German Patent
and Trade Mark Office

Annual Report 2016



At a glance

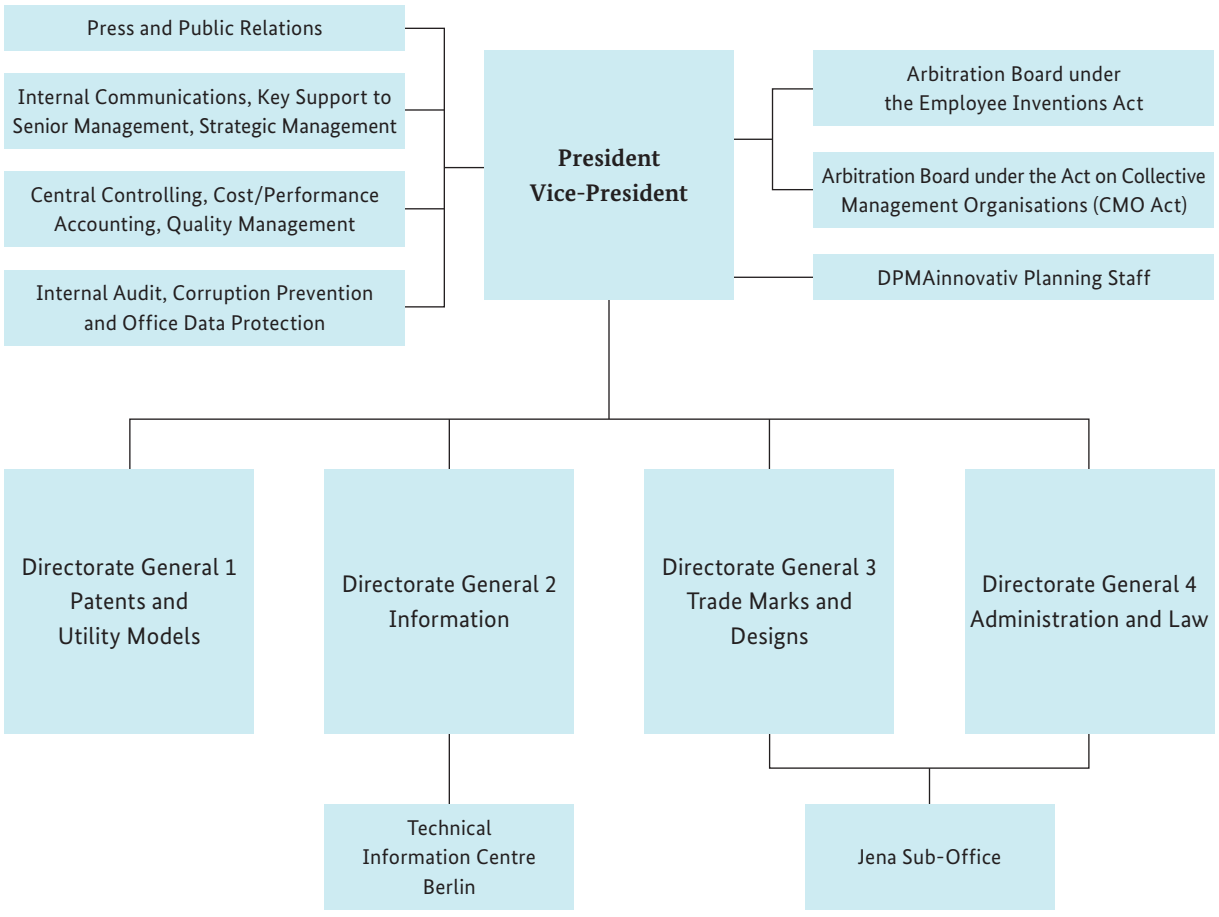
Industrial property rights		2015	2016	Changes in %
Patents	Applications [1]	66,897	67,898	+ 1.5
	Examination procedures concluded	33,495	35,673	+ 6.5
	- published decisions to grant a patent	14,795	15,652	+ 5.8
	Patents in force at the end of the year [2]	129,550	129,511	- 0.0
Trade marks	Applications (national and international)	73,479	72,807	- 0.9
National marks	Applications	68,951	69,340	+ 0.6
	Registration procedures concluded	65,723	75,501	+ 14.9
	- with registration	46,526	52,194	+ 12.2
	Trade marks in force at the end of the year	797,317	804,618	+ 0.9
International marks	Requests for grant of protection in Germany	4,528	3,467	- 23.4
	Grants of protection	3,743	3,426	- 8.5
Utility models	Applications	14,274	14,024	- 1.8
	Registration procedures concluded	14,199	14,324	+ 0.9
	- with registration	12,256	12,441	+ 1.5
	Utility models in force at the end of the year	85,162	83,183	- 2.3
Designs	Designs applied for	57,741	54,588	- 5.5
	Registration procedures concluded	54,417	52,966	- 2.7
	- with registration	50,765	49,113	- 3.3
	Registered designs in force at the end of the year	313,696	313,296	- 0.1

[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 615,404 patents were valid in Germany in 2016.

Budget of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)	**2015**	**2016**	**Changes in %**
Income	381.0	394.4	+ 3.5
Expenditure	257.7	272.9	+ 5.9
including personnel	147.1	151.9	+ 3.3

Personnel of the German Patent and Trade Mark Office			
Staff	2,533	2,584	+ 2.0



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The German Patent and Trade Mark Office: your centre of expertise for powerful IP rights

The German Patent and Trade Mark Office (DPMA) belongs to the portfolio of the Federal Ministry of Justice and Consumer Protection and is the German centre of expertise in the field of industrial property protection. We grant patents and register trade marks, utility models as well as designs: these are industrial property rights that we also manage. Our statutory duty includes information of the public about patents, trade marks, etc.

We have more than 2,500 staff at four locations in Germany:

Munich	DPMA headquarters including senior management of the DPMA, administration as well as patent, trade mark and utility model divisions
Jena	another trade mark division, the design division as well as administrative units
Berlin	Technical Information Centre
Hauzenberg	Customer Care and Services among other things

Patents and Utility Models (Directorate General 1)

More than 800 staff from all fields of technology and science work as patent examiners in the five clusters of Directorate General 1 (Mechanical Engineering, Mechanical Technology, Electrical Engineering, Chemistry and Physics). They assess the patentability of inventions described in the applications, grant patents and deal with oppositions. Directorate General 1 is also responsible for patent administration as well as for all procedures in the field of utility models and topographies.

Information (Directorate General 2)

The staff of Directorate General 2 provide information to the public about industrial property rights and the individual steps of the application procedure for patents, utility models, trade marks and designs. They manage and update our databases and provide search support to users. The duties also include responsibility for the German patent information centres.

Our library with approximately one million publications about science, technology and industrial property rights as well as more than 71 million patent documents is among the largest scientific libraries in Germany. Our customers are free to use our library for searches. **DPMAprimo**, our search portal for non-patent literature, can be used to search in the DPMA's stock of literature as well as, additionally, more than 600 million publications not licensed in full text through one interface.

The staff of Directorate General 2 are also responsible for the operation and further development of all of the DPMA's IT systems. This includes the IT systems for e-filing and electronic processing of applications and other documents in IP procedures among other things.

Trade Marks and Designs (Directorate General 3)

In the trade mark area, the staff examine national trade mark applications and enter them into the Trade Mark Register if the requirements are met. Furthermore, they deal with oppositions by third parties against trade mark registrations and decide in trade mark cancellation proceedings. They also have a number of duties in procedures relating to the international registration of trade marks. The design area carries out examination of applications, management of registered designs and decides on applications for determination or declaration of invalidity.

Administration and Law (Directorate General 4)

The staff of Directorate General 4 primarily manage typical administrative tasks. This includes, for example, processing of personnel, budget and legal affairs, facility management and organisation of administrative procedures. Directorate General 4 is also responsible for the DPMA's international relations and cooperation, for matters concerning patent attorneys and other agents as well as for the supervision of collective management organisations under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*).



Dear Reader,

This Annual Report will give you varied insights into the duties of our office and provide a look back at the events of the past year in the field of industrial property protection: legal reforms and procedural improvements, optimisation of services and strategic planning, groundbreaking court rulings and memorable anniversaries, projects and organisation plans – the year 2016 presented numerous challenges to our office and its 2,584 staff. Even though, in our modern times, this word tends to be used as a euphemism for problems: whether challenges or problems, in the end, it is all about motivation. At any rate, we are happy that, due to the high motivation and the constant commitment of our staff, we can speak of challenges when we look back at 2016. Because challenges can be overcome, as is generally known, above all, by team effort and joint support. Given the work results, it makes us glad and grateful to our colleagues that our office was again successful, in 2016, in meeting the challenges posed, in jointly developing optimal solutions and also in implementing them, in many cases.

The German Patent and Trade Mark Office (DPMA) achieved exceedingly good results for 2016: patent grants as well as trade mark registrations reached record highs. On an average working day in 2016, the DPMA examiners completed more than 140 patent procedures and over 300 trade mark procedures. In all IP areas, the proportion of online applications, that means applications filed electronically with our office, increased compared to the previous year. Evidently, our e-services have gained broad acceptance among our customers. That is reason enough to further expand them. In the chapter "IT developments and e-services" you will learn about what we did to achieve this in 2016 and what was implemented.

Other chapters are dedicated to the types of IP protection with the specific developments in the reporting year as well as the various fields of activity of our office. When writing the texts, the authors always kept the interests of our customers in mind. The annual report, whether printed or electronic, is intended to offer our customers fast access to the required information.

Under various headings, for example, "IN FOCUS" or "BRIEFLY EXPLAINED", selected topics, which we also want to cover, are presented to you: autonomous driving, reform of trade mark law, IT service continuity management and much more. Let us surprise you with the wealth of interesting information that we have compiled for you!

Holders of IP rights, universities or enterprises with a patent or trade mark portfolio, who want to reap the economic benefits of innovative research and development work, cannot do without an IP strategy. Defining strategic goals, determining the relevant fields of action and prioritising operational measures have long been a matter of course also for those holding a responsible management position in a modern public authority. For the DPMA, our "strategic guiding principle" can be expressed in one sentence: as an examining office, we support the innovation capacity and creativity of industry and take an outstanding position in the international IP system. Our vision of **DPMA2020** is based on this principle, which proves that we are attaching great importance to the high quality of our services and products, to the dialogue with our customers and to our active role in creating a future-oriented IP system at the European and international level.

Much of the content of our annual report 2016 is related to this context and shows the progress in our strategic development process. There is an exciting future ahead!

We hope you will find this Annual Report an interesting and entertaining read.

Yours sincerely,

Cornelia Rudloff-Schäffer
President
German Patent and Trade Mark Office

Günther Schmitz
Vice-President
German Patent and Trade Mark Office



Patents

To ensure that your invention remains your property

Companies, universities and institutions but, of course, also individual inventors: our customers have a great interest in protecting their technical solutions from being used without authorisation and copied. Every granted patent protects an innovative idea, but at the same time, when it is published, it creates an incentive for further technical innovations. In 2016, another substantial increase in patent applications has continued this positive development. In this chapter, we provide detailed information on the 2016 annual figures in the patent area.

Autonomous driving is among the current topics, which we prepared for you in this Annual Report: it is “BRIEFLY EXPLAINED” to you by our experts on page 11. And on page 12, we look back at the innovations by the company founder, Carl Zeiss, whose 200th anniversary was celebrated in 2016. As in the previous years, selected technical fields of automotive technology and renewable energy are “IN FOCUS” in this Annual Report. Starting on page 13, we deal with the latest trends in this highly innovative field.

Ingenious insights in his exciting work are provided by our Director General for Patents and Utility Models, Günter Hubert, in our interview starting on page 16.

Detailed information on patent protection – also at the European and international level – as well as on search options is available in our “Patents” information brochure and on our website.

www.dpma.de/english

Development of patent applications

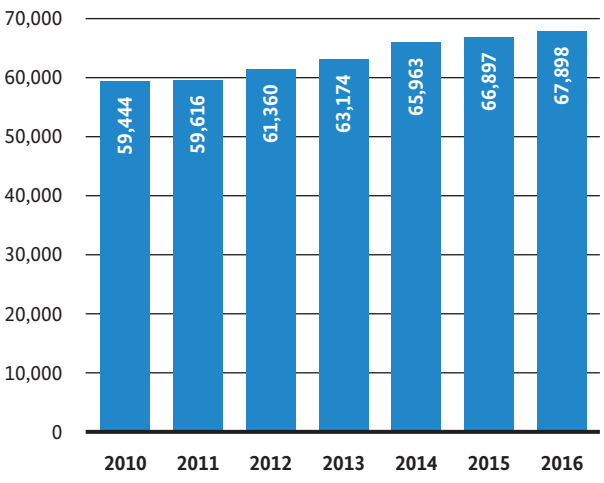
With an increase of 1.5% compared to the previous year, the German Patent and Trade Mark Office (DPMA) again recorded a notably high number of 67,898 patent applications in total in 2016. The innovation strength of enterprises as well as individual inventors shows no sign of waning and is reflected by this new record high.

Compared to the updated figure of 66,897 applications of 2015, the number of applications filed with our office increased by 1,001 applications in 2016. This confirms that inventors continue to attach great importance to legal protection for their intellectual property. See figure 1 for the development of filing figures from 2010 to 2016.

Of all applications, 61,573 were filed directly with our office and 6,325 applications entered the national phase at our office under the Patent Cooperation Treaty (PCT). There was again a rise in electronic applications in the area of patents. In 2016, 77.5% of the direct applications reached us in this comfortable way; in the previous year the proportion was 75.2%.

More data on patent applications are provided in table 1.1 in the chapter “Statistics” on page 87. Please also note the explanations on our statistical data.

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)



Origin of patent applications

Table 1 gives an overview of the countries of origin of the patent applications received in 2016. The numbers shown are the sums of the DPMA direct applications and the PCT applications which entered the national phase at our office.

The applications filed by individuals and enterprises having a residence or principal place of business in Germany grew again slightly in 2016. As against 2015, their number rose from 47,388 to 48,474 applications, which is 71.4% of all applications. Applications from abroad dropped slightly by 0.4% to 19,424 applications. Applications filed by individuals and enterprises having their residence or principal place of business abroad now account for 28.6%. While applications from the USA fell slightly by 4.7%, applicants from Japan, the Netherlands and Switzerland, in particular, further increased their filing activity in Germany. Japan stepped up its filing activity by 6.5% , Switzerland by 7.2% and the Netherlands by as much as 26.7% over the previous year. For an overview on filings, please see the chapter “Statistics” on pages 87 and 89.

	Applications	Percentage
Germany	48,474	71.4
Japan	6,839	10.1
USA	5,858	8.6
Republic of Korea	1,203	1.8
Austria	976	1.4
Switzerland	951	1.4
Taiwan	598	0.9
China	552	0.8
Others	2,447	3.6
Total	**67,898**	**100**

Table 1
Patent applications at the German Patent and Trade Mark Office in 2016 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 2016, German companies and inventors filed for 48,474 patents with our 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 15,867 patent applications (+ 3.4%), Bavaria came top of the list as in the past years. As before, Baden-Württemberg came in second with 14,374 applications (+ 1.1%). With an increase of 2.8% over the previous year, North Rhine-Westphalia ranked third. As in the past years, more than three-quarters of all German applications again came from these three *Länder*.

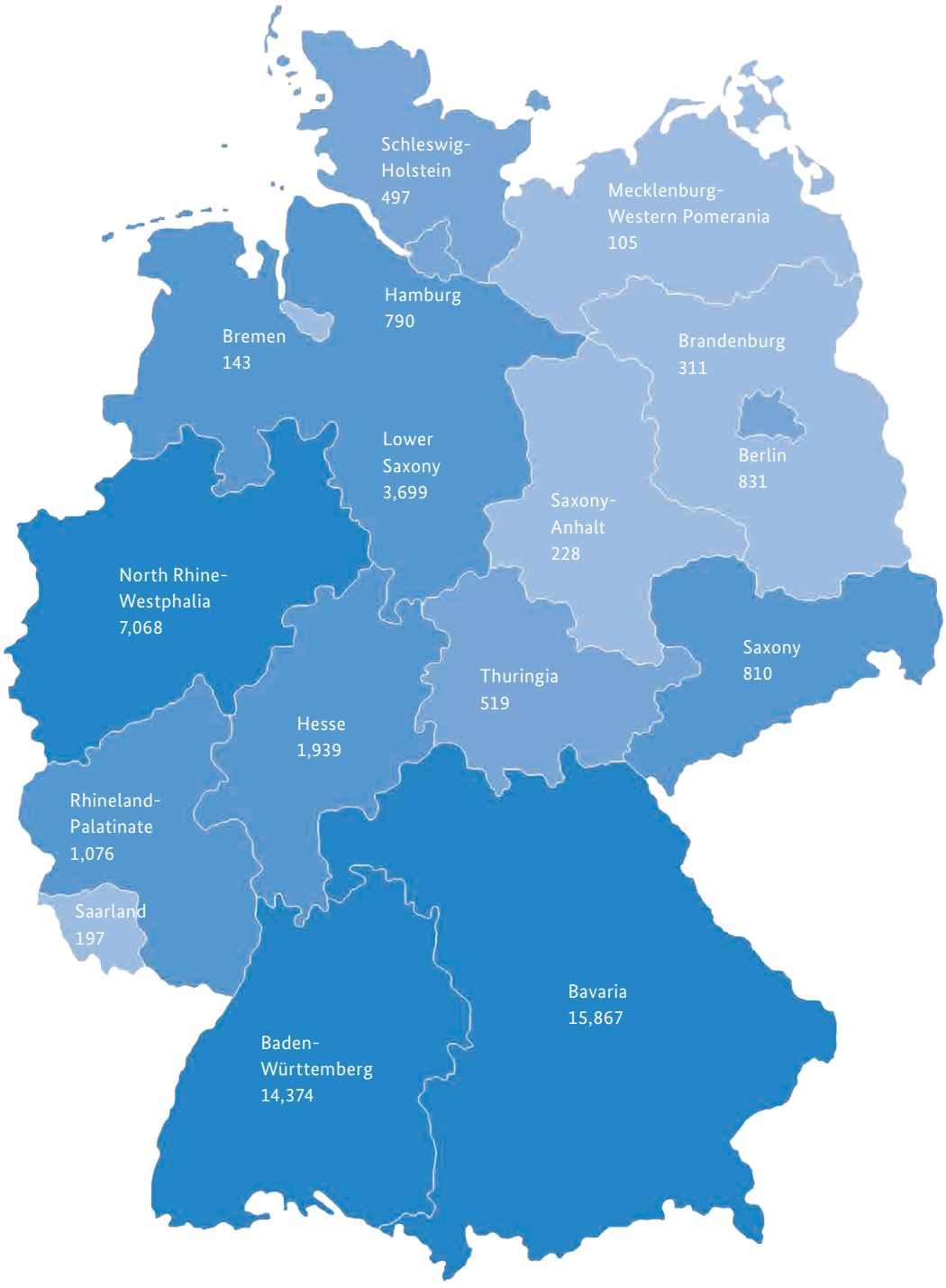


Figure 2
Patent applications by German *Länder* in 2016

With 1,076 patent applications, Rhineland-Palatinate increased its filing activity by 14.7% and showed the largest growth of all German *Länder* in 2016. It was followed close behind by Saxony-Anhalt with an increase of 14.0% (228). For a comparison of the 2015 and 2016 data as well as time series covering the preceding years, please refer to tables 1.5 and 1.6 in the chapter "Statistics".

However, the filing figures in absolute terms do not reveal how innovative the populations of the individual *Länder* of different sizes really are. For this purpose, it is common and more informative to assess the number of applications in relation to the size of the population of each German *Land*: on average, 59 patent applications were filed per 100,000 inhabitants in the Federal Republic

Table 2
The 25 most active companies and institutions at the German Patent and Trade Mark Office (number of DPMA direct applications filed in 2016)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**3,693**
2	Schaeffler Technologies AG & Co. KG	DE		**2,316**
3	Daimler AG	DE		**1,946**
4	Ford Global Technologies, LLC		US	**1,790**
5	Bayerische Motoren Werke AG	DE		**1,757**
6	VOLKSWAGEN AG	DE		**1,252**
7	AUDI AG	DE		**1,113**
8	Siemens AG	DE		**1,059**
9	ZF Friedrichshafen AG	DE		**1,034**
10	GM Global Technology Operations LLC		US	**973**
11	Toyota Jidosha K.K.		JP	**571**
12	Continental Automotive GmbH	DE		**565**
13	Infineon Technologies AG	DE		**562**
14	Hyundai Motor Company		KR	**529**
15	BSH Hausgeräte GmbH	DE		**507**
16	Dr. Ing. h.c. F. Porsche AG	DE		**503**
17	FANUC Corporation		JP	**472**
18	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**467**
19	Miele & Cie. KG	DE		**355**
20	Siemens Healthcare GmbH	DE		**350**
21	DENSO Corporation		JP	**342**
22	MAHLE International GmbH	DE		**291**
23	Henkel AG & Co. KGaA	DE		**290**
24	Continental Teves AG & Co. oHG	DE		**287**
25	OSRAM Opto Semiconductors GmbH	DE		**246**

of Germany in 2016. With 132 applications per 100,000 inhabitants, Baden-Württemberg was clearly in the lead, followed by Bavaria with 124 applications per 100,000 inhabitants. Lower Saxony came third with 47 applications per 100,000 inhabitants, followed by Hamburg, ranking fourth, with 44 applications per 100,000 inhabitants. All other German *Länder* are even further below the average.

The most active companies and institutions

The national and foreign companies and institutions that file very many applications in the German patent market are listed in table 2 on page 7. This table shows the patent applications received at our office in 2016 from the 25 most active companies and institutions. The individual companies and institutions are shown here in the form in which they are recorded as patent applicants. Possible interlinking of business enterprises is not taken into consideration in this list.

With 3,693 applications, Robert Bosch GmbH was again top of the list in 2016 with a clear lead. Schaeffler Technologies AG & Co. KG followed in second place with 2,316 applications, Daimler AG and Ford Global Technologies LLC ranked third and fourth. BMW AG (+ 22.4%) and also the Japanese FANUC Corporation (+ 20.1%) substantially increased their filing activity. We received more than 400 new applications from *Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.* in 2016, which is an increase of 15.9% over the previous year. Continental Teves AG & Co. oHG as well as ZF Friedrichshafen AG stepped up their filing figures by about 11%, whereas General Electric was no longer among the 25 most active companies and institutions in 2016.

Inventor and applicant

With 68.2%, the proportion of applications filed with our office by a small group of applicants – mostly large enterprises which filed more than ten applications each – slightly increased in 2016 (2015: 67.3%). In 2016, this group with very high filing activity made up only 4.3% of all applicants. This number remained almost unchanged compared to the previous year (4.4%), see table 1.9 in the chapter “Statistics” on page 90.

The inventor must be named in a patent application in addition to the applicant. This transparently shows in how many cases the applicant is identical with the inventor in these two categories. If an enterprise applies for a patent, applicant and inventor are not identical. However, if applications are filed by independent inventors or employees with released inventions, applicant and inventor are usually identical in these two categories.

That way, it is possible to gain information on the patent strength of private inventors: table 3 shows that, in 2016, 5.7% of the patent applications came from the respective inventors themselves. For applications from Germany, the proportion was 6.8% and for foreign applications 2.0%. The number of individual inventors has continued to drop for many years.

Applications filed by universities

In 2016, we received 670 inventions by German universities, which applied for a patent in their own name at our office. Here, we observed a slight drop from the previous year. Table 1.8 in the chapter “Statistics” on page 90 shows how active the universities of the individual *Länder* are in filing for patents.

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	2010	2011	2012	2013	2014	2015	2016
National	10.3	9.0	8.2	7.9	7.7	7.1	6.8
Foreign	3.5	2.8	2.6	2.2	2.3	2.0	2.0
Total	**9.2**	**7.9**	**7.1**	**6.8**	**6.6**	**5.9**	**5.7**

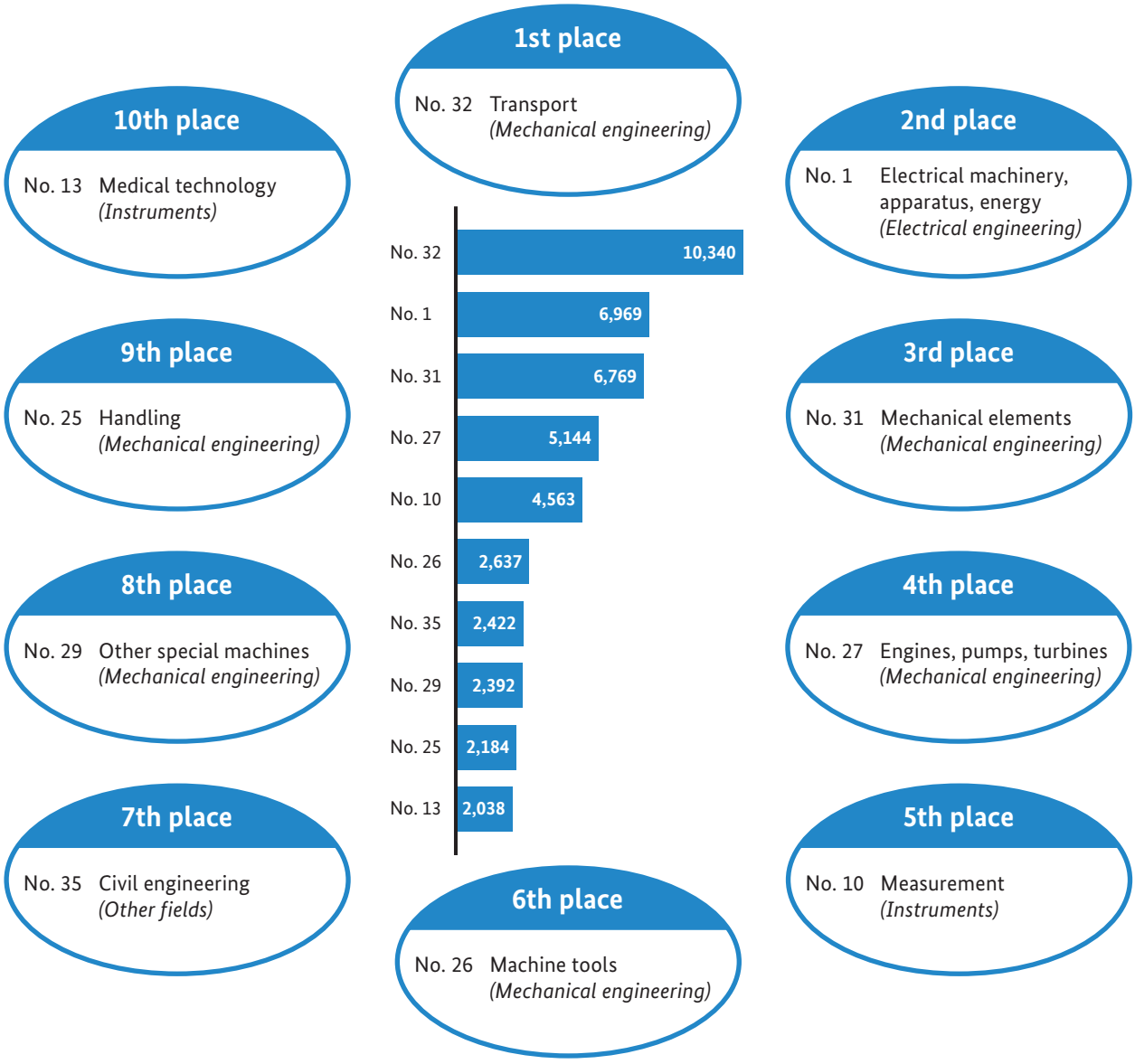
Main technical areas of patent activity

The International Patent Classification (IPC) classifies technological fields. By means of a number-and-letter code, the IPC organises all fields of technology in more than 70,000 units. Based on the extensive code of the IPC, the World Intellectual Property Organization (WIPO) has meanwhile developed a clearer and more systematic structure of the different fields of technology. This list, which is referred to as WIPO IPC technology concordance table, consists of 35 technology fields in total and covers all IPC codes. An overview on the leading fields in the past few years is available in the chapter "Statistics" on page 91. The WIPO IPC technology concordance table is available on the Internet at

www.wipo.int/ipstats/en/index.html#resources

In 2016, transport (10,340 applications) in the sector mechanical engineering led the ranking of the main technical areas of patent activity, followed by electrical machinery, apparatus, energy in the sector electrical engineering (6,969 applications). Mechanical elements (6,769 applications) ranked third, medical technology (2,038 applications) ranked tenth.

Figure 3
Patent applications in 2016 by top technology fields in terms of number of applications[1]



[1] according to the WIPO IPC technology concordance table

Selected data on patent examination

There is still great demand for patents. Against the previous year's 44,667, the number of examination requests increased to 45,447 (+ 1.7%) in 2016. A positive trend, which we also noted for the number of search requests (+ 9.2%) pursuant to Section 43 of the Patent Act (*Patentgesetz*). There was a slight growth by 5.3% in the number of "isolated searches" carried out pursuant to Section 43 of the Patent Act. In 2016, a total of 35,673 patent examination procedures were concluded, 6.5% more than in the previous year. We will continue to strive to constantly 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 chapter "Statistics" on page 87.

Patent applications in the examination procedure

In total, 44,195 examination procedures were opened with legal effect in 2016. Thus, we achieved a slight increase of 0.9% over the previous year. The examining section conducts a thorough and comprehensive search to identify the state of the art relevant for the application. Then, by making a detailed assessment of the state of the art, they determine whether the subject matter of the application is new to a person skilled in the art, whether it is based on an inventive step and whether the invention is disclosed in a manner that allows it to be carried out and whether it is susceptible of industrial application. Finally, the examining section decides on the grant of the patent or the rejection of the application.

In 2016, of the 35,673 patent examination procedures concluded, 15,652 resulted in patent grants (43.9% of the applications), which is a rise of 5.8% in patent grants compared to the previous year. Examination procedures concluded due to withdrawal by the applicant or due to non-payment of fees amounted to 11,799 and 18.6% of the applications (8,222 applications) were rejected in 2016.

Appeal proceedings at the Federal Patent Court

The twelve Technical Boards of Appeal of the Federal Patent Court have jurisdiction, among other things, for rulings on appeals against decisions of the examining sections of the DPMA (rejection of a patent application or grant of a patent). In 2016, 461 appeal proceedings were received by the Technical Boards of Appeal of the Federal Patent Court, a 7.2% increase over the previous year. Appeal proceedings brought to conclusion before the Technical Boards of Appeal of the Federal Patent Court amounted to 595 – a drop of 9.4% over 2015. At the end of 2016, 1,108 appeal proceedings were still pending at the court.

Table 4
Selected data on patent procedures

Year	2010	2011	2012	2013	2014	2015	2016
Requests for examination	36,646	35,158	38,426	40,297	43,369	44,667	45,447
– including requests filed together with applications	22,428	23,415	23,337	24,354	24,506	25,682	26,337
Search requests pursuant to Sec. 43 Patent Act	10,202	11,035	11,748	11,972	13,727	13,596	14,847
Concluded searches pursuant to Sec. 43 Patent Act	10,481	10,759	11,642	12,150	12,100	12,619	13,286
Examination procedures concluded (final)	32,441	25,935	31,116	32,999	34,979	33,495	35,673
Examination procedures not yet concluded in the patent divisions at end of year	148,860	160,303	167,279	174,052	182,072	192,537	201,718

BRIEFLY EXPLAINED
Autonomous driving

"Autonomous driving" means the target-oriented self-driving of a vehicle in real traffic without the intervention of a human driver. Such a vehicle can perceive its surroundings by means of various sensors and use the information gained to determine its own position as well as the positions of other road users. The vehicle then reacts through algorithms and actions linked to them – without the intervention of a human driver.

The three levels of automation

The German Association of the Automotive Industry (VDA) distinguishes three levels with respect to self-driving cars:

- **Partially automated driving** is a reality today: the driver must constantly monitor the assistance systems, for example, the lane departure warning system, and continue to actively participate in driving.
- **Highly automated driving** is aimed at further relieving the driver of some of the driving tasks. The system or rather the vehicle warns the human driver in good time when it cannot react on its own and the human driver has to intervene.
- **Fully automated or autonomous driving** corresponds to what is widely understood as an autopilot. The driver could also sit in the backseat.

State of development

Today, many available vehicle safety and driving assistance systems, such as ABS (antilock braking system), ESP (electronic stability program) or ACC (adaptive cruise control) have already gained wide acceptance as driving aids in road traffic. They provide stability in critical situations or automatically maintain a safe distance from the vehicle ahead. However, to achieve this, the respective system must register the spatial area in all directions. It receives the data and information of different sensors such as radar, cameras or ultrasound to obtain as complete a picture as possible of the surroundings in real time.

Currently, many of the big car manufacturers worldwide are investing in the development of self-driving cars. They are constantly improving, for example, the performance of sensors and the data processing of control devices.

In spite of that, autonomous driving is still a long way off. Some test vehicles already have a feature available that is called highway pilot. In such a car, the driver can lean back and relax during the journey and does not have to intervene. However, if you are not on the move in such a test vehicle, you are currently neither able nor allowed to travel on the motorways in this manner – the statutory framework has to be adapted first.

Statutory framework

Autonomous driving is a dream that does not only occupy the thoughts of car manufacturers but also arouses the interest of legal experts because traffic law, too, has to keep pace with technology.

