Deutsches
Patent- und Markenamt

Information for Utility Model Applicants

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The legal requirements for a utility model application are set forth in

- the Utility Model Act (*Gebrauchsmustergesetz*) in its version of the publication of 28 August 1986 (Federal Law Gazette* I, page 1455), last amended by Article 3 of the Act of 10 August 2021 (Federal Law Gazette I, page 3490, 3494),
- the Ordinance Concerning the German Patent and Trade Mark Office (DPMA Ordinance – *DPMA-Verordnung*) of 1 April 2004 (Federal Law Gazette I, page 514), last amended by Article 7 of the Act of 10 August 2021 (Federal Law Gazette I, page 3490, 3500),
- the Patent Costs Act (*Patentkostengesetz*) of 13 December 2001 (Federal Law Gazette I, page 3656), last amended by Article 2 of the Act of 30 August 2021 (Federal Law Gazette I, page 4074),
- the Ordinance Implementing the Utility Model Act (Utility Model Ordinance – *Gebrauchsmusterverordnung*) of 11 May 2004 (Federal Law Gazette I, page 890), last amended by Article 4 of the Act of 10 August 2021 (Federal Law Gazette I, page 3490, 3496),
- the Ordinance on Electronic Legal Transactions with the German Patent and Trade Mark Office (*Verordnung über den elektronischen Rechtsverkehr beim Deutschen Patent- und Markenamt*) of 1 November 2013 (Federal Law Gazette I, page 3906), last amended by Article 2 of the Ordinance of 7 February 2022 (Federal Law Gazette I, page 171),
- the Ordinance on the Deposit of Biological Material in Patent and Utility Model Procedures (*Biomaterial-Hinterlegungsverordnung*) of 24 January 2005 (Federal Law Gazette I, page 151), amended by Article 14 (1) of the Act of 4 April 2016 (Federal Law Gazette I, page 558).

This leaflet is intended to advise the applicant on how to draft and file utility model applications and on the registration procedure. It is supplemented by the form for the deposit of biological material for the purposes of patent and utility model procedures (X 1200).

The forms and leaflets of the German Patent and Trade Mark Office (DPMA) can be obtained free of charge from the DPMA and can also be downloaded from the internet (www.dpma.de).

I. What can be protected

1. Inventions eligible for utility model protection

Inventions (except processes) with new technical features may be eligible for utility model protection.

Utility model protection is granted for technical inventions which are new, involve an inventive step and are susceptible of industrial application (section 1 (1) of the Utility Model Act).

2. Non-registrable inventions

The following in particular cannot be protected as utility models:

- discoveries, scientific theories and mathematical methods;
- aesthetic creations;
- schemes, rules and methods for performing mental acts (for example building plans, dress patterns, teaching methods), for playing games or for doing business (for example rules, accounting systems) and programs for computers;
- presentations of information (for example tables, forms, typographical arrangements);
- constructions contrary to the laws of nature (for example a machine supposed to operate without energy supply – perpetuum mobile);
- inventions relating to processes (for example to manufacture or use);
- inventions the exploitation of which would be contrary to *ordre public* or morality;
- biotechnological inventions (section 1 (2) of the Patent Act [*Patentgesetz*]);
- plant and animal varieties.

3. Novelty

The invention is considered to be new if it does not form part of the state of the art. The state of the art comprises any knowledge made available to the public by means of a written description or by use in the Federal Republic of Germany before the date relevant for the priority of the application (day of filing the application or priority date). Description or use within six months preceding the date relevant for the priority of the application is not taken into consideration if it is based on the conception of the applicant or their predecessor in title (period of grace, section 3 (1) of the Utility Model Act).

It is recommended that applicants inform themselves thoroughly on the state of the art before filing a utility model application. The official publications (first publications, publications of examined applications, patent specifications as well as the documents of

* *Bundesgesetzblatt (BGBl.)*

registered utility models) may be inspected at the DPMA in Munich, the Information and Service Centre in Berlin and the patent information centres. Before filing an application, the applicant should at any rate check documents that define the technological background of the technical field to which the subject matter of the utility model application belongs. A list of the patent information centres indicating addresses and opening hours as well as the stock of documents on the state of the art is available online (www.dpma.de).

In addition thereto, an advisory service for inventors is organised free of charge by the German Chamber of Patent Attorneys (*Patentanwaltskammer*) at the DPMA in Munich, the Information and Service Centre Berlin and at several patent information centres and chambers of commerce.

4. Inventive step

The subject matter of a utility model involves an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.

5. Industrial application

The invention is considered susceptible of industrial application if its subject matter can be made or used in any kind of industry, including agriculture.

6. Unity of invention

For each invention, a separate application must be filed (section 4 (1) sentence 2 of the Utility Model Act); in the case of lack of unity, several applications are required.

