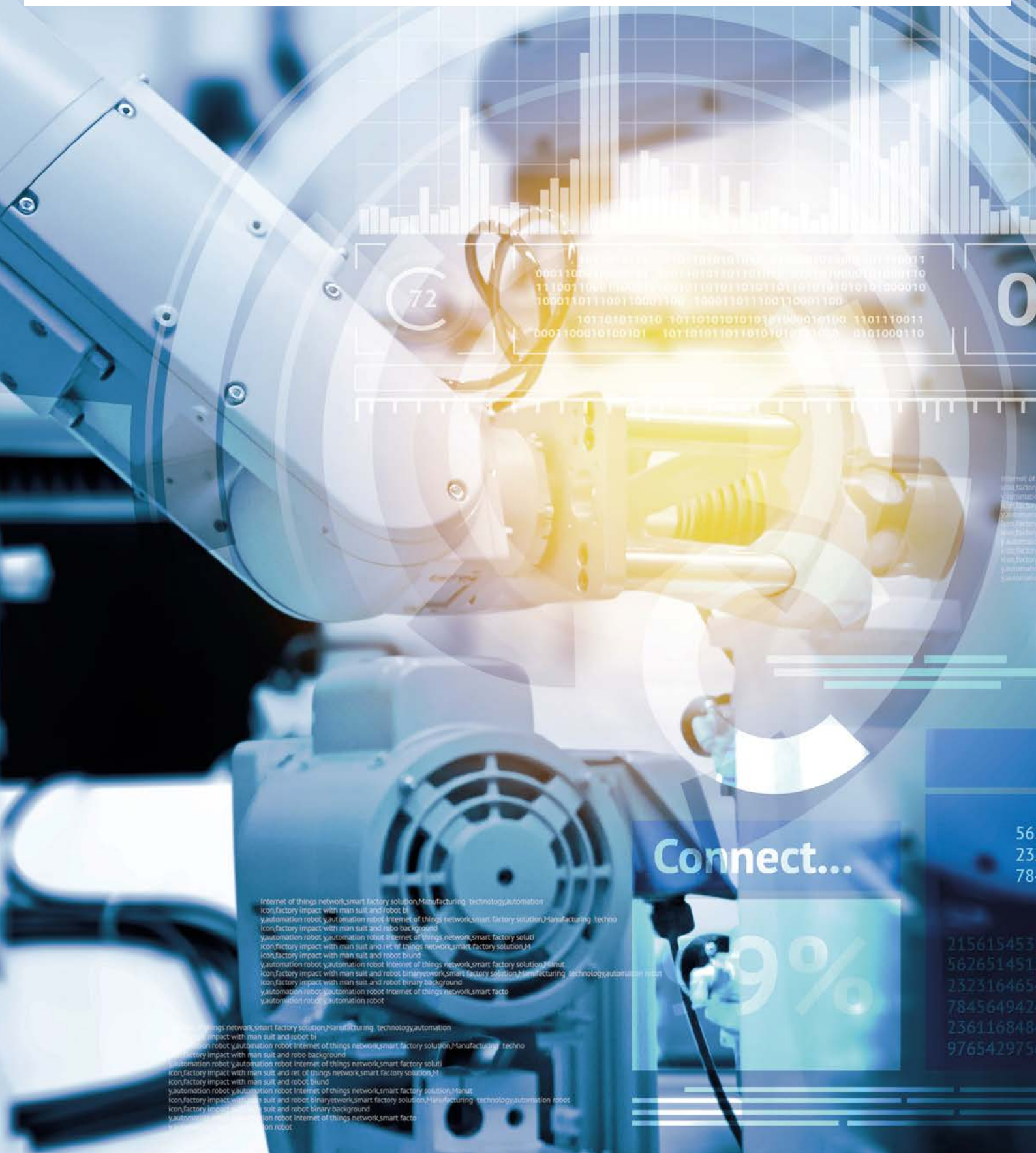
German Patent
and Trade Mark Office

Annual Report 2017



Visit us in Munich, Jena and Berlin:

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(*Deutsches Patent- und Markenamt*)
Zweibrückenstraße 12
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Opening hours of the enquiry unit
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Friday 8:00 a.m. to 2:00 p.m.

Berlin
German Patent and Trade Mark Office
(*Deutsches Patent- und Markenamt*)
Information and Service Centre
Gitschiner Straße 97
10969 Berlin, Germany

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

Jena
German Patent and Trade Mark Office
(*Deutsches Patent- und Markenamt*)
Jena Sub-Office (*Dienststelle Jena*)
Goethestraße 1
07743 Jena, Germany

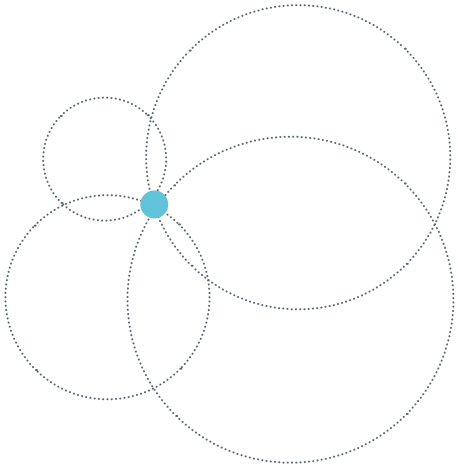
Opening hours of the enquiry unit
Monday through Thursday 9:00 a.m. to 3:30 p.m.
Friday 9:00 a.m. to 2:00 p.m.

Do you have any questions?

We will be pleased to help you!

We will be pleased to answer your questions and provide information on the steps of an application for an industrial property right. You can visit us at our offices and also, of course, contact us by telephone, fax or e-mail.

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



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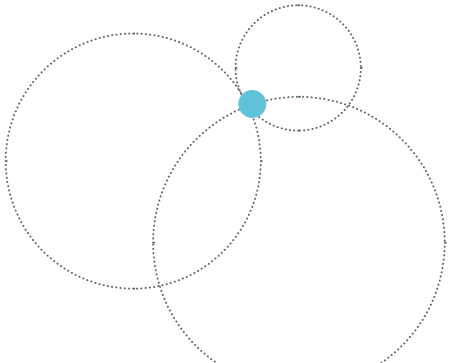
>> Search

Munich search room

Monday through Thursday	8:00 a.m. to 5:00 p.m.
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Berlin search room

Monday through Wednesday	7:30 a.m. to 3:30 p.m.
Thursday	7:30 a.m. to 7:00 p.m.
Friday	7:30 a.m. to 2:00 p.m.
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>> Database hotline search support

Phone +49 89 2195-3435
E-mail **datenbanken@dpma.de**

>> Technical hotline for DPMA**direktPro** (electronic IP applications)

Phone +49 89 2195-2500
E-mail **DPMAdirekt@dpma.de**

>> Press and Public Relations

Phone +49 89 2195-3222
E-mail **presse@dpma.de**

>> Data protection at the DPMA

Phone +49 89 2195-3333
E-mail **datenschutz@dpma.de**

>> Patent information centres

A list of the addresses of the 20 patent information centres is available at **www.piznet.de**

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Dear Reader,



The year 2017 was a jubilee year for our office, which all of us at the DPMA look back on with great pleasure. The founding of the Imperial Patent Office in 1877 brought about nothing less than Germany's unity in the field of industrial property protection. From then on, uniform national patents, which for the first time were valid throughout the country, have secured the protection of technical inventions. This was a novelty in the history of our country, just like each of the many innovations for which these national IP rights have been granted since 1877. Last year, the 140th anniversary of the patent office in Germany offered an opportunity for us to look back on the history of our office and the developments in the patent system since 1877. The staff of the DPMA, who had dealt with this topic, discovered a lot of interesting facts and found quite a wealth of historical treasures. The joint productive efforts of all DPMA offices resulted in an exhibition in Munich, a guided history walk in Berlin and a series of articles with monthly contributions on the Internet as well as the jubilee publication "From imperial Germany to the digital age" produced by the office's own printing shop.

However, the anniversary was also an occasion for us to look ahead and think about the future course of our office with its many traditions, even develop it further in a goal-oriented way on the basis of our vision of **DPMA2020**. A strategic, visionary approach, if you like, which is not only supported by the office's senior management and dictated top-down: Many divisions and work areas in the office are involved in the continuous development of **DPMA2020** and we also regularly seek external expertise for the planning and implementation of sub-strategies. It is a dynamic process to which we would like to invite you, our customers, for example at specialist events such as the DPMAnutzerforum meeting. Please make use of this offer: Let us know your ideas about the further development of the DPMA and its services so that we can benefit from your visions. I am confident that this fruitful collaboration will also produce tangible benefits for you and your innovations!

You may have noticed from the layout of our Annual Report that the further development of the DPMA is a matter of importance to us, which we as editors have also implemented and made visible in this publication. The 2017 Annual Report appears in a revised look; we have aired it with a fresh breeze and given it a modern concept. But don't be worried: What has been important to you and to us is still included on the following pages – all information and statistics, for example on the development of IP applications and IP grants in the year under review. But the presentation is new, with many infographics. They have been designed by us to quickly provide you with concise and succinct information that is relevant to you.

I hope you like the DPMA's Annual Report, which is new in every respect, and find it a good and useful read!

Yours sincerely,

Cornelia Rudloff-Schäffer

Cornelia Rudloff-Schäffer
President of the German Patent and Trade Mark Office

Tasks and organisation

The German Patent and Trade Mark Office: For the protection of your innovations.

Inventiveness and creativity need effective protection. And this protection is provided by intellectual property rights - patents, utility models, trade marks and registered designs. Our office, the German Patent and Trade Mark Office (DPMA), operates within the portfolio of the Federal Ministry of Justice and Consumer Protection and is the German centre of expertise for all four types of IP rights.

Our tasks include patent examination and grant as well as the registration of trade marks, utility models and designs.

As the largest national patent office in Europe and the fifth largest national patent office in the world, our office stands for Germany's future as a country of inventors in a globalised economy.

With just under 2,700 staff in

→ **Munich**
(DPMA headquarters including senior management, administration as well as patent, trade mark and utility model divisions),

→ **Jena**
(administrative units, the Design Division and another trade mark division),

→ **Berlin**
(DPMA Information and Service Centre, until 31 October 2017 "Technical Information Centre") and

→ **Hauzenberg**
(several teams in provision of information and in Customer Care and Services)

the DPMA is a service provider for inventors, companies and universities.

Directorate General 1 – Patents and Utility Models

» About 900 patent examiners organised in five clusters (Mechanical Engineering, Mechanical Technology, Electrical Engineering, Chemistry and Physics) with 30 patent divisions in total:
from A for "acoustics" to Z for "Zone melting"
» Utility models and topographies
» Patent and utility model administration

Directorate General 2 – Information

» Information services for the public and internal information services: Customer Care and Services, database search, Internet editorial office, library and classification systems
» Support of the 20 German patent information centres by the DPMA Information and Service Centre Berlin
» Operation and further development of all information technologies of the DPMA

Directorate General 3 – Trade Marks and Designs

» 13 teams in three divisions for trade mark examination
» Trade mark cancellation division
» Design Division with Design Unit

Directorate General 4 – Administration and Law

» 19 specialist areas in four divisions
» All administrative tasks, including personnel and facility management, organisation as well as budget and legal affairs
» International relations and cooperation projects of the DPMA, patent attorneys and other agents as well as supervision of collective management organisations under the Act on Collective Management Organisations (*Verwertungsgesellschaftengesetz*)



President
Cornelia Rudloff-Schäffer



Vice-President
Günther Schmitz



Vice-President
Christine Moosbauer

Press and Public Relations

Internal Communications, Key Support to Senior Management, Strategic Management

Central Controlling, Cost/Performance Accounting, Quality Management

Internal Audit, Corruption Prevention and Office Data Protection

Arbitration Board under the Employee Inventions Act

Arbitration Board under the Act on Collective Management Organisations (CMO Act)

DPMAinnovativ Planning Staff



Directorate General 1
Patents and Utility Models
Günter Hubert



Directorate General 2
Information
Hubert Rothe



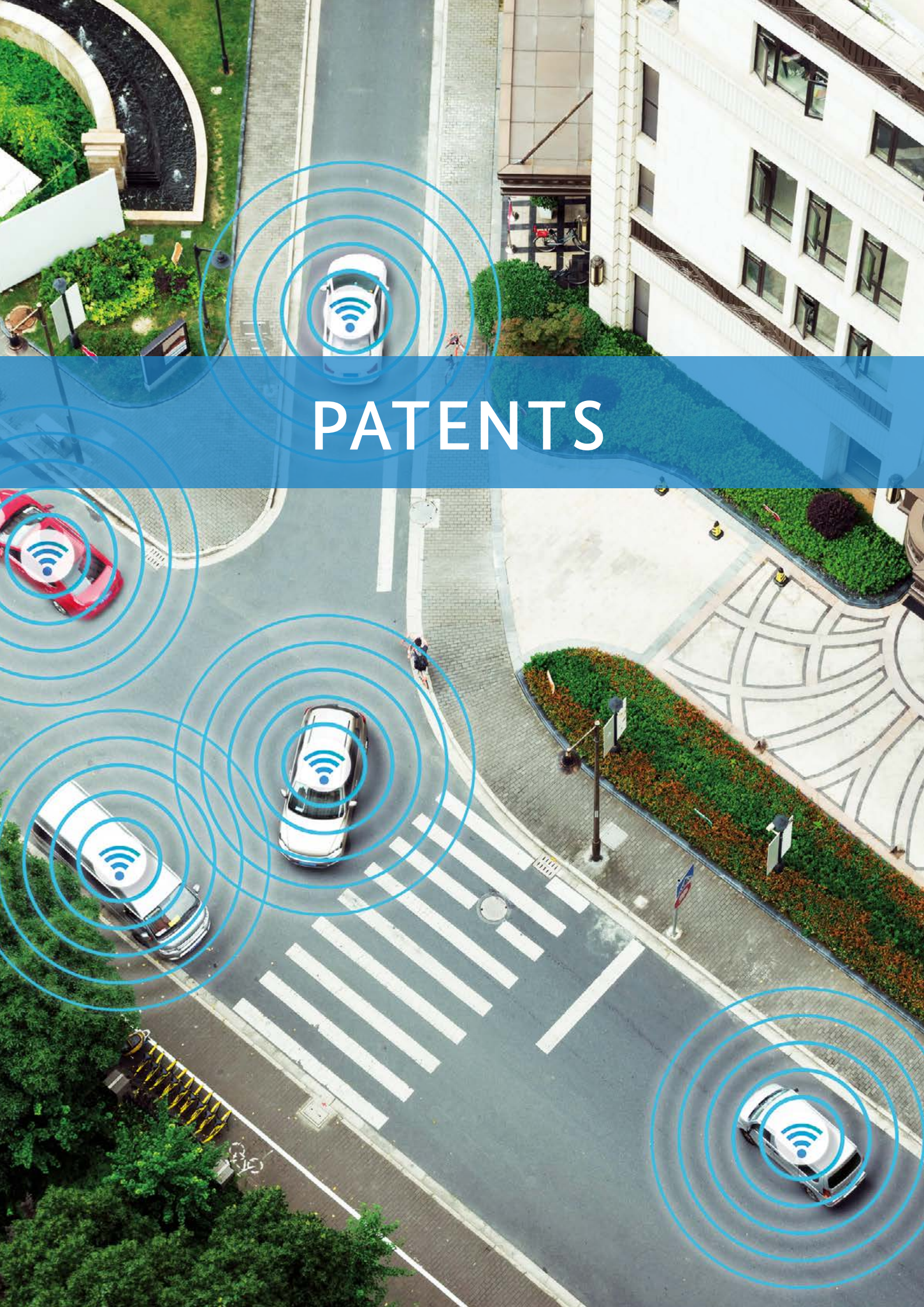
Directorate General 3
Trade Marks and Designs
Barbara Preißner



Directorate General 4
Administration and Law
Dr Regina Hock

DPMA Information and Service Centre Berlin

Jena Sub-Office



PATENTS

Quality and timely results



by Günter Hubert
Head of Directorate General 1 – Patents and Utility Models

Innovations and inventions jointly form an important pillar of prosperity and growth of advanced industrialised countries such as Germany. The basic principle of the patent system is to effectively protect this intellectual property from misuse and unwanted copying and, at the same time, to create incentives for further technical innovations by disclosing the inventions. Since the foundation of the Imperial Patent Office in Berlin in 1877, the patent has become by far the most important IP right for technical inventions in Germany. Thus, our office looks back on a successful history of 140 years!

Today, patents play an essential role, above all, in modern technology markets and can even be regarded as the main currency for new technologies. We are witnessing a rapid increase in the number of patent applications in the field of information and communication technology, a field in which we are faced with the challenging task to ensure the high quality of patents for computer-implemented inventions, given the wide range of patent applications.

2017, once again, saw a record number of patent applications filed at our office. The downside of this welcome development is, unfortunately, a further rise in the number of examination procedures not yet completed, because it is no longer possible to manage the increasing number of procedures with the current staffing levels, despite a new ten-year high of concluded procedures. We must overcome this bottleneck, this is, in my view, one of the key challenges for the coming years.

Nevertheless, however, the wide-ranging expertise of our examiners ensures consistently high-quality processing of your applications. I would like to mention two current figures from the year under review, which speak for themselves: We have concluded over 36,700 examination procedures, while 414 oppositions were raised during the same period.
As a classic office of first filing, we also aim at providing first office actions and first searches regarding new applications, to the maximum extent possible, well before the expiry of the priority year, without compromising proper, comprehensive and critical examination of the inventions. In my view, the reason why we also succeeded in achieving this in 2017, in times of increased workloads, is twofold: the high motivation and the constant commitment of our examiners!

Due to the continuously increasing number of applications, several organisational changes were necessary. At the beginning of 2017, for example, we increased the number of patent divisions within Directorate General 1 to 30. Given the unbroken trend in patent applications, I expect that we will establish further patent divisions.

Thanks to our new **DPMAdirektPro** e-service, which is covered in detail in the chapter “News from IT services”, you can now choose to receive our mail in IP procedures also by electronic means so that patent procedures can now be conducted completely seamlessly and fully electronically. I am sure that you will make active use of this new, modern service and that together with us you will contribute to making electronic transmittal just as successful as the electronic filing of applications, which has proven reliable and effective for years.

Development of patent applications

The readiness and capacity for innovation, in short: innovative thinking and innovative strength, were again very high among companies and among individual inventors in 2017. The number of patent applications filed at the DPMA rose again to over 67,000. Compared with the updated figure for the previous year, the number of applications declined only marginally by 200. The 2016's record high was only just missed.

The sum of applications comprises 61,469 applications filed directly at our office and 6,238 applications which entered the national phase at our office under the Patent Cooperation Treaty (PCT).

The popularity of online patent applications at the DPMA – an attractive alternative to conventional paper-based applications – shows no sign of waning among our customers. With an increase of 4.8 percentage points over the previous year, these direct electronic applications reached a new record share of 82.3% in 2017.

At the end of 2017, 128,921 patents were in force.

>> You will find our extensive statistics on patents in the chapter "Statistics" starting on page 89.

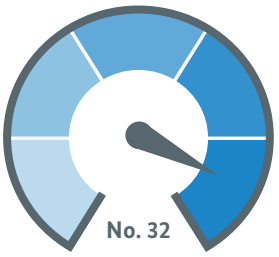
Origin of patent applications

We recorded a slight decline in domestic applications in 2017, i.e. from applicants having a residence or principal place of business in Germany. Compared to the previous year, their number dropped by 1.5% to 47,779 applications (2016: 48,493), which amounts to 70.6% of all applications.
However, we saw an increase of 2.6% in applications from abroad, which amounted to 19,928 (2016: 19,414).
While applications from the Republic of Korea dropped slightly, applicants from Japan, China and the USA as well as – at a lower level – Denmark expanded their activity in Germany. China stepped up its filing activity by 17%, Japan by 6.4%, the USA by 3.8%. Denmark quadrupled the number of applications compared to the previous year.
A total of 3,649 applications originated from other European countries (2016: 3,847) and 16,279 from non-European countries (2016: 15,567).

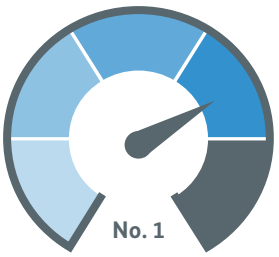
Patent applications in 2017 by countries of origin (patent applications filed at the DPMA as well as PCT applications that have entered the national phase at the DPMA)

	Applications	Percentage
Germany	47,779	70.6
Japan	7,274	10.7
USA	6,084	9.0
Republic of Korea	1,171	1.7
Switzerland	923	1.4
Austria	906	1.3
China	646	1.0
Taiwan	619	0.9
Sweden	464	0.7
France	237	0.4
Others	1,604	2.4
Total	**67,707**	**100**

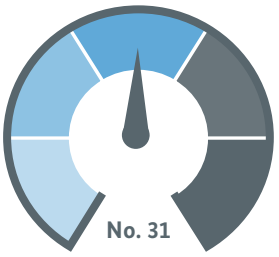
*TOP 5 Fields of technology **
(Applications in 2017 and changes)



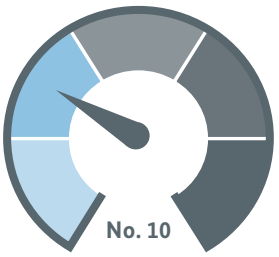
Transport
11,469 + 9.0%



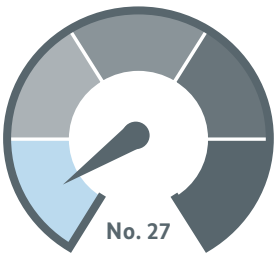
Electrical machinery and apparatus, energy
7,209 + 3.0%



Mechanical elements
6,247 - 8.0%



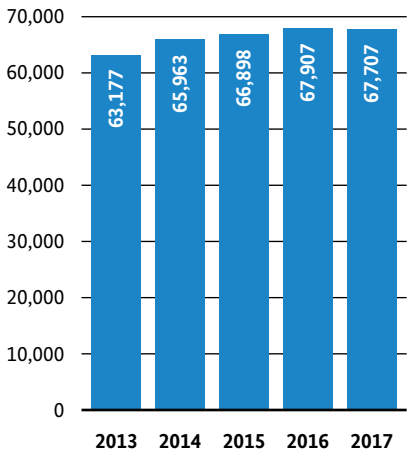
Measurement
4,911 + 7.3%



Engines, pumps, turbines
4,570 - 11.3%

* according to WIPO IPC concordance table, available at: www.wipo.int/ipstats/en/index.html#resources

Patent applications at the German Patent and Trade Mark Office



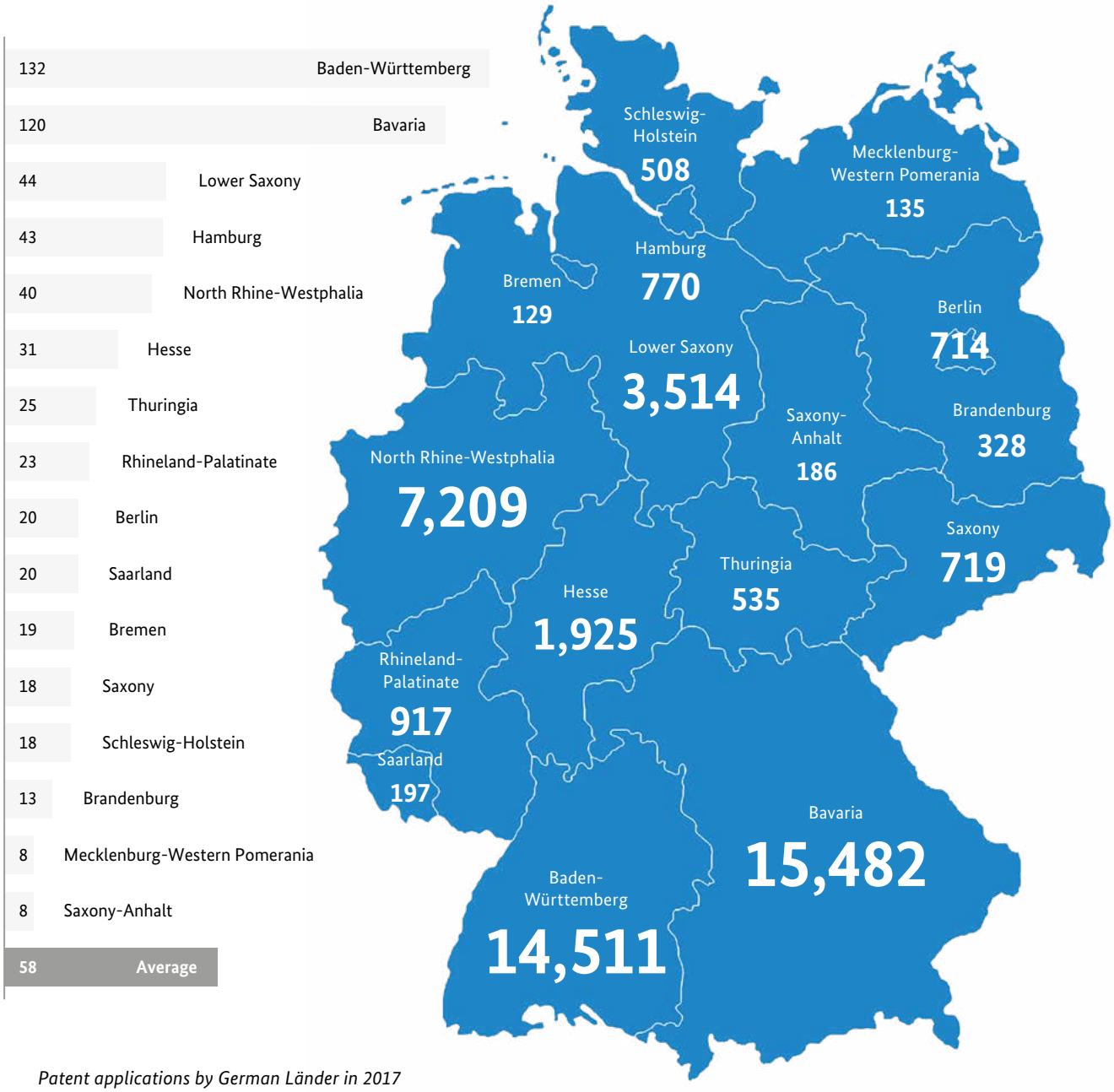
Patent applications by German *Länder*

In 2017, German inventors as well as German companies and institutions filed 47,779 patent applications at our office. The breakdown of applications by German *Länder* is based on the residence if the applicant is an individual or on the principal place of business if the applicant is a company or an institution.

With 15,482 patent applications, Bavaria came top as in the previous years (32.4% of all domestic applications). Baden-Württemberg came close second behind Bavaria with 14,511 applications (30.4%). With a slight increase of 1.9% compared to the previous year, North Rhine-Westphalia followed on the third place with 7,209 applications (15.1%). That means that the situation has not changed, three quarters of all German applications continue to come from these three *Länder*.

With 135 patent applications, Mecklenburg-Western Pomerania increased its filing activity by 28.6% and showed the largest percentage growth of all German *Länder*.

If the number of applications is put in relation to the size of the population of the German *Länder* of different sizes, Baden-Württemberg comes top of the *Länder* ranking.



Patent applications by German Länder in 2017 (applications per 100,000 inhabitants and number of applications)

The most active companies and institutions

As in the previous year, the undisputed leader is Robert Bosch GmbH with 4,038 applications, an increase of 9.3%. Schaeffler Technologies AG & Co. KG defended second place with a slight rise of 2.9% to 2,383 applications. With a substantial increase of 14.4%, Ford Global Technologies, LLC was able to move up from fourth to third place in the ranking. It is followed by Bayerische Motoren Werke AG, Daimler AG and AUDI AG.

ZF Friedrichshafen AG (seventh place) and GM Global Technology Operations LLC (eighth place) recorded a significant upturn in filing activity, with the number of applications up by 11.9% and 15.9%, respectively.

>> The 50 most active companies and institutions at the DPMA are shown in the chapter "Statistics" on page 94.

The individual companies and institutions are shown in the form in which they are recorded as patent applicants, possible interlinking of business enterprises are not taken into consideration.

>> Our analysis in the chapter "Statistics" on page 92 shows how active the universities of the individual Länder are in filing for patents.

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. Our patent examiners can thus attribute every patent application to one or several classes of the IPC.
Using this code, the World Intellectual Property Organization (WIPO) has developed a clear and systematic structure of the different fields of technology: A total of 35 technology fields are categorised in the WIPO IPC technology concordance table.

WIPO IPC technology concordance table

In 2017, as in the previous years, transport in the sector mechanical engineering led the ranking of all technical fields with 11,469 applications and an increase of 9.0% over 2016.

Selected data on patent examination

There is still very great demand for patents. In 2017, the number of examination requests increased to 47,234 (+ 3.6%). We also noted a rise by 3.3% in the number of search requests pursuant to Section 43 of the Patent Act (*Patentgesetz*). In 2017, 36,768 examination procedures were concluded (+ 2.8%).
We also saw this positive development with regard to the number of "isolated" searches under Section 43 of the Patent Act (+ 9.8%). It goes without saying that we are making every effort to reduce the number of pending examination procedures.

Inventors and applicants

In 2017, 4.5% of the applicants (2016: 4.3%) belonged to the group of large patent applicants, each of them filing more than ten applications per year at our office. The proportion of all applications accounted for by this group of large patent applicants increased again to 68.8% in 2017 (2016: 68.2%).

As is generally known, the inventor must be named in a patent application in addition to the applicant. In this way, it is possible to find out in how many cases the applicant is identical with the inventor. Applicant and inventor are not identical, for example, if a company files a patent application. However, inventor and applicant are usually identical if applications are filed by independent inventors or employees with released inventions.

Percentage of patent applications for which the applicant is identical with the inventor, broken down by place of residence or seat of the applicant[1]

Year	2013	2014	2015	2016	2017
National	8.8	8.4	7.7	7.7	7.2
Foreign	2.2	2.3	2.0	2.1	2.1
Total	**7.4**	**7.1**	**6.3**	**6.4**	**5.9**

[1] Due to a change in the logic of calculation, the values in the table cannot be directly compared with the figures published in previous years.

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

Patent applications in the examination procedure

In 2017, a total of 46,066 examination procedures were opened with legal effect – an increase of 3.5% compared to the previous year. Our examiners conduct a thorough and comprehensive search to identify the state of the art relevant for the application.
Afterwards, they make a detailed assessment of the identified state of the art to 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.

Then, the examining section will decide on the grant of the patent or the rejection of the application.

With 15,653 published patent grants (42.6% of the concluded examination procedures), the DPMA achieved almost exactly the same level as in the previous year. In 12,770 cases, examination procedures were concluded due to withdrawal by the applicant or due to non-payment of fees. 22.7% of the concluded procedures (8,345 procedures) ended with a rejection in 2017.

Appeal proceedings at the Federal Patent Court

The Federal Patent Court currently has twelve Technical Boards of Appeal having 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 2017, 384 appeal proceedings were received by the Technical Boards of Appeal of the Federal Patent Court. This was a decline of 16.7% over the previous year. 544 appeal proceedings (- 8.6%) were brought to conclusion before the Technical Boards of Appeal of the Federal Patent Court.

At the end of the 2017, 948 appeal proceedings were still pending.

Selected data on patent procedures

Year	2013	2014	2015	2016	2017
Requests for examination	40,300	43,371	44,676	45,603	47,234
– including requests filed together with applications	24,356	24,506	25,682	26,378	26,504
Search requests pursuant to Sec. 43 of the Patent Act	11,972	13,727	13,599	14,968	15,466
Concluded searches pursuant to Sec. 43 of the Patent Act	12,150	12,100	12,619	13,285	14,581
Examination procedures concluded (final)	32,999	34,996	33,528	35,762	36,768
Examination procedures not yet concluded in the patent divisions at end of year	173,862	181,733	192,423	201,616	211,289

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	2011	2012	2013	2014	2015	2016	2017
Germany	1,874	2,070	1,781	1,880	1,848	1,833	2,108
USA	694	696	651	788	785	830	703
Japan	690	759	892	817	813	984	735
Republic of Korea	56	91	100	95	133	152	187
France	83	107	123	113	108	108	111
China	4	10	8	13	15	13	18
Total	**3,646**	**4,039**	**3,889**	**4,019**	**4,092**	**4,305**	**4,244**

Hybrid drives[1, 3]

Country of origin / publication year	2011	2012	2013	2014	2015	2016	2017
Germany	813	930	1,088	1,153	1,000	1,108	1,085
USA	371	483	494	511	589	536	499
Japan	402	631	741	838	697	815	616
Republic of Korea	158	247	451	617	458	427	378
France	43	58	68	65	75	86	58
China	12	13	8	3	13	34	25
Total	**1,854**	**2,423**	**2,815**	**3,115**	**2,934**	**3,153**	**2,793**

Electric drives[1, 4]

Country of origin / publication year	2011	2012	2013	2014	2015	2016	2017
Germany	109	147	137	116	101	148	170
USA	38	50	64	50	71	73	72
Japan	51	114	112	134	94	121	91
Republic of Korea	7	15	20	32	49	41	26
France	18	27	21	31	24	24	21
China	3	0	3	2	1	8	6
Total	**249**	**389**	**404**	**410**	**392**	**467**	**436**

[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

IN FOCUS

Selected fields of technology

Automotive technology

With 11,469 patent applications, the technical field of transport in the mechanical engineering sector came top of all technical areas as in the previous years. This is an impressive rise of 9.0% over the previous year.
The structure of the applicants has not changed here and the majority of applications that we receive were filed by big car manufacturers and internationally active component suppliers.

Internal combustion engine

As in 2016, there was a slight decline (- 1.4%) in the area of internal combustion engines compared with the previous year. The number of applications from Germany and the Republic of Korea showed an increase of 15.0% and 23%, respectively. In total, foreign applicants now only account for around 50.3% of all applicants.

