started vocational training at our office. Our apprenticeship positions are advertised on our website about ten months before the training starts (1 September).

www.dpma.de/amt/karriere/berufsausbildung
(in German only)

IN FOCUS
Balance of work and family

Dr Thomas Pill, 52, degree in chemistry, patent examiner, married, two daughters (twelve and three):

"Since 2001, I have worked as patent examiner in the field of chemistry. The varied opportunities to balance work and family life make the DPMA an extremely attractive employer for me. After the birth of our second daughter I took parental leave. Witnessing first-hand the development of our child during the first months of her life was an enriching experience that had a powerful influence on me. After returning from parental leave, I have worked part-time spending three days per week teleworking from home. This work schedule allows me to get much more involved in family life. At the same time, my wife can go to work and enhance her career development."



Dr Pill with his daughter in his home office

Dr Selma Schenkl, 40, degree in physics, patent examiner, married, a son (ten) and a daughter (six):

"As early as during my patent examiner training in the field of medical technology I was able to use the opportunities offered by the DPMA to better balance work and family life. As many things tended to fall by the wayside in a family with two full-time workers, I reduced my working hours by ten per cent after six months. In spite of that I was able to complete my training to full extent because it was possible to extend the duration of the training accordingly. Since then, I have worked 28 hours per week. What I appreciate most is that the work of a part-time patent examiner does not differ from the work of a full-time examiner – apart from the reduced workload. I have the same demanding tasks as everybody else in the division and handle my case files independently, from the first search to the final decision."



Dr Schenkl spending time reading with her daughter

Andreas Müller-Wilfing, 43, degree in mechanical engineering, patent examiner, married, a son (eight) and a daughter (five)

"Since the end of 2004, I have worked as a full-time patent examiner in the area of automotive components. Of the schemes offered by the DPMA to better reconcile work and family life, I participate in the teleworking scheme: for six years now I have worked from home on three days per week. I save the commuting time so I can spend more time with my children and play a more active role in family life. Teleworking allows me to manage my working hours more flexibly. As I work at the office in Munich on the remaining two days of each week, personal contact and exchange with colleagues and superiors is maintained."



Mr Müller-Wilfing in his home office

INSIDE
A patent examiner's day-to-day work

When I went to the job interview at the DPMA about four years ago, I did not know much about patent examination. Before that, I had completed a Master of Science in Biomedical Engineering and obtained a doctorate in the field of medical physics. I was able to gain experience in research and development in the field of magnetic resonance imaging.

During the job interview at the DPMA, I was asked how long, in my opinion, a patent examiner had time to process a patent application. My answer "two to three months" very much amused the whole interview board. I was told that, on average, a patent examiner had one to three days maximum to thoroughly and completely examine a patent application. As I found out later, this means that, in that period of time, I do not only read the application documents thoroughly in order to understand the invention filed but that I also have to do a global computer-based search in a database with 89 million patent documents. I compare the documents found with the subject matter of the application and decide then whether the invention is new, involves an inventive step and is susceptible of industrial application. I then communicate the result of my examination to the applicant in a first official communication. During the further course of the examination procedure, it is often useful to summon the applicant to a hearing in order to discuss the technical and legal details face-to-face.

But before I could start this job, I was appointed *Regierungsrätin* (first level of the higher service) and given the status of probationary civil servant. The daily work of a patent examiner, however, is not the dull work of a civil servant you imagine, as did many of my friends. There are no piles of paper files in my office in the seventh floor, with a view of Munich. Thanks to the introduction of the electronic case file, I sit in front of two large monitors and scroll through electronic patent applications, search in patent literature databases and on the Internet.

At the beginning, I only examined patent applications in the field of magnetic resonance imaging, which I was familiar with. Later, I also examined inventions from other fields of medical engineering. In addition to this technically very demanding work, there is also the legal component of patent examination. Without any legal background, I completed a very profound training in patent law at the beginning of my career at the DPMA. This included legal courses of several weeks and daily mentoring by two



Dr Veronika Ermer, patent examiner

experienced patent examiners for one-and-a-half years. For another six months, I was intensively supervised and supported by my group leader. Since one year, however, I have been able to independently work as a patent examiner, which I do enjoy. I organise and plan my work on my own authority and read new applications with excitement each day. Direct contact with the applicants and the interesting technical and legal discussions make my daily work very interesting. I am not always alone with "my" files. I also take part in opposition proceedings of the Patent Division, where it is decided whether an already granted patent to which opposition has been filed will be maintained or revoked.

Particularly intriguing are patent applications for whose assessment I take into account decisions by the Federal Patent Court or the Federal Court of Justice. The combination of technology and law makes the job of a patent examiner very attractive. And, one day, I may also have the opportunity to work as a Technical Judge at the Federal Patent Court and to actively shape case law in Germany.



Our finances

Rising income – moderate expenditure

In the 2014 financial year, the German Patent and Trade Mark Office (DPMA) increased its total income by 7.4% compared to the previous year. With 365.8 million euros, our income reached a new all-time high.

The 2014 financial year was marked by an interim budget for almost seven months and the strict management principles associated with it. This and the fee income again surpassing last year's record high significantly contributed to the positive overall result.

In contrast, total expenditure was reduced by 5.1% in comparison to the preceding year to 254.4 million euros. In the first place, this was due to the fact that some expenditure titles, previously attributed to the DPMA, such as the pension fund were now centrally attributed to the Federal Ministry of Justice and Consumer Protection in 2014. With a drop of 1.4%, personnel expenditure was also lower than in the previous year.

Table 20
Income and expenditure of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)

	2013	2014	Change
Income	340.7	365.8	+7.4%
Expenditure	268.2	254.4	-5.1%
including personnel	146.0	144.0	-1.4%

INTERVIEWS

Interview with Florian Segmüller

Budget Officer and Head of Division 4.2 (Budget, Organisation, Cost/Performance Accounting, Internal Services, Digitisation)



Mr Segmüller, you are the DPMA's Budget Officer. What are your duties?

My role as Budget Officer is set out in the Federal Budget Code *(Bundeshaushaltsordnung)*. I am responsible for the financial planning and the draft budget as well as for the execution of the budget. Thus, I am concerned with all processes in our office having financial impact. My particular focus is on the two most important principles of financial planning: efficiency and economy. They are always to be observed, whether for routine procurement of desks or awarding of contracts for highly complex services.

This sounds like a responsible task. What kind of qualification does one need to be eligible for this position?

The person holding the office is usually a member of the higher service. However, it is irrelevant whether someone has a legal, technical or another qualification. I myself am a legal professional but had to familiarise myself with this very specific legal matter – which played virtually no role during the law studies. From 2006, I was first Head of the Budget Section at the DPMA. After further positions in the ElSA Personal project and in the Legal Division, I became Head of Division 4.2 in 2013, to which also the Budget Section belongs. The position of Head of Division 4.2 in our office is also associated with the special task of Budget Officer.

In the face of the Federal Government's policy of economic rigour, the suspicion suggests itself that the DPMA also has to "tighten its belt". How do you judge the financial situation of the DPMA?

In principle, we are fine. We have the financial resources required for the continued operation. The Budget Committee of the German *Bundestag* has realised that it is worth investing in the DPMA. In this context, I would like to mention the budget resources that we were provided with for financing the electronic case files for patents, utility models and trade marks. Thanks to these investments in addition to other factors, the DPMA – together with the Federal Patent Court – had an income of 365.8 million euros in 2014 (see table 20). This is 7.4% more than the previous record high of the 2013 financial year. The major part of our income is made up of the fees that our customers pay for the application, examination, including registration or grant, and maintenance of IP rights. Due to the increasing income, we are in a strong position in the annual budget negotiations. The DPMA is always able to make clear that it can improve its income by investments.

Can you illustrate this statement by way of a concrete example?

Because of the high application figures in the field of patents, the increasing complexity of patent applications as well as the rapidly growing number of patent documents, we have a higher demand for patent examiners. We have included this in our budget claim for 2015 and received 58 new positions for patent examination thanks to the strong support by the Federal Ministry of Justice and Consumer Protection and the Budget Committee of the German *Bundestag*. Thereby, we can continue to be a popular partner with high-quality services for our customers.

Mr Segmüller, thank you very much for this interview.



International cooperation

Cooperation in a globally networked world

As the fifth biggest national patent office in the world, the German Patent and Trade Mark Office (DPMA) provides important impetus at the international level and can again look back at many globally oriented activities in 2014. In this context, the development of the bilateral PPH network, also known as Patent Prosecution Highway, was a central issue; the PPH brings tangible advantages to German applicants in the examination procedure at other national patent offices. Currently, our office has bilateral PPH programmes in place with patent offices from nine countries.

International cooperation is always based on people working together – for us, that means that staff of the DPMA work together with staff of national IP institutions of other countries. We attach great importance to the contacts at senior management level and at working level and appreciate the trust placed in us by our partners around the world. In 2014, the DPMA again hosted international events and welcomed many foreign delegations. Furthermore, for 15 years now, we have run an international staff exchange programme for patent examiners with currently seven patent offices around the globe.

www.dpma.de/english

Patent Prosecution Highway (PPH)

The Patent Prosecution Highway (PPH) allows the sharing of work results by the participating offices. That enhances the efficiency of the patent examination process – thereby increasing user friendliness – and improves examination quality.

A PPH request gives applicants the opportunity to apply for accelerated examination of their patent application at the DPMA or the respective partner office of another country, provided a PPH agreement exists between the two offices. The condition is that a corresponding patent application was filed at the respective other office and at least one patent claim was found patentable/allowable by that office. In that case, the work results of the two offices can be exchanged and shared. By sharing work results the options of prior art searches can be expanded, which further improves examination quality. Neither the DPMA examiners nor the examiners of the respective partner office are bound by the decisions of the other authority.

In 2014, three further agreements were added to the six existing bilateral agreements with the offices of Japan, the United States of America, the Republic of Korea, Canada, China and the United Kingdom. On 1 January 2014, the PPH pilot with the Finnish Patent and Registration Office entered into force. On 1 June 2014, the PPH pilot with our neighbour, the Austrian Patent Office, was launched and, in the margins of the Series of Meetings of the Assemblies of the World Intellectual Property Organization (WIPO), DPMA President Cornelia Rudloff-Schäffer signed a PPH agreement with the Intellectual Property Office of Singapore. This entered into force on 1 October 2014.

The international PPH network was further extended also at the global level. Today, a total of 33 national and regional offices run one or several bilateral PPH programmes. In addition, the first plurilateral PPH pilots were launched on 6 January 2014. 19 national and regional offices participate in what is known as the “Global PPH”. Furthermore, the five biggest patent offices, the offices of China, Japan, the Republic of Korea, the United States of America and the European Patent Office (referred to as IP5) have their own plurilateral PPH programme in place.

Cooperation with national IP offices

Cooperation between the DPMA and other national IP offices is based on events, Heads meetings, PPH meetings, visits by delegations and the patent examiner exchange. In 2014, we ran exchange programmes with the patent authorities of Australia, China, Japan, the Republic of Korea and the United Kingdom.