Under the current legal situation, the driver alone is responsible for the vehicle. This is based on an international treaty: the "Vienna Convention on Road Traffic" of 1968, which is aimed at making road traffic safer by standardising traffic regulations. However, as early as 2014, the United Nations took a first step and amended the Vienna Convention: for the first time, it allows vehicle systems which influence the way vehicles are driven. This means technical systems that assist the driver, such as driver assistance systems or automated driving functions. These must either be in conformity with the relevant United Nations technical regulations or must be designed in a way that they can be overridden or switched off any time by the driver. This amendment came into force for the Federal Republic of Germany on 23 March 2016.

Mobility of the future

Thus, autonomous driving is an inseparable part of the mobility of the future since it offers many advantages: more comfort, less stress, less fuel consumption, optimised traffic flow and the potential of better road safety. This mobility of the future is also made possible by respective innovations from Germany: several studies highlighting patent applications on autonomous driving in 2016 found that, in the last few years, German applicants, including car makers and parts suppliers, came top with regard to applications as well as patent portfolios by international comparison.

200 YEARS AGO: ON THE BICENTENARY OF THE BIRTH OF CARL ZEISS

A pioneer of scientific and technological cooperation

Carl Friedrich Zeiss (1816–1888) had developed a lively interest in technical and physical questions from earliest childhood. At the age of 17, he finally entered into an apprenticeship with Friedrich Körner (1778–1847), a court mechanic and private lecturer at the University of Jena. At the same time, he also attended science lectures there.

After the successful completion of his apprenticeship in 1838, Zeiss spent seven years travelling around with stops in Stuttgart, Darmstadt, Berlin and a sojourn in Vienna, where he attended lectures in popular mechanics at the Imperial and Royal Polytechnic Institute, today's Vienna University of Technology. There he passed his final examination with distinction.

In 1845, Zeiss returned to his hometown Weimar, where he wanted to open his own mechanics workshop. Since he was unable to obtain a licence for this project, he initially returned to Jena as a student in November 1845 and there he applied for a licence to set up an "atelier for mechanics" at the grand ducal provincial headquarters, in May 1846. One of the documents Zeiss attached to his application for a licence was a recommendation of the botanist, Professor Matthias Schleiden (1804–1881). Schleiden's most important research instrument for studying the structure of plant cells was the microscope. The scientist hoped to fill the talented and ambitious Zeiss with enthusiasm about improving the microscope.

Zeiss's application was successful: on 17 November 1846, Carl Zeiss opened a small workshop for precision mechanics and optics in Jena, thus laying the foundation for today's technology enterprise ZEISS, which is active worldwide.

At first, Carl Zeiss alone built and repaired all types of chemical and physical instruments and devices. Soon, however, he transferred the focus to the production of microscopes. Business was doing so well that he was able to employ his first assistant in the spring of 1847 and move into a larger workshop in July 1847.

Right from the beginning, Zeiss attached importance to a high level of quality and precision: when a microscope did not meet his high requirements, he took a hammer and smashed it with his own hand, on an anvil. Within 19 years, until 1866, Zeiss's company produced 1,000 microscopes. During that period, the number of staff increased to 20. Despite these successes, Zeiss remained sceptical because he was dissatisfied with the methods of optical manufacturing.



Early simple microscope as produced by Carl Zeiss, from 1847

At an early stage, he distanced himself from the then usual method of "trying". Without any theoretical basis, opticians often used to pick the suitable lenses from hundreds of lenses and, with individual craftsmanship, assembled them to build a microscope. In contrast to this method, Zeiss aimed at placing the construction of microscopes on a purely scientific foundation.

In 1866, he therefore began an intensive collaboration with the physicist Ernst Abbe (1840–1905), who had conducted experiments at Zeiss's workshop at an earlier date. In September 1871, Abbe finally presented the construction plan for a powerful water immersion objective and in 1872, the company began to base the production of all microscope lenses on Abbe's calculations. This allowed the company, in which Abbe became a partner in 1875, to secure a leading position in the global market and to rise to become a big enterprise in the optical industry. Until his 68th year, Zeiss continued to work in the company and was able to join in the great festivities celebrating the 10,000th microscope produced, in 1886.

It is beyond doubt that the great discoveries of science in zoology, botany and medicine would not have been conceivable without the progress in the optical industry – to which Carl Zeiss made an essential contribution.

IN FOCUS
Selected fields of technology

Automotive technology

With more than 10,300 applications, the field of technology no. 32, transport, in the sector mechanical engineering led the ranking of the main technical areas of patent activity in 2016. This is a 3.9% increase against 2015. The major part of these patent applications continued to come from large enterprises of the automotive industry and internationally active component suppliers. Table 1.11 in the chapter "Statistics" shows our analysis of national patent applications by main technical areas of patent activity (according to the WIPO IPC technology concordance table).

Internal combustion engine

Compared to the previous year, the number of patent applications in the area of internal combustion engines slightly increased again by 5.2%, in 2016. Roughly 43% of the applications, which is the largest proportion in this field, are accounted for by Germany. However, applicants from the USA and Japan are very strongly represented and jointly account for about 42% of the applications.

The main focus of the development is, above all, on operationally optimised and cost-optimised combustion engines but also on the environmentally compliant designs of injection systems to deliver fuel directly into the combustion chamber of the engine. A large proportion of patent applications, unchanged from the previous year, deal with cutting fuel consumption and CO_2 emissions of combustion engines: increasingly stringent exhaust-emission regulations result in a very high activity of applicants in the field of exhaust technology of combustion engines. In this field, many applications concentrate on the area of urea-based SCR (Selective Catalytic Reduction), the aftertreatment to effectively reduce nitrogen oxide emissions in the exhaust gas.

Hybrid drive

If different drive systems are combined in a motor vehicle, this is called a hybrid drive. Depending on requirements, the different drives are either used both together or alternately. The number of patent applications covering the various aspects of hybrid drives increased by 7.4% compared to the previous year. Above all, there was a substantial rise in the number of patent applications by companies located in Germany (+ 10.8%) and Japan (+ 16.9%).

The range of subjects of applications, filed in 2016, varied widely, with the majority of developers concentrating on anticipatory control systems as well as on the improvement of operational safety and driveability. In addition, applications play a great role that focus on how to optimise energy management and battery charging management for what is called plug-in hybrids, which can be plugged directly into the mains to recharge their energy stores. As in previous years, the applicants put special emphasis on the integration of additional information, for example, GPS data, elevation profiles of the driving route or traffic-related influences, to achieve an energetically optimised drive control.

Electric drive

In 2016, the number of applications for pure electric vehicles grew by a remarkable 19%. Above all, the number of patent applications of companies located in Germany (+ 46.5%) and Japan (+ 28.7%) rose substantially.

In this field, the development divisions of enterprises continued to concentrate on details regarding electricity storage technology. An increasing number of applications filed covered the simple, low-cost and compact arrangement of the electric motors: a highly efficient arrangement of the electric drive unit will provide improved driving comfort. Further important issues were the efficient cooling of the means of electric storage, how to arrange them in a weight-saving and space-optimised way as well as the improvement of crash safety. The great interest attached by developers to supercaps and recuperation, in the field of intelligent energy management, has remained unchanged: by means of sophisticated double-layer capacitors (super-capacitors) the control device determines, in the driving mode, whether the electric energy for the motor is supplied by the battery or the capacitor and where the electric energy is stored during braking or in the coasting mode for the recuperation of energy.

Table 5
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	2010	2011	2012	2013	2014	2015	2016
Germany	1,907	1,874	2,070	1,781	1,880	1,848	1,833
USA	515	694	696	651	788	785	830
Japan	771	690	759	892	817	813	984
Republic of Korea	41	56	91	100	95	133	152
France	136	83	107	123	113	109	108
China	3	4	10	8	13	15	13
Total	**3,633**	**3,646**	**4,039**	**3,889**	**4,019**	**4,092**	**4,305**

Hybrid drives [1, 3]

Country of origin/publication year	2010	2011	2012	2013	2014	2015	2016
Germany	695	814	930	1,091	1,153	1,000	1,108
USA	266	371	482	493	511	589	536
Japan	388	402	632	741	837	697	815
Republic of Korea	48	158	247	451	617	458	459
France	46	43	57	68	65	75	69
China	25	13	13	8	3	13	10
Total	**1,528**	**1,855**	**2,422**	**2,813**	**3,114**	**2,934**	**3,152**

Electric drives [1, 4]

Country of origin/publication year	2010	2011	2012	2013	2014	2015	2016
Germany	89	109	147	139	116	101	148
USA	32	38	50	64	50	71	73
Japan	27	51	114	112	135	94	121
Republic of Korea	0	7	15	20	32	49	41
France	4	18	27	21	31	24	24
China	0	3	0	3	2	1	8
Total	**163**	**249**	**389**	**404**	**411**	**392**	**467**

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

The number of patent applications in the field of renewable energy further decreased – as in the previous years (- 17.3%), which is probably owing to the reduction of government subsidies in recent years. The majority of applications, 68.7% in total, were again filed by applicants based abroad.

Solar energy

In 2016, 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. The development efforts focused on the production of long-life photovoltaic modules with an innovative electric connection between the solar cells: the aim is to improve the efficiency level of the module at low production costs. In 2016, a substantial proportion of applications was also filed in the field of solar cells with III-V compound semiconductors, which are used, for example, for space applications.

Wind energy

Compared to the previous year, there was a marked drop in applications for wind generators. In the light of more stringent nature conservation and emission regulations, a focus of developments was on processes to improve the efficiency of wind power plants. Furthermore, the development divisions of enterprises increasingly dealt with the production of rotor blades.

The number of applications in the field of other renewable energy sources fell slightly as against 2015. With respect to biogas plants, the applicants were still predominantly small innovative enterprises.

Table 6

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

	2010		2011		2012		2013		2014		2015		2016	
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]	290	485	329	646	280	753	254	665	175	547	166	391	118	331
Wind generators[5]	234	342	273	453	312	603	322	474	267	423	264	346	181	313
Hydro power, waves, tidal power[6]	40	57	51	88	35	71	31	75	25	68	16	51	14	65
Geothermal energy, biogas, other energy sources[7]	72	44	77	87	76	76	65	67	72	64	68	76	43	74
Total	**1,564**		**2,004**		**2,206**		**1,953**		**1,641**		**1,378**		**1,139**	

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

INTERVIEWS

Interview with Günter Hubert

Director General for Patents and Utility Models (Directorate General 1)



Mr Hubert, 2016 was the year of reorganisation for your Directorate General: the former Department 1/I (Patents I and Utility Models) as well as Department 1/II (Patents II) were reunited. At the same time, you were appointed Head of the new Directorate General 1. What was that time like for you?

In my view, the merger of the two Departments 1/I and 1/II as such does not constitute a drastic change because the management of "Patents I" had always been closely coordinated with that of "Patents II" in the past. Furthermore, the two departments were well positioned and therefore, as one might put it, what has belonged together anyway has grown together without any problems.

However, I was not only appointed the new Director General but I also received support by a newly-established management level: thus, the Directorate General 1 (Patents and Utility Models) was re-organised in this respect. It is true that, even before the reorganisation, the patent divisions were organised in five clusters according to subjects. But now, the new thing is that each cluster is headed by a Director and these together with me form the management of Directorate General 1. Each of these five persons has been assigned a bundle of horizontal tasks, which they carry out autonomously in the day-to-day business. With their technical backgrounds from the five clusters they ensure that their broad experience carries weight and that the concerns and interests of all subject areas are being considered and the expertise of all areas is being used in a very direct manner. Thus we benefit, to a greater extent than before, from a broad basis for taking decisions, which in turn ensures that they are of the highest possible quality.

The steadily increasing number of national patent applications is proof of great innovative power. Does this pose particular challenges to administration?

The number of applications has grown but also the number of search requests pursuant to Section 43 of the Patent Act (*Patentgesetz*). And the processing of the latter, in particular, takes considerably more time and effort than formerly due to the required preliminary assessment of patentability. Indeed, we are facing a number of administrative challenges: in many areas, the complexity of applications is rising due to interrelated technologies, and the state of the art that has to be taken into consideration is also becoming ever more complex.

The commitment and the expertise of staff and the best-possible training measures will continue to be essential.

We need sufficient staffing levels and qualified personnel to ensure that the level of procedures concluded will match the level of receipts.

The staff shortage in the patent examination area is among the further challenges, which the Directorate General 1 has to deal with at present. The target set is obvious: we need sufficient staffing levels and qualified personnel to ensure that the level of procedures concluded will match the level of receipts.

What targets do you set in this respect?

Against this backdrop we have to define adequate and achievable targets. As a classical office of first filing, we aim at continuing to provide our applicants with first office actions and first searches regarding new applications, to the maximum extent possible, well before the expiry of the priority year, while also ensuring the usual high quality level. At the same time, we must not cease in our efforts to conduct the pending procedures in a target-oriented way and to bring them as early as possible to an appropriate conclusion. In this context, I believe that a thorough and comprehensive first search or examination is an indispensable precondition for a target-oriented, early conclusion of the procedure.

How do you intend to achieve these goals? What do you need to achieve them?

For staffing levels that meet our needs, the budget legislator, the German *Bundestag*, first has to approve additional posts. This will hopefully happen in the medium term. In the meantime, the performance of services continues to essentially depend on the commitment and the expertise of staff and the best-possible training measures. I also greatly appreciate that the colleagues in the patent examination area are to a really very large extent willing to be flexible, even during times of great pressure, to leave well-trodden paths and to explore new approaches and targets.

Even small improvements, for example, the efficient new features of our **DEPATIS** search system and the planned introduction of a supplementary semantic search tool provide important and welcome support.

Let us have a look at the latest European IP developments: what expectations do you have with regard to what is referred to as the "unitary patent", that means the European patent with unitary effect?

The DPMA is watching and following the developments with great interest, but we are not worried about the future of national patents. We are absolutely convinced that, also in the future, our low-cost and high-quality national patent in the biggest market economy of the European Union will continue to be a much sought-after IP title. In our view, the provisions outlined in the current legislative project of the federal government are a valuable component for securing a productive coexistence of national patents and unitary patents.

In 2017, the DPMA will look back at 140 years of the patent system in Germany. Why do you find patents still exciting today?

The fundamental elements of the patent system have essentially remained unchanged. Continuously, new life has been breathed into the terms "technicity", "novelty" and "inventive step". For a long time, the patent has thus been able to successfully build bridges between uncharted technical territory and its legally protected exploitation. It is a pleasure to accompany every application part of this way, in a healthy and robustly positioned system of technical IP rights. The innovations developed as well as the legal developments triggered by them continue to make this exciting and interesting, every day anew.

Mr Hubert, thank you very much for this interview.



Utility models

The little, speedy brother of the patent

German patents granted by our office are regarded by their proprietors as “seals of quality” awarded to their inventions. Due to the examination requirements and our standards regarding patent quality for the patent procedure at the German Patent and Trade Mark Office (DPMA), however, examination of patent applications is time-consuming. This is different for utility models. We do not examine them with regard to the requirements of “novelty”, “inventive step” and “industrial applicability”. This allows you to protect your invention considerably faster – and also cheaper – than with a patent.

In this chapter, we will report about the most recent developments concerning application figures and cancellations of utility models at the DPMA.

By the way, utility models or rather utility model protection celebrated an anniversary in 2016: this IP right has existed in Germany for 125 years. If you are interested in its exciting history, you will find a small article about the anniversary on page 21 of this Annual Report or the twelve articles (in German) under

https://presse.dpma.de/schutzrechte/125-jahre-gebrauchsmusterschutz/index.html

We have compiled all you need to know about the topic of utility models in a brochure of this name and on our website.

www.dpma.de/english

Development of utility model applications

The decrease in filing numbers for utility models, which has already been visible in the past seven years, continued in 2016 but at a significantly lower pace. While 14,274 new applications were filed in the previous year, a total of 14,024 were received in 2016. In contrast, the number of applications split off from patent applications considerably increased to 1,720 (2015: 1,366). The Utility Model Unit entered 12,441 utility models into the Register, meaning that 88.7% of the applications led to registration (2015: 85.8%). Due to withdrawal of the application, refusal or other reasons, 1,883 applications were not registered.

The term of protection was extended for a total of 20,241 utility models in 2016 against payment of the maintenance fees – an increase compared to the preceding year's figure of 19,722. The opposite trend is seen with the number of the utility models lapsed, for example, due to non-renewal or expiry of the longest-possible term of protection, which sank to 14,437 in 2016 compared to the previous year's value of 14,650. At the end of 2016, our Register contained 83,183 utility models in force.

The development of the application figures since 2010 is shown in figure 4. More data on utility model applications are provided in the "Statistics" chapter beginning on page 93.

Origin of utility model applications

Non-resident applicants showed a continued great interest in German utility models in 2016. The proportional share of non-resident applications in the total number of utility model applications slightly increased from 27.4% (3,914 applications) in 2015 to 28.1% (3,938). With 2,594 applications, the overwhelming majority of non-resident applications came from non-European countries (2015: 2,477), while the number of European applications reduced to 1,344 (2015: 1,437).

The USA clearly extended its lead with 1,114 applications (2015: 870) and 7.9% of all applications. Taiwan followed with a share of 4.9% and the People's Republic of China with a share of 3.3%. Applicants from Austria accounted for 311 applications (2.2%); 291 applications (2.1%) were filed from Switzerland. In 2016, a strong proportional increase in applications compared to the preceding year was seen with the countries of origin Sweden (41.3%) and Italy (36.2%), see table 7.

In the same period, 10,086 applications were filed by resident applicants, which amount to 71.9% of all applications (2015: 72.6%).

Utility model applications by German *Länder*

As in the years before, North Rhine-Westphalia clearly ranks top out of the *Länder* with 2,642 applications, that is, 26.2% of all resident applications. Bavaria follows with

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

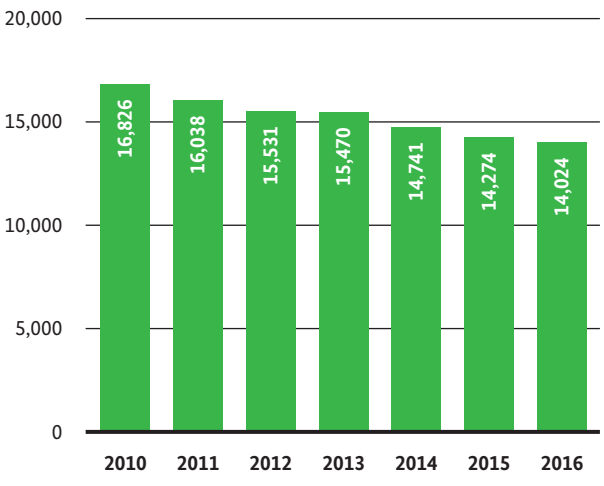


Table 7
Utility model applications at the German Patent and Trade Mark Office in 2016 by countries of origin

	Applications	Percentage
Germany	10,086	71.9
USA	1,114	7.9
Taiwan	682	4.9
China	461	3.3
Austria	311	2.2
Switzerland	291	2.1
Japan	139	1.0
Italy	128	0.9
Others	812	5.8
Total	**14,024**	**100**

2,283 applications (22.6%) and Baden-Württemberg with 1,872 applications (18.6%). However, if one compares the filing figures with the size of the population of each *Land*, Bavaria is again in the lead with 18 applications per 100,000 inhabitants, followed by Baden-Württemberg with 17 and North Rhine-Westphalia with 15 applications. For a complete overview of utility model applications by *Länder*, please see the "Statistics" chapter on pages 94 and 95.

Split-off option

Compared to the previous year, the number of applications split off from patent applications strongly increased by 354 to 1,720 in 2016. This means that, in 2016, the proportional share of split-off applications in the total number of utility model applications increased considerably to 12.3% (2015: 9.6%). These numbers prove that patent applicants increasingly use the application

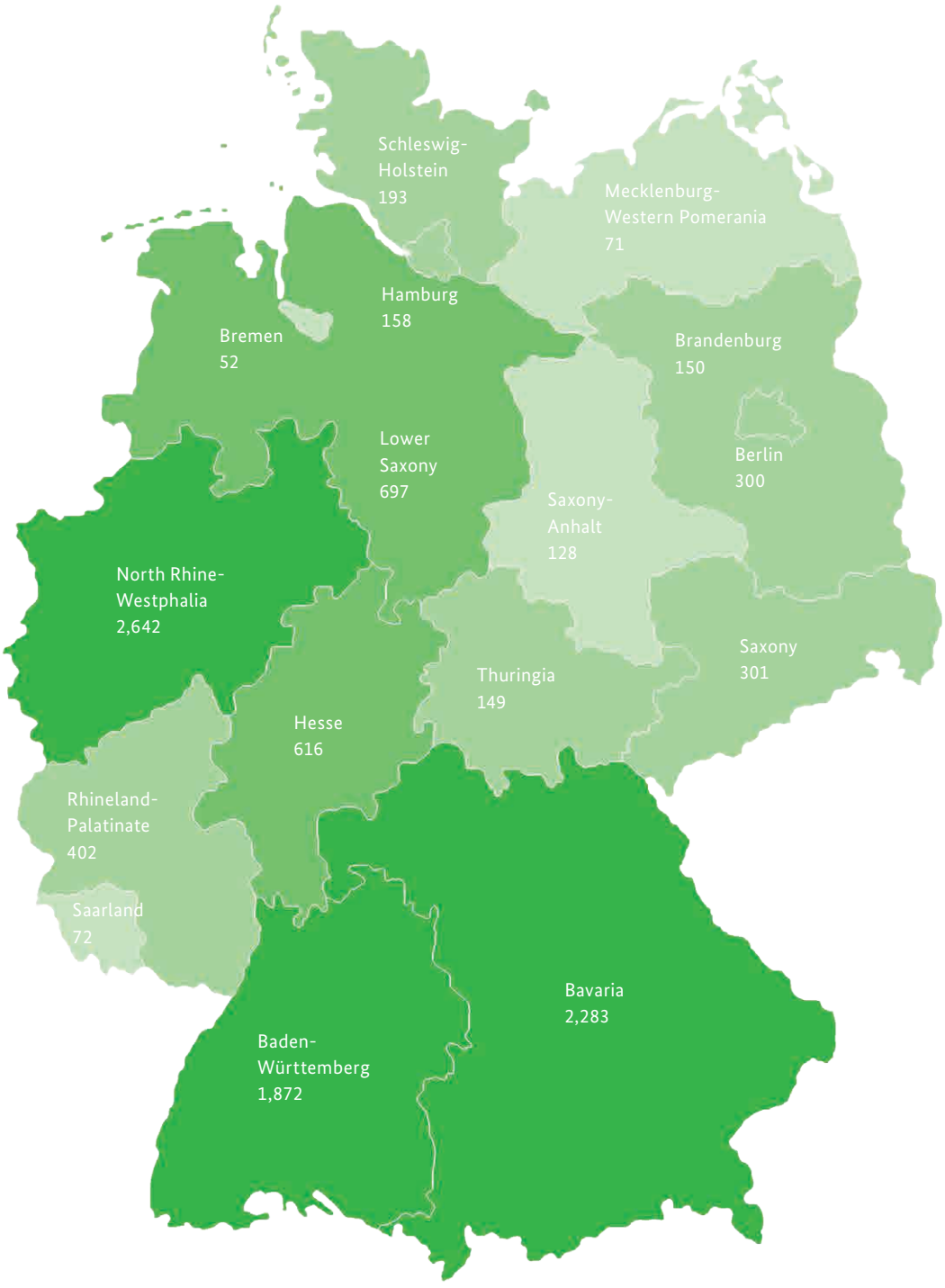


Figure 5
Utility model applications by German *Länder* in 2016

for a low-cost and quickly effective utility model as an accompanying measure to take action against copying as long as the patent sought has not yet been granted. Utility models are suitable as ideal complements to patents.

Search pursuant to Section 7 of the Utility Model Act

Utility models are registered upon filing the application; as mentioned in the beginning, no substantive examination of the invention is carried out. This is a fundamental difference from patents. In order to minimise the procedural risk of cancellation of the IP right at a later date, applicants can make use of a search for the state of the art beforehand to determine whether anything comparable to the invention was already known at the filing date of the utility model application. A search for the state of the art is available at our office for a fee of 250 euros. The search report lists the publications and documents identified that are relevant for assessing protectability of the utility model. The results of the search are also relevant for you as an applicant to assess prospects of success: for example, if you want to enforce your own claims against third parties or if you have to defend your utility model against attacks. For these reasons, the search pursuant to Section 7 of the Utility Model Act (*Gebrauchsmustergesetz*) is a useful element of the utility model protection system.

In the year under review, 2,326 effective search requests were received by our office (2015: 2,600). Whereas our patent examiners concluded 2,476 searches (2015: 2,467).

Utility model cancellation

A utility model can only be cancelled upon request. Anyone can make a cancellation request, irrespective of whether there is a risk of infringement proceedings or whether that person has an economic interest. The request is subject to a fee of 300 euros upon filing and must also contain a sufficient statement of reasons. In particular, any conflicting prior art should be cited.

The proceedings are handled by our Utility Model Cancellation Division, which normally decides upon the cancellation request on the basis of oral proceedings before a panel consisting of three persons. The panel consists of a lawyer acting as the chair and two patent examiners responsible for the technical field. The examination within the framework of the cancellation proceedings particularly deals with the question of 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.

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

In 2016, 103 utility model cancellation requests were filed and 131 cancellation procedures were concluded.

125 YEARS AGO: The history of utility model protection in Germany

In 2016, utility model protection celebrated its 125th anniversary in Germany. Protection for registered utility models was introduced with effect from 1 October 1891. The utility model, often referred to as the "little brother of the patent", was then an unexamined IP right for "small inventions" – intended for small and medium businesses that wished to protect their inventions in a quick and low-cost manner. The advantages of utility models are still that applicants receive a fully-fledged, enforceable IP right already after a few weeks (sometimes, even after a few days) from the application, with the application fees being even lower than the fees for a patent application.

In the anniversary year 2016, we honoured this IP right, which receives little attention by the public, in a very special way. Each month, we highlighted a different aspect of the "little brother of the patent" on our website compiling many interesting facts – historical as well as current ones. If you are interested in our discoveries related to the anniversary of utility model protection, you can read the following twelve articles on our website in German:

- The beginnings of utility model protection
- The evolution of the legal basis
- Melitta coffee filter – a revolutionary utility model
- Origin and classification of utility models – then and now
- An international overview: Gebrauchsmuster – utility model – modèle d'utilité
- Utility models relating to football (soccer)
- The utility model cancellation procedure
- The utility models of the "King of Patents" Artur Fischer
- Utility models relating to the *Oktoberfest*
- Special provisions of utility model law
- "Why not?" – the question of an EU utility model
- Merry Christmas – utility models for the Christmas season



Trade marks

Signs for your products and services

A very special “mark” was neither applied for nor registered nor cancelled in 2016 – it was passed: by the end of 2016, over 800,000 trade marks were in force for the first time in the 140-year history of our office. The trend towards national marks continues. This chapter includes information about the continuously positive development of the filing figures for this IP right as well as about the regional shares by German *Länder* and about the leading classes with the highest number of applications in the year under report.

Furthermore, this chapter’s “IN FOCUS” category includes a report about the revision of European trade mark law on page 28. In 2016, this revision brought important changes with the aim of harmonising trade mark law in the European Union. This is reason enough to focus on this topic.

The year 2016 not only offered a range of interesting topics but also anniversaries: in the field of trade marks, we look back on the registration of the word mark OSRAM 110 years ago. On page 29, you will learn where the name for this 1906 trade mark came from and in what remarkable way the anniversary was celebrated in 2016.

Our brochure “Trade Marks” includes comprehensive information about all topics relating to trade mark protection, naturally also about registration requirements and how to apply for your trade mark.

www.dpma.de/english

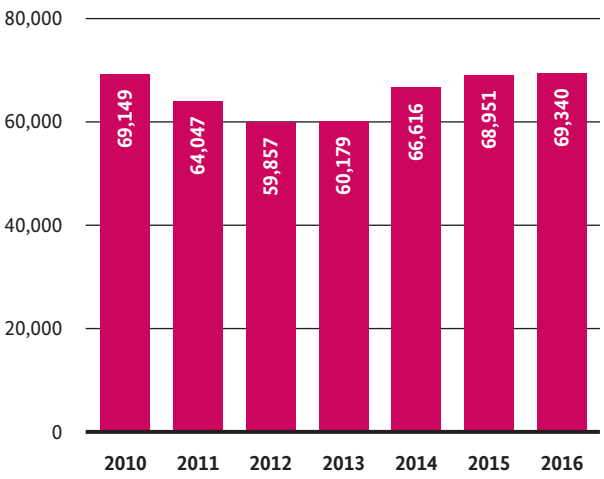
Development of trade mark applications

The number of applications remained stable also in 2016. With 72,807 applications, the number of applications fell slightly by 0.9% over 2015. These 72,807 applications comprised 69,340 national applications and 3,467 requests for the extension of protection, which were sent to us by the World Intellectual Property Organization (WIPO) within the scope of international applications for trade marks.

The situation was similar with regard to the number of German applications for European Union trade marks at the European Union Intellectual Property Office (EUIPO) in Alicante (Spain). Whereas German applicants filed 20,405 trade mark applications there in 2015, the applications amounted to 20,491 in 2016. For years, Germany has been the country with the most trade mark applications at the EUIPO. Since, in 2016, the overall application numbers at the EUIPO too have markedly risen to 135,259 over the previous year (130,436), the demand for trade marks in Germany and Europe can still be described as highly satisfactory.

Evidently, the outcome of the referendum of 23 June 2016 on the United Kingdom's continued membership of the European Union had no influence on the application behaviour. A withdrawal from the EU, would initially have no consequences for German trade marks and trade mark applications, which are only valid in Germany anyway. Whether already registered EU trade marks will still be valid in the United Kingdom after the UK's exit from the EU is for the British legislature to decide. Possibly, arrangements are conceivable within the scope of the negotiations to leave the EU or solutions providing for the transfer of EU trade marks into the UK register. Even now, it is possible to surrender an EU trade mark and convert it – against payment of a fee – into a national trade mark, thus also a UK trade mark.

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



Trade mark procedures

In 2016, registrations hit a record high in the last few years, reaching 52,194. We had to refuse 7,542 applications because they did not meet the formal or substantive requirements for trade mark protection. In 15,357 cases the trade mark application was withdrawn by the applicant. The number of application procedures not yet concluded at the end of the year fell from 27,822 in 2015 to 22,051 in 2016. Accordingly, the average duration of the procedure slightly decreased.

Just under two thirds (63.7%) of the applications were filed electronically with our office in 2016. In 2015, only 60% of the applications were filed electronically. Most of the applications reached us via the **DPMAdirektWeb** Internet service, which provides a "shopping cart" for the selection of terms of goods and services (according to the harmonised European classification database). This also makes processing of the application considerably easier for us: all terms in the "shopping cart" were examined and accepted in advance so that there is no need to clarify lists. This is an essential reason for the short duration of the procedures. In addition, the continuous improvements of the exclusively electronic processing of the procedures, introduced in 2015, allowed to largely compensate for the additional burden for staff, above all, in the processing of incoming mail, despite constant staffing levels.

An opposition was filed in respect of 3,257 newly registered trade marks in 2016: this is clearly above the level of the previous year (2,734) and is probably primarily owing to the increased number of registrations. By filing a notice of opposition, the proprietor of an earlier right can challenge the registration of a later trade mark. If the opposition is successful, this may lead to a full or partial cancellation of the later trade mark.

In 2016, our trade mark sections took 5,000 decisions; in about 10% of these cases, appeals were brought to the Federal Patent Court. Roughly half of the appeals dealt with decisions in opposition proceedings, the other half related to decisions in the registration procedure, mostly refusals of trade mark applications. In 2016, the special motion (*Erinnerung*), an internal appellate remedy, was filed in 513 cases. For several years, there have been very few appellate remedies. Although this special motion is a low-cost and relatively simple option for our applicants to obtain an expert re-examination of a decision by a legally qualified member.

Trade mark applications by German *Länder*

In relation to the number of inhabitants, the two city states, Hamburg and Berlin, were again in the lead in 2016 with 200 applications and 149 applications, respectively, per 100,000 inhabitants. In absolute terms, most applications come from North Rhine-Westphalia (14,885), Bavaria (11,805) and Baden-Württemberg (8,240). In the reporting year, 79 trade mark applications per 100,000 inhabitants were filed on average.