In 2017, the developers again focused on producing combustion engines that are cost-effective and operate at optimal efficiency. For years, many applications have dealt with the exhaust gas aftertreatment by means of what is referred to as SCR process (SCR – Selective Catalytic Reduction). In this process, nitric oxide is effectively removed from the exhaust gases of diesel engines with the aid of urea reducing agents. The applications cover the development of new processes in the form of interaction with other catalysts and also the further development of peripheral devices such as tanks, pipes, nozzles and pumps.

Hybrid drive

Hybrid drives are vehicle drives that combine at least an electric motor and an internal combustion engine to drive a vehicle. Depending on requirements, the drives can either be used both together or alternately.
Compared to the previous year, the number of patent applications concerning the various aspects of hybrid drives fell by 11.4%.

Frequently, the applications received at the DPMA concentrate on how to best switch the internal combustion engine on and off to achieve the most energy-efficient and comfortable operation possible. In addition, intensive research and development is also in progress to improve the 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 integration of IT data for an optimum drive control in terms of energy efficiency is a major research focus.

Electric drive

The total number of applications for pure electric vehicles also saw a slight decline of 6.6% in the publication year 2017. Only the number of applications from companies and institutions with a principal place of business in Germany shows a significant increase of 14.9%. In addition to the special IPC classes listed in Table on page 10, patent applications concerning this area can also be found in the field of electrical storage technology.

Developers are still increasingly working on the simple, cost-effective and space-saving arrangement of electric motors: If the electric drive unit is arranged as efficiently as possible, driving comfort can be substantially improved.

Double-layer capacitors (supercapacitors) continue to play an important role in the field of energy management. Depending on the driving situation, the control unit determines in the driving mode whether the electric power is to be supplied by the battery or the capacitor and in which component the electrical energy is to be stored during braking or coasting mode (recuperation).

Digitisation

Digitisation is the conversion of processes or procedures, objects and events from analogue to digital formats. This now affects all areas of daily life, industry and business and, of course, the protection of intellectual property: The number of patent applications in the core areas of digital technologies

- communication technology,
- audio-visual technology,
- data processing methods for business purposes and
- semiconductors

has increased continuously over the last few years. On the basis of these four core areas, we present to you the development of patent filing figures in the field of digitisation over the last few years (table on page 12). The significant increase of 29.2% across all four core areas since 2011 indicates a clear shift in the areas of examination at the DPMA.

Communication technology

With a total of 10,857 domestic and international patent applications in 2017, communication technology is the largest of the four core areas. Digitisation has played an ever more important role in this area in recent years, with the number of patent applications increas-

ing by 42% since 2011. The main focus here is on the transmission of digital information and wireless communication networks (4IR).
Machine to machine communication is becoming increasingly important in automation technology: The main focus in this field is on process automation and manufacturing technology. The majority of applicants are small and medium-sized companies, but there is also a growing number of car manufacturers.

Audio-visual technology
This core area deals with arrangements or circuits for controlling display units, television systems or stereophones. Here too, national and international patent applications rose from 3,088 in 2011 to 3,636 in 2017.
Digitisation is intended to continuously improve the function, application and perception of audio and video technology. A large number of applications deal with what is known as virtual reality (VR); a computer-generated reality with three-dimensional image and sound is generated. Anyone who wears such special VR glasses finds themselves in a virtual world, in which they can interact. The potential applications range from simple computer games to provision of information for entertainment to surgery simulators for doctors.

Data processing methods for business purposes
The networking of more and more end devices, control systems and machines results in an ever larger amount of data (big data). These must of course be transmitted, processed and stored without problems. A form of decentralised data processing that offers itself here is known as cloud computing. Services such as servers, storage facilities, databases, analysis options and more are provided on the Internet. The advantages of this continuously growing area are lower costs, higher performance and a high form of reliability as data security and usability are greatly simplified. The significant rise of 77.9% in patent applications since 2011 shows the keen interest of applicants in this field.

Semiconductors
With 4,224 national and international patent applications, the core area of semiconductors is the second largest area in the digitisation sector. Mainly patent applications with a focus on semiconductor components, electrical solid-state components or assemblies of these two are being filed. This area also benefits from people's increasing mobility and mobile communication. Semiconductors in cars, for example, installed in systems such as distance or pedestrian detection systems, make driving safer and more comfortable.

Increasingly, household appliances such as washing machines or refrigerators are also being digitised using built-in semiconductors. In this way, the individual needs of each appliance can be perfectly met, for example, for an efficient reduction of energy consumption.

Patent applications effective in the Federal Republic of Germany in selected fields of digitisation (applications published by the DPMA and the EPO, avoiding double counts)

Digitisation[1]	2011		2012		2013		2014		2015		2016		2017	
	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]
Communication technology[4]	577	7,066	621	8,513	733	8,398	669	8,779	731	9,663	792	9,385	760	10,097
Semiconductors[5]	948	3,309	1,082	3,368	1,014	3,176	1,088	3,259	1,049	2,967	963	3,044	968	3,256
Data processing methods[6]	197	1,131	218	1,185	204	1,388	236	1,721	193	1,612	219	1,839	234	2,128
Audio-visual technology[7]	568	2,520	595	3,089	529	2,816	592	2,344	651	2,713	617	3,083	635	3,001
Total	**16,316**		**18,671**		**18,258**		**18,688**		**19,579**		**19,942**		**21,079**	

[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: H04L, H04N21, H04W
[5] IPC: H01L
[6] IPC: G06Q
[7] IPC: G09F, G09G, G11B, H04N 3, H04N 5, H04N 7, H04N 9, H04N 11, H04N 13, H04N 15, H04N 17, H04N 19, H04N 101, H04R, H04S, H05K

BRIEFLY EXPLAINED

Extended search report

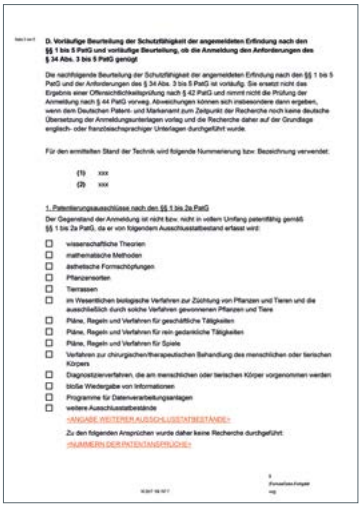
On 1 April 2014, the Act Revising Certain Provisions of Patent Law and Other Acts in the Field of Industrial Property Protection (*Gesetz zur Novellierung patentrechtlicher Vorschriften und anderer Gesetze des gewerblichen Rechtsschutzes*) entered into force. This also resulted, among other things, in an essential change in the search procedure of patent applications (Sec. 43 Patent Act [*Patentgesetz*]). The content of the search report has been expanded and now contains, in addition to the assessment of novelty of an invention, also information on the eligibility for protection of the invention applied for. By introducing this extended search report, applicants now receive a formulated preliminary assessment of patentability of the invention applied for. The search report was thus brought into line with international search standards and clearly enhanced in status.

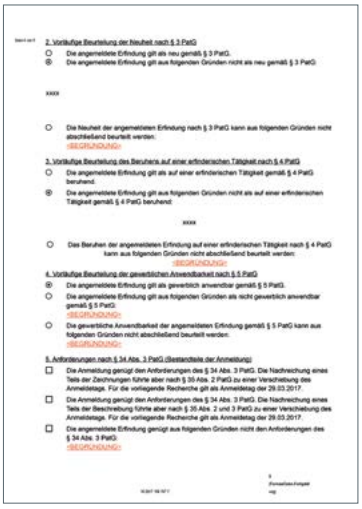
The patent applicants still file a written search request pursuant to Section 43 of the Patent Act. Subsequently, the patent examiners determine the relevant prior art for the invention applied for, make a preliminary assessment of the patentability of the filed invention, pursuant to Sections 1 to 5 of the Patent Act, and also examine whether the application meets the requirements of Sections 34(3) to (5) of the Patent Act.

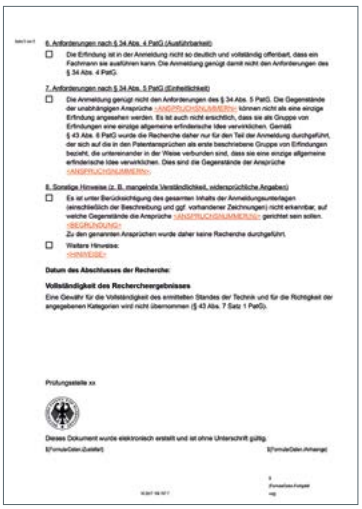
Prior to the revision, the search result was mostly reported to the applicant in tabular form only. They received a list of the ascertained prior art, which was marked with indicators of relevance. These indicators of relevance specified, for example, whether the ascertained prior art conflicted (X) with the subject matter of the invention in a way that was detrimental to novelty or whether it merely constituted the definition of the technological background (A). In addition, the text passages relevant to the state of the art were listed and attributed to the patent claims of the invention applied for.

Now, the applicant also receives a formulated preliminary assessment of the patentability of the invention applied for in addition to the usual tabular form. The search report now provides a much more detailed and tangible explanation than before of the likely prospects of success of the invention under patent law. This will give applicants a better basis for their decision on whether or not to continue the procedure at national or international level. Duration and costs of the procedure can thus be significantly reduced. The enhancement of the content of the search report resulted in only a moderate increase of the search fee of 50 euros.

At the same time, the Guidelines for the Search under Section 43 of the Patent Act were also revised. The purpose of these guidelines is to ensure that all examination units of the DPMA ensure a uniform quality and level of detail for handling search requests.







140 years of the patent office in Germany

Happy Birthday DPMA!

2017 marked the 140th anniversary of the founding of the patent office in Germany. On 1 July 1877, the Imperial Patent Office, the first nationwide institution for industrial property protection was established in Berlin.

Online article series

During the whole of 2017, we shed light on the first 140 years of our office, section by section, in a series of articles on our website. Through the questions we asked ourselves during our research, we became deeply immersed in the history of the DPMA: Who worked in the office at that time? And what were the legal, political, workplace and other conditions? What were the epoch-making events for the office and why? Our conclusion: Even an office has a *vita!* There have been ups and downs, larger and also smaller developments which have shaped it. Above all, however, it is we, the people who work here at and with the office, come and go here every day and – whether visitors, customers or staff – leave our mark.



Cutting the 2017 anniversary cake in Munich (top),
Imperial Patent Office in Berlin in 1877 (bottom left) and in 1905

An office such as our DPMA breathes both the past and the present. And with a view to the many innovations, of course, also the future: We look forward to the next 140 years!

You can read the twelve sections of our office's history, from the founding years at the Imperial Patent Office to the years at the *Reichspatentamt* (Patent Office of the German *Reich*) and the division of Germany with two patent offices, in the East and the West, to today's DPMA on our website (💻).





💻 https://www.dpma.de/english/our_office/publications/focus/index.html

Walking tour of Berlin

On 1 July 2017, exactly 140 years after the founding of the Imperial Patent Office, we offered a history walk to the various locations of the former office buildings in Berlin: It was a walk through history, exploring the sites of the Imperial Patent Office, *Reichspatentamt* and German Patent Office as well as the Office for Inventions and Patents of the former GDR.

On that day, numerous people interested in retracing the history of our office set out on a walking tour of five kilometres, during which they immersed themselves in times past. Local colleagues, who know the place well and contributed a lot of detailed knowledge, guided the participants on the tour from Wilhelmstraße via Luisenstraße and Mohrenstraße and finally to the current location of the DPMA on Gitschiner Straße.



On the tracks of the Patent Office in Berlin

A walk from north to south

START

1. meeting place: Marschallbrücke
2. Imperial Patent Office (1891 – 1905)
   Luisenstraße 33-34
3. Imperial Patent Office (1877 – 1879)
   Wilhelmstraße 75, now Wilhelmstraße 85
4. Imperial Patent Office (1879 – 1882)
   Königgrätzer Straße 10, now Ebertstraße 4
5. Office for Inventions and Patents of the GDR (1951 – 1990)
   Mohrenstraße 37
6. Imperial Patent Office
   Patent Office of the German *Reich*
   German Patent Office
   German Patent and Trade Mark Office
   since 1905 Gitschiner Straße 97

present office of the DPMA Berlin

FINISH

Exhibition in Munich

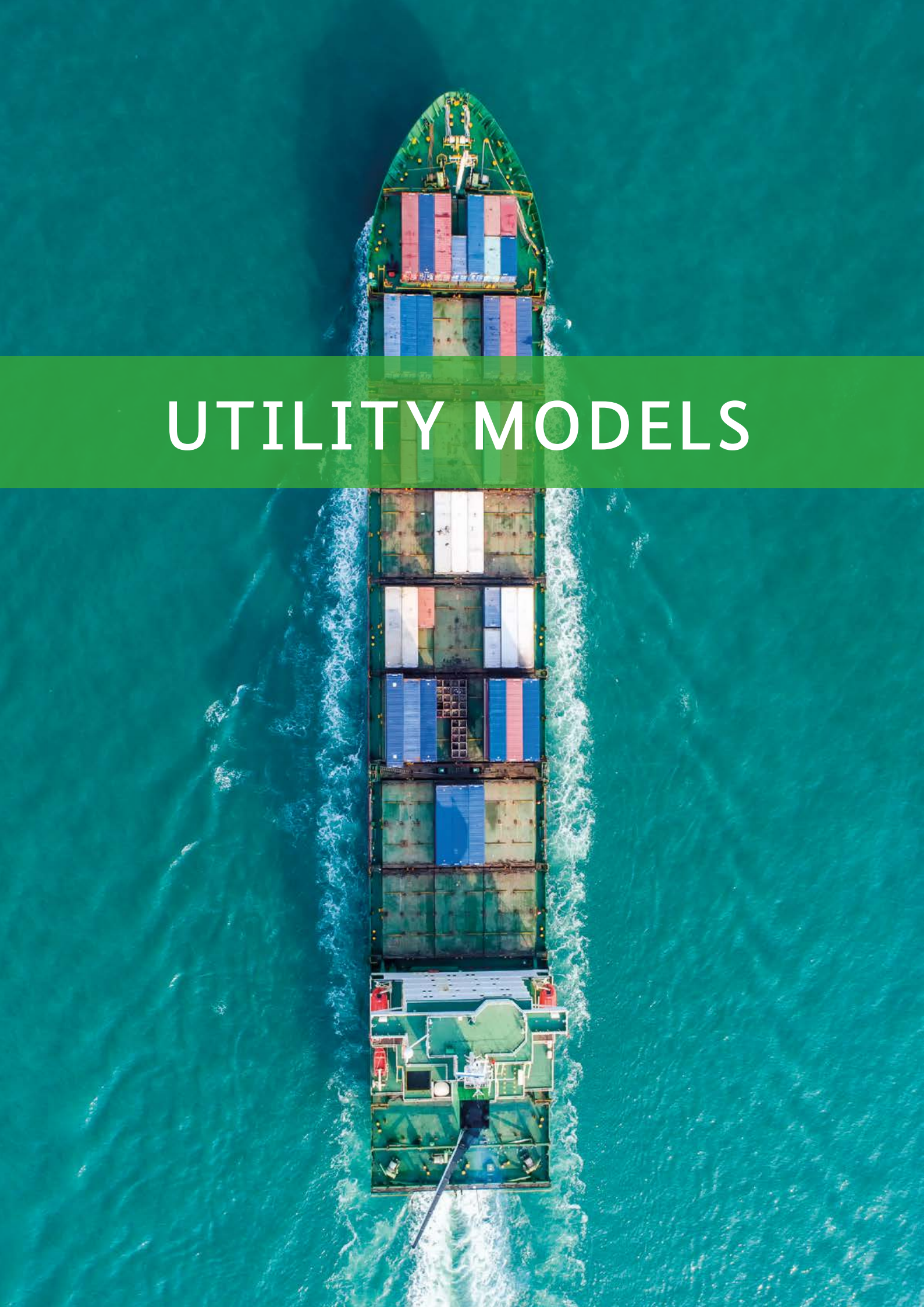
In an exhibition in the main building of the DPMA in Munich, which opened on 6 July 2017, we showcased the milestones of the patent office's 140 years of history. Among the many exhibits collected especially for this exhibition, there was also a real treasure: the patent register with the first patents from 1877!

The exhibition explored 140 years of technical progress, global economic growth and of an eventful political history, all of which have shaped our office: In the founding period of the Imperial Patent Office, the steam engine was the driver of the industrial revolution. The foundations of mobility were laid with the electric train, tram and subway as well as the first automobile. Travelling by rail and air quickly became routine, the car became the "Germans' favourite toy" and electronic devices became mass consumer goods. Space travel, PCs and the Internet and mobile communication pushed the boundaries. Today, it's all about digitisation and networking. Patents, utility models, trade marks and registered designs protect these innovations.
The history of the patent office also reflects the political changes from the German Empire to the Weimar Republic, the Nazi dictatorship, to the division of Germany and reunification. The name of the office, the statutory framework, the locations and of course the working methods have changed.

The work at a standing desk is a thing of the past; today, our examiners work fully electronically using cutting-edge IT, at several screens, and databases containing millions of documents. Only in this way was it possible to grasp the extent of change: An original examiner's standing desk from 1877 was juxtaposed with a modern examiner's workstation with two screens, at our exhibition on the occasion of the office's anniversary.

Original standing desk from the Imperial Patent Office from 1877





UTILITY MODELS

A fast and valuable IP right



by Dr Maria Skottke-Klein
Director of Cluster 1.40 – Chemistry, Formal Patent Procedures, Utility Models

The times when a utility model was available for "smaller" inventions however a patent for the "big" inventions have been over for more than ten years, according to the rulings of the *Bundesgerichtshof*. Rather, the utility model has become an IP right for technical inventions that is almost equivalent to the patent. And this after more than 125 years of utility model protection in Germany! It is therefore all the more astonishing that the number of utility model applications has been declining slowly – but quite constantly – for years. However, with roughly 13,500 applications per year, demand is still at a high level.

The utility model offers important differences to the patent, which have a substantial influence on the IP strategy of our customers. Therefore, complete adjustment to patent protection would probably not be in the interest of the innovators. For example, the definition of novelty of an invention in the Patent Act differs from that in the Utility Model Act. When assessing a technical invention as regards novelty, what is known as "state of the art" sometimes does not allow for patent protection whereas utility model protection is possible. This means that inventions may be new from the perspective of the Utility Model Act, but not from that of the Patent Act. This is the case, for example, if the inventor uses or discloses the invention within six months prior to filing the application. In that case, what is referred to as "novelty grace period" applies in favour of the applicant. This means that the applicants themselves may publish or use the invention within six months before filing a utility model application without thus precluding subsequent protection. In Germany, only utility model law provides for this novelty grace period for technical inventions.

It is particularly pleasing to note that our utility model procedures are relatively fast – even before the year under review of 2017! If the documents submitted meet the requirements of the Utility Model Act, we register the utility model quickly, usually within a few days or weeks.

Development of utility model applications

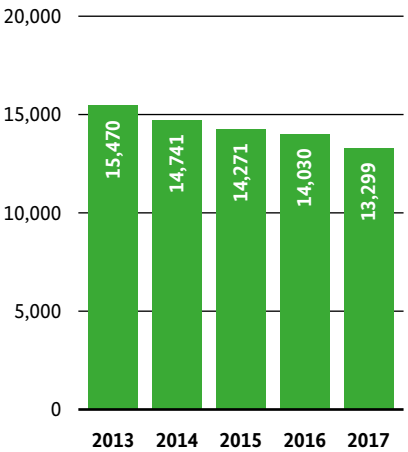
As in the past eight years, the number of utility model applications continued to decline in 2017: New applications filed at the DPMA amounted to 13,299 in total, 5.2% fewer than in the previous year. In 11,882 cases the application resulted in the registration of the utility model in our Register; this is equivalent to 87.2% of the procedures concluded (2016: 86.8%). 1,750 procedures were concluded without registration. This was partly due to the withdrawal of the application; some of the applications were also rejected or did not lead to registration for other reasons.

After payment of the maintenance fee, the term of protection was renewed for 18,866 utility models in total in 2017. In 14,020 cases, the utility model lapsed, for example, due to non-renewal or abandonment.

At the end of 2017, 81,001 utility models in force were registered at the DPMA.

>> You will find our extensive statistics on utility models in the chapter "Statistics" starting on page 95.

Utility model applications at the German Patent and Trade Mark Office



Split-off option

Frequently, patent applicants used an application for a low-cost and quickly effective utility model as an accompanying measure in order to be able to protect their innovation by taking effective action against copying as long as the patent sought after has not yet been granted. The utility model is suitable as an ideal complement to this IP right if it is "split off" from a patent application. The split-off option allows you to claim the filing date of an earlier patent application for the utility model application. That day is then deemed the filing date of both applications.
Last year, applicants made use of the split-off option in 1,341 cases.

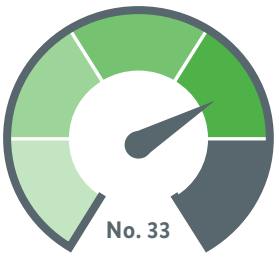
Utility model applications by countries of origin in 2017

	Applications	Percentage
Germany	9,470	71.2
USA	1,020	7.7
Taiwan	604	4.5
China	553	4.2
Austria	278	2.1
Switzerland	232	1.7
France	106	0.8
Italy	106	0.8
Japan	104	0.8
Netherlands	75	0.6
Others	751	5.6
Total	**13,299**	**100**

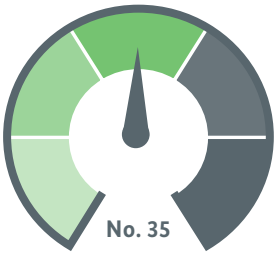
*TOP 5 Fields of technology **
(Applications in 2017 and changes)



Transport
1,398 **+ 0.4%**



Furniture, games
1,353 **- 1.1%**



Civil engineering
1,239 **- 11.1%**



Electrical machinery, apparatus, energy
1,074 **- 11.2%**



Other consumer goods
881 **- 2.8%**

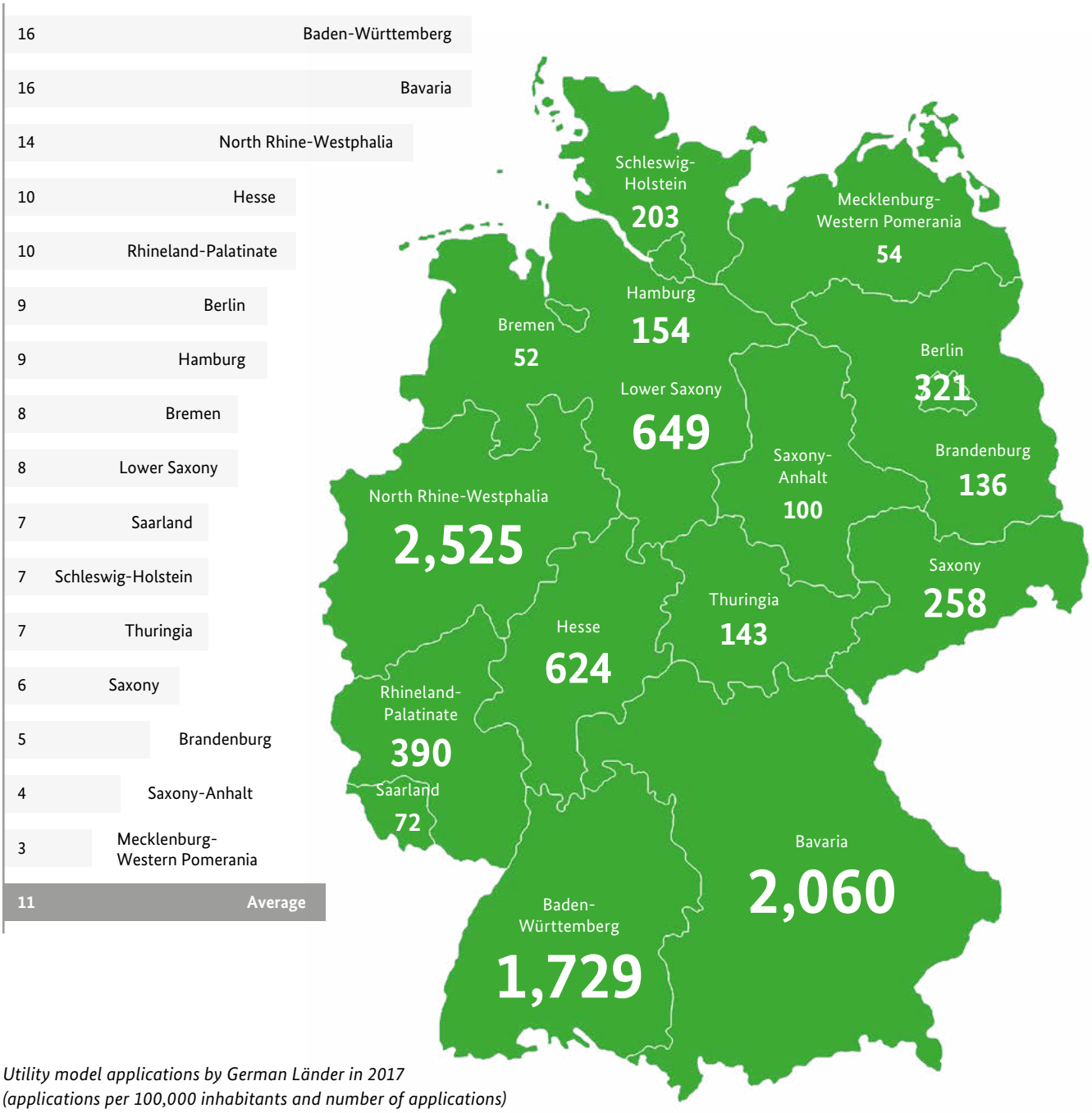
* according to WIPO IPC concordance table, available at: www.wipo.int/ipstats/en/index.html#resources

Origin of utility model applications

Foreign applicants have remained very interested in German utility models in 2017: Although the number of applications from abroad fell slightly to a total of 3,829 (2016: 3,931), the percentage of utility model applications accounted for by them rose further from 28.0% in the previous year to 28.8% in 2017. A total of 1,295 applications originated from other European countries (2016: 1,344) and 2,534 from non-European countries (2016: 2,587).

Utility model applications by German *Länder*

North Rhine-Westphalia once again defended its undisputed top position in the *Länder* ranking with 2,525 applications (26.7% of all domestic applications). Bavaria followed with 2,060 applications (21.8%) and Baden-Württemberg with 1,729 applications (18.3%). The number of utility model applications in relation to the size of the population of each German *Land* paints a somewhat different picture: In that respect, Bavaria and Baden-Württemberg are ahead of North Rhine-Westphalia.



Utility model applications by German Länder in 2017 (applications per 100,000 inhabitants and number of applications)

Search pursuant to Section 7 of the Utility Model Act

The search pursuant to Section 7 of the Utility Model Act is an important element of the system of utility model protection. Unlike the patent, the utility model is just registered upon filing the application – no substantive examination of the invention is carried out. The procedural risk that the IP right will be cancelled later can be minimised if the applicant requests a prior art search early.

For a fee of 250 euros, our patent examiners will conduct a search to find out whether something comparable to the invention was already known at the date of filing the utility model application. The publications and documents identified that are relevant for assessing protectability of the utility model will be listed in a search report. On the basis of the search results, it is then easier to assess whether one's own claims can be enforced against third parties or whether the IP right can be defended against attacks.

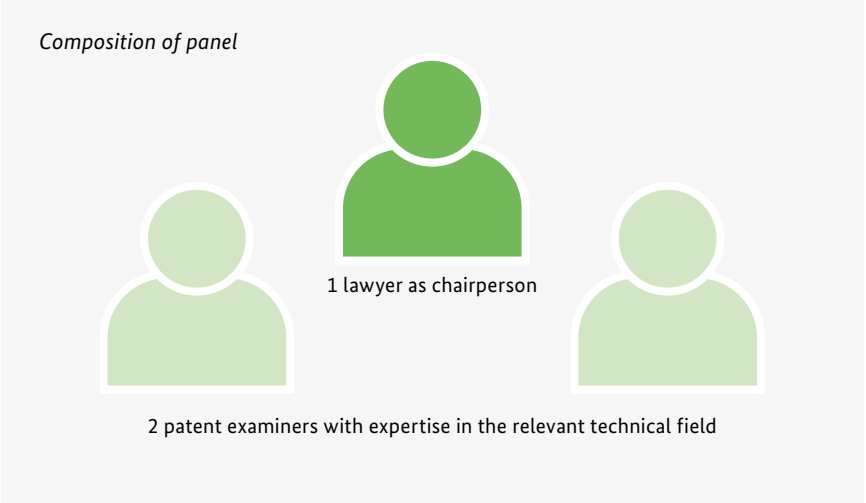
In the year under review, 2,178 effective search requests were received by the DPMA (2016: 2,334). 2,259 searches were conducted by our patent examiners (2016: 2,476).

Utility model cancellation

Cancellation proceedings are an efficient instrument for subsequently clarifying the protectability of an initially unexamined utility model. After a decline in the number of cancellation requests in recent years, the number of cancellation requests in 2017 amounted to 104 and was at the same level as in the previous year (2016: 103 requests).

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

Our Utility Model Division normally decides upon the cancellation request on the basis of oral proceedings before a panel consisting of three persons: a lawyer who is the chairperson and two patent examiners responsible for the technical field.



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

In the year under review, we concluded a total of 160 cancellation proceedings.

IN MEMORIAM

Professor Dr Eduard Reimer

When, on 1 October 1949, the rebuilt patent office took up its duties in Munich, the lawyer Eduard Reimer became the first President of the then youngest federal authority in Germany. Reimer, born in Berlin on 8 December 1896, was also held in high esteem by the IP community and regarded as an acknowledged expert in the field of industrial property protection and copyright. On 5 June 1957, Eduard Reimer, aged just 60, died suddenly at the diplomatic conference on a further revision of the Madrid Agreement Concerning the International Registration of Marks of 1891, which took place in Nice. He was mourned by his wife, three sons and a grand-daughter, the whole staff of the patent office as well as by the entire IP community.

An obituary for Eduard Reimer was also published in the *Juristenzeitung* (specialist lawyer's journal) by the then State Secretary at the Federal Ministry of Justice, Dr Walter Strauß. The end of the obituary included the following words in honour of the deceased: "He was unimpressed by haste and he will be remembered by all who had met him for his noble objectivity and his compassionate humanity."

On the second storey of the main building of the German Patent and Trade Mark Office, directly next to the door of President Rudloff-Schäffer, hangs a big, very characteristic portrait of Eduard Reimer, painted by Hans Jürgen Kallmann. The 60th anniversary of Reimer's death was on 5 June 2017.

Eduard Reimer was 17 years old when World War I broke out and he went straight from the classroom to the armed forces. After the war, in which he had been wounded several times, Reimer studied law and passed his first state examination as early as in 1921. In the same year he received his doctorate and, in 1924, he took the second state examination. From then on, he worked as a lawyer in his hometown of Berlin and, from 1928, in a law firm together with the brothers Hermann and Rudolf Isay. It is probably due to this crucial



step in his career that Eduard Reimer became a renowned expert in the field of industrial property protection and copyright – at the national level as well as at the international level.

Reimer's "brilliant mastery of the law", as Walter Strauß wrote in the obituary in the *Juristenzeitung* in 1957, was also complemented by Reimer's personal inclination to academic research. It was always the combination of practice and theory that Eduard Reimer sought in his work and was able to put into practice so wonderfully in his career. When, after World War II, he returned to Berlin from the Harz mountain region, where he had worked as a judge at a lower district court, he at first took up a professorship at the old university (later "Humboldt University") there, in parallel to his work as a lawyer, and later, in 1948, at the Free University (FU) in Berlin. Reimer played a major role in the foundation and establishment of the FU.

It came as no surprise that Eduard Reimer was appointed to the expert commission for the establishment of the patent office by the then Legal Office of the Combined Economic Area. In January 1949, when he was offered the post of President of the planned patent office, he accepted. This was very fortunate for the legal system of the young Federal Republic of Germany and for the reputation of the German patent system abroad: Eduard Reimer managed the establishment of the patent office – and mastered – the many difficulties involved in that task.

Thanks to his extensive experience and his power to shape the law, Reimer became a permanent member of the expert commissions for industrial property protection and copyright, appointed by the Federal Ministry of Justice; he has also acted as head of the German delegation at numerous international conferences and negotiations. And he devoted himself to the problems of approximation and harmonisation of European patent law "with special inner dedication", according to Strauß.

Eduard Reimer also continued to have great success as a lecturer in Munich. In 1952, when – on the occasion of the 75th anniversary of the patent office – the Bavarian state government founded the Institute for Foreign and International Patent, Trade Mark and Copyright Law at *Ludwig-Maximilians-Universität* located there, Reimer was appointed Head of the Institute.



TRADE MARKS





For us at Directorate General 3, the year 2017 was marked by the plans to implement the revised European Union Trade Mark Directive into national law. In cooperation with the Legal Division, we submitted detailed proposals to the Federal Ministry of Justice and Consumer Protection for the provisions of the Trade Mark Act intended to be revised. However, the legal side is only one aspect in this process. In times of digitisation, it is not enough to change legal provisions and to inform you, the users; the IT processes also have to be adapted. Usually, this will not happen overnight. Even though the content of the new provisions was not yet fully known, many areas at the DPMA had to take the precaution of beginning early with the preparations for it. In addition to the electronic application, in particular, the processes of our electronic case file must also be adapted. Here we – that is, all areas involved inside and outside Directorate General 3 – have invested a lot of time and work.