Although we are active on a global basis and have bilateral contacts in all continents, the focus was on the Asian region in 2014: China, Japan, the Republic of Korea and Singapore are thriving economies and we are pleased that through intensive relationships with our partners we can contribute to boosting IP protection there.

↗ Australia

The exchange of examiners with IP Australia, launched in 2011, was continued by a two-week visit by a patent examiner to the DPMA in 2014.



Exchange examiner from Australia with her two DPMA colleagues

↗ China

We have a close partnership with the State Intellectual Property Office of the People’s Republic of China (SIPO): for more than 30 years the offices of our two countries have successfully worked together in the field of intellectual property. The mutual consultations at senior management level and the regular patent examiner exchange are established cooperation measures of this good relationship.

President Rudloff-Schäffer welcomed the Commissioner of SIPO, Dr Shen Changyu, in September 2014. In December 2014, Chinese examiners visited our office. The legal framework for all areas of cooperation is created jointly by both sides: in 2014, the term of the partnership agreement between the DPMA and SIPO was extended by a further five years, that is until 2019.



Group photo of the Chinese and German delegations

In December 2014, a six-member SIPO delegation visited us in Munich. At the request of the guests, the electronic filing of IP applications and our electronic document archive **DEPATISnet** were presented and discussed in detail. Further cooperation between the two offices, in particular in this field, was the subject of the exchange at working level.



Group photo with Chinese guests

In 2014, the Office for Harmonization in the Internal Market (OHIM) turned to the DPMA for support of the IP Key project: OHIM implements this project on behalf of the European Commission as European contribution to the new EU-China intellectual property cooperation. The aim of the project is to promote a fair, effective and transparent IP environment in China for European enterprises on the basis of international best practices. At the invitation of OHIM, a DPMA expert participated in a round table debate on utility model law at SIPO in Beijing in 2014. Important legal and procedural aspects were also discussed with SIPO experts at that meeting.

↗ Japan

The meeting between President Cornelia Rudloff-Schäffer and the JPO Commissioner, Hitoshi Ito, in Geneva on 24 September 2014 set the course for our cooperation with the Japan Patent Office (JPO). The signing of the action plan for further bilateral cooperation in the field of the Patent Prosecution Highway (PPH) was at the centre of the meeting. The action plan established the following areas of cooperation: monitoring of PPH applications as well as the exchange of concordance lists and statistical data, quality management of the PPH pilot programme and the reinforcement of the communication system between both offices.



President Cornelia Rudloff-Schäffer and Commissioner Ito

Furthermore, we welcomed several delegations from Japan to the DPMA in Munich in 2014. We hosted a visit for a delegation headed by the Deputy Commissioner of the JPO, Yoshitake Kihara, and for Japanese representatives of industry through the agency of the Japan External Trade Organization (JETRO, Düsseldorf office). At the end of 2014, on occasion of his taking office, the Consul General of Japan, Hidenao Yanagi, paid a visit to the senior management of the DPMA.

The German-Japanese symposium gained much attention among the IP community; it took place at the DPMAforum in Munich on 2 October 2014, under the auspices of Federal Minister Heiko Maas. Like the three previous symposia in Tokyo and Munich, this symposium also focused on patent litigation in Japan and Germany. The attendees exchanged information and experience on current court decisions, process patents, provision of evidence and giving of evidence and the enforcement of standard essential patents.



Participants in the German-Japanese symposium on the podium

From 17 to 22 November 2014, four DPMA patent examiners stayed at the Japan Patent Office (JPO) within the scope of the examiner exchange programme.

Canada

In September 2014, President Rudloff-Schäffer and Sylvain Laporte, Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer of the Canadian Intellectual Property Office (CIPO), met in Geneva. They signed a Memorandum of Understanding to extend the duration of the existing PPH pilot programme for an additional two years. At this meeting, they also discussed strategic planning and patent classification.



Commissioner of Patents Laporte and President Rudloff-Schäffer signing the Memorandum of Understanding

Kazakhstan

In December 2014, a high-ranking delegation of the Ministry of Justice of the Republic of Kazakhstan visited the DPMA in Munich and the Technical Information Centre in Berlin. The delegation headed by the Kazakh Minister of Justice, Berik Imashev, sought information on trade mark protection, the supervision of collecting societies and the training of patent attorneys as well as patent information and cooperation between the DPMA and the patent information centres.



Vice-President Schmitz and Minister of Justice Imashev

Austria

In 2014, we also started working together with the Austrian Patent Office (APO). In May 2014, President Cornelia Rudloff-Schäffer and Dr Friedrich Rödler, President of the APO, signed an agreement on the Patent Prosecution Highway (PPH). The PPH pilot between the DPMA and the APO, launched on 1 June 2014, is the basis for accelerated examination of patent applications at the two offices.

In October 2014, the Vice-President of the APO, Dr Dietmar Trattner, paid a visit to DPMA Vice-President Günther Schmitz. The topics, case file routing and quality assurance, were at the centre of the discussions.



Cornelia Rudloff-Schäffer and Dr Friedrich Rödler with copies of the agreement

Palestinian territories

In January 2014, a delegation of the Palestinian Ministry of National Economy visited the Technical Information Centre of the DPMA in Berlin. The visit was organised by *Gesellschaft für Internationale Zusammenarbeit* (GIZ)

within the scope of a study trip themed "Private sector development/business enrolment". Topics of the visit were the system of industrial property protection in Germany as well as cooperation with the patent information centres.

Russia

In July 2014, members of the Russian patent attorney association visited the DPMA within the scope of a study trip organised by the IRZ Foundation *(Deutsche Stiftung für internationale rechtliche Zusammenarbeit)*. Information on the DPMA and on patent attorneys in Germany were on the programme.



Group photo with guests from Russia

Saudi Arabia

At the beginning of 2014, the DPMA hosted a delegation from Saudi Arabia. At our office, the experts responsible for intellectual property protection in Saudi Arabia received information on the structure and the organisation of the authorities dealing with intellectual property protection. The delegation consisted of scientists as well as staff of the Saudi Patent Office. The programme at the DPMA also included presentations on the supervision of collecting societies in Germany.



Group photo with guests from Saudi Arabia

Singapore

Singapore's aspiration of being the intellectual property hub of Southeast Asia also has an effect on the DPMA. One year after signing the Joint Memorandum of Understanding on Bilateral Cooperation between the Intellectual Property Office of Singapore (IPOS) and the DPMA, we welcomed many visitors from Singapore to Munich, including a delegation of the Singaporean Ministry of Justice in April 2014 and an IPOS delegation in late May; the topic of the latter visit was "Training for patent attorneys in Germany".



Group photo with guests from Singapore

The DPMA, for its part, was represented by a delegation at the "IP Week 2014" in Singapore, organised by IPOS.

A milestone in the cooperation between the DPMA and IPOS was the meeting in Geneva on 24 September 2014. On that occasion, President Cornelia Rudloff-Schäffer and her counterpart, Tan Yih San, signed a Memorandum of Understanding on the Patent Prosecution Highway (PPH). Hence, IPOS is our ninth PPH partner office.



President Rudloff-Schäffer and Chief Executive Tan signing the Memorandum of Understanding

Since 1 October 2014, applicants may file requests for a fast-track examination at both offices.

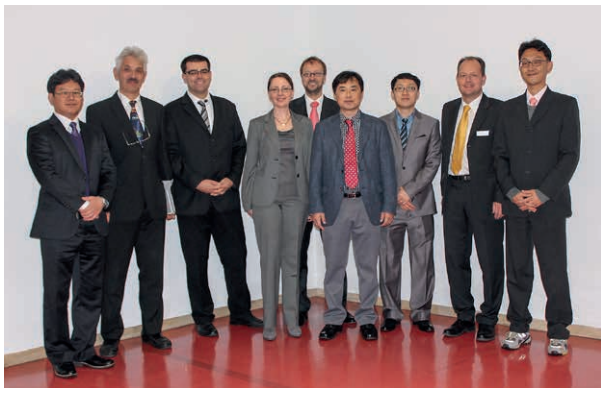
Republic of Korea

The wish of the DPMA and its Korean partner office, the Korean Intellectual Property Office (KIPO), to extend the duration of the PPH pilot programme, which had been launched in 2010, prompted a meeting between President Cornelia Rudloff-Schäffer and KIPO Commissioner Young-min Kim. An agreement to extend the bilateral PPH programme until June 2016 was signed in Munich, on 11 July 2014. An IP data exchange agreement between the DPMA and KIPO was also signed. This agreement makes search activities easier for both offices. The exchange of data enhances the search options and improves the quality of patent examination.



President Rudloff-Schäffer and Commissioner Kim with copies of the agreement

In October 2014, a Korean delegation visited the DPMA for discussions and to attend a live demonstration of the document digitisation and data management. The experts of KIPO and of the Korean Institute of Patent Information (KIPI) obtained information on the respective systems, the most important business processes and the electronic process management at the DPMA.



Group photo of the Korean and German delegations

In November 2014, four patent examiners of the DPMA visited KIPO as part of the patent examiner exchange where they gained an insight into patent examination and practice at the Korean Intellectual Property Office.

United Kingdom

For more than ten years now, the examiner exchange programme between the Intellectual Property Office of the United Kingdom (UK IPO) and the DPMA has strengthened our cooperation. In May 2014, we welcomed four examiners of the UK IPO for a two-week stay at the DPMA.

On 28 May 2014, President Cornelia Rudloff-Schäffer met her British counterpart, John Alty, at the DPMA in Munich. The meeting focused on bilateral cooperation comprising the patent examiner exchange programme and the Patent Prosecution Highway (PPH) pilot, running since 2012, as well as international cooperation of the two offices, for example, for reforming the global patent system.



President Rudloff-Schäffer and Chief Executive and Comptroller General Alty with other participants in the meeting



Group photo of the German-UK patent examiner exchange

Cooperation with the World Intellectual Property Organization and the European Patent Office

The World Intellectual Property Organization (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. That is why we work closely together with WIPO and have a lively exchange of experience. In 2014, in collaboration with WIPO, the DPMA organised two seminars about WIPO services and initiatives, which were integrated in the "Roving Seminars" event series of WIPO. At the two seminars in Munich and Berlin, the attendees, most of whom were patent attorneys or from industry, received first-hand information for instance from Dr Christian Wichard, WIPO Deputy Director General, Global Issues Sector. Many users took the opportunity of dialogue offered by the DPMA and gave important feedback on the WIPO services and initiatives.

After the success of the international training course on patent examination in the area of biotechnological inventions, which had been organised jointly for the first time by the DPMA and WIPO in 2013, the course took place again at the DPMA in October 2014. The training course in Munich was attended by 13 patent examiners from the following countries: Argentina, Belarus, Costa Rica, Cuba, Egypt, Kenya, Latvia, Malaysia, Nigeria and Singapore.

Furthermore, the DPMA again actively participated in the decision-making processes in various WIPO committees in 2014.