7. Scope of examination

Prior to registration, the utility model section examines only if a technical invention having unity has been submitted and whether there isn't any reason for exclusion regarding non-registrable inventions as listed under number 2 above (absolute requirements for protection). The requirements set forth in numbers 3 to 5 (relative requirements for protection) are examined only in the case of litigation (cancellation or infringement proceedings). Consequently, a utility model will be registered even in the absence of one or several of the requirements set forth in numbers 3 to 5. In this case, however, no IP right arises, but only a fictitious title from which no rights may be derived at any time. This insecurity about whether the relative requirements are met can be largely reduced – if it has not been removed by the applicant's own searches – by means of a search carried out by the DPMA on request of the applicant (see below VI. numbers 1 box (7)), which will help to assess the state of the art thus ascertained.

II. Professional advice

Generally speaking, the applicant may themself file a utility model application at the DPMA. The following particulars should be observed:

1. Consultation and representation

The applicant may call on assistance from advisors experienced in the field of industrial property and authorised to act as legal advisors (lawyer or patent attorney). These advisors may represent the applicant in the registration procedure.

2. Applicants with foreign residence or principal place of business

Applicants having neither a residence nor a principal place of business nor an establishment in Germany must appoint a patent attorney or a lawyer as representative who is entitled and authorised to represent them in proceedings before the DPMA, before the Federal Patent Court and in civil litigation affecting the utility model, as well as to file an application for criminal prosecution (section 28 (1) of the Utility Model Act).

3. Power of attorney

A **written authorisation** must be submitted to the DPMA only if the representative is not a patent attorney, a lawyer or – in cases where section 155 of the Patent Attorney Code (Patentanwaltsordnung) applies – a *Patentassessor/Patentassessorin*. The person acting as attorney must have the capacity to sue and be sued; and the power of attorney must be executed in favour of a person using their civil name. If the grantor of a power of attorney is not a natural person, the signatory of the authorisation has to prove convincingly their entitlement to sign the authorisation by indicating their position or subjoining suitable other means of proof. In case of doubt, the DPMA will demand the proof to be furnished under notarial authentication.

If the applicant files multiple applications and wishes to be represented in all cases by the same representative, they can either grant a **general power of attorney** for all procedures before the DPMA or an **individual power of attorney** for each procedure.

An enterprise may grant a **general employee's power of attorney** to an employee authorising them to represent their employer in all utility model affairs before the DPMA. The general powers of attorney are registered at the DPMA under an administrative number.

III. Filing of utility model applications

Applications can be filed at the **DPMA in Munich**, at the **Jena Sub-Office** or at the **Information and Service Centre Berlin** (addresses: see cover page of this leaflet). Furthermore, utility model applications are also accepted by certain **patent information centres** (the addresses will be communicated by the DPMA on request or can be found on the DPMA website at https://www.dpma.de/english/our_office/about_us/cooperation/patent_information_centres/index.html). These patent information centres note the date of receipt and transmit the utility model applications to the DPMA without examining them.

IV. Electronic filing of the application

Utility model applications may be filed **electronically** with the DPMA. A reduced filing fee is charged for an electronic utility model application (see VI. 1. (10)).

The legal and technical requirements are prescribed in section 21 (1) of the Utility Model Act in conjunction with section 125a of the Patent Act and the Ordinance on Electronic Legal Transactions with the DPMA. According to these, utility model applications may be filed electronically using the DPMAdirektPro software provided by the DPMA. Further details on the technical filing and processing requirements are available on the DPMA website at https://www.dpma.de/english/services/efiling/dpmadirekt/index.html.

V. Language requirements

Applications can also be filed in a language other than German. In that case, however, a German translation must be submitted within a period of three months after filing (section 4b of the Utility Model Act). If the translation is not filed in due time, the application will be deemed to be withdrawn.

German translations of foreign-language documents must be certified by a lawyer or a patent attorney or be done by an officially authorised translator (section 9 (1) of the Utility Model Ordinance).

VI. Documents to submit

The application must include the following documents:

1. **Request for registration** (section 4 (3) number 2 of the Utility Model Act, section 3 of the Utility Model Ordinance)

The request must be filed on the form issued by the DPMA, (form G 6003 – in German), which may also be obtained at https://www.dpma.de/english/services/forms/utility_models/index.html.

For completing boxes (1) to (13) of this form, the following information might be useful:

(1) Mailing address/date

The person is to be indicated to whom all mail concerning this procedure is to be sent by the DPMA by giving the

- family name,
- given name,
- academic degree (if any),
- company
- street,
- house number,
- post office box (if any),
- place with postal code,
- country (if not Germany).

This may be the address of the applicant themself, of a person authorised to accept service or an appointed representative. If the utility model application is jointly filed by several applicants and a common representative is not appointed, the address of a person authorised to accept service must be indicated.