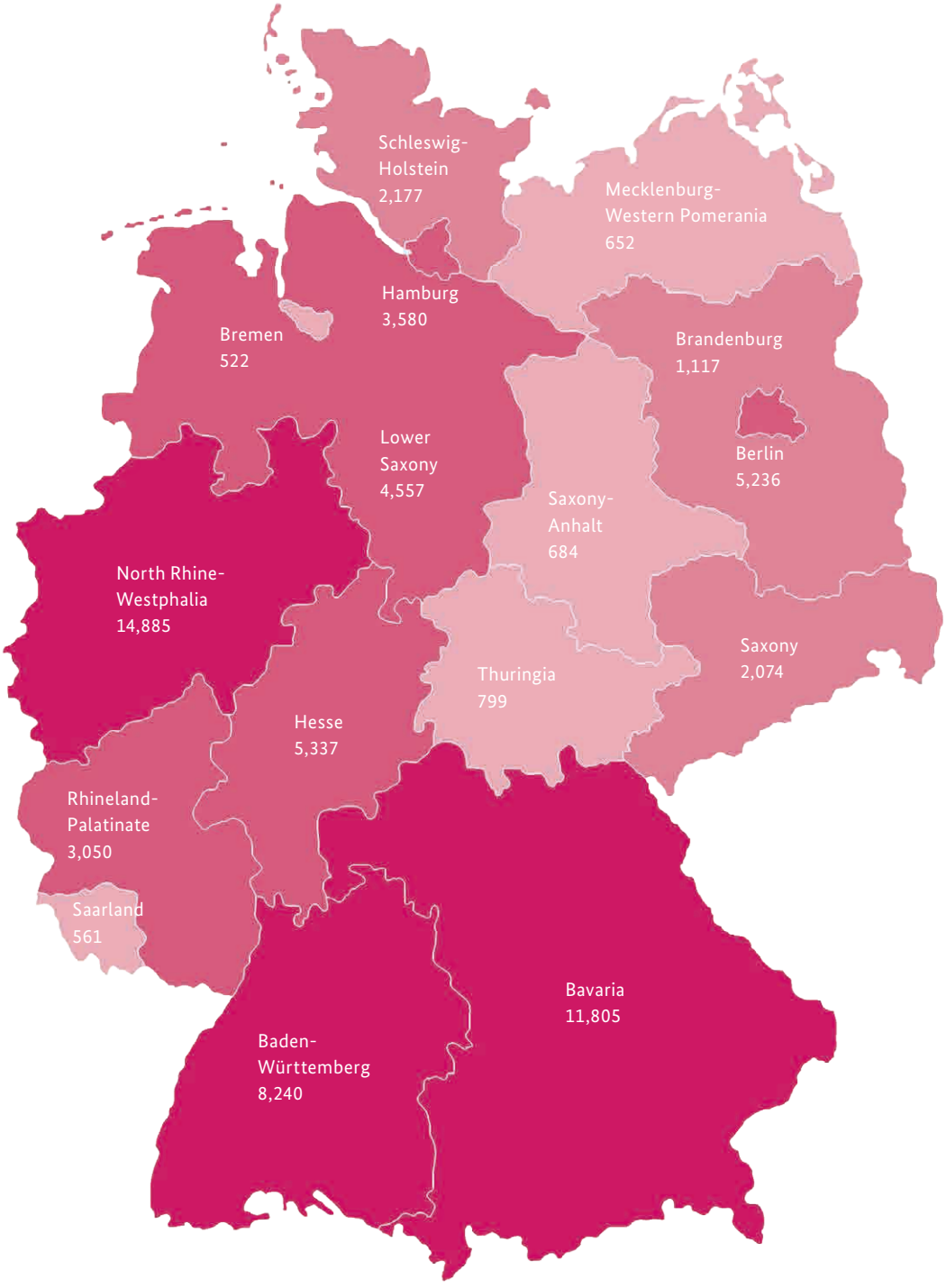


Figure 7
Trade mark applications by German *Länder* in 2016

Top companies in terms of registrations

Pharmaceutical companies are again strongly represented among the top three trade mark proprietors in terms of registrations in 2016. With 106 registrations, Bayerische Motoren Werke AG comes top, followed by Boehringer Ingelheim International GmbH with 91 registrations and Bayer Intellectual Property GmbH with 87 registrations.

Trade mark applications by leading classes

If we look at the trade mark applications only by leading classes, Germany already completed the shift to a service-based economy. In 2016, too, the leading class 35 (advertising; business management) came top with 8,695 applications, an increase of 1.3%. It was followed by the leading class 41 (education; sporting and cultural activities), which also experienced an increase (+ 2.5%) with 8,541 applications. For industry, the leading class 9 (electrical apparatus and instruments) was the most requested class of goods, as in previous years, following in third place. 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 35 applications.

Table 8
Selected data on trade mark procedures

Year	2010	2011	2012	2013	2014	2015	2016
New applications	69,149	64,047	59,857	60,179	66,616	68,951	69,340
Registrations	49,771	51,339	46,100	43,511	47,991	46,526	52,194
Refusals	8,353	7,772	6,508	5,029	6,073	5,535	7,542

Table 9
Top companies and institutions in terms of trade mark registrations in 2016 (registrations of trade marks pursuant to Section 41 Trade Mark Act)

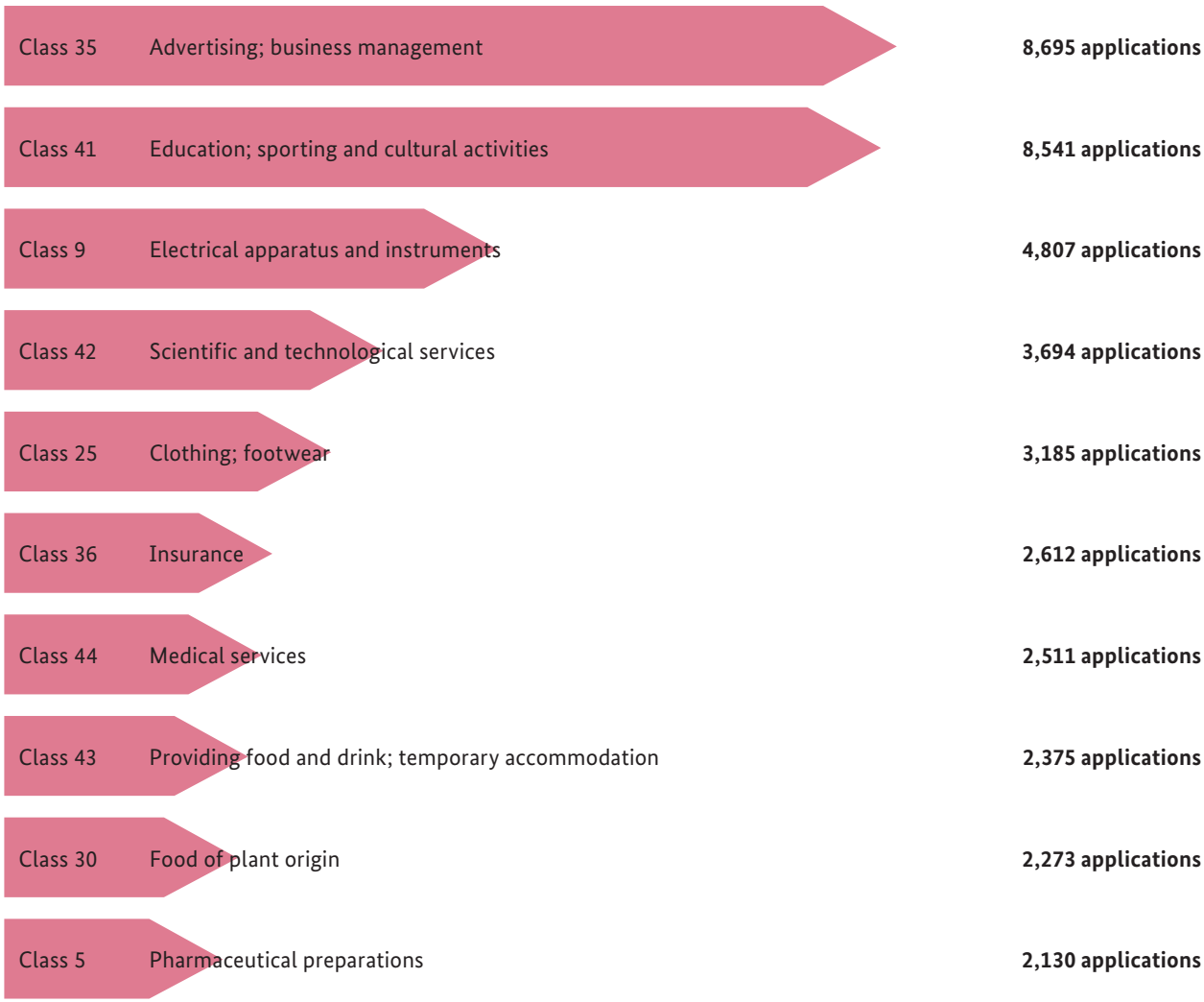
	Proprietor	Principal place of business		Number
1	Bayerische Motoren Werke AG	DE		**106**
2	Boehringer Ingelheim International GmbH	DE		**91**
3	Bayer Intellectual Property GmbH	DE		**87**
4	VOLKSWAGEN AG	DE		**81**
5	Merck KGaA	DE		**68**
6	Vodafone GmbH	DE		**65**
7	Daimler AG	DE		**62**
8	MÄURER & WIRTZ GmbH & Co. KG	DE		**59**
9	Heinrich Bauer Verlag KG	DE		**58**
10	FAST Fashion Brands GmbH	DE		**55**
11	August Storck KG	DE		**51**
12	Wein & Vinos GmbH	DE		**50**
13	Orion Corp.		KR	**48**
14	MIP METRO Group Intellectual Property GmbH & Co. KG.	DE		**45**
15	Brillux GmbH & Co. KG	DE		**44**
16	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**40**
17	Rheinmetall AG	DE		**39**
18	Merz Pharma GmbH & Co. KGaA	DE		**36**
19	Henkel AG & Co. KGaA	DE		**35**
19	STADA Arzneimittel AG	DE		**35**
19	TUI AG	DE		**35**

Trade mark cancellation proceedings

Anybody can file a cancellation request against a registered trade mark, which means that the proceedings are designed under the Trade Mark Act as what is referred to as "*Popularverfahren*". The request is subject to a fee and must state a reason for cancellation. The reason for cancellation can be the non-use of a trade mark, called "revocation" in the Trade Mark Act. In 2016, 432 such requests were received. Another reason for cancellation is the existence of absolute grounds for refusal at the time of filing the application. In 2016, these requests amounted to 267. Absolute grounds for refusal exist if the challenged trade mark lacked distinctiveness at the time of filing the application or if it was descriptive. Filing a trade mark application in bad faith is another absolute ground for refusal; the number of cancellation requests of this category has increased in recent years. In 2016, 122 requests were received, accounting for 46% of all cancellation requests due to absolute grounds for refusal. A trade mark application is filed in bad faith if the trade mark proprietor filed the application with the intention to impede others in an anti-competitive way.

The Federal Court of Justice (*Bundesgerichtshof*) clarified a formerly controversial legal question within the scope of a ruling on a bad faith cancellation (BGH, GRUR 2016, 482 – LIQUIDROM). The court held that it did not constitute an anti-competitive obstruction if a trade mark proprietor only intervenes in the spatially limited proprietary rights of a third party. The Federal Court of Justice found that it was disproportionate if the proprietor of a spatially limited right could demand the cancellation of a trade mark which enjoyed protection under the Trade Mark Act in the whole territory of the Federal Republic of Germany. This means, for example, that the operator of a commercial enterprise whose name is known only in the catchment area of a large German city cannot demand cancellation of an identical trade mark registration which is protected in the whole territory of the Federal Republic of Germany.

Figure 8
The top ten leading classes 2016



Trade mark administration

About 45 staff at the trade mark administration in our Jena Sub-Office deal with all post-registration procedures, that means transfers of rights, renewals, reclassifications and cancellations after the definitive registration of a trade mark. In addition, the colleagues process requests for priority documents and certifications of origin, make register extracts and provide information on the Trade Mark Register.

At the end of 2016, the Register contained 804,618 trade mark registrations, a slight increase compared to the end of 2015, when 797,317 trade marks were registered. In the year under review, 34,127 trade marks were renewed compared to 34,213 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. The proprietor may also surrender the trade mark any time or decide not to renew it, which was the case for 44,504 trade marks in 2016; all these trade marks were then cancelled from the Register.

For extensive analyses of trade mark applications and procedures in 2016, please refer to the “Statistics” chapter beginning on page 96.

Cooperation with the EUIPO

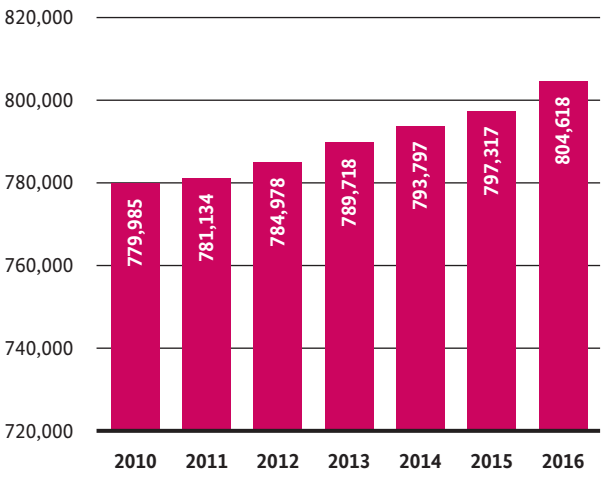
The European Union Intellectual Property Office (EUIPO) as trade mark office of the EU does not simply register EU trade marks but as the competent authority of the EU in this field it is also a pillar of the harmonised trade mark law in the EU, together with the national IP offices of the EU member states. There are various legal and organisational connections between our office and EUIPO.



Participants of the working groups

Figure 9

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



In 2016, the staff of our trade mark area also paid regular visits to the office in Alicante to discuss current trade mark issues with staff of the EUIPO and other national offices at liaison meetings and to participate in Convergence Programme working groups on harmonising decision-making practises of the offices.



Launch event to find new convergence projects

An important underlying motive for the meetings in 2016 was to closely work together during the transposition of the Trade Marks Directive, which is described in detail on the next page: with our experience in trade mark law and as the most populous country in the EU, Germany is facing a particular challenge during this process.

IN FOCUS
Reform of European trade mark law

The current concept of trade mark law in the European Union is based on the coexistence of national trade marks of the member states and trade marks uniformly valid in the whole of the European Union (formerly called "Community trade marks", now "European Union trade marks"). The 1989 Directive of the European Economic Community to approximate the trade mark systems in the member states and the 1994 Regulation on the Community trade mark were the legal basis. The current Trade Mark Act of 1995 is, in large parts, the result of the transposition of the Directive into German law.

Revision of the Trade Marks Directive and of the Regulation on the Community trade mark

The European Commission contracted the Max Planck Institute for Intellectual Property, Competition and Tax Law, now the Max Planck Institute for Innovation and Competition, to carry out a study reviewing the harmonisation process of trade mark law in the European Union. Based on this study, the member states, the Commission, the European Council and the European Parliament prepared a new version of the Trade Marks Directive as well as of the Regulation on the Community trade mark (now called "European Union Trade Mark Regulation"). The legislative procedure was completed with the consent of the European Parliament on 15 December 2015.

The new Directive as well as the new European Union Trade Mark Regulation entered into force at the beginning of 2016. Generally, the member states have 36 months for the transposition of the Directive into national law, seven years for more complex revisions. At the EU level, parts of the reform have also not entered into force immediately; for example, application for a European Union certification mark will only be possible from 1 October 2017.

Changes introduced by the reform

The reform does not mean any fundamental revision of European trade mark law but some significant changes and harmonisation. For example, a trade mark is no longer required to be capable of being represented graphically. This requirement is due to the fact that trade marks which are entered into a register kept in paper form have to be represented graphically so that the subject matter of trade mark protection is clear to everyone. Since trade mark registers are kept electronically nowadays, graphical representability is no longer required. This allows trade marks to be represented as a media file in future. This means that certain types of trade marks such as the sound mark (for example, the sound of a closing car door), which have been virtually impossible to be graphically represented and thus not eligible for application, can now be filed as an audio file and are now capable of being examined.

After entry into force of the reform, it will be possible to file cancellation requests against registered trade marks due to non-use and, for the first time, also due to conflicting earlier rights with the offices, where they will be examined as to the substance and decided on. Until now, the decision in such cases exclusively rests with the courts of ordinary jurisdiction in Germany.

The Directive intends to approximate and harmonise the basic principles of the procedure of trade mark examination in the whole of the European Union. For this purpose, the Directive contains different procedural rules, which at least modify the provisions valid in Germany until now. For example, there will only be a fixed period of use, for which use of an earlier trade mark must be documented. The applicable German trade mark law, namely the Trade Mark Act, provides for two periods, one of which is variable (Sec. 43(1) Trade Mark Act).

As at the European level, the legislator plans to introduce a certification mark in German law. Such trade marks can be seals of quality, which are awarded to third parties by the trade mark proprietor if certain requirements determined by the latter are met.

What follows next?

The Federal Ministry of Justice and Consumer Protection is working intensively on the transposition of the Directive into German law, for which we provide support and expertise. The ministerial draft bill was submitted on 3 February 2017 for comments by stakeholders. The goal is to adopt the obligatory as well as optional changes as soon as possible into German trade mark law.

110 YEARS AGO
Osmium and wolfram lend their names to a new trade mark

On 10 March 1906, the application for the word mark OSRAM was filed with the Imperial Patent Office in Berlin. This creative neologism is based on the names of the two metals osmium and wolfram (which is what tungsten is called in German). A short time later, on 17 April 1906, the trade mark was entered into the Trade Mark Register under the number 86924. In the currently applicable international classification system for trade mark applications, the Nice Classification, under which goods and services have been attributed to 45 classes since 1957, the trade mark OSRAM is allocated to class 11, electric incandescent and arc light lamps. The name Nice Classification goes back to the Agreement concluded at the Nice Diplomatic Conference on 15 June 1957, establishing the classification by contract. The Federal Republic of Germany is a contracting party to this Agreement.



Figure showing the word/figurative mark of OSRAM, registration number: DE 27 1686

Since then, light has been re-invented many times by innovative companies around the world – the history of technology ranges from conventional incandescent lamps, gas-discharge lamps and LED light to laser. As early as 2013, we took a look at the fascinating world of light in our publication on inventors' activities (*Erfinderaktivitäten*). This and all other issues of *Erfinderaktivitäten* published to date are available in German at

www.dpma.de/service/veroeffentlichungen/erfinderaktivitaeten

The 110th anniversary of the trade mark application of OSRAM was celebrated in a special manner: with a light installation on the front of our Technical Information Centre's building in Berlin. The building of the former Imperial Patent Office, now the seat of our Technical Information Centre, was part of the Festival of Lights in Berlin in 2016 for the very first time. In 2016, it was already the twelfth time that hundreds of thousands of Berliners and Berlin visitors had the opportunity to enjoy the art festival. Each time, the German capital is turned anew into a fascinating world of light and creative scenes by illuminating buildings and sights. National and international light artists present colour projections as well as light installations and thus convey their messages, topics and stories.

The building complex of the Imperial Patent Office, built near the Halle Gate, takes a special role in the Berlin district of Kreuzberg due to its appearance and presence. The historic building is an ideal projection surface. On the occasion of the trade mark anniversary, the provider of lighting solutions OSRAM showed the patent office building, which one could call the birthplace of the trade mark OSRAM, in a special light with a work of projection art made by the Festival of Lights collective. During the festival week, the light installation – a film of approximately seven minutes' length, projected via powerful projectors onto the building front – was shown every night from 19:00 to 01:00 and attracted numerous spectators on the street. The film makes references to the history of industrial property rights in Germany by way of different subjects and images. The film showing the projection is available at the DPMA website at

www.dpma.de/amt/geschichte/festivallights



Illumination of the building complex of the Imperial Patent Office

Indications of geographical origin

Protection for products from your region

"*Steirisches Kürbiskernöl*" (Styrian pumpkin seed oil), "*Gouda Holland*" (cheese) or "*Prosciutto di San Daniele*" (ham): product names like these reveal that agricultural products and foodstuffs are often named after their geographical origin. Thus, the product name serves as a connecting factor to the particular likes and preferences of the consumers. However, the conditions require that the products in fact come from the respective region. Particularly in the case of well-known and popular products there is a risk that imitators will offer lower-quality products and/or products of a different origin under the same name and pretend that these are authentic. In order to protect producers of foodstuffs from unfair competition of this nature and the consumers from being misled, the European Communities introduced the "protected geographical indication" (PGI) and the "protected designation of origin" (PDO) in 1992.





Regulation (EU) no. 1151/2012 forms the current legal basis for this type of protection.



Contrary to trade marks, the use of an indication of geographical origin is not reserved to a certain enterprise or association. Rather, it can be used by any producer based in the region who produces the protected product in the traditional way as set out in a product specification.

Registration in Brussels

Pursuant to an EU regulation, agricultural products and foodstuffs with indications of geographical origin may be protected throughout Europe by registration in a register kept by the European Commission either under protected geographical indication (PGI) or under protected designation of origin (PDO). For protected designations of origin, the production, processing and preparation must all take place in the area, location or country concerned. For protected geographical indications, at least one of the above production steps must take place in the area, location or country concerned.

"*Fränkischer Karpfen*" (fish) and "*Salzwedeler Baumkuchen*" (cake) are just two examples of the 89 names of German products currently registered in Brussels. A total of 1,325 names of foodstuffs and agricultural products were protected at the end of 2016, of which 619 were protected under PDO and 706 under PGI. Most of the registrations came from countries that are known for highly valuing food, namely Italy, France and Spain. Portugal and Greece ranked fourth and fifth, followed – as in the previous years – by Germany in the sixth place. After this system of protection became available to non-EU member states, 22 product names from third countries have also been registered; in 2016, for the first time, from Cambodia and the Dominican Republic. All in all, the array of protected products ranges from meat products, cheese and fish to fruit, vegetables, vinegar and oil, to pastries and beer.

Legal requirements

Registration as PDO or PGI 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 whose legitimate interests are affected – for example, other producers of the relevant product – the opportunity to notify their opposition.

Requests and decisions in 2016

In 2016, the DPMA received three new applications for registration (in 2015: two) for the product names "*Peitzer Karpfen*" (fish), "*Bayern Lamm*" (lamb) and "*Honig aus Großenbrode*" (honey). Furthermore, there were also two applications for amendment of the specification of already registered product names. In total, we have forwarded two new applications for registration and one application for amendment to the European Commission in Brussels after favourable conclusion of the national examination.

In 2016, the European Commission added five German product names to its register: "*Allgäuer Sennalpkäse*" (cheese) was given PDO status and "*Aachener (Oecher) Weihnachts-Leberwurst*" (liver sausage), "*Aachener (Oecher) Puttes*" (blood sausage), "*Flönz*" (blood sausage) and "*Frankfurter Grüne Soße/Grie Soß*" (sauce) were given PGI status. Furthermore, the European Commission published two applications from Germany which met the conditions of registration to the satisfaction of the Commission, namely "*Rheinisches Zuckerrübenkraut/Zuckerrübensirup*" (syrup) and "*Schwäbische Spätzle (Knöpfle)*" (noodles).

The Federal Patent Court dealt for the second time with the geographical indication "*(Fränkisches) Hiffenmark*" (jam) (*Hiffenmark* II, 30 W (pat) 35/13). In its ruling of 14 April 2016, it rejected the appeal lodged by an opponent against the positive decision of the DPMA.

Enforcement by customs authorities

The German customs authorities will help you to enforce your rights, but only upon request. The request is free of charge.





Designs

Protection for innovative appearances

"Form follows function" is often a question of attitude that is open to debate. However, it is not debatable that your design is your creative idea and thus your intellectual property. It is therefore very important to us to inform you about the necessity of protection through registered designs. After all, innovative shapes and colours make your product unique.

As is generally known, filing figures for designs are lower than for patents and trade marks. However, designs saw great numbers in two "categories" in 2016: nine out of ten designs filed for registration were entered in 2016 – this number is higher than for any other IP right. And almost eight out of ten applications, namely 78.2%, were filed electronically with the DPMA in the past year. No other IP right has such a high ratio of e-filings.

This chapter will provide you with information about the development of design applications and concluded procedures and about the German *Länder* or classes of goods that were doing particularly well in the year under report.

For more information on the protection of designs in and outside Germany as well as on search options and design application, please refer to our information brochure "Designs" and to our website.

www.dpma.de/english

Development in design applications

The demand for registered designs remains high, even if slightly decreasing in the last two years. In 2016, the DPMA received 7,143 single and multiple applications covering 54,588 designs. This means that the number of designs filed dropped somewhat by 5.5% in comparison to 2015 (57,741). The number of applications is almost at the same level as in 2015 (7,223 applications).

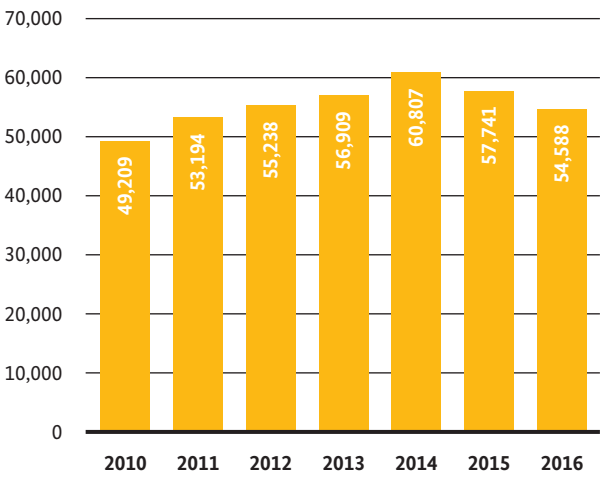
Design applications, that is, the requests for registration in the Design Register, are examined by our Design Section in Jena. We finalised requests for registration for a total of 52,966 designs in 2016, which led to 49,113 designs being newly entered into the Register.

In the year under report, 55.7% of the applicants (2015: 62.5%) made use of the existing option of filing multiple applications, by which up to 100 designs can be grouped in one application. This option has been frequently used by our applicants for many years. On average, 12.9 designs were filed per multiple application in 2016 (2015: 12.2).

If an applicant decides that their registered design should not be published (request for deferment of publication of the representation), the filing fee is reduced. However, in such a case, design protection is limited to initially 30 months from the filing or priority date. Paying the extension fee will extend the term of protection to five years and lead to the design being published afterwards. The proportion of applications for which deferment of publication of the representation was requested slightly increased to 15.1% in 2016 (2015: 13.9%).

Comprehensive data on design applications and registered designs covering the year 2016 is available in the "Statistics" chapter beginning on page 101.

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



Origin of design applications

Most of the designs applied for in 2016, namely 83.0%, were filed by resident applicants. Designs applied for at our office by non-resident applicants saw a decline by 14.2%. The number of designs applied for (9,267) slightly dropped compared to the preceding year (2015: 10,799). Most designs applied for by non-resident applicants, namely 4,401 designs (8.1%), originated from Italy. Austria and China follow second and third with 1,563 and 1,043 designs respectively (see table 10).

Electronic applications and applications with electronic data carriers

Since November 2013, it has been possible to file designs also electronically via the **DPMAdirektWeb** online service (not requiring a signature card). This alternative application method is very popular with our customers: in 2016, this option was used for 58.5% of the applications (2015: 56.6%). Of all design applications, 19.7% (2015: 17.7%) were filed via the **DPMAdirekt** software, which is another e-filing option (using a signature card). The option of filing images of the designs for which protection is sought as JPEG files on a CD or DVD together with a written application was used by the applicants for 4.0% of all design applications in 2016 (2015: 5.1%).

	Designs applied for	Percentage
Germany	45,321	83.0
Italy	4,401	8.1
Austria	1,563	2.9
China	1,043	1.9
Switzerland	698	1.3
USA	422	0.8
France	242	0.4
Luxembourg	159	0.3
Others	739	1.4
Total	**54,588**	**100**

Table 10
Designs applied for at the German Patent and Trade Mark Office in 2016 by countries of origin

Design applications by German *Länder*

Most of the 45,321 designs filed by resident applicants in 2016 were filed by persons or companies based in North Rhine-Westphalia. With 12,303 designs filed for registration (27.1%), North Rhine-Westphalia ranked again top on the list of German *Länder* in 2016. Bavaria (25.6%) and Baden-Württemberg (13.9%), again took second and third place respectively. In total, two thirds 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 11 and table 4.3 in the "Statistics" chapter). 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 respect, Bavaria leads the ranks with 90 designs filed per 100,000 inhabitants, followed by North Rhine-Westphalia (69) and Baden-Württemberg (58).

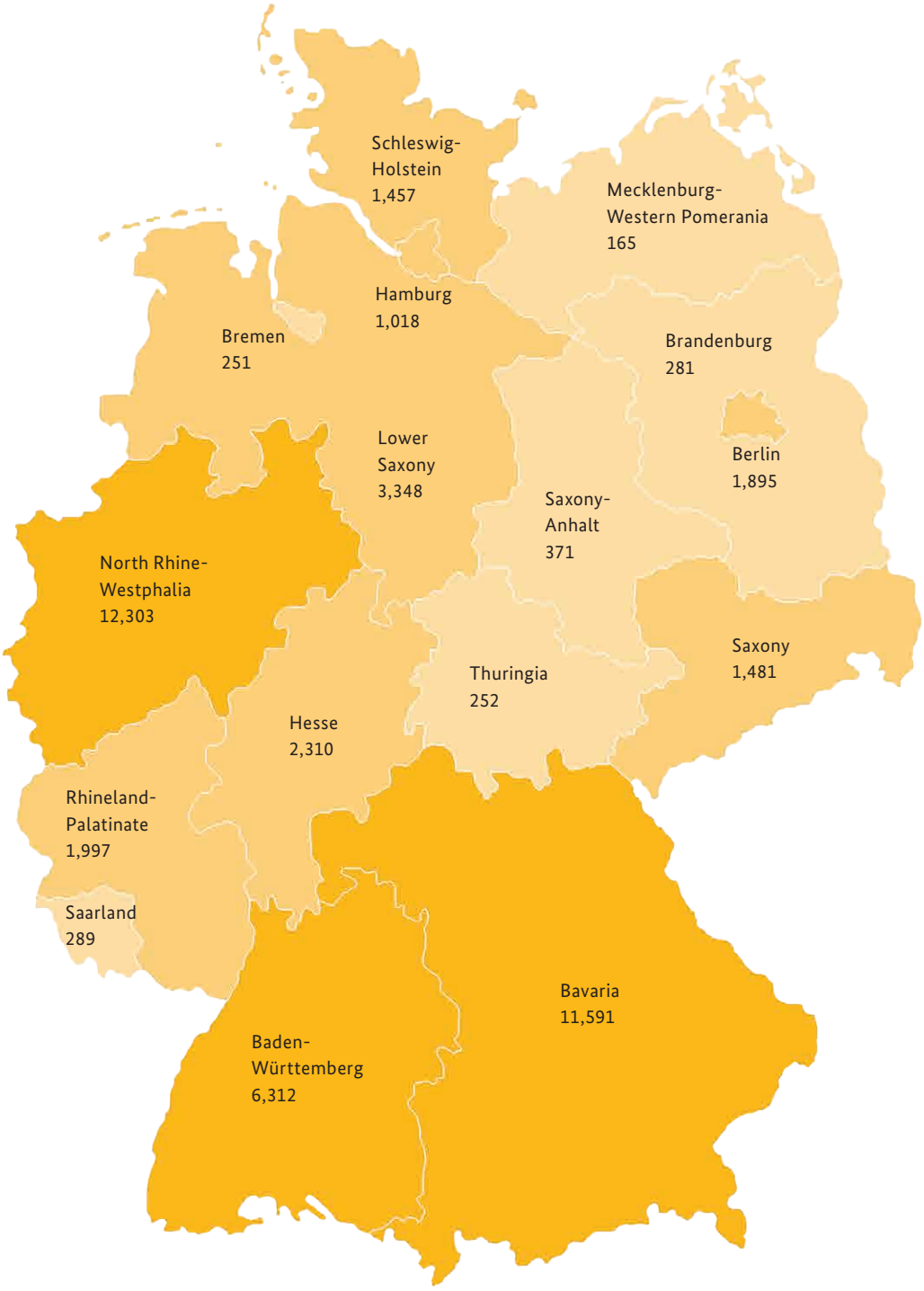


Figure 11
Designs applied for by German *Länder* in 2016

Top companies in terms of designs applied for

Non-resident applicants are well represented in the top 3 of the companies that filed the most designs in 2016: Miroglio Textile S.r.l. from Italy (4,200 designs) and Getzner Textil AG from Austria (1,116 designs).

Table 11
Data on design procedures

Year	2010	2011	2012	2013	2014	2015	2016
Cancellations	48,470	46,266	43,442	46,583	43,489	42,667	49,513
Renewals	17,116	15,664	15,851	14,442	14,255	15,073	15,275
Extensions	2,664	3,382	3,308	2,538	2,756	2,443	2,929
Recording of changes	19,185	13,322	17,701	13,303	16,911	14,081	21,626

Table 12
Top companies and institutions in terms of designs applied for at the DPMA in 2016 (without partnerships under civil law [GbR])

	Holder	Principal place of business		Number of designs
1	Miroglio Textile S.r.l.		IT	**4,200**
2	Buena Vista Modevertriebs GmbH & Co. KG	DE		**2,230**
3	Getzner Textil AG		AT	**1,116**
4	The House of Art GmbH	DE		**772**
5	Koinor Polstermöbel GmbH & Co. KG	DE		**614**
6	AstorMueller AG		CH	**586**
7	Betty Barclay GmbH & Co. KG	DE		**564**
8	BRE-Light GmbH	DE		**505**
9	Albani Group GmbH & Co. KG	DE		**500**
10	Bastei Lübbe AG	DE		**490**
11	OLYMP Bezner KG	DE		**486**
12	InnoTex Merkel & Rau GmbH	DE		**479**
13	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		**453**
14	GRADA-TEXTIL GmbH	DE		**400**
15	REHAU AG + Co	DE		**391**
16	Heinrich Sieber & Co. GmbH & Co. KG	DE		**354**
17	VOLKSWAGEN AG	DE		**322**
18	Vera Mont GmbH & Co. KG	DE		**320**
19	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbH & Co. KG	DE		**319**
20	Deutscher Sparkassen- und Giroverband e.V.	DE		**299**

Design applications by classes of goods

With 14,347 (18.7%) designs, class 6 (furnishing) again accounted for most of the designs filed for registration in 2016. Class 32 (graphic symbols and logos, surface patterns, ornamentation) took second place with 12.7%, followed by class 2 (articles of clothing and haberdashery) with 11.6%. A total of 49,113 designs were registered in 76,800 classes of goods (2015: 80,914). The percentage of the individual classes of goods is shown in figure 12.