The European Patent Organisation (EPOrg) is a supranational European organisation. The EPOrg is not an institution of the European Union (EU), it has its own legal personality and its own bodies, namely the European Patent Office (EPO) and the Administrative Council, in which the 38 contracting states – including Germany – are represented. The organisation, which is financially and administratively autonomous, is responsible for granting European patents.

We have a long-standing and close working relationship with the EPO. The EPO is the executive arm of the EPOrg. It is headquartered in Munich and has a branch in The Hague and further offices in Berlin, Vienna and Brussels.

In 2014, our office again participated in the various decision-making bodies of the EPOrg, for example, the Administrative Council and its committees. The DPMA was also active in several working parties that dealt with various issues in the field of technical cooperation of the EPO with the national patent offices of the contracting states. In November 2014, a DPMA patent examiner was a speaker at an expert seminar of the EPOrg in London.



Group photo of all participants on the roof deck of the DPMA



Dr Wichard during the event

BRIEFLY EXPLAINED

The European patent with unitary effect

Work to accomplish unitary patent protection for large parts of the European Union (EU) is continuing at full steam. After Austria had already ratified the Agreement on a Unified Patent Court in 2013, France, Sweden, Belgium, Denmark and Malta followed in 2014.

Besides the regulation creating a European patent with unitary effect, which already entered into force in 2013, and the related regulation establishing a language regime, the Agreement on a Unified Patent Court is one of the three pillars of what is referred to as the "The European Patent Package" that aims to provide a possibility for unitary patent protection in large parts of the EU. The regulations were approved by all member states of the EU participating in an enhanced cooperation scheme to create a unitary patent system. Croatia, Spain and Italy do not participate in the enhanced cooperation scheme. Therefore, the scope of protection of the European patent with unitary effect will not extend to the territories of these countries for the time being.

In spring 2013, the Agreement on a Unified Patent Court was signed by all member states participating in the enhanced cooperation with the exception of Poland. Italy also signed the agreement and hence will participate in the court system. The agreement will only enter into force when it has been ratified by at least 13 EU member states that must include France, Germany and the United Kingdom. Only after ratification, the first European patent with unitary effect can be granted and the Unified Patent Court can open for business.

The European patent with unitary effect must be distinguished from the existing European patents that are granted under the existing Convention on the Grant of European Patents (EPC) of 5 October 1973 and have no unitary effect. Currently, applicants can apply to the European Patent Office (EPO) for these "classical" European patents for the 38 contracting states of the EPC, but these patents are not uniformly valid for the contracting states but split into individual national patents after grant. In contrast, the new European patent with unitary effect is valid in the territory of the 25 participating member states.

The Unified Patent Court will have exclusive jurisdiction with regard to legal disputes about European patents with unitary effect as well as in respect of the classical European patents granted under the EPC. However, during a transitional period of seven years it will be possible to make use of an exceptional clause and opt out of the system. That means that 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.

The Court of First Instance of the Unified Patent Court will consist of a central division based in Paris and two specialised sections in London and in Munich as well as several local and regional divisions in the individual member states. In Germany, it is intended to establish four local divisions to be based in Düsseldorf, Hamburg, Mannheim and Munich. The Unified Patent Court will have its own Rules of Procedure, which are currently being prepared. The 17th draft Rules of Procedure were prepared in November 2014. A final 18th draft is expected for the first half of 2015.

The EPO, which will be in charge of the grant and administration of European patents with unitary effect, in collaboration with the participating member states, is presently preparing implementing rules relating to unitary patent protection. The consolidated version of these rules are available on the website.

www.epo.org



Events in 2014

↗ 30 January, 27 March and 10 July 2014

Jena lectures

The Jena lectures on industrial property and copyright were launched as early as 2001. They were initiated by our Jena Sub-Office in cooperation with Professor Dr Volker Michael Jänich (Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection, Friedrich Schiller 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 2014, three Jena lectures were offered on the following topics:

›› **"The new German design law"**
Marcus Kühne
German Patent and Trade Mark Office (DPMA)

›› **"Lean Innovation for SMEs"**
Professor Dr Heiko Haase
Ernst-Abbe-Hochschule Jena, University of Applied Sciences

›› **"The implementation of the Unfair Commercial Practices Directive from a Polish perspective: remarks on the relationship between fair trading law and consumer law"**
Dr iur Igor B. Nestoruk
Adam Mickiewicz University, Poznań

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

↗ 19 February 2014

Visit by the Members of the Association of German Women Entrepreneurs (VdU)

On 19 February 2014, about 60 members and friends of the Association of German Women Entrepreneurs *(Verband deutscher Unternehmerinnen – VdU)* visited the DPMA for a face-to-face exchange of expert views with the President of the DPMA, Cornelia Rudloff-Schäffer.

In a laid-back discussion, they did not only talk about women's leadership styles but also about the patent law revision. The participants were also interested in the

competitive situation with the European Patent Office. As managing directors or owners of small and medium-sized enterprises, many guests themselves hold IP rights or plan to file IP applications.



President Rudloff-Schäffer with members of the Association of German Women Entrepreneurs (VdU)

↗ 28 February 2014

Visit by Federal Minister of Justice and Consumer Protection Heiko Maas

On 28 February 2014, the Federal Minister of Justice and Consumer Protection, Heiko Maas, visited the DPMA.

Federal Minister Heiko Maas was accompanied by high-ranking officials from the Federal Ministry of Justice and Consumer Protection: State Secretary Dr Stephanie Hubig, Head of Directorate-General Z Eva Schmierer, Head of Directorate III B Dr Christoph Ernst and Private Secretary to the Minister Dr Thorsten Bauer.



Federal Minister Heiko Maas inspects an electronic case file

First, the senior management of our office gave an introduction of the DPMA locations at Munich, Jena and Berlin as well as of the structures, staffing and key duties of our five departments. The Federal Minister was also briefed about the current development of applications and examination procedures in the IP areas, about the budget volume and current projects at the DPMA.

Emphasis was also given to the great challenges and good successes in recent years, for example, the introduction of our complex IT system DPMA**pat/gbm** as well as the electronic routes of filing in all IP areas. Later, the Federal Minister and his delegation got an impression of the typical processes of the examination procedure through a presentation of illustrative examples encountered in daily work.

At the end, the Federal Minister visited the nursery at our office.



President Rudloff-Schäffer shows Federal Minister Heiko Maas round the nursery of the DPMA

↗ 27 March 2014

Girls'Day at the DPMA

On 27 March 2014, the DPMA participated for the ninth time in the nationwide action day "Girls'Day". On this day, school girls of ten years and older have the chance to gain an insight into areas of the world of work where women are traditionally underrepresented like technology, craft trades, engineering and science. They also get the opportunity to meet female role models in executive positions in business and politics.

With great enthusiasm and a thirst for knowledge, 23 girls aged between twelve and fourteen took part in the event at the DPMA.

After an initial welcome, the pupils attended an introductory lecture on industrial property rights and received

information on the skilled occupations for which apprenticeship training is available at the DPMA. Afterwards, working in teams, the girls had the opportunity to themselves invent a new technical solution. Later, they had a lot of fun testing their inventions practically.
Following a joint lunch, a patent examiner talked about her daily work. At a lecture about patents on game consoles, the pupils had the chance to try these out at once and compete with each other.

↗ 8 April 2014
Meeting of the Tegernsee Group in Trieste

On 8 April 2014, the fifth meeting of the members of the Tegernsee Group took place in Trieste (Italy). Heads of offices and representatives of patent agencies and ministries from Denmark, France, Germany, Japan, the UK and the USA as well as the European Patent Office participated in the meeting. Owing its name to the place of its first meeting in 2011, the Tegernsee Group is an informal alliance consisting of the above-mentioned countries which exchange views on international substantive patent law harmonisation.

In early 2013, the group conducted user consultations in their respective countries and regions using a uniform questionnaire. The questionnaire dealt with the following four key issues: grace period, mandatory publication of patent applications after 18 months, treatment of conflicting applications and the availability and form of prior user rights.

A final consolidated report, which merged the results of all national and regional surveys, was discussed and approved by the participating countries at the fifth meeting of the Tegernsee Group. The report as well as the national results of the user consultation in Germany can be viewed directly on the website of the Federal Ministry of Justice and Consumer Protection at **www.bmjv.de** or on our website at **www.dpma.de**.



Members of the Tegernsee Group

↗ 24 May 2014
Open day at Carl Zeiss AG in Jena

On occasion of the 125th anniversary of the Carl Zeiss Foundation, Carl Zeiss AG held an open day at its factory premises in Jena on 24 May 2014.

The Jena Sub-Office of the DPMA participated in a joint information stand of the patent department of Carl Zeiss AG, which was themed: “The road to the patent – yesterday and today”. The promotional video of the DPMA as well as historical and current examples of IP rights were shown at the newly equipped and extended research facilities, referred to as the “Mind Lab”, which accommodates 70 researchers and developers.

The event showcased patent specifications from the early days of microscopy and historical microscopes as well as historical trade marks and current examples of design protection. The exhibition was complemented by the trade mark history and current patent specifications of Carl Zeiss AG, which files about 400 patent applications annually and holds roughly 6,000 patents. They document the importance attached to industrial property protection by a highly innovative, globally operating company.

↗ 28 May 2014
Eighth German Day at the Office for Harmonization in the Internal Market in Alicante

On 28 May 2014, the eighth German Day organised in cooperation between the Office for Harmonization in the Internal Market (OHIM) and the DPMA took place in Alicante.

The focus of the event was on OHIM’s new website. Ways to optimise the website were discussed together with OHIM’s President, António Campinos.

Other topics related to the examination and official practices of OHIM. Concerning sound marks, it was discussed to what extent the examination practice regarding the establishment of a “simple sequence of sounds” has become stricter. During the exchange of opinions on the topic of indication of goods in electronic trade mark applications, the recently introduced traffic light system of OHIM was discussed.

Another important topic of discussion was “Community trade marks”. One of the questions dealt with was the role of acronyms in the assessment of likelihood of confusion.

Finally, OHIM gave an overview of different projects of the Convergence Programme and the Cooperation Fund.



Participants in the eighth German Day at OHIM in Alicante

↗ 4 June 2014

Tenth Jena Trade Mark Law Day

On 4 June 2014, in collaboration with Friedrich Schiller University Jena and the German Brands Association *(Markenverband e.V.)*, the DPMA organised the tenth Jena Trade Mark Law Day.

The event focused on lectures on current trade mark developments at the DPMA and in cooperation with the Office for Harmonization in the Internal Market (OHIM) or with other national trade mark offices in Europe. The results achieved in harmonising the classification were also explained on this occasion.

Further IP lectures dealt with the development of case law on the road to a harmonised trade mark law in Europe as well as cross-border infringement of signs on the Internet. The specific legal problems associated with it were discussed, showing conceivable solutions by means of what is known as geotargeting.