Furthermore, the filing date of the request must be entered.

(2) Reference/telephone

If applicable, the internal reference, which is used for the internal documents by the addressee, and telephone number of the addressee as indicated in box (1) can be entered here.

(3) Function of the addressee

By ticking the appropriate box, it is stated which of the functions listed in box (1) is exercised by the addressee. If the box "*Vertreter*" (representative) is ticked, the administrative number of the "general power of attorney" (see II.3 above) has to be given, if such number has already been communicated by the DPMA after the registration.

(4) Applicant/representative

Entries in this box are only necessary if the indications concerning the applicant and the representative differ from the mailing address already given in box (1). In this case the same indications as in box (1) are to be made for the applicant and the representative.

A utility model is registered for a company only if the company is registered in the commercial register. The company must be designated indicating the company and the register entry (including register number and register court) in the manner in which it appears in the commercial register (section 3 (2) number 1a of the Utility Model Ordinance).

If a partnership under the Civil Code (*Gesellschaft bürgerlichen Rechts*) is not registered in the company register (*Gesellschaftsregister*), the name and address (indicating the street, house number, postal code and town) of at least one partner entitled to act as representative must also be indicated on a separate sheet (section 3 (2) number 1 b) bb) of the Utility Model Ordinance).

(5) Numbers for applicant, representative or mailing address

The DPMA assigns an individual administrative number to the applicant, the representative and the mailing address as indicated in box (1). If such a number has already been assigned and communicated for an earlier patent, utility model, trade mark or design application, these numbers have to be entered here.

(6) Designation of the invention

A short and technically precise designation of the invention for which protection is sought must be given which corresponds to the title of the description. Trade marks or fancy designations are not admitted. Common terms will be given preference to make-shift terms such as “appliance”, “means” or “device”, (for example “flowerpot” instead of “pot-shaped appliance to receive plants and soil”). Innovations for which protection is sought should not be anticipated in the designation. They form part of the claims.

(7) Other requests

Requests made simultaneously with the request for registration of a utility model should be indicated by ticking the appropriate box.

(a) Postponement

Upon request by the applicant the registration and publication of the invention for which utility model protection is sought may be postponed until the expiration of a period of up to 15 months beginning either with the day of filing the application or the priority date (section 8 (1) of the Utility Model Act, section 49 (2) of the Patent Act). Postponement may be useful if the applicant intends to file an application in non-member states of the Paris Convention for the Protection of Industrial Property, if they wish to make preparations in view of the commercial exploitation of the invention or if they want to wait for the result of a search – see (b) – before the registration of the utility model. However, no industrial property right arises prior to registration.

(b) Search

The request for ascertainment of the state of the art (search request) may be submitted at the time of filing the application, but also at a later date. The corresponding box should only be ticked if the applicant wants to request a search already when filing the application. The DPMA will then identify the state of the art to be considered in assessing the registrability of the subject matter of the utility model application (section 7 (1) of the Utility Model Act). The request is subject to a fee (see explanatory notes concerning box (10)). If said fee is not paid within three months after filing the request, the request is deemed to be withdrawn (section 6 of the Patent Costs Act).

The fee for the search is forfeited upon payment; please note that the search fee is not refundable even if the search is terminated, for example due to withdrawal or rejection of the application. It is therefore advisable to carefully consider whether a search request should already be filed at the time of filing the application or only once it is clear that there are definitely no obstacles to registration.

(8) Explanatory notes

(a) Division/separation

Indications are only necessary if the application results from a division under section 4 (6) of the Utility Model Act or separation from a pending and not yet registered utility model application (original application). In this case, the corresponding box is to be ticked and the file number as well as the date of filing of the original application must be entered.

(b) Splitting off

If the applicant has filed a patent application with effect in the Federal Republic of Germany for the same invention at an earlier date, they may file together with the utility model application a declaration claiming the date of filing relevant for the patent application for this utility model application (splitting off). Any priority right claimed in respect of the patent application continues to apply to the utility model application. The right to splitting off may be exercised up to the expiration of two months from the end of the month in which the patent application is concluded or in which an opposition procedure is terminated, at the latest, however, by the end of the tenth year from the date of filing of the patent application (section 5 of the Utility Model Act).

The applicant must declare splitting off when filing the utility model application. They have to tick the appropriate box, indicate the file number and the date of filing of the earlier patent application and file a copy of the earlier patent application (complete version of the original application documents). If the patent application has been filed at the DPMA, the copy is not required.

If the utility model is split off from a foreign-language patent application, the copy also has to be accompanied by a (complete) German translation, unless the application documents for the utility model already constitute the translation of the foreign-language patent application or the translation has already been filed at the DPMA within the scope of the patent application.