Post-registration procedures

A registered design may enjoy protection for a maximum period of 25 years – counted from the filing date. During that period, various procedures allow changes of the Register entry:

- renewal of protection and
- cancellation of a registered design, but also, if need be,
- extension and
- recording of changes.

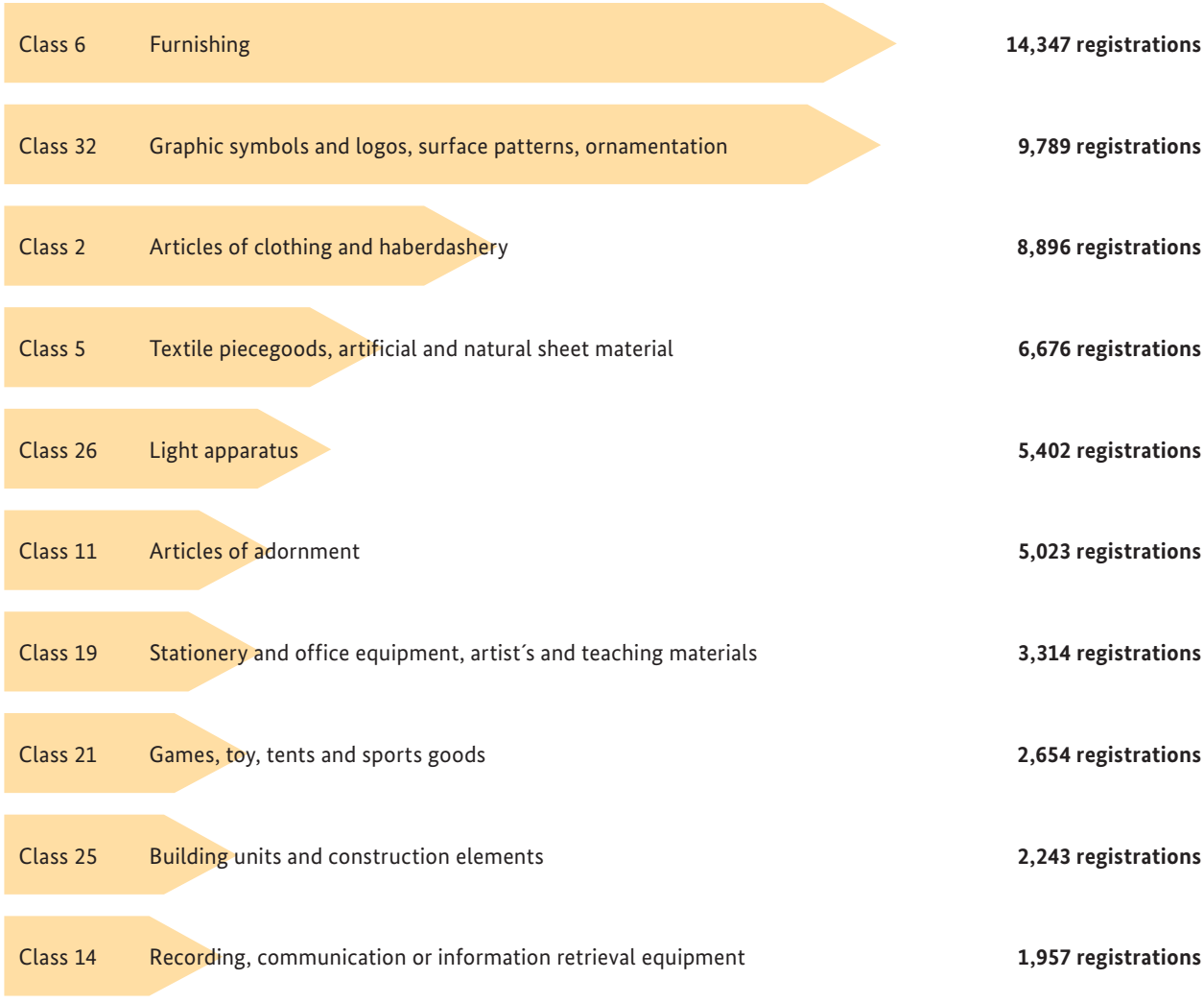
The term of protection is five years. Renewal fees must be paid at the end of each term to renew the term of protection. If protection is not renewed, we will cancel the registered design in the Register.

Protection is extended if, in the case of the deferment of publication of the representation, the holder of the registered design decides, within a certain time limit, that protection be "extended" to the term of protection – for a maximum of up to 25 years, and if the holder pays the extension fee.

We will record a change in the Register if, for example, the IP right is transferred from the holder to another person or if there is a change of representative.

Table 11 shows the development of procedures from 2010 to 2016.

Figure 12
The top ten classes of goods 2016



Design invalidity proceedings

It is possible to apply for determination or declaration of invalidity of a registered design by our office. Thus an important harmonisation has been implemented in the design area since 2014, bringing designs into line with the other types of IP, where there are already such proceedings on the revocation or cancellation of an IP right.

- **absolute grounds of invalidity**
  Invalidity can be determined if there are absolute grounds of invalidity within the meaning of the Design Act (*Designgesetz*) (Sec. 33(1)). This is the case if the design does not meet substantive protection requirements in accordance with the Design Act or if it is excluded from design protection. In part, these are grounds for non-registrability and requirements, which are also examined during the registration procedure (such as the definition of a design pursuant to Sec. 1 Design Act or designs which are contrary to the public policy or the accepted principles of morality pursuant to Sec. 3(1) no. 3 Design Act). Applications for determination of invalidity are mainly based on the non-fulfilment of the substantive requirements for protection, novelty and individual character (Sec. 2 Design Act), which are not examined during the registration procedure.

- **relative grounds of invalidity**
  A registered design can also be declared invalid if there is a relative ground of invalidity (Sec. 33(2), first sentence, Design Act). This means that the registered design is in conflict with a distinctive sign (for example, a trade mark), a copyrighted work or an earlier registered design.

Any person who files an application for determination or declaration of invalidity must indicate the facts and evidence on which the application is based in addition to the ground of invalidity invoked. If lack of novelty or distinctiveness of the contested design is stated as the ground of invalidity, it is required that the applicant particularly makes statements about the known pool of design creations and about the date of the disclosure of the citations.

In 2016, 70 applications for determination or declaration of invalidity were filed, thus 14 more than in the previous year.

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, invalidity will be determined or declared by decision. If the application is contested in due time, the DPMA will decide on the application in adversarial proceedings – if necessary, upon a hearing and taking of evidence.

The decision on applications for determination or declaration of invalidity is taken by the Design Division. This panel in invalidity proceedings is not identical with the DPMA's (administrative) organisational unit. It usually consists of three legally qualified members. If a special technical question arises during invalidity proceedings, a technically qualified member of the DPMA, namely a patent examiner, should be consulted. The Chair of the Design Division conducts business und determines the other members of the panel for the proceedings in each individual case.

In addition to the decision on the merits, the Design Division also decides on the costs of the proceeedings as well as – upon request – on the value in dispute or on whether legal aid is granted.





Supervision under the CMO Act

According to the applicable copyright law, the creator of a work is automatically entitled to an exclusive exploitation right already from the moment of the work's creation. Use of a work, for example, communication of musical works or printing text in a publication, generally requires prior permission by the author. In view of the widespread and diverse options to use copyrighted works, this is hardly possible: for example, it would be hard to find any composer who would be able to monitor himself all radio channels that might play their songs in order to make claims. Therefore, collective management organisations (CMOs) manage authors' rights collectively in many areas. As associations under private law, they are specialised in certain fields of art and are thus able to monitor use of the repertoire entrusted to them by the authors as well as to grant licences to users and collect remuneration. They distribute the revenues to the right holders according to their distribution schemes.

Since CMOs often have a monopoly position and act in a fiduciary capacity, they are subject to the supervision by the German Patent and Trade Mark Office (DPMA). We grant authorisations to conduct business to CMOs in agreement with the Federal Cartel Office. Furthermore, we make sure that the CMOs properly perform their duties under the Act on Collective Management Organisations (CMO Act – *Verwertungsgesellschaftengesetz*). We are entitled to demand detailed information and to attend the meetings of the various boards of the CMOs, which helps us fulfil our duties. We conduct *ex officio* examinations but the suggestions and complaints by users and right holders also prompt us to carry out supervisory examinations.

Currently, 13 CMOs are authorised to conduct business. In 2015, the CMOs generated revenues of roughly 1.59 billion euros in total. The income of each CMO is listed in table 13.

Current issues in the field of supervision under the CMO Act

On 1 June 2016, the CMO Act entered into force, forming a new legal basis for the supervision of CMOs. It replaces the old Copyright Management Act (*Urheberrechtswahrnehmungsgesetz*). The CMO Act implements Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market ("CRM Directive").

Table 13
Revenues of the collective management organisations in 2015 (the 2016 figures were not yet available at the copy deadline)

Collective management organisation		Total budget[1] 2015
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€893.842m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€161.843m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€309.029m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€6.356m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€89.399m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€5.197m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€24.167m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€6.725m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€23.030m
AGICOA GmbH	AGICOA Urheberrechtsschutz Gesellschaft mbH	€22.638m
VG Media[2]	VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH	€45.012m
VG TWF	Verwertungsgesellschaft Treuhandgesellschaft Werbefilm mbH	€0.697m
GWVR[3]	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€0.000m
Total		**€1,587.935m**

[1] The total budget includes income from licenses and claims to remuneration, income from interest and securities as well as other operating income.
[2] In December 2016, VG Media changed its company name to: VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Sendeunternehmen und Presseverlegern mbH.
[3] The authorisation to conduct business was granted to the GWVR by the DPMA in September 2014.

Following two judgments by the Federal Court of Justice and the Higher Regional Court of Berlin respectively rendered in April and November 2016, the legislator added provisions to the CMO Act in December 2016, relating to the participation of publishers in the revenues of the CMOs. The established mechanisms of the former copyright management law were maintained in the CMO Act. However, the CMO Act sets a number of new requirements that have to be implemented by the CMOs. The CMOs are obliged to adjust their statutes, conditions of management and their distribution plans to the requirements of the CMO Act.

Our office assists the CMOs in the implementation and checks whether the adjustments meet the new legal requirements. The CMO Act also extended the scope of supervision of the supervisory authority and assigned new areas of responsibility to it. This includes cooperation with the supervisory authorities of other countries and with international organisations on the topic of collective rights management. As a first activity in this cooperation, a meeting with the supervisory authorities of Switzerland, Austria and the Principality of Liechtenstein took place in November 2016.

In order to take into account the new regulatory framework and to ensure efficient supervision, the DPMA division in charge of supervision has been reorganised. Our division was renamed "Supervision under the Act on Collective Management Organisations (CMO Act)" and underwent restructuring.

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 our Register of Anonymous and Pseudonymous Works. Copyright for works that have been published anonymously or under a pseudonym expires 70 years after publication or creation of the work. However, if the true name of the author is recorded in the Register, copyright expires only 70 years after the death of the author. This Register neither records all works protected by copyright; it is only relevant for the works published anonymously or under a pseudonym during their terms of protection. Statistical data are provided in table 14.

Register of Out-Of-Commerce Works

Our Register of Out-Of-Commerce Works, launched in early 2014, provides information about the intention of a CMO to license rights to certain out-of-commerce works so that organisations can digitise them and make them available to the public. However, it does not record all works that are out of commerce in Germany. By the end of November 2016, 11,551 entries were made in the Register, which is freely accessible via our website.

Table 14
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	
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
2016	3	3	1	2	0

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



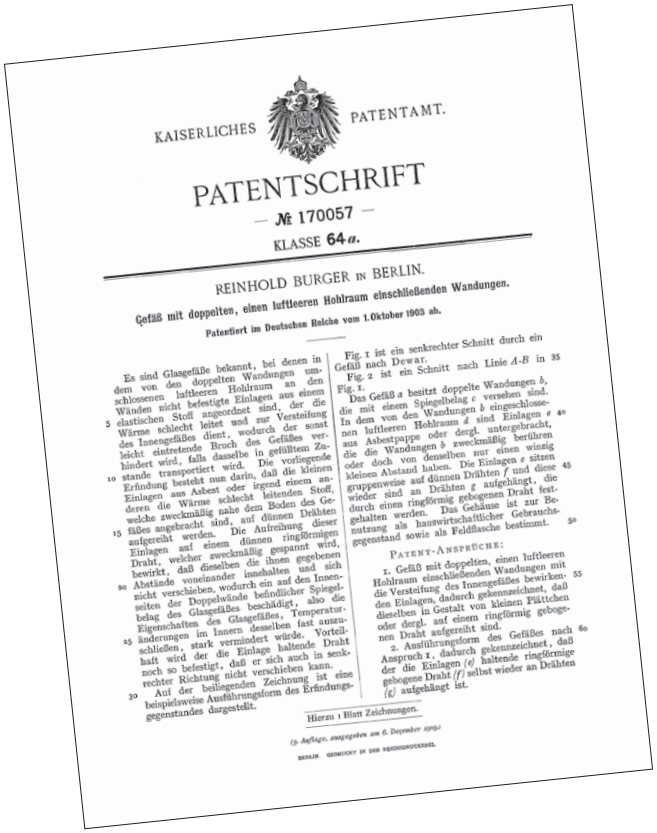
DID YOU KNOW THAT ...

... Reinhold Burger filed for a patent for the Thermos flask as early as 1903 although, originally, he was not at all interested in hot coffee or tea?

Reinhold Burger was born on 12 January 1866 in Glashütte in Brandenburg, son of a glass factory worker. In 1894, he founded his own company, which produced glass instruments and laboratory equipment, in Berlin.

At that time, he experimented with what is known as Dewar flasks. These double-jacketed vessels using a vacuum between the two walls as an insulating layer are named after the Scottish physicist and chemist, Sir James Dewar. However, these vessels were too fragile to be used for transport. By experimenting, Burger aimed at giving them greater stability.

Since he had no liquid air, he filled the vessels with hot water to test the Thermos flasks for leaks. Only through this coincidence, he came up with the idea to use his invention also for hot drinks.



KAISERLICHES PATENTAMT.

PATENTSCHRIFT

— № 170057 —

KLASSE 64a.

REINHOLD BURGER in BERLIN.

Gefäß mit doppelten, einen luftleeren Hohlraum einschließenden Wandungen.

Patentiert im Deutschen Reiche vom 1. Oktober 1903 ab.

Es sind Glasgefäße bekannt, bei denen in dem von den doppelten Wandungen umschlossenen luftleeren Hohlraum an den Wänden nicht befestigte Einlagen aus einem elastischen Stoff angeordnet sind, der die Wärme schlecht leitet und zur Versteifung des Innengefäßes dient, wodurch der sonst leicht eintretende Bruch des Gefäßes verhindert wird, falls dasselbe in gefülltem Zustande transportiert wird. Die vorliegende Erfindung besteht nun darin, daß die kleinen Einlagen aus Asbest oder irgend einem andern die Wärme schlecht leitenden Stoff, welche zweckmäßig nahe dem Boden des Gefäßes angebracht sind, auf dünnen Drähten aufgereiht werden. Die Aufreihung dieser Einlagen auf einem dünnen ringförmigen Draht, welcher zweckmäßig gespannt wird, bewirkt, daß dieselben die ihnen gegebenen Abstände voneinander innehalten und sich nicht verschieben, wodurch ein auf den Innenseiten der Doppelwände befindlicher Spiegelbelag des Glasgefäßes beschädigt, also die Eigenschaften des Glasgefäßes, Temperaturänderungen im Innern desselben fast ausgeschließen, stark vermindert würde. Vorteilhaft wird der die Einlage haltende Draht noch so befestigt, daß er sich auch in senkrechter Richtung nicht verschieben kann.

Auf der beiliegenden Zeichnung ist eine beispielsweise Ausführungsform des Erfindungsgegenstandes dargestellt.

Fig. 1 ist ein senkrechter Schnitt durch ein Gefäß nach Dewar.
Fig. 2 ist ein Schnitt nach Linie *A-B* in Fig. 1.

Das Gefäß *a* besitzt doppelte Wandungen *b*, die mit einem Spiegelbelag *c* versehen sind. In dem von den Wandungen *b* eingeschlossenen luftleeren Hohlraum *d* sind Einlagen *e* aus Asbestpappe oder dergl. untergebracht, die die Wandungen *b* zweckmäßig berühren oder doch von denselben nur einen winzig kleinen Abstand haben. Die Einlagen *e* sitzen gruppenweise auf dünnen Drähten *f* und diese wieder sind an Drähten *g* aufgehängt, die durch einen ringförmig gebogenen Draht festgehalten werden. Das Gehäuse ist zur Benutzung als hauswirtschaftlicher Gebrauchsgegenstand sowie als Feldflasche bestimmt.

Patent-Ansprüche:

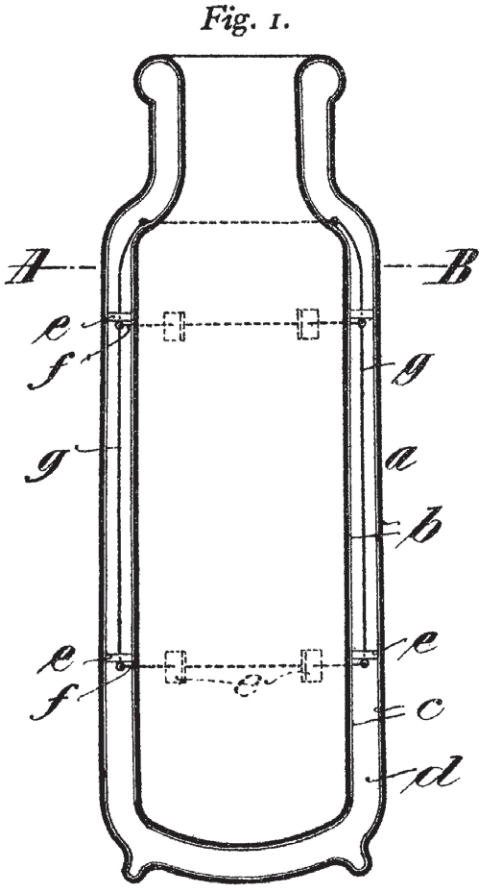
1. Gefäß mit doppelten, einen luftleeren Hohlraum einschließenden Wandungen mit Versteifung des Innengefäßes bewirkenden Einlagen, dadurch gekennzeichnet, daß dieselben in Gestalt von kleinen Plättchen oder dergl. auf einem ringförmig gebogenen Draht aufgereiht sind.

2. Ausführungsform des Gefäßes nach Anspruch 1, dadurch gekennzeichnet, daß der die Einlagen (*e*) haltende ringförmige gebogene Draht (*f*) selbst wieder an Drähten (*g*) aufgehängt ist.

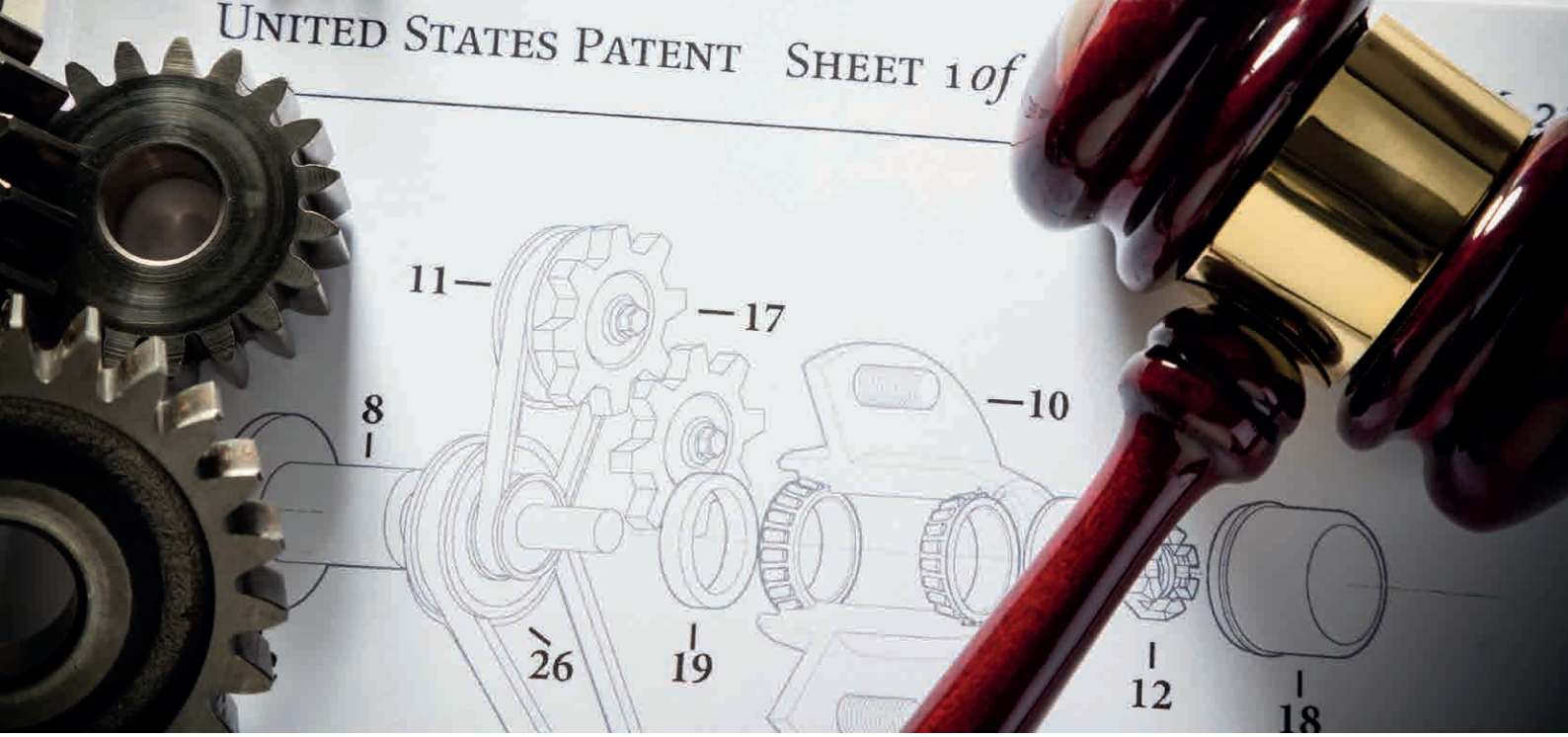
Hierzu 1 Blatt Zeichnungen.

(3. Auflage, ausgegeben am 6. Dezember 1909.)

BERLIN. GEDRUCKT IN DER REICHSDRUCKEREI.



Figures from patent specification DE 170057



Patent attorney training

High-quality training provided by patent attorneys, industry and patent authorities

Admittedly, becoming a patent attorney takes some time, but on the other hand the training is varied. After finishing a degree in technology or science, the training will also lead the patent attorney candidates to the DPMA. Following the successful completion of a training of at least 26 months at a patent law firm or the patent division of a company, the candidates will start the part of the training known as the "office year" at the DPMA in Munich on 1 February, 1 June or 1 October of each year. During the intensive two-month training at our office, the candidates will further improve the knowledge acquired in the first part of the training. The training will continue at the Federal Patent Court, also located in Munich, for another six months.

Directly after achieving the training objective at both patent authorities, they will take the patent attorney examination before the examination board for patent attorneys. If the examination has been passed, the candidates will receive the popular certification of examination and be awarded the professional title of "*Patentassessor*" or "*Patentassessorin*" (patent agent). This allows them to pursue a career in industry or – when sworn in and admitted by the German Chamber of Patent Attorneys – as a patent attorney (*Patentanwalt* or *Patentanwältin*).

For more current and detailed information on patent attorney training and examination, please go to our website or the website of the Chamber of Patent Attorneys.

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

https://www.patentanwalt.de/en

Our Section for Patent Attorneys and Other Agents

The entire part of the training at the two patent authorities DPMA and Federal Patent Court is organised by Section 4.3.5 of our Legal Division, exclusively responsible for patent attorneys and agents. This Section is an organisational unit strongly characterised by its interface function at the DPMA and beyond. In our role as the office of the examination board, we also support the individual examination committees in organisational matters.

Ensuring high-quality patent attorney training in Germany is only possible if all actors involved in the training and examination – most notably the Chamber of Patent Attorneys and the organisations active in the field of industrial property protection – cooperate in a good and trustful manner.

Chamber of Patent Attorneys and the examination board

Since January 2016, Patent Attorney Dipl.-Ing. Nanno M. Lenz, LL.M., has been President of the Chamber of Patent Attorneys. His tenure ends on 31 December 2017. Elisabeth Klante, Presiding Judge at the Federal Patent Court, is still acting as the chair of the examination board.

The examination board consists of 20 judges of the Federal Patent Court and members of the German Patent and Trade Mark Office as well as 40 patent attorneys or patent agents authorised to train. In view of the increasing numbers of candidates, we seek to expand the board by another 20 members.

The year 2016 in figures

The number of patent attorney candidates has been at a very high level for many years. In 2016, we were able to admit 158 candidates to the patent attorney training. The German patent attorney examination was passed by 155 out of 160 examinees, thus 97%, in the year under report. This is once again an excellent result reflecting the high quality of the training provided by patent attorneys, industry and patent authorities.

DID YOU KNOW THAT ...

..., in 1900, as many as 145 patent attorneys were entered on a list intended for this purpose?



Eintragung von Patentanwälten.

Auf Grund des Gesetzes betreffend die Patentanwälte vom 21. Mai 1900 sind in die Liste der Patentanwälte eingetragen worden unter Nummer:

131. Oscar Schmidt-Berlin.
132. Reinhard Carl Friedrich Wagnitz-Berlin.
133. Alexander Wiele-Nürnberg.
134. Friedrich Moritz Spreer-Leipzig.
135. Emil Wolf-Berlin.
136. Emil Reichelt-Dresden.
137. Johann Blockfiepen-Solingen.
138. Dr Hermann Mäckler-Berlin.
139. Georg Heinrich Milczewski-Frankfurt a. M.
140. Carl Friedrich Rosencrantz-Dresden
141. Johann Scheibner-Oppeln.
142. Franz Sondermann-Elberfeld.
143. Hans Friedrich-Düsseldorf.
144. Enrique Witte-Berlin.
145. Ernst Wentscher-Berlin.

Berlin, den 10. Dezember 1900.

Kaiserliches Patentamt.
von Huber.

Nr 425/1900 C. B. III.

Excerpt from the gazette *Blatt für Patent-, Muster- und Zeichenwesen* (*Blatt für PMZ*) of 1900

The Imperial Patent Office (*Kaiserliches Patentamt*) was established in 1877. Soon it turned out that specially qualified experts were needed for the complex matters in the field of patents. However, it was not before 1900 that an act entered into force according to which the patent office kept a list, in which persons particularly qualified in technical and legal matters were recorded as patent attorneys.

Section 2 of the former Act Concerning Patent Attorneys

"The registration is only permissible if the person filing the request provides proof, pursuant to Sections 3, 4, that they have the technical qualification and are in possession of the required legal knowledge.

Apart from that, registration shall be refused:

1. *if the person filing the request does not reside in Germany;*
2. *if they have not completed their twenty-fifth year of age;*
3. *if they have restricted disposal of their assets due to a court order;*
4. *if they are guilty of dishonourable conduct. Political, scientific and religious views or acts as such shall not be regarded as dishonourable conduct."*



Arbitration boards at the German Patent and Trade Mark Office

In order to avoid court proceedings, two arbitration boards have been established at the German Patent and Trade Mark Office (DPMA): the Arbitration Board under the Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*) and the Arbitration Board under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*; until 31 May 2016: under the Copyright Management Act).

The arbitration boards submit settlement proposals to the parties, which can be accepted as binding. However, the parties can also object to them or reach agreements on their own.

Although the arbitration boards are integrated in the organisation of the DPMA, they are autonomous bodies.

- **The Arbitration Board under the Employee Inventions Act** 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 Act on Collective Management Organisations**, established at the DPMA, mainly mediates disputes between collective management organisations, also referred to as collecting societies, and users of copyrighted works. A frequently disputed point is whether the tariffs of the collective management organisation are applicable and reasonable in an individual case. The Arbitration Board consists of three lawyers.

The Arbitration Board under the Employee Inventions Act

Goods produced by a firm are usually the result of the work performed by its staff. The firm pays a salary for the performance of the work; and, in return, the produced goods belong to the firm. However, if the result of the work is an invention, it does not automatically belong to the firm despite the firm paying a salary for the performance of the work in this case as well. This principle even applies if it is the main task of an employee to develop new technical solutions. This is due to the inventors' law applicable in Germany. Pursuant to Section 6 of the Patent Act (*Patentgesetz*), which does not distinguish between employees and self-employed persons, the right to a patent belongs to the inventor. It is only the Employee Inventions Act which allows employers to acquire the rights to inventions based on work in a business. As a compensation for the lost right to the patent, the employee gains a right to remuneration against the employer. The amount of remuneration depends on the economic success of the invention for the employer and on the extent to which it was easier for the employee to make the invention due to their employment as opposed to an independent inventor.

Rights and obligations are regulated by the Employee Inventions Act; disputes between employers and employees as to the rights and obligations may still arise. Then it is the duty of the Arbitration Board under the Employee Inventions Act to mediate and settle the dispute. The legislator has provided the Arbitration Board with legal and technical expertise to perform this duty. The Arbitration Board consists of a chairperson qualified to hold judicial office and two assessors. The latter are appointed from among the patent examiners, selected specifically according to their special technical expertise for the respective case pending before the Arbitration Board.

The Arbitration Board first gives the parties involved in the proceedings the opportunity to present their points of view and then makes a proposal that is aimed at reaching an amicable settlement. If the parties involved accept the settlement proposal, they conclude a contract governed by private law settling the dispute.

The Arbitration Board in 2016

The Arbitration Board concluded 71 proceedings in 2016, with the parties accepting 70% of the settlement proposals. The Arbitration Board took a position on the following questions, among others, in their settlement proposals:

In one case, the Arbitration Board had to answer the question as to how to deal with a late patent application for a service invention. In this case, the employer filed the service invention of their employee only three years after notification of the invention without plausible explanation. When it was found during the patent grant procedure that, one year following notification of the invention, prior art destroying the novelty of the invention had become known, it was only possible to grant a very limited scope of protection for the service invention. Originally, it would have been eligible for protection in full. In order to compensate for the employer's neglect of duty, the Arbitration Board proposed calculating the value of the invention as if it had been granted full patent protection.

In another case, the employer used the service invention in their own products but also ensured that the invention was implemented in nearly identical products of a German 100% subsidiary. The Arbitration Board held the opinion that reasonable parties to a licence agreement had taken the organisation of the corporate group into account by basing the determination of the licence fee on the turnovers of both companies. In its settlement proposal, the Arbitration Board therefore also suggested referring to the external sales of the corporate group for determining the value of the invention.

In a further case, the Arbitration Board was of the opinion that receipt of advance payments for ordered but not yet marketable products was indeed receipt of financial benefits resulting in a value of invention. However, it denied an obligation to pay remuneration referring to the point in time of the payments since the products were still in the test phase and it was consequently unclear whether and which inventions would be contained in the final product to be delivered.

For these and other selected decisions of the Arbitration Board, please visit our website.

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

The Arbitration Board under the Act on Collective Management Organisations [1]

Use of literary, musical, artistic or similar works involves the obligation to pay remuneration to the creator of the work. Usually, creators entrust collective management organisations (CMOs) with the enforcement of their rights. CMOs grant licences and collect remuneration, which they distribute to the authors.

The Arbitration Board in 2016

162 disputes were brought before the Arbitration Board in the year under report. 90 cases were concluded. A total of 455 cases are still pending decision. The majority of the newly received cases are – as in the years before – disputes between manufacturers or importers (or retailers in some cases) of copying devices and storage media as one party and the ZPÜ, the German central organisation for private copying rights, which is an association of GEMA and eight other CMOs, as the other party.

The most important decisions of the Arbitration Board in 2016

In 2016, a total of six cases related to the question of to what extent broadcasting organisations must conclude a contract on retransmission of television signals on reasonable conditions with providers of Internet video recorders. They are legally obliged to do so if the re-transmission of programmes is cable retransmission in accordance with Section 20b(1), first sentence, of the Copyright Act (*Urheberrechtsgesetz*); see Section 87(1) no. 1 and (5) of the Copyright Act. The Federal Court of Justice has not yet decided on this question; however, it confirmed interference with the right of retransmission of the broadcasting organisations and denied infringement of the right of reproduction pursuant to Section 15(1) no. 1 and Section 16 of the Copyright Act.

In a more recent decision (OLG München, judgment of 3 June 2015, reference number: 6 Sch 7/14 WG), the Higher Regional Court of Munich denied that there was a case of cable retransmission arguing that retransmission of programmes is only completed when the user of an online video recorder has gained access to the recorded broadcast. In case of the technology in question, which the provider of the online video recorder had used until recently, the user had been able to access the scheduled recordings only after their encoding and data conversion on the last storage location (file server or storage server).