↗ 27 June 2014

Munich International Patent Law Conference 2014

On 27 June 2014, the annual Munich International Patent Law Conference took place at the DPMAforum. The conference, which was in English, was organised in cooperation with Technische Universität München (TUM) and the Bavarian State Ministry of Justice. The topic "Burden of pleading and proof in patent infringement cases" was explored from the perspectives of different countries (Germany, France, the United Kingdom, Switzerland and the USA). It was later discussed in a lively debate with the expert audience in the panel discussion . Later, Klaus Grabinski, judge at the Federal Court of Justice *(Bundesgerichtshof)* and member of a working group of the preparatory committee for the new Unified Patent Court's Rules of Procedure, explained the rules concerning the burden of pleading and proof in patent infringement cases at the future Unified Patent Court.

Since the conference was a great success, the event series will be continued. In 2015, the DPMA will again host this high-calibre event.



President Rudloff-Schäffer with panellists

↗ 10 July 2014

Working-level meeting with the Association of Intellectual Property Experts

The latest working-level meeting of the DPMA and members of the Association of Intellectual Property Experts (VPP) took place at the premises of Linde AG on 10 July 2014. The initial experience gained with the recently introduced electronic case file, file inspection and the qualified search report at the DPMA was on the agenda of this working-level meeting taking place on a two-year cycle. Furthermore, discussions focused on current issues regarding the further development of IP rights.

↗ 21 July 2014

Visit by Dennis Rohde, member of the Budget Committee of the German *Bundestag*

On 21 July 2014, Dennis Rohde, Member of the German *Bundestag* and budget rapporteur of the SPD (Social Democratic Party) visited the DPMA. After a brief overview of the history and organisation of our office, the scopes of duties of the five departments were explained to him and he was given an outline of the staff and budgetary situation of the office.

Subsequently, Dennis Rohde visited the workplace of a patent examiner and gained an insight into the work with the electronic **DPMAmarken** program.



President and Vice-President of the DPMA with Dennis Rohde, Member of the German *Bundestag*

↗ 22 July 2014

International PPH user seminar

We organised a user seminar on the Patent Prosecution Highway (PPH) at the DPMAforum on 22 July 2014. Representatives of our PPH partner offices from Austria, China, Finland, Japan, South Korea, Singapore, the United Kingdom and the USA accepted the invitation of President Cornelia Rudloff-Schäffer to participate in the conference. The international PPH experts explained the procedures at their offices to an audience of about 100 attendees from inside and outside Germany, who either already use the PPH filing options or wish to use them in the future. As representative of the users, Dr Brigitte Böhm, President of the German chamber of patent attorneys *(Patentanwaltskammer)*, took part in the final open plenary discussion. During the discussion, the questions from the audience were answered and the suggestions of the participating users were incorporated in the further development process of the PPH programmes.



Plenary discussion with the President of the German chamber of patent attorneys, Dr Böhm

↗ 1 August 2014

Handing over the reins to the new chair of the examination board for patent attorneys

Elisabeth Klante, Presiding Judge of the fifth Nullity Board at the Federal Patent Court *(Bundespatentgericht)*, was appointed the new chair of the examination board for patent attorneys on 1 August 2014, succeeding Dr Georg Fuchs-Wissemann, who retired. She brings legal expertise, commitment and more than ten years of experience in working at the examination board to her new post.

Elisabeth Klante used her inaugural visit to the DPMA to present her ideas as the new chair of the examination board to President Cornelia Rudloff-Schäffer and to explain the desired changes regarding the organisation of the qualifying examination for patent attorneys. Both shared the view that it was necessary to revise and modernise the Ordinance Concerning Patent Attorney Training and Examination *(Patentanwaltsausbildungs- und -prüfungsverordnung)* and exchanged views on the essential elements of a revision.

↗ 26 September 2014

Our historical examiner's office goes online

Since September 2014 you can virtually visit our historical examiner's office on our website. The room featuring the original furniture from the turn of the century is located in the building of the former Imperial Patent Office *(Kaiserliches Patentamt)* and *Reichspatentamt* in Berlin-Kreuzberg. Today, the building on Gitschiner Straße 97 is a listed monument and houses the Technical Information Centre (TIZ) Berlin of the DPMA.

Historically valuable literature is also stored in this reconstructed examiner's office, which is open to the public on special occasions: it includes the first patent register of the Imperial Patent Office, in which the first patent, a "production process for a red ultramarine colour", had been registered in 1877.

More about the history of the DPMA and the 360° panoramic view of the examiner's office are available at:

www.dpma.de/english/the_office/history/

www.dpma.de/panorama_prueferzimmer/



Historical examiner's office at the Technical Information Centre (TIZ) Berlin

↗ 2 October 2014

Visit by Klaus-Dieter Gröhler, member of the Budget Committee of the German *Bundestag*

On 2 October 2014, Klaus-Dieter Gröhler, Member of the German *Bundestag* and budget rapporteur of the CDU/CSU (Christian Democratic/Social Union) parliamentary group was welcomed to the office of the DPMA. Information on the duties and structure of the DPMA as well as the staff and budgetary situation of the office were the focus of the exchange. Further fields of activity of the various departments were explained, above all, those of the patent and trade mark departments. At the end of the visit, Klaus-Dieter Gröhler was given a glimpse of the day-to-day work of a patent examiner at his workstation.



Group photo with Klaus-Dieter Gröhler, Member of the German *Bundestag*, and Jürgen Kunze, Federal Ministry of Justice and Consumer Protection

↗ 17 and 18 October 2014

deGUT – German Entrepreneurship Days 2014 in Berlin

On 17 and 18 October 2014, the 30th German Entrepreneurship Days took place in hangar 2 of former Berlin Tempelhof airport. The event is regarded as the leading event of Germany's entrepreneur community and again attracted over 6,000 visitors in 2014. 130 exhibitors presented comprehensive information on all issues that are important for young entrepreneurs and people starting up in business, for example, funding, insurance, subsidies, marketing and staff. The DPMA stand of our Technical Information Centre Berlin (TIZ Berlin), located in the immediate vicinity of the stand of the Federal Ministry for Economic Affairs and Energy (BMWi), perfectly fitted in with the range of exhibitors. In the year under review, too, many visitors seized this first-hand opportunity to attend lectures, ask questions and receive information material on "industrial property rights" at our stand.
The deGut saw the traditional kick-off of the Berlin-Brandenburg Business Plan competition (BPW) 2015 – for the 20th time already. The DPMA also contributes to this competition by providing IP expertise and support.

↗ 27 to 29 October 2014

Information Communication Technology (ICT) Road Map Meeting in Munich

After previous international meetings for ICT experts from various patent institutions had been held in Vancouver in 2011 and in Geneva in 2012, the DPMA hosted the Third ICT Road Map Meeting in October 2014. The 75 attendees came from all over Europe, North America and Asia as well as from the World Intellectual Property Organization (WIPO) and the Office for Harmonization in the Internal Market (OHIM) to Munich to discuss current issues in the field of information and communication technology in a large group at the DPMAforum. For the first time, the meeting also addressed questions regarding trade marks as well as legal aspects, classification systems and quality standards.

↗ 31 October 2014

Visit by Gerd Billen, State Secretary at the Federal Ministry of Justice and Consumer Protection

On 31 October 2014, Gerd Billen, State Secretary at the Federal Ministry of Justice and Consumer Protection since 2013, visited our office.

In an initial discussion, the senior management of our office gave an introduction of the DPMA locations at Munich, Jena and Berlin. Furthermore, the guest was briefed about the organisation as well as the staffing and

key duties of the five departments of the DPMA. The State Secretary was especially interested in the economic importance of industrial property rights.

On a guided tour of our office, which also included a visit of the digitisation centre, State Secretary Gerd Billen was given an impression of the typical business processes and the day-to-day work at the DPMA. Later, he used the opportunity to visit the workplace of a patent examiner. A member of staff showed him the electronic case file system and online file inspection. The in-house computer centre was the final stage of the State Secretary's visit to the DPMA which completed the overview of the large variety of duties of the DPMA.



President and Vice-President of the DPMA and Gerd Billen, State Secretary at the Federal Ministry of Justice and Consumer Protection

↗ 13 November 2014

DPMAnutzerforum

On 13 November 2014, the annual talks with representatives from business and industry took place for the first time under the new name DPMAnutzerforum. President Cornelia Rudloff-Schäffer and Vice-President Günther Schmitz welcomed just under 200 guests from industry, the patent community and the legal profession and talked to the audience about current developments at the DPMA. At the meeting, experts of the DPMA and a representative of the Federal Ministry of Justice and Consumer Protection, *Ministerialdirigent* Dr Christoph Ernst, explained trends and changes in the various IP areas and talked about the prospects for 2015. The presentation of the electronic case file for trade marks, which is going live in 2015, was at the heart of the meeting. Further topics were, above all, online file inspection and design invalidity proceedings. The redesign of customer care and services, the presentation of the future redesigned certificates for IP rights and **DPMAdirekt**, the tool for filing IP applications online, were other important points on the agenda.

Please contact us if you as representative of your company or law firm wish to attend the next "DPMAnutzerforum" meeting on 3 December 2015. You can e-mail us at **presse@dpma.de** or call us on +49 89 2195-3222.

More information on the DPMAnutzerforum meeting is available in German on our website

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

↗ 18 November 2014

Tenth entrepreneurs' day for medium-sized enterprises (MUT) in Leipzig

On 18 November 2014, the German Association for Small and Medium-sized Businesses (BVMW) organised the tenth MUT, the German entrepreneurs' day for medium-sized enterprises *(Mittelständischer Unternehmertag)*, which meanwhile has become the leading forum for medium-sized enterprises in Germany with roughly 4,000 visitors. Running an information stand, the DPMA was among the more than 120 exhibitors participating in the event held at the Congress Center Leipzig (CCL). As in recent years, we received support from the regional patent information centres (PIZ). One representative each from the Leipzig and Dresden patent information centres used the opportunity, alongside the DPMA, to raise awareness of the specific services offered by their patent information centres.

In addition to attending lectures, workshops and seminars, which were part of the extensive programme, many visitors, mainly from small and medium-sized enterprises (SMEs), came to our joint stand in the CCL exhibition area. In face-to-face meetings and lively discussions with visitors – but also with other exhibitors – we were able to answer questions about industrial property rights and their use in great detail.

The information stand at the MUT has again shown that expert advice and technical information on industrial property protection are essential in helping SMEs, in particular, to implement the protection of innovative ideas.





DID YOU KNOW THAT ...

... the first ski lift was invented in the Black Forest as early as 1908?

Robert Winterhalder from Schollach, a village in the Black Forest (Baden-Württemberg), is regarded as the inventor of the ski lift – even today, drag ski lifts are still being built using the principle invented by him. In 1908, the farmer and innkeeper built a "transportation system for ascending uphill with sled and snowshoes" for his holiday guests and obtained several patents for it in 1909 and in the following years.

The world's first ski lift consisted of a self-made rope tow system with an endless rope that extended between the base station and the top station, supported by five posts. It had attachments inclusive of handles for skiers or sledgers to hold on to. Winterhalder's ski tow was water-powered by the farm's flour mill. His guests were able to comfortably move up the roughly 280-metre-long slope with a difference in altitude of about 32 metres.