The patent application whose date of filing is claimed may be a German patent application, a European or an international (PCT) application if that application has effect in the Federal Republic of Germany.

(c) Grant of licences

The declaration of being interested in licensing is non-committal. It does not oblige the applicant to grant licences, but is an information for potential licensees. If the utility model is registered, the declaration is entered in the Utility Model Register and published in the Patent Gazette (*Patentblatt*). It may be revoked at any time vis-à-vis the DPMA and third parties.

(9) Priority

As a rule, the priority of an application is determined by the date of receipt at the DPMA. The priority of an earlier application or the date of first display concerning the same invention may be claimed for a later application as a domestic or foreign priority, or an exhibition priority.

If the applicant wishes to claim priority, they must indicate in the appropriate box on which earlier application or display the priority is based. When claiming priority, the following principles should be observed:

- *domestic priority (section 6 (1) of the Utility Model Act)*

Within a period of twelve months from the filing date of an earlier patent or utility model application with the DPMA, the applicant enjoys a right of priority for the application for a utility model for the same invention, unless a domestic or foreign priority has already been claimed for the earlier application. The priority of several applications for patents or utility models filed with the DPMA may be claimed for the application. The priority may only be claimed within two months from the filing date of the later application and only for such features of the application which are disclosed in an adequately clear manner in the entirety of the application documents of the earlier application. The declaration of priority is only deemed to have been made if the file number of the earlier application was filed with the DPMA without further request to this effect within two months from the filing date of the later application. If the earlier application is a utility model application still pending before the DPMA, it is deemed to have been withdrawn when the declaration of priority is made.

- *foreign priority (section 6 (2) of the Utility Model Act, section 41 of the Patent Act)*

An earlier patent or utility model application for the same invention duly filed in a country party to the Paris Convention for the Protection of Industrial Property affords the priority of that earlier application for a later application filed within one year with the DPMA. A corresponding right is also granted in respect of earlier applications filed in WTO member states that are not party to the Paris Convention but are only party to the TRIPS Agreement (Article 2 (1) of the TRIPS Agreement in conjunction with Article 4 of the Paris Convention). The applicant has to state the date, the country and the file number of the earlier application within 16 months from the priority date. Within this period, they must also submit a copy of the earlier application. Within the specified time limits, the statements may be amended. If the statements are not made in due time, the priority claim for the application is forfeited. It is therefore advisable to file the respective documents and statements already together with the request for registration of a utility model.

- *exhibition priority (section 6a of the Utility Model Act)*

The applicant may claim the priority of the first display for an application filed within six months from the first display of the invention. It is therefore the date of first display that determines the priority. Any person who claims an exhibition priority must indicate, before the expiry of the 16th month after the day of the first display of the invention, the date of the first display and the name of the exhibition and furnish evidence of the display of the invention. Any uses prior to the opening of the exhibition which are directly connected with the display either temporally or locally, are not prejudicial to the priority right. Exhibition priority may only be claimed with regard to exhibitions regularly published by the Federal Ministry of Justice and Consumer Protection in the Federal Gazette.

If the priority documents are not yet submitted upon filing the application, postponement of the procedure may be requested until the documents have been submitted, but for no longer than 16 months. In this case, registration will not take place until the priority documents have been submitted. This does not result in the postponement of the priority date.

(10) Fees

The following fees are payable:

• for the application procedure	40 euros (fee number 321 100)
- for electronic filling	30 euros (fee number 321 000)
• for a search	250 euros (fee number 321 200)

The application or the search request will be deemed withdrawn if the filing fee or the search request fee are not paid within three months from the date of filing of the application or the search request (section 6 of the Patent Costs Act).

Please note that apart from the acknowledgement of receipt, no fee notices will be sent out.

The payment of fees is governed by the Ordinance on Payment of Costs of the German Patent and Trade Mark Office and of the Federal Patent Court (*Patentkostenzahlungsverordnung*).

Under these provisions, payments may be made by:

- bank transfer to:
  Beneficiary: Bundeskasse
  IBAN: DE84 7000 0000 0070 0010 54
  BIC (SWIFT CODE): MARKDEF1700
- (cash) deposit with a pay-in slip at Postbank or at all banks and saving banks to the account indicated above or
- submitting a valid "SEPA Core Direct Debit Mandate" form together with the "Specification of the purpose of use of the mandate" form. Please use the forms available at www.dpma.de (A 9530.1 and A 9532.1) for this purpose and refer to the information about the SEPA scheme provided on our website.

  It is always required to submit the original SEPA mandate form to the DPMA. If you submit the SEPA mandate by fax, you must send us the original form within one month to claim the payment date. Otherwise, the date of receipt of the original form is deemed to be the payment date.

Apart from payments made by SEPA core direct debit mandate, the **filing fee** should be paid only after communication of the official file number.

