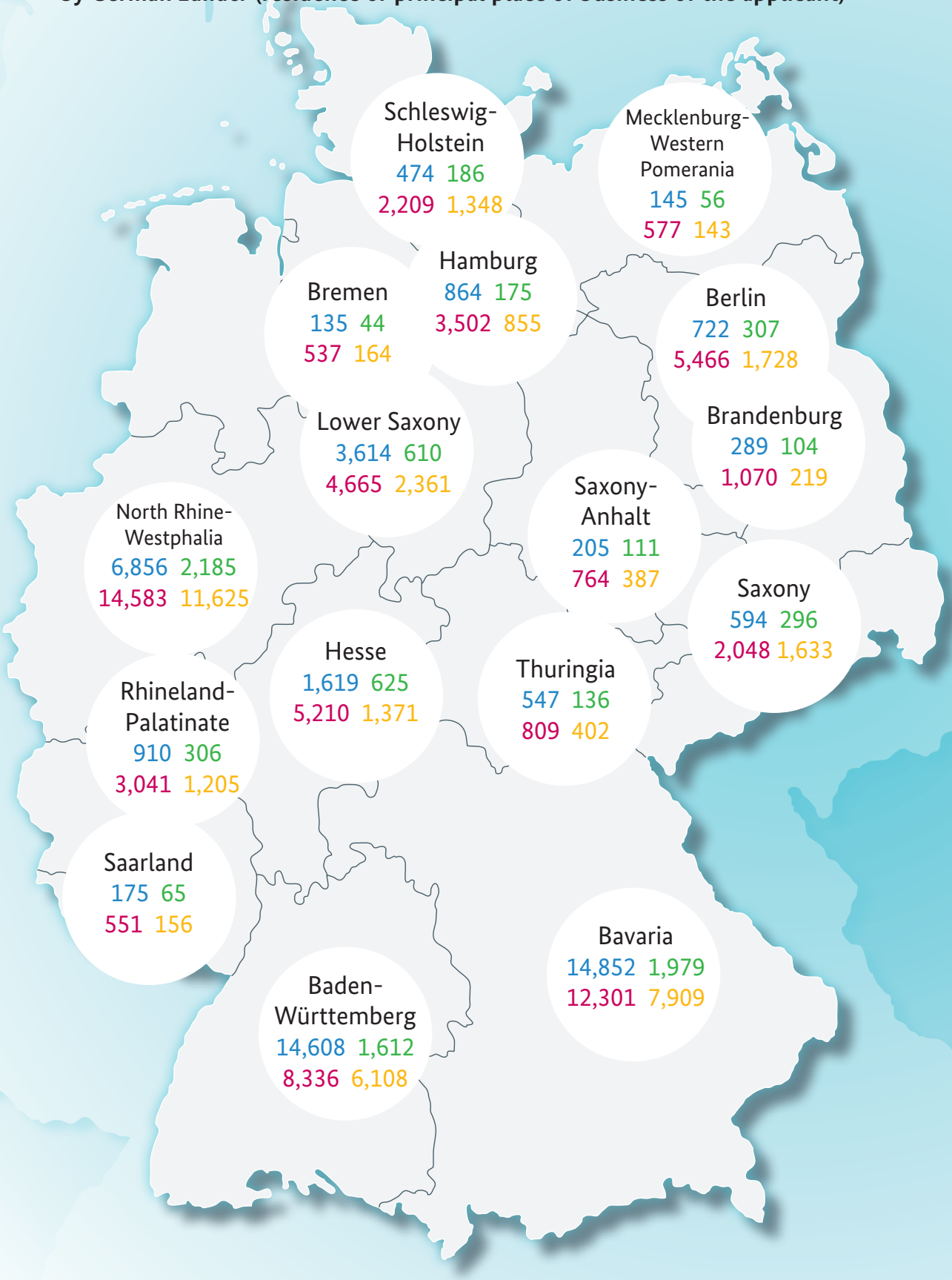
German Patent
and Trade Mark Office

# Annual Report 2018



# Applications in 2018

**Applications for patents, utility models, trade marks and designs, by German *Länder* (residence or principal place of business of the applicant)**



# IP rights in figures

## INFO Patents

**129,461**
*Patents in force on 31/12/2018*

**Ø 3.1 years** (avg.)
*Duration of the procedure from examination request to grant*[1]

**38,087**
*Patent examination procedures concluded*

**16,368**
*Patent grants published*

## INFO Utility models

**79,301**
*Utility models in force on 31/12/2018*

**Ø 4.3 months** (avg.)
*Duration of the utility model registration procedure*

**12,911**
*Utility model procedures concluded*

**11,295**
*Registrations*

## INFO Trade Marks

**815,589**
*Trade marks in force on 31/12/2018*

**Ø 2.0 months** (avg.)
*Duration of the trade mark registration procedure*
*regular*
*accelerated: 1.5 months*

**71,507**
*Trade mark procedures concluded*

**50,565**
*Registrations*

## INFO Designs

**314,068**
*Designs in force on 31/12/2018*

**Ø 5.9 months** (avg.)
*Duration of the design registration procedure*

**7,245**
*Design procedures concluded for a total of 53,216 designs*[2]

**6,222**
*Registrations for a total of 47,647 designs*[2]

[1] provided examination request filed within four months and no request for extension of time limit

[2] A multiple application may contain up to 100 designs.

# Contents


2 Tasks and organisation

## 4 Patents

8 *IN FOCUS:* Selected fields of technology

12 *50 YEARS AGO:* Kevlar® – a fibre stronger than steel

13 *BRIEFLY EXPLAINED:* Global Innovation Index and Global Competitiveness Report

15 ***70 YEARS AGO:*** **First iENA inventors' fair**

## 16 Utility Models

20 *IN FOCUS:* **Ingenious women**

## 22 Trade Marks

26 *IN FOCUS:* Trade mark examination

28 *100 YEARS AGO:* Trade mark take-off for the Lufthansa crane

29 *BRIEFLY EXPLAINED:* Trade mark search

30 Indications of geographical origin

## 32 Designs

35 ***20 YEARS AGO:*** **The Jena Sub-Office was opened**

## 37 Administration and Law

37 At a glance

40 *INTERVIEWS:* Interview with Nadja Amendt and Claudia Waas

42 International Cooperation

47 *BRIEFLY EXPLAINED:* Data Protection at the DPMA

48 Patent attorney training

50 Supervision under the CMO Act

52 ***25 YEARS AGO:*** **Opening of the DPMA's Hauzenberg office**

54 Arbitration boards at the German Patent and Trade Mark Office

58 *IN FOCUS:* **Our central, uniform complaints management**

59 News from IT Services

62 National cooperation partners

65 *BRIEFLY EXPLAINED:* Central bureau of intellectual property rights of the customs services

67 **Events in 2018**

## 72 Our strategy, our projects

74 *IN FOCUS:* DPMA under the umbrella of the High-Tech Strategy 2025

77 *INSIDE:* The DPMA's contribution to e-government

79 *OUR PROJECT:* Introduction of the electronic invoice

80 Inventor and innovation awards

84 *INTERVIEWS:* Interview with former Vice-President Günther Schmitz

86 **A glance at 2019**

## 89 Statistics

Dear Reader,



Innovative thought and action always requires courage, the courage to try something new, to challenge the old ways of thinking and to develop new approaches to meet changing requirements. You as innovators in a wide variety of fields know this of course. At the DPMA, too, we are constantly treading new paths, often taking courageous routes: We digitise our work processes and steadily improve our services, we support our staff with new and flexible working models such as the "tandem leadership", we have a holistic strategic concept, which we are developing further. We do not shy away from criticism – on the contrary: Our central complaints management, introduced in 2018, is constantly providing us with important information to help us identify where there is room for improvement. Had it been otherwise, we at the DPMA would probably not have achieved many of our goals in 2018 and would not have been able to enjoy many a success. I hope I have been able to make it clear to you: As the federal agency responsible for the protection of innovation, we value courage just as much as it is valued by innovators, whom we count among our customers thanks to their groundbreaking achievements in research and development and their innovative creativity.

With about 200,000 innovations applied for at the DPMA, that means patents, trade marks, utility models and designs, the past year was extremely work-intensive for us. For example, if we look at the patent area, the number of concluded examination procedures is the highest in twelve years: 38,087. This corresponds to an average of 153 concluded procedures per working day. Through a substantial increase in staff, including more than 170 additional patent examiners, we intend to significantly reduce processing times in the medium term. Of course at a high quality level, which for us is the key to the exploitation of promising innovations. The major recruitment campaign is continuing at full speed in 2019, too.

I would also like to draw your attention to an important date: A good 40 years ago, on 24 January 1978, the Patent Cooperation Treaty, or PCT for short, entered into force in the Federal Republic of Germany. Why do I mention it here? Because thanks to this globally effective achievement in international intellectual property protection, we can announce a special success for our 2018 reporting year: Seldom before have German patents been so sought-after abroad. We are pleased to report a significant increase of 16%, compared to the previous year, in the number of PCT applications from abroad which entered the national phase at the DPMA in 2018. The USA, our second most active foreign applicant after Japan, even recorded an increase of 26%.

We are delighted to report on numerous innovations and developments at the DPMA in this 2018 Annual Report. As you read through it, I hope you will discover many interesting facts.

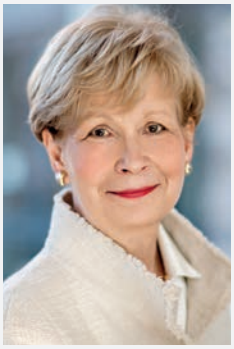
Yours sincerely,

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

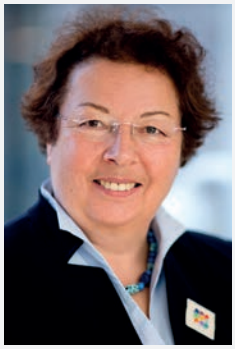
# Tasks and organisation

## The German Patent and Trade Mark Office: First-hand service and quality.

Our staff are able to very closely witness the "Land of Ideas" on a daily basis. It is the ideas of our customers who consciously choose the German Patent and Trade Mark Office (DPMA) to protect their know-how. This is because effective action against plagiarism and counterfeiting is possible, above all, on the basis of IP rights: Patents, utility models, trade marks and designs effectively protect intellectual property – be it a technical invention, a creative trade mark or the colours and shapes of a new product.



**President**
Cornelia Rudloff-Schäffer



**Vice-President**
Christine Moosbauer



**Vice-President**
Ulrich Deffaa
*since 1 January 2019*

The DPMA is the German centre of expertise for patents, trade marks and the like and operates within the portfolio of the Federal Ministry of Justice and Consumer Protection.

We grant patents, register utility models, trade marks and designs and manage these rights. Furthermore, we inform the public about industrial property rights. With more than 2,600 staff in more than 100 working entities, the DPMA is based at four locations:

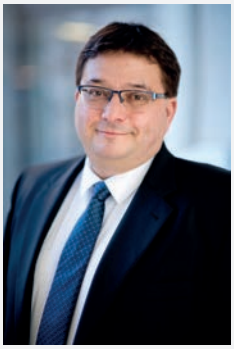
→ **Munich**
DPMA headquarters including senior management, administration as well as patent, trade mark and utility model divisions

→ **Jena**
Sub-office with administrative units, the Design Division and another trade mark division

→ **Berlin**
DPMA Information and Service Centre (IDZ)

→ **Hauzenberg**
Branch office with several teams for provision of information and in Customer Care and Services

- Press and Public Relations
- International Affairs *since 1 March 2019*
- Internal Communication, Key Support to Senior Management, Strategic Management
- Central Controlling, Cost/Performance Accounting, Quality Management, Strategic Business Process 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)



**Directorate General 1**
**Patents and Utility Models**
Bernd Maile
*since 1 January 2019*



**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

## In organisational terms, the DPMA is divided into four Directorates General:

**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
- Utility model and topography division
- Patent and utility model administration

**Directorate General 2 – Information**
- Information services for the public and internal information services: database search, library, classification systems, Customer Care and Services, Internet editorial office
- Support of the 20 German patent information centres
- Operation and further development of all information technologies of the DPMA

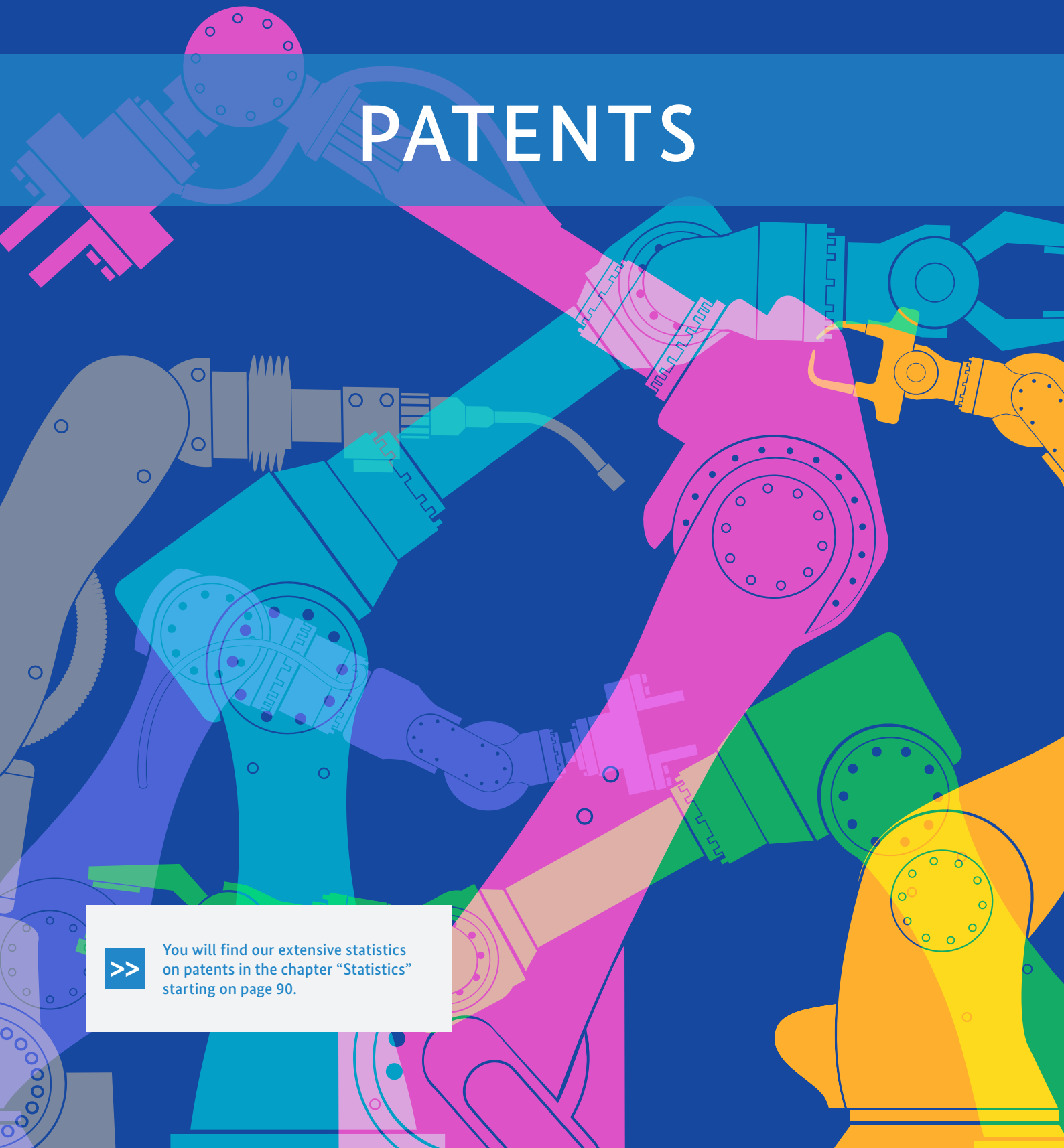
**Directorate General 3 – Trade Marks and Designs**
- 13 teams in three divisions for trade mark examination
- Trade mark cancellation division
- Design Division with Design Unit

**Directorate General 4 – Administration and Law**
- 19 specialist areas in four divisions, workplace health management
- All administrative tasks, including personnel and facility management, organisation as well as budget and legal affairs
- Patent attorneys and other agents as well as supervision of collective management organisations under the Act on Collective Management Organisations *(Verwertungsgesellschaftengesetz)*

**Organisation Chart**

www.dpma.de/dpma.de/english/our_office/about_us/organisation

# PATENTS



You will find our extensive statistics on patents in the chapter “Statistics” starting on page 90.

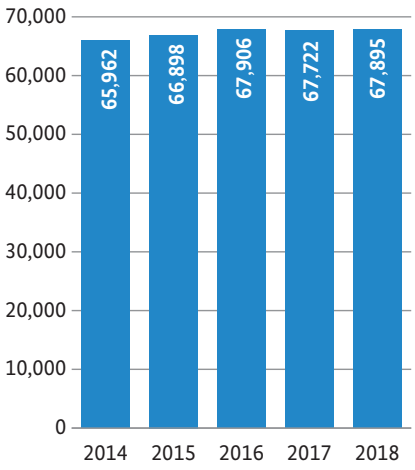
## Development of patent applications

The need of companies and developers to seek patent protection for technical innovations continued unabated in 2018. With 67,895 registered patent applications, the number of applications was well over 67,000 for the third year in a row. Of all registered patent applications, 60,868 were filed directly with our office last year. 7,027 applications entered the national phase at our office under the Patent Cooperation Treaty (PCT).

The number of patent applications that have been filed "analogously" on paper is steadily declining. The majority of our customers now make use of the attractive option of a direct electronic application. With 85.2%, the DPMA again saw a record proportion of online patent applications.

129,461 patents were in force at the end of 2018.

*Patent applications at the German Patent and Trade Mark Office*




## Origin of patent applications

46,609 applications in 2018 came from applicants having their domicile or principal place of business in Germany: a slight decrease of 2.5% compared to the previous year (2017: 47,791). Thus, 68.6% of applications came from Germany. The number of patent applications from abroad rose to 21,286, 6.8% more than in the previous year (2017: 19,931).

While applications from China fell significantly (-24.0%), we observed an increase of between ten and twelve per cent each for applications from Japan, the USA, the Republic of Korea and Taiwan. Although the number of applications from the United Kingdom and France remained below 400 in absolute terms, the growth rates, compared to the previous year, were substantial: 76.7% for applications from the United Kingdom and 40.8% for applications from France.

*Patent applications 2018 by countries of origin (national applications at the DPMA and PCT applications in the national phase)*

| | Applications | Percentage |
|---|---|---|
| Germany | 46,609 | 68.6 |
| Japan | 8,013 | 11.8 |
| USA | 6,669 | 9.8 |
| Republic of Korea | 1,313 | 1.9 |
| Switzerland | 813 | 1.2 |
| Austria | 777 | 1.1 |
| Taiwan | 687 | 1.0 |
| China | 491 | 0.7 |
| Sweden | 393 | 0.6 |
| United Kingdom | 371 | 0.5 |
| Others | 1,759 | 2.6 |
| **Total** | **67,895** | **100** |

In 2018, 3,589 applications came from other European countries (2017: 3,655) and 17,697 from non-European countries (2017: 16,276).

## Patent applications by German *Länder*

46,609 applications in 2018 came from applicants having their domicile or principal place of business in Germany. These can be allocated to the individual German *Länder* according to the residence of the person filing the application or the principal place of business of the company or institution.

With 14,852, the highest number of applications again came from Bavaria. This corresponds to 31.9% of all domestic applications. As in the previous year, Baden-Württemberg followed closely behind in second place with 14,608 patent applications or 31.3% of all domestic applications. At 6,856, or 14.7%, North Rhine-Westphalia again came in third. That means that, in 2018, more than three-quarters of all applications came from these three *Länder*.

If you look at the filing figures in relation to the respective size of the population of the German *Länder*, a clear picture emerges: Baden-Württemberg and Bavaria were clearly in the lead, with Baden-Württemberg coming top with 133 applications per 100,000 inhabitants.

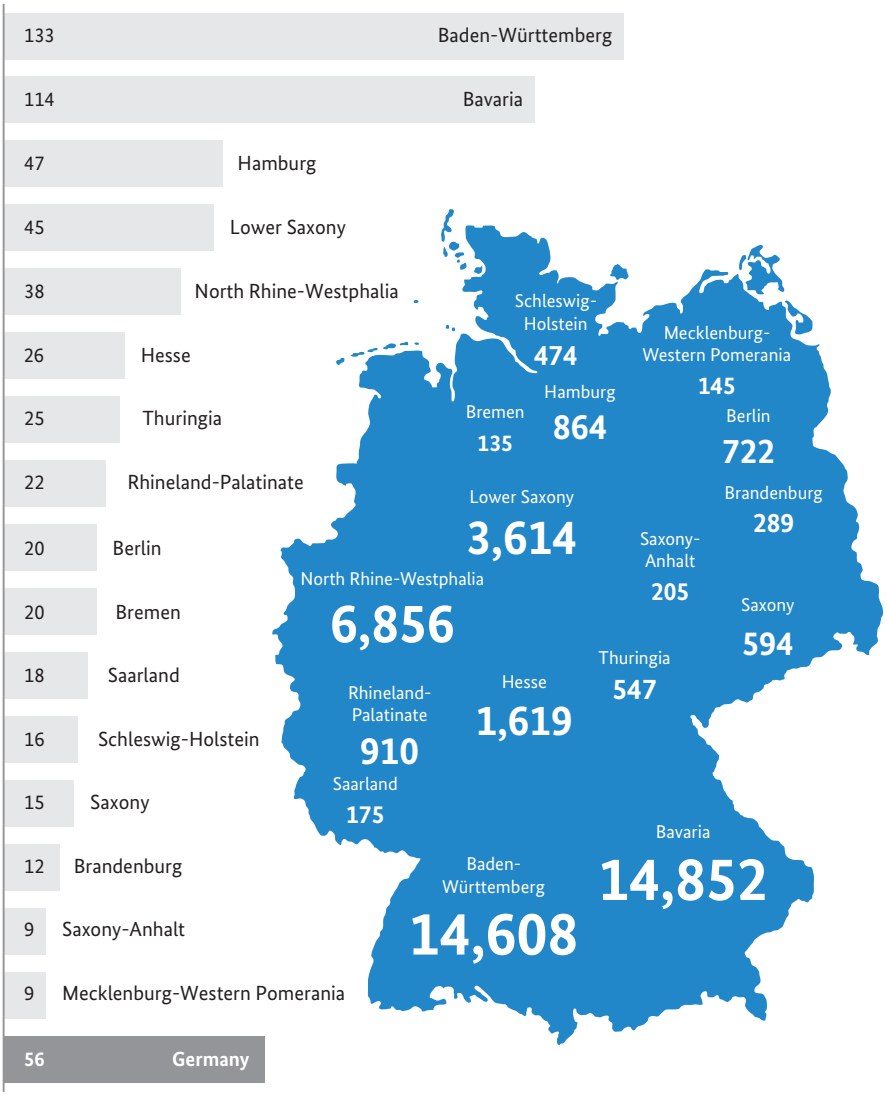
## The most active companies and institutions

The top three positions of the most active companies and institutions have remained unchanged from the previous year. With 4,230 applications, or an increase of 4.8%, Robert Bosch GmbH again leads the ranking. It is followed by Schaeffler Technologies AG & Co. KG with 2,417 applications (+1.4%) in second place and Ford Global Technologies, LLC with 1,921 applications (-6.2%) in third place. Bayerische Motoren Werke AG and Daimler AG come next in the ranking.

Substantial increases of 21.1% were recorded for VOLKSWAGEN AG (rank 6), of 12.3% for GM Global Technology Operations LLC (rank 7) and of 9.1% for ZF Friedrichshafen AG (rank 8). The individual companies and institutions are shown in the form in which they are recorded as patent applicants – possible interlinking of business enterprises is not taken into consideration.

## Inventors and applicants

Last year, the group of large patent applicants, each filing more than ten applications per year at the DPMA, made up 4.7% of all applicants (2017: 4.5%). Applications from this group of large patent applicants accounted for 70.2% (2017: 68.9%) of the total.




*Patent applications by German Länder in 2018*
*(applications per 100,000 inhabitants and number of applications)*

The inventor must be named in a patent application in addition to the applicant. Since only natural persons may be named as inventors, the applicant and the inventor cannot be identical in the case of a patent application filed by a company. However, in the case of self-employed inventors or employees with released inventions, the applicant and inventor are usually identical. In 2018, the applicant and inventor were identical for 5.5% of the applications.

## Main technical areas of patent activity

The International Patent Classification (IPC) is a system for classifying technological content. A number-and-letter code organises the entire field of technology in more than 70,000 units. We attribute every patent application to one or several classes of the IPC according to its technical content and thus forward it to the patent examiners in charge.

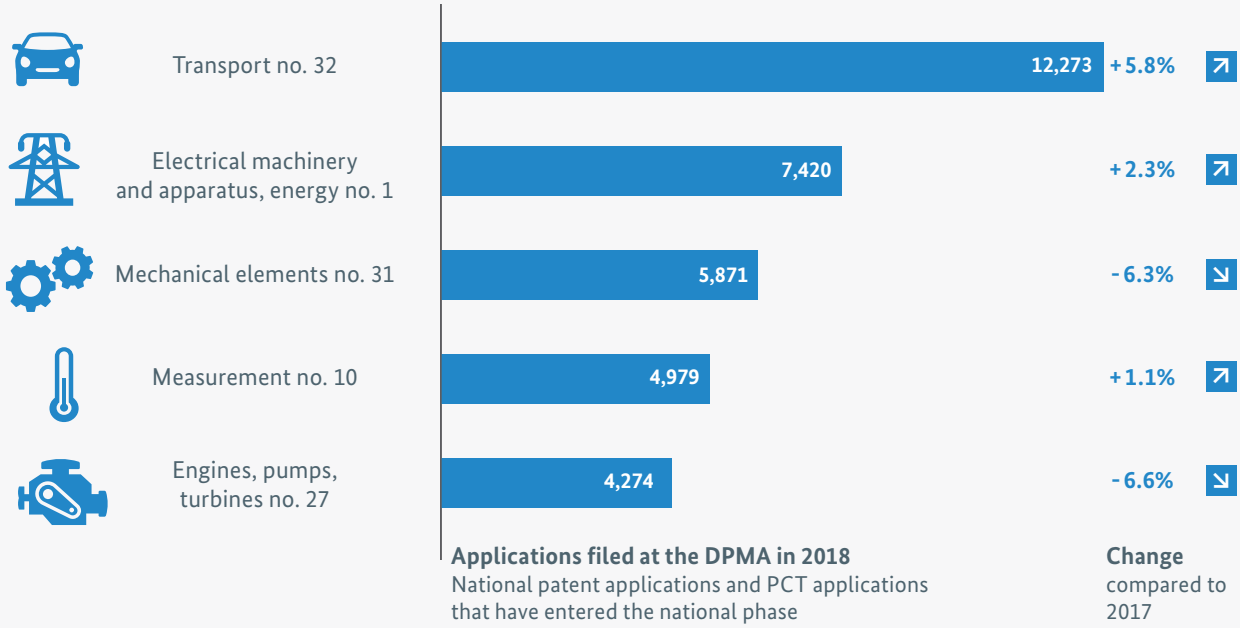
In 2018, as in previous years, the technology field "Transport" from the sector "Mechanical Engineering" came top in terms of application figures. With 12,273 applications, it saw an increase of 5.8% compared to the previous year.

## Selected data on patent examination

In 2018, the number of examination requests received was 46,979, only a slight decline compared to 2017 (-0.9%). The number of search requests pursuant to Section 43 of the Patent Act *(Patentgesetz)* also remained almost constant (-0.6%).

38,087 examination procedures were completed in 2018, an increase of 3.4% compared to the previous year. 14,240 searches under Section 43 of the Patent Act, which are referred to as "isolated searches", were completed, down by 2.3% on 2017.

## TOP 5 Fields of technology *




### Patent applications in the examination procedure

In 2018, 46,065 examination procedures were validly initiated – a slight decrease of 0.8% compared to the previous year.

The Examining Section in charge conducts a thorough and comprehensive search to identify the state of the art relevant for the examination. The state of the art identified will be assessed to determine during examination whether the subject matter of the application is new and involves an inventive step. The patent examiner also assesses whether the subject matter of the application meets the required criteria of "reproducibility" and "industrial applicability". Finally, the Examining Section decides whether to grant the patent or refuse the application.

Of the examination procedures completed in 2018, 16,368 or 43.0% were concluded by granting a patent. 13,344 (35.0%) of the examination procedures ended because the applicant withdrew the application or because fees had not been paid. Examination procedures concluded by a refusal amounted to 8,375, i.e. 22.0% of all completed examination procedures.

We are still making every effort to reduce the number of pending examination procedures.

### Appeal proceedings at the Federal Patent Court

The Technical Boards of Appeal of the Federal Patent Court decide, among other things, on appeals against decisions of our Examining Sections, i.e. the grant of a patent or the refusal of an application. In 2018, 370 appeal proceedings were received by the Technical Boards of Appeal: a decrease of 3.6% compared to the previous year. The number of concluded appeal proceedings also fell to 474 (-13%).

At the end of 2018, 844 appeal proceedings were still pending.

*Selected data on patent procedures*

| | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Examination requests received | 43,372 | 44,680 | 45,610 | 47,422 | 46,979 |
| including requests filed together with applications | 24,507 | 25,683 | 26,382 | 26,538 | 26,173 |
| Search requests pursuant to Sec. 43 Patent Act | 13,727 | 13,599 | 14,970 | 15,603 | 15,505 |
| Concluded searches pursuant to Sec. 43 Patent Act | 12,093 | 12,616 | 13,279 | 14,575 | 14,240 |
| Examination procedures concluded (final) | 35,000 | 33,570 | 35,831 | 36,827 | 38,087 |
| Examination procedures not yet concluded in the patent divisions at the end of the year | 181,749 | 192,437 | 201,655 | 211,719 | 220,069 |

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

# IN FOCUS

## Selected fields of technology

### Automotive technology/transport

In the year of application 2018, transport once again defended its leading position among the technology fields in terms of the number of applications. With 12,273 patent applications, the filing figures rose by 5.8% compared to the previous year. As before, most of these applications still come from major car manufacturers and internationally active component suppliers to the automotive industry.

### Internal combustion engine

The number of patent applications in the field of internal combustion engines fell slightly compared to the previous year (-4.5%).

Modern combustion engines are complex mechatronic units with an ever-increasing range of functions. As in previous years, applications continued to focus on designing engines that are cost-effective and operate at optimal efficiency. In this context, the removal of nitric oxides from exhaust gases of diesel engines is an important issue. The aftertreatment of exhaust gases with the aid of urea reducing agents is a process referred to as SCR process (SCR – Selective Catalytic Reduction). The developments in this field cover processes using the interaction with other catalysts but also peripheral devices such as tanks, pipes, nozzles and pumps.

In addition to reducing exhaust emissions and increasing efficiency, the focus is also on improving noise levels and driving comfort.

### Hybrid drive

Vehicles with hybrid drives have several (usually two) types of drive. They use, for example, electric motors in combination with internal combustion engines. During operation of a hybrid vehicle, the different drives are either used together or alternately as required.

With over 3,100 patent applications, the figures relating to hybrid drives remain at a high level. It is noteworthy that the number of applications has more than tripled over the last ten years.

For hybrid drives, developments continue to focus on how to achieve maximum energy efficiency. Some also concentrate on controls used to switch the internal combustion engine on and off efficiently. In addition, the applicants are also very interested in a comfortable and efficient battery charging management for what is called plug-in hybrids, which can be plugged directly into the mains to recharge their energy stores.

### Electric drive

The total number of applications for pure electric vehicles also saw a slight increase of 5.3% in the publication year 2018 compared to the previous year. In this field, too, there has been a three- to four-fold increase in the number of applications over the past ten years.

The focus of applications still is on a simple, cost-effective and space-saving arrangement of the electric drive unit to improve driving comfort.

Developments concerning electrical storage media are also relevant. On the one hand, a weight-saving, space-optimised and crash-proof arrangement of the batteries is important in this context; on the other hand, energy management and control play an important role in driving and braking.

>> A chart on page 10 shows the development of patent applications from 2008 to 2018.

*Patent applications effective in 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 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|---|---|
| Germany | 2,070 | 1,781 | 1,880 | 1,848 | 1,833 | 2,108 | 1,909 |
| USA | 696 | 651 | 788 | 785 | 830 | 703 | 723 |
| Japan | 759 | 892 | 817 | 813 | 984 | 735 | 760 |
| Republic of Korea | 91 | 100 | 95 | 133 | 152 | 187 | 131 |
| France | 107 | 123 | 113 | 108 | 108 | 111 | 96 |
| China | 10 | 8 | 13 | 15 | 13 | 18 | 11 |
| **Total** | **4,039** | **3,889** | **4,019** | **4,092** | **4,305** | **4,244** | **4,052** |

## Hybrid drives[1, 3]

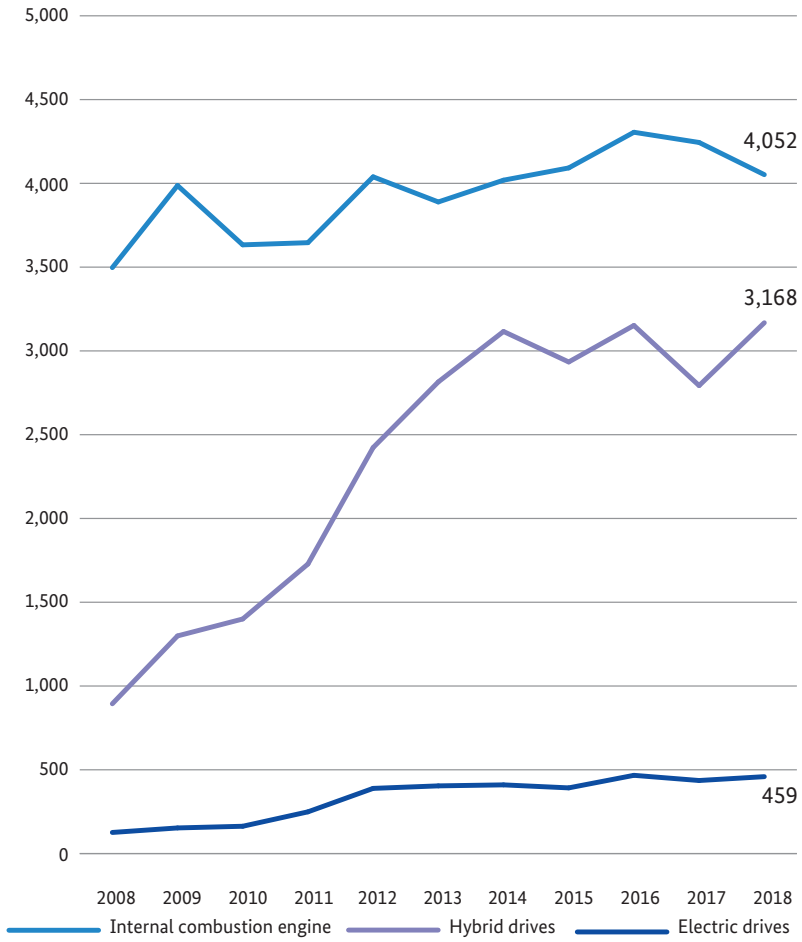
| Country of origin / publication year | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|---|---|
| Germany | 930 | 1,088 | 1,153 | 1,000 | 1,108 | 1,085 | 1,142 |
| USA | 483 | 494 | 511 | 589 | 536 | 508 | 679 |
| Japan | 631 | 741 | 838 | 697 | 815 | 616 | 734 |
| Republic of Korea | 247 | 451 | 618 | 458 | 427 | 378 | 404 |
| France | 58 | 68 | 65 | 75 | 86 | 58 | 49 |
| China | 13 | 8 | 3 | 13 | 34 | 25 | 44 |
| **Total** | **2,423** | **2,815** | **3,116** | **2,934** | **3,152** | **2,793** | **3,168** |

## Electric drives[1, 4]

| Country of origin / publication year | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|---|---|
| Germany | 147 | 137 | 116 | 101 | 148 | 170 | 178 |
| USA | 50 | 64 | 50 | 71 | 73 | 72 | 90 |
| Japan | 114 | 112 | 134 | 94 | 121 | 91 | 89 |
| Republic of Korea | 15 | 20 | 32 | 49 | 41 | 26 | 21 |
| France | 27 | 21 | 31 | 24 | 24 | 21 | 21 |
| China | 0 | 3 | 2 | 1 | 8 | 6 | 6 |
| **Total** | **389** | **404** | **410** | **392** | **467** | **436** | **459** |

[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

*Patent applications in selected fields of automotive technology (applications published)*




## Digitisation

Digitisation is now to be found almost everywhere: in industry, science and daily life. It means the conversion of analogue processes or contents into digital formats. Of course, this development is also becoming noticeable in patent applications. In the core areas of digital technologies – communication technology, audio-visual technology, data processing methods for business purposes and semiconductors – the number of applications has increased overall in recent years and remained at a consistently high level in 2018 with 21,050 patent applications in total. The group of applicants in this field is quite heterogeneous: Large, internationally active companies as well as medium-sized and small enterprises play an important role. An increasing number of applications also come from car manufacturers in these areas.

## Communication technology

With a total of 10,902 applications, communication technology is again the largest of the four core areas, as in the previous years.

The main focus here is on the transmission of digital information and wireless communication networks. In respect of incoming patent applications, an increasingly important role is being played by what has become known as the Internet of Things (IoT), through which machines, control devices and sensors communicate with each other. Whether remote-controlled coordination of lighting and air conditioning in the home with "smart home" or intelligent production control on an industrial scale with "smart factory": The trend is clearly towards highly networked systems.

## Audio-visual technology

Audio-visual technology includes arrangements and circuits for controlling display units, television systems or stereophones.

Patent applications continue to show a trend towards technologies to create computer-generated realities. Three-dimensional images and sound are used to generate what is known as virtual reality (VR), or audio-visual information is superimposed on the physical world in what is known as augmented reality (AR). These developments not only affect the entertainment sector, but also, for example, applications used in vehicle navigation or simulation of surgical interventions.

## Data processing methods for business purposes

The ever larger amounts of data (big data) generated by increasing networking must be transmitted, processed, managed and stored using suitable data processing methods. The trend areas of application for data processing methods are, for example, industrial manufacturing (4IR), autonomous delivery systems (with robots, drones and the like) and mobility (autonomous driving, car sharing).

Cloud computing is now relevant in virtually all business sectors. This form of data processing provides servers, storage facilities, databases and analysis options via the Internet.

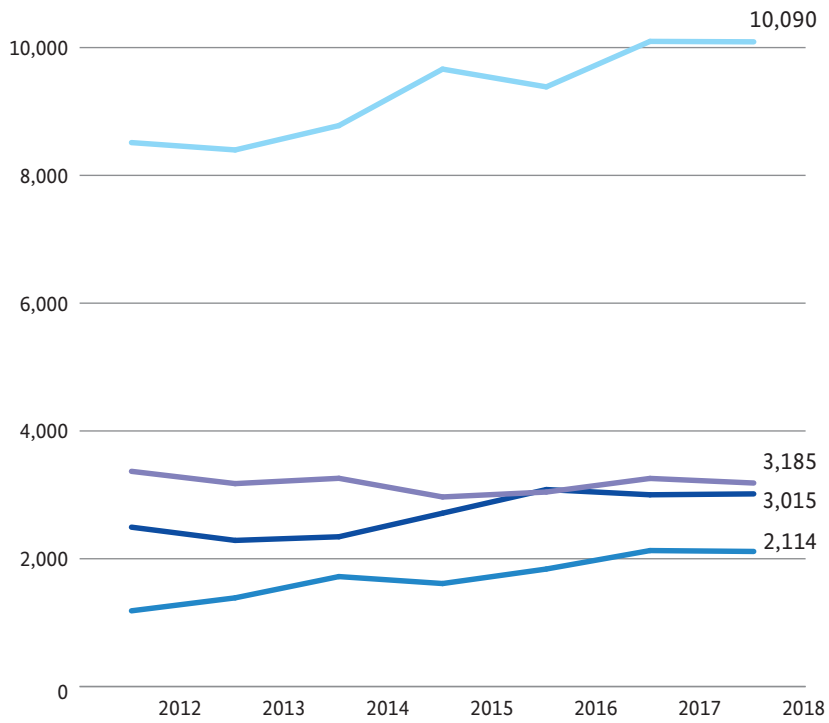
We are also receiving an increasing number of applications for what is known as blockchain technology. Here, error-resistant and efficient databases are created by linking data records with each other by means of cryptography and storing the data in a decentralised manner.