For the 1910 international winter sports exhibition in Triberg in the Black Forest Winterhalder developed his lift further and invented the first ski lift powered by an electric motor. For this he was awarded the golden medal of the exhibition by Prince Max of Baden.

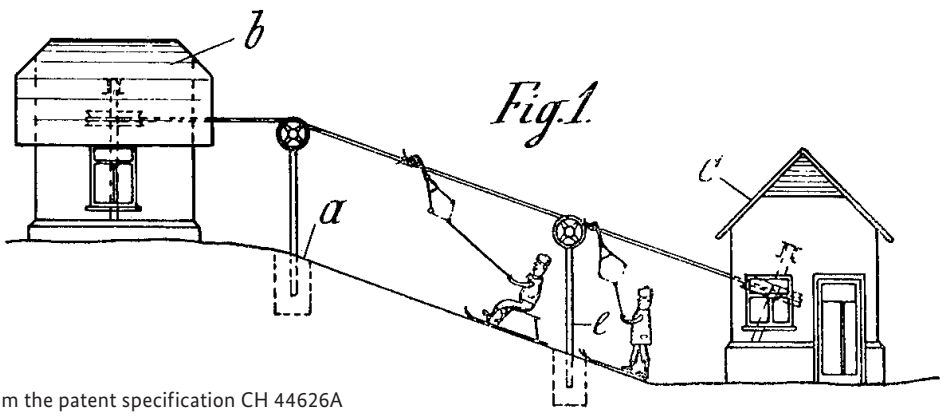


Figure from the patent specification CH 44626A

Inventor and innovation awards

"Each year, award-winning projects provide us with new examples of how ideas become success stories and help people."

– German President Joachim Gauck in his message on occasion of the announcement of the nominees of the *Deutscher Zukunftspreis* 2014 award –

Innovation awards encourage research and the spirit of invention. They showcase and reward outstanding development achievements. The President of the German Patent and Trade Mark Office (DPMA), Cornelia Rudloff-Schäffer, and DPMA Vice-President Schmitz participated in selecting the prize winners of many inventor and innovation awards as members of the board of trustees and as members of the jury. Over 90 patent examiners assisted them in this task by providing expert assessments of the various projects.



In 2014, the DPMA was involved in the following awards:

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

www.deutscher-zukunftspreis.de/en

In 2014, *Deutscher Zukunftspreis* was awarded for the 18th 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 an accolade for excellent inventions and developments and, at the same time, an incentive 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 proposed two projects for *Deutscher Zukunftspreis* to the jury in 2014. This year too, we expect your proposals for projects under the slogan *"Erfinder aufgepasst!"* (Attention inventors!) (**www.dpma.de/service/galerie/erfinderpreis/zukunftspreis/** – in German).

European Inventor Award

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

The European Inventor Award pays tribute to the creativity of inventors who contribute to technological and economic progress. This prestigious European award, launched by the European Patent Office (EPO) in 2006, gives inventors the recognition they deserve. The EPO considers inventors who have been granted at least one European patent for their invention in the categories: Industry, Research, SMEs, Lifetime Achievement and Non-European Countries. Six of our examiners nominated several inventors for this award. As in 2012, one nominee submitted by a patent examiner of the DPMA was again among the award winners in 2014: Professor Dr Artur Fischer.



Dr Artur Fischer with President Rudloff-Schäffer and Dr Rüger

The German innovation prize

www.der-deutsche-innovationspreis.de/der-preis

Every year, the German innovation prize initiative recognises outstanding forward-looking innovations by German enterprises that have the innovative capacity to change markets. The jury panel, of which Cornelia Rudloff-Schäffer is also a member, awards the prize in the categories Large Enterprises, Medium-Sized Enterprises as well as Small Enterprises and Start-Ups. It recognises product innovations and innovative business models, processes and services as well as organisational and marketing innovations.

Innovation award of the Bavarian Volksbanken and Raiffeisenbanken

www.vr-innovationspreis.de



Stephan Götzl (on the left), President of the association of co-operatives in Bavaria *(Genossenschaftsverband Bayern)*, and Cornelia Rudloff-Schäffer with award winners

Since 1991 this prize has been awarded on occasion of the annual business forum of the Bavarian Volksbanken and Raiffeisenbanken to emphasise the importance of medium-sized enterprises for a powerful Bavarian economy. 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 Bavaria

www.innovationspreis-bayern.de

The innovation award of Bavaria was launched in 2012 on the joint initiative of the Bavarian Ministry of Economic Affairs, the association of Bavarian chambers of commerce and industry and the association of Bavarian chambers of crafts and trades to pay tribute to outstanding innovative achievements. It is awarded for product and process innovations as well as for innovative technology-oriented services, which have started gaining success in the market or can be expected to soon have success in the market. Vice-President Schmitz is a member of the high-profile jury, which selected the winners of the three first prizes and three special awards from among more than 190 entries in 2014. The innovation award of Bavaria is a recognition award which is presented biennially. There is no financial prize with the award.

Innovation award of Berlin-Brandenburg

www.innovationspreis.de

The award of the capital region aims at presenting, promoting and paying tribute to forward-looking and marketable developments. Since 1992, this award has been jointly presented by the German *Länder* of Berlin and Brandenburg. Here, too, the President of the DPMA is a member of the selection panel, which selected the prize winners from 122 applications in the following future-oriented fields: healthcare industry, power engineering, information and communication technology, media and creative industry, optics and transport.

Jugend forscht

www.jugend-forscht.de

"Jugend forscht" is Germany's most famous youth competition. As the biggest youth competition in the fields of science and technology in Europe it aims to enthuse young people about science, technology, engineering, mathematics and computer science, and to find and foster talent. With a constantly increasing number of participants and an outstanding track record, this competition is a unique network for encouraging talent. In 2015, it can look back on 50 years of promoting young people. For many years, our office has been regularly active in the jury of the regional competition in Bavaria.



A glance at 2015

Fully electronic file processing system for trade marks

In the past few years, the ElSA Marke (electronic case file for trade marks) project has created the basis for fully electronic file processing in all trade mark procedures as well as in all procedures concerning indications of geographical origin. Since the end of November 2014, there have been preparations for the replacement of the old IT system with the new IT system **DPMAmarken** which goes live on 23 March 2015.

This change will not only bring the benefits of fully electronic file processing and administration but will also create the basis for future electronic file inspection via **DPMAregister** and for electronic communication channels in trade mark procedures.

New EU project within the scope of the Horizon 2020 programme

Since 1 January 2014, the Horizon 2020 programme has combined all research- and innovation-relevant funding programmes of the European Commission as the new framework programme for research and innovation. The German Patent and Trade Mark Office (DPMA) and partners from 31 countries, including Turkey and Israel, participated in the call for the IPorta 2 project. We successfully completed the first stage of competition. If the draft of the project is granted, we will adjust IP-relevant training content, services and instruments to the needs of the target group of small and medium-sized enterprises (SMEs) as well as newly develop and implement them with all partner countries beginning in 2015.

Modernisation of our customer care and services

Implementation of the modernisation of our customer care and services has gone on since spring 2014, resulting from the project "Central customer relations with integrated, uniform complaints management". This will allow us to even better cater to the complex needs of our customers in the future. The new customer management system is meant to seamlessly fit into the existing environment. The change process involves complex communication, organisational, personnel and qualifying measures.

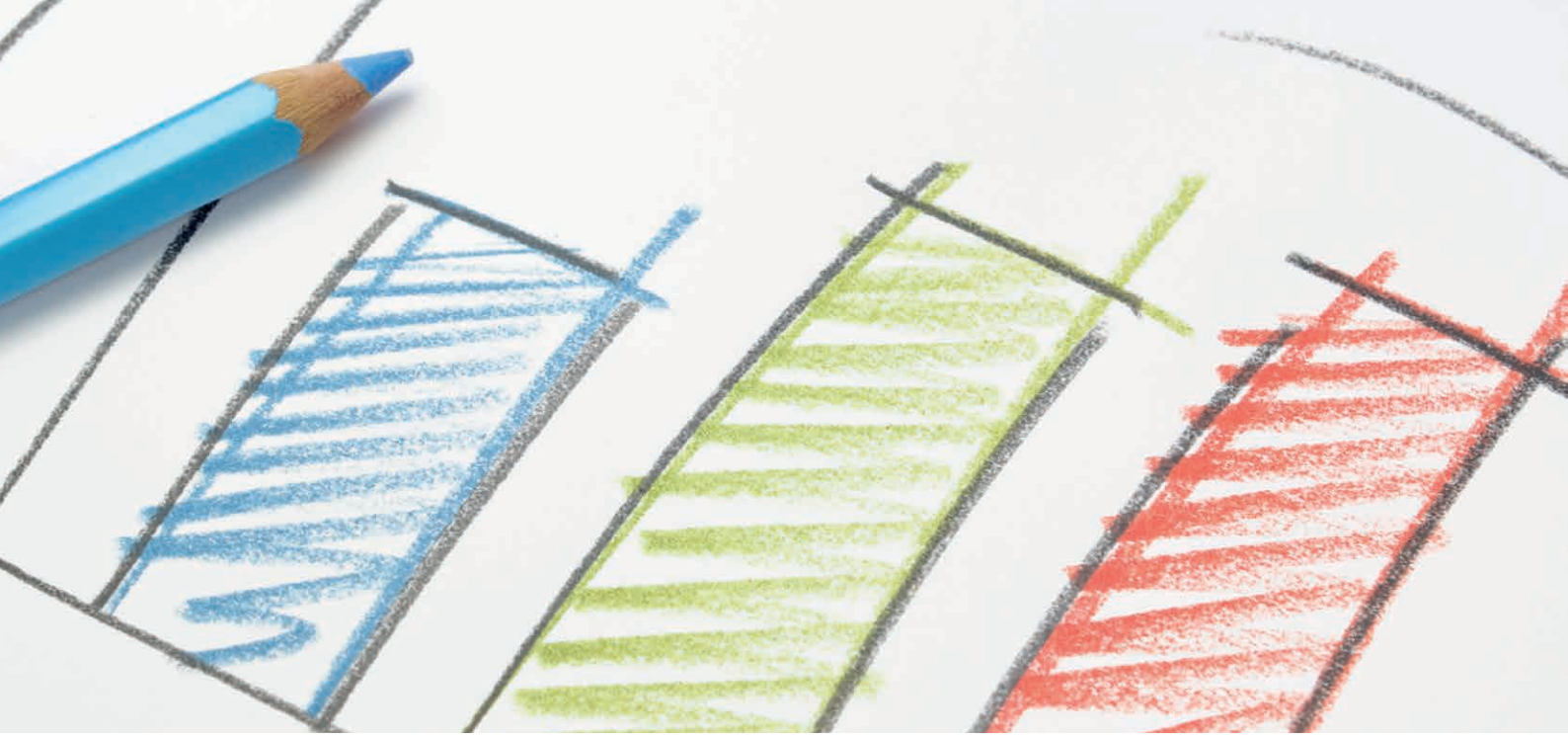
Modernisation is directed at the following key points: we aim to improve reachability and, by introducing a single telephone number, make it easier for customers to contact us. It will still be possible for customers to visit the enquiry units in Munich, Berlin and Jena. The single service number will help to take the pressure off our examiners from having to answer formal questions or questions outside the field of IP and spare our IP divisions having to answer general enquiries. This will allow them to concentrate on their core duties and work more efficiently.