The Arbitration Board takes a different position in the proceedings, which the Higher Regional Court of Dresden had referred to the Federal Court of Justice. The statements of the settlement proposal of 14 June 2016 can be summarised as follows:

- The objection of compulsory licence does not foreclose examination as to whether retransmission is cable retransmission in the present case.
- In the case law of the Federal Court of Justice on the right of reproduction, receiving by the reproducing user is presupposed. However, the preceding broadcast must have ended at that point.
- This means that the earlier the act of reproduction begins in the signal path, the less remains for it to be considered retransmission. If the act of reproduction already begins at the recording server, the signal path goes from tapping the signal via the parabolic antenna to the recording server.
- The necessary territorial reference of the granted right of cable retransmission to the territory of the Federal Republic of Germany can be ensured by contractual provisions and technical measures.

The complete settlement proposal of the Arbitration Board as well as an essay on this topic by Professor Dr Gerald Spindler, Göttingen, have been published in the journal *Zeitschrift für Urheber- und Medienrecht* (ZUM), issue 1/2017, pages 11 et seqq. and 76 et seqq.

Another focus in 2016 was the settlement proposal by the Arbitration Board on the setting and amount of the concert tariff U-K by GEMA. This tariff had already been the subject of a decision by the Arbitration Board before. Meeting the wishes of the parties involved for the disputed points to be dealt fundamentally, the Arbitration Board took positions on a range of issues. The basic points of the decision are:

- the question of to what extent the turnover tax and other "transitory items" as well as refunded system fees form the calculation basis;
- the impact of the market conditions on the amount of the tariff rate;
- in case of a turnover-based tariff, the tariff rate usually remains constant if the amount of use does not change;
- the introduction of the new category "concert-like performance", which is between the "pure" concert and the "pure" event as concerns the amount of use.

The parties involved are negotiating on the basis of an Arbitration Board ruling; a decision on this matter was not yet available at the copy deadline.

According to a judgment by the Federal Court of Justice of 19 November 2015 (file number: I ZR 151/13), the existing remuneration models to calculate remuneration pursuant to Sections 54 et seqq. of the Copyright Act are no longer applicable to a large extent. In multiple currently pending cases (relating to inclusive contracts), the Arbitration

[1] until 31 May 2016: under the Copyright Management Act

Board is working with the parties involved on how a remuneration model meeting the requirements by the Federal Court of Justice might look like.

In 2017, the Arbitration Board will issue the first orders on the payment of security, which has been introduced by the CMO Act, and publish its new remuneration model.

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

Table 15
Arbitration Board under the Employee Inventions Act at the DPMA

Year	Requests received	Settlement proposals	Proposals accepted (percentage)	Orders	Provisional proposals concluding the proceedings	Refusals to participate in arbitration proceedings	Request withdrawals	Total of cases concluded	Arbitration proceedings pending at the end of the year
2012	69	38	42.1	15	0	24	13	90	94
2013	73	40	60.0	13	0	15	14	82	99
2014[1]	67	13	78.6	6	1	11	11	42	125
2015	60	44	75.0	5	1	15	9	74	111
2016	72	44	69.8	1	3	12	11	71	112

[1] In one case, there was a settlement proposal as well as an order.

Table 16
Arbitration Board under the Act on Collective Management Organisations 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 proposal by the Arbitration Board	Discontinued proceedings and other decisions	Total	
	Total	inclusive contracts[1]						
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	447	32	0	32	64	383
2016	162	1	545	28	0	62	90	455

[1] pursuant to Section 14(1) no. 1(c) of the Copyright Management Act (until 31 May 2016) or Section 92(1) no. 3 of the CMO Act (since 1 June 2016)



Customer care and information services

We will be happy to advise you face-to-face, over the phone or online

The statutory duties of the German Patent and Trade Mark Office (DPMA) reflect the two sides of industrial property protection: on the one side, IP rights grant a temporary monopoly, on the other side, the public must be informed about the innovation. Consequently, the DPMA also has important information duties in addition to the examination, grant and registration of IP rights. On the one hand, it provides information to the public about filing routes as well as about application requirements and procedures for the various types of IP, before an application is filed. On the other hand, the public is to be given the opportunity to gain information about all registered and granted IP rights, their scopes of protection as well as about the current legal and procedural status.

The DPMA provides this information with the help of efficient services, which constitute an indispensible infrastructure service for business enterprises. Strategic decisions on development projects as well as decisions on the filing strategy itself are taken on the basis of the information that has been made available. These decisions often involve large investments and are connected with the fundamental orientation of the enterprise.

www.dpma.de/english/service

At Customer Care and Services, we answer enquiries on application procedures, assist customers in their searches relating to all types of IP, by "helping them to help themselves", and explain the services available at the office. The DPMA services also help to continuously monitor the relevant technical fields. Furthermore, the DPMA enables private providers of information to integrate the data of the DPMA, on the basis of raw data provided by us, into their own information products and services and to combine them with data from other sources, as needed.

You can comfortably use the following sources of information of the DPMA – either online, wherever you are, or on site, at the DPMA locations.

↗ Our Central Customer Care and Services

In an interview with the competent colleagues on pages 52 and 53, we present the Central Customer Care and Services to you in detail in this Annual Report: in this interview, two members of staff, Petra Maier and Hildegard Schmoeckel, answer questions, providing a highly practical insight into their work and the Customer Care and Services.

By the way, since 1 July 2016, our Central Customer Care and Services has a new single central telephone number for all DPMA locations: **+49 89 2195-1000**.

↗ Initial consultation for inventors

Free initial consultations for inventors are offered nationwide by patent attorneys of different institutions in many cities in cooperation with the Chamber of Patent Attorneys. In Munich and in Berlin, these consultations take place in the rooms of the DPMA. Customer Care and Services will be happy to make a convenient appointment for you at those two locations.

↗ Our search rooms

For all types of IP searches that you wish to conduct, we offer you – in addition to the services offered by the Central Customer Care and Services – detailed information and support at our two search rooms in Munich and Berlin. Of course, file inspection is also available in the search rooms if you do not already use our **DPMAregister** online service to inspect the case files.

↗ Our workshops and seminars

Several times a year, we offer a range of diverse introductory workshops and seminars on IP protection or on how to conduct specific searches in our databases. These events take place at the DPMA locations in Munich and Berlin. For more information on our workshops and seminars visit our website at

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

↗ Our print and online publications

You will find useful information about patents, utility models, trade marks and designs on our website. On our website you will also find leaflets with succinct information on IP rights, searches and our e-services as well as comprehensive information brochures on all four types of IP, our annual reports and the publication "*Erfinderaktivitäten*" (inventors' activities, which are available in German only).

From our website you can also access, free of charge, the current edition of the gazette "*Blatt für Patent-, Muster und Zeichenwesen*", published monthly by Carl Heymanns Verlag. This gazette contains acts, ordinances and official notifications from the overall area of intellectual property protection including selected decisions of the courts and notifications about patent agents and representatives. Special topics, in particular, on patent information are treated in more detail in the the German-language publication series **DPMAinformativ**.

You will find all publications mentioned on our website at

www.dpma.de/english/service/publications

↗ Our e-services

In our two databases, **DPMAregister** and **DEPATISnet**, freely accessible via our website, you can conduct a variety of free-of-charge searches for patents, utility models, trade marks and designs: **DPMAregister** provides the option to inspect the legal status register; **DEPATISnet** gives an initial worldwide overview of the state of the art.

You can use our **DPMAkurier** alert service to monitor IP rights and receive the results through automated e-mails.

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

The information and support, which we offer, are complemented by a network of 21 patent information centres at the regional level throughout the whole of Germany. The individual patent information centres provide a wide variety of services in the field of industrial property protection, above all, for small and medium-sized 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 54 to 55.

Online information on the patent information centres is available in German at

www.piznet.de

↗ Our trade fair activities

In 2016, we presented our office as a modern provider of services and the German centre of excellence for intellectual property at 23 trade fairs and IP conferences in total. Raising public awareness and providing information to the public about the topic of IP rights are in the focus of our trade fair activities. The questions frequently asked at the trade fair stand have shown that there is a great demand for information on these topics; these questions are often about the importance of intellectual property, the different IP procedures and various search tools but also about fighting counterfeiting and piracy.

The first highlight of the 2016 trade fair season was bauma in Munich. With over 3,400 exhibitors from 58 countries and more than 580,000 visitors it is the world's leading trade fair for construction machinery, building material machines, mining machines, construction vehicles and construction equipment. At bauma, we provided information to visitors at a joint stand with our long-term cooperation partner, the central unit for IP protection of the customs services (*Zentralstelle Gewerblicher Rechtsschutz*). A special attraction at this fair stand was a showcase displaying counterfeit products seized by the customs services and the corresponding original products.

In the past year, the DPMA made its debut at two big globally important trade fairs: for the first time we had our own stands at drupa in Düsseldorf, the world's leading trade fair for the printing industry with 1,800 international exhibitors and 260,000 visitors, as well as at the Frankfurt Book Fair, and received an overwhelmingly positive response from the trade fair visitors. A colleague from the European Patent Office strengthened our team of experts at the Frankfurt Book Fair and answered the respective visitors' questions.



Counterfeit products seized by the customs services and original products

The proven collaboration with the Federal Ministry for Economic Affairs and Energy was successfully continued in the 2016 trade fair season. At CeBIT as well as at HANNOVER MESSE, we were partners at the big joint stand of the Federal Ministry for Economic Affairs and Energy and were thus able to have experienced IP experts in place at these two important trade shows, who answered a large variety of questions of interested trade visitors about IP rights and our e-services.



At bauma in Munich: our joint stand with the customs services



The DPMA fair stand at drupa in Düsseldorf



Our stand at the Frankfurt Book Fair

In addition to the Federal Ministry for Economic Affairs and Energy and the customs services, we were supported in the year 2016, as often before, by various other cooperation partners, for example, by Messe Frankfurt GmbH with its initiative "Messe Frankfurt against Copying", by Messe München GmbH and by Messe Düsseldorf GmbH.

In 2016, we also successfully continued our trade fair activities in the form of "mobile expert teams" at ongoing trade fairs: here, the focus is on the exhibitors themselves. Our "mobile expert teams" provide concrete information on all IP rights to exhibitors directly at their exhibition stands. In this way, our mobile IP experts were very successful at the following trade fairs: ISPO, Spielwarenmesse, Automechanika, Ambiente, IFAT, analytica, AUTOMATICA, Intersolar Europe, electronica and WindEnergy.

Our 2017 trade fair calendar is available on page 85 in this Annual Report.

In 2016, we participated in the following trade fairs and IP conferences:

January	
13–15/01	PSI-Messe (Düsseldorf)
24–27/01	ISPO (Munich)
27/01–01/02	Spielwarenmesse (Nuremberg)
February	
12–16/02	Ambiente (Frankfurt)
March	
14–18/03	CeBIT (Hanover)
April	
11–17/04	bauma (Munich)
13–17/04	International Exhibition of Inventions (Geneva/CH)
25–29/04	HANNOVER MESSE (Hanover)
May	
10–13/05	analytica (Munich)
30/05–03/06	IFAT (Munich)
31/05–10/06	drupa (Düsseldorf)
June	
08–10/06	PATINFO (Ilmenau)
21–24/06	AUTOMATICA (Munich)
22–24/06	Intersolar Europe (Munich)
September	
13–17/09	Automechanika (Frankfurt)
27–30/09	WindEnergy (Hamburg)
October	
07–08/10	deGUT (Berlin)
19–23/10	Frankfurt Book Fair (Frankfurt)
27–30/10	iENA (Nuremberg)
November	
09–12/11	MUT – entrepreneurs' day for medium-sized enterprises (Leipzig)
14–17/11	electronica (Munich)
14–18/11	MEDICA (Düsseldorf)
16–18/11	Markenforum (Munich)

INTERVIEWS

Interview with Petra Maier and Hildegard Schmoeckel

Heads of Units 1st-Level and 2nd-Level Information as well as Complaints Management in the Central Customer Care and Services



Ms Schmoeckel and Ms Maier

Ms Maier, your unit deals with first-level information, that is, the first level of the Customer Care and Services. What does this mean?

Petra Maier: My unit consists of six teams at four different locations. A team is made up of a team leader and three to five other members of staff. Telephone as well as electronic enquiries are jointly processed by all teams. This is possible due to a special telephone software evenly distributing the calls to logged-in colleagues. A part of the enquiries reaching us by e-mail to our service address **info@dpma.de** is also allocated directly to the second level of our Customer Care and Services. This allows us to react to the questions raised by our customers with up-to-date as well as broad knowledge and, which is equally important, as soon as possible.

Ms Schmoeckel, what is second-level information and what does the complaints management look like?

Hildegard Schmoeckel: The questions forwarded to the 2nd-Level Information Unit are partially very complex or unusual. It is therefore possible that a question might not be answered immediately. In such a case, we call back or answer via e-mail. This is because even we find some answers only in special information leaflets, ordinances, laws or commentaries, internal manuals or by contacting the responsible specialised unit. The information acquired in this way is entered into an internal wiki ensuring faster access to information when needed.

At the Complaints Management, we deal with all statements of displeasure that the DPMA receives outside the legal frameworks of opposition, cancellation and appeal proceedings at the DPMA. Among other things, this means that we record the complaints centrally; upon consultation with the responsible specialised units, we answer them or coordinate the answering procedure. It is also extremely important that we analyse the potential reasons within the framework of the complaints management in order to determine where there is room for improvement. One thing is obvious: any complaint we receive is a chance for us to improve. We consider complaints management to be knowledge management.

Let us look back at 2016: in your opinion, which were the most important steps in the successful implementation of the Central Customer Care and Services?

Petra Maier: A point of very great importance was the introduction of the single telephone number **+49 89 2195-1000**, which we worked on for a long time. This was an organisational act of strength; however, all brochures, information leaflets and web pages of the DPMA have been adjusted by now. Particularly the website categories “Contact” and “Enquiry units and search rooms” allow our customers to find the right way to get in touch with us.

Another important milestone in 2016 was the filling of vacancies for positions as team leaders and experts. Thanks to well-trained new colleagues, we have been able to react to the diverse enquiries and issues of our customers in an even faster and more flexible way since the turn of the year 2016/2017.

How many enquiries were received by the Customer Care and Services in 2016?

Hildegard Schmoeckel: In 2016, we received about 150,000 enquiries. The largest part, approximately two thirds, was answered by telephone and a good quarter via e-mail. The remaining enquiries from our customers reached us during their visits to our offices, for example, in the enquiry units and search rooms or at one of our numerous trade fair stands between Hamburg and Geneva.

According to your statistics, what are the topics with the most enquiries?

Hildegard Schmoeckel: In our statistics, we do not only record how we receive the individual customer contacts but also the topics. In 2016, we mainly dealt with the following topics: much more than half of the enquiries we received related to trade marks and nearly a quarter to patents, such as the question of how to file a patent application for a technical invention, how to search for prior art or how to file an international patent application.

As for the enquiries in the field of trade marks, particularly start-ups seek to have the names of their new businesses or their new products protected as trade marks. They contact the Customer Care and Services as individual applicants in order to receive initial information. One thing strikes me: many of those new entrepreneurs think globally from the very beginning. So, of course, the customers are also interested in how an IP right can be established internationally, regionally or nationally in a foreign country – in such a case, too, we mention information material and the contact pages. However, we cannot and we must not give advice on a strategy that might be useful in a concrete individual case. This would be like legal advice, which we do not provide.

What is behind the statistical category of "Other"?

Hildegard Schmoeckel: "Other" refers to about 7% of the enquiries in 2016, which we were not able to allocate to an IP field. This includes general questions, for example: "How do I protect a business idea?", or questions on copyright or other duties of the DPMA such as on the supervision under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*). A frequent question also was how to become a patent attorney.

Which conclusions can be drawn from the statistics for the practice of the Central Customer Care and Services?

Petra Maier: Definitely: the detailed analysis of the customer contacts allows us to identify room for improvement and to bring about improvements for our customers. For example, in 2016, we added links to our web pages containing fee information in **DPMAregister** due to the frequently asked questions about due dates and the amount of the fee for IP renewal. Naturally, we also reported this news in the DPMA newsletter.

Another conclusion, which is extremely important for our work and our services, is that more enquiries have reached the Customer Care and Services in English in 2016. We are now further improving the language skills of the staff entrusted with those enquiries; and our Internet editorial office will also fundamentally rework the English DPMA web pages in 2017.

Do you have any hints or tips for the DPMA customers?

Petra Maier: At the Customer Care and Services, we always try to process all enquiries, questions and requests as soon and as well as possible. We guide you through the DPMA website to the information that you look for or need, and thus support you in filing your IP applications. Likewise, we are happy to provide you with information about pending IP procedures if it is within our competence.

Hildegard Schmoeckel: One thing that is often not borne in mind: please note that requests and communications relating to IP procedures cannot be filed with legal effect via e-mail.

Ms Maier, Ms Schmoeckel, thank you very much for this interview.

The following web pages contain more detailed information on the enquiry units, search rooms and local initial consultations for inventors:

www.dpma.de/english/the_office/duties/enquiryunits



National cooperation partners

Powerful network for small and medium-sized enterprises

Intellectual property and questions relating to industrial property rights are often a matter of trust. Therefore, it is not surprising that particularly small and and medium-sized enterprises (SMEs) – also in times of widespread information resources and anonymous online portals on the Internet – prefer personal local contact. Our offices in Berlin, Munich and Jena provide an appropriate secure framework with assisted search facilities and the information service. In other places, the patent information centres have been performing this role reliably for decades. They do not only offer a comprehensive range of information and services relating to industrial property rights but also provide access to electronic databases such as our e-services; a report about this is included in the following chapter of this Annual Report on pages 56 to 58.



www.dpma.de/english/the_office/cooperation

An integral part of our innovation landscape: the patent information centres

The patent information centres have formed a powerful nationwide network of specialised and neutral IP service institutions in the working group of German patent information centres (*Arbeitsgemeinschaft Deutscher Patentinformationszentren e.V.*). It is a network with the necessary level of proximity to the market and thus to the decision-makers in the field of research and development and contributing to raising companies' and research institutions' awareness for the significance of intellectual property and IP information. As a long-standing cooperation partner of the DPMA, the non-profit patent information centres offer – particularly during the stage preceding the filing of IP applications with the DPMA – diverse business services for the application, search, assessment and management of IP rights among other things. This cooperation is based on a cooperation agreement with the DPMA to secure the quality and scope of services provided by the patent information centres.

In view of the Fourth Industrial Revolution or "Industry 4.0", a term used to describe increasing automation and data exchange in manufacturing technologies, the world is changing for innovators and innovations, too. On the one hand, digitisation and networking of development, production and application procedures offer great opportunities and chances, on the other hand, they entail new risks and challenges in the field of intellectual property. Furthermore, constant availability of highly specialised patent information in free databases in the past few years has considerably changed requirements for IP service institutions. With the new version of the cooperation agreements concluded with the patent information centres, we reacted to the changed framework as early as 2015. The new version of the cooperation agreements significantly contributed to the development of first robust "quality criteria for patent information centres" – a development in which our European partners and the World Intellectual Property Organization (WIPO) are interested as well.

Based on these quality criteria, the portfolio of services offered by the patent information centres was evaluated in 2016 for the first time. Result: all patent information centres meet the requirements as to quality and scope of IP-relevant services for SMEs. Increasingly, focus is on services dealing with the protection and strategic management of IP rights rather than on pure information services.

In 2016, the focus of our cooperation with the patent information centres was also on further development of the organisational and technical infrastructure, further qualification of the staff as well as further improvement of service and quality of their consultation services, particularly for SMEs. Our Section 2.1.3, which is responsible for patent information centres, again organised and carried out courses for staff of the patent information centres in cooperation with renowned institutions in 2016.

Portfolio of services offered by the patent information centres

In 2016, a broad range of IP-relevant services were rendered by the patent information centres. As in the previous years, search support (6,783 cases), initial consultations for inventors (2,786) and commissioned searches (3,634) were most popular. Much in demand were also services for the strategic IP management (830), for IP enforcement as well as for fighting and avoiding counterfeiting (794). Based on a statutory mandate, some patent information centres also accept IP applications, for example, in Hamburg, Dresden, Aachen or Stuttgart. In 2016, a total of 984 applications were accepted and forwarded to us, securing the filing date.

Other national cooperation partners

Institutions of higher education, chambers of commerce and industry, industry associations and the customs authorities are important partners for us. In 2016, this cooperation has proved its worth at a number of different events (presentations, guided tours, seminars, workshops and trade fairs) relating to industrial property rights. The cooperation with other actors in this field is allowing our staff, too, an enriching "look outside the box" again and again. For example, in March 2016, when we supported the Federal Office of Bundeswehr Equipment, Information Technology and In-Service Support within the framework of a training event for the contact points for inventors of the Bundeswehr technical centres by way of administrative assistance with organisational and personnel resources.

Table 17
Information services provided by patent information centres

	Number
Seminars	289
Information events	153
Publications	286
Trade fair stand hosting	64
Participation of staff as speakers at third-party events	92
In-house training	94
Initial consultations for inventors provided by patent information centres and cooperation partners	2,786



IT developments and e-services

Electronic file management by high-performance equipment

Since as early as 2011, the case files of patents, utility models, supplementary protection certificates and topographies have been processed in a fully electronic way using the DPMA**patente** and DPMA**gebrauchsmuster** software programs, which were developed by us, as well as the respective horizontal services. Since 2015, we have been able to manage trade mark case files in this way by using the DPMA**marken** program. The German Patent and Trade Mark Office (DPMA) has not created any paper-based files for any of the procedures since then. In 2016, we further expanded these IT processes to optimise the handling of electronic files and make it more efficient for our customers. The technologies on which the programs are based have continuously been kept current by updates.

The electronic processing of the procedures also requires a modern and high-performance IT environment for our staff. That is why the complete IT equipment of about 2,000 work places at all locations was replaced in 2016.

We are pleased that our e-services are popular with our users and well received by them. In 2016, our customers have chosen the electronic route of filing at our office for almost 150,000 filings. Customers viewed the details of more than three million IP rights and inspected roughly 16,000 patent and utility model case files in DPMA**register**, per month on average. More than four million searches were conducted in DEPATIS**net**, the same number of bibliographies were displayed and more than one million complete patent documents were viewed, per month on average.

This chapter contains further information on IT developments and selected e-services.

↗ DPMAregister
Our database for your efficient access to current status information

Our electronic IP database **DPMAregister** provides legal and procedural status information on patents, utility models, trade marks and registered designs as well as publication data to you. All current as well as earlier statutory publications on IP rights can be downloaded here. The flexible search surface allows you to conduct targeted searches for IP rights, based on a combination of legal status information and procedural data. Our electronic **DPMAkurier** alert service sends e-mails to you containing information about new applications and legal status changes.

Gradually, the data of international IP rights effective in Germany will be integrated into the **DPMAregister** database. At the beginning of 2017, the international registrations of marks of the World Intellectual Property Organization (WIPO) designating the scope of application of the European Union Trade Mark Regulation were newly added. In addition, the **DPMAregister** provides information on international registrations of marks and EU trade marks, if Germany (DE) is designated. A direct link leads from the information on an international IP right displayed in **DPMAregister** to the respective data of the authority which keeps the register, for example, to the European Union Intellectual Property Office (EUIPO).

Another improvement regards sequence listings. Since 2016, the files with sequence listings of nucleotide or amino acid sequences can be found, quite easily, via the respective IP right in **DPMAregister**. The list of what is called mega documents, kept so far, is no longer updated.

More information is available on our website or at

https://register.dpma.de

↗ DEPATISnet
Our service for your worldwide search for the state of the art

Via **DEPATISnet**, you can currently access 99 million documents (as at December 2016). In 2016, too, this e-service was continuously developed further: in addition to changes of the technical basis, some functions were added to **DEPATISnet**. For example, it is now possible to display the abstracts of patent and utility model documents in the result list. The highlighting of search terms in the result list as well as the display of full-text documents was markedly improved and extended. Furthermore, the full texts of EP and WO documents were added to the database so that the full display functionality is also available for these documents.

A detailed introduction to the functions of **DEPATISnet** is available on our website and in the brochure “Prior Art Search”.

https://depatisnet.dpma.de

www.dpma.de/english/patent/search

↗ DPMAprimo
Your portal for the search in our stock of literature

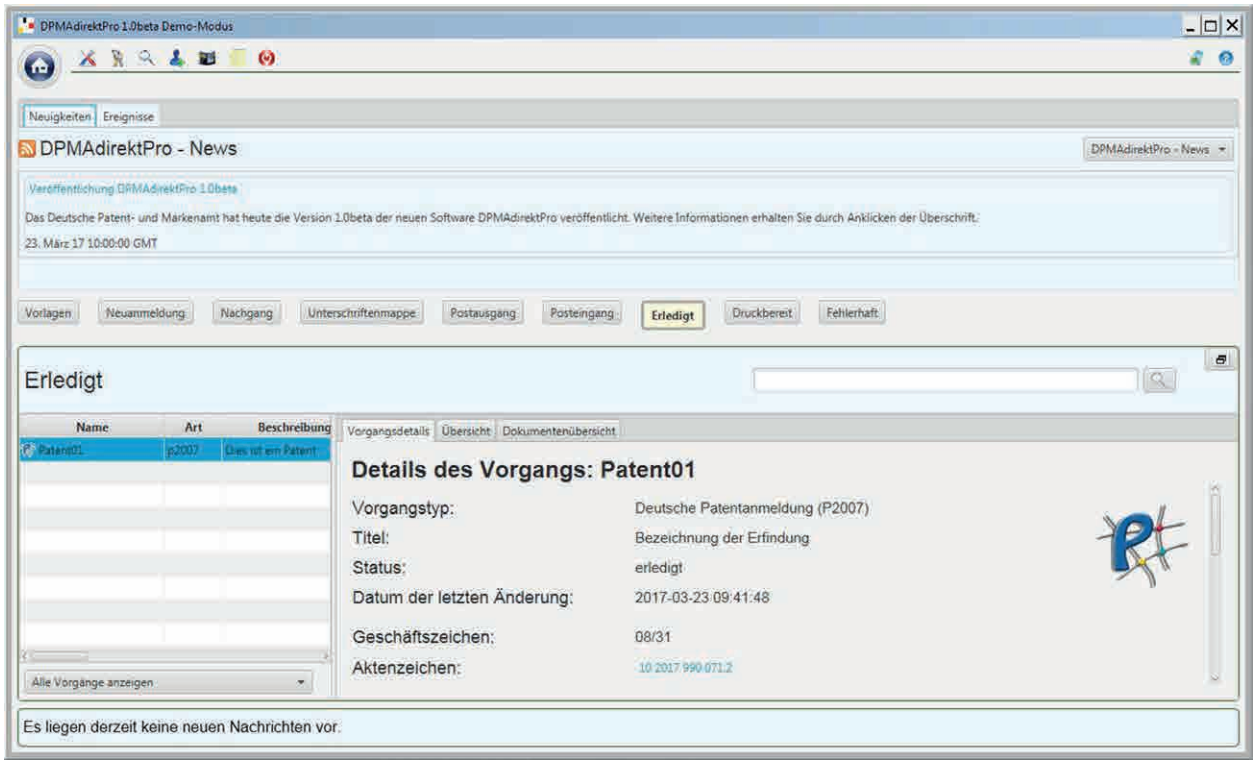
Since the end of 2016, **DPMAprimo** has been available to users as a search portal for our office’s stock of literature: the portal allows users to conduct searches in printed or electronic literature in the holdings of the DPMA or other licensed sources. The automatic inclusion of an external data index extended the search to a huge range of scientific literature covering several hundred million data records. Access to the full text of licensed publications can still only be granted in our search rooms and in accordance with the corresponding licence agreements.

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

↗ DPMAdirektPro
Our latest e-service for electronic transmittal

Since mid-2014, our experts have worked on developing a “return path” for the electronic transmittal of replies of the DPMA. There is a virtual post office, **DPMAdirekt**, which can be used to file electronic IP applications, that means patent applications (German, European and PCT) and utility model applications as well as all types of related subsequent filings of documents – but also trade mark and design applications. Oppositions or replies in patent procedures, appeals in patent and trade mark procedures, applications for determination or declaration of invalidity in design procedures or a SEPA mandate can also be filed electronically, via **DPMAdirekt**, at the DPMA. However, our office is currently sending the replies to customers and business partners, without exception, by post.

But now, **DPMAdirekt** becomes **DPMAdirektPro**: by this extension an important functionality is added to our customers' virtual mailbox. **DPMAdirektPro** will remove the former media discontinuity, supporting full electronic processing as well as electronic file management – both, on the part of the customers and on the part of the office. A concrete example from real life: in the future, our customers will also be able to send the acknowledgement of receipt back to us electronically via **DPMAdirektPro**. Of course, our customers and business partners will still have the choice between the (exclusively) electronic transmittal – that means the participation in **DPMAdirektPro** for individual or all case files – or the customary delivery method by post.



Screenshot of the new **DPMAdirektPro** service

If you wish to participate in DPMAdirektPro,

you only need a software update to the new **DPMAdirektPro** version. After your registration for the electronic document transmittal, you will receive a PIN for participation in **DPMAdirektPro**, which has to be entered once to activate the additional functions in the software. From then on, the use of the electronic "return path" will be available to you; if you wish, also for your existing IP case files.

BRIEFLY EXPLAINED
IT service continuity management

In the past few years, the DPMA markedly expanded existing information technology (IT) processes and introduced many new processes, for example, the fully electronic file processing system for patents, utility models and trade marks. However, the replacement of paper-based processes by modern IT solutions also increases the dependency on these technical systems.

In order to live up to our responsibilities, the DPMA has established an IT service continuity management that complies with the latest standard on *IT-Grundschutz* of the Federal Office for Information Security, the BSI standard 100-4.

Malfunction, emergency or crisis

But what actually is an IT emergency? The BSI standard gives the following definition: "An emergency is an event in which the processes or resources of an organisation do not function as intended. The availability of the corresponding processes or resources cannot be restored in the required time frame. Business operations are seriously affected. [...] The resulting damages are high to very high and affect [...] the ability of a government agency to fulfil its tasks so significantly that such damage is unacceptable. Emergencies cannot be handled during general daily business operations and require a special business continuity response organisation instead."

Smaller-scale problems which can be eliminated during daily general business operations are called IT malfunction. However, if bigger problems arise than an IT emergency, these are referred to as crises or disasters. IT emergencies can be sparked by a large variety of causes: by extreme weather events, staff shortages (for example during a flu epidemic), sabotage, virus attack, malware or software bugs to name just a few examples.

Responsibility in an emergency

Various roles and responsibilities were defined at the DPMA as part of a contingency plan for a possible IT emergency situation: the senior management of the DPMA is responsible for ensuring that there is an office-wide IT service continuity management. The IT service continuity officer at the DPMA controls all activities relating to IT contingency planning and is involved in all associated tasks. These also include the creation, implementation, maintenance, and support of the office-wide IT service continuity management process and of the corresponding documents and regulations.

The IT service continuity team is a committee that meets when an IT emergency occurs to take on planning and coordinating tasks. It is a special, temporary organisational structure that transitionally dissolves the normal organisational IT structure to manage the response to an IT emergency and bundles authorities from all areas.

Contingency planning measures

The activities which have to be performed within the framework of IT contingency planning comprise, for example, the description and evaluation of the effects of failures of individual IT systems, the consideration of possible risks, the development of continuity plans and the documentation of the people in charge including their contact details. In addition to these documents, which are specifically produced for an IT emergency, current versions of the various operations documents, which are also used for regular IT operations, must be available in case an IT emergency occurs. Multiple redundant copies of the documentation necessary in case of an IT emergency must be stored in different locations and on different media: in this way the documentation can be used even when, due to the concrete emergency event, some of the resources or rooms might not be available.

In the course of the assessment, it must also be examined whether the staffing level and the availability of staff as well as the existing equipment and technology are sufficient to be able to deal with an emergency. The specified processes to be carried out by staff in the case of an IT emergency must be practised again and again during regular IT emergency drills. After the preparations required for this purpose had been made within the framework of our IT service continuity management, the DPMA conducted such an emergency drill for the first time in the summer of 2016. The bottom line of the emergency drill: a functioning IT service continuity management can considerably minimise periods of disruption and damage in case of emergency.

INTERVIEWS

Interview with Christine Moosbauer

Director General for Information (Directorate General 2)



Ms Moosbauer, you assumed the position of Head of Directorate General 2 at the end of May 2015. What were the greatest challenges for you in the beginning?

Directorate General 2 comprises two large areas of responsibility: one is the operation and further development of all basic IT services and our electronic business applications, the other is the internal and external information services as well as e-services for our customers. Since my professional career has been rather focused on IT so far, the IT procedures including the projects are very familiar to me. For example, I supervised the development of the electronic case file for patents and utility models during the most important project stage when I was Head of the IT Planning and Development Division. Later, I got to know the electronic case file in practice as Head of a Patent Division as well as a user. In this area of responsibility of Directorate General 2, it therefore did not take long for me to be up to date. I was quick to acquire knowledge about the topics in the field of internal and external information services thanks to the active support by the managers in this area. I noticed, for example, that particularly cooperation with the patent information centres in the German *Länder* and the cooperation projects with other offices and institutions are immensely changing in times of digitalisation – and are therefore very interesting.

What are your medium-term goals?

