German Patent
and Trade Mark Office

Annual Report 2015



At a glance

Industrial property rights		2014	2015	Changes in %
Patents	Applications [1]	65,951	66,889	+ 1.4
	Examination procedures concluded	34,978	33,483	- 4.3
	- published decisions to grant a patent	15,317	14,795	- 3.4
	Patents in force at the end of the year [2]	129,544	129,591	+ 0.0
Trade marks	Applications (national and international)	70,681	73,658	+ 4.2
National marks	Applications	66,616	69,130	+ 3.8
	Registration procedures concluded	66,337	65,676	- 1.0
	- with registration	47,989	46,484	- 3.1
	Trade marks in force at the end of the year	793,753	797,223	+ 0.4
International marks	Requests for grant of protection in Germany	4,065	4,528	+ 11.4
	Grants of protection	3,862	3,745	- 3.0
Utility models	Applications	14,738	14,277	- 3.1
	Registration procedures concluded	15,126	14,171	- 6.3
	- with registration	13,082	12,254	- 6.3
	Utility models in force at the end of the year	87,530	85,180	- 2.7
Designs	Designs applied for	60,756	55,219	- 9.1
	Registration procedures concluded	56,936	54,436	- 4.4
	- with registration	51,848	50,748	- 2.1
	Registered designs in force at the end of the year	305,561	313,639	+ 2.6

[1] Patent applications at the DPMA and PCT patent applications upon their entry into the national phase

[2] Including patents granted by the European Patent Office (EPO) with effect in the Federal Republic of Germany, a total of 600,498 patents were valid in Germany in 2015.

Budget of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)	**2014**	**2015**	**Changes in %**
Income	365.8	381.0	+ 4.2
Expenditure	254.4	257.7	+ 1.3
including personnel	144.0	147.1	+ 2.2

Personnel of the German Patent and Trade Mark Office			
Staff	2,511	2,533	+ 0.9

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The German Patent and Trade Mark Office – we protect your intellectual property

For countries without large amounts of natural resources, economic strength is inseparably linked to innovation. Intellectual property is therefore of high importance in Germany. Our office, the German Patent and Trade Mark Office (DPMA), is your strong partner for obtaining this protection. We grant, register and administer valid industrial property rights. Furthermore, we fulfil the statutory duty to provide information to the public about industrial property rights and about inventions and brands that are already protected.

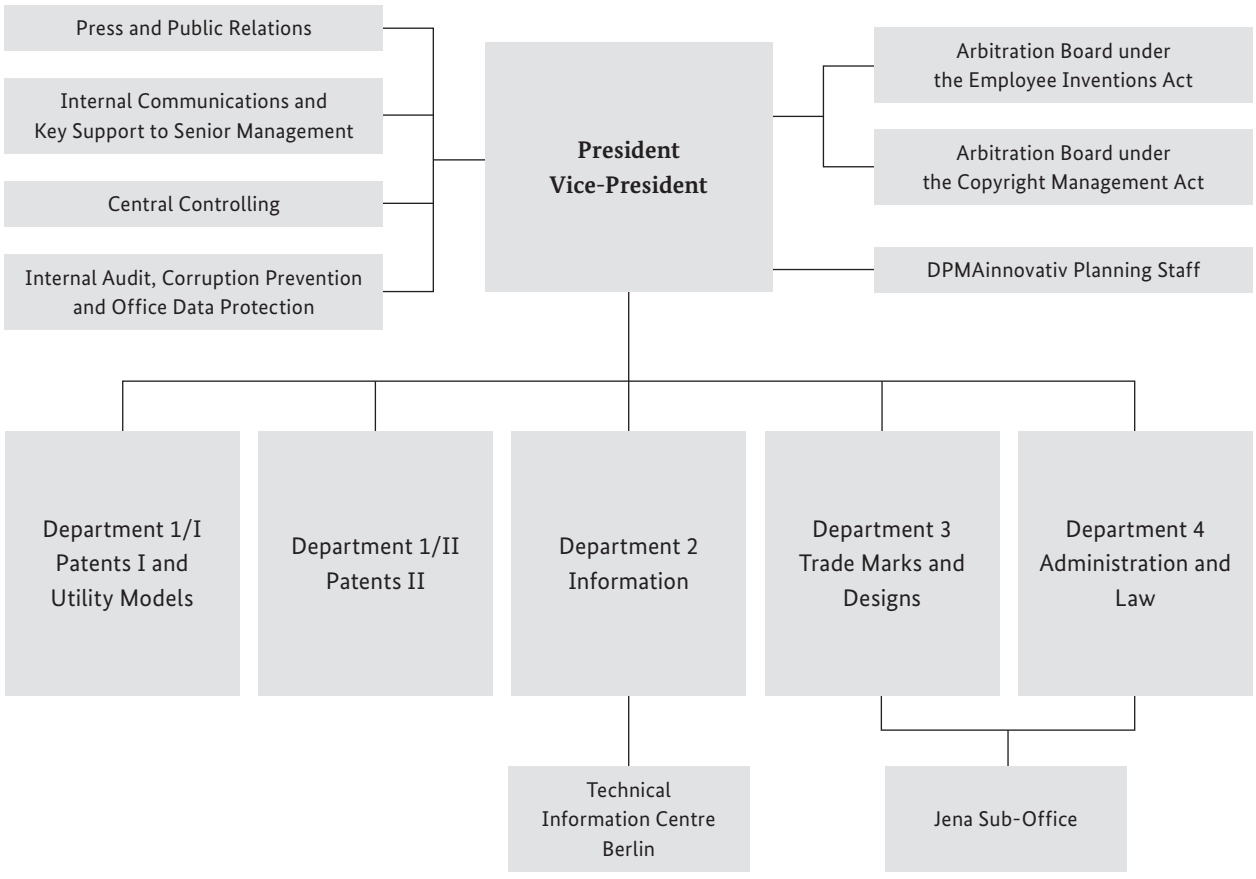
Our more than 2,500 staff are working for you at our headquarters in Munich, our Sub-Office in Jena and the Technical Information Centre Berlin (TIZ Berlin). Our range of tasks is divided into five large areas of work, the departments.

Department 1/I and Department 1/II cover the area of patents and utility models. Over 800 patent examiners examine patent applications, grant patents and deal with oppositions. Further 240 staff are responsible for the formal patent procedures and utility model procedures.

The staff of Department 2 provide information to the public on industrial property rights, support the users in their searches, maintain the extensive databases and manage the IT equipment and environment.

In Department 3, the IP rights, trade marks and registered designs, are processed and registered. Furthermore, the colleagues of this department decide about third-party oppositions and cancellation requests.

Department 4 deals with all fundamental legal affairs and performs typical administrative tasks. Other important tasks of this department are patent attorney training, government supervision of collecting societies and international cooperation with other IP authorities.





Dear Reader,

German patent and trade mark applications reached another record high in 2015: we received 66,889 patent applications and 69,130 trade mark applications, with the most active applicants in the patent area being the automotive industry and its component suppliers. The highest application rate for trade marks was accounted for by the pharmaceutical industry.

Aiming to maintain our strong position among the largest IP offices in the world and manage the constantly increasing number of applications, we were pleased that we were able to recruit another 58 patent examiners in 2015, despite the prevailing skills shortage. A further 33 people with a science or engineering background will start to work at the patent examination area in the first quarter of 2016. 53 additional posts at our office for junior examiners have been approved for 2016. You can find out more about this topic in the chapter "Staff".

We are continuously working to assure the high quality of our wok results, optimise our service and shorten the duration of the procedure. This also involves the increased use of electronic processing in IP procedures. For patents and utility models, we handle procedures electronically, end-to-end, from application to publication and in March 2015, we launched electronic processing also for another type of IP, namely trade marks. For registered designs, the e-file is in the planning stages.

However, not only the software of our office is keeping pace with the requirements of the digital world but also the hardware plays a major role in the day-to-day examination of innovations at our organisation. The modernisation of the computer centre in the past year enabled us to continue to meet the highest security standards and implement the environmentally friendly Green IT initiative of the Federal Government.

To cope with globalisation and make the patent examination procedures more efficient worldwide, the DPMA has maintained particularly close relationships with a number of other national patent offices for several years, within the course of the Patent Prosecution Highway (PPH) pilot programmes. By sharing work results it is possible to fast-track examination. In 2015, we joined the Global Patent Prosecution Highway (GPPH), thus expanding our PPH network to a total of 22 national patent offices. The advantage of the Global PPH is that the same requirements apply to all PPH requests at the participating patent offices. This standardisation makes the use of the PPH easier and even more attractive to our customers.

The overwhelming majority of companies in Germany are small and medium enterprises (SMEs). To provide optimum and comprehensive geographical coverage of support for the IP activities of this group of customers, we closely work together with our most important co-operation partners, the patent information centres (PIZ). In 2015, we signed new cooperation agreements with the patent information centres. In the interest of our customers from SMEs as well as the science and research community, these agreements help to ensure a constant high level of quality and the scope of services at the more than 20 patent information centres.

Another duty of our office is the supervision of collecting societies. In the anniversary year of 2015, we did not only look at 50 years of government supervision of collecting societies at an international symposium but also discussed the future at the European level. A well-functioning exchange of European supervisory authorities will be an essential element of the enhanced cooperation in Europe.

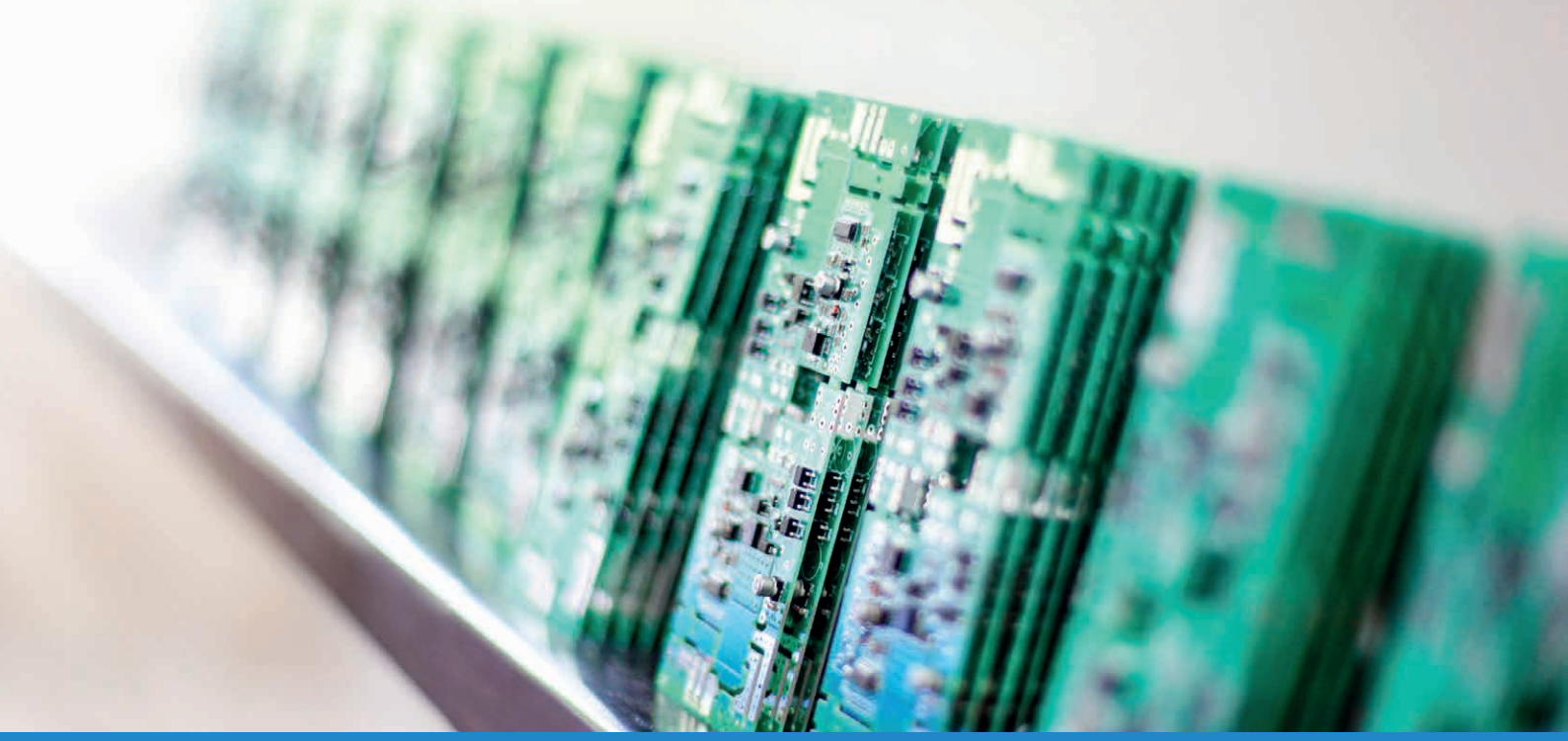
This annual report will give you an insight into these and other topics on our varied range of duties: for example, learn more about our involvement in inventor and innovation awards, about our trade fair activities as well as about events and read about what services we can offer to you or your company.

We hope you enjoy reading it.

Yours sincerely,

Cornelia Rudloff-Schäffer
President
German Patent and Trade Mark Office

Günther Schmitz
Vice-President
German Patent and Trade Mark Office



Patents

Protection for innovation

Economic growth and prosperity of an industry nation are becoming ever more dependent on technological progress and innovation. However, economically successful ideas are often copied and imitated. If you file a patent application for your technical invention, you can obtain legal protection for your innovation.

A patent is an industrial property right with limited effect in territory and time. The period is 20 years maximum. Technical inventions are eligible for patent protection if they are new, involve an inventive step and are susceptible of industrial application.

In order to assess patentability, we compare your application with the state of the art known up to the filing date. This includes German as well as international patent applications, patent specifications and articles in technical journals. If the subject matter of your application is neither known from the state of the art nor is obvious to a person skilled in the specific art, it is deemed to be new and inventive.

The invention will be published 18 months from the filing date and thus made known to the public. After the grant of the patent, you can assert rights as proprietor of the patent against third parties that use or imitate your invention.

You can obtain a national or an international IP right to protect your invention in Germany. There are many ways to file an application. You can file a request for the grant of a national patent with us, the German Patent and Trade Mark Office (DPMA). Here you can also file an international application under the Patent Cooperation Treaty (PCT). In accordance with the PCT, you can request the grant of an IP right for individual or all contracting states. An application for a European patent can be directly filed with the European Patent Office (EPO).

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

www.dpma.de/english

Development of patent applications

The upward trend of patent applications of the past few years continued in 2015 too. With 66,889 patent applications a new record high was again reached. Compared to the updated figure of 65,951 applications of the previous year, the number of patent applications filed increased by 938 applications (+ 1.4%). The development of filing figures from 2009 to 2015 is shown in figure 1. The rise in applications shows that industrial property rights are still regarded by applicants as a profitable investment in technical creativity and innovation.

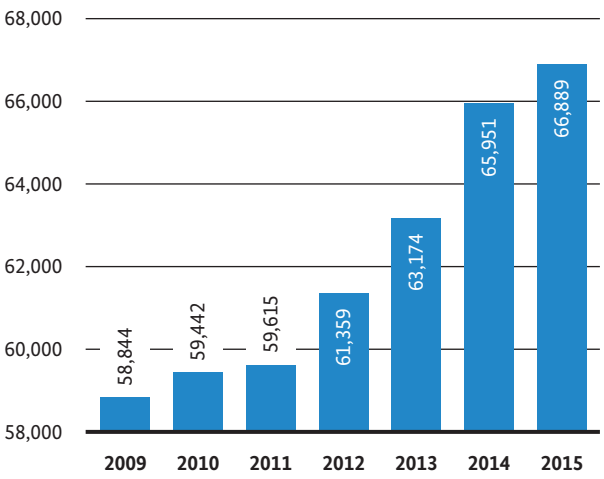
The number of patent applications in 2015 comprises 60,446 applications, filed directly at our office, and 6,443 applications which entered the national phase at our office under the international Patent Cooperation Treaty (PCT). For years the popularity of filing of online applications has been growing. In 2015, 75.2% of the national patent applications were filed online. This is an increase of 5.6% over the previous year.

More data on patent applications are provided in table 1.1 in the annex “Statistics” on page 87.

Origin of patent applications

Table 1 sheds light on the countries of origin of the patent applications received at the DPMA in 2015. The application numbers shown comprise the direct applications at the DPMA and the PCT applications which entered the national phase at our office. In 2015, there was a slight decline in applications from Germany. Their number fell from 48,150 in 2014 to 47,377 applications (- 1.6%). This means that applications from Germany accounted for 70.8% of all patent applications. The number of applications from abroad increased from 17,801 to 19,512 (+ 9.6%) over the previous year. Patent applications by individuals and companies having their residence or principal place of business abroad accounted for 29.2%. While the filing activity from the USA and the Republic of Korea increased only slightly by 1.6% and 2.8%, respectively, over the previous year, there was a rise in applications particularly from Japan, China and Sweden. Applications from Japan grew by 20.3%, from China by 21.4% and from Sweden by 61.7%. For an overview on filings, please see the annex “Statistics” on page 89.

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



	Applications	Percentage
Germany	47,377	70.8
Japan	6,424	9.6
USA	6,147	9.2
Republic of Korea	1,423	2.1
Austria	1,026	1.5
Switzerland	887	1.3
China	636	1.0
Sweden	527	0.8
Others	2,442	3.7
Total	**66,889**	**100**

Table 1
Patent applications at the German Patent and Trade Mark Office in 2015 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 2015, German companies, institutions and individuals filed 47,377 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. With 15,341 applications (- 1.3%), Bavaria secured its top position in 2015 as in the previous year. Also as in the previous year, Baden-Württemberg came second with 14,220 applications (- 2.2%) and North Rhine-Westphalia followed in third place with 6,875 applications (- 3.4%). That means that three-quarters of all German applications came again from these three *Länder*. With 3,485 patent applications, Lower Saxony increased its filing activity by 11.1% and showed the largest growth of all German *Länder* in 2015. For a comparison of the 2014 and 2015 data as well as time series covering the preceding years, please refer to the annex "Statistics" on pages 88 and 89.

However, the filing figures in absolute terms are not sufficient to assess the innovativeness of the population of a *Land*. Instead, it is interesting to look at the filing figures in relation to the population size of the German *Länder*: on average, 58 patent applications were filed at the DPMA per 100,000 inhabitants in the Federal Republic of Germany in 2015. With 133 and 121 applications, respectively, per 100,000 inhabitants Baden-Württemberg and Bavaria were clearly in the lead as in the previous years. Hamburg and Lower Saxony followed with 46 and 45 applications, respectively, per 100,000 inhabitants.

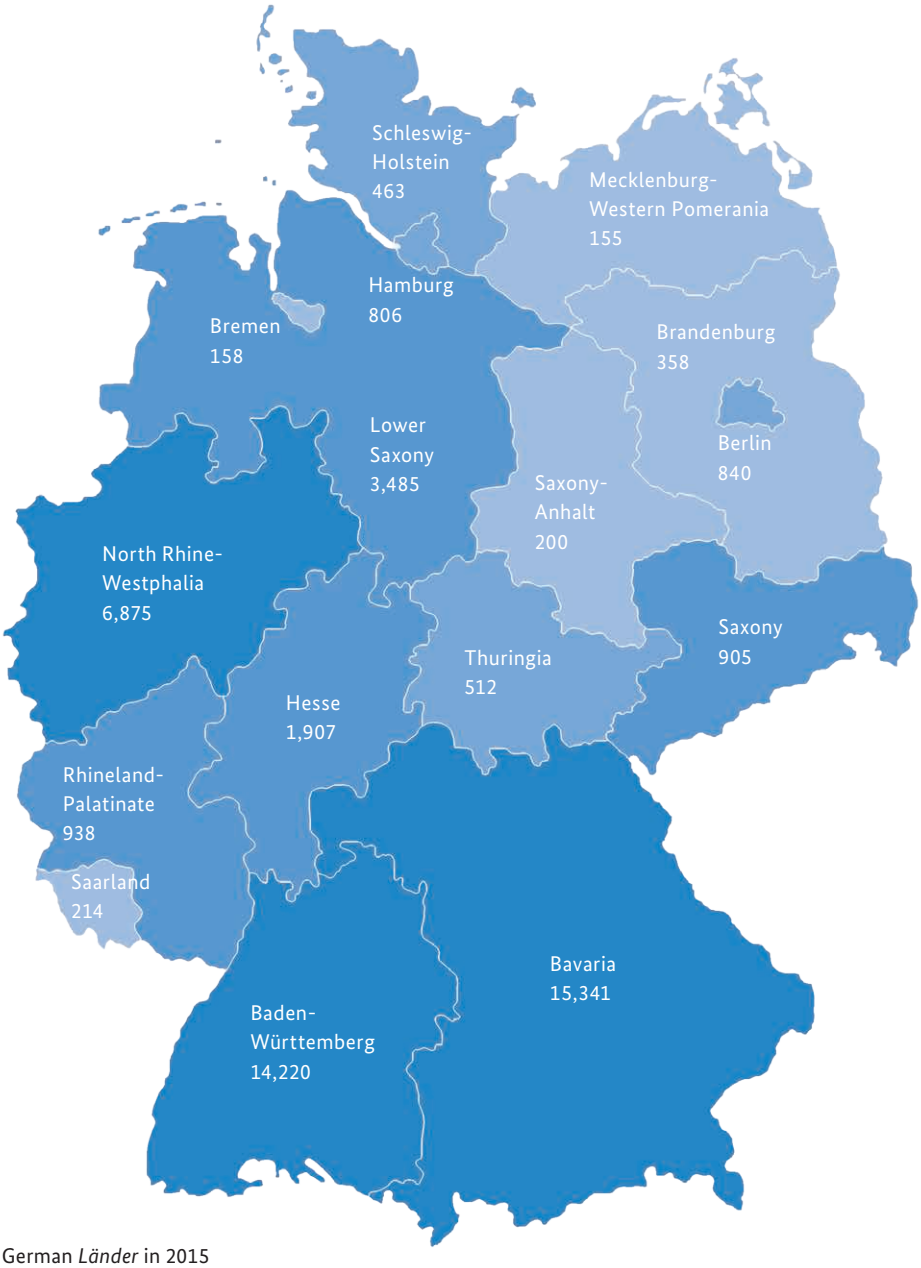


Figure 2
Patent applications by German *Länder* in 2015

The most active companies and institutions

The national and foreign companies and institutions that file particularly many applications with the DPMA are listed in table 2. The 25 most active companies and institutions with the respective number of patent applications filed at our office are listed here. The individual companies and institutions appear in the form in which they have been recorded as patent applicants. Possible interlinking of business enterprises is not taken into consideration.

In spite of a decrease of 4.2% in applications, Robert Bosch GmbH defended its top position in 2015 (3,841 applications). Schaeffler Technologies GmbH & Co. KG remained in second place with 2,334 applications. Ford Global Technologies, LLC and Daimler AG ranked third and fourth, respectively.

Table 2
The 25 most active companies and institutions at the DPMA (number of national patent applications filed in 2015)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**3,841**
2	Schaeffler Technologies AG & Co. KG	DE		**2,334**
3	Ford Global Technologies, LLC		US	**1,830**
4	Daimler AG	DE		**1,762**
5	Bayerische Motoren Werke AG	DE		**1,436**
6	Siemens AG	DE		**1,210**
7	VOLKSWAGEN AG	DE		**1,168**
8	AUDI AG	DE		**1,126**
9	GM Global Technology Operations LLC		US	**958**
10	ZF Friedrichshafen AG	DE		**925**
11	Hyundai Motor Company		KR	**727**
12	Infineon Technologies AG	DE		**636**
13	Continental Automotive GmbH	DE		**546**
14	BSH Hausgeräte GmbH	DE		**521**
15	Toyota Jidosha K.K.		JP	**510**
16	Dr. Ing. h.c. F. Porsche AG	DE		**502**
17	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**403**
18	FANUC Corporation		JP	**393**
19	DENSO Corporation		JP	**375**
20	Miele & Cie. KG	DE		**351**
21	Henkel AG & Co. KGaA	DE		**323**
22	MAHLE International GmbH	DE		**321**
23	Continental Teves AG & Co. oHG	DE		**258**
24	General Electric Company		US	**231**
25	OSRAM Opto Semiconductors GmbH	DE		**230**

Inventor and applicant

Since the inventor must be named in a patent application in addition to the applicant, 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. In contrast, where the application is filed by independent inventors or employees with released inventions, the applicant is usually identical with the inventor. Table 3 shows that 5.7% of the patent applications were filed by the respective inventors themselves in 2015. For applications from Germany, the proportion was 6.8%, and for foreign applications 1.9%. The downward trend of the past few years in the number of independent inventors continued in 2015.

Furthermore, we observed a concentration in favour of large patent applicants. 67.3% of the applications in 2015 were filed by 4.4% of the applicants. Most of them were large enterprises with more than ten patent applications each.

Selected data on patent examination

There is still great demand for patents. Compared to the previous year's 43,357 examination requests, the number increased to 44,482 (+ 2.6%) in 2015. The number of search requests pursuant to Section 43 of the Patent Act *(Patentgesetz)* dropped slightly in comparison to the previous year (- 1.7 %). With 12,621, there was a rise in output by 4.3% for what is known as "isolated" searches under Section 43 of the Patent Act.

In 2015, a total of 33,483 examination procedures were concluded. The average processing time remained stable. We will continue to strive to further reduce the number of pending examination procedures. Detailed data on applications received and procedures concluded are provided in table 4 as well as in tables 1.2 and 1.3 in the annex "Statistics" on page 87.

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	2009	2010	2011	2012	2013	2014	2015
National	11.0	10.4	9.0	8.3	7.9	7.7	6.8
Foreign	4.3	3.6	2.8	2.6	2.2	2.3	1.9
Total	**9.9**	**9.2**	**7.9**	**7.2**	**6.8**	**6.6**	**5.7**

Table 4
Selected data on patent procedures

Year	2009	2010	2011	2012	2013	2014	2015
Requests for examination	35,387	36,645	38,153	38,420	40,295	43,357	44,482
– including requests filed together with applications	22,283	22,428	23,412	23,335	24,353	24,504	25,647
Search requests under Sec. 43 Patent Act	10,085	10,202	11,034	11,745	11,972	13,726	13,496
Concluded searches under Sec. 43 Patent Act	9,709	10,481	10,759	11,642	12,150	12,100	12,621
Examination procedures concluded (final)	31,349	32,441	25,940	31,114	33,000	34,978	33,483
Examination procedures not yet concluded in the patent divisions at end of year	146,969	150,680	161,909	168,685	175,275	183,082	193,023

Main technical areas of patent activity

The International Patent Classification (IPC) is a system for classifying technological fields. It consists of a number and letter code and comprises more than 70,000 units which organise all fields of technology. We can attribute every patent application to one or several classes of the IPC according to its technical subject matter.

For years, most of the patent applications at the DPMA have been attributed to the IPC class B60 "Vehicles in general" (see page 91). In 2015, 7,164 applications were filed in this class. This is an increase of 4.9% over the previous year (see table 5). Despite a decline of 4.3% over the previous year, the class F16 "Engineering elements or units" ranked second with 5,437 applications, followed by the class H01 "Basic electric elements" with 4,663 applications (+ 1.3%).

Furthermore, we saw increases over the previous year in the areas F02 "Combustion engines" (+ 6.6%), G06 "Computing; calculating; counting" (+ 7.4%), H04 "Electric communication technique" (+ 3.0%) and B62 "Land vehicles for travelling otherwise than on rails" (+ 6.3%).

Table 1.11 on page 91 shows the development in recent years.

Table 5
Patent applications in 2015 by classes of the International Patent Classification (IPC) that account for the majority of applications

IPC class		Applications in 2015	Percentage	Differences between 2014 and 2015 in %
B 60	Vehicles in general	7,164	11.9	4.9
F 16	Engineering elements or units	5,437	9.0	- 4.3
H 01	Basic electric elements	4,663	7.7	1.3
G 01	Measuring; testing	4,044	6.7	- 1.0
F 02	Combustion engines	2,577	4.3	6.6
H 02	Generation, conversion, or distribution of electric power	2,280	3.8	- 2.4
A 61	Medical or veterinary science; hygiene	2,197	3.6	- 4.6
G 06	Computing; calculating; counting	1,741	2.9	7.4
H 04	Electric communication technique	1,730	2.9	3.0
F 01	Machines or engines in general	1,592	2.6	- 0.6
B 62	Land vehicles for travelling otherwise than on rails	1,527	2.5	6.3
B 65	Conveying; packing; storing; handling thin material	1,365	2.3	- 1.8

Patent applications in the examination procedure

In 2015, 43,397 examination procedures were opened with legal effect. This is an increase of 2.5% over the previous year.

The relevant examining section conducts a thorough and comprehensive search to identify the relevant state of the art. The state of the art will be assessed to determine whether the subject matter of the application is new and involves an inventive step. Further it will be assessed whether the subject matter of the application is disclosed in a manner that allows it to be carried out and whether it is susceptible of industrial application. In the course of the examination procedure, the examining section will finally decide on the grant of the patent or the rejection of the application. In 2015, we concluded 33,483 patent examination procedures and thus 4.3% fewer than in the preceding year. 14,795 examination procedures (44.2% of the concluded examination procedures) were concluded with a decision to grant the patent and 10,871 procedures were closed due to withdrawal or failure to pay fees. 7,817 applications were rejected (23.3% of the concluded examination procedures).

Appeal proceedings at the Federal Patent Court

The Federal Patent Court currently has 13 Technical Boards of Appeal. They 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 2015, 430 appeals were received by the Technical Boards of Appeal of the Federal Patent Court. This is a decline of 12.6% over the previous year. 657 appeal proceedings were concluded (- 11.0%). At the end of 2015, 1,242 appeal proceedings were still pending. The number of pending appeal proceedings has been further reduced.

Applications filed by universities

In 2015, German universities filed 739 patent applications at our office, 103 applications more than in 2014. In this respect, the universities of the *Länder* Saxony, Baden-Württemberg and North Rhine-Westphalia came top. Table 1.8 shows the exact figures regarding the patent activity of the universities of the individual *Länder*.