By shortening processes we can offer you efficient information services. Our customer care and services is a one-stop shop for you to get precise information, fast and effectively. At each of the DPMA locations there will be a small, effective customer care and services team. We have already completed the technical installations necessary for this service.

In the future, your feedback will be used even more than before to guide our actions to optimise our processes. Complaints will be analysed and improvements of business processes will be initiated by the central complaints management.

2015 trade fair calendar

	Event	Location	Internet
January			
07 – 09/01	PSI	Düsseldorf	www.psi-messe.com
19 – 24/01	BAU	Munich	www.bau-muenchen.com
31/01 – 03/02	Paperworld	Frankfurt	www.paperworld.messefrankfurt.com
February			
05 – 08/02	ISPO	Munich	www.munich.ispo.com
13 – 17/02	Ambiente	Frankfurt	www.ambiente.messefrankfurt.com
March			
16 – 20/03	CeBIT	Hanover	www.cebit.de
20 – 21/03	azubi- & studientage	Munich	www.azubitage.de
April			
13 – 17/04	Hannover Messe	Hanover	www.hannovermesse.de
June			
10 – 12/06	PATINFO	Ilmenau	www.paton.tu-ilmenau.de
10 – 12/06	Intersolar	Munich	www.intersolar.de
22 – 25/06	Laser World of Photonics	Munich	www.world-of-photonics.com
August			
30/08 – 01/09	spoga+gafa	Cologne	www.spogagafa.com
September			
10 – 13/09	Kind + Jugend	Cologne	www.kindundjugend.de
12 – 17/09	iba	Munich	www.iba.de
October			
14 – 18/10	Frankfurt Book Fair	Frankfurt	www.buchmesse.de
29/10 – 01/11	iENA	Nuremberg	www.iena.de
November			
04/11	Bavarian Patent Congress	Munich	www.baypat.de
10 – 12/11	EPO Patent Information Conference	Copenhagen	www.epo.org
10 – 13/11	productronica	Munich	www.productronica.com
16 – 19/11	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 2015.

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.

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[1]			International applications which entered the national phase at the DPMA (DPMA PCT national phase)			Applications (national and PCT national phase)		
	National[2]	Foreign[2]	Total	National[2]	Foreign[2]	Total	National[2]	Foreign[2]	Total
2008	48,419	10,328	58,747	888	2,695	3,583	49,307	13,023	62,330
2009	46,410	8,933	55,343	920	2,581	3,501	47,330	11,514	58,844
2010	46,385	9,295	55,680	895	2,866	3,761	47,280	12,161	59,441
2011	46,422	10,247	56,669	696	2,249	2,945	47,118	12,496	59,614
2012	45,710	11,159	56,869	942	3,548	4,490	46,652	14,707	61,359
2013	46,316	11,604	57,920	1,041	4,212	5,253	47,357	15,816	63,173
2014	47,292	12,624	59,916	852	5,190	6,042	48,144	17,814	65,958

[1] Applications for a German patent filed with the DPMA / [2] Residence or principal place of business 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	
			National applications	including applications for which formal examination was concluded
2008	59,170	20,789	130,895	119,192
2009	55,732	20,811	134,705	122,893
2010	56,104	23,045	135,688	122,374
2011	57,421	20,830	139,099	123,493
2012	57,255	20,518	143,055	134,030
2013	58,163	21,051	145,566	137,869
2014	60,094	22,839	146,664	138,993

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

1.3 Patent applications in the examination procedure

Year	Examination requests received		Examination procedures concluded	Decisions to grant
	Total	together with applications		
2008	38,344	24,538	30,980	15,216
2009	35,387	22,283	31,080	13,397
2010	36,639	22,428	31,929	12,852
2011	38,146	23,411	26,022	10,955
2012	38,418	23,334	31,012	13,086
2013	40,266	24,347	33,271	14,221
2014	43,180	24,477	34,830	15,022

1.4 Patents in force (granted by the DPMA)

Year	Patents entered into force[1]	Patents no longer in force[2]	Patents in force at the end of the year[1]
2008	16,855	13,489	134,818
2009	13,994	16,360	132,451
2010	13,705	18,954	127,202
2011	12,059	14,190	125,067
2012	11,519	12,513	124,072
2013	13,959	13,685	124,345
2014	7,375	15,015	116,702

[1] Due to the extension of the opposition period to nine months, the figure for 2014 is not directly comparable to the previous years.
[2] Patents no longer in force due to surrender, non-payment of the annual renewal fee, expiry of time and revocation of the patent

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

German *Länder*	2008	2009	2010	2011	2012	2013	2014
Baden-Württemberg	15,008	15,231	14,783	14,594	14,242	14,566	14,533
Bavaria	13,572	12,600	13,012	13,722	14,355	14,840	15,533
Berlin	932	975	919	812	857	898	867
Brandenburg	362	365	323	351	299	322	327
Bremen	146	162	163	153	150	160	144
Hamburg	1,093	932	914	1,012	761	742	807
Hesse	2,669	2,448	2,431	2,374	2,295	2,164	2,042
Mecklenburg-Western Pomerania	184	196	170	167	180	181	169
Lower Saxony	3,337	2,910	2,927	2,987	2,958	2,926	3,137
North Rhine-Westphalia	7,814	7,333	7,536	7,102	6,763	7,073	7,116
Rhineland-Palatinate	1,296	1,259	1,233	1,183	1,129	1,036	1,031
Saarland	295	304	258	251	249	252	222
Saxony	1,013	1,115	1,124	1,049	1,057	968	968
Saxony-Anhalt	367	310	335	310	247	228	227
Schleswig-Holstein	594	567	562	486	516	465	462
Thuringia	625	623	590	565	594	536	559
Total	**49,307**	**47,330**	**47,280**	**47,118**	**46,652**	**47,357**	**48,144**

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

German *Länder*	2013			2014		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
Bavaria	14,840	31.3	118	15,533	32.3	123
Baden-Württemberg	14,566	30.8	137	14,533	30.2	137
North Rhine-Westphalia	7,073	14.9	40	7,116	14.8	40
Lower Saxony	2,926	6.2	38	3,137	6.5	40
Hesse	2,164	4.6	36	2,042	4.2	34
Rhineland-Palatinate	1,036	2.2	26	1,031	2.1	26
Saxony	968	2.0	24	968	2.0	24
Berlin	898	1.9	26	867	1.8	25
Hamburg	742	1.6	42	807	1.7	46
Thuringia	536	1.1	25	559	1.2	26
Schleswig-Holstein	465	1.0	17	462	1.0	16
Brandenburg	322	0.7	13	327	0.7	13
Saxony-Anhalt	228	0.5	10	227	0.5	10
Saarland	252	0.5	25	222	0.5	22
Mecklenburg-Western Pomerania	181	0.4	11	169	0.4	11
Bremen	160	0.3	24	144	0.3	22
Total	**47,357**	**100**	**59**	**48,144**	**100**	**60**

1.7 Patent applications by countries of origin (residence or principal place of business of the applicant) (national patent applications and PCT applications in the national phase)

	2008	2009	2010	2011	2012	2013	2014
Germany	49,307	47,330	47,280	47,118	46,652	47,357	48,144
USA	4,258	3,626	4,242	4,516	5,110	5,597	6,056
Japan	3,509	3,136	3,006	3,013	3,678	4,440	5,336
Republic of Korea	929	608	684	1,002	1,513	1,373	1,383
Austria	774	895	839	836	914	923	1,044
Switzerland	1,107	950	958	856	844	801	814
Taiwan	522	398	376	376	502	558	577
China	112	103	95	91	170	270	524
Sweden	255	277	268	232	257	305	325
France	207	177	195	234	205	205	238
Others	1,350	1,344	1,498	1,340	1,514	1,344	1,517
Total	**62,330**	**58,844**	**59,441**	**59,614**	**61,359**	**63,173**	**65,958**

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

German *Länder*	2008	2009	2010	2011	2012	2013	2014
Schleswig-Holstein, Hamburg	29	31	44	30	21	17	26
Lower Saxony, Bremen	57	62	79	65	46	50	49
North Rhine-Westphalia	80	117	99	90	81	77	70
Hesse	48	46	44	46	35	42	39
Rhineland-Palatinate, Saarland	21	13	21	12	14	17	12
Baden-Württemberg	81	75	79	84	77	79	75
Bavaria	69	77	91	84	71	71	87
Berlin	34	35	31	37	39	24	21
Brandenburg, Mecklenburg-Western Pomerania	31	46	32	29	43	47	44
Saxony	108	142	115	128	144	134	142
Saxony-Anhalt	28	25	25	31	24	23	25
Thuringia	54	55	52	45	46	39	45
Total	**640**	**724**	**712**	**681**	**641**	**620**	**635**

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

	Percentage of applicants having filed						
	2008	2009	2010	2011	2012	2013	2014
one application	66.1	66.2	65.8	65.4	66.6	66.3	66.3
2 – 10 applications	30.0	30.2	30.7	30.7	29.7	29.8	29.7
11 – 100 applications	3.5	3.2	3.1	3.5	3.3	3.5	3.5
more than 100 applications	0.5	0.4	0.4	0.4	0.4	0.4	0.5
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

	Percentage of applications by applicants having filed						
	2008	2009	2010	2011	2012	2013	2014
one application	15.1	16.3	15.8	15.0	14.9	14.1	13.8
2 – 10 applications	22.5	23.8	24.1	23.0	21.9	20.5	19.8
11 – 100 applications	21.5	21.5	21.1	22.8	21.2	21.2	19.6
more than 100 applications	40.9	38.5	38.9	39.3	42.1	44.3	46.8
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

1.10 Opposition proceedings

Year	Oppositions received[1]	Opposition proceedings concluded			Opposition proceedings pending at the end of the year	
		Total[2]	(of which) patent revoked	(of which) patent maintained or patent maintained in amended form	Total[1]	(of which) pending before the Federal Patent Court[3]
2008	748	971	282	464	3,036	1,134
2009	504	985	312	531	2,556	730
2010	533	889	259	479	2,219	412
2011	413	433	163	133	2,188	234
2012	434	462	188	138	2,164	113
2013	487	535	171	250	2,119	73
2014	257	523	164	249	1,851	61

[1] Due to the extension of the opposition period to nine months, the figure for 2014 is not directly comparable to the previous years.
[2] Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form
[3] Opposition proceedings dealt with by the Federal Patent Court under Sec. 147(3) Patent Act *(Patentgesetz)* (meanwhile repealed)

1.11 National patent applications by classes of the International Patent Classification (IPC) with the largest number of applications in 2014