## Semiconductors

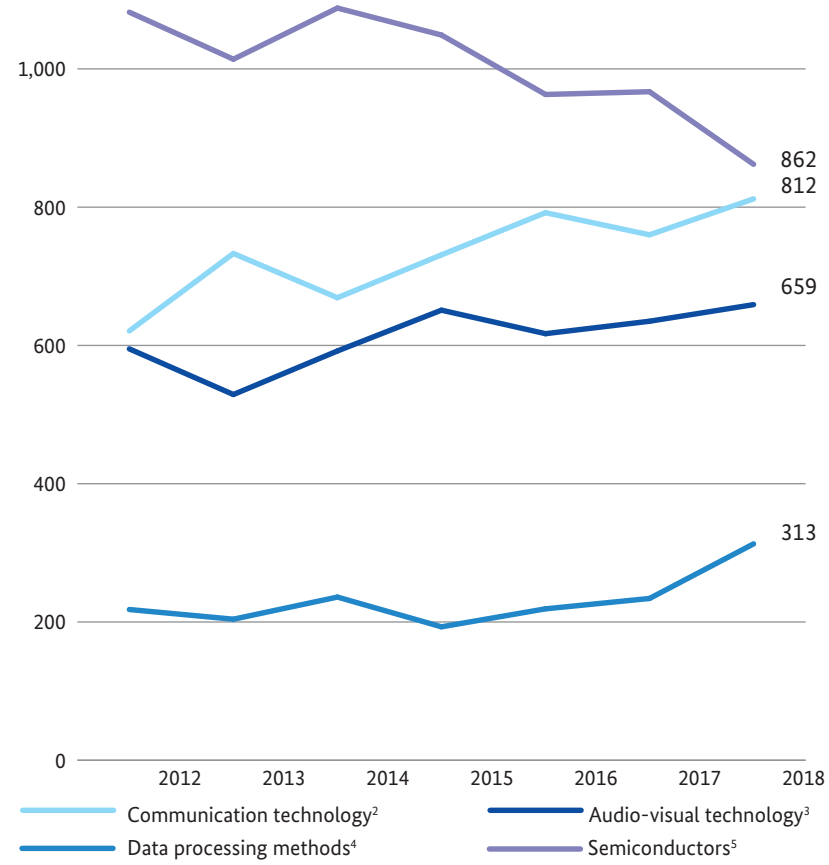
With more than 4,000 applications, the field of semiconductors still has a high number of applications. Mainly patent applications with a focus on semiconductor components and assemblies of these components are being filed. The steadily growing trend towards digitisation is only made possible in the first place by the use of ever smaller, faster, more powerful and at the same time less expensive semiconductor components that are essential functional components of integrated circuits.

These applications cover the entire variety of technical fields. For example, vehicles and household appliances are increasingly being equipped with semiconductor-based microprocessors: among other things for automatic driving support or efficient energy management.

*Foreign patent applications in selected fields of digitisation[1] (applications published)*




*Domestic patent applications in selected fields of digitisation[1] (applications published)*



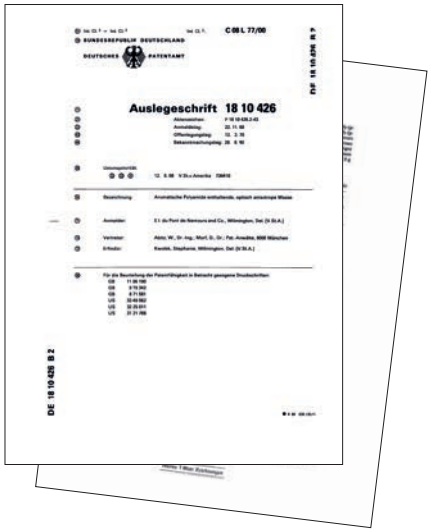

[1] The chart shows patent documents which are published 18 months after the filing date in accordance with the statutory time limit. The figures therefore mirror the status of 18 months previously. Source: DEPATIS

[2] IPC: H04L, H04N21, H04W

[3] 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

[4] IPC: G06Q

[5] IPC: H01L

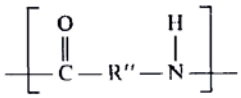



# 50 YEARS AGO

## Kevlar® – a fibre stronger than steel

Originally, Stephanie Kwolek, American of Polish descent, wanted to become a doctor. For this reason, after graduating with a degree in chemistry in 1946, she intended to study medicine. Initially in order to finance her medical studies, she took up a position with the chemical company DuPont. But then, Kwolek was so interested in her work that she stayed with DuPont, which was probably a stroke of luck for both sides.

In the 1960s at DuPont, Kwolek experimented with solutions of aromatic polyamides. Her work consisted in developing light yet strong plastic fibres to be used in car tyres. She synthesised different aromatic polyamides and tested different solvents. With certain compositions, the solutions were unexpectedly turbid. Kwolek initially suspected that the solution contained particles which might account for the turbidity, but the solution remained milky even after filtration.





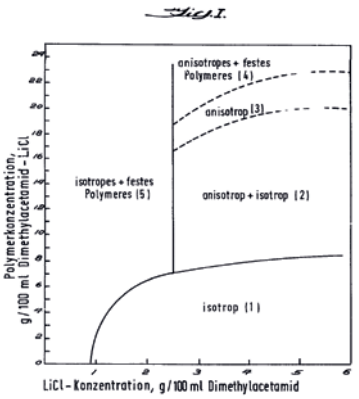

1,4-Phenylen

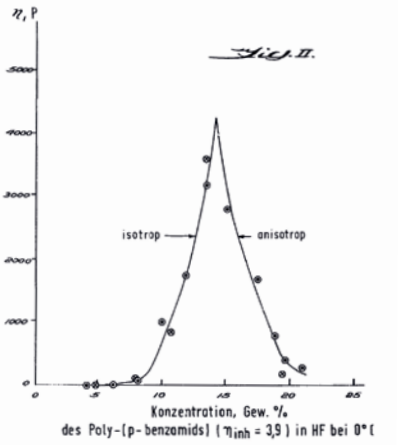
In order to produce a solid plastic fibre, the liquid had to be pressed through a nozzle. The colleague in charge of the appliance advised her against it, fearing that the supposedly contaminated basic material would clog the tool. But Kwolek insisted and got a fibre with surprising properties. The material was extremely heat-resistant, stronger than steel and at the same time lightweight. In 1968, DuPont filed a patent application for the invention (DE 18 10 426 B2).

In the patent application from 50 years ago, Kwolek described the reason for the high level of strength. The aromatic polyamides developed are rigidly chained, rod-shaped molecules that attract each other. As a result, the stiff little rods are tightly packed in the fibre and highly oriented, thus accounting for the extreme resistance. The interaction between molecules is already present in the solution, as Kwolek observed. The molecules are in a liquid crystalline state. Therefore, the solutions produced with certain compositions were optically anisotropic (as shown in the phase diagram) or in other words turbid.

Kwolek developed a whole range of fibres based on aromatic polyamides. One of those polyamides became known worldwide under the trade mark name “Kevlar”. The extraordinary properties of Kevlar have since been used (but by far not exclusively) in tyres. The advantages of low weight combined with great strength and temperature resistance are also appreciated in aircraft construction and space travel.

Another important field of application is the safety industry. Protective gloves, protective helmets and even bullet-proof vests are made of Kevlar. There is a special “Kevlar Club of Survivors”, which acknowledges that the synthetic fibre developed by Stephanie Kwolek has already saved the lives of thousands of people.



# BRIEFLY EXPLAINED

## Global Innovation Index and Global Competitiveness Report

### Global Innovation Index

With the *Global Innovation Index* (GII), the World Intellectual Property Organization (WIPO) provides a report that focuses on factors which promote innovations. It also highlights the success of these factors. On the input side, the Index holistically takes into account all topics that favour innovation. These include, for example, market sophistication, infrastructure, human capital and research.

On the output side, knowledge and technology outputs as well as creative outputs are included. The number of applications for patents, utility models, trade marks and designs is included in the corresponding output areas. On the basis of such differentiated data – a total of 80 indicators that directly or indirectly influence innovation performance – sub-indices are being created referring to the input and output side of each country. These sub-indices are then used to determine the Innovation Efficiency Ratio of the respective country. The GII creates a ranking using these ratios.

The 2018 report includes 126 countries, which jointly represent more than 96% of the global gross domestic product. The focus of the report varies annually. In 2017, the focus lay on “Innovation Feeding the World” and in 2018 on “Energizing the World with Innovation”. Each of the reports devotes specific chapters to selected aspects of the main theme and provides guidance for innovation strategies.




*Movement in the top 10 since 2014*

The high number of evaluated determinants takes into account a compensatory interaction of strengths and weaknesses. Countries which have a wide range of positive determinants and which are able to generate higher innovation returns from these have a high degree of innovation efficiency and can achieve a top position in the ranking.

Germany was among the top 10 in 2016, moved up to 9th place in 2017 and maintained this position in 2018. In addition to improvements in the institutional and business environment and in ecological sustainability, Germany's particular strengths include once again top performances regarding the number of patent applications, global investment in research and development and in logistics.

**Global Innovation Index**

www.globalinnovationindex.org

## Global Competitiveness Report

With the Global Competitiveness Report, the World Economic Forum presents an annual report that makes statements on the competitiveness of countries. Competitiveness is defined by the World Economic Forum as "the set of institutions, policies and factors that determine a country's level of productivity".

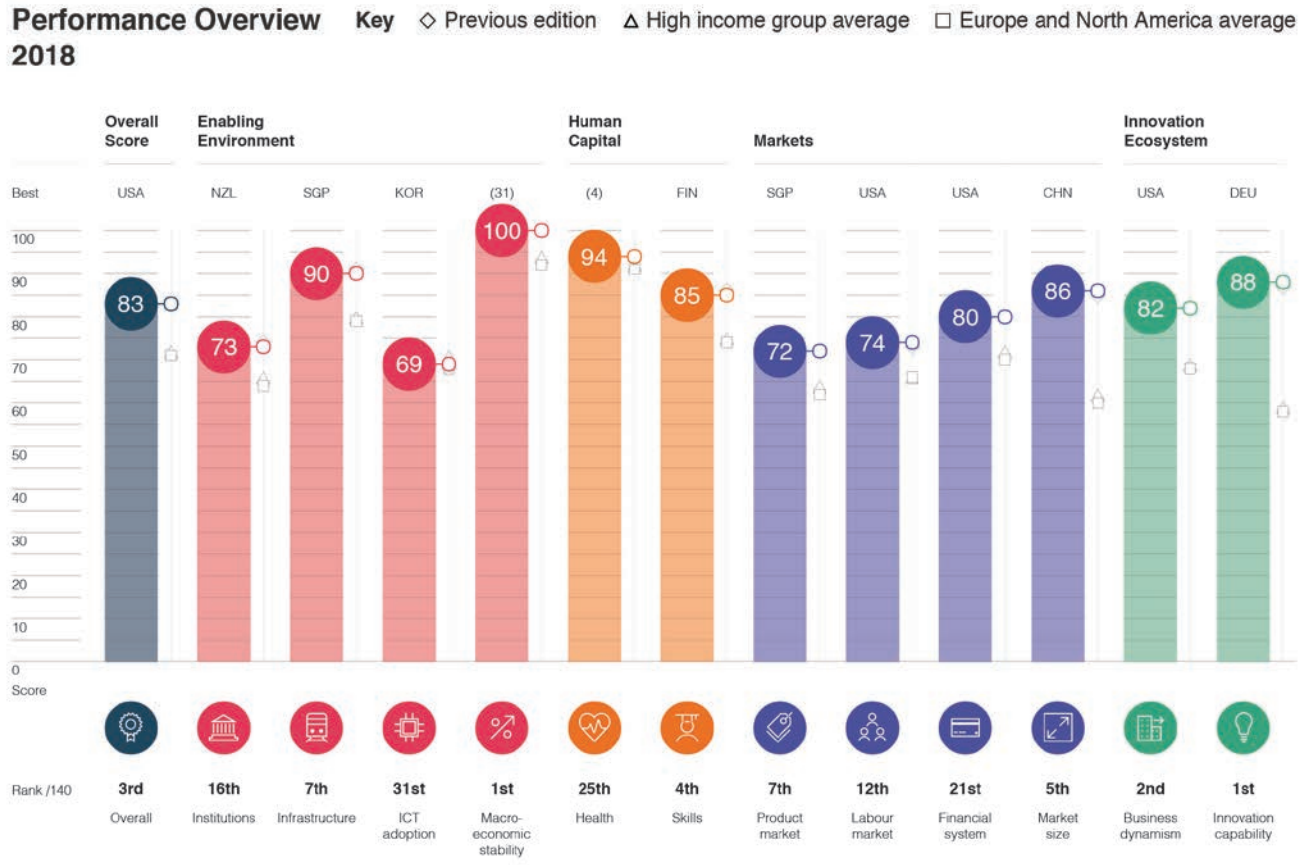
A total of 160 partner institutes contribute to the report, which aims to support the formulation of economic strategies in the era of the 4th Industrial Revolution. With the newly created Global Competitiveness Index 4.0 (GCI 4.0), the definition of competitiveness is extended to include aspects of the 4th Industrial Revolution, making human capital, resilience and agility of drivers of economic success become defining features.

The GCI 4.0, similar to the GII, also applies a holistic approach. It determines the drivers of productivity and competitiveness using 98 indicators, which are grouped into twelve pillars. And there is not just a partial similarity as regards content with the GII's factors promoting innovation. The methodology of the GCI 4.0 is also based on the assumption that top positions can only be reached by countries that are horizontally well positioned.

Among 140 countries, Germany continues to hold the third place in the ranking with a slightly improved score of 82.8 index points compared to the previous year. This success is based (equivalents can also be found in the GII) on a large number of sustainable strengths, including macroeconomic stability, a high standard of education and, not least, the world's highest level of innovation capability. In this pillar, which includes patents, research publications and institutions, Germany ranks first ahead of the USA and Switzerland.

**World Economic Forum**

*Germany's competitiveness according to the Global Competitiveness Report 2018: third place in the overall ranking (leftmost pillar) and the individual rankings in the twelve categories (pillars), including top positions in macroeconomic stability and innovation capability.*




www.weforum.org

# 70 YEARS AGO

## First iENA inventors' fair in Nuremberg

Any inventor who has an innovative idea is well advised to obtain early and comprehensive information about protecting this idea. From the PC at home, for example, this can be done online "around the clock" on our website www.dpma.de with our Customer Care and Services. One of the first steps for inventors is also to go to free initial consultations for inventors, offered in cooperation with the Chamber of Patent Attorneys in many towns throughout Germany – for example in the local branches of the chamber of industry and commerce, the patent information centres or on the premises of the DPMA in Munich and Berlin. And what's next? Many inventors go to Nuremberg for the iENA!

It is one of the most successful specialist trade fairs in Germany and has been a constant in every trade fair calendar for 70 years: the international iENA "Ideas-Inventions-New Products".

Since the first exhibition for inventors and new products took place in 1948, the trade fair has gradually become the annual meeting place for inventors and innovators from Germany and abroad. Those who wanted to present an idea and make important contacts came to Nuremberg for the iENA: catalytic converter, push button telephone, rolling suitcase, insulating survival blanket … . The series of inventions whose commercial beginnings are closely linked to the iENA is endless – and more are being added with each trade fair. In 2018, at the anniversary of the trade fair, 800 new products were presented to the public. Even after 70 years, the success and popularity of the trade fair are still undiminished: Today, the iENA is the largest inventors' fair in Europe.

The beginnings of our trade fair activities are also closely linked to the iENA.



www.iena.de

iENA

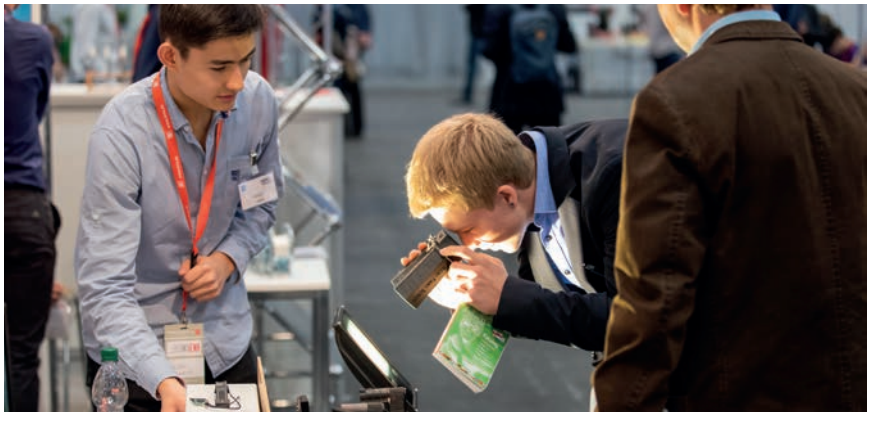


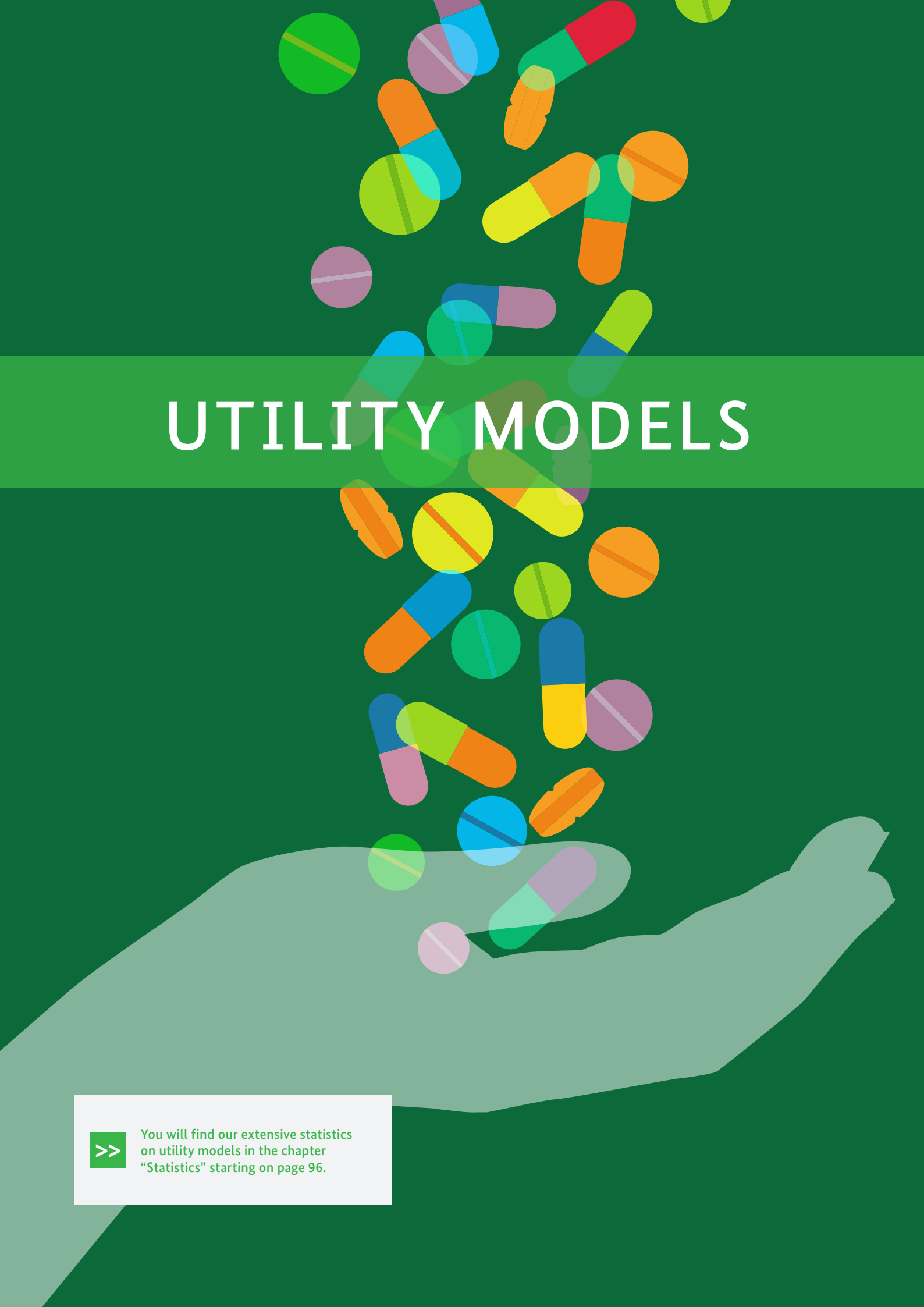
In 1978, when the DPMA was still named "*Deutsches Patentamt*" (German Patent Office), the iENA, apart from the HANNOVER MESSE, was the first exhibition at which our office had an information stand.

If you would like to be a part of it: The next iENA will take place in Nuremberg from 31 October to 3 November 2019. You will find our experts and useful information on all IP rights at the DPMA stand in hall 3C!



70 Years iENA International Trade Fair »Ideas-Inventions-New Products« 1948-2018





# UTILITY MODELS

>> You will find our extensive statistics on utility models in the chapter “Statistics” starting on page 96.

## Development in utility model applications

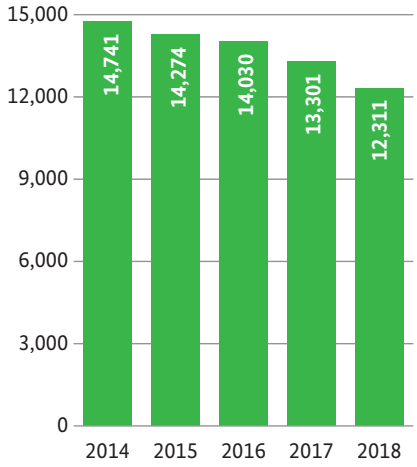
The decrease in filing numbers for utility models, which was already visible in the past years, continued in 2018. After 13,301 applications were filed in the previous year, the number of new applications fell to 12,311 (-7.4%).
11,295 utility models were entered into the Register; this is equivalent to 87.5% of the procedures concluded (2017: 87.1%). 1,616 applications did not result in registration because of withdrawal of the application, refusal or other reasons.

In contrast to the decline in the number of applications, in 2018, the term of protection was renewed for a total of 20,546 utility models (2017: 18,821) after payment of the maintenance fee. This means that the number of utility models maintained reached the highest level since 2013. This indicates that the registered utility models still constitute a valuable asset worth retaining for their owners.

In contrast, the number of lapsed utility models (e.g. due to non-renewal or expiry of the longest possible duration of protection) fell from 14,028 in the previous year to 13,068.

At the end of 2018, our Register contained 79,301 utility models in force.

*Utility model applications at the German Patent and Trade Mark Office*




*Utility model applications in 2018 by countries of origin (national applications at the DPMA and PCT applications in the national phase)*

| | Applications | Percentage |
|---|---|---|
| Germany | 8,797 | 71.5 |
| USA | 659 | 5.4 |
| China | 619 | 5.0 |
| Taiwan | 539 | 4.4 |
| Austria | 289 | 2.3 |
| Switzerland | 217 | 1.8 |
| Japan | 127 | 1.0 |
| Italy | 114 | 0.9 |
| France | 111 | 0.9 |
| Republic of Korea | 103 | 0.8 |
| Others | 736 | 6.0 |
| **Total** | **12,311** | **100** |

## Origin of utility model applications

In 2018, applicants from abroad continued to show a keen interest in German utility models, even though the proportion of applications from abroad fell slightly from 28.7% (3,820 applications) in the previous year to 28.5% (3,514). 8,797 utility model applications came from applicants in Germany – this corresponds to 71.5% (2017: 71.3%) of the total. With 2,234 applications (2017: 2,524), the overwhelming majority of applications from abroad came from outside Europe, whereas the number of applications from other countries in Europe fell hardly noticeably to 1,280 (2017: 1,296).

## Utility model applications by German *Länder*

As before, North Rhine-Westphalia clearly comes top in the ranking of the German *Länder* with 2,185 applications (24.8% of all domestic applications). Bavaria and Baden-Württemberg follow with 1,979 applications (22.5%) and 1,612 applications (18.3%) respectively. However, seen in relation to the size of the population of each German *Land*, Baden-Württemberg and Bavaria are on a par at the top of the list with 15 applications per 100,000 inhabitants each. They are followed by North Rhine-Westphalia with twelve applications.

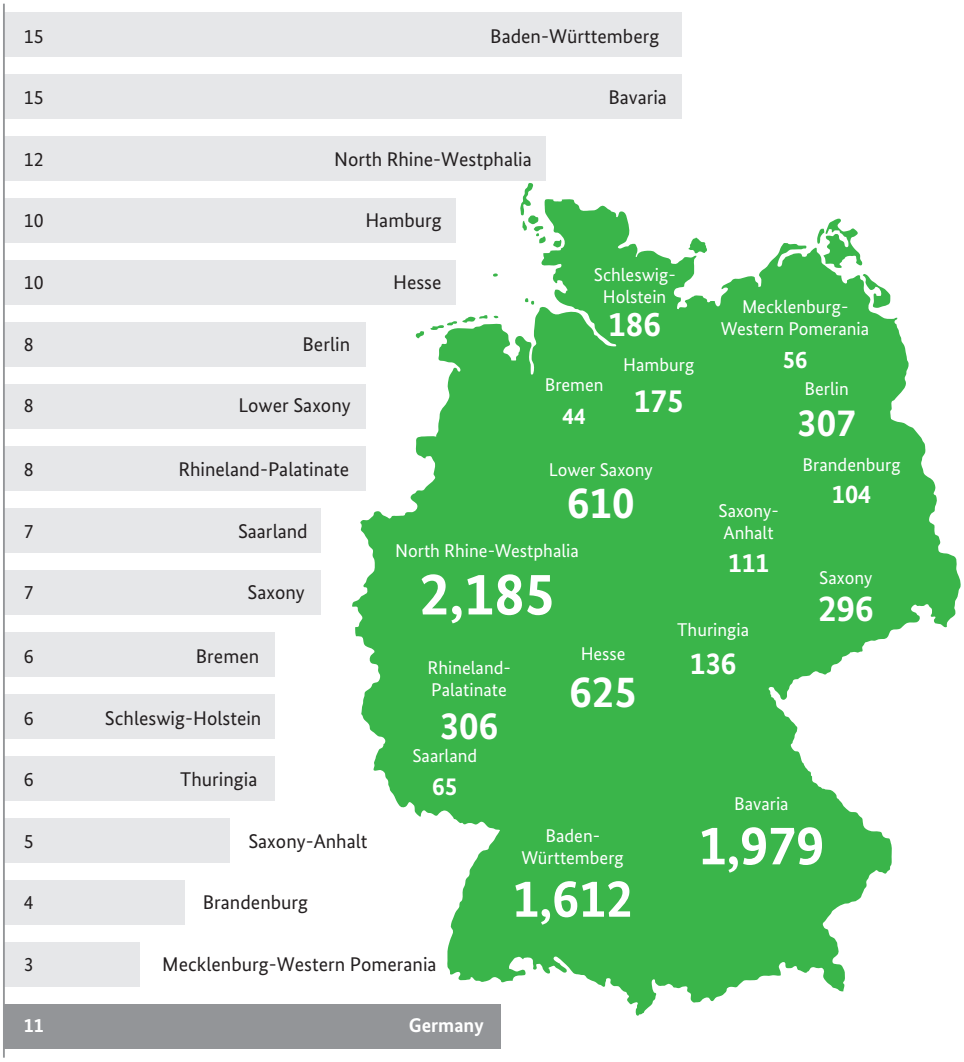
## Search pursuant to Section 7 of the Utility Model Act

Utility models are just registered upon filing the application; no substantive examination of the invention is carried out. This is a fundamental difference from patents. In order to minimise the procedural risk of cancellation of the IP right at a later date, applicants can make use of a search for the state of the art beforehand to determine whether anything comparable to the invention was already known at the filing date of the utility model application. Such a prior art search is carried out by the patent examiners of the DPMA for a fee of 250 euros. In a search report they list the publications and documents identified that are relevant for assessing protectability of the utility model. On the basis of the search results, the prospects of success can be assessed in the case of the enforcement of one's own claims or the defence of the IP right against attacks by others. Against this background, the search pursuant to Section 7 of the Utility Model Act is an important element of the system of utility model protection.

In the last year, 2,084 effective search requests were received by the DPMA (2017: 2,182) and 2,051 searches were concluded (2017: 2,259).

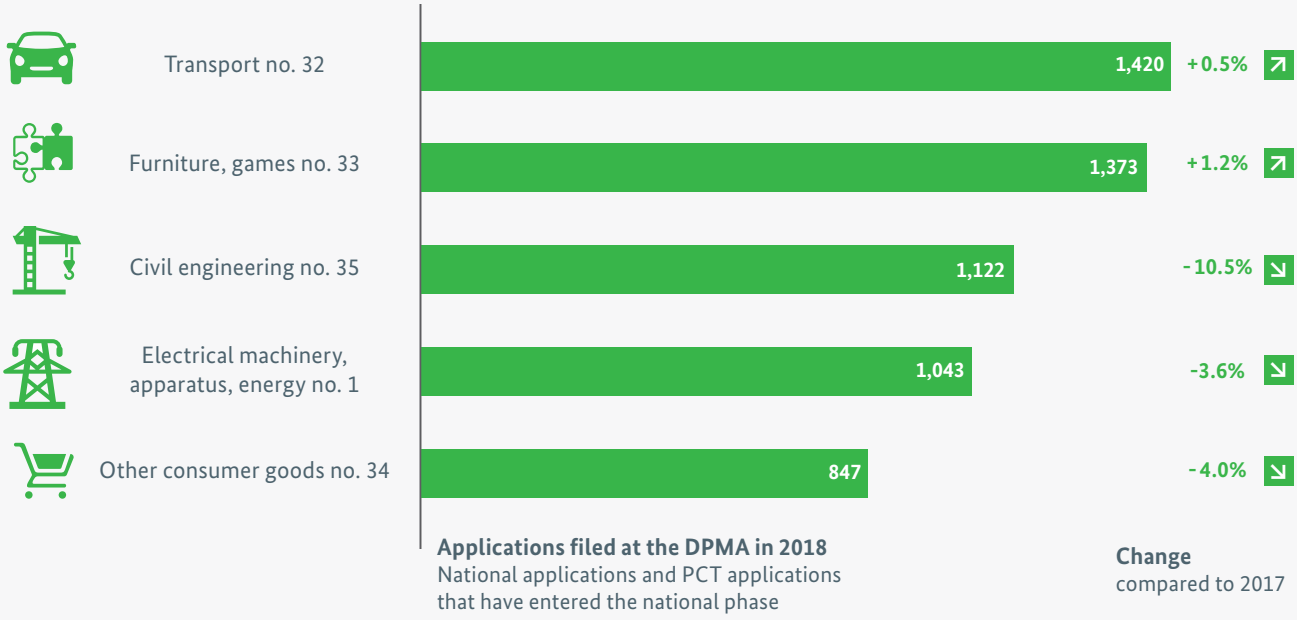
## Split-off option

In 2018, the number of utility model applications split off from patent applications fell by 142 compared to the previous year to 1,197 (2017: 1,339); at the same time, their percentage of the total number of applications fell from 10.1% of all applications in the previous year to 9.7% of applications in 2018. This means that many patent applicants still use the application for a low-cost and quickly effective utility model as an accompanying measure to effectively take action against copying of their innovation 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 the earlier patent application for the utility model application. That day is then deemed the filing date of both applications.




*Utility model applications by German Länder in 2018*
*(applications per 100,000 inhabitants and number of applications)*

## **TOP 5** Fields of technology *




### Utility model cancellation

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

A utility model can be cancelled upon request only. Anyone can make a cancellation request, the looming risk of an infringement dispute or an individual's economic interest is not necessary. The request is subject to a fee of 300 euros upon filing. The request must contain a sufficient statement of reasons. In particular, any conflicting prior art should be cited in the cancellation request.

Cancellation proceedings are handled by our Utility Model Cancellation Division. It normally decides upon the cancellation request on the basis of oral proceedings before a three-member panel. The panel consists of a lawyer acting as the chair and two patent examiners responsible for the technical field. The examination within the framework of the cancellation proceedings particularly deals with the question of whether the subject matter of the utility model is new and involves an inventive step. It can also be examined whether the invention was extended in an inadmissible way.

In 2018, 97 requests for cancellation were received, fewer requests than in the previous year (104 requests). In the year under review, we concluded a total of 136 cancellation proceedings.

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

# IN FOCUS

## Ingenious women

In January 1891, the then 28-year-old Agnes Pockels from Brunswick sent a letter. Addressee: Lord Rayleigh, a highly respected professor of physics. Pockels described her observations and measurement results. For many years she had been studying the surface tension of liquids. Lord Rayleigh read the letter – and was thrilled. A correspondence began between the two dissimilar scientists. The British professor had Pockels' results published in the renowned journal "Nature" – and made the young woman known to scientists virtually overnight. Pockels' ascent was a small sensation. She never went to university, women were not yet allowed to study at that time. After graduating from the secondary school for girls in Brunswick, she had to look after the household and her sick parents. Her brother – also a physicist – supplied her with scientific literature, and there were also some homemade apparatuses: This way she was doing her own research all by herself at home. Not only her results, but also her experimental set-ups were groundbreaking.

Pockels invented the "slide through" for measuring surface tension. The US chemist and physicist Irving Langmuir further developed it into the "Langmuir-Pockels through". In 1932, he was awarded the Nobel Prize in chemistry for his research on solid and liquid monomolecular films.

Pockels' biography shows how difficult it had been for women to be researchers and inventors for a long time – but also how influential they can be when they succeed. Last year, which also marked the centenary of the introduction of women's suffrage in Germany, the German Patent and Trade Mark Office (DPMA) focused particularly on the topic of female inventors. The motto of our annual courtyard festival in Munich was "Women and IP rights".
In addition to Agnes Pockels, an exhibition focused on six other outstanding women inventors: the aerial acrobat Käthe Paulus, who invented the folding parachute. Melitta Bentz, inventor of the coffee filter, glass chemist Marga Faulstich, who made life easier for spectacle wearers with a lightweight lens, among other things, the biochemist Maria-Regina Kula, thanks to whose enzyme research the production of drugs has become much cheaper and more environmentally friendly, the aerospace engineer Eveline Gottzein, who made a significant contribution to today's technology of magnetic levitation trains and satellites and the electrical engineer Doris Schmitt-Landsiedel, who developed microelectronic circuits and thus helped to make electronic devices more and more effective. In addition to the exhibition at the courtyard festival, the DPMA also presented a number of articles on female researchers and inventors on its website in 2018.

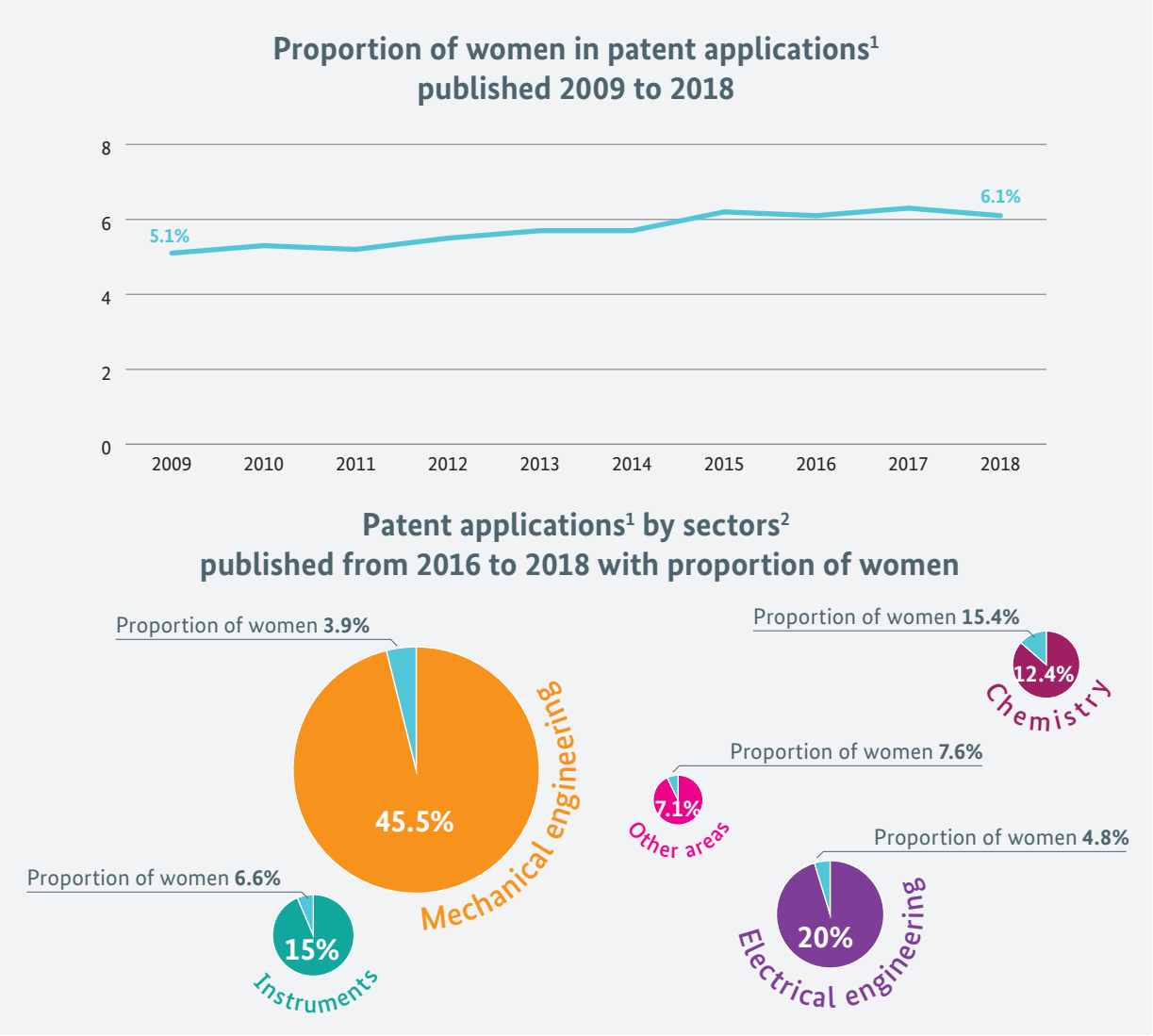


*Agnes Pockels (1862 - 1935)*

However, we did not only look back into the past, but also had a look at the current situation and determined the proportion of women inventors in Germany – initially until the end of 2017. The *Handelsblatt* and *Frankfurter Allgemeine Zeitung*, among others, reported on our analysis. The evaluation was sobering as regards the involvement of women in technical innovation in Germany.