For each payment, the complete **file number**, the exact name of the **applicant (owner)** and the **fee numbers** have to be indicated in legible letters. The fee numbers are determined by the Patent Costs Act (*Patentkostengesetz*), which is also printed in the information leaflet concerning costs, fees and expenses of the German Patent and Trade Mark Office (A 9510.1). Incorrect or incomplete indications may cause delay in processing.

The following date will be deemed to be the **payment date** under section 2 of the Patent Costs Payment Ordinance *(Patentkostenzahlungsverordnung)*:

- for bank transfers, the day when the amount is credited to the account of *Bundeskasse* for the German Patent and Trade Mark Office
- for cash deposits to the account of *Bundeskasse* for the German Patent and Trade Mark Office, the day of paying in the amount

  Based on the accounting data, the *Bundeskasse* cannot see whether an amount was credited by cash deposit or by bank transfer. Applicants who have paid by cash deposit should submit the **deposit receipt** issued by the financial institution **without delay** to the German Patent and Trade Mark Office if they want to claim the earlier payment date determined by this payment form.
- for issuing a SEPA Core Direct Debit Mandate together with a form specifying the purpose of use covering the costs: the day the payment is received by the German Patent and Trade Mark Office or the Federal Patent Court; for costs becoming due in the future: the due date, provided the applicant's account will be debited to the credit of the relevant *Bundeskasse* for the German Patent and Trade Mark Office. If the SEPA Core Direct Debit Mandate is transmitted by fax, the original has to be submitted within one month after receipt of the fax. Otherwise, the date of receipt of the original will be deemed to be the payment date.

Digression – maintaining protection

The term of protection of the registered utility model begins on the filing date and ends ten years after the expiry of the month in which the filing date falls. For the maximum term of protection, maintenance fees must be paid for the utility model, each time, after the expiry of three, six and eight years, respectively (section 23 (2) of the Utility Model Act). The following fees must be paid:

- to maintain the utility model for the first time (fourth to sixth year of protection):	210 euros (fee number 322 100)
- to maintain the utility model for the second time (seventh to eighth year of protection):	350 euros (fee number 322 200)
- to maintain the utility model for the third time (ninth to tenth year of protection):	530 euros (fee number 322 300)

The maintenance fees for the following years of protection must be paid, each time, after the expiry of the preceding term of protection or maintenance (three, six and eight years). They are due on the last day of the month in which the filing date falls (section 3 (2) of the Patent Costs Act).

The maintenance fees must be paid without surcharge by the expiry of the second month after being due. If they are not paid within this time limit, they may still be paid upon payment of a **surcharge for late payment** of **50 euros** by the expiry of the sixth month after being due (section 7 (1) of the Patent Costs Act). If the fees including the surcharge are not paid or not paid within the time limit, the utility model will **lapse** (section 23 (3) number 2 of the Utility Model Act).

The utility model owner alone is responsible for timely payment of the maintenance fee! The owner will not be notified of the lapse of the utility model by the office in case of non-payment of the fees.

(11) Enclosures

Here, the number of the attached enclosures must be indicated.

(12) Signature

The signature is to be set by the applicant or their representative (see II.) using the civil name, in the case of companies, by the person authorised to sign. If an employee signs for their employer (applicant), they must on request prove their authorisation to sign. In the case of several applicants without a common representative, the request must be signed by all the applicants. In case of a partnership under the Civil Code which is not registered in the company register (*Gesellschaftsregister*), at least one partner entitled to act as representative (whose name must be indicated) has to sign the documents.

(13) Function of the signatory

If the application is not filed by a natural person using their civil name, the function of the signatory (for example managing director, authorised officer) must be indicated to prove the signature power.

2. Application documents

The invention must be disclosed in the application in a manner sufficiently clear and complete for it to be carried out without difficulty by a person skilled in the art. For this purpose, it is as a rule not sufficient to submit a filled-in form G 6003 (in German) **only**. The invention must be described in **words** to be accorded a filing date. For this purpose, **claims**, a **technical description,** and **drawings**, if any, must be furnished.

2.1. **Claims** (section 4 (3) number 3 of the Utility Model Act in conjunction with section 5 of the Utility Model Ordinance)

The scope of protection of the utility model is determined by the terms of the claims (section 12a sentence 1 of the Utility Model Act). It is therefore strongly advised to draft the claims with particular care.

Claims may be drafted in one part or in two parts, the latter being divided in the preamble and the characterising part. In both cases, the text may be arranged according to features.

If the two-part version is chosen, the features of the invention underlying the invention as state of the art is to be included in the preamble. The technical designation of the invention as indicated in box (6) of the application form must be used in the preamble. The characterising part has to contain the features for which protection is sought in connection with the features of the preamble. The characterising part is to be preceded by expressions such as "*dadurch gekennzeichnet, dass*" ("characterised in that") or by "*gekennzeichnet durch*" ("characterised by") or any other analogous expression. If claims are arranged according to features or groups of features, this arrangement is to be accentuated by a new line for each feature or group of features. The features or groups of features have to be preceded by division signs clearly set off against the text.