BRIEFLY EXPLAINED
The person skilled in the art

To be granted a patent, the invention must be new, involve an inventive step and be susceptible of industrial application. For assessing the inventive step, the "person skilled in the art" plays a special role. According to the Patent Act, an invention is considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. In this context, the person skilled in the art is not a person who really exists but rather a notional person: this person is a theoretical construct that serves as a yardstick for the inventive step – glasses for reading the patent application with technical eyes, so to speak.

The average person skilled in the art

The person skilled in the art is a normal skilled person who works in the technical field of the invention and has average knowledge, experience and abilities. That is why he is also referred to as "average skilled person". He does not have extraordinary expert knowledge nor highly specialised scientific abilities; he is not a Nobel Prize winner nor, above all, is he or she an inventor. The average skilled person is not omniscient but versed in his specific technical field.

Extent of the knowledge and ability

The knowledge and ability of the skilled person comprises the knowledge of the whole state of the art in his technical field. He has access to all published documents in his field and the relevant specialist knowledge enabling him to further develop his subject area. This is supplemented by the general technical knowledge that every technician needs to have. He also has knowledge of neighbouring fields and of broader general technical fields. Finally, the knowledge and ability of the person skilled in the art also comprises the knowledge gained by performing routine work and experimentation. However, he only conducts such experiments if there is a specific reason to do so, not out of mere curiosity.

The competent skilled person

For answering the question whether an application involves an inventive step it is essential to define the competent skilled person. The competent skilled person is usually the one who has been delegated the task of solving the technical problem. This may be someone from the area of manufacturing, planning or development. The persons commissioning the work, who pose the problem and make suggestions and requests, are not to be regarded as the competent skilled persons.

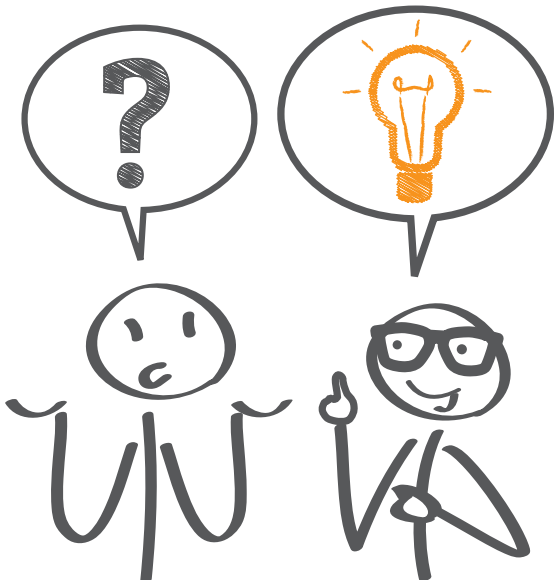
For example, if the patent application that is being assessed concerns a lotion for permanent waves, the competent person skilled in the art will be a chemist and not a hair dresser. If the invention concerns a fish bite alarm for a fishing rod, the person defined as the person skilled in the art is somebody from engineering with experience in developing fishing gear and not a person engaging in angling.

Depending on the problem to be solved, the competent skilled person may be a trained craftsperson or a person with a university degree in engineering or science.

A team as skilled person

The skilled person is an individual – or if it is expedient – he will consult a second skilled person or work in a team. Then, the knowledge and ability of the competent skilled person has to be considered as the sum of the specialist knowledge of the two skilled persons or of the entire team.

The relevant skilled person is defined as a research team of scientists if this is required due to the complexity of the problem. This is common, for example, in the field of genetic engineering.



120 YEARS AGO

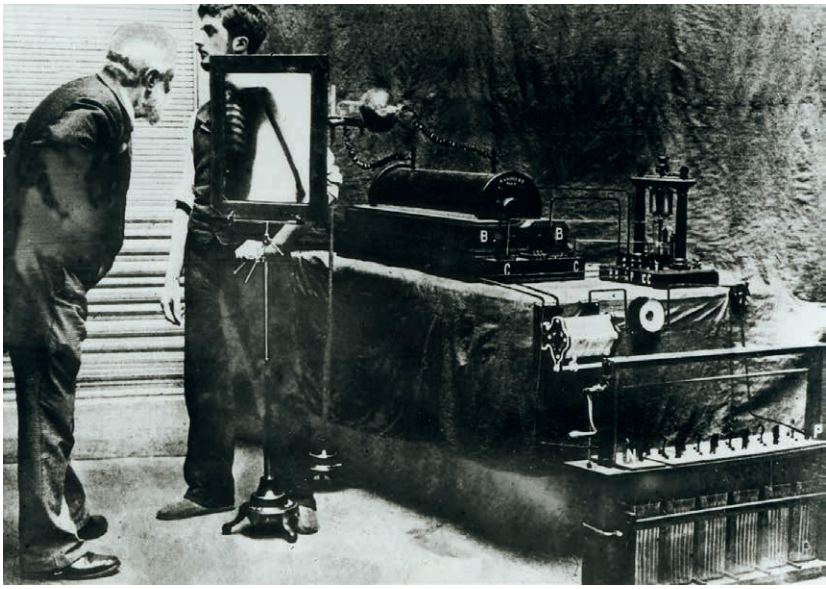
Wilhelm Conrad Röntgen discovered “a new kind of rays”

Wilhelm Conrad Röntgen (1845–1923) was a conscientious experimental physicist, who himself built the experimental apparatus he used and carried out experiments painstakingly and with total commitment. He was Chair of Physics at the Julius-Maximilians-Universität Würzburg when, in 1895, he intensively experimented with gas discharge tubes. In the late evening of 8 November 1895, when no “obliging assistants” were at the laboratory any more, Röntgen made a groundbreaking discovery. In a darkened room, he conducted experiments with a discharge tube and accidentally observed some brightly fluorescent crystals lying around. In the following weeks, he studied the phenomenon in detail and published his findings as early as in December 1895 in a preliminary paper titled “On a new kind of rays”.

The rays which Röntgen called “X-rays” – and which were also named “Röntgen rays” in his honour shortly after their discovery – had extraordinary properties. Röntgen investigated the effect of X-rays on photographic plates and placed numerous materials between the radiation source and the plate to test the varying degree of X-ray penetration. For these experiments, he did not only use paper, wood, glass and different metals but also his own hand and found that the bones of the hand were visible on the developed photograph. Röntgen laid the foundation for a revolutionary medical procedure enabling diagnostic examination of the inside of the human body without surgery.

The great potential of X-rays was immediately obvious and, within a very short time, not only the scientific community but also ordinary people were talking about Röntgen’s experiments. The enthusiasm spread to many regions of daily life and sometimes took strange forms: at country fairs, people were getting themselves X-rayed just for fun, the more bashful among them were able to put on X-ray-proof underwear.

Now, we are aware of the radiation exposure associated with X-raying and carefully balance benefits and risks of this imaging technique. However, regardless of whether it is a two-dimensionally projected radiograph or a complex three-dimensional computer tomography: X-ray technology has long since become an indispensable diagnostic tool in medicine. X-rays are also used in a wide range of other areas. They can be used, for example, to conduct chemical analyses, make the various layers of a painting visible or scan pieces of luggage at the airport.



X-ray examination in 1896

Over the decades, many scientists and engineers have contributed to further developing high-performance X-ray technology and had their inventions protected by patents. Röntgen himself did not want to exploit his invention commercially and did not apply for patents. This enabled the very rapid spread of his groundbreaking discovery.

The idea of not commercialising human disease has also been taken into consideration in the German Patent Act. For socio-ethical and health policy reasons, no patents are granted on surgical, therapeutic and diagnostic methods. It is the intention that the treating doctor should be free to choose a medical treatment in order to be able to always act for the benefit of the patient. This exception to patenting applies to processes but not to products. For example, it can be possible that a novel X-ray machine is patentable but a special diagnostic process using the X-ray machine is not.

Although Röntgen never held any patents for his invention, his name is forever linked to his discovery, for which he was awarded the first Nobel Prize for physics in 1901.

IN FOCUS
Selected fields of technology

Automotive technology

In 2015, the largest number of patent applications at our office was again accounted for by the area of vehicles in general (B60). This class saw a rise in applications by 4.9% over the previous year. The analysis of national application figures by IPC subclasses is shown in table 6.

Internal combustion engine

In 2015, the published applications again concentrated on measures to cut fuel consumption and CO_2 emissions. In this context, for example, the reduction of the cubic capacity and the reduction of the number of combustion chambers as well as cylinder deactivation should be mentioned. To improve the smoothness of the engine running on a reduced number of cylinders, the developers occupied themselves with enhancing details in the field of balancer shafts.

The applicants were also very active in the field of exhaust technology. The published applications – as before – focused again on the urea-based SCR exhaust gas aftertreatment (SCR – Selective Catalytic Reduction) to effectively reduce nitrogen oxide emissions. The applications also dealt with compact designs combining catalytic converter and particulate filter to reduce the amount of space required in the engine compartment.

Hybrid drive

If different drive systems are combined in a motor vehicle, this is called a hybrid drive. The drives are then either used both together or alternately, as required.

The topics of the application activities ranged from simple start/stop systems to full hybrids, which can run on electric power alone for a certain time. With regard to plug-in hybrids, which can be plugged directly into the mains to recharge their energy stores, the improvement of the energy management and battery charging management played a paramount role. Further key areas focused on reducing the weight of the vehicle and the space required for hybrid parts as well as on cutting emissions and extending the longevity of the battery. The applicants put special emphasis on the integration of information, such as GPS data, elevation profiles, driving route or traffic-related influences to achieve an efficient drive control.

Electric drive

In the year under report (2015), developments in this field concentrated on details regarding electricity storage technology. These increasingly dealt with the efficient cooling of the means of electrical storage and the improvement of crash safety. Important issues were also the development of battery chargers, the improved storage capacity and storage safety of batteries. For some years, intelligent battery management has also been very popular. This involves, for example, a control device which determines, in the driving mode, whether electrical energy for the motor is supplied by the battery or the capacitor, and where the electrical energy is stored during braking or in the coasting mode (recuperation). Advanced double layer capacitors (SuperCaps) were often used for this purpose.

Table 6
National patent applications in IPC class B 60 by subclasses

IPC class + subclass	National applications
B 60 R	1,778
B 60 W	1,128
B 60 K	747
B 60 N	513
B 60 T	474
B 60 Q	393
B 60 G	389
B 60 H	358
B 60 J	321
B 60 L	288
B 60 S	228
B 60 C	226
B 60 B	129
B 60 P	117
B 60 D	59
B 60 M	9
B 60 F	7
Total	**7,164**

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

Internal combustion engine [1, 2]

Country of origin / publication year	2009	2010	2011	2012	2013	2014	2015
Germany	1,888	1,907	1,874	2,070	1,781	1,880	1,848
USA	631	515	694	696	651	788	785
Japan	992	771	690	759	892	817	813
Republic of Korea	49	41	56	91	100	95	133
France	162	136	83	107	123	113	108
China	7	3	4	10	8	13	15
Total	**3,987**	**3,633**	**3,646**	**4,039**	**3,889**	**4,019**	**4,092**

Hybrid drives [1, 3]

Country of origin / publication year	2009	2010	2011	2012	2013	2014	2015
Germany	544	695	813	930	1,091	1,153	1,000
USA	351	266	371	482	493	511	589
Japan	371	388	402	632	741	837	697
Republic of Korea	36	48	158	247	451	617	458
France	59	46	43	57	68	65	75
China	7	25	13	13	8	3	13
Total	**1,397**	**1,528**	**1,855**	**2,421**	**2,813**	**3,114**	**2,934**

Electric drives [1, 4]

Country of origin / publication year	2009	2010	2011	2012	2013	2014	2015
Germany	53	89	109	147	139	116	101
USA	36	32	38	50	64	50	71
Japan	44	27	51	114	112	135	94
Republic of Korea	0	0	7	15	20	32	49
France	11	4	18	27	21	31	24
China	4	0	3	0	3	2	1
Total	**153**	**163**	**249**	**389**	**404**	**411**	**392**

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

Some years ago, there was a positive boom in the field of renewable energy – as measured by the patent application figures. However, this trend has not continued uninterrupted in recent years. In 2015, there was another fall in the number of published applications compared to the previous year. The total number of applications amounted to 1,378. The reason for this may perhaps be the reduction of government subsidies in recent years. The majority of applications in 2015 (63%) were again filed by applicants based abroad.

In 2015, most of the applications in the field of solar technology were filed by German mid-sized and big companies as well as by companies based in the USA or Japan. In the field of photovoltaic technology, a key area of development was the improvement of efficiency levels of solar cells with a simultaneous reduction of production costs. Developments also focused on the production of long-life photovoltaic modules. Solar thermal power stations which convert electromagnetic solar radiation primarily into thermal energy also continued to play an important role.

In the field of wind generators the number of applications by German applicants remained virtually stable over the previous year. However, there was a further drop in the number of applications by foreign companies. While most of the applicants were companies from Germany and the USA, a not insignificant number were private individuals. The storage of electrical energy generated by wind power continued to be a key area in this technical field.

In 2015, the number of applications in the field of other renewable energy sources like geothermal energy, biogas and others remained at the same level as in the previous year. Applications relating to biogas plants were predominantly filed by small enterprises and private inventors.

Table 8

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

	2009		2010		2011		2012		2013		2014		2015	
Renewable energy[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]	240	350	290	485	329	646	280	753	254	665	175	547	166	391
Wind generators[5]	190	292	234	342	273	453	312	603	322	474	267	424	264	346
Hydro power/ wave and tidal power[6]	20	55	40	57	51	88	35	71	31	75	25	68	16	51
Geothermal energy, biogas, other energy sources[7]	86	51	72	44	77	87	76	76	65	67	72	64	68	76
Total	**1,284**		**1,564**		**2,004**		**2,206**		**1,953**		**1,642**		**1,378**	

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, H02S (since 2014), 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

The low-cost alternative to patents

Utility models are a quick and low-cost alternative to patents. The protective effect is largely equivalent to that of patents. Most technical inventions that can be protected as patents are also eligible for protection as utility models. Only procedures and biotechnological inventions are excluded from utility model protection.

After you have filed your documents, we will examine the formal requirements under the Utility Model Act *(Gebrauchsmustergesetz)* and whether the application fee has been paid. If these requirements are fulfilled, we will register the utility model ideally already a few days after application. With the registration, the IP right will immediately enter into force.

We will not yet examine the substantive requirements – novelty, inventive step und industrial application – at this point. They will only be examined if a third party files a request for cancellation of the utility model. Therefore, a careful search for the current state of the art should be carried out before the application.

The maximum term of a utility model is ten years. The condition for this is that you pay the respective fees after three, six and eight years. The initial three years after filing the application are already covered by the application fee.

As an applicant, you can benefit from utility models as a valuable alternative or addition to patents. Particularly in combination with a search, you can optimally use the potential of utility models. Utility models and patents combined can also complement each other for ideal protection.

More information is available in our “Utility Models” information brochure and on our website.

www.dpma.de/english

Development of utility model applications

As in the past six years, the number of utility model applications continued to decline in 2015: new applications amounted to 14,277 in total (2014: 14,738) of which 1,368 were split off from patent applications (2014: 1,403). In 12,254 cases the application resulted in the registration of the utility model in the Register; this is equivalent to just under 85.8% of the applications. 1,917 procedures were concluded without registration. This was partly due to the withdrawal of the application; some of the applications were also rejected or did not lead to registration for other reasons.

After payment of the maintenance fees, the term of protection was extended for 19,736 utility models in total in 2015. In 14,634 cases, the utility model lapsed, for example, due to non-renewal or abandonment. At the end of 2015, 85,180 utility models were registered at the DPMA.

The development of the application figures since 2009 is shown in figure 3. More data on utility model applications are provided in the annex "Statistics" on page 93.

Origin of utility model applications

Although the majority of utility model applications in 2015 (10,355) originated from Germany as in previous years, namely 72.5% (2014: 74.2%), there was a clear rise in the proportion accounted for by applicants from abroad, from 25.7% (3,793 applications) in the previous year to 27.5% (3,922 applications). 1,437 applications in total originated from other European countries and 2,485 from non-European countries.

With an increase by 212 to 870 applications and a share of 6.1% of all applications, the USA held the top position, followed by Taiwan with 5.3% and the People's Republic of China with 3.0%. Applicants from Austria filed 360 applications (2.5%) and applicants from Switzerland 280 applications (2.0%). The steep percentage rise in applications from the Republic of Korea by 75% and from Japan by 35.4%, respectively, is particularly striking (compare table 9).

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

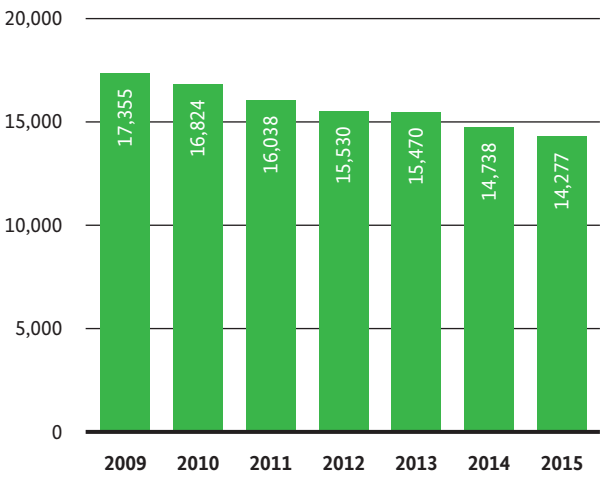


Table 9
Utility model applications at the German Patent and Trade Mark Office in 2015 by countries of origin

	Applications	Proportional share in %
Germany	10,355	72.5
USA	870	6.1
Taiwan	753	5.3
China	425	3.0
Austria	360	2.5
Switzerland	280	2.0
Japan	195	1.4
France	101	0.7
Others	938	6.6
Total	**14,277**	**100**

Utility model applications by German *Länder*

In 2015, too, North Rhine-Westphalia defended its top position of the previous years in the *Länder* ranking with 2,709 applications (26.2% of all domestic applications). Bavaria followed with 2,356 applications (22.8%) and Baden-Württemberg with 1,887 applications (18.2%) (see figure 4). But looking at the filing figures in relation to the size of the population of each German *Land* paints a somewhat different picture: with 19 applications per 100,000 inhabitants Bavaria is in the lead, followed by Baden-Württemberg with 18 and North Rhine-Westphalia with 15 applications (see page 95).

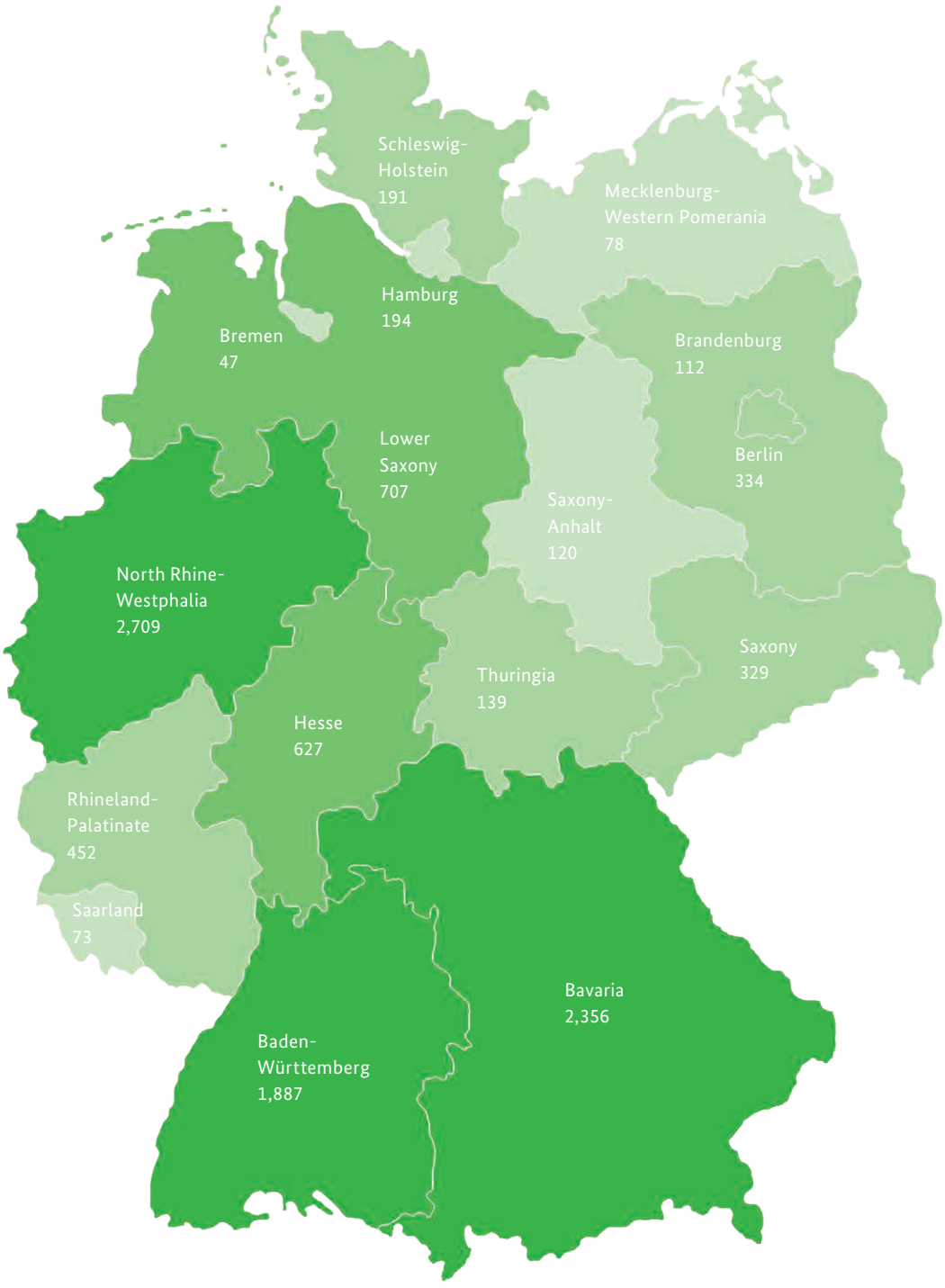


Figure 4
Utility model applications by German *Länder* in 2015

Split-off option

Frequently, patent applicants use the application for a low-cost and quickly effective utility model as an accompanying measure to effectively take action against copying as long as the patent sought after has not yet been granted. The utility model is suitable as an ideal complement to this IP right if it is "split off" from a patent or a patent application. 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 model provides protection for your invention during the otherwise almost unprotected period between the filing of the patent application and the patent grant. In 2015, applicants made use of the split-off option in 1,368 cases.

Search pursuant to Section 7 of the Utility Model Act

The search pursuant to Section 7 of the Utility Model Act is an important element of the system of utility model protection.

Unlike the patent, the utility model is just registered upon filing the application; no substantive examination of the invention is carried out. In order to minimise the risk of cancellation of the IP right at a later date, you can have a check done beforehand by a prior art search to determine whether something comparable to the invention does already exist. Such a prior art search is carried out by the patent examiners of our office for a fee of 250 euros. In a search report they list the publications and documents identified that are relevant for assessing protectability of the utility model. On the basis of the search results, you can then better assess your prospects of success in enforcing your own claims against others or defending your IP right against attacks.

In the year under review, 2,586 effective search requests were received by our office (2014: 2,621).

Utility model cancellation

Cancellation proceedings are an efficient instrument for subsequently clarifying the protectability of an – initially unexamined – utility model.

In 2015, 109 utility model cancellation requests were filed. There has been a fall in the number of requests in the last two years.

The utility model can only be cancelled upon request. Such a cancellation request can be filed by anybody. There is no need for that person to have an economic interest. The request is subject to a fee of 300 euros upon filing. The request must contain a sufficient statement of reasons. In particular, any conflicting prior art should be cited in the cancellation request.

Our Utility Model Cancellation Division normally decides upon the cancellation request on the basis of oral proceedings before a panel consisting of three persons. 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.

INTERVIEWS

Interview with Bettina Berner and Jörg-Eckhard Dördelmann

Head of the Utility Model Division and Head of the Utility Model Unit



Ms Berner, Mr Dördelmann, you both are legal professionals – are you nevertheless interested in the technical aspects of utility models?

Bettina Berner: The utility model is a technical IP right, and we examine protectability of the utility model in the course of the cancellation proceedings. In addition to the procedural aspects, mostly substantive law from a technical perspective is dealt with in those proceedings. I particularly like the interface between law and technology very much.

Jörg-Eckhard Dördelmann: Definitely! The applications that the Utility Model Unit has to process as well as the cancellation proceedings affect different technical areas. I find it always fascinating being confronted by this great variety in the course of the procedures and being immersed in different fields depending on the concrete case.

Do you always understand all of the technical details?

Bettina Berner: No, I cannot as a legal professional. And as the chair in utility model cancellation proceedings I do not see this as my most important duty. Cancellation proceedings are essentially subject to the Code of Civil Procedure *(Zivilprozessordnung)*, thus the rules of procedure applicable before the local and regional courts in civil matters. It is a very formalist procedure. There are many legal pitfalls – for the parties and for us. Sometimes we also have to take evidence by questioning witnesses. I must ensure a stringent but also legally correct procedure and especially a legally correct conduct of the oral proceedings, which are obligatory to be held. However, for me, it is important that I grasp the technical core of the invention. This allows me to chair the oral proceedings efficiently and to understand the positions of the parties involved.

Are also colleagues from patent examination involved?

Bettina Berner: Involvement of patent examiners is obligatory in utility model cancellation proceedings. It is provided by law that we decide in a three-person body about a contested utility model. As the legal professional, I am the chair. The two assessors are from the field of science or technology. They are usually able to explain the technical facts in a way that a legal professional can also get a good idea of what they mean. It is this interdisciplinary working method that makes the job so interesting to me.

Jörg-Eckhard Dördelmann: In order to better assess whether the subject matter of a utility model applied for or already registered is indeed eligible for protection and whether the IP right is expected to remain valid, everybody can request a search for the relevant state of the art at our office. Since the Utility Model Unit has no technically qualified members, this task is assigned to the examining sections of the patent divisions.

Are the persons you work with always the same?

Bettina Berner: The cancellation proceedings deal with utility models from all fields of technology. It can be a utility model in the area of chemistry as well as a utility model in the area of telecommunications. We call in the two patent examiners that are responsible for this specific technological field according to the assignment of tasks. The colleagues from the patent area are then active as assessors and thus as technical experts in the respective procedures.

Jörg-Eckhard Dördelmann: The search is also performed by the technically qualified member that is responsible for a specific patent class according to the assignment of tasks of the Departments 1/Patents.

Utility model protection is celebrating its 125th anniversary. Does the utility model still have the same significance as then?

Bettina Berner: Absolutely. Our customers still ask for utility models. Even though the filing figures are declining, still about 14,000 utility model applications are filed with us every year. We estimate that roughly a third of the applications are filed by private individuals. Another third is filed from what we call *Mittelstand* in Germany, that is, particularly craft enterprises or smaller enterprises. They often do not want to market their inventions internationally and appreciate the low cost as well as the fast procedure.



How has it changed over the years?

Jörg-Eckhard Dördelmann: From the beginnings of the utility model in 1891 to today, a few things have changed of course. While, initially, it was an IP right for "small inventions", in particular for working implements, utility model protection is today basically available for all technical inventions with the exception of processes or biotechnological inventions. The term of protection, originally six years, was extended to a maximum of ten years. Of major importance was also the dropping of the requirement of a three-dimensional form in 1990. Today, the utility model is a technical IP right which has a similar protective effect as a patent if it proves to be eligible for protection. Its popularity is not least due to the fact that it can be used to accompany a patent.



With regard to IT, a few things have changed too. How did this affect filing behaviour and the registration procedure for utility models?

Jörg-Eckhard Dördelmann: Particularly in the recent past, the procedures have changed mostly due to the fact that electronic procedures have replaced paper-based processing. Last year, almost half of all applicants already filed their utility model applications online. Furthermore, we have been working in a fully electronic way in registration procedures as well as in the IP administration since 2011. This is also of benefit to the applicants. Since we process most documents shortly after receipt, we can register unproblematic utility models already after a few days in most cases.

Ms Berner, Mr Dördelmann, thank you very much for this interview.



Trade marks

Badges of origin, labels of quality and advertising signs

Our experiences with goods or services are firmly linked to the corresponding trade mark. In a world without trade marks, every purchase decision would have to be considered afresh each time – this is not necessary with a trade mark. It points to a certain company from which the product originates and we just have to remember whether or not we trust that company.

Trade marks are mostly words, logos, images or combinations thereof. But, under certain circumstances, you can also obtain trade mark protection for three-dimensional shapes, colours, combinations of colours or jingles at the German Patent and Trade Mark Office (DPMA). However, filing an application does not give you the guarantee of registration: at first, the DPMA examines whether your trade mark applied for might be hindering others – particularly the public or competitors. For instance, we cannot register words describing the goods or services for which they are intended to be used. For example, the word "punctual" could not be registered for an airline. It might be different if, for example, somebody applied for "punctual" as a word mark for "nightclub services".

There are three ways to have your trade mark protected in Germany. First, as a national trade mark that is examined, registered and administered by the DPMA. Second, you can seek protection for your trade mark in Germany through the World Intellectual Property Organization (WIPO) in Geneva, provided your trade mark is already registered abroad. The third way is to file an application for a Community trade mark. These are trade marks which are valid throughout the whole of the European Union after having been examined by the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain). A general principle for all trade marks – whether national, international or Community trade mark – is that the earlier trade mark takes precedence over the later trade mark.