We repeated the analysis with our figures from 2018. The findings go into the same direction: A mere 6.1% of inventors in Germany are women. In the traditional engineering fields, the percentage is even substantially lower, but the overall figure is raised by the significantly higher proportion of women in the natural sciences. Among the German *Länder*, Hamburg has the highest proportion of female inventors. It is followed by Schleswig-Holstein und Mecklenburg-Western Pomerania. Bremen, Brandenburg and Baden-Württemberg are at the bottom of the ranking.

"Germany gives away a large part of its innovation potential" was the headline of the *Handelsblatt* in its article covering the DPMA analysis. It is true that there are no longer such obstacles as women researchers like Agnes Pockels had to face: It goes without saying that women now have access to universities. However, obstacles on the way to becoming an inventor still seem to exist for women: It is often still difficult to reconcile work and family life. Obviously, traditional social role models also continue to shape the way people think. "We have to start in kindergarten to get girls interested in science," physicist Ulrike Busolt demands in the *Handelsblatt*. She is a professor at Furtwangen University, where she teaches medical engineering with a focus on innovation and gender research.




DPMA President Cornelia Rudloff-Schäffer also advocates changes in the world of work: "The framework conditions for innovation and creativity must be adapted to the needs of women throughout their working lives, particularly with regard to reconciling work and private life," she demands. This requires flexibility in working hours and work location as well as a reliable network of support to meet family challenges – for both women and men. By the way, the DPMA has been setting a good example in this respect: More than one third of the 2,600 staff already work from home part of the week ("home office"). In addition, there are numerous part-time work schemes for men and women, tailored to their individual situation – right up to executive positions at departmental management level.

[1] Patent applications effective in Germany (applications published by the DPMA and the EPO, avoiding double counts)
[2] according to WIPO IPC concordance table, available at: **www.wipo.int/ipstats/en/index.html#resources**

# TRADE MARKS



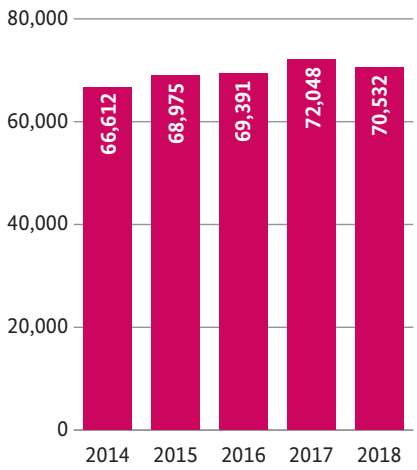
>> You will find our extensive statistics on trade marks in the chapter “Statistics” starting on page 99.

## Development of trade mark applications

With 75,358 applications, the number of trade mark applications is roughly at the same level as in previous years; compared with the year 2017, when 76,725 applications were filed, there was a slight decrease of 1.8%. Compared to 2016, we recorded a clear increase (then 72,858 applications). The 75,358 applications filed last year included 70,532 national applications and 4,826 applications for international registrations of marks in Germany. These requests for the extension of protection, which we received from the World Intellectual Property Organization (WIPO), thus rose by 3.2% (2017: 4,677).

The German applications with the European Union Intellectual Property Office (EUIPO) in Alicante are also at a constant level. With 22,027 applications, the numbers were slightly above the previous year's level of 21,877 applications. German applications are thus by far the largest group at EUIPO, the USA ranks second with 17,398 applications, and China ranks third with 13,468 applications.

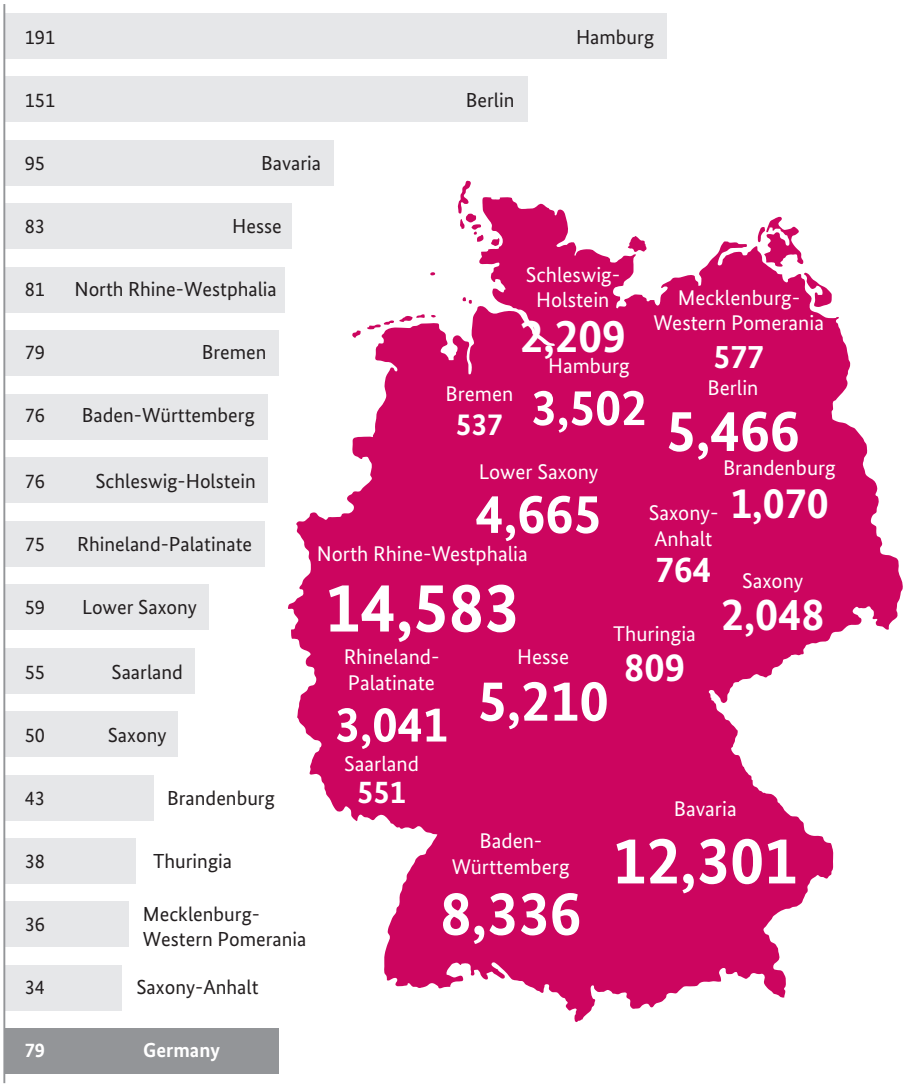
*National trade mark applications at the German Patent and Trade Mark Office*




China is by far the country with the highest number of applications in Germany: 1,565 trade mark applicants were based in China, while the USA is in second place with 528 applications. One explanation for the rather low overall number of direct applications from abroad is that many applicants – as the rising numbers show – choose the option via international registration. However, applicants from the other Member States of the European Union in particular also apply for a European Union trade mark, which is valid in all countries of the European Union and has the same legal effects as a national trade mark.

## Trade mark applications by German *Länder*

For many years, the territorial states of Bavaria, Hesse and North Rhine-Westphalia have been the German *Länder* with the highest number of trade mark applications per 100,000 inhabitants. Likewise, Hamburg and Berlin continue to be the leading city states among the German *Länder*. The eastern German *Länder*, however, are at the lower end of the list. Above all, strong economic regions have many trade mark applications per 100,000 inhabitants.




*Trade mark applications by German Länder in 2018 (applications per 100,000 inhabitants and number of applications)*

### Top companies and institutions in terms of registrations

The top companies and institutions in terms of registrations typically vary greatly from year to year. However, the automotive industry is usually among the top in the ranking. Daimler AG had the third highest number of registrations in the previous year and, in 2018, its 99 registrations were sufficient to make it to the very top. With 78 registrations, VOLKSWAGEN AG follows in second place and the newcomer Brillux GmbH & Co. KG (62 registrations) is in third place. However, the statistics on this subject are of limited informative value, as it is often only a coincidence in which year a trade mark application is actually registered.

### Trade mark applications by leading classes

There has been no change in the leading classes in terms of number of applications received. As in the previous year, class 35 (advertising; business management) is the class most frequently designated, followed by class 41 (education; sporting and cultural activities) and class 9 (electrical apparatus and instruments) as the top class of goods in terms of applications. At European level, class 9 was the most frequent class at EUIPO, followed by class 35. The class that ranked second at our office (class 41) ranked fourth at EUIPO.

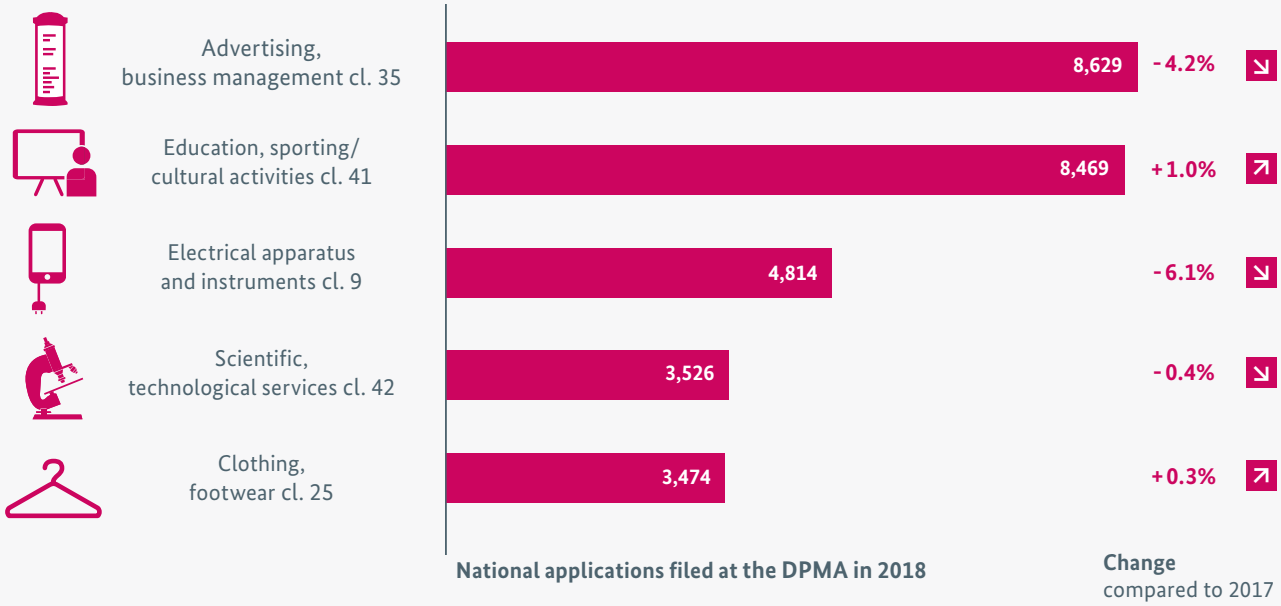
### Trade mark procedures

With 50,565 registrations, the number of registrations essentially corresponds to that of the previous year (2017: 50,948 registrations). In 2018, the applicants declared the withdrawal of the trade mark application in 13,505 cases (2017: 13,103). There is a wide variety of reasons for a withdrawal. In many cases, we have probably objected to the application and the risk of refusal was too high for the applicant. However, some applications are not pursued further for reasons solely attributable to the applicant – for example, because the marketing strategy has changed and the trade mark is no longer needed.

In 7,081 cases, the trade mark application was refused by us. In most cases, the reasons for this were obviously convincing, since only in 356 cases, an appeal against the refusal of the trade mark application was lodged with the Federal Patent Court.

In the past year, we took various measures to streamline and speed up opposition proceedings. This includes, among other things, definite time limits for the furnishing of comments so that they can be submitted as early as possible for decision-making. Even though the measures will really only take effect in the long term, the number of pending opposition proceedings at least did not increase: With 4,496 proceedings, it remained at the level of the previous year (2017: 4,529).

## **TOP 5** Classes of goods and services



*Selected data on trade mark procedures*

| Year | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| New applications | 66,612 | 68,975 | 69,391 | 72,048 | 70,532 |
| Registrations | 47,993 | 46,529 | 52,198 | 50,948 | 50,565 |
| Refusals | 6,073 | 5,535 | 7,542 | 6,682 | 7,081 |

## Trade mark administration

About 40 staff at the trade mark administration in the Jena Sub-Office of the DPMA deal with the post-registration and secondary procedures after the definitive registration of a trade mark. These include, in particular, renewals, the recording of changes, restrictions on disposal and cancellations. Furthermore, the staff issue priority documents and certifications of origin or other register extracts and answer enquiries about the Trade Mark Register.

At the end of 2018, the Register contained 815,589 trade marks. Thus, the absolute record high of 2017 (811,527 trade marks) was again topped. This is primarily due to the increased number of renewals; 39,940 in 2018 compared to 35,215 in the previous year. This is also the highest number since 2010. Initially, a trade mark is registered for ten years from filing the application and can be renewed, as often as desired, for further periods of ten years. The proprietor can also surrender the trade mark registration any time. In 2018, 46,091 trade marks were not renewed or were surrendered, so that they were cancelled from the Register.

## Trade mark cancellation proceedings

Cancellation proceedings constitute what is referred to as *"Popularverfahren"* in German: According to the Trade Mark Act *(Markengesetz)*, anybody may request cancellation of a registered trade mark, even if they are not personally affected. However, a reason for cancellation must be stated and the statutory fee must be paid.

The most frequent reason for cancellation stated is non-use of a trade mark, called "revocation" in the Trade Mark Act. In 2018, 346 such requests for national trade marks were received. Another reason for cancellation is the existence of absolute grounds for refusal at the time of filing the application. In 2018, these requests amounted to 294. Absolute grounds for refusal may exist if the challenged trade mark lacked distinctiveness at the time of filing the application or if it was descriptive. Filing a trade mark application in bad faith is another absolute ground for refusal: A trade mark application is filed in bad faith if the proprietor of the trade mark intended to impede others in an anti-competitive manner. With 129 applications, the proportion fell again slightly in the year under review – after 111 in the previous year (out of a total of 227 applications due to the existence of absolute grounds for refusal) – and is below half of all cancellation requests due to absolute grounds for refusal.

In the context of absolute grounds for refusal, the DPMA ordered the cancellation of the trade mark "Black Friday" on the grounds of lack of distinctiveness (decision of 27 March 2018, ref. no. S 33/17). Based on the initially granted trade mark protection, the trade mark proprietor took action against a large number of traders, who had drawn attention to the discount and bargain campaigns, which also took place in Germany once a year on the Friday after the American Thanksgiving holiday. This shopping day known as "Black Friday" in the USA, when shops offer great discounts, had already reached Germany on the day the trade mark application was filed.

## New guidelines for the examination of trade mark applications

In early August 2018, we published new guidelines for the examination of trade mark applications. On 66 pages, they contain detailed provisions on the formal and substantive examination of trade mark applications, on the decisions of the trade mark units and on keeping the Register. As a rule, these provisions are binding for the trade mark units and trade mark divisions, although there may be deviations due to legislative changes or a change in case law. The revised guidelines are intended to inform the parties to the proceedings of how we deal with their applications or requests so that they have certainty. Equal treatment of all applicants or people filing a request is particularly important to us and the guidelines are an important instrument for this purpose.

The implementation of the new EU Directive to approximate the laws relating to trade marks by 14 January 2019, which was already foreseeable in 2018, led to the change of some provisions of the Trade Mark Act, making it necessary to revise the examination guidelines. Our work on this began last year, and a current version of the examination guidelines will be available in May 2019.

The guidelines are available on our website under the headline "Ordinances and guidelines governing the trade mark procedure" on the DPMA's forms page under the drop-down menu "Services".

www.dpma.de/english/services/forms/trade_marks/

# IN FOCUS

## Trade mark examination

### Legal aspects and facts

The process of examining whether a trade mark applied for is eligible for protection – i.e. the daily business of our trade mark examiners – consists of an extensive search of the facts of the case as specified by the trade mark and the goods and services claimed, followed by a legal examination on the basis of the provisions of the Trade Mark Act. The examiners must not only be familiar with these provisions and their interpretation by the courts, they must also understand the goals pursued by the Act in order to reach the right decision. For example, a trade mark creates monopolies: The trade mark proprietor receives the exclusive right to use the sign applied for. It is only through the certainty of being the sole person entitled to dispose of the registered trade mark that the proprietor is enabled to invest in the trade mark and the products. Only the person who owns a trade name may use it and may effectively oppose its use by others. For the trade mark proprietor, it is worth investing money in marketing and also in improving product quality. This money is not lost, because only the proprietor benefits from the good reputation of the trade mark and the products that bear it. The protection of the trade mark by registration thus promotes the commercial activity of the proprietor and thus generally also fosters economic competition.

In return, it means that a particular designation is no longer available to the general public and to the competitors of the trade mark proprietor. If they need this designation, trade mark protection represents a restriction of their economic possibilities and thus an obstacle to competition. This is the starting point for the provisions of the Trade Mark Act on the protectability of trade marks. They constitute rules which promote economic activity by registering trade marks and at the same time seek to prevent obstacles to competition. It is clear to every trade mark examiner: When taking a decision on registration, they are caught in the tension between the applicant who wants to start doing business with the trade mark, on one side, and their competitors and the general public who want to freely use as many terms as possible, on the other side.

### Prohibition on the registration of indications which are devoid of distinctive character

The distinctive character of a trade mark is understood to mean its capacity to actually function as a trade mark. Trade marks are the names of products. Accordingly, anything that cannot be understood as an individual product name – and particularly anything that is explicitly understood as something different – cannot be protected as a trade mark. That prohibition on registration (contained in Sec. 8(2) no. 1 Trade Mark Act) is the most frequent ground for refusal of a trade mark application due to non-protectability. The purpose of the provision is not easy to understand: After all, you could also take the view that it is primarily up to the applicant to decide whether the application qualifies as a trade mark. This is true to a certain extent, but registration of unsuitable trade marks would lead to legal uncertainty and confusion. For example, a general exclamation such as “Oh, là, là!” could probably be understood as a trade mark in only a very small number of contexts. The option of taking action against others would also be very limited. Nevertheless, the registration would initially signal that an individual has the monopoly on use here. This unnecessarily creates a lot of confusion, so that it is more advantageous for everybody not to register such applications. This is also referred to as a general public interest in being protected against unjustified legal monopolies. The focus is therefore more on the general public and not so much on the competitors.

### Prohibition on the registration of descriptive indications

Under Section 8(2) no. 2 of the Trade Mark Act, signs and indications which are descriptive of the properties of goods or services must not be registered as trade marks. The purpose of this provision is clear: If a term describing, for example, the technical performance of a smartphone is registered as a trade mark, this term can only be freely used by the proprietor of the trade mark. Everyone else would be in danger of committing a trade mark infringement. The registration of the trade mark would be a classic case of inappropriate monopolisation. Therefore, the law prohibits the registration of such indications – even in the case that they are new or rare. In any case, descriptive indications should be free for use by everyone.

## First step of the examination: search

However, a search of the facts is carried out before the legal examination. Each trade mark is applied for in respect of certain goods and services, which determine its scope of protection. The (possible) meaning of the trade mark is determined in this context. For a long time now, the trade mark examiners have had no alternative but to conduct an Internet search. It starts with entering the trade mark – or the relevant component in the case of a trade mark consisting of a combination of several elements – into a search engine. However, even at this stage the relation to the goods and services can be important. If, for example, the trade mark is called "LemonStar" and if it is registered for confectionery and non-alcoholic beverages, then the search is of little use without reference to these goods, if the first hundred pages of hits deal only with a yellow express train in Argentina called "LemonStar". The combination with the term "confectionery" or "non-alcoholic beverages" is also unlikely to be effective, because these generic terms are too abstract for common language usage. It would be better to combine "LemonStar" with terms such as "biscuit", "fruit gum" or "lemonade".

It is clear that the trade mark is composed of the words "lemon" (a citrus fruit) and "star" (a famous personality). Often you will make progress if you replace individual terms with others. If, for example, the search for "SchokoStar" shows that this is a frequently used term for a biscuit bar, the consumers' understanding of the term "LemonStar" will not be much different. But of course "Lemon" can also be combined with other terms, for example "LemonHit" or "LemonMagic". In most cases, the search provides a fairly accurate picture of the use of the trade mark applied for and of how customary and understandable it is.

The Internet search is followed by searches in encyclopaedias – online and on paper – as well as by searches for previous registrations and prior refusals. Especially with the example chosen here of a trade mark with the component "Star", it is quite informative to know whether "Star combinations" have typically been registered or refused. The examiners have their own search tool for this search. The data pool offered here is identical to that available to the public via the Internet tool **DPMAregister**.

The search is completed with a glance at the registrations and refusals at the European Union Intellectual Property Office (EUIPO). Since the statutory frameworks are essentially identical, it is sometimes interesting to know what conclusion other examiners from a different environment than that of the DPMA have come to.

## Most frequent result: registration

A search is part of the examination and registration process. Even if many trade marks are considered protectable from the outset, thorough work involves having a look at the Internet. For others, the reliable assessment of protectability results from the search. In most cases, the examination ends with the registration of the trade mark. Only around 10% of trade mark applications are refused. In addition to the above-mentioned grounds for refusal, trade mark applications are also refused if there is a risk of deceiving the public or a violation of accepted principles of morality, if an application is filed in bad faith or if a trade mark uses a state symbol without authorisation.

In other words, in nine out of ten cases, the examiner orders that the mark be registered in the Trade Mark Register and concludes the procedure accordingly in our internal processing system. The next day, the registration certificate and the register extract will be printed and dispatched. A short time later, the applicants will hold proof of their successful application in their hands.

At this point, it is not all over, though. For instance, an opposition can be filed against a later trade mark on the basis of an earlier trade mark if the proprietor of the earlier trade mark thinks that the new trade mark may be confused with his/her own trade mark. If this is the case, the later trade mark will be cancelled.

It is also possible to file a request for cancellation of registered trade marks. In this case, an examination is carried out as to whether the trade mark was rightfully registered.

# 100 YEARS AGO

## Trade mark take-off for the Lufthansa crane

*Lufthansa's figurative marks from our DPMAregister database from the years*

*1926*



*Number 372317*

*1955*



*Number 696544*

*2018*



*Number 302018002562*

Could the architect and graphic designer, Otto Firle, born in Bonn in 1889, have guessed then that his "flying bird", which he created in 1918 as a logo for the "Deutsche Luft-Reederei", would become a trade mark that lasted a century? It probably was what can be called a "great success story": an elegant, aerodynamic bird with powerful wings – flying in an updraft of course. Firle was a pilot and obviously knew what mattered in aviation.

The trade mark owner changed over the following years through takeovers and mergers. From 1926, the crane finally belonged to Deutsche Luft Hansa AG, since 1954 to the newly founded Deutsche Lufthansa AG.



*Even today the new logo is still being designed by hand*

Like every centenarian, the crane has passed through an eventful history. In the original version of 1918 it initially flew without a circle, this graphic element was only added in 1962. In 1953, for the first time after the World War II, Germany again had a national airline, Deutsche Lufthansa, which took up its scheduled flights in 1955 using a modified crane. In 1962, the graphic designer Otl Aicher, who later invented the pictograms for the 1972 Summer Olympics in Munich, was commissioned to develop the visual appearance further. From then on, the crane has flown in a circle, was later modified and finally underwent a brand refresh on its 100th birthday in 2018. Lufthansa's convincing reasons given in an interview with marketing director Alexander Schlaubitz, were published in the Handelsblatt journal on 19 February 2018: "For brands the same is true as in a relationship: if you want to stay attractive, you have to work on yourself."

# BRIEFLY EXPLAINED

## Trade mark search: Why we do not search for earlier trade marks before registration

Though we examine whether the trade mark applied for is eligible for protection we do not check in the registration procedure whether the trade mark has already been registered (see "IN FOCUS: Trade mark examination" on page 26). This leads to the situation that even already existing trade marks are registered once again. A result that may seem strange to some, since an earlier trade mark has priority over a later trade mark.

Indeed, the Trade Mark Act *(Markengesetz)* stipulates that an earlier trade mark has priority over a later one. At the same time, according to the basic concept of the law, it is not necessary to examine this priority at the time of registration. There are good reasons for this. Only a small minority of trade marks are completely identical, and often, the goods and services that determine the scope of protection of the trade mark overlap only partially. The priority of an earlier trade mark therefore applies only if there is a likelihood of confusion with a later trade mark. This is determined on the basis of the similarity of the trade marks and the similarity of the goods and services. Depending on the individual case, this examination can quickly become rather complex. In an official examination as to earlier rights, the more than two million trade marks valid in Germany (national trade marks, European Union trade marks and international registrations of marks with extension to Germany) must therefore be examined to determine whether such a likelihood of confusion exists. In addition, there are also rights which are not registered (such as company logos) but nevertheless can be claimed as conflicting with a later trade mark. This would require immense time and effort.




*The "Markenblatt" (Trade Mark Journal) is published weekly online by the DPMA: here the last issue of the year 2018*

However, it is not only the time and effort involved that has prevented the legislature from introducing a binding examination as to earlier rights. Trade marks are initially valid for ten years after filing the application. However, many trade marks are no longer used during these ten years or are only used for some of the goods and services. For instance, the registers contain many trade marks that are only being used partially or not at all. However, it would not be justified to refuse registration of a new trade mark because of a conflict with a trade mark which is no longer needed.

For these reasons, it makes sense not to search for earlier rights in the registration procedure. Instead, the holders of earlier rights may file an opposition against the registration; then a decision will be taken in the opposition proceedings as to whether there is a likelihood of confusion.

Diabetesnetz Deutschland
gemeinsam gesünder

LOKALE BÜNDNISSE FÜR FAMILIE

*Applied for and registered in 2018: two new trade marks of the Federal Republic of Germany*

# Indications of geographical origin

Under certain conditions, agricultural products and foodstuffs may be protected as indications of geographical origin. Insofar as respective names are protected 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. Imitators are not allowed to offer products of a different origin and/or quality under the same name.

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).

The range of products, which were registered in Brussels – after conclusion of the examination procedure – includes fruit, vegetables, cheese, meat and meat products, fish, beer, vinegar, oil and pastries.

The examination procedure is conducted in two stages. First, the application for registration is examined by the competent national authority. In Germany, this is the DPMA. After positive assessment, the application is forwarded to the European Commission and undergoes legal examination by the European Commission too. The application will be published under both the national and the European assessment procedures. This gives other persons the opportunity to notify their opposition if their legitimate interests are affected – in particular other producers of the relevant product.

If the European Commission also considers that the conditions for protection as a geographical indication are met, the IP right will be registered and an entry is made in the DOOR database.

## Applications and decisions in 2018

In 2018, the DPMA received one new application for protection ("Württemberger Lamm") (lamb) and three applications for amendment of the specification of indications of origin already registered. The latter concerned "Thüringer Leberwurst" (sausage), "Aischgründer Karpfen" (fish) and "Hofer Rindfleischwurst" (sausage).

In 2018, the European Commission protected two German indications of origin as PGIs, "Beelitzer Spargel" (asparagus) and "Bayrisch Blockmalz" (sweets). Other German applications are still under examination by the Commission: "Hiffenmark/Fränkisches Hiffenmark" (jam), "Nordhessische Ahlewurst" (sausage) and "Spreewälder Meerrettich" (horseradish) and others.

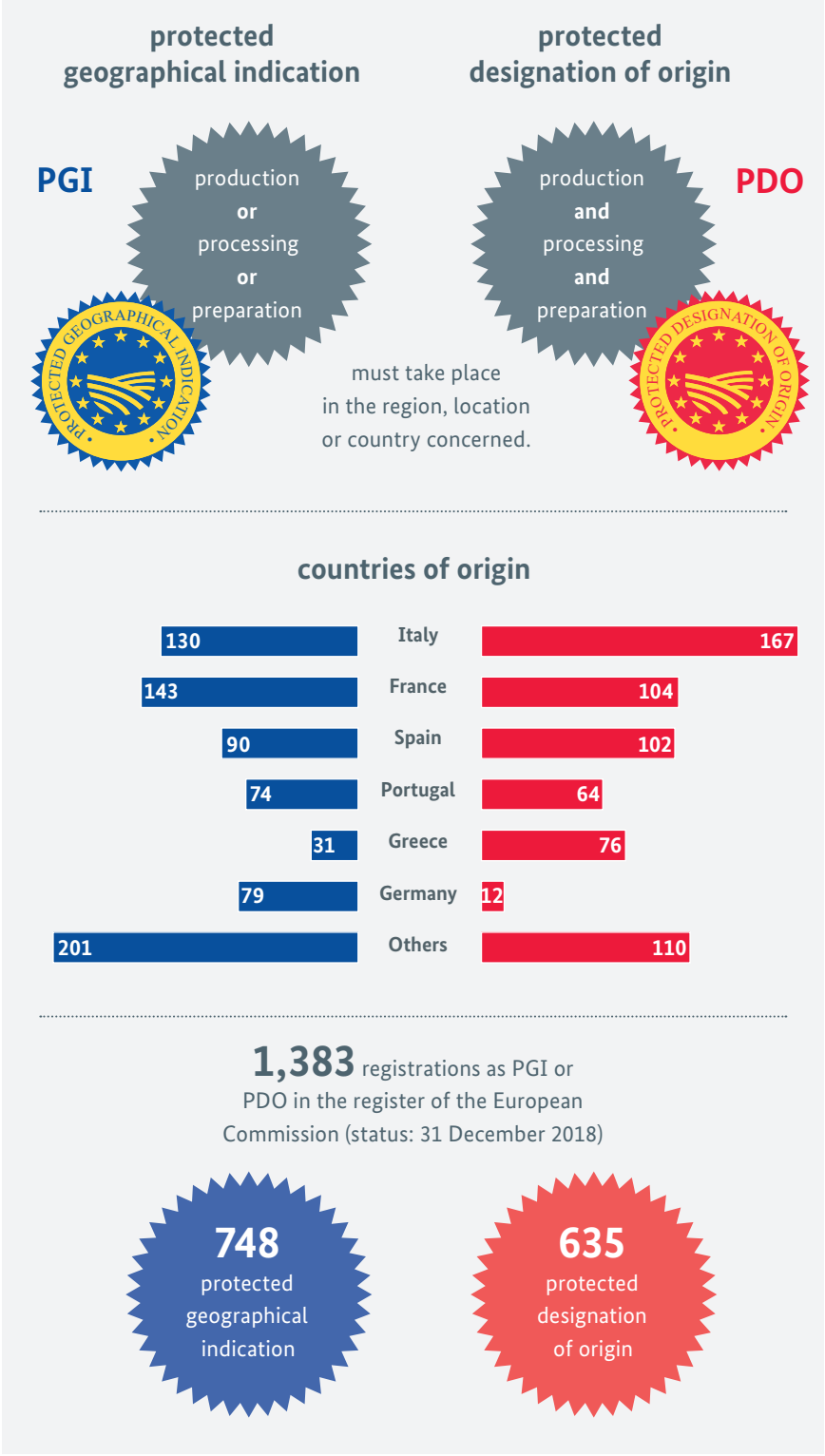
http://ec.europa.eu/agriculture/quality/door/list.html

In the "Spreewälder Gurken" (gherkins) proceedings (30 W (pat) 36/15), concerning the amendment of the specification of the indication of origin protected since 1999, the Federal Patent Court *(Bundespatentgericht)* dismissed the appeal of an opponent on the grounds that the opponent was not located in the area in question and therefore, in the opinion of the court, did not have a legitimate interest. An appeal on points of law against this decision was brought to the Federal Court of Justice (*Bundesgerichtshof*/I ZB 78/18).

## The Swabians are good at everything – including whisky and balsamic vinegar.

In 2018, two requests for preliminary rulings submitted to the Court of Justice of the European Union (CJEU) showed that geographical indications of origin may possibly also provide far-reaching protection going beyond the actual geographical indication or designation of origin:

The Italian consortium of producers of products with the designation "Aceto Balsamico di Modena" took action against a vinegar producer located in Baden-Württemberg who had produced and marketed products under the designation "Balsamico" for many years. The producer consortium argued that this infringed the rights to the overall designation "Aceto Balsamico di Modena". The Federal Court of Justice has submitted the case to the CJEU for a preliminary ruling. The question at issue is whether the protection of the entire name "Aceto Balsamico di Modena" extends to the use of the individual non-geographical compo-




nents of the protected term as a whole, namely, “Aceto”, “Balsamico” and “Aceto Balsamico”.

The second case involved a Swabian producer of single malt whisky which was marketed under the name “Glen Buchenbach”. “Glen” is the Gaelic word for “narrow valley”. Due to its conceptual proximity, the Scottish Whisky Association regarded this as a prohibited evocation of the protected geographical indication “Scotch Whisky”. It should be noted that the designation “Scotch Whisky” was not used by the Swabian producer! The Whisky Association argued that the evocation was based on the fact that it was customary in Scotland to name whiskies after the locations of their distilleries. Hence, in Scotland, the land of mountains and valleys, there were many “Glen” whiskies (such as the famous “Glenfiddich” or “Glenmorangie”). To this the Swabian whisky producer was, according to the Whisky Association, inadmissibly alluding. In its decision, the CJEU stated that for the purpose of establishing that there is an evocation it was important to determine whether an average consumer who is reasonably well informed will think immediately of the protected geographical indication (PGI), namely “Scotch Whisky”, when he is confronted with a comparable product bearing the word “Glen”. In any case, for the CJEU, a mere association was not sufficient.

In the pending infringement proceedings, the Regional Court Hamburg ruled in favour of the Scottish Whisky Association on 7 February 2019 (Ref. no. 327 O 127/16). The court argued that even though there was no evocation, if applying the CJEU standards, there was a misleading indication, because the use of the term “Glen” gave the impression that the whisky designated this way was a Scotch whisky.

The Swabian manufacturer has appealed the decision.

# DESIGNS



>> You will find our extensive statistics on registered designs in the chapter "Statistics" starting on page 105.

## Development of design applications

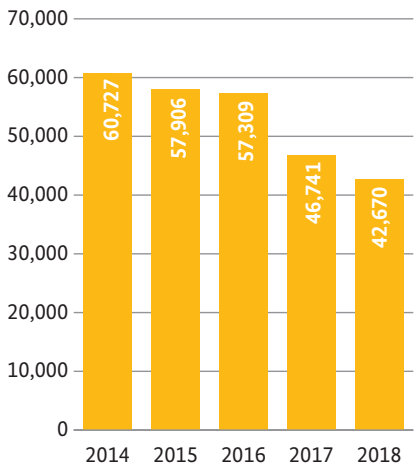
The downward trend in design applications continued in 2018: 42,670 designs were filed in 6,244 single and multiple applications. This means that the number of designs applied for at our office and the number of applications fell by 8.7% and by 3.7%, respectively, compared to the previous year. In the past year, we conclusively dealt with requests for the registration in the Register for a total of 53,216 designs. Our Jena Sub-Office entered 47,647 of these designs in the Design Register; this corresponds to 89.5% of the procedures concluded (2017: 89.0%). Our applicants again frequently made use of the option of combining up to 100 designs in a multiple application: In 2018, well over half of the applicants used this option (57.4%). About eleven designs on average were filed per multiple application – one design fewer than in the previous year. The applicants may file a request not to publish the images of a registered design (deferment of publication of the representation). This way they can save money on fees 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 fell slightly to 25.2% (2017: 26.6%).

At the end of 2018, 314,068 designs were registered at our office.

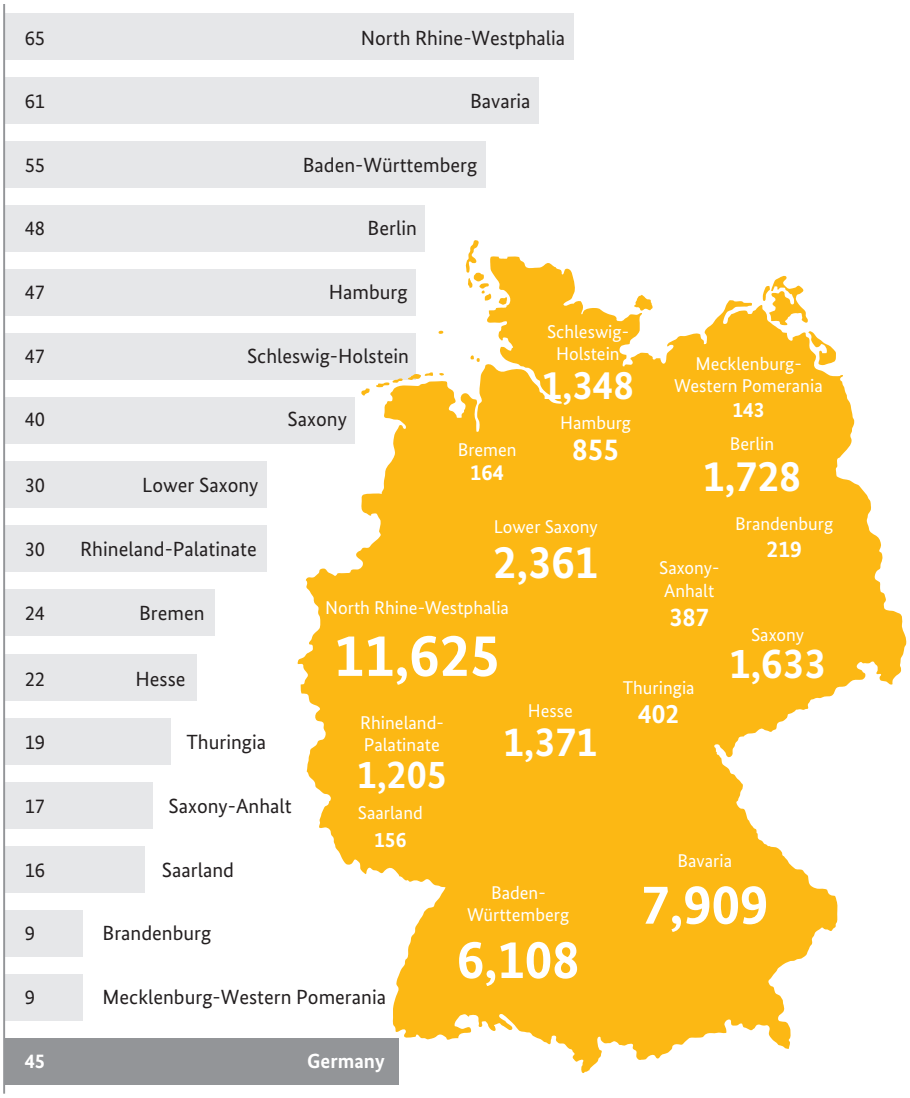
## Origin of design applications

In the year under review, most of the designs applied for, namely 88.2%, were again filed at our office by applicants having a domicile or principal place of business in Germany. This means that the proportion of applications from abroad continued to decline overall. A total of 4,187 designs applied for came from other European countries (2017: 5,594), 869 from non-European countries (2017: 674). The clear majority of designs applied for from abroad still originated from Italy.

*Designs applied for at the German Patent and Trade Mark Office*




*Design applied for by German Länder in 2018*
*(Designs applied for per 100,000 inhabitants and number of design applied for)*




*Designs applied for in 2018 by countries of origin*

| | Designs (applied for) | Percentage |
|---|---|---|
| Germany | 37,614 | 88.2 |
| Italy | 2,348 | 5.5 |
| Switzerland | 788 | 1.8 |
| USA | 413 | 1.0 |
| Austria | 379 | 0.9 |
| Poland | 213 | 0.5 |
| Czech Republic | 180 | 0.4 |
| Japan | 178 | 0.4 |
| Belgium | 156 | 0.4 |
| China | 113 | 0.3 |
| Others | 288 | 0.7 |
| **Total** | **42,670** | **100** |

## Design applications by German *Länder*

In 2018, most of the 37,614 designs filed at our office by applicants based in Germany, namely 30.9%, were filed by people or companies based in North Rhine-Westphalia (11,625 designs applied for). North Rhine-Westphalia has been at the top of the list of German *Länder* for eleven years now. In 2018, it was again followed by Bavaria with 7,909 designs applied for (21.0%) and Baden-Württemberg with 6,108 designs applied for (16.2%).

