Deutsches
Patent- und Markenamt

Information leaflet

“Data Protection at DPMA Events”

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The German Patent and Trade Mark Office (DPMA) is strongly committed to the protection of your personal data. We would like you to know what data we collect, when we collect data and how we use those data. For this reason, we have compiled information for you on data protection at DPMA events.

I. Controlling body

Deutsches Patent- und Markenamt (German Patent and Trade Mark Office)

Zweibrückenstraße 12

80331 München

Germany

Phone: +49 89 2195-1000

Fax: +49 89 2195-2221

E-mail: info@dpma.de

The DPMA is a higher federal authority which is represented by the President of the DPMA.

II. Data protection officer

Die oder der Datenschutzbeauftragte des Deutschen Patent- und Markenamtes (Data Protection Officer of the German Patent and Trade Mark Office)

Zweibrückenstraße 12

80331 München

Germany

Phone: +49 89 2195-3333

E-mail: datenschutz@dpma.de

III. Competent supervisory authority

Die oder der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit – BfDI (The Federal Commissioner for Data Protection and Freedom of Information)

Graurheindorfer Straße 153

53117 Bonn

Germany

IV. Data processing regarding participation in DPMA events

1. General information

When you attend an event of the DPMA, we will process the following personal data about you:

We process the personal data which you use to register (registration data) for an event (e.g. training, workshop, seminar, guided tour, examiner exchange). Depending on the event, this includes your name, possibly the organisation you work for, your e-mail address, your postal address, etc.

We receive this data either from you or from an external co-organiser.

Your data collected within the scope of an event of the DPMA will be processed by the competent unit at the DPMA, exclusively with regard to your registration. On the one hand, the purpose of data processing is to organise the event, for example, to manage confirmations, to produce name badges, to ensure that participants can be reached or to issue confirmations of participation.

On the other hand, the data may be used to draw up a list of attendees, which will also be provided to the door staff for access control purposes. If you attend an event of the DPMA-IDZ Berlin, your personal data will be transmitted to the European Patent Office (EPO), since the door staff at the DPMA's Berlin office the is under the supervision of the EPO.

Your data may be transmitted to co-organisers, if any, who will also use them for the organisation of the event.

However, any other disclosure of your personal data to third parties, in particular for commercial purposes, is excluded.

The legal basis for the processing of your registration data is point (e) of Article 6 (1), Article 6 (3) of the General Data Protection Regulation in conjunction with section 3 of the Federal Data Protection Act (*Bundesdatenschutzgesetz*). By organising the event the DPMA complies with its legal duty to inform the public about IP rights and DPMA procedures.

Your personal data will be deleted as soon as they are no longer necessary to achieve the purpose stated. In principle, this is the case at the end of the event. The duration of storage in connection with chargeable events results from the legal retention periods (in particular from the Commercial Code (*Handelsgesetzbuch*) and the General Fiscal Code (*Abgabenordnung*)) or from an internal order of the German Patent and Trade Mark Office regarding storage and destruction of documents, based on guidelines stipulated by the German government.

2. Lists of attendees within the scope of the EU project VIP4SME

At certain events in connection with the EU project VIP4SME, the Information and Service Centre (IDZ Berlin) of the DPMA or its cooperation partners, the patent information centres, will issue attendance lists to be filled in by you as an attendee of the event. The following data will be collected: the name of the company and the name of the person attending the event, including his or her signature.

The filled-in attendance lists are used as proof that the DPMA has carried out the event and, in the event of an audit, will be forwarded to the responsible project agency (EASME) of the European Commission.

The legal basis for the processing of the personal data of the attendance lists is point (c) of Article 6 (1) of the General Data Protection Regulation because the DPMA as a project partner is obliged to process the data under European law.

We are also obliged to keep the attendance lists for five years in order to be able to produce them in the event of an audit.

3. Production and publication of photos

Photographs are taken at some of our events. You will be expressly advised of this at the event. The photos are used for our public relations within the framework of our legal duty to inform the public about IP rights and our procedures and, in some cases, to inform our staff about the event and will be published accordingly. The legal basis for taking photographs and publishing them for this purpose is point (e) of Article 6 (1), Article 6 (3) of the General Data Protection Regulation in conjunction with section 3 of the Federal Data Protection Act.

If you do not wish to be photographed, please tell the photographer at the venue.

4. Mailing lists for DPMA events

a) Munich office

In order to be able to invite you to upcoming events at the Munich office, such as the *Hoffest* (summer party) or the *DPMAnutzerforum* (DPMA user meeting), the DPMA Munich office keeps a mailing list with your contact details (e-mail address, name, address, function).

The legal basis for processing these personal data is point (e) of Article 6 (1), Article 6 (3) of the General Data Protection Regulation in conjunction with section 3 of the Federal Data Protection Act. It is a duty of the DPMA to inform the public about IP rights. This is the purpose of events such as the *Hoffest* and the *DPMAnutzerforum*.