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

www.dpma.de/english

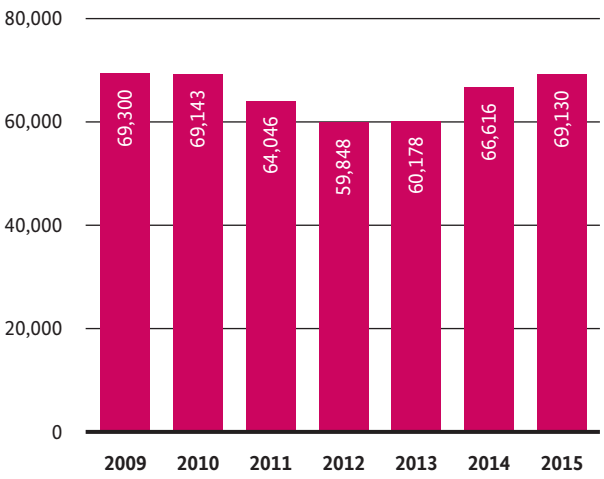
Development of trade mark applications

The upward trend in the application figures of the past few years has continued in 2015: with 73,658 trade mark applications the number of applications increased by 4.2% over the previous year. The figure comprises the national applications (69,130) and the requests for the extension of protection (4,528), which were sent to us by the World Intellectual Property Organization (WIPO). It is worth noting that the number of requests for the extension of protection rose again (2014: 4,065).

We have seen a reversal of the trend in German applications for Community trade marks at the Office for Harmonization in the Internal Market (OHIM) in Alicante (Spain). While applications by German applicants at OHIM dropped slightly from 2013 to 2014, they clearly increased between 2014 and 2015, from 18,664 to 20,450 applications. Germany was again the country with the most trade mark applications at OHIM, followed by the USA. Since the overall application numbers at OHIM have markedly risen to 130,398 (2014: 117,496), the past year was a boom year for trade marks in Germany and Europe.

Whether the applicant applies for a Community trade mark or a national trade mark essentially depends on what the applicant aims to achieve with the trade mark. Generally, a German national trade mark involves lower costs and fewer risks. However, it is only valid in Germany. The Community trade mark is an option for those who also do business outside Germany, in various countries of the European Union (EU), because they will obtain an IP right that is equally valid in all countries of the EU. An international registration can be used to extend protection of both types of trade marks to further individual countries.

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



It is even possible to obtain protection in the whole of the EU with a German basic mark via an international registration at WIPO. In many cases, the decision is also a question of cost. In individual cases, the route via a German basic mark with extension to the EU and further countries is cheaper than choosing the route via a Community trade mark with corresponding extension.

Trade mark procedures

In 2015, 46,484 trade marks were registered. Only 5,533 applications were refused by us because they did not meet the formal or substantive requirements for trade mark protection. 13,420 trade mark applications were withdrawn by the applicant. The number of procedures not yet concluded at the end of the year increased from 24,349 (at the end of 2014) to 28,080 (at the end of 2015). This shows that the duration of the procedure has increased. The reason being that the number of applications has risen markedly while staffing levels remained the same. At the same time, the introduction of the electronic IP case file required additional time and effort for training courses and the familiarisation with the new data processing system.

The number of applications filed online at our office has continued to rise. Whereas 52.5% of the applications were filed electronically in 2014, they amounted to 60.0% in 2015. The examination of the application becomes much easier if the terms of goods and services used for an electronic application are chosen from the shopping cart of the harmonised European classification database: all terms will be accepted by us without objection.

The number of trade marks in respect of which an opposition was filed amounted to 2,728 in 2015 and thus remained at roughly the same level as in the year before (2014: 2,830). By filing a notice of opposition, the proprietor of an earlier right can challenge the registration of a later trade mark. The consequence may be that the later trade mark will be cancelled in full or in part. However, in many cases, the opposition is unsuccessful.

Of the 2,196 concluded opposition proceedings 224 were transferred to the Federal Patent Court due to a subsequent appeal by one of the parties to the proceedings. Of the refusals of trade mark applications issued 239 were additionally challenged by an appeal to the Federal Patent Court. In 2015, the special motion *(Erinnerung)*, an internal appellate remedy, was filed in 480 cases. For years, the total number of decisions challenged has fallen sharply. 20 years after the entry into force of the Trade Mark Act *(Markengesetz)*, many open questions have been clarified so that fewer and fewer people resort to the courts.

Trade mark applications by German *Länder*

In relation to the number of inhabitants, the city states Hamburg and Berlin were again in the lead in 2015 with 205 applications and 146 applications, respectively, per 100,000 inhabitants. Most applications come from North Rhine-Westphalia (14,794), Bavaria (11,371) and Baden-Württemberg (8,421). In 2015, 81 trade mark applications per 100,000 inhabitants were filed on average. For further analyses of trade mark applications, please refer to the annex "Statistics" beginning on page 96.

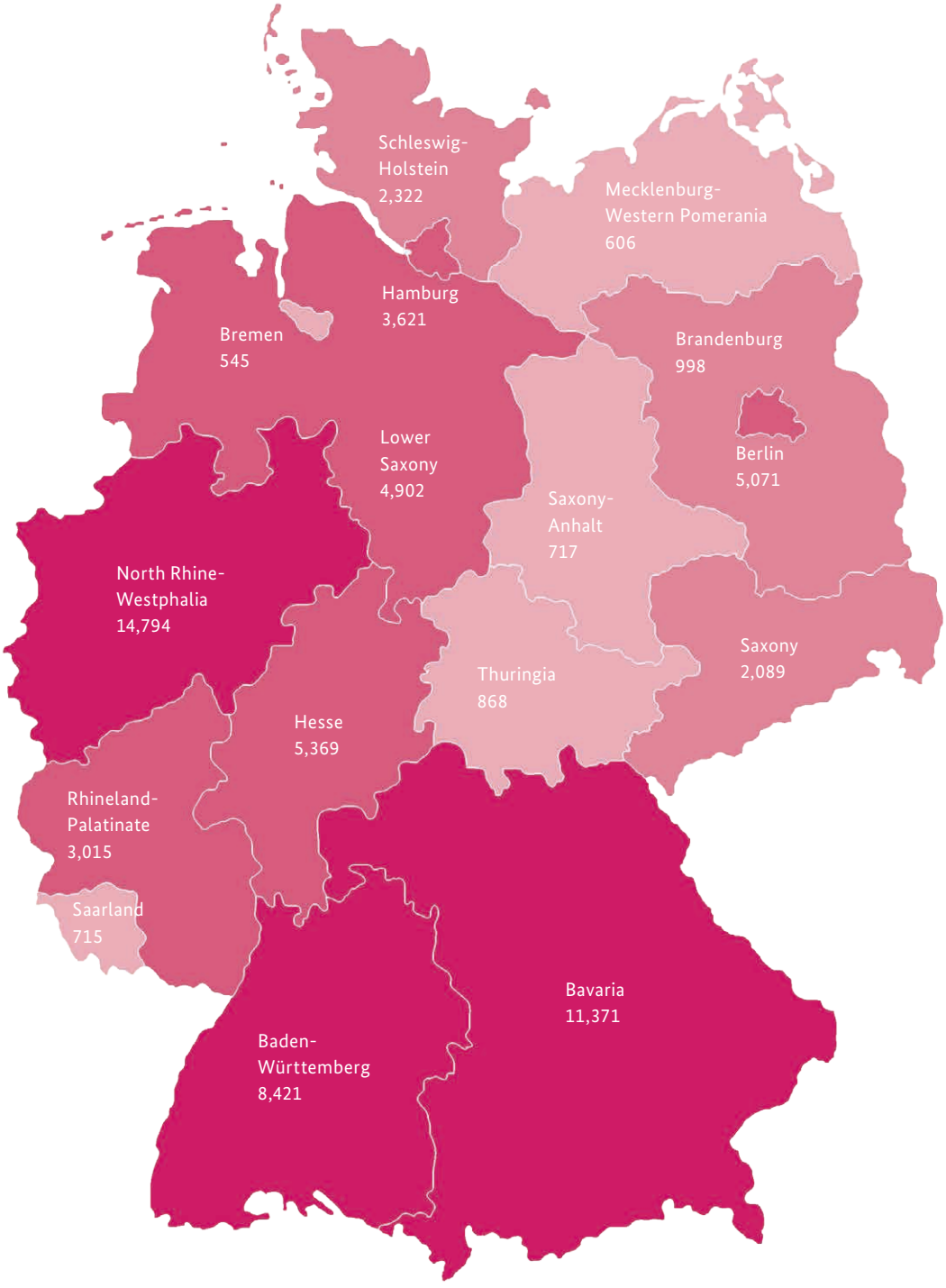


Figure 6
Trade mark applications by German *Länder* in 2015

Top companies in terms of registrations

"Pharma comes top" was the motto of applicants in the trade mark area in 2015. The top three trade mark proprietors in terms of registrations are pharmaceutical companies, namely Bayer Intellectual Property GmbH with 97 registrations, Merck KGaA with 84 registrations and Merz Pharma GmbH & Co. with 71 registrations (see table 11).

Trade mark applications by leading classes

With 8,595 applications in 2015, compared to 7,654 applications in 2014, the leading class 35 (advertising, business management) leaped ahead. Hence, it became the most requested leading class. With 8,383 applications, the leading class 41 (education; sporting and cultural activities) also experienced an increase (2014: 8,074), but was nevertheless ousted into second place by leading class 35. As in 2014, leading class 9 (electrical apparatus and instruments) was the most requested class of goods. With similar numbers of applications as in the previous year, leading class 42 (scientific and technological services) and leading class 25 (clothing, footwear) have remained among the top five. The smallest leading class is again class 23 (yarns and threads) with only 29 applications, after all an increase by two applications (see table 12 and page 100 in the annex "Statistics").

Table 10
Selected data on trade mark procedures

Year	2009	2010	2011	2012	2013	2014	2015
New applications	69,300	69,143	64,046	59,848	60,178	66,616	69,130
Registrations	49,844	49,766	51,337	46,098	43,511	47,989	46,484
Refusals	8,419	8,353	7,772	6,507	5,029	6,072	5,533

Table 11
Top companies and institutions in terms of trade mark registrations in 2015 (registrations of trade marks under Section 41 of the Trade Mark Act)

	Proprietor	Principal place of business		Number
1	Bayer Intellectual Property GmbH	DE		**97**
2	Merck KGaA	DE		**84**
3	Merz Pharma GmbH & Co. KGaA	DE		**71**
4	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**66**
5	VOLKSWAGEN AG	DE		**60**
6	August Storck KG	DE		**58**
6	Bayerische Motoren Werke AG	DE		**58**
8	PEKANA-NATURHEILMITTEL GmbH	DE		**56**
9	Deutsche Telekom AG	DE		**54**
10	Boehringer Ingelheim International GmbH	DE		**49**
11	DAW SE	DE		**46**
12	Nordbrand Nordhausen GmbH	DE		**45**
13	Heinrich Bauer Verlag KG	DE		**44**
14	Vodafone GmbH	DE		**39**
15	Aristo Pharma GmbH	DE		**38**
15	Netto Marken-Discount AG & Co. KG	DE		**38**
15	Wieland-Werke KG	DE		**38**
18	Kaufland Warenhandel GmbH & Co. KG	DE		**37**
19	Daimler AG	DE		**36**
19	TUI AG	DE		**36**

Cancellation of trade marks

According to the Trade Mark Act, anybody may request cancellation of a registered trade mark. The request is subject to a fee and must state a reason for cancellation. The reason can be the non-use of a trade mark (called "revocation" in the Trade Mark Act, in 2015: 462 requests) or the existence of absolute grounds for refusal at the time of registration (in 2015: 310 requests). The latter cases frequently deal with the question whether the challenged trade mark lacks distinctiveness at the time of registration or whether it was descriptive. Trade mark applications filed in bad faith is also a common reason for filing a cancellation request (in 2015: 128 requests of this case group were filed, accounting for 41% of all cancellation requests due to absolute grounds for refusal). The question in this context is whether the trade mark proprietor filed the application with the intention to impede others in an anti-competitive way.

Cancellation requests may also be based on the ground that the trade mark wrongfully uses a state symbol. While trade marks fulfil their function as an indication of origin of goods or services, the main function of state symbols is that of identification with the respective carrier of sovereign powers and that of representing the sovereignty of the latter. In order to prevent state symbols from being used wrongfully, not only those trade marks are excluded from protection that consist exclusively of state symbols but also trade marks containing a state symbol as an element. However, this element must not be assessed in isolation but in relation to the overall impression created by the trade mark. The same is applicable to the heraldic imitation of a state symbol. However, the ground for refusal may be inapplicable if the proprietor of the trade mark is authorised to use the state symbol.

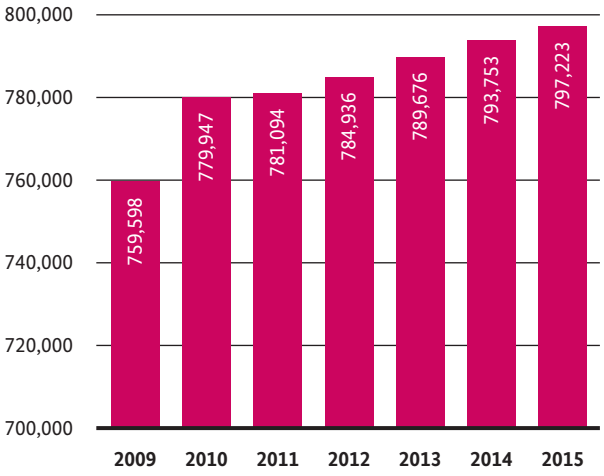
A current example is the trade mark of the German Football Association (DFB), which had attracted great public interest. The DFB uses an "eagle" in its logo. The question arose whether this constituted the wrongful use of a state symbol. The cancellation request filed with regard to this trade mark was refused by a decision of the

Table 12
The top ten leading classes

	Leading class	Applications 2015	Percentage	Differences between 2014 and 2015 in %
35	Advertising; business management	8,595	12.4	12.3
41	Education; sporting and cultural activities	8,383	12.1	3.8
9	Electrical apparatus and instruments	4,912	7.1	3.7
42	Scientific and technological services	3,703	5.4	0.7
25	Clothing; footwear	3,382	4.9	- 0.8
44	Medical services	2,648	3.8	- 0.7
36	Insurance	2,469	3.6	6.4
5	Pharmaceutical preparations	2,409	3.5	4.3
43	Providing food and drink; temporary accommodation	2,365	3.4	- 1.3
30	Food of plant origin	2,094	3.0	- 3.6

Cancellation Division on 30 October 2015, which held that, admittedly, the trade mark contained a heraldic imitation of the federal eagle – but for this ground of refusal it was essential whether or not the impression of a state emblem was created. The assessment of the relevant overall impression had to also include the words "DEUTSCHER FUSSBALL-BUND". In this context, the federal eagle was understood by the circles concerned as an indication of the national identity but not readily seen as a state symbol that means as a reference to the Federal Republic of Germany as the carrier of sovereign powers. Irrespective of that, the German Football Association as trade mark proprietor was authorised to use the federal eagle in its trade mark. A corresponding declaration of consent had been made by the Federal Ministry of the Interior. An appeal against this decision was lodged with the Federal Patent Court.

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



Trade mark administration

About 45 staff at the trade mark administration in the Jena Sub-Office deal with the recording of changes, renewals, reclassifications and cancellations after the definitive registration of a trade mark. Furthermore, they process requests for priority documents and certifications of origin, make register extracts and answer enquiries as to the Trade Mark Register.

At the end of 2015, the register contained 797,223 trade mark registrations, which constitutes a slight increase compared to the end of 2014, when 793,753 trade marks were registered. In 2015, 34,224 trade marks were renewed compared to 32,228 in the previous year. Initially, a trade mark is registered for ten years from filing the application and can be renewed, as often as desired, for further periods of ten years; however, the proprietor may also surrender it any time. In 2015, 42,700 trade marks were not renewed by the proprietors or they were surrendered, resulting in their cancellation from the Register. For more statistical data relating to trade mark administration, please refer to the annex "Statistics" on page 96.

Harmonised examination practice of the European offices

The Convergence Programme on harmonised examination practice of the European offices was continued in 2015 with our participation. This programme initiated by the Office for Harmonization in the Internal Market 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.

After the conclusion of the topic of likelihood of confusion (non-distinctive/weak components) in the preceding year, the topic of distinctiveness (figurative marks containing purely descriptive/non-distinctive word elements) was conclusively dealt with in 2015. The goal was – as with all convergence topics – the development of common approaches. They should be in a way that no change in legislation is necessary, that they can be implemented by the participants themselves and that they can be made available in all EU languages.

At the beginning of the project, it was noted that the legal practices of the individual European offices and of OHIM significantly differed. The central question was when a figurative or graphic representation allows protection. This may concern the word elements as well as the figurative elements of a trade mark. For example, a word element's typeface and font, the combination with colour, the combination with punctuation marks and other symbols and the position of the word elements may add distinctive character. For figurative elements, what is decisive are the complexity of the image, its position and proportion in relation to the word, the link to the goods and services as well as the common use in trade in the affected sector. In principle, it was agreed that a composite mark is distinctive if the overall impression is sufficiently removed from the descriptive or non-distinctive message.

IN FOCUS
The electronic trade mark file

Since 23 March 2015, the trade mark area has been working exclusively electronically. This means that the files are kept as electronic files; all incoming correspondence is viewed and processed exclusively on the screen.

Benefits for the parties involved in the procedure and for the public

Access to the electronic trade mark file and electronic processing are always possible from any workplace that is connected to the internal **DPMAmarken** system. This makes available any file to any processing staff at any time. Therefore, it is possible to view a certain file in case of enquiries by telephone and to give a qualified answer. In individual cases, processing can also be started and concluded immediately.

Electronic availability of the trade mark files is the basis for file inspection via the Internet. Currently, file inspection requires copies to be made and sent. This will no longer be necessary. However, this service will not be available immediately but only in the near future.

Benefits for the procedural processes at the German Patent and Trade Mark Office

Electronic availability of any file allows staff in the trade mark area to work on the files in parallel. For example, files in the cancellation proceedings, which are handled jointly by three legally qualified persons, can be read in parallel, not only successively. Transport – for example, between the offices of Munich and Jena – is no longer necessary.

New processes

While, previously, incoming mail was brought to the files and distributed to the competent processing staff, all incoming correspondence is now being scanned in the digitising centre in Munich and filed according to the scan date. Ultimately, digitised mail will be forwarded to the formal digital processing and initial processing units. There, either a new electronic file will be created or a task will be allocated to an existing procedure. The tasks will then be forwarded to the competent persons according to the fixed assignment of tasks and will appear in their list of tasks. It is thus possible to create multiple tasks for different persons pertaining to the same file.

Documents created during processing will be printed and sent by the Jena Sub-Office. Decisions of the trade mark sections and trade mark divisions will be signed by the processing staff electronically before that step.



Challenges

The project work required a very large number of staff on our part – despite support by an external implementer. Getting used to the new processes and use of the demanding software required great effort even after the go-live. At the same time, the number of trade mark applications increased considerably. In individual cases, this caused delays in the processing of trade mark procedures.

Outlook and chances

Digitisation of all work steps through the introduction of the electronic file does not only lead to the mentioned benefits but is what enables further progress in the first place. Digitisation will also make possible fully electronic communication with the parties involved in the procedure. Today, electronic processing of a case, for example, in the IT system of a law firm ends with a printout. What follows are the transport by post and the scanning at the DPMA. This media discontinuity can be avoided. However, communication must be technically secure and correspond to the legal requirements of official procedures. First, we will place office actions from our office into an electronic inbox of the party involved in the procedure, who will then be able to pick them up there. If the office action is picked up, printing and sending by post will not be necessary. Electronic filing of trade mark applications and electronic lodging of appeals is already possible. These standardised processes can be extended by further processes, particularly by such where forms are involved.

100 YEARS AGO
Trade marks as witnesses of the century

One hundred years ago, amid the First World War, applications for trade marks such as "4711", "Singer" and "Miniwatt" were filed. They became true witnesses of the century. They survived the *Kaiserreich*, the Weimar Republic, the Nazi regime as well as as the GDR and still exist in today's Federal Republic of Germany, integrated into the European Union. Trade marks are initially valid for ten years after application. However, since registration can be renewed for an unlimited number of times, they potentially have a bright future ahead.

"4711" is almost a proprietary eponym for Eau de Cologne. Home of the trade mark and the Eau de Cologne is at Glockengasse 4711 in Cologne. The legend says that a miracle water was manufactured and marketed there as early as 1792. The first trade mark application was filed as early as 1882. It was finally in 1915, one hundred years ago, that the simple number of "4711" was filed for application (registration number 206 680).

Singer sewing machines were first produced in New York around 1850. From then on, the Singer Company grew into one of the world's largest producers of sewing machines. On 10 November 1915, the name "Singer" was applied for as a trade mark for all types of sewing machines in Austria. In Germany, the trade mark was registered with this filing date on 18 November 1941 (registration number 539 291). This noticeable gap between application and registration is once again due to the historical events. After the incorporation of Austria into the German Empire, the Ordinance on Trade Mark Law on the Occasion of the Reunion with the German *Reich* of 18 January 1940 stipulated that all Austrian trade marks can be integrated into the Trade Mark Register of the *Reichspatentamt*. Where no corresponding request had been filed by 31 December 1942, the trade marks lost protection.

On 29 January 1915, Osram filed the name "Miniwatt" as a trade mark for electric light bulbs and their mountings (registration number 202 733). It proved to be extremely long-living. Today, one hundred years later, the trade mark is still being used for signal lamps for cars and motorcycles.

Figure showing the word/figurative mark of Mäurer + Wirtz GmbH & Co. KG, registration number DE 5261



Figure showing the word mark of The Singer Co. N.V., registration number DE 818 682



Indications of geographical origin

Protection for your regional products

It is generally known that a *Wiener Schnitzel* (Viennese cutlet) does not have to come from Vienna. It is different with, for example, *Nürnberger Bratwürste* (sausage), *Roquefort* cheese or *Cantuccini Toscani* (biscuits): these products that have acquired a reputation beyond their region of origin must come from that region. However, their reputation will often attract the attention of imitators, who offer their products under the same name and pretend that these products are authentic although they are, for example, of a lower quality or of a different origin. To protect the producers of foodstuffs from this kind of unfair competition and the consumers from being misled thereby, the European Communities introduced the labels "protected designation of origin" (PDO) and "protected geographical indication" (PGI) 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 the owner but it can be used by all producers based in the region. The requirement is that they produce the product in the traditional way as set out in a product specification.



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. For a protected designation of origin, all production steps of the product must be performed in the region of origin. In addition, the product characteristics must be essentially due to the geographical origin.

Currently, 85 names of German products are registered in Brussels; for example, *Westfälischer Knochenschinken* (ham), *Elbe-Saale Hopfen* (hops) and *Bayerische Breze* (pretzel). A total of 1,259 names of foodstuffs and agricultural products were protected at the end of 2015. 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 array of protected products ranges from cheese, meat products, fish and shellfish, to fruit, vegetables, vinegar and oil, to pastries and beer.
After this system of protection became available to non-EU member states, 18 geographical indications from third countries have also been registered, the most famous among them are: *Café de Colombia* (Colombia) and *Darjeeling* (India).

Examination procedure

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

In the course of the introduction of the electronic case file at the trade mark divisions of the DPMA, there was also a change-over of the file management and the file processing system of geographical indications in March 2015. For more information, see the "Trade marks" chapter on page 22.

Requests and decisions in 2015

In 2015, we received two new applications for registration (in 2014: three) for the designations *Oberpfälzer Bier* (beer) and *Dithmarscher Gans* (poultry). Furthermore, there were also three applications for amendment of the specification of registered designations of origin/geographical indications. We have forwarded one application for registration and two applications for amendment to the European Commission in Brussels after favourable conclusion of the national examination.

In 2015, the European Commission published five applications from Germany which met the conditions of registration to the satisfaction of the Commission. Furthermore, it registered five German indications of geographical origin as protected geographical indications, namely *Fränkischer Grünkern* (grain), *Glückstädter Matjes* (fish), *Obazda* or *Obatzter* (cheese), *Oberlausitzer Biokarpfen* (fish) and *Weißlacker* or *Allgäuer Weißlacker* (cheese).

International WIPO symposium

The worldwide symposium on geographical indications took place in Budapest (Hungary) from 20 to 22 October 2015. The event is organised every other year by the World Intellectual Property Organization (WIPO). A topic was the review of the Lisbon system on the protection of appellations of origin and geographical indications and, in particular, the Geneva Act, adopted in Geneva in May 2015. Furthermore, discussions dealt with the institutional and socio-economic aspects of geographical indications as well as a possible extension of protection of geographical indications to non-agricultural products. A staff member of the trade mark division attended as representative of the DPMA.





Designs

Protection of shapes and colours

If you wish to protect the visual appearance of a product, registered designs are the perfect IP right for you. The outer appearance of a product – the product design – often plays a significant role in the purchase decision and is an important factor for a product's success. Companies can use attractive colours and shapes to appeal to the emotions of customers and influence purchase decisions accordingly. Registered designs offer protection against counterfeiting. Furthermore, they give the owner the exclusive right to use the design and to prohibit third parties from using it without authorisation.

Registered designs are time-limited IP rights. The maximum term of protection of a registered design is 25 years from the filing date. The reproductions of the design submitted with the application for registration determine the subject matter and scope of protection of the registered design and are therefore of prime importance. Protection extends only to those features that are visible in the reproductions.

In order to be able to assert rights deriving from a registered design, the design must be new. A design is new if no design that is identical or differing only in immaterial details had been published before its filing or priority date. Furthermore, the design must have individual character. This means that its overall impression must differ from that of previous designs.

For detailed information about the topic of designs, please refer to our "Designs" information brochure and our website.

www.dpma.de/english

Development in design applications

The development of application numbers of registered designs remained unchanged at a high level. In 2015, the DPMA received 7,133 applications covering 55,219 designs. This means that the number of designs applied for and the number of applications fell slightly by 9.1% and by 1.6%, respectively, compared to the previous year (2014: 7,252 applications covering 60,756 designs). In the past year, we conclusively dealt with requests for the registration of 54,436 designs (2014: 56,936 designs). Our Jena Sub-Office entered 50,748 designs (2014: 51,848) in the Design Register.

Often, the option of filing multiple applications was used, by which up to 100 designs can be grouped in a single multiple application: in 2015, 57.5% of the applicants used this option (2014: 60.7%). On average, 12.7 designs were filed per multiple application (2014: 13.2).

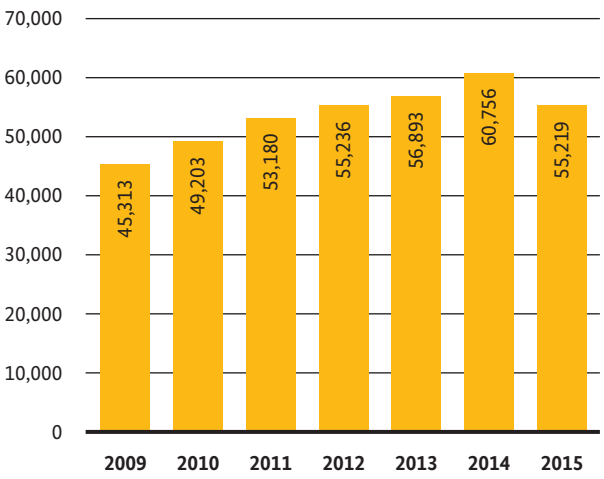
Upon request by the applicants, publication of the images of a design can be omitted (deferment of publication of the representation). Applicants can save costs with such an application since this reduces the filing fee. However, in that case, design protection ends after 30 months from the filing date or priority date if it is not extended by payment of the extension fee. The proportion of designs for which deferment of publication of the representation was requested currently amounts to 23.5% (2014: 30.4%).

More statistical analyses on design applications are provided in the annex "Statistics" beginning on page 101.

Origin of design applications

Most of the design applications (79.5%) were accounted for by applicants based in Germany in 2015. At the same time, we witnessed a slight decline in the applications from abroad, which accounted for 20.5% of the applications (2014: 22.3%). Most design applications filed by applicants based abroad, namely 4,103 applications (7.4%), originated from China. This is an increase of 595.4% over the previous year. Italy and Austria followed with 2,447 (4.4%) and 2,265 (4.1%) applications, respectively (see table 13).

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



Design applications by German *Länder*

In 2015, most of the 43,910 designs filed at our office by applicants from Germany were filed by people or companies based in North Rhine-Westphalia. With 10,978 designs filed for registration (25.0%), North Rhine-Westphalia ranked again top on the list of German *Länder* in 2015. Bavaria (23.2%) and Baden-Württemberg (14.8%), again took second and third place, respectively. In total, 63% 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 (see figure 9 and table 4.3 in the annex "Statistics"). The table 4.4 also shows the number of designs filed per 100,000 inhabitants. 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, Bavaria leads the ranks with 80 designs filed per 100,000 inhabitants, closely followed by Berlin (70) and North Rhine-Westphalia (62).

	Designs applied for	Percentage
Germany	43,910	79.5
China	4,103	7.4
Italy	2,447	4.4
Austria	2,265	4.1
Switzerland	749	1.4
Hong Kong	252	0.5
USA	199	0.4
Poland	138	0.2
Others	1,156	2.1
Total	**55,219**	**100**

Table 13
Designs applied for at the German Patent and Trade Mark Office in 2015 by countries of origin

Design applications by classes of goods

With 13,383 (16.5%) class 06 (furnishing) again accounted for most of the designs filed for registration in 2015. With 13.0 % class 02 (articles of clothing) took the second place, followed by class 32 (graphic symbols and logos, surface patterns, ornamentation) with 11.4%. A total of 50,748 registered designs were registered in 80,867 classes of goods in total (2014: 80,100). The percentages of the individual classes of goods are shown in table 14.

Online applications

Since 12 November 2013, we have offered an easy online application via our **DPMAdirektWeb** Internet service (without signature card). This service is very popular: in 2015, this option was used for 56.5% of the applications – the trend continues upwards (2014: 51.0%). 18.0% of all design applications (2014: 16.2%) were filed via the **DPMAdirekt** software, which is another option to file an electronic application (with a signature card). In total, 74.5% of all applications were filed online. The option to file images of designs for which protection is sought as JPEG files on a CD or DVD as part of a written application was used by the applicants for only 3.8% of all design applications (2014: 6.0%).

Post-registration procedures

Counted from the filing date, a registered design may enjoy protection for a maximum period of 25 years. During this period, the DPMA may cause the following changes in the Register entry by way of different procedures: renewal, cancellation, extension or recording of changes regarding the registered design.