## Post-registration procedures

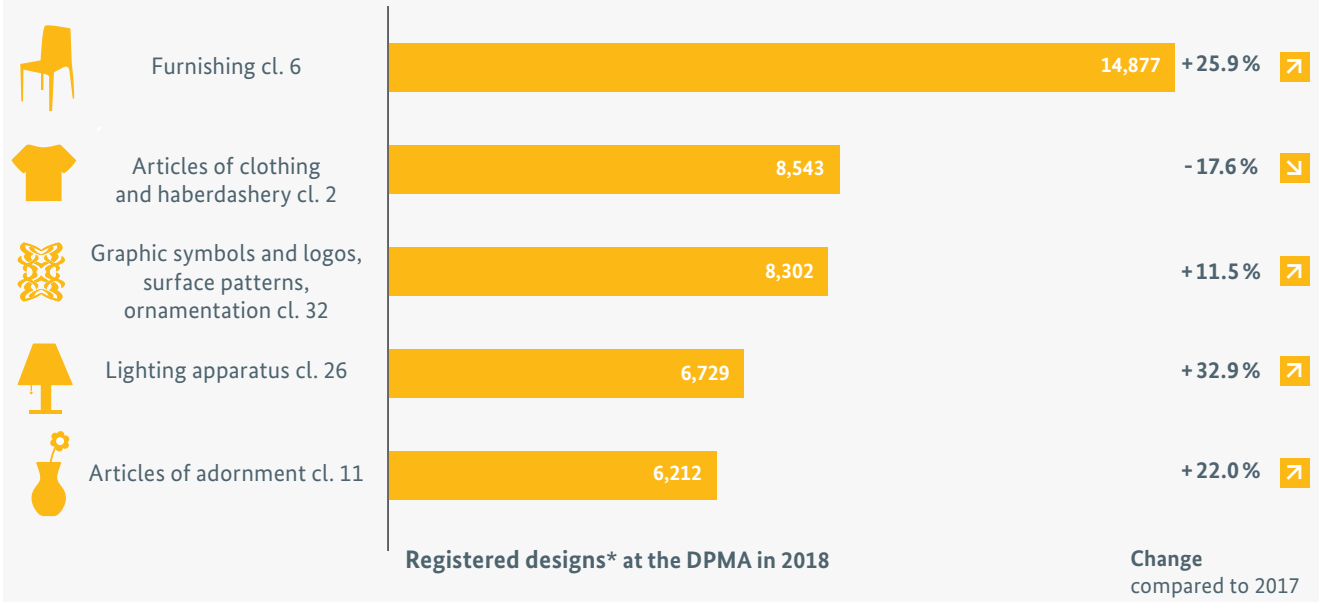
A registered design may enjoy protection for a maximum period of 25 years from the filing date. Changes of the Register entry may be effected by various procedures during that period:

- **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 for an IP right in the Register, for example, if it is transferred from the owner to another person or if there is a change of representative.

## Design invalidity proceedings

In 2018, 31 applications for determination or declaration of invalidity were filed (2017: 63). 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 or 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 to be borne – are essentially based on the Code of Civil Procedure *(Zivilprozessordnung)*.
In 2018, a total of 74 design invalidity proceedings were concluded.

## TOP 5 Classes of goods




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

# 20 YEARS AGO

## The Jena Sub-Office was opened




On 15 October 2018, the Federal Minister of Justice and Consumer Protection, Dr Katarina Barley, described it as a "real success story": For 20 years, our Jena Sub-Office has been an important and indispensable part of our office. Last year we celebrated this anniversary together with 150 invited guests at a festive ceremony in the Volksbad Jena.

> ***"The Jena Sub-Office is regarded as a prime example of a well-functioning federal system. It is a successful chapter of German reunification and a real success story."***
>
> *- Dr Katarina Barley -*

The establishment of the Sub-Office was the result of a decision of the Commission on Federalism following reunification of 27 May 1992. Until then, the DPMA (then still named German Patent Office, DPA) only had one further office outside Munich, which was located in Berlin. The former West Berlin branch had been merged there with the Office for Inventions and Patents of the GDR. Initially, it was intended to move the entire Berlin office to Jena. However, in the end, Berlin also remained a DPMA location.

Today, 229 DPMA staff work at the Jena office in Thuringia. Essential parts of the trade mark area and the design division are located there as well as staff in the Budget, IT and Administration areas. The Sub-Office examines roughly 40% of the total number of German trade mark applications and also administers all trade mark rights that have been examined in Munich for what are known as post-registration procedures. This means that all renewal and cancellation procedures as well as all changes of register entries for the approximately 815,000 trade mark rights in

force are carried out in Jena. The Jena Sub-Office is solely responsible for IP rights in designs. Almost 314,000 active designs are currently being administered in about 54,000 case files.

From 8 to 20 October 2018, on the occasion of its 20th anniversary, our Jena Sub-Office hosted an exhibition at the Goethe Galerie, which is directly adjacent to the office. It focused in particular on companies with a long tradition, especially those from Central and Eastern Germany, which have successfully stood their ground in the market with their IP rights as trade mark and patent owners, even after the German reunification. Among the numerous



exhibits was as a faithful replica of the first automobile, patented in 1886, which Bertha Benz had courageously taken for the first long-distance drive.

At the ceremony on 15 October 2018, the President of the DPMA, Cornelia Rudloff-Schäffer, also praised Jena as an "ideal location" for our office and said: "The fact that we feel so much at home here as an office for the protection of innovation underscores Jena's position as an innovative powerhouse in the centre of Germany." The President also paid tribute to the staff: "Our excellent staff as well as our local partners have accomplished extraordinary achievements here over the last 20 years."

Speakers at the ceremony also included Wolfgang Tiefensee, the Thuringian Minister for Economic Affairs, Science and the Digital Society, Dr Thomas Nitzsche, the Mayor of Jena, and Markus Ortlieb, the Head of the DPMA Sub-Office

We congratulate our Jena Sub-Office and wish all our colleagues there a very innovative future: Here's to the next 20 years together!

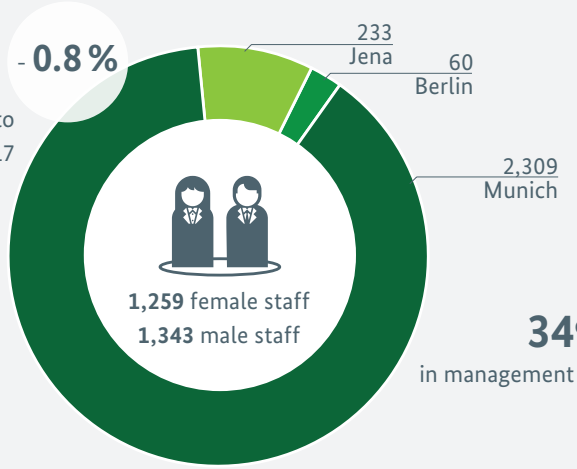






# At a glance

## Number of staff and recruiting

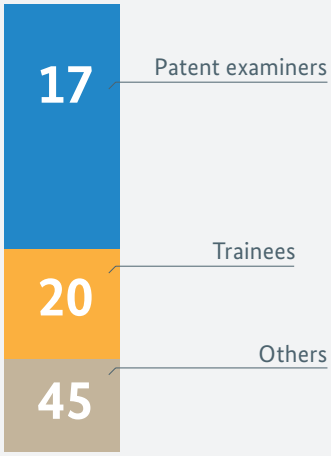



**34%** women in management positionen

The DPMA had a total of **2,602** staff at the end of 2018

**Incentive bonuses** for **606** very committed and high-performing staff members

In 2018 we were only able to hire **82** new staff – due to the long period of provisional budget management:




## Balancing work and family life

Part of our human resources policy is strategically geared towards reconciling career and private life. We offer our staff family-friendly working conditions and pay attention to the special needs of our staff in their individual phases of life. For many years, flexible working time arrangements, individual part-time work and teleworking schemes have been established standards for a good work-life balance. Over 30% of staff work up to four days a week in their home offices. We will expand this offer, step by step, to 1,200 teleworking positions.

The family-friendly conditions include a nursery for 36 children and specially equipped parent and child office rooms. Staff can turn to awo lifebalance GmbH for support services with respect to finding care for their children and relatives in need of care. The costs of the actual care incurred have to be borne by the staff themselves.

By offering its family support services, the DPMA is promoting the aim of the Federal Equal Opportunities Act *(Bundesgleichstellungsgesetz)* to enable women and men to better reconcile family life, care and work. Tandem leadership, i.e. job sharing for executives, is firmly established as a measure of the gender equality plan. This makes executive positions more attractive, especially for women working part-time. The two heads of our Section 4.1.5 will tell you on page 40 how tandem leadership works in everyday working life at the DPMA.

>> The DPMA is a member of local initiatives for families *(Familienpakte)* and the nationwide network *Erfolgsfaktor Familie.*

## Vocational training




## Further training

**6** training days on average were used by staff for personal further training.

Career at the DPMA

**520** in-house training courses, language courses and lectures were held for our staff in 2018.

## Health promotion and occupational safety

Healthy staff are the basis for successful work and for the attractiveness as an employer. For this reason, the DPMA has set up a central unit specifically for this purpose, which is responsible for behavioural and structural/conditional prevention measures for the health and safety of all staff members.

In the area of health promotion, several lectures and activities took place in 2018 on "Digitisation and health", the topic of the year. Changes in the world of work due to digitisation, overload of information, healthy sleep – the focus in 2018 was on these topics. The health action day in our Munich headquarters was also completely dedicated to this topic of the year.

In 2018, as part of our health promotion programme, we expanded our exercise and relaxation programmes as well as other behavioural prevention measures such as the seminars "Healthy vision", "Stress reduction through mindfulness" and "Life kinetics". What was special was that, in 2018 for the first time, these measures took place at all the DPMA's locations and offices. An important goal of **DPMAstrategie** has thus been achieved!

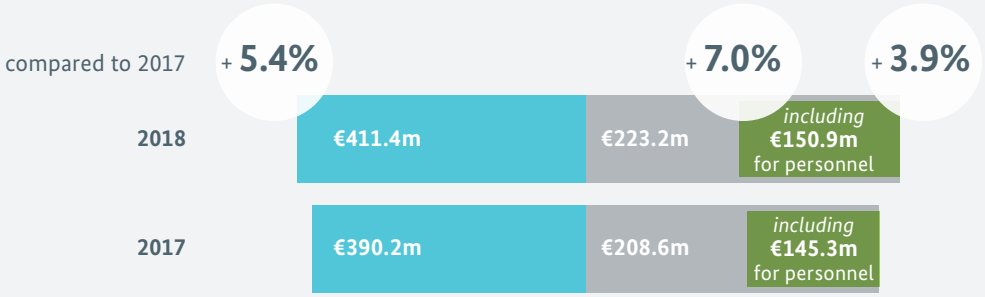
The central unit "Health and Safety" is being assisted in its activities by numerous people. In 2018, new conflict mediators from among the staff joined in; they have now completed their training and will in future be available as collegial advisers.

In the area of occupational safety, the focus was on the implementation of hazard assessments in order to be able to identify and eliminate any burdens and hazards in advance. We do not only have physical dangers in mind: We examine the working conditions of our staff holistically to identify opportunities for improvement.

www.dpma.de/dpma/karriere/ (in German)

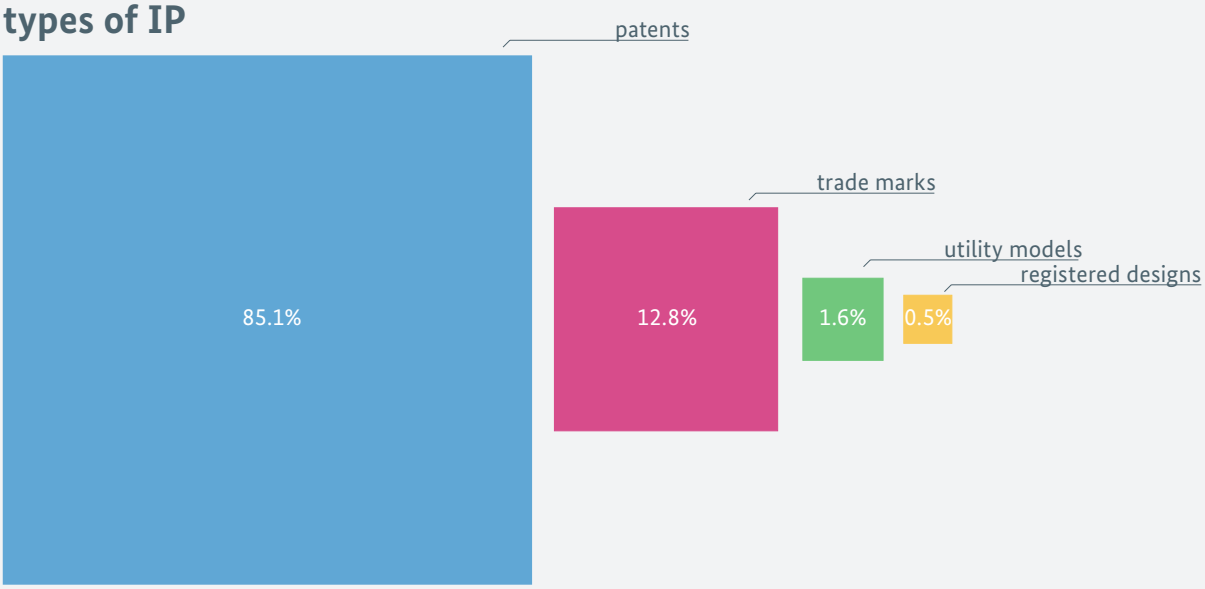
# Finances

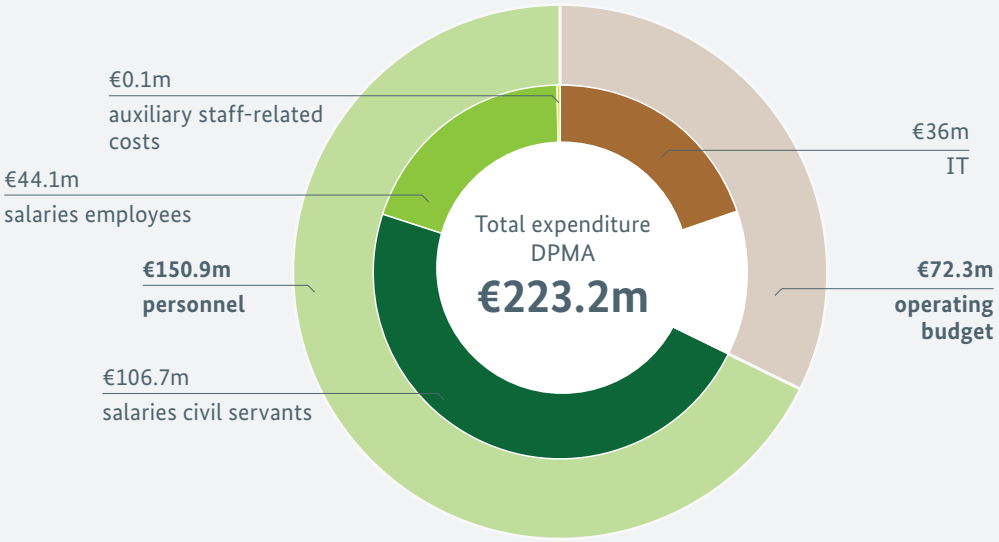
## Income and expenditure




Breakdown of income by

## types of IP



# INTERVIEWS

## Interview with Nadja Amendt and Claudia Waas

**Heads of Section 4.1.5 – Personnel Development and Personnel Representation Matters**

An important guiding principle for personnel development at the DPMA has always been to help our staff to better reconcile family life, care and work. As the implementation of this work-life balance usually goes hand in hand with part-time work for those affected, the further development of their careers – in a part-time position – was more wishful thinking than reality for executives, in the past. With a little courage, we have therefore introduced tandem leadership teams at the DPMA: In a dual leadership role, two executives share a senior management function. The two Heads of Section, Claudia Waas and Nadja Amendt, talk about their experience with tandem leadership.

**Ms Amendt, Ms Waas, you share the leadership of a Section in Directorate General 4 – Administration and Law. How long have you worked as part of a tandem leadership team at the DPMA?**
*Ms Amendt:* Since November 2011, I have been working continuously, with a brief interruption, as part of a tandem leadership team. The current "dual leadership" in Section 4.1.5, which I share with my colleague Claudia Waas, is the third personnel constellation for me in eight years.

*Ms Waas:* After returning from my first parental leave in mid-2015, I switched from full-time to part-time. Since then, I have been fulfilling my role as Head of Section at the DPMA as part of a tandem leadership team – initially in our Legal Division and, since the beginning of 2016, in a new composition in Personnel Management.

**With a tandem you associate a speedy ride and a shared effort. What are the advantages of the tandem leadership?**
*Ms Amendt:* For me personally, the great advantage is that I, as a part-time staff member, can continue to fulfill a responsible management role at our office. Thanks to the tandem, it is possible for me to work part of the time from my home office (teleworking) without any problems. This makes it much easier for me to balance work and family life. I also value the advantages of being able to discuss and coordinate both technical subjects and leadership issues on an equal footing. The advantage for the DPMA is that it can make the best possible use of the potential of experienced and often high-performing executives, even in phases when they are working part-time for family-related reasons. And for the other members of our Section, almost unlimited availability of the Heads of Section is guaranteed, despite the fact that they work part-time and from home.

*Ms Waas:* Sadly, in today's world of work, holding a management position when working part-time is still not a matter of course.

**Are there any disadvantages at all in the day-to-day work of the tandem leadership team?**
*Ms Waas:* Working as a tandem leadership team requires intensive coordination, for which an increased amount of time is required. However, if a tandem leadership team has worked well together, coordination often happens quite naturally and incidentally. Nonetheless, it sometimes happens that it is not possible to answer a question immediately in a conversation if the tandem partner is not present at that moment and you think that the issue requires coordination. Normally, however, people will understand when you say that you would like to consult each other first.

*Ms Amendt:* Moreover, this additional effort also pays off because this means that many issues are discussed and explored in detail.

**Have you also encountered any reservations about the tandem leadership team?**
*Ms Amendt:* Initially, there usually is some uncertainty as to whether availability of the Head of Section is sufficiently ensured. In the case of tandem leadership teams, too, the same question arises, since in most cases the afternoon hours are not covered by two part-time executives due to their



family responsibilities. In the case of dual leadership, normally the question also arises about the distribution of tasks and responsibilities. In my experience, however, these challenges and uncertainties can be mastered through clear agreements and open communication.

**And how does the tandem leadership team function in everyday working life, what is your experience?**
*Ms Waas:* In a tandem leadership team, it is vital that the two executives work well together. From my point of view, a tandem cannot function otherwise. This includes a lot of communication and mutual information, but also openness if it happens that you see things differently. In any case, it is very important that both "pull together" and present a common position. In our Section, we have divided the tasks – with the exception of some central issues. This makes it clear who is primarily responsible for a certain issue. That is important for our colleagues, but it is also important for us to know who is responsible for what. Of course, this does not rule out that we are both up to date in principle on all issues, for example in order to be able to provide information in meetings or when there are inquiries or to continue a topic in the case that the other Head is absent.

*Ms Amendt:* I believe it is essential that the chemistry is right between the tandem partners. That does not mean that they have to be as similar as possible. However, they should agree on their fundamental ideas – both on technical issues and their common understanding of leadership. I also think it is important that they trust each other and can laugh together!

**Your practical advice: How do you ensure that the flow of information in your Section flows in all directions despite divided tasks?**
*Ms Waas:* The exchange takes place several times a day, quite spontaneously and as required – sometimes only very briefly, sometimes extensively. In principle, we keep each other up to date about all important developments. When heading a section by a tandem leadership team, it has to be considered carefully, of course, which information is relevant for the tandem partner and which is not, so that there is not too much information at some point.

*Ms Amendt:* In addition, we hold a weekly meeting of the Section to discuss current activities and upcoming events. In this way, we ensure that all staff members of the Section are kept informed beyond their immediate fields of work. Within our tandem team we communicate several times a day in person or over the phone on telework days. In addition, we use the digital communication tools: We are cc-ing each other on our e-mails – that's both simple and effective!

**Ms Waas, Ms Amendt, thank you very much for this interview.**

# International Cooperation

A large number of international and bilateral meetings, Heads meetings at senior management level, from major events such as the WIPO Assemblies to small meetings at working level between IP specialists: Last year saw the intensive and global continuation of our successful cooperation with our international partners in the field of intellectual property.

It is not only the lively exchange of information and experience at all levels that offers a valuable enrichment for one's own work. Through various partnership agreements, the DPMA is also directly involved in the further development of national and international structures. In this regard, a common goal of ourselves and our partners is the effective protection of intellectual property – in the interest of our customers.

**Our cooperation partners on an international level include the:**

» **European Patent Office (EPA)**
Germany is represented in the Administrative Council of the European Patent Organisation (EPOrg) by the DPMA, among others. In addition, our Office has a strong influence on the European patent system through its participation in committees and working groups, such as the Technical and Operational Support Committee.
It was the shortest distance for an inaugural visit: After his appointment last year, the new EPO President António Campinos came to the DPMA for a meeting with President Cornelia Rudloff-Schäffer. The main buildings



*EPO President Campinos visits DPMA President Rudloff-Schäffer*

of the EPO and the DPMA in Munich are located directly next to each other on the Isarkanal.
The discussions focused on the IT projects of both offices, for example online filing and the integration of national register entries of the DPMA into the international register of the EPO. President Campinos expressed particular interest in the DPMA's electronic case file and the business processes implemented. Both Heads of office stressed the importance and advantages of close cooperation.

European Cooperation

» **World Intellectual Property Organization (WIPO)**
On 24 January 1978, the international Patent Cooperation Treaty (PCT) entered into force. From the very beginning, Germany, along with twelve other countries, has been part of the PCT's 40-year success story. With currently 152 participating contracting states the PCT system enables applicants to simultaneously seek patent protection in a large number of countries by filing a single international application. In 2017, German PCT applications ranked fourth (after applications from the USA, China and Japan).
The PCT Regulations are constantly being developed further. Within the framework of the PCT Working Group and other committees, the DPMA participates in the decision-making processes for regulating procedural processes in the interests of our customers.
Since 2013, in cooperation with WIPO, our Office has been organising annual WIPO Roving Seminars in Germany. Last year, the WIPO Roving Seminar

www.dpma.de/english/our_office/about_us/cooperation/european_cooperation/



*WIPO Roving Seminar 2018*

took place at the *Informationszentrum Technik und Patente* (Information Centre Technology and Patents) at the TU Dortmund University. The seminar participants had the opportunity to obtain detailed information about WIPO's services and databases there.

The brochure "A Guide to the Main WIPO Services" is available on our website on international cooperation.

International Cooperation

**» European Union Intellectual Property Office (EUIPO)**

Within the framework of the European Trade Mark and Design Network we cooperate in particular with the EUIPO. In addition to participating in the Management Board and the regular liaison meetings, our Office is involved in various European convergence projects. Within the framework of these projects, the EUIPO, national trade mark offices from the EU Member States and user associations work together to harmonise the different examination practices in the field of trade marks and designs. In 2018, we hosted two working group meetings on the CP8 and CP9 convergence projects relating to trade mark issues.

>> Detailed information about the Tenth German Day, which took place at the EUIPO in Alicante, at the beginning of 2018, is available on page 46.

**» All patent offices participating in the Patent Prosecution Highway**

In 2018, the DPMA again worked intensively together with the partner offices within the Global Patent Prosecution Highway (GPPH) network. In addition to the DPMA, a total of 24 offices participate in the GPPH. The network enables the sharing of work results between the participating offices. This helps to accelerate the patent examination procedures and improve examination quality.

As the National Intellectual Property Administration of the People's Republic of China (CNIPA) does not participate in the GPPH, the DPMA maintains a bilateral PPH pilot programme with the CNIPA. Last year, the DPMA and the CNIPA extended the duration of the programme by a further three-year period until 22 January 2021, thus continuing the long-standing and close cooperation.

**» Group B+ for international patent law harmonisation**

The discussions on international substantive patent law harmonisation having been held since 2014 within the framework of what is known as Group B+ (EU member states and EPOrg member states, the EU Commission, the EPO, Australia, Japan, Canada, New Zealand, the Republic of Korea and the USA) were continued with the active involvement of DPMA experts as well as representatives of the Federal Ministry of Justice and Consumer Protection at a meeting in Geneva in September 2018 among others. Together with users from the respective regions, topics such as prior art, grace period/non-prejudicial disclosures, conflicting applications and prior user rights were further dealt with.

**» International Trademark Association (INTA)**

An annual INTA seminar on various trade mark issues is held at the DPMA, most recently on 8 February 2018. Participants include paralegals, trade mark administrators and other staff dealing with trade marks.

At the end of last year, Meike Urban, designated President of INTA, and Hélène Nicora, who is responsible for Europe, visited the DPMA to discuss with President Rudloff-Schäffer and Barbara Preißner, Head of our Directorate General 3 (Trade Marks and Designs), the latest developments and strategies, in particular in the field of trade marks.



*Meeting of senior management and INTA delegation*

www.dpma.de/english/our_office/about_us/cooperation/international_cooperation/



**United Kingdom**

Three patent examiners of the UK IPO visited the DPMA as part of the annual exchange of experience and discussed special aspects of the patent examination procedure with their German counterparts. In addition, an expert from the UK IPO and our quality management experts met in Munich to discuss a variety of issues relating to quality assurance in patent examination.

**Russian Federation**

In cooperation with the German Foundation for International Legal Cooperation *(Deutsche Stiftung für internationale rechtliche Zusammenarbeit)* Russian experts gathered information about the registration procedure for indications of geographical origin.



**Denmark**

The Director General of the Danish Patent and Trademark Office, Sune Stampe Sørensen, visited the DPMA for a meeting at senior management level. President Rudloff-Schäffer provided information on the latest filing figures and on the developments in the DPMA's strategy process. Director General Sørensen, for his part, explained current projects of the Danish Patent and Trademark Office, in particular also on raising awareness, and stressed the importance of the IT infrastructure for the patent examination procedure. Other topics were the use of the electronic search systems and electronic case file processing at the DPMA.



**Sweden**

At the invitation of President Rudloff-Schäffer, the new Director General of the Swedish Patent Office (PRV), Peter Strömbäck, came to Munich for a meeting. Topics addressed included the strategic orientation of the two offices, current trends in various fields of technology as well as informing the public about IP rights, with particular regard to small and medium-sized enterprises (SMEs).




**Republic of Korea**

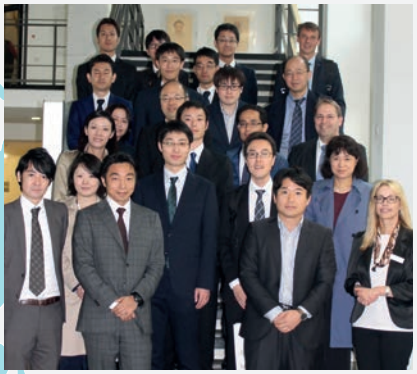
Within the framework of the exchange programme four DPMA patent examiners visited the Korean Intellectual Property Office (KIPO). At meetings at the DPMA, experts of the two offices discussed the patent examination procedure in the field of chemistry and the guidelines for the examination procedure of supplementary protection certificates (SPC), among other issues.



**Uzbekistan**

With the WIPO's assistance and on its initiative, the Deputy Director General of the Agency on Intellectual Property of the Republic of Uzbekistan, Makhsud Bobojanov, and his delegation visited the DPMA in 2018. During their study visit of several days, the guests gained a comprehensive insight into the German IP system and the work of the DPMA.





**Japan**

As early as from 2000, German and Japanese patent examiners have regularly exchanged information on their work. Last year, two DPMA patent examiners visited the Japan Patent Office (JPO) in Tokyo for this purpose.

On several occasions, experts from the JPO and Japanese industry were given insights into the work of the DPMA. Together with our experts, they discussed topics such as copyright and the support for small and medium-sized enterprises (SMEs).



Study visit of judges from Shanghai



**China**

In the past year, the long-standing partnership with the National Intellectual Property Administration of the People's Republic of China (formerly "SIPO", since August 2018, China National Intellectual Property Administration, CNIPA) was intensified by a meeting at senior management level, among other things. Several visitor groups of IP experts from various Chinese provinces gathered information on the work of the DPMA. In addition, a further exchange of experience on patent examination took place in 2018: Three patent examiners from the CNIPA were our guests in Munich and gained an insight into patent examination at the DPMA.

A high-ranking CNIPA delegation headed by Commissioner Dr Shen Changyu visited our office in September 2018 to discuss current issues. President Cornelia Rudloff-Schäffer informed the guests about the latest developments in the field of patents and utility models, the implementation of the trade mark law reform and our recruitment initiative, which aims at a well-staffed patent examination department.

Dr Shen explained the restructuring of the CNIPA and the bundling of all tasks concerning the IP protection in one authority. Since March 2018, the Chinese office has also been responsible for the registration of trade marks and the protection of indications of geographical origin. As a result of the reorganisation, the CNIPA now operates within the sphere of the new state authority for competition, the State Administration for Market Regulation (SAMR). This restructuring underlines the importance of intellectual property in China's innovation and economic strategy.

Both Heads of Office stressed the importance of bilateral cooperation between the DPMA and the CNIPA. Cooperation in the field of utility model procedures as well as an exchange of views on 4IR (4th Industrial Revolution), artificial intelligence and blockchain were considered. Joint symposia were arranged to take place in Germany and China, in 2019 and 2020.

# Tenth German Day at EUIPO

On 24 January 2018, the tenth German Day took place at EUIPO in Alicante. The German Day is organised in cooperation between the DPMA and EUIPO and offers users the opportunity to debate on current issues relating to activities of EUIPO on site in Alicante. In 2018, it was the first time that participants from industry, the legal profession and professional associations also included interested parties from Austria.

After the greeting by Christian Archambeau, Executive Director of EUIPO (at that time Deputy Executive Director), various questions of the participants were discussed. The discussion was, among other things, about the requirements that EUIPO places on the proof of use of a trade mark.

The event focused in particular on current developments in the course of the reform of European trade mark law. Against this background, EUIPO reported, among other things, on the first experiences with the newly introduced certification mark. The participants exchanged views on various procedural issues in connection with the reform of European trade mark law already implemented at EUIPO. Some examples are the suspension of proceedings and the handling of trade marks that have been applied for before the reform.

EUIPO also provided information on its Strategic Plan 2020, the "EUIPO Academy" online learning portal and current developments in European cooperation projects. In this context, the DPMA's accession to the Designview database in 2017 was highlighted (in Designview, data on registered designs can be accessed). Finally, Detlef Schennen, Chairperson of the Fourth Board of Appeal, gave an overview of pending cases before the Grand Board of EUIPO.



*Participants of the tenth German Day*

# BRIEFLY EXPLAINED

## Data Protection at the DPMA

The year 2018 will probably go down in history as the year of data protection, not least because the European General Data Protection Regulation (GDPR) became applicable on 25 May 2018. At the DPMA, the protection of the data of our customers and of our staff is very important to us – and has been for many years.

For us at the DPMA, a twofold division of responsibilities has proved effective for a long time:

The **office's data protection officer** and her staff are based in a central unit directly reporting to the office's senior management. She is not bound by directives and fulfils the tasks provided for in Article 39 of the GDPR: Together with her colleagues, she provides advice in data protection matters, in particular to the office's divisions and senior management, and always listens to questions of staff concerning data protection. At the same time, she is the person to contact first for all questions concerning data processing by the DPMA. Therefore, her contact details are also published on the DPMA website. The duties of the data protection officer also include monitoring compliance with data protection requirements. In addition, the central unit issues an internal quarterly newsletter on data protection issues and provides regular training for DPMA staff.

The areas of the DPMA in charge of compliance with data protection regulations can also seek advice on the implementation of data protection requirements in their daily work from a section of our Legal Division specialised in data protection law (**administrative data protection**).

The General Data Protection Regulation has only partially changed the legal basis for the DPMA. In our view, the special provisions in IP laws that have already been applicable continue to apply by means of the flexibility clause in point (e) of Article 6(1), (2) of the GDPR in conjunction with Section 1(2) of the new Federal Data Protection Act *(Bundesdatenschutzgesetz, neu)*. They were supplemented by new provisions during the process of implementing the GDPR by the German legislature. These provisions govern how the data subjects may exercise their rights with regard to the DPMA's public registers.

More than a year before the GDPR became applicable, we at the DPMA had already begun to analyse what changes would occur and to what extent processes, responsibilities, reporting chains and information would have to be adapted or also newly created. After all, the General Data Protection Regulation has also created new instruments, such as the data protection impact assessment, which did not previously exist in this form. We have done a lot to meet the requirements of the GDPR. We have adapted our data protection statement on the Internet. Among the many details which had to be reconsidered and revised were, for example, the adaptation of contracts or also the handling of personal data of participants in DPMA events, who need to be provided with extensive information. The staff of the DPMA have been – and are being – instructed on the amended provisions.

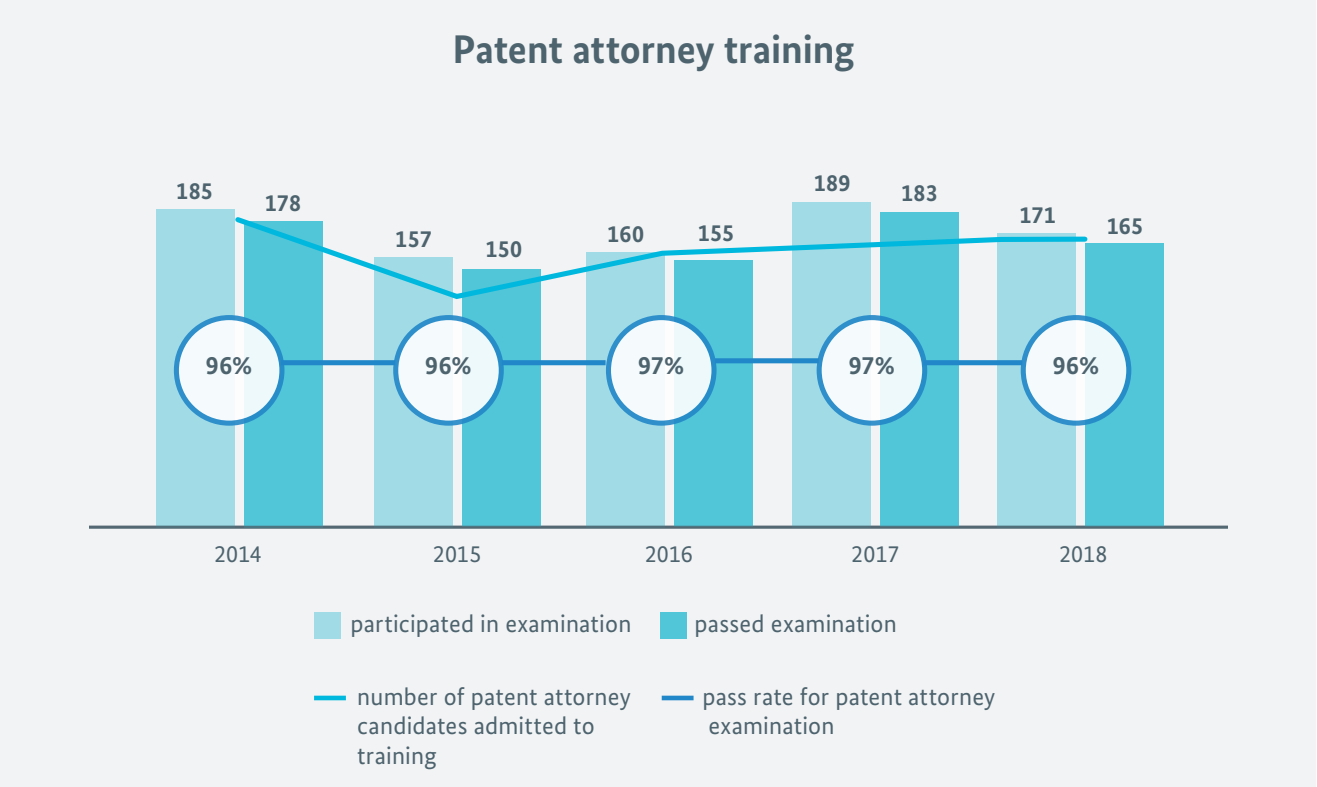
We will continue to watch with keen interest how supervisory authorities and courts will interpret the new provisions. This could also result in a need to adapt our internal regulations, although this is not yet foreseeable given the present state of knowledge. The DPMA will carefully observe developments, also in your interest, so that data protection can be implemented in the best possible way in our daily work.

>> If you have any questions on this issue, please contact the data protection officer at **datenschutz@dpma.de**

# Patent attorney training

The interest in the profession of patent attorney is not waning. In the past year, we were able to admit 170 candidates to the patent attorney training.

In 2018, 165 out of 171 examinees passed the German patent attorney examination. The pass rate was 96.49%. This means that the patent attorney candidates have again achieved an outstanding result.




## Patent attorney training then and now

How has the training so closely associated with our office changed over the past 30 years? We have taken a close look at the two training years of 1988 and 2018.

The general framework conditions for the patent attorney training show considerable differences between 1988 and 2018, but there is also a similarity: Today, as 30 years ago, law firms and patent departments of companies are desperately looking for candidates with university degrees, preferably in electrical engineering and mechanical engineering. Formerly, the shortage of young talent was solved by giving university graduates from other disciplines – such as Business Administration/Engineering, Forestry, Wood Sciences or Geology – the opportunity to enter this interesting and varied occupational field. In today's globalised world of work, candidates with (equivalent) technical or scientific degrees from other countries often compensate for the national shortage.

**Information on the patent attorney training and examination is also available on these websites**

www.dpma.de/english/our_office/about_us/further_duties/patent_attorney_training/ www.patentanwalt.de/de/en/

Since October 2017, training has been based on the revised Ordinance Concerning Patent Attorney Training and Examination (*Patentanwaltsausbildungs- und -prüfungsverordnung*). Essential differences compared to the former training can be found, for example, in the duration of the training and in the "alimentation" of the patent attorney candidates: In 1988, for example, it was not unusual for patent attorney candidates to enrol only after a successful "probationary period" of one to two years. The training itself often took longer than the prescribed 26 months. In the fast-paced working world of 2018, such a lead time is almost unthinkable and the Ordinance now prescribes a maximum period of three years for the duration of training at a patent law firm or at the patent department of a company.

In 1988, the training under the supervision of a patent attorney was followed by a training phase known as the "office year", i.e. a twelve-month training period at the patent authorities: four months at the German Patent Office (DPA) or – since 1 November 1998 – at the German Patent and Trade Mark Office (DPMA) and eight months at the Federal Patent Court. Today, this training phase only takes a total of eight months: two months at the DPMA and six months at the Federal Patent Court. The reason for this is: Candidates no longer undergo training in general law at the patent authorities, but attend a study course at the *FernUniversität* in Hagen while working.

In 1988, the state was still responsible for providing economic security for patent attorney candidates. Each candidate received a tax-financed (non-refundable) maintenance allowance of 2,000 DM per month on average. Today, such benefits no longer exist. If applicants are at all entitled to financial support, they will only receive a maintenance loan, which they will have to repay at an interest rate of three per cent.

>> For detailed statistical data on patent attorneys and representatives, please see the "Statistics" chapter on page 108.