The essential features of the invention are to be indicated in the first claim (principal claim). An application may contain several independent claims (secondary claims), provided the principle of unity is respected (section 4 (1) sentence 2 of the Utility Model Act). Secondary claims may contain a reference to at least one of the preceding claims. Any principal or secondary claim may be followed by one or more dependent claims concerning particular embodiments of the invention. Dependent claims have to contain a reference to at least one of the preceding claims. They are to be grouped together to the extent and in the most appropriate way possible.

If there are several claims, they must be numbered consecutively in Arabic numerals.

Claims may not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings, for example *"wie beschrieben in Teil … der Beschreibung"* ("as described in part … of the description") or *"wie in Abbildung … der Zeichnung dargestellt"* ("as illustrated in figure ... of the drawing").

Where the application contains drawings, reference signs should be used for the features stated in the claims, if this allows an easier understanding of the claims.

Please note the example given at the end of this leaflet.

2.2. **Description** (section 4 (3) number 4 of the Utility Model Act in conjunction with section 6 of the Utility Model Ordinance)

The title of the description must be the same as the designation in box (6) of the application form and in the preamble used in the claims.

It is recommended to start the description by indicating the technical field to which the invention belongs. Subsequently, the state of the art from which the applicant sets out and the deficiencies of the known solutions should be indicated. The applicant should then present the technical problem that – in their view – is underlying the invention and the means by which they have solved this problem. Thereupon, the subject matter should be explained by providing at least one example of carrying out the invention; this example should also give details for particular embodiments of the invention as contained in the other claims. If drawings are referred to, reference signs are to be used in this part of the description. It is advisable to conclude the description by stating the advantages achieved by the new invention.

Documents have to be cited in full so that they can be identified, for example patent specifications with country and file number (however, no reference is to

be made to unpublished applications); books with author, title, publisher, edition, place and year of publication as well as page; journals with title, volume or year as well as number of publication and page.

Please note the example given at the end of this leaflet.

2.3. **Drawings** (section 4 (3) number 5 of the Utility Model Act in conjunction with section 7 of the Utility Model Ordinance)

Drawings are not mandatory. They must be filed only if the claims or the description contain any references to them.

IMPORTANT NOTICE: If the application contains a reference to drawings and if these drawings are submitted at a later date, the date on which the drawings have been received by the DPMA will be deemed the filing date of the entire application. This may be of advantage for the applicant if full disclosure results from the drawings only.

If this is not the case, the applicant can declare that a reference to drawings is deemed to not have been made; in that case, the initial date of filing will be maintained.

The drawings must clearly show the interaction of the individual features of the invention and emphasise the essential points. Unimportant details may be neglected. Reference signs (Arabic numerals) for the individual parts of the drawings have to be used if a reference to the respective part of the description facilitates the comprehension of the invention.

Photographic representations are not equivalent to drawings within the meaning of section 7 of the Utility Model Ordinance. They cannot replace the drawings if drawings are required.

The claims, the description and the drawings, if any, must be filed on separate sheets.

VII. Procedure after filing

Once the application has been filed, the applicant, the person authorised to accept service or their representative will receive an acknowledgement of receipt which contains the date of receipt of the application, the file number allotted to the application as well as information on the documents submitted.

The applicant has to observe further particulars:

1. Correction of defects

If the application documents do not comply with certain requirements, this will lead to consequences differing depending on the kind of defect.

a) Certain basic requirements have to be fulfilled at the date of filing the registration request, which cannot be complied with at a later date. Thus, for instance, the invention must be disclosed in a sufficiently explicit and comprehensive way for it to be carried out by a person skilled in the art. If this requirement is not fulfilled, the application cannot be registered as a utility model. The only possibility is to file a new application. The application must be rejected by decision if it is not withdrawn before.

b) In addition thereto, further requirements must be fulfilled, but may be complied with subsequently. The DPMA is to notify the applicant accordingly requesting them to fulfil the requirements within a specified period. If the applicant fails to do so, this, too, will give reason for the rejection of the application.

2. Hearing

Where appropriate, the utility model section may hear the applicant ex officio or upon their written request. A hearing can only take place after prior arrangement. It serves to clarify the matter, aiming at the registration of the application.

3. Registration and publication

After payment of the required fees, applications without formal deficiencies are recorded in the Utility Model Register. Then the registration is published in the Patent Gazette. From the date of the publication, the IP files relating to the utility model procedure are freely accessible in electronic format for online file inspection via the DPMAregister information system; no fee is charged for this service.