Directorate General 2 is a service area for the whole of the DPMA as well as for the public interested in IP rights and, last but not least, for our customers – I am thinking of the newly structured Central Customer Care and Services including Complaints Management and our many e-services. The internal as well as the external services must be made available in a reliable way and be accessible as easily as possible. At the Central Customer Care and Services, this was very successfully achieved by the new structure, the single telephone number and the uniform treatment of external enquiries across all DPMA locations. There only might be a few steps necessary for better technical support of the colleagues at the Customer Care and Services. Furthermore, we will even further extend cooperation between the Customer Care and Services and the specialised units. The e-services are indispensable to all customers; however, we must adjust the e-services continuously to new conditions. An example of this is the extension of **DPMAdirekt** by adding the option to send our communications electronically to the customers. This will eliminate one remaining aspect of media discontinuity in electronic file processing.

Due to the very far-reaching electronic support of all tasks, dependency on the IT services is constantly increasing. Therefore, the most important goal of Directorate General 2 is to keep availability and security of all IT services in respect of current and future threats at a high level. The efforts we are permanently making are enormous.

Could you name some concrete examples for threats the DPMA is subject to?

Yes, our IT security team and the IT operation teams are very busy. For example, we receive e-mails containing malware almost on a daily basis, potentially able to infiltrate our IT systems and disable our e-services or business applications. Robotic attacks on e-services are also often reported. Both the IT security measures already taken and the continuous keeping up to date and further

development of such measures as well as the high-level vigilance of the IT administrators and all staff with external contacts have prevented any damage to the DPMA so far. And in the case that these damage control mechanisms should fail at some point, we have intensively dealt with IT emergency preparedness and developed an IT service continuity management at our office.

This sounds like a lot of work. Do you have enough staff for this?

Of course, our staffing level is always too tight. We also use external service providers in some areas of IT operation. However, the IP systems including electronic horizontal services newly created for electronic file processing – for our Digitising Centre, the Payment Transactions Unit or address management among others – are operated by our own staff for the most part. Maintenance and further development is also performed by DPMA experts. This requires very intensive cooperation with the specialised units in Directorates General 1 and 3 to record and clarify business requirements and particularly to carry out tests. For **DPMApatente/gebrauchsmuster**, we recorded the business processes from the beginning of the project and implemented a workflow. Further development must be made according to standardised methods of business process management. We recruited some qualified staff particularly for this purpose in the past few years. However, the organisational structure did not grow in respect of staffing at the same level as the individual IT development areas. Therefore, we are going to optimise our structures in the concerned areas by way of an organisational review.

Which new developments were there in Directorate General 2 in 2016?

In 2016, we started an IT project to introduce electronic file processing in the Design Division in Jena, too. We can draw on a large wealth of experience gained in the development of the electronic case file for patent and utility model procedures. Currently, business processes optimised by an organisational project in the field of designs are being described. Development and tests are expected to be completed by the end of 2019 at the latest.

Of the other projects in 2016, the most important one was the configuration of a new service for searches in large amounts of data, such as the document management systems for IP files or our document archive and search system **DEPATIS**. And it remains the most important other project. With a newly introduced tool, which is being configured within the framework of the project for our requirements, we want to apply modern search methods and thereby to effectively support search tasks performed by the examiners – also in future. As already mentioned for the e-services, we have prepared many technical as well as legal answers in connection with the new option of electronic transmittal via the secure virtual post office of the Federal Government in the **DPMAdirekt** system so that we can now start the test run. Furthermore, we have established a new support service for an optimised provision of information for patent files. The goal is to lighten the workload of the examining sections and to improve access to non-patent literature via the new **DPMAprimo** service. **DPMAprimo**, which is freely available via our website, covers literature in our library as well as licensed external literature.

In our role as an in-house service provider, we accomplished a very important technical further development for the creation of telework places in 2016. On the one hand, we migrated the existing telework places to a new secure technology and, on the other hand, this technology allows to significantly increase the number of telework places. At the end of 2016, approximately 600 staff members of the DPMA were making use of the teleworking scheme.

How important is cooperation between the DPMA and the regional patent information centres to you?

I consider their work an important part of economic promotion by the state at *Länder* level. The DPMA as a higher federal authority within the remit of the Federal Ministry of Justice and Consumer Protection does not have any mandate for such an activity in the regions and therefore relies on the *Länder* to provide such services for SMEs – that is to say, small and and medium-sized enterprises – and other target groups via their institutions. In view of the number of applications filed by "small applicants" decreasing for many years compared to the total patent application figures at the DPMA, I think that the support services by the patent information centres for SMEs are indispensable. Therefore, it would be of major importance that the *Länder* continue to provide promotional funds to the patent information centres.

Ms Moosbauer, thank you very much for the interview.



Staff

Qualified for the future

At the end of 2016, the German Patent and Trade Mark Office (DPMA) had a total staff of 2,584. This total number is made up of 2,297 staff working at the Munich office, 225 staff at the Jena Sub-Office and 62 staff at the Technical Information Centre in Berlin. This means that the number of staff slightly increased over the previous year. The ratio of female to male staff was almost even (1,247 female and 1,337 male staff).

Attracting personnel: effective staff recruitment

We are continuously recruiting qualified staff. For the diverse activities of the DPMA as the German centre of excellence in the field of industrial property protection, we mainly look for colleagues with work experience in the fields of engineering and natural science, legal professionals, IT specialists as well as civil servants of the higher intermediate non-technical service.

In 2016, we recruited 144 new staff, including 67 patent examiners and 20 trainees. In the autumn of 2016, for the first time, we also ran a job advertisement campaign on the info screens in the Munich suburban and underground railway stations to accompany our recruitment initiative.

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 for commitment and performance

Particularly committed and high-performing staff again received incentive bonuses in 2016. In recognition of their motivation and commitment, 363 civil servants and 297 employees received cash bonuses for outstanding individual or team performances.

Balancing work and family life

As an employer, the DPMA provides staff with many options to better balance work commitments and family responsibilities. Since 2016, our staff can use the support services offered by the "*Eltern-Service*" of the *Arbeiterwohlfahrt* (workers' welfare association, abbreviated AWO) helping staff in finding childcare and elderly care. The expansion of the teleworking programme, individual part-time work schemes and family leaves, too, assist in reconciling work and family demands. Furthermore, in various office buildings, purpose-equipped offices, which are called parent and child rooms, offer staff the opportunity to bring their children to the office in case of a sudden and unexpected breakdown in childcare arrangements. For almost ten years now, we have had a nursery for (currently) 36 children at our headquarters in Munich, operated in cooperation with the City of Munich. Half of the nursery places are available for the children of the DPMA staff.

Of course, the aim to be able to better combine work, care and family life is equally important for women and men. The corresponding work-life balance options offered at the DPMA are intended to encourage male staff to take a more active role in family and care responsibilities.

More information on our project "New options of teleworking" is available on pages 74 et seq.

Our new Central Unit for Health and Safety

Maintaining and promoting health at the workplace have been and remain fundamental aims, which are of central importance to all people. That is why health promotion and safety of our staff are among the operational responsibilities which are a top priority for us as an employer. Our multi-year project "Concept of a workplace health management system" was successfully completed at the end of March 2016.

After completion of the project phase, the new Central Unit 4.0.1 "Health and Safety" was established at the beginning of April 2016. The key function of the unit is the implementation of the structures, processes and procedures developed in the project; the range of work and activities of the Central Unit also includes fire safety. Other aspects such as addiction help, ergonomics, team building and conflict mediation were taken into consideration during organisational restructuring. In 2016, the options offered to our staff focused on the following topics:

- leadership and health
- relaxation and stress reduction
- health and safety
- eye exercises
- mindfulness training

The lighting at the workplace was also enhanced in the year 2016 and most of our office buildings were being equipped with ergonomic lighting featuring a light management system – which at the same time contributes to CO_2 reduction and optimisation of work with VDUs.

Vocational training

Our office provides vocational training in skilled occupations in technical, IT, media, management or administrative fields for more than 60 trainees in total and thus offers career prospects to young people with completely diverse educational backgrounds.

At our Munich and Jena offices, we welcomed 20 new trainees to our ranks in 2016. They had successfully applied for the dual apprenticeship programmes in one of the skilled occupations provided by us:

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

In 2016, as in the previous years, almost all successful vocational training graduates accepted an offer of permanent employment at the DPMA directly after their training.

Furthermore, over 30 pupils used short internships at various areas of the DPMA in 2016 for a first exploration of career options.

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

IN FOCUS
What opportunities does the “higher intermediate civil service” at the DPMA offer?

Varied career roles: our “higher intermediate civil service”

The “higher intermediate civil service” is often referred to as “middle management” or also as the administrative backbone.

Although the “higher intermediate civil service” is a career path for civil servants under civil service law, we at the DPMA also attribute the comparable pay groups for employees, E9b to E12, to the “higher intermediate civil service”. However, we are constantly considering the different statutory framework conditions.

Currently, there are about 390 civil servants and about 90 employees in the higher intermediate civil service at our office. The basic requirement for entering the higher intermediate civil service is a bachelor’s degree from an institution of higher education. The majority of these staff work in the non-technical administrative service at our office. Furthermore, the higher intermediate civil service at the DPMA also comprises the natural science civil service as well as the language and cultural science civil service.

Staff in the non-technical administrative service work, above all,

- in the IP areas, that is procedures regarding patents or utility models in Directorate General 1 or trade marks and designs in Directorate General 3,
- in the horizontal services in Personnel Management, Budget, Organisation and Internal Services as well as
- in the Legal Division.

Individual activities in practice

In the IP areas, the staff carry out a range of diverse tasks in IP procedures with the help of electronic processing systems. A characteristic feature of the work is the contact with applicants and the close cooperation with various national and international institutions in the field of industrial property protection. These include, for example, the European Patent Office (EPO), the World Intellectual Property Organization (WIPO), the European Union Intellectual Property Office (EUIPO) and the Federal Patent Court.

In the horizontal services, the staff of the higher intermediate civil service work together with all divisions of the DPMA, the staff representatives as well as diverse external institutions, for example, the Federal Ministry of Justice and Consumer Protection, the Institute for Federal Real Estate, employment agencies and agencies for the integration of disabled persons into employment.

Our staff in the higher intermediate natural science civil service (currently roughly 70 persons) are exclusively working in the IT area, where they are particularly involved in further developing existing IT systems and also work in the areas, IT operation and IT user support. The colleagues of the higher intermediate language and cultural science civil service work, in particular, at the library of the DPMA, which is one of the biggest science libraries in Germany.

Career advancement – for employees and civil servants

In all fields of work there are diverse career opportunities and scope for professional development. This also includes managerial duties, which involve being responsible for a team of staff of the ordinary, intermediate and higher intermediate civil service.

In the past two years, about 50 staff were newly recruited to the higher intermediate civil service. Because of the demographic development and new duties there will be a high demand for further staff in this area, in the next years, too. In addition to graduates of the Federal University of Applied Administrative Sciences in Brühl or of other institutions of higher education, people with the relevant qualifications and job experience may also be hired for the higher intermediate civil service.

Moreover, particularly high performers of our intermediate civil service (and of the comparable pay groups E5 to E9a) will be given various opportunities of promotion to a position in the higher intermediate civil service after having successfully completed selection procedures and courses of study or career advancement courses. In addition to the “*Fortbildungslehrgang II*” (advanced training course) for employees at the college of administration, the staff can also attend study courses (administrative management, computer science for public administration) at the Federal University of Applied Administrative Sciences. At present, a total of 14 staff of the intermediate civil service are attending respective qualifying programmes. These internal career advancement programmes are an extremely effective way for us to supplement our recruitment drive to attract qualified personnel to work in the higher intermediate civil service at our office.

INSIDE
“Power fitness” at the DPMA

Every Thursday at about 3:15 p.m., strange things are happening at the DPMA: two to three sportily-clad men in identical blue t-shirts with “DPMA FITNESSTEAM” printed on them, offer a warm welcome to also sportily-clad men and women, who all disappear in a room, the door of which is closed afterwards. Roughly 45 to 60 minutes later, the door reopens and the sportily-clad men and women leave the room, slightly sweaty but beaming with happiness, followed by the men in the blue t-shirts … What is going on there?

I am one of these men in the blue t-shirts: Thomas Späth, patent examiner of Division 1.35. For more than twelve years I have been a sports instructor in the leisure sports area, field and track/gymnastics, in my home town. In 2006, I completed a course to become a sports instructor (initial level), what is referred to as “*Übungsleiter C*”. This course combined theoretical and practical training consisting of 140 training units with a final theoretical examination and a practical examination in the form of a demonstration lesson.

After gaining some practical experience, I soon realised that I wanted to focus my classes on exercises to strengthen core muscles. To acquire further knowledge in this field I completed an advanced course for sports instructors (“*Übungsleiter B*”) consisting of 60 training units: “Exercise for prevention – profile: posture and movement”.

Some weeks later, by chance, I came across the fitness classes offered at the DPMA, in particular the “power fitness” training. I learned that the fitness classes were held by two colleagues who also had the certificate B, which is for advanced sports instructors. I said to myself: “Wow, that is exactly what I do at my sports club at home, I wonder if they need support.” After briefly contacting them and attending one training session, I decided that I would also be a sports instructor for “power fitness”. Since 2013, I have been active as a “trainer” at the DPMA.

In order to be able to offer high-quality exercise programmes aimed at strengthening core muscles, we sports instructors are obliged to regularly attend further training. I, for example, gained additional qualifications in back training.



Thomas Späth is always on the ball

Why is the DPMA offering “power fitness” classes among other things?

The daily work of most of the staff of the DPMA is characterised by essentially sedentary activities at an office desk, in many cases in front of a computer. Although much has been done to design more ergonomic workplaces, office-based work is and remains predominantly sedentary, which is actually not at all suitable for the human body. The pace of progress in the world of work, where most people now sit at desks and particularly in front of computer screens, has outstripped human evolution. In short: the human body is simply not made for sitting still in front of a computer screen all day. Work at a computer screen can lead to a range of problems: from a poor spinal posture and muscle tension to, in the worst case, back pain and a slipped disc. By the way, back pain is the most common reason for sick leave in Germany.

The fitness team of the workplace health management at the DPMA is working to address this problem. Among other things, our “power fitness” training, delivered by highly qualified trainers, contributes to prevent back pain before it happens.

According to the motto “a strong back knows no pain”, we look into a (back) pain-free future with joy and wholehearted commitment.



Our finances

Positive development of budget continues

In the 2016 financial year, as in the years before, particularly new record numbers for patent and trade mark applications led to a higher fee income. Together with the income of the Federal Patent Court, this increase at the German Patent and Trade Mark Office (DPMA) amounted to 3.5% and led to another record result in 2016.

As in the previous years, overall expenditure was considerably lower than the income in the 2016 financial year. The expenditure added up to 272.9 million euros. The reason for the not insignificant rise in expenditure of 5.9% compared to the 2015 financial year is essentially the growing expenses for the pension scheme for civil servants and judges of the Federal Patent Court. In particular, this is due to the increased contributions to the federal pension-and-benefits fund. The aim of the special assets of the pension-and-benefits fund is, among other things, to put civil servants' pensions and benefits on a sound footing to ensure sustainability and intergenerational equity. Therefore, since 1 January 2007, regular contributions to this fund are made for service relationships that first began after 31 December 2006, which will be paid during the entire time of service.

The current personnel costs slightly increased by 3.3% in 2016, which is not least due to the successful filling of the new established posts for patent examiners in 2015 and 2016.

Table 18
Income and expenditure of the German Patent and Trade Mark Office and the Federal Patent Court (in million euros)

	2015	2016	Change
Income	381.0	394.4	+ 3.5%
Expenditure	257.7	272.9	+ 5.9%
including personnel	147.1	151.9	+ 3.3%

BRIEFLY EXPLAINED

Cost/performance accounting at the DPMA

The DPMA's budget is based on the single-entry bookkeeping system as part of the financial planning of the Federal Government. In the single-entry bookkeeping system, income and expenditure relating to one financial year are maintained separately.

At our office, cost/performance accounting is a double-entry bookkeeping system complementing the single-entry bookkeeping system and is used by the administration as an additional information system. It is therefore a key element of controlling at the DPMA and a relevant tool to support the senior management. By way of cost/performance accounting, all costs (not only the expenditure) and performances (quantity) – relating to a result – will be recorded and processed.

Cost/performance accounting is not an end in itself. The numbers it provides allow planning, management and monitoring of the costs and performances, and support planning and implementation of the budget.

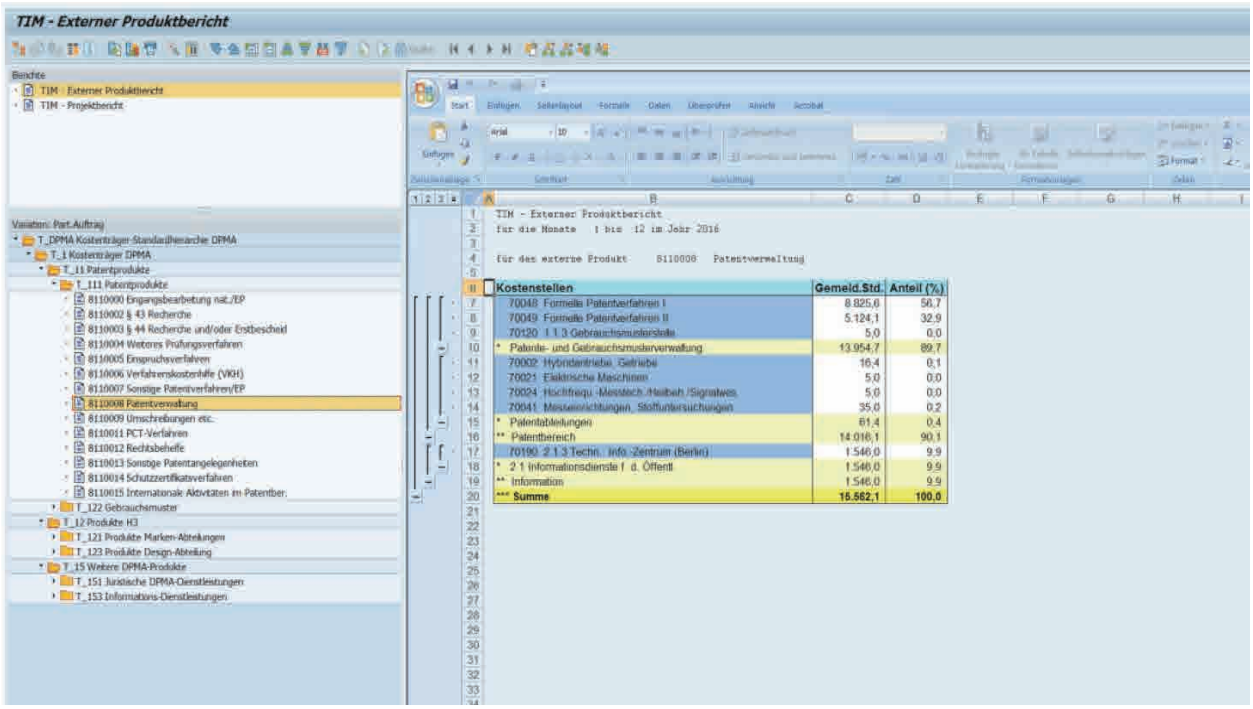
An essential instrument of cost/performance accounting at our office is "Time Information Management", abbreviated as TIM. By using TIM, our staff allocate working time to products, which is a prerequisite for assigning the personnel cost of cost centres to different products. Classic cost centres are, for example, the individual sections of our office – with the personnel cost being the largest cost item at the DPMA.

Within the framework of total absorption costing, cost/performance accounting determines cost centre costs, internal product costs, project costs and external product costs.

In this context, external products, also called "orders", serve as cost objects. They are mainly found in Directorate General 1 (Patents and Utility Models) and 3 (Trade Marks and Designs) but also in Directorate General 2 (Information) and 4 (Administration and Law). Classic examples of external products are the search in the field of patents pursuant to Section 43 of the German Patent Act (*Patentgesetz*) or the trade mark registration procedure.

Within the framework of cost/performance accounting, the proceeds are directly assigned to the external products using SAP software and the costs, if possible, are also assigned directly to the cost objects; this can also be done via apportionment or allocation formulae.

Cost/performance analysis can thereby represent the development of proceeds from the internal to the external product level at the DPMA on the one hand and, on the other hand, it can show the cost recovery ratio for individual products or product groups.



Screenshot of the Time Information Management system



International cooperation

Global network

As the fifth largest national patent office, the German Patent and Trade Mark Office (DPMA) is an important cooperation partner at the international level. There is an active exchange of information and experience between the DPMA and the World Intellectual Property Organization (WIPO), the European Patent Office (EPO) and many national patent and trade mark offices worldwide. This is becoming ever more important in the age of globalisation: we do not only give important impetus to the worldwide development of the intellectual property system in this way but, together with our cooperation partners, we also pursue common strategic goals leading to enhanced protection of innovation at the international level.

In 2016, we intensively worked together with the partner offices within the Global Patent Prosecution Highway (GPPH) network, which we joined in 2015. This close cooperation on the "global way to achieve faster patent grants" reduces costs and improves efficiency in the area of patent examination.

The many globally-focused activities of our office, international meetings at senior management and working levels and, last not least, cooperation with partner offices abroad, which is also reinforced by personal contacts within the framework of the international staff exchange programme, intensified worldwide cooperation for the benefit of our customers, in 2016, too.

www.dpma.de/english

Cooperation with the World Intellectual Property Organization

Our office again actively participated in the decision-making processes in various committees of the World Intellectual Property Organization (WIPO) in 2016. As a specialised agency of the United Nations with headquarters in Geneva, WIPO serves its 189 member states as an umbrella organisation responsible for the administration of several worldwide treaties on the protection of intellectual property.

In November 2016, a meeting at working level with WIPO representatives took place at the DPMA in Munich. In addition to further developing the close cooperation between WIPO and the DPMA, the participants also decided to continue the "WIPO Roving Seminars" event series in Germany, in 2017.



WIPO delegation with Dr Feddermann and Dr Rüger

Cooperation with the European Patent Office

As member of the German delegation, the DPMA participates in the Administrative Council of the European Patent Organisation (EPOrg) as well as in diverse committees and working groups of the European Patent Office (EPO), where it contributes to the further development of the European patent system.

Furthermore, the DPMA and the EPO again closely consulted with each other at the working level in 2016. For instance, the experts of our office participated in an EPO project aimed at defining the technical interfaces between the EPO and the IT systems of the national patent offices regarding the electronic patent application (e-filing).

Patent Prosecution Highway

The Patent Prosecution Highway (PPH) continues to be a great success worldwide. The international PPH network is continuously being expanded and presently comprises 45 national and regional offices in total. A total of 22 offices currently participate in the Global Patent Prosecution Highway (GPPH), among them the DPMA and Poland – the latter joined the GPPH in January 2017.

In particular, the uniform requirements for filing a request are user-friendly.

Because the State Intellectual Property Office of the People's Republic of China does not participate in the GPPH, we extended the bilateral PPH agreement with China, which is also important for German users, in 2016, for two further years until 22 January 2018.

International patent law harmonisation

Since 2014, an international substantive patent law harmonisation has been the work theme in a circle of industrialised countries, which is referred to as Group B+. This group comprises the EU member states and the member states of the European Patent Organisation and also the USA, Canada, Australia, New Zealand, Japan and South Korea. In 2016, the talks were continued; on the German side, experts of the Federal Ministry of Justice and Consumer Protection also participated as well as the DPMA experts.

At special working groups and at meetings in London and Geneva, the discussions focused on the issues:

- grace period/non-prejudicial disclosures,
- conflicting applications,
- prior user rights and
- implementation options.

Detailed studies on these issues were prepared, which also incorporated parallel suggestions of user organisations. Further key elements of work are the organisation of an international user symposium and the preparation of a consultation document for a broad user consultation on different harmonisation options.

Cooperation with national offices

Brazil

The continuation of the long-term bilateral cooperation was the subject of a meeting between President Cornelia Rudloff-Schäffer and her Brazilian counterpart, Dr Luiz Otávio Pimentel, in the margins of the 56th series of meetings of the WIPO Assemblies in Geneva, in early October 2016. The President of the National Institute of Industrial Property of Brazil (INPI) talked about the INPI strategy to enhance the quality and productivity of patent examination procedures and the experiences gained. Ms Rudloff-Schäffer and Mr Pimentel discussed possibilities of closer collaboration between the two offices in this important area.



Cornelia Rudloff-Schäffer and Dr Luiz Otávio Pimentel in Geneva

China

For almost 40 years the State Intellectual Property Office of the People's Republic of China (SIPO) and our office have worked together successfully. In 2016, too, many meetings took place at working and senior management levels. The meetings focused on diverse issues of patent and trade mark law but also on the structures and procedural steps at the DPMA.

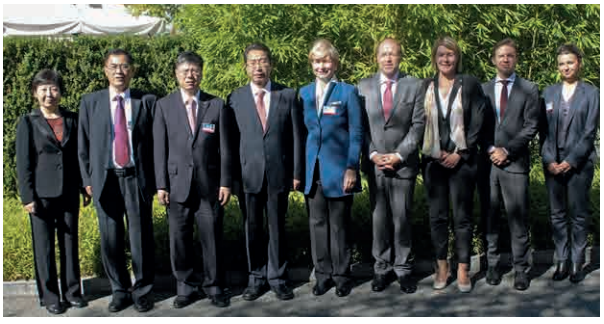
In May 2016, SIPO Deputy Commissioner He Hua and a delegation visited our office. A member of the delegation was Ms Mao Jingqiu, the Consul General of the People's Republic of China in Munich. At the meeting with the senior management of the DPMA, views and information were exchanged about current patent law issues of mutual interest, for example, the Chinese IP strategy and the introduction of the European patent with unitary effect.



Cornelia Rudloff-Schäffer and Günther Schmitz with Mao Jinqiu

Trade mark protection and trade mark law as well as the trade mark procedure under German law were the central issues of the visit by the Director General of the State Administration for Industry and Commerce (SAIC) of Shanghai, Mr Chen Xuejun, and his delegation to the Directorate General 3 of the DPMA, which is in charge of trade marks and designs, in July 2016. Representatives of *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) were present at the meeting.

President Cornelia Rudloff-Schäffer met the Commissioner of SIPO, Dr Shen Changyu, in the margins of the 56th series of meetings of the WIPO Assemblies in Geneva, in early October 2016. The heads of office emphasised the importance of bilateral cooperation and shared information on the current annual figures of the two offices. Another topic was the continuation of the successful examiner exchanges between SIPO and the DPMA, which have taken place regularly since 2008.



German-Chinese Heads meeting in Geneva

Also in October 2016, the Vice-Mayor of the Shanghai Municipality, Ms Zhao Wen, as well as the Director General of the Shanghai Intellectual Property Administration, Mr Lu Guoqiang, and a delegation visited our office. At the meeting with the senior management of the DPMA,

the participants shared views and information about IP strategy and IP management.

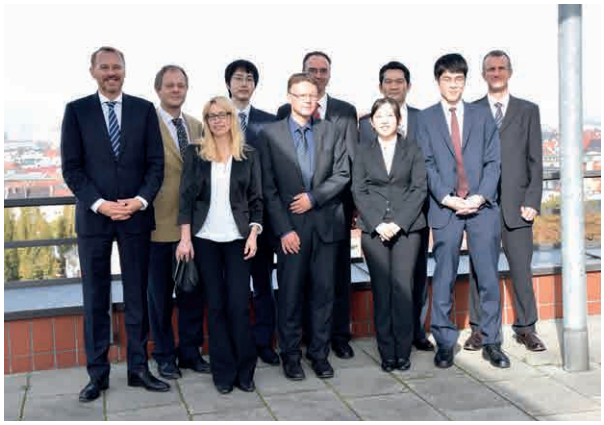
At the end of the year 2016, two SIPO delegations of experts visited the DPMA to take part in meetings at working level. Experts of the Directorate General 3 (Trade Marks and Designs) provided information on German trade mark law as well as on copyright licences and the determination of the copyright licensing fee in Germany. These meetings at working level also dealt with the latest developments at both offices and the opportunities of continuing to work closely together.

Japan

In September 2016, the Commissioner of the Japan Patent Office (JPO), Mr Yoshinori Komiya, and his delegation came to Munich. He talked with President Rudloff-Schäffer about the further expansion of bilateral cooperation between the two offices. At this meeting, discussions were also held on the importance of data exchange for high-quality patent examinations and brought to a close by signing a contract on the mutual exchange of data.



DPMA senior management with Japanese delegation

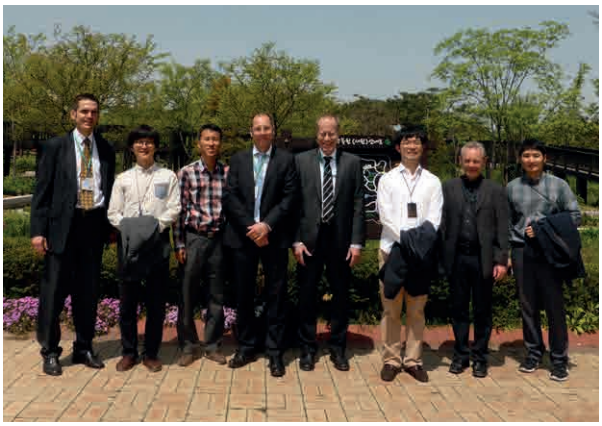


German-Japanese patent examiner exchange

In October 2016, four patent examiners of the JPO visited our office within the framework of the patent examiner exchange programme, which has been in place for more than 15 years. In the reporting year, the visitors also had the opportunity to talk with representatives of German companies about the strategic approach to filing patent applications.

Korea

We have also run regular patent examiner exchanges with the Korean Intellectual Property Office (KIPO) since 2006. In April 2016, four DPMA patent examiners from Munich visited our Korean partner office in Seoul. During their stay, they had the opportunity to get to know KIPO and intensively discuss patent law issues with their Korean colleagues.



German-Korean patent examiner exchange

Austria

In September 2016, Vice-President Günther Schmitz visited the Austrian Patent Office (APO). Vice-President Dr Andrea Scheichl and Vice-President Dr Dietmar Trattner of the Austrian Patent Office explained the governmental initiatives for the promotion of innovation in Austria. The discussions further focused on the IP strategies of the two offices.



Günther Schmitz visits the Austrian Patent Office in Vienna

In December 2016, President Rudloff-Schäffer welcomed a delegation of the Austrian Patent Office, headed by President Mariana Karepova, to our office. The participants of the meeting discussed the statutory framework for patents on conventionally bred plants in Austria and Germany. Subsequently, the Heads of office seized the opportunity to talk about current statistical data and the latest developments at both offices.

Singapore

President Cornelia Rudloff-Schäffer and the Chief Executive of the Intellectual Property Office of Singapore (IPOS), Mr Daren Tang, met in the margins of the WIPO Assemblies in Geneva in October 2016. IPOS became an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) in 2014. In this context, IPOS examines PCT applications also in the Chinese language, which is one of the four official languages in Singapore. To continue cooperation, President Rudloff-Schäffer and her counterpart from Singapore signed a Renewal of the Joint Memorandum of Understanding on Bilateral Cooperation.



Cornelia Rudloff-Schäffer and Daren Tang in Geneva

United Kingdom

In October 2016, three patent examiners of the Intellectual Property Office of the United Kingdom (UK IPO) visited us. During that year's patent examiner exchange, the guests had the opportunity to get to know the practice at the DPMA and share their experience of patent examination.

United States of America

In May, September and October 2016, delegations of the United States Patent and Trademark Office (USPTO) and experts of the DPMA met to discuss quality management at the two offices. Further intensification of cooperation between the USPTO and the DPMA also formed part of the discussions.