## The qualifying examination for European patent attorneys

Since the "Act on the Activities of European Patent Attorneys in Germany" *(Gesetz über die Tätigkeit europäischer Patentanwälte in Deutschland)* came into force on 18 May 2017, it has no longer been possible for foreign European patent attorneys to apply directly for admission to what is known as "qualifying examination". Rather, we will now examine, upon request, whether the foreign European patent attorney has equivalent professional qualifications. If this is not the case, the applicant must sit a qualifying examination. The qualifying examination consists of a written and an oral component.

The written component consists of four exams. The main emphasis is on the areas of

» patent and utility model law,
» trade mark and design law,
» civil law,
» commercial law,
» law of civil proceedings as well as
» law on employee inventions.

We admit the candidates for the oral examination if they have passed at least two of the four written exams.

# Supervision under the CMO Act

Those who intend to use a work protected by copyright, such as a film, a text or a piece of music – for example, to copy or publicly perform it – generally require prior permission by the author. As this is actually almost impossible, collective management organisations manage the rights of creative people collectively. They issue licences authorising the use of the works and collect remuneration in return. Then they distribute the revenues to the right holding authors on the basis of distribution schemes. In this way, collective management organisations act in a fiduciary capacity. In addition, they enjoy a monopoly position because they are usually specialised in a specific creative sector.

For these reasons, collective management organisations are subject to supervision by the DPMA in accordance with the Act on Collective Management Organisations (CMO Act) *(Verwertungsgesellschaftengesetz)*. As supervisory authority, we act in the public interest and ensure that collective management organisations comply with their obligations under the CMO Act. In this context, requests and complaints from right holders and users also prompt us to investigate.
In 2017, the currently 13 collective management organisations in Germany generated total revenues of roughly two billion euros (the 2018 figures were not yet available at the copy deadline). The income of each individual collective management organisation is listed in the table on page 51.

In autumn 2018, another application for authorisation to conduct business as a collective management organisation was received by us. If a collective management organisation in Germany wishes to manage copyrights or related rights, it generally requires authorisation under the CMO Act. The obligation to obtain authorisation enables prior control and ensures that only such collective management organisations will manage rights that are
» effectively,
» economically and
» reliably
capable of doing so. We will decide on the application for authorisation in agreement with the German competition authority *(Bundeskartellamt)*.

Dependent and independent management entities are not subject to authorisation, but are subject to compulsory notification. Since the introduction of the CMO Act in 2016, they too have been subject to our supervision. Dependent management entities are subsidiaries of one or more collective management organisations. Insofar as they themselves act as collective management organisations, they must also comply with the provisions of the CMO Act. Usually, independent management entities are profit-oriented institutions which differ from collective management organisations primarily in that it is not the creative people themselves who have joined together in them. We also supervise compliance with the obligations imposed by the CMO Act on these entities. By the end of 2018, seven dependent and two independent management entities had notified the DPMA about their activities.

In 2018, the general assembly of members of the collective management




organisation WORT, among other things, changed the conditions for the entitlement of publishers of collections of works (such as encyclopaedias, manuals or legal commentaries) to their participation in the distribution of income. As the competent supervisory authority, we have reviewed and monitored these changes.

In autumn 2018, the German legislature passed an amendment of the Copyright Act *(Urheberrechtsgesetz)* to transpose what is known as the "Marrakesh Directive" (EU) 2017/1564. The new legal provisions in Sections 45b to 45d of the Copyright Act provide for improved access to copyrighted works for the benefit of people with visual or reading impairments. This also involves a new task for the DPMA: From 1 January 2019, we are exercising supervision over what are referred to as "authorised entities". Authorised entities are libraries for the blind and similar institutions which offer educational material and provide accessible texts and other content for people with visual or reading disabilities on a non-profit basis. We provide detailed information on the implementation of the "Marrakesh Directive" in the chapter "A glance at 2019" on page 87.

## Register of Anonymous and Pseudonymous Works

In the register, kept by us, authors who have published their works anonymously or under a pseudonym may have them registered under their real names. The standard period of protection under copyright law is started by the registration. For works that have been published anonymously or under a pseudonym, copyright expires 70 years after 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 expires 70 years after the death of the author – the same period as for all 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 at the DPMA also keep the Register of Out-of-Commerce Works. It is freely accessible via our website and provides information about the intention of a collective management organisation to license rights to certain out-of-commerce works. This enables libraries, archives or other non-profit organisations to digitise them and make them available to the public. By the end of 2018, 23,733 entries were made in the Register.

*Revenues of the collective management organisations in 2017*

| | Collective Management Organisations | Total budget[1] 2017 |
|---|---|---|
| **GEMA** | Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, rechtsfähiger Verein kraft Verleihung | €1,074.323m |
| **GVL** | Gesellschaft zur Verwertung von Leistungsschutzrechten mbH | €310.056m |
| **VG WORT** | Verwertungsgesellschaft WORT, rechtsfähiger Verein kraft Verleihung | €296.268m |
| **VG Musikedition** | Verwertungsgesellschaft Musikedition, rechtsfähiger Verein kraft Verleihung | €6.808m |
| **VG Bild-Kunst** | Verwertungsgesellschaft Bild-Kunst, rechtsfähiger Verein kraft Verleihung | €130.054m |
| **GÜFA** | Gesellschaft zur Übernahme und Wahrnehmung von Filmaufführungsrechten mbH | €9.332m |
| **VFF** | Verwertungsgesellschaft der Film- und Fernsehproduzenten mbH | €55.086m |
| **VGF** | Verwertungsgesellschaft für Nutzungsrechte an Filmwerken mbH | €17.484m |
| **GWFF** | Gesellschaft zur Wahrnehmung von Film- und Fernsehrechten mbH | €87.545m |
| **AGICOA** | AGICOA Urheberrechtsschutz-Gesellschaft mbH | €23.352m |
| **VG Media** | Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Sendeunternehmen und Presseverlegern mbH | €46.181m |
| **TWF** | Treuhandgesellschaft Werbefilm mbH | €5.949m |
| **GWVR[2]** | Gesellschaft zur Wahrnehmung von Veranstalterrechten mbH | €1,134 |
| **Total** | | **€2,056.490m** |

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

# 25 YEARS AGO

## Opening of the DPMA's Hauzenberg office

On 17 September 2018, two events were honoured with celebrations on the same day in Hauzenberg in the administrative district of Passau: Last year, the Hauzenberg office of the DPMA celebrated its 25th anniversary and our Hauzenberg team can now continue its success story in new premises!

We celebrated the anniversary of our branch office along with the inauguration of the new office building. In bright and sunny weather, Vice-President Christine Moosbauer welcomed not only the current and former DPMA staff in Hauzenberg, but also many guests of honour: Rita Hagl-



Kehl, Parliamentary State Secretary to the Federal Minister of Justice and Consumer Protection and member of the German *Bundestag*, as well as Gudrun Donaubauer, the first mayor of Hauzenberg, and other representatives of the city and administrative district. Some colleagues from Munich who are or used to be particularly entrusted with the Hauzenberg office were present, too. Other guests were the persons in charge of the construction of the new office building.




The festive setting served to honour the at all times outstanding and dedicated cooperation of the current and former staff from Hauzenberg and their special commitment to mastering the change from a typing office to a modern service area. This was further underlined by the announcement that eleven new staff will be joining the office shortly.

> ***"Our Hauzenberg team has succeeded in taking the step into a secure future!"***
>
> *- DPMA Vice-President Christine Moosbauer -*

The other speakers also emphasised the commitment of the staff and the good cooperation between the DPMA and Hauzenberg. The DPMA's pioneering role in digitisation was particularly highlighted, as it is very important for the competitiveness of rural regions. In addition, State Secretary Hagl-Kehl conveyed the sincerest congratulations from the Federal Minister of Justice and Consumer Protection and promised to always support the DPMA and the Hauzenberg office.

After a symbolic hand-over of keys, the ceremony came to an end with a reception in the new rooms at Marktplatz 16 and a small tour of the office building.



## How it all began

On 1 February 1993, the typing office in Hauzenberg was opened with nine typists including a typing group leader. This was preceded by an advertisement of the German Patent Office (DPA) in the newspaper *Passauer Neue Presse* relating to a "relocation of authorities", as no typists were to be found in Munich. Thereupon, Hauzenberg, along with its mayor Bernd Zechmann and supported by Dr Max Stadler, who was a member of the German *Bundestag* at that time, applied to the DPA. The administrative district of Passau, especially the Hauzenberg region, were suffering from the decline of the granite industry and from company closures in the textile sector, which resulted in high unemployment. Consequently, the advertisement of the DPA came just in time: In Hauzenberg, the search for well-trained and highly motivated women for the typing tasks of the DPA and the Federal Patent Court was successful right away.

## In the course of time

The Hauzenberg office was continuously expanded in the 1990s until it reached its highest number of staff with 22 typists in 1997. They were entrusted with a wide variety of typing and data entry tasks: lists of goods and services, address entries – AVA, first publications of patent applications (*Offenlegungsschriften*) and patent specifications for **DEPATIS** which were too complex to be scanned. However, with the widespread introduction of workstation computers, the volume of typing materials decreased more and more, and after the introduction of the electronic case file in the patent and utility model areas in June 2011, the typing office was no longer utilised to capacity. But every change also offers opportunities – and these were seized:

» One team has been integrated into our first level Customer Care and Services.
» Two teams record the literature mentioned by the applicants in the written statements in the patent procedure (information supply) for electronic file processing.

It is true: The step into a secure future has been taken with success. We would like to thank all of our colleagues in Hauzenberg for their successful commitment on this path and look forward to continuing our journey together!

# Arbitration boards at the German Patent and Trade Mark Office

The legal duties and responsibilities within our office are distributed among more than 100 work units, including patent, trade mark, utility model and design divisions, trade mark teams, sections and central units. Furthermore, two very important arbitration boards are based at the DPMA. They submit settlement proposals to the parties, which can be accepted as binding by them. However, the parties can also object to the proposals or reach their own agreements outside the office. The special feature: Both arbitration boards are autonomous panels.

## The Arbitration Board under the Act on Collective Management Organisations

Its responsibilities under the Act on Collective Management Organisations (CMO Act) are varied:

The Arbitration Board
- mediates in disputes between users and collective management organisations,
- proposes contracts between cable network operators and broadcasting organisations as well as between partners to inclusive contracts and
- develops proposals for regulating the statutory remuneration claims for storage media or reproduction devices and, in this context, also for provisionally securing the remuneration claims of the *Zentralstelle für Überspielungsrechte* (ZPÜ) (the German central organisation for private copying rights).

In practice, the activities of the Arbitration Board have so far focused on the latter.

Important decisions of the Arbitration Board are available (in German) on our website.

### Security payments

In the past year, the Arbitration Board has further developed its decision practice with regard to security payments. By decision of 8 February 2018, it had decided that a request for security payment which was not due to a quantified claim in the proceedings in the main action had to be rejected. The Higher Regional Court of Munich confirmed this view and stated that the purpose of the security payment was not to compel companies to fulfil their obligation to provide information, but that the obligation to provide information must be enforced first. On the basis of this information, the ZPÜ can quantify the claim in the main action and apply for a security payment for it.

The Arbitration Board has now modified its previous decision-making practice of simultaneously deciding on information and remuneration claims (as was always also requested) in cases in which a request for a security payment has been filed for a not yet quantifiable claim in the main action. This is because the Arbitration Board may only decide on a request for a security payment if proceedings in the main action are still pending before it. In order not to allow the ZPÜ's right to the security payments to, in effect, come to nothing, the Arbitration Board will in future defer the request for a declaratory judgement on the remuneration claim and initially only decide on the request for information.

www.dpma.de/dpma/wir_ueber_uns/weitere_aufgaben/verwertungsges_urheberrecht/schiedsstelle_vgg/entscheidungen/

### Statutory remuneration claims

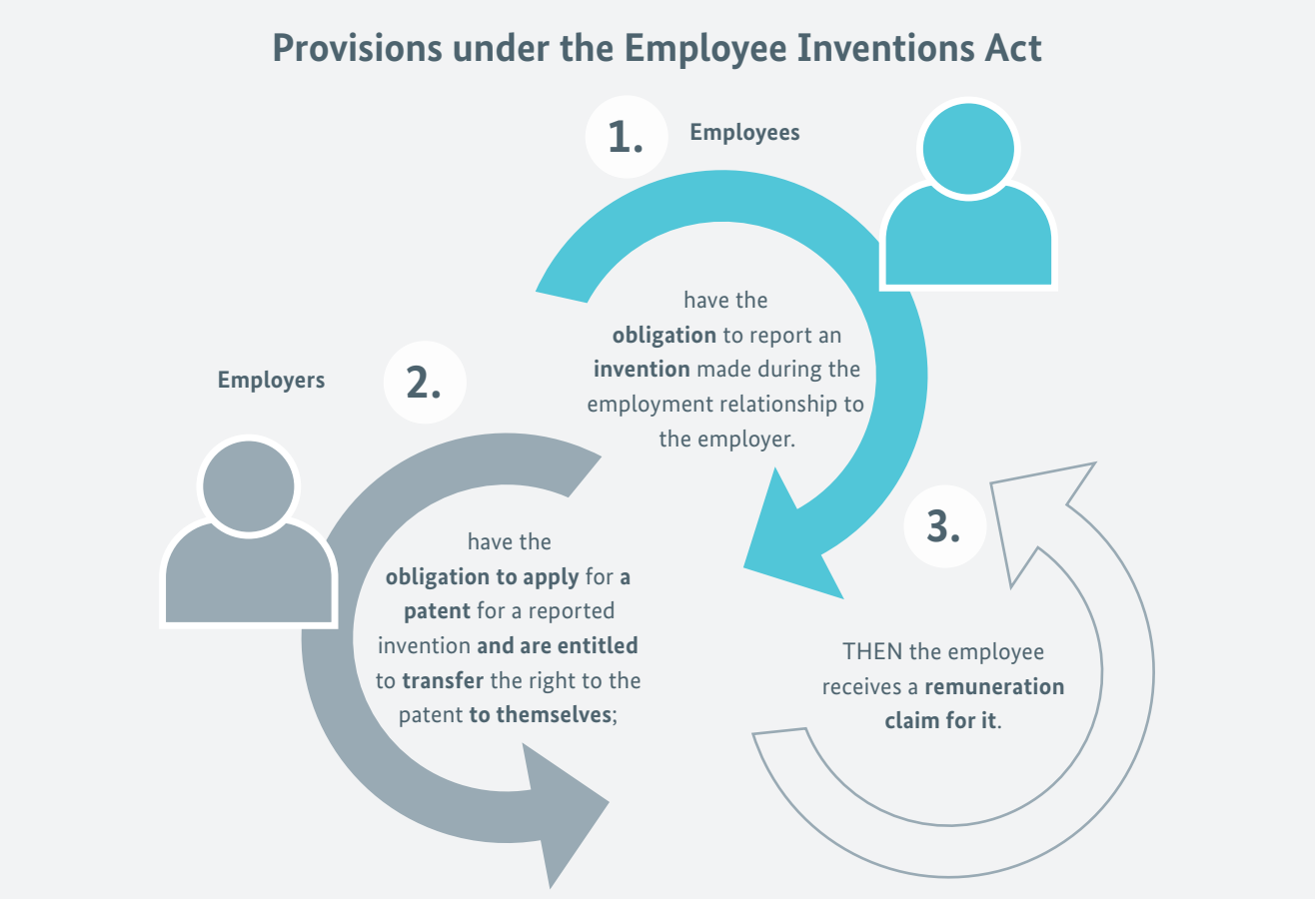
In 2018, the Arbitration Board has also further developed its decision practice with regard to statutory remuneration claims. For USB sticks and memory cards, it proposes a remuneration of 15 cents and 35 cents, respectively, linked to the memory capacity. For cassette recorders it has proposed a remuneration of 62 cents, for tablets 4 euros. It was precisely this decision that triggered much criticism in addition to much approval. The proposed remuneration differs considerably from the remuneration of 8.75 euros agreed in the inclusive contract (exclusive of an inclusive-contract discount of 20%). The question therefore arises as to the relationship between the remuneration agreed in the inclusive contract and non-member enterprises of the associations concluding the contract or of such member enterprises which have not joined the inclusive contract: Does the remuneration agreed in the inclusive contract have an evidentiary, presumptive or even binding effect?

With regard to member enterprises which have not joined the inclusive contract, the Federal Court of Justice has already decided that the remuneration agreed in the inclusive contract (merely) has the effect of a tariff offer – comparable to the tariff list according to Section 38 of the CMO Act – which, in principle, should make a full review of the remuneration possible. The relationship between the remuneration agreed in the inclusive contract and non-member enterprises has not yet been assessed by the courts.
Decisions on these issues are expected in the first half of 2019.

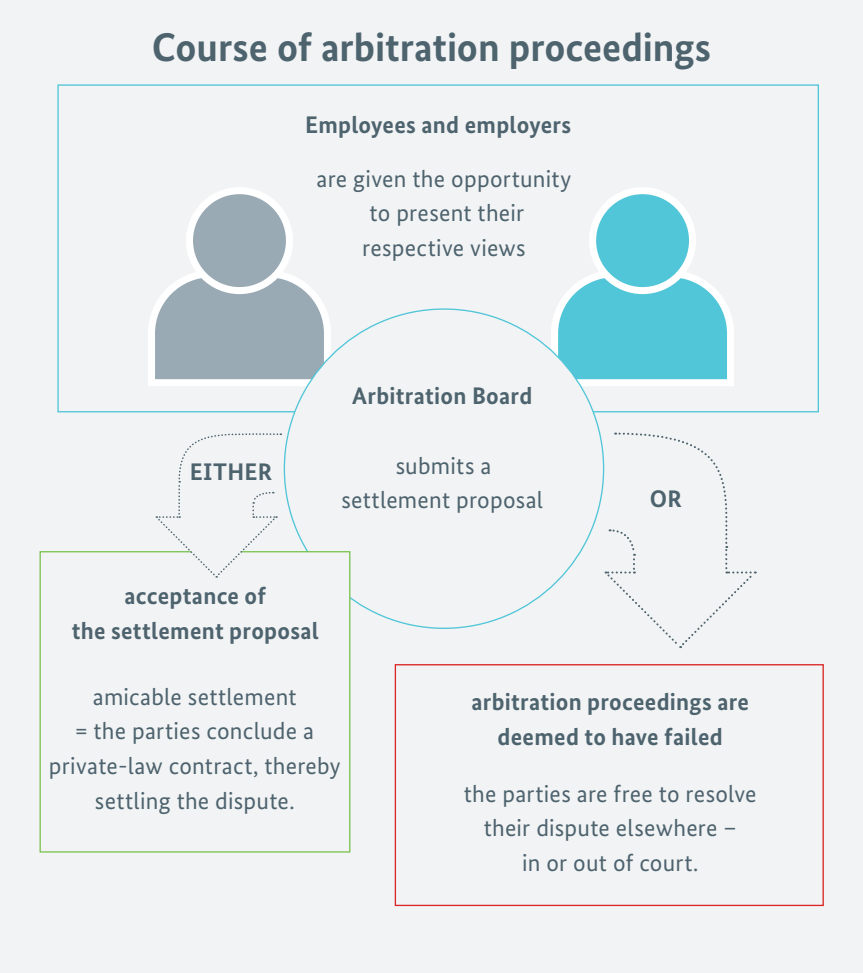
## Arbitration Board under the Employee Inventions Act

People are often unaware that more than 90% of inventions filed with the DPMA for the grant of a patent or the registration of a utility model are the work results of employees.

Although work results always belong to the employer under labour law, special features must be taken into account for these employee inventions, which are also referred to as service inventions. This is because the inventor principle applies in patent law, which deviates from the provisions of labour law with regard to the ownership of work results. Pursuant to Section 6 of the Patent Act *(Patentgesetz)*, the inventor has the right to the patent regardless of whether or not the invention was created as part of an employment relationship. The Employee Inventions Act *(Gesetz über Arbeitnehmererfindungen)* has clear rules to resolve this conflict:



If the employer makes use of the option of claiming the right to the patent, the employee receives an additional claim to remuneration – that is independent of the salary. Section 9(2) of the Employee Inventions Act specifies the amount of the remuneration claim: "In assessing compensation, due consideration shall in particular be given to the commercial applicability of the service 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 sometimes even to disputes between the parties involved, which should not put a strain on the employment relationship. That is why the legislature has set up the Arbitration Board under the Employee Inventions Act at the DPMA. Its standard composition consists of a chairperson qualified to hold judicial office and two patent examiners. While the chairperson holds the position on a permanent basis, the patent examiners are specifically appointed for the respective proceedings according to their particular technical expertise. This ensures that the Arbitration Board is always equipped with the best possible legal and technical expertise.




In 2018, the Arbitration Board concluded 67 % of such proceedings, with the parties accepting 68 % of the settlement proposals. The Arbitration Board dealt with the following questions, among others:

- Does the employer's instruction to the employees to report inventions directly to the US parent company preclude the application of German employee invention law? – Arb.Erf. 49/16
- Legal basis for remuneration in the case of agreements concerning a service invention which has become free – Arb.Erf. 36/16
- Release of an invention before an IP application but after transfer of the rights to the employer; obligation to pay remuneration for failure to apply for an IP right – Arb.Erf. 39/16
- Amount of remuneration for internal use of a service invention for only one single object – Arb.Erf. 66/16
- Deriving the remuneration for an invention from the remuneration agreement of a co-inventor – Arb.Erf. 45/16

For more information about these and other published settlement proposals of the Arbitration Board (in German), please visit our website (💻).

💻 www.dpma.de/english/our_office/about_us/further_duties/arbitration_board_employee_inventions/

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

| | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| **Requests** | | | | | |
| Total requests received | 167 | 118 | 162 | 164 | 159 |
| including inclusive contracts under Sec. 92(1), no. 3 CMO Act | 0 | 2 | 1 | 5 | 5 |
| **Cases concluded by** | | | | | |
| Settlement proposals of the Arbitration Board | 35 | 32 | 28 | 15 | 69 |
| Partial settlement proposal of the Arbitration Board[1] | | | | | 2 |
| Order | 28 | 32 | 62 | 21 | 107 |
| Total (without partial settlement proposals) | 63 | 64 | 90 | 36 | 176 |
| Requests pending at the end of the year | 329 | 383 | 455 | 583 | 566 |
| **Payment of security[2]/ provisional settlement** | | | | | |
| Requests | | | 10 | 16 | 19 |
| Orders | | | 0 | 3 | 7 |

[1] recorded for the first time in 2018
[2] Introduced by the CMO Act; first-time filing of requests in December 2016

*The Arbitration Board under the Employee Inventions Act*

| | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Requests received | 67 | 60 | 72 | 54 | 71 |
| Settlement proposals | 13 | 44 | 44 | 55 | 47 |
| Proposals accepted (%) | 78.6 | 75.0 | 69.8 | 60.0 | 68.0 |
| Refusals to participate in arbitration proceedings | 11 | 15 | 12 | 16 | 15 |
| Other cases concluded, in particular, by withdrawal of request, order, provisional proposals, etc. | 17 | 15 | 15 | 8 | 5 |
| Total of cases concluded | 41 | 74 | 71 | 79 | 67 |
| Arbitration proceedings pending at the end of the year | 125 | 111 | 112 | 87 | 91 |

# IN FOCUS

## Our central, uniform complaints management

If you have no other requests – thank you for giving us this feedback! We will take a close look at this matter and try to get even better!"
This short extract from a dialogue between our Customer Care and Services and an initially dissatisfied customer is a typical recurring situation. Many customer enquiries offer opportunities for improvement, even if initially, they sometimes start with a statement of displeasure or with strong words. For this reason, the central complaints management is allocated to Customer Care and Services.



As early as in 2012, we began to restructure our Customer Care and Services at the DPMA as part of a project. An essential part of the project result is the collection of feedback from the public. If expectations are not met, this often leads to a complaint. Such public feedback must not be dismissed too quickly as negative criticism concerning the actions of the DPMA. Rather, it should be centrally recorded, carefully analysed, evaluated and responded to in an appreciative and timely manner.

So far, many units of the DPMA have worked out their own successful approaches for dealing with such feedback. Over the years, however, it has become evident that many people try to raise their concerns simultaneously via several channels. Within our office, this leads to multiple processing of customer enquiries and sometimes inconsistent answers in content and form. The centralisation of complaint processing and response, the optimisation and standardisation of complaint handling and the optimisation of business processes as a result of complaint analysis were defined objectives of the project. The implementation of the project objectives is firmly agreed and has been achieved to a large extent. In 2016 and 2017, a series of intensive discussions were held with the departments concerned, followed by an overview of the great variety of activities. The result: The individual areas deal with complaints in very different ways. Enforcing harmonisation would require a lot of effort.

Theoretically, however, if one abstracts processing in the sense of a simplified general business process and leaves untouched the individual, content-related work in the department, centralisation and standardisation can quickly and easily be achieved. This is now being implemented. An annex to the rules of procedure of the German Patent and Trade Mark Office will describe the agreed methodology. According to these instructions, all staff of the DPMA can act and simplify, accelerate and assure the quality and form of complaint processing. In this context, the central complaints management unit (in the following graphic, it is unit 2.1.2.c) plays the key role. This unit accepts, examines and processes the complaint, documents the result and responds to the input. But that is only part of the solution. In order to achieve a central and uniform way of processing, all DPMA staff are invited to make their contribution: In fact, they play the most important role by forwarding any complaint to the central complaints management unit.

The central complaints management ensures that the replies to the complainants are drawn up in a formally uniform manner. Content-related processing will take place in close cooperation with the respective department. If an answer has already been agreed with the department for a specific case constellation, processing is carried out entirely by the central complaints management. The areas of the DPMA concerned will receive a copy of the reply for their information. Recurring customer enquiries are thus quickly answered – without requiring further efforts by the department.

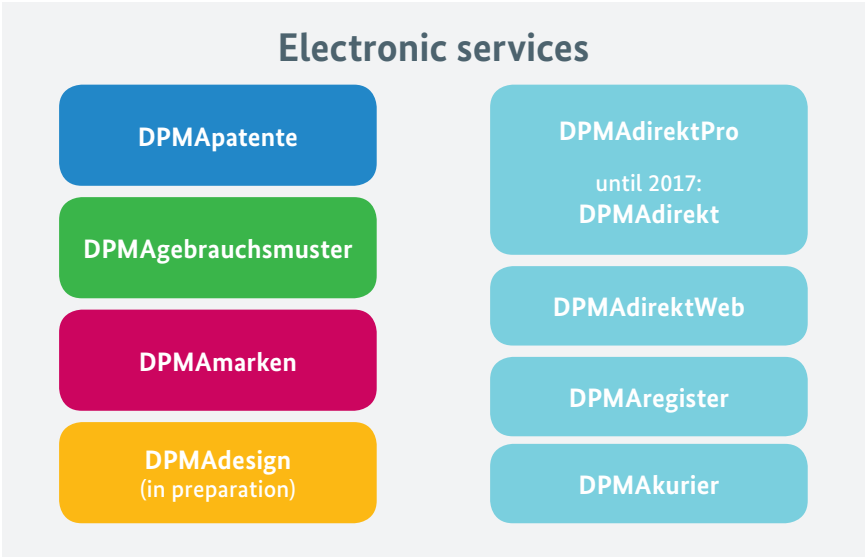
The analysis results gained from the feedback received are regularly discussed with the departments and the persons responsible at the DPMA in order to exploit the potential as fully as possible.

All in all, this is an excellent scenario. Feedback is channelled correctly and misunderstandings are minimised, as everyone can make a contribution to the satisfaction of the public and thus also to the satisfaction of our staff.

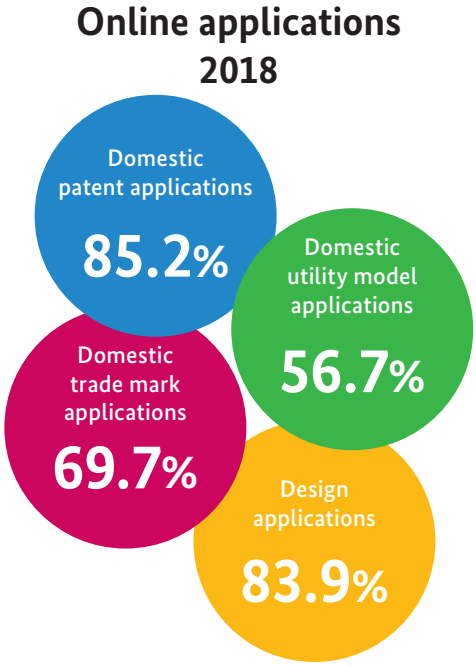
# News from IT Services

In recent years we have comprehensively modernised the IT landscape at the DPMA. For a large – and still growing – number of our customers, the introduction of fully electronic case file management for patents, utility models and trade marks (designs probably from 2021), above all, is a very successful result of this modernisation.

In the course of the technical changes, we also had to gradually adapt organisational structures and processes to the changed conditions. In this chapter, we provide information on this process and on the latest progress of our ongoing IT projects as well as on information security, which is a central topic for all of us.




*Detailed information about our IT developments and e-services is available on our websites.* (💻)




## Organisational study in Directorate General 2 "Information" in the run-up to IT consolidation

The IT sector at the DPMA will continue to undergo major changes in the future. We must as early as now begin preparing for the IT consolidation of the federal administration, which is scheduled for our office for the period from 2021 to 2023. Therefore, it is time for the DPMA to look at its overall organisational structures in the IT divisions. We must critically analyse whether the previous adaptations were consistent with each other and whether the structures resulting from them are fit for the future in view of the upcoming changes.

We have already noticed that, in recent years, efficient structures and processes have in fact been created for each IT system, but that comparable structures and processes of the various IT systems differ from one another. We expect synergy effects from the standardisation of processes.
Another observation: Our office does not yet have the optimum organisation structure for the IT consolidation. Insofar as, for example, the DPMA delegates tasks in technical operation to a central federal service provider, new internal tasks arise as a result of commissioning, controlling and monitoring this service provider. In order to fulfil these tasks, it is advantageous to have uniform responsibilities at the DPMA, for example, for hardware operation. At present, these are shared among several organisational units:
As part of the current organisation study, we will in future structure the organisation in our IT area as consistently as possible according to the functions performed. From now on, we aim to bundle comparable tasks, which arise for different IT systems, in one organisational unit. An example: In future, only one section will be responsible for the technical operation of all servers.

💻 www.dpma.de/english/services/efiling/dpmadirekt/ 💻 www.dpma.de/english/search/

## New search and electronic case file for designs

We presented detailed accounts on the two IT projects "New search" and "Electronic case file for designs" in the chapter "Our strategy, our projects" of the Annual Report 2017. In the current Annual Report, we therefore want to explain here in more detail the developments that these two projects have undergone in the past year

### » New search

As part of the New search project, we have implemented a new search engine as a horizontal service, with the aim of gradually making different data sources of the DPMA searchable via this new search engine. After creating the technical conditions for our new central **DPMArecherche** service, we were able to steer the development of the project more intensively in the direction of new technologies and artificial intelligence (AI) in 2018. We have given higher priority to new functionalities connected with the tasks of our office's core business and oriented them towards their future use in the specialised applications of the DPMA.

As before, the project has been divided into three cases of application: case file search, patent search and electronic classification.



For the search conducted by patent examiners in the electronic case files of patent and utility model procedures, an updated version of the case file *search* is now available: It offers many improvements of the search fields and the display of results. Coordination and preparation for productive use is underway.

After improving the previous prototype, a new patent search has now been made available. This future-proof search engine is based on the complete data pool of **DEPATIS** and offers additional functionalities like ranking, boosting and regular terms in addition to equivalent search operators. To supplement the existing exact search, semantic search functions are being implemented, which we refer to as cognitive search. It recognises the meaning of the search terms on the basis of contexts acquired by learning. The pre-search function – an automated search for documents similar in content to one or more reference texts or reference documents – is at the centre of the provided prototype of the cognitive search. After a previous evaluation, we can now refine functions such as the cross-language search, synonym identification and search with highlighted text parts and complete documents. Through a future integration of the new patent search and the cognitive search into **DEPATIS**, a uniform system for searches in the patent literature will be made available.

As a development in the area of electronic classification, there is now a web service for interactive classification according to the International Patent Classification (IPC). Next year, this new classifier will replace the existing system for the electronic pre-classification of patent and utility model applications at the digitisation centre. In advance, we carry out trial runs which enable a long-term comparison of the results of the new classifier and the existing classifier running in live operation, for eight months.

In the first quarter of 2019, all users will have access to case file and patent search as well as to the cognitive search. In addition, we will begin integration into the application systems of our office and start tapping further data sources of the DPMA.

**» The electronic case file for designs**

Since 2016, we have been making intensive efforts to switch to fully electronic case file processing for designs (too). In 2018, the project had two main focuses: on the one hand, the continuation of the work to complete the specialist and IT concept and, on the other hand, the development of the horizontal service **DPMAarchiv**.

Last year, the project "Electronic case file for designs" introduced an agile model (Scrum) of development. It enabled us to create the horizontal service **DPMAarchiv**. The support provided by modern information technology (desktop video telephony) and the promotion of communication through the agile model of development increasingly made team building across organisational boundaries easier in the course of the project despite the physical distance between the participating DPMA offices in Jena and Munich.

The technical goal of the horizontal service **DPMAarchiv** is to combine the previous isolated solutions of the model administrations or archives of the IP systems in a single central service. At the same time, the purpose of this first development phase, which was completed in January 2019, is to learn and introduce the agile model of development for subsequent, more complex development phases. As the first IP administration system, the electronic case file for designs will use the horizontal service. It is designed in such a way that **DPMAarchiv** can continue to develop further with further requirements for a central archive.

In 2018, we completed the general IT concept for the new user system of the electronic case file for designs. This was the precondition for us to be able to start project phases of the accompanying organisation project (job analysis and job evaluation) for the electronic IP case file for designs dependent on it. Together with experts in the fields of IP, organisation and IT, we will now complete the general IT concept, step by step (iteratively), to create a detailed IT concept.

At the same time, in the first quarter of 2019, we will begin to develop the first components of the electronic case file for designs, for example the case file display. Together with the organisation project for the electronic case file for designs, we are also continuing the information events on the course of the project in 2019: At these events, we intend to present the results of the iterative development and the organisation analysis.

In 2019, we will also focus on developing concepts that make it possible to plan the process of putting the new user system into operation. Topics such as scanning existing case files, data migration and planning of the introduction as well as possible effects on the line functions must be analysed and coordinated in this context with the IP division, the digitisation centre and the organisation section.

## Information security at the DPMA

The generally increased threat of cyber attacks has also required increased efforts in the field of security of information at the DPMA. The current threats were also the trigger for more stringent legal requirements, which we had to implement in our office.

The strategic information security management dealt with the implementation of requirements prescribed in the *Umsetzungsplan Bund 2017* (2017 federal implementation plan) of the Federal Ministry of the Interior, Building and Community. The associated amendments to the standard of the Federal Office for Information Security (BSI) and the latest standard on *BSI-IT-Grundschutz* (general IT protection) involved a great deal of adaptation work.

The new requirements for the logging of security-relevant events *(Protokollierungsrichtlinie Bund)* among other things, posed a challenge for the operational information security management. This logging must be carried out in compliance with the General Data Protection Regulation, which also came into force in 2018. Another new task of the operational security management is the methodical analysis and treatment of vulnerabilities.

# National cooperation partners

In Germany, there is a great variety of research and inventive activity going on. However, it is not only taking place at the large industrial companies that are filing record applications as drivers of innovation, but also at the many small and medium-sized enterprises (SMEs). Through their diversity and regional heterogeneity, they are shaping Germany as a location for industry and innovation. The spectrum ranges from traditional family businesses to hip start-ups, from traditional crafts businesses to self-employed individuals and service providers to high-tech companies. What they all have in common is: Access to suitable instruments to protect their intellectual property is a key condition for their investment capacity, innovativeness and competitiveness – especially when an ever-increasing share of their turnover is generated abroad.

## Cooperation with patent information centres

In order to guarantee this access for the various instruments and processes for the protection of intellectual property and to convey the know-how for successful application, also locally, we work together with the patent information centres – our regional service providers. The patent information centres do not only offer a comprehensive range of information and services relating to IP rights (also trade marks and designs, in addition to patents), but also provide access to electronic databases such as the e-services of the DPMA.

The 20 patent information centres have formed a powerful nationwide network of specialised and neutral IP service institutions at 21 locations, the working group of German patent information centres *(Arbeitsgemeinschaft Deutscher Patentinformationszentren e.V.)*. Our regional service partners have the necessary level of proximity to the market and thus to the decision makers in the field of research and development. The patent information centres contribute to raising the awareness among companies and research institutions for the importance of intellectual property and IP information. This long-term cooperation is based on a cooperation agreement to secure the quality and scope of services provided by the patent information centres.

>> For all life cycles of IP rights, the patent information centres offer a variety of business-related services, for example for filing applications, searching, evaluating and managing IP rights.

In order to fulfil its tasks, the DPMA provides its regional partners with various services, for example

- privileged access to the published data of the DPMA
- supply of publications of the DPMA
- involvement in the qualifying training for staff
- regular and prompt information on new information services, the use and utilisation of such services, on important changes in the IP grant procedures or in organisation matters as well as on other important new developments at the DPMA

In addition, we organise speakers on individual specialised subjects within the scope of our resources and regularly host conferences or seminars for our regional service partners.

In 2018, it was again possible to strengthen cooperation with the patent information centres and to carry out joint activities focusing in particular on SMEs and start-ups as target groups:




*Locations of the patent information centres*

*Locations of the German Patent and Trade Mark Office*

www.piznet.de (in German)

We are pleased that these activities have been concluded with great success. As in previous years, the service portfolio of the patent information centres was again evaluated last year with reference to the common cooperation agreement. Result: All patent information centres meet the specified requirements as to quality and scope of IP-relevant services for SMEs. Increasingly, the focus is on services dealing with the protection and strategic management of intellectual property rather than on pure information services. In the coming years, we will continue to support the patent information centres in their ongoing process of adapting to new framework conditions so that, in the future too, they will continue to be an integral part of Germany's innovation landscape.

In 2018, the Information and Service Centre Berlin (DPMA-IDZ), which is responsible for supporting the patent information centres, in cooperation with renowned institutions, planned, coordinated and ran four training courses in total for the staff of the patent information centres on various topics, such as IP strategy and IP management. In addition, we held eleven topic-related events throughout Germany, in cooperation with the patent information centres, which reached a total of about 500 participants.

Thus, the patent information centres continue to be our most important cooperation partners and, in 2018, they again made a decisive contribution to sustainedly raising awareness of intellectual property among the general public and, in particular, among the business community as well as among researchers and universities, at the national and European level.

*Information services offered by the patent information centres in 2018*

| | Number |
|---|---|
| Search support | 6,633 |
| Commissioned searches | 2,779 |
| initial consultations for inventors at the patent information centres and at cooperation partners provided by patent attorneys | 2,884 |
| Services relating to strategic IP management | 1,403 |
| Services relating to IP enforcement as well as the defence against and prevention of product piracy | 1,204 |
| Seminars | 268 |
| Publications | 304 |
| Information events | 211 |
| Participation of experts of the patent information centres as speakers at third-party events | 93 |
| Trade fair stand hosting | 68 |
| In-house training courses | 56 |

## Cooperation within the framework of the VIP4SME EU project

The European Council has repeatedly stressed the importance of intellectual property as the main driver of growth and innovation. It has also stressed the need to support enterprises, authors and inventors in solving concrete problems related to intellectual property issues in order to make their investment in knowledge, innovation and creativity profitable.

The EU Commission's VIP4SME project (Value Intellectual Property for SMEs) aims to support SMEs in identifying, managing and enforcing IP rights and to provide information on IP rights, as part of the HORIZON 2020 programme. According to the project plan, various seminars, workshops and training courses are being offered throughout Europe and coordinated with the project partners.