4. Legal aid and assignment of a representative

An applicant who can prove that their personal and economic conditions prevent them from paying the application fee or permit them to do so only in part or by instalments must upon request be granted legal aid in the registration procedure if there are sufficient prospects that the utility model will be registered. For the declaration concerning the personal and economic conditions, form A 9541 (in German) is to be completed and signed. It can be obtained free of charge from the DPMA or online (www.dpma.de) along with a leaflet concerning the claiming of legal aid (A 9540 –in German).

An applicant who has been granted legal aid may, upon request, be assigned a patent attorney or a lawyer of their choice who agrees to represent them if such representation appears necessary for the proper handling of the registration procedure. The applicant has to explain why this is necessary. It has to be taken into account that the DPMA supplies information and renders assistance. If the applicant furnishes proof that they have in vain requested several representatives to take the case, a representative designated by the DPMA may be appointed upon request.

VIII. Assistance with the exploitation of utility models

The assessment and exploitation of inventions as well as the prosecution of utility model infringements do not form part of the functions of the DPMA. In this context, persons and companies dealing with the exploitation of inventions may be helpful. The DPMA cannot provide any advice or references for this purpose.

However, quite often the patent information centres (addresses may be obtained from the website (www.dpma.de) and from the DPMA) may give advice.

In addition thereto, an advisory service for inventors is organised free of charge by the German Chamber of Patent Attorneys (*Patentanwaltskammer*) at the DPMA in Munich, at the Information and Service Centre in Berlin and at several patent information centres and chambers of commerce.

IX. Example of description, list of reference signs, claims and drawings

For the intention of "novice inventors" or persons not having filed an application in recent years, we have drafted a utility model application below. It concerns a "lockable drawer designed to store keyboards" and comprises a technical description, several claims (two-part version) and three drawings (figures 1 to 3).

The **technical description** and the **claims** must always be filed as annexes to the request for the registration of a utility model (*Antrag auf Eintragung eines Gebrauchsmusters* – form G 6003). **Drawings** are not mandatory.

The **description** comprises a presentation of the state of the art (to the extent known), the problem underlying the invention, the solution (meaning the invention as such) and the advantages achieved (see explanation item VI.2.1).

The **claims** follow on a separate sheet. They constitute the core of the application, since the content of the claims – and not the information contained in the description and, where applicable, the drawings alone – will determine the scope of protection: only technical features mentioned in the claims will be protected.

Drafting the claims might be easier if you answer the following questions, to give a few examples: which parts does the device comprise? Where are particular parts located? In what manner are what parts connected? …

The claims may not contain descriptions of functions, applications and advantages. These details should be mentioned in the description. Please note: each claim must be introduced by the title; if there are several claims, they must be numbered consecutively.

If you file **drawings**, please make sure that you have respected the minimum margins according to section 7 of the Utility Model Ordinance and that the presentation has clean and clear contours using black drawing lines; presentations in colour are not permitted. The drawings should be numbered consecutively in Arabic numerals and must not contain any explanations. Instead of explanations, reference signs (numerals or letters) are to be used; these reference signs can be placed in brackets after the respective text in the description or included in a list of reference signs on a separate sheet.

Example of description, list of reference signs, claims and drawings:

Description

Lockable drawer designed to store keyboards

Drawers of standard design show a base plate, two side parts, a front panel and a back side. They may be lockable. In their simplest form they mainly consist only of the base plate and can be drawn out and slid in within a housing (for example desk, cupboard or tool support).

Such drawers are used for storing the operating unit or keyboards of electrical or electronic typewriters, organs, computers, terminals, et cetera (DE 31 32 015 A1). But in this way the keyboard can always be operated by unauthorised persons. A standard drawer with lockable front panel is not always helpful. When drawn out, the front panel would hamper the operation of the keyboard or make it virtually impossible to use the keyboard.

The problem underlying the invention as indicated in claim 1 is to create a drawer which can be locked, preventing the operation of the keyboard in the slid-in position and allowing to use the keyboard without restricting the freedom of motion of the hands when pulled out.

This problem is solved by the features listed in claim 1.

The purpose of the invention is achieved by the keyboard being stored invisibly, protected from dust and locked when the drawer is slid in. If the front panel is turned down, the object inside is freely accessible also from the front; the operation of a keyboard is also energy-saving and less tiring since the turned-down front panel serves as a rest for the hands.

An advantageous embodiment of the invention is presented in claim 3. “Well”-shaped depressions enable untrained users to recover the standard position of the hands.

An embodiment of the invention is explained by means of figures 1 to 3. The figures show the following:

Figure 1 – the drawer slid in;

Figure 2 – the drawer pulled out with turned-down front panel;

Figure 3 – a lateral partial view of the pulled-out drawer.