At the same time, the new version of the Directive reminds us of our start in the system of European trade mark law a good 20 years ago. At the beginning of the 1990s, a single market already existed within the then European Communities, but there was no common trade mark for this market. Since

National trade mark and European Union trade mark: coexistence and interrelation

by Barbara Preißner
Head of Directorate General 3 – Trade Marks and Designs

the purpose of trade marks is to protect product names in competition, it was a serious restriction of economic freedom of action that businesses initially needed a large number of national trade marks in order to become active in the common market. This problem was finally remedied by what was then known as Community trade mark whose earliest possible date of filing was 1 April 1996.

At the beginning, the then newly established EU office, OHIM (now EUIPO) in Alicante, was met with reservations from the expert community: A trade mark office that had literally been "conjured out of nothing" was supposed to conduct legal examinations at the same level as the national offices of various EU member states with their long tradition in trade mark law? It soon became apparent that this was perfectly achievable. Soon the number of applications in Alicante exceeded the number of applications received by us. We felt – and this was a completely new feeling for us – that we were facing competition. For a while we almost had the impression that the train to the European trade mark would never stop.

But now we are rather relaxed about this. The concept of interlinking national and European trade marks (for example, the option of claiming seniority or converting a European trade mark into a national trade mark), which was created by the mothers and fathers of the original Community trade mark, is a highly practicable overall system. Seen and used as a whole, in which both levels of trade mark protection effectively complement each other, this system is designed to make good use of the advantages of both levels and take precautions against possible legal disadvantages. The European Union trade mark (as it has been called since the reform) has become the most important pillar of trade mark protection in the EU, especially for applicants outside Europe. But in Germany, too, one in four applicants now files an application for a European Union trade mark. However, around three-quarters of the German applicants prefer a national German trade mark.

There still is a keen interest and a great need for a regionally limited IP right such as the German trade mark. A German trade mark is cheaper than a European Union trade mark and involves fewer legal risks. As the decision "Coty" of the *Bundesgerichtshof* (BGH, Az. I ZR 164/16 – judgment of 9 November 2017, "*Parfummarken*") showed at the end of 2017, a national trade mark is also much easier to enforce, because on the basis of a German trade mark it is possible to sue at the place where the infringement was committed as well as at the place where it has an effect. In contrast, in the case of a European Union trade mark, it would only be possible to sue at the place where the infringer acted. The advantages mentioned make the national trade mark a very attractive IP right for all those who are predominantly active on the not so small German market.

Therefore, the new Directive also recognises the need for national trade marks, precisely specifies the principles of coexistence and interrelation and makes them more binding. It strengthens harmonisation in Europe and modernises the rules where necessary. I am sure that last year's efforts in connection with the implementation will be worthwhile!

Development of trade mark applications

The number of trade mark applications increased markedly in 2017. In total, 76,719 applications were received, compared with 72,862 applications in the previous year. This is a rise of 5.3%. These 76,719 applications comprise 72,042 national applications (2016: 69,395) and 4,677 requests for the extension of protection (2016: 3,467), which we received from the World Intellectual Property Organization (WIPO) as international applications. For these applications for international registrations of marks (requests for protection), we recorded a strong growth of 34.9% over the previous year. At the end of 2017, 811,478 trade marks were registered at the DPMA.

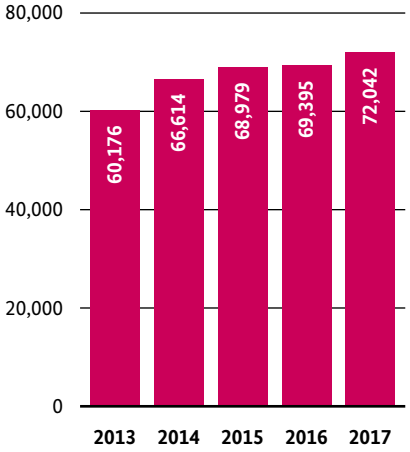
>> You will find our extensive statistics on trade marks in the chapter "Statistics" starting on page 98.

The European Union Intellectual Property Office (EUIPO) in Alicante also registered an increase in trade mark applications (all data as of February 2018), from 135,346 in the previous year to 146,418 in 2017. 21,912 applications came from Germany (2016: 20,448). Thus, applications from Germany still are the largest group of applications at the EUIPO. However, the rise in applications from China is remarkable. With 12,198 applications, China is now the country with the third largest number of applications. As before, the applications from the USA are ranked second (16,656 applications).

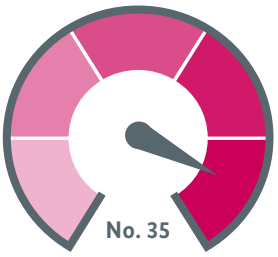
Post-Brexit protection of trade marks

In the meantime, the European Commission has made recommendations on how to deal with "Brexit", i.e. the withdrawal of the United Kingdom from the European Union (EU). According to the recommendations, proprietors of European Union trade marks should be prepared for the fact that their trade marks will no longer be valid in the United Kingdom by the end of 30 March 2019 or, possibly, after a period of transition. After that date, the United Kingdom will constitute a third country in the relationship with the EU. Depending on whether an agreement is concluded between the EU and the United Kingdom to regulate the modalities of withdrawal, the rights from an EU trade mark can no longer be asserted in the post-Brexit United Kingdom. Under the applicable provisions, it is true that EU trade marks can be converted into UK trade marks, but this requires the abandonment of the EU trade mark, thus waiving protection in the 27 remaining member states. At present, therefore, it seems to be safer to apply for a national UK trade mark in addition to the EU trade mark if protection is also desired for the United Kingdom. The application fee is only marginal in relation to other marketing expenses, at least for larger companies. For example, the basic fee for online filing of an application in the UK is currently £170 and £50 for the second and each further class of goods and services. We currently charge 290 euros, which already includes the fee for up to three classes.

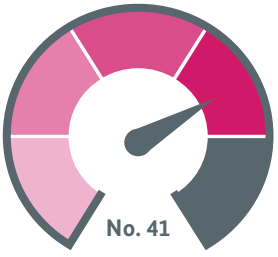
National trade mark applications at the German Patent and Trade Mark Office



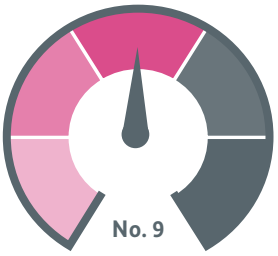
TOP 5 Classes of goods and services (Applications in 2017 and changes)



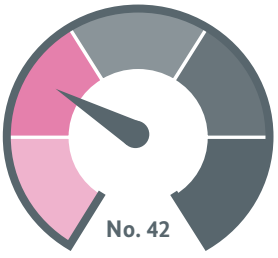
Advertising, business management
8,975 **+ 3.1%**



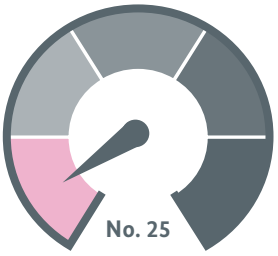
Education, sporting/ cultural activities
8,424 **- 1.2%**



Electrical apparatus and instruments
5,127 **+ 6.5%**



Scientific, technological services
3,539 **- 4.4%**



Clothing, footwear
3,473 **+ 9.0%**

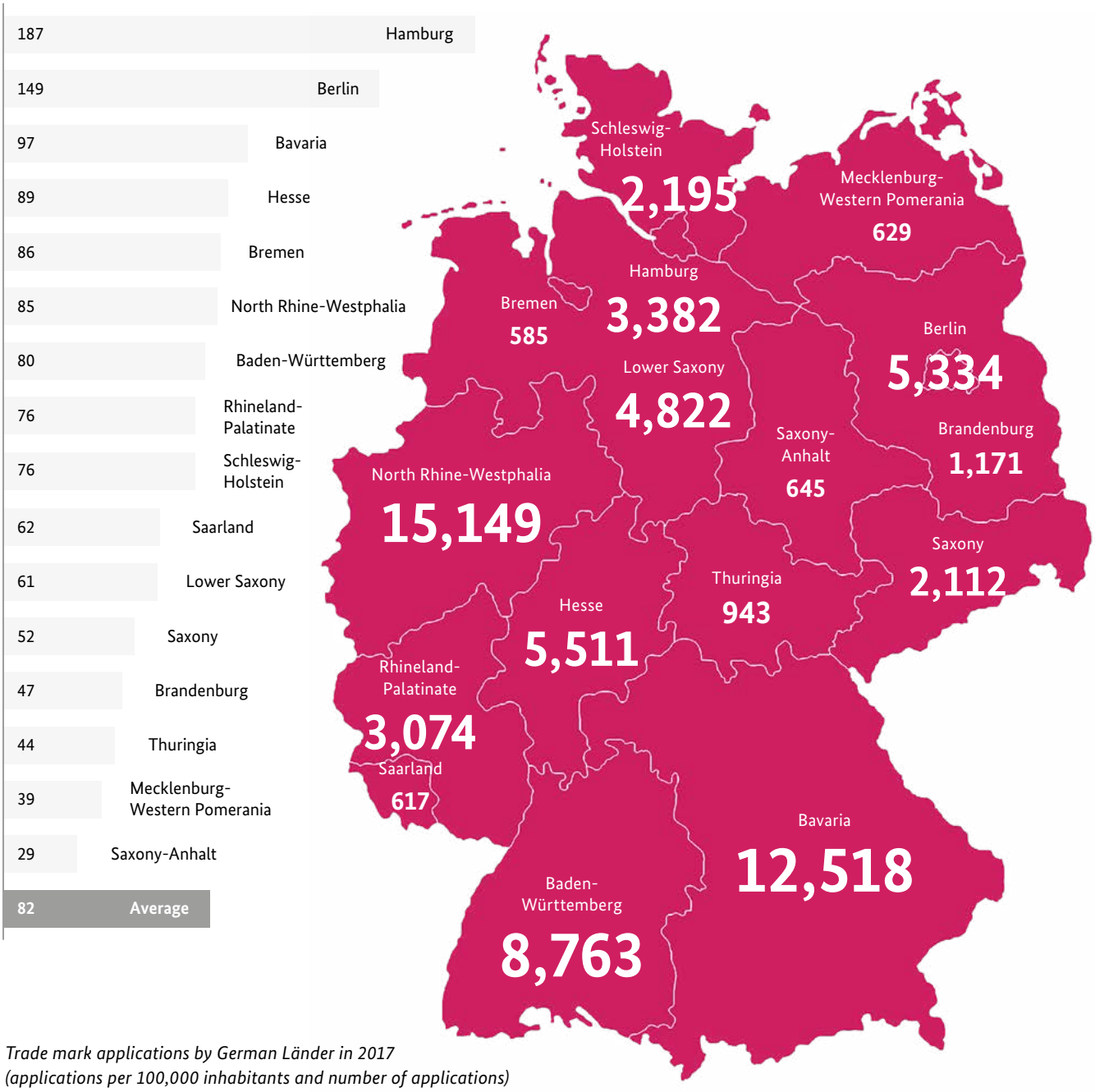
Trade mark applications by German *Länder*

Of the territorial states of the German *Länder*, Bavaria is the most active with 97 trade mark applications per 100,000 inhabitants. But also Hesse is very creative in second place among the territorial states: There, 89 trade mark applications were filed per 100,000 inhabitants. Among the city states of the German *Länder*, Hamburg (187) is ahead of Berlin (149), as usual.

Top companies and institutions in terms of trade mark registrations

Pharmaceuticals and automobiles are the industries that are at the very top of trade mark registrations. This time, Bayerische Motoren Werke AG is awarded gold with 91 trade mark registrations, Merck KGaA silver with 65 registrations and Daimler AG bronze with 63 registrations. Only two foreign companies, both from China (13th and 17th place), are among the top 20.

>> The top 20 companies and institutions in terms of trade mark registrations at the DPMA are listed in the chapter "Statistics" on page 103.



Trade mark applications by German Länder in 2017
(applications per 100,000 inhabitants and number of applications)

Trade mark applications by leading classes

In 2017, advertising and business management (leading class 35) were again the services most in demand if we look at the trade mark applications by leading classes. Class 41 (education, sports and cultural activities) is again in second place and, as in 2016, class 9 (electrical apparatus and instruments) is in third place. The strongest growth among these three classes was recorded in class 9, which received 6.5% more applications than in 2016. The smallest class was again class 23 (yarns and threads) with 31 applications.

Trade mark procedures

In 2017, 50,944 trade marks were registered with our office, this means that 97.6% of the very high number of 52,196 registrations in 2016 was reached. The figures of other concluded procedures also declined only slightly: For example, 6,682 applications were refused in the year under review because they did not meet the formal or substantive requirements for trade mark protection. 13,100 applications were withdrawn by the applicant. Accordingly, the number of application procedures not yet concluded at the end of the year increased slightly: At the end of 2017, 23,361 application procedures were not yet concluded (2016: 22,075 procedures).

Opposition was lodged against 2,880 newly registered trade marks on the basis of an earlier right, which also constitutes a drop compared to 3,261 new opposition proceedings in 2016. This reflects the slightly lower number of registrations, since opposition can only be lodged against a newly registered trade mark. If it is successful – usually because there is a likelihood of confusion between the earlier and the new trade mark – the newly registered trade mark is cancelled in full or in part. This was the case in 616 proceedings. 2,120 opposition proceedings were closed without effect on the trade mark, in 637 cases the proprietor surrendered the trade mark.

The application procedure and opposition proceedings were closed by an order in 7,848 and 1,606 cases, respectively.

There was a significant increase in the number of special motions (*Erinnerung*). The special motion is a legal remedy which can be used within the scope of the procedure at the DPMA to appeal against a decision by the trade mark division. The decision will then be reviewed by a legal examiner of the DPMA. The decision on the special motion can be appealed to the Federal Patent Court. In 2017, 605 special motions for national trade marks were lodged and 350 special motion procedures were concluded by an order.

Trade mark administration

About 45 staff at the trade mark administration in the DPMA's Jena office deal with all post-registration procedures that means the recording of changes, renewals, reclassifications and cancellations after the definitive registration of a trade mark. Furthermore, the staff processes requests for priority documents and certifications of origin, makes register extracts and answers enquiries about the Trade Mark Register.

The 811,478 trade marks registered in the Register at the end of 2017 mark an all-time high. As before, more trade marks are being registered and renewed than cancelled due to non-renewal or for other reasons. 35,215 trade marks were renewed compared with 34,127 in the previous year. A trade mark is registered for an initial period of ten years from filing the application and can be renewed for further periods of ten years, as often as required; the proprietor can also surrender it at any time. In 2017, 43,656 trade marks were not renewed by the proprietors or were surrendered, resulting in their cancellation from the Register.

Trade mark cancellation proceedings

According to the Trade Mark Act, anybody may request cancellation of a registered trade mark. The request is subject to a fee and must state a reason for cancellation. The reason can be the non-use of a trade mark – called "revocation" in the Trade Mark Act (369 requests for national trade marks in 2017) – or the existence of absolute grounds for refusal at the time of registration (226 requests for national trade marks). The latter cases frequently deal with the question whether the challenged trade mark lacked distinctiveness at the time of registration or whether it was descriptive. Trade mark applications filed in bad faith is also a common reason for filing a cancellation request (in 2017, 111 requests of this case group were filed, accounting for almost half of all cancellation requests due to absolute grounds for refusal). The question in this context is whether the trade mark proprietor filed the application with the intention to impede others in an anti-competitive way.

Selected data on trade mark procedures

Year	2013	2014	2015	2016	2017
New applications	60,176	66,614	68,979	69,395	72,042
Registrations	43,514	47,993	46,526	52,196	50,944
Refusals	5,029	6,073	5,535	7,542	6,682

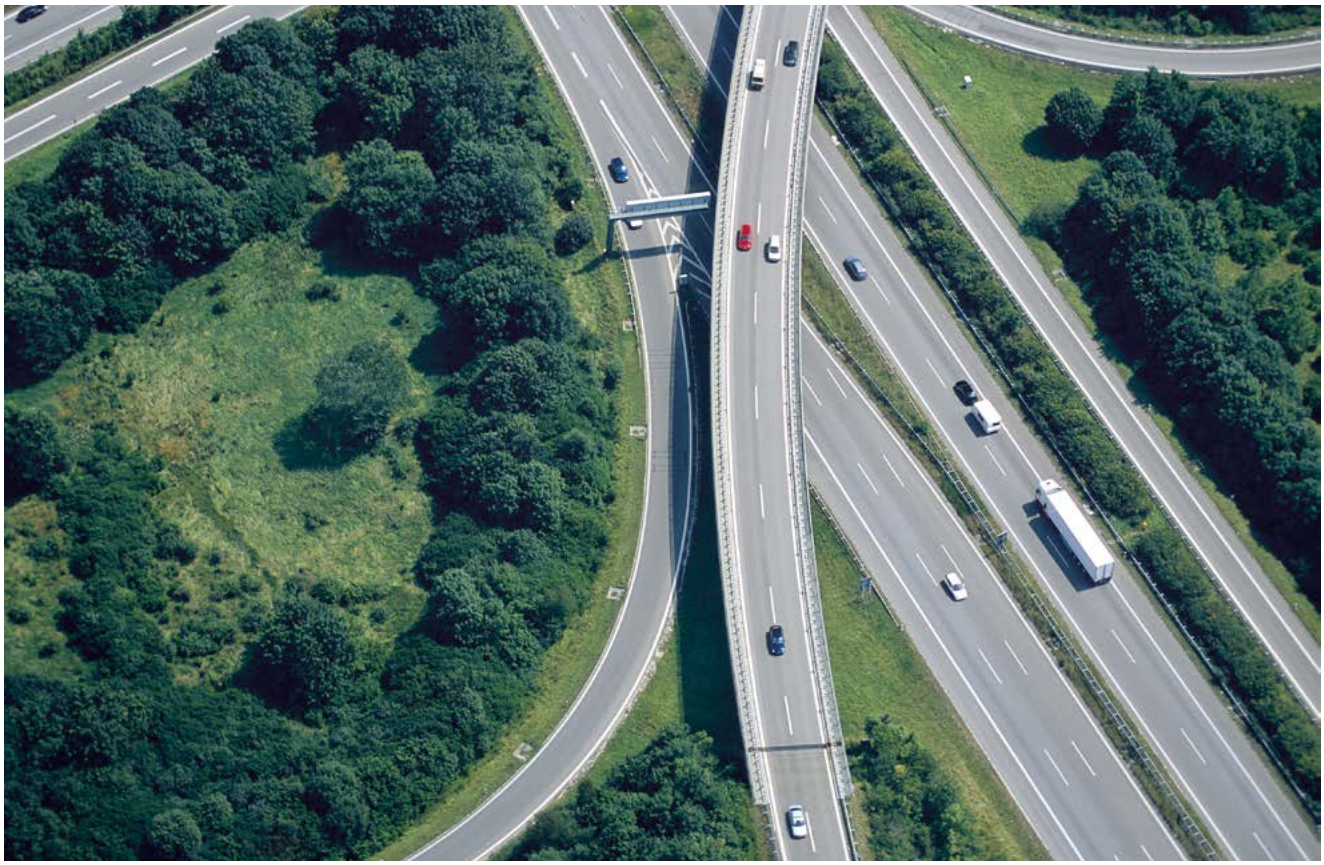
NEWS FROM US – WHAT'S NEW FOR YOU

In 2017, an interesting trade mark cancellation concerned the trade mark "*Schönefelder Kreuz*". An essential question in this case was whether the trade mark possessed distinctiveness. Distinctiveness within the meaning of Section 8(2), no. 1 of the Trade Mark Act (*Markengesetz*) is the (concrete) inherent capacity of a trade mark to be perceived by the circles concerned as a means of distinguishing the goods or services, covered by the trade mark, of one undertaking from those of other undertakings. The main function of the trade mark is to ensure the identification of the origin of the goods or services to which the trade mark is applied.

The trade mark application was filed on 17 April 2004 and registered on 17 October 2007. The *Schönefelder Kreuz* is a motorway junction in the Berlin metropolitan region in Brandenburg near the planned Berlin Brandenburg airport. It connects the motorway 113 (airport motorway) and the motorway 13 (Berlin-Dresden) with the motorway 10 (orbital motorway around Berlin). The *Schönefelder Kreuz* is thus one of the busiest motorway junctions in Brandenburg and a very important traffic intersection in the region. This trade mark is registered for "real estate (all aerospace services)". In its entirety, the sign of the application, which is formed in keeping with the rules of language usage, merely states that the services are provided from the direct vicinity of the *Schönefelder Kreuz* or refer to real estate located in the immediate vicinity of the *Schönefelder Kreuz* junction. Thus, the name only consists of the mere indication of the place of origin or place of performance of the service and does not include a reference to a specific company.

In the service sector relevant in this case, the use of names of well-known or prominent properties, traffic intersections, locations, etc. has been common practice even before the date of filing the application for the challenged trade mark in order to refer to the location from where or at which the services are rendered, i.e., for example, where plots of land are located, buildings are planned to be erected or properties for sale or rent are located.

For this reason, the cancellation division decided to cancel the trade mark. This decision has been appealed to the Federal Patent Court.



IN FOCUS

Reform of trade mark law – the certification mark

Quality labels have long been one of the signs consumers encounter on products. For example, if the sign



is displayed on an electrical device, it is assumed that the device has been tested by TÜV Bayern for compliance with safety standards. However, trade mark protection of such signs is unsatisfactory. Since the signs can be used on all goods that meet the self-defined standards, they cannot be protected as individual trade marks for these goods. Because, indicating the origin of the product from a certain producer is precisely what a trade mark does. However, a quality label does not fulfil this function of a trade mark: After all, it can be applied to all goods that have the required characteristics, that means also to goods from different suppliers. Therefore, such signs can only be protected for the services of the certifying organisation, that is, for performing quality checks. Although trade mark protection can be acquired, it does not extend to the products that have been tested. If such a quality label is used without authorisation, the proprietor of the corresponding (service) mark cannot take action under trade mark law: Although there are other options, the advantages of trade mark protection are not available – these are: clear proof of the existing right and associated good defence options against infringements.

That is why the certification mark is intended to provide trade mark protection for such quality labels in particular. The European trade mark law reform creates a statutory framework to ensure a certain degree of harmonisation:

Regulation on the European Union trade mark (EU Trade Mark Regulation – EUTMR) 2017/1001

introduces a European certification mark

Trade Mark Directive (TMD) 2015/2436

leaves it to the discretion of member states to introduce provisions on national certification marks

Basic principles of the certification mark

According to the TMD model, certification marks form a trade mark category of their own alongside individual and collective marks. Certification marks are capable of distinguishing goods and services which are certified by the proprietor in respect of specific characteristics, from goods and services which are not so certified. Any natural or legal person may be proprietor of a certification mark provided that such persons themselves do not supply the goods and services concerned.

Protection of the certification mark is based on the principles of transparency, neutrality and testing or supervision:

- *Transparency* is ensured by the fact that the applicant must specify the most important circumstances of trade mark protection in the application and the regulations governing the use of the mark (in particular, the certified characteristics as well as the goods and services to which the certification relates).

- The *neutrality of the proprietor* is ensured by the fact that he declares that he is not the supplier of the goods or services. This prevents the proprietor from using the certification mark to give preferential treatment to his own products.

- Furthermore, the regulations governing use of the mark must specify appropriate *measures of testing and supervision* with regard to the certified characteristics and conditions of use.

Certification marks in comparison to collective and individual marks

Certification marks have certain similarities to collective marks: Both are not used by the trade mark proprietor but by other companies for their goods and services and are each subject to trade mark regulations governing their use, testing and supervision as well as sanctions for non-compliance. In contrast to the proprietor of a collective mark, the proprietor of a certification mark may also be a private individual. In this respect, the proprietor is under an obligation of neutrality: He may neither be associated with the suppliers of the goods and services, nor can he use the trade mark for the goods and services offered by him. If the proprietor applies for an individual trade mark for the quality label in respect of certification services, he can only take action against other certification companies.

Current situation in Germany

Up to now, holders of quality labels have applied for the registration of these signs as individual trade marks but use them exclusively for certification services. The courts only recognise this as a right-preserving use for the certified products if the quality label simultaneously guarantees to consumers that all goods and services bearing the label originate from the same enterprise – and the quality label is thus used as a sign of origin.

There is no control of the certification service: At present, a cancellation of the trade mark cannot be achieved by arguing that the proprietor does not check compliance with quality standards and that the sign is thus used deceptively as a quality label.

In addition, protection as collective marks is sought for quality labels. It is unanimously recognised that quality labels, although also referring to a quality standard, can also, without contradiction, indicate the affiliation to an association within which quality is guaranteed. However, it is not possible for persons who are independent of the suppliers to obtain trade mark protection enabling them to prohibit the use of their quality label by others for non-standard-compliant products.

EU certification mark

As early as 1 October 2017, certification marks were introduced under EU trade mark law. The EU Trade Mark Regulation (Articles 83 et seqq. EUTMR) contains the same requirements for describing the EU certification mark and the requirement of neutrality as the TMD.

Further requirements are governed by implementing acts of the European Commission, such as control methods and frequency, qualification of examiners and occasions for additional, intensified tests. This must at least be checked at appropriate, regular intervals and on the basis of objective, verifiable criteria; the minimum sanction provided for is withdrawal of the authorisation of use.

If the regulations governing use are insufficient or contrary to public policy or to accepted principles of morality, the application shall be refused. Prior to refusal, applicants may remedy these deficiencies by amending the regulations governing use. Furthermore, the application shall be refused or declared invalid if the sign applied for is liable to mislead the public, for example if the mark suggests characteristics of the goods and services not contained in the regulations governing use or is likely to be deemed an individual trade mark. If the likelihood of misleading the public results from the subsequent use or if the proprietor does not take reasonable steps to prevent the sign being used in a manner that is contrary to the regulations governing use - in particular for goods or services not compliant with the regulations – the EU certification mark shall be revoked. In all other respects, the same general grounds for refusal and revocation apply as for individual trade marks.

A European Union certification mark costs 1,800 euros.

Implementation of the Directive

Certification marks have existed in some EU member states even before the adoption of the Directive, including the United Kingdom, Spain, Sweden and France. The Directive prompted Austria to introduce the certification mark.

The Federal Ministry of Justice and Consumer Protection has prepared a draft law for the implementation of the Trade Mark Directive, which is intended to incorporate provisions regarding a certification mark into the Trade Mark Act. The *Bundestag* is expected to deliberate and vote on this draft law in 2018.

BRIEFLY EXPLAINED

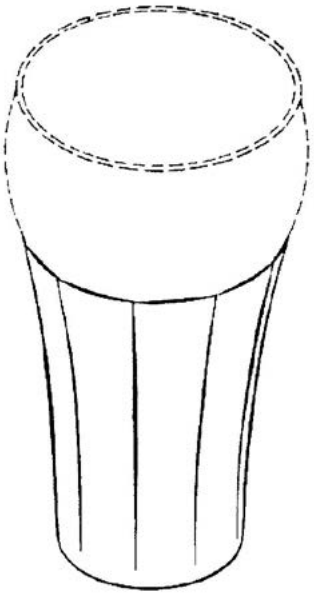
Three-dimensional marks

Under the Trade Mark Act, it is possible to apply for a trade mark for a three-dimensional design and to obtain trade mark protection for it. For example, tags which are affixed to the goods and refer to the manufacturer are conceivable and generally unproblematic. However, the interesting and often problematic cases are those in which trade mark protection is sought for the shape of the goods themselves or their packaging. This too may work and there are, in fact, a number of three-dimensional shapes that are protected as trade marks. One example is the Nutella glass jar, which is recognisable due to its special shape even without the label "Nutella".

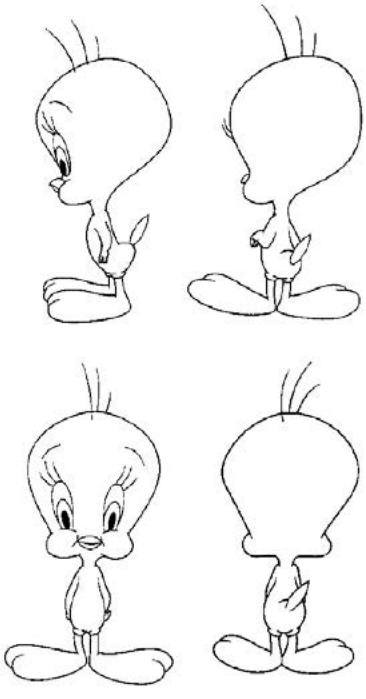
A special feature of trade mark law makes the application for three-dimensional marks attractive: Trade marks can be renewed indefinitely and thus – in contrast to other intellectual property rights – have an eternal life. It is well known that design protection ends after a maximum of 25 years and patent protection after 20 years. Although copyright protection lasts much longer, it is difficult to prove and enforce. In contrast, the rights conferred by a registered trade mark are easier to enforce.

According to the rulings of the Court of Justice of the European Union and the *Bundesgerichtshof*, three-dimensional designs that represent the shape of the goods or their packaging can only be protected if they differ significantly from the ordinary shapes in the product sectors concerned. Because it is only in those cases that they are so individual that they can in fact be understood as signs of a certain provider. If the shape is not sufficiently original, the applicant has the chance to prove that the shape of the trade mark has acquired distinctiveness through use. Such an acquired distinctiveness through use applies if more than half of the potential customers perceive the concrete shape as a reference to the provider. This mostly requires a consumer survey to be carried out.

The provisions of the Trade Mark Act also prescribe that three-dimensional designs which produce a certain technical result are not eligible for trade mark protection. This is to prevent permanent monopoly rights over technical solutions. The non-registrability as trade marks of designs with a technical function cannot be overcome by acquired distinctiveness. For this reason, competitors repeatedly try to challenge each other over the registrability of a trade mark and thus prevent three-dimensional marks. For instance, Philips was faced with lawsuits all over the world against its trade marks, which represented the arrangement of the shaver heads of an electric razor. In 2017, the *Bundesgerichtshof* issued two decisions on the registrability of the square Ritter Sport chocolate packaging and on the shape of glucose tablets of the trade mark "Dextro Energy". In these proceedings, the *Bundesgerichtshof* saw no problems with regard to their registrability as trade marks and set aside the decisions by the Federal Patent Court that had ordered the cancellation of the trade marks. However, due to other open questions, the proceedings have not yet been concluded with final rulings but have been referred back to the Federal Patent Court for clarification of these questions.



Do you recognise the trade mark?



Who do you think this trade mark belongs to?

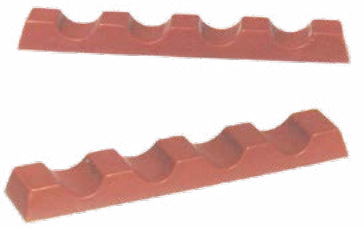
DID YOU KNOW THAT ...

... in our database DPMAregister, you can search specifically for three-dimensional trade marks?

Below you will find a small selection of interesting information from our database:



» "Nutella" and many more: Ferrero Deutschland GmbH is the proprietor of 90 three-dimensional national trade marks.



» The famous "Kelly Bag" handbag by Hermès was registered as three-dimensional trade mark in our Trade Mark Register in 2004. The "Birkin Bag" has been a three-dimensional European Union trade mark since 2007.

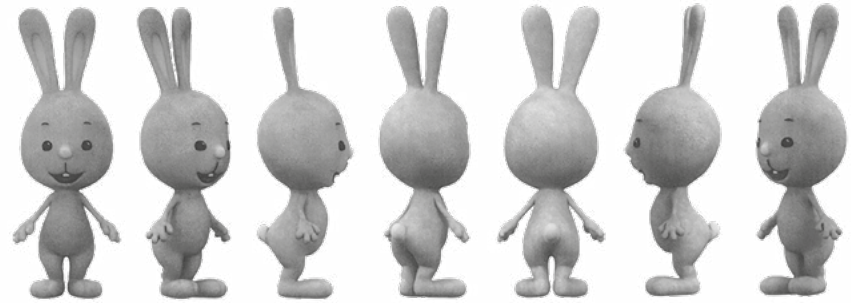




» The red ribbon, symbol of solidarity in fighting AIDS, has also been a three-dimensional trade mark since 1997. It is owned by Deutsche AIDS-Stiftung situated in Bonn.

» Currently, more than 2,300 three-dimensional national trade marks are in force.

» The Federal Republic of Germany, represented by the German Federal Ministry of Finance, also has a three-dimensional trade mark registered in our Trade Mark Register. It is "*Günther Schild*", the speaking turtle used as advertising figure for German Government securities.



» "*Kikaninchen*" and two more figures from children's television are three-dimensional trade marks of MDR (public broadcaster).

DPMAregister

https://register.dpma.de/DPMAregister/marke/einsteiger?lang=en

Indications of geographical origin

Protection of products from your region

Agricultural products and foodstuffs are often named after their geographical origin. For example, those who like to eat cheese specialities will of course know *"Roquefort"*, *"Saint-Nectaire"*, *"Comté"*, *"Gruyère"* and many other famous cheeses named after their places of origin. If it is intended to protect these names as indications of geographical origin in accordance with the corresponding EU Regulation, the products marketed under this designation must actually originate from the respective region and meet the specifications prescribed in each case. The consequence of protection: It is not allowed to offer copied products of different origin and/or quality under the same name.

Indications of geographical origin enjoy extensive protection even beyond that. This is currently being demonstrated, for example, in the case *"Champagner-Sorbet"* before the *Bundesgerichtshof* (I ZR 268/14). The well-known designation "Champagne" enjoys protection in the EU as a protected designation of origin (PDO). For this reason, for example, sparkling wine produced in bottle fermentation in Germany may not be called "champagne" due to the origin of the grapes. The *"Champagner-Sorbet"* case deals with the question of whether the holder of the protected designation of origin "Champagne" can prohibit a third party from marketing a different product (champagne sorbet) using the geographical indication, if that product actually contains the protected product as an ingredient. The Court of Justice of the European Union (CJEU, case



C-393/16 – judgment of 20 December 2017) in answer to a question referred to it by the *Bundesgerichtshof* ruled that the use may be permitted if the product has as an essential characteristic a taste attributable primarily to the presence of champagne. The *Bundesgerichtshof* now has to decide whether this is the case.