The total budget for the project period, from December 2015 to December 2019, amounts to three million euros. The Fraunhofer Institute for Industrial Engineering (Fraunhofer IAO) in Stuttgart coordinates the project. The partners are, in addition to almost all European patent and trade mark offices, also private-sector institutions such as associations, chambers and institutions in the field of research and development.

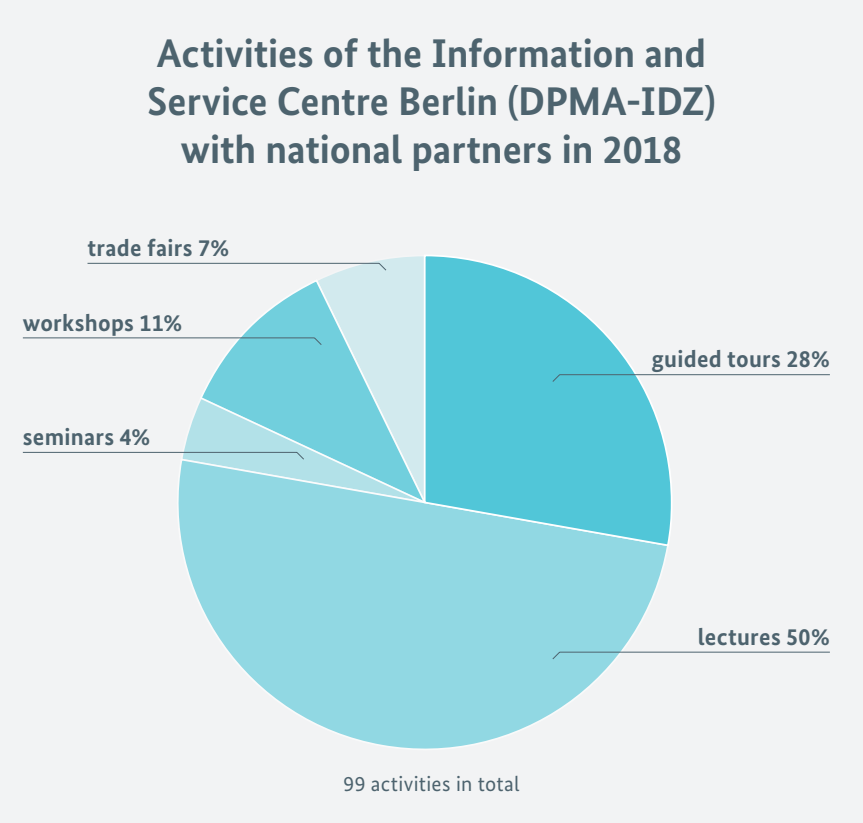
Our Information and Service Centre Berlin (DPMA-IDZ) is actively involved in the national implementation of VIP4SME project:

» For the second time last year, a nationwide action week for small and medium-sized enterprises (SMEs) on "Value Creation with Protection of Ideas and Innovation" was organised together with the patent information centres as part of the project, from 23 to 27 September 2018. During the action week, SMEs were able to obtain free, neutral and confidential information from IP experts of the participating patent information centres about value creation and risk avoidance in dealing with intellectual property.

» On 22 October 2018, the third project-related VIP4SME INFODAY on "IP Protection and Management" took place at the Information and Service Centre Berlin (DPMA-IDZ). Fundamental questions on trade marks, patents and designs were discussed in depth, and current procedures and processes were explained from both a national and a European perspective.

## Further cooperation projects

In 2018, we also held a wide range of events relating to IP rights with other national partners. Increasingly, cooperation is focusing not only on chambers of industry and commerce, but also on institutions of higher education, which cover important links to IP issues in degree programmes such as Industrial Engineering, Industrial Design and Safety Management. Regular lectures at the departments of universities and at events organised by the federal government and the governments of the *Länder* round off the DPMA's broad commitment in the field of national cooperation.




On the following pages we give an account of our close cooperation with the Central bureau of intellectual property rights (ZGR) of the customs services.

# BRIEFLY EXPLAINED

## Central bureau of intellectual property rights of the customs services

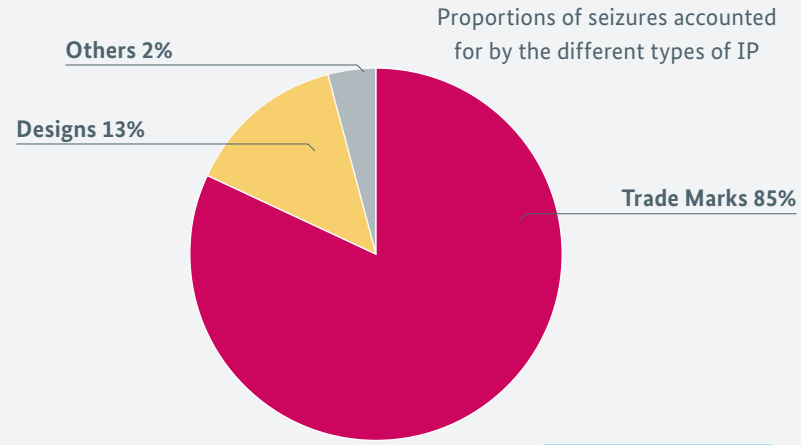
When it comes to IP protection, inventors and creative people encounter a complex infrastructure of different service providers. The DPMA as the centre of expertise for intellectual property protection in Germany together with other institutions, such as patent information centres, industry associations, chambers of industry and commerce and universities promoting innovation, forms an efficient support network for inventors, assisting them in protecting their intellectual property. The Central bureau of intellectual property rights of the customs services (ZGR) is also an important part of this network. We will present the ZGR to you in more detail in this annual report.

The tasks of the DPMA and the ZGR complement each other: While the DPMA is responsible for IP protection by granting patents and registering utility models, trade marks and designs, the ZGR ensures that granted and registered IP rights can be enforced and combats the distribution of counterfeits. In addition, the ZGR holds lectures on IP protection at many events of the chambers of industry and commerce, among others.

The ZGR was established in 1995 and, as part of the Central Customs Authority *(Generalzolldirektion)*, operates within the portfolio of the Federal Ministry of Finance. It processes what are known as applications for the border seizure of goods, filed in Germany. Any holder of an IP right (e.g. trade mark, patent or copyright) may file such an application with the ZGR. Depending on the scope of the granted application, the German customs authorities or the customs authorities of another European Union member state may stop goods from third countries, for example on importation, if there is a reason to suspect that the applicant's IP rights are being infringed. If the suspicion of infringement of rights is confirmed, the goods will be destroyed, possibly after conclusion of court proceedings. During the entire application procedure and also afterwards, the ZGR will be available for questions of the right holders or their legal representatives.

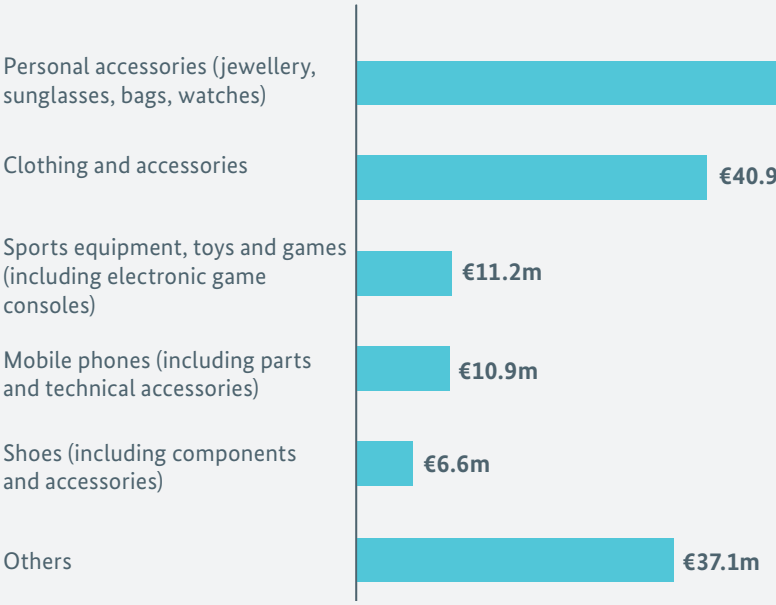
Currently, more than 900 right holders cooperate with customs within the framework of applications for the border seizure of goods.

### 2018 annual statistics of the ZGR






Value of seized goods by categories of goods in 2018:




Breakdown by mode of transport in 2018:

| | **Number** of seizures | **Volume** and **value** of seized goods | |
|---|---|---|---|
| Post | **87%** | 7% | 27% |
| Air | 10% | 32% | **34%** |
| Ship | 2% | **40%** | 32% |
| Road and rail | 1% | 21% | 7% |

Internally, the ZGR prepares the administrative service regulations in the field of industrial property protection. It exercises legal and technical supervision over customs offices in Germany and participates in training courses for clearance and inspection officers. The ZGR's tasks also include the technical support and further development of IT specialist applications, such as electronically supported filing of applications and processing of seizures at customs offices.

"Successfully jointly protecting IP" – this is the slogan under which the ZGR and the DPMA have also been working together successfully at trade fairs since 2006. Over the past twelve years, we have been present at numerous trade fairs with joint information stands on IP rights. We will continue this successful long-term cooperation also in 2019 at three major trade fairs: at bauma in Munich (the undisputed world's leading trade fair for construction, building material and mining machinery, construction vehicles and construction equipment with 605,000 square metres of exhibition space, almost 3,500 exhibitors and around 600,000 visitors), at IFA in Berlin and at MEDICA in Düsseldorf.

With the joint information initiative at trade fairs, we want to provide information on IP rights and how to enforce them in order to enable inventors and companies to take effective action against unfair competition from brand and product pirates. Thanks to our long-standing partnership with the ZGR, we always have appropriate exhibits for our joint trade fair participation to compare original products and counterfeits, suitable for each specific trade fair theme: An eye-catcher for the trade fair stand, which graphically illustrates the risks posed to consumers by cheap counterfeits.

"You have an idea – we protect it", this will remain the slogan also in the future and the motivation of the ZGR and the DPMA for raising awareness of the importance of the intellectual property protection for the German industry.



**Central bureau of intellectual property rights of the customs services**

https://www.zoll.de/EN/Businesses/Movement-of-goods/Import/Restrictions/Goods/Protection-of-industrial-property/protection-of-industrial-property_node.htm

# Events in 2018

**850** guests took part in guided tours, lectures and workshops in our Information and Service Centre Berlin (DPMA-IDZ), last year, to find out more about IP rights. Already for the third time, a VIP4SME INFODAY took place in our branch office. Detailed information about the EU project VIP4SME is available in the chapter "National cooperation partners".




*8 March 2018: DPMAnutzerforum 2018*

**17** people with migrant and refugee backgrounds took part in an information evening on industrial property rights in Germany at the DPMA-IDZ Berlin (22 October 2018). This event was jointly organised by us and the initiatives "SINGA Deutschland", "LOK.Start-upCamp" and "Start-up your Future". Some of the guests had already gained experience with IP rights in their native countries, while others needed information on start-up ideas in their new home country.




*23 February 2018: UNION-IP Round Table at the DPMAforum*

**6** members of the German *Bundestag* took the opportunity for a face-to-face exchange of information during their visits to the DPMA in 2018. The Federal Minister of Justice and Consumer Protection, Dr Katarina Barley, and the Parliamentary State Secretary, Rita Hagl-Kehl, (both SPD – Social Democratic Party) as well as Markus Uhl, Andreas Steier and Ingmar Jung (all CDU – Christian Democratic Union) came to the DPMA in Munich to discuss current issues on the spot with our office' s senior management. Stephan Brandner (AfD – Alternative for Germany) visited the Jena Sub-Office. Always on the agenda: the need for more patent examiner posts and our **DPMAstrategie**.

## Our press releases

**01/03/2018**

*High demand for patents and trade marks "made in Germany" – Germany leader in autonomous driving systems*

**08/03/2018**

*Germany's strengths and weaknesses: WIPO Chief Economist presents innovation trends at the DPMAnutzerforum meeting*

## Our exhibition schedule

| 09-11/01/2018 | 31/01/-04/02/2018 | 09-13/02/2018 | 13-15/03/2018 | 18-23/03/2018 |
|---|---|---|---|---|
| ***PSI*** *in Düsseldorf* | ***Spielwarenmesse*** *(toy fair) in Nuremberg* | ***Ambiente*** *in Frankfurt* | ***LogiMAT*** *in Stuttgart* | ***Light + Building*** *in Frankfurt* |

**30** schoolgirls were experimenting, developing and researching for one day at the DPMA on the nationwide Girls' Day (26 April 2018) as successful inventors.



*8 February 2018: Seminar of the International Trademark Association (INTA) with our Directorate General 3 – Trade Marks and Designs*



*5 April 2018: Markus Uhl, Member of the Bundestag (fourth from right), during constructive talks at the DPMA*

## Markus Uhl, Member of the *Bundestag*, visits the DPMA in Munich

On 5 April 2018, Markus Uhl (CDU), Member of the *Bundestag,* visited our office. He is, inter alia, a permanent alternate member of the budget committee and co-rapporteur for budget section 07 (Justice and Consumer Protection). Jürgen Kunze, Head of the Directorate Z B, took part in the visit as representative of the Federal Ministry of Justice and Consumer Protection. The tasks of this Directorate also include budgetary matters and IT consolidation.

President Rudloff-Schäffer, Vice-President Moosbauer and Vice-President Schmitz provided an overview of the structure, position and strategy of the DPMA. Afterwards, the Heads of the Directorates General presented their respective areas and addressed the challenges, the personnel situation and the digitisation status, IT projects and IT consolidation. The budget officer of the DPMA explained the budget situation. Finally, the fully electronic working method was demonstrated by two of our patent examiners and a patent was granted "live" by them.

The main focus of the meeting was on the DPMA's demand for additional posts, especially in the field of patent examination against the background of the huge increase in the workload. The importance of IP rights for business and industry was emphasised. The office's senior management stressed that the required posts should be made available urgently in order to ensure that patents can be granted within a reasonable period of time. Our guest returned to Berlin with the conclusion of his visit that the need for further patent examination posts had been made clear on the basis of with very good reasons.

We are pleased that, as a result, Member of the *Bundestag* Uhl acted as an advocate for the office and successfully stood up for new posts for the DPMA.



*In addition to Ingmar Jung (CDU), Member of the Bundestag (here with President Rudloff-Schäffer), the Members of the Bundestag Andreas Steier and Markus Uhl (both CDU) and Stephan Brandner (AfD) also visited DPMA offices in 2018 to obtain information.*

4

**17/04/2018**

*From patent procedures to product protection in China: information events with the German Patent and Trade Mark Office on occasion of World Intellectual Property Day*

**18/04/2018**

*"Senior manager with great expertise": German Patent and Trade Mark Office bids farewell to retiring Vice-President Günther Schmitz – his successor is Christine Moosbauer*

**24/04/2018**

*Spider silk boosts innovation - biochemist Professor Dr Thomas Scheibel nominated for the European Inventor Award*

**20-23/03/2018**

***Anuga FoodTec*** *in Cologne*

**10-13/04/2018**

***analytica*** *in Munich*

**14-15/04/2018**

***VELOBerlin*** *in Berlin*

**23-27/04/2018**

***HANNOVER MESSE*** *in Hanover*



*18 April 2018: Vice-President Christine Moosbauer, her predecessor Günther Schmitz and President Cornelia Rudloff-Schäffer (from left to right)*

## Farewell to retiring Vice-President Günther Schmitz and inauguration of Vice-President Christine Moosbauer

On 18 April 2018, about 150 invited guests, including a representative of the Federal Ministry of Justice and Consumer Protection, took part in the ceremony at our headquarters on Zweibrückenstraße in Munich, alongside numerous DPMA staff members.

Our office bid farewell to retiring Vice-President Günther Schmitz. President Rudloff-Schäffer praised him as a far-sighted strategist and thanked him for eight years of successful cooperation at the helm of the office. With his great expertise and as manager of the authority he was an important and persistent driving force behind many projects at the DPMA and positioned the DPMA as a digital service provider.

His successor, Christine Moosbauer, was inducted into office. In her speech, President Rudloff-Schäffer praised Ms Moosbauer's many years of management experience and her great expertise in the IT field, which made her the ideal person to lead the office into the future. Two women at the helm of an authority are a nationwide novelty.

Since 1 January 2019, the DPMA has had another Vice-President, Ulrich Deffaa.



*17 May 2018: Presentation of the results of the "Art in Architecture" competition in the DPMA office building in Berlin. The picture shows THERMOCHRO-MATRIX by Dr Roland Fuhrmann.*

5

**08/05/2018**

*Technology trends and new developments in trade mark law: German Patent and Trade Mark Office publishes 2017 Annual Report*

**14-18/05/2018**

***IFAT** in Munich*

## Federal Minister Dr Katarina Barley visits the DPMA in Munich

Federal Minister of Justice and Consumer Protection Dr Katarina Barley visited the DPMA in Munich for the first time on 25 May 2018. During the visit, which lasted several hours, Dr Katarina Barley gained an insight into the work of the DPMA, which operates within the portfolio of the Federal Ministry of Justice and Consumer Protection.

The Federal Minister was warmly welcomed by DPMA President Cornelia Rudloff-Schäffer. The President said that she was very much looking forward to working with Dr Barley and was convinced that the protection of innovation, for which the DPMA stands, would play a central role in the work of the Federal Ministry of Justice and Consumer Protection. At the DPMAforum, the Minister met with Vice-President Moosbauer and the Heads of the Directorates General, representatives of the staff councils, as well as the equal opportunities officer and the general representative of the disabled persons for an exchange of information. Subsequently, two patent examiners showed her how they perform searches and examinations at their fully electronic workstations.



*25 May 2018: Federal Minister of Justice Dr Katarina Barley (right) and DPMA President Cornelia Rudloff-Schäffer*

Dr Barley was full of praise: The DPMA was a model authority – both in view of the female top management and because of its excellent IP services and the high degree of digitisation. The DPMA did not only play a pioneering role in e-government, but also enjoyed an excellent reputation in Germany and even far beyond Europe.



*22 June 2018: Munich International Patent Law Conference*

**840** kilometres in total were covered by 141 DPMA staff during the Jena business run (30 May 2018) and the Munich business run B2Run (17 July 2018)

## Second Jena Design Law Day

On 13 September 2018, we organised for the second time the Jena Design Law Day in collaboration with Friedrich Schiller University, Jena and the German Brands Association *(Markenverband e.V.)*. Professor Dr Volker Michael Jänich (Friedrich Schiller University, Jena), Dr Alexander Dröge, (German Brands Association) and Mr Markus Ortlieb (Head of our Jena Sub-Office) once again invited the participants from all fields of expertise. The programme included lectures and discussions on the following topics:

- Current developments and information on registration procedures and invalidity proceedings for designs at the DPMA (with Markus Ortlieb, DPMA)
- The case law of the 30th Board of the Federal Patent Court on design law (with Professor Dr Franz Hacker, Federal Patent Court)
- Design law in infringement disputes: current decision practice, tips and information on litigation (with Professor Christian Klawitter, law firm *KNPZ Rechtsanwälte*)

By the way, a Trade Mark Law Day will again take place in Jena in 2019.

**3,833** interested persons learned many informative facts on IP rights and the history of our office at the Open Day of the federal government (25-26 August 2018) at the DPMA stand at the Federal Ministry of Justice and Consumer Protection.




*5 July 2018: Opening of the DPMA exhibition "Women and IP rights" in Munich*

**6** **07/06/2018**

*"Most innovative minds of our continent": DPMA Vice-President congratulates winners of the European Inventor Award 2018*

**14/06/2018**

*From boots with studs to referees with drone assistants – online gallery of the German Patent and Trade Mark Office tells the story of football inventions*

**7** **06/07/2018**

*"Sustainable strengthening of Germany as a location for innovation" – additional posts for the German Patent and Trade Mark Office – attractive employer with many career opportunities*

**10/07/2018**

*"Chinese innovation strategy bears fruit": Global Innovation Index 2018 published in New York – President of the German Patent and Trade Mark Office advocates increased efforts to protect intellectual property in Germany*

**8** **30/08/2018**

*Using trade marks and patents successfully – nationwide campaign week with free orientation consultations for small and medium-sized enterprises and start-ups*

**9** **12/09/2018**

*Research on drugs, drive system, renewable energy – three innovative developments nominated for the Deutscher Zukunftspreis award*

| 11-15/06/2018 | 13-15/06/2018 | 19-22/06/2018 | 08-10/07/2018 | 11-15/09/2018 | 18-21/09/2018 | 25-28/09/2018 |
|---|---|---|---|---|---|---|
| ***CeBIT*** *in Hanover* | ***PATINFO*** *in Ilmenau* | ***automatica*** *in Munich* | ***EUROBIKE*** *in Friedrichshafen* | ***Automechanika*** *in Frankfurt* | ***InnoTrans*** *in Berlin* | ***WindEnergy*** *in Hamburg* |



*4 October 2018: Opening of the DPMA exhibition "Women and IP rights" in Munich*



*25-26 October 2018: Meeting of the PDG-IMPACT working group at the DPMA-IDZ Berlin*

## Jena lectures

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

On 8 February and 23 August 2018 the following lectures were held:

» Removal by virtue of an injunction: justified protest against the Federal Court of Justice *(Bundesgerichtshof)*? (with Professor emeritus Dr Hans-Jürgen Ahrens, former judge at the Higher Regional Court of Celle, Osnabrück University)

» Protection of confidentiality in civil litigation due to the directive on the protection of know-how (with Professor Dr Jochen Schlingloff, judge at the Higher Regional Court of Jena, Friedrich Schiller University, Jena)

The centre-east district group of the Association of Intellectual Property Experts (VPP) are supporting the free-of-charge lectures as co-organiser.

Are you interested in attending the Jena lectures? Then, please directly contact our Jena Sub-Office:
Ms Lüders, telephone: 03641 40-5501
E-Mail: **carmen.lueders@dpma.de**

**11** patent information centres throughout Germany took part in the action week for small and medium-sized enterprises (SMEs), which was organised jointly with the DPMA (23-27 September 2018). You can read more about this in the chapter "National cooperation partners" on page 62.

10

**15/10/2018**

*"Prime example of a well-functioning federal system" – DPMA celebrates the 20th anniversary of its Jena Office*

**12/10/2018**

*Where Germany's independent inventors are based*



*7 November 2018: Bayern Innovativ – conference on artificial intelligence*

11

**07/11/2018**

*Electronic invoice – German Patent and Trade Mark Office as pioneer among German authorities: Pilot phase started and first "e-Invoice" received*

12

**20/12/2018**

*DPMA supports libraries for the blind*

**21/12/2018**

*Innovation potential remains untapped – only six per cent female inventors*

**12-13/10/2018** — ***deGUT*** *in Berlin*

**16-18/10/2018** — ***eMove360°*** *in Munich*

**01-04/11/2018** — ***iENA*** *in Nuremberg*

**23-26/10/2018** — ***glasstec*** *in Düsseldorf*

**12-15/11/2018** — ***MEDICA*** *in Düsseldorf*

**13-16/11/2018** — ***electronica*** *in Munich*

**15/11/2018** — ***Mittelständischer Unternehmertag (MUT)*** *in Leipzig*

# OUR STRATEGY, OUR PROJECTS



# All senses sharpened

## DPMAstrategie

At this usual place in the Annual Report we would like to keep you informed about the further progress of our strategy process. We at the DPMA see the strategic further development of our office as an ongoing task, which cannot be fixed to any particular year as a set target. For this reason, our strategy development process, which had been set up by us as **DPMA2020**, was renamed **DPMAstrategie** last year.

At the end of 2017, we completed the definition of our strategic goals and the measures to achieve them. In 2018, the focus was now on the operationalisation of these numerous measures: Over 50 are currently on our agenda. They all support our four fields of action

- Products and services
- Customers
- Staff
- Cooperation projects

In this Annual Report we give you a closer look at the "Customers" field of action. By the way, our goal in this field of action is verbalised as follows

>> We will be in dialogue with our customers and incorporate their feedback into our actions.

### Focusing on customers!

We do not create our products and services for ourselves, but – in accordance with our legal duty – for our customers. In the future, we want to involve them even more intensively in the further development of our services.

An example: We take even greater account of the actual needs of our customers in order to be able to offer quality products and services that are practicable and user-friendly. An important new body for this approach are the two user advisory councils for patents/utility models (from 2019) and for trade marks/designs (from 2020). Their purpose is not only to better determine demands, but also to present and discuss planned innovations. We provide detailed information on the **DPMA-nutzerbeirat** (user advisory council) in the chapter "A glance at 2019" on page 87.

Another example of further intensifying the exchange of information with our customers: Starting in 2019, we will develop the annual **DPMAnutzerforum** further, from a mere information platform to an information and exchange platform.
In addition, we will continue to be clearly visible at many important national trade fairs by means of our DPMA stand, a joint stand (for example with the Federal Ministry for Economic Affairs and Energy) or our "mobile expert teams". In future, we will evaluate our presence annually using defined metrics. If required, we want to actively communicate concrete topics from our IP areas at trade fairs and events.

In addition, we will sharpen the content of our presentations for relevant customer groups and, if necessary, expand them further. In these presentations, we will provide targeted information, for example, on innovations relating to our IP rights. In essence, we expect that this will help us to achieve two things: On the one hand, this enables us to involve our customers in change processes at an early stage; on the other hand, through direct feedback we learn even more about their actual needs.

We want to systematically and consistently record what our customers want, prepare their requests in a way that is oriented towards the specific target groups and pass them on. The aim is to obtain information and tips on these issues from Customer Care and Services with our integrated complaints management system, the user advisory councils mentioned above, the **DPMAnutzerforum** as well as from our presentation events and participation in trade fairs. The customer demands collected from those sources must then be passed on to the relevant divisions at the DPMA so that they can consider the results in their daily work as soon as possible. In this context, it is important that this is closely interlinked with our quality management system. We will also conduct more customer surveys.

We also want to further expand cooperation with the regional patent information centres throughout Germany and intensify our network with regional service providers on IP rights. In this respect, our Information and Service Centre in Berlin (DPMA-IDZ) plays an outstanding role as advisor and coordinator.

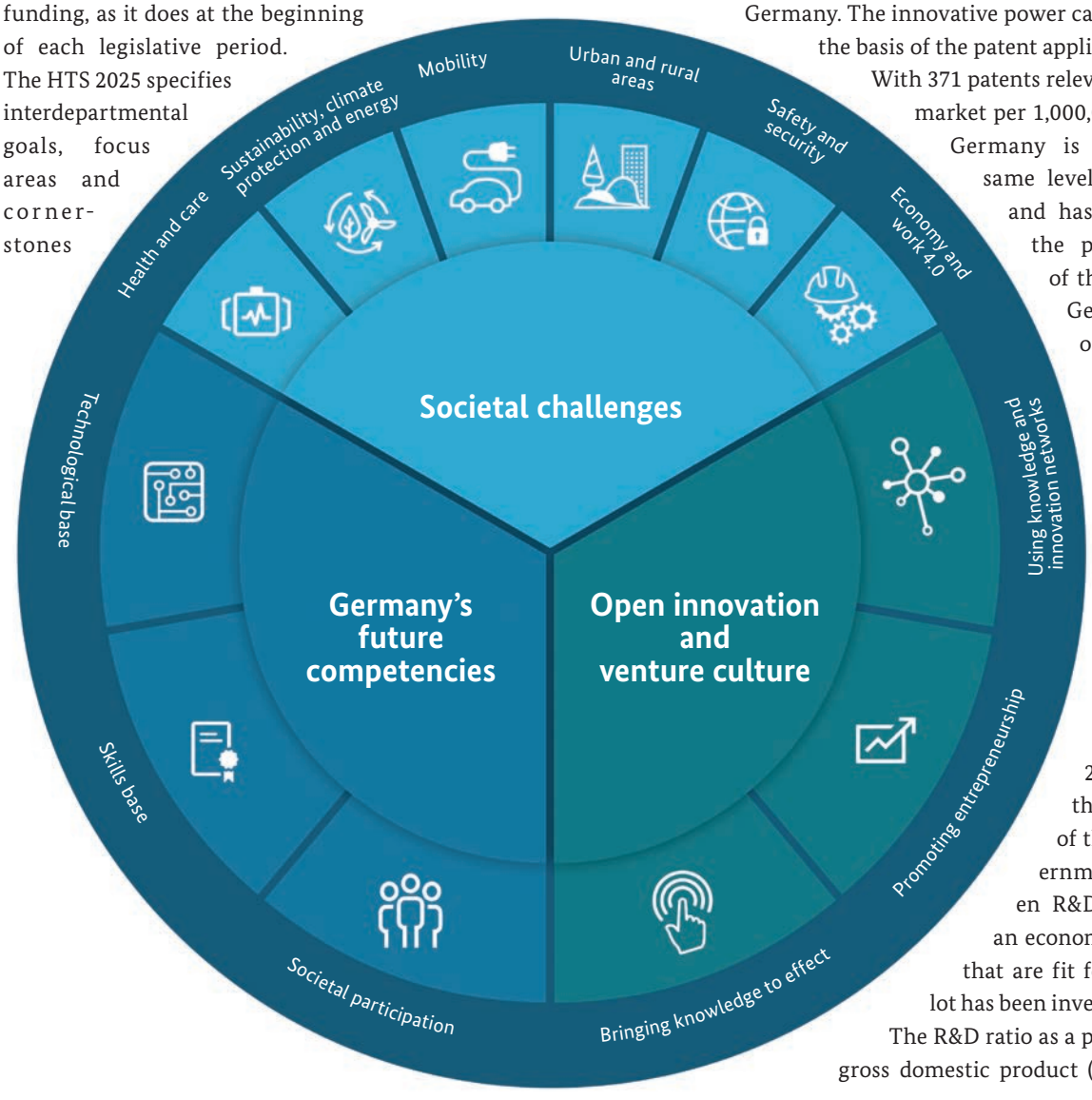
# IN FOCUS

## DPMA under the umbrella of the High-Tech Strategy 2025

The federal government announced the new "High-Tech Strategy 2025" (HTS 2025), adopted by the Cabinet on 5 September 2018 as a "guideline for the future" to accompany Germany on its route "from land of inventors to innovation nation". In this key paper on future innovation policy, the federal government defines the strategic orientation of its research and innovation funding, as it does at the beginning of each legislative period. The HTS 2025 specifies interdepartmental goals, focus areas and cornerstones of the research and innovation policy for the coming years. The focus is on the following three fields of action:

» Challenges for society
» Germany's competencies for the future
» Open culture of innovation and venture

In this respect, the success of the High-Tech Strategy (HTS) in recent years can be continued:




Today, Germany is one of the ten most research-intensive economies in the world. Around 650,000 people work in research and development (R&D) in Germany. The innovative power can be assessed on the basis of the patent application intensity: With 371 patents relevant to the world market per 1,000,000 inhabitants, Germany is almost at the same level as Japan (387) and has almost double the patent intensity of the USA. In 2016, Germany's share of world trade in research-intensive goods was 11.6%, putting Germany among the leading economies in Europe.

Since the first High-Tech Strategy in 2006, it has been the declared goal of the German government to strengthen R&D as the key to an economy and a society that are fit for the future. A lot has been invested in this area: The R&D ratio as a proportion of the gross domestic product (GDP) rose from

2.46% in 2006 to 3.02% in 2017. This means that Germany is one of the few EU countries to have achieved the 3% target of the Europe 2020 strategy ahead of schedule. In absolute terms, Germany is at the top in terms of R&D expenditure in Europe.

German companies are major players in the field of innovation. They make an essential contribution to the high innovation orientation of the German industry. However, it can be observed that the innovator rate (proportion of companies that put innovations on the market in the last three years) in Germany has been falling for years. Although there was a slight increase in 2016, this trend has to be taken seriously in view of the growing pressure to adapt, and the HTS 2025 will do much to strengthen the innovative capacity of medium-sized companies.

To ensure that Germany continues to be one of the leading innovation nations, there will be a need for outstanding commitment to R&D in the future too. For this reason, the German government has set itself the target that, by 2025, Germany will invest at least 3.5% of its GDP in R&D.




The federal government's goal is to develop cutting-edge innovations that will turn into resounding successes. After all, more innovations and more effective innovations can increase prosperity, growth and the quality of life in Germany and also strengthen Germany's international position. In order for Germany to maintain its leading position as a location for industry, we need new answers about how Germany can successfully shape its future with research and innovation against the background of current radical social changes and rapid technological developments. The digitisation of life and work is gathering great momentum, with sometimes revolutionary changes in value creation, technology use and user behaviour. The current strength of the German innovation model can only be maintained and expanded in the future to the extent that it is possible to shape technological leaps and create favourable conditions for radically new, market-changing products and services "made in Germany".

Strengthening interdepartmental cooperation in developing and implementing the HTS 2025 is one of its key elements: All participating ministries will more intensively than in the past work on setting common priorities, because many goals can only be achieved through close interaction between different policy areas. For coordination within the federal government, the ministries at the level of the State Secretaries will define, steer and shape innovation policy agendas along the priorities specified in HTS 2025. The demands on and requirements for research and innovation policy from the point of view of the various policy areas will have to be discussed and interfaces established between the ministries to ensure communication.

In this context, the DPMA is able to contribute its expertise. After all, the DPMA offers services within the framework of its statutory duties and their strategic orientation which fall within the three defined fields of action of the HTS 2025:

**Field of action I "We are tackling the major challenges facing society"**
with the subject areas "Health and care", "Sustainability, climate protection and energy", "Mobility", "Urban and rural areas", "Security", "4IR – industry and work":

These subject areas are also predominantly the fields, which show an intensive patent filing activity and therefore form the core of the activities of the approximately 900 patent examiners.

**Field of action II "We are developing Germany's competencies for the future"**
with the components "Technological base" (interaction of various key technologies), "Skills base" (training and qualification of skilled staff) and "Participation in society":

In this area, **DEPATISnet** offers access to systematically stored large amounts of data, to knowledge and technologies, which are being prepared and analysed in order to add value and thus can contribute to tapping new, radical innovation potentials. The **DEPATISnet** document archive provides access for the general public to the worldwide technical knowledge contained in patent literature, in more than 80 million patent publications, which is also used by our patent examiners for their work in order to determine the respective state of the art – in a transparent, comprehensible, verifiable, timely and reproducible manner.

We are actively committed to improving the innovation expertise of skilled personnel. Within the limits of what is possible for us under applicable law and as far as our staff resources permit and in cooperation with the regional patent information centres and other stakeholders, we offer target-group and topic-related qualifying measures or provide support in recruiting speakers among other things. Our focus is on both university education and further training for highly qualified skilled people. In addition, we participate in the public debate: The DPMA offers a wide range of dialogue formats in order to arouse curiosity about new technologies and promote a reflective attitude towards new developments.

**Field of action III "We are establishing an open culture of innovation and venture"**
In order to enable an even more effective application of research results, the federal government strengthens transfer and – as enshrined in the coalition agreement – supports the development of breakthrough innovations. Breakthrough innovations are characterised by radical technological novelty and have a disruptive, market-changing effect. An agency dedicated to promoting breakthrough innovations is intended to be established. This is because international comparison clearly shows that, although Germany has a high degree of specialisation in top-quality technologies (sectors of industry that invest more than three to nine per cent of their turnover in R&D), it has a lot of catching up to do when it comes to the creation and commercial exploitation of breakthrough innovations. China, Sweden, the Republic of Korea and the USA have specialised in this area.
With the HTS 2025, the federal government is promoting entrepreneurship and the innovative capacity of medium-sized businesses and intensifies their integration into European and international networks and innovation partnerships. The aim is to expand the options of regional networks between universities, research institutions and the research-intensive industry so that more small and medium-sized enterprises (SMEs) can participate in innovative activities. We at the DPMA see our regional cooperation partners, the patent information centres, as important players in these networks. Their expertise as service providers that accompany innovation, especially for SMEs and universities, and their transnational networking via the PATLIB network make them particularly qualified to assist in making SMEs and start-ups even more innovative.

We will have to wait and see what position innovation-oriented companies take with regard to the explicit support for "open access", emphasised in the HTS 2025 and the disclosure of research data as well as the support of the willingness to disclose knowledge. This is because it will still be important for many companies to protect their knowledge advantages by IP rights. The DPMA is a reliable and highly competent partner for them in this field.

# INSIDE

## The DPMA's contribution to e-government

**For many years, everyone has been talking about the term "e-government". Is e-government also an issue for us at the DPMA? We wanted to know in more detail and asked Vice-President Christine Moosbauer. She is also the person of the office's senior management primarily responsible for further IT development.**



Before we can discuss what our contribution to federal e-government is, we need to clarify what is meant by the term e-government. When looking for a definition, you will find one for example the accompanying explanatory memorandum of the "Act to Promote Electronic Government" (*Gesetz zur Förderung der elektronischen Verwaltung*) from 2013, or E-Government Act for short, where e-government is defined as follows:

> *"E-government is the handling of business processes in connection with government and administration using information and communication technologies via electronic media. E-government is not an end in itself, but a means of making administration more effective, citizen-friendly and efficient."*

The DPMA is even explicitly mentioned in the text of the Act: Due to their specific requirements, the IP procedures before the DPMA have been excluded from the application of the Act. This shows that the DPMA with its duties in the field of intellectual property rights plays a special role in the federal administration and is not, after all, a typical authority with standard administrative services. However, the fact that the Act does not apply to IP procedures before the DPMA, after all, does not mean that e-government is not an important issue for us, but rather that the very special requirements of the DPMA require tailor-made solutions.

As early as the beginning of the 1980s, we at the DPMA took the first steps towards providing electronic services for external enquiries to the DPMA via telex and automated register information resulting therefrom. At the end of the 1980s, this system was then replaced by the DPInfo IP rights information system, which was accessible by external users via the Datex-P network and was operated using a line-oriented query language. Initially, only the database of DE patents and utility models was accessible via this service, but it was gradually expanded to include the databases of DD patents, designs and finally trade marks. Each of these databases offered an option to query file numbers (referred to as register information) as well as different essential search criteria. In 2000, the web service of DPInfo, the predecessor of today's **DPMAregister**, was launched. In DPInfo, the legal (and procedural) status information of our IP rights was published.

Since 2004, the Internet has been the only official publication platform on which documents of IP rights are made available to the public on the respective publication day. Today, **DPMAregister** is a modern Internet platform for information on the current legal (procedural) status of national patents, utility models, trade marks and designs. Case files of patent and utility model applications can also be inspected online. In addition, international IP rights valid in Germany have been included in the searchable database. Through **DPMAregister**, the DPMA fulfils its legal obligations to provide register information.

Over and above our legal obligations, our **DPMAdatenabgabe** service offers current IP data and documents on a weekly basis for downloading. **DPMAconnect** provides direct access to **DPMAregister** via a web service interface for suppliers of information. Our customers can use **DPMAkurier** to monitor IP rights and subsequently receive automated e-mail updates on legal (and procedural) status changes for the IPC classes specified by them.
In 2001, the DEPATIS search system was activated on the Internet as **DEPATISnet** for external users. DEPATIS is the DPMA's database for online searches on patent and utility model publications from all over the world and is therefore an indispensable tool for our patent examiners. Since its introduction, the system has been thoroughly overhauled. Via the **DEPATISconnect** access, our customers can even connect their own IT systems directly to **DEPATISnet** in order to download and further process facsimile documents for DE, DD, EP and WO documents in PDF, TIFF or BACON format as well as, optionally, the corresponding bibliographic data.