In the figures, the drawer is represented with front panel (1), base plate (8) and back side (5). Front panel (1) closes the housing with side piece (2) and upper piece (3) in front. The drawer can be secured with lock (4).

When the drawer is pulled out (Figure 2), the front panel (1) is turned down inside until it rests on base plate (8). Back side (5) leaves an upper gap for connecting cables. The depressions (6) are arranged centrally for easy finding of the standard position of the hands.

Figure 3 shows hinge (7) by which front panel (1) is fastened to base plate (8)

List of reference signs

(1) front panel

(2) side piece

(3) upper piece

(4) lock

(5) back side

(6) “well”-shaped depression

(7) hinge

(8) base plate

Claims

Example

1. Lockable drawer, designed to store keyboards, contained in a housing and showing a front panel,

   characterised in that

   front panel (1) of drawer (8) with at least partially pulled-out drawer (8) is turned down inside and that the front plate (1) is broad enough for the drawer (8) not to be slid in if front panel (1) is turned down.

2. Drawer according to claim 1

   characterised in that

   the front panel (1) has a minimum thickness of 1.5 cm, a maximum thickness of 3 cm, the preferable value being 2 cm.

3. Drawer according to one of the previous claims

   characterised in that

   the upper side of front panel (1) has at least one “well”-shaped depression (6) at the interior face of the drawer and that the depression(s) is/are located centrally.

4. Drawer according to one of the previous claims

   characterised in that

   the backside (5) of the drawer leaves an upper gap, for example for connecting cables.

5. Drawer according to one of the previous claims

   characterised in that

   a hinge (7) is provided for connecting the front panel (1) and the base plate (8).

6. Drawer according to one of the previous claims

   characterised in that

   a lock (4) is provided, preferably at the side piece (2).

Drawings

Fig. 1

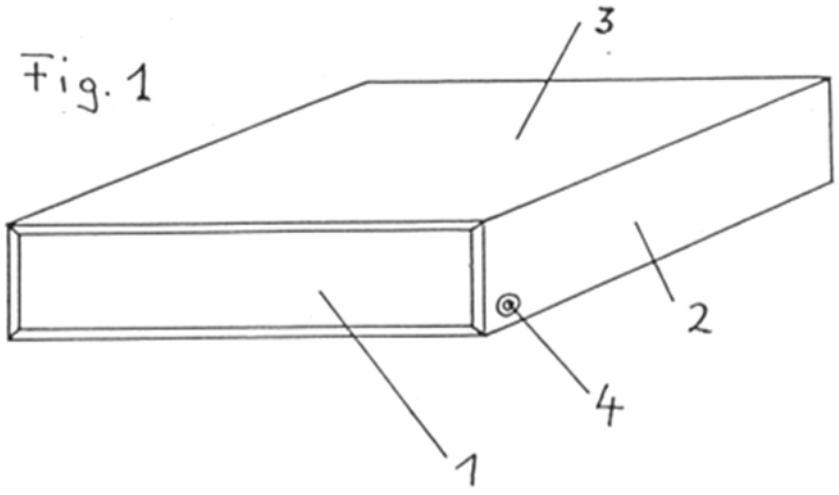


Fig. 2

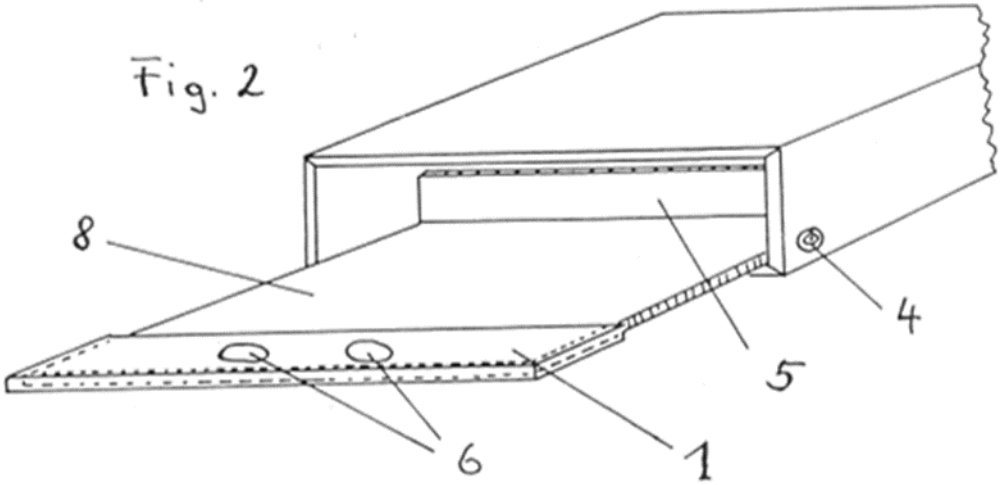


Fig. 3