	2008	2009	2010	2011	2012	2013	2014	IPC class	
1	5,706	5,267	5,669	6,065	6,178	6,136	6,782	B 60	Vehicles in general
2	5,084	4,605	4,772	4,859	5,133	5,457	5,680	F 16	Engineering elements or units
3	4,123	3,693	3,661	4,155	4,364	4,560	4,594	H 01	Basic electric elements
4	3,772	3,541	3,637	3,725	3,698	3,812	4,074	G 01	Measuring; testing
5	2,730	2,645	2,517	2,511	2,386	2,326	2,418	F 02	Combustion engines
6	2,307	2,094	2,354	2,232	2,385	2,313	2,323	H 02	Generation, conversion, or distribution of electric power
7	1,835	1,816	2,023	2,225	2,144	2,218	2,301	A 61	Medical or veterinary science; hygiene

1.12 The 50 most active companies and institutions at the DPMA (number of national patent applications filed in 2014)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**4,008**
2	Schaeffler Technologies GmbH & Co. KG	DE		**2,518**
3	Siemens AG	DE		**1,806**
4	Daimler AG	DE		**1,797**
5	Bayerische Motoren Werke AG	DE		**1,464**
6	Ford Global Technologies, LLC		US	**1,390**
7	GM Global Technologies Operations, LLC		US	**1,080**
8	AUDI AG	DE		**960**
9	VOLKSWAGEN AG	DE		**943**
10	ZF FRIEDRICHSHAFEN AG	DE		**909**
11	Hyundai Motor Company		KR	**659**
12	Infineon Technologies AG	DE		**642**
13	BSH Bosch und Siemens Hausgeräte GmbH	DE		**576**
14	Continental Automotive GmbH	DE		**493**
15	Fraunhofer-Gesellschaft e.V.	DE		**437**
16	Dr. Ing. h.c.F. Porsche AG	DE		**424**
17	DENSO Corporation		JP	**380**
18	Henkel AG & Co. KGaA	DE		**365**
19	Continental Teves AG & Co. OHG	DE		**335**
20	General Electric Company		US	**324**
21	Miele & Cie. KG	DE		**285**
22	MAHLE International GmbH	DE		**267**
23	FANUC Corporation		JP	**235**
24	Mann + Hummel GmbH	DE		**230**
25	OSRAM Opto Semiconductors GmbH	DE		**222**
26	Voith Patent GmbH	DE		**213**
27	Suzuki Motor Corporation		JP	**210**
28	Conti Temic microelectronic GmbH	DE		**203**
29	Infineon Technologies Austria AG		AT	**201**
30	KRONES AG	DE		**198**
31	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		**182**
32	Continental Reifen Deutschland GmbH	DE		**174**
33	Intel Corporation		US	**173**
34	Carl Zeiss SMT GmbH	DE		**168**
35	Taiwan Semiconductor Manufacturing Company Limited		TW	**163**
36	Aktiebolaget SKF		SE	**155**
37	Giesecke & Devrient GmbH	DE		**154**
38	Honda Motor Co.,Ltd.		JP	**151**
38	MAN Truck & Bus AG	DE		**151**
40	OSRAM GmbH	DE		**145**
41	Xerox Corporation		US	**144**
42	Phoenix Contact GmbH & Co. KG	DE		**141**
43	Hella KGaA Hueck & Co.	DE		**139**
44	Mitsubishi Electric Corporation		JP	**137**
45	Knorr-Bremse Systeme für Nutzfahrzeuge GmbH	DE		**132**
46	Heidelberger Druckmaschinen AG	DE		**130**
47	Koenig & Bauer AG	DE		**123**
48	VON ARDENNE GmbH	DE		**120**
49	Huf Hülsbeck & Fürst GmbH & Co. KG	DE		**117**
49	MTU Friedrichshafen GmbH	DE		**117**
49	SCHOTT AG	DE		**117**

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
2008	17,089	14,150	95	17,184	14,223	2,873	17,096
2009	17,355	14,404	86	17,441	14,152	2,761	16,913
2010	16,824	13,658	105	16,929	15,237	2,750	17,987
2011	16,039	12,766	191	16,230	14,231	2,793	17,024
2012	15,530	11,973	90	15,620	13,977	2,547	16,524
2013	15,470	11,646	66	15,536	13,341	2,189	15,530
2014	14,748	10,948	57	14,805	13,082	2,044	15,126

[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
2008	7,671	98,291	22,827	16,687
2009	8,131	95,256	21,825	17,162
2010	7,092	93,977	22,544	16,487
2011	6,301	93,226	21,091	15,028
2012	5,406	92,066	21,887	15,210
2013	5,408	90,252	21,605	15,222
2014	5,076	87,770	20,337	15,596

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			
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	10	0	10	1	6	30
2013	3	4	0	4	0	8	26
2014	1	1	0	1	0	4	23

[1] Figure corrected for 2009

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

German *Länder*	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Baden-Württemberg	2,695	2,654	2,577	2,374	2,070	2,073	1,936
Bavaria	2,975	3,127	3,050	2,855	2,566	2,532	2,436
Berlin	402	465	464	415	384	399	368
Brandenburg	198	213	230	219	207	162	164
Bremen	66	74	64	72	74	60	59
Hamburg	285	323	235	190	197	195	190
Hesse	843	890	845	745	758	685	668
Mecklenburg-Western Pomerania	139	82	87	97	82	97	79
Lower Saxony	947	941	890	870	814	860	760
North Rhine-Westphalia	3,801	3,717	3,432	3,242	3,152	3,069	2,866
Rhineland-Palatinate	552	647	588	512	520	474	445
Saarland	102	122	98	122	126	103	83
Saxony	462	441	446	385	402	386	390
Saxony-Anhalt	201	159	143	171	159	110	128
Schleswig-Holstein	301	350	290	295	257	256	238
Thuringia	181	199	219	202	205	185	138
Total	**14,150**	**14,404**	**13,658**	**12,766**	**11,973**	**11,646**	**10,948**

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

German *Länder*	2013			2014		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
North Rhine-Westphalia	3,069	26.4	17	2,866	26.2	16
Bavaria	2,532	21.7	20	2,436	22.3	19
Baden-Württemberg	2,073	17.8	19	1,936	17.7	18
Lower Saxony	860	7.4	11	760	6.9	10
Hesse	685	5.9	11	668	6.1	11
Rhineland-Palatinate	474	4.1	12	445	4.1	11
Saxony	386	3.3	10	390	3.6	10
Berlin	399	3.4	12	368	3.4	11
Schleswig-Holstein	256	2.2	9	238	2.2	8
Hamburg	195	1.7	11	190	1.7	11
Brandenburg	162	1.4	7	164	1.5	7
Thuringia	185	1.6	9	138	1.3	6
Saxony-Anhalt	110	0.9	5	128	1.2	6
Saarland	103	0.9	10	83	0.8	8
Mecklenburg-Western Pomerania	97	0.8	6	79	0.7	5
Bremen	60	0.5	9	59	0.5	9
Total	**11,646**	**100**	**14**	**10,948**	**100**	**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			
2008	73,642	69,867	35,177	478	74,120	50,284
2009	69,296	65,914	34,152	555	69,851	49,840
2010	69,144	65,551	32,468	587	69,731	49,766
2011	64,052	60,612	30,850	576	64,628	51,335
2012	59,848	56,745	28,851	754	60,602	46,096
2013	60,183	57,048	29,019	536	60,719	43,510
2014	66,613	63,008	32,329	329	66,942	47,980

[1] In particular, cases returned by the Federal Patent Court

3.2 Oppositions

Year	Oppositions received		Opposition proceedings concluded		
	Trade marks challenged by oppositions	Number of oppositions	without affecting the trade mark	Cancellation in full or in part	Surrender by the proprietor
2008	4,838	6,955	3,671	999	859
2009	3,978	5,554	3,542	902	749
2010	3,911	5,617	3,099	803	676
2011	3,809	5,693	2,858	633	678
2012	3,179	4,778	2,713	697	661
2013	3,123	4,656	2,399	526	601
2014	2,829	4,233	2,155	516	582

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
2008	38,644	31,095	754,984
2009	49,008	33,940	759,562
2010	53,443	36,368	779,911
2011	50,834	31,335	781,056
2012	42,859	29,970	784,896
2013	39,226	30,394	789,636
2014	44,316	32,226	793,704

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	
2008	6,193	6,188	38	958
2009	4,880	4,794	49	979
2010	5,013	4,977	128	488
2011	5,021	4,975	67	440
2012	4,612	4,437	91	482
2013	4,524	4,473	84	401
2014	4,352	4,230	74	416

[1] Not including requests for the extension of protection under Art. *3ter*(2) Madrid Agreement; 742 requests for the extension of protection were received in 2014, and 743 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			
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	3,790	405	29
2011	5,073	4,315	91	693	3,752	344	51
2012	4,464	3,561	311	656	3,683	309	61
2013	4,805	4,218	605	604	3,050	410	31
2014	4,065	3,561	302	553	2,693	299	19

[1] Not including other requests and not including renewals

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

German *Länder*	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Baden-Württemberg	9,119	8,256	8,556	8,106	7,412	7,443	8,195
Bavaria	12,961	11,890	11,802	10,854	10,078	10,211	11,587
Berlin	5,090	4,731	4,722	4,839	4,410	4,274	5,051
Brandenburg	1,021	1,076	1,135	1,072	919	1,014	943
Bremen	597	521	611	512	522	455	477
Hamburg	3,832	3,452	3,497	3,320	3,103	3,180	3,346
Hesse	5,622	5,593	5,564	4,999	4,616	4,718	4,988
Mecklenburg-Western Pomerania	653	654	646	511	517	516	545
Lower Saxony	4,828	4,565	4,599	4,255	4,115	3,882	4,538
North Rhine-Westphalia	15,684	15,476	14,770	13,093	12,525	12,705	13,767
Rhineland-Palatinate	3,231	2,977	2,960	2,607	2,781	2,811	3,025
Saarland	593	583	553	509	475	456	561
Saxony	2,537	2,276	2,254	2,119	1,955	1,944	2,162
Saxony-Anhalt	986	824	847	751	754	810	717
Schleswig-Holstein	2,190	2,058	2,107	1,963	1,815	1,794	2,221
Thuringia	923	982	928	1,102	748	835	885
Total	**69,867**	**65,914**	**65,551**	**60,612**	**56,745**	**57,048**	**63,008**

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

German *Länder*	2013			2014		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
North Rhine-Westphalia	12,705	22.3	72	13,767	21.8	78
Bavaria	10,211	17.9	81	11,587	18.4	92
Baden-Württemberg	7,443	13.0	70	8,195	13.0	77
Berlin	4,274	7.5	125	5,051	8.0	148
Hesse	4,718	8.3	78	4,988	7.9	83
Lower Saxony	3,882	6.8	50	4,538	7.2	58
Hamburg	3,180	5.6	182	3,346	5.3	192
Rhineland-Palatinate	2,811	4.9	70	3,025	4.8	76
Schleswig-Holstein	1,794	3.1	64	2,221	3.5	79
Saxony	1,944	3.4	48	2,162	3.4	53
Brandenburg	1,014	1.8	41	943	1.5	39
Thuringia	835	1.5	39	885	1.4	41
Saxony-Anhalt	810	1.4	36	717	1.1	32
Saarland	456	0.8	46	561	0.9	57
Mecklenburg-Western Pomerania	516	0.9	32	545	0.9	34
Bremen	455	0.8	69	477	0.8	73
Total	**57,048**	**100**	**71**	**63,008**	**100**	**78**