From 2003, it was possible to file patent applications electronically at the DPMA using the PaTrAS application software. Later, the filing options were continually expanded further. Utility models, trade marks and designs can now also be applied for electronically. In 2008, the PaTrAS interface was completely redesigned and renamed **DPMAdirekt**. Finally, in 2018 **DPMAdirekt** became **DPMAdirektPro**. The **DPMAdirektPro** software now also allows secure electronic transmission of messages and documents relating to case files of the IP procedures to the applicants. In addition to **DPMAdirektPro**, the **DPMAdirektWeb** service is also available to our customers, enabling them to apply for trade marks and designs without the need for a signature. We are currently working on adding an electronic fee payment option to the service.

A prerequisite for many of these electronic services is that the IP case files are being kept electronically by the DPMA. In 2011, the electronic case file (e-file) was first introduced for patents and utility models and in 2015 for trade marks. This means that seamless end-to-end electronic processing is now possible for these procedures. The introduction of the e-file for designs will follow in 2021. In the administrative area, a change-over to electronic file processing will also take place in the foreseeable future. Thus, we have achieved a lot in this area in recent years. We have set up a complex IT landscape with many basic services such as the digitisation centre, the document management system or the electronic payment transactions, which are being used for all applications.

However, there is still much to do in the future. It is particularly important to keep the IT systems and services, which have been introduced, up to date, to optimise procedures and to ensure the best possible security. We are also working on improving the search options for the examination divisions. In this field, we hope to make great progress by using AI-supported tools. Special efforts will also have to be made to connect our IT services to the central IT services of the federal government, starting with *Netze des Bundes*, the federal administration portal, or PVSplus, the personnel administration system. A great challenge for us!

## These are our projects:

» **VDI (Virtual Desktop Infrastructure) solution**
It aims at making our IT systems more flexible, more available, easier to maintain and more secure.

» **Electronic IP case file design**
We are now implementing fully electronic IP case file processing for designs too. Details are available in the chapter "News from IT services" on page 61.

» **Electronic payment**
This is about examining the possibility of paying by credit card for trade mark applications via our **DPMAdirektWeb** online service.

» **New search**
The search system with cognitive search assists our patent examiners in their daily work. You can rad more about this in the chapter "News from IT services" on page 60.

» **Publication concept**
The focus is on all activities associated with editing and producing of our publications. The project was completed in 2018 and measures are now being implemented.

» **Continuity management**
Contingency measures and/or emergency plans are in place to ensure the functioning of all processes at the DPMA which are crucial for business operations and the fulfilment of tasks.

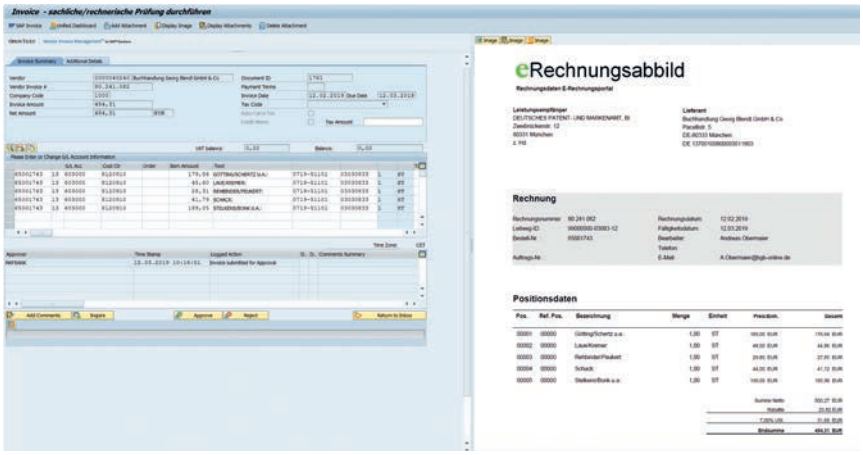
» **e-Invoice**
We present this project to you in detail on the following page.

# OUR PROJECT

## Introduction of the electronic invoice

Our office can be proud: The DPMA is the first federal authority to have launched the pilot operation for electronic invoicing, also known as e-Invoice, in 2018. Its introduction is based on an EU directive that has since been transposed into German law (Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement).

This EU directive obliges all federal authorities to process electronic invoices as of 27 November 2019. An electronic invoice within the meaning of the directive is an invoice
» issued,
» transmitted and/or
» received
in a structured electronic format.




The standard for the electronic invoice is the x-Invoice data model. The technical implementation of the legal requirements was a challenging IT project, which was accomplished in cooperation with the Federal Information Technology Centre (*Informationstechnikzentrum Bund* – ITZBund).

At the beginning of November 2018, the DPMA was the first federal authority to have received and settled an e-Invoice via the central federal billing platform. This gives our office – as one of the largest higher federal authorities – a pioneering role in the implementation of this project as part of the federal e-government initiative.

>> The processing of payments of fees for IP rights is not affected by the e-Invoice.

### The DPMA

receives more than

**8,000** invoices per year

covering a total of

around **50** million euros

for

purchased products

and services –

from ballpoint pens to

IT servers

to

staff training courses.

# Inventor and innovation awards

***Of course, he was interested in the future, Mark Twain once wrote, after all that was where he was going to spend the rest of his life. I am pretty sure that the nominees and winners of the Deutscher Zukunftspreis award would share this sentiment without a moment's hesitation. (...) The aim of the Zukunftspreis award is to arouse interest in innovation and to whet people's appetites for the future. (...) While the future may often be unpredictable, we are all free to help shape it. We can develop an attitude towards the future and plan for it, knowing that we and our children will spend the rest of our lives there.***

*– Federal President Frank-Walter Steinmeier on occasion of the presentation of the 2018 Deutscher Zukunftspreis award –*

Innovation awards recognise people who have created leading-edge solutions in their field. Some of these achievements are surprising, but difficult for outsiders to recognise. Innovation awards make them impressively visible to a broad public. And they show all those responsible for research and development – and not least also the public– how important it is to protect technical inventions. This is why the DPMA, for many years, has been supporting some of the most prestigious inventor and innovation awards in a variety of ways, for example by participating in the juries or boards of trustees. In addition, our patent examiners regularly propose outstanding innovations for awards.

In 2018, 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 jury has nominated impressive individuals for the award. Their inventions cover a wide range and show how broad Germany's position as a location for innovation is, even at the very top," DPMA President and member of the Board of Trustees, Cornelia Rudloff-Schäffer, said after last year's decision, and added: "I am particularly pleased that a woman has won the 2018 *Deutscher Zukunftspreis* award." For many years, our President has been a member of the Board of Trustees that lays down the direction for the selection process.

At the award ceremony on 28 November 2018, Federal President Frank-Walter Steinmeier personally presented the award, which is endowed with 250,000 euros in prize money, to Professor Helga Rübsamen-Schaeff and Dr Holger Zimmermann. Their project: The innovative substance letermovir prevents infections with the dangerous cytomegalovirus (CMV) after bone morrow transplants. This will make such transplants much safer, treatments more promising – the lives of patients will be better protected in such cases.

The DPMA is entitled to propose up to three projects to the jury: Please draw our attention to your projects! Proposals for nominations to the 2020 *Zukunftspreis* can be submitted at any time until the beginning of November 2019. For more information, visit our website.

💻 www.dpma.de/dpma/english/our_office/about_us/inventor_and_innovation_awards/deutscher_zukunftspreis_award/

## European Inventor Award

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

The European Patent Office (EPO) presented the 2018 European Inventor Award in Saint-Germain-en-Laye near Paris on 8 June 2018. The EPO presents the annual award to honour outstanding individuals from science, research and development. In 2018, 23 inventors in 15 teams from 13 countries were nominated. The European Inventor Award was awarded in six categories: Industry, Research, Non-EPO Countries, SMEs (small and medium-sized enterprises), Popular Prize and Lifetime Achievement. Among the winners were four women – the largest number in the history of the award since 2006.

In the "Research" category, the award went to Professor Dr Jens Frahm from Germany. In 1985, the physical chemist together with other researchers applied to the DPMA for a first patent for a new method in the field medical imaging, which is now known as FLASH (Fast-Low-Angle-Shot). Formerly, it took several hours in magnetic resonance imaging (MRI) to produce a usable image after a scan was taken; FLASH accelerated MRI scans by a factor of 100 – a technological milestone in modern medicine.
Professor Jens Frahm was the head of the biomedical NMR research institution (BiomedNMR) at the Max Planck Institute for Biophysical Chemistry in Göttingen. His FLASH scanning technique revolutionised MRI imaging. In 2010, he again optimised the technique by developing FLASH 2.

Vice-President Christine Moosbauer attended the award ceremony as a representative of our office and personally congratulated the German award winner. "Professor Frahm's inventions have improved the treatment options for millions of people worldwide. We are delighted that along with Professor Frahm, a development has been honoured whose patent law foundations have been laid in our office." She also congratulated the other winners on their awards. "The European Inventor Award brings together some of the most innovative minds of our continent and beyond. The proposed developments, but also the people behind them, never fail to fascinate."

*Professor Dr Jens Frahm*



## German Innovation Award

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

For ten years, the German Innovation Award has recognised product innovations in addition to innovative business models, processes and services as well as organisational and marketing innovations. Cornelia Rudloff-Schäffer as the President of the DPMA is a member of the jury.

In 2018, the "Speedfactory" of the adidas AG won the award in the category "Large Enterprises". Here, sporting goods are produced in an automated, decentralised and flexible manner. Consumers benefit from revolutionary manufacturing technologies, business customisation and interactive digital experiences.

The second winner in the "Large Enterprises" category was thyssenkrupp Elevator AG. The linear motor technology enables a rope-free elevator system to move multiple cars in a single shaft both vertically and horizontally. Thus, an elevator system becomes a reality that can also move sideways and around corners.

Buderus Guss GmbH won the category "Medium-sized Enterprises" with its hard metal-coated brake disc. The coating reduces wear of the brake disc and brake pad. This reduces brake dust emissions by 90%, which account for almost a third of particulate matter in cities.

The award winner in the category "Start-Ups" is COLDPLASMATECH GmbH. The active wound dressing (Plasma-Patch), used to apply a "cold physical plasma" to the wound, activates cell regeneration, disinfects the wound and kills multi-resistant germs.

## *Jugend forscht*

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

In 2018, more than 12,000 young scientists participated in the youth contest *Jugend forscht* in the fields: mathematics, computer science, natural sciences and engineering (German: MINT, English: STEM). One goal of *Jugend forscht* is to motivate girls to do research in mathematical and technological fields in order to achieve an even gender distribution in STEM subjects. Last year, 50 girls were among the 182 finalists at the 53rd national competition in Darmstadt.

Of the 105 projects in the national competition, the project "FleckProtec – body protection made from starch" was awarded the Federal Chancellor's Prize for the most original work. Since freedom of movement has been severely restricted by previous rigid protectors for motor sports, the siblings Anna and Adrian Fleck from Fulda developed a protector which contains a starchy liquid in a soft silicone shell. The liquid turns into a solid when subjected to strong force and thus offers protection against injury. The two young scientists made use of what is known as the non-Newtonian property of the starch liquid. In September 2018, the siblings also won a first prize with their project at the 30th European Union Contest for Young Scientists in Dublin.

## Thuringia Innovation Award

**www.innovationspreis-thueringen.de** (in German)

On 14 November 2018, the XXI Thuringia Innovation Award 2018 was presented jointly by the Thuringian Minister of Economic Affairs, Science and the Digital Society, Wolfgang Tiefensee, and the Foundation for Technology, Innovation and Research of Thuringia (STIFT), *TÜV Thüringen* as well as the Ernst Abbe Foundation in Weimar: in four categories as well as special awards and with a total of 100,000 euros in prize money.

Markus Ortlieb, Head of our Jena Sub-Office, once again represented the DPMA in the 18-member jury; he also dealt with questions relating to industrial property rights across all categories.

The following innovations were honoured with the coveted 2018 Thuringia Innovation Award

- "Velo-Gleis" from Dätwyler Sealing Technologies Deutschland GmbH, which makes on-road tracks safer for pedestrians and cyclists,
- an innovative precision casting process, developed by Schubert & Salzer Feinguss Lobenstein GmbH, in which the ceramic casting mould is printed additively using a 3D printer,
- the optical transceiver, jointly developed by ADVA Optical Networking SE and Heinrich Hertz Institute (Fraunhofer Institute for Telecommunications), based on polymer-optical micro-components – the innovative basis for high-speed data transmission according to the 5G mobile communication standard and
- a briefly visible hand disinfectant from Heyfair GmbH that can be used to check sufficient disinfection by making all areas visible that have not been disinfected or insufficiently disinfected.

## women&work award for female inventor

**www.erfinderinnenpreis.de** (in German)

Since 2017, women&work, Europe's leading trade fair for women and careers, has been honouring female inventors who have significant influence in the technological, social or service sector. Federal Minister for Economic Affairs and Energy Peter Altmaier said in his welcoming address on occasion of the 2018 female inventor award: "In Germany there are women who are successful inventors, developers, researchers, scientists and pioneers. We can be proud of these potentials and should rightly put them in the foreground. Because young people need role models and inspiration! The women&work award for female inventors does just that and points in the right direction: into the future, which is also made by women!"

President Rudloff-Schäffer, as a member of the jury, also selected the three award winners who were honoured at the iENA inventors fair in Nuremberg:

- Jeanette Spanier (master scaffolder and start-up entrepreneur) for a digital solution for the central management and condition monitoring of scaffolding
- Claudia Rougoor (civil engineer) for her model of the sustainable inspection of historical buildings and structures along the entire value chain using an unmanned aerial vehicle, and
- the entrepreneur Karen Dolva for her substantial contribution to a telepresence robot for children and adolescents with long-term illnesses who are enabled by this device to participate in school lessons.




*Claudia Rougoor, Jeanette Spanier, Melanie Vogel of women&work (from left to right)*




*Coveted trophy: women&work award for female inventors 2018*

## Innovation Award of Bavaria

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

The Innovation Award of Bavaria was bestowed for the fourth time in 2018. In an interview on page 84, Günther Schmitz talks about his impressions of the varied and interesting jury work for the DPMA. From 2010 to 2018, he was Vice-President of the DPMA and in this capacity also a member of the jury for the Innovation Award of Bavaria.

# INTERVIEWS

## Interview with former Vice-President Günther Schmitz

**Mr Schmitz, during your active time as Vice-President of the DPMA you were also a member of the jury for the Innovation Award of Bavaria. How did this come about?**
When the Bavarian Ministry of Economic Affairs, the association of Bavarian chambers of commerce and industry and the association of Bavarian chambers of crafts and trades established the Innovation Award of Bavaria in 2012, a jury also had to be appointed. It was very important to the organisers that the DPMA, the national service provider in IP matters, should be represented on the jury. As Vice-President of the DPMA, it has always been important to me, on the one hand, that the DPMA should be more visible to the public and, on the other hand, that the importance of national IP protection should be emphasised. After all: Awards for outstanding innovations honour research and development work done by creative individuals or teams and are an incentive for further innovations. I was therefore pleased to become a member of the jury for the Innovation Award of Bavaria. The Innovation Award of Bavaria is regarded as one of the most prestigious innovation awards in Germany.

**What distinguishes the DPMA as a juror?**
As you know, one of the core tasks of the DPMA is the examination of patent applications. It is precisely this expertise in objectively assessing novelty and inventive step against the background of the state of the art, in a differentiated way, in all fields of technology, that is decisive for the evaluation of innovations. As a member of the jury from the DPMA, I was able to draw on this expertise and contribute it to the selection process of the jury.

**What is the work of the jury like in concrete terms?**
The Innovation Award of Bavaria comprises a total of seven prizes, i.e. the first, second and third prize in the category "Main Prize" as well as a special award in each of the categories "Companies with fewer than 50 employees", "Start-ups younger than five years old" and "Cooperation between business and science" as well as the "Special prize of the Jury". After the expiry of the deadline for submitting entries for one of these prizes, the eight-member jury usually has received far more than 100 submissions, which are then evaluated in a multi-stage process. When evaluating the entries submitted, I have considered in particular the possible or fictitious eligibility for protection – by analogously applying the assessment criteria for novelty and inventive step of the patent examination procedure. And of course I have also familiarised myself with the patent situation of the respective innovation. For such an assessment of the "degree of innovation" of the entries submitted, I have received informative comments from patent examiners from the respective patent divisions of the DPMA. In addition, a juror must also assess the market potential of the innovation. These assessments of the "degree of innovation" and the market potential form the basis for selecting the winners in the jury meeting.

**What particular challenge do you see in the work of the jury?**
It is perfectly clear: The particular challenge lies in the broad range of technical fields of the many submissions. Entries from a huge variety of technical fields, including apps and business models, have to be objectively evaluated, compared and the favourites identified. I was only able to do all this because I received support in assessing the "degree of innovation" from our DPMA examiners of the corresponding technical fields. Their meaningful assessments formed the basis for my decisions when selecting my favourites in the individual award categories. Thanks to this close cooperation with the examiners, I was very well prepared for expert discussions at the jury meeting. I would like to seize the opportunity to thank all the examiners who supported me with their profound evaluations of the entries for the Innovation Award of Bavaria in 2018 and in previous years!

**You said that more than 100 submissions were being received regularly. How is it possible to keep an overview and determine the winners objectively?**
At the DPMA I was able to work together with two coordinators for innovation award entries. These two experienced experts coordinate and compare the assessments of the submissions carried out by the examiners in the respective patent divisions. The inclusion of the broad expertise of our patent examination experts provided me with the basis for a technically profound and thus also objective evaluation of the innovations submitted.

**What was particularly easy for you as a member of the jury – and what was difficult?**
I was able to contribute very effectively to the work of the jury, the wealth of experience and the feeling for technical developments that I had acquired over many years as a patent examiner and technical judge. It was more difficult to evaluate software innovations or business models.

**What significance does the jury's decision have for the participating companies?**
If a company is selected by the jury for one of the prizes, the company and the innovation made by it will be presented at the awards ceremony in a way that will attract media attention. A short film about the award winner will also be shown for this purpose. Thus, the innovation will be made known to a broad public as early as at the awards ceremony. In addition, the company can market the innovative product attractively as an award-winning innovation.

**What do you particularly remember from your last jury meeting?**
Once again, I was pleasantly impressed by the high number of submissions containing outstanding innovations. I was again particularly fascinated by the high level of professionalism and objectivity of the jury's work, the tough and controversial struggle for the best results and the extremely constructive working atmosphere in the jury meeting with jurors from research institutions, companies and authorities.

**Since its introduction, the innovation award has been presented four times. Do you see a trend in the entries submitted?**
In the past and most recently in 2018, the submissions came from well-known industrial companies as well as small crafts and trades enterprises as well as start-ups. The fields of technology were always diverse and ranged from medical technology, classical mechanical engineering, construction, robotics, sensor technology to brewing technology. There is a slight trend towards computer-implemented inventions and apps. After all, software innovations are an issue that is of increasing relevance to us at the DPMA.

**What do you wish for the future of the Innovation Award of Bavaria and what suggestions or tips do you have for the next award in 2020?**
I hope that the Innovation Award of Bavaria will continue to have a growing appeal – far beyond the Bavarian borders – and I hope that it will motivate many people to continue producing innovative ideas in the future. I consider it important to announce the 2020 Innovation Award of Bavaria and the associated entry procedure in the most diverse media at an early stage and to encourage potential individuals or teams to submit their entries for this award. It is also particularly important to again send a competent representative of the DPMA's senior management to the jury!

**Thank you very much for this interview, Mr Schmitz.**



*Meeting of the jury for the 2018 Innovation Award of Bavaria with Günther Schmitz (2nd from left)*

# A glance at 2019

## 70 years of the patent office in Munich

Only two years ago we had commemorated, in many different ways, the 140th anniversary of our office, which was founded on 1 July 1877 as the Imperial Patent Office *(Kaiserliches Patentamt)* in Berlin. The year 2019 marks the reopening of the office after the World War II, on 1 October 1949. For 70 years, the headquarters of the DPMA have been located in Munich, which during that time has become Europe's patent capital: A milestone anniversary which we want to duly celebrate!

In this anniversary year, we are offering insights into the history of the office and its significance for Munich as a location for industry: Interesting information about the DPMA in Munich is also available on our website. From 4 July 2019, we will also host a special exhibition (in the main building on *Zweibrückenstraße*, until the end of the year) presenting a richly illustrated timeline that illuminates the 70 years in an entertaining way. We will highlight in particular a large number of Munich trade marks as they have changed over time – a special treat not only for trade mark experts.
We look forward to taking you, in 2019, on an exciting journey through time!

## 40 years of German-Chinese cooperation in the field of IP protection

We are celebrating another anniversary this year: 40 years ago, Chinese institutions and our office began intensive cooperation in the field of intellectual property. To mark this occasion, we – the Chinese and German sides – jointly organised a symposium on utility model law of both countries at the DPMA in Munich, on 26 March 2019. The cooperation partner was the National Intellectual Property Administration of the People's Republic of China (CNIPA). Deputy Commissioner He Hua came to Munich as Head of the high-ranking Chinese delegation for this occasion.

**40 years of German-Chinese cooperation**



*Participants of the symposium of 26 March 2019*

## The Trade Mark Law Modernisation Act

On 14 January 2019, the Trade Mark Law Modernisation Act *(Markenrechtsmodernisierungsgesetz)* came into force – and with it the amendment of the Trade Mark Act *(Markengesetz)*. Applicants at the DPMA can now use new types of trade marks as well as a new trade mark category, the certification mark. The Trade Mark Law Modernisation Act is based on the European Union Trade Mark Directive 2015/2436, which has been in force since 2016 and had to be transposed into national law by 14 January 2019. The DPMA had played a major role in drafting the provisions of the Directive. Thanks to our joint efforts, we have succeeded in adapting and optimising all affected processes, from examination procedures to our IT systems, which required a great deal of time and effort.

One of the legal amendments is that trade marks no longer have to be capable of being represented graphically. Signs can now be represented in any suitable format with generally accessible technology – for example with audio and image files. This is how new types of trade marks emerge, such as sound marks, movement marks, hologram marks and multimedia marks. Because of the new types of representation, our certificates will in future contain a link by means of a QR code leading to the corresponding representation in the electronic Trade Mark Register. In addition, the Trade Mark Law Modernisation Act introduced further new provisions and changes, for example in opposition proceedings. Detailed information about this is available on our website.

**Amendments to trade mark law**

www.dpma.de/english/our_office/publications/guestsatdpma/german_chinese/
www.dpma.de/english/our_office/publications/background/reformofeuropeantrademarklaw/

## DPMA**nutzerbeirat** – the DPMA in dialogue with its customers

The DPMA has a strategic orientation and, in this context, attaches great importance to the field of action "customers". At the highest level, we have defined the goal "We will be in dialogue with our customers and incorporate their feedback into our actions." We aim to set up user advisory councils as key instruments in support of this goal. We started with the establishment of the user advisory council for the technical IP rights: patents and utility models. A user advisory council for designs and trade marks is to be set up in 2020.

By decision of the participants, the Working Group Patent Application and Documentation, ARPAD for short, was dissolved in October 2018. The newly installed DPMA**nutzerbeirat** (DPMA user advisory council) will address the topics relating to patents and utility models from 2019. Representing the interests of all stakeholders in the patent system, the DPMA**nutzerbeirat** will be an important advisory body for the DPMA in all processes relating to patents and utility models. The inclusion of all relevant customer groups is of crucial importance, in this context, in order to get to know all facets of the different user perspectives and involve them in forming an opinion: Patent attorneys, large industrial companies, small and medium-sized enterprises, commercial providers of patent information, providers of search services, patent exploitation agencies/universities and IP software companies – all of them will be represented in the DPMA**nutzerbeirat**.

## Implementation of the Marrakesh Directive

The Marrakesh Directive of the European Union – (EU) 2017/1564 – is based on the Marrakesh Treaty, negotiated within the framework of the World Intellectual Property Organization (WIPO) in 2013. It aims to ensure a better supply of accessible literature worldwide. In the course of the national implementation of the Directive, we have assumed a new task: Since the beginning of 2019, the DPMA has exercised supervision over what are referred to as authorised entities pursuant to Section 45c of the Copyright Act *(Urheberrechtsgesetz)*. Authorised entities are libraries for the blind and similar institutions, which provide accessible texts and other content for people with visual or reading disabilities on a non-profit basis.

If works of literature are protected by copyright, conversion into an accessible format (e.g. into Braille or a DAISY audio book) requires either a licence from the publisher or legal permission. For the benefit of people with disabilities, the legal permission already existing in Section 45a of the Copyright Act has been supplemented by the new Sections 45b to 45d of the Copyright Act as of 1 January 2019. On this new legal basis, authorised entities are allowed

- to produce accessible copies,
- make them available also online to people with visual or reading impairments and
- exchange them (online and offline) with other authorised entities.

In return, they must pay moderate, reasonable remuneration. A separate ordinance governs the German Patent and Trade Mark Office's supervision of compliance with all the care and information obligations in connection with the new authorisations.

>> The German reform act and the new ordinance were published in the Federal Law Gazette *(Bundesgesetzblatt)* of 4 December 2018 (BGBl. I p. 2014) and 14 December 2018 (BGBl. I p. 2423).

In essence, there are three objectives:

- Establishment of an external advisory body to define and discuss user needs.
- Dialogue between users and the DPMA to further develop the procedures at the DPMA (also with regard to information and publication).
- Pooling of German user interests.

The President of the DPMA appoints a maximum of 15 members of the user advisory board for a period of two years, with the possibility of reappointment. The first appointment of members already took place and a first, trend-setting meeting was held in March 2019.

## Healthy working environment

The health of our staff is a matter close to our hearts. For this reason, a healthy work environment and work organisation are enshrined as important goals in the DPMA**strategie**. In 2019, we will implement a procedure to improve working conditions at the DPMA under the heading "Healthy working environment". In a survey and subsequent workshops about measures, the workplaces and the working environment will be analysed, with the participation of all staff members, and improved by means of targeted activities in order to make the working environment at the DPMA healthier.

| 2019 DPMA trade fair calendar | | | |
|---|---|---|---|
| | **Trade fair** | **Town** | **Internet** |
| **January** | | | |
| 14/01-20/01/2019 | imm cologne | Cologne | imm-cologne.de |
| 30/01-03/02/2019 | Spielwarenmesse | Nuremberg | spielwarenmesse.de |
| **February** | | | |
| 08/02-12/02/2019 | Ambiente | Frankfurt | ambiente.messefrankfurt.com |
| 22/02-25/02/2019 | INHORGENTA | Munich | inhorgenta.com |
| **March** | | | |
| 13/03-17/03/2019 | Internationale Handwerksmesse | Munich | ihm.de |
| 17/03-19/03/2019 | ProWein | Düsseldorf | prowein.de |
| **April** | | | |
| 01/04-05/04/2019 | HANNOVER MESSE | Hanover | hannovermesse.de |
| 04/04-07/04/2019 | FIBO | Cologne | fibo.com |
| 08/04-14/04/2019 | bauma | Munich | bauma.de |
| **May** | | | |
| 09/05/2019 | Innovationstag Mittelstand of the Federal Ministry for Economic Affairs and Energy | Berlin | zim.de |
| 14/05-17/05/2019 | Techtextil | Frankfurt | techtextil.messefrankfurt.com |
| **June** | | | |
| 04/06-07/06/2019 | transport logistic | Munich | transportlogistic.de |
| 05/06-07/06/2019 | PATINFO | Ilmenau | www.paton.tu-ilmenau.de |
| 24/06-27/06/2019 | LASER World of PHOTONICS | Munich | world-of-photonics.com |
| **September** | | | |
| 04/09-07/09/2019 | EUROBIKE | Friedrichshafen | eurobike-show.de |
| 06/09-11/09/2019 | IFA | Berlin | ifa-berlin.com |
| 16/09-21/09/2019 | EMO | Hanover | emo-hannover.de |
| **October** | | | |
| 05/10-09/10/2019 | Anuga | Cologne | anuga.de |
| 18/10-19/10/2019 | deGUT | Berlin | degut.de |
| **November** | | | |
| 31/10-03/11/2019 | iENA | Nuremberg | iena.de |
| 12/11-15/11/2019 | productronica | Munich | productronica.com |
| 18/11-21/11/2019 | MEDICA | Düsseldorf | medica.de |

Always up to date: our trade fair calendar 2019

www.dpma.de/english/our_office/events/trade_fairs/

# 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 2019. Since the actual number of designs applied for is not known before the completion of the registration procedure, that number is provisional for 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.


## 90 Patents

90 1.1 National patent applications and international patent applications with effect in Germany
90 1.2 Patent applications before entry into the examination procedure
90 1.3 Patent applications in the examination procedure
91 1.4 Patents in force
91 1.5 Patent applications by German *Länder*
92 1.6 Patent applications, percentages and applications per 100,000 inhabitants by German *Länder*
92 1.7 Patent applications by countries of origin
93 1.8 National patent applications filed by universities by German *Länder*
93 1.9 Breakdown of national patent applications from Germany (domestic) by filing activity of applicants
94 1.10 Opposition proceedings
94 1.11 Patent applications by technology fields with the largest number of applications in 2018
95 1.12 Companies and institutions with the highest number of patent applications in 2018

## 96 Utility models

96 2.1 Utility models
96 2.2 Topographies under the Semiconductor Protection Act *(Halbleiterschutzgesetz)*
97 2.3 Utility model applications by German *Länder*
98 2.4 Utility model applications, percentages and applications per 100,000 inhabitants by German *Länder*

## 99 National trade marks

99 3.1. Applications and registrations
99 3.2 Opposition proceedings
99 3.3 Cancellations, renewals, trade marks in force
100 3.4 Procedures for the international registration of marks
101 3.5 National trade mark applications by German *Länder*
102 3.6 Trade mark applications, percentages and number of applications per 100,000 inhabitants by German *Länder*
103 3.7 National trade mark applications by leading classes
104 3.8 Top companies and institutions in terms of trade mark registrations in 2018

## 105 Designs

105 4.1 Applications and procedures concluded
105 4.2 Designs (applied for) by German *Länder*
106 4.3 Pending designs (applied for) and registered designs in force
106 4.4 Designs applied for, percentages and number of designs filed per 100,000 inhabitants by German *Länder*
107 4.5 Top companies and institutions in terms of designs applied for at the DPMA in 2018

108 5. Register of anonymous and pseudonymous works
108 6. Patent attorneys and representatives

*1. Patent applications and patents*

*1.1 National patent applications at the DPMA and international patent applications with effect in Germany (PCT applications in the national phase)*

| Year | National applications[1] | | | PCT applications in the national phase | | | Applications (national and PCT national phase) | | |
|---|---|---|---|---|---|---|---|---|---|
| | Domestic[2] | Foreign[2] | Total | Domestic[2] | Foreign[2] | Total | Domestic[2] | Foreign[2] | Total |
| 2014 | 47,303 | 12,617 | 59,920 | 851 | 5,191 | 6,042 | 48,154 | 17,808 | 65,962 |
| 2015 | 46,467 | 13,988 | 60,455 | 922 | 5,521 | 6,443 | 47,389 | 19,509 | 66,898 |
| 2016 | 47,318 | 14,263 | 61,581 | 1,175 | 5,150 | 6,325 | 48,493 | 19,413 | 67,906 |
| 2017 | 46,745 | 14,739 | 61,484 | 1,046 | 5,192 | 6,238 | 47,791 | 19,931 | 67,722 |
| 2018 | 45,602 | 15,266 | 60,868 | 1,007 | 6,020 | 7,027 | 46,609 | 21,286 | 67,895 |

[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] | Patent applications pending at the end of the year | |
|---|---|---|---|---|
| | | | National applications | including applications for which formal examination was concluded |
| 2014 | 60,180 | 22,962 | 146,298 | 138,819 |
| 2015 | 60,608 | 20,904 | 148,126 | 140,395 |
| 2016 | 61,768 | 20,147 | 150,881 | 143,495 |
| 2017 | 61,617 | 20,756 | 151,552 | 144,157 |
| 2018 | 60,994 | 21,406 | 151,744 | 144,034 |

[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 | (of which) together with applications | | |
| 2014 | 43,372 | 24,507 | 35,000 | 15,317 |
| 2015 | 44,680 | 25,683 | 33,570 | 14,795 |
| 2016 | 45,610 | 26,382 | 35,831 | 15,652 |
| 2017 | 47,422 | 26,538 | 36,827 | 15,649 |
| 2018 | 46,979 | 26,173 | 38,087 | 16,368 |

*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 |
|---|---|---|---|
| **2014** | 15,380 | 15,520 | 129,449 |
| **2015** | 14,845 | 14,752 | 129,533 |
| **2016** | 15,701 | 15,672 | 129,537 |
| **2017** | 15, 692 | 16,277 | 128,939 |
| **2018** | 16,405 | 15,844 | 129,461 |

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

| German *Länder* | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Baden-Württemberg | 14,535 | 14,221 | 14,379 | 14,511 | 14,608 |
| Bavaria | 15,538 | 15,347 | 15,871 | 15,483 | 14,852 |
| Berlin | 869 | 840 | 830 | 716 | 722 |
| Brandenburg | 326 | 359 | 331 | 328 | 289 |
| Bremen | 143 | 158 | 143 | 129 | 135 |
| Hamburg | 807 | 806 | 790 | 770 | 864 |
| Hesse | 2,042 | 1,906 | 1,937 | 1,927 | 1,619 |
| Mecklenburg-Western Pomerania | 169 | 155 | 105 | 135 | 145 |
| Lower Saxony | 3,138 | 3,486 | 3,700 | 3,514 | 3,614 |
| North Rhine-Westphalia | 7,119 | 6,877 | 7,073 | 7,209 | 6,856 |
| Rhineland-Palatinate | 1,032 | 938 | 1,077 | 921 | 910 |
| Saarland | 222 | 214 | 197 | 197 | 175 |
| Saxony | 966 | 905 | 810 | 719 | 594 |
| Saxony-Anhalt | 227 | 200 | 229 | 186 | 205 |
| Schleswig-Holstein | 462 | 463 | 502 | 509 | 474 |
| Thuringia | 559 | 514 | 519 | 537 | 547 |
| **Germany** | **48,154** | **47,389** | **48,493** | **47,791** | **46,609** |

*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* | 2017 | | | 2018 | | | Applications change from 2017 to 2018 in % |
|---|---|---|---|---|---|---|---|
| | Applications | Percentage | Applications per 100,000 inhabitants | Applications | Percentage | Applications per 100,000 inhabitants | |
| Bavaria | 15,483 | 32.4 | 119 | 14,852 | 31.9 | 114 | - 4.1 |
| Baden-Württemberg | 14,511 | 30.4 | 132 | 14,608 | 31.3 | 133 | + 0.7 |
| North Rhine-Westphalia | 7,209 | 15.1 | 40 | 6,856 | 14.7 | 38 | - 4.9 |
| Lower Saxony | 3,514 | 7.4 | 44 | 3,614 | 7.8 | 45 | + 2.8 |
| Hesse | 1,927 | 4.0 | 31 | 1,619 | 3.5 | 26 | - 16.0 |
| Rhineland-Palatinate | 921 | 1.9 | 23 | 910 | 2.0 | 22 | - 1.2 |
| Hamburg | 770 | 1.6 | 42 | 864 | 1.9 | 47 | + 12.2 |
| Berlin | 716 | 1.5 | 20 | 722 | 1.5 | 20 | + 0.8 |
| Saxony | 719 | 1.5 | 18 | 594 | 1.3 | 15 | - 17.4 |
| Thuringia | 537 | 1.1 | 25 | 547 | 1.2 | 25 | + 1.9 |
| Schleswig-Holstein | 509 | 1.1 | 18 | 474 | 1.0 | 16 | - 6.9 |
| Brandenburg | 328 | 0.7 | 13 | 289 | 0.6 | 12 | - 11.9 |
| Saxony-Anhalt | 186 | 0.4 | 8 | 205 | 0.4 | 9 | + 10.2 |
| Saarland | 197 | 0.4 | 20 | 175 | 0.4 | 18 | - 11.2 |
| Mecklenburg-Western Pomerania | 135 | 0.3 | 8 | 145 | 0.3 | 9 | + 7.4 |
| Bremen | 129 | 0.3 | 19 | 135 | 0.3 | 20 | + 4.7 |
| **Germany** | **47,791** | **100** | **58** | **46,609** | **100** | **56** | **- 2.5** |

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

| | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Germany | 48,154 | 47,389 | 48,493 | 47,791 | 46,609 |
| Japan | 5,337 | 6,424 | 6,839 | 7,279 | 8,013 |
| USA | 6,056 | 6,150 | 5,859 | 6,084 | 6,669 |
| Republic of Korea | 1,384 | 1,423 | 1,204 | 1,171 | 1,313 |
| Switzerland | 814 | 887 | 951 | 922 | 813 |
| Austria | 1,044 | 1,026 | 977 | 906 | 777 |
| Taiwan | 577 | 519 | 598 | 619 | 687 |
| China | 524 | 636 | 552 | 646 | 491 |
| Sweden | 327 | 527 | 517 | 464 | 393 |
| United Kingdom | 235 | 242 | 225 | 210 | 371 |
| Others | 1,510 | 1,675 | 1,691 | 1,630 | 1,759 |
| **Total** | **65,962** | **66,898** | **67,906** | **67,722** | **67,895** |

*1.8 National patent applications filed by universities by German Länder*[1]

| German *Länder* | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Baden-Württemberg | 75 | 93 | 71 | 63 | 69 |
| Bavaria | 87 | 83 | 78 | 69 | 60 |
| Berlin | 21 | 31 | 19 | 24 | 17 |
| Brandenburg | 13 | 15 | 6 | 19 | 9 |
| Bremen | 10 | 5 | 6 | 15 | 12 |
| Hamburg | 15 | 20 | 21 | 23 | 12 |
| Hesse | 39 | 62 | 58 | 61 | 54 |
| Mecklenburg-Western Pomerania | 32 | 40 | 22 | 18 | 28 |
| Lower Saxony | 39 | 58 | 50 | 62 | 54 |
| North Rhine-Westphalia | 70 | 92 | 103 | 120 | 129 |
| Rhineland-Palatinate | 7 | 10 | 7 | 7 | 15 |
| Saarland | 5 | 3 | 7 | 4 | 6 |
| Saxony | 142 | 153 | 129 | 90 | 77 |
| Saxony-Anhalt | 25 | 29 | 34 | 31 | 31 |
| Schleswig-Holstein | 12 | 8 | 17 | 20 | 20 |
| Thuringia | 45 | 40 | 43 | 45 | 39 |
| **Germany** | **637** | **740** | **670** | **670** | **631** |

[1] Due to rounding differences the sum of the figures may differ from the figure for Germany.