Figure 9
Designs applied for by German *Länder* in 2015

The term of protection is five years. The time for which protection is available can be renewed by the end of each term of protection against payment of a renewal fee. If protection is not renewed, our office will cancel the registered design in the Register. If the design was registered with deferment of publication of the representation and is therefore only protected for a period of initially 30 months from the filing or priority date, we can extend protection to five years after the filing date. A change in the Register will be recorded by our office if, for example, an IP right is transferred from one person to another. Or if there is a change of representative.

For the development in the past few years (2009 – 2015), please refer to table 15.

Design invalidity proceedings

Since 1 January 2014, it has been possible to apply for determination of invalidity of a registered design by our office. Invalidity can be determined if there are absolute grounds for invalidity concerning legal protection of designs. In part, these are requirements and grounds for non-registrability which are also examined during the registration procedure. Applications for the determination of invalidity are mainly based on the non-fulfilment of the substantive requirements for protection, novelty and individual character, which are not examined during the registration procedure. A registered design can also be declared invalid if there is a relative ground for invalidity. This is the case if the registered design conflicts with a distinctive earlier sign. A distinctive sign is, for example, a trade mark, a copyright-protected work or another registered design.

In 2015, 56 applications for determination or declaration of invalidity (2014: 92) were lodged. The application for determination or declaration of invalidity will be served on the holder of the challenged design after the fee has been received. If the application is not contested within one month, the invalidity shall be determined or declared by decision. This was the case in a total of 24 cases in 2014 and 2015.

Table 14
Registered designs in 2015 by classes of goods

	Class of goods	Registration 2015	Percentage	Differences between 2014 and 2015 in %
6	Furnishing	13,383	16.5	- 0.3
2	Articles of clothing and haberdashery	10,492	13.0	26.4
32	Graphic symbols and logos, surface patterns, ornamentation	9,245	11.4	- 7.8
5	Textile piecegoods, artificial and natural sheet material	6,773	8.4	- 17.4
11	Articles of adornment	5,385	6.7	- 9.0
26	Light apparatus	5,155	6.4	- 11.8

Table 15
Data on design procedures

Year	2009	2010	2011	2012	2013	2014	2015
Cancellations	52,800	48,470	46,266	43,442	46,582	43,501	42,670
Renewals	15,482	17,116	15,663	15,850	14,442	14,255	15,073
Extensions	1,800	2,664	3,382	3,308	2,538	2,756	2,443
Recording of changes	17,202	19,185	13,322	17,701	13,302	16,911	14,048



Supervision of collecting societies

Any use of a work protected by copyright – for example, copying a text or reproducing a piece of music in public – requires, as a rule, the prior permission of the author. In particular, with the mass use of works, it is virtually impossible to seek permission in each individual case. Furthermore, since the author often has no knowledge of each particular use and consequently cannot assert a claim for reasonable remuneration, collecting societies (also referred to as "collective management organisations") generally manage the rights of creative people collectively. Collecting societies are associations of creative people organised under private law. Collecting societies issue licenses for the works managed by them, monitor the use of these works, collect royalties in order to subsequently distribute the revenues to the right holders according to distribution schemes.

In Germany, 13 collecting societies are currently authorised to conduct business. They act in a fiduciary capacity for their right holders and generally have a monopoly position; that is why they are subject to government supervision exercised by the German Patent and Trade Mark Office (DPMA). As supervisory authority, we grant authorisations to conduct business to collecting societies in agreement with the German competition authority *(Bundeskartellamt)*. We make sure that the collecting societies fulfil their duties, which are laid down in the Copyright Management Act *(Urheberrechtswahrnehmungsgesetz)*. For this purpose, we have the right to demand comprehensive information and to attend the meetings of the boards of the collecting societies. We fulfil our supervisory duty *ex officio*. The suggestions and complaints by users as well as right holders may prompt us to investigate.

In 2014, the collecting societies generated an income from royalties of roughly 1.47 billion euros (the 2015 figures were not yet available at the copy deadline). The income of each collecting society is listed in table 16.

Current issues in the field of government supervision

Supervision of collecting societies is confronted with fundamental changes because the European Union has harmonised the statutory framework for exercising control over the activities of collecting societies by means of the Directive 2014/26/EU (Collective Rights Management [CRM] Directive). This was prompted by the fact that, previously, there was a lack of control over collecting societies and of efficient government supervision over their activities in some member states of the European Union. This Directive must be transposed into national law by 10 April 2016. The Federal Ministry of Justice and Consumer Protection submitted a respective ministerial draft bill in June 2015. On 11 November 2015, the Federal Government adopted the Act Transposing the CRM Directive. It is intended to replace the Copyright Management Act *(Urheberrechtswahrnehmungsgesetz)* by a new Act on Collective Management Organisations *(Verwertungsgesellschaftengesetz)*. This new act will essentially maintain the time-tested mechanisms of German copyright management law and – where required – will design them so that they comply with the Directive.

50 years of government supervision: symposium on the future of supervision of collecting societies

On occasion of the 50th anniversary of government supervision and the imminent law revision, the DPMA in cooperation with the Federal Ministry of Justice and Consumer Protection and the German Association for the Protection of Intellectual Property (GRUR) held an international symposium on the future of supervision of collecting societies on 13 October 2015. The State Secretary at the Federal Ministry of Justice and Consumer Protection, Dr Stephanie Hubig, welcomed about 150 guests from Germany and abroad, including the representatives of German collecting societies, of the European Commission and European authorities, of IP institutions, of authors and users as well as experts from academia. Professor Dr Josef Drexl, Director at the Max Planck Institute for Innovation and Competition, introduced the subject in his keynote lecture. Later, feature lectures and two panel discussions explored the perspectives and challenges from a German and a European angle.



Welcome address by Dr Stephanie Hubig, State Secretary at the Federal Ministry of Justice and Consumer Protection



Group photo with Cornelia Rudloff-Schäffer and Dr Stephanie Hubig

DID YOU KNOW THAT ...

... Aspirin was registered as a trade mark in the Trade Mark Register of the Imperial Patent Office as early as 1899?

The name "Aspirin" is made up of
A – acetyl
spir – for *Spirsäure* (another name for salicylic acid)
in – as a common ending of chemical substances at that time.



Figure showing the word/figurative mark Aspirin, registration number DE 36433

In 1897, the chemist and pharmacist Felix Hoffmann developed the active ingredient of Aspirin, the acetylsalicylic acid, in the pharmaceutical department of the dye factories in Elberfeld. In the first year, Aspirin was distributed to pharmacies as powder filled in large bottles. Later, it was sold there in tablet form. In 1950, it became the best-selling analgesic for the first time.

Register of out-of-commerce works

In August 2015, the first works were recorded in the register of out-of-commerce works. This electronic register is kept by the DPMA and is freely accessible through the website of the office. The register provides information about the intention of a collecting society to license rights to certain out-of-commerce works so that non-profit organisations can digitise them and make them available to the public. However, the register does not contain a documentation of all works out of commerce in Germany. The provisions of the Sections 13d and 13e of the Copyright Management Act, which entered into force on 1 April 2014, form the legal background. Until the end of November 2014, 1,431 works were registered.

Register of anonymous and pseudonymous works

Authors who have published their works anonymously or under a pseudonym may have them registered under their real names in this register kept at the DPMA. Copyright expires 70 years after publication for works that have been published anonymously or under a pseudonym. However, it expires 70 years after creation of a work if the work was not published during that period. However, if the true name of the author is recorded in the register, copyright expires 70 years after the death of the author. Statistical data are provided in the table “Register of anonymous and pseudonymous works” on page 104 in the annex “Statistics”.

Table 16
Revenues of the collecting societies in 2014

Collecting societies		Total budget[1] 2014
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€893.601m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€163.370m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€146.384m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€5.902m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€79.746m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€8.216m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€25.855m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€9.325m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€46.840m
AGICOA GmbH	AGICOA Urheberrechtsschutz GmbH	€20.467m
VG Media	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	€78.216m
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	€0.612m
GWVR[2]	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€0.000m
Total		**€1,478.534m**

[1] The total budget includes income from licenses and claims to remuneration, income from interest and securities as well as other operating income.
[2] The authorisation to conduct business was granted to the GWVR by the DPMA not until September 2014.

INTERVIEWS

Interview with Dr Anne Algermissen

Head of Government Supervision of Collecting Societies (Division 4.4)

Dr Algermissen, you have headed the Division "Government Supervision of Collecting Societies" at the DPMA since December 2013. What does this Division actually do?

Although it cannot be inferred from the name of the office: government supervision of collection societies has been a legal duty of the DPMA for 50 years. The legislator's intention by establishing a government supervisory body was to prevent the risk of collecting societies abusing their wide range of powers because collecting societies have a special position in the market and vis-à-vis their right holders. However, to understand our task you first have to understand what a collecting society is.



The expression "collecting society" actually is a bit cumbersome. What is behind it?

I can best explain the concept of collecting societies by using the well-known GEMA as an example. GEMA is an association whose members are composers, lyricists and music publishers. GEMA manages authors' rights which the right holders have assigned to it and makes them available for a fee to users of music – for example, for use on the radio, at a concert or in a restaurant. The royalties are distributed to the right holders by GEMA after deduction of an administrative handling charge. The 13 German collecting societies earn annual revenues of roughly 1.47 billion euros in total as you can see from the table 16 on the opposite page. For many creative people these payouts are an essential part of their income.

Well, what is the work of the Division Government Supervision of Collecting Societies?

On the one hand, we grant the authorisation to conduct business to a collecting society in Germany. Furthermore, we ensure that collecting societies fulfil their duties under the Copyright Management Act. This concerns in particular the design of contracts on the management of rights, distribution schemes, tariffs and conditions for users.

This sounds very complicated ...

Copyright law and collective management law are very exciting law issues for legal experts. We do not only inspect documents but often talk with stakeholders, attend board meetings of collecting societies, visit conferences and maintain a regular exchange with our specialist supervisory body at the Federal Ministry of Justice and Consumer Protection. From 2016 on, we will also work together internationally with other European supervisory authorities and exchange views in the expert group in Brussels. The work here at the Government Supervision Division is indeed very varied. I very much enjoy working together with this highly committed team.

In October 2015, an international conference at the DPMA dealt with the future of government supervision. Will the future Act on Collective Management Organisations bring many changes?

We were able to contribute our practical experience and knowledge gained during supervisory work in the past to the considerations on the draft bill. We can use this experience also in the future because the draft will retain the principles of supervision and the existing mechanisms of collective management law. Not everything will be new or different although many things will change due to the Act. The draft provides 17 sections on supervision: we will have new objects to supervise, some new duties and new powers.

A lot of work is waiting for you, how can it be managed?

Indeed, the Government Supervision Division expects a lot of work. For example, the new Act will give rise to many questions of interpretation and we are venturing into new territory when it comes to cooperation with European supervisory authorities. That is why the DPMA is presently looking into how this Division should be structured and equipped to be able to successfully shoulder the tasks in the long run.

Thank you very much for this interview, Dr Algermissen!



Patent attorney training

From engineering degree to the patent attorney examination

Today, industrial property rights are essential for companies to successfully master the challenges of competition. To develop innovative products, much time and money is often being invested in research and development. It is the task of patent attorneys to strategically advise their clients and help them to obtain and defend industrial property rights. To fulfill this task, they must apply their knowledge about the protection of inventions, trade marks, designs and plant varieties as well as have expertise in science and technology. Furthermore, they need to have expert legal knowledge in the IP field, understanding of business issues and not least also enthusiasm and creativity. Strong communication and language skills as well as a feel for the clients' needs are essential for the patent attorney profession. They must be willing to undertake continuous further training to be able to understand new technical concepts and to abstract and draft them, considering the state of the art.

Becoming a patent attorney

To live up to these high expectations future patent attorneys have to go through one of the longest training programmes in Germany. After having obtained a university degree in engineering or science and having worked in a technical practical position for at least one year – mostly directly after graduating from university – they undergo an almost three-year intensive training in theory and practice before they finally pass the qualifying examination for patent attorneys at the end of the training. The training comprises at least 26 months in a patent law firm or the patent department of a company, two months at the German Patent and Trade Mark Office (DPMA) and six months at the Federal Patent Court.

More detailed and regularly updated information on the patent attorney training is available on the following website of the DPMA.

www.dpma.de/amt/aufgaben/patentanwaltsausbildung
(in German only)

The DPMA as training centre

The DPMA is responsible for all matters concerning the training and examination of prospective patent attorneys. We have the duty, among other things, to assess whether the candidates meet the requirements to attend the training. We decide what study courses at a German or foreign university are required for enrolment on the patent attorney training programme and to what extent practical work experience is recognised. When fulfilling our duties, we are constantly aware of our responsibility with respect to the fundamental right to free occupational choice (Article 12 of the Basic Law).

Our section "Patent Attorneys and Other Agents" also organises the eight-month training at the DPMA and the Federal Patent Court as well as the patent attorney qualifying examination, held three times a year. Any person wishing to pass this examination – either after the three-year training or as a long-time patent practitioner – must apply for admission to the examination at our office. Any patent attorney of another EU member state intending to obtain admission to practise in Germany and therefore wishing to sit a special qualifying examination under European law, must also contact the DPMA with regard to the qualifying examination. The qualifying examination consists of two written papers and an oral examination.

Admission to practise as a patent attorney

Only those candidates who have successfully passed the qualifying examination may call themselves *Patentassessor* or *Patentassessorin* (patent agent) and can work as a certified IP expert in the patent department of an enterprise. However, anybody wishing to work as a patent attorney in a law firm needs to be explicitly admitted by the German Chamber of Patent Attorneys after passing the qualifying examination.

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

The year 2015

In 2015, 135 persons (as at 27 November 2015) were admitted to the training programme in the field of industrial property protection. 157 candidates sat the qualifying examination for patent attorneys. Of those, 132 persons had completed the patent attorney training and 25 were patent practitioners. A total of 150 candidates passed the examination, which is also proof of the high quality of the training. Three out of four candidates passed the qualifying examination for foreign patent attorneys in 2015.

On this occasion, special thanks to all those involved in the training and examination – many of whom work in a voluntary capacity – for their strong commitment.





Arbitration boards at the German Patent and Trade Mark Office

Avoiding court proceedings

Two arbitration boards are established at the German Patent and Trade Mark Office (DPMA), which are independent bodies although they are integrated in the organisation of the DPMA.

The proceedings before the arbitration boards aim to avoid court disputes. The arbitration boards submit settlement proposals to the parties. The parties can accept these proposals as binding, but they can also object to them or reach agreements on their own.

- **The Arbitration Board under the Employee Inventions Act *(Gesetz über Arbeitnehmererfindungen)*** mediates disputes between employees, who have made an invention within the scope of their employment, and their employers. The arbitration proceedings aim at maintaining or restoring good relations between the employees and the employers and at preventing or solving legal disputes.

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

The Arbitration Board under the Employee Inventions Act

If an employee makes an invention within the scope of their employment, this invention does not automatically belong to the employer although the employer pays, for example, the offices, laboratories, computers or workshops as well as the wages. Under Section 6 of the Patent Act *(Patentgesetz)*, the right to a patent belongs to the inventor. Only the Employee Inventions Act allows employers to transfer also their employees' right 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.

If a dispute arises between the employee and the employer about matters governed by the Employee Inventions Act, the Arbitration Board has the duty to mediate between the parties and settle the dispute. The arbitration proceedings aim at maintaining or restoring good relations between the employees and the employers and at preventing or solving legal disputes to avoid court proceedings.

As a rule, the Arbitration Board consists of a chairperson and, usually, two assessors. The chairperson has a law degree and is qualified to hold judicial office. This person is appointed by the Federal Ministry of Justice and Consumer Protection for a period of four years. The technical assessors, on the other hand, are patent examiners and are appointed by the President of the DPMA according to their specific technical expertise for the individual arbitration proceedings.

In the case of a dispute, the Arbitration Board gives the parties involved the opportunity to present their points of view and makes a settlement proposal 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 2015

The Arbitration Board concluded 74 proceedings in 2015. Of the settlement proposals made by the Arbitration Board, 75% were accepted.

The Arbitration Board took a position on the following issues, among others, in its settlement proposals:
In one case, the question to be dealt with was whether a German employer had to accept that a patent application of its parent company in the USA was attributed to the German employer with respect to the question about the claiming of the service invention. The developing engineer employed at the German subsidiary had reported his invention only to the US parent company by means of a data processing system, in 2007, without involving his German employer, whereupon the parent company applied for a US patent. Due to the absence of a declaration about the claiming of the service invention, the inventor held the opinion that the invention had become free by applying the principles of the *"Haftetikett"* (adhesive label) ruling of the Federal Court of Justice *(Bundesgerichtshof)*. However, the Arbitration Board did not accept this view because the German employer had no knowledge of the invention and of the patent application, and the German employer did not have to accept that the actions of the parent company were attributed to the German employer as his own actions, with regard to the rights and obligations existing exclusively between the employee and the employer as stipulated in the Employee Inventions Act. Consequently, in contrast to the *"Haftetikett"* case, the German employer had not shown towards third parties that he would have had the knowledge and the understanding, which the inventor is obliged to impart to him under Section 5 of the Employee Inventions Act, and therefore would no longer have needed the protection provided by this provision.

In another case, the employer had declared the withdrawal of the patent application vis-à-vis the DPMA before the first publication of the patent application to prevent the technical teaching and the know-how from becoming known to the public. The Arbitration Board considered this as an admissible retrospective changeover to a trade secret within the meaning of Section 17 of the Employee Inventions Act. Since the employer had denied protectability vis-à-vis the employee but failed to call upon the Arbitration Board, in due time, to deal with this issue, the question of protectability was assessed by the Arbitration Board, within the framework of arbitration proceedings initiated some years later by the employee, on the basis of the state of the art relevant at the date of filing the patent application.

Finally, in an arbitration case, the Arbitration Board held the view that, if the insolvency administrator sells the service invention together with the business, the purchaser of an insolvent business is obliged to pay compensation, under Section 27 no. 1 of the Employee Inventions Act, for acts of exploitation, from the date of the opening of the insolvency proceedings, also to those inventors whose employment relationships had ended before the transfer of the business and consequently were not part of the transfer of the business to the purchaser.

Since October 2015, the Arbitration Board has published selected decisions (in German) anonymised on the DPMA website.

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www.dpma.de/amt/aufgaben/schiedsstelle_arbeitnehmererfindungen (in German only)

The Arbitration Board under the Copyright Management Act

Those who wish to use literary, artistic or similar works are obliged to pay royalties to the authors of the works. For the authors, it is not always possible to track every use of their works. Authors and holders of related rights usually rely on collecting societies to represent them in order to enforce their rights (for more information see page 36 – 38).

The Arbitration Board under the Copyright Management Act mainly mediates disputes between collecting societies and users about the amount of royalties. These also include disputes 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 2015

In 2015, 118 disputes were brought before the Arbitration Board. 64 cases were concluded; a total of 383 cases are still pending decision. The majority of the new proceedings are – as in the years before – disputes between collecting societies and manufacturers or importers of copying devices and storage media.

In the first half of 2015, the thematic focus was on disputes between VG Media and diverse providers of search engines.

In the following section, we want to explain some statements of the settlement proposals:

- The Sections 87f et seqq. of the Copyright Act *(Urheberrechtsgesetz)* have a scope of application with respect to providers of search engines; in particular the exception regarding "the smallest of text excerpts", mentioned in Section 87f(1), first sentence, second half sentence, of the Copyright Act, cannot be construed as referring to the customary display of preview texts within the framework of the display of search results. It is undisputed that the legislator had no intention of applying the ruling issued by the Federal Court of Justice in the case *"Metall auf Metall"* to the object of protection of the law of related rights.

- However, the implications of the rulings given by the Federal Court of Justice in the cases *"Vorschaubilder"* are problematic: in these cases the Federal Court of Justice, when assessing the justification of the right to prohibit presumed (in the underlying case it was Section 19a of the Copyright Act, but that makes no difference to the merits) that the author had given a plain consent in the uses of the right of making works available to the public insofar as they concerned "customary acts of use" by search engines. In this context, the Arbitration Board pointed out that, if the case law established in the *"Vorschaubilder"* rulings remained valid without changes for interpreting Section 87f of the Copyright Act with respect to the providers of search engines, and was possibly applicable to assessing the facts of the case (that means for interpreting the criterion of "the smallest of text excerpts") or at least applicable when assessing the justification of the right to prohibit (the making available to the public), this would ultimately mean that the act has no scope of application at all. The Arbitration Board holds the view that this cannot be in keeping with the intention of the legislator, who had knowledge of the *"Vorschaubilder"* rulings when the Copyright Act was created.

- Proposal of a seven-word limit for snippets, not taking into account used search terms for the maximum word limit. The Arbitration Board has based its proposal on the wording of the act and has derived the upper limit from the act itself and not from other material that is not relevant for the interpretation of the act, for example, the subjective statements of the members of the legal committee, which do not document the intention of the legislator.

- The Arbitration Board has restricted the personal scope of application of Section 87f of the Copyright Act, by analogy, to producers of press products based in a member state of the European Union or the contracting states of the Agreement on the European Economic Area. The wording of the act itself would allow producers of a press product, anywhere in the world, to claim the right of prohibition in Germany provided their published press product is made available in Germany. In practice, due to the ubiquity of the Internet, this is always the case.

As in the previous years, 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. In this context, the increasingly differentiated requirements of case law must be taken into account when revising the tariffs.

In the reporting year, the Arbitration Board conducted an empirical survey on tablets as a consequence of which the parties to the inclusive contract reached a settlement outside arbitration proceedings. Furthermore, an inclusive contract on smartphones was concluded. This means that, now, there are inclusive contracts on three important groups of devices – including the contract on PCs, which has been valid for some time.

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

Table 17
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
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]
2015	60	44	75%	5	1	15	9	74	111

[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 18
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						
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
2015	118	2	449	32	0	32	64	383



Customer care and information services

Good to know

Providing information about IP rights, in particular, about inventions, trade marks or designs that have already been applied for, granted or registered and about the current legal and procedural status of these IP rights is part of the statutory duties of the German Patent and Trade Mark Office (DPMA). In addition to examining, granting or registering IP rights, we see it as an important duty to provide comprehensive information, beforehand, about filing routes for the various types of IP and the respective application requirements and to answer related questions.

This information offered by the DPMA in the form of efficient information services constitutes an infrastructure service that is crucial for business life. For example, sensibly, the decisions on new development projects and the corresponding investments are made conditional on a relevant search confirming a “freedom to operate”. Similarly, it is important for innovative companies to continuously monitor the relevant technical fields for new IP applications and keep a watch on the IP activity of their competitors. The information services and the central customer care and services of our office contribute significantly to it and enable private providers of information to put value-added information products on the market.

In this chapter, you can find an overview of the most important sources of information at our office, which we provide to you online as well as in person.

www.dpma.de/english

↗ Our central customer care and services

You can get in contact with us directly via our central customer care and services, our search rooms and at many trade fairs. You can contact our central customer care and services by phone at +49 89 2195-3402, by electronic mail at **info@dpma.de** and by conventional mail. Central customer care and services does not only provide general information but also gives support in filing an IP application and answers questions on existing applications. You can also talk face-to-face with the staff of our customer care and services when you visit us in Munich, Jena or Berlin.

The central customer care and services also arranges consultations for first-time inventors by patent attorneys in the rooms of the DPMA in Munich and Berlin. The 30-minute consultations are free of charge. Since these one-to-ones are much in demand, appointments should be made well in advance with customer care and services.

More information on the central customer care and services is available on pages 50–51.

↗ Our search rooms

In addition to our customer care and services we offer you, at the DPMA locations in Munich and Berlin, detailed information and support in carrying out all the searches that you wish to conduct in the field of industrial property rights. These include, for example, prior art searches, "freedom-to-operate" searches, trade mark and design searches, monitoring searches or legal status searches. Case files may also be inspected in the search rooms.

↗ Workshops and seminars

Several times a year, we offer introductory workshops and seminars on IP protection and on how to conduct searches in our databases. These events take place at the DPMA locations in Munich and Berlin.

The DPMA also runs workshops within the framework of events held by external organisations. An example is a workshop on new features of our e-services, which takes place at the annual PATINFO meeting in Ilmenau. During Entrepreneurship Week Germany, too, we regularly run various seminars at different localities. Beyond that, the DPMA organises further workshops and lectures to assist the regional patent information centres, the chambers of industry and commerce and other institutions in running events.

For more information on the workshops and seminars offered visit our website at

www.dpma.de/service/seminare_veranstaltungen
(in German only)

↗ Our print and online publications

On our website you will find useful information about patents, utility models, trade marks and designs, particularly, about how to proceed when filing an IP application and about the procedures at the DPMA after filing an application. Here, we also put the official publications (Patent Gazette *[Patentblatt]*, Trade Mark Journal *[Markenblatt]* and Design Gazette *[Designblatt]*), prescribed under the Patent Act, Trade Mark Act and Design Act *(Designgesetz)*, online and publish statistical analyses. On our website you can download information leaflets on IP rights, on searches and on e-services, information brochures on all four types of IP, annual reports and the *"Erfinderaktivitäten"* (inventors' activities, which are available in German only). A major part of the information material can also be ordered as paper copies from our central customer care and services.

From our website you can also access the current edition of the gazette ***Blatt für Patent-, Muster und Zeichenwesen*** *(Blatt für PMZ)*, which is issued monthly by our office. The gazette contains acts, ordinances and official notifications from the overall area of intellectual property and also decisions and notifications about patent agents and representatives. Special topics of industrial property protection, in particular, those concerning patent information are treated in more detail in the publication series **DPMAinformativ**.

You will find all publications mentioned on our website at

www.dpma.de/english/service/publication

↗ Our e-services

In our **DPMAregister** and **DEPATISnet**, databases, accessible via our website, you can search for patents, utility models, trade marks and designs and look at the legal status register. You can use the **DPMAkurier** alert service to monitor IP rights and receive the results through automated e-mails.

Furthermore, the DPMA keeps the **register of out-of-commerce works** in accordance with the Copyright Management Act. Here you will find information online if a collecting society intends to license the rights to certain out-of-commerce works for non-commercial digitisation projects.

For detailed information on our e-services please consult the chapter "IT developments and e-services" on page 56 et seqq. and our website at

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

↗ The network of regional patent information centres

In Germany, the information and support offered by the DPMA are complemented by a network of 21 patent information centres (PIZ) at the regional level. The individual patent information centres offer a wide variety of services in the field of industrial property protection, above all, for small and medium enterprises, universities, colleges as well as research institutes and individual inventors. However, neither the patent information centres nor the DPMA can offer legal counselling; only patent attorneys and lawyers are entitled to offer legal advice.

You will find detailed information on our cooperation projects with patent information centres in the chapter "National cooperation partners" on pages 52–55.

↗ Our trade fair activities

Even in the digital age, trade fairs are important places to meet people and a means to openly communicate with customers. In 2015, the DPMA was able to present itself as a modern provider of services and the German centre of excellence for intellectual property at 22 expert conferences and trade fairs in Germany and abroad (see trade fair calendar 2015 on page 49).

Raising public awareness and providing information to the public about IP rights is the focus of trade fair activities. The importance of intellectual property, the German and European IP systems and the diverse search tools are the most discussed subjects at the trade fair stand. Cooperation with the central unit for IP protection of the customs services *(Zentralstelle Gewerblicher Rechtsschutz)* at certain trade fairs also enabled us to present anti-counterfeiting measures and provide information on this important topic.



BAU in Munich: showcase at the fair stand displaying originals and counterfeit products seized by the customs services

In 2015, we were supported, as usual, by various cooperation partners in addition to the customs services, for example, by

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



The DPMA stand at Medica in Düsseldorf

As in the previous years, the stand of the Technical Information Centre (TIZ) Berlin was again drawing the crowds at the German Entrepreneurship Days (deGUT) in Berlin in 2015. It is one of the leading trade fairs in Germany focusing on the topic "starting up in business, corporate development and corporate governance". With over 130 fair stands as well as a versatile programme of seminars, workshops and lectures – by DPMA staff among others – deGUT offered the roughly 6,000 visitors a great chance for networking and an excellent opportunity to gather information on funding, subsidies, legal aspects, marketing and other issues relevant for starting up in business, for example, IP protection.

Another highlight in 2015 was the DPMA's trade fair presence at iba in Munich, which is the world's leading trade fair for the bakery, pastry and snacks trade and a platform for innovation from every segment of this industry. Over 1,200 exhibitors from 58 countries presented their products and services to 70,000 visitors from more than 160 countries. The diversity of the trade fair was also reflected by the questions of the people visiting the stand concerning all types of IP rights and our electronic services.



The team of our Technical Information Centre (TIZ) at deGUT in Berlin

In 2015, we also successfully continued our trade fair activities in the form of "mobile expert teams at trade fairs" as a component of an open communication with customers. Our "mobile teams" were present at the following trade fairs: ISPO, iba, Intersolar Europe, Laser World of Photonics and Productronica in Munich, at Kind + Jugend in Cologne as well as at the START in Nuremberg. They were very effective at those fairs by providing concrete information on IP rights to exhibitors right at their exhibition stands.

For more information on which fairs and events we will be attending in 2016, please see the trade fair calendar in the "A glance at 2016" chapter on page 85.



DPMA trade fair team at iba in Munich

In 2015, we participated in the following trade fairs and IP conferences:

January	
07 – 09/01	PSI-Messe (Düsseldorf)
19 – 24/01	BAU (Munich)
31/01 – 03/02	Paperworld (Frankfurt)
February	
05 – 08/02	ISPO (Munich)
13 – 17/02	Ambiente (Frankfurt)
March	
16 – 20/03	CeBIT (Hanover)
April	
13 – 17/04	Hannover Messe (Hanover)
May	
10 – 12/05	PATINFO (Ilmenau)
June	
10 – 12/06	Intersolar Europe (Munich)
22 – 25/06	Laser World of Photonics (Munich)
30/06	Industrial Property Day (Stuttgart)
August	
30/08 – 01/09	spoga + gafa (Cologne)
September	
10 – 13/09	Kind + Jugend (Cologne)
12 – 17/09	iba (Munich)
October	
09 – 10/10	deGUT (Berlin)
14 – 18/10	Frankfurt Book Fair (Frankfurt)
29/10	MUT (entrepreneurs' day for SMEs) (Leipzig)
29/10 – 01/11	iENA (Nuremberg)
31/10 – 01/11	START-Messe (Nuremberg)
November	
09 – 12/11	epopic (Copenhagen)
10 – 13/11	Productronica (Munich)
16 – 19/11	MEDICA (Düsseldorf)

INTERVIEWS

Interview with Dr Harald Seitz

Head of Customer Care and Services, Section 2.1.2



Dr Seitz, in 2015, Customer Care and Services was established at the DPMA – what is it exactly and how does it differ from the former Enquiry Unit?