Registration in Brussels

Pursuant to the Regulation (EU) no. 1151/2012, agricultural products and foodstuffs with indications of geographical origin may be granted protection throughout Europe by registrations in a register kept by the European Commission either as a protected geographical indication (PGI) or as a protected designation of origin (PDO). 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.

"Schrobenhausener Spargel" (asparagus), registered as PGI since 2010, and *"Allgäuer Bergkäse"* (cheese), which was given PDO status 20 years ago, are just two examples of the 89 names of German products currently registered in Brussels.

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.

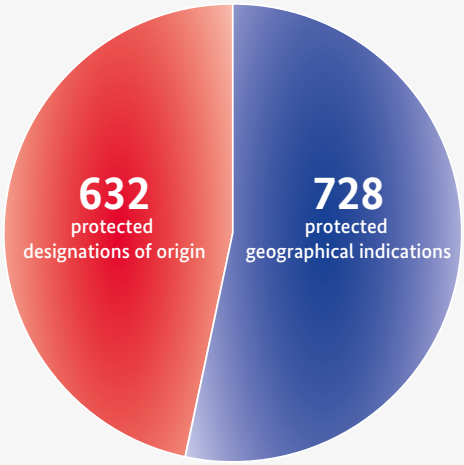
→ production **or**
→ processing **or**
→ preparation

must all take place in the region, location or country concerned.

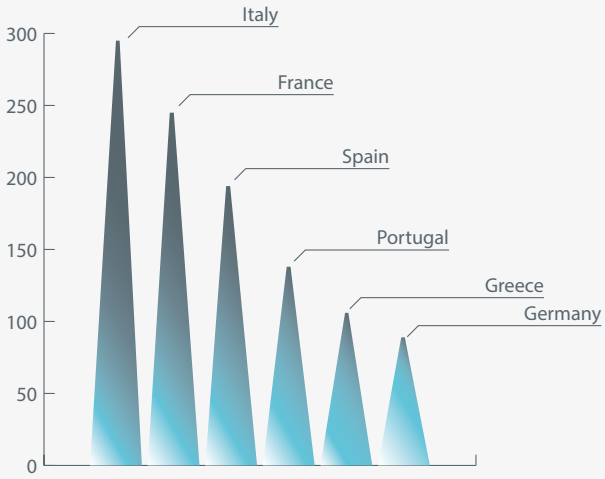
→ production **and**
→ processing **and**
→ preparation

must all take place in the region, location or country concerned.

At the end of 2017, **1,360** names of foodstuffs and agricultural products protected as PDOs and PGIs were registered:



Number of registrations in European comparison



http://ec.europa.eu/agriculture/quality/door/list.html?locale=en

NEWS FROM US – WHAT'S NEW FOR YOU

In 2017, the DPMA received two new applications for registration of the *"Berliner Currywurst ohne Darm"* (sausage) and the *"Oberfränkischer Qualitäts-Roggen"* (rye).

The application for the registration of *"(Fränkisches) Hiffenmark"* (jam) was forwarded to the European Commission after the ruling of the Federal Patent Court (*Hiffenmark* II, 30 W (pat) 35/13, ruling of 14 April 2016), in respect of which an appeal on a point of law had been allowed.

In 2017, the European Commission published three applications from Germany which met the conditions of registration to the satisfaction of the Commission, namely *"Beelitzer Spargel"* (asparagus) as well as the applications for amendment for *"Bayerisches Rindfleisch"* (beef) and *"Nürnberger (Rost-) Bratwürste"* (sausage). The applications for amendment of the specification of the already registered indications of geographical origin *"Holsteiner Katenschinken"* (ham), *"Rheinisches Zuckerrübenkraut"* (syrup) and *"Schwäbische Spätzle"* (noodles) were approved by the European Commission.

The *Fachverband der Gewürzindustrie e.V.* (association of the spice industry) lodged a cross-national notice of opposition to the French application *"Thym de Provence"* (thyme from Provence), published by the Commission in 2017.

The database DOOR of the European Commission is available online.

Database DOOR

40 years ago

First presentation of the anti-award “Plagiarius”

Aktion Plagiarius, a registered association since 1986, is closely associated with its founder, the German professor of design, Rido Busse. Forty years ago, he was extremely angry when he was forced to witness the brazen behaviour of a counterfeiter: One of his products had been exhibited at a trade fair using the simplest of means and the trade mark stamped in by Busse was only poorly pasted over. It was the height of impudence for the thief of ideas to state: If there should be enough interested people at the fair, the counterfeiter wanted to start producing the fake. This systematically planned infringement of his intellectual property was indeed “impressive” in its insolence, as the designer still says today.

But this “impressive” incident was not the first of its kind in Busse’s career: The copy of the Soehnle letter and diet scales no. 8600 was also a particularly audacious act of counterfeiters. The original scales had already been developed by the busse design ulm gmbh at the beginning of the 1960s, in 1965 the letter and diet scales no. 8600 had been put on the market by the Swabian company Soehnle. And there, one day, a copy from the Far East appeared.

However, the products were only similar in appearance: Instead of high-quality ABS plastic the counterfeiter used polypropylene for the copy, which substantially affected weighing accuracy. Regrettably, legal measures such as actions for injunction did not have the success hoped for – only a short time later another identical copy appeared. The designer’s anger finally prompted him to create and endow a mock award. For this purpose, he bought a customary garden gnome, painted it black and gave it a golden nose. This is what the “Plagiarius”, awarded annually since 1977, looks like to this day: The garden gnome, which as a figure depicts an evil troll, is meant to illustrate the evil intention and its proverbial golden nose is supposed to demonstrate the undeserved financial gain.



Founder of the anti-award “Plagiarius”: Professor Rido Busse

The first “award winner” promptly went to court and tried to take action against the award. Without success. In the end, he was stuck with a five-digit sum of legal costs.

Unfortunately, only one single press representative attended the first award ceremony in 1977, but his article was published in the *Handelsblatt* journal and attracted a great deal of attention. At this first award ceremony, Rido Busse himself was the eulogist. In the years that followed, prominent advocates from industry, business and politics also gladly assumed this role; in 1984, Dr Erich Häußer as President of the DPMA held the laudatory speech. By the way, then, the “Plagiarius” was once again awarded to a counterfeiter of Soehnle products!

The great public attention which the “Plagiarius” award has attracted every year has ensured its deterrent effect. The alleged counterfeiters are notified in writing of their nomination and have the opportunity to comment. In the past, numerous counterfeiters sought an agreement with the original manufacturers before the jury meeting for fear of public disgrace and, for example, took remaining stocks of counterfeits and fakes off the market.

Of course, the “Plagiarius” award does not reveal whether the counterfeit product in question is permissible in the legal sense or illegal. The *Aktion Plagiarius* aims to draw attention to the damage suffered by affected companies and the risks to consumers. And it has succeeded in doing so for 40 years now. Congratulations!



A case for the first “Plagiarius” award in 1977: letter and diet scales no. 8600 by Soehnle (left) and the counterfeit from Hong Kong

The “2017 Plagiarius” award was presented on 10 February 2017 during the Frankfurt consumer goods fair “Ambiente”. The jury had met as early as January to select the winners of the “2017 Plagiarius” award from a total of 27 entries submitted. Three main prizes and seven distinctions, equal in rank, were awarded.

The winners of the “2017 Plagiarius” award

All photographs show the original on the left and the copy or fake on the right.



The result of 40 years of the “Plagiarius” award: around 400 award-winning products and more than 1,600 cases of plagiarism submitted.

More information about the *Aktion Plagiarius* available at this link.

Plagiarius



1st prize – retractable dog leash “flexi Explore L”

The original of flexi-Bogdahn International GmbH & Co. KG, Bargteheide was copied and counterfeit products of inferior quality were marketed online.

2nd prize – office chair “Silver”

The counterfeit copy of the Swabian original of Interstuhl Büromöbel GmbH & Co. KG, Meßstetten-Tieringen comes from China.

3rd prize – pressure gauge

The original of WIKA Alexander Wiegand SE & Co. KG, Klingenberg was repeatedly counterfeited: “VIKA” fakes were distributed via the Vietnamese market.



http://www.plagiarius.com/index.php?ID=1&SETSPRACHE=2

DESIGNS



In recent decades, product design has become extremely important for marketing and customer loyalty in a world of goods that is characterised by diversity and sometimes by abundance. In its more than 140-year history, the registered design, formerly known as *"Geschmacksmuster"* in German until 2014, has developed from a rather secondary and complementary IP right for specific sectors of industry and specialists to a globally recognised and important form of protection of its own. In particular, as a result of individual public disputes with enormously high litigation values concerning the basic design of mobile phones and the "strong" rights of exclusion to be derived from registered designs, national design protection has also become an independent pillar for us at the DPMA since 1988 in addition to the technical IP rights, patents and utility models, and the non-technical IP protection for trade marks as well as the autonomous copyright.

The existing low-cost electronic filing option for our customers – which is now predominantly being used – in my view, is an advantage of the registered

Protection for stylistic vocabulary and aesthetic features



by Markus Ortlieb
Head of the Jena Sub-Office as well as of Division 3.5 – Design Division and Invalidity Proceedings

design, allowing them to cover a wide variety of shapes at moderate fees. Other advantages of the registered design are, in my opinion, that the scope of protection is not restricted by classes of goods or product indications and that the maximum term of protection of 25 years is longer compared to that of technical IP rights. In addition, there is the statutory presumption of the legal validity of registered designs without prior substantive examination.

The DPMA offers a cost-effective registration procedure for an IP right that, as a result, has not yet undergone substantive examination upon registration in the Design Register. Since 2014, this has correlated at our office, i.e. at national level, with the option of having the registered designs reviewed in invalidity proceedings, upon application, and having them cancelled in the event that any requirements – in particular novelty and individual character – have not been complied with or in the case of earlier conflicting rights. Thus, for the design too, we have created office proceedings to correct the Register, which have already been available for the other national IP rights, and also achieved harmonisation with the European practice for invalidity proceedings regarding Community designs at EUIPO.

Looking back now on our first four years of practical experience with national design invalidity proceedings and an average of roughly 70 applications per year, I can see two developments: On the one hand, that concentrating the examination of designs on their substantive requirements in invalidity proceedings at the DPMA has proved to be effective and, on the other hand, that the correlation, stipulated by the legislature, with the option of parallel infringement proceedings before the ordinary courts while safeguarding the interests of the parties to the dispute has so far worked.

The question concerning the technical function of a registered design has also proved to be an interesting and recurring substantive question on the protectability of a design in design invalidity proceedings before the DPMA, in the year under review. I think this is not surprising in view of the possibility of extending protection for product designs by five years over the maximum patent term of 20 years, if necessary. We will wait and see how the higher-court case law in Germany and Europe is evolving!

For me, the moderate decline in design applications in 2017 compared to the previous year can be explained by a drop in the number of applications from abroad, by a presumed shift of major foreign applicants to the registered Community design at EUIPO and by altered considerations of applicants regarding their individual IP strategies. However, I am confident that, in the coming years, our office will continue to receive a relatively high number of design applications in international comparison with other national offices: Just as for other IP rights, there is an unmistakable need for a national registered design in Germany.

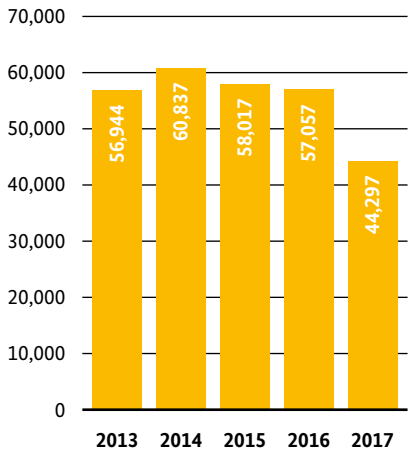
Development of design applications

The number of applications for "registered designs" substantially declined in 2017. 44,297 designs in 6,392 individual and multiple applications were filed at the DPMA. This means that the number of designs applied for and the number of applications fell by 22.4% and by 11.2%, respectively, compared to the previous year. In the past year, we conclusively dealt with requests for registration of 53,036 designs in total. Our Design Unit in Jena entered 47,168 designs in the Design Register; this corresponds to 88.9% of the procedures concluded (2016: 91.0%).

Our applicants again frequently made use of the option of combining up to 100 designs in a multiple application: In 2017, more than half of the applicants used this option (53.5%). As in the previous year – twelve designs on average were once again filed per multiple application.

>> You will find our extensive statistics on registered designs in the chapter "Statistics" starting on page 104.

Designs applied for at the German Patent and Trade Mark Office



The applicants may file a request not to publish the images of a registered design (deferment of publication of the representation). They can save costs because this results in a reduction of the filing fee. However, in that case, design protection ends after 30 months from the filing or priority date if it is not extended by payment of the extension fee. The proportion of designs applied for which deferment of publication of the representation was requested increased to 27.2% (2016: 26.2%).

At the end of 2017, 312,860 designs were registered at the DPMA.

Designs applied for in 2017 by countries of origin

	Applications	Percentage
Germany	38,068	85.9
Italy	4,059	9.2
Switzerland	672	1.5
Austria	500	1.1
USA	256	0.6
Japan	163	0.4
China	133	0.3
France	128	0.3
Taiwan	58	0.1
Czech Republic	50	0.1
Others	210	0.5
Total	**44,297**	**100**

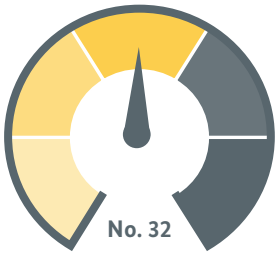
TOP 5 Classes of goods
*(Registered designs * in 2017 and changes)*



Furnishing
11,810 - 17.6%



Articles of clothing and haberdashery
10,372 + 16.7%



Graphic symbols and logos, surface patterns, ornamentation
7,447 - 24.0%



Textile piecegoods, artificial and natural sheet material
6,372 - 4.6%



Articles of adornment
5,092 + 1.4%

* A design can be attributed to several classes of goods.

Origin of design applications

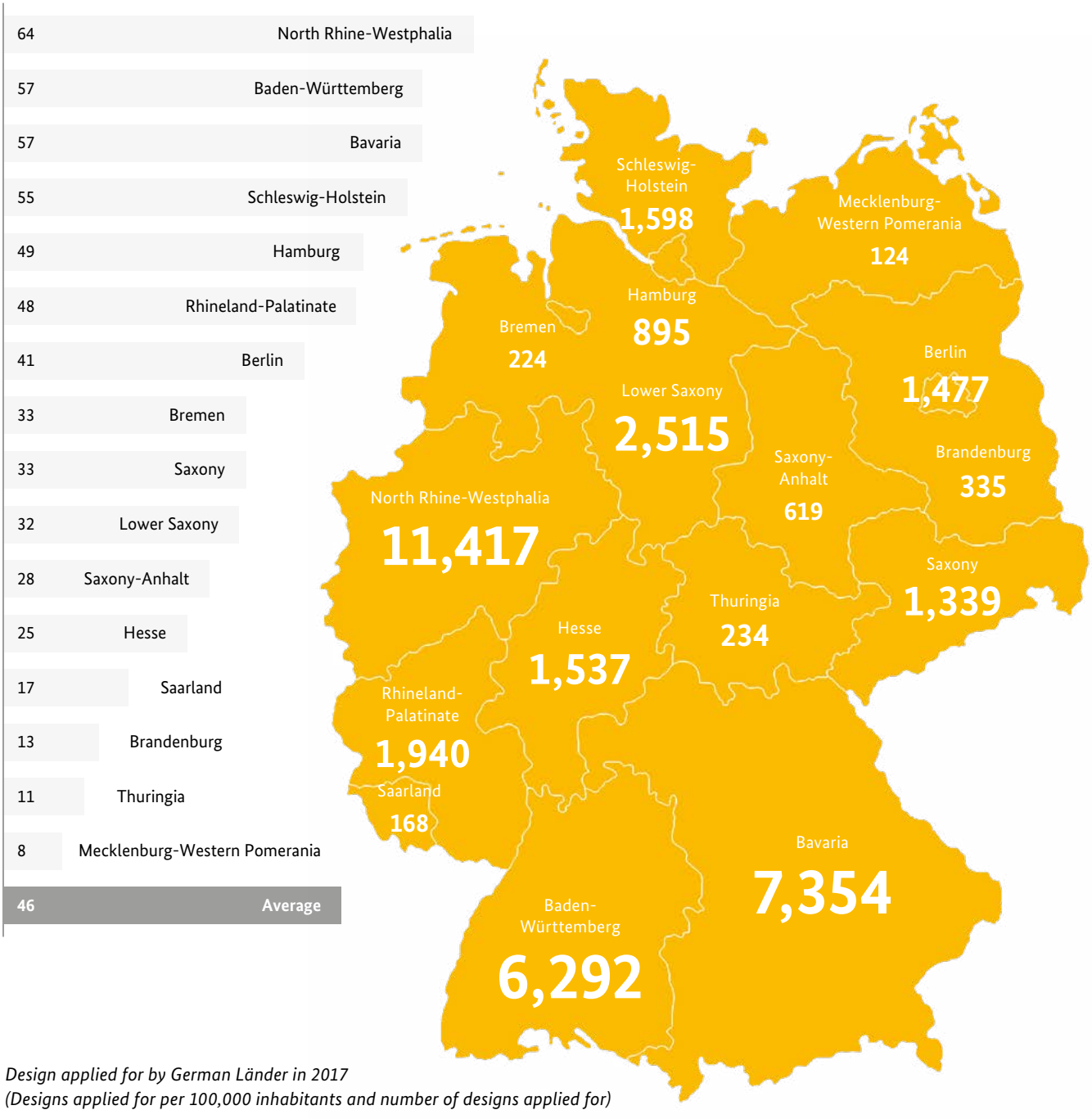
In 2017, most of the designs applied for, namely 85.9%, were again filed at our office by applicants resident in Germany. This means that the proportion of applications from abroad continued to decline. A total of 5,568 designs applied for came from other European countries (2016: 7,514), 661 from non-European countries (2016: 1,955).

The clear majority of designs applied for from abroad still originated from Italy.

Design applications by German *Länder*

In 2017, most of the 38,068 designs filed at our office by applicants resident in Germany, namely 30.0%, were filed by people or companies based in North Rhine-Westphalia (11,417 designs applied for). This German *Land* has been at the top of the list of German *Länder* for ten years. In 2017, it was again followed by Bavaria with 7,354 designs applied for (19.3%) and Baden-Württemberg with 6,292 designs applied for (16.5%). This means that two in three of the designs applied for originated from one of these *Länder*.

With regard to designs applied for per 100,000 inhabitants, North Rhine-Westphalia is also in the lead. Baden-Württemberg and Bavaria share second place.



Design applied for by German Länder in 2017
(Designs applied for per 100,000 inhabitants and number of designs applied for)

Post-registration procedures

From the filing date, a registered design may enjoy protection for a maximum period of 25 years. Changes of the Register entry may be effected by various procedures during that period:

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

» ***Extension***
If a design was initially registered only for a 30-month period of protection from the filing or priority date due to deferment of publication of the representation, the owner of the registered design may pay a fee to extend the period of protection to the first five years after the filing date.

» ***Recording of changes***
We will record a change if, for example, the IP right is transferred from the owner to another person or if there is a change of representative.

Design invalidity proceedings

In 2017, 63 applications for determination or declaration of invalidity were filed (2016: 70). The application for determination or declaration of invalidity will be served on the holder of the challenged design after the receipt of the fee of 300 euros and an examination of further admissibility requirements. If the application is not contested within one month, the invalidity shall be determined or declared by decision of the Design Division without further substantive examination and the design in question will be cancelled in the Design Register after the decision has become final.

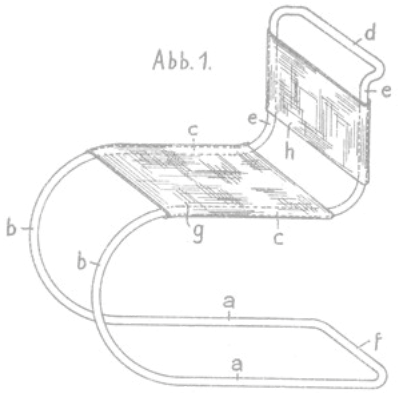
If the application is contested in due time, a formal examination will be conducted of the grounds of invalidity (the appearance of the product does not constitute a design, lack of novelty/individual character; exclusion from design protection; earlier conflicting rights). Subsequently, the Design Division will take a decision in proceedings that – also with regard to the costs of the proceedings – are essentially based on the Code of Civil Procedure (*Zivilprozessordnung*).
In 2017, a total of 56 design invalidity proceedings were concluded.

DID YOU KNOW THAT ...

... 90 years ago, architect and later Bauhaus Director Ludwig Miës van der Rohe successfully filed for a patent for his cantilever chair?

In 1927, 41-year-old Miës van der Rohe did not reinvent the wheel ... but the chair! His chair came without the usual four inflexible chair legs of that time. Instead, the seating furniture patented on 24 August 1927 by the former *Reichspatentamt* was made of bent tubular steel as a supporting frame allowing for a brand-new elastic way of sitting. "The usual chair design in its traditional form with four legs accounts for a certain inelasticity of the chair, leading to a relatively stiff and uncomfortable sitting position" – this is how patent specification no. 467 242 begins.

Today, cantilever chairs are available in countless design variations. However, the chair patented by Ludwig Miës van der Rohe in 1927 will remain the "ultimate classic" forever!



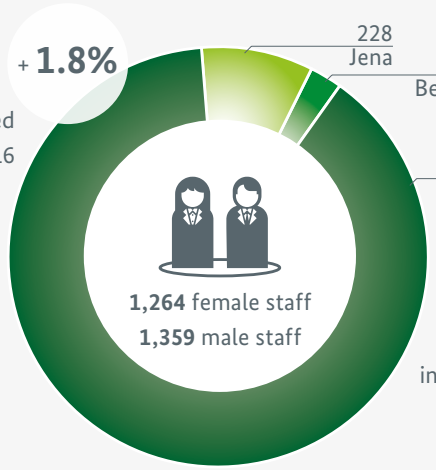
By the way: We have compiled a selection including the famous cantilever chair and some more life-changing innovations from 1877 to today, which can be viewed in our Poster Gallery.

https://www.dpma.de/english/our_office/publications/poster_gallery/index.html

Poster Gallery

At a glance

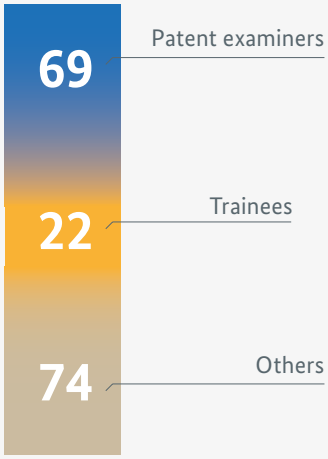
Number of staff and recruiting



30% women in management positions

The DPMA had a total of **2,623** staff at the end of 2017

In comparison to the previous year the number of staff increased by



In 2017, we recruited **165** new staff.

Incentive bonuses for **685** very committed and high-performing civil servants for outstanding individual or team performances

Vocational training



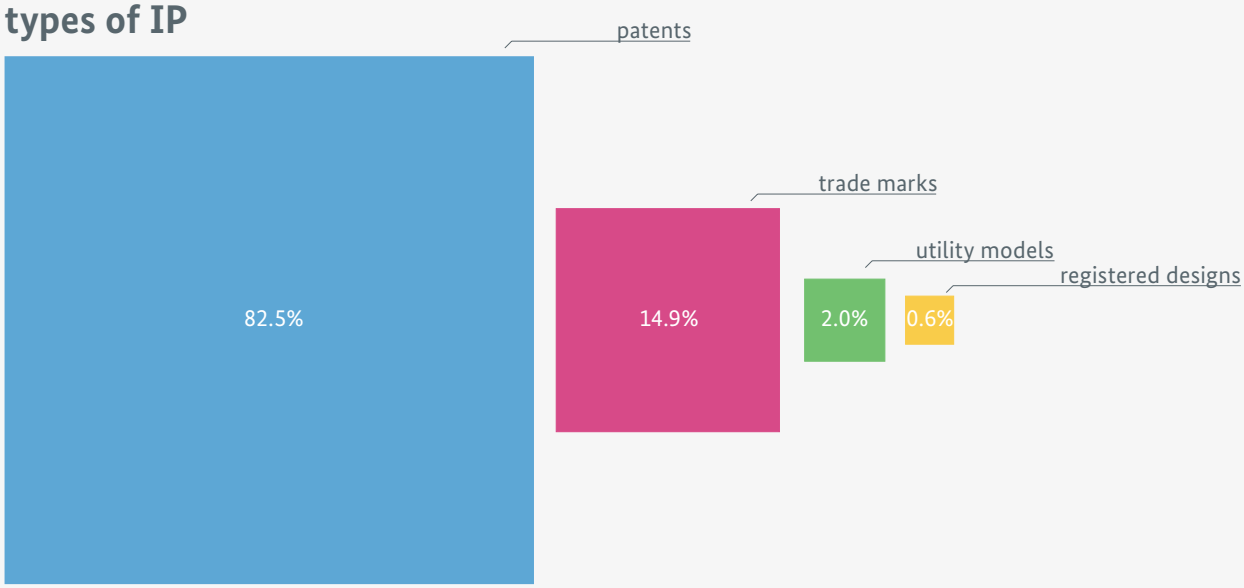
Finances

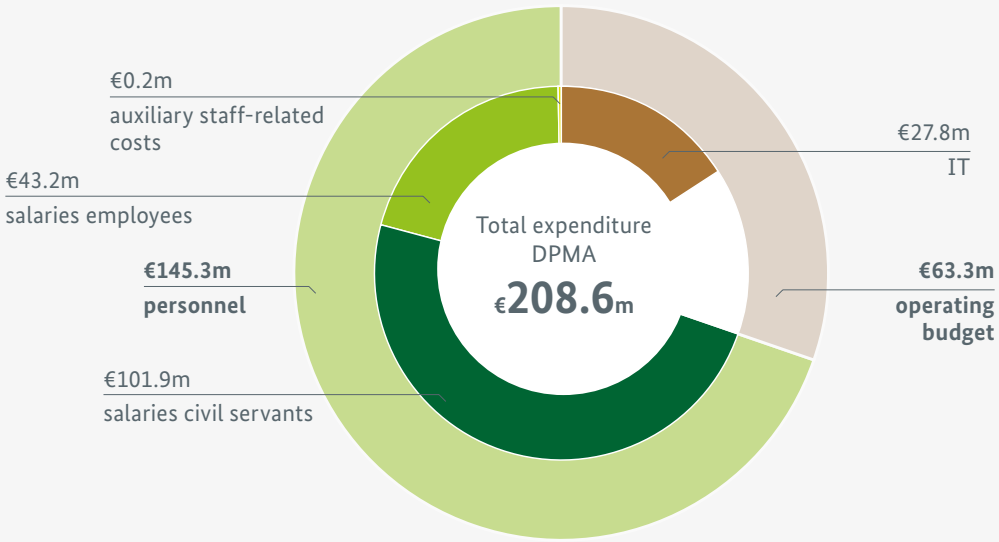
Income and expenditure



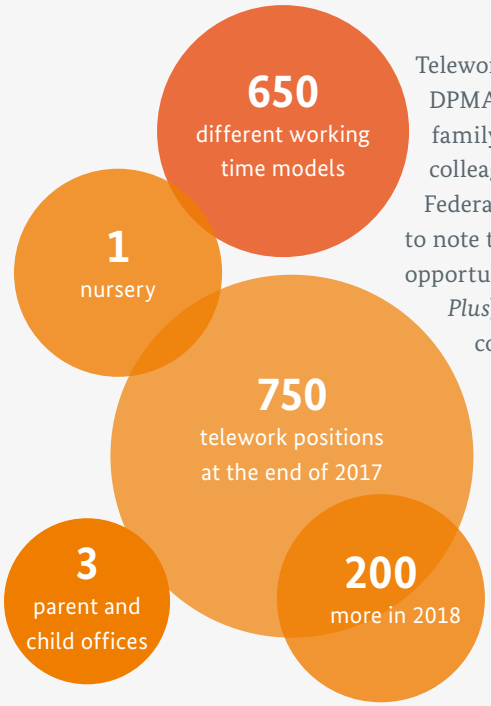
Breakdown of income by

types of IP





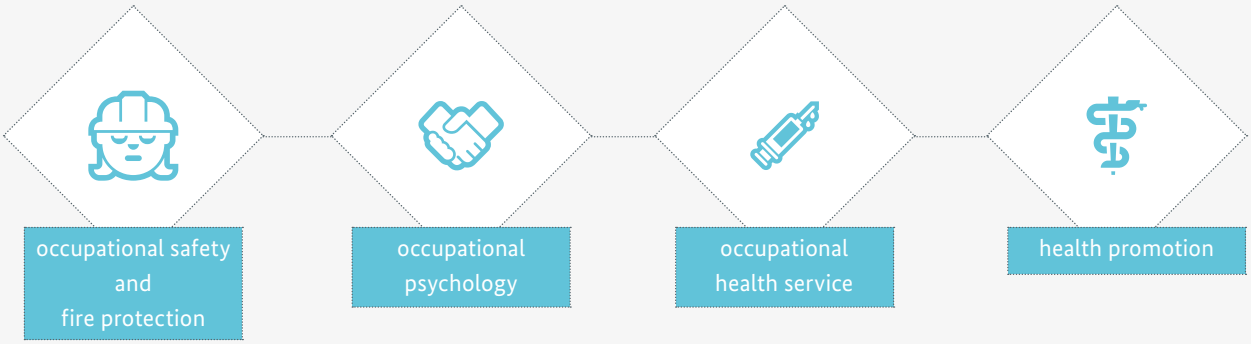
Balancing family and work



Teleworking options, flexible working hours and various part-time models at the DPMA help female as well as male staff to reconcile the demands of work and family life. An important institution for providing advice and support to all colleagues is the equal opportunities officer, whose legal basis of legitimacy is the Federal Act on Gender Equality (*Bundesgleichstellungsgesetz*). It was interesting to note that, in 2017, also many staff members of the DPMA approached our equal opportunities officer with questions about the parent benefit scheme (*Elterngeld-Plus*). In addition, in 2017, she again organised informative lectures and training courses on gender equality issues in all phases of life and, for the first time, a "Pension Advisory Day".

For example, if staff suddenly need carers for children and/or elderly, disabled or ill family members, support is also offered by the *"lifebalance-Familienservice"* of the *Arbeiterwohlfahrt* (workers' welfare association, abbreviated AWO). The DPMA bears the costs of counselling and placing carers; the affected staff only bear the costs of the actual care.

Health promotion and occupational safety



At the DPMA we attach great importance to the health of all our staff. For this reason, a holistic and systematic workplace health management was implemented two years ago.

In 2017, the focus was on health promotion in particular: Our staff had the opportunity to take part in a wide range of activities, lectures and workshops on the annual topic of "healthy eating". Rooms are now available at all DPMA locations for exercise and relaxation courses during the lunch break or after working hours. The courses are conducted in cooperation with, for example, health insurance companies and by licensed sports instructors from the DPMA.

In Munich, we were even able to expand our range of courses on offer in 2017: Staff can choose between back exercises, Pilates, fascial fitness, yoga and many other options!

In order to optimise occupational safety at the DPMA, we made progress towards a comprehensive occupational safety management system in 2017: It was possible to improve the networking and joint action of the various people involved in occupational safety.

INTERVIEWS

Interview with Dr Regina Hock

Head of the Directorate General 4 (Administration and Law)



Dr Hock, for seven years you have headed the Directorate General 4 with the key areas "Administration" and "Law". What was the most influential experience for you personally during this time?

Before I took over as Head of Department 4 in 2011, I had primarily worked as a judge for a long time, including ten years at the Federal Patent Court. In essence, judicial activity consists of retrospectively assessing facts that have been concluded either alone or in a collegial body. So it can be said that the focus is more on the past. Against this backdrop, it was indeed a major change for me to take over as head of a department with around 550 staff at the DPMA, whose main task is to shape cooperation in our office for the future. However, it is precisely this aspect of my work, i.e. the constant focus on the future, that I like very much - as well as the fact that, at Directorate General 4, there is such a wide variety and great diversity of tasks.

What do you currently see as the greatest challenge for your Directorate General?

This is definitely the recruitment of staff! In 2017 alone, we hired more than 150 new colleagues. Actually, we are constantly on the quest for qualified personnel, just to keep overall staff numbers at a constant level despite demographic change. In addition, the demand for staff in the 30 patent divisions of Directorate General 1 has been growing due to the annual increase in the number of applications. However, due to the wealth of duties, which has risen, we also need more personnel in other areas, for example, for the supervision under the Act on Collective Management Organisations. The continuous organisational and technical development of the DPMA also leads to an increased demand for specialists, first and foremost, of course, IT specialists.

Regrettably, the recruitment of personnel is made even more difficult for us at the DPMA by the strict qualification requirements, prescribed by law, especially for patent examiners, as well as by the strong competition from the private sector with regard to qualified junior staff in the fields of science, IT and law.

How do you tackle this challenge?

We are constantly working to improve our recruitment procedures. We have achieved a lot in this field in 2017: The length of the recruitment procedures for patent examiners was almost halved by a change in the composition of the selection committee as well as other organisational measures.
Currently, the focus, among other things, is on strengthening the "trade mark" DPMA as an attractive employer. I have a very clear objective here: The point is to achieve greater presence and visibility for our office in the highly competitive market for talent. This is why we are increasingly present, for example, at job fairs.
And we offer trainee lawyers the opportunity to get a closer insight into our office during the administrative training segment, which is part of their training.