Visit from American experts



German-British patent examiner exchange

BRIEFLY EXPLAINED

Best practices – exchange of experience in a global network of offices

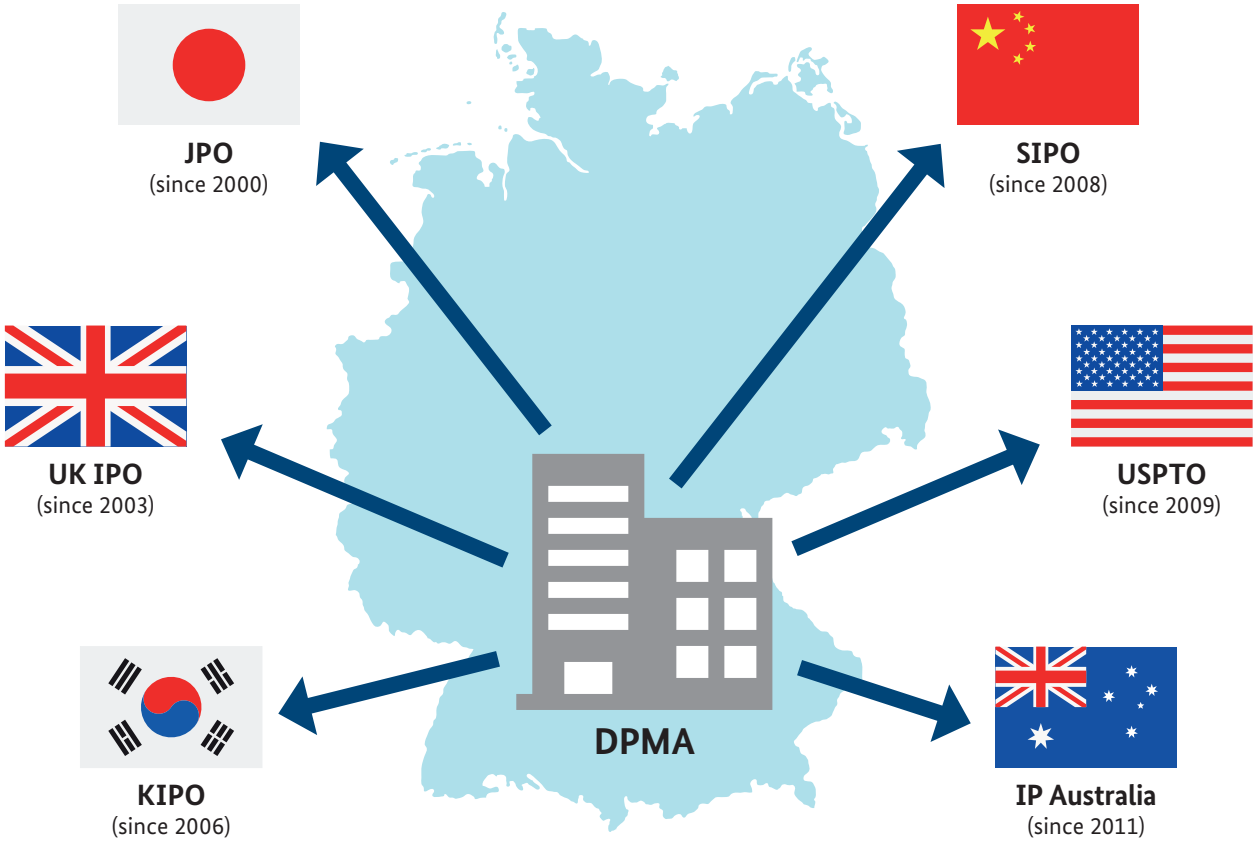
The DPMA is the fifth largest national patent office in the world. Therefore, it is important to us to bring in our knowledge and our 140 years of experience in the field of industrial property protection to actively participate in shaping the IP system, with a focus on the future, not only at the national level but especially also at the European and international level. This corresponds to our strategic aim – more precisely: to one of four strategic aims rooted in our vision **DPMA2020**. That is why we place the highest priority on the intensification of our global networking as well as on technical and legal cooperation with other national patent offices worldwide.

A constant and, since its debut in 2000, an extremely successful element of international networking and co-operation has been the exchange of experience between us and currently six partner offices (see figure). We are convinced that meeting experts of other patent offices and exchanging issues, which are actually quite similar everywhere around the globe, provide an important impetus for the work of our patent examiners. This is an opportunity to "look beyond their own backyard" – for all those participating, because patent examiners of other patent offices, too, regularly visit our office within the framework of six bilateral exchange programmes. During their stay, exchange partners of the DPMA look after the visitors. To ensure that the participants are best placed to have a lively exchange, also with regard to language skills, we offer the interested colleagues language courses in English, Japanese and Chinese, among others.

The purpose of the meetings is to exchange experience between the participating patent examiners and provide information, above all, on the examination procedure and the environment of the examination area at the respective partner office. This way, the participating partner offices can learn from each other and identify best practices.

Our aims are clearly defined and form a guideline for each exchange programme:

- optimisation of methods and processes in the examination area
- enhancement of quality and efficiency
- comparison of concept and working methods
- practice of examination procedures
- personal discussions and analysis



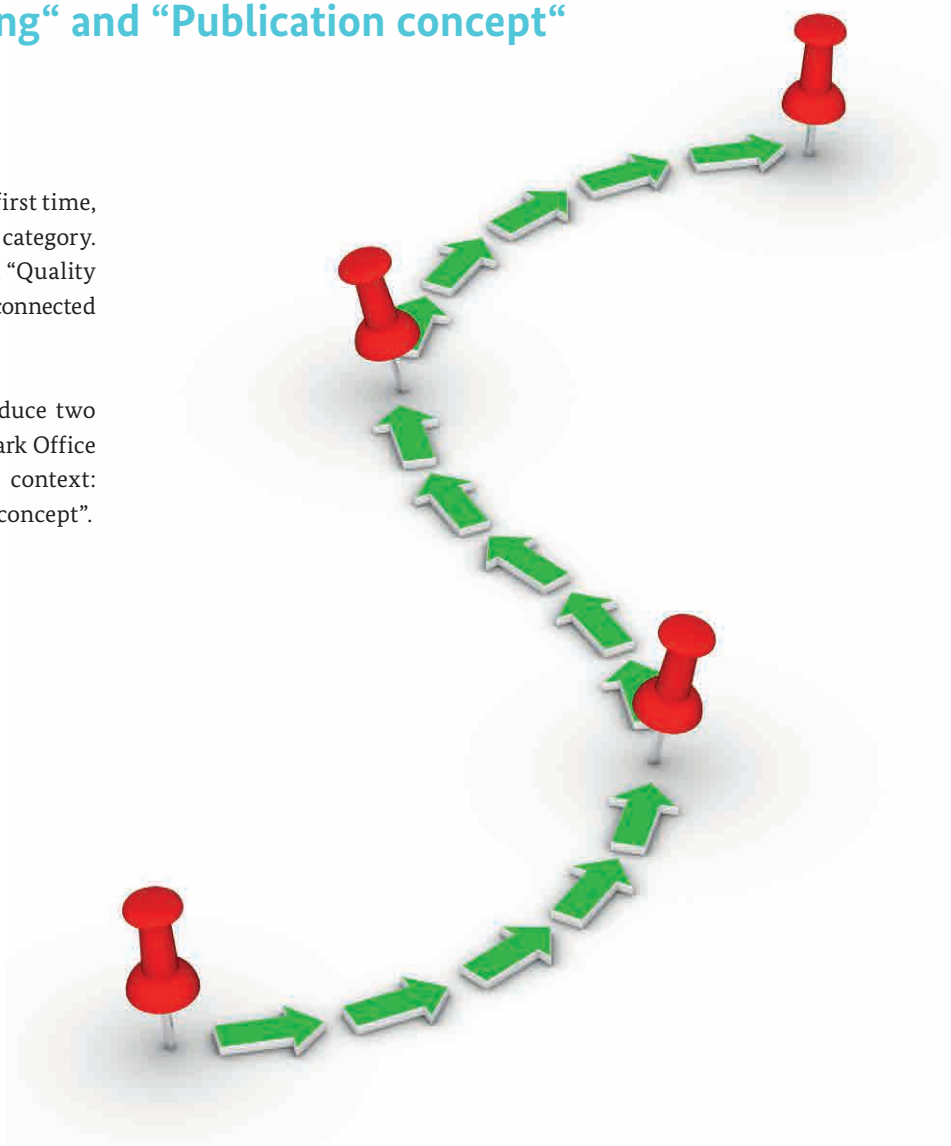


Our projects

“New options of teleworking“ and “Publication concept“

In the Annual Report 2015, we reported, for the first time, about current projects of our office in a separate category. We began with our “Strategy development” and “Quality management” projects – both essential projects connected with the vision of **DPMA2020**.

In this Annual Report, we would like to introduce two other projects of the German Patent and Trade Mark Office (DPMA), which also fall within this strategic context: “New options of teleworking” and “Publication concept”.



"New options of teleworking" project – Transition to flexible working conditions

It is of particular importance for the DPMA to attract and retain extremely qualified and highly committed staff. In this respect, the DPMA competes with other governmental and intergovernmental institutions and business enterprises. In this "competition for top talent" it is becoming ever more important to offer good and flexible working conditions to score high marks. Because more and more people expect their employers to not only provide opportunities that allow them to balance work and family life, but also flexible working conditions to allow staff to live their lives and plan their future as they please.

This is reason enough to conduct the project "New options of teleworking" to evaluate, improve and further develop our teleworking scheme, which has been in place for a good twelve years. In 2016, the project team presented essential results: the DPMA will further expand teleworking options, thus aiming at offering enough teleworking places to cover demand. Furthermore, the time spent working from home can be extended and can make up to 80% of the overall working hours. In order to make positions with leadership responsibilities more attractive for the most suitable staff, it is intended to make it possible for executives to benefit from teleworking arrangements to a greater extent than before. At the same time, the advantages of teleworking for the DPMA as an employer were made even more accessible and the principles and methods for a space utilisation concept were developed based on desk sharing.

In 2017, the results of the project will be laid down in the new work agreement on teleworking. Moreover, the project team will investigate the flexible form of work at the DPMA: "mobile working". This is about work that can be done outside the office or a fixed workplace (for example, a teleworking place at home) by using mobile information and communication technology. Mobile working is also possible when travelling on business, for example, on the train or at a hotel. Mobile working offers and supports additional flexible working arrangements in those cases where the personal, family or other circumstances of staff temporarily prevent them from being physically present at the office.

This way, the DPMA has set the course to make working arrangements more flexible and fit for the future and, at the same time, to secure a strong position in the competition for "top talent".

"Publication concept" project

The beginning of the year 2016 also meant the launch of our project on a publication concept. It is important to us to provide current and interesting information to you meeting the needs of the target groups, written in an accessible language and designed in a user-friendly manner. Therefore, we would like to better coordinate our many publications around the topic of industrial property rights, to take a closer look at the communication channels used and, if necessary, to adjust them. Provision of information via all relevant communication channels in a uniform, journalistic manner, complying with the DPMA corporate design, is at the core of the project.

The first step according to the project schedule was to establish the current state. For this purpose, staff involved in "publication" in the broadest sense were surveyed about their tasks and business processes. The collected data are currently being analysed and assessed. This will give us a precise picture of existing problems and possibilities for improvement.

Subsequently, the target concept will be developed on the basis of the analysis of the current state. We will mainly deal with the questions of

- which publication media are appropriate for the DPMA,
- how the media used by the DPMA will be designed,
- which communication channels can be used and
- which target groups we intend to address with which publications.

However, not only our external publications are being analysed in the course of this project. At the same time, we want to use our new publication concept to optimise the provision of information to our staff. Use of modern media is meant to make an important contribution to this and support the specialised units in their work.



Events in 2016

↗ 26 February 2016
UNION-IP Round Table

Patent priority was the topic of this event, organised by the German Patent and Trade Mark Office (DPMA) in cooperation with UNION-IP, a European organisation of practitioners in the field of intellectual property. The about 110 participants from Germany and abroad met at our DPMAforum to listen to what the speakers said about the various aspects of the topic.



Presentation at the UNION-IP Round Table

↗ 13 April 2016
DPMAinnovativ – start of the project "New search"

Our project "New search" was launched on 13 April 2016. It is carried out within the framework of the IT programme **DPMAinnovativ**, which deals with the introduction of modern IT-supported work tools in all areas of the DPMA.

↗ 21 April, 2 June and 8 December 2016
Jena lectures

The "Jena lectures on industrial property and copyright" were jointly launched by our Jena Sub-Office and Professor Dr Volker Michael Jänich of Friedrich Schiller University Jena, in 2001. The Jena lectures have a 15-year tradition and enjoy great popularity. In 2016, they again offered a platform for current topics and questions about intellectual property. The centre-east district group of the Association of Intellectual Property Experts (VPP) have supported the admission-free lecture series as co-organiser.

In 2016, the three Jena lectures dealt with the following topics:

›› **“Hunting down product pirates on the web – a report from real life”**
Andreas Kaspar, CounterFights Anti-Piracy, Jena

›› **“Cosmetic or substantive? – A general overview of the 2015 amendment of the Act Against Unfair Competition (*Gesetz gegen den unlauteren Wettbewerb*)”**
Professor Dr Christian Alexander, Friedrich Schiller University Jena

›› **“Current questions of trade mark contract law in court rulings and in practice”**
Dr Michael A. Fammler LL.M., Baker & McKenzie Partnerschaft mbB, Frankfurt

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

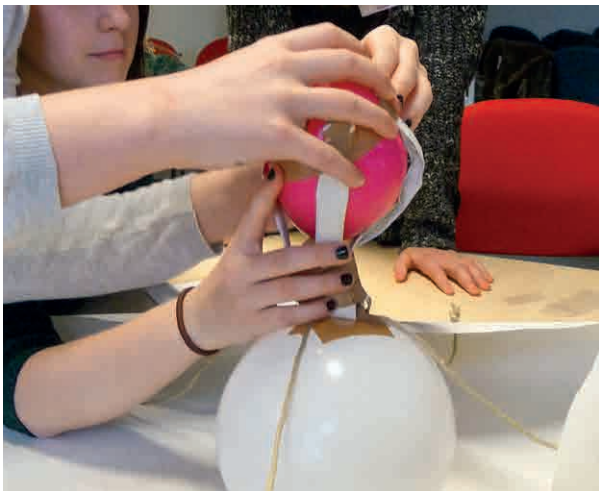
↗ 26 April 2016
World Intellectual Property Day

World Intellectual Property Day, celebrated every year on 26 April, was again a welcome occasion for us to jointly organise seminars and lectures with the regional patent information centres at 13 locations in Germany, in 2016, to emphasise the outstanding role and the value of creativity and intellectual achievements. The theme of the 2016 world action day “Digital creativity: culture reimagined” shifted the attention to a current and important question: how can we ensure that artists and those working in the creative sector are properly paid for their work and what should a global system look like which will protect intellectual property also in the wider digital world?

↗ 28 April 2016
Girls’Day at the DPMA in Munich

In 2016, our office participated for the eleventh time already in the nationwide action day “Girls’Day”. On this day, school girls have the chance to gain an insight into areas of the world of work where women have usually been underrepresented, for example, engineering and science. The action day generally aims at making girls curious about skilled jobs in this field, which also includes patent examination.

On 28 April 2016, just under 30 school girls aged twelve to fourteen, with a great thirst for knowledge, took part in our programme. They listened to our introduction into the world of innovation in a highly committed manner, demonstrated their knowledge in a patent quiz and showed the creative solutions they were able to come up with as a team in the “inventors’ workshop”. The insight into a patent examiner’s day-to-day work at the DPMA was met with particularly great interest.



School girls actively implementing their ideas in the “inventors’ workshop”

↗ 30 May 2016
Annual meeting of AIPPI in Munich

In 2016, the German group of the International Association for the Protection of Intellectual Property (*Association Internationale pour la Protection de la Propriété Intellectuelle* – AIPPI) held its annual meeting for the first time at the DPMA. Just under 100 AIPPI members as well as numerous DPMA representatives discussed questions on industrial property protection and copyright on the basis of expert lectures. In his keynote, Dr Matthias Zigann, presiding judge at the patent litigation division of the Munich Regional Court I, talked about legal issues regarding the making available of press products to the public, pursuant to Section 87f of the German Copyright Act (*Urheberrechtsgesetz*).

↗ 1 June 2016
Entry into force of the Act on Collective Management Organisations

On 1 June 2016, the new Act on Collective Management Organisations (CMO Act – *Verwertungsgesellschaftengesetz*) entered into force, which forms a new legal basis for the supervision of collective management organisations (CMOs) and replaces the old Copyright Management Act (*Urheberrechtswahrnehmungsgesetz*). In order to take into account the changes resulting therefrom, our Division 4.4 was renamed “Supervision under the Act on Collective Management Organisations (CMO Act)” and underwent

restructuring. The sections of the Division were also renamed and reorganised. Furthermore, a fourth section was established: Section 4.4.4.

More information on the supervision under the CMO Act is available in the chapter of the same title on pages 38 to 40 of this annual report.

The current organisation chart of our office is available at

www.dpma.de/english/the_office/organisation

↗ 11 June 2016

Science night

In 2016, the DPMA participated in the long-established "Science night in Berlin and Potsdam". With a good 29,000 visitors at about 70 locations in the region, the event attracted a record number of visitors. Our office building in Berlin was also a venue. In cooperation with two partners from the arts and science sectors, exhibits were presented and lectures offered.

The dense and high-calibre programme included examples on the topic "intelligent patent information" and selected video and sound installations and was rounded off by guided tours, exhibitions and lectures on panoramic photography as well as on the importance of industrial property protection in Germany. Until late in the evening, many visitors did not only use the opportunity to gain an insight into the work of our office and its eventful history, but also explored the diverse presentations linking art and science.

↗ 24 June 2016

Munich International Patent Law Conference

The annual Munich International Patent Law Conference was again organised by the DPMA in cooperation with Technical University of Munich (TUM), the Bavarian State Ministry of Justice and the Munich Regional Court I, in 2016. The third conference was dedicated to the current topic "The international reach of patents".

President Rudloff-Schäffer, Dr Hans-Joachim Heßler (President of the Munich Regional Court I) und Professor Dr Christoph Ann (TUM) welcomed about 140 interested guests from Germany and other countries to the DPMAforum. Afterwards, experts from France, the United Kingdom, Spain and the USA explored the various aspects of the topic on the basis of case studies. The intensive exchange of views between the speakers and the attendees once again showed how relevant cross-border issues are for patent applicants in our globalised world.



Panel discussion with Dr Hesselberger (left), Professor Dr Ann (centre) and Dr von Zumbusch (at the lectern)

↗ 1 July 2016

Restructuring of Directorate General 1 at the DPMA

Faced with a high volume of business and in the course of organisational changes, the former Departments 1/I and 1/II were reunited in 2016 to form a single Directorate General 1 "Patents and Utility Models" to ensure the efficient performance of management duties. It is subdivided into five clusters:

- Cluster 1.10 "Mechanical Engineering"
- Cluster 1.20 "Mechanical Technology"
- Cluster 1.30 "Electrical Engineering"
- Cluster 1.40 "Chemistry, Formal Patent Procedures, Utility Models"
- Cluster 1.50 "Physics"

The restructuring of Directorate General 1 is also the topic of the interview with Günter Hubert, who has been in charge of this Directorate General since June 2016. The interview is on pages 16 to 17.

↗ 21 July 2016

The new State Secretary visits the DPMA

The new State Secretary at the Federal Ministry of Justice and Consumer Protection, Christiane Wirtz, visited our office in Munich, on 21 July 2016. She was accompanied by Kerstin Lubenow, Head of Directorate Z A. This Directorate at the Federal Ministry of Justice and Consumer Protection is in charge of the DPMA, among other things.

After talks with the senior management of our office, the Directors General of the DPMA introduced themselves and provided an overview of their duties. Two staff members presented patent examination in its electronic environment and demonstrated how to prepare an examination report. State Secretary Wirtz was very interested in the demonstration, particularly in the

workflow of **DPMApatente**, the **DEPATIS** search system and the interfaces for the transfer of case files to the Federal Patent Court.



State Secretary Christiane Wirtz with Cornelia Rudloff-Schäffer and Günther Schmitz as well as the Directors General

The visit was rounded off by a meeting with the representatives of the various staff councils at the DPMA.

↗ 8 September 2016
First Jena Design Law Day

After eleven Trade Mark Law Days in total, Friedrich Schiller University Jena, the DPMA and the German Brands Association (*Markenverband e.V.*) joinly organised the First Jena Design Law Day as a new event format, on 8 September 2016.

Professor Dr Volker Michael Jänich of Friedrich Schiller University Jena, Dr Alexander Dröge, Head of Law/Consumer Policy of the German Brands Association and Markus Ortlieb, Head of our Jena Sub-Office, invited experts from industry and the legal profession, from patent information centres and agencies to participate in the event at the 29th floor of the JenTower.

These were the topics of the First Jena Design Law Day:

- **"The design registration procedure at the DPMA – current developments and information"**
  Marcus Kühne, DPMA, Jena
- **"Design invalidity proceedings at the DPMA – two and a half years of practical experience"**
  Markus Ortlieb, DPMA, Jena
- **"Infringement of rights and enforcement of rights in design law"**
  Dr Henning Hartwig, Bardehle Pagenberg Partnerschaft mbB
- **"New design law – old copyright law: impacts of the new design law on the unchanged copyright law"**
  Professor Dr Paul T. Schrader, Faculty of Law, University of Augsburg

The next Jena Design Law Day will be organised again in 2018 – alternating with the Jena Trade Mark Law Day and the Markenforum of the German Brands Association, held in Munich.

↗ 11 September 2016
Carl Zeiss Day in Jena

Sunday, 11 September 2016 marked the 200th birthday of Carl Zeiss, the founder of the optical industry in Jena. On occasion of this anniversary, Carl Zeiss AG and the City of Jena jointly organised the Carl Zeiss Day, with a large number of partners, in the centre of Jena. Our Jena Sub-Office, which is located in the former building 29 of the one-time main plant of the Zeiss company, was one of the stops on what was called the "Carl Zeiss route" through the inner city. An exhibition, which had been organised in cooperation with the legal and patent division of the Zeiss company, gave the guests a vivid understanding of industrial property rights: examples of patent specifications, trade mark case files and various designs were on display. The visitors had the opportunity to experience for themselves the practical application of innovative technology at microscopes set up for this purpose and through films.

Furthermore, our Sub-Office was involved in architectural guided tours of the former main plant of the Zeiss company, which were accompanied by experienced Zeiss employees. Posters with historical photographs from the Zeiss archive about the previous use of the premises helped to establish a connection to the present use of the rooms by our office.

↗ 21 September 2016
Information event on trade marks and registered designs for companies and start-ups in Erfurt

As in the previous year, speakers and participants of the Jena Sub-Office of the DPMA were actively involved in an event, themed "Trade marks and registered designs for companies and start-ups", jointly organised with the Erfurt chamber of industry and commerce, the patent centre of Thuringia (PATON), the Thuringian agency for the creative industries (*Thüringer Agentur für Kreativwirtschaft*) and the Thuringian development bank (*Thüringer Aufbaubank*) in Erfurt, on 21 September 2016.

After the aim in the past years had been, above all, to raise awareness among small and medium-sized enterprises (SMEs) of IP rights in general and their importance as well as to provide information about existing funding schemes, the 2016 event was exclusively dedicated to the IP types, trade mark and registered design.

↗ 7 to 16 October 2016
Twelfth Festival of Lights in Berlin

For the twelfth time, the Festival of Lights in Berlin captivated visitors by the creative illumination of buildings and monuments. From 7 to 16 October 2016, national and international light artists presented colourful projections as well as light installations and thus convey their messages, themes and subjects. In 2016, for the first time, the building of our Berlin office, which once had been the seat of the Imperial Patent Office, was part of the festival: the projection at the gable side of our office building – in the technical language of media art this is termed "video mapping" – showed the development from analogue to digital light and was drawing large crowds, every evening during the festival week. The background of this projection, fittingly, was the 110th anniversary of the trade mark registration of OSRAM - a jubilee about which we provide detailed information on page 29.

↗ 16 October 2016
Third German-Brazilian innovation dialogue in Weimar

More than 500 representatives from politics and industry participated in the 2016 German-Brazilian Economic Meeting (DBWT), which took place in Weimar from 16 to 18 October 2016. On the first day of the event, DPMA President Cornelia Rudloff-Schäffer met her counterpart, Dr Luiz Otávio Pimentel, the President of the National Institute of Industrial Property of Brazil, at the German-Brazilian innovation dialogue.



Cornelia Rudloff-Schäffer and Dr Luiz Otávio Pimentel in Weimar

President Rudloff-Schäffer explained to the participants about the cooperation projects, which have essentially shaped the long-standing working relationship of the two offices.

↗ 15 November 2016
VIP4SME INFODAY in Berlin

In particular for small and medium-sized enterprises (SMEs), the protection of intellectual property is an important issue, which is frequently being underestimated. In coordination with the EU member states, the European Commission intends to support SMEs Europe-wide in the field of IP management and IPR exploitation by increasing and upgrading services. Within the framework of the project "Value Intellectual Property for SMEs" (VIP4SME), funded with three million euros in total from the EU's Horizon 2020 programme, the DPMA has also participated in this programme since December 2015.

On 15 November 2016, the first project-related VIP4SME INFODAY took place in Berlin, which was planned and held in cooperation with the European Patent Office (EPO). Given the extremely positive feedback, the launch event, which attracted a large audience, serves as a pilot for further national and Europe-wide events of a similar format. In connection with the VIP4SME project of the EU, advanced workshops and events with supplementary individual advice services are planned for 2017.

↗ 23 November 2016
19th Thuringia Innovation Award 2016

In 2016, the "Thuringia Innovation Award" was bestowed in five categories by the Thuringian Ministry of Economic Affairs, the Foundation for Technology, Innovation and Research of Thuringia (STIFT), TÜV Thüringen and the Ernst Abbe Foundation. From among the 92 entries, five top developments and one company were awarded a total of 100,000 euros in prize moneys. Thus, the "Thuringia Innovation Award" is one of the highest endowed innovation prizes awarded by a German *Land*. For the first time, a staff member of the DPMA sat on the jury: Markus Ortlieb, Head of our Jena Sub-Office.

IN MEMORIAM
Professor Dr Artur Fischer

At the start of 2016, we lost one of the very big innovators: on 27 January 2016, Artur Fischer died at home in Waldachtal-Tumlingen (Baden-Württemberg), the man whose creativity, enthusiasm and curiosity made him one of the most important German inventors.

Anyone who was lucky enough to have met Artur Fischer in person will specifically remember one thing: his great modesty and his diverse interests. The latter is manifested by the wide variety of technical fields in which he searched for solutions to – small and big – problems of our daily life, which he, the inventor and proprietor of more than 1,200 patents and utility models, did so with very much success in many cases.

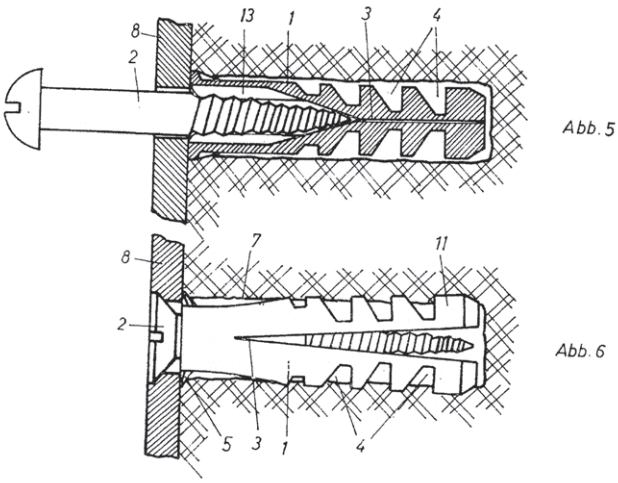
On the occasion of his death, the German TV channel ARD repeated a ten-year-old film short in the children's series "Sendung mit der Maus" (which aired on 28 February 2016) about Artur Fischer and his world-famous wall plug. Standing at his own workbench dressed in a blue work coat, he demonstrated once again how his probably greatest invention is produced. Artur Fischer took a tool and made a functional wall plug in only a few minutes, which the inventor of the TV series, Armin Maiwald, commented by saying: "You can see that he knows very well how to handle the file!" Many decades following the invention of his prototype, Artur Fischer again held a freshly made expanding wall plug into the camera smiling, and in this smile everything typical of him all his life was visible: his delight in achievements, his modest pride in creations and his childlike enthusiasm for success.

"When I am about to invent, I become a child again," Artur Fischer once said. This sentence bears a beautiful idea: the unbiased, bold and adventurous child has all means for trying to find an innovative solution to a problem. This sentence is part of Artur Fischer's legacy. Even more so because he added a strong plea some time later: "The child must remain in us!"

The name *Artur Fischer* will be remembered: not least due to an important innovation award bearing his name. The biennial Artur Fischer inventor prize honours particularly innovative inventions serving the general interest made by private inventors. Each time, many pupils are also among the award winners.



Cornelia Rudloff-Schäffer and Professor Dr Artur Fischer



Figures from patent specification DE 1 097 117

Inventor and innovation awards

"They are based on great ideas and ground-breaking research and have great economic potential – that is something all projects nominated for the Deutscher Zukunftspreis have in common. They also offer excellent and innovative solutions that can benefit humanity and improve our well-being."

– Federal President Joachim Gauck on occasion of the presentation of the *Deutscher Zukunftspreis 2016* award –



Federal President Joachim Gauck (fifth on the left) and presenter Maybrit Illner with all nominated teams at the awards ceremony in Berlin

Awards presented at ceremonies for epoch-making achievements in the field of research and development are moving those into the centre of public attention who, day in, day out, carry out important research mostly without attracting the attention of the media: innovators. Inventor and innovation awards are, above all, aimed at rewarding those people who have turned the results of their work into cutting-edge solutions in the field of technology. At the same time, the awards encourage the spirit of invention, innovative thinking and progress.

However, the awards for technical inventions, presented to individuals or teams, also impressively demonstrate how important it is to protect innovation. That is why we have supported many of these prestigious inventor and innovation awards for years: President of the German Patent and Trade Mark Office (DPMA) Cornelia Rudloff-Schäffer and DPMA Vice-President Günther Schmitz are both members of the jury and/or members of the board of trustees of several awards. They are assisted in their tasks by our patent examiners, who have in the past repeatedly made proposals for the consideration of cutting-edge inventions. And more than a few of these inventions were later awarded one of the much sought-after innovation prizes.

In 2016, the DPMA was involved in the following awards:

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

www.deutscher-zukunftspreis.de/en

The *Deutscher Zukunftspreis* award, 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. Furthermore, it aims to encourage young people to get involved in science and technology. Ms Rudloff-Schäffer as the President of the DPMA is a member of the board of trustees that determines the final criteria for the selection process. In 2016, we proposed three particularly innovative projects for the *Deutscher Zukunftspreis* award to the high-calibre jury. And as in the year before, one of our proposals was among the nominees – the team of OSRAM GmbH and the BMW Group with their innovation "Laser light in cars – throwing light on a safer future".

The winner of the *Deutscher Zukunftspreis 2016* award was the team of the Technische Universität Dresden with the innovation "Carbon concrete, a fascinating material – economical, efficient, attractive".

Once again one of our proposals was nominated, which spurs us on to jointly find the next winner of the *Deutscher Zukunftspreis*. Please draw our attention to your projects. For more information, visit our website.

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

European Inventor Award

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

In 2016, the European Patent Office (EPO) presented the European Inventor Award for the eleventh time. It recognises outstanding inventors from Europe and around the world, who have made an exceptional contribution to social development, technological progress and economic growth. In order to be nominated, at least one valid European patent must have been granted for the invention.
In 2016, many of our patent examiners again actively participated by submitting proposals for the nomination in diverse categories.

The team of the German physicists Bernhard Gleich and Jürgen Weizenecker received the European Inventor Award in the category "Industry" for the invention of a new generation of medical diagnostics. Further awards honoured inventors from Denmark, France, the United Kingdom, the Netherlands and the USA.

German Innovation Award

www.der-deutsche-innovationspreis.de (in German only)

The DPMA is also involved in this award as its President, Cornelia Rudloff-Schäffer, is a member of the jury panel. The award was launched on the initiative of Accenture, WirtschaftsWoche, EnBW Energie Baden-Württemberg and Evonik Industries in 2010 and, since then, has recognised outstanding forward-looking innovations by German enterprises.

Safe driving, virtual engineering and optimised 3D printing: these were the topics of the award winners of the 2016 German Innovation Award. The prize was awarded to Schäffler Technologies (category "Large Enterprises"), Invenio Engineering Solutions (category "Medium-Sized Enterprises") and 3YourMind (category "Start-Ups").

Innovation award of Bavaria

www.innovationspreis-bayern.de (in German only)

The innovation award of Bavaria is advertised by using a quote from George Bernard Shaw: "You see things; and you say, 'Why?' But I dream things that never were; and I say, 'Why not?'"
As a joint initiative of the Bavarian Ministry of Economic Affairs, the association of Bavarian chambers of commerce and industry and the association of Bavarian chambers of crafts and trades the award recognises product and process innovations as well as innovative technology-oriented services. This recognition award has been presented biennially since 2012. It pays tribute to innovations that have started gaining success in the market or can be expected to soon have success in the market. Vice-President Schmitz was a member of the high-profile jury, which selected the six winners from among more than 187 entries in 2016.

Jugend forscht

www.jugend-forscht.de/information-in-english.html

In 2016, about 12,000 young people nationwide had registered for Germany's most famous youth contest in mathematics, computer science, natural sciences and engineering. Our office has been regularly active in the jury of the regional contest of "Jugend forscht" in Bavaria.

Dr Johanna Wanka, Federal Minister of Education and Research, said on occasion of the start of the final round of the 2016 contest in Paderborn: "The impressive competition entries submitted this year show that the commitment to young talent is worthwhile." In the final round at the national level, 191 participants with 110 projects competed and presented their projects in seven areas of expertise to the jury and the public. In September, the winners were invited by the Federal Chancellor, Dr Angela Merkel, who was particularly interested in the presentation of the project "Drone defence", which was recognised with the "Federal Chancellor's award for the most original work". Some of the successful finalists of the contest at national level won five prizes at the "European Union Contest for Young Scientists" in Brussels.



A glance at 2017

140 years of the patent office in Germany

Founded in Berlin, on 1 July 1877 as the Imperial Patent Office (*Kaiserliches Patentamt*), the German Patent and Trade Mark Office (DPMA) will celebrate its 140th anniversary in 2017. Since 1949, it has been located in Munich. With the Technical Information Centre in Berlin as well as the offices in Jena and Hauzenberg, the DPMA is based at four locations in Germany. In 140 years, it has developed into the German centre of expertise for intellectual property protection. As an examining office, we support the innovativeness and creativity of industry and as the fifth biggest national patent office in the world, we take an outstanding position in the international IP system.

Throughout the jubilee year, we will provide monthly insights into the history of the office on our website, from 1877 until today. Accompany us on an exciting journey through time!