The establishment of the new Customer Care and Services is another step of the German Patent and Trade Mark Office on the road to becoming a modern service provider. At Customer Care and Services, we attend to a multitude of needs and enquiries of our customers. In particular, we provide general information and give support in the lead-up to an IP application.

Fundamentally, we want to stick to the tried and tested and also add some new features. For example, we have deliberately maintained the option for customers to talk with the case workers in concrete individual cases. As a consequence of the introduction of the electronic IP case file, enquiries on existing applications and existing IP rights can be answered faster and more efficiently than in the past. New staff additions have contributed to considerably strengthening the whole team. Now, we have six Customer Care and Services teams that are spread over four locations, as you can see in the figure on the opposite page.

Technical improvements of the room acoustics and of the office equipment were implemented. The concept of a single central telephone number was conclusively analysed and further steps to be taken were determined.

What are the benefits for customers?

There was a marked change in the working methods of Customer Care and Services brought about by spreading activities over a number of locations. Formerly, the handling of incoming e-mails was locally organised and coordinated at the respective sites. Since 2015, two colleagues in Berlin and in Munich have worked in close cooperation with each other to coordinate the distribution for all sites to ensure, as far as possible, an even workload distribution among the six Customer Care and Services teams, taking into consideration the number of staff currently present. These cross-site activities work very well and show how modern organisations can operate.

What improvements to the daily work of the staff of Customer Care and Services would you like to see?

In the past years, we developed our own tools in the former Enquiry Unit. In the first place, the information wiki should be mentioned, which helps our colleagues to easily find standard answers and information. We want to integrate the existing tools into a common knowledge management.

Furthermore, we intend to make it easier to sort the topics raised by the callers by contents and count them. Currently, an electronic tool that supports the sorting, counting and analysing of the topics is not available to us. In future, we aim to identify the most current questions and issues of high interest at the click of the mouse. This will allow us to gear the communication on the Internet pages and in all other public areas and media to the needs of customers.

Will Customer Care and Services also assist customers with any special requests or concerns they may have?

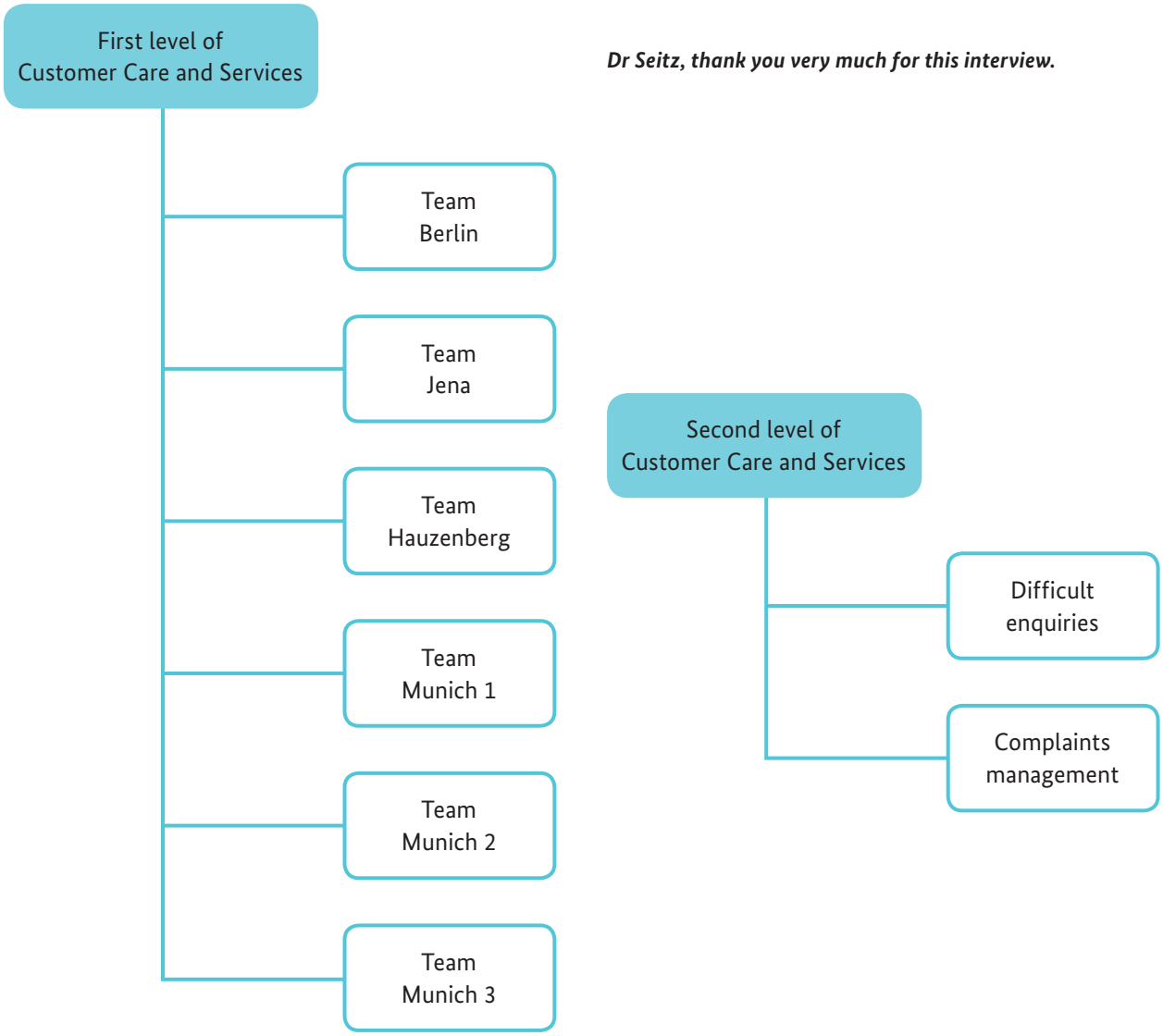
Customer Care and Services is not only in charge of information but also of complaints and suggestions for improvement raised by our customers. The complaints management is a new element of Customer Care and Services and is also spread over the three locations, Berlin, Jena and Munich. The central complaints management makes it possible to optimise business processes and ensures consistent, standardised and high-quality responses to complaints and expressions of dissatisfaction. As early as last year, first complaints were handled in this way. The handling processes are being documented and optimised.

Let us get back again to the project for the coming months: what steps do you plan to take in 2016?

Recent months have shown that we have to clearly communicate the reorganisation of Customer Care and Services to the public but also in our own office. In this context, we want to increasingly make use of events by different target groups and of the internal communication media. For example, we seized the opportunity to present the reorganisation of Customer Care and Services at the autumn conference of the Association of Intellectual Property Experts (VPP) in 2015. In addition, a separate information leaflet is in preparation, describing Customer Care and Services of the German Patent and Trade Mark Office.

Aside from that we have to ensure the effective dovetailing of Customer Care and Services with the IP divisions both in the area of the two information levels (see figure) as well as in the complaints management. Personally, I think this is the essential task in 2016.

Dr Seitz, thank you very much for this interview.





National cooperation partners

Services for small and medium-sized enterprises

The most recent results of a study of the Office for Harmonization in the Internal Market (OHIM) have again underlined that only a minor amount of small and medium-sized enterprises (SMEs) own patent, trade mark or design rights. The study which is based on official data of more than 2.3 million European companies substantiates that SMEs that own such rights have a significantly higher turnover per staff member, employ more staff and pay more to their staff than such that do not own industrial property rights. According to a survey of the Federal Statistical Office of Germany from 2013, 99.3% of the 2.2 million businesses in Germany are SMEs (up to 250 staff) and 1.8 million are microenterprises (up to 9 staff).

From these data, it becomes clear how important it is that the German Patent and Trade Mark Office (DPMA) puts special focus on SMEs in order to provide good information on industrial property rights even where the DPMA has no office. In Germany, there has been a successful regional network of patent information centres for more than 100 years, which help such businesses turn the economic potential of their IP rights into value. The patent information centres inform the SMEs about the identification, management as well as strategic use of industrial property rights and make available IP searches to them, particularly in the time preceding an IP application. The patent information centres in Germany are cooperation partners of our office.

The DPMA also cooperates with a number of national interest groups and supports IP-related activities of institutions (of higher education) and associations.

More information on our cooperation partners is available in this chapter and on our website.

www.dpma.de/english/the_office/cooperation

Our cooperation with patent information centres

We offer our services at our office locations in Munich, Berlin and Jena as well as online, while the patent information centres are active in all German *Länder*. We thereby make sure that applicants receive local support that is competent and free of moral values or organisational interest.

Furthermore, the patent information centres offer further important services to SMEs in addition to our own, statutorily limited services. The more than 100 staff of the patent information centres have a vast wealth of experience, a high degree of professionalism and extensive expertise in all matters concerning industrial property protection.

The DPMA regularly organises free-of-charge training and seminars on specific topics for the staff of the patent information centres. We also assist the patent information centres in organising and running events. For example, we have taken part in PATINFO and in the Stuttgart day of IP rights *(Tag der gewerblichen Schutzrechte)* for many years, both are events that are regularly coordinated by the patent information centres.

New cooperation agreements with the patent information centres

The cooperation between the DPMA and the patent information centres focuses on the many different demands industry puts on modern providers of services in the field of IP protection. The basis of this cooperation is a cooperation agreement including a list of criteria. This list describes in detail the services to be provided by a regional DPMA cooperation partner. The new cooperation agreement is the DPMA's quality initiative with the goal to provide high-quality support services in the field of industrial property rights to the SMEs in Germany in all subregions.

The new cooperation agreements concluded with the 21 patent information centres last year include new and modern criteria for assuring quality and the scope of services provided by the patent information services. The agreements also cover analysis, management and assessment of IP rights in addition to the typical duties of the patent information centres, that is, IP searches and monitoring.

The DPMA's goal is to ensure sufficient quality of a service in connection with IP rights for all market participants in a verifiable, neutral and reliable way.

Particularly in this context, patent information centres make an important contribution thanks to their regional character. With the new cooperation agreement and adjustment of the demands on its partners, the DPMA has done justice to its responsibility as national centre of expertise for industrial property protection and further strengthened Germany as a location for innovation.

The list of criteria on which the patent information centres and the DPMA agreed on is available in German on our website.

www.dpma.de/amt/kooperation/patentinformationszentren/kriterien

Services offered by the patent information centres

The 21 patent information centres offer a comprehensive information and service portfolio on industrial property rights. They provide access to electronic databases including our e-services (see page 56) and information on application procedures for industrial property rights. Some patent information centres also accept IP applications for the DPMA. Commissioned searches are another service offered by the patent information centres. In 2015, 3,371 commissioned searches (excluding watch searches) were conducted in the patent information centres. Furthermore, the patent information centres organise free-of-charge initial consultation for inventors by patent attorneys (3,592 in 2015). The organisation and running of information events, seminars and in-house training courses (547 in 2015) on topics of industrial property protection round off the patent information centres' portfolios.

Table 19
Number of information services provided by the patent information centres

		Number
Seminars		296
Information events		170
Publications		202
Trade fair stand hosting		66
Participation of staff as speakers at third-party events		93
In-house training		81
Initial consultation for inventors provided by:	patent information centres	3,592
	cooperation partners	531

Our Technical Information Centre Berlin (TIZ Berlin), which is responsible for the patent information centres, regularly offers training on different topics for the staff of the patent information centres – often in cooperation with renowned institutions. In the past year, a total of five training courses were carried out; one of the topics was IP portfolio analysis. Furthermore, the TIZ Berlin arranges speakers (2015: 27) for events of the patent information centres (2015: 21) and thereby promotes nationwide quality and attractiveness of regional events on the topic of industrial property protection.

For contact details and more information on the services offered as well as events of the individual patent information centres, please go to the German-language website of the working group of German patent information centres (*Arbeitsgemeinschaft Deutscher Patentinformationszentren e. V.* – PIZnet e.V.).

www.piznet.de

Cooperation projects with other national partners

In 2015 again, the DPMA carried out a broad range of activities with other national partners on the topic of industrial property rights.

Increasingly, the cooperation projects focused on institutions of higher education, which show important links to the topic in courses of study such as engineering management, industrial design and security management. For example, we regularly take part in 'IP days' of the institutions of higher education.

Furthermore, we provide information about the topic of counterfeiting and piracy together with the central unit for IP protection of the customs services *(Zentralstelle Gewerblicher Rechtsschutz)* at important trade fairs. Last year, this cooperation project celebrated its 20th anniversary.

We also support relevant activities by the Federal Government as well as the German *Länder*. For example, we cooperate with the Federal Ministry for Economic Affairs and Energy, which continues the programme for patent promotion (SIGNO) under the new programme for technology promotion WIPANO (German acronym for 'knowledge and technology transfer by way of patents and standards') from January 2016 and thereby promotes SMEs in particular.

The DPMA's participation in events of the chambers of commerce and industry, different trade associations as well as interest groups complements the varied range of activities of our office in the field of national cooperation.



Locations of the patent information centres

Locations of the German Patent and Trade Mark Office

There is one near to you – the 20 regional patent information centres in Germany

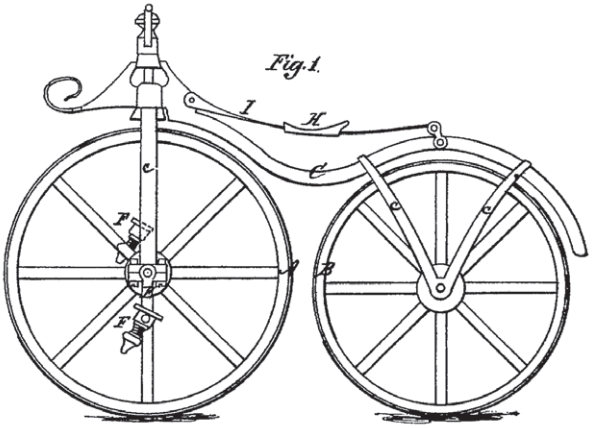


Figure from patent specification US 59 915





DID YOU KNOW THAT ...

... the history of the bicycle began as early as 1817?

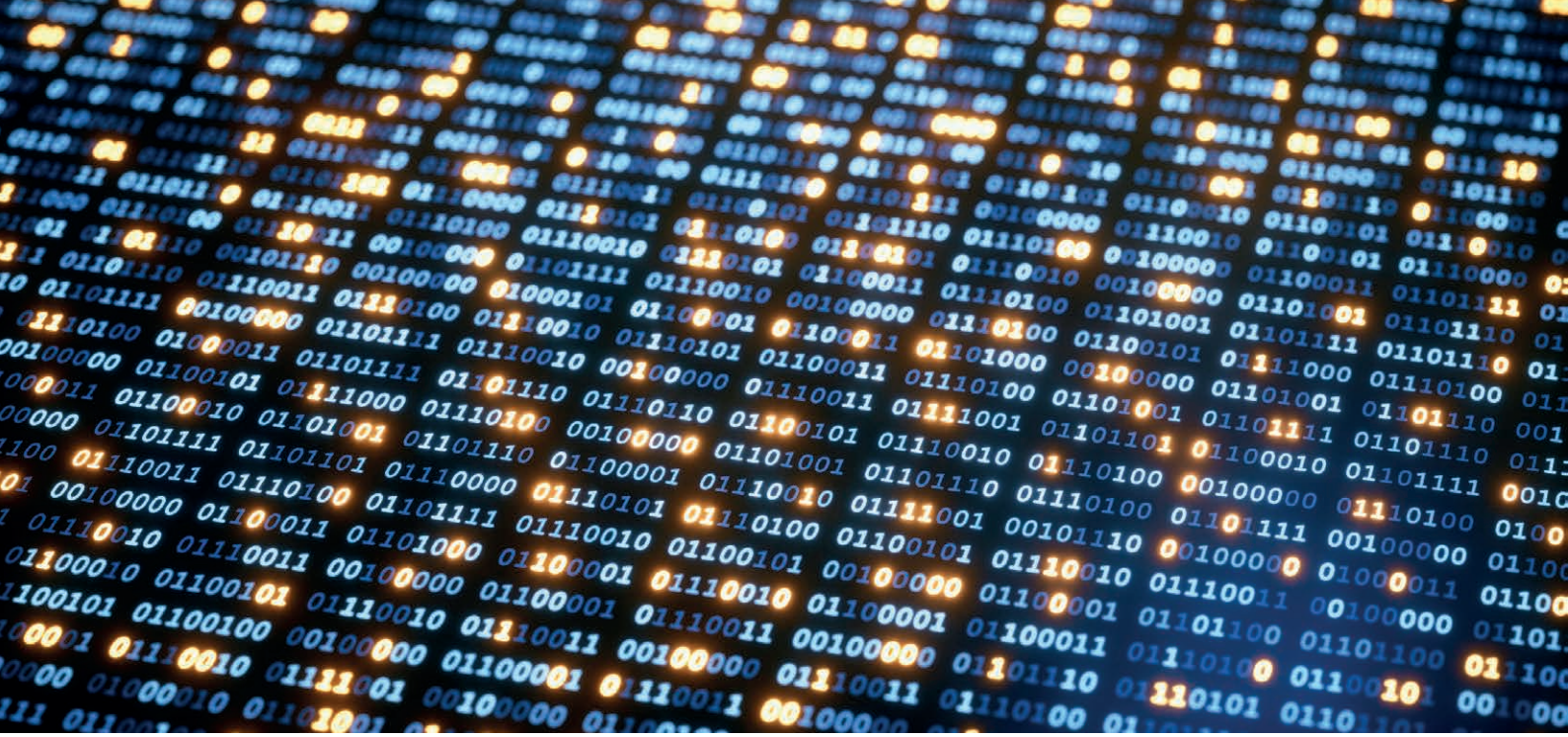
The physicist Karl Friedrich Christian Ludwig Freiherr Drais von Sauerbronn presented a wooden two-wheeler in Mannheim in 1817. It was named “Draisine”, also known as “dandy horse”, and was the first vehicle to realise the two-wheel principle, thus the movement of a vehicle with two wheels on a single track.

Already then, this two-wheeler had a front wheel that allowed steering and a fixed rear wheel. A steering bar allowed steering and a brake cord acted as a brake on the rear wheel. However, the rider always had to push forward with their feet and balance the wheel.

In order to make his means of transport more known, Drais went for public rides and published articles in journals. On 12 January 1818, he was awarded a grand-ducal privilege for his invention because the Grand Duchy of Baden had no patent law at that time. However, this privilege was similar to a patent. From then on, all of these two-wheelers needed a licence badge on their steering bars.

The first riders used pavements due to the bad road conditions. This led to conflicts and finally to the prohibition of dandy horses on pavements. This prevented the inexpensive vehicle from becoming popular. It was only 50 years later that the development of the bicycle made a progress when treadles were added.

Nowadays, small dandy horses are produced as children’s bicycles. They are often made of wood as the original.



IT developments and e-services

Since as early as 2011, patent and utility model files have been processed at the German Patent and Trade Mark Office (DPMA) in a fully electronic way and without gaps between receipt of documents and publication. In 2015, fully electronic processing has also become available for trade mark files. Today, the **DPMApatente**, **DPMAgebrauchsmuster** and **DPMAmarken** programs along with the respective horizontal services have been available without restriction to our staff to help them perform their daily work.

In order to make processing free of interruptions, our data centre was entirely renewed in the past year. In addition to efficient air-conditioning according to the principles of the Green IT initiative by the Federal Government to reduce power consumption, the systems' failure safety was further improved. Power supply was completely designed with a redundant layout in order not to endanger operation of the central systems even in the case of power outage in Munich or a local fire in the buildings. Power supply and air-conditioning are driven by renewable energy sources for the most part. Security of the data centre against acts of sabotage or acts of God (flash protection) was also significantly improved with this building measure.

The stock of documents has considerably further grown in all systems. **DEPATISnet** now has more than 93 million patent documents from all continents, **DPMApatente/ DPMAgebrauchsmuster** more than 33 million documents in seven million patent and utility model files. Currently, almost two million national trade mark files as well as another two million international marks and Community trade marks are kept in the **DPMAmarken** system.

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

Our online service for your IP application

Electronic filing of IP applications via our **DPMAdirekt** online service further extended its lead as the top filing route at our office. Three out of four patent and design applications are filed electronically with the DPMA.

The option of starting the national phase of a PCT application for the grant of a patent or registration of a utility model online, introduced in November 2014, has been very well received. This also applies to the option of electronically making subsequent filings pertaining to patent and utility model applications.

In order to make the switch to e-filing as easy as possible, we again organised training days on **DPMAdirekt**. In Munich and Berlin as well as in the patent information centres of Aachen, Kassel and Stuttgart, our applicants had the opportunity to gain detailed information on **DPMAdirekt**. In addition to tips on how to install and configure the **DPMAdirekt** software, it was possible to file trial applications for the individual types of IP during a demo session.

Across all processes, we made minor improvements to the user interface of **DPMAdirekt**. Additionally, the plausibility checking function was extended and adjusted.

The **DPMAdirekt** software and further information on **DPMAdirekt** is available in the Service section of our website.

www.dpma.de/english/service



↗ DPMAregister

Our online service for enquiries regarding the current legal and procedural status

We provide the official IP registers to the public over the Internet via our electronic **DPMAregister** platform. You can get current information on the legal and procedural status of IP rights here. We also publish the Patent Gazette *(Patentblatt)*, the Trade Mark Journal *(Markenblatt)* and the Design Gazette *(Designblatt)* via the **DPMAregister** service.

In 2015, we were able to develop and implement numerous improvements of user-friendliness, which facilitate use of the service.

The most important new features are:

- many new download options for the result lists,
- the option of automatically saving file numbers in the **DPMAkurier** service for monitoring as well as
- more monitoring options and,
- last but not least, the launch of the RSS feed.

By using the RSS feed, you can be quickly informed about current changes to **DPMAregister**.

Subscribe to the RSS feed:

https://register.dpma.de/prod/en/frag/rss_register.xml

Furthermore, interesting FAQs and other important updates on the topic of search are published in the Service section on our website.

↗ DEPATISnet

Our online service for worldwide search for the state of the art

Via our **DEPATISnet** online service, it is currently possible to access 93 million (as of November 2015) patent documents worldwide. In order to enhance user experience for this online service, we continued working on **DEPATISnet** in 2015.

The most important new features are the inclusion of related and index IPC classes, IPC reclassifications (MCD) and abstracts in the result list configuration, the extension

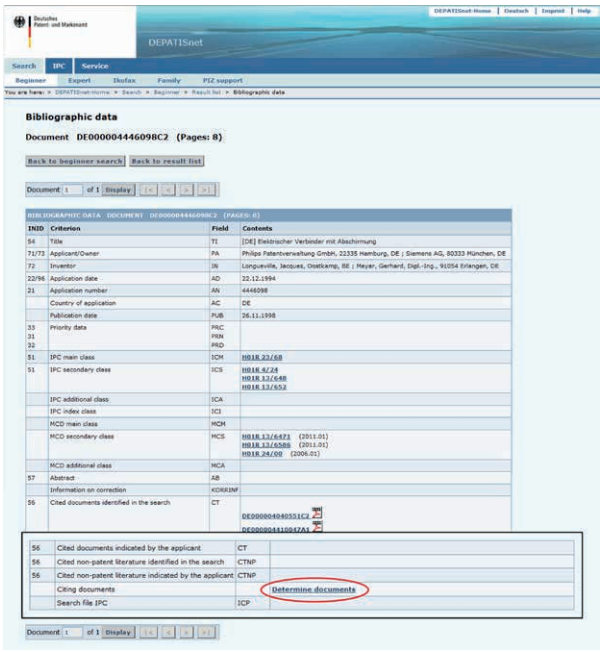
of the result list download by the search query it is based on and especially the possibility to determine “citing documents” for file numbers found (see screenshot on the right). The entered search terms will be highlighted in selected text fields.

The mosaic display of the drawings, with which it is possible to display up to six drawing pages at once, and the option of navigating from one full document to another are new in the document view.

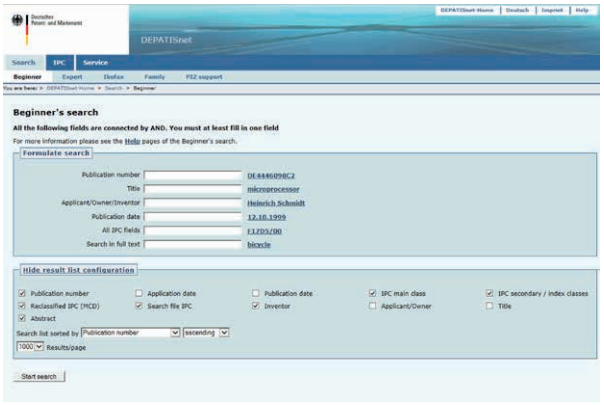
For better information about documents of other countries received late in **DEPATISnet**, the table on data per calendar week will now be available for the past 52 weeks.

↗ Our DPMAprimo project

Based on the product Primo by Ex Libris, a central search option for searches for non-patent literature (NPL) has been available to the DPMA since the autumn of 2015. It allows searches for almost any information source in printed or electronic form licensed for the DPMA including a direct link to the full text. Furthermore, the search will be automatically extended to a huge range of published scientific literature by integrating an external data index covering multiple millions of data records. Integration of this search portal into the DPMA website is planned for 2016, making the DPMA’s stock of literature also available to the public for search.



Citing documents



Result list configuration

Your opinion is important to us

We are constantly striving to take into account the wishes from our users in our actions. For 2016, a number of new improvements are already planned. If you see anything that can be improved in our electronic services, please contact us at **datenbanken@dpma.de**. We will be grateful for any feedback and look forward to your contributions to further developing our services.

BRIEFLY EXPLAINED
Modernisation of the data centre

The DPMA's data centre was comprehensively renovated and modernised in the past two years. There were two important reasons for this: on the one hand, we wanted to optimise energy efficiency, and on the other hand, there were new, very strict security recommendations by the Federal Office for Information Security which had to be implemented.

Green IT: highly energy-efficient cooling

Before, effective cooling and use of the warm outgoing air had not been possible due to the size of the room. A large part of the servers had been in a huge room, which had also served as entrance to the offices located in the data centre. During the data centre renovation, the large server room was divided into smaller units by way of stable and fireproof walls. The server racks were installed in rows and partly encased so that it was possible to implement a cold aisle/hot aisle layout in which the cooled air can be precisely guided directly to the servers without mixing with the warm outgoing air of the servers. For cooling, energy-efficient new refrigerating machines and, in case of sufficiently cold outside temperature, outside air are used. The warm outgoing air of the servers can be used for heating the office building. In case of power outage, the DPMA's geothermal cooling system can be used for cooling the data centre.

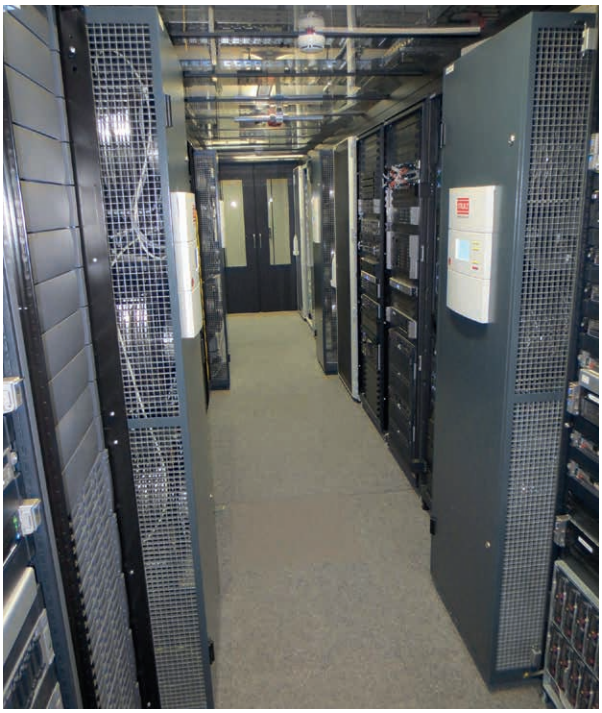
Highest access security

Thanks to the renovation, we were able to improve the data centre's security in many respects. The entrance doors of the data centre were replaced with even more fireproof doors with motor lock. In order to access the data centre, a smart card is no longer sufficient, a biometric feature will be checked now in addition. Therefore, theft of an access card cannot grant access to the data centre to an unauthorised person. Additionally, the most sensitive area around the server racks will be protected by a man-trap so that it is no longer possible for authorised persons to allow access to unauthorised persons. Only very few persons have access to this area.

Early fire detection and optimised uninterruptible power supply

The existing fire-extinguishing system in the data centre's subfloor was replaced with a new and modern system that is able to extinguish fires in the whole server room, not only cable fires in the subfloor. Existing smoke detectors were replaced with multidetectors that are not only triggered in case of smoke but also in case of higher temperatures and, in addition, by chemical sensors. An aspirating smoke detector additionally serves for early fire detection. The uninterruptible power supply (UPS), which can provide power in case of a short power outage for a few minutes and, in case of a longer power outage, ensures appropriate shutting down of the servers, was also renewed and is working now significantly more energy-efficient. Further operation of the data centre can now be additionally ensured by a diesel generator set in case of emergency so that power supply is guaranteed even in case of power outages of multiple hours.

Thanks to this package of measures, the DPMA can save costs by lower energy consumption, contributes to climate protection and makes sure that the data and IP rights of our customers are safe with us.