However, we are also very willing to enter uncharted territory in order to recruit new staff: By using new, unconventional methods, such as targeted advertising in the Munich suburban railway, we have already succeeded in noticeably increasing the range of our job advertisements. We are currently developing a concept for using social media to attract new recruits. All of these measures have a high priority for us and therefore are an explicit component of our personnel strategy.

Everybody is talking about the term "*Arbeit 4.0*" (work in the fourth industrial revolution) in the sense of a profound change in today's world of work due to the ongoing digitisation. What does this mean concretely for the DPMA?

In my view, this means, above all, that we must continuously work on appropriately adapting our organisational

structures and procedures to suit the changing framework conditions resulting from digitisation. This also applies to cooperation between staff members and with senior executives. This can be seen very vividly, for example, with regard to the requirements for the physical presence of the staff member at the workplace and attendance (time at the workplace): In principle, digitisation makes it possible to perform many tasks from any place and at any time, within the framework of legal requirements.
This applies in particular to the DPMA, where in the IP areas work is now done almost exclusively electronically. This, however, is accompanied by the staff's expectation of correspondingly more flexible working conditions. The fact that we at the DPMA have now set up over 750 telework positions for staff at home and provide over 650 different working time schemes clearly shows that we take these new demands and the associated expectations of staff very seriously.

The need for adaptation, of course, also directly results from the fact that more and more areas that are now still working with paper will introduce purely IT-supported workflows in the future, for example, e-invoicing. Furthermore, it can be predicted as early as today that the general (paper-based) administrative work will be converted into fully electronic processing of files.

What major changes do you envisage in the near future?

In the area of "Law", I have noted an increasing amount of changes in the content of our day-to-day work due to the progressive Europeanisation of the relevant legal bases. For example, the Supervision under the Collective Management Act has been working on the basis of completely new legislation since 2016. This naturally entails corresponding changes in the structure of tasks and of the corresponding division, which have to be mastered in addition to the already mentioned profound changes.



A further example is the transposition of the EU's General Data Protection Regulation and the associated national legislation, which also poses considerable challenges for the divisions concerned.

In the area of "Administration" I find that the issue of "personnel development" is becoming increasingly important. The staff have always been regarded as the most important resource in the civil service: Typically, we do not manufacture physical products, but essentially provide (legal) services for the general public. The importance of personnel development will even increase in the future due to demographic change and the associated skills shortage. It will become more and more important to offer attractive working conditions that motivate people to join our ranks and permanently bind them in our office. In addition, I can observe that especially the "younger generation" of colleagues at the DPMA attach greater importance to opportunities for medium-term career development.

For these reasons, we set up a separate section focusing on "personnel development" in Directorate General 4, as early as 2016. For example, this section is currently developing, a comprehensive personnel development concept as well as principles for the areas of expertise: "cooperation" and "leadership".

"Attractive working conditions", this sounds like a lucky bag: What's in it?

For example, we have the workplace health management, which is institutionalised as a separate central unit and involved in all relevant decisions at our office. Besides, we are constantly working on improving our attractiveness in terms of reconciling work and family life. As regards work/life balance, we are in a strong position, but we are nevertheless – or precisely because of this – working to increase the DPMA's visibility with respect to this important issue as well. In 2017, for example, we joined the initiatives for families: "*Familienpakt Bayern*" and "*Erfolgsfaktor Familie*".

Dr Hock, thank you very much for this interview.

International cooperation



Canada

President Rudloff-Schäffer met President Bélisle of the Canadian Intellectual Property Office (CIPO) in Geneva for an exchange of ideas and experience, focusing on the IP strategies of the two offices.

United Kingdom

Insights into the practice of the UK IPO: Three patent examiners of our office were in Newport for a practical exchange of experience.





Russian Federation

Study visits in cooperation with the German Foundation for International Legal Cooperation (*Deutsche Stiftung für internationale rechtliche Zusammenarbeit*) about the topics of "The Arbitration Board under the Employee Inventions Act" and "Trade Mark Application" – participants included the Russian Deputy Minister of Justice and the Deputy Director General of the Federal Service for Intellectual Property (Rospatent) among others.

Cuba

A government delegation from Cuba gained information at the DPMA on the search and examination procedure of patent applications in the field of biotechnology.

France

A patent examiner of INPI – *Institut national de la propriété industrielle* – visited the DPMA on a fact-finding mission to learn more about provisions and the course of opposition proceedings.

United States of America

A further expansion of cooperation with the US Patent and Trademark Office (USPTO) was the aim of a meeting at working level at the DPMA. The topics discussed included quality management at both offices.





Brazil

Meeting between President Cornelia Rudloff-Schäffer and her Brazilian counterpart, Dr Luiz Otávio Pimentel, in the margins of the WIPO Assemblies in Geneva.



Singapore

At the invitation of President Rudloff-Schäffer, the Chief Executive/Registrar of the Intellectual Property Office of Singapore (IPOS), Daren Tang, and experts of the IPOS Search and Examination Unit came to our office to talk with us about the exploitation of IP rights and cooperation opportunities.

Viet Nam

High-ranking representatives of the National Office of Intellectual Property of Vietnam (NOIP) gained information about the work of our Personnel Management Division, especially with regards to recruiting staff.



Kazakhstan

The DPMA works together with the German Foundation for International Legal Cooperation, among others, to organise and conduct seminars for foreign guests. In this framework, Yerbol Ospanov, the new Director of the National Institute of Intellectual Property of the Republic of Kazakhstan (NIIP), visited us in May 2017. He was accompanied by three senior executives of the NIIP and a representative of the Kazakh Ministry of Justice. The days of the visit to the DPMA were filled with lectures and explanations on all four types of IP.

On occasion of this meeting with her counterpart, President Rudloff-Schäffer paid tribute to Kazakhstan's efforts to establish and develop the National Institute of Intellectual Property. The DPMA will support this process by supplying expert knowledge in the field of industrial property protection. According to our guests, the DPMA served as a model for the establishment of the Kazakh office.



Japan

In April, the senior management of our office welcomed Masayuki Koyanagi, the Deputy Commissioner of the Japan Patent Office (JPO), to the DPMA.

In October, President Cornelia Rudloff-Schäffer had a meeting with Naoko Munakata, the new JPO Commissioner, in the margins of the WIPO Assemblies in Geneva. The most important item on the agenda was the signing of an extended data exchange agreement. Furthermore, we will also work with the JPO to develop a translation machine specifically designed for the translation of patent documents: Better translations and better search reports enhance the quality of patent examination for the benefit of the applicants in both countries.

In 2017, there was also a lively exchange of experience in the field of patent examination: At first, four DPMA examiners were in Japan in February, and then two JPO colleagues came to us in November.

Republic of Korea

Exchange of experience with the Korean Intellectual Property Office (KIPO): Four patent examiners visited the DPMA to study the examination procedure of our office. Specialist lectures and information visits to the Federal Patent Court and a company were also organised.





China

For almost 40 years, we have had a partnership with SIPO – the State Intellectual Property Office of the People's Republic of China. A SIPO Deputy Commissioner, Dr He Zhimin, and his delegation visited our office in April 2017. At this meeting, he also provided information about the expansion of six patent examination centres in China due to the rapidly increasing number of applications at SIPO.

In October, Vice-President Günther Schmitz accompanied by a DPMA delegation visited SIPO Commissioner Dr Shen Changyu in Beijing and further locations in China. On our website, we provide detailed information about that eventful business trip of several days (💻).

In 2017, the bilateral exchange of experience in the field of patent examination was also continued: Three patent examiners had the opportunity to get an on-the-spot insight into the working environment and methods of their Chinese colleagues and to discuss the common features and differences in the patent examination procedure on the basis of previously selected case files.

Within the framework of the Patent Prosecution Highway (PPH), the DPMA also maintains a bilateral agreement with SIPO, which enables the sharing of work results. On January 2018, the agreement was extended by a further three years until 22 January 2021.

💻 https://www.dpma.de/english/our_office/about_us/cooperation/international_cooperation/internationalcooperation/index.html

Worldwide network

Fostering our existing co-operation projects and contacts with IP institutions abroad – above all, the national patent and trade mark offices – is a top priority for us. We are very interested in a continuous expansion of our international cooperation: We are "number five" in the world among national patent offices and it is one of our strategic goals to contribute to actively shaping the intellectual property system through close cooperation, networking and intensive communication with national, European and international organisations dedicated to intellectual property protection.

For more information about European and international cooperation projects of the DPMA, visit our website.

DPMA cooperation



International SPC workshop at the DPMA

On 20 and 21 March 2017, more than 180 experts for supplementary protection certificates (SPCs) from all over Europe met at our DPMAforum for the workshop "Supplementary Protection Certificates in Europe: Status Quo and Perspectives". This cooperation event was part of a study, commissioned by the European Commission and conducted by the Max Planck Institute for Innovation and Competition in Munich.

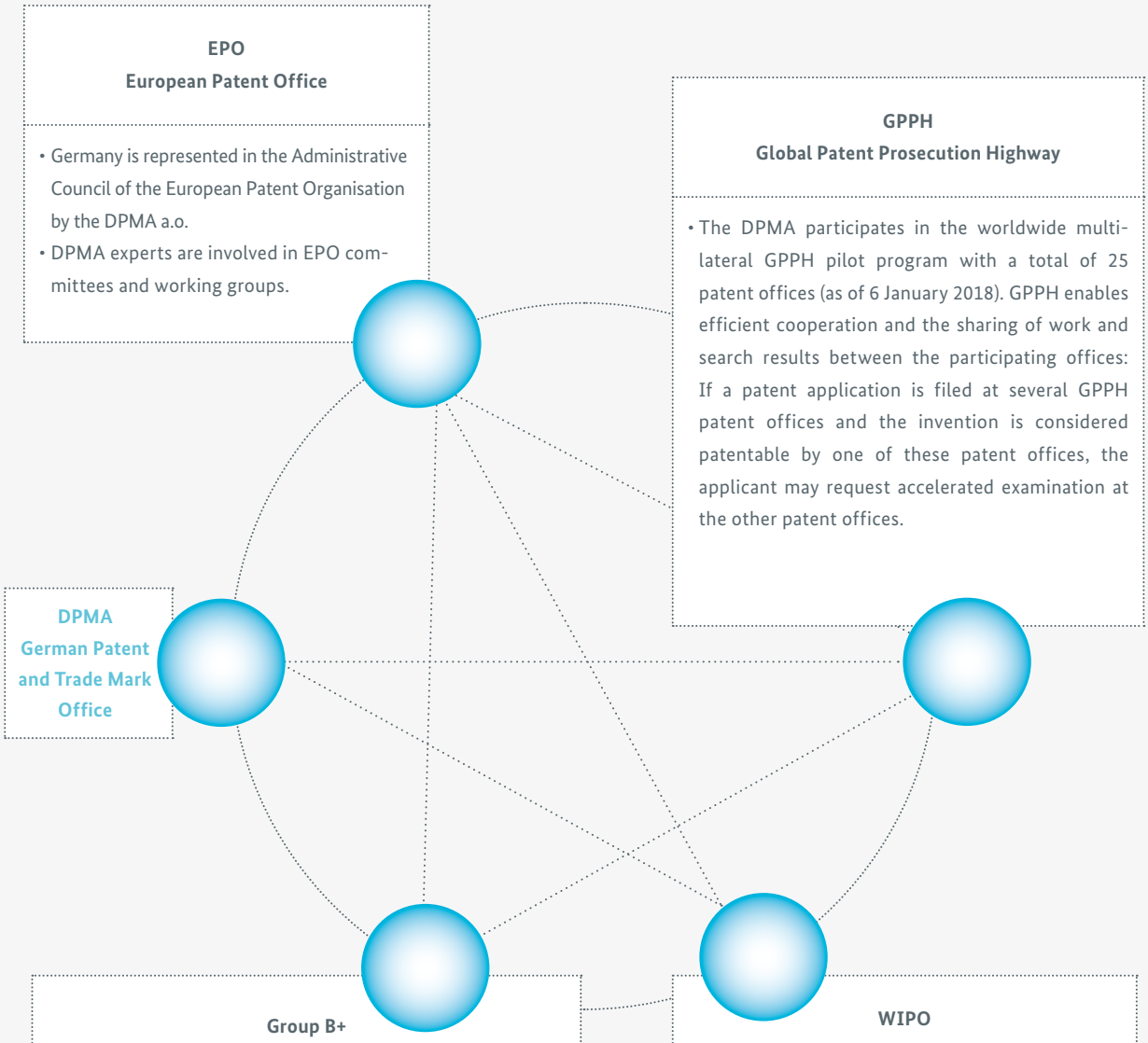
On both days, representatives from 27 national patent offices, the European Patent Office and the Federal Ministry of Justice and Consumer Protection as well as from courts, universities and the European Commission seized the opportunity to discuss various aspects of the SPC procedure in detail.
On the first day of the event, interested parties from associations and industry as well as patent attorneys were invited to join in the discussion on core problems and possible solutions in this area.

WIPO Roving Seminar in Dresden on 23 May 2017: DPMA Vice-President Schmitz (3rd from left) with experts from WIPO and the DPMA



https://www.dpma.de/english/our_office/about_us/cooperation/european_cooperation/index.html
https://www.dpma.de/english/our_office/about_us/cooperation/international_cooperation/index.html

Cooperation in the field of IP protection



Supervision under the CMO Act



Use of works protected by copyright, for example, the public playing of music or the copying of texts, generally requires prior permission by the authors. However, this is virtually impossible, considering the many diverse and widespread possibilities of use of protected works. In case of doubt, users of these works do not know the author or authors – and they, in turn, usually have no knowledge of when and where, for example, their song is played, their text is copied or their picture is printed. For this reason, there are collective management organisations (CMOs) which are committed to administering the rights and asserting the claims of creative people and manage these rights collectively.

Each of the existing 13 collective management organisations acts in a fiduciary capacity for its right holders and often enjoys a monopoly position because it is usually specialised in a specific creative sector. For this reason, the lawmakers made all collective management organisations (CMOs) subject to supervision by the German Patent and Trade Mark Office (DPMA).

In 2016, the collective management organisations in Germany generated revenues of roughly 1.67 billion euros (the 2017 figures were not yet available at the copy deadline). The income of each collective management organisation is listed in the table on page 51.

NEWS FROM US – WHAT'S NEW FOR YOU

The Act on Collective Management Organisations (CMO Act – *Verwertungsgesellschaftengesetz*) entered into force in June 2016 and, compared to the former Copyright Management Act (*Urheberrechtswahrnehmungsgesetz*), it contains a series of new provisions for collective management organisations. In 2017, for the first time, many of these provisions had to be applied in practice. For example, the collective management organisations, for the first time, held their annual general membership meetings also electronically: In addition to personal participation, it was possible to cast votes by means of an e-voting system and watch a live stream of the meetings online. The collective management organisations have also introduced additional options of local representation. As the competent supervisory authority, we accompanied these reforms and examined the corresponding amendments to the statutes of all collective management organisations.

In 2017, the collective management organisations also dealt with the consequences of two rulings, issued in 2016, on the participation of publishers in the revenues of collective management organisations and a further legislative amendment that came into force at the end of 2016. The collective management organisations concerned have asserted refunds and decided to make corrections in the distribution scheme. Here, too, we accompanied the implementation.

The new CMO Act transposes the European Collective Rights Management

Directive of 2014 (Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on the collective management of copyright and related rights and multi-territory licencing for rights in musical works for online use in the internal market [CRM Directive for short]) into national law. In July 2017, experts from our supervisory division participated in the first meeting of the expert group under Article 41 of the CRM Directive in Brussels. The expert group is composed of representatives of the national supervisory authorities and examines, under the leadership of the European Commission, the impact of the CRM Directive. It also supports the international exchange of information.

Register of Anonymous and Pseudonymous Works

In this Register, kept by us, authors who have published their works anonymously or under a pseudonym may have them registered under their real names. The registration ensures the maximum term of copyright protection. Without registration in the Register, copyright of anonymous works or works published under a pseudonym expires 70 years after the publication or creation of the work. However, if the true name of the author is recorded in the Register of Anonymous and Pseudonymous Works at the DPMA, copyright only expires 70 years after the death of the author – as for works that were not published anonymously or under a pseudonym. Statistical data are provided in the table on page 108.

Register of Out-of-Commerce Works

We also keep the Register of Out-of-Commerce Works. It provides information about the intention of a collective management organisation to license rights to certain out-of-commerce works so that non-profit organisations – such as libraries, museums or archives – can digitise these and make them available to the public. The Register does not record all works that are out of commerce in Germany. You can consult this Register via our website: By the end of 2017, 18,562 entries were made in the Register. (💻)

Revenues of collective management organisations in 2016

	Collective Management Organisations	Total budget[1] 2016
GEMA	Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung	€1,024.350m
GVL	Gesellschaft zur Verwertung von Leistungsschutzrechten mbH	€271.733m
VG WORT	Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung	€188.275m
VG Musikedition	Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung	€5.812m
VG Bild-Kunst	Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung	€70.943m
GÜFA	Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH	€4.001m
VFF	Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH	€19.481m
VGF	Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH	€6.535m
GWFF	Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH	€11.985m
AGICOA	AGICOA Urheberrechtsschutz-Gesellschaft mbH	€21.315m
VG Media	Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Sendeunternehmen und Presseverlegern mbH	€43.276m
TWF	Treuhandgesellschaft Werbefilm mbH	€0,848m
GWVR[2]	Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH	€0
Total		**€1,668.554m**

[1] The total budget includes income from licenses and claims to remuneration, income from interest and securities as well as other operating income.
[2] Authorisation was granted in September 2014.

💻 **https://www.dpma.de/english/our_office/about_us/further_duties/cmos_copyright/register_of_out_of_commerce_works/search/index.html**

Arbitration boards at the German Patent and Trade Mark Office



The Arbitration Board under the Act on Collective Management Organisations

"Act on the Management of Copyright and Related Rights by Collective Management Organisations" (*Verwertungsgesellschaftengesetz*) that is the perhaps somewhat cumbersome but very descriptive name of the Act in the long version. In the chapter "Supervision under the Act on Collective Management Organisations" we provide information on the existing 13 collective management organisations in Germany and their duties – administering the rights and asserting the claims of authors and holders of related rights.

The Arbitration Board under the Act on Collective Management Organisations (CMO Act), which is also integrated in the organisation of the DPMA, mainly mediates disputes between collective management organisations and users about the amount of royalties. These include also disputes about what is referred to as inclusive contracts. Inclusive contracts are concluded between a collective management organisation or collection agency and users of works who have joined up to form an association.

NEWS FROM US – WHAT'S NEW FOR YOU

In 2017, the number of cases brought before the Arbitration Board remained high at 164, with the main focus again being on the proceedings of the ZPÜ (the German central organisation for private copying rights).

Last year, the Arbitration Board issued a number of basic settlement proposals, including three on inclusive contracts. In this context, the following are noteworthy:

- the development of a new remuneration model for the statutory remuneration claim pursuant to Sections 54 et seqq. of the Copyright Act (*Urheberrechtsgesetz*), which has become necessary due to the current rulings of the *Bundesgerichtshof*,
- the problems concerning the obligation to pay remuneration for devices and storage media used for business purposes,
- the clarification as to which refunds can be claimed from the ZPÜ in the event of overpayment and
- the first decisions on the security payment newly introduced by the CMO Act.

Due to the widespread impact of the decision-making practice, the Arbitration Board has decided to gradually make important decisions which are worthy of publication available to the public on the DPMA website.

https://www.dpma.de/english/our_office/about_us/further_duties/cmos_copyright/arbitration_board_under_the_cmo_act/ssss/index.html

You can read about our plans for the year 2018 in the chapter "A glance at 2018"!



Arbitration Board under the Act on Collective Management Organisations (CMO Act)

	Requests				Cases concluded by				
	Requests received		Requests pending at the beginning of the year	Total of cases to be concluded Sum of columns 2 to 4	Settlement proposals of the Arbitration Board	Order on payment of security[1]/ provisional settlement	Discontinued proceedings and other decisions	Total Sum of columns 6 and 8	Requests pending at the end of the year
Year	Total	including inclusive contracts under Sec. 92(1), no. 3 CMO Act							
1	2	3	4	5	6	7	8	9	10
2013	61	3	210	271	28		18	46	225
2014	167	0	225	392	35		28	63	329
2015	118	2	329	447	32		32	64	383
2016	162	1	383	545	28		62	90	455
2017	164	5	455	619	15[2]	3	21	36	583

[1] Introduced by the CMO Act; first-time filing of requests in December 2016
[2] including three inclusive contracts and basic settlement proposals on refund claims, the remuneration model and commercial end users with respect to private copying remuneration

Arbitration Board under the Employee Inventions Act

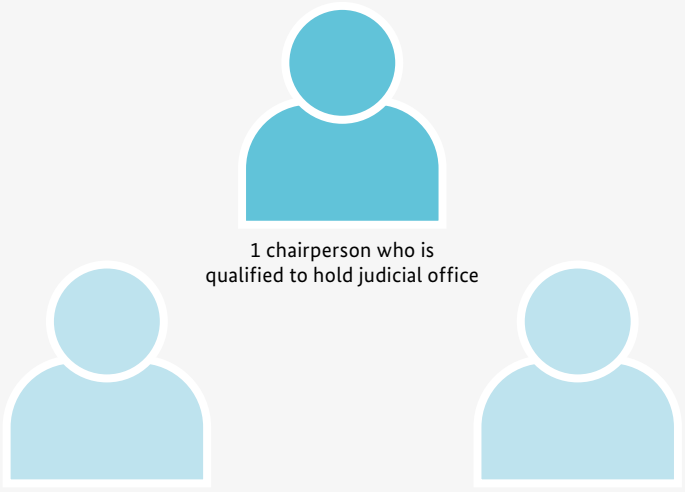
Did you know? The majority of the inventions in respect of which an application for the grant of an IP right has been filed with the DPMA have been made by employees during their employment relationship! However, while the employment relationship is governed by employment contract law, the Patent Act applies to inventions. The consequence of this is that, on the one hand, under employment law, the employer is entitled to an employee's invention as a work result, but on the other hand, the Patent Act grants the right to the patent to the inventor.

The Employee Inventions Act (*Gesetz über Arbeitnehmererfindungen*) has clear rules to resolve this conflict:

> Employees have the obligation to report an invention made during the employment relationship to the employer. In return, however, the employer must file an IP application with respect to the reported invention and is entitled to transfer the right to the patent to themselves. However, if the employer makes use of the option of claiming the right to the patent, the employee receives an additional claim for compensation that is independent of the salary.

The amount of the compensation pursuant to Section 9 of the Employee Inventions Act essentially depends on "the commercial applicability of the invention, the duties and position of the employee in the enterprise and the enterprise's contribution to the invention". These vague legal terms can easily lead to different assessments and consequently to disputes between the parties to the employment contract. However, such differences of opinion should not put a strain on the employment relationship, which would inevitably be the case in a legal dispute in court. That is why the legislature set up the Arbitration Board under the Employee Inventions Act and provided it with both legal and technical expertise:

Composition of the Arbitration Board



At first, the Arbitration Board, which is integrated into the organisation of the DPMA, gives the employee and employer involved in the dispute the opportunity to present their points of view and then makes a proposal for an amicable settlement. If the parties accept this settlement proposal, they will enter into a contract under private law which terminates the dispute.

NEWS FROM US – WHAT'S NEW FOR YOU

In 2017, the Arbitration Board concluded 79 such proceedings, with the parties accepting 60% of its settlement proposals. The Arbitration Board took a position on the following questions, among others:

- Does the determination of an employment relationship under social security law justify the applicability of the Employee Inventions Act? – file number: Arb.Erf. 32/14
- Applicability of Section 613a of the Civil Code to claims arising from the Employee Inventions Act – file number: Arb.Erf. 36/13
- Time limit for having recourse to the Arbitration Board in the case of a company secret that is not recognised as eligible for protection – file number: Arb.Erf. 44/15
- Continued use of a service invention after the abandonment of the patent – file number: Arb.Erf. 09/16
- Lump-sum compensation due to increase in salary – file number: Arb.Erf. 67/14
- Compromise agreement under employment law and extension of the redundancy money to compensation claims, due to the inventor under the Act – file number: Arb.Erf. 36/15
- Implied compensation agreement and its extension to the purchaser of the business – file number: Arb.Erf. 45/15
- Value of the invention in the case of a commissioned development – file number: Arb.Erf. 11/15
- Assignment of claims resulting from the Employee Inventions Act – file number: Arb.Erf. 21/15

For detailed information about these and other selected decisions of our Arbitration Board as well as other information about the Arbitration Board and also about employee inventions law, please visit our website.

https://www.dpma.de/english/our_office/about_us/further_duties/arbitration_board_employee_inventions/search_settlement_proposals/index.html

Arbitration Board under the Employee Inventions Act at the DPMA

Year	Requests received	Settlement proposals	Proposals accepted (%)	Refusals to participate in arbitration proceedings	Other cases concluded, in particular, by withdrawal of request, order, provisional proposals, etc.	Total of cases concluded	Arbitration proceedings pending at the end of the year
2013	73	40	60.0	15	13	68	99
2014	67	13	78.6	11	17	41	125
2015	60	44	75.0	15	15	74	111
2016	72	44	69.8	12	15	71	112
2017	54	55	60.0	16	8	79	87

Patent attorney training

News from us – What's new for you

The year 2017 was a challenging year for our Section "Patent Attorneys and Other Agents" due to the entry into force of important legal amendments that have had a lasting impact on training and examination.

New Ordinance Concerning Patent Attorney Training and Examination

The former Ordinance Concerning Patent Attorney Training and Examination had remained largely unchanged since 1967. Therefore, there was a considerable need for revision. Efforts were focused on streamlining the patent attorney training and simplifying administrative procedures. In cooperation with the Chamber of Patent Attorneys, the examination commission for patent attorneys, the Federal Patent Court and the DPMA, the Federal Ministry of Justice and Consumer Protection, which is responsible for the amendment procedure, succeeded in completing the revision right on schedule, despite working under considerable time pressure. On 1 October 2017, the new "Ordinance Concerning the Training and Examination of Patent Attorneys" (*Verordnung über die Ausbildung und Prüfung der Patentanwälte*) entered into force.

Most of the amendments had to be applied in practice immediately after the promulgation of the new Ordinance in the Federal Law Gazette (*Bundesgesetzblatt*). These include, for example, the provision specifying a maximum period of three years for the duration of the training at a patent law firm or at the patent department of a company. This should make it much easier for the patent authorities responsible for the training (DPMA and Federal Patent Court) to plan the training periods in terms of the number of patent attorney candidates. We expect a streamlining of the overall training programme due to the requirement that in the event of an interruption of the three training phases previous training periods will only be taken into account, in the future, if the training has not been suspended for more than one year. The essential new rules of the patent attorney examination will come into force in mid-2018. These include, among other things, a future increase in the number of the written examinations (four instead of two), the evaluation of the examination as a whole according to the 18-point system known from lawyer's training and an increase in the examination fee from 260 to 650 euros.



163 candidates admitted to patent attorney training



189 examinees, of whom **183** passed the patent attorney examination, which corresponds to **97%**

Admission of European patent attorneys to practice as patent attorneys in Germany

Since the entry into force (18 May 2017) of the "Act Implementing the Directive on the Recognition of Professional Qualifications and Amending Other Provisions in the Field of Professions Providing Legal Advice" (*Gesetz zur Umsetzung der Berufsanerkennungsrichtlinie und zur Änderung weiterer Vorschriften im Bereich der rechtsberatenden Berufe*) the Patent Attorneys and Other Agents Section has been assigned an entirely new task. We will now examine, upon request, whether a foreign European patent attorney has an equivalent professional qualification. For this purpose, applicants must provide evidence of their training and qualifications in order to show that they have the necessary skills for practising this profession in Germany. If they can prove this, they will receive a corresponding certificate on the basis of which they can apply for admission to practice as a patent attorney in Germany at the German Chamber of Patent Attorneys.

In the event that the foreign patent attorneys do not comply with the equivalence requirement, they will have to take what is referred to as qualifying examination. If they have passed this examination, they will be admitted to practice as patent attorneys in Germany.

More information is available on these webpages (💻).

💻 https://www.dpma.de/english/our_office/about_us/further_duties/patent_attorney_training/index.html
💻 https://www.patentanwalt.de/en/

140 years ago

Innovations from 1877

However, 1877 not only saw the laying of the foundation stone of a single German patent office: Among the inventions and trade marks, there are two of the same age that celebrated their anniversaries in 2017. The patented refrigerator and the company which lent its name to the trade mark Rodenstock are also 140 years old.

Happy birthday refrigerator!

In order to generate the cold temperatures required over here for the production and storage of beer in the late 19th century, Carl von Linde invented his refrigeration machine, patented in 1877: To this day, he is regarded as a pioneer of a technology, which has also led to the modern refrigerator – and to the establishment of a global corporation.

Linde's original patent certificate no. 1250


PATENT-URKUNDE

№ 1250

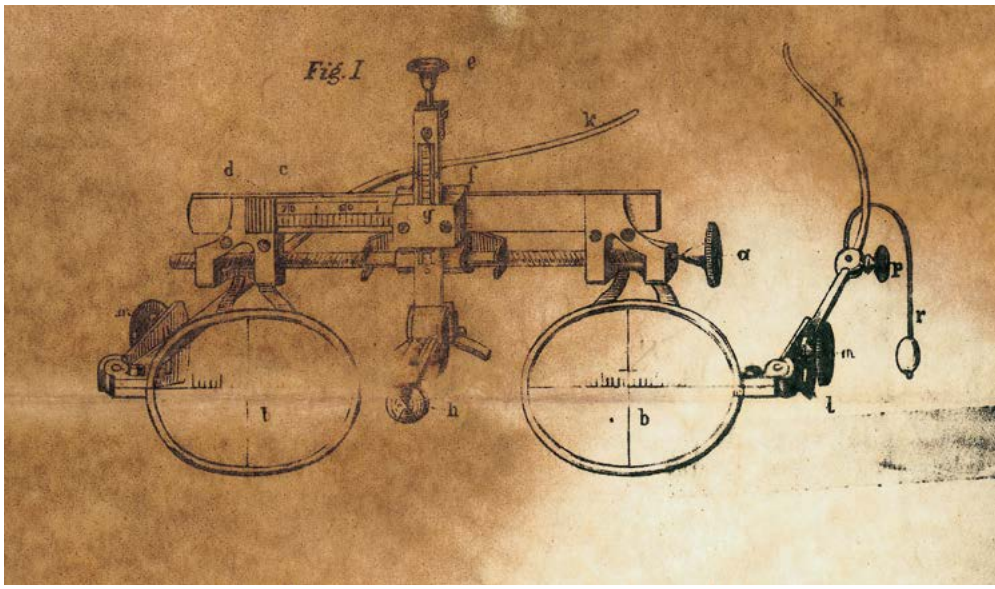
Professor Carl Linde, in München

EIN PATENT ERTHEILT WORDEN.

GEGENSTAND DES PATENTES IST:

Kälteerzeugungsmaschine.

KAISERLICHES PATENTAMT.



Rodenstock's "Eyeglasses fitting apparatus connected with pupilometer and strabismometer" from 1881

As an experienced professor of mechanical engineering, von Linde made use of the Joule-Thomson effect, which describes that gases change their temperature during compression or expansion, for his pioneering invention.
A first Linde refrigeration machine was installed for testing purposes at the Munich Spaten brewery in 1874; it was further developed and then, for the first time, sold to a brewery in Trieste in 1877. Two years later, von Linde founded the "*Gesellschaft für Linde's Eismaschinen AG*", today the globally active Linde AG (The Linde Group), headquartered in Munich.

The refrigeration machine from 1877 is of course also part of our poster gallery, which you can visit on our website (💻).

Happy birthday Rodenstock!

In 1877, the brothers Josef and Michael Rodenstock founded their company "*Optische Werke G. Rodenstock*" in Würzburg, which manufactured spectacle lenses and frames as well as optical measuring instruments. Six years later, the company moved to Munich, where it – now known as Rodenstock GmbH – is still based today.

Josef Rodenstock had early recognised the entrepreneurial necessity to protect the intellectual property of his young company. Perhaps the founding of the Imperial Patent Office, which coincided with the founding of his company, had also prompted him to come up with this good idea: We would be very glad about this, even 140 years later! Be that as it may, Rodenstock successfully filed for patents and utility models and, in 1894, for the first time, also applied for the trade mark "Rodenstock". This was the birth of a trade mark that, to this day, has been leading the way and protecting the intellectual property of its owner.

💻 https://www.dpma.de/english/our_office/publications/poster_gallery/index.html

News from IT services



We are pleased that the DPMA is regarded as one of the pioneers of e-government services. In 2017, four of our services included in a study by the Federal Ministry of Economics and Technology were among the top 100 administrative services for companies. According to this study, the DPMA services that are among the top services in the field of research and development are:

- patent examination,
- patent grant,
- trade mark protection and
- provision of the Patent Register.

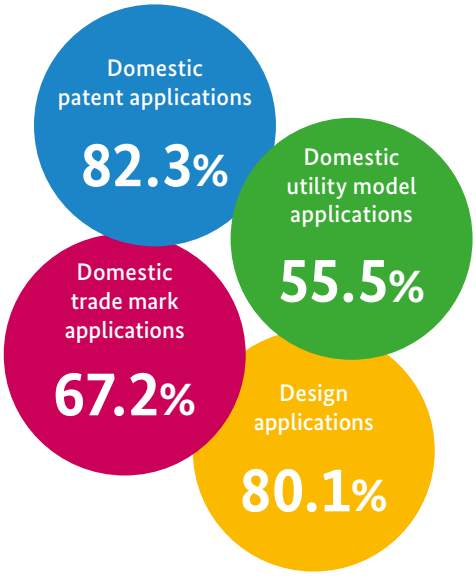
The study, published under the title *"Top 100 Wirtschaft"*, about the most important and most frequently used administrative services for companies can be viewed on the website of the Federal Ministry of Economics and Technology or downloaded as an online brochure. (💻[1])

For years, the DPMA has offered digital services, which have become increasingly popular among our customers: Since 2006, the proportion accounted for by national online patent applications has risen from 1.1% to over 80%. Within the office, we process applications 100% electronically. The DPMA**patente/gebrauchsmuster** IT system manages around eight million case files comprising roughly 50 million documents. The DPMA**marken** system manages 4.5 million case files with about 24 million documents. Approximately 68,000 patent applications, nearly 70,000 trade mark applications and more than 14,000 utility model applications are being added each year.