3.7 National trade mark applications by leading classes

Class		2013	2014	+/- in %
0	not classifiable	132	119	-9.8
1	Chemicals	673	629	-6.5
2	Paints, varnishes, lacquers	141	193	36.9
3	Cleaning preparations	1,401	1,480	5.6
4	Industrial oils and greases, fuels	222	242	9.0
5	Pharmaceutical preparations	2,080	2,317	11.4
6	Common metals and goods of common metal	717	750	4.6
7	Machines, motors and engines	1,288	1,289	0.1
8	Hand tools	164	190	15.9
9	Electrical apparatus and instruments	4,182	4,731	13.1
10	Medical apparatus and instruments	977	998	2.1
11	Heating, ventilation, sanitary installations	1,172	1,176	0.3
12	Vehicles	1,180	1,439	21.9
13	Firearms	68	80	17.6
14	Jewellery, clocks and watches	844	811	-3.9
15	Musical instruments	87	86	-1.1
16	Office requisites, stationery	1,845	1,894	2.7
17	Insulating materials, semi-finished goods	265	263	-0.8
18	Goods made of leather	739	617	-16.5
19	Building materials (non-metallic)	532	553	3.9
20	Furniture	1,005	1,147	14.1
21	Household or kitchen utensils	494	583	18.0
22	Ropes, string, sails	59	65	10.2
23	Yarns and threads	35	28	-20.0
24	Textiles, bed and table covers	299	327	9.4
25	Clothing, footwear	2,935	3,397	15.7
26	Lace, ribbon, buttons,trimmings	66	130	97.0
27	Materials for covering floors, wall hangings	84	80	-4.8
28	Games, sporting articles	763	858	12.5
29	Food of animal origin	1,378	1,603	16.3
30	Food of plant origin	2,066	2,174	5.2
31	Agricultural and forestry products	559	708	26.7
32	Beers, non-alcoholic drinks	1,277	1,435	12.4
33	Alcoholic beverages	1,226	1,467	19.7
34	Tobacco, smoker's articles	209	425	103.3
35	Advertising, business management	6,675	7,636	14.4
36	Insurance	2,401	2,317	-3.5
37	Building construction, repair	1,269	1,283	1.1
38	Telecommunications	1,254	1,152	-8.1
39	Transport	1,472	1,537	4.4
40	Treatment of materials	593	630	6.2
41	Education; sporting and cultural activities	6,726	8,098	20.4
42	Scientific and technological services	3,007	3,677	22.3
43	Providing food & drink, temp. accommodation	2,030	2,396	18.0
44	Medical services	2,669	2,667	-0.1
45	Legal services, security services	923	936	1.4

4. Designs
4.1 Applications and procedures concluded

Year	Filings				Procedures concluded			
	Designs in multiple applications	Applications with one design	Total	Designs in national applications	by registration	national	without registration	Total
2008	45,870	2,351	48,221	36,751	49,202	36,291	1,999	51,201
2009	42,866	2,446	45,312	35,907	35,442	29,220	2,040	37,482
2010	46,572	2,626	49,198	39,992	48,468	36,195	1,973	50,441
2011	50,737	2,407	53,144	41,605	48,888	39,299	1,899	50,787
2012	52,942	2,265	55,207	43,627	50,229	38,659	2,823	53,052
2013	54,519	2,309	56,828	46,737	53,238	43,179	4,468	57,706
2014	56,389	3,034	59,423	45,916	51,839	42,469	5,090	56,929

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
2008	10,331	2,543	16,800	56,484	298,496
2009	18,160	1,800	15,482	52,800	281,138
2010	16,917	2,664	17,116	48,470	281,136
2011	19,274	3,382	15,660	46,271	283,753
2012	21,429	3,308	15,850	43,442	290,540
2013	20,553	2,538	14,442	46,584	297,194
2014	23,047	2,756	14,254	43,511	305,522

4.3 Designs (applied for) by German *Länder*

German *Länder*	2008	2009	2010	2011	2012	2013	2014
Baden-Württemberg	5,865	5,527	6,517	5,614	5,991	6,327	7,288
Bavaria	8,852	7,802	7,626	7,629	9,251	9,427	8,778
Berlin	1,284	1,372	1,807	2,351	1,893	2,474	2,133
Brandenburg	201	303	446	459	364	504	297
Bremen	221	207	160	263	191	242	187
Hamburg	1,083	1,236	1,492	1,287	1,904	1,346	1,457
Hesse	1,452	1,694	2,588	2,657	2,061	2,443	1,946
Mecklenburg-Western Pomerania	247	137	215	215	335	725	431
Lower Saxony	2,882	2,655	3,010	2,693	2,886	2,775	2,664
North Rhine-Westphalia	9,724	9,756	10,977	11,819	12,572	13,032	13,378
Rhineland-Palatinate	1,966	2,576	2,276	2,804	1,877	3,209	2,468
Saarland	396	275	264	239	452	296	519
Saxony	989	1,107	973	1,191	1,390	1,713	1,966
Saxony-Anhalt	422	274	339	363	471	439	560
Schleswig-Holstein	849	717	928	1,325	1,514	1,370	1,551
Thuringia	318	269	374	696	475	415	293
Total	**36,751**	**35,907**	**39,992**	**41,605**	**43,627**	**46,737**	**45,916**

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

German *Länder*	2013			2014		
	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	Designs applied for	Percentage	Designs filed per 100,000 inhabitants
North Rhine-Westphalia	13,032	27.9	74	13,378	29.1	76
Bavaria	9,427	20.2	75	8,778	19.1	70
Baden-Württemberg	6,327	13.5	60	7,288	15.9	69
Lower Saxony	2,775	5.9	36	2,664	5.8	34
Rhineland-Palatinate	3,209	6.9	80	2,468	5.4	62
Berlin	2,474	5.3	72	2,133	4.6	62
Saxony	1,713	3.7	42	1,966	4.3	49
Hesse	2,443	5.2	40	1,946	4.2	32
Schleswig-Holstein	1,370	2.9	49	1,551	3.4	55
Hamburg	1,346	2.9	77	1,457	3.2	83
Saxony-Anhalt	439	0.9	20	560	1.2	25
Saarland	296	0.6	30	519	1.1	52
Mecklenburg-Western Pomerania	725	1.6	45	431	0.9	27
Brandenburg	504	1.1	21	297	0.6	12
Thuringia	415	0.9	19	293	0.6	14
Bremen	242	0.5	37	187	0.4	28
Total	**46,737**	**100**	**58**	**45,916**	**100**	**57**

4.5 Top companies and institutions in terms of design registrations at the DPMA in 2014

	Owner	Principal place of business		Number of designs
1	Miroglio Textile S.r.l.		IT	**7,200**
2	Getzner Textil AG		AT	**1,940**
3	The House of Art GmbH	DE		**1,176**
4	Betty Barclay GmbH & Co. KG	DE		**601**
5	AstorMueller AG		CH	**527**
6	Stilfabrik AG		CH	**523**
7	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		**506**
8	Albani Group GmbH & Co. KG	DE		**501**
9	Goebel Porzellan GmbH	DE		**469**
10	LUNATIVE LABORATORIES GmbH	DE		**440**
11	GRADA TEXTIL GmbH	DE		**400**
12	SHOE CONZEPT Handels GmbH	DE		**340**
13	Dyckhoff GmbH	DE		**321**
14	Buena Vista Modevertriebs GmbH & Co. KG	DE		**319**
15	Gil Bret GmbH & Co. KG	DE		**311**
15	OLYMP Bezner GmbH & Co KG	DE		**311**
17	Vera Mont GmbH & Co. KG	DE		**295**
18	North Group Germany GmbH	DE		**289**
19	CASAMODA Heinrich Katt GmbH & Co. KG	DE		**278**
20	VOLKSWAGEN AG	DE		**274**
21	Cosmocon International Ltd.		HK	**254**
22	Gollnest & Kiesel GmbH & Co. KG	DE		**241**
23	Nova Via Polstermöbel GmbH	DE		**217**
24	Rothenburger Weihnachtswerkstatt GmbH	DE		**203**
25	Apaya AG	DE		**200**
25	Lufthansa Technik AG	DE		**200**
27	Wolf Möbel GmbH & Co. KG	DE		**194**
28	Think Schuhwerk GmbH		AT	**193**
29	InnoTex Merkel & Rau GmbH	DE		**191**
30	Näve-Leuchten GmbH	DE		**183**
31	Ford Global Technologies, LLC		US	**173**
32	L-Conzept GmbH & Co. KG	DE		**167**
33	Candy Polstermöbel GmbH	DE		**159**
34	Di-Ka Vertriebsgesellschaft mbH & Co. KG	DE		**156**
35	DS Produkte GmbH	DE		**144**
36	A. Odenwald GmbH	DE		**140**
36	THUST STEIN GmbH	DE		**140**
38	Grafiko GmbH	DE		**139**
39	Alfons Venjakob GmbH & Co. KG	DE		**138**
40	Philipp Bazlen GmbH	DE		**132**
41	WERMA Holding GmbH + Co. KG	DE		**127**
42	Donaldson Co., Inc.		US	**125**
42	SKP Italian Style GmbH & Co. KG	DE		**125**
44	Phoenix Contact GmbH & Co. KG	DE		**121**
45	Nolte-Möbel GmbH & Co. KG	DE		**119**
46	Heinrich Sieber & Co. GmbH & Co. KG	DE		**117**
47	Brunner GmbH	DE		**116**
48	REALITY Import GmbH	DE		**114**
49	Soendgen Keramik GmbH	DE		**112**
50	Christian Ulbricht GmbH & Co. KG	DE		**111**
50	JOB-Jockenhöfer Order Börse GmbH	DE		**111**

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	
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	8	6	2	2	4
2013	7	3	5	5	1
2014	8	8	2	5	2

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

6. Patent attorneys and representatives

Year	Patent attorneys[1]			Foreign patent attorneys who are members of the German chamber of patent attorneys (Sec. 154a Patent Attorney Code *[Patentanwaltsordnung]*)[1,3]	Patent attorney companies[1,3]
	Entered in register	Cancellations	Registered at the end of the year[2]		
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
2014	163	68	3,444	17	15

[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
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
2014	185	178	766	57	31,492

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

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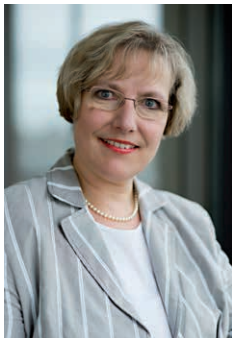
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