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presse.dpma.de/schutzrechte/140-jahre-patentamt
(in German only)

VIP4SME project of the EU

Together with the Fraunhofer Institute for Industrial Engineering (Fraunhofer IAO) as well as other partners from more than 30 countries, the DPMA participates in the joint European VIP4SME project (Value Intellectual Property for SMEs). Within the framework of this project, our office will be responsible for coordinating and implementing further information and training events in 2017. As from 2017, for the first time, these will also include what is referred to as "1:1 actions", which will be performed by intermediaries, among others, (for example, patent information centres) in accordance with the project specification. Essentially, the "1:1 actions" comprise individual support services for enterprises to help them identify, manage or exploit intellectual property rights. Our Technical Information Centre in Berlin will continue to provide organisational and technical support to VIP4SME.

"Electronic administrative file" project

In the spring of 2016, we began the project initialisation stage to expand the electronic administrative file in our administration areas and in the two arbitration boards based at the DPMA. A large majority of the work areas at our office – roughly two thirds – are already using electronic file management. By planning and implementing the project as from 2017, we are now aiming to pursue the political goal, namely the legal requirement of the E-Government Act (Act to Promote Electronic Government, *Gesetz zur Förderung der elektronischen Verwaltung*): to achieve electronic file management in all work areas by 2020.

DPMAdirektPro

The essential developments to adapt and connect the large IP systems and horizontal services of our office will be completed in 2017. Later in 2017, it is planned to conduct extensive trial operations of **DPMAdirektPro**. After successful testing, **DPMAdirektPro** will be available to all customers and business partners of the DPMA.

Detailed information on **DPMAdirektPro** is available in the chapter "IT developments and e-services" beginning on page 56.

Our trade fair team will be on site at the following trade fairs and IP events in 2017:

	Trade fair	Location	Internet
January			
10–12/01/2017	PSI	Düsseldorf	www.psi-messe.com
28–31/01/2017	Paperworld	Frankfurt	paperworld.messefrankfurt.com
February			
01–06/02/2017	Spielwarenmesse	Nuremberg	www.spielwarenmesse.de
05–08/02/2017	ISPO	Munich	munich.ispo.com
10–14/02/2017	Ambiente	Frankfurt	ambiente.messefrankfurt.com
March			
14–16/03/2017	LogiMAT	Stuttgart	www.logimat-messe.de
14–18/03/2017	ISH	Frankfurt	ish.messefrankfurt.com
20–24/03/2017	CeBIT	Hanover	www.cebit.de
31/03–02/04/2017	BEAUTY	Düsseldorf	www.beauty.de
April			
24–28/04/2017	HANNOVER MESSE	Hanover	www.hannovermesse.de
May			
16–18/05/2017	LABVOLUTION / BIOTECHNICA	Hanover	www.labvolution.de
31/05–02/06/2017	PATINFO	Ilmenau	www.paton.tu-ilmenau.de
June			
26–29/06/2017	LASER World of PHOTONICS	Munich	www.world-of-photonics.com
August			
22–26/08/2017	gamescom	Cologne	www.gamescom.de
September			
11–15/09/2017	drinktec	Munich	www.drinktec.com
October			
09–11/10/2017	EVS30 - Electric Vehicle Symposium	Stuttgart	www.evs30.org
11–15/10/2017	Frankfurt Book Fair	Frankfurt	www.buchmesse.de
13–14/10/2017	deGUT	Berlin	www.degut.de
17–19/10/2017	eMove360°Europe	Munich	www.emove360.com
19/10/2017	MUT – entrepreneurs' day for medium-sized enterprises	Leipzig	www.mittelstaendischer-unternehmertag.de
November			
02–05/11/2017	iENA	Nuremberg	www.iena.de
13–16/11/2017	MEDICA	Düsseldorf	www.medica.de
14–17/11/2017	productronica	Munich	www.productronica.com
07–09/11/2017	EPO Patent Information Conference	Sofia	www.epo.org



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 former tables showing the analyses of technical fields of the International Patent Classification (IPC) were based on a now obsolete structuring of the World Intellectual Property Organization (WIPO). As of now, you find analyses based on the current structure of WIPO, according to fields of technology, in the section on patents.

The following statistics are based on data retrieved in February 2017.

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

www.heymanns.com

1. Patent applications and patents
1.1 National patent applications and international patent applications with effect in the Federal Republic of Germany

Year	National applications[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
2010	46,385	9,298	55,683	895	2,866	3,761	47,280	12,164	59,444
2011	46,423	10,248	56,671	697	2,248	2,945	47,120	12,496	59,616
2012	45,711	11,159	56,870	943	3,547	4,490	46,654	14,706	61,360
2013	46,318	11,603	57,921	1,041	4,212	5,253	47,359	15,815	63,174
2014	47,304	12,617	59,921	851	5,191	6,042	48,155	17,808	65,963
2015	46,466	13,988	60,454	922	5,521	6,443	47,388	19,509	66,897
2016	47,299	14,274	61,573	1,175	5,150	6,325	48,474	19,424	67,898

[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
2010	56,109	23,125	135,673	122,356
2011	57,423	20,932	139,059	123,459
2012	57,263	20,557	142,987	133,986
2013	58,170	21,098	145,471	137,809
2014	60,142	22,891	146,373	138,870
2015	60,570	20,834	148,223	140,462
2016	61,690	20,098	151,198	143,583

[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		
2010	36,646	22,428	32,441	13,522
2011	38,158	23,415	25,935	10,968
2012	38,426	23,337	31,116	13,253
2013	40,297	24,354	32,999	14,033
2014	43,369	24,506	34,979	15,317
2015	44,667	25,682	33,495	14,795
2016	45,447	26,337	35,673	15,652

1.4 Patents in force (granted by the DPMA)

Year	Patents entered into force	Patents no longer in force	Patents in force at the end of the year
2010	13,621	19,529	132,289
2011	11,320	14,589	129,000
2012	13,481	12,921	129,558
2013	14,142	14,071	129,620
2014	15,380	15,516	129,470
2015	14,839	14,742	129,550
2016	15,693	15,667	129,511

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*	2010	2011	2012	2013	2014	2015	2016
Baden-Württemberg	14,783	14,595	14,243	14,566	14,534	14,221	14,374
Bavaria	13,012	13,722	14,355	14,840	15,540	15,346	15,867
Berlin	919	812	857	898	869	840	831
Brandenburg	323	351	299	322	326	359	331
Bremen	163	153	150	160	143	158	143
Hamburg	914	1,012	761	742	807	806	790
Hesse	2,431	2,374	2,295	2,165	2,042	1,906	1,939
Mecklenburg-Western Pomerania	170	167	180	181	169	155	105
Lower Saxony	2,927	2,987	2,958	2,927	3,138	3,486	3,699
North Rhine-Westphalia	7,536	7,103	6,764	7,073	7,119	6,877	7,068
Rhineland-Palatinate	1,233	1,183	1,129	1,036	1,032	938	1,076
Saarland	258	251	249	252	222	214	197
Saxony	1,124	1,049	1,057	968	966	905	810
Saxony-Anhalt	335	310	247	228	227	200	228
Schleswig-Holstein	562	486	516	465	462	463	497
Thuringia	590	565	594	536	559	514	519
Total	**47,280**	**47,120**	**46,654**	**47,359**	**48,155**	**47,388**	**48,474**

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*	2015			2016			Applications change in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
Bavaria	15,346	32.4	119	15,867	32.7	124	3.4
Baden-Württemberg	14,221	30.0	131	14,374	29.7	132	1.1
North Rhine-Westphalia	6,877	14.5	38	7,068	14.6	40	2.8
Lower Saxony	3,486	7.4	44	3,699	7.6	47	6.1
Hesse	1,906	4.0	31	1,939	4.0	31	1.7
Rhineland-Palatinate	938	2.0	23	1,076	2.2	27	14.7
Berlin	840	1.8	24	831	1.7	24	- 1.1
Saxony	905	1.9	22	810	1.7	20	- 10.5
Hamburg	806	1.7	45	790	1.6	44	- 2.0
Thuringia	514	1.1	24	519	1.1	24	1.0
Schleswig-Holstein	463	1.0	16	497	1.0	17	7.3
Brandenburg	359	0.8	14	331	0.7	13	- 7.8
Saxony-Anhalt	200	0.4	9	228	0.5	10	14.0
Saarland	214	0.5	21	197	0.4	20	- 7.9
Bremen	158	0.3	24	143	0.3	21	- 9.5
Mecklenburg-Western Pomerania	155	0.3	10	105	0.2	7	- 32.3
Total	**47,388**	**100**	**58**	**48,474**	**100**	**59**	**2.3**

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)

	2010	2011	2012	2013	2014	2015	2016
Germany	47,280	47,120	46,654	47,359	48,155	47,388	48,474
Japan	3,006	3,013	3,678	4,440	5,338	6,424	6,839
USA	4,243	4,516	5,110	5,597	6,056	6,150	5,858
Republic of Korea	684	1,002	1,513	1,373	1,384	1,423	1,203
Austria	839	836	913	923	1,044	1,026	976
Switzerland	958	856	844	801	814	887	951
Taiwan	376	376	503	558	577	519	598
China	95	91	169	270	524	636	552
Sweden	268	232	257	305	327	527	517
France	195	234	205	205	238	259	270
Others	1,500	1,340	1,514	1,343	1,506	1,658	1,660
Total	**59,444**	**59,616**	**61,360**	**63,174**	**65,963**	**66,897**	**67,898**

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*	2010	2011	2012	2013	2014	2015	2016
Schleswig-Holstein, Hamburg	45	31	22	18	27	28	38
Lower Saxony, Bremen	79	65	46	50	49	63	56
North Rhine-Westphalia	99	90	81	78	70	92	103
Hesse	44	46	35	42	39	62	58
Rhineland-Palatinate, Saarland	21	12	14	17	12	13	14
Baden-Württemberg	79	84	77	79	75	93	71
Bavaria	91	84	71	71	87	83	78
Berlin	31	37	39	24	21	31	19
Brandenburg, Mecklenburg-Western Pomerania	32	29	43	47	44	55	28
Saxony	115	128	144	134	142	153	129
Saxony-Anhalt	25	31	24	23	25	29	34
Thuringia	52	45	46	39	45	40	42
Total	**713**	**682**	**642**	**622**	**636**	**742**	**670**

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

	Percentage of applicants having filed						
	2010	2011	2012	2013	2014	2015	2016
one application	65.8	65.4	66.5	66.3	66.3	66.4	66.6
2–10 applications	30.7	30.7	29.8	29.8	29.8	29.3	29.0
11–100 applications	3.1	3.5	3.3	3.6	3.5	3.9	3.8
more than 100 applications	0.4	0.4	0.4	0.4	0.5	0.5	0.5
Total	**100**	**100**	**100**	**100**	**100**	**100**	**100**

	Percentage of applications by applicants having filed						
	2010	2011	2012	2013	2014	2015	2016
one application	15.8	15.0	14.8	14.1	13.8	13.5	13.0
2–10 applications	24.1	23.0	21.9	20.5	19.8	19.2	18.8
11–100 applications	21.1	22.7	21.3	21.2	19.6	20.9	20.2
more than 100 applications	38.9	39.3	41.9	44.2	46.8	46.4	48.0
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 [2]
2010	533	890	260	479	2,215
2011	414	437	163	137	2,180
2012	433	461	189	140	2,158
2013	487	538	171	254	2,109
2014	257	529	164	254	1,839
2015	402	480	162	230	1,764
2016	416	445	122	247	1,736

[1] Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form
[2] including a substantial part of the proceedings pending before the Federal Patent Court

1.11 Patent applications by technology fields [1] with the largest number of applications in 2016
(National patent applications and PCT applications in the national phase)

	2010	2011	2012	2013	2014	2015	2016		Field of technology
1	7,834	8,063	8,510	8,636	9,407	9,953	10,340	32	Transport
2	5,574	5,983	6,657	6,818	6,856	6,823	6,969	1	Electrical machinery, apparatus, energy
3	5,519	5,596	6,023	6,374	6,710	6,597	6,769	31	Mechanical elements
4	4,781	4,857	4,724	4,976	5,191	5,251	5,144	27	Engines, pumps, turbines
5	3,796	3,862	3,862	4,000	4,308	4,364	4,563	10	Measurement
6	2,648	2,498	2,425	2,471	2,558	2,609	2,637	26	Machine tools
7	2,626	2,361	2,314	2,461	2,492	2,257	2,422	35	Civil engineering

[1] according to the WIPO IPC technology concordance table, available at: www.wipo.int/ipstats/en/index.html#resources

1.12 The 50 most active companies and institutions at the DPMA (number of national patent applications filed in 2016)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**3,693**
2	Schaeffler Technologies AG & Co. KG	DE		**2,316**
3	Daimler AG	DE		**1,946**
4	Ford Global Technologies, LLC		US	**1,790**
5	Bayerische Motoren Werke AG	DE		**1,757**
6	VOLKSWAGEN AG	DE		**1,252**
7	AUDI AG	DE		**1,113**
8	Siemens AG	DE		**1,059**
9	ZF Friedrichshafen AG	DE		**1,034**
10	GM Global Technology Operations LLC		US	**973**
11	Toyota Jidosha K.K.		JP	**571**
12	Continental Automotive GmbH	DE		**565**
13	Infineon Technologies AG	DE		**562**
14	Hyundai Motor Company		KR	**529**
15	BSH Hausgeräte GmbH	DE		**507**
16	Dr. Ing. h.c. F. Porsche AG	DE		**503**
17	FANUC Corporation		JP	**472**
18	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**467**
19	Miele & Cie. KG	DE		**355**
20	Siemens Healthcare GmbH	DE		**350**
21	DENSO Corporation		JP	**342**
22	MAHLE International GmbH	DE		**291**
23	Henkel AG &Co. KGaA	DE		**290**
24	Continental Teves AG & Co. oHG	DE		**287**
25	OSRAM Opto Semiconductors GmbH	DE		**246**
26	Deutsches Zentrum für Luft- und Raumfahrt e.V.	DE		**241**
27	Continental Reifen Deutschland GmbH	DE		**228**
27	Taiwan Semiconductor Manufacturing Company Limited		TW	**228**
29	Carl Zeiss SMT GmbH	DE		**210**
30	Aktiebolaget SKF		SE	**181**
31	Conti Temic microelectronic GmbH	DE		**179**
31	MANN+HUMMEL GmbH	DE		**179**
33	Valeo Schalter und Sensoren GmbH	DE		**178**
34	Voith Patent GmbH	DE		**175**
34	Krones AG	DE		**175**
36	OSRAM GmbH	DE		**172**
37	Suzuki Motor Corporation		JP	**169**
38	Lisa Dräxlmaier GmbH	DE		**167**
39	ThyssenKrupp AG	DE		**165**
40	Airbus Operations GmbH	DE		**152**
41	Koenig & Bauer AG	DE		**145**
42	Deere & Company		US	**142**
42	Shimano Inc.		JP	**142**
44	Giesecke & Devrient GmbH	DE		**140**
45	Mitsubishi Electric Corporation		JP	**139**
46	YAZAKI Corporation		JP	**137**
47	Infineon Technologies Austria AG		AT	**135**
48	Panasonic Intellectual Property Management Co., Ltd.		JP	**130**
49	AMAZONEN-Werke H. Dreyer GmbH & Co. KG	DE		**129**
50	SEW-EURODRIVE GmbH & Co KG	DE		**127**

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
2010	16,826	13,659	106	16,932	15,237	2,733	17,970
2011	16,038	12,765	189	16,227	14,233	2,787	17,020
2012	15,531	11,975	89	15,620	13,980	2,532	16,512
2013	15,470	11,646	66	15,536	13,343	2,191	15,534
2014	14,741	10,945	61	14,802	13,082	2,061	15,143
2015	14,274	10,360	48	14,322	12,256	1,943	14,199
2016	14,024	10,086	21	14,045	12,441	1,883	14,324

[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
2010	7,094	93,979	22,544	16,484
2011	6,299	93,215	21,089	15,037
2012	5,403	92,049	21,887	15,219
2013	5,403	90,093	21,608	15,364
2014	5,054	87,522	20,296	15,689
2015	5,172	85,162	19,722	14,650
2016	4,890	83,183	20,241	14,437

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			
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
2016	8	7	1	8	0	1	25

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

German *Länder*	2010	2011	2012	2013	2014	2015	2016
Baden-Württemberg	2,577	2,374	2,070	2,073	1,938	1,886	1,872
Bavaria	3,051	2,855	2,567	2,532	2,433	2,357	2,283
Berlin	464	415	384	399	368	335	300
Brandenburg	230	219	207	162	164	112	150
Bremen	64	72	74	60	58	47	52
Hamburg	235	190	197	195	190	194	158
Hesse	845	744	759	685	668	628	616
Mecklenburg-Western Pomerania	87	97	82	97	79	78	71
Lower Saxony	891	870	814	860	758	709	697
North Rhine-Westphalia	3,431	3,242	3,152	3,069	2,868	2,708	2,642
Rhineland-Palatinate	588	512	520	474	444	452	402
Saarland	98	122	126	103	83	73	72
Saxony	446	385	402	386	390	330	301
Saxony-Anhalt	143	171	159	110	128	120	128
Schleswig-Holstein	290	295	257	256	239	191	193
Thuringia	219	202	205	185	137	140	149
Total	**13,659**	**12,765**	**11,975**	**11,646**	**10,945**	**10,360**	**10,086**

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

German *Länder*	2015			2016			Applications change in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North Rhine-Westphalia	2,708	26.1	15	2,642	26.2	15	- 2.4
Bavaria	2,357	22.8	18	2,283	22.6	18	- 3.1
Baden-Württemberg	1,886	18.2	17	1,872	18.6	17	- 0.7
Lower Saxony	709	6.8	9	697	6.9	9	- 1.7
Hesse	628	6.1	10	616	6.1	10	- 1.9
Rhineland-Palatinate	452	4.4	11	402	4.0	10	- 11.1
Saxony	330	3.2	8	301	3.0	7	- 8.8
Berlin	335	3.2	10	300	3.0	9	- 10.4
Schleswig-Holstein	191	1.8	7	193	1.9	7	1.0
Hamburg	194	1.9	11	158	1.6	9	- 18.6
Brandenburg	112	1.1	5	150	1.5	6	33.9
Thuringia	140	1.4	6	149	1.5	7	6.4
Saxony-Anhalt	120	1.2	5	128	1.3	6	6.7
Saarland	73	0.7	7	72	0.7	7	- 1.4
Mecklenburg-Western Pomerania	78	0.8	5	71	0.7	4	- 9.0
Bremen	47	0.5	7	52	0.5	8	10.6
Total	**10,360**	**100**	**13**	**10,086**	**100**	**12**	**- 2.6**

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			
2010	69,149	65,555	32,468	610	69,759	49,771
2011	64,047	60,606	30,850	596	64,643	51,339
2012	59,857	56,753	28,858	774	60,631	46,100
2013	60,179	57,044	29,015	582	60,761	43,511
2014	66,616	63,006	32,335	414	67,030	47,991
2015	68,951	65,243	33,658	254	69,205	46,526
2016	69,340	65,276	33,989	376	69,716	52,194

[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
2010	3,915	5,638	3,009	803	676
2011	3,810	5,694	2,858	633	677
2012	3,180	4,779	2,716	698	662
2013	3,123	4,654	2,402	526	601
2014	2,831	4,236	2,157	516	581
2015	2,734	4,054	1,800	395	512
2016	3,257	4,848	2,049	445	623

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
2010	53,443	36,370	779,985
2011	50,835	31,339	781,134
2012	42,861	29,972	784,978
2013	39,243	30,399	789,718
2014	44,326	32,230	793,797
2015	43,575	34,213	797,317
2016	45,413	34,127	804,618

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	
2010	5,013	4,977	154	492
2011	5,022	4,976	87	444
2012	4,612	4,437	127	486
2013	4,524	4,473	107	405
2014	4,354	4,230	98	426
2015	4,520	4,425	127	388
2016	4,889	4,841	82	349

[1] Not including requests for the extension of protection under Art. *3ter*(2) Madrid Agreement; 424 requests for the extension of protection were received in 2016, and 432 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			
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	3,441	302	459	2,952	301	18
2016	3,467	3,046	380	415	2,574	192	14

[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*	2010	2011	2012	2013	2014	2015	2016
Baden-Württemberg	8,554	8,108	7,453	7,453	8,218	8,400	8,240
Bavaria	11,807	10,874	10,125	10,275	11,643	11,338	11,805
Berlin	4,723	4,834	4,398	4,254	5,028	5,056	5,236
Brandenburg	1,134	1,072	924	1,014	946	998	1,117
Bremen	611	512	520	456	479	545	522
Hamburg	3,497	3,317	3,096	3,168	3,337	3,612	3,580
Hesse	5,563	4,996	4,607	4,702	4,979	5,351	5,337
Mecklenburg-Western Pomerania	646	511	516	513	545	607	652
Lower Saxony	4,600	4,251	4,043	3,867	4,520	4,897	4,557
North Rhine-Westphalia	14,769	13,078	12,491	12,649	13,716	14,731	14,885
Rhineland-Palatinate	2,960	2,611	2,833	2,860	3,051	3,011	3,050
Saarland	553	508	473	454	558	714	561
Saxony	2,255	2,119	1,953	1,937	2,155	2,090	2,074
Saxony-Anhalt	847	750	753	809	714	717	684
Schleswig-Holstein	2,107	1,963	1,818	1,799	2,235	2,313	2,177
Thuringia	929	1,102	750	834	882	863	799
Total	**65,555**	**60,606**	**56,753**	**57,044**	**63,006**	**65,243**	**65,276**

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

German *Länder*	2015			2016			Applications change in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North Rhine-Westphalia	14,731	22.6	82	14,885	22.8	83	1.0
Bavaria	11,338	17.4	88	11,805	18.1	92	4.1
Baden-Württemberg	8,400	12.9	77	8,240	12.6	76	- 1.9
Hesse	5,351	8.2	87	5,337	8.2	86	- 0.3
Berlin	5,056	7.7	144	5,236	8.0	149	3.6
Lower Saxony	4,897	7.5	62	4,557	7.0	57	- 6.9
Hamburg	3,612	5.5	202	3,580	5.5	200	- 0.9
Rhineland-Palatinate	3,011	4.6	74	3,050	4.7	75	1.3
Schleswig-Holstein	2,313	3.5	81	2,177	3.3	76	- 5.9
Saxony	2,090	3.2	51	2,074	3.2	51	- 0.8
Brandenburg	998	1.5	40	1,117	1.7	45	11.9
Thuringia	863	1.3	40	799	1.2	37	- 7.4
Saxony-Anhalt	717	1.1	32	684	1.0	30	- 4.6
Mecklenburg-Western Pomerania	607	0.9	38	652	1.0	40	7.4
Saarland	714	1.1	72	561	0.9	56	- 21.4
Bremen	545	0.8	81	522	0.8	78	- 4.2
Total	**65,243**	**100**	**79**	**65,276**	**100**	**79**	**0.1**

3.7 National trade mark applications by leading classes

Class		2015	2016	+/- in %
0	No yet classified	201	188	- 6.5
1	Chemicals	819	712	- 13.1
2	Paints, varnishes, lacquers	295	283	- 4.1
3	Cleaning preparations	1,590	1,648	3.6
4	Industrial oils and greases, fuels	298	330	10.7
5	Pharmaceutical preparations	2,391	2,130	- 10.9
6	Common metals and goods of common metal	749	770	2.8
7	Machines, motors and engines	1,354	1,558	15.1
8	Hand tools	254	304	19.7
9	Electrical apparatus and instruments	4,895	4,807	- 1.8
10	Medical apparatus and instruments	921	852	- 7.5
11	Heating, ventilation, sanitary installations	1,198	1,232	2.8
12	Vehicles	1,232	1,235	0.2
13	Firearms	105	120	14.3
14	Jewellery, clocks and watches	776	777	0.1
15	Musical instruments	96	99	3.1
16	Office requisites, stationery	1,966	1,870	- 4.9
17	Insulating materials, semi-finished goods	276	268	- 2.9
18	Goods made of leather	695	869	25.0
19	Building materials (non-metallic)	592	588	- 0.7
20	Furniture	1,198	1,345	12.3
21	Household or kitchen utensils	509	623	22.4
22	Ropes, string, sails	75	74	- 1.3
23	Yarns and threads	30	35	16.7
24	Textiles, bed and table covers	359	354	- 1.4
25	Clothing, footwear	3,362	3,185	- 5.3
26	Lace, ribbon, buttons,trimmings	96	111	15.6
27	Materials for covering floors, wall hangings	101	116	14.9
28	Games, sporting articles	844	830	- 1.7
29	Food of animal origin	1,546	1,385	- 10.4
30	Food of plant origin	2,093	2,273	8.6
31	Agricultural and forestry products	771	759	- 1.6
32	Beers, non-alcoholic drinks	1,418	1,422	0.3
33	Alcoholic beverages	1,447	1,606	11.0
34	Tobacco, smoker's articles	741	593	- 20.0
35	Advertising, business management	8,586	8,695	1.3
36	Insurance	2,469	2,612	5.8
37	Building construction, repair	1,347	1,415	5.0
38	Telecommunications	1,163	1,048	- 9.9
39	Transport	1,443	1,371	- 5.0
40	Treatment of materials	659	704	6.8
41	Education; sporting and cultural activities	8,330	8,541	2.5
42	Scientific and technological services	3,679	3,694	0.4
43	Providing food & drink, temp. accommodation	2,354	2,375	0.9
44	Medical services	2,642	2,511	- 5.0
45	Legal services, security services	986	1,023	3.8

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
2010	46,583	2,626	49,209	39,998	48,477	36,202	1,973	50,450
2011	50,786	2,408	53,194	41,650	48,907	39,308	1,899	50,806
2012	52,971	2,267	55,238	43,650	50,232	38,661	2,823	53,055
2013	54,605	2,304	56,909	46,812	53,240	43,172	4,467	57,707
2014	57,957	2,850	60,807	47,265	51,851	42,468	5,100	56,951
2015	55,032	2,709	57,741	46,942	50,765	39,271	3,652	54,417
2016	51,422	3,166	54,588	45,321	49,113	41,618	3,853	52,966

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
2010	16,920	2,664	17,116	48,470	281,148
2011	19,308	3,382	15,664	46,266	283,789
2012	21,490	3,308	15,851	43,442	290,579
2013	20,695	2,538	14,442	46,583	297,236
2014	24,551	2,756	14,255	43,489	305,598
2015	27,831	2,443	15,073	42,667	313,696
2016	29,464	2,929	15,275	49,513	313,296

4.3 Designs (applied for) by German *Länder*

German *Länder*	2010	2011	2012	2013	2014	2015	2016
Baden-Württemberg	6,522	5,621	6,029	6,402	7,523	6,820	6,312
Bavaria	7,604	7,635	9,231	9,411	8,966	10,753	11,591
Berlin	1,818	2,359	1,890	2,470	2,233	2,682	1,895
Brandenburg	446	459	363	503	335	372	281
Bremen	160	263	191	242	189	251	251
Hamburg	1,482	1,279	1,812	1,287	1,496	1,274	1,018
Hesse	2,588	2,674	2,036	2,429	2,093	2,666	2,310
Mecklenburg-Western Pomerania	206	207	335	732	474	358	165
Lower Saxony	3,010	2,700	2,923	2,819	2,734	3,735	3,348
North Rhine-Westphalia	10,988	11,841	12,559	13,049	13,706	11,618	12,303
Rhineland-Palatinate	2,277	2,805	1,875	3,199	2,518	2,101	1,997
Saarland	262	239	451	296	529	334	289
Saxony	974	1,191	1,389	1,734	1,991	1,551	1,481
Saxony-Anhalt	249	356	469	439	577	271	371
Schleswig-Holstein	940	1,326	1,622	1,384	1,580	1,722	1,457
Thuringia	372	695	475	416	321	434	252
Total	**39,998**	**41,650**	**43,650**	**46,812**	**47,265**	**46,942**	**45,321**

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

German *Länder*	2015			2016			Applications change in %
	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	
North Rhine-Westphalia	11,618	24.7	65	12,303	27.1	69	5.9
Bavaria	10,753	22.9	84	11,591	25.6	90	7.8
Baden-Württemberg	6,820	14.5	63	6,312	13.9	58	- 7.4
Lower Saxony	3,735	8.0	47	3,348	7.4	42	- 10.4
Hesse	2,666	5.7	43	2,310	5.1	37	- 13.4
Rhineland-Palatinate	2,101	4.5	52	1,997	4.4	49	- 5.0
Berlin	2,682	5.7	76	1,895	4.2	54	- 29.3
Saxony	1,551	3.3	38	1,481	3.3	36	- 4.5
Schleswig-Holstein	1,722	3.7	60	1,457	3.2	51	- 15.4
Hamburg	1,274	2.7	71	1,018	2.2	57	- 20.1
Saxony-Anhalt	271	0.6	12	371	0.8	17	36.9
Saarland	334	0.7	34	289	0.6	29	- 13.5
Brandenburg	372	0.8	15	281	0.6	11	- 24.5
Thuringia	434	0.9	20	252	0.6	12	- 41.9
Bremen	251	0.5	37	251	0.6	37	0.0
Mecklenburg-Western Pomerania	358	0.8	22	165	0.4	10	- 53.9
Total	**46,942**	**100**	**57**	**45,321**	**100**	**55**	**- 3.5**

4.5 Top companies and institutions in terms of design applications at the DPMA in 2016

	Holder	Principal place of business		Number of designs
1	Miroglio Textile S.r.l.		IT	**4,200**
2	Buena Vista Modevertriebs GmbH & Co. KG	DE		**2,230**
3	Getzner Textil AG		AT	**1,116**
4	The House of Art GmbH	DE		**722**
5	Koinor Polstermöbel GmbH & Co. KG	DE		**614**
6	AstorMueller AG		CH	**586**
7	Betty Barclay GmbH & Co. KG	DE		**564**
8	BRE-Light GmbH	DE		**505**
9	Albani Group GmbH & Co. KG	DE		**500**
10	Bastei Lübbe AG	DE		**490**
11	OLYMP Bezner KG	DE		**486**
12	InnoTex Merkel & Rau GmbH	DE		**479**
13	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		**453**
14	GRADA-TEXTIL GmbH	DE		**400**
15	REHAU AG + Co	DE		**391**
16	Heinrich Sieber & Co. GmbH & Co. KG	DE		**354**
17	VOLKSWAGEN AG	DE		**322**
18	Vera Mont GmbH & Co. KG	DE		**320**
19	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbH & Co. KG	DE		**319**
20	Deutscher Sparkassen- und Giroverband e.V.	DE		**299**
21	SHOE CONZEPT Handels GmbH	DE		**289**
22	Goebel Porzellan GmbH	DE		**283**
23	boozeME GmbH	DE		**272**
24	Nova Via Polstermöbel GmbH	DE		**257**
25	Naketano Retail GmbH	DE		**250**
26	Think Schuhwerk GmbH		AT	**248**
27	Dragimax Handels-AG	DE		**240**
28	GM Global Technology Operations LLC		US	**239**
29	L-Conzept GmbH & Co. KG	DE		**235**
30	Dalian High-tech Zone Fengshen Import and Export Co., Ltd.		CN	**230**
31	Gil Bret GmbH & Co. KG	DE		**227**
32	Wolf Möbel GmbH & Co. KG	DE		**225**
33	Franz Schröder GmbH & Co. Kg	DE		**217**
34	K+W Polstermöbel GmbH + Co. KG	DE		**211**
35	atixo GmbH	DE		**200**
36	Artextyl S.A.R.L.		FR	**189**
37	CAWÖ TEXTIL GmbH & Co. KG	DE		**183**
38	Changsha Ailishen Hanger Trade Co., Ltd.		CN	**180**
38	hülsta-werke Hüls GmbH & Co. KG	DE		**180**
40	PHOENIX CONTACT Deutschland GmbH	DE		**164**
41	Alfons Venjakob GmbH & Co. KG	DE		**156**
42	Knopf-Schäfer GmbH	DE		**154**
43	Bayerische Motoren Werke AG	DE		**152**
44	Ford Global Technologies, LCC		US	**143**
45	VISUAL STATEMENTS GmbH	DE		**142**
46	Paul Green GmbH		AT	**140**
47	Brunner GmbH	DE		**138**
47	TimeTEX HERMEDIA Verlag GmbH	DE		**138**
49	GEMINI Schuhproduktions- und Vertriebs GmbH	DE		**137**
50	DESTAG Natursteinwerk GmbH	DE		**136**

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	
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
2016	3	3	1	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]	Patent attorney companies[1]
	Entered in register	Cancellations	Registered at the end of the year		
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
2016	146	59	3,630	21	19

[1] Figures supplied courtesy of the German chamber of patent attorneys

Year	Qualifying examination		General powers of attorney		
	Number of examinees	Succesful candidates	entered in the register	cancelled	registered at the end of the year
2010	196	195	805	160	29,737
2011	196	189	745	666	29,816
2012	186	180	662	436	30,042
2012	205	200	974	233	30,783
2013	185	178	766	57	31,492
2014	157	150	733	105	32,120
2015	160	155	792	88	32,824

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

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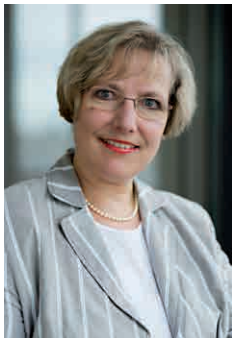
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