Electronic services

- DPMApatente
- DPMAgebrauchsmuster
- DPMAmarken
- DPMAdesign (in preparation)
- DPMAdirekt since 2018 DPMAdirektPro
- DPMAdirektWeb
- DPMAregister
- DPMAkurier

Online applications 2017



Detailed information about our IT developments and e-services is available on our website. (💻[2,3])

💻[1] https://www.bmwi.de/Redaktion/DE/Publikationen/Studien/studie-top-100-wirtschaft.html (in German)
💻[2] https://www.dpma.de/english/services/efiling/dpmadirekt/index.html, 💻[3] https://www.dpma.de/english/search/index.html



NEWS FROM US – WHAT'S NEW FOR YOU

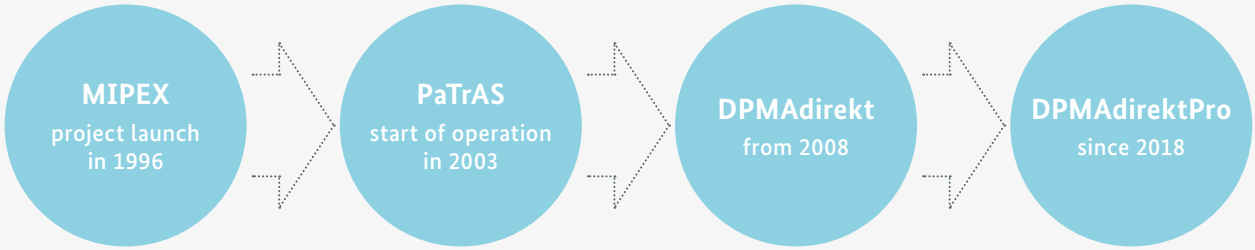
In the course of the extension of the database to include international IP rights enjoying protection in Germany, **DPMAregister** now also contains the Community designs registered with the European Union Intellectual Property Office (EUIPO). In **DPMAregister**, users will find representations and the master data of the EU designs. For further information, a link on the register information page in **DPMAregister** leads you to the eSearchPlus database, the EUIPO online register, showing detailed information about the Community design. In addition to Community designs, **DPMAregister** contains the data of international registrations of marks (IR) with the designations EM and DE as well as EU trade marks registered with EUIPO.

DPMAregister has been prepared for the representation of new types of trade marks resulting from the revised EU Trade Marks Directive 2015/2436 of 16 December 2015. First examples of these new types of trade marks can be found among the EU trade marks in **DPMAregister**, such as multimedia marks in MP4 format and audio files for sound marks as well as certification marks.

A new e-service for your electronic communication with us: DPMAdirektPro

This is familiar to you: You can use **DPMAdirektPro** for online filing of a legally effective IP application at the DPMA and also for subsequently submitting electronic documents pertaining to this application online. We presented this new service to you at the *DPMAnutzerforum 2017*. **DPMAdirektPro** is a future-oriented tool for digital communication in IP procedures, enabling both, customers and the DPMA, to work completely electronically – and above all seamlessly. For you as a customer

Development of electronic communication



this means that you can now also benefit from the electronic transmittal of documents to you which is made possible by this technical extension of our proven DPMA**direkt** service.

With DPMAdirektPro we want to continue the success of DPMA**direkt**

DPMA**direkt** had started at the same time as the development and launch of the electronic IP systems that control electronic case file processing at the DPMA. These systems make it possible to seamlessly include documents filed electronically by customers into the processing systems of the DPMA. In addition to the fact that an application filed electronically has financial advantages, the applicants of electronic documents can be sure, above all, that time is not wasted nor quality compromised by the scanning of their paper documents.

This smooth co-existence of the various electronic systems of the DPMA was only made possible by the fact that the team of in-house system developers of DPMA**direkt** accompanied and controlled the entire product cycle, from the first concept of the architecture of the new service to the development of the application to the testing and release of the application. In addition, the specialists, who were responsible for the virtual mailroom, and the technical customer support, who received suggestions and requests from users by telephone, e-mail and personally in training courses for specialist staff, were pooled in one organisation unit. To this day, the further development of the service has been managed by the original team.

It was then necessary to continue the successes of DPMA**direkt**. The DPMA**direktPro** service was extended to include the option of sending postal items of the DPMA electronically to its customers and business partners.

Between the beginning of April and the end of December 2017, we conducted a trial run of DPMA**direktPro** with a large number of selected customers. During this trial run, it was proven that DPMA**direktPro** is fully operational, stable, easy to use and user friendly. After the successful conclusion of a large number of legal and procedural coordination processes as well as the technical implementation, the time had finally come: On 1 January 2018, the system went into regular service.

When using DPMA**direktPro**, you as a customer of the DPMA can choose

- whether you only want to use the electronic access channel to the DPMA or whether you also want to use the electronic dispatch service,
- whether you want to use the electronic dispatch route only for new applications or also for existing case files.

This means that you can continue to receive paper-based mail for individual case files, while choosing electronic transmittal for other case files.

Together, we will move into the digital future!

DPMAdirektPro

https://www.dpma.de/english/services/efiling/index.html

DID YOU KNOW THAT ...

... the world's first reflex film camera was presented at the Leipzig trade fair in 1937?

Exhibitor at that time was the Munich company Arnold & Richter (ARRI), founded in 1917. Since the early 1930s, the two company founders and film technicians, August Arnold (1898 – 1983) and Robert Richter (1899 – 1972), had been working on the development of a modern film camera. In 1937, for the first time, they showed their "Arriflex 35", to be carried on the shoulder, with revolutionary technology in Leipzig – and the expert community was thrilled! Their invention of the "reflex mirror shutter for cinematographic cameras" was patented in October 1938; the patent specification had the file number 736 423. Thereupon, the "Arriflex 35" went into series production. To date, the Munich-based company has received 19 Academy Scientific and Technical Awards in total for innovative achievements in the film industry.


DEUTSCHES REICH

REICHSPATENTAMT

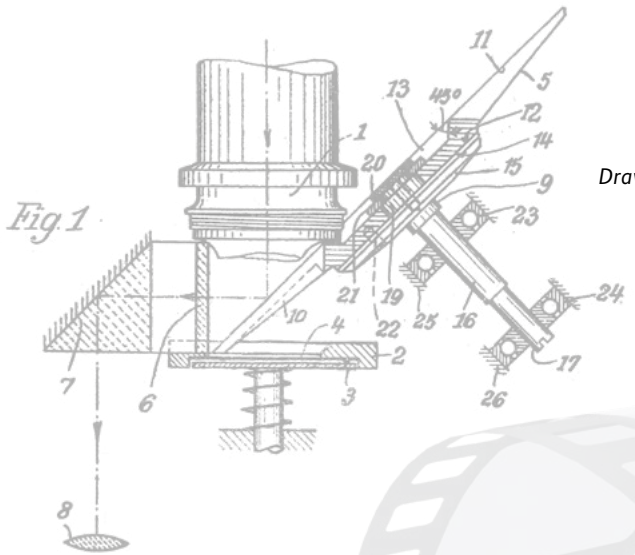
PATENTSCHRIFT

Nr 736423

KLASSE 57a GRUPPE 44m

August Arnold in München

Arnold & Richter K. G. in München



Drawings from patent specification DE 736 423



Arriflex inventors August Arnold (right) and Robert Richter

Customer care and information services

As early as 140 years ago, it was very important to the initiators of industrial property protection that these rights should have a bi-directional effect. On the one hand, the right offers protection for developing and manufacturing innovative products and services by granting a temporary monopoly; on the other hand, informing the public is intended to give an impetus to develop further innovations. In addition to examining, issuing and registering IP rights, the DPMA also has the very important duty to inform the public.

We offer a range of services that will provide high-quality support for the entire public on these issues. In particular, for strategic decisions, be it the filing strategy or, prior to it, the decision for or against a development project, this easily available basic infrastructure is necessary for making an informed decision: These aspects often significantly contribute to the success of a company and to making it fit for the future. And this is not only true for small and medium-sized enterprises. Thus, the path from the simple idea to innovation and to sustainable success has remained unchanged since the founding of the DPMA, and information of the public by offering convenient services is as important as ever.

For some years now, we have pooled our services for the public in the area of customer care and services. We provide you with valuable information on the application procedures and on searches for all types of IP. We would be glad to show you the options of the services offered by the office and help you with your tasks. Our e-services provide monitoring functionalities

Information
about the application/registration procedure,
the corresponding requirements and options

are also of great importance
for potential applicants

in order to avoid costly bad investments or
endangering their own rights by their own actions.

Information of the public has two main objectives

Knowledge of the existing industrial property
rights, their scope of protection and their current
legal and procedural status

provides legal certainty

for market operators to plan and carry out their
own business activities and

avoids unintentional infringement

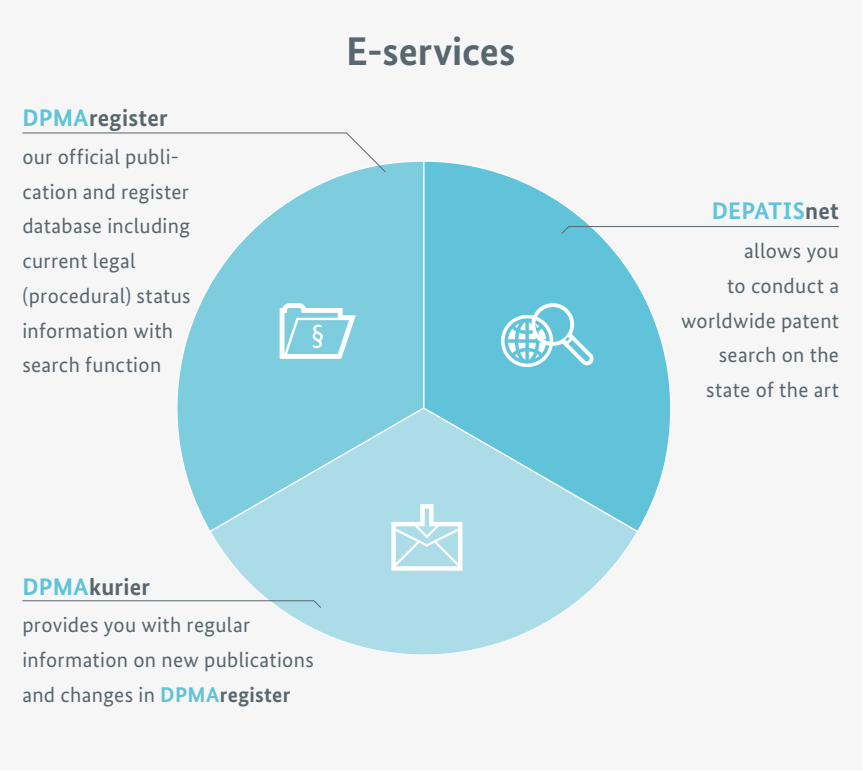
of the rights of other operators.

Central Customer Care and Services

Service at your choice by phone/at the office/online
→ telephone number **+49 89 2195-1000**

→ diverse services on offer:
- » appointments
- » initial consultations for inventors
- » remote search support
  via e-mail (**datenbanken@dpma.de**) or phone (**+49 89 2195-3435**)

→ workshops and seminars as well as print and online publications



allowing you to monitor the technical fields relevant to you. Thus you can be sure not to miss any important information, regardless of location and time. The DPMA gives private information suppliers the opportunity to develop and market their own information products and services on the basis of the raw data of the DPMA. In addition, modern web interfaces can be used for direct access to the e-services of the DPMA.

Customer Care and Services will answer your questions in detail and expertly.

Further information is available in the sections "Events" and "Publications" on our website.

The performance achieved by the modern customer service, today

Not so long ago, calls at the telephone exchange of Deutsche Post (today Deutsche Telekom AG) were still connected manually. The exchange operators, most of them female, would answered the call "Central exchange, how may I help you?" and the caller would request to call a certain subscriber. Then, a friendly "Just a moment, I will put you through" would follow. The reason why women in particular were considered for the work of a switchboard operator was that the high female voice was particularly easy to understand when the transmission quality was poor. The job of an exchange operator has now become obsolete – the "*Fräulein vom Amt*" (miss at the central exchange) does no longer exist.

Today, a central service number at the DPMA offers much more than just putting calls through: Personal customer contact is important to us. Because the colleagues of the former telephone centre have a wealth of knowledge that enables them to do much more than simply pass through incoming calls, the office analysed this fact within the context of the Customer Care and Services project and created the new job of a Customer Care and Services representative.

Our Customer Care and Services offers callers profound and high-quality information on all questions of IP protection. We use cutting-edge equipment to provide fast, precise and accurate information. Those who want to work as Customer Care and Services representatives must have similar expertise in all types of IP.

It goes without saying that we at Customer Care and Services, who work in the area of communication, are always in the field of tension between "what is said" and "what is understood". Sensitivity (how could my statement be understood by the caller?) is therefore just as important as a feel for where to "meet" the caller. Some skills can be learned by the staff of Customer Care and Services but others must be part of their nature. The joy of work derives from the constant contact with customers and also from the fact that there is usually no work left at the end of the day.

The figures prove the actual performance of our colleagues at Customer Care and Services: In the year under review, the staff answered around 100,000 telephone calls – out of a total of almost 160,000 customer contacts (e-mail, visitors, mail) – (first-level information and second level, database support) – and a good 95% of these calls were answered conclusively and independently by the staff of Customer Care and Services.

Events and Publications

https://www.dpma.de/english/our_office/events/index.html, https://www.dpma.de/english/our_office/publications/index.html

INSIDE

Our local trade fair services for you

Our colleague Sabine Schulz is the contact person in Directorate General 2 (Information) for the organisation of trade fairs and IP events. As a staff member of our Customer Care and Services, she is responsible for the cooperation projects of our office with trade fair companies in Germany and abroad as well as with other authorities or external partners, manages all assignments of our trade fair staff and, as a true trade fair expert, she of course also designs "suitable trade fair" flyers and information brochures.





Here, Sabine Schulz presents to you our trade fair activities in 2017:

"How to protect intellectual property effectively?" – "What can be done against piracy and counterfeiting?" – "Which German and European IP systems are there?" – These and many other questions concerning industrial property rights are frequently asked by customers and visitors at trade fairs. The need for information on these topics is obviously great. And it is precisely this information that we also want to make available to the public by our trade fair activities - as an important instrument of our Customer Care and Services: In 2017, the DPMA therefore showcased its services and products at about 30 trade fairs and IP events. Our trade fair activities always focus on three "classic" topics: the DPMA as a modern service provider, as well as raising public awareness and providing information to the public about IP rights.

Even though there are many similarities in the way the trade fairs are run: for me and of course also for our trade fair teams on site, every trade fair is different. Just the fact that we work together with various cooperation partners at a variety of trade fairs results in quite different "trade show exhibitions": In 2017, for example, we had a joint stand with the central unit for IP protection of the customs services (*Zentralstelle Gewerblicher Rechtsschutz*) at Spielwarenmesse (toy fair) in Nuremberg and at MEDICA in Düsseldorf. In Hanover, we cooperated with the Federal Ministry for Economic Affairs and Energy at its joint stands at CeBIT and HANNOVER MESSE.

Frequently, the trade show organisers have also been active partners at our side at many trade fairs, for example, Messe Frankfurt with its "Messe Frankfurt against Copying" initiative or also Messe München and Messe Düsseldorf.

In 2017, we moved into uncharted territory with our stands at LogiMAT in Stuttgart, at AGRITECHNICA, the world's leading trade fair for agricultural technology, in Hanover and with our "mobile IP experts" at gamescom in Cologne.

This concept of mobile teams at trade shows has been established and proven in recent years: We have repeatedly found that exhibitors at trade fairs have a great need for information on IP rights, but they usually lack the time to visit an information stand of the DPMA. We have a solution for this problem. Skilled DPMA experts of our mobile trade fair team visit exhibitors directly at their stands, provide information about research tools and enquire what information exhibitors need to protect innovations, brands or designs.

In 2017, the service of the "mobile expert teams" made a valuable contribution to our exhibition activities at twelve trade fairs throughout Germany.

If you would like to meet our experts face-to-face at a trade fair: The 2018 DPMA trade fair calendar is available on page 87 in this Annual Report.

>> Trade fair calendar 2018





2017 DPMA trade fair calendar

	event	date	town
January	PSI	10/01-12/01/2017	Düsseldorf
	Paperworld	28/01-31/01/2017	Frankfurt
February	Spielwarenmesse	01/02-06/02/2017	Nuremberg
	ISPO	05/02-08/02/2017	Munich
	ambiente	10/02-14/02/2017	Frankfurt
March	ISH	14/03-18/03/2017	Frankfurt
	LogiMAT	14/03-16/03/2017	Stuttgart
	CeBIT	20/03-24/03/2017	Hanover
	BEAUTY	31/03-02/04/2017	Düsseldorf
April	HANNOVER MESSE	24/04-28/04/2017	Hanover
May	Labvolution / Biotechnica	16/05-18/05/2017	Hanover
	PATINFO	31/05-02/06/2017	Ilmenau
June	Laser World of Photonics	26/06-29/06/2017	Munich
August	gamescom	22/08-26/08/2017	Cologne
September	drinktec	11/09-15/09/2017	Munich
October	EVS30 (Electric Vehicle Symposium & Exhibition)	09/10-11/10/2017	Stuttgart
	Frankfurt Book Fair	11/10-15/10/2017	Frankfurt
	deGUT	13/10-14/10/2017	Berlin
	eMove360°	17/10-19/10/2017	Munich
	MUT – entrepreneurs´ day for medium-sized enterprises	19/10/2017	Leipzig
November	iENA	02/11-05/11/2017	Nuremberg
	AGRITECHNICA	12/11-18/11/2017	Hanover
	MEDICA	13/11-16/11/2017	Düsseldorf
	productronica	14/11-17/11/2017	Munich
	Bayerischer Patentkongress	22/11/2017	Munich

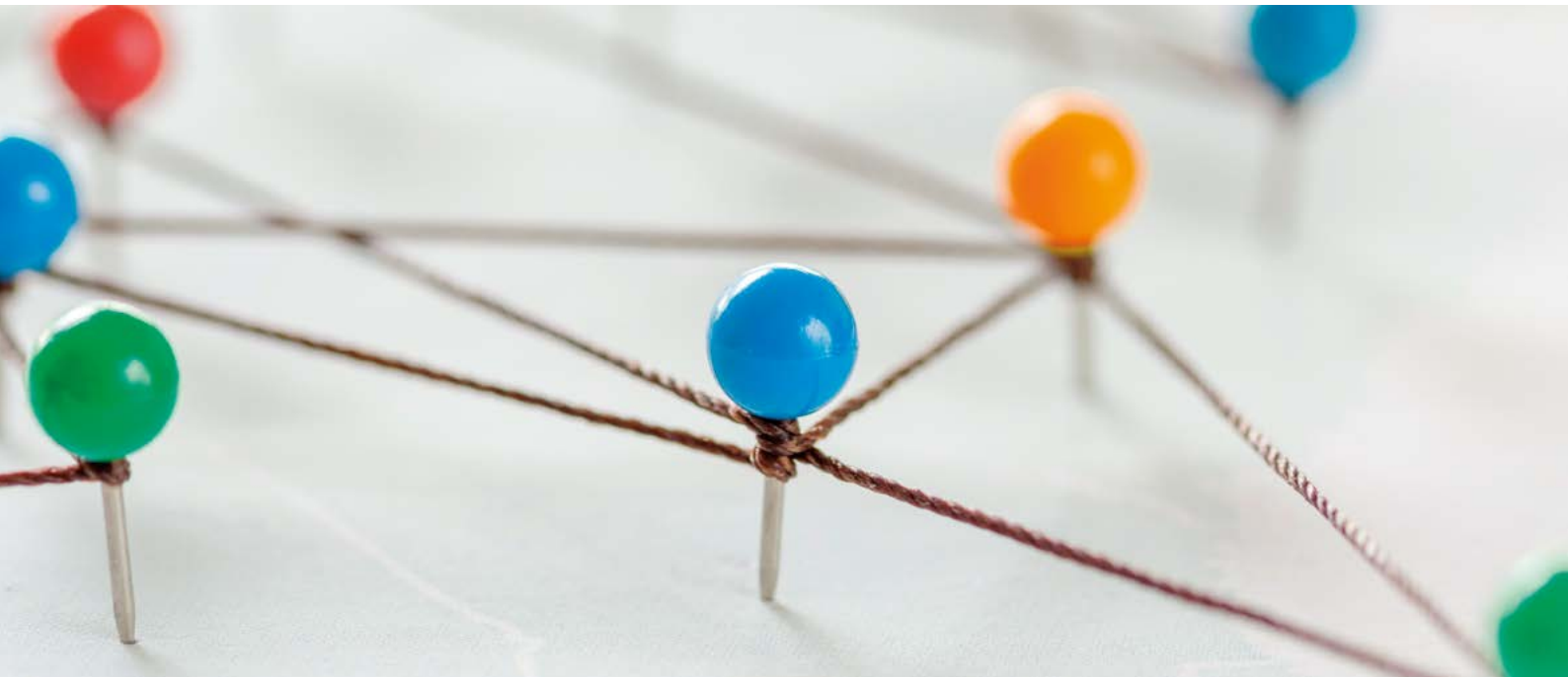
National cooperation partners

Institutions throughout Germany are our strong partners and, together with the DPMA, form a competent network for the protection of industrial property rights. Trade associations, chambers of industry and commerce but also, of course, the innovation-promoting universities and the customs authorities are locally active wherever there are companies – especially small and medium-sized enterprises – and inventors with questions about protecting their intellectual property.

The 20 patent information centres at 21 locations throughout Germany also make an extremely important contribution to this network. In this Annual Report we present the work and information services of the German patent information centres in more detail.

Information services offered by the patent information centres in 2017

	Number
Search support	6,591
Commissioned searches	2,891
Initial consultations for inventors at the patent information centres and at cooperation partners provided by patent attorneys	2,835
Services relating to strategic IP management	1,115
Services relating to IP enforcement as well as the defence against and prevention of product piracy	1,022
Seminars	256
Publications	250
Information events	186
Participation of experts of the patent information centres as speakers at third-party events	99
Trade fair stand hosting	72
In-house training courses	56





Aachen
http://www.ub.rwth-aachen.de/cms/UB/Forschung

Bremen
http://www.hs-bremen.de/internet/de/einrichtungen/pnz/

Chemnitz
https://www.tu-chemnitz.de/ub/piz/index.html

Darmstadt
https://www.piz.tu-darmstadt.de

Dortmund
https://www.ub.tu-dortmund.de/itp/

Dresden
https://tu-dresden.de/forschung

Hamburg
https://www.hk24.de/produktmarken/beratung-service

Hanover
https://www.tib.eu/en/search-discover

Hof (field office)
https://www.tuv.com/de/deutschland/pk

Ilmenau
http://www.paton.tu-ilmenau.de/en.html

Jena
http://www.sft.uni-jena.de/Forschungstransfer

Kaiserslautern
https://www.rti.uni-kl.de/en/piz/

Kassel
http://www.piz-kassel.de

Kiel
https://wtsh.de/

Leipzig
http://www.agil-leipzig.de/piz

Magdeburg
http://www.ub.ovgu.de/PIZ

Nuremberg
https://www.tuv.com/de/deutschland/pk

Rostock
http://www.ub.uni-rostock.de/ub/PIZ/index.shtml

Saarbrücken
https://www.saaris.de/technologie-innovation

Schwerin
http://www.tbi-mv.de

Stuttgart
https://www.patente-stuttgart.de

Würzburg
http://www.tgz-wuerzburg.de

INTERVIEWS

Interview with Dr Jutta Köwitz

Member of the Managing Board of the working group of German patent information centres (*Arbeitsgemeinschaft Deutscher Patentinformationszentren* – PIZnet e.V.), Head of the patent and standards centre of the university library, University of Rostock



Dr Köwitz, what goals do you as PIZnet have and what is the role of small and medium-sized enterprises (SMEs) in this respect?

PIZnet coordinates cooperation of the German patent information centres for the benefit of all and sees itself as a mouthpiece and lobby of the patent information centres. The patent information centres are the regional IP contacts for inventors, companies and research institutions and as recognised, long-standing cooperation partners of the DPMA at 21 locations throughout Germany they offer comprehensive information on industrial property protection, especially for SMEs and people starting up in business. In addition, we are well connected with European patent information centres, the PATLIBs.
Our showpiece is a common Internet platform on which the services of all patent information centres are clearly communicated and individually retrievable (💻).

How successful was 2017 for the German patent information centres?

As in previous years, the patent information centres again provided a wide range of IP-relevant services in 2017. As in previous years, the search support was the number one. There was also strong demand for information on strategic IP management, the enforcement of IP rights and the defence against and prevention of product piracy. In addition, some patent information centres have the statutory mandate to receive IP applications, for example, the centres in Hamburg, Dresden, Aachen or Stuttgart. In 2017, a total of 1,032 applications were thus received by these patent information centres and forwarded to the DPMA while securing the filing date.

Between 11 and 15 September 2017, numerous patent information centres participated in an action week specifically for SMEs, which was actively supported by the DPMA. How did this come about?

We see again and again that many SMEs have a need for advice, but rarely find their way into our patent information centres because there is little awareness among these SMEs of the problem of protecting intellectual property. This makes it sometimes difficult to address this target group and also to open their minds for our consultations. We have therefore developed this format together with the DPMA in order to appeal to new customers and to raise their interest in the topic "Added value by protecting ideas and innovation". Hence, it was intended to mainly focus on specifically attracting those SMEs to attend the action week that have so far had reservations about IP protection – for example, because they have considered protection to be too expensive, too complicated or unenforceable. It was therefore important for us to limit the action week to those SMEs which have little or no previous knowledge of IP rights and to be able to present to the participating enterprises a very concrete result, i.e. a report, after the consultation. This report outlined the need for action and was also a suitable basis for a more detailed exploration of the topic.

What were the advantages of working with the DPMA?

Through cooperation with the DPMA we have benefited enormously from the experience of European partners with whom the DPMA has worked together in a joint European project ("Value Intellectual Property for SMEs – VIP4SME"). We were particularly interested in the methodology of the *Institut national de la propriété intellectuelle* (INPI) in France, which has successfully conducted an IP audit in companies for many years under the name of "Prédiagnostic PI".

Another advantage was that the action week offered us the opportunity to make use of the means of a large federal authority to promote the initiative throughout Germany. A press release by the DPMA has helped us greatly to extend the reach of our services

offered. At the same time, the DPMA also gave creative impetus to the development of advertising material for our consulting services.

What is an orientation consultation like?

During the action week, SMEs were able to obtain free, neutral and confidential advice from our IP experts at the participating patent information centres about value creation and risk avoidance in dealing with intellectual property. The roughly two-hour consultations in the patent information centres were devoted to an initial analysis of the company-specific IP situation. This also covered in particular the industrial property rights, i.e. patents, utility models, trade marks and registered designs, but also copyright aspects and what is referred to as "soft IP", which includes trade secrets, for example. On this basis, the companies received from our IP experts an initial assessment of their economic opportunities and risks in the field of intellectual property with very specific recommendations for action – from individual suggestions for the optimum use of IP in the company to approaches to strategic competitive advantages.

How successful was the action week in your view?

To name the most important thing first: All participating companies, most of them from the manufacturing sector were extremely satisfied with our services. I am also very satisfied because we have succeeded in presenting the topic to a predominantly new group of customers during the action week. 90% of the companies which we advised were new customers, i.e. they had not previously been in a patent information centre. We also consider it positive that, in almost two thirds of all cases, the consultations have also led to further contacts and enquiries from the companies, for example, about prior art searches or legal status searches. All in all, we can therefore speak of a successful initiative, as we put a considerable number of companies in a position to better identify and strategically exploit the economic potential of their intellectual property. It also makes me and us at PIZnet a little proud to have contributed to the preservation of valuable jobs. Because only those who manage their intellectual property efficiently can survive in today's global competition!

Will the action week be repeated?

PIZnet will be happy to participate in a new edition of the action week. We are currently engaged in intensive coordinating discussions on the type of advisory services we want to promote: It is important to offer the greatest possible added value to SMEs. We are confident that, building on our experience in 2017, we will again be able to achieve this in 2018.

Dr Köwitz, thank you very much for this interview.

www.piznet.de



Events in 2017

Jena lectures

Since 2001, the Jena lectures on industrial property protection and copyright have taken place several times a year. In 2017, these lectures again dealt with current issues concerning intellectual property. On 23 February and 9 November 2017, the speakers focused on the topics of "The transfer of priority in patent law" (Professor Dr Louis Pahlow, Goethe University Frankfurt) and "The new EU trade mark – the most important changes regarding the Community Trade Marks Directive and the differences to the current German Trade Mark Act" (Achim Bender, lawyer, VOSSIUS & PARTNER, Munich).
The Association of Intellectual Property Experts (VPP) have supported the lecture series.

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



23/01/2017: Welcoming class visits our Berlin branch



26/01/2017: Seminar of the International Trademark Association (INTA) at the DPMA



24/02/2017: "Round Table of the UNION-IP" in our DPMAforum

DPMAnutzerforum 2017

On 16 March 2017, over 200 guests from industry, IP associations and the legal profession visited our DPMAnutzerforum in Munich. All of them seized this opportunity to meet and exchange views on IP with the senior management of the office, the heads of all directorates general and many examiners. We had changed time and format in 2017 – for the first time, the DPMAnutzerforum took place in the afternoon. In the morning, a workshop on **DPMAdirektPro** had provided detailed information for the attendees. In the run-up to the event, all participants of our DPMAnutzerforum had been invited to submit topics for discussion and questions concerning IP protection. As in previous years, we were happy to include their diverse feedback in the agenda!

DPMAnutzerforum

Facts and figures about the DPMA and the latest news from our directorates general, but also the focus topic on e-mobility: You will find all presentations of the DPMAnutzerforum 2017 as well as the programmes and documents of the last DPMAnutzerforum meetings on our website.

1 January 2017

In this Annual Report, we will show you, for the first time, the wealth of our topics in 2017 in the form of press releases published by us. You can use the corresponding QR code for quick access to the complete publications of our Press and Public Relations office.

2 February 2017

23/02/2017

Record numbers for granted patents and registered trade marks – stable filings at a high level – simultaneous reduction of backlogs

3 March 2017

16/03/2017

DPMAnutzerforum 2017 with a new concept

https://www.dpma.de/english/services/public_relations/dpmanutzerforum/index.html



04/04/2017: "Technology Day" at the DPMA

Munich International Patent Law Conference

The annual Munich International Patent Law Conference was once again hosted in our modern DPMAforum in 2017. On 23 June 2017, "Preliminary Injunctive Relief Against Patent Infringements" was the topic at the conference organised in cooperation with the Technical University of Munich, the Bavarian State Ministry of Justice and the Munich Regional Court I.

About 150 guests from Germany and abroad followed the lectures of the experts from France, the United Kingdom, Austria and the USA, who explored the various aspects of the topic on the basis of case studies.

World Intellectual Property Day

In 2017, as in previous years, we again participated in the World IP Day on 26 April and launched a joint series of events in cooperation with the regional patent information centres and other institutions throughout Germany. Twelve tailor-made seminars and lectures in ten cities focused on small and medium-sized enterprises (SMEs), students and start-ups interested in information about industrial property protection and the enforcement of their IP rights.



26-27/06/2017: "Munich Conference Series on Ethics in Innovation" at the DPMA



27/04/2017: Girls' Day at the DPMA

Jena corporate run

(31 May 2017)

and

Munich corporate run B2Run

(13 July 2017):

866 kilometres

were covered by

146 DPMA runners

in total

April 2017

4

21/04/2017

World Intellectual Property Day: events with the German Patent and Trade Mark Office

May 2017

5

June 2017

6

29/06/2017

140 years of the patent office in Germany: European leader among national offices

20/06/2017

German Patent and Trade Mark Office at the Long Night of the Sciences in Berlin

16/06/2017

European Inventor Award 2017: great honour for three German inventors

"Long Night of the Sciences"

at the DPMA in Berlin (24 June 2017) and in Jena (24 November 2017): During these two nights, a total of **43,000** knowledge-hungry guests seized the opportunity to see what the more than **100** institutions in both cities had on offer. These institutions included the DPMA Information and Service Centre Berlin and our Jena Sub-Office.

Twelfth Jena Trade Mark Law Day

On 31 August 2017, we organised the twelfth Jena Trade Mark Law Day in collaboration with Friedrich Schiller University Jena and the German Brands Association (*Markenverband e.V.*) and invited IP expert from industry, the legal profession, patent information centres and agencies to the 29th floor of the JenTower. Among other things, the lectures and discussions focused on the implementation of the EU Trade Marks Directive into German law, the modernisation of German and European trade mark law from a lawyer's perspective and the certification mark.