You can unsubscribe from the mailing list by e-mail (nutzerforum@dpma.de).

b) Information and Service Centre (IDZ) Berlin

The DPMA-IDZ Berlin also maintains a mailing list for informing about events. You may subscribe to the mailing list either during the registration process or at the event. Your e-mail address will be processed for this purpose.

The legal basis for processing your e-mail address is point (e) of Article 6 (1), Article 6 (3) of the General Data Protection Regulation in conjunction with section 3 of the Federal Data Protection Act.

You can unsubscribe from the mailing list via a link that is included in the information on the event.

c) Jena sub-office

Personal data are stored in the mailing list of the DPMA Jena sub-office, in particular for the events "Jena Lectures on industrial property protection and copyright", the "Jena Trade Mark Law Day" and the "Jena Design Law Day", in order to be able to send you the relevant invitations. The events take place in cooperation with the German Brands Association (*Markenverband e.V.*) and the Friedrich Schiller University Jena.

The legal basis for processing your e-mail address is point (e) of Article 6 (1), Article 6 (3) of the General Data Protection Regulation in conjunction with section 3 of the Federal Data Protection Act. You can any time unsubscribe from the mailing list.

V. Your rights as a data subject

Due to the processing of your personal data you are a data subject, so that you have the following rights under the General Data Protection Regulation:

(1) Right of access - Article 15 of the General Data Protection Regulation

You have the right to obtain from the DPMA information on the personal data concerning you, and, for example, the purposes for their processing and the storage period. This right does not apply if the data are only stored because it is not allowed to delete them due to legal or statutory retention provisions, or the data are exclusively used for purposes of data security or data protection control and the provision of information requires a disproportionate effort and processing for other purposes is excluded by suitable technical and organisation measures.

(2) Right to rectification - Article 16 of the General Data Protection Regulation

You have the right to rectification of inaccurate personal data concerning you.

(3) Right to erasure - Article 17 of the General Data Protection Regulation

You have the right to obtain from the DPMA the erasure of personal data concerning you. According to Article 17 (1) of the General Data Protection Regulation, a precondition is in particular that the data are no longer necessary in relation to the purposes for which were processed, that the data are unlawfully processed or that you have withdrawn your consent.

The right to erasure does not apply to the extent that processing is necessary

- for exercising the right of freedom of expression and information;
- for compliance with a legal obligation which requires processing by Union or Member State law to which the DPMA is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the DPMA;
- for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9 (2) as well as Article 9 (3) of the General Data Protection Regulation;
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) of the General Data Protection Regulation in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- for the establishment, exercise or defence of legal claims; or
- if erasure is contrary to statutory or contractual retention periods.

Furthermore, the right of erasure does not apply if, in the case of non-automated data processing, erasure proves impossible or would involve disproportionate effort due to the special nature of the storage and your interest in the erasure is to be regarded as minor.

(4) Right to restriction of processing - Article 18 of the General Data Protection Regulation

You have the right to temporarily prevent further processing of your personal data where one of the following applies:

- the accuracy of the personal data is contested by you, for a period enabling the DPMA to verify the accuracy of the personal data;
- the processing is unlawful and you oppose the erasure of the personal data and request the restriction of use of the personal data instead;
- the DPMA no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defence of legal claims; or
- you have objected to processing pursuant to Article 21 (1) of the General Data Protection Regulation pending the verification whether the legitimate grounds of the DPMA override your legitimate grounds.

(5) Right to notification - Article 19 of the General Data Protection Regulation

If you have claimed the right to rectification or erasure or restriction of processing vis-à-vis the DPMA, we have the obligation to communicate any rectification or erasure of data or restriction of processing to each recipient to whom the personal data concerning you have been disclosed, unless this proves impossible or involves disproportionate effort.

(6) Right to data portability - Article 20 of the General Data Protection Regulation

You have the right to receive the personal data concerning you in a commonly used and machine-readable format from the DPMA in order to transmit those data to another controller, provided that the processing is based on consent pursuant to point (a) of Article 6 (1) of the General Data Protection Regulation or point (a) of Article 9 (2) of the General Data Protection Regulation or on a contract pursuant to point (b) of Article 6 (1) of the General Data Protection Regulation and the processing is carried out by automated means. However, pursuant to Article 20 (3) sentence 2 of the General Data Protection Regulation that right does not apply to processing necessary for the performance of public tasks.

(7) Right to object - Article 21 of the General Data Protection Regulation

You have the right to object, in a special situation, to further processing of your personal data insofar as the processing is based on the performance of public tasks or on the pursuance of public as well as private interests. Pursuant to section 36 of the Federal Data Protection Act, the right does not apply if a public agency is obliged by a legal provision to process the data.

(8) Right of withdrawal of consent under data protection law

You have the right to withdraw your consent under data protection law at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

(9) Right to lodge a complaint with a supervisory authority - Article 77 of the General Data Protection Regulation

You have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the General Data Protection Regulation.

Further information

Further information on the treatment of personal data at the German Patent and Trade Mark Office is available in our Data Protection Statement.