Server racks in our data centre



Staff

Unity is strength

The German Patent and Trade Mark Office (DPMA) had a total staff of 2,533 at the end of 2015. This total number is made up of 2,237 staff working at the Munich office, 231 staff at the Jena Sub-Office and 65 staff at the Technical Information Centre (TIZ) in Berlin. This means that the number of staff is at a similar level as in the previous year. The ratio of female to male staff was almost even (1,236 female and 1,297 male staff).

Staff recruitment: attracting skilled personnel

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

In 2015, we recruited 58 patent examiners. A total of 22 trainees began their training in six different skilled occupations. In total, we welcomed 124 new staff to our ranks in 2015.

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

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

Incentives: rewarding commitment

Outstanding individual and team performance of our staff is especially recognised at the DPMA. In 2015, 652 very committed and high-performing staff received incentive bonuses. Of these happy colleagues, 295 were employees and 357 were civil servants.

Teleworking and part-time work: balancing work and family

Our teleworking scheme and our part-time work options help our staff to reconcile the demands of work and family life. Currently, 398 women and 52 men work part-time at our office. Another positive aspect to note is that there are almost as many part-time work schemes as staff who make use of this offer. This means there are very many individual solutions to manage work and family commitments.

Teleworking, too, offers very good opportunties for a work-life balance. 290 men and 175 women made use of this offer in 2015. This working arrangement is particularly well suited for patent examiners as well as trade mark examiners because of the fully electronic processing of IP case files.

In our project "New options of teleworking", we want to find out how to offer additional telework places and test what new forms of work we can offer. Furthermore, we want to answer important questions: for example, how many staff would share a desk at the DPMA? How can staff work on the move, from a laptop? The expansion of teleworking is facilitated by the increased use of electronic equipment at the DPMA.

Workplace health management: safety and health at work

A current strategic field of action at the DPMA is the implementation of a systematical workplace health management. We want to pay particular attention to the psychological pressures at work. To identify them early on and take appropriate action, we will set up processes in the future, such as regular staff surveys and workshops on health issues. As there is demand for support in coping with stress, we have expanded our programme on offer and, in 2015, for the first time, offered courses on mindfulness-based stress reduction. In the interest of our staff, we want to spread the word about the techniques associated with mindfulness, for example, meditation.

In workplace conflicts, our staff can talk to internal conflict mediators as well as to our occupational psychologist or apply for external mediation. In the past year, some organisation units again used the offer of team-building sessions.

In addition to counselling by competent advisors – for example, the occupational health service or the psychosocial counselling service – the DPMA also has internal advisors as first points of contact for questions relating to addiction or ergonomics. Our established health promotion measures on offer, for example, health action days, flu vaccination, fitness courses, yoga courses or vision training, attracted a particularly large number of interested participants.

To support our managers in adopting a healthy leadership style, we also organised an event series on "leadership and health" with exciting presentations by external lecturers in 2015.

Dual apprenticeship programmes: promoting young talent

In 2015, a total of 22 young people started vocational training at our office's sites in Munich and in Jena.

Currently, they can choose from the following skilled occupations:

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

In the run-up to the annual start of the training on 1 September, we have made diverse efforts to find trainees. The DPMA has risen to the challenges posed by the noticeable demographic change and also by the economic strength of the Munich and Jena regions, where our offices are located. Against this background, we have witnessed a slight decline in the number of applications in recent years. However, by participating in new forms of competing for trainees, for example, speed-dating for apprenticeships and career fairs for trainees in Munich and its surrounding region, we again managed, as in the previous year, to fill the vacant trainee positions with suitable candidates. In addition, our office also takes part every year in the nation-wide "Girls'Day" and offers diverse internships for students.

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

INTERVIEWS
Interview with Petra Würtz

Contact person for the recruitment of patent examiners



Ms Würtz, 2015 saw a recruitment campaign in the patent examination area. What does that mean exactly?
Under the federal budget for 2015, 51 new posts were authorised for patent examiners. Whereupon, we started a major recruitment drive in the year under review and, consequently, were able to hire 58 patent examiners – inclusive of staff replacements. In the first quarter of 2016, a further 33 young examiners will strengthen the team at the DPMA.

Another 53 new posts were approved under the federal budget for 2016 for the DPMA to enable it to manage the increasing number of applications and to maintain the high quality of patent examination. At the end of January 2016, we will therefore launch the next recruitment campaign.

What qualifications do you need to have to become a patent examiner?
Interested applicants must have a university degree (Master or *Diplom*) in a technical or science subject from a university, technical or agricultural institution of higher education or a mining academy in order to apply to be a patent examiner at the DPMA. In addition, they will need to have at least five years of post-degree work experience in a relevant field; time spent doing a PhD programme will also be recognised. In addition to full command of the German language and precision in oral and written expression, language skills in English are also required. A basic knowledge of French will be an advantage. Applicants who have no knowledge of French are expected to acquire these skills at a later date.

Since the patent examination constitutes an activity connected with the exercise of official authority, all patent examiners at the DPMA will be appointed as civil servants. For interested applicants this means that they also have to meet the requirements for recruitment under civil service law.

These are very demanding requirements – this probably does not make it easy to find suitable candidates in times of skills shortages ...
We have used a variety of options to recruit staff: in addition to placing ads in diverse media publications we have launched image campaigns and visited the relevant career fairs, where we can meet prospective candidates face-to-face and inform them about the work of a patent examiner and about our office.

Our own staff greatly assist us in our search for new recruits. They recommend the DPMA as an attractive employer to friends and acquaintances. These personal recommendations make up a very large part of our recruitment effort at the DPMA. We are very pleased with that since it also shows a high level of staff satisfaction.
By the way, through a range of diverse activities aimed at attracting skilled staff we managed to receive almost 600 job applications in a highly competitive market for talent in 2015.

What recruitment procedure do suitable candidates need to undergo before they can work for the DPMA?
As soon as we have received all applications, there is a first pre-selection of suitable applications. The selected candidates are invited to job interviews. Then, there is a presentation of the workplace to give candidates an insight into the work of the patent examination department. Many of the candidates are qualified for several patent divisions due to their broad scientific or technical background. Therefore, there is an internal coordination process between the heads of the patent divisions after the job interviews have taken place. The staff council as well as the equal opportunities officer and the representative of the severely disabled persons are also involved in this process.

At that point, we also concretely verify whether the mandatory requirements for recruitment under civil service law are fulfilled: a medical examination by a public health officer is required to determine the physical fitness of the candidate. Furthermore, the candidates are requested to submit a certificate of good conduct.

Thank you very much for this interview, Ms Würtz.

INSIDE
The varied career roles of legal professionals in the civil service

How much the career profiles of legal professionals can vary becomes evident when we take a closer look at some careers at the German Patent and Trade Mark Office (DPMA). The civil service, in particular, offers interesting and attractive opportunities for people with a law degree because legal expertise is a basic requirement for many tasks. Dirk-Herwig Rabe, 46, qualified to hold judicial office and, currently, Head of the Arbitration Board under the Employee Inventions Act *(Gesetz über Arbeitnehmererfindungen)*, gives an account of his varied professional life as an example for a career in law.



"When in the 90s, the Head of the Judicial Examination Office presented the examination certificate to me, I was certainly not aware of the many diverse tasks in which I would engage during the 18 years that have followed. After studying law with an emphasis on business law and European law and working at the German-Greek chamber of industry and commerce in Thessaloniki during my legal traineeship, I gained my first work experience as a lawyer in a law firm. In 1998, I joined the Federal Ministry of Defence as a federal officer of the higher non-technical civil service. There, I first worked in the personnel department where in addition to the classical legal duties, such as handling oppositions and legal representation, I was responsible for the staff of the fire brigade and the weather service at the airports of the German armed forces in Bavaria, who were important for the missions in Kosovo then. As a direct contact for the commanders, I had a very challenging job in the first years of my career and I learned very quickly that it is the result that counts. Further tasks followed in the organisation area and in providing executive support to the Head of the authority, particularly in negotiating works agreements.

The last function was also crucial for my transfer to the DPMA in 2003, where I initially worked at the organisation section being involved with the electronic system for personnel, organisation and job administration but also with data protection law and later, as project leader, with the re-organisation of the Department 4 (Administration and Law). Since that time, I have also held a position as honorary judge on the employers' side at the labour court. At the same time, I have regularly had the opportunity to get a taste of patent matters as a legally qualified member and there was one essential aspect to this activity that did not differ from my other and previous tasks. The internal customers, in this case the patent divisions, expected the legal expert to promptly provide legally correct and practice-oriented solutions to the questions posed by them.

My latest position was Head of Personnel, which I held for nine years without having had even one boring day. In addition to the existing classical lawyer's tasks such as legal representation, this function involves tackling many challenges. In this position solid legal expertise as well as a "look outside the box" and plenty of communication skills and persuasive power are in demand: in one's own team as well as in cooperation with the various office's departments, senior management or the Federal Ministry of Justice and Consumer Protection. During that time, it was exciting to recruit many new staff for the DPMA, to implement the introduction of the new collective bargaining law and the new civil service law and to completely restructure an area with hundreds of staff, within the framework of the introduction of the electronic IP case file, which was managed without any redundancies.

Since 2014, I have been Head of an arbitration board at the DPMA – again a new legal field for me, with which I had to familiarise myself. However, in this field too, I can contribute the experience gained in my previous career and I can also become acquainted with another facet of the legal work in the civil service."

More information on the duties of the arbitration boards is available on pages 42 to 45.



Our finances

Sound budget with high increase in income

2015 was an extremely positive financial year for the German Patent and Trade Office (DPMA). This is primarily thanks to the high fee income, which surpassed last year's record high. The total income increased by 4.1% compared to 2014. With 381 million euros, the income reached a new unexpected all-time high.

In 2015, the total expenditure grew moderately by 1.3% in comparison to the preceding year to 257.7 million euros. With 147.1 million euros, personnel expenditure was 2.2% higher than in the 2014 financial year. This increase is primarily a consequence of the successful efforts of the DPMA to hire staff for the patent examination area.

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

	2014	2015	Change
Income	365.8	381.0	+ 4.2%
Expenditure	254.4	257.7	+ 1.3%
including personnel	144.0	147.1	+ 2.2%

BRIEFLY EXPLAINED

Assessment of staffing requirements at the DPMA

The number of patent applications has continuously increased in recent years. To be able to continue performing high-quality examination of patent applications filed with the DPMA within reasonable time, it is essential to create additional posts in the patent divisions. In 2015, we managed to obtain the approval of 51 additional posts for patent examiners under the federal budget by the German *Bundestag*.

But how can the need for additional posts be determined? What calculations form the basis of a demand for more staff? Federal authorities have to prove their need for staff by analytical methods before they can make a successful demand for more staff. This means that an analytical assessment of staffing requirements must be performed. It is set out in the Federal Budget Code *(Bundeshaushaltsordnung)* that new posts can only be established if appropriate and reasonable grounds for justification have been given, applying suitable methods for assessing staffing requirements.

The procedure for conducting an assessment of staffing requirements in the federal administration is standardised to a large extent. First of all, optimised processes and organisation structures are necessary before an assessment of staffing requirements can be conducted. In the examiner area, such an optimisation took place within the framework of the project for introducing the electronic case file for patents and utility models. Subsequently, building on these results, an assessment of staffing requirements was carried out – in close cooperation with the IP area surveyed and with the participation of the staff council.

A structured description of all tasks carried out in the area under investigation is the basis for assessing staffing requirements. The tasks are identified in interviews with the staff of the area under investigation and then documented in a list of tasks. The aim is to provide a complete and clearly delimited description of the tasks of the area under investigation.

In a following step, the time spent on each individual task (also referred to as "mean processing time") must be determined. At the DPMA, the mean processing times are collected by staff during a three-week period of keeping their own records on how much time they spend on each task (using a stopwatch to measure time), or by analytical estimation.

In a further step, the volumes of work to be handled (numbers of cases) are determined. The number of cases indicates how often a task has to be accomplished within a calendar year. If possible, the numbers of cases should be based on statistical data. If no statistics are available, the number of cases handled during the period when staff keep their own records can be extrapolated to a full calendar year. If it is not possible to measure the volumes of work, the numbers of cases will be estimated.

Another important parameter for calculating the staffing requirements is the average annual working time of a "normal worker. This is calculated as the number of working days in a year minus days of annual leave, sick days and other working days lost (annual working minutes).

After collecting all basic data, the staffing requirements are calculated using a simple mathematical formula:

$$\text{staffing requirements} = \frac{\text{mean processing time x number of cases}}{\text{annual working minutes}}$$

The above-described method allowed us to analytically prove that there is a need to recruit additional examiners. The result of the assessment of staffing requirements for examiners formed the basis for the approval to grant the new posts, mentioned above, under the 2015 federal budget. In 2016 and 2017, too, the prospects are good for strengthening the patent area by recruiting additional staff.

The *Bundesrechnungshof* (the German supreme audit institution) regularly reviews the quality of assessments of staffing requirements at the federal authorities. In 2015, the procedure and the result at the DPMA were evaluated favourably.



International cooperation

Worldwide cooperation

The protection of intellectual property is an economic necessity. Providing effective protection to innovation as fast as possible is the duty of industrial property institutions all over the world but, at the same time, this poses great challenges to them. International cooperation is becoming ever more important in the age of increasing globalisation. As a further important step, the German Patent and Trade Mark Office (DPMA) joined the Global Patent Prosecution Highway (GPPH), a system to speed up patent grants, in July 2015. The network of 21 national offices aims to share work results to improve efficiency and quality of patent examination in the interest of customers worldwide.

Close cooperation between the DPMA and international organisations, for example, the World Intellectual Property Organization (WIPO) and the European Patent Office (EPO) also contributes to optimising the protection of intellectual property in a globalised world. Just as the exchange of information and experience at international level: the DPMA actively works together, at senior management and working levels, with national patent offices all over the world; also apart from the Patent Prosecution Highway programmes.

In this chapter you will learn more about our international activities as well as about the latest developments and recent progress in establishing the European patent with unitary effect.

www.dpma.de/english

Cooperation with the World Intellectual Property Organization

WIPO with headquarters in Geneva is a specialised agency of the United Nations and the umbrella organisation responsible for the administration of numerous worldwide treaties on the protection of intellectual property. The DPMA actively participates in the decision-making processes in various WIPO committees.

On 8 July 2015, a seminar on "WIPO services and initiatives" took place in Stuttgart; it was a sequel to the successful event series "WIPO Roving Seminars", which had been held in Berlin and Munich in 2014. The attendees received detailed information about the services offered by WIPO and about cooperation with the DPMA.



WIPO seminar in Stuttgart

In 2015, the DPMA and WIPO once again organised and held an international training course on "patent examination in the field of biotechnological inventions". The one-week training course at MyIPO (Intellectual Property Corporation of Malaysia) in Kuala Lumpur was attended by about 20 patent examiners, above all, from developing countries.

Cooperation with the European Patent Office

We have a long-standing and close working relationship with the EPO as executive arm of the European Patent Organisation (EPOrg) and its 38 member states. The EPO is headquartered in Munich and has a branch in The Hague and further offices in Berlin, Vienna and Brussels. As in the past, the DPMA again participated in the various decision-making bodies of the EPOrg in 2015.

From 11 to 13 November 2015, a workshop on "computer-implemented inventions", "inadmissible extension (added subject matter)" and "disclaimers" took place at the Technical Information Centre (TIZ) Berlin, in cooperation with the European Patent Academy, which was attended by patent examiners from 19 national patent offices. The lecturers were representatives from various European patent institutions and patent attorneys.

Cooperation with national IP offices

In addition to international projects, bilateral contacts are the core business of the international cooperation sector. In 2015, too, many meetings took place with representatives of other national offices, at senior management and working levels. These are equally important for strengthening international relations as the participation in international conferences and events.

An essential element of international cooperation is the patent examiner exchange programme, which was launched as early as 2000. During their visits, the participating examiners gain insights into the examination procedure and the work environment at the respective national partner offices.

↗ Brazil

By signing a Joint Memorandum of Understanding on Bilateral Cooperation, the DPMA has further intensified the long-standing relationship with Brazil. The memorandum was signed at a meeting between the President of the Brazilian National Institute of Industrial Property (INPI Brasil), Luiz Otávio Pimentel, and the President of the DPMA, Cornelia Rudloff-Schäffer, in the margins of the 55th Series of Meetings of the Assemblies of WIPO in Geneva, in October 2015. The aim is to continue successful cooperation on the issues, IP procedures and administration of IP rights, to make further improvements in this area. During the meeting in Geneva, the discussions also addressed the sharing of information, training and development of staff as well as a possible data exchange.



Luiz Otávio Pimentel and Cornelia Rudloff-Schäffer

Within the framework of the EU project "EU-Brazil Sector Dialogues Support Facility", a delegation of INPI Brasil visited the European Patent Office and the Intellectual Property Office of the United Kingdom (UK IPO) in September 2015. The objective of the project is among other things to enhance the dialogue between Brazil and Europe in the field of industrial property protection. The experts of INPI Brasil and the DPMA colleagues analysed best practices and methods of the DPMA, above all, in the areas of patent examination and quality management, which are intended to be used to help prepare new projects and strategies at INPI Brasil.

↗ China

For more than 35 years the State Intellectual Property Office of the People's Republic of China (SIPO) and the DPMA have worked together successfully.

On 17 April 2015, SIPO Deputy Commissioner He Zhimin came for a visit to Munich. He talked with President Rudloff-Schäffer about future joint projects, strategic planning at SIPO and the latest developments at both offices.



Cornelia Rudloff-Schäffer and He Zhimin

In July 2015, the DPMA welcomed further Chinese guests: a delegation of IP experts of the National Copyright Administration of China (NCAC). During their one-day stay, the visitors gained an insight into the structure and organisation of the DPMA as well as the collective management of copyright in Germany.

On 6 October 2015, President Cornelia Rudloff-Schäffer met the Commissioner of SIPO, Dr Shen Changyu, in the margins of the WIPO Assemblies in Geneva. They talked, in particular, about the continuation of the examiner exchange and the visit of a DPMA delegation to SIPO.

Also in October 2015, a delegation of the DPMA travelled to Beijing to discuss IP topics. The delegation was welcomed by another Deputy Commissioner of SIPO, Yang Tiejun. A further agenda item was a visit to the Beijing Intellectual Property Office. Our delegation also comprised two colleagues from the patent area, who shared information about issues of patent examination with their Chinese counterparts within the framework of the examiner exchange programme with SIPO, which has been in place since 2008.



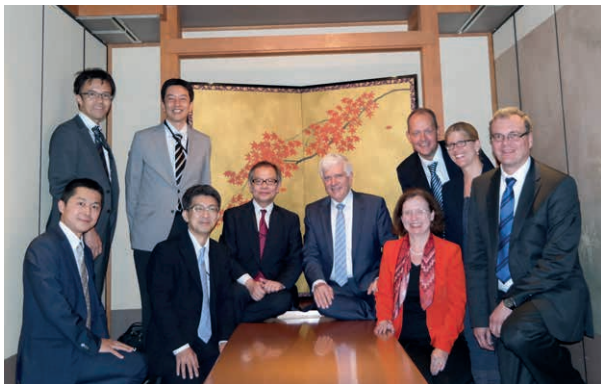
Group photo of the German-Chinese examiner exchange

In December 2015, a delegation of SIPO experts visited our office. The discussions between the representatives of the two offices focused on quality management, the registration procedure for utility models, the extension of the PPH pilot, which was launched in 2012, and further bilateral cooperation. In 2016, it is planned to organise IP events at both offices to further intensify the long-standing close cooperation between SIPO and the DPMA

↗ Japan

In September 2015, DPMA Vice-President Günter Schmitz and a delegation visited Japan. After a brief meeting with the Commissioner of the Japan Patent Office (JPO), Hitoshi Ito, Vice-President Schmitz met the JPO Deputy Commissioner, Masayuki Koyanagi, for extensive discussions. Further stops on the tour of Japan included the Japan Intellectual Property Association (JIPA) and the IP High Court in Tokyo, where the DPMA delegation gained an insight into the duties and activities of these institutions.

In October, in the margins of the WIPO Assemblies in Geneva, President Rudloff-Schäffer had a meeting with the Commissioner of the Japan Patent Office, Hitoshi Ito.



Group photo of the German and Japanese delegations

They discussed current developments in addition to the patent examiner exchange programme, running since 2000. In March 2015, four patent examiners of the JPO had the opportunity to get to know the DPMA. In November 2015, four patent examiners of the DPMA paid a return visit to the JPO.



Cornelia Rudloff-Schäffer and Hitoshi Ito

Canada

In October 2015, President Rudloff-Schäffer met Johanne Bélisle, the new Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer of the Canadian Intellectual Property Office (CIPO), in Geneva. Johanne Bélisle was particularly interested in the system of patent information centres in Germany. CIPO plans to set up similar information centres in Canada. Furthermore, two patent examiners of our office attended an international workshop of CIPO in September 2015, which lasted several days and provided an opportunity for discussing methods of patent examination.

Mexico

Also in October 2015, President Rudloff-Schäffer met with her Mexican counterpart, the Director General of the Mexican Institute of Industrial Property (IMPI). During the meeting in Geneva, Cornelia Rudloff-Schäffer and Miguel Ángel Margáin talked about future cooperation between the two offices as well as about cooperation between the DPMA and patent information centres and the support they provide to small and medium enterprises in Germany.



Miguel Ángel Margáin and Cornelia Rudloff-Schäffer

Saudi Arabia

In May 2015, a study visit provided extensive insight into the work and organisation of the DPMA for a delegation of the Saudi Patent Office. The training programme focused on “patent search and patent examination in the field of biotechnology and pharmaceutics”. The four Saudi experts engaged in an exchange about current developments in the field of biotechnology with IP lecturers.



Study visit from Saudi Arabia

Singapore

In March 2015, the DPMA welcomed a delegation of the Singapore Ministry of Law. The extensive discussion with representatives of our office focused on design protection.

In 2013, the Intellectual Property Office of Singapore (IPOS) and the DPMA signed a Joint Memorandum of Understanding on Bilateral Cooperation. On this basis, the DPMA and IPOS conducted a benchmarking project on patent examination and opposition proceedings, in 2015: two experts of the DPMA visited IPOS in June 2015, the return visit to the DPMA took place in October 2015.

Republic of Korea

On his journey to Asia in September 2015, Vice-President Günther Schmitz visited several IP institutions in the Republic of Korea. At first, there was a meeting with the Deputy Commissioner of the Korean Intellectual Property Office (KIPO), Joonseok Lee, at the main office of KIPO in Daejeon. They discussed future cooperation between the two offices as well as quality management and current developments in the field of the PPH. Furthermore, Deputy Commissioner Lee talked about KIPO's international initiatives. Later, Vice-President Schmitz also visited the IP Trial and Appeal Board (IPTAB), which is the court of first instance for appeals and oppositions against decisions of KIPO, and the Korea Institute of Patent Information (KIPI) in Seoul, an affiliated search and classification institute of the Korean Intellectual Property Office.



Joonseok Lee and Günther Schmitz

Earlier, in April 2015, a Korean delegation had visited our office. The participants received information about the structure and organisation of the DPMA, statistical key data and the patent examination process at our office.

After the visit of four patent examiners of our office to KIPO in November 2014, the return visit took place in October 2015. Four Korean examiners had the opportunity to get to know the DPMA within the framework of the patent examiner exchange programme, which has been in place since 2006.



Group photo of the German-Korean examiner exchange

United Kingdom

In April 2015, the Intellectual Property Office of the United Kingdom (UK IPO) welcomed three patent examiners of the DPMA to Newport. The patent examiner exchange focused on the analysis of patent applications.

In September 2015, President Rudloff-Schäffer welcomed John Alty, the Chief Executive and Comptroller General of the UK IPO, to the DPMA. During this brief visit, the two heads of office talked about the latest developments regarding the unitary patent and international patent law harmonisation, among other things.



DPMA staff in England on the occasion of an examiner exchange

IN FOCUS
The DPMA joins the Global Patent Prosecution Highway

The Patent Prosecution Highway (PPH) has very quickly developed into one of the most successful instruments in international cooperation since its creation in 2006. The DPMA, too, has constantly expanded its PPH network after concluding the first PPH pilot with the Japan Patent Office in 2008, which is in the interest of many applicants.

Increasing quality – reducing costs

The PPH allows requesting accelerated examination as soon as a partner office has found at least one patent claim to be patentable. Applicants benefit from the shorter processing times and potential cost savings. For the involved examiners, the transmission of work products of an office of earlier examination can facilitate work and provide them with insight into the examination practices of other national offices. They are, however, not bound by the partner office's work products.

The PPH programme contributes to further increasing efficiency and quality of patent examination. Until now, PPH requests at the DPMA were possible based on the work products of such partner offices with which the DPMA had concluded bilateral PPH agreements. In those agreements, the specific requirements for a PPH request were laid down.

The GPPH – a network of 21 national patent authorities

On 6 January 2014, 17 patent authorities worldwide have brought the first plurilateral PPH pilot, called Global Patent Prosecution Highway (GPPH), into being. Now 21 national patent authorities are members of the GPPH.

On 6 July 2015, the DPMA also joined the GPPH and has thus extended its PPH network by twelve further partner offices at one stroke. As of now, Australia, Austria, Canada, Denmark, Estonia, Finland, Hungary, Iceland, Israel, Japan, the Republic of Korea, Norway, Portugal, the Russian Federation, Singapore, Spain, Sweden, the United Kingdom, the USA as well as the Nordic Patent Institute are participating in the GPPH pilot in addition to Germany. The bilateral PPH pilot programme with China remains effective unchanged because the Chinese office is not involved in the Global PPH.

Benefits for the users

New about the GPPH is the fact that now the same requirements for making PPH requests apply at all participating patent authorities and thus using the GPPH is considerably facilitated. A PPH request can be made referring to an earlier work product of an office involved in the Global PPH network at any other participating office under the same conditions. In contrast, conditions differed for each bilateral PPH agreement.

PCT opinions as basis for PPH requests

A significant new feature is the fact that positive PCT opinions (written ISA or IPEA opinion and international preliminary examination report) of an authority participating in the Global PPH network can also be the basis for a PPH request within the framework of the GPPH. In contrast to the previously existing bilateral PPH pilots of the DPMA, a PPH request at the DPMA can therefore now be based on a PCT work product of a partner authority.

The DPMA itself cannot issue any PCT opinions. However, the offices participating in the GPPH have agreed to accept a positive extended search report of the DPMA as the basis of a PPH request. F(irst f)ilers at the DPMA must no longer wait for the decision to grant a patent. Rather, they can make a request for accelerated examination at any partner office involved in the GPPH on the basis of a search report in which the DPMA has found all claims to be allowable. They can thus faster receive the office action of the partner office.

Therefore, the GPPH is an important strategic project today and in future for the DPMA and its applicants.

BRIEFLY EXPLAINED

European patent with unitary effect and Unified Patent Court

In the past year, huge progress was made on the initiative to accomplish unitary patent protection for nearly the whole of the European Union (EU) by the European patent with unitary effect.

The regulation creating a European patent with unitary effect, which entered into force in 2013, and the related regulation establishing a language regime were adopted within the framework of enhanced cooperation. These are two of the three pillars of what is referred to as the European patent package. In the period under review, Italy joined the enhanced cooperation scheme to create a unitary patent system so that it now comprises all EU member states, except for Spain and Croatia. Furthermore, the European Court of Justice dismissed in its entirety the actions, brought by Spain, challenging the EU regulations and hence made it clear that the initiative is consistent with EU legislation.

The regulations will take effect, as soon as the third pillar, the Agreement on setting up a Unified Patent Court, enters into force. The Agreement, which was signed in spring 2013 by all member states participating in the enhanced cooperation, including Italy, with the exception of Poland, will enter into force when it has been ratified by at least 13 EU member states that must include France, Germany and the United Kingdom. It is only then that the first European patent with unitary effect can be granted and the Unified Patent Court (UPC) can open for business. Nine member states have already ratified the Agreement on setting up a Unified Patent Court: Austria, France, Sweden, Belgium, Denmark, Malta, Luxembourg, Finland and Portugal (as at January 2016).

The European patent with unitary effect must be distinguished from the 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 European Patent Convention, 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 26 participating EU member states. However, the European patent with unitary effect will not replace the "classical" European patent. Instead, the applicants will be able to choose how to protect their invention at the European level.

The EPO will be in charge of the grant and administration of European patents with unitary effect. In 2015, in the Select Committee of the Administrative Council, the participating member states agreed on provisions necessary for the implementation, including the implementing rules relating to unitary patent protection, which will govern in particular the registration procedure and the fee structure. The single annual renewal fee for the whole of the territory of application of the unitary patent has to be paid to the EPO. The participating member states reached agreement that the annual renewal fee for the European patent with unitary effect should be equivalent to the sum of the renewal fees which have to be paid for the four member states ("TOP 4") in which "classical" European patents are currently most often validated (these are Germany, the United Kingdom, France and the Netherlands). 50% of the annual renewal fees paid to the EPO will then be distributed, after deduction of the administrative costs, to the participating member states in accordance with a fixed distribution key.

Furthermore, a new litigation system, the Unified Patent Court, will be created.

It will have 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. The divisions of the UPC's Court of First Instance will be based in the individual member states and a Court of Appeal will be located in Luxembourg. The Court of First Instance will consist of a central division based in Paris and two sections in London and in Munich as well as several local and regional divisions in the individual member states. In Germany, four local divisions will be established, which will be based in Düsseldorf, Hamburg, Mannheim and Munich. The Unified Patent Court will have its own Rules of Procedure. The 18th draft Rules of Procedure were approved by the Preparatory Committee on 19 October 2015.



Our projects

Strategy development and quality management

In order to face the current and future developments in the IP world at European and international level as well as the changing structures in society, the German Patent and Trade Mark Office (DPMA) has continued the process of future-oriented strategic alignment and further extended quality management. We thereby want to do justice to and further strengthen our excellent reputation as a centre of expertise for the protection of intellectual property that we enjoy in Germany and worldwide.