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

| Percentage of applicants having filed | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| one application | 66.3 | 66.4 | 66.7 | 66.2 | 65.1 |
| 2 – 10 applications | 29.7 | 29.2 | 29.0 | 29.3 | 30.1 |
| 11 – 100 applications | 3.5 | 3.9 | 3.8 | 4.0 | 4.2 |
| more than 100 applications | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |
| **Total** | **100** | **100** | **100** | **100** | **100** |

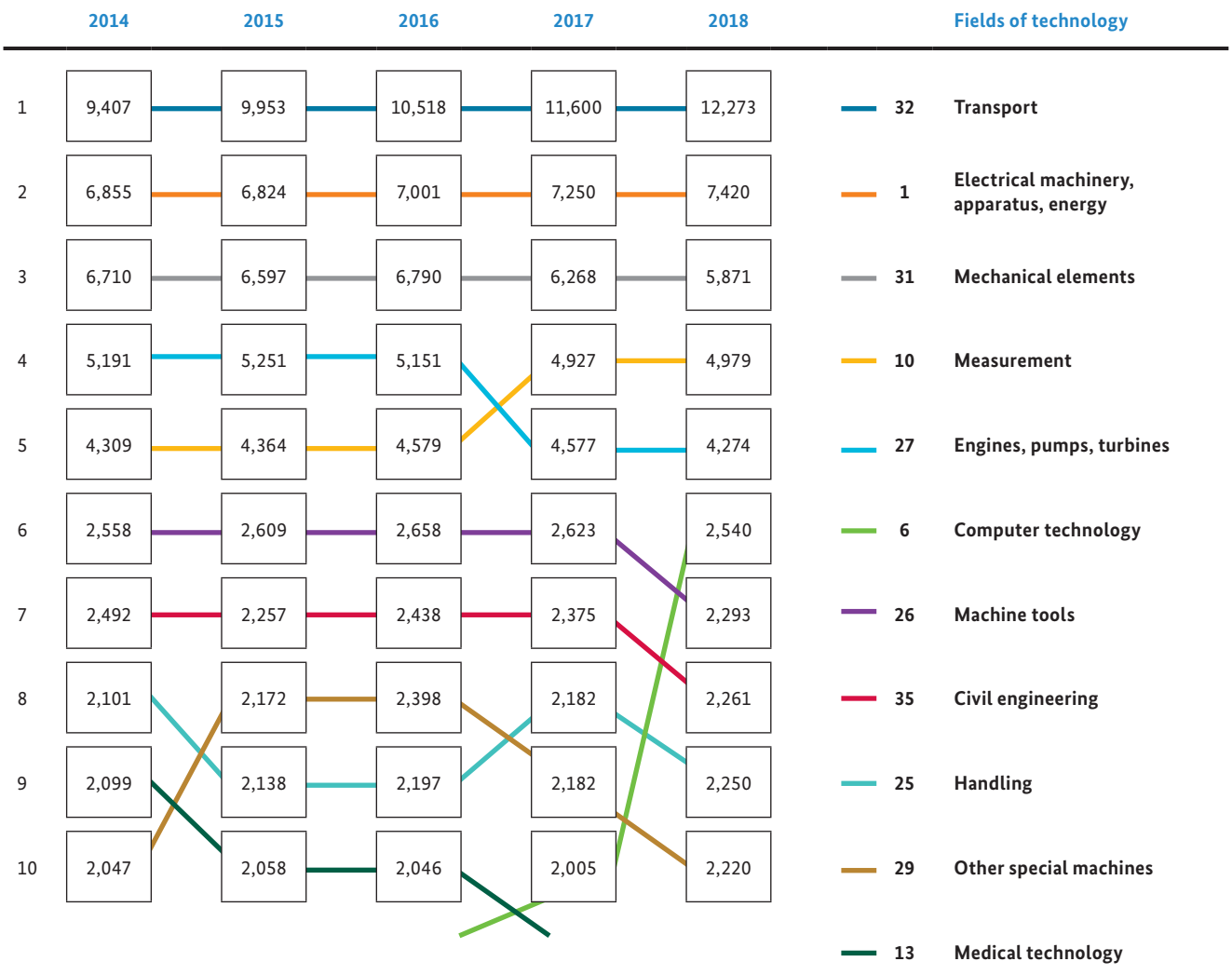
| Percentage of applications by applicants having filed | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| one application | 13.8 | 13.5 | 13.0 | 12.6 | 11.8 |
| 2 – 10 applications | 19.8 | 19.1 | 18.7 | 18.5 | 18.0 |
| 11 – 100 applications | 19.7 | 21.0 | 20.2 | 20.4 | 20.9 |
| more than 100 applications | 46.8 | 46.4 | 48.0 | 48.5 | 49.3 |
| **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 | |
| 2014 | 257 | 535 | 165 | 258 | 1,818 |
| 2015 | 402 | 480 | 161 | 231 | 1,743 |
| 2016 | 416 | 459 | 126 | 255 | 1,701 |
| 2017 | 376 | 433 | 142 | 229 | 1,644 |
| 2018 | 338 | 446 | 130 | 245 | 1,539 |

[1] Opposition proceedings concluded by surrender, non-payment of the annual renewal fee, revocation, maintenance, maintenance in amended form
[2] including a substaintial 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 2018 (applications at the DPMA 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 Companies and institutions with the highest number of patent applications in 2018 (number of national patent applications filed)*

| | Applicant | Principal place of business | | Applications |
|---|---|---|---|---|
| 1 | Robert Bosch GmbH | DE | | **4,230** |
| 2 | Schaeffler Technologies AG & Co. KG | DE | | **2,417** |
| 3 | Ford Global Technologies, LLC | | US | **1,921** |
| 4 | Bayerische Motoren Werke AG | DE | | **1,752** |
| 5 | Daimler AG | DE | | **1,559** |
| 6 | VOLKSWAGEN AG | DE | | **1,304** |
| 7 | GM Global Technology Operations LLC | | US | **1,267** |
| 8 | ZF Friedrichshafen AG | DE | | **1,262** |
| 9 | AUDI AG | DE | | **1,232** |
| 10 | Siemens AG | DE | | **711** |
| 11 | FANUC Corporation | | JP | **690** |
| 12 | Toyota Jidosha K.K. | | JP | **631** |
| 13 | Dr. Ing. h.c. F. Porsche AG | DE | | **612** |
| 14 | Continental Automotive GmbH | DE | | **593** |
| 15 | Infineon Technologies AG | DE | | **447** |
| 16 | BSH Hausgeräte GmbH | DE | | **441** |
| 17 | Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V. | DE | | **434** |
| 18 | Intel Corporation | | US | **405** |
| 19 | Miele & Cie. KG | DE | | **348** |
| 20 | Taiwan Semiconductor Manufacturing Company Limited | | TW | **344** |
| 21 | Valeo Schalter und Sensoren GmbH | DE | | **301** |
| 22 | OSRAM Opto Semiconductors GmbH | DE | | **287** |
| 23 | YAZAKI Corporation | | JP | **279** |
| 24 | Continental Reifen Deutschland GmbH | DE | | **277** |
| 25 | MAHLE International GmbH | DE | | **254** |
| 26 | Shimano Inc. | | JP | **248** |
| 27 | ThyssenKrupp AG | DE | | **240** |
| 28 | Henkel AG & Co. KGaA | DE | | **238** |
| 29 | Hyundai Motor Company | | KR | **230** |
| 29 | KRONES AG | DE | | **230** |
| 31 | Continental Teves AG & Co. oHG | DE | | **228** |
| 32 | Kia Motors Corporation | | KR | **227** |
| 33 | DENSO Corporation | | JP | **223** |
| 34 | FEV Europe GmbH | DE | | **220** |
| 35 | Deutsches Zentrum für Luft- und Raumfahrt e. V. | DE | | **219** |
| 36 | Carl Zeiss SMT GmbH | DE | | **218** |
| 37 | Voith Patent GmbH | DE | | **192** |
| 38 | SEW-EURODRIVE GmbH & Co KG | DE | | **187** |
| 39 | Airbus Operations GmbH | DE | | **185** |
| 40 | Conti Temic microelectronic GmbH | DE | | **170** |
| 41 | OSRAM GmbH | DE | | **165** |
| 42 | Phoenix Contact GmbH & Co. KG | DE | | **148** |
| 43 | Jaguar Land Rover Ltd. | | GB | **145** |
| 44 | MTU Aero Engines GmbH | DE | | **144** |
| 45 | Samsung Electronics Co. Ltd. | | KR | **143** |
| 45 | Siemens Healthcare GmbH | DE | | **143** |
| 47 | Heidelberger Druckmaschinen AG | DE | | **139** |
| 48 | HELLA GmbH & Co. KGaA | DE | | **136** |
| 49 | SMS group GmbH | DE | | **133** |
| 50 | Brose Fahrzeugteile GmbH & Co. KG | DE | | **126** |

*2. Utility models and topographies*
*2.1 Utility models (applications at the DPMA and PCT applications in the national phase)*

| Year | Filings | | | | Procedures concluded | | |
|---|---|---|---|---|---|---|---|
| | New applications | Domestic applications | Others[1] | Total | by registration | without registration | Total |
| 2014 | 14,741 | 10,945 | 72 | 14,813 | 13,082 | 2,072 | 15,154 |
| 2015 | 14,274 | 10,360 | 53 | 14,327 | 12,256 | 1,950 | 14,206 |
| 2016 | 14,030 | 10,099 | 24 | 14,054 | 12,442 | 1,889 | 14,331 |
| 2017 | 13,301 | 9,481 | 31 | 13,332 | 11,882 | 1,761 | 13,643 |
| 2018 | 12,311 | 8,797 | 21 | 12,332 | 11,295 | 1,616 | 12,911 |

[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 |
|---|---|---|---|---|
| 2014 | 5,054 | 87,486 | 20,286 | 15,269 |
| 2015 | 5,170 | 85,124 | 19,732 | 14,656 |
| 2016 | 4,891 | 83,149 | 20,206 | 14,441 |
| 2017 | 4,577 | 81,037 | 18,821 | 14,028 |
| 2018 | 3,996 | 79,301 | 20,546 | 13,068 |

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

| Year | New applications received | Procedures concluded | | | Pending applications at the end of the year | Lapsed due to expirey of time | Registrations in force at the end of the year |
|---|---|---|---|---|---|---|---|
| | | by registration | without registration | Total | | | |
| 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 |
| 2018 | 0 | 0 | 0 | 0 | 0 | 1 | 22 |

*2.3 Utility model applications (applications at the DPMA and PCT applications in the national phase) by German Länder (residence or principal place of business of the applicant)*

| German *Länder* | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Baden-Württemberg | 1,938 | 1,886 | 1,872 | 1,729 | 1,612 |
| Bavaria | 2,433 | 2,357 | 2,285 | 2,060 | 1,979 |
| Berlin | 368 | 335 | 300 | 322 | 307 |
| Brandenburg | 164 | 112 | 150 | 136 | 104 |
| Bremen | 58 | 47 | 52 | 52 | 44 |
| Hamburg | 190 | 194 | 158 | 154 | 175 |
| Hesse | 668 | 628 | 622 | 630 | 625 |
| Mecklenburg-Western Pomerania | 79 | 78 | 71 | 54 | 56 |
| Lower Saxony | 758 | 709 | 698 | 649 | 610 |
| North-Rhine Westphalia | 2,868 | 2,708 | 2,645 | 2,528 | 2,185 |
| Rhineland-Palatinate | 444 | 452 | 402 | 390 | 306 |
| Saarland | 83 | 73 | 72 | 72 | 65 |
| Saxony | 390 | 330 | 301 | 258 | 296 |
| Saxony-Anhalt | 128 | 120 | 128 | 100 | 111 |
| Schleswig-Holstein | 239 | 191 | 193 | 204 | 186 |
| Thuringia | 137 | 140 | 150 | 143 | 136 |
| **Germany** | **10,945** | **10,360** | **10,099** | **9,481** | **8,797** |

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

| German *Länder* | 2017 | | | 2018 | | | Applications change from 2017 to 2018 in % |
|---|---|---|---|---|---|---|---|
| | Applications | Percentage | Applications per 100,000 inhabitants | Applications | Percentage | Applications per 100,000 inhabitants | |
| North-Rhine Westphalia | 2,528 | 26.7 | 14 | 2,185 | 24.8 | 12 | - 13.6 |
| Bavaria | 2,060 | 21.7 | 16 | 1,979 | 22.5 | 15 | - 3.9 |
| Baden-Württemberg | 1,729 | 18.2 | 16 | 1,612 | 18.3 | 15 | - 6.8 |
| Hesse | 630 | 6.6 | 10 | 625 | 7.1 | 10 | - 0.8 |
| Lower Saxony | 649 | 6.8 | 8 | 610 | 6.9 | 8 | - 6.0 |
| Berlin | 322 | 3.4 | 9 | 307 | 3.5 | 8 | - 4.7 |
| Rhineland-Palatinate | 390 | 4.1 | 10 | 306 | 3.5 | 8 | - 21.5 |
| Saxony | 258 | 2.7 | 6 | 296 | 3.4 | 7 | + 14.7 |
| Schleswig-Holstein | 204 | 2.2 | 7 | 186 | 2.1 | 6 | - 8.8 |
| Hamburg | 154 | 1.6 | 8 | 175 | 2.0 | 10 | + 13.6 |
| Thuringia | 143 | 1.5 | 7 | 136 | 1.5 | 6 | - 4.9 |
| Saxony-Anhalt | 100 | 1.1 | 4 | 111 | 1.3 | 5 | + 11.0 |
| Brandenburg | 136 | 1.4 | 5 | 104 | 1.2 | 4 | - 23.5 |
| Saarland | 72 | 0.8 | 7 | 65 | 0.7 | 7 | - 9.7 |
| Mecklenburg-Western Pomerania | 54 | 0.6 | 3 | 56 | 0.6 | 3 | + 3.7 |
| Bremen | 52 | 0.5 | 8 | 44 | 0.5 | 6 | - 15.4 |
| **Germany** | **9,481** | **100** | **11** | **8,797** | **100** | **11** | **- 7.2** |

*3. National trade marks*
*3.1. Applications and registrations*

| Year | Filings | | | | | Registration under Section 41 Trade Mark Act *(Markengesetz)* |
|---|---|---|---|---|---|---|
| | New applications | | | Others[1] | Total | |
| | Total | Domestic applications | for service marks | | | |
| 2014 | 66,612 | 63,003 | 32,330 | 417 | 67,029 | 47,993 |
| 2015 | 68,975 | 65,261 | 33,662 | 265 | 69,240 | 46,529 |
| 2016 | 69,391 | 65,321 | 34,005 | 392 | 69,783 | 52,198 |
| 2017 | 72,048 | 67,443 | 33,600 | 362 | 72,410 | 50,948 |
| 2018 | 70,532 | 65,669 | 33,123 | 318 | 70,850 | 50,565 |

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

*3.2 Opposition proceedings*

| Year | Oppositions received | | Opposition proceedings concluded | | |
|---|---|---|---|---|---|
| | Trade marks challanged by oppositions | Number of oppositions | without affecting the trade mark | Cancellation in full or in part | Surrender by the proprietor |
| 2014 | 2,833 | 4,233 | 2,157 | 516 | 581 |
| 2015 | 2,727 | 4,068 | 1,800 | 395 | 512 |
| 2016 | 3,263 | 4,859 | 2,048 | 445 | 623 |
| 2017 | 2,884 | 4,271 | 2,118 | 616 | 637 |
| 2018 | 2,829 | 4,204 | 1,799 | 445 | 640 |

*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 |
|---|---|---|---|
| 2014 | 43,910 | 32,232 | 793,872 |
| 2015 | 43,001 | 34,218 | 797,395 |
| 2016 | 44,892 | 34,127 | 804,707 |
| 2017 | 44,117 | 35,215 | 811,527 |
| 2018 | 46,497 | 39,940 | 815,589 |

*3.4 Procedures for the international registration of marks*

| Year | Requests for international registration of marks originating from the Federal Republic of Germany | | | |
|---|---|---|---|---|
| | Requests received | Procedures concluded | | Cases pending at the end of the year |
| | | Requests transmitted to WIPO [1] | Requests withdrawn or refused | |
| 2014 | 4,354 | 4,230 | 98 | 429 |
| 2015 | 4,520 | 4,425 | 127 | 391 |
| 2016 | 4,893 | 4,833 | 82 | 366 |
| 2017 | 4,686 | 4,636 | 81 | 326 |
| 2018 | 4,674 | 4,512 | 72 | 422 |

[1] Not including requests for the extension of protection under Art. 3ter(2) Madrid Agreement; 212 requests for the extension of protection were received in 2018, and 210 requests were transmitted to the World Intellectual Property Organization (WIPO).

| Year | Extension of protection of international registrations of marks originating from Madrid Union countries to the Federal Republic of Germany | | | | | | |
|---|---|---|---|---|---|---|---|
| | Requests received [1] | Procedures concluded | | | Cases pending at the end of the year | Requests received | |
| | | Full grant of protection | Grants of protection in part | Refusal, withdrawal or cancellation in the International Register | | Oppositions | Appeals |
| 2014 | 4,066 | 3,559 | 302 | 553 | 2,640 | 303 | 19 |
| 2015 | 4,528 | 3,441 | 302 | 459 | 2,955 | 299 | 18 |
| 2016 | 3,467 | 3,043 | 380 | 415 | 2,580 | 192 | 14 |
| 2017 | 4,677 | 3,426 | 311 | 512 | 3,005 | 280 | 23 |
| 2018 | 4,826 | 3,591 | 264 | 712 | 3,263 | 360 | 17 |

[1] Not including other requests and not including renewals

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

| German *Länder* | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Baden-Württemberg | 8,218 | 8,408 | 8,241 | 8,760 | 8,336 |
| Bavaria | 11,642 | 11,343 | 11,830 | 12,497 | 12,301 |
| Berlin | 5,030 | 5,057 | 5,245 | 5,339 | 5,466 |
| Brandenburg | 945 | 999 | 1,121 | 1,177 | 1,070 |
| Bremen | 479 | 544 | 522 | 584 | 537 |
| Hamburg | 3,336 | 3,608 | 3,570 | 3,380 | 3,502 |
| Hesse | 4,978 | 5,344 | 5,346 | 5,511 | 5,210 |
| Mecklenburg-Western Pomerania | 545 | 606 | 651 | 629 | 577 |
| Lower Saxony | 4,520 | 4,891 | 4,558 | 4,833 | 4,665 |
| North Rhine-Westphalia | 13,714 | 14,723 | 14,881 | 15,145 | 14,583 |
| Rhineland-Palatinate | 3,051 | 3,029 | 3,046 | 3,078 | 3,041 |
| Saarland | 558 | 717 | 564 | 616 | 551 |
| Saxony | 2,154 | 2,091 | 2,077 | 2,111 | 2,048 |
| Saxony-Anhalt | 714 | 717 | 690 | 644 | 764 |
| Schleswig-Holstein | 2,234 | 2,314 | 2,182 | 2,198 | 2,209 |
| Thuringia | 885 | 870 | 797 | 941 | 809 |
| **Germany** | **63,003** | **65,261** | **65,321** | **67,443** | **65,669** |

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

| German *Länder* | 2017 | | | 2018 | | | Applications change from 2017 to 2018 in % |
|---|---|---|---|---|---|---|---|
| | Applications | Percentage | Applications per 100,000 inhabitants | Applications | Percentage | Applications per 100,000 inhabitants | |
| North Rhine-Westphalia | 15,145 | 22.5 | 85 | 14,583 | 22.2 | 81 | - 3.7 |
| Bavaria | 12,497 | 18.5 | 96 | 12,301 | 18.7 | 95 | - 1.6 |
| Baden-Württemberg | 8,760 | 13.0 | 79 | 8,336 | 12.7 | 76 | - 4.8 |
| Berlin | 5,339 | 7.9 | 148 | 5,466 | 8.3 | 151 | + 2.4 |
| Hesse | 5,511 | 8.2 | 88 | 5,210 | 7.9 | 83 | - 5.5 |
| Lower Saxony | 4,833 | 7.2 | 61 | 4,665 | 7.1 | 59 | - 3.5 |
| Hamburg | 3,380 | 5.0 | 185 | 3,502 | 5.3 | 191 | + 3.6 |
| Rhineland-Palatinate | 3,078 | 4.6 | 76 | 3,041 | 4.6 | 75 | - 1.2 |
| Schleswig-Holstein | 2,198 | 3.3 | 76 | 2,209 | 3.4 | 76 | + 0.5 |
| Saxony | 2,111 | 3.1 | 52 | 2,048 | 3.1 | 50 | - 3.0 |
| Brandenburg | 1,177 | 1.7 | 47 | 1,070 | 1.6 | 43 | - 9.1 |
| Thuringia | 941 | 1.4 | 44 | 809 | 1.2 | 38 | - 14.0 |
| Saxony-Anhalt | 644 | 1.0 | 29 | 764 | 1.2 | 34 | + 18.6 |
| Mecklenburg-Western Pomerania | 629 | 0.9 | 39 | 577 | 0.9 | 36 | - 8.3 |
| Saarland | 616 | 0.9 | 62 | 551 | 0.8 | 55 | - 10.6 |
| Bremen | 584 | 0.9 | 86 | 537 | 0.8 | 79 | - 8.0 |
| **Germany** | **67,443** | **100** | **81** | **65,669** | **100** | **79** | **- 2.6** |

*3.7 National trade mark applications by leading classes*

| Class | | 2017 | 2018 | +/- in % |
|---|---|---|---|---|
| 0 | Not yet classified | 135 | 95 | - 29.6 |
| 1 | Chemicals | 827 | 850 | + 2.8 |
| 2 | Paints, varnishes, lacquers | 218 | 239 | + 9.6 |
| 3 | Cleaning preparations | 1,920 | 2,144 | + 11.7 |
| 4 | Industrial oils and greases, fuels | 363 | 360 | - 0.8 |
| 5 | Pharmaceutical preparations | 2,150 | 2,231 | + 3.8 |
| 6 | Common metals and goods of common metals | 832 | 832 | 0.0 |
| 7 | Machines, motors and engines | 1,511 | 1,396 | - 7.6 |
| 8 | Hand tools | 372 | 408 | + 9.7 |
| 9 | Electrical apparatus and instruments | 5,127 | 4,814 | - 6.1 |
| 10 | Medical apparatus and instruments | 816 | 857 | + 5.0 |
| 11 | Heating, ventilation, sanitary installations | 1,208 | 1,240 | + 2.6 |
| 12 | Vehicles | 1,653 | 1,232 | - 25.5 |
| 13 | Firearms | 109 | 113 | + 3.7 |
| 14 | Jewellery, clocks and watches | 854 | 807 | - 5.5 |
| 15 | Musical instruments | 122 | 128 | + 4.9 |
| 16 | Office requisites, stationery | 2,077 | 1,898 | - 8.6 |
| 17 | Insulating materials, semi-finished goods | 267 | 260 | - 2.6 |
| 18 | Goods made of leather | 950 | 986 | + 3.8 |
| 19 | Building materials (non-metallic) | 672 | 586 | - 12.8 |
| 20 | Furniture | 1,434 | 1,299 | - 9.4 |
| 21 | Household or kitchen utensils | 877 | 977 | + 11.4 |
| 22 | Ropes, string, sails | 99 | 102 | + 3.0 |
| 23 | Yarns and threads | 31 | 33 | + 6.5 |
| 24 | Textiles, bed and table covers | 401 | 419 | + 4.5 |
| 25 | Clothing, footwear | 3,463 | 3,474 | + 0.3 |
| 26 | Lace, ribbon, buttons, trimmings | 139 | 110 | - 20.9 |
| 27 | Materials for covering floors, wall hangings | 92 | 107 | + 16.3 |
| 28 | Games, sporting articles | 1,104 | 1,018 | - 7.8 |
| 29 | Food of animal origin | 1,453 | 1,366 | - 6.0 |
| 30 | Food of plant origin | 2,295 | 2,237 | - 2.5 |
| 31 | Agricultural and forestry products | 648 | 688 | + 6.2 |
| 32 | Beers, non-alcoholic drinks | 1,535 | 1,458 | - 5.0 |
| 33 | Alcoholic beverages | 1,874 | 1,829 | - 2.4 |
| 34 | Tobacco, smokers' articles | 820 | 816 | - 0.5 |
| 35 | Advertising, business management | 9,009 | 8,629 | - 4.2 |
| 36 | Insurance | 2,449 | 2,661 | + 8.7 |
| 37 | Building construction, repair | 1,358 | 1,224 | - 9.9 |
| 38 | Telecommunications | 949 | 833 | - 12.2 |
| 39 | Transport | 1,481 | 1,315 | - 11.2 |
| 40 | Treatment of materials | 639 | 617 | - 3.4 |
| 41 | Education, sporting and cultural activities | 8,386 | 8,469 | + 1.0 |
| 42 | Scientific and technological services | 3,541 | 3,526 | - 0.4 |
| 43 | Providing food & drink, temp. accommodation | 2,305 | 2,311 | + 0.3 |
| 44 | Medical services | 2,555 | 2,556 | + 0.0 |
| 45 | Legal services, security services | 928 | 982 | + 5.8 |

*3.8 Top companies and institutions in terms of trade mark registrations in 2018 (registrations of trade marks pursuant to Section 41 Trade Mark Act)*

| | Proprietor | Principal place of business | | Number |
|---|---|---|---|---|
| 1 | Daimler AG | DE | | **99** |
| 2 | VOLKSWAGEN AG | DE | | **78** |
| 3 | Brillux GmbH & Co. KG | DE | | **62** |
| 4 | Bayer AG | DE | | **61** |
| 5 | Henkel AG & Co. KGaA | DE | | **59** |
| 6 | MCA Trading GmbH | DE | | **54** |
| 7 | Berentzen-Gruppe AG | DE | | **50** |
| 8 | Bayerische Motoren Werke AG | DE | | **46** |
| 8 | Brand Commerce GmbH | DE | | **46** |
| 10 | FAST Fashion Brands GmbH | DE | | **41** |
| 11 | Comet Feuerwerk GmbH | DE | | **40** |
| 12 | August Storck KG | DE | | **39** |
| 12 | MIP METRO Group Intellectual Property GmbH & Co. KG | DE | | **39** |
| 14 | Hanseatic Warehouse Fulfillment GmbH | DE | | **38** |
| 14 | Merck KGaA | DE | | **38** |
| 16 | Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V. | DE | | **35** |
| 17 | dm-drogerie markt GmbH + Co. KG | DE | | **33** |
| 17 | Mayflix DOT DE GmbH | DE | | **33** |
| 19 | FormMed Holding AG | DE | | **31** |
| 20 | BASF SE | DE | | **29** |
| 20 | HARIBO Holding GmbH & Co. KG | DE | | **29** |
| 20 | Xi'an Haofeng Information Technology Co., Ltd. | | CN | **29** |

*4. Designs*
*4.1 Applications and procedures concluded*

| Year | Filings[1] | | | | Procedures concluded | | | |
|---|---|---|---|---|---|---|---|---|
| | Designs in | | Total | Designs in domestic applications | by registration | domestic | without registration | Total |
| | Designs in multiple applications | Applications with one design | | | | | | |
| 2014 | 57,869 | 2,858 | 60,727 | 47,183 | 51,068 | 41,718 | 5,914 | 56,982 |
| 2015 | 55,230 | 2,676 | 57,906 | 47,089 | 49,944 | 38,506 | 4,488 | 54,432 |
| 2016 | 54,535 | 2,774 | 57,309 | 47,942 | 48,215 | 40,722 | 4,749 | 52,964 |
| 2017 | 44,063 | 2,678 | 46,741 | 40,473 | 47,175 | 39,742 | 5,813 | 52,988 |
| 2018 | 40,013 | 2,657 | 42,670 | 37,614 | 47,647 | 42,456 | 5,569 | 53,216 |

[1] Provisional for 2018, as the actual number of designs applied for is not known before completion of the registration procedure.

*4.2 Designs (applied for) by German Länder*

| German *Länder* | 2014 | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|---|
| Baden-Württemberg | 7,524 | 6,878 | 6,653 | 6,557 | 6,108 |
| Bavaria | 8,968 | 10,576 | 11,868 | 7,959 | 7,909 |
| Berlin | 2,219 | 2,721 | 2,171 | 1,660 | 1,728 |
| Brandenburg | 335 | 436 | 540 | 381 | 219 |
| Bremen | 188 | 246 | 251 | 226 | 164 |
| Hamburg | 1,493 | 1,321 | 1,241 | 915 | 855 |
| Hesse | 2,097 | 2,658 | 2,534 | 1,744 | 1,371 |
| Mecklenburg-Western Pomerania | 474 | 350 | 199 | 125 | 143 |
| Lower Saxony | 2,729 | 3,761 | 3,557 | 2,713 | 2,361 |
| North Rhine-Westphalia | 13,658 | 11,694 | 12,898 | 11,959 | 11,625 |
| Rhineland-Palatinate | 2,520 | 2,061 | 2,000 | 1,947 | 1,205 |
| Saarland | 530 | 361 | 326 | 187 | 156 |
| Saxony | 1,986 | 1,580 | 1,518 | 1,547 | 1,633 |
| Saxony-Anhalt | 557 | 295 | 370 | 632 | 387 |
| Schleswig-Holstein | 1,584 | 1,689 | 1,526 | 1,652 | 1,348 |
| Thuringia | 321 | 462 | 290 | 269 | 402 |
| **Germany** | **47,183** | **47,089** | **47,942** | **40,473** | **37,614** |

*4.3 Pending designs (applied for) and registered designs in force; invalidity proceedings*

| 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 | Invalidity proceedings | |
|---|---|---|---|---|---|---|---|
| | | | | | | Applications filed | Proceedings concluded |
| 2014 | 24,318 | 2,756 | 14,255 | 42,670 | 305,689 | 92 | 26 |
| 2015 | 27,767 | 2,443 | 15,077 | 41,825 | 313,808 | 56 | 20 |
| 2016 | 32,070 | 2,929 | 15,279 | 48,603 | 313,420 | 71 | 14 |
| 2017 | 25,775 | 3,558 | 15,937 | 47,719 | 312,876 | 63 | 56 |
| 2018 | 15,187 | 3,603 | 14,562 | 46,455 | 314,068 | 31 | 74 |

*4.4 Designs applied for, percentages and number of designs filed per 100,000 inhabitants by German Länder (residence or principal place of business of the applicant)*

| German *Länder* | 2017 | | | 2018 | | | Applications change from 2017 to 2018 in % |
|---|---|---|---|---|---|---|---|
| | Designs applied for | Percentage | Designs filed per 100,000 inhabitants | Designs applied for | Percentage | Designs filed per 100,000 inhabitants | |
| North Rhine-Westphalia | 11,959 | 29.5 | 67 | 11,625 | 30.9 | 65 | - 2.8 |
| Bavaria | 7,959 | 19.7 | 61 | 7,909 | 21.0 | 61 | - 0.6 |
| Baden-Württemberg | 6,557 | 16.2 | 59 | 6,108 | 16.2 | 55 | - 6.8 |
| Lower Saxony | 2,713 | 6.7 | 34 | 2,361 | 6.3 | 30 | - 13.0 |
| Berlin | 1,660 | 4.1 | 46 | 1,728 | 4.6 | 48 | + 4.1 |
| Saxony | 1,547 | 3.8 | 38 | 1,633 | 4.3 | 40 | + 5.6 |
| Hesse | 1,744 | 4.3 | 28 | 1,371 | 3.6 | 22 | - 21.4 |
| Schleswig-Holstein | 1,652 | 4.1 | 57 | 1,348 | 3.6 | 47 | - 18.4 |
| Rhineland-Palatinate | 1,947 | 4.8 | 48 | 1,205 | 3.2 | 30 | - 38.1 |
| Hamburg | 915 | 2.3 | 50 | 855 | 2.3 | 47 | - 6.6 |
| Thuringia | 269 | 0.7 | 13 | 402 | 1.1 | 19 | + 49.4 |
| Saxony-Anhalt | 632 | 1.6 | 28 | 387 | 1.0 | 17 | - 38.8 |
| Brandenburg | 381 | 0.9 | 15 | 219 | 0.6 | 9 | - 42.5 |
| Bremen | 226 | 0.6 | 33 | 164 | 0.4 | 24 | - 27.4 |
| Saarland | 187 | 0.5 | 19 | 156 | 0.4 | 16 | - 16.6 |
| Mecklenburg-Western Pomerania | 125 | 0.3 | 8 | 143 | 0.4 | 9 | + 14.4 |
| **Germany** | **40,473** | **100** | **49** | **37,614** | **100** | **45** | **- 7.1** |

*4.5 Top companies and institutions in terms of designs applied for at the DPMA in 2018 (without partnerships organised under the Civil Code)*

| | Applicant | Principal place of business | | Number of designs |
|---|---|---|---|---|
| 1 | Miroglio Textile S.r.l. | | IT | **2,200** |
| 2 | Betty Barclay Group GmbH & Co. KG | DE | | **1,583** |
| 3 | The House of Art GmbH | DE | | **680** |
| 4 | AstorMueller AG | | CH | **672** |
| 5 | Goebel Porzellan GmbH | DE | | **667** |
| 6 | monari GmbH | DE | | **652** |
| 7 | REHAU AG + Co | DE | | **634** |
| 8 | Albani Group GmbH & Co. KG | DE | | **610** |
| 9 | InnoTex Merkel & Rau GmbH | DE | | **561** |
| 10 | OLYMP Bezner KG | DE | | **559** |
| 11 | Best Light Production Limited Zweigniederlassung Deutschland | DE | | **531** |
| 12 | WOFI LEUCHTEN Wortmann & Filz GmbH | DE | | **510** |
| 13 | H.W. Hustadt Besitz- und Beteiligungsgesellschaft mbh & Co.KG | DE | | **487** |
| 14 | BTV Batovi Handels- & Vertriebs UG (haftungsbeschränkt) & Co. KG | DE | | **379** |
| 15 | VOLKSWAGEN AG | DE | | **317** |
| 16 | SHOE CONZEPT Handels GmbH | DE | | **300** |
| 17 | Nova Via Polstermöbel GmbH | DE | | **286** |
| 18 | Ford Global Technologies, LLC | | US | **279** |
| 19 | Wolf Möbel GmbH & Co. KG | DE | | **256** |
| 20 | Willibald Völsing KG | DE | | **246** |
| 21 | InStein GmbH | DE | | **234** |
| 22 | Phoenix Contact GmbH & Co. KG | DE | | **225** |
| 23 | Rothenburger Weihnachtswerkstatt GmbH | DE | | **224** |
| 24 | Pöppelmann Holding GmbH & Co KG. | DE | | **200** |
| 25 | Miele & Cie. KG | DE | | **198** |
| 26 | Paul Green GmbH | | AT | **191** |
| 27 | Wohnmanufactur Grünberger s.r.o. | | CZ | **180** |
| 28 | Dragimex Handels-AG | DE | | **177** |
| 29 | Himolla Polstermöbel GmbH | DE | | **162** |
| 30 | MeLiTec GmbH Metall Licht Technik | DE | | **160** |
| 31 | Stern & Schatz GmbH | DE | | **155** |
| 32 | Fehn GmbH & Co. KG. | DE | | **154** |
| 33 | Ploß & Co. GmbH | DE | | **152** |
| 34 | BRE-Light GmbH | DE | | **149** |
| 35 | Daimler AG | DE | | **148** |
| 36 | Innostyle-Möbelvertriebs GmbH & Co. KG | DE | | **145** |
| 37 | CAWÖ Textil GmbH & Co. KG | DE | | **144** |
| 38 | Sichtflug UG (haftungsbeschränkt) | DE | | **140** |
| 39 | Stolkom Sp. z o.o. | | PL | **138** |
| 40 | Scheurich GmbH & Co KG Keramikfabrik | DE | | **137** |
| 41 | Düsseldorf Marketing GmbH | DE | | **136** |
| 42 | räder GmbH | DE | | **135** |
| 43 | Orbis Textilgesellschaft mbH & Co. KG | DE | | **131** |
| 44 | Heinrich Sieber & Co. GmbH & Co. KG | DE | | **126** |
| 45 | Turcoe GmbH | DE | | **125** |
| 46 | K+W Polstermöbel GmbH + Co. KG | DE | | **124** |
| 46 | Koinor Polstermöbel GmbH & Co. KG | DE | | **124** |
| 48 | North Group Germany GmbH | DE | | **123** |
| 49 | Möbel Produkt. & Vertrieb "DIE HAUSMARKE" GmbH & Co. KG | DE | | **120** |
| 50 | L-Conzept GmbH & Co. KG | DE | | **117** |

*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 | |
| 2014 | 8 | 8 | 2 | 5 | 2 |
| 2015 | 3 | 2 | 3 | 2 | 0 |
| 2016 | 3 | 3 | 1 | 2 | 0 |
| 2017 | 0 | 0 | 0 | 0 | 0 |
| 2018 | 3 | 2 | 2 | 1 | 0 |

[1] Some applicants may have submitted several applications or applications for several works.

*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 | | |
| 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 |
| 2018 | 153 | 62 | 3,853 | 32 | 26 |

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

| Year | Qualifying examination for patent attorneys | | General powers of attorney | | |
|---|---|---|---|---|---|
| | Number of examinees | Sucessful candidates | entered in the register | cancelled | registered at the end of the year |
| 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 |
| 2018 | 171 | 165 | 702 | 70 | 33,620 |

# We will be pleased to answer your questions!

Visit us in Munich, Jena and Berlin:

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

Opening hours of the enquiry unit
Monday through Thursday 8:00 a.m. to 4:00 p.m.
Friday 8:00 a.m. to 2:00 p.m.

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

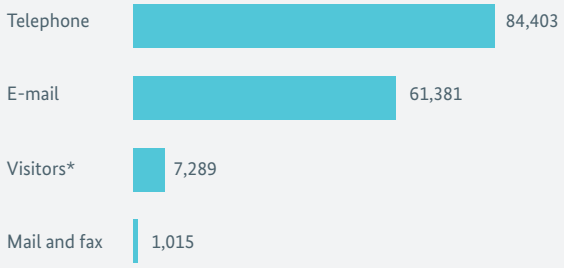
***Jena***
German Patent and Trade Mark Office
*(Deutsches Patent- und Markenamt)*
Jena Sub-Office *(Dienststelle Jena)*
Goethestraße 1
07743 Jena, Germany

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.

## **INFO** Customer Care and Services

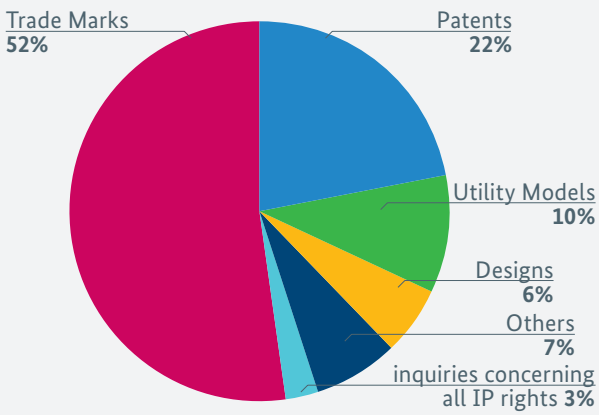
### We provided information and assistance over 154,000 times in 2018:

**Customer contacts by communication channel in 2018**




* in the DPMA and at our trade fair stands

**Customer inquiries by IP type in 2018**



# www.dpma.de

You can visit us at our offices and also, of course, contact us by telephone, fax or e-mail:

### >> Central Customer Care and Services

| | |
|---|---|
| Phone | +49 89 2195-1000 |
| E-mail | **info@dpma.de** |

### >> Search

***Munich search room***

| | |
|---|---|
| Monday through Thursday | 8:00 a.m. to 5:00 p.m. |
| Friday | 8:00 a.m. to 3:00 p.m. |
| Phone | +49 89 2195-3435 |

***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. |
| Phone | +49 30 25992-230 or -231 |

### >> Database hotline search support

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

### >> Technical hotline for 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**



## Imprint

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

**Last update**
May 2019

**Printing**
Lex Lingua GmbH
13597 Berlin, Germany

**Picture credit**
Page 1 - 3: Barbara Gandenheimer / page 13: Global Innovation Index 2018 / page 14: World Economic Forum / page 15 (left and centre): Nürnberger Nachrichten; (right): iena.de / page 20: TU Braunschweig / page 28: Lufthansa / page 35: Jürgen Scheere / page 36 (left): Robert Böttcher; (top right and centre): Steffen Leicht; (bottom right): Jürgen Scheere / page 46: EUIPO / page 69 (bottom left): rolandfuhrmann.de/work/thermochromatrix / page 74 and 75: Federal Ministry of Education and Research / page 81: European Patent Organisation / page 83 (top): iena.de; (bottom): women&work / page 85: Innovationspreis Bayern

iStock.com:
Title: iMrSquid / page 8: smartboy10 / page 16: smartboy10 / page 22: JELER / page 32: Kevin Smar / page 50: deepblue4you / page 60: metamorworks / page 72: PRAIRAT FHUNTA

All other pictures and all graphs by DPMA.