10th anniversary of the nursery at the DPMA

10 hours of loving care, playful learning and supporting as well as promoting child development on five days a week – our nursery has had a care time of **24,000** hours since September **2007**

July 2017

August 2017

02/08/2017

Study: services offered by the German Patent and Trade Mark Office are among the top administrative services – DPMA pioneer in the strategic development of digital IP procedures

25/08/2017

Free orientation about creating value through patents and more – first nationwide action week for small and medium enterprises in many German towns, from 11 to 15 September 2017

28/08/2017

Open Day of the Federal Government in Berlin: information stand of the German Patent and Trade Mark Office

September 2017

20/09/2017

Leaner, clearer and more informative – a new web presence for the German Patent and Trade Mark Office

13/09/2017

Highly sensitive robots, complex hand prostheses, new quality of clinical images – three candidates nominated for the Deutscher Zukunftspreis award 2017

Relaunch of www.dpma.de

drafted, designed, programmed, translated and edited in less than **9** months;
from about **1,200** German sub-pages streamlined to **400**;
3 out of **4** pages are now also available in English (before relaunch: 1 out of 4)



07/12/2017: Visitors of the Federal Ministry of Justice and Consumer Protection came to the Jena Sub-Office



27/10/2017: MARQUES expert discussions with judges of German trade mark courts at the DPMA

VIP4SME

Once again in 2017, a broad variety of events were hosted within the framework of the joint European project "Value Intellectual Property for SMEs" (VIP4SME), in which we participate together with the Fraunhofer Institute for Industrial Engineering (*Fraunhofer IAO*) as well as other partners from more than 30 countries. In 2017, for the first time, individual consulting services for enterprises rendered by the patent information centres, relating to the identification, management or enforcement of intellectual property rights for SMEs, were implemented within the framework of the project. After the successful start, we are currently working on further expanding the format and continuing it in the future.

October 2017

04/10/2017

General Assembly of the World Intellectual Property Organization: German Patent and Trade Mark Office (DPMA) seals closer cooperation with Japan

27/10/2017

Fresh name, proven quality! The Technical Information Centre of the German Patent and Trade Mark Office in Berlin to be renamed DPMA Information and Service Centre Berlin

30/10/2017

More procedures completed, again rising number of applications: forecast of the German Patent and Trade Mark Office for 2017 – consultations for inventors at iENA

November 2017

29/11/2017

Highly prestigious award for robot developer: DPMA President Cornelia Rudloff-Schäffer congratulates Professor Sami Haddadin on the award of Deutscher Zukunftspreis 2017, the Federal President's award

December 2017

21/12/2017

DPMA bridges "missing link" in its digital services – From 1 January, DPMAdirektPro will enable electronic transmittal of official documents



OUR STRATEGY, OUR PROJECTS

Well-equipped for the future



by Günther Schmitz
Vice-President of the German Patent and Trade Mark Office

Industrial property protection is also subject to constant change. The DPMA has always been well aware of this fact. In 2017, we were able to look back on 140 years of the patent office in Germany. 140 years in which not only the times have changed and our environment, but during which our office in particular has also undergone a transformation – having become one of the most modern patent and trade mark offices in the world with a digitisation rate that can hardly be surpassed at present. However, what has been achieved is no coincidence, but rather the result of the consistent strategy of the office. Today, everybody is talking about what is referred to as digitisation; however, it is a fact that we at the DPMA already laid the foundation for our current top position in this area more than ten years ago. And this was just one of the many strategic decisions that are still having an ongoing impact on our office today.

We have long since internalised the idea that the present is shaping the future. Because we have the ambition not to merely to keep pace with the changing times, but to continue to set the pace. After the successful introduction of the electronic case file for patents, we therefore newly rolled out our strategy process about three years ago. Originally, we had identified 16 individual strategic topics. Within the framework of the further, very intensive strategic work, we finally pursued the holistic approach of strategy development and developed a system of targets which is based on four strategic fields of action. This system of targets is ultimately essential for the entire office and shows in which direction the DPMA will move within the timeframe of the next four to five years.

In this respect, we focus on our fields of action “services”, “customers”, “staff” and “cooperation projects”.

We have set ourselves a lot of strategic goals: We will continue to standardise and optimise our business processes so that our services and products continue to have a very high acceptance rate in the future. We already established a business process management system for this purpose, which we will expand throughout the office. We also want to integrate our customers’ feedback, in an even more structured way, into the further development of our services, for instance, online applications. We want to consistently expand the quality management at the DPMA.
We are continuously optimising our IT applications. An outstanding project is the provision of a new search tool for patent examiners. We will make use of the latest technology, such as artificial intelligence: This helps to ease the workload of our staff and allows them to focus more on their core activities.
We want to intensify the dialogue with our customers in order to be perceived as a practical authority also in the future and to be able to further develop our services to meet customers’ requirements. For this purpose, we also want to strengthen cooperation with the patent information centres.

An office is only as good as its staff. Therefore, one of our strategic goals is to further raise the high skills level of our staff, for example, by introducing qualification controlling and knowledge management.

We want to shape the future not only for our office but also for the intellectual property system at European and international level, and are contributing to this goal in many international bodies. In the future, we will continue to structure this further and, in addition, work together with our partners focusing on the development of best practices.

Our strategy: DPMA 2020

The rapid further development of information technology and a constantly changing environment require that we continuously change too. In order to live up to this requirement, we have continued to pursue our strategic process, which we resumed about three years ago after the successful introduction of the electronic case file in the patent area. In addition, we have now also mapped the topic of "strategy" in organisational terms and operationalised a strategy team made up of experts from all four directorates general of the DPMA.

Much has happened in 2017. For example, we have expanded our strategic approach. It does not only comprise important strategic projects, but also reflects the entire office. After all, strategy ultimately also concerns the day-to-day business and therefore every single staff member. The specification of our system of goals was also completed in 2017: We have defined nine strategic goals and 24 associated sub-goals for our four fields of action. As a result, our sections and divisions have developed measures to ensure the achievement of our strategic goals. In this way, our colleagues were able to become actively involved in all strategic considerations right from the definition phase. After an intensive coordination phase, more than 50 measures have been released; some of these measures are already being implemented and some still have to be operationalised.

Our vision **DPMA2020** – we like to call it the "strategy house" because of its graphical representation – is divided into four fields of action. The foundation is formed by our values, guiding us in our strategic decisions.

In addition, other projects already in progress and our "day-to-day business" also make a valuable contribution to achieving our strategic goals. All these goals of our strategy are therefore underpinned by a common "We":

We

1. *... work efficiently on the basis of standardised and optimised business processes.*
2. *... provide services that meet the requirements.*
3. *... are perceived as competent, neutral and objective experts for intellectual property issues.*
4. *... have a well-functioning network with our customers.*
5. *... have a strategic personnel management.*
6. *... are an attractive employer.*
7. *... have a culture based on openness, transparency, respect, trust and mutual esteem.*
8. *... have thoroughly and professionally qualified staff and keep their knowledge up to date at all times.*
9. *... are a recognised partner in the network of intellectual property organisations.*

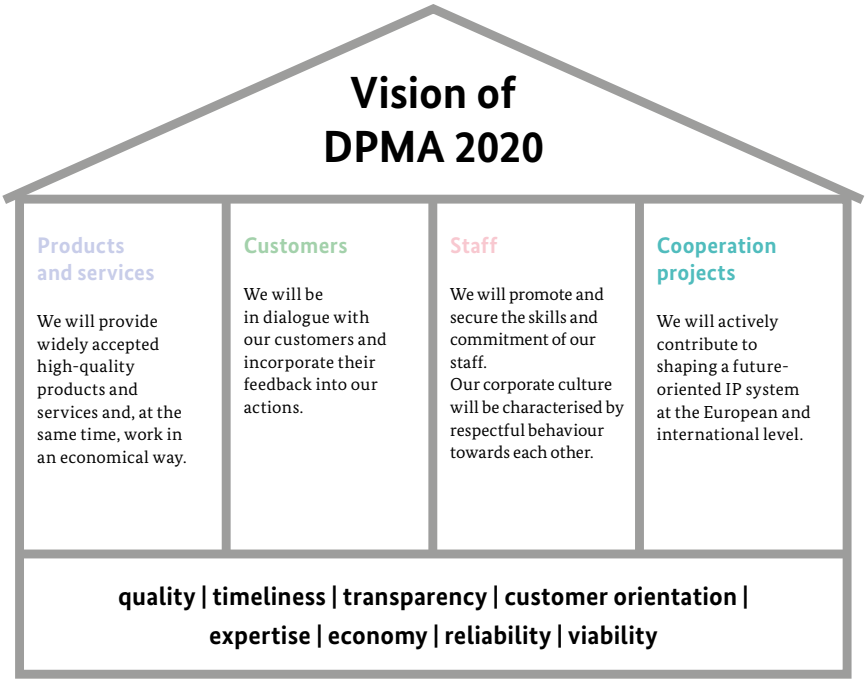
Our project: New search

New technologies such as artificial intelligence and Big Data will be indispensable for our office in the future due to the fast and continuous growth of data volumes and the high heterogeneity and great complexity of the information contained therein. One step in this direction is our new research project launched in 2016. With the introduction of an enterprise search system, a central service for the search in various data sources of the DPMA is set up, which makes its functions available for use in the many technical and horizontal applications at the DPMA: This new service will be called **DPMArecherche**.

In 2017, the development of the three application cases –

1. *case file search,*
2. *patent search* and
3. *electronic classification according to the IPC*

– planned for the first phase of the project made good progress.



For this purpose, we first started a trial run of the *case file search* at the DPMA, which now enables simultaneous high-performance search in the master data and in the full texts of the documents of patent and utility model case files. Valuable feedback was collected and evaluated and a new, improved version of the search was implemented. At the beginning of 2018, we will now extend the trial operation to all users in the fields of patents and utility models.

A prototype of the *patent search* was also made available and tested. Before the start of a trial run, we want to add some additional functionalities to it. Semantic search functions – such as cross-language search with synonyms, clustering of terms, automatic extraction of names and keywords from a text – will enable indexing of the contents of the documents to improve the patent search. The new patent search will help our examiners to more quickly find sets of hits sorted by relevance. The aim of the project is to also provide a pre-search function in the patent search, i.e. the (also automated) search to find documents with a similar content for a reference document or reference text.

The *new electronic classifier*, implemented as a neural network, has been completed and enables electronic classification of document contents according to the IPC. Its accuracy and traceability, its configurable training and the various parameterisation options are impressive. We will also use it for the classification of new applications in the electronic IP case files as well as for what is known as on-the-fly classification within the course of classification changes and search file updates.

Before the end of this year, the three application cases of our new **DPMArecherche** service will be used productively and integrated into our office's application systems.

Our project: The electronic case file for designs

With the **DPMAinnovativ** IT program, we are introducing modern, process-oriented transaction processing systems in our office to be able to manage the case files fully electronically and process them efficiently in all IP procedures. In the trade mark, patent and utility model areas, electronic IP case files have been in operation for years. For this reason, we at the DPMA can rely on existing technical basic components, horizontal services as well as reusable and proven specialist concepts when realising the electronic case file for designs. This enables us to achieve the project goals by making efficient use of the resources within the challenging time frame. In addition, since the introduction of the electronic case files, we have optimised the relevant IT competence fields (development, maintenance and further development) in organisational terms and have continuously built up expertise, so that new projects such as the electronic case file for designs can be to a large extent carried out single-handed by a competent in-house IT division.

In June 2016 our project "Electronic case file for designs" was launched. Since then, we have been working intensively on putting fully electronic case file processing into practice in the field of designs. In 2017, an accompanying project was added comprising the coordination of the associated organisation, personnel and qualification measures as well as the change management measures. Thereby, the DPMA supports consistent orientation towards its own customer-oriented IT systems and the e-government initiative within the framework of the government programme "Digital Administration 2020".

Thanks to the progress made, we can already give a date: Our new specialist system "electronic case file for designs" is planned to become operational by mid-2020. From the date of going live, there will be only seamless procedures, from application to publication.

Our project: New options of teleworking

After three and a half years, the project "New options of teleworking", which we presented to you in detail in our 2016 Annual Report, was successfully completed in November 2017.

The project assignment was to further develop the teleworking scheme at the DPMA and to create the conditions for further expanding it, which has now also been approved by the Federal Ministry of Justice and Consumer Protection.

In addition, it was intended to lay the foundations for introducing a form of work called "mobile working" at the DPMA. "Mobile working" will make it possible for the office's staff, in the future, to work outside the office or a fixed workplace using mobile information technology and thus, for example, be able to work temporarily from home (whether or not they participate in the teleworking scheme). We are confident that this concept will also be approved by the Federal Ministry of Justice and Consumer Protection.

In this way, we have set the course at the DPMA to make working conditions even more flexible for our staff. An advantageous position in the competition for "top talent"!

INSIDE

Business process management at the DPMA

Currently, everyone in public administration is talking about the term "business process management" – or synonymously "process management". But what is behind it? What significance does process management have for us at the DPMA and what are the current challenges? We asked our colleague Annette Kirchner, Head of Section "Management of Processes and Service-Oriented Architecture", who is in charge of designing the strategic business process management at the DPMA:



Process management is important for us at the office because we have to face a whole range of framework conditions and influencing factors from within and outside the office and respond to them quickly and flexibly. We have to consider a wide range of requirements and relations – from legislation to our customers and partners in the international IP community to human resources and economic challenges. Efficient work, economy and customer orientation are therefore very important topics for us. Our work processes are the basis of all services provided by the DPMA. With the help of process management, processes become transparent and responsibilities are regulated in a clear and binding way.

From a strategic point of view, process management means consistently focusing one's thoughts and actions on the processes for the provision of services with the aim of fulfilling the tasks in the best possible way. This includes target-oriented strategic control of processes as well as structures geared towards this purpose and the appropriate organisational structure. From an operational point of view, the aim is to suitably document, purposefully improve and continuously control the concrete work processes. Processes that are clearly and unambiguously described do not only enable the delimitation of tasks and responsibilities, but also support daily work. They form the basis for the provision and use of knowledge resources. So business process, strategy and quality management must go hand in hand. The process landscape, i.e. the entirety of all processes for the provision of services, must be geared towards the overall strategy of the office and supported by suitable controlling instruments. To put it simply, we have to answer these two questions: "Are we doing the right things?" and "Do we do these things properly?"

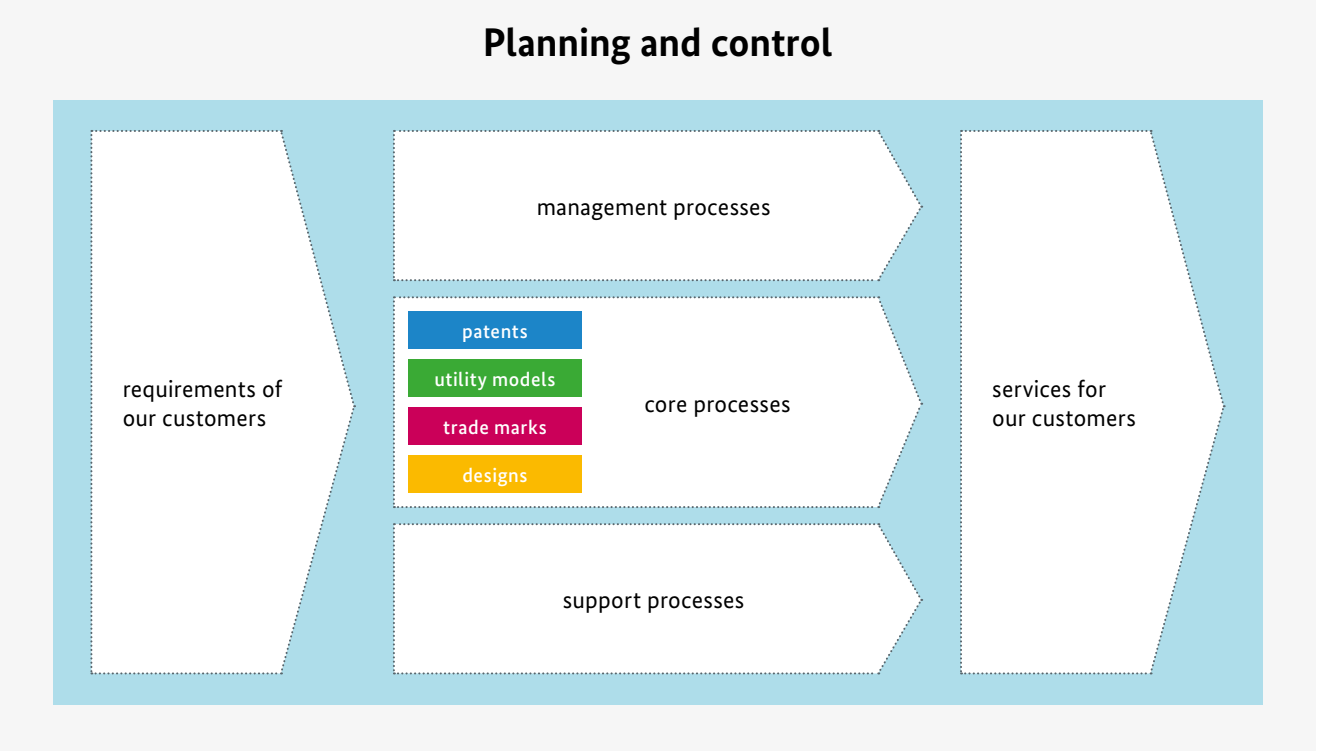
The actual basis of our activities lies in the entirety of our business processes and their targeted control. In this respect, it is not so much the consideration of individual processes or their isolated optimisation which is important, but rather the view of the entire value-added chain. In addition to the processes, this also includes the necessary skills and organisational structures as well as the options arising from the use of information technology. At the operational level, this means knowing the individual processes necessary for the provision of services, developing them further and controlling them in a goal-oriented manner. When you look at the adaptation of a work process – such as the processing of an incoming request – that process work begins with purely technical considerations. These are, quite classically, the work processes. Typical questions are: "What work steps must be carried out?" and "Where will optimisation bring the greatest benefit?" On the one hand this depends on the statutory framework and the needs of our customers, but on the other hand also on the strategy of the office. It also concerns aspects of the organisational structure. For example, the question arises as to how the work is distributed among the various organisational units and work positions. IT support also plays a major role, even in the early work stages. Many things can be done more easily and elegantly due to the options available today, but also in a different way than before. Working with an electronic case file, for example, is completely different from working with a paper file – simply because electronic documents can be accessed by several people at the same time. Such changes often mean a change in the usual working methods. It is therefore very important to be as close to the user as possible and to clearly state any advantages or disadvantages that arise. For this reason, professional support of the change processes by a dedicated change management is a clear advantage. However, the simple assessment

and one-time optimisation of the work process is not enough. It is important to measure the "success" of a process and to be able to learn from it. This requires suitable measurement parameters (key figures) and the appropriate management structures (for example, process owners responsible for controlling the process).

The tasks mentioned and the knowledge required are located in very different divisions of our office. We can only fulfil the overall task if all stakeholders sit at the same table and work together. In addition to the formation of a common understanding of processes, this also requires a description language (business process management method) that is uniform throughout the office and binding for all participants. Let us take the example of the introduction of the electronic case file at the DPMA: Without secure and documented processes, the development of DPMA**patente** and DPMA**gebrauchsmuster** would not have been possible. The DPMA was at the forefront of consistent implementation in the public sector. We are still a sought-after contact for numerous other administrative agencies and institutions.

Defined processes which are comprehensible for all participants are the basis for efficient administrative work. They provide clear guidelines for action and make responsibilities and available resources visible. Simplified collaboration and optimised processes lead to faster response times and deliver higher quality results – this is also noticed by our customers: one of the reasons why this topic will continue to play a major role in the coming years. Business process management becomes the trailblazer in modern administration.

We at the DPMA have recognised the importance of process management as a central working and control element. Our experts therefore play a prominent role in various committees on the topic of process management within and outside public administration. In order to create a sound basis for the future, we are also in the process of incorporating accordingly the two aspects of process management – strategic and operational view – into the organisation.



Tomorrow's potential

Inventions by children

In 2017, 46,711 applications for a German patent were filed with the DPMA from applicants in Germany. However, what our official (and any other) statistics do not cover are the inventions by children in respect of which "a patent is applied for" at our office. These children are mostly of primary school age – from all over Germany. Every year we receive about five letters from children and learn about great ideas which, according to the conviction of the small inventors, could make our lives much easier: for example, a "dog leash with bag and hand" (from Kira in Bavaria) or a "flying car" (from Mats in Wilhelmshaven). By the way, the young applicant noted at the edge of his drawing that the driving license for this car should be issued from the age of seven!

Handmade descriptions and drawings are always attached to the "patent applications" and quite often also a letter from the parents. The mother of five-year-old Joshua from Upper Swabia, who had invented a brick-wall transporter, wrote us that her son was "totally engrossed in the idea of being an inventor".

In 2017, we received the "patent application" from Hendrik from Papenburg among others. He submitted to us his invention, an "electronic car without charging", dealing with an issue that is both topical and complex.
Seven-year-old Greta from Mannheim also proved to be creative – and quite obviously very familiar with industrial property protection – since she sought trade mark protection from us for her brand "Ma-Schühchen" last year.

A young inventor from Brunsbüttel filed an application for a "weather machine for absolutely good weather",


Deutsches Patent- und Markenamt

Urkunde

Das Deutsche Patent- und Markenamt
gratuliert dem Erfinder

Hendrik [redacted]

zu seiner Erfindung:
Elektronisches Auto ohne Aufladen

Tag der Anmeldung:
2. März 2017

München, den 7. März 2017

Deutsches Patent und Markenamt
Zweibrückenstraße 12
80331 München

for which the drawing at least was elaborated down to the smallest detail. For this purpose, he had thoroughly looked into "quantum mechanics" and "diversion of comets".
"Hello dear patent office", wrote six-year-old Lukas and applied for a patent for his "clean-tidy-up robo". He had thought of all the essential features of his robot: feather duster, gripper and vacuum cleaner arms as well as cloths and water nozzles!

Of course, such letters are a nice and always pleasant change from normal day-to-day business for the staff of our Customer Care and Services and of our Press and Public Relations. Even if it is not about the real innovations and future technologies that our examiners deal with: The inventions of the young inventors show that in the children's rooms between Bavaria and Schleswig-Holstein a lot of research, development and testing is going on with dedication and creativity. And this dedication and creativity are part of the potential for tomorrow's future technologies. Artur Fischer, the inventor of the famous expanding wall plug, who had applied for a patent or a utility model for this and more than 1,200 other inventions, and died in 2016, once said: "All inventions, however great they may be, always have the same basis: a surprise, curiosity, courage and joy to create something out of it."

By the way, each child receives a nice certificate for his or her invention from the DPMA, individually designed with the illustration of the submitted drawing – as a keepsake, but perhaps also as an incentive to not lose their childlike curiosity, courage and joy as long as possible.


Greifarm
Staubsaug arm
Putz- aufräum Robo von Lukas
Seitenaus Silberdraht
Holz

Inventor and innovation awards

"You can achieve a great deal if you just believe you can do it."

This comment from Wilhelm von Humboldt encapsulates the spirit of the Deutscher Zukunftspreis, the Federal President's Award for Innovation in Science and Technology. For me, it stands for the courage that is at the heart of every innovation, i.e. the courage to come up with a new idea and also put it into action. The Deutscher Zukunftspreis was instituted 20 years ago to inspire such courage.

– Federal President Frank-Walter Steinmeier on occasion of the presentation of the *Deutscher Zukunftspreis 2017* award –

Innovations that shape the future and improve life can be found in all branches of industry, for engineering or technical achievements as well as for services. Sometimes you can see innovation at first glance - but often you cannot see it.
Inventor and innovation awards make achievements impressively visible to a broad public. Innovation awards reward people who have created leading-edge solutions in their field and, at the same time, encourage the development of inventiveness, innovative thinking and progress. And they show how important it is to protect technical inventions. This is why, for many years, we have been supporting some of the most prestigious inventor and innovation awards. Our examiners regularly submit proposals for the awarding of prizes for outstanding innovations and executive staff of the DPMA play an active role in several awards as members of the jury or members of the board of trustees.



Deutscher Zukunftspreis Award 2017: Federal President Frank-Walter Steinmeier (6th from right) and his wife Elke Büdenbender at the awards ceremony with participants (from left to right): Dirk Steffens, presenter, Professor Dr Ferdi Schüth, chairman of the jury, Dr Klaus Dieter Engel, Sven Parusel (Dipl.-Inf. [FH]), Professor Sami Haddadin (Dr.-Ing.), Dr Simon Haddadin, Stefan Schulz (Dr.-Ing.), Adrian Andres (Dipl.-Ing.), Professor Dr Franz A. Fellner, Robert Schneider (Dr.-Ing.), Matthias Baßler, M.Sc.

In 2017, the DPMA was involved in the following innovation awards:

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

www.deutscher-zukunftspreis.de/en

The *Deutscher Zukunftspreis* award, endowed with 250,000 euros in prize money, is awarded annually by the Federal President, with a strong media presence, at a ceremony in Berlin. The award recognises and rewards technological projects that are particularly innovative and economically promising. Cornelia Rudloff-Schäffer as the President of the DPMA is a long-time member of the board of trustees that determines the final criteria for the selection process.
Once again in 2017, we proposed three outstanding projects for the *Deutscher Zukunftspreis* award to the high-calibre jury, pointed out by the Chamber of Patent Attorneys among others, which – for the third time in a row! – were among the finalists.

For the first time, one of our proposals was honored with the *Deutscher Zukunftspreis* award: On 29 November 2017, Professor Sami Haddadin (Dr.-Ing.), Dr Simon Haddadin (Dr. med. [Univ. Debrecen]) and Sven Parusel (Dipl.-Inf. [FH]) received the prestigious and coveted award from Federal President Frank-Walter Steinmeier during the award ceremony, which was broadcast live on the Internet and delayed also on the ZDF television channel. The name of their reseach project: "Human-centered robotic assistants for a brighter future". Together with their Franka Emika GmbH, the three robotics researchers have developed the Franka robot arm, a sensitive assistant that works with humans. A central aspect of the new development: Franka is adaptive and easy to operate. There is no need for time-consuming programming, but it can be fed with apps. Even non-experts are thus able to continuously expand the skills of their robots. Sami Haddadin, who has recently been appointed full professor at the Chair of Robotics and Systems Intelligence at the *Technische Universität München* (TUM), effective from 1 April 2018, calls it the "democratisation of digital automation". We would like to take this opportunity to congratulate him and his team once again on winning the *Deutscher Zukunftspreis* award 2017!

And now it's your turn: Let us continue the successful series together! For the selection of suitable projects we particularly rely on your cooperation. For this purpose, please draw our attention to your projects. Proposals for nominations to the *Deutscher Zukunftspreis 2019* can be submitted at any time until the beginning of November 2018. For more information, visit our website (💻).



DPMA President Cornelia Rudloff-Schäffer (second from the right) with award winner Professor Sami Haddadin (Dr.-Ing.) (right), on the left, Chief Executive of the German Chamber of Patent Attorneys Dr Ursula Wittenzellner and patent attorney Frank Rösler

💻 https://www.dpma.de/english/our_office/about_us/inventor_and_innovation_awards/deutscher_zukunftspreis_award/index.html

European Inventor Award

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

On 15 June 2017, the European Patent Office honoured outstanding inventors from Belgium, France, Germany, Italy, the Netherlands, Austria, Spain, the USA and Morocco with the European Inventor Award in Venice. The precondition for this was that at least one legally valid European patent was granted.
In a proven manner, many of our patent examiners actively participated by submitting proposals for the nominations.

The German chemist, Günter Hufschmid, and his team from the Deurex company in Zeitz (Saxony-Anhalt) received the European Inventor Award in the category "Small and Medium-Sized Enterprises". His "magic cotton", a matted, synthetic wax, which is not only protected by a European patent but also by a German patent, can absorb close to seven times its own weight in hydrophobic liquids. This property makes the environmentally friendly wax an ideal tool for cleaning up contamination by oil spills and other liquid chemicals from soil and water: For example, it has been used to clean up the West African Niger Delta.



Günter Hufschmid

German Innovation Award

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



The German Innovation Award is awarded in the categories "Large Enterprises", "Medium-Sized Enterprises" and "Start-Ups". For this prize, product innovations are taken into account in addition to innovative business models, processes and services as well as organisational and marketing innovations. In 2017, the special prize "Future Thinker", which honours an extraordinary personality, was awarded for the first time.
By the way, DPMA President Cornelia Rudloff-Schäffer is also a member of the jury of this innovation award.

In 2017, in the category "Large Enterprises", KARL STORZ SE & Co. KG was the award winner for its laryngoscope system with an integrated camera, which can prevent injuries during treatment and enable accurate documentation.

The biotechnology company Alere GmbH was the winner in the category "Medium-Sized Enterprises": Alere developed a rapid in vitro point-of-care test for the diagnosis of infections.

Testbirds GmbH, which focuses on swarm intelligence, was chosen by the jury as the most innovative start-up. The company pays volunteer testers to try out new software and report bugs.

The special prize "Future Thinker" went to the microbiologist, Professor Emmanuelle Charpentier, for the development of high-precision molecular gene scissors. The method, also known as the CRISPR/Cas method, can be used to modify the genetic material of plants, animals and humans - thus having the potential to alleviate diseases worldwide.

Incidentally, a detailed article on CRISPR/Cas, titled "Genome Editing", was published in the latest issue of our "*Erfinderaktivitäten 2016/2017*" (💻).

💻 **https://www.dpma.de/english/our_office/publications/erfinderaktivitaeten/index.html**
(in German)



Award winner Philipp Sinnewe

Jugend forscht

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

"*Jugend forscht*" is a unique network for the promotion of talent in STEM subjects with an outstanding success record. At the final national round in Erlangen, at the end of May 2017, 178 young researchers, aged between 15 and 21, participated in the contest in order to present their 107 projects to a jury of experts and the public and, of course, to win one of the coveted prizes.

Philipp Sinnewe from Saarland was granted the Federal President's award for an exceptional work. He developed an energy-efficient and thus climate-friendly aircraft engine: In his model of a jet engine, which the then 18-year-old pupil completely built himself, he tested a new type of fuel: Via an extra device a water-alcohol mixture is injected in addition to the conventional kerosene.
Now, the winner of the final round is studying Aerospace Technology at the University of Stuttgart: We wish him every success in his studies as well!

Thuringia Innovation Award

http://www.innovationspreis-thueringen.de/
(in German)

On 21 November 2017, the 20th Thuringia Innovation Award was conferred by Thuringian Minister of Economic Affairs Wolfgang Tiefensee - together with the Foundation for Technology, Innovation and Research of Thuringia (STIFT), TÜV Thüringen and the Ernst Abbe Foundation – at a ceremony in Weimar. From among the 70 entries, a total of 100,000 euros in prize money were awarded in four categories ("Tradition & Future", "Industry & Material", "Digital Systems & Media" as well as "Light & Life") and for three further special prizes ("Special Prize for Young Enterprises", "Audience Award" and "Ernst Abbe Award for Innovative Entrepreneurs"). Thus, the Thuringia Innovation Award is one of the highest endowed innovation prizes of a Land in Germany.
Markus Ortlieb, the Head of our Jena Sub-Office, once again represented the DPMA in the jury of this prestigious innovation award.



Grand closing ceremony at the 20th Thuringia Innovation Award 2017

A glance at 2018

French service provider will produce the DPMA patent specifications in the future

As is generally known, our office celebrated 140 years in 2017 – cooperation between the DPMA and *Bundesdruckerei* (federal printing office) or their predecessor institutions lasted almost equally long. Founded in 1879 as *Reichsdruckerei* in Berlin, *Bundesdruckerei* was a reliable partner for decades, for example, when it was about putting our patent specifications into print.

Now, an era is drawing to a close, because cooperation between our office and *Bundesdruckerei* with its rich tradition will be a thing of the past in 2018: As a result of the last open call for tenders "Production of DPMA publication products", the French company Jouve – after an intensive preparatory and test phase – will take over the production of documents, starting in spring 2018. By the way, Jouve is no stranger to us: Since 1 January 2007, it has produced the Patent Gazette (*Patentblatt*) and Trade Mark Journal (*Markenblatt*) for our office. For many years, Jouve has also managed the publication of patent specifications and patent applications for the European Patent Office (EPO) and the US Patent and Trademark Office (USPTO).

Even if we look back a bit melancholically, we are still looking forward to the future with a new service provider. Working with a new partner always offers the opportunity to reassess things and change or improve existing processes. For example, there are a number of improvements in first publications of patent applications, patent and utility model specifications in addition to the old tried and tested features. Searchability too will be substantially improved because tables and mathematical formulas will be reproduced in character-coded form.



1998 – 2018: 20 years of the Jena Sub-Office!



25 years of the Hauzenberg office: move into a new building in 2018

"New search" becomes DPMA**recherche**

In April 2016, the "New search" project was launched as part of our DPMA**innovativ** IT program; in the chapter "Our strategy, our projects" we provide detailed information on the "New search".

The new service, which we have set up since then on the basis of this project, i.e. the usable application, will be put into production in 2018:
We look forward to DPMA**recherche** and the associated introduction of modern IT-supported work tools for the search in various data sources of the DPMA!

Plans of the Arbitration Board under the Act on Collective Management Organisations

It is about increasing planning reliability for the public: The Arbitration Board has made proposals for a new remuneration model for the statutory remuneration claim pursuant to Sections 54 et seqq. of the Copyright Act (*Urheberrechtsgesetz*) for hard disks, TV sets and receivers with storage option on external hard disk. In 2018, the Arbitration Board will, if possible, submit a settlement proposal for all other tariffed devices and storage media.
In practice, it will also focus on the current problems of cable retransmission as well as the implementation of the amendment to the Copyright Act by the Copyright Knowledge Society Act.