Quality management project

For the DPMA, quality is a must and a target at the same time. We are continuously required to maintain our quality standard and to adapt it, if needed, in order to fulfil our customers' needs. The quality of the DPMA's services and products is perceived differently. Depending on the interest group, quick patent grant or registration, constructive cooperation with the examiners, legal validity of the granted IP rights or the office's productivity are most important. For the DPMA, this results in challenges that are not always easy to reconcile. In addition to the balance between quality and quantity, particularly the staff's concerns must be taken into consideration. After all, their abilities and commitment are the guarantee for high quality of our services and products.

Worldwide, organisations and companies, institutions or authorities have been using quality management systems for many years. In Germany, too, public service is increasingly benefiting from this instrument to control quality. Quality management systems offer a systematic approach to optimising processes with a lasting effect and to reach continuous adjustment and improvement of the processes. They create efficiency and transparency, and contribute to competitiveness.

The DPMA has also realised the potential of this approach. In 2015, measures were defined and partially carried out in order to meet the requirements of the international standard ISO 9001. As pilot process, initial processing was chosen, during which each incoming request for the grant of a patent is assigned to a main class according to the International Patent Classification (IPC). In the course of the past year, a detailed process description visualising all decision-making channels provided for in the process was prepared. The description also includes references to documents currently needed for initial processing, such as legislative texts, guidelines and statutory instruments. In order to enable continuous improvement of the procedures within the meaning of the ISO standard, it was also determined by which indicators the process can be characterised best.

With the current and intended measures in the field of quality management, we have joined the growing group of IP offices that use a standard for their quality management system. In Europe, the Office for Harmonization in the Internal Market (OHIM) and the European Patent Office (EPO) as well as a number of national offices have obtained ISO 9001 certification in the past. With the application of ISO 9001, the DPMA does not only aim at continuous internal improvement. As a strong partner in the field of industrial property protection, the DPMA also intends to make an important contribution to harmonisation of the international understanding of quality.

Strategy development project

In order to meet the complex requirements in a constantly changing environment also in future, we have further developed our vision for the year 2020.

Vision of DPMA2020

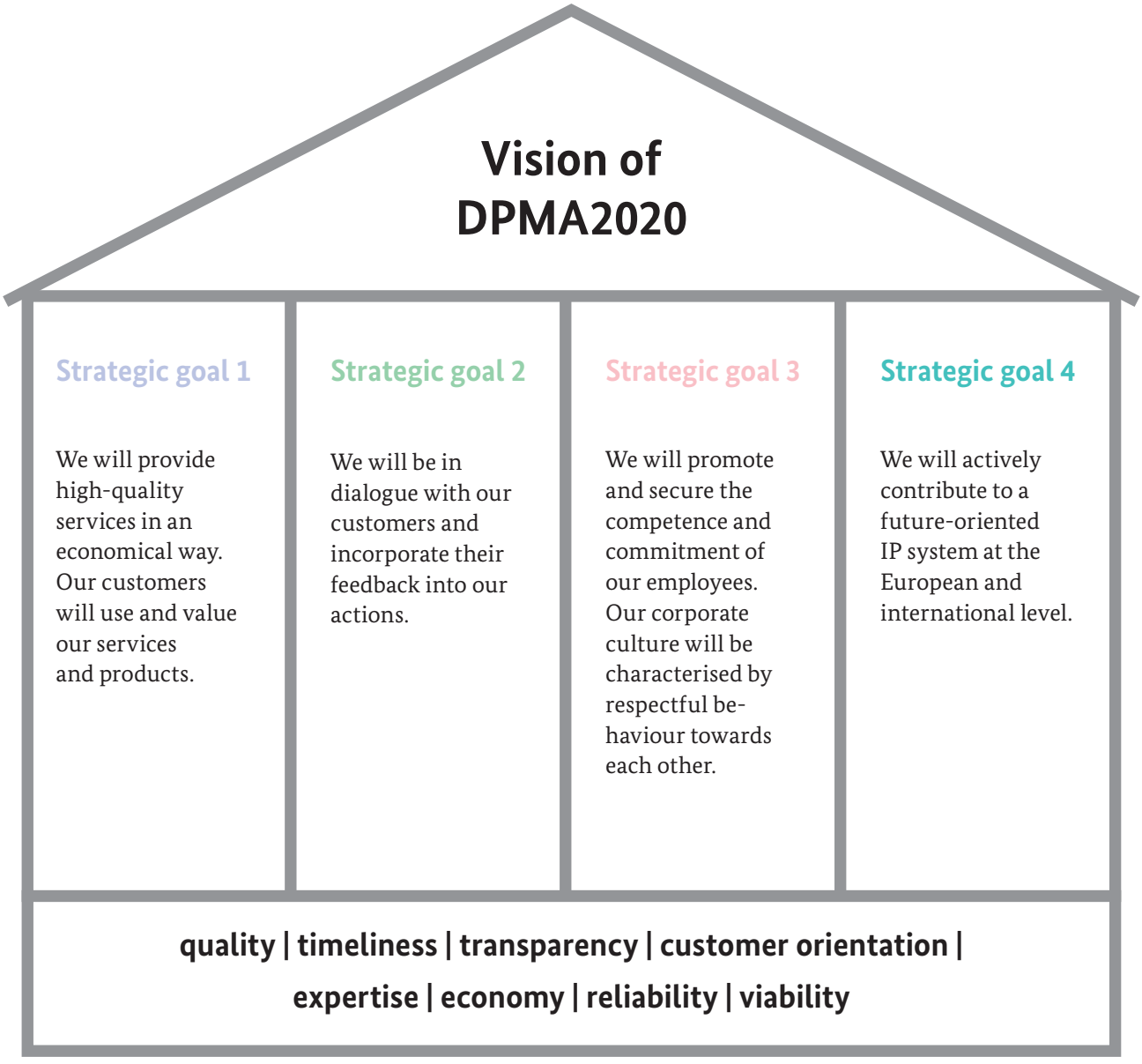
The DPMA is the national centre of expertise for intellectual property protection.
As an examining office, we support the innovativeness and creativity of the economy and take an outstanding position in the international IP system.

We have set ambitious goals for reaching this vision, which can be seen in the 'Vision of DPMA2020' figure:

In order to reach the strategic goals, our strategy teams, which are made up of staff from all of our departments, have developed different fields of action. For example, we want to further improve quality and efficiency of our office and even more focus on customer orientation with the introduction of further data processing tools.

The operational partial strategies and measures resulting from the fields of actions will be successively implemented in the next few months. We use a generic milestone process specifically developed for this purpose to ensure predictability, transparency and measurability.

Exchange of experience on strategy with other federal offices was initiated in 2015 and will be continued in the next years.





Events in 2015

↗ 15 to 17 January 2015

Participation in the exhibition on the International Year of Light in Jena

UNESCO had proclaimed 2015 as the International Year of Light. The city of light Jena with its traditional focus on the optical industry and optical research participated in the Year of Light with a colourful programme. Another objective was to indirectly promote the sciences.



Our information stand at the exhibition on the International Year of Light

From 15 to 17 January 2015, the Photonics Network for Thuringia (OptoNet e.V.), the Jena Business Development of the City of Jena and the German Patent and Trade Mark Office (DPMA) hosted a joint exhibition at GoetheGalerie, which was one of the many highlights of the programme. At the exhibition, our Sub-Office in Jena ran an information stand on industrial property rights and organised a lecture about optics and photography, held by a patent examiner.

↗ 27 February 2015

UNION-IP round table in Munich

On 27 February 2015, the UNION-IP round table took place at our DPMAforum in Munich. UNION-IP is an organisation of European practitioners in intellectual property. The DPMA and UNION-IP jointly organised the event, which was dedicated to the topic of clarity of patent claims. About 120 participants from Germany and abroad attended the event.

Speakers from Germany, the Netherlands, the United Kingdom as well as a representative of the European Patent Office shed light on the aspects of clarity and sufficiency in patent litigation. The presentations were

followed by lively discussions and many comments and questions from the audience. In 2016, the UNION-IP round table meeting will again take place at the German Patent and Trade Mark Office.



Cornelia Rudloff-Schäffer together with panelists

↗ 23 March 2015

Start of the e-file for trade marks

On 23 March 2015, the new IT system **DPMAmarken** was jointly launched by President Cornelia Rudloff-Schäffer, Ulrich Kelber, Parliamentary State Secretary at the Federal Ministry of Justice and Consumer Protection and Heiko Meyer, General Manager and Vice President (Hewlett-Packard, Germany). This system enables end-to-end electronic processing of national and international trade marks from application to publication. Within the framework of the e-government initiative of the federal government, the DPMA has changed over to electronic case files for yet another type of IP. Full electronic processing of patents and utility models started as early as 2011.

The full electronic processing of trade marks helps our office to strengthen its competitiveness and fulfils the expectations of its users. Furthermore, the electronic case file paves the way for a full digital data exchange with the World Intellectual Property Organization (WIPO).



Ulrich Kelber, Parliamentary State Secretary at the Federal Ministry of Justice and Consumer Protection, in conversation with Cornelia Rudloff-Schäffer and Heiko Meyer, HP

For more information on the electronic case file for trade marks, see the “Trade marks” chapter on page 22.

↗ 23 April 2015

Girls’Day at the DPMA

The DPMA participated for the tenth time already in the nationwide action day “Girls’Day”. On this day, school girls have the chance to learn about jobs where women are mostly underrepresented. This is particularly true for those occupations for which knowledge in mathematics, computer science, natural sciences and engineering is necessary. A large number of jobs at our office are in these fields.

28 girls aged between twelve and fourteen took part in the event at the DPMA. After an introductory lecture on industrial property rights the pupils gained an insight into a patent examiner’s day-to-day work and received information on the trainee programmes available at our office.

Furthermore, the young people had the opportunity to themselves invent a new technical solution and test it in practice. The event was topped off by a fun lecture on patents using the example of game consoles, which was met with great enthusiasm by all girls.

↗ 26 April 2015

World Intellectual Property Day

On World Intellectual Property Day, on 26 April 2015, many events about everything to do with industrial property protection took place in Germany. The theme of the 2015 action day was “Get Up. Stand Up. For Music.” and dealt with questions about music. What is the future of our relationship with music? How will it be created and disseminated? And, above all, how will we ensure that all artists and producers involved can make a living from their “craft”?

The DPMA also participated in the actions on the World IP Day and organised a joint nation-wide event series in cooperation with the patent information centres and other institutions. Lectures, workshops, activated Internet check-ups, panel discussions, information stands and an exhibition provided IP information and were particularly directed at small and medium enterprises (SMEs), students and start-ups.

World Intellectual Property Day is celebrated every 26 April, when numerous events take place around the globe. In 2000, the World Intellectual Property Organization (WIPO) in Geneva proclaimed the World IP Day to highlight the importance and the value of creativity and intellectual inventive achievements.

↗ 7 and 8 May 2015
Anniversary of the VPP in Dresden

On 7 and 8 May 2015, the spring conference of the Association of Intellectual Property Experts (VPP) took place in Dresden. The VPP with its roughly 2,700 members – most of them IP experts from industry – is an important advisor for our office and a trustworthy partner for the customer-focused orientation of our business processes.

Within the framework of the spring event, the VPP association celebrated its 60th anniversary and "50 years of VPP conferences" with a festive ceremony at Dresden's Frauenkirche. President Cornelia Rudloff-Schäffer felt honoured to give a welcome address at this place, steeped in history, and praised the long-standing cooperation with the VPP as an important partner in discussions on matters concerning industrial property rights.

The VPP, which holds two conferences per year, offered the guests a festive event accompanied by an extensive programme of discussion rounds and lectures on all matters concerning industrial property protection. The autumn conference of the association took place in Cologne from 22 to 23 October 2015.



Cornelia Rudloff-Schäffer during her opening speech at Dresden's Frauenkirche

↗ 21 May and 3 September 2015
Jena lectures

The Jena lectures on industrial property and copyright were launched by our Jena Sub-Office in cooperation with Professor Dr Volker Michael Jänich of Friedrich Schiller University Jena (Gerd Bucerius Chair of Civil Law with German and International Industrial Property Protection) in 2001. Since then, IP experts have discussed current intellectual property issues several times a year within the scope of this popular event.

The centre-east district group of the Association of Intellectual Property Experts (VPP) have supported the admission-free lecture series as co-organiser.

In 2015, two Jena lectures were offered on the following topics:

- **"Digital patent examination – the electronic patent search and electronic management of case files at the DPMA"**
  Dr Wolfram Köstler, DPMA
- **"Is design protection superfluous? – On the relationship between design protection and copyright after the *'Geburtstagszug'* judgment by the Federal Court of Justice"**
  Professor Dr Theodor Enders (LL.M.), Ernst-Abbe-Hochschule Jena (University of Applied Sciences Jena)

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

↗ 9 June and 8 December 2015
Bayern Innovativ lecture events in Munich

In 2015, Bayern Innovativ, an initiative of the Bavarian State Government, organised two lecture events targeted at small and medium enterprises (SMEs), in cooperation with the DPMA and the patent information centre Nuremberg (TÜV Rheinland Consulting GmbH), in the rooms of the DPMA in Munich.

"Chances and risks of the unitary patent for mid-sized businesses" was the topic of the event on 9 June 2015, to which President Cornelia Rudloff-Schäffer welcomed more than 110 attendees. Representatives of the European Patent Office, the Regional Court Munich I, several companies, Fraunhofer as well as patent attorneys and lawyers presented and discussed strategic, legal and economic aspects of the European patent with unitary effect.

The event on 8 December 2015 was dedicated to the topic "Industrial property protection in technology transfer". The lectures focused above all on the overall conditions, instruments, support services and practical examples of technology transfer with regard to industrial property protection.

↗ 16 and 17 June 2015

Experts exchange views on quality management at OHIM in Alicante

In June 2015, a delegation of the DPMA visited the Office for Harmonization in the Internal Market (OHIM) in Alicante. For years OHIM has successfully used various management systems. In this context, the predominant aspect for the representatives of the DPMA was which elements of the ISO 9001 certification could be usefully applied to the quality management system of the DPMA. In addition to this topic, the multifaceted issue of risk assessment was also discussed since this is now also an aspect of the new ISO 9001 certification. At the meeting in Alicante, the delegation received important suggestions for restructuring the existing quality management system of the DPMA. For information on our quality management project please see page 74.



From right to left: Mr Gusmão (OHIM), Dr Eckel, Dr Köstler and Mr Holland (all DPMA) at OHIM in Alicante

↗ 19 June 2015

Munich International Patent Law Conference

For the second time the Munich International Patent Law Conference took place at the DPMA. The conference was organised in cooperation with the Technical University of Munich (TUM), the Bavarian State Ministry of Justice and the Regional Court Munich I.

The roughly 180 attendees from 26 nations were welcomed by Professor Dr Christoph Ann of TUM, Bavarian State Minister of Justice Professor Dr Wolfgang Bausback and DPMA Vice-President Günther Schmitz.



Panel discussion with Professor Dr Ann, TUM

Experts from Germany, France, Turkey, the USA and the United Kingdom explored the topic of the event "The cost of litigating patents". They also presented four case studies which were debated and resolved during a lively panel discussion with the expert audience.
At the end of the conference, Dr Klaus Grabinski, judge at the Federal Court of Justice and member of a working group of the preparatory committee for the new Unified Patent Court's Rules of Procedure, provided an outlook on the cost of enforcement of European patents with unitary effect before the Unified Patent Court.

As in the previous year, the issues met with great interest by attendees. That is why the event series will be continued in 2016.

↗ 1 and 2 July 2015

26th Automobil Forum in Munich

On 1 and 2 July 2015, the 26th Automobil Forum took place in Munich under the guiding theme of "Managing production globally". The Automobil Forum is one of the longest-established annual industry meetings, bringing together the who's who of the automotive industry and its component suppliers.

At the event, President Cornelia Rudloff-Schäffer gave a lecture titled "The German Patent and Trade Mark Office as a gateway to the world" exploring our international cooperation projects with the big patent offices in the world as well as aspects of decisions about the pros and cons of intellectual property protection. President Rudloff-Schäffer paid tribute to the automotive industry as one of the key industries in Germany, explained the

innovative trends in this sector on the basis of IP applications and referred to the focal points of developments in the field of environmental technologies.

Other lectures of the two-day congress focused on "Managing production globally", "Understanding markets" and "Pushing forward technologies", among other topics.



Presentation held by Cornelia Rudloff-Schäffer at the 26th Automobil Forum

↗ 13 September 2015

Open Monument Day in Berlin

On 13 September 2015, our Technical Information Centre (TIZ) in Berlin again opened its doors to visitors for Open Monument Day, to which we welcomed 105 guests. "Crafts, technology, industry" was the theme of this nation-wide event, which takes place every September and has been coordinated by the German foundation for monument protection *(Deutsche Stiftung Denkmalschutz)* since 1993.

The staff of the Technical Information Centre invited visitors to three guided tours of the historical office building, which has been a listed building for 20 years. The meeting point was the entrance hall boasting a sophisticated architectural design. The tour took the visitors, for example, to the office's reading room, the historical examiner's office and the atriums. Furthermore, there was an opportunity to inspect our collection of pioneer patents.

By tirelessly asking questions the guests proved not only their great interest in architecture but also gained information about the duties of our office. The participation in Open Monument Day was again a great success and confirmed the public's existing interest in the DPMA.



Interior view of the historical building of the TIZ Berlin

↗ 16 to 18 September 2015

Annual meeting of the German Society for Biomedical Engineering (DGBMT) in Lübeck

From 16 to 18 September 2015, the 49th annual meeting of the German Society for Biomedical Engineering took place in Lübeck. The event of the largest technical association of medical engineering in Germany was organised by the University of Lübeck and Lübeck University of Applied Sciences.

Several hundred attendees discussed current developments of biomedical engineering at this expert meeting. Furthermore, the participants, many of whom were students and PhD students, presented their own research results. President Cornelia Rudloff-Schäffer was invited by the Director of the Institute of Medical Engineering, Professor Dr Thorsten M. Buzug, to speak about "patent protection for innovation in the field of biomedical engineering". Her presentation focused on the requirements for patentability of inventions in the field of biomedical engineering and information about everything to do with the examination procedure itself.

↗ 13 October 2015

50 years of government supervision – symposium on the future of supervision of collecting societies

The DPMA hosted an international symposium on occasion of the 50th anniversary of government supervision of collecting societies (also referred to as "collective management organisations"). More information is available in the chapter "Supervision of collecting societies" on page 36.

↗ 27 to 28 October 2015

Regional seminar of the Office for Harmonization in the Internal Market (OHIM)

The Office for Harmonization in the Internal Market (OHIM), located in Alicante (Spain), held a regional seminar in cooperation with our office at the DPMAforum in Munich. It was attended by 80 internal and external guests. In addition to presentations given on diverse trade mark law issues, the attendees of this seminar were invited to participate in group work on case studies to delve deeper into the subjects.



Participants in the regional seminar

↗ 29 October 2015

Eleventh entrepreneurs' day for mid-sized enterprises in Leipzig

On 29 October 2014, the German association for mid-sized businesses (BVMW) organised the eleventh MUT, the German entrepreneurs' day for mid-sized enterprises *(Mittelständischer Unternehmertag)*, at the Congress Center Leipzig. The MUT has meanwhile become the leading forum for mid-sized businesses in Germany with roughly 4,000 visitors.

The DPMA and 120 other exhibitors participated in the event, where the DPMA ran an information stand. As in the previous years, staff of the regional patent information centres were invited to jointly staff the exhibition stand. Many interested people, mainly from small and medium enterprises, visited the joint stand of the DPMA. In face-to-face meetings and lively discussions with visitors, and also with other exhibitors, we were able to provide detailed information on all important general and special questions about industrial property rights. In parallel with the exhibition, an extensive programme featuring lectures, workshops and seminars was on offer at the MUT.

At the DPMA information stand at the MUT, it has again become apparent that expert advice and technical information on industrial property protection – in connection with further IP services of the patent information centres – are essential in helping the owners of SMEs, in particular, to protect their innovations.

↗ 5 November 2015

Eleventh Jena Trade Mark Law Day

On 5 November 2015, the DPMA organised the eleventh Jena Trade Mark Law Day in collaboration with Friedrich Schiller University Jena and the German Brands Association *(Markenverband)*.

The lectures dealt with current issues, for example, the modernisation of European trade mark law and the current status as well as the perspectives of the issue of acquired distinctiveness through use in trade mark law. Finally, the event was rounded off with latest developments in the office's practice of the DPMA and information on the new certification mark.

↗ 20 November 2015

Expert talks with judges of the German trade mark courts in Munich

On 20 November, an expert meeting with judges of the German trade mark courts took place at our office in Munich. The meeting was jointly organised by the DPMA, the Association of European Trade Mark Owners – Marques and the German Brands Association.

The event focused on current issues concerning trade mark law. Professor Dr Joachim Bornkamm, former presiding judge of the first civil panel of the German Federal Court of Justice, gave a lecture on the empirical rules in the case-law of German courts. Lars Meinhard, presiding judge at the Munich Regional Court, shed light on the current developments in the field of colour marks and three-dimensional marks.

Further presentations dealt with company names in opposition proceedings, the comprehensive similarity of different kinds of trade marks as well as the concurrent application of trade mark, design, copyright and unfair competition law. In accordance with the title of the event, the lectures were followed by panel discussions with questions from the audience in the auditorium.

Inventor and innovation awards

"We honour people who had great ideas and put these ideas on the market, who turned into products what they had invented. And when they did that they were successful too. That means that they also created new jobs."

– German President Joachim Gauck on occasion of the presentation of the Deutscher Zukunftspreis 2015 award –

Inventor and innovation awards reward important or cutting-edge development achievements, encourage the spirit of invention, innovative thinking and progress and demonstrate the importance of patent protection. That is why, for several years, the President of the German Patent and Trade Mark Office (DPMA), Cornelia Rudloff-Schäffer, and DPMA Vice-President Günther Schmitz have actively 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. As in the previous years, patent examiners of the DPMA assisted them by providing technical expertise.



In 2015, 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

The *Deutscher Zukunftspreis* award, presented by the German President, pays tribute to outstanding achievements in technology, engineering and science. The prize, endowed with 250,000 euros in prize money, recognises the scientific-technological level of innovation, successful commercialisation and the creation of sustainable jobs. The award is an accolade for excellent inventions and developments and, at the same time, an incentive to develop new things and create great products. It also aims to encourage young people to get involved in science and technology. 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, we proposed three particularly innovative projects for the *Deutscher Zukunftspreis* award to the high-calibre jury in 2015.

One of these three proposals by the DPMA was a team of Infineon Technologies AG in Neubiberg with its innovation "Car radar technology – a life-saver goes into series production". The team was one of three teams nominated by the jury for the *Deutscher Zukunftspreis* award. At the

19th award ceremony, on 2 December 2015, the focus was on the three teams with their projects in the research fields of mobility, construction and production as well as active medicinal substances. The team of Justus-Liebig-Universität Giessen and Bayer Pharma AG was the winner of the *Deutscher Zukunftspreis* 2015 award.



President Rudloff-Schäffer (centre) and Dr Kapels, Dr Hermann, Dr Münch and Dr Henninger (left to right) at the award ceremony of *Deutscher Zukunftspreis*

This year we are again looking for outstanding innovative achievements for the *Deutscher Zukunftspreis* award. Draw our attention to your projects and apply online via our website.

www.dpma.de/service/galerie/erfinderpreis/zukunftspreis
(in German only)

European Inventor Award

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

Since 2006, the European Patent Office (EPO) has annually presented the European Inventor Award in the categories: Industry, Research, SMEs, Lifetime Achievement and Non-European Countries. The award pays tribute to the creative achievements of inventors who have been granted at least one European patent for their invention. In 2015, the award recognised inventors from Australia, France, China, the Netherlands, Austria, Japan and Switzerland. The examiners of the DPMA again participated by submitting several nominations for this award in 2015.

The German innovation prize

www.der-deutsche-innovationspreis.de

The German innovation prize was launched on the initiative of Accenture, WirtschaftsWoche, EnBW Energie Baden-Württemberg and Evonik Industries in 2009. In 2015, the jury panel, of which Cornelia Rudloff-Schäffer is also a member, again recognised outstanding forward-looking innovations by German enterprises that have the innovative capacity to change business and markets. The prize was awarded in the categories Large Enterprises, Mid-Sized Enterprises and Start-Ups. Merck KGaA, Alacris Theranostics GmbH and Dynamic Biosensors GmbH were the winners in 2015.

Innovation award of the Bavarian *Volksbanken* and *Raiffeisenbanken*

www.gv-bayern.de/standard/artikel/innovationspreis-2015-5157

The Bavarian credit cooperatives honour mid-sized enterprises with the innovation award of the Bavarian *Volksbanken* and *Raiffeisenbanken* for outstanding innovative achievements. "Mid-sized companies guarantee Bavaria's economic success and prosperity. They stand for flexibility and sustainability, entrepreneurship and innovative capacity. The innovation award of the Bavarian *Volksbanken* and *Raiffeisenbanken* is a special hallmark for quality and, at the same time, an incentive and role model for Bavaria's mid-sized companies," said Bavarian State Minister of Economic Affairs, Ilse Aigner, on occasion of the award ceremony. President Cornelia Rudloff-Schäffer is the chair of the jury of this innovation prize, which has been awarded since 1991. In 2015, Cerbomed GmbH, a medical device company, was chosen as "Bavaria's mid-sized company of the year".

Jugend forscht

www.jugend-forscht.de/

"Jugend forscht", Germany's most famous youth competition, celebrated its 50th anniversary in the year under review. Federal Minister of Education and Research Johanna Wanka and German President Joachim Gauck were present at the jubilee celebrations in Ludwigshafen to look at and pay tribute to the scientific achievements of young people aged between 13 and 21. About 11,500 young people nationwide had registered for the jubilee competition. The competition begins at the regional level, progresses to the round at the *Länder* level and finally to the national round. In that final round at the national level, 195 participants with 113 projects competed. The DPMA has been regularly active in the jury of the competition of *"Jugend forscht"* at the *Länder* level in Bavaria.



A glance at 2016

EU project VIP4SME starts in the beginning of 2016

Under the project abbreviation VIP4SME, the German Patent and Trade Mark Office (DPMA) together with the Fraunhofer Institute for Industrial Engineering (Fraunhofer IAO) and further partners from more than 30 countries was involved in the call for continuation of the EU-co-financed project IPorta (2012–2015).

The draft provides that, from 2016, IP-relevant training content, services and instruments should be adapted, newly developed and efficiently implemented according to the needs of the target group of small and medium enterprises (SMEs) in all partner countries. The project is expected to give important impetus for European cooperation in the field of industrial property protection.

The European Commission's project contract with the project consortium formally entered into force on 15 December 2015 with the signing of the grant agreement by the President of the DPMA, Cornelia Rudloff-Schäffer. A first kick-off meeting with all partners takes place in Brussels on 9 March 2016.

The "electronic administrative file" project

In 2016, we will begin the planning for the introduction of the electronic file in the administration area. In the operative area, the IT systems for the electronic processing of IP case files for patents, utility models and trade marks went live in 2011 and 2015, respectively. The "electronic administrative file" project (ElVA) will allow the DPMA to also extend its strategy for paperless electronic processing of its business processes to the administration area. Due to the complexity of, in particular, the expected change processes, the planned project will span several years and initially start with a preliminary assessment.

The planned project is linked to the Act to Promote Electronic Government (E-Government Act) *(Gesetz zur Förderung der elektronischen Verwaltung)*, which entered into force on 1 August 2013, as well as the government programme "Digital Administration 2020" *(Digitale Verwaltung 2020)* of 17 September 2014. It aims, above all, to facilitate electronic communication and processing and to develop simpler, more user-friendly and more efficient electronic administrative services. It is planned to introduce the electronic administrative file by 2020.

Fully electronic file processing system for designs in preparation

The DPMA is pursuing its strategic goal of introducing fully electronic file processing for all IP rights with another IT project. The project ElSA Design will start in 2016. Thereby, the DPMA is promoting consequent orientation towards its own customer-oriented IT systems and the e-government initiative within the framework of the government programme "Digital Administration 2020".

The new system for fully electronic processing of design procedures will be implemented using the service-oriented architecture of the DPMA. This is to make all positive aspects of seamless file processing, which are already used through the introduction of the electronic case files in the fields of patents, utility models and trade marks, available to the design area.

According to the current plans, the new IT system **DPMAdesigns** will go live in 2019.

Our trade mark team will be present at the following trade fairs and IP conferences:

	Event	Location	Internet
January			
13–15/01/2016	PSI	Düsseldorf	www.psi-messe.com
24–27/01/2016	ISPO	Munich	www.munich.ispo.com
27/01–01/02/2016	Toy fair	Nuremberg	www.spielwarenmesse.de
February			
12–16/02/2016	Ambiente	Frankfurt	www.ambiente.messefrankfurt.com
March			
14–18/03/2016	CeBIT	Hanover	www.cebit.de
April			
11–17/04/2016	bauma	Munich	www.bauma.de
13–17/04/2016	International Exhibition of Inventions	Geneva	www.inventions-geneva.ch
25–29/04/2016	HANNOVER MESSE	Hanover	www.hannovermesse.de
May			
10–13/05/2016	analytica	Munich	www.analytica.de
30/05–03/06/2016	IFAT	Munich	www.ifat.de
31/05–10/06/2016	drupa	Düsseldorf	www.drupa.de
June			
08–10/06/2016	PATINFO	Ilmenau	www.paton.tu-ilmenau.de
21–24/06/2016	AUTOMATICA	Munich	www.automatica-munich.com
22–24/06/2016	Intersolar	Munich	www.intersolar.de
September			
13–17/09/2016	Automechanika	Frankfurt	www.automechanika.messefrankfurt.com
October			
19–23/10/2016	Frankfurt Book Fair	Frankfurt	www.buchmesse.de
27–30/10/2016	iENA	Nuremberg	www.iena.de
November			
03–05/11/2016	MARKENFORUM	Munich	www.markenverband.de
04/11/2016	Bavarian Patent Congress	Munich	www.baypat.de
08–10/11/2016	EPO Patent Information Conference	Madrid	www.epo.org
08–11/11/2016	electronica	Munich	www.electronica.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 2016.