2018 DPMA trade fair calendar			
	Trade fair	**Town**	**Internet**
January			
09/01-11/01/2018	PSI	Düsseldorf	psi-messe.com
31/01-04/02/2018	Spielwarenmesse	Nuremberg	spielwarenmesse.de
February			
09/02-13/02/2018	ambiente	Frankfurt	ambiente.messefrankfurt.com
March			
13/03-15/03/2018	LogiMAT	Stuttgart	logimat-messe.de
18/03-23/03/2018	Light + Building	Frankfurt	light-building.messefrankfurt.com
20/03-23/03/2018	Anuga FoodTec	Cologne	anugafoodtec.de
April			
10/04-13/04/2018	analytica	Munich	analytica.de
23/04-27/04/2018	HANNOVER MESSE	Hanover	hannovermesse.de
May			
14/05-18/05/2018	IFAT	Munich	ifat.de
June			
11/06-15/06/2018	CeBIT	Hanover	cebit.de
13/06-15/06/2018	PATINFO	Ilmenau	paton.tu-ilmenau.de
19/06-22/06/2018	automatica	Munich	automatica-munich.com
July			
08/07-10/07/2018	EUROBIKE	Friedrichshafen	eurobike-show.de
September			
11/09-15/09/2018	Automechanika	Frankfurt	automechanika.messefrankfurt.com
18/09-21/09/2018	InnoTrans	Berlin	innotrans.de
25/09-28/09/2018	WindEnergy	Hamburg	windenergyhamburg.com
October			
12/10-13/10/2018	deGUT	Berlin	degut.de
16/10-18/10/2018	eMove360°	Munich	emove360.com
23/10-26/10/2018	glasstec	Düsseldorf	glasstec.de
November			
01/11-04/11/2018	iENA	Nuremberg	iena.de
12/11-15/11/2018	MEDICA	Düsseldorf	medica.de
13/11-16/11/2018	electronica	Munich	electronica.de
15/11/2018	MUT – entrepreneurs' day for medium-sized enterprises	Leipzig	mittelstaendischer-unternehmertag.de

Statistics

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

Data are no longer captured in so-called “counting jars”, which are definitely established at the conclusion of a year. Rather, the values are dynamic and can change over time, for example, when a legal status change has a retrospective effect. For this reason, the values depend on the respective date of retrieval.

The following statistics are based on data retrieved in February 2018.

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 (PCT national phase)			Applications (national and PCT national phase)		
	Domestic[2]	Foreign[2]	Total	Domestic[2]	Foreign[2]	Total	Domestic[2]	Foreign[2]	Total
2013	46,321	11,603	57,924	1,041	4,212	5,253	47,362	15,815	63,177
2014	47,304	12,617	59,921	851	5,191	6,042	48,155	17,808	65,963
2015	46,467	13,988	60,455	922	5,521	6,443	47,389	19,509	66,898
2016	47,318	14,264	61,582	1,175	5,150	6,325	48,493	19,414	67,907
2017	46,733	14,736	61,469	1,046	5,192	6,238	47,779	19,928	67,707

[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

Year	Total applications received[1]	Procedures concluded before filing of examination request[2]	Patents in force at the end of the year	
			National applications	including applications for which formal examination was concluded
2013	58,167	21,108	145,407	137,768
2014	60,134	22,895	146,301	138,823
2015	60,572	20,844	148,144	140,412
2016	61,712	20,106	150,900	143,515
2017	61,554	20,716	151,812	144,200

[1] New applications and cases referred back by the Federal Patent Court, allowed appeals, reinstatements /
[2] 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		
2013	40,300	24,356	32,999	14,033
2014	43,371	24,506	34,996	15,317
2015	44,676	25,682	33,528	14,795
2016	45,603	26,378	35,762	15,652
2017	47,234	26,504	36,768	15,653

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
2013	14,137	14,070	129,612
2014	15,380	15,528	129,461
2015	14,839	14,751	129,543
2016	15,700	15,674	129,548
2017	15,689	16,268	128,921

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*	2013	2014	2015	2016	2017
Baden-Württemberg	14,567	14,535	14,221	14,379	14,511
Bavaria	14,842	15,539	15,347	15,871	15,482
Berlin	898	869	840	830	714
Brandenburg	322	326	359	331	328
Bremen	160	143	158	143	129
Hamburg	742	807	806	790	770
Hesse	2,165	2,042	1,906	1,938	1,925
Mecklenburg-Western Pomerania	181	169	155	105	135
Lower Saxony	2,927	3,138	3,486	3,700	3,514
North Rhine-Westphalia	7,073	7,119	6,877	7,073	7,209
Rhineland-Palatinate	1,036	1,032	938	1,076	917
Saarland	252	222	214	197	197
Saxony	968	966	905	810	719
Saxony-Anhalt	228	227	200	229	186
Schleswig-Holstein	465	462	463	502	508
Thuringia	536	559	514	519	535
Total	**47,362**	**48,155**	**47,389**	**48,493**	**47,779**

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*	2016			2017			Applications change from 2016 to 2017 in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
Bavaria	15,871	32.7	123	15,482	32.4	120	- 2.5
Baden-Württemberg	14,379	29.7	131	14,511	30.4	132	+ 0.9
North Rhine-Westphalia	7,073	14.6	40	7,209	15.1	40	+ 1.9
Lower Saxony	3,700	7.6	47	3,514	7.4	44	- 5.0
Hesse	1,938	4.0	31	1,925	4.0	31	- 0.7
Rhineland-Palatinate	1,076	2.2	26	917	1.9	23	- 14.8
Hamburg	790	1.6	44	770	1.6	43	- 2.5
Saxony	810	1.7	20	719	1.5	18	- 11.2
Berlin	830	1.7	23	714	1.5	20	- 14.0
Thuringia	519	1.1	24	535	1.1	25	+ 3.1
Schleswig-Holstein	502	1.0	17	508	1.1	18	+ 1.2
Brandenburg	331	0.7	13	328	0.7	13	- 0.9
Saarland	197	0.4	20	197	0.4	20	0.0
Saxony-Anhalt	229	0.5	10	186	0.4	8	- 18.8
Mecklenburg-Western Pomerania	105	0.2	7	135	0.3	8	+ 28.6
Bremen	143	0.3	21	129	0.3	19	- 9.8
Total	**48,493**	**100**	**59**	**47,779**	**100**	**58**	**- 1.5**

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)

	2013	2014	2015	2016	2017
Germany	47,362	48,155	47,389	48,493	47,779
Japan	4,440	5,338	6,424	6,839	7,274
USA	5,597	6,056	6,150	5,859	6,084
Republic of Korea	1,373	1,384	1,423	1,204	1,171
Switzerland	801	814	887	951	923
Austria	923	1,044	1,026	977	906
China	270	524	636	552	646
Taiwan	558	577	519	598	619
Sweden	305	327	527	517	464
France	205	237	259	270	237
Others	1,343	1,507	1,658	1,647	1,604
Total	**63,177**	**65,963**	**66,898**	**67,907**	**67,707**

1.8 National 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*	2013	2014	2015	2016	2017
Schleswig-Holstein, Hamburg	18	27	28	38	43
Lower Saxony, Bremen	50	49	63	56	76
North Rhine-Westphalia	78	70	92	103	120
Hesse	42	39	62	58	61
Rhineland-Palatinate, Saarland	17	12	13	14	11
Baden-Württemberg	79	75	93	71	63
Bavaria	71	87	83	78	69
Berlin	24	21	31	19	23
Brandenburg, Mecklenburg-Western Pomerania	47	44	55	28	37
Saxony	134	142	153	129	89
Saxony-Anhalt	23	25	29	34	31
Thuringia	39	45	40	43	45
Total	**622**	**636**	**742**	**671**	**668**

1.9 Breakdown of national patent applications from Germany (domestic) by filing activity of applicants (in %)

Percentage of applicants having filed	2013	2014	2015	2016	2017
one application	66.3	66.3	66.4	66.7	66.2
2 – 10 applications	29.8	29.7	29.2	29.0	29.3
11 – 100 applications	3.6	3.5	3.9	3.8	4.0
more than 100 applications	0.4	0.5	0.5	0.5	0.5
Total	**100**	**100**	**100**	**100**	**100**

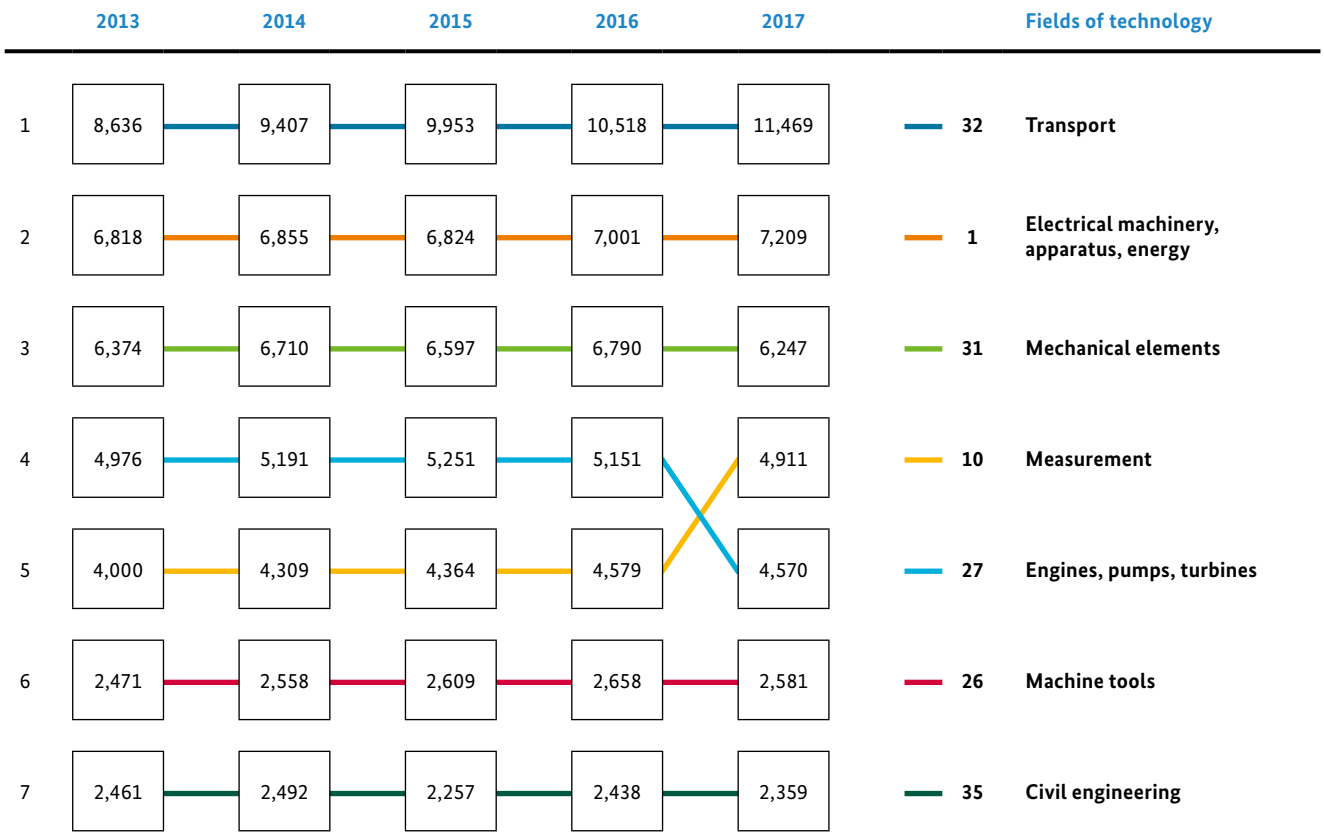
Percentage of applications by applicants having filed	2013	2014	2015	2016	2017
one application	14.1	13.8	13.5	13.0	12.6
2 – 10 applications	20.5	19.8	19.1	18.8	18.5
11 – 100 applications	21.3	19.6	21.0	20.2	20.3
more than 100 applications	44.2	46.8	46.4	48.0	48.5
Total	**100**	**100**	**100**	**100**	**100**

1.10 Opposition proceedings

Year	Oppositions received	Opposition proceedings concluded			Opposition proceedings pending at the end of the year[2]
		Total[1]	(of which) patent revoked	(of which) patent maintained or patent maintained in amended form	
2013	487	539	171	255	2,112
2014	257	531	165	255	1,841
2015	402	480	161	231	1,766
2016	416	459	126	256	1,724
2017	375	430	140	229	1,670

[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 2017
(National patent applications and PCT applications in the national phase)



[1] according to WIPO IPC 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 2017)

	Applicant	Principal place of business		Applications
1	Robert Bosch GmbH	DE		**4,038**
2	Schaeffler Technologies AG & Co. KG	DE		**2,383**
3	Ford Global Technologies, LLC		US	**2,047**
4	Bayerische Motoren Werke AG	DE		**1,776**
5	Daimler AG	DE		**1,588**
6	AUDI AG	DE		**1,266**
7	ZF Friedrichshafen AG	DE		**1,157**
8	GM Global Technology Operations LLC		US	**1,128**
9	VOLKSWAGEN AG	DE		**1,077**
10	Siemens AG	DE		**972**
11	Continental Automotive GmbH	DE		**542**
12	BSH Hausgeräte GmbH	DE		**533**
13	FANUC Corporation		JP	**527**
14	Toyota Jidosha K.K.		JP	**520**
15	Dr. Ing. h.c. F. Porsche AG	DE		**503**
16	Infineon Technologies AG	DE		**469**
17	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**411**
18	Miele & Cie. KG	DE		**351**
19	MAHLE International GmbH	DE		**329**
20	Hyundai Motor Company		KR	**322**
21	OSRAM Opto Semiconductors GmbH	DE		**315**
22	Taiwan Semiconductor Manufacturing Company Limited		TW	**290**
23	Henkel AG & Co. KGaA	DE		**285**
24	DENSO Corporation		JP	**282**
25	Continental Teves AG & Co. oHG	DE		**268**
26	Continental Reifen Deutschland GmbH	DE		**260**
27	Valeo Schalter und Sensoren GmbH	DE		**257**
28	KRONES AG	DE		**250**
29	Kia Motors Corporation		KR	**246**
30	Deutsches Zentrum für Luft- und Raumfahrt e. V.	DE		**243**
31	Carl Zeiss SMT GmbH	DE		**223**
32	ThyssenKrupp AG	DE		**216**
33	YAZAKI Corporation		JP	**211**
34	Shimano Inc.		JP	**187**
35	OSRAM GmbH	DE		**175**
36	Siemens Healthcare GmbH	DE		**172**
37	Airbus Operations GmbH	DE		**166**
38	Lisa Dräxlmaier GmbH	DE		**164**
38	Scania CV AB		SE	**164**
38	SEW-EURODRIVE GmbH & Co KG	DE		**164**
41	Voith Patent GmbH	DE		**163**
42	Mitsubishi Electric Corporation		JP	**161**
43	Panasonic Intellectual Property Management Co., Ltd.		JP	**154**
43	Vorwerk & Co. Interholding GmbH	DE		**154**
45	Koenig & Bauer AG	DE		**153**
46	Google LLC		US	**150**
47	Aktiebolaget SKF		SE	**149**
48	Huf Hülsbeck & Fürst GmbH & Co. KG	DE		**144**
49	FEV Europe GmbH	DE		**142**
50	MAN Truck & Bus AG	DE		**140**

2. Utility models and topographies
2.1 Utility models

Year	Filings				Procedures concluded		
	New applications	Domestic applications	Others[1]	Total	by registration	without registration	Total
2013	15,470	11,646	59	15,529	13,343	2,190	15,533
2014	14,741	10,945	56	14,797	13,082	2,061	15,143
2015	14,271	10,360	43	14,314	12,256	1,943	14,199
2016	14,030	10,099	22	14,052	12,441	1,887	14,328
2017	13,299	9,470	19	13,318	11,882	1,750	13,632

[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
2013	5,391	89,602	21,608	15,406
2014	5,042	87,450	20,296	15,262
2015	5,155	85,084	19,722	14,653
2016	4,882	83,117	20,241	14,438
2017	4,568	81,001	18,866	14,020

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			
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
2017	0	0	0	0	0	2	23

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

German *Länder*	2013	2014	2015	2016	2017
Baden-Württemberg	2,073	1,938	1,886	1,872	1,729
Bavaria	2,532	2,433	2,357	2,285	2,060
Berlin	399	368	335	300	321
Brandenburg	162	164	112	150	136
Bremen	60	58	47	52	52
Hamburg	195	190	194	158	154
Hesse	685	668	628	622	624
Mecklenburg-Western Pomerania	97	79	78	71	54
Lower Saxony	860	758	709	698	649
North Rhine-Westphalia	3,069	2,868	2,708	2,645	2,525
Rhineland-Palatinate	474	444	452	402	390
Saarland	103	83	73	72	72
Saxony	386	390	330	301	258
Saxony-Anhalt	110	128	120	128	100
Schleswig-Holstein	256	239	191	193	203
Thuringia	185	137	140	150	143
Total	**11,646**	**10,945**	**10,360**	**10,099**	**9,470**

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

German *Länder*	2016			2017			Applications change from 2016 to 2017 in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North-Rhine Westphalia	2,645	26.2	15	2,525	26.7	14	- 4.5
Bavaria	2,285	22.6	18	2,060	21.8	16	- 9.8
Baden-Württemberg	1,872	18.5	17	1,729	18.3	16	- 7.6
Lower Saxony	698	6.9	9	649	6.9	8	- 7.0
Hesse	622	6.2	10	624	6.6	10	+ 0.3
Rhineland-Palatinate	402	4.0	10	390	4.1	10	- 3.0
Berlin	300	3.0	8	321	3.4	9	+ 7.0
Saxony	301	3.0	7	258	2.7	6	- 14.3
Schleswig-Holstein	193	1.9	7	203	2.1	7	+ 5.2
Hamburg	158	1.6	9	154	1.6	9	- 2.5
Thuringia	150	1.5	7	143	1.5	7	- 4.7
Brandenburg	150	1.5	6	136	1.4	5	- 9.3
Saxony-Anhalt	128	1.3	6	100	1.1	4	- 21.9
Saarland	72	0.7	7	72	0.8	7	0.0
Mecklenburg-Western Pomerania	71	0.7	4	54	0.6	3	- 23.9
Bremen	52	0.5	8	52	0.5	8	0.0
Total	**10,099**	**100**	**12**	**9,470**	**100**	**11**	**- 6.2**

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	Domestic applications	for service marks			
2013	60,176	57,043	29,010	583	60,759	43,514
2014	66,614	63,004	32,330	417	67,031	47,993
2015	68,979	65,264	33,661	256	69,235	46,526
2016	69,395	65,325	34,004	378	69,773	52,196
2017	72,042	67,450	33,585	356	72,398	50,944

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

3.2 Opposition proceedings

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
2013	3,123	4,652	2,402	526	601
2014	2,833	4,235	2,157	516	581
2015	2,734	4,053	1,800	395	512
2016	3,261	4,856	2,048	445	623
2017	2,880	4,263	2,120	616	637

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
2013	38,776	30,400	789,748
2014	43,911	32,232	793,831
2015	43,008	34,218	797,352
2016	44,895	34,127	804,662
2017	44,123	35,215	811,478

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	
2013	4,524	4,473	107	405
2014	4,354	4,230	98	426
2015	4,520	4,425	127	388
2016	4,893	4,833	82	363
2017	4,686	4,636	81	323

[1] Not including requests for the extension of protection under Art. 3*ter*(2) Madrid Agreement; 318 requests for the extension of protection were received in 2017, and 329 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[2]	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			
2013	4,806	4,218	606	604	2,993	410	31
2014	4,065	3,559	302	553	2,638	303	19
2015	4,528	3,441	302	459	2,953	301	18
2016	3,467	3,044	380	415	2,577	192	14
2017	4,677	3,426	311	512	3,002	280	23

[2] 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*	2013	2014	2015	2016	2017
Baden-Württemberg	7,453	8,217	8,410	8,241	8,763
Bavaria	10,275	11,642	11,340	11,829	12,518
Berlin	4,254	5,030	5,054	5,241	5,334
Brandenburg	1,014	946	997	1,121	1,171
Bremen	456	479	545	522	585
Hamburg	3,168	3,338	3,610	3,570	3,382
Hesse	4,702	4,979	5,350	5,348	5,511
Mecklenburg-Western Pomerania	513	545	607	651	629
Lower Saxony	3,867	4,520	4,898	4,559	4,822
North Rhine-Westphalia	12,648	13,713	14,741	14,886	15,149
Rhineland-Palatinate	2,860	3,052	3,011	3,046	3,074
Saarland	454	558	714	564	617
Saxony	1,937	2,154	2,091	2,077	2,112
Saxony-Anhalt	809	714	717	690	645
Schleswig-Holstein	1,799	2,234	2,314	2,180	2,195
Thuringia	834	883	865	800	943
Total	**57,043**	**63,004**	**65,264**	**65,325**	**67,450**

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

German *Länder*	2016			2017			Applications change from 2016 to 2017 in %
	Applications	Percentage	Applications per 100,000 inhabitants	Applications	Percentage	Applications per 100,000 inhabitants	
North Rhine-Westphalia	14,886	22.8	83	15,149	22.5	85	+ 1.8
Bavaria	11,829	18.1	91	12,518	18.6	97	+ 5.8
Baden-Württemberg	8,241	12.6	75	8,763	13.0	80	+ 6.3
Hesse	5,348	8.2	86	5,511	8.2	89	+ 3.0
Berlin	5,241	8.0	147	5,334	7.9	149	+ 1.8
Lower Saxony	4,559	7.0	57	4,822	7.1	61	+ 5.8
Hamburg	3,570	5.5	197	3,382	5.0	187	- 5.3
Rhineland-Palatinate	3,046	4.7	75	3,074	4.6	76	+ 0.9
Schleswig-Holstein	2,180	3.3	76	2,195	3.3	76	+ 0.7
Saxony	2,077	3.2	51	2,112	3.1	52	+ 1.7
Brandenburg	1,121	1.7	45	1,171	1.7	47	+ 4.5
Thuringia	800	1.2	37	943	1.4	44	+ 17.9
Saxony-Anhalt	690	1.1	31	645	1.0	29	- 6.5
Mecklenburg-Western Pomerania	651	1.0	40	629	0.9	39	- 3.4
Saarland	564	0.9	57	617	0.9	62	+ 9.4
Bremen	522	0.8	77	585	0.9	86	+ 12.1
Total	**65,325**	**100**	**79**	**67,450**	**100**	**82**	**+ 3.3**

3.7 National trade mark applications by leading classes

Class		2016	2017	+/- in %
0	Not yet classified	189	133	- 29.6
1	Chemicals	713	830	+ 16.4
2	Paints, varnishes, lacquers	277	224	- 19.1
3	Cleaning preparations	1,656	1,921	+ 16.0
4	Industrial oils and greases, fuels	330	362	+ 9.7
5	Pharmaceutical preparations	2,129	2,146	+ 0.8
6	Common metals and goods of common metal	772	835	+ 8.2
7	Machines, motors and engines	1,562	1,509	- 3.4
8	Hand tools	303	371	+ 22.4
9	Electrical apparatus and instruments	4,816	5,127	+ 6.5
10	Medical apparatus and instruments	851	820	- 3.6
11	Heating, ventilation, sanitary installations	1,236	1,205	- 2.5
12	Vehicles	1,241	1,653	+ 33.2
13	Firearms	120	109	- 9.2
14	Jewellery, clocks and watches	778	852	+ 9.5
15	Musical instruments	99	122	+ 23.2
16	Office requisites, stationery	1,872	2,069	+ 10.5
17	Insulating materials, semi-finished goods	269	266	- 1.1
18	Goods made of leather	871	938	+ 7.7
19	Building materials (non-metallic)	589	671	+ 13.9
20	Furniture	1,345	1,431	+ 6.4
21	Household or kitchen utensils	624	878	+ 40.7
22	Ropes, string, sails	74	99	+ 33.8
23	Yarns and threads	35	31	- 11.4
24	Textiles, bed and table covers	354	402	+ 13.6
25	Clothing, footwear	3,187	3,473	+ 9.0
26	Lace, ribbon, buttons,trimmings	113	139	+ 23.0
27	Materials for covering floors, wall hangings	116	93	- 19.8
28	Games, sporting articles	832	1,106	+ 32.9
29	Food of animal origin	1,384	1,464	+ 5.8
30	Food of plant origin	2,268	2,300	+ 1.4
31	Agricultural and forestry products	761	647	- 15.0
32	Beers, non-alcoholic drinks	1,422	1,535	+ 7.9
33	Alcoholic beverages	1,610	1,874	+ 16.4
34	Tobacco, smoker's articles	593	822	+ 38.6
35	Advertising, business management	8,703	8,975	+ 3.1
36	Insurance	2,617	2,448	- 6.5
37	Building construction, repair	1,414	1,357	- 4.0
38	Telecommunications	1,050	946	- 9.9
39	Transport	1,368	1,481	+ 8.3
40	Treatment of materials	706	635	- 10.1
41	Education, sporting and cultural activities	8,529	8,424	- 1.2
42	Scientific and technological services	3,700	3,539	- 4.4
43	Providing food & drink, temp. accommodation	2,381	2,297	- 3.5
44	Medical services	2,509	2,557	+ 1.9
45	Legal services, security services	1,027	926	- 9.8

3.8 Top companies and institutions in terms of trade mark registrations in 2017 (registrations of trade marks pursuant to Section 41 Trade Mark Act)

	Proprietor	Principal place of business		Number
1	Bayerische Motoren Werke AG	DE		**91**
2	Merck KGaA	DE		**65**
3	Daimler AG	DE		**63**
4	liebeskummerpillen GmbH	DE		**60**
4	VOLKSWAGEN AG	DE		**60**
6	Bionorica SE	DE		**59**
7	AUDI AG	DE		**56**
8	Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V.	DE		**45**
9	Brillux GmbH & Co. KG	DE		**44**
9	Dermapharm AG	DE		**44**
11	Merz Pharma GmbH & Co. KGaA	DE		**42**
12	Nordbrand Nordhausen GmbH	DE		**41**
13	Autobahn Tank & Rast GmbH	DE		**40**
13	RTL Television GmbH	DE		**40**
13	Shenzhen Finejo Fashion Co., Ltd.		CN	**40**
16	VOX Television GmbH	DE		**33**
17	Henkel AG & Co. KGaA	DE		**31**
17	Shenzhen Sailvan Network Technology Co., Ltd.		CN	**31**
19	BSH Hausgeräte GmbH	DE		**30**
20	Billerbeck Betten-Union GmbH & Co. KG	DE		**28**
20	Caisley International GmbH	DE		**28**

4. Designs
4.1 Applications and procedures concluded

Year	Filings				Procedures concluded			
	Designs in multiple applications	Applications with one design	Total	Designs in domestic applications	by registration	domestic	without registration	Total
2013	54,639	2,305	56,944	46,847	51,921	41,867	5,809	57,730
2014	57,988	2,849	60,837	47,294	51,064	41,714	5,914	56,978
2015	55,316	2,701	58,017	47,195	49,944	38,506	4,488	54,432
2016	54,278	2,779	57,057	47,588	48,215	40,649	4,749	52,964
2017	41,322	2,975	44,297	38,068	47,168	39,700	5,868	53,036

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
2013	20,708	2,538	14,443	45,240	297,285
2014	24,567	2,756	14,255	42,671	305,678
2015	28,114	2,443	15,077	41,825	313,797
2016	32,208	2,929	15,279	48,603	313,409
2017	23,469	3,558	15,937	47,717	312,860

4.3 Designs (applied for) by German Länder

German *Länder*	2013	2014	2015	2016	2017
Baden-Württemberg	6,401	7,522	6,892	6,655	6,292
Bavaria	9,409	8,968	10,673	11,746	7,354
Berlin	2,469	2,233	2,721	2,165	1,477
Brandenburg	503	335	441	535	335
Bremen	242	189	246	251	224
Hamburg	1,287	1,496	1,323	1,216	895
Hesse	2,433	2,114	2,662	2,474	1,537
Mecklenburg-Western Pomerania	732	474	351	195	124
Lower Saxony	2,818	2,733	3,773	3,509	2,515
North Rhine-Westphalia	13,074	13,711	11,651	12,862	11,417
Rhineland-Palatinate	3,199	2,518	2,067	1,991	1,940
Saarland	296	529	361	326	168
Saxony	1,745	1,991	1,593	1,482	1,339
Saxony-Anhalt	439	577	279	367	619
Schleswig-Holstein	1,384	1,583	1,696	1,513	1,598
Thuringia	416	321	466	301	234
Total	**46,847**	**47,294**	**47,195**	**47,588**	**38,068**

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

German *Länder*	2016			2017			Applications change from 2016 to 2017 in %
	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	Designs applied for	Percentage	Designs filed per 100,000 inhabitants	
North Rhine-Westphalia	12,862	27.0	72	11,417	30.0	64	- 11.2
Bavaria	11,746	24.7	91	7,354	19.3	57	- 37.4
Baden-Württemberg	6,655	14.0	61	6,292	16.5	57	- 5.5
Lower Saxony	3,509	7.4	44	2,515	6.6	32	- 28.3
Rhineland-Palatinate	1,991	4.2	49	1,940	5.1	48	- 2.6
Schleswig-Holstein	1,513	3.2	52	1,598	4.2	55	+ 5.6
Hesse	2,474	5.2	40	1,537	4.0	25	- 37.9
Berlin	2,165	4.5	61	1,477	3.9	41	- 31.8
Saxony	1,482	3.1	36	1,339	3.5	33	- 9.6
Hamburg	1,216	2.6	67	895	2.4	49	- 26.4
Saxony-Anhalt	367	0.8	16	619	1.6	28	+ 68.7
Brandenburg	535	1.1	21	335	0.9	13	- 37.4
Thuringia	301	0.6	14	234	0.6	11	- 22.3
Bremen	251	0.5	37	224	0.6	33	- 10.8
Saarland	326	0.7	33	168	0.4	17	- 48.5
Mecklenburg-Western Pomerania	195	0.4	12	124	0.3	8	- 36.4
Total	**47,588**	**100**	**58**	**38,068**	**100**	**46**	**- 20.0**

4.5 Top companies and institutions in terms of designs applied for at the DPMA in 2017 (without partnerships organised under the Civil Code)

	Applicant	Principal place of business		Number of designs
1	Miroglio Textile S.r.l.		IT	**3,900**
2	Betty Barclay Group GmbH & Co. KG	DE		**1,010**
3	H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbH	DE		**727**
4	Buena Vista Modevertriebs GmbH & Co. KG	DE		**659**
5	AstorMueller AG		CH	**570**
6	The House of Art GmbH	DE		**537**
7	OLYMP Bezner KG	DE		**520**
8	Goebel Porzellan GmbH	DE		**458**
9	Albani Group GmbH & Co. KG	DE		**451**
10	BRE-Light GmbH	DE		**399**
11	WOFI LEUCHTEN Wortmann & Filz GmbH	DE		**386**
12	InnoTex Merkel & Rau GmbH	DE		**381**
13	Räder GmbH	DE		**348**
14	Innostyle-Möbelvertriebs GmbH & Co. KG	DE		**346**
15	GEMINI Schuhproduktions- und Vertriebs GmbH	DE		**342**
16	Nova Via Polstermöbel GmbH	DE		**324**
17	monari GmbH	DE		**318**
18	GRADA-TEXTIL GmbH	DE		**299**
19	DRAGIMEX Handels-AG	DE		**298**
20	Dr. Ing. h.c. F. Porsche AG	DE		**294**
21	Kösener Spielzeug Manufaktur GmbH	DE		**282**
22	SHOE CONZEPT Handels GmbH	DE		**273**
23	ADG Apotheken-Dienstleistungsgesellschaft mbH	DE		**262**
24	VOLKSWAGEN AG	DE		**260**
25	Gräf Granit GmbH	DE		**250**
26	Think Schuhwerk GmbH		AT	**246**
27	BTV Batovi Handels- & Vertriebs UG (haftungsbeschränkt) & Co. KG	DE		**240**
28	North Group Germany GmbH	DE		**237**
29	Koinor Polstermöbel GmbH & Co. KG	DE		**229**
30	Bayerische Motoren Werke AG	DE		**222**
31	Natursteinwerk Max Böse GmbH	DE		**212**
32	Paul Green GmbH		AT	**204**
33	Franz Schröder GmbH & Co. KG	DE		**203**
34	BGM MODE - ACCESSOIRES GmbH	DE		**196**
35	Alfons Venjakob GmbH & Co. KG	DE		**152**
36	K+W Polstermöbel GmbH + Co. KG	DE		**148**
37	3 S Frankenmöbel Vertriebs-GmbH	DE		**140**
38	Enders Colsman AG	DE		**137**
38	VOJD GmbH	DE		**137**
40	JOB-Jockenhöfer Order Börse GmbH	DE		**132**
41	Ploß & Co. GmbH	DE		**122**
42	hansen - naturstein GmbH	DE		**121**
42	Paket 24 GmbH	DE		**121**
44	F & R Haustürfüllungen GmbH	DE		**118**
44	Schuh-Import und Export GERLI GmbH	DE		**118**
46	GM Global Technology Operations LLC		US	**116**
46	Turcoe GmbH	DE		**116**
48	L-Conzept GmbH & Co. KG	DE		**113**
48	SMC Corporation		JP	**113**
50	Paul Hettich GmbH & Co. KG	DE		**111**

5. Register of anonymous and pseudonymous works

Year	Works in respect of which the author's true name was filed for registration	Applicants[1]	Works in respect of which the author's true name		Works in respect of which an application procedure was still pending at the end of the year
			was registered	was not registered	
2013	7	3	5	5	1
2014	8	8	2	5	2
2015	3	2	3	2	0
2016	3	3	1	2	0
2017	0	0	0	0	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 as members of the German Chamber of Patent Attorneys (Sec. 20 Act on the Activities of European Patent Attorneys in Germany)[1]	Patent attorney companies[1]
	Entered in register	Cancellations	Registered at the end of the year		
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
2017	183	51	3,762	29	21

[1] Figures supplied courtesy of the German Chamber of Patent Attorneys

Year	Qualifying examination		General powers of attorney		
	Number of examinees	Successful candidates	entered in the register	cancelled	registered at the end of the year
2013	205	200	974	233	30,783
2014	185	178	766	57	31,492
2015	157	150	733	105	32,120
2016	160	155	792	88	32,824
2017	189	183	847	683	32,988

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