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
2009	46,410	8,933	55,343	920	2,581	3,501	47,330	11,514	58,844
2010	46,385	9,296	55,681	895	2,866	3,761	47,280	12,162	59,442
2011	46,422	10,248	56,670	697	2,248	2,945	47,119	12,496	59,615
2012	45,710	11,159	56,869	943	3,547	4,490	46,653	14,706	61,359
2013	46,318	11,603	57,921	1,041	4,212	5,253	47,359	15,815	63,174
2014	47,298	12,611	59,909	852	5,190	6,042	48,150	17,801	65,951
2015	46,455	13,991	60,446	922	5,521	6,443	47,377	19,512	66,889

[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
2009	55,731	20,818	134,704	122,890
2010	56,106	23,049	135,687	122,367
2011	57,426	20,862	139,072	123,465
2012	57,257	20,550	143,011	133,998
2013	58,172	21,066	145,509	137,827
2014	60,128	22,866	146,448	138,915
2015	60,544	20,721	148,649	140,550

[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	Patent grants published
	Total	together with applications		
2009	35,387	22,283	31,349	13,787
2010	36,645	22,428	32,441	13,522
2011	38,153	23,412	25,940	10,968
2012	38,420	23,335	31,114	13,253
2013	40,295	24,353	33,000	14,033
2014	43,357	24,504	34,978	15,317
2015	44,482	25,647	33,483	14,795

1.4 Patents in force[1] (granted by the DPMA)

Year	Patents entered into force	Patents no longer in force	Patents in force at the end of the year
2009	13,888	16,941	138,255
2010	13,621	19,522	132,360
2011	11,318	14,587	129,076
2012	13,481	12,911	129,629
2013	14,142	14,040	129,690
2014	15,380	15,489	129,544
2015	14,830	14,721	129,591

[1] As from now, published decisions to grant a patent (patent specifications) are counted as patent grants and added to the number of patents in force. Pending opposition proceedings are thus contained in the number of patents in force.

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

German *Länder*	2009	2010	2011	2012	2013	2014	2015
Baden-Württemberg	15,231	14,783	14,594	14,243	14,566	14,533	14,220
Bavaria	12,600	13,012	13,722	14,355	14,840	15,539	15,341
Berlin	975	919	812	857	898	869	840
Brandenburg	365	323	351	299	322	326	358
Bremen	162	163	153	150	160	143	158
Hamburg	932	914	1,012	761	742	807	806
Hesse	2,448	2,431	2,374	2,295	2,165	2,041	1,907
Mecklenburg-Western Pomerania	196	170	167	180	181	169	155
Lower Saxony	2,910	2,927	2,987	2,957	2,927	3,137	3,485
North Rhine-Westphalia	7,333	7,536	7,103	6,764	7,073	7,118	6,875
Rhineland-Palatinate	1,259	1,233	1,183	1,129	1,036	1,032	938
Saarland	304	258	251	249	252	222	214
Saxony	1,115	1,124	1,049	1,057	968	966	905
Saxony-Anhalt	310	335	310	247	228	227	200
Schleswig-Holstein	567	562	486	516	465	462	463
Thuringia	623	590	565	594	536	559	512
Total	**47,330**	**47,280**	**47,119**	**46,653**	**47,359**	**48,150**	**47,377**

1.6 Patent applications, percentages and applications per 100,000 inhabitants by German *Länder* (residence or principal place of business of the applicant)

German *Länder*	2014			2015		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
Bavaria	15,539	32.3	122	15,341	32.4	121
Baden-Württemberg	14,533	30.2	136	14,220	30.0	133
North Rhine-Westphalia	7,118	14.8	40	6,875	14.5	39
Lower Saxony	3,137	6.5	40	3,485	7.4	45
Hesse	2,041	4.2	33	1,907	4.0	31
Rhineland-Palatinate	1,032	2.1	26	938	2.0	23
Saxony	966	2.0	24	905	1.9	22
Berlin	869	1.8	25	840	1.8	24
Hamburg	807	1.7	46	806	1.7	46
Thuringia	559	1.2	26	512	1.1	24
Schleswig-Holstein	462	1.0	16	463	1.0	16
Brandenburg	326	0.7	13	358	0.8	15
Saarland	222	0.5	22	214	0.5	22
Saxony-Anhalt	227	0.5	10	200	0.4	9
Bremen	143	0.3	22	158	0.3	24
Mecklenburg-Western Pomerania	169	0.4	11	155	0.3	10
Total	**48,150**	**100**	**59**	**47,377**	**100**	**58**

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)

	2009	2010	2011	2012	2013	2014	2015
Germany	47,330	47,280	47,119	46,653	47,359	48,150	47,377
Japan	3,136	3,006	3,013	3,678	4,440	5,338	6,424
USA	3,626	4,243	4,516	5,110	5,597	6,053	6,147
Republic of Korea	608	684	1,002	1,513	1,373	1,384	1,423
Austria	895	839	836	913	923	1,043	1,026
Switzerland	950	958	856	844	801	814	887
China	103	95	91	170	270	524	636
Sweden	277	268	232	257	305	326	527
Taiwan	398	376	376	502	558	577	518
France	177	195	234	205	205	238	259
Others	1,344	1,498	1,340	1,514	1,343	1,504	1,665
Total	**58,844**	**59,442**	**59,615**	**61,359**	**63,174**	**65,951**	**66,889**

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*	2009	2010	2011	2012	2013	2014	2015
Schleswig-Holstein, Hamburg	31	45	31	22	18	27	28
Lower Saxony, Bremen	62	79	65	46	50	49	62
North Rhine-Westphalia	117	99	90	81	77	70	91
Hesse	46	44	46	35	42	39	62
Rhineland-Palatinate, Saarland	13	21	12	14	17	12	13
Baden-Württemberg	75	79	84	77	79	75	93
Bavaria	77	91	84	71	71	87	82
Berlin	35	31	37	39	24	21	31
Brandenburg, Mecklenburg-Western Pomerania	46	32	29	43	47	44	55
Saxony	142	115	128	144	134	142	153
Saxony-Anhalt	25	25	31	24	23	25	29
Thuringia	55	52	45	46	39	45	40
Total	**724**	**713**	**682**	**642**	**621**	**636**	**739**

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

	Percentage of applicants having filed						
	2009	2010	2011	2012	2013	2014	2015
one application	66.2	65.8	65.4	66.5	66.3	66.3	66.4
2–10 applications	30.2	30.7	30.7	29.7	29.8	29.7	29.3
11–100 applications	3.2	3.1	3.5	3.3	3.5	3.5	3.9
more than 100 applications	0.4	0.4	0.4	0.4	0.4	0.5	0.5
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

	Percentage of applications by applicants having filed						
	2009	2010	2011	2012	2013	2014	2015
one application	16.3	15.8	15.0	14.9	14.1	13.8	13.5
2–10 applications	23.8	24.1	23.0	21.9	20.5	19.8	19.2
11–100 applications	21.5	21.1	22.8	21.2	21.2	19.6	21.2
more than 100 applications	38.5	38.9	39.3	42.1	44.3	46.8	46.1
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

1.10 Opposition proceedings

Year	Oppositions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year	
		Total[1]	(of which) patent revoked	(of which) patent maintained or patent maintained in amended form	Total	(of which) pending before the Federal Patent Court
2009	504	986	312	532	2,555	729
2010	533	890	259	480	2,217	409
2011	413	435	163	135	2,183	232
2012	433	459	188	138	2,161	112
2013	487	538	172	253	2,112	74
2014	257	525	164	250	1,843	62
2015	402	461	157	215	1,786	57

[1] Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form

1.11 National patent applications by classes of the International Patent Classification (IPC) with the largest number of applications in 2015

	2009	2010	2011	2012	2013	2014	2015	IPC class	
1	5,267	5,669	6,062	6,178	6,133	6,831	7,164	B 60	Vehicles in general
2	4,605	4,772	4,860	5,133	5,458	5,679	5,437	F 16	Engineering elements or units
3	3,693	3,659	4,156	4,365	4,559	4,603	4,663	H 01	Basic electric elements
4	3,541	3,637	3,725	3,697	3,812	4,083	4,044	G 01	Measuring; testing
5	2,645	2,517	2,510	2,387	2,328	2,418	2,577	F 02	Combustion engines
6	2,094	2,354	2,233	2,385	2,314	2,336	2,280	H 02	Generation, conversion, or distribution of electric power
7	1,815	2,025	2,224	2,144	2,218	2,302	2,197	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 2015)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**3,841**
2	Schaeffler Technologies AG & Co. KG	DE		**2,334**
3	Ford Global Technologies, LLC		US	**1,830**
4	Daimler AG	DE		**1,762**
5	Bayerische Motoren Werke AG	DE		**1,436**
6	Siemens AG	DE		**1,210**
7	VOLKSWAGEN AG	DE		**1,168**
8	AUDI AG	DE		**1,126**
9	GM Global Technology Operations LLC		US	**958**
10	ZF Friedrichshafen AG	DE		**925**
11	Hyundai Motor Company		KR	**727**
12	Infineon Technologies AG	DE		**636**
13	Continental Automotive GmbH	DE		**546**
14	BSH Hausgeräte GmbH	DE		**521**
15	Toyota Jidosha K.K.		JP	**510**
16	Dr. Ing. h.c. F. Porsche AG	DE		**502**
17	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**403**
18	FANUC Corporation		JP	**393**
19	DENSO Corporation		JP	**375**
20	Miele & Cie. KG	DE		**351**
21	Henkel AG & Co. KGaA	DE		**323**
22	MAHLE International GmbH	DE		**321**
23	Continental Teves AG & Co. oHG	DE		**258**
24	General Electric Company		US	**231**
25	OSRAM Opto Semiconductors GmbH	DE		**230**
26	Carl Zeiss SMT GmbH	DE		**221**
27	Krones AG	DE		**208**
28	Koenig & Bauer AG	DE		**195**
29	Continental Reifen Deutschland GmbH	DE		**194**
30	Aktiebolaget SKF		SE	**193**
31	Infineon Technologies Austria AG		AT	**191**
32	Siemens Healthcare GmbH	DE		**189**
33	Deutsches Zentrum für Luft- und Raumfahrt e. V.	DE		**186**
34	Conti Temic microelectronic GmbH	DE		**178**
34	Voith Patent GmbH	DE		**178**
36	Taiwan Semiconductor Manufacturing Company Limited		TW	**169**
37	MANN+HUMMEL GMBH	DE		**166**
38	Giesecke & Devrient GmbH	DE		**151**
39	HELLA KGaA Hueck & Co.	DE		**148**
40	Valeo Schalter und Sensoren GmbH	DE		**146**
41	OSRAM GmbH	DE		**143**
41	Knorr-Bremse Systeme für Nutzfahrzeuge GmbH	DE		**143**
43	Airbus Operations GmbH	DE		**138**
44	Lisa Dräxlmaier GmbH	DE		**132**
45	ThyssenKrupp AG	DE		**131**
46	Shimano Inc.		JP	**130**
47	MAN Truck & Bus AG	DE		**128**
48	Heidelberger Druckmaschinen AG	DE		**127**
49	Deere & Company		US	**123**
49	Mitsubishi Electric Corporation		JP	**123**

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
2009	17,355	14,404	86	17,441	14,152	2,761	16,913
2010	16,824	13,658	106	16,930	15,237	2,749	17,986
2011	16,038	12,765	190	16,228	14,231	2,792	17,023
2012	15,530	11,974	90	15,620	13,978	2,532	16,510
2013	15,470	11,646	66	15,536	13,343	2,190	15,533
2014	14,738	10,945	60	14,798	13,082	2,044	15,126
2015	14,277	10,355	45	14,322	12,254	1,917	14,171

[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	Lapsed utility models
2009	8,131	95,257	21,825	17,162
2010	7,092	93,979	22,544	16,487
2011	6,300	93,221	21,092	15,034
2012	5,405	92,052	21,888	15,223
2013	5,405	90,095	21,607	15,365
2014	5,066	87,530	20,297	15,687
2015	5,211	85,180	19,736	14,634

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

Year	New applications received	Procedures concluded			Pending applications at the end of the year	Lapse due to expiry of time	Registrations in force at the end of the year
		by registration	without registration	Total			
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
2015	0	0	0	0	0	4	19

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

German *Länder*	2009	2010	2011	2012	2013	2014	2015
Baden-Württemberg	2,654	2,577	2,374	2,070	2,073	1,938	1,887
Bavaria	3,127	3,050	2,855	2,566	2,532	2,433	2,356
Berlin	465	464	415	384	399	368	334
Brandenburg	213	230	219	207	162	164	112
Bremen	74	64	72	74	60	58	47
Hamburg	323	235	190	197	195	190	194
Hesse	890	845	744	759	685	668	627
Mecklenburg-Western Pomerania	82	87	97	82	97	79	78
Lower Saxony	941	890	870	814	860	758	707
North Rhine-Westphalia	3,717	3,432	3,242	3,152	3,069	2,868	2,709
Rhineland-Palatinate	647	588	512	520	474	444	452
Saarland	122	98	122	126	103	83	73
Saxony	441	446	385	402	386	390	329
Saxony-Anhalt	159	143	171	159	110	128	120
Schleswig-Holstein	350	290	295	257	256	239	191
Thuringia	199	219	202	205	185	137	139
Total	**14,404**	**13,658**	**12,765**	**11,974**	**11,646**	**10,945**	**10,355**

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

German *Länder*	2014			2015		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
North Rhine-Westphalia	2,868	26.2	16	2,709	26.2	15
Bavaria	2,433	22.2	19	2,356	22.8	19
Baden-Württemberg	1,938	17.7	18	1,887	18.2	18
Lower Saxony	758	6.9	10	707	6.8	9
Hesse	668	6.1	11	627	6.1	10
Rhineland-Palatinate	444	4.1	11	452	4.4	11
Berlin	368	3.4	11	334	3.2	10
Saxony	390	3.6	10	329	3.2	8
Hamburg	190	1.7	11	194	1.9	11
Schleswig-Holstein	239	2.2	8	191	1.8	7
Thuringia	137	1.3	6	139	1.3	6
Saxony-Anhalt	128	1.2	6	120	1.2	5
Brandenburg	164	1.5	7	112	1.1	5
Mecklenburg-Western Pomerania	79	0.7	5	78	0.8	5
Saarland	83	0.8	8	73	0.7	7
Bremen	58	0.5	9	47	0.5	7
Total	**10,945**	**100**	**13**	**10,355**	**100**	**13**

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			
2009	69,300	65,917	34,152	560	69,860	49,844
2010	69,143	65,549	32,464	604	69,747	49,766
2011	64,046	60,605	30,849	589	64,635	51,337
2012	59,848	56,745	28,851	777	60,625	46,098
2013	60,178	57,045	29,020	590	60,768	43,511
2014	66,616	63,010	32,324	411	67,027	47,989
2015	69,130	65,424	33,782	237	69,367	46,484

[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
2009	3,980	5,557	3,543	902	749
2010	3,912	5,627	3,099	803	676
2011	3,809	5,693	2,858	633	677
2012	3,179	4,778	2,716	698	662
2013	3,123	4,656	2,402	526	601
2014	2,830	4,232	2,157	516	581
2015	2,728	4,047	1,801	395	512

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
2009	49,010	33,945	759,598
2010	53,443	36,369	779,947
2011	50,835	31,337	781,094
2012	42,861	29,971	784,936
2013	39,243	30,397	789,676
2014	44,326	32,228	793,753
2015	43,575	34,224	797,223

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	
2009	4,881	4,795	49	981
2010	5,013	4,977	154	490
2011	5,022	4,976	87	442
2012	4,612	4,437	127	484
2013	4,524	4,473	107	403
2014	4,352	4,230	98	422
2015	4,517	4,434	129	370

[1] Not including requests for the extension of protection under Art. *3ter*(2) Madrid Agreement; 578 requests for the extension of protection were received in 2015, and 592 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			
2009	5,753	5,374	422	1,049	4,110	442	30
2010	5,225	4,325	88	758	3,736	407	36
2011	5,073	4,315	92	694	3,696	344	51
2012	4,465	3,562	311	657	3,626	310	61
2013	4,806	4,218	606	604	2,993	410	31
2014	4,065	3,560	302	553	2,637	303	19
2015	4,528	3,443	302	459	2,950	301	18

[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*	2009	2010	2011	2012	2013	2014	2015
Baden-Württemberg	8,255	8,554	8,108	7,451	7,453	8,218	8,421
Bavaria	11,892	11,802	10,875	10,125	10,273	11,643	11,371
Berlin	4,731	4,722	4,834	4,398	4,254	5,029	5,071
Brandenburg	1,076	1,134	1,072	924	1,013	947	998
Bremen	521	611	512	520	456	477	545
Hamburg	3,452	3,497	3,317	3,096	3,169	3,337	3,621
Hesse	5,593	5,564	4,995	4,607	4,702	4,980	5,369
Mecklenburg-Western Pomerania	654	646	511	516	514	545	606
Lower Saxony	4,565	4,599	4,250	4,042	3,867	4,522	4,902
North Rhine-Westphalia	15,477	14,770	13,078	12,490	12,650	13,717	14,794
Rhineland-Palatinate	2,977	2,961	2,611	2,829	2,860	3,049	3,015
Saarland	583	553	508	473	454	558	715
Saxony	2,276	2,254	2,119	1,953	1,937	2,155	2,089
Saxony-Anhalt	824	847	750	753	809	714	717
Schleswig-Holstein	2,057	2,107	1,963	1,818	1,799	2,236	2,322
Thuringia	984	928	1,102	750	835	883	868
Total	**65,917**	**65,549**	**60,605**	**56,745**	**57,045**	**63,010**	**65,424**

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

German *Länder*	2014			2015		
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants
North Rhine-Westphalia	13,717	21.8	78	14,794	22.6	84
Bavaria	11,643	18.5	92	11,371	17.4	90
Baden-Württemberg	8,218	13.0	77	8,421	12.9	79
Hesse	4,980	7.9	82	5,369	8.2	88
Berlin	5,029	8.0	145	5,071	7.8	146
Lower Saxony	4,522	7.2	58	4,902	7.5	63
Hamburg	3,337	5.3	189	3,621	5.5	205
Rhineland-Palatinate	3,049	4.8	76	3,015	4.6	75
Schleswig-Holstein	2,236	3.5	79	2,322	3.5	82
Saxony	2,155	3.4	53	2,089	3.2	52
Brandenburg	947	1.5	39	998	1.5	41
Thuringia	883	1.4	41	868	1.3	40
Saxony-Anhalt	714	1.1	32	717	1.1	32
Saarland	558	0.9	56	715	1.1	72
Mecklenburg-Western Pomerania	545	0.9	34	606	0.9	38
Bremen	477	0.8	72	545	0.8	82
Total	**63,010**	**100**	**78**	**65,424**	**100**	**81**

3.7 National trade mark applications by leading classes

Class		2014	2015	+/- in %
0	not classifiable	111	142	27.9
1	Chemicals	629	819	30.2
2	Paints, varnishes, lacquers	191	298	56.0
3	Cleaning preparations	1,483	1,597	7.7
4	Industrial oils and greases, fuels	241	300	24.5
5	Pharmaceutical preparations	2,310	2,409	4.3
6	Common metals and goods of common metal	752	748	- 0.5
7	Machines, motors and engines	1,287	1,358	5.5
8	Hand tools	190	254	33.7
9	Electrical apparatus and instruments	4,735	4,912	3.7
10	Medical apparatus and instruments	998	922	- 7.6
11	Heating, ventilation, sanitary installations	1,172	1,198	2.2
12	Vehicles	1,439	1,236	- 14.1
13	Firearms	81	105	29.6
14	Jewellery, clocks and watches	810	780	- 3.7
15	Musical instruments	86	97	12.8
16	Office requisites, stationery	1,904	1,958	2.8
17	Insulating materials, semi-finished goods	262	277	5.7
18	Goods made of leather	617	697	13.0
19	Building materials (non-metallic)	553	592	7.1
20	Furniture	1,143	1,211	5.9
21	Household or kitchen utensils	591	508	- 14.0
22	Ropes, string, sails	64	76	18.8
23	Yarns and threads	27	29	7.4
24	Textiles, bed and table covers	330	356	7.9
25	Clothing, footwear	3,408	3,382	- 0.8
26	Lace, ribbon, buttons,trimmings	132	96	- 27.3
27	Materials for covering floors, wall hangings	82	101	23.2
28	Games, sporting articles	859	843	- 1.9
29	Food of animal origin	1,598	1,553	- 2.8
30	Food of plant origin	2,172	2,094	- 3.6
31	Agricultural and forestry products	709	774	9.2
32	Beers, non-alcoholic drinks	1,436	1,429	- 0.5
33	Alcoholic beverages	1,465	1,453	- 0.8
34	Tobacco, smoker's articles	425	744	75.1
35	Advertising, business management	7,654	8,595	12.3
36	Insurance	2,320	2,469	6.4
37	Building construction, repair	1,283	1,349	5.1
38	Telecommunications	1,151	1,164	1.1
39	Transport	1,538	1,458	- 5.2
40	Treatment of materials	629	661	5.1
41	Education; sporting and cultural activities	8,074	8,383	3.8
42	Scientific and technological services	3,676	3,703	0.7
43	Providing food & drink, temp. accommodation	2,395	2,365	- 1.3
44	Medical services	2,666	2,648	- 0.7
45	Legal services, security services	938	987	5.2

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
2009	42,866	2,447	45,313	35,908	35,442	29,221	2,040	37,482
2010	46,577	2,626	49,203	39,954	48,471	36,186	1,973	50,444
2011	50,773	2,407	53,180	41,634	48,893	39,266	1,899	50,792
2012	52,969	2,267	55,236	43,648	50,232	38,661	2,823	53,055
2013	54,589	2,304	56,893	46,794	53,240	43,171	4,468	57,708
2014	57,904	2,852	60,756	47,195	51,848	42,464	5,088	56,936
2015	52,187	3,032	55,219	43,910	50,748	38,918	3,688	54,436

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
2009	18,161	1,800	15,482	52,800	281,138
2010	16,920	2,664	17,116	48,470	281,139
2011	19,308	3,382	15,663	46,266	283,766
2012	21,517	3,308	15,850	43,442	290,556
2013	20,676	2,538	14,442	46,582	297,214
2014	24,496	2,756	14,255	43,501	305,561
2015	25,235	2,443	15,073	42,670	313,639

4.3 Designs (applied for) by German *Länder*

German *Länder*	2009	2010	2011	2012	2013	2014	2015
Baden-Württemberg	5,528	6,516	5,620	6,027	6,401	7,513	6,484
Bavaria	7,793	7,597	7,628	9,233	9,410	8,943	10,202
Berlin	1,376	1,816	2,360	1,890	2,469	2,227	2,442
Brandenburg	303	446	459	363	503	335	315
Bremen	207	160	263	191	242	189	229
Hamburg	1,227	1,481	1,279	1,810	1,287	1,486	1,030
Hesse	1,696	2,577	2,659	2,036	2,429	2,092	2,460
Mecklenburg-Western Pomerania	133	206	207	335	732	474	313
Lower Saxony	2,661	3,008	2,700	2,923	2,819	2,728	3,469
North Rhine-Westphalia	9,762	10,978	11,841	12,559	13,032	13,699	10,978
Rhineland-Palatinate	2,569	2,275	2,805	1,875	3,199	2,517	2,024
Saarland	275	262	239	451	296	529	279
Saxony	1,107	973	1,191	1,389	1,733	1,988	1,458
Saxony-Anhalt	274	349	362	469	439	577	249
Schleswig-Holstein	727	939	1,326	1,622	1,384	1,580	1,597
Thuringia	270	371	695	475	419	318	381
Total	**35,908**	**39,954**	**41,634**	**43,648**	**46,794**	**47,195**	**43,910**

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

German *Länder*	2014			2015		
	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	Designs applied for	Percentage	Designs filed per 100,000 inhabitants
North Rhine-Westphalia	13,699	29.0	78	10,978	25.0	62
Bavaria	8,943	18.9	70	10,202	23.2	80
Baden-Württemberg	7,513	15.9	70	6,484	14.8	61
Lower Saxony	2,728	5.8	35	3,469	7.9	44
Hesse	2,092	4.4	34	2,460	5.6	40
Berlin	2,227	4.7	64	2,442	5.6	70
Rhineland-Palatinate	2,517	5.3	63	2,024	4.6	50
Schleswig-Holstein	1,580	3.3	56	1,597	3.6	56
Saxony	1,988	4.2	49	1,458	3.3	36
Hamburg	1,486	3.1	84	1,030	2.3	58
Thuringia	318	0.7	15	381	0.9	18
Brandenburg	335	0.7	14	315	0.7	13
Mecklenburg-Western Pomerania	474	1.0	30	313	0.7	20
Saarland	529	1.1	53	279	0.6	28
Saxony-Anhalt	577	1.2	26	249	0.6	11
Bremen	189	0.4	29	229	0.5	35
Total	**47,195**	**100**	**58**	**43,910**	**100**	**54**

4.5 Top companies and institutions in terms of design applications at the DPMA in 2015

	Owner	Principal place of business		Number of designs
1	Miroglio Textile S.r.l.		IT	**2,400**
2	Getzner Textil AG		AT	**1,849**
3	Buena Vista Modevertriebs GmbH & Co. KG	DE		**1,162**
4	The House of Art GmbH	DE		**896**
5	Albani Group GmbH & Co. KG	DE		**550**
6	AstorMueller AG		CH	**509**
7	OLYMP Bezner KG	DE		**448**
8	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbH & Co. KG	DE		**443**
9	LUNATIVE LABORATORIES GmbH	DE		**430**
10	Betty Barclay GmbH & Co. KG	DE		**426**
11	CB stone-tec GmbH	DE		**394**
12	Goebel Porzellan GmbH	DE		**390**
13	Vera Mont GmbH & Co. KG	DE		**389**
14	VOLKSWAGEN AG	DE		**381**
15	Bastei Lübbe AG	DE		**368**
16	BRE-Light GmbH	DE		**349**
17	PHOENIX CONTACT GmbH & Co. KG	DE		**347**
18	SHOE CONZEPT Handels GmbH	DE		**339**
19	Innostyle-Möbelvertriebs GmbH &CO. KG	DE		**304**
20	GRADA-TEXTIL GmbH	DE		**300**
21	Gil Bret GmbH & Co. KG	DE		**279**
22	Think Schuhwerk GmbH		AT	**265**
23	SKP Italian Style GmbH & Co. KG	DE		**262**
24	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		**254**
25	Wolf Möbel GmbH & Co. KG	DE		**253**
26	Nova Via Polstermöbel GmbH	DE		**228**
27	Hartmann Grundbesitz GmbH & Co KG	DE		**220**
28	Cosmocon International Ltd.		HK	**217**
29	InnoTex Merkel & Rau GmbH	DE		**213**
30	DS Produkte GmbH	DE		**207**
31	North Group Germany GmbH	DE		**200**
32	Knopf-Schäfer GmbH	DE		**199**
33	Brand Masters GmbH	DE		**188**
34	Kastanienbaum GmbH	DE		**186**
35	Gollnest & Kiesel GmbH & Co. KG	DE		**179**
36	Koinor Polstermöbel GmbH & Co. KG	DE		**174**
37	SEW-EURODRIVE GmbH & Co KG	DE		**164**
38	BEEM Blitz-Elektro-Erzeugnisse Manufaktur Handels-GmbH	DE		**145**
39	K+W Polstermöbel GmbH + Co. KG	DE		**144**
40	L-Conzept GmbH & Co. KG	DE		**143**
40	Paul Green GmbH		AT	**143**
42	Himolla Polstermöbel GmbH	DE		**137**
42	LIGNUM Holding GmbH	DE		**137**
44	Alfons Venjakob GmbH & Co. KG	DE		**132**
44	JOB-Jockenhöfer Order Börse GmbH	DE		**132**
46	hülsta-werke Hüls GmbH & Co. KG	DE		**121**
47	Bumblebee Retail UG (haftungsbeschränkt)	DE		**120**
48	CASAMODA Heinrich Katt GmbH & Co. KG	DE		**118**
49	Gräf Granit GmbH	DE		**115**
50	Christian Locker GmbH	DE		**108**

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	
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
2015	3	2	3	2	0

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

6. Patent attorneys and representatives

Year	Patent attorneys[1]			Foreign patent attorneys who are members of the German chamber of patent attorneys (Sec. 154a Patent Attorney Code *[Patentanwaltsordnung]*)[1, 2]	Patent attorney companies[1, 2]
	Entered in register	Cancellations	Registered at the end of the year		
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
2015	158	59	3,543	19	17

[1] Figures from 2010 supplied courtesy of the German chamber of patent attorneys / [2] Figures not available prior to 2010

Year	Qualifying examination		General powers of attorney		
	Number of examinees	Succesful candidates	entered in the register	cancelled	registered at the end of the year
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
2015	157	150	733	105	32,120

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

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

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

Opening hours of the enquiry unit

Monday through Thursday	8:00 a.m. to 4:00 p.m.
Friday	8:00 a.m. to 2:00 p.m.

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

Opening hours of the enquiry unit

Monday through Thursday	7:30 a.m. to 3:30 p.m.
Friday	7:30 a.m. to 2:00 p.m.

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

Opening hours of the enquiry unit

Monday through Thursday	9:00 a.m. to 3:30 p.m.
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Munich search room

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E-mail	**datenbanken@dpma.de**

↗ Questions concerning DPMA**direkt**

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

↗ Press and public relations

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E-mail	**presse@dpma.de**

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↗ Data protection at the DPMA

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↗ Patent information centres

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President
Cornelia Rudloff-Schäffer



Vice-President
Günther Schmitz

A detailed organisation chart is available at **www.dpma.de/english**



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Dr Christel Schuster

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- Mechanical Technology
- Patent Administration



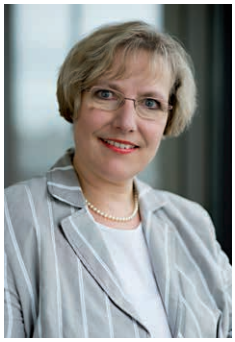
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- Internal Information Services
- IT Operation and IT User Support
- Planning and Development
- Technical Information Centre Berlin



Department 3 Trade Marks and Designs
Barbara Preißner

- Trade Marks
- Designs



Department 4 Administration and Law
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